

City of Fall River Massachusetts
Office of the City Clerk

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2017 SEP 12 P 5:07

CITY CLERK _____
FALL RIVER, MA _____

ALISON M. BOUCHARD
CITY CLERK

**AMENDED AGENDA
(ORIGINAL AGENDA POSTED ON SEPT. 8, 2017 AT 2:31 PM)*

INÊS LEITE
ASSISTANT CITY CLERK

SEPTEMBER 8, 2017
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

THURSDAY, SEPTEMBER 14, 2017
AGENDA

5:15 P.M. PUBLIC HEARINGS

Zoning Change – King Philip Mills Overlay District (Joint Hearing with Planning Board)

1. Enacting Section 86-178 King Philip Mills Overlay District (KPMOD) for the purpose of providing adequate minimum standards and procedures for the construction of new and rehabilitation of existing structures so as to promote economic and cultural development in the King Philip Mill area.

Second Hand Article Store

2. Melissa Resendes, d/b/a Melissa's New To You!, 1255 Rodman Street, for permission to operate and maintain a second hand article store at 2577 South Main Street (gently used clothing, shoes, and household items to be sold.)

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

1. *Mayor & Corp. Counsel re: Charter Commission ballot question and summary to be placed on the Municipal Election Ballot, November 7, 2017 (ref. 8-15-17)
2. *Resolution – Committee on Finance convene with City Administrator and Director of Financial Service to discuss FY2018 budget cuts within various departments (ref. 8-15-17)
3. *Resolution – Committee on Finance convene with Administration to review all expense adjustments made in balancing of the Fiscal Year 2018 budget (ref. 8-15-17)

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

PRIORITY MATTERS

1. *Mayor and authorization to proceed with permitting process for eight proposed billboards
2. *Mayor and proposed ordinance regarding definition and fee structure for dog kennels

PRIORITY COMMUNICATIONS

3. *Planning Board recommending the basketball court at Ruggles Park be named in honor of Manny Papoula

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

First Reading:

4. *Proposed Ordinance – Traffic, miscellaneous

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

5. *Proposed Ordinance – Personnel, City Council Principal Clerk
6. *Proposed Ordinance – Personnel, Chairperson, board of election commissioners/
director of office of elections

All readings with Emergency Preamble:

7. *Proposed ordinance – Traffic, handicapped parking

Second Reading and enrollment, as amended:

8. *Proposed Ordinance – Personnel, Director of Emergency Medical Services

Adoption:

9. *Resolution – Housing Development Incentive Program (HDIP) – King Philip Mills

Grant leave to withdraw:

10. *Resolution – No stipends be granted without City Council approval
11. *Resolution – Travel expenses in excess of \$1,000.00 be approved by City Council

ORDINANCES

Proposed:

12. *Proposed Ordinance – Wage Theft and Violations to wage laws by licensees or permittees

Second Reading and enrollment:

13. *Proposed ordinance – Community Utilities personnel modifications

RESOLUTIONS

14. *Request Amazon consider Fall River for the location of their second headquarters

CITATIONS – None

ORDERS – HEARINGS

Second Hand Article Store

15. Melissa Resendes, d/b/a Melissa's New To You! At 2577 South Main Street

ORDERS – MISCELLANEOUS

16. *Accept provisions of MGL Chapter 53, Section 18B regarding information relating to questions on city, town or district ballots

17. Police Chief's report on licenses:

Taxicab Drivers:

Sharon Acevedo	Joseph A. Andre	Melissa Carvalho	Starlex Dorcely
James Furtado	Kenneth Rego	Juan Serrano	Caree Smith

18. Auto Repair Shop license renewals:

Daniel J. Mello, Mello's Diesel Service, Inc. at 185 Williston Street
 Henry J. Gauthier, Henry's Tire Service, Inc. at 714 Globe Street
 Souhad Saliba, JZ Express, Inc. at 969 South Main Street

19. Auto Body Shop license renewals:

Manuel Felix d/b/a Felix Auto Collision Center at 1201 Slade Street
 Souhad Saliba, JZ Express, Inc. at 969 South Main Street

COMMUNICATIONS – INVITATIONS – PETITIONS

- 20. Drainlayer license - SJM, LLC
- 21. *Claims

City Council Committee/Meeting Minutes:

- 22. *Committee on Ordinances and Legislation – August 28, 2017
- 23. *Committee on Ordinances and Legislation – August 14, 2017
- 24. *Committee on Public Safety – August 22, 2017
- 25. *Committee on Public Works and Transportation – August 8, 2017
- 26. *City Council Meeting – March 28, 2017
- 27. *City Council Public Hearings – August 14, 2017

BULLETINS – NEWSLETTERS – NOTICES

- 28. Notice of Casualty and Loss at 292-306 North Main Street

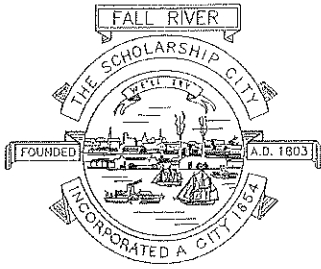
OTHER POTENTIAL MATTERS TO BE ACTED UPON

Report of Committee on Finance:

- *Mayor & Corp. Counsel re: Charter Commission ballot question and summary to be placed on the Municipal Election Ballot, November 7, 2017

- *Mayor and request for residency waiver for Rochelle St. Martin Pettenati to serve as member of the Cultural Council


City Clerk



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Office of the City Clerk

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ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: SEPTEMBER 14, 2017

