

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

**RECEIVED**

2017 JUN 23 P 12:29

**ALISON M. BOUCHARD**  
CITY CLERK

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

**INÊS LEITE**  
ASSISTANT CITY CLERK

**JUNE 23 2017**  
**MEETINGS SCHEDULED FOR NEXT WEEK**  
**CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**

**MONDAY, JUNE 26, 2017**  
**5:15 P.M. COMMITTEE ON ORDINANCES AND LEGISLATION**  
**7:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE COMMITTEE ON**  
**ORDINANCES AND LEGISLATION IF IT RUNS PAST 7:00 P.M.**

**TUESDAY, JUNE 27, 2017**  
**AGENDA**

**6:00 P.M. COMMITTEE ON FINANCE**

1. Financial order – transfer \$40,000 from EMS salaries to EMS expenses
2. Continuation of discussion of municipal side of the Fiscal Year 2018 Budget

**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 & veto of order allocating funds from streetscapes project for repair of streets and sidewalks
2. \*Mayor and proposed ordinance regarding personnel title and wage change for City Council Principal Clerk
3. Fiscal Year 2018 annual budget appropriation (if the City Council is prepared to take action)

**PRIORITY COMMUNICATIONS**

4. \*Admin. of Community Utilities re: language changes for ballot question rel. to \$123M loan order for Integrated Wastewater and Stormwater Master Plan Improvements

**COMMITTEE REPORTS**

Committee on Finance recommending:

Action:

5. \*Loan Order – Phase 17 Water Project - \$4,936,000
6. \*Loan Order – Water System Improvements - \$3,700,000
7. \*Loan Order – CPA/Mt. Hope Bike Path Feasibility Study - \$240,000
8. \*Fiscal Year 2018 Community Preservation Act Appropriation Order

Committee on Finance recommending:

Referral to the Committee on Ordinances and Legislation:

9. \*Proposed Ordinance – Personnel, Chair of Board of Election Commissioners/Director

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

One Government Center • Fall River, MA 02722

TEL 508-324-2220 • FAX 508-324-2211 • EMAIL [city\\_clerks@fallriverma.org](mailto:city_clerks@fallriverma.org)

**ORDINANCES** – None

**RESOLUTIONS**

10. \*No additional stipends be granted to any employee without prior approval of the City Council
11. \*Allow submission of communications via email or regular mail for Citizen Input Time

**CITATIONS** – None

**ORDERS – HEARINGS** - None

**ORDERS – MISCELLANEOUS**

12. \*Basketball court in Ruggles Park be named in honor of Manny Papoula
13. Police Chief's report on licenses:  
Taxicab Drivers:  
Nijo Burton Devin Costa Maurice Hampton William J. Rodrigues
14. Auto Repair Shop license renewal:  
Brian Moura, State Road Collision and Auto Repair at 480 South Main Street
15. Auto Body Shop license renewal:  
Brian Moura, State Road Collision and Auto Repair at 480 South Main Street

**COMMUNICATIONS – INVITATIONS – PETITIONS**

16. Drainlayer license – Foley Excavation LLC
17. \*Greater Fall River Vocational School District re: funding for soccer/football field
18. Communication from city resident regarding motions out of order
19. \*Claims
20. Structure over a public way – Banner on Pleasant Street at Police Station for Flint Pride Days
21. City Council Committee/Meeting Minutes:  
\*Committee on Public Safety – May 30, 2017

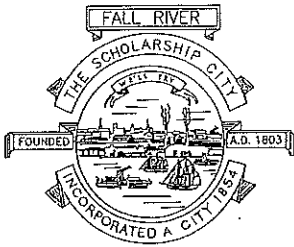
**BULLETINS – NEWSLETTERS – NOTICES**

22. Notice of Casualty and Loss at 148 Barnes Street
23. Thank you from Colleen Taylor

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

24. \*Proposed ordinance – Personnel, Architect/Facilities Maintenance

  
City Clerk



City of Fall River  
Massachusetts  
Office of the Mayor

**FINANCE**  
**RECEIVED**

2017 JUN 22 P 3:48

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

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

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

FINANCE

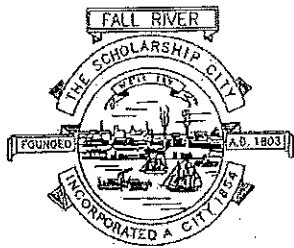
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2017 JUN 22 P 3:48  
JUNE 22, 2017

ORDERED:

CITY CLERK  
FALL RIVER, MA

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



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

FINANCE  
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.

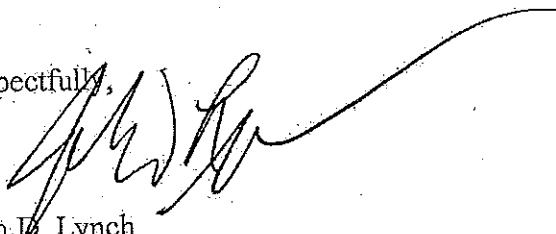
**Medical Supplies**- 6231002 5500100. This overage was caused by the additional rescue placed in service

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

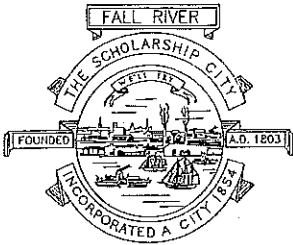
June 20, 2017

# FINANCE

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2017 JUN 22 P 3:48

CITY CLERK  
FALL RIVER, MA



**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

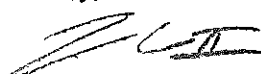
RE: "Order" dated May 30, 2017

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

RECEIVED

(Councilor Pam Laliberte-Lebeau)

17 JUN 16 P 4: 06

Y CLERK  
FALL RIVER, MA

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

repair, and

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.

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



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).<sup>1</sup>

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<sup>1</sup>The 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.

MARY L. SAHADY

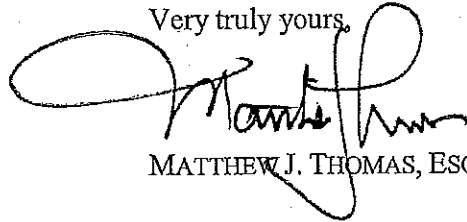
MAY 31, 2017

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". The signature is fluid and cursive, with a large initial "M" and "J".

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-

**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[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[

**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.

HN1[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** [¶] 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.

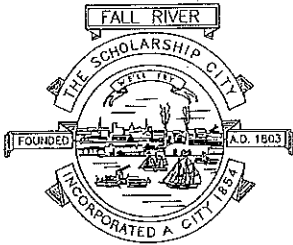
The orders of the city council as to which the referendum is sought in the case at bar are clearly executive and not legislative in their nature. **HN3** [¶] A direction to an officer to sign a specified contract with a named person to do a defined thing for a specified price is not a legislative act. 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

RECEIVED

2017 JUN 13 P 4:54

JASIEL F. CORREIA II  
Mayor

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

June 13, 2017

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

Dear Honorable Council Members:

Following is a personnel title and rate change 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:

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

City Council senior clerk typist/senior clerk typist:

7-1-2013	\$938.55	\$983.93	\$1,029.41	\$1,074.71	\$1,128.44
6-30-2014	\$947.94	\$993.77	\$1,039.70	\$1,085.46	\$1,139.72

And, by inserting in place thereof, the following:

City Council Principal Clerk.....not to exceed \$35,000 per annum

Your approval of this 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

2

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

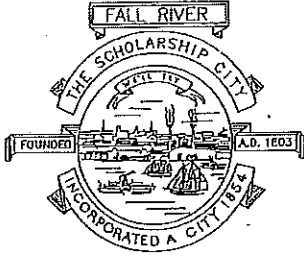
*City council senior clerk typist/senior clerk typist:*

7-1-2013	\$938.55	\$983.93	\$1,029.41	\$1,074.71	\$1,128.44
6-30-2014	\$947.94	\$993.77	\$1,039.70	\$1,085.46	\$1,139.72

and, by inserting in place thereof, the following:

*City Council Principal Clerk..... not to exceed \$35,000.00 per annum*

2



City of Fall River Massachusetts  
Office of the City Clerk

ALISON M. BOUCHARD  
CITY CLERK

COPY

INÊS LEITE  
ASSISTANT CITY CLERK

May 30, 2017

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

Dear Mayor Correia:

On behalf of the City Council President, I respectfully request that funding for the position of City Council Principal Clerk be included in the FY2018 budget.

