

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, September 13, 2016, 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,
Stephen R. Long, Pam Laliberte-Lebeau, Raymond A. Mitchell,
Linda M. Pereira and Cliff Ponte

ABSENT: None

IN ATTENDANCE: Joseph I. Macy, Corporation Counsel
Cathy Ann Viveiros, City Administrator
David K. Hebert, Manager, Hanover Properties, LLC
P.O. Box 188, Fall River, MA 02722
William Desmarais, 22 Alty Street, Fall River, MA 02723
Leonardo Diogo, President, St. John's Holy Ghost Club
28 Somerset Street, Fall River, MA 02721

President Shawn E. Cadime called the meeting to order at 10:10 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor and loan orders:
 - a. Jefferson Street Area Land Acquisition and Improvements – \$1,000,000
On a motion made by Councilor Steven A. Camara and seconded by Councilor Cliff Ponte, it was unanimously voted to authorize the loan order to be published and referred to the Committee on Finance.
 - b. Sucker Brook Driveway Crossing – \$1,000,000
On a motion made by Councilor Steven A. Camara and seconded by Councilor Cliff Ponte, it was unanimously voted to authorize the loan order to be published and referred to the Committee on Finance.
2. Mayor and increase of Fire Department fees
On a motion made by Councilor Steven A. Camara and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

PRIORITY COMMUNICATIONS

3. Corporation Counsel re: Open Meeting Law Complaint 2016-117
Councilor Linda M. Pereira is concerned that if an appeal is filed and the City loses, could the City then be fined? Council President Shawn E. Cadime stated that he believes the City should move

forward with an appeal. A motion was made by Councilor Joseph D. Camara and seconded by Councilor Raymond A. Mitchell to waive the rules to invite Corporation Counsel to discuss item #3. Corporation Counsel stated that his position is that elected officials who are not part of the subcommittee can participate in meetings, as long as they don't deliberate. He also stated that there is no decided case from a court that has been published that states that the City is wrong. The Attorney General's opinions are consistent and are enforceable if no one challenges them. Councilor Steven A. Camara asked Corporation Counsel if the Massachusetts Municipal Association had been contacted regarding this matter. Corporation Counsel stated that he intends to contact MMA and a few other associations to see if they may want to file Amicus Curiae Briefs in this matter. Councilor Steven A. Camara also questioned if this situation would also affect the School Committee. Corporation Counsel stated he was unsure, but would reach out to them to discuss the matter.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to have Corporation Counsel move forward with an appeal.

COMMITTEE REPORTS

Committee on Finance recommending:

Action:

4. Resolution – AMERESCO to discuss carport solar canopies

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the matter to the Administration to proceed with the implementation of carport solar canopies.

Committee on Ordinances and Legislation recommending:

All readings:

5. Proposed Ordinance – Traffic, Handicapped Parking

On a motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was voted 9 yeas to adopt an emergency preamble. On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long it was unanimously voted to pass the proposed ordinance through first reading, second reading, passed to be enrolled and passed to be ordained.

Approved, September 15, 2016, Mayor Jasiel F. Correia II

First reading:

6. Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Steven A. Camara and seconded by Councilor Cliff Ponte, it was unanimously voted to pass the proposed ordinance through first reading.

7. Proposed Ordinance – Traffic Commission Membership

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to pass the proposed ordinance through first reading.

8. Proposed Ordinance – Salary – Director of Fall River Emergency Management Agency
Councilor Linda M. Pereira questioned if this position would be eligible for health insurance. A motion was made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell to waive the rules to invite the City Administrator to discuss item #8. The City Administrator stated that he is an individual who receives a stipend. He would have to be classified a special municipal employee and the designation could be changed if it was the wish of the Council. She explained that the appointment letters stated that this is a stipend and not a salary. Councilor Steven A. Camara questioned if all employees who get paid stipends be eligible for medical insurance. The City Administrator stated she will need to contact the Human Resources Director to discuss this and ensure that it be done correctly. Councilor Cliff Ponte stated that he has been working with the City Administrator, Human Resources Director and the City Clerk to redo the entire salary chart. He stated that there can be a section that discusses stipends vs. salaries within the ordinance.
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Pam Laliberte-

Lebeau, it was unanimously voted to pass the proposed ordinance through first reading with the Council President opposed.

Grant leave to withdraw:

9. Resolution – Increase areas for docking and mooring in Battleship Cove area
On a motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to grant the resolution leave to withdraw.

10. Resolution – Review Special Act re: recall process
On a motion made by Councilor Steven A. Camara and seconded by Councilor Cliff Ponte, it was unanimously voted to grant the resolution leave to withdraw.

Committee on Real Estate recommending:

Adopt:

11. Order – Bid for former Lincoln School – Hanover Properties, LLC – \$10,000
Councilor Richard Cabeceiras stated that there were a few questions from residents in the neighborhood, so he had a few questions that he needed answers to. A motion was made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte to waive the rules to invite Corporation Counsel to discuss item #11. Councilor Pam Laliberte-Lebeau questioned if stipulations could be added to the purchase and sales agreement. Corporation Counsel stated that they couldn't, they needed to be awarded or not.

A motion made by Councilor Cliff Ponte and seconded by Councilor Linda M. Pereira to waive the rules to invite the representative from Hanover Properties, LLC to discuss the matter. Mr. David Hebert from Hanover Properties, LLC stated that he fully intends to restore this building, with a mixed use, commercial on the first two floors and high end residential apartments or condos on the top floor.

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was voted 8 yeas to adopt the order, with Councilor Joseph D. Camara abstaining.

Approved, September 15, 2016, Mayor Jasiel F. Correia II

12. Order – Bid for former Silvia School – Hanover Properties, LLC – \$5,000
Councilor Linda M. Pereira stated that she would prefer to see LAL Construction get the building as they offered \$20,000 and Hanover Properties, LLC only offered \$5,000. Councilor Richard Cabeceiras stated that he is supporting the Hanover Properties, LLC bid of \$5,000 because the plans for the building proposed will generate more taxes than just a residential use. Councilor Cliff Ponte stated that just in the first year, the taxes could be in the vicinity of \$40,000. On a motion made by Councilor Steven A. Camara and seconded by Councilor Cliff Ponte, it was voted 7 yeas, 1 nay to adopt the order, with Councilor Linda M. Pereira voting in the negative and Councilor Joseph D. Camara abstaining.

Approved, September 15, 2016, Mayor Jasiel F. Correia II

Action:

13. Bids for former Coughlin School

a. St. John's Holy Ghost – \$5,000

A motion was made by Councilor Steven A. Camara and seconded by Councilor Linda M. Pereira to sell the building to St. John's Holy Ghost Club.

On a motion made by Councilor Cliff Ponte and seconded by Councilor Steven A. Camara, it was voted 7 yeas, 2 nays to waive the rules to allow the City Administrator to answer questions in this regard, with Councilors Stephen R. Long and Linda M Pereira voting in the negative. The City Administrator stated the bidder had to provide a cost estimate from a contractor regarding the necessary emergency repair work which included a roof system and they had to be able to provide a letter of credit showing that they had the financial capacity to complete the emergency repair work and they represented to the committee that they had that capability. This was not required with the bid but would be required for the purchase and sales agreement. Councilor Pam Laliberte-Lebeau stated that if they could not present this for the P & S, then the agreement would be void. The City

Administrator stated that she was correct. Councilor Raymond A. Mitchell made a motion to move the question, but received no second. On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Richard Cabeceiras, it was unanimously voted to waive the rules to allow Leonardo Diogo, President of St. John's Holy Ghost Club to answer questions in this matter. Councilor Pam Laliberte-Lebeau asked for bank statements from St. John's Holy Ghost Club. Mr. Diogo stated that bank statements were provided in the envelope that contained the check that was submitted to the Purchasing Department and he offered to get another copy.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to move the question. A motion made by Councilor Steven A. Camara and seconded by Councilor Linda M. Pereira to adopt the order failed to carry 3 yeas, 5 nays with Councilors Richard Cabeceiras, Pam Laliberte-Lebeau, Stephen R. Long, Cliff Ponte and President Shawn E. Cadime voting in the negative and Councilor Joseph D. Camara abstaining. A further motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte to grant the bid leave to withdraw failed to carry 4 yeas, 5 nays, with Councilors Joseph D. Camara, Steven A. Camara, Pam Laliberte-Lebeau, Raymond A. Mitchell and Linda M. Pereira voting in the negative. A further motion was made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte to refer the matter to the Committee on Real Estate. After further discussion and on yet a further motion made by Councilor Stephen R. Long and seconded by Councilor Raymond A. Mitchell it was unanimously voted to move the question. On the motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was voted 9 yeas to refer the matter to the Committee on Real Estate.

b. Dream Homes, LLC – \$6,000

On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to grant the bid leave to withdraw.

Grant leave to withdraw:

14. Order – Bids for former Lincoln School

- Sherwood Building Co., Inc. – \$5,000; Cynthia Santos – \$8,000

On a motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to grant the bids leave to withdraw.

15. Order – Bids for former Silvia School

- David Cuang Nguyen – \$10,000; LAL Construction Co., Inc. – \$20,001

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to grant the bids leave to withdraw.

Accept and place on file:

16. Communication from St. John's Holy Ghost Association, Inc. re: purchase of former Coughlin School

On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the communication to the Committee on Real Estate.

ORDINANCES

Second reading and enrollment, as amended:

17. Proposed ordinance – Salary amendments and title changes

A motion was made by Councilor Cliff Ponte and seconded by Councilor Pam Laliberte-Lebeau, to pass the proposed ordinance through second reading and enrollment, as amended. Councilor Steven A. Camara made a motion to separate the Senior Offset Duplicating Operator from the proposed ordinance, but received no second. It was then voted 7 yeas, 2 nays to pass the ordinance through second reading and enrollment, as amended with Councilors Richard

Cabeceiras and Steven A. Camara voting in the negative. On yet a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to pass the ordinance through ordination, as amended, with Councilors Richard Cabeceiras and Steven A. Camara opposed.

Approved, September 15, 2016, Mayor Jasiel F. Correia II

RESOLUTIONS

18. Committee on Finance receive update on status of city owned properties for sale
On a motion made by Councilor Cliff Ponte and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the resolution.
19. Committee on Public Safety meet at the Letourneau School re: traffic congestion
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the resolution.
20. Administration use weed killer non-damaging to environment on sidewalks and roadways
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the resolution.
21. Committee on Real Estate meet to ensure compliance re: demolition of buildings on historical register
On a motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to adopt the resolution.
22. Committee on Finance meet to establish revolving fund for cleanup of blighted properties
A motion was made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara to adopt the resolution. Councilor Linda M. Pereira requested the resolution be granted leave to withdraw, as she was recently informed that the Administration was working on this matter. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Linda M. Pereira, it was unanimously voted to grant the resolution leave to withdraw.

CITATIONS

23. Patricia "Pat" Casey – Forever Paws Hearts for Humanitarian Award
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the citation.

ORDERS – HEARINGS

Joint Pole Location:

24. Verizon New England Inc. and Massachusetts Electric Company – Newton Street Extension – three poles
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to refer the order to the Committee on Public Works and Transportation.

Pole locations:

25. Mobilitie, LLC – Seventeenth Street
26. Mobilitie, LLC – Pine Street
27. Mobilitie, LLC – Graham Road
28. Mobilitie, LLC – Rodman Street
29. Mobilitie, LLC – Dover Street
30. Mobilitie, LLC – Elsbree Street
31. Mobilitie, LLC – Plymouth Avenue
32. Mobilitie, LLC – Orange Street

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to take items #25 through #32 together. On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the orders to the Committee on Public Works and Transportation.

ORDERS – MISCELLANEOUS

33. Police Chief's report on licenses

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the order.

34. Auto Repair Shop license renewals

- Fernando P. Da Silva d/b/a Brodeur's Service Station at 109 Barrett Street
- Tanios Barbour d/b/a Barbour Auto Sales, Trust at 735 Pleasant Street
- David Saber, Eleventh Street Assoc., Inc. at 50 Sixth Street
- Jody Oliveira, Ground Earth, Inc. at 232 Lapham Street

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order.

Approved, September 15, 2016, Mayor Jasiel F. Correia II

35. City Engineer prepare plans for the acceptance of Ashley Street extending from North Main Street to dead end

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to adopt the order.

36. City Engineer prepare plans for the acceptance of Arthur Street extending from Ashley Street to Sidney Street

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to adopt the order.

COMMUNICATIONS – INVITATIONS – PETITIONS

37. Claims

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to refer to Corporation Counsel.

38. Communication from Attorney Andrew M. Greenberg re: Moniz & Latimer, Constables

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the communication to the Chief of Police.

39. Communication from Rebecca Cusick, FREA President, and resolution re:
oppose lifting the cap on number of charter schools

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to accept and place on the file and refer to the City Clerk for drafting of a resolution.

40. Drainlayer licenses

a. T.M. Masonry, Inc., 20 Grove Street

b. J.B. Lanagan & Company, Inc., 21 East River Drive, Dartmouth, MA

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the licenses.

Approved, September 15, 2016, Mayor Jasiel F. Correia II

41. Communications from Attorney General re: Open Meeting Law Complaints
a. February 16, 2016 Committee on Ordinances and Legislation meeting
b. February 9, February 23 and March 8 City Council meetings
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the communications to Corporation Counsel.
42. Communication from city resident re: concerns with Sandy Beach
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the communication to the Department of Community Maintenance.
43. Southcoast MA Mini Maker Faire re: banner at Government Center
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to approve the request. Councilor Steven A. Camara requested that the City Clerk inform the Department of Buildings and Grounds to ensure that any banners that are hung on Government Center be done without damage to the building, a copy of which is letter is attached hereto and made a part of these minutes.
44. Attorney General acknowledging receipt of Open Meeting Law Complaint
On a motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the communication to Corporation Counsel.
45. Communication from William Desmarais and Family re: naming of Sergeant Edmond J. Desmarais Bridge
A motion was made by Councilor Cliff Ponte, seconded by Councilor Linda M. Pereira and unanimously voted to waive the rules to allow William Desmarais to speak. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the communication to the Planning Board, as amended, by removing Sergeant from the requested naming.
- City Council Committee/Meeting Minutes:
46. City Council Public Hearings – August 16, 2016
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Cliff Ponte, it was unanimously voted to approve the minutes.
47. Committee on Finance – August 16, 2016
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to approve the minutes.

BULLETINS – NEWSLETTERS – NOTICES

48. Action of Tort – Trustees of the Troy Hill Estates Condominium Trust
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the matter to Corporation Counsel.

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

COMMITTEE REPORTS

Committee on Finance recommending:

Referral to the Committee on Public Works and Transportation:

- 16a. Resolution – Revolving fund for replacement of street lights
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the resolution to the Committee on Public Works and Transportation.

A recess was taken at 12:34 a.m. to allow the ordinance to be signed and the Council reconvened at 12:36 a.m.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adjourn on September 14, 2016 at 12:36 a.m.

List of documents and other exhibits used during the meeting:

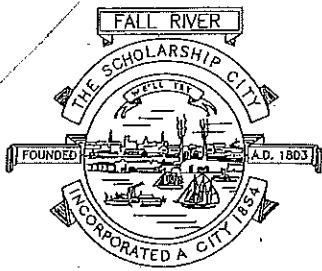
Agenda packet (attached)
CD and DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk

In City Council, December 27, 2016
Approved



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

September 14, 2016

Chris Gallagher, Director
Buildings and Grounds
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mr. Gallagher:

At a meeting of the City Council held on September 13, 2016, a discussion was held regarding the attached request for placement of a 20'x3' banner on the Government Center railing until September 17th to advertise the upcoming Southcoast MA Mini Maker Faire.

On a motion made and seconded, it was unanimously voted to approve such request, in accordance with Sec. 46-2 of the Revised Ordinances of the City of Fall River, 1999.

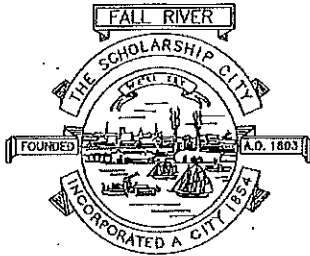
In addition, the City Council is requesting that banners placed on the railing not be attached with materials or attachments that scratch the railing. Previous banners have caused such damage.

Thank you in advance for your assistance in this matter. Should you have any questions, please feel free to contact me at 508-324-2220.

Very truly yours,

Alison M. Bouchard
City Clerk

Enc.



City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2016 SEP -9 P 3:35

SEPTEMBER 9, 2016

MEETINGS SCHEDULED FOR NEXT WEEK

CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

CITY CLERK

FALL RIVER, MA

INÉS LEITE

ASSISTANT CITY CLERK

ALISON M. BOUCHARD
CITY CLERK

TUESDAY, SEPTEMBER 13, 2016

AGENDA

5:45 P.M. PUBLIC HEARINGS

Joint Pole Locations

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

1. Place three new jointly owned poles on the Newton Street Extension. The new poles are necessary in order to bring line extensions required to service new homes. In accordance with Plan No. MA2016-32 dated August 9, 2016.

Pole Locations

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

2. To install backhaul transport equipment on a proposed utility pole in the right of way located southwest of the intersection of Seventeenth Street and Pleasant Street with electricity connection. In accordance with Project No. 9MAB001696.
3. To install backhaul transport equipment on a proposed utility pole in the right of way located east of the intersection of Pine Street and High Street, on Pine Street with electricity connection. In accordance with Project No. 9MAB001690.
4. To install backhaul transport equipment on a proposed utility pole in the right of way located northeast of the intersection of Graham Road and Currant Road, on Graham Road with electricity connection. In accordance with Project No. 9MAB001253.
5. To install backhaul transport equipment on a proposed utility pole in the right of way located northeast of the intersection of Rodman Street and Lonsdale Street, with electricity connection. In accordance with Project No. 9MAB001692.
6. To install backhaul transport equipment on a proposed utility pole in the right of way located northeast of the intersection of Dover Street and Snell Street, with electricity connection. In accordance with Project No. 9MAB001694.

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

7. To install backhaul transport equipment on a proposed utility pole in the right of way located south of the intersection of Elsbree Street and Montgomery Street on Elsbree Street with electricity connection. In accordance with Project No. 9MAB001338.
8. To install backhaul transport equipment on a proposed utility pole in the right of way located northeast of the intersection of Plymouth Avenue and Tecumseh Street on Plymouth Avenue with electricity connection. In accordance with Project No. 9MAB001693.
9. To install backhaul transport equipment on a proposed utility pole in the right of way located northeast of the intersection of Orange Street and Pine Street on Orange Street with electricity connection. In accordance with Project No. 9MAB001699.

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

1. *Resolution – discuss possibility of establishing revolving fund for damaged street lights (Ref. 8-16-16)
2. *Resolution – discuss process for reporting, implementation & enforcement of fines related to blighted properties, PAYT and snow removal (Ref. 8-16-16)
3. *Communication from Mayor re: declaration of trash disposal vehicles as surplus property (Ref. 8-16-16)

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 loan orders:
 - a. Jefferson Street Area Land Acquisition and Improvements – \$1,000,000
 - b. Sucker Brook Driveway Crossing – \$1,000,000
2. *Mayor and increase of Fire Department fees

PRIORITY COMMUNICATIONS

3. *Corporation Counsel re: Open Meeting Law Complaint 2016-117

COMMITTEE REPORTS

Committee on Finance recommending:

Action:

4. *Resolution – AMERESCO to discuss carport solar canopies

Committee on Ordinances and Legislation recommending:

All readings:

5. *Proposed Ordinance – Traffic, Handicapped Parking

First reading:

6. *Proposed Ordinance – Traffic, Miscellaneous
7. *Proposed Ordinance – Traffic Commission Membership
8. *Proposed Ordinance – Salary – Director of Fall River Emergency Management Agency

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

Grant leave to withdraw:

9. *Resolution – Increase areas for docking and mooring in Battleship Cove area
10. *Resolution – Review Special Act re: recall process

Committee on Real Estate recommending:

Adopt:

11. *Order – Bid for former Lincoln School – Hanover Properties, LLC – \$10,000
12. *Order – Bid for former Silvia School – Hanover Properties, LLC – \$5,000

Action:

13. *Bids for former Coughlin School
 - a. St. John's Holy Ghost – \$5,000
 - b. Dream Homes, LLC – \$6,000

Grant leave to withdraw:

14. *Order – Bids for former Lincoln School
 - Sherwood Building Co., Inc. – \$5,000; Cynthia Santos – \$8,000
15. *Order – Bids for former Silvia School
 - David Cuang Nguyen – \$10,000; LAL Construction Co., Inc. – \$20,000

Accept and place on file:

16. *Communication from St. John's Holy Ghost Association, Inc. re: purchase of former Coughlin School

ORDINANCES

Second reading and enrollment, as amended:

17. *Proposed ordinance – Salary amendments and title changes

RESOLUTIONS

18. *Committee on Finance receive update on status of city owned properties for sale
19. *Committee on Public Safety meet at the Letourneau School re: traffic congestion
20. *Administration use weed killer non-damaging to environment on sidewalks and roadways
21. *Committee on Real Estate meet to ensure compliance re: demolition of buildings on historical register
22. *Committee on Finance meet to establish revolving fund for cleanup of blighted properties

CITATIONS

23. Patricia "Pat" Casey – Forever Paws Hearts for Humanitarian Award

ORDERS – HEARINGS

Joint Pole Location:

24. Verizon New England Inc. and Massachusetts Electric Company – Newton Street
Extension – three poles

Pole locations:

25. Mobilitie, LLC – Seventeenth Street
26. Mobilitie, LLC – Pine Street
27. Mobilitie, LLC – Graham Road
28. Mobilitie, LLC – Rodman Street
29. Mobilitie, LLC – Dover Street
30. Mobilitie, LLC – Elsbree Street

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

- 31. Mobilitie, LLC – Plymouth Avenue
- 32. Mobilitie, LLC – Orange Street

ORDERS – MISCELLANEOUS

- 33. Police Chief's report on licenses
- 34. Auto Repair Shop license renewals
 - Fernando P. Da Silva d/b/a Brodeur's Service Station at 109 Barrett Street
 - Tanios Barbour d/b/a Barbour Auto Sales, Trust at 735 Pleasant Street
 - David Saber, Eleventh Street Assoc., Inc. at 50 Sixth Street
 - Jody Oliveira, Ground Earth, Inc. at 232 Lapham Street
- 35. City Engineer prepare plans for the acceptance of Ashley Street extending from North Main Street to dead end
- 36. City Engineer prepare plans for the acceptance of Arthur Street extending from Ashley Street to Sidney Street

COMMUNICATIONS – INVITATIONS – PETITIONS

- 37. *Claims
- 38. *Communication from Attorney Andrew M. Greenberg re: Moniz & Latimer, Constables
- 39. *Communication from Rebecca Cusick, FREA President, and resolution re: oppose lifting the cap on number of charter schools
- 40. Drainlayer licenses
 - a. T.M. Masonry, Inc., 20 Grove Street
 - b. J.B. Lanagan & Company, Inc., 21 East River Drive, Dartmouth, MA
- 41. *Communications from Attorney General re: Open Meeting Law Complaints
 - a. February 16, 2016 Committee on Ordinances and Legislation meeting
 - b. February 9, February 23 and March 8 City Council meetings
- 42. *Communication from city resident re: concerns with Sandy Beach
- 43. *Southcoast MA Mini Maker Faire re: banner at Government Center
- 44. *Attorney General acknowledging receipt of Open Meeting Law Complaint
- 45. *Communication from William Desmarais and Family re: naming of Sergeant Edmond J. Desmarais Bridge

City Council Committee/Meeting Minutes:

- 46. *City Council Public Hearings – August 16, 2016
- 47. *Committee on Finance – August 16, 2016

BULLETINS – NEWSLETTERS – NOTICES

- 48. Action of Tort – Trustees of the Troy Hill Estates Condominium Trust


City Clerk

WEDNESDAY, SEPTEMBER 14, 2016

5:30 P.M. COMMITTEE ON PUBLIC SAFETY

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

(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.

