

# 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:** Thursday, September 26, 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 7:51 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.

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to take item #19 out of order.*

### RESOLUTION

19. Committee on Finance convene to discuss status of repairs to Veterans' Center located at 755 Pine Street

*Councilor Pam Laliberte-Lebeau stated that she would like a timeline of what renovations will be done and when. Councilor Richard Cabeceiras stated that these repairs are taking too long and it is unfair to the veterans using the Veterans' Center. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the resolution.*

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Richard Cabeceiras, it was unanimously voted to take item #3 out of order.*

### PRIORITY MATTERS

3. Mayor requesting review of Clover Leaf Mills, LLC easement and Alfred J. Lima Quequechan River Rail Trail with all interested parties

*Councilor Pam Laliberte-Lebeau stated that the takings were done in 2014 and there was an easement from 2015 and stated that she would like to send this matter back to the Mayor and have him submit an order to rescind the easement. Councilor Raymond A. Mitchell stated that he was unaware that there was a hidden agenda. He also stated that there was not map included with the paperwork. Councilor Joseph D. Camara stated, what's done is done, now how to we fix it. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Linda M Pereira, it was unanimously voted to waive the rules to allow Corporation Counsel to answer questions. On a*

*motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was voted 2 yeas, 7 nays to refer the matter to the Committee on Public Safety with Councilors Richard Cabeceiras, Steven A. Camara, Pam Laliberte-Lebeau, Raymond A. Mitchell, Linda M. Pereira, Clif. Ponte and President Shawn E. Cadime voting in the negative and the motion failed to carry. On a further motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Steven A. Camara, it was unanimously voted to allow Brian Pearson to answer questions. A further motion was made by Councilor Raymond A. Mitchell to refer the matter back to Corporation Counsel and the Administration, but received no second. A further motion was made by Councilor Joseph D. Camara to table the item, but received no second. On yet a further motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was voted 8 yeas, 1 nay to refer the matter back to the Administration and Corporation Counsel for the scheduling of a public hearing within 21 days for a discussion on the elimination of the proposed roadway and crossover of the bicycle path, with Councilor Richard Cabeceiras voting in the negative.*

*Council President Shawn E. Cadime called for a 5 minute recess at 10:26 p.m. and the Council reconvened at 10:37 p.m.*

*On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Linda M. Pereira, it was unanimously voted to take the ballot question out of order.*

### **PRIORITY COMMUNICATIONS**

Charter Commission regarding amended ballot question to be placed on the Municipal Election Ballot, November 7, 2017

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was voted 9 yeas to adopt the ballot question, as amended. The question was amended by changing the second paragraph of the ballot question listed as #1 below to #2 below:*

#1) 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. Elected officials convicted of a felony will be barred from holding any elective or appointed office in the city. 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 and ordinances will be reviewed every 10 years.

#2) 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.

## **PRIORITY MATTERS**

1. Mayor and order for land acquisition of vacant lot on Hyacinth Street (Lot number L-18-103) as a component of the Hyacinth Street South drainage project  
*On a motion made by Councilor Steven A. Camara and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the matter to the Committee on Public Works and Transportation, with Councilors Joseph D. Camara, Pam Laliberte-Lebeau and Cliff Ponte abstaining.*

2. Mayor and proposed ordinances as follows:

- a. Industrial Pretreatment Program
- b. Stormwater Management
- c. Sewer Commission, membership modifications

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Richard Cabeceiras, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.*

## **PRIORITY COMMUNICATIONS**

4. Traffic Commission recommending amendments to the traffic ordinances  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.*

5. Board of Election Commissioners re: official results of Municipal Preliminary Election held on September 12, 2017

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

## **COMMITTEE REPORTS**

Committee on Ordinances and Legislation recommending:

### First Reading:

6. Proposed Ordinance – Establishment of Revolving Funds

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the proposed ordinance be passed through first reading.*

7. 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 voted 8 yeas, 1 nay that the proposed ordinance be passed through first reading, with Councilor Richard Cabeceiras voting in the negative.*

8. Proposed Ordinance – Establishment of Municipal Hearings Officer

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

### Adoption:

9. Order – accept provisions of Chapter 40U of the Massachusetts General Laws

*On a motion made by Councilor Stephen R. Long and seconded by Councilor Cliff Ponte, it was voted 6 yeas, 3 nays that the order be adopted, with Councilors Richard Cabeceiras, Raymond A. Mitchell and Linda M. Pereira voting in the negative.*

*Approved, September 27, 2017, Mayor Jasiel F. Correia II*

Grant leave to withdraw:

10. Resolution – Ensure compliance regarding demolition of buildings on historical register  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the resolution be granted leave to withdraw.*

Accept and place on file:

11. Resolution – Fall River institute plans to ensure code compliance of all occupancies  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the resolution be accepted and placed on file.*

**ORDINANCES**

Second Reading and enrollment:

12. Proposed Ordinance – Traffic, miscellaneous  
*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.*
13. Proposed Ordinance – Personnel, City Council Principal Clerk  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment.*
14. Proposed Ordinance – Personnel, Chairperson, board of election commissioners/  
director of office of elections  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment.*

**RESOLUTIONS**

15. Committee on Finance convene to discuss maintenance of areas related to the  
Route 79/Braga Bridge Improvements Project  
*On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was unanimously voted that the resolution be adopted.*
16. Administration provide update of the status of the King Philip Mill property  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted that the resolution be adopted.*
17. Administration provide advance notice to residents of Pay-As-You-Throw Amnesty program  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted that the resolution be adopted.*  
*Approved, September 27, 2017, Mayor Jasiel F. Correia II*
18. Administration provide details of proposed plan to end the Pay-As-You-Throw program  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted that the resolution be adopted.*

**CITATIONS**

20. Philip T. Silvia Jr. – commitment and service to the Fall River Historical Society  
*On a motion made by Councilor Cliff Ponte and seconded by Councilor Stephen R. Long, it was unanimously voted that the citation be adopted.*

21. Constance Mendes – commitment and service to the Fall River Historical Society  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the citation be adopted.*

#### **ORDERS – HEARINGS**

##### **Street Acceptance:**

22. Frederick Street, from Whitefield Street to Mariano Bishop Boulevard  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the order.*  
*Approved, September 27, 2017, Mayor Jasiel F. Correia II*

#### **ORDERS – MISCELLANEOUS**

23. Police Chief's report on licenses:  
Taxicab Drivers:

Lindsey Kellam                      Jeff C. Middleton

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

24. Auto Repair Shop license renewals:

Roger W. Piva d/b/a Piva's Garage at 252 Crescent St.

Robert W. Saraiva d/b/a Peckham Street Garage at 213 Peckham St.

Louis Massa Sr. d/b/a Louis Auto Repair & Service at 247 Plain St.

Toni Elkhoury, TNK Gas & Auto Repair, Inc. d/b/a Tony Gas & Repair at 402 Brightman St.

Faouzi Raad, Michael & Tia, Inc. d/b/a Fawzi's Auto at 256 Bedford St.

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

*Approved, September 27, 2017, Mayor Jasiel F. Correia II*

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

25. Claims

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

26. Anonymous letter regarding taxicab service

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

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

27. Committee on Budget Preparation, Revenue and Audits – May 24, 2017

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

#### **BULLETINS – NEWSLETTERS – NOTICES**

28. Final Report – Frederick Street from Whitefield Street to Mariano Bishop Boulevard

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

**OTHER POTENTIAL MATTERS TO BE ACTED UPON**

**Report of Committee on Finance:**

Loan order: \$250,000 for feasibility study of Tansey/Watson School proposed projects  
*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was voted 9 yeas, that the order be adopted.*  
*Approved, September 22, 2017, Mayor Jasiel F. Correia II*

**ITEMS FILED AFTER THE AGENDA WAS PREPARED:**  
**CITY COUNCIL MEETING DATE: SEPTEMBER 26, 2017**

Proposed Ordinance – Traffic, miscellaneous

*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, September 22, 2017, Mayor Jasiel F. Correia II*

Proposed Ordinance – Personnel, Chairperson, board of election commissioners/director of office of elections

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the proposed ordinance be passed to be ordained.*  
*Approved, September 22, 2017, Mayor Jasiel F. Correia II*

Proposed Ordinance – Personnel, City Council Principal Clerk

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the proposed ordinance be passed to be ordained.*  
*Approved, September 22, 2017, Mayor Jasiel F. Correia II*

*On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adjourn at 11:16 p.m.*

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

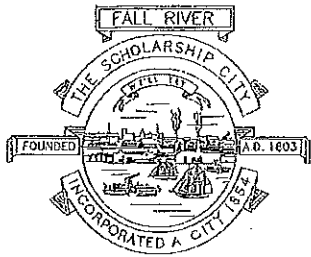
Agenda packet (attached)  
CD and DVD of meeting

A true copy. Attest:



City Clerk

In City Council, August 15, 2018  
Approved.



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

**RECEIVED**

2017 SEP 26 P 3:38

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

**ALISON M. BOUCHARD** *\*AMENDED AGENDA*  
CITY CLERK *(ORIGINAL AGENDA POSTED ON SEPT. 22, 2017 AT 12:55 PM)* **INÊS LEITE**  
ASSISTANT CITY CLERK

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

**TUESDAY, SEPTEMBER 26, 2017**  
**AGENDA**

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

**Street Acceptance**

1. Acceptance of Frederick Street, from Whitefield Street to Mariano Bishop Boulevard

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

1. \*Loan order: \$250,000 for feasibility study of Tansey/Watson School proposed projects (referred 9-14-17)
2. \*Mayor and Corporation Counsel regarding Charter Commission ballot question and summary to be placed on the Municipal Election Ballot, November 7, 2017 (tabled 9-14-17)

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

**PRIORITY MATTERS**

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2. \*Mayor and proposed ordinances as follows:
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3. \*Mayor requesting review of Clover Leaf Mills, LLC easement and Alfred J. Lima Quequechan River Rail Trail with all interested parties

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4. Traffic Commission recommending amendments to the traffic ordinances
5. Board of Election Commissioners re: official results of Municipal Preliminary Election held on September 12, 2017

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First Reading:

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7. \*Proposed Ordinance – Taxicab drivers; recommendation received by Police Chief
8. \*Proposed Ordinance – Establishment of Municipal Hearings Officer

**ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650**  
One Government Center • Fall River, MA 02722  
TEL 508-324-2220 • FAX 508-324-2211 • EMAIL [city\\_clerks@fallriverma.org](mailto:city_clerks@fallriverma.org)

Adoption:

9. \*Order – accept provisions of Chapter 40U of the Massachusetts General Laws

Grant leave to withdraw:

10. \*Resolution – Ensure compliance regarding demolition of buildings on historical register

Accept and place on file:

11. \*Resolution – Fall River institute plans to ensure code compliance of all occupancies

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**RESOLUTIONS**

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18. \*Administration provide details of proposed plan to end the Pay-As-You-Throw program  
19. \*Committee on Finance convene to discuss status of repairs to Veterans' Center located at  
755 Pine Street

**CITATIONS**

20. Phillip T. Silvia Jr. – commitment and service to the Fall River Historical Society  
21. Constance Mendes – commitment and service to the Fall River Historical Society

**ORDERS – HEARINGS**

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**COMMUNICATIONS – INVITATIONS – PETITIONS**

25. \*Claims  
26. \*Anonymous letter regarding taxicab service

City Council Committee/Meeting Minutes:

27. \*Committee on Budget Preparation, Revenue and Audits – May 24, 2017

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



**BULLETINS – NEWSLETTERS – NOTICES**

28. Final Report – Frederick Street from Whitefield Street to Mariano Bishop Boulevard

**OTHER POTENTIAL MATTERS TO BE ACTED UPON**

Report of Committee on Finance:

\*Mayor & Corp. Counsel re: Charter Commission ballot question and summary to be placed on the Municipal Election Ballot, November 7, 2017

\*Loan order: \$250,000 for feasibility study of Tansey/Watson School proposed projects

  
City Clerk

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

**ITEMS FILED AFTER THE AGENDA WAS PREPARED:**  
**CITY COUNCIL MEETING DATE: SEPTEMBER 26, 2017**

**PRIORITY COMMUNICATIONS**

\*Charter Commission regarding amended ballot question to be placed on the Municipal Election Ballot, November 7, 2017

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



City of

# Fall River

Charter Commission

RECEIVED

2017 SEP 26 A 9:19

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

September 25, 2017

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

**Michael L. Miozza**  
Chairman

**Kris Bartley**  
Vice Chairman

**Brenda Venice**  
Clerk

**Atty. David Assad**

**James Cusick**

**Patrick Norton**

**Dan Robillard**

**John Silvia**

**Michael Quinn**

Dear Clerk Bouchard:

I would like to inform you that the Fall River Charter Commission met on Monday, September 25, 2017 in the Atrium of the Government Center and voted in favor of passing the charter ballot question and amended language to the summary. Voting in favor were Commissioners Vice Chair Bartley, Cusick, Chairman Miozza, Norton, Quinn, Silvia, and Clerk Venice.