The City Council Office has operated with one secretary since 2009. This level of staffing has become detrimental to the efficient operation of this department. Besides preparing the City Council and sub-committee agendas and subsequent minutes, the City Council office also prepares correspondence and assists constituents on behalf of members of the Council.

With vacations and sick leave a constant issue in the department, both the Assistant City Clerk and I constantly serve as backup for both that office, as well as the City Clerk's office. State mandates have made it near impossible to keep the workload up to date. Neither the City Council nor City Clerk's office has an account for overtime. Therefore, I cannot allow staff members the opportunity to complete those tasks that have fallen behind.

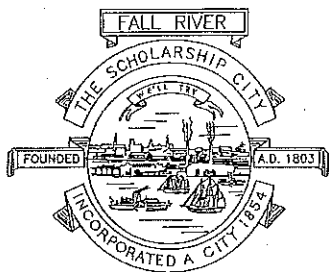
It is for these reasons that I have requested the opportunity to fill the clerical position in the Office of the City Council. Although this is not a union position, the salary should be commensurate with that of an 8A within the AFSCME bargaining unit.

I have prepared an ordinance proposal which will amend the title and salary of that position. Your consideration is respectfully requested.

Sincerely,

Alison M. Bouchard  
City Clerk

C.M. Sabady  
Clerical  
5-31-17  
[illegible]



**City of Fall River  
Massachusetts**

**Department of Community Utilities**  
WATER • SEWER

4  
**RECEIVED**

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*

4

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**

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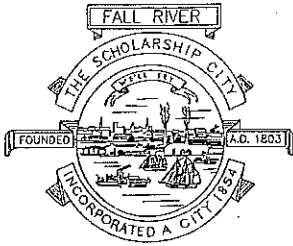
51

To the City Council

Councillors:

The Committee on Finance, at a meeting held on June 13, 2017, voted unanimously to recommend that the accompanying loan order be referred to the full council for action.

  
City Clerk



City of Fall River  
Massachusetts  
Office of the Mayor

5  
RECEIVED

2017 MAY 24 P 4:38

JASIEL F. CORREIA II  
Mayor

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

May 24, 2017

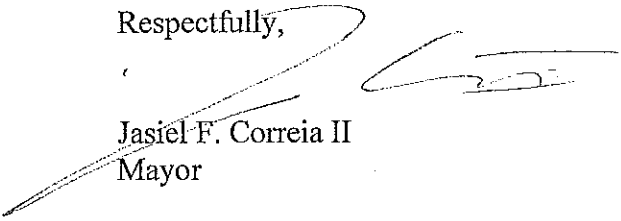
The Honorable City Council  
One Government Center  
Fall River, MA 02722

Dear Councilors:

Attached please find correspondence from Terrance Sullivan, Adm. of Community Utilities, regarding the proposed Loan Orders for Phase 17 of the Water Improvement Projects.

I respectfully request your approval for these loan orders.

Respectfully,

  
Jasiel F. Correia II  
Mayor

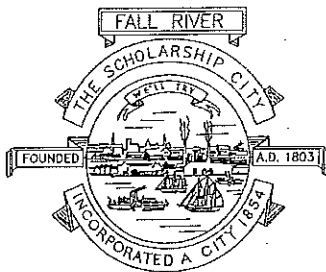
Attachment

CITY OF FALL RIVER  
IN CITY COUNCIL

MAY 30 2017

*atc placed on file*

5



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

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

**TERRANCE SULLIVAN**  
Administrator

May 24, 2017

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

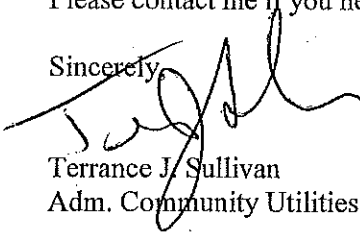
RE: Phase 17  
Loan Orders

Dear Mayor Correia:

It is respectfully requested that the attached loan orders for the Phase 17 of the Water Systems Improvements Plan be submitted to the City Council for review and approval. Approval is needed to comply with the state funding (SRF).

Please contact me if you need any further information.

Sincerely,

  
Terrance J. Sullivan  
Adm. Community Utilities

TJS/omc  
Attachment



CITY OF FALL RIVER  
LOAN ORDER  
(Water System Improvements)

ORDERED, that \$4,936,000 is appropriated for the purpose of financing construction and design of Phase 17 of the City's Water Project including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; and to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow \$4,936,000 and to issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer, with the approval of the Mayor, determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer, with the approval of the Mayor, is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust ("Trust") established pursuant to Chapter 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection ("Department") with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department, to expend all funds available for the project and to take any other action necessary or convenient to carry out the project.

FURTHER ORDERED, any premium received upon the sale of any bonds or notes approved by this vote less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

FURTHER ORDERED, that authorization approval will be effective July 3, 2017.

CITY OF FALL RIVER  
IN CITY COUNCIL

MAY 30 2017

*Authorized to be published  
and referred to the  
Committee on Finance,  
7 years, 2 days*

*id to run 6/3/17*

WATER DIVISION  
WATER SYSTEMS IMPROVEMENTS PROJECTS  
FINANCIAL SUMMARY

Component	Vendor	Date	Function	Funding	Total Cost
CH Mains		2018	Construction Management		\$325,000.00
Main Replacement		2018	water main improvements/STR		\$1,750,000.00
Main C/L		2018	Water main Rehabilitation		\$650,000.00
Police		2018	construction details		\$250,000.00
Contingency					\$185,000.00
PENDING SRF/ACVT					\$3,350,000.00
Design Mains		2017	Design		\$210,000.00
Design Water Maint Complex		2017-18	Permitting and due diligence		\$120,000.00
Advertising		2017-18	Advertising		\$5,000.00
Paving		2019	Street Paving		\$250,000.00
GIS System		2017-18	Asset and workorder management system		\$150,000.00
Conservation Land Acquisition		2017	Watershed Protection		\$250,000.00
1873 Pump Station		2018	Full Buildout Design Plans		\$100,000.00
Copilot, Howe Street			VFD/energy conservation		\$20,000.00
Pond access			WTP pond access		\$220,000.00
Contingency					\$1,578,000.00
SUB TOTAL OPEN MARKET					\$4,938,000.00
Total					\$4,938,000.00

notes:  
E/C principal reduction:

FUNDING AUTHORIZATION	DATE	AMOUNT
PHASE 17		\$ 4,938,000.00
Loan Order		\$
Total		\$ 4,938,000.00

FUNDING-Loans	DATE	AMOUNT
PHASE 17		\$ 1,578,000.00
BAN		\$ 3,350,000.00
MWPAT		
Balance		\$
MWPAT Receivables		\$
Accounts Payable		\$
Munis Pooled Cash		\$
Total		\$ 4,938,000.00

