

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

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2017 NOV 28 P 4: 27  
CITY CLERK  
FALL RIVER, MA

**ALISON M. BOUCHARD**  
CITY CLERK

**AMENDED**  
ORIGINAL POSTING: NOVEMBER 22, 2017 12:57 P.M.  
AMENDED POSTING: NOVEMBER 22, 2017 4:00 P.M.

**INÊS LEITE**  
ASSISTANT CITY CLERK

**NOVEMBER 22, 2017**  
**MEETINGS SCHEDULED FOR NEXT WEEK**  
**CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**

**TUESDAY, NOVEMBER 28, 2017**  
**AGENDA**

**5:45 P.M. PUBLIC HEARING**

**Street Discontinuance:**

1. \*Discontinuance of a portion of Davol Street, along its easterly layout line, extending northerly from its intersection with the north line of Turner Street

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

1. \*Communication – PERAC Fiscal Year 2017 Appropriation (referred 12-22-2015)
2. \*Communication – Retirement Board Fiscal Year 2018 Budget (referred 11-14-2017)

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

**PRIORITY MATTERS**

1. \*Mayor and order to accept gift of a baby grand piano from Judge Joseph I. Macy in memory of Bentley G. Macy

**PRIORITY COMMUNICATIONS**

2. \*Board of Election Commissions – Official results of Municipal Election held on Nov. 7, 2017

**COMMITTEE REPORTS** – None

**ORDINANCES** – None

**RESOLUTIONS**

3. \*School Department Building Committee consider public hearing to discuss alternatives to Elsbree Street location for Durfee High School (objected 11-14-17)
4. \*HUD conduct audit of funds that were appropriated to the Fall River Office of Economic Development
5. \*Place lien on Fall River Housing Authority properties for any unpaid fees or taxes
6. \*Sidewalks with handicapped accessibility and crosswalks be installed at the SouthCoast Marketplace
7. \*Committee on Public Works and Transportation convene to discuss plans for an alternate access road in the area of the Alfred J. Lima Quequechan River Rail Trail
8. \*Mayor and City Council appoint committee to ensure all aspects of new Charter are followed
9. \*Committee on Real Estate discuss submission of proposals to businesses interested in purchasing large amounts of water

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

One Government Center • Fall River, MA 02722

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

10. \*City Council file home rule petition to rename the Veterans' Memorial Bridge the Captain Thomas Hudner Jr. and Ensign Jesse L. Brown Bridge or the Hudner-Brown Bridge

**CITATIONS – None**

**ORDERS – HEARINGS**

**Street Discontinuance**

11. \*A portion of Davol Street, along its easterly layout line, extending northerly from its intersection with the north line of Turner Street

**ORDERS – MISCELLANEOUS**

12. \*Order amending dates for December City Council meetings

13. Police Chief's report on licenses:  
Taxicab Drivers – 2017:  
Tania L. Dillingham

Taxicab Drivers – 2018:

Tania L. Dillingham

Jason Hall

Angelymar S. Johnson

Keith Mackenzie

Joshua T. Schill-Berry

Dorothy Ward

Walter Wood

Private Livery Drivers – 2018:

Dorothy Ward

**COMMUNICATIONS – INVITATIONS – PETITIONS**

14. \*Claims
15. \*Fall River Children's Holiday Parade Committee, Inc. requesting permission to place banners on the Government Center railing from December 1, 2017 to December 3, 2017

City Council Committee/Meeting Minutes:

16. \*Committee on Ordinances and Legislation – October 2, 2017
17. \*Committee on Real Estate – June 5, 2017
18. \*Committee on Public Safety – October 4, 2017
19. \*City Council Meeting – April 25, 2017

**BULLETINS – NEWSLETTERS – NOTICES**

20. \*Final Report – A portion of Davol Street, along its easterly layout line, extending northerly from its intersection with the north line of Turner Street

Notices of Casualty and Loss:

21. 289 Bank Street
22. 132 Madison Street
23. 995 Maple Street
24. 758 Bedford Street
25. 517 Plymouth Avenue
26. 407 Hartwell Street

**TABLED MATTERS:**

Mayor and Chief of Police Employment Agreement for Albert F. Dupere (Tabled 10-24-17)