Voting against the proposal was Commissioner Robillard. Commissioner Atty. Assad was absent.

Please forward the attached ballot question and amended summary to the members of the City Council as this is on the agenda for discussion at their next meeting on Tuesday, September 26, 2017.

Sincerely,

Brenda L. Venice  
Clerk  
Fall River Charter Commission

Fall River Charter Commission, One Government Center, Fall River, MA 02722

*126 Emailed to all council members; hardcopies are attached.*

## 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.

CITY CLERK  
FALL RIVER, MA

2017 SEP 26 A 9:19

RECEIVED



# City of Fall River Massachusetts

Office of the City Clerk 2017 SEP 22 P 12:55

CITY CLERK  
FALL RIVER, MA

ALISON M. BOUCHARD  
CITY CLERK

INÊS LEITE  
ASSISTANT CITY CLERK

**SEPTEMBER 22, 2017**  
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**CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**

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**Adoption:**

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

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**BULLETINS – NEWSLETTERS – NOTICES**

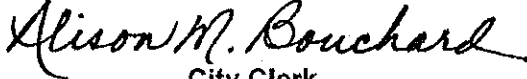
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City Clerk

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



City of Fall River  
Massachusetts  
Office of the Mayor

**FINANCE** /  
RECEIVED

2017 SEP 12 P 4:36

JASIEL F. CORREIA II  
Mayor

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

September 12, 2017

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

Honorable Council Members:

The School Committee has received approval from the Massachusetts School Building Authority's Accelerated Buildings Repair Program to complete a Feasibility Study of the proposed Tansey/Watson renovation projects. The School Committee voted at its September 11, 2017 meeting to request funding for the \$250,000 Feasibility Study which is eligible for an 80/20% grant opportunity.

While the City Council vote will authorize a \$250,000 Loan Order, the Administration anticipates that only 20% of this amount will be bonded long term. Your approval of this Loan Order is respectfully requested.

Best Regards,

Jasiel F. Correia II  
Mayor

CITY OF FALL RIVER  
IN CITY COUNCIL

SEP 14 2017

*Placed on file*



EMERGENCY PREAMBLE

WHEREAS, the attached loan order was not filed prior to 5:00 P.M. on Thursday, September 7, 2017, in accordance with Section 2-125 of the Revised Ordinances of the City of Fall River, 1999, and

WHEREAS, it is important for the good of the city that the loan order be considered by the City Council, now therefore

BE IT RESOLVED, that said loan order be accepted for reading before the City Council.

CITY OF FALL RIVER  
IN CITY COUNCIL  
SEP 14 2017

Adopted, 9 yeas

# City of Fall River, In City Council

## LOAN ORDER

# FINANCE

### (TANSEY/WATSON FEASIBILITY STUDY)

ORDERED: That the City appropriates the amount of Two Hundred and Fifty Thousand Dollars (\$250,000) for the purpose of paying costs of a feasibility study for the replacement of windows, doors, and a boiler at the James Tansey Elementary School and the windows, doors, roof replacement and a boiler at the Samuel Watson Elementary School including the payment of all cost incidental or related thereto, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the City of Fall River Director of Facilities and the School Department Chief Operations Officer. To meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from MSBA shall be the sole responsibility of the City, and that the amount borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City and the MSBA, and,

BE IT FURTHER ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of the Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bond of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

CITY OF FALL RIVER  
IN CITY COUNCIL

SEP 14 2017

*Authorized to be published  
and referred to the Committee  
on Finance, as amended,  
9 years*



# FINANCE 1

## FALL RIVER PUBLIC SCHOOLS

Facilities & Operations  
RECEIVED

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

Kenneth C. Pacheco  
Chief Operations Officer

2017 SEP 12 P 4:36

CITY CLERK  
FALL RIVER, MA

September 12, 2017

The Honorable Jasiel F. Correia II  
City of Fall River  
1 Government Center  
Fall River, MA 02722

Dear Mayor Correia:

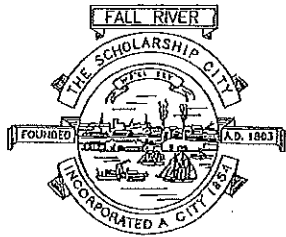
I am attaching herewith, for your consideration and approval, a request through the Mayor; to the City Council to appropriate funds for the Feasibility Study of the Tansey/Watson proposed projects so authorized by the School Committee in September 11, 2017. The request to the City is for \$250,000 which is eligible for an 80/20% grant opportunity. The School District along with the City submitted two Statements of Interest for consideration in the Massachusetts School Building Authority's Accelerated Buildings Repair Program and was invited into the next round which is the feasibility study round. This study will determine if the projects which have been presented to the MSBA are sound in nature and economically feasible. The proposed projects are for the replacement of windows, doors, and a boiler at the James Tansey Elementary School as one request, the second request will be for windows, doors, the entire roof replacement and a boiler at the Samuel Watson Elementary School.

Thank you in advance for your consideration to this matter.

Sincerely,

***Kenneth C Pacheco***

Kenneth C. Pacheco,  
Chief Operations Officer



City of Fall River  
Massachusetts  
Office of the Mayor

FINANCE 2  
RECEIVED

2017 AUG 10 A 11:43

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

JASIEL F. CORREIA II

Mayor

August 10, 2017

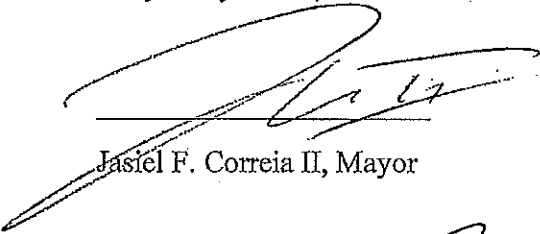
The Honorable City Council  
One Government Center  
Fall River, MA 02722

Dear Councilors:

At the request of the Charter Commission I am forwarding the following order to you.

Per the Charter Commission the following Ballot Question and Summary will appear on the ballot for the election to be held on November 7, 2017. It will be reproduced to give voters an opportunity to become familiar with it prior to Election Day. Please note that the summary is necessarily brief and describes the most significant of the proposed changes. The Final Report of the Charter Commission contains the entire proposed charter.

Very Truly Yours,

  
Jasiel F. Correia II, Mayor

I concur,

  
Joseph I. Macy, Corporation Counsel

CITY OF FALL RIVER  
IN CITY COUNCIL

AUG 15 2017

*Referred to the  
Committee on Finance  
5 years, 4 days*

*9-14-17  
Tabled in Finance  
5 years, 4 days*

One Government Center • Fall River, MA 02722

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

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. Elected officials convicted of a felony will be barred from holding any elective or appointed office in the city. 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 and ordinances will be reviewed every 10 years.

CITY OF FALL RIVER  
IN CITY COUNCIL  
AUG 15 2017

*Referred to the  
Committee on Finance  
5 Year, 4 days*

*9-14-17*

*Tabled in Finance  
5 Year, 4 days*

City of Fall River  
Office of the Corporation Counsel

FINANCE 2

JASIEL F. CORREIA II  
Mayor



JOSEPH I. MACY  
Corporation Counsel

GARY P. HOWAYECK  
Assistant Corporation Counsel

JESSICA A. ADLER  
Assistant Corporation Counsel

August 31, 2017

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

RE: Charter Commission Ballot

Dear Councilors:

At a recent city council meeting I was asked to look into the legality of placing a "Pro-Con" section on the ballot below the question. In arriving at the within answer I have used standard rules of statutory construction, Massachusetts case law, and have consulted with the local government division of the Attorney General's Office, the Secretary of State's Office, and the Election Commission.

The uniform guidance has been that the language of the statute governs. The statute in question, MGL 43B s11, provides the language to be placed on the ballot; i.e. "Shall this city approve the new charter recommended by the charter commission summarized below?" Yes or No." This is the exact language sent to the council.

The summary, also submitted to the council, provides for a summary of the proposed charter. "Only the most significant proposed change must be set forth. ... The brief summary called for in s11 is obviously designed to identify for the voter the general subject on which he is asked to express an opinion."

The question as to the legality of adding an additional section to the ballot question allowing for arguments "Pro-Con" may also be answered directly. State ballots may contain such information because that is permitted by state law. However, only municipalities which have accepted MGL 53 s18B may make such an addition to their ballot. Fall River has not adopted this statute.

Therefore, there being no language permitting the suggested addition in the operative statute (MGL 43B s11) and this City not having adopted MGL 53 s18B, there may be no additional language added to the ballot question. This opinion is in accord with information received from the Attorney General and the Secretary of State, on which we may rely, and information from the Collins Center which is advisory.

Nothing in this opinion precludes any individual or group from independently contacting voters with mailings or handouts. This opinion deals only with the question asked and is confined thereto.

Joseph I. Macy, Corporation Counsel

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

sent e-mailed to all Councilors Oct

RECEIVED  
2017 AUG 31 P 4:48  
CITY CLERK  
FALL RIVER, MA

City of Fall River  
Office of the Corporation Counsel

FINANCE 2

JASIEL F. CORREIA II  
Mayor



JOSEPH I. MACY  
Corporation Counsel

GARY P. HOWAYECK  
Assistant Corporation Counsel

JESSICA A. ADLER  
Assistant Corporation Counsel

September 6, 2017

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

Re: Charter Commission Ballot

Dear Councilors:

I provided information to you on 8/31/2017 regarding the legality of placing a "Pro-Con" section on the ballot below the question.

Below please find a summary of timeframes specified within MGL 53 sec18B which would need to be abided by. Though the adoption of Chapter 53 sec18B can take place during the next City Council meeting, the timeframes specified within the chapter may not be able to be met. It is important to note as well, approving the ballot question and summary is separate from adopting Chapter 53 sec18B.

Two separate approvals are necessary from the City Council. While the two approvals may be given in any order, they must both be enacted in order for Chapter 53 sec18B to apply.

The ballot question and summary must be approved by the City Council as indicated in Chapter 43B sec11: "The city council or board of selectmen shall cause the final report of a charter commission, or a charter amendment proposed in an order which has become effective under section ten, to be printed and a copy to be distributed to each residence of one or more registered voters. Such distribution shall occur not later than two weeks before the election at which the question of adopting, revising or amending the charter is to be submitted to the voters."

Chapter 53 sec18B has to be adopted by the City Council. If adopted by the City Council, the order is sent to the Mayor who has ten (10) days to approve or veto said order. If the Mayor approves the order, it will be sent back to the City Clerk and the mandated actions and timeframes within Chapter 53 sec18B can begin.

7/2/17 e-mailed to all Councilors Every

# FINANCE 2

Theses timeframes are as follows:

Chapter 53 sec18B states, "(c) Not later than the day following the date of the determination that a question shall appear on the ballot in an election, the governing body shall provide written notification to the city solicitor or town or district counsel and to the city or town clerk."

"(d) Not later than seven (7) days after the determination that a question shall appear on the ballot, the city solicitor or town or district counsel, as applicable, shall seek written arguments from the principal proponents and opponents of the question. For the purposes of this section, the principal proponents and opponents of a question shall be those persons determined by the solicitor or counsel to be best able to present the arguments for and against the question. The solicitor or counsel shall provide not less than seven (7) days' written notice to the opponents and proponents of the date on which the written arguments shall be received. Proponents and opponents shall submit their arguments, which shall be not more than 150 words, to the solicitor or counsel, together with a copy thereof to the city or town clerk or, in a district, to the clerk of each city and town within the district. 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)<sup>1</sup>. A copy of the arguments and summary shall also be submitted by the solicitor or counsel to the city, town or district clerk."

"(e) ... the solicitor or counsel shall determine, based on a review of arguments received, the person or group best able to present arguments for and against a question."

"(b)... Not later than seven (7) days before an election at which the question shall be submitted to the voters in a city, town or district, the information in this subsection shall be sent to each household wherein a person whose name appears on the current voting list for the city, town, or district resides."

