



City of Fall River Massachusetts
Office of the City Clerk

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2017 OCT 10 P 12:54

*AMENDED AGENDA

(ORIGINAL AGENDA POSTED ON OCT. 5, 2017 AT 11:35 AM)

CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

OCTOBER 5, 2017
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

INÊS LEITE
ASSISTANT CITY CLERK

TUESDAY, OCTOBER 10, 2017
AGENDA

5:15 P.M. COMMITTEE ON REGULATIONS

6:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE CITY COUNCIL COMMITTEE ON REGULATIONS IF THAT MEETING RUNS PAST 6:00 P.M.

1. *Resolution – Committee on Finance convene to discuss status of repairs to Veterans' Center located at 755 Pine Street (adopted 9-26-17)
2. *Resolution – Administration provide update on status of King Philip Mill site (adopted 9-26-17)
3. *Resolution – Administration provide details of plan to end PAYT program (adopted 9-26-17)

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

PRIORITY MATTERS

1. *Mayor requesting confirmation of Kathryn E. Kenney to the Historical Commission

PRIORITY COMMUNICATIONS

2. *Planning Board – favorable recommendation of creation of King Philip Mills Overlay District

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

First Reading:

3. *Proposed Ordinance – Definition and fee schedule for dog kennels

Adoption:

4. *Order – Accept provisions of M.G.L. Chapter 140 § 139 re: fees for service dogs and dogs owned by persons aged 70 and over

Approval:

5. *Communication – Mayor requesting authorization to proceed with permitting process for eight proposed billboards

Grant leave to withdraw:

6. *Resolution – Discuss parameters of bonding

Committee on Regulations recommending:

Adoption:

7. *Order – Second hand article store – Melissa Resendes d/b/a Melissa's New To You! located at 2577 South Main Street

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

ORDINANCES

Second Reading and enrollment:

8. *Proposed Ordinance – Establishment of Revolving Funds
9. *Proposed Ordinance – Taxicab drivers; recommendation received by Police Chief
10. *Proposed Ordinance – Establishment of Municipal Hearings Officer

RESOLUTIONS

11. *Committee on Public Works and Transportation convene to discuss the removal of a guardrail on Stowe Street
12. *Administration restore CDA funding to the Fall River Office of Economic Development
13. *Administration establish streetscapes oversight committee

CITATIONS

14. Nicholas "Nick" M. Christ – 2017 Roger Valcourt Memorial Outstanding Citizen of the Year
15. Southeast Center for Independent Living, Inc. – 30th Anniversary
16. Fall River Police Department Award Recipients and Retirees

Guy Furtado	Nicholas M. Hoar	David Reed
Marc Correia	Brett D. Kimball	Paul McGuire
Brandon Stukus	John Deschenes	Denis P. Gagne
Shane T. Galus	William Medeiros	Daniel A. Mello
Matthew Mendes	Derek Oagles	David M. St. Laurent
James Donovan	Daniel Mello	Jason Staley
Charles J. Cullen	Frank Andrade	Jared M. Santos
Kevin P. Resendes	Stephanie Perry	Seth Hockert-Lotz
John F. Cabral	James T. Donovan	Daniel S. Racine
Leonel M. Rebello	Robert S. Rondeau	Jason Staley

ORDERS – HEARINGS

Hearings to be scheduled:

17. *Mobilite, LLC – to attach wireless backhaul transport equipment to existing utility poles at various locations
18. *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

ORDERS – MISCELLANEOUS

19. Police Chief's report on licenses:

Taxicab Drivers:

Mickey Dias Preston S. McNeil Manuel Silvia IV Kevin Workman

20. Auto Repair Shop license renewals:

Paul J. Amarello, Ray's Auto Sales, Inc. at 707 Brayton Avenue
Paul J. Amarello, Durfee Auto Sales, Inc. at 345 Durfee Street
Michael Camara, Performance Auto Center, Inc. at 1148 Davol Street
David L. Turcotte, Walter's Super Service, Inc. at 30 Bodge Street
Steven Thornsby d/b/a T&T Auto Repair and Sales, 2553 South Main Street
Joseph Medeiros, 4J Auto, Inc. d/b/a Midas Auto Service at 1439 Plymouth Avenue
Robert Fouquette d/b/a Big Wheel Truck Sales, Inc. at 410 Second Street
Roy Oliveira d/b/a Auto Boutique at 101 Price Place

