



City of Fall River Massachusetts

Office of the City Clerk

**AMENDED AGENDA*

(ORIGINAL AGENDA POSTED ON AUG. 12, 2016 AT 2:20 PM)

ALISON M. BOUCHARD
CITY CLERK

AUGUST 12, 2016
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

INÊS LEITE
ASSISTANT CITY CLERK

TUESDAY, AUGUST 16, 2016

AGENDA

5:45 P.M. PUBLIC HEARINGS

Curb Removal

1. Valerie Benfeito, 49 Denver Street, Fall River, MA 02721, requests the removal of 10 feet of curbing with an existing 14 foot driveway for a total of 24 feet at 49 Denver Street, to allow for additional vehicles to have on-site parking.

Joint Pole Location

Petition of Verizon New England Inc. and Massachusetts Electric Company for one new jointly owned pole location as follows:

2. Place one new jointly owned pole 6' on the easterly side of Smith Street at a point approximately 101' northerly from existing pole 5, and approximately 116' southerly from existing pole 19. This new pole is necessary in order to bring service to two new homes on Smith Street. In accordance with Plan No. MA2016-22 dated June 23, 2016.

Pole Locations

Petition of Mobilitie, LLC for single pole locations as follows:

3. To install backhaul transport equipment on a proposed wood utility pole in the right of way located west of the intersection of Pleasant Street and Thirteenth Street on Pleasant Street with electricity connection. In accordance with site ID 9MAB001695.
4. To install backhaul transport equipment on a proposed utility pole in the right of way located east of the intersection of Pleasant Street and Eighth Street on Pleasant Street with electricity connection. In accordance with Project No. 9MAB001691.
5. To install backhaul transport equipment on a proposed utility pole in the right of way located southwest of the intersection of Highland Avenue and Prospect Street on Highland Avenue with electricity connection. In accordance with Project No. 9MAB001688.
6. To install backhaul transport equipment on a proposed utility pole in the right of way located southwest of the intersection of Prospect Street and Hanover Street on Hanover Street with electricity connection. In accordance with Project No. 9MAB001689.
7. To install backhaul transport equipment on a proposed utility pole in the right of way located northeast of the intersection of Bedford Street and Stonehaven Road on Stonehaven Road with electricity connection. In accordance with Project No. 9MAX000482A.

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

8. To install backhaul transport equipment on a proposed utility pole in the right of way located northwest of the intersection of North Main Street and Cherry Street on Cherry Street with electricity connection. In accordance with Project No. 9MAB000012.

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

1. Transfers and appropriations (see # 3 below)
2. Resolution – Discuss carport solar canopies with AMERESCO

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

PRIORITY MATTERS

1. *Mayor and veto of order relative to EZ Disposal contract (Laid over to the next meeting in accordance with the City Charter 7-12-16)

Granted leave to withdraw

2. *Mayor requesting confirmation of appointments as follows:

a. Atty. David Assad – Zoning Bd. of Appeals (re-appointment)

Confirmed, 9 yeas

b. Paul Cantin – Zoning Bd. of Appeals, Alternate Member (re-appointment)

Confirmed, 9 yeas

c. Atty. Gregory Brilhante – Zoning Bd. of Appeals (new appointment)

Confirmed, 9 yeas

d. Atty. David J. Dennis – Election Commission (new appointment)

Confirmed, 9 yeas

e. Jo Ann Bentley – Redevelopment Authority (new appointment)

Confirmed, 9 yeas

3. *Transfers and appropriations (see # 1 in Finance)

See attached orders with votes

4. *Mayor and order establishing revolving fund for maintenance of moorings

Referred to the Committee on Finance, 6 yeas, 3 nays

5. *Mayor and order req. the new Water Street connector be named in honor of Thomas J. Hudner, Jr.

Tabled

6. *Mayor and order requesting acceptance donation of three wall mount electric vehicle chargers from Nissan North America, Inc.

Accepted and placed on file and Adopted

Approved, August 23, 2016, Jasiel F. Correia II, Mayor

7. *Mayor and prop. ord. amending Sec. 70-61 rel. to composition of Traffic Commission

Referred to the Committee on Ordinances and Legislation

8. *Mayor and prop. ord. re: Salary of Director of Emergency Management Agency

Accepted and placed on file and referred to the Committee on Ordinances and Legislation

9. *Mayor requesting declaration of trash disposal trucks as surplus property

Referred to the Committee on Finance, 9 yeas

10. *Corporation Counsel and three (3) orders of taking for a portion of the Quequechan River Rail Trail – Phase IV Easements

Accepted and placed on file and Adopted

Approved, August 23, 2016, Jasiel F. Correia II, Mayor

PRIORITY COMMUNICATIONS

11. Planning Board recommending acceptance of Blueberry Lane from Rodman Street to Blueberry Lane
Accepted and placed on file and Adopted
12. *Board of Election Commissioners req. the designation of the Atrium at Government Center as an Early Voting location
Accepted and placed on file
13. Traffic Commission recommending amendments to the traffic ordinances
Referred to the Committee on Ordinances and Legislation

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

Grant leave to withdraw:

14. Resolution – Citizen Input Time
Granted leave to withdraw
15. Resolution – Council to confirm appointment and removal of Corporation Counsel
Granted leave to withdraw

First Reading, as amended:

16. Proposed ordinance – Salary amendments and title changes
Passed through first reading, as amended and referred to the Administration and Committee on Ordinances and Legislation

Second Reading and enrollment, as amended:

17. Proposed ordinance – Salary amendments for Electrician, HVAC/Maintenance and City Treasurer
Passed to be ordained, as amended
Approved, August 23, 2016, Jasiel F. Correia II, Mayor

ORDINANCES

Second Reading and enrollment:

18. *Proposed ordinance – Traffic, miscellaneous
Passed through second reading, passed to be enrolled and passed to be ordained
Approved, August 23, 2016, Jasiel F. Correia II, Mayor

RESOLUTIONS

19. *Com. on Economic Development and Tourism discuss improving the appearance of highway on-ramps
Adopted
20. *Com. on Public Safety discuss ways to increase Police Department staffing levels
Adopted
21. *Com. on Public Safety discuss ways to maintain current Fire Department staffing levels
Adopted
22. *Administration consider possibility of a designated graffiti art area
Adopted
23. *Administration consider restoring city welcome signs that include the city seal recognizing Fall River as "The Scholarship City"
Adopted
Approved, August 23, 2016, Jasiel F. Correia II, Mayor
24. *Com. on Budget Preparation, Revenue and Audits discuss the possibility of creating an OPEB fund
Adopted

25. *Com. on Finance convene to discuss blighted properties, non-compliance of pay-as-you-throw regulations and non-compliance of the snow removal ordinance

Adopted

26. *Com. on Finance consider establishing a revolving fund for the replacement of damaged street lights

Adopted

CITATIONS

27. Norbert Farias – helping to make Fall River a cleaner city

Adopted

28. Bob Smith, Harbormaster – outstanding contributions to the waterfront

Adopted

29. Paul Borges, Assistant Harbormaster – outstanding contributions to the waterfront

Adopted

30. Mike Lamarine, Assistant Harbormaster – outstanding contributions to the waterfront

Adopted

ORDERS – HEARINGS

Curb Removal:

31. Valerie Benfeito – removal of 10 feet of curbing for a total of 24 feet at 49 Denver Street

Adopted

Approved, August 23, 2016, Jasiel F. Correia II, Mayor

Joint Pole Location:

32. Verizon New England Inc. and Massachusetts Electric Company – Smith Street – one pole

Adopted

Approved, August 23, 2016, Jasiel F. Correia II, Mayor

Pole locations:

33. Mobilitie, LLC – Pleasant and Thirteenth Streets

Referred to the Committee on Public Works and Transportation

34. Mobilitie, LLC – Pleasant and Eighth Streets

Referred to the Committee on Public Works and Transportation

35. Mobilitie, LLC – Highland Avenue and Street

Referred to the Committee on Public Works and Transportation

36. Mobilitie, LLC – Prospect and Hanover Streets

Referred to the Committee on Public Works and Transportation

37. Mobilitie, LLC – Bedford Street and Stonehaven Road

Referred to the Committee on Public Works and Transportation

38. Mobilitie, LLC – North Main and Cherry Streets

Referred to the Committee on Public Works and Transportation

ORDERS – MISCELLANEOUS

39. Police Chief's report on licenses

Adopted

40. Auto Repair Shop license renewal – Jody Oliveira, Auto Loft, Inc. at 10 Durfee Street

Adopted

Approved, August 23, 2016, Jasiel F. Correia II, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

41. *Claims

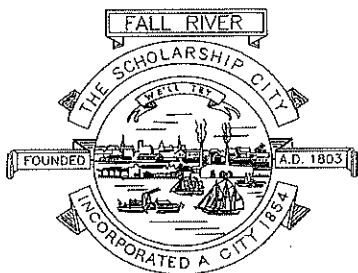
Referred to Corporation Counsel

- Structures over a public way:
42. Banner on Bedford Street at South Main Street for Borden Light Marina – OPA Races
Approved
43. Banner on North Main Street at Bedford Street for Fall River YMCA – Southcoast
Minimaker Faire
Approved
44. Banner on Bedford Street for People, Incorporated – Kids-A-Palooza
Approved
45. *Communication from city resident re: Stowe Street guard rail
Granted leave to withdraw, 7 yeas, 2 nays
- City Council Committee/Meeting Minutes:
46. *Public Safety – May 25, 2016
Approved
47. *Public Safety – June 29, 2016
Approved
48. *Finance – July 12, 2016
Approved
49. *Real Estate – June 6, 2016
Approved
50. *Ordinances and Legislation – August 2, 2016
Approved
51. *Regular City Council Meeting – January 26, 2016
Approved
52. *Regular City Council Meeting – February 9, 2016
Approved
53. *Regular City Council Meeting – February 23, 2016
Approved
54. *Regular City Council Meeting – March 8, 2016
Approved
55. *Regular City Council Meeting – March 22, 2016
Approved
56. *Regular City Council Meeting – April 5, 2016
Approved

BULLETINS – NEWSLETTERS – NOTICES

57. *Mass DOT re: Sidewalk improvements in the vicinity of the Viveiros Elementary School
Accepted and placed on file
58. *Mass DEP re: Determination of Landfill Closure Completion – Area 3 Final Closure
Accepted and placed on file
59. *Mass DEP re: Determination of Landfill Closure Completion – Commencement of
30 Year Post-Closure Period
Accepted and placed on file

Alison M. Bouchard
City Clerk



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

CITY COUNCIL MEETING DATE: AUGUST 16, 2016

INÊS LEITE
ASSISTANT CITY CLERK

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

PRIORITY MATTERS

10a. Mayor and Fall River Historic District Commission (tabled 5-24-16)

Lifted from the table and order was Adopted

ORDINANCES

Second Reading and enrollment:

18a. Proposed ordinance – Treasurer (tabled 5-24-16)

Passed to be ordained

Approved, August 23, 2016, Jasiel F. Correia II, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

Structures over a public way:

Yard Signs for the Children's Museum of Greater Fall River for the 3rd Annual Bike Run
on September 25, 2016 located at the following medians or rotaries:

44a. Brayton Avenue and Rodman Street
Brayton Avenue and Martine Street

Approved

44b. Rotary at President Avenue
Rotary at North Main Street

Approved

44c. Brayton Avenue and Stevens Street
Brayton Avenue and Stafford Road

Approved

44d. Eastern Avenue and Locust Street
Eastern Avenue and Pleasant Street

Approved

44e. Plymouth Avenue and Rodman Street
Plymouth Avenue and Globe Street

Approved

City of Fall River, In City Council

August 16, 2016

1

ORDERED:

**That the sum of \$45,000 be, and the same is, hereby appropriated for
WATERWAYS IMPROVEMENTS EXPENDITURES from the
WATERWAYS IMPROVEMENTS FUND.**

Recommended by the Mayor, August 11, 2016

In City Council, August 16, 2016
Adopted, 9 yeas

A true copy. Attest:

Alison M. Bouchard

City Clerk

City of Fall River, In City Council

August 16, 2016

2

ORDERED:

That the sum of \$30,000 be transferred, from the MAYOR'S OFFICE SALARIES and the same is, hereby appropriated for the MAYOR'S OFFICE EXPENDITURES.

Recommended by the Mayor, August 11, 2016

In City Council, August 16, 2016

Referred to the Committee on Economic
Development and Tourism, 7 years, 2 nays

A true copy. Attest:

Elison M. Bouchard

City Clerk

City of Fall River, In City Council

August 16, 2016

3

ORDERED:

**That the sum of \$178,000 be, and the same is, hereby appropriated for the
EMS CAPITAL EXPENDITURES from the EMS STABILIZATION FUND.**

Recommended by the Mayor, August 11, 2016

In City Council, August 16, 2016
Adopted, 9 yeas

A true copy. Attest:

Alison M. Bouchard

City Clerk

City of Fall River, In City Council

Finance #2

(Councilor Raymond A. Mitchell)

WHEREAS, carport solar canopies offer numerous benefits especially being a source of clean, low-cost energy, and

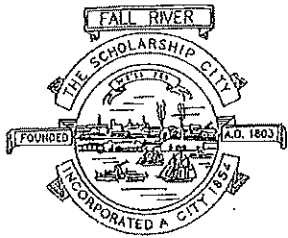
WHEREAS, the City of Fall River has received a proposal from AMERESCO to install these canopies in numerous city parking lots, now therefore

BE IT RESOLVED, that AMERESCO be invited to a future meeting of the Committee on Finance to give a presentation of the benefits of carport solar canopies and review the changes in laws that will be taking place in the Commonwealth of Massachusetts regarding solar power benefits.

In City Council, April 19, 2016
Adopted

A true copy. Attest:

Alison M. Bouchard
City Clerk



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2016 JUL -6 P 1:31

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

July 6, 2016

City Council
One Government Center
Fall River, MA 02722

Dear Councillors:

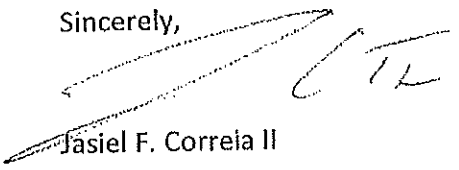
I am in receipt of an order of the City Council dated June 28, 2016 that was presented to me on July 1, 2016 relative to the proposed contract with EZ Disposal. The order states, "that the Mayor not execute the proposed contract with EZ Disposal until a decision is rendered by the courts and that they use the appropriation to enter into a short-term contract with laid-off DPW workers to collect trash." In fact, at the time of the order the contract was already executed to take effect July 1, 2016.

On June 28, the City Council by a 5-4 vote approved the entire FY17 City budget and in doing so appropriated the necessary funding for the EZ Disposal contract.

On June 29, 2016 a hearing was held in the court in which the judge ruled that the City of Fall River was governed under a Plan A Charter and as a result the Mayor has the authority to enter into contracts. In her ruling she denied the request for a Temporary Restraining Order.

In accordance with the provisions of Section 55 of the City Charter I am vetoing the attached order.

Sincerely,


Jasiel F. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

JUL 12 2016
Laid over to the next meeting in accordance with the City Charter.

City of Fall River, In City Council

ORDERED, that the Mayor not execute the proposed contract with EZ Disposal until a decision is rendered by the courts and that they use the appropriation to enter into a short-term contract with laid-off DPW workers to collect trash.

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 28 2016

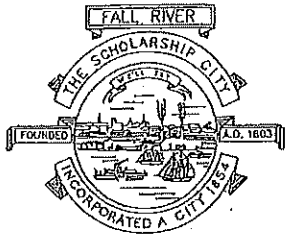
Adopted 6 years, 3 days

PRESENTED TO MAYOR FOR APPROVAL:

JUL - 1 2016

APPROVED: _____

Mayor



City of Fall River
Massachusetts
Office of the Mayor

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2016 JUL -6 P 1:31

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

July 6, 2016

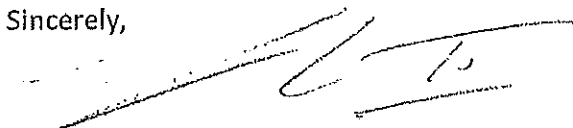
Alison Bouchard
City Clerk
One Government Center
Fall River, MA 02722

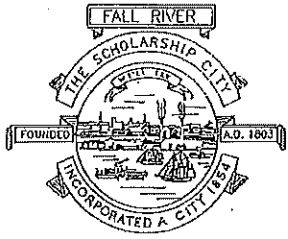
Dear Madam Clerk:

This is in response to the order that was presented to me on July 1, 2016 dated June 28, 2016, relative to the proposed contract with EZ Disposal.

In accordance with the provisions of Section 55 of the City Charter I am vetoing the attached order for the reasons stated in the attached letter to the City Council.

Sincerely,


Jasiel F. Correia II
Mayor



JASIEL F. CORREIA II
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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2016 AUG -9 P 1:35

CITY CLERK _____
FALL RIVER, MA

August 8, 2016

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

Honorable Members of the City Council

I hereby request the confirmation of the City Council for the following ^{re-}appointment:

Name: David Assad

To: Board of Appeals (Zoning)

Term to expire: 1/15/2021

Very truly yours,

Jasiel F. Correia II



JASIEL F. CORREIA II
Mayor

City of Fall River
Massachusetts
Office of the Mayor

26
RECEIVED

2016 AUG -9 P 1:35

CITY CLERK _____
FALL RIVER, MA

August 8, 2016

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

Honorable Members of the City Council

I hereby request the confirmation of the City Council for the following ^{re-}appointment:

Name: Paul Cantin

To: Board of Appeals (Zoning) Alternate Member

Term to expire: 12/1/2017

Very truly yours,

Jasiel F. Correia II



JASIEL F. CORREIA II
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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RECEIVED

2016 AUG -9 P 1:35

CITY CLERK _____
FALL RIVER, MA

August 8, 2016

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

Honorable Members of the City Council

I hereby request the confirmation of the City Council for the following appointment:

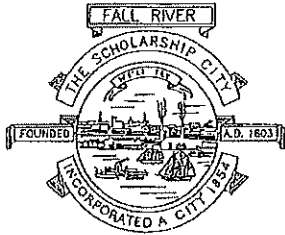
Name: Gregory Brilhante

To: Board of Appeals (Zoning)

Term to expire: 8/16/2021

Very truly yours,

Jasiel F. Correia II



City of Fall River
Massachusetts
Office of the Mayor

2d.
RECEIVED

2016 AUG -9 P 1:35

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

August 8, 2016

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

Honorable Members of the City Council

I hereby request the confirmation of the City Council for the following appointment:

Name: David J. Dennis

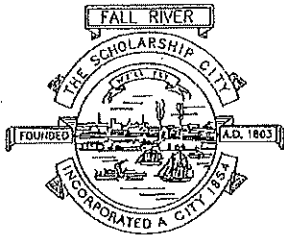
To: Election Commission

Term to expire: 4/1/2020

To fill the vacancy caused by the resignation of Gregory Brilhante

Very truly yours,

Jasiel F. Correia II



JASIEL F. CORREIA II
Mayor

City of Fall River
Massachusetts
Office of the Mayor

22.

RECEIVED

2016 AUG -9 P 1:35

CITY CLERK _____
FALL RIVER, MA

August 8, 2016

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

Honorable Members of the City Council

I hereby request the confirmation of the City Council for the following appointment:

Name: Jo Ann Bentley

To: Redevelopment Authority

Term to expire: 8/16/2021

To fill the vacancy caused by the term expiration of Ronald Rheaume on 2/3/2015

Very truly yours,

Jasiel F. Correia II



JASIEL F. CORREIA II
Mayor

City of Fall River
Massachusetts
Office of the Mayor

3
RECEIVED

2016 AUG 11 P 3:17

CITY CLERK _____
FALL RIVER, MA

August 11, 2016

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

Dear Honorable Council Members:

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations to your Honorable Body.

These appropriations are necessitated due to the regular periodic review of the operating budget. The following appropriations will assist the City in meeting its Fiscal Year 2017 obligations:

1. \$45,000 That the sum of \$45,000 be, and the same is, hereby appropriated for WATERWAYS IMPROVEMENT EXPENDITURES from the WATERWAYS IMPROVEMENT FUND. The appropriation is being requested to meet the harbormaster obligations.

2. \$30,000 That the sum of \$30,000 be transferred, from the MAYOR'S OFFICE SALARIES and the same is, hereby appropriated for the MAYOR'S OFFICE EXPENDITURES. The transfer is being requested to increase funding in the Tourism and Development expense line item. As part of the Branding initiative funded at the end of FY2016, we will be organizing a signature tourism event for the summer of 2017. This event, along with a series of smaller brand launch events, will solidify our new brand both within and outside of Fall River.

3. \$178,000 That the sum of \$178,000 be, and the same is, hereby appropriated for the EMS CAPITAL EXPENDITURES from the EMS STABILIZATION FUND. The appropriation is being requested to purchase two ambulances and a maintenance truck

If you have any questions or concerns regarding this, please feel free to contact me.

Best Regards,

A handwritten signature in black ink, appearing to read 'JFC II'. The signature is stylized with a large, sweeping 'J' and 'F'.

Jasiel F. Correia II
Mayor

City of Fall River, In City Council

August 16, 2016

1

ORDERED:

**That the sum of \$45,000 be, and the same is, hereby appropriated for
WATERWAYS IMPROVEMENTS EXPENDITURES from the
WATERWAYS IMPROVEMENTS FUND.**

City of Fall River, In City Council

August 16, 2016

2

ORDERED:

That the sum of \$30,000 be transferred, from the MAYOR'S OFFICE SALARIES and the same is, hereby appropriated for the MAYOR'S OFFICE EXPENDITURES.

City of Fall River, In City Council

August 16, 2016

3

ORDERED:

**That the sum of \$178,000 be, and the same is, hereby appropriated for the
EMS CAPITAL EXPENDITURES from the EMS STABILIZATION FUND.**

Fall River Harbormaster Office

Fall River Police Department, P.O. Box 509, Fall River, MA 02722 -0509

August 5, 2016

Chief Racine
Fall River Police Department
Fall River, MA 02722

Dear Chief Racine,

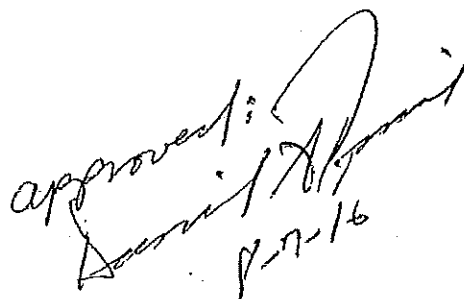
I would like to ask that a request be made to the City Council for an appropriation in the amount of \$45,000 from the "Waterways" account. These funds would be used by the Harbormaster Dept. for the following expenditures.

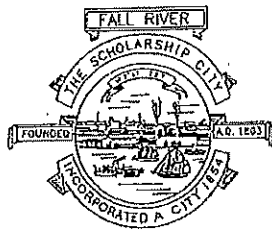
- a) The purchase of a vehicle for the Harbormaster Department. The Harbormaster is responsible for patrolling the boat ramps several times a day, as well as being called out on emergencies on a regular basis. In addition the department needs a vehicle that is capable of towing the response boats to locations such as the S. Watuppa Pond, Cook Pond, and whenever the pump-out and emergency response boats need to be removed from the water for service and seasonal storage.
- b) The purchase of an outboard engine for the Harbormaster emergency response boat that was recently acquired from the FRFD. This is an older boat that was donated to us without an engine.
- c) Supplies and maintenance equipment, chains and mooring repair, Asst. Harbormaster wages, no-wake zone buoy upkeep, repairs to docks and other harbor repairs as needed.

Sincerely,



Bob Smith
Harbormaster T: 508-207-7730
harbormaster@frpd.org

approved: 
8-7-16



City of Fall River
Massachusetts
Fire Department Headquarters
Office of the Fire Chief

JASIEL F. CORREIA II
Mayor

JOHN D. LYNCH
Acting Fire Chief

August 9, 2016

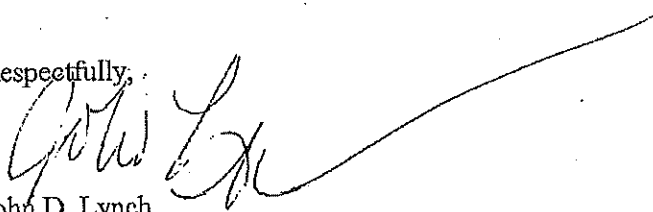
Mayor Jasiel F. Correia II
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mayor Correia:

I am respectfully requesting to transfer \$178,000 from the EMS Stabilization Account into a Capital Outlay Account.

This request is necessary to make the first payments on (2) two F-550 Ford/Horton 623 Type I ambulances and (1) one Chevy K3500 with plow. The Chevy K3500 will be the EMS/Fire Maintenance Truck to service all Medical Rescue and Fire Vehicles in their quarters as well as emergency situations on the streets. The truck is also necessary to keep all stations and EMS/Fire headquarters cleared of snow in the winter for emergency response purposes.

Respectfully,


John D. Lynch
Acting Fire Chief

cc: City Administrator Cathy Ann Viveiros
Chief of Operations Michael Hoar
Director of EMS Tim Oliveira

FY 17 Appropriation/Transfer Number Analysis # 01

Line	Original/Revised Appropriation	Amount Transferred	New Appropriation
Waterways Improvements	\$ -	\$ 45,000	\$ 45,000
Waterways Fund Retained Earnings (4068)	\$ 46,569	\$ (45,000)	\$ 1,569
Mayor's Office - Expenses	\$ 42,950	\$ 30,000	\$ 72,950
Mayor's Office - Salaries	\$ 275,742	\$ (30,000)	\$ 245,742
EMS Capital Expenditures	\$ 246,987	\$ 178,000	\$ 424,987
EMS Stab Fund	\$ 582,202	\$ (178,000)	\$ 404,202

I certify that there are sufficient funds available for these transfers.



