

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, October 10, 2017 at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Joseph I. Macy, Corporation Counsel

President Shawn E. Cadime called the meeting to order at 9:24 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 requesting confirmation of Kathryn E. Kenney to the Historical Commission
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted that the appointment be granted leave to withdraw.

PRIORITY COMMUNICATIONS

2. Planning Board – favorable recommendation of creation of King Philip Mills Overlay District

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted that the communication be referred to the Committee on Ordinances and Legislation.

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

First Reading:

3. Proposed Ordinance – Definition and fee schedule for dog kennels
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the proposed ordinance be passed through first reading.

Adoption:

4. Order – Accept provisions of M.G.L. Chapter 140 § 139 re: fees for service dogs and dogs owned by persons aged 70 and over
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to adopt the order.
Approved, October 12, 2017, Mayor Jasiel F. Correia II

Approval:

5. Communication – Mayor requesting authorization to proceed with permitting process for eight proposed billboards

Councilor Steven A. Camara stated that he has concerns with the placement of billboards; he doesn't want to litter the landscape with billboards. On a motion made by Councilor Cliff Ponte and seconded by Councilor Linda M. Pereira, it was unanimously voted for authorization to proceed with the state approval process 7 yeas, 2 nays with Councilors Richard Cabeceiras and Steven A. Camara voting in the negative.

Grant leave to withdraw:

6. Resolution – Discuss parameters of bonding

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Cliff Ponte, it was unanimously voted that the resolution be granted leave to withdraw.

Committee on Regulations recommending:

Adoption:

7. Order – Second hand article store – Melissa Resendes d/b/a Melissa's New To You! located at 2577 South Main 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, October 12, 2017, Mayor Jasiel F. Correia II

ORDINANCES

Second Reading and enrollment:

8. Proposed Ordinance – Establishment of Revolving Funds

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment.

9. Proposed Ordinance – Taxicab drivers; recommendation received by Police Chief

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment.

10. Proposed Ordinance – Establishment of Municipal Hearings Officer

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was voted 6 yeas, 3 nays that the proposed ordinance be passed through second reading and enrollment, with Councilors Steven A. Camara, Raymond A. Mitchell and Linda M. Pereira voting in the negative.

RESOLUTIONS

11. Committee on Public Works and Transportation convene to discuss the removal of a guardrail on Stowe Street

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

12. Administration restore CDA funding to the Fall River Office of Economic Development

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was voted 6 yeas, 3 nays to refer the resolution to the Committee on Finance with Councilors Joseph D. Camara, Steven A. Camara and Stephen R. Long voting in the negative.

13. Administration establish streetscapes oversight committee
Councilor Steven A. Camara stated that he is very concerned with these projects and believes that an oversite committee will help. Councilor Richard Cabeceiras stated that he hopes that these committees will have a true say and not be just another meaningless committee. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to amend the resolution by adding that committee members must be city residents unless granted a waiver by the City Council. On a further motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Steven A. Camara, it was unanimously voted to amend the resolution by adding that the committees be specific to the areas where the streetscapes are being constructed. On yet a further motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the resolution, as amended.

CITATIONS

14. Nicholas "Nick" M. Christ – 2017 Roger Valcourt Memorial Outstanding Citizen of the Year
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the citation be adopted.

15. Southeast Center for Independent Living, Inc. – 30th Anniversary
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the citation be adopted.

16. Fall River Police Department Award Recipients and Retirees

Guy Furtado	Nicholas M. Hoar	David Reed
Marc Correia	Brett D. Kimball	Paul McGuire
Brandon Stukus	John Deschenes	Denis P. Gagne
Shane T. Galus	William Medeiros	Daniel A. Mello
Matthew Mendes	Derek Oagles	David M. St. Laurent
James Donovan	Daniel Mello	Jason Staley
Charles J. Cullen	Frank Andrade	Jared M. Santos
Kevin P. Resendes	Stephanie Perry	Seth Hockert-Lotz
John F. Cabral	James T. Donovan	Daniel S. Racine
Leonel M. Rebello	Robert S. Rondeau	Jason Staley

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted that the citations be adopted.

ORDERS – HEARINGS

Hearings to be scheduled:

17. Mobilitie, LLC – to attach wireless backhaul transport equipment to existing utility poles at various locations

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was voted 8 yeas, 1 nay to adopt the order, with President Shawn E. Cadime voting in the negative.

18. New Cingular Wireless PCS, LLC (AT&T) – to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to adopt the order.

ORDERS – MISCELLANEOUS

19. Police Chief's report on licenses:

Taxicab Drivers:

Mickey Dias Preston S. McNeil Manuel Silvia IV Kevin Workman

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

20. Auto Repair Shop license renewals:

Paul J. Amarello, Ray's Auto Sales, Inc. at 707 Brayton Avenue

Paul J. Amarello, Durfee Auto Sales, Inc. at 345 Durfee Street

Michael Camara, Performance Auto Center, Inc. at 1148 Davol Street

David L. Turcotte, Walter's Super Service, Inc. at 30 Bodge Street

Steven Thornsby d/b/a T&T Auto Repair and Sales, 2553 South Main Street

Joseph Medeiros, 4J Auto, Inc. d/b/a Midas Auto Service at 1439 Plymouth Avenue

Robert Fouquette d/b/a Big Wheel Truck Sales, Inc. at 410 Second Street

Roy Oliveira d/b/a Auto Boutique at 101 Price Place

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

Approved, October 12, 2017, Mayor Jasiel F. Correia II

21. Auto Body Shop license renewals:

John Medeiros, Medeiros Auto Body and Sales, Inc. at 96-98 Alden Street

Arthur Camara d/b/a Deschenes Body Repair, Inc. at 751 Eastern Avenue

Marco Moniz and Laudalino Viveiros d/b/a Platinum Collision, LLC at 5 Laurel Street

David L. Turcotte, Walter's Super Service, Inc. at 30 Bodge Street

Richard Duclos d/b/a Richard's Autobody and Paint at 44 Sixth Street

Robert Fouquette d/b/a Big Wheel Truck Sales, Inc. at 410 Second Street

Gabrielle Cabral d/b/a Competitive Auto Body and Sales at 1021 Locust 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, October 12, 2017, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS

22. Claims

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the claims to Corporation Counsel. Councilor Richard Cabeceiras requested an update on claims that are pending and how many have been paid this year.

23. City resident regarding chainlink fence

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the communication to the Committee on Public Safety.

24. City resident regarding sewage treatment plant odors

Councilor Cliff Ponte stated that residents should be able to sit outside without foul odors. On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the communication to Terry Sullivan and the Committee on Health and Environmental Affairs.

25. Planning Board Minutes for August 3, 2017

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Linda M. Pereira, it was unanimously voted that the minutes be accepted and placed on file.

BULLETINS – NEWSLETTERS – NOTICES – None

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

Report of the Committee on Regulations:

Order – Souhad Saliba, JZ Express, Inc. renewal of an auto body shop license located at 969 South Main Street

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

Approved, October 12, 2017, Mayor Jasiel F. Correia II

Order – Souhad Saliba, JZ Express, Inc. renewal of an auto repair shop license located at 969 South Main Street

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

Approved, October 12, 2017, Mayor Jasiel F. Correia II

Resolution – Review licenses held by Souhad Saliba, JZ Express, Inc. operating at 969 South Main Street to address concerns raised by abutters and neighbors

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted that the resolution be granted leave to withdraw.

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: OCTOBER 10, 2017

PRIORITY COMMUNICATIONS

Corporation Counsel regarding Ballot Questions, Summary and Arguments

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Steven A. Camara it was unanimously voted to waive the rules to allow Corporation Council to answer questions.

Councilor Steven A. Camara asked Corporation Counsel if the pro and con statements need to be posted at the polls. Corporation Counsel stated that he will be reviewing all the laws and regulations on this matter. Councilor Richard Cabeceiras stated that maybe we could post the information in each voting booth. 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.

Proposed Ordinance – Establishment of Revolving Funds

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was voted 8 yeas, 1 nay that the proposed ordinance be passed to be ordained with Councilor Richard Cabeceiras voting in the negative.

Approved, October 12, 2017, Mayor Jasiel F. Correia II

Proposed Ordinance – Taxicab drivers; recommendation received by Police Chief

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted that the proposed ordinance be passed to be ordained.

Approved, October 12, 2017, Mayor Jasiel F. Correia II

Proposed Ordinance – Establishment of Municipal Hearings Officer

On a motion made by Councilor Stephen R. Long and seconded by Councilor Richard Cabeceiras, it was voted 6 yeas, 3 nays that the proposed ordinance be passed to be ordained, with Councilors Steven A. Camara, Raymond A. Mitchell and Linda M. Pereira voting in the negative.

Approved, October 12, 2017, Mayor Jasiel F. Correia II

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to adjourn at 10:32 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

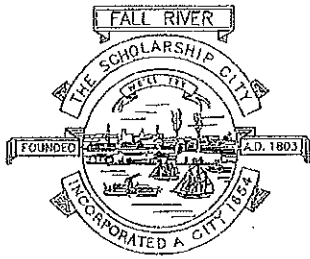
CD and DVD of meeting

A true copy. Attest:

A handwritten signature in cursive script, reading "Alison M. Bouchard".

City Clerk

In City Council, August 15, 2018
Approved.



City of Fall River Massachusetts
Office of the City Clerk

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2017 OCT 10 P 12:54

***AMENDED AGENDA**

(ORIGINAL AGENDA POSTED ON OCT. 5, 2017 AT 11:35 AM)

CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

OCTOBER 5, 2017
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

INÊS LEITE
ASSISTANT CITY CLERK

TUESDAY, OCTOBER 10, 2017
AGENDA

5:15 P.M. COMMITTEE ON REGULATIONS

6:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE CITY COUNCIL COMMITTEE ON REGULATIONS IF THAT MEETING RUNS PAST 6:00 P.M.