PRIORITY COMMUNICATIONS

- *Mayor and loan order– Feasibility Study of the Tansey/Watson proposed projects
- *Chair of Fall River Charter Commission re language of summary of ballot question

ORDERS – HEARINGS

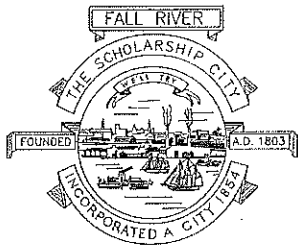
Hearing to be scheduled:

Street acceptance - Frederick Street from Whitefield Street to Mariano Bishop Boulevard

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

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

RECEIVED

2017 SEP 12 P 4: 36

JASIEL F. CORREIA II
Mayor

CITY CLERK _____
FALL RIVER, MA

September 12, 2017

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

Honorable Council Members:

The School Committee has received approval from the Massachusetts School Building Authority's Accelerated Buildings Repair Program to complete a Feasibility Study of the proposed Tansey/Watson renovation projects. The School Committee voted at its September 11, 2017 meeting to request funding for the \$250,000 Feasibility Study which is eligible for an 80/20% grant opportunity.

While the City Council vote will authorize a \$250,000 Loan Order, the Administration anticipates that only 20% of this amount will be bonded long term. Your approval of this Loan Order is respectfully requested.

Best Regards,

Jasiel F. Correia II
Mayor



FALL RIVER PUBLIC SCHOOLS
Facilities & Operations

RECEIVED

Matthew H. Malone, Ph.D.
Superintendent of Schools

Kenneth C. Pacheco
Chief Operations Officer

2017 SEP 12 P 4: 36

CITY CLERK _____
FALL RIVER, MA

September 12, 2017

The Honorable Jasiel F. Correia II
City of Fall River
1 Government Center
Fall River, MA 02722

Dear Mayor Correia:

I am attaching herewith, for your consideration and approval, a request through the Mayor; to the City Council to appropriate funds for the Feasibility Study of the Tansey/Watson proposed projects so authorized by the School Committee in September 11, 2017. The request to the City is for \$250,000 which is eligible for an 80/20% grant opportunity. The School District along with the City submitted two Statements of Interest for consideration in the Massachusetts School Building Authority's Accelerated Buildings Repair Program and was invited into the next round which is the feasibility study round. This study will determine if the projects which have been presented to the MSBA are sound in nature and economically feasible. The proposed projects are for the replacement of windows, doors, and a boiler at the James Tansey Elementary School as one request, the second request will be for windows, doors, the entire roof replacement and a boiler at the Samuel Watson Elementary School.

Thank you in advance for your consideration to this matter.

Sincerely,

Kenneth C Pacheco

Kenneth C. Pacheco,
Chief Operations Officer

City of Fall River, *In City Council*

LOAN ORDER

(TANSEY/WATSON FEASIBILITY STUDY)

ORDERED: That the City appropriates the amount of Two Hundred and Fifty Thousand Dollars (\$250,000) for the purpose of paying costs of a feasibility study for the replacement of windows, doors, and a boiler at the James Tansey Elementary School and the windows, doors, roof replacement and a boiler at the Samuel Watson Elementary School including the payment of all cost incidental or related thereto, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of Fall River School Building Committee. To meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from MSBA shall be the sole responsibility of the City, and that the amount borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City and the MSBA, and,

BE IT 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 bond 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

Charter Commission

RECEIVED

2017 SEP 12 P 3:40

CITY CLERK _____
FALL RIVER, MA

September 11, 2017

Dear Clerk Bouchard:

Per Attorney Macy's letter dated September 8, 2017, he states if the ballot summary is inaccurate it should be amended. Provided is an amended ballot question and summary, which removes two sentences and replaces them with sentences that better reflects the language in the proposed home rule charter (see below). Please forward the amended ballot question and summary to the city councilors, since this matter is scheduled to come before them at their meeting on Thursday, September 14, 2017.

REMOVED: Elected officials convicted of a felony will be barred from holding any elective or appointed office in the city.

REPLACED WITH: An elected official convicted of a state or federal felony while holding office must vacate the office.

REMOVED: After that review, the charter and ordinances will be reviewed every 10 years.

REPLACED WITH: 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.

Regards,

Michael L. Miozza
Chair, Fall River Charter Commission

Michael L. Miozza
Chairman

Kris Bartley
Vice Chairman

Brenda Venice
Clerk

Atty. David Assad

James Cusick

Patrick Norton

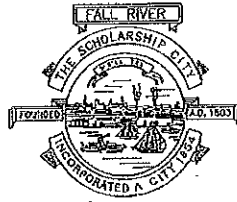
Dan Robillard

John Silvia

Michael Quinn

City of Fall River
Office of the Corporation Counsel

JASIEL F. CORREIA II
Mayor



JOSEPH I. MACY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

JESSICA A. ADLER
Assistant Corporation Counsel

September 8, 2017

Mike Miozza
Chair, Fall River Charter Commission

Mr. Miozza,

As you know the Charter Commission, independently of the city and with the paid assistance of the Collins Center, created the proposed new charter. The language the commission adopted is the language which must go before the voters.

If the summary is inaccurate it should be amended; the charter proposal may not be.

While this office has attempted to be helpful to the commission given that you have no staff the ultimate responsibility for the submission to the voters is yours not this office. We were asked to review the summary not the charter nor were we asked to compare the charter to the summary or to your bullet points.

I hope this is helpful.

Very truly yours,



Joseph I. Macy, Corporation Counsel

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.