



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2019 SEP -6 P 3:15

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

TUESDAY, SEPTEMBER 10, 2019
AGENDA

INÊS LEITE
ASSISTANT CITY CLERK

6:00 P.M. COMMITTEE ON FINANCE

1. Citizen Input
2. *Mayor and loan order of \$6,088,821.00 for the Resiliency Preparatory Academy Repairs (referred 8-12-19)
3. *Mayor and loan order of \$1,704,637.00 for the Westall School Repair Project (referred 8-12-19)
4. *Resolution – discussion with City Engineer re: workmanship on Streetscape project at East Main Street (referred 7-15-19)
5. *Resolution – discussion and review of Streetscape projects at Purchase Street and East Main Street (tabled 6-4-19)
6. *Fall River Task Force Revised Draft for discussion (see item # 8 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 and veto of proposed ordinance to limit number of marijuana licenses
2. *Report of Committee on Finance re: Fiscal Year 2019 Quarter 4 Budget Report (objection filed 8-12-19)
3. *Mayor requesting amendment of city ordinances as follows:
 - a. create title of Water Maintenance Supervisor/Advanced Backhoe Operator
 - b. create new job classification of Water Treatment Plant Mechanic

PRIORITY COMMUNICATIONS

4. *Board of Election Commissioners and order clarifying vote to purchase new voting machines
5. *Community Preservation Committee – Annual Report
6. *Board of Park Commissioners re: request to rename Aetna Street Playground
7. *City Planner re: Environmental Notification Form and plans for Waterfront and Downtown Urban Renewal Plans
8. *Fall River Task Force Revised Draft for City Council consideration (tabled 8-12-19) and Corporation Counsel's communication regarding proposed language

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

9. *Proposed Ordinance – Traffic, Handicapped Parking

First Reading:

10. *Proposed Ordinance – Traffic, miscellaneous
11. *Proposed Ordinance – City Fire Alarms

Referral to Corporation Counsel:

12. *Resolution – Draft of ordinance to reduce thin film single-use plastic check-out bags

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

13. *Proposed Ordinance – Official City Bags
14. *Proposed Ordinance – Political Signs

RESOLUTIONS

15. *Request Administration, Dir. of Recreational Facilities, Dir. of Community Maintenance and representatives of Mass Coastal Railroad and Southcoast Rail coordinate effort to clean Turner Playground
16. *Committee on Health and Environmental Affairs convene to discuss banning balloon releases

CITATIONS

17. Clayton T. "Tommy" Wood – Heroic actions assisting victims of recent motor vehicle accident
18. Stephen Means – Heroic actions assisting victims of recent motor vehicle accident

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

19. Police Chief's report on licenses:

Taxicab Driver:

Aaron L. Cook	Brian Healey	Jesse A. Mello	Eddie Barros Miranda
Shaunce Oliver	Manuel Raposo	William J. Scurio, Sr.	

Private Livery Driver:

Aaron L. Cook

20. Auto Repair Shop License Renewals:

Daniel J. Mello, Mello's Diesel Service, Inc. located at 185 Williston Street
Roger W. Piva d/b/a Piva's Garage located at 252 Crescent Street
Paul J. Amarello, Durfee Street Auto Sales, Inc. located at 345 Durfee Street
Robert W. Saraiva d/b/a Peckham Street Garage located at 213 Peckham Street
Toni Elkhoury, TNK Gas and Repair, Inc. d/b/a Tony Gas and Repair located at 402 Brightman Street
Steven Thornsby d/b/a T & T Auto Repair and Sales located at 2553 South Main Street
Henry J. Gauthier, Henry's Tire Service, Inc. located at 714 Globe Street
Souhad Saliba, JZ Express, Inc. located at 969 South Main Street

21. Auto Body Shop License Renewal:

Souhad Saliba, JZ Express, Inc. located at 969 South Main Street

COMMUNICATIONS – INVITATIONS – PETITIONS

22. *Claims

23. Drainlayer Licenses:

- a. MJD Excavating, Inc.
- b. Nathanyl Gomes Construction Corp.

24. Structure over a public way – The Pink Bean Coffee requesting two tables and chairs on the sidewalk against the building

25. *Zoning Board of Appeals Minutes – June 20, 2019

City Council Meeting Minutes:

- 26. *Public Hearing – August 12, 2019
- 27. *Committee on Finance – August 12, 2019
- 28. *Special Meeting of the City Council – August 12, 2019

BULLETINS – NEWSLETTERS – NOTICES

- 29. Notice of Casualty and Loss on North Main Street


City Clerk

CITY OF FALL RIVER

LOAN ORDER

(Resiliency Preparatory Academy Repairs)

ORDERED: That the City appropriate the amount of six million eighty eight thousand eight hundred twenty one (\$6,088,821.) Dollars for the purpose of paying costs Roof & Boiler Replacement at the Resiliency Preparatory Academy, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Office of the Mayor. To meet this appropriation the Fall River City Council is authorized to borrow said amount under 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 if the MSBA's Board of Directors votes to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

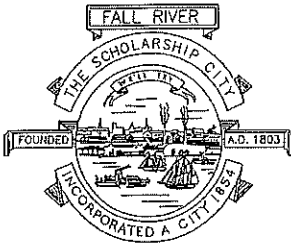
BE IT FURTHER ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of the Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bond of the City to be issued pursuant to this Order, and to provide such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

BE IT FURTHER ORDERED: 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.

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 12 2019

*Authorized to be published
and referred to Committee
on Finance*



City of Fall River
Massachusetts
Office of the Mayor

FINANCE 2

2019 AUG -7 P 4: 20

JASIEL F. CORREIA II
Mayor

CITY CLERK _____
FALL RIVER, MA

August 7, 2019

Cliff Ponte, President
Fall River City Council
One Government Center
Fall River, MA 02720

RE: Resiliency Preparatory Academy MSBA Loan Order

President Ponte:

The Massachusetts School Building Authority (MSBA) has approved repair work at Resiliency Preparatory Academy within the Authority's Accelerated Repair Program. As you are aware, the City is required to approve a Loan Order for the full amount of the Project estimated at \$6,088,821. After reimbursement from MSBA, the City's cost will be an estimated \$1,270,183.

Your approval of this Loan Order is respectfully requested. Should you have any questions, please feel free to contact City or School Administration officials.

Best Regards,

Jasiel F. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 12 2019

*Accepted and
placed on file*

FALL RIVER PUBLIC SCHOOLS

"The Scholarship City"

417 Rock Street, Fall River, MA 02720

FINANCE

2

RECEIVED

Matthew H. Malone, Ph.D., Superintendent

2019 AUG -7 P 4:20

CITY CLERK
FALL RIVER, MA

August 8, 2019

The Honorable Jasiel F. Correia II

City of Fall River

1 Government Center

Fall River, MA 02722

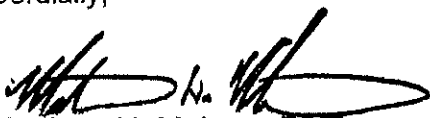
Dear Mayor Correia:

I am attaching herewith, for your consideration and approval, a request through you; to the City Council to appropriate funds to execute Project Funding Agreement for the Resiliency Preparatory Academy and the Stone School at Westall K-12 School. The request to the City is for a combined total of \$7,793,458 of which \$6,153,521 is reimbursable from the Massachusetts School Building Authority's Accelerated Buildings Repair Program Grant. The remaining amount of \$1,639,937 will represent the City portion of this program. This Project Funding Agreement will include repairs and renovations to the Resiliency Preparatory Academy; a Complete Roofing System Replacement, Selective Demolition, miscellaneous Plumbing and Electrical Work and a complete Redundant Boiler installation. The Project Agreement will also include repairs and renovations to the Stone/Westall K--12 School; a Partial Roofing System Replacement, Complete Redundant Boiler installation, miscellaneous Masonry, miscellaneous Electrical and Plumbing Work, and Selective Demolition.

I have included a complete construction summary sheet for each school building.

Thank you in advance for your consideration to this matter.

Cordially,



Matthew H. Malone, Ph.D.

Superintendent of Schools

CITY OF FALL RIVER

LOAN ORDER

(Westall School Repair Project)

ORDERED: That the City appropriate the amount of one million seven hundred four thousand six hundred thirty seven (1,704,637.00) Dollars for the purpose of paying costs the Roof & Boiler Replacement at the Westall School, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Office of the Mayor. To meet this appropriation the Fall River City Council is authorized to borrow said amount under 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 if the MSBA's Board of Directors votes to invite the City to collaborate with the MSBA on this proposed repair project, any project costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

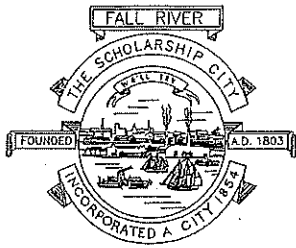
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BE IT FURTHER ORDERED: Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs 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.

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 12 2019

*Authorized to be published and
referred to Committee on Finance*



City of Fall River
Massachusetts
Office of the Mayor

FINANCE
RECEIVED

3

2019 AUG -7 P 4: 20

JASIEL F. CORREIA II
Mayor

CITY CLERK
FALL RIVER, MA

August 7, 2019

Cliff Ponte, President
Fall River City Council
One Government Center
Fall River, MA 02720

RE: Westall a/k/a Stone PK-12 School MSBA Loan Order

President Ponte:

The Massachusetts School Building Authority (MSBA) has approved repair work at Westall a/k/a Stone PK-12 School within the Authority's Accelerated Repair Program. As you are aware, the City is required to approve a Loan Order for the full amount of the Project estimated at \$1,704,637. After reimbursement from MSBA, the City's cost will be an estimated \$369,754.

Your approval of this Loan Order is respectfully requested. Should you have any questions, please feel free to contact City or School Administration officials.

Best Regards,

Jasiel F. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 12 2019

*Accepted and
placed on file*

FALL RIVER PUBLIC SCHOOLS

"The Scholarship City"

417 Rock Street, Fall River, MA 02720

FINANCE

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RECEIVED
Matthew H. Malone, Ph.D., Superintendent

2019 AUG -7 P 4:20

CITY CLERK
FALL RIVER, MA

August 8, 2019

The Honorable Jasiel F. Correia II

City of Fall River

1 Government Center

Fall River, MA 02722

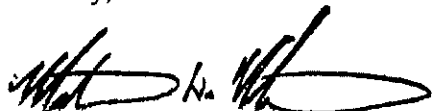
Dear Mayor Correia:

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I have included a complete construction summary sheet for each school building.

Thank you in advance for your consideration to this matter.

Cordially,



Matthew H. Malone, Ph.D.

Superintendent of Schools

WHEREAS, the streetscapes project is now complete on East Main Street, and

WHEREAS, the residents of the neighborhood are extremely dissatisfied in the quality of work performed on the roadway, and

WHEREAS, there are approximately 20 areas showing poor workmanship, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the City Engineer and a representative of the company that was awarded the contract to resolve this matter.

In City Council, July 15, 2019
Adopted

A true copy. Attest:

Alison M. Bouchard
City Clerk

8-12-19 on agenda - no need to discuss

(Councilor Pam Laliberte-Lebeau)

(Councilor Shawn E. Cadime)

WHEREAS, the streetscape projects are now complete for Purchase Street and East Main Street, and

WHEREAS, there were significant delays and possible cost overruns with both of these projects, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the Administration, Director of Financial Services, City Engineer, Administrator of Community Utilities and the City Planner to review all contracts, change orders, oversight committee recommendations, lists of oversight committee members and dates of oversight committee meetings, and

BE IT FURTHER RESOLVED, that copies of all documents be provided to the City Council as soon as possible for review prior to the meeting of the Committee on Finance.

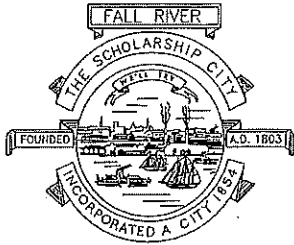
In City Council, May 14, 2019

Adopted

A true copy. Attest:

Alison M. Bouchard
City Clerk

*tabled 5-28-19
tabled 6-4-19
8-13-19 on agenda!
never discussed*



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

RECEIVED

2019 AUG 23 P 4:54

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

August 19, 2019

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

RE: Council Order July 15, 2019
Marijuana Licenses

Dear City Council:

I am disapproving and vetoing the attached order for the following reasons:

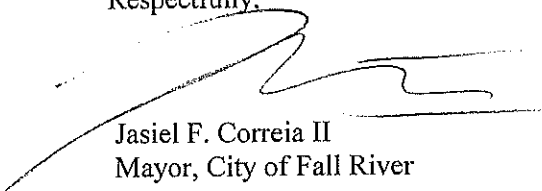
A serious question exists as to whether the City Council, or any municipal authority, can legally limit the number of "marijuana licenses" as that appears to be within the exclusive statutory authority of the Cannabis Control Commission. Thus, the ordinance, as written, may expose the City to unnecessary litigation by future permit seekers.

By unilaterally and arbitrarily attempting to limit the number of licenses the ordinance eliminates competition, artificially inflates the value of licenses already issued, removes the legal sale of marijuana products from market forces and eliminates a valuable source of additional revenue to the City.

In addition, a sitting councilor voted inappropriately to limit the number of licenses available in Fall River while serving as Town Administrator of Seekonk a community which, itself, is in the process of granting marijuana permissions. In limiting the number in Fall River he advantages the Town by which he is employed by eliminating competition and disadvantaging this City.

For the above reasons and the councilors failure to recuse himself I must veto this order in the best interests of this City.

Respectfully,


Jasiel F. Correia II
Mayor, City of Fall River

3/26/19 emailed to all Councilors; Council office; City Clerk. Hardcopy to be Relivered
One Government Center • Fall River, MA 02722
TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL mayor@fallriverma.org

City of Fall River, In City Council

(Councilor Leo O. Pelletier)

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 34 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Health be amended as follows:

By inserting a new Article IX, which article relates to Marijuana Facilities as follows:

Section 34-380 Marijuana Licenses

The maximum number of marijuana licenses available at any one time in the City of Fall River will be limited to 20% of off-premise liquor licenses or eleven (11), whichever number is greater.

CITY OF FALL RIVER

IN CITY COUNCIL

JUL 15 2019

*Passed through first
reading, as amended,
5 years, 2 rays
(C. J. Camara absent)
Co. President abstained*

CITY OF FALL RIVER

IN CITY COUNCIL

AUG 12 2019

*Passed through second reading
and enrollment as amended, 5 years,
2 rays, 1 abstention, and passed
to be ordained, as amended, 5 years,
2 rays, 1 abstention.*

CITY OF FALL RIVER

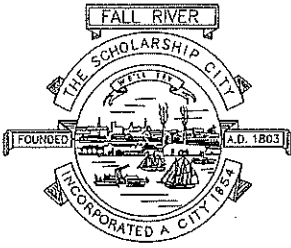
To the City Council

Councilors:

The Committee on Finance, at a meeting held on August 12, 2019, voted 8 yeas to recommend that the Streetscapes Capital Projects be referred to the full Council and that the City Council withdraw authorization for Streetscapes projects and apply funding for specific road repairs, with Councilor Kilby absent and not voting.


City Clerk

*Councilor Steven Camara objected to taking a vote to accept the motion, made by Councilor Shawn Cadime, to withdraw authorization for streetscapes projects and apply funding for specific road repairs.



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2019 AUG 26 A 10:24

CITY CLERK
FALL RIVER, MA

3

JASIEL F. CORREIA II
Mayor

August 23, 2019

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

RE: Personnel Ordinance Modifications

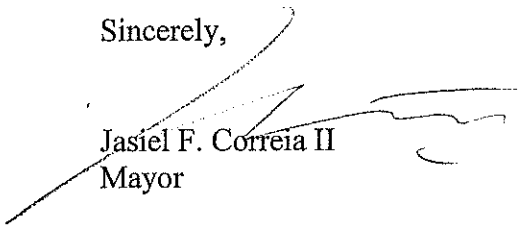
Dear Council Members:

It is respectfully requested that the attached ordinance modifications be approved. Please note that the modifications in item #1 does not add any additional employees but effects two existing employees and improves the capabilities of the Water Department. Item #2 replaces and modifies a position that previously existed. These ordinance modifications will do the following:

1. Create the title of "Water Maintenance Supervisor/Advanced Backhoe Operator". This effects only two existing employees. This change will expand the capability and efficiency of the Department and equitably treat the employees for their duties. The proposed salary rate is 29B (\$24.29 to \$26.18 per hour).
2. Create a new job classification of "Water Treatment Plant Mechanic". The funds for this position have been budgeted. The skill set for this position will significantly add to the maintenance capability of the Water Treatment Facility staff. As the Treatment Facility continues to age the demands for preventative and corrective maintenance continue to increase. Performing many of these duties in house provides a savings versus contracting said work. The proposed salary rate is 27B (\$21.28 to \$23.04 per hour).

Please contact Terrance Sullivan or Paul Ferland at the Department of Community Utilities if you have any questions. The Union has agreed and the signed Union agreement with the job descriptions are attached.

Sincerely,


Jasiel F. Correia II
Mayor

City of Fall River, *In City Council*

3

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 50 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Personnel, be amended as follows:

- (a) By creating in Sec. 50-304 which section relates to Salary Schedules, Local 3177 AFSCME the title of "Water maintenance Supervisor/Advanced Backhoe Operator" with a pay classification of "29B".
- (b) By creating in Sec. 50-304 which section relates to Salary Schedules, Local 3177 AFSCME the title of "Water Treatment Plant Mechanic" with a pay classification of "27B".

3

AGREEMENT

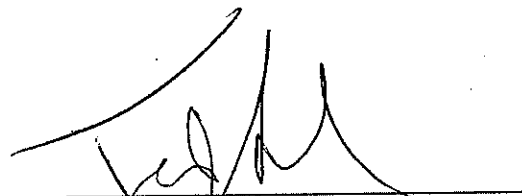
AFSCME)

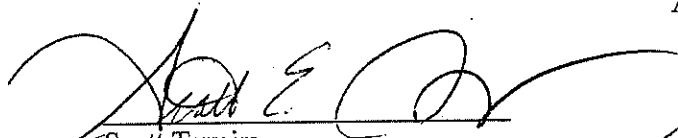
And the)

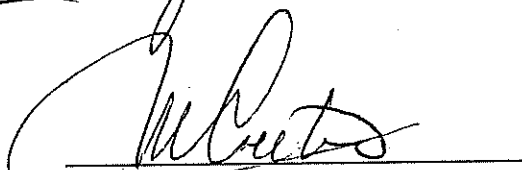
Fall River Water Division)

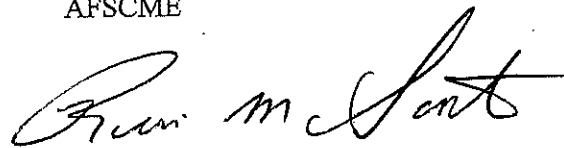
- 1). The Fall River Water Division plans to create the following job classifications for improved efficiency and productivity of the Department:
 - a. Water Maintenance Supervisor/Advanced Backhoe Operator: pay grade 29B.
 - b. Water Treatment Plant Mechanic: pay grade 27B.
- 2). The job descriptions are attached.
- 3). This agreement does not set any precedent.
- 4). Both parties understand that ordinance modification with Mayoral and City Council approval is required prior to implementation.

Agreed, this 19th day of August, 2019.


Terrance J. Sullivan
Administrator of Community Utilities


Scott Taveira
AFSCME


Madeline Coelho
Director of Human Resources



WATER MAINTENANCE SUPERVISOR AND ADVANCED BACKHOE OPERATOR

3

Job Description:

Under the direction of the Director of Water Distribution and Maintenance as delegated by the Watuppa Water Board to the Administrator of Community Utilities, to perform and/or supervise work in the construction, maintenance and operation of water systems and/or sewer systems; to perform related tasks as required. This is a supervisory position involving work in the construction, maintenance and operation of water systems, including related work as required. Employee will act as Supervisor and will be able to perform all water maintenance labor as needed including operation of backhoes and excavators.

Essential Functions:

Work involves providing timely and efficient service to the people of the City for a variety of duties which include performing and/or supervising work in the construction, maintenance and operation of water systems and/or sewer systems; to be responsible for conformance to city, state standards and policies and directives promulgated by the Administrator of Community Utilities for all work for which s/he is responsible; this work is performed with some latitude in independent judgment and is subject to periodic review by the Director of Water Distribution and Maintenance; to coordinate the work for which s/he is responsible with the work of coworkers; to engage in supervisory activities of workers of lesser grade when so assigned; and to perform other related tasks as assigned.

Work includes planning, laying out, and assigning work to various crews and workers engaged in construction, maintenance, repair and operations tasks pertaining to the City's water distribution system in a timely and efficient manner. Work is received in the form of assignments from the Director of Water Distribution & Maintenance. Duties also include answering complaints; carrying out work orders or inspections, providing instruction and training to workers and other employees in work methods and procedures, and inspection of work in progress and upon completion.; Consults the Director of Water Distribution & Maintenance regarding subordinate performance evaluations, Computes labor and material costs for billing and accounting purposes and for internal budget control and analysis purposes; Determines assignments of personnel under his authority; Supervises training and instructing of workers, especially for specialized tasks; Keeps and reviews time records on subordinate employees; Inspects subordinates' work for productivity and completeness; Prepares periodic reports covering operations;

May train and supervise other workers of lesser rank; trains related personnel in performance of various tasks for adjunct assistance purposes; may prepare reports and work orders, maintenance records and inventories of supplies and materials; may operate motor vehicles and equipment in the performance of assigned duties.

Develops and implements preventative maintenance programs. Works with staff on the asset management program for computerized tracking and reporting for all equipment components including preventative and corrective maintenance histories. Performs equipment inventories at least annually for the June 30th closeout of the fiscal year.

Performs skilled manual work in the construction, operation and maintenance of water systems including work on reservoirs, water gates, mains and connectors. Performs

manual tasks requiring some specialized skill or knowledge as assigned in assisting mechanics, and plumbers engaged in maintenance, repair and construction work, including minor adjustments and repairs of equipment. Lays and connects service pipes with street mains and meters. Perform as crew leader on any construction activity.

Locates and repairs water leaks; drives leak detection truck or other appropriate vehicles on public and private department roads for the purpose of detecting sites of potential water leaks.

Sounds hydrants, mains, sewers, exterior and interior plumbing, etc. for potential leaks. Installs fire hydrants. Operates water gates. Turns on water for new service.

Inspects work of laborers and maintenance men (Water Maintenance Workers I, II, advanced backhoe operators, etc.) to see that it conforms with specifications/plans.

Operates related motor equipment; cleans, washes, oils and greases trucks and performs manual tasks requiring some specialized skill or knowledge in connection with the maintenance of heavy equipment. May operate winches, cement mixers, compressors, and other similar equipment as required.

Operates all motor equipment including those with a capacity of 9 tons or over, including a range of equipment such as large and small tractors, snow loaders, snow fighters, sidewalk plows, bulldozers and rollers, pick-up trucks, dump trucks and panel trucks, and passenger automobiles; semi-trailers, truck-trailer combinations, and special equipment such as road-rollers, rotary snow plows, mobile bituminous spreaders and tar distributors. Operation of equipment in this class usually requires a CDL Class A or Class B license from the Registry of Motor Vehicles. May perform minor maintenance related to motor equipment.

Performs manual tasks requiring some specialized skill or knowledge in connection with maintenance, care, upkeep, and repair of equipment, loading and unloading of trucks and cars; spreading sand, gravel and asphalt, patching concrete and asphalt surfaces, sands roads and performs manual tasks requiring some specialized skill or knowledge in connection with snow removal.

Reports leaks to Director or other designated administrators. Issues daily log reports of sites covered and results. May replace broken or leaking pipes and performs pipe maintenance tasks.

Performs and/or supervises snow removal operations.

After fires, inspects hydrants to insure that the water level is such so that freezing will not occur; when freezing occurs, thaws out hydrants.

Repairs and replaces gates and curb boxes and performs routine maintenance on them. Digs, braces and backfill excavations for the purpose of locating pipe leaks or preparing areas for laying pipes. May work with private contractors to help them avoid hitting water mains and boxes during construction and excavation.

Takes apart and reassembles hydrants and valve mechanisms for the purpose of repairing worn or broken parts that cause leaks or other malfunctions. Lubricates valves and adjusts

their settings. Inspects hydrant rods, thrust plates, nozzles, packing and glands and other parts on a regular basis. Makes and taps water mains and sized ¾" through 12" into line.

3

Performs related work as assigned.

Minimum Qualifications:

Ability to establish and maintain effective working relationships with peers subordinates and supervisors; ability to work cooperatively and harmoniously with other city employees and the general public; a positive attitude; ability to observe necessary safety precautions; willingness to work overtime hours as required; a CDL Class A or B license is preferred; ability to perform basic mathematical calculations as required by duties described above; ability to express self clearly orally; ability to coordinate reporting activities into a computer input format; ability to use small hand tools as well as specialized tools; ability to perform duties with some latitude for independent judgment under indirect supervision. Graduation from an accredited standard high school; graduation from a vocational/technical high school preferred; GED equivalent acceptable; two years' experience in similar work required, with one years' work in a responsible position desirable; other combinations of experience/training will be considered. A Massachusetts Board of Certification of Operator's of Drinking Water Facilities Grade 4-Distribution license is highly desired.