1. *Resolution – Committee on Finance convene to discuss status of repairs to Veterans' Center located at 755 Pine Street (adopted 9-26-17)
2. *Resolution – Administration provide update on status of King Philip Mill site (adopted 9-26-17)
3. *Resolution – Administration provide details of plan to end PAYT program (adopted 9-26-17)

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

PRIORITY MATTERS

1. *Mayor requesting confirmation of Kathryn E. Kenney to the Historical Commission

PRIORITY COMMUNICATIONS

2. *Planning Board – favorable recommendation of creation of King Philip Mills Overlay District

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

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Adoption:

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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

ORDINANCES

Second Reading and enrollment:

8. *Proposed Ordinance – Establishment of Revolving Funds
9. *Proposed Ordinance – Taxicab drivers; recommendation received by Police Chief
10. *Proposed Ordinance – Establishment of Municipal Hearings Officer

RESOLUTIONS

11. *Committee on Public Works and Transportation convene to discuss the removal of a guardrail on Stowe Street
12. *Administration restore CDA funding to the Fall River Office of Economic Development
13. *Administration establish streetscapes oversight committee

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COMMUNICATIONS – INVITATIONS – PETITIONS

- 22. *Claims
- 23. *City resident regarding chainlink fence
- 24. *City resident regarding sewage treatment plant odors
- 25. *Planning Board Minutes for August 3, 2017

BULLETINS – NEWSLETTERS – NOTICES – None

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

Report of the Committee on Regulations:

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Resolution – Review licenses held by Souhad Saliba, JZ Express, Inc. operating at 969 South Main Street to address concerns raised by abutters and neighbors


City Clerk

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: OCTOBER 10, 2017

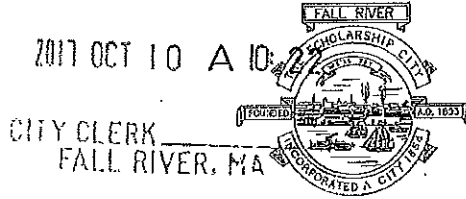
PRIORITY COMMUNICATIONS

*Corporation Counsel regarding Ballot Questions, Summary and Arguments

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

City of Fall River
Office of the Corporation Counsel
RECEIVED

JASIEL F. CORREIA II
Mayor



October 6, 2017

JOSEPH I. MACY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

JESSICA A. ADLER
Assistant Corporation Counsel

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

Re: Ballot Question, Summary and Arguments

Honorable City Council Members:

Enclosed please find the arguments and summary for both ballot questions for this upcoming November 7, 2017 election.

As described in M.G.L. Ch. 53, 18b (d): "the arguments and summary shall be submitted by the solicitor or counsel to the governing body at least 20 days before the election for distribution to voters in accordance with subsection (b)."

Therefore, please find the arguments and summary attached. This is for informational purposes only and requires no specific action by the Council.

Very Truly Yours,



Joseph I. Macy, Corporation Counsel

Question 1: Charter

City of Fall River Charter

Shall this city approve the new charter recommended
by the charter commission, summarized below?

Yes _____
No _____

SUMMARY Effective at the 2019 municipal election, voters will continue to elect a mayor, a 9 member city council, and 6 members of the school committee, all at-large. The mayor shall continue to serve as chair of the school committee. All elected officials will be elected by the voters citywide for 2-year terms.

The charter contains procedures for adoption of an annual operating budget, a long-term financial forecast, a debt management plan and a capital improvement plan. The council will review and approve all proposed mayoral appointments. There is a public comment provision applying to all elected and appointed bodies. The mayor is responsible for assuring that the planning and management needs of the city are examined on a regular basis. Free petition, initiative petition, referendum, and recall provisions are included allowing for direct voter participation. An elected official convicted of a state or federal felony while holding office must vacate the office. Candidates may seek only one office at each election. Members of the city council and school committee will be prohibited from holding any other city position while in office. The charter will be initially reviewed after 5 years. After that review, the charter will be reviewed in 10-year intervals in each year ending in a 7. Ordinances will be reviewed at 5-year intervals in years ending in a 3 and 8.

WHAT WILL A YES VOTE would approve the new
YOUR VOTE charter recommended by the Charter
DO. Commission.

A NO VOTE would not approve
the new Charter recommended by the
Charter Commission and provide no
change to the current charter.

ARGUMENTS IN FAVOR: Today, Fall River struggles to operate its government with an 83 year old charter that is difficult to read and understand, conflicts with many current State statutes, and maintains government structures designed for a different era.

The proposed Home Rule Charter is user friendly, provides for self-government, more checks and balances, more planning, more citizen participation, periodic charter reviews, and a structure that improves the accountability, transparency, efficiency, and effectiveness of our city's government.

The new charter sets the standards for future administrations. It builds an operational foundation that will provide for more stability, consistency, and continuity in our city government and creates a structure that is more responsible and responsive to its citizens.

By voting YES the citizens will put Fall River on a solid course for the future. This is a rare and historic opportunity to bring our city's government into the 21st century.

Authored by:
August S. Venice

AGAINST: The charter change proposed contains massive changes that shift power from the people to government officials. This was not what the voters of Fall River approved at the ballot box; they expected an update and revision of the current charter.

A No vote will prevent the already powerful Mayor from serving on every commission and board.

A No vote will prevent the signatures required to appear on the ballot from increasing 600 percent for Mayor and 300 percent for city council and school committee.

A No vote will prevent the people from being excluded from further Charter and ordinance reviews and will require the election of Charter Commissioners.

A No vote preserves the right of the people to maintain a responsive government. The people's ability to control their government is the foundation of our nation.

"Governments are instituted among men, deriving their just powers from the consent of the governed,"

Authored by:
CJ Ferry

City of Fall River, In City Council

An ORDER, Allowing the City of Fall River to Place a Ballot Question on the November 7, 2017 Fall River Election Ballot

The Board of Elections shall place on the official ballot for the Fall River election to be held on November 7, 2017 in the City of Fall River the following question:

BALLOT QUESTION AND SUMMARY

Shall this city approve the new charter recommended by the charter commission, summarized below?

_____ Yes _____ No

SUMMARY

Effective at the 2019 municipal election, voters will continue to elect a mayor, a 9 member city council, and 6 members of the school committee, all at-large. The mayor shall continue to serve as chair of the school committee. All elected officials will be elected by the voters citywide for 2-year terms.

The charter contains procedures for adoption of an annual operating budget, a long-term financial forecast, a debt management plan and a capital improvement plan. The council will review and approve all proposed mayoral appointments. There is a public comment provision applying to all elected and appointed bodies. The mayor is responsible for assuring that the planning and management needs of the city are examined on a regular basis. Free petition, initiative petition, referendum, and recall provisions are included allowing for direct voter participation. An elected official convicted of a state or federal felony while holding office must vacate the office. Candidates may seek only one office at each election. Members of the city council and school committee will be prohibited from holding any other city position while in office. The charter will be initially reviewed after 5 years. After that review, the charter will be reviewed in 10-year intervals in each year ending in a 7. Ordinances will be reviewed at 5-year intervals in years ending in a 3 and 8.

In City Council, September 26, 2017

Adopted, as amended, 9 yeas

Approved, September 27, 2017

Jasiel F. Correia II, Mayor

A true copy. Attest:

Alison M. Bouchard

City Clerk

Question 2: Bond Issue

Do you approve the following loan order which
has been adopted by the City Council?

Yes _____
No _____

ORDERED, that the sum of \$123,000,000 be and hereby is appropriated to pay costs of planning, design and construction services related to the Integrated Wastewater and Stormwater Master Plan improvements, including the payment of all other costs incidental and related thereto; that to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow \$123,000,000 under and pursuant to Chapter 29C and Chapter 44, Sections 7 and 8 of the General Laws, as amended, or pursuant to any other enabling authority, and to issue and sell bonds or notes of the City therefore, and further, that the Mayor and the Treasurer are each authorized to file an application to qualify under Chapter 44A of the Massachusetts General Laws any and all bonds of the City issued under and pursuant hereto, and to provide such information and execute such documents as may be required in connection therewith.

SUMMARY The Integrated Wastewater and Stormwater Master Plan Improvements are intended to continue to address compliance with the Clean Water Act via infrastructure improvements to address rehabilitation of the aged Wastewater Treatment Facility, replacement of aged sewer pumping stations, flooding and drainage issues, combined sewer overflow abatement, equipment replacement and asset management systems.

Adoption of the question will allow initiation of the Integrated Wastewater and Stormwater Master Plan Improvements.

Rejection of the question will not allow the Integrated Wastewater and Stormwater Master Plan Improvements and can result in violations of the Clean Water Act, environmental pollution, regulatory enforcement orders from the Environmental Protection Agency and/or the Massachusetts Department of Environmental Protection mandating such improvements and/or fines.

WHAT WILL A YES VOTE will approve a loan order
YOUR VOTE in the amount of \$123,000,000 for services
DO related to the Integrated Wastewater and
Stormwater Master Plan improvements.

A NO VOTE will not approve a loan
order in the amount of \$123,000,000
and no improvements will be made to
the Wastewater Treatment Facility.

ARGUMENTS IN FAVOR: The Intergrated Wastewater/ Stormwater Master Plan was developed in accordance with EPA Guidelines for compliance with the Federal Clean Water Act. The plan was put on the City's website for over a year and public meetings were conducted.

Requested loan order of \$123,000,000 includes:

- Wastewater Treatment Plant Improvements for water quality and odor control (\$54,000,000). Most Treatment Plant facilities are approaching 40 years old.
- Sewer Pump Station replacements on President Avenue and Jefferson Street (\$7,900,000). These pump stations are approaching 50 years old and are in danger of failing.
- CSO, Flood Control and Sewer improvements (\$61,100,000). These improvements are needed to comply with the Federal Court Order and with regulations.

These improvements are needed for public safety/health, environmental protection and to comply with the regulations. Failure to approve the loan order may result in violations of the law, pollution, fines, building moratorium, and/or enforcement orders mandating improvements.

Authored by:
Terrance J. Sullivan

AGAINST: Approval of this \$123,000,000 loan order will result in more construction and ultimately will result in increases to the sewer user fee and the stormwater fee. Customers have expressed concerns that they cannot afford any increases to these fees.

