

City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2021 SEP 10 P 12:16

CITY CLERK
FALL RIVER, MA

MEETINGS SCHEDULED

ALISON M. BOUCHARD
CITY CLERK

CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

INÊS LEITE
ASSISTANT CITY CLERK

TUESDAY, SEPTEMBER 14, 2021

AGENDA

5:55 P.M. CITY COUNCIL PUBLIC HEARINGS

Curb Removals

1. Ricardo M. Borges, 471 Center Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
471 Center Street	18'	4'	0'	22'

The petitioner is requesting the removal of 4 feet of curbing to widen the existing 18 foot driveway opening in front of the home to allow for additional parking.

2. Fidel Estrella, 53 California Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
53 California Street	21.9'	25'	21.9'	25'

The petitioner is requesting the removal of 25 feet of curbing to create a driveway opening on the east side of the property for an entrance for a new three stall garage. The existing 21.9 foot driveway opening on the west side of the property will be closed.

3. Hutchens Holding III, LLC, 481 Currant Road, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
615 Innovation Way	80'	165'	80'	165'

The petitioner is requesting the removal of 80 feet of curbing. Two new openings will be created 85 feet to the east and 80 feet to the west of the property. The existing 80 foot opening on the property will be closed.

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

Pole Location

4. Massachusetts Electric Company for one new pole location as follows:

West Street One (1) new pole location

The petitioner requests to install a new 45 foot pole to be numbered 1-30 between pole #1 located on West Street and pole #1 located on Probber Lane. The pole will be approximately 62 feet north of pole #1 located on Probber Lane and approximately 56 feet south of pole #1 located on West Street. The pole is being installed in order to be used for primary feed to the new service located at 1 West Street. In accordance with Plan No. 30365259 dated August 7, 2021.

Auto Repair Shop License

5. Jason Ventura, 401 Bedford Street, d/b/a AA Auto Repair & Sales LLC for a license to operate an auto repair shop at 401 Bedford Street, on Lot N-01-0026 Assessors Plan.

Second Hand Article Store

6. Wooslande Legrand, d/b/a Evita's Thrift Store, 665 Oak Grove Avenue, Fall River, MA 02720 for permission to operate and maintain a second hand article store located at 1348 Pleasant Street (clothing, jewelry and household furniture to be sold).

6:00 P.M. CITY COUNCIL COMMITTEE ON FINANCE MEETING (OR IMMEDIATELY FOLLOWING THE CITY COUNCIL PUBLIC HEARINGS IF THEY RUN PAST 6:00 P.M.)

1. Citizen Input
2. Discussion re: order appropriating \$2,500 from the CPA Undesignated Fund to the CPA Historic Preservation and Community Housing Categories for the filing of deed restrictions (see item # 1 below)
3. *Discussion re: orders to accept and expend the following grants: (referred 8-17-2021)

MassCALL3	\$ 250,000
Mass in Motion	\$ 50,000
Mass Trails	\$ 42,950
Public Works & Economic Adjustment Assistance Program	\$1,056,000
4. *Discussion re: order to execute Administrative Order of Consent with the Environmental Protection Agency for the Combined Sewer Overflow (CSO) Court Order (referred 8-17-2021)
5. *Discussion re: order to execute Amendment to the Combined Sewer Overflow (CSO) Federal Court Order No. 1:87-CV-03067 (referred 8-17-2021)

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

PRIORITY MATTERS

1. *Mayor and order appropriating \$2,500 from the CPA Undesignated Fund to the CPA Historic Preservation and Community Housing Categories for the filing of deed restrictions
2. *Mayor requesting the appointment of Richard Calderon to the Community Preservation Committee

PRIORITY COMMUNICATIONS

3. *Traffic Commission recommending amendments to traffic ordinances

COMMITTEE REPORTS

Committee on Public Safety recommending:

Approval:

4. *Communication – Funding for feasibility study for renovation of the Central Fire Station

ORDINANCES

Second reading and enrollment:

5. *Proposed Ordinance – Traffic, Miscellaneous

RESOLUTIONS

6. *Committee of Public Safety convene with the President of the Wattapa Water Board to discuss road damage in the reservation area
7. *Committee on Health and Environmental Affairs convene with the Administrator of Community Utilities and President of the Wattapa Water Board to resolve concerns with water quality
8. *Corporation Counsel convene with the Police Chief to establish a plan for motorized street bike safety measures
9. *Committee on Public Works and Transportation meet with Parking Director, Chief of Police and representative of the Traffic Enforcement Unit to address parking and quality of life issues on Atlantic Boulevard
10. *Committee on Public Works and Transportation meet with Parking Director, Chief of Police and representative of the Traffic Enforcement Unit to discuss speeding on Bay Street
11. *Administrator of Community Utilities be invited to Committee on Public Works and Transportation meeting to discuss solutions to the flooding issues on Anderson Street
12. *Committee on Finance meet with Administrator of Community Utilities to discuss stormwater accounts for properties located east of the North Watappa Pond area

CITATIONS

13. Forever Paws – Celebration of 25th Anniversary

ORDERS – HEARINGS

Curb Removals:

14. Ricardo M. Borges, 471 Center Street – Total of 22 Feet at 471 Center Street
15. Fidel Estrella, 53 California Street – Total of 25 Feet at 53 California Street
16. Hutchens Holding III, LLC, 481 Currant Road – Total of 165 Feet at 615 Innovation Way

Pole Location:

17. West Street – One (1) new pole location

Auto Repair Shop License:

18. Jason Ventura, 401 Bedford Street, d/b/a AA Auto Repair & Sales LLC, located at 401 Bedford Street

Second Hand Article Store:

19. Woozlande Legrand, d/b/a Evita's Thrift Store, 665 Oak Grove Avenue, located at 1348 Pleasant Street

ORDERS – MISCELLANEOUS

20. **Police Chief's Report on Licenses:**

Taxicab Drivers:

Akeem Barlow Tara Bartlett Solmaria Gomez Cruz Joseph F. Paiva

Private Livery Driver:

Ronn Keneshea

21. **Auto Body Shop License Renewal:**

Souhad Saliba d/b/a JZ Express, Inc. located at 969 South Main Street

22. Auto Repair Shop License Renewals:
Daniel J. Mello, Mello's Diesel Service, Inc. located at 185 Williston Street
Michael Camara, Performance Auto Center, Inc. located at 1148 Davol Street
Joseph Medeiros, 4 J Auto (d/b/a Midas Auto Service) located at 1439 Plymouth Avenue
Souhad Saliba d/b/a JZ Express, Inc. located at 969 South Main Street
23. *Light order – Corner of Rock Street and Walnut Street

COMMUNICATIONS – INVITATIONS – PETITIONS

24. *Claims
- City Council Meeting Minutes:
25. *Public Hearings – August 17, 2021
26. *Committee on Finance – July 13, 2021

BULLETINS – NEWSLETTERS – NOTICES

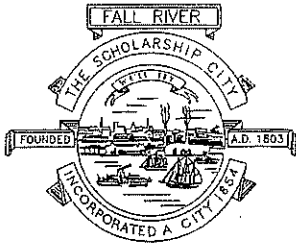
27. Fall River Police Department 2021 Mid-Year Report


Assistant City Clerk

OTHER POTENTIAL MATTERS (to be acted upon if recommendations are received)

ORDINANCES

- Ordination:
5. Proposed Ordinance – Traffic, Miscellaneous



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

FINANCE 3

AUG 12 P 1 54

CITY CLERK
FALL RIVER, MA

August 12, 2021

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

Dear Honorable Council Members:

I respectfully request that the City Council vote to accept and expend the following grants;

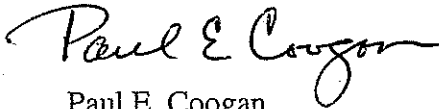
- Grant funding from the Commonwealth in the amount of \$250,000 over two years (\$125,000 per year) for the 3rd iteration of the Massachusetts Collaborative for Action, Leadership, and Learning, or "MassCALL3". Grant funding is scheduled to start on July 1, 2021 and will be overseen by the City's Health Department. Within the City of Fall River, MassCALL3 will build upon existing substance misuse prevention program capacity and experience to implement a comprehensive set of prevention services directed towards youth to stop and/or reduce the use of substances of first use, including alcohol, nicotine, and cannabis.
- Grant funding from the Commonwealth in the amount of \$50,000 for Mass in Motion Grant. Grant funding is scheduled to start on July 1, 2021 and will increasing opportunities for healthy eating and active living in the places we live, learn, work, and play.
- Grant funding through Mass Trails in the amount of \$42,950. through the Massachusetts Department of Conservation and Recreation's (DCR) and in coordination with the Massachusetts Department of Transportation (MassDOT). assist the construction, maintenance, and improvements for a variety of public trails including hiking trails, bikeways, and shared-use paths within the Bio Reserve.

- Grant funding through the Public Works & Economic Adjustment Assistance Programs in the amount of \$1,056,000 to assist with the design and permitting of Mothers Brook and Innovation Way sewer expansion.
- Grant funding through the Commonwealth of Massachusetts Sex Offender Registry Board in the amount of \$30,000 to assist with the Address Verification Program

*Adopted 8/17/
5 years, 3 mos*

Please do not hesitate to let me know if there are any questions.

Best Regards,



Paul E. Coogan
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 17 2021

A/C placed on file

GRANTS FOR CITY COUNCIL APPROVAL, AUGUST 17, 2021

Grant Name	State &/or Federal Funding Source	Duration	Amount	Grant Director	Purpose
MassCALL3	MA DPH/SAMHSA	07/01/2021-06/30/2023	\$250,000	Tess Curran	This grant will build upon existing substance misuse prevention program capacity and experience to implement a comprehensive set of prevention services directed towards youth to stop and/or reduce the use of substances of first use, including alcohol, nicotine, and cannabis.
Mass in Motion	MA DPH/CDC	07/01/2021-06/30/2022	\$50,000 (contract amendment)	Tess Curran	This grant will increase the opportunities for healthy eating and active living in the places we live, learn, work, and play within the City of Fall River
Mass Trails	MA EOEAA/DOT/DCR	07/01/2021-06/30/2022	\$42,950	Paul Ferland/Michael Labossiere	This grant will assist the construction, maintenance, and improvements for a variety of public trails including hiking trails, bikeways, and shared-use paths within the City of Fall River's Bio Reserve
Public Works & Economic Adjustment Assistance Programs	US Dept. of Commerce; Econ. Dev. Admin.	07/22/2021-07/21/2023	\$1,056,000	Paul Ferland	This grant will assist with the design and permitting of Mothers Brook and Innovation Way sewer expansion within the City of Fall River
Sex Offender Address Verification Grant	Sex Offender Registry Board	07/01/2021-06/30/2022	\$30,000	Police Department/Paul Gauvin	The Grant will assist the Fall River Police Department with their investigations on sex offenders that are in violation of their registration obligations and verify addresses of sex offenders in the City of Fall River.

*City of Fall River, In City Council***ORDER:**

The City of Fall River was awarded a grant through MassCall 3 in the amount of \$125,000 for FY 2022, and \$125,000 for FY 2023 totaling \$250,000 with a duration from July 2021 through June 30, 2023. This grant will allow the City of Fall River to address substance misuse prevention and reduce use/misuse of first use (alcohol, cannabis, marijuana) among youth within the City of Fall River; and The City of Fall River desires to accept and expend a Grant in the amount of \$250,000 over two years through the Department of Public Health, Bureau of Substance Addiction, for such prevention program in Fall River;

NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL: That the Mayor be and is hereby authorized in the name of the City of Fall River to accept and expend a Grant through MassCall3 in the amount of \$250,000 through the Massachusetts Department of Public Health, Bureau of Substance Addiction, to address substance misuse prevention and reduce use/misuse of substances of first use (alcohol, cannabis, marijuana) among youth in Fall River;

BE IT FURTHER VOTED: That the Mayor, on behalf of the City of Fall River, be and hereby is, authorized to execute any and all documents necessary in connection with said grant from the Department of Public Health, Bureau of Substance Addiction, including the expenditure thereof.

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 17 2021

*Referred to the
Committee on Finance*

City of Fall River, *In City Council***ORDER:**

The City of Fall River was awarded a grant through Mass in Motion in the amount of \$50,000 for FY 2022. This grant will increase opportunities for healthy eating and active living in the places we live, learn, work, and play. within the City of Fall River; and The City of Fall River desires to accept and expend a Grant in the amount of \$50,000 through the Commonwealth of Massachusetts, Executive Office of Health and Human Services, Department of Public Health, for such prevention program in Fall River;

NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL: That the Mayor be and is hereby authorized in the name of the City of Fall River to accept and expend a Grant through MassCall3 in the amount of \$50,000 through the Massachusetts, Executive Office of Health and Human Services, Department of Public Health, to address increase opportunities for healthy eating and active living in the places we live, learn, work, and play. within the City of Fall River;

BE IT FURTHER VOTED: That the Mayor, on behalf of the City of Fall River, be and hereby is, authorized to execute any and all documents necessary in connection with said grant from the Massachusetts, Executive Office of Health and Human Services, Department of Public Health, including the expenditure thereof.

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 17 2021

*Referred to the
Committee on Finance*

ORDER:

The City of Fall River was awarded a grant through Mass Trails in the amount of \$42,950 with a duration from July 2021 through June 30, 2022. This grant will assist the construction, maintenance, and improvements for a variety of public trails including hiking trails, bikeways, and shared-use paths within the City of Fall River's Bio Reserve; and The City of Fall River desires to accept and expend the Grant in the amount of \$42,950.00 through the Department of Community Utilities;

NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL: That the Mayor be and is hereby authorized in the name of the City of Fall River to accept and expend a Grant through Mass Trails in the amount of \$42,950. through the Massachusetts Department of Conservation and Recreation's (DCR) and in coordination with the Massachusetts Department of Transportation (MassDOT). assist the construction, maintenance, and improvements for a variety of public trails including hiking trails, bikeways, and shared-use paths within the City of Fall River's Bio Reserve.

BE IT FURTHER VOTED: That the Mayor, on behalf of the City of Fall River, be and hereby is, authorized to execute any and all documents necessary in connection with said grant from the Department of Conservation and Recreation's (DCR), including the expenditure thereof.

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 17 2021

*Referred to the
Committee on Finance*

ORDER:

The City of Fall River was awarded a grant through Public Works & Economic Adjustment Assistance Programs in the amount of \$1,056,000 with a duration from July 2021 through June 30, 2023. This grant will assist with the design and permitting of Mothers Brook and Innovation Way sewer expansion within the City of Fall River; and The City of Fall River desires to accept and expend the Grant in the amount of \$1,056,000 through the Department of Community Utilities;

NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL: That the Mayor be and is hereby authorized in the name of the City of Fall River to accept and expend a Grant through the Public Works & Economic Adjustment Assistance Programs in the amount of \$1,056,000 to assist with the design and permitting of Mothers Brook and Innovation Way sewer expansion within the City of Fall River;

BE IT FURTHER VOTED: That the Mayor, on behalf of the City of Fall River, be and hereby is, authorized to execute any and all documents necessary in connection with said grant from the US Dept. of Commerce; Economic Development Administration, including the expenditure thereof.

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 17 2021

*Referred to the
Committee on Finance*



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

FINANCE **4**

TO: 0812 P 2:53

OFFICE OF THE MAYOR
FALL RIVER, MA

August 12, 2021

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

RE: Administrative Order of Consent from EPA

Dear Honorable Councilors:

Please see attached the Administrative Order of Consent issued by the Environmental Protection Agency. Approval of Order to Execute is hereby requested.

Please contact Paul J. Ferland with any questions you may have at 508-324-2320.

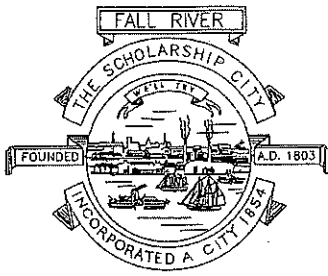
Sincerely,

Paul E. Coogan
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 17 2021

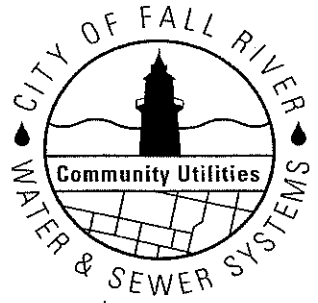
Referred to Committee
on Finance



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Department of Community Utilities
WATER • SEWER

FINANCE 4



PAUL J. FERLAND
Administrator

August 12, 2021

The Honorable Paul E. Coogan
City of Fall River
One Government Center
Fall River, MA 02722

RE: Administrative Order of Consent from EPA

Dear Mayor Coogan:

Please see attached the Administrative Order of Consent issued by the Environmental Protection Agency. This order parallels the Federal Court Order Amendment as well as the \$123mil spending plan approved by referendum ballot in November of 2017.

Please contact my office with any questions you may have at 508-324-2320.

Sincerely,

Paul J. Ferland, EIT
Administrator of Community Utilities

ORDERED, that the Mayor be and the same is hereby authorized to execute the attached Administrative Order of Consent between the City of Fall River and the Environmental Protection Agency.

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 17 2021

*Referred to the Committee
on Finance*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

IN THE MATTER OF:

)
)
)
)
)
)
)
)
)
)
)

DOCKET NO.
CWA-AO-R01-FY21-18

Fall River, Massachusetts
NPDES Permit No. MA0100382

Proceedings under Sections 308 and
309(a)(3) of the Clean Water Act,
as amended, 33 U.S.C. §§ 1318 and
1319(a)(3)

ADMINISTRATIVE ORDER
ON CONSENT

I. STATUTORY AUTHORITY

The following Findings are made and ORDER ON CONSENT issued pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act, as amended (the "Act"), 33 U.S.C. §§ 1318 and 1319(a)(3). Section 309(a)(3) of the Act grants to the Administrator of the U.S. Environmental Protection Agency ("EPA") the authority to issue orders requiring persons to comply with Sections 301, 302, 306, 307, 308, 318, and 405 of the Act and any permit condition or limitation implementing any of such sections in a National Pollutant Discharge Elimination System ("NPDES") permit issued under Section 402 of the Act, 33 U.S.C. § 1342. Section 308(a) of the Act, 33 U.S.C. § 1318(a), authorizes EPA to require the submission of any information required to carry out the objectives of the Act. These authorities have been delegated to the EPA, Region I Administrator, and in turn, to the Director of the EPA, Region I Enforcement and Compliance Assurance Division ("Director").

The Consent Order herein is based on EPA's findings of violation of Section 301 of the Act, 33 U.S.C. § 1311. Pursuant to Section 309(a)(5)(A) of the Act, 33 U.S.C. § 1319(a)(5)(A), the Order provides a schedule for compliance that the Director has determined to be reasonable

II. DEFINITIONS

Unless otherwise defined herein, terms used in this Consent Order shall have the meaning given to those terms in the Act, 33 U.S.C. § 1251 *et seq.*, the regulations promulgated thereunder, and any applicable NPDES permit. For the purposes of this Order, "NPDES Permit" means the City of Fall River's NPDES Permit, No. MA0100382, and all amendments or modifications thereto and renewals thereof as are applicable, and in effect at the time.

III. FINDINGS

The Director makes the following findings of fact:

1. The City of Fall River, Massachusetts ("Fall River" or "City") is a municipality, as defined in Section 502(4) of the Act, 33 U.S.C. § 1362(4), established under the laws of the Commonwealth of Massachusetts.
2. The City is a person under Section 502(5) of the Act, 33 U.S.C. § 1362(5). The City is the owner and operator of a Publicly Owned Treatment Works ("POTW"), which includes a wastewater collection system ("Collection System") consisting of approximately 200 miles of sewer pipeline, 15 pump stations, the Fall River Regional Wastewater Treatment Facility ("WWTF") and 19 combined sewer overflow ("CSO") outfalls, from which pollutants are discharged, as defined in Sections 502(6) and (12) of the Act, 33 U.S.C. §§ 1362(6) and (12), to Mount Hope Bay, the Taunton River, and the Quequechan River.
3. Mount Hope Bay and the Taunton River are waters of the United States and, as such, are navigable waters under Section 502(7) of the Act, 33 U.S.C. § 1362(7), and the regulations promulgated thereunder.
4. The WWTF is a secondary treatment facility with a monthly average permitted capacity of 30.9 million gallons per day ("MGD"). The WWTF peak hydraulic capacity for combined dry and wet-weather flow is 106 MGD. The WWTF serves a population of approximately 90,000 residents in Fall River and portions of Westport and Freetown, Massachusetts, and Tiverton, Rhode Island.
5. On December 7, 2000, the City was issued NPDES Permit No. MA0100382 ("NPDES Permit") by EPA under the authority of Section 402 of the Act, 33 U.S.C. § 1342. The NPDES Permit became effective February 6, 2001 and superseded a permit issued on February 8, 1995. The NPDES Permit expired on February 5, 2006 and, based upon the City's timely re-application, the conditions of the NPDES Permit remain in effect pursuant to 40 C.F.R. § 122.6.
6. The NPDES Permit authorizes Fall River to discharge pollutants from WWTF Outfall 001A to Mount Hope Bay. Part I.F of the NPDES Permit also authorizes wet-weather discharges of "stormwater/wastewater" from the 19 combined sewer outfalls listed in Attachment B of the NPDES Permit to Mount Hope Bay, the Taunton River, and the

Quequechan River. These discharges are subject to the effluent limitations (Nine Minimum Controls), monitoring requirements, and other conditions specified in Part I.F of the NPDES Permit.