A Massachusetts Department of Safety Hoisting Engineer's license 2B or higher is required. Advanced experience in the operation of a backhoe is required. The experience and ability to excavate in the street in difficult situations where multiple utilities and difficult soil conditions are encountered is required.

Other:

The employee shall be expected to earn a MA Board of Certification of Operators of Drinking Water Facilities Grade 4D over time. The Department shall provide training as needed to assist the employee in attaining said license. Once a D4 license is achieved the employee shall work to attain a full license rather than an OIT (operator in training) license. The employee will accept the role of Primary Operator of the Distribution System if so assigned by the Administrator. Failure to achieve the D4 license in a reasonable period can result in removal from the position.

Physical Environment:

Duties require frequent and extended periods of outside work, subject to all weather conditions and extremes; continuous walking, standing, climbing and frequent periods requiring sustained uncomfortable physical positions; regular and sustained periods of strenuous physical exertion, requiring the ability to lift, carry and position heavy objects utilizing proper body mechanics and techniques; operation of equipment which causes loud noise levels and high vibrations; may require the exercise of caution when operating heavy equipment or handling chemicals or other toxic materials; utilization of proper sanitary precautions when handling potential hazardous materials.

Pay Scale:

29B

8/5/19

WATER TREATMENT PLANT MECHANIC COMMUNITY UTILITIES

Job Description:

Under the general supervision of the Director of Water Treatment and Resources as delegated to the Administrator of Community Utilities from the Watuppa Water Board, to perform work involved in a variety of maintenance and highly skilled repair, maintenance and other duties on equipment at the treatment plant, pump station and other facilities, including the overhauling, repairing and maintenance of pumps, mixers, tanks, generators, hydraulic assemblies, component assemblies, and other related equipment; performs related tasks as required or assigned.

Essential Function:

Work involves the performance of highly skilled repairs and maintenance servicing duties, including preventative maintenance on treatment facilities equipment of all types, pneumatic tools, compressors and hydraulic equipment; and providing timely and efficient service to the people of the City for a variety of repair and maintenance service functions under general supervision of the Director of Treatment and Resources. It includes responsibility for conformance to City standards, and the policies and directives of the department as implemented by the Director of Water Treatment and Resources. Work is subject to periodic review by him/her of all work performed under his/her direction. Work is to be coordinated with the work of coworkers.

Trouble-shoots mechanical and electrical problems; makes repairs and adjustments in the field as needed; repairs, services and may overhaul pumps, mixers, tanks, generators and related systems.

Analyzes malfunctions and repairs, rebuilds and maintains treatment facilities equipment, such as, pumps, compressors, and pneumatic tools; dismantles and reassembles equipment, using hoists and hand tools; examines parts for damage or excessive wear, using micrometers and gauges; tests overhauled equipment to insure operating efficiency; welds broken parts and structural members. Uses specialized equipment with electronic and/or computerized function for testing as required. Coordinates outside contractors when needed.

May train and supervise other workers of lesser rank; trains related personnel in performance of various tasks for adjunct assistance purposes; may prepare reports and orders, maintenance records and inventories of supplies and materials; may operate motor vehicles and equipment in the performance of assigned duties.

Develops and implements preventative maintenance programs. Works with staff on the asset management program for computerized tracking and reporting for all equipment components including preventative and corrective maintenance histories. Performs equipment inventories at least annually for the June 30th closeout of the fiscal year.

Performs related work as assigned.

Minimum Qualifications:

Ability to establish and maintain effective working relationships with peers, supervisors and subordinates; ability to work cooperatively and harmoniously with other city employees; a positive attitude; ability to observe necessary safety precautions; willingness to work overtime as required; ability to perform basic mathematical calculations as required by duties described above; ability to perform duties under general supervision and with latitude for independent judgment; ability to use tools in connection with duties described above; ability to follow oral and written directions; ability to maintain clerical records in connection with duties described above; ability to use "state-of-the-art" electronic equipment pertaining to tasks described above;

In addition candidates must have a minimum of three years full-time paid experience acquired within the last ten years as a specialized mechanic working with hydraulic/pneumatic equipment: graduation from an accredited trade or vocational school or equivalent training program to make up to one year's equivalent experience of the three years required will be considered.

Preferred licenses or Certifications:

- MA Board of Certification of Operator's of Drinking Water Facilities Grade 3T.
- 2nd Class Fireman.
- ASE Certified Automotive Mechanic.
- Welder.

Other combinations of education and experience will be considered.

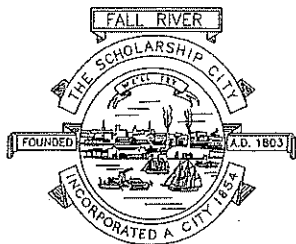
Physical Environment:

Duties require frequent and extended periods of outside work, subject to all weather conditions and extremes; continuous walking, standing, climbing and frequent periods requiring sustained uncomfortable physical positions; regular and sustained periods of strenuous physical exertion, requiring the ability to lift, carry and position heavy objects utilizing proper body mechanics and techniques; operation of equipment which causes loud noise levels and high vibrations; may require the exercise of caution when operating heavy equipment or handling chemicals or other toxic materials; utilization of proper sanitary precautions when handling potential hazardous materials.

Other:

The employee shall be expected to earn a MA Board of Certification of Operator's of Drinking Water Facilities Grade 3T over time. The Department shall provide training as needed to assist the employee in attaining said license. Once a T3 license is achieved the employee shall be available to work as a float treatment plant operator to assist when need to fill overtime operational shifts and/or during the absence of an operator for vacations and/or sick leave.

The employee shall be trained on the general duties of the Watchman/Attendant shifts at the facility and in the distribution system, such that they are competent to fill open shifts for voluntary overtime, or as a float if needed.



CITY OF FALL RIVER, MASSACHUSETTS

BOARD OF ELECTION COMMISSIONERS

ONE GOVERNMENT CENTER

TEL. 508-324-2630

RECEIVED

2019 AUG 21 P 1:05

CITY CLERK _____
FALL RIVER, MA

COMMISSIONERS

KELLY A. SOUZA-YOUNG, CHAIRPERSON

DAVID J. DENNIS, ESQ.

DARYL GONYON

MANUEL LEITE

August 20, 2019

Honorable City Council
One Government Center
Fall River MA

Dear City Councillors:

The Board of Election Commissioners is requesting that City Council clarify the vote to purchase new voting machines at the September 25, 2018 City Council meeting. This vote would have discontinued the use of the OPTECH IIIP EAGLE voting machines and to purchase and begin using the DS200 voting machines beginning with the Preliminary Election to be held on September 17, 2019 and all future elections.

Sincerely,

Kelly A. Souza-Young, Chairperson
Board of Election Commissioners

City of Fall River, *In City Council*

4

ORDERED, that the City Council hereby clarifies the vote to authorize the borrowing of \$280,000 for the purpose of purchasing voting machines and payment of all other costs incidental and related thereto during its September 25, 2018 meeting. This vote would have discontinued the use of the OPTTECH IIIP EAGLE voting machines and to purchase and begin using the DS200 voting machines beginning with the Preliminary Election to be held on September 17, 2019 and all future elections.

RECEIVED

JUN 15 AM 19

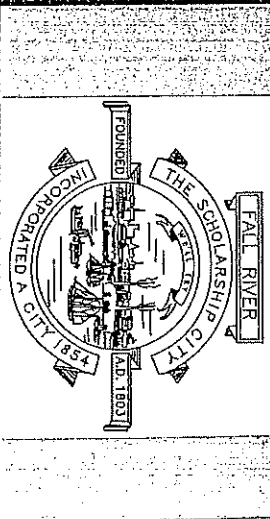
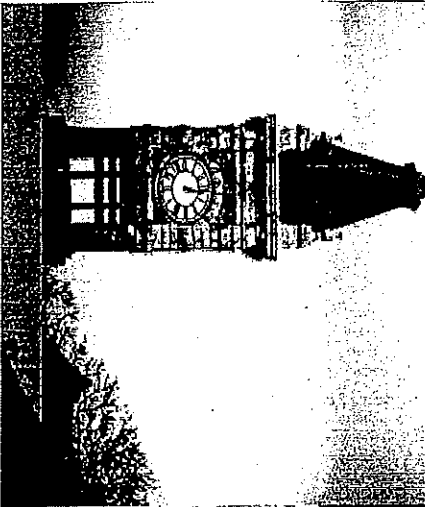
Annual Meeting 2019

Fall River Community Preservation Committee

WEDNESDAY, NOVEMBER 14, 2019

City of Fall River
Community Preservation Act

Preserving and Enhancing
our Community





**City of Fall River
Massachusetts**

Department of Community Maintenance
CEMETERIES • TREES • PARKS • SANITATION • ENGINEERING
STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

Parks Division

JASIEL F. CORREIA II
Mayor

NANCY SMITH
Parks Manager

August 21, 2019

Ms. Alison M. Bouchard
City Clerk
One Government Center
Fall River, Massachusetts

CITY CLERK
FALL RIVER, MA

2019 AUG 29 P 2:06

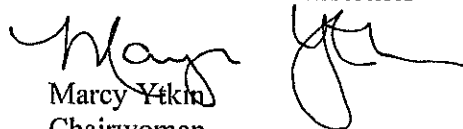
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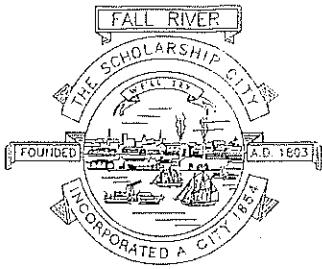
Dear Ms. Bouchard:

Please be advised that a request was submitted to the Board of Park Commissioners regarding the re-naming of the Aetna Street Playground which is located between 371 and 281 Aetna Street, across from Units 46 & 47 of the Maple Gardens Housing Project. The Board voted to forward this information to the City Council so the matter may be research prior to taking action on the request.

Please advise us of you findings at your earliest convenience.

Sincerely,
Board of Park Commissioners


Marcy Ytkin
Chairwoman



City of Fall River
Massachusetts
Community Development Agency

6

JASIEL F. CORREIA II
Mayor

buyfallriver

MICHAEL P. DION
Executive Director / CFO

June 27, 2019

City of Fall River Park Department
One Government Center
Fall River, MA 02722
Attention: Park Board Commissioners

Dear Commissioners

I am writing this letter asking for your approval to be a listed item on the July 10, 2019 Park Board meeting agenda for the renovation of Aetna Street Park. The Aetna Street Park is located in Census Tract #6401 Block Group #2, which has a total population of 770 people of which 540 people are low and moderate income (70.13%). The park abuts the Fall River Housing Authority's Maple Gardens Housing Development.

For many years this park has been ignored and the equipment and basketball court have outlived their useful life. The playground equipment and basketball court are old, unsafe and the basketball court has several severe cracks with weeds growing out of them. The entire park does not have a barrier between itself and Aetna Street and a child could get hurt by passing cars.

Based on the costs to renovate determined by the procurement process, the Fall River Community Development Agency (FRCDA) proposes a full renovation of the Aetna Street Park. The FRCDA in conjunction with their architect William Starck proposes the following scope of work:

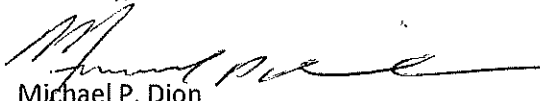
- Remove existing asphalt basketball court and hoops and provide for a new asphalt basketball court, hoops and team benches
- Remove the existing play equipment and provide for new mulched play area with new play equipment
- Install up to six (6) new park benches mounted on concrete pads
- Provide two (2) picnic tables mounted on concrete pads – one (1) picnic table to be accessible
- Extend the existing concrete sidewalk to at least the existing crosswalk and provide for an accessible curb ramp
- Provide a new 3' tall chain link fence along the south side of park
- Provide for new asphalt play area with hopscotch and four square games
- Provide for new trees
- Provide for a new flag pole, brass plaque and dedication sign
- Provide for trash receptacles
- Provide for new sod throughout the entire property.

6

FRCDA is also requesting that the park be dedicated to Mr. Paul Poulos, the founding director of the Fall River Community Development Agency and president of the National Community Development Association. FRCDA feels that it is a fitting tribute to a man who dedicated his life to the improvement of the City and the lives of its residents.

I want to thank you in advance for your cooperation and if you have any questions please feel free to contact me at (508)679-0131.

Sincerely,



Michael P. Dion
Executive Director/CFO



City of Fall River
Massachusetts
Planning Department

RECEIVED

2019 AUG 20 A 10:18

WILLIAM D. ROTH JR., AICP

CITY CLERK _____ City Planner
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

August 20, 2019

Re: *Fall River Waterfront Urban Renewal Plan*; ENF Submission
Fall River Downtown Urban Renewal Plan; ENF Submission

To Whom it May Concern:

You should have received a copy of the Environmental Notification Form (ENF) and the plan for both the *Fall River Waterfront Urban Renewal Plan* and the *Fall River Downtown Urban Renewal Plan* in mid-July 2019.

Due to a mix-up, the notifications of these ENFs were not published in the July 24, 2019, *Environmental Monitor* as planned. The notifications **will** be published in the **August 21, 2019, *Environmental Monitor*** and the comment period will close on **September 10, 2019**.

We have attached the front cover of each ENF for your reference and a revised Summary of Project Size and Environmental Impacts Table for each plan. Please note that these are urban renewal plans and the projected project sizes are based on scenario planning in the plans and not on specific projects. Any project proposed under these plans would have to follow the standard notification procedures on a project-by-project basis.

Please let us know if you have any questions.

Sincerely,

William D. Roth, JR., AICP
City Planner

cc. File

Environmental Notification Form

For Office Use Only

EEA#: _____

MEPA Analyst: _____

The information requested on this form must be completed in order to submit a document electronically for review under the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Fall River Downtown Urban Renewal Plan		
Street Address: Not applicable		
Municipality: City of Fall River	Watershed: Taunton; Mount Hope Bay	
Point furthest North: Pine & N. Main Street UTM: 320702.15 E; 4619229.86 N Point furthest East: Plymouth Avenue & 13th Street UTM: 321455.22 E; 4618563.53 N Point furthest South: Plymouth Avenue & Rodman Street UTM: 320900.15 E; 4618201.25 N Point furthest West: Union & Hope Streets UTM: 320229.20 E; 4618493.02 N	Point furthest North: Pine & N. Main Street Latitude: 41° 42' 17" N Longitude: 71° 9' 18" W Point furthest East: Plymouth Avenue & 13th Street Latitude: 41° 41' 56" N Longitude: 71° 8' 47" W Point furthest South: Plymouth Avenue & Rodman Street Latitude: 41° 41' 44" N Longitude: 71° 9' 8" W Point furthest West: Union & Hope Streets Latitude: 41° 41' 53" N Longitude: 71° 9' 38" W	
Estimated commencement date: 2018	Estimated completion date: 2038	
Project Type: New Urban Renewal Plan	Status of project design (% complete): Not applicable	
Proponent: Fall River Redevelopment Authority		
Street Address: One Government Center, Room 535		
Municipality: Fall River	State: MA	Zip Code: 02722
Name of Contact Person: William Roth, Director of Planning/City Planner		
Firm/Agency: Fall River Redevelopment Authority	Street Address: One Government Center, Room 535	
Municipality: Fall River	State: MA	Zip Code: 02722
Phone: (508) 324-2561	Fax: -	E-mail: wroth@fallriverma.org
Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

If this is an Expanded Environmental Notification Form (ENF) (see 301 CMR 11.05(7)) or a Notice of Project Change (NPC), are you requesting:

a Single EIR? (see 301 CMR 11.06(8))

☐ Yes ☒ No

a Special Review Procedure? (see 301 CMR 11.09)

☐ Yes ☒ No

a Waiver of mandatory EIR? (see 301 CMR 11.11)

☐ Yes ☒ No

a Phase I Waiver? (see 301 CMR 11.11)

☐ Yes ☒ No

(Note: Greenhouse Gas Emissions analysis must be included in the Expanded ENF.)

Which MEPA review threshold(s) does the project meet or exceed (see 301 CMR 11.03)?

301 CMR 11.03 (1)(b) 7. Approval in accordance with M.G.L. c. 121B of a New urban renewal plan.

Which State Agency Permits will the project require?

The Department of Housing and Community Development (DHCD) must review and approve the *Fall River Downtown Urban Renewal Plan*. No other State Agency Permits are required at this time.

Identify any financial assistance or land transfer from an Agency of the Commonwealth, including the Agency name and the amount of funding or land area in acres:

Please note that the Fall River Downtown Urban Renewal Plan does not have an immediate specific development project. The Fall River Redevelopment Authority or the project developer will file a revised ENF as required by each project. If the FRRA files a major Plan update with DHCD, it will also file a revised ENF. The information below is provided for sites within the urban renewal boundary.

The *Fall River Downtown Urban Renewal Plan* assumes that the Fall River Redevelopment Authority will apply for state grants and other funding programs throughout the 20-year life of the Plan in order to implement the actions proposed in the Plan.

7

Summary of Project Size & Environmental Impacts	Existing	Change	Total
LAND			
Total site acreage	Approx. 200 acres		
New acres of land altered ¹		None	
Acres of impervious area ¹	Approx. 145 acres	None	
Square feet of new bordering vegetated wetlands alteration		None	
Square feet of new other wetland alteration		None	
Acres of new non-water dependent use of tidelands or waterways		None	
STRUCTURES			
Gross square footage ²	~5.7 million	909,442	~ 7.5 million
Number of housing units ²	~190	330	520
Maximum height (feet)	7 stories (~75 F)	No change	7 stories (~75 F)
TRANSPORTATION			
Vehicle trips per day	*	13,343	*
Parking spaces	5,635	2,171	7,806
WASTEWATER			
Water Use (Gallons per day) ⁴	*	290,788	*
Water withdrawal (GPD)	*	0	*
Wastewater generation/treatment (GPD) ⁴	*	264,353	*
Length of water mains (miles) ¹	*	0	*
Length of sewer mains (miles) ¹	*	0	*
* This is an urban renewal plan for a significant area of the Fall River Downtown. Certain information was not collected for the preparation of this plan as it was not relevant to the goals and purpose of this urban renewal plan. This information has been indicated by an asterisk.			
¹ Based on an estimate of full build-out of existing vacant space within an existing urban environment as shown on page 75 and the scenarios on page 127 of the <i>Fall River Downtown Urban Renewal Plan</i> . Existing parking spaces based on a study by FHI shown on page 89 of the plan.			
² Based on City Assessor's Database for existing and the estimate of full build-out of existing vacant space as shown on page 75 and the scenarios on page 127 of the <i>Fall River Downtown Urban Renewal Plan</i> .			
³ Based on the estimate of full build-out of existing vacant space as shown on page 75 and the scenarios on page 127 of the <i>Fall River Downtown Urban Renewal Plan</i> and the ITE Trip Generation Rates (2010), unadjusted for urban areas.			
⁴ Based on the estimate of full build-out of existing vacant space as shown on page 75 and the scenarios on page 127 of the <i>Fall River Downtown Urban Renewal Plan</i> and the generation rates by use identified in 310 CMR 15.00.			

Environmental Notification Form

For Office Use Only

EEA#: _____

MEPA Analyst: _____

The information requested on this form must be completed in order to submit a document electronically for review under the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Fall River Waterfront Urban Renewal Plan		
Street Address: Not applicable		
Municipality: City of Fall River	Watershed: Taunton; Mount Hope Bay	
Point furthest North: Sidney & N. Main Streets UTM: 322618.62 E; 4622901.02 N Point furthest East: Herman & Kimball Streets UTM: 322508.77 E; 4622201.14 N Point furthest South: Anawan Street & Western Fall River Expressway UTM: 320177.03 E; 4618954.46 N Point furthest West: Grand Army of the Republic Highway (U.S. Route 6) & Taunton River UTM: 320992.00 E; 4621684.00 N	Point furthest North: Sidney & N. Main Streets Latitude: 41° 44' 17" N Longitude: 71° 7' 59" W Point furthest East: Herman & Kimball Streets Latitude: 41° 43' 55" N Longitude: 71° 8' 3" W Point furthest South: Anawan Street & Western Fall River Expressway Latitude: 41° 42' 7" N Longitude: 71° 9' 40" W Point furthest West: Grand Army of the Republic Highway (U.S. Route 6) & Taunton River Latitude: 41° 43' 36" N Longitude: 71° 9' 8" W	
Estimated commencement date: 2018	Estimated completion date: 2038	
Project Type: New Urban Renewal Plan	Status of project design (% complete): Not applicable	
Proponent: Fall River Redevelopment Authority		
Street Address: One Government Center, Room 535		
Municipality: Fall River	State: MA	Zip Code: 02722
Name of Contact Person: William Roth, Director of Planning/City Planner		
Firm/Agency: Fall River Redevelopment Authority	Street Address: One Government Center, Room 535	
Municipality: Fall River	State: MA	Zip Code: 02722
Phone: (508) 324-2561	Fax: -	E-mail: wroth@fallriverma.org
Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

7

If this is an Expanded Environmental Notification Form (ENF) (see 301 CMR 11.05(7)) or a Notice of Project Change (NPC), are you requesting:

a Single EIR? (see 301 CMR 11.06(8))

☐ Yes ☒ No

a Special Review Procedure? (see 301CMR 11.09)

☐ Yes ☒ No

a Waiver of mandatory EIR? (see 301 CMR 11.11)

☐ Yes ☒ No

a Phase I Waiver? (see 301 CMR 11.11)

☐ Yes ☒ No

(Note: Greenhouse Gas Emissions analysis must be included in the Expanded ENF.)

Which MEPA review threshold(s) does the project meet or exceed (see 301 CMR 11.03)?

301 CMR 11.03 (1)(b) 7. Approval in accordance with M.G.L. c. 121B of a New urban renewal plan.

Which State Agency Permits will the project require?

The Department of Housing and Community Development (DHCD) must review and approve the *Fall River Waterfront Urban Renewal Plan*. No other State Agency Permits are required at this time.

Identify any financial assistance or land transfer from an Agency of the Commonwealth, including the Agency name and the amount of funding or land area in acres:

Please note that the Fall River Waterfront Urban Renewal Plan does not have an immediate specific development project. The Fall River Redevelopment Authority or the project developer will file a revised ENF as required by each project. If the FRRA files a major Plan update with DHCD, it will also file a revised ENF. The information below is provided for sites within the urban renewal boundary.

The *Fall River Waterfront Urban Renewal Plan* lists the following Commonwealth-owned parcels for possible acquisition:

- N-12-0013, 0.71 acres
- N-16-0032, 1.18 acres
- O-19-0001, 2.20 acres
- S-21-0001, 0.26 acres
- S-21-0013, 0.14 acres
- Parcels created by the re-alignment of Route 79 (~10 acres)

If the Commonwealth transfers all parcels above to the Fall River Redevelopment Authority, the total would be approximately 14.5 acres.

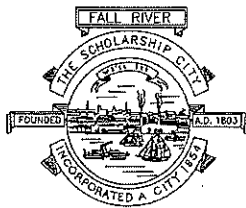
The Plan assumes that the Fall River Redevelopment Authority will apply for state grants and other funding programs throughout the 20-year life of the Plan in order to implement the actions proposed in the Plan.

Summary of Project Size & Environmental Impacts	Existing	Change	Total
LAND			
Total site acreage	Approx. 770 acres (566 acres on land)		
New acres of land altered ¹		~26	
Acres of impervious area ¹	Approx. 430 acres	~14	
Square feet of new bordering vegetated wetlands alteration		None	
Square feet of new other wetland alteration		None	
Acres of new non-water dependent use of tidelands or waterways ⁵		1.12	
STRUCTURES			
Gross square footage ²	~6 million	985,000	~7 million
Number of housing units ²	~1,600	500	2,100
Maximum height (feet)	8 stories (~85 F)	No change	8 stories (~85 F)
TRANSPORTATION			
Vehicle trips per day ³	*	12,082	*
Parking spaces ¹	*	1,450	*
WASTEWATER			
Water Use (Gallons per day) ⁴	*	252,000	*
Water withdrawal (GPD)	*	0	*
Wastewater generation/treatment (GPD) ⁴	*	229,091	*
Length of water mains (miles) ¹	*	Approx. 2	*
Length of sewer mains (miles) ¹	*	Approx. 2	*
* This is an urban renewal plan for a significant area of the Fall River Waterfront. Certain information was not collected for the preparation of this plan as it was not relevant to the goals and purpose of this urban renewal plan. This information has been indicated by an asterisk.			
¹ Based on the medium-density buildout for the Route 79 parcels as shown on page 152 of the <i>Fall River Waterfront Urban Renewal Plan</i> .			
² Based on City Assessor's Database for existing and the medium-density buildout for the Route 79 parcels as shown on page 152 of the <i>Fall River Waterfront Urban Renewal Plan</i> .			
³ Based on the medium-density buildout for the Route 79 parcels as shown on page 152 of the <i>Fall River Waterfront Urban Renewal Plan</i> and the ITE Trip Generation Rates (2010), unadjusted for urban areas.			
⁴ Based on the medium-density buildout for the Route 79 parcels as shown on page 152 of the <i>Fall River Waterfront Urban Renewal Plan</i> and the generation rates by use identified in 310 CMR 15.00.			