It is understood that failure to approve this loan may result in:

- EPA dictating alternative schedules that could actually cost us more.
- Fines, Enforcement Orders and Mandated schedules.
- Others dictating which projects are to be done and in what order.
- Water quality violations and increased odors at the Wastewater Treatment Plant.
- Pump station failures resulting in sewage back up to homes and businesses.
- Federal Court Order violations and fines.
- No flood control improvements.

These improvements may be needed for public safety/health, environmental protection and to comply with the regulations but affordability of increased fees are a concern.

Authored by:
Joseph I. Macy

City of Fall River, In City Council

ORDERED, that the Board of Election Commissioners shall place on the official ballot for the Fall River election to be held on November 7, 2017 in the City of Fall River the following question:

Do you approve the following loan order
which has been adopted by the City Council?

Yes _____
No _____

ORDERED, that the sum of \$123,000,000 be and hereby is appropriated to pay costs of planning, design and construction services related to the Integrated Wastewater and Stormwater Master Plan improvements, including the payment of all other costs incidental and related thereto; that to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow \$123,000,000 under and pursuant to Chapter 29C and Chapter 44, Sections 7 and 8 of the General Laws, as amended, or pursuant to any other enabling authority, and to issue and sell bonds or notes of the City therefore, and further, that the Mayor and the Treasurer are each authorized to file an application to qualify under Chapter 44A of the Massachusetts General Laws any and all bonds of the City issued under and pursuant hereto, and to provide such information and execute such documents as may be required in connection therewith.

Which question may be followed by a summary as follows:

The Integrated Wastewater and Stormwater Master Plan Improvements are intended to continue to address compliance with the Clean Water Act via infrastructure improvements to address rehabilitation of the aged Wastewater Treatment Facility, replacement of aged sewer pumping stations, flooding and drainage issues, combined sewer overflow abatement, equipment replacement and asset management systems.

Adoption of the question will allow initiation of the Integrated Wastewater and Stormwater Master Plan Improvements.

Rejection of the question will not allow the Integrated Wastewater and Stormwater Master Plan Improvements and can result in violations of the Clean Water Act, environmental pollution, regulatory enforcement orders from the Environmental Protection Agency and/or the Massachusetts Department of Environmental Protection mandating such improvements and/or fines.

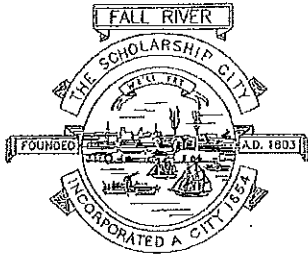
In City Council, July 11, 2017

Adopted, 9 yeas

A true copy. Attest;

Alison M. Bouchard

City Clerk



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2017 OCT 10 P 12:54

***AMENDED AGENDA**

(ORIGINAL AGENDA POSTED ON OCT. 5, 2017 AT 11:35 AM)

CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

OCTOBER 5, 2017
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

INÊS LEITE
ASSISTANT CITY CLERK

TUESDAY, OCTOBER 10, 2017

AGENDA

5:15 P.M. COMMITTEE ON REGULATIONS

6:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE CITY COUNCIL COMMITTEE ON REGULATIONS IF THAT MEETING RUNS PAST 6:00 P.M.

1. *Resolution – Committee on Finance convene to discuss status of repairs to Veterans' Center located at 755 Pine Street (adopted 9-26-17)
2. *Resolution – Administration provide update on status of King Philip Mill site (adopted 9-26-17)
3. *Resolution – Administration provide details of plan to end PAYT program (adopted 9-26-17)

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

PRIORITY MATTERS

1. *Mayor requesting confirmation of Kathryn E. Kenney to the Historical Commission

PRIORITY COMMUNICATIONS

2. *Planning Board – favorable recommendation of creation of King Philip Mills Overlay District

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

First Reading:

3. *Proposed Ordinance – Definition and fee schedule for dog kennels

Adoption:

4. *Order – Accept provisions of M.G.L. Chapter 140 § 139 re: fees for service dogs and dogs owned by persons aged 70 and over

Approval:

5. *Communication – Mayor requesting authorization to proceed with permitting process for eight proposed billboards

Grant leave to withdraw:

6. *Resolution – Discuss parameters of bonding

Committee on Regulations recommending:

Adoption:

7. *Order – Second hand article store – Melissa Resendes d/b/a Melissa's New To You! located at 2577 South Main Street

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

ORDINANCES

Second Reading and enrollment:

8. *Proposed Ordinance – Establishment of Revolving Funds
9. *Proposed Ordinance – Taxicab drivers; recommendation received by Police Chief
10. *Proposed Ordinance – Establishment of Municipal Hearings Officer

RESOLUTIONS

11. *Committee on Public Works and Transportation convene to discuss the removal of a guardrail on Stowe Street
12. *Administration restore CDA funding to the Fall River Office of Economic Development
13. *Administration establish streetscapes oversight committee

CITATIONS

14. Nicholas "Nick" M. Christ – 2017 Roger Valcourt Memorial Outstanding Citizen of the Year
15. Southeast Center for Independent Living, Inc. – 30th Anniversary
16. Fall River Police Department Award Recipients and Retirees

Guy Furtado	Nicholas M. Hoar	David Reed
Marc Correia	Brett D. Kimball	Paul McGuire
Brandon Stukus	John Deschenes	Denis P. Gagne
Shane T. Galus	William Medeiros	Daniel A. Mello
Matthew Mendes	Derek Oagles	David M. St. Laurent
James Donovan	Daniel Mello	Jason Staley
Charles J. Cullen	Frank Andrade	Jared M. Santos
Kevin P. Resendes	Stephanie Perry	Seth Hockert-Lotz
John F. Cabral	James T. Donovan	Daniel S. Racine
Leonel M. Rebello	Robert S. Rondeau	Jason Staley

ORDERS – HEARINGS

Hearings to be scheduled:

17. *Mobilitie, LLC – to attach wireless backhaul transport equipment to existing utility poles at various locations
18. *New Cingular Wireless PCS, LLC (AT&T) – to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas

ORDERS – MISCELLANEOUS

19. Police Chief's report on licenses:
Taxicab Drivers:
Mickey Dias Preston S. McNeil Manuel Silvia IV Kevin Workman
20. Auto Repair Shop license renewals:
Paul J. Amarello, Ray's Auto Sales, Inc. at 707 Brayton Avenue
Paul J. Amarello, Durfee Auto Sales, Inc. at 345 Durfee Street
Michael Camara, Performance Auto Center, Inc. at 1148 Davol Street
David L. Turcotte, Walter's Super Service, Inc. at 30 Bodge Street
Steven Thornsby d/b/a T&T Auto Repair and Sales, 2553 South Main Street
Joseph Medeiros, 4J Auto, Inc. d/b/a Midas Auto Service at 1439 Plymouth Avenue
Robert Fouquette d/b/a Big Wheel Truck Sales, Inc. at 410 Second Street
Roy Oliveira d/b/a Auto Boutique at 101 Price Place

21. Auto Body Shop license renewals:

John Medeiros, Medeiros Auto Body and Sales, Inc. at 96-98 Alden Street
Arthur Camara d/b/a Deschenes Body Repair, Inc. at 751 Eastern Avenue
Marco Moniz and Laudalino Viveiros d/b/a Platinum Collision, LLC at 5 Laurel Street
David L. Turcotte, Walter's Super Service, Inc. at 30 Bodge Street
Richard Duclos d/b/a Richard's Autobody and Paint at 44 Sixth Street
Robert Fouquette d/b/a Big Wheel Truck Sales, Inc. at 410 Second Street
Gabrielle Cabral d/b/a Competitive Auto Body and Sales at 1021 Locust Street

COMMUNICATIONS – INVITATIONS – PETITIONS

- 22. *Claims
- 23. *City resident regarding chainlink fence
- 24. *City resident regarding sewage treatment plant odors
- 25. *Planning Board Minutes for August 3, 2017

BULLETINS – NEWSLETTERS – NOTICES – None

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

Report of the Committee on Regulations:

Order – Souhad Saliba, JZ Express, Inc. renewal of an auto body shop license located at 969 South Main Street

Order – Souhad Saliba, JZ Express, Inc. renewal of an auto repair shop license located at 969 South Main Street

Resolution – Review licenses held by Souhad Saliba, JZ Express, Inc. operating at 969 South Main Street to address concerns raised by abutters and neighbors


City Clerk

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: OCTOBER 10, 2017

PRIORITY COMMUNICATIONS

*Corporation Counsel regarding Ballot Questions, Summary and Arguments

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

City of Fall River
Office of the Corporation Counsel
RECEIVED

JASIEL F. CORREIA II
Mayor

2017 OCT 10 A 10:22

CITY CLERK
FALL RIVER, MA



JOSEPH I. MACY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

JESSICA A. ADLER
Assistant Corporation Counsel

October 6, 2017

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

Re: Ballot Question, Summary and Arguments

Honorable City Council Members:

Enclosed please find the arguments and summary for both ballot questions for this upcoming November 7, 2017 election.

As described in M.G.L. Ch. 53, 18b (d): "the arguments and summary shall be submitted by the solicitor or counsel to the governing body at least 20 days before the election for distribution to voters in accordance with subsection (b)."

Therefore, please find the arguments and summary attached. This is for informational purposes only and requires no specific action by the Council.

Very Truly Yours,

Joseph I. Macy, Corporation Counsel

Question 1: Charter

City of Fall River Charter

Shall this city approve the new charter recommended
by the charter commission, summarized below?

Yes _____
No _____

SUMMARY Effective at the 2019 municipal election, voters will continue to elect a mayor, a 9 member city council, and 6 members of the school committee, all at-large. The mayor shall continue to serve as chair of the school committee. All elected officials will be elected by the voters citywide for 2-year terms.