It has come to my attention that the ballots and all accompanying information MUST be sent to the printer by October 1, 2017. With the deadline of October 1, 2017 to the printer and the City Council meeting occurring on September 14, 2017, abiding by all of the time deadlines specified in MGL 53 sec18B, even if the process is as expeditious as possible, would be problematic.

  
Joseph I. Macy, Corporation Counsel

<sup>1</sup> (b) The governing body of a city, town or district which accepts this section in the manner provided in section 4 of chapter 4 shall print information relating to each question that shall appear on the city, town or district ballot. The information shall include: (1) the full text of each question; (2) a fair and concise summary of each question, including a 1 sentence statement describing the effect of a yes or no vote, which shall be prepared by the city solicitor, town counsel or counsel for the city, town or district; and (3) arguments for and against each question as provided in subsections (d) and (e). Not later than 7 days before an election at which the question shall be submitted to the voters in a city, town or district, the information in this subsection shall be sent to each household wherein a person whose name appears on the current voting list for the city, town or district resides.



City of Fall River  
Office of the Corporation Counsel

FINANCE 2

JASIEL F. CORREIA II  
Mayor



JOSEPH I. MACY  
Corporation Counsel

GARY P. HOWAYECK  
Assistant Corporation Counsel

JESSICA A. ADLER  
Assistant Corporation Counsel

September 8, 2017

Mike Miozza  
Chair, Fall River Charter Commission

Mr. Miozza,

As you know the Charter Commission, Independently of the city and with the paid assistance of the Collins Center, created the proposed new charter. The language the commission adopted is the language which must go before the voters.

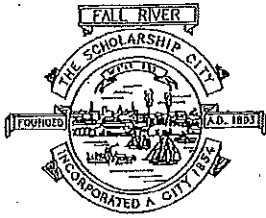
If the summary is inaccurate it should be amended; the charter proposal may not be.

While this office has attempted to be helpful to the commission given that you have no staff the ultimate responsibility for the submission to the voters is yours not this office. We were asked to review the summary not the charter nor were we asked to compare the charter to the summary or to your bullet points.

I hope this is helpful.

Very truly yours,

  
Joseph I. Macy, Corporation Counsel



City of  
**Fall River**  
Charter Commission

**FINANCE 2**  
2017 SEP 12 P 3:40

CITY CLERK  
FALL RIVER, MA

September 11, 2017

Dear Clerk Bouchard:

Per Attorney Macy's letter dated September 8, 2017, he states if the ballot summary is inaccurate it should be amended. Provided is an amended ballot question and summary, which removes two sentences and replaces them with sentences that better reflects the language in the proposed home rule charter (see below). Please forward the amended ballot question and summary to the city councilors, since this matter is scheduled to come before them at their meeting on Thursday, September 14, 2017.

**REMOVED:** Elected officials convicted of a felony will be barred from holding any elective or appointed office in the city.

**REPLACED WITH:** An elected official convicted of a state or federal felony while holding office must vacate the office.

**REMOVED:** After that review, the charter and ordinances will be reviewed every 10 years.

**REPLACED WITH:** 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.

Regards,

*Michael L. Miozza*

Michael L. Miozza  
Chair, Fall River Charter Commission

**Michael L. Miozza**  
Chairman

**Kris Bartley**  
Vice Chairman

**Brenda Venice**  
Clerk

**Atty. David Assad**

**James Cusick**

**Patrick Norton**

**Dan Robillard**

**John Silvia**

**Michael Quinn**

## 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.



**City of Fall River**  
**Massachusetts**  
Department of Community Utilities  
WATER • SEWER

RECEIVED

2017 SEP 20 A 9:12

CITY CLERK  
FALL RIVER, MA

TERRANCE SULLIVAN  
Administrator

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

September 20, 2017

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

Dear Councilors:

Please find enclosed a proposed order of land acquisition for your review and approval. The request is to purchase the empty lot at Lot number L-18-103 as a component of the Hyacinth Street South drainage project. The proposed deed and purchase/sale agreement are attached as well as the property appraisal.

Please contact me or Mr. Sullivan if you have any questions.

Sincerely,

  
Jasiel F. Correia II  
Mayor

# City of Fall River, *In City Council*

ORDERED, that the Mayor is hereby authorized to acquire the property as described on the attached deed subject to any changes and final approval by the Corporation Counsel. Said land is on Hyacinth Street in Fall River, Massachusetts delineated as Lot L-18-103. The acquisition and ownership of said lot will provide a location for future drainage improvements.

RECEIVED

2011 SEP 20 A 9:12

## QUITCLAIM DEED

CITY CLERK  
FALL RIVER, MA

Property Address: Vacant Land, Hyacinth Street, Fall River, MA

DREAM HOMES, LLC, a duly organized Massachusetts Limited Liability Company, with a principal place of business located at 411 Columbia Street, Fall River, Massachusetts,

for consideration paid and in full consideration of ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$145,000.00)

grants to THE CITY OF FALL RIVER, a duly organized and existing municipal corporation, with an address of One Government Center, Fall River, Massachusetts,

with QUITCLAIM COVENANTS

The land in Fall River, Bristol County, Massachusetts, bounded and described as follows:

Beginning at the Northwesterly corner of the parcel to be described at a point in the Easterly line of Hyacinth Street, thence running S 80° 00' 00" E., by Lot No. 25 as shown on plan of land hereinafter referred to, Two Hundred Forty-One and Five Hundred Ninety-Seven One-thousandths (241.597) feet, more or less, to land now or formerly of Commonwealth of Massachusetts; thence running S 11° 12' 34" W, One Hundred Two and One Hundred Seventy-Two One-thousandths (102.172) feet, more or less by said last named land; thence running N 80° 00' 00" W, by Lot No. 27 as shown on said plan, Two Hundred Thirty-Nine and Four Hundred Forty-one One Thousandths (239.441) feet, more or less to a point in the Easterly line of Hyacinth Street; thence running N 10° 00' 00" E in said Easterly line of Hyacinth Street, One Hundred Two and fifteen One-hundredths (102.15) feet; more or less to the point of beginning. CONTAINING Twenty-four thousand Five Hundred Sixty-nine (24,569) square feet of land, more or less.

BEING Lot No. 26 on plan of land entitled "Plan of Land Known as the NORTHMERE PLAT located in Fall River, Massachusetts, Owned by Northmere Realty Trust, Scale 1 inch = 60 feet, dated March 8, 1982" and recorded in the Fall River Registry of Deeds in Plan Book 70, Page 60.

SUBJECT to a sewer easement to the City of Fall River dated March 28, 1966 and recorded with said Registry of Deeds at Book 901, Page 20.

BEING the same premises conveyed to DREAM HOMES, LLC by virtue of a deed from Michael Silva dated September 30, 2016 recorded with the Bristol County Fall River District Registry of Deeds at Book 9068, Page 318.

SUBJECT to real estate taxes assessed by the City of Fall River for fiscal year 2018, which the Grantee assumes and agrees to pay.

The conveyed premises do not all represent all or substantially all of the assets of the limited liability company within the Commonwealth of Massachusetts and this conveyance is made in the ordinary course of business.

See Certificate of Good Standing for Dream Homes, LLC dated July 18, 2017 and recorded on July 21, 2017 with the Bristol County Fall River District Registry of Deeds with Deed recorded at Book 9293, Pages 102-105.

IN WITNESS WHEREOF the Grantor has caused this instrument to be executed as a sealed instrument by its Manager, hereunto duly authorized, this \_\_\_\_ day of September, 2017.

Dream Homes, LLC

\_\_\_\_\_  
By: Jose A. Pacheco, Manager

COMMONWEALTH OF MASSACHUSETTS

County of Bristol

Fall River

On this \_\_\_\_ day of September, 2017, before me, the undersigned notary public, personally appeared Jose A. Pacheco, as Manager of Dream Homes, LLC, proved to me through satisfactory evidence of identification, which was his MA Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as his free act and deed.

\_\_\_\_\_  
Notary Public: Mariana H. Pereira  
My Commission Expires: December 10, 2021

## Purchase and Sale Agreement

**1. PARTIES:** Agreement made on this: September 14, 2017  
Between:

**SELLER:** Dream Homes, LLC

**SELLERS ADDRESS:** 411 Columbia St, Fall River, MA 02721

**BUYER:** The City of Fall River

**BUYERS ADDRESS:** One Government Center, Fall River, MA 02720

**AGREES TO PURCHASE PROPERTY LOCATED AT:** 129 Hyacinth St, Fall River, MA, Map L-18, Lot 103 upon the terms and conditions hereinafter set forth, the following described premises:

**2. PROPERTY:** The land located at 129 Hyacinth St, Fall River, MA, described in a Deed dated and recorded the Fall River, Registry of Deeds on Book 9068 and Page 318. Included in the sale as part of said premises are the usual landlord's fixtures belonging to the Seller and used in connection there within, including but not limited to, if any all furnaces and fixtures appurtenant there to, electric and other lighting fixtures, ventilators. Any item deleted from this paragraph is not included in the sale, also included are the following: N/A.

**3. DEED AND CLOSING DATE:** Said premises are to be conveyed by a good and sufficient Quitclaim Deed. Said Deed shall convey good and clear record and marketable title there to be free from all encumbrances, except provisions of local zoning law, if any, municipal betterments, and all easements, restrictions, and rights of way, if any, provided they do not prohibit or substantially interfere with the buyers use of the premises. As used herein, the standard of "good and clear record and marketable title" shall be met if a title insurance company duly licensed to do business in the commonwealth of Massachusetts will issue a standard form ALTA policy at usual premiums with only the usual so-called jacket exceptions, and usual Schedule B exceptions, including those hereinabove referenced". The Deed is to be delivered and the consideration paid at the registry of Deeds in which the Deed should be by law be recorded on or before November 30, 2017, unless some other place and time should be mutually agreed upon. It is mutually agreed that time is of the essence herein. Any title matter that is the subject of the Standard of the Massachusetts Conveyances Association at the time of delivery of the Deed shall be governed by the said Title Standard to the extent applicable. To enable the **SELLER (S)** to make conveyance as herein provided, the **SELLER (S)** may, if the **SELLER (S)** so desire, at the time of the delivery of the DEED, use the purchase money or any portion thereof to clear the title of any encumbrances or interests; all instruments so procured to be recorded simultaneously with the delivery of said Deed.



4. **DEFECT IN TITLE:** If **SELLER (S)** shall be unable to convey, or deliver possession in accordance with the provisions of this agreement or make the premises conform with the provisions hereunder, for any reason other than failure of the seller to complete the sellers work then either party may, by written notice to the other before closing date, extend the closing date for up to Thirty (30) days. The **SELLER (S)** hereby agree (s) to use diligent efforts to cure any such defect during such period or make the premises conform which ever applies. If at closing date, or at the expiration of the extension period if extended, the **SELLER (S)** shall have failed to remove title defects, deliver possession, or make the premises conform, whichever applies, all as herein provided, then the deposits made hereunder shall be refunded, and the obligations of the parties to one another shall cease, and the Agreement shall be void and without recourse to the parties, unless the **BUYER (S)** elects in writing before the time for performance as the same may have been extended, to accept the premises or the title in its then condition at the price herein provided. The acceptance of a Deed by the **BUYER (S)** shall be deemed to be the full performance and discharge of the provisions of the Agreement except as to such provisions, which by the terms hereunder are to be performed subsequent to the delivery of the Deed.

5. **POSSESSION AND OCCUPANCY:** Full possession of said premises, is to be delivered to the **BUYER (S)** at the time of delivery of Deed or herewith agreed upon, the said premises to be in the same condition in which they are now, reasonable use and wear of the buildings thereon excepted and provided that sellers work has been completed as required herein. **SELLER (S)** shall deliver said premises at the closing in broom clean condition, removing all of the Seller's personal property and trash with the exception of personal property included in the price. The Buyer shall be entitled to an inspection of said property at any reasonable time within 3 days prior to the delivery of the deed in order to determine whether the condition thereof complies with the terms of this clause.

6. **PRICE AND ADJUSTMENTS:** The agreed purchase price for said premises is \$145,000 of which none has been paid as a deposit this day and \$145,000, is to be paid at the time of delivery of the deed in cash, or by certified, cashier's, treasurer's or bank check. Fuel, Rents, Water rates and Sewer Use Charges, Taxes, and any other Municipal Assessment shall be apportioned as of the day of delivery of the Deed. If the amount of said Taxes is not known at the time of delivery of the Deed, the taxes shall be apportioned on the basis of the taxes assessed for the proceeding year with reapportionment as soon as the new tax rate and valuation can be ascertained, which latter provision shall survive the delivery of the Deed.