7. The City's re-application for the NPDES permit was submitted prior to the installation of now operational screening and disinfection processes at the President Ave. and Cove St. CSOs
8. Some components of the Collection System, including CSO outfalls, from which the City has discharged during wet weather untreated sewage are point sources, as defined in Section 502(14) of the Act, 33 U.S.C. § 1362(14).
9. Untreated sewage contains bacteria, including enterococci bacteria and fecal coliform, which are pollutants within the meaning of Section 502(6) of the Act, 33 U.S.C. § 1362(6). Chlorine is also a pollutant within the meaning of Section 502(6) of the Act, 33 U.S.C. § 1362(6).
10. The City discharges combined stormwater and wastewater from its CSO outfalls, as authorized by the NPDES permit, during wet weather which, at times, may exceed water quality standards for fecal coliform bacteria.
11. The City has installed screening and disinfection facilities at two CSOs (at Cove Street and President Avenue) to improve water quality standards at these CSO outfalls beyond the Nine Minimum Controls included in the NPDES permit. During wet weather, these facilities provide screening to reduce solids and add chlorine for disinfection to the combined stormwater and wastewater prior to discharge to the Taunton River. The City adds dechlorination compounds before discharging from the Presidential Ave. CSO outfall. The City does not add dechlorination compounds before discharging from the Cove St. CSO outfall. The City has indicated that it is expected that contact time and degradation of the Chlorine occurs within the outfall pipe prior to discharge to the Taunton River.
12. The City is not authorized to discharge chlorine from either the Cove Street or the President Ave CSO outfalls. At times, data collected from these outfalls indicated release of residual chlorine discharges from these outfalls above water quality standards.
13. Section 301(a) of the Act, 33 U.S.C. § 1311(a), makes unlawful the discharge of pollutants to waters of the United States except, among other things, in compliance with

the terms and conditions of a NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.

14. Therefore, EPA finds that the discharges above water quality standards identified in paragraphs 10 and 12 above, to Mount Hope Bay and the Taunton River violate Section 301(a) of the Act, 33 U.S.C. § 1311(a).

IV. ORDER

Accordingly, pursuant to Sections 308 and 309(a)(3) of the Act, it is hereby ordered:

1. The City shall implement the projects in the list below, advancing them to substantial completion by the end of the listed year for each project and shall follow the schedule listed in Spending Plan dated Feb 5, 2021 (See Attachment 1). These projects are based on the Recommended Plan in the December 2015 *Draft Integrated Wastewater and Stormwater Master Plan* (the "Integrated Plan"), the January 2019 *CSO Control Plans and Program Update Report* and the *Wastewater Treatment Facilities Plan* of August 2018.

- a. Projects:

WWTF Contract #1-Incinerator Bldg. Demo/Site Electrical Upgrade, 2021
WWTF Contract #2-Facility Rehab. Phase 1, 2024
President Avenue Pump Station, 2021
South End Pump Station, 2021
Ferry Street Pump Station, 2024
Wilson Road Pump Station, 2022
CSO Facility Optimization, 2022
CSO Treatment Impacts on River Investigation, 2023
City Pier/central Street Facility Preparation Land Acquisition, 2023
Alton Street CSO Basin Facility Preparation Land Acquisition, 2023
Riverview Street CSO Basin Improvements, 2022
Birch Street CSO Basin Sewer Separation, 2024
Charles Street, Ferry or Columbia CSO Basin Improvements, 2022
CSO Instrumentation and Controls/Communications, 2022
Stafford Square Sewer Separation and Replacement-Study, 2021
President Avenue Sewers Infiltration/Inflow Removal, 2024
Wilson Road Sewer Rehabilitation, 2024

Central Street Lining, 2024

Main Interceptor North Cleaning/Inspection, 2024

Main Interceptor South Cleaning/Inspection, 2024

2. By December 31, 2021, the City shall install and/or maintain continuous flow monitors the following CSO outfalls: Alton St., Birch St., Cove St., President Ave., City Pier (Davol 1 and Davol 2), Canal St., Ferry St., Middle St., Birch St., Charles St. and Mount Hope Ave. The monitors will be sufficient to identify start and stop times and total volume of each discharge and, where both treated (screened and disinfected) and untreated discharges may exist, will be sufficient to identify times and volumes of each individually (monitors do not need to continuously report when there is no flow).
3. The City shall continue implementing the current "Monitoring Protocol" for the President Ave. and Cove St. screening/disinfection facilities (included as Attachment 2 to this Order).
4. By September 1, 2021, the City shall submit to EPA for approval an updated plan for monitoring the screening/disinfection facilities at President Ave. and Cove St. Upon EPA approval, the City shall implement the monitoring plan instead of the current "Monitoring Protocol". The plan shall be designed to indicate the actual concentration of bacteria and residual chlorine discharged from the facilities' outfalls, or an upper bound on the actual concentration discharged (if sampling is not done at the outfalls). If outfall monitoring for a facility is not included in the monitoring plan, ambient sampling within the river near the outfall must be included.
 - a. The monitoring plan shall include sampling for fecal coliform bacteria and total residual chlorine, using EPA-approved test methods set forth in 40 C.F.R. Part 136 (or an alternate method as approved in writing by EPA for the purposes of this Order).
 - b. If the City's NPDES Permit covering CSOs is re-issued and in effect with authorization to discharge residual chlorine from the two facilities, the City shall implement the monitoring requirements of the permit instead of the monitoring plan from this paragraph.
 - c. Additional sampling taken at the Cove St. or President Ave. facilities (e.g. as part of a facility optimization study) shall be reported with the required sampling from the monitoring plan.

5. The City shall optimize the operation of the President Ave. and Cove St. CSO screening and disinfection facilities, with the goal of meeting water quality standards for residual chlorine at the end of the outfall (point of discharge). The City shall submit a report to EPA by January 31, 2024 on the optimization actions and results. The report shall include all outfall and ambient monitoring data related to the screening/disinfection facilities.
6. The City shall complete the "CSO Treatment Impacts on River Investigation" project and submit a report to EPA by January 31, 2024. This study shall evaluate the impacts and costs of the current CSO screening and disinfection facilities at Cove St. and President Ave. The study shall specifically evaluate the ability of discharges from these current CSO facility outfalls to meet water quality standards for chlorine. The study shall include options and costs for adding dechlorination to (or eliminating chlorine disinfection at) the Cove St. facility. The study shall also evaluate CSO alternatives at City Pier and Alton St., including chlorination, dechlorination, non-chlorine disinfection, advanced treatment, storage, sewer separation and other potential alternatives that may be identified.
7. By January 31, 2024, the City shall submit to EPA for review an Integrated Wastewater and Stormwater Master Plan Update, describing projects beginning in 2025 and later.
8. The City shall submit annual progress reports to EPA describing the actions completed consistent with this Consent Order, the Revised Spending Plan and the Integrated Plan. The reports shall include the costs of each activity undertaken as part of the Consent Order, and the estimated volume of annual CSO discharge eliminated. The reports shall be submitted by February 28 each year (covering the activities conducted from the previous calendar year of January 1st through December 31st) each year. The reports may be submitted on paper or electronically.¹ Until a permit is in effect covering chlorine discharges from the Cove St. and President Ave. CSO disinfection facilities, the City shall include, in the progress reports, all outfall testing and sampling results related to those outfalls in the covered time period.
9. The City shall also provide an annual SSO Report to EPA and MassDEP each year by February 28th (covering the previous calendar year). The SSO Report shall include a summary listing of all overflows, spills, and releases that have occurred during the 12 months covered by the report (excluding wet-weather CSO discharges), including building/private property backups, that result from capacity limitations, blockages,

¹ EPA encourages submitting data as spreadsheets where appropriate.

vandalism, and mechanical, electrical, and structural failures in that portion of the Collection System owned by the City. The tabular listing shall be organized chronologically and shall include:

- a. the dates and times that each event began and was stopped, or if it is continuing, a schedule for its termination;
 - b. the location (nearest address) of each such event;
 - c. the source of the notification to the City;
 - d. the cause of the event including, but not limited to, whether it was caused by debris, fats, oils, and grease, or root blockages, collapsed pipes, mechanical, electrical and structural failures, hydraulic overloads and/or vandalism;
 - e. the estimated gallons of wastewater released and the method used to estimate the volume;
 - f. a clear statement of whether the release did or did not reach a stormwater catch basin (in a portion of the system with separate storm sanitary drainage) or any other portion of the City's storm sewer system. If the release occurred to the ground or street, regardless of whether the discharge reached any portion of the City's MS4, the City shall provide the distance to the nearest downgradient stormwater catch basin and the name of the receiving water to which the catch basin discharges;
 - g. a clear statement of whether the release did or did not reach any surface water. If the release reached a surface water, the City shall include the name of the surface water and a description of the location where the release reached the surface water;
 - h. the estimated gallons of wastewater discharged to the MS4 or surface water and the method used to estimate the volume;
 - i. the measures taken to stop the overflow, spill, or release and prevent future overflows, spills, and releases at the same location;
 - j. the date that the event was reported to EPA and MassDEP; and
 - k. the date of the last event that occurred at the same location.
10. The City shall also provide an annual CSO Report to EPA and MassDEP each year by February 28 (covering the previous calendar year). The CSO Report shall include all CSO discharges in the time period covered by the report, including the outfall, start and

stop times and total volume released for each discharge. The report will identify whether the discharge was treated (chlorinated); for events and locations with both treated and untreated discharges, they will be reported separately. The report shall also include discharges of partially-treated effluent from the City's Waste Water Treatment Facility due to high flow, identifying start and stop times, total volume released, and level of treatment given (e.g. 'primary clarification plus chlorination').

11. By September 30, 2021, the City shall submit an updated application for renewal of the City's NPDES permit # MA0100382 to EPA, which covers discharges from the City's wastewater treatment plant and CSOs. The update shall include information on the existing chlorination and disinfection facilities at President Ave. and Cove St. If the City plans to further modify discharges from the wastewater treatment plant or CSO, it must further modify its permit application at that time.²
12. This Consent Order shall supersede EPA Administrative Order on Consent, Docket No. 11-020 (issued Sept. 30, 2011) in its entirety. However, the City shall continue to implement its Capacity, Management, Operations and Maintenance ("CMOM") Program, consistent with its CMOM Corrective Action Plan, and its Third-Year CMOM Program Self-Assessment, under this Consent Order.
13. All work pursuant to this Consent Order shall be performed using sound, generally accepted engineering practices to ensure that construction, management, operation and maintenance of the City's POTW and MS4 complies with the Act, including practices to improve the resilience of the POTW and MS4 to the impacts of climate change.

V. NOTIFICATION PROCEDURES

1. Where this Consent Order requires a specific action to be performed within a certain time frame, the City shall submit to EPA and a copy to MassDEP a written notice of compliance or noncompliance with such action within seven (7) calendar days following the applicable deadline, or prior to the deadline however, written notice of compliance is not necessary if the action required by the Consent Order is submission of a document, report, or other written material, and the City has timely submitted such document, report, or written material to EPA and a copy to MassDEP.

² See 40 C.F.R. § 122.41(l)(8) ("Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.")

2. If noncompliance is reported, the written notice submitted to EPA and a copy to MADEP must include the following information:
 - a. A description of the noncompliance;
 - b. A description of any actions taken or proposed by the City to comply with the required action;
 - c. A description of any factors that tend to explain or mitigate the noncompliance; and
 - d. A date by which the City will perform the required action.
3. After a notification of noncompliance has been submitted to EPA and a copy to MassDEP, the City must achieve compliance as expeditiously as possible, but by no later than the date the City submitted to EPA and a copy to MassDEP pursuant to paragraph 2.d., and submit to EPA and a copy to MassDEP the required document, report, or written material, as applicable, or a written notice that compliance with the action has been achieved.

Submissions required by this Consent Order shall be sent via email or shall be mailed to the following addresses:

United States Environmental Protection Agency
Region I – New England
5 Post Office Square - Suite 100
Boston, MA 02109-3912
Attn: Andrew Spejewski (Mail Code: OES04-3)
email: Spejewski.andrew@epa.gov

Massachusetts Department of Environmental Protection
Southeast Region Main Office
20 Riverside Drive
Lakeville, MA 02347
Attn: David Burns
email: David.Burns@mass.gov

VI. GENERAL PROVISIONS

1. This Consent Order does not constitute a waiver or a modification of the terms and conditions of the NPDES Permit or the 2016 Small MS4 General Permit. The NPDES Permit and 2016 Small MS4 General Permit remain in full force and effect. EPA reserves

the right to seek any and all remedies available under Section 309 of the Act, 33 U.S.C. § 1319, as amended, for any violation cited in this Consent Order.

2. This Consent Order shall become effective upon signature by both parties (the "Effective Date").
3. The City agrees to accept service of this Order by electronic mail to the City.
4. Any material modification to the terms of this Consent Order shall be by written agreement of the Parties. Any nonmaterial modifications to the terms of this Consent Order, such as approval of modifications to submissions to EPA or the due dates of such submissions, shall be effective upon written approval from EPA.
5. The Parties anticipate, consistent with EPA's Integrated Planning policies, that this Order on Consent may need to be modified in the event of issuance of a permit that contains new or revised requirements, including renewal or re-issuance of the NPDES Permit. EPA intends to respond to requests to modify this Order on Consent in a timely manner. Further, EPA and the City intend to evaluate and respond to such requests in a manner i) consistent with EPA's Integrated Municipal Stormwater and Wastewater Planning Approach Framework, May 2012, including the expectation that enforcement mechanisms provide "sufficient flexibility ... to allow for adaptive management approaches" and ii) that adheres to the standard established for the Administrator to provide for a reasonable schedule consistent with Section 309(a)(5)(A) of the Act, 33 U.S.C. § 1319(a)(5)(A).
6. For the purposes of this Order, the City neither admits nor denies the Findings stated herein by the EPA.
7. EPA acknowledges that the City is subject to a Remedial Order in United States District Court, District of Massachusetts, No. 1:87-CV-03067 (RWZ), as it may be amended, and agrees to negotiate in good faith with the City and the Conservation Law Foundation, Inc., the Plaintiff in said case, to resolve any inconsistencies or conflicts in the City's compliance with both Orders.
8. The City waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the City might have with respect to any issue of fact or law set forth in this Consent Order, including, but not limited to, any right of judicial review of this Consent Order under the Administrative Procedure Act, 5 U.S.C. §§ 701-708

Date

James Chow, Deputy Director, *for* Karen McGuire,
Director, Enforcement and Compliance Assurance
Division

Date

Paul E. Coogan, Mayor
City of Fall River, Massachusetts

11/15/2021 Schedule and Projected Annual Costs of Revised Recommended Plan (all values in \$ millions)											
Year	2017-2019	2019	2020	2021	2022	2023	2024	2025	Total		
WWTF Facility Plan (draft completed)	\$2.0								\$2.0		
WWTF Contract #1-Incinerator Bldg. Demo/Site Electrical Upgrade (Underway)		\$7.0	\$12.0	\$5.0					\$24.0		
WWTF Contract #2-Facility Rehab. Phase 1 (In Design)			\$2.0	\$10.0	\$14.0	\$12.0	\$8.0		\$46.0		
President Avenue Pump Station (Underway)	\$0.3	\$1.0	\$2.5	\$0.5					\$4.3		
South End Pump Station (Underway)		\$0.3	\$2.0	\$2.0					\$4.3		
Ferry Street Pump Station						\$0.5	\$1.0		\$1.5		
Wilson Road Pump Station (In Design)			\$0.5	\$2.75	\$3.0				\$6.3		
CSO Control Plan and Program Update (draft completed)	\$1.0								\$1.0		
CSO Facility Optimization			\$0.2	\$0.2	\$0.1				\$0.5		
CSO Treatment Impacts on River Investigation				\$0.2	\$0.4	\$0.3			\$0.9		
City Pier/Central Street Facility Preparation Land Acquisition				\$0.3	\$0.1	\$1.7			\$2.1		
Alton Street CSO Basin Facility Preparation Land Acquisition						\$1.0			\$1.0		
RiverView Street CSO Basin Improvements					\$0.3				\$0.3		
Birch Street CSO Basin Sewer Separation				\$1.0	\$8.0	\$9.0			\$18.0		
Charles Street, Ferry or Columbia CSO Basin Improvements					\$0.3				\$0.3		
CSO Instrumentation and Controls/Communications			\$0.1	\$0.1	\$0.1				\$0.3		
Station Square Sewer Separation and Relocation Study	\$0.1	\$0.1	\$0.1	\$0.2					\$0.5		
President Avenue Sewers Infiltration/Inflow Removal					\$0.1	\$0.4	\$0.1		\$0.6		
Wilson Road Sewer Rehabilitation						\$0.5	\$0.1		\$0.6		
Central Street Lining						\$0.2	\$0.1		\$0.3		
Main Interceptor North Cleaning/Inspection						\$0.2	\$0.1		\$0.3		
Main Interceptor South Cleaning/Inspection							\$0.2		\$0.2		
Gress Brook Area Drainage Improvements (Complete)	\$1.0	\$4.0	\$2.0						\$7.0		
Hyacinth Street Area Drainage Improvements (Complete)	\$0.3	\$0.5	\$1.0						\$1.8		
Asset Management System/CMMIS	\$0.1			\$0.1	\$0.1		\$0.1		\$0.4		
Vehicles and Equipment		0.5	0.8		0.6		0.4		\$2.3		
Totals	\$4.80	\$13.40	\$23.20	\$22.35	\$27.10	\$25.80	\$10.10	\$0.00	\$126.8		

Monitoring Protocol

Cove Street and President Avenue

The City of Fall River shall conduct the following monitoring and reporting, as follows:

Cove Street CSO Screening and Disinfection Facility

Monitoring at the Cove Street CSO Screening and Disinfection Facility shall continue, through December 31, 2015, as follows:

- The City will mobilize for monitoring of its Cove Street CSO Screening and Disinfection Facility effluent during storms where the predicted rainfall is more than 1/4 inch.
- As the characteristics of CSO events cannot be predicted, for CSO events of less than one hour, sampling may not occur due to the required staff response time and the necessary continuous CSO event duration for representative sampling results.
- The City will monitor grab samples at the Cove Street CSO Screening and Disinfection Facility's Mixed Effluent Sampling Station (C-ME), as shown on the attached Figure 1 "Cove Street CSO Facility Monitoring Locations," for:
 - Total Residual Chlorine (TRC)
 - Fecal Coliform bacteria (four times per year)
 - Total Nitrogen (four times per year)
- Samples will be taken three times per storm during which the Cove Street CSO Facility was activated for TRC, Fecal Coliform bacteria (if measured), and Total Nitrogen (if measured), if possible, depending upon the duration of the CSO event. Additional TRC monitoring will be done, if needed, to adjust the chlorine dosage. Similarly, additional TRC monitoring will be done, as needed, if dechlorination is added to this facility, to adjust the dechlorinating chemical dosage.
- On completion of the CSO Facility activation/storm event, the City will record:
 - Maximum observed TRC concentration
 - Average observed TRC concentration
 - Total Cove Street CSO Facility activation time
 - Total Cove Street Facility treated flow
- On receipt of the laboratory test results, The City will record Fecal Coliform bacteria (if measured) and Total Nitrogen (if measured).

- This sampling protocol provides a continuation of the monitoring program as provided in Item 1 of the February 2012 protocol.

President Avenue CSO Screening and Disinfection Facility

Monitoring at the President Avenue CSO Screening and Disinfection Facility shall commence upon the City's acceptance of the completed facility, as follows:

- The City will mobilize for monitoring of its President Avenue CSO Screening and Disinfection Facility effluent during storms where the predicted rainfall is more than 1/4 inch.
- As the characteristics of CSO events cannot be predicted, for CSO events of less than one hour, sampling may not occur due to the required staff response time and the necessary continuous CSO event duration for representative sampling results.
- For a period of 2 years from the City's acceptance of the completed facility, the City will monitor grab samples at the President Avenue CSO Screening and Disinfection Facility's Mixed Effluent Monitoring Location (P1), as shown on the attached Figure 2 "President Avenue CSO Facility Monitoring Locations," for:
 - Total Residual Chlorine (TRC)
 - Fecal Coliform bacteria (four times per year)
 - Total Nitrogen (four times per year)
- Samples will be taken three times per storm during which the President Avenue CSO Facility was activated for TRC, Fecal Coliform bacteria (if measured), and Total Nitrogen (if measured), if possible, depending upon the duration of the CSO event. Additional TRC monitoring will be done, if needed, to adjust the chlorine and/or dechlorinating chemical dosage.
- On completion of the CSO Facility activation/storm event, the City will record:
 - Maximum observed TRC concentration
 - Average observed TRC concentration
 - Total President Avenue CSO Facility activation time
 - Total President Avenue Facility treated flow
- On receipt of the laboratory test results, The City will record Fecal Coliform bacteria (if measured) and Total Nitrogen (if measured).

