



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, 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 Jasiel 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 190th 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 – 100th 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:



City Clerk

In City Council, December 19, 2017
Approved.



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2017 MAY 16 P 4:24

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

**AMENDED AGENDA
(ORIGINAL AGENDA POSTED ON MAY 12, 2017 AT 4:21 PM)*

MAY 12, 2017
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

TUESDAY, MAY 16, 2017
AGENDA

5:00 P.M. COMMITTEE ON PUBLIC SAFETY

**5:45 P.M. CITY COUNCIL PUBLIC HEARINGS OR IMMEDIATELY FOLLOWING THE
COMMITTEE ON PUBLIC SAFETY IF IT RUNS PAST 5:45 P.M.**

Curb Removal

1. 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.

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

1. Discussion of Fiscal Year 2017 – Quarter 3 Budget Report
2. *Transfers and appropriations (see #5 below)

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

PRIORITY MATTERS

1. *Mayor and veto of \$20,000 transfer from Law Department Expenses to City Council Expenses (tabled 4-25-17)
2. *Mayor and veto of An Act Relative to the Disposal of Municipally Owned Property (tabled 4-25-17)
3. *Mayor and order to purchase 5 acres of land on Yellow Hill Rd. for watershed protection with approved grant from Community Preservation Committee
4. *Mayor and order to accept gift of 2 sets of Flags of All Nations for Gromada Plaza
5. *Transfers and appropriations (see #2 Finance)
6. *Mayor and proposed ordinance regarding personnel title and wage changes
7. *Mayor and proposed ordinance regarding changing the name of Department of Buildings and Grounds to Facilities Maintenance

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

PRIORITY COMMUNICATIONS

8. *Board of Park Commissioners regarding the separation of the Board of Park Commissioners and creation of a Cemetery Commission
9. *Purchasing Agent re: Surplus property
10. Traffic Commission recommending amendments to the traffic ordinances
11. *Councilor Steven A. Camara and proposed Charter changes

COMMITTEE REPORTS

Committee on Finance recommending:

Action:

12. *Order – Collective bargaining agreement for Fall River Environmental Police

Grant leave to withdraw:

13. *Resolution – Health Insurance 11.5% increase

Committee on Public Safety recommending:

Grant leave to withdraw:

14. *Resolution – Current staffing levels of Fire Department and Safer Grant funding

Committee on Ordinances and Legislation recommending:

First Reading:

15. *Proposed ordinance – Traffic, miscellaneous
16. *Proposed ordinance – Personnel, establishment of Treasurer/Collector position
17. *Proposed ordinance – Amend 42-1 Regulating the Maintenance of Vacant and Foreclosing Residential Properties

First Reading, as amended:

18. *Proposed ordinance – Quarterly Budget Reports
19. *Proposed ordinance – Personnel title and wage changes

Adoption, as amended:

20. *Resolution – Mayor notify City Clerk when on vacation or on medical leave

Grant leave to withdraw:

21. *Resolution – City Council items lifted from the table not be discussed if not listed on agenda

All readings with Emergency Preamble:

22. *Proposed ordinance – Traffic, handicapped parking

ORDINANCES – None

RESOLUTIONS

23. *Committee on Public Safety convene with Liberty Utilities regarding gas leaks
24. *Streetscape monies be used to repair streets and sidewalks
25. *Committee on Budget Preparation, Revenue and Audits convene to discuss projected revenue in the FY18 Budget
26. *Committee on Budget Preparation, Revenue and Audits convene with finance teams From Fall River Public Schools, Daman Regional Vocational Technical High School and Bristol County Agricultural High School to discuss what additional funding can do
27. *Petition the 190th General Court of the Commonwealth of Massachusetts to implement the recommendations of the Foundation Budget Review Commission

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

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

CITATIONS

29. Kelly Andrade – Organization of "Men Can Cook"
30. Mary Ann Wordell – Retirement from Fall River Street Tree Planting Program
31. Yvette Mancini – 100th Birthday
32. Diman Regional Vocational Technical High School 2017 Outstanding Vocational Student Awards:
- | | | |
|------------------|----------------------|----------------|
| Robert Correia | Shane-Alexander Ealy | Tristen Hannon |
| Meggan DeSousa | Elijah Moniz | Chelsey Benoit |
| Aliana Andreoli | Kyra Macaroco | Devan Andrade |
| Alex Amorin | Haylee Cooper | Ally Toupin |
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John Glass d/b/a JG Auto LLC at 84 Fourteenth Street

35. Police Chief's report on licenses:

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BULLETINS – NEWSLETTERS – NOTICES – None


City Clerk

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

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

CITY COUNCIL MEETING DATE: MAY 16, 2017

Auto Repair Shop license renewal:

Jose M. Beirao d/b/a Beirao Auto Repair, Inc. at 830 Globe Street

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



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2017 MAY 12 P 4:21

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
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MAY 12, 2017
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

TUESDAY, MAY 16, 2017

AGENDA

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ORDINANCES – None

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30. Mary Ann Wordell – Retirement from Fall River Street Tree Planting Program
31. Yvette Mancini – 100th Birthday
32. Diman Regional Vocational Technical High School 2017 Outstanding Vocational Student Awards:

Robert Correia	Shane-Alexander Ealy	Tristen Hannon
Meggan DeSousa	Elijah Moniz	Chelsey Benoit
Aliana Andreoli	Kyra Macaroco	Devan Andrade
Alex Amorin	Haylee Cooper	Ally Toupin
Tyler Ozechowski	Paige Quintal	Noah Ferreira
Michael Duarte	Karen Dion	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.

ORDERS – MISCELLANEOUS

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

Police Chief's report on licenses:

Taxicab Drivers:

Carmen S. Ayala	Katherine Chace	Lionel Jean
Andrew Lencioni	Mark Miller	Amaka Onwukwe
Shawn Pinto	Jessica Rebello	Viviana Vazquez

Second Hand Licenses:

Natasha Vera d/b/a Finders Keepers

COMMUNICATIONS – INVITATIONS – PETITIONS

***Claims**

Drainlayer licenses:

Alexandre's Excavating, Inc.	GT Excavating Corporation
K.R. Rezendes, Inc.	J.H. Landscaping and Construction, Inc.
* Khoury Excavating, Inc.	Narragansett Improvement Company
MJD Excavating, Inc.	T.M. Masonry, Inc.
Albert Moreira & Son	Century Paving & Construction Corporation
Eminar Trucking, Inc.	Sherry Construction Corporation
Geosearch, Inc.	S. Oliveira Construction Corporation
SLT Construction Corporation	Therm-Mechanical System, Corporation

38. *Communication from Attorney General regarding Request for Reconsideration

City Council Committee/Meeting Minutes:

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

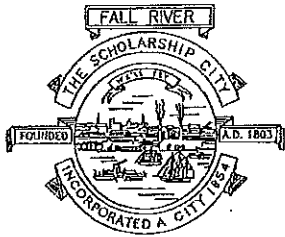
ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650

- 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

Alison M. Bouchard
City Clerk

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



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

RECEIVED

2017 APR -6 A 9:35!

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

April 3, 2017

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

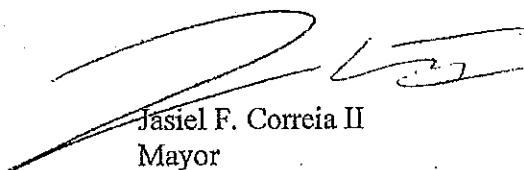
Dear Councilors:

Pursuant to Sec.55 of the City Charter I disapprove the within resolution and return it to you with the following objections:

- 1: There is insufficient funding in Law Department Expenses to satisfy the transfer request.
- 2: The request is so late in the fiscal year that it severely curtails the law department's ability to do year end adjustments. It also equates to \$80,000.000 on an annualized basis which appears to be unsustainable.
- 3: It does not conform to MGL Chapter 44 Section 33B in that the transfer is not "on the recommendation of the mayor", nor is it submitted "with the written approval...of the department having control of the appropriation". In fact the request is specifically disapproved by the department head.

Attached hereto is a detailed letter, dated March 22, 2017 from Corporation Counsel setting forth the same together with supporting documentation from the Director of Financial Services.

Best Regards,


Jasiel F. Correia II
Mayor

**CITY OF FALL RIVER
IN CITY COUNCIL**

APR 25 2017

Tabled, 8 years

**CITY OF FALL RIVER
IN CITY COUNCIL**

APR 11 2017

*aid on the table
in accordance with
the Charter*

One Government Center • Fall River, MA 02722

TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL mayor@fallriverma.org

1

City of Fall River
Office of the Corporation Counsel

JASIEL F. CORREIA II
Mayor



JOSEPH I. MACY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

March 22, 2017

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

RE: City Council Order of March 21, 2017

Dear Mayor Correia :

I write with reference to the following Order which was passed by the City Council on March 21, 2017.

"ORDERED, that the sum of \$20,000 be transferred, from Law Department Expenses and the same is, hereby appropriated for City Council Expenses to fund the hiring of legal counsel to provide impartial legal advice when required by members of the City Council."

While I have several objections to this "Order" on policy and redundancy grounds the purpose of this letter is to bring to your attention the practical and legal difficulties it presents.

First, there is insufficient funding in Law Department Expenses to satisfy the transfer request. As set forth in the attached letter of even date from Director of Financial Services Mary L. Sahady, CPA, the entire balance of all accounts labeled Law Department Expenses is \$17,750.14. This includes supplies, travel/mileage, dues/memberships (which includes costs of legal education and seminars), and subscriptions (which includes updating law books and our legal reference computer service), all vitally necessary to the functioning of this office. Deducting these expenses from the total leaves \$7,770.53 in Other Professional Services, commonly referred to as "outside counsel". Reference has been made as to this being the desired line item from which the \$20,000 would be paid. In either event, entire balance or outside counsel, the total account does not amount to \$20,000.00. This is not entirely surprising since there remain only four months in the fiscal year.

Second, since the request comes so late in the fiscal year and must be spent prior to June 30, 2017 it would reduce the ability of this office to do any constructive end of year adjustments. Moreover, it equates to \$80,000.00 on an annualized basis which this office's budget cannot absorb in the future.

Third, and most significantly, this order does not conform to MGL Chapter 44 Section 33B the governing statute, titled "Transfer of Appropriations; restrictions". (copy attached) That statute provides, in pertinent part, "no transfer shall be made of any amount appropriated for the use of any city department to the appropriation for any other department except by a 2/3 vote of the city council ON recommendation of the mayor AND with the written approval of the amount of the transfer by the department having control of the appropriation from which the transfer is proposed to be made." (emphasis supplied) Thus, while there was a 2/3 of the city council that vote was not taken "on

1

recommendation of the mayor" nor was it taken "with the written approval of the amount of the transfer" by this department. Therefore two of the three legal requirements of the statute have not been met.

For all of the above reasons I do not suggest approval of this order.



Joseph I. Macy
Corporation Counsel



City of Fall River
Massachusetts
Department of Financial Services
TREASURER • COLLECTOR • AUDITOR • ASSESSOR

JASIEL F. CORREIA II
Mayor

MARY L. SAHADY, CPA
Director of Financial Services

March 22, 2017

Judge Joseph Macy
One Government Center
Fall River, Massachusetts 02722

Judge Macy,

Because of the vote that was taken last evening to transfer \$20,000 from Law Department Expenses to City Council Expenses I felt it was important to report to you this morning that as of today your total law department expenses does not have a remaining balance of \$20,000. See the attached MUNIS report, if it was the Council intention to include all the accounts labeled as Law Department Expenses that balance is \$17,750.14. However, if it was the Council's intention to transfer from the Other Professional Services line which is where out-side counsel would be paid, the balance is \$7,770.53.

Please let me know if you have any questions.

Respectfully yours,

Mary L. Sahady, CPA
Director of Financial Services

Encl: Year-to-Date MUNIS report for Law Department Expenses
Council Order [noted as item 22] in agenda of March 21, 2017

CITY OF FALL RIVER

YEAR-TO-DATE BUDGET REPORT

FOR 2017 99

	ORIGINAL APPROP	TRANSFRS/ ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
0100 GENERAL FUND							
11510002 LAW DEPARTMENT EXPENSES							
531200 OTHER PROFESSIONAL SERVICES	150,000	40,000	190,000	182,229.47	.00	7,770.53	95.9%
538600 OTHER SUPPLIES	6,000	200	6,200	452.27	200.27	5,547.73	10.5%
571000 TRAVEL/MILEAGE	2,000	0	2,000	1,085.34	.00	914.66	54.3%
573100 DUES, MEMBERSHIPS	2,000	0	2,000	484.00	.00	1,506.00	24.7%
573200 SUBSCRIPTIONS	15,000	0	15,000	12,988.78	.00	2,011.22	86.6%
TOTAL LAW DEPARTMENT EXPENSES	175,000	40,200	215,200	197,249.86	200.27	17,750.14	91.8%
TOTAL GENERAL FUND	175,000	40,200	215,200	197,249.86	200.27	17,750.14	91.8%
GRAND TOTAL	175,000	40,200	215,200	197,249.86	200.27	17,750.14	91.8%

** END OF REPORT - Generated by Mary Sahady **

Report generated: 03/22/2017 11:57
User: sahadym
Program ID: glytcbud

City of Fall River, *In City Council*

(President Shawn E. Cadime)

ORDERED, that the sum of \$20,000 be transferred, from Law Department Expenses and the same is, hereby appropriated for City Council Expenses to fund the hiring of legal counsel to provide impartial legal advice when required by members of the City Council.

Filed: 2-23-17

Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 44** MUNICIPAL FINANCE**Section** TRANSFER OF APPROPRIATIONS; RESTRICTIONS**33B**

[Subsection (a) effective until November 7, 2016. For text effective November 7, 2016, see below.]

Section 33B. (a) On recommendation of the mayor, the city council may, by majority vote, transfer any amount appropriated for the use of any department to another appropriation for the same department. In addition, the city council may, by majority vote, on recommendation of the mayor, transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year to apply to the previous fiscal year, an amount appropriated for the use of any department other than a municipal light department or a school department to the appropriation for any other department, but the amount transferred from 1 department to another may not exceed, in the aggregate, 3 per cent of the annual budget of the department from which the transfer is made. Except as provided in the preceding sentence, no transfer shall be made of any amount appropriated for the use of any city department to the appropriation for any other department except by a 2/3 vote of the city council on recommendation of the mayor and with the written approval of the amount of the transfer by the department having control of the appropriation from which the transfer is proposed to be made. No transfer involving a municipal light department or a school department shall be made under the previous sentence without the approval of the amount of the transfer by a vote of the municipal light department board or by a vote of the school committee, respectively.

[Subsection (a) as amended by 2016, 218, Sec. 75 effective November 7, 2016. For text effective until November 7, 2016, see above.]

(a) On recommendation of the mayor, the city council may, by majority vote, transfer any amount appropriated for the use of any department to another appropriation for the same department. In addition, the city council may, by majority vote, on recommendation of the mayor, transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year, to apply to the previous fiscal year, any amount appropriated, other than for the use of a municipal light department or a school department, to any other appropriation. Except as provided in the preceding sentence, no transfer shall be made of any amount appropriated for the use of any city department to the appropriation for any other department except by a 2/3 vote of the city council on recommendation of the mayor and with the written approval of the amount of the transfer by the department having control of the appropriation from which the transfer is proposed to be made. No transfer involving a municipal light department or a school department shall be made under the previous sentence without the approval of the amount of the transfer by a vote of the municipal light department board or by a vote of the school committee, respectively.

[Subsection (b) effective until November 7, 2016. For text effective November 7, 2016, see below.]

(b) A town may, by majority vote at any meeting duly held, transfer any amount previously appropriated to any other use authorized by law. Alternatively, the selectmen, with the concurrence of the finance committee or other entity established under section 16 of chapter 39, may transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year to apply to the previous fiscal year, any amount appropriated for the use of any department other than a municipal light department or a school department to the appropriation for any other department or within a department, but the amount transferred from 1 department to another or within a department may not exceed, in the aggregate, 3 per cent of the annual budget of the department from or within which the transfer is made or \$5,000, whichever is greater.

[Subsection (b) as amended by 2016, 218, Sec. 76 effective November 7, 2016. For text effective until November 7, 2016, see above.]

(b) A town may, by majority vote at any meeting duly held, transfer any amount previously appropriated to any other use authorized by law. Alternatively, the selectmen, with the concurrence of the finance committee or other entity established under section 16 of chapter 39, may transfer within the last 2 months of any fiscal year, or during the first 15 days of the new fiscal year to apply to the previous fiscal year, any amount appropriated, other than for the use of a municipal light department or a school department, to any other appropriation.

(c) No approval other than that expressly provided in this section shall be required for any transfer under this section.



City of Fall River
Massachusetts
Office of the Mayor

2

RECEIVED

2017 APR -6 P 12:12

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

April 5, 2017

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

Dear Councilors:

Pursuant to Sec.55 of the City Charter I disapprove the within Act and return it to you with the following objections:

While I have no strong disagreement in principle with a "public-private partnership" I have several difficulties with the proposed "Act" as written.

It appears to encroach on or be redundant of the current power and authority of the City Administrator as custodian of the city property taken by tax title.

It also appears to encroach on the Mayor and the Council's power to sign real estate contracts as set forth in our charter. Similarly, it appears to create a new position or put the Law Department in the difficult position of drafting and approving its own contracts.

It also is silent as to the relationship of the City to a relatively small group of selected realtors. There is no specificity as to their relationship to the City nor the method and amount of their compensation.

In addition, if City properties are to be marketed it seems that the number should be more than five.

For the above reasons I am presently disapproving the proposed "Act" knowing that it may be revisited with more specificity and more open discussion

Best Regards,

Jasiel F. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL
APR 11 2017

*Laid on the table
in accordance with
the Charter*

CITY OF FALL RIVER
IN CITY COUNCIL
APR 25 2017

Tabled, 8 years

2

City of Fall River
Office of the Corporation Counsel

JASIEL F. CORREIA II
Mayor



JOSEPH I. MACY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

April 3, 2017

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

RE: An Act Relative to the Disposal of Municipally Owned Property

Dear Mayor Correia:

I have reviewed the above Act which was adopted by the City Council on March 28, 2017. While I have no strong feelings about the efficacy of the Act it does present several potential problems.

The Act contemplates a municipal real estate officer who would be an existing employee of the municipality's Law Department with "authority to bind the municipality under contracts and agreements". Under our charter the Mayor signs contracts, with respect to real estate, generally with city council approval. The Act, as currently written, would delete or dilute the authority of both the Mayor and the council and put this office in the position of approving its' own agreements; a potentially untenable situation.

If a separate position needs to be created the Act does not provide for the same. If the responsibilities were assigned to the City Administrator no new position would need to be created but the Act would have to be amended.

It appears to me that at the very least the Act needs a thorough review and public input before it should be adopted.

Very truly yours,


Joseph I. Macy, Corporation Counsel

(Councilor Cliff Ponte)

**An Act Relative to the Disposal of Municipally Owned Property in the
City of Fall River, MA**

SECTION 1.

It is the purpose of this act to create an alternative process for the disposition of real property owned by the City of Fall River, MA. This alternative process employs a public-private partnership to re-occupy and reinstitute lost market value in such properties, thereby revitalizing their immediate neighborhoods and the greater community as a whole, while generating greater non-tax sales revenues for the City of Fall River, MA, placing properties back on the active tax rolls and, with their recaptured assessed value, alleviating the burden on other taxpayers to subsidize their share of the property tax levy. This alternative program seeks to accomplish these goals by:

- a. taking advantage of the comprehensive real estate marketing infrastructure, including electronic listing resources, through which licensed real estate brokers and salespersons currently conduct their professional operations;
- b. expanding the pool of potential purchasers in the free market, thereby increasing demand for the properties, thereby increasing the selling price and returns for the City of Fall River, MA; and by
- c. conveying such properties in a time-efficient and cost-effective manner to qualified purchasers with the financial resources to improve and maintain the condition of the properties.

SECTION 2.

Notwithstanding Chapter 30B or any general or special law, rule or regulation to the contrary, the City of Fall River, MA may establish an alternative disposition procedure under which specifically identified real properties that are owned by the municipality may be sold through the professional services of real estate brokers or salesmen licensed under section 87RR of chapter 112 of the Massachusetts General Laws. Such procedure shall include the following:

- (a) a method of identifying specific properties to be sold through the alternative procedure and of determining the cost of rehabilitation; provided, however, that such properties must be free of encumbrances and the municipality holds clear title to each specific property;
- (b) appointment by the Mayor with confirmation by a majority of the City Council, following adoption of this act, of a municipal real estate officer, whom shall be an existing employee of the municipality's Law Department, and whom shall have the authority to bind the municipality under contracts and agreements to which the disposition of such properties are subject, and who will serve as the liaison between the municipality, municipal officials, brokers and salespersons participating in the program, and prospective and actual purchasers in the program;

(c) a qualification review and approval process for licensed real estate brokers and salespersons to participate in the program and to market specific properties in the program; provided, that the approval process shall include review and approval by a majority of the City Council's Real Estate Committee, a representative from the Fall River Board of Realtors, and a representative of a non-profit community group headquartered in the municipality; and provided, further, that the qualification process shall take into account the expertise of the applying broker in pricing, marketing, and selling properties in the municipality and experience with properties of the type being disposed of by the municipality;

(d) such of the additional procedures (i), (ii) and (iii), below, as the municipality may adopt:

(i) a procedure for allocating properties in the program with no more than 5 properties per-year being assigned on an exclusive basis to a specific broker or salesperson;

(ii) identification of specific properties in the program, if the municipality chooses, that must be sold to purchasers who will rehabilitate the property sufficiently to acquire a certificate of occupancy within 2 years as determined by the municipality;

(iii) a requirement and procedure for a specific property to revert back to the municipality if the property is not rehabilitated in a specific time period from the closing date unless such period is extended by the municipal real estate officer for good cause; and

(e) all offers for the purchase of property not accepted within 30 days of submission to the municipal real estate officer are deemed rejected, unless such period is extended by mutual agreement between the prospective purchaser and the officer.

CITY OF FALL RIVER
IN CITY COUNCIL

MAR 28 2017

Adopted

PRESENTED TO MAYOR FOR APPROVAL:

APR - 3 2017

APPROVED: _____

Mayor



City of Fall River
Massachusetts
Office of the Mayor

3
RECEIVED

2017 MAY -1 P 2:19

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

April 27, 2017

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

Dear Councilors:

Your approval is respectfully requested for the attached order to purchase Lot W-28-0006 and the associated Conservation Easement/Conservation Restriction. This land is 5 acres of forested land in the reservation area as shown on the attached map. The land is adjacent to East Line Trail east of Yellow Hill Road. The land shall be protected for watershed protection.

A grant of \$9,500 has been approved by the Community Preservation Committee for the acquisition.

Please contact Terrance Sullivan if you need further information.

Sincerely,


Jasiel F. Correia II
Mayor

City of Fall River, *In City Council*

3

ORDERED, that the Mayor is hereby authorized to approve the enclosed grant of Conservation Restriction and Conservation Easement to the Commonwealth of Massachusetts on approximately 5.2 acres of land abutting East Line Trail, Fall River Assessor parcel W-28-0006, to be owned by the City of Fall River for water supply and watershed purposes and located in the City of Fall River. The Mayor is hereby authorized to execute said Conservation Restriction and Conservation Easement on behalf of the City of Fall River, and be it further

ORDERED, that the Mayor is hereby authorized to enter into a Purchase and Sales Agreement if determined acceptable by the Corporation Counsel for the acquisition of a certain parcel of land located in Fall River, Massachusetts, Lot W-28-0006 for \$9,500. The acquisition of said lot has been approved by the Water Board and ownership of said lot will provide watershed protection.



3

City of Fall River
The Watuppa Water Board
One Government Center
Fall River, MA 02722

JASIEL F. CORREIA II
Mayor

JOHN FRIAR
Clerk

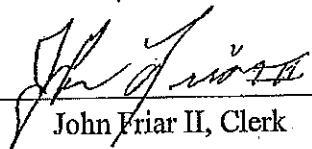
To Whom It May Concern:

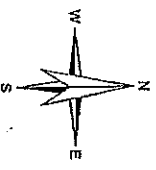
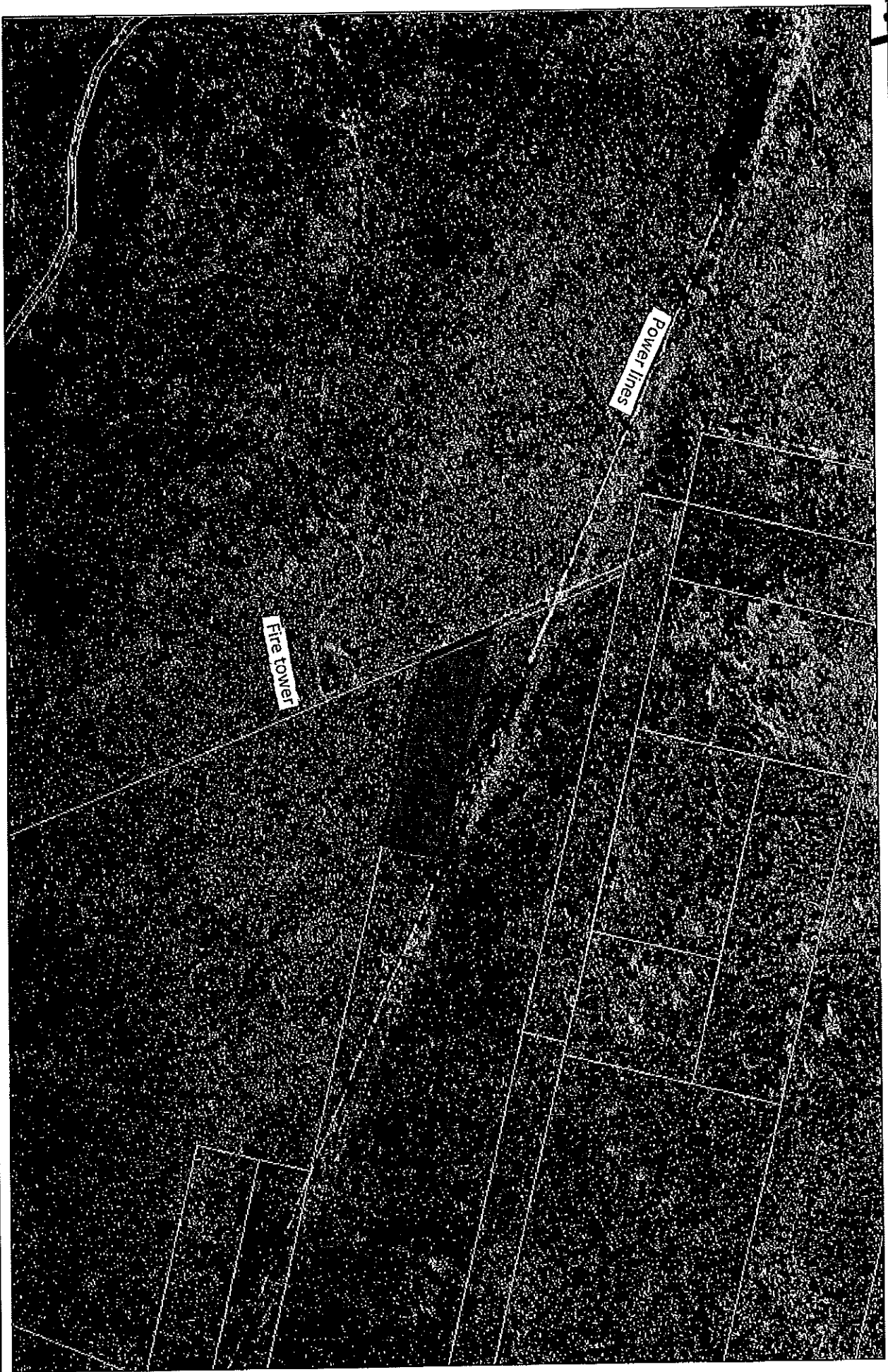
Be advised that the following Resolution was adopted by unanimous vote of the Watuppa Water Board at a meeting duly convened on March 30, 2017, all members present and voting.

"RESOLVED that whereas the Watuppa Water Board affirms its vote to acquire Fall River Assessor's Parcel I.D. #W-28-0006 [AKA Josefek Property] for watershed and conservation purposes using funding provided by a grant of the Fall River Community Preservation Committee (CPC) and other Water Department funds; and whereas, as a condition of the grant award the CPC requires that a Conservation Restriction (CR) and Conservation Easement (CE) be recorded on the deed of sale; and whereas the Commonwealth of Mass. Department of Fish and Game (DFG), proposed holder of the Conservation Restriction, requires that an Agreement of Assent be signed by the city to acknowledge that the deed is subject to the terms and conditions of the said CR and CE, the Watuppa Water Board, by this vote, assents to placing the CR and CE, as presented and attached hereto, onto the deed and authorize the Members of the Watuppa Water Board, or the Clerk of the Board, to sign any and all documents to attest thereto; and further, that the CR and CE and this Resolution shall be made part of the minutes of the meeting."