Total Spent	AMOUNT
PHASE 17	\$
MWPAT Loan	\$
Open	\$
Total	\$

Total	AMOUNT
PHASE 17	\$
Funded	\$
Total Spent	\$
Retainage	\$
Balance	\$
MWPAT Receivables	\$
Accounts Payable	\$
Munis Pooled Cash	\$
Total	\$



Estimates of Phase 17 Project Debt: water main rehabilitation  
 Loan Order= \$4,936,000

SRF Project Cost	\$3,360,000
Repayment Less 15% EJC reduction	\$2,856,000

Open Market Project Cost	\$1,576,000
--------------------------	-------------

Phase 17-SRF-water main rehabilitation			
	Principal	Interest	Annual P&I
Year			
1	\$142,800	\$57,120	\$199,920
2	\$142,800	\$54,264	\$197,064
3	\$142,800	\$51,408	\$194,208
4	\$142,800	\$48,552	\$191,352
5	\$142,800	\$45,696	\$188,496
6	\$142,800	\$42,840	\$185,640
7	\$142,800	\$39,984	\$182,784
8	\$142,800	\$37,128	\$179,928
9	\$142,800	\$34,272	\$177,072
10	\$142,800	\$31,416	\$174,216
11	\$142,800	\$28,560	\$171,360
12	\$142,800	\$25,704	\$168,504
13	\$142,800	\$22,848	\$165,648
14	\$142,800	\$19,992	\$162,792
15	\$142,800	\$17,136	\$159,936
16	\$142,800	\$14,280	\$157,080
17	\$142,800	\$11,424	\$154,224
18	\$142,800	\$8,568	\$151,368
19	\$142,800	\$5,712	\$148,512
20	\$142,800	\$2,856	\$145,656
TOTALS	\$2,856,000	\$599,760	\$3,455,760

Phase 17-Open Market			
	Principal	Interest	Annual P&I
	\$78,800	\$47,280	\$126,080
	\$78,800	\$44,916	\$123,716
	\$78,800	\$42,552	\$121,352
	\$78,800	\$40,188	\$118,988
	\$78,800	\$37,824	\$116,624
	\$78,800	\$35,460	\$114,260
	\$78,800	\$33,096	\$111,896
	\$78,800	\$30,732	\$109,532
	\$78,800	\$28,368	\$107,168
	\$78,800	\$26,004	\$104,804
	\$78,800	\$23,640	\$102,440
	\$78,800	\$21,276	\$100,076
	\$78,800	\$18,912	\$97,712
	\$78,800	\$16,548	\$95,348
	\$78,800	\$14,184	\$92,984
	\$78,800	\$11,820	\$90,620
	\$78,800	\$9,456	\$88,256
	\$78,800	\$7,092	\$85,892
	\$78,800	\$4,728	\$83,528
	\$78,800	\$2,364	\$81,164
	\$1,576,000	\$496,440	\$2,072,440

Effect on the Water Rate	Estimate Start of Long Term Debt
\$0.11	2019
\$0.10	2020
\$0.10	2021
\$0.10	2022
\$0.10	2023
\$0.10	2024
\$0.10	2025
\$0.09	2026
\$0.09	2027
\$0.09	2028
\$0.09	2029
\$0.09	2030
\$0.08	2031
\$0.08	2032
\$0.08	2033
\$0.08	2034
\$0.08	2035
\$0.07	2036
\$0.07	2037
\$0.07	2038

**CITY OF FALL RIVER**

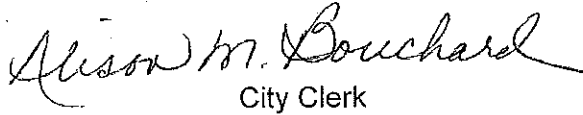
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6

To the City Council

Councillors:

The Committee on Finance, at a meeting held on June 13, 2017, voted unanimously to recommend that the accompanying loan order be referred to the full council for action.

  
City Clerk

City of Fall River, In City Council

CITY OF FALL RIVER  
LOAN ORDER  
(Water System Improvements)

ORDERED, that \$3,700,000 is appropriated for the purpose of financing Water Meter/AMR Replacement and Upgrading project including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; and to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow \$3,700,000 and to issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer, with the approval of the Mayor, determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer, with the approval of the Mayor, is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust ("Trust") established pursuant to Chapter 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection ("Department") with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department, to expend all funds available for the project and to take any other action necessary or convenient carry out the project.

FURTHER ORDERED, that any premium received upon the sale of any bonds or notes approve by this vote, less any such premium applied to the payment of such bonds or notes may be applied to the payment costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

FURTHER ORDERED, that authorization approval will be effective July 3, 2017.

CITY OF FALL RIVER  
IN CITY COUNCIL  
MAY 30 2017

*Authorized to be published  
and referred to the Committee  
on Finance, 7/4/17, 2 ways*

*Ed to June 6/3/17*

7

WATER DIVISION  
WATER SYSTEMS IMPROVEMENTS PROJECTS  
FINANCIAL SUMMARY

Water Meter/AMR Replacement  
Fund

Component	Vendor	Date	Function	Funding	Total Cost
Data Collection Units		2017		MCWT	\$120,000.00
Meter Interface units and install		2018		MCWT	\$2,850,000.00
Large Meter Replacement		2018		MCWT	\$230,000.00
Contingency					\$300,000.00
PENDING SRFA/MCWT					\$3,500,000.00
Specs/Design		2017	Design	Open market	\$100,000.00
Contingency					\$100,000.00
SUB TOTAL OPEN MARKET					\$200,000.00
Total					\$3,700,000.00

notes:  
E/C principal reduction:

FUNDING Authorization	DATE	AMOUNT
Loan Order		\$ 3,700,000.00
Total		\$ 3,700,000.00

FUNDING-LOANS	DATE	AMOUNT
BAN		\$ 200,000.00
MCWT		\$ 3,500,000.00
Total		\$ 3,700,000.00

Total Spent	AMOUNT
MCWT Loan	\$ -
Open	\$ -
Total	\$ -

Total	AMOUNT
Funded	\$ -
Total Spent	\$ -
Refinancing	\$ -
Balance	\$ -

9

Estimates of Phase 17 Project Debt: meters  
 Loan Order= \$3,700,000

SRF Project Cost	\$3,500,000
Repayment Less 15% EIC reduction	\$2,975,000

Open Market Project Cost	\$200,000
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year	Phase 17-SRF-water meters		
	Principal	Interest	Annual P&I
1	\$148,750	\$59,500	\$208,250
2	\$148,750	\$56,525	\$205,275
3	\$148,750	\$53,550	\$202,300
4	\$148,750	\$50,575	\$199,325
5	\$148,750	\$47,600	\$196,350
6	\$148,750	\$44,625	\$193,375
7	\$148,750	\$41,650	\$190,400
8	\$148,750	\$38,675	\$187,425
9	\$148,750	\$35,700	\$184,450
10	\$148,750	\$32,725	\$181,475
11	\$148,750	\$29,750	\$178,500
12	\$148,750	\$26,775	\$175,525
13	\$148,750	\$23,800	\$172,550
14	\$148,750	\$20,825	\$169,575
15	\$148,750	\$17,850	\$166,600
16	\$148,750	\$14,875	\$163,625
17	\$148,750	\$11,900	\$160,650
18	\$148,750	\$8,925	\$157,675
19	\$148,750	\$5,950	\$154,700
20	\$148,750	\$2,975	\$151,725
TOTALS	\$2,975,000	\$624,750	\$3,599,750