8

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 4, 2019

Councilor Steven A. Camara and
Fall River Task Force
One Government Center
Fall River, MA 02722

CITY CLERK
FALL RIVER, MA

2019 SEP -4 P 2:05

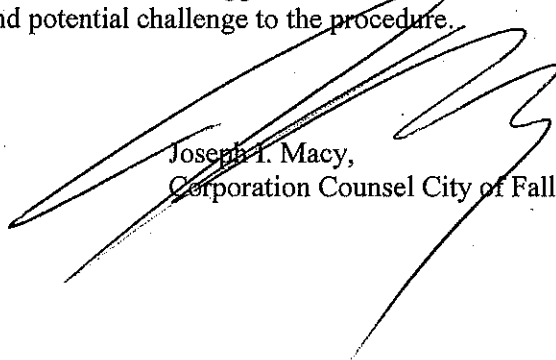
RECEIVED

Re: Revised Draft Charter

Mr. Task Force Chair and Task Force Members;

At your request I have reviewed the above Draft and find it adequate but for one area. Although the composition of the "leadership team" is defined the manner of their/its election is unclear. Somewhere, perhaps in more than one place, it should be defined that the "leadership team" runs as one entity and should appear on the ballot as such.

I have no specific language, nor placement within the charter, to suggest but do find this to be a potential problem of understanding the language and potential challenge to the procedure.


Joseph I. Macy,
Corporation Counsel City of Fall River

Cc: City Council

REVISED DRAFT

PREAMBLE

We, the people of Fall River, in order to affirm the customary and traditional liberties of the people with respect to the conduct of our local government, ensure the accountability, transparency, and effectiveness of our government, and reflect the fullest advantages inherent in the home rule amendment to the constitution of the Commonwealth, do hereby adopt the following amendments through home rule petition of the current home rule charter for the city of Fall River.

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 12 2019

*Tabled + referred to
Corporation Counsel
to review language*

8

ARTICLE 1
INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1: INCORPORATION

The inhabitants of the city of Fall River, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "City of Fall River".

SECTION 1-2: TITLE

This instrument shall be known and may be cited as the City of Fall River Home Rule Charter.

SECTION 1-3: DIVISION OF POWERS

____ The administration of the fiscal, prudential and municipal affairs of the city of Fall River shall be vested in an executive branch headed by a city manager who is hired by majority vote of the city council and a legislative and policy-making branch, a city council, consisting of a mayor, deputy mayor and seven (7) elected at-large members of the city council. Also, the mayor and deputy mayor shall be elected at-large as a "leadership team", serving as President and Vice-President of the city council. The legislative and policy-making branch, the city council, shall never exercise any executive power except that the legislative and policy-making branch (city council) shall appoint by majority vote the city manager, city clerk, city auditor and the corporation counsel and the executive branch shall never exercise any legislative and policy-making power reserved to the city council. The city council shall have and exercise all the legislative and policy-making powers of the city, except as such powers are reserved to the City Manager, the school committee and to the qualified voters of the city.

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SECTION 1-4: POWERS OF THE CITY

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or General Laws, it is the intention and the purpose of the voters of Fall River, through the adoption of this charter and amendments to this charter, to secure for themselves -and their- government all of the powers it is possible to secure as fully and as completely as —though each power were specifically and individually enumerated in this charter.

SECTION 1-5: CONSTRUCTION

The powers of the city of Fall River under this charter are to be construed liberally in favor of the city and the specific mention of any particular power is not intended to limit the general powers of the city as stated in section 1-4.

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or General Laws, the city of Fall River may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any of its agencies or political subdivisions, or with the United States government or any of its agencies.

SECTION 1-7: DEFINITIONS

As used in this charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

(1) "Charter", this charter and any adopted amendments to it.

(2) "City", the city of Fall River.

(3) "City agency", any multiple-member body, any department, division or office of the city of Fall River.

~~(3)~~(4) "City Manager" a person having the authority of Chief Executive Officer (C.E.O.) of the city of Fall River

~~(4)~~(5) "City officer or department head", a person having charge of a city office or department.

~~(5)~~(6) "City website", a site established and maintained by the city as its online repository of municipal information, whether on the internet or

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accessed through electronic means or another comparable technology.

~~(6)~~(7) "Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

~~(7)~~(8) "Full city council", the entire authorized membership of the city council, notwithstanding any vacancy which might exist. The "Full city council", entire authorized membership, shall consist of the mayor, the deputy mayor and seven (7) members of the city council with the mayor and the deputy mayor, elected as a "leadership team" and the seven (7) members of the city council, all elected at-large. The mayor and the deputy mayor, elected as a "leadership team" shall serve as President and Vice-President of the city council.

~~(8)~~(9) "Full multiple-member body", the entire authorized membership of a multiple-member body, notwithstanding any vacancy that exists.

~~(9)~~(10) "Full school committee", the entire authorized membership of the school committee, notwithstanding any vacancy that exists. The "Full school committee" entire authorized membership shall consist of the Mayor, the deputy mayor and five (5) members of the school committee with the mayor and deputy mayor, elected as a "leadership team" and the five (5) members of the school committee, all elected at-large. The mayor and the deputy mayor, elected as a "leadership team" shall serve as Chair and Vice-Chair of the school committee.

~~(10)~~(11) "general laws", laws enacted which apply alike to all cities and towns, to all cities, or to a class of two (2) or more cities, or to a class of cities and towns of which Fall River is a member.

~~(11)~~(12) "General Laws", the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

~~(12)~~(13) "Initiative measure", a measure proposed by the voters through

the initiative process provided under this charter.

~~(13)~~(14) "Local newspaper", a newspaper of general circulation within Fall River, with either a weekly or daily circulation.

~~(14)~~(15) "Majority vote", when used in connection with a meeting of a multiple-member body, shall mean a majority of those present and voting, unless another provision is made by ordinance or by such body's own rules; provided, however, that General Laws related to any vote to meet in executive session shall always require a majority of the full multiple-member body.

~~(15)~~(16) "Measure", any ordinance, order or other vote or proceeding adopted, or which might be adopted, by the city council or the school committee.

~~(16)~~(17) "Multiple-member body", any council, commission, committee, subcommittee or other body consisting of 2 or more persons, whether elected, appointed or otherwise constituted, but not including the city council, the school committee or an advisory committee appointed by the mayor.

~~(17)~~(18) "Organization or reorganization plan", a plan submitted by the mayor to the city council which proposes a change in the organization or the administrative structure of the city administration or organization or a change in the way in which municipal services are delivered.

~~(18)~~(19) "Quorum", a majority of all voting members of a multiple-member body unless some other number is required by law or by ordinance.

~~(19)~~(20) "Recall", an election to remove an elected official from office before the expiration of the term for which elected.

~~(20)~~(21) "Referendum measure", a measure adopted by the city council or the school committee that is protested under the referendum procedures of this charter.

~~(21)~~(22) "Remove from the city" when a person ceases to be domiciled within the territorial limits of the city.

~~(22)~~(23) "Resolution" a formal expression of opinion or a ceremonial declaration voted by the city council not requiring the signature of the mayor and having no force of law.

~~(23)~~(24) "Voters", registered voters of the city of Fall River.

~~(24)~~(25) "Year", a calendar year, unless otherwise specified.

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ARTICLE 2
LEGISLATIVE BRANCH

SECTION 2-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

(a) Composition - There shall be a city council consisting of nine (9) members. The "Full city council" entire authorized membership shall consist of the mayor, the deputy mayor and seven (7) members of the city council with the mayor and the deputy mayor, elected as a "leadership team" and the seven (7) members of the city council, all elected at-large. The mayor and the deputy mayor, elected as a "leadership team" shall serve as President and Vice-President of the city council, elected at-large which shall exercise the legislative powers of the city.

(b) Term of Office - The term of office for the mayor and deputy mayor and for the seven (7) members of city councilors shall be 2 years each, beginning on the first Monday in the January succeeding the councilor's election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day, and until successors have been qualified.

(c) Eligibility - Any voter shall be eligible to hold the office of mayor, deputy mayor or city councilor, councilor-at-large. If any of the seven (7) members of the city council, not including the mayor and the deputy mayor, councilor-at-large removes from the city during the councilor's term, that office shall immediately be deemed vacant and filled in the manner provided in section 2-11. The city council shall determine whether a councilor has removed from the city.

SECTION 2-2: PRESIDENT AND VICE-PRESIDENT, ELECTION;
TERM; POWERS

(a) Election and Term — The voters of the city shall elect the mayor and the deputy mayor as a "leadership team" and the mayor and deputy

mayor shall serve as President and Vice-President of the city council. If the mayor removes from the city during the mayor's term, the deputy mayor shall serve immediately as mayor. If the deputy mayor removes from the city during the deputy mayor's term, the mayor as soon as practicable but no later than within seven (7) calendar days shall appoint a new deputy mayor who must be a resident for a minimum of one (1) year prior to appointment. As soon as practicable after the councilors-elect have been qualified following each regular city election, as provided in section 9-11, the members of the city council shall elect from among its members a president and vice-president who shall serve for a 1 year term. The method of election of the president and vice-president shall be prescribed within the rules of the city council.

If both Mayor and Deputy Mayor remove from their positions at the same time or at a time prior to action taken as specified within the prior paragraph of SECTION 2-2(a), the remaining seven (7) members of the City Council shall have added to its membership two (2) additional city councilors being filled in descending order of votes received by the two (2) candidates for the office of city councilor at the preceding city election who received the highest number of votes without being elected, provided such candidate remains eligible and willing to serve. The city clerk shall certify this candidate to the office of city council and the candidate shall be sworn to office immediately to serve for the balance of the unexpired term. city councilors serving under this section shall not be entitled to have the words "candidate for re-election" printed with that councilor's name on the election ballot. After the two (2) additional members of the City Council are sworn to office, the city clerk shall convene immediately or as soon as is possible to elect from the city council's membership an interim "leadership team" who would serve until the next regular city election as Mayor and Deputy Mayor, carrying out all "Powers and Duties", as specified in this SECTION 2-2(b). This convened city council meeting shall be called without delay by the City Clerk and shall be chaired by the City Clerk until the election of an interim

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"leadership team". The City Clerk shall have no vote during this convened city council meeting.

(b) Powers and Duties - The president shall prepare the agenda for city council meetings. The president shall preside at all meetings of the city council, regulate its proceedings, preserve decorum, and decide all questions of order. The president shall appoint all members of committees

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of the city council, whether special or standing, and such other appointments as are established by the charter and ordinances. In making appointments as established by the charter and ordinances, the president shall appoint city residents. The president shall have the same powers to vote upon measures coming before the city council as any other member of the city council. The president shall perform any other duties consistent with the office that are established by charter, ordinance or other vote of the city council. The vice-president shall preside in the absence of the president.

SECTION 2-3: PROHIBITIONS

(a) Holding Other City Position - Except as otherwise provided by the charter, no member of the city council shall hold any other compensated city position. No former member of the city council shall hold any compensated appointed city position until 1 year following the date on which the former member's service on the city council has terminated. This section shall not prevent a city employee who vacated a position in order to serve as a member of the city council from returning to the same or other position upon the expiration of the term for which that person was elected.

(b) Interference with Administration - Except for employees appointed in accordance with section 2-8, the city council or any member of the city council, shall not give orders or directions to any employee of the city, either publicly or privately.

SECTION 2-4: COMPENSATION

(a) Salary - The members of the city council shall receive compensation for their services as set by ordinance. No ordinance increasing or reducing the compensation of the members of the city council shall be effective unless it has been adopted during the first eighteen (18) months of the term for which the council is elected, ~~provides~~ providing that the

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compensation increase or reduction is to take effect upon the organization of city government following the next regular city election, and is adopted by a minimum of six (6) votes of the city council.

(b) Expenses - Subject to appropriation, the council members shall be entitled to reimbursement of their actual and necessary expenses in the performance of their duties. Actual and necessary expenses shall be defined within the council's rules and regulations.

SECTION 2-5: GENERAL POWERS

Except as otherwise provided by the General Laws or by this charter, all powers of the city shall be vested in the city council which shall provide for the performance of all duties and obligations imposed upon the city by law.

SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES

(a) Exercise of Powers - Except as otherwise provided by General Laws or by this charter, the legislative and policy-making powers of the city council may be exercised in a manner determined by the city council.

(b) Quorum - The presence of five (5) city councilors shall constitute a quorum for the transaction of business. Except as otherwise provided by the General Laws or by this charter, the affirmative vote, taken by a roll call vote, of five (5) councilors shall be required to adopt any ordinance.

(c) Rules of Procedure - The city council shall adopt rules regulating the procedures of the city council, which shall include, but not be limited to, the following rules:

(i) Regular meetings of the city council shall be held at a time and place fixed by ordinance. All regular meetings of the city council shall provide for a period of public comment as required by section 9-18 of this

charter; provided, however, the city council may promulgate rules that regulate the period of public comment as deemed appropriate.

(ii) Special meetings of the city council shall be held at the call of the president or at the call of any 3 or more members, for any purpose. Notice of the meeting shall, except in an emergency, which shall be determined by the president, be delivered to each member at least forty eight (48) weekday hours in advance of the time set and shall specify the date, time and location of the meeting and the purpose or purposes for which the meeting is to be held. A copy of each notice shall immediately be posted as the General Laws relative to such postings require.

(iii) All sessions of the city council and of every committee or subcommittee of the city council shall at all times be open to the public unless otherwise permitted by law.

(iv) A full, accurate, up-to-date account of the proceedings of the city council shall be maintained by the city clerk, which shall include a record of each vote taken and which shall be made available with reasonable promptness following each meeting, but not later than the next regularly scheduled meeting. The minutes of an executive session shall be made available as soon as publication of the minutes would not defeat the purpose of the executive session.

SECTION 2-7: ACCESS TO INFORMATION

(a) In General - The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency.

(b) Information Requests - The city council may require a member of a multiple-member body, city officer, or a city employee to appear before the city council to give any information that the city council may require in relation to the municipal services, functions and powers or

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duties which are within the scope of responsibility of that person and not within the jurisdiction of the school committee.

(c) Mayer-City Manager - The city council may request specific information from the mayer-City Manager on any municipal matter and may request that the mayer-City Manager be present to answer written questions relating to that information at a meeting that the council may call within a reasonable time after the request is made to the mayer-City Manager. The mayer-City Manager shall personally, or through a designee, attend such meeting and respond to the questions. The mayer-City Manager, or the person designated to attend, shall not be required to answer questions relating to any other matter. The council may further delineate procedures under this provision in the council's rules.

(d) Notice - The city council shall, by resolution, request the attendance of any officer or employee of the city, but not including the school committee or employees of the school department, to appear before it under this section. The resolution shall include the subject on which the city council seeks information and may contain specific questions prepared by the council. No officer or employee called to appear before the city council under this section shall be required to respond to any question not relevant to the subject of the inquiry as identified in the resolution. The mayer-City Manager shall receive a copy of all such resolutions.

SECTION 2-8: APPOINTMENTS OF THE CITY COUNCIL

Subject to appropriation, the city council may employ staff as it deems necessary.

SECTION 2-9: ORDINANCES AND OTHER MEASURES

(a) Measures - No measure shall be passed finally on the date on which it is introduced, except in the case of an emergency. Except as otherwise provided by the charter, every adopted measure shall become

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effective at the expiration of ten (10) days after adoption or upon the signature of the mayor, whichever occurs first. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter, or as provided in the initiative and referendum procedures. This section shall not apply to resolutions.

(b) Emergency Measures - An emergency measure shall be introduced in the form and manner prescribed for measures generally, except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing the scope and nature of the emergency in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of a minimum of six (6) members of the city council. An emergency measure may be passed with an amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure. Except as provided by the General Laws, such grant, renewal or extension shall be made by ordinance. An emergency measure shall become effective upon adoption or at such later time as it may specify.

(c) Charter Objection - On the first occasion that the question of adoption of a measure is put to the city council, if a single councilor present objects to the taking of the vote, the vote shall be postponed until the next meeting of the city council, whether regular or special. If more than 1 councilor present objects, such postponement shall be until the next regular meeting. If it is an emergency measure, at least 3 councilors must object. This procedure shall not be used more than once for any specific matter notwithstanding an amendment to the original matter. A charter objection shall have privilege over all motions but must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease.

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(d) Posting - All adopted ordinances shall be posted on the city website within seven (7) days of adoption, and copies of such documents shall be filed in the office of the city clerk and the main public library.

SECTION 2-10: CITY COUNCIL CONFIRMATION OF MAKES CERTAIN APPOINTMENTS

~~The mayor shall refer to the city council and simultaneously file with the city clerk, the name of each person the mayor desires to appoint as a city officer, department head or as a member of a multiple member body. Appointments made by the mayor shall become effective on the forty fifth day after the date on which notice of the proposed appointment was filed with the city clerk unless approved or rejected by the city council within the 45 days. All individuals appointed to a multiple member body shall be residents of the city. If an appointed individual removes from the city, the position shall be immediately deemed vacant. The city council appoints the City Manager, City Clerk, City Auditor and the Corporation Counselor. Also, the City Council appoints its own staff, as it deems appropriate and necessary. These positions are established through ordinance, as is customary, with salaries and benefits established either through ordinance or through contract, as is established by ordinance or general law and as is customary.~~

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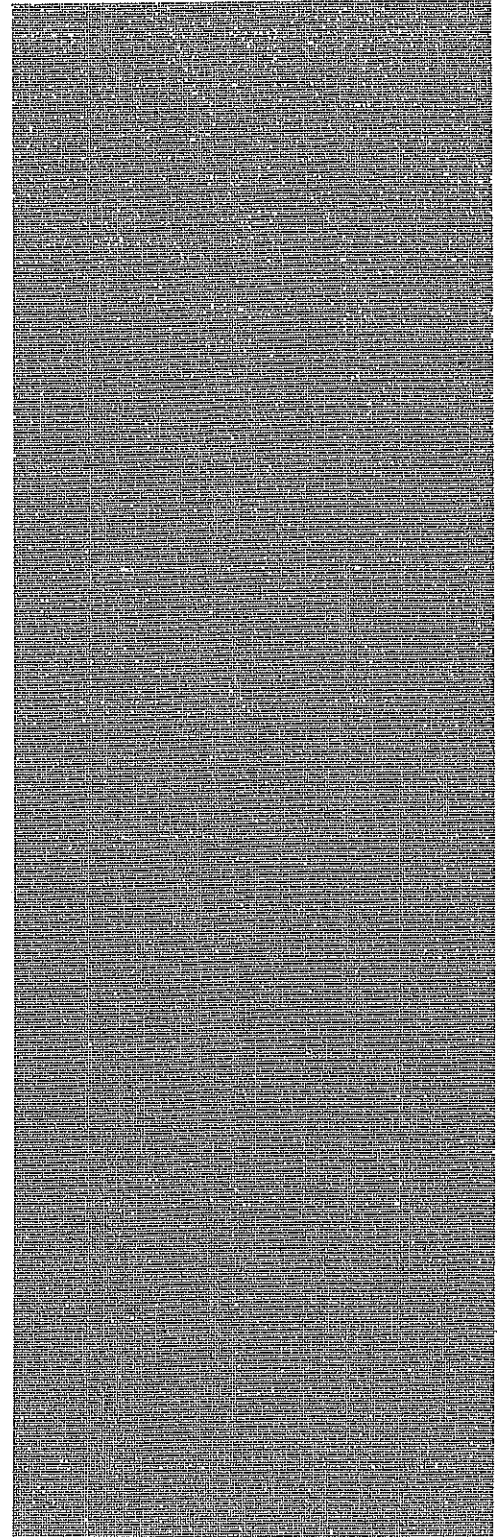
SECTION 2-11: FILLING OF VACANCIES

~~If a vacancy shall occur on the city council for one (1) of the seven (7) councilor positions, not including the mayor or the deputy mayor, the vacancy shall be filled in descending order of votes received by the candidate for the office of city councilor at the preceding city election who received the highest number of votes without being elected, provided such candidate remains eligible and willing to serve. The city clerk shall certify this candidate to the office of city council and the candidate shall be sworn to office immediately to serve for the balance of the unexpired term. City councilors serving under this section shall not be entitled to have the words "candidate for re-election" printed with that councilor's name on the election ballot.~~

~~If the mayor removes from the city during the mayor's term or in any other manner vacates the position of mayor, the deputy mayor shall serve immediately as mayor. If the deputy mayor removes from the city during the deputy mayor's term or in any other manner vacates the position of~~

deputy mayor, the mayor shall appoint a new deputy mayor, as soon as practicable but no later than within seven (7) calendar days.

If both Mayor and Deputy Mayor remove from their positions at the same time or at a time prior to action taken as specified within SECTION 2-2(a) their replacements shall be as provided for in SECTION 2-2(a).



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ARTICLE 3 EXECUTIVE
BRANCH

SECTION 3-1: MAYOR/CITY MANAGER: QUALIFICATIONS; TERM OF
OFFICE; COMPENSATION; PROHIBITIONS

a) —City Manager Qualifications - The chief executive officer of the city shall be a ~~mayor~~City Manager, elected ~~hired~~ by the ~~a~~ majority of five (5) votes~~s~~ of the city ~~at large~~nine (9) members city council [includes the Mayor, Deputy Mayor and the seven (7) at-large elected members of the city council]. Any voter-qualified applicant as determined by the city council shall be eligible to hold the office of ~~mayor~~City Manager. The ~~mayor~~-City Manager shall devote full-time to the office and shall not hold any other elective ~~elected~~ or appointed private or public office, provided however that this prohibition may be waived by a two-thirds (2/3rds) vote [a minimum of six (6) votes is required] of the City Council. The City Manager shall be sworn to the faithful performance of the duties of City Manager, and shall be the chief administrative officer of the city and shall be responsible for the administration of all departments, commissions, boards and officers of the city, whether established before its adoption of this plan or thereafter, except that of the city clerk, city auditor, city corporation counselor and any official appointed by the governor or anybody elected by the voters of the city. The City Manager shall be appointed on the basis of administrative and executive qualifications only, and need not be a resident of the city or commonwealth when appointed. The City Manager shall hold office per contract with the city council and shall receive such compensation as shall be established by contract and/or by ordinance.

(b) —Term of Office - The term of office of the ~~mayor~~-City Manager shall be 2 years, beginning on the first Monday in the January succeeding the mayor's election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day and shall continue until a successor has been qualified~~determined~~ by contract established between the city council and the hired City Manager. The term of office of the City Manager shall not be co-terminus with the term of office of the elected officials, elected at the regular city election. The initial contract between the City Manager and the City Council shall be a minimum of three (3) years and shall not terminate, co-terminus, with the elected term of office of the City Council members. Also, any extension of the contract between the City Manager and the City Council shall not terminate, co-terminus, with the elected term of office of the City Council members.

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c) Compensation - The city council shall, by ordinance ~~contract~~ **and/or**

ordinance, establish the compensation for the mayor City Manager. No ordinance increasing or reducing the compensation of the mayor shall be effective unless it has been adopted during the first 18 months of the term for which the mayor is elected, provides that the compensation increase or reduction is to take effect upon the organization of the city government following the next regular city election, and has been adopted by a minimum of 6 votes of the city council.

a) — ~~Prohibitions - The mayor-City Manager shall hold no other~~
~~electd or appointed private or public office or position, neither compensated or~~
~~not compensated city position. No former mayor shall hold a compensated-~~
~~appointed city office or city employment until 1 year following the date on which-~~
~~the former mayor's city service has terminated. This subsection shall not-~~
~~prevent a city officer or other city employee who has vacated a position in-~~
~~order to serve as mayor from returning to the same office or other position of~~
~~city employment held at the time such position was vacated; provided,~~
~~however, that no such person shall be eligible for any other municipal position-~~
~~until at least 1 year following the termination of service as~~

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a) ~~m~~ayor. This prohibition shall not apply to persons covered by a leave of absence under section 37 of chapter 31 of the General Laws.

SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

The executive powers of the city shall be vested solely in the ~~m~~ayor City Manager and may be exercised by the ~~m~~ayor City Manager either personally or through the several city agencies under the general supervision and control of the office of the ~~m~~ayor City Manager. The ~~m~~ayor City Manager shall cause the charter, ordinances and other orders of the city government to be enforced and shall cause a record of all official acts of the executive branch of the city government to be kept. The ~~m~~ayor City Manager shall exercise general supervision and direction over all city agencies, unless otherwise provided by law or by this charter. Each city agency shall furnish to the ~~m~~ayor City Manager, upon request, any information or materials the ~~m~~ayor City Manager may request and as the needs of the office of ~~m~~ayor City Manager and the interests of the city may require. The ~~m~~ayor City Manager shall supervise, direct and be responsible for the efficient administration of all city activities and functions placed under the control of the ~~m~~ayor City Manager by law or by this charter. The ~~m~~ayor City Manager shall be responsible for the efficient and effective coordination of the activities of all agencies of the city and may call together for consultation, conference and discussion, at reasonable times, all persons serving the city, whether elected directly by the voters, chosen by persons elected directly by the voters or otherwise. The ~~m~~ayor City Manager shall be, by virtue of the office, a member of every appointed multiple-member body of the city. The ~~m~~ayor City Manager may, as such ex officio member, attend a meeting of an appointed multiple-member body of the city, at any time, including executive sessions, so called, to participate in the discussions of that body, but shall not have the right to vote.