Transfers and appropriations (Tabled 11-14-17)

**Pole Attachments and Underground Conduits: (Tabled 10-24-17)**

New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas:

887 Plymouth Avenue, Pole #4

188 Nashua Street, Pole #7

70 William Street, Pole #3/6874

372 Plymouth Avenue, Pole #22-3

170 Baird Street, Pole #260/8

191 Aetna Street, Pole #17

152 Mott Street, Pole #11

35 Pelham Street, Pole #246/1/490

1069 Plymouth Avenue, Pole #1240S

23 Norfolk Street, Pole #597

565 Bedford Street, Pole #17/28 near Bank 5 sign

738 Oak Grove Avenue, Pole #38-84

  
City Clerk

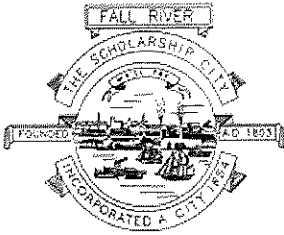
**ITEMS FILED AFTER THE AGENDA WAS PREPARED:**  
**CITY COUNCIL MEETING DATE: NOVEMBER 28, 2017**

**PRIORITY MATTERS**

\*Mayor and veto of order requesting that the Administration instruct Corporation Counsel to petition the Court to nullify the approved easement that crosses the Alfred J. Lima Quequechan River Rail Trail

**PRIORITY COMMUNICATIONS**

\*Historical Commission regarding gift of 80-84 North Main Street and parking lots



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

City of Fall River  
Massachusetts  
**HISTORICAL COMMISSION**

RECEIVED  
2017 NOV 22 P 3:49  
CITY CLERK  
FALL RIVER, MA

**ANTONE DIAS**  
*Chair*

November 22, 2017

City Council  
c/o Shawn E. Cadime, President  
One Government Center  
Fall River, Massachusetts 02722

**Re: Gift – 80-84 North Main Street and Parking Lots**

Dear Councilors:

At its November 21, 2017 meeting, the Fall River Historical Commission voted to accept a gift from Mr. Monte C. Ferris, Sr. through his Durfee Trust LLP, for the building located at 80-84 North Main Street. This incredible gift also comes with two (2) additional properties, both parking lots.

The building is historically known as the First National Bank Building, built in 1887 and is listed on the National Register of Historic Places and located within the Downtown Fall River Historic District. The building was designed by architect George Albert Clough who was also the architect for the old B.M.C. Durfee High School on Rock Street. Mr. Clough was also Boston's first City architect who designed various well known buildings including the Suffolk County Courthouse in Boston, and numerous other buildings around New England.

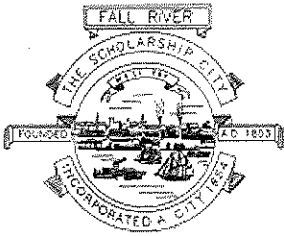
The terms of the gift as outlined in the attached proposal have also been accepted by the Historical Commission.

Per M.G.L. Chapter 44, Section 53A ½, the City Council is required to accept this gift with the mayor's approval for the Historical Commission.

The Fall River Historical Commission established under the provisions of M.G.L. Chapter 40, Section 8D, is authorized to receive "...gifts, contributions and bequests of funds..." for historical preservation purposes.

By providing this most generous gift, Mr. Ferris hopes that his legacy will further the Historical Commission's historical preservation efforts. Such a gift will promote the preservation, enhancement, and sustainable use of our city's diverse historic resources and provide a balance between historical preservation and the revitalization of our neighborhoods.

One Government Center • Fall River, MA 02722  
frhc@fallriverma.org



City of Fall River  
Massachusetts  
HISTORICAL COMMISSION

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

**ANTONE DIAS**  
*Chair*

Since its acceptance by the city on September 16, 1977, the Historical Commission has not been funded and has depended on its volunteers to administer Chapter 38 – Historical Preservation ordinance. This past year we've been fortunate to have our postage expenses financed by the city for the first time.

Both the Council and Mayor have an opportunity to allow the Historical Commission to be self-funded by accepting this gift. The Commission believes that this will allow for a broader public benefit that will advance community-wide preservation that is consistent with the goals and mission of the Historical Commission (attached).