CSO Outfall Monitoring

Cove Street CSO Outfall (Boat) Monitoring

Monitoring of the Taunton River at the Cove Street CSO outfall shall continue, through December 31, 2015, as follows:

- The City shall perform four in-river sampling events per year during or shortly after a storm of 3/4 inch of rain or greater during which the Cove Street CSO Facility was activated.
- Each grab sample will be analyzed for:
 - TRC
 - Fecal Coliform bacteria
 - Total Nitrogen
 - Temperature
- Visual observation will also be made and recorded to reflect the presence or absence of any sheen, solids, scum, odor, or other excursion from the Massachusetts Water Quality Standards observable without sampling.
- Sampling results will reflect time taken, rainfall prior to sample (if available), and rainfall total.
- Sampling shall be conducted by boat.
- Sampling rounds during a storm event or at storm end where conditions present hazardous conditions (e.g., high winds, surf, nighttime, etc.) will be cancelled for the health and safety of the sampling personnel.
- For the Cove Street CSO Facility, sampling will occur at Stations C-2, C-3 and C-4, as shown on the attached Figure 1 “Cove Street CSO Facility Monitoring Locations.” Station C-3 is located at the “boil” of the Facility’s outfall. Station C-2 is located approximately 300 feet upstream of the outfall, and Station C-4 is located approximately 300 feet downstream of the outfall. These stations remain as shown in the inset in the upper right-hand corner of the Camp Dresser & McKee, Inc. (“CDM”) plan entitled “City of Fall River, Massachusetts, North System CSO Control Study”, initialed copies of which are held in the files of Plaintiff and Defendant.
- This sampling protocol provides a continuation of the monitoring program as provided in Item 2 of the February 2012 protocol.

Cove Street CSO Shoreline Monitoring

Monitoring of the Taunton River in the vicinity of the Cove Street CSO outfall shall continue, through December 31, 2015, as follows:

- Shoreline testing for TRC, Total Nitrogen and Fecal Coliform bacteria shall occur 8-times per/year during or shortly after a storm of 3/4 inch of rain or greater during which the Facility was activated.
- Sampling will occur at the two shoreline sampling locations (C-S1 and C-S2) shown on the attached Figure 1 “Cove Street CSO Facility Monitoring Locations.” These locations remain as shown for S1 and S2 on the CDM plan entitled “City of Fall River, Massachusetts, Figure 1, Cove Street Outfall Sampling Locations”, initialed copies of which are held in the files of Plaintiff and Defendant.

- Visual observation will also be made and recorded to reflect the presence or absence of any sheen, solids, scum, odor, or other excursion of Massachusetts Water Quality Standards observable without sampling.
- This sampling protocol provides a continuation of the monitoring program as provided in Item 3 of the February 2012 protocol.

President Avenue CSO Outfall

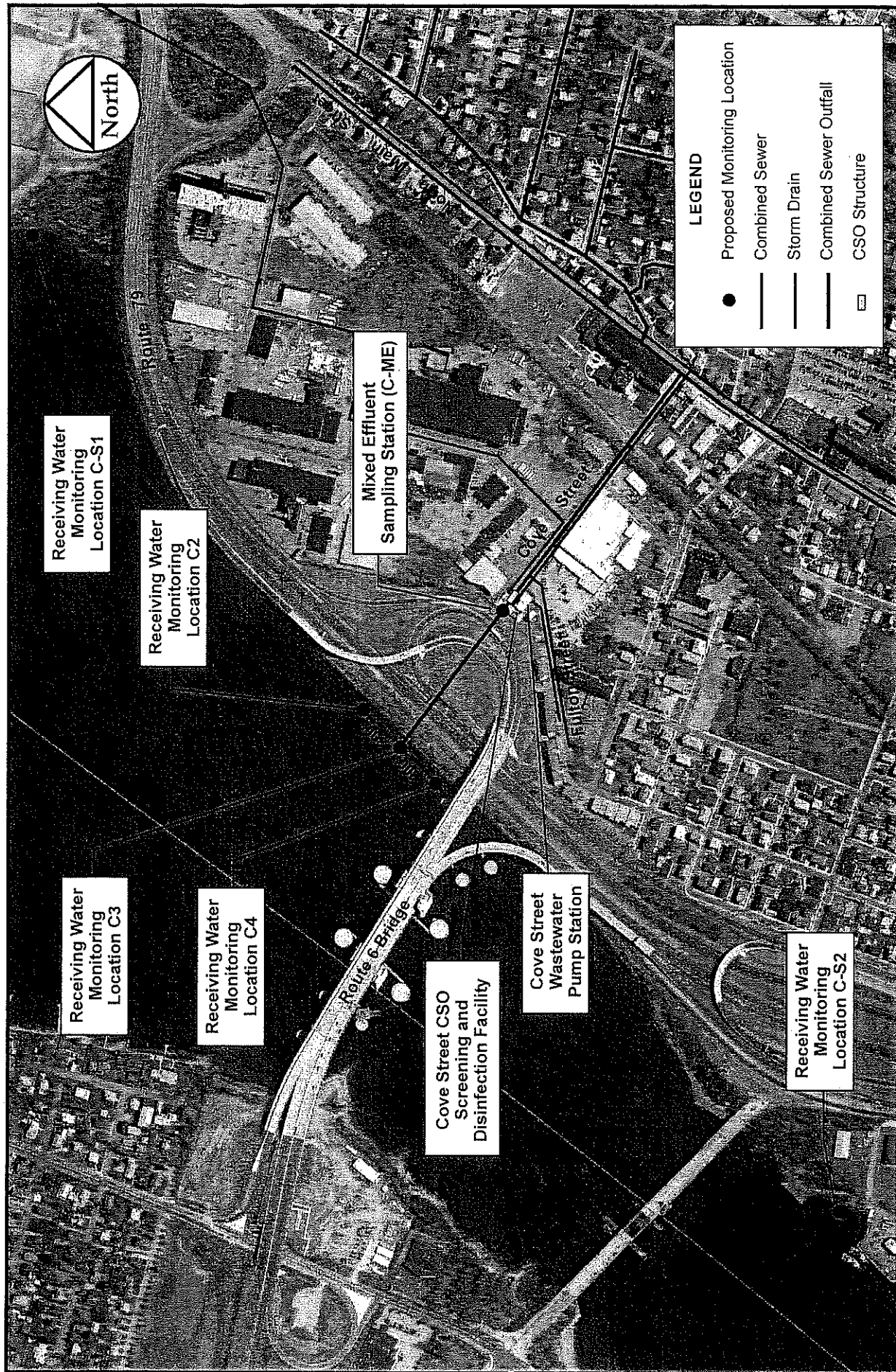
For a period of 2 years from the City's acceptance of the completed President Avenue CSO outfall monitoring shall also occur. Sampling parameters and frequency shall be as described above for the Cove Street CSO outfall, except as follows:

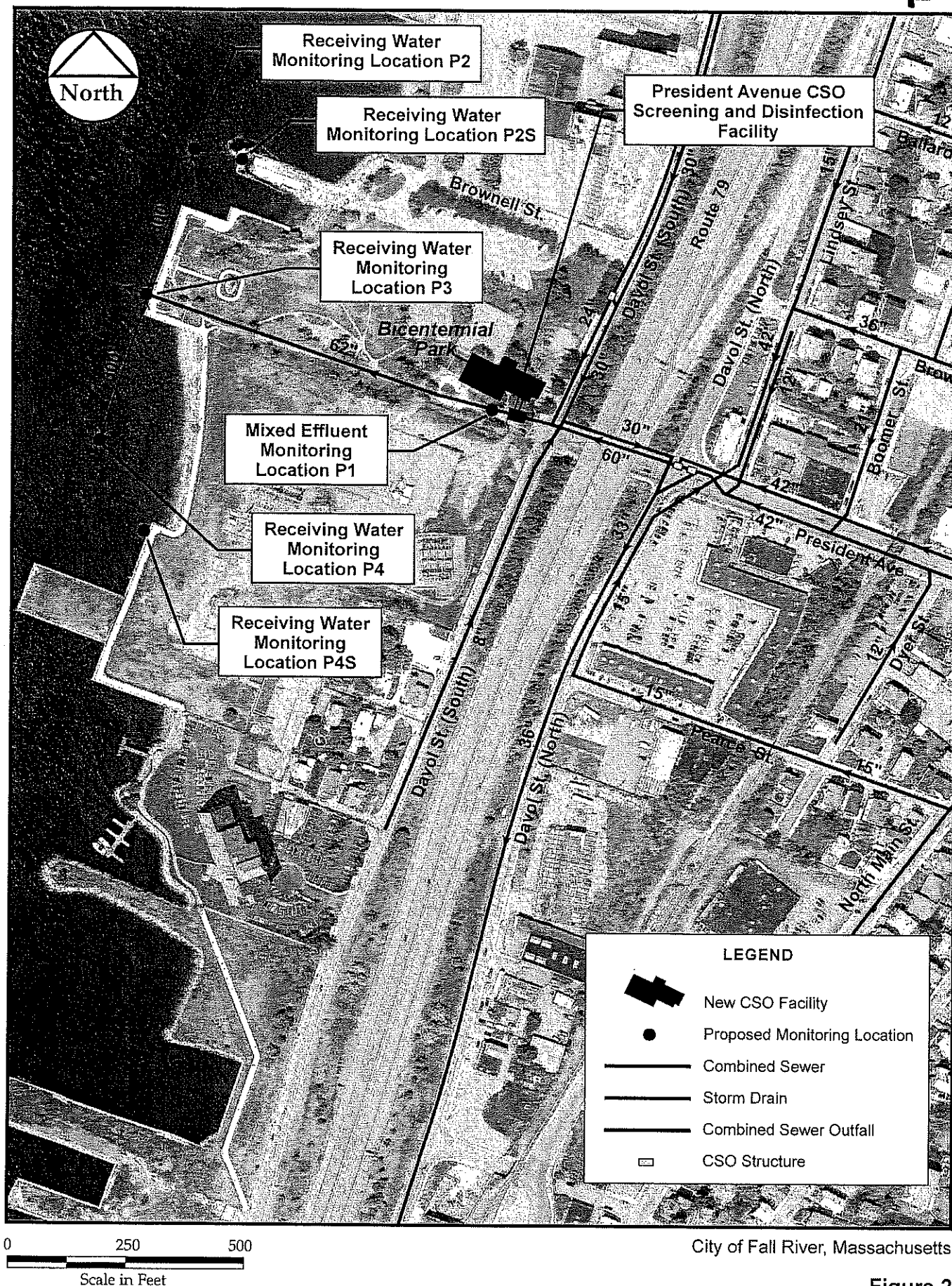
- The City shall perform four in-river sampling events per year during or shortly after a storm of 3/4 inch of rain or greater during which the President Avenue CSO Facility was activated. In-river sampling will occur by boat at locations P-2, P-3 and P-4, as shown on the attached Figure 2 "President Avenue CSO Facility Monitoring Locations." Station P-3 being located at the "boil" of the Facility's outfall. Station P-2 is located approximately 300 feet upstream of the outfall, and Station P-4 is located approximately 300 feet downstream of the outfall.
- Shoreline sampling shall occur 8-times per/year during or shortly after a storm of 3/4 inch of rain or greater during which the Facility was activated. Shoreline sampling will occur at locations P-2S, P-3, and P-4S, as shown on the attached Figure 2 "President Avenue CSO Facility Monitoring Locations." Station P-3 being located at the "boil" of the Facility's outfall. Station P-2S is located at the state boat ramp approximately 350 feet upstream of the outfall, and Station P-4S is located approximately 400 feet downstream of the outfall.

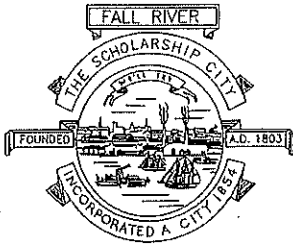
General

Except to the extent specifically provided otherwise above, in performing the monitoring and sampling described herein, Defendants shall conform to 40 CFR Part 136.

City of Fall River, Massachusetts
Figure 1
Cove Street CSO Facility
Monitoring Locations







PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

FINANCE 5

AUG 12 P 2:53
CITY OF FALL RIVER
FALL RIVER, MA

August 12, 2021

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

RE: Amendment to Federal Court Order

Dear Honorable Councilors:

Please see attached the Amendment to Federal Court Order No: 1:87-CV-03067 (CSO-FCO). Approval of the Order to Execute is hereby requested.

Please contact Paul J. Ferland with any questions you may have at 508-324-2320.

Sincerely,

Paul E. Coogan
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 17 2021

Referred to Committee
on Finance



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Department of Community Utilities
WATER • SEWER

FINANCE 5



PAUL J. FERLAND
Administrator

August 12, 2021

The Honorable Paul E. Coogan
City of Fall River
One Government Center
Fall River, MA 02722

RE: Amendment to Federal Court Order

Dear Mayor Coogan:

Please see attached the Amendment to Federal Court Order No: 1:87-CV-03067 (CSO-FCO). This is an amendment to the current order and is in line with the current \$123mil spending plan that was approved by referendum ballot in November of 2017.

Please contact my office at 508-324-2320 with any questions you may have.

Sincerely,

Paul J. Ferland, EIT
Administrator of Community Utilities

ORDERED, that the Mayor be and the same is hereby authorized to execute the attached Amendment to Federal Court Order No. 1:87-CV-03067 (CSO-FCO) for the City of Fall River, Massachusetts.

CITY OF FALL RIVER
IN CITY COUNCIL
AUG 17 2021

*Referred to the p.
Committee on Finance*

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CONSERVATION LAW FOUNDATION, INC.

Plaintiff

V.

CITY OF FALL RIVER

Defendant

No. 1:87-CV-03067 (RWZ)

JOINT MOTION TO AMEND ORDER

Pursuant to subparagraph 7.i.3 of the Remedial Order as amended on October 21, 2013, on December 31, 2015, Defendant submitted to Plaintiff and the Court its integrated stormwater and wastewater plan ("ISWP"). The ISWP reviewed the Defendant's collective stormwater and wastewater needs and included both sewer separation and other combined sewer overflow ("CSO") control options for the Alton Street, City Pier, Ferry Street, Birch Street and other drainage basins throughout the City. The ISWP included projected costs and an implementation schedule for a recommended plan and estimated that implementation of the recommended plan would cause per household sewer and stormwater fees to exceed 1.99% of median household income.

In January 2019 Defendant prepared a CSO Control Plan and Program Update Report. In the development of this report, which advanced the ISWP, additional studies were performed resulting in a more in-depth analysis of the CSO-related aspects of the ISWP. Analyses included the Defendant's development of CSO control options for the Alton Street, City Pier, Ferry Street, Birch Street and other drainage basins throughout the City. Analyses also considered coordination of implementation of the CSO control option for the City Pier drainage basin with work proposed by the Massachusetts Department of Transportation associated with reconstruction of MA Route 79 in the City Pier area. Findings showed that storage and other controls were required in addition to full sewer separation with BMPs (as described in paragraph 7.h.3 of the Remedial Order) to reduce CSOs to an average of four per year for a specific drainage basin; thus, revisions to the Remedial Order were required. The report included updated costs and an implementation schedule for a recommended plan, which indicated that alternatives including sewer separation were considerably more costly than for screening and disinfection facilities, and estimated that implementation of the 2013 recommended plan would cause per household sewer and stormwater fees to exceed 1.99% of median household income by a greater amount.

Plaintiff and Defendant have conferred regarding Defendant's CSO Control Plan and Program Update Report and the proposals made therein regarding the CSO control plan for Phase IIB.2 and Phase IIIA, and have agreed on the terms of the following proposed amendment to the Remedial Order that will address the concerns of both parties and achieve the goals of the existing Order.

WHEREFOR, the parties jointly move this Court to enter an Order in the form attached hereto further amending the existing Remedial Order.

Respectively submitted

CONSERVATION LAW FOUNDATION, INC.

Heather Govern (BBO # 688482)
Conservation Law Foundation, Inc.
62 Summer Street
Boston, MA 02110
Telephone: (617) 350-1766
hgovern@clf.org

Respectfully submitted,

CITY OF FALL RIVER

[insert name and contact information]

Dated: XXXXX, XX, 2021

Local Rule 7.1 Statement

I hereby certify pursuant to Local Rule 7.1(a)(2) that I have conferred with opposing counsel _____ regarding the filing of this motion and that he has assented to the filing thereof.

[insert name]

Dated: XXXXX, XX, 2021

Certificate of Service

I hereby certify that this Joint Motion will be served on all parties registered through the Court's electronic filing system on today's date and that a copy will be mailed to all non-registered participants.

[insert name]

Dated: XXXXX, XX, 2021

DISTRICT OF MASSACHUSETTS

CONSERVATION LAW FOUNDATION, INC.

Plaintiff

V.

CITY OF FALL RIVER

Defendant

No. 1:87-CV-03067 (RWZ)

ORDER

The remedial order of this Court dated March 11, 1992, as amended by Orders dated January 3, 1995, April 7, 1997, March 10, 2005, December 31, 2008 (Document 206), March 8, 2011, December 6, 2011 (Document 240), June 10, 2013, October 7, 2013, and October 21, 2013, is further amended as set forth hereinafter:

Paragraph 7.i of the Remedial Order, as last amended by the Order dated October 22, 2013 (Documents 266 and 269), is hereby deleted in its entirety is replaced with the following:

- "i.1. By December 31, 2021, Defendant shall install and/or maintain continuous flow monitors on the following CSO outfalls, Alton St., Birch St., Cove St., President Ave., City Pier (Daval 1 and Davol 2), Canal St., Ferry St., Middle St., Charles St. and Mount Hope Ave.. The monitors will be sufficient to identify start and stop times and total volume of each discharge and, where both treated (screened and disinfected) and untreated discharges may exist, will be sufficient to identify times and volumes of each individually (monitors shall not need to continuously report when there is no flow).
- "2. Defendant shall continue monitoring outflows from the screening and disinfection facilities at President Ave. and Cove Street in accordance with the current monitoring protocol for those facilities attached as Exhibit B to the Order dated October 22, 2013 (Document 266-2) and as Exhibit A to this Order. By September 1, 2021, Defendant shall submit to EPA for approval an updated plan for monitoring the screening/disinfection facilities at President Ave. and Cove St. Upon EPA approval, Defendant shall implement the updated monitoring plan in lieu of the current monitoring plan. The updated monitoring plan shall be designed to indicate the actual concentration of bacteria and residual chlorine discharged from the facilities' outfalls, or an upper bound on the actual concentration discharged (if sampling is not done at the outfalls). If sampling at the outfalls is not required by the updated monitoring plan, ambient sampling within the receiving waters near the outfall will be required. The updated monitoring plan shall include sampling for fecal coliform bacteria and total residual chlorine using EPA-approved test methods set forth in 40 C.F.R. Part 136, or an alternate test method approved in writing by EPA. If the City's NPDES Permit covering CSOs is re-issued and in effect with authorization to discharge residual chlorine from the two facilities, Defendant shall implement the monitoring requirements of the permit instead of the updated monitoring plan. Additional sampling taken at the Cove St. or President Ave. facilities (e.g. as part of a facility optimization study) shall be reported with the required sampling from the monitoring plan.
- "3. By December 31, 2022, Defendant shall substantially complete the Riverview Street CSO Basin Improvements as described in Exhibit B to this Order.
- "4. By December 31, 2022, Defendant shall substantially complete one of the Charles Street, Ferry Street or Columbia Street CSO Basin Improvements as described in Exhibit C to this Order.

- "5. By September 31, 2024, Defendant shall substantially complete the Birch Street CSO Basin Sewer Separation as described in Exhibit D to this Order.
- "6. Defendant shall identify land parcels required for Alton Street drainage basin and commence with acquisition of land common to all evaluated alternatives by December 31, 2023.
- "7. Defendant shall identify land parcels required for City Pier drainage basin and commence with acquisition of land common to all evaluated alternatives by December 31, 2023.
- "8. By January 31, 2024, Defendant shall optimize the operation of the President Ave. and Cove St. CSO screening and disinfection facilities, with the goal of meeting water quality standards for residual chlorine at the end of the outfall (point of discharge), and shall submit to Plaintiff and file with the Court a report on the optimization actions implemented and the results thereof. The report shall include all outfall and ambient monitoring data related to the President Ave. and Cove St. screening/disinfection facilities.
- "9. By January 31, 2024, Defendant shall complete a "CSO Treatment Impacts on River Investigation" project and submit to Plaintiff and file with the Court a report of the results of such investigation. This study shall evaluate the impacts and costs of the current CSO screening and disinfection facilities at Cove St. and President Ave. The study shall specifically evaluate the ability of discharges from these current CSO facility outfalls to meet water quality standards for residual chlorine. The study shall include options and costs for adding dechlorination to (or adding disinfection by means other than chlorination at) the Cove St. facility.
- "10. By January 31, 2024, for the Alton Street drainage basin, Defendant shall evaluate CSO alternatives, including chlorination, dechlorination, non-chlorine disinfection, advanced treatment, storage, sewer separation, and other potential alternatives that may be identified and include findings in the "CSO Treatment Impacts on River Investigation" project and submit to Plaintiff and file with the Court .
- "11. By January 31, 2024, for the City Pier drainage basin, Defendant shall evaluate CSO alternatives, in consideration of coordination with the reconfiguration of MA Route 79, including chlorination, dechlorination, non-chlorine disinfection, advanced treatment, storage, sewer separation, and other potential alternatives that may be identified and include findings in the "CSO Treatment Impacts on River Investigation" project and submit.
- "12. By January 31, 2024, Defendant shall submit to Plaintiff and file with the Court an Integrated Wastewater and Stormwater Master Plan Update, describing future projects.
- "13. By December 31, 2024, Defendant shall substantially complete the Main Interceptor North Cleaning/Inspection and Main Interceptor South Cleaning/Inspection as described in Exhibit E hereto.
- "14. Defendant shall provide to Plaintiff an annual CSO Report each year by February 28 (covering the previous calendar year). The CSO Report shall include all CSO discharges in the time period covered by the report, including the outfall, start and stop times and total volume released for each discharge. The Report will identify whether the discharge was treated (chlorinated); for events and locations with both treated and untreated discharges which will be reported separately.
- "15. Plaintiff and Defendant shall confer regarding the CSO Treatment Impacts on River Investigation report referred to in 9 above and the Integrated Wastewater and Stormwater Master Plan Update referred to in 12 above and use their best efforts to jointly submit to the Court, by December 31, 2025, an agreed upon motion to finalize the plans for optimization of the screening and disinfection facilities at Cove St. and President Ave. and the selected options for CSO controls in the City Pier and Alton Street drainage areas. Together with the schedule for their construction and implementation."
- "16. Defendant shall be subject to the per diem penalties set forth in Exhibit F to this Order for failure to meet the deadlines for items 1, 3, 4, 5, 8, 9, 10, 11, 12, and 13 above."
- "17. Plaintiff acknowledges that the Defendant is subject to an Administrative Order on Consent from the United States Environmental Protection Agency Region I Docket No. CWA-AO-R01-FY21-XX, as it may be amended, and agrees to negotiate in good faith with the Defendants and the U.S. Environmental Protection Agency to resolve any inconsistencies or conflicts in the Defendants' compliance with both Orders.
- "18. Plaintiff acknowledges that this order may need to be modified in the event of issuance of a permit that contains new or revised requirements, including renewal or re-issuance of the NPDES Permit.