7. **FINANCING:** It is expressly agreed that notwithstanding any other provisions of this agreement, that this agreement is contingent on the **BUYER (S)** ability to obtain a mortgage of at least N/A at current mortgage interest rates. The **BUYER (S)** agree (s) to apply for said mortgage forthwith and to make every effort to obtain said mortgage loan. In the event the **BUYER (S)** are unable to obtain a commitment for said mortgage loan by N/A the **BUYER (S)** shall so advise the **SELLER (S)** and **BROKER (S)** in writing on or before said date and this agreement shall be null and void and all payments made hereunder shall be refunded. If such written notice is not received by the **SELLER (S)** and **BROKER (S)** within the time specified, the **BUYER (S)** shall be bound to perform their obligations under this contract.

8. **DEPOSIT:** All deposits made hereunder shall be held by the **SELLER** and shall be duly accounted for at the time of this agreement. Interest on the deposit is to be retained by the **SELLER**, unless otherwise specified. In the event of a dispute between **SELLER (S)** and **BUYER (S)** as to any or all of the provisions of this agreement or to the performance thereof, the **SELLER** will hold the deposit until dispute is resolved either by court judgement or by binding settlement.

9. **BROKER'S FEE:** N/A.

10. **BUYER'S ACKNOWLEDGMENT:** The **BUYER (S)** acknowledge(s) that he has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing except for the additional warranties and representations, if any, made by either the **SELLER (S)** or the **BROKER (S)**, acting as agent(s) for the **SELLER (S)** and included in paragraph 16 here of.

11. **BUYER'S DEFAULT:** Upon the **BUYER (S)** failing to perform the **BUYER (S)** agreements herein, all deposits made hereunder by the **BUYER (S)** shall be forfeited by the **BUYER (S)** and retained by the **SELLER (S)** as partial liquidated damage. In the event the **SELLER (S)** intends to sue the **BUYER(S)** for failure to perform hereunder he must give notice within 30 days of default.

12. **INSURANCE:** **SELLER (S)** shall keep the property insured against fire from the date of this agreement until tender of performance by the **SELLER (S)** in the aggregate amount of **SELLER (S)** present policy. In case of any damage to the premises by fire or other casualty, and unless the property shall previously have been restored to its former condition by the **SELLER (S)**, the **BUYER (S)** may at this option either cancel this agreement and recover all summons paid hereunder or require as part of the agreement that the **SELLER (S)** pay over or assign on delivery of Deed, all sums recoverable on any and all insurance covering such damage.

13. **BROKER (S) AS A PARTY:** N/A

15. **CONTRACT:** This contract shall bind and ensure to the benefit of the parties and their respective legal representatives, heirs, successors and assigns. This instrument sets forth the entire contract between the parties and no alteration or amendment shall be valid unless in writing signed by all parties. This agreement is intended to take effect as a sealed instrument and is to be constructed as a Massachusetts contract.

**IN WITNESS WHEREOF, THE PARTIES HERETO SET THEIR HANDS AND SEALS EFFECTIVE THE STATED DATES, AND ACKNOWLEDGE RECEIPT OF A COPY HEREOF.**

**SELLER** \_\_\_\_\_ **DATE** \_\_\_\_\_

**BUYER** \_\_\_\_\_ **DATE** \_\_\_\_\_

## APPRAISAL REPORT

CLIENT

**PREPARED FOR:**

Mr Terrence Sullivan

LENDER

**LENDER/CLIENT:**

City Of Fall River

ADDRESS

**SUBJECT PROPERTY**

Lot 103 Hycacinth Street

CITY

Fall River, MA 02878

COUNTY OF

Bristol

DATE

**APPRAISAL AS OF:**

05/02/2017

APPRAISER

**PREPARED BY:**

Timothy Duffy

COMPANY

Duffy Realty Appraisal

## LAND APPRAISAL REPORT

File No. 9079

Case No. n/a

Borrower City of Fall River		Census Tract 6417.00	Map Reference L18-103
Property Address Lot 103 Hycacinth Street			
City Fall River	County Bristol	State MA	Zip Code 02720
Legal Description Book 9068 Page 318 / Book 8555 Page 87			
Sale Price \$ n/a	Date of Sale n/a	Loan Term n/a	Property Rights Appraised <input checked="" type="checkbox"/> Fee <input type="checkbox"/> Leasehold <input type="checkbox"/> De Minimis PUD
Actual Real Estate Taxes \$ 1,571 (yr) Loan Charges to be paid by seller \$ n/a Other Sales Concessions n/a			
Lender/Client City Of Fall River		Address 1 Government Center, Fall River, MA 02722	
Occupant vacant	Appraiser Timothy P. Duffy	Instructions to Appraiser estimate market value	

Location	<input checked="" type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Good Avg. Fair Poor
Built Up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Growth Rate	<input type="checkbox"/> Fully Dev.	<input checked="" type="checkbox"/> Rapid	<input type="checkbox"/> Steady	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Oversupply	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 3-6 Mos.	<input type="checkbox"/> Over 6 Mos.	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
Present Land Use	<input checked="" type="checkbox"/> 95 % Family	<input type="checkbox"/> 5 % 2-4 Family	<input type="checkbox"/> % Apts	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
	<input type="checkbox"/> % Industrial	<input type="checkbox"/> % Vacant	<input type="checkbox"/> % Condo	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
Change In Present Land Use	<input checked="" type="checkbox"/> Not Likely	<input type="checkbox"/> Likely (*)	<input type="checkbox"/> Taking Place (*)	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Predominate Occupancy	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant	<input type="checkbox"/> 5 % Vacant	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
Single Family Price Range	\$ 200 to \$ 500	Predominant Value \$ 250		<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
Single Family Age	1 yrs to 80 yrs.	Predominant Age 40 yrs		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): The subject nbhd is located in the east end of F.R. & is comprised of well kept ranches, capes, colonials and contemporaries off North Eastern Avenue. Elementary school is .6 mile SW. Middle School is .5 mile south, Durfee High School is 1 mile NW. Employment may be reached via routes 6, 24 or 195. The subject abuts route 24 in rear reflected in value.

Dimensions 102.15 x 241.597 x 102.172 x 239.44+- = 24569 sf ☐ Corner Lot

Zoning Classification Residential S (12000 sq.ft. minimum) Present Improvements ☒ do ☐ do not conform to zoning regulations

Highest and best use ☐ Present use ☒ Other (specify) Single family house lot

Public	Other (Describe)	OFF SITE IMPROVEMENTS	Topo Level
Elec. <input checked="" type="checkbox"/>		Street Access <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	Size 24569 sf
Gas <input checked="" type="checkbox"/>		Surface Asphalt	Shape Rectangular
Water <input checked="" type="checkbox"/>		Maintenance <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	View B;Res;
San. Sewer <input checked="" type="checkbox"/>		<input checked="" type="checkbox"/> Storm Sewer <input type="checkbox"/> Curb/Cutler	Drainage Adequate-off site
<input type="checkbox"/> Undergound Elect. & Tel.		<input type="checkbox"/> Sidewalk <input type="checkbox"/> Street Lights	Is the property located in a HUD identified Special Flood Hazard Area? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions): No apparent adverse easements or encroachments. Appraiser is not aware of any adverse environmental conditions which would be adverse. Site is level with street grade & is unimproved. Area housing market is presently cons to be relatively stable. Supply & demand for properties appears to be generally in balance. Typ market times for properties is currently between 3-6 months.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

	SUBJECT PROPERTY	COMPARABLE NO.1	COMPARABLE NO.2	COMPARABLE NO.3
Address	Lot 103 Hycacinth Street Fall River, MA 02720-7600	Lot 52 Courtney Street Fall River, MA 02720-7600	Lot 1 Indian Town Road Fall River, MA 02747	Lot 46 Theodore Street Fall River, MA 02720-7600
Proximity to Subject		2.13 miles N	2.28 miles E	2.13 miles N
Sales Price	\$ n/a	\$ 149,900	\$ 151,000	\$ 149,900
Price /	\$ 0.00	\$ 5.83	\$ 55,514.71	\$ 8.93
Data Source	inspected; DOM 0	MLS PIN#72085842; DOM 43	MLS PIN#72085037; DOM 16	MLS PIN#72085836; DOM 43
Date of Sale and Time Adjustment	DESCRIPTION n/a	DESCRIPTION s12/16;c12/16 Adjustment	DESCRIPTION s01/17;c11/16 Adjustment	DESCRIPTION s01/17;c12/16 Adjustment
Location	N;Res;	B;Res;	B;Res;	B;Res;
Site/View	24569 sf	25727 sf	2.72 ac	18788 sf
	town water	town water	private water	town water
	& sewer	& sewer	private sewer	& sewer
Sales or Financing Concessions	Conv;0	ArmLth Conv;0	ArmLth Conv;0	ArmLth Conv;0
Net Adj. (Total)		Plus <input checked="" type="checkbox"/> Minus <input type="checkbox"/> \$ -20,000	Plus <input checked="" type="checkbox"/> Minus <input type="checkbox"/> \$ -15,000	Plus <input checked="" type="checkbox"/> Minus <input type="checkbox"/> \$ -15,000
Indicated Value of Subject		Net=-13% Gross=13% \$ 129,900	Net=-10% Gross=36% \$ 136,000	Net=-10% Gross=17% \$ 134,900

Comments on Market Data No time adjus. All comps are similar in appeal & marketability. All comps adjus for subject's close proximity to route 24. Sales 1&3 also adjus for their locations in an area of higher values. Sale 2 adjus for its lack of town water & sewer. While it is recognized that adjus in this report exceed normal objectives, these adjus are cons to be reliable. See comment addendum.

Comments and Conditions of Appraisal: Subject was purchased for \$120K on 09-30-2016. No other prior sales history for subject w/in past 3 years. No prior sales history for comps w/in past year. Subject site has not been listed on the market within the past 12 months. This report is signed by means of a password protected digital signature. This report is subject to the site meeting all state and local building codes.

Final Reconciliation: Market data analysis is believed to render the only reliable indicator of value. Intended user of this report is Lender/Client. Intended use is to evaluate this property for a mortgage transaction, subject to the stated scope of work, purpose of the appraisal, reporting requirements of the appraisal report form & definition of market value. No additional intended users are identified by appraiser.

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF 05/02/2017 to be \$ 134,000

Appraiser(s) Timothy Duffy

Date Report Signed 05/10/2017

State Certification # 854 State

Or State License # State

Expiration Date of License or Certification 03/18/2018

Review Appraiser (if applicable) ☐ Did ☐ Did Not Physically Inspect Property

Date Report Signed

State Certification # State

Or State License # State

Expiration Date of License or Certification

File No. 9079  
Case No. n/a

Property Address - Lot 103 Hycacinth Street

Property Address	201 100 N. Main Street				
City	Fall River	County	Bristol	State	MA.
				Zip Code	02720
Lender/Client	City Of Fall River		Address	1 Government Center, Fall River, MA 02722	

Page 2 of 16

**Exterior-Only Inspection Residential Appraisal Report**

This report form is designed to report an appraisal of a one-unit property or a one-unit property with an accessory unit, including a unit in a planned unit development (PUD). This report form is not designed to report an appraisal of a manufactured home or a unit in a condominium or cooperative project.

This appraisal report is subject to the following scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. Modifications, additions, or deletions to the intended use, intended user, definition of market value, or assumptions and limiting conditions are not permitted. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment. Modifications or deletions to the certifications are also not permitted. However, additional certifications that do not constitute material alterations to this appraisal report, such as those required by law or those related to the appraiser's continuing education or membership in an appraisal organization, are permitted.

**SCOPE OF WORK:** The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a visual inspection of the exterior areas of the subject property from at least the street, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

The appraiser must be able to obtain adequate information about the physical characteristics (including, but not limited to, condition, room count, gross living area, etc.) of the subject property from the exterior-only inspection and reliable public and/or private sources to perform this appraisal. The appraiser should use the same type of data sources that he or she uses for comparable sales such as, but not limited to, multiple listing services, tax and assessment records, prior inspections, appraisal files, information provided by the property owner, etc.

**INTENDED USE:** The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

**INTENDED USER:** The intended user of this appraisal report is the lender/client.

**DEFINITION MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

**STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS:** The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. The appraiser has noted in this appraisal report any adverse conditions (such as needed repairs, deterioration, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.
5. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that the completion, repairs, or alterations of the subject property will be performed in a professional manner.