We ask for your support and look forward to answering any questions you may have.

Very truly yours,

Antone J. Dias, Chairman  
*Fall River Historical Commission*

cc: Alison M. Bouchard, City Clerk; Brittany Faria, Planning Dept.; Kerri Ayash, Licensing Clerk; Jim Soule, Preservation Society of Fall River, All Historical Commission members

Enclosure: Signed Proposal, map and photo of property

# PROPOSAL

Monte C. Ferris, Sr. through his Durfee Trust LLP, having an address of 75 G.A.R. Highway; Swansea, Massachusetts, gift multiple properties to the Fall River Historical Commission, (hereinafter referred to as the "Commission"). The properties are as follows:

1. The property located at 80-84 North Main Street; Fall River, MA 02720, plot number N-10-47.
2. The Parking Lot property located on parcel, plot number N-10-42, consisting of 12 parking spaces.
3. The Parking Lot property located on parcel, plot number N-10-27, consisting of 21 parking spaces.

As a condition of this "gift", Mr. Monte C. Ferris Sr., will establish a Trust for the purpose of Historic Preservation. Any interest of funds generated from this gift shall remain as part of this gift. There shall be in no instances where funds are to go into the city's general fund. This gift will be subject to the terms of the trust.

At a minimum, on a yearly basis, a grant shall be created from in the name of Monte C. Ferris, Sr., for any preservation purpose. Grants accepted shall include a deed restriction on properties grants are being used to preserve.

Per M.G.L. Chapter 41, Section 45, Monte Ferris will create a board of commissioners of trust funds, consisting of three (3) persons who shall have the management of all trust funds given or bequeathed for the benefit of the Fall River Historical Commission.

Per M.G.L. Chapter 44, Section 53A ½, a City Council, with the mayor's approval shall accept this gift on behalf of the Fall River Historical Commission.

The Fall River Historical Commission established under the provisions of M.G.L. Chapter 40, Section 8D, is authorized to receive "...gifts, contributions and bequests of funds..." for historical preservation purposes.

The Fall River Historical Commission will act as Trustees, will hold and dispose of all property now or later transferred by any person to them as Trustees.

The property at 80-84 North Main Street must be encumbered by a preservation deed.

A minimum of 1,000 sq. ft of space shall be dedicated to the "Preservation Society of Fall River" in perpetuity or until the Preservation Society wishes to vacate such premises. The Preservation Society shall not need to pay any utility fees for heating, plumbing or electrical. There shall be 1 parking space made available to them at no cost.

The Preservation Society may remodel and renovate such space at their own cost.

The Preservation Society will share a common work area with the Fall River Historical Commission. Such areas will be used for research purposes and to further the purpose of preservation in Fall River. This space will also include a Conference Room and an area to be used for public meetings consisting of a minimum of 50 occupants and able to be used for video recordings and presentations.

This space will be known as the Monte C. Ferris, Sr. Preservation Center.

When not in use by the Commission or the Preservation Society, this space may be used by the City for meetings, gatherings or any other special occasion as agreed by the Historical Commission.

The Commission will approval all uses and Tenants within the building, including Tenant fit outs and leasing agreements.

At the lobby of the building a bronze plaque will commemorate the "gift" from Mr. Monte C. Ferris, Sr. to the Fall River Historical Commission to further preservation in the City of Fall River.

The Commission shall prepare a budget and that such budget shall include salaries to employees and building maintenance/renovations etc. All monies as a result of tenant fees that are in access of such budget shall be placed in a trust (to be created by Monte C. Ferris, Sr.) and shall be used to further the Commissions Mission as stated below.

The Commission as one of its highest priorities is to assist the city in the restoration of the Bank Street Armory. The Commission agrees to allow use of its parking lots for special events. Any revenue generated through the use of these parking lots for purposes other than the use of the Commission, Preservation Society or the tenants shall be deposited into a Historical Commission account and be used as needed for the Commission's needs.