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SECTION 3-3: APPOINTMENTS BY THE MAYOR/CITY MANAGER

The ~~mayer~~ City Manager shall appoint, ~~subject to review by the city council under Article 2, section 2-10,~~ all department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, city ordinance or any general law of the Commonwealth of Massachusetts; provided, however, that this provision of the Charter shall not include the appointment of persons serving under the school committee and persons serving under the city council. All appointments to multiple-member bodies shall be for terms established under Article 5. Upon the expiration of the term of any member of a multiple-member body, a successor shall be appointed under Article 5. The ~~mayer~~ City Manager shall annually post on the city's web site in February a list of all vacancies on multiple-member bodies. Such listing shall include guidance on applying to serve on a multiple-member body. The ~~mayer~~ City Manager may also notify any civic, business, neighborhood, or service organizations in the city of multiple-member body vacancies. Members of multiple-member bodies and appointments made by the ~~mayer~~ City Manager to other committees as established by the charter and ordinances must be city residents. If a member resigns from a multiple-member body, removes from the city, or is otherwise unable to complete the term to which appointed, the ~~mayer~~ City Manager shall fill such resulting vacancy for the remainder of the unexpired term unless the filling of such resulting vacancy is provided for by this charter, city ordinance or any general law of the Commonwealth of Massachusetts.

The ~~mayer~~ City Manager shall file notice of removal of any member from a multiple-member body with the city clerk.

The method of appointment for all other city employees shall be prescribed by administrative order under Article 5.

SECTION 3-4: TEMPORARY APPOINTMENTS TO CITY OFFICES

Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs of the city require that such office be filled, the

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~~mayer~~ City Manager may designate a person to perform the duties of the office on a temporary basis until the position can be filled as provided by law ~~or by this charter, city ordinance or any general law of the Commonwealth of Massachusetts.~~ When the ~~mayer~~ City Manager designates a person under this section, the

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~~mayer~~ City Manager shall file a certificate with the city clerk in substantially the following form:

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that this person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the city of Fall River.

Persons serving as temporary officers under this section shall have only those powers of the office indispensable and essential to the performance of the duties of the office during the period of temporary appointment and no others. Notwithstanding any general or special law to the contrary, no temporary appointment shall be for more than 90 days; provided, however, that not more than 2 extensions of a temporary appointment, which together shall not exceed a total of 60 days, may be made when a permanent vacancy exists in the office.

SECTION 3-5: REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS.

Unless some other procedure is specified in a collective bargaining agreement or by civil service law, the ~~mayer~~ City Manager may, in writing, remove or suspend any city officer, or the head of any city agency or department appointed by the ~~mayer~~ City Manager by filing a written statement, with the city clerk, setting forth the reasons for the removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the city officer or agency or department head. The decision of the ~~mayer~~ City Manager in suspending or removing a city officer or an agency or department head shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely with the ~~mayer~~ City Manager.

SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS

(a) Communications to the City Council - The ~~mayer~~ City Manager shall, by written communications, recommend to the city council for its consideration measures as, in the judgment of the ~~mayer~~ City Manager, the needs of the city require. The ~~mayer~~ City Manager shall, by written communication, keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate in any such reports any fiscal, financial or administrative issues facing the city.

(b) Special Meetings of the City Council - The ~~mayer~~ City Manager may call a special meeting of the city council for any purpose. Notice of the meeting shall, except in an emergency declared by the ~~mayer~~ City Manager, be delivered at least forty eight (48) weekday hours in advance of the time set and shall specify the date, time and location of the meeting and the purpose for which the meeting is to be held. A copy of the notice shall be posted immediately or as required by the General Laws relative to such a posting.

(c) State of the City - The ~~mayer~~ City Manager shall in each year on or before the third Wednesday in March make an address to a joint meeting of the city council and school committee, and shall include the city's multiple-member bodies, city officers and department heads, to report on the state of affairs of the city. Such address shall be open to the public.

SECTION 3-7: APPROVAL OF MAYOR, VETO

~~Every order, ordinance, or vote adopted or passed by the city council relative to the affairs of the city, except resolutions, the selection of city officers by the city council and any matters relating to the internal affairs of the city council, shall be presented to the mayor for approval within 3 business days of such adoption or passage. If the mayor approves of the measure, the mayor shall sign it; if the mayor disapproves of the measure, the mayor shall return the measure with the specific reason for such disapproval attached to the measure in writing to the city council. The city council shall enter the objections of the mayor on its records and not less than 10 business days nor more than 30 days~~

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~~from the date of its return to the city council, shall again consider the same measure. If the city council, notwithstanding such disapproval by the mayor, shall again pass the order, ordinance, or vote by a minimum of 6 votes of the city council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve the same. If the mayor has neither signed a measure nor returned it to the city council within 10 days following the date it was presented to the mayor, the measure shall be deemed approved and in force.~~

SECTION 3-87: TEMPORARY ABSENCE OF THE MAYOR/CITY MANAGER

(a) ~~Acting Mayor/City Manager~~ - Whenever, by reason of sickness or other cause, the ~~mayor/City Manager~~ is unable to perform the duties of the office, the president of the city council shall ~~be select~~ by a majority vote of five (5) of its members the acting ~~mayor/City Manager~~ unless the president of the city council is unable or unwilling to serve; in such instance, the provisions of section 3-8 (c) shall apply. The city council, by the affirmative vote of 7 members, shall determine whether the mayor is unable to perform the duties of the office ~~from among existing administrative/management staff~~. The vote shall be taken in public session by a roll call vote. Members of the city council or the school committee, including the mayor and the deputy mayor as well as the other seven (7) members of the city council and the other five (5) members of the school committee, are not eligible to serve as Acting City Manager. The Acting City Manager shall return to the duties of the position previously held, prior to the selection of the City Council to serve as Acting City Manager, upon the return of the City Manager or upon the hiring of a new City Manager.

(b) Powers of Acting Mayor/City Manager - The acting ~~mayor/City Manager~~ shall have only those powers of the ~~mayor/City Manager~~ as are indispensable and essential to conduct the business of the city in an orderly and efficient manner and on which action may not be delayed. The acting ~~mayor/City Manager~~ shall have no authority to make a permanent

appointment or removal from city service unless the disability or absence of the ~~mayer~~City Manager shall extend beyond 60 days, nor shall an acting ~~mayer~~City Manager approve or disapprove of any measure adopted by the city council unless the time within which the ~~mayer~~City Manager must act would expire before the return of the ~~mayer~~City Manager. ~~The city council president or any other city councilor who may be serving as acting mayor pursuant to section 3-8 (c) shall not act as a member of the city council.~~

(c) ~~Succession~~ — In the event that the city council president is unable or unwilling to serve as acting mayor under this section, the vice president of the city council shall serve as acting mayor, if either the city

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~~council president or vice president is unable or unwilling to serve, the city council shall then elect, from among its membership, a councillor to serve as acting mayor.~~

SECTION 3-98: DELEGATION OF AUTHORITY BY MAYORCITY MANAGER

The ~~mayer~~ City Manager may authorize a subordinate officer or employee of the city to exercise a power or perform a function or a duty which is assigned by this charter, or otherwise, to the ~~mayer~~ City Manager and the ~~mayer~~ City Manager may rescind or revoke an authorization previously made; provided, however, that all acts performed under any such delegation of authority during the period of authorization shall be and remain the acts of the ~~mayer~~ City Manager. Nothing in this section shall be construed to authorize a ~~mayer~~ City Manager to delegate the powers and duties of a city council or school committee member, or the power of appointment to city office or employment ~~or to sign or return measures approved by the city council.~~

SECTION 3-99: VACANCY IN OFFICE OF MAYORCITY MANAGER

Whenever a vacancy occurs in the office of ~~mayer~~ City Manager by death, removal, resignation or any other reason ~~during the first 48 months of the term for which the mayor was elected,~~ the city council shall call a special election ~~meeting~~ to be held within 90 seven (7) business days following the date the vacancy ~~is to created initiate the hiring process to~~ **select a new City Manager** ~~fill the vacancy for the remainder of the unexpired term. Between the date of the declaration of of the vacancy and the certification of the results of the special election, the vacancy in the office of hiring of a new City Manager, mayor the vacancy shall be filled as provided in section 3-8-7(a). If the council president is unable or unwilling to serve, the provisions of section 3-8 (c) shall apply. The candidate elected as mayor in such special election shall be sworn to office immediately upon certification of the results of the special election.~~

~~If a regular city election is to be held within 150 days after the date the vacancy is created, a special election need not be held and the position shall be filled by vote at the regular city election and the candidate elected as~~

mayor shall be sworn to office immediately upon certification of the results of the regular city election, and shall serve for the

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remainder of the unexpired term in addition to the term to which elected.

If a vacancy occurs after the eighteenth month through the end of the term for which the mayor was elected, the vacancy in the office of mayor shall be filled as provided in section 3-8 (a). If the vacancy cannot be filled under section 3-8 (a), the provisions of section 3-8 (c) shall apply. The acting mayor, shall exercise all the rights and powers of the mayor and shall be sworn to the faithful discharge of the mayoral duties. Any city councilor serving as acting mayor under this section shall not be entitled to have the words "candidate for reelection" printed with that councilor's name on the election ballot. Any councilor serving as mayor under this section shall receive the compensation then in effect for the office of mayor.

SECTION 3-11: PLANNING

At least once in every five (5) years, the ~~mayor~~ City Manager shall consult with all city officers, multiple-member bodies, agencies, departments and offices with responsibility for land use policy, development or regulation concerning the priorities for city planning initiatives, including but not limited to land use, development, transportation, housing, and the environment; such consultations shall include an assessment of the need for new plans or revisions to plans currently in effect. The ~~mayor~~ City Manager shall advise the city council on or before December 1 in the year the consultations are held of any proposals to prepare or revise one or more plans to address the city's planning needs and priorities.

SECTION 3-12: STRATEGIC PLAN

The ~~Mayor~~ City Manager, in conjunction with agency and department heads, multiple-member bodies, the city council, school committee, and residents, shall prepare a long range strategic plan every ten (10) years in the year ending in a zero. The committee shall be composed of nine (9) members; the ~~mayor~~ City Manager shall appoint no more than three (3) members who shall be city

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department heads, city officers or employees, or members of multiple-member bodies. The ~~mayor~~ City Manager ~~also shall also~~ appoint two (2) members who shall be city residents. The city council and the school committee shall each appoint two (2) members, who shall be city residents. The strategic plan shall address fiscal, financial, service, and management needs of the city, including but not limited to, personnel practices and use of technology. The committee shall complete its work within ~~4 one~~ (1) year of its appointment, including preparation of a plan addressing its findings and recommendations. The ~~mayor~~ City Manager shall oversee the update of the plan every three (3) years. The ~~mayor~~ City Manager shall submit the plan and any updates to the city council, and such plan and any updates thereto shall be posted on the city website when submitted to the city council.

ARTICLE 4 SCHOOL COMMITTEE

SECTION 4-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

(a) Composition - There shall be a school committee which shall consist of seven (7) members. ~~Six Five (5)~~ of these members shall be nominated and elected by the voters of the city at large. The mayor and the deputy mayor shall be the sixth (6th) and seventh (7th) member and they, mayor and deputy mayor, shall serve as chair (mayor) and vice-chair (deputy mayor).

(b) Term of Office - The term of office for elected school committee members shall be two (2) years each, beginning on the first (1st) Monday in the January succeeding the elected school committee's election, except when that first (1st) Monday falls on a legal holiday, in which event the term shall begin on the following day, and until successors have been qualified.

(c) Eligibility - A school committee member shall, at the time of election, be a voter. If a school committee member removes from the city during the term for which that person was elected, that office shall immediately be deemed vacant and filled in the manner provided in

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section 4-8.

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SECTION 4-2: ELECTION OF SCHOOL COMMITTEE VICE CHAIR;
POWERS AND DUTIES OF CHAIR AND VICE CHAIR

(a) ~~Election and Term~~ ~~Term~~ ~~As soon as practicable after school~~
~~committee members~~ ~~The mayor and the deputy mayor elected at the elect~~
~~have been qualified following each regular city election~~ **election**
or through other means as provided in this charter ~~as provided in~~
~~section 9-11, the members of the school committee shall elect from among~~
~~its members a vice chair who shall serve for a 1 year term. The method of~~
~~election of the vice chair shall be prescribed within the rules of the school~~
~~committee, shall serve as chair and vice chair of the school committee.~~

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(b) Powers and Duties - The chair shall approve the agenda for school committee meetings. The chair shall preside at all meetings of the school committee, regulate its proceedings and decide all questions of order. The chair shall appoint all members of committees of the school committee, whether special or standing. The chair shall have the same powers to vote upon measures coming before the school committee as any other member of the school committee. The chair shall perform any other duties consistent with the office that are established by charter, ordinance or other vote of the school committee. The vice-chair shall preside in the absence of the chair.

SECTION 4-3: PROHIBITIONS

No member of the school committee shall hold any other compensated city position except that the mayor and deputy mayor serve as members of the school committee by their election as mayor and deputy mayor. No former member of the school committee including the mayor and deputy mayor shall hold any compensated appointed city or school department office or city or school department employment until one (1) year following the date on which that member's service on the school committee terminated. This section shall not prevent a city officer or other city employee who has vacated a position in order to serve as a member of the school committee from returning to the same office or other position of city employment held at the time the position

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was vacated; provided, however, that no such person shall be eligible for any other municipal position until at least one (1) year following the termination of service as a member of the school committee.

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SECTION 4-4: COMPENSATION, EXPENSES

(a) Salary - The city council shall, by ordinance, establish the compensation for the elected members of the school committee, including compensation for the mayor and the deputy mayor in their defined capacities, including their serving as president and vice president of the city council as well as chair and vice chair of the school committee. No ordinance increasing or reducing the compensation of elected members of the school committee shall be effective unless it has been adopted during the first eighteen (18) months of the term for which the school committee is elected, providing that the compensation increase or reduction is to take effect upon the organization of city government following the next regular city election, and has been adopted by a minimum of six (6) votes of the city council.

(b) Expenses - Subject to appropriation, the school committee members shall be entitled to reimbursement of their actual and necessary expenses in the performance of their duties. The actual and necessary expenses shall be defined in the rules and regulations of the school committee.

SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

The school committee shall have all powers which are conferred on school committees by the General Laws and the additional powers and duties provided by charter, ordinance or otherwise and not inconsistent with the General Laws. The powers and duties of the school committee shall include:

(a) selecting and removing a superintendent of the schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as authorized by the General Laws;

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(b) making all reasonable policies, rules and regulations for the management of the public school system and for conducting the business of the school committee as deemed necessary or desirable; and

(c) adopting and overseeing the administration of an annual operating budget for the school department, subject to appropriation by the city council; provided, however, that the school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, ~~furniture~~^{furniture} and equipment; provided further, that the school committee shall provide ordinary maintenance of all school buildings and grounds, unless a central municipal maintenance department, which may include maintenance of school buildings and grounds, is established; provided further, that whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least one (1) member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee for the planning or construction of the new, remodeled or renovated school building.

SECTION 4-6: MEETINGS OF THE SCHOOL COMMITTEE

(a) Except in the case of an emergency, or in the event of a joint meeting with the city council, the school committee shall not meet on the same date as a regularly scheduled city council meeting.

(b) Regularly scheduled meetings of the school committee shall be held at a time and place as determined by the school committee's rules.

SECTION 4-7: INTERFERENCE WITH ADMINISTRATION

The school committee, or any member thereof, shall not give orders or directions to any employee of the school department appointed by the superintendent, either publicly or privately.

SECTION 4-8: FILLING OF VACANCIES

If a vacancy shall occur on the school committee, the vacancy shall be filled in the descending order of votes received by the candidate for the office of school committee at the preceding city election who received the highest number of votes without being elected to the office, provided such candidate remains eligible and willing to serve. The city clerk shall certify this candidate to the office of school committee member and the candidate shall be sworn to office immediately to serve for the balance of the unexpired term. Persons serving as school committee members under this section shall not be entitled to have the words "candidate for reelection" printed with that person's name on the election ballot.

If the mayor removes from the city during the mayor's term or in any other manner vacates the position of mayor, the deputy mayor shall serve immediately as mayor. If the deputy mayor removes from the city during the deputy mayor's term or in any other manner vacates the position of deputy mayor, the mayor shall appoint a new deputy mayor, as soon as practicable but no later than within seven (7) calendar days.

If both Mayor and Deputy Mayor remove from their positions at the same time or at a time prior to action taken as specified within SECTION 2-2(a) their replacements shall be as provided for in SECTION 2-2(a).

ARTICLE 5 ADMINISTRATIVE ORGANIZATION

SECTION 5-1: ORGANIZATION OF CITY AGENCIES

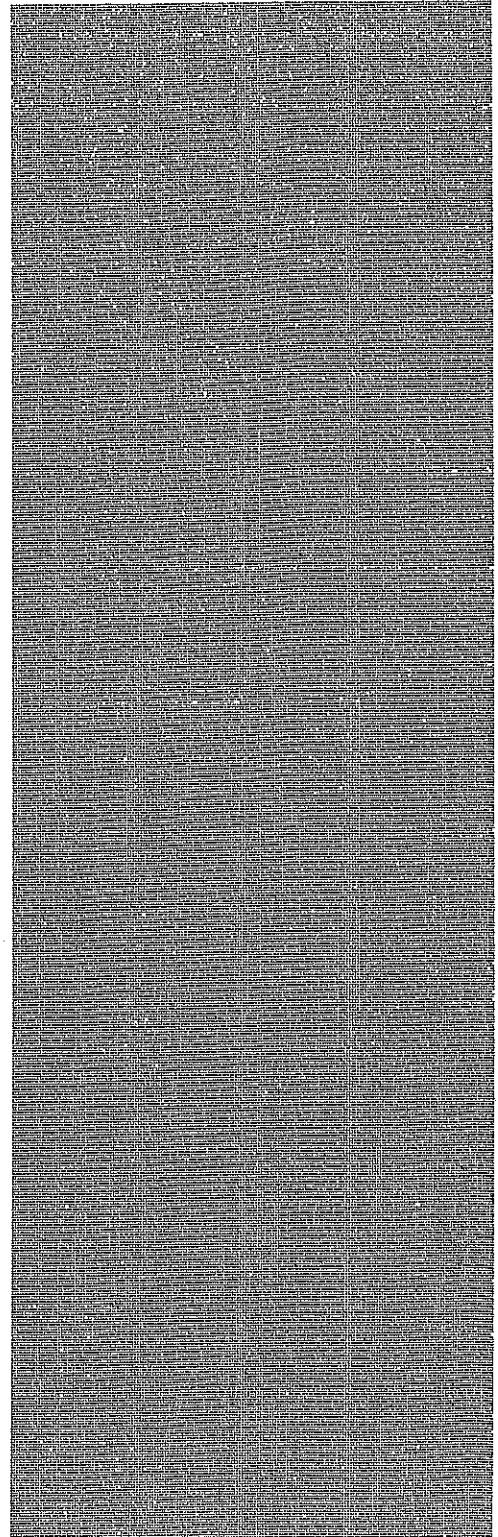
The organization of the city into agencies to provide services and administer the government may be accomplished only through an administrative order submitted to the city council by the mayorCity Manager. No such administrative order may originate with the city council.

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The ~~mayer~~ City Manager may, subject only to express prohibitions of a general law of the Commonwealth of Massachusetts, city ordinance of the City of Fall River or this charter, submit proposals to reorganize, consolidate or abolish any agency, in whole or in part, or to establish a new agency as is deemed necessary, establish terms of office and prescribe the functions and administrative procedures to be followed by all such agencies. No function assigned by



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this charter to a particular agency may be discontinued or assigned to any other agency unless specified by this charter. The ~~mayer~~ City Manager may prepare and submit to the city council, administrative orders that establish agencies for the orderly, efficient or convenient conduct of the business of the city. These administrative orders shall be accompanied by a message from the ~~mayer~~ City Manager which explains the expected benefits and advises the city council if an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances. Whenever the ~~mayer~~ City Manager proposes an administrative order, the city council shall hold one (1) or more public hearings on the proposal giving notice by publication in a local newspaper and on the city website, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than seven (7) nor more than fourteen (14) days following the publication. An organization or reorganization plan shall become effective at the expiration of sixty (60) days following the date the proposal is submitted to the city council unless the city council shall, by a majority vote, within that sixty (60) day period, vote to disapprove the plan. The city council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

SECTION 5-2: MERIT PRINCIPLE

All appointments and promotions of persons employed by the city shall be made on the basis of merit and fitness demonstrated by examination, past performance or by other evidence of competence and suitability. Each person employed by the city shall be especially fitted by education, training and previous work experience to perform the duties of the office or position.

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**ARTICLE 6
FINANCE AND FISCAL PROCEDURES**

SECTION 6-1: FISCAL YEAR

The fiscal year of the city shall begin on July 1 and shall end on June 30, unless another period is required by the General Laws.

SECTION 6-2: ANNUAL BUDGET MEETING

At least seventy-five (75) days before the beginning of the fiscal year, the mayor shall call a joint meeting of the city council and school committee, including the superintendent of schools, to review the fiscal and financial condition of the city, revenue and expenditure forecasts, and other relevant information prepared by the mayor in order to develop a coordinated budget.

SECTION 6-3: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

At least forty-five (45) days before the beginning of the fiscal year, the mayor shall submit to the city council a proposed operating budget for all city agencies, which shall include the school department, for the ensuing fiscal year with an accompanying budget message and supporting documents. The budget message submitted by the mayor shall explain the operating budget in fiscal terms and in terms of work programs for all city agencies. It shall outline the proposed fiscal policies of the city for the ensuing fiscal year, describe important features of the proposed operating budget and include any major variations from the current operating budget, fiscal policies, revenues and expenditures together with reasons for these changes. The proposed operating budget shall provide a complete fiscal plan of all city funds and activities and shall be in the form the mayor deems desirable. The school budget, as adopted by the school committee shall be submitted to the ~~mayor~~ City Manager at least thirty (30) days before the submission of the proposed operating budget to the city council. The ~~mayor~~ City Manager shall notify the school committee of the date by which the proposed budget of the school committee shall be submitted to the City Manager.
~~committee shall be submitted to the mayor.~~

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SECTION 6-4: ACTION ON THE OPERATING BUDGET

(a) Public Hearing - The city council shall publish in at least one (1) local newspaper and post on the city website a notice of the proposed operating budget as submitted by the ~~mayer~~City Manager. The notice shall state: (i) the times and places where copies of the entire proposed operating budget are available for inspection by the public; and (ii) the date, time and place when a public hearing on the proposed operating budget will be held by the city council, not less than fourteen (14) days after publication of the notice.

(b) Adoption of the Budget - The city council shall adopt the proposed operating budget, which may have amendments, within forty-five (45) days following the date the proposed budget is filed with the city clerk. In amending the proposed operating budget, the city council may delete or decrease amounts except expenditures required by law; provided, however, that except on the recommendation of the ~~mayer~~City Manager, the city council shall not increase any item in, or the total of, the proposed operating budget unless otherwise authorized by the General Laws. If the city council fails to take action on an item in the proposed operating budget within forty-five (45) days after its receipt, that amount shall, without any action by the city council, become a part of the appropriations for the year and be available for the purposes specified.

(c) Availability of the Operating Budget - In addition to any other posting requirements under law, immediately after the submission of the proposed budget to the city council, the ~~mayer~~City Manager shall cause the entire budget document to be posted on the city's website. Said proposed budget document shall remain posted during the city council's review process contained in this article. The budget as enacted shall be posted

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on the city's website- and shall remain- there -throughout- the fiscal- year for which it is in effect. Said budget document shall reflect any amendments made by the city council ~~and approved by the mayor and~~ shall indicate that it is the budget in effect for the city.

SECTION 6-5: CAPITAL IMPROVEMENT PROGRAM

(a) Submission - The ~~mayor~~ City Manager shall submit a capital improvement program to the city council at least one hundred eighty (180) days before the start- of- each fiscal year. The capital improvement program shall include:

(1) a clear and concise summary of its contents;

(2) a list of all capital improvements proposed to be undertaken during the next five (5) years, with supporting information as to the need for each capital improvement;

(3) cost estimates, methods of financing and recommended time schedules for each improvement; and

(4) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information shall be annually revised by the ~~mayor~~ City Manager with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

(b) Public Hearing - The city council shall publish in at least one (1) local newspaper of general circulation in the city and shall post on the city's website a notice stating: (i) the times and places where copies of the entire capital improvement program are available for inspection by the public; and, (ii) the date, time and place of a public hearing on the plan to be held by the city council not less than fourteen (14) days after publication of the notice.

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(c) Adoption - At any time after the public hearing but before March 1 the city council shall by resolution adopt the capital improvement program, which may be amended, provided that each amendment shall be voted on separately and that an increase in the capital improvement program as submitted shall clearly identify the method of financing to accomplish the proposed increase.