In City Council, August 16, 2016
Adopted

A true copy. Attest:

Alison M. Bouchard
City Clerk

(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.

In City Council, August 16, 2016
Adopted

A true copy. Attest:

Alison M. Bouchard
City Clerk



City of Fall River
Massachusetts
Office of the Mayor

Com. on Finance
3

RECEIVED

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

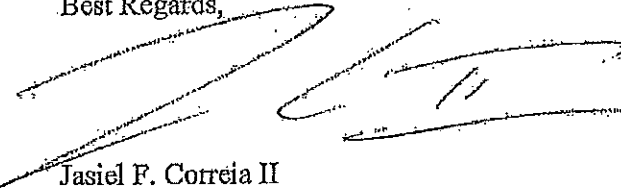
RE: Surplus Property-DCM

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
IN CITY COUNCIL

AUG 16 2016

*Referred to the
Committee on Finance, 9 yeas*

One Government Center • Fall River, MA 02722
TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL mayor@fallriverma.org



City of Fall River
Massachusetts

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

Purchasing Division

Com. on Finance
RECEIVED 3

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 Councillors,

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

Com. on Finance
3

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,

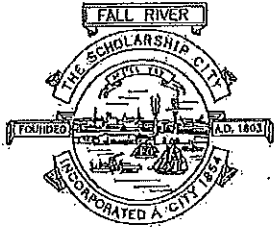
Kenneth C. Pacheco,
Director of Community Maintenance

Com. on Finance

3

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)



City of Fall River
Massachusetts
Office of the Mayor

Com. on Finance
3

JASIEL F. CORREIA II
Mayor

CATHY ANN VIVEIROS
City Administrator

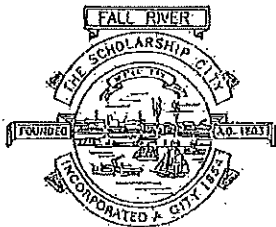
Date: August 18, 2016

TO: Honorable Members Fall River City Council
FROM: Cathy Ann Viveiros, City Administrator
RE: Surplus Property

Councillors:

For further clarification, the list of surplus property before you does not include two other pieces of equipment that were previously utilized by the Sanitation Division. The DCM Streets and Highways Division has determined that a 2013 Rear Loader valued at approximately \$115,000 and a Roll-off valued at approximately \$65,000 will provide continuing use to this Division.

With the Council's approval, the City intends to request sealed bids for disposition of this surplus property. The solicitation can include a minimum bid amount. Our trash collection vendor, EZ Disposal, had offered a purchase price of \$1.1 million. Given the removal of the above items from the surplus list, the EZ Disposal bid offer would need to be reduced by \$180,000. A Minimum bid of \$920,000 could be considered.



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2016 AUG 29 A 11:02

JASIEL F. CORREIA II
Mayor

CITY CLERK _____
FALL RIVER, MA

August 26, 2016

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

RE: Jefferson Street Area Land Acquisition and Improvements
Sucker Brook Driveway Crossing
Loan Orders

Dear Councilors:

Your approval is respectfully requested for the attached loan orders for \$2,000,000. There are two separate loan orders for \$1,000,000 each as one will be supported by the Water Enterprise Fund and the other shall be supported by the City General Fund. This project is intended to result in the acquisition of over 13 acres for a future Water Treatment Facility and the protection of Sucker Brook.

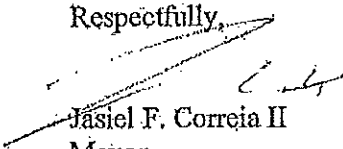
The plan involves the donation of 10 acres of land by the Atlantis Charter School. In return the City shall construct a driveway and stream crossing to allow access to their site. This driveway also has the potential future use of improving access to the adjacent industrial park and public access to the waterfront. The Water Division also plans to purchase the adjacent land on Lot D-20-16 which includes 3.37 acres.

The value of this plan is to protect waterfront property on the South Watuppa Pond for construction of a future water treatment facility. As water demand expands in the future the potential use of this additional resource will be a major advantage for the City. On the interim, we plan to develop a public access plan for passive recreation.

Also attached are the estimated project costs, amortization schedule, draft agreement with the Charter School and location of the land parcels. Please note that the agreement is still a draft and subject to further revision.

Please call me if you need further information.

Respectfully,


Jasiel F. Correia II
Mayor

One Government Center • Fall River, MA 02722
TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL mayor@fallriverma.org

1a

City of Fall River, *In City Council*

CITY OF FALL RIVER LOAN ORDER

Jefferson Street Area Land Acquisition and Improvements

ORDERED, that the sum of \$1,000,000 be and hereby is appropriated to pay costs of Planning, Design, Land Acquisition and Construction Services related to obtaining and improving Lot D-20-16 and a portion of Lot D-20-1 adjacent to the South Watuppa Pond, including the payment of all other costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow \$1,000,000 under and pursuant to Chapter 29C and Chapter 44, Sections 7 and 8 of the General Laws, as amended, or pursuant to any other enabling authority, and to issue and sell bonds or notes of the City therefore, and further, that the Mayor and the Treasurer are each authorized to file an application to qualify under Chapter 44A of the Massachusetts General Laws any and all bonds of the City issued under and pursuant hereto, and to provide such information and execute such documents as may be required in connection therewith.

CITY OF FALL RIVER
LOAN ORDER

Sucker Brook Driveway Crossing

ORDERED, that the sum of \$1,000,000 be and hereby is appropriated to pay costs of Planning, Design, Land Acquisition and Construction Services related to obtaining and improving land and roadway for construction of a driveway crossing Sucker Brook, including the payment of all other costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow \$1,000,000 under and pursuant to Chapter 29C and Chapter 44, Sections 7 and 8 of the General Laws, as amended, or pursuant to any other enabling authority, and to issue and sell bonds or notes of the City therefore, and further, that the Mayor and the Treasurer are each authorized to file an application to qualify under Chapter 44A of the Massachusetts General Laws any and all bonds of the City issued under and pursuant hereto, and to provide such information and execute such documents as may be required in connection therewith.

PRELIMINARY SUBDIVISION

D-20-16

CITY
Parcel A

CITY
Parcel C

ATLANTIS SCHOOL
Parcel B

ANDERSON

DICKINSON

Estimates of \$2M Project Debt 8.18.16
Jefferson Street Land and Road/Bridge Project

Entire Project: Planning/Design/Land Acquisition/Construction.			
1	Driveway, Stream Crossing	\$1,000,000	General Fund
2	Land Acquisition	\$500,000	Water Fund
3	Contingency	\$500,000	Water Fund
Total Project Cost		\$2,000,000	

Effect on the Water Rate/ccf	Year
\$0.0000	2016
\$0.0127	2017
\$0.0000	2018

Estimated Cost of Short Term Debt	
BAN-\$2,000,000 at 2%	\$0
	\$40,000
	\$0.

Effect on the Tax Rate/1000	Estimate: Start of Long Term Debt
\$0.02	2018
\$0.02	2019
\$0.02	2020
\$0.02	2021
\$0.02	2022
\$0.02	2023
\$0.02	2024
\$0.02	2025
\$0.02	2026
\$0.02	2027
\$0.02	2028
\$0.02	2029
\$0.01	2030
\$0.01	2031
\$0.01	2032
\$0.01	2033
\$0.01	2034
\$0.01	2035
\$0.01	2036
\$0.01	2037

Effect on the Water Rate/ccf	Estimate: Start of Long Term Debt
\$0.03	2018
\$0.03	2019
\$0.03	2020
\$0.03	2021
\$0.03	2022
\$0.03	2023
\$0.02	2024
\$0.02	2025
\$0.02	2026
\$0.02	2027
\$0.02	2028
\$0.02	2029
\$0.02	2030
\$0.02	2031
\$0.02	2032
\$0.02	2033
\$0.02	2034
\$0.02	2035
\$0.02	2036
\$0.02	2037

year	\$2,000,000 Principal	Interest 4%	Annual P&I
1	\$100,000	\$80,000	\$180,000
2	\$100,000	\$76,000	\$176,000
3	\$100,000	\$72,000	\$172,000
4	\$100,000	\$68,000	\$168,000
5	\$100,000	\$64,000	\$164,000
6	\$100,000	\$60,000	\$160,000
7	\$100,000	\$56,000	\$156,000
8	\$100,000	\$52,000	\$152,000
9	\$100,000	\$48,000	\$148,000
10	\$100,000	\$44,000	\$144,000
11	\$100,000	\$40,000	\$140,000
12	\$100,000	\$36,000	\$136,000
13	\$100,000	\$32,000	\$132,000
14	\$100,000	\$28,000	\$128,000
15	\$100,000	\$24,000	\$124,000
16	\$100,000	\$20,000	\$120,000
17	\$100,000	\$16,000	\$116,000
18	\$100,000	\$12,000	\$112,000
19	\$100,000	\$8,000	\$108,000
20	\$100,000	\$4,000	\$104,000
TOTALS	\$2,000,000	\$840,000	\$2,840,000

AGREEMENT
Draft-8/22/16

Agreement made this _____ day of August, 2016 by and between the City of Fall River, a municipal corporation of the commonwealth of Massachusetts, and the Atlantis Charter School, 37 Park Street, Fall River, MA 02721.

WHEREAS, the Atlantis Charter School, intends to build a new school on Lot D-20-1 bordered by Jefferson Street to the north, Dickinson Street to the south, wetlands to the west and the South Watuppa Pond to the east; and

WHEREAS, the City of Fall River and area residents have expressed concerns regarding the detrimental impact of traffic to the Dickinson Street area by the Atlantis Charter School; and

WHEREAS, the Atlantis Charter School is willing to address the traffic and safety issues to the extent and upon the terms hereinafter enumerated;

NOW THEREFORE, the City of Fall River and the Atlantis Charter School agree as follows:

Atlantis Charter School shall:

1. Require that all vehicles (buses, vehicles for employees, students and parents) shall enter the site via an access road from Jefferson Street.
2. Construct a secondary emergency egress road to Dickinson Street that will be gated and closed except for emergency vehicle access by the Police/Fire Departments and/or release of vehicles during a temporary emergency event that renders the Jefferson Street driveway inaccessible. Said emergency must be related to Police/Fire emergency events and not for convenience.
3. In the event that the Jefferson Street access is not completed and ready to use when the School is ready to open in September of 2017; then the Dickinson Street access may be used on a temporary basis for student access only.

4. Construct a walking path for students that walk to utilize the Dickinson Street egress area. The Atlantis Charter School shall require walking student to use this pathway.
5. Construct the flood control improvements on Dickinson Street previously identified in the draft Integrated Master Plan to include elevation of the road at the low point by 2.5 feet and replace the existing culvert with two 5'x2' box culverts.
6. The Engineer for Atlantis shall design the flood control improvements subject to approval by the City Engineer and the Administrator of Community Utilities. Atlantis shall not be held liable for flooding events or impacts related to these improvements as approved by the City after construction is complete.
7. Donate 10 acres of land including portions of the north and west side of the property to the City of Fall River Water Division. The exact land donation must be finalized in a subdivision plan approved by and deeded to the City of Fall River.
8. Disclose any land contamination issues on the existing site and mitigation efforts that are needed.
9. Avoid and minimize the use of Dickinson Street by any vehicles related to construction of the school to the greatest extent possible.
10. If any wetland restoration is needed on the donated land then said restoration shall be completed by the Atlantis Charter School on their remaining portion of the land.
11. Atlantis shall support and not interfere with the City of Fall River land purchase efforts of Lot D-20-16 delineated below.
12. Atlantis shall cooperate with the City staff and Engineering Firms in providing access to the site and all related documentation requested.

The City of Fall River Shall:

1. Prepare the subdivision plan for the land donation delineated above.

2. Said land donation shall be assigned to the Water Division for potential future use as a Water Treatment Facility for the South Watuppa Pond and protection of Sucker Brook.
3. Purchase the adjacent land known as Lot D-20-16 subject to the Owner's approval. Said land purchase shall be assigned to the Water Division for potential use as a Water Treatment Facility for the South Watuppa Pond. This purchase shall not involve or interfere with Atlantis School Project.
4. Improve the land donation denoted above in Atlantis Charter School Item 7 to include a driveway to accommodate vehicular traffic for the Atlantis Charter School including the stream crossing and access from the existing Jefferson Street extension to the new property boundary to be created by the land division.
 - a. Atlantis shall be responsible for the continuation of that driveway on their remaining property to the school.
 - b. The City shall provide an access and transportation easement to the Atlantis Charter School for use of the driveway and stream crossing on City of Fall River land.
 - c. Atlantis shall plow snow as needed for school access for the entire driveway to the existing Jefferson Street Extension.
5. Submit a \$2,000,000 loan order subject to City Council approval to allow:
 - a. Construction of the stream crossing.
 - b. Construction of the driveway access.
 - c. All Related construction costs.
 - d. All related engineering, construction management, permitting costs.
 - e. Purchase of Lot D-20-16.
 - f. Any costs related to the City's commitments in this agreement.
6. Preserve the new City owned land denoted herein for open space conservation uses until such that time a Water Treatment Facility is constructed.
7. Submit for approval the revised site plan submittal by the Atlantis Charter School that will conform to the requirements of this agreement.
8. Approve the building permit for the Atlantis Charter School once the above noted revised site plan is approved and conformance to all requirements are in place..

EXECUTED at Fall River, Massachusetts on the date first mentioned above.

ATLANTIS CHARTER SCHOOL

CITY OF FALL RIVER

By: _____
Robert L. Beatty, Executive Director

By: _____
Jasiel F. Correlá II, Mayor

By: _____
Board of Trustees

Approved by the City of Fall River
Law Department as to Form
And Manner of execution only

Approved by City Water Division

By: _____
Joseph I. Maçy, Esq.

By: _____
Terrance J. Sullivan



City of Fall River
Massachusetts
Office of the Mayor

JASIEL F. CORRÊIA II
Mayor

RECEIVED

2016 SEP -8 P 3:35

CITY CLERK
FALL RIVER, MA

September 8, 2016

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

Dear Council Members:

On recommendation from the Fire Chief, I am forwarding proposed fee increases for services provided by the Fire Department. After reviewing the fee structure in other communities, my administration believes that fee increases are both needed and justified. These fees will enable us to generate additional revenues while also adjusting these fees to reflect the amount of work required to complete these services.

Your review and approval of these proposed fee increases is respectfully requested.

Best Regards,

Jasiel F. Correia II
Mayor



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

JASIEL F. CORREIA II
Mayor

JOHN D. LYNCH
Acting Fire Chief

September 2, 2016

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

Dear Mayor Correia:

I respectfully request these proposed Fire Department Fee changes be adopted in City Ordinance. Many of the increases are to be compatible with what other communities currently charge. Other increases are to cover the cost of performing the services, because many have not been increased in many years. Some fees are being charged by us but were never adopted into City Ordinance.

Respectfully,

John D. Lynch
Acting Fire Chief

Permits and Fees

2

Permit Type	Present	Proposed Changes	
Smoke and Carbon Monoxide Detectors (sale or transfer)			
Certificate of Compliance 1 Family	\$50		
Certificate of Compliance 2 Family	\$50	\$100	
Certificate of Compliance Each Additional Unit	\$25	\$150 3-6 UNITS, 7 OR MORE \$500	MGL Chap. 148 Sec 10A, Sec 26 F1/2
Certificate of Compliance Failure Re-inspection	NA	Same cost as Initial Inspection	
Quarterly Inspections Mandated by MGLA 148			
Hospitals	\$150	\$200	
All Others	\$75	\$100	
Research for Site Assessment 21E	\$100		
Registration of a Tank Containing Flammable or Combustible Liquids	\$60		
Permit for the Removal of a Tank Containing Flammable or Combustible Liquids	\$200		
Permit for the Storage of Fuel Oil	\$50		
Tank Truck Inspection	\$60		
Permit to Install or Alter an Oil Burner	\$50		
Permit to Store Liquefied PG	\$50	FROM 5 years TO 2 Years	
Permit for Keeping of Certain Metal Waste Containers	\$50		
Review of Building Plans	\$100	\$.05 Per Sq. Ft. \$100 minimum	2000'sq= \$100 7500 ' sq=\$375 150,000'sq=\$7500
Review of Plans and Inspection of Installation of Self Service Gas Station	\$100		
Permit for Storage of Black Powder	\$60		
Copies of Report or Record (Each)	\$15		
Permit to process Hazardous Material	\$50		CMR 527 Chap 33

Permits and Fees

2

Permit Type	Present	Proposed Changes	
Permit to Store Hazardous Material	\$50		
Permit to Erect a Tent	\$50		
Permit to Fire a Cannon	\$50		
Permit to Store and Use Oxyacetylene Tanks and Torches	\$50	FROM 5 years to 2 Years	
Permit for a Supervised Display of Fireworks	\$60		
Permit to Conduct Blasting	\$60		
Renewal of Permit	\$50		
Permit to Store Flammable Liquids, Gases, or Solids	\$50		
Permit to Install Liquefied Petroleum Gas Facility	\$50		
Permit to install fire-extinguishing equipment commercial cooking	\$50		
Use of candles, open flames, and portable cooking in assembly areas, dining areas of restaurants, and drinking establishments	NA		
Use of torch or other flame or heat producing device	NA		
Use of canipe guards	NA		
Fumigation and insecticidal fogging	NA	\$50	
Liquor License Inspection	NA	\$50	
Storage of combustible goods > 2,500 cu. ft.	NA		
Oil Burners and Fuel Oil			
Installation or alteration of any fuel oil burning equipment	\$50		
Storage of fuel oil in excess of 10 gallons used in connection with an oil burner	NA		
Installation or removal of a fuel storage tank (Unless provided otherwise in chapter 66)	\$50		
Safeguarding construction, Alteration, and demolition operations			
Rubbish Containers > 6 cubic yards (Dumpsters)	NA	\$25	527 CMR Chap.19
Disconnect / Disable Fire Alarm or Sprinkler System	NA	\$25	

Permits and Fees

2

Permit Type	Present	Proposed Changes	
Torch-applied roofing operations	NA		
Permit for a Tar Kettle	\$50		
Use of salamanders	NA		
Occupancy Fire Safety			
Exhibits or displays in mall areas	NA		
Storage, handling, use, or display of cellulose nitrate film	NA		
Unvented propane or natural gas-fired space heaters	\$50	<i>This needs to be put in ordinance</i>	
Clean rooms			
Use, storage or handling of hazardous materials	\$50		
Dry Cleaning			
Use, storage or handling of hazardous materials	NA		
Motor Fuel Dispensing Facilities and Repair Garages			
Use, storage or handling of hazardous materials	NA		
Inspection of Auto Body Repair Shop		Change Ord. Sec. 14-464 wording to "within 14 days excluding holidays and weekends"	
Forest Products			
Storage of mulch >300 cubic yards	NA	\$50	
Dust Explosion and Fire Prevention			
An operation that uses or produces combustible dust	NA	\$50	
Welding, cutting, and other hot work			
Cutting and welding operations	\$50		
Storage of fuel gases	\$50	<i>This needs to be put in ordinance</i>	
Alarm Systems			
Annual Fire Alarm Permit	\$300		