The charter contains procedures for adoption of an annual operating budget, a long-term financial forecast, a debt management plan and a capital improvement plan. The council will review and approve all proposed mayoral appointments. There is a public comment provision applying to all elected and appointed bodies. The mayor is responsible for assuring that the planning and management needs of the city are examined on a regular basis. Free petition, initiative petition, referendum, and recall provisions are included allowing for direct voter participation. An elected official convicted of a state or federal felony while holding office must vacate the office. Candidates may seek only one office at each election. Members of the city council and school committee will be prohibited from holding any other city position while in office. The charter will be initially reviewed after 5 years. After that review, the charter will be reviewed in 10-year intervals in each year ending in a 7. Ordinances will be reviewed at 5-year intervals in years ending in a 3 and 8.

WHAT WILL YOUR VOTE DO. A YES VOTE would approve the new charter recommended by the Charter Commission.

A NO VOTE would not approve the new Charter recommended by the Charter Commission and provide no change to the current charter.

ARGUMENTS IN FAVOR: Today, Fall River struggles to operate its government with an 83 year old charter that is difficult to read and understand, conflicts with many current State statutes, and maintains government structures designed for a different era.

The proposed Home Rule Charter is user friendly, provides for self-government, more checks and balances, more planning, more citizen participation, periodic charter reviews, and a structure that improves the accountability, transparency, efficiency, and effectiveness of our city's government.

The new charter sets the standards for future administrations. It builds an operational foundation that will provide for more stability, consistency, and continuity in our city government and creates a structure that is more responsible and responsive to its citizens.

By voting YES the citizens will put Fall River on a solid course for the future. This is a rare and historic opportunity to bring our city's government into the 21st century.

Authored by:
August S. Venice

AGAINST: The charter change proposed contains massive changes that shift power from the people to government officials. This was not what the voters of Fall River approved at the ballot box; they expected an update and revision of the current charter.

A No vote will prevent the already powerful Mayor from serving on every commission and board.

A No vote will prevent the signatures required to appear on the ballot from increasing 600 percent for Mayor and 300 percent for city council and school committee.

A No vote will prevent the people from being excluded from further Charter and ordinance reviews and will require the election of Charter Commissioners.

A No vote preserves the right of the people to maintain a responsive government. The people's ability to control their government is the foundation of our nation.

"Governments are instituted among men, deriving their just powers from the consent of the governed,"

Authored by:
CJ Ferry

City of Fall River, In City Council

An ORDER, Allowing the City of Fall River to Place a Ballot Question on the November 7, 2017 Fall River Election Ballot

The Board of Elections shall place on the official ballot for the Fall River election to be held on November 7, 2017 in the City of Fall River the following question:

BALLOT QUESTION AND SUMMARY

Shall this city approve the new charter recommended by the charter commission, summarized below?

_____ Yes _____ No

SUMMARY

Effective at the 2019 municipal election, voters will continue to elect a mayor, a 9 member city council, and 6 members of the school committee, all at-large. The mayor shall continue to serve as chair of the school committee. All elected officials will be elected by the voters citywide for 2-year terms.

The charter contains procedures for adoption of an annual operating budget, a long-term financial forecast, a debt management plan and a capital improvement plan. The council will review and approve all proposed mayoral appointments. There is a public comment provision applying to all elected and appointed bodies. The mayor is responsible for assuring that the planning and management needs of the city are examined on a regular basis. Free petition, initiative petition, referendum, and recall provisions are included allowing for direct voter participation. An elected official convicted of a state or federal felony while holding office must vacate the office. Candidates may seek only one office at each election. Members of the city council and school committee will be prohibited from holding any other city position while in office. The charter will be initially reviewed after 5 years. After that review, the charter will be reviewed in 10-year intervals in each year ending in a 7. Ordinances will be reviewed at 5-year intervals in years ending in a 3 and 8.

In City Council, September 26, 2017

Adopted, as amended, 9 yeas

Approved, September 27, 2017

Jasiel F. Correia II, Mayor

A true copy. Attest:

Alison M. Bouchard

City Clerk

Question 2: Bond Issue

Do you approve the following loan order which
has been adopted by the City Council?

Yes _____
No _____

ORDERED, that the sum of \$123,000,000 be and hereby is appropriated to pay costs of planning, design and construction services related to the Integrated Wastewater and Stormwater Master Plan improvements, including the payment of all other costs incidental and related thereto; that to raise this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow \$123,000,000 under and pursuant to Chapter 29C and Chapter 44, Sections 7 and 8 of the General Laws, as amended, or pursuant to any other enabling authority, and to issue and sell bonds or notes of the City therefore, and further, that the Mayor and the Treasurer are each authorized to file an application to qualify under Chapter 44A of the Massachusetts General Laws any and all bonds of the City issued under and pursuant hereto, and to provide such information and execute such documents as may be required in connection therewith.

SUMMARY The Integrated Wastewater and Stormwater Master Plan Improvements are intended to continue to address compliance with the Clean Water Act via infrastructure improvements to address rehabilitation of the aged Wastewater Treatment Facility, replacement of aged sewer pumping stations, flooding and drainage issues, combined sewer overflow abatement, equipment replacement and asset management systems.

Adoption of the question will allow initiation of the Integrated Wastewater and Stormwater Master Plan Improvements.

Rejection of the question will not allow the Integrated Wastewater and Stormwater Master Plan Improvements and can result in violations of the Clean Water Act, environmental pollution, regulatory enforcement orders from the Environmental Protection Agency and/or the Massachusetts Department of Environmental Protection mandating such improvements and/or fines.

WHAT WILL A YES VOTE will approve a loan order
YOUR VOTE in the amount of \$123,000,000 for services
DO related to the Integrated Wastewater and
Stormwater Master Plan improvements.

A NO VOTE will not approve a loan
order in the amount of \$123,000,000
and no improvements will be made to
the Wastewater Treatment Facility.

ARGUMENTS IN FAVOR: The Intergrated Wastewater/ Stormwater Master Plan was developed in accordance with EPA Guidelines for compliance with the Federal Clean Water Act. The plan was put on the City's website for over a year and public meetings were conducted.

Requested loan order of \$123,000,000 includes:

- Wastewater Treatment Plant Improvements for water quality and odor control (\$54,000,000). Most Treatment Plant facilities are approaching 40 years old.
- Sewer Pump Station replacements on President Avenue and Jefferson Street (\$7,900,000). These pump stations are approaching 50 years old and are in danger of failing.
- CSO, Flood Control and Sewer improvements (\$61,100,000). These improvements are needed to comply with the Federal Court Order and with regulations.

These improvements are needed for public safety/health, environmental protection and to comply with the regulations. Failure to approve the loan order may result in violations of the law, pollution, fines, building moratorium, and/or enforcement orders mandating improvements.

Authored by:
Terrance J. Sullivan

AGAINST: Approval of this \$123,000,000 loan order will result in more construction and ultimately will result in increases to the sewer user fee and the stormwater fee. Customers have expressed concerns that they cannot afford any increases to these fees.

It is understood that failure to approve this loan may result in:

- EPA dictating alternative schedules that could actually cost us more.
- Fines, Enforcement Orders and Mandated schedules.
- Others dictating which projects are to be done and in what order.
- Water quality violations and increased odors at the Wastewater Treatment Plant.
- Pump station failures resulting in sewage back up to homes and businesses.
- Federal Court Order violations and fines.
- No flood control improvements.

These improvements may be needed for public safety/health, environmental protection and to comply with the regulations but affordability of increased fees are a concern.

Authored by:
Joseph I. Macy

City of Fall River, In City Council

ORDERED, that the Board of Election Commissioners shall place on the official ballot for the Fall River election to be held on November 7, 2017 in the City of Fall River the following question:

Do you approve the following loan order
which has been adopted by the City Council?

Yes _____
No _____

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Which question may be followed by a summary as follows:

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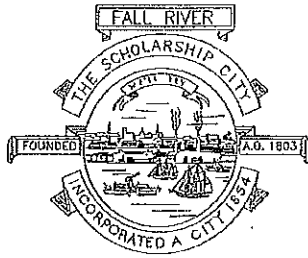
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In City Council, July 11, 2017
Adopted, 9 yeas

A true copy. Attest;

Alison M. Bouchard

City Clerk



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2017 OCT -5 A 11:30

OCTOBER 5, 2017
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

TUESDAY, OCTOBER 10, 2017
AGENDA

INÊS LEITE
ASSISTANT CITY CLERK

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6:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE CITY COUNCIL COMMITTEE ON REGULATIONS IF THAT MEETING RUNS PAST 6:00 P.M.

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2. *Resolution – Administration provide update on status of King Philip Mill site (adopted 9-26-17)
3. *Resolution – Administration provide details of plan to end PAYT program (adopted 9-26-17)

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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

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12. *Administration restore CDA funding to the Fall River Office of Economic Development
13. *Administration establish streetscapes oversight committee

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Brandon Stukus	John Deschenes	Denis P. Gagne
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Matthew Mendes	Derek Oagles	David M. St. Laurent
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18. *New Cingular Wireless PCS, LLC (AT&T) – to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas

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Taxicab Drivers:

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20. Auto Repair Shop license renewals:

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Arthur Camara d/b/a Deschenes Body Repair, Inc. at 751 Eastern Avenue
Marco Moniz and Laudalino Viveiros d/b/a Platinum Collision, LLC at 5 Laurel Street
David L. Turcotte, Walter's Super Service, Inc. at 30 Bodge Street
Richard Duclos d/b/a Richard's Autobody and Paint at 44 Sixth Street
Robert Fouquette d/b/a Big Wheel Truck Sales, Inc. at 410 Second Street
Gabrielle Cabral d/b/a Competitive Auto Body and Sales at 1021 Locust Street

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23. *City resident regarding chainlink fence
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25. *Planning Board Minutes for August 3, 2017

BULLETINS – NEWSLETTERS – NOTICES – None

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Order – Souhad Saliba, JZ Express, Inc. renewal of an auto repair shop license located at 969 South Main Street

Resolution – Review licenses held by Souhad Saliba, JZ Express, Inc. operating at 969 South Main Street to address concerns raised by abutters and neighbors


City Clerk

(Councilor Pam Laliberte-Lebeau)

WHEREAS, the Fall River Veterans' Center located at 755 Pine Street is in dire need of repairs, and

WHEREAS, these necessary repairs were discussed at great length at the City Council Committee on Finance meetings on December 27, 2016 and January 24, 2017, and

WHEREAS, we are once again approaching the Fall/Winter season without these repairs being completed, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the Administration, the Director of Buildings and Grounds, the Director of Veterans' Services and the Director of the Veterans' Center to provide the City Council and our Veterans, who use the Veterans' Center on a daily basis, a concrete timeline of when this work will be completed, and

BE IT FURTHER RESOLVED, that these repairs be made an absolute priority.