Krishan Gupta, City Auditor
8/11/2016

Fund 4068

Balance	\$	54,148
Appropriated in FY 17 Budget	\$	(7,579)
Available for appropriation	\$	46,569



08/09/2016 13:35
cityaud

CITY OF FALL RIVER
YEAR TO DATE REVENUE / EXPENSES REPORT

P 1
citydbud

FOR 2017 99

JOURNAL DETAIL 2016 1 TO 2016 13

ACCOUNTS FOR:
0100 GENERAL FUND

ORIGINAL APPROP	TRANSFERS/ ADJUSTMENTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
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11200001 MAYOR'S OFFICE SALARIES

511000 SALARIES & WAGES-PERMANENT	273,645	0	273,645	22,269.00	.00	251,376.00	8.1%
514500 HOLIDAY PAY - SALARIES	2,097	0	2,097	.00	.00	2,097.00	.0%
TOTAL MAYOR'S OFFICE SALARIES	275,742	0	275,742	22,269.00	.00	253,473.00	8.1%

11200002 MAYOR'S OFFICE EXPENSES

538500 OTHER PURCHASED SERVICES	1,500	-350	1,150	104.01	.00	1,045.99	9.0%
538600 OTHER SUPPLIES	1,000	0	1,000	.00	.00	1,000.00	.0%
571000 INSTANT TRAVEL/MILEAGE	4,500	0	4,500	.00	.00	4,500.00	.0%
571200 TOURISM & DEVELOPMENT	20,000	0	20,000	.00	.00	20,000.00	.0%
573100 DUES, MEMBERSHIPS	14,000	350	14,350	54.75	.00	295.25	15.6%
573200 SUBSCRIPTIONS	350	0	350	.00	.00	1,600.00	.0%
573400 CONFERENCES	1,600	0	1,600	.00	.00	28,441.24	33.8%
TOTAL MAYOR'S OFFICE EXPENSES	42,950	0	42,950	14,508.76	.00	281,914.24	11.5%
TOTAL GENERAL FUND	318,692	0	318,692	36,777.76	.00		

08/09/2016 13:35
cityaud

CITY OF FALT RIVER
YEAR TO DATE REVENUE / EXPENSES REPORT

P 2
glytcbud



FOR 2017 99

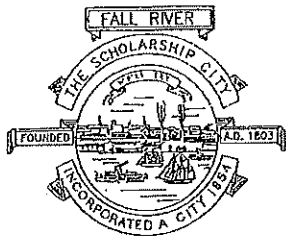
JOURNAL DETAIL 2016 1 TO 2016 13

ORIGINAL APPROP	TRANSFERS/ ADJUSTMENTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
GRAND TOTAL	318,692	0	318,692	36,777.76	.00	281,914.24 11.5%

** END OF REPORT - Generated by Krishan Gupta **

Account Inquiry - Munis [CITY OF FALL RIVER]

File Edit Tools Help



City of Fall River
Massachusetts
Office of the Mayor

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2016 AUG 11 P 3:17

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

August 10, 2016

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

Dear Honorable Council Members:

In accordance with the provisions of Chapter 44, Section 53 E 1/2 of the Massachusetts General Laws, I recommend the City establish a revolving fund to meet the needs of the upkeep and maintenance of moorings. The funds deposited into this account will be the receipts from mooring rentals in and around Battleship Cove.

If you have any questions or concerns regarding this, please feel free to contact me.

Best Regards,

Jasiel F. Correia II
Mayor

City of Fall River, *In City Council*

ORDERED, that under the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½, the City of Fall River by vote of the City Council, hereby establishes authorized spending limits for the following Revolving Funds for FY 17:

Harbor Master	\$12,000	Mooring Maintenance
---------------	----------	---------------------

Fall River Harbormaster Office

Fall River Police Department, P.O. Box 509, Fall River, MA 02722 -0509

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2016 AUG 11 P 3:17

CITY CLERK
FALL RIVER, MA

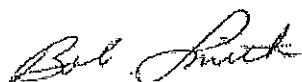
August 5, 2016

Chief Racine
Fall River Police Department
Fall River, MA 02722

Dear Chief Racine,

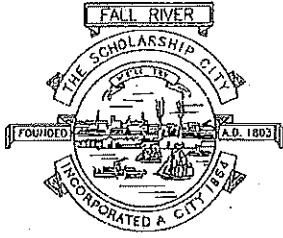
I would like to ask that a request be made to the City Council for the approval to establish a Revolving Account in the amount of \$12,000 to be used for the deposit of mooring fee revenue. These funds would be used by the Harbormaster Dept. for the upkeep and maintenance of transient moorings, and for other improvements and repairs to the Fall River waterway, as well as Harbormaster Department expenses.

Sincerely,



Bob Smith
Harbormaster
T: 508-207-7730
harbormaster@frpd.org

Approved
Ammitt H. [unclear]
8-7-16



JASIEL F. CORREIA II
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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2016 AUG -9 P 1:36

CITY CLERK _____
FALL RIVER, MA

August 8, 2016

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

Honorable Members of the City Council:

I hereby request that the new Water Street connector be named in honor of Thomas J. Hudner, Jr who was born in Fall River and is a Medal of Honor recipient. I have attached some information regarding the reason why he received such an award.

I thank you in advance for your consideration in this matter.

Very truly yours,

Jasiel F. Correia II

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Thomas Hudner, Jr.

Born: August 31, 1924
Fall River, MA

War: Korean War

Rank: Lieutenant (J.G.) U.S. Navy, pilot in
Fighter Squadron 32 attached to U.S.S. Leyte

Location of action: Chosin Reservoir area of
Korea

Date of action: December 4, 1950

Medal received from: President Harry Truman, April 13, 1951

Official Citation:

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as a pilot in Fighter Squadron 32, while attempting to rescue a squadron mate whose plane struck by antiaircraft fire and trailing smoke, was forced down behind enemy lines. Quickly maneuvering to circle the downed pilot and protect him from enemy troops infesting the area, Lt. (J.G.) Hudner risked his life to save the injured flier who was trapped alive in the burning wreckage. Fully aware of the extreme danger in landing on the rough mountainous terrain and the scant hope of escape or survival in subzero temperature, he put his plane down skillfully in a deliberate wheels-up landing in the presence of enemy troops. With his bare hands, he packed the fuselage with snow to keep the flames away from the pilot and struggled to pull him free.

Unsuccessful in this, he returned to his crashed aircraft and radioed other airborne planes, requesting that a helicopter be dispatched with an ax and fire extinguisher. He then remained on the spot despite the continuing danger from enemy action and, with the assistance of the rescue pilot, renewed a desperate but unavailing battle against time, cold, and flames. Lt. (J.G.) Hudner's exceptionally valiant action and selfless devotion to a shipmate sustain and enhance the highest traditions of the U.S. Naval Service.

Of Note:

Hudner received the first Navy Medal Of Honor awarded in Korea.

Ensign Jessie Brown, who Hudner attempted to rescue, was the first black Naval Aviator, and the first Black American Naval officer to lose his life in combat.





City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2016 AUG 11 P 3:17

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

August 9, 2016

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

Dear Members of the City Council:

It is respectfully requested that the City Council approve acceptance of a donation of three AeroVironment wall mount electric vehicle chargers from Nissan North America, Inc.

The City was recently awarded an Electric Vehicle Incentive Program grant from the Massachusetts Department of Environmental Protection, which enabled the City to lease six Battery Electric Vehicles (BEV). The Nissan Motor Acceptance Corporation will donate one charging station for every two BEVs acquired. Therefore, the City is eligible to receive three donated charging stations valued at approximately \$650.00 each.

The Nissan Motor Acceptance Corporation requires that the City execute a Donation Agreement prior to receipt of the donated charging stations. Your expeditious approval is appreciated.

Best Regards,

Jasiel F. Correia II
Mayor

City of Fall River, *In City Council*

ORDERED, that under the provisions of M.G.L. Chapter 44, Section 53A, the City of Fall River be, and the same is hereby authorized to accept a gift of three AeroVironment wall mount electric vehicle chargers from Nissan North America, Inc. valued at approximately \$650.00 each.

City of Fall River Battery Electric Vehicles & Infrastructure
MA DEP Electric Vehicle Incentive Program

Charging Station #1

- MA DEP EVIP Charging Station Grant Amount: \$10,000 for 1 car
- ChargePoint Station – CT4201 Bollard
- Located at DPW Garage, 10 Lewiston Street
- Went live 4/16/15
- Software plan – 1 year (\$280/head for a total of \$560 effective 4/16/16 for 2nd year)
- Cost: equipment \$6,790; installation \$950; signage \$59
- For April 2017 we can purchase a multi-year plan for our (then) 4 stations to save money

Charging Station #2

- MA DEP EVIP Level II Dual Head Charging Station Grant Amount: \$10,500 for 3 cars
- ChargePoint Station – CT4023 Wall Mount Gateway
- Located at 157 Third St. (Third St. Parking Garage)
- Went live 4/7/16
- Software plan – 1 year (\$560 effective 4/7/16)
- Cost: equipment \$7,054 (includes station \$5,995; network services. \$560; shipping \$150; activation \$349); installation \$3,400

Charging Station(s) #3-#8

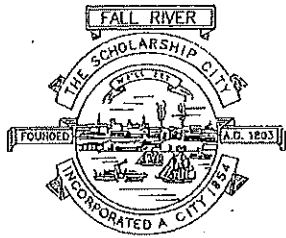
- MA DEP EVIP Level II Dual Head Charging Station Grant Amount: \$13,500 for 6 cars
- Clipper Creek, Inc.; HCS-40R
- Located at FD HQ, 140 Commerce Drive
- Cost: Charging Station \$665 each; Pedestal Mount \$434 each (equipment \$5,292 + \$237.48 shipping; installation \$7,000)

Nissan Donated Charging Stations

- NMAC – 2 Level II single dock wall mount chargers donated 3/1/16; installed at DPW garage at 10 Lewiston Street
- NMAC – 3 Level II single dock wall mount chargers to be donated August 2016; to be installed by 10/1/16; installation sites TBD (potential site 46 4th Street – Quequechan Street Dam Building)
- Purpose is to support the municipal workforce and fleet. They do not need to be in a secured area; units may be placed outside a building that houses City services or at a parking garage in the downtown area, which may be available for public use.
- Should not be placed at a location such as a commercial shopping center.

10 Nissan Leaf Battery Electric Vehicles (3 Traffic Dept., 1 Recycling, 6 FRFD (2 EMS, 4 Fire Inspectors)

5 EVIP grant-funded dual head charging stations in locations described above



City of Fall River
Massachusetts
Office of the Mayor

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2016 AUG -9 P 1:35

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

August 8, 2016

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

Honorable Members of the City Council

I respectfully request that you refer the below wording change to the committee on ordinances.

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

That Chapter 70 of the Revised Ordinances of the City of Fall River, Mass., 1999, which chapter relates to traffic be amended, as follows:

By inserting in Section 70-61, which section relates to membership; organization, after the words "chief of police", the words "or his/her designee,".

I thank you in advance for your attention and consideration in this matter.

Sincerely yours,

Jasiel F. Correia II



City of Fall River
Massachusetts
Office of the Mayor

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2016 AUG 11 P 3:17

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

August 9, 2016

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

RE: Proposed Ordinance Amendment Director of Emergency Management Agency

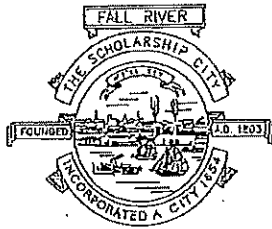
Honorable Council:

Richard Aguiar has served in the position of Director of the Emergency Management Agency of Fall River for many years. He also serves as Deputy Chief of Special Services in a volunteer capacity. Throughout his tenure, Mr. Aguiar has been a responsive, resourceful and dedicated representative of the City's public safety services.

In recognition of Mr. Aguiar's performance, I am requesting that Ordinance 50-301 be amended to increase compensation for the Director of Emergency Management Agency to \$20,000 per annum. While the Ordinance currently reads \$10,000 per annum, Mr. Aguiar has been receiving \$15,000 per annum since July 2013. The \$20,000 amount is included in the FY 2017 Budget. Your approval of this Ordinance amendment is respectfully requested.

Best Regards,

Jasiel F. Correia II
Mayor



**City of Fall River
Massachusetts**
Fire Department Headquarters
Office of the Fire Chief

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2016 AUG 11 P 3:18

JASIEL F. CORREIA II
Mayor

CITY CLERK _____
FALL RIVER, MA **JOHN D. LYNCH**
Acting Fire Chief

July 22, 2016

Mayor Jasiel F. Correia II
City of Fall River
One Government Center
Fall River, MA 02722


Dear Mayor Correia:

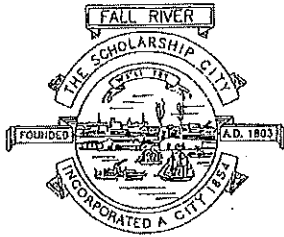
I respectfully request that Emergency Management Agency Director Richard Aguiar have his salary increased from \$15,000 to \$20,000.

I have worked closely with Mr. Aguiar for several years and know he works diligently in service to The City of Fall River. As the Director he is responsible to develop and update the Comprehensive Management Plan for the city. During declared emergencies he oversees the Emergency Operations Center and he works with the Red Cross in the opening, operating, and staffing of shelters. Mr. Aguiar works with the Fire Department Right to Know Officer in receiving and reviewing Hazardous Materials Tier II Reports. He was appointed Director in 2004.

Mr. Aguiar also works as the Deputy Chief of Special Services, a volunteer organization. In this capacity as well as Director he procures grants for operating and equipping Rehab trucks which report to Fire Department incidents to provide lighting, heat, food and drinks and other support functions. He oversees the placement of displaced fire victims. All are invaluable to the Fall River Fire Department. He has served in this organization since 1971 when it was called The Auxiliary Fire Department. There are not enough pages to list all his duties or the value of this dedicated employee.

Respectfully,


John D. Lynch
Acting Fire Chief



City of Fall River
Massachusetts
Office of the Mayor

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2016 AUG 11 P 3:17

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

July 5, 2016

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

RE: Surplus Property-DCM

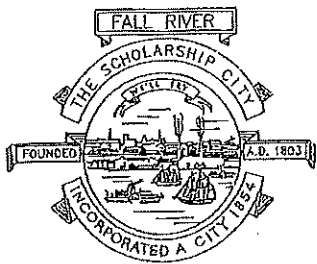
Honorable Members of the Council:

As the trash disposal services have been privatized, the City is no longer in need of trash disposal vehicles as described in the attached schedule. The City is required to dispose of these vehicles in accordance with procurement laws and, as such, will offer these vehicles for sale through a competitive process of either sealed bids or auction.

You are respectfully requested to declare these vehicles as surplus property. The proceeds will be used to purchase equipment for the DCM Streets Division and to begin an aggressive effort to do sidewalk, pothole and trench repair.

Best Regards,

Jasiel F. Correia II
Mayor



**City of Fall River
Massachusetts**

Department of Administrative Services
HUMAN RESOURCES • INFORMATION SYSTEMS • LAW • PURCHASING

Purchasing Division

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2016 AUG 11 P 3:17

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

RHONDA AVILLA PINNELL
INTERIM PURCHASING AGENT

July 11, 2016

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

Dear Councilors,

In accordance with the City Ordinance Division 2, Purchasing Department Sec. 2-972 of the revised ordinances of the City of Fall River, this reads in part as follows:

Surplus property determined by the Purchasing Agent to be no longer useful for any municipal purpose shall be sold or disposed of under such terms and conditions as the City Council shall by order determine.

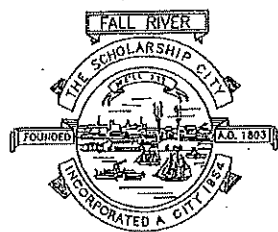
I am submitting to you, the trash disposal vehicles for which the City is no longer in need of due to the privatization of trash. In accordance with the procurement laws these vehicles will be for sale through a competitive process of either sealed bids or auction.

The proceeds will be used to purchase equipment for the DCM Streets Division and to begin an aggressive effort to do sidewalk, pothole and trench repair.

I would like to recommend at this time that these vehicles be declared surplus property.

Respectfully Yours,

Rhonda Avilla Pinnell
Interim Purchasing Agent



City of Fall River Massachusetts

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

JASIEL F. CORREIA II
Mayor

KENNETH C. PACHECO
Director

6/20/2016

Honorable Shawn Cadime
President of the City Council
One Government Center
Fall River, MA 02720

RECEIVED
2016 AUG 11 P 3:17
CITY CLERK
FALL RIVER, MA

Honorable Council,

This letter is to inform you that we currently have 18 sanitation vehicles which are deemed by this department to be surplus. The list attached has all the pertinent information on the vehicles. I am asking that the council release these vehicles for disposal according to the City's procurement policy.

Sincerely,

Kenneth C. Pacheco,
Director of Community Maintenance

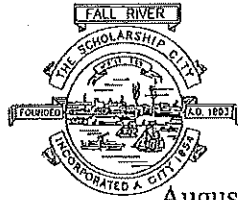
The following is a list of 18 trucks which the Department of Community Maintenance is declaring surplus.

1. P-1	VIN DM007372	2013 Mack	30,646 miles	\$60,000.00	(appraised by Ballard Truck)
2. P-2	VIN DM007373	2013 Mack	29,988 miles	\$60,000.00	(appraised by Ballard Truck)
3. P-3	VIN DM007374	2013 Mack	31,302 miles	\$60,000.00	(appraised by Ballard Truck)
4. P-4	VIN BM005587	2011 Mack	35,689 miles	\$60,000.00	(appraised by Ballard Truck)
5. P-5	VIN EM008590	2014 Mack	36,011 miles	\$65,000.00	(appraised by Ballard Truck)
6. P-6	VIN DM007375	2013 Mack	28,577 miles	\$60,000.00	(appraised by Ballard Truck)
7. P-7	VIN DM007650	2013 Mack	29,748 miles	\$60,000.00	(appraised by Ballard Truck)
8. P-8	VIN DM007415	2013 Mack	33,768 miles	\$60,000.00	(appraised by Ballard Truck)
9. P-9	VIN DM007651	2013 Mack	74,539 miles	\$60,000.00	(appraised by Ballard Truck)
10. P-10	VIN CM007290	2012 Mack	21,175 miles	\$50,000.00	(appraised by Ballard Truck)
11. P-11	VIN DM007346	2013 Mack	30,886 miles	\$60,000.00	(appraised by Ballard Truck)
12. P-12	VIN DM007607	2013 Mack	27,338 miles	\$60,000.00	(appraised by Ballard Truck)
13. P-14	VIN DM007605	2013 Mack	27,654 miles	\$60,000.00	(appraised by Ballard Truck)
14. P-17	VIN DM007606	2011 Mack	53,038 miles	\$60,000.00	(appraised by Ballard Truck)
15. P-20	VIN BM004801	2011 Mack	53,038 miles	\$62,500.00	(appraised by Ballard Truck)
16. P-21	VIN BM004784	2011 Mack	50,150 miles	\$62,500.00	(appraised by Ballard Truck)
17. FL-1	VIN CM009316	2012 Mack	90,000 miles	\$90,000.00	(appraised by Ballard Truck)
18. RO-1	VIN AD107552	2010 Pete	99,573 miles	\$65,000.00	(appraised by Ballard Truck)

10

City of Fall River
Office of the Corporation Counsel

JASIEL F. CORREIA II
Mayor



August 10, 2016

JOSEPH I. MACY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

Shawn E. Cadime
Council President
City of Fall River
One Government Center
Fall River, MA 02722

Re: Quequechan River Rail Trail – Phase IV Easements
Eminent Domain Takings

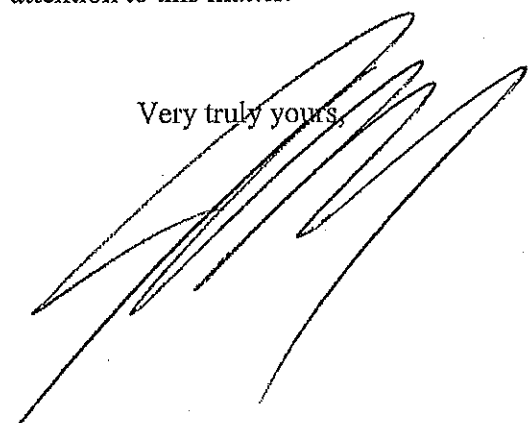
Dear Council President Cadime:

Enclosed please find a proposed Order taking easements for a portion of Phase IV of the Quequechan River Rail Trail ("QRRT") project, along with three (3) Orders of Taking for the Council's review and consideration on Tuesday, August 16, 2016.

As you are aware, the majority of the Quequechan River Rail Trail has been constructed and is being used by residents and visitors of Fall River for public recreational and transportation purposes. The proposed Takings enclosed herewith would allow the City to acquire the necessary easements to extend the QRRT from Quequechan Street to Father Travosos Park in the future. The funds for these Takings are being provided by the Commonwealth pursuant to the existing QRRT Grant.

Thank you for your timely attention to this matter.

Very truly yours,



RECEIVED
2016 AUG 11 P 12:18
CITY CLERK
FALL RIVER, MA

City of Fall River, *In City Council*

ORDER OF TAKING

WHEREAS, the City of Fall River (hereinafter the "City") is a duly organized municipal corporation under the General Laws of the Commonwealth of Massachusetts, with offices at One Government Center, Fall River, Massachusetts; and

WHEREAS, the City has determined that it is a public purpose to acquire easements in certain parcels of land in the City for the public recreational purpose of the construction, maintenance, operation of an alternative transportation facility for pedestrian and bicycle purposes within a linear park on said parcels of land, and for other municipal purposes reasonably related thereto, now therefore

BE IT ORDERED, that the City of Fall River, Massachusetts, under authority of Massachusetts General Laws Chapters 79 & 82 respectively, does hereby take by eminent domain, an easement to pass, repass, develop, maintain and operate an alternative transportation facility for pedestrian and bicycle purposes within a linear park, and for other municipal purposes reasonably related thereto, within, over and through the following parcel of land located in the City of Fall River:

QRailTrail Phase IV Easement Parcel 1:

Curtain Lofts L.P

The southwesterly portion of the parcel shown on the Fall River Assessors Maps as Parcel ID# J27-0007 consisting of 1,780 square feet, more or less, as more fully shown as Parcel No. 5 on the plan attached hereto entitled:

"Plan of Lands in the City of Fall River, MA, Bristol County (Fall River Registry District) Showing Location of Easements to Be Taken Between Wordell Street & the Quequechan River By the City of Fall River" prepared for Stantec Consulting Services, Inc. By Surveying and Mapping Consultants, dated June 10, 2016 and recorded herewith."

Being a portion of the land conveyed to Curtain Lofts, L.P. by a deed dated July 27, 2010 and recorded with the Bristol County (Fall River District) Registry of Deeds in Book 7478, Page 305.

BE IT FURTHER ORDERED, that an award of damages for said taking is hereby made in the amount of Ten Thousand and 00/100 (\$10,000.00) Dollars for any damages sustained by the supposed owner, Curtain Lofts, L.P., c/o Winn Companies, 6 Faneuil Hall Marketplace, Boston, MA 02019 and all other persons having an interest in said land who are entitled to damages for said taking.

BE IT FURTHER ORDERED, that this Order of Taking shall be filed with the Bristol County (Fall River District) Registry of Deeds in accordance with the provisions of Massachusetts General Laws Chapter 79, Section 3.

City of Fall River, In City Council

ORDER OF TAKING

WHEREAS, the City of Fall River (hereinafter the "City") is a duly organized municipal corporation under the General Laws of the Commonwealth of Massachusetts, with offices at One Government Center, Fall River, Massachusetts; and

WHEREAS, the City has determined that it is a public purpose to acquire easements in certain parcels of land in the City for the public recreational purpose of the construction, maintenance, operation of an alternative transportation facility for pedestrian and bicycle purposes within a linear park on said parcels of land, and for other municipal purposes reasonably related thereto, now therefore

BE IT ORDERED, that the City of Fall River, Massachusetts, under authority of Massachusetts General Laws Chapters 79 & 82 respectively, does hereby take by eminent domain, an easement to pass, repass, develop, maintain and operate an alternative transportation facility for pedestrian and bicycle purposes within a linear park, and for other municipal purposes reasonably related thereto, within, over and through the following parcel of land located in the City of Fall River:

QRailTrail Phase IV Easement Parcel 2: Registered Land Union City Capital, Inc
The southerly portion of the parcel shown on the Fall River Assessors Maps as Parcel ID# J27-0009 consisting of 10,643 square feet, more or less, as more fully shown as Parcel No. 6 on the plan attached hereto entitled:

"Plan of Lands in the City of Fall River, MA, Bristol County (Fall River Registry District) Showing Location of Easements to Be Taken Between Wordell Street & the Quequechan River By the City of Fall River" prepared for Stantec Consulting Services, Inc. By Surveying and Mapping Consultants, dated June 10, 2016 and recorded herewith.

Being a portion of the land described in Certificate of Title # 6800 with the Fall River District of the Land Court and shown on Plan 21506B filed with Original Certificate of Title# 1071 with said District of the Land Court.

BE IT FURTHER ORDERED, that an award of damages for said taking is hereby made in the amount of Sixty-Four Thousand and 00/100 (\$64,000.00) Dollars for any damages sustained by the supposed owner, Union City Capital, Inc, P.O. Box 973, North Kingston, RI, 02852 and all other persons having an interest in said land who are entitled to damages for said taking.

BE IT FURTHER ORDERED, that this Order of Taking shall be filed with the Fall River District of the Land Court in accordance with the provisions of Massachusetts General Laws Chapter 79, Section 4.

City of Fall River, *In City Council*

ORDER OF TAKING

WHEREAS, the City of Fall River (hereinafter the "City") is a duly organized municipal corporation under the General Laws of the Commonwealth of Massachusetts, with offices at One Government Center, Fall River, Massachusetts; and

WHEREAS, the City has determined that it is a public purpose to acquire easements in certain parcels of land in the City for the public recreational purpose of the construction, maintenance, operation of an alternative transportation facility for pedestrian and bicycle purposes within a linear park on said parcels of land, and for other municipal purposes reasonably related thereto, now therefore

BE IT ORDERED, that the City of Fall River, Massachusetts, under authority of Massachusetts General Laws Chapters 79 & 82 respectively, does hereby take by eminent domain, an easement to pass, repass, develop, maintain and operate an alternative transportation facility for pedestrian and bicycle purposes within a linear park, and for other municipal purposes reasonably related thereto, within, over and through the following parcel of land located in the City of Fall River:

QRailTrail Phase IV Easement Parcel 3: Registered Land Gary Reitzas, et al
The southerly portion of the parcel shown on the Fall River Assessors Maps as Parcel ID# J27-0004 consisting of 3,189 square feet, more or less, as more fully shown as Parcel No. 7 on the plan attached hereto entitled:

"Plan of Lands in the City of Fall River, MA, Bristol County (Fall River Registry District) Showing Location of Easements to Be Taken Between Wordell Street & the Quequechan River By the City of Fall River" prepared for Stantec Consulting Services, Inc. By Surveying and Mapping Consultants, dated June 10, 2016 and recorded herewith.

Being a portion of the land described in Certificate of Title # 2973 with the Fall River District of the Land Court and shown on Plan 24869B filed with Original Certificate of Title# 1413 with said District of the Land Court.

BE IT FURTHER ORDERED, that an award of damages for said taking is hereby made in the amount of Thirty-Five Thousand and 00/100 (\$35,000.00) Dollars for any damages sustained by the supposed owner, Gary Reitzas, et al, 200 Highcrest Road, Fall River, Massachusetts 02723 and all other persons having an interest in said land who are entitled to damages for said taking.

BE IT FURTHER ORDERED, that this Order of Taking shall be filed with the Fall River District of the Land Court in accordance with the provisions of Massachusetts General Laws Chapter 79, Section 4.