SECTION 6-6: INDEPENDENT AUDIT

The city council shall annually provide for an outside audit of the books and accounts of the city to be conducted by a certified public accountant or a firm of certified public accountants, which has no personal interest, direct or indirect, in the fiscal affairs of the city or any of its officers. The ~~mayer~~ City Manager ~~annually~~ shall ~~annually~~ provide to the city council funds sufficient to satisfy the estimated cost of conducting the audit as presented to the ~~mayer~~ City Manager, in writing, by the city council. The award of a contract to conduct the audit shall be made by the city council on or before September 15 of each year. The report of the audit shall be filed in final form with the city council not later than March 1 in the year following its award. Within thirty (30) days of the filing of the audit report, the city council shall call a joint meeting with the administration and the independent auditor to discuss the findings of the independent audit. At least every five (5) years, the city council shall conduct a competitive procurement process to retain these auditing services.

SECTION 6-7: EXPENDITURES IN EXCESS OF APPROPRIATIONS

Except as otherwise provided by law, no official of the city of Fall River shall knowingly or intentionally expend in a fiscal year sums in excess of the appropriations, awards, grants or gifts duly made in accordance with law or involve the city in any contract for the future payment of money in excess of these appropriations, awards, grants or gifts. It is the intention of this section that section 31 of chapter 44 of the General Laws shall be strictly enforced. Any official who violates this

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section shall be personally liable to the city for any amounts so expended to the extent that the city does not recover these amounts from the person to whom the sums were paid.

SECTION 6-8: QUARTERLY BUDGET UPDATES

Quarterly budget updates shall be made by the ~~mayer~~ City Manager or a designee during the second ~~(2nd)~~ regular monthly meeting of the city council in the months of January, April, July, and October.

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SECTION 6-9: LONG TERM FINANCIAL FORECAST

The ~~mayer~~ City Manager shall annually prepare a five (5) year long-term financial forecast of city revenues and expenditures; the forecast shall address the general financial condition of the city, including, but not limited to, an identification of factors which will impact the financial condition of the city and revenue and expenditure trends, including long and short term debt service to be incurred, a debt management plan, potential for new or expanded revenues, and any long or short term actions which may be taken to enhance the financial condition of the city. The forecast shall be submitted to the city council at least one hundred eighty (180) days before the start of the fiscal year.

SECTION 6-10 PUBLIC ACCESS TO FINANCIAL DOCUMENTS

Copies of the annual budget, capital improvement program, long term financial forecast, debt management plan and the annual independent audit shall be made available on the city website and for public inspection, at the same time they are made available to the council, and when the council receives the independent audit report. Copies of such documents shall also be filed in the office of the city clerk and the main public library.

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ARTICLE 7 ELECTIONS

SECTION 7-1: PRELIMINARY ELECTIONS

A preliminary election to nominate candidates for mayor and deputy mayor (elected as a "leadership team"), city council, and school committee shall be held on the third Tuesday in September in each odd-numbered year in which the candidates are to be elected; but the city clerk may, with the approval of the city council, reschedule the preliminary election to the second or fourth Tuesday in September to avoid a conflict with any civil or religious holiday. Whenever a special election to fill a vacancy is to be held, a preliminary election shall be conducted, if necessary, twenty-eight (28) days before the date established for the special election.

SECTION 7-2: PRELIMINARY ELECTION PROCEDURES

(a) Signature Requirements - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of mayor and deputy mayor (elected as a "leadership team"), not less than three hundred (300) certified signatures; for councilor at large or school committee member not less than one hundred fifty (150) certified signatures. Signatures of voters shall be made on a form prescribed by the board of election commissioners and shall be made available not earlier than April 2 in each preliminary election year and those forms shall be submitted to the board of election commissioners for certification of the names on or before the fourteenth (14th) day preceding the date fixed for submission to the city clerk. The forms shall be submitted to the city clerk on or before 5 o'clock in the afternoon on the forty-fifth (45th) day prior to the declared date of the preliminary election. An individual may appear on the ballot for only 1 office. Candidates for mayor and deputy mayor may appear on the ballot for city council or school committee in addition to their appearing on the ballot for mayor and deputy mayor (elected as a "leadership team") at any preliminary, regular or special

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city election. If candidates for mayor and deputy mayor (elected as a "leadership team") are elected at a regular election and also, are elected as either a city council or school committee member, they must choose which position they accept. They cannot serve both as mayor and deputy mayor (elected as a "leadership team") as well as individual members of either the city council or the school committee.

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(b) Ballot Position - The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk at least forty (40) days before the preliminary election. The drawing shall be open to the public.

(c) Determination of Candidates:

(i) Office of Mayor and Deputy Mayor (elected as a "leadership team") - The two (2) elected "leadership teams" of candidates receiving the highest number of votes for nomination at the preliminary election, except as provided in subsection (d), shall be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regular or special city election at which the office is to be voted upon and no acceptance of a nomination shall be necessary to its validity.

(ii) City Council and School Committee - If 2 or more candidates are to be elected to the same office at the regular or special city election, the several candidates equal in number to twice the number to be elected, receiving at such preliminary election the highest number of votes for nomination for that office shall, except as provided by subsection (d), be the sole candidates for that office whose names shall be printed on the official ballot.

(iii) Tie Votes - If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which would entitle a candidate receiving the same to have that candidate's name printed on the official ballot for the election, all candidates participating in the tie vote shall have their names printed on the official ballots, although in consequence thereof there shall be printed on the ballots the names of candidates exceeding twice the number to be elected.

(d) Condition Making Preliminary Unnecessary - If at the expiration of the time for filing statements of candidates to be voted for at any preliminary election, not more than twice as many such statements have

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been filed with the city clerk for an office(s) as are to be elected to such office(s), the candidates whose statements have thus been filed shall be deemed to have been nominated to the office and those candidates shall be voted on for such office(s) at the succeeding regular or special city election and the city clerk shall not print those names on the ballot to be used at the preliminary election and no other nomination to the office(s) shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at a preliminary election in the city, no preliminary election shall be held.

SECTION 7-3: REGULAR CITY ELECTION

The regular city election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.

SECTION 7-4: BALLOT POSITION, REGULAR CITY ELECTION

The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk not later than seven (7) days after the certification of the preliminary election results. In the event that there is no preliminary election in advance of a special-city election, the drawing shall be conducted on the sixth (6th) Tuesday prior to the special-city election. The drawing shall be open to the public.

SECTION 7-5: NON-PARTISAN ELECTIONS

All elections for city offices shall be non-partisan and election ballots shall be printed without any party mark, emblem or other political designation.

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SECTION 7-6: WARDS

The territory of the city shall be divided by the city clerk into nine (9) wards to consist of nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded as far as possible by the center line of known streets or ways or by other ~~well-defined~~ well-defined limits. Each ward shall be composed of voting precincts established under the General Laws. The city council shall review these wards to ensure uniformity in the number of inhabitants at least once every ten (10) years.

SECTION 7-7: APPLICATION OF STATE GENERAL LAWS

Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be governed by the General Laws relating to the right to vote, the registration of voters, the nomination of candidates, voting places, the conduct of preliminary, regular and special city elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes and the determination of results.

ARTICLE 8 CITIZEN PARTICIPATION MECHANISMS

SECTION 8-1: FREE PETITION

The city council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by one hundred (100) or more registered voters, and which seeks the passage of a measure. The hearing shall be held by the city council or the school committee and the action by the city council or the school committee shall be taken not later than six (6) weeks after the petition is filed with the city clerk or the vice chair of the school committee. Hearings on two (2) or more petitions filed under this section may be held at the same time and place. The city clerk or the vice-chair of the school committee shall mail notice

8

of the hearing to the ten (10) persons whose names appear first on the petition at least seven (7) days before the hearing. Notice, by publication, of all such hearings shall be at public expense.

SECTION 8-2: CITIZEN INITIATIVE MEASURES

(a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative petition with the city clerk or the vice-chair of the school committee. The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition and shall be signed by at least two hundred fifty (250) voters. At least twenty-five (25) signatures must be certified from each ward. The petition shall be accompanied by an affidavit signed by ten (10) voters and containing their residential addresses stating those voters will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

(b) Referral to City Attorney - The city clerk or the vice-chair of the school committee shall, immediately following receipt of a proposed petition, deliver a copy of the petition to the city attorney. The city attorney shall, within fifteen (15) days following receipt of a copy of the petition, in writing, advise the city council or the school committee, and the city clerk whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may lawfully be adopted by the city council or the school committee. If the opinion of the city attorney is that the measure is not in proper form, the reply shall state the reasons for this opinion, in full. A copy of the opinion of the city attorney shall be mailed to the members of the petitioners committee.

(c) Submission to City Clerk - If the city attorney determines that the petition is in a proper form, the city clerk shall provide blank forms for the use of subsequent signers and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city

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attorney, together with the names and addresses of the petitioners

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committee. The city clerk shall notify the petitioners committee that the blank forms are issued. Within one hundred twenty (120) days following the date of the notice, the petition shall be returned and filed with the city clerk signed by at least ten (10) per cent of the total number of voters as of the date of the most recent regular city election. Signatures to an initiative petition need not all be on a single paper, but all papers pertaining to any single measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and address of the person designated as filing the papers. - With each signature on the petition there also shall also appear the street and number of the residence of each signer. Within ten (10) days following the filing of the petition, the board of election commissioners shall ascertain the number of voters that signed the petition and the percentage that number is of the total number of voters as of the date of the most recent regular city election. The board of election commissioners shall attach to the petition a certificate showing the results of its examination and shall return the petition to the city clerk or the vice-chair of the school committee, depending on how the petition is addressed. A copy of the board of election commissioners' certificate shall also be mailed to the members of the petitioners committee.

(d) Action on Petitions - Within thirty (30) days following the date a petition has been returned to the city clerk or the vice-chair of the school committee, the city council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the city council or the school committee fails to act within thirty (30) days following the date the measure is returned to it, the measure shall be deemed to have been rejected on the thirtieth (13th) day. If an initiative measure is rejected, the city clerk or the vice-chair of the school committee shall promptly give notice of that fact to the petitioners committee by certified mail.

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(e) Submission of Initiative Petition at Regular Municipal Election – If an initiative petition is certified as containing a minimum of eight (8) per cent of voters' signatures, but less than fifteen (15) per cent, such initiative shall be placed on the next regular municipal election ballot. All provisions of section 8-2 as may be applicable remain in effect, including but not limited to sections 8-2 (a), (b), (c), (d), (g), (h) and (i).

(f) Supplementary Petitions - Within sixty (60) days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the city clerk or the vice-chair of the school committee, but only by persons constituting the original petitioners committee. The supplemental initiative petition shall be signed by a number of additional voters equal to at least five (5) per cent of the total number of voters as of the date of the most recent regular city election. The signatures on the initial petition filed under subsection (c) and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of at least fifteen (15) per cent of the total number of voters as of the date of the most recent regular city election. If the number of signatures to this supplemental petition is found to be sufficient by the city clerk, the city council shall call a special election to be held on a date not less thirty-five (35) than ~~35~~ nor more than sixty (60) days following the date of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination, but if a city election is to be held within ninety (90) days following the date of the certificate, the city council may omit calling the special election and cause the question to appear on the election ballot at the approaching election for determination by the voters.

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(g) Publication - The full text of an initiative measure which is to be submitted to the voters shall be published in at least one (1) local newspaper not less than seven (7) nor more than fourteen (14) days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk, and the text shall appear on the city website.

(h) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect?

(Here insert the fair, concise summary of the proposed measure, as determined by the city attorney as referenced in subsection [c]).

o YES o NO

(i) Time of Taking Effect - Subject to section 8-6, if a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

SECTION 8-3: CITIZEN REFERENDUM PROCEDURES

(a) Petition, Effect on Final Vote - If, within twenty-one (21) days following the date on which the city council or the school committee has voted finally to approve any measure, a petition signed by a number of voters equal to at least twelve (12) per cent of the total number of voters as of the date of the most recent regular city election and addressed to the city council or to the school committee, protesting against the measure or any part of it is filed with the vice chair of the school committee or city clerk, the effective date of that measure shall be temporarily suspended. The school committee or the city council shall immediately reconsider its vote on the

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measure or part of it and; if the measure is not rescinded, the city council shall provide for the submission of the question for a determination by the voters either at a special election, which it may call at its convenience, within such time as may be requested by the school committee, or at the next regular city election; provided, however, that pending this submission and determination, the effect of the measure shall continue to be suspended.

(b) Certain Initiative Provisions to Apply - The petition described in this section shall be termed a referendum petition and insofar as applicable Section 8-2 (a) describing the manner in which a petition is prepared and filed, 8-2 (b) providing for referral to the city attorney for a legal opinion, 8-2 (g) providing for publication of the text of the measure and 8-2 (h) providing for the form of ballot question shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" in said sections wherever it may occur and the word "referendum" shall be deemed to replace the word "initiative" wherever it may occur in said sections.

SECTION 8-4: INELIGIBLE MEASURES

None of the following shall be subject to the initiative or the referendum procedures:

- (1) proceedings relating to the internal organization or operation of the city council or of the school committee;
- (2) an emergency measure adopted under the charter;
- (3) the city budget or the school committee budget as a whole;
- (4) any appropriation for the payment of the city's debt or debt service;
- (5) an appropriation of funds to implement a collective bargaining agreement;

8

(6) proceedings relating to the appointment, removal, discharge, employment, promotion, transfer, demotion or other personnel action;

(7) any proceedings repealing or rescinding a measure or part of it which is protested by referendum procedures;

(8) any proceedings providing for the submission or referral to the voters at an election; and

(9) resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.

SECTION 8-5 RECALL

(a) Application - Any holder of an elective office may be recalled therefrom by the voters of the city as herein provided. No recall petition shall be filed against an officer within three (3) months after the officer takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least two hundred seventy (270) days after that election.

(b) Recall Petition - Any ten (10) voters of the city may file with the city clerk an affidavit containing the name of the officer or officers sought to be recalled and a statement of the grounds for recall. The city clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, printed forms of which the city clerk shall keep available. Said blanks shall be issued by the city clerk with the clerk's signature and official seal attached thereto. Said blanks shall be dated and addressed to the city council, and shall contain the names of the ten (10) persons to whom they are issued, the name of the officer (or officers) whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the city clerk. The recall petition shall be returned and filed with the city clerk within twenty (20) days after the filing of the affidavit and shall have been signed by at least five (5) per cent of the voters of the city who shall add to their signatures the street and number of their residences. The city clerk

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shall submit the petition to the board of election commissioners- in the city and the board shall forthwith certify thereon the number of signatures which are names of voters of the city.

(c) Recall Election - If the petition shall be found and certified by the city clerk to be sufficient, the city clerk shall submit the same with the clerk's certificate to the city council without delay, and said city council shall forthwith give written notice of the receipt of the certificate to the officer or officers sought to be recalled, and shall, if the officer (or officers) does not resign within five (5) days thereafter, thereupon order a recall election to be held on a Tuesday fixed by said city council at least sixty-five (65) days after the date of the city clerk's certificate that a sufficient petition is filed; provided, however, that if any other city election is to occur within seventy-five (75) days after the date of the certificate, the city clerk shall postpone the holding of said recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this provision.

(d) Recall of One or More Office Holders - The question of recalling any number of officers may be submitted at the same election. For each officer whose recall is sought there shall be a separate ballot. The nomination of candidates to succeed an officer whose recall is sought, the publication of the warrant for said recall election, and the conduct of such election, shall all be in accordance with the provisions of the General Laws.

(e) Office Holder - The office holder shall continue to perform the duties of the office to which elected until the recall election. If not recalled, the office holder shall continue in office for the remainder of the unexpired term, subject to recall as the charter provides. If recalled, the office holder shall be deemed removed upon the qualification of the successor elected to the office, who shall hold office during the unexpired

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term. If the successor fails to qualify within thirty (30) days after receiving notification of election to the office, the recalled office holder shall thereupon be deemed removed and the office vacant.

(f) Recall Election Ballots - Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for one" and beneath this the names of candidates nominated as hereinbefore provided.

(g) Office Holder Recalled - Any person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against said office holder shall not be appointed to any office within 2 years after such recall or such resignation.

SECTION 8-6: REQUIRED VOTER PARTICIPATION

For any measure to be effective under the initiative procedure, and for any measure to be declared null and void under a referendum procedure, at least twenty (20) per cent of the voters as of the most recent regular city election must vote at any election that includes on the ballot submission to the voters of one (1) or more initiative or referendum questions.

SECTION 8-7: SUBMISSION OF OTHER MATTERS TO VOTERS

The city council may on its own motion and shall, at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at a regular city

election for adoption or rejection any measure in the same manner and with the same force and effect as are hereby provided for submission by petitions of voters.

SECTION 8-8: CONFLICTING PROVISIONS

If two (2) or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.

ARTICLE 9 GENERAL PROVISIONS

SECTION 9-1: CHARTER CHANGES

This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution or by the General Laws.

SECTION 9 - 2: SEVERABILITY

The provisions of this charter are severable. If any provision of this charter is held invalid the other provisions shall not be affected by this holding. If the application of this charter, or any of its provisions, to any person or circumstance is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

SECTION 9-3: SPECIFIC PROVISION TO PREVAIL

To the extent that a specific provision of this charter conflicts with any provision expressed in general terms, the specific provision of the charter shall prevail.

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SECTION 9-4: RULES AND REGULATIONS

Unless an emergency exists, as determined by the mayor, a copy of all rules and regulations adopted by a city agency shall be placed on file in the office of the city clerk at least five (5) days before such rules or regulations are to become effective and shall be available for review by any person who requests such information at any reasonable time.

SECTION 9-5: PERIODIC REVIEW OF ORDINANCES

Not later than August 1, at 5-year intervals, in each year ending in a 3 and 8, the ~~mayer~~ City Manager and city council shall provide for a review to be made of some or all of the ordinances of the city to prepare a proposed revision or recodification of them. The review of city ordinances shall be under the supervision of the city attorney.

This review shall be made by a special committee to consist of seven (7) members, all of whom shall be voters in the city. The committee's members shall be appointed as follows: five (5) shall be appointed by the city council president and 2 shall be appointed by the ~~mayer~~ City Manager. At least three (3) of the persons appointed by the city council president shall be members of the city council and 2 shall be residents but shall not be elected or appointed officers or employees of the city. The appointing authority shall fill any vacancies within twenty-one (21) days.

The special committee shall file its report with the city clerk not later than October 1 in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the city council's agenda for action before November 15 in such year, and if not so scheduled by the city clerk, the matter shall come before the city council for action at its meeting next held following November 15, and no other business shall be in order until such report has been acted upon by roll call vote.

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In each year between these reenactments, an annual supplement shall be prepared which shall contain all ordinances and amendments to ordinances adopted in the preceding year. Copies of the supplement shall be made available to the public on the city website, and shall be provided upon request at a cost not to exceed the actual cost of the reproduction.

SECTION 9-6: PERIODIC REVIEW OF CHARTER

Not later than July 1, at ten (10)-year intervals, in each year ending in a seven (7), the ~~mayer~~-City Manager and city council shall provide for a review to be made of the city charter. This review shall be made by a special committee to consist of seven (7) members, all of whom shall be voters in the city. The city council president shall appoint four (4) members, two (2) of whom shall be councilors, and two (2) of whom shall be residents but shall not be elected or appointed officers of the city. The ~~mayer~~-City Manager shall make two (2) appointments, and the ~~school committee vice-chair~~mayer shall make one (1) appointment. The appointing authority shall fill any vacancies within twenty-one (21) days.

The special committee shall file its report with the city clerk, not later than August 1 in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the city council's agenda for action before August 15 in such year and, if not so scheduled by the city clerk, the matter shall come before the city council for action at its meeting next held following August 15, and no other business shall be in order until such report has been acted upon, by roll call vote. Copies of any recommendations shall be made available to the public on the city website, and shall be available upon request at a cost not to exceed the actual cost of the reproduction.

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SECTION 9-7: UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER BODIES

(a) Officers - All appointed multiple-member bodies shall annually elect a chair, a vice-chair, a secretary and any other officer the body deems necessary from among the body's membership, but not including alternate members.

(b) Meetings - All appointed multiple-member bodies of the city shall meet regularly at the times and places that the multiple-member body, by the body's own rules, shall prescribe. Special meetings of any multiple-member body shall be held at the call of the chair or by a majority of the members of the body. Notice of the meeting shall be posted as required by law. Except as may otherwise be authorized by law, all meetings of all multiple-member bodies shall at all times be open to the public.

(c) Meeting Documents and Submissions - Each appointed multiple-member body shall determine its own rules and order of business. Each multiple-member body shall provide for the keeping of agendas, minutes and related submissions of its proceedings. All such documents shall be a public record and certified copies shall be placed on file in the office of the city clerk within a reasonable period from the date of approval.

(d) Voting - If requested by a member, a vote of an appointed multiple-member body shall be taken by a roll call vote and the vote of each member shall be recorded in the minutes, but if the vote is unanimous, only that fact need be recorded.

(e) Quorum - A majority of the members of an appointed multiple-member body shall constitute a quorum. Unless some other provision is made by the multiple-member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to vote on any matter representing an

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exercise of the powers of the multiple-member body unless otherwise required by the General Laws. General Laws related to a vote to meet in "executive session" shall always require a majority of members of the body.

(f) Residency - All members of multiple-member bodies must be residents of the city at all times during their entire term. If a member of a multiple-member body removes from the city during the term for which appointed, such seat shall immediately be deemed vacant and filled by the appointing authority.

(g) Notice to ~~Mayer~~ City Manager - A multiple-member body may, by majority vote, send a notice to the ~~mayer~~ City Manager if the extended absence of one or more members is impeding the ability of such body to maintain a quorum, fulfill its responsibilities, or otherwise preventing the body from taking action in a timely manner.

SECTION 9-8: REFERENCES TO GENERAL LAWS

All references to General Laws contained in the charter refer to the General Laws of the commonwealth and are intended to refer to and to include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

SECTION 9-9: COMPUTATION OF TIME

In computing time under this charter the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of time designated is fewer than seven (7) days,

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intermediate Saturdays, Sundays and legal holidays shall not be included, when the period is seven (7) days or more, Saturdays, Sundays- and- legal holidays shall be included.

SECTION 9-10: OATHS OR AFFIRMATIONS FOR THE OFFICE OF MAYOR, CITY COUNCIL, SCHOOL COMMITTEE

A mayor-elect, deputy mayor-elect, the city council members-elect, and the school committee members-elect shall, on the first (1st) Monday in the January of each even-numbered year, meet and take an oath or affirmation to the faithful discharge of the duties of their office by the city clerk. If the first (1st) Monday in January of any even-numbered year falls on a legal holiday, the oaths or affirmations shall be taken on the following day.

Upon receiving the oath or affirmation, each official shall document the same by signing an oath or affirmation that shall be kept in a bound book maintained by the city clerk. In the case of the absence of the mayor-elect, the deputy mayor-elect or any member-elect of the city council or school committee on the day the oath is administered, the oath or affirmation may at any time thereafter be administered to that person by the city clerk, the assistant city clerk, a judge of a court of record or by a justice of the peace.

SECTION 9-11: CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected or appointed to an office or as a member of a multiple-member body shall receive a certificate of that election or appointment from the city clerk. Except as otherwise provided by law, every person who is elected or appointed to an office or as a member of a multiple-member body, before performing any act under this election or appointment, shall take and subscribe to an oath or affirmation to qualify to enter upon the duties. A record of this oath shall be kept by the city clerk.

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SECTION 9-12: LIMITATION ON OFFICE HOLDING

Unless otherwise allowed by law or this charter, no person shall simultaneously hold more than one (1) city office or position of employment. This section may be waived by the ~~mayer~~ City Manager upon the appointment of a person to an additional office or position of employment by filing a notice of the waiver with an explanation and justification with the city clerk. Any hours worked in any part-time position shall not be the same or otherwise conflict with the hours worked in a full-time position.

SECTION 9-13: FELONY CONVICTION

An elected official who has been convicted of a state or federal felony while holding office shall be deemed to have vacated the office.

SECTION 9-14: ENFORCEMENT OF CHARTER PROVISIONS

It shall be the duty of the ~~mayer~~ City Manager to see that the charter is faithfully followed and that all city agencies and city employees comply with its provisions. Whenever it appears to the ~~mayer~~ City Manager that a city agency or city employee is failing to follow this charter the ~~mayer~~ City Manager shall, in writing, cause notice to be given to such city agency or city employee directing compliance with the charter. If it shall appear to the city council that the ~~mayer~~ City Manager personally is not following the charter, the city council shall, by resolution, direct the attention of the ~~mayer~~ City Manager to those areas in which it believes there is a failure to comply with the charter. The procedures made available in chapter 231A of the General Laws may be used to determine the rights, duties, status or other legal relations arising under this charter, including any question of construction or validity which may be involved in such determination.

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SECTION 9-15: PERIODIC REVIEW OF THE NEED FOR MULTIPLE MEMBER BODIES

Not later than February 1, at ten (10)-year intervals, in each year that ends in a four (4), the ~~mayer~~-City Manager and city council shall appoint a special committee to review the purpose and need for each appointed multiple-member body of the city established by ordinance.