Phase 17-Open Market:		
Principal	Interest	Annual P&I
\$10,000	\$6,000	\$16,000
\$10,000	\$5,700	\$15,700
\$10,000	\$5,400	\$15,400
\$10,000	\$5,100	\$15,100
\$10,000	\$4,800	\$14,800
\$10,000	\$4,500	\$14,500
\$10,000	\$4,200	\$14,200
\$10,000	\$3,900	\$13,900
\$10,000	\$3,600	\$13,600
\$10,000	\$3,300	\$13,300
\$10,000	\$3,000	\$13,000
\$10,000	\$2,700	\$12,700
\$10,000	\$2,400	\$12,400
\$10,000	\$2,100	\$12,100
\$10,000	\$1,800	\$11,800
\$10,000	\$1,500	\$11,500
\$10,000	\$1,200	\$11,200
\$10,000	\$900	\$10,900
\$10,000	\$600	\$10,600
\$10,000	\$300	\$10,300
\$200,000	\$63,000	\$263,000

Effect on the Water Rate	Estimate Start of Long Term Debt
\$0.07	2019
\$0.07	2020
\$0.07	2021
\$0.07	2022
\$0.07	2023
\$0.07	2024
\$0.07	2025
\$0.06	2026
\$0.06	2027
\$0.06	2028
\$0.06	2029
\$0.06	2030
\$0.06	2031
\$0.06	2032
\$0.06	2033
\$0.06	2034
\$0.06	2035
\$0.05	2036
\$0.05	2037
\$0.05	2038



## CITY OF FALL RIVER

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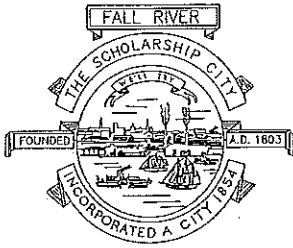
7

To the City Council

Councillors:

The Committee on Finance, at a meeting held on June 13, 2017, voted unanimously to recommend that the accompanying loan order be referred to the full council for action.

  
City Clerk



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

7  
**RECEIVED**

2017 MAY 24 P 4: 38

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

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

May 24, 2017

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

Dear Honorable Council Members:

The Community Preservation Committee (CPC) has identified a community project and has made recommendations for borrowing for it in accordance with the Community Preservation Act (CPA) MGL Chapter 44B Sections 4 to 7. The following project is being recommended for approval and related borrowing.

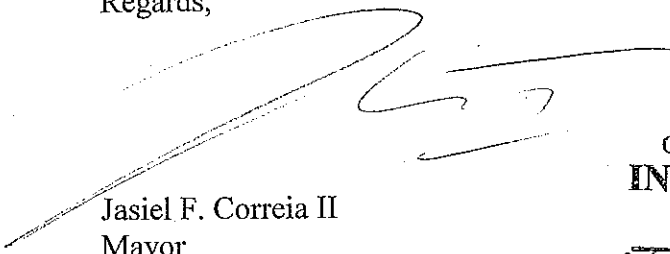
Community Preservation Act - 2017 Mount Hope Bay Bike Path Project Planning and Engineering Feasibility Study. Total cost \$240,000.

Your approval of the associated Loan Order is respectfully requested.

The debt service, including the principal, interest, and debt issuance costs will be funded from CPA funds.

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

Regards,

  
Jasiel F. Correia II  
Mayor

CITY OF FALL RIVER  
IN CITY COUNCIL

MAY 30 2017

*Yes placed on file*

# City of Fall River, In City Council

7

## LOAN ORDER: COMMUNITY PRESERVATION ACT (Mount Hope Bike Path Feasibility Study)

ORDERED: That the City hereby appropriates Two Hundred Forty Thousand Dollars (\$240,000) to pay costs of a feasibility study for the Mount Hope Bay Bike Path project and all other costs incidental and related thereto. To meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said sum under and pursuant to M.G.L. Chapter 44B or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The Mayor is authorized to apply for, accept and expend any and all grants or gifts from any sources whatsoever that may be available to the City on account of this project; provided, however, that the amount authorized to be borrowed by this order shall be reduced to the extent of any such grants or gifts received by the City. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

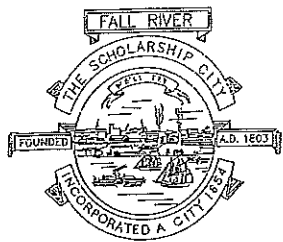
ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City to be issued pursuant to this Order, and to provide such information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

CITY OF FALL RIVER  
IN CITY COUNCIL  
MAY 30 2017

*Authorized to be published  
and referred to the  
Committee on Finance,  
9 years*

*Ed to run 6/3/17*

7



City of Fall River  
Massachusetts  
Community Preservation Committee

JASIEL F. CORREIA II  
Mayor

KENNETH C. PACHECO  
Chairman  
James Souza  
Vice-Chairman

May 22, 2017

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

Re: Community Preservation Act 2017 Mount Hope Bay Bike Path Project  
Recommending 5-year bonding with \$60,000.00 in year 1

Dear Mayor Correia:

This letter is in reference to Community Preservation Act 2017 Mount Hope Bay Bike Path Project in the amount of \$240,000.00. It is the recommendation of the Preservation Committee for this project to be funded with a 5-year bond. The first-year amount would be \$60,000.00, to account for any interest.

Pursuant to City Ordinance 2013-11, section 2-367, the Community Preservation Committee shall submit its final report prepared pursuant to GL Ch. 44B s 5 to the Mayor who shall in turn submit the report to the City Council.

There are twelve copies of the letter:

One copy for the Mayor

One copy for the City Clerk

One copy for the City Council Official Record

Nine copies, one for each City Council

It is requested that this letter be submitted, along with the report, to the City Council prior to May 24, 2017 so that this matter may be placed on the agenda for their May 30, 2017 meeting during Finance. Thank you for your attention to this matter.

Respectfully,

Kenneth Pacheco, Chair  
Fall River Community Preservation Committee

**CITY OF FALL RIVER**

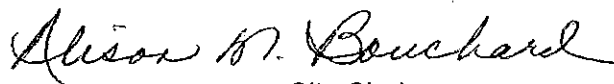
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8

To the City Council

Councillors:

The Committee on Finance, at a meeting held on June 13, 2017, voted unanimously to recommend that the accompanying appropriation order be referred to the full council for action.

  
City Clerk



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

8

RECEIVED

2017 MAY 24 P 4:38

**JASIEL F. CORREIA II**  
Mayor

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

May 24, 2017

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

Dear Honorable Council Members:

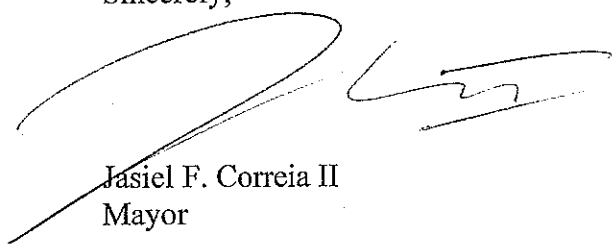
The Community Preservation Committee (CPC) has identified 18 community projects for the fiscal year 2018 and has made recommendations for funding in accordance with the Community Preservation Act (CPA) MGL Chapter 44B Sections 4 to 7.

The total CPA funding request for FY 18 is \$1,593,165 as outlined in the proposed Appropriation Order.

Your approval of the associated Appropriation Order is respectfully requested.