In City Council, September 26, 2017
Adopted

A true copy. Attest:

Elison M. Bouchard

City Clerk

City of Fall River, In City Council

(Councilor Raymond A. Mitchell)

WHEREAS, the King Philip Mill site has been undergoing various changes regarding financing and zoning, and

WHEREAS, the area residents are questioning the status of this property, now therefore

BE IT RESOLVED, that the Administration be invited to a future meeting of the Committee on Finance to present an update on the status of this property.

In City Council, September 26, 2017
Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk

(Councilor Pam Laliberte-Lebeau)

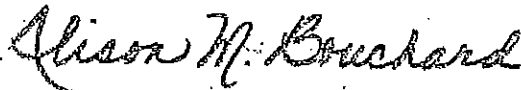
WHEREAS, the Mayor has run a series of radio commercials that he will be ending the purple bag Pay-As-You-Throw program, and

WHEREAS, the Mayor stated at the People's Debate on August 30, 2017 that he was prepared to share publicly how he is going to end the purple bag Pay-As-You-Throw program, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the Administration to update the City Council with the details of this proposed plan.

In City Council, September 26, 2017
Adopted

A true copy. Attest:



City Clerk



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2017 SEP 25 P 12:54

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

September 22, 2017

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

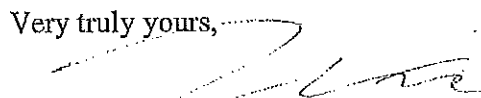
Honorable Members of the City Council:

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

Name: Kathryn E. Kenney
Address: 4980 North Main Street, Apt #519
Fall River, MA 02720
To: Historical Commission
Term to expire: October 20, 2020

To fill the vacancy caused by expired term of Laurence Dykes, Jr.

Very truly yours,


Jasiel F. Correia II
Mayor



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

Planning Division

2
2017 OCT -4 P 4:57
CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA, II
Mayor

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

WILLIAM G. KENNEY
City Planner

October 3, 2017

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

RE: Recommendation for Adoption of Proposed Amendments to
Chapter 86 of the Revised Ordinances of the City of Fall River by
Enacting Proposed Section 86-178 King Philip Mills Overlay District
(KPMOD)

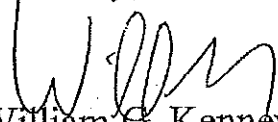
Dear Councilors:

A proposal has been made by the Administration to amend Chapter 86
of the Revised Ordinances of the City of Fall River by enacting
proposed Section 86-178 King Philip Mills Overlay District. A draft of
the proposed amendment was presented to you by Mayor Correia by
letter dated June 8, 2017. A joint public hearing on the proposed
amendment was conducted by the City Council and the Planning Board
on September 14, 2017.

This is to advise you that, at a duly called and properly posted meeting
of the Planning Board held on October 3, 2017, a quorum being present,
it was duly moved, seconded and unanimously VOTED: to recommend

that the City Council adopt and enact the proposed amendment to Chapter 86 of the Revised Ordinances of the City of Fall River by adding Section 86-178 King Philip Mills Overlay District, as presented to the City Council by the Administration on June 8, 2017.

Sincerely,


William G. Kenney
Director of Planning

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on October 2, 2017, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading.


Clerk of Committees

City of Fall River, In City Council

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

Section 1.

That Chapter 6 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Animals, be amended as follows:

by striking out the definition of "Kennel" in Section 6-1 and inserting in place thereof the following:

Kennel. Any premises wherein any person, partnership or corporation engages in the business of boarding, breeding, buying, selling for hire, training for a fee, selling dogs, or engages in training dogs for guard or sentry purposes, or, every pack or collection of more than four dogs three months old or over owned or kept on a single premises irrespective of the purpose for which they are maintained.

Section 2.

That Appendix A - Fee Schedule of Revised Ordinances of the City of Fall River, Massachusetts, 1999 be amended as follows:

by striking out Section 6-4 (c), which section relates to fees for kennel licenses in its entirety, and inserting in place the following:

The fee for every kennel license shall be as follows:

Five dogs or less	\$25.00
Over five dogs, not over ten dogs	\$50.00
Over ten dogs, not over twenty-five dogs	\$75.00

CITY OF FALL RIVER
IN CITY COUNCIL

SEP 14 2017

*Ref. to the Committee
on Ord. & Legislation*

CITY OF FALL RIVER

4

To the City Council

Councillors:

The Committee on Ordinances and Legislation at a meeting held on October 2, 2017, voted unanimously to recommend that the accompanying order be adopted.

Colleen A. Taylor
Clerk of Committees

City of Fall River, In City Council

4

ORDERED, that the City Council hereby accepts the provisions of Massachusetts General Laws, Chapter 140, Section 139, which section pertains to fees for service dogs and dogs owned by persons aged 70 or over.

CITY OF FALL RIVER
IN CITY COUNCIL

SEP 14 2017

Ref. to the Committee
on Ord. & Resolution

CITY OF FALL RIVER

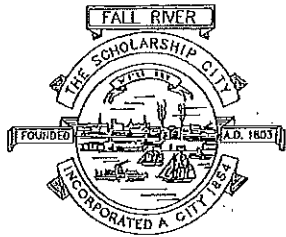
To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on October 2, 2017, voted unanimously to recommend that the accompanying communication requesting authorization to proceed with the State approval process be approved.


Clerk of Committees

5



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2017 SEP -7 P 4:36

JASIEL F. CORREIA II
Mayor

CITY CLERK _____
FALL RIVER, MA

September 7, 2017

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

Honorable Council Members:

After many months of due diligence by my Administration and our vendor, Capital Associates, I am pleased to submit to you for review and preliminary approval eight sites for billboard installation. Simultaneous with the City Council's review, Capital Associates will be securing Special Permits for these sites through our local Zoning Board of Appeals. Once these approvals are obtained, the sites can be forwarded to the MassDOT Office of Outdoor Advertising for billboard permits.

At this time we are only requesting authorization to proceed with the State approval process. Once these sites have received State permits, Capital Associates will begin marketing the sites to outdoor advertising companies through the competitive, MGL Chapter 30B process. Once these companies have been selected, land leases with compensation terms will be forwarded to the City Council for formal approval.

Enclosed are the eight recommended sites and some anticipated revenues associated with these proposed locations. The ultimate income to be received by the City will be determined once the sites have been approved by the City Council and the lease terms for these sites have been secured from the advertising companies.

Your authorization to proceed with the permitting process is respectfully requested.

Respectfully,

Jasiel F. Correia II
Mayor

Enclosure

CITY OF FALL RIVER
IN CITY COUNCIL
SEP 14 2017

*Referred to the
Committee on Ordinances
and Legislation*

5

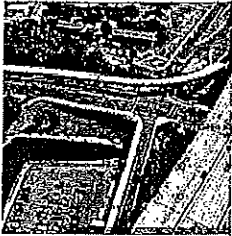
Fall River Digital Billboard Development Sites/Revenue Expectations

Site Location	Upfront Revenue	Annual lease Revenue
Braga Bridge City	\$1,875,132- \$2,678,760	\$122,304
Braga Bridge CSX	\$1,875,132- \$2,678,760	\$122,304
Municipal 1	\$751,464- \$1,073,520	\$53,508
Municipal 2	\$751,464- \$1,073,520	\$53,508
City Land near WM	\$1,126,020- \$1,608,600	\$76,440
City Sewer	\$1,126,020- \$1,608,600	\$76,440
Incinerator	\$1,126,020- \$1,608,600	\$76,440
FR Water Filtration	\$1,126,020- \$1,608,600	\$76,440
Totals	\$9,757,272-\$13,938,960	\$657,384



Permit sites FR

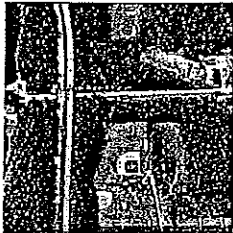
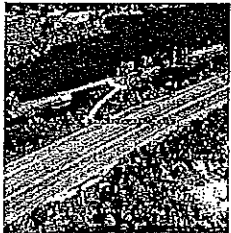
Sorted by name



Braga bridge city land.jpg



Braga Bridge CSX.jpg

city sewer #24 plus relo...
tion.jpgCity property near
Walmart.jpgFall River 8 sites Reven...
ns.xlsxFall River Water
Filtration.jpgIncinerator building
DPW.jpgmunicipal 1 and 2 pote...
1.jpg

Municipal 2.jpg

CITY OF FALL RIVER

6

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on October 2, 2017, voted unanimously to recommend that the accompanying resolution be granted leave to withdraw.

Cristen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

6

(Councilor Raymond A. Mitchell)

WHEREAS, the City of Fall River has previously bonded for vehicles, and

WHEREAS, the terms of these bonds outlive the life of the vehicle thereby having the City of Fall River make payments for vehicles that are no longer in use, and

WHEREAS, occasionally principal payments are not made until many years later only interest payments have been made, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation convene to discuss the parameters of bonding.

In City Council, May 10, 2016
Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Regulations, at a meeting held on October 2, 2017 voted unanimously to recommend that the accompanying order be adopted.

Carlton A. Taylor
Clerk of Committees

City of Fall River, In City Council

WHEREAS, the following order for permission to operate and maintain a second hand article store as follows:

Melissa Resendes d/b/a Melissa's New To You!, 1255 Rodman Street, Fall River, MA 02721 for permission to operate and maintain a second hand article store located at 2577 South Main Street (gently used clothing, shoes and household items to be sold).

upon which order a hearing was held on September 14, 2017 and the order was referred to the Committee on Regulations now therefore, be it

ORDERED, that permission be and the same is hereby granted to:

Melissa Resendes d/b/a Melissa's New To You!, 1255 Rodman Street, Fall River, MA 02721 for permission to operate and maintain a second hand article store located at 2577 South Main Street (gently used clothing, shoes and household items to be sold).