Permits and Fees

2

Permit Type	Present	Proposed Changes	
Initial Fire Alarm Tie-In	\$375		

Permits and Fees

Permit Type	FR	NB	Brockton	Lowell	Lawrence	Springfield	Attleboro	Proposed Changes
Smoke and Carbon Monoxide Detectors (sale or transfer)								
Certificate of Compliance 1 Family	\$50	\$40	\$50		\$50	\$50	\$50	
Certificate of Compliance 2 Family	\$50	\$40	\$100		\$100	\$100	\$100	\$100
Certificate of Compliance Each Additional Unit	\$25	\$20			\$50		\$50	\$150 3-6 UNITS, 7 OR MORE \$500
Certificate of Compliance Failure Re-Inspection	NA				\$25	\$150		Same as original
Quarterly Inspections Mandated by MGTA 48								
Hospitals	\$150	\$100	\$125		\$50	\$150	\$500	\$200
All Others	\$75	\$100					\$150	\$100
Research for Site Assessment 21E	\$100	\$35/HR			\$100			
Registration of a Tank Containing Flammable or Combustible Liquids	\$60	\$35			\$50	\$75-\$250		
Permit for the Removal of a Tank Containing Flammable or Combustible Liquids	\$200	\$100				\$75-\$250	\$100	
Permit for the Storage of Fuel Oil	\$50					\$50-\$150	\$50	
Tank Truck Inspection	\$60	\$75	\$85		\$100		\$100	
Permit to Install or Alter an Oil Burner	\$50	\$25						
Permit to Store Liquefied PG	\$50	\$35	\$35		\$50	\$75-\$250	\$50	FROM 5 years TO 2 Years
Permit for Keeping of Certain Metal Waste Containers	\$50							
Review of Building Plans	\$100		\$85		\$25-\$100	\$125-\$200		\$100 Minimum

2

Permits and Fees

Permit Type	FR	NB	Brockton	Lowell	Lawrence	Springfield	Attleboro	Proposed Changes
Review of Plans and Inspection of Installation of Self Service Gas Station	\$100					\$100		
Permit for Storage of Black Powder	\$60	\$30	\$35				\$50	
Copies of Report or Record (Each)	\$15	\$5	\$7		\$10	\$10	\$20	
Permit to Store Hazardous Material	\$50						\$50	
Permit to Erect a Tent	\$50						\$50	
Permit to Fire a Cannon	\$50	\$25			\$50	\$75		
Permit to Store and Use Oxycetylene Tanks and Torches	\$50	\$25				\$75	\$50	FROM 5 years to 2 Years
Permit for a Supervised Display of Fireworks	\$60	\$25	\$35		\$50	\$100	\$50	
Permit to Conduct Blasting	\$60	\$35	\$65		\$50	\$50	\$50	
Renewal of Permit	\$50							
Permit to Store Flammable Liquids, Gases, or Solids	\$50				\$50	\$75	\$50	
Permit to Install Liquefied Petroleum Gas Facility	\$50							
Permit to Install fire-extinguishing equipment commercial cooking	\$50						\$100	
Use of candles, open flames, and portable cooking in assembly areas, dining areas of restaurants, and drinking establishments	NA							
Use of torch or other flame or heat producing device	NA							
Use of canine guards	NA							
Fumigation and Insecticidal fogging	NA	\$25			\$50	\$50	\$50	\$50

2

Permits and Fees

Permit Type	FR	NB	Brockton	Lowell	Lawrence	Springfield	Attleboro	Proposed Changes
Liquor License Inspection	NA							\$50
Storage of combustible goods > 2,500 cu. ft.	NA				\$100			
Oil Burners and Fuel Oil								
Installation or alteration of any fuel oil burning equipment	\$50	\$25	\$45		\$50	\$75	\$100	
Storage of fuel oil in excess of 10 gallons used in connection with an oil burner	NA							
Installation or removal of a fuel storage tank (Unless provided otherwise in chapter 66)	\$50		\$85				\$150	
Safeguarding construction, Alteration, and demolition operations								
Rubbish Containers > 6 cubic yards	NA				\$25			\$25
Disconnect / Disable Fire Alarm or Sprinkler System	NA					\$75	\$50	\$25
Torch-applied roofing operations	NA				\$50			
Permit for a Tar Kettle	\$50		\$35		\$100	\$50	\$50	\$50
Use of salamanders	NA	\$35			\$100	\$75	\$50	
Occupancy Fire Safety								
Exhibits or displays in mall areas	NA							
Storage, handling, use, or display of cellulose nitrate film	NA							
Unvented propane or natural gas-fired space heaters	\$50							Needs to be put in ordinance
Clean rooms								

Permits and Fees

Permit Type	FR	NB.	Brockton	Lowell	Lawrence	Springfield	Attleboro	Proposed Changes
Use, storage or handling of hazardous materials	\$50							
Dry Cleaning								
Use, storage or handling of hazardous materials	NA							
Motor Fuel Dispensing Facilities and Repair Garages								
Use, storage or handling of hazardous materials	NA							
Inspection of Auto Body Repair Shop								Change Ord Sec 14-464 to read "within 14 days excluding Holidays and weekends"
Forest Products								
Storage of mulch >300 cubic yards	NA						\$50	\$50
Dust Explosion and Fire Prevention								
An operation that uses or produces combustible dust	NA				\$50			\$50
Welding, Cutting, and Other Hot Work								
Cutting and welding operations	\$50	\$25			\$50	\$75	\$50	
Storage of fuel gases	\$50							Needs to be put in ordinance
Refueling (Gaseous Fuel Containers and Systems)								
Installation and connection of	NA							
Certificate of Occupancy, Inspection: non residential use								\$100-\$5000 sf + 100 EACH 10,000 sf MAX \$1000
Annual Fire Alarm Permit	\$300							

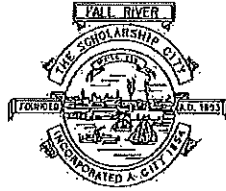
Permits and Fees

Permit Type	FR	NB	Brockton	Lowell	Lawrence	Springfield	Attleboro	Proposed Changes	
Initial Fire Alarm Tie-in	\$375								

3

City of Fall River
Office of the Corporation Counsel

JASIEL F. CORREIA II
Mayor



JOSEPH I. MACY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

September 8, 2016

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

RE: OML 2016-117

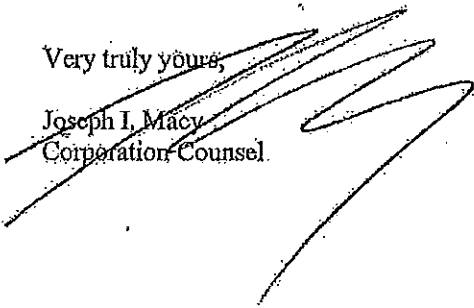
Dear President Cadime :

This will confirm our telephone conversation in which we agreed that the above decision should be appealed. While I believe I have the authority to do this I believe the City Council should be informed of and acquiesce in this action.

I will leave it to you as to whether to make this an agenda item or forward it to the Council for their information.

Very truly yours,

Joseph I. Macy
Corporation Counsel



RECEIVED
2016 SEP -8 P 2:37
CITY CLERK
FALL RIVER, MA

City of Fall River
Office of the Corporation Counsel

JASIEL F. CORREIA II
Mayor



JOSEPH I. MACY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

September 6, 2016

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

RE: OML 2016-117

Dear President Cadime:

Attached you will find the recent decision of the Attorney General regarding the conduct of committee meetings. While not unexpected this decision requires some action on our part. I am also enclosing a letter, of even date, to Asst. A.G. Kevin Manganaro which I think is self explanatory.

Please contact me at your earliest convenience to discuss our options.

Very truly yours,

Joseph I. Macy
Corporation Counsel

Cc: Allison Bouchard

City of Fall River
Office of the Corporation Counsel

JASIEL F. CORREIA II
Mayor



JOSEPH L. MACY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

September 6, 2016

The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

RE: OML 2016-117

Dear Attorney Manganaro :

I have not yet received your decision in the above matter but Mr. Ferry kindly e-mailed me a copy. While your decision was not unexpected I had hoped that your office might change it's position based on our submission and discussion,

However, since you have not I wanted to outline below the options which I understand would be acceptable to your office:

- 1: Announce every sub-committee meeting as a regular city council meeting. The agenda to be followed would have to be that published with the announcement of the meeting. Any City Councilor could attend and participate.
- 2: Continue to announce sub-committee meetings and meet as we have. The caveat to this procedure being that any councilor not a member of the sub-committee may attend but must sit in the seats designated for the general public and not in their assigned seats at the council table. Additionally those councilors in attendance could only participate, if at all, as members of the public if recognized by the chair and only if other members of the public were recognized as well.
- 3: File an appeal pursuant to MGL 30A sec 23(d). Filing such appeal would stay the order of September 1, 2016.

If I am in any way incorrect please advise. There are other, similar, complaints still pending with your office. While I expect the same decision in those complaints I would hope that any remedy or order would be prospective only since the earliest notice of a definitive finding was dated September 1, 2016 and not yet received by this office.

City of Fall River by:

Joseph L. Macy
Corporation Counsel

Cc: Allison Bouchard

One Government Center • Fall River, MA 02722 • TEL (508) 324-2650
Workers' Compensation (508) 324-2540 • FAX (508) 324-2655 • EMAIL lawoffice@fallriverma.org
Equal Justice Under Law



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

TEL: (617) 727-2200
www.mass.gov/agb

September 1, 2016

OML 2016-117

Joseph I. Macy, Corporation Counsel
City of Fall River
1 Government Center
Fall River, MA 02722

RE: Open Meeting Law Complaint

Dear Attorney Macy:

This office received a complaint from CJ Ferry, dated March 30, alleging that the Fall River City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Council on February 16, and the Council responded by letter dated March 10.² In his complaint, Mr. Ferry alleges that the Council violated the Open Meeting Law when a quorum of the Council was present at a meeting of the Council's Subcommittee on Ordinances and Legislation (the "Subcommittee") and deliberated, even though the meeting was not noticed as a joint meeting.

We appreciate the patience of the parties while we reviewed this matter. Following our review, we find that the Council violated the Open Meeting Law as alleged. In reaching a determination, we reviewed the original complaint, the Council's response, and the request for further review filed with our office. We also reviewed a video recording of a Subcommittee meeting held on February 16.³

FACTS

We find the facts as follows. The Council is a nine-member public body, thus five members constitute a quorum. At all times relevant to this complaint, five Councilors—Cliff Ponte, Joseph Camara, Pam Laliberte-Lebeau, Stephen Long, and Linda Perelra—were the sole members of the Subcommittee. On February 10, the Subcommittee posted notice of a meeting to be held on February 16. The notice did not state that the meeting would be a joint meeting between the Subcommittee and the Council.

¹ Unless otherwise indicated, all dates in this letter refer to the year 2016.

² We note that the complainant filed an amended complaint on February 22, adding more detail.

³ See <http://vod.frgtv.us/video/155631765>.

The Subcommittee held the February 16 meeting as planned in the Council chambers with four Subcommittee members present. The Subcommittee members sat at a rectangular table in the middle of the room in front of the dais where the Councilors regularly sit. During this meeting, four other Councilors arrived, sitting in their regular seats at the Council's dais, bringing the total present to eight Councilors. During the meeting, Councilors Richard Cabeceiras, Shawn Cadime, Raymond Mitchell, and Steven Camara were recognized to speak. These Councilors, not members of the Subcommittee, addressed the Subcommittee from the Council dais and asked questions. Ultimately, the Subcommittee voted to refer one issue to the Council for full discussion; the Councilors present did not comment on this vote.

DISCUSSION

The Open Meeting Law requires that, except in limited circumstances, "all meetings of a public body shall be open to the public." G.L. c. 30A, § 20(a). Except in an emergency, "a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays." G.L. c. 30A, § 20(b). A subcommittee of a public body is itself a public body subject to the Open Meeting Law. G.L. c. 30A, § 18. The Open Meeting Law defines a "meeting" as "a deliberation by a public body with respect to any matter within the body's jurisdiction," however this definition does not include the "attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate." *Id.* "Deliberation" is defined, in relevant part, as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction." *Id.*

The complaint alleges that the presence of five Councilors—a quorum of the Council—on the Subcommittee is a per se violation of the Open Meeting Law. The complaint alleges that every Subcommittee meeting is therefore a meeting at which a quorum of the Council is present. This argument is unavailing. We have previously concluded that a quorum of a public body may sit on its subcommittee without having to post a separate meeting notice, provided that the discussion is limited to matters within the jurisdiction of the subcommittee. *See* OML 2013-155, Fn. 2.⁴ Because we discern from the recording of the February 16 meeting no discussion of topics beyond the Subcommittee's jurisdiction, we find no violation with respect to this allegation.

The complaint also alleges that the Councilors who were not members of the Subcommittee violated the law when they deliberated during the Subcommittee's February 16 meeting. Members of a parent public body may attend the meeting of a subcommittee provided there is no deliberation. *See* OML 2013-38. In considering whether members of the parent public body have deliberated during a subcommittee meeting, we look for indicia such as whether the parent public body members were seated with the general public and whether they participated by open participation to conclude that no improper deliberation occurred. *Id.* Here, Councilors Cabeceiras, Cadime, Mitchell, and Camara sat in their seats at the Council dais. When they were recognized to speak, it was done with the honorific "Councilor." Based on this,

⁴ Open Meeting Law determinations may be found at the Attorney General's website: www.mass.gov/ago/openmeeting.

a reasonable member of the public watching the recording of the meeting would have believed they were watching a joint meeting of the Council and the Subcommittee. We therefore find that the Council violated the Open Meeting Law by deliberating during the February 16 meeting without posting notice.

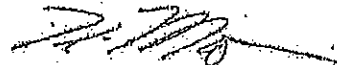
While not raised in the complaint, we note that the Council did not respond to the complaint within the time frame required by law. Unless an extension of time has been granted, a public body must, within 14 business days of receipt of an Open Meeting Law complaint, send a copy of the complaint to the Attorney General's Office and notify the Attorney General's Office of any remedial action taken. G.L. c. 30A, § 23(b); 940 CMR 19.05(5), (6). Here, the complaint was filed with the Council on February 16. The Board did not request an extension, and responded by letter dated March 10. We take this opportunity to remind the Board of its obligations under the Open Meeting Law.

CONCLUSION

For the reasons stated above, we find that the Council violated the Open Meeting Law. We order the Council's immediate and future compliance with the Open Meeting Law, and we caution that similar future violations may be considered evidence of intent to violate the law.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Council. Please feel free to contact the Division at (617) 963-2540 if you have any questions.

Sincerely,



Kevin W. Manganaro
Assistant Attorney General
Division of Open Government

cc: CJ Ferry
Fall River City Council

This determination was issued pursuant to G.L. c. 30A, § 23(e). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

CITY OF FALL RIVER

4

To the City Council

Councillors:

The Committee on Finance, at a meeting held on August 16, 2016, voted unanimously to recommend that the accompanying resolution be referred to the Administration for further action.

Alison M. Bouchard
City Clerk

City of Fall River, *In City Council*

4

(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

5

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 31, 2016, voted unanimously to recommend the accompanying proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained.

Chris Lute
Assistant Clerk of Committees

EMERGENCY PREAMBLE

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

BE IT RESOLVED, that said ordinance is hereby deemed an emergency measure in accordance with the provisions of Chapter 43, Section 20 of the Massachusetts General Laws.

City of Fall River, *In City Council*

5

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

Anthony Street, north side, starting at a point 275 feet west of Lamphor Street, for a distance of 20 feet westerly
Ballard Street, south side, starting at a point 41 feet east of North Court Street, for a distance of 20 feet easterly
Center Street, west side, starting at a point 33 feet south of South Main Street, for a distance of 20 feet southerly
Eastern Avenue, west side, starting at a point 259 feet north of Edgemond Street, for a distance of 20 feet northerly
Flint Street, east side, starting at a point 353 feet north of Pleasant Street, for a distance of 20 feet northerly
John Street, west side, starting at a point 98 feet south of Rodman Street, for a distance of 20 feet southerly
Rodman Street, east side, starting at a point 80 feet south of Augustus Street, for a distance of 20 feet southerly
Wilbur Street, west side, starting at a point 81 feet north of Globe Street, for a distance of 20 feet northerly

Proposed Ordinance – Traffic, miscellaneous
CITY OF FALL RIVER

6

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 31, 2016, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading.


Assistant Clerk of Committees

City of Fall River, *In City Council*

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

That Chapter 70 of the 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:

Fourth Street, west side, starting at a point 48 feet south of Wade Street, for a distance of 25 feet southerly

Buckley Street, west side, starting at a point 250 feet north of County Street, for a distance of 25 feet northerly

Foote Street, west side, starting at a point 361 feet north of Slade Street, for a distance of 20 feet northerly

Goss Street, west side, starting at a point 81 feet north of County Street, for a distance of 20 feet northerly

Tecumseh Street, north side, starting at a point 100 feet east of Lawrence Street, for a distance of 20 feet easterly

CITY OF FALL RIVER

7

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 31, 2016, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading.

Chris Leite
Assistant Clerk of Committees

City of Fall River, In City Council

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

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

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

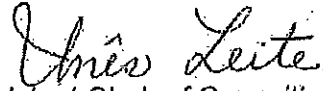
CITY OF FALL RIVER

8

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 31, 2016, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading.


Assistant Clerk of Committees

City of Fall River, *In City Council*

8

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

That Chapter 50 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Personnel, be amended as follows:

By striking in Section 50-301, which section relates to Salary schedules generally, the salary for the following title and inserting in place thereof, the following:

Director of Fall River Emergency Management Agency	\$20,000 per annum
--	--------------------

CITY OF FALL RIVER

9

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 31, 2016, voted unanimously to recommend that the accompanying resolution be granted leave to withdraw.

Chris Leite
Assistant Clerk of Committees

City of Fall River, In City Council

(Councilor Linda M. Pereira)

WHEREAS, the appearance of the waterfront in Fall River is changing due to the Route 79 construction project, and

WHEREAS, the City of Fall River is working to increase tourism, now therefore

BE IT RESOLVED, that the City Council Committee on Ordinances and Legislation convene with the Harbormaster and members of Battleship Cove to discuss the prospect of increasing areas for docking/mooring in Battleship Cove area for boaters and all fees associated for such.

In City Council, May 27, 2014

Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk

Resolution – Review Special Act re: recall process
CITY OF FALL RIVER

10

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 31, 2016, voted unanimously to recommend that the accompanying resolution be granted leave to withdraw.


Assistant Clerk of Committees

City of Fall River, In City Council

(Councilor Raymond A. Mitchell)

WHEREAS, Chapter 292 of the Acts of 1980, which outlines the recall process appears to be ambiguous in many respects, now therefore

BE IT RESOLVED, that the City Council Committee on Ordinances and Legislation meet to review the Special Act in an effort to recommend amendments to members of the City Council, and

BE IT FURTHER RESOLVED, that the City Council petition the General Court to make such amendments.

In City Council, November 18, 2014
Adopted

A true copy. Attest:

Alicia M. Bouchard
City Clerk

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on September 7, 2016, voted unanimously to recommend that the accompanying order be adopted.

Chris Leite
Assistant Clerk of Committees

City of Fall River, In City Council

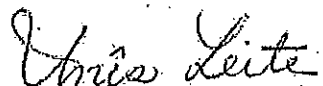
ORDERED, that the City Council of the City of Fall River hereby orders that the former Lincoln School, 439 Pine Street (Assessors Map N-05-0027), be conveyed to Hanover Properties, LLC for the sum of \$10,000 as set forth in Hanover Properties, LLC's Response to said RFP, subject to the terms and conditions as set forth in said RFP, and further subject to the negotiation and execution of a Purchase & Sales Agreement in a form determined and acceptable by the Corporation Counsel and the execution of a Quitclaim Deed in a form also acceptable to the Corporation Counsel.

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on September 7, 2016, voted unanimously to recommend that the accompanying order be adopted, with Councilor Pereira absent and not voting.


Assistant Clerk of Committees

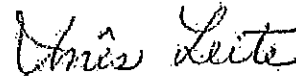
ORDERED, that the City Council of the City of Fall River hereby orders that the former Silvia School, 138 Hartwell Street (Assessors Map N-21-0001), be conveyed to Hanover Properties, LLC for the sum of \$5,000 as set forth in Hanover Properties, LLC's Response to said RFP, subject to the terms and conditions as set forth in said RFP, and further subject to the negotiation and execution of a Purchase & Sales Agreement in a form determined and acceptable by the Corporation Counsel and the execution of a Quitclaim Deed in a form also acceptable to the Corporation Counsel.

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on September 7, 2016, voted unanimously to recommend that the accompanying bids be forwarded to the full council for action, with Councillor Perelra absent and not voting.



Assistant Clerk of Committees

13a

RECEIVED

Attachment "A"
PRICE PROPOSAL FORM
CITY OF FALL RIVER FORMER COUGHLIN SCHOOL

2016 AUG 31 A 11:13

FALL RIVER, MA

The undersigned hereby submits the attached proposal for the purchase of property from the City of Fall River in response to the Request for Proposal 17-5 Former Coughlin School.

Proposer's Name: St. John's Holy Ghost

Owner's Name (if different from proposer): Leonardo Diogo
President.