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

Sincerely,



Jasiel F. Correia II  
Mayor

CITY OF FALL RIVER  
IN CITY COUNCIL  
MAY 30 2017  
*Referred to the  
Committee on Finance*

# City of Fall River, In City Council

8

## APPROPRIATION ORDER

ORDERED, that the following FY 18 appropriations be provided through the Community Preservation Act (CPA), revenues and reserves under the MGL Chapter 44B Sections 4 to 7 in the aggregate, amounting to \$1,593,165 to be appropriated as follows:

Voted: That \$977,500 be appropriated from the CPA Fund FY 18 Annual Revenues

For CPA Administrative Expenditures	\$45,000
For CPA Open Space/Outdoor Recreation PROJECTS	\$95,000
For CPA Historic Resources Preservation PROJECTS	\$737,000
For CPA Community Housing PROJECTS	\$97,750
For CPA Open Space/Outdoor Recreation RESERVE	<u>\$2,750</u>
<b>TOTAL</b>	<b><u>\$977,500</u></b>

And that \$615,665 be appropriated from reserves and fund balance:

For Community Housing PROJECTS from CPA Fund Balance Reserved for Community Housing	\$52,250
For Historic Resources Preservation PROJECTS From CPA Fund Balance Unreserved/Undesignated	<u>\$563,415</u>
<b>TOTAL</b>	<b><u>\$615,665</u></b>

**Note:** This is the fifth year of CPA implementation. Anticipated CPA Surcharge revenue is \$850,000. Supplemental state trust fund distributions are estimated at \$127,500 (15%). Total \$977,500. Minimum 10% (\$97,750) has to be spent or reserved under each of the three categories and the Administrative expenditure cannot exceed 5% (\$48,875).

CITY OF FALL RIVER  
IN CITY COUNCIL

MAY 30 2017

*Referred to the Committee  
on Finance*



**City of Fall River  
Massachusetts  
Community Preservation Committee**

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

**KENNETH C. PACHECO**  
Chairman  
James Souza  
Vice-Chairman

May 22, 2017

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

Re: Community Preservation Act 2017 Final Report

Dear Mayor Correia:

Pursuant to City Ordinance 2013-11, section 2-367, the Community Preservation Committee shall submit its final report prepared pursuant to GL Ch. 44B s 5 to the Mayor who shall in turn submit the report to the City Council.

Twelve copies of the report will be provided to:  
One copy for the Mayor  
One copy for the City Clerk  
One copy for the City Council Official Record  
Nine copies, one for each City Council

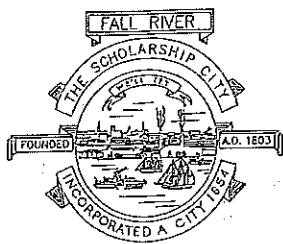
It is requested that the reports be submitted to the City Council prior to May 24, 2017 so that this matter may be placed on the agenda for their May 30, 2017 meeting.

Thank you for your attention to this matter.

Respectfully,

Kenneth Pacheco, Chair  
Fall River Community Preservation Committee





# City of Fall River Massachusetts Community Preservation Committee

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

**KENNETH C. PACHECO**  
Chairman  
**James Souza**  
Vice-Chairman

## COMMUNITY PRESERVATION COMMITTEE 2017 FUNDING RECOMMENDATIONS

### Adoption and Preparation

The Citizens of Fall River approved the adoption of the community Preservation Act in the November 2012 election. 57.9% of the voters in the election cast ballots in support of its local adoption. The Community Preservation Committee was formed in October 2013 and held its first meeting on October 28, 2013.

The membership of the Community Preservation Committee includes two members appointed by the Mayor, two members appointed by the City Council, a representative from the Housing Authority, a representative from the Historic Commission, a representative from the Planning Board, a representative from the Conservation Commission and a representative from the Park Board

### **Mayor Appointee**

- James Souza
- Vacancy

### **City Council Appointee**

- Kenneth Pacheco
- Antone Dias

### **Housing Authority**

- David Underhill

### **Historic Commission**

- Kristen Cantara Oliveira

### **Planning Board**

- Keith Paquette

### **Conservation Commission**

- John Brandt

### **Park Board**

- Jason Caminiti

The Community Preservation Committee has developed a local CPA Plan, established the application and hearing process and has become familiar with the statute, GL Ch. 44B and applicable rules. The Community Preservation Committee continues to work closely with the Executive Director of the Community Preservation Coalition as a resource for technical guidance on the implementation of this Act. The Committee frequently utilizes the resources of the Community Preservation Coalition on matters that require clarification. A website and Facebook has been developed and remains updated for public access. Materials are available through the website as well as at the Community Preservation Committee office at Government Center. As required by statute, the CPC held its annual meeting in August 2016. This public meeting was preceded by legal notices published in the Fall River Herald News. The annual meeting was an opportunity for the public to offer opinions as to the projects and general procedures.

8

In addition, to the annual public hearings, members of the public have been recognized at each of the CPC's meetings. The identity of the speakers and their comments are documented in the Committee's minutes and the Fall River Government TV video's. No member of the public wishing to address the Community Preservation Committee has ever been denied the opportunity to express his/her views.

The effectiveness of the efforts by the Community Preservation Committee to advertise the availability of these funds is evidenced by the fact that for 2017 28 applications were received.

In 2016, the Community Preservation Committee recommended and the City Council approved funding for 11 projects. Since the inception of the Community Preservation Committee tools have been implemented. Award agreements have been drafted and financial protocols have been developed. Work on private projects have been completed. Some projects have been delayed due to weather, overruns and change in staffing. It is expected that all projects will be completed by summer.

Colorful signs have been purchased and placed at construction sites throughout the city. The signs indicate that the work is being conducted because of the Community Preservation Act funding.

### **The Application Process**

#### **Hearings on Eligibility**

The Community Preservation Committee adopted a two-step application process. This process was followed during the 2017 funding cycle. The first part of the process involves an application for eligibility due on September 1<sup>st</sup>. Upon receipt of each application for eligibility the Committee scheduled an eligibility hearing and sent a written invitation to each applicant.

During the 2017 funding cycle eligibility hearings were held

#### **October 12, 2017**

- Columbus Park
- Battleship Cove Feasibility Study
- North Park Existing Condition Study
- Elks Lodge, Bank Street
- Lafayette Durfee House
- Vietnam Veteran South Watuppa Park
- Community Housing Grant
- Historic Preservation Grant
- Sanborn Maps

#### **November 8, 2017**

- Second District Court (Fall River Re-Creation)
- Quequechan Club
- Bristol Superior Court (Children's Museum)
- Fall River Historical Society
- Anawan No. 6 (Fire Museum)
- River to Recovery
- 3<sup>rd</sup> Street School
- Historic Preservation Inventory

#### **December 14, 2017**

- Fall River School Department Administration Building
- Mann Murals
- People Inc, Rock Street

- 8
- Cook Pond Wall
  - Cook Pond Open Space
  - Kennedy Park Benches
  - Mount Hope Bay Path
  - Little Theatre
  - Safe Haven House

The first purpose of these eligibility hearings was for the Committee determine if the application met the criteria for funding. The Community Preservation Act allows funding for projects involving Open Space, Historic Preservation, Outdoor Recreation and Community Housing. Within each category there are rules involving permissible funding.

The Community Preservation Committee considered the eligibility of each project even when a presenter did not appear. The secondary purpose of these hearings was for the Committee to become familiar with the projects through applicant presentations. The committee members had frequent questions for these presenters. Ultimately 28 projects qualified

### Hearings for Funding

The Community Preservation Committee scheduled funding hearings for projects

#### **April 6, 2017**

- Columbus Park
- Battleship Cove feasibility study
- Community Housing Grant
- Historic Preservation Grant
- North Park existing conditions study
- Sanborn Maps Restoration
- Bank Street (Elks Lodge)
- Lafayette Durfee House
- Vietnam Veteran's South Watuppa Park
- Dr. Fiske House
- 3<sup>rd</sup> Street School
- Second District Court

#### **April 11, 2017**

- Old Superior Court
- River to Recovery
- Fall River Historical Society
- Fall River Fire Museum-Anawan No. 6
- Cook Pond Stone Wall
- Kennedy Park Benches
- Mann Murals
- Mount Hope Bike Path
- School Administration Building

The Committee also conducted hearings on emergency project funding in 2017 for the following projects:

- Oak Grove Cemetery
  - o Iron/Stone work
- Preservation Plans
  - o Oak Grove Cemetery
  - o North end Burial Ground N. Main Street

- 8
- Veteran's Center/Pine Street
    - Roof Replacement
  - Bank St. Armory, Bank St
  - Marine Museum, Water St.