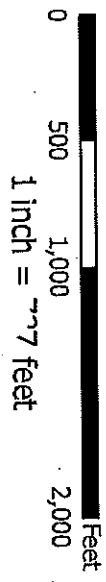
A true record,

ATTEST:

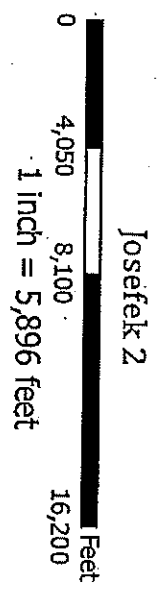
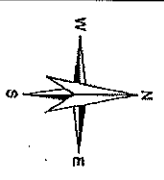
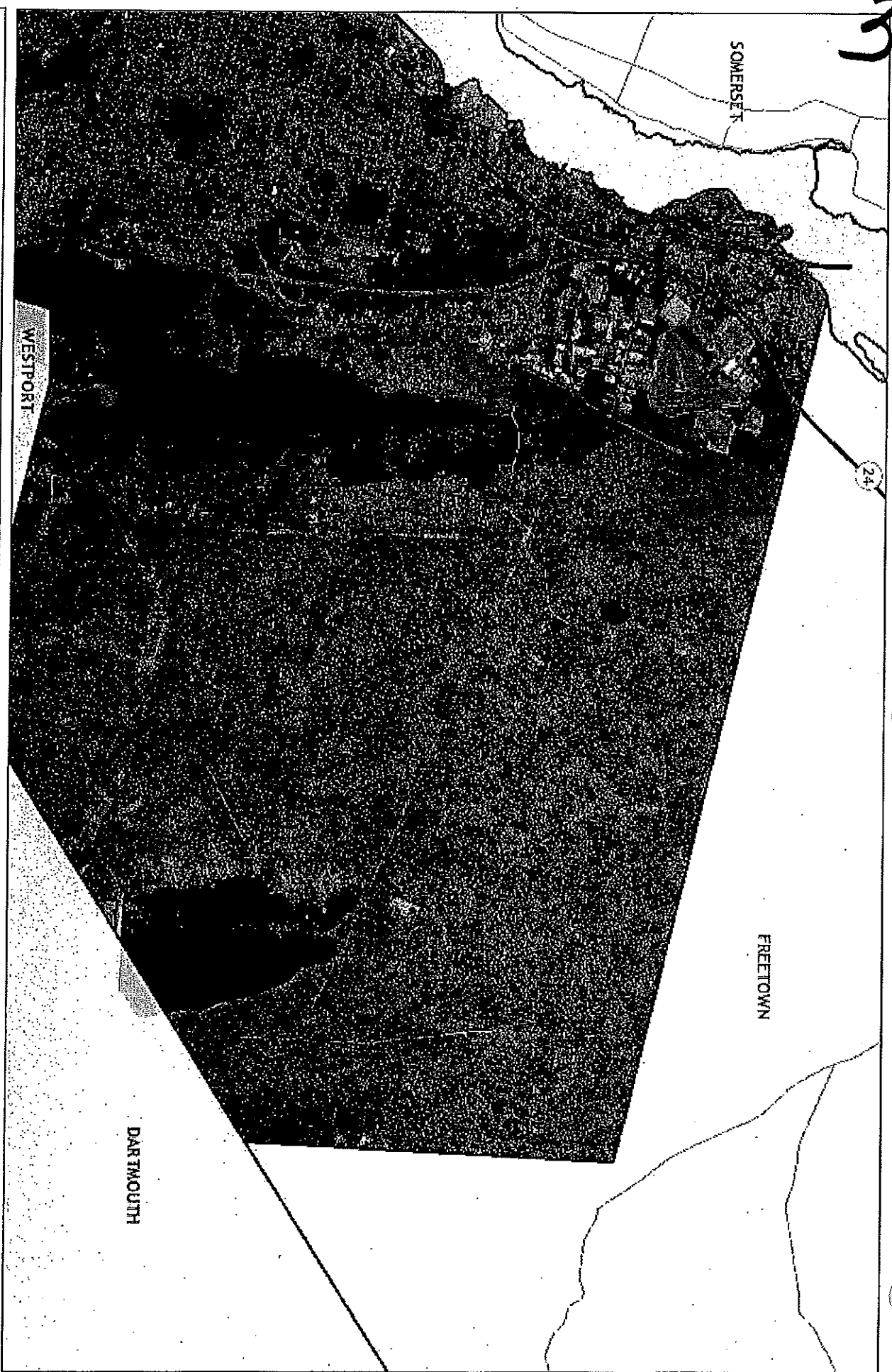

John Friar II, Clerk

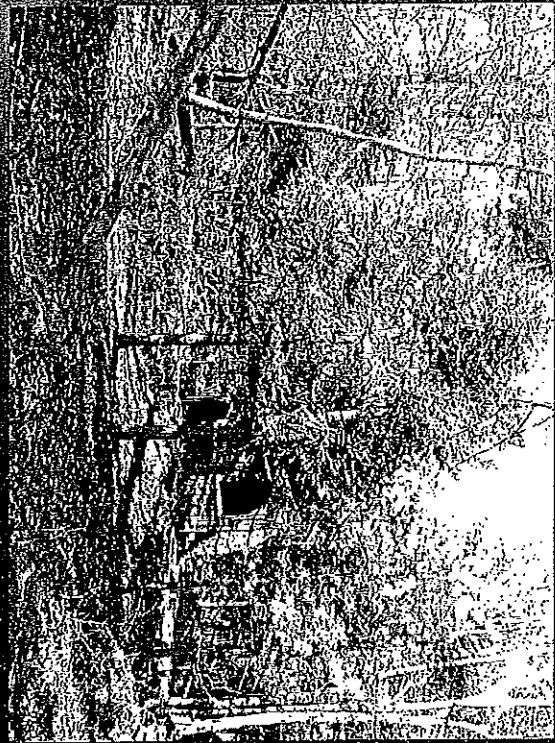
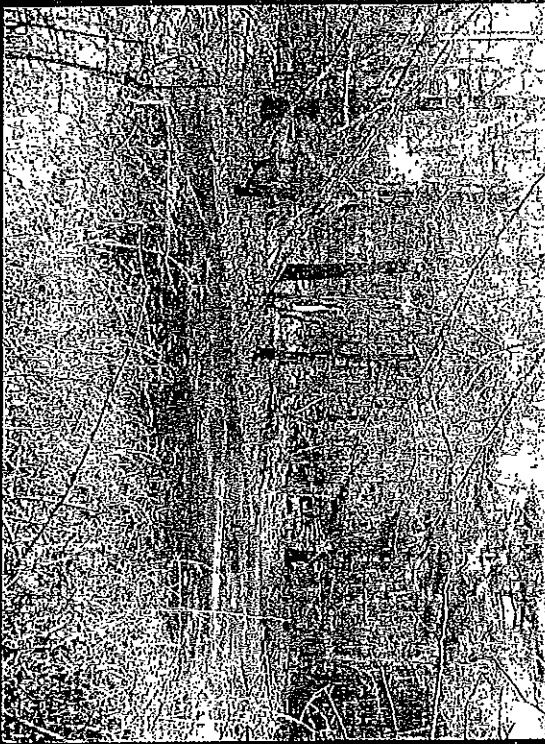
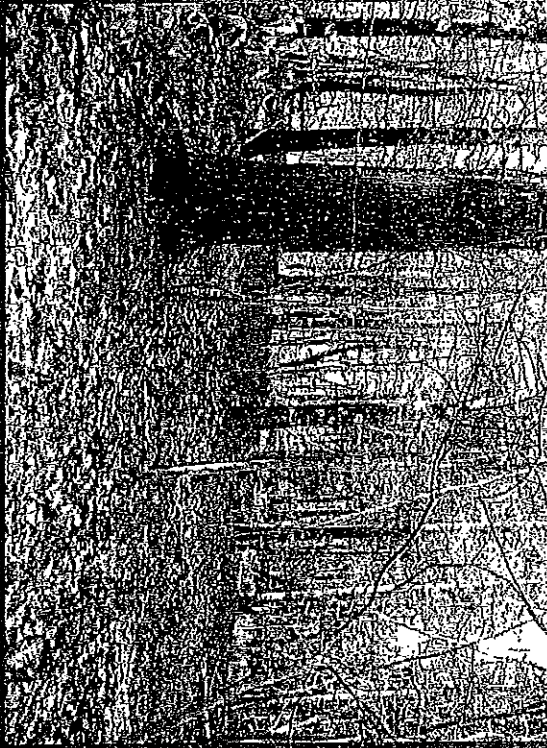


Josefek property



27





Grantor:
Grantee:
Address of Property:

3

For Title See: _____ County Registry of Deeds Book _____ Page _____
[or Registered Land Certificate No. _____; Probate _____]

(DRAFT: March 16, 2017 by DFG)

GRANT OF
CONSERVATION EASEMENT and CONSERVATION RESTRICTION
TO THE
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF FISH AND GAME

JONATHAN S. JOSEFEK [hereinafter the "Owner"], pursuant to the provisions of M.G.L. c. 184, ss. 31-33, for consideration of less than \$100 as this conveyance is a GIFT, hereby grants with QUITCLAIM COVENANTS in perpetuity to the Commonwealth of Massachusetts acting through its Department of Fish and Game of 251 Causeway Street, Suite 400, Boston, Suffolk County, MA 02114 [hereinafter the "Commonwealth"], the following conservation easement and conservation restriction [hereinafter the "Conservation Restriction"] on the land known as part of the Mason Lot or the Hog Rock Lot located off of Yellow Hill Rd in the City of Fall River, Bristol County, Massachusetts described in Exhibit A attached hereto and incorporated herein by this reference (hereinafter the "Premises") protected hereunder for public access, outdoor recreation and education, and conservation purposes as set forth herein.

Owner hereby covenants for itself and its successors and assigns that the Premises will at all times be held, used, and conveyed subject to and in full compliance with the terms and provisions of (1) this Conservation Restriction and (2) the provisions of M.G.L. c. 184, §§ 31-33, and including for the purposes above-stated all such rights, easements, privileges, and appurtenances of every name and nature as may be necessary to give full force, virtue, and effect in perpetuity to the restrictions on the use of said Premises.

The terms and provisions of the Conservation Restriction herein granted are as follows:

I. Purposes

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction are to assure that, while permitting uses described in Section III, the Premises will be subject to the prohibitions described in Section II so that the Premises are retained in perpetuity predominantly in their natural, scenic, and open condition for fish and wildlife conservation, native habitat protection, management for biodiversity protection as described in Section III, associated public outdoor recreation and other conservation uses consistent with the spirit and intent of and subject to the protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, to prevent any use of the Premises that will significantly impair or interfere with the conservation values thereof, and [if applicable] to allow public access for the enjoyment of the wildlife and open space resources of the Premises as specifically provided for herein.

The conservation and permanent protection of the Premises will yield a significant public benefit for the following reasons:

- 1) The Premises consist of approximately 5 acres of land located off Yellow Hill Rd.
- 2) The Premises are located in the Southeastern Massachusetts BioReserve and are characterized by upland habitat dominated by white pine, pitch pine and oaks. The Premises are habitat for:

Scientific Name	Common Name	Status
<i>Terrapene carolina</i>	Eastern Box Turtle	Special Concern
<i>Caprimulgus vociferus</i>	Eastern Whippoor-will	Special Concern

The Premises are BioMap2 Core for the Eastern Box Turtle and a Forest Core and BioMap2 Critical Natural Landscape for a Landscape Block.

- 3) The Premises will provide an additional protected buffer for the natural and biological resources of the abutting property owned by the Commonwealth and by the City of Fall River. The abutting property is forested upland with similar natural resources as the Premises.

4) Protection of the Premises will allow the public to access and enjoy its ecological, scenic and passive outdoor recreational values.

Owner and the Commonwealth agree that the specific conservation values of the Premises shall be documented in a Baseline Documentation Report on file with Owner and the Commonwealth and incorporated herein by this reference (hereinafter the "Report"). The Report shall consist of documentation which the Owner and the Commonwealth agree provides, collectively, an accurate representation of the condition and the conservation values of the Premises at the time this grant of Conservation Restriction is recorded and which is intended to serve as an objective baseline for monitoring compliance with the terms of this Conservation Restriction.

II. Prohibited Acts and Uses

In order to carry out the purposes set forth in Section I above, the Premises will at all times be held, used, and conveyed subject to the following restrictions, and Owner and Owner's successors and assigns will not perform or permit the following acts or uses on, over, or under the Premises:

1) Construction or placement of any dwelling, building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, parking area, sign, billboard or other advertising display, utility or communication pole or tower, conduit, line, fence, barrier, wall, septic system, or any other temporary or permanent structure or facility on, above, or under the Premises.

2) Mining, excavating, dredging, or removing from the Premises soil, loam, peat, gravel, sand, rock, or other mineral resource or natural deposits.

3) Placing, filling, storing, or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste, or any other substance or material whatsoever, including but not limited to underground storage tanks. In the event such unauthorized placing, filling, storing, or dumping occurs, Owner will make reasonable efforts to remediate the site in a manner consistent with the values of the Premises.

4) Activities detrimental to drainage, flood control, water conservation, erosion control, or soil conservation or fish and wildlife habitat.

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5) Use of automobiles, trucks, motorcycles, motorized trail bikes, all-terrain vehicles, and snowmobiles, or any other motorized vehicle, except as permitted under Sections III and IV.

6) Removal or destruction of trees, shrubs, and any other vegetation thereon.

7) Commercial, industrial, or institutional use.

8) Storage of pesticides, herbicides, insecticides, fungicides, or other chemicals or materials.

9) Application of pesticides, herbicides, insecticides, fungicides, or other chemicals.

10) Installation and maintenance of groundwater extraction wells and associated equipment and pipelines and similar equipment for use in extracting groundwater, collecting surface water, or transporting said water for sale or use off the Premises.

11) Intentional introduction, establishment, or enhancement of plant, animal, insect, or other species not native to the Commonwealth of Massachusetts, whether by planting, releasing, cultivation, maintenance, or other activity.

12) Conveyance, division, or subdivision of a part or a portion of the Premises alone.

13) Use of the Premises or any portion thereof to satisfy zoning requirements or to seek variances therefrom for development purposes.

14) Collecting of artifacts and the granting of permission for artifact collecting, either from the surface or the subsurface of the Premises, including for archaeological investigations.

15) Use of the Premises for any other purpose except as permitted under Sections III or IV below unless approved in writing by the Commonwealth and provided such approved uses (a) would not be inconsistent with the purposes of this Conservation Restriction or detrimental to the conservation interests that are the subject of this Conservation Restriction, (b) would permit the Premises to remain predominantly in its natural condition, (c) shall only be carried on and permitted in compliance with all the provisions of this Conservation Restriction, (d) would not alter the existing drainage patterns, floodplains, or wetlands or result in erosion, siltation or other forms of water pollution, and (e) would not have a serious adverse effect on the identified species that

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are listed by the Commonwealth as being Endangered, Threatened, or of Special Concern or on any other listed species found on the Premises now or in the future.

III. Permitted Acts and Uses

Notwithstanding anything contained in Section II, the following acts and uses by Owner and Owner's successors and assigns are permitted but only to the extent such acts and uses do not materially impair the purposes of this Conservation Restriction, and are in compliance with any notice or permission requirements set forth herein:

1) Maintenance of wood roads, bridges, culverts, fences, gates, and stone walls existing on the date this Conservation Restriction is signed, and the construction of gates and installation of stone barriers thereon, subject to guidelines for woods roads as described in the Massachusetts Forestry Best Management Practices Manual referenced in Exhibit B attached, and the periodic use of motorized vehicles, if and as necessary only for said maintenance and construction.

2) Relocation of woods roads existing on the date this Conservation Restriction is signed, and the construction of new woods roads and stone barriers, with the written approval of the Commonwealth and subject to guidelines for woods roads as referenced above.

3) Cultivation and harvest of forest products in accordance with the notification and approval requirements and management standards for biodiversity, management planning, and forest cutting practices, all as described in the attached Exhibit B.

4) Construction and maintenance of one or more parking areas with the written approval of the Commonwealth.

5) Recreational use of the Premises by Owner and Owner's invitees for passive outdoor recreational activities such as hiking, cross-country skiing, hunting, fishing, trapping, horseback riding, wildlife observation, and similar non-motorized outdoor recreational activities not inconsistent with the purposes of this Conservation Restriction.

6) Cutting, pruning, mowing, and removal of trees, shrubs, and other vegetation to remove hazards, diseased trees, or insect damage.

7) Use of motorized vehicles for (a) non-recreational activities expressly authorized under Sections III and IV herein, (b) as required by the Commonwealth to

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carry out its duties, rights, and responsibilities under this Conservation Restriction, and (c) as required by the police, firefighters, and other public safety officials in carrying out their lawful duties.

8) Construction, relocation, erection, and maintenance of signs (a) describing prohibited or permitted uses of the Premises, (b) identifying trail locations, property boundaries, natural features, and similar information, and (c) identifying the Owner of the Premises and the holder of this Conservation Restriction. Directional and informational signs shall not exceed (a) four hundred (400) square inches in size in conjunction with the conduct of forest management and recreational activities, (b) thirty (30) square inches in size for use in posting notice of ownership of the Premises along the boundaries of the Premises, and (c) nine hundred (900) square inches in size for use in posting notice of ownership and use of the Premises at any public access point to the Premises or along roadways. The design and location of such signs shall be approved by the Commonwealth. "No Trespass" signs may not be used, installed, or maintained on the Premises without prior written approval of the Commonwealth. Any signs that are not in compliance with this paragraph may be removed at any time by the Commonwealth.

9) Control, management, and eradication of species not native to Massachusetts, particularly those species commonly identified as invasive species, under a Non-Native Species Control Plan approved by the Commonwealth.

10) Archaeological investigations and activities, including without limitation surveys, excavation, and artifact retrieval conducted under the direction of a qualified organization or person, following submission of an archaeological field investigation plan and written approval thereof by (a) the Commonwealth and (b) the State Archaeologist of the Massachusetts Historical Commission, and in accordance with Massachusetts 950 CMR 70.00.

11) Clearing, construction, and maintenance of trails and trail structures, with the prior written approval of the Commonwealth. A master plan for trails, consistent with then-current provisions of the Massachusetts Department of Conservation and Recreation's Trails Guidelines and Best Practices Manual (or successor publication) may be required prior to such approval. In reviewing any request for clearing, construction or maintenance, the Commonwealth shall consider (a) protection of natural resources

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identified in Section I. Purposes, (b) planned density of trail system, and (c) corresponding opportunities for off-trail enjoyment of the Premises, and shall generally favor less developed rather than highly developed trail attributes.

12) Application of pesticides, herbicides, insecticides, fungicides, or other chemicals on the Premises is allowed by licensed applicators in strict compliance with all existing state and federal laws and regulations, including but not limited to those administered by the Pesticide Bureau of the Massachusetts Department of Agricultural Resources, and only after written notice is provided to the Commonwealth at least 5 days prior to application.

13) Conveyance of the Premises in its entirety, subject to provisions in Section VI.

14) Conveyance of part or a portion of the Premises, or division or subdivision of the Premises, subject to provisions in Section VI, may be allowed with the prior written consent of the Commonwealth, which consent is at the sole discretion of the Commonwealth and may require as a condition of such consent that one or more new conservation restrictions be recorded to specifically describe the Premises in any divided or subdivided configuration.

15) Commercial, institutional, or industrial use not inconsistent with the purposes of the Conservation Restriction, subject to the prior written consent of the Commonwealth in its sole discretion.

The exercise of any permitted activity or use by Owner under this Section III shall be in compliance with the then current Zoning Bylaw applicable to the Premises, the Wetlands Protection Act (M.G.L. c.131, s.40), and all other applicable federal, state, and local environmental protection and other laws and regulations, and Owner agrees not to seek a variance therefrom for development purposes without written consent of the Commonwealth.

The inclusion of any permitted activity or use in this Section III requiring a permit from a governmental agency does not imply that the Commonwealth takes any position on whether such permit should be issued.

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Any activity or use not permitted herein is prohibited without the express written consent of the Commonwealth, said consent not to be unreasonably withheld so long as said activity or use is not inconsistent with the purposes and provisions of this Conservation Restriction. Any request by Owner for approval of such an activity or use shall contain a detailed description of why Owner believes that such activity or use is not inconsistent with the conservation purposes of this Conservation Restriction. In the event that the Commonwealth disapproves the requested activity or use, the Commonwealth shall provide a detailed written explanation of why Commonwealth has determined that said activity or use is inconsistent with the conservation purposes of this Conservation Restriction.

IV. Access by the Commonwealth and the General Public

Owner hereby grants to the Commonwealth, acting through its officers, directors, employees, representatives, contractors, and agents, the right to enter and traverse the Premises at reasonable times and in a reasonable manner, including access by foot or by motorized vehicle, to inspect the Premises, determine compliance with the terms of this Conservation Restriction, and prevent, remedy or abate any violations thereof.

Owner also grants to the Commonwealth, acting through its officers, directors, employees, representatives, contractors and agents, the right to enter and traverse the Premises, with the prior written consent of Owner, such consent not to be unreasonably withheld,] at the Commonwealth's sole expense perform acts to preserve, conserve, study, and promote the natural habitat of wildlife, fish, plants, and other native species located on the Premises or on nearby properties.

Owner further grants to the Commonwealth, acting through its officers, directors, employees, representatives, contractors, and agents, the right to enter and traverse the Premises, with the prior written consent of Owner, such consent not to be unreasonably withheld, at the Commonwealth's sole expense, to carry out rare species and natural community research, including but not limited to (a) locating, collecting samples, and otherwise studying and documenting, (b) conducting biological surveys of, (c)

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monitoring, and (d) managing any rare species, vernal pools, rare species habitat, and natural communities which may exist on the Premises.

Owner further agrees that this Conservation Restriction also grants to the Commonwealth the right to permit the general public to enter upon and traverse the Premises for passive outdoor recreational activities such as hunting, fishing, hiking, wildlife observation, and similar uses by the general public provided that such activities (a) do not involve the use of motorized vehicles (except as may be required by law), (b) are not detrimental to or violate the terms of this Conservation Restriction, and (c) do not unreasonably interfere with Owner's permitted uses of the Premises. Points of entry for public access, including for motor vehicle parking in a constructed parking area allowed under Section III (4) or on the Premises at or near the roadside, that are recognized and actively promoted by the Commonwealth shall be determined by the Director of the Division of Fisheries and Wildlife in consultation with the Owner. Said Director otherwise shall determine the terms and conditions of public access, which may take the form of regulation. Owner may petition the Director to modify public access to the Premises for good cause not inconsistent with the purposes of the Conservation Restriction.

Owner further grants to the Commonwealth the right to erect signs on the Premises in accordance with the signage restrictions set forth in Section III (8).

V. Legal Remedies and Other Rights of the Commonwealth

The rights hereby granted to the Commonwealth include the right of the Commonwealth to take any reasonable actions with respect to the Premises as may be necessary or appropriate, with or without Order of Court, to remedy, abate or otherwise enforce any violations hereof, as well as the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including without limitation relief requiring restoration of the Premises to its condition at the time of this grant (it being agreed that the Commonwealth may have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Commonwealth.

If the Commonwealth obtains judgment from a Court of law ruling that Owner has

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violated the terms of this Conservation Restriction, Owner shall reimburse the Commonwealth for all reasonable costs and expenses incurred in connection with obtaining and enforcing such judgment, including reasonable counsel fees and reasonable costs incurred in remedying or abating the violation.

The Commonwealth shall be responsible for the actions of its employees, agents, and representatives on the Premises, but otherwise bears no responsibility for any other actions or lack thereof; nor does the Commonwealth undertake any liability or obligations relating to public access or the condition of the Premises or any damages arising from such public access or condition.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of the Commonwealth, and any forbearance by the Commonwealth to exercise its rights under this Conservation Restriction shall not be deemed or construed to be a waiver.

VI. Subsequent Transfers

Owner agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Premises, including without limitation, a leasehold interest. Owner further agrees to give written notice to the Commonwealth of the proposed transfer of any interest at least 30 days prior to the date of such transfer. Failure of Owner to do so shall not impair the validity of this Conservation Restriction nor limit its enforceability in any way.

VII. Representations of the Commonwealth

The Commonwealth represents that it is a governmental agency of the Commonwealth of Massachusetts, that it is organized and operated for the purpose of preserving and conserving natural resources, natural habitats, environmentally sensitive areas and for other charitable, scientific and educational purposes, and that it has both the necessary funds and commitment to hold this Conservation Restriction in perpetuity exclusively for the purposes stated herein and to enforce its terms.

VIII. Required Notification, Consent and Approval

1) Owner shall notify the Commonwealth in writing at least ten (10) days prior to

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undertaking any action not otherwise addressed in this Conservation Restriction which may adversely affect the conservation interests associated with and protected by this Conservation Restriction.

2) Whenever notification by Owner or the Commonwealth is required under the provisions of this Conservation Restriction, such notice shall be given in writing not less than ten (10) days prior to the date the notifying party intends to undertake the activity in question.

3) Whenever Owner's or the Commonwealth's consent or approval is required under the terms of this Conservation Restriction, Owner or the Commonwealth shall grant or withhold such consent or approval in writing within thirty (30) days receipt of written request therefore, and the notifying party shall not undertake the activity in question until the expiration of said thirty (30) day period. Any such requested consent or approval shall not be unreasonably withheld so long as the granting of said consent or approval is consistent with the terms and purposes of this Conservation Restriction. Failure to act in writing within the stated 30-day time period shall constitute consent or approval.

Unless otherwise agreed in writing by both the Owner and the Commonwealth, any written notice required hereunder shall be sent by certified mail, return receipt requested, postage prepaid, to the following addresses:

OWNER:

City of Fall River
[ADDRESS]

COMMONWEALTH:

Realty Chief and Natural Heritage Program (copies to each)
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581-9990

Copy to: Southeast Wildlife District Office
195 Bournedale Rd
Buzzards Bay, MA 02532

or to such other address or addresses as may from time to time be designated by any party by written notice to the others.

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IX. Proceeds from Extinguishment from Eminent Domain

Owner and the Commonwealth agree that this Conservation Restriction gives rise to a property right immediately vested in the Commonwealth with a proportionate value of 10 % of the fair market value of the Premises at the time of this grant, which proportionate value shall remain constant. If any change in conditions ever gives rise to extinguishment or other release of this Conservation Restriction under applicable law, then the Commonwealth, on a subsequent sale, exchange or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds equal to such proportionate value, subject, however, to any applicable law which expressly provides for a different disposition of proceeds.

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain, or if all or any part of this Conservation Restriction is otherwise extinguished by act of public authority, then Owner and the Commonwealth shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by Owner and the Commonwealth shall first be paid out of any recovered proceeds and the remaining proceeds shall be distributed between Owner and the Commonwealth in shares equal to such proportionate value. The Commonwealth shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

X. Costs and Liabilities

Owner retains all responsibilities and shall bear all costs of any kind related to the ownership, operation, upkeep, and maintenance of the Premises, including the payment of all taxes and assessments and conformance with all applicable federal, state, and local laws and regulations.

XI. Amendments

This Conservation Restriction may be amended by agreement of both Owner and the Commonwealth, or their successors-in-interest, but only insofar as the amendment is intended to and does further the conservation purposes of this Conservation Restriction and does not violate Article 97 of the Amendments to the Massachusetts Constitution.

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If an amendment is made, the Commissioner of the Department of Fish and Game shall execute a written confirmation concluding that said amendment meets this criterion and explaining in detail the reasons for this conclusion.

Any amendment shall be in writing, signed under seal, and recorded in the appropriate Registry of Deeds along with the written confirmation described above.

XII. Binding Effect

The burdens of this Conservation Restriction shall be deemed to run with the Premises in perpetuity and in gross and shall be binding upon and enforceable against Owner and all future owners of any interest in the Premises.

This Conservation Restriction shall be subject to Article 97 of the Amendments to the Massachusetts Constitution.

The Commonwealth is authorized to record and file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction, and Owner hereby appoints the Commonwealth as its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, Owner agrees to execute any such instruments upon request.

XIII. Severability

If any provision of this Conservation Restriction shall to any extent be held invalid or unenforceable, the remaining terms and provisions of this Conservation Restriction shall not be affected.

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IN WITNESS WHEREOF, GRANTOR has caused these presents to be executed in its name and on its behalf this _____ day of _____, 2017 by [_____] its [_____] herewith duly authorized.

[GRANTOR]

By: _____
Jonathan S. Josefek

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____, 2017

On this day before me, the undersigned notary public, personally appeared the above-named Jonathan S. Josefek proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the foregoing document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public

SEAL

My Commission Expires: _____

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ACCEPTANCE OF GRANT OF CONSERVATION RESTRICTION

The Department of Fish and Game of the Commonwealth of Massachusetts hereby accepts the above Conservation Restriction this _____ day of _____, 2017.

DEPARTMENT OF FISH AND GAME

BY: _____
George N. Peterson, Jr., Commissioner

COMMONWEALTH OF MASSACHUSETTS

Bristol County, ss _____, 2017

On this day, before me, the undersigned notary public, personally appeared the above named George N. Peterson, Jr., proved to me through satisfactory evidence of identification which was personal knowledge of identity to be the Commissioner of the Department of Fish and Game of the Commonwealth of Massachusetts whose name as Commissioner is signed above, and acknowledged to me that he signed the foregoing instrument voluntarily as Commissioner of said Department for its stated purpose.

Notary Public

SEAL

My Commission Expires: _____

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AGREEMENT OF ASSENT

I, Jonathan S. Josefek, the current record Owner of the Premises on which this Conservation Restriction is herein consensually granted and we, the City Council and Mayor of the City of Fall River into which ownership the fee of the Premises will be conveyed subject to this Conservation Restriction and acting by authority of _____, hereby acknowledge that this Conservation Restriction contains 1) certain duties and obligations that Jonathan S. Josefek and subsequently the City of Fall River as Owner are required to comply with and carry out, and 2) certain rights consensually granted to the Commonwealth such as development and use rights and the right to monitor and enforce the terms of this Conservation Restriction in order to effectuate the purposes thereof.

I, Jonathan S. Josefek, and the City Council, and the Mayor of the City of Fall River, acting for themselves, their organizations, and their successor, assigns and members, hereby expressly agree to the terms of this Conservation Restriction, will fully and completely comply with and carry out said duties and obligations as Owner described herein, and expressly assent to the rights of the Commonwealth granted herein and to the granting of these rights by this grant of said Conservation Restriction and will make all further conveyances of the Premises expressly subject to the terms of the Conservation Restriction.

Signed under the pains and penalties of perjury on the dates opposite our signatures below:

Date: _____

Jonathan S. Josefek, Grantor

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City of Fall River City Council

Date: _____

, President

, Vice President

City of Fall River, Mayor

Date: _____

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COMMONWEALTH OF MASSACHUSETTS

_____, ss. _____, 2017

On this day before me, the undersigned Notary Public, personally appeared the above-named Jonathan S. Josefek, proven to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the foregoing AGREEMENT OF ASSENT, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

Notary Public

SEAL

My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

_____, Bristol County, ss. _____, 2017

On this day before me, the undersigned Notary Public, personally appeared the above-named _____ as members of the City of Fall River City Council, proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the foregoing AGREEMENT OF ASSENT, and acknowledged to me that they were duly authorized to act on behalf of the Town of Bridgewater and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief.

Notary Public

SEAL

My Commission Expires: _____

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COMMONWEALTH OF MASSACHUSETTS

Bristol County, ss. _____, 2017

On this day before me, the undersigned Notary Public, personally appeared the above-named _____ as Mayor of the city of Fall River, proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the foregoing AGREEMENT OF ASSENT, and acknowledged to me that he was duly authorized to act on behalf of the City of Fall River and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

SEAL

Notary Public

My Commission Expires: _____

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EXHIBIT A

[DESCRIPTION OF THE PREMISES]

A certain parcel of land situate in the City of Fall River, Bristol County...bounded and described as follows:

BEGINNING at a point at the southwest corner of the parcel to be conveyed, said point being the northwest corner of land, now of formerly of Gardner Davis; thence running

NORTHERLY by land of the City of Fall River a distance of three hundred (300) feet to a corner; thence turning and running

SOUTHEASTERLY by land, now or formerly of Andre Desmarais, et al, a distance of nine hundred ninety-two (992) feet to a corner; thence making an angle of 90 degrees and running

SOUTHWESTERLY by land, now or formerly of said Desmarais a distance of two hundred forty-five and 75/100 (245.75) feet for a corner; thence making an angle of 90 degrees and running

NORTHWESTERLY by land, now or formerly, of Gardner Davis a distance of eight hundred twenty (820) feet for a corner and the point of beginning.

Subject to an easement held by Montaup Electric Company.

This parcel is sometimes known as the Mason Lot; and sometime sknowns as the Hog Rock Lot; and is situated about sixty (60) rods north of Yellow Road, Fall River.

Being the same premises conveyed to Grantor by deed of Manual Souza dated January 29, 1986 and recorded i Bristol county (F.R.D.) Registry of Deeds, Book 1637 Page 164.

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EXHIBIT B

**FOREST MANAGEMENT STANDARDS TO ENHANCE AND MAINTAIN NATIVE
BIODIVERSITY ON FORESTLANDS SUBJECT TO CONSERVATION
RESTRICTIONS ADMINISTERED BY THE COMMONWEALTH**

GOAL: Enhance and maintain native biological diversity on managed forestlands.