Owner Entity and State of Organization: Non profit. Organization
(Holy Ghost)

Proposer's Address: 306 Jefferson St. Fall River MA 02721

Proposer's Telephone: 508 6779723.

Proposer's E-Mail: Leo - Nando @ Verizon . net.

Proposer's Fax Number: _____

Parcel Location: Street Address or Location of Property: Coughlin School
1975 Pleasant St. F.R.

Proposed Purchase Price: _____
\$ 5,000. ⁰⁰

Leonardo Diogo
Signature of Proposer

8/24/16
Date

Name (Print): Leonardo Diogo

136

RECEIVED

Attachment "A" 2016 AUG 31 A 11:13
PRICE PROPOSAL FORM
CITY OF FALL RIVER FORMER COUGHLIN SCHOOL
FALL RIVER, MA

The undersigned hereby submits the attached proposal for the purchase of property from the City of Fall River in response to the Request for Proposal 17-5 Former Coughlin School.

Proposer's Name: DREAM HOMES, LLC
JOE PACHECO, MANAGER

Owner's Name (if different from proposer):

Owner Entity and State of Organization: LLC - MA

Proposer's Address: 411 COLUMBIA ST
FALL RIVER MA 02721

Proposer's Telephone: 508-677-1682

Proposer's E-Mail: JPACHECO@PACHECOINSURANCE.NET

Proposer's Fax Number: 508-676-7144

Parcel Location: Street Address or Location of Property:
1975 PLEASANT ST. FALL RIVER, MA 02723

Proposed Purchase Price:
\$6,000.00

JOE PACHECO
Signature of Proposer

8-30-16
Date

Name (Print): JOSE PACHECO

RECEIVED
AUG 31 2016
PURCHASING DEPARTMENT

136

DREAM HOMES, LLC RECEIVED

411 COLUMBIA STREET
FALL RIVER, MA 02721
(508) 677-1682

2016 SEP -9 A 9:46

CITY CLERK
FALL RIVER, MA

September 9, 2016

City of Fall River
Ines Leite
Assistant Clerk of Committees
One Government Center
Fall River, MA 02722

Re: Proposal 17-5
Former Coughlin School

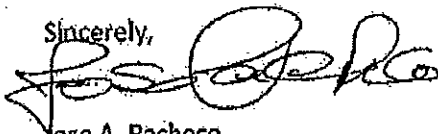
Dear Ines,

Please be advised that due to the vote taken by the Chairman of the Real Estate Committee, Mr. Richard Cabecelras on September 7, 2016, not to accept our proposal on the Coughlin School. Dream Homes, LLC, hereby withdraws they offer to purchase said property.

Please return our Bank check in the amount of \$600.00 and the original letter of credit from Bank Five.

Thank you.

Sincerely,



Jose A. Pacheco
Dream Homes, LLC, Manager

Cc: Joseph I. Macy
Corporation Counsel

CITY OF FALL RIVER

14

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on September 7, 2016, voted unanimously to recommend that the accompanying order be granted leave to withdraw, with Councilor Pereira absent and not voting.


Assistant Clerk of Committees

ORDERED, that in the matter of the following offers for city owned real estate, that they be and the same are hereby granted leave to withdraw:

439 Pine Street
Assessors Map N-05-0027

1. Sherwood Building Co., Inc.
650 Plymouth Avenue
Fall River, MA \$5,000.00
2. Cynthia Santos
564 Hicks Street
Fall River, MA \$8,000.00

CITY OF FALL RIVER

15

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on September 7, 2016, voted unanimously to recommend that the accompanying order be granted leave to withdraw, with Councilor Pereira absent and not voting.

Chris Leite
Assistant Clerk of Committees

ORDERED, that in the matter of the following offer for city owned real estate, that if be and the same is hereby granted leave to withdraw:

138 Hartwell Street
Assessors Map N-21-0001

1. David Cuang Nguyen
451 Quarry Street
Fall River, MA \$10,000.00
2. LAL Construction Co., Inc.
P.O. Box 1349
Fall River, MA \$20,001.00

CITY OF FALL RIVER

16

To the City Council

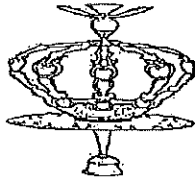
Councillors:

The Committee on Real Estate, at a meeting held on September 7, 2016, voted unanimously to recommend that the accompanying communication be accepted and placed on file, with Councilor Pereira absent and not voting.


Assistant Clerk of Committees.

16

ST. JOHN'S HOLY GHOST ASSOC. INC.
Festa do Divino Espírito Santo S. João
Nossa Senhora da Luz
28 SOMERSET ST., FALL RIVER, MASS. 02721



RECEIVED

2016 APR 21 A 9 24

CITY CLERK
FALL RIVER, MA

April 20, 2016

ATTN: City of Fall River Real Estate Committee

Dear Committee Members:

Please allow me to introduce myself. My name is Leonardo Diogo. I am a business owner in Fall River, I own and operate LA Florist. In addition, I serve as the President of St. John's Holy Ghost Association in Fall River, MA. This was the association that suffered a terrible tragedy 10 years ago where we lost our loved ones and several lives in a fire.

Our committee is interested in purchasing the Coughlin School Property on Pleasant Street. This school had a fire and it is my understanding that the City is planning to demolish this. I am proposing the purchase of this property. It is my goal to rebuild and occupy this building to again continue in our mission as a Holy Ghost Association. In addition, it is our hope to provide another food pantry/soup kitchen on specific days for the many citizens in need in our fine community.

It's our understanding that this is a historical building. It is our intention to conduct a full appraisal to understand the integrity of the structure and what is needed to restore and repair up to code. I'm asking for your consideration to allow my association to proceed with this and purchase this property as is. This would save the city, the tax payers, and many, the time and expense associated with demolishing a find real estate opportunity. I spoke to some selectmen/women and it was recommended to me that I write this letter and express our intentions and interest to your committee.

I hope you'll consider this request and have further dialogue with me regarding our interests. I appreciate your time and consideration. Please let me know if there is any meeting I should attend, or if you need or want to discuss this further. I can be reached at 508-509-6146 and or at e-mail Leo_nardo@verizon.net

Thank you for your time and I hope to hear from you soon.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Leonardo Diogo'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Leonardo Diogo
President - St. John's Holy Ghost Association

CITY OF FALL RIVER
IN CITY COUNCIL
MAY 10 2016

*Referred to the
Committee on Real Estate*

City of Fall River, In City Council

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

That Chapter 50 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Personnel, be amended as follows:

Section 1

By striking out in Section 50-301, which section relates to Salary schedules generally, the following titles and salaries, the following:

Assistant City Auditor/Chief Accountant
Project Specialist/Treasurer's Office
Special Assistant to the Mayor

Section 2

By inserting in Section 50-301, which section relates to Salary schedules generally, in proper alphabetical order, the following:

Assistant City Auditor
7-1-2016 Not to exceed \$75,000.00 per annum

Mayor's Chief of Staff
7-1-2016 Per contract, not to exceed \$78,780.00 per annum

Project Specialist I/Financial Services
7-1-2016 Not to exceed \$70,000.00 per annum

Project Specialist II/Treasurer's Office
7-1-2016 Not to exceed \$56,494.00 per annum

Special Projects/Media - Mayor's Office
7-1-2016 Not to exceed \$45,000.00 per annum

Section 3

By striking out Section 50-302, which section relates to salary schedules for nurses, in its entirety and inserting in place thereof, the following:

Staff Nurse
7-1-2016 Not to exceed \$50,000.00 per annum

Section 4

By striking out in Section 50-307, which section relates to salary schedules for positions covered by Local 3177 other than custodian employees, the salary currently listed for the following position and inserting in place thereof, the following:

Senior Offset Duplicating Machine Operator
7-1-2016 Min. \$1,302.68 \$1,350.57 \$1,398.47 \$1,446.36 \$1,494.26 Max.

Section 5

By striking out in Section 50-309, which section relates to Salary schedules for executive officers and department heads, the salaries for the following titles and inserting in place thereof, the following:

Administrative Assistant to Board of Assessors/Administrator of Assessing
7-1-2016 Not to exceed \$90,000.00 per annum

City Engineer
7-1-2016 Not to exceed \$90,000.00 per annum

City Planner
7-1-2016 Not to exceed \$88,300.00 per annum

Director of Community Maintenance
7-1-2016 Per contract, not to exceed \$98,000.00 per annum

**CITY OF FALL RIVER
IN CITY COUNCIL
AUG 16, 2016**

A motion was made and seconded for first reading, as amended, but no vote was taken.

A further motion made and seconded to:

- o Take the positions individually carried unanimously on a voice vote.
- o Pass section 1 through first reading, as amended, carried unanimously on a voice vote.
- o Pass the Assistant City Auditor position through first reading, as amended, carried on a voice vote, with Councilor Steven A. Camara opposed.
- o Pass the Mayor's Chief of Staff position through first reading, as amended, carried on a voice vote, with Councilor Steven A. Camara opposed.
- o Pass the Project Specialist I/Financial Services position through first reading, as amended, carried on a voice vote, with Councilors Richard Cabecelas and Steven A. Camara opposed.
- o Pass the Project Specialist II/Treasurer's Office position through first reading, as amended, carried on a voice vote, with Councilors Richard Cabecelas and Steven A. Camara opposed.
- o Pass the Special Projects/Media – Mayor's Office position through first reading, as amended, carried on a voice vote, with Councilor Steven A. Camara opposed.
- o Pass the Staff Nurse position through first reading, as amended, carried on a voice vote, with Councilors Richard Cabecelas and Steven A. Camara opposed.
- o Pass the Senior Offset Duplicating Machine Operator position through first reading, as amended, carried unanimously on a voice vote.
- o Pass the Administrative Assistant to Board of Assessors/Administrator of Assessing position through first reading, as amended, carried on a voice vote, with Councilors Richard Cabecelas and Steven A. Camara opposed.
- o Pass the City Engineer position through first reading, as amended, carried on a voice vote, with Councilor Steven A. Camara opposed.
- o Pass the City Planner position through first reading, as amended, carried on a voice vote, with Councilor Steven A. Camara opposed.
- o Pass the Commissioner of Recreational Facilities and Cemeteries/Administrator of Recreational Facilities, Cemeteries and Trees position through first reading, and refer to the Administration and the Committee on Ordinances and Legislation, as amended, carried on a voice vote, with Councilor Raymond A. Mitchell opposed.
- o Pass the Director of Community Maintenance position through first reading, as amended, carried on a voice vote with Councilor Steven A. Camara opposed.

City of Fall River, In City Council

18

(Councilor Raymond A. Mitchell)

WHEREAS, the Administration has been working with a marketing firm to assist with the sale of various city owned properties, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the Administration to receive an update on the status of city owned properties that are currently for sale.

City of Fall River, In City Council

19

(Councilor Steven A. Camara)
(Councilor Pam Laliberte-Lebeau)

WHEREAS, traffic problems exist in and around the Letourneau School on Anthony Street as well as other streets, including Progress Street, when children are being dropped off and when children are being picked up at the end of the school day, now therefore

BE IT RESOLVED, that the Committee on Public Safety convene a meeting at the Letourneau School of interested neighbors, school and city officials, including but not limited to the Police and Fire Departments, the Traffic Division, and any other interested parties that the committee chair deems necessary to discuss and pursue a solution to the traffic congestion.

(Councilor Stephen R. Long)

WHEREAS, a weed killer that is non-damaging to the environment is now available, and

WHEREAS, weeds in the sidewalks and gutters attract litter and add to the unkempt look of the city, now therefore

BE IT RESOLVED, that the Administration investigate the possibility of using this type of weed killer to remove weeds on sidewalks and roadways.

(Councillor Richard Cabeceiras)

WHEREAS, there have recently been buildings on the historical register that have been demolished, and

WHEREAS, the Historical Commission was not notified prior to said demolition, and

WHEREAS, there are conflicting opinions on whether the Historical Commission shall be notified of the demolition of a building on the historical register prior to it being carried out, now therefore

BE IT RESOLVED, that representatives from the Administration and the Historical Commission, as well as Corporation Counsel and the Building Inspector, be invited to attend a City Council Committee on Real Estate meeting to ensure that we are compliant with Massachusetts General Laws and City Ordinances.

City of Fall River, *In City Council*

22

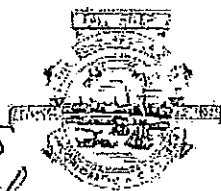
(Councilor Linda M. Pereira)

WHEREAS, there are a number of substandard properties located within the City of Fall River, and

WHEREAS, funding is required to clean these blighted properties, now therefore

BE IT RESOLVED, that the City Council Committee on Finance convene to discuss the possibility of establishing a revolving fund to assist with the cleanup efforts.

This is a
little late
because the mayor's
office took several
weeks to let me
know where to file.



City of Fall River
Notice of Claim

RECEIVED 37

2016 AUG 12 P 12:29

CITY CLERK #16-102
FALL RIVER, MA

1. Claimant's name: Stephanie Terra
2. Claimant's complete address: 4980 N main St #603 Fall River, MA 0276
3. Telephone number: Home: 6464772948 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto damage
5. Date and time of accident: 6/27/16 9:00AM Amount of damages claimed: \$ _____
6. Exact location of the Incident: (include as much detail as possible):
Airport Road Rotary
7. Circumstances of the Incident: (attach additional pages if necessary):
I was driving on the rotary while there was grass cutting and a rock flew at my vehicle, damaging my hood.
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: Stephanie Terra

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

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

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

For official use only:

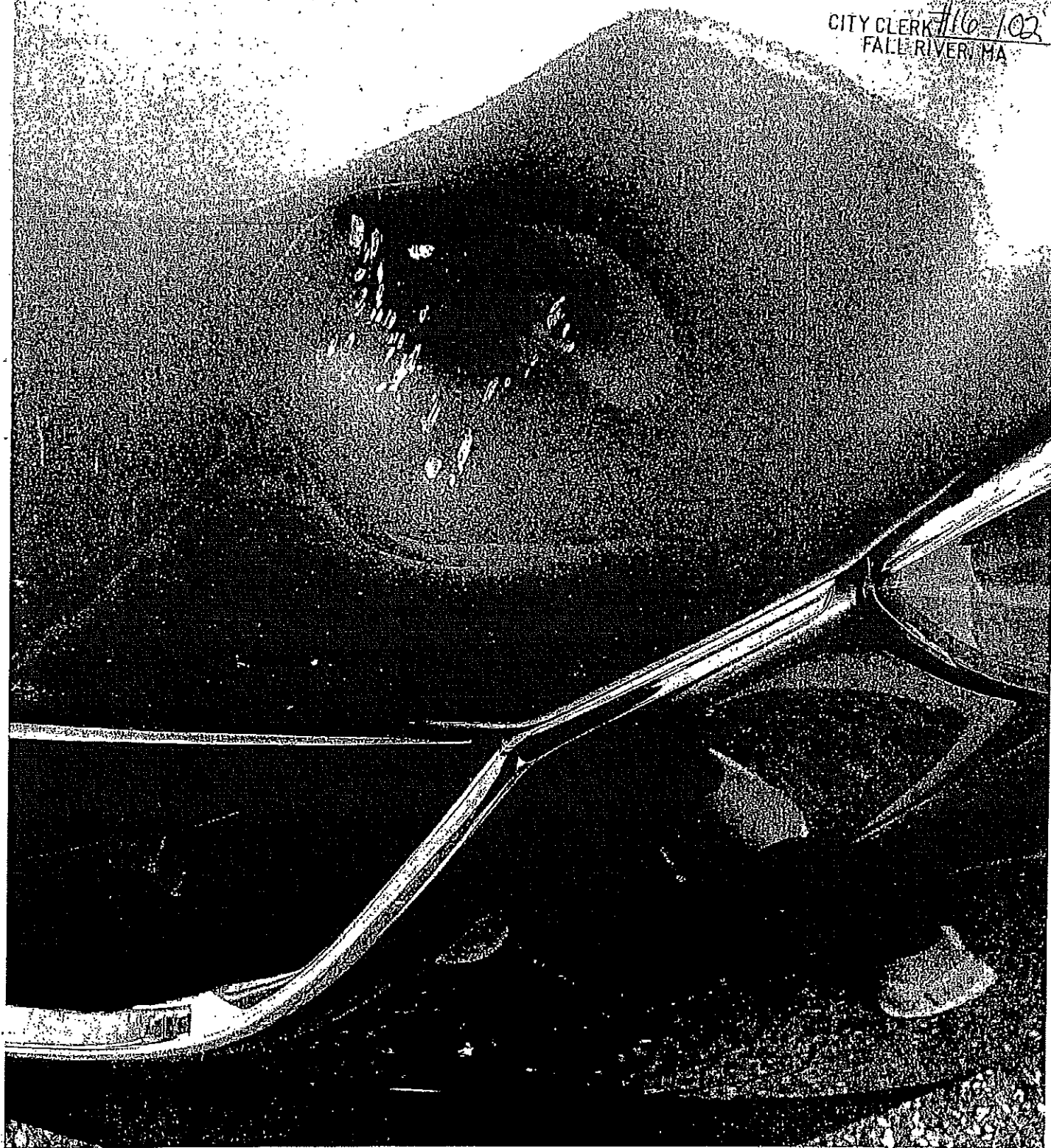
Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DPW Date: 8/12/16

37

RECEIVED

2016 AUG 12 P 12:29

CITY CLERK #16-102
FALL RIVER, MA





37

RECEIVED

City of Fall River
Notice of Claim

2016 AUG 12 P 3:40

CITY CLERK
FALL RIVER, MA
16-103

1. Claimant's name: BON RITH NHEAN
2. Claimant's complete address: 115 TUTTLE STREET FALL RIVER, MA 02784
3. Telephone number: Home: 508 889 2493 Work: 508 676 9355
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
AUTO DAMAGE DUE TO ROAD CONSTRUCTION
5. Date and time of accident: 08-09-2016 Amount of damages claimed: \$ UNKNOWN AT THIS TIME
6. Exact location of the incident: (include as much detail as possible):
POCASSET STREET FALL RIVER, MA.
7. Circumstances of the incident: (attach additional pages if necessary):
PHOTOS OF LOCATION & DAMAGE TO VEHICLE

8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☒ Yes ☐ No

Commerce INS CO. MAHADD Amber Rich x 15787
1800 92 28276

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

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

Date: 08-10-2016Claimant's signature: Bon Rith Nhean

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 90 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 ☒ DPWDate: AUG 12 2016

