



City of Fall River Massachusetts
Office of the City Clerk

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ALISON M. BOUCHARD
CITY CLERK

AMENDED
ORIGINAL POSTING: AUGUST 13, 2018 AT 3:48 PM

CITY CLERK _____
FALL RIVER, MA

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
WEDNESDAY, AUGUST 15, 2018
AGENDA

5:45 P.M. PUBLIC HEARINGS

Auto Body Shop License

1. Fausto Ortiz, 1488 Pleasant Street, Fall River, MA, Auto Rally, Inc., for a license to operate an auto body shop at 1033 Pleasant Street, on Lot K-07-0005, Assessors Plan.

Auto Repair Shop License

2. Fausto Ortiz, 1488 Pleasant Street, Fall River, MA, Auto Rally, Inc., for a license to operate an auto repair shop at 1033 Pleasant Street, on Lot K-07-0005, Assessors Plan.

Curb Removal

3. Jose Pedro Lelis, 195 Middle Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
1098 Bedford Street	13' 8"	12' 4"	0'	26'

The petitioner is requesting to widen the opening of the driveway by 12.4 feet to the south, to provide additional off-street parking to the residence. 1098 Bedford Street is a single family residence at the corner of Bedford Street and Eddy Street, which maintains an existing 13.8 foot narrow driveway and single car garage along the Eddy Street side. The work does not impact utilities or signage, and does not significantly impact on-street parking.

6:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE PUBLIC HEARINGS IF THEY RUN PAST 6:00 P.M.

1. Citizen Input
2. *Transfers and appropriations (see items 5 & 6 below)
3. *Communication from Mayor and agreement with EnerNOC, Inc. to enroll the Water Division in the demand response program for electricity (referred 6-26-2018)
4. Discussion with Community Preservation Committee regarding funding recommendations and the Fiscal Year 2019 Appropriation Order (see item 4 below)

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 Kelly Souza-Young as Chairperson, Board of Election Commissioners/Director of the Office of Elections

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

2. *Mayor requesting confirmation of Tess Gallagher Curran as Director of Health and Human Services
3. *Mayor and orders of land acquisition:
 - a. 1941-1945 Bay Street, Lots A-14-0034 and A-14-0036
 - b. 861 Indian Town Road, Lot W-24-0001
 - c. 75 Yellow Hill Road, Lots W-38-0050 and W-38-0051
4. *Community Preservation Committee regarding funding recommendations and the Fiscal Year 2019 Appropriation Order (see Finance 3 above)
5. *Transfers and appropriations - \$592,364 from municipal receipts (Final Cherry Sheet State Aid)
 - a. \$221,410 to State and County Assessments for the increase in Charter School Assessments
 - b. \$185,477 to School Appropriation
 - c. \$185,477 to School Transportation
6. *Transfers and appropriations:

\$1,042,975.88 to Streets and Highways Dept. Capital Equipment Fund from the following inactive capital projects:

Sale of Sanitation Trucks	\$1,026,543.11
Department Equipment (DPW)	\$ 1,055.00
Parks & Cemetery Equipment	\$ 4,563.71
DPW Equipment	\$ 10,814.06

\$112,339.28 to Police Department Capital Equipment Fund from the following inactive capital projects:

North End Fire Station Complex	\$ 64,219.77
Fire Department Equipment	\$ 850.19
Extraordinary Repairs	\$ 11,011.92
City Hall Renovations	\$ 12,485.80
Building Improvement	\$ 8,112.35
Equipment Vehicles	\$ 4,267.99
Energy Phase 3	\$ 5,182.63
Acquisition of Street Lighting	\$ 5,605.04
Industrial Park Improvements	\$ 603.59
7. *Mayor and loan order in the amount of \$122,000 for Police Department Equipment
8. *Mayor and updated Building Capital Improvement Plan
9. *Mayor requesting presentations before Committee on Finance in September for new voting Equipment
10. *Mayor and amendment to the Central Market Rate Housing Incentive Zone and Plan for the former Lincoln School located at 439 Pine Street

PRIORITY COMMUNICATIONS

11. Traffic Commission recommending amendments to traffic ordinances
12. *Purchasing Agent re: surplus property at the Fall River Police Department

COMMITTEE REPORTS – None

ORDINANCES

Second reading and enrollment:

13. *Proposed Ordinance – Traffic, Miscellaneous
14. *Proposed Ordinance – Traffic, President Avenue
15. *Proposed Ordinance – Crime and Data Analyst – Police Department

RESOLUTIONS – None

CITATIONS

16. Cynthia Rodrigues – Retirement after 30 years of leading the Labor Council
17. McGovern’s On The Water – 50th Anniversary
18. Tiverton Casino Hotel – Ribbon Cutting Ceremony