City of Fall River, In City Council

8

BE IT ORDAINED by the City Council 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:

Section 1

By inserting in ARTICLE XI - REVOLVING FUNDS, a new section to read as follows:

2-1030 Departmental Revolving Funds

(a) *Purpose.* This ordinance establishes and authorizes revolving funds for use by the City, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by the General Laws Chapter 44, Section 53E1/2.

(b) *Expenditure Limitations.* A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this ordinance without appropriation subject to the following limitations:

(1) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

(2) No liability shall be incurred in excess of the available balance of the fund.

(3) The total amount spent during a fiscal year shall not exceed the amount authorized by the city council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Mayor and City Council.

(c) *Interest.* Interest earned on monies credited to a revolving fund established by this ordinance shall be credited to the general fund.

(d) *Procedures and Reports.* Except as provided in General Laws Chapter 44, Section 53E1/2 and this ordinance, the laws, charter provisions, ordinances, rules, regulations, policies or procedures that govern the receipt and custody of city monies and the expenditure and payment of city funds shall apply to the use of a revolving fund established and authorized by this ordinance. The city auditor shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for the expenditure in the regular report the city auditor provides the department, board, committee, agency or officer on appropriations made for its use.

Section 2

By inserting in ARTICLE XI - REVOLVING FUNDS, new sections to read as follows:

2-1041 Hazardous Material Recovery Revolving Fund

The purpose of this revolving fund is for training, supplies and special equipment needed for Fire Department personnel to respond to hazardous materials incidents. The account shall be funded by hazardous material recovery fees. The fund will be utilized by the Fire Department.

2-1042 Cleaning and Securing Buildings (Vacant Lots)

The purpose of this revolving fund is for supplies, expenses and vendor payments for property clean-ups. The account shall be funded by liens placed on properties for clean-up. The fund will be utilized by Code Enforcement.

2-1043 Demolition

The purpose of this revolving fund is for supplies, expenses and vendor payments for demolition of unsafe buildings. The account shall be funded by liens placed on properties for demolition of unsafe buildings. The fund will be utilized by Code Enforcement.

2-1044 Home Composting

The purpose of this revolving fund is for supplies, expenses, and vendor payments for the Home Composting Program. The account shall be funded by receipts related to the Home Composting Program. The fund will be utilized by Community Maintenance.

2-1045 Solid Waste- Recycling Recovery

The purpose of this revolving fund is for supplies, expenses, vendor payments for Solid Waste- Recycling Recovery. The account shall be funded by receipts related to the Solid Waste- Recycling Program. The fund will be utilized by Community Maintenance.

2-1046 Trolley and Handicap Bus

The purpose of this revolving fund is for supplies, expenses and vendor payments for the Trolley and Handicap Bus program. The account shall be funded by receipts related to the Trolley and Handicap Bus Program. The fund will be utilized by Community Maintenance.

2-1047 Street Light Poles Repairs

The purpose of this revolving fund is for supplies, expenses, vendor payments for the Street Light Poles repairs/replacements. The account shall be funded by receipts related to the Energy Efficiency and similar receipts. The fund will be utilized by Community Maintenance.

2-1048 Music Revolving

The purpose of this revolving fund is for supplies, expenses and vendor payments for Music related activities. The account shall be funded by student recovery/rental fees for music related activities. The fund will be utilized by the School Department.

2-1049 School Store

The purpose of this revolving fund is for supplies, expenses and vendor payments for student's related purchase and sales of small items. The account will be funded by student's related purchases and sales of small items. The fund will be utilized by the School Department.

2-1050 Culinary Arts Meals/Functions

The purpose of this revolving fund is for supplies, expenses and vendor payments for the student run restaurant. The account will be funded by sales and other receipts from the student run training restaurant. The fund will be utilized by the School Department.

2-1051 Summer Tuition

The purpose of this revolving fund is for supplies, expenses and vendor payments for Summer/Enrichment programs. The account will be funded by receipts from the Summer/Enrichment programs. The fund will be utilized by the School Department.

2-1052 Athletic Events

The purpose of this revolving fund is for supplies, expenses and vendor payments for Athletic Events. The account will be funded by gate receipts from athletic events. The fund will be utilized by the School Department.

2-1053 Day Care

The purpose of this revolving fund is for supplies, expenses and vendor payments for Day Care programs. The account will be funded by receipts from the before and after Day Care programs. The fund will be utilized by the School Department.

2-1054 School Use

The purpose of this revolving fund is for supplies, expenses and vendor payments for school properties usage. The account will be funded from receipts from the use of school properties. The fund will be utilized by the School Department.

CITY OF FALL RIVER
IN CITY COUNCIL

SEP 26 2017

*Passed through first
reading
(C. Cabecirio opposed)*

City of Fall River, In City Council

9

(Vice President Linda Pereira)

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

That Chapter 78 of the Revised Ordinances of the City Fall River, Massachusetts, 1999, which chapter relates to Vehicles for Hire, be amended as follows:

by inserting in Section 78-92, which section relates to Application, at the end of the sentence, the following:

All applications shall be forwarded by the City Clerk to the Police Chief who will return a recommendation as to whether said license should be granted.

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 30 2017

*Ref. to Com. on
Ordinances and Legislation*

CITY OF FALL RIVER
IN CITY COUNCIL

SEP 26 2017

*Passed through first
reading 8 years,
May 1*

City of Fall River, *In City Council*

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, 1999, which section relates to Administration, be amended as follows:

By striking out Section 2-1022 in its entirety and inserting in place thereof the following:

Section 2-1022. Notice to Appear, Hearings Officer, Hearings

a. Definitions

"Municipal Hearing Officer", a person appointed by the appointing authority of a municipality to conduct hearings of alleged code violations pursuant to this chapter.

"Unpaid Charge", an unpaid fine increased as a result of a violation of a rule, regulation, order, or by-law regulating the housing, sanitary or municipal snow and ice removal requirement.

b. Effective Date of Chapter in Municipality

This chapter shall take effect in a municipality upon its acceptance.

c. Procedures for Payment of Municipal Fines; Power to Revoke or Rescind

A municipality that adopts this chapter shall, in the manner provided in this adopt procedures for the payment of the municipal fines provided in this chapter and may revoke or rescind any such acceptance.

d. Procedures for Payment of Fines Determined by a Majority Vote

The adoption of procedures for the payment of certain municipal fines under this chapter shall be by majority vote of the city council or town meeting.

e. Sidewalk Snow and Ice Removal; Penalties for Non-Compliance; Standards for Clearance

A municipality shall by ordinance and by-laws provide for the removal of snow and ice from sidewalks with such portions of the municipality as they consider expedient by the owner of land abutting such sidewalks. Such ordinances and by-laws shall determine the time and manner of removal and shall affix penalties, not exceeding \$200, for each such violation. Such ordinances and by-laws shall be specific as to the width of the area to be cleared and standards for clearance.

f. Municipal Hearing Officer

A municipality shall appoint a municipal hearing officer. The officer shall hear appeals of violation notices issued within the municipality. The municipal hearing officer may be the same person appointed as a municipal hearing officer pursuant to Chapter 148A.

g. Administrative Disposition of Noncriminal Violations

A municipality may implement a system for the administrative disposition of noncriminal violations pursuant to section 21D of Chapter 40.

h. Violation Notices

Every officer and inspector who takes notice of a violation of a rule, regulation, order, ordinances or by-law regulating the housing, sanitary or snow and ice removal requirement shall provide the offender with a notice forthwith, which shall be in tag form, to appear before the municipal hearing officer or the hearings officer's designee during regular officer hours, not later than twenty-one (21) days after the date of such violation. All tags shall be prepared in triplicate or by the use of an automated device and shall be pre-numbered.

i. Affixing of Violation Tags

The tag shall be affixed securely to the building or, for a building with an onsite professional managed property office, delivered to the office during normal business hours and shall contain, but shall not be limited to: the date, time and place of the violation, the specific violation charged, the name and badge number of the officer or inspector and his division, a schedule of payment for established fines and instructions for return of tag.

j. Retention and Delivery of Violation Notice Copies

Within three (3) business days after completion of each shift, the officer or inspector shall give to his superior those copies of each notice or a violation issued during such shift. The superior shall retain and preserve one (1) copy and shall, not later than the beginning of the next business day after receipt of the notice, deliver another copy to the municipal hearing officer before whom the offender has been notified to appear, unless the ticket was produced by an automated ticketing device, in which case no duplicate copies need to be retained. The municipal hearing officer shall maintain a docket of all such notices to appear.

k. Schedule of Fines for Violation

The municipality shall, by ordinance or by-law, establish a schedule of fines for violations subject to this chapter committed within the municipality; provided, however, that all such fines shall be uniform for the same offense committed in the same zone or district, if any. A fine established under this chapter shall not exceed the maximum allowable amount under the relevant sections of the housing or sanitary code or municipal snow and ice removal requirement, excluding late fees.