The review shall be made by a special committee to consist of five (5) voters of the city, three (3) of whom shall be appointed by the ~~city council~~ president~~mayer~~ and 2 of whom shall be appointed by the ~~mayer~~City Manager. The ~~city council~~ president~~mayer~~ shall appoint one (1) city councilor and two (2) residents of the city, who shall not be elected or appointed officers or employees of the city. The appointing authority shall fill any vacancies within twenty-one (21) days.

The special committee shall file a report outlining any findings and recommendations for changes with the city clerk, not later than April 1 in the year following the year the special committee is appointed. The recommendations of the special committee shall appear on the city council's agenda for action before April 15 in that year, and if not so scheduled by the city clerk, the matter shall come before the city council for action at its next meeting held following April 15; and no other business shall be in order until such report has been acted upon by roll call vote.

SECTION 9-16: INSPECTION OF DOCUMENTS

All documents cited in this article as available for public inspection shall be maintained in the office of the city clerk and in the public library. The city clerk shall provide copies of documents to the public library in a timely manner.

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SECTION 9-17: CONFLICT OF INTEREST

(a) All city employees shall be considered municipal employees under Chapter 268A of the General Laws and shall comply with the state conflict of interest laws.

(b) The mayor, deputy mayor, city councilors, school committee members and members of multiple-member bodies shall not seek to individually influence the official acts of any city official, or to direct or request, except in writing, the appointment or removal of any person to or from office, or to interfere in any way with the performance of such officers of their duties. This provision shall not prohibit:

(i) assistance to constituents in their dealings with city officials if constituent requests to the appropriate administrative officials have been unsuccessful;

(ii) advocacy of particular outcomes on matters pending before the city if the matter is of a general nature; or

(iii) submission of recommendations or references on behalf of a candidate for city employment which are consistent with this charter.

SECTION 9-18: PUBLIC COMMENT RULES OR POLICY

The city council, the school committee, and all multiple-member bodies shall develop and adopt rules or a policy addressing public comment. The rules or policy shall require that public comment periods appear on meeting agendas for all regular and special meetings. Public comment shall not be limited to items on the agenda for any regular meeting, provided the issues or concerns raised are within the jurisdiction of the city council, school committee, or any multiple-member body, respectively; public comment at any special meeting shall be limited to items on the meeting agenda.

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The rules or policy shall consider the convenience of the public when scheduling such public comments periods. The city council, school committee, and every multiple-member body shall post its public comment rules or policy on the city website and shall, at least annually, review the rules or policy and make revisions as needed.

SECTION 9-19: ELIGIBILITY FOR HEALTH INSURANCE AND OTHER BENEFIT PROGRAMS

No elected official other than the mayor and deputy mayor shall be eligible to participate in the city's health insurance and related benefit programs; provided, however, that any other elected officials in office at the time of this charter's adoption and who are receiving such benefits shall continue to be eligible for the city's health insurance and related benefit programs for as long as they are in continuous elective service to the city.

ARTICLE 10 TRANSITION PROVISIONS

SECTION 10-1: CONTINUATION OF EXISTING LAWS

All general laws, special laws, city ordinances, and rules and regulations of or pertaining to Fall River, including special acts creating regional entities and arrangements of which the city is a member, that are in force when this charter takes effect, and not specifically or by implication repealed by this charter, shall continue in full force and effect until amended or repealed, or rescinded by law, or until they expire by their own limitation. In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law that would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

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SECTION 10-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

All city agencies shall continue to perform their duties until re-elected, reappointed, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred and assumed by another city agency.

SECTION 10-3: EFFECT ON OBLIGATIONS, TAXES, ETC.

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the city before the adoption of this charter, and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as otherwise provided in this charter, shall continue without abatement and remain unaffected by the charter, and no legal act done by or in favor of the city shall be rendered invalid by reason of the adoption of this charter.

SECTION 10-4: DISPOSITION OF CERTAIN SPECIAL LAWS

The following special acts for the city of Fall River are hereby specifically repealed:

Chapter 131, Acts of 1937, An Act relative to the arrangement of the names of candidates on ballots to be used at preliminary elections in the City of Fall River; Chapter 160, Acts of 1941, An Act providing for the holding of biennial municipal elections in the city of Fall River in odd-numbered years instead of even-numbered years and establishing the date of said elections; Chapter 90, Acts of 1950, An Act relative to the filling of vacancies in the city council of the city of Fall River; Chapter 223, Acts of 1951, An Act relative to the filling of vacancies in the school

8

committee in the City of Fall River; Chapter 438, Acts of 1979, An Act establishing the term of office of the school committee in the city of Fall River to be coterminous with that of the mayor and city council of said city; Chapter 292, Acts of 1980, An Act providing for recall elections in the City of Fall River; Chapter 295, Acts of 1981; An Act relative to recall elections in the City of Fall River.

SECTION 10-5: TIME OF TAKING EFFECT

The Upon passage by the city voters at the city election on November 5, 2019, the charter, as amended, will take effect upon its adoption by the voters except as follows: inauguration Day, 2022, with the city government inaugurated on Inauguration Day, 2020, responsible for preparing the city and the school department for the new city government to be elected on November 2, 2021 and inaugurated on January 3, 2022.

(a) Section 3-3 regarding the mayor posting vacancies on multiple-member bodies shall take effect on or before February 28, 2019.

(b) The mayor taking office in 2020 shall initiate the review of planning needs and priorities as referenced in Section 3-11 of this charter by May 1, 2020..

(c) Section 6-2 requiring a meeting on the proposed budget will be in effect for the budget prepared for the fiscal year beginning July 1, 2019.

(d) Section 6-3 relative to submission of the budget to the council shall be in effect for the budget prepared for the fiscal year beginning July 1, 2019.

(e) Section 6-4 relative to council adoption of the budget shall take effect for the budget prepared for the fiscal year beginning July 1, 2019.

8

(f) Section 6-5 relative to preparation and submission of the capital improvement plan shall be effective upon submission of a plan submitted to the council on or before February 1, 2019.

(g) Section 6-6 relative to the annual independent audit shall take effect for the fiscal year ending June 30, 2019.

(h) Section 6-8 relative to quarterly budget updates shall take effect for the fiscal year ending June 30, 2018.

(i) Section 6-9 relative to the long term financial forecast shall take effect for the fiscal year beginning July, 1 2019.

(j) Article 7 provisions relative to the conduct of preliminary and regular municipal elections shall be in effect for the municipal election to be held on November 5, 2019.

(k) By June 15, 2021, the city council will review the city's wards to ensure uniformity as required by section 7-6 of this charter.

(l) The public comment rules or policies as referenced in section 9- 18 of this charter shall be posted on the city website by June 15, 2018, and such policies or rules must be in effect on or before July 1, 2018.

(m) Immediately following the adoption of this charter, the mayor and city council shall undertake a review of the city ordinances to determine the need for any revisions and amendments as may be needed to bring the ordinances into conformity with the charter, and to fully implement the charter. This review shall be made by a special committee to be established by ordinance, provided however, that (1) the committee shall be composed of voters in the city, (2) that the city clerk shall be a member of the committee, and (3) that the city attorney, or special counsel appointed for this express purpose, shall serve as an advisor to

8

the committee. A report from the committee shall be filed with the city council within one year of its appointment. The committee may make interim reports with recommendations at any time, as the committee may deem necessary.

(n) Notwithstanding section 9-6 of this charter, not later than May 1, in the fifth year following the adoption of this charter, the mayor and city council shall provide for a review to be made of the city charter. This review shall be made by a special committee to be composed of 9 members to be appointed as follows: the ~~mayor~~City Manager shall appoint five (5) members to include one (1) member of the school committee and four (4) representatives of the city's business, academic, and civic associations and institutions. The ~~city council president~~mayor shall appoint four (4) members to include one (1) city councilor, one (1) member of the charter commission elected in 2015 if able and willing to serve, provided however if no such charter commission member is able and willing to serve, the council shall choose another councilor; and two (2) representatives of established neighborhood or social service organizations. All members of the committee shall be voters of the city. Except as noted herein, no other city officials or employees shall be appointed to the committee. Appointments shall, to the most practicable extent, assure geographic and demographic diversity of the committee's membership. The city attorney shall serve on the committee ex-officio. The special committee shall hold a minimum of two (2) public hearings, and shall file its report with the city clerk by June 30 in the year following its appointment. Recommendations shall be posted on the city website and copies shall be made available to the public at a cost not to exceed the actual cost of the reproduction.

(o) Following the initial review of the charter as described in (n) above, the provisions of section 9-6 shall be implemented in the tenth (10th) year following charter adoption and for all subsequent reviews.

Formatted: Superscript

CITY OF FALL RIVER

9

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 29, 2019, voted unanimously to recommend the accompanying proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained.

Colleen A. Taylor
Clerk of Committees

EMERGENCY PREAMBLE

WHEREAS, the immediate passage of the accompanying proposed ordinance is deemed necessary inasmuch as it vitally affects the health and safety of the public, now therefore

BE IT RESOLVED, that said ordinance is hereby deemed an emergency measure in accordance with the provisions of Section 2-9(b) of the City Charter.

City of Fall River, In City Council

9

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 inserting in Section 70-387, which section relates to handicapped parking generally, the following:

Name of Street	Side	Location
Aetna Street	North	Starting at a point 111 feet west of Garfield Street, for a distance of 20 feet westerly
Arizona Street	South	Starting at a point 237 feet west of County Street, for a distance of 20 feet westerly
Baker Street	East	Starting at a point 100 feet south of Warren Street, for a distance of 20 feet southerly
Barnaby Street	West	Starting at a point 245 feet south of Lincoln Avenue, for a distance of 20 feet southerly
Cambridge Street	South	Starting at a point 135 feet west of Jefferson Street, for a distance of 20 feet westerly
County Street	North	Starting at a point 102 feet west of Goss Street, for a distance of 20 feet westerly
Division Street	North	Starting at a point 53 feet east of Mulberry Street, for a distance of 20 feet easterly
Garfield Street	West	Starting at a point 86 feet south of Globe Street, for a distance of 20 feet southerly
Hanover Street	East	Starting at a point 96 feet north of President Avenue, for a distance of 20 feet northerly
King Street	West	Starting at a point 20 feet north of Goodwin Street, for a distance of 20 feet northerly
Pitman Street	East	Starting at a point 110 feet south of Webster Street, for a distance of 20 feet southerly
Pokross Street	North	Starting at a point 296 feet west of Bowen Street, for a distance of 20 feet westerly
Pokross Street	North	Starting at a point 652 feet west of Bowen Street, for a distance of 20 feet westerly

CITY OF FALL RIVER

10

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 29, 2019, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading.

Callum A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

10

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
Birch Street	South	Starting at a point 448 feet west of South Main Street, for a distance of 20 feet westerly
Grant Street	West	Starting at a point 20 feet north of Hope Street, for a distance of 20 feet northerly

CITY OF FALL RIVER

11

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 29, 2019, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading.

Callen 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 22 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to emergency services, be amended as follows:

Section 1.

By striking out Sec. 22-71 in its entirety, and inserting in place thereof, the following new section:

Section 22-71 Permit required for connection to Municipal or Private Alarm System.

No building in which an automatic sprinkler system is required in accordance with Section 22-78 and no building required to be supervised by 527 CMR or MGL 148 shall be connected to the municipal fire alarm system either directly or by other system accepted in accordance with NFPA Standard 72 without a permit for such installation or connection from the head of the Fire Department. Prior to the approval of any such permit, an acceptance and performance test shall be performed by the head of the Fire Department or his designee to ensure performance, reporting and verification requirements in accordance with NFPA Standard 72. The verification process must not take longer than 90 seconds from the time the alarm signal is received at the supervising station until the time that the retransmission of the verified alarm signal is initiated. (NFPA Standard 26.2.3.1 (4) Failure of such test must be remedied and a re-test passed within seven business days or no permit shall be issued. Any permit issued must be annually renewed with payment of the required fee. The fees for such permit and annual renewal shall be as provided in Chapter A110, Fee Schedule, of the City Code.

Section 2.

By striking out Sec. 22-76 in its entirety, and inserting in place thereof, the following new section:

Section 22-76 Installation Standards.

Installation of all fire alarm boxes, supervisory systems or protective systems to be connected to the municipal fire system by any means shall be in conformity with all applicable standards of the National Fire Protection Association and with the Massachusetts Electrical Code.

Section 3.

By striking out Sec. 22-82 in its entirety, and inserting in place thereof, the following new section:

Section 22-82 Maintenance of Fire Alarm Systems.

The owner of a fire alarm system shall be responsible for proper installation and maintenance of such fire alarm system to ensure it's proper functioning and in order to prevent such fire alarm system from activating false alarms, becoming a public nuisance, or endangering public safety. Fire alarm systems supervised by private alarm monitoring companies that fail any annual performance, reporting or verification test set forth in Section 22-71 shall be given seven business days to pass the same. Upon the second failure of the required test the owner shall pay a fine of \$100 per day (MGL Chapter 148, Section 33) until such system is fully compliant or may, at its option, connect to the municipal system at its expense.

CITY OF FALL RIVER

12

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 29, 2019,
voted unanimously to recommend that the accompanying resolution be referred to
Corporation Counsel to prepare a proposed ordinance.

Colleen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

12

(Committee on Health and Environmental Affairs)

WHEREAS, there is a need to reduce thin film single-use plastic check-out bags in the City of Fall River, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation convene to draft an ordinance to address this issue as soon as possible.

In City Council, August 12, 2019
Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk

(Councilor Stephen R. Long)
(Vice President Pam Laliberte-Lebeau)

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 62 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to solid waste be amended as follows:

Section 1.

By striking out in Section 62-1, which section relates to Definitions, "Official City Bag" and its definition.

Section 2.

By striking out in Section 62-2, sub-section C, which section relates to collection and disposal generally in its entirety, and inserting a new sub-section to read as follows:

(c) The city shall collect solid waste and recyclables from single family dwellings and multiple family residential buildings containing up to six dwelling units. Solid waste shall be collected only if placed in a green cart. Recyclables shall not be placed in green carts and solid waste shall not be placed in blue or pink carts.

Section 3.

By striking out in Section 62-48, sub-section A, which section relates to Enforcement; disposition of fines, the following: "Enforcement shall only be against the generator of the trash."

Section 4.

By striking out in Section 62-48, subsection B, which section relates to Enforcement; disposition of fines, in its entirety.

Section 5.

That Chapter A-110 Fee Schedule for the Code of the City of Fall River, Massachusetts, 2018, Chapter 62, which chapter relates to solid waste, be amended by striking out Section 62-1 Official City Bag in its entirety.

(Vice President Pam Laliberte-Lebeau)

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 46 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Offenses, be amended as follows:

Section 1.

By striking out in Section 46-2.1, sub-section A, which section relates to Political signs, the following: "eight weeks prior to election day" and inserting in place thereof "four weeks prior to an election in which they are listed as a candidate on the ballot"; and "21 days" and inserting in place thereof "14 days".

Section 2.

By striking out in Section 46-2.1, sub-section B, which section relates to Political signs, the following: "21 days" and inserting in place thereof "14 days".

(Councilor Leo O. Pelletier)

WHEREAS, areas of Turner Playground has become overgrown with brush, weeds, and poison ivy, and

WHEREAS, much of the overgrowth is coming over and through the fence from the railroad tracks that abuts the playground, and

WHEREAS, residents are concerned that many children are coming into contact with the poison ivy and the views of the Taunton River are obstructed due to all the unsightly overgrowth, now therefore

BE IT RESOLVED, that the Administration, Director of Recreational Facilities, Director of Community Maintenance, and representatives of Mass Coastal Railroad and Southcoast Rail, coordinate an effort to clean up and remove the poison ivy and all other overgrowth spreading into the Turner Playground.

City of Fall River, *In City Council*

16

(Vice President Pam Laliberte-Lebeau)

WHEREAS, balloon releases are used for celebrations as well as memorials, and

WHEREAS, although these traditional balloon releases may be beautiful and inspiring, the remains of the balloons and ribbons are harmful to the environment, and often cause irreparable damage and/or death to wildlife and marine life, and

WHEREAS, there are various other alternatives such as bubbles, confetti made from leaves and flowers, tree plantings and other biodegradable options, now therefore

BE IT RESOLVED, that the Committee on Health and Environmental Affairs convene to discuss banning balloon releases in the City of Fall River.

22



City of Fall River Notice of Claim

RECEIVED

2019 AUG 12 P 12:56

CITY CLERK #19-78A
FALL RIVER, MA

1. Claimant's name: Sandra Mauk
2. Claimant's complete address: P.O. Box 1123 Westport, MA 02790
3. Telephone number: Home: _____ 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: 08/20/2019 at 2:20 AM Amount of damages claimed: \$1,901.19
6. Exact location of the incident: (include as much detail as possible):
RT 24 SOUTHBOUND FALL RIVER MA
7. Circumstances of the incident: (attach additional pages if necessary):
Police officer pulled from construction zone and impacted my insured's driver side rear corner.
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 #: 18U0702
Travelers Insurance Company P.O. Box 5076 Hartford, CT 06102-5076

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: 8/21/19

Claimant's signature: Sandra Mauk

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 form to: City Clerk, 2nd 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 ☒ Police

Date: 8/12/19

TRAVELERS

The Standard Fire Insurance Company
P O Box 5076
Hartford, CT 06102-5076

08/12/2019

Alison Bouchard
City Of Fall River
One Government Center
Fall River MA 02722

22
RECEIVED

2019 AUG 16 A 11:33

CITY CLERK 19-78B
FALL RIVER, MA

Issuing Company: The Standard Fire Insurance Company
Our Insured: Sandra Mauk
Our Claim Number: IBU0702
Your Insured: CITY OF FALL RIVER

Date of Loss: 06/20/2019

Dear Ms. Bouchard,

Based on the investigation by The Standard Fire Insurance Company of the above-referenced loss, your insured is liable for the resulting damages.


To date, The Standard Fire Insurance Company has paid \$1,901.19. I request reimbursement for \$1,901.19, the total amount of payments made.

Please make a check payable to The Standard Fire Insurance Company, include the claim number IBU0702 on the check, and mail the check to:

Travelers Claims Hartford
PO Box 660339
Dallas, TX 75266-0339

If you have any questions about this request, please contact me at the telephone number or email address listed below.

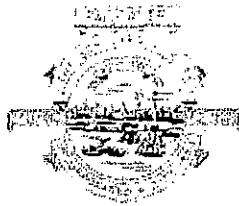
Sincerely,



Cynda Deibel
Claim Professional
Direct: (508)324-8327
Office: (800)925-7693 Ext. 324-8327
Fax: (866)304-7031
Email: CDEIBEL@travelers.com
Travelers Subrogation Services

C: Law
City Clerk
City Council
FRPD

RECEIVED



22

2019 AUG -8 P 3:17

CITY CLERK #19-82
FALL RIVER, MA

City of Fall River
Notice of Claim

1. Claimant's name: Mindi Ferreira
2. Claimant's complete address: 54 Division St Fall River ma 02721
3. Telephone number: Home: 508-324-0107 Work: 508-493-5231 or 774-644-4781
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto damage due to construction on road.
5. Date and time of accident: 8/5/19 7:24 Amount of damages claimed: \$ being
6. Exact location of the incident: (include as much detail as possible):
Middle St. Near St Ann's Hospital
+ Forest.
7. Circumstances of the incident: (attach additional pages if necessary):
I was traveling on Middle St toward Kennedy Park, there were no Roadwork/Bump/Caution sign or cones indicating a bump ahead. I came off a deep (approx 1ft) lip, bottomed out and hit a exposed, raised manhole and tore up my front end.
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
Met-Life

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: 8/8/19

Claimant's signature:

Mindi Ferreira

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, 2nd 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

Public Works

Date: 8/8/19

RECEIVED



22

2019 AUG 12 P 12:24

CITY CLERK #19-83
FALL RIVER, MA

City of Fall River
Notice of Claim

1. Claimant's name: Mallory Rego
2. Claimant's complete address: 168 Wall St
3. Telephone number: Home: 508-867-9220 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Construction caused damage to my car
5. Date and time of accident: 8-05-19 Amount of damages claimed: \$ totaled
6. Exact location of the incident: (include as much detail as possible):
middle street
7. Circumstances of the incident: (attach additional pages if necessary):
it's explained on the police report wasn't any ~~small~~ signs of work being done or a sign to avoid the manholes and I hit it and airbags deployed
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
geico

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: 8-11-19

Claimant's signature: Mallory Rego

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, 2nd 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: <input type="checkbox"/> City Clerk <input type="checkbox"/> Law <input checked="" type="checkbox"/> City Council <input type="checkbox"/> City Administrator <input type="checkbox"/> <u>DPW</u>	Date: <u>8/12/19</u>

THE NORFOLK & DEDHAM GROUP®

INTER-COMPANY REIMBURSEMENT NOTIFICATION

RECEIVED

August 7, 2019

Our File No.: C1847937
Our Insured: Silva, Cynthia
Address: 118 Valley Bars Rd
Bourne, MA

2019 AUG -9 A 11:11

City of Fall River
City Clerk 2nd Floor
One Government Center
Fall River, MA 02722

Your File No.: na
Your Insured: School Bus
Address:

CITY CLERK #19-84
FALL RIVER, MA

Loss Date: 11/07/2018
Location: Doran School

Sir/Madam:

Our investigation of this accident indicates liability rests with your insured. We request reimbursement for benefits paid, and/or for amounts paid under physical damage coverages.

I PERSONAL INJURY PROTECTION

☐ PRELIMINARY

☐ FINAL

Name of Injured	BENEFITS		EXPENSE		TOTAL
	Medical	Wage	Allocated	Unalloc	
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
Total					\$0.00

II PHYSICAL DAMAGE COVERAGE

Total Loss NO Bailment Claimed NO Supporting Papers YES

1. Total Amt. of Damage \$ 448.67
2. Deductible + \$ 0.00
3. Rental Reimbursement + \$ 0.00

Total \$448.67

GRAND TOTAL I & II

\$448.67

Sincerely,

Dylan Becker
Property Damage Examiner
1-800-688-1825 Ext. 1272

Please provide payment status *Bus struck our parked insured

Home Office
222 Ames Street, P.O. Box 9109
Dedham, MA 02027-9109
Phone: (800) 688.1825

ND
SINCE 1825

Law Offices

Sabra & Aspden
RECEIVED

A Professional Association

22

STEVEN P SABRA, PC
ssabra@sabraandaspden.com
MATTHEW M. ASPDEN*
maspden@sabraandaspden.com
MATTHEW W. ASPDEN, II
mwa@sabraandaspden.com

2019 AUG 14 A 11:09
1026 COUNTY STREET
SOMERSET, MA 02726
Tel (508) 674-0890
Fax (508) 679-5998
CITY CLERK #19-85
FALL RIVER, MA

August 12, 2019

CERTIFIED MAIL NO. 7018 1830 0001 3121 3223

Alison M. Bouchard, City Clerk
City of Fall River
One Government Center
Fall River, MA 02722

Re: Notice of Injury to James Fowler
on May 4, 2018 at approximately 12:00 p.m.
at B.M.C. Durfee High School, 360 Elsbree Street
Fall River, MA

Dear Ms. Bouchard:


Please be advised that I represent the above named, James Fowler, with regard to injuries sustained on or about May 4, 2018 at B.M.C. Durfee High School in Fall River, Massachusetts.

My client alleges, through counsel, that on the above date, B.M.C. Durfee High School, its agents, servants and/or employees were negligent and careless in allowing dangerous and defective equipment, i.e. a "basketball apparatus", to be used in the pool area which lead to Mr. Fowler's injuries. Further, school personnel were not trained or certified in concussion protocols at the time of Mr. Fowler's injuries. Mr. Fowler did suffer personal injuries which required and continues to require medical care and treatment.

This notice is given pursuant to the provisions of M.G.L. c. 258.

The giving of the above notice is solely to protect my client's rights under said General Laws and does not constitute and is not to be considered an election of remedies or waiver of other rights he may have against B.M.C. Durfee High School.

Very truly yours,


Steven P. Sabra

SPS:da/jmb
cc: Mr. James Fowler
dic: 6/9



22

RECEIVED

**City of Fall River
Notice of Claim**

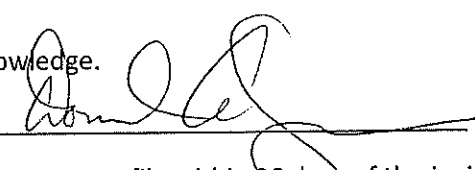
2019 AUG 16 P 1:16
CITY CLERK #19-86
FALL RIVER, MA

1. Claimant's name: Donald A Saucier
2. Claimant's complete address: 507 Stetson St, Fall River, MA 02720
3. Telephone number: Home: 508-951-1462 Work: 508-951-1462
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Fall on city sidewalk (President Ave) Fall River, MA
5. Date and time of accident: 7/19/19 915pm Amount of damages claimed: \$ 12000 +care ongoing
6. Exact location of the incident: (include as much detail as possible):
North sidewalk heading west on President Ave in front of 1030 President Ave approximately 1
7. Circumstances of the incident: (attach additional pages if necessary):
Walking west on sidewalk fell forward after stepping into triangle shaped depression (hole) with a depth of about 2 inches
I fell forward hitting my face, chin, nose and mouth on the sidewalk fracturing one of my front teeth and shattering my other
front crown . I suffered facial trauma along the the broken teeth.
Attached are sidewalk pictures p1-5, pictures of hole 1-4, facial trauma pictures 1-2
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: 8/16/19

Claimant's 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.