21. Auto Body Shop license renewals:
John Medeiros, Medeiros Auto Body and Sales, Inc. at 96-98 Alden Street
Arthur Camara d/b/a Deschenes Body Repair, Inc. at 751 Eastern Avenue
Marco Moniz and Laudalino Viveiros d/b/a Platinum Collision, LLC at 5 Laurel Street
David L. Turcotte, Walter's Super Service, Inc. at 30 Bodge Street
Richard Duclos d/b/a Richard's Autobody and Paint at 44 Sixth Street
Robert Fouquette d/b/a Big Wheel Truck Sales, Inc. at 410 Second Street
Gabrielle Cabral d/b/a Competitive Auto Body and Sales at 1021 Locust Street

COMMUNICATIONS – INVITATIONS – PETITIONS

22. *Claims
23. *City resident regarding chainlink fence
24. *City resident regarding sewage treatment plant odors
25. *Planning Board Minutes for August 3, 2017

BULLETINS – NEWSLETTERS – NOTICES – None

OTHER POTENTIAL MATTERS (to be acted upon if recommendation is received:)

Report of the Committee on Regulations:

Order – Souhad Saliba, JZ Express, Inc. renewal of an auto body shop license located at 969 South Main Street

Order – Souhad Saliba, JZ Express, Inc. renewal of an auto repair shop license located at 969 South Main Street

Resolution – Review licenses held by Souhad Saliba, JZ Express, Inc. operating at 969 South Main Street to address concerns raised by abutters and neighbors


City Clerk

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: OCTOBER 10, 2017

PRIORITY COMMUNICATIONS

*Corporation Counsel regarding Ballot Questions, Summary and Arguments

City of Fall River

Office of the Corporation Counsel

RECEIVED

JASIEL F. CORREIA II
Mayor

2017 OCT 10 A 10:22



CITY CLERK
FALL RIVER, MA

October 6, 2017

JOSEPH I. MACY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

JESSICA A. ADLER
Assistant Corporation Counsel

The Honorable City Council
One Government Center
Fall River, MA 02720

Re: Ballot Question, Summary and Arguments

Honorable City Council Members:

Enclosed please find the arguments and summary for both ballot questions for this upcoming November 7, 2017 election.

As described in M.G.L. Ch. 53, 18b (d): "the arguments and summary shall be submitted by the solicitor or counsel to the governing body at least 20 days before the election for distribution to voters in accordance with subsection (b)."

Therefore, please find the arguments and summary attached. This is for informational purposes only and requires no specific action by the Council.

Very Truly Yours,



Joseph I. Macy, Corporation Counsel

Question 1: Charter

City of Fall River Charter

Shall this city approve the new charter recommended by the charter commission, summarized below?

Yes _____
No _____

SUMMARY Effective at the 2019 municipal election, voters will continue to elect a mayor, a 9 member city council, and 6 members of the school committee, all at-large. The mayor shall continue to serve as chair of the school committee. All elected officials will be elected by the voters citywide for 2-year terms.

The charter contains procedures for adoption of an annual operating budget, a long-term financial forecast, a debt management plan and a capital improvement plan. The council will review and approve all proposed mayoral appointments. There is a public comment provision applying to all elected and appointed bodies. The mayor is responsible for assuring that the planning and management needs of the city are examined on a regular basis. Free petition, initiative petition, referendum, and recall provisions are included allowing for direct voter participation. An elected official convicted of a state or federal felony while holding office must vacate the office. Candidates may seek only one office at each election. Members of the city council and school committee will be prohibited from holding any other city position while in office. The charter will be initially reviewed after 5 years. After that review, the charter will be reviewed in 10-year intervals in each year ending in a 7. Ordinances will be reviewed at 5-year intervals in years ending in a 3 and 8.

WHAT WILL YOUR VOTE DO. A YES VOTE would approve the new charter recommended by the Charter Commission.

A NO VOTE would not approve the new Charter recommended by the Charter Commission and provide no change to the current charter.

ARGUMENTS IN FAVOR: Today, Fall River struggles to operate its government with an 83 year old charter that is difficult to read and understand, conflicts with many current State statutes, and maintains government structures designed for a different era.

The proposed Home Rule Charter is user friendly, provides for self-government, more checks and balances, more planning, more citizen participation, periodic charter reviews, and a structure that improves the accountability, transparency, efficiency, and effectiveness of our city's government.

The new charter sets the standards for future administrations. It builds an operational foundation that will provide for more stability, consistency, and continuity in our city government and creates a structure that is more responsible and responsive to its citizens.

By voting YES the citizens will put Fall River on a solid course for the future. This is a rare and historic opportunity to bring our city's government into the 21st century.

