



# 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, December 19, 2017 at 7:00 p.m.  
Council Chamber, One Government Center

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

**ABSENT:** None

**IN ATTENDANCE:** Joseph I. Macy, Corporation Counsel

President Shawn E. Cadime called the meeting to order at 8:04 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 req. confirmation of appointments to the following:

a. Robert Tavares to the Board of Park Commissioners

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

b. Cheryl Costa to the Commission on Disability

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Cliff Ponte, it was voted 4 yeas, 5 nays to confirm the appointment with Councilors Richard Cabeceiras, Pam Laliberte-Lebeau, Raymond A. Mitchell, Linda M. Pereira and Shawn E. Cadime voting in the negative and the motion failed to carry.*

c. Susana Ribeiro to the Council on Aging

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to confirm the appointment.*

d. Richard J. Souza to the Sewer Commission

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to confirm the appointment.*

e. Manuel Leite to the Conservation Commission

*Councilor Linda M. Pereira asked if Manuel Leite served on any other board or commission. On a motion made by Councilor Cliff Ponte and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to waive the rules to allow Corporation Counsel to answer questions. Corporation Counsel stated that some of the sections of the new Charter are not easily defined and*

*stated that he would have an opinion by the next City Council meeting. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Steven A. Camara, it was unanimously voted to table the matter.*

*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Cliff Ponte, it was unanimously voted to take item #7a. out of order.*

**PRIORITY MATTERS**

7a. Transfer and appropriation – \$50,000 for the BMC Durfee Feasibility Study from the General Fund Stabilization Fund

*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Raymond A. Mitchell, it was voted 8 yeas, 1 nay to adopt an emergency preamble for the transfer with Councilor Steven A. Camara voting in the negative. On a further motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to waive the rules to allow Corporation Counsel to answer questions. Councilor Richard Cabeceiras asked Corporation Counsel if the use of an emergency preamble would be in violation of the Charter in this case. Corporation Counsel stated that it would not, as there is no chart of what is and is not an emergency. It is an emergency if this elected body deems it so. On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was voted 8 yeas, 1 nay to adopt the order with Councilor Steven A. Camara voting in the negative.*

2. Mayor and veto of order to remove the approved easement that crosses the Alfred J. Lima Quequechan River Rail Trail

*On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Linda M. Pereira, it was voted 7 yeas, 1 nay to override the Mayor's veto with Councilor Steven A. Camara voting in the negative and Councilor Joseph D. Camara abstaining. Councilor Linda M. Pereira stated that when the easement was presented to the City Council it did not contain all the facts and maps associated with the project. She then stated that the City Council should have been informed that this easement would be crossing the Alfred J. Lima Quequechan River Rail Trail. On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was unanimously voted to waive the rules to allow Corporation Counsel to answer questions. Councilor Richard Cabeceiras stated that the City Council has the right to file an order and asked how this violates the separation of powers. Corporation Counsel stated that Section 1-3: Division of Powers states the administration of the fiscal, prudential and municipal affairs of the City of Fall River shall be vested in an executive branch headed by a mayor and a legislative branch consisting of a city council. The legislative branch shall never exercise any executive power and the executive branch shall never exercise any legislative power.*

3. Mayor and veto of order to accept a gift of 80-84 North Main Street

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted that the matter be laid on the table in accordance with the City Charter.*

4. Mayor and order authorizing Fire Department to accept gift of pavers and materials from J & J Materials, Inc.

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order. Councilor Linda M. Pereira requested that a thank you letter be sent to J & J Materials, Inc.*

*Approved, December 20, 2017, Mayor Jasiel F. Correia II*

5. Mayor and order authorizing Fire Department to accept gift of labor and use of vehicle from Albanese Monuments

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to adopt the order. Councilor Linda M. Pereira requested that a thank you letter be sent to Albanese Monuments.*

*Approved, December 20, 2017, Mayor Jasiel F. Correia II*

6. Mayor requesting creation of position of Opioid Clerk (part-time)

*A motion was made by Councilor Raymond A. Mitchell to table the matter, but received no second. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.*

7. Mayor and resolution for Parkland Acquisitions and Renovations for Communities (PARC) grant in the amount of \$395,500 for improvements to North Park, Ruggles Park, Father Kelly Park and Maplewood Park

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

*Approved, December 20, 2017, Mayor Jasiel F. Correia II*

#### **PRIORITY COMMUNICATIONS**

8. Traffic Commission recommending amendments to the traffic ordinances

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.*

#### **COMMITTEE REPORTS**

##### **Committee on Finance recommending:**

###### **Accept and place on file:**

9. Communication – Fall River Contributory Retirement Board 2018 Budget

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted that the communication be accepted and placed on file.*

##### **Committee on Public Safety recommending:**

###### **Grant leave to withdraw:**

10. Resolution – Public safety concerns at WalMart Supercenter exit (638 Quequechan Street)  
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was unanimously voted that the resolution be granted leave to withdraw.*

###### **Referral to Corporation Counsel:**

11. Communication – City resident regarding chain link fence at 120 Fifteenth Street  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted refer the communication to Corporation Counsel.*

##### **Committee on Ordinances and Legislation recommending:**

###### **First Reading, as amended:**

12. Proposed Ordinance – Salary updates

*On a 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, as amended.*

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to take items #13 through #16 together.*

First Reading:

13. Proposed Ordinance – Traffic, miscellaneous
14. Proposed Ordinance – Sewer Commission
15. Proposed Ordinance – Sewer Use Regulations
16. Proposed Ordinance – Stormwater Management

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that items #13 through #16 be passed through first reading.*

All readings with Emergency Preamble:

17. Proposed ordinance – Traffic, handicapped parking

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was voted 9 yeas, to adopt the emergency preamble. On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to pass the proposed ordinance through first reading, second reading, passed to be enrolled and passed to be ordained.*

*Approved, December 20, 2017, Mayor Jasiel F. Correia II*

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to take items #18 and #19 together.*

Grant leave to withdraw:

18. Resolution – Review of all boards and commissions
19. Resolution – Review requirements of submission of annual budget

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted that items #18 and #19 be granted leave to withdraw.*

Committee on Budget Preparation, Revenue and Audits recommending:

Grant leave to withdraw:

20. Communication – School Department employees re: 2016-17 school year shortfall

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted that the communication be granted leave to withdraw.*

21. Communication – Greater Fall River Vocational Technical High School District re: funding for repair of soccer/football field

*On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Linda M. Pereira, it was unanimously voted that the communication be granted leave to withdraw.*

**ORDINANCES** – None

**RESOLUTIONS** – None

**CITATIONS**

Government Center Custodial Staff – for outstanding service to city:

22. Henry Medeiros; David Lavoie; Jeffrey Lavoie

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted that the citations be adopted.*

## **ORDERS – HEARINGS**

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to take items #23 through #26 together.*

### **Curb Removals:**

23. John Flores, 235 Adelaide Street – total of 32 feet at 235 Adelaide Street
24. Joshua Oliver, 140 Huard Street – total of 34 feet 6 inches at 140 Huard Street
25. Jesse Pacheco, 67 Langley Street – total of 26 feet 7 inches at 67 Langley Street
26. John Champagne, 816 Pearce Street – total of 20 feet at 1538 North Main Street

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt items #23 through #26.*

*Approved, December 20, 2017, Mayor Jasiel F. Correia II*

## **ORDERS – MISCELLANEOUS**

### **27. Auto Repair Shop license renewals:**

Michael R. Bernier d/b/a Bernier's Quality Body Works at 800 Eastern Avenue  
Theodore R. Sanft d/b/a Ted's Auto Repair at 77 Cash Street  
Ernest J. Rapoza d/b/a Ernie's Auto Repair at 228 Barlow Street  
Roger Khoury, Andrade's Automotive Service, LLC at 46 McGowan Street  
John J. Mattie, Jr. d/b/a Mattie Imports, Inc. at 80 Wm. S. Canning Blvd.  
Jacinto Silva, Tech Service Center, Inc. at 70 William Street  
Sullivan Tire Co., Inc. at 456 Rodman Street

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order.*

*Approved, December 20, 2017, Mayor Jasiel F. Correia II*

### **28. Auto Body Shop license renewals:**

Michael R. Bernier d/b/a Bernier's Quality Body Works at 800 Eastern Avenue  
Humberto Pereira d/b/a Fall River Auto Body and Sales, Inc. at 155 Williston Street

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

*Approved, December 20, 2017, Mayor Jasiel F. Correia II*

### **29. Police Chief's report on licenses:**

#### **Taxicab Drivers – 2017:**

Jose Castro	Wayne Conway	Gilbert Dallaire
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#### **Taxicab Drivers – 2018:**

Sharon Acevedo	Timothy E. Adams	Thomas Andrade
Ashraf Kamal Antar	Brian Araluce	Edward A. Arruda
Steven Breault	Edward Butler	Darrell Carlsen
Jeffrey Carreira	Melissa Carvalho	Robert M. Collins Jr.
Lori Cronister	Joseph DaCosta	Tania L. Dillingham
Michael Diniz	Carlton Ducharme II	Philip J. Fay
Tiffany Evans	Peter Hadad	Richard Hannah
Steven Howance	Frederick Humes	Paul Laberge
Kathleen M. Lamothe	David Larkin	Louis Levesque
David Marshall Sr.	William Marshall	Richard Mello
Jeff C. Middleton	Rui Neves	Albert A. Paquette Jr.
Jennifer Pavao	Tyler Perreira	Charles Phifer
Gerald Pinault	Bud Prater	John D. Purcell
Todd J. Quintal	Ricardo Raposa	Edward Rego

George Robidoux  
Jeremiah Soares  
Stephen Stets  
Troy Wool

Carl Shepard  
Delores Socall  
Ronald Vaillancourt

Natasha Smith  
Richard Souza  
Jose Vasconcelos

Private Livery Drivers – 2018:

David Marshall Sr.

*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**

30. Drainlayer license – Oliveira Construction, Inc.

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to approve the license.*

*Approved, December 20, 2017, Mayor Jasiel F. Correia II*

31. Claims

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the claims to Corporation Counsel.*

32. PERAC re: Appropriation for Fiscal Year 2019

*On a motion made by Councilor Cliff Ponte and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the communication to the Committee on Finance.*

33. Planning Board Minutes – December 13, 2017

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the minutes be accepted and placed on file.*

34. Open Meeting Law complaint re: approval of minutes

*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.*

35. Street opening request for pavement less than 5 years old – 69 Denver Street

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the street opening request.*

*On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to take items #36 through #41 together.*

City Council Committee/Meeting Minutes:

36. Committee on Finance – November 28, 2017

37. Committee on Public Works and Transportation – October 23, 2017

38. City Council Public Hearing – November 14, 2017

39. City Council Public Hearings – November 14, 2017

40. City Council Public Hearing – November 28, 2017

41. City Council Meeting – May 19, 2017

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to approve items #36 through #41.*

## **BULLETINS – NEWSLETTERS – NOTICES**

42. National Grid – 2018 Yearly Operational Plan and 21 day herbicide application notification  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted that the notice be accepted and placed on file.*

43. Notice of Casualty and Loss – 647 June Street  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the notice be accepted and placed on file.*

## **ITEMS FILED AFTER THE AGENDA WAS PREPARED:** **CITY COUNCIL MEETING DATE: DECEMBER 19, 2017**

### **COMMITTEE REPORTS**

Committee on Real Estate recommending:

Grant leave to withdraw:

21a. Order – Purchase of property located at 38 Third Street for Employee Health Clinic  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the order be granted leave to withdraw.*

21b. Resolution – Discuss possible use of underutilized city property for the sale of water  
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Cliff Ponte, it was unanimously voted that the resolution be granted leave to withdraw.*

### **RESOLUTIONS**

21c. Diman Regional Vocational Technical High School representatives be invited to a future meeting of the City Council Committee on Finance to discuss funding above net school spending

*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Richard Cabeceiras, it was unanimously voted to amend the resolution by striking out the last paragraph that read as follows:*

*BE IT FURTHER RESOLVED, that Diman RVTHS be funded 75% of the percentage that Fall River Public Schools is funded above minimum net school spending.*

*On a further motion made by Councilor Steven A. Camara and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the resolution, as amended.*

21d. Easements submitted for City Council approval be referred to the Real Estate Committee  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was voted 2 yeas, 7 nays to adopt the resolution and the motion failed to carry with Councilors Joseph D. Camara, Steven A. Camara, Pam Laliberte-Lebeau, Stephen R. Long, Linda M. Pereira, Cliff Ponte and Shawn E. Cadime voting in the negative.*

21e. Interested parties be invited to a future meeting of the City Council Committee on Finance to discuss the plan for paying Fall River's portion of the new Durfee High School's debt service  
*On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was voted 5 yeas, 4 nays to lift the resolution from the table with Councilors Joseph D. Camara, Steven A. Camara, Stephen R. Long and Linda M. Pereira voting in the negative. On a further motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Cliff Ponte, it was unanimously voted to amend the resolution by adding that the meeting be held by February 1, 2018. On yet a further motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the resolution, as amended.*

### **CITATIONS**

22a. Joseph Rebello

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Linda M. Pereira, it was unanimously voted that the citation be adopted.*

### **COMMUNICATIONS – INVITATIONS – PETITIONS**

34a. Open Meeting Law complaint re: December 18, 2017 Committee on Health and Environmental Affairs Meeting

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the matter to Corporation Counsel.*

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to take items #41a through #41c together.*

#### **City Council Committee/Meeting Minutes:**

41a. Committee on Health and Environmental Affairs – October 23, 2017

41b. Committee on Ordinances and Legislation – October 24, 2017

41c. Committee on Budget Preparation, Revenue and Audits – December 12, 2017

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to approve items #41a through #41c.*

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to adjourn at 9:46 p.m.*

#### **List of documents and other exhibits used during the meeting:**

Agenda packet (attached)

CD and DVD of meeting

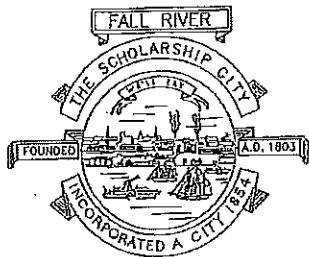
A true copy. Attest:



City Clerk

In City Council, August 15, 2018  
Approved.





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

**RECEIVED**

2017 DEC 15 P 2:03

CITY CLERK  
FALL RIVER, MA

**DECEMBER 15, 2017**

**MEETINGS SCHEDULED FOR NEXT WEEK**

**CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**

**MONDAY, DECEMBER 18, 2017**

**ALISON M. BOUCHARD**  
CITY CLERK

**INÊS LEITE**  
ASSISTANT CITY CLERK

**5:00 P.M. COMMITTEE ON REAL ESTATE**

**6:30 P.M. COMMITTEE ON HEALTH AND ENVIRONMENTAL AFFAIRS OR IMMEDIATELY  
FOLLOWING THE COMMITTEE ON REAL ESTATE IF THAT MEETING RUNS PAST 6:30 P.M.**

**TUESDAY, DECEMBER 19, 2017**

**AGENDA**

**5:30 P.M. COMMITTEE ON ORDINANCES AND LEGISLATION**

**5:45 P.M. PUBLIC HEARINGS OR IMMEDIATELY FOLLOWING THE COMMITTEE ON  
ORDINANCES AND LEGISLATION IF THAT MEETING RUNS PAST 5:45 P.M.**

**Curb Removals**

1. John Flores, 235 Adelaide Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
235 Adelaide Street	16'	16'	0'	32'

The petitioner is requesting to open a new 16 foot driveway entrance on the west side of the property for the purpose of parking a camper. 235 Adelaide Street has an existing 16 foot driveway. The work does not impact utilities or signage, and results in a minimal impact to on-street parking.

2. Joshua Oliver, 140 Huard Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
140 Huard Street	18' 6"	16'	0'	34' 6"

The petitioner is requesting to open a new 16 foot driveway entrance on the north side of the property. 140 Huard Street has an existing 18 foot 6 inch driveway. The work does not impact utilities or signage, and results in the loss of a single on-street parking space. Proper placement would retain two parking spaces between the driveways.

3. Jesse Pacheco, 67 Langley Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
67 Langley Street	11' 11" (East) 9' 9" (West)	14' 8" (West)	0'	11' 11" (East) 14' 8" (West)

**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](mailto:city_clerks@fallriverma.org)

The petitioner is requesting to remove a 4 foot 11 inch section of curb on the east side of the western driveway. 67 Langley Street currently has an 11 foot 11 inch driveway on the east side of the property, and a 9 foot 9 inch driveway on the west side of the property.

The curb removal marginally improves access for vehicles turning into the western driveway. A single parking space currently exists between the driveways, and this curb removal does not eliminate that parking space. The curb removal does not appear to impact utilities or signage.

4. John Champagne, 816 Pearce Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
1538 North Main St.	0'	20'	0'	20'

1538 North Main Street is the abutter to and held in ownership with Roger's Coney Island Hot Dogs, an existing business at 1518 North Main Street. 1538 North Main Street will be used as a parking lot to support the business. Traffic will enter from North Main Street and exit from a rear driveway onto Brightman Street. The work provides drive-thru access to parking spaces serving the business, and results in elimination of a single two-hour parking space. The driveway should be located north of the utility pole.

**6:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE CITY COUNCIL  
PUBLIC HEARINGS IF THE PUBLIC HEARINGS RUNS PAST 6:00 P.M.**

1. Citizen Input
2. Discussion with Administration re: status of property located at former Duro Textiles site (resolution adopted, as amended 11-14-17)

**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 req. confirmation of appointments to the following:
  - a. Robert Tavares to the Board of Park Commissioners
  - b. Cheryl Costa to the Commission on Disability
  - c. Susana Ribeiro to the Council on Aging
  - d. Richard J. Souza to the Sewer Commission
  - e. Manuel Leite to the Conservation Commission
2. \*Mayor and veto of order to remove the approved easement that crosses the Alfred J. Lima Quequechan River Rail Trail (held over in accordance with the City Charter 11-28-17)
3. \*Mayor and veto of order to accept a gift of 80-84 North Main Street
4. \*Mayor and order authorizing Fire Department to accept gift of pavers and materials from J & J Materials, Inc.
5. \* Mayor and order authorizing Fire Department to accept gift of labor and use of vehicle from Albanese Monuments
6. \*Mayor requesting creation of position of Opioid Clerk (part-time)
7. \*Mayor and resolution for Parkland Acquisitions and Renovations for Communities (PARC) grant in the amount of \$395,500 for improvements to North Park, Ruggles Park, Father Kelly Park and Maplewood Park

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

## **PRIORITY COMMUNICATIONS**

8. Traffic Commission recommending amendments to the traffic ordinances

## **COMMITTEE REPORTS**

### **Committee on Finance recommending:**

#### **Accept and place on file:**

9. \*Communication – Fall River Contributory Retirement Board 2018 Budget

### **Committee on Public Safety recommending:**

#### **Grant leave to withdraw:**

10. \*Resolution – Public safety concerns at WalMart Supercenter exit (638 Quequechan Street)

#### **Referral to Corporation Counsel:**

11. \*Communication – City resident regarding chain link fence at 120 Fifteenth Street

### **Committee on Ordinances and Legislation recommending:**

#### **First Reading, as amended:**

12. \*Proposed Ordinance – Salary updates

#### **First Reading:**

13. \*Proposed Ordinance – Traffic, miscellaneous  
14. \*Proposed Ordinance – Sewer Commission  
15. \*Proposed Ordinance – Sewer Use Regulations  
16. \*Proposed Ordinance – Stormwater Management

#### **All readings with Emergency Preamble:**

17. \*Proposed ordinance – Traffic, handicapped parking

#### **Grant leave to withdraw:**

18. \*Resolution – Review of all boards and commissions  
19. \*Resolution – Review requirements of submission of annual budget

### **Committee on Budget Preparation, Revenue and Audits recommending:**

#### **Grant leave to withdraw:**

20. \*Communication – School Department employees re: 2016-17 school year shortfall  
21. \*Communication – Greater Fall River Vocational Technical High School District re: funding for repair of soccer/football field

## **ORDINANCES** – None

## **RESOLUTIONS** – None

## **CITATIONS**

### **Government Center Custodial Staff** – for outstanding service to city:

22. Henry Medeiros; David Lavoie; Jeffrey Lavoie

## **ORDERS – HEARINGS**

### **Curb Removals:**

23. John Flores, 235 Adelaide Street – total of 32 feet at 235 Adelaide Street  
24. Joshua Oliver, 140 Huard Street – total of 34 feet 6 inches at 140 Huard Street  
25. Jesse Pacheco, 67 Langley Street – total of 26 feet 7 inches at 67 Langley Street  
26. John Champagne, 816 Pearce Street – total of 20 feet at 1538 North Main Street

## **ORDERS – MISCELLANEOUS**

### **27. Auto Repair Shop license renewals:**

Michael R. Bernier d/b/a Bernier's Quality Body Works at 800 Eastern Avenue  
Theodore R. Sanft d/b/a Ted's Auto Repair at 77 Cash Street  
Ernest J. Rapoza d/b/a Ernie's Auto Repair at 228 Barlow Street  
Roger Khoury, Andrade's Automotive Service, LLC at 46 McGowan Street  
John J. Mattie, Jr. d/b/a Mattie Imports, Inc. at 80 Wm. S. Canning Blvd.  
Jacinto Silva, Tech Service Center, Inc. at 70 William Street  
Sullivan Tire Co., Inc. at 456 Rodman Street

### **28. Auto Body Shop license renewals:**

Michael R. Bernier d/b/a Bernier's Quality Body Works at 800 Eastern Avenue  
Humberto Pereira d/b/a Fall River Auto Body and Sales, Inc. at 155 Williston Street

### **29. Police Chief's report on licenses:**

#### **Taxicab Drivers – 2017:**

Jose Castro

Wayne Conway

Gilbert Dallaire

#### **Taxicab Drivers – 2018:**

Sharon Acevedo

Timothy E. Adams

Thomas Andrade

Ashraf Kamal Antar

Brian Araluce

Edward A. Arruda

Steven Breault

Edward Butler

Darrell Carlsen

Jeffrey Carreira

Melissa Carvalho

Robert M. Collins Jr.

Lori Cronister

Joseph DaCosta

Tania L. Dillingham

Michael Diniz

Carlton Ducharme II

Philip J. Fay

Tiffany Evans

Peter Hadad

Richard Hannah

Steven Howance

Frederick Humes

Paul Laberge

Kathleen M. Lamothe

David Larkin

Louis Levesque

David Marshall Sr.

William Marshall

Richard Mello

Jeff C. Middleton

Rui Neves

Albert A. Paquette Jr.

Jennifer Pavao

Tyler Perreira

Charles Phifer

Gerald Pinault

Bud Prater

John D. Purcell

Todd J. Quintal

Ricardo Raposa

Edward Rego

George Robidoux

Carl Shepard

Natasha Smith

Jeremiah Soares

Delores Socall

Richard Souza

Stephen Stets

Ronald Vaillancourt

Jose Vasconcelos

Troy Wool

#### **Private Livery Drivers – 2018:**

David Marshall Sr.

## **COMMUNICATIONS – INVITATIONS – PETITIONS**

30. Drainlayer license – Oliveira Construction, Inc.

31. \*Claims

32. \*PERAC re: Appropriation for Fiscal Year 2019

33. \*Planning Board Minutes – December 13, 2017

34. \*Open Meeting Law complaint re: approval of minutes

35. \*Street opening request for pavement less than 5 years old – 69 Denver Street

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

City Council Committee/Meeting Minutes:

- 36. \*Committee on Finance – November 28, 2017
- 37. \*Committee on Public Works and Transportation – October 23, 2017
- 38. \*City Council Public Hearing – November 14, 2017
- 39. \*City Council Public Hearings – November 14, 2017
- 40. \*City Council Public Hearing – November 28, 2017
- 41. \*City Council Meeting – May 19, 2017

BULLETINS – NEWSLETTERS – NOTICES

- 42. National Grid – 2018 Yearly Operational Plan and 21 day herbicide application notification
- 43. Notice of Casualty and Loss – 647 June Street

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

Report of the Committee on Ordinances and Legislation:  
Proposed Ordinance – Wage Theft Ordinance

  
City Clerk

(Councilor, Cliff Ponte)

WHEREAS, Duro Textiles closed approximately two years ago, and

WHEREAS, this shuttered building is within close proximity to the Matthew J. Kuss Middle School, and

WHEREAS, there are approximately 800 students that attend this school, and

WHEREAS, the City of Fall River has begun foreclosure proceedings for the non-payment of taxes, and

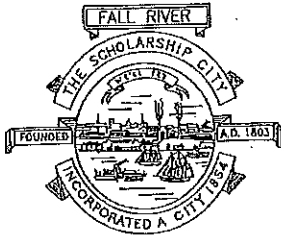
WHEREAS, the City has had its challenges disposing of shuttered properties, especially those that pose a threat to the safety and security of its residents, now therefore

BE IT RESOLVED, that the Administration be invited to a future meeting of the Committee on Finance to discuss the status of this possible tax title property.

In City Council, November 14, 2017  
Adopted, as amended

A true copy. Attest:

*Alison M. Bruchard*  
City Clerk



City of Fall River  
Massachusetts  
Office of the Mayor

1a

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2017 DEC 14 P 4: 23

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

JASIEL F. CORREIA II  
Mayor

December 14, 2017

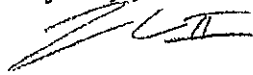
Honorable City Council  
City of Fall River  
One Government Center  
Fall River, MA 02722

Honorable Members of the City Council:

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

Name: Robert Tavares  
Address: 94 Mitchell Drive Apt A  
Fall River, MA 02724  
To: Board of Park Commissioners

Very truly yours,

  
Jasiel F. Correia II  
Mayor

1a

**Robert Tavares**  
94 Mitchell Drive Apt A  
Fall River, Ma 02724  
617-366-9104

**Objective:** To obtain a position that provides opportunity for growth and advancement where I can maximize my multilayer of skills.

**Experience:** Greater Fall River Re-Creation Fall River, MA April 2016 to February 2017

Maintenance

Responsible for monitoring guest's arrival and check-ins.

Responsible for maintaining cleanliness of grounds.

Responsible for general maintenance of facility and inventory.

Assisted with student work program and supervision of youth workers.

**City of Fall River, DCM Fall River, MA July 2014 to February 2016**

Laborer

Responsible for providing the best customer service to residents.

Responsible for maintaining weight scale at DCM facility.

Responsible for loading and unloading dumpsters.

Responsible for maintaining cleanliness and organization of the grounds.

**STARR, Fall River, MA May 1996 to May 2006**

Substance Abuse Clinician

Responsible for providing the best customer care to clients.

Responsible for maintaining client's privacy rights.

Responsible for creating client's individual treatment plans.

Responsible for documenting client's progress and family intervention.

Responsible for hosting and chairing NA and AA meetings for clients.

**Education:** General Education Development

**Qualifications:** Accustomed to working in a fast paced environment with ability to think quickly and handle difficult situations. Excellent interpersonal skills and ability to work well with others.

**Special skills:** Great Communication Skills: Written and Oral. Substance abuse clinician.

References available upon request





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

**JASIEL F. CORREIA II**  
Mayor

16  
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CITY CLERK  
FALL RIVER, MA

December 14, 2017

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


Honorable Members of the City Council:

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

Name: Cheryl Costa  
Address: 5 Ida Lane  
Fall River, MA 02720  
To: Commission on Disability  
Term to expire: December 14, 2020

To fill the vacancy caused by Lisa Atkinson of  
400 Charles Street, Fall River, MA 02720

Very truly yours,

  
Jasiel F. Correia II  
Mayor

16

## CHERYL COSTA

5 Ida Lane | Fall River, MA 02720  
(508) 677-8950 | [cymryca@comcast.net](mailto:cymryca@comcast.net)

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### ACHIEVEMENTS

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#### VOLUNTEER EXPERIENCE

- **Friends of Fall River Library – 2016 to present**  
*Responsibilities: work book store organize and sales*
- **SouthCoast Hospital-2014 to present**  
*Responsibilities: work with staff on Maternity Unit providing for needs of patients, cuddle program.*

---

### EXPERIENCE

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#### BOARDS

- **ARC BOARD – 1993-1995**
- **DMR BOARD- 1996-1999**
- **HUMAN RIGHTS COMMITTEE- PEOPLE INC.- 1995-2000**
- **VOLUNTEER RECREATION PROGRAM-PEOPLE INC.- 1995-2000**
- **RESPIRE CARE WORKER- 1996-2014**

---

### EMPLOYMENT

---

**PREMIER HOME HEALTH CARE- HOME HEALTH AID-1980-2014**  
**OPTIONS – 1995-2010**

---

### EDUCATION

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**BMC Durfee High School- Graduating Class-1968**



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

10

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2017 DEC 14 P 4: 23

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

**JASIEL F. CORREIA II**  
Mayor

December 14, 2017

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

Honorable Members of the City Council:

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

Name: Susana Ribeiro

Address: 669 Valentine Street  
Fall River, MA 02720

To: Council on Aging

Term to expire: April 30, 2020

To fill the vacancy of Barbara Jean of  
111 Borden Street #420 Fall River, MA 02720

Very truly yours,

Jasiel F. Correia II  
Mayor

10

Susana Ribeiro  
669 Valentine St.  
Fall River MA 02720  
Phone: 508-567-4636  
Cellular: 857-293-3038

---

Objective: To obtain a position with an organization with rewards accomplishments based on performance, commitment and quality.

**Education and  
Training:**

- Portuguese Interpretation Certificate
- Medical Interpreter Training Program
- SHINE Counselor Certification
- Immigration Law for Law for Non-Attorneys
- Extensive HIV/AIDS Education and Training
- Mentor Training
- Food Safety Certification
- Associates in Science in Human Services
- Associates in General Studies
- GED, Bristol Community College
- High School Diploma Sao Miguel, Azores

**Related  
Experience:**

**Senior Whole Health, Bridgewater MA**

Eligibility Coordinator, (2013 to Present)

- responsible for assessing and assisting members with MassHealth
- Assist members with application process to acquire Social Security Income (SSI) and Social Security Income-related benefits.
- The Coordinator will also conduct outreach to identify program participants needing assistance and will establish and maintain positive relationships with area healthcare providers, service organizations, and government agencies.

**Fall River Deaconess School, Fall River MA**

Support and stabilization (2019 -2013)

- Community Resources and Family support
- Intensive tracking services
- Developing treatment plans to maintain the child at home
- Community activities

**Flint Senior Center, Fall River, MA**

Center Coordinator (2006-2013)

- Directs and is responsible for senior center activities
- Supervises all senior aides and volunteers
- Supervises food preparing and prepares/ serves food

- 1C
- Responsible for all senior center educational programs and social activities
  - Responsible for maintenance of records pertaining to center use and traffic
  - Interpreting services for Portuguese and Spanish Speaking Clients

**SHINE Counselor (2007-2014)**

- Complete Mass Health Application
- Food Stamps Applications
- Fuel Assistance Application
- Medicare Education and Application with Clients

**Black Diamond Interpreting Services, Florida**  
Interpreter (2007-2013)

- Perdiam Medical Interpreter

**Baystate Interpreters, Inc., Gardner, Ma**  
Interpreter (2008-Present)

- Perdiam Medical Interpreter

**Saint Anne's Hospital**  
Interpreter (2007-2011)

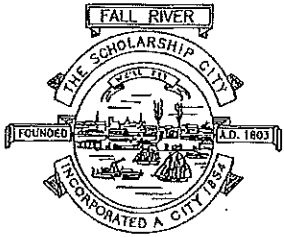
- Perdiam Medical Interpreter

**PYCO, Seven Hills, Fall River, MA**

**HIV/AIDS Coordinator and Outreach Worker**

- HIV/AIDS Education
- Community Outreach with Homeless and Sex Workers
- Coordinator Services for Substance Abuse Clients
- Completed Applications for Mass Health, Fuel Assistance, Etc.

**References:** Available upon Request



City of Fall River  
Massachusetts  
Office of the Mayor

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2017 DEC 14 P 4:23

CITY CLERK  
FALL RIVER, MA

JASIEL F. CORREIA II  
Mayor

December 14, 2017

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

Honorable Members of the City Council:

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

Name: Richard J. Souza  
Address: 266 Kennedy Street  
Fall River, MA 02721  
To: Sewer Commission  
Term to expire: December 14, 2022

Very truly yours,

Jasiel F. Correia II  
Mayor

1d

266 Kennedy Street  
Fall River, Ma. 02721  
774-264-0700  
dickselec@aol.com

## RICHARD J. SOUZA

**OBJECTIVE** A Position as a Board Member for the betterment of the  
CITY OF FALL RIVER Economic Development.

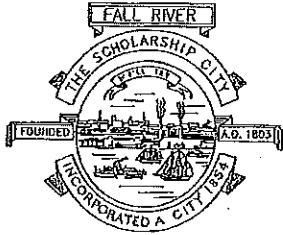
**SKILLS & ABILITIES** Sales Engineer Customer Service  
BUSINESS DEVELOPMENT REPRESENTATIVE  
Electrical -Generator, & Solar Sales Engineer,  
Massachusetts Electrical Licensee

**EXPERIENCE** **RALCO ELECTRIC AND GENERATOR INC.**  
From 7.1.2012 Now Present (Part time)  
Sales Engineer; Full line of Standby Generators sales-design-all natural gas and or propane  
gas generators. Customer Development  
**RICHARD J. SOUZA ELECTRICIAN #18607**  
**DICKS ELECTRIC INC.**  
From 12.15.1995 thru 6.30.2012  
Electrical Contractor greater South Coast area. Installed full line of electrical equipment in  
the greater residential market. Some commercial companies, such as Rite-Aid pharmacy  
and other smaller stores.