Except as modified herein, all provisions of the Remedial Order dated March 11, 1992, as amended by Orders dated January 3, 1995, April 7, 1997, March 10, 2005, December 31, 2008, March 8, 2011, December 6, 2011, and October 22, 2013, shall remain in full force and effect.

SO ORDERED

Hon. Rya W. Zobel, USDJ

Date: _____, 2021

Exhibit A

Monitoring Protocol

Cove Street and President Avenue

The City of Fall River shall conduct the following monitoring and reporting, as follows:

Cove Street CSO Screening and Disinfection Facility

Monitoring at the Cove Street CSO Screening and Disinfection Facility shall continue, through December 31, 2015, as follows:

- The City will mobilize for monitoring of its Cove Street CSO Screening and Disinfection Facility effluent during storms where the predicted rainfall is more than 1/4 inch.
- As the characteristics of CSO events cannot be predicted, for CSO events of less than one hour, sampling may not occur due to the required staff response time and the necessary continuous CSO event duration for representative sampling results.
- The City will monitor grab samples at the Cove Street CSO Screening and Disinfection Facility's Mixed Effluent Sampling Station (C-ME), as shown on the attached Figure 1 "Cove Street CSO Facility Monitoring Locations," for:
 - Total Residual Chlorine (TRC)
 - Fecal Coliform bacteria (four times per year)
 - Total Nitrogen (four times per year)
- Samples will be taken three times per storm during which the Cove Street CSO Facility was activated for TRC, Fecal Coliform bacteria (if measured), and Total Nitrogen (if measured), if possible, depending upon the duration of the CSO event. Additional TRC monitoring will be done, if needed, to adjust the chlorine dosage. Similarly, additional TRC monitoring will be done, as needed, if dechlorination is added to this facility, to adjust the dechlorinating chemical dosage.
- On completion of the CSO Facility activation/storm event, the City will record:
 - Maximum observed TRC concentration
 - Average observed TRC concentration
 - Total Cove Street CSO Facility activation time
 - Total Cove Street Facility treated flow
- On receipt of the laboratory test results, The City will record Fecal Coliform bacteria (if measured) and Total Nitrogen (if measured).

- This sampling protocol provides a continuation of the monitoring program as provided in Item 1 of the February 2012 protocol.

President Avenue CSO Screening and Disinfection Facility

Monitoring at the President Avenue CSO Screening and Disinfection Facility shall commence upon the City's acceptance of the completed facility, as follows:

- The City will mobilize for monitoring of its President Avenue CSO Screening and Disinfection Facility effluent during storms where the predicted rainfall is more than 1/4 inch.
- As the characteristics of CSO events cannot be predicted, for CSO events of less than one hour, sampling may not occur due to the required staff response time and the necessary continuous CSO event duration for representative sampling results.
- For a period of 2 years from the City's acceptance of the completed facility, the City will monitor grab samples at the President Avenue CSO Screening and Disinfection Facility's Mixed Effluent Monitoring Location (P1), as shown on the attached Figure 2 "President Avenue CSO Facility Monitoring Locations," for:
 - Total Residual Chlorine (TRC)
 - Fecal Coliform bacteria (four times per year)
 - Total Nitrogen (four times per year)
- Samples will be taken three times per storm during which the President Avenue CSO Facility was activated for TRC, Fecal Coliform bacteria (if measured), and Total Nitrogen (if measured), if possible, depending upon the duration of the CSO event. Additional TRC monitoring will be done, if needed, to adjust the chlorine and/or dechlorinating chemical dosage.
- On completion of the CSO Facility activation/storm event, the City will record:
 - Maximum observed TRC concentration
 - Average observed TRC concentration
 - Total President Avenue CSO Facility activation time
 - Total President Avenue Facility treated flow
- On receipt of the laboratory test results, The City will record Fecal Coliform bacteria (if measured) and Total Nitrogen (if measured).

CSO Outfall Monitoring

Cove Street CSO Outfall (Boat) Monitoring

Monitoring of the Taunton River at the Cove Street CSO outfall shall continue, through December 31, 2015, as follows:

- The City shall perform four in-river sampling events per year during or shortly after a storm of 3/4 inch of rain or greater during which the Cove Street CSO Facility was activated.
- Each grab sample will be analyzed for:
 - TRC
 - Fecal Coliform bacteria
 - Total Nitrogen
 - Temperature
- Visual observation will also be made and recorded to reflect the presence or absence of any sheen, solids, scum, odor, or other excursion from the Massachusetts Water Quality Standards observable without sampling.
- Sampling results will reflect time taken, rainfall prior to sample (if available), and rainfall total.
- Sampling shall be conducted by boat.
- Sampling rounds during a storm event or at storm end where conditions present hazardous conditions (e.g., high winds, surf, nighttime, etc.) will be cancelled for the health and safety of the sampling personnel.
- For the Cove Street CSO Facility, sampling will occur at Stations C-2, C-3 and C-4, as shown on the attached Figure 1 "Cove Street CSO Facility Monitoring Locations." Station C-3 is located at the "boil" of the Facility's outfall. Station C-2 is located approximately 300 feet upstream of the outfall, and Station C-4 is located approximately 300 feet downstream of the outfall. These stations remain as shown in the inset in the upper right-hand corner of the Camp Dresser & McKee, Inc. ("CDM") plan entitled "City of Fall River, Massachusetts, North System CSO Control Study", initialed copies of which are held in the files of Plaintiff and Defendant.
- This sampling protocol provides a continuation of the monitoring program as provided in Item 2 of the February 2012 protocol.

Cove Street CSO Shoreline Monitoring

Monitoring of the Taunton River in the vicinity of the Cove Street CSO outfall shall continue, through December 31, 2015, as follows:

- Shoreline testing for TRC, Total Nitrogen and Fecal Coliform bacteria shall occur 8-times per/year during or shortly after a storm of 3/4 inch of rain or greater during which the Facility was activated.
- Sampling will occur at the two shoreline sampling locations (C-S1 and C-S2) shown on the attached Figure 1 "Cove Street CSO Facility Monitoring Locations." These locations remain as shown for S1 and S2 on the CDM plan entitled "City of Fall River, Massachusetts, Figure 1, Cove Street Outfall Sampling Locations", initialed copies of which are held in the files of Plaintiff and Defendant.

- Visual observation will also be made and recorded to reflect the presence or absence of any sheen, solids, scum, odor, or other excursion of Massachusetts Water Quality Standards observable without sampling.
- This sampling protocol provides a continuation of the monitoring program as provided in Item 3 of the February 2012 protocol.

President Avenue CSO Outfall

For a period of 2 years from the City's acceptance of the completed President Avenue CSO outfall monitoring shall also occur. Sampling parameters and frequency shall be as described above for the Cove Street CSO outfall, except as follows:

- The City shall perform four in-river sampling events per year during or shortly after a storm of 3/4 inch of rain or greater during which the President Avenue CSO Facility was activated. In-river sampling will occur by boat at locations P-2, P-3 and P-4, as shown on the attached Figure 2 "President Avenue CSO Facility Monitoring Locations." Station P-3 being located at the "boil" of the Facility's outfall. Station P-2 is located approximately 300 feet upstream of the outfall, and Station P-4 is located approximately 300 feet downstream of the outfall.
- Shoreline sampling shall occur 8-times per/year during or shortly after a storm of 3/4 inch of rain or greater during which the Facility was activated. Shoreline sampling will occur at locations P-2S, P-3, and P-4S, as shown on the attached Figure 2 "President Avenue CSO Facility Monitoring Locations." Station P-3 being located at the "boil" of the Facility's outfall. Station P-2S is located at the state boat ramp approximately 350 feet upstream of the outfall, and Station P-4S is located approximately 400 feet downstream of the outfall.

General

Except to the extent specifically provided otherwise above, in performing the monitoring and sampling described herein, Defendants shall conform to 40 CFR Part 136.

Exhibit B

6.4.2 Riverview Street

It is anticipated that implementation of the system-wide improvements would fully control overflows at the Riverview Street CSO to four events per year (a 3-month storm), and no further improvements would be needed. However, to address future 5-year storm flooding concerns, regulator modifications are recommended. This improvement, consisting of removing and replacing the regulating weir, would mitigate flooding in the Riverview Street basin for a 5-year storm at an opinion of probable cost of \$0.14M.

Given the limited scope and associated cost of this project, implementation is flexible. The project could be completed independently or bundled together with other projects of a similar size. To save on mobilization costs, the bundled option is recommended and would be implemented in 2021.

Riverview Street

Recommended Alternative: 5-Year Flood Regulator Modifications

Scope:

- Flooding Improvements (Rebuild Regulator Weir)

Opinion of Probable Cost: \$0.14M

Anticipated Construction Schedule:

- 2021

6.4.3 Birch Street

In addition to CSO mitigation, additional improvements could be made to mitigate flooding in the Birch Street sewershed. These improvements include replacing a downstream section of the existing Birch Street sewer under the RRROW and removing a steel plate that controls flow in the Birch Street regulator. These improvements could be done in tandem or separately from the offline storage facility, or in combination with other projects involving work within the RRROW.

Implementation would include construction across the existing RRROW. MassDOT is considering restoration of the RRROW for freight service, thus coordination with MassDOT would be required. The implementation schedule for this work is flexible but should be accomplished with similar work within the RRROW.

Birch Street

Recommended Alternative: B3 – Offline Storage

Scope:

- Flooding Improvements Adjacent to Facility Site

Opinion of Probable Cost:

- \$0.15M (Flooding Mitigation)

Anticipated Construction Schedule:

- 2021

6.5 Summary of Recommended CSO Improvements

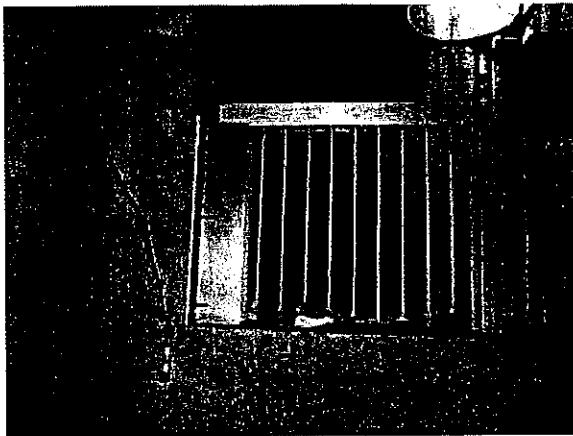
Table 6-3 summarizes each of the recommended alternatives described above. Items are highlighted by color to identify and differentiate between CSO mitigation projects, CSO infrastructure improvements, and additional 5-year flood mitigation projects.

Given the City's significant investment in CSO controls to date, and the considerable capital costs it faces over the next 20 years, it is recommended that the City request an extension of the CSO implementation schedule within the Federal Court Order to 2030. This would allow higher-cost alternatives – specifically Alton Street and City Pier – to be implemented over a more reasonable timeline, while freeing up resources to address critical non-CSO capital projects identified in the Integrated Plan.

Exhibit C

6.2.4 Central Street

Year-round flow monitoring of the Central Street outfall indicates that minor CSO events occur at the Central Street regulator. These events would indicate a relatively small volume of combined sewer overflows. In general, 2017 flow monitoring indicates that each event occurs over a relatively small-time frame (10 to 20 minutes) and results in a relatively small volume of combined flow (less than 30,000 gallons). To address these overflows, it is recommended that the instrumentation at this regulating weir within the Central Street regulator be monitored to confirm/disprove these short-term overflows. If overflows are occurring, the weir should be raised, as necessary.



Central Street Regulator Weir

Central Street

Recommended Alternative: Regulator Modifications (Raising Weir)

Scope:

- Raise Central Street Regulator Weir

Opinion of Probable Cost:

- TBD based on observation

Anticipated Construction Schedule:

- TBD

6.2.5 Ferry Street

Alternative FC1 – Regulator Modifications (Increasing Regulator Connection) – in conjunction with the cleaning of the Columbia Street connection to the Ferry Street outfall noted in Section 6.2.1 above – is the recommended alternative for the Ferry Street basin. It is anticipated that increasing the regulator connection to the Main Interceptor to 24-inch diameter would mitigate overflows at the Ferry Street CSO to four events per year (a 3-month storm), effectively removing 5 MG of overflow annually.

Figure 6-3 illustrates the recommended work. The opinion of probable cost is \$0.23M.

Implementation this project would include construction at the intersection of Broadway (Route 79) and Columbia Street near the newly re-constructed Route 79/Interstate 195 interchange. While the work is contained within City streets, coordination with MassDOT would be required to provide appropriate traffic controls within MassDOT jurisdictional portions of Broadway Extension. This is a heavily trafficked intersection.

Ferry Street

Recommended Alternative: FC1 – Regulator Modifications (Increasing Regulator Connection)

Scope:

- Increase Columbia Street regulating line to 24-inch diameter

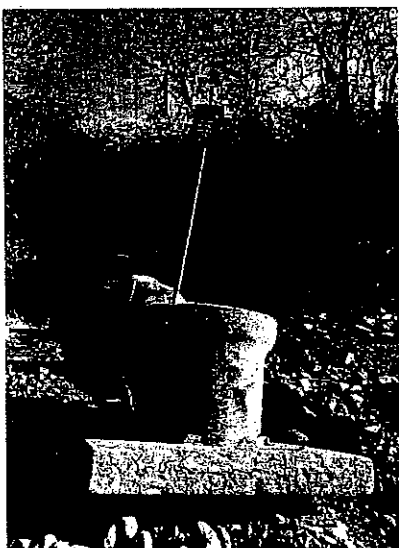
Opinion of Probable Cost: \$0.23M

Anticipated Construction Schedule:

- 2021

6.3.1 Charles Street

It is anticipated that implementation of the system-wide projects would fully control overflows at the Charles



Charles Street CSO Outfall

Street CSO to four events per year (a 3-month storm), and no further improvements are needed. However, to address the poor condition of the CSO outfall pipe, it is recommended that the outfall pipe be replaced. The opinion of probable cost is \$0.14M.

Given the limited slope and associated cost of this alternative, implementation is flexible. The project could be completed independently or bundled together with other projects of a similar size. To save on mobilization costs, the bundled option is recommended with an implementation date of 2021.

Charles Street	
<i>Recommended Alternative:</i>	Infrastructure Improvements (Outfall Replacement)
<i>Scope:</i>	<ul style="list-style-type: none"> Replace CSO outfall
<i>Opinion of Probable Cost:</i>	\$0.14M
<i>Anticipated Construction Schedule:</i>	<ul style="list-style-type: none"> 2021

6.3.2 Mount Hope Avenue

In addition to increasing the regulator connection to the Main Interceptor (Section 6.2.8), the Mount Hope Avenue CSO outfall should be replaced and extended further into Mount Hope Bay. This project was formerly evaluated under the Integrated Plan. Additionally, the need for a high-level outlet from the Main Interceptor to this outfall should be explored for protection from flooding of the adjacent wastewater treatment facility during extreme storm events. The opinion of probable cost is \$0.9M.



Mount Hope Avenue CSO Outfall

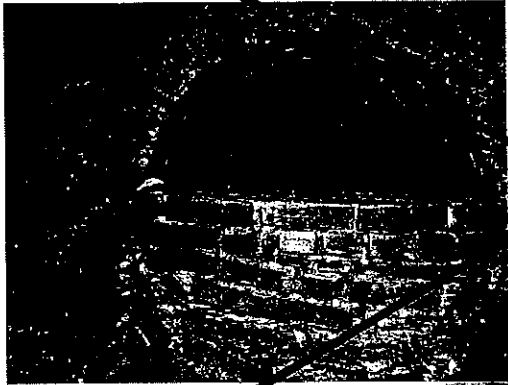
Mount Hope Avenue	
<i>Recommended Alternative:</i>	Infrastructure Improvements (Outfall Replacement)
<i>Scope:</i>	<ul style="list-style-type: none"> Replace and extend CSO outfall
<i>Opinion of Probable Cost:</i>	\$0.9M
<i>Anticipated Construction Schedule:</i>	<ul style="list-style-type: none"> 2021

Implementation would include construction across the existing RRROW. Currently, the tracks have either been paved over or removed. However, MassDOT is considering restoration of the RRROW for freight service and coordination with MassDOT would be required.

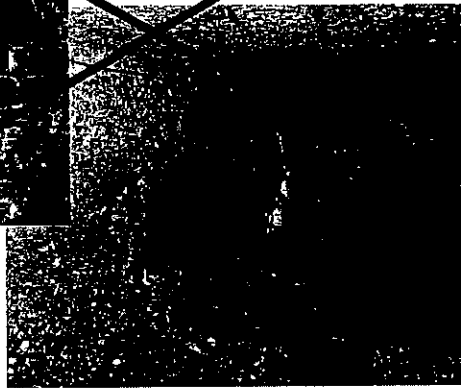
Exhibit D

Section 4

Regulator modifications would include a combination of increasing the connection to the Main Interceptor from 24 inches to 30 inches and rebuilding the regulating weir. Currently, the overflow weir is set inside the outfall, restricting how much flow could be conveyed by that pipe. By rebuilding the weir outside of the outfall pipe and decreasing the elevation by approximately one foot, the full capacity of the outfall pipe could be utilized. This results in mitigation of 5-year flooding within the entire basin without an increase in combined sewer overflows during a 3-



Existing Riverview Street
Overflow Weir

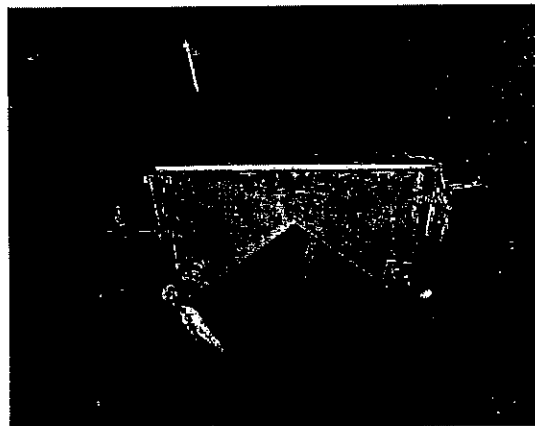


month storm. To achieve the same results, sewer separation would need to be implemented in approximately 10 percent (8 acres) of the Riverview basin downstream of the Globe Street drop shaft.

4.4.11 Birch Street

Under baseline conditions, the Birch Street outfall is estimated to have an overflow volume of 0.3 million gallons during a 3-month storm event. Overflows at the Birch Street CSO outfall are caused by a combination of high peak flows and restrictions within City pipes between Bay Street and the Main Interceptor. Mitigation alternatives for this CSO area focused on removing restrictions from City pipes to allow more flow to enter the Main Interceptor.

Within the Bay Street (upstream) regulator, a steel plate reduces the capacity of the 18-inch regulating pipe that connects the regulator to the Main Interceptor. Removal of this steel plate allows the full capacity of the regulating pipe to be utilized, sending more flow to the Main Interceptor and mitigating, instead of contributing, to CSOs. Removing this restricting plate results in benefits to CSO mitigation at an extremely low-cost relative to other potential improvements and was therefore considered to be part of all of the alternatives discussed below.



Steel Plate on Regulating Pipe at the Bay
Street Regulator

Downstream of the Bay Street regulator, the regulating sewer pipe to the Main Interceptor has a negative pitch – where it crosses the RRROW – and likely contributes to wet weather overflows when the HGL within the Main Interceptor begins to rise. Therefore, all the alternatives below include an approach for mitigating flooding at this location.

The original Atlantic Avenue (downstream) CSO regulator is off the roadway and difficult to access, leading to construction of the much more accessible regulating chamber off Bay Street. Superseded by the Bay Street regulator, the Atlantic Avenue regulator has been removed from service.