The Commission shall work with the local High Schools to create as much as possible a 1:40 scale model of the City of Fall River. The model to be created from basswood and be similar to the Boston Planning & Development Agency's model located on the 9<sup>th</sup> floor of Boston's City Hall. Model to be used by the Commission in its preservation efforts. The model shall represent the city in its current development and be able to be viewed by the public as allowed per the Commission requirements.

The Commission shall apply for grants, CPA funds and all other forms of funds to allow for the repair, construction, additions or maintenance of these properties. A full listing of these endeavors are listed below in the section called: "Fall River Historical Commission Mission"

The City of Fall River by accepting this gift for the Fall River Historical Commission shall assist in maintaining the building as if it were any city property.

All costs associated with providing power, water/sewer, heating, and accessibility through its elevators shall be provided by the city.

In the event the City of Fall River chooses to sell the property, it must sell it back to the Trust that is being created by Monte C. Ferris, Sr. for a total of one dollar.

The Commission may create a separate Preservation Project fund for all other Historical Commission Business as it chooses. The fund shall be called "**The Fall River Historical Commission Preservation Project Fund**".

The following guidelines are as follows:

- 1-2. The agreement provides that the commission creates the above named fund with the treasurer as trustee "for the purposes hereinbefore set forth".
3. The agreement authorizes the commission to delegate to any other person, including a non-member, its authority to sign any written instrument or its authority to take any action required by the commission.
4. The agreement provides that donations may be made to the fund by the commission or other persons and provides that such donations and "all income therefrom" shall constitute the fund.
5. The agreement authorizes the treasurer to make payments only upon and in accordance with the written direction of the commission.
6. The agreement authorizes the treasurer to invest funds "as permitted by law".
7. The agreement authorizes amendments to the agreement to be made by the commission alone, except that no amendment can permit all or any part of the fund to be administered or distributed other than for the purposes specified in the agreement. The treasurer must also sign amendments which increase the treasurer's duties or obligations.
8. The agreement limits the treasurer's liability to negligent and willful misconduct.
9. The agreement requires that it be executed in duplicate with each to be deemed the original.
10. In the absence of a trust, no agreements made by the Commission with the treasurer may alter or operate inconsistently with such statutory provisions.
11. The Fall River Historical Commission will decide which gifts, donation will be provided for this fund. MGL Chapter 40, Section 8D, grants no greater authority to the Historical Commission and clearly provides no specific authority to set up a special fund.



The following is the Mission of the Fall River Historical Commission.

### **Fall River Historical Commission Mission**

(1) To promote and increase knowledge and understanding of the history of Fall River from the earliest time to the present, including the archaeological, Indian, British, French, Colonial, Underground Railroad and American eras, by adopting and executing general plans, methods and policies for permanently preserving and marking objects, sites, structures and ruins;

(2) To promote and assist in the publicizing of the historic resources of the city by preparing and furnishing information to public mass media and to governmental agencies charged with publicity and to coordinate any of its objectives, efforts or functions with any agency or agencies of the federal government, of the State of Massachusetts and of other states or local governments having objectives similar or related to those of the commission;

(3) To accept for renovation, maintenance, restoration, preservation or management and operation any building or site within the City or any agency or subdivision thereof or by the National Trust for Historic Preservation or by natural or corporate persons, public or private, upon such terms and conditions as to the commission shall be deemed in the best interest of the City in conformity with the purposes of this division;

(4) To acquire, historic structures of paramount or exceptional importance, such as those Fall River landmarks eligible for nomination to or recorded in the National Register of Historic Places; provided, that at least two-thirds of the members of the commission shall vote to acquire such structures by the exercise of this measure;

(5) To charge admissions at the various buildings and sites under the control of the commission throughout the city and to sell booklets, pamphlets and souvenirs at said locations and to retain and use the proceeds of said sales and admissions for the furtherance of the purposes of the commission as defined by this division;

(6) To adopt a seal for the commission and to use the same on its brochures, stationery and other official publications and upon its historic site markers;