**Exterior-Only Inspection Residential Appraisal Report****APPRAISER'S CERTIFICATION:** The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a visual inspection of the exterior areas of the subject property from at least the street. I reported the condition of the improvements in factual, specific terms. I identified and reported the physical deficiencies that could affect the livability, soundness, or structural integrity of the property.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have not used comparable sales that were the result of combining a land sale with the contract purchase price of a home that has been built or will be built on the land.
9. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
10. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
11. I have knowledge and experience in appraising this type of property in this market area.
12. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
13. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
15. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
17. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending mortgage loan application).
19. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.



## Exterior-Only Inspection Residential Appraisal Report Case No. n/a

20. I identified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.

21. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgagee or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; data collection or reporting services; professional appraisal organizations; any department, agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other media).

22. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.

23. The borrower, another lender at the request of the borrower, the mortgagee or its successors and assigns, mortgage insurers, government sponsored enterprises, and other secondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of these parties.

24. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

25. Any intentional or negligent misrepresentation(s) contained in this appraisal report may result in civil liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, et seq., or similar state laws.

#### SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

#### APPRAISER

Signature T. Duffy  
 Name Timothy Duffy  
 Company Name Duffy Realty Appraisal  
 Company Address PO Box 1723  
Fall River, MA 02722  
 Telephone Number (401)396-8512  
 Email Address duffy1288@hotmail.com  
 Date of Signature and Report 05/10/2017  
 Effective Date of Appraisal 05/02/2017  
 State Certification # 854  
 or State License # \_\_\_\_\_  
 or Other (describe) \_\_\_\_\_ State # \_\_\_\_\_  
 State MA  
 Expiration Date of Certification or License 03/18/2018

#### ADDRESS OF PROPERTY APPRAISED

Lot 103 Hycacinth Street  
Fall River, MA 02720-7600

APPRAISED VALUE OF SUBJECT PROPERTY \$ 134,000

#### LENDER/CLIENT

Name No AMC  
 Company Name City Of Fall River  
 Company Address 1 Government Center  
Fall River, MA 02722  
 Email Address Tsullivan@fallriverma.org

#### SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature \_\_\_\_\_  
 Name \_\_\_\_\_  
 Company Name \_\_\_\_\_  
 Company Address \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 Email Address \_\_\_\_\_  
 Date of Signature \_\_\_\_\_  
 State Certification # \_\_\_\_\_  
 or State License # \_\_\_\_\_  
 State \_\_\_\_\_  
 Expiration Date of Certification or License \_\_\_\_\_

#### SUBJECT PROPERTY

- ☐ Did not inspect exterior of subject property  
☐ Did inspect exterior of subject property from street  
 Date of Inspection \_\_\_\_\_

#### COMPARABLE SALES

- ☐ Did not inspect exterior of comparable sales from street  
☐ Did inspect exterior of comparable sales from street  
 Date of Inspection \_\_\_\_\_

Duffy Realty Appraisal  
COMMENT ADDENDUM

File No. 9079

Case No. n/a

Borrower City of Fall River

Property Address Lot 103 Hycacinth Street

City Fall River County Bristol State MA Zip Code 02720

Lender/Client City Of Fall River Address 1 Government Center, Fall River, MA 02722

Conditions of Appraisal - This is a Summary Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a Summary Appraisal Report. As such, it presents only summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation that is not provided with the report concerning the data, reasoning and analysis is retained in the appraiser's file. The depth of the discussion contained in this report is specific to the needs of the client and for the intended use stated in the report. The appraiser is not responsible for unauthorized use of this report.

To develop the opinion of value, the appraiser performed a complete appraisal process, as defined by the Uniform Standards of Professional Appraisal Practice. This means that no departures from Standard 1 were invoked.

This appraisal is protected by a password protected digital signature.

The intended user of this report is the Lender/Client. The intended use is to evaluate the property that is the subject of this appraisal for a mortgage finance transaction, subject to the stated scope of work, purpose of the appraisal, reporting requirements of the appraisal report form and definition of market value. No additional intended users are identified by the appraiser.

The subject site was listed on 01-12-2015 at \$159,900, was reduced to \$149,900 on 06-23-2015, was reduced to \$134,900 on 04-28-16 & sold for \$120,000 on 09-30-2016.

I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three year period immediately preceding the acceptance of this assignment.

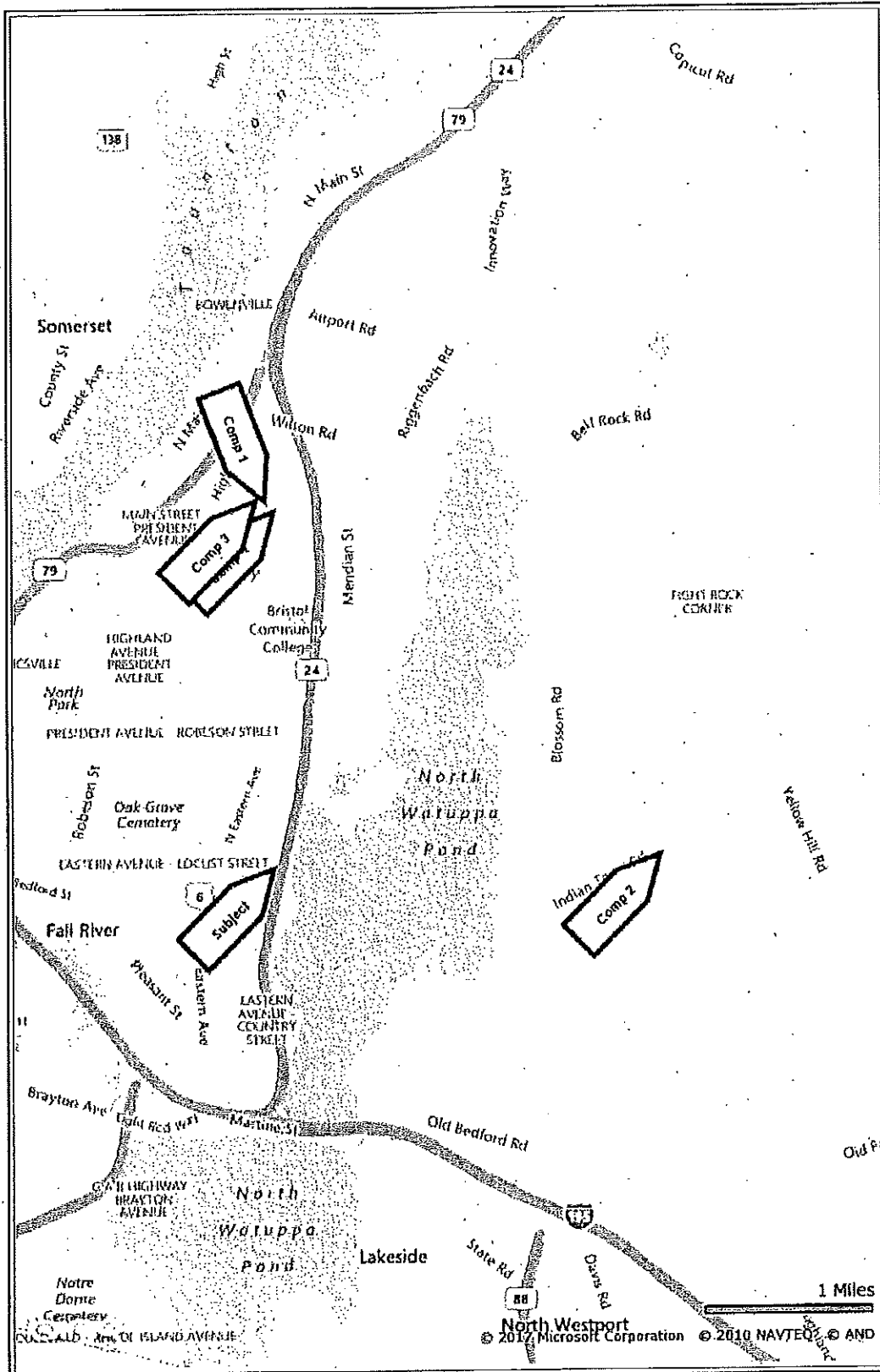
Lack of more comp sales in subject's value range necess the use of all higher priced sales of similar appeal & marketability. The lack of closer comps necess the use of all sales from outside nbhd.

Appraiser located several similar nearby F.R. listings inc: New lot on Courtney St, which is listed at \$129,900, Lots 1B & 1C Line Rd, which are listed at \$124,900, Lot 1 Courtney St, which was listed at \$149,900 & is pending, Lot 2 Courtney St, which is listed at \$149,900, Lot 3 Courtney St, which is listed at \$149,900, Lot 4 Theodore St, which is listed at \$149,900, Lot 5 Theodore St, which is listed at \$149,900, Lot 6 Theodore St, which is listed at \$149,900, Lot 7 Theodore St, which was listed at \$149,900 & is pending, Lot 8 Theodore St, which is listed at \$149,900, Lot 24 Lucille Ln, which is listed at \$129,900, Lot 25 Lucille Ln, which is listed at \$129,900, Lot 43 Theodore St, which is listed at \$149,900, Lot 44 Theodore St, which is listed at \$149,900, Lot 47 Theodore St, which is listed at \$149,900, Lot 50 Courtney St, which was listed at \$139,900 & is pending, Lot 51 Courtney St, which is listed at \$149,900, & 1235 Newhall St, which is listed at \$139,000.

Duffy Realty Appraisal  
**LOCATION MAP ADDENDUM**

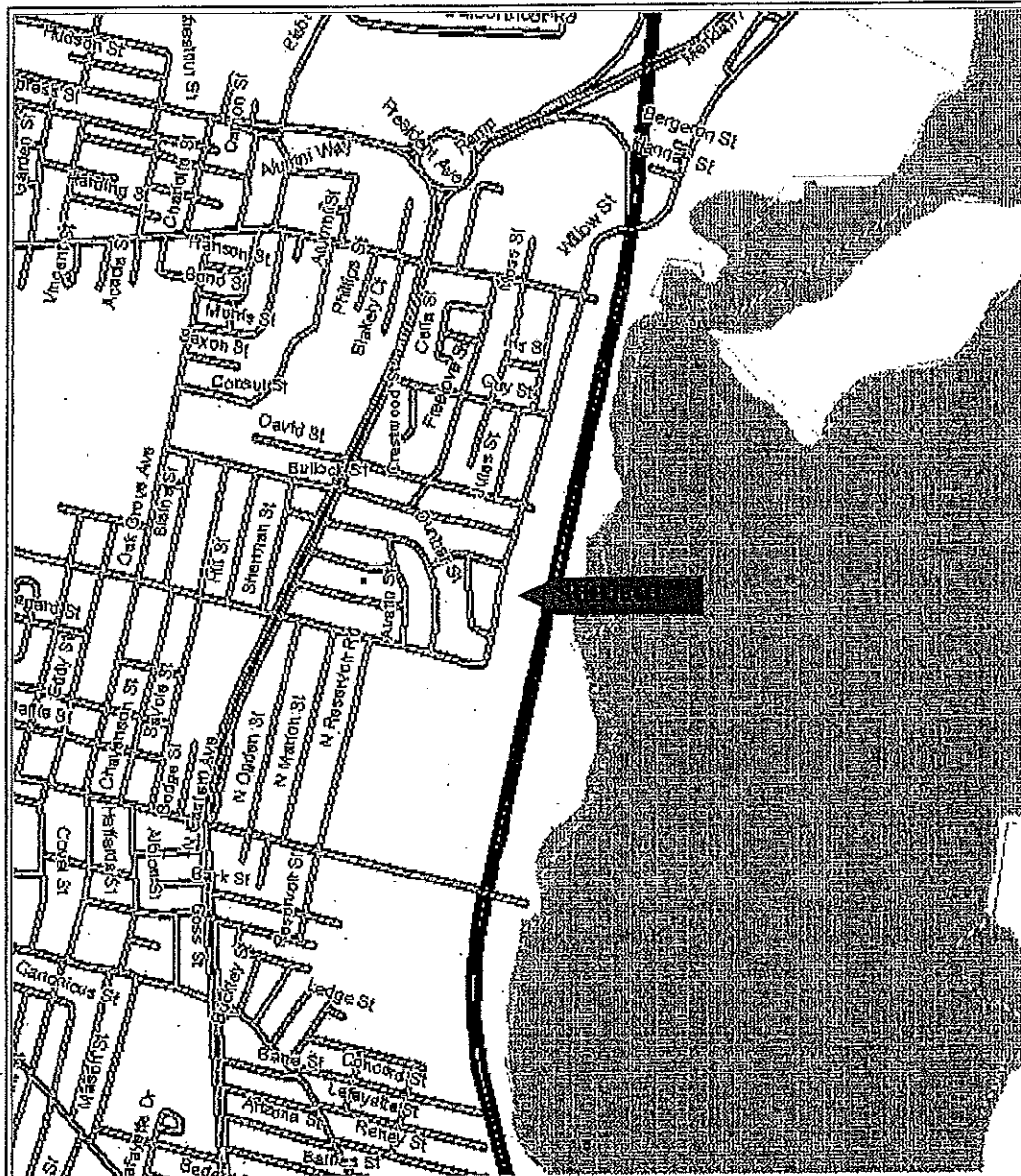
File No. 9079  
 Case No. n/a

Borrower	City of Fall River					
Property Address	Lot 103 Hycacinth Street					
City	Fall River	County	Bristol	State	MA	Zip Code 02720
Lender/Client	City Of Fall River					
	Address 1 Government Center, Fall River, MA 02722					