Birch Street Alternative B1a – Sewer Separation (Birch Street)

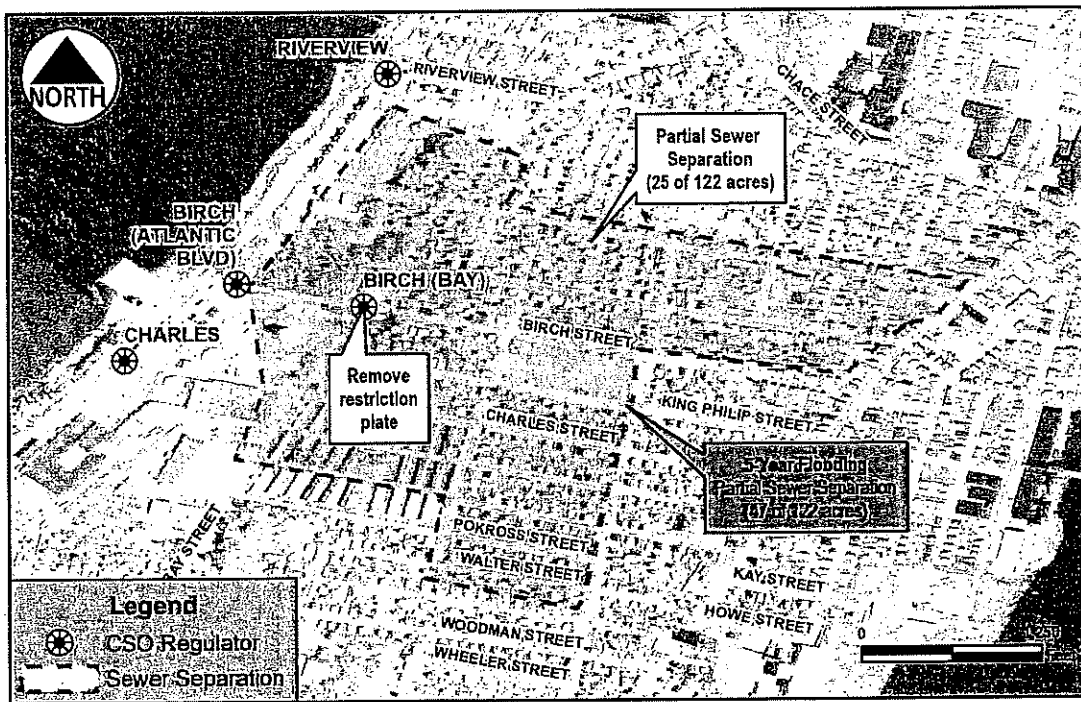
Combined Sewer Overflows: Achieves 100 Percent Mitigation for 3-month Storm (0.30 MG)

Sewer separation within the Birch Street CSO area may be used to mitigate overflows. To control CSO events to four times per year approximately 25 acres downstream of the Birch Street drop shaft (shown on **Figure 4-25**), must be separated from the combined sewer.

Additional Considerations – 5-Year Storm Flooding

To provide additional protection against wet weather flooding during a 5-year storm event, sewer separation could be increased to approximately 47 acres. Removing this amount of area from the basin mitigates existing wet weather flooding predicted in the basin for a 5-year storm.

Figure 4-25: Birch Street Alternative B1a (Sewer Separation)



Birch Street Alternative B1b – Sewer Separation (Middle Street)

Combined Sewer Overflows: Achieves 90 Percent Mitigation for 3-month Storm (0.027 MG)

Following construction of the sewer separation improvements in the Middle Street basin, which commenced in the summer 2018, additional sewer separation is planned in upstream reaches (see **Figure 4-24**). At this time, there are no set timeframe for these improvements, and implementation is considered to be lower priority than other capital improvements within the City. However, were the future sewer separation phases to be carried out, CSO overflows for a 3-

month storm in the Birch Street basin would be reduced by 0.027 MG, or by 90 percent. Although this does not fully mitigate CSOs within the Birch Street basin, it is an added benefit to implementing the additional phases of the Middle Street sewer separation.

Additional Considerations – 5-Year Storm Flooding

Sewer separation removes flow from the combined sewer system, and therefore does not result in any new wet weather flooding within the Birch Street basin during a 5-year storm.

Birch Street Alternative B2 – Sewer Improvements and Sewer Separation

Combined Sewer Overflows: Achieves 100 Percent Mitigation for 3-month Storm (0.3 MG)

Sewer improvements were also looked at in conjunction with sewer separation. Increasing the size of the 18-inch regulating line to 24-inches approximately 270 linear feet just upstream of the Main Interceptor, in conjunction 27 acres of sewer separation within the Birch Street basin, would mitigate CSO events to four times per year for a 3-month storm (see **Figure 4-26**).

Additional Considerations – 5-Year Storm Flooding

Increasing the downstream regulating line is also predicted to have a positive impact on mitigating wet weather throughout the Birch Street basin for a 5-year storm. However, to fully mitigate existing flooding for a 5-year storm, sewer separation would be needed for approximately 61 acres of the Birch Street basin downstream of the Birch Street drop shaft.

Figure 4-26: Birch Street Alternative B2 (Sewer Improvements and Sewer Separation)

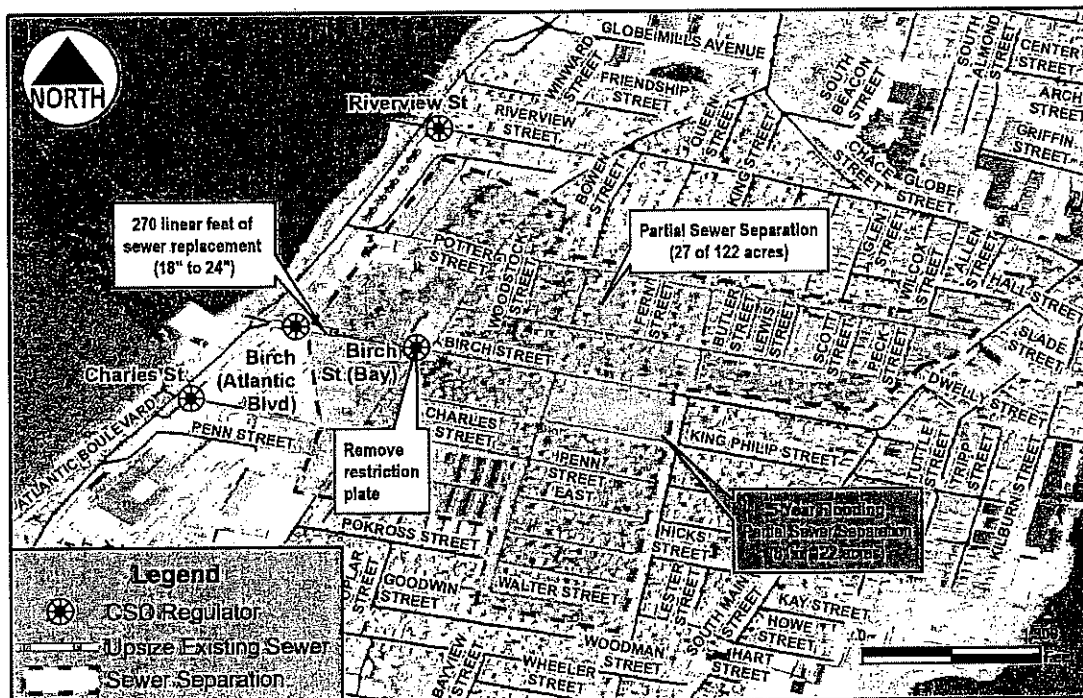
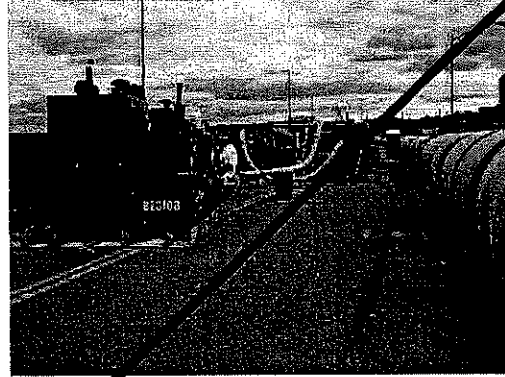


Exhibit E

Replacement of pipes and structures would require open-cut construction and would therefore cause temporary construction impacts in the immediate area. Any construction within or adjacent to a wetland area could result in federal, state, and/or local permitting requirements. Construction to connect existing sewer catch basins to separated drainage systems is relatively minor, but would still have some temporary impacts on the surrounding area. Short-term noise and road closures would be expected.



Typical grit removal setup

Below is a list of potential environmental reviews and permitting requirements for the Presidents Avenue rotary area resolution concept.

Below is a list of potential environmental reviews and permitting requirements for the Presidents Avenue rotary area resolution concept.

- Order of Conditions from the City of Fall River Conservation Commission;
- Massachusetts Environmental Policy Act consistency review;
- Massachusetts Historical Commission review; and
- Natural Heritage and Endangered Species Program review.

18.6.3 Impact Mitigation

Mitigation of the volume of wet weather flow tributary to the President Avenue pump station would increase the capacity of the system for sewer flow and decrease the energy and system capacity needed to convey flows. Implementation of an I/I reduction program decreases the need to implement costly upgrades to the pump station and allows the City to target available funds toward implementing the most cost-effective collection system repairs. Additionally, there would be a decrease in the amount of flow sent to the WWTF for unnecessary treatment.

18.7 Main Interceptor (SG6 and SG7)

18.7.1 Description

Increasing the capacity of the Main Interceptor, along with other improvements impacts systems throughout the City. The improvements focus on optimizing existing capacity by addressing grit accumulation and possibly providing additional pipe capacity. Given the extent of the Main Interceptor, improvements have been divided into two categories; Main Interceptor-North (SG6) from Alton Street to the Central Street Pump Station and Main Interceptor-South (SG7) from Ferry Street to the Wastewater Treatment Facility.

Cleaning and Inspection (SG6 and SG7)

Cleaning of the Main Interceptor is required in order to remove the existing accumulated grit. The scope of cleaning would include:

- 3,300 linear feet in the Main Interceptor–North (SG6) from Alton Street to the Central Street pump station (see Figure 18-7).
- 12,150 linear feet in the Main Interceptor–South (SG7) from Ferry Street to the WWTF (see Figure 18-8).

As the City does not have the resources or equipment necessary to perform cleaning of pipes of this diameter; contracting a private company appears to be the best solution. A series of activities need to be performed prior to the actual cleaning. The purpose of these activities is to identify potential pitfalls during and after the cleaning. Table 18-5 describes each activity and its purpose in the overall program.

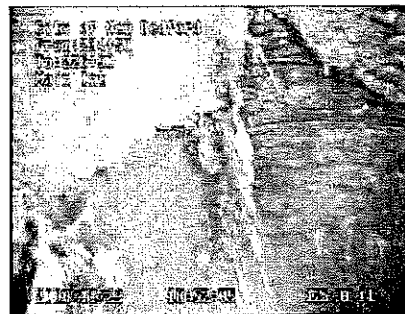
Table 18-5: Main Interceptor Pre-Cleaning Activities

Activity	Purpose
Manhole Identification and Siting	An inventory of the location, condition, and ease of access of each point of admittance to the Interceptor. This inventory would then be used to map out cleaning activities and ensure access.
Soil Characterization Sampling	Characterizes composition of soils. The composition of the soils determines the appropriate method of disposal. For example, if hazardous materials are found, a different method of disposal would be used then for clean materials.
Closed-Circuit Television Inspection	A video inspection of sections of the pipe visible above the water and grit levels. Determines if additional maintenance is needed prior to cleaning, or can be performed in conjunction to cleaning. A commonly found issue is concrete deterioration from hydrogen sulfide, which impacts the structural integrity of pipe walls.
Sonar Inspection	Inspection that uses acoustic beams to profile the pipe walls and existing grit accumulation. Provides information that can be used to determine an estimated volume of grit to be removed.
Laser Video Inspection	Inspection that uses laser light projected onto the interior pipe surface. Determines pipe conditions that may not be identifiable with CCTV and sonar inspections, such as measurements of faults and features within the pipe.

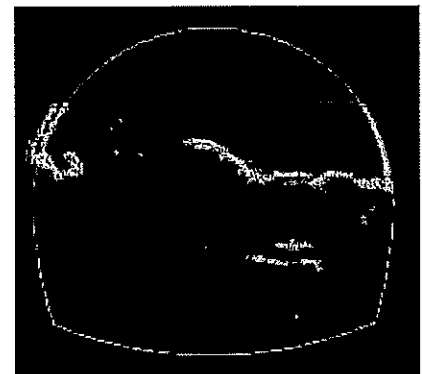
It is recommended that a maximum of less than 2 percent of the height of the Interceptor (e.g., approximately 1.3-inches of grit in a 66-inch diameter pipe) is permissible following pipe cleaning. This may require multiple runs with the collection system, and should be verified after cleanings by a CCTV and sonar inspection. This level of cleaning is to ensure the maximum capacity of the Interceptor is achieved, and provide less foundation for additional grit



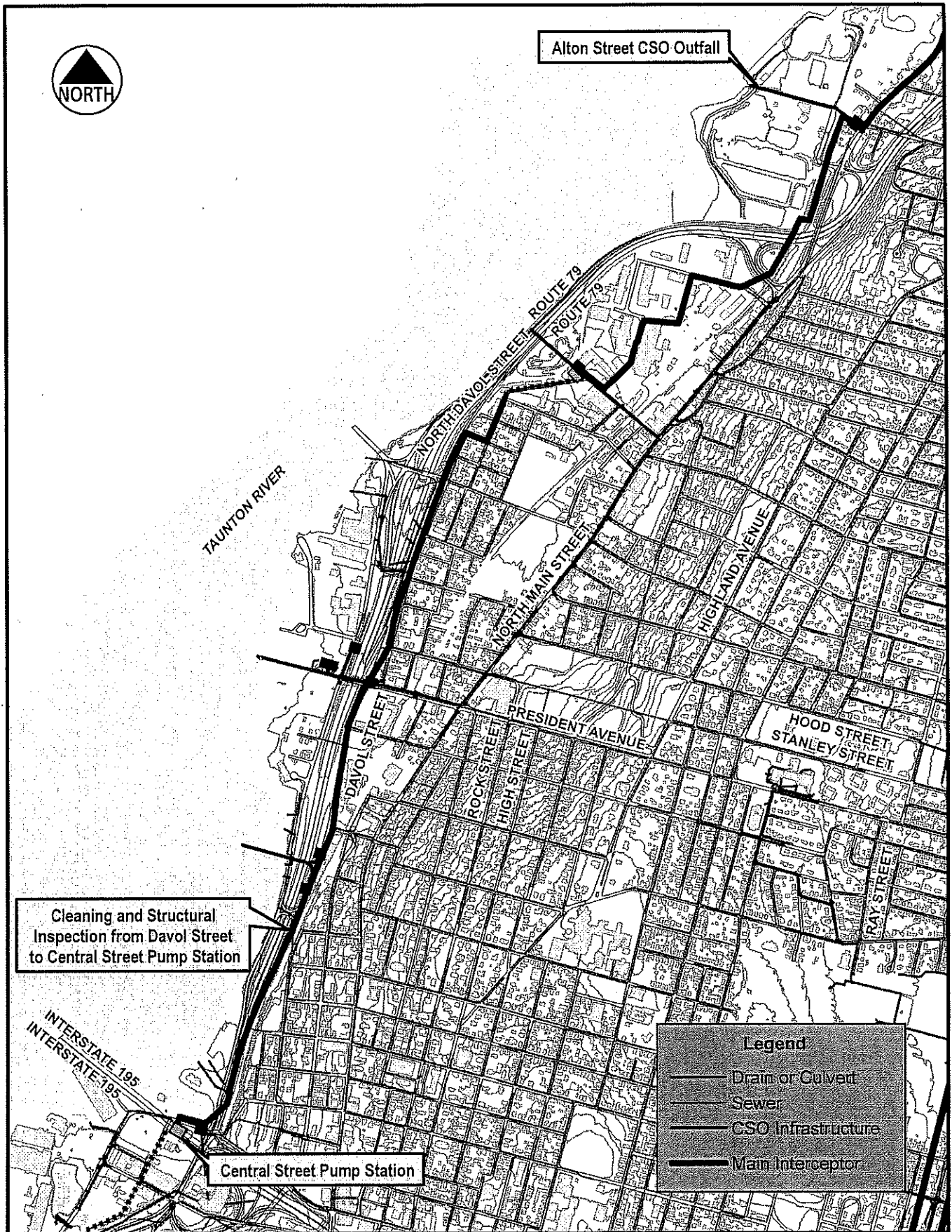
Typical grit sampling setup



Typical CCTV image showing degraded pipe conditions

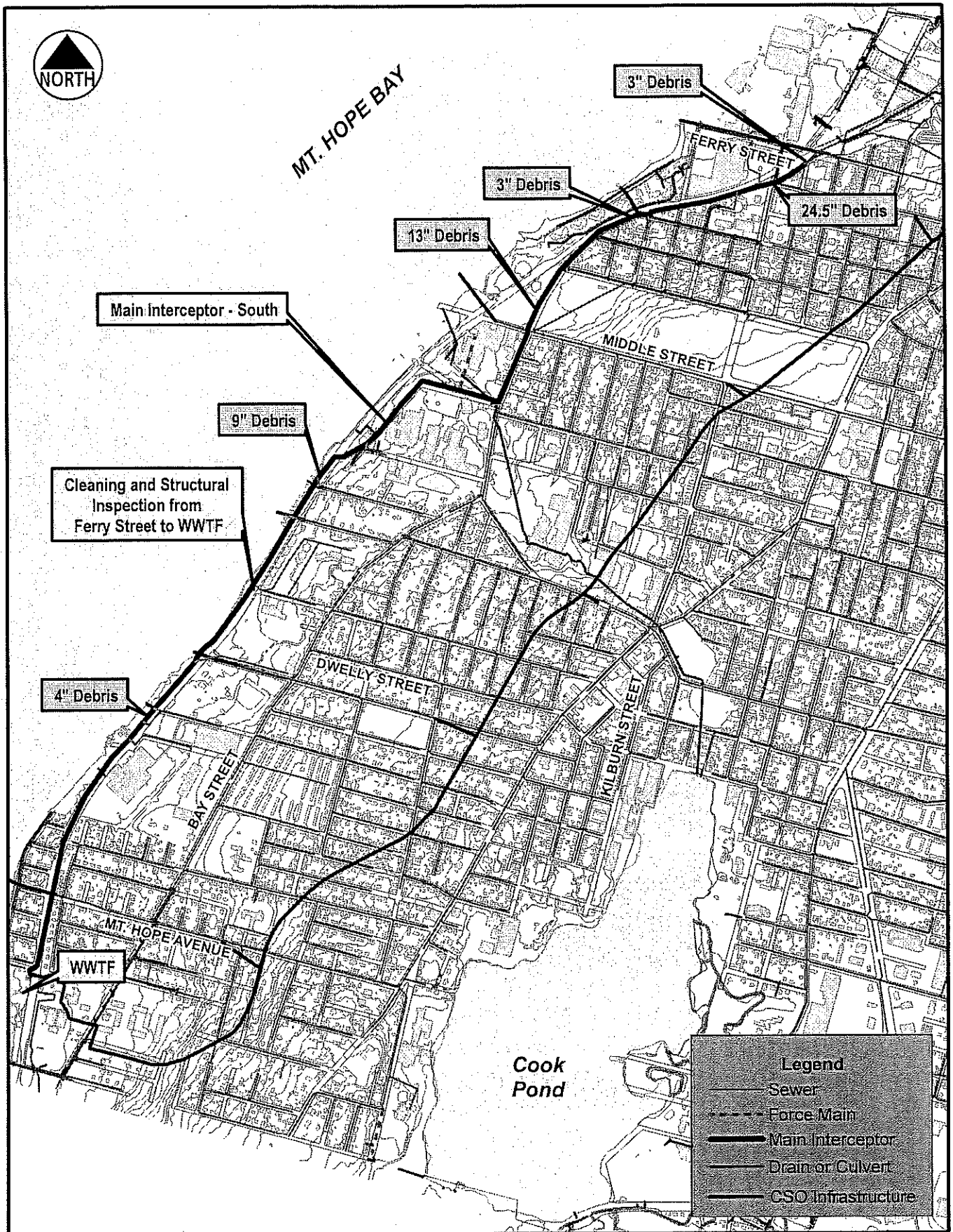


Sonar image showing accumulated grit in pipe



0 1,300 2,600 Feet

City of Fall River, Massachusetts
Integrated Wastewater and Stormwater Master Plan



0 1,300 2,600 Feet

City of Fall River, Massachusetts
Integrated Wastewater and Stormwater Master Plan

accumulation to occur. An additional laser inspection following cleaning is also recommended to ensure the sections of pipe that had been under the grit accumulation are conditionally sound. Following the initial cleaning, the Main Interceptor should be inspected periodically for signs of grit accumulation.

Relief Interceptor (SG6 and SG7)

The addition of a relief interceptor may reduce surcharging and the extent of sewer separation required for CSO control. Its benefit should be evaluated as part of CSO planning for this area (see Section 16). Design of any interceptor relief measures in this area should consider the proposed grit chamber below.