(7) a. To acquire, receive and take title to, by purchase, gift, lease, devise or otherwise, and to own, to hold, keep and develop, and to sell, transfer, convey, lease, and assign to any person or otherwise dispose of property of every kind and character, whether real, personal or mixed, whether tangible or intangible, whether in trust or otherwise, together with any and every interest therein, in furtherance of the lawful objectives of the commission;

b. To administer such property or trusts, whenever any such property is received or held to be used for the benefit of the historical heritage of the City of Fall River, for preservation of historic sites, buildings and objects, or for other lawful objectives of the commission, as it deems in the best interest of historical preservation or in furtherance of the objective for which the property is held or the donation or gift is made; and to convert such property or any portion thereof into securities or other forms of property and use the proceeds therefrom, including any interest on investments, as it deems will best promote the objectives of the commission;

c. To accept as trustee, beneficiary, or both, any interest in such property, together with any proceeds from its investment, for the benefit of historical preservation or other purposes of the commission, upon such conditions as may be acceptable to the donor and the commission. No such undertaking entered into by the commission or its agent or agents shall bind the city to pay any city moneys to anyone; provided, however, that nothing herein shall prevent the commission from undertaking payments out of the proceeds from such trust funds as a condition of the acceptance of the donation. All trust funds administered pursuant to this act may be required by the commission to pay the expenses of administering the same. Such gifts shall be deductible from the Massachusetts state income tax by the donor or donors;

d. To convey title or any interest in real estate by deed or other instrument executed by a majority of the commissioners or by agent or agents authorized by a majority vote of the commission; and to convey property other than real estate by agent or agents authorized by a majority vote of commissioners present and voting.

(8) To maintain an office in a location in the city to be selected by the commission for the use of the executive director, the employees and the commission and to acquire the necessary furniture and equipment therefor;

(9) To prepare, create, purchase and distribute pamphlets and brochures describing the various historic buildings and sites under the jurisdiction of the City of Fall River or any of its agencies;

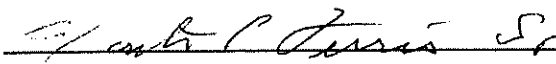
(10) To make and publish a survey of the buildings, ruins and sites of historic, architectural or archaeological significance within the City of Fall River and to make available such survey to individuals, institutions and governmental bodies desiring copies of same;

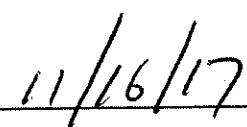
(11) To determine from such survey the buildings, ruins and sites listed therein which are considered worthy of permanent preservation, to certify same as being worthy and to publish said list;

(12) To establish criteria for the certification, selection and acquisition of historic properties for city ownership and for state aid to local historic site projects;

- (13) To nominate selected landmarks with historic, architectural and archaeological significance to the National Register of Historic Places using priorities established by the commission;
- (14) To establish and maintain a Fall River historic preservation depository into which may be deposited antiques, relics, artifacts, mementos, paintings and other objects contributed to or acquired by the city or the commission. The commission shall have the authority to restore these objects and to use them for the furnishing of its own historic buildings and other selected landmarks in Fall River;
- (15) To rent or lease any of its acquisitions to public or private agencies;
- (16) To publish an informational newsletter which shall periodically report on and promote local, regional and state historic preservation activities;
- (17) To produce and publish technical ("how to") manuals on historic preservation;
- (18) To publish and present citations and distinguished service awards to selected private and public organizations and individuals for outstanding achievements in preserving the heritage of Fall River;
- (19) To purchase, produce, sell and distribute historic souvenir items;
- (20) To improve, restore, preserve, renovate, maintain, exhibit, repair, rebuild, recreate and reconstruct its acquisitions, and the commission shall have jurisdiction over the same and the exhibits located thereon;
- (21) To purchase or otherwise acquire and to erect and maintain "historic markers" on such buildings, roads, trails, routes and sites as it shall designate and to cooperate with and assist local, regional and state historical groups in selecting and erecting such markers; and
- (22) To accept the gift of money and real and personal property from any and all public and private sources. Such gifts shall be deductible from the Massachusetts state income tax by the donor.

Finally, by accepting this proposal, the Mayor of the City of Fall River and the City Council agree to accept this gift at one of its next 2017 City Council meetings.

  
\_\_\_\_\_  
Monte C. Ferris, Sr. Signature

  
\_\_\_\_\_  
Date



80-84 North Main Street



Fall River Public Library



Map

Bank Street Armory