City of Fall River, In City Council

ORDERED, that the Corporation Counsel be, and is hereby requested to take all necessary steps to acquire by eminent domain, an easement by a Taking pursuant to General Laws Chapters 79 and 82, respectively, for the public recreational purpose of the construction, maintenance, operation of an alternative transportation facility for pedestrian and bicycle purposes within a linear park within, over and through certain land in the City of Fall River, Massachusetts as more fully described below or to accept an easement for said purposes within, over and through said land from the owners of the land more fully described below or take an easement pursuant to Chapter 79 or accept an easement for all municipal and other purposes reasonably related thereto within, over and through said land as more fully described below:

QRailTrail Phase IV Easement Parcel 1:

Curtain Lofts L.P

The southwesterly portion of the parcel shown on the Fall River Assessors Maps as Parcel ID# J27-0007 consisting of 1,780 square feet, more or less, as more fully shown as Parcel No. 5 on the plan attached hereto entitled:

“Plan of Lands in the City of Fall River, MA, Bristol County (Fall River Registry District) Showing Location of Easements to Be Taken Between Wordell Street & the Quequechan River By the City of Fall River” prepared for Stantec Consulting Services, Inc. By Surveying and Mapping Consultants, dated June 10, 2016 and recorded herewith.”

QRailTrail Phase IV Easement Parcel 2: Registered Land Union City Capital, Inc

The southerly portion of the parcel shown on the Fall River Assessors Maps as Parcel ID# J27-0009 consisting of 10,643 square feet, more or less, as more fully shown as Parcel No. 6 on the plan attached hereto entitled:

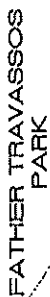
“Plan of Lands in the City of Fall River, MA, Bristol County (Fall River Registry District) Showing Location of Easements to Be Taken Between Wordell Street & the Quequechan River By the City of Fall River” prepared for Stantec Consulting Services, Inc. By Surveying and Mapping Consultants, dated June 10, 2016 and recorded herewith.

QRailTrail Phase IV Easement Parcel 3: Registered Land Gary Reitzas, et al

The southerly portion of the parcel shown on the Fall River Assessors Maps as Parcel ID# J27-0004 consisting of 3,189 square feet, more or less, as more fully shown as Parcel No. 7 on the plan attached hereto entitled:

“Plan of Lands in the City of Fall River, MA, Bristol County (Fall River Registry District) Showing Location of Easements to Be Taken Between Wordell Street & the Quequechan River By the City of Fall River” prepared for Stantec Consulting Services, Inc. By Surveying and Mapping Consultants, dated June 10, 2016 and recorded herewith.

FOR REGISTRY USE



222 WOOD AVE
SUITE 100
BROOKFIELD, IL 60089
(708) 480-7796
FAX (708) 480-7797

CMC
TRADING AND BROKERAGE COMPANY
 FAX (714) 960-3727

PLAN OF LANDS IN THE CITY OF
FALL RIVER, MA
BRISTOL COUNTY
FALL RIVER REGISTRY DISTRICT

(FALL RIVER REGISTRY DISTRICT)
SHOWING LOCATION OF EASEMENTS TO BE TAKEN BETWEEN
WORDELL STREET AND THE OJUEQUECHUAN RIVER
BY THE CITY OF FALL RIVER

PREPARED FOR: STRATEGIC CONSULTING SERVICES, INC.

1991, p. 100-101

PAGE 3 OF 5

PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Vernon Stander

www.crcpress.com

EXISTING CONDITIONS SURVEY
MIDDLEMAN RIVER BAY PATH, FALL RIVER, MA
PREPARED BY SURVEYING AND MAPPING CONSULTANTS, INC.
DATED FEBRUARY 11, 2014, SCALE 1"=20'

1. <http://www.4mat.com>

COORDINATES IN U.S. SURVEY FEET ARE IN THE
NORTHINGTON RIVER BALL TRAIL PROJECT COORDINATE
SYSTEM IN THE MASSACHUSETTS STATE PLANE
COORDINATE SYSTEM. MAHJAN AND ZING, REDUCED TO
THE MEAN ANOMALY ANOMALY OF 1983 (MAJED) AS
DETERMINED BY THE OBSERVATIONS OF THE KAPPA
VIRTUAL REFERENCE STATION (VRS). MADE JUNE
1983. LONGITUDE NUMERICAL DATA OF RECORD.

APPROXIMATE PROPERTY LINE
CHAIN LINK FENCE
EDGE OF PAVEMENT
LAND COURT CORRESPONDING
NAD 83 CORNER
POINT OF CURVATURE
POINT OF BEGINNING CURVATURE
POINT OF REVERSE CURVATURE
POINT OF TANGENCY
RAILROAD
SQUARE FEET
TEMPERATURE EQUIPMENT
CONCRETE
PERMANENT EASEMENT LINE
TEMPERATURE EQUIPMENT LINE
PROPERTY LINE
DISTING RAILROAD SQUARE
DISTING STATE HIGHWAY SQUARE
CHAIN LINK FENCE

Year	Percentage of Population Aged 15 and Over Who Are Illiterate
1950	15
1960	25
1970	10
1980	12
1990	11

CAL 5-1" - 40'



CITY OF FALL RIVER, MASSACHUSETTS

BOARD OF ELECTION COMMISSIONERS
ONE GOVERNMENT CENTER
TEL. 508-324-2630

12
RECEIVED

2016 AUG 10 P 3:40

CITY CLERK
FALL RIVER, MA

August 10, 2016

Honorable City Council
One Government Center
Fall River MA 02722

Dear City Councillors:

The Board of Election Commissioners is requesting the Atrium at Government Center be designated as an Early Voting location. Early Voting will be available for biennial state elections only and this year, begins on Monday, October 24, 2016 and ends on Friday, November 4, 2016. Attached is a schedule of the dates and times for Early Voting.

Sincerely,

Elizabeth A. Camara, Chairperson
Board of Election Commissioners

Early Voting

October 24, 2016 – November 4, 2016

**THE ATRIUM
ONE GOVERNMENT CENTER
FALL RIVER MA**

(Entrance Sullivan Drive)

**Monday, October 24, 9am-7pm
Tuesday, October 25, 9am-5pm
Wednesday, October 26, 9am-7pm
Thursday, October 27, 9am-5pm
Friday, October 28, 9am-5pm**

Saturday, October 29, 9am-2pm

**Monday, October 31, 9am-7pm
Tuesday, November 1, 9am-5pm
Wednesday, November 2, 9am-7pm
Thursday, November 3, 9am-5pm
Friday, November 4, 9am-5pm**

www.fallriverma.org

City of Fall River, In City Council

18

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

That Chapter 70 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to traffic be amended as follows:

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

Brownell Street, south side, starting at a point 48 feet east of Thompson Street, for a distance of 20 feet easterly
Foote Street, east side, starting at a point 377 feet south of Globe Street, for a distance of 20 feet southerly

CITY OF FALL RIVER
IN CITY COUNCIL

JUL 12 2016

*Passed through first
reading*

19
City of Fall River, *In City Council*

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

WHEREAS, our highway on-ramps and exit-ramps are often the first impression people get as they enter the City of Fall River, and

WHEREAS, these highway ramps are often filled with high weeds, brush and trash, and many lack any type of a "Welcome to Fall River" sign, and

WHEREAS, work has recently been completed on the newly reconstructed Exit 5 and a beautiful sign and clean area welcomes travelers using that exit, now therefore

BE IT RESOLVED, that the Administration and Director of Community Maintenance be invited to a future meeting of the Committee on Economic Development and Tourism to discuss how we can work with our State Delegation and explore city resources to have every highway ramp coming into our city attractive and welcoming to all visitors and residents alike.

City of Fall River, *In City Council*

20

(Councilor Pam Laliberte-Lebeau)

WHEREAS, due to staffing the Fall River Police Department is often reactive and not able to be proactive, and

WHEREAS, the amount of crime and safety related incidents in our city often leaves police resources low due to staffing levels, now therefore

BE IT RESOLVED, that the Committee on Public Safety convene with the Administration and the Police Chief to discuss any and all plans to increase staffing levels.

City of Fall River, In City Council

21

(Councilor Pam Laliberte-Lebeau)

WHEREAS, the current Safer Grant funding ends in January of 2018, and

WHEREAS, ten firefighter positions are currently being funded by this grant, and

WHEREAS, the Administration's proposed plan to maintain those positions funded by the Safer Grant has many variables, now therefore

BE IT RESOLVED, that the Committee on Public Safety convene with the Administration and the Fire Chief to discuss plans to maintain current staffing levels.

City of Fall River, In City Council

22

(Councilor Raymond A. Mitchell)

WHEREAS, graffiti is the marking or painting of property without the owner's permission and considered vandalism, and

WHEREAS, much graffiti is also considered art, and

WHEREAS, many cities have designated walls or areas exclusively for use by graffiti artists to reduce vandalism and promote this art form, now therefore

BE IT RESOLVED, that the Administration, the Community Development Outreach Coordinator and the Youth Services Coordinator explore the possibility of a designated graffiti art area, and

BE IT FURTHER RESOLVED, that a contest be held on a yearly basis to promote this art form and promote the use of the dedicated area.

City of Fall River, *In City Council*

23

(Councilor Raymond A. Mitchell)

WHEREAS, new signs are being erected at the entrances of Fall River welcoming visitors and residents, and

WHEREAS, the old welcome signs included the city seal that proudly stated we are "The Scholarship City", and

WHEREAS, the new signs do not include the city seal, now therefore

BE IT RESOLVED, that the Administration consider restoring the old signs or creating new signs to be placed at the entrances of Fall River, in addition to the new welcome signs, and

BE IT FURTHER RESOLVED, that the Administration work with local businesses to sponsor these signs if necessary.

City of Fall River, In City Council

24

(President Shawn E. Cadime)

WHEREAS, the City of Fall River has unfunded pension liabilities, and

WHEREAS, the creation of an OPEB (Other Post-Employment Benefits) fund could be beneficial to the City of Fall River, now therefore

BE IT RESOLVED, that the Administration be invited to a future meeting of the City Council Committee on Budget Preparation, Revenue and Audits to discuss the possibility of creating an OPEB.

City of Fall River, In City Council

25

(Councilor Pam Laliberte-Lebeau)
(Councilor Cliff Ponte)

WHEREAS, numerous properties in the City of Fall River are blighted or considered nuisance properties, and

WHEREAS, various residents have received fines due to non-compliance of pay-as-you-throw regulations, and

WHEREAS, various residents and businesses have received fines due to non-compliance of the snow removal ordinance, and

WHEREAS, various departments are involved in issuing citations for these violations, and

WHEREAS, it is difficult for citizens to file a complaint or discuss a citation that they may have received, and

WHEREAS, the City of Fall River is often in violation of city ordinances, now therefore

BE IT RESOLVED, that the Administration and Department Heads be invited to a future meeting of the Committee on Finance to discuss the exact process for reporting, implementing and enforcing these fines, so that the public is well informed, how the City plans to remedy the processes for their own properties so they are no longer in violation of the ordinances and that they come before the City Council Committee on Finance to discuss the amount of fines issued and collected in Fiscal Year 2016.

City of Fall River, In City Council

26

(Councilor Linda M. Pereira)

WHEREAS, street light poles are knocked down due to automobile accidents, snow plowing and large trucks attempting to negotiate narrow city streets, and

WHEREAS, the insurance claims are settled and the collected funds are deposited in the general fund and not tracked to have the poles replaced, now therefore

BE IT RESOLVED, that the City Council Committee on Finance convene to discuss the possibility of establishing a revolving fund for the replacement of street lights.



RECEIVED

City of Fall River
Notice of Claim

2016 JUL -8 P 12:17

CITY CLERK 16-89
FALL RIVER, MA

1. Claimant's name: Ramiro Arruda
2. Claimant's complete address: 675 Northmain St Fall River MA 02720
3. Telephone number: Home: 508 617 4351 Cell: 508 717 1272
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Damage to car gas tank & Exhaust Rode Bad manhole cover very high
5. Date and time of accident: 7/2/2016 8pm Amount of damages claimed: \$
6. Exact location of the incident: (include as much detail as possible):
Brownell St Fall River
7. Circumstances of the incident: (attach additional pages if necessary):
manhole cover ripped my gas tank and my exhaust both need replacing. road was very high in the middle making manhole cover too high
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: _____ Claimant's signature: _____

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

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

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:	
Copies forwarded to: <input checked="" type="checkbox"/> City Clerk <input checked="" type="checkbox"/> Law <input checked="" type="checkbox"/> City Council <input checked="" type="checkbox"/> City Administrator <input checked="" type="checkbox"/> <u>DPW</u>	Date: <u>7/8/16</u>



RECEIVED

City of Fall River
Notice of Claim

2016 JUL 19 A 11:13

CITY CLERK 16-90
FALL RIVER, MA

1. Claimant's name: Dennis M Duarte
2. Claimant's complete address: 731 Somerset Ave. dighton, MA 02764
3. Telephone number: Home: 508-328-8923 Work: 508-679-8106
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: 06/27/2016 09:30 AM Amount of damages claimed: \$ 1,468.16
6. Exact location of the incident: (include as much detail as possible):
South Main Street, Fall River MA
7. Circumstances of the incident: (attach additional pages if necessary):
This claim arises out of damage sustained to our insured's vehicle. Our insured's vehicle was parked and unoccupied on South Main Street in front of the courthouse, when an officer from Fall River Police Department was in the process of chasing a suspect and the chase concluded onto the mentioned vehicle, causing damage as a result.
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
NGM Insurance Company, 27B Midstate Drive, Auburn, MA 01501

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: 7/14/16

Claimant's signature:

Carolyn Simmons as representative of CRAIG LLC On behalf of NGM Insurance Company also Dennis M. Duarte

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.

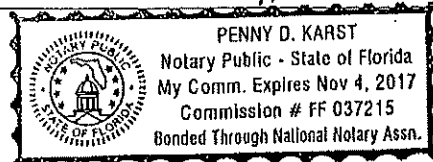
Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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

☒ Police Dept Date: 7-19-2016



Penny D. Karst



City of Fall River
Notice of Claim

RECEIVED

2016 JUL 20 P 4: 38

CITY CLERK 16-91
FALL RIVER, MA

1. Claimant's name: TALBE CANDE
2. Claimant's complete address: 196 RODMAN ST. 1FL FALL RIVER, MA 02721
3. Telephone number: Home: 774-265 2274 Work: 508 763 8071
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
PUBLIC Way
5. Date and time of accident: 6/23/16 (4:20 a.m.) Amount of damages claimed: \$ 245,45
6. Exact location of the incident: (include as much detail as possible):
RODMAN ST.
7. Circumstances of the incident: (attach additional pages if necessary):
I want you to explain, which were 4:20 a.m. when I was leaving to go to my work in my parken lot with my car and the wheel of my car stepped on the metal ring whet screw that makes the junction of the two pipes.
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
COMMERCE INSURANCE CO. 11 GORE ROAD WERSTER, MA 01570

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: 7/18/2016

Claimant's signature: _____

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

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

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

Copies forwarded to: ☐ City Clerk

☐ Law

☐ City Council

☐ City Administrator

☒ water

Date: 7/20/16



City of Fall River
Notice of Claim

RECEIVED

2016 JUL 25 A 11:32

CITY CLERK 116-92
FALL RIVER, MA

1. Claimant's name: Emily Braga
2. Claimant's complete address: 189 Middle Street Fall River MA 02724
3. Telephone number: Home: 508 567 7968 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
AUTO - POT HOLE DAMAGE
5. Date and time of accident: 7/20/16 6:30/7:00 Amount of damages claimed: \$ 180
6. Exact location of the incident: (Include as much detail as possible):
on Middle St between liberty and bay
7. Circumstances of the incident: (attach additional pages if necessary):
swerved to avoid pothole, slammed into another one.
cracked exhaust and muffler. Second time this has
happened.
Madhnan Machado - witness 774-319-2838
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: 7/22/16 Claimant's signature: Emily Braga

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: 7/25/16



Amend

RECEIVED

City of Fall River
Notice of Claim

2016 JUL 26 P 4:12

CITY CLERK 16-93
FALL RIVER, MA

1. Claimant's name: Karen Steele
2. Claimant's complete address: 260 Fountain St. Fall River
3. Telephone number: Home: 774 627 8338 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto accident
5. Date and time of accident: 7/7/2016 Amount of damages claimed: \$ unknown - no collision cov.
6. Exact location of the incident: (include as much detail as possible):
Bodman St and Plymouth Ave
7. Circumstances of the incident: (attach additional pages if necessary):
your ambulance rear-ended a car, pushing it into Ms. Steele
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
No collision coverage - need appraisal done

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: 7/26/2016

Claimant's signature: [Signature] - Arbella B.

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

EMS

Date: JUL 26 2016



RECEIVED

City of Fall River
Notice of Claim

2016 AUG -2 P 2:17

CITY CLERK 16-94
FALL RIVER, MA

1. Claimant's name: Elisabete Pimentel
2. Claimant's complete address: 1893 S. Main St. Fall River MA 02721
3. Telephone number: Home: 7742941384 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
motorcycle
5. Date and time of accident: 7-15-16 Amount of damages claimed: \$ 575.19
6. Exact location of the incident: (include as much detail as possible):
N. Main St.
7. Circumstances of the incident: (attach additional pages if necessary):
pot hole
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

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

Date: 8-2-16

Claimant's signature: Elisabete Pimentel

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

AUG -2 2016
Date: _____



City of Fall River
Notice of Claim

RECEIVED

2016 AUG -2 P 2:29

1. Claimant's name: Maria Cabral
2. Claimant's complete address: 25 Smith street Fall River CITY CLERK 16-95
FALL RIVER, MA
3. Telephone number: Home: 508 675-1799 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Slip and fall on public way
5. Date and time of accident: 6/2/16 Amount of damages claimed: \$ _____
6. Exact location of the incident: (include as much detail as possible):
Bedman street
7. Circumstances of the incident: (attach additional pages if necessary):

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: 6/27/16

Claimant's signature: Maria C. 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 ☒ DPW

Date: Aug 2, 2016

council



City of Fall River
Notice of Claim

RECEIVED

2016 AUG -4 P 2:05

CITY CLERK 116-96
FALL RIVER, MA

1. Claimant's name: Henry + Linda Roy
2. Claimant's complete address: 5168 North Main Street
3. Telephone number: Home: 508-672-3686 Work: Cell: 508-415-0192
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: July 18, 2016 Amount of damages claimed: \$ 5812.37
6. Exact location of the incident: (include as much detail as possible):
5168 North Main Street, Fall River, MA
7. Circumstances of the incident: (attach additional pages if necessary):
Sewer backup due to a city drainage issue. Photos included.
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
We are not covered.

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: August 4, 2016 Claimant's signature: Henry G. Roy / Linda A. Roy

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

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

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:	
Copies forwarded to: <input 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"/> <u>Sewer Dept</u>	Date: <u>AUG 04 2016</u>



RECEIVED

2016 AUG -5 A 10: 22

City of Fall River
Notice of Claim

CITY CLERK 116-97
FALL RIVER, MA

1. Claimant's name: COREGORY MONIZ
2. Claimant's complete address: 17 BLISS ST FALL RIVER MA 02720
3. Telephone number: Home: 508-674-2610 Cell: 508-631-8186 Work: 508-631-8186
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: FEB 2016 Amount of damages claimed: Waiting for estimate from John Perry
6. Exact location of the Incident: (include as much detail as possible):
STONE WALL ABUTTING DRIVEWAY
7. Circumstances of the Incident: (attach additional pages if necessary):
SNOW PLOW 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.

Dated 8-4-16

Claimant's signature: Coregory Moniz

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

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

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For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DPW

Date: 8/5/2016



City of Fall River
Notice of Claim

RECEIVED

2016 AUG -8 A 10:28

CITY CLERK 16-98
FALL RIVER, MA

1. Claimant's name: Carrie Ann Gomes
2. Claimant's complete address: 15 Pond Hill Drive
3. Telephone number: Home: 508 558 0600 Work: 508 225 61127
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
New car tire damage from huge pot hole
5. Date and time of accident: 7/26/16 Amount of damages claimed: \$ 20220 277.13
6. Exact location of the incident: (include as much detail as possible):
Top of Wilson Road Before Ginas
7. Circumstances of the incident: (attach additional pages if necessary):
was Driving home & hit a huge pot hole that I knew instantly had to damage my car it was so loud & a huge Bang - Two huge Bo Bakes (R) Front & Back tire
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 Drive New 2014 car

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: 7/28/16

Claimant's signature: Carrie Ann Gomes

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

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

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:		AUG - 8 2016	
Copies forwarded to:	<input checked="" type="checkbox"/> City Clerk	<input checked="" type="checkbox"/> Law	<input checked="" type="checkbox"/> City Council
	<input checked="" type="checkbox"/> City Administrator	<input checked="" type="checkbox"/> DPW	Date: <u>7/28/16</u>

Police Report
16-1635-AC



City of Fall River
Notice of Claim

RECEIVED

2016 AUG -8 P 4:31

CITY CLERK 16-99
FALL RIVER, MA

1. Claimant's name: Amanda Langlais
2. Claimant's complete address: 602 Doreilly St Fall River MA 02724
3. Telephone number: Home: _____ Work: 774 627 9360
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):

5. Date and time of accident: July 20 2016 Amount of damages claimed: \$ _____
6. Exact location of the incident: (include as much detail as possible):
Stafford Rd + Brighton Ave Fall River
7. Circumstances of the incident: (attach additional pages if necessary):
A few police cars came up behind me while I was at light in middle lane behind ACOR. They were on a call coming up in left lane. One of the hit my side mirror and bumper (front) while turning right.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

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

Date: 8/2/16

Claimant's signature: _____

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

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

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For official use only:

Copies forwarded to: ☐ City Clerk ☒ Law ☒ City Council ☐ City Administrator

☒ Police Dept Date: AUG - 8 2016



RECEIVED

City of Fall River
Notice of Claim

2016 AUG -8 P 1:22

CITY CLERK 16-100
FALL RIVER, MA

1. Claimant's name: MARY Hutchinson
2. Claimant's complete address: 354 Florence ST., Fall River, MA 02720
3. Telephone number: Home: 508-674-7178 Work: N/A
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Damaged steering sensor due to potholes in Fall River, MA
5. Date and time of accident: Feb-March 2016 Amount of damages claimed: \$
6. Exact location of the incident: (include as much detail as possible):
Beginning of Milton ST., intersection of Highland Ave. and Stewart ST., Fall River, MA - lower part of hill
7. Circumstances of the incident: (attach additional pages if necessary):
Both times incidents of driving into potholes were at night. Potholes were not clearly visible due to darkness. Informed by mechanic 7/1/16 damage was done from potholes this is when dash board light went on.
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: 7/22/16

Claimant's signature: Mary Hutchinson

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

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

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For official use only:

Copies forwarded to: ☐ City Clerk ☐ Law ☐ City Council ☐ City Administrator ☐ _____ Date: _____



RECEIVED

City of Fall River
Notice of Claim

2016 AUG 10 A 11:37

1. Claimant's name: Cheyenne A. Estrella-Laberge 16-101
2. Claimant's complete address: 156 Elm St Fall River, MA 02720
3. Telephone number: Home: (508) 596-1545 Work: (508) 496-6953 other:
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto damage from the poor condition of streets
5. Date and time of accident: 7/14/16 Amount of damages claimed: \$ 805.51
6. Exact location of the incident: (include as much detail as possible):
In front of 340 Macianno Bishop Blvd. Fall River, MA 02721
7. Circumstances of the incident: (attach additional pages if necessary):
See Attaches
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

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

Date: 8/8/16

Claimant's signature: Cheyenne Estrella-Laberge

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: AUG 10 2016

RECEIVED

45

2016 JUL 28 P 3:18

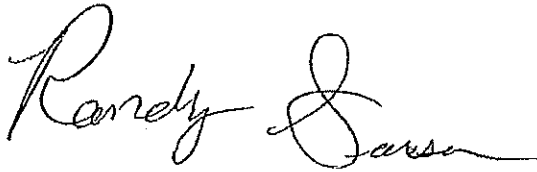
CITY CLERK
FALL RIVER, MA

To whom it may concern:

On June 24, 2016 I became the homeowner of 176 Langley St Fall River, Ma. I purchased the 2 family property with intentions to use the driveway that came with the home. Mainly due to vehicles I need to store in my driveway. I have a pull camper, a snow plow (which both can't be stored on the street), a work van, and 2 personal vehicles. It was brought to my attention that another homeowner nearby had the driveway barricaded with trees and then a metal barricade in which the city of Fall River put up. I am writing to you today to request the metal barricade be removed immediately pending proper authorization so I can use the driveway that came with my newly purchased home.

Sincerely,

Randy C Sousa

A handwritten signature in black ink that reads "Randy C Sousa". The signature is written in a cursive style with a large, stylized "R" and a long, sweeping underline.

COMMITTEE ON PUBLIC SAFETY

MEETING: Wednesday, May 25, 2016 at 6:30 p.m.
Mary L. Fonseca Elementary School, 160 Wall Street

PRESENT: Councilor Pam Laliberte-Lebeau, presiding
Councilors Richard Cabeceiras and Cliff Ponte

ABSENT: None

IN ATTENDANCE: Laura Ferreira, Director of Traffic
Lt. Paul Bernier, Fall River Police Department
Joseph Bisko, Director of Code Enforcement
Anthony Robinson, Community Development Outreach Coordinator
Cathy Ann Viveiros, City Administrator
Kenneth C. Pacheco, Director of Community Maintenance
Carlos Cesar, President, Flint Neighborhood Association
Representative Carole Fiola
Jason Burns, Fall River Fire Department
Michael P. Dion, Executive Director/CFO
Community Development Agency
Marsha Rego, 233 Weetamoe Street
Estella Andrade, 16 Quequechan Street
Lee Correa, 95 Dickinson Street
Manny Fontes, 461 Dickinson Street
Claudette Bradbury, 100 Spencer Street
Pastor Ricky Sanderson, Redeemed Outreach Ministries
1288 Pleasant Street

The chairman called the meeting to order at 6:44 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

1. Communication – Flint Neighborhood Association requesting meeting

On a motion made and seconded, it was unanimously voted to recommend the communication be accepted and placed on file.

2. Resolution – condition of former Abbey Grill located at 100 Rock St.

The Director of Code Enforcement stated that Rock Street has been closed due to the deterioration of the shroud at the Abbey Grill located at 100 Rock Street. The shroud has been recertified for an additional six months to allow the new owner to begin repairs on the steeple. Since the recertification, Rock Street has been reopened to traffic. On a motion made and seconded, it was unanimously voted to table the matter.

3. Resolution – regulations & procedures regarding abandoned properties

The Director of Code Enforcement stated that there were 153 registered vacant properties in 2015 that generated \$130,500.00. So far in 2016 we have 129 registered vacant properties that

have generated \$103,700.00 to date. It was also mentioned that a good majority of these properties are bank owned due to foreclosures. Representative Fiola stated that abandoned properties are a great concern to cities and need to be rehabbed or demolished as quickly as possible. On a motion made and seconded, it was unanimously voted to recommend the resolution be granted leave to withdraw.

4. Resolution – discuss status of vacant mills in the city

The King Philip Mill located on Kilburn Street is now owned by the City of Fall River through tax title. The City Administrator stated that there are two developers that are very interested in this property. She is hopeful to have more information by July 1, 2016. On a motion made and seconded, it was unanimously voted to table the matter.

5. Resolution – discuss broken windows at Government Center

The Director of Community Maintenance stated that three windows on the east side of Government Center have been replaced at a cost of \$10,400.00. Gale Associates is conducting a study of all windows within Government Center. Once this is complete, a loan order for the replacement and repair of all Government Center windows will be presented to the City Council for approval. On a motion made and seconded, it was unanimously voted to table the matter.