6 PAGES TOTAL

37

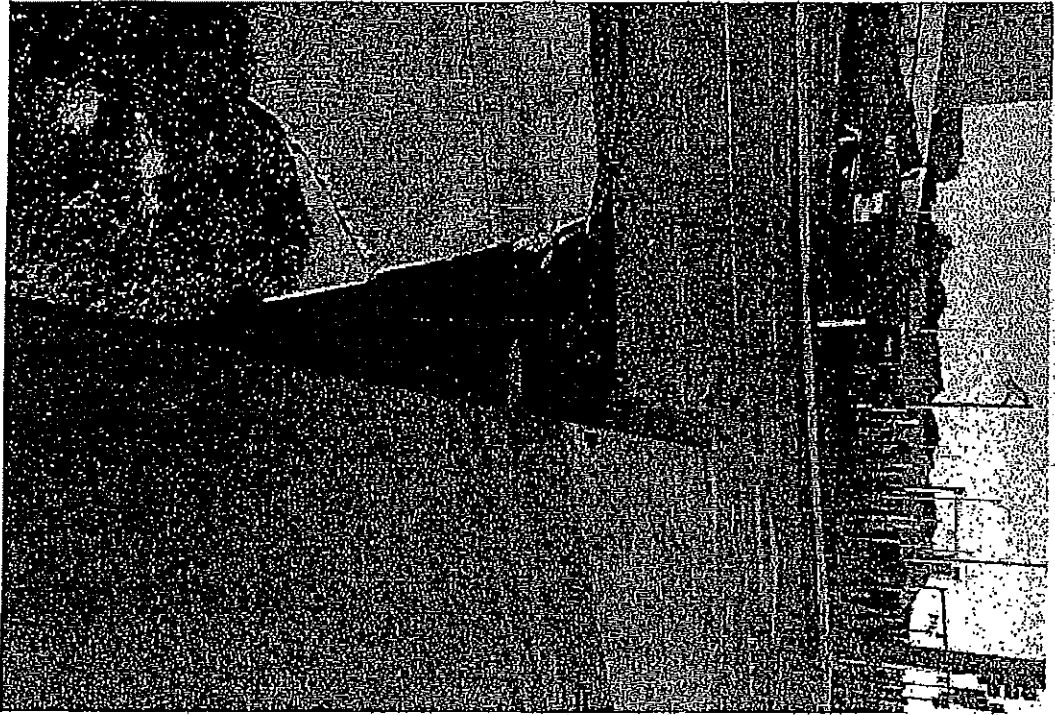


BON RITH NHEAN
115 TUTTLE ST
FALL RIVER, MA. 02724

2015 MERCEDES C300

RECEIVED
2015 AUG 12 P 3:40
CITY CLERK / 16-103
FALL RIVER, MA

37



RECEIVED

2016 AUG 12 P 3:40

CITY CLERK 16-103
FALL RIVER, MA

37

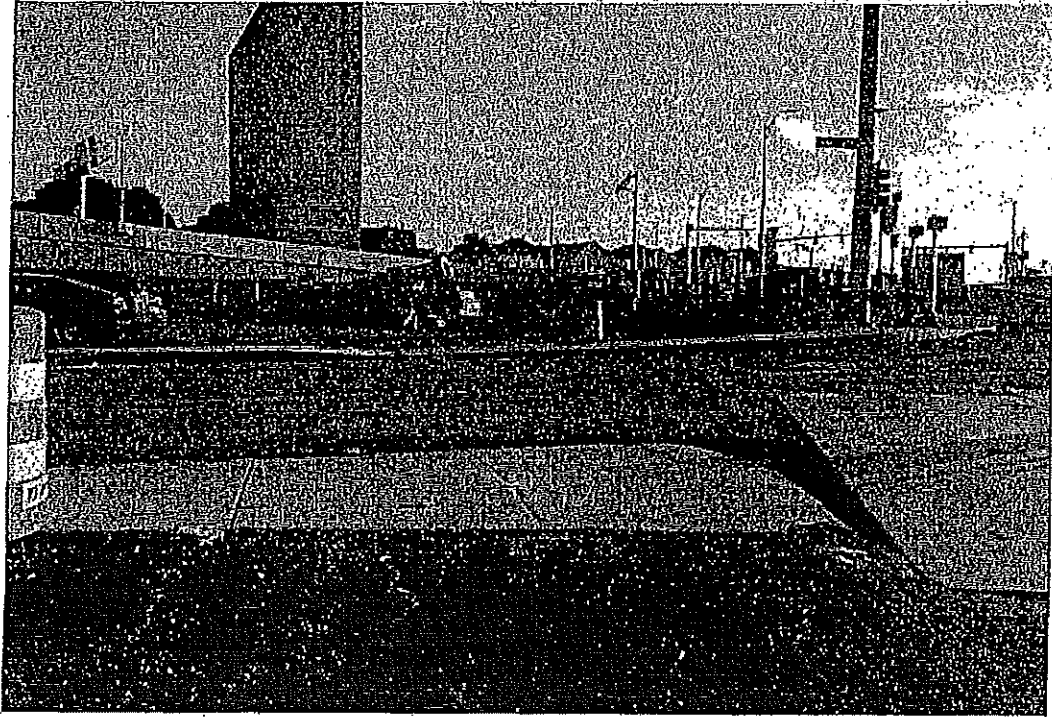


RECEIVED

2016 AUG 12 P 3 40

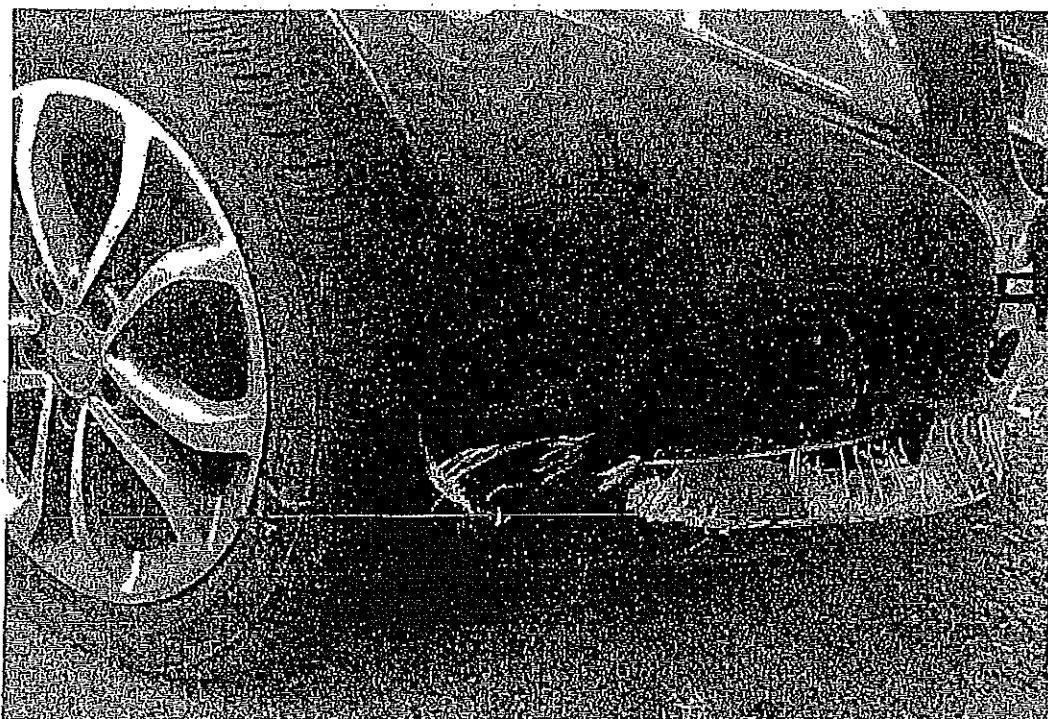
CITY CLERK 16-103
FALL RIVER, MA

37



RECEIVED
2015 AUG 12 P 3:40
CITY CLERK 16-103
FALL RIVER, MA

37



RECEIVED
2016 AUG 12 P 3:40
CITY CLERK 10-103
FALL RIVER, MA



37

RECEIVED

City of Fall River

2016 AUG 17 A 11:2

Notice of Claim

CITY CLERK #16-104
FALL RIVER, MA

1. Claimant's name: MARY B. MEDEIROS
2. Claimant's complete address: 1779 BAY ST. Fl. 1
3. Telephone number: 508 5586684 Home: 508 5586684 Work:
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
5. Date and time of accident: oct 10:30 AM AUG 15-2016 Amount of damages claimed: \$

6. Exact location of the incident: (Include as much detail as possible): THIRD + BEDFORD GOING TO MY DAUGHTERS

LIGHT WAS RED
7. Circumstances of the incident: (attach additional pages if necessary): IT TURNED GREEN PROCEEDED CROSSING BEDFORD HEARD TERRIFIC BANGS + IT SOUNDED LIKE A FLAT. I STOPPED. NEAR CITY HALL ON THIRD ST. SIDE GOT OUT OF CAR (2) FLAT TIRES AND HUBCARS CAME OFF. I CALLED TRIPLE AAA + THE CAR WAS TOWED TO HENRY'S TIRES ON GLOBE ST. I DID NOT TURN CORNER I WENT STRAIGHT WHERE THE MANHOLE COVER IS WAS A BIG HOLE. DID NOT SEE IT!

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: 8/17/16Claimant's signature: Mary B Medeiros

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 ☒ DPWDate: 8/17/16

Henry's Tire Service
 714 Globe St., Fall River, MA 02724
 Phone: 508-678-5362 Fax: 508-679-9756

#16104
RECEIVED 37

2016 AUG 17 AM 11:23

Customer Information	Invoice	Additional Information
Joanne Medeiros Fall River, MA P: 508-675-8026 Contact:	Date: 8/15/2016 Reference: 93184 Salesperson: Kyle Booker Route: Delivery Date: 8/15/2016	PO Number: FALL RIVER, MA Work Order#: W-391125 Comment: Comment: Entered By: Kyle Booker
Vehicle: Toyota Camry Desc: Toyota Camry	Lic No: VIN:	Unit: Mileage IN: Mileage OUT:

Diagnostic

right front and right rear new match up in rear

Qty	Description	Unit Price	Ext. Price
2.00	P195/7014 91T, Iron Rb12	61.00	122.00
2.00	Tire Mount/Dismount A	10.00	20.00
2.00	Tire Balance A	14.00	28.00

MA Taxable

Subtotal: 170.00

MA Sales Tax: 7.63

Tire Disposal Pass/LT: 4.00

Terms: Net 30th

Total: \$181.63

8/15/2016 Payment# P-391166 Amount: \$181.63

Mastercard 181.63

Balance \$0.00

Terms:	Due Date	Due Amount	Amt Remain
	9/30/2016	\$181.63	\$0.00

Thank You! Don't forget to "Like" us on Facebook!

I hereby authorize the stated repair work to be done along with the necessary material, and hereby grant Henry's Tire permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto.

Henry's Tire is not responsible for loss or damage to vehicles, or articles left in vehicles, in case of fire, theft or any other cause beyond its control. A 1.5% (18% APR) service charge will be assessed on any amount which becomes delinquent beyond 30 days.

Warranty on suspension parts and labor is 1 year (Shocks and Struts carry a lifetime warranty). Warranty on Brake parts and labor is 6 months.



37

RECEIVED

2016 AUG 18 AM 11:13

City of Fall River
Notice of ClaimCITY CLERK 16-105
FALL RIVER, MA

1. Claimant's name: Michael Cantwell
2. Claimant's complete address: 883 Montgomery St Fall River MA 02720
3. Telephone number: Home: 508-674-9593 Work: 508-916-8124
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
STRUCK POTHOLE & DAMAGED TIRE
5. Date and time of accident: 7-16-2016 Amount of damages claimed: \$ 245.97
10 PM
6. Exact location of the incident: (include as much detail as possible):
IN FRONT OF 514/526 NICHOLS STREET
7. Circumstances of the incident: (attach additional pages if necessary):
STRUCK POTHOLE IN FRONT OF NICHOLS STREET & DAMAGED FRONT TIRE. TIRE HAD TO BE REPAIRED.
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: 8/15/2016

Claimant's signature: [Signature]

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

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

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

For official use only:

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

Date: 8/18/16



37

RECEIVED

City of Fall River
Notice of Claim

2016 SEP -1 P 2:52

CITY CLERK #16-106
FALL RIVER, MA

1. Claimant's name: John P. Cordeiro
2. Claimant's complete address: 632 Highland Ave
3. Telephone number; Home: _____ Work: 774 526 1633
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
WATER DAMAGES
5. Date and time of accident: 8-30-16 Amount of damages claimed: \$?
6. Exact location of the incident: (include as much detail as possible):

7. Circumstances of the incident: (attach additional pages if necessary):
SEE ATTACHED

8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 9-1-16

Claimant's signature: John P. Cordeiro

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

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

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

For official use only:

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

Date: 9/1/16

37

RECEIVED

2016 SEP -1 P 2:52

CITY CLERK 16#-108
FALL RIVER, MA

John P. Cordeiro
632 Highland Avenue
Fall River, MA 02720
August 31, 2016

Cell 774 526 1433

City Clerk
One Government Center
Fall River, MA

Dear Sir/Madam:

On Tuesday, August 30, 2016, my wife was going to draw a bath and upon turning the water on, she realized something was wrong because nothing was coming out of the faucet. Upon doing some research, she found that the water on Highland Avenue had been shut off without any notice. Not realizing she did not shut off the water, she left home for work. Upon my daughter arriving home, she found water coming through the ceiling. She proceeded upstairs to the bathroom and found that the water was running and the tub overflowing.

In speaking with Mr. John Friar, he stated that they did not shut off the water and that I should speak to someone from Biszko Construction who was working on the water line at Pierce and Underwood Streets. After speaking to a Biszko representative, he stated they did not shut the water off and that the city is a fault. My insurance company states that I am not covered since it is either the city's fault or the fault of Biszko Construction.

Please find enclosed pictures of the water damage, and advise me of who is the responsible party.

Sincerely,

John P. Cordeiro

c: Fall River Water Department
Biszko Construction

Enclosures

#37

RECEIVED

SEP 11 P 2 52

LIBRARY

37

RECEIVED

20th SEP - 1 P 2 22

CHINGCHEN
FALLEN VERBENA

#16-107



RECEIVED

City of Fall River
Notice of Claim

1. Claimant's name: MISS L. BARNOTA
2. Claimant's complete address: 186 Tremont Street Fall River MA 02720
3. Telephone number: FALL RIVER MA 508-671-1475 Home: 508-671-1475 Work: 401-339-8832
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
AUTO accident
5. Date and time of accident: 8/10/16 ~ 8:57pm Amount of damages claimed: \$ 1,365.00
6. Exact location of the incident: (include as much detail as possible):
My vehicle was parked in front of my apt on Tremont St. near the crossing of Pine St.
7. Circumstances of the incident: (attach additional pages if necessary):
The fire dept was responding to a call, while turning onto Tremont Street, they hit my vehicle
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No
Report was made but insurance policy doesn't cover this.

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

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

Date: 9/6/16 Claimant's signature: James L. Barnota

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"/> FIRE Dept			Date: <u>9/6/2016</u>

37

Warren Auto Body
171 Market Street
Warren RI 02885
Phone: 401 345-2222

RECEIVED

2016 SEP -6 P 3:48
16-107

CITY CLERK
FALL RIVER, MA

0.6 Two-stage setup
0.4 Two-stage

Quarter And Rocker Panel

3 I 389 Panel, Quarter LT
4 L 389 Panel, Quarter LT

Repair
Refinish

4.5* SM
2.5 RF

5 RI 72 Antenna, Electric LT
6 RI 413 Guard, Mud LT

2.1 Surface
0.4 Two-stage
R & I Assembly
R & I Assembly

0.5 SM
INC SM

Rear Bumper

7 RI 566 Rear Bumper Assy R&I
8 I 566 Cover, Rear Bumper
9 L 566 Cover, Rear Bumper

R & I Assembly
Repair
Refinish
2.6 Surface
0.5 Two-stage

1.6 SM
2.0* SM
3.1 RF

Rear Body, Lamps And Floor Pan

10 EP 533 Tail lamp Assembly LT
10 Items

Replace PXN

\$115.00

0.3 SM

MC Message

13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

Estimate Total & Entries

Other Parts \$115.00
Paint & Materials 8.5 Hours @ \$30.00 \$255.00
Parts & Material Total \$370.00
Tax on Parts & Material @ 7.000% \$25.90

Labor	Rate	Replace Hrs	Repair Hrs	Total Hrs	
Sheet Metal (SM)	\$50.00	2.4	8.5	10.9	\$545.00
Mech/Elec (ME)	\$65.00				
Frame (FR)	\$50.00				
Refinish (RF)	\$50.00	8.5		8.5	\$425.00

Labor Total 19.4 Hours \$970.00
Gross Total \$1,365.90
Net Total \$1,365.90

Alternate Parts Y/01/01/00/00/00 CUM 01/01/00/00/00 Zip Code: 02885 Default
Rate Name Default

Audatex Estimating 8.0.035 ES 08/30/2016 04:18 PM REL 8.0.035 DT 08/01/2016 DB 08/15/2016
© 2016 Audatex North America, Inc.

1.9 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.

Op Codes

* = User-Entered Value	^ = Labor Matches System Assigned Rates	E = Replace OEM
NG = Replace NAGS	EC = Replace Economy	OE = Replace PXN OE Srpls
UE = Replace OE Surplus	ET = Partial Replace Labor	EP = Replace PXN
EU = Replace Recycled	TE = Partial Replace Price	PM = Replace PXN Reman/Rebit
UM = Replace Reman/Rebuilt	L = Refinish	PG = Replace PXN Reconditioned
UC = Replace Reconditioned	TT = Two-Tone	SB = Sublet Repair
N = Additional Labor	BR = Blend Refinish	I = Repair
IT = Partial Repair	CG = Chipguard	RI = R & I Assembly
P = Check	AA = Appearance Allowance	RP = Related Prior Damage



This report contains proprietary information of Audatex and may not be disclosed to any third party (other than the insured, claimant and others on a need to know basis in order to effectuate the claims process) without Audatex's prior written consent.

© 2016 Audatex North America, Inc.

AUDATEX is a trademark owned by Audatex North America, Inc. All rights reserved.

Solera

16-107
RECEIVED
2016 SEP -6 P 3:48
CITY CLERK
FALL RIVER, MA

77 10 - 10.7

37

Police Use Only			Commonwealth of Massachusetts				RMV Document Number			
Date of Crash	Time of Crash	City/Town	Motor Vehicle Crash		Number Vehicles	Number Injured	Speed Limit	State Police	Local Police	
08/10/2016	1457 24HR	Fall River	Police Report		2	0	Latitude Longitude	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
AT INTERSECTION:			LOCATION		NOT AT INTERSECTION:					
1 4			PINE ST		2 10					
Route# Direction			Name of Roadway/Street		Route# Direction Address # Name of Roadway/Street					
At					Feet N S E W of or Mile Marker Exit Number					
2 1			TREMONT ST		3 11					
Route# Direction			Name of Intersecting Roadway/Street		Feet N S E W of Route# Intersecting Roadway/Street					
Also at Intersection with					Landmark					
3			Please Select One of the Following		Crash Report ID# 16-1881-AC					
<input checked="" type="checkbox"/> Vehicle 13 #Occupants			<input type="checkbox"/> Hit/Run <input type="checkbox"/> Moped							
License # 387595283 St MA DOB/Age			Reg # 9732 Reg Type DC Reg State MA							
Sex M Lic. Class 19 19 Lic. Restrictions 20 CDL Endorsement			Veh Year 1986 Veh Make FORD Veh Config 13 21							
4 1			Operator DUMAINE, KEITH		1 12					
Last First Middle			Owner CITY OF FALL RIVER		Last First Middle					
Address 165 BEDFORD ST			Address 1 GOVERNMENT CTR							
City FALL RIVER State MA Zip 02722			City FALL RIVER State MA Zip 02722							
Insurance Company SELF INSURED			Vehicle Action Prior to Crash 3 22		Damaged Area Code: 6 27 27 27					
5 2			Vehicle Travel Direction: N S E W Responding to Emergency? 1		Test Status: 1 28					
Citation # (If Issued)			Event Sequence 2 23 23 23 23		Type of Test: 1 29					
Viol. 1: Ch/Sec/Sub			Most Harmful Event 2 24		BAC Test Result: 1 30					
Viol. 2: Ch/Sec/Sub			Driver Contributing Code 1 25 25		Susp. Alcohol: 31 Susp. Drug: 32					
6 1			Viol. 3: Ch/Sec/Sub		Driver Distracted by 7 26 Towed from scene? 2 33					
Viol. 4: Ch/Sec/Sub										
Please fill out for operator and all occupants involved										
Name (Last First Middle)		Address		DOB/Age	Sex	34 Seat Belt	35 Safety System	36 Airbag Status	37 Eject Code	
Operator		See Above				1	1	4	0	
PATRICK BURKE		165 BEDFORD ST FALL RIVER, MA 02722		30-40	M	5	1	4	0	
MICHAEL MEDEIROS		165 BEDFORD ST FALL RIVER, MA 02722		35-45	M	3	1	4	0	
7 3										
Please Select One of the Following			<input checked="" type="checkbox"/> Vehicle 20 #Occupants		<input type="checkbox"/> Non-Motorist A Type		15 Action 16 Location 17 Condition 18		<input type="checkbox"/> Hit/Run <input type="checkbox"/> Moped	
License # St DOB/Age			Reg # 13470 Reg Type PC Reg State RI							
Sex Lic. Class 19 19 Lic. Restrictions 20 CDL Endorsement			Veh Year 2002 Veh Make HYUNDAI Veh Config 1 21							
8 4			Operator Driverless M.V.		2 14					
Last First Middle			Owner BARBOZA, PETER		Last First Middle					
Address			Address 39 SANJUAN DR							
City State Zip			City BRISTOL State RI Zip 02809							
Insurance Company USSA GENERAL			Vehicle Action Prior to Crash 11 23		Damaged Area Code: 0 27 27 27					
Vehicle Travel Direction: N S E W Responding to Emergency?			Event Sequence 1 23 23 23 23		Test Status: 28					
Citation # (If Issued)			Most Harmful Event 1 24		Type of Test: 29					
Viol. 1: Ch/Sec/Sub			Driver Contributing Code 1 25 25		BAC Test Result: 30					
Viol. 2: Ch/Sec/Sub			Driver Distracted by 0 26		Susp. Alcohol: 31 Susp. Drug: 32					
Viol. 3: Ch/Sec/Sub					Towed from scene? 2 33					
Viol. 4: Ch/Sec/Sub										
Please fill out for operator/non-motorist and all occupants involved										
Name (Last First Middle)		Address		DOB/Age	Sex	34 Seat Belt	35 Safety System	36 Airbag Status	37 Eject Code	
Operator/Non-Motorist		See Above				1				
9 2										

→ = Direction 1 = Vehicle 1 2 = Vehicle 2 O = Pedestrian OB = Bicycle

37

Crash Diagram:

ie: → 1 → 2 → O → OB

If Crash Did Not Occur on a Public Way:

- ☐ Off-Street Parking Lot
☐ Garage
☐ Mall/Shopping Center
☐ Other Private Way

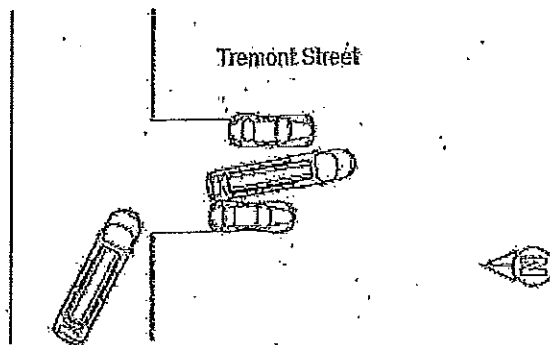
Indicate North by Arrow



RECEIVED

2016 SEP -6 P 3:48

CITY CLERK
FALL RIVER MA



Crash Narrative:

On Wednesday August 10, 2016 while responding to a structure fire Engine 29 approached the intersection of Tremont/Pine Streets. The operator of the Fire truck attempted to turn right on Tremont Street which is an extremely tight roadway when vehicles are parked on both sides of the roadway. During the turn the Fire Engine rubbed against a 2002 Hyundai parked on the west side of Tremont St. The owner of said vehicle indicated that she observed the Fire Engine strike her vehicle. I inspected the rear driver-side area and observed a few very, very small scratches that may have been caused by the Fire Engine during its response to a Fire call that took place at 95 Tremont St. No citation was issued to the operator.