OBJECTIVES:

- 1) Apply current and generally accepted scientific principles from the current Massachusetts Forestry Best Management Practices Manual (Kittredge & Parker, Third Printing, January, 2000) and subsequent versions if approved by the Commonwealth (the "Manual") to conserve soil and water quality on managed forestlands.
- 2) Apply current and generally accepted scientific principles for native biodiversity conservation as standards on managed forestlands.

STANDARDS:

This Exhibit describes the management planning, review, approval, and cutting practices standards for the cultivation and harvest of forest products (collectively, "Standards") permitted under Section III of this Conservation Restriction. Forest management activities carried out by Owner in compliance with this Section III Paragraph 9 herein shall be deemed by the Commonwealth to not materially impair the purposes of this Conservation Restriction.

All forest cultivation and harvest activities shall be carried out in accordance with (a) the Standards; (b) a forest management plan prepared and approved in accordance with the Standards ("Forest Management Plan"); (c) Massachusetts forest management and conservation statutes and regulations as may be enacted or promulgated from time to time, including but not limited to M.G.L. c. 132; (d) a forest cutting plan approved in writing by the Commonwealth and approved in writing or determined to be exempt by the Department of Conservation and Recreation pursuant to M.G.L. c. 132; and (e) all required best management practices and all recommended activities and guidelines in the Manual.

Unless Owner seeks, and the Commonwealth grants, express written approval to conduct other forestry activities, Owner shall conduct only those activities consistent with and authorized by the approved Forest Management Plan.

Forest Management Planning Standards

Before any harvest of forest products occurs on the Premises, Owner shall prepare an initial forest management plan covering a period of at least ten (10) years. A Forest Management Plan prepared in compliance with M.G.L. c. 61, together with such additional information necessary to qualify it as a forest stewardship and green certification plan eligible for cost-sharing reimbursement under the Department of Conservation and Recreation Forest Stewardship Program, may meet the requirements of the Standards, however, the forest management plan shall contain at a minimum the following elements:

1. Owner, property, and preparer information, including owner names, mailing address, property location, plan preparer name and Massachusetts Forester license number, and plan preparer mailing address.
2. List of lots or parcels, including Assessor Map and Lot numbers, deed book and page numbers, total acres, and acres included in the management plan for each lot or parcel.
3. A book and page reference to the recording of this Conservation Restriction and a summary of the conservation values and purposes contained in Section I hereof.
4. History of land, including dates of acquisition, management, status of boundary marking, and forest management practices conducted over the last 10 years.
5. Stewardship planning information, including a description of natural and cultural features, long term goals (including a description of how these goals will protect and enhance the conservation values and purposes described in the Section I of this Conservation Restriction), and the ability to accomplish such goals.
6. Property overview, regional significance, and management summary, including a description of landscape setting and eco-regional factors, property and land-use history, bedrock, soil, hydrology, climate and vegetation features, history of disturbance (timber harvesting, agricultural clearing, wildlife habitat creation, damage by natural event, etc.), and an assessment of how management of these lands might impact the local and regional rural economy.
7. Map showing locus of property on a topographic map.
8. Map showing boundaries of forest stands by forest cover type, including wetlands, streams, roads, property boundaries, and cultural features.
9. Stand descriptions for each identified forest stand, including stand number, cover type, acres, size class or mean stand diameter, basal area/acre, volume/acre, volume growth rate, and site index. The description shall state the field method utilized for volume, volume growth rate, and site index.
10. Stand narratives describing each stand including management history, access issues, presence of invasive species, pests or pathogens, soils, slopes, unique natural communities, cultural features, desired future condition, aesthetic quality, protection from fire, and any additional property-specific details related to forest stewardship issues. The narrative shall provide the name of the soil type and characteristics

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including moisture, drainage, and productivity, and shall identify the presence of any highly erodible soils or any slopes greater than 30%. The narrative shall identify and describe unique natural communities that meet the following definition: Areas designated to serve one or more of three purposes: (a) to establish and/or maintain an ecological reference condition; or (b) to create or maintain a representative system of protected areas; or (c) to serve as a set of refugia for species, communities, and community types. The narrative shall describe cultural features such as cellar holes, stone walls, and known Native American cultural features such as camp sites and trails. The narrative description of the desired future condition shall include a management vision of the future forest landscape within a specified time-frame including a description of the desired structural or compositional condition by identifying, at a minimum, species, age class distribution, future product potential, and other desired ecological features.

11. Current condition of property boundaries and method and schedule for marking or maintaining boundary marking.
12. Management practices schedule for each stand including stand number and forest cover type, silvicultural treatment or USDA NRCS forestry-related practice, acreage of practice, basal area and volume to be removed by practice, timing for practice by year, and a narrative description describing the specific objectives of each practice and special considerations such as erosion control, habitat protection, access, cultural feature protection, timing, and timber harvesting methods and equipment (e.g., non-mechanized manual felling, mechanized cut-to-length felling, skidder, forwarder).
13. Monitoring process and schedule, including a description of who will be responsible for completing the monitoring, what they will be monitoring, and the timing and/or frequency of the monitoring. Monitoring results such as regeneration failure, exotic insect infestation, damage from natural events-wind, ice, etc. may necessitate amendments to the management plan.
14. Design, location, and details for the construction or relocation of any proposed improvements referenced in Section III of this Conservation Restriction and Conservation Easement.

Said initial and all subsequent Forest Management Plans shall be prepared or updated by a Massachusetts-licensed forester chosen jointly by Owner and the Commonwealth, which forester shall hold a license to practice forestry under the provisions of 302 CMR 14.00 *et seq.*, as promulgated pursuant to M.G.L. c.132, sections 47 through 50, or as amended. Owner shall update said Forest Management Plan at least every ten (10) years thereafter. In the event an approved Forest Management Plan covering a period no longer than ten (10) years is in place at the time this Conservation Restriction and Conservation Easement is recorded, these requirements shall apply no later than the expiration date of said plan.

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When Owner begins preparation of the initial and all subsequent Forest Management Plans, Owner shall notify the Commonwealth in writing of such preparation and of the opportunity for the Commonwealth to advise Owner of any habitat protection or enhancement projects that the Commonwealth intends to carry out on the Premises during this 10-year Forest Management Plan pursuant to Section IV so that Owner and the Commonwealth can coordinate their respective activities and include Commonwealth activities pursuant to Section IV as part of the Forest Management Plan, or to suggest certain habitat improvement management activities for Owner's consideration. The Commonwealth agrees to make good faith efforts to advise Owner of such Section IV activities during this forest management plan preparation so that Owner's and the Commonwealth's activities can be coordinated and integrated to the maximum extent feasible.

Immediately upon completion of the initial and all subsequent Forest Management Plans, Owner shall submit a copy thereof to the Commonwealth for review and written approval by a Division of Fisheries & Wildlife Forester and by the Natural Heritage & Endangered Species Program. The Commonwealth shall within thirty (30) days of submittal review the Forest Management Plan or any revisions or updates thereof for compliance with the purposes of this Conservation Restriction and the Standards described in this Exhibit. Such plan and any revisions or updates thereto shall be subject to the approval of the Commonwealth for compliance with all terms of this Conservation Restriction. If the Commonwealth's anticipated Section IV activities are not already included as part of the plan submitted for approval, the Commonwealth shall within such thirty (30) day period provide Owner with a written description of any anticipated Section IV activities.

As a condition of Owner's exercise of forestry activities permitted herein, representatives of Owner and Commonwealth shall meet annually with a Forester of Owner's choice licensed in accordance with G.L. c. 132, s. 50, and 304 CMR 10.00, as amended, or in absence of any law that requires a Forester to be licensed in Massachusetts by a Forester certified through the Society of American Foresters, for the purpose of reviewing contemplated Stewardship and/or Cutting Plans with the objective of integrating the Forest Management Standards into such plans as a condition of plan approval by Commonwealth, unless Owner and Commonwealth agree that such a meeting would be either unnecessary or duplicative (a) in light of ongoing or recent dialogue regarding habitat enhancement issues or (b) because no forestry activities are being planned for the foreseeable future.

Forest Cutting Planning Standards

3

Owner shall submit a forest cutting plan to the Department of Conservation and Recreation in conformance with section 42 of M.G.L. c.132 and to the Commonwealth for review and written approval by a Division of Fisheries & Wildlife Forester and the Natural Heritage & Endangered Species Program at least thirty (30) days prior to any forestry activities being carried out on the Premises. The Commonwealth shall within thirty (30) days of submittal review such plan for compliance with (a) the purposes of this Conservation Restriction, (b) the forest management plan described above, (c) the Manual, and (d) the Standards described herein, which approval not to be unreasonably withheld. Owner shall conduct only those activities consistent with and authorized by an approved forest cutting plan.

Forest Cutting Practices Standards

- 1) Conduct all forest cutting operations under an approved M.G.L. c. 132 forest cutting plan and in compliance with any/all applicable federal, state, and/or local regulations. Provide a copy of such plan to the DFW Natural Heritage & Endangered Species Program at least thirty (30) days prior to the start of cutting for review of potential impacts on state-listed species and priority natural communities. Implement all mitigation measures provided by the Commonwealth to limit impacts on state-listed species and priority natural communities. Upon the request of Owner, the DFW Natural Heritage & Endangered Species Program may assist Owner, at Commonwealth's expense, to locate and map all habitats for state-listed species and priority natural communities within a proposed harvest area.
- 2) Establish and maintain woods roads and landing areas according to both required best management practices and to the maximum extent practicable and feasible recommended guidelines in the Manual.
- 3) Retain buffer strips along roads and filter strips along riparian areas according to both required best management practices and to the maximum extent practicable and feasible recommended guidelines in the Manual.
- 4) Avoid wetland resource area crossings during forest cutting operations if possible, establish and maintain stream crossings for logging machinery, and operate machinery within wetlands only when necessary and in strict compliance with both required best management practices and to the maximum extent practicable and feasible recommended guidelines in the Manual.
- 5) Locate and map all vernal pools within a proposed harvest area and conduct forest cutting operations in strict compliance with both required best management practices and recommended guidelines in the Manual for certified vernal pools. Upon the request of Owner, the DFW Natural Heritage & Endangered Species Program may assist Owner, at Commonwealth's expense, to locate, map and certify all vernal pools within a proposed harvest area.
- 6) Retain some woody material on the ground and a portion of the live overstory tree canopy during all forest cutting operations with the exception that no overstory retention is required for aspen coppice regeneration cuts approved by the Commonwealth. Both

3

woody material retention and overstory tree canopy retention should typically increase on more severe slopes (Table 1). Retention should include one or more standing, full-crowned trees $\geq 14"$ dbh per acre, small woody material $< 6"$ in diameter, and large woody material $> 14"$ in diameter whenever possible.

- 7) When harvesting in oak forests or in mixed-species forests containing overstory oak trees, secure adequate regeneration of oak seedlings (typically > 20 seedlings/acre $> 4'$ tall, or a total combined height of 100 linear feet per acre of oak seedlings $< 1"$ dbh) prior to removing all of the dominant overstory oak trees within the harvest area. Retain occasional (an average of one per ha [2.5 ac]) large diameter ($> 14"$ dbh), full-crowned oaks as legacy trees for mast production whenever possible (large oak trees of low merchantability are acceptable).
- 8) When harvesting in northern hardwood forests or in mixed-species forests containing full-crowned, overstory black cherry and/or American beech, retain occasional (an average of one per ha [2.5 ac]) large diameter ($> 14"$ dbh), full-crowned black cherry and/or American beech as legacy trees for mast production whenever possible (large trees of low merchantability are acceptable, although legacy American beech trees should be relatively free of beech scale).

Table 1. Retention standards

Slope	Overstory Canopy *	Basal Area $\geq 14"$ dbh	Large Woody Debris ($\geq 14"$ in diameter)	Small Woody Debris ($< 6"$ in diameter)
$< 30\%$	$\geq 10\%$	$\geq 10 \text{ ft}^2/\text{ac}$	> 0.5 cords/ac	$> 30\%$ of slash
30-60%	$\geq 30\%$	$\geq 10 \text{ ft}^2/\text{ac}$	> 1.0 cords/ac	$> 40\%$ of slash
$> 60\%$	$\geq 60\%$	$\geq 10 \text{ ft}^2/\text{ac}$	> 1.5 cords/ac	$> 50\%$ of slash

*No retention required for aspen coppice regeneration if approved by DFW.

Retain live trees in ≥ 3 groups per ha (2.5 ac) when possible, consisting of sound, relatively wind-firm trees, and existing den trees and/or snag trees when possible. Retain both live [mature] mast-producing hardwoods, including oak, black cherry, and/or scale-free American beech and cover-producing softwoods including hemlock, white pine, and/or spruce where possible. Retain some large downed woody material in or near retained groups when possible. On slopes $> 30\%$ a waiting period of ≥ 5 years must elapse before another cut is made.

DEFINITIONS:

Biological Diversity (Biodiversity): The entire assemblage of native flora and fauna and their supporting habitats and natural communities.

Coppice: The production of new stems from the stump or roots of cut trees.

Dbh: Diameter at breast height (4.5' above the ground)

Habitat: The biological and physical conditions necessary for the sustained occurrence of a given plant or animal species.

3

Legacy: A tree identified for retention throughout its natural life that will ultimately become a snag tree and later provide large woody material.

Native: A species which occurs or has occurred within the Commonwealth which has not been deliberately or accidentally introduced by humans into the state nor introduced elsewhere and spread from that introduction into the state.

Natural Community: A recurrent assemblage of plants and animals found in particular and relatively predictable associations with the physical environments.

Manual: The "Massachusetts Forestry Best Management Practices Manual" (Kittredge & Parker, Third Printing, January, 2000), and subsequent versions if approved by the Commonwealth.

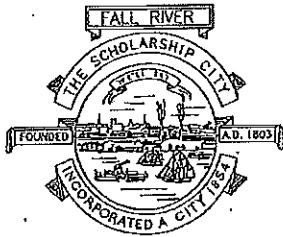
Slash: Woody material cut during a forest harvesting operation that is not merchantable for logs (timber), firewood, or pulpwood that is typically left on the ground at the conclusion of the operation.

Woods Roads: include both truck roads and skidder/forwarder roads. Truck roads shall be unpaved roads constructed of gravel or some other permeable material that are passable by logging trucks and/or tractor trailer trucks used to remove forest products from the Premises in accordance with the provisions of the CR. Truck roads shall have a general travel surface width that is minimized and that in any event does not exceed fifteen (15) feet in width except at turns and corners that exceed 30 degrees and over culverts where additional width may be required but in any event not to exceed twenty (20) feet in width. Skidder/Forwarder roads shall be unpaved roads constructed of gravel and/or parent soil materials that are passable by logging machinery such as but not limited to skidders and/or forwarders used to transport forest products to portions of the Premises that are accessible to log trucks and/or tractor trailer trucks. Skidder/Forwarder roads shall have a general travel surface that is minimized and in any event does not exceed twelve (12) feet in width except at turns or corners that exceed 30 degrees and over culverts where additional width may be required but in any event not to exceed sixteen (16) feet in width.

Notice under the Provisions of Exhibit B

Whenever Owner's or the Commonwealth's consent or approval is required under the terms of Exhibit B, Owner or the Commonwealth shall grant or withhold such consent or approval in writing within thirty (30) days receipt of written request therefore, and the notifying party shall not undertake the activity in question until the expiration of said 30-day period. Any such requested consent or approval shall not be unreasonably withheld so long as the granting of said consent or approval is consistent with the terms and purposes of this Conservation Restriction. Failure to act in writing within the stated 30-day time period shall constitute consent or approval.

Any written notice required hereunder shall be as provided in Section VIII of this Conservation Restriction.



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

4
RECEIVED

2017 MAY 12 A 9:06

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

May 11, 2017

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

Dear Honorable Council Members:

The City is to receive a donation of 2 sets of Flags of All Nations, 40 flags in total, for Banners of Allegiance at Gromada Plaza.

Thanks to the generous donations from Community Housing Resource Board, Inc., Corky Row Club, Andrade Medical Associates, State Representative Alan Silvia, King Philip Yacht Club and the Italian Progressive Club, we will be able to fly a new set of flags paying tribute to our heritage starting Memorial Day weekend.

Your acceptance of this donation is respectfully requested.

Best Regards,

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 City of Fall River be, and the same is hereby authorized to accept a gift of 2 sets of Flags of All Nations, 40 flags in total, for Banners of Allegiance at Gromada Plaza from Community Housing Resource Board, Inc., Corky Row Club, Andrade Medical Associates, State Representative Alan Silvia, King Philip Yacht Club and the Italian Progressive Club.



City of Fall River
Massachusetts
Office of the Mayor

JASIEL F. CORREIA II
Mayor

CITY CLERK
FALL RIVER, MA

2017 MAY 11 P 4:51

RECEIVED

May 11, 2017

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

RE: Morton Middle School Transfer

Mr. President and Members of the Honorable Council:

Superintendent of Schools Matt Malone, in consultation with the Fall River School Committee, is making plans to complete the Westall School renovations. As there are funds remaining in the Morton Middle School Fund in the amount of \$223,288.50, the Superintendent is requesting that these funds be transferred to the Westall School Account to complete this project.

Your approval of this transfer is respectfully requested.

Best Regards,

Jasiel Correia II
Mayor

City of Fall River, In City Council

5

ORDERED:

That the sum of \$223,288.50 be transferred 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.

5
FALL RIVER PUBLIC SCHOOLS
"The Scholarship City"
417 Rock Street, Fall River, MA 02720

Matthew H. Malone, Ph.D. Superintendent

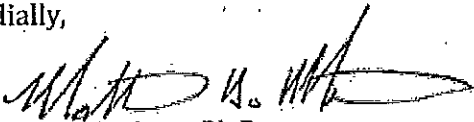
May 11, 2017

Honorable Jasiel F. Correia II
Mayor of the City of Fall River
One Government Center
Fall River, Massachusetts 02722

Dear Mayor Correia:

This letter is a request through you, to the City Council, for the repurposing of residual unencumbered funds currently appropriated for the Morton Middle School Project to be transferred to the Westall School Account. The available remaining Morton Middle School Fund #5321 balance is \$223,288.50. The available balance in the Westall School Account Fund #5406 is \$150,560.40. The combined accounts total \$373,848.90 which will be used to complete the retro-fit of the Westall school building location for the purpose of moving the Stone Therapeutic School to that building for a September 2017 opening.

Cordially,


Matthew H. Malone, Ph.D.
Superintendent of Schools

MHM/rlc

5

Morton School to Westall School Funds Transfer

Fall River- Department of Buildings and Grounds

4/7/2017.

Morton School

Amount

Balance per Capital Project Status Report a/o March 31, 2017	\$	283,106.50
Less North Park work to complete	\$	(40,000.00)
Less Morton School Wall work to complete		
Paving	\$	(17,868.00)
JJC Retainage		
Morton gate fix	\$	(1,950.00)
Available Balance	\$	223,288.50

Westall School

Balance per Capital Project Status Report a/o March 31, 2017	\$	186,372.07
Less JJC work to complete	\$	(29,122.67)
Less underground drain scope and fix	\$	(4,000.00)
Less rail in parking lot	\$	(2,689.00)
Available Balance	\$	150,560.40

Morton School Available Balance plus Westall School Available Balance \$ 373,848.90



**CITY OF FALL RIVER
MASSACHUSETTS**
Department of Buildings & Grounds

5

JASIEL F. CORREIA II
Mayor

CHRIS GALLAGHER
Interim Director

May 11, 2017

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

Dear Mayor Correia,

It is respectfully requested that the unused funds of \$223,288.50 be transferred from the Morton Middle School project account to the Westall School project account. These funds will be used for additional enhancements to the Westall School that insurance did not cover.

Relaying your support to the City Council for this transfer request is greatly appreciated.

Respectfully submitted,

Chris Gallagher,
Interim Director of Buildings and Grounds

FY17 TRANSFER ORDER

Fund	Account Balance	Amount Transferred	Adjusted Balance
Fund 5321 Morton Middle School	\$ 272,084.50	\$ (223,288.50)	48,796.00
Fund 5406 Westall School	\$ 183,480.07	\$ 223,288.50	406,768.57

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

Stacey Gehan, Asst Auditor

Stacey Gehan, Assistant Auditor

May 11, 2017

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audit.3

CITY OF FALL RIVER
ACCOUNT SUMMARY TRIAL BALANCE FOR FY17/JUL TO EOY
FUND

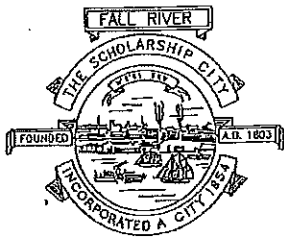
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ACCOUNT NAME	ORG	BEG. BALANCE	DEBITS	CREDITS	NET CHANGE	END BALANCE
5321-0-000-000-00-0000-0-108000- POOLED CASH	53210000	402,546.53	52,742.50	183,204.53	-130,462.03	272,084.50
5321-0-000-000-00-0000-0-198000- BONDS AUTHORIZED	53210000	10,687,007.00	.00	.00	.00	10,687,007.00
5321-0-000-000-00-0000-0-198900- BONDS AUTHORIZED & UNISSUED	53210000	-10,687,007.00	.00	.00	.00	-10,687,007.00
5321-0-000-000-00-0000-0-201000- WARRANTS PAYABLE	53210000	.00	174,796.89	174,796.89	.00	.00
5321-0-000-000-00-0000-0-321100- BUD FUND BAL RESERVE ENCUMBRAN	53210000	-1,500.00	176,296.89	192,666.08	-16,369.19	-17,869.19
5321-0-000-000-00-0000-0-359000- FUND BAL/UNRESERVED UNDESIGN	53210000	-402,546.53	.00	.00	.00	-402,546.53
5321-0-000-000-00-0000-0-391000- REVENUE CONTROL	53210000	.00	.00	49,214.87	-49,214.87	-49,214.87
5321-0-000-000-00-0000-0-393000- EXPENDITURES	53210000	.00	183,204.53	3,527.63	179,676.90	179,676.90
5321-0-000-000-00-0000-0-394000- ENCUMBRANCE CONTROL	53210000	1,500.00	192,666.08	176,296.89	16,369.19	17,869.19
TOTALS FOR FUND 5321 MORTON MIDDLE SCHOOL		.00	779,706.89	779,706.89	.00	.00
5406-0-000-000-00-0000-0-108000- POOLED CASH	54060000	1,583,347.75	3,915,909.97	5,315,777.65	-1,399,867.68	183,480.07
5406-0-000-000-00-0000-0-198000- BONDS AUTHORIZED	54060000	3,800,000.00	.00	.00	.00	3,800,000.00
5406-0-000-000-00-0000-0-198900- BONDS AUTHORIZED & UNISSUED	54060000	-3,800,000.00	.00	.00	.00	-3,800,000.00
5406-0-000-000-00-0000-0-201000- WARRANTS PAYABLE	54060000	-288,919.68	5,273,362.45	4,984,442.77	288,919.68	.00
5406-0-000-000-00-0000-0-272000- BOND ANTICIPATION NOTES PAYABL	54060000	-3,800,000.00	3,800,000.00	1,900,000.00	1,900,000.00	-1,900,000.00
5406-0-000-000-00-0000-0-321100- BUD FUND BAL RESERVE ENCUMBRAN	54060000	-763,100.35	1,587,568.64	910,100.96	677,467.68	-85,632.67
5406-0-000-000-00-0000-0-359000- FUND BAL/UNRESERVED UNDESIGN	54060000	2,505,571.93	.00	.00	.00	2,505,571.93
5406-0-000-000-00-0000-0-391000- REVENUE CONTROL	54060000	.00	.00	2,000,000.00	-2,000,000.00	-2,000,000.00
5406-0-000-000-00-0000-0-393000- EXPENDITURES	54060000	.00	1,226,857.97	15,909.97	1,210,948.00	1,210,948.00
5406-0-000-000-00-0000-0-394000- ENCUMBRANCE CONTROL	54060000	763,100.35	910,100.96	1,587,568.64	-677,467.68	85,632.67
TOTALS FOR FUND 5406 WESTALL REPAIRS		.00	16,713,799.99	16,713,799.99	.00	.00
REPORT TOTALS		.00	17,493,506.88	17,493,506.88	.00	.00

** END OF REPORT - Generated by Stacy Medeiros **

5



City of Fall River
Massachusetts
Office of the Mayor

JASIEL F. CORREIA II
Mayor

May 11, 2017

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

Dear Honorable Council Members:

Following are personnel title and rate changes which I will be proposing in the fiscal 2018 budget:

Be it ordained, by the City Council of the City of Fall River, Chapter 50 of the City Ordinances be changed as follows:

Mayor Office:

- Add the position of Director of Tourism and Cultural Affairs with a salary not to exceed \$60,000
- Change position title of Receptionist to Administrative Assistant.
- Change the Salary of Mayor's Administrative Assistant from \$1,194.52 bi-weekly (or \$31,058.52) to not to Exceed \$40,000

Administrative Services:

- Add the position of Wellness Coordinator with a salary not to exceed \$70,000

Police:

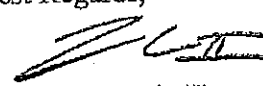
- Add the position of Account Manager with a salary not to exceed \$60,000

Buildings & Grounds (Facilities Maintenance):

- Add the position of Architect with a salary not to exceed \$105,000

Your approval of these ordinance modification is respectfully requested. My staff and the Director of Financial Services are available to answer any questions or concerns that you may have.

Best Regards,


Jasiel F. Correia II
Mayor

CITY CLERK
FALL RIVER, MA

2017 MAY 11 P 4:51

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6



**CITY OF FALL RIVER
MASSACHUSETTS**
Department of Buildings & Grounds

6

JASIEL F. CORREIA II
Mayor

CHRIS GALLAGHER
Interim Director

May 11, 2017

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

Dear Mayor Correia,

Your support is respectfully requested for a newly created position of "Architect" for the Department of Buildings and Grounds for the FY '18 budget. The department has expended approximated \$352,000.00 procuring design services this current fiscal year. It is required by Mass General Law that any building over 35K cubic feet requires controlled construction by an architect and stamped affidavits. Having a city employed "architect" would be substantially cost effect thus relinquishing funds that could be utilized to complete additional projects.

Relaying your support to the City Council to add this position to ordinance is greatly appreciated. The Department of Buildings and Grounds is grateful of your support to move forward and enhance the ability of this department to better serve the City and its programs.

Respectfully submitted,

Chris Gallagher,
Interim Director of Buildings and Grounds.



City of Fall River, Massachusetts Police Department

Office of the Chief of Police

Daniel S. Racine
Chief of Police

685 Pleasant St.
Fall River, MA 02721
Tel: 508-324-2787
Fax: 508-324-2809
TDD: 508-324-2790

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

Re: Account Manager

Dear Mayor Correia,

The Police Department is requesting the hiring of an Account Manager. The Account Manager's responsibilities are to include the coordination/management of all grants (both state and federal), payroll and general fund budgeting.

Currently, sworn police officers and police administrators are performing these duties and an Account Manager would be a savings as it would free the sworn officers of the burden of the grants and allow of them to remain on patrol. Theses duties were split between the sworn officers and administrators after Detective Paul Mancini retired and was not replaced.

Sincerely,

Acting Chief Albert F. Dupere



**City of Fall River
Massachusetts
Human Resources**

6

JASIEL F. CORREIA II
Mayor

MADELINE S. COELHO
Director

May 10, 2017

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

Dear Mayor Correia:

Because of the rising cost on our Health Insurance plans I am requesting that a position of Wellness Coordinator be created in City Ordinance. The salary for this position is not to exceed \$70,000.00 per annum, per contract. I am currently working with members of the Insurance Advisory Committee (IAC) to have 25% of the salary paid by the "employee trust fund".

The person in this position will be responsible for promoting wellness initiatives by assessing the health risk of municipal employees using available data from Blue Cross Blue Shield. This person shall develop wellness programs that respond to the needs of employees and which are likely to have a positive Return on Investment (ROI).

Attached is a complete job description detailing the essential duties and qualifications for this position.

I would appreciate your support with the approval process.

Sincerely,

Madeline Coelho
Human Resources Director

Attachment: Job Description

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City of Fall River

Job Description

Wellness Coordinator

Job Description

The Onsite Wellness Coordinator is responsible for promoting the overall health and wellness of the internal employee population through improved health assessment management. This entails setting the direction for employee-wide health and wellness initiatives, communicating those initiatives with the employees, management and the Insurance Advisory Committee (IAC) ensuring success through well-defined measurement criteria.

Essential Duties and Responsibilities

- Assess the health risk of employees based on available data from Blue Cross/Blue Shield and develop or present risk reduction and wellness programs that respond to the needs of the employees and which are likely to have a positive Return on Investment (ROI);
- Coordinate, communicate, promote and implement onsite biometric screenings;
- Manage chronic condition coaching referrals;
- Assist employees with finding in-network primary physicians;
- Analyze data collected from health risk assessments to assess priorities in program development;
- Develop and implement monthly health communications and activities;
- Coordinate and present educational seminars on high risk targeted topics;
- Implement on-site health action campaigns targeted to high risk topics (weights management, stress management, nutritional awareness, dimensions of wellness, pedometer program);
- To work with local agencies and providers to make their programs available to the City and School employees;
- Conduct onsite educational classes (smoking cessation, diabetes, asthma, etc.);
- Lead wellness committee to enhance employee buy-in and assist with implementation and communication of initiatives;
- Provide comprehensive monthly objectives report to the Insurance Advisory Committee and to the Director of Human Resources on participation, programs and outcomes;
- Compile an annual comprehensive report. Report on the financial impact of the wellness program;
- Monitor trends in Health and Wellness to implement best practices in the Municipality;

- 6
- Prioritize programs and interventions based on reported data that will make the greatest impact on participants and client.

Specific Knowledge and Skills:

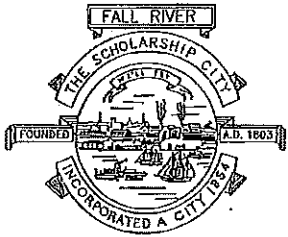
- Understanding of Public health issues;
- Understanding of trends and best practices in employee health and wellbeing;
- Strong reasoning and financial analysis skills;
- Strong written and verbal communication skills;
- Understanding of relevant federal and state laws;
- Negotiation skills to work with vendor partners;
- Ability to communicate clearly and effectively with audiences at all levels;
- Strong analytical skills.

Education and Experience:

- Must have at least three (3) years of experience in the Wellness Program Management Business, ideally working with municipal employers. A Bachelors' Degree in Public Health, Nursing, Health Science and certification as a Health Education Specialist preferred. A Masters' Degree in one of the above areas is highly preferable, but relevant work experience may be substituted.
- Proficient in Microsoft Word, Excel and PowerPoint.

Certifications, Licenses, Registrations:

- Preferred CPR certification
- Preferred Certified Health Education Specialist (CHES)



City of Fall River
Massachusetts
Office of the Mayor

7

JASIEL F. CORREIA II

Mayor

May 11, 2017

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

RECEIVED
2017 MAY 11 P 4:51
CITY CLERK
FALL RIVER, MA

Dear Honorable Council Members:

Following is a department name change which I will be proposing in the fiscal 2018 Budget. This change is being recommended to avoid confusion with the Building Department managed by Building Inspector Joseph Biszko.