**EDUCATION** **BRISTOL COMMUNITY COLLEGE**  
A.S. Electro-Mechanical Engineering Fall River, Ma. Campus.  
Diman Regional Vocational High School Graduated  
Electrical Program

**COMMUNICATION** Sales experience in excess of 20 years meeting and exceeding sales quotas.  
Combined solid inter-personal skills and technical proficiency to produce  
successful performance records.

**LEADERSHIP** ISHM Chapter President- US. ARMY Security "SECRET" clearance.  
Town of Westport Finance Committee - School Building, Ambulance and  
liaison to Police Dept. Member New Bedford Master Electrician Also  
Member IAEI International Association Electrical Inspectors, DIRECTOR



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

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2017 DEC 14 P 4:23

CITY CLERK  
FALL RIVER, MA

**JASIEL F. CORREIA II**  
Mayor

December 14, 2017

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

Honorable Members of the City Council:

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

Name: Manuel Leite  
Address: 128 Dunbar Street  
Fall River, MA 02723  
To: Conservation Commission  
Term to expire: December 14, 2020

Very truly yours,

Jasiel F. Correia II  
Mayor



1e

**Manuel Leite**  
128 Dunbar Street  
Fall River, MA 02723  
(401) 480-3640  
mleite@sailsinc.org

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## EDUCATION

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**University of Rhode Island, Kingston, RI**  
Masters of Library Science, 1999

**University of Massachusetts-Dartmouth, North Dartmouth, MA**  
Bachelors of Arts, Philosophy, 1997

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## PROFILE

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Fourteen years in public library administration, twenty years in academic and public libraries. Extensive knowledge of administrative principles and practices. Awareness of supervision and personnel administration. Dynamic interpersonal, communication, and leadership skills. Knowledge of current library practices and procedures. Ability to supervise, plan and prioritize.

**Community Connection**  
**Budget Development**  
**Facilities Management**

**Program Coordinator**  
**Cultivate Donors**  
**Grant Writing**

---

## EMPLOYMENT

---

**Library Director, Boyden Library**  
Foxboro, MA 2015 – Present

- Plan administers program of services
- Submit recommendations on policies/services to Board of Trustees and implements policy decisions
- Analyze, selects and executes recommendations of personnel
- Analyze and coordinates departmental budget estimates
- Administer personnel regulations, interviews and appoints job applicants
- Plan and conducts staff meetings and participates in community and professional meetings

**Library Director, East Bridgewater Public Library**  
East Bridgewater, MA 2007 – 2015

- Provides vision and strategic direction in alignment with the Library's mission
- Initiates monthly staff meetings, annual personnel reviews, and staff manual
- Develops and manages budget, increasing funding by 9.2 % in FY2016
- Plans, Publicizes, & Executes Adult Programming
- Representation at Town and State Meetings & Functions

- Collection development and management of collection
- Generated long-range plans for Library with annual action plans
- Public Relations Liaison between Community Schools, Groups and Organizations
- Successfully obtained and administered \$75,000 grant towards a Library Feasibility Study
  - Created and completed extensive Library Building Program document
  - Participated in Architect & Owner Project Manager search/selection
  - Member of the East Bridgewater Public Library Building Needs Committee

#### **Board of Directors, SAILS Inc Network**

Lakeville, MA 2008-2010; 2014 - Present

- Network President 2009-2010; 2016-2017
- Network Vice President 2008-2009; 2015-2016
- Chair, Personnel Committee 2015-Present
- Long Range Planning Committee Member 2011-Present

#### **Executive Board, Massachusetts Library Association**

- Committee Chair – Education & Personnel 2015-Present

#### **Assistant Director/Head of Reference; Tiverton Library Services**

Tiverton, RI 2004 – 2007

- Select Materials & Develop Collections
- Manage Reference Services
- Administer & Evaluate Employees
- Assist with the Planning Process & Implementation of the Long Range, Technology, & Disaster Preparedness Plan
- Plan, Publicize, & Execute Adult Programming
- Create & Maintain Library's Website
- Provide Direct Service to the Public
- Represent the Library at Town and State Meetings & Functions
- Public Relations Liaison between Community, Schools and Local Organizations
- Create monthly Statistical Reports to the Library Director

#### **Library Director, East Lake Community Library**

Palm Harbor, FL, 2001 – 2002

- Personnel Management
- Maintain, Present, & Defend Annual Budget to Municipal Officers
- Plan and Execute Programs for Children, Teens, and Adults
- Cataloging, Acquisitions, Interlibrary Loan
- Selection and Operation of Electronic Circulation/Reference Systems
- Formed Teen Library Council

#### **Reference Librarian, Pasco County Library System**

Pasco County, FL 1999 – 2001

- Provide Reference Assistance using Electronic & Traditional Resources
- Present and Instruct Library Courses
- Maintenance & Development of the Reference Collection

#### **Reference Desk, Student Internship, University of Rhode Island**

**Kingston, RI 1997 – 1999**

- Provide Reference Assistance to Students, Faculty, and Scholars
- Conduct Bibliographic Instruction
- Knowledge of Serials, Government Documents, Archives, Electronic Databases, and Reference Materials.

**Library Page, Student Internship, University of Massachusetts-Dartmouth  
North Dartmouth, MA 1995-1997**

- Maintain the availability of library materials by shelving books
- Helped students and faculty locate needed materials
- Developed a working knowledge about the organization and care of library materials

**PUBLIC RELATIONS & OUTREACH**

**Host and Producer, *Boyden Beat***

Foxborough Cable Access

January 2017 - Present

**Host and Producer, *Turning Pages***

East Bridgewater Community Television

April 2015 – October 2015

**Host, *Focus on Tiverton @ Your Library***

Monthly Cable Show

Cox Cable Local Access, Channel 18

Fall 2006-Summer 2007

**Guest and Contributor, *Around The Town with Mike Travers***

East Bridgewater Community Television

July 2009 –November 2014

**Professional Affiliations:**

Massachusetts Library Association	2007 - Present
New England Library Association	2004 – Present
American Library Association	1998 – Present
Rhode Island State Grange	2007 - Present
Rhode Island Library Association	1997 -- 2004
Florida Library Association	1999 – 2003

**Rhode Island State Grange Scholarship Committee**

2010 – Present

**Liberal Club of Fall River**

2014 – Present

**East Bridgewater Business Association**  
2014 – 2015

- Board of Directors 2015

**Chair, Personnel Committee, Massachusetts Library Association**  
2015- Present

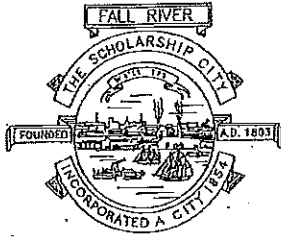
**Board of Trustees, Fall River Public Library**  
2016 - Present

**Continuing Education & Workshops:**

- Digital Photography
- Web Development Design & Marketing
- New Technologies in Libraries
- Microsoft Word Extra
- Cool Web Tools
- Be a Support Staff Leader
- Marketing Your Library
- Mining Weblogs for Information
- What's Good to Read?
- Coming Soon to a Library Near You
- eBay for Libraries
- The Birth of a Construction Project
- Comprehensive Land Use Plan
- Technology Applications for Cities & Towns
- Creating Municipal Websites that Work
- Pod People: Reaching Out to Your Users with Podcasts
- Leadership and Emotional Intelligence
- Social Software: What You Need to Know
- Electronic Bulletin Boards : Tips & Tricks
- Attention All Friends! DVD Rental Programs @ Your Library

**Speaking Engagements**

- Electronic Bulletin Boards, New England Library Association Annual Conference, 2016
- Resume Writing 101, Massachusetts Library Association Annual Conference, 2017



City of Fall River  
Massachusetts  
Office of the Mayor

2

RECEIVED

2017 NOV 22 A 11:56

JASIEL F. CORREIA II

Mayor

November 22, 2017

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

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

RE: Council Order November 14, 2017

Dear City Council:

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

It violates the separation of powers between the executive and legislative branches and further violates Fall River Ordinance Sec. 2-527.

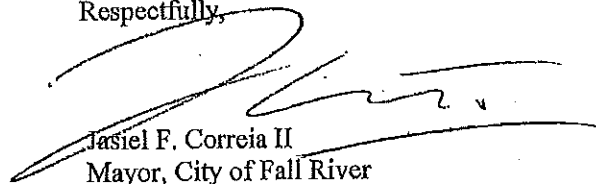
The City Council has no power to "order" any administration to take any particular action. Thus, the "order" crosses the boundary between executive and legislative.

This "order" is also prohibited as it violates Sec. 2-527 which provides that the corporation counsel "shall institute any suit or proceeding in behalf of the city which he shall deem the interest of the city requires" (emphasis supplied) While court action may eventually become necessary it is not advisable at this time and is not in the interest of the city.

The "new" charter prohibits this action. Section 2-3 PROHIBITIONS states in 2-3(b) Interference with Administration - Except for employees appointed in accordance with section 2-8 (council staff), the city council or any member of the city council, shall not give orders or directions to any employee of the city, either publicly or privately. The "order" violates said section.

It is important to note that this veto does not preclude the city from bringing an appropriate action when, and if, such becomes necessary.

Respectfully,



Jasiel F. Correia II  
Mayor, City of Fall River

CITY OF FALL RIVER  
IN CITY COUNCIL  
NOV 28 2017

*Laid on the table in  
accordance with the  
Charter.*

# City of Fall River, In City Council

2

(Councilor Raymond A. Mitchell)

ORDERED, that the Administration instruct Corporation Counsel to petition the Court to remove the approved easement that crosses the Alfred J. Lima Quequechan River Rail Trail (AJLQRRT) to ensure that the approved easement is null and void.

CITY OF FALL RIVER  
IN CITY COUNCIL

NOV 14 2017

Adopted

PRESENTED TO MAYOR FOR APPROVAL

NOV 15 2017

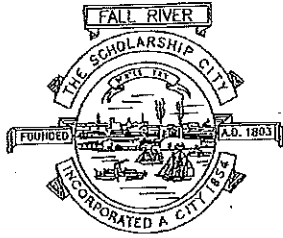
APPROVED:

Vetoed

Mayor

Nov. 22, 2017

Filed 11-7-17



City of Fall River  
Massachusetts  
Office of the Mayor

JASIEL F. CORREIA II  
Mayor

2017 DEC -5 P 3:28

CITY CLERK  
FALL RIVER, MA

December 5, 2017

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

RE: Council Order November 28, 2017  
80-84 North Main Street

Dear City Council:

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

While I appreciate the spirit of the proffered donation the language of the Proposal creates significant difficulties for the City. Since any purchase and sale agreement would have to track the Proposal I cannot approve the same.

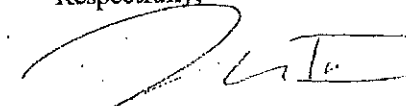
Significantly, the City would be acquiring the property "as is" subject to any structural defects or environmental problems which currently exist. The City would then be responsible for any remediation.

Tenant selection, setting of rents, and use of the building would not be controlled by the City but by a trust which would operate independently. While the trust would collect the rents the City would be required to assist in maintaining the building as if it were any city property. In addition, all costs associated with providing power, water/sewer, heating, and accessibility through its elevators shall be provided by the City.

The effect of accepting this proposal would be to remove property from the tax rolls while simultaneously incurring costs in an unknown amount on a continuing basis. If the costs became too burdensome the property could not be sold but would revert to the donor for the sum of One dollar.

Under these circumstances I cannot approve this measure and therefore disapprove the same. Should circumstances change I am willing to reconsider this matter.

Respectfully,



Jasiel F. Correia II  
Mayor, City of Fall River

# City of Fall River, In City Council

3

ORDERED, that the City Council of the City of Fall River hereby grants permission to accept gifts of three parcels of land as follows:

1. Property located at 80-84 North Main Street; Assessor's Parcel ID #N-10-47
2. Parking lot property located on Assessor's Parcel ID #N-10-42, consisting of 12 parking spaces
3. Parking lot property located on Assessor's Parcel ID #N-10-27, consisting of 21 parking spaces, and orders that said land be conveyed to the City of Fall River for the sum of zero dollars and orders that the conveyance be subject to the terms and conditions of as set forth in a Purchase & Sales Agreement in a form determined acceptable by the Corporation Counsel and the execution of a Quitclaim Deed in a form also acceptable to the Corporation Counsel, and

BE IT FURTHER ORDERED, that a thank you letter be sent to Mr. Monte Ferris for the donations.

CITY OF FALL RIVER  
CITY COUNCIL

NOV 28 2017

*Adopted, as amended*

PRESENTED TO MAYOR FOR APPROVAL  
NOV 30 2017

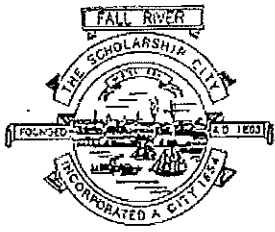
APPROVED: \_\_\_\_\_

*Veto*

Mayor

*12-5-17*





**JASIEL F. CORREIA II**  
*Mayor*

City of Fall River  
Massachusetts  
**HISTORICAL COMMISSION**

RECEIVED 3  
2017 NOV 22 P 3:49

FALL RIVER, MA

**ANTONE DIAS**  
*Chair*

November 22, 2017

City Council  
c/o Shawn E. Cadime, President  
One Government Center  
Fall River, Massachusetts 02722

**Re: Gift – 80-84 North Main Street and Parking Lots**

Dear Councilors:

At its November 21, 2017 meeting, the Fall River Historical Commission voted to accept a gift from Mr. Monte C. Ferris, Sr. through his Durfee Trust LLP, for the building located at 80-84 North Main Street. This incredible gift also comes with two (2) additional properties, both parking lots.

The building is historically known as the First National Bank Building, built in 1887 and is listed on the National Register of Historic Places and located within the Downtown Fall River Historic District. The building was designed by architect George Albert Clough who was also the architect for the old B.M.C. Durfee High School on Rock Street. Mr. Clough was also Boston's first City architect who designed various well known buildings including the Suffolk County Courthouse in Boston, and numerous other buildings around New England.

The terms of the gift as outlined in the attached proposal have also been accepted by the Historical Commission.

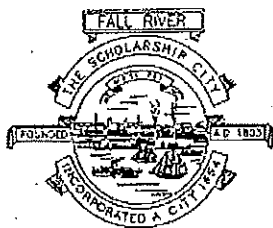
Per M.G.L. Chapter 44, Section 53A ½, the City Council is required to accept this gift with the mayor's approval for the Historical Commission.

The Fall River Historical Commission established under the provisions of M.G.L. Chapter 40, Section 8D, is authorized to receive "...gifts, contributions and bequests of funds..." for historical preservation purposes.

By providing this most generous gift, Mr. Ferris hopes that his legacy will further the Historical Commission's historical preservation efforts. Such a gift will promote the preservation, enhancement, and sustainable use of our city's diverse historic resources and provide a balance between historical preservation and the revitalization of our neighborhoods.

One Government Center • Fall River, MA 02722  
[frhc@fallriverma.org](mailto:frhc@fallriverma.org)

3



City of Fall River  
Massachusetts  
HISTORICAL COMMISSION

JASIEL F. CORREIA II  
*Mayor*

ANTONE DIAS  
*Chair*

Since its acceptance by the city on September 16, 1977, the Historical Commission has not been funded and has depended on its volunteers to administer Chapter 38 – Historical Preservation ordinance. This past year we've been fortunate to have our postage expenses financed by the city for the first time.

Both the Council and Mayor have an opportunity to allow the Historical Commission to be self-funded by accepting this gift. The Commission believes that this will allow for a broader public benefit that will advance community-wide preservation that is consist with the goals and mission of the Historical Commission (attached).

We ask for your support and look forward to answering any questions you may have.

Very truly yours,

Antone J. Dias, Chairman  
Fall River Historical Commission

cc: Alison M. Bouchard, City Clerk; Brittany Faria, Planning Dept.; Kerri Ayash, Licensing Clerk; Jim Soule, Preservation Society of Fall River, All Historical Commission members

Enclosure: Signed Proposal, map and photo of property

CITY OF FALL RIVER  
IN CITY COUNCIL

*Nov 28, 2017*  
*a/c placed on file*

## PROPOSAL

Monte C. Ferris, Sr. through his Durfee Trust LLP, having an address of 75 G.A.R. Highway; Swansea, Massachusetts, gift multiple properties to the Fall River Historical Commission, (hereinafter referred to as the "Commission"). The properties are as follows:

1. The property located at 80-84 North Main Street; Fall River, MA 02720, plot number N-10-47.
2. The Parking Lot property located on parcel, plot number N-10-42, consisting of 12 parking spaces.
3. The Parking Lot property located on parcel, plot number N-10-27, consisting of 21 parking spaces.

As a condition of this "gift", Mr. Monte C. Ferris Sr., will establish a Trust for the purpose of Historic Preservation. Any interest of funds generated from this gift shall remain as part of this gift. There shall be in no instances where funds are to go into the city's general fund. This gift will be subject to the terms of the trust.

At a minimum, on a yearly basis, a grant shall be created from in the name of Monte C. Ferris, Sr., for any preservation purpose. Grants accepted shall include a deed restriction on properties grants are being used to preserve.

Per M.G.L. Chapter 41, Section 45, Monte Ferris will create a board of commissioners of trust funds, consisting of three (3) persons who shall have the management of all trust funds given or bequeathed for the benefit of the Fall River Historical Commission.

Per M.G.L. Chapter 44, Section 53A ½, a City Council, with the mayor's approval shall accept this gift on behalf of the Fall River Historical Commission.

The Fall River Historical Commission established under the provisions of M.G.L. Chapter 40, Section 8D, is authorized to receive "...gifts, contributions and bequests of funds..." for historical preservation purposes.

The Fall River Historical Commission will act as Trustees, will hold and dispose of all property now or later transferred by any person to them as Trustees.

The property at 80-84 North Main Street must be encumbered by a preservation deed.

A minimum of 1,000 sq. ft of space shall be dedicated to the "Preservation Society of Fall River" in perpetuity or until the Preservation Society wishes to vacate such premises. The Preservation Society shall not need to pay any utility fees for heating, plumbing or electrical. There shall be 1 parking space made available to them at no cost.

The Preservation Society may remodel and renovate such space at their own cost.

The Preservation Society will share a common work area with the Fall River Historical Commission. Such areas will be used for research purposes and to further the purpose of preservation in Fall River. This space will also include a Conference Room and an area to be used for public meetings consisting of a minimum of 50 occupants and able to be used for video recordings and presentations.

This space will be known as the Monte C. Ferris, Sr. Preservation Center.

When not in use by the Commission or the Preservation Society, this space may be used by the City for meetings, gatherings or any other special occasion as agreed by the Historical Commission.

The Commission will approval all uses and Tenants within the building, including Tenant fit outs and leasing agreements.

At the lobby of the building a bronze plaque will commemorate the "gift" from Mr. Monte C. Ferris, Sr. to the Fall River Historical Commission to further preservation in the City of Fall River.

The Commission shall prepare a budget and that such budget shall include salaries to employees and building maintenance/renovations etc. All monies as a result of tenant fees that are in access of such budget shall be placed in a trust (to be created by Monte C. Ferris, Sr.) and shall be used to further the Commissions Mission as stated below.

The Commission as one of its highest priorities is to assist the city in the restoration of the Bank Street Armory. The Commission agrees to allow use of its parking lots for special events. Any revenue generated through the use of these parking lots for purposes other than the use of the Commission, Preservation Society or the tenants shall be deposited into a Historical Commission account and be used as needed for the Commission's needs.

The Commission shall work with the local High Schools to create as much as possible a 1:40 scale model of the City of Fall River. The model to be created from basswood and be similar to the Boston Planning & Development Agency's model located on the 9<sup>th</sup> floor of Boston's City Hall. Model to be used by the Commission in its preservation efforts. The model shall represent the city in its current development and be able to be viewed by the public as allowed per the Commission requirements.

The Commission shall apply for grants, CPA funds and all other forms of funds to allow for the repair, construction, additions or maintenance of these properties. A full listing of these endeavors are listed below in the section called: "Fall River Historical Commission Mission"

The City of Fall River by accepting this gift for the Fall River Historical Commission shall assist in maintaining the building as if it were any city property.

All costs associated with providing power, water/sewer, heating, and accessibility through its elevators shall be provided by the city.

In the event the City of Fall River chooses to sell the property, it must sell it back to the Trust that is being created by Monte C. Ferris, Sr. for a total of one dollar.

The Commission may create a separate Preservation Project fund for all other Historical Commission Business as it chooses. The fund shall be called **"The Fall River Historical Commission Preservation Project Fund"**.

The following guidelines are as follows:

- 1-2. The agreement provides that the commission creates the above named fund with the treasurer as trustee "for the purposes hereinbefore set forth".
3. The agreement authorizes the commission to delegate to any other person, including a non-member, its authority to sign any written instrument or its authority to take any action required by the commission.
4. The agreement provides that donations may be made to the fund by the commission or other persons and provides that such donations and "all income therefrom" shall constitute the fund.
5. The agreement authorizes the treasurer to make payments only upon and in accordance with the written direction of the commission.
6. The agreement authorizes the treasurer to invest funds "as permitted by law".
7. The agreement authorizes amendments to the agreement to be made by the commission alone, except that no amendment can permit all or any part of the fund to be administered or distributed other than for the purposes specified in the agreement. The treasurer must also sign amendments which increase the treasurer's duties or obligations.
8. The agreement limits the treasurer's liability to negligent and willful misconduct.
9. The agreement requires that it be executed in duplicate with each to be deemed the original.
10. In the absence of a trust, no agreements made by the Commission with the treasurer may alter or operate inconsistently with such statutory provisions.
11. The Fall River Historical Commission will decide which gifts, donation will be provided for this fund. MGL Chapter 40, Section 8D, grants no greater authority to the Historical Commission and clearly provides no specific authority to set up a special fund.

The following is the Mission of the Fall River Historical Commission.

### **Fall River Historical Commission Mission**

- (1) To promote and increase knowledge and understanding of the history of Fall River from the earliest time to the present, including the archaeological, Indian, British, French, Colonial, Underground Railroad and American eras, by adopting and executing general plans, methods and policies for permanently preserving and marking objects, sites, structures and ruins;
- (2) To promote and assist in the publicizing of the historic resources of the city by preparing and furnishing information to public mass media and to governmental agencies charged with publicity and to coordinate any of its objectives, efforts or functions with any agency or agencies of the federal government, of the State of Massachusetts and of other states or local governments having objectives similar or related to those of the commission;
- (3) To accept for renovation, maintenance, restoration, preservation or management and operation any building or site within the City or any agency or subdivision thereof or by the National Trust for Historic Preservation or by natural or corporate persons, public or private, upon such terms and conditions as to the commission shall be deemed in the best interest of the City in conformity with the purposes of this division;
- (4) To acquire, historic structures of paramount or exceptional importance, such as those Fall River landmarks eligible for nomination to or recorded in the National Register of Historic Places; provided, that at least two-thirds of the members of the commission shall vote to acquire such structures by the exercise of this measure;
- (5) To charge admissions at the various buildings and sites under the control of the commission throughout the city and to sell booklets, pamphlets and souvenirs at said locations and to retain and use the proceeds of said sales and admissions for the furtherance of the purposes of the commission as defined by this division;
- (6) To adopt a seal for the commission and to use the same on its brochures, stationery and other official publications and upon its historic site markers;
- (7) a. To acquire, receive and take title to, by purchase, gift, lease, devise or otherwise, and to own, to hold, keep and develop, and to sell, transfer, convey, lease, and assign to any person or otherwise dispose of property of every kind and character, whether real, personal or mixed, whether tangible or intangible, whether in trust or otherwise, together with any and every interest therein, in furtherance of the lawful objectives of the commission;

b. To administer such property or trusts, whenever any such property is received or held to be used for the benefit of the historical heritage of the City of Fall River, for preservation of historic sites, buildings and objects, or for other lawful objectives of the commission, as it deems in the best interest of historical preservation or in furtherance of the objective for which the property is held or the donation or gift is made; and to convert such property or any portion thereof into securities or other forms of property and use the proceeds therefrom, including any interest on investments, as it deems will best promote the objectives of the commission;

c. To accept as trustee, beneficiary, or both, any interest in such property, together with any proceeds from its investment, for the benefit of historical preservation or other purposes of the commission, upon such conditions as may be acceptable to the donor and the commission. No such undertaking entered into by the commission or its agent or agents shall bind the city to pay any city moneys to anyone; provided, however, that nothing herein shall prevent the commission from undertaking payments out of the proceeds from such trust funds as a condition of the acceptance of the donation. All trust funds administered pursuant to this act may be required by the commission to pay the expenses of administering the same. Such gifts shall be deductible from the Massachusetts state income tax by the donor or donors;

d. To convey title or any interest in real estate by deed or other instrument executed by a majority of the commissioners or by agent or agents authorized by a majority vote of the commission; and to convey property other than real estate by agent or agents authorized by a majority vote of commissioners present and voting.

(8) To maintain an office in a location in the city to be selected by the commission for the use of the executive director, the employees and the commission and to acquire the necessary furniture and equipment therefor;

(9) To prepare, create, purchase and distribute pamphlets and brochures describing the various historic buildings and sites under the jurisdiction of the City of Fall River or any of its agencies;

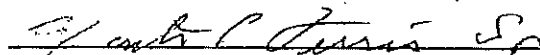
(10) To make and publish a survey of the buildings, ruins and sites of historic, architectural or archaeological significance within the City of Fall River and to make available such survey to individuals, institutions and governmental bodies desiring copies of same;

(11) To determine from such survey the buildings, ruins and sites listed therein which are considered worthy of permanent preservation, to certify same as being worthy and to publish said list;

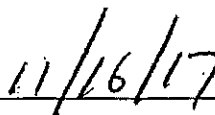
(12) To establish criteria for the certification, selection and acquisition of historic properties for city ownership and for state aid to local historic site projects;

- (13) To nominate selected landmarks with historic, architectural and archaeological significance to the National Register of Historic Places using priorities established by the commission;
- (14) To establish and maintain a Fall River historic preservation depository into which may be deposited antiques, relics, artifacts, mementos, paintings and other objects contributed to or acquired by the city or the commission. The commission shall have the authority to restore these objects and to use them for the furnishing of its own historic buildings and other selected landmarks in Fall River;
- (15) To rent or lease any of its acquisitions to public or private agencies;
- (16) To publish an informational newsletter which shall periodically report on and promote local, regional and state historic preservation activities;
- (17) To produce and publish technical ("how to") manuals on historic preservation;
- (18) To publish and present citations and distinguished service awards to selected private and public organizations and individuals for outstanding achievements in preserving the heritage of Fall River;
- (19) To purchase, produce, sell and distribute historic souvenir items;
- (20) To improve, restore, preserve, renovate, maintain, exhibit, repair, rebuild, recreate and reconstruct its acquisitions, and the commission shall have jurisdiction over the same and the exhibits located thereon;
- (21) To purchase or otherwise acquire and to erect and maintain "historic markers" on such buildings, roads, trails, routes and sites as it shall designate and to cooperate with and assist local, regional and state historical groups in selecting and erecting such markers; and
- (22) To accept the gift of money and real and personal property from any and all public and private sources. Such gifts shall be deductible from the Massachusetts state income tax by the donor.

Finally, by accepting this proposal, the Mayor of the City of Fall River and the City Council agree to accept this gift at one of its next 2017 City Council meetings.

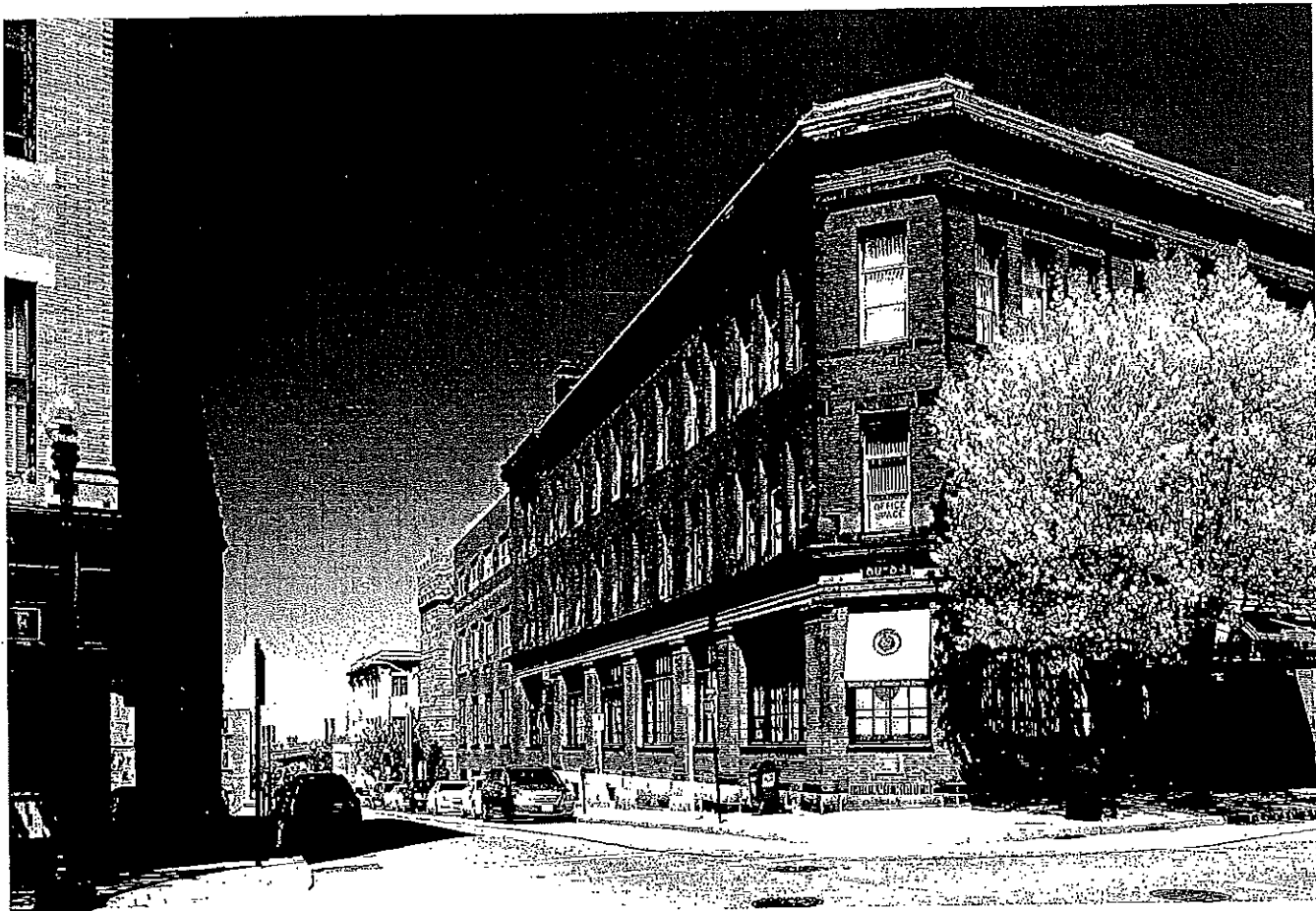


Monte C. Ferris, Sr. Signature

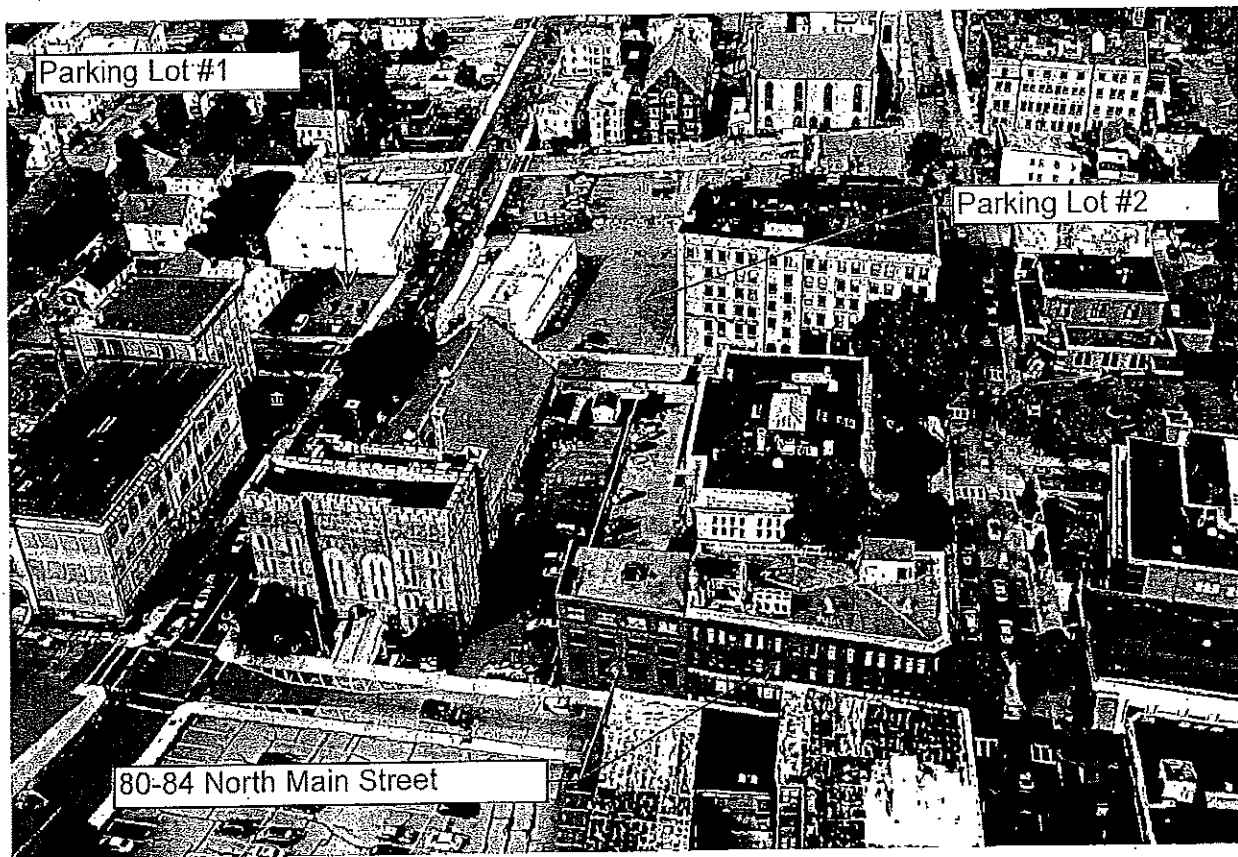


Date





80-84 North Main Street



Fall River Public Library



Map

Bank Street Armory

4



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

RECEIVED

2017 DEC 14 P 3:51

**JASIEL F. CORREIA II**  
*Mayor*

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

December 13, 2017

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

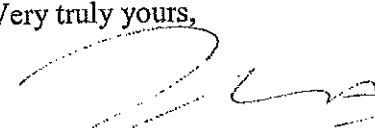
**RE: Fire Department Donation**

Honorable Members of the City Council:

The Fire Department is requesting your permission to accept a donation in the amount of \$2,670.00 from J & J Materials Inc. 71 Fall River Ave Rehoboth, MA. The donation is for pavers and materials to build walkways for the Chief Louis Shea Training Ground Park.