6. Discussion re: issues and concerns related to public safety throughout the city

A resident of Quequechan Street stated that the intersection of Quequechan and Pleasant Street is very hazardous with many vehicles speeding. The Director of Traffic stated that a pedestrian crossing sign will be placed at this intersection.

Residents in the area of the proposed new Atlantis Charter School spoke regarding the possibility of the entrance being located on Dickinson Street. The residents are concerned regarding the impact that the traffic would have on Dickinson Street, which is prone to flooding and does not have sidewalks.

Residents from the Flint Neighborhood spoke regarding various safety issues, as follows:

- Municipal Parking Lot on Cash Street has numerous lights out
- Cross walks on Eastern Avenue near County Street need to be repainted
- A traffic study and cross walks are needed at the Alfred J. Lima Rail Trail
- Abandoned buildings at 1616 Pleasant Street and 1502 Pleasant Street need to be addressed
- A utility pole on the sidewalk near Walmart needs to be relocated, as it is obstructing the passage of pedestrians on the sidewalk

On a motion made and seconded, it was unanimously voted to adjourn at 8:54 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting


Catherine A. Taylor
Clerk of Committees

COMMITTEE ON PUBLIC SAFETY

MEETING: Wednesday, June 29, 2016 at 5:30 p.m.
Council Chamber, One Government Center

PRESENT: Councilor Pam Laliberte-Lebeau, presiding
Councilors Richard Cabeceiras and Cliff Ponte

ABSENT: None

IN ATTENDANCE: Laura Ferreira, Director of Traffic
Councilor Steven A. Camara
Lt. Paul Bernier, Fall River Police Department
Helen Rego, 41 Foster Street
William Mello, 84 Valentine Street
John D. Lynch, Fire Chief
Terrance J. Sullivan, Administrator of Community Utilities
John Friar, Director, Water Division
Joseph Biszko, Director of Code Enforcement
William G. Kenney, City Planner
Byron Holmes, City Engineer
Robert Beatty, Executive Director, Atlantis Charter School
2501 South Main Street, Fall River, MA 02724
Francisco Lovera, Traffic Engineer
McMahon Transportation Engineers and Planners
300 Myles Standish Blvd., #201, Taunton, MA 02780
Steven Gioiosa, PE, President
SITEC, Inc., 10 Purchase Street, Fall River, MA 02720
Denise Gagne, 525 Fuller Street
Richard Barlow, 50 Anderson Street
Lee Correa, 95 Dickinson Street
Manny Fontes, 461 Dickinson Street
Claudette Bradbury, 100 Spencer Street
Randy Bedard, 96 Hiatt Street
Pierre Messier, 916 Dickinson Street
Emily Pleiss, 79 Sprague Street
M. Earle Gaudette, 38 Gaudette Drive
Cheryl Trask, 61 Dickinson Street
Derek DeSousa, 591 Dickinson Street
Ronald Sevigny, 250 Kennedy Street
Tamar Warburg, Principal, Studio G Architects
179 Boylston Street, Jamaica Plain, MA 02130
Dennis Silveira, 29-35 Dickinson Street
Diane Almeida, 193 Whitefield Street

The chairman called the meeting to order at 5:32 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

On a motion made and seconded, it was unanimously voted to take item #2 out of order.

2. Discussion re: issues and concerns related to public safety throughout the city

Helen Rego and William Mello requested that a stop sign be placed at the intersection of Rodman and Lowell Streets. They also stated that there are numerous vehicles speeding in this area and requested the Fall River Police Department monitor vehicles for speeding.

1. Resolution – proposed building of new Atlantis Charter School in the area of Dickinson Street

Robert Beatty, Executive Director for the Atlantis Charter School gave a presentation regarding the proposed building of a new Atlantis Charter School in the area of Dickinson Street. He stated that the preferred entrance to the new location is Dickinson Street. He acknowledged that many of the neighbors preferred the use of Jefferson Street for the entrance, but due to the stream that crosses this area the cost would be in excess of an additional \$2.5 million dollars.

Francisco Lovera, Traffic Engineer with McMahon Transportation Engineers and Planners gave a presentation regarding the traffic studies that were conducted in the area of Dickinson Street and Stafford Road. The school will be staggering start times to lessen the amount of traffic that will be generated. Additionally, it was mentioned that approximately fifty percent of the children will be transported by bus which will lessen the traffic in the area.

Various residents voiced their concerns regarding flooding that presently occurs in the Dickinson Street area. They believe that the present amount of flooding could be greatly increased by this project, if the entrance is located on Dickinson Street which presently has no sidewalks and limited off street parking. The residents are in favor of the new Atlantis Charter School if the entrance is located on Jefferson Street. They feel that with Jefferson Street already being a wider street with sidewalks, it would be able to handle the amount of traffic that this project will generate.

On a motion made and seconded, it was unanimously voted to adjourn at 8:46 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting

Colleen A. Taylor
Clerk of Committees

COMMITTEE ON FINANCE

MEETING: Tuesday, July 12, 2016 at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: Vice President Linda M. Pereira, presiding;
Councilors Richard Cabeceiras, Joseph D. Camara,
Steven A. Camara, Pam Laliberte-Lebeau, Stephen R. Long,
Raymond A. Mitchell and Cliff Ponte

ABSENT: President Shawn E. Cadime

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Kenneth C. Pacheco, Director of Buildings and Grounds
Joseph I. Macy, Corporation Counsel
Mary L. Sahady, CPA, Esq., Financial Consultant
Hague, Sahady & Co., P.C., 126 President Ave., Suite 201

The chair called the meeting to order at 6:04 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

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

Before Discussion of Financial Matters:

Douglas Carvalho, 360 Ferry Street – Regulations vote

Richard Branco, 137 Fifth Street – Veto order

Dan Robillard, 145 Old Second Street – City Council Attorney and financial matters

Agenda:

1. Transfers and appropriations

Councillors discussed the four transfers and appropriations. On a motion made and seconded, it was unanimously voted to refer order #1 to the full council for action.

Corporation Counsel was questioned about order #2, the transfer of \$90,000 from the Claims and Damages account. It was asked if this would inhibit the payment of any claims and damages. It was stated by Corporation Counsel that the transfer of these funds would not impede any payments. On a motion made and seconded, it was unanimously voted to refer order #2 to the full council for action.

The Director of Buildings and Grounds was questioned about order #3, the transfer of \$20,000 to meet school buildings maintenance obligations. It was stated that these funds were necessary to pay for the remainder of the expenses that were incurred due to the chillers that needed to be replaced at various schools. On a motion made and seconded, it was unanimously voted to refer order #3 to the full council for action.

Councilor Cliff Ponte questioned the amount of order #4. It was stated by the City Administrator that the amount of \$937,395 was the correct amount and that the amount of \$937,935 that was listed on the narrative for the order was incorrect. On a motion made and seconded, it was unanimously voted to refer order #4 to the full council for action, as amended.

2. Resolution – Discuss possibility of City Council having own counsel

Councilor Cliff Ponte noted that the New Bedford, Worcester and Attleboro City Councils have their own Counsel. Corporation Counsel stated that the City of Fall River has a Plan A Charter and Corporation Counsel is established by ordinance. Corporation Counsel read Section 2-523 of the revised ordinances, which discusses the furnishing of legal opinions. He stated that the Corporation Counsel shall furnish opinions to the City Council or any member of the City Council, therefore it is unnecessary in his opinion for the city to hire additional counsel.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made and seconded, it was unanimously voted to adjourn at 7:33 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

Chapter 2, Division 7 Corporation Counsel


Clerk of Committees

DIVISION 7. CORPORATION COUNSEL ^[19]

- Sec. 2-521. Office established.
- Sec. 2-522. Qualifications; holding other office.
- Sec. 2-523. Furnishing of legal opinions.
- Sec. 2-524. Appearance before general court.
- Sec. 2-525. Drafting and approval of contracts.
- Sec. 2-526. Duties regarding transfer of real property.
- Sec. 2-527. Initiation of suits or proceedings; defense of suits or actions involving city or city officers.
- Sec. 2-528. Assistance by other legal counsel.
- Sec. 2-529. Assistant corporation counsels.
- Sec. 2-530. Claims investigator and worker's compensation agent.
- Sec. 2-531. Defense of action brought against city for which third party is liable.
- Sec. 2-532. Authorization of payment on judgment, execution or decree.
- Secs. 2-533—2-550. Reserved.

Sec. 2-521. Office established.

There shall be a corporation counsel for the city, who shall be in charge of the office of corporation counsel.
(Rev. Ords. 1988, § 2-366; Ord. No. 2008-40, § 1(2-521), 7-15-2008)

Sec. 2-522. Qualifications; holding other office.

The corporation counsel shall have been admitted to practice as an attorney and counsellor of the courts of the commonwealth. He shall not hold any other office under the city government during the period for which he is appointed.

(Rev. Ords. 1988, § 2-367)

Sec. 2-523. Furnishing of legal opinions.

The corporation counsel shall furnish opinions or may designate an assistant corporation counsel to furnish opinions on the law of any subject that may be submitted to him in writing by the mayor, the city council or any member of the city council, and on any subject relating to the discharge of their or his official duties that may be submitted to him in writing by the school committee or any member of the school committee, by any committee of the city council, or by any officer in charge of a department of the city government. Any opinions rendered by an assistant corporation counsel shall also be approved and countersigned by the corporation counsel. The opinions shall be furnished to the city council, any member of the city council, the school committee, any member of the school committee, or any officer in charge of a department of the city government within ten days from the date on which the request is made.

(Rev. Ords. 1988, § 2-368)

Sec. 2-524. Appearance before general court.

The corporation counsel shall appear as counsel for the city before the general court or any committee thereof, when the interest or welfare of the city is directly or indirectly affected.

(Rev. Ords. 1988, § 2-369)

Sec. 2-525. Drafting and approval of contracts.

The corporation counsel shall draft and approve the form and manner of execution of all city contracts, and shall see that all the requirements of law are complied with, that the documents conform to the original understandings between the parties, and that the city's interests are protected therein.

(Rev. Ords. 1988, § 2-370)

Sec. 2-526. Duties regarding transfer of real property.

The corporation counsel shall examine all titles to real property which the city is to acquire, and furnish without charge all deeds or other legal papers necessary for the transfer of property to or from the city, which the city is required by law or has been accustomed to so furnish.

(Rev. Ords. 1988, § 2-371)

Sec. 2-527. Initiation of suits or proceedings; defense of suits or actions involving city or city officers.

The corporation counsel shall institute any suit or proceeding in behalf of the city which he shall deem the interest of the city requires, and shall appear as counsel in all suits, actions or prosecutions which may involve the rights or interests of the city, and defend the officers of the city in suits against them for their official actions, or for the performance of their official duties, or when any estate, right, privilege, interest, ordinance, act or direction of the city is brought in question. He may take such steps and incur such expenses for the carrying out of his duties as he deems necessary.

(Rev. Ords. 1988, § 2-372)

Sec. 2-528. Assistance by other legal counsel.

Whenever the duties and requirements of his office are such that in the judgment of the corporation counsel the welfare of the city and the affairs of the city government require the assistance of other legal counsel, he may engage such assistance by and with the approval of the mayor.

(Rev. Ords. 1988, § 2-373)

Sec. 2-529. Assistant corporation counsels.

There shall be in the office of corporation counsel officials known as the first assistant corporation counsel (full-time) and assistant corporation counsel (part-time), whose duties shall be to assist the corporation counsel in carrying out the duties of that office and perform such other duties as may be delegated by the corporation counsel.

(Rev. Ords. 1988, § 2-374; Ord. No. 1996-29, § 1, 9-10-1996; Ord. No. 2008-40, § 1(2-529), 7-15-2008)

Sec. 2-530. Claims investigator and worker's compensation agent.

There shall be an official in the office of corporation counsel known as the claims investigator and worker's compensation agent, who shall, under the direction and control of the corporation counsel, investigate all claims against the city. He shall also perform such other duties as the corporation counsel or the mayor may require.

(Rev. Ords. 1988, § 2-375; Ord. No. 2008-40, § 1(2-530), 7-15-2008)

Sec. 2-531. Defense of action brought against city for which third party is liable.

Whenever it shall appear that third parties are liable, on their bonds or otherwise, to the city for any cause for which an action or suit is or may be primarily brought against it, the corporation counsel shall notify such third parties of their liability, offer to surrender the defense thereof to them, and state that, if the defense is not assumed by them, then the corporation counsel shall conduct it at the expense of such third parties. In case the corporation counsel thus defends at the expense of such third parties, he shall not be paid by the city for so doing, but he shall be entitled to charge and receive from such third parties the usual fees, costs and expenses for his professional services. This shall be considered as a part of any future bond of such third parties to the city, as if a clause to that effect had been inserted therein.

(Rev. Ords. 1988, § 2-376)

Sec. 2-532. Authorization of payment on judgment, execution or decree.

No payment shall be made on any judgment, execution or decree against the city unless the payment has been previously authorized by the corporation counsel, but in case of the absence of the corporation counsel from the city for 48 hours or more the mayor may authorize such payment. All such authorizations, either by the corporation counsel, or in his absence from the city, as provided in this section, by the mayor, shall be reported to the city council at the next regular meeting following such authorization.

(Rev. Ords. 1988, § 2-377)

Secs. 2-533—2-550. Reserved.

FOOTNOTE(S):

--- (19) ---

State Law reference— Authority of cities to appropriate money for employment of counsel to appear before committee of the general court, M.G.L.A. c. 40, § 5, cl. 15. (Back)

COMMITTEE ON REAL ESTATE

MEETING Monday, June 6, 2016 at 5:15 p.m. in the Council Chamber, Government Center

PRESENT Councilor Richard Cabeceiras, presiding
Councilors Stephen R. Long and Linda M. Pereira

ABSENT None

IN ATTENDANCE Cathy Ann Viveiros, City Administrator

The chair called the meeting to order at 5:19 p.m. and announced that the meeting may be recorded with audio and video and transmitted through any medium.

Agenda:

1. Resolution – discuss inventory of all municipally owned buildings that are or will be for sale

The City Administrator stated that there are still three former school buildings pending for sale. They are the Coughlin School, Lincoln School and the Silvia School. The sale of these three schools were never closed on, therefore they will need to go out for RFP once again. On a motion made and seconded, it was unanimously voted to authorize the purchasing agent to advertise an RFP for the three school properties. The RFP will include three requirements:

1. *Property sold "as is".*
2. *Property must be secured as soon as possible*
3. *Financial capability must be shown with proposal*

2. Communication – City Administrator re former Police Station located at 158 Bedford Street

The City Administrator stated that this is a tax title property, which does not need an RFP. On a motion made and seconded, it was unanimously voted to recommend the communication be tabled.

On a motion made and seconded, it was unanimously voted to adjourn at 5:56 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting


Clerk of Committees

COMMITTEE ON ORDINANCES AND LEGISLATION

MEETING Tuesday, August 2, 2016 at 5:30 p.m.
Council Chamber, One Government Center

PRESENT Councilor Cliff Ponte, presiding
Councilors Joseph D. Camara, Pam Laliberte-Lebeau,
Stephen R. Long and Linda M. Pereira

ABSENT None

IN ATTENDANCE Cathy Ann Viveiros, City Administrator
Mary L. Sahady, CPA, Esq., Financial Consultant
Hague, Sahady & Co., P.C., 126 President Ave., Suite 201
Madeline Coelho, Director of Human Resources
Joseph I. Macy, Corporation Counsel
Council President Shawn E. Cadime
Councilor Raymond A. Mitchell

The chairman called the meeting to order at 5:31 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

1. Proposed Ordinance – Salary amendments and title changes

The Chairman read the positions listed in the proposed ordinance. The City Administrator stated that upon review of the municipal budget, salaries for positions in the budget did not match the salaries established in ordinance. As such, this ordinance was drafted to include a "not to exceed" provision to allow the Mayor the flexibility to hire at different amounts. In addition, these adjustments came as a result of a change in job duties and responsibilities for such positions. Lastly, the adjustments for the union positions were as a result of the collective bargaining process.

Committee members discussed the merits of a \$7,000 increase for the Special Projects/Media – Mayor's Office position considering the employee has 5 months of service and other employees have not received a raise. The job duties of this position in comparison to the Special Assistant to the Mayor and the Neighborhood Outreach Coordinator were also discussed. Councilors do not want to see a duplication of services.

The City Administrator stated that additional responsibilities have been added as a result of the Chief of Staff position becoming part time and that this position includes research, helping with implementation of the pay-as-you throw program, and providing clerical support to the City Administrator, among other duties. Councilor Linda M. Pereira stated the increase sends the wrong message because union clerks have not received a raise.

Councillor Stephen R. Long stated the Council needs to strike a balance between the Mayor's ability to hire while ensuring all employees receive a fair pay and that the job description and duties should be discussed instead of the person in the position. He subsequently moved to recommend the proposed ordinance be passed through first reading, as amended, but received no second.

Councillor Pam Laliberte-Lebeau stated she could not in good conscience give someone a \$7,000 raise after 5 months of service and moved to recommend the proposed ordinance be amended by striking the salary of the Special Projects/Media – Mayor's Office from "Not to exceed \$52,000 per annum" and inserting in place thereof "Not to exceed \$45,000 per annum".

Councillor Joseph D. Camara stated that the adjustment does not increase the Mayor's budget since there is a \$31,000 savings. Council President Shawn E. Cadime recommended that for consistency purposes the Assistant City Auditor's salary should be changed from a bi-weekly to an annual salary and that the Administrator of Assessing be increased to \$90,000 for consistency with other management positions.

The City Administrator stated that the individual in the Assessor's office at the time was being promoted from within and the Administration wanted the individual the opportunity to prove himself in the management role with the expectation that when the individual became permanent a further adjustment could be considered. Chairman Cliff Ponte stated that if the salary for this position is raised the Council is giving the Mayor the approval to raise the person's salary. As such, he would like to see a list of the projects being worked on and an evaluation. He also stated that he has filed a resolution to review all the salaries as established in ordinance and will be working with the administration on that. The Director of Human Resources stated she had done a study of the different non-union positions and they were not all annual amounts in ordinance. She agreed that going forward, non-union positions should be listed as annual salaries.

On a motion made and seconded, it was voted 3 yeas, 2 nays to amend the proposed ordinance by striking the salary of the Special Projects/Media – Mayor's Office from "Not to exceed \$52,000 per annum" and inserting in place thereof "Not to exceed \$45,000 per annum", with Councillors Joseph D. Camara and Stephen R. Long voting in the negative.

On further motions made and seconded, it was unanimously voted to amend the following salaries:

- Assistant City Auditor from "Not to exceed \$2,873.56" to "Not to exceed \$75,000 per annum"
- Administrative Assistant to the Board of Assessors/Administrator of Assessing from "Not to exceed \$85,000 per annum" to "Not to exceed \$90,000 per annum"
- Staff Nurse from "Min. \$1,506.59 \$1,565.04 \$1,626.52 \$1,691.01 \$1,758.65 \$1,829.74 \$1,904.32 Max." to "Not to exceed \$50,000 per annum"

A further motion was made and seconded to amend the ordinance to allow it to take effect upon passage but no vote was taken. On yet a further motion made and seconded, it was unanimously voted to recommend that the ordinance be passed through first reading, as amended.

2. Proposed Ordinance – Salary amendments for Electrician, HVAC/Maintenance and City Treasurer

On a motion made and seconded, it was unanimously voted to recommend that the proposed ordinance be passed through second reading and enrollment, as amended.

3. Resolution – Review requirements of annual budget

Councilor Linda M. Pereira stated that the new Superintendent and members of the School Committee should be invited to a future meeting to discuss a new format. A motion made and seconded to table the resolution failed to carry, 1 yeas, 4 nays, with Councilor Linda M. Pereira voting in the affirmative. Councilor Joseph D. Camara stated that the School Committee does not include names in their budget at the recommendation of the Department of Elementary and Secondary Education. Councilor Raymond A. Mitchell explained that he filed this resolution because every year he needs to file a public records request to receive the list of the positions. Councilor Stephen R. Long agreed that he is not comfortable with adding a name to the position as he would rather make a decision based on position not names. On a motion made and seconded, it was unanimously voted to table the resolution.

4. Resolution – Discuss City Council approval for contracts that exceed three years

A discussion was held with those present regarding the City Council's ability to approve contracts that exceed three years. Corporation Counsel stated the City Council cannot require the Mayor to limit the length of contracts. At his prerogative, the Mayor may work with the City Council. Councilor Joseph D. Camara stated some contracts, such as TIFs, need to be long term and the Council does weigh in. Councilor Stephen R. Long stated that unless there is a Charter change, the Mayor can write a contract as he sees fit. Councilor Raymond A. Mitchell stated he is looking for a collaborative process with the Mayor and that a letter should be sent requesting such. A motion made and seconded to grant the resolution leave to withdraw failed to carry, 2 yeas, 3 nays, with Councilors Joseph D. Camara and Steven R. Long voting in the affirmative. On a further motion made and seconded, it was unanimously voted to send a letter to the Mayor asking that he work cooperatively with the City Council on contracts that exceed three years, a copy of which is attached hereto and made a part of these minutes.

5. Resolution – Discuss City Council's ability to confirm the appointment and removal Corporation Counsel

Corporation Counsel stated the City Council does not have the ability to confirm the appointment or removal of his position unless there is a Charter change. On a motion made and seconded it was unanimously recommended that the resolution be granted leave to withdraw.

6. Resolution – Administration consider advertising on city owned assets

On a motion made and seconded, the item was lifted from the table. The City Administrator stated local and state legal requirements are currently being researched. An individual was contracted via an RFP to assist the City. City land research is completed and the state land requirements will be researched next. Councilor Pamela Laliberte-Lebeau asked for a timeline to be e-mailed and the City Administrator stated she will send the parameters of the state regulations to Committee members and is happy to provide an update in a couple of weeks. Chairman Cliff Ponte stated he will continue to ask for an update when he sets Ordinance meetings in the future. Councilor Stephen R. Long stated that due diligence needs to be done but he is not in favor of any advertising or banners on city buildings but looking forward to hearing proposals for other public properties.

On a motion made and seconded, it was unanimously voted to table the resolution.

7. Resolution – Citizen Input Time

Committee members discussed the merits of the resolution and stated that the concerns that caused its filing are no longer in place and that the Council President has been doing a good job with handling citizen input time. Councilor Linda M. Pereira requested that public hearings be held earlier than 7:15 p.m. so that individuals waiting to speak during citizen input time and public hearings do not have to wait a long time. Councilor Stephen R. Long suggested that when controversial issues arise, consideration should be given to holding citizen input time on a different day to allow the public more time. Councilor Joseph D. Camara stated that considering the number of individuals that come forward to speak, citizen input time should not be limited to three minutes. On a motion made and seconded, it was unanimously voted to recommend the resolution be granted leave to withdraw.

On a motion made and seconded, it was unanimously voted to adjourn at 7:20 p.m.

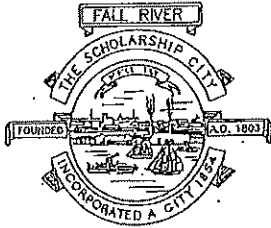
List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

Job descriptions for salaries listed in Items 1 and 2


Assistant Clerk of Committees



CITY OF FALL RIVER, MASSACHUSETTS
CITY COUNCIL

COLLEEN A. TAYLOR
CLERK OF COMMITTEES

INÊS LEITE
ASSISTANT CLERK OF COMMITTEES

August 3, 2016

Jasiel F. Correia II, Mayor
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mayor Correia:

At a meeting of the City Council Committee on Ordinances and Legislation held on August 2, 2016, a discussion was held relative to requiring the City Council's approval of contracts that exceed three years.

Following that discussion, and on a motion made and seconded, it was unanimously voted to request that consideration be given to working cooperatively with the City Council on contracts entered into on behalf of the City that exceed three years.

Thank you for your anticipated cooperation.

Very truly yours,

Inês Leite
Assistant Clerk of Committees

/ispl

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, January 26, 2016 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Shawn E. Cadime, presiding;
Councilors Richard Cabeceiras, Joseph D. Camara, Steven A. Camara,
Pam Laliberte-Lebeau, Stephen R. Long, Raymond A. Mitchell,
Linda M. Pereira and Cliff Ponte

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Terrance J. Sullivan, Administrator of Community Utilities

President Shawn E. Cadime called the meeting to order at 9:08 p.m. with a salute to the flag followed by a moment of silent prayer and announced that the meeting may be recorded with audio or video and transmitted through any medium.

On a motion made and seconded, it was unanimously voted to waive the rules and allow Carlos Cesar, 367 Frost Street to speak regarding city parks.

PRIORITY MATTERS

1. Transfer and appropriation
Adopted, 9 yeas

PRIORITY COMMUNICATIONS

2. Mayor and loan order for a Municipal Tractor – \$209,375
Authorized to be published and referred to the Committee on Finance, 9 yeas
3. Mayor and order for employment agreement of Director of Human Resources
It was discussed that an evaluation process for all Department Heads should be instituted and noted that all positions should be posted. Councilor Richard Cabeceiras asked if the automatic salary increase could be deleted from the contract and was told that the City Council is not negotiating the contract only approving or disapproving the contract. President Shawn E. Cadime relinquished the chair to Vice President Linda M. Pereira so he could deliver remarks. On a motion made and seconded, it was unanimously voted to waive the rules and allow the City Administrator to answer some questions regarding the employment agreement. President Cadime questioned the clause that states that the base salary shall be adjusted in 2017 according to the CPI-U urban index if other City employees receive increases in any other form or manner. A motion was made to allow Madeline Coelho, Director of Human Resources to answer questions regarding the contract, but received no second. President Cadime returned to the chair at 9:22 p.m. On a further

motion made and seconded, to adopt the order, the order carried 8 yeas, with President Cadime voting present.

Adopted, 8 yeas, 1 present - Approved, January 28, 2016, Mayor Jasiel F. Correia II

4. Mayor and proposed ordinance re: Department of Community Maintenance
Referred to the Committee on Ordinances and Legislation

5. Administrator of Community Utilities re: Draft Integrated Wastewater and Stormwater Master Plan
Accepted and placed on file

6. Open Meeting Law Complaint
Accepted and placed on file

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

7. Proposed ordinance – Traffic, Handicapped parking
Emergency Preamble, Adopted, 9 yeas. Passed through first reading, second reading, passed to be enrolled and passed to be ordained – Approved, January 28, 2016, Mayor Jasiel F. Correia II

First Reading:

8. Proposed ordinance – Traffic, Miscellaneous
Passed through first reading

9. Proposed ordinance – Committee on Budget Preparation, Revenue and Audits
Councilor Steven A. Camara questioned if the Council would be violating the City Charter by allowing a subcommittee to refer matters to another subcommittee without doing so via the City Council. The City Clerk stated the Corporation Counsel has been consulted and has no objection. Passed through first reading

10. Proposed ordinance – Amend Committee on Real Estate members
Passed through first reading

11. Proposed ordinance – Establish Financial Audit Advisory Committee
Passed through first reading

Second Reading, as amended:

12. Proposed ordinance – Water/Sewer connections
Councilor Joseph A Camara stated that the amendment that was added during the Committee on Ordinances and Legislation meeting was unfair to residents and that is why he voted against it. On a motion made and seconded, it was unanimously voted to allow the Administrator of Community Utilities to answer questions. The Administrator of Community Utilities explained that no one is forcing anyone to tie into water or sewer. It is only if a resident wants to tie into one utility then they would be required to tie into both. On a motion made and seconded it was voted 6 yeas, 3 nays with Councilors Stephen R. Long, Cliff Ponte and President Shawn E. Cadime voting in the negative to strike the amendment from the proposed ordinance. Councilor Stephen R. Long stated that he is opposed to the proposal, as it is unfair in his opinion to force anyone to connect to a utility if they do not want to. Passed through second reading and enrollment, as amended, 6 yeas, 3 nays with Councilors Stephen R. Long, Cliff Ponte and President Shawn E. Cadime voting in the negative.