ORDERS – HEARINGS

- Auto Body Shop License:
19. Fausto Ortiz, 1488 Pleasant Street, Auto Rally, Inc. located at 1033 Pleasant Street
- Auto Repair Shop License:
20. Fausto Ortiz, 1488 Pleasant Street, Auto Rally, Inc. located at 1033 Pleasant Street
- Curb Removal:
21. Jose Pedro Lelis, 195 Middle Street, requests the removal of 12.4 feet at 1098 Bedford Street for a total of 26 feet

ORDERS – MISCELLANEOUS

22. Police Chief’s report on licenses:
Taxicab Drivers:

Joyce Fels	George Grothe	Hector M. Lebron Ortiz
Beau Rapoza	Jonathan Riopelle	Amy Rivas
Aracelis Santiago	Muhammad Shabbir	Matthew L. Stets

Private Livery Driver:
Jessica Oliver
23. Revocation of license for storage of inflammables at request of owner:
Sam’s Real Estate Business Trust to store 60,000 gallons of gasoline on Brayton Avenue Extension at Jefferson Street
24. Auto Repair Shop License Renewals:
Fouad Rechmani d/b/a JC Gas, LLC located at 537 Bedford Street
Jody Oliveira d/b/a Auto Loft, Inc. located at 10 Durfee Street
Tanios Barbour d/b/a Barbour Auto Sales, Trust at 735 Pleasant Street
Manuel J. Ferreira, J&S Auto Sales and Repair, Inc. at 178 Aberdeen Street
David Saber, Eleventh Street Association, Inc. at 50 Sixth Street
Jody Oliveira, Ground Earth, Inc. located at 232 Lapham Street
25. Taxicab Vehicles:
Town Transportation – 2 applications – License numbers 34 and 36
26. City Engineer prepare plans for the acceptance of Tone Street from Freedom Street to dead end

COMMUNICATIONS – INVITATIONS – PETITIONS

27. *Claims
28. Drainlayer license - Foley Excavation, LLC
29. *Fall River Redevelopment Authority re: Preliminary Screening Committee
30. *Open Meeting Law Complaint from Patrick Higgins re: July 12, 2018 City Council Meeting
31. *Open Meeting Law Complaint from Jo Goode re: July 12, 2018 City Council Meeting

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

- 32. *Communication from the Attorney General's Division of Open Government with determination for Open Meeting Law Complaint from Patrick Higgins re: June 6, 2018 City Council Committee on Ordinances and Legislation Meeting
- 33. *The Alliance to Save the Trail re: correspondence with the law firm of McGregor & Legere
- 34. Structure over a public way – Banners for Fall River Opioid Task Force
 - a. Pleasant Street at Fourteenth Street
 - b. Bedford Street at Purchase Street
- 35. *Deputy Director of EMS requesting permission to hang 3 banners from the railings of Government Center for "National Overdose Awareness Day"

Zoning Board of Appeals Minutes:

- 36. *November 16, 2017
- 37. *January 18, 2018
- 38. *June 14, 2018

Planning Board Minutes:

- 39. *January 9, 2018
- 40. *January 31, 2018
- 41. *May 31, 2018

City Council Meeting Minutes:

- 42. *Public Hearings – September 26, 2017
- 43. *Public Hearings – October 24, 2017
- 44. *Public Hearings – December 19, 2017
- 45. *Committee on Finance – September 26, 2017
- 46. *Committee on Finance – December 19, 2017
- 47. *Committee on Finance – June 26, 2018
- 48. *Committee on Finance – July 12, 2018
- 49. *Regular Meeting of the City Council – September 26, 2017
- 50. *Regular Meeting of the City Council – October 10, 2017
- 51. *Regular Meeting of the City Council – October 24, 2017
- 52. *Regular Meeting of the City Council – November 14, 2017
- 53. *Regular Meeting of the City Council – December 19, 2017

BULLETINS – NEWSLETTERS – NOTICES

- 54. Environmental Notification – Proposed Cathodic Protection Ground Bed

Alison M. Bouchard
City Clerk

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: AUGUST 15, 2018

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

Report of the Committee on Finance:

Agreement with EnerNOC, Inc. to enroll the Water Division in the demand response program for electricity

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

First Reading:

- *Proposed Ordinance – Traffic, Miscellaneous
- *Proposed Ordinance – Parking Clerk/Director of Traffic and Parking
- *Proposed Ordinance – Network Administrator – MIS
- *Proposed Ordinance – Assistant City Clerk

First Reading, as amended:

- *Proposed Ordinance – City Treasurer
- *Proposed Ordinance – Manager of Operations – Streets and Highways – DCM

Grant leave to withdraw:

- *Proposed Ordinance – Assistant Human Resources Director

COMMUNICATIONS – INVITATIONS – PETITIONS

Drainlayer license – B & B Excavation, Inc.