Chief Lynch's letter is attached for your review. Your acceptance of this donation is respectfully requested.

Very truly yours,

  
Jasiel F. Correia II  
Mayor

# City of Fall River, *In City Council*

4

ORDERED, that under the provisions of M.G.L. Chapter 44, Section 53A, the Fall River Fire Department be, and the same is hereby authorized to accept a gift of pavers and materials to build walkways for the Chief Louis Shea Training Ground Park, valued at \$2,670, from J & J Materials, Inc. located at 71 Fall River Avenue, Rehoboth, MA.



4

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

**JASIEL F. CORREIA II**  
*Mayor*

**JOHN D. LYNCH**  
*Fire Chief*

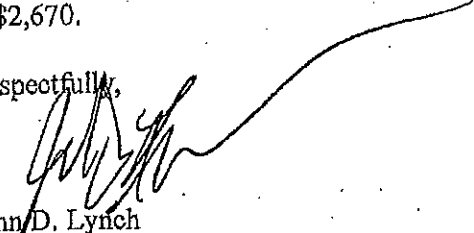
December 12, 2017

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

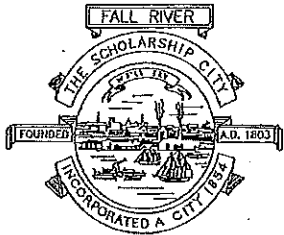
Dear Mayor Correia:

I would like to ask your permission to accept a donation from J & J Materials Inc. 71 Fall River Ave Rehoboth MA. This donation is for The Chief Louis Shea Training Grounds Park. The donation is for pavers and materials to build the walkways. The value is \$2,670.

Respectfully,



John D. Lynch  
Fire Chief



City of Fall River  
Massachusetts  
Office of the Mayor RECEIVED

5

2017 DEC 14 P 3:51

CITY CLERK  
FALL RIVER, MA

JASIEL F. CORREIA II  
Mayor

December 13, 2017

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

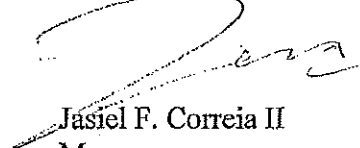
**RE: Fire Department Donation**

Honorable Members of the City Council:

The Fire Department is requesting your permission to accept a donation in the amount of \$300.00 from Albanese Monuments 303 State Rd. Westport, MA. The donation is for labor and truck to relocate Chief Shea's dedication monument.

Chief Lynch's letter is attached for your review. Your acceptance of this donation is respectfully requested.

Very truly yours,

  
Jasiel F. Correia II  
Mayor



5

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

**JASIEL F. CORREIA II**  
*Mayor*

**JOHN D. LYNCH**  
*Fire Chief*

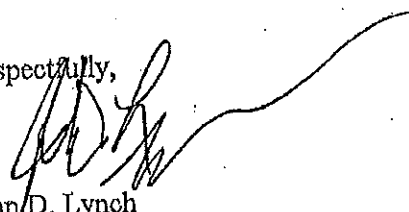
December 12, 2017

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

Dear Mayor Correia:

I would like to ask your permission to accept a donation from Albanese Monuments 303 State Rd. Westport MA. This donation is for The Chief Louis Shea Training Grounds Park. The donation is for the labor and truck to relocate Chief Shea's dedication monument. The value is \$300.

Respectfully,

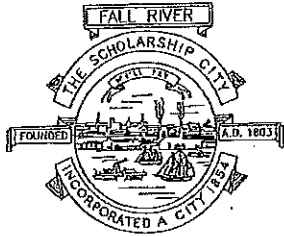
  
John D. Lynch  
Fire Chief

City of Fall River, *In City Council*

5

ORDERED, that under the provisions of M.G.L. Chapter 44, Section 53A, the Fall River Fire Department be, and the same is hereby authorized to accept a gift of labor and a truck to relocate Chief Shea's dedication monument, valued at \$300, from Albanese Monuments located at 303 State Road, Westport, MA.





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

RECEIVED

2017 DEC 14 P 2:35

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

**JASIEL F. CORREIA II**  
*Mayor*

December 14, 2017

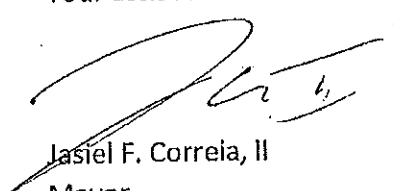
The Honorable City Council  
City of Fall River  
One Government Center  
Fall River, MA. 02722

Honorable Council Members:

As part of the City's continuing efforts to effectively and efficiently coordinate services to those suffering from drug addiction, the Administration is proposing the creation of an opioid clerk position to facilitate these efforts. As this will be a part-time, grant funded position, it needs to be created in Ordinance prior to efforts to fill the position. A proposed job description is provided herein.

Volunteer Program Coordinator Beth Faunce and City Councilor Pam Laliberte-Lebeau have been working with me to put this position in place. State Representative Carole Fiola has secured a State grant to fund this position. The proposed wage is \$17/hour for a total of 19 hours per week. The anticipated State grant amount is \$50,000.

Your assistance with the creation of this position is respectfully requested.



Jasiel F. Correia, II  
Mayor

Enclosure

## OPIOID CLERK

GENERAL STATEMENT OF DUTIES: Performs clerical office work of average difficulty; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: Under direct supervision, an incumbent of this class performs a variety of clerical duties of average difficulty, requiring limited judgment and responsibility in the carrying out of prescribed procedures. Detailed instructions are received at the beginning of work and on new assignments, but regular routine assignments are performed more independently and some initiative and judgement is utilized as experience is gained. In the performance of tasks, the incumbent may be required to use standard office equipment. The use of automated systems equipment, when used as a tool for filing or obtaining information, is not a distinguishing factor in classification. Supervision is not an aspect of this position.

EXAMPLES OF WORK: (Illustrative Only) Posts simple and routine data to various departmental records and may compile or assist in compiling reports based on tabulations of posted data and simple arithmetical computations; Receives and screens applications, vouchers or other forms for accuracy of content and compliance with procedural and regulatory requirements; Sorts, indexes and files documents, reports, vouchers, correspondence and other material; Answers telephone, takes messages, and/or relays information;

Makes and checks arithmetical computations;

Checks report data against tape readings; Furnishes routine information to inquirers at a public counter, over the telephone or by letter; Opens, sorts and distributes mail; Maintains number index, cross-indexes, and files office correspondence and other material; Requisitions and issues stationery, forms, records, and other office supplies; Assists in taking inventories and records reconciliation of same; Assists in proofreading; May operate a variety of office equipment.

REQUIRED KNOWLEDGE, SKILLS, ABILITIES AND ATTRIBUTES: Familiarity with office procedures, including the use of simple office machines and filing systems; skill in filing, in posting to simple records, and in making simple arithmetical computations; accuracy in preparation and checking of records and forms; ability to understand and carry out oral and written directions; resourcefulness in locating information and compiling summaries of data from office records; tact; ability to get along well with others; physical condition commensurate with the demands of the position.

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MINIMUM ACCEPTABLE TRAINING AND EXPERIENCE: Graduation from high school or possession of a high school equivalency diploma, some experience persons with substance abuse disorder, and language and resources.

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

RECEIVED

2017 DEC 14 P 3:45

CITY CLERK  
FALL RIVER, MA

Honorable Mayor Correia II:

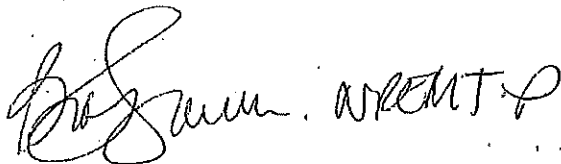
I am respectfully requesting to create a part time clerk's position for the Fall River Opioid Task Force, under the City of Fall River Health Department. The position will be a 19 hours a week at a rate of \$17.00 per hour. The Opioid Clerk's position is imperative for all the statistical information which is so important to our mission of helping people with substance abuse disorder. The input of information for our outreach program, contacts made, requested follow ups, who received treatment, what type of treatment received. This clerk's position would make our program more effective, outlining our strengths and weaknesses. In addition to this, the correspondence for scheduled meetings, and minutes of the meetings would be generated through this position for continuity. The logistical information for areas to target for prevention and education.

All of this statistical information is imperative to the collaboration and their efforts to continue providing a multitude of services. The collaboration consists of representative from the school department, district attorney's office, police department, ems and various recovery and treatment agencies. The information exchanged between agencies is important to our efforts to effectively service all areas of this issue.

This position would afford us a person on the other end of the phone, for people in immediate need of help. Citizens of Fall River would have access to the who's, what's and where's, they can get the information needed for their person in time of need.

This position is imperative to the continued success of our outreach program, and all the collective information needed to combat the opioid issue. The need for information is ever increasing, your support in the matter is greatly appreciated.

Respectfully submitted,



Beth Faunce, NREMT-P  
Fall River Opioid Task Force, Chairperson



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

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2017 DEC 14 P 2:26

CITY CLERK  
FALL RIVER, MA

**JASIEL F. CORREIA II**  
Mayor

December 14, 2017

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

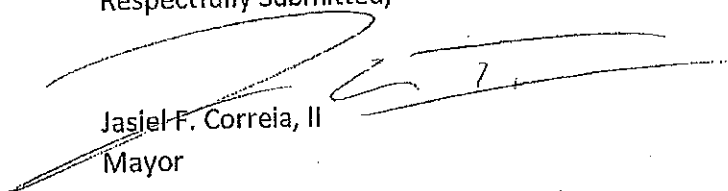
Dear Honorable Council Members:

The City has applied for a Parkland Acquisitions and Renovations for Communities (PARC) grant in the amount of \$395,500 to make improvements to four city parks – North Park, Ruggles Park, Father Kelly Park and Maplewood Park, and will include repair of the walking pathways within each park. PARC is a reimbursement grant that reimburses 70% of total project costs.

The state funding source, Massachusetts Executive Office of Energy and Environmental Affairs Division of Conservation Services, requires a certified copy of the Council's vote to authorize funding in an amount equal to the total project cost of \$565,000, by the end of the calendar year. Your expeditious approval is appreciated.

While the State has yet to confirm the exact grant amount, they are requiring that the attached authorization be approved by the City Council prior to December 31, 2017. Please feel free to contact me or the City Administrator with any questions.

Respectfully Submitted,

  
Jasiel F. Correia, II  
Mayor

# City of Fall River, *In City Council*

7

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE PARKLAND ACQUISITIONS AND RENOVATIONS FOR COMMUNITIES GRANT PROGRAM FOR IMPROVEMENTS TO THE FOLLOWING FOUR PARKS:

## **North, Ruggles, Father Kelly and Maplewood Parks**

- Whereas: The four parks are community-wide assets and the preservation and improvements to these facilities are a City priority as evidenced in the most recent Open Space and Recreation Plan; and
- Whereas: The four parks are dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 14; and
- Whereas: The parks' renovations, guided in principal by the Master Plan, will greatly enhance these facilities with improved recreational areas; and
- Whereas: The main focus of the Plan's Natural Resources, Open Space, and Recreation element is to improve Fall River's open space and opportunities for recreation. This overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation of the project; and
- Whereas: The project was to be implemented over time, by priority as fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort; and
- Whereas: The Executive Office of Energy and Environmental Affairs is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities grant program (301 CMR 5.00); and
- Whereas: The Fall River Parks Project will cost a total of \$565,000 (Five Hundred Sixty-five Thousand Dollars). The City will allocate \$169,500 for the FY 18 Fall River Parks Project, now therefore

### **BE IT RESOLVED:**

1. That the City Administrator be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the City Administrator be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Community Maintenance/Buildings Department; and
3. That this resolution shall take effect upon passage.

# CITY OF FALL RIVER

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9

To the City Council

Councillors:

The Committee on Finance, at a meeting held on November 28, 2017, voted unanimously to recommend that the accompanying communication be accepted and placed on file.

*Elison M. Bouchard*  
City Clerk



COMMONWEALTH OF MASSACHUSETTS  
**Fall River Contributory Retirement Board**

30 Third Street • Suite 301 • Fall River, MA 02720  
Tel. (508) 646-9120 • Fax (508) 646-9123  
www.fallriverretirement.com

RECEIVED

2017 OCT 25 P 12:00

October 25, 2017

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

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

Dear Ms. Bouchard:

Massachusetts General Laws Chapter 32, section 22(5), as amended by CH306 of the Acts of 1996, requires that the Retirement Board file its annual budget with the governmental unit for which it serves.

Enclosed you will find a copy of the Fall River Retirement Board's 2018 budget for your records. You will also find enclosed ten additional copies for distribution to the members of the Fall River City Council.

Thank you for your attention to this matter.

Very truly yours,

Christine A. Tetreault  
Executive Director

CITY OF FALL RIVER  
IN CITY COUNCIL  
NOV 14 2017

*Referred to the  
Committee on Finance*

11-28-17 Finance



# FALL RIVER RETIREMENT BOARD CALENDAR YEAR 2018 BUDGET

2018

Salaries/Benefits	\$ 338,560.98
Legal Fees	\$ 75,000.00
Administrative Expenses	\$ 126,134.00
Service Contracts	\$ 46,600.00
Furniture & Equipment	\$ 3,000.00
Investment Management Fees	\$ 1,610,000.00

TOTAL

\$ 2,199,294.98

## CITY OF FALL RIVER

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10

To the City Council

Councillors:

The Committee on Public Safety, at a meeting held on November 29, 2017 voted unanimously to recommend that the accompanying resolution be granted leave to withdraw, with Councilor Richard Cabeceiras absent and not voting.

  
Assistant Clerk of Committees

10

City of Fall River, *In City Council*

(City Council Committee on Public Safety)

WHEREAS, public safety concerns exist with regards to the Quequechan Street exit at the WalMart Supercenter located at 638 Quequechan Street, and

WHEREAS, the stop sign located on Quequechan Street is on private property, now therefore

BE IT RESOLVED, that WalMart representatives and other interested parties be invited to a future meeting of the Committee on Public Safety to discuss this matter.

In City Council, December 1, 2015  
Adopted

A true copy. Attest:

*Alison M. Bouchard*  
City Clerk

## CITY OF FALL RIVER

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To the City Council

Councillors:

The Committee on Public Safety, at a meeting held on November 29, 2017 voted unanimously to recommend that the accompanying communication be referred to the Corporation Counsel, with Councilor Richard Cabeceiras absent and not voting.

  
Assistant Clerk of Committees

properly value. We were hoping to get some resolution from these problems, not just empty promises from the mayor's office.

Can you please help me? Please let me to call me for more information.

Amvionally,  
Briane S. Datalano  
774 301 6351

In accordance with Mike Rua "Echo Management Properties", owner of 6 units, and Anna Brown, Susan Apple, Peter Miranda and Tony and Colene Dine.

Thank You.

Dear Mr. Bouchard,

I am writing this to you in regards to an illegal chain link fence erected by the owner of the red brick apartment building on the north side of Pleasant St, between 15th and 16th streets.

I am one of the 12 unit condominiums (Central Garden Condos) at 120 15th St. A group of owners met with the mayor on January 17, 2016 with a copy of the 1930 papers about deed. Jason Corina agreed that the fence should be removed since it was erected without the city's permission and the alley allows access for emergency vehicles.

The fence area is adjacent to one of our parking lots and our dumpsters. It is littered with beer cans, swimming pools, toys, drug paraphernalia and all sorts of debris due to parking on cars there. We've had to call the police on several occasions due to illicit activity and loud noise. Not only does it detract from our place of mind, it also detracts from our

9/25/2017

CITY OF FALL RIVER  
IN CITY COUNCIL  
OCT 10 2017

Referred to the  
Committee on Public  
Safety

Arleeny Correa -

508-645-5447

Michael Rua  
508-951-4473

**CITY OF FALL RIVER**

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12

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on December 5, 2017, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, as amended, with Councilor Linda M. Pereira absent and not voting.

*Colleen A. Taylor*  
Clerk of Committees

# City of Fall River, *In City Council*

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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 out the salary schedules in Sections 50-301 through 50-310 in their entirety and inserting in place thereof, the following:

(Salary schedules attached)

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**Section 50-301 Salary Schedules for Executive Officers,  
Dept Heads & Non-Union Personnel**

<b>Proposed Ordinance</b>	<b>Grade</b>	<b>Effective Date</b>	<b>Step 1</b>
Account Manager-Police	AMP	7/1/2017	Not to exceed \$60,000
Accreditation Coordinator	ACCR	7/1/2017	Not to exceed \$39,715.85
Administrative Assistant Board of Assessors/Administrator of Assessing	ADAS	7/1/2017	Not to exceed \$90,000
Administrative Services Manager	ADSM	7/1/2017	Not to exceed \$69,666.63
Administrator of Community Utilities	ADPU	7/1/2017	Not to exceed \$103,416.08
Animal Control Officer	ACOS	7/1/2017	Not to exceed \$33,118.45
Asset Manager/GIS Specialist-Community Utilities	ASI	7/1/2017	Not to exceed \$60,000
Assistant Assessor I	ASI	7/1/2017	Not to exceed \$60,959.94
Assistant Assessor II	ASII	7/1/2017	Not to exceed \$52,150.93
Assistant City Auditor	AAUD	7/1/2017	Not to exceed \$75,000
Assistant City Clerk	ACC	7/1/2017	Not to exceed \$69,824.55
Assistant Collector	ACOL	7/1/2017	Not to exceed \$60,000
Assistant Commissioner for Recreation Facilities/Director of Recreational Facilities	ACRF	7/1/2017	Not to exceed \$55,916.38
Assistant Commissioner of Cemeteries & Trees/Director of Trees/Cemeteries	ACCT	7/1/2017	Not to exceed \$55,916.38
Assistant Purchasing Agent	APUR	7/1/2017	Not to exceed \$38,083.55
Assistant Treasurer	ASTR	7/1/2017	Not to exceed \$65,000
Audit/ Grants Manager	AGMA	7/1/2017	Not to exceed \$75,000
Board of Election Commissioners/Director-Office of Elections, Chairperson	ELCO	7/1/2017	Not to exceed \$65,000.00
City Auditor	AUD	7/1/2017	Not to exceed \$87,567.07
City Clerk	CCLK	7/1/2017	Not to exceed \$94,555.34
City Collector	CCOL	7/1/2017	Not to exceed \$90,213.08
City Council Principal Clerk	CCCT	7/1/2017	Not to exceed \$35,000
City Council Secretary	CCS	7/1/2017	Not to exceed \$49,320.65
City Engineer	CENG	7/1/2017	Not to exceed \$90,000
City Planner	CPIN	7/1/2017	Not to exceed \$88,300
City Treasurer	TREA	7/1/2017	Not to exceed \$81,600
Commissioner of Recreational Facilities and Cemeteries/Administrator, Administrator Recreational Facilities, Cemeteries and Trees	CRFC	7/1/2017	Not to exceed \$66,439.90
Deputy Administrator-Community Utilities		7/1/2017	Not to exceed \$89,000
Deputy Police Chief 20 years	DP20	7/1/2017	Not to exceed \$108,728.95
Deputy Police Chief 25 years	DP25	7/2/2017	Not to exceed \$109,441.74
Deputy Police Chief 28 years	DP28	7/3/2017	Not to exceed \$110,630.07
Director of Facilities Maintenance		7/1/2017	Not to exceed \$98,000
Director of Health & Human Services	HHS	7/1/2017	Not to exceed \$82,415.86
Director of Minimum Housing Standards Inspectional Services	DOMM	7/1/2017	Not to exceed \$50,183.78
Director of Municipal Buildings and Code Enforcement/Inspector of Buildings	DOMB	7/1/2017	Not to exceed \$91,687.73
Director of Production-FRGTV	FRTV	7/1/2017	Not to exceed \$45,000



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Director of Water Department	DOAS	7/1/2017	Not to exceed \$82,416.23
Director of Water Distribution & Maintenance	DWDM	7/1/2017	Not to exceed \$69,824.41
Director of Water Treatment & Resources	DWTR	7/1/2017	Not to exceed \$72,113.78
Employee Benefits Administrator	EBAD	7/1/2017	Not to exceed \$65,032.07
Forester-Community Utilities	FORS	7/1/2017	Not to exceed \$63,235.87
Human Resources Assistant		7/1/2017	Not to exceed \$43,652.94
Human Resources Generalist	HRG	7/1/2017	Not to exceed \$51,992.72
Manager of Operations Streets & Highways DCM		7/1/2017	Not to exceed \$66,510.86
Mayor's Administrative Assistant	RCEP	7/1/2017	Not to exceed \$40,000
Network Administrator	CNET	7/1/2017	Not to exceed \$54,155.08
Parking Clerk/Director of Traffic and Parking	PKCK	7/1/2017	Not to exceed \$61,812.11
Project Manager/Facilities	PMD	7/1/2017	Not to exceed \$64,387.50
Project Manager-Community Utilities	PMS	7/1/2017	Not to exceed \$72,817.07
Project Specialist I/Financial Services	PSFS	7/1/2017	Not to exceed \$70,000
Project Specialist II/Treasurer's Office	PSPC	7/1/2017	Not to exceed \$56,494
Project Specialist-Community Utilities	PSW	7/1/2017	Not to exceed \$56,494
Purchasing Agent	PURA	7/1/2017	Not to exceed \$67,538.45
Residential Data Lister	RDL	7/1/2017	Not to exceed \$36,929.41
Revaluation Specialist	REVL	7/1/2017	Not to exceed \$79,523.31
Sanitarian Supervisor	SANI	7/1/2017	Not to exceed \$66,963.22
Special Projects Media Mayors Office	SAM	7/1/2017	Not to exceed \$45,900
Staff Nurse	STNH	7/1/2017	Not to exceed \$50,696.16
Treasurer-Collector	TC	7/1/2017	Not to exceed \$105,000
Veteran's Benefit Agent and Director of Veteran's Services	VBAG	7/1/2017	Not to exceed \$60,959.94
/Director Of Veteran's Benefits			

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**Section 50-302 Salary Schedules for Contract Personnel**

<b>Proposed Ordinance</b>	<b>Grade</b>	<b>Effective Date</b>	<b>Step 1</b>
Assistant Administrator Public Library	ALB	7/1/2017	Per Contract
Assistant Corporation Counsel	ACC	7/1/2017	Per Contract
Assistant Corporation Counsel PT	ASCC	7/1/2017	Per Contract
Chief of Police	PC	7/1/2017	Per Contract
Chief of Staff Mayor's Office	CHOF	7/1/2017	Per Contract -Not to exceed \$78,780
City Administrator	MUNI	7/1/2017	Per Contract
Corporation Counsel (PT)		7/1/2017	Per Contract
Director of Community Maintenance	DRCM	7/1/2017	Per Contract not to exceed \$98,000
Director of Financial Services	DFST	7/1/2017	Per Contract, not to exceed 140,000 per annum
Director of Human Resources	PERS	7/1/2017	Per Contract
Director of Management Information Services	CMS	7/1/2017	Per Contract
Fire Chief	CHF	7/1/2017	Per Contract
Grant Writer	GRNT	7/1/2017	Per Contract
Library Administrator	LIBR	7/1/2017	Per Contract
Paralegal	PARA	7/1/2017	Per Contract
Animal Control Supervisor	ACOS	7/1/2017	Per Contract
Workers Compensation Clerk-Law	9A	7/1/2017	Per Contract
Youth Service Coordinator	CYTH	7/1/2017	Per Contract

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**Section 50-303 Salary Schedules for Political Appointments & Boards/Committees**

<b>Proposed Ordinance</b>	<b>Grade</b>	<b>Effective Date</b>	<b>Step 1</b>
Proposed Ordinance	ACLC	7/1/2017	\$4559 per annum
Assistant Clerk of Committees	AELE	7/1/2017	\$300 per annum
Assistant Election Commissioner	ASRG	7/1/2017	\$1500 per annum
Assistant Sewer Registrar and Assistant Clerk of the Sewer Commission	PAAP	7/1/2017	\$900 per annum
Board of Appeals	PLAL	7/1/2017	\$750 per annum
Board of Appeals, Member Alternate	BASS	7/1/2017	\$3800 per annum
Board of Assessors, Member	BASS	7/1/2017	\$3800 per annum
Board of Assessors, Chairman	CELE	7/1/2017	\$1700 per annum
Board of Election Commissioner, Member	CHCM	7/1/2017	\$2000 per annum
Board of Licensing Commissioner, Chairman	CMLC	7/1/2017	\$1500 per annum
Board of Licensing, Commissioner	COCM	7/1/2017	\$7125 per annum
Clerk of Committees /Clerk of Committees (PT)	COCM	7/1/2017	\$5000 per annum
Clerk of Council	COUN	7/1/2017	\$16,091.06 per annum
City Councilor	FREM	7/1/2017	\$20,000 per annum
Director of Fall River Emergency Management Agency	FIRC	7/1/2017	\$1500 per annum
Fire Commissioner	HBMS	7/1/2017	\$2500 per annum
Harbormaster PT	MAVR	7/1/2017	\$118,688.24 per annum
Mayor	POLB	7/1/2017	\$1500 per annum
Police Board	SCOM	7/1/2017	\$7197 per annum
School Committee	SWBD	7/1/2017	\$1400 per annum
Sewer Commission, Member	PCSW	7/1/2017	\$2000 per annum
Sewer Commission, President	SWRG	7/1/2017	\$3125 per annum
Sewer Registrar and Clerk of Sewer Commission	SWRG	7/1/2017	\$300 per annum
Veterans' Grave Officer	GRAV	7/1/2017	\$300 per annum

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Section 50-304 Local 3177 AFSCME

Proposed Ordinance									
	Grade	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Administrative Clerk/ Secretary to Dept Head/Library	11AL	7/1/2017	\$ 1,447.20	\$ 1,473.83	\$ 1,500.06	\$ 1,526.48	\$ 1,559.04	\$ 1,704.90	
Assistant Community Resource Coordinator/Coordinator II Council on Aging	8a	7/1/2017	\$ 1,032.67	\$ 1,107.88	\$ 1,180.32	\$ 1,258.31	\$ 1,336.29		
Assistant Planner	APLN	7/1/2017	\$ 2,121.49						
Auto Service Worker I-Water	27B	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.92	\$ 1,753.14	\$ 1,780.38		
Carpenter/Facilities	CARP	7/1/2017	\$ 1,851.76						
Cashier	8A	7/1/2017	\$ 1,032.67	\$ 1,107.88	\$ 1,180.32	\$ 1,258.31	\$ 1,336.29		
Cemetery Foreman	22B	7/1/2017	\$ 1,410.51	\$ 1,453.93	\$ 1,481.24	\$ 1,503.01	\$ 1,530.20		
Chief Water Inspector	26B	7/1/2017	\$ 1,595.47	\$ 1,644.39	\$ 1,671.54	\$ 1,698.38	\$ 1,720.51		
Chief Water Inspector D-4	29B	7/1/2017	\$ 1,877.05	\$ 1,941.34	\$ 1,964.67	\$ 1,993.94	\$ 2,023.18		
Electrician /Facilities	ELEC	7/1/2017	\$ 1,851.76						
Electrician II Police	ELII	7/1/2017	\$ 1,736.73	\$ 2,040.00					
Fire Apparatus Repairman	24B	7/1/2017	\$ 1,497.58	\$ 1,541.12	\$ 1,568.22	\$ 1,595.47	\$ 1,617.18		
Forester HMEQ Trees	FHM	7/1/2017	\$ 1,390.75	\$ 1,428.89	\$ 1,467.10	\$ 1,505.22	\$ 1,554.34		
Grounds Keeper MEO II Facilities	11B	7/1/2017	\$ 1,067.89	\$ 1,095.09	\$ 1,116.84	\$ 1,144.05	\$ 1,171.27	\$ 1,217.14	
Head Admin Clerk 80 Hours EMS	HDEM	7/1/2017	\$ 1,614.72	\$ 1,644.16	\$ 1,673.58	\$ 1,703.06	\$ 1,732.55		
Head Administrative Clerk /Administrative Clerk	11A	7/1/2017	\$ 1,412.88	\$ 1,438.64	\$ 1,464.37	\$ 1,490.18	\$ 1,515.98		
Head Administrative Clerk Law Department	HDAD	7/1/2017	\$ 1,008.57	\$ 1,109.67	\$ 1,185.82	\$ 1,261.93	\$ 1,337.94	\$ 1,413.95	\$ 1,459.81
Head Clerk	9A	7/1/2017	\$ 1,008.57	\$ 1,109.67	\$ 1,185.82	\$ 1,261.93	\$ 1,337.94	\$ 1,413.94	
Head Clerk 80 Hours EMS	HCEM	7/1/2017	\$ 1,152.66	\$ 1,268.19	\$ 1,355.22	\$ 1,442.21	\$ 1,529.07	\$ 1,615.94	
Head Clerk 80 Hours Fire	HCFR	7/1/2017	\$ 1,152.66	\$ 1,268.19	\$ 1,355.22	\$ 1,442.21	\$ 1,529.07	\$ 1,615.94	
Heating Ventilation & Air Conditioning Maintenance Facilities	HVAC	7/1/2017	\$ 1,851.76						
Information Technology Clerk	9A	7/1/2017	\$ 1,008.57	\$ 1,109.67	\$ 1,185.82	\$ 1,261.93	\$ 1,337.94	\$ 1,413.94	
Junior Civil Engineer	JCEN	7/1/2017	\$ 1,545.05	\$ 1,594.03	\$ 1,621.14	\$ 1,652.46	\$ 1,670.19		
Library Assistant I	8A	7/1/2017	\$ 1,032.67	\$ 1,107.88	\$ 1,180.32	\$ 1,258.31	\$ 1,336.29		
Library Assistant I PT	8A	7/1/2017	\$ 14.75	\$ 15.83	\$ 16.86	\$ 17.98	\$ 19.09		
Library Assistant II	9A	7/1/2017	\$ 1,008.57	\$ 1,109.67	\$ 1,185.82	\$ 1,261.93	\$ 1,337.94	\$ 1,413.94	
Library Assistant II PT	9A	7/1/2017	\$ 14.41	\$ 15.85	\$ 16.94	\$ 18.03	\$ 19.11	\$ 20.20	
Mail Clerk	8A	7/1/2017	\$ 1,032.67	\$ 1,107.88	\$ 1,180.32	\$ 1,258.31	\$ 1,336.29		
Maintenance Craftsman- Parks	19B	7/1/2017	\$ 1,296.35	\$ 1,334.38	\$ 1,361.54	\$ 1,383.36	\$ 1,410.51		
Motor Equipment Operator Laborer II- Cemetery	11B	7/1/2017	\$ 1,067.89	\$ 1,095.08	\$ 1,116.84	\$ 1,144.05	\$ 1,171.27	\$ 1,217.14	
Motor Equipment Operator Laborer II- Parks	11B	7/1/2017	\$ 1,067.89	\$ 1,095.08	\$ 1,116.84	\$ 1,144.05	\$ 1,171.27	\$ 1,217.14	
Motor Equipment Operator-Council on Aging	10BM	7/1/2017	\$ 1,040.70	\$ 1,067.89	\$ 1,095.09	\$ 1,116.84	\$ 1,144.05		
Motor Equipment Operator-Veterans	27B	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.92	\$ 1,753.14	\$ 1,780.38		
Motor Equipment Repair Person- DCM	XXB	7/1/2017	\$ 1,381.59	\$ 1,409.95	\$ 1,438.18	\$ 1,466.42	\$ 1,494.46		
Motor Equipment Repair Person-Police	PTPL	7/1/2017	\$ 1,851.76						
Painter/Facilities	22B	7/1/2017	\$ 1,410.51	\$ 1,453.93	\$ 1,481.24	\$ 1,503.01	\$ 1,530.20		
Park Foreman	PKCO	7/1/2017	\$ 1,437.84	\$ 1,480.96	\$ 1,525.40	\$ 1,555.85			
Parking Control Officer (40 hours)	PTPL	7/1/2017	\$ 1,851.76						
Plumber/Facilities	PELC	7/1/2017	\$ 2,012.08	\$ 2,339.47					
Police Electrician I	PRSP	7/1/2017	\$ 1,328.73	\$ 1,377.59	\$ 1,426.44	\$ 1,475.29	\$ 1,524.14		
Printing Services Specialist	SWAM	7/1/2017	\$ 1,822.78						
Sealer Weights & Measures	11AL	7/1/2017	\$ 1,447.20	\$ 1,473.82	\$ 1,500.06	\$ 1,526.48	\$ 1,559.04	\$ 1,704.90	
Section Head Library I	8A	7/1/2017	\$ 1,032.67	\$ 1,107.88	\$ 1,180.32	\$ 1,258.31	\$ 1,336.29		
Senior Account Clerk	11A6	7/1/2017	\$ 1,412.88	\$ 1,438.64	\$ 1,464.37	\$ 1,490.18	\$ 1,515.98	\$ 1,562.90	
Senior Accountant	11A6	7/1/2017	\$ 1,412.88	\$ 1,438.64	\$ 1,464.37	\$ 1,490.18	\$ 1,515.98	\$ 1,562.90	