Passed to be ordained, as amended, 6 yeas, 3 nays with Councilors Stephen R. Long, Cliff Ponte and President Shawn E. Cadime voting in the negative. – Approved, January 28, 2016, Mayor Jasiel F. Correia II

ORDINANCES – none

RESOLUTIONS

13. Committee on Public Safety convene to discuss the Fall River Shannon Community Safety Initiative and the Safe and Successful Youth Initiative

Adopted

14. Committee on Public Safety convene to discuss Bristol County being designated as a High Intensity Drug Trafficking Area

Adopted

CITATIONS – none

ORDERS – HEARINGS FOR TONIGHT

Street acceptance:

15. Heritage Court from Commonwealth Avenue to dead end

Hearing held and closed

16. Commonwealth Avenue from William S. Canning Boulevard to Heritage Court

Hearing held and closed

Auto Repair Shop license:

17. Sullivan Tire Co., Inc., 41 Accord Park Drive, Norwell, MA for a license to operate at 456 Rodman Street

Hearing held and closed. Order granting permission was adopted – Approved, January 28, 2016, Mayor Jasiel F. Correia II

Storage Permit:

18. Colbea Enterprises, LLC to store 30,000 gallons of gasoline and diesel fuel at 130 William S. Canning Boulevard

Hearing held and closed. Order granting permission was adopted – Approved, January 28, 2016, Mayor Jasiel F. Correia II

ORDERS – HEARINGS TO BE SCHEDULED – none

ORDERS – NO HEARING REQUIRED – none

ORDERS – MISCELLANEOUS

19. Police Chief's report on licenses

Adopted

20. Revoke Auto Body Shop license #144 at 115 Maple Street at the request of the owner

Adopted

21. City Council meeting schedule for February to June 2016 (Tabled 1-12-16)

On a motion made and seconded, it was unanimously voted to lift the order from the table. It was discussed that by changing the dates for the April meetings from the 12th and 26th to the 5th and the 19th would put the 19th meeting during school vacation week. Councilor Joseph D. Camara stated that if any Councilors have children who are in school, it is now considered an unexcused absence if a child is taken out of school for a vacation. On a further motion made and seconded, it was

voted 5 yeas, 4 nays with Councilors Richard Cabeceiras, Joseph D. Camara, Steven A. Camara and Cliff Ponte voting in the negative to amend the April meeting dates to the 5th and the 19th.
Adopted, as amended

COMMUNICATIONS – INVITATIONS – PETITIONS

22. Claims

Referred to Corporation Counsel

BULLETINS – NEWSLETTERS – NOTICES

23. Final Report – Heritage Court from Commonwealth Avenue to dead end

Adopted – Approved, January 28, 2016, Mayor Jasiel F. Correia II

24. Final Report – Commonwealth Avenue from William S. Canning Boulevard to Heritage Court

Adopted – Approved, January 28, 2016, Mayor Jasiel F. Correia II

25. Notice of Casualty and Loss at 31-34 Rodman Street

Accepted and placed on file

President Shawn E. Cadime called for a recess at 10:04 p.m. and called the Council back to order at 10:09 p.m.

On a motion made and seconded, it was unanimously voted to adjourn at 10:10 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

A true copy. Attest:



City Clerk

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, February 9, 2016 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Shawn E. Cadime, presiding;
Councilors Richard Cabeceiras, Joseph D. Camara, Steven A. Camara,
Pam Laliberte-Lebeau, Stephen R. Long, Raymond A. Mitchell,
Linda M. Pereira and Cliff Ponte

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator

President Shawn E. Cadime called the meeting to order at 9:03 p.m. with a salute to the flag followed by a moment of silent prayer and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor and order requesting acceptance of two wall mount electric vehicle chargers from Nissan North America, Inc.

Adopted, 9 yeas – Approved, February 11, 2016, Mayor Jasiel F. Correia II Mayor

2. Mayor and proposed amendments to Chapter 82: Waterways
*Councilor Linda M. Pereira stated that she believed this was a good idea as we want to see life on the waterfront. On a motion made and seconded, it was unanimously voted to waive the rules to allow the City Administrator to answer questions. The City Administrator stated that this would be an additional way to raise revenue for the City of Fall River. A decal will be issued to boaters once their waterways fee and boat excise taxes are paid. Councilor Joseph D. Camara questioned who would be paying the waterways user fee. The City Administrator stated that any boat that is docked for more than 14 days in the City of Fall River would need to pay the fee.
Referred to the Committee on Ordinances and Legislation*

PRIORITY COMMUNICATIONS - none

COMMITTEE REPORTS

Committee on Public Safety recommending:

Grant leave to withdraw:

3. Resolution – review traffic patterns at the intersection of Hamlet Street and Plymouth Avenue
Granted leave to withdraw

ORDINANCES

Second Reading:

4. Proposed ordinance – Traffic, Miscellaneous
Passed through second reading and enrollment
Passed to be ordained – Approved, February 11, 2016, Mayor Jasiel F. Correia II
5. Proposed ordinance – Committee on Budget Preparation, Revenue and Audits
Passed through second reading and enrollment
Passed to be ordained
6. Proposed ordinance – Amend Committee on Real Estate members
Passed through second reading and enrollment
Passed to be ordained – Approved, February 11, 2016, Mayor Jasiel F. Correia II
7. Proposed ordinance – Establish Financial Audit Advisory Committee
Passed through second reading and enrollment
Passed to be ordained – Approved, February 11, 2016, Mayor Jasiel F. Correia II

RESOLUTIONS

8. Com. on Ordinances and Legislation invite Dir. of Community Maintenance to future meeting to discuss possibility of establishment of city wide street sweeping program
Councilor Pam Laliberte-Lebeau stated that North and South Main Streets and around Government Center are swept every day, but it is very inefficient because the street sweepers must go around all the parked vehicles. Councilor Cliff Ponte stated that he supports this resolution and would like to see it discussed in the Committee on Ordinances and Legislation.
Adopted
9. Administration partner with Sheriff's Office to improve cleanliness of city
On a motion made and seconded, it was unanimously voted to amend the resolution by adding that no chain gangs will be used. It was stated by Councilor Linda M. Pereira that the Bristol County Sheriff's Office has cleaned many areas of the City using this program.
Adopted, as amended – Approved, February 11, 2016, Mayor Jasiel F. Correia II
10. City engage services of CVS to offer free drug awareness program to high school students
Councilor Cliff Ponte stated that he was made aware of this program by employees of CVS Pharmacy. The "One Choice Changes Everything Program" is for 9th and 10th grade high school students. He also stated that he would send a letter to BMC Durfee High School, Diman Regional Vocational Technical High School, Bishop Connolly High School and the Atlantis Charter School advising them that this program is available and would like to see it implemented in all high schools in the City of Fall River.
Adopted – Approved, February 11, 2016, Mayor Jasiel F. Correia II

CITATIONS – none

ORDERS – HEARINGS FOR TONIGHT – none

ORDERS – HEARINGS TO BE SCHEDULED – none

ORDERS – NO HEARING REQUIRED – none

ORDERS – MISCELLANEOUS

11. Police Chief's report on licenses
Adopted

COMMUNICATIONS – INVITATIONS – PETITIONS

12. Claims

Referred to Corporation Counsel

13. Planning Board Minutes – November 5, 2015

Accepted and placed on file

14. Structure over a public way – Banner on Bedford Street at South Main Street for
People, Incorporated – Smiles 5K Road Race

Approved

BULLETINS – NEWSLETTERS – NOTICES – none

President Cadime called for a recess at 9:27 p.m. and called the Council back to order at 9:29 p.m.

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

Committee on Finance recommending:

Action:

Loan order – \$209,375 for purchase of municipal tractor

Adopted, 9 yeas – Approved, February 11, 2016, Mayor Jasiel F. Correia II

RFP be drafted and referral to the Committee on Ordinances and Legislation:

Resolution – Possibility of utilizing city-owned assets for the use of advertising

RFP be drafted by the Administration and resolution referred to the Committee on Ordinances and Legislation

On a motion made and seconded, it was unanimously voted to adjourn at 9:31 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

Resolution – Possibility of utilizing city-owned assets for the use of advertising (attached)

A true copy. Attest:

Alison M. Bouchard

City Clerk

CITY OF FALL RIVER

3b

To the City Council

Councillors:

The Committee on Finance, at a meeting held on February 9, 2016, voted unanimously to recommend that an RFP be drafted by the administration and that the accompanying resolution be referred to the Committee on Ordinances and Legislation.


City Clerk

Financial #3

City of Fall River, In City Council

(Councilor Cliff Ponte)

WHEREAS, the taxpayers of Fall River cannot be continuously relied upon to fund the increasing costs of needed city services, and

WHEREAS, assets owned by the City of Fall River such as buildings, vehicles and vacant land can be further utilized for city advertising, and

WHEREAS, this can be considered a new source of revenue to help enhance city services, and

WHEREAS, this will not cost the City or its taxpayers any money, now therefore

BE IT RESOLVED, that the Administration be invited to a future meeting of the Committee on Finance to discuss the possibility of utilizing City-owned assets for the use of advertising in an effort to increase revenues at no cost to the City.

CITY OF FALL RIVER
IN CITY COUNCIL

FEB - 9 2016

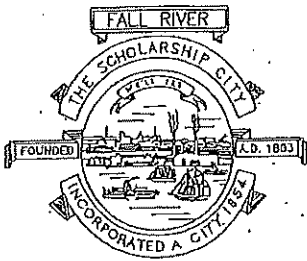
*RFP be drafted by the
Administration and
resolution referred
to the Committee on
Ordinances and Legislation*

In City Council, January 12, 2016
Adopted

A true copy. Attest:

Alison M. Bruchard

City Clerk



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

February 16, 2016

Jasiel F. Correia II, Mayor
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mayor Correia,

At a meeting of the City Council Committee on Finance held on February 9, 2016, a discussion was held relative to the possibility of utilizing city-owned assets for the use of advertising.

Following that discussion, and on a motion made and seconded, it was unanimously voted to request that the administration draft an RFP. Please share this information with the City Council when available. Thank you for your anticipated cooperation.

Very truly yours,

Alison M. Bouchard
City Clerk

cc: Cathy Ann Viveiros, City Administrator

/ct

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, February 23, 2016 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: Vice President Linda M. Pereira, presiding;
Councilors Richard Cabeceiras, Joseph D. Camara, Steven A. Camara,
Pam Laliberte-Lebeau, Stephen R. Long, Raymond A. Mitchell
and Cliff Ponte

ABSENT: Shawn E. Cadime

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Attorney Kenneth Fiola, Jr., Executive Vice President, FROED

Vice President Linda M. Pereira called the meeting to order at 7:02 p.m. with a salute to the flag followed by a moment of silent prayer and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor & TIF agreements for:

a. Demoulas Super Markets, Inc.

A motion was made and seconded to accept and place the matter on file. A further motion was made and seconded, to refer the matter to the Committee on Finance, which was then withdrawn. A further motion was made, seconded and voted unanimously to waive the rules and allow the City Administrator to answer questions that the Councilors had. The City Administrator stated that the Executive Vice President of the Fall River Office of Economic Development (FROED) was in transit and would be arriving shortly to answer questions. Councilor Steven A. Camara was concerned that TIF Agreements are offered to new companies to establish a business in the City of Fall River, but not to establish businesses that have been operating in the city for years. It was stated that any business can apply for a TIF Agreement. Councilor Pam Laliberte-Lebeau asked how many acres this area encompassed. Attorney Kenneth Fiola, Jr. stated that the entire parcel is approximately 35 acres and the Demoulas Super Market area will use approximately 9.5 acres of the 35 acres. Councilor Cliff Ponte stated that he hopes William S. Canning Boulevard and Stafford Road can be repaved, due to the amount of traffic that this project will hopefully generate. Attorney Kenneth Fiola, Jr. stated that the city is looking into applying for a grant through the MassWorks Infrastructure Program. This is a grant program through the Commonwealth of Massachusetts that will pay for approximately 75% of projects such as this.

Adopted, 7 yeas, 1 nay with Councilor Steven A. Camara voting in the negative and Council President Shawn E. Cadime absent and not voting – Approved, February 24, 2016, Mayor Jasiel F. Correia II

b. Harbour Hill, LLC

*Adopted, 8 yeas with Council President Shawn E. Cadime absent and not voting – Approved,
February 24, 2016, Mayor Jasiel F. Correia II*

2. Mayor and order requesting approval to deficit spend the snow and ice account
On a motion made and seconded, it was unanimously voted to waive the rules to allow the City Administrator to answer questions regarding the deficit spending of the snow and ice account. Councilor Cliff Ponte questioned how far over budget the city is at this point. The City Administrator stated that we have exhausted the \$526,000 that was budgeted and as of now we have an additional \$300,000 in bills approximately, as the bills are still coming in. Also, last winter we had an excessive amount of snow and were allowed to amortize the cost for the snow removal for FY 15 over three years. \$900,000 will be added in Fiscal Years 2016, 2017 and 2018 to pay off the deficit.
*Adopted, 8 yeas with Council President Shawn E. Cadime absent and not voting – Approved,
February 24, 2016, Mayor Jasiel F. Correia II*

3. Traffic Commission recommending amendments to the traffic ordinances
Referred to the Committee on Ordinances and Legislation

PRIORITY COMMUNICATIONS

4. Open Meeting Law Complaint (City Council and School Committee)
Referred to Corporation Counsel

5. Open Meeting Law Complaint (City Council Committee on Ordinances and Legislation)
Referred to Corporation Counsel

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

Referral to Planning Board:

6. Proposed ordinance – Zoning/Apartment District [A-2]
Referred to the Planning Board

First Reading:

7. Proposed ordinance – Department of Community Maintenance
A motion was made, seconded and voted unanimously with Council President Shawn E. Cadime absent and not voting to amend the proposed ordinance as follows:

By striking out Section 3 in its entirety and replacing it with the following:

Section 3

By inserting a new section 2-216, as follows:

Department of Building and Grounds

Established. There shall be a Department of Buildings and Grounds which shall be under the supervision of the City Administrator and which shall be responsible for municipal buildings, custodians, plumbers, electricians, cleaning contractor(s) and Community Preservation Act/capital projects.

By striking out in Section 5, Director of Buildings and Grounds.....per contract, and replacing it with the following:

Director of Buildings and Grounds
3-15-16 \$3,769.24

Passed through first reading, as amended, 6 yeas, 2 nays with Councilors Richard Cabeceiras and Raymond A. Mitchell voting in the negative and Council President Shawn E. Cadime absent and not voting

ORDINANCES – none

RESOLUTIONS

8. Com. on Ords. & Legis. convene to discuss removal of snow/ice from sidewalks
Adopted

9. City Council and Administration consider elimination of household fee
Adopted – Approved, February 24, 2016, Mayor Jasiel F. Correia II

10. Com. on Health & Env. Affairs convene to discuss recycling options
Adopted

CITATIONS – none

ORDERS – HEARINGS FOR TONIGHT

Underground conduit:

11. Innovation Way – 4/5" conduits to accommodate Amazon Warehouse
Hearing held and closed. Order granting permission was adopted – Approved, February 24, 2016, Mayor Jasiel F. Correia II

ORDERS – HEARINGS TO BE SCHEDULED – none

ORDERS – NO HEARING REQUIRED – none

ORDERS – MISCELLANEOUS

12. Police Chief's report on licenses
Adopted

13. Taxicab license #41, Faith Latessa d/b/a Town Transportation, LLC, 168 Stevens St.
A motion was made, seconded and voted unanimously to take item numbers 13 and 14 together. Adopted – Approved, February 24, 2016, Mayor Jasiel F. Correia II

14. Taxicab license #1 and #7, F.R. Taxi Service, Inc. d/b/a Vet's Safe-T-Cab Association, 67 Talbot Street
Adopted – Approved, February 24, 2016, Mayor Jasiel F. Correia II

15. Auto Repair Shop license renewals
Adopted – Approved, February 24, 2016, Mayor Jasiel F. Correia II

16. Transfer of Auto Repair Shop license #329 at 193 Oak Grove Avenue from John Glass d/b/a JG Auto, LLC to Gilbert Lourenco d/b/a Gil's Automotive
Adopted – Approved, February 24, 2016, Mayor Jasiel F. Correia II

17. Transfer of Auto Repair Shop license #306 at 1741 Stafford Road from Jody Oliveira d/b/a Ground Earth Inc. to Paul B. Faria d/b/a A and R Auto
Adopted – Approved, February 24, 2016, Mayor Jasiel F. Correia II

18. Revoke Auto Repair Shop lic. #202 at 182 Stafford Road at request of property owner
Adopted – Approved, February 24, 2016, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS

19. Claims
Referred to Corporation Counsel

20. Fall River Housing Authority re Community Job & Education Fair, Tuesday, Feb. 23, 2016 located at the Boys and Girls Club, 803 Bedford Street, 10:00 a.m. to 1:00 p.m.
Accepted and placed on file

21. AG's office acknowledging receipt of OML complaint
Accepted and placed on file and referred to Corporation Counsel

BULLETINS – NEWSLETTERS – NOTICES – none

On a motion made and seconded, it was unanimously voted to adjourn at 7:56 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting

A true copy. Attest:


City Clerk

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, March 8, 2016 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Shawn E. Cadime, presiding;
Councilors Richard Cabeceiras, Joseph D. Camara, Steven A. Camara,
Pam Laliberte-Lebeau, Stephen R. Long, Raymond A. Mitchell,
Linda M. Pereira and Cliff Ponte

ABSENT: None

IN ATTENDANCE: Attorney Kenneth Fiola, Jr., Executive Vice President, FROED

President Shawn E. Cadime called the meeting to order at 7:08 p.m. with a salute to the flag followed by a moment of silent prayer and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Transfers and appropriations
 - a. \$238,528 for the EMS Capital Expenditures (Ambulance) from the EMS FY 15 Retained Earnings
Adopted, 9 years
 - b. \$31,496 for the Fire Department Capital Expenditures (Vehicle) from the Insurance Recovery Revolving Fund Balance
Adopted, 9 years
 - c. \$150,000 for the Community Maintenance Expenditures from the Community Maintenance Salaries
Adopted, 9 years
 - d. \$150,000 for the Sanitation Expenditures from the Sanitation Salaries
Adopted, 9 years
2. Mayor & Loan Order for Phase 16 of the Water Improvement Projects - \$4,889,400
Authorized to be published and referred to the Committee on Finance, 9 years
3. Mayor & Loan Order for Copicut Dam Rehabilitation Project - \$966,000
Authorized to be published and referred to the Committee on Finance, 9 years

4. Mayor & resolution re: Proposed Housing Development (HD) Zone and Plan
On a motion made and seconded, it was unanimously voted to waive the rules and allow the Executive Vice President of the Fall River Office of Economic Development (FROED) to provide additional information regarding this resolution. Attorney Kenneth Fiola, Jr. stated that there are approximately twenty five mills located in this zone. Councilor Cliff Ponte questioned if this proposed HD Zone is the same as the waterfront HD Zone that was approved by the City Council a few years ago. It was stated by Attorney Kenneth Fiola, Jr. that it is. Councilor Linda M. Pereira stated that she hopes that this will not be like the Curtain Loft Apartments that was supposed to be housing for residents over the age of 55 and now there are younger residents living there. Attorney Kenneth Fiola, Jr. stated that FROED was not involved in the Curtain Loft Apartments, therefore they have no control over any issues such as age restrictions. He also stated that any developments that will be approved in this HD Zone will be regulated by FROED.
Adopted, 9 yeas – Approved, March 10, 2016, Mayor Jasiel F. Correia II

PRIORITY COMMUNICATIONS

5. Administrator of Community Utilities re Construction Projects (for informational purposes)
Accepted and placed on file

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

6. Proposed ordinance – Traffic, handicapped parking
Emergency Preamble, Adopted, 9 yeas – Ordinance, Passed through first reading, second reading, passed to be enrolled and passed to be ordained – Approved, March 10, 2016,
Mayor Jasiel F. Correia II

First Reading:

7. Proposed ordinance – Traffic, miscellaneous
Passed through first reading

8. Proposed ordinance – Mooring fees
Passed through first reading

Grant leave to withdraw:

9. Proposed Ordinance – Waterways User Fee
Granted leave to withdraw

10. Resolution – Vacant Building registration fees be deposited into Revolving Fund
for Community Services
Granted leave to withdraw

Committee on Real Estate recommending:

Grant leave to withdraw:

11. Order – Bid for former Silvia School, 106 & 138 Hartwell Street from CL Properties/
Sherwood Builders

Councilor Steven A Camara stated that the City Council has been discussing the sale of former school buildings for over eight years. He feels that the former Silvia School located at 106 & 138 Hartwell Street would be a good location to hold fairs and carnivals, as it is right on the bus route. He stated that this idea is worthy of consideration and requested that the Committee on Real Estate discuss the possibility.

Granted leave to withdraw

12. Communication and Order – sale of former Silvia School, 106 & 138 Hartwell Street to Greater Fall River RE-CREATION
Granted leave to withdraw
13. Communication – Request to purchase city-owned property adjacent to 435 Aetna St.
Granted leave to withdraw
14. Communication – Request to purchase city-owned property surrounding 35 Stafford Heights Road
Granted leave to withdraw

Committee on Finance recommending:

Grant leave to withdraw:

15. Resolution – Bids for renovations in Treasurer/Collector's offices
Granted leave to withdraw
16. Resolution – Options for more affordable credit card service charges for bill payments
Granted leave to withdraw

ORDINANCES

17. Eliminate Annual fee for collection/disposal of household trash
Councilor Steven A. Camara stated that he considered filing this proposed ordinance in January, but had been asked by the City Council President to wait a few weeks to allow the Mayor time to review budgetary matters. Councilor Cliff Ponte stated that he will schedule this on an upcoming agenda of the Committee on Ordinances and Legislation. Councilor Joseph D. Camara stated that he wanted to remind everyone that this will not take effect until the next fiscal year. Referred to the Committee on Ordinances and Legislation
18. Salary – Director of Community Maintenance
Councilor Steven A. Camara stated that he filed this proposed ordinance along with Councilor Pam Laliberte-Lebeau to establish this salary by ordinance and not by contract. Referred to the Committee on Ordinances and Legislation

Second Reading, as amended:

19. Proposed ordinance – Department of Community Maintenance
Councilor Richard Cabeceiras stated various reasons why he cannot support this proposed ordinance and the main reason being that he cannot see that there is a savings to the city. Passed through second reading and enrollment, as amended, 6 yeas, 3 nays with Councilors Richard Cabeceiras, Raymond A. Mitchell and President Shawn E. Cadime voting in the negative. Passed to be ordained, as amended, 6 yeas, 3 nays with Councilors Richard Cabeceiras, Raymond A. Mitchell and President Shawn E. Cadime voting in the negative – Approved, March 10, 2016, Mayor Jasiel F. Correia II

RESOLUTIONS

20. Com. on Economic Development and Tourism meet to discuss status of Fall River Industrial Park, Fall River Commerce Park & Southcoast Life Science and Technology Park
Adopted
21. Com. on Public Safety meet to discuss the opioid epidemic and potential ways to mitigate its negative effect on the community
Councilor Pam Laliberte-Lebeau made a motion to amend the resolution by adding Michael Aguiar and Representative Carole Fiola to the list of invitees, which was seconded and unanimously voted.

Adopted, as amended

22. Com. on Public Safety meet to discuss status of vacant mills in the city
Councilor Linda M. Pereira stated that there are various mills in the city that are vacant and need to be inspected and have any fire suppression systems checked. Councilor Pam Laliberte-Lebeau stated that she is working with various departments to compile a list of all the vacant mills in the city and their status, as far as fire protection and contact numbers in case of an emergency.
Adopted

23. Com. on Public Safety receive educational presentation regarding Narcan
Councilor Pam Laliberte-Lebeau stated that there will be a Narcan Presentation at the next Committee on Public Safety meeting.
Adopted

CITATIONS -- none

ORDERS -- HEARINGS FOR TONIGHT -- none

ORDERS -- HEARINGS TO BE SCHEDULED

Second hand article store:

24. Christopher Duarte d/b/a Trash Two Treasures at 400 Rhode Island Avenue
The City Clerk stated that this application had been denied by the Chief of Police. Councilor Raymond A. Mitchell asked why the application was denied and the City Clerk stated that it was due to the criminal history of the applicant.
Referred to the Committee on Regulations

ORDERS -- NO HEARING REQUIRED -- none

ORDERS -- MISCELLANEOUS

25. Police Chief's report on licenses
Adopted

26. Auto Body Shop license renewals
Adopted -- Approved, March 10, 2016, Mayor Jasiel F. Correia II

27. Auto Repair Shop license renewals
The City Clerk stated that a complaint letter was received regarding one of the auto repair shop license renewals. A motion was made, seconded and unanimously voted to separate the application of Ruben Oliveira for 65 Tower Street and refer it to the Committee on Regulations. A subsequent motion was made, seconded and unanimously voted to adopt the order, as amended --
Approved, March 10, 2016, Mayor Jasiel F. Correia II

27a. Auto Repair Shop license renewal for Ruben Oliveira, 65 Tower Street
Referred to the Committee on Regulations

28. Revoke Auto Repair Shop license #327 at 150 Plymouth Avenue at the request of owner
Adopted -- Approved, March 10, 2016, Mayor Jasiel F. Correia II

COMMUNICATIONS -- INVITATIONS -- PETITIONS

29. Claims
Councilor Linda M. Pereira requested a list of claims from Corporation Counsel that are scheduled to be paid. Referred to Corporation Counsel

30. AG's office acknowledging receipt of OML complaint
Referred to Corporation Counsel

31. Zoning Board of Appeals Minutes – December 28, 2015
Accepted and placed on file

32. Zoning Board of Appeals Minutes – January 21, 2016
Accepted and placed on file

BULLETINS – NEWSLETTERS – NOTICES

33. Notices of Casualty and Loss at:

a. 945 South Main Street
Accepted and placed on file

b. 211 Milliken Boulevard
Accepted and placed on file

c. 94-100 Hunter Street
Accepted and placed on file

34. DEP Waterways Regulation Program re: Liberty Utilities, Waterways License Application
Accepted and placed on file

President Cadime called for a recess at 8:17 p.m. and called the Council back to order at 8:20 p.m.