File No. 9079  
Case No. n/a

Address 1 Government Center, Fall River, MA 02722



## Flood Zone Determination

- Areas inundated by 500-year flooding
- Areas outside of the 100 and 500 year plains
- Areas inundated by 100-year flooding
- Areas inundated by 100-year flooding velocity hazard
- Floodway areas
- Floodway areas with velocity hazard
- Areas of undetermined but possible flood hazard
- Areas not mapped on any published flood map

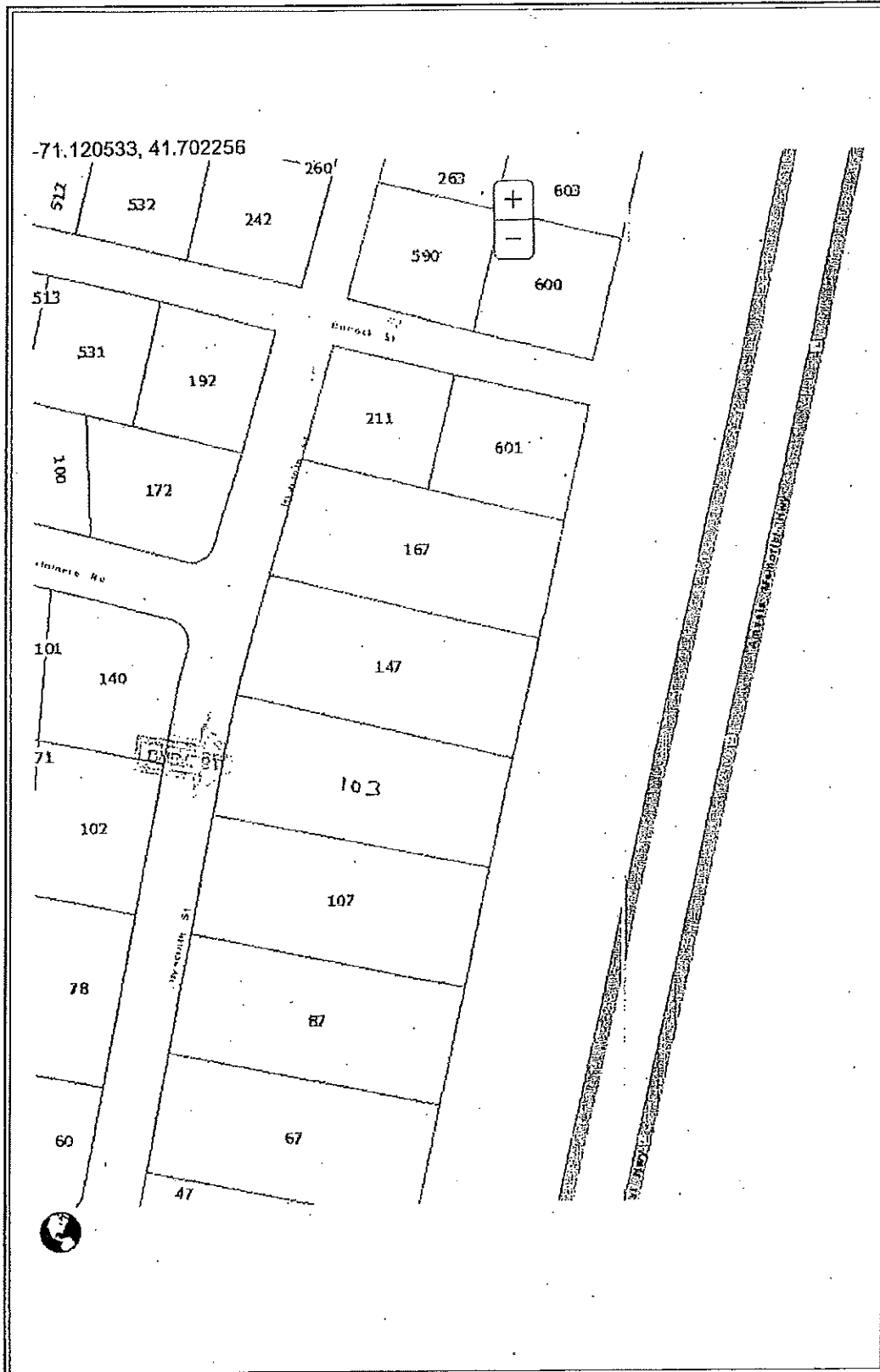
SFHA (Flood Zone) **Out**  
Within 250 ft. of multiple flood zones?  
Community **250055**  
Community Name **FALL RIVER CITY OF**  
Zone **X** Panel **250055 0353F** Panel Date **07/07/2009**  
FIPS Code **25005** Census Tract **6417.00**

This Report is for the sole benefit of the Customer that ordered the Report and is based on the property information provided by That Customer. The use of this Report is subject to the terms of the Customer when accessing this product. No third party is authorized on this Report for any purpose. THE SELLER OF THIS REPORT MAKES NO REPRESENTATIONS OR WARRANTIES TO ANY PARTY CONCERNING THE CONTENT ACCURACY OR COMPLETENESS OF THIS REPORT INCLUDING ANY WARRANTY OF MERCHANTABILITY FOR A PARTICULAR PURPOSE. The seller of this Report has no liability to any third party for any use or misuse of the Report.

Duffy Realty Appraisal  
**PLAT MAP**

File No. 9079  
 Case No. n/a

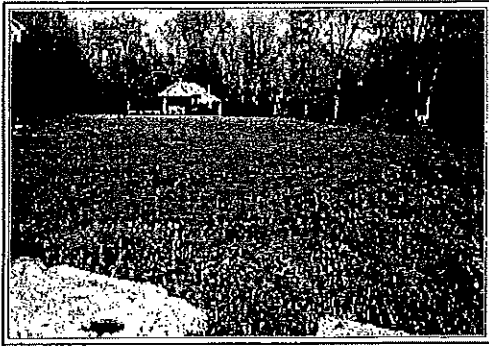
Borrower	City of Fall River						
Property Address	Lot 103, Hycacynth Street						
City	Fall River	County	Bristol	State	MA	Zip Code	02720
Lender/Client	City Of Fall River		Address 1 Government Center, Fall River, MA 02722				



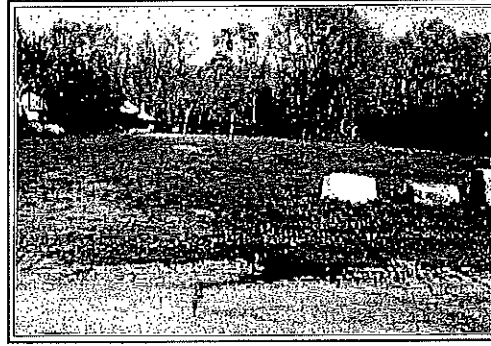
Duffy Realty Appraisal

File No. 9079  
Case No. n/a

Borrower City of Fall River					
Property Address Lot 103 Hycacinth Street					
City Fall River	County	Bristol	State	MA	Zip Code 02720
Lender/Client City Of Fall River		Address 1 Government Center, Fall River, MA 02722			



front



front



rear



route 24



street

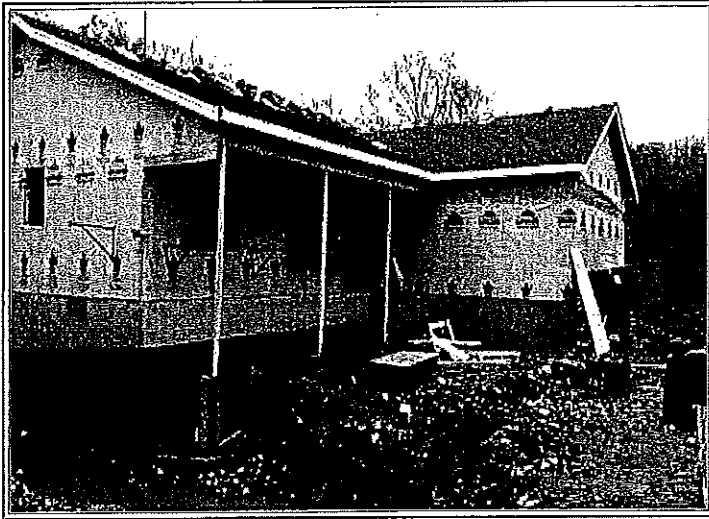


street

Duffy Realty Appraisal  
COMPARABLES 1-2-3

File No. 9079  
Case No. n/a

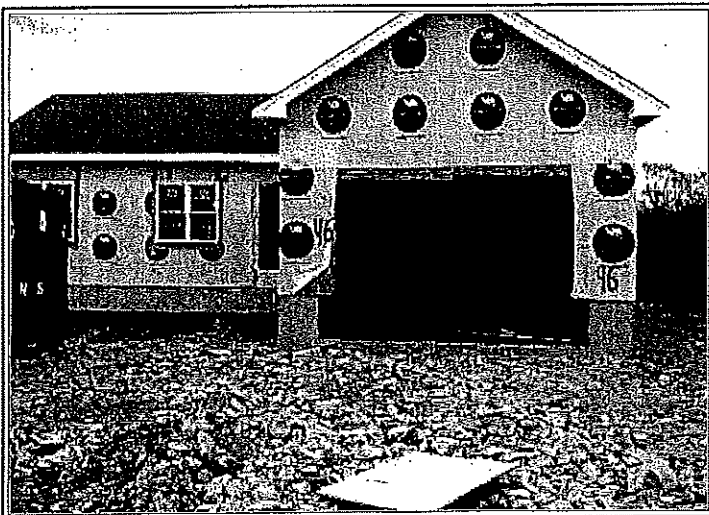
Borrower	City of Fall River						
Property Address	Lot 103 Hycaclnth Street						
City	Fall River	County	Bristol	State	MA	Zip Code	02720
Lender/Client	City Of Fall River	Address	1 Government Center, Fall River, MA 02722				



**COMPARABLE SALE # 1**  
Lot 52 Courtney Street  
Fall River, MA 02720 \$149,900 12-16



**COMPARABLE SALE # 2**  
Lot 1 Indian Town Road  
Fall River, MA 02747 \$151,000 1-17

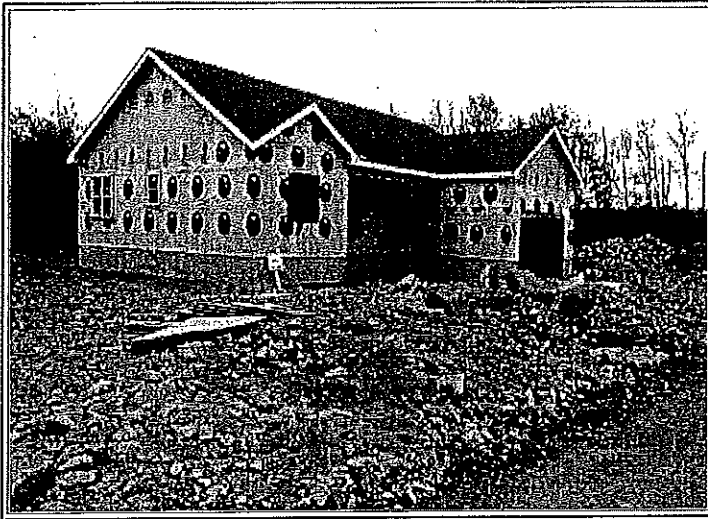


**COMPARABLE SALE # 3**  
Lot 46 Theodore Street  
Fall River, MA 02720 \$149,900 1-17

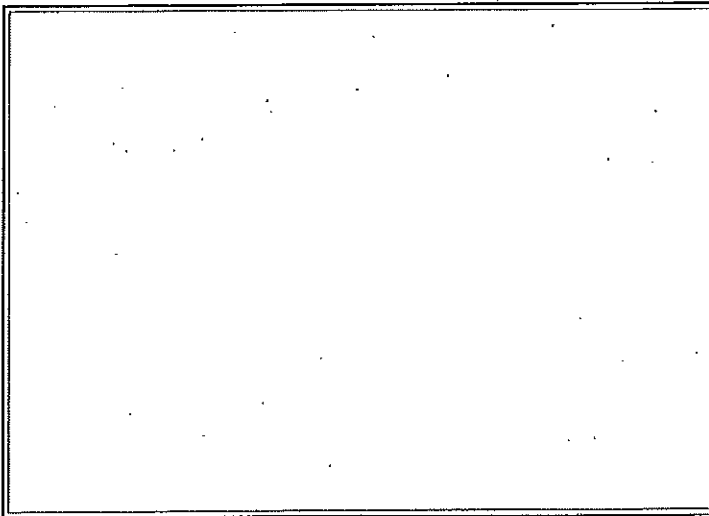
Duffy Realty Appraisal  
COMPARABLES 4-5-6