Grit Chamber (SG6)

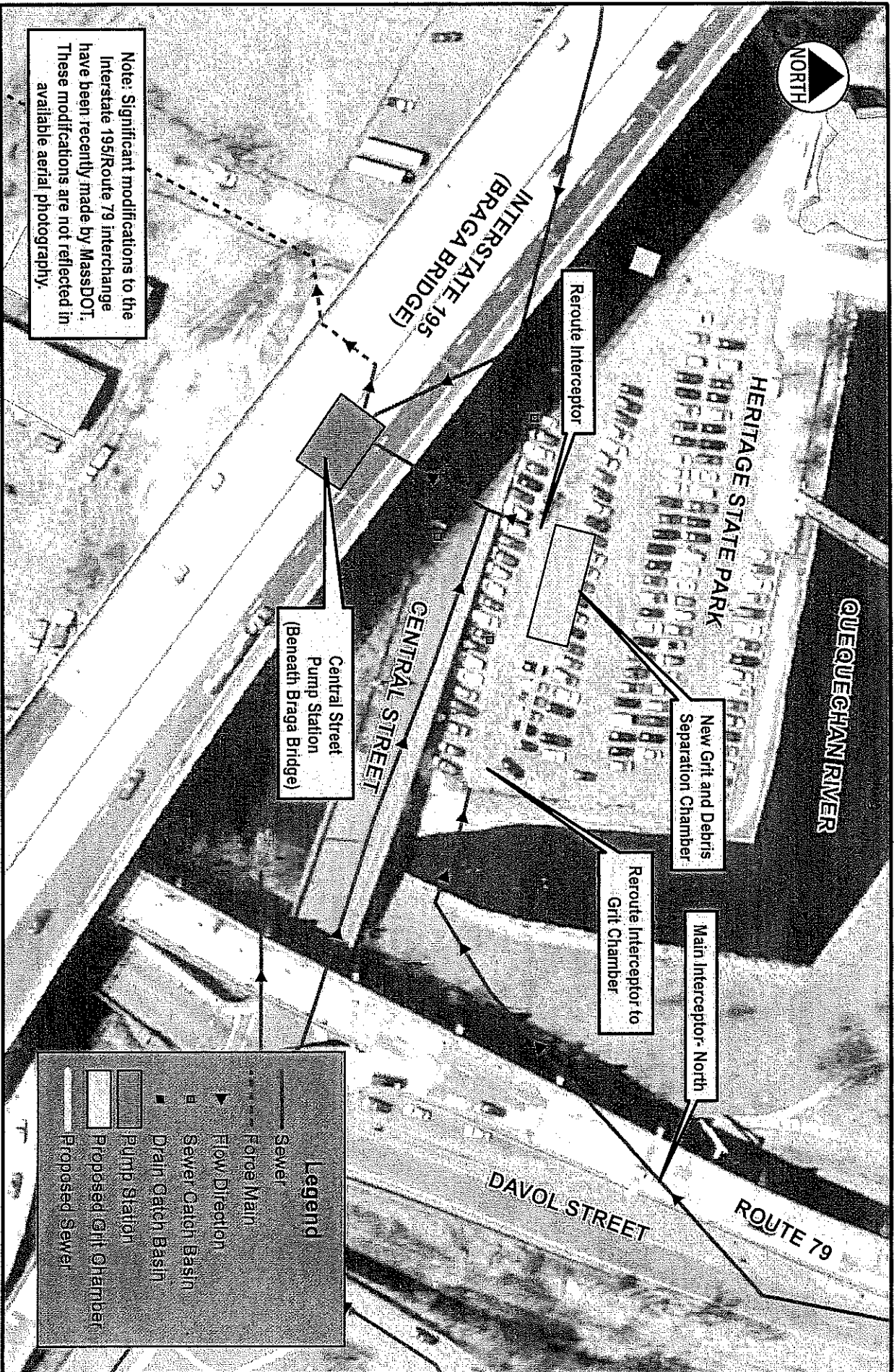
A grit chamber is recommended for the Main Interceptor–North upstream of the Central Street pump station (see Figure 18-9). The purpose of the grit chamber would be to capture suspended grit during low flow conditions and during the “first flush” of a storm event. By capturing the grit upstream of the pump station, the potential for this material to enter the pump station and damage the screening and pumping equipment would be significantly reduced.

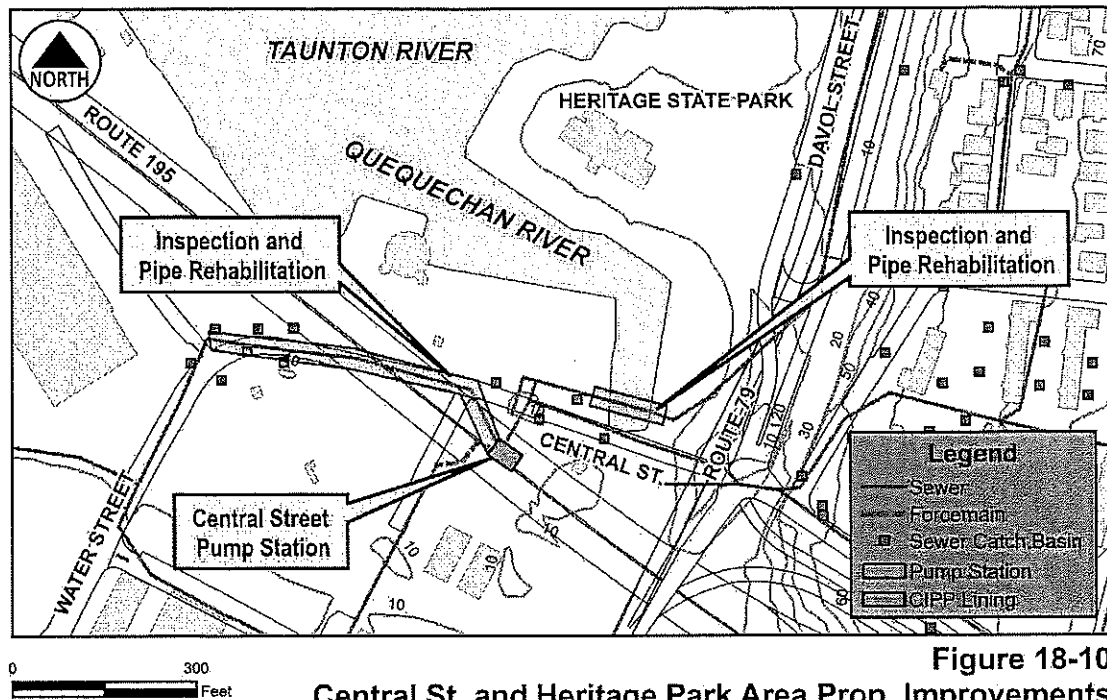
The chamber could be placed in the Heritage State Park parking lot—or possibly on the MassDOT maintenance yard property—to intercept suspended grit before it can enter the pump station and threaten its operation. The accumulated grit would require periodic cleaning with a vacuum truck (i.e., Vactor). The frequency of cleaning would need to be determined after construction, once the rate of accumulation is identified. Integration of this work should be considered as part of design of any interceptor relief measures in this area.

Interceptor Rehabilitation (SG6)

Cured-in-place lining of approximately 70 linear feet of the 36-inch Main Interceptor-North is proposed within Heritage State Park where it crosses the Quequechan River (see Figure 18-10). CIPP lining consists of lining the inside of an existing sewer pipe with a fibrous epoxy tube that hardens and acts as an inner pipe shell. The lining will be approximately 18 millimeters thick in the 36-inch sewer. All manholes and structures within the limit of this work would receive monolithic surfacing system rehabilitation.

The lining will address existing structural issues within the pipe and create an impermeable lining that prevents cross contamination between the sewer and the Quequechan River. The hardened liner essentially becomes a new, continuous pipe within the existing pipe to provide structural integrity and protect against infiltration, without a notable impact on the available capacity.





Long term, it is suggested that sewer eventually be rebuilt underneath the river. To achieve this, the existing sewer would be removed and replaced with an inverted siphon. Further studies into the feasibility of this design concept would be required prior to proceeding to design.

18.7.2 Implementation Issues

Cleaning and Inspection (SG6 and SG7)

The cleaning of the Main Interceptor would need to take place during dry weather conditions, as the Interceptor is frequently overwhelmed during wet weather. Typical wastewater-only flows do not impact the grit removal operations, and bypass pumping would not be required during dry weather.

Water quality monitoring of downstream wastewater flows may need to be conducted concurrently and for a period following the cleaning, depending on whether hazardous materials are found in the grit prior to the cleaning. The downstream sampling is to ensure that the contaminated suspended materials do not impact the ability of the WWTF to discharge regulatory-compliant flows.

Many of the manholes to the Interceptor are located in hard to reach or overgrown areas. While a siting analysis at the beginning of the program would eliminate many obstacles to this problem, finding accessible points large enough to accommodate the equipment needed may still present an issue.

Below is a list of potential environmental reviews and permitting requirements for the Main Interceptor cleaning and inspection.

- Order of Conditions from the City of Fall River Conservation Commission;
- Massachusetts Environmental Policy Act consistency review;
- Massachusetts Historical Commission review; and
- Natural Heritage and Endangered Species Program review.

Relief Interceptor (SG6 and SG7)

A study must be performed to determine the feasibility of constructing a relief interceptor, both along the North and South sections. The study would need to take into account topography, utility crossings, construction access, easements, and vicinity to sensitive environmental resources, among other items. Sizing of the relief pipes would be determined based on a combination of construction feasibility and cost/benefit compared to sewer separation areas.

Grit Chamber (SG6)

Construction of the grit chamber would temporarily eliminate some of the parking at Heritage State Park. The constructability of the grit chamber first needs to be studied to determine if it can be built, and, if so, the final dimensions and layout. Construction activities would have to be coordinated with the Department of Conservation and Recreation (DCR) to ensure minimal disruptions. Work on the grit chamber could be combined with nearby recommended lining improvements to the Main Interceptor to minimize construction costs.

Below is a list of potential environmental reviews and permitting requirements for the Main Interceptor grit chamber.

- Order of Conditions with the City of Fall River Conservation Commission;
- Coastal Zone Management consistency review;
- Massachusetts Environmental Policy Act consistency review;
- Massachusetts Historical Commission review;
- Natural Heritage and Endangered Species Program review; and
- Mass Coastal/Commonwealth of Massachusetts Railroad coordination.

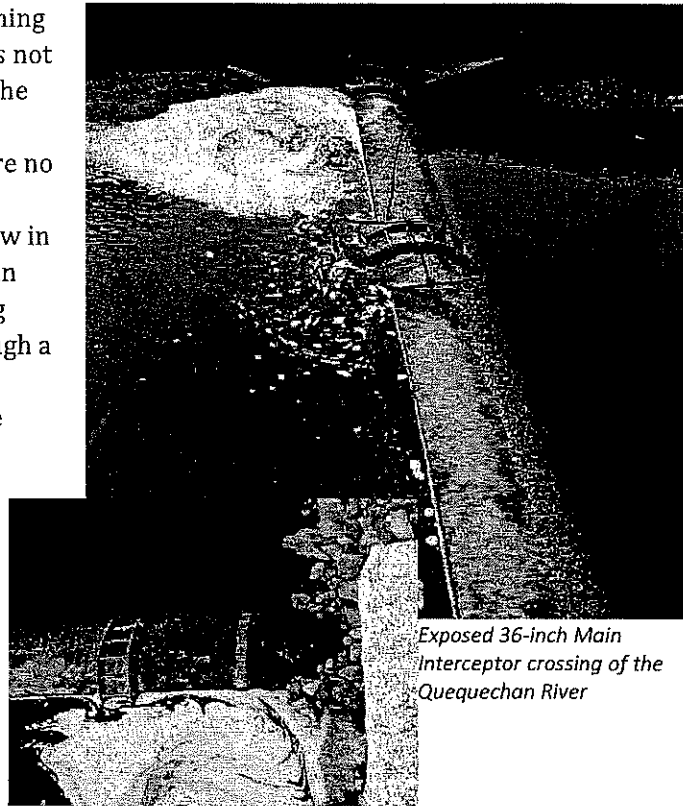
Coordination will also be required with the Commonwealth of Massachusetts to construct infrastructure on state land.

Interceptor Rehabilitation (SG6)

Access to the pipes for lining will be via existing manholes and structures. Similarly, monolithic surfacing system (MMSS) lining consists of applying a trowel-on, spray-on or spin-on epoxy lining to the inside of an existing sewer manhole or structure that hardens and acts as an inner shell. The process is used to rehabilitate manholes and structure that have cracking or leaking joints to prevent infiltration.

Bypass pumping will be required since lining has to be done in dry pipe conditions. It is not anticipated that the outside influence of the Quequechan River will impact lining activities on the Interceptor, and therefore no diversion or pumping of the River is required. To achieve bypass pumping, flow in the Interceptor would be intercepted at an upstream manhole on Davol Street (using mobile pumping technologies) and, through a series of piping connections, eventually discharge the captured flow to a manhole downstream of lining activities.

Work needs to be performed during dry weather to avoid wet weather discharges to the combined sewers. During wet weather, all available capacity in the Interceptor is needed to avoid CSO events. Avoiding wet weather flows also circumvents cost incurred with having to bypass larger flows.



Exposed 36-inch Main Interceptor crossing of the Quequechan River

Due to the “trenchless” nature of the remediation technique proposed, all work will be performed in the manholes on either side of the pipes to be lined. Lining activities are akin to inverting a sock-like sleeve through the pipeline and letting it harden in place. Bypass pumping will be typically installed along road shoulders and protected by concrete barriers. When crossing travelled ways, the bypass pumping will be buried below grade and the pavement will be restored at the completion of the work.

Below is a list of potential environmental reviews and permitting requirements for the interceptor rehabilitation resolution concept.

- Order of Conditions from the City of Fall River Conservation Commission
- Massachusetts Environmental Policy Act consistency review;
- Massachusetts Department of Transportation Access permit;
- Massachusetts Historical Commission review; and
- Natural Heritage and Endangered Species Program review.

The two manholes where lining will take place are within the 25-foot Riverfront Area. However, no impact to the river bank is anticipated and, as this work is considered maintenance of wastewater facilities, it is considered to be exempt from the requirements of the Wetlands Protection Act for Riverfront Areas.

18.7.3 Impact Mitigation

Cleaning and Inspection (SG6 and SG7)

Removal of grit accumulation from the Main Interceptor will increase its capacity to receive combined flows. As the Main Interceptor is the end point for many combined sewers and drainage systems, the increased capacity will help these systems discharge flows before CSOs, SSOs, or flooding can occur. The removed grit will also remove any potential hazardous materials from continually contaminating the combined flows.



60-inch diameter Main Interceptor-South with 24.5-inches of grit during dry-weather conditions. This grit reduces the effective capacity of this pipeline.

The inspections conducted in addition to the cleaning will also characterize the pipe conditions of the Main Interceptor, and identify any degraded conditions that need to be addressed. By identifying and prioritizing maintenance, the life of the pipes can be extended.

Relief Interceptor (SG6 and SG7)

The addition of a relief interceptor would provide additional storage and conveyance of combined flows. By diverting larger volumes of flow to the Wastewater Treatment Facility, the volume and frequency of combined sewer overflows is mitigated.

Grit Chamber (SG6)

By diverting the grit in the Main Interceptor, the Central Street pump station would be protected from debilitating loads of suspended solids. The removed grit is not allowed to enter the pump station, where it could potentially damage its screening and pumping equipment. Consolidation of the grit in one location also makes it easier to remove on a regular basis.

Interceptor Rehabilitation (SG6)

Lining of the sewers virtually eliminates infiltration of outside waters into the sewer and exfiltration of sanitary flow. Stopping the infiltration of outside waters into the sewer provides more capacity for sanitary and stormwater flows, and decreases the amount of flow needed to be treated at the WWTF. Further, lining of the Main Interceptor provides structural support to protect against pipe failure and possible sewage discharge to the Quequechan River, as well as extend its useful life.

18.8 Central Street and Heritage State Park (SG8)

18.8.1 Description

To correct open joints within the Central Street sewer, the pipe needs to be lined. Pipe lining is a trenchless technology that does not require excavation of the pipe. CIPP lining consists of lining the inside of an existing sewer pipe with a fibrous epoxy tube that hardens and acts as an inner pipe shell. The lining will be approximately 6 millimeters in the 10-inch sewer. The hardened

Exhibit F

Stipulated Per Diem Penalties

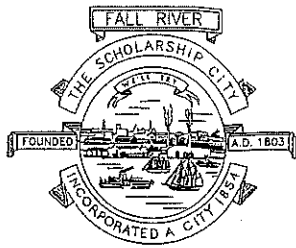
For every day that Defendant fails to timely meet the requirements of the items listed in item 16 of subparagraph 7.i of the Remedial Order, as amended hereby, Defendant shall pay a stipulated penalty to the US Treasury as follows:

Penalty Per Day

\$750
\$1,500
\$2,500

Period of Non-Compliance

1st through 10th Day
11th through 20th Day
21st Day and after



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2021 AUG 19 P 2:38

CITY CLERK
FALL RIVER, MA

August 19, 2021

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

Dear Honorable Council Members:

The Community Preservation Committee (CPC) has identified two (2) community projects for supplemental funding for the fiscal year 2022 and has made recommendation for funding in accordance with the Community Preservation Act (CPA) MGL Chapter 44B Sections 4 to 7.

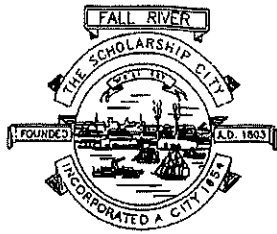
The CPA funding request for these projects are \$2,500 as outlined in the proposed Supplemental Appropriation Order.

Your approval of the associated Appropriation Order is respectfully requested.

Should you have any questions or concerns in this regard, please do not hesitate to contact me.

Best Regards,

Paul E. Coogan
Mayor



**City of Fall River
Massachusetts
Community Preservation Committee**

JOHN BRANDT
Chairman

KRISTEN CANTARA OLIVEIRA
Vice-Chairman

August 17, 2021

City of Fall River
Mayor Paul Coogan
One Government Center
Fall River, MA 02722

Dear Mayor Coogan:

On Tuesday, Monday July 20, 2021 the Community Preservation Committee (CPC) voted to approve emergency funding for FY22 Deed Restriction filing fee project.

Bristol County Register of Deeds, \$2,500.00 from FY22 funding for the filing of Deed Restrictions

- \$2,000.00 Historic Preservation Category
- \$500.00 Community Housing Category

The CPC is requesting a letter from the Mayor approving these funds and from the Auditor to prepare an Appropriation Order to complete this project.

We are requesting this letter be written as soon as possible in order to get this appropriation on the City Council's agenda for their next meeting,

Respectfully,

John Brandt, Chair
Fall River Community Preservation Committee

CC: Jen Argo, City Auditor
Mary Sahady, Acting City Administrator/Director of Financial Services

City of Fall River, *In City Council*

1

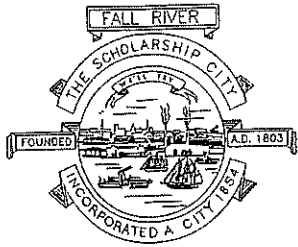
APPROPRIATION ORDER

ORDERED, that the following FY22 supplemental appropriations be provided through the Community Preservation Act (CPA), reserves under the MGL Chapter 44B Sections 4 to 7 in the aggregate, amounting to \$2,500 to be appropriated as follows:

Voted: That \$2,500 be appropriated from the CPA Fund's undesignated fund balance

For CPA Administrative Expenditures	\$0
For CPA Open Space/Outdoor Recreation PROJECTS	\$0
For CPA Historic Resources Preservation PROJECTS	\$2,000
For CPA Community Housing	<u>\$500</u>
<u>TOTAL</u>	<u>\$2,500</u>

Note: Please note this is the first supplemental CPA appropriation for FY22.



PAUL E. COOGAN
Mayor

August 26, 2021

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

Council President and Members of the Honorable Council:

I hereby make the following appointment:

Name: Richard Calderon

Address: 31 Choate Street, Apt. #1
Fall River, MA 02723

Position: Community Preservation Committee

Effective: August 25, 2021

Term to expire: November 15, 2021

Replacing: Danielle Pixley

Sincerely,

Paul Coogan
Mayor

PC/amos

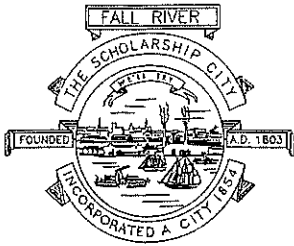
City of Fall River
Massachusetts
Office of the Mayor

CITY CLERK
FALL RIVER, MA

2021 AUG 26 P 12:19

RECEIVED

2



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

PAUL E. COOGAN
Mayor

August 26, 2021

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

RECEIVED
2021 AUG 26 P 12:20
CITY CLERK
FALL RIVER, MA

Dear Council President and Members of the Honorable Council:

Please see the attached appointment letter for the confirmation of Richard Calderon to the Community Preservation Committee. Mr. Calderon reach out to the Mayor's Office as well as the Council expressing his interest as a City resident in serving as a member of a board/commission within municipal government. His years of professional experience as a procurement officer within municipal government and his willingness to serve our City in a volunteer capacity will be a valuable asset as a board member of the Community Preservation Committee.

I respectfully ask for your consideration with this appointment.

Best Regards,

Paul E. Coogan
Paul E. Coogan
Mayor

**City of Fall River
Massachusetts**

Office of Traffic and Parking

**Paul E. Coogan
Mayor**

**Laura Ferreira
Director of Traffic & Parking**

August 23, 2021

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

Honorable Council Members:

At a meeting of the Traffic Commission held on Wednesday, July 21, 2021, the following request was heard and approved by the Traffic Commission.