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

That Chapter 2 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Administration, Article III, Office of the Mayor, be amended by changing the following:

Department of Buildings and Grounds

- a. *Change the name of Buildings and Grounds to Facilities Maintenance*

Should the City Council approve this name change, we will work with the Ordinance Committee and the Clerk's Office to identify and amend other sections within the Ordinances that will need similar amendment.

Your approval of this ordinance modification is respectfully requested. My staff and the Director of Financial Services are available to answer any questions or concerns.

Best Regards,

Jasiel F. Correia II
Mayor



City of Fall River Massachusetts

Department of Community Maintenance

CEMETERIES • TREES • PARKS • SANITATION • ENGINEERING
STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

Parks Division

RECEIVED

2017 MAY -5 P 1:15

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

NANCY SMITH
Parks Manager

May 2, 2017

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

Dear Councilors:

The Board of Park Commissioners would like to make it known to the City Council that we do not support splitting the board and creating a Cemetery Commission.

There are many similarities between a park and Oak Grove Cemetery. As you may know, Oak Grove Cemetery was designed to be a park-like environment. The primary needs are to keep the properties clean of debris, cut grass, remove dead trees, removal of graffiti, and the planting of new trees. There are other similar needs as well. The parks and cemeteries are in need of dire Historical makeover. It's not an easy task to do, especially because there are limited resources preventing proper maintenance of the cemeteries. The cemetery is being managed by a very small staff and with a very limited budget, which makes their jobs more difficult. A Cemetery Commission will not fix this problem.

Mayor Jasiel Correia II appointed a member of the Historical Commission, Commissioner Kristen Cantara-Oliveira to the Park Board in November 2016, specifically to address the historical issues that arise with both the cemeteries and the parks. This addition brings the boards one step closer to seeing eye to eye. Ms. Cantara-Oliveira also has knowledge of our Historic Olmsted Parks and both Oak Grove Cemetery and the North Burial Ground.

The Mayor also appointed the city's graves officer, Commissioner Victor Farias to the Park Board in November 2016, again, to deal with the problems regarding the cemeteries. Mr. Farias not only has a great relationship with the Veteran community, but he is also knowledgeable on the city's veteran monuments and war memorials. Having the graves officer on the board also brings both parks and cemeteries closer to the city's Veteran's Agent Raymond Hague.

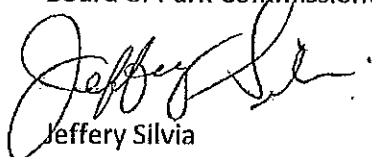
Commissioner Jason Caminiti has a background in Business and Management. He has been involved in genealogical study of cemeteries since 2009, as well as working to preserve the monuments in the city since 2008. Commissioner Caminiti is also a Computer Scientist. This will aid the sorely needed updating of records at our parks and cemeteries division, as well as access to records for the community.

The Board of Park Commissioners also oversees the Urban Tree Commission, which helps to keep a close relationship between all 3 boards, since both the parks and cemeteries have an abundance of trees.

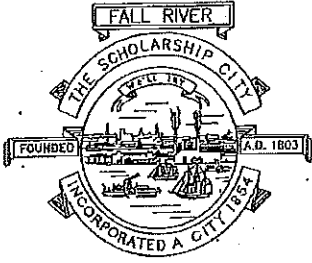
It makes no sense to the Board of Park Commissioners for the City Council to pull the plug on the Cemetery Subcommittee before they have even had the chance to work toward a resolution with regards to our cemeteries. As you know, it's not an easy task to find people from the community who are willing to give up their time and resources to sit on a city commission, and yet when you have a group of people who want to do just that, you are ready to dismiss their enthusiasm and devotion to the city without giving them a chance.

As you can see, we have a lot of work ahead of us as a board. However, we feel fully equipped to work together, and to make Fall River a better place to live and work. Thank you for your consideration in this matter.

Sincerely,
Board of Park Commissioners



Jeffery Silvia
Chairman



**City of Fall River
Massachusetts**

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

Purchasing Division

RECEIVED

2017 APR 25 P 4:07

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

RHONDA AVILLA PINNELL
PURCHASING AGENT

April 25, 2017

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

Members of the Council,

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


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

I am submitting to you, as per attached, a list of vehicles that are no longer of value to the City of Fall River.

I would like to recommend at this time, that consideration be given to the auction process.

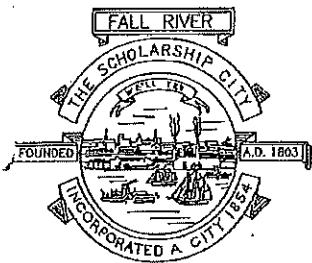
Pending approval of the City Council the auction will be held **Sunday, May 21, 2017 at 9:00 a.m.** at the Fall River Police Station, 685 Pleasant Street, Fall River, MA.

Very truly,


Rhonda Avilla Pinnell
Purchasing Agent

Auction Car List 2017

- 1- PD-385 - CPU - 2008 FORD CROWN VICTORIA - ENGINE AND TRANS NG
- 2- PD-460 - OLD CAR 5 - 2011 CHEVY CAPRICE - ENGINE AND BODY DAMAGE
- 3- PD-256 - OLD H-1 - 2000 FORD CROWN VICTORIA - FRAME ROTTED
- 4- PD-388 - OLD VICE - 2001 FORD ESCAPE - FRAME ROTTED TRANS NG
- 5- PD-301 - OLD PLOW - 2001 FORD F350 - FRAME ROTTED SANDER ROTTED
- 6- PD-133 - OLD VICE - 1989 CHEVY G 10 VAN - ENGINE
- 7- PD-427 - OLD VICE - 2000 LINCON LS - TRANS NG
- 8- PD-419 - OLD VICE - 2004 NISSAN ALTIMA - ENGINE
- 9- PD-455 - OLD CAR 3 - 2011 CHEVY CAPRICE - ENGINE
- 10- 1999 FORD F350 - WATER DEPT. PLOW TRUCK TRANS NG
- 11- 2001 FORD F350 - CEMETERY PLOW TRUCK - ROTTED, SPRINGS, STEERING
- 12- PD-462 - OLD CAR 23 - 2011 CHEVY CAPRICE - ENGINE
- 13- PD-456 - OLD CAR 17 - 2011 CHEVY CAPRICE - ENGINE
- 14- PD-309 - OLD K9 - 2003 FORD CROWN VICTORIA - TRANS NG
- 15- PD-346 - OLD K9 - 2005 FORD CROWN VICTORIA - ENGINE AND TRANS NG
- 16- PD-476 - OLD VICE - 2006 NISAN MURANO - ENGINE AND TRANS NG
- 17- PD-446 - OLD CAR 14 - 2011 CHEVY CAPRICE - ENGINE AND BODY
- 18- PD-264 - OLD COURT LIAISON - 2000 FORD TAURUS - ENGINE AND BODY
- 19- PD-253 - OLD SIGNAL CAR - 2000 FORD CROWN VICTORIA - FRAME ROTTED
- 20- 26 INCH CUSTOM WHEELS AND TIRES SET OF 4 1 RIM DAMAGED
- 21- 1998 HONDA ACCORD - NO TITLE - WATER DAMAGE INSIDE AND OUT
- 22- 1998 FORD EXPLORER - NO TITLE - ENGINE AND FRAME NG



City of Fall River
Massachusetts
City Council

11
RECEIVED

2017 MAY -4 P 5 07

CITY CLERK
FALL RIVER, MA

STEVEN A. CAMARA
City Councilor

May 4, 2017

Dear Councilors:

I am providing you with "A Proposal" to change the City of Fall River charter from "Plan A" to a "home rule charter" to create a strong City Council/City Manager form of government and changing the governing of the School Committee. Through this "proposal" both the City Council and the School Committee would become seven (7) person governing entities with a Mayor and Vice-Mayor serving as Chair and Vice-Chair of both the City Council and the School Committee. I submit that this proposed change will result in a more efficient and effective City government.

I ask that this letter and attached "proposal" be forwarded to the City Council Committee on Ordinances and Legislation so it may be determined in conjunction with the City's Corporation Counselor what course of action is appropriate to present this "proposal" to the voters for their consideration and decision.

I appreciate your consideration of this matter.

Sincerely,

Steven A. Camara

City Councilor

Enclosure

A Proposal to Change the City of Fall River Charter

I propose changing the City Charter from its current form (commonly known as Plan A), often described as a strong Mayor/weak City Council form of Government to a stronger seven (7) person Council with a professional City Manager serving as the City's chief administrator and a seven (7) person School Committee with a School Superintendent serving, as it does now, as the School Department's chief administrator. Through this proposed change the Mayor and a newly established position of Vice-Mayor would be elected-at-large/citywide as a team of two (2), serving as Chair and Vice-Chair of both the City Council and the School Committee. Under this proposal the number of City Councilors and School Committee members are reduced to five (5), each elected-at-large/citywide with each of five (5) coming from each of five (5) newly defined and equal in population wards. This is explained further under WARD VS. AT-LARGE REPRESENTATION.

TERM OF OFFICE

At one time the City did change the term of office from a two (2) year term for the elected Mayor to a four (4) year term and then back again, to a two (2) year term. The voters made these changes. I submit that The City of Fall River should keep the Office of Mayor, as well as the positions of School Committee members and City Councilors, as two (2) year terms of office.

TERM LIMITS

All of Fall River's local elected officials (Mayor, City Councilors and School Committee members) are limited to the two (2) years for which they are elected. The people have the power either to re-elect them or to remove them from office. Any infringement of the people's right to choose supersedes other considerations. A limit on the people's right to re-elect its elected officials is undemocratic. The voters of Fall River have removed people from office upon completion of their two (2) years' served or after longer elected service. The people's right to choose their elected officials should not be hindered or infringed upon by an arbitrary "term limit" imposed upon them.

WARD VS. AT-LARGE REPRESENTATION

Most important is the question concerning the effectiveness and the efficiency of our current "strong Mayor/weak Council" form of government. Through this proposal the voters-at-large of Fall River elect five (5) City Councilors [one (1) from and residing in each ward] and five (5) School Committee members [one (1) from and residing in each ward]. Therefore, each is likely to be more familiar with the issues within the ward in which they reside while at the same time, they should be inclined to support the best interest of the entire City since they are elected by the entire Fall River electorate.

Local elected officials should represent what is in the "best interest" of The City of Fall River. Potentially, "ward councilors" and "ward school committee members" elected as residents of a specific ward and elected only by City voters who live and vote within the boundaries of a specific ward is destructive to the concept and goal of "working in the best interest of the City". Therefore, this proposed change is a compromise electing locally elected officials who govern based on what is in the City's best interest while at the same time assuring better representation of the various geographic areas of the City.

I suggest that the City should be divided into five (5) equally populated wards, replacing the currently and unequally populated nine (9) wards [according to the City of Fall River Board of Elections, as of May 1, 2017, the following is the breakout of voters in each of Fall River's nine (9) wards: Ward 1 – 5,675; Ward 2 – 4,548; Ward 3 – 5,484; Ward 4 – 4,806; Ward 5 – 4,117; Ward 6 – 5,171; Ward 7 – 5,008; Ward 8 – 6,022; Ward 9 – 6,349]. These five (5) wards would be geographically divided into North, South, East, West and Central. From each ward City Council candidates and School Committee candidates who come from and live within each of these five (5) wards would collect their signatures from voting residents of their respective wards to be eligible candidates at the Municipal Preliminary and Final Elections. At the ballot box at both the Preliminary Election and the Final Election, the voters of the entire city would vote to elect the five (5) City Councilors and the five (5) School Committee members from each of the five (5) wards. In other words, all voters of the City elect the Councilor and the School Committee member from Ward 1; all voters of the City elect the Councilor and the School Committee member from Ward 2; etc. At the Preliminary Election voters would vote for "up to" two (2) candidates each for the City Council and for the School Committee and at the Final City Election voters choose between the two (2) candidates who are the top two (2) voter choices in the Preliminary Election. The result is that each ward of the City would have a City Council member and a School Committee member who lives in and has geographic and election eligibility ties to their respective wards but would be accountable to the voters of the entire City's voting population that elects them. Subsequently and presumably, each elected official will vote in the City's best interest, since each official's voting constituency is the whole City of Fall River's voting population. At the same time, geographic representation on both the School Committee and the City Council would be by definition more representative of the various wards of the City and the neighborhoods within those various wards.

Through this charter change, the Mayor and the Vice Mayor run as a "team" or "ticket" with various "teams" or "tickets" on the Preliminary Election ballot and the top two (2) "teams" or "tickets" running against each other on the Final Election ballot. At the Preliminary Election voters could choose "up to" two (2) "teams" or "tickets" and at the Final Election voters choose a single leadership "team" or "ticket". This system eliminates one of the most divisive actions City Councilors and School Committee members face at their first meetings after being elected, namely, choosing from among themselves who among the Council members should be President and Vice-President of the City Council and who among the School Committee members should be Vice-Chair of the School Committee. This proposal gives this responsibility to the voters at the City's biannual Election. Further, this issue is addressed under CITY COUNCIL AND SCHOOL COMMITTEE LEADERSHIP.

CITY COUNCIL AND SCHOOL COMMITTEE LEADERSHIP

I reiterate that one (1) issue that is divisive in Fall River's governing process is the election of City Council and School Committee leadership. To eliminate this contribution to divisiveness, I suggest that at the City's biannual Final Election, the voters-at-large elect a Mayor and Vice-Mayor. These two (2) candidates would come together either by self-initiation or by people's initiation with the consent of the two (2) candidates. These two (2) elected candidates would serve as at-large members of both the City Council and the School Committee, also serving as Chair and Vice-chair of both the City Council and the School Committee. If both attend and participate at City Council and School Committee meetings, the Mayor would vote only if there is a "tie" among the other six (6) members; if the Mayor or Vice-Mayor (one or the other) were absent from the meeting then the one chairing the meeting would vote only if there was a "tie" among the

remaining members of the City Council or the School Committee. This would result in seven (7) members of the City Council and seven (7) members of the School Committee with the Mayor and the Vice-Mayor serving through their respective offices as the Chair and the Vice-Chair of both the City Council and the School Committee.

Potentially, this method of governing is less costly and more effective and efficient than the current system. The salaries of City Councilors and School Committee members would be set by ordinance and the salaries of the Mayor and the Vice-Mayor would be set as percentages higher than those paid to the City Council members and School Committee members.

[only for the purpose of example, I present the following as an option: The five (5) School Committee members each might receive \$10,000.00/year & the five (5) City Council member each might receive \$20,000/year; the Vice-Mayor might receive a total of the City Councilor and School Committee members' salaries or \$30,000/year and the Mayor might receive a total of the City Councilor, School Committee member and Vice-Mayor's salaries or \$60,000/year.] This represents a decrease in the salary of Mayor since the Mayor would no longer be the chief administrator of the City.

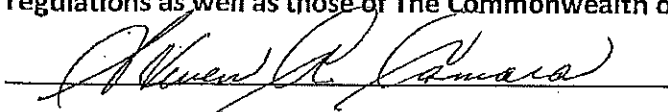
APPOINTMENT AUTHORITY FOR BOARDS, COMMISSIONS AND OTHER PERSONNEL

The City Council with the Mayor and Vice-Mayor serving as its leadership "team" and the School Committee with the Mayor and Vice-Mayor serving as its leadership "team" would be responsible within applicable ordinances, laws and regulations for confirming all hiring and firing of board and commission members and other employees. The seven (7) member City Council would be responsible for hiring a professional City Manager and the seven (7) member School Committee would be responsible, as the School Committee is now, for hiring the Superintendent. The City Manager and the Superintendent would be responsible for hiring and firing all board and commission members and other employees with confirmation approval within applicable ordinances, laws and regulations, required from the City Council for City personnel and from the School Committee for School Department personnel.

SAVING MONEY & BECOMING MORE COOPERATIVE AND PROFESSIONAL

This governing model provides opportunities for savings and for becoming more cooperative and professional. This proposal reduces the responsibility and power of the Mayor yet, it provides consistent "leadership" through the Mayor and Vice-Mayor serving as Chair/Vice-Chair of each elected body.

This new governing model results in both the City Council and the School Committee having increased responsibility of overseeing the City and the School Department through its new requirement of confirming the hiring and firing within applicable ordinances, laws and regulations, all City boards, commissions and designated employees, as well as its requirement to hire and fire both the City Manager and the School Superintendent. All that is proposed would be implemented within applicable City ordinances and regulations as well as those of The Commonwealth of Massachusetts and The United States of America.



Steven A. Camara

5/4/17

Date

CITY OF FALL RIVER

12

To the City Council

Councillors:

The Committee on Finance, at a meeting held on April 25, 2017, voted unanimously to recommend that the accompanying order be referred to the full council for action, with Councilor Cliff Ponte absente and not voting.

Alison M Bouchard
City Clerk

12



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

2017 APR -6 P 4: 28

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

April 6, 2017

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

Honorable Council Members:

Consistent with the requirements of MGL Chapter 150E, Section 7, I am forwarding the recently negotiated Memorandum of Agreement between Fall River Environmental Police Bargaining Unit and the City of Fall River for your approval. It has been ratified by the membership. Enclosed please find the copy for your review.

This Agreement will become a part of the prior contract document and, in combination, they establish the contractual obligations affecting environmental police.

Your approval of this Agreement is respectfully requested. Should you have any questions or concerns, please feel free to contact me.

Best Regards,

Jasiel F. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

APR 11 2017

*Referred to the
Committee on
Finance*

CITY OF FALL RIVER
IN CITY COUNCIL

City of Fall River, In City Council

ORDERED, that the funding of the cost items contained in the collective bargaining agreement between the City of Fall River and Fall River Environmental Police Bargaining Unit dated April 6, 2017, is hereby approved.

CITY OF FALL RIVER
IN CITY COUNCIL

APR 11 2017

*Referred to the
Committee on Finance*

CITY OF FALL RIVER
IN CITY COUNCIL

12

CITY OF FALL RIVER AND TEAMSTERS LOCAL 251
MEMORANDUM OF AGREEMENT
FOR A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT COVERING THE
FALL RIVER ENVIRONMENTAL POLICE BARGAINING UNIT
April 6, 2017

1. TERM: Contract 1 July 1, 2015-June 30, 2016
Contract 2 July 1, 2016-June 30, 2019

2. **WAGES:**

- a. Effective July 1, 2015-0%
- b. Effective July 1, 2016-0%
- c. Effective July 1, 2017-2%
- d. Effective July 1, 2018-2%

3. **ANNUAL PERFORMANCE EVALUATION:** The parties agree to add the following contract provision to the collective bargaining agreement as a separate Article entitled "Performance Evaluation" Article XXVI:

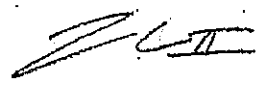
The parties agree that the annual performance evaluation ("Evaluation") currently being utilized as part of the Commission on Accreditation for Law Enforcement ("CALEA") accreditation process shall be part of the employee's personnel file and may be considered in making promotional or hiring decisions and/or considered in other personnel matters.

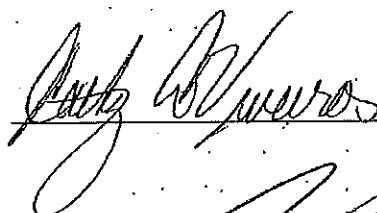
Any employee, prior to his/her Evaluation being put into his/her file, shall be permitted to review the Evaluation and, upon request, the City shall meet with the employee, Union Business Agent and/or Union Steward to discuss the Evaluation. Any employee may rebut his/her Evaluation in writing and this shall be attached to the Evaluation in said employee's file.

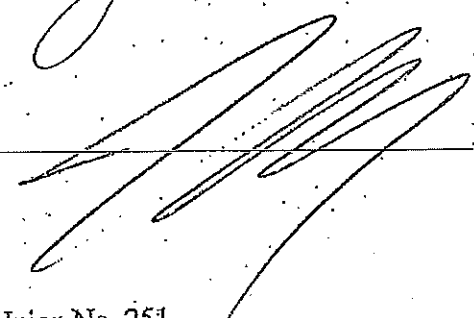
4. **ARTICLE V Section 3-Shift Differential**, shall be modified to reflect the following: Any employee working a tour of duty that will be worked after 2:59pm and ending at or before 8:00am, shall receive, in addition to their regular weekly compensation, a night shift differential equal to 5% of their regular weekly compensation, a night differential equal to 5% of their regular weekly compensation or Forty Dollars (\$40.00), whichever is greater. Shift differential shall be computed on the simple complete base pay step. Such night differential shall not be included in base pay for purposes of determining court time pay, or holiday pay, but shall be included in base pay for purposes of determining overtime pay, vacation pay, sick pay, bereavement leave and injured leave pay and shall be included in base pay pension/retirement purposes. Officers who are temporarily assigned to days shall continue to receive their night shift differential while on temporary assignment.
5. **ARTICLE VIII-Vacations**-shall be modified to reflect the following "Effective 7/1/16: Each year after the nineteenth year complete, vacation leave of six (6) weeks. Effective 7/1/16, each year after the twenty fourth year complete, employees shall receive one additional vacation day for each year of service beyond the twenty fourth year with a maximum not to exceed an additional five (5) days."

1. ARTICLE XXI-Warning Letters-ADD, "the parties explicitly acknowledge that this Article does not apply to unpaid disciplinary suspensions or last chance agreements."
2. EPIPEN-All bargaining unit members agree to carry and utilize the epinephrine auto injector (EPI-Pen) if available.

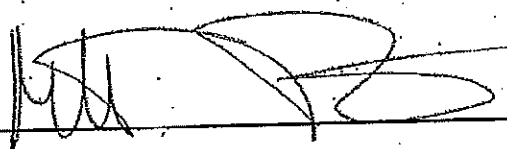
For the City of Fall River

Jasiel F. Correia II, 
Mayor: _____ Date: 4-6-17

Cathy Ann Viveiros: 
City Administrator _____ Date: 4-6-17

Joseph I. Macy: 
Corporation Counsel _____ Date: 4/6/2017

For Teamsters Local Union No. 251

 _____
Matthew Tabin 4/6/2017
Secretary Treasurer

Don Roberson Contract Coordinator 4/6/17

12

Section 50-305e

**Environmental Police Officers
Bi-weekly salaries**

	Environmental Police				
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
7/1/2017	1376.49	1410.31	1632.00	1699.21	1769.19
7/1/2018	1404.02	1438.52	1664.64	1733.19	1804.57

Enviromental Police 10 Years

7/1/2017	1778.04
7/1/2018	1813.60

Enviromental Police 15 Years

7/1/2017	1786.88
7/1/2018	1822.62

Enviromental Police 20 Years

7/1/2017	1867.55
7/1/2018	1904.90

Enviromental Police 25 Years

7/1/2017	1876.76
7/1/2018	1914.29

Enviromental Police 30 Years

7/1/2017	1922.73
7/1/2018	1961.19

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Collective Bargaining Agreement

Between

City of Fall River

And

Teamsters, Local 251

For

Environmental Police Officers

Term of Agreement Three (3) Years

July 1, 2012 - June 30, 2015

**Collective Bargaining Agreement
Between City of Fall River and Teamsters, Local 251**

12

Term of Agreement Three (3) Years
July 1, 2012 - June 30, 2015

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This agreement entered into the 1, day of July, 2012 by and between the City of Fall River, MA hereinafter referred to as the "City", and Teamsters Local Union No. 251, for the Environmental Police Officer, affiliated with the International Brotherhood of Teamsters, hereinafter referred to as the "Union."

PRINCIPLES

- (a) This agreement is entered into to facilitate the adjustment of grievances and disputes between the City and employees and to establish necessary procedures for the amicable adjustment of all disputes which may arise between the City and the union.
- (b) The City and the Union encourage the highest possible degree of practical, friendly, cooperative relationships between their respective representatives at all levels. The officials of the City and the Union realize that this goal depends primarily on cooperative attitudes between people in their respective organizations at all levels of responsibility and that proper attitudes must be based on full understanding of a regard for the respective rights and responsibility of both the City and employees.
- (c) There shall be no discrimination against any employees by reason of race, color, creed, sex, age or Union membership, or political belief or activities.
- (d) All references to employees in this Agreement designate both sexes and wherever the female/male gender is used it shall be construed to include male and female employees.

ARTICLE I

Union Recognition and Union Security

Section 1: The Employer hereby recognizes and acknowledges that the Union is the exclusive representative of all employees in the classifications and categories of work covered by this Agreement for the purpose of Collective Bargaining as provided by the State Labor Relations Commission. This includes Environmental Police Officers.

Section 2: All employees who, on the effective date of this Agreement, are members of the Union, and all employees who become members thereafter shall, as a condition of employment, maintain their membership in good standing to the extent of paying the periodic dues uniformly required as a condition of the Union membership.

Section 3: During the term of this Agreement, every employee in the bargaining unit who is not a member of the Union shall, as a condition of employment, on and after the effective date of this Agreement, pay to the Union a monthly service charge in an amount equivalent to the then current dues uniformly required for members of the Union. All new employees must remit, to the Union, any dues or initiation fees due after thirty (30) calendar days of employment.

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Section 4: The failure of any employee to maintain membership or pay the service charge required of non-members in accordance with the terms of the Agreement, shall be considered a ground for dismissal, and upon notification by the Union of such failure on the part of any employees, the City agrees to discharge such employee, provided, however, that nothing contained herein shall be construed so as to place any obligation upon the City to discharge any employee for failure to maintain membership in the Union if the membership was terminated for reasons other than the failure of the employee to tender the periodic dues and initiation fees uniformly required as a condition of maintaining and initiation.

Section 5: The City shall deduct from the current wages of employees, in accordance with the express terms of a signed authorization to do so, the dues of the Union or the service charges provided herein. Such deductions shall be made each pay period for which they are due and shall be forwarded to the Secretary-Treasurer of the Union monthly together with a list of employees for whom dues have been deducted.

If any employee has no earnings due for the paycheck, the Union shall be responsible for collection of said dues. The Union will give the City thirty (30) days notice of any change in the amount of uniform dues to be deducted and there shall be no more than two (2) such changes in any one contract year.

Section 6: The Union shall indemnify, defend and save the City harmless against any and all claims, demands, suits or other forms of liability and for all legal costs that shall arise out of or by reason of action taken or not taken by the City in complying with the provisions of this Article. If an approved deduction is made, the Union shall refund directly to the employee any such amount.

ARTICLE II

Union Access to City Premises

Representatives of the Union shall be allowed such access to the city's premises as may be reasonably necessary to ensure compliance with the terms of this Agreement by both the City and the employees in the bargaining unit.

ARTICLE III

Shop Stewards

Section 1: The City recognizes the right of the Union to designate One (1) shop steward and One (1) assistant shop steward from the regular employees in the bargaining unit. The authority of the shop stewards so designated by the Union shall be limited to and shall not exceed the following duties and activities:

- a. The investigation and presentation of grievances in accordance with the provisions of this collective bargaining agreement.
- b. The transmission of such messages and information which shall originate with, and are authorized by the Union or its officers, provided such messages and information have been reduced to writing, are of a routine nature.

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Section 2: Employee's Rights: Employees shall have the right to exercise, without fear of reprisal or penalty to join or assist the Union. The freedom of employees to assist the Union shall be recognized as extending to participation in the management of the Union and acting for the Union in the capacity of a Union officer or representative or otherwise and including the right to present Union views and positions to the public, officials of the City and department, members of City Council, General Court or to any other appropriate authority or official. Without limiting the foregoing, the City agrees that it will not aid, promote or finance any labor group or organization, which would violate any rights of the Union under this agreement. No department official, representative or agent for the City shall interfere with the formation, operations or administration of the Union. They shall also not discriminate against an employee because he has given testimony or taken part in any grievance, procedure or other hearings, negotiations or conferences for or in behalf of the Union. They shall not refuse to meet, negotiate or confer on proper matters with officers or representatives of the Union as set forth in this agreement.

ARTICLE IV

Grievance & Arbitration Procedure

Section 1: Whenever an employee has a grievance, the following procedure shall be followed:

- a. The employee involved, together with his steward, shall first discuss the grievance with the appropriate supervisor within five (5) days of its occurrence of his reasonably having had knowledge of its occurrence.
- b. Grievance involving two or more employees may be discussed directly by the steward with the appropriate supervisor as provided in Section 1 without any other employee being involved.
- c. If a satisfactory adjustment cannot be made in accordance with a or b above, the Union, within five (5) working days, will then try to adjust the grievance with the Mayor or his designated representatives. If this step fails to settle the matter, it may then be submitted to arbitration in accordance with the procedure set forth in section 2.

Section 2: Grievances, which remain unsettled after having been fully processed pursuant to the provisions of Section 1, may, within thirty (30) calendar days after receipt of the Mayor's written answer, be submitted to arbitration by the Massachusetts State Board of Conciliation & Arbitration. The decision of the Board of Arbitration shall be final and binding upon the parties hereto.

Section 3: The purpose of the foregoing grievance procedure shall be to resolve as quickly as possible any dispute concerning the interpretation or application of this Collective Bargaining Agreement.

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ARTICLE V
Wages

Section 1: There shall be an across the board increase in the base wages earned by members of this bargaining unit as follows:

July 1, 2012	2.5% (retroactive to that date)
July 1, 2013	2.5%
July 1, 2014	2.5%

Effective April 1, 2012, there shall be a 4% step increase in the base wages earned by all bargaining unit members who have completed twenty (20) or more years of service.

The wage rates for this Contract are set forth in Schedule "A". Employees earnings shall be paid bi-weekly on Fridays.

Section 2: **Step Increment:** On April One (1) of each year after date of employment, all employees covered by this collective bargaining agreement shall receive an increment step in grade until they reach their maximum rate within a classification.

Section 3: **Shift Differential:** Shift differential at \$40.00 per week.

Section 4: **Wage Reopener:** Other than by a decision of an arbitrator, should any non-school bargaining unit receive a higher percentage wage increase which is greater than the total wage increase contained in this Agreement, the City agrees to bargain the wage portion of contract only.

Section 5: **Sick Leave Severance:** There shall be a severance benefit pertaining to sick leave upon either retirement, termination for other than cause or death while in the employ of the City payable in accordance with the following schedule:

a.) **Retirement or termination for other than cause:** Retirement, Death or Termination for other than cause: Buy back-employees who retire or are terminated for other than cause shall receive the following:

The City agrees to the sick leave buy back of fifty (60) unused sick days, to be paid in one lump sum upon separation from employment.

b.) **Death:** In the event while in the employ of the City, the above allowance shall be converted into the form of a cash payment to the Estate of the employee.

Section 6:
The City shall require employees to be paid by direct deposit only.

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ARTICLE VI Work Week, Work Hours & Overtime

Section 1: The regular work shall consist of thirty five (35) hours and the regular work day shall consist of seven (7) hours, said hours being rotated and distributed fairly and impartially within the seven-day work week with those employees having the highest levels of seniority being given the benefit of favorable overtime work, work days, hours, shifts and duties, whenever possible.

Effective July 1, 2010, officers who were employed during the previous year shall each be credited with five (5) non-cashable compensatory days.

Section 2: Overtime: In addition to their regular hourly rate of pay, employees shall be paid one-half of said regular hourly rate for hours worked over their regular work day of seven hours and for those hours worked over their regular week of thirty five hours. Overtime shall be distributed fairly and impartially on the basis of a rotating list as per Classification/Job Title.