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Senior Cashier	SRCH	7/1/2017	\$ 1,014.84	\$ 1,082.94	\$ 1,151.13	\$ 1,219.24	\$ 1,287.32	\$ 1,378.65	
Senior Center Coordinator	BA	7/1/2017	\$ 1,032.67	\$ 1,107.88	\$ 1,180.32	\$ 1,258.31	\$ 1,336.29		
Senior Center Coordinator (PT) 38 hours	8APT	7/1/2017	\$ 560.59	\$ 601.42	\$ 640.75	\$ 683.08	\$ 725.41		
Senior Clerk	7A	7/1/2017	\$ 996.90	\$ 1,058.01	\$ 1,119.11	\$ 1,180.49	\$ 1,241.86		
Senior Clerk (PT) 40 hours	PT40	7/1/2017	\$ 569.66	\$ 604.58	\$ 639.49	\$ 674.57	\$ 709.63		
Senior Clerk 80 Hours EMS	SCEM	7/1/2017	\$ 1,139.31	\$ 1,209.15	\$ 1,278.98	\$ 1,349.13	\$ 1,419.26		
Senior Engineering Aide D4 Water	29B	7/1/2017	\$ 1,877.05	\$ 1,941.34	\$ 1,964.67	\$ 1,993.94	\$ 2,023.18		
Senior Engineering Aide D4 Water	26B	7/1/2017	\$ 1,595.47	\$ 1,644.39	\$ 1,671.54	\$ 1,698.38	\$ 1,720.51		
Senior Health Inspector-Food, Sanitation & Minimum Housing	23C	7/1/2017	\$ 1,441.62	\$ 1,463.92	\$ 1,486.20	\$ 1,508.51	\$ 1,530.68		
Senior Inspector Plumbing, Wire & Building	INST	7/1/2017	\$ 1,657.81	\$ 1,683.47	\$ 1,709.14	\$ 1,734.78	\$ 2,095.01		
Sewer Commission, Industrial Pretreatment Coordinator	SCPC	7/1/2017	\$ 2,282.53						
Signal Maintainer	XIXB	7/1/2017	\$ 1,345.40	\$ 1,373.67	\$ 1,401.94	\$ 1,430.34	\$ 1,458.30		
Signal Operator	SIGO	7/1/2017	\$ 1,227.19	\$ 1,316.58	\$ 1,402.66	\$ 1,495.34	\$ 1,571.52		
Supervisor of Payrolls	25B	7/1/2017	\$1,541.14	\$1,595.45	\$1,617.17	\$ 1,644.49	\$ 1,671.52		
Supervisor Tree Operations	25T	7/1/2017	\$ 1,541.13	\$ 1,595.45	\$ 1,617.17	\$ 1,644.39	\$ 1,671.52		
Telephone Operator	9A	7/1/2017	\$ 1,008.57	\$ 1,109.67	\$ 1,185.82	\$ 1,261.93	\$ 1,337.94	\$ 1,413.94	
Traffic Maintenance Worker	19A	7/1/2017	\$ 1,296.35	\$ 1,334.38	\$ 1,361.54	\$ 1,383.36	\$ 1,410.51		
Water Maintenance Supervisor	25B	7/1/2017	\$ 1,563.22	\$ 1,612.07	\$ 1,660.92	\$ 1,709.78	\$ 1,758.62		
Water Maintenance Supervisor D-1	27B	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.92	\$ 1,753.14	\$ 1,780.38		
Water Maintenance Supervisor D-4	29B	7/1/2017	\$ 1,877.05	\$ 1,941.34	\$ 1,964.67	\$ 1,993.94	\$ 2,023.18		
Water Filtration Attendant Watchman	11E	7/1/2017	\$ 1,353.18	\$ 1,378.92	\$ 1,404.75	\$ 1,430.48	\$ 1,455.93		
Water Maintenance Worker I	19B	7/1/2017	\$ 1,296.35	\$ 1,334.38	\$ 1,361.54	\$ 1,383.36	\$ 1,410.51		
Water Maintenance Worker I Advanced Backhoe	28B	7/1/2017	\$ 1,704.47	\$ 1,758.54	\$ 1,785.67	\$ 1,813.00	\$ 1,834.74		
Water Maintenance Worker I Advanced Backhoe D1	21B	7/1/2017	\$ 1,372.49	\$ 1,410.51	\$ 1,437.75	\$ 1,459.48	\$ 1,486.70		
Water Maintenance Worker I Advanced Backhoe D2	22B	7/1/2017	\$ 1,410.51	\$ 1,453.93	\$ 1,481.24	\$ 1,503.01	\$ 1,530.20		
Water Maintenance Worker I Advanced Backhoe D3	23B	7/1/2017	\$ 1,453.94	\$ 1,497.58	\$ 1,524.77	\$ 1,549.41	\$ 1,552.96		
Water Maintenance Worker I Advanced Backhoe D4	29B	7/1/2017	\$ 1,877.05	\$ 1,941.34	\$ 1,964.67	\$ 1,993.94	\$ 2,023.18		
Water Maintenance Worker I CDL or Backhoe	20B	7/1/2017	\$ 1,334.38	\$ 1,372.43	\$ 1,399.70	\$ 1,421.42	\$ 1,448.57		
Water Maintenance Worker I CDL Backhoe	22B	7/1/2017	\$ 1,410.51	\$ 1,453.93	\$ 1,481.24	\$ 1,503.01	\$ 1,530.20		
Water Maintenance Worker II	16B	7/1/2017	\$ 1,198.47	\$ 1,231.08	\$ 1,258.30	\$ 1,289.62	\$ 1,307.15		
Water Service Inspector	18C	7/1/2017	\$ 1,230.56	\$ 1,256.07	\$ 1,281.63	\$ 1,307.22	\$ 1,332.73		
Water Treatment Operator	WTOP	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.96	\$ 1,753.12	\$ 1,780.26		
Water Treatment Operator Grade II	WFG2	7/1/2017	\$ 1,531.86						
Water Treatment Operator Grade III	WT03	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.96	\$ 1,753.12	\$ 1,780.26		
Water Treatment Operator Grade IV	WT04	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.96	\$ 1,753.12	\$ 1,780.26		
Water Treatment Plant Supervisor-3	SWT3	7/1/2017	\$ 1,840.46	\$ 1,904.71	\$ 1,928.14	\$ 1,957.34	\$ 1,986.55		
Water Treatment Plant Supervisor-4	SWT4	7/1/2017	\$ 1,877.05	\$ 1,941.34	\$ 1,964.67	\$ 1,993.94	\$ 2,023.18		
Working Foreman -Fire Apparatus Repair	27B	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.92	\$ 1,753.14	\$ 1,780.38		
Working Foreman Repair Person- Police	27B	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.96	\$ 1,753.12	\$ 1,780.26		
Working Foreman/Chief Laborer Cemetery	13B	7/1/2017	\$ 1,116.84	\$ 1,144.05	\$ 1,171.27	\$ 1,193.05	\$ 1,220.19		
Working Foreman/Chief Laborer Parts	13B	7/1/2017	\$ 1,116.84	\$ 1,144.05	\$ 1,171.27	\$ 1,193.05	\$ 1,220.19		

The grades for the positions for Afsene 3177 are as follows:  
35 hours per week for the following grades:

A, AL, APIN, C, PRSP, SWAM, SRCH, INST, SCPC, HDAD, J, CEN

40 hours per week for the following grades:

ELEC, ELLI, FHM, HVAC, BM, XXB, XIXB, PTPL, CARP, PKCO, PELC, SCEN, HCEN, HFR, HDEM, T, B, E, SIGO, SWT3, SWT4, WTOP, WFG2, WTO3, WTO4

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Section-Miscellaneous

<u>Proposed Ordinance</u>	<u>Grade</u>	<u>Effective Date</u>	<u>Hourly Rate</u>
Crossing Guard	SCTR	7/1/2017	\$ 15.00
Fire Dept. Maintenance Student Intern/Apprentice	IMAP	7/1/2017	\$ 10.00
Library page (PT)	PAGE	7/1/2017	\$ 11.00
Senior Aide	MW38	7/1/2017	\$ 11.00

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## Section 50-305 EMS Local 1202 AFSCME

Proposed Ordinance	Grade	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5
Director of Emergency Medical Services	EMSS	7/1/2017	\$ 93,000.00				
	EMSS	7/1/2018	\$ 98,000.00				
	EMSS	7/1/2019	\$ 108,000.00				
	CAPT	7/1/2017	\$ 2,383.60				
		7/1/2018	\$ 2,561.77				
		7/1/2019	\$ 2,752.09				
	DPDR	7/1/2017	\$ 2,562.37				
		7/1/2018	\$ 2,754.50				
		7/1/2019	\$ 2,960.91				
	LT	7/1/2017	\$ 2,217.31				
		7/1/2018	\$ 2,375.60				
		7/1/2019	\$ 2,537.57				
		7/1/2017	\$ 1,850.07	\$ 2,017.39	\$ 2,062.62	\$ 2,110.50	\$ 2,159.55
EMT/Paramedic	20D	7/1/2017	\$ 19,3880				

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## Section 50-306 Salary Schedules for uniformed member of Fire Dept.

Proposed Ordinance	Grade	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5
Fire Captain- 5 Years	C5	7/1/2017	\$ 2,900.47				
Fire Captain-10 Years	C10	7/1/2017	\$ 2,958.48				
Fire Captain-15 Years	C15	7/1/2018	\$ 2,919.79				
Fire Captain-20 Years	C20	7/1/2017	\$ 2,978.18				
Fire Captain-25 Years	C25	7/1/2017	\$ 2,941.25				
Fire Captain-29 Years	C29	7/1/2017	\$ 2,900.08				
Fire Administrative Assistant/Captain-5 Years	C5	7/1/2017	\$ 2,964.86				
Fire Administrative Assistant/Captain-10 Years	C10	7/1/2017	\$ 3,024.15				
Fire Administrative Assistant/Captain-15 Years	C15	7/1/2017	\$ 3,229.86				
Fire Administrative Assistant/Captain-20 Years	C20	7/1/2017	\$ 3,294.46				
Fire Administrative Assistant/Captain-25 Years	C25	7/1/2017	\$ 3,332.30				
Fire Administrative Assistant/Captain-29 Years	C29	7/1/2017	\$ 3,398.94				
Fire District Chief- 5 Years		7/1/2017	\$ 3,377.28				
Fire District Chief- 10 Years		7/1/2017	\$ 3,330.37				
Fire District Chief- 15 Years		7/1/2017	\$ 3,351.82				
Fire District Chief- 20 Years		7/1/2017	\$ 3,418.86				
Fire District Chief- 25 Years		7/1/2017	\$ 3,375.45				
Fire District Chief- 29 Years		7/1/2017	\$ 3,442.96				
Fire District Chief- 35 Years		7/1/2017	\$ 3,673.31				
Fire District Chief- 40 Years		7/1/2017	\$ 3,746.78				
Fire District Chief- 45 Years		7/1/2017	\$ 3,710.39				
Fire District Chief- 50 Years		7/1/2017	\$ 3,784.60				
Fire District Chief- 55 Years		7/1/2017	\$ 3,991.46				
Fire District Chief- 60 Years		7/1/2017	\$ 4,071.29				
Fire District Chief- 65 Years		7/1/2017	\$ 4,012.92				
Fire District Chief- 70 Years		7/1/2017	\$ 4,093.18				
Fire District Chief- 75 Years		7/1/2017	\$ 4,036.53				
Fire District Chief- 80 Years		7/1/2017	\$ 4,117.26				
Fire District Chief- 85 Years		7/1/2017	\$ 4,387.27				
Fire District Chief- 90 Years		7/1/2017	\$ 4,475.01				
Fire District Chief- 95 Years		7/1/2017	\$ 4,424.36				



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Fire Senior Deputy Chief-10 Years		7/1/2018	\$ 4,512.85						
Fire Senior Deputy Chief-10 Years		7/1/2017	\$ 4,098.77						
Fire Senior Deputy Chief-15 Years		7/1/2018	\$ 4,180.75						
Fire Senior Deputy Chief-15 Years		7/1/2017	\$ 4,120.24						
Fire Senior Deputy Chief-20 Years		7/1/2018	\$ 4,202.64						
Fire Senior Deputy Chief-20 Years		7/1/2017	\$ 4,143.85						
Fire Senior Deputy Chief-25 Years		7/1/2018	\$ 4,226.73						
Fire Senior Deputy Chief-25 Years		7/1/2017	\$ 4,503.17						
Fire Senior Deputy Chief-29 Years		7/1/2018	\$ 4,593.24						
Fire Senior Deputy Chief-29 Years		7/1/2017	\$ 4,540.27						
Firefighter		7/1/2018	\$ 4,631.07						
Firefighter	F-11	7/1/2017	\$ 1,887.07	\$ 2,057.73	\$ 2,103.87	\$ 2,152.70	\$ 2,202.75		
Firefighter-5 Years	F-5Y	7/1/2018	\$ 1,924.81	\$ 2,098.89	\$ 2,145.94	\$ 2,195.76	\$ 2,246.80		
Firefighter-5 Years	F-5Y	7/1/2017	\$ 2,232.93						
Firefighter-10 Years	F-10Y	7/1/2018	\$ 2,277.59						
Firefighter-10 Years	F-10Y	7/1/2017	\$ 2,252.24						
Firefighter-15 Years	F-15Y	7/1/2018	\$ 2,297.30						
Firefighter-15 Years	F-15Y	7/1/2017	\$ 2,273.71						
Firefighter-20 Years	F-20Y	7/1/2018	\$ 2,319.19						
Firefighter-20 Years	F-20Y	7/1/2017	\$ 2,297.33						
Firefighter-25 Years	F-25Y	7/1/2018	\$ 2,343.28						
Firefighter-25 Years	F-25Y	7/1/2017	\$ 2,508.53						
Firefighter-29 Years	F-29Y	7/1/2018	\$ 2,559.11						
Firefighter-29 Years	F-29Y	7/1/2017	\$ 2,546.01						
Fire District Aide		7/1/2018	\$ 2,596.93						
Fire District Aide		7/1/2017	\$ 1,939.14	\$ 2,111.07	\$ 2,158.49	\$ 2,208.68	\$ 2,260.12		
Fire District Aide-5 Years		7/1/2018	\$ 1,977.92	\$ 2,153.29	\$ 2,201.18	\$ 2,252.85	\$ 2,305.32		
Fire District Aide-5 Years		7/1/2017	\$ 2,290.30						
Fire District Aide-10 Years		7/1/2018	\$ 2,336.11						
Fire District Aide-10 Years		7/1/2017	\$ 2,309.61						
Fire District Aide-15 Years		7/1/2018	\$ 2,355.80						
Fire District Aide-15 Years		7/1/2017	\$ 2,331.07						
Fire District Aide-20 Years		7/1/2018	\$ 2,377.70						
Fire District Aide-20 Years		7/1/2017	\$ 2,354.69						
Fire District Aide-25 Years		7/1/2018	\$ 2,401.78						
Fire District Aide-25 Years		7/1/2017	\$ 2,570.88						
Fire District Aide-29 Years		7/1/2018	\$ 2,622.30						
Fire District Aide-29 Years		7/1/2017	\$ 2,607.97						
Fire Lieutenant-5 Years	L-5	7/1/2018	\$ 2,660.13						
Fire Lieutenant-5 Years	L-5	7/1/2017	\$ 2,543.40						
Fire Lieutenant-10 Years	L-10	7/1/2018	\$ 2,594.27						
Fire Lieutenant-10 Years	L-10	7/1/2017	\$ 2,562.72						
Fire Lieutenant-15 Years	L-15	7/1/2018	\$ 2,613.98						
Fire Lieutenant-15 Years	L-15	7/1/2017	\$ 2,584.18						
Fire Lieutenant-20 Years	L-20	7/1/2018	\$ 2,635.87						
Fire Lieutenant-20 Years	L-20	7/1/2017	\$ 2,607.79						
Fire Lieutenant-20 Years		7/1/2018	\$ 2,659.95						

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Fire Lieutenant- 25 Years	L-25	7/1/2017	\$ 2,844.24					
		7/1/2018	\$ 2,901.12					
Fire Lieutenant- 29 Years	L-29	7/1/2017	\$ 2,881.32					
		7/1/2018	\$ 2,938.95					

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**Section 50-307 Salary Schedules for Uniformed Members of the Police Department**

Proposed Ordinance	Grade	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5
Police Captain-10 Years	CP10	7/1/2017	\$ 3,301.54				
Police Captain-15 Years	CP15	7/1/2017	\$ 3,323.43				
Police Captain-20 Years	CP20	7/1/2017	\$ 3,481.40				
Police Captain-25 Years	CP25	7/1/2017	\$ 3,508.72				
Police Captain-28 Years	CP28	7/1/2017	\$ 3,554.24				
Police Lieutenant-10 Years	L10	7/1/2017	\$ 2,894.85				
Police Lieutenant-15 Years	L15	7/1/2017	\$ 2,916.75				
Police Lieutenant-20 Years	L20	7/1/2017	\$ 3,058.44				
Police Lieutenant-25 Years	L25	7/1/2017	\$ 3,085.77				
Police Lieutenant-28 Years	L28	7/1/2017	\$ 3,131.28				
Police Sergeant-10 Years	S10	7/1/2017	\$ 2,541.24				
Police Sergeant-15 Years	S15	7/1/2017	\$ 2,563.12				
Police Sergeant-20 Years	S20	7/1/2017	\$ 2,690.68				
Police Sergeant-25 Years	S25	7/1/2017	\$ 2,718.00				
Police Sergeant-28 Years	S28	7/1/2017	\$ 2,763.53				
Police Officer	PO	7/1/2017	\$ 1,886.75	\$ 1,969.74	\$ 2,052.71	\$ 2,107.01	\$ 2,161.21
Police Officer / Probation Completed	PROB	7/1/2017	\$ 1,879.10	\$ 1,962.08	\$ 2,045.06	\$ 2,099.36	\$ 2,153.54
Police Officer -5 Years	POS	7/1/2017	\$ 2,192.55				
Police Officer -10 Years	PO10	7/1/2017	\$ 2,212.05				
Police Officer -15 Years	PO15	7/1/2017	\$ 2,233.74				
Police Officer -20 Years	PO20	7/1/2017	\$ 2,347.88				
Police Officer -25 Years	PO25	7/1/2017	\$ 2,374.92				
Police Officer -28 Years	PO28	7/1/2017	\$ 2,420.02				

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## Section 50-308 Salary Schedules for Environmental Officers

Proposed Ordinance	Grade	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5
Environmental Police Officer	ENVIR	7/1/2017	\$ 1,349.50	\$ 1,382.66	\$ 1,500.00	\$ 1,665.89	\$ 1,734.50
Environmental Police 10 Years	EN10	7/1/2017	\$ 1,743.18				
Environmental Police 15 Years	EN15	7/1/2017	\$ 1,751.84				
Environmental Police 20 Years	EN20	7/1/2017	\$ 1,830.93				
Environmental Police 25 Years	EN25	7/1/2017	\$ 1,839.96				
Environmental Police 30 Years	EN30	7/1/2017	\$ 1,885.03				

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Section 50-309 Salary Schedules covered by Community Maintenance Local 251

Proposed Ordinance	Grade	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5
Supervisor Asphalt/Concrete	CHFA	7/1/2017	\$ 2,500.00				
Working Foreman Laborer/ Chief Laborer DCM		7/1/2017	\$ 1,698.88				
		7/1/2018	\$ 1,732.85				
Working Foreman laborer /Asphalt	CLBA	7/1/2017	\$ 1,698.88				
		7/1/2018	\$ 1,732.85				
Working Foreman laborer /Concrete	CLBA	7/1/2017	\$ 1,698.88				
		7/1/2018	\$ 1,732.85				
DCM Foreman/Supervisor	FORM	7/1/2017	\$ 1,863.42				
		7/1/2018	\$ 1,900.69				
Special CL/BA DCM	CLBA	7/1/2017	\$ 1,637.32				
		7/1/2018	\$ 1,670.06				
Special CL/BS DCM	CLBS	7/1/2017	\$ 1,637.32				
		7/1/2018	\$ 1,670.06				
Litter Enforcement Officer-DCM	LITR	7/1/2017	\$ 1,179.46	\$ 1,211.79	\$ 1,423.85	\$ 1,488.10	\$ 1,550.83
		7/1/2018	\$ 1,203.06	\$ 1,236.03	\$ 1,452.32	\$ 1,517.86	\$ 1,581.85
Working Foreman Motor Equipment Operator	WFRE	7/1/2017	\$ 1,863.42				
		7/1/2018	\$ 1,900.69				
Motor Equipment Repair Person DCM	MERM	7/1/2017	\$ 1,637.32				
		7/1/2018	\$ 1,670.06				
Motor Equipment Operator /Laborer 2A DCM	MEO2	7/1/2017	\$ 1,467.80				
		7/1/2018	\$ 1,497.15				
SHMEO 1A DCM	SHM1	7/1/2017	\$ 1,583.13				
		7/1/2018	\$ 1,614.78				

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Section 50-310 Salary Schedules for Custodians Local 124

<u>Proposed Ordinance</u>	<u>Grade</u>	<u>Effective Date</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>
Head Custodian	Head Cust	7/1/2017	\$ 1,728.29		
		7/1/2018	\$ 1,762.86		
	Head Cust 20 Years	7/1/2017	\$ 1,781.18		
		7/1/2018	\$ 1,816.80		
Junior Custodian	Jr. Cust	7/1/2017	\$ 1,174.70	\$ 1,242.46	\$ 1,310.14
		7/1/2018	\$ 1,198.18	\$ 1,267.31	\$ 1,336.34
	Jr. Cust 20 Years	7/1/2017	\$ 1,209.93	\$ 1,279.74	\$ 1,349.42
		7/1/2018	\$ 1,234.13	\$ 1,305.32	\$ 1,376.43
Senior Custodian	Sr. Cust	7/1/2017	\$ 1,334.52	\$ 1,402.24	\$ 1,469.90
		7/1/2018	\$ 1,361.20	\$ 1,430.28	\$ 1,499.29
	Sr. Cust 20 Years	7/1/2017	\$ 1,374.55	\$ 1,444.30	\$ 1,535.90
		7/1/2018	\$ 1,402.04	\$ 1,473.20	\$ 1,565.80

**CITY OF FALL RIVER**

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13

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on December 5, 2017, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Linda M. Pereira absent and not voting.

*Cullen A. Taylor*  
Clerk of Committees

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:

Albion Street, west side, starting at a point 52 feet north of Chesworth Street, for a distance of 20 feet northerly

Beverly Street, east side, starting at a point 133 feet south of Walnut Street, for a distance of 20 feet southerly

Choate Street, west side, starting at a point 115 feet south of Bedard Street, for a distance of 20 feet southerly

Fulton Street, east side, starting at a point 70 feet north of Suffolk Street, for a distance of 25 feet northerly

McCloskey Street, east side, starting at a point 20 feet north of County Street, for a distance of 20 feet northerly



**CITY OF FALL RIVER**

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To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on December 5, 2017, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Linda M. Pereira absent and not voting.

  
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 74 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to utilities, be amended as follows:

By striking out Sec. 74-52(a). Membership; appointment and qualifications of members; compensation of members, in its entirety, and inserting in place thereof, the following new Sec. 74-52(a)

(a) The Sewer Commission shall consist of five commissioners appointed by the Mayor with the approval of the City Council. One member of the Commission shall be a qualified engineer. One member shall be an attorney at law. The engineer shall be qualified by virtue of possession of at least a baccalaureate degree in civil, chemical or mechanical engineering or related discipline from an accredited institution, or by virtue of possession of a professional engineering certificate in such discipline or a related discipline from any state of the United States. The attorney shall be qualified by virtue of membership in the Massachusetts bar. Three members shall have an interest in matters related to the Sewer Commission. All Commissioners must be residents of the city.

## CITY OF FALL RIVER

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To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on December 5, 2017, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Linda M. Pereira absent and not voting.

*Colleen A. Taylor*  
Clerk of Committees

# City of Fall River, In City Council

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

That Chapter 74 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to utilities, be amended as follows:

By striking out Article III, which article relates to Sewer Use Regulations, in its entirety, and inserting in place thereof, the attached Article III.

## ARTICLE III. SEWER USE REGULATIONS <sup>[3]</sup>

### DIVISION 1. - GENERALLY

### DIVISION 2. - BUILDING SEWERS AND CONNECTIONS

### DIVISION 3. - DISCHARGE INTO PUBLIC SEWERS

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FOOTNOTE(S):

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--- (3) ---

Cross reference— Sewage disposal in the water shed and water supply protection district, § 86-349. (Back)

**DIVISION 1. GENERALLY**

Sec. 74-161. Definitions.

Sec. 74-162. Damaging or tampering with facilities of sewerage works.

Sec. 74-163. Right of entry.

Sec. 74-164. Notice of violation.

Sec. 74-165. Failure to correct violation; penalty.

Sec. 74-166. Liability for expense or damage caused by violation.

Secs. 74-167—74-190. Reserved.

**Sec. 74-161. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Authorized or Duly Authorized Representative of the User:*

- (1) If the User is a corporation:
  - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Enforcing Officer.

*BOD*, denoting biochemical oxygen demand, means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

*Best Management Practices* or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in (40 CFR 403.5(a)(1) and (b) National pretreatment standards, general and specific prohibitions. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

*Building drain* means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning ten feet outside the inner face of the building wall.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal.

*Categorical Industrial User.* An Industrial User subject to a National Categorical Pretreatment Standards

*Chemical Oxygen Demand* or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

*Combined sewer* means a sewer designated to receive both surface runoff and sewage.

*Daily Maximum.* The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

*Daily Maximum Limit.* The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

*Enforcing officer* means the Administrator of Community Utilities or his authorized deputy, agent or representative.

*Garbage* means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

*Indirect Discharge or Discharge* means the introduction of pollutants into the Sewerage Works from any nondomestic source.

*Industrial wastes* means the water-carried wastes from industrial manufacturing processes, trades or businesses, as distinct from sanitary sewage.

*Instantaneous Limit.* The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

*Interference.* A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the SEWERAGE WORKS, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

*Local Limit.* Specific discharge limits developed and enforced by the Enforcing Officer upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in (40 CFR 403.5(a)(1) and (b) National pretreatment standards, general and specific prohibitions).

*Medical Waste.* Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

*Monthly Average.* The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

*Monthly Average Limit.* The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

*Noncontact Cooling Water.* Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

*Pass Through.* A discharge which exits the Sewerage Works into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

*Person.* Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities

*pH* means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*Pollutant.* Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

*Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the SEWERAGE WORKS. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

*Pretreatment Requirements.* Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

*Pretreatment Standards* or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

*Prohibited Discharge Standards* or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 74-223 of this ordinance.

*Properly shredded* garbage means the waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

*Public sewer* means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

*Sanitary sewer* means a sewer which is designated to carry sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

*Sewage* means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

*Sewer* means a pipe or conduit for carrying sewage.

*Sewerage Works* means all facilities for collecting, pumping, treating and disposing of sewage.

*Significant Industrial User (SIU).* A Significant Industrial User is:

- (1) An Industrial User subject to categorical Pretreatment Standards; or
- (2) An Industrial User that:
  - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the Sewerage Works (excluding sanitary, noncontact cooling and boiler blow down wastewater);
  - (b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the Sewerage Works treatment plant; or

(c) Is designated as such by the Enforcing Officer on the basis that it has a reasonable potential for adversely affecting the SEWERAGE WORKS's operation or for violating any Pretreatment Standard or Requirement.

*Significant noncompliance* means violations which meet one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined for purposes of this subsection as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- (2) Technical review criteria (TRC) violations, defined for purposes of this subsection as those in which 33 percent or more of all of the measurements taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit times the applicable TRC. (TRC equals 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH.)
- (3) Any other violation of a pretreatment effluent limit (daily or longer-term average) that the control authority believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of personnel of the publicly owned treatment works or the general public.
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment and has resulted in the publicly owned treatment works' exercise of its emergency authority to halt or prevent such danger.
- (5) Violation, by 90 days or more after the schedule date of a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, and attaining final compliance.
- (6) Failure to provide required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance schedules within 30 days of the due date.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation or group of violations which the control authority considers to be significant.

The control authority is the City of Fall River and its publicly owned treatment works (POTW).

*Slug* means any discharge of water of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the Sewerage Works' regulations, Local Limits or Permit conditions.

*Storm drain* and *storm sewer* mean a sewer which is designated to carry stormwater and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

*Storm Water*. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

*Suspended solids* means solids that either float on the surface of or are in suspension in water, sewage or other liquids, and that are removable by laboratory filtering.

*Wastewater*. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the Sewerage Works.

*Wastewater treatment plant* means that portion of the Sewerage Works which is designed to provide treatment of municipal sewage and industrial waste. An arrangement of devices and structures used for treating sewage.

*Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

(Rev. Ords. 1988, § 19-116)

**Cross reference**—Definitions generally, § 1-2.



**Sec. 74-162. Damaging or tampering with facilities of sewerage works.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewerage works. Any person violating this section shall be subject to immediate arrest under a charge of disorderly conduct and/or applicable fines and penalties.

(Rev. Ords. 1988, § 19-117)

**Sec. 74-163. Right of entry.**

- (a) *Generally; limitations.* The enforcing officer and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The enforcing officer or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- (b) *Liability of city; observance of company safety rules.* While performing the necessary work on private property referred to in subsection (a) of this section, the enforcing officer or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in this article.
- (c) *Work in easements.* The enforcing officer and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Rev. Ords. 1988, §§ 19-118—19-120)

**Sec. 74-164. Notice of violation.**

Any person found to be violating any provision of this article, except section 74-162, shall be served by the city with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(Rev. Ords. 1988, § 19-121)

**Sec. 74-165. Failure to correct violation; penalty.**

Any person who shall continue any violation beyond the time limit provided for in section 74-164 shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$5,000.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(Rev. Ords. 1988, § 19-122)

**Sec. 74-166. Liability for expense or damage caused by violation.**

Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(Rev. Ords. 1988, § 19-123)

**Secs. 74-167—74-190. Reserved.**

Chapter 74 UTILITIES  
Article III – SEWER USE REGULATIONS

**DIVISION 2. BUILDING SEWERS AND CONNECTIONS**

Sec. 74-191. Generally.

Sec. 74-192. Separate building sewer required for each building; exception.

Sec. 74-193. Use of old building sewers.

Sec. 74-194. Standards for installation of building sewer.

Sec. 74-195. Elevation of building sewer.

Sec. 74-196. Connection of sources of surface runoff or groundwater to sanitary sewer.

Sec. 74-197. Standards for connections.

Sec. 74-198. Supervision of connection.

Sec. 74-199. Excavations.

Sec. 74-200. Extension and connection permits.

Sec. 74-201. Installation and maintenance of force mains and pumping stations.

Sec. 74-202. Infiltration and inflow reduction program.

Secs. 74-203—74-220. Reserved.

**Sec. 74-191. Generally.**

- (a) *Permit required.* No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city engineer.
- (b) *Notification of new discharge.* Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the enforcing officer at least 45 days prior to the proposed change or connection.
- (c) *Classes of permits; application for permit.* There shall be two classes of building sewer permits:
  - (1) Residential and commercial service; and
  - (2) Establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgment of the enforcing officer.

- (d) *Payment of costs; indemnification of city.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Rev. Ords. 1988, § 19-136)

**Sec. 74-192. Separate building sewer required for each building; exception.**

A separate and independent building sewer shall be provided for every building, except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Rev. Ords. 1988, § 19-137)

**Sec. 74-193. Use of old building sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the enforcing officer, to meet all requirements of this article.

(Rev. Ords. 1988, § 19-138)

**Sec. 74-194. Standards for installation of building sewer.**

- (a) The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city.
- (b) In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(Rev. Ords. 1988, § 19-139)

**Sec. 74-195. Elevation of building sewer.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Rev. Ords. 1988, § 19-140)

**Sec. 74-196. Connection of sources of surface runoff or groundwater to sanitary sewer.**

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Rev. Ords. 1988, § 19-141)

**Sec. 74-197. Standards for connections.**

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be gastight under a pressure of five pounds per square inch. Tests shall be conducted by pressurizing the public system adjacent to the connection and the private sewer at the expense of the applicant for the building sewer permit. Leakage will be determined by the development of bubbles at joints when they are wiped with a soapy solution. Any deviation from the prescribed procedures and materials must be approved by the enforcing officer before installation.

(Rev. Ords. 1988, § 19-142)

**Sec. 74-198. Supervision of connection.**

The applicant for the building permit shall notify the enforcing officer 48 hours prior to the time when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the enforcing officer or his representative.

(Rev. Ords. 1988, § 19-143)

**Sec. 74-199. Excavations.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Rev. Ords. 1988, § 19-144)

**Sec. 74-200. Extension and connection permits.**

- (a) Building permits for all sewer connections must be signed by both the engineering division for the physical availability of the sewer, and the sewer commission for the available capacity of affected sewers, interceptors, combined sewer overflow facilities and the wastewater treatment facility.
- (b) Any project which requires a permit under the Massachusetts Sewer System Extension and Connection Permit Program, title 314 CMR 7.00, must obtain such a permit prior to connection to the public sewer system. It is the responsibility of the developer to obtain all approvals for this permit prior to connection.
- (c) Any person who violates any provision of this section shall be liable for penalties as provided by section 74-165
- (d) All projects shall be subject to site plan review for sewer and Stormwater facilities.