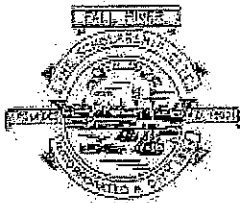
Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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: 8/16/19



RECEIVED

2019 AUG 22 P 12:41

CITY CLERK #19-87
FALL RIVER, MACity of Fall River
Notice of Claim

1. Claimant's name: Adelbert Howard
2. Claimant's complete address: 154 ALBERT Street FALL RIVER, MA 02721
3. Telephone number: Home: cell 508-642-7027 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
WINDOW DAMAGE
5. Date and time of accident: AUG 30, 2019 Amount of damages claimed: \$ 90.31
6. Exact location of the incident: (include as much detail as possible):
154 ALBERT Street 2nd Floor Apt. center window
7. Circumstances of the incident: (attach additional pages if necessary):
They were cutting grass in Maplewood Park directly across the street, The lawnmower picked up a rock and discharged out the chute. There were no safety doors being used on that machine
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: Aug 21st 2019Claimant's signature: Adelbert Howard

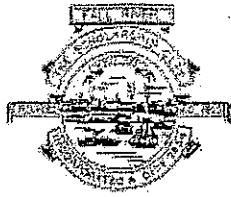
WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Return this from to : City Clerk, 2nd 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 ☒ ParksDate: 8-22-19



22

RECEIVED

City of Fall River
Notice of Claim

2019 AUG 23 P 2:57

CITY CLERK #19-88
FALL RIVER, MA

1. Claimant's name: Karla M. Duend
2. Claimant's complete address: 360 Bradford Avenue Fall River MA. 027
3. Telephone number: Home: (774) 488-6325 Work: (774) 488-5520
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
property damage (tire, rim)
5. Date and time of accident: 8/14/2019 Amount of damages claimed: \$
6. Exact location of the incident: (include as much detail as possible):
St. Anne's (side st, front of St. Anne's credit Union
BANK
7. Circumstances of the incident: (attach additional pages if necessary):
Tire broke, and rim broke, went, drove
by ^{drain} and tire pop.
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: 8/23/19

Claimant's signature: Karla M. Duend

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.

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Date: 8/23/19

22
RECEIVED

2019 AUG 26 P 2:54

City of Fall River
Notice of ClaimCITY CLERK #19-89
FALL RIVER, MA

1. Claimant's name: Stacie Hartsfield
2. Claimant's complete address: 11647 South Main St # Apt 2N
3. Telephone number: Cell 508-642-8193 Home: 508-642-8193 Work: N/A
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
potholes on South Main St and working on the streets
5. Date and time of accident: July 22, 2019 Amount of damages claimed: \$ 99.99 + taxes
6. Exact location of the incident: (include as much detail as possible):
Near Ciaco gas station right after it and between the old store 24 hours its closed down
7. Circumstances of the incident: (attach additional pages if necessary):
I left my house on my way to my doc appointment put gas in my SUV and left took a left turn up South Main and that's where I hit it hard and took my vehicle in the shop and I need a front end alignment my SUV started pulling to the right.
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: 8-21-2019Claimant's signature: Stacie Hartsfield

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, 2nd Fl., One Government Center, Fall River, MA 02722

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For official use only:

Copies forwarded to: ☐ City Clerk☐ Law☒ City Council☐ City Administrator☒ EngineeringDate: 8/26/19



City of Fall River
Notice of Claim

RECEIVED

2019 AUG 26 P 2:54

CITY CLERK #19-90
FALL RIVER, MA

1. Claimant's name: Amtrust North America on behalf of Jean Arsenault
2. Claimant's complete address: 16 Hope Street, Acushnet, MA 02743
3. Telephone number: Home: _____ Work: 518-213-1582 Amy Veribello, Adjuster
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
trip and fall on cracked and broken sidewalk
5. Date and time of accident: 08/05/2019 3:10pm Amount of damages claimed: \$ to be determined
6. Exact location of the incident: (include as much detail as possible):
Kimwell Nursing Home, 495 New Boston Road, Fall River, MA
7. Circumstances of the incident: (attach additional pages if necessary):
Amtrust is the workers compensation carrier for Tender Touch Rehab Services who employ Jean Arsenault.
While leaving work Jean Arseanult tripped and fell on a cracked and broken sidewalk
fracturing her shoulder. Amtrust is paying her benefits on behalf of her employer.
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
Amtrust North America PO Box 6935 Cleveland, OH 44101
CLAIM# 3134444
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: 8/21/19

Claimant's signature: Amy Veribello on behalf of Jean Arsenault

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, 2nd Fl., One Government Center, Fall River, MA 02722

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For official use only:

Copies forwarded to: ☐ City Clerk

☐ Law

☒ City Council

☐ City Administrator

☒ Engineering

Date: 8/26/2019

P.O. BOX 1870
FALL RIVER, MASSACHUSETTS 02722
TELEPHONE: 508-676-6900
FACSIMILE: 508-676-9908

PATRICK T. MATTHEWS, MBA
BRIAN M. TAVARES*
CAITLIN D. OLIVER
JORDAN J. RODRIGUES
ALSO ADMITTED INTO RHODE ISLAND*

22



251 BANK STREET, FALL RIVER, MA 02720

August 26, 2019

Via Certified Mail: 7014 2870 0002 1242 6855

Mayor Jasiel F. Correia
c/o City of Fall River
One Government Center
Fall River, MA 02722

RECEIVED
2019 AUG 29 A 11: 28
CITY CLERK #19-91
FALL RIVER, MA

RE: Notice of Massachusetts Tort Claim pursuant to M.G.L. c. 258, § 4 on behalf of Violet Sylvia

Dear Sir or Madam:

This office represents Violet Sylvia whose address is 107 Winter St., Apt. 1 Fall River, MA 02720. On or about September 12, 2018, Ms. Sylvia sustained injuries relative to a slip and fall accident occurring on Fourth St. Fall River in the town of Fall River, MA. It is our understanding that the City of Fall River (Fall River Department of Public Works) was notified due to the raised sidewalk and damaged curb upon which Mrs. Sylvia fell. We believe The City of Fall River's actions give rise to the level of negligence. A copy of the Narrative for Detective Derek Beaulieu, Police Report is attached hereto.

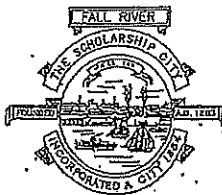
This notice is being given pursuant to M.G.L. c. 258, § 4. Please respond to this presentment at your earliest convenience. If a response has not been received within six (6) months from the date of presentment, or a final arbitration, settlement or compromise of such claim is not reached pursuant to M.G.L. c. 258, § 5, we will file the appropriate civil complaint on behalf of our client. Thank you for your attention to this matter. Should you have any further questions or concerns, please do not hesitate to contact our office.

Very truly yours,


Patrick T. Matthews, Esq.

8/29/19
C: Law Dept
DCM
Engineering
City Council ✓
City Clerk

#19-92 22



RECEIVED

2019 AUG 30 P. 3:04

City of Fall River
Notice of Claim

CITY CLERK

1. Claimant's name: FALL RIVER, MA San Costa
2. Claimant's complete address: 100 GARDNER'S NECK RD #A8 Swansea, MA 02787
3. Telephone number: Home: 401-332-7800 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: 8/18/19 800pm Amount of damages claimed: \$ _____
6. Exact location of the incident: (include as much detail as possible):
S main St Between Osborn St & Middle St Northbound
7. Circumstances of the incident: (attach additional pages if necessary):
While travelling North on S main St where the road was
grated I was unable to safely maneuver around
a raised manholes. I hit one about in front of the
"Blue lot" entrance for St Annes hospitals parking lot/sec
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 (Attad)

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: 8/30/19

Claimant's signature: San Costa

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, 2nd Fl., One Government Center, Fall River, MA 02722

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For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DPW Date: 8/30/19



RECEIVED

2.2

City of Fall River
Notice of Claim

2019 SEP -3 A 10:14

CITY CLERK 19-93
FALL RIVER, MA

1. Claimant's name: JANIRA SOUZA
2. Claimant's complete address: 1144 SULLY ST APT. 2W
3. Telephone number: Home: 508-607-7313 Work: 508-607-5000 EX 2094
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
VEHICLE DAMAGE
5. Date and time of accident: AUG 14 2019 Amount of damages claimed: \$ 508.00
6. Exact location of the incident: (include as much detail as possible):
TAP AT MIDDLE ST IN FALL RIVER MA
7. Circumstances of the incident: (attach additional pages if necessary):
ATTACHED
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: 9-3-2019Claimant'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.

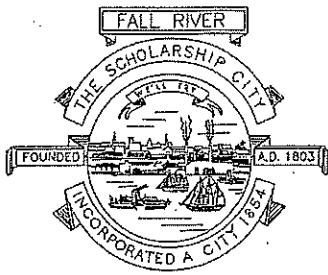
Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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Date: 9/3/19



City of Fall River Massachusetts

Planning Division

25

JASIEL F. CORREIA II
Mayor

WILLIAM D. ROTH JR., AICP
City Planner

TO: Alison Bouchard
City Clerk

FROM: Brittany Faria
Planning, Head Administrative Clerk

RE: **Fall River Zoning Board of Appeals Meeting**
June 20, 2019

RECEIVED
2019 AUG 21 P 2:53
CITY CLERK
FALL RIVER, MA

The Fall River Zoning Board of Appeals held a Public Hearing on Thursday, June 20, 2019, at 6:00 PM in the First Floor Hearing Room for the purpose of considering the petitions set forth in the attached minutes of said Public Hearing.

Members present: David Assad, Chair, Carolyn Morrisette, Vice Chairwoman, Jim Calkins, and alternate members Dan Dupere and David Saber

Members absent: Greg Brilhante, John Frank

Also present: City Planner William D. Roth Jr., AICP and Recording Secretary, Brittany Faria, and Nathan Saucier of FRGTV.

Notice of the meeting was advertised in the Fall River Herald News on Wednesday, June 5, 2019, and Wednesday, June 12, 2019. The hearing was also posted in the Government Center and notice was sent to the petitioners and abutters of the specified property, as well as the City of Fall River's Planning Board.

6:00pm Chairman read the Open Meeting Law notice, and his opening statement.

MICHAEL COUTO c/o Peter Saulino, Esq.
555 Broadway, Lot G-21-21

In the matter of Special Permit request to convert existing 2 family dwelling into 3 family dwelling previously approved and acted on in March 2018, but had not been recorded. [R-4] District, Lot size 4,557+/-sf.

FAVOR

Attorney Peter Saulino was present representing the petitioner. This proposal was originally granted on March 15, 2018 and permits had been pulled and work has been done but the Decision had not been recorded. This petition will not be detrimental to the neighborhood as they are providing appropriate parking and is in conformance to the conditions that were granted. The home is ready for inspection as a 3 family dwelling. A two year grant is not necessary.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Mr. Dupere and seconded by Mr. Calkins, the Board unanimously voted 5-0 to GRANT the petition. Mr. Dupere, Mr. Assad, Mr. Calkins, Ms. Morrisette and Mr. Saber voted in favor of the motion.

In the matter of Special Permit request for a 192 unit, 6-story, age restricted (senior/55 and older), residential building in [CMD] District. Variance request to demolish the existing structure and build an age restricted (senior/55 and older), 6-story multifamily dwelling waiving parking, side and rear set-back requirements. Lot size 2.09+/-acres.

FAVOR

Dan Aguiar, Senior Project Manager at SITEC, Inc., was present along with Al Trakem, President of SITEC Environmental. Mr. Aguiar described the property being over 2 acres in the CMD district with 82% existing impervious surface. They plan to raze the existing structure. He pointed out the H/Y shape of the proposed structure, explaining the concept to have as many units as possible with exterior views of Taunton River rather than creating 1 square building with units consolidated to the middle. There would be 192 total units with 20 of them being 2-bedroom units and 172 of them being 1-bedroom units. They've had meetings with several City Departments previous to applying and feel they have addressed their concerns. As shown on the plan, they are seeking a side yard of 7.4' and rear yard of 6.7' for the structure. The use is allowed by Special Permit based on asserting zoning Ch. 40A Sec.9 Para.3: that the Board have a finding in the determination that the non-residentially zoned area would not be adversely affected by such multi-family residential use and that permitted uses in such a zone are not noxious to a multi-family use. They are asking that the Board also waive and allow reduction of parking, whereas 2 spaces would be required for each unit totaling 384, but that they would be providing 237 spaces, with specific consideration of the age restriction of the units, reducing the need of cars. Also needing waiver for green area requirement, where the proposal is actually reducing the existing impervious surface by 4%. Fire has reviewed for accessibility requirements. Majority of parking is masked under the building on first level. There will be four exterior pods at ground level. This proposal will not exceed 6 stories maximum requirement so they are not asking for a height waiver.

Mr. Assad asked if it is possible to increase parking to get an average of parking to 1.5 spaces per unit. Mr. Aguiar answered that they would have to reduce the number of units to achieve that or by adding an addition parking deck which they would then need a height waiver for.

Steve Devine, Site Architect, was present to describe building layout and design. In planning stages of this project, the need for Senior Housing has been on the rise and in typical transportation projects, the car ratio falls between .9 and 1 space per unit but when planning they aimed around 1.25 cars per unit. With this proposal, they are offering primarily 1-bedroom units to the elderly. Parking is at grade with stilts, and ramps go down to the basement as well. The water table is 8ft down, so they elevated the first floor to 3ft so that they could get parking under the building, which disguises many of the cars. Structure designed with Taunton River as a view appeal. The proposal can end up being 1 building with a lobby or built in 2 phases, depending on economy, so they have planned it with the possibility tacking on the second building later. Visitor parking and drop-off in front of building, with provisions for a bus shelter. Description of first floor lobby area. Second floor has a meeting room with outdoor terrace with bathrooms and a kitchen. Roof deck has view and provisions for tenant storage.

25
Modest units: 600sf 1-bedroom units and 942sf 2-bedroom units. "Juliet" balconies are not step out. Tried to come up with an architectural style that would fit in nicely with the mills in the area. Description of mechanical towers. Building is 69'11" tall with towers so no height relief needed but the CMD building height allowance is 80' or 6 stories. Discussion of traffic flow of parking lot, two lanes on each side interconnected.

Mr. Assad suggested to the Board, in consideration of a reduction in parking, according to Sec. 86.445 Special Permit rather than a Variance because that language allows more leeway due to the age restriction and other characteristics.

Further discussion regarding visitor and staff parking. There would be 7 visitor parking spaces. Mr. Assad asked how many employees. Answer being 2 or 3 maintenance and lobby staff. Community rooms and decks. Mr. Roth stated that with 1 car allotted to every bedroom, there were 212 spaces with 35 visitor spaces. He encourages this type of development as an asset to the city.

Discussion regarding conditions if granted.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In consideration of the bifurcated hearing before the Board, a motion was made by Mr. Calkins and seconded by Mr. Dupere that such non-residentially zoned area would not be adversely affected by such a residential use, and that permitted uses in such a zone are not noxious to a multi-family use, the Board unanimously voted 5-0 on the motion.

A motion was made by Mr. Calkins and seconded by Mr. Dupere that a Special Permit could be granted in regards to the proposed parking, pursuant to Sec. 86-445, the Board unanimously voted 5-0 to GRANT the parking request. The Board found that the proposed parking would not be inconsistent with public health and safety such that the age of occupants of the facility requiring parking reduces auto usage.

In a motion made by Mr. Calkins and seconded by Mr. Dupere, the Board unanimously voted 5-0 to GRANT the variance with Conditions being: 1. Age restricted, 55 and older residences, 2. Unit breakdown being: 172 1-bedroom units and 20 2-bedroom units, 3. Set back waivers being 4' northerly side yard and 3' easterly rear yard. Mr. Calkins, Mr. Dupere, Mr. Assad, Ms. Morrisette and Mr. Saber voted in favor of the motion.

In the matter of Variance request to subdivide parcel leaving existing 3 family dwelling on Lot 1, while demolishing existing garage and constructing a new single family dwelling on Lot 2, waiving requirements in the [BL] District. Lot size 11,950+/-sf.

FAVOR

Present to address the Board was Dan Aguiar, Senior Project Manager at SITEC, Inc., on behalf of owner Vasco Cabral. Mr. Aguiar explained 10-12ft elevation difference on the lot, hardship being topography. Garage sits at curb along Wilcox St. with a large curb cut. Parcel 2 being created would be a conforming, although odd shape lot, meeting dimensional requirements. No relief would be required for that lot. Parcel 1 facing Slade St. needs relief of area and rear yard set-back to existing deck. Seeking 1,050sf reduction of area requirement with rear yard max relief of 4ft to property line. Parking will be provided for parcel 2. New parking being constructed for 6 spaces on parcel 1. Current garage to be razed. Replacing curb on Wilcox which will be handled through Site Plan Review. Lot coverage not required in B-L District.

Mr. Roth requested Site Plan Review for both lots to include parking and for garage to be razed prior to permitting, with specific waivers being listed, if the Board moves to grant.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Mr. Dupere and seconded by Ms. Morrisette, the Board unanimously voted 5-0 to GRANT with Conditions being: 1. No building permit shall be issued until BOTH site plans have been approved by the Site Plan Review Committee and no site preparation work shall be commenced prior to approval of the site plans by the Site Plan Review Committee. 2. Existing garage facing Wilcox St. must be razed prior to issuance of building permit. 3. Parcel 1 having 4' rear yard set-back to existing deck, with area reduction of 1,050sf. Mr. Dupere, Mr. Assad, Ms. Morrisette, Mr. Saber and Mr. Calkins voted in favor of the motion.

In the matter of Variance request to subdivide existing 11,700+/-sf parcel leaving existing 3-family dwelling on Lot 1 with 5,660+/-sf, while proposing a single family home with garage on Lot 2 with 6,040+/-sf, waiving lot area requirements in an [R-4] District.

FAVOR

Dan Aguiar, Senior Project Manager of SITEC, Inc., representing owner Ryan Brooks was present to address the Board. Mr. Aguiar submitted a summary sheet of area coverage for the record. Mr. Assad questioned which street frontage would be on. Mr. Aguiar explained that Lot 2 would have 90' of frontage on Osborn Street with area being 6,040sf. This proposal would require reduction of lot coverage requirement to allow for 33%. There will be a net reduction of 6% impervious surface which will improve the drainage situation. Concrete patio will entirely be removed from both lots as well as the pool. Clarification regarding new paved surface for parking spot #5 where the concrete is being removed.

Ms. Morrisette questioned hardship. Location of existing three family already a nonconformity on such a large parcel. Excessive frontage and area. Better use of the property. Reduce impervious surface of entire lots by 6%. Improve drainage overall.

Mr. Roth recommended Lot 1 list the specific existing, nonconforming set-backs. Mr. Roth questioned lot coverage for Lot 1. Mr. Aguiar explained that the Lot 1 existing impervious surface are is 86% which will go down to 81%. Site Plan Review for Lot 2 but not necessary for Lot 1. Mr. Roth also recommended that the Board require pool and all concrete on Lots 1 and 2 removed prior to permitting.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Mr. Dupere and seconded by Mr. Calkins, the Board voted 4-1 to GRANT with Conditions being: 1. Pool & concrete patio must be razed from both lots prior to issuance of building permits 2. Lot 2 subject to approval of Site Plan Review 3. Lot coverage waiver for Lot 1 being 81% and lot area waiver for Lot 2 being 33%. Mr. Dupere, Mr. Calkins, Mr. Assad, Mr. Saber voted in favor of the petition, Ms. Morrisette voted opposed and the petition was granted with those conditions.

RAICHE & PAQUETTE c/o Mark Levin, Esq.
95 Concord St., Lot K-21-29

In the matter of Variance request to subdivide existing parcel leaving an existing 2 family dwelling on Lot 1, while demolishing the existing garage and constructing a new single family dwelling on Lot 2, waiving requirements in the [G] District. Lot size 10,500+/-sf.

FAVOR

Attorney Mark Levin was present to address the Board representing the owners. The rear part of the house juts out about 60' so due to the shape of the house, frontage is prevented on Stone St. Both houses have frontage on Concord St with 2' deficient for the new house lot. Lot sizes have 200sf and 800sf deficient. Proposing to raze existing garage. Mr. Levin referenced comments by Engineering Dept. regarding parking and driveway. There will be 4 parking spaces provided for existing two family which exceeds lot coverage minimum to allow for driveway. Requesting side yard set-back waiver. New building would meet all but side and area requirements.

Ms. Morrisette asked for clarification of hardship. Mr. Levin explained hardship being the placement of existing house on the lot.

Discussion regarding frontage.

Mr. Calkins inquired to parking spaces and land coverage waiver.

Mr. Roth requested if the Board chooses to grant that specific waivers be listed, however lot coverage cannot be determined without 4 spaces accurately shown. Also requesting Site Plan Review for both lots as well as removal of garage prior to building permitting.

OPPOSITION

Michelle Zayjak, 55 Concord St.- Condo Trust- Concord Condo Assoc. Congestion with traffic and parking, including Talbot school. Should be one way due to conditions. Elderly live in the complex and there is a difficulty already for emergency access.

Terry Messier, 55 Concord St.- On-street parking is already limited due to existing conditions.

Mr. Levin stated that there are two existing driveways and they would be adding 2 additional off-street parking spaces.

DECISION

A motion was made by Mr. Saber to grant with conditions discussed but received no second so the motion failed.

In a motion made by Mr. Calkins and seconded by Ms. Morrisette, the Board unanimously voted 4-1 to DENY the petition. Mr. Calkins, Ms. Morrisette, Mr. Assad, and Mr. Dupere voted in favor of the motion, and Mr. Saber voted opposes and the petition was Denied.

In the matter of Special Permit request to remove existing mobile home and construct a single family home waiving minimum frontage and lot area on an existing non-conforming lot in the [R-80] District. Lot size 60,047+/-sf.

FAVOR

Bob Berube of Proline Engineering was present to address the Board representing owner Barbara Angelini and applicant Chris Thomas. Zoning requirements have changed since purchase of property. Previous dwelling was demolished and replaced with existing mobile home which is to be removed. Proposal will meet all requirements but frontage and area size. City Engineer had made recommendation for Site Plan Review which they anticipate.

Charlotte Thomas, 300 Indian Town Rd.- originally this was farm land and their father had divided it up amongst the siblings. Requirements having changed in the watershed area, it seems unfair to now not be able to build.

Christopher Thomas, other direct abutter- he had built under previous requirements. Zone changed but it had been split for family.

Mr. Roth stated that it was a pre-existing, confirming lot and they are proposing a modest home. He requested that the Board condition Site Plan Review, as well as removal of mobile home prior to building permitting. Mr. Roth asked if it has city water, but it has a well/septic currently.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Ms. Morrisette and seconded by Mr. Dupere, the Board unanimously voted 5-0 to GRANT with Conditions being:

1. Mobile home must be removed prior to issuance of building permit
2. Subject to approval of Site Plan Review.

Mr. Calkins, Ms. Morrisette, Mr. Assad, Mr. Saber and Mr. Dupere voted in favor of the motion.

JOE & AMANDIO ARAUJO
25 Vernon St., Lot B-21-38

In the matter of Variance request to build a single family dwelling with garage and deck waiving requirements in the [CMD] District. Lot size 9,999+/-sf.

FAVOR

Mr. Jose Araujo of 15 Elizabeth Drive, Rochester and Attorney John Brum were present to address the Board. This property previously received approval in November however the garage was omitted at the time of approval and the structure footprint was different at time of permitting. There was confusion with what had been submitted for variance as to what was intended. Discussion regarding waivers.

Mr. Roth clarified for the record that by ordinance a 16' driveway is allowed but a 24' driveway as shown will need approval from city council.

Mr. Roth requested that the Board condition Site Plan Review and the existing driveway should be revised on plans per Engineering driveway specifications.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Mr. Dupere and seconded by Mr. Saber, the Board unanimously voted 5-0 to GRANT with Conditions being:

1. Subject to approval of Site Plan Review
2. Driveway to be revised to Engineering Dept. specifications and limited to 16'.

Mr. Calkins, Ms. Morrisette, Mr. Assad, Mr. Saber and Mr. Dupere voted in favor of the motion.

In the matter of Variance request to construct a single family dwelling waiving requirements in [A-2] District in place of previous 3-family dwelling. Lot size 3,700+/-sf

FAVOR

Lisa Nunez on behalf of Tecumseh St. Realty Trust was present to address the Board. History being April 16, 2010, fire destroyed three-family house. Discussion regarding waivers needed. Mr. Roth recommended plans be resubmitted with proper waivers and dimensions. Plans need to be submitted for review by following Thursday for July ZBA meeting.

DECISION

In a motion made by Mr. Calkins and seconded by Mr. Dupere, the Board unanimously voted 5-0 to grant the petitioners request to continue the matter to the July ZBA meeting.