An employee called back to work after having completed his/her assigned work and left his place of employment and before his next regular scheduled starting time, shall be paid at the rate of time and one-half for all hours worked on recall. He/she will be guaranteed a minimum of four (4) hours pay at time and one-half in accordance with the provisions of Chapter 50-125 (a) of the Revised Ordinances of the City of Fall River, MA 1999.

Scheduling of Overtime: In emergencies or as needs of service require, employees may be required to perform overtime work. Employees shall be given as much advance notice as possible for overtime work. Some examples of as needs of service may be as follows: In the event shift coverage cannot be properly maintained due to scheduling of furlough or in such events when Environmental officers which are scheduled to work or designated shift are unable to work said shift due to unforeseen and or unavoidable absence and proper coverage cannot be maintained. Overtime shall be assigned to Environmental Police Officers using a rotating card system.

Section 2(a): Compensatory Time: Employees may be given Compensatory time-off in lieu of monetary compensation for overtime service. The intent of this paragraph is not to deny an employee the right of payment for overtime work performed.

- a) Any officer taking a regular non-disability retirement must use all compensatory time prior to retirement.
- b) An officer who retires on a disability retirement or dies on or off duty will be reimbursed for any non-payable unused accrued time. If necessary the payment will be paid to the estate of the officer.

Section 3: Four/Two Work Schedule: The work schedule for all officers shall be four (4) days on and two (2) days off. All work shall be based on the day-off group system set forth by the Department.

Section 4: Paid Police Details: Fall River Environmental Police Officers shall be eligible to be assigned to paid police details in accordance with the system designated by the Chief of Police. All officers shall sign a card indicating their availability to work paid police details.

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Section 5: Mandatory Overtime:

Any officer who is required to appear in court or required to work during his/her vacation period shall receive, in addition to his/her court-time or overtime pay, a day of vacation for each such day he/she is required to attend court or work as additional vacation leave. Vacation leave shall include those days off immediately preceding and following each furlough period.

ARTICLE VII
Holidays

Section 1: The following shall be paid holidays:

New Years Day
Washington's Birthday
Patriot's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day
Floating Holiday
Martin Luther King Day
(Unless and until it is eliminated by act of the State Legislature)
Any future holidays declared by the State or
Federal Government, which the City is mandated to adopt.

Section 2: All employees shall receive a regular day's pay for each of the paid holidays irrespective of the day of the week on which they fall. In addition, any employee who is required to work on any one of the said holidays, shall, in addition to his regular hourly rate, receive any amount equal to one and one-half times his regular hourly rate for each hour worked on any paid holiday. In the event a holiday falls on a Saturday or Sunday all employees scheduled to work from Monday to Friday shall be at the straight time rate.

Section 3: Personal Leave: Employee shall be entitled to two (2) personal days per contract year. Employees shall be required to notify his/her supervisor when requesting use of such personal days. Employees shall be allowed to carry over one (1) personal leave day into the next calendar year for a total of three (3) days (i.e. one carry over day and two days accrued during the carry over year).

Section 4: If an employee is legitimately sick and provides supporting medical documentation, which is accepted by the supervisor as sufficient, then said employee shall be paid for a holiday covered in this Agreement, even though the employee is out on sick leave the day before or after a holiday.

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ARTICLE VIII Vacations

Section 1: Employees shall receive paid vacations based upon their length of service with the City according to the following:

Employees of the City, except emergency employees, shall be credited as of December 31 with vacation leave with pay not to exceed the following:

- A. For less than one (1) year service completed on December 31, with vacation leave of one (1) day for each calendar month, not to exceed ten (10) days. Vacation leave credit will begin at once for employees starting work on the first working day of a calendar month, otherwise on the first day of the following calendar month.
- B. For each of the next succeeding four years completed from January 1 following date of employment, vacation leave of two weeks. If an employee enters City service on the first working day of a vacation year, that year shall constitute the first of the above four years.
 - (a) for each of the next succeeding five years, vacation leave of three (3) weeks.
- C. Each year after the ninth such year completed, vacation leave of four weeks. The work "week" shall mean the number of days, excluding holidays, in the regular workweek of an employee. The words "calendar month" shall mean the month of January, the month of February, etc.
- D. (a) Each year after the fourteenth year completed, vacation leave of five (5) weeks.
 - (b) One (1) additional day's vacation for each year after the nineteenth year completed, to a maximum of forty-eight (48) vacation days.

However described above, vacation leave shall be granted in accordance with all provisions of 1999 Fall River City Revised Ordinances, Chapter 50, Article 3, Division 4, and amendments thereto.

- E. Commencing with calendar year 2005 vacation time shall be computed at eight (8) full days off for each week of vacation plus regular days off.

Section 2: Requesting Leave Time: When requesting use of Extra Week Vacation, Personal Days and Floating Holidays, employees shall be required to give the following notice when requesting use of the following days:

Extra weeks' vacation	48 hrs. before beginning of shift
Personal Day	4 hrs. before beginning of shift
Floating Holiday	24 hrs. before beginning of shift

Failure to provide the above notice shall result in said leave being denied.

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Extra week vacation is defined as one week per calendar year of available vacation time, which may be used as single unit days, spread out over the calendar year.

- Section 3:
- a. An officer who is disabled due to sickness or injury, (provided that the sickness or injury is not due to outside employment), during his assigned vacation period, who was disabled prior to his vacation and whose disability continued into his vacation period shall not be charged for such vacation time. The officer may not extend his vacation time but said unused vacation time shall be assigned later in the vacation year. The officer shall provide a doctor's certificate with respect to his/her disability. "Disability" is defined as an inability to perform the normal duties of an environmental police officer.
 - b. Officers shall not be required to take vacation during the prime time vacation period nor shall they be required to take two (2) consecutive weeks in prime time. Officers may split weeks between primary and secondary time.
 - c. All officers shall have the right during the vacation year to switch a vacation pick with any open vacation seat.

ARTICLE IX

Leaves Without Loss In Pay

Section 1: Sick Leave

A. Accrual

Sick leave shall be in accordance with Chapter 50, Article 3, Division 3 of the 1999 Fall River Revised Ordinances as amended and in effect at the date of this Agreement. Sick leave credits shall be earned at the rate of one and one-half (1 ½) days for each completed calendar month of service, including the probationary period.

Such sick leave credit when not used shall be cumulative over the period of employment, subject to a maximum accrual limit of 230 sick days for all employees in the bargaining unit. Upon attaining the maximum accumulation, sick leave is no longer earned.

B. Medical Certification

Any employee reporting out sick periodically and compiling a series of short duration absences may be required by the Director, after notice, to submit a physician's certificate for each subsequent absence. Failure to submit a physician's certificate for each subsequent absence may result in loss of pay said subsequent absence might result in loss of pay for said undocumented sick leave. The employer may require an employee to submit to a physical examination and the selection of the doctor shall be the responsibility of the City.

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Any employee who is on extended sick leave shall make a progress report to the department every week that such illness continues. Failure to do so shall result in loss of pay for undocumented period.

In any case, the employer may, at its own expense, require that the employee submit to an independent examination by a doctor regarding the nature of the injury or illness which disables him from performing normal duties; provided that the examination is not required until after three (3) consecutive days of sick leave and the examination shall be at the City's expense.

C. Sick Leave Discipline

The disciplinary procedure for sick leave abuse is attached as appendix B.

D. Sick Leave Incentive

Employees who demonstrate perfect attendance for a consecutive period of (3) three months (Based on a calendar quarter, i.e. Jan.-Mar., April-June, July-Sept., Oct.-Dec.) shall receive a stipend of \$100.00 one hundred dollars for each quarter.

Section 2: Funeral/Bereavement: DEATH IN IMMEDIATE FAMILY:

Employees shall receive a total of five (5) consecutive working days off (exclusive of regular days off) from regular duties with full pay, in case of death in the immediate family. In the case of employees of Jewish faith, such leave shall be for the actual period of mourning observed, but not to exceed seven (7) days from the date of burial.

The "IMMEDIATE FAMILY" shall consist of a mother, father, husband, wife, child, and brother, sister. Employees shall receive a total of three (3) consecutive working days off (exclusive of regular days off) from regular duties with full pay in the case of the death of mother-in-law, father-in-law, grandparent, brother-in-law, sister-in-law, or other members of the immediate household including "step-family" where step-family members reside or did reside in the same household.

Section 3: Jury Leave: The City will pay any employee called for jury duty eight hours pay at his regular hourly rate as stated herein less any amount of money received by such employees for serving on the jury, provided employee returns to work the first scheduled work day following his release from jury duty, unless the employee is on sick leave or has another legitimate reason for his absence from employment on the first scheduled work day following such release.

The sum shall only be paid for actual days the employee serves on jury duty and only if the employee returns to work the first scheduled workday following his release from jury duty.

Section 4: Court Leave: Should any employee covered by this Agreement be called, summoned or subpoenaed to testify before any court of law or any other agency of the federal, state or city government, he shall be paid and compensated in full for all time so spent provided that said hearing arises out of the course of his employment, and further, it does not involve a criminal act or act of misfeasance or malfeasance on the part of the employee which results in conviction.

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Section 5: Military Leave: Leave shall be granted in accordance with established ordinances and other applicable laws, if any.

ARTICLE X Insurance

The effective date of this memorandum shall be April 1, 2012. The terms of this plan shall remain in effect until June 30, 2014.

Health Care Plan Benefits

After, a process deemed and agreed to have complied with the procedural process and requirements of Sections 21-23 of Chapter 32B of the General Laws, the City and the PEC have agreed that, effective April 1, 2012, the cost sharing features of the non-Medicare health plans (Blue Cross Blue Shield Blue Care Elect, Blue Cross Blue Shield Blue Choice, and Blue Cross Blue Shield Network Blue New England) offered by the City shall be changed. Effective April 1, 2012, each of those plans shall include the following co-payments:

<u>SERVICE</u>	<u>CO-PAYMENT</u>
Office Visit	\$15.00
Emergency Room Visit	\$50.00
In-Patient Stay	\$250.00 (but not more than 4 In-Patient Co-Payments in a plan year per individual)
Out-Patient Surgery	\$150.00 (but not more than 4 In-Patient Co-Payments in a plan year per individual)
High Tech Radiology	\$50.00
Prescription Drugs	\$10.00 Tier 1 \$20.00 Tier 1 \$20.00 Tier 2 \$40.00 Tier 2 \$35.00 Tier 3 \$70.00 Tier 3 Retail Mail order

1. The City agrees that between April 1, 2012 and June 30, 2014 it will make no further changes to the above described BCBSPD co-payments. The City further agrees that during that period it will make no changes to the contribution ratios (75% City contribution/25% Employee contribution) that apply to the BCBSPD that it offers to its subscribers. However, nothing in this Agreement shall prevent the City, at any time after February 1, 2013, from commencing the procedures, authorized by M.G.L. c. 32B, Secs. 21-23, to implement changes to the BCBSPD that would be effective on and after July 1, 2014.
2. It is agreed that the provisions of this agreement shall supersede any contrary provisions of any collective bargaining agreement and that all references to co-payments or other cost-sharing features in all collective bargaining agreements shall be null and void and

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shall be considered to be physically removed from such collective bargaining agreements, effective April 1, 2012.

3. The **PEC** signatories to this agreement attest to the fact that they are representative of their respective collective bargaining unit and deem all prerequisites to the execution of this agreement as deemed met.
4. The **Parties** agree to forego the up to the 25% mitigation, which is outline in M.G.L. c. 32B §21-23.

The Insurance Advisory Committee meetings will be held when necessary but not less than monthly at the request of the Chairperson of the Insurance Advisory Committee, at which time the monthly financial records, Employee Trust Fund Bank Statements, and all reconciled reports of the Employee Trust Fund will be submitted.

Amendment of the Memorandum

This memorandum may be amended at any time by mutual agreement of all the parties. Such amendments shall not be binding upon any party unless it is in writing and signed by personnel authorized to bind each of the parties.

ENTIRE AGREEMENT

This contract, represents all the terms and conditions agreed upon by the parties. No other understandings or representations, oral or otherwise, regarding the subject matter of this contract shall be deemed to exist or to bind any of the parties hereto.

CONFORMANCE

If any provision of this agreement violates any statute or rule of law of the Commonwealth of Massachusetts it is considered modified to conform to that statute or rule of law.

ARTICLE XI **Uniform Allowance & Cleaning**

The City agrees that it will reimburse each employee covered by this contract the sum of:

\$1,250.00 annually

This sum shall be paid not later than the first week in August in order that said employees may continue to purchase uniforms, rain gear, special shoes and such equipment as may be necessary in the course of their employment. Employees must be on the payroll as of July 1 to be eligible. Effective July 1, 2010, this allowance will be deleted and the amount rolled over in the base salary of bargaining unit members.

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Uniforms or clothing destroyed in the line of duty shall be repaired or replaced at City expense. Uniforms and/or equipment lost as a result of negligence shall be replaced at the employee's expense. The CITY shall furnish all newly hired employees the following equipment: duty belt, cartridge case, holster, firearm, nightstick, nightstick holder, mace, mace holder, handcuffs, handcuffs holder, badges and insignia.

ARTICLE XII

Seniority

The City agrees to adhere to the principle of seniority whenever possible in the application of this contract and in the administration of employee benefits and employer policy. Seniority shall be defined as length of service as a Fall River Environmental Police Officer.

ARTICLE XIII

Just Cause

No employee shall be disciplined or discharged except for justifiable cause after having successfully serving a probation period of nine (9) months. During the probation period, employees can be discharged for any reason.

ARTICLE XIV

Severance of Employment

1. This Agreement shall not in any way alter employee(s) rights under existing statutes including Chapter 31 of the Massachusetts General Laws as amended.
2. In addition to the foregoing benefits, an employee may elect to utilize the grievance and arbitration procedure of this contract in the presentation of any grievance with respect to disciplinary action, suspension, or termination in accordance with the provisions of Chapter 150E.

ARTICLE XV

Re-Call

Employees may be laid off in the order of least seniority. Notice of lay off shall be given at least seven (7) days before the scheduled lay off.

Any employee laid off shall be placed on the recall list for five (5) years.

The City, upon rehiring, shall do so in the order of greatest seniority entitlement, except to the extent the Civil Service Laws and Regulations provide otherwise. Under no circumstances shall the City hire from the open market while employees on the recall list are ready, willing and able to be re-employed to perform the duties of the vacant position.

Any notice of re-employment to an employee who has been laid off shall be made by registered mail to the last known address of the employee at least seven (7) days prior to a date set for re-

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employment in said notice. A copy of said notice shall be simultaneously sent to the Secretary-Treasurer of the Local Union.

Failure on the part of the employee to report for said employment according to the notice, regardless of reason, shall be deemed to be a waiver by said employee for that particular position. Such waiver shall not terminate his remaining recall rights.

ARTICLE XVI Miscellaneous Provisions

1. Unless modified by the express terms of this Agreement, all existing rights, benefits, privileges and practices enjoyed by the employees in the bargaining unit shall be maintained throughout its term.
2. Neither the City nor its agents shall enter into any agreement with any individual employee, which is contrary to terms of this Agreement.
3. No agreement, understanding or alteration of the terms or provisions of this Agreement shall bind the parties hereto unless made and executed in writing by them.
4. The failure of either party hereto to insist upon compliance with any of the terms or conditions of this Agreement on any occasion shall not be construed to be a waiver by that party of its right to insist upon compliance in the future with such terms and conditions.
5. Each clause of this Agreement is totally severable from every other clause hereof. Should any clause of this Agreement be declared by any court or agency of competent jurisdiction to be invalid or unenforceable or be rendered invalid by any legislation, the validity of all other clauses in this Agreement will be unaffected thereby and shall remain in full force and effect during its term.
6. Indemnification of Employees
 - Section 1.** The city agrees to defend any Environmental Police Officer who, as a result of any police action, is being sued civilly or charge criminally. Such defense shall be provided at no expense to the employee in accordance with the provision of Chapter 258, Section 13 of the Massachusetts General Laws.
 - Section 2.** The City Corporation Counsel or designee shall provide the Environmental Police Officers with a legal defense in any civil or criminal proceeding arising out of any act or omission within such officer's scope of employment. In the event the Corporation Counsel determines there is a reasonable likelihood that a judgment rendered against such officer may not be indemnified by the City pursuant to section 1 hereof, the Corporation Counsel shall designate an outside attorney to represent such officer at the City's expense.

Section 3. Employees are required to provide reasonable cooperation to the City in the defense of any claim against the City, its officer, or employees.

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ARTICLE XVII Management Rights

Except as otherwise provided for in this Agreement, the City retains all rights inherent to the management of the City Government Services.

ARTICLE XVIII Maintenance of Standards

1. The Employer agrees that all conditions of employment in his individual operation relating to wages, hours of work, overtime differentials, and general working conditions, except as otherwise specifically provided herein, shall be maintained at no less than the highest minimum standards in effect at the time of the signing of this agreement and the conditions of employment shall be improved wherever specific provisions for improvement are made elsewhere in this Agreement. It is agreed that the provisions of this section shall not apply to inadvertent or bona fide errors made by the Employer or the Union in applying the terms and conditions of the Agreement, if such error is corrected within ninety (90) days from the date of error.

2. No amendment, alteration or variation of the terms or provisions of this agreement shall bind the parties hereto unless made and executed in writing by the parties. The failure of the CITY or the UNION to insist in any one or more situations upon performance of any terms or provisions of this Agreement shall not be considered as a waiver or relinquishment of the right of the CITY or the UNION to future performances of any such terms or provisions and the obligations of the CITY and the UNION to such future performances shall continue in full force and effect.

ARTICLE XIX Contract Term

Section 1: Effective Date: The effective date of this Agreement is July 1, 2009. The signing of this Agreement by the authorized representatives of the Union and the City shall be authorization to implement all of the provisions of this Agreement.

Section 2: Termination: This Agreement will remain in effect until June 30, 2012. At the end of that time, either party may terminate this Agreement provided such termination is transmitted through the registered U.S. mails to the responsible signatures to this Agreement. In no case may termination notice be sent less than thirty (30) days prior to the termination date herein agreed.

Section 3: Renewal: Should neither party to this Agreement send a notice of termination as described in the previous paragraph, this Agreement will be considered to have been automatically renewed for another year.

Section 4: Changes: Should either party to this Agreement wish to inaugurate collective bargaining discussions over changes it may wish to introduce into the next succeeding Agreement, it is agreed that notice of the substance of the changes and the language with which such desired changes are to be expressed shall be mailed to the authorized parties signatory to

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this Agreement prior to thirty (30) days before termination of this Agreement. The parties shall forthwith seek establishment of a meeting for purposes of discussion and amicable accommodation for the desired changes. Nothing in this article shall preclude either party from modifying any previous proposals during the course of contract negotiations.

ARTICLE XX

Longevity

1. Longevity payments for these positions covered by this Agreement shall be as follows:

5 years	\$ 200.00
10 years	\$ 400.00
15 years	\$ 600.00
20 years	\$ 800.00
25 years	\$1,000.00
30 years	\$2,000.00

Effective July 1, 2010, this payment will be eliminated and rolled over into the base salary of unit members with entitlement to and payment thereof as set forth herein. Time will be calculated based on time served as an Environmental Police Officer.

Payment for longevity shall be made to employees based on the above schedule after having completed the appropriate number of years and for each of the years between the next rate. Every employee in a position for which longevity is provided may be considered eligible for the next higher rate when he has completed the required period of service to the first rate and between each succeeding rate.

2. In the event of death or retirement of any individual authorized to receive longevity, payment shall be made on a pro-rated basis for the period during which he actually served.
3. Leaves or other absences not included, as service shall not be included in determining longevity.

ARTICLE XXI

Warning Letters

Warning letters shall be removed from the employee's folder after nine (9) months if no additional charges are brought against the employee within the nine (9) month period. If more than one letter of reprimand, suspension, etc. is placed in the employee's folder within the nine (9) month period, all such material pertaining to previous violations shall remain as a permanent part of the employee's personnel folder.

Employees may review their personnel folder annually after notifying the Department of Personnel in writing of such request. The date and time of said review will be determined by the Department of Personnel Administration.

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Only material contained in the employee's personnel folder shall be used for any/all subsequent disciplinary action against the employee. Employee has a right to submit a written rebuttal to material contained in the personnel folder.

ARTICLE XXII

Contracting Printing

The City shall, with its own force, print this contract in sufficient number to meet the needs of the Union, and the Union will reimburse the City for one-half (1/2) the cost of said printing.

ARTICLE XXIII

Wage Re-Opener

Should General Government Aid funding from the Commonwealth be restored to Pre-9-C, fiscal year 2009 funding levels, in fiscal year 2011, the contract may be re-opened solely for the purposes of discussing wage levels for fiscal year 2011.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed and executed by their respective duly authorized officers.

ARTICLE XXIV

Employee Drug Testing

Section 1--Environmental Police Officer Drug Testing

The environmental Police Officers shall have a drug test testing program, to be conducted in the manner set forth below:

1. Environmental Police Officers shall be required to submit to drug tests if there is reasonable suspicion that the Environmental Police Officer is using or under the influence of drugs. "Reasonable suspicion" shall be defined as follows:
"a belief based on objective facts sufficient to lead a reasonable prudent person to suspect that an employee is using or is under the influence of drugs so that the employees ability to perform his/her duties is impaired." Reasonable suspicion shall be based on information of objective facts obtained by the department and the rational inferences which may be drawn from those facts. The credibility of the sources of information, the reliability of the information, the degree of corroboration, the results of the investigation or injury, and/or other factors shall be weighed in determining the presence or absence of reasonable suspicion.

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2. The chief of Police, or his designee (in his absence), shall be the appropriate Department official to initiate the order to submit to drug testing. Although the Environmental Police Officer must submit the sample prior to the review committee's determination (see #3 below), the sample shall not be tested until and unless the review committee finds "reasonable suspicion" as defined in #1 above.
 3. A review committee shall be established for the purpose of determining where the Chief had reasonable suspicion to order the drug test. The committee shall be composed of a representative, one by the Union and Ron Pelletier or his designee from SoutCoast Employee Assistance Program. The review of the Chief's directive must be completed within 24 hours; however, the Environmental Police Officer must submit the sample prior to the review committee's determination. The review process shall be an informal one and the Committee's determination shall be final and not subject to the grievance/arbitration procedures.
 4. The testing shall be performed at a reputable medical facility. Said medical facility shall collect the specimens and shall be required to maintain documentation of its chain of custody.
 - a. The Environmental Police Officer shall be advised of the specimen collection procedure.
 - b. The Environmental Police Officer shall observe the medical facility's labeling procedures as follows:
 1. Each specimen shall be placed in individual containers, including a split sample, and shall, in the presence of the Environmental Police Officer, be sealed, labeled, and initiated by the Environmental Police Officer.
 2. The office shall be given a drug screening information sheet prior to testing which shall permit the Environmental Police Officer to make note of any prescription and/or over-the-counter drugs taken within the last 90s days. This information sheet shall be used by the medical facility in making its findings.
 3. The medical facility shall provide the Environmental Police Officer with access to a "split sample" which the Environmental Police Officer may have forwarded for testing to a laboratory procedures and costs shall be borne by the Environmental Police Officer.
 - c. The medial facility/laboratory shall determine (1) the specific testing methodology to be used in performing the initial screening and/or the confirmatory test, (2) the panel of drugs to be tested, and (3) the detection level for the substance tested.
 - d. The Chief shall be notified of the final test results and shall then immediately notify the Environmental Police Officer.

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5. Any Environmental Police Officer who tests positive shall be provided the opportunity to enroll in a rehabilitation program, except in those situations in which the Environmental Police Officer used, sold, or purchased drugs while on active duty. In these situations, the Environmental Police Officer may be subject to discipline.
 - a. The rehabilitation program must be designed by the Environmental Police Officer to be approved by the Department's physician. The expenses of the rehabilitation program will be borne by the individual Environmental Police Officer.
 - b. If the Environmental Police Officer refuses to participate in the rehabilitation program, he/she may be discharged, subject to his/her statutory appeal rights.
 - c. The Environmental Police Officer, while enrolled in the rehabilitation program, must comply with all the requirements and regulations of the program; failure to so comply shall subject the Environmental Police Officer to discharge, subject to statutory appeal rights. The Environmental Police Officer must provide periodic reports of the progress of the rehabilitation program to the Chief. The Environmental Police Officer may be permitted to use sick leave or to request leave without pay while enrolled in the program.
 6. The Environmental Police Officer who successfully completes the rehabilitation program, which is appropriately documented by a physician, and who returns to work shall be subject to random testing for a period of up to one year. If the Environmental Police Officer subsequently tests positive, then the Environmental Police Officer may be immediately disciplined, up to and including discharge, subject to statutory appeal rights.

Section 2 – Annual Drug Testing

Each fiscal year, beginning on July 1, 2014, the Employer may conduct drug tests of up to twenty-five percent (25%) of all the employees in the bargaining unit. The annual drug testing shall be conducted under the following guidelines:

All employees to be tested shall be tested no more than thirty (30) days before or thirty (30) days after his/her birthday.

All employees tested shall be chosen at random by a private vendor with experience and expertise in employee drug testing;

All testing shall be performed in accordance with the Mandatory Guidelines for Federal Workplace Drug Testing Programs with respect to form of testing, specimen collection, testing procedures, procedures for declaring a test positive/negative, and testing laboratories;

Drugs for which employees will be tested are the following: amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, methadone, methaqualone, opiates, phencyclidine, propoxythene, steroids, and synthetic opiates.

12
Upon review through the Medical Review Officer, employees with a valid prescription for any of the tested drugs shall be considered negative for such drugs;

The consequences of a positive drug test shall be the same as those specified in Article XXIV.

In consideration for this Section B, each member of the bargaining unit shall receive a \$200 stipend on the first payroll after July 1 and an additional \$200 on the first payroll after January 1 of each year, beginning with fiscal year 2015.

ARTICLE XXV

Residency Requirement

The Union agrees to accept the provisions of the Residency Requirement as attached in Appendix A.

APPENDIX A

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 by inserting in said chapter, a new Article V RESIDENCY REQUIREMENT, and inserting under said article, the following new sections to read as follows:

ARTICLE V RESIDENCY REQUIREMENT

Sec. 50-325 Definitions.

As used in this Article, the following terms shall have the respective meaning ascribed to them:

Employee: Any person:

Employed directly by the City, a City agency or department, who is paid as an employee of the City in accordance with the IRS regulations and receives an annual W-2 wage and earning statement, regardless of the number of hours the employee works for the City.

Promotion:

Advancement of an employee's rank or position.

Residence:

The actual principal residence of the individual where such individual normally eats and sleeps and maintains such individual's normal personal and household effects.

Sec. 50-326 Scope of requirement.

- A) Every person first employed by the City on or after November 15, 2012 shall be a resident of the City of Fall River or shall, within 18 months after such person commences to be employed by the City of Fall River, establish residency within the City.

- 12
- B) Notwithstanding the provision of this Article, any employee as defined in section 2-222 of Article IV of the Revised Ordinances of the City of Fall River shall be subject to section(s) 2-223 through 2-229 of Article IV and any employee as defined in M.G.L. c. 71 § 38 shall be subject to the provisions of M.G.L. c. 71 § 38. Every person employed by the City before November 15, 2012 who becomes reappointed, promoted or is unilaterally transferred on or after November 15, 2012 shall not be subject to this Article.
 - C) Every employee shall be furnished a copy of the residency ordinance when hired and annually thereafter and shall sign a certificate acknowledging receipt of the policy and agreeing to comply with the ordinance as a condition of continued employment. Failure to receive a copy and signing a certificate of acknowledgement shall not be held to excuse any violation.
 - D) Failure of an employee, subject to this Article, to comply with this Article shall be determined to be a voluntary termination of employment by such employee.

Sec. 50-327 Maintenance of list subject personnel.

The director of human resources shall prepare and maintain a list of all persons subject to this Article.

Sec. 50-328 Filing certificate annually.

Annually, on July 1, every person subject to this Article shall file with each such person's department head or like officer, a certificate signed under the pains and penalties of perjury, stating such person's name and place of residence as defined herein. Upon receipt of a certificate indicating place of residence not within the city, or if no such certificate is filed, the department head or like officer shall forthwith notify the director of personnel. The names of the employees who are subject to this Article who have ceased to be residents of the City subsequent to the time of employment or promotion or did not become a resident at the time employment or promotion, or within 18 months of the commencement of employment or promotion shall be stricken from the payroll and those persons shall cease to be employed by the city. The department head or like officer shall give notice of such action to the director of human resources, the city treasurer, and the city auditor. The director of human resources shall transmit the same to the Mayor.

Sec. 50-329 Waiver authorized.

The Mayor, with a two-thirds vote of the City Council, is hereby authorized in his discretion, for good cause shown, to permit any officer or employee of the City to remain in the employ of the City without complying with the provisions hereof, where:

- (A) The health of any employee or a member of their immediate family necessitates residence outside the city limits;
- (B) Special circumstances, including but not limited to being in the best interest of the public to do so, exist justifying residence outside the City limits.

Sec. 50-330 Enforcement.

This ordinance shall only be enforced upon the City fulfilling its obligation to bargain with each collective bargaining unit representing the employees in the City, in accordance with the City's obligation pursuant to M.G.L. c. 150E.

Sec. 50-331 Validity; Severability

In the event that this Article shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern and shall not defeat the application of this Article with respect to any position not governed by the law. In the event that the provisions of this Article are in conflict with the provisions of any other ordinance, the provisions of that ordinance shall be deemed repealed. The provisions hereof are severable, and

the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion hereof, and any such action declaring this section invalid with respect to any position or person shall not be held to apply to any other person or position.

12

In City Council, October 30, 2012
Passed to be ordained, as amended

Approved, November 8, 2012
William A. Flanagan, Mayor

A true copy. Attest:

Alison M. Bouchard
City Clerk

Ordinance No. 2012-34

APPENDIX B

1. Monitoring Sick Leave Policy

- A. The Environmental Police Unit will set seven (7) undocumented days per year as an acceptable standard of sick leave utilization per calendar year.
- B. Sick leave shall be periodically monitored on usage during a calendar year. As of January 1 of each year, the employees undocumented sick time shall be reset to 0 for review purposes. However, the Department reserves the right to use all personnel records in applying discipline, defense of grievances, arbitrations or other such actions.
- C. Suspected abuse of sick time usage shall normally result in the implementation of progressive discipline as follows:
 - 1st violation, verbal warning
 - 2nd violation, written warning
 - 3rd violation, written warning equal to a suspension, however, actual suspension time will not normally be served, as the intent is to have the employee improve attendance at work. The Department reserves the right to implement suspension time.
 - 4th violation, termination at the discretion of the Department.

12

The Department reserves the right to expedite discipline over the above noted progressive discipline for cases of gross sick time abuse.

Sick time abuse examples are, but not limited to, exceeding 7 undocumented sick days per calendar year, calling in sick to avoid rainy, hot or cold weather. To extend weekends or vacations, periodic short term use, sick leave abuse patterns or other as determined by the Department.