I. Return of Notice of Violation; Payment; Request for Hearing; Additional Charges for Non-Payment

Where a notice of violation is issued for a code violation, the alleged violator, within twenty-one (21) days, shall return the notice of violation by mail, personally or by an authorized person, to the municipal hearing officer and shall either: (1) pay in full the schedule fine by check, postal note, money order or other legal tender or (2) request a hearing before the municipal hearing officer. Each violation issued shall contain a statement explaining the procedure or adjudicate the violation by mail. Any amounts paid shall be payable to the municipality. If a fine remains unpaid for twenty-one (21) days and no hearing has been requested, a letter shall be sent to the property owner of records' mailing address and, if appropriate to the local individual or property management company responsible for the maintenance of the property, with a processing fee of not more than ten dollars (\$10), notifying him that the fine shall be paid within thirty (30) days after receipt of that notice unless within fourteen (14) days of receiving that notice the property owner requests a hearing before the municipal hearing officer and swears in writing under the pains and penalty of perjury that the property owner did not receive the notice of violation. If the fine remains unpaid after the thirty (30) day period, additional penalties and interest may be attached. Thereafter, any fine and additional penalties thereto may also be a lien upon such real estate as provided in section 42B of Chapter 40. A municipality's determination of whether to place a lien on the property may involve the number of and the dollar amount of the violation on the property. The property owner of record shall be notified by certified mail of the lien on the property. No lien shall be removed without notice from the tax collector that all such matters have been disposed of in accordance with law. Additional charges equal to the amount required to file the lien and the amount required to release the lien shall be assessed against the owner of record for the purpose of ensuring that all costs associated with filing and release are recovered.

m. Challenge to Validity of Violation Notice

Any person notified to appear before the municipal hearing officer, as provided herein may, without waiving the right to a hearing provided by this chapter and without waiving judicial review as provided in section 14 of Chapter 30A, challenge the validity of the violation notice and review and disposition of the violation from the municipal hearing officer by mail. The alleged violator may, upon receipt of the notice to appear, send a signed statement of objections to the violation notice as well as signed statements from witnesses, police officers, government officials and other relevant parties. Photographs, diagrams, maps and other documents may also be sent with the statements. Any statements or materials sent to the municipal hearing officer for review shall have attached the person's name and complete address as well as the ticket number and the date of the violation. The municipal hearing officer shall, within twenty-one (21) days after the receipt of such material, review the material and dismiss or uphold the violation and notify the alleged violator by mail of the disposition of the hearing. If the outcome of the hearing is against the alleged violator, the municipal hearing officer shall explain the

reasons for the outcome on the notice. Such review and disposition conducted by mail shall be informal, the rules of evidence shall not apply and the decision of the municipal hearing officer shall be final, subject to any hearing provisions by this chapter or to judicial review as provided in said section 14 of said Chapter 30A.

n. Written Request for Hearing; Time and Location of Hearing

Notwithstanding section 21D of chapter 40, a person who desires to contest a violation of any ordinance or by-law of a municipality alleged in a notice to appear, pursuant to violations issued by a municipality in accordance with said section 21D of said chapter 40, shall request in writing a hearing before a municipal hearing officer. The notice to appear shall be in format specified in said section 21D of said Chapter 40, except that the third copy of the notice shall be submitted to the municipal hearing officer unless the ticket was produced by an automated ticketing device.

If the alleged violator requests a hearing before the municipal hearing officer in a timely manner, the municipal hearing officer shall schedule a hearing not later than forty-five (45) days after receiving the hearing request. The municipal hearing officer shall duly notify the alleged violator of the date, time and location of the hearing. Hearings shall be held on at least two (2) evenings each month. When a hearing notice is sent, the alleged violator shall be given an opportunity to request a rescheduled hearing date. The municipal hearing officer so designated shall not be an employee or officer of the department associated with the issuance of the violation.

The municipal hearing officer shall receive annual training in the conduct of administrative hearings. The hearing and disposition shall be informal and shall follow the rules set forth in chapter 30A. Rules for judicial proceedings shall not apply. In conducting the hearing, the municipal hearing office shall determine whether the violation occurred and whether it was committed by the person notified to appear.

o. Appeal of Decision of Municipal Hearing Officer

A person aggrieved by a decision of the municipal hearing officer may appeal to the district court, housing court or other court of competent jurisdiction pursuant to section 21D of chapter 40, on a form provided by the municipality, and shall be entitled to a de novo hearing before a clerk magistrate of the court. The court shall consider such appeals under a civil standard. The aggrieved person shall file the appeal within ten (10) days after receiving notice of the decision from the municipal hearing officer who conducted the hearing.

p. Effect of Failure to Pay, Request Hearing or Appear

Any person who has received a notice of violation issued in accordance with this chapter who, within the prescribed time, fails to pay the same or fails to request a hearing before the municipal hearing officer or who fails to appear at the time and place of the hearing, shall be deemed responsible for the violation as stated in the notice of violation. Such findings of responsibility shall be considered prima facie evidence of the violation in a

civil proceeding regarding that violation and shall be admissible as evidence in a substantial criminal proceeding. If a person fails to appear at the scheduled hearing without good cause, the appeal shall be dismissed and the violator shall waive any further right of appeal. If the condition which caused the notice of violation to issue continues to exist, the finding of responsibility may also be used by a municipality as prima facie evidence of the existence of a violation in any proceeding to suspend or revoke any license, permit or certificate issued by such municipality relative to that building, structure or premises pending the correction of the condition.

q. Payments of Fines, Penalties or Assessments to the General Fund of Municipality

All fines, penalties or assessments in actions under this chapter shall be paid to the general fund of the municipality.

r. Local Ordinances and By-Laws Superseded

In a municipality that has accepted this chapter, this chapter shall supersede any local ordinances or by-laws to the contrary.

CITY OF FALL RIVER
IN CITY COUNCIL
SEP 26 2017

*Passed through first
reading, 6 years,
3 days*

City of Fall River, *In City Council*

(Councilor Raymond A. Mitchell)

WHEREAS, a guardrail was recently removed from the dead end of Stowe Street, and

WHEREAS, this guardrail was installed years ago to assist residents on the dead end street with parking, and

WHEREAS, the City Council unanimously adopted an order on August 16, 2011 that was approved by the Mayor on August 23, 2011 to install this guardrail, and

WHEREAS, the new owner of 176 Langley Street purchased the property knowing that there was no access from Stowe Street, now therefore

BE IT RESOLVED, that the Committee on Public Works and Transportation meet with the City Engineer, Corporation Counsel and residents of this area to discuss reinstalling the guardrail.

City of Fall River, *In City Council*

12

(Councilor Raymond A. Mitchell)

WHEREAS, the Fall River Office of Economic Development (FROED) is a valuable resource to residents and business owners in the City of Fall River, and

WHEREAS, the funding for FROED from the Community Development Agency was deleted in this past year, and

WHEREAS, FROED has not been able to provide as many services without this funding, now therefore

BE IT RESOLVED, that the Administration restore this funding to FROED, as soon as possible.

City of Fall River, *In City Council*

(Councilor Steven A. Camara)

WHEREAS, Fall River is preparing to begin the construction of the initial phase of its Streetscapes with bids scheduled to be opened for several projects, and

WHEREAS, this Streetscapes investment is a multi-million dollar commitment to improving the quality of life in the neighborhoods selected for Streetscapes as well as for the entire City, and

WHEREAS, Building Oversight Committees have been established to oversee and advise on previous public investments, and

WHEREAS, the success of public projects has been and is more likely when more people are involved in assuring their success, now therefore

BE IT RESOLVED, that there be, appointed by the Mayor and the City Council President, one or more Streetscapes Construction Oversight Committee(s) that would consist of the City Planner (serving as Chair with voting rights only in the case of a "tie"), City Engineer, two (2) City Councilors, six (6) residents, property owners and/or business owners of the respective neighborhood(s) of which three (3) are appointed by the Mayor and three (3) are appointed by the City Council President who either live, own property or own businesses where the various Streetscapes are being constructed, and

BE IT FURTHER RESOLVED, that this ten (10) person committee or these ten (10) person committees provide construction oversight responsibilities as well as feedback and reports to the City Council and to the Mayor as issues may arise.

City of Fall River, *In City Council*

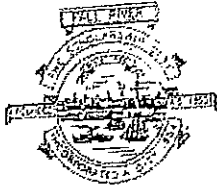
ORDERED, that public hearings of the Fall River City Council be held on Tuesday, October 24, 2017 at 5:30 p.m. in the Council Chamber, One Government Center, to hear all persons interested and wishing to be heard on the proposed petitions of Mobilite, LLC to attach wireless backhaul transport equipment to existing utility poles in the right-of-way as follows:

- At Hanover Street and New Boston Road, with electricity connection.
In accordance with Project No. 9MAB001689.
- At Franklin Street and High Street, with electricity connection.
In accordance with Project No. 9MAB001690.
- At Rodman Street and Lonsdale Street, with electricity connection.
In accordance with Project No. 9MAB001692.
- At Lyon Street and Third Street, with electricity connection.
In accordance with Project No. 9MAB001693.
- At Dover Street and Techumseh Street, with electricity connection.
In accordance with Project No. 9MAB001694.
- At Plymouth Avenue and End Street, with electricity connection.
In accordance with Project No. 9MAB001695.
- At Orange Street and Cherry Street, with electricity connection.
In accordance with Project No. 9MAB001699.

City of Fall River, *In City Council*

ORDERED, that public hearings of the Fall River City Council be held on Tuesday, October 24, 2017 at 5:30 p.m. in the Council Chamber, One Government Center to hear all persons interested and wishing to be heard on the proposed petitions of New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to existing National Grid utility poles as well as to install underground conduits or direct bury fiber cables as follows:

- 887 Plymouth Avenue, Pole #4.
In accordance with Project No. cRAN_Frvr_31C.
- 188 Nashua Street, Pole #7.
In accordance with Project No. cRAN_Frvr_26A.
- 70 William Street, Pole #3/6874.
In accordance with Project No. cRAN_Frvr_27A.
- 372 Plymouth Avenue, Pole #22-3.
In accordance with Project No. cRAN_Frvr_25A.
- 170 Baird Street, Pole #260/8.
In accordance with Project No. cRAN_Frvr_24A.
- 191 Aetna Street, Pole #17.
In accordance with Project No. cRAN_Frvr_23A.
- 152 Mott Street, Pole #11.
In accordance with Project No. cRAN_Frvr_21A.
- 35 Pelham Street, Pole #246/1/490.
In accordance with Project No. cRAN_Frvr_20A.
- 1069 Plymouth Avenue, Pole #1240S.
In accordance with Project No. cRAN_Frvr_17B.
- 23 Norfolk Street, Pole #597, #11.
In accordance with Project No. cRAN_Frvr_16A.
- 565 Bedford Street, Pole #17/28 near Bank 5 sign.
In accordance with Project No. cRAN_Frvr_09B.
- 738 Oak Grove Avenue, Pole #38-84.
In accordance with Project No. cRAN_Frvr_03A.