Authored by:
August S. Venice

AGAINST: The charter change proposed contains massive changes that shift power from the people to government officials. This was not what the voters of Fall River approved at the ballot box; they expected an update and revision of the current charter.

A No vote will prevent the already powerful Mayor from serving on every commission and board.

A No vote will prevent the signatures required to appear on the ballot from increasing 600 percent for Mayor and 300 percent for city council and school committee.

A No vote will prevent the people from being excluded from further Charter and ordinance reviews and will require the election of Charter Commissioners.

A No vote preserves the right of the people to maintain a responsive government. The people's ability to control their government is the foundation of our nation.

"Governments are instituted among men, deriving their just powers from the consent of the governed,"

Authored by:
CJ Ferry

City of Fall River, *In City Council*

An ORDER, Allowing the City of Fall River to Place a Ballot Question on the November 7, 2017 Fall River Election Ballot

The Board of Elections 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:

BALLOT QUESTION AND SUMMARY

Shall this city approve the new charter recommended by the charter commission, summarized below?

_____ Yes _____ No

SUMMARY

Effective at the 2019 municipal election, voters will continue to elect a mayor, a 9 member city council, and 6 members of the school committee, all at-large. The mayor shall continue to serve as chair of the school committee. All elected officials will be elected by the voters citywide for 2-year terms.

The charter contains procedures for adoption of an annual operating budget, a long-term financial forecast, a debt management plan and a capital improvement plan. The council will review and approve all proposed mayoral appointments. There is a public comment provision applying to all elected and appointed bodies. The mayor is responsible for assuring that the planning and management needs of the city are examined on a regular basis. Free petition, initiative petition, referendum, and recall provisions are included allowing for direct voter participation. An elected official convicted of a state or federal felony while holding office must vacate the office. Candidates may seek only one office at each election. Members of the city council and school committee will be prohibited from holding any other city position while in office. The charter will be initially reviewed after 5 years. After that review, the charter will be reviewed in 10-year intervals in each year ending in a 7. Ordinances will be reviewed at 5-year intervals in years ending in a 3 and 8.

In City Council, September 26, 2017
Adopted, as amended, 9 yeas

Approved, September 27, 2017
Jasiel F. Correia II, Mayor

A true copy. Attest:

Alison M Bouchard

City Clerk

Question 2: Bond Issue

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.

SUMMARY 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.

WHAT WILL YOUR VOTE DO A YES VOTE will approve a loan order in the amount of \$123,000,000 for services related to the Integrated Wastewater and Stormwater Master Plan improvements.

A NO VOTE will not approve a loan order in the amount of \$123,000,000 and no improvements will be made to the Wastewater Treatment Facility.

ARGUMENTS IN FAVOR: The Intergrated Wastewater/ Stormwater Master Plan was developed in accordance with EPA Guidelines for compliance with the Federal Clean Water Act. The plan was put on the City's website for over a year and public meetings were conducted.

Requested loan order of \$123,000,000 includes:

- Wastewater Treatment Plant Improvements for water quality and odor control (\$54,000,000). Most Treatment Plant facilities are approaching 40 years old.
- Sewer Pump Station replacements on President Avenue and Jefferson Street (\$7,900,000). These pump stations are approaching 50 years old and are in danger of failing.
- CSO, Flood Control and Sewer improvements (\$61,100,000). These improvements are needed to comply with the Federal Court Order and with regulations.

These improvements are needed for public safety/health, environmental protection and to comply with the regulations. Failure to approve the loan order may result in violations of the law, pollution, fines, building moratorium, and/or enforcement orders mandating improvements.

Authored by:
Terrance J. Sullivan

AGAINST: Approval of this \$123,000,000 loan order will result in more construction and ultimately will result in increases to the sewer user fee and the stormwater fee. Customers have expressed concerns that they cannot afford any increases to these fees.

It is understood that failure to approve this loan may result in:

- EPA dictating alternative schedules that could actually cost us more.
- Fines, Enforcement Orders and Mandated schedules.
- Others dictating which projects are to be done and in what order.
- Water quality violations and increased odors at the Wastewater Treatment Plant.
- Pump station failures resulting in sewage back up to homes and businesses.
- Federal Court Order violations and fines.
- No flood control improvements.

These improvements may be needed for public safety/health, environmental protection and to comply with the regulations but affordability of increased fees are a concern.

Authored by:
Joseph I. Macy

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.

In City Council, July 11, 2017
Adopted, 9 yeas

A true copy. Attest:

Alison M. Bouchard

City Clerk