- D. Sick leave discipline as related to Article XXIX, Warning Letters, shall not be removed from personnel files for a period of two years. Sick leave discipline shall be progressive from incident to incident, and year to year.
- E. A Doctor's note identifying the cause of sick leave absence is required for said sick leave to be considered documented, except as noted in Section F.
- F. Doctor's notes that do not identify the cause of sick leave absence will be accepted and placed in the personnel file. The Department reserves the right to deem said days as undocumented days, based on review of patterns of abuse.
- G. An employee who is close to retirement and begins using more sick leave to reward himself/herself for not having used much sick time during his/her earlier years, shall not be an acceptable use of sick leave. This employee shall be treated as any other employee with a heavy sick leave use.
- H. In all cases, the City reserves the right to have the employees evaluated by the City's doctor.

APPENDIX C

12

Memorandum of Agreement

Teamsters Local 251, Environmental Police Officers, agree to cooperate with the City of Fall River's efforts in achieving National Accreditation (CALEA) to include allowing its members to be evaluated in the performance of their duties. The member's immediate supervisor, on a semi-annual basis, will conduct these evaluations.

Completed evaluation forms will be kept in the Office of Accreditation and will only be used to satisfy the minimum requirements of CALEA. The completed evaluation forms will not be shared with outside agencies or to be used for assignments, discipline or any other subject besides the minimum requirements of CALEA. The evaluation format will not expand or broaden without negotiations between the City and the union. An appeals procedure will be established if a member disagrees with any section of his/her evaluation.

As an agreement for the union's co-operation with National Accreditation, members of the union with twenty years of credible service or credible time within the Fall River retirement system will be granted six weeks furlough. After twenty years of credible time and/or service a union member will be allowed to bank one week of furlough per year but not to exceed five weeks.

As an agreement for the union's co-operation with National Accreditation, members of the union will receive a 1% general wage increase effective July 1, 2012, a .50% general wage increase on January 1, 2013 and a .50% general wage increase on July 1, 2013.

This agreement will not terminate if the city is unable to retain National Accreditation.

Doug Teoli 2-26-13

Doug Teoli, Business Agent Date
Teamsters Local 251

William A. Flanagan

William A. Flanagan Date
Mayor, Fall River, Massachusetts

Shawn E. Cadime 2/15/13

Shawn E. Cadime Date
City Administrator

Madeline Coelho 2-15-13

Madeline Coelho Date
Director of Administrative Services
Human Resources

Chief Dan Racine

Chief Dan Racine Date
Police Chief

Elizabeth Sousa 2-15-13

Elizabeth Sousa Date
Corporation Counsel

12

APPENDIX D

BI-WEEKLY WAGE STEPS- July 2011-July 1, 2013

FY 2012- July 1, 2011=Base includes stipends(uniforms,weapons,osha training, longevity)

Jan. 1 2012 = 3% increase

April 1, 2012 = 4% increase 20
yrs +

FY 2013 - July 1, 2012 = 1% increase

FY 2013 - July 2, 2012 = additional 2.5% retro to
7/1/2012

Jan. 1 2013 = .50% increase

Jan. 2, 2013 = pulled from 7/2/2012 table

FY 2014 - July 1, 2013 = 3% increase originally .50% increase

FY2015 - July 1, 2014 = 2.5% increase

EV11-Enviromental Police 2011

	Min.				Max.
	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
7/1/2011	1192.79	1222.10	1414.20	1472.44	1533.08
1/1/2012	1228.57	1258.76	1456.63	1516.61	1579.07
7/1/2012	1240.86	1271.35	1471.19	1531.78	1594.86
7/2/2012	1271.88	1303.13	1507.97	1570.07	1634.73
1/2/2013	1278.24	1309.65	1515.51	1577.92	1642.91
1/1/2013	1247.06	1277.71	1478.55	1539.44	1602.84
7/1/2013	1316.59	1348.94	1560.98	1625.26	1692.20
7/1/2014	1349.50	1382.66	1600.00	1665.89	1734.50

EN10-Enviromental Police 10 Years

	<u>Step 1</u>
7/1/2011	1540.75
1/1/2012	1586.97
7/1/2012	1602.84
7/2/2012	1642.91
1/2/2013	1651.13
1/1/2013	1610.86
7/1/2013	1700.66
7/1/2014	1743.18

EN15-Enviromental Police 15 Years

	<u>Step 1</u>
7/1/2011	1548.41
1/1/2012	1594.86
7/1/2012	1610.81
7/2/2012	1651.08
1/2/2013	1659.34
1/1/2013	1618.86
7/1/2013	1709.12
7/1/2014	1751.84

12

EN20-Enviromental Police 20 Years

	<u>Step 1</u>	<u>Step 2</u>
7/1/2011	1556.07	
1/1/2012	1602.75	1666.86
7/1/2012	1618.78	1683.53
7/2/2012	1659.25	1725.62
1/2/2013	1667.55	1734.25
1/1/2013	1626.87	1691.95
7/1/2013	1717.57	1786.27
7/1/2014	1760.51	1830.93

EN25-Enviromental Police 25 Years

	<u>Step 1</u>	<u>Step 2</u>
7/1/2011	1563.74	
1/1/2012	1610.65	1675.08
7/1/2012	1626.76	1691.83
7/2/2012	1667.43	1734.12
1/2/2013	1675.76	1742.80
1/1/2013	1634.89	1700.29
7/1/2013	1726.04	1795.08
7/1/2014	1769.19	1839.96

EN30-Enviromental Police 30 Years

	<u>Step 1</u>	<u>Step 2</u>
7/1/2011	1602.05	
1/1/2012	1650.11	1716.12
7/1/2012	1666.61	1733.28
7/2/2012	1708.28	1776.61
1/2/2013	1716.82	1785.49
1/1/2013	1674.95	1741.94
7/1/2013	1768.32	1839.06
7/1/2014	1812.53	1885.03

12

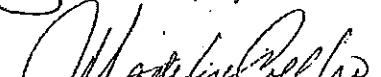
Entered into this 28 day of June, 2013.

CITY OF FALL RIVER

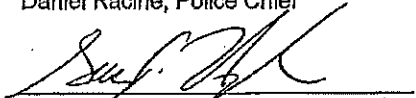
By:

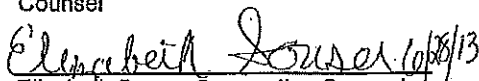

William A. Flanagan, Mayor


Shawn E. Cadime, City Administrator


Madeline Coelho, Director of Human Resources


Daniel Racine, Police Chief


Gary Howayeck, Assistant Corporation Counsel


Elizabeth Sousa, Corporation Counsel

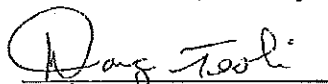
TEAMSTERS, LOCAL 251 FOR
ENVIRONMENTAL POLICE
OFFICERS

By:

_____, President

_____, Treasurer

_____, Secretary


BUSINESS AGENT

12

CITY OF FALL RIVER

13

To the City Council

Councillors:

The Committee on Finance, at a meeting held on April 25, 2017, voted unanimously to recommend that the accompanying resolution be granted leave to withdraw, with Councilor Cliff Ponte absent and not voting.

Alison M. Bouchard
City Clerk

City of Fall River, In City Council

13

(Councilor Raymond A. Mitchell)

WHEREAS, the cost of employee health insurance will be increasing 11.5%, and

WHEREAS, an increase of this magnitude will be a hardship to employees and retirees, and

WHEREAS, no city employees will receive an 11.5% salary increase, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the Administration, Blue Cross Blue Shield and the Public Employee Committee to discuss this increase.

In City Council, April 11, 2017
Adopted

A true copy. Attest:

Alison M. Bruchard

City Clerk

Finance 4-25-17 GLTW

CITY OF FALL RIVER
IN CITY COUNCIL

CITY OF FALL RIVER

14

To the City Council

Councillors:

The Committee on Public Safety, at a meeting held on May 10, 2017 voted
unanimously to recommend that the accompanying resolution be granted leave
to withdraw.


Assistant Clerk of Committees

City of Fall River, In City Council

Com. on Public Safety

14

(Councilor Pam Laliberte-Lebeau)

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

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

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

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

In City Council, August 16, 2016
Adopted

A true copy. Attest:

Alison M. Bouchard
City Clerk

CITY OF FALL RIVER

15

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 9, 2017, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councilors Stephen R. Long and Linda M. Pereira absent and not voting.

Carmen A. Taylor
Clerk of Committees

City of Fall River, In City Council

15

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:

Section 1.

By inserting in Section 70-241, which section relates to stop intersections designated, in proper alphabetical order the following:

Cypress Street, eastbound and westbound drivers on Cypress Street at Charlotte Street
Emmett Street, for eastbound drivers on Emmett Street at Jefferson Street
Frost Street, for eastbound drivers on Frost Street at Jefferson Street

Section 2.

By inserting in section 70-375, which section relates to one hour parking, a new subsection (24) in proper alphabetical order the following:

(24) 6:00 a.m. – 2:00 p.m. Monday through Friday
Lowell Street, east side, starting at a point 20 feet south of Rodman Street, for a distance of 40 feet southerly

Section 3.

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

Buffinton Street, south side, starting at a point 34 feet west of Foster Street, for a distance of 20 feet westerly
Charles Street, south side, starting at a point 264 feet east of Bay Street, for a distance of 20 feet easterly
Cherry Street, north side, starting at a point 20 feet west of Grove Street, for a distance of 20 feet westerly
Downing Street, north side, starting at a point 62 feet east of Haffards Street, for a distance of 20 feet easterly
Franklin Street, south side, starting at a point 86 feet east of High Street, for a distance of 20 feet easterly
Globe Street, north side, starting at a point 20 feet east of Stafford Road, for a distance of 20 feet easterly
Grant Street, west side, starting at a point 20 feet north of Hope Street, for a distance of 20 feet northerly
Jefferson Street, east side, starting at a point 20 feet north of Russel Street, for a distance of 20 feet northerly
Lafayette Street, north side, starting at a point 186 feet east of Stone Street, for a distance of 20 feet easterly
Lindsey Street, east side, starting at a point 103 feet north of Brightman Street, for a distance of 20 feet northerly
Osborn Street, north side, starting at a point 239 feet west of Second Street, for a distance of 20 feet westerly
Renaud Street, west side, starting at a point 67 feet south of Chicago Street, for a distance of 25 feet southerly
Tecumseh Street, south side, starting at a point 282 feet east of Plymouth Avenue, for a distance of 20 feet easterly
Thomas Street, east side, starting at a point 215 feet south of County Street, for a distance of 20 feet southerly
Tuttle Street, west side, starting at a point 77 feet south of King Philip Street, for a distance of 20 feet southerly

CITY OF FALL RIVER

16

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 9, 2017, voted 3 yeas to recommend that the accompanying proposed ordinance be passed through first reading, with Councilors Stephen R. Long and Linda M. Pereira absent and not voting.

Colleen A. Taylor
Clerk of Committees

City of Fall River, In City Council

16

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

Section 1.

That Chapter 2 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Administration, be amended as follows:

By striking out Section 2-209 (b) in its entirety and inserting in place thereof the following:

Section 2-209 Department of Financial Services

(b) *Divisions.* The divisions within the department of financial services shall be the auditor division, assessor division, treasurer division and collector division and/or treasurer-collector division.

Section 2.

That Chapter 2 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Administration, be amended by inserting the following new section:

Section 2-512 Treasurer-Collector, functions and duties

The primary function of the Treasurer/Collector is to preserve, protect and manage the financial resources of the City. The Treasurer/Collector is responsible for receipt, accurate accounting, and prudent investment of all City funds in order to maximize yields while maintaining adequate liquidity and ensuring compliance with Massachusetts General Laws, City of Fall River ordinances, and any other applicable financial mandates. The Treasurer/Collector is also responsible for negotiating all municipal borrowings (both short and long term), collecting committed taxes (Real Estate, Personal Property, and Auto Excise), and providing prompt and courteous assistance to the taxpayers and residents of the City. The Treasurer-Collector will have direct supervision of all personnel in both the Treasurer Division and the Collector Division including the Tax Title function.

Section 3.

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 inserting in Section 50-309, which section relates to classification of positions and compensation grades, in proper alphabetical order, the following:

Treasurer-Collector.....Not to exceed \$105,000

This ordinance shall take effect upon passage to be ordained.

16



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2017 FEB -2 P 3: 54

JASIEL F. CORREIA II

Mayor

February 2, 2017

CITY CLERK _____
FALL RIVER, MA

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

Dear Honorable Council Members:

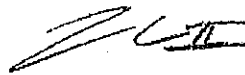
As my Administration works to achieve increased efficiencies and productivity within our local government, we continue to evaluate our management structure to assure long term stability. Each Division is being reviewed for its ability to provide consistency and continuity in the delivery of the services our residents and businesses receive from their local government. This proposed Ordinance to establish a new position of Treasurer/Collector will address this goal within our Financial Services Department.

Treasurer/Collector: The primary function of the Treasurer/Collector is to preserve, protect and manage the financial resources of the City. The Treasurer/Collector is responsible for receipt, accurate accounting, and prudent investment of all City funds in order to maximize yields while maintaining adequate liquidity and ensuring compliance with Massachusetts General Laws, City of Fall River ordinances, and any other applicable financial mandates. The Treasurer/Collector is also responsible for negotiating all municipal borrowings (both short and long term), collecting committed taxes (Real Estate, Personal Property, and Auto Excise), and providing prompt and courteous assistance to the taxpayers and residents of the City.

We anticipate that this new position will be budget neutral. The current positions of Treasurer and Tax Collector will not be filled as these responsibilities will become part of the new position's job description. The positions of Assistant Treasurer and Assistant Tax Collector will be filled in order to create a secondary capacity to operate these Departments in the absence of the Treasurer/Collector.

We look forward to further discussion at the Ordinance Committee regarding salary parameters and the implementation of this change.

Best Regards,

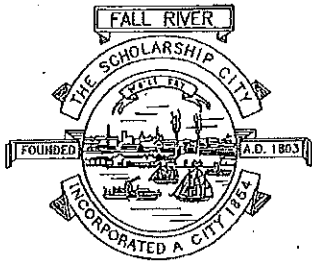

Jasiel F. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

FEB 07 2017

*Referred to the Committee
on Ordinances and Legislation*

*tabled 2-27-17
to allow Admin. to
prepare pro. ordinance
to submit for next
Ord. Cmte. mtg.*



City of Fall River Massachusetts

Department of Financial Services
TREASURER • COLLECTOR • AUDITOR • ASSESSOR

RECEIVED 16

2017 APR 20 P 4:03

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

MARY L. SAHADY, CPA
Director of Financial Services

April 20, 2017

Councilor Cliff Ponte, Chairperson
City Council Ordinance Committee
One Government Center
Fall River, MA 02722

RE: Proposed Treasurer Collector Position

Mr. Chairman:

In response to a request made at an earlier Ordinance Committee Meeting, attached please find a salary analysis of the staffing within the Treasurer and Collector Divisions. Under separate cover, you have received proposed changes for some of the salaries in these Divisions to allow for compensation rates which will be commensurate with the skills offered by the ultimate candidates for these positions. I respectfully suggest that these items be discussed as part of the same Committee Agenda.

As the schedule shows, the proposed change has very little impact upon the current Budgets for these Divisions. However, there may be further adjustments once the recruitment process is completed and the open positions are filled. The proposed "not to exceed" amounts are designed for this flexibility.

The goal of this combined Treasurer Collector position is to allow a single manager to facilitate cross training and utilization of staff between the two Divisions. By filling the two Assistant positions, we will create an internal capacity for coverage and advancement should the Treasurer Collector be on leave or vacate the position. In this regard, the importance of backup and continuity within the financial divisions cannot be overestimated.

As the Fiscal Year 2018 is now in development, the Administration looks forward to discussing these changes with the Ordinance Committee at your earliest convenience. Thank you.


Mary Sahady
Director of Financial Services

16

City of Fall River, Massachusetts
Proposed Fiscal 2018

Current Structure:

Treasury Division:

Job Class Description	FTE	Annual Salary	2 % Increase	Step Increase	Summer hours	Longevity	Holiday	Total
HD.ADM.CLK	1	\$ 37,327	\$ 747	\$ 168	\$ -	\$ -	146	\$ 38,388
SR ACCT CL	1	\$ 39,838	\$ 797	\$ -	2,813	600	156	\$ 44,204
TREASURER	1	\$ 80,000	\$ 1,600	\$ -	\$ -	400	314	\$ 82,314
PROJ SPEC	1	\$ 50,000	\$ 1,000	\$ -	\$ -	100	196	\$ 51,296
SR ACCT CL	1	\$ 34,048	\$ 681	\$ -	\$ -	\$ -	134	\$ 34,863
TAX TITLE CLK	1	\$ 34,048	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34,048
	6	\$ 241,214	\$ 5,996	\$ 168	2,813	1,100	1,080	\$ 285,113

Collections Division:

Job Class Description	FTE	Annual Salary	2 % Increase	Step Increase	Summer hours	Longevity	Holiday	Total
HRAD CLK	1	\$ 36,042	\$ 721	\$ -	2,545	600	141	\$ 40,050
SR CASHIER	1	\$ 35,142	\$ 703	\$ -	2,482	400	138	\$ 38,865
CASHIER	1	\$ 34,062	\$ 681	\$ -	\$ -	\$ -	134	\$ 34,878
CASHIER	1	\$ 30,087	\$ 602	\$ 507	\$ -	\$ -	118	\$ 31,314
CITY COLL	1	\$ 88,105	\$ 1,762	\$ -	\$ -	2,000	346	\$ 92,214
SR. ACCT.	1	\$ 39,839	\$ 797	\$ -	2,813	800	156	\$ 44,406
CASHIER	1	\$ 34,062	\$ 681	\$ -	2,405	400	134	\$ 37,684
	7	\$ 297,339	\$ 5,947	\$ 507	10,245	4,200	1,166	\$ 319,412
TOTAL	13	\$ 538,553	\$ 11,453	\$ 675	13,058	5,300	2,246	\$ 604,525

PROPOSED:

Treasurer-Collector: Based on current ordinance for all staff except Treasurer-Collector which is in ordinance at not to exceed \$105,000

Job Class Description	FTE	Annual Salary	2 % Increase	Step Increase	Summer hours	Longevity	Holiday	Total	
TREASURER-COLLECTOR	1	\$ 95,000	\$ -	\$ -	\$ -	\$ -	365	\$ 95,365	not to exceed \$105k Proposed
ASSIST TREASURER	1	\$ 64,899	\$ 1,298	\$ -	\$ -	\$ -	255	\$ 66,451	Based on current ordinance
ASSIST COLLECTOR	1	\$ 55,000	\$ -	\$ -	\$ -	\$ -	212	\$ 55,212	Based on current ordinance
PROJ SPEC/TAX TITLE	1	\$ 50,000	\$ 1,000	\$ -	\$ -	100	196	\$ 51,296	
HD.ADM.CLK	1	\$ 37,327	\$ 747	\$ 168	\$ -	\$ -	146	\$ 38,388	union
HEAD CLK	1	\$ 36,042	\$ 721	\$ 2,495	600	\$ -	139	\$ 39,996	union
SR ACCT CL	1	\$ 39,838	\$ 797	\$ -	2,813	600	156	\$ 44,204	union
SR ACCT CL	1	\$ 34,048	\$ 681	\$ -	\$ -	\$ -	134	\$ 34,863	union
SR ACCT CL	1	\$ 39,838	\$ 797	\$ 2,758	800	\$ -	153	\$ 44,346	union
SR CASHIER	1	\$ 35,142	\$ 703	\$ 2,433	400	\$ -	135	\$ 38,813	union
CASHIER	1	\$ 34,062	\$ 681	\$ -	\$ -	\$ -	131	\$ 34,875	union
CASHIER	1	\$ 30,087	\$ 602	\$ -	\$ -	\$ -	116	\$ 30,804	union
CASHIER	1	\$ 34,062	\$ 681	\$ 2,358	400	\$ -	131	\$ 37,633	union
	13	\$ 585,346	\$ 8,707	\$ 10,212	\$ 5,013	700	2,269	\$ 612,246	

\$ 7,721 Savings

CITY OF FALL RIVER

17

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 9, 2017, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councillors Stephen R. Long and Linda M. Pereira absent and not voting.

Colleen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

17

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

That Chapter 42 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Housing be amended as follows:

By striking out in Section 42-1 sub-section (c) the following:

An annual registration fee of One Hundred and 00/100 (\$100.00) Dollars must accompany the registration form.

and replacing it with the following:

Registration fees shall be in accordance with Chapter 10, Division 3 Vacant Building Registration and fee.



City of Fall River
Massachusetts
Office of the Mayor

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2017 MAR -9 P 2:59

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

March 9, 2017

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

Dear Honorable Council Members:

In developing the Administration's housing codes enforcement initiative, we have identified conflicting provisions within City Ordinances. Specifically, Section 42-1-Regulating the Maintenance of Vacant and Foreclosing Residential Properties, and the subdivision titled Vacant Building Registration and Fee following Section 94 Chapter 10, contain different fee schedules (copies attached). The Administration is recommending the fee schedule outlined in the latter Ordinance, Vacant Building Registration and Fee, be preserved and the fee schedule in Section 41-1 c be either deleted or amended to match Vacant Building Registration and Fee ordinance.

As the Ordinance Committee is currently reviewing related ordinances, I respectfully request that the above referenced conflict be addressed as part of this process. If you have any questions or concerns regarding this, please feel free to contact me.

Best Regards,

Jasiel F. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL
MAR 21 2017

*Referred to the Committee
on Ordinances and Legislation*

17

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Ordinance No. 2012-4

**An Ordinance
Regulating The Maintenance of Vacant &
Foreclosing Residential Properties**

CITY CLERK
FALL RIVER, MA

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

That Chapter 42 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to housing be amended by as follows:
By inserting a new section as follows:

Section 42-1 Regulating the Maintenance of Vacant and Foreclosing Residential Properties

(a) Purpose

It is the intent of this section to protect and preserve the public health, safety, security, and quiet enjoyment of occupants, abutters and neighborhoods by

- (i) requiring all residential property owners, including lenders, trustees and service companies to properly maintain vacant and/or foreclosing properties; and
- (ii) regulating the maintenance of vacant and/or foreclosing residential properties to prevent blighted and unsecure residences.

The Director of the Inspectional Services Division has enforcement authority pursuant to, *inter alia*, M.G.L. c. 143, § 3, the State Building Code, and the Zoning Code of the City of Fall River.

(b) Definitions

When used in this section, unless a contrary intention clearly appears, the following terms shall have the following meanings:

City means the City of Fall River.

Director means the Director of the Inspectional Services Division.

Days means consecutive calendar days

Foreclosing means the process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt evidenced by said loan if the borrow defaults

"Initiation of the foreclosure process" means taking any of the following actions:

- (i) taking possession of a residential property pursuant to M.G.L. c. 244, § 1;

CITY OF FALL RIVER
IN CITY COUNCIL

MAR 21 2017

*Referred to the
Committee on Ordinances
and Legislation*

17

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- (II) delivering the Mortgagee's Notice of Intention to Foreclose to the Borrower pursuant to M.G.L. c. 244, § 17B;
- (III) commencing a foreclosure action on a property in either the Land Court or the Bristol County Superior Court.

CITY CLERK
FALL RIVER, MA

Local means within twenty (20) driving miles distance of the property in question.

Mortgagee means the creditor, including but not limited to, service companies, lenders in a mortgage agreement, and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

Owner means every person, entity, service company, property manager or real estate broker, who alone or severally with others:

- (i) has legal or equitable title to any dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
- (ii) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder of legal title; or
- (iii) is a mortgagee in possession of any such property; or
- (iv) is an agent, trustee or other person appointed by the courts and vested with possession or control of such property; or
- (v) is an officer or trustee of the association of unit owners of a condominium; each such person is bound to comply with the provisions of these minimum standards as if he were the owner; however, this ordinance shall not apply to a Condominium Association created pursuant to M.G.L. c. 138A to the extent that such Association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the Association; Owner also means every person who operates a rooming house; or
- (vi) is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

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Property means any real, residential property, or portion thereof, located in the City of Fall River, including building or structures situated thereon; for purposes of this section only, property does not include property owned or subject to the control of the City or any of its governmental entities; such property includes, but is not limited to, property owned or controlled by the Fall River Redevelopment Authority, the Fall River Housing Authority, and the Office of Community Development.

Residential Property means any property that contains one or more dwelling units used, intended or designed to be occupied for living purposes.

Securing means measures that assist in making the property inaccessible to unauthorized persons.

Vacant means any property not currently legally occupied and not properly maintained or secured.

(c) **Registration of Foreclosing Properties;
Duty to Provide Written Notice of Vacant Residential Property and/or Mortgage Foreclosure**

All Owners must register foreclosing residential properties with the Director of the Inspectional Services Division on forms provided by the Director. All registrations must state the individual Owner's or agent's telephone number and mailing address located within the Commonwealth as required by M.G.L. c. 59, § 57D, M.G.L. 156D, § 5.02, and 950 CMR 113.20. The mailing address may not be a P.O. Box. This registration must also certify that the property was inspected and identify whether the property is vacant at the time of filing. If the property is vacant, the Owner and/or registrant must designate and retain a local individual or local property management company. This designation must state the individual or company's name, phone number, and local mailing address. The mailing address may not be a P.O. Box. If the property is in the process of foreclosure, then the registration must be received within seven (7) days of the initiation of the foreclosure process as defined in subsection (b). If the Director determines that the property is vacant and that foreclosing proceedings have not been initiated, the registration must be received within fourteen days (14) days of the Director's first citation for improper maintenance.

All property registrations are valid for one (1) calendar year. An annual registration fee of One Hundred and 00/100 (\$100.00) Dollars must accompany the registration form. Subsequent annual registrations and fees are due within thirty (30) days of the expiration of the previous registration and must certify whether the foreclosing and/or foreclosed property remains vacant or not.

Once the property is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of occupancy to the Director.

(d) **Maintenance Requirements – Vacant & Foreclosing Properties**

All vacant properties and foreclosing properties must be maintained in accordance with the relevant Sanitary Codes, Building Codes, and local regulations concerning external and/or visible maintenance. The Owner, local

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individual or local property management company must inspect and maintain the property on a monthly basis for the Duration of the vacancy. The Owner, local individual or local property management company shall take all reasonable steps necessary to insure that the property is sufficiently heated from October 1 through April 30 to prevent the water pipes from freezing, or in the alternative, shall cause the water service to the property to be temporarily shut off. The Owner shall be expressly liable to the City for all costs, which the City incurs as a result failure to comply with the provisions of this section.

The property must contain a posting with the name and 24-hour contact telephone number of the local individual or property management company responsible for the maintenance. This sign must be posted on the front of the property so that it is clearly visible from the street.

Adherence to this section does not relieve the Owner of any applicable obligations set forth in the Fall River Code of Ordinance, regulations promulgated thereto or promulgated pursuant to the General Laws of the Commonwealth, Covenant Conditions and Restrictions and/or Home Owners Association Rules and Regulations.

(e) Inspections

The Inspection Services Division shall have the authority and the duty to inspect properties subject to this section for compliance and to issue citations for any violations. The Inspectional Services Division shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably calculated to ensure that this section is enforced.

(f) Enforcement and Penalties

- (i) Failure to initially register with the Director is punishable by a fine of Three Hundred and 00/100 (\$300.00) Dollars;
- (ii) Failure to properly identify the name of a local individual or local property management company is punishable by a fine of Three Hundred and 00/100 (\$300.00) Dollars;
- (iii) Failure to maintain the property is punishable by a fine of Three Hundred and 00/100 (\$300.00) Dollars for each week the property is not maintained.

(g) Appeal

Any person aggrieved by the requirements of this section may seek an administrative appeal to the Inspectional Service Division. Any person aggrieved by a final decision issued under this section by the Inspectional Service Division may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth.

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2017 MAR -9 P 3:00

(h) **Applicability**

If any provision of this section imposes greater restrictions or obligations than those imposed by any other general law, special law, regulation, rule, ordinance, by-law, order or policy then the provisions of this section shall control.

FALL RIVER, MA

(i) **Regulatory Authority**

The Director of the Inspectional Services Division has the authority to promulgate rules and regulations necessary to implement and enforce this section.

(j) **Severability**

If any provision of this section is held invalid by a court of competent jurisdiction then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

(k) **Implementation**

The provisions of this section are effective immediately upon passage and all provisions shall be enforced immediately, but no monetary fine shall be imposed pursuant hereto until ninety (90) days after passage of this section.

(l) **Notice**

A copy of this ordinance is to be mailed to all owners of residential property located in the City of Fall River. In addition, a copy of this ordinance is to be mailed to all loan institutions, banks, real estate offices, and management companies located in and/or having legal or equitable interest in residential property located in the City of Fall River. The failure of an Owner, loan institutions, banks, real estate offices, and management companies to receive said notice shall not adversely affect the enforcement of this ordinance.

In City Council, January 10, 2012
Passed to be ordained, as amended, 9 yeas

Approved, January 12, 2012
William A. Flanagan, Mayor

A true copy. Attest:

City Clerk

City of Fall River, In City Council

RECEIVED

17

City Councilor Michael Lund

City Councilor [Name] and Viveiros

MAR 21 2017 3:00

BE IT ORDAINED that the Revised Ordinances of the City of Fall River be amended as follows:

CITY CLERK
FALL RIVER, MA

The following subdivision shall be inserted following Section 94 Chapter 10:

Vacant Building Registration and Fee

Purpose and Intent. Vacant buildings are at greater risk of fire, criminal intent and public health violations and require increased monitoring and inspection by Inspectional Services. The purpose of this subdivision is to notify the City of Fall River of these vacant buildings and to compensate the City for the costs associated with these vacant properties by all municipal, public health and safety departments.

Registration.

Within forty-five days of a building becoming vacant, each owner of such vacant building shall register said building with Code Enforcement by providing such department, on a form to be created by such department, with the name, address and telephone number of each owner of the building, the street address of the building and the map, block and parcel number of such building. If none of the owners are at an address within the Commonwealth of Massachusetts, then the registration shall also include the name, address and telephone number of a person who resides within the Commonwealth of Massachusetts and is authorized to accept service of process on behalf of the owners, and who shall be designated as a responsible local agent, both for purposes of notification in the event of an emergency affecting the public health, safety and welfare and of service of any and all notices issued pursuant to this chapter. The failure timely to register a vacant building shall be a violation of this chapter.

Registration fees. On or before November 15th of each calendar year, the owners of any vacant building shall pay to Inspectional Services a registration fee to cover the administrative cost of the monitoring of such vacant buildings. The annual registration fee shall be based on the duration of the vacancy as of November 15th of such year according to the following schedule:

\$500.00	For properties that have been vacant for less than one year
\$1,000.00	For properties that have been vacant for one year or more but less than two years
\$2,000.00	For properties that have been vacant for two years or more but less than three years
\$3,000.00	For properties that have been vacant for three years or more

CITY OF FALL RIVER
IN CITY COUNCIL

MAR 21 2017

*Referred to the
Committee on Ordinances
and Legislation*

RECEIVED

17

For properties that are one-half (1/2) acre or more, the annual registration fee shall be based on the duration of the vacancy as of November 15th of such year according to the following schedule:

\$1000.00	For properties that have been vacant for less than one year
\$2,000.00	For properties that have been vacant for one year or more but less than two years
\$4,000.00	For properties that have been vacant for two years or more but less than three years
\$6,000.00	For properties that have been vacant for three years or more

CITY CLERK
FALL RIVER, MA

A failure to pay timely the registration fee shall be a violation of this ordinance and the full fee shall be deemed an assessment resulting from a violation of this ordinance subject to a lien on property to be collected in accordance with Chapter 59 of the Massachusetts General Laws.