Ultimately the Committee determined that the following projects were eligible for emergency and were recommended for funding:

- Oak Grove Cemetery
  - Iron/Stone work (additional funding due to over runs)
- Bank St. Armory, Bank St
- Marine Museum, Water St. (additional funding due to over runs)

The committee did not support recommending funding for

- Preservation Plans
  - Oak Grove Cemetery
  - North End Burial Ground, N. Main St.

However, it was determined that Veteran's Center/Pine Street did qualified for eligibility during the regular funding hearings and was approved.

On May 1, 2017, the Committee conducted hearings on Safe Haven Structured Sober Living because it was unintentionally overlooked on the April 11, 2017 agenda therefore was deliberated to the May 1, 2017 meeting.

Each of the applicants received a written notice of the hearing date. The applicants had the opportunity to supplement their earlier presentations and to submit additional materials. The Committee members also used this opportunity to ask many questions of each applicant. All proposals were considered even when a presenter did not appear for the hearing.

### **The Voting Process**

Committee member Antone Dias worked on the tier-voting ballot. This ballot allowed each committee member to rate each project a 1 (high interest), 2 (moderate interest) or a 3 (low interest). Each committee member completed this ballot after the hearings for funding had been concluded. Mr. Dias then compiled the votes. The votes on these ballots were non-binding but were useful in informing the discussion on each project. At its meeting on May 1, 2017 the CPC voted on each project, and determined the amount of recommended funding, if any, that each remaining project would receive.

### **Conclusion**

The Community Preservation Committee encouraged applications and followed an open and extended review process. Public input was and will continue to be encouraged. The Committee considered many factors in making these final recommendations. Among the factors that the Committee considered was geographic diversity so that the funded projects benefit all areas of the city. A number of other factors influences these final recommendations. In the Historic Preservation category, the urgency of repairs was a compelling factor, see, e.g., Bank Street, Veteran's Center/Pine Street, School Administration Building. In the Open Space & Recreation category, the potential pool of future users was an important consideration, see e.g. continued work on Columbus Park fence, Mt. Hope Bay Bike Plath for the opportunity future opportunities for funding to move this project to design phase and build. This is the first year for recommendation on the Community Housing category Dr. Fisk House.

The Community Preservation Committee respectfully requests that the following, considered recommendations be approved:

The Categories are as follows:

	<u>AMOUNT</u>	<u>COMMENTS</u>
<b>Community Housing</b> of Dedicated funds)		This Category was not fully funded. (10%
Dr. Fiske House	<u>\$150,000</u>	
<b>TOTAL:</b>	<b>\$150,000</b>	
<b>Outdoor Recreation</b> (Partial , includes Open Space 10% of Dedicated funds)		This Category was not fully funded.
Columbus Park	\$32,000	
Mt. Hope Bay Bike Path (5) year Bond	\$60,000 (Year 1)	
<b>Open Space</b> (Partial, includes Outdoor Recreation 10% of Dedicated funds)		This Category was not fully funded.
Vietnam's South Watuppa Park	<u>\$3,000</u>	
<b>TOTAL:</b>	<b>\$95,000</b>	
<b>Historic Preservation</b> in this category. Because %20 percent needs to be allocated to Categories above.		There may not be sufficient funds available
North Park Existing Conditions Study	\$45,000	
Sanborn Maps Restoration	\$19,390	
200 Bank Street (Elks Lodge)	\$50,053	
Lafayette / Durfee House	\$224,000	
*3 <sup>rd</sup> Street School	\$74,000 — American Legion	
Second District Court	\$158,000	
Bristol Superior Court (Children's Museum)	\$65,000	
River to Recovery	\$18,900	
Fall River Historical Society	\$52,700	
Anawan No. 6 (Fire Museum)	\$153,772	
Cook Pond Wall	\$83,600	
Save the Historic Mann Murals	\$6,000	

School Administration Building

\$220,000

Fall River Veteran's Center

\$130,000

**TOTAL: \$1,300,415.00**

Totaling (18) projects funded for a total of \$1,545,415.00 of which the Mt. Hope Bay Bike Path is a (5) year Bond

Total for this 2017 year including EMERGENCY funding were (21) projects totaling \$1,749,977

8

## CITY OF FALL RIVER

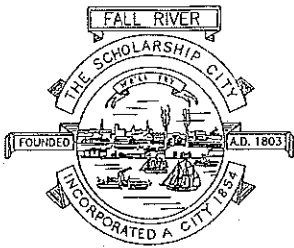
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To the City Council

Councillors:

The Committee on Finance, at a meeting held on June 13, 2017, voted unanimously to recommend that the accompanying proposed ordinance be referred to the Committee on Ordinances and Legislation.

  
City Clerk



City of Fall River  
Massachusetts  
Office of the Mayor

9  
RECEIVED

2017 MAY 24 P 4: 38

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

JASIEL F. CORREIA II

Mayor

May 24, 2017

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

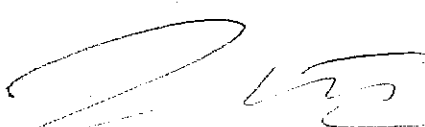
Dear Honorable Council Members:

Please find attached rate changes which I will be proposing in the fiscal 2018 budget.

Your approval of this 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.

Respectfully,



Jasiel F. Correia II  
Mayor

Enclosure

CITY OF FALL RIVER  
IN CITY COUNCIL  
MAY 30 2017

*Referred to the  
Committee on Finance*



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

**Chairman of Board of Election Commissioner/Director Office of Elections:**

- Change the Salary from \$2,156.19 bi-weekly (or \$56,276.58) to not to exceed \$65,000 annually

CITY OF FALL RIVER  
IN CITY COUNCIL

MAY 30 2017

*Referred to the  
Committee on Finance*

10  
City of Fall River, *In City Council*

(Councilor Raymond A. Mitchell)

WHEREAS, stipends have recently been paid to employees as a method of providing salary increases, and

WHEREAS, the salaries of municipal employees should be established in ordinance, and stipends established in ordinance or state law, now therefore

BE IT RESOLVED, that no additional stipends be granted to any employee without prior approval of the City Council.

# City of Fall River, *In City Council*

(Councilor Raymond A. Mitchell)

WHEREAS, the City Council established "Citizen Input Time" in 1983 to allow any resident of the City of Fall River to address the City Council sitting as the Committee on Finance, and

WHEREAS, from time to time, residents with disabilities are unable to attend meetings in Government Center due to their disability, and

WHEREAS, all residents should be offered the same opportunities to voice their opinions, now therefore

BE IT RESOLVED, that a resident who is unable to attend a meeting be allowed to forward their comments via email or regular mail and that their communication be read during citizen input time, as if the person was present at the meeting, and

BE IT FURTHER RESOLVED, that all rules governing citizen input will apply including the three minute time limit.

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*City of Fall River, In City Council*

(Councilor Raymond A. Mitchell)

ORDERED, that the basketball court in Ruggles Park be named in honor of Manny Papoula. He is an inspiration and works to fix and/or replace the nets on all basketball courts throughout the City every year.