City of Fall River
Notice of Claim

RECEIVED

2017 OCT -3 A 11: 34

CITY CLERK 17-78
FALL RIVER, MA

1. Claimant's name: USAA Casualty Insurance Company a/s/o Samantha Snyder
2. Claimant's complete address: c/o Clerkin, Sinclair & Mahfouz, LLP; 530 B Street, 8th Floor, San Diego, CA 92101
3. Telephone number: Home: N/A Work: 619-867-0418
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
USAA's insured sought medical attention after her vehicle was struck by a City of Fall River vehicle, driven by James Smith.
5. Date and time of accident: March 16, 2017 at approximately 4:14 P.M. Amount of damages claimed: \$ \$2,000.00
6. Exact location of the incident: (include as much detail as possible):
County Road in Somerset, Massachusetts
7. Circumstances of the incident: (attach additional pages if necessary):
On March 16, 2017, USAA's insured was slowing down on County Road in Somerset, Massachusetts, when their vehicle was struck in the rear by a City of Fall River vehicle, driven by James Smith.
Due to the force of the collision, USAA's insured sought medical attention.
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
USAA Casualty Insurance Company; c/o Clerkin, Sinclair & Mahfouz, LLP; 530 B Street, 8th Floor, San Diego, CA 92101

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: September 27, 2017

Claimant's signature: Ashley Feuerman

Ashley Feuerman on behalf of
USAA Casualty Insurance
Company a/s/o Virginia Zwaan-
Snyder, Samantha Snyder

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

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

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

For official use only:

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

Date: 10/3/17

(Exhibit B - Photos CD attached to original)

9/25/2017

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

Can you please help us?
 Please feel free to call me
 for more information,

Amixionally,

Blaine D. Datalano
 774 301 6351

In accordance with
 Mike Rua "Echo Management
 Cooperative", owner of 6 units
 and Tara Brown, (your spouse,
 Peter Miranda and Tony and
 Renee Gine).

Thank You,

Dear Mr. Bouchard,

I am writing this to you in regards to
 an illegal chain link fence erected by
 the owner of the red brick apartment
 building on the north side of Pleasant
 St, between 15th and 16th streets.
 I am one of the 12 unit condo owners
 (Central Garden Condos) at 120 15th St.
 A group of owners met with the
 mayor on January 17, 2016 with a
 copy of the 1920 paper about dead
 Jason Corona agreed that the fence
 should be removed since it was
 erected without the city's permission
 and the alley allows access for
 emergency vehicles.

The fence area is adjacent to
 one of four parking lots and our
 dumpsters. It is littered with beer
 cans, swimming pools, toys, drug
 paraphernalia and all sorts due
 to working on cars there. We've
 had to call the police on several
 occasions due to illicit activity
 and loud noise.

Not only does it detract
 from our place of mind, it
 also detracts from our

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2017 SEP 26 P 4: 17

CITY CLERK
FALL RIVER, MA

To Fall River City Councilors,

I'm sitting in my Sun Room this afternoon (09/26/17) and as many typical days this summer there is a warm gentle breeze. Unfortunately that warm gentle breeze brings with it a very unpleasant scent. The unpleasant scent is coming from the sewage plant.

This Summer both my wife and I have called different city departments and the sewage plant to complain. The responses have been that we have called the wrong department and they give us another telephone number to call. We call the number given and no answers. Needless to say we are very frustrated.

I have called the Mayor's office twice within the last two weeks and spoke to two different individuals. Although they express sympathy no one has given me an acceptable answer. The last individual I spoke was very helpful. He did take my telephone number, did some research and returned my call. I was told that there are four pumps that are forty years old, one has been replaced and they are in the process of replacing the other three. In order to eliminate the odors all four pumps have to be functioning properly. He said they are currently working on replacing the other three pumps. I asked for a time table on what to expect as a projected completion date he responded that he was not given that information.

My complaint is why wait until there is a problem to replace all four pumps. Why not be pro-active and not only do the best you can to maintain the pumps but have a plan on when to systematically replace the pumps before they break down and become useless. (just like our forty year old high school) Do we need to change the individual or company who is in charge of the plant? Is anyone paying attention and responsible for the condition? Is anyone minding the store?

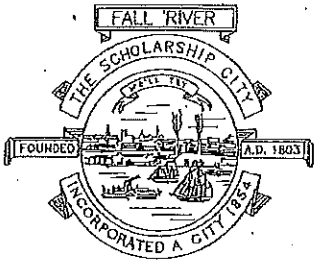
It's unfair that I pay high water fees, high rain water tax and high sewage fees and I'm subjected to the unpleasant scent. Throughout the years the neighborhood has been subjected occasionally to the fowl odors coming from the plant. This summer the unpleasant odor has been to often and very embarrassing especially when we have our out of town family members for a weekend cookout.

I would have invited the councilors to our cookouts but I don't think you would care to attend. My name is Joseph Soares. My address is 235 King Philip Street and my telephone number is 508-676-3184 if you care to comment.

Thank You,

Joseph Soares

copies on C.S. desks
9-26-17



25

RECEIVED
2017 OCT -4 P 2:45

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

Planning Division

JASIEL F. CORREIA II
Mayor

CITY CLERK
FALL RIVER, MA
HENRY R. VAILLANCOURT MD, MPH
Director
Department of Community Services

TO: Alison Bouchard
City Clerk

WILLIAM G. KENNEY
City Planner

FROM: Fall River Planning Board

RE: PLANNING BOARD MINUTES
August 3, 2017

The Fall River Planning Board held a Public Meeting at 5:30 p.m. on Thursday, August 3, 2017, in the First Floor Hearing Room, One Government Center, Fall River, MA for the purpose of considering the matters set forth in the agenda originally posted with your office on July 28, 2017 and posted, as revised on August 3, 2017, at 2:09PM...

Members present were as follows:

Keith Paquette, Chairman
Mario Lucciola
Charles Moniz
Alice Fagundo

Also present were William Kenney, Director of Planning, and Kerri Ayash, Clerk.

"Minutes" of this meeting are as follows:

1. Request submitted by SITEC, Inc. on behalf of 795 North Underwood Street LLC under M.G.L. c. 40A, sec. 16 and under Sec. 86-487 of the Zoning Bylaw of the City of Fall River with respect to a variance request which was denied by the Zoning Board of Appeals on February 16, 2017, to divide property at 795 North Underwood Street, Lot S-5-28, into two lots leaving the existing six family dwelling on one lot and construct a single family dwelling on the other lot waiving use and dimensional requirements in a Neighborhood Shopping District [B-N], Lot sizes 5,046 +/- s.f. and 8,953 +/- s.f. The request is for a determination by the Planning Board that the applicant's new proposal reflects specific and material changes in the conditions upon which the denial was issued and for consent of the Planning Board to a re-hearing by the Zoning Board of Appeals prior to the expiration of two years after the date of the denial.

Dan Aguiar of SITEC, Inc., appeared on behalf of the applicant. He explained that the applicant's attorney had intended to appear on behalf of the applicant but had just advised him that he would be unable to attend. He requested that the matter be tabled to the next available meeting.

Upon motion duly made and seconded, it was unanimously VOTED: to table the matter to October 3, 2017, at 5:30PM in the First Floor Hearing Room, One Government Center, Fall River, MA 02722

TEL (508) 324-2561 • FAX (508) 324-2564 • wkenney@fallriverma.org

2. **Application for Endorsement of Plan Believed Not To Require Approval ("Form 'A' Plan") Submitted by SITEC, Inc. on behalf of St. Anne's Fraternity, Inc. (applicant and owner) regarding 144 Guild Street, Map A-9, Lot 16. Form A File 17-1383**

Dan Aguiar appeared on behalf of the applicant and presented the proposal to the Board.

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

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

3. **Application for Endorsement of Plan Believed Not to Require Approval ("Form 'A' Plan") Submitted by SITEC, Inc. on behalf of Sherwood Education, LLC (applicant and owner) regarding 726 Hicks Street, Map B-9, Lot 37 Form A File 17-1384.**

Dan Aguiar appeared on behalf of the applicant and presented the proposal to the Board.

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

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

4. OLD BUSINESS

There was no old business.

5. NEW BUSINESS

- a. **Chair Keith Paquette's resignation as Planning Board representative on the Community Preservation Committee and selection of a successor.**

Chairman Paquette informed the Board that he had resigned as the Planning Board's representative on the Community Preservation Committee.

Member Mario Lucciola nominated Charles Moniz to succeed the Chair as the Board's representative on the Community Preservation Committee. The nomination was seconded by member Alice Fagundo. It was then VOTED: To nominate and appoint Charles Moniz as the Planning Board representative to the Community Preservation Commission. Members Paquette, Lucciola and Fagundo voted in favor and member Charles Moniz, the nominee, abstained.

- b. **Scheduling of joint City Council/Planning Board hearing for 5:15PM on Tuesday, September 12, 2017, regarding possible enactment of amendment to Zoning Ordinance to add a "King Philip Mills Overlay District".**

Mr. Kenney advised the Board that the City Council had proposed a joint City Council/Planning Board hearing to receive public comment on a proposal to amend the Zoning Ordinance to add a "King Philip Mills Overlay District" to help facilitate development of market rate residential development. Mr. Kenney stated that he would forward the proposal to the members to review and suggested 5:15PM on Tuesday, September 12, 2017, for the joint hearing, subject to members' availability. All members indicated they were available for that date and Mr. Kenney stated that he would schedule it with the City Council to take place in the City Council Chamber.

c. Proposed scheduling of hearing for 5:30PM on Tuesday, August 29, 2017, on proposal to name basketball court at Ruggles Park in honor of Manny Papoula.

Mr. Kenney advised the Board that the City Council had referred to the Board for its recommendation a proposal to name the basketball court at Ruggles Park in honor of Manny Papoula, and that it was necessary to schedule a public hearing on that issue. The members all indicated that they would be available 5:30PM on Tuesday, August 29, 2017, and Mr. Kenney stated that he would schedule the hearing for that date in a room to be determined.

6. ADJOURNMENT

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