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

PRIORITY MATTERS

Mayor & Loan Order for Refunding Bonds for Interest Cost - \$25,000,000
Authorized to be published and referred to the Committee on Finance, 9 years

On a motion made and seconded, it was unanimously voted to adjourn at 8:21 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

A true copy. Attest:



City Clerk

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, March 22, 2016 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Shawn E. Cadime, presiding;
Councilors Richard Cabeceiras, Joseph D. Camara, Steven A. Camara,
Pam Laliberte-Lebeau, Raymond A. Mitchell, Linda M. Pereira
and Cliff Ponte

ABSENT: Councilor Stephen R. Long

IN ATTENDANCE: None

President Shawn E. Cadime called the meeting to order at 7:42 p.m. with a salute to the flag followed by a moment of silent prayer and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

On a motion made and seconded, it was unanimously voted to take item #26 out of order. On a further motion made and seconded, it was unanimously voted to allow Corporation Counsel to address the City Council and explain the Open Meeting Law complaint process.

26. Open Meeting Law complaint regarding February 9, 2016 City Council Meeting

a. Corporation Counsel response

Referred to Corporation Counsel

b. Communication from CJ Ferry

Referred to Corporation Counsel

c. Communication from Attorney General

Referred to Corporation Counsel

1. Mayor and Year Two Annual Action Plan

Councilor Cliff Ponte made a statement that he will abstain from all conversations regarding this matter, due to a possible conflict of interest as he is a real estate professional working in the Greater Fall River area and exited the Chamber for the duration of the discussion on this item.
Referred to the Committee on Finance

2. Mayor and proposed ordinance re: boat excise collection and Waterway Permit decal
Referred to the Committee on Ordinances and Legislation

3. Mayor and order re: gift of \$15,000 from Southcoast Hospitals Group in support of the North Park Inclusion Playground Project
It was requested that a letter of gratitude be sent to Southcoast Hospitals Group for their donation.
Adopted – Approved, March 24, 2016, Mayor Jasiel F. Correia II

4. Mayor and order re: Preservation Restriction in perpetuity for Bank Street Armory
Adopted – Approved, March 24, 2016, Mayor Jasiel F. Correia II

PRIORITY COMMUNICATIONS

5. Traffic Commission recommending amendments to the traffic ordinances
Referred to the Committee on Ordinances and Legislation

6. Board of Election Commissioners re: Official Results of the Presidential Primary held on March 1, 2016
Accepted and placed on file

COMMITTEE REPORTS

Committee on Finance recommending:
Grant leave to withdraw:

On a motion made and seconded, it was unanimously voted to take items 7 and 8 together.

7. Resolution – Administrator of Public Utilities provide update on performance reviews for Water/Sewer Divisions
Granted leave to withdraw

8. Resolution – Finance Team provide info regarding shortfalls in Police and Fire Departments
Granted leave to withdraw

ORDINANCES

Second Reading and enrollment:

9. Proposed ordinance – Mooring Fees
Passed through second reading and enrollment, 6 yeas, 1 nay with Councilor Joseph D. Camara voting in the negative and Councilors Steven A. Camara and Stephen R. Long absent and not voting.
Passed to be ordained, 7 yeas, 1 nay with Councilor Joseph D. Camara voting in the negative and Councilor Stephen R. Long absent and not voting. – Approved, March 24, 2016, Mayor Jasiel F. Correia II

10. Traffic, miscellaneous
Passed through second reading and enrollment
Passed to be ordained – Approved, March 24, 2016, Mayor Jasiel F. Correia II

RESOLUTIONS

11. Administration contact AMERESCO regarding the installation of solar panels on city-owned buildings to reduce utility costs
Councilor Cliff Ponte stated that the resolution mentioned AMERESCO and there are other companies that provide the same services. Councilor Raymond A. Mitchell stated that AMERESCO guarantees their work, so that if you do not save a sufficient amount of money the company will provide additional funding to make bond payments for the city or town. It was also discussed that any building that is considering solar panel installation on the roof needs to have a new roof or a recently updated roof. Councilor Cliff Ponte requested that the resolution be amended by changing

the last paragraph to read, "that the Administration contact AMERESCO and other ESCO companies to discuss installing solar panels on the remaining city-owned buildings to reduce electricity costs where ever possible."

Adopted, as amended – Approved, March 24, 2016, Mayor Jasiel F. Correia II

Councilor Steven A. Camara arrived at 8:00 p.m.

12. Com. on Finance invite Secretary of Housing and Economic Development for the Commonwealth of Massachusetts to discuss economic development opportunities

Adopted

13. Com. on Public Safety convene to discuss broken windows at Government Center
It was discussed that the Mayor is working on this matter and referring it to the Public Safety Committee is a duplication of efforts. Councilor Cliff Ponte stated that it should be referred to the Committee on Public Safety as it is a public safety concern. A motion was made and seconded to amend the resolution by striking out "Committee on Public Safety convene to discuss this very important matter" and replacing it with "requests immediate action to repair the window and that the barriers on the east side of Government Center be removed." A motion was then made to withdraw the previous motion. A subsequent motion was made and seconded to amend the resolution by striking out "Committee on Public Safety convene to discuss this very important matter" and replacing it with "requests immediate action to repair the window and that the barriers on the east side of Government Center be removed, and be it further resolved, that the Administration appear before the next Finance Committee meeting to discuss the status and maintenance of the windows at Government Center." A final motion to amend was then made and seconded. The amendment reinstated the original language and prior amendments. That amendment was adopted, 7 yeas, 1 nay with Councilor Richard Cabeceiras voting in the negative and Councilor Stephen R. Long absent and not voting. The resolution was then adopted, as amended, 8 yeas with Councilor Stephen R. Long absent and not voting.

14. Com. on Economic Development and Tourism convene to discuss traffic patterns and road maintenance in and around the Industrial Park
Councilor Linda M. Pereira stated that maybe this resolution should be tabled as the sponsor of the resolution is absent. Council President Shawn E. Cadime stated that he had spoken to Councilor Stephen R. Long and he had requested that the resolution be adopted.
Adopted

15. Com. on Public Works and Transportation convene to discuss parking and traffic patterns in the downtown area
Adopted

16. Com. on Economic Development and Tourism convene to discuss technology for fire safety, suppression and reporting systems in the area of the Fall River Industrial Park
Councilor Richard Cabeceiras suggested that the matter would be better discussed in the Committee on Public Safety.
Adopted

CITATIONS – None

ORDERS – HEARINGS FOR TONIGHT

Second hand article store:

17. Maria DeMedeiros d/b/a Twice as Nice at 48 Columbia Street
Hearing held and closed. Order granting permission was adopted – Approved, March 24, 2016, Mayor Jasiel F. Correia II

Curb removal:

18. Steven Perry – Removal of 7.5 feet of curbing for a total of 18 feet of curbing at 372 Grove Street
Hearing held and closed. Order granting permission was adopted – Approved, March 24, 2016, Mayor Jasiel F. Correia II

ORDERS – HEARINGS TO BE SCHEDULED – None

ORDERS – NO HEARING REQUIRED – None

ORDERS – MISCELLANEOUS

19. Police Chief's report on licenses
Adopted

20. Auto Body Shop license renewals
Adopted – Approved, March 24, 2016, Mayor Jasiel F. Correia II

21. Auto Repair Shop license renewals
Adopted – Approved, March 24, 2016, Mayor Jasiel F. Correia II

22. Taxicab license numbers 23 and 30, Faith Latessa d/b/a Town Transportation, LLC, 168 Stevens St.
Adopted – Approved, March 24, 2016, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS

23. Claims
Referred to Corporation Counsel

24. Flint Neighborhood Association requesting Committee on Public Safety meet in the Flint Neighborhood
*Councilor Pam Laliberte-Lebeau stated that she will schedule a Committee on Public Safety meeting in the Flint Neighborhood shortly.
Referred to Committee on Public Safety*

25. Structure over a public way – Banner on Bedford Street for various AHA Nights
Approved

27. Corporation Counsel response to Open Meeting Law complaint regarding February 16, 2016 City Council Committee on Ordinances and Legislation meeting
Accepted and placed on file

28. City resident re: sale of St. Vincent's Property
*Various Councilors stated that they were hopeful that the developer who purchased the property would consider maintaining some green space.
Accepted and placed on file and referred to the Committee on Health and Environmental Affairs, 7 yeas with Councilor Richard Cabeceiras abstaining and Councilor Stephen R. Long absent and not voting.*

BULLETINS – NEWSLETTERS – NOTICES – None

President Shawn E. Cadime called for a recess at 8:40 p.m. and called the Council back to order at 8:44 p.m.

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

COMMITTEE REPORTS

Committee on Finance recommending:

Action:

Loan Order for Phase 16 of the Water Improvement Projects – \$4,889,400
Adopted, 8 yeas with Councilor Stephen R. Long absent and not voting – Approved, March 24, 2016, Mayor Jasiel F. Correia II

Loan Order for Copicut Dam Rehabilitation Project – \$966,000
Adopted, 8 yeas with Councilor Stephen R. Long absent and not voting – Approved, March 24, 2016, Mayor Jasiel F. Correia II

Loan Order for Refunding Bonds for Interest Cost – \$25,000,000
Adopted, 8 yeas with Councilor Stephen R. Long absent and not voting – Approved, March 24, 2016, Mayor Jasiel F. Correia II

On a motion made and seconded, it was unanimously voted to adjourn at 8:48 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting

A true copy. Attest:



City Clerk.

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, April 5, 2016 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Shawn E. Cadime, presiding;
Councilors Richard Cabeceiras, Joseph D. Camara, Steven A. Camara,
Pam Laliberte-Lebeau, Stephen R. Long, Raymond A. Mitchell,
Linda M. Pereira and Cliff Ponte

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator

President Shawn E. Cadime called the meeting to order at 8:54 p.m. with a salute to the flag followed by a moment of silent prayer and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

On a motion made and seconded, it was voted 9 yeas to take items 1a, 1b and 1c together.

1. Mayor req. confirmation of appointments to the Board of Election Commissioners:
 - a. Atty. Gregory Brilhante (reappointment)
 - b. Daryl Gonyon (reappointment)
 - c. Manuel Leite (new appointment)

Confirmed, 9 yeas

2. Mayor and resolution authorizing submission of Year Two Annual Action Plan
Adopted, 7 yeas with Councilors Steven A. Camara and Cliff Ponte abstaining – Approved, April 7, 2016, Mayor Jasiel F. Correia II

3. Mayor and Section 108 Loan Application
Referred to the Committee on Finance, 7 yeas with Councilors Steven A. Camara and Cliff Ponte abstaining

4. Mayor and EMS Enterprise Fund (FY17 Proposed Budget)
Referred to the Committee on Finance

5. Mayor and order to rescind Sanitation Enterprise Account
A motion was made and seconded, to adopt the order. A further motion was made, seconded and unanimously voted to waive the rules to allow the City Administrator to provide additional information and answer questions in this matter. The City Administrator stated that the Sanitation Enterprise Account was established back in 2008 and has never been self-sustaining. Former

Mayor C. Samuel Sutter tried to make the account self-sustaining by instituting the household fee, but that was unsuccessful. Councilor Cliff Ponte questioned where the Pay-As-You-Throw revenues will be deposited if the Sanitation Enterprise Fund is eliminated? The City Administrator stated that the revenue will be deposited into the General Fund. Councilor Cliff Ponte stated that he does not feel that eliminating the Sanitation Enterprise Fund is a necessity at this time. Councilor Joseph D. Camara stated that this matter should be referred to the Committee on Finance. A motion was made and seconded to refer the matter to the Committee on Finance. Council President Shawn E. Cadime relinquished the chair to Vice President Linda M. Pereira so that he could deliver remarks. President Cadime stated that the Administration should get a copy of the DOR Guide on Enterprise Funds. He stated that DOR lists three scenarios for an enterprise fund, they are:

1. A fund that is self sufficient
2. A fund that has a surplus
3. A budgeted subsidy, which is what the Sanitation Enterprise Fund is

Also, he stated that Mayor Jasiel F. Correia II was quoted in the Herald News as stating that "We are required to eliminate the Sanitation Enterprise Fund".

President Cadime returned to the chair at 9:17 p.m. A roll call was taken on the motion to refer the matter to the Committee on Finance.

Referred to the Committee on Finance, 9 yeas

6. Mayor and proposed ordinance re: Financial Services Division
Referred to the Committee on Ordinances and Legislation

PRIORITY COMMUNICATIONS

7. Fall River School Department CFO re: Fiscal Year 2016 Transportation Shortfall
Councilor Linda M. Pereira stated that this matter should be put on the next Committee on Finance agenda.

Referred to the Committee on Finance

COMMITTEE REPORTS

Committee on Finance recommending:

Grant leave to withdraw:

8. Resolution – Administration discuss Child Development program
Granted leave to withdraw

Committee on Public Works and Transportation recommending:

Action:

9. Resolution – Snow removal plans for future storms
Accepted and placed on file

Grant leave to withdraw:

10. Order and Final Report – Acceptance of Kingsley Street from New Boston Road to dead end
Granted leave to withdraw

Committee on Human Services, Housing & Elder Affairs recommending:

Grant leave to withdraw:

11. Resolution – Veterans' housing
Granted leave to withdraw

Committee on Public Safety recommending:

Grant leave to withdraw:

12. Resolution – Discuss designation of High Intensity Drug Trafficking Area

Granted leave to withdraw

Committee on Ordinances and Legislation recommending:

First reading:

13. Proposed ordinance – Waterway Permit Decal

Passed through first reading, 8 yeas, 1 nay with Councilor Joseph D. Camara voting in the negative

All readings with Emergency Preamble:

14. Proposed ordinance – Traffic, handicapped parking

Emergency Preamble – Adopted, 9 yeas

Passed through first reading, second reading, passed to be enrolled and passed to be ordained –

Approved, April 7, 2016, Mayor Jasiel F. Correia II

On a motion made and seconded, it was unanimously voted to take items 15, 16, 17, 18 and 19 together.

Grant leave to withdraw:

15. Resolution-change Com. on Public Safety to Com. on Public Safety & Neighborhood Groups

Granted leave to withdraw

16. Communication–Chr., Bd. of Park Commissioners re: closing of Oak Grove Cemetery gates

Granted leave to withdraw

17. Resolution–Consider ordinance limiting height of fences to 6 or 8 feet

Granted leave to withdraw

18. Resolution–Boston Residents Jobs Police

Granted leave to withdraw

19. Resolution–Create sub-committee on capital improvements and bonding

Granted leave to withdraw

ORDINANCES – None

RESOLUTIONS

20. Administration work with City Collector to install a system to inform customers when next clerk is available

Councilor Steven A. Camara stated that he was notified by a resident that the new counter in the City Collector's office has a crack and he is requesting that the Administration contact the contractor who installed the counter to come back and repair the crack.

Adopted – Approved, April 7, 2016, Mayor Jasiel F. Correia II

21. Com. on Real Estate convene to discuss inventory of city owned buildings including tax title Properties

Adopted

22. Creation of Rebranding Committee

Adopted

CITATIONS – None

ORDERS – HEARINGS FOR TONIGHT

Auto Body Shop license:

23. Robert L. Eleuterio d/b/a Eddie & Son Auto Body & Marine Repair at 115 Maple Street

Hearing held and closed. Order granting permission was adopted – Approved, April 7, 2016,
Mayor Jasiel F. Correia II

ORDERS – HEARINGS TO BE SCHEDULED – None

ORDERS – NO HEARING REQUIRED – None

ORDERS – MISCELLANEOUS

24. Police Chief's report on licenses
Adopted

25. Auto Body Shop license renewals
Granted leave to withdraw

26. Auto Repair Shop license renewals
Adopted – Approved, April 7, 2016, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS

27. Claims
Referred to Corporation Counsel

28. Communications from employees of Fall River School Department re: 2016-2017
School Year shortfall
A motion was made and seconded to have the communications accepted and placed on file. On a further motion made and seconded it was voted 8 yeas, 1 nay with Councilor Linda M. Pereira voting in the negative to refer the communications to the Committee on Budget Preparation, Revenue and Audits.

29. Communication from city resident regarding restriction of Narcan
Referred to the Committee on Public Safety

30. Drainlayer licenses
Approved

31. Disclosure by Special Municipal Employee of Financial Interest in a municipal contract
Approved 7 yeas, 2 abstentions with Councilors Steven A. Camara and Cliff Ponte abstaining

32. Comm. from AG re: OML complaint of 2-16-16 Com. on Ordinances & Legislation
Accepted and placed on file

33. Comm. from AG re: OML complaint of 2-16-16 Com. on Ordinances & Legislation (amended)
Accepted and placed on file

On a motion made and seconded, it was unanimously voted to take items 34, 35 and 36 together.

34. Patrick Higgins and OML Complaint re: City Council Meeting of February 9, 2016
Referred to Corporation Counsel

35. Patrick Higgins and OML Complaint re: City Council Meeting of February 23, 2016
Referred to Corporation Counsel

36. Patrick Higgins and OML Complaint re: City Council Meeting of March 8, 2016
Referred to Corporation Counsel

BULLETINS – NEWSLETTERS – NOTICES – None

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

COMMITTEE REPORTS

Committee on Regulations recommending:

Adoption, as amended:

Order – Ruben Oliveira d/b/a Auto Doc – Renewal of auto repair shop license located at 65 Tower Street

Adopted, as amended – Approved, April 7, 2016, Mayor Jasiel F. Correia II

ORDERS – MISCELLANEOUS

Transfer of Auto Body Shop license #110 at 103 Chavenson Street from David Lambert d/b/a Lambert's Auto Body to William Sanchez, ABG Holdings LLC, d/b/a Lambert Auto Body and Auto Sales

Adopted – Approved, April 7, 2016, Mayor Jasiel F. Correia II

Transfer of Auto Repair Shop license #211 at 103 Chavenson Street from David Lambert d/b/a Lambert's Auto Body to William Sanchez, ABG Holdings LLC, d/b/a Lambert Auto Body and Auto Sales

Adopted – Approved, April 7, 2016, Mayor Jasiel F. Correia II

On a motion made and seconded, it was unanimously voted to adjourn at 9:52 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

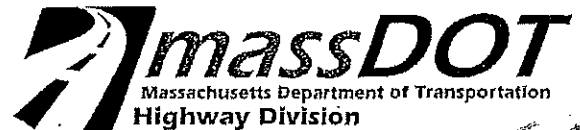
A true copy. Attest:



City Clerk



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Thomas J. Tinlin, Administrator



RECEIVED

July 7, 2016

57

2016 JUL 18 A 10:49

CITY CLERK _____
FALL RIVER, MA

Honorable Jasiel F. Correia II
Mayor, City of Fall River
One Government Center
Room 619
Fall River, MA 02722

Subject: MassDOT Project ID 608001 – Fall River – Sidewalk improvements and related work in the vicinity of the Viveiros Elementary School (Safe Routes to School – SRTS)

Dear Mayor Correia:

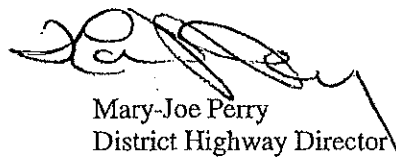
On behalf of the Massachusetts Department of Transportation - Highway Division, I am writing to inform you that MassDOT's Project Review Committee has evaluated the subject project and determined that it is eligible to receive Federal Safe Routes to School (SRTS) funding. This determination is based on an estimated cost of **\$1,256,040.00**. MassDOT will now begin the project development process for this project.

It should also be noted that Project Review Committee approval is not a commitment of state or federal funding to the project. MassDOT, in conjunction with the Southeastern Regional Planning and Economic Development District (SRPEDD) continually evaluates transportation needs and priorities. We will keep you informed of the project's progress, and will involve you in any key decisions related to the project scope, any right-of-way impacts, possible environmental concerns, traffic management plans, or anything else as warranted.

The City of Fall River is responsible for securing the necessary right-of-way and documentation required to complete the project construction. Right-of-Way guidelines and a checklist are enclosed for your reference.

You may monitor this project's progress through the MassDOT website at www.mhd.state.ma.us/projectinfo. Thank you for your support of transportation system improvements. If you have any questions regarding this project approval, or would like additional information, please contact Pamela Haznar, P.E., District Project Development Engineer at (508) 884-4239.

Sincerely,



Mary-Joe Perry
District Highway Director

Enclosure: Municipal Right-of-Way Guidelines and Checklist

TJK/tjk *TJK*
cc: MJP *MS*
PRH *PRH*

Thomas J. Tinlin, Highway Administrator
Patricia Leavenworth, P.E., Chief Engineer
Marie Rose, Director of Project Management (Electronic Mail)
Gabriel Sherman, MassDOT OTP
Paul Mission, SRPEDD
City Council
Byron Holmes, City Engineer

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION/HIGHWAY
RIGHT OF WAY BUREAU
MUNICIPAL GUIDELINES FOR RIGHT OF WAY ACQUISITION ON FEDERAL & STATE PROJECTS**

1. Contact your MassDOT Community Compliance Officer to review acquisition procedures. Steps to be followed are outlined in the **Federal Aid Acquisition Guide for Property Owners**. Forms and documents will be provided by the MassDOT, Right of Way (ROW) Bureau. The forms have been updated as of *September, 2014* and updated forms must be used. These requirements are for ROW Certification and are not legal advice. Please consult your legal counsel.
2. Submittal of acceptable ROW plans that follow Chapter 18 of the Design Guide Book is required. Recordable plans and instruments will most likely be required.
3. Title examinations of properties must be performed and reviewed to determine ownerships and/or rights in the parcel(s) to be acquired. If determined by MassDOT that the municipality has not acquired all required land or rights therein, the municipality shall be responsible for all damages resulting there from, including compensation to private land owners, and contractor claims of any nature. In such event, MassDOT has the option to withdraw its participation from the project.
4. Interview property owner(s) or their representatives and discuss the issues and impacts regarding the property to be acquired. Property owners must be given the **Federal Aid Acquisition Guide for Property Owners**. Retain notes of the interview for future reference and fill out the Property Owner Contact Diary which is required for ROW Certification. Also retain notes for potential appraisal of the property. Severance damage, cost to cure items, and uneconomic remainders may be indicated.
5. Assign a competent licensed appraiser and review appraiser. A list of approved MassDOT Highway Division FEE appraisers is available upon request. Use the LPA Appraisal Function Job Aid which discusses appraisal scope of work, selecting an appraiser and review appraiser, responsibilities and check list. The timing of the appraisal and review appraisal is critical as a Written Offer must be performed expeditiously after the appraisals have been reviewed by the acquiring agency.
6. The acquiring agency's (municipality) Written Offer of Just Compensation must be sent to the property owner *30 days prior* to the date of the meeting to vote the award, which will be followed by recording at the Registry of Deeds, and will consist of a written summary. A written format is available. **The Federal Aid Acquisition Guide for Property Owners** must be included in the Written Offer.
7. Prepare and vote the Order of Taking and the Award of Damages.
8. Record the Order of Taking, deed grants or easements and plan(s), if required, with the appropriate Registry of Deeds. **NOTE: This must be accomplished within thirty (30) days of the vote by City Council or Board of Selectmen.**
9. Notify owner(s) in writing of the acquisition(s) and the award of damages.
10. Payment of the award must be tendered to the affected property owners immediately after the recording at the Registry of Deeds. Payment must be tendered to the property owner in order to issue the Federal Aid Right of Way Certificate.
11. Gain physical and legal possession of the parcel(s)/structure(s).
12. Complete and submit the required affidavits and supporting paperwork. Completed Property Owner Contact Diaries are required for ROW Certification. Forward Municipal Document Requirement Checklist based on method of acquisition to MassDOT Community Compliance Officer as soon as possible.

Note: The Eminent Domain procedure is as unique and varied as the Municipality that implements the process. Your procedures are regulated by the Massachusetts General Laws. Most towns require town meeting approval in order to exercise their eminent domain authority.

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION/HIGHWAY
RIGHT OF WAY BUREAU
MUNICIPAL DOCUMENT REQUIREMENT CHECKLIST**

MUNICIPALITY:

PROJECT NAME:

PROJECT NUMBER #

**COPIES OF THE FOLLOWING DOCUMENTS ARE REQUIRED IN ORDER TO ISSUE
A RIGHT OF WAY CERTIFICATE ALLOWING THIS PROJECT TO BE ADVERTISED.**

****Your timely attention and response to this matter is required.****

- ☐ 1. The Order of Taking as recorded. The book and page or document numbers along with the recording date must be clearly shown on the instrument.
- ☐ 2. Plans as recorded, with plan book/page or document number clearly shown.
- ☐ 3. Deeded donations with the book/page or document number and recording date clearly shown.
- ☐ 4. A properly executed Certificate of Donation on all appropriate parcels. *Form Revised 9/22/2014.*
- ☐ 5. Executed Rights of Entries on affected properties with attached Affidavits. *Form Revised 9/22/2014.*
- ☐ 6. A certified copy of your town meeting vote that authorized eminent domain, gift acceptance, etc. on land parcels.
- ☐ 7. Written Just Compensation Report and Written Offer mailed to affected property owners at least 30 days prior to meeting vote and recording at the Registry of Deeds. *All paperwork to the property owners must be sent certified mail with return receipt requested. New Requirement 9/22/2014.*
- ☐ 8. Affidavits on all parcels. *Form Revised 9/22/2014.*
- ☐ 9. Appraisals, Appraisal Review & Appraisal Affidavit letter offering owner accompaniment on appraisal inspection. Appraisal & Review Appraisal Checklist from LPA Appraisal Function Job Aid.
- ☐ 10. Copies of Property Owner's Contact Diary for all parcels. *Form Revised 12/4/2014.*
- ☐ 11. Other _____ Please check with your compliance officer regarding documents you will need based on your specific project (Rights of Entry, Donation forms, Eminent Domain or Deed Grants)



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

58

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-846-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

August 8, 2016

Mr. Christopher October, Environmental Manager
Republic Services
14 Belcher Street
Plainville, Massachusetts 02762

RE: APPROVAL

Application for: BWP SW 43 - Determination of Landfill Closure Completion
Area 3 Expansion Final Closure, Construction Phases 1, 2 and 3
Transmittal Number: X268504

AT: BFI Fall River Landfill

1080 Airport Road
Fall River, MA 02720

Facility Number: 132278, Regulated Object No. 172513

CITY CLERK
FALL RIVER, MA

2016 AUG 10 A 9:13

RECEIVED

Dear Mr. October:

The Massachusetts Department of Environmental Protection ("MassDEP") has completed its technical review of the BWP SW 43 - Determination of Landfill Closure Completion permit application ("Area 3 Application") for the Area 3 Expansion of the Browning-Ferris Industries ("BFI") Fall River Landfill ("Landfill") and determined the Application is technically complete. MassDEP hereby approves the Application.

I. SUBMITTALS

The following submittals represent the complete Area 3 Application reviewed by MassDEP under 310 CMR 19.000 *Solid Waste Management Regulations* and MassDEP's *Landfill Technical Guidance Manual*, May 1997 ("Manual").