Filed: 6-15-17

# GREATER FALL RIVER VOCATIONAL SCHOOL DISTRICT

17

FALL RIVER • SOMERSET



SWANSEA • WESTPORT

Thomas F. Aubin, *Superintendent-Director*  
[taubin@dimanregional.org](mailto:taubin@dimanregional.org)

Elvio A. Ferreira, *Assistant Superintendent/Principal*  
[eferreira@dimanregional.org](mailto:eferreira@dimanregional.org)

251 Stonehaven Road  
Fall River, Massachusetts 02723  
Telephone: 508-678-2891  
Fax: 508-679-6423

June 15, 2017

Mr. Richard Cabeceiras, Chairman  
Budget Preparation, Revenue and Audits Committee  
Fall River City Hall  
One Government Center  
Fall River, MA 02722

RECEIVED  
2017 JUN 20 A 9:39  
CITY CLERK  
FALL RIVER, MA

Dear Chairman Cabeceiras:

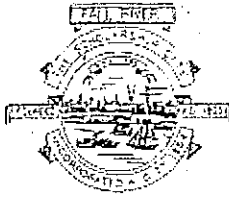
On behalf of the entire Greater Fall River Vocational School District, I would like to thank you for the Committee's May 24, 2017 invitation to speak with the Budget Preparation, Revenue and Audit Committee. Your invitation to possibly provide more financial support to our district is most appreciated, considering the fact that over three-fourths of our students are Fall River residents. At the aforementioned May 24<sup>th</sup> meeting, the Committee agreed that we should provide a proposed project and the approximate cost of the project so as to get consideration from the Committee.

To this end, we are asking the Committee if they could consider providing financial support for a desperately needed project at the school. We are currently attempting to renovate our soccer/football field that is in horrible disrepair. The field repair project is estimated to cost approximately one-hundred thousand dollars (\$100,000). We have committed forty-eight thousand dollars (\$48,000) of institutional funds for the repair. The Diman Bengal Educational Foundation has committed twelve-thousand dollars (\$12,000) for the repair as well. This leaves us approximately forty-thousand dollars (\$40,000) short in terms of funding this project. As we have nine teams that use the field in the fall, we are looking to have this repair done straight-away.

If you have any questions regarding this project, feel free to contact me at your earliest convenience.

Thank you,

Thomas F. Aubin  
Superintendent-Director



RECEIVED

2017 JUN 14 A 11:21

CITY CLERK: 17-53  
FALL RIVER, MACity of Fall River  
Notice of Claim

1. Claimant's name: CHERYL BRANCO
2. Claimant's complete address: 510 Tripp St 2F Rear Fall River, MA, 02724
3. Telephone number: Home: 774 204 1947 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Fracture/Broken Ankle Fell into Sewer dip/slip
5. Date and time of accident: 5-20-17 approx 11:30am Amount of damages claimed: \$ \_\_\_\_\_
6. Exact location of the incident: (include as much detail as possible):  
CORNER OF DWELLY St and Kilburn St.
7. Circumstances of the incident: (attach additional pages if necessary):  
I stepped off curb onto corner of Sewer Slurp my right ankle began to buckle. So I began to lean to my left at that point my foot continued to fall to middle of Slurp/dip and I came down on Left Ankle
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 claim #  
100006380065 MASS health / 019428652-A MEDICARE

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

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

Date: May 31-2017Claimant's signature: Cheryl Branco

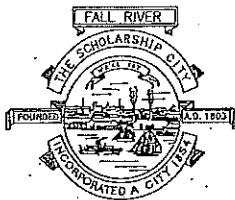
WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DCMDate: 6-14-17



City of Fall River  
Notice of Claim

RECEIVED

2017 JUN 14 P 1:16

CITY CLERK 17-54  
FALL RIVER, MA

1. Claimant's name: Patricia DeNardo
2. Claimant's complete address: 31 Beattie ST
3. Telephone number: Home: 508-676-6361 Work: retired
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Tire blew out
5. Date and time of accident: June 9, 2017 Amount of damages claimed: \$ 136.11
6. Exact location of the incident: (include as much detail as possible):  
451 Quechan ST
7. Circumstances of the incident: (attach additional pages if necessary):  
POT hole at least 18 inches
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  
They have deductibles

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: 6/14/2017

Claimant's signature: Patricia DeNardo

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

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

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

For official use only:

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

Date: 6/14/17

City of Fall River  
Notice of Claim

RECEIVED 19  
2017 JUN 20 A 10:51  
CITY CLERK #17-55  
FALL RIVER, MA

1. Claimant's name: Caly morais
2. Claimant's complete address: 7 Terry Lane, Fall River, MA. 027
3. Telephone number: Home: 508.415.8269 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Auto accident
5. Date and time of accident: 4/11/17, 12:52am Amount of damages claimed: \$ 15,000.00
6. Exact location of the incident: (include as much detail as possible):  
North Main Street and Bedford Street
7. Circumstances of the incident: (attach additional pages if necessary):  
Miss Morais was an occupant of a motor vehicle traveling along North Main Street when the vehicle struck a City of Fall River police vehicle. Attached please find a copy of the Fall River Police Report.
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: 6/9/2017

Claimant's signature: Caly Morais/PEK

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

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

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

For official use only:

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

ERPD

Date: 6-20-17





City of Fall River  
Notice of Claim

RECEIVED

2017 JUN 20 P 1:48

CITY CLERK 17-56  
FALL RIVER, MA

*Conced*  
**19**

1. Claimant's name: Benjamin Rizk
2. Claimant's complete address: 25 River Rd Somerset, MA 02725
3. Telephone number: Home: (508) 264-4663 Work: (508) 264-4663
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: June 11<sup>th</sup>, 2017 Amount of damages claimed: \$ 218.11
6. Exact location of the incident: (include as much detail as possible):  
61 Nichols St Fall River, MA
7. Circumstances of the Incident: (attach additional pages if necessary):  
I went to park my vehicle on Nichols street right before attending Church. The curb along the street / sidewalk is angled to outward. Therefore the corner punctured my tire as I approached the sidewalk w/ my vehicle. If the sidewalk was not angled, the tire would not have been punctured.
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: 6/19/17

Claimant's signature: [Signature]

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

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

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

For official use only:

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

OCM

Date: JUN 20 2017

BRIAN R. CUNHA, ESQ.\*\*  
NELIA CAMARA DEStEFANO, ESQ.\*\*

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

\*\*MEMBER MA & RI BAR

LAW OFFICES  
**BRIAN CUNHA**  
& ASSOCIATES

311 PINE STREET  
FALL RIVER, MASSACHUSETTS 02720  
(508) 675-9500

FAX: (508) 679-6360

WEBSITE: www.briancunha.com

June 19, 2017

Claim #17-57

Certified Mail Return Receipt No. 7015 0640 0001 3612 3416

Jasiel F. Correia II, Mayor  
CITY OF FALL RIVER  
One Government Center  
Fall River, MA 02722

RE: Client : Charles F. Breen  
Date of Loss : June 7, 2017  
My File No. : 21209-ND

CITY CLERK  
FALL RIVER, MA

2017 JUN 21 A 11:36

RECEIVED

**NOTICE PURSUANT TO M.G.L., CHAPTER 258, §4  
THE TORT CLAIMS ACT**

Dear Mr. Correia:

Please be advised that our office has been retained to represent the above-named, Charles F. Breen, for injuries he sustained on June 7, 2017 at 4548 North Main Street in Fall River, Massachusetts. On this date, Mr. Breen was operating his motor vehicle on North Main Street when a vehicle operated by John J. Ferreira on behalf of the City of Fall - Department of Community Maintenance came out of the Cumberland Farms parking lot and broadsided Mr. Breen's motor vehicle.