(Rev. Ords. 1988, § 19-145; Ord. No. 2000-12, § 12, 6-20-2000)

**Sec. 74-201. Reserved.**

**Sec. 74-202. Infiltration and inflow reduction program.**

- (a) Any project that is new construction connecting to the sewer system, or which is of sufficient discharge capacity and requires a state sewer extension permit pursuant to Massachusetts Sewer System Extension and Connection Permit Program, title 314 CMR 7.00 must contribute to the reduction of infiltration and inflow to the public sewer system. This may be in the form of a limited inflow/infiltration study, actual removal of inflow/infiltration by pipeline rehabilitation, combined sewer separation, storm drain installation, specific pipeline maintenance projects, a permit fee or other method as approved by the sewer commission and department of community utilities.
- (b) Such inflow/infiltration reduction must establish an effective removal or planned removal of four times that volume proposed to that which is being introduced.
- (c) Massachusetts Department of Environmental Protection approval of 314 CMR 7.00 permits are no longer required; the Sewer Commission shall continue to implement the program through the Site Plan approval process.
- (d) The Inflow/Infiltration permit fee shall be per appendix A. The fee schedule shall apply to all new residential, commercial and industrial construction or expansion.

(Rev. Ords. 1988, § 19-147; Ord. No. 2008-40, § 12(74-202), 7-15-2008)

**Secs. 74-203—74-220. Reserved.**

**DIVISION 3. DISCHARGE INTO PUBLIC SEWERS**

Sec. 74-221. Discharge of unpolluted drainage to sanitary sewer.

Sec. 74-222. Permitted discharge of unpolluted drainage; discharge of unpolluted drainage to combined sewers.

Sec. 74-223. Prohibited discharges.

Sec. 74-224. Discharges requiring approval by enforcing officer.

Sec. 74-225. Acceptance of restricted discharges.

Sec. 74-226. Disposal of waste from septic tanks or other waste receptacles.

Sec. 74-227. Grease and oil interceptors.

Sec. 74-228. Maintenance of preliminary treatment and flow-equalizing facilities.

Sec. 74-229. Manholes.

Sec. 74-230. Measurements, tests and analyses.

Sec. 74-231 Pretreatment Facilities

Secs. 74-232—74-250. Reserved.

**Sec. 74-221. Discharge of unpolluted drainage to sanitary sewer.**

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(Rev. Ords. 1988, § 19-156)

**Sec. 74-222. Permitted discharge of unpolluted drainage; discharge of unpolluted drainage to combined sewers.**

- (a) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the enforcing officer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the enforcing officer, to a storm sewer, combined sewer or natural outlet. However, all new connections to combined sewers shall be made separately to serve all roof downspouts, exterior foundation drains, areaway drains and other unpolluted drainage.
- (b) Every effort must be made to avoid discharging stormwater and all other unpolluted drainage to combined sewers. Only in cases where every alternative has been exhausted; and severe flooding will be encountered otherwise, will such connection be allowed. Such cases must be fully documented and approved by the sewer commission and the department of community maintenance.
- (c) Any person who violates any provision of this section shall be liable for penalties as provided by section 74-165

(Rev. Ords. 1988, § 19-157; Ord. No. 2008-40, § 12(74-222), 7-15-2008)

**Sec. 74-223. Prohibited discharges.**

No person shall discharge or cause to be discharged any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all users of the Sewerage Works, whether or not they are subject to categorical Pretreatment Standards or any other National, State, or Local Pretreatment Standards or Requirements. The following described waters or wastes shall be prohibited from any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas without expressed written consent of the Control Authority.
- (2) Pollutants which create a fire or explosive hazard in the Sewage Works, including, but not limited to wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21
- (3) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
- (4) Any waters or wastes having a pH lower than 5.5 or greater than 11.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.
- (5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage works, such as but not limited to latex, rubber, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, paper cups, paper milk containers, etc., either whole or ground by garbage grinders.
- (6) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the Sewage Works.
- (7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- (8) Pollutants which result in the presence of toxic gases, vapors, or fumes within the Sewage Works in a quantity that may cause acute worker health and safety problems;
- (9) Trucked or hauled pollutants, except at discharge points designated by the enforcing officer;
- (10) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (11) Sludges, screenings, or other residues from the pretreatment of industrial waste;
- (12) Medical Wastes, except as specifically authorized by the Administrator of Community Utilities in an individual wastewater discharge permit;

(Rev. Ords. 1988, § 19-158)

**Sec. 74-224. Discharges requiring approval by enforcing officer.**

- a. No person shall discharge or cause to be discharged the substances, materials, waters or wastes described in subsection (b) of this section if it appears likely in the opinion of the enforcing officer that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb or public property or constitute a nuisance
- b. In forming his opinion as to the acceptability of these wastes, the enforcing officer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:
  - (1) Any liquid or vapor having a temperature higher than 130 degrees Fahrenheit.

- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit.
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the enforcing officer.
- (4) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the enforcing officer for such materials. Limits for the following substances must not be exceeded at the point source discharge to the sewer system:

Cadmium	0.30 mg/l
Chromium	2.24 mg/l
Copper	0.54 mg/l
Lead	4.0 mg/l
Nickel	1.43 mg/l
Silver	0.10 mg/l
Zinc	2.20 mg/l

If any other local, state or federal regulations apply to these substances, the most stringent regulation shall apply.

- (5) Any waters or wastes containing phenols or other taste-producing or odor-producing substances in concentrations exceeding limits which may be established by the enforcing officer as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies having jurisdiction for such discharge to the receiving waters.
- (6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the enforcing officer in compliance with applicable state or federal regulations.
- (7) Any waters or wastes having a pH in excess of 11.5.
- (8) Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate). The concentration of total suspended solids (TSS) shall not exceed 350 milligrams per liter.
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting slugs.
  - e. Unusual concentrations of nitrogen and nitrogen compounds.
  - f. Unusual concentrations of phosphorus.
- (9) Wastes removed from septic tanks and cesspools.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the



sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- c. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the Enforcing Officer convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Enforcing Officer. The Enforcing Officer may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections (1) a. through (1) e. below.

(1) To be eligible for equivalent mass limits, the Industrial User must:

- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
- e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(2) An Industrial User subject to equivalent mass limits must:

- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- c. Continue to record the facility's production rates and notify the Enforcing officer whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (1)c. of this Section. Upon notification of a revised production rate, the Enforcing officer will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs (1)a of this Section so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the Enforcing officer:

- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
- b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and may retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment.. (Rev. Ords. 1988, § 19-159)

**Sec. 74-225. Acceptance of restricted discharges.**

- (a) *Authority of enforcing officer.* If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 74-224, and which in the judgment of the enforcing officer may have a deleterious effect upon the

sewerage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the enforcing officer may:

- (1) Reject the wastes.
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
  - (3) Require control over the quantities and rates of discharge.
  - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this article.
- (b) *Pretreatment or equalization of waste flows.* If the enforcing officer permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to review and approval of the enforcing officer and subject to the requirements of all applicable codes, ordinances and laws.
- (c) *Waste from septic tanks and cesspools.* Wastes removed from septic tanks and cesspools may be discharged to the public sewers only under the following conditions:
- (1) The superintendent of the sewage treatment plant is notified, and it is done in the presence of his representative.
  - (2) It is done during the schedule as established by the enforcing officer.
  - (3) It is done at places designated by the enforcing officer.
  - (4) It shall be done in a manner and at such times as may be acceptable to the authority having jurisdiction over the sewer.

(Rev. Ords. 1988, § 19-160)

**Sec. 74-226. Disposal of waste from septic tanks or other waste receptacles.**

- (a) *Fees.* The owner or operator of any company transporting and disposing of the contents of private cesspools, chemical toilets, septic tanks, holding tanks or waste receptacles into the sewerage system shall pay a fee for each 1,000 gallons or fraction thereof of tank capacity of the truck or vehicle depositing the material in accordance with the fee schedule in Appendix A to this Revision.
- (b) *Approval of source and hauler.* All nonresidential sources must be approved in writing by the sewer commission. All transport haulers must be approved by the sewer commission.

(Rev. Ords. 1988, § 19-161; Ord. No. 1998-18, § 2, 8-18-1998)

**Sec. 74-227. Grease and oil interceptors.**

- (a) *Generally.* Grease and oil interceptors shall be provided when, in the opinion of the enforcing officer, they are necessary for the proper handling of liquid waste containing grease in excessive amounts or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the enforcing officer, and shall be located so as to be readily accessible for cleaning and inspection.
- (b) *Approval; recommended requirements.* The plumbing inspector must approve all grease traps. The following are the recommended requirements; however, the plumbing inspector may approve alternative systems based on the specific project:
- (1) Grease traps generally. Any commercial establishment, including restaurants, bakeries, nursing homes, schools, hospitals or other such industries, having a potential or actual discharge of wastewater containing a concentration of 100 milligrams per liter or more of fat, oil or grease, or that impacts the city sewer system in such a way as to hinder flow or upset process conditions at the publicly owned treatment works, shall provide a fat, oil and grease interceptor to eliminate such discharges. Fat, oil and grease interceptors, referred to in this section as grease traps, must adhere to the following specifications:
    - a. *Capacity.* Grease traps shall have a minimum depth of four feet and a minimum capacity of 1,000 gallons, and shall be of sufficient capacity to provide at least a 24-hour detention time for the projected flow to the sewer.
    - b. *Construction.* Grease traps shall be watertight and constructed of sound and durable materials not subject to excessive corrosion or frost damage, or cracking or buckling due to settlement or backfilling. Tanks and covers shall be designed and constructed so

- as to withstand normal structural loadings. Proper buoyancy compensation must be provided if necessary.
- c. *Depth of tees.* The inlet tee shall extend to the mid-depth of the tank and conform to specifications delineated in 248 CMR 2.06.2. The outlet tee shall be of PVC and extend to within 12 inches of the bottom of the tank. Tees shall be properly supported by a hanger, strap or other device.
  - d. *Baffles.* Baffles may be provided as necessary to maximize the separation of grease from the wastewater. Baffles may not be a substitute for the inlet and outlet tees.
  - e. *Materials.* Grease traps may be constructed of poured reinforced concrete, precast reinforced concrete or prefabricated material acceptable to the approving authority.
  - f. *Base.* Grease traps shall be installed on a level, stable base that will not settle.
  - g. *Accessibility.* Grease traps shall be located on the lot so as to be accessible for servicing and cleaning.
  - h. *Access manholes.* Grease traps shall be provided with a minimum 24-inch diameter manhole frame and cover to grade. Manholes shall be provided over the inlet and outlet.
  - i. *Backfill.* Backfill around the grease trap shall be placed in such a manner as to prevent damage to the tank.
  - j. *Cleaning.* Grease traps shall be inspected monthly and shall be cleaned by the owner when the level of grease is 25 percent of the effective depth of the trap, or at least every three months. A log book depicting scheduled maintenance and maintenance performed shall be kept by the owner and made available to the city's health inspector upon request. Recorded log books must be kept available for inspection for at least three years.
  - k. *Location.* Grease traps shall be installed on a separate building sewer serving that part of the plumbing system into which the grease will be discharged. Grease traps shall be installed on the lot, below grade, and ten feet outside of the structure. A variance may be granted by the city health and human services division to allow the installation of a grease trap within the confines of the structure if it is demonstrated, to the satisfaction of the health and human services division, that such installation does not constitute a threat to the general welfare and health of the public and that installation outside of the structure creates an undue hardship.
  - l. *Grease traps not required for certain premises.* Grease traps are not required for individual dwelling units or any private living quarters.
  - m. *Discharge of waste from food waste grinders.* The waste from food waste grinders (garbage disposers) shall not discharge to the sewer through a grease trap.
- (2) *Interior grease traps.* Adherence to this section does not exculpate liability to conform with the requirements of 248 CMR 2.09.2.
  - (3) *Oil and gas separators.* Garages, parking lots, condominiums and other establishments where petroleum-based products are used and stored and where any petroleum-based products, sand or other harmful material may be discharged to the city sewer system or that may discharge stormwater runoff into wetlands must provide a separator pursuant to 248 CMR 2.09.1.
- (c) *Enforcement.* The sewer commission, as authorized by this chapter and M.G.L.A. c. 41, §§ 63, 65 and 68, hereby designates the city plumbing inspector to enforce the conditions of this section. The plumbing inspector shall act as an agent of the sewer commission when enforcing this section only and carry out duties including but not limited to:
- (1) The use of this section as constituent criteria in the issuance of plumbing permits.
  - (2) Inspecting the installation of grease traps to ensure compliance with this section.
  - (3) The signing of building permits to signify compliance with this section by the permit holder.
  - (4) The implementation of 248 CMR 2.09.1. The jurisdiction of the plumbing inspector shall be extended to include all fixtures up to and including the sewer connection. Jurisdiction granted to the city's plumbing inspector by this section shall not be superseded by 248 CMR 2.09.1 or any federal, state or local statute that limits the jurisdiction of the plumbing inspector to that of any distance short of the sewer connection.

**Sec. 74-228. Maintenance of preliminary treatment and flow-equalizing facilities.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Rev. Ords. 1988, § 19-163)

**Sec. 74-229. Manholes.**

When required by the enforcing officer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the enforcing officer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(Rev. Ords. 1988, § 19-164)

**Sec. 74-230. Measurements, tests and analyses.**

- (a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at the control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence or hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether grab samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH is determined from periodic grab samples.
- (b) All industries discharging into a public sewer shall perform such monitoring of their discharges as the enforcing officer and/or other duly authorized employees of the city may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting results of such monitoring to the enforcing officer. Such records shall be made available upon request of the enforcing officer to other agencies having jurisdiction over discharges to the receiving waters.

(Rev. Ords. 1988, § 19-165)

**Sec. 74-231 Pretreatment Facilities**

- a. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Sec. 74-224. Discharges requiring approval by enforcing officer of this ordinance within the time limitations specified by EPA, the State, or the enforcing officer, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the enforcing officer for review, and shall be acceptable to the enforcing officer before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Enforcing Officer under the provisions of this ordinance.
- b. Whenever deemed necessary, the enforcing officer may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate domestic sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the Sewerage Works and determine the User's compliance with the requirements of this ordinance.

- c. The enforcing officer may require any person discharging into the Treatment Works to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- d. The enforcing officer shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The enforcing officer may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
  - a. Description of discharge practices, including nonroutine batch discharges;
  - b. Description of stored chemicals;
  - c. Procedures for immediately notifying the enforcing officer of any accidental or Slug Discharge, ; and
  - d. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Secs. 74-232—74-250. Reserved.

**CITY OF FALL RIVER**

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To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on December 5, 2017, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Linda M. Pereira absent and not voting.

*Colleen A. Taylor*  
Clerk of Committees

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

That Chapter 74 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to utilities, be amended by inserting a new Section 74-143 as attached titled Stormwater Management Ordinance for Discharges to the Municipal Stormwater System of the City of Fall River.

**STORMWATER MANAGEMENT ORDINANCE**  
**For**  
**Discharges to the Municipal Stormwater System**  
**Of the City of Fall River**

**1. PURPOSE**

- (a) Regulation of stormwater and contaminated stormwater runoff to the municipal combined sewer system as well as the separate storm sewer system (MS4) is necessary for the protection of the City's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; such as:
  - (1) impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater,
  - (2) contamination of drinking water supplies,
  - (3) erosion of stream channels;
  - (4) overloading or clogging of municipal catch basins and storm drainage systems;
  - (5) overloading of the municipal combined sewer system;
  - (6) alteration or destruction of aquatic and wildlife habitat; and
  - (7) flooding.
- (b) Therefore, this ordinance establishes stormwater management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be borne by abutters and the general public.
- (c) The objectives of this ordinance are:
  - (1) To require practices to control the flow of stormwater from new and redeveloped sites into the City storm drainage system in order to prevent flooding and erosion;
  - (2) To protect groundwater and surface water from degradation;
  - (3) To promote groundwater recharge;
  - (4) To prevent pollutants from entering the City's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
  - (5) To ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;
  - (6) To comply with state and federal statutes and regulations relating to stormwater discharges; and

- (7) To establish the City's legal authority to ensure compliance with the provisions of this ordinance through inspection, monitoring, and enforcement.

## 1. DEFINITIONS

- (a) For the purposes of this Ordinance, the following shall mean:
- (1) **ABUTTER:** The owner(s) of land abutting the activity.
  - (2) **AGRICULTURE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.
  - (3) **ALTERATION OF DRAINAGE CHARACTERISTICS:** Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.
  - (4) **APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed land-disturbance activity.
  - (5) **BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.
  - (6) **CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC):** A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications
  - (7) **CLEARING:** Any activity that removes the vegetative surface cover.
  - (8) **CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site.
  - (9) **EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.
  - (10) **EROSION AND SEDIMENTATION CONTROL PLAN:** A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.
  - (11) **ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:** Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).
  - (12) **DEVELOPMENT:** The modification of land to accommodate a new use or expansion of use, usually involving construction.



- (13) **DISTURBANCE OF LAND:** Any action that causes a change in the position, location, or arrangement of soil, sand rock, gravel or similar earth material.
- (14) **GRADING:** Changing the level or shape of the ground surface.
- (15) **GRUBBING:** The act of clearing land surface by digging up roots and stumps.
- (16) **IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.
- (17) **LAND-DISTURBING ACTIVITY:** Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.
- (18) **MASSACHUSETTS ENDANGERED SPECIES ACT:** (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.
- (19) **MASSACHUSETTS STORMWATER MANAGEMENT POLICY:** The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.
- (20) **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City of Fall River.
- (21) **OPERATION AND MAINTENANCE PLAN:** A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.
- (22) **OUTFALL:** The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.
- (23) **OUTSTANDING RESOURCE WATERS (ORWs):** Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.
- (24) **OWNER:** A person with a legal or equitable interest in property.
- (25) **PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or

agent of such person.

- (26) POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.
- (27) PRE-CONSTRUCTION: All activity in preparation for construction.
- (28) PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.
- (29) REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.
- (30) RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (31) SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.
- (32) SEDIMENTATION: The process or act of deposition of sediment.
- (33) SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.
- (34) SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.
- (35) SOIL: Any earth, sand, rock, gravel, or similar material.
- (36) STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.
- (37) STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit. See Section 6.
- (38) STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.
- (39) STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.
- (40) TSS: Total Suspended Solids.

## 2. AUTHORITY

- (a) This ordinance is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34 published in the Federal Register on December 8, 1999.

## 3. APPLICABILITY

- (a) No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land draining to the Fall River municipal separate storm sewer system without a permit from the Site Plan Review Committee. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site

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(b) Exemptions. The following activities are exempt from this ordinance:

- (1) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
- (2) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
- (3) The construction of fencing that will not substantially alter existing terrain or drainage patterns;
- (4) Construction or maintenance and repair of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
- (5) Emergency repairs to any stormwater management system or feature that poses a threat to public health or safety, or as deemed necessary by the Planning Board, Board of Health, Conservation Commission, Department of Community Utilities or Department of Community Maintenance.
- (6) Disturbances of one or more acres that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an Order of Conditions issued by the Conservation Commission.
- (7) As authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the activities identified in said permit that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this ordinance.

#### 4. ADMINISTRATION

- (a) The Site Plan Review Committee, shall administer, implement and enforce this ordinance. Any powers granted to or duties imposed upon the Site Plan Review Committee may be delegated in writing by the Site Plan Review Committee to its employees or agents.
- (b) Rules and Regulations. The Site Plan Review Committee may adopt, and periodically amend, rules and regulations relating to the procedures and administration of this Stormwater Management ordinance, by majority vote of the Site Plan Review Committee.

#### 5. PERMITS and PROCEDURE

- (a) Filing Application. The site owner or his agent shall file with the Site Plan Review Committee, three (3) copies of a completed application package for a Stormwater Management Permit (SMP). Permit issuance is required prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SMP Application package shall include:
  - (1) a completed Application Form with original signatures of all owners;
  - (2) a list of abutters, certified by the Assessor's Office;
  - (3) three (3) copies of the Stormwater Management Plan and project description as specified in Section 6;

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- (4) three (3) copies of the Erosion Control Plan as specified in Section 7;
  - (5) three (3) copies of the Operation and Maintenance Plan as required by Section 8 of this ordinance;
  - (6) payment of any application and review fees.
- (b) Entry. Filing an application for a permit grants the Site Plan Review Committee, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit
- (c) Fee Structure. The Site Plan Review Committee shall obtain with each submission an Application Fee as established by this ordinance to cover expenses connected with the application review of the Stormwater Management Permit and a technical Review Fee sufficient to cover professional review. The Site Plan Review Committee is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Site Plan Review Committee on any or all aspects of these plans. Applicants must pay review fees before the review process may begin.
- (1) Application fee for projects less than 3 Acres ..... \$300
  - (2) Application fee for projects from 3 to 10 Acres ..... \$600
  - (3) Application Fee for projects greater than 10 Acres ..... \$1500
  - (4) Resubmittal/Amendment filing fee ..... \$100
  - (5) Fees for Professional peer review..... Assessed on a case by case basis
- (d) Actions. The Site Plan Review Committee's action, rendered in writing, shall consist of either:
- (1) Approval of the Stormwater Management Permit Application based upon determination that the proposed plan meets the Standards and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this ordinance;
  - (2) Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the Site Plan Review Committee which will ensure that the project meets the Standards and adequately protect water resources, set forth in this ordinance
  - (3) Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not meet the Standards or adequately protect water resources, as set forth in this ordinance.
- (e) Plan Changes. The permittee, must notify the Site Plan Review Committee in writing of any drainage change or alteration in the system authorized in a Stormwater Management Permit before any change or alteration is made. If the Site Plan Review Committee determines that the change or alteration is significant, based on the Stormwater Management Standards and accepted construction practices, the Site Plan Review Committee may require that an amended application be filed. If any change or alteration from Stormwater Management Permit occurs during any land disturbing activities, the Site Plan Review Committee may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.
- (f) Project Completion. At completion of the project the permittee shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site. The as-built drawing shall show deviations from the

approved plans, if any, and be certified by a Registered Professional Engineer.

## 6. STORMWATER MANAGEMENT PLAN

- (a) The application for a stormwater management permit shall consist of submittal of a Stormwater Management Plan to the Site Plan Review Committee. This Stormwater Management Plan shall contain sufficient information for the Site Plan Review Committee to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in Part B of this section and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:
- (1) A locus map,
  - (2) The existing zoning, and land use at the site,
  - (3) The proposed land use,
  - (4) The location(s) of existing and proposed easements,
  - (5) The location of existing and proposed utilities,
  - (6) The site's existing & proposed topography with contours at 2 foot intervals,
  - (7) The existing site hydrology,
  - (8) A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows,
  - (9) A delineation of 100-year flood plains, if applicable,
  - (10) Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration,
  - (11) The existing and proposed vegetation and ground surfaces with runoff coefficients for each,
  - (12) A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths,
  - (13) A description and drawings of all components of the proposed drainage system including:
    - a. Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
    - b. all measures for the detention, retention or infiltration of water,
    - c. all measures for the protection of water quality,
    - d. the structural details for all components of the proposed drainage systems and stormwater management facilities,
    - e. notes on drawings specifying materials to be used, construction specifications, and typicals, and
    - f. expected hydrology with supporting calculations.
  - (14) Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,
  - (15) Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,
  - (16) A maintenance schedule for the period of construction, and
  - (17) An Erosion & Sediment Control Plan as detailed in section 7.

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- (18) Operation & Maintenance Plan as detailed in section 8.
- (19) Any other information requested by the Site Plan Review Committee.

(b) Standards

Projects shall meet the Standards of the Massachusetts Stormwater Management Policy, which are as follows:

- (1) No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth.
- (2) Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
- (3) Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
- (4) For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
  - a. Suitable nonstructural practices for source control and pollution prevention are implemented;
  - b. Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
  - c. Stormwater management BMPs are maintained as designed.
- (5) Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.
- (6) Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
- (7) Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
- (8) Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
- (9) All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.  
When one or more of the Standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

(c) Project Changes

The permittee, or their agent, shall notify the Site Plan Review Committee in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Site Plan Review

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Committee determines that the change or alteration is significant, based on the design requirements and accepted construction practices, the Site Plan Review Committee may require that an amended Stormwater Management Permit application be filed. If any change or deviation from the Stormwater Management Permit occurs during a project, the Site Plan Review Committee may require the installation of interim measures before approving the change.

## 7. EROSION AND SEDIMENT CONTROL PLAN

- (a) The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 7.B, below.
- (b) The design requirements of the Erosion and Sediment Control Plan are:
  - (1) Minimize total area of disturbance;
  - (2) Sequence activities to minimize simultaneous areas of disturbance;
  - (3) Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
  - (4) Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
  - (5) Divert uncontaminated water around disturbed areas;
  - (6) Maximize groundwater recharge;
  - (7) Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers specifications and good engineering practices;
  - (8) Prevent off-site transport of sediment;
  - (9) Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
  - (10) Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
  - (11) Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
  - (12) Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
  - (13) Properly manage on-site construction and waste materials; and
  - (14) Prevent off-site vehicle tracking of sediments.
- (c) Erosion and Sedimentation Control Plan Content. The Plan shall contain the following information:
  - (1) Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
  - (2) Title, date, north arrow, names of abutters, scale, legend, and locus map;

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- (3) Location and description of natural features including:
  - a. Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
  - b. Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and
  - c. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
- (4) Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
- (5) Existing soils, volume and nature of imported soil materials;
- (6) Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;
- (7) Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
- (8) Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
- (9) Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
- (10) Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
- (11) Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;
- (12) Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Policy;
- (13) Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
- (14) A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
- (15) A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
- (16) Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control; and
- (17) Such other information as is required by the Site Plan Review Committee.



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## 8. OPERATION AND MAINTENANCE PLAN

(a) An Operation and Maintenance plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this Ordinance and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Site Plan Review Committee shall make the final decision of what maintenance option is appropriate in a given situation. The Site Plan Review Committee will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The Operation and Maintenance Plan shall remain on file with the Site Plan Review Committee and shall be an ongoing requirement. The O&M Plan shall include:

- (1) The name(s) of the owner(s) for all components of the system
- (2) Maintenance agreements that specify:
  - a. The names and addresses of the person(s) responsible for operation and maintenance
  - b. The person(s) responsible for financing maintenance and emergency repairs.
  - c. A Maintenance Schedule for all drainage structures, including swales and ponds.
  - d. A list of easements with the purpose and location of each.
  - e. The signature(s) of the owner(s).
- (3) Stormwater Management Easement(s).
  - a. Stormwater management easements shall be provided by the property owner(s) as necessary for:
    1. access for facility inspections and maintenance,
    2. preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.
    3. direct maintenance access by heavy equipment to structures requiring regular cleanout.
  - b. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
  - c. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Site Plan Review Committee.
  - d. Easements shall be recorded with the Bristol County Registry of Deeds prior to issuance of a Certificate of Completion by the Owner.
- (4) Changes to Operation and Maintenance Plans
  - a. The owner(s) of the stormwater management system must notify the Site Plan Review Committee of changes in ownership or assignment of financial responsibility.
  - b. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this ordinance by mutual agreement of the Site Plan Review Committee and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

16

## 9. SURETY

- (a) The Site Plan Review Committee may require the permittee to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by Corporation Counsel, and be in an amount deemed sufficient by the Site Plan Review Committee to ensure that the work will be completed in accordance with the permit. If the project is phased, the Site Plan Review Committee may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Site Plan Review Committee has received the final inspection report as required by Section 10 and issued a Certificate of Completion.

## 10. INSPECTIONS

- (a) The Site Plan Review Committee or their designee shall inspect the project site at the following stages:
  - (1) Initial Site Inspection: prior to approval of any plan.
  - (2) Erosion Control Inspection: to ensure erosion control practices are in accord with the filed plan.
  - (3) Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.
  - (4) Final Inspection. After the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The Site Plan Review Committee or their designee shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to Site Plan Review Committee which will issue a Certificate of Completion.
- (b) In order to obtain inspections, the permittee shall notify the Site Plan Review Committee at least two (2) working days before the required inspection.
- (c) If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act the City of Fall River may use the surety bond to complete the work. Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

## 11. WAIVERS

- (a) The Site Plan Review Committee may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:
  - (1) such action is allowed by federal, state and local statutes and/or regulations,
  - (2) is in the public interest, and
  - (3) is not inconsistent with the purpose and intent of this by-law.
- (b) Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver

request and demonstrating that strict application of the ordinance does not further the purposes or objectives of this ordinance.

- (c) All waiver requests shall be discussed and voted on by the Site Plan Review Committee.
- (d) If in the Site Plan Review Committee's opinion, additional time or information is required for review of a waiver request, the Site Plan Review Committee may extend the review schedule. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

## 12. CERTIFICATE OF COMPLETION

- (a) The Site Plan Review Committee will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this ordinance.

## 13. ENFORCEMENT

- (a) The Site Plan Review Committee or an authorized agent of the Site Plan Review Committee shall enforce this ordinance, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- (b) Orders
  - (1) The Site Plan Review Committee or an authorized agent of the Site Plan Review Committee may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include requirements to:
    - a. cease and desist from construction or land disturbing activity until there is compliance with this ordinance and the stormwater management permit;
    - b. repair, maintain; or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan.
    - c. perform monitoring, analyses, and reporting;
    - d. remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system.
  - (2) If the enforcing person determines that abatement or remediation of adverse impacts is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the City may, at its option, undertake such work, and the property owner shall reimburse the City's expenses.
  - (3) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the City including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Site Plan Review Committee within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days

following a decision of the Site Plan Review Committee affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

- (c) **Criminal Penalty.** Any person who violates any provision of this ordinance, or regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- (d) **Non-Criminal Disposition.** As an alternative to criminal prosecution or civil action, the City of Fall River may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and Chapter 2, Article X, Section 2-1021 "Non-criminal disposition authorized" of the Revised Ordinances of the City of Fall River, in which case, the Site Plan Review Committee or their designee shall be the enforcing person. The penalty for the 1st violation shall be \$100. The penalty for the 2nd violation shall be \$200. The penalty for the 3<sup>rd</sup> violation shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- (e) **Appeals**  
The decisions or orders of the Site Plan Review Committee shall be final. Further relief shall be to a court of competent jurisdiction.
- (f) **Remedies Not Exclusive**  
The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law.

#### **14. CERTIFICATE OF COMPLETION**

- (a) The issuing authority will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this ordinance.

#### **15. SEVERABILITY**

- (a) If any provision, paragraph, sentence, or clause of this ordinance shall be held invalid for any reason, all other provisions shall continue in full force and effect

## CITY OF FALL RIVER

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To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on December 5, 2017, 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 with Councilor Linda M. Pereira absent and not voting.

*Cecilia A. Taylor*  
Clerk of Committees

EMERGENCY PREAMBLE

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

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

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

Amity Street, north side, starting at a point 310 feet east of Laurel Street, for a distance of 20 feet easterly  
 Broadway, east side, starting at a point 64 feet south of Griffin Street, for a distance of 20 feet southerly  
 Cherry Street, north side, starting at a point 40 feet west of Grove Street, for a distance of 20 feet westerly  
 Choate Street, east side, starting at a point 118 feet south of Bedard Street, for a distance of 20 feet southerly  
 Forest Street, west side, starting at a point 57 feet south of Cottage Street, for a distance of 20 feet southerly  
 Fourth Street, west side, starting at a point 139 feet north of Branch Street, for a distance of 20 feet northerly  
 Fulton Street, west side, starting at a point 160 feet north of Wellington Street, for a distance of 20 feet northerly  
 Grove Street, east side, starting at a point 5 feet south of Woodbine Place, for a distance of 20 feet southerly  
 Grove Street, east side, starting at a point 85 feet north of Locust Street, for a distance of 20 feet northerly  
 Hamlet Street, north side, starting at a point 121 feet west of Kellogg Street, for a distance of 20 feet westerly  
 Horton Street, south side, starting at a point 253 feet west of Barlow Street, for a distance of 20 feet westerly  
 Jefferson Street, east side, starting at a point 60 feet south of Oman Street, for a distance of 20 feet southerly  
 Mulberry Street, west side, starting at a point 70 feet northerly of Division Street, for a distance of 20 feet northerly  
 Norfolk Street, north side, starting at a point 71 feet westerly of St. Mary Street, for a distance of 20 feet westerly  
 Osborn Street, east side, starting at a point 60 feet east of Ridge Street, for a distance of 20 feet easterly  
 Pleasant Street, north side, starting at a point 20 feet west of Mason Street, for a distance of 20 feet westerly  
 President Avenue, south side, starting at a point 159 feet west of Underwood Street, for a distance of 20 feet westerly  
 Ridge Street, east side, starting at a point 136 feet south of Osborn Street, for a distance of 20 feet southerly  
 Second Street, west side, starting at a point 349 feet north of Middle Street, for a distance of 20 feet northerly  
 Swindells Street, west side, starting at a point 157 feet north of Pleasant Street, for a distance of 20 feet northerly  
 Wellington Street, north side, starting at a point 70 feet east of Fulton Street, for a distance of 20 feet easterly

Resolution – Review all boards and commissions  
**CITY OF FALL RIVER**

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18

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on December 5, 2017, voted unanimously to recommend that the accompanying resolution be granted leave to withdraw, with Councilor Linda M. Pereira absent and not voting.

  
Clerk of Committees



City of Fall River, In City Council

18

(Councilor Cliff Ponte)

WHEREAS, the City of Fall River has various boards and commissions, and

WHEREAS, some boards have not convened in months or years, and

WHEREAS, a review of their responsibilities and duties has not been conducted in years, now therefore

BE IT RESOLVED, that the Administration and the Committee on Ordinances and Legislation convene to review and determine what boards and commissions are active and which ones that are dormant should be dissolved.