An application package received by MassDEP on December 18, 2015, comprised of the following documents:

- o A transmittal form assigned Transmittal Number X268504, and a completed BWP SW 43 application form for Landfill Closure Completion;

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

mailed to all cc. 8/10/16

- o A cover letter prepared by Sitec Environmental, Inc. ("SITEC"), dated December 16, 2015;
- o Two bound reports entitled: "BFI Fall River Landfill, Fall River, MA, Area 3 Expansion Final Closure, Construction Phases 1, 2 and 3, Determination of Landfill Closure, BWP SW 43 – Transmittal No. X268504, (Volumes 1 & 2) dated December 2015, providing a project narrative and construction quality control/quality assurance documentation;
- o A set of six 24" x 36" As-Built drawings prepared by SITEC for the Areas 3 closure construction;
- o A set of three 24" x 36" As-Built drawings for high density polyethylene ("HDPE") geomembrane placement prepared by American Environmental Group Ltd. (AEG); and
- o A Record Notice of Landfill Operation plan of the entire Landfill prepared pursuant to 310 CMR 19.141, for recording in the Registry of Deeds.¹

Note 1: The Area 3 Application included information regarding recording of the Landfill operation in the Registry of Deeds. That information and certification of closure of the entire Landfill will be the subject of a separate MassDEP determination letter.

II. APPLICATION REVIEW AND DECISION PROCESS:

The Application was submitted and reviewed pursuant to the provisions of 310 CMR 19.029(2): Applicable Permit Procedures and 310 CMR 19.033: *Permit Procedure for an Application for a Permit Modification or Other Approval*. According to these review procedures, MassDEP's decision regarding the Application shall be either: a "Provisional Decision" pursuant to 310 CMR 19.033(4)(a); or a non-provisional decision pursuant to 310 CMR 19.033(4)(b). MassDEP has determined that non-provisional decision is appropriate for this Application.

MassDEP has reviewed the Application pursuant to 310 CMR 19.000: *Solid Waste Regulations* and MassDEP's *Landfill Technical Guidance Manual*, May 1997 (the "Manual").

III. PROJECT BACKGROUND

The BFI Fall River Landfill is located at 1080 Airport Road, Fall River, Massachusetts on a 204-acre parcel of land that was site assigned by the City of Fall River Health Department on February 24, 1982. The Landfill is currently owned and operated by BFI. Prior owners/operators include the City of Fall River, which operated the Landfill between the 1930s and 1981 and Fall River Landfill Inc., which operated the Landfill between 1981 and 1986. BFI has operated the Landfill since 1986.

During construction and operations, the Landfill was divided into 3 phases: Phase I, Phase II, and Phase III. Thereafter, several "piggyback" vertical expansion waste disposal areas were developed over existing waste disposal areas, including the Area 3 Expansion. Approximately 126 acres have been utilized for solid waste disposal operations.

IV. AREA 3 EXPANSION

Area 3 Expansion Permits

An application for Authorization to Construct ("ATC") the Area 3 Expansion of the Landfill was submitted on April 23, 2012, (BWP SW 26, Transmittal No. X250785). A partial approval allowing

construction of non-liner related infrastructure was issued by MassDEP on July 20, 2012. A Final Authorization to Construct permit was issued by MassDEP on August 23, 2012. After completion of the liner construction, MassDEP issued an Authorization to Operate permit (BWP SW 10, Transmittal No. X254196) on March 13, 2013.

On April 17, 2013, MassDEP issued a Conditional Approval (BWP SW 11, Transmittal No. X254942) for the construction of Area 2 Expansion Stage 3 and Area 3 Expansion Stage 1 components for the landfill gas collection system.

On September 13, 2013, BFI submitted a Corrective Action Design application (BWP SW 25, Transmittal No. X256710) seeking approval of the final cover design for of Area 3, Phases 1 through 3, encompassing 11.6 acres: Phase 1 closure - 4.3 acres, Phase 2 closure - 4.1 acres, and Phase 3 closure - 3.2 acres. MassDEP issued a conditional approval on October 9, 2013.

On February 4, 2014, MassDEP issued a conditional approval for the construction of Stage 2 and Stage 3 components for the landfill gas collection system in the Area 3 Expansion (BWP SW 11, Transmittal No. X258716).

The Landfill ceased accepting the municipal solid waste ("MSW") on October 30, 2014.

On January 16, 2015, BFI submitted a Corrective Action Design application (BWP SW 25, Transmittal No. X264050) seeking approval of the final cover design for of Area 3, Phase 4. MassDEP issued a conditional approval on April 1, 2015. That approval was modified on May 11, 2015, approving limited acceptance of grading and shaping material to achieve the previously approved Landfill final configuration.

The Landfill accepted non MSW waste for shaping and grading to bring Area 3 Phase 4 to final grades prior to final closure.

Area 3 Expansion Description

The Area 3 Expansion overlies portions of the Phase II Landfill area that were developed and landfilled from 1990 through and 1992, as follows:

- Phase II, Section II, constructed in 1990 with a single composite liner system,
- Phase II Section III, constructed in 1992 with a single composite liner system,

Phase II Sections II and III were completed and a final cover system, consisting of a 40 mil high density polyethylene (HDPE) geomembrane overlain by a 9 inch layer of drainage sand, overlain by a 12 inch layer of vegetative support material, was constructed.

The Landfill liner systems proposed for the Area 3 Expansion were designed taking into consideration all existing liner systems that lie beneath the expansion area. The footprint of the existing Landfill was expanded by approximately 1.6 acres. The Area 3 Expansion included construction of a 20 foot high earthen berm along the base of the expansion area to increase disposal capacity. The outer slope is approximately 20 feet high, sloped at grade of 2.5 vertical to 1

horizontal, and covered with riprap. The inner slope consists of a double composite liner system, sloped at a grade of 2.5 vertical to 1 horizontal, extending to the leachate collection area at the base of the Landfill

The Area 3 Expansion project also included the relocation of approximately 800 linear feet of the North Watuppa Diversion Ditch ("ditch") and a 12 inch City of Fall River sanitary sewer line that runs along the side of the ditch.

Liner System

The Area 3 Expansion covered approximately 12.6 acres including the tie-in between the Area 2 Expansion and Area 3 Expansion

A hydraulic separation layer was constructed in the overlay area, designed in accordance with the standard presumptive design requirements of 310 CMR 19.110(5)(c)2 to include the following components, from bottom to top:

- o A subgrade layer consisting of the existing, or supplemented, sand drainage layer material as needed to achieve liner system grades; overlain by
- o A synthetic barrier layer consisting of a minimum 60 mil, textured, HDPE geomembrane liner; overlain by
- o A leachate collection layer with a minimum 18 inch sand layer with a minimum permeability of 1×10^{-2} cm/sec., combined with 6 inch diameter, perforated, HDPE collection pipes.

Most of the hydraulic separation layer was constructed at a slope greater than four horizontal to one vertical (4:1). The area located at the top of the sideslope abutting Area 2 lies at a grade of less than 4:1. Pursuant to the considerations listed at 310 CMR 19.110(5)(c)(3)(b), MassDEP determined that this was the last area to be filled with waste in the Area 3 Expansion and that a final cover system would be installed above the waste within months of filling. Accordingly, MassDEP determined during the ATC application review that a hydraulic separation layer above the existing single composite liner system was adequate and appropriate.

The portion of the expansion that constituted the new footprint did not overly any existing liner system and covered approximately 1.6 acres. In accordance with the requirements of 310 CMR 19.110(4)(a), a double composite liner with leak detection was constructed on the base and 5 feet vertically up the slope from the 4:1 transition point and covers approximately 1.75 acres. This liner includes the following components, from bottom to top:

- o A subgrade layer of compacted soil or pre-existing sand drainage layer material as needed to achieve liner system grades; overlain by
- o A 12 inch thick low permeability soil layer placed and compacted in two 6 inch lifts with a maximum permeability of 1×10^{-7} cm/sec; overlain by
- o A secondary geosynthetic clay liner ("GCL") with a maximum permeability of 5×10^{-9} cm/sec.; overlain by
- o A secondary synthetic barrier layer consisting of a 60 mil, textured, high density polyethylene ("HDPE") geomembrane liner; overlain by

- o A geocomposite drainage layer consisting of a minimum 8 ounce geotextile fabric heat-bonded to both sides of a HDPE bi-planar geonet with a minimum transmissivity of 5×10^{-4} m²/sec.; overlain by
- o A primary geosynthetic clay liner with a maximum permeability of 5×10^{-9} cm/sec.; overlain by
- o A primary synthetic barrier layer consisting of a 60 mil, textured, HDPE geomembrane liner; overlain by
- o A leachate collection layer with a minimum of 18 inches of sand with a minimum permeability of 1×10^{-2} cm/sec., combined with one 10 inch diameter, perforated HDPE primary collection pipe, and a series of 6 inch diameter, perforated HDPE primary collection pipes installed on the side slope.

Gas Collection and Control System Design

The Phase I and II landfill gas collection system consists of vertical gas extraction wells, horizontal gas collection trenches, and connections to leachate collection system cleanouts. The landfill gas header system in Phases I and II consists of a main 16-inch diameter pipe perimeter loop installed on the lower half of the slope around the entire landfill mound. Four 8-inch diameter pipe headers provide connections across the central and upper areas of the landfill mound. Gas collectors are connected to the main header pipes via 4 inch and 6 inch diameter pipe laterals. Condensate produced from the Phase I and II landfill gas collection system is collected at sumps installed at the low points in the gas collection piping and is pumped by automated pneumatic pumps and a force main system into an 8,000-gallon, above grade storage tank. Additional gas collection system components are currently being constructed during the phased closure of Area 2.

The landfill gas control system is located at the south side of Phase I and includes a power plant facility and two enclosed flare systems. The power plant facility consists of two 975 kW Waukesha 7042 GLD engine/generator packages and one 5,000 kW Taurus 60 Solar turbine and is utilized as the primary landfill gas control device. The flare system includes two Callidus enclosed flares, two Lansom blowers, two control racks, and associated landfill gas control piping and electric control equipment and is used as the backup control device when the power plant facility is offline or operating at reduced capacity.

The Area 3 Expansion required modification of the active landfill gas collection system. In addition, some landfill gas system components associated with the Area 2 Expansion were located in the proposed Area 3 Expansion footprint and were modified including 10 gas extraction well risers and wellhead assemblies. Construction of the proposed expansion project required the realignment of pre-existing piping and modification of pre-existing extraction wells as follows:

- Relocation of 10 existing gas extraction wellheads;
- Installation of new lateral piping;
- Installation of new header piping beyond the limits of the Area 3 Expansion;
- The relocation of an existing gas condensate sump;
- The termination of existing air lines and condensate force main piping to the existing condensate sump; and

- Installation of horizontal collection trenches consisting of 6 inch diameter perforated HDPE pipe placed within a 24 inch deep by 30 inch wide trench, backfilled with ¾ inch to 1-1/2 inch washed stone.

Area 3 Expansion Final Cover System

Although the Area 3 Expansion was approved to be constructed in four phases, the final cover system was actually constructed in three phases due to actual construction sequencing including: the Phase 1 Cap encompassing approximately 4.4 acres in the lower area of the Area 3 Expansion, the Phase 2 Cap encompassing approximately 3.8 acres located directly upgradient of the Phase 1 Cap, and Phase 3 encompassing approximately 5.9 acres located directly upgradient of the Phase 2 Cap.

The final cover system design included the following components:

- A suitably prepared landfill surface beneath the final cover system; overlain by
- A gas venting layer consisting of a minimum of 6 inches of sand with a maximum particle size of 3/8 inch and a minimum saturated hydraulic conductivity of 1×10^{-3} cm/sec; overlain by
- A low permeability layer consisting of a 40 mil high-density polyethylene ("HDPE") textured geomembrane cap; overlain by
- A drainage layer consisting of a minimum of 9 inches of sand with a maximum particle size of 3/8 inch and a minimum saturated hydraulic conductivity of 1×10^{-2} cm/sec; overlain by
- A vegetative support layer consisting of a minimum of 12 inches of soil with a maximum saturated hydraulic conductivity of 1×10^{-4} cm/sec, capable of supporting vegetative growth on the final cover and, with a minimum organic content of 4%.

Subdrain piping consisting of 4-inch diameter, corrugated, perforated pipe was installed at 100 foot intervals within the sand drainage layer above the geomembrane cap and along the toe of slope.

The surface water storm water control system includes earthen stormwater diversion berms and a stone-lined stormwater let-down channel.

Area 3 Expansion Gas Control System

The landfill gas collection system ("LGCS") was constructed in 3 stages. Vertical gas extraction wells were installed in areas where sufficient depth of waste existed to facilitate installation and proper operation of a vertical wells. The horizontal gas collectors were installed in shallow waste areas, consisting of 6-inch diameter perforated HDPE piping embedded in a shallow trench, and backfilled with crushed stone. Remote wellheads were installed with the horizontal gas collectors so that the landfill gas flow can be controlled. Refer to Area 3 Application drawing: "Landfill Closure Completion (Phase I) -- LGCS Overall As-Built Site Plan".

Stage 1 LGCS construction included:

- Header piping, lateral piping, isolation valves, condensate "U"-traps, and appurtenances;
- Six horizontal gas collection trenches (HC-601 through HC-606);
- Four vertical gas collection wells (EW601 through EW-604); and
- Connections to six leachate cleanout pipes.

Stage 2 LGCS construction included:

- Header piping, lateral piping, and appurtenances;
- Two horizontal gas collection trenches (HC -605a and HC-606a);
- Five vertical gas collection wells (EW605 through EW-608 and EW-611); and
- Connections to one leachate cleanout pipe.

Stage 3 LGCS construction included:

- Header piping, lateral piping, and appurtenances;
- One horizontal gas collection trench (HC -605b); and
- Six vertical gas collection wells (EW-609, EW-610, and EW-612 through EW-615).

Werner Environmental, LLC ("Werner Environmental") provided full-time construction oversight for the Stage 1, 2 and 3, LCGS installation under the direction of SITEC.

Area 3 Expansion Construction Oversight

SITEC provided full-time construction oversight throughout all aspects of cap construction, including the completion of the stormwater control system. Included in the Area 3 Application narrative are certification statements prepared by SITEC confirming that all work was completed in conformance with MassDEP approvals and regulations.

V. APPROVAL

As a result of its review, MassDEP determined that the submitted documents are satisfactory and in accordance with the authority granted pursuant to Chapter 111, Section 150A of the Massachusetts General Laws hereby approves the Area 3 Application for closure certification.

The Area 3 Expansion was the final operational phase of the Landfill and its closure ended landfill operations. In conjunction with this approval, MassDEP is issuing a closure report for the entire Landfill and is including all post closure conditions in that document.

VI. PERMIT LIMITATIONS

The issuance of this approval is limited to the closure certification of Area 3 Expansion, and does not relieve BFI from the responsibility to comply with all other regulatory or permitting requirements. MassDEP reserves the right to require additional assessment or action, as deemed necessary to protect and maintain the environment free from objectionable nuisance conditions, dangers or threats to public health, safety, and the environment.

VII. REVIEW OF DECISION

Pursuant to 310 CMR 19.033(4)(b), if the Applicant is aggrieved by MassDEP's decision to issue this decision, it may within twenty-one days of the date of issuance file a written request that the decision be deemed provisional, and a written statement of the basis on which the Applicant believes it is aggrieved, together with any supporting materials. Upon timely filing of such a request, the

decision shall be deemed a provisional decision with an effective date twenty-one days after MassDEP's receipt of the request. Such a request shall reopen the administrative record, and MassDEP may rescind, supplement, modify, or reaffirm its decision. If MassDEP reaffirms its decision, the decision shall become final decision on the effective date. Failure by the Applicant to exercise the right provided in 310 CMR 19.033(4)(b) shall constitute waiver of the Applicant's right to appeal.

VIII. RIGHT TO APPEAL

Right to Appeal: This approval has been issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.033: Permit Procedure for an Application for a Permit Modification or Other Approval, of the "Solid Waste Management Regulations". Pursuant to 310 CMR 19.033(5), any person aggrieved by the final permit decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. Chapter 111, Section 150A and M.G.L. Chapter 30A no later than thirty days following the date of issuance of the final permit decision to the applicant. The standing of a person to file an appeal and the procedures for filing such an appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the permit by a court of competent jurisdiction, the permit decision shall be effective in accordance with the terms of 310 CMR 19.033(3).

Notice of Appeal: Any aggrieved person intending to appeal a final permit decision to the Superior Court shall first provide notice of intention to commence such action. Said notices of intention shall include MassDEP Transmittal No. X268504 and shall identify with particularity the issues and reason why it is believed the final permit decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office which processed the permit application, if applicable at least five days prior to filing of an appeal. The appropriate addresses to send such notices are:

Office of General Counsel
Department of Environmental Protection
One Winter Street
Boston, MA 02108

Regional Director
Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

No allegation shall be made in any judicial appeal of a final permit decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in 310 CMR 19.000, provided that a matter may be raised upon showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.

If you have any questions or comments regarding this approval letter, please contact me at (508) 946-2833 or Dan Connick at (508) 946-2884 or at the letterhead address.

Very truly yours,



Mark Dakers, Chief
Bureau of Air and Waste
Solid Waste Management Section

D/DC

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cc: Fall River Mayor, Jasiel F. Correia
mayor@fallriverma.org

Fall River City Council
city_council@fallriverma.org

Fall River Board of Health
britz@fallriverma.org

Representative Fiola
Carole.Fiola@mahouse.gov

SITEC Environmental, Inc.
mquatromoni@sitec-engineering.com

MassDEP – Boston
ATTN: R. Blanchet

MassDEP – Lakeville
ATTN: M. Pinaud
M. Dakers



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

59

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

August 8, 2016

Mr. Christopher October, Environmental Manager
Republic Services
14 Belcher Street
Plainville, Massachusetts 02762

RE: Determination of Landfill Closure Completion
Commencement of 30 Year Post-Closure Period
Pursuant to 310 CMR 19.140 and 19.142

AT: BFI Fall River Landfill
1080 Airport Road
Fall River, MA 02720
Facility Number: 132278, Regulated Object No. 172513

RECEIVED
2016 AUG 10 A 9:13
CITY CLERK
FALL RIVER, MA

Dear Mr. October:

On August 8, 2016, the Massachusetts Department of Environmental Protection ("MassDEP") completed its technical review of the BWP SW 43 - Determination of Landfill Closure Completion application ("Area 3 Application") for the Area 3 Expansion of the Browning-Ferris Industries ("BFI") Fall River Landfill ("Landfill"), determined the Application was technically complete and determined that closure of the Area 3 Expansion was complete. The Area 3 Expansion was the last operational area of the Landfill and its closure ended all waste disposal operations at the Landfill.

MassDEP has also reviewed other pertinent documents related to the operations and closure of the Landfill and has determined that the closure of the Landfill has been completed and that the 30 year Post Closure Period specified within 310 CMR 19.140(6) and 19.142 has commenced as of the date of issuance of this written determination.

I. SUBMITTALS

The application package received by MassDEP on December 18, 2015, for the Area 3 Expansion determination of landfill closure contained two documents related to the final closure of the Landfill including:

2016.08.10 10:00 AM. 10/10/16

- A Record Notice of Landfill Operation narrative for the entire Landfill prepared pursuant to 310 CMR 19.141, for recording in the Registry of Deeds; and
- A Record Notice of Landfill Operation plan of the entire Landfill prepared pursuant to 310 CMR 19.141, for recording in the Registry of Deeds.

The submitted documents were not recorded at the Registry of Deeds at the time of submittal. Proof of recording of these documents at the Registry of Deeds was submitted to MassDEP on June 3, 2016 consisting of a Bristol County Registry of Deeds official receipt entitled:

**BFI Fall River Landfill
Record Notice of Landfill Operations
Fall River, MA
Registry of Deeds
Recording Documentation
Cert. 2269 Blk: 00012 Pg: 333
Doc: NOTC 06/03/2016 01:19 PM.**

Prior Closure Certification Reports and Approvals¹:

Note 1: Some historical Fall River Landfill documents were previously archived and destroyed due to flooding of the archive storage area and may not be listed herein.

The following Closure Certification Reports were previously submitted to, reviewed by and approved by MassDEP:

- A. BWP SW 43, Application for Determination of Landfill Closure, Transmittal No. X235165
Entitled: "BFI Fall River Landfill, Fall River, MA, Construction Quality Assurance Report, Volumes 1, 2, & 3, Final Closure System, Phase III Landfill Area – Cells A, B, and C, September 2010". Submitted on December 8, 2010, and approved by MassDEP on November 13, 2012.
- B. BWP SW 43, Application for Determination of Landfill Closure, Transmittal No. X235165 (part 2) Entitled: "BFI Fall River Landfill, Fall River, MA, Construction Quality Assurance Report, Volumes 1 and 2, Final Closure System, Phase III Cell D, September 2010". Submitted on December 8, 2010, and approved by MassDEP on November 13, 2012.
- C. BWP SW 43, Application for Determination of Landfill Closure, Transmittal No. X239626
Entitled: "BFI Fall River Landfill, Fall River, MA, Construction Quality Assurance Report, South Side Expansion- Landfill Closure Completion, August 2012"
Submitted on August 8, 2012, and approved by MassDEP on November 13, 2012.
- D. BWP SW 43, Application for Determination of Landfill Closure, Transmittal No. X253279
Entitled: "BFI Fall River Landfill, Fall River, MA, Construction Quality Assurance Report, Area 2 Expansion – Phase 1, Landfill Closure Completion, October 2012"
Submitted on October 22, 2012, and approved by MassDEP on February 20, 2013

- E. BWP SW 43, Application for Determination of Landfill Closure, Transmittal No. X254923
Entitled: "BFI Fall River Landfill, Fall River, MA, Construction Quality Assurance Report, Area 2 Expansion, Phase 2 Landfill Closure Completion, August 2013"
Submitted on September 6, 2013, and approved by MassDEP on November 20, 2013
- F. BWP SW 43, Application for Determination of Landfill Closure, Transmittal No. X257454
Entitled: "BFI Fall River Landfill, Fall River, MA, Construction Quality Assurance Report, Area 2 Expansion, Phase 3, Landfill Closure Completion, December 2013"
Submitted on December 20, 2013, and approved by MassDEP on February 10, 2014
- G. BWP SW 43, Application for Determination of Landfill Closure, Transmittal No. X268504
Entitled: "BFI Fall River Landfill, Fall River, MA, Area 3 Expansion Final Closure, Construction Phases 1, 2 and 3 (Volumes 1 & 2) dated December 2015"
Submitted on December 17, 2015, and approved by MassDEP on August 8, 2016.

II. REVIEW AND DECISION PROCESS:

The applications for closure certification and other Landfill closure related documents were submitted and reviewed pursuant to the provisions of 310 CMR 19.029(2): Applicable Permit Procedures and 310 CMR 19.033: *Permit Procedure for an Application for a Permit Modification or Other Approval*. According to these review procedures, MassDEP's decision shall be either: a "Provisional Decision" pursuant to 310 CMR 19.033(4)(a); or a non-provisional decision pursuant to 310 CMR 19.033(4)(b). MassDEP determined that non-provisional decisions were appropriate for these closure certification applications and other Landfill closure related documents and for this Determination of Landfill Closure Completion.

III. PROJECT BACKGROUND

The BFI Fall River Landfill ("Landfill") is located at 1080 Airport Road, Fall River, Massachusetts on a 204-acre parcel of land.

The City of Fall River ("City") operated a landfill at the site from the late 1930's until 1981, when the Greater Fall River Development Corporation conveyed the property to Fall River Landfill, Inc., which then took over ownership and operation of the Landfill. In 1986, Browning-Ferris Industries, Inc. ("BFI") purchased the stock of Fall River Landfill, Inc. BFI is the current owner of the Landfill.

During construction and operations, the Landfill was divided into four phases: Phase I, Phase II, Phase II vertical Expansion, and Phase III. Thereafter, three "piggyback" vertical expansion waste disposal areas were developed over existing Phase I and Phase II waste disposal areas. Approximately 126 acres have been utilized for solid waste disposal operations.

Massachusetts Environmental Policy Act

In April of 1982, an Environmental Notification Form ("ENF") for landfill operations and closure of the Phase I landfill area and for operations in the Phase II area, was submitted to the Executive Office of Environmental Affairs ("EOEA") for review (EOEA filing No. 4402). On May 24, 1982 the Secretary of EOEA determined that no Environmental Impact Report ("EIR") was required for

closure of Phase I and that no EIR would be required for Phase II, provided that a leachate collection system was installed in Phase II. The Secretary of EOEA further determined an ENF would be required if an expansion was proposed into "the area beyond the sewer easement" (later designated as Phase III).

On or about September 9, 1983 an ENF for the proposed Phase III expansion was filed with the EOEA (EOEA filing No 4895). On October 7, 1983, the Secretary of EOEA determined that an EIR would be required. In January 1985 a draft EIR was submitted and a final EIR was submitted in September 1985. A certificate was issued by the Secretary of EOEA on January 2, 1986, stating that the proposed project had complied with the requirements of the MEPA regulations. On December 21, 1993, the Secretary of EOEA responded to a SITEC December 14, 1993, inquiry letter regarding the time lapse since 1986 and determined that no further MEPA review was required.

A Notice of Project Change for the vertical expansion of Phase II was submitted to the Executive Office of Energy and Environmental Affairs, MEPA Office on or about July 31, 1995, as a result of the pending closure of the Fall River Airport. The Secretary of the EOEEA issued a Certificate on August 9, 1995, and determined that the project does not require the preparation of a Supplemental Environmental Impact Report.

A Notice of Project Change for the South Side Vertical Expansion was submitted to the Executive Office of Energy and Environmental Affairs, MEPA Office on or about June 30, 2008. The Secretary of the EOEEA issued a Certificate on August 8, 2008, and determined that the project does not require the preparation of a Supplemental Environmental Impact Report.

A Notice of Project Change for the Area II Expansion was submitted to the Executive Office of Energy and Environmental Affairs, MEPA Office on or about September 30, 2009. The Secretary of the EOEEA issued a Certificate on November 6, 2009, and determined that the project does not require the preparation of a Supplemental Environmental Impact Report.

A Notice of Project Change for the Area 3 Expansion was submitted to the Executive Office of Energy and Environmental Affairs MEPA Office on or about February 22, 2012 (EOEA No. 4895). The Secretary of the EOEEA issued a Certificate on March 23, 2012, and determined that the project does not require the preparation of a Supplemental Environmental Impact Report.

Site Assignment

The Fall River Board of Health formally approved the site assignment for the Phase I and Phase II landfill areas at a meeting held on February 24, 1982, as documented in a written determination dated November 30, 1982. Prior that time, operations were by general consent of the board. The site assigned area was designated as Assessors Plat Z, Section 3 lot 33 south of an existing sewer easement for the use of a Sanitary Landfill and the use of Fly Ash.

The Fall River Board of Health formally approved the site assignment for the Phase III landfill area at a meeting held on September 8, 1982, as documented in a written determination dated November 30, 1982. The site assigned area was indicated as "Proposed Assigned Landfill Area, Phase III, Area = 64.5 acres" on a GHR Engineering plan dated August 10, 1982, revised August 24, 1982, entitled "Plan of Land in Fall River, Mass". Phase III is located north of the sewer easement.

Landfill Operation

The Landfill was constructed and operated in phases as follows:

Phase I Unlined Landfill

The Phase I area comprised approximately 50 acres of unlined landfill that were operated in accordance with plans prepared by GHR Engineering Corporation, dated January 27, 1982, and a Phase I Plan Approval issued by the Department of Environmental Quality Engineering ("DEQE") (predecessor to MassDEP) on March 16, 1983.