Proposed Ordinance – Traffic, miscellaneous
CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 13, 2018, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Derek R. Viveiros absent and not voting.

Colleen A. Taylor
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 70 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to traffic be amended as follows:

By striking out in Section 70-387, which section relates to handicapped parking the following:

Name of Street	Side	Location
Franklin Street	South	Starting at a point 175 feet west of Oak Street, for a distance of 20 feet westerly
Osborn Street	North	Starting at a point 42 feet west of Second Street, for a distance of 20 feet westerly
Pine Street	South	Starting at a point 20 feet east of Robeson Street, for a distance of 20 feet easterly
South Beacon Street	West	Starting at a point 361 feet north of Sprague Street, for a distance of 20 feet northerly
South Main Street	East	Starting at a point 604 feet south of Shove Street, for a distance of 20 feet southerly
Sprague Street	North	Starting at a point 20 feet west of Ash Street, for a distance of 20 feet westerly
Tecumseh Street	North	Starting at a point 325 feet west of Dover Street, for a distance of 20 feet westerly
Tremont Street	West	Starting at a point 335 feet south of Pine Street, for a distance of 25 feet southerly
Wiley Street	West	Starting at a point 58 feet north of Hood Street, for a distance of 25 feet northerly

Proposed Ordinance – Parking Clerk/Director of Traffic and Parking
CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 13, 2018, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Derek R. Viveiros absent and not voting.

Colleen A. Taylor
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 striking in Section 50-301, which section relates to Salary schedules for executive officers, department heads, and non-union personnel, the following:

Parking Clerk/Director of Traffic	7-1-2017	\$61,812.11
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and inserting in place thereof the following:

Parking Clerk/Director of Traffic	7-1-2018	Not to exceed \$70,000
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Proposed Ordinance – Network Administrator – MIS
CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 13, 2018, voted to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Shawn E. Cadime opposed and Councilor Derek R. Viveiros absent and not voting.

Colleen A. Taylor
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 striking in Section 50-301, which section relates to Salary schedules for executive officers, department heads, and non-union personnel, the following:

Network Administrator	7-1-2017	\$54,155.08
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and inserting in place thereof the following:

Network Administrator	7-1-2018	Not to exceed \$75,000
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Proposed Ordinance – Assistant City Clerk
CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 13, 2018, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Derek R. Viveiros absent and not voting.

Colleen A. Taylor
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 striking in Section 50-301, which section relates to Salary schedules for executive officers, department heads, and non-union personnel, the following:

Assistant City Clerk	7-1-2017	\$69,824.55
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and inserting in place thereof the following:

Assistant City Clerk	7-1-2018	Not to exceed \$75,000
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Proposed Ordinance – City Treasurer
CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 13, 2018, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, as amended with Councilor Derek R. Viveiros absent and not voting.

Colleen A. Taylor
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 striking in Section 50-301, which section relates to Salary schedules for executive officers, department heads, and non-union personnel, the following:

City Treasurer	7-1-2017	\$81,600.00
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and inserting in place thereof the following:

City Treasurer	7-1-2018	Not to exceed \$90,000.00
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CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 13, 2018, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, as amended with Councilor Derek R. Viveiros absent and not voting.

Cullen A. Taylor
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 striking in Section 50-301, which section relates to Salary schedules for executive officers, department heads, and non-union personnel, the following:

Manager of Operations Streets and Highways	7-1-2017	\$66,510.86
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and inserting in place thereof the following:

Manager of Operations Streets and Highways	7-1-2018	Not to exceed \$85,000
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Proposed Ordinance – Assistant Human Resources Director
CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 13, 2018, voted to recommend that the accompanying proposed ordinance be granted leave to withdraw, with Councilor Stephen R. Long opposed and Councilor Derek R. Viveiros absent and not voting.

Cathleen A. Taylor
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:

Section 1.

By inserting a new section in Division 3, Division of Human Resources, as follows:

Sec. 50-78 Assistant Human Resources Director

Duties and Responsibilities: The Assistant Human Resources Director will work with the Director to serve the public and City employees by providing information about city employment opportunities, managing health insurance and other optional benefits, implementing policies and procedures, ensuring that labor practices are followed, and fostering positive relations to create an environment where employees can work productively and develop their skills.

Section 2.

By inserting in Section 50-301, which section relates to Salary schedules for executive officers, department heads, and non-union personnel, in proper alphabetical order the following:

Assistant Human Resources Director

Not to exceed \$65,000