In City Council, December 27, 2016  
Adopted

A true copy. Attest:

*Alison M. Bouchard*

City Clerk

*Filed 2-28-17*

**CITY OF FALL RIVER**

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19

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on December 5, 2017, voted unanimously to recommend that the accompanying resolution be granted leave to withdraw, with Councilor Linda M. Pereira absent and not voting.

*Colleen A. Taylor*  
Clerk of Committees

City of Fall River, *In City Council*

19

(Councilor Raymond A. Mitchell)

WHEREAS, the Revised Ordinances of the City of Fall River, Chapter 2, Section 182 requires that the Mayor shall submit the Annual Budget to the City Council no later than June 1, and

WHEREAS, the format of the Municipal and School Department Budgets are different and difficult to compare, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation convene to review the requirements of the Annual Budget to amend the ordinances to include all public information in the budget submission.

In City Council, June 28, 2016  
Adopted, as amended

A true copy. Attest:

*Alison M. Bouchard*

City Clerk

*Tabled 8-2-16*

## CITY OF FALL RIVER

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20

To the City Council

Councillors:

The Committee on Budget Preparation, Revenue and Audits, at a meeting held on December 12, 2017, voted unanimously to recommend that the accompanying communication be granted leave to withdraw, with Councilor Linda M. Pereira absent and not voting.

*Cullen A. Taylor*  
Clerk of Committees

Budget Prep, Revenue &  
Audits

20

RECEIVED

2016 MAR 18 A 11:50

March 1, 2016

Samuel Watson Elementary School  
395 Eastern Avenue  
Fall River, MA 02723

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

Dear Mayor Correia, City Council, and School Committee:

I am writing to you today in regards to the pending Fall River Public Schools budget. As it stands at this time, our schools have a \$7 million shortfall for the 2016-2017 school year. Teachers employed by Fall River Public Schools are gravely concerned about the students of this city and their future.

The school department has made great progress these last few years to ensure that our students get the education they require and deserve. We have made great strides in social emotional education through professional development and Wraparound Zones in many schools, reorganized some schools to improve services to students, and offered programs for students and parents. Academically, schools have shown improvement on standardized tests, and our graduation rate has increased. Many have suggested that this progress is not enough.

We should be proud of the progress our students and schools have made, but there is still much to do. With the changing demographics of our city, our students come to us with more needs that require more resources. There is currently a consistent influx of English Language Learners, students with social emotional needs, and Special Education Students. If we do not adequately fund our schools or at least provide what is now available, there is no way we can continue on this upward trend. You cannot and should not expect our schools to advance with less when right now our needs are so great. As a community, we should be greatly concerned about what will happen to the neediest of our schools and students if we cut personnel and programs. This does not take into account other costs associated with our schools such as building maintenance, technology, and necessary supplies and materials. Our students deserve the same resources as those in more affluent communities.

Our students deserve more, not less! Please consider this when making decisions regarding the 2016-2017 school budget. As a community, we must work together to ensure our students believe and succeed.

Sincerely,

*Therence A. Byrne*

Teacher, Watson School

CITY OF FALL RIVER  
IN CITY COUNCIL

APR 05 2016

*Referred to the Committee  
on Budget Preparation,  
Revenue and Audits, 8 yrs, 1 day*

*Filed  
4-19-16*

## CITY OF FALL RIVER

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21

To the City Council

Councillors:

The Committee on Budget Preparation, Revenue and Audits, at a meeting held on December 12, 2017, voted unanimously to recommend that the accompanying communication be granted leave to withdraw, with Councilor Linda M. Pereira absent and not voting.

*Cecilia A. Taylor*  
Clerk of Committees

*Budget Preparation, Revenue & Audits*

# GREATER FALL RIVER VOCATIONAL SCHOOL DISTRICT

21

FALL RIVER • SOMERSET



SWANSEA • WESTPORT

Thomas F. Aubin, Superintendent-Director  
[taubin@dimanregional.org](mailto:taubin@dimanregional.org)

251 Stonehaven Road  
Fall River, Massachusetts 02723  
Telephone: 508-678-2891  
Fax: 508-679-6423

Elvio A. Ferreira, Assistant Superintendent/Principal  
[eferreira@dimanregional.org](mailto:eferreira@dimanregional.org)

June 15, 2017

Mr. Richard Cabeceiras, Chairman  
Budget Preparation, Revenue and Audits Committee  
Fall River City Hall  
One Government Center  
Fall River, MA 02722

RECEIVED  
2017 JUN 20 A 9:39  
CITY CLERK  
FALL RIVER, MA

Dear Chairman Cabeceiras:

On behalf of the entire Greater Fall River Vocational School District, I would like to thank you for the Committee's May 24, 2017 invitation to speak with the Budget Preparation, Revenue and Audit Committee. Your invitation to possibly provide more financial support to our district is most appreciated, considering the fact that over three-fourths of our students are Fall River residents. At the aforementioned May 24<sup>th</sup> meeting, the Committee agreed that we should provide a proposed project and the approximate cost of the project so as to get consideration from the Committee.

To this end, we are asking the Committee if they could consider providing financial support for a desperately needed project at the school. We are currently attempting to renovate our soccer/football field that is in horrible disrepair. The field repair project is estimated to cost approximately one-hundred thousand dollars (\$100,000). We have committed forty-eight thousand dollars (\$48,000) of institutional funds for the repair. The Diman Bengal Educational Foundation has committed twelve-thousand dollars (\$12,000) for the repair as well. This leaves us approximately forty-thousand dollars (\$40,000) short in terms of funding this project. As we have nine teams that use the field in the fall, we are looking to have this repair done straight-away.

If you have any questions regarding this project, feel free to contact me at your earliest convenience.

Thank you,

Thomas F. Aubin  
Superintendent-Director

CITY OF FALL RIVER  
IN CITY COUNCIL

JUN 27 2017

*Ref to Committee on  
Budget Preparation  
Revenue and Audits*



City of Fall River  
Notice of Claim

2017 NOV 22 A 11:28  
CITY CLERK  
FALL RIVER, MA  
17-104

31

1. Claimant's name: ALLSTATE A/S/O DIANE L. BARNHART
2. Claimant's complete address: PO BOX 21169, ROANOKE, VA 24018
3. Telephone number: Home: \_\_\_\_\_ Work: 540-725-7131
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
AUTO ACCIDENT
5. Date and time of accident: 08/07/2017 Amount of damages claimed: \$ 3,990.84
6. Exact location of the incident: (include as much detail as possible):  
867 STATE ROAD
7. Circumstances of the incident: (attach additional pages if necessary):  
INSURED ENTERED THE PARKING LOT WITH THE INTENTION TO PARK. THE INSURED OBSERVED THE CITY VEHICLE PARKED HORIZONTALLY TAKING UP ALL THE SPACES IN FRONT OF THE STORE. THE INSURED SAW THE CITY VEHICLE LIGHTS GO ON AND WITHIN SECONDS WAS HIT.
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  
ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY

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: 11/16/2017

Claimant's signature: \_\_\_\_\_

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

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

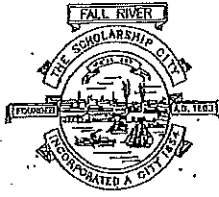
You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

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

Date: 11/22/17





31

City of Fall River  
Notice of Claim

2017 NOV 28 P 4:38

17-105

1. Claimant's name: Rebecca A Lewesque
2. Claimant's complete address: 428 Snell Street Fall River MA 02721
3. Telephone number: Home: 774 274 0335 Work: Same
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Auto Accident - Against City of Fall River Public Works
5. Date and time of accident: 11/28/17 @ 2:06 PM Amount of damages claimed: \$ 250<sup>00</sup> # DIO
6. Exact location of the Incident: (Include as much detail as possible):  
Directly in front of my apartment at 428 Snell St. (Fall River Public Works)
7. Circumstances of the Incident: (attach additional pages if necessary): Truck DIO  
While sitting in my vehicle doing Paper work a tri axle  
Dump truck is a plow frame plowed into my mirror  
shattering the glass and remaining back portion  
and taking out all function of my necessary mirror.
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  
AS Damage is less than deductible. Heated Power mirrors on car

note  
11/26/17

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: 11/28/17

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, 2<sup>nd</sup> 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"/> DPW	Date: <u>11/28/17</u>



Council  
31

City of Fall River  
Notice of Claim

2017 NOV 29 A 11:19

CITY CLERK 17-106  
FALL RIVER, MA

1. Claimant's name: Mary Souza
2. Claimant's complete address: 255 Motet St FR, Ma
3. Telephone number: Home: 7749559068 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
FRPD destroyed my property
5. Date and time of accident: 11/28/17 Amount of damages claimed: \$ 1000.00
6. Exact location of the incident: (include as much detail as possible):  
255 Motet St
7. Circumstances of the incident: (attach additional pages if necessary):  
Arrived home to my property (255 Motet St) to find my entry door and framework destroyed. I called FRPD thinking my home was broken into when an officer yelled down to me that the police were already there and that it was
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: 11/29/17

Claimant's signature: Mary Souza

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

Return this form to: City Clerk, 2<sup>nd</sup> 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 ☐ FRPD

Date: NOV 29 2017



City of Fall River  
Notice of Claim

RECEIVED 31  
2017 DEC -1 A 11:29

CITY CLERK 17-107  
FALL RIVER, MA

1. Claimant's name: Antonio M. DeSousa
2. Claimant's complete address: 321 Harrison Street
3. Telephone number: Home: 774-319-7160 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Sewage Property damage
5. Date and time of accident: 11/22/2017 @ 2:00pm Amount of damages claimed: \$38,376.91
6. Exact location of the incident: (include as much detail as possible):  
Basement / Inlaw
7. Circumstances of the incident: (attach additional pages if necessary):  
water damages to Kitchen, Living Room, Bathroom  
also Boiler Room, Couches, Space heater, Kitchen table  
2 Washers 1 dryer. also hot water tanks 3 of them.  
+ miscellaneous items.
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  
Insurance company does not cover Sewage.

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: 11/30/2017

Claimant's signature: Antonio M. DeSousa

(Son)

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, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☒ City Administrator ☒ Sewer Dept.

Date: 12-1-17



Council

31

RECEIVED

City of Fall River  
Notice of Claim

2017 DEC -1 P 12:56

CLERK 17-108  
FALL RIVER, MA

1. Claimant's name: Kenneth H Offley Jr
2. Claimant's complete address: 28 Acorn St
3. Telephone number: Home: New Bedford Work: (508) 951-2333  
(508) 994-2545
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
COMPENSATION OF A PARKING TICKET THAT WAS PAID
5. Date and time of accident: \_\_\_\_\_ Amount of damages claimed: \$ 143.00
6. Exact location of the incident: (Include as much detail as possible):  
\_\_\_\_\_  
\_\_\_\_\_
7. Circumstances of the incident: (attach additional pages if necessary):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 11-20-17

Claimant's signature: Kenneth Offley Jr

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, 2<sup>nd</sup> 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 ☐ Traffic Date DEC - 1 2017

#17-108A 31

RECEIVED

2017 DEC -5 P 1:54



# City of Fall River Notice of Claim

1. Claimant's name: City Clerk, FALL RIVER, MA Kenneth Offley Jr.
2. Claimant's complete address: 28 Acorn St New Bedford MA 02740
3. Telephone number: Home (508) 994-2545 Work (508) 951-2333
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
PARKING TICKET
5. Date and time of accident: \_\_\_\_\_ Amount of damages claimed: \$ 145.00
6. Exact location of the incident: (include as much detail as possible):  
\_\_\_\_\_
7. Circumstances of the incident: (attach additional pages if necessary):  
Paid parking ticket in September. I was pulled over in November the police officer said you can renew registration on line but you can't you have a ticket in Fall River. So I never showed for \$ 145.00 the ticket was later removed by the clerk.
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: 12-5-17

Claimant's signature: Kenneth Offley Jr.

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, 2<sup>nd</sup> 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

Traffic Date: 12/5/17



31

City of Fall River  
Notice of Claim

2017 DEC -6 P 1:59

CITY CLERK 17-109  
FALL RIVER, MA

1. Claimant's name: Crystal Silva
2. Claimant's complete address: 228 Griffin St. Apt 2E Fall River MA 02724
3. Telephone number: Home: 401-595-0106 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Property loss - patrol man lost license at accident scene
5. Date and time of accident: 11/25/17 Amount of damages claimed: \$ 25,000
6. Exact location of the incident: (include as much detail as possible):  
Plymouth Ave. at peckham st.
7. Circumstances of the incident: (attach additional pages if necessary):  
Police officer misplaced license when given to him at auto accident. Police officer admitted to losing my ID "Somewhere in the cruiser". - officer Michael Possoa
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: 12/1/17

Claimant's signature: Crystal Silva

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, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ Police Date: 12/6/17



31

City of Fall River  
Notice of Claim

2017 DEC 11 A 11:17

CITY CLERK # 17-110  
FALL RIVER, MA

1. Claimant's name: Suzette Oliveira / Metropolitan Prop & Cas. Ins. Co. MA
2. Claimant's complete address: 37 Arthur St. Apt 1 Fall River, MA 02720
3. Telephone number: Home: 774-488-4402 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property, damage):  
Damage to vehicle from flying debris during construction
5. Date and time of accident: 12/4/17 1:30pm Amount of damages claimed: \$ ?
6. Exact location of the incident: (include as much detail as possible):  
37 Arthur St. Fall River, MA
7. Circumstances of the incident: (attach additional pages if necessary):  
Ms. Oliveira's vehicle was parked on Arthur St during construction. Flying debris hit hood of vehicle causing dents.
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: 12/4/17

Claimant's signature: S. Memarus for Metropolitan Prop & Cas. Ins. Co.

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

Return this form to: City Clerk, 2<sup>nd</sup> 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: 12/11/17

32

# PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

PHILIP Y. BROWN, ESQ., *Chairman*

JOSEPH E. CONNARTON, *Executive Director*

Auditor SUZANNE M. BUMP | KATHLEEN M. FALLON | KATE FITZPATRICK | JAMES M. MACHADO | ROBERT B. MCCARTHY | JENNIFER F. SULLIVAN

## MEMORANDUM

TO: Fall River Retirement Board  
FROM: *Joseph E. Connarton*  
Joseph E. Connarton, Executive Director  
RE: Appropriation for Fiscal Year 2019  
DATE: December 8, 2017

Required Fiscal Year 2019 Appropriation: \$30,633,000

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2019 which commences July 1, 2018.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2019 appropriation to be paid by each of the governmental units within your system.

The current schedule is due to be updated by Fiscal Year 2020.

If you have any questions, please contact PERAC's Actuary, Jim Lamenzo, at (617) 666-4446 Extension 921.

JEC/jrl  
Attachments

cc: Office of the Mayor  
City Council  
Town Manager

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IT CLERK  
FALL RIVER, MA

2017 DEC 13 A 11:48

RECEIVED





# Fall River Retirement Board

## Projected Appropriations

Fiscal Year 2019 - July 1, 2018 to June 30, 2019

Aggregate amount of appropriation: \$30,633,000

Fiscal Year	Estimated Cost of Benefits	Funding Schedule (Excluding ERI)	ERI	Total Appropriation	Pension Fund Allocation	Pension Reserve Fund Allocation	Transfer From PRF to PF
FY 2019	\$35,773,957	\$29,838,995	\$794,005	\$30,633,000	\$30,633,000	\$0	\$5,140,957
FY 2020	\$36,862,857	\$32,566,764	\$57,236	\$32,624,000	\$32,624,000	\$0	\$4,238,857
FY 2021	\$37,985,939	\$34,745,000	\$0	\$34,745,000	\$34,745,000	\$0	\$3,240,939
FY 2022	\$39,144,277	\$37,003,000	\$0	\$37,003,000	\$37,003,000	\$0	\$2,141,277
FY 2023	\$40,338,978	\$39,408,000	\$0	\$39,408,000	\$39,408,000	\$0	\$930,978

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

For illustration, we have shown the amount to be transferred from the Pension Reserve Fund to the Pension Fund to meet the estimated Cost of Benefits for each year. If there are sufficient assets in the Pension Fund to meet the Cost of Benefits, this transfer is optional.

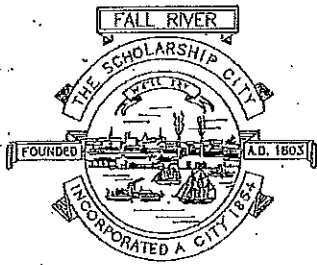
Fall River Retirement Board  
Appropriation by Governmental Unit

Fiscal Year 2019 - July 1, 2018 to June 30, 2019

Aggregate amount of appropriation: \$30,633,000

UNIT	Percent of Aggregate Amount	Funding Schedule (excluding ERI)	ERI	Total Appropriation
City of Fall River	91.49%	\$27,299,696	\$633,621	\$27,933,317
Fall River Redevelopment	0.03%	\$8,952	\$0	\$8,952
Fall River Housing Authority	6.98%	\$2,082,762	\$160,384	\$2,243,146
Diman Voc.	1.50%	\$447,585	\$0	\$447,585
<b>UNIT TOTAL</b>	<b>100%</b>	<b>\$29,838,995</b>	<b>\$794,005</b>	<b>\$30,633,000</b>

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.



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**City of Fall River  
Massachusetts**  
Department of Community Services  
PLANNING • HEALTH & HUMAN SERVICES  
LIBRARY • INSPECTIONAL SERVICES

*Planning Division*

**JASIEL F. CORREIA II**  
*Mayor*

**HENRY R. VAILLANCOURT MD, MPH**  
*Director*  
*Department of Community Services*

**TO:** Alison Bouchard  
City Clerk

**FROM:** Fall River Planning Board

**RE:** **PLANNING BOARD MINUTES**  
**December 13, 2017**

RECEIVED  
2017 DEC 14 A 11:43  
CITY CLERK  
FALL RIVER, MA

The Fall River Planning Board held a Public Meeting at 5:30 p.m. on Wednesday, December 13, 2017, in the First Floor Hearing Room, One Government Center, Fall River, MA for the purpose of considering the matters set forth in the agenda originally posted with your office on December 8, 2017 and posted, as revised on December 13, 2017, at 3:02PM...

Members present were as follows:

Keith Paquette, Chairman  
Mario Lucciola  
Charles Moniz  
Alice Fagundo

Also present were JR Frey, City Engineer Acting in place of Director of Planning, and Brittany Faria, Recording Clerk.

"Minutes" of this meeting are as follows:

1. **Application for Endorsement of Plan Believed Not To Require Approval ("Form 'A' Plan")**  
**Submitted by John and Nancy Moniz (applicant and owner) regarding 110 and 140 Hemlock Street, Map R-13, Lots 23 & 27. Form-A File No. 17-1390**

Mr. Frey advised that the proposal satisfied the requirements for "approval not required" endorsement.

Upon motion duly made and seconded, it was unanimously VOTED: to direct the Chair to endorse the plan, "Approval Not Required Under the Subdivision Control Law".

2. **Application for Endorsement of Plan Believed Not To Require Approval ("Form 'A' Plan")**  
Submitted by Jamie Duff on behalf of Stanley Goldberg (owner) regarding Bay St/Sprague St/Chace St/So. Beacon St., Map H-7, Lot 1 and Map H-6-13. Form-A File No. 17-1391

Mr. Frey advised that the proposal satisfied the requirements for "approval not required" endorsement.

Upon motion duly made and seconded, it was unanimously VOTED: to direct the Chair to endorse the plan, "Approval Not Required Under the Subdivision Control Law".

3. **Application for Endorsement of Plan Believed Not to Require Approval ("Form 'A' Plan")** Submitted by Jamie Duff on behalf of Stanley Goldberg (owner) regarding Globe St/Ash St/Griffin St., Map G-27, Lot 1. Form-A File No. 17-1392

Mr. Frey advised that the proposal satisfied the requirements for "approval not required" endorsement.

Upon motion duly made and seconded, it was unanimously VOTED: to direct the Chair to endorse the plan, "Approval Not Required Under the Subdivision Control Law".

#### 4. OLD BUSINESS

There was no old business.

#### 5. NEW BUSINESS

There was no new business.

#### 6. ADJOURNMENT

It was then duly moved, seconded and unanimously VOTED to adjourn.



## OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

Rec'd by email  
11-28-17 @ 10:17pm  
34

### Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: +1 (508) 679-0160 Ext.

Email: patrick@patrickhiggins.xyz

Organization or Media Affiliation (if any): Patrick Higgins and Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?  
(For statistical purposes only)

☐ Individual ☒ Organization ☐ Media

### Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Fall River City Council

Specific person(s), if any, you allege committed the violation: All members

Date of alleged violation: Nov 28, 2017

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### Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The City Council of Fall River violated the Open Meeting Law by not approving the minutes of their April 25, 2017 meeting until November 28, 2017 in violation of Chapter 30A, section 22(c) and 940 CMR 29.11(2).

940 CMR 29.11(2) effective October 6, 2017 requires that minutes be "approved in a timely manner" which is generally within the next 3 meetings or within 30 days, whichever is later. It is presumed that there are many other minutes dating back to May of 2017 which have not been approved in a timely manner..

The subcommittee on Real Estate minutes of the June 5, 2017 meeting were also not timely approved as they were only approved at the November 28, 2017 meeting of the full City Council as well.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

1. Act on approving all minutes that are older than 3 meetings ago at the next meeting of the City Council scheduled for December 19, 2017.
2. Learn and comply with the open meeting law.

### Review, sign, and submit your complaint

#### I. Disclosure of Your Complaint.

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

#### II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

#### III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Nov 28, 2017

For Use By Public Body  
Date Received by Public Body

For Use By AGO  
Date Received by AGO



34

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

**OPEN MEETING LAW COMPLAINT FORM**

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

**Instructions for filing a complaint:**

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
  - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
  - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
  - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

**Instructions for a public body that receives a complaint:**

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

**Once the public body has responded to the complaint:**

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).



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

**ALISON M. BOUCHARD**  
CITY CLERK

**AMENDED**

ORIGINAL POSTING: NOVEMBER 22, 2017 12:57 P.M.  
AMENDED POSTING: NOVEMBER 22, 2017 4:00 P.M.

2017 NOV 28 P 4:27

CITY CLERK  
FALL RIVER, MA

**INÉS LEITE**  
ASSISTANT CITY CLERK

**NOVEMBER 22, 2017**  
**MEETINGS SCHEDULED FOR NEXT WEEK**  
**CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**

**TUESDAY, NOVEMBER 28, 2017**  
**AGENDA**

**5:45 P.M. PUBLIC HEARING**

**Street Discontinuance:**

1. \*Discontinuance of a portion of Davol Street, along its easterly layout line, extending northerly from its intersection with the north line of Turner Street

**6:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE CITY COUNCIL**  
**PUBLIC HEARING IF THE PUBLIC HEARING RUNS PAST 6:00 P.M.**

1. \*Communication – PERAC Fiscal Year 2017 Appropriation (referred 12-22-2015)
2. \*Communication – Retirement Board Fiscal Year 2018 Budget (referred 11-14-2017)

**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 order to accept gift of a baby grand piano from Judge Joseph I. Macy in memory of Bentley G. Macy

**PRIORITY COMMUNICATIONS**

2. \*Board of Election Commissions – Official results of Municipal Election held on Nov. 7, 2017

**COMMITTEE REPORTS – None**

**ORDINANCES – None**

**RESOLUTIONS**

3. \*School Department Building Committee consider public hearing to discuss alternatives to Elsbree Street location for Durfee High School (objected 11-14-17)
4. \*HUD conduct audit of funds that were appropriated to the Fall River Office of Economic Development
5. \*Place lien on Fall River Housing Authority properties for any unpaid fees or taxes
6. \*Sidewalks with handicapped accessibility and crosswalks be installed at the SouthCoast Marketplace
7. \*Committee on Public Works and Transportation convene to discuss plans for an alternate access road in the area of the Alfred J. Lima Quequechan River Rail Trail
8. \*Mayor and City Council appoint committee to ensure all aspects of new Charter are followed
9. \*Committee on Real Estate discuss submission of proposals to businesses interested in purchasing large amounts of water

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](mailto:city_clerks@fallriverma.org)



10. \*City Council file home rule petition to rename the Veterans' Memorial Bridge the Captain Thomas Hudner Jr. and Ensign Jesse L. Brown Bridge or the Hudner-Brown Bridge

**CITATIONS - None**  
**ORDERS - HEARINGS**

11. Street Discontinuance  
 \*A portion of Davol Street, along its easterly layout line, extending northerly from its intersection with the north line of Turner Street

**ORDERS - MISCELLANEOUS**

12. \*Order amending dates for December City Council meetings

13. Police Chief's report on licenses:  
Taxicab Drivers - 2017:  
 Tania L. Dillingham

Taxicab Drivers - 2018:  
 Tania L. Dillingham  
 Keith Mackenzie  
 Walter Wood

Jason Hall  
 Joshua T. Schill-Berry

Angelymar S. Johnson  
 Dorothy Ward

Private Livery Drivers - 2018:  
 Dorothy Ward

**COMMUNICATIONS - INVITATIONS - PETITIONS**

14. \*Claims
15. \*Fall River Children's Holiday Parade Committee, Inc. requesting permission to place banners on the Government Center railing from December 1, 2017 to December 3, 2017

**City Council Committee/Meeting Minutes:**

16. \*Committee on Ordinances and Legislation - October 2, 2017
17. \*Committee on Real Estate - June 5, 2017
18. \*Committee on Public Safety - October 4, 2017
19. \*City Council Meeting - April 25, 2017

**BULLETINS - NEWSLETTERS - NOTICES**

20. \*Final Report - A portion of Davol Street, along its easterly layout line, extending northerly from its intersection with the north line of Turner Street

**Notices of Casualty and Loss:**

21. 289 Bank Street
22. 132 Madison Street
23. 995 Maple Street
24. 758 Bedford Street
25. 517 Plymouth Avenue
26. 407 Hartwell Street

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**TABLED MATTERS:**

Mayor and Chief of Police Employment Agreement for Albert F. Dupere (Tabled 10-24-17)

Transfers and appropriations (Tabled 11-14-17)

**Pole Attachments and Underground Conduits: (Tabled 10-24-17)**

New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas:

887 Plymouth Avenue, Pole #4

188 Nashua Street, Pole #7

70 William Street, Pole #3/8874

372 Plymouth Avenue, Pole #22-3

170 Baird Street, Pole #260/8

191 Aetna Street, Pole #17

152 Mott Street, Pole #11

35 Pelham Street, Pole #246/1/490

1069 Plymouth Avenue, Pole #1240S

23 Norfolk Street, Pole #597

565 Bedford Street, Pole #17/28 near Bank 5 sign

738 Oak Grove Avenue; Pole #38-84

*Alison M. Bouchard*  
City Clerk

**ITEMS FILED AFTER THE AGENDA WAS PREPARED:**  
**CITY COUNCIL MEETING DATE: NOVEMBER 28, 2017**

**PRIORITY MATTERS**

\*Mayor and veto of order requesting that the Administration instruct Corporation Counsel to petition the Court to nullify the approved easement that crosses the Alfred J. Lima Quequechan River Rail Trail

**PRIORITY COMMUNICATIONS**

\*Historical Commission regarding gift of 80-84 North Main Street and parking lots

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

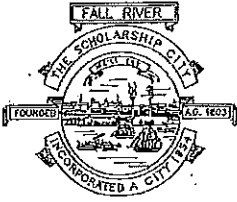
## Public Body Checklist for Creating and Approving Meeting Minutes

Issued by the Attorney General's Division of Open Government – September 25, 2017

- ❑ Minutes must accurately set forth the date, time, place of the meeting, and a list of the members present or absent. G.L. c. 30A, § 22(a).
- ❑ Minutes must include an accurate summary of the discussion of each subject. See G.L. c. 30A, § 22(a). The summary does not need to be a transcript, but should provide enough detail so that a member of the public who did not attend the meeting could read the minutes and understand what occurred and how the public body arrived at its decisions.
- ❑ The minutes must include a record of all the decisions made and the actions taken at each meeting, including a record of all votes. G.L. c. 30A, § 22(a).
- ❑ The minutes must include a list of all of the documents and other exhibits used by the public body during the meeting. G.L. c. 30A, § 22(a). Documents and exhibits used at the meeting are part of the official record of the session, but do not need to be physically attached to the minutes. See G.L. c. 30A, §§ 22(d), (e).
- ❑ If one or more public body member's participated remotely in the meeting, the minutes must include the name(s) of the individual(s) participating remotely. 940 CMR 29.10(7)(b).
- ❑ If one or more public body members participated remotely in the meeting, the minutes must record all votes as roll call votes. 940 CMR 29.10(7)(c).
- ❑ Executive session minutes must record all votes as roll call votes. G.L. c. 30A, § 22(b).
- ❑ The minutes must be approved in a timely manner. G.L. c. 30A, § 22(c). A "timely manner" will generally be considered to be within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay. 940 CMR 29.11(2).

**Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us). For more information on the Open Meeting Law, please visit [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting).**

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# City of Fall River Massachusetts

## Department of Community Maintenance

CEMETERIES • MUNICIPAL BUILDINGS • ENGINEERING • SANITATION  
PARKS • STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

### Engineering Division

JASIEL F. CORREIA II  
Mayor

RECEIVED  
DEC 11 P 1:07  
CLERK  
FALL RIVER, MA  
JEFFREY LITTLE  
Director

J R FREY, P.E.  
City Engineer

**To:** Fall River City Council  
**From:** J R Frey, P.E., City Engineer *JRF*  
**Date:** December 11, 2017  
**Subject:** Street Opening Request for Pavement Less Than Five Years Old

The Engineering Division has received a request for a road opening to install natural gas service at 69 Denver Street. Denver St. between Renaud St. and Carter St. was paved in December, 2016. The improvement is one year old.

The Engineering Division recommends approval of the request subject to the following conditions for pavement restoration in streets less than five years old:

- 1) All work shall meet or exceed the "Standards Employed by the Public Utility Operators When Restoring Municipal Streets" (the Standards) as published by the Commonwealth of Massachusetts Division of Telecommunications and Industry and with the requirements of the Fall River City Council;
- 2) Entire trench shall be sawcut at a uniform width from the tap location at the main to the curb. The trench length shall span the entire roadway;
- 3) All excavated material shall be removed from the site and appropriately disposed of;
- 4) All backfill materials shall be clean sand or sand and gravel mixtures meeting USCS classifications of GW, GP, SW, or SPC, free of silt, clay, and organic silts or soils; with 100% passing 3" sieve;
- 5) Backfill shall be executed in lifts not to exceed 6", and compacted between lifts;
- 6) Pavement restoration shall meet or exceed the existing pavement thickness;
- 7) Type I binder course(s) not to exceed 2" shall be placed and thoroughly compacted to within 1.5" of finished grade;
- 8) The existing pavement edge shall be tapered into the patch area to increase the surface binding area between the existing and new pavement;
- 9) A Type I surface course shall be placed with a minimum thickness of 1.5";
- 10) The patch area shall be heated using infrared to a surface temperature sufficient to allow remixing asphalt without oxidation or burning, but in no case shall the surface temperature exceed 350 degrees F;

- 11) The surface shall be compacted using a steel drum roller, resulting in a smooth, tight, pavement surface which matches the grade of the existing pavement;
- 12) Sand should be evenly distributed over the surface to fill small voids and absorb excess sealant if surface sealant is applied;
- 13) The repaired area shall be allowed to cool to 175 degrees F before opening to traffic.

Prior to opening the street, the applicant shall provide to the City Engineer a copy of the contract for any subcontractor providing work covered by this application. A minimum of 24-hours in advance of excavation, the contractor must call the Engineering Division at 508-324-2512 to request inspection services. Material specifications shall be provided to the City Engineer for all materials brought to the site for use as backfill, base course, and surface course.



Liberty Utilities™

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December 1, 2017

J.R. Frey, PE  
City Engineer  
Engineering Department  
City of Fall River  
One Government Center  
Fall River, MA 02722

RE: Gas Service Request for 69 Denver Street

Dear Mr. Frey:

On behalf of Liberty Utilities (New England Natural Company Corp.) (the "Company"), attached is a street opening permit application, for the installation of a gas service to the above captioned address. Currently, the residential dwelling is under construction (renovations) and the current owner is seeking natural gas as its energy source. Included with this street opening permit application, is a map depicting the intended route of the proposed gas service and the anticipated impact to the roadway.

Should you have any questions, please feel free to call me at (774) 627-2541 or email me at [john.amorim@libertyutilities.com](mailto:john.amorim@libertyutilities.com).

Sincerely,

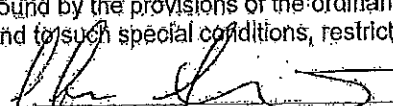
A handwritten signature in black ink, appearing to read "John L. Amorim".