Witnesses:

Name (Last, First, Middle)	Address	Phone #	Statement
BARBOZA MARRISSA	186 TREMONT ST FALL RIVER MA 02723	401-339-8832	

Property Damage:

Owner (Last, First, Middle)	Address	Phone #	41-Type	Description of Damaged Property

Truck and Bus Information:

Registration # _____ (From Vehicle Section)

Carrier Name _____ Bus Use ☐ 42

Address _____ City _____ St. _____ Zip _____

US DOT # _____ State Number _____ Issuing State _____ MC/MX/ICC # _____

Interstate ☐ 43 Cargo Body Type Code ☐ 44 GVWR/GCWR ☐ 45

Trailer Reg # _____ Reg Type _____ Reg State _____ Reg Year _____ Trailer Length ☐ 46

Hazmat Information:

Placard ☐ 47 Material 1 digit # ☐ 48 Material Name _____ Material 4 digit # _____ Release code ☐ 49

Officer Lawrence D Ferreira
 Police Officer Name (Please Print)

Signature

A270
 ID/Badge #

Fall River Police Department
 Department Precinct/Barrecks

08/25/2016
 Date

38

ANDREW M. GREENBERG, ATTORNEY AT LAW

1320 Centre St, Suite 103
Newton, Massachusetts 02459
Email: amg1176@comcast.net

Telephone: (617) 965-9300
(617) 965-9301
Facsimile: (617) 965-9302

August 10, 2016

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

Re: Moniz & Latimer, Constables

Dear Councilors:

I am counsel to Matthew Ford (hereinafter "Ford") and Ephesian Arms, Inc. regarding post-eviction proceedings after a commercial eviction at their business, Ephesian Arms (hereinafter "Ephesian") at 112 Tripp Street in Fall River. This letter is being sent to you as the appointing authority for Moniz & Latimer, Constables (hereinafter "M&L") to make you aware of several irregularities and improprieties that have occurred regarding my clients' eviction that we believe calls into serious question Moniz & Latimer's continued appointment as constables by the City of New Bedford and their continued possession of firearms licenses.

My client's business, Ephesian Arms, is engaged in the sale and manufacture of firearms, and possesses all necessary federal and state licenses to be engaged in that line of business. On approximately January 25, 2016, M&L appeared at my client's place of business at 112 Tripp Street in Fall River with an Execution for Possession and Money Damages on behalf of Ephesian's landlord, 379 Kilburn Street, LLC issued by Fall River District Court.

My client immediately asked M&L if there was a representative from the Bureau of Alcohol, Tobacco, & Firearms (hereinafter "ATF") or the chief law enforcement officer from the Fall River present to take an inventory of the firearms present on the premises. My client was told that there was not. My client then informed M&L that this was legally required. M&L refused to call in the ATF or chief law enforcement officer and also refused to allow my client to conduct an inventory of firearms himself. My client was told to leave the premises ASAP or they would have him arrested.

Before my client was forced to leave the premises, he witnessed M&L remove all the recordings from and disable the security system and begin dismantling the computer system. He witnessed movers taking out items unsupervised by the constables. He witnessed the constables seize cash of the register. He was never given a receipt for the cash seized out of the register, nor did the constables conduct an inventory of the

RECEIVED
JUL AUG 15 A 11:17
CITY CLERK
FALL RIVER, MA

premises, allow my client to conduct any sort of inventory, and did not notify the ATF of chief law enforcement officer of what was being done, despite the presence of firearms. My client contacted the ATF himself to inform them of what had happened.

On approximately February 12, 2016, Ford learned that firearms that had previously been stored and located on the premises pursuant to his Federal Firearms License (hereinafter "FFL") had been taken off the premises and were being held at 8 Archers Way in Acushnet, MA, an address not associated with the FFL and not a secured facility appropriate for the storage of firearms. My client contacted Wayne Betencourt (hereinafter "Betencourt") at the ATF and provided him with this information. My client learned that the ATF had not approved the removal of the firearms from the premises, nor did they approve the storage of firearms at 8 Archers Way in Acushnet.

Shortly thereafter, my client and his employee Alfred Cometta were able to arrange to meet M&L at the 8 Archers Way address to recover possession of firearms that were placed with his business on consignment when they were seized by M&L and were not owned by Ephesian. My client was able to view that the firearms were not properly secured, there were gun parts randomly thrown into boxes, including receivers (which are the actual working parts of the firearm). My client again insisted that the proper inventory had to be done.

In approximately mid-February an inventory of the firearms was finally be done with M&L, my client and his employee Alfred Cometta, Betencourt, and Mark Bouchard (hereinafter "Bouchard"), the Fall River Police Department, Chief Law Enforcement officer. The inventory was not able to be fully completed, as M&L did not bring any receivers to be inventoried, claiming that the receivers were being stored at W&W Movers in New Bedford. It merits mentioning, that W&W is also not an approved storage facility for firearms. Betencourt was not able to complete the inventory that day and only 2 days later did he meet with M&L to complete the inventory of the firearms.

There were a total of six missing receivers and firearms, which my client subsequently filed a missing firearms report for with the ATF. M&L informed Betencourt that they had sold some receivers without registering them to the buyers, including an NFA dealer sample machine gun. These receivers have subsequently been returned to either Betencourt or to the Fall River Police Department, where at least one receiver is still currently being held. We have the names and contact information of two of the purchasers of these receivers and would be happy to provide you with that information to help in your investigation. Officer Bouchard would also be happy to provide a statement regarding his knowledge of this and the entire situation.

Several sales of firearms, equipment, and accessories seized from Ephesian by M&L took place. These sales were not properly advertised as required by law. Several of them were advertised by social media postings as opposed to being published in a public record as required by law. Furthermore, such sales are to be done by auction. It appears many of these were conducted as private sales.

My client knows that one such sale took place on the Fishing Pier in New Bedford, where firearms, parts, and accessories were sold, including the sale of high capacity magazines with no proper law enforcement identification to back the sale up. Based on a partial inventory was client has attempted to conduct based on his records and memory, he is missing well over 150 of these magazines, which include magazines for the AR-15, AK-47, AK-74, Glock, Smith & Wesson among others.

After the sales, M&L purchased a total of eight firearms themselves, with an approximate value of \$10,000-\$11,000. It is a violation of law for a constable to personally benefit from the sale of seized property and these highly collectible firearms should be returned to my client immediately.

My client believes that a further 8 to 10 firearms were illegally sold by M&L. Five firearms are still missing. On approximately May 9, 2016, my client discovered an illegally sold receiver on social media while looking for information regarding M&L's sale of items seized from Ephesian. This information was forwarded to Betencourt and my client is hopeful that he can recover possession of this illegally sold receiver as well.

As of current, M&L has never provided my client an inventory of what was seized from the premises on January 25, 2016, nor provided my client with documentation regarding property that was sold pursuant to the execution or any information related thereto, nor have they remitted any funds to my client above and beyond those necessary to satisfy the landlord's money judgment, plus their reasonable fees and services accrued in doing so, despite both the legal obligation to do so, and an agreement entered as an order of Fall River District Court requiring them to do so. All M&L has provided to my client is a wildly inflated hand written invoice claiming they were owed almost \$16,000.00 in costs and fees as of April 11, 2016, with no breakdown or backup of any kind.

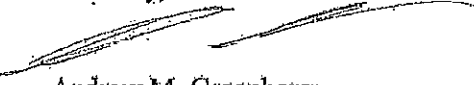
M&L has not returned my client's books and records seized from the premises, nor have they returned the videotapes seized from my client's security system. They did not notify the ATF of Fall River Police Department as was required, they improperly stored firearms at unapproved and unsecured locations, they have sold firearms and related accessories without complying with applicable law. They have conducted sales of seized property without properly advertising such sales, and they have not conducted auctions of seized property as required. They have engaged in prohibited self-dealing by purchasing property that they had themselves seized for below market value.

Based on M&L's actions and omissions in the handling of this matter as laid out above, both my client and Officer Bouchard from the Fall River Police Department believe that M&L's firearms licenses should be revoked and that their appointment as constables should be revoked and not reappointed. We strongly urge you to investigate this matter as it is of the utmost importance.

Thank you in advance for your attention to this matter.

38

Sincerely,



Andrew M. Greenberg

cc: client
Mayor Jasiel F. Correia II
Officer Mark Bouchard
Wayne Betencourt

Check if reporting:

☒ Sale
☐ Rental
☐ Loss
☐ Theft

☐ Lease
☐ Destroyed
☐ Registration
☐ Personal Transfer

The Commonwealth of Massachusetts
 Criminal History Systems Board
 Firearms Record Bureau
 Firearms Sales/Rental/Lease Transaction Form

No. 1847056

FA Trans. No.

Dealer Cert. No.

38

SELLER INFORMATION

EPHESIAN ARMS INC

Dealer (Business) Name

OR

Seller's Last Name

Seller's First Name

604006076C07092

Federal Firearms Dealer License Number

OR

Seller FIDATC Number (If Not Dealer)

D2001389D

State Firearms Dealer License Number

FALL RIVER

Dealer/Seller City or Town

WEAPON INFORMATION

Make: ☐ Browning ☒ Colt ☐ Remington ☐ Ruger ☐ Sig Sauer ☐ SW ☐ Winchester ☐ Other (Please specify below)

AR 15

Model

Type:

☐ Handgun☒ Rifle☐ Shotgun☐ Machine Gun

LTA002138

Firearm Serial Number

9. MM

Firearm Measurement

16.00

Barrel Length (Inches)

BLACK

Firearm Surface Finish

NO

Lg Capacity

04/08/2016

Date of Sale/Lease/Transfer/Registration/Transfer

BUYER/PURCHASER INFORMATION

12251222a

Firearms License/FID/Identification Number

LATIMER

Last Name

JOSEPH

First Name

C

Middle Name

Suffix

05/29/1986

Date of Birth

MASSACHUSETTS

Place of Birth (Name of State or Foreign Country)

WHITE

Race

MALE

Sex

5' 11"

Height

188 lbs.

Weight

BROWN

Eye Color

BROWN

Hair Color

68 DAVIS ROAD

Street Address

WESTPORT

City or Town of Residence

MA

State

02790

Zip Code

CONSTABLE

Occupation

Employer Name

Seller's Signature

Buyer's Signature



Check reporting:

☒ Sale
☐ Rental
☐ Lease
☐ Destroyed
☐ Lost
☐ Registration
☐ Personal Transfer
☐ Theft

The Commonwealth of Massachusetts
Criminal History Systems Board
Firearms Record Bureau
Firearms Sales/Rental/Lease Transaction Form

No. 1847057

FA Trans. No.

Dealer Ctrl. No.

38

SELLER INFORMATION

EPHESIAN ARMS INC

Dealer (Business) Name

OR Seller's Last Name

Seller's First Name

604005076C07092

Federal Firearms Dealer License Number

OR Seller FIDACTC Number (if Not Dealer)

D2001389D

State Firearms Dealer License Number

FALL RIVER

Dealer/Seller City or Town

WEAPON INFORMATION

Make: ☐ Browning ☐ Colt ☐ Remington ☐ Ruger ☐ Sig Sauer ☐ SW ☐ Winchester ☒ Other (Please specify below)

RUSSIAN AMERICAN ARMORY

SAIGA 12

Model

Type:

☐ Handgun

☐ Rifle

☒ Shotgun

☐ Machine Gun

H09404724

Firearm Serial Number

12 Gauge

Firearm Measurement

19.00

FDE

Barrel Length (inches)

Firearm Storage (inches)

YES

Lg Capacity

04/08/2016

Date of Sale/Loss/Theft/Registration/Transfer

BUYER/PURCHASER INFORMATION

12261222a

Firearms License/ID/Identification Number

LATIMER

Last Name

JOSEPH

First Name

C

Middle Name

Sex

05/29/1966

Date of Birth

MASSACHUSETTS

Place of Birth (Name of State or Foreign Country)

WHITE

Race

MALE

Sex

5' 11"

Height

188 lbs.

Weight

BROWN

Eye Color

BROWN

Hair Color

68 DAVIS ROAD

Street Address

WESTPORT

City or Town of Residence

MA

State

02790

Zip Code

CONSTABLE

Occupation

Employer Name

Seller's Signature

Buyer's Signature

The Commonwealth of Massachusetts
Criminal History Systems Board
Firearms Record Bureau
Firearms Sales/Rental/Lease Transaction Form

No. 1847059

☒ Sale
☐ Rental
☐ Loss
☐ Theft

☐ Lease
☐ Destroyed
☐ Registration
☐ Personal Transfer

PA Trans. No.

Dealer Cert. No.

38

SELLER INFORMATION

EPHESIAN ARMS INC

Dealer (Business) Name

OR Seller's Last Name

Seller's First Name

604005076C07092

Federal Firearms Dealer License Number

OR Seller FIDALC Number (If Not Dealer)

D2001389D

State Firearms Dealer License Number

FALL RIVER

Dealer/Seller City or Town

WEAPON INFORMATION

Make: ☐ Browning ☐ Colt ☐ Remington ☐ Ruger ☐ Sig Sauer ☐ SW ☐ Winchester ☒ Other (Please specify below)

HECKLER&KOCH

USP

Model

Type:

☒ Handgun

☐ Rifle

☐ Shotgun

☐ Machine Gun

24-3200

Firearm Serial Number

9 MM

Firearm Measurement

4.25

BLACK

Barrel Length (inches)

Firearm Surface Finish

YES

Lg Capacity

04/08/2016

Date of Sale/Lease/Transfer

BUYER/PURCHASER INFORMATION

12251222a

Firearms License/FID Identification Number

LATIMER

Last Name

JOSEPH

First Name

C

Middle Name

Suffix

06/29/1966

Date of Birth

MASSACHUSETTS

Place of Birth (Name of State or Foreign Country)

WHITE

Race

MALE

Sex

5' 11"

Height

188 lbs.

Weight

BROWN

Eyes Color

BROWN

Hair Color

68 DAVIS ROAD

Street Address

WESTPORT

City or Town of Residence

MA

State

02700

Zip Code

CONSTABLE

Occupation

Employer Name

Seller's Signature

Buyer's Signature

THE COMMONWEALTH OF MASSACHUSETTS
Criminal History Systems Board
Firearms Record Bureau
Firearms Sales/Rental/Lease Transaction Form

No. 1040000

FA Trans. No.

Dealer Ctr. No.

38

SELLER INFORMATION

EPHESIAN ARMS INC

Dealer (Business) Name

OR

Seller's Last Name

Seller's First Name

604005076C07092

Federal Firearms Dealer License Number

OR

Seller FIDATC Number (If Not Dealer)

D2001389D

State Firearms Dealer License Number

FALL RIVER

Dealer/Seller City or Town

WEAPON INFORMATION

Make: ☐ Browning ☐ Colt ☐ Remington ☒ Ruger ☐ Sig Sauer ☐ SW ☐ Winchester ☐ Other (Please specify below)

10 22

Model

Type:

☐ Handgun

☒ Rifle

☐ Shotgun

☐ Machine Gun

0004-46927

Firearm Serial Number

22 Caliber

Firearm Measurement

16.00

Barrel Length (inches)

GRAY

Firearm Surface Finish

YES

Lg Capacity

04/12/2016

Date of Sale/Loss/Theft/Registration/Transfer

BUYER/PURCHASER INFORMATION

12251224

Firearms License ID/Identification Number

LATIMER

Last Name

JOSEPH

First Name

C

Middle Name

State

05/29/1966

Date of Birth

MASSACHUSETTS

Place of Birth (Name of State or Foreign Country)

WHITE

Race

MALE

Sex

5' 11"

Height

188 lbs.

Weight

BROWN

Eye Color

BROWN

Hair Color

68 DAVIS ROAD

Street Address

WESTPORT

City or Town of Residence

MA

State

02790

Zip Code

CONSTABLE

Occupation

Employer Name

Seller's Signature

Buyer's Signature

The Commonwealth of Massachusetts
Criminal History Systems Board
Firearms Record Bureau
Firearms Sales/Rental/Lease Transaction Form

No. 1847066

☒ Sale ☐ Lease
☐ Rental ☐ Destroyed
☐ Loss ☐ Registration
☐ Theft ☐ Personal Transfer

FA Trans. No.

Dealer Ctl. No.

38

SELLER INFORMATION

EPHESIAN ARMS INC

Dealer (Business) Name

OR Seller's Last Name

Seller's First Name

604005076G07092

Federal Firearms Dealer License Number

OR Seller FID/LTC Number (if Not Dealer)

D2001388D

State Firearms Dealer License Number

FALL RIVER

Dealer/Seller City or Town

WEAPON INFORMATION

Make: ☐ Browning ☒ Colt ☐ Remington ☐ Ruger ☐ Sig Sauer ☐ SW ☐ Winchester ☐ Other (Please specify below)

AR 15 A2

Model

Type:

☐ Handgun

☒ Rifle

☐ Shotgun

☐ Machine Gun

227803

Firearm Serial Number

223 Caliber

Firearm Measurement

18.00

BLACK

Barrel Length (inches)

Firearm Surface Finish

YES

Lp Capacity

04/08/2016

Date of Sale/Loss/Theft/Registration/Transfer

BUYER/PURCHASER INFORMATION

12259137a

Firearms License/FID/Identification Number

MONIZ

Last Name

RICHARD

First Name

A

Middle Name

Suffix

09/28/1952

Date of Birth

RHODE ISLAND

Place of Birth (Name of State or Foreign Country)

WHITE

Race

MALE

Sex

5' 09"

Height

170 lbs.

Weight

BROWN

Eyes Color

BROWN

Hair Color

39 VENTURA LANE

Street Address

NEW BEDFORD

City or Town of Residence

MA

State

02745

Zip Code

GONSTABLE

Occupation

Employer Name

Seller's Signature

Buyer's Signature

Check if reporting:

☒ Sole
☐ Rental
☐ Loss
☐ Theft

☐ Lease
☐ Destroyed
☐ Registration
☐ Personal Transfer

The Commonwealth of Massachusetts
Criminal History Systems Board
Firearms Record Bureau
Firearms Sales/Rental/Lease Transaction Form

No. 1847065

FA Trans. No.

Dealer Cert. No.

38

SELLER INFORMATION

EPHESIAN ARMS INC

Dealer (Business) Name

OR

Seller's Last Name

Seller's First Name

604005076C07092

Federal Firearms Dealer License Number

OR

Seller FIDALC Number (if Not Dealer)

D2001389D

State Firearms Dealer License Number

FALL RIVER

Dealer/Seller City or Town

WEAPON INFORMATION

Make: ☐ Browning ☐ Colt ☐ Remington ☐ Ruger ☐ Sig Sauer ☒ SW ☐ Winchester ☐ Other (Please specify below)

M&P 40C

Model

Type:

☒ Handgun

☐ Rifle

☐ Shotgun

☐ Machine Gun

HBJ2349

Firearm Serial Number

40 Caliber

Firearm Measurement

4.25

BLACK

Barrel Length (Inches)

Firearm Surface Finish

YES

Lg Capacity

04/08/2016

Date of Sale/Loss/Theft/Registration/Transfer

BUYER/PURCHASER INFORMATION

12259137a

Firearms License/FID/Identification Number

MONIZ

Last Name

RICHARD

First Name

A

Middle Name

Suffix

09/28/1962

Date of Birth

RHODE ISLAND

Place of Birth (Name of State or Foreign Country)

WHITE

Race

MALE

Sex

5' 09"

Height

170 lbs.

Weight

BROWN

Eye Color

BROWN

Hair Color

39 VENTURA LANE

Street Address

NEW BEDFORD

City or Town of Residence

MA

State

02745

Zip Code

CONSTABLE

Occupation

Employer Name

Seller's Signature

Buyer's Signature

Check if reporting:

☒ Sale
☐ Rental
☐ Loss
☐ Theft
☐ Lease
☐ Destroyed
☐ Registration
☐ Personal Transfer

The Commonwealth of Massachusetts
Criminal History Systems Board
Firearms Record Bureau
Firearms Sales/Rental/Lease Transaction Form

No. 1847064

FA Trans. No.

Dealer CRI. No.

SELLER INFORMATION

EPHESIAN ARMS INC

Dealer (Business) Name

OR

Seller's Last Name

Seller's First Name

604005076C07092

Federal Firearms Dealer License Number

OR

Seller FID/LTC Number (if Not Dealer)

D2001389D

State Firearm Dealer License Number

FALL RIVER

Dealer/Seller City or Town

WEAPON INFORMATION

Make: ☐ Browning ☐ Colt ☐ Remington ☐ Ruger ☐ Sig Sauer ☐ SW ☐ Winchester ☒ Other (Please specify below)

PARA ORDNANCE

P1445

Model

Type:

☒ Handgun

☐ Rifle

☐ Shotgun

☐ Machine Gun

PL1095

Firearm Serial Number

45 Caliber

Firearm Measurement

5.00

BLACK

Barrel Length (inches)

Firearm Surface Finish

YES

Lg Capacity

04/08/2016

Date of Sale/Loss/Theft/Registration/Transfer

BUYER/PURCHASER INFORMATION

12259137b

Firearms License/FID/Registration Number

MONIZ

Last Name

RICHARD

First Name

A

Middle Name

Suffix

09/28/1962

Date of Birth

RHODE ISLAND

Place of Birth (Name of State or Foreign Country)

WHITE

Race

MALE

Sex

5' 09"

Height

170 lbs.