ZBA PROCEDURES- REVIEW, REVISIONS AND LEGAL NOTICE DEPOSIT

Mr. Roth explains that the Legal Ad deposit will be a direct responsibility of the applicants. After having surveyed the surrounding communities as requested of the Board at the last meeting, Mr. Roth found varying procedures to address the legal notice but found that the Swansea model was most agreeable: the Planning Department will take in the application and write the ad, then submit for a quote. The quote is then divided up evenly amongst the applicants and would be required to be paid in full prior to the meeting in order to be heard. Mr. Roth explained that a MGL 53G Deposit Account would be created and then the legal ad would be paid from that account. Rather than estimating ad inches versus lines, an even amount divided amongst the applicants was the most reasonable route. A petition cannot be heard if the legal ad deposit has not been paid and it must be deposited prior to the meeting, which the Planning Department will coordinate and account for. This is a Direct Expense and there would be a zero \$0 dollar balance after the legal ad invoice is paid.

Mr. Calkins moved to adopt the proposal. Mr. Roth asked that the Board also vote on the policy edits and read the old discrepancies in the procedure manual.

Mr. Calkins asked why the manual dictates 25 applications as the maximum and if this amount could be reduced while they were considering procedure changes. Discussion regarding appropriate number of maximum quantity of applications. Mr. Calkins suggested 15 as a more reasonable amount while Ms. Morrisette suggested 12. Board agreed on 15 as a limit.

Discussion regarding Corporation Council to review the changes.

With a motion made by Mr. Calkins and seconded by Ms. Morrisette, the Board unanimously voted 5-0 to approve the changes being made and added to the ZBA procedures.

CITIZENS INPUT

No one signed up for Citizens Input.

APPROVAL OF MINUTES

In the matter of Minutes for Zoning Board of Appeals Meeting dated May 16, 2019, a motion was made by Mr. Calkins and seconded by Mr. Dupere, the Board unanimously voted 5-0 to APPROVE and WAIVE the reading of the minutes for the May 16, 2019 meeting.

In the matter of Minutes for Zoning Board of Appeals Meeting dated April 18, 2019, minutes had not yet been completed and were not ready for an approval vote.

ADJOURNMENT

In a motion made by Ms. Morrisette and seconded by Mr. Calkins, the Board unanimously voted 5-0 to adjourn the meeting at 8:02pm.

CITY COUNCIL PUBLIC HEARING

MEETING: Monday, August 12, 2019 at 5:55 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara,
Bradford L. Kilby, Pam Laliberte-Lebeau, Stephen R. Long,
Leo O. Pelletier and Derek R. Viveiros

ABSENT: Councilor Steven A. Camara

IN ATTENDANCE: John Doherty, National Grid

The President called the meeting to order at 6:00 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

Underground Conduit

1. Massachusetts Electric Company for an underground conduit location, as follows:

Pocasset Street

National Grid - install four (4) 5" conduits from manhole 6 and 3 phase switchgear with manhole and protective bollards for switching flexibility and reduction in outage time.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be opened, with Councilor Steven A. Camara absent and not voting. The President then directed the proponents to be heard and John Doherty from National Grid came forward. Mr. Doherty stated that National Grid is working to install new equipment to improve conditions for switching flexibility and to reduce outage times. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Stephen R. Long and seconded by Councilor Bradford L. Kilby, it was unanimously voted to close the hearing, with Councilor Steven A. Camara absent and not voting.

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Stephen R. Long, it was unanimously voted to adjourn at 6:03 p.m., with Councilor Steven A. Camara absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda (attached)
DVD of meeting

A true copy. Attest:



City Clerk

COMMITTEE ON FINANCE

MEETING: Monday, August 12, 2019 at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara, Steven A. Camara,
Bradford L. Kilby, Pam Laliberte-Lebeau,
Stephen R. Long, Leo O. Pelletier and Derek R. Viveiros

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services
JR Frey, City Engineer
William Roth, City Planner
Wendy O'Malley, Vice-President PACE Program Manager
MassDevelopment, 99 High Street, Boston, MA 02110

The chair called the meeting to order at 6:03 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, allowing persons to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance, the following persons spoke on the subjects listed:

Citizens' Input Time – Before Discussion of Financial Matters:
George Oliveira, 140 Essex Street, Apt. #601 – Food Pantry

2. Discussion and presentation re: clean energy program - PACE Massachusetts
Wendy O'Malley, Vice-President and program manager for PACE Massachusetts provided a brief overview of the program. Councilor Shawn E. Cadime asked if the City contacted the State about this program. Wendy O'Malley stated that the state contacted the city because property owners had contacted the state to get more information on the program. She then stated that 20 states are involved in this program, including Connecticut and Rhode Island. Councilor Shawn E. Cadime then asked if a solar farm would be eligible for this program. Ms. O'Malley stated that there must be a structure for improvements to take place, therefore a solar farm would not be eligible. Councilor Bradford L. Kilby asked if solar panels would be eligible. Ms. O'Malley stated that solar panels on buildings are eligible. Councilor Bradford L. Kilby then asked if there is much interest in this program from Fall River property owners. Ms. O'Malley stated that she received three telephone calls from Fall River property owners this past week. Councilor Bradford L. Kilby then asked if non-profit organizations would be eligible for the program. Ms. O'Malley stated that non-profit

27

organizations are eligible to take advantage of this program, but they must have an agreement with the City for Payment in Lieu of Taxes (PILOT). Councilor Stephen R. Long asked if there will be any monies given to the City to administer the program. Ms. O'Malley stated that there is no funding for the administration of the plan, but if there are any liens necessary the state will pay any necessary recording fees.

3. Discussion of Fiscal Year 2019 Quarter 4 Budget Report

The Director of Financial Services provided a brief overview of the Quarter 4 Budget Report. Councilor Shawn E. Cadime stated that he had various questions regarding the capital projects. He asked for the status on the Tansey School. He then stated that the loan order was for \$2.9 million dollars and we have only spent \$120,000.00 so far. The Director of Financial Services stated that unfortunately the Director of Facilities Maintenance is not in attendance this evening, but she then stated that she was informed that most of this work needs to be performed when the students are not in school. Councilor Shawn E. Cadime then asked for an update on the IT upgrades at Oak Grove Cemetery. The Director of Financial Services stated that this project is still in process. Councilor Shawn E. Cadime then asked if the AMERESCO project is complete, as there is \$130,000.00 still remaining in this account. The Director of Financial Services stated that the Director of Facilities Maintenance is working on replacing lights in Government Center with energy efficient LED lights. Councilor Shawn E. Cadime asked for the original funding for the Columbia Square Streetscape project. The Director of Financial Services stated that Columbia Square was part of the Purchase Street and Bank Street Streetscape project and she then stated that the amount of funding for Columbia Square was \$450,000.00 Councilor Shawn E. Cadime then stated that he feels that these streetscape projects are a waste of money. He also stated that he would like to see these funds used to repair streets and sidewalks throughout the city. Councilor Shawn E. Cadime then asked if the City Council can expect a financial order to close out these accounts for capital projects that have small amounts left in them. The Director of Financial Services stated that once the Department Head notifies her that the project is complete, then the accounts can be reviewed to transfer the remaining funds and close the accounts. Councilor Stephen R. Long asked what happened to the litter enforcement vehicles when that program ended. The City Administrator stated that those vehicles were reassigned to other departments. Councilor Pam Laliberte-Lebeau asked if dates could be added in the area for notes in the capital projects, so that if it states that something has been ordered it will have a date of when the items were ordered. Councilor Pam Laliberte-Lebeau then asked if there are a sufficient number of trash and recycling carts available for residents who need them. She stated that she has been contacted by residents who have stated that they have been waiting for over two months for carts. The City Administrator stated that the Director of Community Maintenance had to order more carts recently, due to a number of residents opting back into trash removal when the purple bag program ended. Councilor Pam Laliberte-Lebeau asked if the City Engineer and City Planner could answer some questions. She then stated that she was expecting more of a "wow factor" for these streetscape projects. She also stated that she is concerned by the notes listed on pages 25, 26, 27 and 28 regarding the streetscape projects, as it states "Budgetary issues with bonded construction amounts for all streetscape projects were identified. Chapter 90 funds are being appropriately reserved and utilized to ensure project completion". Councilor Pam Laliberte-Lebeau then questioned what the changes are for the Columbia Square streetscape project. The City Engineer stated that they are looking for improved signalization at the intersection of Rodman Street, South Main Street and Columbia Street. Councilor Pam Laliberte-Lebeau then asked if the City Planner could put together a timeline of the streetscape projects. The City Planner stated that he will do that. President Cliff Ponte then asked if there were any further questions regarding the Quarter 4 Budget Report. Councilor Shawn E. Cadime asked if there will be an increase in the EZ Disposal Contract now that more residents are opting into the program. The City Administrator stated that there will be no increase, as the contract does not state the number of stops. She then stated that the contract only states that they will pick up all trash and recycling in the City of Fall River.

Councilor Shawn E. Cadime then made a motion to withdraw authorization for Bedford Street, South Main Street, North Main Street and Rock Street for the streetscapes projects and use those bond authorizations for regular road work, which will save approximately six million dollars, which is roughly three years our Chapter 90 money and the motion was seconded by Councilor Stephen R. Long. Councilor Pam Laliberte-Lebeau asked Councilor Shawn E. Cadime to repeat the motion and Councilor Shawn E. Cadime stated the funding for the following streetscape projects be redirected for regular road repairs. They are: Bedford Street in the amount of \$2,450,000, South Main Street in the amount of \$1,060,000, North Main Street in the amount of \$1,440,000 and Rock Street in the amount of \$775,000 for a total of \$5,725,000. The City Administrator stated that no funds have been expended and no contracts have been awarded for South Main Street and North Main Street, but design contracts have been awarded for Bedford Street. Councilor Steven A. Camara asked if this motion was appropriate. The Director of Financial Services stated that she believes the authorization would need to be rescinded and then different loan orders would need to be issued. Councilor Joseph D. Camara stated if we want to reconsider streetscapes then a resolution should be filed and have it sent to a subcommittee for further discussion. Council Vice-President Pam Laliberte-Lebeau took to the podium at 7:39 p.m. to allow President Cliff Ponte to ask questions. Councilor Leo O. Pelletier stated that the East Main Street project is a mess. He then stated that he cannot understand why the final coat of asphalt was applied in November, when the weather is already cold. He also stated that he is not happy with the engineers that are supervising this project, as East Main Street is a mess and the street lights have not been installed, leaving bolts sticking up through the sidewalks. The City Engineer stated that you are judging a project that is not complete. Councilor Leo O. Pelletier then asked who was the contractor that did the asphalt work on East Main Street. The City Engineer stated that was Lynch Construction. Councilor Leo O. Pelletier then asked when the East Main Street streetscape project will be complete. The City Engineer stated that it will be complete by the end of this year. President Cliff Ponte stated that he feels the East Main Street and Purchase Street streetscape projects have been an epic fail. He then asked the City Engineer what was the dollar amount of Chapter 90 Funds that were awarded to the City of Fall River in 2018. The City Engineer stated that the City of Fall River received \$1.9 million dollars. President Cliff Ponte then asked who many streets were repaved with these funds. The City Engineer stated that 18 streets were repaved. He then stated that these streets will need a second coat of asphalt and stated that should be complete by the end of the year. President Cliff Ponte then asked what streets are being repaved in 2019. The City Engineer stated the following:

- Cliff Street
- Otis Street
- Vernon Street
- South Oxford Street
- Fruit Street
- High Street from Bedford Street to Pine Street
- Renaud Street
- New Boston Road from Robeson Street to Stetson Street
- Neptune Street
- Bailey Street
- Oakland Street from Hood Street to Weetamoe Street
- Detroit Street from Jefferson Street to Stevens Street

Councilor Cliff Ponte stated that he would like to cancel the remaining streetscape projects and use the funds to repave more streets in the city. He then stated that Stafford Road is in terrible condition and there are many vehicles using this roadway to access the new casino in Tiverton. He also stated that we need to focus on the basic fundamentals for road repairs, they don't need to look pretty the roads just need to be functional. President Cliff Ponte returned to the podium at 7:54 p.m.

Councilor Shawn E. Cadime stated that he agrees with President Cliff Ponte, that streetscapes have been an epic fail. He then asked the City Engineer about the bi-weekly meetings that took place with the contractor during the construction of the Purchase Street project. The City Engineer stated that the meetings were very disputatious. Councilor Shawn E. Cadime then asked the City Engineer how much is being retained on the East Main Street project. The City Engineer stated approximately \$60,000. Councilor Shawn E. Cadime then stated that a communication that was received from Biszko Construction stated that they are awaiting a list of any issues or concerns from the City Engineer. They also stated they have requested this several times. Mayor Jasiel F. Correia II entered the Council Chamber at 8:14 p.m. and joined the department heads seated at the table. Council President Cliff Ponte asked the Mayor to leave the table and please be seated in the audience. The Mayor stated that he wanted to speak as part of the Administration. Council President Cliff Ponte then called for a recess at 8:14 p.m. The City Council Committee on Finance reconvened at 8:18 p.m. Council President Cliff Ponte asked Mayor Jasiel F. Correia II to please leave the table. The Mayor stated that according to the City Charter the Mayor may attend any meetings of the City. President Cliff Ponte then called for a recess at 8:19 p.m. Councilor Bradford L. Kilby left the meeting at 8:20 p.m. President Cliff Ponte reconvened the meeting at 9:03 p.m. and asked Mayor Jasiel F. Correia II to leave the table and sit in the audience. Mayor Jasiel F. Correia II stated that he will attend every City Council Meeting in the future for the entire meeting. On a motion made by Councilor Stephen R. Long and seconded by Councilor Steven A. Camara, it was voted 4 yeas, 4 nays to table the matter with Councilors Shawn E. Cadime, Pam Laliberte-Lebeau, Stephen R. Long and Cliff Ponte voting in the negative and Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Shawn E. Cadime, it was voted 7 yeas, 1 nay to move the question with Councilor Steven A. Camara voting in the negative and Councilor Bradford L. Kilby absent and not voting. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was voted 7 yeas, 1 nay to amend the motion to withdraw authorization for streetscapes projects and apply funding to road repairs, by adding that it be referred to the full council for action, with Councilor Steven A. Camara voting in the negative and Councilor Bradford L. Kilby absent and not voting. On yet a further motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 8 yeas to adopt the motion, with Councilor Bradford L. Kilby absent and not voting. Councilor Shawn E. Cadime stated that there are still items on the agenda requesting discussion on the streetscape projects and the Mayor is still seated at the table. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 5 yeas, 3 nays to adjourn at 9:10 p.m., with Councilors Joseph D. Camara, Steven A. Camara and Derek R. Viveiros voting in the negative and Councilor Bradford L. Kilby absent and not voting. Agenda items #4 through #7 were never discussed.

4. Transfers and appropriations
5. Resolution – discussion with City Engineer re: workmanship on Streetscape project at East Main Street
6. Resolution – discussion and review of Streetscape projects at Purchase Street and East Main Street
7. Fall River Task Force Revised Draft for discussion

Citizens' Input Time – After Discussion of Financial Matters:
None

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 5 yeas, 3 nays to adjourn at 9:10 p.m., with Councilor Bradford L. Kilby absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Letter from Biszko Contracting regarding East Main Street Streetscape Project

Colleen A. Taylor
Clerk of Committees

SPECIAL MEETING OF THE CITY COUNCIL

MEETING: Monday, August 12, 2019 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara,
Steven A. Camara, Pam Laliberte-Lebeau,
Stephen R. Long, Leo O. Pelletier and Derek R. Viveiros

ABSENT: Councilor Bradford L. Kilby

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services

President Cliff Ponte called the meeting to order at 9:14 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor and resolution re: Massachusetts Commercial Property Assessed Clean Energy Program (PACE Massachusetts)
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the resolution, with Councilor Bradford L. Kilby absent and not voting.
Approved, August 15, 2019, Mayor Jasiel F. Correia II

2. Mayor and order appropriating \$1,000,000 from Employer Trust Fund (FY19) to General Fund - School Appropriation
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 3 yeas, 5 nays to table the matter, with Councilors Shawn E. Cadime, Pam Laliberte-Lebeau and Cliff Ponte voting in the affirmative and Councilor Bradford L. Kilby absent and not voting and the motion failed to carry. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to waive the rules to allow the City Administrator and the Director of Financial Services answer questions, with Councilor Bradford L. Kilby absent and not voting. The Director of Financial Services stated that this money is being transferred from the employer trust to the School Department. She then stated that this is a surplus in the healthcare account due to savings in the School Department. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting.

3. Mayor and order appropriating \$2,226,067 from Final Cherry Sheet State Aid to School Appropriation - \$2,697,853 and State County Assessment - (\$468,768)
On a motion made by Councilor Steven A. Camara and seconded by Councilor Joseph D. Camara, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting.
4. Mayor and loan order for \$6,088,821 for repair work at Resiliency Preparatory Academy
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to authorize the loan order to be published and referred to the Committee on Finance, with Councilor Bradford L. Kilby absent and not voting.
5. Mayor and loan order for \$1,704,637 for repair work at Westall a/k/a Stone PK-12 School
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to authorize the loan order to be published and referred to the Committee on Finance, with Councilor Bradford L. Kilby absent and not voting.
6. Mayor requesting confirmation of appointment of Paul Ferland as Administrator of Community Utilities
On a motion made by Councilor Stephen R. Long and seconded by Councilor Steven A. Camara, it was voted 7 yeas, 1 nay to confirm the appointment, with Councilor Shawn E. Cadime voting in the negative and Councilor Bradford L. Kilby absent and not voting.
7. Mayor requesting confirmation of appointment of Rajiv Nehra, D.C. to Greater Fall River Vocational School District Committee
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to confirm the appointment, with Councilor Bradford L. Kilby absent and not voting.
8. Mayor requesting confirmation of appointment of Michael J. Roberts to Board of Park Commissioners
The City Clerk stated that she was informed by Michael Roberts that his residence is in Little Compton, Rhode Island. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was voted 8 yeas to grant the appointment leave to withdraw, with Councilor Bradford L. Kilby absent and not voting.
9. Mayor and amended order for gift of \$100.00 from St. Luke's Episcopal Church to the Opioid Task Force.
On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting. Councilor Steven A. Camara requested that a letter of thanks be sent to the Reverend Susan Lee at St. Luke's Episcopal Church.

PRIORITY COMMUNICATIONS

10. Board of Election Commissioners and warrant for Preliminary Election on September 17, 2019 and Municipal Election on November 5, 2019
On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting. Approved, August 15, 2019, Mayor Jasiel F. Correia II

11. Traffic Commission recommending amendments to traffic ordinances

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation, with Councilor Bradford L. Kilby absent and not voting.

12. Council President requests for residency waivers for Bedford Street Streetscapes Oversight Committee members

- a. Michael Benevides
- b. Atty. Arthur D. Frank Jr.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve both waivers, with Councilor Bradford L. Kilby absent and not voting.

13. Fall River Task Force Revised Draft for City Council consideration

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to table the matter and refer the draft to Corporation Counsel to review the language, with Councilor Bradford L. Kilby absent and not voting.

COMMITTEE REPORTS

Committee on Real Estate recommending:

Grant leave to withdraw:

14. Communication – City resident requesting purchase of land adjacent to 66 Lake Avenue
On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the communication be granted leave to withdraw, with Councilor Bradford L. Kilby absent and not voting.

15. Communication and order – Appropriation of \$160,000 to Maplewood Park Acquisition Capital Fund

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that the communication be granted leave to withdraw, with Councilor Bradford L. Kilby absent and not voting.

Committee on Health and Environmental Affairs recommending:

Action:

16. Resolution – Request draft of ordinance by Committee on Ordinances and Legislation re: thin film single-use check-out bags
On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the resolution, with Councilor Bradford L. Kilby absent and not voting.

ORDINANCES

Second reading and enrollment:

17. Proposed Ordinance – Traffic, Miscellaneous
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, with Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilor Bradford L. Kilby absent and not voting.

Approved, August 15, 2019, Mayor Jasiel F. Correia II

Second reading and enrollment as amended:

18. Proposed Ordinance – Personnel, salary schedule for non-union positions – Parking Clerk/Director of Traffic and Parking

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, as amended, with Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilor Bradford L. Kilby absent and not voting.

Approved, August 15, 2019, Mayor Jasiel F. Correia II

19. Proposed Ordinance – Personnel, salary schedule for non-union positions – Commissioner of Recreational Facilities/Director of Recreational Facilities

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, as amended with, Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was unanimously voted that the proposed ordinance be passed to be ordained, as amended, with Councilor Bradford L. Kilby absent and not voting.

Approved, August 15, 2019, Mayor Jasiel F. Correia II

20. Proposed Ordinance – Marijuana Facilities and Licenses

Councilor Leo O. Pelletier stated that he was looking to limit the number of licenses to eight but the proposed ordinance was amended to eleven. He also stated that there are 14 letters of non-opposition that have been issued by the Mayor. Councilor Steven A. Camara stated that he would like to apologize for his comments about the Committee on Ordinances and Legislation Meeting. He also stated that the subcommittees work very hard and spend lots of time on various matters. He then stated that it just seemed like everyone at the table was discussing different issues regarding this proposed ordinance and he feels that this is a solution to something that is not a problem. On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 5 yeas, 2 nays to pass the proposed ordinance through second reading and enrollment, as amended, with Councilors Steven A. Camara and Derek R. Viveiros voting in the negative and Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Leo O. Pelletier, it was voted 5 yeas, 2 nays that the proposed ordinance be passed to be ordained, as amended, with Councilors Steven A. Camara and Derek R. Viveiros voting in the negative and Councilor Bradford L. Kilby absent and not voting.

Vetoed, August 23, 2019, Mayor Jasiel F. Correia II

RESOLUTIONS

21. Request that Board of Park Commissioners review and update rules and regulations for use of city parks for events

On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the resolution, with Councilor Bradford L. Kilby absent and not voting.

CITATIONS – None

ORDERS – HEARINGSUnderground Conduit:

22. Pocasset Street

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting. Approved, August 15, 2019, Mayor Jasiel F. Correia II

ORDERS – MISCELLANEOUS23. Police Chief's report on licenses:Taxicab Drivers:

Erick Almond Jean P. Charlot Marwane El Berhmi Michael V. Friedlander
April Hampson Desiree Ouellette

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting.

24. Auto Repair Shop License Renewals:

Kenneth Rapoza, J.R.'s Superlube, Inc. located at 155 Milliken Blvd.

Kenneth Rapoza, J.R.'s Superlube, Inc. located at 334 Rhode Island Avenue

Pedro Albergaria, Pete's Auto Repair LLC located at 1058 Slade Street

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting. Approved, August 15, 2019, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS25. Claims

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to refer the claims to Corporation Counsel, with Councilor Bradford L. Kilby absent and not voting.

26. Complaint from Collin Dias re: board and commission vacancies

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the complaint to Corporation Counsel, with Councilor Bradford L. Kilby absent and not voting.

27. Drainlayer Licenses:

a. Cryan Landscape Contractors, Inc.

b. MJD Excavating, Inc.

c. J.B. Lanagan & Company, Inc.

d. T. Ford Company, Inc.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the drainlayer licenses, with Councilor Bradford L. Kilby absent and not voting.

Approved, August 15, 2019, Mayor Jasiel F. Correia II

Planning Board Minutes:

28. June 18, 2019

29. July 16, 2019

On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted that items #28 and #29 be accepted and placed on file, with Councilor Bradford L. Kilby absent and not voting.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #30 through #36 together, with Councilor Bradford L. Kilby absent and not voting.

Zoning Board of Appeals Minutes:

30. April 18, 2019

City Council Meeting Minutes:

- 31. Public Hearings – July 15, 2019
- 32. Committee on Finance Meeting – June 19, 2019
- 33. Committee on Finance Meeting – June 20, 2019
- 34. Committee on Finance Meeting – July 15, 2019
- 35. Special Meeting of the City Council – June 20, 2019
- 36. Special Meeting of the City Council – July 15, 2019

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve items #30 through #36, with Councilor Bradford L. Kilby absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to take items #37 through #41 together, with Councilor Bradford L. Kilby absent and not voting.

- 37. Notice of Casualty and Loss at 239 Glasgow Street
- 38. Notice of Casualty and Loss at 275 Hope Street, Apt. 2R
- 39. Notice of Casualty and Loss at 79 North Main Street
- 40. Notice of Casualty and Loss at 239 Glasgow Street
- 41. Town of Burrillville letter of thanks and support

On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted that items #37 through #41 be accepted and placed on file, with Councilor Bradford L. Kilby absent and not voting.

A recess was taken at 9:52 p.m. to have the ordinances signed and the City Council reconvened at 10:00 p.m.

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: AUGUST 12, 2019

COMMITTEE REPORTS

Committee on Finance recommending:

Adoption:

- 16a. City Council withdraw authorization for Streetscapes projects and apply funding for specific road repairs

Councilor Steven A. Camara objected to taking a vote to accept this motion, made by Councilor Shawn E. Cadime, to withdraw authorization for streetscapes projects and apply funding for specific road repairs. In accordance with Section 2-9(c) of the City Charter, the vote is postponed until the next meeting of the City Council.

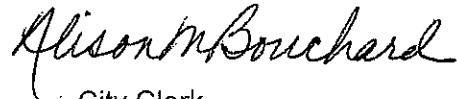
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn at 10:04 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:


City Clerk