John L. Amorim  
Engineering Supervisor

cc: File

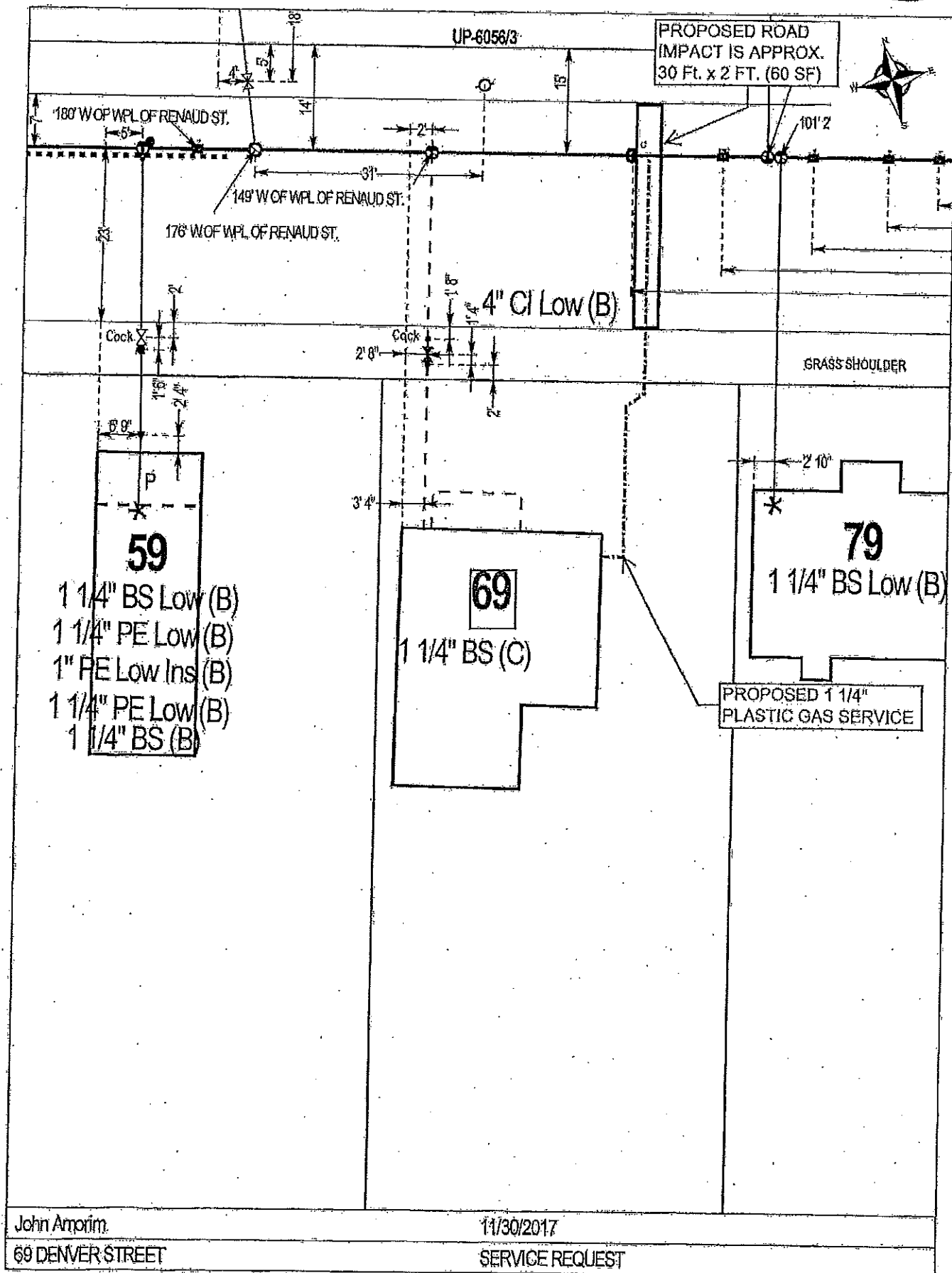
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**CITY OF FALL RIVER, MASSACHUSETTS**  
**STREET OPENING APPLICATION AND PERMIT**

Location To Be Opened	Permit Number	Date
69 Denver St.	G17-461	December 1, 2017
Assessors Plot and Lot Number: A.P. E-16 LOT 54		
153817 Applicant	24 Hour Contact Person	
Name: LIBERTY UTILITIES	Name: _____	
Address: P.O. BOX 911	Phone: _____	
City, State, Zip: FALL RIVER, MA, 02722	Mobile: _____	
Phone: 774-627-2559	Pager: _____	
Property Owner Information	<b>Contractor must call Engineering Department at 508-324-2512 to request inspection services at least 24 hours in advance of all excavation, connection, backfill and/or patching operations.</b>	
Name: _____		
Address: _____		
City, State, Zip: _____		
Phone: _____		
Excavation Information	Size of Opening	Existing Surface
3252 Purpose: Install Gas Service	Length 30'	Sidewalk:
Size Pipe: _____	Width 2'	Roadway: <input checked="" type="checkbox"/> X
Pipe Material: _____	Depth 3'	Pr. Prop. _____
Type Connection: _____	Digsafe 20174808029	
Est. Start Date: _____	DEP 314 Permit Required: Yes No	
Est. Completion Date: _____	DEP 314 Submitted: Yes No	
I (We) hereby agree to be bound by the provisions of the ordinances of the City of Fall River governing openings in or under municipal streets and to such special conditions, restrictions and regulations as may be imposed by the City Engineer.		
Signature of Applicant: 		Date: December 1, 2017

**Contact Police Chief's office at 508-324-2787 to arrange for police detail.**  
 (To be completed by Engineering Department)

Surface Repairs Required	Inspection Dates
Temporary patch _____	Excavation _____
Permanent Patch _____	Connection _____
Flowable Fill _____	Temporary Patch _____
Infrared patch _____	Permanent Patch _____
Other (see below) _____	Roadway less than 5 years old: Yes No
Special Conditions	
Inspection Notes	
The applicant is hereby authorized to make an opening in or under named street at the location designated, provided that all work is performed in accordance with the applicant's plans, the City ordinances, specifications and regulations governing street openings, and any special conditions set forth above or as may be imposed during the performance of the authorized work.	
Signature of City Engineer: _____	Date: _____





## COMMITTEE ON FINANCE

MEETING: Tuesday, November 28, 2017 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  
Mary Sahady, Director of Financial Services

The chair called the meeting to order at 6:01 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:

Joseph Carvalho, 575 Eastern Avenue – Alfred J. Lima Quequechan River Rail Trail

Agenda:

1. Communication – Public Employee Retirement Administration Commission (PERAC) Fiscal Year 2017 Appropriation

*Councilor Cliff Ponte asked if the City has paid their share for Fiscal Year 2017. The Director of Financial Services stated that the City would be paying the last installment on the Fiscal Year 2018 appropriation. She stated the amount for Fiscal Year 2018 is \$28,763,000 and that 91% of this is the City's share. Council President Shawn E. Cadime relinquished the chair to Vice President Linda M. Pereira at 6:08 p.m. in order to speak on item number 1. Council President Shawn Cadime stated that he has issues with utilizing PERAC to do the actuarial to determine what the unfunded liabilities are. PERAC is using a much lower percentage rate which increases what the unfunded liabilities are. He would like to see an independent audit performed of the Retirement Board. The City Administrator stated that the former City Auditor had requested that an independent audit be performed, but did not receive any support. The Council President returned to the podium at 6:20 p.m.*

2. Communication – Retirement Board Fiscal Year 2018 Budget  
*A motion was made by Councilor Raymond A. Mitchell to table the matter but received no second. On a further motion made by Councilor Cliff Ponte and seconded by Councilor Linda M. Pereira, it was unanimously voted that the communication be accepted and placed on file.*

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

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adjourn at 6:25 p.m.*

List of documents and other exhibits used during the meeting:  
Agenda packet (attached)  
CD and DVD of meeting

*Clement A. Taylor*  
Clerk of Committees

# COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

MEETING: Monday, October 23, 2017 at 5:15 p.m.  
Council Chamber, One Government Center

PRESENT: Councilor Raymond A. Mitchell, presiding  
Councilors Steven A. Camara and Pam Laliberte-Lebeau

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator  
Terrance J. Sullivan, Administrator, Department of Community Utilities  
Joseph I. Macy, Corporation Counsel  
JR Frey, City Engineer  
Joe Pacheco, President at Dream Homes, Inc., 411 Columbia Street  
Geraldo Brito, 107 Hyacinth Street  
Attorney Arthur Frank, 209 Bedford Street  
Randy Souza, 176 Langley Street  
Bryan Horton, 23 Stowe Street  
Robert Viner, 70 Stowe Street

The chairman called the meeting to order at 5:17 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

## Agenda:

1. Communication – Flooding issues near 481 Hyacinth Street  
On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Chairman Raymond A. Mitchell, the communication was lifted from the table, with Councilor Steven A. Camara absent and not voting. Councilor Steven A. Camara arrived at 5:19 p.m. Terrance J. Sullivan, Administrator of the Department of Community Utilities stated that he has been working on reaching an easement agreement with the owners of the vacant lot, Ralph and Barbara Strollo of 481 Hyacinth Street, and is close to reaching a compromise. He attempted to purchase only the land needed for the easement but since he wasn't able to reach that agreement he is now moving forward with purchasing the entire vacant lot. An offer has been made for the lot and the City is awaiting a response. If the agreement is reached, he expects to start construction in the Spring of 2018 for this "Hyacinth North" project. Chairman Raymond A. Mitchell thanked the Strollos for being patient throughout this process and asked Corporation Counsel Joseph I. Macy for a date when the agreement would be finalized. Judge Macy stated that they are getting closer. On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to table the communication for 30 days for the Law Department and Sewer Division to report back with an update.

2. Resolution – Flooding issues at 107 and 140 Hyacinth Street  
On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to lift the resolution from the table. Councilor Pam Laliberte-Lebeau stated that she would be abstaining from the deliberations and exited the Council Chamber.

Mr. Sullivan explained that he has been working on different solutions throughout the year with Joe Pacheco of Dream Homes as well as the neighbors. After consideration of the cost of those alternatives as well as the neighbors' input regarding the impacts of the project, the current plan is to purchase 107 Hyacinth Street from the property owner, Geraldo Brito, as well as the vacant lot adjacent to it, owned by Mr. Pacheco. If the City purchased 107 Hyacinth Street, a request would be sent to the Zoning Board of Appeals to subdivide the lot and build a stormwater detention area in the back half of the property where the pool and basketball court are located and would attempt to sell the remaining lot separately. The vacant lot would be used as a greenway drainage facility. To date, an agreement has not been reached with the property owner of 107 Hyacinth Street. Mr. Brito came forward and stated the flooding issues have caused a great deal of damage to his property during the last two years and as such if the lot is subdivided he would not be interested in staying in the portion of the lot with the house. He further stated that this is the first time he is hearing of this plan and that he has not received an official offer from the City. Councilor Steven A. Camara inquired what would happen to the house if purchased and subdivided by the City. Mr. Sullivan explained that the Sewer Division in conjunction with the City Council Committee on Real Estate and the Administration would work to find a buyer for the portion of the lot with the house. On a motion made by Councilor Steven A. Camara and seconded by Chairman Raymond A. Mitchell it was voted to table the resolution and schedule a meeting within 30 days for a status report, with Councilor Pam Laliberte-Lebeau abstaining and not voting.

### 3. Communication from Mayor – Purchase of land on Hyacinth Street

On a motion made by Councilor Steven A. Camara and seconded by Chairman Raymond A. Mitchell, it was voted to recommend that the order be adopted, with Councilor Pam Laliberte-Lebeau abstaining and not voting.

### 4. Communication from city resident – Bulky items collection issue

John Perry, Director of the Department of Community Maintenance was not able to attend to discuss the matter and the Committee wanted to hear from him. On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Steven A. Camara, it was unanimously voted to table the communication.

### 5. Resolution – Stowe Street guardrail be replaced

Judge Macy submitted and reviewed a detailed historical packet regarding this matter, which started in 2008. Councilor Steven A. Camara asked if City Engineer JR Frey agrees with the opinion that the guardrail should be removed and the City Engineer stated that it is the right of the property owner to have access to the public way and as such the guardrail should be removed. Attorney Arthur Frank, representing Randy Souza of 176 Langley Street, stated that the guardrail poses a safety and liability issue for the City. The Souzas have had to carry their children over the guardrail to access their property. Further, the guardrail restricts access to the public way and it may be infringing on their right as taxpayers to use city roads. In addition, he stated the perpendicular parking taking place on Stowe Street is prohibited under city ordinances and the resolution adopted by the City Council requesting the installation of the guardrail violates the city ordinance that prohibits such type of parking. Lastly, he stated that the area has been used as a driveway in the past.

Committee members then proceeded to discuss the history and merits of the installation of the guardrail with those present.

Bryan Horton and Robert Viner came forward and explained their side of the situation. They presented pictures of the parking situation with and without snow. Mr. Horton stated that a 2011 resolution allowed for the installation of the guardrail by the City and the planting of the arborvitaes by the neighbors to beautify the area. Mr. Viner explained that a permit was recently issued by the City Engineer allowing a drainlayer to remove the guardrail and the arborvitaes

and no communication was held with the residents of Stowe Street who had previously received approval to have the guardrail. This in turn resurfaced the issue with the neighbors of Stowe and Langley Streets. Mr. Viner also stated that since 1999 the fenced area behind the guardrail was not used as a driveway.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to table the resolution for 30 days and that the City Engineer and the Director of the Department of Community Maintenance visit the site and return to the Committee with a compromise.

On a further motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau it was unanimously voted to adjourn at 7:04 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

Packet from Corporation Counsel Joseph I. Macy with historical documents regarding Stowe Street

Pictures from Bryan Horton regarding Stowe and Langley Streets

Pictures from Robert Viner regarding Stowe and Langley Streets



Assistant Clerk of Committees

## CITY COUNCIL PUBLIC HEARING

MEETING: Tuesday, November 14, 2017 at 5:30 p.m.  
Council Chamber, One Government Center

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

ABSENT: Councilors Joseph D. Camara and Cliff Ponte

IN ATTENDANCE: Benjamin Mello, Administrator of Assessing  
Richard Gonsalves, Chairman, Board of Assessors

The President called the meeting to order at 5:31 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the question of adoption of the percentages of the local tax levy to be borne by each class of real property, as defined in Section 2A of Chapter 59 of the General Laws, and personal property for the fiscal year 2018.

Councilor Pam Laliberte-Lebeau arrived at 5:32 p.m.

*The President then directed any proponents to be heard and the following residents came forward:*

- 1.) Karl Hetzler, President, H & S Tool & Engineering, 777 Airport Road
- 2.) Robert Mellion, President and CEO, Fall River Area Chamber of Commerce & Industry, Inc., 200 Pocasset Street

*The President then directed the opponents to be heard and there were no opponents.*

Councilor Richard Cabeceiras arrived at 5:46 p.m.

*The President then called on the Board of Assessors to come forth and explain the percentages.*

*The Board of Assessors recommended the tax factor remain at 1.72 for fiscal year 2018. Using that factor, the residential rate would be \$14.52 and the following percentages would be in effect in the City of Fall River for fiscal year 2018:*

Residential	(Class I)	61.5760
Open Space	(Class II)	-0-
Commercial	(Class III)	22.4089

Industrial	(Class IV)	10.0271
Personal Property	(Class V)	5.9880

Council Vice-President Linda M. Pereira took the podium at 6:00 p.m. to allow President Shawn E. Cadime to ask questions. President Shawn E. Cadime asked for a breakdown by classification. The Administrator of Assessing responded with the following:

Single Family	9,027
Condominiums	1,838
Miscellaneous	127
Two-Family	2,231
Three-Family	3,341
Four-Family and over	1,846
Vacant Lots	837
Commercial	1,041
Industrial	292
Mixed Use	474

Council President returned to the podium at 6:08 p.m.

A motion was made by Councilor Steven A. Camara to adopt a tax factor of 1.75, but received no second. On a further motion made by Councilor Richard Cabeceiras and seconded by Councilor Pam Laliberte-Lebeau, it was voted 4 yeas, 3 nays to adopt a tax factor of 1.70 with Councilors Steven A. Camara, Raymond A. Mitchell and Linda M. Pereira voting in the negative.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 4 yeas, 3 nays to adopt the following percentages for Fiscal Year 2018 with Councilors Steven A. Camara, Raymond A. Mitchell and Linda M. Pereira voting in the negative.

Residential	(Class I)	62.0228
Open Space	(Class II)	-0-
Commercial	(Class III)	22.1483
Industrial	(Class IV)	9.9106
Personal Property	(Class V)	5.9184

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to close the hearing.

On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adjourn at 6:22 p.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. Bauchard*

City Clerk

### CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, November 14, 2017 at 5:45 p.m.  
Council Chamber, One Government Center

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

ABSENT: Councilors Joseph D. Camara and Cliff Ponte

IN ATTENDANCE: John Mendoca, 45 Dover Street  
Manuel A. Oliveira, 200 Bullock Street

The President called the meeting to order at 6:22 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

#### Curb Removals

1. John Mendoca, 45 Dover Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
45 Dover Street	10'	10'	0'	20'

The petitioner is requesting to extend the driveway entrance an additional 10 feet. The work provides improved access to the existing lot and results in minimal impact to on-street parking. The work should be laid out for approval by Engineering prior to construction to avoid a utility pole located S-SE of the existing driveway.

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the hearing be opened with Councilors Joseph D. Camara and Cliff Ponte absent and not voting. The President then directed the proponents to be heard and John Mendoca of 45 Dover Street came forward and stated that he is requesting to remove ten feet of curbing to improve access to the existing parking lot. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to close the hearing with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.*



2. John Chicharro, Chicharro Realty Corp., 32 Doyle Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
168 Eighteenth Street	0'	32'	0'	32'

The petitioner is requesting to open a new 16 foot driveway entrance facing Eighteenth Street as a "by-right" opening under the ordinance. 168 Eighteenth Street currently has no driveway access. The petitioner is also requesting a second 16' opening serving the property along the south side of Orchard Street. There is no parking on the south side of Orchard Street, and no parking during snow storms on the east side of Eighteenth Street. The work provides "drive-thru" access to the existing lot and results in a minimal impact to on-street parking. The driveways would provide off-street parking access for any business occupying the property. There are no apparent impacts to utility infrastructure. Engineering recommends approval of the second street opening.

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the hearing be opened with Councilors Joseph D. Camara and Cliff Ponte absent and not voting. The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to close the hearing with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.*

3. Manuel A. Oliveira, 200 Bullock Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
200 Bullock Street	18'	15'	0'	33'

The petitioner is requesting to open a new 15 foot driveway entrance to a horseshoe driveway connecting to the existing driveway. The work provides "drive-thru" access to the existing lot and results in a minimal impact to on-street parking. The driveways would provide additional off-street parking access to the property. There are no apparent impacts to utility infrastructure.

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted that the hearing be opened with Councilors Joseph D. Camara and Cliff Ponte absent and not voting. The President then directed the proponents to be heard and Manuel A. Oliveira of 200 Bullock Street came forward and stated that he is requesting to remove fifteen feet of curbing to install a horseshoe shaped driveway to improve safety when exiting the driveway. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to close the hearing with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.*

4. Mark Veloza, 350 Eldridge Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
350 Eldridge Street	12'	16'	0'	28'

The petitioner is requesting to extend the driveway 16 feet to the north side of the property to the existing 12 foot opening on the south side. There are no evident impacts to signage or utility infrastructure. The work improves access to the existing lot, and does not represent a significant reduction in on-street parking based on typical use in that neighborhood.

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted that the hearing be opened with Councilors Joseph D. Camara and Cliff Ponte absent and not voting. The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to close the hearing with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.*

#### Joint Pole Location

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

#### Stafford Road

One (1) jointly owned pole location

National Grid requests to install a new riser pole for an existing service at Maplewood Park. There is a plan to remove all overhead conductors at the park, so existing service will require an underground supply. In accordance with Plan No. 25080234 dated October 12, 2017.

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted that the hearing be opened with Councilors Joseph D. Camara and Cliff Ponte absent and not voting. The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to close the hearing with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.*

*On a further motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to adjourn at 6:30 p.m. with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.*

#### 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

# CITY COUNCIL PUBLIC HEARING

MEETING: Tuesday, November 28, 2017 at 5:45 p.m.  
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Attorney Arthur M. DeAscentis,  
Bogle, DeAscentis & Coughlin, P.C.  
57 No. Main St., Fall River, MA 02720  
Richard J. Rheume, PE, LSP  
Prime Engineering, Inc.  
350 Bedford St., Lakeville, MA 02347

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

## Street Discontinuance:

Discontinuance of a portion of Davol Street, along its easterly layout line, extending northerly from its intersection with the north line of Turner Street

*Councilors Richard Cabeceiras and Raymond A. Mitchell stated that they would be abstaining from any votes in this matter and both Councilors exited the City Council Chamber.*

*On a motion made by Councilor Cliff Ponte and seconded by Councilor Steven A. Camara, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and Attorney Arthur M. DeAscentis and Richard Rheume came forward. Attorney Arthur M. DeAscentis stated that he is representing BCBBK, LLC who purchased the property at 697-713 Davol Street, formerly known as the Davol Street Café. It has been discovered that there was an old layout plan of the property from 1921, that is not at all in keeping where Davol Street is today. The purpose of this request for a discontinuance of a portion of Davol Street is only to have the legal records reflect the actual location of Davol Street today. The street, sidewalks or light poles will not be moving this will just clear the title to the property.*

Councilor Steven A. Camara asked if there will be green space along the edge of the parking lots for the new construction. Richard Rheume stated that the preliminary drawings include trees and shrubbery along the edges of the parking lot.

The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Stephen R. Long, it was unanimously voted to close the hearing.

On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Cliff Ponte, it was unanimously voted to adjourn at 5:54 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

Map of property located at 697 and 713 Davol Street

A true copy. Attest:

*Alison M Bouchard*

City Clerk

**REGULAR MEETING OF THE CITY COUNCIL**

MEETING: Tuesday, May 16, 2017 at 7:00 p.m.  
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator  
Mary Sahady, Director of Financial Services  
David Machado, Fall River Police Department

President Shawn E. Cadime called the meeting to order at 8:55 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 veto of \$20,000 transfer from Law Department Expenses to City Council Expenses  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to lift the item from the table. On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was voted 6 yeas, 3 nays to override the Mayor's Veto, with Councilors Joseph D. Camara, Steven A. Camara and Stephen R. Long voting in the negative.*
2. Mayor and veto of An Act Relative to the Disposal of Municipally Owned Property  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to lift the item from the table. On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was voted 6 yeas, 3 nays to override the Mayor's Veto, with Councilors Joseph D. Camara, Steven A. Camara and Stephen R. Long voting in the negative.*
3. Mayor and order to purchase 5 acres of land on Yellow Hill Rd. for watershed protection with approved grant from Community Preservation Committee  
*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, May 26, 2017, Mayor Jásiel F. Correia II*

4. Mayor and order to accept gift of 2 sets of Flags of All Nations for Gromada Plaza  
*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, May 26, 2017, Mayor Jasiel F. Correia II*
5. Transfers and appropriations  
 \$223,288.50 from the Morton Middle School Capital Project (Fund 5321) to the Westall School (Fund 5406) for the expenditures to complete the retro fitting of the Westall School Building  
*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the order.*
6. Mayor and proposed ordinance regarding personnel title and wage changes  
*On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinances and Legislation.*
7. Mayor and proposed ordinance regarding changing the name of Department of Buildings and Grounds to Facilities Maintenance  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinances and Legislation.*

#### **PRIORITY COMMUNICATIONS**

8. Board of Park Commissioners regarding the separation of the Board of Park Commissioners and creation of a Cemetery Commission  
*Councilor Linda M. Pereira stated that the City needs a cemetery board. There needs to be a separate board because vases should not have been removed from graves without prior notice to the residents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was voted 9 yeas, that the communication be accepted and placed on file and a copy be sent to Corporation Counsel.*
9. Purchasing Agent re: Surplus property  
*A motion was made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long to adopt. A further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long to request that a minimum bid be placed for the scrap value of the vehicles carried on a voice vote, with Councilors Richard Cabeceiras and Steven A. Camara opposed. A further motion was made by Councilor Linda M. Pereira and seconded by Councilor Steven A. Camara to waive the rules to allow Dave Machado from the Police Department who will be handling the auction to answer Councilors' questions. Councilor Raymond A. Mitchell subsequently withdrew his previous motion to amend and the motion to adopt carried unanimously on a voice vote.*
10. Traffic Commission recommending amendments to the traffic ordinances  
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the amendments to the Committee on Ordinances and Legislation.*

11. Councilor Steven A. Camara and proposed Charter changes  
*A motion was made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau to refer the proposal to the Committee on Ordinances and Legislation. A further motion was made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell to refer the proposal to the Charter Commission. Councilor Steven A. Camara withdrew the motion to refer the proposal to the Committee on Ordinances and Legislation and moved for a subsequent motion, which was seconded by Councilor Pam Laliberte-Lebeau, to refer the proposal to the City Council President for purposes of establishing a task force when appropriate. The motion failed to carry, 3 yeas, 6 nays with Councilors Richard Cabeceiras, Joseph D. Camara, Stephen R. Long, Raymond A. Mitchell, Linda M. Pereira and Cliff Ponte voting in the negative. A further motion was made by Councilor Steven A. Camara and seconded by Councilor Linda M. Pereira to table the proposal failed to carry 3 yeas, 6 nays with Councilors Joseph D. Camara, Stephen R. Long, Raymond A. Mitchell, Linda M. Pereira, Cliff Ponte and President Shawn E. Cadime voting in the negative. Councilor Raymond A. Mitchell then moved for the next order of business.*

### COMMITTEE REPORTS

#### Committee on Finance recommending:

##### Action:

12. Order – Collective bargaining agreement for Fall River Environmental Police  
*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, May 26, 2017, Mayor Jasiel F. Correia II*

##### Grant leave to withdraw:

13. Resolution – Health Insurance 11.5% increase  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the resolution be granted leave to withdraw.*

#### Committee on Public Safety recommending:

##### Grant leave to withdraw:

14. Resolution – Current staffing levels of Fire Department and Safer Grant funding  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted that the resolution be granted leave to withdraw.*

#### Committee on Ordinances and Legislation recommending:

##### First Reading:

15. Proposed ordinance – Traffic, miscellaneous  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to pass the ordinance through first reading.*

16. Proposed ordinance – Personnel, establishment of Treasurer/Collector position  
*Vice-President Linda M. Pereira took the podium to allow President Shawn E. Cadime to speak. President Shawn E. Cadime stated that he will support this proposed ordinance to pass through first reading, but would like to have the total cost for this position before it is on the agenda for second reading and enrollment. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was voted 7 yeas, 2 nays to pass the ordinance through first reading with Councilors Raymond A. Mitchell and Linda M. Pereira voting in the negative.*

17. Proposed ordinance -- Amend 42-1 Regulating the Maintenance of Vacant and Foreclosing Residential Properties  
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to pass the ordinance through first reading.

First Reading, as amended:

18. Proposed ordinance -- Quarterly Budget Reports  
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to pass the ordinance through first reading, as amended.
19. Proposed ordinance -- Personnel title and wage changes  
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was voted 4 yeas, 5 nays to pass the ordinance through first reading with Councilors Richard Cabeceiras, Raymond A. Mitchell, Linda M. Pereira, Cliff Ponte and President Shawn E. Cadime voting in the negative and the motion failed to carry.

Adoption, as amended:

20. Resolution -- Mayor notify City Clerk when on vacation or on medical leave  
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the resolution, as amended.

Grant leave to withdraw:

21. Resolution -- City Council items lifted from the table not be discussed if not listed on agenda  
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to that the resolution be granted leave to withdraw.

All readings with Emergency Preamble:

22. Proposed ordinance -- Traffic, handicapped parking  
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, 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.

**ORDINANCES** -- None

**RESOLUTIONS**

23. Committee on Public Safety convene with Liberty Utilities regarding gas leaks  
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to adopt the resolution.

24. Streetscape monies be used to repair streets and sidewalks  
A motion was made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte to adopt the resolution. A further motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell to strike "RESOLVED" and insert "ORDERED" carried on a voice vote, with Councilors Joseph D. Camara, Steven A. Camara and Stephen R. Long opposed. A subsequent motion was made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell to strike "a portion of these monies" and insert "\$8 million". A further motion made by Councilor Joseph D. Camara and seconded by Councilor Raymond A. Mitchell to waive the rules and invite the administration to the table to answer questions failed to carry, 4 yeas, 5 nays. Councilor Pam Laliberte-Lebeau subsequently made and withdrew a motion to refer the item



to the Committee on Finance. A further motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long to refer the item to the Committee on Finance failed to carry, 4 yeas, 4 nays with Councilor Steven A. Camara abstaining. The remaining motion on the floor being the amendment to strike "a portion of the monies" and insert "\$8 million", Councilor Joseph D. Camara objected to its consideration during the roll call and the item was laid over until the next meeting in accordance with the Charter.

25. Committee on Budget Preparation, Revenue and Audits convene to discuss projected revenue in the FY18 Budget

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the resolution.*

26. Committee on Budget Preparation, Revenue and Audits convene with finance teams From Fall River Public Schools, Diman Regional Vocational Technical High School and Bristol County Agricultural High School to discuss what additional funding can do

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the resolution.*

27. Petition the 190<sup>th</sup> General Court of the Commonwealth of Massachusetts to implement the recommendations of the Foundation Budget Review Commission

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the resolution.*

28. Committee on Public Works and Transportation convene with Liberty Utilities to discuss road repairs and discuss their plans to bring their street repairs up to code

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the resolution.*

#### CITATIONS

29. Kelly Andrade – Organization of "Men Can Cook"

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the citation.*

30. Mary Ann Wordell – Retirement from Fall River Street Tree Planting Program

*A motion was made by Councilor Steven A. Camara and seconded by Councilor Richard Cabeceiras and was unanimously voted to adopt item #30, 31 and 32 together, after being read by the City Clerk.*

31. Yvette Mancini – 100<sup>th</sup> Birthday

32. Diman Regional Vocational Technical High School 2017 Outstanding Vocational Student Awards:

Robert Correia  
Meggan DeSousa  
Aliana Andreoli  
Alex Amorin  
Tyler Ozechowski  
Michael Duarte

Shane-Alexander Ealy  
Elijah Moniz  
Kyra Macaroco  
Haylee Cooper  
Paige Quintal  
Karen Dion

Tristen Hannon  
Chelsey Benoit  
Devan Andrade  
Ally Toupin  
Noah Ferreira  
Sandra Melo

**ORDERS – HEARINGS**

**Curb Removal**

33. SF & MM Realty Corp. on behalf of American Spirit Auto Sales Inc., President Jason Frias, 1039 Locust Street, requests the removal of 19.6 feet of curbing with an existing 13 foot driveway for a total of 32.6 feet at 1039 Locust Street to allow improved access to an automobile sales lot.

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order.*

*Approved, May 26, 2017, Mayor Jasiel F. Correia II*

**ORDERS – MISCELLANEOUS**

34. **Auto Repair Shop license renewals:**

Jose L. Collazo Carmona d/b/a JC Performance, Inc. at 401 Bedford Street

John Glass d/b/a JG Auto LLC at 84 Fourteenth 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, May 26, 2017, Mayor Jasiel F. Correia II*

35. **Police Chief's report on licenses:**

**Taxicab Drivers:**

Carmen S. Ayala

Andrew Lencioni

Shawn Pinto

Katherine Chace

Mark Miller

Jessica Rebello

Lionel Jean

Amaka Onwukwe

Viviana Vazquez

**Second Hand Licenses:**

Natasha Vera d/b/a Finders Keepers

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

**COMMUNICATIONS – INVITATIONS – PETITIONS**

36. **Claims**

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to refer the claims to Corporation Counsel.*

37. **Drainlayer licenses:**

Alexandre's Excavating, Inc.

K.R. Rezendes, Inc.

Khoury Excavating, Inc.

MJD Excavating, Inc.

Albert Moreira & Son

Eminar Trucking, Inc.

Geosearch, Inc.

SLT Construction Corporation

GT Excavating Corporation

J.H. Landscaping and Construction, Inc.

Narragansett Improvement Company

T.M. Masonry, Inc.

Century Paving & Construction Corporation

Sherry Construction Corporation

S. Oliveira Construction Corporation

Therm-Mechanical System, Corporation

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to approve the drainlayer licenses.*

*Approved, May 26, 2017, Mayor Jasiel F. Correia II*

38. Communication from Attorney General regarding Request for Reconsideration

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file.*

City Council Committee/Meeting Minutes:

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to approve items #39 through #49, with item #40 being amended with the correct location address.*

- 39. City Council Meeting – February 21, 2017
- 40. Committee on Health and Environmental Affairs – April 19, 2017
- 41. Committee on Budget Preparation, Revenue and Audits – March 23, 2017
- 42. Committee on Public Works and Transportation – March 30, 2017
- 43. Committee on Regulations – March 28, 2017
- 44. Committee on Regulations – April 24, 2017
- 45. Committee on Public Safety – April 12, 2017
- 46. Committee on Public Safety – May 10, 2017
- 47. Committee on Finance – April 25, 2017
- 48. City Council Public Hearing – April 11, 2017
- 49. Committee on Real Estate – March 16, 2017

BULLETINS – NEWSLETTERS – NOTICES – None

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

*President Shawn E. Cadime requested a one minute recess at 11:20 p.m. to prepare the following resolution and the City Council reconvened at 11:24 p.m.*

RESOLUTIONS

Committee on Public Safety meet with concerned parties regarding basketball hoop on Vincent Street

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

ORDERS – MISCELLANEOUS

Auto Repair Shop license renewal:

Jose M. Beirao d/b/a Beirao Auto Repair, Inc. at 830 Globe Street

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

*Approved, May 26, 2017, Mayor Jasiel F. Correia II*

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adjourn at 11:24 p.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





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

**RECEIVED**

**AMENDED**

2017 DEC 19 A 10:55

ORIGINAL POSTING: DECEMBER 15, 2017 2:03 P.M.