Weight

BROWN

Eye Color

BROWN

Hair Color

39 VENTURA LANE

Street Address

NEW BEDFORD

City or Town of Residence

MA

State

02745

Zip Code

CONSTABLE

Occupation

Employer Name

Seller's Signature

Buyer's Signature

Criminal History Systems Board
Firearms Record Bureau
Firearms Sales/Rental/Lease Transaction Form

FA Trans. No.

Dealer Cbrt. No.

38

SELLER INFORMATION

EPHESIAN ARMS INC

Dealer (Business) Name

OR Seller's Last Name

Seller's First Name

604005076C07092

Federal Firearms Dealer License Number

OR Seller FIDALIC Number (If Not Dealer)

D2001389D

State Firearms Dealer License Number

FALL RIVER

Dealer/Seller City or Town

WEAPON INFORMATION

Make: ☐ Browning ☐ Colt ☐ Remington ☐ Ruger ☐ Sig Sauer ☐ SW ☐ Winchester ☒ Other (Please specify below)

GLOCK

41

Model

Type:

☒ Handgun

☐ Rifle

☐ Shotgun

☐ Machine Gun

XLS277

Firearm Serial Number

45 Caliber

Firearm Measurement

6.21

FDE/CAMO

Barrel Length (Inches)

Firearm Surface Finish

YES

Mag Capacity

04/12/2016

Date of Sale/Loss/Theft/Registration/Transfer

BUYER/PURCHASER INFORMATION

12269430a

Firearms License/FID Identification Number

RUSO

Last Name

RENALD

First Name

Middle Name

III

Suffix

08/01/1971

Date of Birth

MASSACHUSETTS

Place of Birth (Name of State or Foreign Country)

WHITE

Race

MALE

Sex

5' 07"

Height

220 lbs.

Weight

BROWN

Eye Color

BALD

Hair Color

229 WOOD STREET

Street Address

NEW BEDFORD

City or Town of Residence

MA

State

02745

Zip Code

WELDER/ CONSTABLE

Occupation

Employer Name

Seller's Signature

Buyer's Signature

RECEIVED 39

August 24, 2016

2016 AUG 25 A 11:44

CITY CLERK _____
FALL RIVER, MA

Dear Members of the City Council,

I am requesting a vote by the Fall River City Council endorsing the resolution in opposition to lifting the cap on the number of charter schools allowed under state law. This fall, voters will decide whether or not to approve the lift by voting on Question 2. The Fall River School Committee, and over 70 other communities (see below), have taken official votes to support the resolution. This resolution would not impact the charter school currently operating in Fall River. It would merely ensure no new charters open.

As a public school educator in Fall River, I am concerned about attempts to increase the number of charter schools in Massachusetts. This year alone, Fall River is losing \$9,672,561 to charter schools. Not coincidentally, the FRPS experienced millions of dollars in cuts last June, the impact of which will be detrimental to the majority of our students.

If the charter cap is lifted, we could lose much more. When funds are diverted from district schools to pay for publicly funded, privately run charter schools, we jeopardize opportunities and choices for the majority of students. This is contrary to the principle that public education is meant to provide all students with opportunities to explore and grow.

As a taxpayer, I am also concerned with the lack of accountability of charter schools. Cities and towns have no say over whether a charter school can be located in their communities. That decision is made by appointed state officials. Once a charter school is opened, local elected officials have no authority over the school's operation. That means that if a charter school acts in ways that are not in the best interests of students from the community such as suspending students in large numbers, failing to meet students' special education needs or pushing students back to their district schools in the middle of the school year, local residents and their elected officials have no recourse to fix those practices.

Rather than lifting the caps on charter schools, leaders in Massachusetts should be committing the resources necessary to provide *all* children with the education they deserve.

Thank you for your consideration in this matter.

Sincerely,

Rebecca Cusick
FREA President

Here's a list of a communities that have taken a position or passed resolutions in opposition to lifting the cap on charters.

Adams-Cheshire	Fitchburg	North Reading
Agawam	Framingham	Norton
Amesbury	Frontier Regional	Oxford
Amherst	Greenfield	Orange
Andover	Hampshire	Pelham
Arlington	Haverhill	Pittsfield
Barnstable	Holyoke	Revere
Belchertown	Kingston	Rowe
Bellingham	Lee	Saugus
Berkshire Hills	Lenox	Savoy
Boston	Lexington	Silver Lake
Bourne	Longmeadow	Southern Berkshire
Brockton	Lowell School Committee, City	Somerville
Burlington	Council	Springfield
Cambridge School	Ludlow	Taunton School Committee, City
Committee,	Lynn City Council, School	Council
Cambridge City Council	Committee	Tyngsborough
Chicopee	Malden	Upper Cape Cod Regional Tech
Clarksburg	Mansfield	Wachusett
Conway	Marshfield	Wareham
Deerfield Selectmen	Medford	Waltham
Dennis	Melrose	Westhampton
Deerfield	Milton	West Springfield
Douglas	Monomoy	Whitman-Hanson
Dudley-Charlton	New Bedford	Williamstown
Easthampton City Council	Newburyport	Worcester School Committee, City
Everett	North Adams	Council
Fall River	Northampton	
	Northbridge	
	North Middlesex	

Resolution Against Lifting the Cap on Commonwealth Charter Schools

WHEREAS, free public schools available to all students regardless of income, ability, need or English language proficiency are foundational to our democracy; and

WHEREAS, all of our students deserve high-quality public schools that teach the whole child, providing enrichment and addressing social and emotional needs in addition to core academic subjects; and

WHEREAS, local accountability for our public schools is necessary to ensure that schools are responsive to the needs of their communities; and

WHEREAS, Fall River is losing \$9,672,561 to Commonwealth charter schools and public school districts across the state are losing more than \$408 million this year alone — a loss of funds that is undermining the ability of districts to provide all students with the educational services to which they are entitled; and

WHEREAS, Commonwealth charter schools are often approved over the objections of a majority of community residents and their elected officials and are not accountable to local elected officials once they are approved; and

WHEREAS, Commonwealth charter schools often fail to serve the same proportion of special needs students, low-income students and English language learners as the districts from which they receive students and often use high suspension rates to drive out students they don't want to serve; and

WHEREAS, the Commonwealth charter school system is creating separate and unequal opportunities for success; and

WHEREAS, lifting the cap on charter schools would greatly worsen the problems listed above and lead to a costly and divisive two-track school system;

THEREFORE, be it resolved that the Fall River City Council opposes lifting the cap on Commonwealth charter schools.

For additional information and resources, visit masteacher.org/charterschools.

41a



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
RECEIVED ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

2016 SEP -6 A 10: 59

TEL: (617) 727-2200
www.mass.gov/ago

CITY CLERK _____
FALL RIVER, MA _____

September 1, 2016

OML 2016-117

Joseph I. Macy, Corporation Counsel
City of Fall River
1 Government Center
Fall River, MA 02722

RE: Open Meeting Law Complaint

Dear Attorney Macy:

This office received a complaint from CJ Ferry, dated March 30, alleging that the Fall River City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Council on February 16, and the Council responded by letter dated March 10.² In his complaint, Mr. Ferry alleges that the Council violated the Open Meeting Law when a quorum of the Council was present at a meeting of the Council's Subcommittee on Ordinances and Legislation (the "Subcommittee") and deliberated, even though the meeting was not noticed as a joint meeting.

We appreciate the patience of the parties while we reviewed this matter. Following our review, we find that the Council violated the Open Meeting Law as alleged. In reaching a determination, we reviewed the original complaint, the Council's response, and the request for further review filed with our office. We also reviewed a video recording of a Subcommittee meeting held on February 16.³

FACTS

We find the facts as follows. The Council is a nine-member public body, thus five members constitute a quorum. At all times relevant to this complaint, five Councilors—Cliff Ponte, Joseph Camara, Pam Laliberte-Lebeau, Stephen Long, and Linda Pereira—were the sole members of the Subcommittee. On February 10, the Subcommittee posted notice of a meeting to be held on February 16. The notice did not state that the meeting would be a joint meeting between the Subcommittee and the Council.

¹ Unless otherwise indicated, all dates in this letter refer to the year 2016.

² We note that the complainant filed an amended complaint on February 22, adding more detail.

³ See <http://vod.fgtv.us/video/155631765>.



The Subcommittee held the February 16 meeting as planned in the Council chambers with four Subcommittee members present. The Subcommittee members sat at a rectangular table in the middle of the room in front of the dais where the Councilors regularly sit. During this meeting, four other Councilors arrived, sitting in their regular seats at the Council's dais, bringing the total present to eight Councilors. During the meeting, Councilors Richard Cabeceiras, Shawn Cadime, Raymond Mitchell, and Steven Camara were recognized to speak. These Councilors, not members of the Subcommittee, addressed the Subcommittee from the Council dais and asked questions. Ultimately, the Subcommittee voted to refer one issue to the Council for full discussion; the Councilors present did not comment on this vote.

DISCUSSION

The Open Meeting Law requires that, except in limited circumstances, "all meetings of a public body shall be open to the public." G.L. c. 30A, § 20(a). Except in an emergency, "a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays." G.L. c. 30A, § 20(b). A subcommittee of a public body is itself a public body subject to the Open Meeting Law. G.L. c. 30A, § 18. The Open Meeting Law defines a "meeting" as "a deliberation by a public body with respect to any matter within the body's jurisdiction," however this definition does not include the "attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate." *Id.* "Deliberation" is defined, in relevant part, as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction." *Id.*

The complaint alleges that the presence of five Councilors—a quorum of the Council—on the Subcommittee is a per se violation of the Open Meeting Law. The complaint alleges that every Subcommittee meeting is therefore a meeting at which a quorum of the Council is present. This argument is unavailing. We have previously concluded that a quorum of a public body may sit on its subcommittee without having to post a separate meeting notice, provided that the discussion is limited to matters within the jurisdiction of the subcommittee. See OML 2013-155, Fn. 2.⁴ Because we discern from the recording of the February 16 meeting no discussion of topics beyond the Subcommittee's jurisdiction, we find no violation with respect to this allegation.

The complaint also alleges that the Councilors who were not members of the Subcommittee violated the law when they deliberated during the Subcommittee's February 16 meeting. Members of a parent public body may attend the meeting of a subcommittee provided there is no deliberation. See OML 2013-38. In considering whether members of the parent public body have deliberated during a subcommittee meeting, we look for indicia such as whether the parent public body members were seated with the general public and whether they participated by open participation to conclude that no improper deliberation occurred. *Id.* Here, Councilors Cabeceiras, Cadime, Mitchell, and Camara sat in their seats at the Council dais. When they were recognized to speak, it was done with the honorific "Councilor." Based on this,

⁴ Open Meeting Law determinations may be found at the Attorney General's website: www.mass.gov/ago/openmeeting.

41a

a reasonable member of the public watching the recording of the meeting would have believed they were watching a joint meeting of the Council and the Subcommittee. We therefore find that the Council violated the Open Meeting Law by deliberating during the February 16 meeting without posting notice.

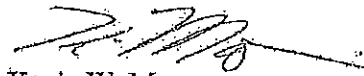
While not raised in the complaint, we note that the Council did not respond to the complaint within the time frame required by law. Unless an extension of time has been granted, a public body must, within 14 business days of receipt of an Open Meeting Law complaint, send a copy of the complaint to the Attorney General's Office and notify the Attorney General's Office of any remedial action taken. G.L. c. 30A, § 23(b); 940 CMR 19.05(5), (6). Here, the complaint was filed with the Council on February 16. The Board did not request an extension, and responded by letter dated March 10. We take this opportunity to remind the Board of its obligations under the Open Meeting Law.

CONCLUSION

For the reasons stated above, we find that the Council violated the Open Meeting Law. We order the Council's immediate and future compliance with the Open Meeting Law, and we caution that similar future violations may be considered evidence of intent to violate the law.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Council. Please feel free to contact the Division at (617) 963-2540 if you have any questions.

Sincerely,



Kevin W. Manganaro
Assistant Attorney General
Division of Open Government

cc: CJ Ferry
Fall River City Council

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
RECEIVED
ONE ASHBURTON PLACE

2016 SEP -6 A 10:54
BOSTON, MASSACHUSETTS 02108

TEL: (617) 727-2200
www.mass.gov/ago

CITY CLERK
FALL RIVER, MA

September 1, 2016

OML 2016 - 118

Joseph Macy, Esq.
Corporation Counsel
City of Fall River
One Government Center
Fall River, MA 02722

RE: Open Meeting Law Complaints

Dear Attorney Macy:

This office received three complaints from Patrick Higgins, dated April 6, alleging that the Fall River City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaints were originally filed with the Council on March 8, and you responded, on behalf of the Council, in a letter on July 13. In each complaint, Mr. Higgins alleges that, at the beginning of specific Council meetings, the Council President failed to require those individuals who intended to record the meeting to notify him. Additionally, Mr. Higgins alleges that the Council, as a practice, does not create and/or approve written meeting minutes.

Following our review, we find that the Council violated the Open Meeting Law by failing to approve its meeting minutes in a timely manner and by failing to respond to Open Meeting Law complaints within 14 business days. However, we find no violation with respect to the Council's procedure for announcing the recording of its meetings. In reaching this determination, we reviewed the original complaint, the Council's response, and the request for further review filed with our office. We also reviewed portions of the video recordings of the Council meetings held on February 9, February 23, and March 8, which are posted on the Fall River Cable Access Television website.²

FACTS

We find the facts as follows. At the beginning of the Council meetings held on February 9, February 23, and March 8, President Shawn Cadime announced that any person "may make a recording" and that "people are advised that such recordings...are being made." It does not

¹ All dates in this letter refer to the year 2016.

² See <http://frgtv.fredtv.us/>

appear from the video that President Cadime asked the audience whether anyone intended to record the meeting.

Before the filing of these complaints, the Council drafted minutes of its meetings, but did not approve them. The Council has since changed this practice by approving minutes at the next meeting. The Council has not, however, approved the draft minutes of any meetings held before the filing of these complaints in March.

On March 8, the complainant filed the three Open Meeting Law complaints with the Council. The Council did not respond to the complaints within 14 business days of its receipt, and the complainant subsequently sought further review of the matter by filing a copy of the original complaints with our office on April 6. At no time did the Council request an extension of time to respond to the complaints. In June, the Office informed us that it had experienced some personnel turnover and would respond to the complaints in due course. The Council responded to the complaints in a letter dated July 16.

DISCUSSION

I. The Council Properly Announced that its Meetings Were Being Recorded.

The Open Meeting Law requires that all meetings of a public body be conducted in an open session, with some exceptions. G.L. c. 30A, §§ 20(a), 21(a). The Open Meeting Law states that "[a]fter notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting." *Id.* at § 20(f). The law requires the chair to inform attendees of any recording. *Id.* The requirement that the chair inform attendees that a meeting is being recorded includes the requirement that the chair inform the attendees when those recordings are being made by the public body itself for public broadcasting or administrative purposes. *See* OML 2013-136; OML 2012-24.³

The complaint alleges that President Cadime failed to require those who intended to record the meeting to notify him at the beginning of the meeting. This is not a requirement of the Open Meeting Law. Rather, the law requires the chair to announce that the meeting is being recorded only upon becoming aware that a person intends to record the meeting. *See* OML 2015-151; *see also* OML 2014-8 (the chair must inform members of the public of any recording of which the chair is aware). Here, the City cable channel regularly records the Council meetings. Accordingly, President Cadime properly complied with the law by notifying the public at the beginning of the meeting that the meeting was being recorded. Where this announcement is already being made, the law does not require the chair to inquire about additional recordings. The purpose of the law—to notify the public that the meeting is being recorded—was served with this one announcement. Only in the instance where a chair does not know whether anyone is recording the meeting, and therefore does not know whether to make the announcement, should the chair should make reasonable inquiries of the audience to

³ Open Meeting Law determinations and declinations may be found at the Attorney General's website, www.mass.gov/ago/openmeeting.

determine whether anyone intends to record the meeting. See OML 2014-39; OML 2013-139. Accordingly, we find that the Council did not violate the law in this regard.

II. The Council Failed to Approve its Meeting Minutes.

The Open Meeting Law requires that a public body "create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes." G.L. c. 30A, § 22(a). The law does not provide a definition of "timely manner," but a public body should approve minutes at the next meeting where possible. See id.; OML 2012-91. For bodies that meet regularly, we have concluded that a delay of two to three months in approving minutes does not comply with the law. See OML 2016-62.

The Council has failed to create and approve meeting minutes in a timely manner, in violation of the Open Meeting Law. See G.L. c. 30A, § 22(a). The Council had a longstanding practice of drafting minutes, but not approving them. Since the filing of these complaints in March, the Council corrected this practice and began approving minutes at the next meeting. The Council has not, however, approved the draft minutes from any of its meetings held before March. Accordingly, we order the Council to approve the backlog of draft minutes of any of its meetings held since July 1, 2010.⁴

III. The Council Failed to Properly Respond to These Complaints.

We find that the Council failed to properly respond to these complaints. The Open Meeting Law requires that within 14 business days after receiving a complaint the public body shall review the complaint's allegations; take remedial action, if appropriate; and send to the Attorney General a copy of the complaint and a description of any remedial action taken. G.L. c. 30A, § 23(b); 940 CMR 29.05(5). At no point did the Council request an extension of time to respond to the complaints. By taking nearly four months to respond, the Board clearly failed to comply with the Law.

CONCLUSION

For the reasons stated above, we find that the Council violated the Open Meeting Law by failing to approve its meeting minutes in a timely manner and by failing to respond to Open Meeting Law complaints within 14 business days. We order immediate and future compliance with the Open Meeting Law's requirements, and we caution that similar future violations may be considered evidence of intent to violate the law. Additionally, we order the Council, within 60 days of receipt of this determination, to approve the backlog of draft minutes of its meetings held since July 1, 2010.

⁴ Our office assumed authority for the interpretation and enforcement of the Open Meeting Law, as it applies to local public bodies, on July 1, 2010. See G.L. c. 30A, § 23(a); see also G.L. c. 30A, §§ 18-25, generally. Prior to July 1, 2010, the law governing meetings of local public bodies was G.L. c. 39, § 23B (now repealed), and the District Attorneys were responsible for its enforcement. One of the practical effects of this change is that our office has authority to enforce the Open Meeting Law only with respect to violations that occurred on or after July 1, 2010. See OML 2015-97.

416

We now consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Council. Please feel free to contact the Division at (617) 963-2540 if you have any questions.

Sincerely,



Hanne Rush
Assistant Attorney General
Division of Open Government

cc: Patrick Higgins
Fall River City Council

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The

42

Alison Bouchard

From: Kimmie Gearhart <ragdollkac@hotmail.com>
Sent: Tuesday, August 23, 2016 5:17 PM
To: City Council
Subject: Questions regarding Sandy Beach

I have lived near Sandy Beach for almost 3 years now. My grandparents for more than 15 years. The beach was always a favorite to go enjoy a dip in on hot days or a walk, or having my young kids run around. This passed year it is such a disaster area no one enjoys or wants to visit. I would really like this to be a place to enjoy again. There is always trash now, the dock is in pieces, the slide broken and smashed in. It looks as if someone tried to set the dock on fire. Needles and alcohol containers littered about. Grass is so high you get ticks on you and bushes over grown with thorns. I would love to clean up this area but am asking for help as well. Here is the area of the beach
<http://www.bing.com/search?FORM=U312DF&PC=U312&q=8+mt+hope+ave+fall+river+ma,>

Thank You Kim

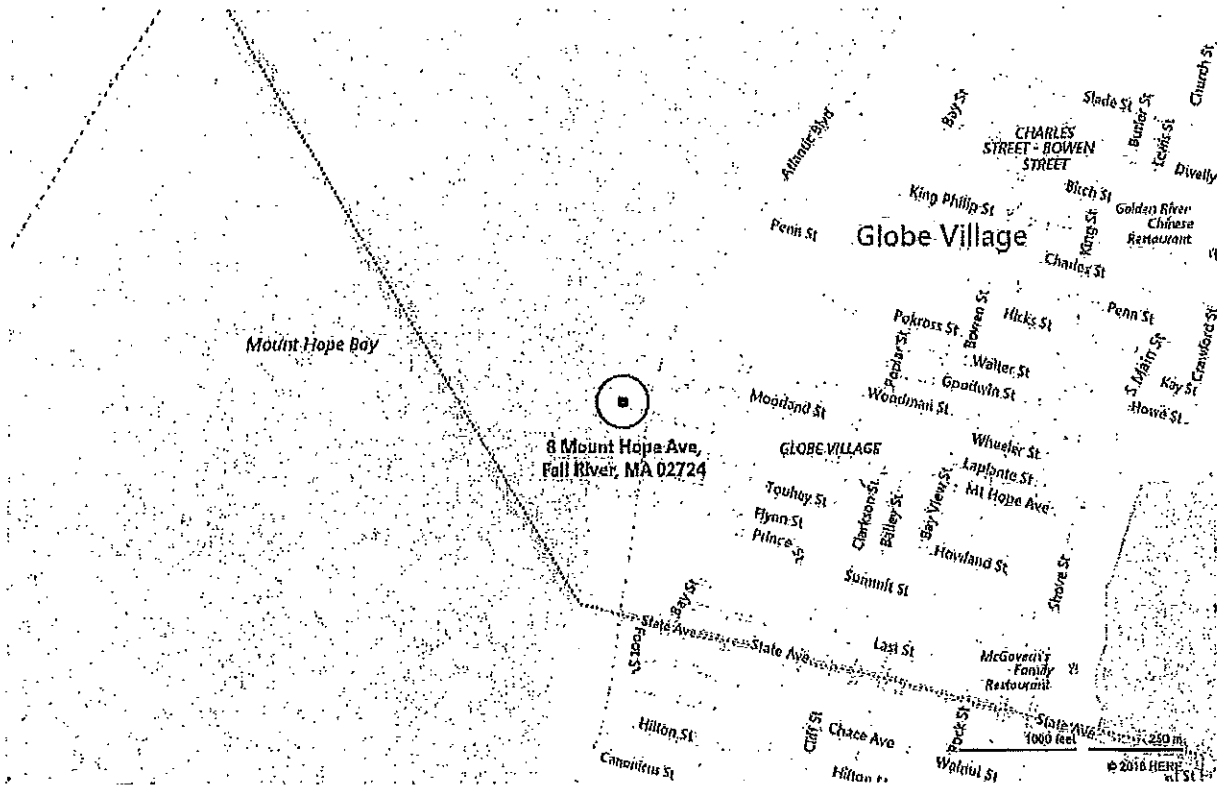
Sent from Mail for Windows 10

42

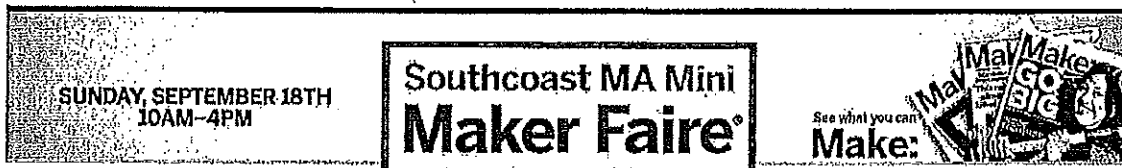
bing maps

8 Mount Hope Ave, Fall River, MA 02724

Type your notes here.