File No. 9079  
Case No. n/a

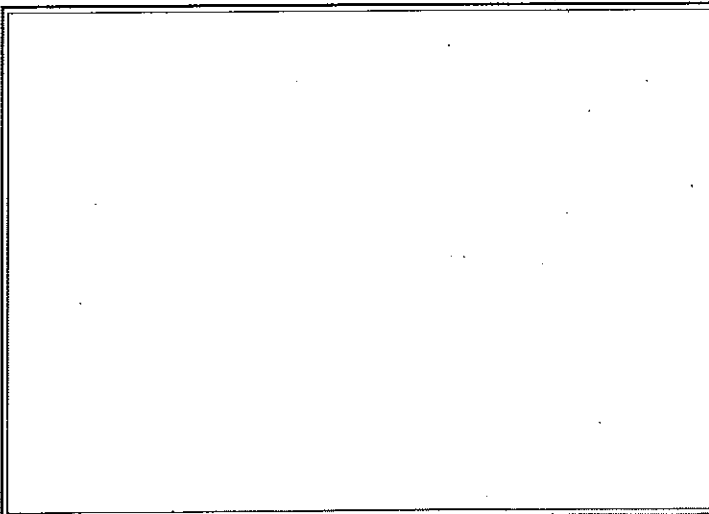
Borrower	City of Fall River						
Property Address	107 Hycacinth Street						
City	Fall River	County	Bristol	State	MA	Zip Code	02878
Lender/Client	City, Of Fall River	Address	1 Government Center, Fall River, MA 02722				



COMPARABLE SALE # 4  
Lot 45 Theodore Street  
\$145,000 12-16



COMPARABLE SALE # 5



COMPARABLE SALE # 6



Borrower City of Fall River

Property Address Lot 103 Hycacinh Street

City Fall River

County

Bristol

State MA

Zip Code

02720

Lender/Client City Of Fall River

Address 1 Government Center, Fall River, MA 02722

Fold, Then Detach Along All Perforations

**COMMONWEALTH OF MASSACHUSETTS**  
**DIVISION OF PROFESSIONAL LICENSURE**  
BOARD OF

REAL ESTATE APPRAISERS  
ISSUES THE FOLLOWING LICENSE AS A  
CERT RES. REAL ESTATE APPRAISER

TIMOTHY P DUFFY  
PO BOX 1723  
FALL RIVER, MA 02722-1723

*Timothy P. Duffy*  
LICENSEE SIGNATURE

854

03/18/2018

22136

**LICENSE NUMBER**    **EXPIRATION DATE**    **SERIAL NUMBER**

**UNIFORM APPRAISAL DATASET (UAD)  
Property Condition and Quality Rating Definitions**

File No. 9079

Case No. n/a

**Requirements - Condition and Quality Ratings Usage**

Appraisers must utilize the following standardized condition and quality ratings within the appraisal report.

**Condition Ratings and Definitions****C1**

The improvements have been recently constructed and have not been previously occupied. The entire structure and all components are new and the dwelling features no physical depreciation.

*Note: Newly constructed improvements that feature recycled or previously used materials and/or components can be considered new dwellings provided that the dwelling is placed on a 100 percent new foundation and the recycled materials and the recycled components have been rehabilitated/remanufactured into like-new condition. Improvements that have not been previously occupied are not considered "new" if they have significant physical depreciation (that is, newly constructed dwellings that have been vacant for an extended period of time without adequate maintenance or upkeep).*

**C2**

The improvements feature no deferred maintenance, little or no physical depreciation, and require no repairs. Virtually all building components are new or have been recently repaired, refinished, or rehabilitated. All outdated components and finishes have been updated and/or replaced with components that meet current standards. Dwellings in this category are either almost new or have been recently completely renovated and are similar in condition to new construction.

*Note: The improvements represent a relatively new property that is well maintained with no deferred maintenance and little or no physical depreciation, or an older property that has been recently completely renovated.*

**C3**

The improvements are well maintained and feature limited physical depreciation due to normal wear and tear. Some components, but not every major building component, may be updated or recently rehabilitated. The structure has been well maintained.

*Note: The improvement is in its first-cycle of replacing short-lived building components (appliances, floor coverings, HVAC, etc.) and is being well maintained. Its estimated effective age is less than its actual age. It also may reflect a property in which the majority of short-lived building components have been replaced but not to the level of a complete renovation.*

**C4**

The improvements feature some minor deferred maintenance and physical deterioration due to normal wear and tear. The dwelling has been adequately maintained and requires only minimal repairs to building components/mechanical systems and cosmetic repairs. All major building components have been adequately maintained and are functionally adequate.

*Note: The estimated effective age may be close to or equal to its actual age. It reflects a property in which some of the short-lived building components have been replaced, and some short-lived building components are at or near the end of their physical life expectancy; however, they still function adequately. Most minor repairs have been addressed on an ongoing basis resulting in an adequately maintained property.*

**C5**

The improvements feature obvious deferred maintenance and are in need of some significant repairs. Some building components need repairs, rehabilitation, or updating. The functional utility and overall livability are somewhat diminished due to condition, but the dwelling remains useable and functional as a residence.

*Note: Some significant repairs are needed to the improvements due to the lack of adequate maintenance. It reflects a property in which many of its short-lived building components are at the end of or have exceeded their physical life expectancy but remain functional.*

**C6**

The improvements have substantial damage or deferred maintenance with deficiencies or defects that are severe enough to affect the safety, soundness, or structural integrity of the improvements. The improvements are in need of substantial repairs and rehabilitation, including many or most major components.

*Note: Substantial repairs are needed to the improvements due to the lack of adequate maintenance or property damage. It reflects a property with conditions severe enough to affect the safety, soundness, or structural integrity of the improvements.*

**UNIFORM APPRAISAL DATASET (UAD)**  
**Property Condition and Quality Rating Definitions**

File No. 9079  
Case No. n/a

### Quality Ratings and Definitions

#### Q1

Dwellings with this quality rating are usually unique structures that are individually designed by an architect for a specified user. Such residences typically are constructed from detailed architectural plans and specifications and feature an exceptionally high level of workmanship and exceptionally high-grade materials throughout the interior and exterior of the structure. The design features exceptionally high-quality exterior refinements and ornamentation, and exceptionally high-quality interior refinements. The workmanship, materials, and finishes throughout the dwelling are exceptionally high quality.

#### Q2

Dwellings with this quality rating are often custom designed for construction on an individual property owner's site. However, dwellings in this quality grade are also found in high-quality tract developments featuring residences constructed from individual plans or from highly modified or upgraded plans. The design features detailed, high-quality exterior ornamentation, high-quality interior refinements, and detail. The workmanship, materials, and finishes throughout the dwelling are generally of high or very high quality.

#### Q3

Dwellings with this quality rating are residences of higher quality built from individual or readily available designer plans in above-standard residential tract developments or on an individual property owner's site. The design includes significant exterior ornamentation and interiors that are well finished. The workmanship exceeds acceptable standards and many materials and finishes throughout the dwelling have been upgraded from "stock" standards.

#### Q4

Dwellings with this quality rating meet or exceed the requirements of applicable building codes. Standard or modified standard building plans are utilized and the design includes adequate fenestration and some exterior ornamentation and interior refinements. Materials, workmanship, finish, and equipment are of stock or builder grade and may feature some upgrades.

#### Q5

Dwellings with this quality rating feature economy of construction and basic functionality as main considerations. Such dwellings feature a plain design using readily available or basic floor plans featuring minimal fenestration and basic finishes with minimal exterior ornamentation and limited interior detail. These dwellings meet minimum building codes and are constructed with inexpensive, stock materials with limited refinements and upgrades.

#### Q6

Dwellings with this quality rating are of basic quality and lower cost; some may not be suitable for year-round occupancy. Such dwellings are often built with simple plans or without plans, often utilizing the lowest quality building materials. Such dwellings are often built or expanded by persons who are professionally unskilled or possess only minimal construction skills. Electrical, plumbing, and other mechanical systems and equipment may be minimal or non-existent. Older dwellings may feature one or more substandard or non-conforming additions to the original structure.

### Requirements - Definitions of Not Updated, Updated and Remodeled

#### Not Updated

Little or no updating or modernization. This description includes, but is not limited to, new homes.

Residential properties of fifteen years of age or less often reflect an original condition with no updating. If no major components have been replaced or updated. Those over fifteen years of age are also considered not updated if the appliances, fixtures, and finishes are predominantly dated. An area that is 'Not Updated' may still be well maintained and fully functional, and this rating does not necessarily imply deferred maintenance or physical/functional deterioration.

#### Updated

The area of the home has been modified to meet current market expectations. These modifications are limited in terms of both scope and cost.

An updated area of the home should have an improved look and feel, or functional utility. Changes that constitute updates include refurbishment and/or replacing components meet existing market expectations. Updates do *not* include significant alterations to the existing structure.

#### Remodeled

Significant finish and/or structural changes have been made that increase utility and appeal through complete replacement and/or expansion.

A remodeled area reflects fundamental changes that include multiple alterations. These alterations may include some or all of the following: replacement of a major component (cabinet(s), bathtub, or bathroom tile), relocation of plumbing/gas fixtures/appliances, significant structural alterations (relocating walls, and/or the addition of square footage). This would include a complete gutting and rebuild.

### Explanation of Bathroom Count

Three-quarter baths are counted as a full bath in all cases. Quarter baths (baths that feature only a toilet) are not included in the bathroom count. The number of full and half baths is reported by separating the two values using a period, where the full bath count is represented to the left of the period and the half bath count is represented to the right of the period.

#### Example:

3.2 indicates three full baths and two half baths.

Page 16 of 16.

# INVOICE

Date: 05/10/2017

File No. 9079  
Case No. n/a

Prepared for:

City Of Fall River  
1 Government Center  
Fall River, MA 02722

Property Appraised:

City of Fall River  
Lot 103 Hycacinth Street  
Fall River, MA 02878

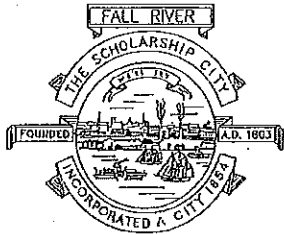
Work Performed:

FNMA land appraisal	\$	350.00
	\$	
	\$	
	\$	
	\$	
	\$	
Total Amount Due:		\$ 350.00

Please make checks payable to:

Duffy Realty Appraisal  
PO Box 1723  
Fall River, MA 02722

2



City of Fall River  
Massachusetts  
Office of the Mayor

RECEIVED

2017 SEP 20 A 9:11

CITY CLERK  
FALL RIVER, MA

JASIEL F. CORREIA II  
Mayor

September 20, 2017

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

Dear Councilors:

Please find attached ordinance modifications as approved by the Sewer Commission.

The ordinances related to the Industrial Pretreatment Program are required per the EPA to adhere the EPA model ordinances. The ordinances related to Stormwater Management are required to comply with the EPA MS4 (Municipal Small Stormwater System) NPDES (National Pollutant Discharge Elimination System) permit. The modifications to the Sewer Commission appointment language is to improve the appointment process.

Your approval of these ordinances is respectfully requested.