Billing statement.

On or before October 15th of each calendar year, Code Enforcement shall send a billing statement, setting forth the required registration fee, to each owner of a vacant building. However, the registration fee set forth in Section 10-94 shall be due and payable on November 15th of each year regardless of the delivery or receipt of such billing statement.

Appeal.

Any owner assessed a registration fee under this chapter shall have the right to appeal the imposition of such fee to Code Enforcement upon the filing of an application in writing, no later than fifteen calendar days after mailing of the billing statement. The appeal request shall be accompanied by a fifty-dollar nonrefundable appeal cost. The appeal shall be limited solely to the issues of whether the building is vacant and how long the building has been vacant. The owner shall have the burden of proof on appeal. Upon the proper filing of an appeal, payment of the registration fee shall be stayed pending the outcome on appeal. If the decision is adverse to the owner, the payment shall be due within ten calendar days of the decision of Code Enforcement.

Other violations.

The provisions of this chapter are in addition to, and not in lieu of, any and all other applicable provisions of the revised ordinances of the city of Fall River or any provisions of the regulations and laws of the Commonwealth of Massachusetts.

Enforcement.

Any person or entity violating this chapter, by failing to register a vacant building, failing to pay the registration fee or otherwise, shall be subject to a fine of up to three hundred dollars.

17

per offense. Each day that the owner is in violation shall constitute a separate offense. The code enforcement officers shall have the right to enforce this chapter pursuant to the non-criminal disposition procedures set forth in Chapter 2 of this revision.

In City Council, July 15, 2008
Passed to be ordained, as amended

Approved, July 17, 2008
Robert Correia, Mayor

A true copy. Attest:

Carol A. Valour

City Clerk

CITY CLERK
FALL RIVER, MA

2011 MAR - 9 P 3:00

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City of Fall River
Department of Community Services
Division of Inspectional Services

VACANT BUILDING REGISTRATION FORM

2017 MAR -9 P 3:00

CITY CLERK
FALL RIVER, MA

VACANT PROPERTY OWNER'S INFORMATION

NAME: _____

ADDRESS: _____

TELEPHONE #: _____

DATE BUILDING
BECAME VACANT _____

PROPERTY ADDRESS
IF DIFFERENT FROM
OWNER'S ADDRESS _____

MAP, BLOCK & PARCEL #
OF VACANT BUILDING _____

IF PROPERTY OWNER DOES NOT RESIDE WITHIN THE COMMONWEALTH OF MASSACHUSETTS, CONTACT
INFORMATION FOR MASSACHUSETTS RESIDENT AUTHORIZED TO ACCEPT SERVICE OF PROCESS ON
BEHALF OF OWNERS AND ACT AS RESPONSIBLE LOCAL AGENT MUST BE PROVIDED

LOCAL AGENT'S INFORMATION

NAME: _____

ADDRESS: _____

TELEPHONE #: _____

ASSESSED FEE PAYABLE TO THE CITY OF FALL RIVER

\$ _____

SIGNATURE OF OWNER: _____

DATE: _____

CITY OF FALL RIVER

18

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 9, 2017, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, as amended with Councilors Stephen R. Long and Linda M. Pereira absent and not voting.

Colleen A. Taylor
Clerk of Committees

City of Fall River, In City Council

18

(Councilor Raymond A. Mitchell)

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

That Chapter 2 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Administration, be amended as follows:

By striking out Sec. 2-182 (b) which section relates to the annual budget in its entirety and inserting in place thereof the following:

Budget updates shall be made during the second regular meeting of the Committee on Finance in the months of January, April and October.

CITY OF FALL RIVER

19

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 9, 2017, voted 2 yeas, 1 nay to recommend that the accompanying proposed ordinance be passed through first reading, as amended with Councilor Cliff Ponte voting in the negative and Councilors Stephen R. Long and Linda M. Pereira absent and not voting.


Clerk of Committees

City of Fall River, In City Council

19

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

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

Section 1

By striking out in Section 50-301, which section relates to salary schedules generally, the following:

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

Network Administrator I
7-1-2013 \$2,014.08
6-30-2014 \$2,034.22

Project manager, division of streets and highways:
7-1-2013 \$2,394.64
6-30-2014 \$2,418.59

and by inserting in place thereof, the following:

Director of Facilities Not to exceed \$98,000.00 per annum

Network Administrator (IT) Not to exceed \$70,000.00 per annum

Project Manager, Facilities Not to exceed \$65,000.00 per annum

Section 2

By striking out in Section 50-309, which section relates to salary schedules for executive officers and department heads, the following:

Assistant Collector Not to exceed \$60,000.00 per annum

Assistant Treasurer
7-1-2013 \$2,471.39
6-30-2014 \$2,496.10

Human Resources Generalist
7-1-2013 \$1,819.86
6-30-2014 \$1,838.06

Director of solid waste collection/street and fleet maintenance
7-1-2013 \$2,473.61
6-30-2014 \$2,498.35

Supervisor of emergency medical services/director of emergency medical services:
7-1-2013 \$2,826.78
6-30-2014 \$2,855.05

And by inserting in place thereof, the following:

Assistant Collector	Not to exceed \$75,000.00 per annum
Assistant Treasurer	Not to exceed \$75,000.00 per annum
Director of Emergency Medical Services	Per contract, not to exceed \$108,000.00 per annum
Human Resources Generalist	Not to exceed \$65,000.00 per annum
Manager of Operations-Streets & Highways DCM	Not to exceed \$65,000.00 per annum

CITY OF FALL RIVER

20

To the City Council

Councillors:

The Committee on Ordinances and Legislation at a meeting held on May 9, 2017, voted unanimously to recommend that the accompanying resolution be adopted, as amended, with Councilors Stephen R. Long and Linda M. Pereira absent and not voting.

Colleen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

20

(Council President Shawn E. Cadime)
(Council Vice-President Linda M. Pereira)

WHEREAS, Section 26 of the City Charter states that if the Mayor is absent or unable from any cause temporarily to perform his duties they shall be performed by the President of the City Council, and

WHEREAS, the Mayor has been absent without the knowledge of the City Council President, now therefore

BE IT RESOLVED, that when on vacation or on medical leave, the Mayor be required to notify the City Clerk.

CITY OF FALL RIVER

21

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 9, 2017, voted unanimously to recommend that the accompanying resolution be granted leave to withdraw, with Councilors Stephen R. Long and Linda M. Pereira absent and not voting.

Cullen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

21

(Councilor Richard Cabeceiras)

WHEREAS, City Councilors have the ability to lift any item from the table in a regular meeting of the City Council or in subcommittee, and

WHEREAS, an item that is lifted from the table may not be on the agenda, and

WHEREAS, it is important that the community and councilors are informed about what will be discussed in a meeting to ensure the best decision is made on behalf of the residents, now therefore

BE IT RESOLVED, that any item lifted from the table in a regular meeting of the City Council or subcommittee that is not on the agenda be immediately tabled until the next meeting of that body, and

BE IT FURTHER RESOLVED, that this resolution not apply to those items that be deemed an emergency.

Filed: 3-9-17

CITY OF FALL RIVER
IN CITY COUNCIL
MAR 21 2017

*Referred to the Committee
on Ordinances and Legislation*

CITY OF FALL RIVER

22

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 9, 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, as amended with Councilors Stephen R. Long and Linda M. Pereira absent and not voting.

Cullen 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*

22

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:

Bowen Street, west side, starting at a point 126 feet north of Morse Place, for a distance of 20 feet northerly
County Street, north side, starting at a point 86 feet east of Roccliffe Street, for a distance of 20 feet easterly
Covel Street, east side, starting at a point 166 feet south of Bedford Street, for a distance of 20 feet southerly
Dover Street, south side, starting at a point 148 feet west of Tecumseh Street, for a distance of 20 feet westerly
Durfee Street, west side, starting at a point 41 feet north of Cedar Street, for a distance of 20 feet northerly
Flint Street, west side, starting at a point 333 feet north of Pleasant Street, for a distance of 20 feet northerly
Fourth Street, west side, starting at a point 69 feet south of Spring Street, for a distance of 20 feet southerly
Grant Street, west side, starting at a point 75 feet south of Columbia Street, for a distance of 20 feet southerly
Grove Street, west side, starting at a point 126 feet south of Walnut Street, for a distance of 20 feet southerly
Hall Street, north side, starting at a point 260 feet east of Church Street, for a distance of 20 feet easterly
High Street, west side, starting at a point 146 feet north of Franklin Street, for a distance of 20 feet northerly
Ninth Street, west side, starting at a point 105 feet south of Bedford Street, for a distance of 20 feet southerly
North Underwood Street, west side, starting at a point 110 feet north of Langley Street, for a distance of 20 feet northerly
Pitman Street, east side, starting at a point 221 feet north of Harriman Street, for a distance of 20 feet northerly
Ridge Street, east side, starting at a point 108 feet north of Middle Street, for a distance of 20 feet northerly
Robeson Street, west side, starting at a point 657 feet north of Bedford Street, for a distance of 20 feet northerly
Robeson Street, west side, starting at a point 262 feet south of Locust Street, for a distance of 20 feet southerly
Roccliffe Street, east side, starting at a point 272 feet south of County Street, for a distance of 20 feet southerly
St. Mary's Street, west side, starting at a point 58 feet north of Wellington Street, for a distance of 25 feet northerly
South Beach Street, west side, starting at a point 21 feet south of Sprague Street, for a distance of 20 feet southerly

South Main Street, west side, starting at a point 283 feet south of Woodman Street, for a distance of 20 feet southerly

Summerfield Street, north side, starting at a point 283 feet east of Robeson Street, for a distance of 20 feet easterly

Swindells Street, west side, starting at a point 137 feet north of Pleasant Street, for a distance of 20 feet northerly

Tripp Street, west side, starting at a point 95 feet south of Charles Street, for a distance of 20 feet southerly

Weetamoe Street, north side, starting at a point 381 feet north of North Main Street, for a distance of 20 feet easterly

City of Fall River, In City Council

23

(Councilor Linda M. Pereira)

WHEREAS, gas leaks are detected in the City of Fall River from time to time, and

WHEREAS, Liberty Utilities files a yearly report of gas leaks in the City of Fall River, and

WHEREAS, these reports show where the leaks are and which leaks have been repaired, and

WHEREAS, gas leaks are serious public safety concerns, now therefore

BE IT RESOLVED, that the Committee on Public Safety convene with representatives from Liberty Utilities to discuss the process of repairing these leaks.

Filed: 4-24-17

City of Fall River, *In City Council*

24

(Councilor Pam Laliberte-Lebeau)
(President Shawn E. Cadime)

WHEREAS, the streets and sidewalks throughout the City are in dire need of repair, and

WHEREAS, the City Council has approved the Mayor's Streetscape initiative of over \$10 million dollars, now therefore

BE IT RESOLVED, that the Administration allocate a portion of these monies for streetscapes to repair our streets and sidewalks and not proceed with streetscapes until our streets and sidewalks are in much better condition.

City of Fall River, *In City Council*

25

(Councilor Richard Cabeceiras)
(President Shawn E. Cadime)

WHEREAS, projected revenue numbers are being discussed within the Administration,
and

WHEREAS, it is important that the City Council is made aware of the amounts and
sources of revenue in the FY18 Budget, now therefore

BE IT RESOLVED, that the Administration be invited to the City Council Committee on
Budget Preparation, Revenue and Audits to discuss this very important matter.

Filed: 5-10-17

City of Fall River, *In City Council*

26

(Councilor Richard Cabeceiras)

WHEREAS, investment in education is necessary to improve our city, and,

WHEREAS, we have had trouble historically meeting the minimum spending amount or funding a level services budget, now therefore

BE IT RESOLVED, that representatives from the finance teams at Fall River Public Schools, Diman Regional Vocational Technical High School and Bristol County Agricultural High School be invited to the next City Council Committee on Budget Preparation, Revenue and Audits meeting to discuss what additional funding can do for our children.

City of Fall River, In City Council

27

(Councilor Richard Cabeceiras)

WHEREAS, the Constitution of the Commonwealth (1780) requires that "it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences...public schools and grammar schools in the towns", and

WHEREAS, *McDuffy v. Secretary of the Executive Office of Education* (1993) declared the "Massachusetts Constitution impose[s] an enforceable duty on the magistrates and Legislatures of this Commonwealth to provide education in the public schools for the children there enrolled, whether they be rich or poor and without regard to the fiscal capacity of the community or district in which such children live. It shall be declared also that the constitutional duty is not being currently fulfilled by the Commonwealth", and

WHEREAS, *Hancock v. the Commissioner of Education* (2005) concluded "I do not suggest that the goals of education reform adopted since *McDuffy* have been fully achieved. Clearly they have not. Nothing I say today would insulate the Commonwealth from a successful challenge under the education clause in different circumstances", and

WHEREAS, the Massachusetts Budget and Policy Center report *Cutting Class* (2011) found "the real value of the original foundation budget has eroded significantly over time, due in large part to rapid cost growth for health care and special education. Since the foundation budget's original design did not foresee this rapid cost growth, spending reductions have been forced in other key areas, especially *Regular Education Teachers*", and

WHEREAS, the Foundation Budget Review Commission (2015) resolved "the good work begun by the education reform act of 1993, and the educational progress made since, will be at risk so long as our school systems are fiscally strained by the ongoing failure to substantively reconsider the adequacy of the foundation budget", now therefore

BE IT RESOLVED, that a letter be sent to the 190th General Court of the Commonwealth of Massachusetts, petitioning to implement without further delay in full the recommendations of the Foundation Budget Review Commission.

(Councilor Joseph D. Camara)

WHEREAS, Liberty Utilities is doing an enormous amount of road repairs in the City of Fall River, and

WHEREAS, Liberty Utilities will continue to do repairs for miles of main replacements, and

WHEREAS, no infrared repairs were completed in 2016, and

WHEREAS, there are many other issues and questions that need to be addressed by Liberty Utilities, now therefore

BE IT RESOLVED, that Liberty Utilities come before the City Council Committee on Public Works and Transportation to answer these and other questions as it pertains to their plans to bring their repairs up to code.



City of Fall River
Notice of Claim

RECEIVED

2017 APR 21 A 9 31

CITY CLERK 17-35
FALL RIVER, MA

1. Claimant's name: NANCY TORRES
2. Claimant's complete address: 294 CLARKSON ST
3. Telephone number: Home: 508673-0949 Work: cell 5086170443
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
CAR WAS DAMAGED BY HOLE IN RD. DUG BY CITY
5. Date and time of accident: 4-12-17 Amount of damages claimed: \$ 219.00
5:45 AM
6. Exact location of the incident: (include as much detail as possible):
MIDDLE ST. BETWEEN SO. BEACH AND BROADWAY
7. Circumstances of the incident: (attach additional pages if necessary):
ON THE MORNING OF APRIL 12, 2017 I WAS TRAVELING EAST UP MIDDLE ST. JUST AS I PASSED SO. BEACH ST. MY CAR WENT INTO A TRENCH AND HIT MY MUFFLER. THERE WERE NO WARNING SIGNS. HOLE WENT FROM CURB TO CURB - 4 FT. WIDE - 4-6 IN. DEEP. IT WAS LEFT THAT WAY OVERNIGHT + BLACK TOP - ED THE NEXT MORNING - WARNING SIGNS SHOULD HAVE BEEN POSTED
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: 4-21-2017

Claimant's signature: Nancy Torres

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

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

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

For official use only:

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

Date: APR 21 2017



City of Fall River
Notice of Claim

RECEIVED

2017 APR 21 P 11:45

CITY CLERK 17-36
FALL RIVER, MA 02722

1. Claimant's name: Cidalia Damaso
2. Claimant's complete address: 415 Oak Grove Ave, Fall River MA
3. Telephone number: Home: 508-675-1646 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Property damage
5. Date and time of accident: X 2-9-17 Amount of damages claimed: \$ X
6. Exact location of the incident: (Include as much detail as possible):
415 Oak Grove Ave, Fall River MA 02722
7. Circumstances of the incident: (attach additional pages if necessary):
City plow truck drove from
and pushed the snow up against my brick
wall.
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: 4-19-17

Claimant's signature: Cidalia Damaso

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

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Date:

APR 21 2017



36

RECEIVED

City of Fall River
Notice of Claim

2017 APR 27 A 10:40

CITY CLERK 17-87
FALL RIVER, MA

1. Claimant's name: Josh Zajdel
2. Claimant's complete address: 1 Ferry St. Fall River MA, 02721
3. Telephone number: Home: 774-203-8232 Work: N/A
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Road condition, vehicle damage
5. Date and time of accident: 9/20/2016 Amount of damages claimed: \$ 714.30
6. Exact location of the incident: (include as much detail as possible):
79 North Fall River MA
7. Circumstances of the Incident: (attach additional pages if necessary):
Attached
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 4/27/2017Claimant's signature: Josh Zajdel

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

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DAWDate: 4/27/17



City of Fall River
Notice of Claim

received
36

REIVED

12:17 APR 27 P 1:25

1. Claimant's name: Debra Saucier
2. Claimant's complete address: 31 Barker Street, Fall River, MA 02724
3. Telephone number: Home: 508-272-9135 Work: 508-272-9135
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Damage to underside of my automobile from unsigned roadwork.
5. Date and time of accident: 4/10/17 @2:20PM Amount of damages claimed: \$ \$2,436.97
6. Exact location of the incident: (include as much detail as possible):
Eastbound on Middle Street between South Beach and Broadway
7. Circumstances of the incident: (attach additional pages if necessary):
I traveled east on Barker Street from my home, North on Liberty then East up Middle Street. There was no road work equipment at that time in the area. After I came to the crest of the hill on Middle Street, my car struck a strip of road that had been grated and dug up. The strip crossed the entire street. There was no signage stating that there was a bump or construction at that location. The edges of the trench were also not painted in any bright colors to indicate any severe edge to the road. The trench appeared quickly upon reaching the crest of the road and from a short distance away looks like the normal appearance of Middle Street. The edges of the trench were also not painted in any bright colors to indicate any severe edge to the road. The underside of my car then hit the severe edge of this trench as my car exited it. I immediately felt my car had an issue and then had to pull over. I immediately took my car to the mechanic to evaluate the damage.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 4/21/17 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, 2nd Fl., One Government Center, Fall River, MA 02722

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

For official use only:	
Copies forwarded to: <input checked="" type="checkbox"/> City Clerk <input checked="" type="checkbox"/> Law <input checked="" type="checkbox"/> City Council <input type="checkbox"/> City Administrator	Date: <u>APR 27 2017</u>



RECEIVED

36

2017 MAY -3 P 2:04

CITY CLERK 17-39
FALL RIVER, MACity of Fall River
Notice of Claim

1. Claimant's name: Maria C Carvalho
2. Claimant's complete address: 174 Quequechan St Apt #3 Fall River Ma 02723
3. Telephone number: Home: 508/415/1617 ~~Work:~~ 857-247-9031 Starb Son
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Vehicle Damage due to Fall Rivers Street potholes
5. Date and time of accident: 3/23/2017 Amount of damages claimed: \$ 8,146.68
6. Exact location of the incident: (include as much detail as possible):
Pleasant St in front of Daves muffler and Quequechan
7. Circumstances of the Incident: (attach additional pages if necessary):
All incidents are attached to this form my mom is on a fixed in car. She pays Road for what to ruin her car
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No No its due to City

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: 5/3/17Claimant's signature: Maria C Carvalho

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

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

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Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☒ City Administrator ☒ DEMDate: 5/3/17



RECEIVED

36

City of Fall River
Notice of Claim

2017 MAY -8 A 9:34

CITY CLERK 17-40
FALL RIVER, MA

1. Claimant's name: Ronald J. Pereira
2. Claimant's complete address: 10 Chapin St. Fall River
3. Telephone number: Home: 508-736-8746 Work: 508-889-8209
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Passenger side of my car - sucked in by Huge Pot Hole (pics attached)
5. Date and time of accident: 5/6/2017 8PM Amount of damages claimed: \$ 450.00
6. Exact location of the incident: (Include as much detail as possible):
Broadway Next to Elite Gas + 50 labor \$500.00 fire installer
7. Circumstances of the incident: (attach additional pages if necessary):
Damaged 2 of my Rims (Refurbished Rims 150.00 a pc.)
Bubbles in tires / Damaged Steel Belts on tires
2 tires (about \$75 a pc.) plus \$50.00 labor
I didn't notice any damage to suspension of car.
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: 5/8/2017

Claimant's signature: Ronald J. Pereira

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

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

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

For official use only:

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

Date: 5/8/17



RECEIVED

2017 MAY -8 A 10:25

City of Fall River
Notice of ClaimCITY CLERK 17-41
FALL RIVER, MA

1. Claimant's name: DAVID A. TAVANES
2. Claimant's complete address: 40 BOTTOM STREET
3. Telephone number: Home: 774-365-8571 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
POT HOLE - FRONT END
5. Date and time of accident: 5/1/2017 Amount of damages claimed: \$ 413.08
6. Exact location of the incident: (include as much detail as possible):
UNDER BRAGA BRIDGE VIA DUCT
7. Circumstances of the incident: (attach additional pages if necessary):
RETURNING FROM DOCTOR'S VISIT
HIT LARGE POT HOLE NEAR BRAGA BRIDGE
NEAR BORDEN REMINGTON CHEMICAL PLANT
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: 5/8/2017Claimant's signature: David Tavan

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

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

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For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☐ MAY - 8 2017 Date: DPW

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2017 MAY -8 P 2:14

City of Fall River
Notice of Claim

36
17-42

CITY CLERK

FALL RIVER, MA

1. Claimant's name: Theresa Viveiros
2. Claimant's complete address: 733 Norman St. Fall River, MA 02721
3. Telephone number: Home: (508) 287-6211 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Property Damage
5. Date and time of accident: 5/1/17 Amount of damages claimed: \$ 1921.45
6. Exact location of the incident: (include as much detail as possible):
273 Harrison St. Fall River MA 02723 Floors 1, 2 & 3 (Mineral Jam)
7. Circumstances of the incident: (attach additional pages if necessary):
Water Line was broken @ the street during construction. As a result minerals entered & jammed the plumbing in the house. I sent out the 1st available plumber I could find my tenants were w/out use of their toilets.
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: 5/8/17

Claimant's signature: Theresa Viveiros

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

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

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

For official use only:

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

Water

Date: 5/8/17



Council

RECEIVED

36

City of Fall River
Notice of Claim

2017 MAY 10 A 10:41

1. Claimant's name: Caio Morais CITY CLERK 17-43
FALL RIVER, MA
2. Claimant's complete address: 7 Terry Lane, Fall River, MA 02720
3. Telephone number: Home: 508-415-8269 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto Accident
5. Date and time of accident: 4/16/17, 12:52 am Amount of damages claimed: \$15,000
6. Exact location of the incident: (include as much detail as possible):
North Main Street and Bedford Street
7. Circumstances of the Incident: (attach additional pages if necessary):
Mr. Morais was an occupant of a motor vehicle traveling along North Main Street when the vehicle struck a City of Fall River Police vehicle. Attached please find a copy of the Fall River Police Report.
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: 5/9/2017Claimant's signature: Caio Morais/PCE

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

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

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

Police

Date: MAY 10 2017



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

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

April 18, 2017

Joseph I. Macy
Corporation Counsel
One Government Center
Fall River, MA 02722

RE: Request for Reconsideration

Dear Attorney Macy:

Our office received your letter, dated February 3, 2017, in which you request reconsideration of our determination letter, OML 2017-6. That letter resolved two complaints filed with our office by CJ Ferry alleging that the Fall River City Council violated the Open Meeting Law. We concluded that the Fall River City Council had violated the Open Meeting Law by failing to meet to review an Open Meeting Law complaint prior to counsel issuing a response on the Council's behalf. In your letter, you ask our office to reconsider the determination because, "[t]here is no requirement the public body must first meet to delegate the complaint," and "there is nothing in the Open Meeting Law, G.L. c. 30A, §23...specifying the public body must first meet to delegate responsibility for responding to a complaint."

There is no statutory right to reconsideration by the Office of the Attorney General of an Open Meeting Law determination. While the Division of Open Government generally will not reconsider past determinations, the Division will grant reconsideration where the request identifies a clerical or mechanical error in the determination or a significant legal or factual issue that the Division may have overlooked or misapprehended in resolving the complaint.

We have reviewed your request, and decline to reconsider our determination. The Attorney General has the authority to interpret the Open Meeting Law, issue written letter rulings, and promulgate rules and regulations to carry out enforcement of the law. G.L. c. 30A, §§ 25(a), (b). As noted in our determination letter, when an individual files an Open Meeting Law complaint with a public body, the chair "shall disseminate copies of the complaint to the members of the public body," and "the public body shall review the complaint's allegations." 940 CMR 29.05(3), (5). Because the regulations state that the public body shall review the complaint, rather than the members of the public body, our

CITY CLERK
FALL RIVER, MA

2017 APR 20 A 10:47

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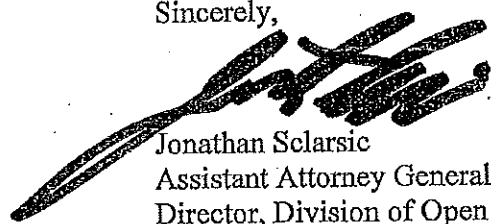
38

38

office has consistently interpreted these regulations to mean that the act of reviewing a complaint as a public body requires a meeting. See OML 2016-135; OML 2016-125; OML 2016-4; OML 2015-186; OML 2015-160; OML 2015-95; OML 2015-11; OML 2014-145; OML 2014-132; OML 2013-173; OML 2013-151; OML 2013-124; OML 2012-90; OML 2011-6.¹

We understand and appreciate the important role counsel plays in advising public bodies and ensuring complete and accurate responses to Open Meeting Law complaints. Our interpretation is not meant to interfere with the important attorney/client relationship, but rather to ensure that the public body does indeed review the complaint before collectively deciding how to proceed with its response. This practice increases the public body's engagement in the process and understanding of the law.

Sincerely,



Jonathan Scarsic
Assistant Attorney General
Director, Division of Open Government

cc: CJ Ferry
Fall River City Council

¹ Open Meeting Law determinations may be found at the Attorney General's website, www.mass.gov/ago/openmeeting.

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, February 21, 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: Terrence J. Sullivan, Administrator of Community Utilities

President Shawn E. Cadime called the meeting to order at 9:46 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 \$123,000,000 loan order for Integrated Wastewater and Stormwater Master Plan Improvements

A motion was made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, to override the Mayor's Veto. A further motion was made by Councilor Joseph D. Camara and seconded by Councilor Raymond A. Mitchell to waive the rules and allow the Administrator of Community Utilities to answer some questions. Councilor Joseph D. Camara asked what is the date that the Council would need to act by. Mr. Sullivan stated that by the first week of September, he would need to have an approved loan order and ballot question. Councilor Joseph D. Camara then asked Mr. Sullivan, if we could wait until 2018. Mr. Sullivan stated that we could, but if grant monies become available the City could miss out, if our projects are not shovel ready. On a roll call vote, 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 order for ballot question for \$123,000,000 loan order for Integrated Wastewater and Stormwater Master Plan Improvements

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 Richard Cabeceiras, it was unanimously voted to amend the ballot question by adding November 7, 2017 as the date of the election. On yet a further motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was voted 6 yeas, 3 nays to adopt the order, as amended with Councilors Joseph D. Camara, Steven A. Camara and Stephen R. Long voting in the negative.

3. Ratification of vote from Feb. 7, 2017 re: order to transfer \$30,000 from Mayor's Office Salaries to Mayor's Office Expenditures

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Linda M. Pereira, it was unanimously voted to lift the item from the table. A further motion was made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long to adopt the order, as amended. The amendment had changed the dollar amount from \$30,000 to \$20,000 at the previous meeting. Councilor Raymond A. Mitchell stated that he was absent from the last meeting when this matter was voted on, due to illness. He also stated that with all the changes that have occurred with the branding initiative, he cannot support this transfer. Councilor Steven A. Camara stated that this matter was duly voted on at the previous meeting and now is back on the agenda due to an open meeting law complaint being filed. On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to waive the rules to allow Corporation Counsel to answer questions in this regard. Corporation Counsel stated that the City Council President made the determination that to obviate any continuing Open Meeting Law complaint, he put the matter on the agenda for a vote. What is on the agenda for tonight is ratification of the vote taken on February 7, 2017. He stated that ratification has a particular meaning and that is approval of the previous vote. If ratification passes, then the vote is ratified. If ratification does not pass, then the previous vote stands. A further motion was made by Councilor Steven A. Camara and seconded by Councilor Joseph D. Camara to withdraw the motion to adopt the order, as amended and replace the motion with a motion to ratify the vote that was taken on February 7, 2017. Councilor Raymond A. Mitchell then made a motion to retake the motion that was made on February 7, 2017, but received no second. President Shawn E. Cadime then called for a five minute recess to review the pending motions at 11:01 p.m. The Council reconvened at 11:08 p.m. The City Clerk then called the roll on the previous motion. It was voted 3 yeas, 6 nays to withdraw the motion to adopt the order, as amended and replace the motion with a motion to ratify the vote that was taken on February 7, 2017, with Councilors Richard Cabeceiras, Pam Laliberte-Lebeau, Raymond A. Mitchell, Linda M. Pereira, Cliff Ponte and President Shawn E. Cadime voting in the negative. On yet a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was voted 6 yeas, 3 nays to vacate the vote that was taken on February 7, 2017 with Councilors Joseph D. Camara, Steven A. Camara and Stephen R. Long voting in the negative. A further motion was then made by Councilor Joseph D. Camara and seconded by Councilor Cliff Ponte to allow the City Administrator to answer questions. Councilor Steven A. Camara asked the City Administrator if the \$20,000 that was transferred at the last meeting had been spent. She stated that the money had not been spent.

4. Mayor and order - Oak Grove Cemetery \$99,630 for iron and stone work from CPA funds
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to refer the matter to the Committee on Finance.

5. Collective bargaining agreement for Teamsters Local 251 Public Works Unit
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the matter to the Committee on Finance.

6. Collective bargaining agreement for IAFF Local 1314 Fall River Firefighters
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the matter to the Committee on Finance.

7. Mayor and easement for Clover Leaf Mills, LLC
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order for the easement.
Approved, March 1, 2017, Mayor Jasiel F. Correia II

8. Mayor and Statements of Interest for consideration of funding through MA School Building Authority's Accelerated Buildings Repair Program for repairs at James Tansey and Samuel Watson Elementary Schools

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was voted, 9 yeas to adopt both Statements of Interest for the repairs of the James Tansey and Samuel Watson Elementary Schools.

Approved, March 1, 2017, Mayor Jasiel F. Correia II

PRIORITY COMMUNICATIONS

9. Planning Bd. recommending dedication of soccer field at Father Travassos Park in honor of The Ponta Delgada Soccer Club

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

Approved, March 1, 2017, Mayor Jasiel F. Correia II

10. Planning Bd. recommending the establishment of a monument for Flint Neighborhood Veterans lost since 9/11

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the order. Councilor Linda M. Pereira questioned where this new monument would be located.