That Chapter 70 of the Revised Ordinances be amended in the following Section:


Article:	70	<u>Left turn only at certain times</u>
Section:	227 (New subsection)	7:00am to 8:30am 2:00pm to 4:00pm

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Direction of Travel	Location
Elsbree Street	Eastbound drivers exiting BMC Durfee High School	North Exit of BMC Durfee High School Elsbree Street

Sincerely,


Laura Ferreira
Director of Traffic & Parking

CITY CLERK
FALL RIVER, MA

2021 AUG 23 P 4:19

RECEIVED



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 25, 2021

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

RECEIVED
2021 SEP - 2 A 10:19
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

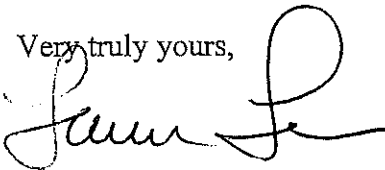
Article: 70
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Second Street	West	Starting at a point 149 feet south of Cottage Street, for a distance of 20 feet southerly.

Maria Correia
598 Second Street
Fall River, MA 02721

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 25, 2021

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

RECEIVED
2021 SEP - 2 A 10:20
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

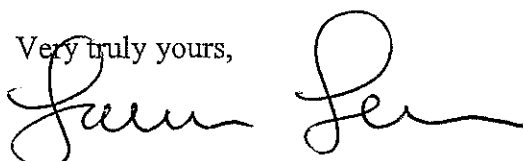
Article: 70
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Bowen Street	West	Starting at a point 43 feet south of Charles Street, for a distance of 20 feet southerly.

Pedro Figueroa
332 Sunset Hill
Fall River, MA 02724

Very truly yours,


Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 25, 2021

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

RECEIVED
2021 SEP - 2 A 10:20
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Buffinton Street	South	Starting at a point 103 feet east of Manchester Street, for a distance of 20 feet easterly.

Gilbert Rocha
337 Buffinton Street
Fall River, MA 02721

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 25, 2021

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Charles Street	South	Starting at a point 126 feet west of Bowen Street, for a distance of 20 feet westerly.

Carmen M Baez
300 Sunset Hill
Fall River, MA 02724

Very truly yours,

Laura Ferreira
Parking Clerk

RECEIVED
2021 SEP - 2 A 10:20
CITY CLERK
FALL RIVER, MA



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 25, 2021

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

RECEIVED
2021 SEP - 2 A 10:20
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Fountain Street	West	Starting at a point 132 feet south of William Street, for a distance of 20 feet southerly.

Paul Botelho
263 Fountain Street
Fall River, MA 02721

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 25, 2021

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

CITY CLERK
FALL RIVER, MA

2021 SEP - 2 A 10:20

RECEIVED

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70

Section: 387

Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street

Side

Location

North Seven Street

North

Starting at a point 59 feet west of Grove Street,
for a distance of 8 feet westerly.

Lilliam Colon
4 Grove Street
Fall River, MA 02720

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 26, 2021

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

RECEIVED
 2021 SEP - 2 A 10:21
 CITY CLERK
 FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

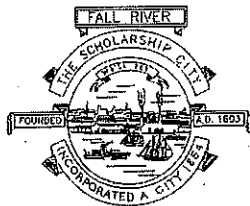
By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Aetna Street	North	Starting at a point 578 feet west of Garfield Street, for a distance of 20 feet westerly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 26, 2021

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

RECEIVED
2021 SEP - 2 A 10:21
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Coral Street	West	Starting at a point 93 feet south of Warren Street, for a distance of 20 feet southerly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 26, 2021

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

RECEIVED
2021 SEP - 2 A 10: 22
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

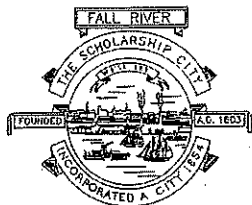
By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Lonsdale Street	East	Starting at a point 135 feet south of Nashua Street, for a distance of 20 feet southerly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 26, 2021

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

RECEIVED
2021 SEP - 2 A 10:22
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street

Side

Location

Mulberry Street

West

Starting at a point 70 feet north of Division Street,
for a distance of 20 feet northerly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 26, 2021

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

RECEIVED
2021 SEP -2 A 10:22
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

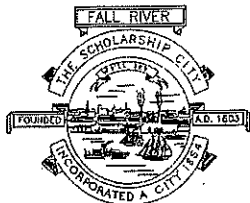
STRIKE OUT

Name of Street	Side	Location
Orange Street	East	Starting at a point 109 feet south of Cherry Street, for a distance of 20 feet southerly.

Very truly yours,

Laura Ferreira
Parking Clerk

3



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 26, 2021

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Oregon Street	West	Starting at a point 109 feet north of Ballard Street, for a distance of 20 feet northerly.

Very truly yours,

Laura Ferreira
Parking Clerk

RECEIVED
2021 SEP - 2 A 10: 22
CITY CLERK
FALL RIVER, MA

3



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 26, 2021

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

RECEIVED
2021 SEP - 2 A 10: 21
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387

Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street

Side

Location

Pitman Street

North

Starting at a point 260 feet east of Webster Street,
for a distance of 20 feet easterly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

RECEIVED
2021 SEP - 2 A 10:21
CITY CLERK
FALL RIVER, MA

August 26, 2021

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

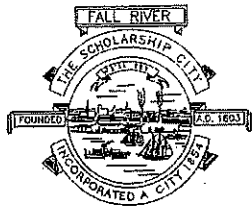
STRIKE OUT

Name of Street	Side	Location
Plymouth Avenue	West	Starting at a point 93 feet south of Palmer Street, for a distance of 20 feet southerly.

Very truly yours,

Laura Ferreira
Parking Clerk

3



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 26, 2021

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387

Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street

Side

Location

President Avenue

South

Starting at a point 111 feet west of Rock Street,
for a distance of 20 feet westerly.

Very truly yours,

Laura Ferreira
Parking Clerk

CITY CLERK
FALL RIVER, MA

2021 SEP - 2 A 10:21

RECEIVED



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 26, 2021

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

RECEIVED
2021 SEP - 2 A 10: 21
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request was heard and approved by the Traffic Commission.

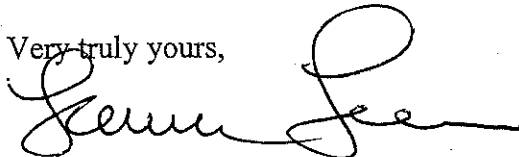
That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

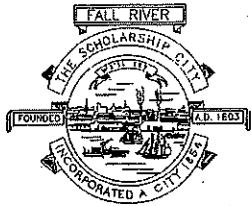
STRIKE OUT

Name of Street	Side	Location
President Avenue	South	Starting at a point 159 feet west of Underwood Street, for a distance of 20 feet westerly.

Very truly yours,


Laura Ferreira
Parking Clerk

3



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 26, 2021

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request was heard and approved by the Traffic Commission.

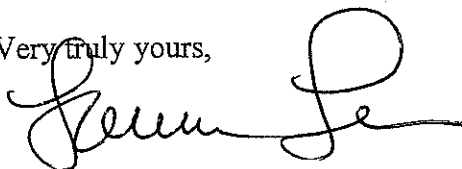
That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Prospect Street	North	Starting at a point 612 feet west of Hanover Street, for a distance of 20 feet westerly.

Very truly yours,

Laura Ferreira
Parking Clerk

RECEIVED
2021 SEP - 2 A 10:21
CITY CLERK
FALL RIVER, MA



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 26, 2021

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request was heard and approved by the Traffic Commission.

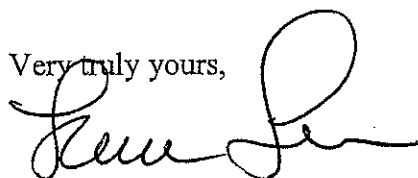
That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Robeson Street	West	Starting at a point 46 feet north of Pine Street, for a distance of 20 feet northerly.

Very truly yours,


Laura Ferreira
Parking Clerk

RECEIVED
2021 SEP - 2 A 10:21
CITY CLERK
FALL RIVER, MA



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

August 26, 2021

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

RECEIVED
2021 SEP - 2 A 10:21
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, August 18, 2021 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
South Main Street	West	Starting at a point 25 feet north of Dwelly Street, for a distance of 20 feet northerly.

Very truly yours,

Laura Ferreira
Parking Clerk

CITY OF FALL RIVER

4

To the City Council

Councillors:

The Committee on Public Safety, at a meeting held on August 24, 2021 voted
unanimously to recommend that the accompanying letter be approved.


Clerk of Committees



CITY OF FALL RIVER, MASSACHUSETTS
CITY COUNCIL

COLLEEN A. TAYLOR
CLERK OF COMMITTEES

INÊS LEITE
ASSISTANT CLERK OF COMMITTEES

August 25, 2021

Paul E. Coogan, Mayor
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mayor Coogan,

At a meeting of the City Council Committee on Public Safety held on August 24, 2021, a discussion was held relative to a resolution regarding a fire station building capital plan (copy of which is enclosed).

Following that discussion and on a motion made and seconded, it was unanimously voted to send a letter to the Administration to request that funding for a feasibility study for a full renovation, be conducted of the Central Fire Station. If you have any questions in this regard, feel free to contact this office. Thank you for your consideration.

Very truly yours,

Colleen A. Taylor
Clerk of Committees

/ct

City of Fall River, *In City Council*

(Councilor Shawn E. Cadime)

WHEREAS, many fire stations in the City of Fall River are very old and in need of upgrades and repairs, and

WHEREAS, the Stanley Street Fire Station is in dire need of replacement as it was built around 1900 to house horse-drawn fire trucks, and

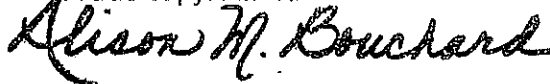
WHEREAS, a capital plan is greatly needed for all fire stations, now therefore

BE IT RESOLVED, that the Committee on Public Safety convene with the Administration and the Fire Chief to work on a fire station building capital plan and begin developing a feasibility study for both a new Stanley Street Fire Station and a full renovation of the Central Station, and

BE IT FURTHER RESOLVED, that this information once completed be referred to the Committee on Finance for discussion and implementation.

In City Council, April 6, 2021
Adopted

A true copy. Attest:



City Clerk

City of Fall River, *In City Council*

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

That Chapter 70 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to traffic be amended as follows:

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

Name of Street	Side	Location
Canal Street	West	Starting at a point 114 feet south of Ferry Street, for a distance of 20 feet southerly
Grant Street	West	Starting at a point 75 feet south of Columbia Street, for a distance of 20 feet southerly
Healy Street	North	Starting at a point 58 feet east of Quarry Street, for a distance of 20 feet easterly
Oliver Street	South	Starting at a point 105 feet east of Broadway, for a distance of 20 feet easterly
Snell Street	North	Starting at a point 140 feet east of Lawrence Street, for a distance of 25 feet easterly
Tower Street	North	Starting at a point 211 feet west of Laurel Street, for a distance of 20 feet westerly

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 17 2021

*Passed through first
reading*

6

City of Fall River, In City Council

(Councilor Trott Lee)

WHEREAS, the President of the Wattapa Water Board has publicly stated his concerns regarding the road damage in the reservation area, and its potential effects on emergencies and fire safety, now therefore

BE IT RESOLVED, that the Committee of Public Safety convene to discuss this matter.

Filed 8-17-2021

City of Fall River, In City Council

(Councilor Trott Lee)

WHEREAS, the President of the Wattupa Water Board has publicly stated his concerns on water quality, now therefore

BE IT RESOLVED, that the Committee on Health and Environmental Affairs convene with the Administrator of Community Utilities and the Wattupa Water Board President to discuss and resolve the matter.

Filed 8-17-2021

City of Fall River, In City Council

(Councilor Linda M. Pereira)

WHEREAS, there is a concern regarding motorized street bikes, ATVs, and dirt bikes,
and

WHEREAS, additional safety measures need to be addressed, and

WHEREAS, consider the placement of speed bumps, the use of drone pilots, further
licensing or state requirements to secure better safety measures within the high traffic areas,
now therefore

BE IT RESOLVED, that the Corporation Counsel convene with the Police Chief to
discuss the matter and establish a plan.

Filed 8/30/21

City of Fall River, *In City Council*

(Councilor Michelle M. Dionne)

WHEREAS, a resident on Atlantic Boulevard contacted the City Council outlining parking issues, quality of life issues, and an ongoing situation, and

WHEREAS, many residents in this neighborhood have verbalized their concerns with the existing signage, inappropriate behavior, and illegal activities that have taken place over time, and

WHEREAS, the waterfront should be a place that can be enjoyed by both residents of the neighborhood and residents of the city without conflict or quality of life issues, now therefore

BE IT RESOLVED, that the Parking Director, the Chief of Police, and a Representative from the Police Department's Traffic Enforcement Unit be invited to a meeting of the Committee on Public Works and Transportation to address this matter.

City of Fall River, *In City Council*

(Councilor Michelle M. Dionne)

WHEREAS, a resident of Bay Street contacted the City Council addressing her concerns over excessive speed, accidents, and the noise level involved, and

WHEREAS, other Bay Street residents have raised concerns about speeding and accidents, and

WHEREAS, in response to conversations with these residents a request has been submitted to the Traffic Commission for a traffic study to take place in regard to the issues of speeding and car accidents, and

WHEREAS, the traffic trailer was recently utilized on Bay Street, now therefore

BE IT RESOLVED, that the Parking Director, the Chief of Police, and a representative of the Police Department's Traffic Enforcement Unit be invited to a meeting of the Committee on Public Works and Transportation to discuss these matters.

11

City of Fall River, *In City Council*

(Councilor Trott Lee)
(Councilor Michelle M. Dionne)

WHEREAS, Fall River has been making attempts to address flooding issues, and

WHEREAS, a constituent recently reported to several City Councilors his flooding concerns on Anderson Street, now therefore

BE IT RESOLVED, that the Administrator of Community Utilities be invited to a future meeting of the Committee on Public Works and Transportation to discuss solutions to the flooding issues in that area.

Filed 9/2/21

City of Fall River, In City Council

(Councilor Leo O. Pelletier)

WHEREAS, there are 219 properties located east of the North Watuppa Pond area that have stormwater accounts with both impervious and pervious surfaces, and

WHEREAS, 128 of these accounts are being billed for the stormwater fee, and

WHEREAS, concerns have been raised regarding the process by which properties are selected to be charged, and

WHEREAS, according to Section 74-140 of the Code of the City of Fall River, this fee "funds services provided through the Sewer Commission for stormwater management and CSO abatement programs", and

WHEREAS, exemption applications are approved by the same Sewer Commission, now therefore

BE IT RESOLVED, that the Administrator of Community Utilities be invited to a future meeting of the Committee on Finance to explain the program and discuss these concerns.

City of Fall River, In City Council

The City Council hereby recommends that the Director of Facilities Maintenance conduct a lighting survey at the following location:

Corner of Rock Street and Walnut Street

(Councilor Leo O. Pelletier)

INTER-COMPANY REIMBURSEMENT NOTIFICATION

August 17, 2021

Our File No.:
Our Insured:
Address:

C1847937
Silva, Cynthia
118 Valley Bars Rd
Bourne, MA

RECEIVED

2021 AUG 20 A 8:45

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

Your File No.:
Your Insured:
Address:

N/a

CITY CLERK 18-1800
FALL RIVER, MA

Loss Date:
Location:

11/07/2018
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 + \$ 500.00
3. Rental Reimbursement + \$ 0.00

Total \$948.67

GRAND TOTAL I & II

\$948.67

Sincerely,

SECOND REQUEST

Michael A Gianopoulos
Subrogation Claims Examiner
1-800-688-1825 Ext. 1229

School bus struck parked IV

222 Ames Street, Dedham MA 02026

1-800-688-1825 NDGroup.com

Locally Grown Insurance®

Norfolk & Dedham Mutual Fire Insurance Co.
Dorchester Mutual Insurance Co.
Fitchburg Mutual Insurance Co.

✓ City Clerk ✓ Law ✓ City Council ✓ School 8/20/21

24

RECEIVED

2021 AUG 20 A 8:45

CITY CLERK 18-186C
FALL RIVER, MA

CLAIM	CLT	NAME	COV	TRANS	AMOUNT	ENTRY DATE	STATUS	PAYEE	REASON
C1847937	001	SILVA, CYNTHIA	COLL	FINAL PAYMENT	226.75	11/12/2018		CYNTHIA SILVA	COLLISION DAMAGE - DEDUCTIBLE: \$500.00
C1847937	001	SILVA, CYNTHIA	COLL	FINAL PAYMENT	221.92	01/07/2019		MIRACLE REPAIR & REFINISHING, INC.	COLLISION DAMAGE - SUPPLEMENTAL PAYMENT

City Clerk

RECEIVED

From: Blackerby, Laura <LBlackerby@plymouthrock.com>
Sent: Monday, August 16, 2021 9:33 AM
To: City Clerk
Subject: [EXTERNAL] FW: Claim #3H4001924840 *** SECOND REQUEST***
Attachments: bockhorst.pdf; bockhorst photos.pdf; ATT00001.txt; ATT00002.htm
Importance: High

2021 AUG 16 P 3:06
 #21-48
 CITY CLERK
 FALL RIVER, MA

Good morning,

I hope you are doing well. This is a claim wherein our insured suffered damage to his property due to repairs that were being made to the sewer lines near his home. It is our understanding that the town has already taken responsibility for the issue with the crushed pipes.

I have attached the estimate and photos for your file. The payment can be made to Plymouth Rock at the address below. Please include our claim number.

Payments made: \$891.11
 Deductible: \$2,500.00
 Total due: \$3,391.11

Plymouth Rock Home Insurance
 P.O. Box 129120
 Boston, MA 02112-9120
 ATTN: LAURA BLACKERBY

Thank you for your attention to this matter. Have a great weekend.

Laura Blackerby
 Sr. Subrogation Adjuster
 Plymouth Rock Home Assurance
 O: 617-428-1430
plymouthrock.com

More Than Just Insurance.

Plymouth Rock
assurance.

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading; information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

From: Gauthier, Katelyn <kgauthier@fallriverma.org>
Sent: Friday, July 9, 2021 10:03 AM
To: Blackerby, Laura <LBlackerby@plymouthrock.com>
Subject: Claim #3H4001924840

Good morning,

We received a letter regarding the above mentioned claim for Andrew Bockhorst, but there is no information included as to what the damages are or the location they occurred at. Can you please provide me with more information regarding this.

24

Thank you,
Kate

Katelyn N. Gauthier
Project Specialist
Fall River Sewer Commission
One Government Center
Fall River, MA 02722
508-324-2320



RECEIVED

City of Fall River
Notice of Claim

2021 AUG 12 P 3:50

#21-47

1. Claimant's name: Cheryl DeOliveira
2. Claimant's complete address: 271 Mt Hope Ave #3 Fall River 02724
3. Telephone number: Home: 508 789 2250 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
damage to car *There's a police report stating it was a city tree.
5. Date and time of accident: 7/9/21 Amount of damages claimed: \$ 5023.64
Claim # 658201963082
6. Exact location of the incident: (include as much detail as possible):
On the side of the street of 271 Mt Hope Avenue
7. Circumstances of the incident: (attach additional pages if necessary):
On 7/9/21 during tropical storm Elsa, a branch from a city tree fell onto my parked car and caused significant damage. My car insurance paid most of it. I am requesting the \$500 deductible.
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 # 658201963082
Plymouth Rock Assurance PO Box 55933 Boston MA 02205-5933

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 am only requesting the \$500 deductible be paid to my insurance company, please.

I swear that the facts stated above are true to the best of my knowledge.

Date: 8/12/21Claimant's signature: CDeO

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 AdministratorParksDate: 8/12/21



RECEIVED

City of Fall River
Notice of Claim

2021 AUG 17 A 9:21
#21-49
CITY CLERK
FALL RIVER, MA

1. Claimant's name: Nathan Green
2. Claimant's complete address: 87 Charlotte Street, Fall River MA 02720
3. Telephone number: Home: 77-634-8012 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Damage to rear passenger tire due to pot hole.
5. Date and time of accident: 08/04/21 1:15pm Amount of damages claimed: \$ 174.12
6. Exact location of the incident: (include as much detail as possible):
Robeson Street block between Bedford Street and Pine Street, approximately # 116.
7. Circumstances of the incident: (attach additional pages if necessary):
While traveling north on Robeson Street in vicinity of 116 Robeson Street, my car struck a pothole which caused damage to my rear passenger tire, resulting in a flat. Please see attached photo of damaged tire, pothole, and the receipt from Dave's Tire for the new tire.
Please note: Due to drive train requirements, 2 tires were purchased however, the claim is just for the one with pothole damage.
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: 08/12/21

Claimant's signature: Nathan Green

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 ☒ DPW

Date: 8/17/2021

RECEIVED



2021 AUG 24 P 2:22

City of Fall River
Notice of Claim

CITY CLERK
FALL RIVER, MA

#21-50

1. Claimant's name: Anthony Torrico
2. Claimant's complete address: 34 Atlantic Blvd, North Providence, RI
3. Telephone number: Home: 401-572-6396 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
City tree accident / Property damage on public prop
5. Date and time of accident: 08/22/21 Amount of damages claimed: \$ _____
6. Exact location of the incident: (include as much detail as possible):
St. Stanislaus School, Rockland St. Fall River, MA
7. Circumstances of the Incident: (attach additional pages if necessary):
02724
A tree arm fell onto my car, left
damages to my vehicle
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: 08/24/21

Claimant'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

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:		original + 1 email		email	
Copies forwarded to:	<input checked="" type="checkbox"/> City Clerk	<input checked="" type="checkbox"/> Law	<input checked="" type="checkbox"/> City Council	<input type="checkbox"/> City Administrator	<input checked="" type="checkbox"/> Parks & Recreation
					Date: <u>8/24/2021</u>

Thomas E. Badway & Associates, LLC RECEIVED



2021 AUG 31 A 11:20

August 24, 2021

CITY CLERK #21-51
FALL RIVER, MA

Chief Jeffrey Cardoza
Fall River Police
685 Pleasant Street
Fall River, MA 02721

Re: *Our Client:* *Nathan Cash*
Date of Incident: *August 19, 2021*

Dear Chief Cardoza:

Please be advised this office represents Nathan Cash with regard to his claim for personal injury and property damage incurred as a result of a motor vehicle collision occurring on the above-stated date. As a direct result of this collision, my client, Nathan Cash, incurred personal injuries for which he received medical care and treatment.