43



A family-friendly festival of invention, creativity and resourcefulness, and a celebration of the Maker movement.

September 9, 2016

Dear Fall River City Council,

On behalf of the Southcoast MA Mini Maker Faire,

We are asking for a waiver to allow us to put a Southcoast MA Mini Maker Faire banner 20'x3' on the Gov. Center railing from September 12th-17th to compliment the other banner being hung on South Main Street by the City.

We are willing to hang the railing banner ourselves and will take it down to move to the event site on the 17th. We did consult the Mayor's office and they are in support of this request since the city is actively involved in promoting and participating in the event.

We thank you for your consideration.

Sincerely, CN

Co Chair Southcoast MA Mini Maker Faire

Christopher Nielsen
General Manager | CNP Integrations Business Innovation Center
508-644-1553 cell 401-662-1035

<http://www.cnpintegrations.com>
<http://businessinnovation.center>
<http://csapropertiesllc.com/>

RECEIVED
2016 SEP -8 A 9:41
CITY CLERK
FALL RIVER, MA



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

September 6, 2016

CJ Ferry
300 Buffinton Street
Fall River, MA 02721

RE: Open Meeting Law Complaint

Dear Mr. Ferry:

Thank you for contacting the Attorney General's Office. On August 15, 2016, we received your Open Meeting Law complaint, which was originally received by the Fall River City Council Ordinance Subcommittee on or about August 3, 2016. We will review your complaint and will contact you in the event that we require additional information. We will notify you of our determination following our Office's review.

Your complaint may be resolved through either a formal order or informal action. Formal orders contain a detailed discussion of the alleged violation, applicable legal requirements, and may order any of the remedies provided in G.L. c. 30A, § 23(c). If a complaint is appropriate for informal action, we will attempt to resolve the matter by speaking to the parties, followed by a brief letter noting whether or not there was a violation and what remedial action was taken.

For additional information on the Open Meeting Law and the complaint process, please visit our website at www.mass.gov/ago/openmeeting. Please do not hesitate to contact the Division of Open Government with any further questions.

Sincerely,

Bongani T. Jeranyama
Paralegal
Division of Open Government

cc: Joseph I. Macy, Esq., Fall River Corporation Counsel
Fall River City Council Ordinance Subcommittee

RECEIVED
2016 SEP - 8 A 10:41
CITY CLERK
FALL RIVER, MA

44

RECEIVED

45

2016 AUG 25 P 3:40

SERGEANT
EDMOND J. DESMARAIS
BRIDGE

CITY CLERK
FALL RIVER, MA

The family of Edmond J. Desmarais, DOB: 2/15/31- DOD: 6/3/1999, respectfully request that the unnamed bridge, located at the junction of Jefferson, Quarry and Quequechan Streets, be named the Sgt. Edmond J. Desmarais Bridge.

Edmond J. Desmarais was a life-long resident of Fall River, who for most of his adult life resided at 55 Quarry Street. He was initially employed as a mill worker at Newport/Capri Finishing, off of Stevens and Jefferson Streets. And after those mills closed, he was employed by the City of Fall River, first at the Bank Street Armory where he oversaw the rehabilitation of the gym/basketball floor, and then for the Department of Public Works, off of Rodman Street, where he worked until he retired.

Because Mr. Desmarais resided on Quarry Street he traveled over the Jefferson, Quarry, Quequechan Street bridge on a daily basis, first to his job in the mills and then in his employment for the City's Department of Public Works. Mr. Desmarais also served as a Fall River Police Constable, appointed by then Mayor, Carlton M. Viveiros.

Mr. Edmond J. Desmarais initially joined the Army, July 1953, and then due to a health condition was transferred from active duty to the Army Reserve, from which he was honorably discharged as a Private on March 21, 1962. In his later years he joined the Massachusetts Army National Guard; on April 25, 1977, and honorably discharged on April 24, 1980, having attained the rank of Sergeant.

During the Blizzard of 1978, Edmond J. Desmarais, who was then a member of the Massachusetts Army National Guard was assigned to the Bank Street Armory with a city restoration project, and during the Blizzard, assisted the city and our citizens with disaster relief services by keeping the Armory open night and day, initially as a refuge from the blizzard, and then for the Federal Emergency Management Agency to provide disaster relief services for Fall River. For his efforts, going above and beyond what was required of him, Mr. Desmarais was awarded a Federal Disaster Assistance (FEMA) Citation, by then Director of the Federal Emergency Management Administration, Joel Finkle. Shortly after the blizzard of 1978, Mr. Desmarais began his employment with the Department of Public Works, where he worked until his retirement.

Mr. Edmond J. Desmarais worked for many years as a DPW Sanitation Worker on the rubbish trucks, and in later years, he became the DPW Garage "Night Watchman", becoming a well known figure, responding to motor vehicle accidents and special projects. He was always known for his easy, friendly and outgoing manner and his willingness to help others whenever possible. He is also fondly known for his constant companion and DPW mascot, Lady, a stray dog which he adopted and put to work keeping the DPW garage free of rodents.

In tribute to Sgt. Edmond J. Desmarais; his military service to our country, state and city, and in recognition of his outstanding service to our city during the Blizzard of 78, and as a public employee, we, the family of Edmond J. Desmarais, respectfully petition that the Fall River City Council name the bridge located at the juncture of Jefferson, Quarry and Quequechan Streets in his honor.

Submitted by:

William Desmarais and Family
22 Alty Street.
Fall River, MA 02723
508-324-4171

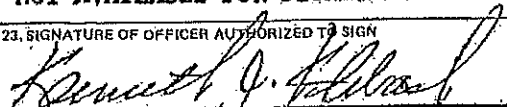
Mayor
Councilman
Business
Planning Dir.
6-16-16

DEPARTMENTS OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
REPORT OF SEPARATION AND RECORD OF SERVICE

45

PRIVACY ACT STATEMENT

1. Authority: 10 USC, 275, Executive Order 9397.
2. Purpose: Discharge/separate a member from (active/and inactive) National Guard Status.
3. Routine uses: Used to terminate active or inactive status of National Guard members. Completed form is filed in individual's Master Military Personnel Record before it is retired. This form contains information pertinent to individual's military service and the authority and cause for discharge, and should be treated as for official use only. It is a permanent document in the retired Master Military Personnel Record.
4. Disclosure: Mandatory. Individual could be denied future participation in military services if all items are not completed.

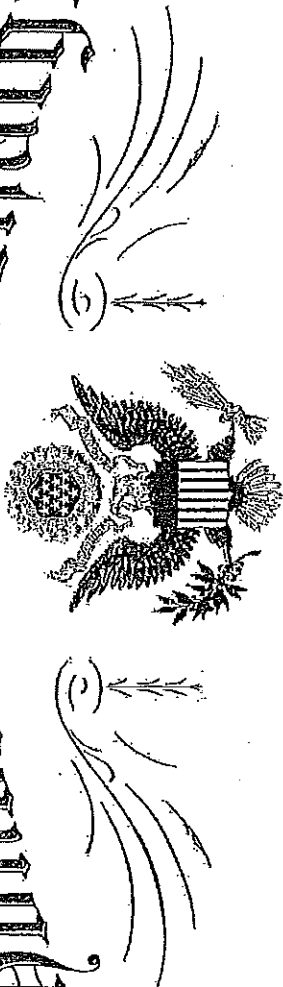
REPORT OF SEPARATION AND RECORD OF SERVICE IN THE <u>Army</u> NATIONAL GUARD OF <u>Massachusetts</u> AND AS A RESERVE OF THE <u>Army</u>										
1. LAST NAME - FIRST NAME - MIDDLE NAME DESMARAIS, EDMOND JOSEPH JR.				2. SEX M		3. SOCIAL SECURITY NUMBER 027 22 5245		4. DATE OF BIRTH 31 02 15		
5. DEPARTMENT, COMPONENT AND BRANCH Mass ARNG				6a. GRADE SGT		6b. PAY GRADE E5		7. DATE OF RANK 78 01 10		
8a. STATION OR INSTALLATION AT WHICH EFFECTED NA										
8b. AUTHORITY AND REASON NGR 600-200, Para 7-9a Expiration Term of Service						8c. EFFECTIVE DATE 60 04 24				
8d. CHARACTER OF SERVICE Honorable				8e. TYPE OF CERTIFICATE USED NGB Form 55			8f. REENLISTMENT ELIGIBILITY NA			
10. COMMAND TO WHICH TRANSFERRED NA				11. RECORD OF SERVICE			YEARS		MONTHS	
				(a) NET SERVICE THIS PERIOD			03		00	
				(b) PRIOR SERVICE			08		06	
				(c) TOTAL SERVICE FOR PAY			11		06	
14. SECONDARY AFSC/MOS/ISSI AND TITLE NA				15. HIGHEST EDUCATION LEVEL SUCCESSFULLY COMPLETED (In Years) SECONDARY/HIGH SCHOOL 08 YRS (1-12 grades) • COLLEGE 00 YRS						
16. SERVICEMAN'S GROUP LIFE INSURANCE COVERAGE <input checked="" type="checkbox"/> FULL TIME <input type="checkbox"/> PART TIME [] \$ 5,000 [] \$10,000 [] \$15,000 <input checked="" type="checkbox"/> \$20,000 [] NONE			17. PERSONNEL SECURITY INVESTIGATION a. TYPE NA			b. DATE COMPLETED NA			18. DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED THIS PERIOD (State Awards may be included) M16A1 QUAL BADGE SHARPSHOOTER	
19. REMARKS DATE OF ENLISTMENT: 25 APRIL 1977										
20. MAILING ADDRESS AFTER SEPARATION (Street, RFD, City, County, State and Zip Code) 55 Quarry St., Fall River, Bristol, MA 02721						21. SIGNATURE OF PERSON BEING SEPARATED NOT AVAILABLE FOR SIGNATURE				
22. TYPED NAME, GRADE AND TITLE OF AUTHORIZING OFFICER KENNETH J. KLEBASH 1LT Btry Commander						23. SIGNATURE OF OFFICER AUTHORIZED TO SIGN 				

NGB FORM 22
15 OCT 78

(This is a revision of NGB Form 22, dated 15 Jan 58, which is obsolete).
*U.S. GOVERNMENT PRINTING OFFICE: 1979-280-971:3702

1. Insert either Army or Air
2. Enlisted personnel only - Insert only Army or Air Force

Honorable Discharge



FROM THE ARMED FORCES OF THE UNITED STATES OF AMERICA

This is to certify that

EDMOND JOSEPH DESNARAI, JR 027-22-5245 SERGEANT HEB 26th Inf Div Arty

was Honorably Discharged from the

Army National Guard
of MASSACHUSETTS

and the Reserve of the United States Army

on the 24th day of APRIL 1980 This certificate is awarded

as a testimonial of Honest and Faithful Service

"This discharge does not relieve the individual named herein from any unfulfilled obligation to perform military service which may be imposed on him/her by law."

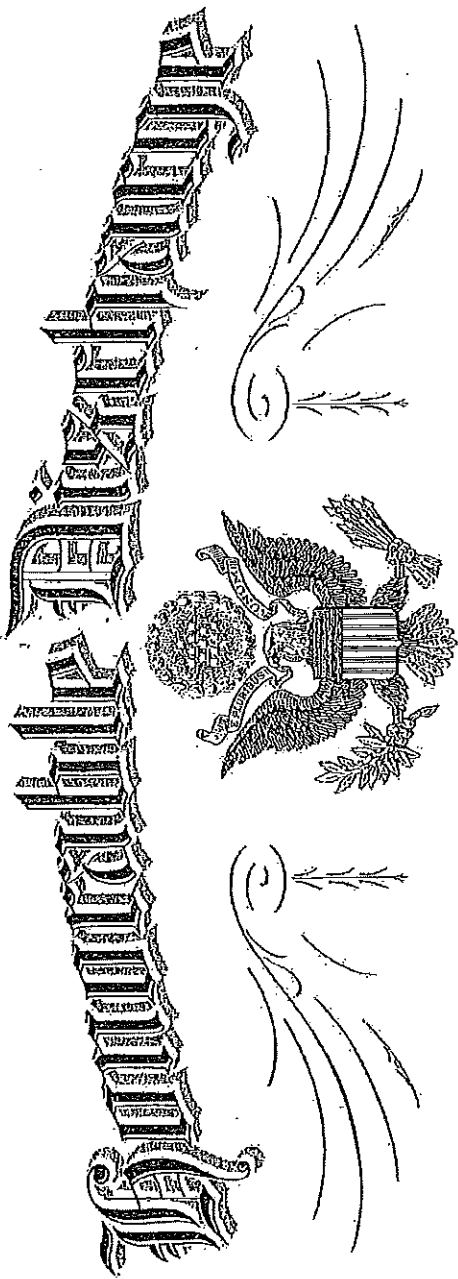


Donald P. Eriksen

DONALD P ERIKSEN COL FA MASS ARNG
Commanding

NGS FORM 55 (Replaces NGS Form 55 dated 1 July 55, which is obsolete)
1 JULY 77

45



from the Armed Forces of the United States of America

This is to certify that

DESMARAIS EDMOND J JR PVT ER 22 797 242 USAR

was Honorably Discharged from the

Army of the United States

on the 21st day of MARCH 1962 This certificate is awarded

as administrator of Honors and Fair Play Service

J Thornton

J THORNTON
2D LT AGC

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, August 16, 2016 at 5:45 p.m.
Council Chamber, One Government Center

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

ABSENT: Councilors Joseph D. Camara, Steven A. Camara

IN ATTENDANCE: James George, Permitting Manager, Network Real Estate
Mobilitie, LLC, 116 John Street, Suite 210, Lowell, MA 01854

The President called the meeting to order at 5:45 p.m. and announced that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following and that the meeting may be recorded with audio or video and transmitted through any medium.

Councilor Steven A. Camara arrived at 5:46 p.m.

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.

On a motion made and seconded, it was unanimously voted that the hearing for item number one be opened. The President then directed the proponents for item number one to be heard and there were no proponents. The President then directed the opponents for item number one to be heard and there were no opponents. On a motion made and seconded, it was unanimously voted to close the hearing.

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.

On a motion made and seconded, it was unanimously voted that the hearing for item number two be opened. The President then directed the proponents for item number two to be heard and there were no proponents. The President then directed the opponents for item number two to be heard and there were no opponents. On a motion made and seconded, it was unanimously voted to close the hearing.

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.

Councillor Joseph D. Camara arrived at 5:52 p.m.

On a motion made and seconded, it was unanimously voted that the hearing for item number three be opened. The President then directed the proponents for item number three to be heard and James George, Permitting Manager for Mobilitie, LLC came forward.

Mr. George gave an overview of what Mobilitie, LLC is requesting. He stated that this is a high-speed network and not a cellular service. They are a designated utility and therefore are allowed to use utility poles. Mobilitie is requesting to install five additional poles in the city at this time.

President Shawn E. Cadime requested that the Administration have the Department of Community Maintenance inspect these proposed locations to ensure that they are not blocking any right of ways.

The President then directed the opponents for item number three to be heard and there were no opponents. On a motion made and seconded, it was unanimously voted to close the hearing.

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.

On a motion made and seconded, it was unanimously voted that the hearing for item number four be opened. The President then directed the proponents for item number four to be heard and there were no proponents. The President then directed the opponents for item number four to be heard and there were no opponents although a written objection was filed with the City Clerk. On a motion made and seconded, it was unanimously voted to close the hearing.

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.

On a motion made and seconded, it was unanimously voted that the hearing for item number five be opened. The President then directed the proponents for item number five to be heard and there were no proponents. The President then directed the opponents for item number five to be heard and there were no opponents. On a motion made and seconded, it was unanimously voted to close the hearing.

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.

46

On a motion made and seconded, it was unanimously voted that the hearing for item number six be opened. The President then directed the proponents for item number six to be heard and there were no proponents. The President then directed the opponents for item number six to be heard and there were no opponents. On a motion made and seconded, it was unanimously voted to close the hearing.

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.

On a motion made and seconded, it was unanimously voted that the hearing for item number seven be opened. The President then directed the proponents for item number seven to be heard and there were no proponents. The President then directed the opponents for item number seven to be heard and there were no opponents. On a motion made and seconded, it was unanimously voted to close the hearing.

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.

On a motion made and seconded, it was unanimously voted that the hearing for item number eight be opened. The President then directed the proponents for item number eight to be heard and there were no proponents. The President then directed the opponents for item number eight to be heard and there were no opponents. On a motion made and seconded, it was unanimously voted to close the hearing.

On a motion made and seconded, it was unanimously voted to adjourn at 6:24 p.m.

List of documents and other exhibits used during the meeting:
Agenda packet (attached)
CD and DVD of meeting
Written objection to Item number four


City Clerk.

COMMITTEE ON FINANCE

MEETING: Tuesday, August 16, 2016 at 6:00 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
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
Hal Meyer, Business Development Manager
AMERESCO, 111 Speen Street, Suite 410
Framingham, MA 01701
Jack Honor, Project Development Manager
AMERESCO, 111 Speen Street, Suite 410
Framingham, MA 01701

The chair called the meeting to order at 6:29 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:

Mich  lle Dionn  , 5 Byron Street – City Council meeting
Randy Sousa, 176 Langley Street – Stowe Street guard rail
Richard Barlow, 50 Anderson Street – State of the City

On a motion made and seconded, it was unanimously voted to waive the rules to allow the presentation of citations.

Councilor Pam Laliberte-Lebeau presented a citation to Norbert Farias for his volunteerism in keeping Fall River clean. Representative Alan Silvia presented Norbert Farias a citation from the House of Representatives in recognition of his volunteerism in keeping Fall River clean.

Vice President Linda M. Pereira presented Kenneth C. Pacheco, Director of Buildings and Grounds a plaque for his dedicated service to the City of Fall River.

47
Vice President Linda M. Pereira presented citations to Robert Smith, Harbormaster, Michael Lamarine, Assistant Harbormaster, Paul Borges, Assistant Harbormaster and Mark DeMarco, Assistant Harbormaster in recognition of their outstanding contributions to the waterfront.

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

Agenda:

2. Resolution – Discuss carport solar canopies with AMERESCO

A PowerPoint presentation was made by Harold Meyer and Jack Honor from AMERESCO outlining the highlights of carport solar canopies. It was stated that the energy generated by the carport solar canopies will be sold back to the City of Fall River for 11.8 cents per kilowatt hour. It was also discussed that the changeover of the city streetlights to LED lights is now complete and is saving the city approximately \$500,000.00 per year in electricity costs. A motion was made and seconded, to refer the matter to the full council for action. After some discussion and on a further motion made seconded, it was unanimously voted to refer the matter to the Administration.

1. Transfers and appropriations

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

On a motion made and seconded, it was unanimously voted to refer order #2 to the full council for action. The City Administrator gave an overview of the rebranding effort. She stated that the city received four proposals to the RFP that was advertised. Councillor Linda M. Pereira stated that she is not comfortable voting to transfer funds, when she doesn't know what or who she is voting for. Councillor Pam Lalberte-Lebeau stated that just to update the three park signs that list upcoming events in the city will cost \$2,400.00. She stated that \$30,000.00 does not seem like enough money to rebrand the city.

Councillor Richard Cabecalras cautioned that we need to choose the correct brand for the city. He doesn't want to see Fall River in a situation like Rhode Island was recently, when they chose "Cooler and Warmer" as their rebrand and it failed.

On a motion made and seconded, it was unanimously voted to refer order #3 to the full council for action.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made and seconded, it was unanimously voted to adjourn at 8:15 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

PowerPoint presentation by AMERESCO

Colleen A. Taylor
Clerk of Committees