Approved, March 6, 2017, Mayor Jasiel F. Correia II

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

11. Administration investigate the possibility of a second provider of cable television to allow for competitive pricing

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

Approved, March 1, 2017, Mayor Jasiel F. Correia II

12. Youth Services Coordinator be invited to Committee on Public Safety meeting to provide overview of Fall River Shannon Community Safety Initiative and Safe and Successful Youth Initiative

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

13. Committee on Budget Preparation, Revenue and Audits convene to discuss alternative options to PAYT and the financial impact of terminating the program

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to amend the resolution by adding the words and City Council after the words Administration. On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to adopt the resolution, as amended.

14. Committee on Finance convene to discuss process and status of OML complaints

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the resolution.

CITATIONS

15. Leroy Campbell – 85th Birthday

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the citation.

ORDERS – HEARINGS

Curb removal:

16. Robert Maynard, 394 Hancock Street – total of 44 feet at 394 Hancock Street

On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was unanimously voted to refer the matter to the Committee on Public Works and Transportation.

17. Eleventh Street Associates, Inc., 231 Bedford Street – total of 30 feet at 0 Seventh 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, March 1, 2017, Mayor Jasiel F. Correia II

ORDERS – MISCELLANEOUS

18. Police Chief's report on licenses

Taxicab Drivers:

Donel Jean

Aisha Rivera

Noel Vaillancourt

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

19. Auto Body Shop license renewal:

- Joseph Silva d/b/a Supreme Auto, 421 Third 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, March 1, 2017, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS

20. Claims

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

21. Open Meeting Law complaint from Patrick Higgins regarding vote taken at February 7, 2017 City Council Meeting

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to refer the matter to Corporation Counsel.

22. Structure over a public way – Banner at 30 Bedford Street for People, Incorporated for Miles for Smiles

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to approve the structure over a public way.

City Council Committee/Meeting Minutes:

23. City Council Meeting – January 10, 2017

24. Committee on Finance – December 27, 2016

25. Public Hearing – February 7, 2017

26. Committee on Public Works and Transportation – February 6, 2017

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to take items #23 through 26 together. On a further motion

made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to approve the minutes.

BULLETINS – NEWSLETTERS – NOTICES

27. Notice of Casualty and Loss at 530 Fuller Street

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted that the notice be accepted and placed on file.

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

CITY COUNCIL MEETING DATE: FEBRUARY 21, 2017

COMMITTEE REPORTS

Committee on Finance recommending:

Action:

10a. Resolution – Section 108 loan for replacement of fire apparatus and equipment

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to adopt the resolution.

Approved, March 1, 2017, Mayor Jasiel F. Correia II

10b. Order – funding of cost items in collective bargaining agreement of LAW – Building Custodians.

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, March 1, 2017, Mayor Jasiel F. Correia II

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn at 11:47 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

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COMMITTEE ON HEALTH AND ENVIRONMENTAL AFFAIRS

MEETING Wednesday, April 19, 2017 at 4:00 p.m.
Council Chamber, Government Center

PRESENT Councilor Steven A. Camara, presiding
Councilor Raymond A. Mitchell

ABSENT Councilor Joseph D. Camara

IN ATTENDANCE Kenneth C. Pacheco, COO, Fall River School Department
Terrence J. Sullivan, Administrator of Community Utilities
John Perry, Director of Community Maintenance
Nancy Smith, Director, Parks Division
David Rebello, Board of Park Commissioners
Michael P. Dion, Executive Director, CFO,
Community Development Agency
Monica Sousa, Community Development Outreach Coordinator
Hal Meyer, Business Development Manager
AMERESCO, 111 Speen Street, Suite 410
Framingham, MA 01701
Robert Rak, Professor of Engineering & Env. Science
Bristol Community College, 777 Elsbree Street

The chairman called the meeting to order at 4:08 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

1. Resolution – Committee convene at Bristol Community College on Earth Day, April 19, 2017 in conjunction with BCC Seeds of Sustainability Club to discuss Fall River's sustainability efforts and plans for the future.

Councilor Raymond A. Mitchell stated that the City of Fall River is working to improve Fall River's sustainability efforts by installing LED street lights, installing condensing boilers and low water toilets wherever possible. The street light replacement program changed over 6,000 street lights to LED lights, which is saving the City approximately \$750,000 per year in electricity costs.

Kenneth C. Pacheco stated that four of the Fall River Schools now have solar power and they have been changing out inefficient lighting.

The Administrator of Community Utilities stated that the City now has over 5,000 acres of land preserved for water shed. In 1952 the first wastewater treatment plant was built, which was the beginning of working to preserve clean water. The CSO has been over a \$200 million dollar project. The date for payoff is 12-31-2025.

Nancy Smith stated that there are 172 acres of park land in the City of Fall River. She stated that when any lighting needs replacing, it is being replaced with energy efficient bulbs.

Councilor Raymond A. Mitchell stated that Mass Save is available to all residents in the City and offers low interest loans to replace windows, lights, toilets and showers with energy efficient models. All energy audits are performed free of charge.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn at 5:10 p.m., with Councilor Joseph D. Camara absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting
AMERESCO brochure

Cecilia Taylor
Clerk of Committees

COMMITTEE ON BUDGET PREPARATION, REVENUE AND AUDITS

MEETING: Thursday, March 23, 2017 at 5:30 p.m.
Council Chamber, Government Center

PRESENT: Councilor Richard Cabeceiras, presiding
Councilors Shawn E. Cadime and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services
Joseph Biszko, Director of Code Enforcement
Raymond White, Sealer of Weights and Measures
Rhonda Pinnell, Purchasing Agent

The chairman called the meeting to order at 5:30 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

1. Resolution – Committee convene to meet with department heads and supervisors to ensure efficient functionality of city departments
(tabled 10-24-16)
 - a. Purchasing Division
 - b. Weights and Measures
 - c. Other related departments if applicable

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, item b was taken out of order. The Sealer of Weights and Measures explained that he inspects and tests all weights and measuring devices in the city. He is a one person department with \$16,000 in revenue during the fiscal year. In 2016 he inspected 800 devices, including 400 gas station pumps. His goal for the upcoming fiscal year is to ensure that all devices are sealed. If additional staff was added, \$2,000 to \$3,000 in additional revenue would be secured. Councilor Shawn E. Cadime asked that the Administration conduct a revenue study. Mr. White and Mr. Biszko stated they will look into that.

In terms of the Purchasing Division (item a), the City Administrator read a statement prepared by the Purchasing Agent regarding the Division's essential functions. Councilor Linda M. Pereira inquired whether the Purchasing Division prepares Requests for Proposals (RFPs). The

Purchasing Agent stated that Department Heads write the RFPs and she makes sure all the forms are in order. In terms of the Committee on Real Estate, the Committee provides the specifications to the Purchasing Agent.

A goal of the Division is for all clerks to be MCPPOs (Massachusetts Certified Public Purchasing Officers) and one of the Division's clerks is close to becoming certified. The Division's challenges is to be able to meet all department requests for supplies. In addition, the Division is looking for ways to save money such as doing an online auction instead of holding an auction at the City Garage on Lewiston Street. The Purchasing Agent will provide the information of the online auction to Councilors. This Division does not generate revenue.

Councilor Linda M. Pereira also asked regarding office hours because she received calls that the office had been closed. The Purchasing Agent stated that the office is now staffed with three employees and that the Collector's office has helped as needed.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, the item was tabled.

2. Fiscal Year 2017 Quarter 2 Budget Report (referred 2-7-17)

The Director of Financial Services stated that the Fiscal Year 2017 Quarter 3 report will not be ready for presentation until the second City Council Meeting in April. An ordinance had been referred to the Committee on Ordinances and Legislation requesting these financial updates be done during the second meeting in Finance but it has not been heard by the Committee on Ordinances and Legislation as of yet. Councilor Shawn E. Cadime asked that a MUNIS report be forwarded to Councilors and that the Capital Projects update be sent for the second meeting in April. The Chair also requested that the information be sent as soon as it is available so that Councilors can prepare in advance. The Director of Financial Services stated that she does not have any revenue concerns at this time. In terms of the School Department health insurance and net school spending, they are currently on target, and will be able to cover transportation costs.

In terms of the Information Systems Division, a \$55,000 transfer from salaries to expenses was recently requested to go back to expenses to salaries. This matter relates to a payroll issue for an employee who moved from the Department of Community Maintenance to Cemeteries and finally to the Information Systems Division for switchboard duties. When the budget was formulated it wasn't anticipated that the move would take place.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adjourn at 6:32 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet

CD and DVD of meeting

List of essential functions of the Purchasing Division and answers to questions made by the Chair

Unis Leite

Assistant Clerk of Committees

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COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

MEETING: Thursday, March 30, 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: Matthew Hiscock, 43 William Street
Laura Ferreira, Parking Clerk
JR Frey, City Engineer

The chairman called the meeting to order at 5:18 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

Order – Matthew Hiscock, 946 Walnut Street, requests the removal of 40.6 feet of curbing with an existing 21 foot driveway for a total of 61.6 feet at 946 Walnut Street

The request is for removal of curbing at a 4 family residence owned by the applicant, Matthew Hiscock. With the removal of curbing six cars, which usually park on the street, could park at this location. According to the City Engineer, two on-street parking spaces would be lost. The Parking Clerk further explained that per Massachusetts General Law, cars should park 20 feet from the corner. Councilor Steven A. Camara stated he visited the site and spoke to the objectors who expressed being agreeable to the removal of 29 feet of curbing and the loss of one parking space instead of two. The applicant agreed with that recommendation. A discussion was also held regarding the tree located near the property's parking lot. Councilors Steven A. Camara and Pam Laliberte-Lebeau encouraged the applicant to salvage the tree and the applicant stated he believes he can make it work as long as it doesn't interfere with parking for the tenants. On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to recommend that the order be adopted, as amended, with the removal of 29 feet of curbing, for a total of 50 feet at 946 Walnut Street.

On a further motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adjourn at 5:37p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

Letter and related photographs from objectors Donna and Ernest P. Viveiros Sr., 945 Walnut Street


Assistant Clerk of Committees

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COMMITTEE ON REGULATIONS

MEETING: Tuesday, March 28, 2017 at 5:15 p.m. in the Council Chamber, One Government Center

PRESENT: Councilor Linda M. Pereira, presiding
Councilors Joseph D. Camara and Steven A. Camara

ABSENT: None

IN ATTENDANCE: Detective Brian Cordeiro, Fall River Police Department
Alan Confoey, 363 Robert Street, Westport, MA
Timothy Cabral, 1 Old Slab Bridge Road, Assonet, MA
Tom Cabral, 505 Hooper Street, Tiverton, RI
Joseph A. Viveiros, Jr., 79 Baird Street

The chair called the meeting to order at 5:16 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

1. Order – Alan's Jewelry for the renewal of a second hand license at 1661 South Main Street

Councilor Joseph D. Camara arrived at 5:17 p.m.

Mr. Alan Confoey stated that he dropped off documents at the police station showing the case was closed and was trying to run his business. Detective Brian Cordeiro stated that as of 3:15 p.m. the status of Mr. Confoey's case relating to a 2012 incident was still open in the Board of Probation Database. Upon review of the information provided by Mr. Confoey, Detective Cordeiro stated he no longer had an issue with the previously pending case. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was voted 3 yeas to recommend approval to the full council.

2. Order – Timothy Cabral d/b/a Aberdeen Auto LLC for an auto repair shop license at 163-165 Aberdeen Street

Mr. Joseph A. Viveiros, Jr. stated he would like to enjoy his backyard as he does now without having to hear the sound of impact guns and engines as well as the smell of fumes with the opening of this auto repair shop. Mr. Timothy Cabral stated that he has been operating as an auto dealer since October 2015 and will be operating the auto repair shop in the same fashion from Monday to Friday from 7:00 a.m. to 4:00 p.m. The previous property owners had the same types of licenses. Councilor Steven A. Camara stated that a landscaping effort would have a positive impact in absorbing fumes and providing privacy for Mr. Viveiros. On a motion made by Councilor Joseph D. Camara and seconded by Chair Linda M. Pereira, it was voted 3 yeas to recommend approval.

On a motion made by Councilor Steven A. Camara and seconded by Chair Linda M. Pereira, it was unanimously voted to adjourn at 5:45 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

Documentation from Alan Confoey regarding court case

Pictures from Tom Cabral regarding 163-165 Aberdeen Street

Elvis Leite
Assistant Clerk of Committees

COMMITTEE ON REGULATIONS

MEETING: Monday, April 24, 2017 at 5:00 p.m. in the
Council Chamber, One Government Center

PRESENT: Councilor Linda M. Pereira, presiding
Councilors Joseph D. Camara and Steven A. Camara

ABSENT: None

IN ATTENDANCE: Marc Belanger, P.E., Soil Evaluator, Title 5 System Inspector
Bohler Engineering, 352 Turnpike Road
Southborough, MA 01772
Paul Cordery, 20 Ida Lane, Fall River, MA 02720
Moses Camara, 79 Chesworth Street, Fall River, MA 02723

The chair called the meeting to order at 5:05 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

1. Order -- Paul R. Cordery, PO Box 1164, Fall River, MA for permission to store 40,000 gallons of gasoline and 10,000 gallons of diesel fuel for a total of 50,000 gallons underground; an increase of 26,000 gallons at 15 Eastern Avenue

Marc Belanger is representing Speedway. Speedway is leasing the property from Paul Cordery. Mr. Belanger stated that Speedway is looking to increase the storage and add diesel, since the tanks need to be replaced. Councilor Steven A. Camara asked where the diesel will be located. He stated that diesel will only be available at the pumps closest to Eastern Avenue.

Moses Camara stated that by adding diesel to the station, there will be more traffic. He also stated that the width of the driveway on Chesworth Street was larger than approved. Paul Cordery stated that the service station opened at the present location in 1969. Councilor Steven A. Camara stated that the records for the curb removal should be reviewed by the City Clerk.

Councilor Linda M. Pereira stated that the sidewalks are cracked and parking has been a problem at this location. Vehicles have rolled out of the parking lot and across Bedford Street, due to the incline in the parking lot. Mr. Cordery stated that all the sidewalks and parking lot will be repaired with the replacement of the tanks and that he was willing to reduce the size of the driveway on Chesworth Street, to increase parking near Moses Camara's property. Mr. Camara stated that he would be happy with this compromise. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Linda M. Pereira, it was unanimously voted to recommend the order be adopted.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn at 5:39 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting

Christina Taylor
Clerk of Committees

COMMITTEE ON PUBLIC SAFETY

MEETING: Wednesday, April 12, 2017 at 6:00 p.m.
Council Chamber, Government Center

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

ABSENT: None

IN ATTENDANCE: Mayor Jasiel F. Correia II
Cathy Ann Viveiros, City Administrator
Albert Dupere, Deputy Police Chief
State Representative Carole Fiola
State Representative Paul A. Schmid
Assistant District Attorney Michael A. Cahillane
888 Purchase Street, New Bedford, MA 02740
Natalie Mello, 41 O'Grady Street, President
Bank Street Neighborhood Association
Carlos Cesar, 367 Frost Street, President
Flint Neighborhood Association
CJ Ferry, 300 Buffinton Street

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

Agenda:

1. Resolution – Discuss ways to increase Police Department staffing levels

The Chair read the resolution and invited the parties to join the discussion at the table. Chief Albert Dupere stated that currently the Department is a little understaffed with 202 police officers in the Department. The Chief has restructured the Department to best utilize resources but more staffing is needed. There will be 212 officers once they complete the Police Academy and begin field training. He would like to see the Department be staffed with 240-250 officers.

Mayor Jasiel F. Correia II stated that there is a multi-faceted approach needed with staffing and equipment, such as for surveillance cameras and ShotSpotter as they help with the solving of crimes in the Police Department. A camera is present at the Ruggles Park neighborhood and he is working with a non-profit to obtain more cameras for the City. The current plan is to keep ShotSpotter, but the initiative is being evaluated. He is also working on re-directing manpower to patrol the streets by transferring jail duties to the Sheriff. Nine officers would be freed up as a result of this proposal. The Sheriff will need funding from the Commonwealth. The Mayor will be looking to meet with the Sheriff Tom Hodgson, Chief Dupere and District Attorney Tom Quinn. The Sheriff drafted a plan during Governor Deval Patrick's term and is planning to re-submit it.

The Mayor also indicated that he is looking to add multiple officers in the Fiscal Year 2018 budget and that one officer will be added with Community Development Block Grant funding. In terms of School Resource Officers, the plan is for the School Department Budget to absorb the funding for three officers and the Superintendent is willing to add another four positions to the School Budget, which is net school spending eligible. According to Chief Dupere the Sergeants are paid by the Police Department.

State Representative Paul Schmid provided an overview of the current budget process and schedule. He stated that the timing of this meeting is good because the House of Representatives is in the middle of the budget process and anticipates there will be an opportunity for inclusion of initiatives such as the Shannon Grant. It will be a tough year but unrestricted local aid and school aid are a priority.

State Representative Carole Fiola stated that \$150 Million of the City's \$255 Million was funded through the Commonwealth. The Delegation will continue working on bringing as much extra funding as possible. Since 2011, \$4.5 Million has been brought to the City for Public Safety that is distributed amongst other stakeholders, in addition to unrestricted local aid. She is not sure on the current status of the Sheriff's budget but stands ready to help and encouraged the Mayor to meet with the delegation.

Assistant District Attorney Michael A. Cahillane stated that the cameras are invaluable because they help with convictions and prosecutions more than ShotSpotter. There is a precedence for municipally owned cameras in Bristol County.

Councilor Richard Cabeceiras recommended that the City pay for the four police officer positions so that education funding is not sacrificed. He would like to see more funding in the classroom to allow for a reduction in class size and that funding is applied for direct costs versus indirect costs. In terms of the night patrol, Chief Dupere stated that the number of officers varies depending on the day and whether there is a full complement of uniform officers. Usually fifteen (15) officers are on night patrol. In regards to the hiring of a grant writer, the City Administrator stated that two candidates were interviewed and offered the position but declined the position because of the salary. A firm has also approached the City to provide those services on a contract basis. The Police Department has stepped up and applied for the Police grants. In terms of the jail and bargaining with the Police Union, the Chief stated that he does not see an issue because of the way the contract is written.

In terms of the how the additional cameras would be paid, the Chief stated that Fall River has them since 2010 and the Mayor declared he is also working with non-profits to provide SILOTs (Services in lieu of Taxes), is working with vendors for discounts and is looking for long term funding from the District Attorney.

Councilor Cliff Ponte stated his glaring need for the next Fiscal Year is increased public safety, including meeting the Chief's goal of 240-250 officers. He is hopefully optimistic but will look forward to have more information, with emphasis on the overnight shift for Police.

Chair Pam Laliberte-Lebeau stated that officers are vulnerable when manpower is low and will be advocating for more boots on the street. In terms of other needs, the Chief identified a need to keep the equipment current such as marked and unmarked cruisers, TASERS and radios. In terms of the IT Department, a Sergeant and two Detectives staff the Department and maintain the networks, cell phones, cameras, and other technical equipment as needed. According to the Chief these tasks have been privatized to some degree but still need a few officers with specialized knowledge at this time.

The printers have been contracted out and the Department uses a network consultant as needed. The City's IT Director has also been assisting with the acquisition of mobile computers. In terms of the cameras and ShotSpotter, Assistant District Attorney Cahillane stated that District Attorney Quinn is currently in ongoing discussions with the Mayor and the Chief. The City Administrator anticipates the discussions will be complete when the budget is submitted.

On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was unanimously voted to table the item.

2. Discussion re: issues and concerns related to public safety throughout the city
Natalie Mello came forward and stated the Fall River Police Department still does not have enough officers because one officer is doing the job of three. She expressed concern for officers, teachers and EMTs. Her nephew was shot in the Flint Neighborhood area last year and she is troubled that as a community we are getting used to the gun shots and overdoses. She wouldn't have a problem with overriding Proposition 2 ½ for public safety purposes. She also expressed the need for more cameras and affirmed that the City does not need another SSTAR (Stanley Street Treatment and Resources).

Carlos Cesar came forward and informed the Committee that a hit and run happened near his house and the State Police were the first to respond to the scene within 15 minutes. On Friday, another hit and run took place on Chicago Street and it took the Fall River Police Department 2 hours to arrive. He was surprised to hear where the cameras will be installed because the City used to have a policy of not announcing the locations. He finds there isn't a connection with the neighborhood associations and the Administration, because there aren't as many round table meetings as there used to be. An issue raised at their last meeting with the Mayor in September of 2016 regarding a pole on the sidewalk near Walmart has still not been resolved and this issue has been pending for 4 years.

CJ Ferry came forward and expressed his displeasure with the lack of enough police staffing and the new social norm of daily Narcan use. He also informed the Committee that theft and prostitution has increased at the Old Sam's Club, that Property 2 ½ cannot be earmarked for Public Safety and that the City should look for other sources of revenue and better leadership. He also declared that the City should prioritize the necessary services, which are Police, Fire and School Departments, before other spending.

On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adjourn at 7:35 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting


Assistant Clerk of Committees

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COMMITTEE ON PUBLIC SAFETY

MEETING: Wednesday, May 10, 2017 at 5:30 p.m.
Council Chamber, Government Center

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

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
John D. Lynch, Fire Chief
Jason Burns, President, IAFF Local 1314

The chair called the meeting to order at 5:30 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

1. Resolution – Discuss ways to maintain Fire Department staffing levels

The Chair read the resolution and invited the parties to join the discussion at the table. The City Administrator explained that the SAFER grant is due to expire in January of 2018. Ten (10) SAFER positions will be included in the Fiscal Year 2018 budget and five additional firefighters will be added as well. In addition, the Administration reached an agreement with the Firefighters Union IAFF Local 1314 and AFSCME EMS to create five (5) Firefighter/EMS positions who will be able to divide their time between the Fire Department and EMS as long as the minimum staffing levels of the Fire Department are maintained. This will allow the use of Firefighters on ambulances and will result in increased payments for 911 calls for the City. Revenues received from these calls can be used by the Fire Department to pay for the salaries of these firefighters because they will become a Fire Department receipt. Tim Oliveira, Director of EMS, is currently reaching out to nursing homes to encourage them to call 911 when they need an ambulance instead of calling a private ambulance so that the City can get the revenue.

Chief John D. Lynch outlined that the Department is currently staffed with 185 firefighters. Vacancies and retirements are expected but a recruit class of 21 firefighters will begin in July of 2017 and will be ready to staff the Department within 10 weeks (by September of 2017). Under the Fire Department/EMS integration, these positions will respond to all medical calls and will divide their time between the two Departments. One Supervisor, who will manage these five (5) positions, will be in the squad car to be housed in either the North End Fire Station or the Central Fire Station. Firefighter/EMTs will have their firefighter gear with them. If there is a fire, the squad vehicle will bring the firefighter to the fire scene.

Councilor Cliff Ponte inquired regarding the Chief's goals for the Department and he replied that in the next five years he would like to see the Department staffed with 200 firefighters depending on the finances of the City. Since the dual roles of these positions will allow the Fire Department to access the revenues attained by these positions, the

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City Administration stated that the integration holds a lot of promise and thinks the goal is attainable.

Jason Burns gave credit to the City Administrator for being crucial in making this agreement come to fruition because of her ability to navigate the Collective Bargaining process.

Chair Pam Laliberte-Lebeau inquired regarding the minimum staffing levels and the Chief stated it is 34 firefighters per shift. Currently there are 30 firefighters per shift, with three (3) on every truck. When overtime is available, the number is increased to 32. To reach four (4) firefighters on the truck, 40 per shift will be needed. In terms of the SAFER grant application, although the Department asked for funding for 10 positions the rules have changed and are as follows: 75% of the funding is provided in the first year, 75% of the first level firefighter are funded in the second year, and 35% of the funding in the third year.

Councilor Richard Cabeceiras clarified the use of the new Firefighter/EMT positions. Chief Lynch explained that they will provide additional support to a fire scene and will be in the squad car. They will not transport. Councilor Cabeceiras further stated that to reach a true 200 full time firefighters, 215 firefighters would be needed for a full complement since the integrated positions are part-time firefighters.

In terms of overtime, \$250,000 was budgeted this fiscal year and another \$250,000 was received from the state's EOPS grant. Jason Burns stated that the EOPS grant is going away because the state wants municipalities to fund Fire Departments accordingly.

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was unanimously voted to grant the resolution leave to withdraw.

2. Discussion re: issues and concerns related to public safety throughout the city
The Chair entertained discussion regarding the condition of Fire Stations. The City Administrator stated that a draft structural plan has been received and that a multi-year capital plan is going to be developed. The full report will be provided when ready. Councilor Ponte toured the Central Fire Station recently and it is in deplorable conditions not conducting to a healthy working environment with peeling ceilings and asbestos wrapped pipes, amongst other conditions. A preventative plan is needed for all buildings. Jason Burns added that the air system needs to be clean and that firefighters have experienced cancer and breathing issues which they think is tied to the condition of the building. The City Administrator stated that firefighters from the Central Fire Station have been extremely tolerant of the conditions because they want to stay together in the same building. Councilor Richard Cabeceiras stated that since mold is a big problem the safety of firefighters needs to be considered first and then the structural integrity of the building.

On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard A. Cabeceiras, it was unanimously voted to adjourn at 6:40 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting


Assistant Clerk of Committees

COMMITTEE ON FINANCE

MEETING: Tuesday, April 25, 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 and Linda M. Pereira

ABSENT: Councilor Cliff Ponte

IN ATTENDANCE: None

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:
Richard Barlow, 50 Anderson Street – State of City

Agenda:

1. Collective bargaining agreement for Fall River Environmental Police
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to refer the matter to the full council for action, with Councilor Cliff Ponte absent and not voting.
2. Discuss resolution relating to increase in employee health insurance
Councilor Raymond A. Mitchell stated that additional information has been received regarding health insurance rates since this resolution was filed. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to grant the resolution leave to withdraw, with Councilor Cliff Ponte absent and not voting.

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 6:07 p.m.

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List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

Cullen A. Taylor
Clerk of Committees

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, April 11, 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: Marc Belanger, P.E., Soil Evaluator, Title 5 System Inspector
Bohler Engineering, 352 Turnpike Road
Southborough, MA 01772

The President called the meeting to order at 5:48 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:

Storage License:

Application of Paul R. Cordery, PO Box 1164, Fall River, MA for permission to store 40,000 gallons of gasoline and 10,000 gallons of diesel fuel, for a total of 50,000 gallons underground; an increase of 26,000 gallons at 15 Eastern Avenue.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and Marc Belanger of Bohler Engineering, representing Speedway came forward. Mr. Belanger stated that the applicant wished to increase the amount of storage at this location while they are upgrading the current storage tanks. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Steven A. Camara and seconded by Councilor Richard Cabeceiras, it was unanimously voted to close the hearing.

Curb Removal:

Joseph Silva, 170 Jefferson Street, requests the removal of 11 feet of curbing with an existing 16 foot driveway for a total of 27 feet at 170 Jefferson Street to allow access to automobile garages on the property.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the hearing be opened. 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 Cliff Ponte, it was unanimously voted to close the hearing.

Councilor Steven A. Camara asked if there were any written objections. The Assistant City Clerk stated that there was one objection received via email. There was no name or address on the email. The City Clerk then stated that she had sent a request to the objector for their name and address, but had not received a response prior to the meeting. Councilor Raymond A. Mitchell questioned which item the objection was for and the City Clerk responded that the objection was to the gasoline storage permit.

On a further motion made by Councilor Richard Cabeceiras and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn at 5:52 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

Emailed letter of objection

A true copy. Attest:

Alison M. Bouchard

City Clerk

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COMMITTEE ON REAL ESTATE

MEETING: Thursday, March 16, 2017 at 5:30 p.m. in the
Council Chamber, Government Center

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

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Joseph I. Macy, Corporation Counsel
Joseph Biszko, Director of Code Enforcement

The chair called the meeting to order at 5:30 p.m. and announced that the meeting may be recorded with audio and video and transmitted through any medium.

Agenda:

1. Communication – City Administrator regarding former Police Station
The City Administrator stated that at the present time, she is reaching out to two entities that had a previous interest in the property. They are Greater Fall River RE-CREATION and The Preservation Society of Fall River. If there is no interest, then the next step will be an auction. Councilor Linda M. Pereira stated that she believes the auction will be the best way to dispose of this property and should be conducted as soon as possible. Councilor Stephen R. Long stated that the City may have a problem trying to auction the property. There are many problems with this location, the footprint of the property is very small and there is no parking. Councilor Richard Cabeceiras stated that he would like to see an RFP for the property, with very few restrictions to see if the City can sell it. A motion to table was made by Councilor Stephen R. Long and seconded by Councilor Linda M. Pereira. A subsequent motion was made by Councilor Stephen R. Long to rescind his motion to table the matter. On yet a further motion made by Stephen R. Long and seconded by Councilor Linda M. Pereira it was unanimously voted to table the matter.

2. Resolution – Discuss inventory of city owned property for sale
Councilor Linda M. Pereira questioned why there are portable toilets at the King Philip Mill location. The City Administrator stated that D.E.P. is on site doing remediation of PCB's and removing tanks. She also stated that there is a developer interested in the site and will be making a presentation to the South End Neighborhood Association shortly. Corporation Counsel stated that the Lincoln School is sold and he is just waiting for the check. He also stated that the sale of the Silvia School should be finalized in the next two weeks, as he is down to the final clauses in the purchase and sales agreement which are due to the contamination of the property. Councilor Richard Cabeceiras stated that he has heard stories of people living in the school. The Director of Code Enforcement stated that as far as he knows there is no one living in this building. Corporation Counsel stated that the new owner wants to secure the property as soon as the purchase and sales agreement is signed. Corporation Counsel also stated that the sale of the Coughlin School is complete. Councilor Richard Cabeceiras asked the City Administrator if there are any city owned property that could be sold. She stated that there was a very comprehensive report compiled of all city owned property, but it does not include any protected wetlands.

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The City Administrator stated that she would prepare a list of all tax title properties that are for sale. On a motion made by Councilor Stephen R. Long and seconded by Councilor Linda M. Pereira, it was unanimously voted to table the matter.

3. Order – Purchase of property located at 38 Third Street for Employee Health Clinic
A motion was made by Councilor Stephen R. Long to grant the order leave to withdraw, but received no second. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Richard Cabeceiras it was unanimously voted to table the matter.

4. Resolution – Ensure compliance regarding demolition of buildings on historical register

The City Administrator stated that there have been some adjustments recently made to Code Enforcement procedures. Now when there is a request for demolition, the applicant is required to get approval from the Historical Commission acknowledging that the building is not on the historic register and Mr. Biszko awaits that information before issuing any demolition permits. Councilor Richard Cabeceiras read an email from the Planning Director regarding the demolition of historical buildings. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Stephen R. Long it was unanimously voted to refer the resolution to the Committee on Ordinances and Legislation along with the email from the Planning Director to work on a proposed ordinance to be submitted.

A motion was made by Councilor Linda M. Pereira and seconded by Councilor Stephen R. Long, to adjourn, but the vote did not carry as Councilor Steven A. Camara requested to be heard. Councilor Linda M. Pereira stated that Councilor Steven A. Camara should be allowed to speak. The chairman recognized Councilor Steven A. Camara to speak. Councilor Steven A. Camara then requested that item #3 be lifted from the table. The chairman then stated that that item was duly tabled. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Stephen R. Long, 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
Email from William Kenney, Planning Director

Colleen A. Taylor
Clerk of Committees