Nathan Cash's vehicle is at Dean Auto Collision Center, which is located at 700 North Main Street, Providence, Rhode Island 02904. Please *contact* Dean at 401 421-4700 to schedule a date and time for your representative to appraise the damages to Nathan Cash's vehicle.

Please note Nathan Cash obtained a rental through Richmond Motor Sales & Rental. Telephone number is 401-369-7779.

Pursuant to Massachusetts General Laws 175§112C, please provide the undersigned within 14 days the amount of the limits of liability coverage for your insured. Additionally, kindly provide us with any Umbrella policy limits, if applicable.

8-31-21

City Clerk

Law

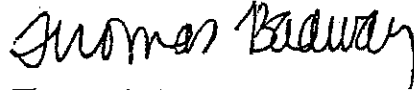
City Council

FRPD

Please do not contact our client regarding personal injuries, property damage or any other aspects of this claim but rather direct them to this office.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink that reads "Thomas Badway". The signature is written in a cursive, slightly slanted style.

Thomas E. Badway, Esq.

Email: Mizzo@badwaylaw.com



RECEIVED

City of Fall River
Notice of Claim

2021 SEP -3 A 11:09

CITY CLERK #21-52
FALL RIVER, MA

1. Claimant's name: Joseph Cabral
2. Claimant's complete address: 220 Ash St
3. Telephone number: Cell Home: (508) 326-9084 Work: (508) 313-5600
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
property damage
5. Date and time of accident: 9/2/21 2 AM Amount of damages claimed: \$ 7,000 Estimated low
6. Exact location of the incident: (include as much detail as possible):
Basement Flooded 2 1/2 feet water
7. Circumstances of the incident: (attach additional pages if necessary):
Extreme Sewer Backup due to Storm backed up into basement through all pipes connected to City Sewer. Through washer. Drain pipe, sump, 4 pipes in Basement also leaked. Fire Dept, sewer de called
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
Rita Riley - Pacheco Ins. Agency 1847 Acushnet Ave N.O.

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: 9/2/21

Claimant's signature: Joseph Cabral

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.

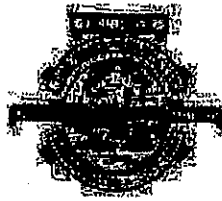
Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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 ☒ Water

Date: 9/3/21



RECEIVED

City of Fall River
Notice of Claim

2021 SEP -8 A 10:08

CITY CLERK
FALL RIVER, MA

#81-53

1. Claimant's name: Manuel Vazquez
2. Claimant's complete address: 1166 Healy Street Fall River MA 02723
3. Telephone number: Home: 5085988748 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
FLOOD
5. Date and time of accident: Sept, 1, 2021 @ 12:00 am Amount of damages claimed: \$ 12,000.00 - 15,000.00
6. Exact location of the incident: (include as much detail as possible):
1166 Healy Street Fall River MA 02723
7. Circumstances of the incident: (attach additional pages if necessary):
Basement was flooded due to drainage back up from the road main sewer. Basement is fully finished and furnished. Furnice is not working. Wall damage, door damage, floor damage, etc...
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
Galco Insurance

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: 9-7-2021Claimant's signature: Manuel Vazquez

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

Sewer division

Date: 9-8-21

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, August 17, 2021 at 5:55 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Bradford L. Kilby, Pam Laliberte-Lebeau, Trott Lee,
Leo O. Pelletier and Linda M. Pereira

ABSENT: Councilor Christopher M. Peckham

IN ATTENDANCE: None

The President called the meeting to order at 5:59 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 hearings was to hear all persons interested and wishing to be heard on the following:

Curb Removals

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Trott Lee, it was unanimously voted that the hearing be opened, with Councilors Shawn E. Cadime and Christopher M. Peckham absent and not voting.

1. Lais Sajeda Begum, 248 Hancock Street, for the removal of curbing as follows:

	Existing opening	Curbing to be removed	Curbing to be added	Proposed opening after alteration
248 Hancock Street	23'	23'	0'	46'

The petitioner has an existing 23 foot driveway opening on the east side of the property and is requesting the removal of 23 feet of curbing on the west side of the property to create a horseshoe driveway to allow for additional parking and easier access.

The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted written testimony and the City Clerk stated that none was received. On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be closed, with Councilors Shawn E. Cadime and Christopher M. Peckham absent and not voting.

Councilor Shawn E. Cadime arrived at 6:02 p.m.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be opened, with Councilor Christopher M. Peckham absent and not voting.

2. Luis and Sonia Sousa, 227 Walter Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
227 Walter Street	16'	14'	0'	30'

The petitioner is requesting the removal of 14 feet of curbing to widen the existing 16 foot driveway opening in front of the home to allow for additional parking.

The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted written testimony and the City Clerk stated that none was received. On a motion made by Councilor Trott Lee and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be closed, with Councilor Christopher M. Peckham absent and not voting.

Joint Pole Location

On a motion made by Councilor Trott Lee and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be opened, with Councilor Christopher M. Peckham absent and not voting.

3. Massachusetts Electric Company and Verizon New England, Inc. for one jointly owned pole location as follows:

Globe Mills Avenue

One (1) joint pole location

To install a new 45 foot pole between poles 10 and 11 on Globe Mills Avenue, to be numbered 10-50. The pole will be approximately 95 feet west of pole 10 and approximately 55 feet east of pole 11. This pole is being installed in order to be used as a primary feed to the new Vista Way four lot subdivision. In accordance with Plan No. 30409106 dated July 22, 2021.

The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted written testimony and the City Clerk stated that none was received. On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Trott Lee, it was unanimously voted that the hearing be closed, with Councilor Christopher M. Peckham absent and not voting.

Joint Pole Relocation

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Trott Lee, it was unanimously voted that the hearing be opened, with Councilor Christopher M. Peckham absent and not voting.

4. Massachusetts Electric Company and Verizon New England, Inc. for one joint pole re-location as follows:

Downing Street

One (1) joint pole re-location

National Grid requests installation of a new 35 foot JO stub pole with anchor and guy in the public way a few feet east of 136 Downing Street and approximately 29 feet north of Pole 5. The customer requested that the existing pole and guy wire in the yard be removed to make way for future expansion. In accordance with Plan No. 30404241 dated June 23, 2021.

The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted written testimony and the City Clerk stated that none was received. On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the hearing be closed, with Councilor Christopher M. Peckham absent and not voting.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adjourn at 6:05 p.m, with Councilor Christopher M. Peckham absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

A true copy. Attest:

Alison M Bouchard

City Clerk

COMMITTEE ON FINANCE

MEETING: Tuesday, July 13, 2021 at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne, Bradford L. Kilby,
Pam Laliberte-Lebeau, Trott Lee, Christopher M. Peckham,
Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: Mary Sahady, Director of Financial Services
Timothy P. McCoy, City Administrator
John Perry, Director of Community Maintenance
Lauren F. Goldberg, Managing Attorney, KP Law, P.C.
101 Arch Street, Boston, MA 02110
Attorney Kenneth Fiola, Jr., Executive Vice President, Bristol County Economic
Development Consultants, 139 South Main Street, Suite 400

The chair called the meeting to order at 6:10 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, persons are allowed 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.

1. Citizens' Input
Collin Dias, 560 Ray Street – American Civil Liberties Union

The City Clerk read communications received from city residents, copies of which are attached hereto and made a part of these minutes.

Patrick Higgins, 1197 Robeson Street – City Treasurer and Park Board
CJ Ferry, 300 Buffinton Street – Park Board and Budget

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to take item #5 out of order.

5. Discussion and review of City Council policy on the use of the City Council Attorney
Councilor Pam Laliberte-Lebeau stated that having a City Council Attorney is new and everyone is working to streamline the policy. She then stated that Attorney Lauren F. Goldberg has presented various formats for billing. She also mentioned that currently the invoices are in a summary form, but Attorney Lauren F. Goldberg will be changing the format, so that they will be more specific. She went on to list that the invoices in the future will be broken down by the subject matter, date, and the amount of time spent on each matter. Councilor Pam Laliberte-Lebeau then mentioned that she has requested

that any invoices for the City Council from KP Law, P.C. be charged only for the City Council. She then explained that there was a charge on an invoice that was work performed at the request of Corporation Counsel, so those charges will need to be billed to the Law Department. Councilor Trott Lee stated that he would like all Councilors notified when a request is made to KP Law, P.C. for information. Councilor Linda M. Pereira stated that in her opinion, any Chair of a sub-committee should be able to request the services of KP Law, P.C. without needing permission from the Council President or Vice-President. She then stated that she is very satisfied with the work performed by KP Law, P.C. Councilor Linda M. Pereira made a motion that when the Chair of a sub-committee would like to invite the attorney for the City Council to a sub-committee meeting, they would have the ability to extend the invitation through the City Council Office and state the reason for the invitation, which was seconded by Councilor Bradford L. Kilby. Attorney Lauren F. Goldberg explained the billing practices of KP Law, P.C., and mentioned that clients are billed in increments of every six minutes. She further explained that if a telephone conversation lasts for one minute, the client is billed for six minutes or one tenth of an hour. She then stated that clients are billed with a blended rate for all attorneys employed by KP Law, P.C. Councilor Trott Lee asked if there is a budgeted amount of money each year for legal services for the City Council. City Council President stated that there is \$40,000.00 in the Fiscal Year 2021 and 2022 Budgets. Attorney Lauren F. Goldberg stated that her office will use the format that is chosen by the City Council for billing. Councilor President Cliff Ponte stated that there is a motion on the floor, but item #14 on the policy for the use of the City Council Attorney states the same thing. Councilor Bradford L. Kilby withdrew his second to the motion. On a further motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Trott Lee, it was unanimously voted to add item #19 to the City Council Policy for access to the City Council Attorney, to state that the City Council as a body will be notified when services or opinions are requested. On a motion made by Councilor Trott Lee and seconded by Councilor Pam Laliberte-Lebeau to add that the City Clerk will attach a MUNIS report showing used and available funds. A motion was made by Councilor Linda M. Pereira to amend item #14 by stating that the City Council Secretary be allowed to schedule Attorney Lauren F. Goldberg attendance at sub-committee meetings, but received no second. Councilor Bradford L. Kilby stated that he felt the discussion was beginning to overcomplicate matters, more than is necessary. Councilor Shawn E. Cadime stated that he is in agreement that there needs to be an approval process, but it does not need to be overcomplicated. He also stated that Corporation Counsel should be attending all subcommittee meetings when required. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted to recommend the changes be sent to full Council for adoption.

2. Resolution – Administration provide an overview of the duties of the members of the Port Authority and State Pier

Attorney Kenneth Fiola, Jr. provided a brief overview of the Port Authority and State Pier. He stated that the Port Authority is an entity that is established by City ordinance. He then read the following description, the Port Authority is responsible to assure regulatory compliance and safe waterways. He then stated that the Port Authority has been in existence for many years, but was not overly active. He then mentioned that they work hand in hand with the Fall River Line Pier, which is the managing entity of the State Pier. It was established in the 1940s when the Commonwealth of Massachusetts approved an act authorizing the construction of a pier in the port of Fall River. The Fall River Line Pier consists of the Mayor, City Council President, City Treasurer and seven members appointed by the Mayor. Attorney Kenneth Fiola, Jr. then described that back in April, the long term Pier Manager gave a two week notice to the Fall River Line Pier that she would be relocating to reside closer to her son. He then explained that was when his office was contacted to provide management services for approximately four months, which continues through the month of August. He also highlighted that the pier is a secured facility regulated by the state and the Coast Guard, which requires a Facility Security Officer (FSO) which is a mandated management criteria for anyone managing the State Pier. Attorney Kenneth Fiola, Jr. then described that he received the required credentials as a Facility Security Officer

from an independent testing agency that works with the Coast Guard. He then explained that it is very important for the pier to maintain a level of security that does not allow the general public to gain access to the pier unless they have a Transportation Worker Identification Credential (TWIC), so that it is known who is entering and exiting the property. He also stated that there are approximately nine employees at the Fall River Line Pier, which are primarily security personnel. Mass Development oversees three piers, Fall River, New Bedford and Gloucester. He then mentioned that there are appointments to the Port Authority on tonight's agenda, which he recommends the City Council approve so that they can continue to conduct business. Councilor Christopher M. Peckham asked how often individuals from his office are there. Attorney Kenneth Fiola, Jr. stated that he spent between two and three hours there earlier in the day and Lynn Oliveira was at the pier for approximately two hours also. Councilor Linda M. Pereira asked how large the pier property is. Attorney Kenneth Fiola, Jr. stated approximately eight acres.

3. Resolution – Administration present an outlined plan for the use of \$70 million dollars of one-time money from the \$1.9 Trillion Dollar Stimulus Plan

Councilor Trott Lee asked if the City Council will be approving expenditures. The City Administrator stated that it does not appear that there is a requirement to do so. Council President Cliff Ponte stated that the Administration refuses to work with the City Council. He then asked what the purpose of the order appropriating \$360,000 and \$216,000 was, if the City Council is not required to vote on any expenditures. The Director of Financial Services stated that the \$360,000 is for the Assessors Department and the \$216,000 is for the Police Department Operation Compass. Councilor Bradford L. Kilby stated that he is in agreement that the City Council should have a voice on these expenditures. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted to request a legal opinion regarding the expenditure of American Rescue Plan Act (ARPA) Funds. On a further motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Michelle M. Dionne, it was unanimously voted to table the matter, with Councilor Linda M. Pereira opposed.

4. Transfers and appropriations

(4) Mayor and order appropriating \$1,288,887 for Fiscal Year 2021 as follows:

FROM:

City Clerk, Expenses	\$ 556
City Council, Expenses	\$ 352
Mayor's Office, Expenses	\$ 1,276
School Transportation	<u>\$1,286,703</u>
TOTAL:	\$1,288,887

TO:

Snow Removal, Salaries	\$ 47,358
Snow Removal, Expenses	\$ 492,868
Fire & Emergency Services, Salaries	\$ 746,477
City Clerk, Salaries	\$ 556
City Council, Salaries	\$ 352
Mayor's Office, Salaries	<u>\$ 1,276</u>
TOTAL:	\$1,288,887

(5) Mayor and order appropriating \$1,677,400 from the General Fund Stabilization Fund to:

Facilities Maintenance, Capital	\$ 150,000
Community Maintenance, Capital	\$ 937,100
Police, Capital	\$ 410,300
Fire & Emergency Services, Capital	\$ 180,000
TOTAL:	\$1,677,400

(6) Mayor and order appropriating \$50,000 from Facilities Maintenance, Expenses to:

Community Services, Demo Lien	\$ 25,000
Community Services, Vacant Lot	\$ 25,000
	\$ 50,000

(7) Mayor and order appropriating \$360,000 from the American Rescue Plan Act of 2021 to Financial Services, Expenses

The Director of Financial Services explained that item #4 are the yearend transfers which total \$1,288,887. She then went on to provide an overview of item #5 which is \$1,677,400 for Capital Improvements. Mary Sahady then stated that item #6 are the funds that the City Council requested be transferred to Community Services, Demo Lien and the Vacant Lot accounts. Councilor Michelle M. Dionne asked if there was more snow in 2020 or 2019. The Director of Financial Services stated that she was unable to answer that question, the Director of Community Maintenance would be the individual to answer that question. The Director of Community Maintenance stated that there was less in 2019 than 2020, but both years were very light with snow accumulation in comparison to most years. He then stated that if the forecast is for 2 inches or less, it can be treated with just salt. He then mentioned that if the forecast is over 2 inches, then snow plows need to be hired. Councilor Michelle M. Dionne then asked for information regarding a \$500.00 expense for a coffee maker. The Director of Community Maintenance stated that the coffee maker that was installed in the office stopped working and needed to be replaced. He then mentioned that this coffee maker was permanently connected to the water lines, therefore it is a commercial coffee maker which is more costly. John Perry then explained the billing process for snow removal vehicles. He also stated that duplicate payments to snow removal vendors do not happen. The Director of Community Maintenance then clarified that his main concern with snow removal is public safety.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adjourn at 10:08 p.m.

List of documents and other exhibits used during the meeting:

Citizens' Input Communication

Agenda packet (attached)

DVD of meeting

Port Authority Bylaws distributed by Attorney Kenneth Fiola, Jr.

Cullen A. Taylor
Clerk of Committees

JULY 13, 2021

COMMUNICATIONS

SUBMITTED

FOR

CITIZENS' INPUT

Citizens Input Fall River City Council July 13, 2021

First off, to Mary Sahady, Congratulations on getting flocked, I am sure the Girl Scouts appreciated the donation so that you could get flocked.

I am deeply troubled that the Mayor is putting the City Treasurer into legal jeopardy every time a check is mailed out of Government Center signed by him, (ok probably mechanically signed or a rubber stamp) but it is still his signature on the checks. Chapter 266, section 37 makes it a crime to utter a check knowing at the time there was not sufficient funds to pay the check being issued and all other outstanding checks at the time that the check is issued. Chapter 267, section 1 is forgery, and that is when you issue a check with the recipient understanding that the check is expected to be valid and there are legally available funds for the check to clear. When a check is written knowing the funds are NOT available that is a forgery. Chapter 267, section 5 deals with uttering. When you send the check as "genuine" or "good" knowing that the checks you are issuing are not valid, you have uttered that false document as "genuine" or "good". Both forgery and uttering are ten-year felonies.

The Mayor has put the treasurer in legal jeopardy for issuing false checks, since the treasurer is sending out payments for items that have been designated as "budgeted" items, even though the Mayor, CFO Sahady and all members of this City Council know that even though the mayor says the budget is in place under the "45 day rule" the city council has not voted to appropriate the funds to be raised by direct taxation or transferred from certified free cash or anywhere else. Therefore, as of July 1, 2021, any checks being mailed for payment out of the fiscal year 2022 budget do not have the funds to "cash the checks" exposing the city treasurer to criminal charges for larceny by check; forgery; and uttering.

Also on tonight's agenda is a request to name the members of the Park Board as "special municipal employees". After watching their meeting last week, this group of unprofessional "commissioners" should not even be members of the Park Board, never mind any type of special municipal employee.

I have reached out to the municipal clerks for many of the other 350 municipal communities in the Commonwealth and there are not any "Park Board" or "Park Commissioners" who are on the special municipal employees list and I urge all 9 of you to not approve this request.

Patrick Higgins
1197 Robeson St
Fall River MA 02720
July 11, 2021

RECEIVED
2021 JUL 12 A 10:21
CITY CLERK
FALL RIVER, MA

26

CJ FERRY, R.N., PHN

RECEIVED

July 13, 2021

2021 JUL 13 P 2:32

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

CITY CLERK _____
FALL RIVER, MA

Re: Citizen Input

Council President, members of the city council:

Before you once again this evening is a request to make the Park Board, "Special Municipal Employees". This action is being requested in order for the administration to allow his political supporters and appointees to act in his demands as has been proven when Park Board members who had other duties this past week received calls from the administration telling them to attend the meeting as they needed something approved. Prior to these phone calls the administration was advised that the Park Board would not have a quorum. The administration went as far as to indicate to a member that they would find a replacement for their other commitment.


The purpose to designate the Park Board a "Special Municipal Employee" is to bring two appointments into compliance with the law. By virtue of the objection on this item those two people should not have served on the board last week as to avoid a violation of the State's Ethics Law.

If you, by chance, watched the most recent Park Board meeting, you saw a display of a lack of professionalism and a lesson in how to not interact with a citizen. The meeting was poor, unprofessional and disrespectful to the public and the citizen that was attacked by the board chair. The actions alone at the last board meeting is enough to deny the special status and if the council has the will to remove these two members as is required under Massachusetts General Law. The mayor wants to abide by the law, it is time to enforce it and make him eat his own words.

Finally, I want to mention that I believe while the budget maybe implemented, I do not believe it has yet to be funded by the City Council as no appropriation has been voted on by the City Council. If this is correct, the administration is illegally spending taxpayer money and if nothing else should be charged with an abuse of power. Remember, he is the one who says I follow the law, while saying out of the other side of his face, I am the Mayor I can do what I want.

Please represent the people of Fall River and not a bought and paid for administration.

Respectfully,



CJ Ferry