**DECEMBER 15, 2017**

**MEETINGS SCHEDULED FOR NEXT WEEK**

**CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**

**MONDAY, DECEMBER 18, 2017**

**ALISON M. BOUCHARD**  
CITY CLERK

CITY CLERK  
FALL RIVER, MA

**INÊS LEITE**  
ASSISTANT CITY CLERK

**5:00 P.M. COMMITTEE ON REAL ESTATE**

**6:30 P.M. COMMITTEE ON HEALTH AND ENVIRONMENTAL AFFAIRS OR IMMEDIATELY FOLLOWING THE COMMITTEE ON REAL ESTATE IF THAT MEETING RUNS PAST 6:30 P.M.**

**TUESDAY, DECEMBER 19, 2017**

**AGENDA**

**5:30 P.M. COMMITTEE ON ORDINANCES AND LEGISLATION**

**5:45 P.M. PUBLIC HEARINGS OR IMMEDIATELY FOLLOWING THE COMMITTEE ON ORDINANCES AND LEGISLATION IF THAT MEETING RUNS PAST 5:45 P.M.**

**Curb Removals**

1. John Flores, 235 Adelaide Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
235 Adelaide Street	16'	16'	0'	32'

The petitioner is requesting to open a new 16 foot driveway entrance on the west side of the property for the purpose of parking a camper. 235 Adelaide Street has an existing 16 foot driveway. The work does not impact utilities or signage, and results in a minimal impact to on-street parking.

2. Joshua Oliver, 140 Huard Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
140 Huard Street	18' 6"	16'	0'	34' 6"

The petitioner is requesting to open a new 16 foot driveway entrance on the north side of the property. 140 Huard Street has an existing 18 foot 6 inch driveway. The work does not impact utilities or signage, and results in the loss of a single on-street parking space. Proper placement would retain two parking spaces between the driveways.

3. Jesse Pacheco, 67 Langley Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
67 Langley Street	11' 11" (East) 9' 9" (West)	14' 8" (West)	0'	11' 11" (East) 14' 8" (West)

**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](mailto:city_clerks@fallriverma.org)

The petitioner is requesting to remove a 4 foot 11 inch section of curb on the east side of the western driveway. 67 Langley Street currently has an 11 foot 11 inch driveway on the east side of the property, and a 9 foot 9 inch driveway on the west side of the property.

The curb removal marginally improves access for vehicles turning into the western driveway. A single parking space currently exists between the driveways, and this curb removal does not eliminate that parking space. The curb removal does not appear to impact utilities or signage.

4. John Champagne, 816 Pearce Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
1538 North Main St.	0'	20'	0'	20'

1538 North Main Street is the abutter to and held in ownership with Roger's Coney Island Hot Dogs, an existing business at 1518 North Main Street. 1538 North Main Street will be used as a parking lot to support the business. Traffic will enter from North Main Street and exit from a rear driveway onto Brightman Street. The work provides drive-thru access to parking spaces serving the business, and results in elimination of a single two-hour parking space. The driveway should be located north of the utility pole.

**6:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE CITY COUNCIL  
PUBLIC HEARINGS IF THE PUBLIC HEARINGS RUNS PAST 6:00 P.M.**

1. Citizen Input
2. Discussion with Administration re: status of property located at former Duro Textiles site (resolution adopted, as amended 11-14-17)
3. \*Transfer and appropriation – \$50,000 for the BMC Durfee Feasibility Study from the General Fund Stabilization Fund (see After Agenda #7a)

**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 req. confirmation of appointments to the following:
  - a. Robert Tavares to the Board of Park Commissioners
  - b. Cheryl Costa to the Commission on Disability
  - c. Susana Ribeiro to the Council on Aging
  - d. Richard J. Souza to the Sewer Commission
  - e. Manuel Leite to the Conservation Commission
2. \*Mayor and veto of order to remove the approved easement that crosses the Alfred J. Lima Quequechan River Rail Trail (held over in accordance with the City Charter 11-28-17)
3. \*Mayor and veto of order to accept a gift of 80-84 North Main Street
4. \*Mayor and order authorizing Fire Department to accept gift of pavers and materials from J & J Materials, Inc.
5. \* Mayor and order authorizing Fire Department to accept gift of labor and use of vehicle from Albanese Monuments
6. \*Mayor requesting creation of position of Opioid Clerk (part-time)
7. \*Mayor and resolution for Parkland Acquisitions and Renovations for Communities (PARC) grant in the amount of \$395,500 for improvements to North Park, Ruggles Park, Father Kelly Park and Maplewood Park

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

The petitioner is requesting to remove a 4 foot 11 inch section of curb on the east side of the western driveway. 67 Langley Street currently has an 11 foot 11 inch driveway on the east side of the property, and a 9 foot 9 inch driveway on the west side of the property.

The curb removal marginally improves access for vehicles turning into the western driveway. A single parking space currently exists between the driveways, and this curb removal does not eliminate that parking space. The curb removal does not appear to impact utilities or signage.

4. John Champagne, 816 Pearce Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
1538 North Main St.	0'	20'	0'	20'

1538 North Main Street is the abutter to and held in ownership with Roger's Coney Island Hot Dogs, an existing business at 1518 North Main Street. 1538 North Main Street will be used as a parking lot to support the business. Traffic will enter from North Main Street and exit from a rear driveway onto Brightman Street. The work provides drive-thru access to parking spaces serving the business, and results in elimination of a single two-hour parking space. The driveway should be located north of the utility pole.

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1. Citizen Input
2. Discussion with Administration re: status of property located at former Duro Textiles site (resolution adopted, as amended 11-14-17)
3. \*Transfer and appropriation – \$50,000 for the BMC Durfee Feasibility Study from the General Fund Stabilization Fund (see Finance #3)

**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**

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  - a. Robert Tavares to the Board of Park Commissioners
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**ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650**

## **PRIORITY COMMUNICATIONS**

8. Traffic Commission recommending amendments to the traffic ordinances

## **COMMITTEE REPORTS**

### **Committee on Finance recommending:**

#### **Accept and place on file:**

9. \*Communication – Fall River Contributory Retirement Board 2018 Budget

### **Committee on Public Safety recommending:**

#### **Grant leave to withdraw:**

10. \*Resolution – Public safety concerns at WalMart Supercenter exit (638 Quequechan Street)

#### **Referral to Corporation Counsel:**

11. \*Communication – City resident regarding chain link fence at 120 Fifteenth Street

### **Committee on Ordinances and Legislation recommending:**

#### **First Reading, as amended:**

12. \*Proposed Ordinance – Salary updates

#### **First Reading:**

13. \*Proposed Ordinance – Traffic, miscellaneous  
14. \*Proposed Ordinance – Sewer Commission  
15. \*Proposed Ordinance – Sewer Use Regulations  
16. \*Proposed Ordinance – Stormwater Management

#### **All readings with Emergency Preamble:**

17. \*Proposed ordinance – Traffic, handicapped parking

#### **Grant leave to withdraw:**

18. \*Resolution – Review of all boards and commissions  
19. \*Resolution – Review requirements of submission of annual budget

### **Committee on Budget Preparation, Revenue and Audits recommending:**

#### **Grant leave to withdraw:**

20. \*Communication – School Department employees re: 2016-17 school year shortfall  
21. \*Communication – Greater Fall River Vocational Technical High School District re: funding for repair of soccer/football field

## **ORDINANCES** – None

## **RESOLUTIONS** – None

## **CITATIONS**

### **Government Center Custodial Staff** – for outstanding service to city:

22. Henry Medeiros; David Lavoie; Jeffrey Lavoie

## **ORDERS – HEARINGS**

### **Curb Removals:**

23. John Flores, 235 Adelaide Street – total of 32 feet at 235 Adelaide Street  
24. Joshua Oliver, 140 Huard Street – total of 34 feet 6 inches at 140 Huard Street  
25. Jesse Pacheco, 67 Langley Street – total of 26 feet 7 inches at 67 Langley Street  
26. John Champagne, 816 Pearce Street – total of 20 feet at 1538 North Main Street



## ORDERS - MISCELLANEOUS

27. Auto Repair Shop license renewals:  
Michael R. Bernier d/b/a Bernier's Quality Body Works at 800 Eastern Avenue  
Theodore R. Sanft d/b/a Ted's Auto Repair at 77 Cash Street  
Ernest J. Rapoza d/b/a Ernie's Auto Repair at 228 Barlow Street  
Roger Khoury, Andrade's Automotive Service, LLC at 46 McGowan Street  
John J. Mattie, Jr. d/b/a Mattie Imports, Inc. at 80 Wm. S. Canning Blvd.  
Jacinto Silva, Tech Service Center, Inc. at 70 William Street  
Sullivan Tire Co., Inc. at 456 Rodman Street
28. Auto Body Shop license renewals:  
Michael R. Bernier d/b/a Bernier's Quality Body Works at 800 Eastern Avenue  
Humberto Pereira d/b/a Fall River Auto Body and Sales, Inc. at 155 Williston Street
29. Police Chief's report on licenses:  
Taxicab Drivers – 2017:  
Jose Castro Wayne Conway Gilbert Dallaire
- Taxicab Drivers – 2018:
- |                     |                     |                        |
|---------------------|---------------------|------------------------|
| Sharon Acevedo      | Timothy E. Adams    | Thomas Andrade         |
| Ashraf Kamal Antar  | Brian Araluce       | Edward A. Arruda       |
| Steven Breault      | Edward Butler       | Darrell Carlsen        |
| Jeffrey Carreira    | Melissa Carvalho    | Robert M. Collins Jr.  |
| Lori Cronister      | Joseph DaCosta      | Tania L. Dillingham    |
| Michael Diniz       | Carlton Ducharme II | Philip J. Fay          |
| Tiffany Evans       | Peter Hadad         | Richard Hannah         |
| Steven Howance      | Frederick Humes     | Paul Laberge           |
| Kathleen M. Lamothe | David Larkin        | Louis Levesque         |
| David Marshall Sr.  | William Marshall    | Richard Mello          |
| Jeff C. Middleton   | Rui Neves           | Albert A. Paquette Jr. |
| Jennifer Pavao      | Tyler Perreira      | Charles Phifer         |
| Gerald Pinault      | Bud Prater          | John D. Purcell        |
| Todd J. Quintal     | Ricardo Raposa      | Edward Rego            |
| George Robidoux     | Carl Shepard        | Natasha Smith          |
| Jeremiah Soares     | Delores Socall      | Richard Souza          |
| Stephen Stets       | Ronald Vaillancourt | Jose Vasconcelos       |
| Troy Wool           |                     |                        |
- Private Livery Drivers – 2018:  
David Marshall Sr.

**COMMUNICATIONS – INVITATIONS – PETITIONS**

30. Drainlayer license – Oliveira Construction, Inc.
31. \*Claims
32. \*PERAC re: Appropriation for Fiscal Year 2019
33. \*Planning Board Minutes – December 13, 2017
34. \*Open Meeting Law complaint re: approval of minutes
35. \*Street opening request for pavement less than 5 years old – 69 Denver Street

City Council Committee/Meeting Minutes:

- 36. \*Committee on Finance – November 28, 2017
- 37. \*Committee on Public Works and Transportation – October 23, 2017
- 38. \*City Council Public Hearing – November 14, 2017
- 39. \*City Council Public Hearings – November 14, 2017
- 40. \*City Council Public Hearing – November 28, 2017
- 41. \*City Council Meeting – May 19, 2017

**BULLETINS – NEWSLETTERS – NOTICES**

- 42. National Grid – 2018 Yearly Operational Plan and 21 day herbicide application notification
- 43. Notice of Casualty and Loss – 647 June Street

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

Report of the Committee on Ordinances and Legislation:  
Proposed Ordinance – Wage Theft Ordinance



City Clerk

**ITEMS FILED AFTER THE AGENDA WAS PREPARED:**  
**CITY COUNCIL MEETING DATE: DECEMBER 19, 2017**

**PRIORITY MATTERS**

- 7a. \*Transfer and appropriation – \$50,000 for the BMC Durfee Feasibility Study from the General Fund Stabilization Fund (see Finance #3)

**COMMITTEE REPORTS**

Committee on Real Estate recommending:

Grant leave to withdraw:

- 21a. \*Order – Purchase of property located at 38 Third Street for Employee Health Clinic
- 21b. \*Resolution – Discuss possible use of underutilized city property for the sale of water

**CITATIONS**

- 22a. Joseph Rebello

**COMMUNICATIONS – INVITATIONS – PETITIONS**

- 34a. Open Meeting Law complaint re: December 18, 2017 Committee on Health and Environmental Affairs Meeting

City Council Committee/Meeting Minutes:

- 41a. \*Committee on Health and Environmental Affairs – October 23, 2017
- 41b. \*Committee on Ordinances and Legislation – October 24, 2017
- 41c. \*Committee on Budget Preparation, Revenue and Audits – December 12, 2017



City of Fall River  
Massachusetts  
Office of the Mayor

7a  
RECEIVED

2017 DEC 18 P 1:30

CITY CLERK  
FALL RIVER, MA

JASIEL F. CORREIA II  
Mayor

December 15, 2017

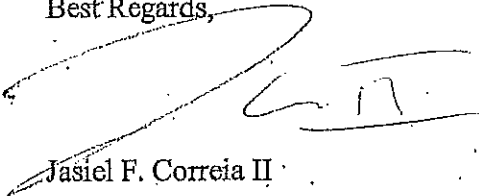
Honorable City Council  
City of Fall River  
One Governmental Center  
Fall River, MA 02722

Honorable Council Members;

This Body has previously approved a \$1,000,000 loan order for the Feasibility Study of the proposed new BMC Durfee High School. Due to additional work incurred during the Study phase of this project for environmental testing and the parking lot restoration an additional \$50,000 is needed. It is anticipated that this request for additional monies will be eligible for 80/20% grant opportunity from the Massachusetts School Building Authority.

While the City Council vote will authorize this \$50,000 transfer from Stabilization, the Administration anticipates that only 20% of this amount will needed to fund the project. Your approval of this transfer is respectfully requested.

Best Regards,



Jasiel F. Correia II  
Mayor

EMERGENCY PREAMBLE

WHEREAS, the attached financial order was not filed prior to 5:00 P.M. on Thursday, December 14, 2017, in accordance with Section 2-125 of the Revised Ordinances of the City of Fall River, 1999, and

WHEREAS, it is important for the good of the city that the financial order be considered by the City Council, now therefore

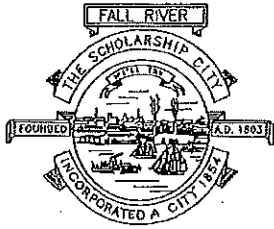
BE IT RESOLVED, that said financial order be accepted for reading before the City Council.

*City of Fall River, In City Council*

7a

**ORDERED:**

**That the sum of \$50,000 be, and the same is, hereby appropriated for the  
BMC DURFEE FEASIBILITY STUDY from the GENERAL FUND  
STABILIZATION FUND.**



**CITY OF FALL RIVER  
MASSACHUSETTS**  
Department of Facilities Maintenance

7a

**JASIEL F. CORREIA II**  
*Mayor*

**CHRIS GALLAGHER**  
**Director**

Mayor Jasiel Corriea  
One Government Center  
Fall River Mass, 02722

Mayor Corriea,

I am writing you this letter to increase the amount of the Durfee High School Feasibility study in the amount of \$50,000. This would revise the amount of the Durfee High School Feasibility study to \$1,050,000. The reason for these additional funds is to fund miscellaneous costs including- environmental soil testing, restoration of parking lots and playing fields disturbed during geotechnical investigations and additional third party estimating. These items were not included in the original feasibility study.

Sincerely,


*Christopher Gallagher*

Chris Gallagher  
Director of Facilities Maintenance

# FY18 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
General Fund Stabilization Fund	\$ 4,025,900.13	\$ (50,000.00)	3,975,900.13
BMC Durfee Feasibility Study	\$ 1,000,000.00	\$ 50,000.00	1,050,000.00

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

  
 Jennifer Argo, City Auditor  
 December 19, 2017

7a

2/a

## CITY OF FALL RIVER

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To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on December 18, 2017, voted unanimously to recommend that the accompanying order be granted leave to withdraw.

  
Carmen A. Taylor  
Clerk of Committees



City of Fall River, In City Council

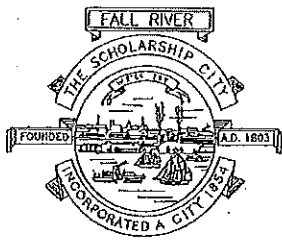
21a

ORDERED, that the City Council of the City of Fall River hereby votes to appropriate, and authorize the Treasurer to allocate funds in the amount of \$240,000.00 to acquire one parcel of land and the building thereon, located at 38 Third Street, Fall River, MA; that said land be conveyed to the City of Fall River to be managed and controlled by the City of Fall River; and the City of Fall River be authorized to enter into a Purchase & Sales Agreement in a form determined acceptable by the Corporation Counsel and execute a Quitclaim Deed in a form also acceptable to the Corporation Counsel.

tabled 3-16-17

CITY OF FALL RIVER  
IN CITY COUNCIL  
DEC 13 2016

*A motion made and seconded to table the order failed to carry, 3 yeas, 5 nays.  
A further motion made and seconded to refer the order to the  
Committee on Real Estate Carried, 5 yeas, 3 nays.*



City of Fall River  
Massachusetts  
Office of the Mayor

21a

2016 DEC -8 P 2:59

CITY CLERK  
FALL RIVER, MA

JASIEL F. CORREIA II  
Mayor

December 8, 2016

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

RE: Order to Purchase for Employee Health Clinic

Dear Honorable Council Members:

Working in close collaboration with the Employees' Insurance Advisory Committee, the Administration has begun establishment of a Health Clinic for City employees, retirees and active employee family members who are covered under the City's health insurance program. This clinic will be providing acute care, health screenings/assessments, and wellness counseling designed to prevent chronic conditions before they occur. By making these services available to healthcare plan participants, the City is expected to see significant savings in our health insurance costs.

After an RFP process, Care Here was recommended by the Insurance Advisory Committee to operate the Center. This firm operates over 200 similar facilities across the country. This service delivery model compliments, but does not replace, the medical services currently being provided by the members of our healthcare community.

Enclosed is an executed Offer to Purchase the former ILGWU Hall at 38 Third Street which is intended to house the employee clinic. Once the Council has approved the corresponding Order, we will proceed with our due diligence which shall include, but not be limited to, construction cost estimates to create the clinic facilities.

Your approval of this Order is respectfully requested. Should you have any questions or concerns regarding this purchase, please feel free to contact me.

Best Regards,

Jasiel F. Correia II  
Mayor

CITY OF FALL RIVER  
IN CITY COUNCIL  
DEC 13 2016

*a/c placed on file*

21a

## OFFER TO PURCHASE REAL ESTATE

From: BUYER/Name(s): City of Fall River

Address: One Government Center, Fall River, MA

To: OWNER OF RECORD ("SELLER")/Name(s): JLD LLC

Address: 7 Turnpike Street, South Easton, MA 02375

The BUYER offer to purchase the real property described as 38 Third Street, Fall River, MA 02720 consisting of approximately 11,296+/-SF of land together with all buildings and improvements thereon (the "Premises") which has been introduced to buyer by Prisco's Five Star Real Estate upon the following terms and conditions:

1. Purchase Price: The BUYER agrees to pay the sum of \$240,000.00 to the SELLER for the purchase of the Premises (the "Offer"), payable as follows:
  - i. \$1,000.00 as a deposit to bind this Offer to be delivered forthwith upon receipt of written acceptance.
  - ii. \$9,000.00 as an additional deposit upon executing a Purchase And Sale Agreement;
  - iii. Balance by bank's, cashier's, treasurer's or certified check or wire transfer at time of closing.
2. Duration Of Offer. This Offer is valid until 5 p.m. on December 15, 2016 by which time a copy of this Offer shall be signed by the SELLER, accepting this Offer and returned to the BUYER, otherwise this Offer shall be deemed rejected and the money tendered herewith shall be returned forthwith to the BUYER.

TIME IS OF THE ESSENCE AS TO EACH PROVISION

UPON ACCEPTANCE OF THIS OFFER, BUYER AGREES TO SEEK AN AFFIRMATIVE VOTE OF THE FALL RIVER CITY COUNCIL AUTHORIZING THE PURCHASE OF SAID REAL ESTATE ON SUCH CONDITIONS AND TERMS AS WILL BE CONTAINED IN A MUTUALLY AGREED UPON PURCHASE & SALE AGREEMENT.

21a

IT IS ANTICIPATED THAT THE MUTUALLY AGREED UPON PURCHASE & SALE AGREEMENT WILL CONTAIN THE USUAL CONTINGENCIES AS WELL AS, AT A MINIMUM, GOOD CLEAR RECORD AND MARKETABLE TITLE, CLEAN 21E, RIGHT TO COMPLETE STRUCTURAL INSPECTION THE RESULTS TO BE ACCEPTABLE TO BUYER, THE OMISSION OF ANY "AS IS" CLAUSE, CONFIRMATION OF ADEQUATE ON SITE PARKING, REVIEW AND ACCEPTANCE OF RIGHTS IN AND TO QUEQUECHAN RIVERBED AND PROVISIONS OF AGREEMENTS WITH ADJACENT PROPERTIES.

City of Fall River

By

Date

12/7/16

Accepted: JLD LLC

By

Duly Authorized

Date

12/7/16

## CITY OF FALL RIVER

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To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on December 18, 2017, voted to recommend that the accompanying resolution be granted leave to withdraw, with Councilor Richard Cabeceiras opposed.

  
Clerk of Committees

City of Fall River, In City Council

Real Estate Committee

216

(Councilor Richard Cabeceiras)

WHEREAS, potable water is one of Fall River's greatest assets, and,  
WHEREAS, sales of said water have diminished resulting in higher cost to water users,  
and

WHEREAS, it would be beneficial to have a business that purchases water in large amounts to reduce water rates, now therefore

BE IT RESOLVED, that the Water Division and the Administration be invited to the City Council Committee on Real Estate to discuss the potential of submitting a request for proposals (RFP) to businesses that would like to purchase or lease under-utilized city property, such as potentially conservation land by the North Watuppa Pond, for the purpose of purchasing large amounts of water for their enterprise, and

BE IT FURTHER RESOLVED, that the Administration discusses plans to create a department that bottles water and distributes it for sale coast to coast and worldwide.

In City Council, November 28, 2017  
Adopted, as amended, 7 yeas, 2 nays

Approved, November 30, 2017  
Jasiel F. Correia II, Mayor

A true copy. Attest:

*Alison M. Bruchard*

City Clerk

41a

## COMMITTEE ON HEALTH AND ENVIRONMENTAL AFFAIRS

MEETING: Monday, October 23, 2017 at 5:45 p.m.  
Council Chamber, Government Center

PRESENT: Councilor Steven A. Camara, presiding  
Councilors Joseph D. Camara and Raymond A. Mitchell

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator  
Terrence J. Sullivan, Administrator of Community Utilities  
Cindy Berard, Animal Control Officer  
Corrine Bowman, Animal Control Officer  
Joyce Borodemos, 236 Walter Street  
Christen Dern, 137 County Street  
Betsey Westall, 339 Emmet Street  
Melissa Barbosa, 581 County Street

The chairman called the meeting to order at 7:15 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium:

### Agenda:

1. Communication from city resident regarding sewage treatment plant odors  
*Terrence J. Sullivan, Administrator of Community Utilities, stated that the odors, which have been augmented due to the hot weather, have been as a result of equipment breakdown at the wastewater treatment plant and the loss of the incinerator in 2016. \$54 Million of the \$123 Million loan order for expenses related to the Integrated Wastewater and Stormwater Master Plan improvements scheduled to be on the ballot will be used to fully rehabilitate the close to 40 year old equipment that is causing the odor. The first two contracts will be issued for the most odorous areas, which are the sludge processing area and the primary clarifier disinfection area. Residents who have odor complaints were urged to call the Wastewater Treatment Plant at 508-672-4530 and employees will respond. Those who call after hours can leave a message with the answering service which in turn contacts a supervisor. Odor control and water quality going to the Bay are top priorities and that's why the equipment needs to be replaced. Mr. Sullivan also provided an overview of the ballot question and explained that voting for the bond will allow the City to comply with EPA regulations and start the rehabilitation of the wastewater treatment plant and sludge operation areas. The incinerator will be eliminated because he cannot meet the new EPA guidelines. If the bond does not pass, he will have to notify EPA, a new permit would be issued with nitrogen removal requirements, a construction schedule would be mandated, which*

4/2

would result in \$88 Million above the \$123 Million, and it would take control away from us as a city. The Chair asked Mr. Sullivan if he had spoken with the resident who made the complaint, Joseph Soares, and he stated that he left Mr. Soares a message and also e-mailed him but the email bounced back. The Chair encouraged Mr. Soares to call the Wastewater Treatment Plant with any further complaints. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Joseph D. Camara it was unanimously voted to table the communication.

## 2. Resolution – Controlling the feral cat population

Cindy Berard, Animal Control Officer, stated the stray cat issue is a huge problem that Animal Control faces every single day. Ms. Berard is looking for an ordinance outlining the time when a cat will belong to the owner after being fed on someone's property, such as 30 days. She explained that Rhode Island has such state law and a city ordinance with those guidelines would give Animal Control more options to control the feral cat population. She has applied for grants but the funding is used quickly. Cathy Ann Viveiros, City Administrator, stated that she was contacted by a constituent who expressed that the spaying or neutering of cats costs between \$175 to \$200 and that trapping and transporting the cats is too difficult a process. The City Administrator also shared information regarding the Animal Rescue League of Boston's Spay Waggin' travelling program provides affordable spaying or neutering services and suggested that Fall River reach out to them for a solution. Ms. Berard explained that she has reached out to them that they haven't been in Fall River because they need to have paying customers participating in addition to those with the free vouchers that she distributes. The Rescue League also needs a building with a bathroom and a driveway to park the vehicle. Betsey Westell suggested use of the cat mobile from Merrimack Feline Rescue Society, which has prices of comparison to Spay Waggin'. Ms. Berard stated that Pet Partners and Vitality Vet in Swansea are also options but that the issue is that people don't want to pay for the services. The Chair stated that with the assistance of those at the table, that perhaps a location could be found for the Spay Waggin' and that with the assistance of the animal advocate representatives and the Corporation Counsel the requested ordinance be developed. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to send a letter to Corporation Counsel requesting that a proposed ordinance be drafted regarding feral cats, a copy of which is attached hereto and made a part of these minutes. On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Joseph D. Camara, it was unanimously voted to table the resolution.

## 3: Resolution – State Delegation consider filing legislation requiring physicals and drug testing for public employees

Councilor Raymond A. Mitchell stated that public employees who separate from city service and then are re-hired where physical and drug testing is a condition of their employment should undergo physicals and drug testing prior to being re-hired. The City Administrator explained that an advisory was requested from the Human Resources Division of Civil Service and such requirements cannot be made under state law. In addition, these items can be subject to collective bargaining and some success has been made with the Teamsters Union for the requirement of physicals upon re-hiring of



41a

employees. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Joseph D. Camara, it was unanimously voted to recommend the resolution be granted leave to withdraw.

On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Joseph D. Camara, it was unanimously voted to adjourn the meeting at 7:57 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

Email received by City Administrator from constituent regarding spaying/neutering of cats

Spay Waggin' printout presented by City Administrator

Advisory opinion from the Human Resources Division of Civil Service regarding physicals and drug testing for re-hired public employees

*Unes Leite*

Assistant Clerk of Committees

COMMITTEE ON ORDINANCES AND LEGISLATION

MEETING Tuesday, October 24, 2017 at 5:15 p.m.  
Council Chamber, One Government Center

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

ABSENT None

IN ATTENDANCE Cathy Ann Viveiros, City Administrator  
Joseph I. Macy, Corporation Counsel

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

Agenda:

1. Proposed Ordinance – Traffic, Handicapped Parking

*On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Linda M. Pereira, it was unanimously voted to recommend the proposed ordinance be accompanied by an emergency preamble. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau it was unanimously voted to recommend the proposed ordinance, accompanied by an emergency preamble be passed through first reading, second reading, passed to be enrolled and passed to be ordained.*

2. Proposed Ordinance – Zoning, Establishing the King Philip Mills Overlay District

*Cathy Ann Viveiros, City Administrator, explained the ordinance adds to the established industrial zoning and allows for market rate housing to take place at the King Philip Mills. The property owner will also require approval for a Special Permit from the Zoning Board of Appeals. The Chair inquired to the timeline of the closing of the property and the City Administrator explained that the expectation is to have a developer in place by October 31. There is no expectation to extend the deadline. Councilor Linda M. Pereira asked if the Housing Development Incentive Program (HDIP) application was approved and the City Administrator explained that the developer will need to submit the application to the state. The City Council has approved the HDIP for the property but the state's application can only be made when a developer is in place. On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to recommend the proposed ordinance be passed through first reading, 4 yeas, 1 nay.*

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adjourn at 5:25 p.m.*

List of documents and other exhibits used during the meeting:

Agenda packet (attached)  
CD and DVD of meeting

  
Assistant Clerk of Committees

41c

## COMMITTEE ON BUDGET PREPARATION, REVENUE AND AUDITS

MEETING: Tuesday, December 12, 2017 at 4:00 p.m.  
Council Chamber, Government Center

PRESENT: Councilor Richard Cabeceiras, presiding  
Councilor Shawn E. Cadime

ABSENT: Councilor Linda M. Pereira

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator  
Mary Sahady, Director of Financial Services  
Thomas F. Aubin, Superintendent-Director,  
Diman Regional Vocational Technical High School  
Joseph I. Macy, Corporation Counsel  
Jeffrey Little, Interim Director of Community Maintenance

The chairman called the meeting to order at 4:01 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

### Agenda:

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Richard Cabeceiras it was unanimously voted to take item #6 out of order, with Councilor Linda M. Pereira absent and not voting.*

6. Communication – Greater Fall River Vocational School District re: funding to Repair soccer/football field

*The Superintendent-Director of Diman Regional Vocational Technical High School stated that there are 1,395 students attending the school this year. 1,100 students are residents of the City of Fall River. He stated that they are requesting that all communities increase their net school spending for Fiscal Year 2019. Councilor Richard Cabeceiras stated that many students from the school have worked on renovations to the Fall River Police Department, Fall River Fire Department, Department of Community Maintenance and the Water Division. He then asked what percentage of students continues their education by attending college. The Superintendent stated that about 60% of the students continue their education. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Richard Cabeceiras, it was unanimously voted to recommend the communication be granted leave to withdraw, with Councilor Linda M. Pereira absent and not voting.*

1. Resolution – Discuss the amounts and sources of revenue in the Fiscal Year 2018 Budget

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Richard Cabeceiras it was unanimously voted to lift item #1 from the table, with Councilor Linda M.*

Pereira absent and not voting. The City Administrator stated that the second quarter budget report will be ready in mid-January. Councilor Richard Cabeceiras asked if the revenue will be greater than in Fiscal Year 2017. The Director of Financial Services stated that one year cannot be compared to another without reviewing all the facts. The City Administrator stated that in the first quarter of 2017 there was a large one time receipt that would cause differences in the comparisons. The Director of Financial Services also stated that the City is expecting \$50,000 from the new marijuana facility that will be opening soon. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Richard Cabeceiras, it was unanimously voted to table the resolution, with Councilor Linda M. Pereira absent and not voting.

2. Resolution – Discuss creation of an OPEB (Other Post-Employment Benefits) Fund  
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Richard Cabeceiras it was unanimously voted to lift item #2 from the table, with Councilor Linda M. Pereira absent and not voting. Councilor Shawn E. Cadime asked the Director of Financial Services when she expects to establish the OPEB Fund. She stated by the end of the fiscal year. The City Administrator stated that almost all contracts have been settled except for the Police Department. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Richard Cabeceiras, it was unanimously voted to table the resolution, with Councilor Linda M. Pereira absent and not voting.

3. Resolution – Committee convene to meet with department heads and supervisors to ensure efficient functionality of city departments

- a. Mayor
- b. City Administrator
- c. Corporation Counsel

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Richard Cabeceiras it was unanimously voted to lift item #3 from the table, with Councilor Linda M. Pereira absent and not voting. The City Administrator spoke on behalf of the Mayor's Office. She stated that a new Chief of Staff has been hired. Also, the current Special Assistant to the Mayor Faust Fiore, has accepted a position with the Community Development Agency. She then spoke regarding her own office, stating that the postage costs for the mailing of the Charter information was extremely higher than anticipated and she may have to request a transfer of funds. Councilor Shawn E. Cadime then asked Corporation Counsel if there were any changes in his department. Corporation Counsel stated that his office is always trying to be more efficient, but they can't streamline any more. He stated that outside legal fees were approximately \$45,000.00 so far this year. He also stated that he tries to handle all cases in house when possible. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Richard Cabeceiras, it was unanimously voted to table the resolution, with Councilor Linda M. Pereira absent and not voting.

4. Resolution – Discuss financial impact of cancelling PAYT (Pay as you throw) Program

Councilor Shawn E. Cadime questioned what the financial impacts would be from cancelling the PAYT program. The City Administrator stated that the Administration is hoping to reduce the cost of disposing of solid waste. She also stated that the Transfer Station is still moving forward on Lewiston Street. Councilor Shawn E. Cadime stated that he is not in favor of a Transfer Station, as there are many regulations that are associated with the operation of a Transfer Station that the City will never be able to keep up with. Councilor Richard Cabeceiras questioned what would replace the loss of the PAYT funds. The City Administrator stated that many residents would rather pay more taxes and eliminate the PAYT program. The Interim Director of Community Maintenance stated that 55 citations were issued so far in December.

Councilor Richard Cabeceiras stated that subsidies would improve compliance because many residents cannot afford the bags. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Richard Cabeceiras, it was unanimously voted to table the resolution, with Councilor Linda M. Pereira absent and not voting.

5. Communication – Fall River School Department employees re: 2016-2017 School Year Shortfall

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Richard Cabeceiras it was unanimously voted to lift item #5 from the table, with Councilor Linda M. Pereira absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Richard Cabeceiras, it was unanimously voted to recommend the resolution be granted leave to withdraw, with Councilor Linda M. Pereira absent and not voting.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adjourn at 5:46 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet  
CD and DVD of meeting

*Cullen A. Taylor*  
Clerk of Committees