Phase I was closed and capped with a high density polyethylene ("HDPE") geomembrane capping system. The Phase I landfill area is currently serviced by an active landfill gas extraction and treatment system.

Phase II Lined Landfill

The Phase II area originally comprised approximately 42 acres of land of which 21 acres were to be used for refuse disposal in lined landfill areas in accordance with plans prepared by GHR Engineering Corporation, dated October 1, 1982, and a Phase II Plan Approval issued by the DEQE on November 14, 1983, which required submittal of base liner construction details.

The Phase II area was developed in sections designated as Section I, Section II, and Section III. DEQE approved the base liner details for Phase II, Section I on October 23, 1987, and approved operations in Phase II, Section I on August 29, 1988. DEQE approved the base liner details for 18 acres in Phase II, Section II on October 24, 1989, and approved operations in Phase II, Section II, subarea I on December 6, 1989, and approved operations in Phase II, Section II, subareas II and III on December 21, 1990. DEQE approved the base liner details for 24 acres in Phase II, Section III design on November 29, 1990, which was developed in two (2) sub-areas, namely Sub-Area A and Sub-Area B. Sub-Area A was operated pursuant to an Authorization to Operate, issued by MassDEP on December 17, 1991. Sub-Area B was operated pursuant to an Authorization to Operate, issued by MassDEP on July 7, 1992.

During Phase II operations the waste disposal rate increased from 500 to 1500 tons per day.

The external side slopes of the Phase II areas were closed and capped with 40-mil textured HDPE geomembrane capping systems as shown on GHR Engineering plans dated January 10, 1989 and approved by DEQE on October 24, 1989. The Phase II area is serviced by the active landfill gas extraction and treatment system.

Phase II Vertical Expansion Lined Landfill

On March 22, 1996, MassDEP issued a Final Provisional Permit, Authorization to Construct ("ATC") for the Phase II Vertical Expansion (BWP SW 11, Transmittal No. 105594). The Phase II Vertical Expansion was designed to fill the valley area between Phase I and Phase II, Section III and included the construction of groundwater protection systems (i.e.; liners) on the plateau area of the closed and capped Phase I landfill area, the eastern side slope of the Phase I landfill area and in the valley between Phases I and II. This valley had previously been established in order to conform to the approach easements associated with the former Fall River Municipal Airport which abuts the landfill site. The City of Fall River closed the airport in 1996 and the property has been

commercially developed.

The integrity of Phase I capping system was preserved by maintaining a minimum of 18-inches of soil between the Phase I HDPE geomembrane cap and the sub-base for the new liner system. The Phase I area active landfill gas extraction and treatment system was modified to accommodate the Phase II Vertical Expansion project and maintains gas collection capabilities within the existing Phase I landfill area.

The Phase II Vertical Expansion was comprised of six segments referred to as the Initial Operations Area, Cells A, B, C1, C2, and D. The Initial Operations Area was operated pursuant to an Authorization to Operate, Final Provisional Permit issued April 22, 1996. Cell A was operated pursuant to an Authorization to Operate, Final Provisional Permit, issued on May 28, 1997. A Renewal of Authorization Permit was issued December 30, 1997. Cell B was operated pursuant to an Authorization to Operate, Final Provisional Permit, issued on March 4, 1998. Cell C1 was operated pursuant to an Authorization to Operate, Final Provisional Permit, issued on February 26, 1999. Cell C2 was operated pursuant to an Authorization to Operate, Final Provisional Permit, issued on December 22, 1999. Cell D was operated pursuant to a Final Approval with Conditions, Landfill - Major Modification, Relocation of Approved Disposal Operations issued on September 14, 2001.

Phase III Lined Landfill

In 1994, BFI initiated the permitting process for a lateral expansion of landfilling operations to the Phase III area. Transmittal No. 81995. The 1994 submission proposed the construction of landfill liner systems on approximately 33 acres of a 64.5-acre land parcel adjacent to the main landfill mound separated by Mothers' Brook and the manmade North Watuppa Drainage Ditch and a sewer easement. During MassDEP's review of the Phase III application, the City of Fall River decided to permanently close the adjacent Fall River Municipal Airport. This closure allowed BFI to apply for additional landfill capacity with the vertical expansion within the existing Phase II area discussed above. Review of the Phase III application was placed on hold to facilitate review and approval of additional capacity in Phase II.

A supplemental submittal was made to MassDEP on February 22, 2002, (no Application form included) to re-activate the Phase III expansion and to modify the proposed liner system to meet then current MassDEP requirements. Within the supplemental submittal, BFI proposed to split Phase III into three areas designated as Cell A, Cell B, and Cell C and proposed construction of the eighteen-acre landfill area designated as Cell A. During the application review it was determined that a new Order of Conditions would be required. In an effort to continue the permitting process while the wetlands issues were being resolved, BFI proposed the development of an eleven acre area designated as Alternate Cell A, outside any wetlands buffer. An ATC application for Alternate Cell A was submitted to MassDEP in November 2002 and an ATC permit was issued by MassDEP on July 7, 2003, (BWP SW 26, Transmittal No. 81995). BFI completed construction of this cell and applied for an Authorization to Operate ("ATO") Permit in September 2004 that was approved by MassDEP on January 25, 2005, (BWP SW 10, transmittal No. W054554).

On April 5, 2005, BFI submitted an ATC application for Phase III, Cells B and C (BWP SW 26, Transmittal No. W061399). Phase III, Cells B and C include a combined area of thirteen acres and partially overlie Alternate Cell A side slopes. On February 17, 2006, MassDEP issued a Final Conditional Approval for Authorization to Construct Phase III, Cells B and C in sections. MassDEP

issued an ATO permit for Phase III, Cell B-East on July 28, 2006 (BWP SW 10, Transmittal No. W082936), an ATO permit for Phase III, Cell B-West on December 22, 2006 (BWP SW 10, Transmittal No. W107645) and an ATO permit for Phase III, Cell C on July 17, 2007 (BWP SW 10, Transmittal No. W137418).

On November 29, 2007, BFI submitted an ATC application for a 5.5 acre area designated as Phase III, Cell D (BWP SW 27, Transmittal No. W151423). MassDEP approved the ATC application on May 29, 2008, and issued an ATO permit for Phase III, Cell D on May 12, 2009 (BWP SW 10, Transmittal No. W951423).

Phase I and II Side Slope Expansions

After operation of Phase III, operation of the Landfill included the construction and operation of three side slope expansions above the Phase I/Phase II areas as follows:

Phase I/Phase II South Side Vertical Expansion: On October 10, 2008, BFI submitted an ATC application for Phase I/Phase II South Side Vertical Expansion (BWP SW 26, Transmittal No. X223503) encompassing approximately 13 acres (5.2 acres over unlined Phase I and 7.8 acres over lined Phase II). MassDEP issued a Final Conditional Approval for the ATC application on May 28, 2009, and issued an ATO permit on November 18, 2009 (BWP SW 10, Transmittal No. X230842).

Area II Vertical Expansion: On December 21, 2009, BFI submitted an ATC application for the Area II Vertical Expansion (BWP SW 26, Transmittal No. X223722) encompassing approximately 17.4 acres located along the northwesterly side of Phase I and Phase II Landfill area. MassDEP approved the ATC application on April 12, 2010, and issued an approval of modification to the leachate collection and disposal system on November 2, 2012 (BWP SW 11, Transmittal No. X235122). MassDEP issued an ATO permit on March 14, 2011 (BWP SW 10, Transmittal No. X236312).

Area 3 Expansion: On April 23, 2012, BFI submitted an ATC application for the Area 3 Vertical Expansion (BWP SW 26, Transmittal No. X250785). The Area 3 Expansion covers approximately 12.6 acres including a liner system overlying over approximately 11 acres of Phase II and a horizontal expansion of approximately 1.6 acres. MassDEP approved the ATC application on August 23, 2012, and issued an ATO permit on March 13, 2013 (BWP SW 10, Transmittal No. X254196).

Landfill Closure Permitting

The following BWP SW 25, Corrective Action Design Applications were approved by MassDEP on the dates indicated for construction of final cover systems:

October 9, 2003	Phase II Vertical Expansion, Transmittal No. W039787
August 22, 2007	Phase III, Alternative Cell A, 3.5 acres, Transmittal No. W140025
March 27, 2008	Phase III Alternative Cell A, 4.0 acres, Transmittal No. W140025 sup.
April 11, 2008	Partial Capping Phase III, Cell B East, Transmittal No. W213699

June 10, 2009 Phase III, Cell C, Transmittal No. X228113

September 23, 2009 Partial Landfill Capping, Phase III, Cell D, Transmittal No. X229855

January 27, 2010 Modification of Partial Landfill Capping, Phase III, Cell D, Transmittal No. X229855

April 13, 2011 South Side Expansion, Transmittal No. X237336

April 2, 2012 Area II Expansion, 17 acres in 3 phases, Transmittal No. X241695

October 9, 2013 Area 3 Partial Landfill Closure, Transmittal No. X256710

April 1, 2015 Area 3, Phase 4, Transmittal No. X264050

The final cover system design included the following components as summarized in the December 17, 2015 Area 3 Expansion closure certification application, (BWP SW 43, Transmittal No. X268504), Appendix 4: Record Notice:

Landfill Area	Acreage of Final Closure Construction	Final Cover System Description
Phase I landfill	40 +/- total	
3:1 slope area	x	6" top soil and seed 6" - 12" clean sand HDPE drainage net and filter fabric 40 mil HDPE geomembrane (textured) 12" low permeability soil 6" intermediate cover 6" daily cover
Top plateau area	x	6" top soil and seed 6" - 12" clean sand HDPE drainage net and filter fabric 40 mil HDPE geomembrane (smooth) 12" low permeability soil 6" intermediate cover 6" daily cover
7:1 slope area	x	6" top soil and seed 6" - 12" clean sand 60 mil HDPE geomembrane (smooth) 24" low permeability soil 6" intermediate cover 6" daily cover
Phase II Sections I, II & III	60 acre +/-	12" vegetative support soil 12" sand drainage layer 40 mil HDPE

		6" subgrade layer
Phase II Vertical Expansion	39 acres	12" vegetative support soil 12" sand drainage layer 40 mil HDPE 6" gas venting layer
South Side Expansion	14.0 acres	12" vegetative support soil 9" sand drainage layer 40 mil HDPE 6" gas venting layer
Area 2 Expansion (overlay)	17.0 acres	12" vegetative support soil 9" sand drainage layer 40 mil HDPE 6" gas venting layer
Area 3 Expansion (overlay)	14.1 acres	12" vegetative support soil 9" sand drainage layer 40 mil HDPE 6" gas venting layer

Active Landfill Gas Collection System

The landfill gas collection system ("LGCS") consists of vertical gas extraction wells, horizontal gas collection trenches, and connections to leachate collection system cleanouts. Condensate produced from the landfill gas collection system is collected at sumps installed at the low points in the gas collection piping. Header and lateral piping were generally installed with a slope of at least 5% to allow for condensate drainage in the lines.

The LGCS is depicted on a set of nine drawings prepared by SITEC in May 2015, as follows:

- C-1 Phase I/II Landfill, Initial LGCS Installations;
- C-2 Phase II Vertical Expansion LGCS Modifications (Beneath Liner System);
- C-3 Phase II Vertical Expansion Landfill Gas Collection System;
- C-4 Phase I/II Header Re-placement (2010 & 2012), Phase III Header Installation (2007);
- C-5 South Side, Area 2 Overlay Expansions LCGS Modifications
- C-6 South Side, Area 2 Overlay Expansions Landfill Gas Collection Systems
- C-7 Area 3 Overlay Expansion, LCGS Modifications
- C-8 Area 3 Overlay Expansion, Landfill Gas Collection System
- C-9 Phase III Landfill, Cells A, B, C, and D

Landfill gas is collected and routed to one of two destinations located on-site at the south side of Phase I. The primary destination is a gas-to-energy complex formerly owned and operated by Gas Recovery Systems, LLC. MassDEP granted a Conditional Approval (4B01004) dated June 18, 2001 to operate one 5,000 kW Taurus 60 Solar turbine and two 975 kW Waukesha 7042 GLD engine/generator packages. On February 1, 2006, MassDEP issued Final Air Operating Permit

4V02026 to operate same. The gas-to-energy facility is currently owned and operated by Fortistar Methane Group.

The back-up destination, used when the power plant facility is offline or operating at reduced capacity, consists of two Callidus enclosed combustors (a.k.a. flares), two Lamson blowers, two control racks, and associated landfill gas control piping and electric control equipment owned and operated by BFI. MassDEP granted Conditional Approval 4I01021, dated January 2, 2002 to BFI to operate these combustors and issued Final Air Quality Operating Permit 4V95067, dated February 18, 2004, regulating the Landfill the gas collection system, and two enclosed combustors. The Final Air Quality Operating Permit also subjects BFI's municipal solid waste landfill gas extraction, control, and treatment system to the New Source Performance Standards Landfill Rule (40 CFR part 60, Subpart WWW) and NESHAP (40 CFR 63, Subpart AAAA) criteria.

On January 10, 2012, MassDEP issued to BFI Non-Major Comprehensive Plan Application Conditional Approval 4P11003 for a landfill gas hydrogen sulfide pre-treatment system to be installed upstream of the gas-to-energy facility and the two existing landfill gas flares. The Approval also modified the flare operating temperatures. On June 27, 2012, MassDEP issued an approval for the hydrogen sulfide scrubber system operations and maintenance manual that was submitted in accordance with Section 7.02 Plan Approval and Emission Limitations as contained in 310 CMR 7.00 "Air Pollution Control Regulations".

Landfill Assessment

There have been 15 assessment studies associated with the Landfill. Currently, there is ongoing data collection (routine monitoring) associated with all Phases of the Landfill pursuant to MassDEP's approval of BFI's Environmental Monitoring Plan, Revision 4. The Landfill is monitored by a network of 34 groundwater monitoring wells (in bedrock and in soils) every four months along with two surface water locations. Landfill gas is monitored every four months from sixteen (16) landfill gas probes located around the Landfill.

There are no private or public water supplies down-gradient of the Landfill. Groundwater in the vicinity of the Landfill is not in a current or potential drinking water source area (i.e. GW-1). Groundwater at the site is classified as GW-2, a potential source of indoor air contamination and GW-3, a potential source of surface water contamination. GW-3 standards are intended to provide some protection against the migration and eventual discharge of groundwater contaminants to surface water at concentrations that could pose a significant risk of harm to aquatic organisms.

North Watuppa water supply serves the City of Fall River and is located to the southeast of the Landfill. The water supply is located in a different watershed basin, therefore surface water from the Landfill cannot reach the water supply. The groundwater flow direction in the overlying soils and bedrock beneath the Landfill is to the west and north away from the water supply that is located to the southeast. The groundwater flow direction is based on data from more than 15 studies over 20 years by 6 consultants including a consultant hired by the City of Fall River (Fuss and O'Neill). Groundwater samples collected from monitoring wells located along the groundwater divide show no impact from leachate from the existing Landfill. A review of surface water samples collected from the water supply reveals no contamination in the surface water exceeding water quality standards and there is no evidence of Landfill leachate indicator parameters.

Additionally, pursuant to Section 371 of Chapter 149 of the Acts of 2004, the MassDEP performed a study of the Landfill and developed a scope of work ("SOW") that recommended that a third-party consultant (SARSS contractor) oversee additional work. The activities performed pursuant to the SOW included: 1) an evaluation of previous hydrogeologic studies conducted to date; 2) an evaluation of the integrity of the existing monitoring well network (groundwater and surface water) and a site visit; 3) collection of potentiometric data (groundwater and surface water elevation data to determine flow direction) and collecting simultaneous (split) samples with BFI's consultant during a routine quarterly environmental monitoring round (groundwater and surface water samples); 4) and preparation of a final report that included an evaluation and mapping of groundwater flow direction and extent of contamination and recommendations for additional investigations/assessment work. The assessment by the third party was completed in September 2009 by Parsons (refer to Final Report BFI Landfill, Parsons 2009). The third-party consultant conclusions were consistent with previous consultants' evaluations. Parsons concluded "there appears to be no evidence of potential impacts to North Watuppa Pond water quality due to groundwater and surface water flows..." and "... there is no evidence of leachate impacted groundwater migrating toward North Watuppa Pond."

Historically, volatile organic compounds (mainly chlorinated solvents including 1,4-dioxane) have been detected in monitoring wells in the vicinity of the Landfill down-gradient of unlined Phase I landfill. Many of these volatile organic compounds have been detected at concentrations exceeding MCP Method 1, GW-1 values and MCP Method 1, GW-2 values, but not at concentrations exceeding MCP Method 1, GW-3 cleanup standards. Based upon previous investigations conducted down-gradient of the Landfill (refer to Brown & Caldwell Reports 2004 and 2006), groundwater from the Landfill is not acting as a source of indoor air contamination on the city of Fall River property northwest of the landfill (former airport property). A Human Health Quantitative Risk Assessment submitted with supplemental CSA in 1996 concluded a condition of no significant risk.

Environmental Monitoring Plan

BFI submitted a proposed revised environmental monitoring plan entitled "Environmental Monitoring Plan, Revision 5", dated February 2016 as Appendix A to the Post-Closure Operation & Maintenance Plan submitted within the Application. MassDEP has reviewed the revisions proposed in Revision 5 and does not approve of the proposed revisions at this time. BFI shall continue to monitor the Landfill pursuant to the requirements of Environmental Monitoring Plan, Revision 4, dated February 2013. (Refer to Condition 5)

Storm Water Management

The Landfill storm water management system is designed to control the 100-year, 24-hour rainfall event in and around the lined areas. Storm water runoff from final cover slopes is managed within stone-lined channels constructed along the perimeter road. The channels direct storm water to a stormwater and sediment control system leading to sedimentation/detention basins. The basins have been constructed with flow-controlling outlets to attenuate stormwater runoff rates and provide for additional sediment removal for water quality improvement before discharging to North Watuppa Drainage Ditch.

Uncapped Buried Waste Area (aka Off-Site Waste Area)

In 2003, BFI excavated test pits within an area outside the main Landfill mound between the toe of the Phase I slope and the drainage ditch to the south located on neighboring property identified as Lots 9 and 25, owned by Freeholders Limited Partnership ("Freeholders") and Rex-Cut Products ("Rex-Cut"), respectively. BFI encountered buried waste comprised of municipal solid waste and construction and demolition debris at each location extending to depths between 13 and 20 feet below grade. Aerial photographs illustrate historic waste disposal occurred during the late 1960's and early 1970's, prior to Fall River Landfill Inc.'s 1981 purchase of the Landfill from the City of Fall River.

Pursuant to an Administrative Consent Order ("ACO-SE-15-4001") executed on June 16, 2015, and a BWP SW 25, Corrective Action Design ("CAD"), Final Permit Decision (Transmittal No. X264598), issued on August 24, 2015, the ownership of the affected areas of the adjacent properties would be transferred to the City of Fall River and the waste disposal area would be consolidated, augmented with additional contaminated soils to achieve proper closure grades and provide closure cost funding, and the consolidated waste disposal area would be capped and monitored in accordance with MassDEP Solid Waste Regulations and Policies. A separate financial assurance mechanism has been established for this area to cover the costs of closure and post closure monitoring and maintenance.

This area is not considered part of the Landfill being certified as closed at this time. The closure of this area is required to be completed within 3 years of the August 24, 2015, CAD approval and requires the submittal of a Construction Certification Report pursuant to 310 CMR 19.107, 19.130(31), and 19.140, with a BWP SW 43 permit application. The closure of this area does not affect the commencement or duration of the 30 year post-closure period of the Landfill.

IV. DECISION WITH CONDITIONS

As a result of its review, MassDEP determined that the submitted closure certification documents are satisfactory and in accordance with the authority granted pursuant to Chapter 111, Section 150A of the Massachusetts General Laws hereby determines that **the closure of the Landfill has been completed** and the 30 year Post Closure Period specified within 310 CMR 19.140(6) and 19.142 has commenced as of the date of issuance of this written determination, subject to the following conditions. As stated above, MassDEP is not approving of the revisions to the Environmental Monitoring Plan, Revision 5 (refer to Condition 5).

1. BFI shall maintain, care for and monitor the site during the post-closure period in accordance with 310 CMR 19.142. Pursuant to 310 CMR 19.142(2), the post-closure period shall extend for a minimum of a 30-year period from the date of this certification, unless the post closure period is modified by MassDEP pursuant to 310 CMR 19.142(3 or 4).
2. The post-closure period shall end on the date of MassDEP's written determination that the post-closure care, maintenance and monitoring of the site are no longer required. Said written determination in no way limits or absolves the owner of liability for the site in the future.

3. During the post closure period, BFI shall maintain the Environmental Control and Monitoring Systems in accordance with 310 CMR 19.133 and maintain the site in accordance with 310 CMR 19.142(5).
4. BFI shall have the Landfill inspected by a third-party inspector in accordance with 310 CMR 19.018. Pursuant to 310 CMR 19.018(6)(b)(2), a closed landfill shall be inspected at least once every two years, with at least six months between consecutive inspections. Pursuant to 310 CMR 19.018(9)(b)1, for each operations and maintenance inspection, the third-party inspector shall prepare a third-party inspection report. Pursuant to 310 CMR 19.018(8)(c) the owner/operator of a landfill shall submit each third-party inspection report, signed and certified by a responsible official, within thirty days following the date of the inspection. In the event that a third-party inspection report contains a recommendation for corrective action(s), the owner/operator shall submit a report documenting completion of the corrective action(s), or documentation that the corrective action(s) is not required; or a plan and schedule to complete the corrective action(s).
5. Environmental Monitoring Program: Environmental monitoring shall be conducted in accordance with the Environmental Monitoring Plan, Revision 4 dated February 2013, during the post-closure period, unless otherwise approved by MassDEP. The EMP includes monitoring groundwater quality at thirty-four (34) locations, surface water quality at two (2) locations and landfill gas migration monitoring at sixteen (16) landfill gas probes. The locations of all environmental monitoring locations are shown on the drawings included within the EMP. Surface water monitoring shall be conducted quarterly in accordance with the schedule included in the EMP. Landfill gas migration probe monitoring shall be conducted quarterly. Groundwater monitoring shall be conducted at the frequencies and for the parameters listed within the EMP. The sampling frequencies and parameter lists vary between quarterly and semi-annually depending on groundwater monitoring well location and sampling event. Environmental monitoring data must be submitted within 60 days of the date of sampling, unless an exceedance of applicable standards is detected and earlier submission is specified within the regulations. Additional groundwater monitoring wells and landfill gas probes are required to be installed and incorporated into monitoring program the as part of the Off-Site Waste Area, Final Closure Project. BFI shall submit a revised Environmental Monitoring Plan as part of the Determination of Landfill Closure Completion (BWP SW 43) to be prepared for the Off-Site Waste Area.
6. The closed Landfill site shall not be used for any purpose without the prior written approval of MassDEP.
7. BFI shall continually maintain the approved financial assurance mechanism. BFI shall revise the cost estimate and mechanism as required under section 310 CMR 19.051 of the regulations.
8. Local, State, Federal Requirements: BFI shall fully comply with all applicable local, state, and federal laws, regulations, and policies, by-laws, ordinances and agreements. Applicable federal regulations include, but are not limited to, 29 CFR Part 1910, OSHA standards governing employee health and safety in the workplace.

9. BFI shall comply with all applicable state (310 CMR 7.00 Air Pollution Control Regulations) and federal air pollution control regulations. Note: Your attention is directed to 310 CMR 7.02 Plan Approval and Emission Limitations and specifically to 310 CMR 7.02(1)(b) & (d); 7.02(4)(a)1. & (b); and 7.02(5)(a)1. & (b). It will be necessary to calculate air contaminant emission rates (NMOC, VOCs, H₂S, CO, etc.) over all consecutive 12-month periods for all phases of landfill filling and closure to determine if construction and operation of the landfill will require BFI to make application for plan approval pursuant to 310 CMR 7.02. Questions pertaining to the aforementioned Air Pollution Control Regulations and plan approval requirements should be directed to Thomas Cushing (508) 946-2824 at MassDEP's Southeast Regional Office.

V. DECISION LIMITATIONS

The issuance of this approval is limited to the closure certification of the Landfill and does not relieve BFI from the responsibility to comply with all other regulatory or permitting requirements. MassDEP reserves the right to require additional assessment or action, as deemed necessary to protect and maintain the environment free from objectionable nuisance conditions, dangers or threats to public health, safety, and the environment.

VI. REVIEW OF DECISION

Pursuant to 310 CMR 19.033(4)(b), if the Applicant is aggrieved by MassDEP's decision to issue this decision, it may within twenty-one days of the date of issuance file a written request that the decision be deemed provisional, and a written statement of the basis on which the Applicant believes it is aggrieved, together with any supporting materials. Upon timely filing of such a request, the decision shall be deemed a provisional decision with an effective date twenty-one days after MassDEP's receipt of the request. Such a request shall reopen the administrative record, and MassDEP may rescind, supplement, modify, or reaffirm its decision. If MassDEP reaffirms its decision, the decision shall become final decision on the effective date. Failure by the Applicant to exercise the right provided in 310 CMR 19.033(4)(b) shall constitute waiver of the Applicant's right to appeal.

VII. RIGHT TO APPEAL

Right to Appeal: This decision has been issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.033: Permit Procedure for an Application for a Permit Modification or Other Approval, of the "Solid Waste Management Regulations". Pursuant to 310 CMR 19.033(5), any person aggrieved by the decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. Chapter 111, Section 150A and M.G.L. Chapter 30A no later than thirty days following the date of issuance of the decision to the applicant. The standing of a person to file an appeal and the procedures for filing such an appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the decision by a court of competent jurisdiction, the decision shall be effective in accordance with the terms of 310 CMR 19.033(3).

Notice of Appeal: Any aggrieved person intending to appeal a decision to the Superior Court shall first provide notice of intention to commence such action. Said notices of intention shall include MassDEP Facility Number: 132278 and, Regulated Object No. 172513 and shall identify with particularity the issues and reason why it is believed MassDEP's decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office which issued the decision, if applicable, at least five days prior to filing of an appeal. The appropriate addresses to send such notices are:


Office of General Counsel
Department of Environmental Protection
One Winter Street
Boston, MA 02108

Regional Director
Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

No allegation shall be made in any judicial appeal of a decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in 310 CMR 19.000, provided that a matter may be raised upon showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.

If you have any questions or comments regarding this approval letter, please contact me at (508) 946-2847 or Dan Connick at (508) 946-2884 or at the letterhead address.

Very truly yours,


Mark Dakers, Chief
Bureau of Air and Waste
Solid Waste Management Section

D/DC

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cc: Fall River Mayor, Jasiel F. Correia II
mayor@fallriverma.org

Fall River City Council
city_council@fallriverma.org

Fall River Board of Health
britz@fallriverma.org

Representative Fiola
Carole.Fiola@mahouse.gov

cc: SITEC Environmental, Inc.
mquatromoni@sitec-engineering.com

MassDEP – Boston
ATTN: R. Blanchet

MassDEP – Lakeville
ATTN: M. Pinaud
M. Dakers