Our investigations reveal that said incident was due to the negligence and carelessness in the operation of the Department of Community Maintenance vehicle by Mr. Ferreira.

As a result of this incident, our client has suffered serious and permanent injuries for which we are making a claim.

Upon your receipt of this notice, and any necessary investigation on your part, kindly contact my office with regard to an amicable resolution of this matter.

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

Nelia M. DeStefano, Esquire

NMD/smf

cc: City Solicitor's Office, One Government Center, Fall River, MA  
Certified Mail Return Receipt No. 7015 0640 0001 3612 3423

City Clerk's Office, City Hall, One Government Center, Fall River, MA  
Certified Mail Return Receipt No. 7015 0640 0001 3612 3430

City Counsel, One Government Center, Fall River, Ma.  
Certified Mail Return Receipt No. 7015 0640 0001 3612 3447

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

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

\*\*MEMBER MA & RI BAR

LAW OFFICES

**BRIAN CUNHA**

& ASSOCIATES

311 PINE STREET  
FALL RIVER, MASSACHUSETTS 02720  
(508) 675-9500

FAX: (508) 679-6360

WEBSITE: www.briancunha.com

19

June 20, 2017

Claim # 17-58

Certified Mail Return Receipt No. 7015 0640 0001 3612 3454

Jasiel F. Correia II, Mayor  
CITY OF FALL RIVER  
One Government Center  
Fall River, MA 02722

RE: Client : Courtney Salva  
Date of Loss : June 15, 2017  
My File No. : 21210-ND

CITY CLERK  
FALL RIVER, MA

2017 JUN 22 A 10:55

RECEIVED

**NOTICE PURSUANT TO M.G.L., CHAPTER 85 §15**

Dear Mr. Correia:

Please be advised that our office has been retained to represent the above-named, Courtney Salva, for injuries she sustained on June 15, 2017 while walking on the sidewalk located at 263 Stanley Street, Fall River, Massachusetts. On this date, at approximately 11:00 a.m., Mrs. Salva was walking on the sidewalk when she was caused to slip and fall due to a pothole and defects in said sidewalk. As a result of her fall, she sustained an injury to her left ankle and a left non-displaced fracture of the fifth metatarsal.

Our investigation reveals that said fall was a result of the negligent failure of the City of Fall River to maintain its premises in a safe condition for the public.

As a result of this fall, Mrs. Salva sustained serious and permanent injuries for which we are making a claim on her behalf.

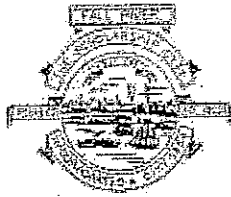
Kindly provide this office with the policy limits of your insured. Also, please direct all correspondence and communications to the undersigned. Thank you for your prompt attention to this matter.

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

Nelia M. DeStefano, Esquire

NMD:smf

cc: City Clerk's Office, City Hall, One Government Center, Fall River, MA



19  
RECEIVED

City of Fall River  
Notice of Claim

2017 JUN 22 P 4: 47

CITY CLERK 17-59  
FALL RIVER, MA

1. Claimant's name: MARTIN RILEY
2. Claimant's complete address: 1679 COPICUT RD
3. Telephone number: Home: 508-673-6976 Work: 774-263-4497
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
TWO BLOWN OUT TIRES DUE TO POT HOLES ON COPICUT RD
5. Date and time of accident: 05/09/17 & 06/22/17 Amount of damages claimed: \$ 278.36
6. Exact location of the incident: (include as much detail as possible):  
COPICUT RD NUMEROUS POT HOLES
7. Circumstances of the incident: (attach additional pages if necessary):  
WET UNAVOIDABLE POTS HOLES, COPICUT ROAD IS REDDED
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: 06/22/17 Claimant's signature: Martin Riley

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

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

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

For official use only:

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

Date: 6/22/17

## COMMITTEE ON PUBLIC SAFETY

MEETING: Tuesday, May 30, 2017 at 5:00 p.m.  
Council Chamber, Government Center

PRESENT: Councilor Pam Laliberte-Lebeau, presiding  
Councilors Richard Cabeceiras and Cliff Ponte

ABSENT: None

IN ATTENDANCE: Laura Ferreira, Director of Traffic  
Albert Dupere, Deputy Police Chief  
JR Frey, City Engineer  
Del Howard, 154 Albert Street  
Patrice Toole, 29 Vincent Street  
Mary Beth Suneson, 617 New Boston Road  
Erin McGough, 25 Crestwood Street  
Donald Souza, 34 Vincent Street  
James Holt, 49 Ward Street

The chair called the meeting to order at 5:02 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was unanimously voted to take item #2 out of order.

2. Discussion re: issues and concerns related to public safety throughout the city  
*Del Howard, 154 Albert Street came forward with concerns regarding the speed of traffic in the area of Maplewood Park. He suggested that speed bumps be placed in order to slow the speed of vehicles. The Director of Traffic stated that the installation of speed bumps on a city street is not practical. The City installed speed bumps on Second Street behind the new courthouse approximately three years ago. After a few months they were so worn, they needed to be removed. Additionally, she received many complaints from paramedics who transport patients in rescue units. They stated that it was quite uncomfortable for patients who are very ill to be jolted by the speed bumps. She also stated that the cost of these portable speed bumps was approximately \$2,500.00, which is not available within her departmental budget. A pedestrian cone has been placed in the area near Maplewood Park and crosswalks will soon be painted with the addition of "piano keys" for added visibility.*  
*Councilor Richard Cabeceiras asked if the speed trailer could be placed in this neighborhood. Deputy Chief Dupere stated that if the streets are wide enough, he will place the trailer there and also send a police cruiser, when available, to ticket speeders.*

1. Resolution – Discuss placement of basketball hoop on Vincent Street

*Residents of the Vincent Street area stated that the city ordinances that are being cited are old and need to be updated. Mary Beth Suneson stated that when children are playing basketball on Vincent Street, one of the parents is always there to supervise. Patrice Toole stated that she does not agree. She stated that many times there is no supervision and it is an unsafe situation. Councilor Cliff Ponte stated that he would like to see Corporation Counsel review the ordinances in question and if ordinances require updating, he would schedule a meeting quickly to address the changes. Mary Beth Suneson asked if a waiver could be issued so that the children can continue to play basketball in the street, while the matter is under review. The City Engineer stated that he cannot issue a waiver. On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was unanimously voted to refer the matter to Corporation Counsel.*

On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adjourn at 5:47 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

Photos of basketball hoop and placement on Vincent Street

  
Clerk of Committees

**CITY OF FALL RIVER**

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24

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:

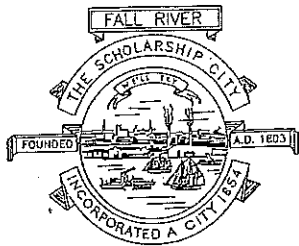
Architect/Facilities Maintenance

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  
Massachusetts  
Office of the Mayor

JASIEL F. CORREIA II  
Mayor

May 11, 2017

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

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:**

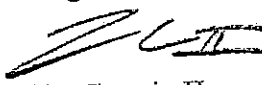
- Add the position of Account Manager with a salary not to exceed \$60,000

**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*

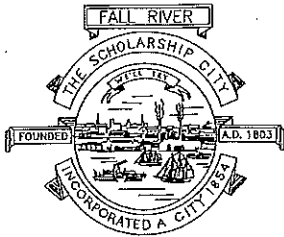
One Government Center • Fall River, MA 02722  
TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL [mayor@fallriverma.org](mailto:mayor@fallriverma.org)

CITY CLERK  
FALL RIVER, MA

2017 MAY 11 P 4:51

RECEIVED

24



24

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

**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