Respectfully,

  
Jasiel F. Correia II  
Mayor

/omc  
Attachments

2

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

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

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

RECEIVED

2011 SEP 20 A 9 12

CITY CLERK  
FALL RIVER, MA

2

ARTICLE III. SEWER USE REGULATIONS <sup>(3)</sup>

DIVISION 1. - GENERALLY

DIVISION 2. - BUILDING SEWERS AND CONNECTIONS

DIVISION 3. - DISCHARGE INTO PUBLIC SEWERS

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FOOTNOTE(S):

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--- (3) ---

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

RECEIVED  
2017 SEP 20 A 9 12  
CITY CLERK  
FALL RIVER, MA



2

**DIVISION 1. GENERALLY**

Sec. 74-161. Definitions.

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

Sec. 74-163. Right of entry.

Sec. 74-164. Notice of violation.

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

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

Secs. 74-167—74-190. Reserved.

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

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

*Authorized or Duly Authorized Representative of the User:*

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

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

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

2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2

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

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

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

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

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

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

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

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

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

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

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

(Rev. Ords. 1988, § 19-116)

Cross reference—Definitions generally, § 1-2.

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

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

(Rev. Ords. 1988, § 19-117)

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

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

(Rev. Ords. 1988, §§ 19-118—19-120)

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

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

(Rev. Ords. 1988, § 19-121)

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

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

(Rev. Ords. 1988, § 19-122)

2

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

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

(Rev. Ords. 1988, § 19-123)

**Secs. 74-167—74-190. Reserved.**

2

**DIVISION 2. BUILDING SEWERS AND CONNECTIONS**

Sec. 74-191. Generally.

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

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

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

Sec. 74-195. Elevation of building sewer.

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

Sec. 74-197. Standards for connections.

Sec. 74-198. Supervision of connection.

Sec. 74-199. Excavations.

Sec. 74-200. Extension and connection permits.

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

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

Secs. 74-203—74-220. Reserved.

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

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

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

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

(Rev. Ords. 1988, § 19-136)

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

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

(Rev. Ords. 1988, § 19-137)

2

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

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

(Rev. Ords. 1988, § 19-138)

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

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

(Rev. Ords. 1988, § 19-139)

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

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

(Rev. Ords. 1988, § 19-140)

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

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

(Rev. Ords. 1988, § 19-141)

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

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

(Rev. Ords. 1988, § 19-142)

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

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

(Rev. Ords. 1988, § 19-143)



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

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

(Rev. Ords. 1988, § 19-144)

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

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

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

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

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

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

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

**Secs. 74-203—74-220. Reserved.**

2

**DIVISION 3. DISCHARGE INTO PUBLIC SEWERS**

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

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

Sec. 74-223. Prohibited discharges.

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

Sec. 74-225. Acceptance of restricted discharges.

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

Sec. 74-227. Gréase and oil interceptors.

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

Sec. 74-229. Manholes.

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

Sec. 74-231 Pretreatment Facilities

Secs. 74-232—74-250. Reserved.

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

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

(Rev. Ords. 1988, § 19-156)

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

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

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

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

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

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

(Rev. Ords. 1988, § 19-158)

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

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

2

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

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

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

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

2

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

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

- (1) To be eligible for equivalent mass limits, the Industrial User must:
- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
  - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
  - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
  - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
  - e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- (2) An Industrial User subject to equivalent mass limits must:
- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - c. Continue to record the facility's production rates and notify the Enforcing officer whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (1)c. of this Section. Upon notification of a revised production rate, the Enforcing officer will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs (1)a of this Section so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the Enforcing officer:
- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
  - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and may retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment.. (Rev. Ords. 1988, § 19-159)

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

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

2

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

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

(Rev. Ords. 1988, § 19-160)

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

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

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

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

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

2

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

2

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

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

(Rev. Ords. 1988, § 19-163)

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

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

(Rev. Ords. 1988, § 19-164)

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

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

(Rev. Ords. 1988, § 19-165)

**Sec. 74-231 Pretreatment Facilities**

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



2

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

Secs. 74-232—74-250. Reserved.

2

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

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

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CITY CLERK  
FALL RIVER, MA

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

**1. PURPOSE**

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

**1. DEFINITIONS**

- (a) For the purposes of this Ordinance, the following shall mean:
  - (1) **ABUTTER:** The owner(s) of land abutting the activity.
  - (2) **AGRICULTURE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its

2

implementing regulations.

- (3) **ALTERATION OF DRAINAGE CHARACTERISTICS:** Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.
- (4) **APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed land-disturbance activity.
- (5) **BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.
- (6) **CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC):** A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.
- (7) **CLEARING:** Any activity that removes the vegetative surface cover.
- (8) **CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site.
- (9) **EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.
- (10) **EROSION AND SEDIMENTATION CONTROL PLAN:** A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.
- (11) **ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:** Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).
- (12) **DEVELOPMENT:** The modification of land to accommodate a new use or expansion of use, usually involving construction.
- (13) **DISTURBANCE OF LAND:** Any action that causes a change in the position, location, or arrangement of soil, sand rock, gravel of similar earth material.
- (14) **GRADING:** Changing the level or shape of the ground surface.
- (15) **GRUBBING:** The act of clearing land surface by digging up roots and stumps.
- (16) **IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.
- (17) **LAND-DISTURBING ACTIVITY:** Any activity that causes a change in the position

2

- or location of soil, sand, rock, gravel, or similar earth material.
- (18) MASSACHUSETTS ENDANGERED SPECIES ACT: (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.
  - (19) MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.
  - (20) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City of Fall River.
  - (21) OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.
  - (22) OUTFALL: The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.
  - (23) OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.
  - (24) OWNER: A person with a legal or equitable interest in property.
  - (25) PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.
  - (26) POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.
  - (27) PRE-CONSTRUCTION: All activity in preparation for construction.
  - (28) PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

2

- (29) REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.
- (30) RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (31) SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.
- (32) SEDIMENTATION: The process or act of deposition of sediment.
- (33) SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.
- (34) SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.
- (35) SOIL: Any earth, sand, rock, gravel, or similar material.
- (36) STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.
- (37) STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit. See Section 6.
- (38) STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.
- (39) STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.
- (40) TSS: Total Suspended Solids.

## 2. AUTHORITY

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

## 3. APPLICABILITY

- (a) No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land draining to the Fall River municipal separate storm sewer system without a permit from the Site Plan Review Committee. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site
- (b) Exemptions. The following activities are exempt from this ordinance:
  - (1) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
  - (2) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
  - (3) The construction of fencing that will not substantially alter existing terrain or drainage patterns;

2

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

#### 4. ADMINISTRATION

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

#### 5. PERMITS and PROCEDURE

- (a) Filing Application. The site owner or his agent shall file with the Site Plan Review Committee, three (3) copies of a completed application package for a Stormwater Management Permit (SMP). Permit issuance is required prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SMP Application package shall include:
  - (1) a completed Application Form with original signatures of all owners;
  - (2) a list of abutters, certified by the Assessor's Office;
  - (3) three (3) copies of the Stormwater Management Plan and project description as specified in Section 6;
  - (4) three (3) copies of the Erosion Control Plan as specified in Section 7;
  - (5) three (3) copies of the Operation and Maintenance Plan as required by Section 8 of this ordinance;
  - (6) payment of any application and review fees.
- (b) Entry. Filing an application for a permit grants the Site Plan Review Committee, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit

2

- (c) Fee Structure. The Site Plan Review Committee shall obtain with each submission an Application Fee as established by this ordinance to cover expenses connected with the application review of the Stormwater Management Permit and a technical Review Fee sufficient to cover professional review. The Site Plan Review Committee is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Site Plan Review Committee on any or all aspects of these plans. Applicants must pay review fees before the review process may begin.

- (1) Application fee for projects less than 3 Acres..... \$300
- (2) Application fee for projects from 3 to 10 Acres ..... \$600
- (3) Application Fee for projects greater than 10 Acres ..... \$1500
- (4) Resubmittal/Amendment filing fee ..... \$100
- (5) Fees for Professional peer review..... Assessed on a case by case basis

- (d) Actions. The Site Plan Review Committee's action, rendered in writing, shall consist of either:

- (1) Approval of the Stormwater Management Permit Application based upon determination that the proposed plan meets the Standards and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this ordinance;
- (2) Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the Site Plan Review Committee which will ensure that the project meets the Standards and adequately protect water resources, set forth in this ordinance
- (3) Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not meet the Standards or adequately protect water resources, as set forth in this ordinance.

- (e) Plan Changes. The permittee, must notify the Site Plan Review Committee in writing of any drainage change or alteration in the system authorized in a Stormwater Management Permit before any change or alteration is made. If the Site Plan Review Committee determines that the change or alteration is significant, based on the Stormwater Management Standards and accepted construction practices, the Site Plan Review Committee may require that an amended application be filed. If any change or alteration from Stormwater Management Permit occurs during any land disturbing activities, the Site Plan Review Committee may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

- (f) Project Completion. At completion of the project the permittee shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

## 6. STORMWATER MANAGEMENT PLAN

- (a) The application for a stormwater management permit shall consist of submittal of a Stormwater Management Plan to the Site Plan Review Committee. This Stormwater Management Plan shall contain sufficient information for the Site Plan Review Committee to evaluate the environmental impact, effectiveness, and acceptability of the



2

measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in Part B of this section and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:

- (1) A locus map,
  - (2) The existing zoning, and land use at the site,
  - (3) The proposed land use,
  - (4) The location(s) of existing and proposed easements,
  - (5) The location of existing and proposed utilities,
  - (6) The site's existing & proposed topography with contours at 2-foot intervals,
  - (7) The existing site hydrology,
  - (8) A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows,
  - (9) A delineation of 100-year flood plains, if applicable,
  - (10) Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration,
  - (11) The existing and proposed vegetation and ground surfaces with runoff coefficients for each,
  - (12) A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths,
  - (13) A description and drawings of all components of the proposed drainage system including:
    - a. Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
    - b. all measures for the detention, retention or infiltration of water,
    - c. all measures for the protection of water quality,
    - d. the structural details for all components of the proposed drainage systems and stormwater management facilities,
    - e. notes on drawings specifying materials to be used, construction specifications, and typicals, and
    - f. expected hydrology with supporting calculations.
  - (14) Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,
  - (15) Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,
  - (16) A maintenance schedule for the period of construction, and
  - (17) An Erosion & Sediment Control Plan as detailed in section 7.
  - (18) Operation & Maintenance Plan as detailed in section 8.
  - (19) Any other information requested by the Site Plan Review Committee.
- (b) Standards
- Projects shall meet the Standards of the Massachusetts Stormwater Management Policy, which are as follows:
- (1) No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth.

- (2) Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
  - (3) Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
  - (4) For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
    - a. Suitable nonstructural practices for source control and pollution prevention are implemented;
    - b. Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
    - c. Stormwater management BMPs are maintained as designed.
  - (5) Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.
  - (6) Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
  - (7) Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
  - (8) Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
  - (9) All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.
- When one or more of the Standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

(c) Project Changes

The permittee, or their agent, shall notify the Site Plan Review Committee in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Site Plan Review Committee determines that the change or alteration is significant, based on the design requirements and accepted construction practices, the Site Plan Review Committee may require that an amended Stormwater Management Permit application be filed. If any change or deviation from the Stormwater Management Permit occurs during a project, the Site Plan Review Committee may require the installation of interim measures before approving the change.

## 7. EROSION AND SEDIMENT CONTROL PLAN

2

- (a) The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 7.B. below.
- (b) The design requirements of the Erosion and Sediment Control Plan are:
- (1) Minimize total area of disturbance;
  - (2) Sequence activities to minimize simultaneous areas of disturbance;
  - (3) Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
  - (4) Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
  - (5) Divert uncontaminated water around disturbed areas;
  - (6) Maximize groundwater recharge;
  - (7) Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers specifications and good engineering practices;
  - (8) Prevent off-site transport of sediment;
  - (9) Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
  - (10) Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
  - (11) Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
  - (12) Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
  - (13) Properly manage on-site construction and waste materials; and
  - (14) Prevent off-site vehicle tracking of sediments.
- (c) Erosion and Sedimentation Control Plan Content. The Plan shall contain the following information:
- (1) Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
  - (2) Title, date, north arrow, names of abutters, scale, legend, and locus map;
  - (3) Location and description of natural features including:
    - a. Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
    - b. Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and

2

- c. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
- (4) Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
  - (5) Existing soils, volume and nature of imported soil materials;
  - (6) Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;
  - (7) Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
  - (8) Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
  - (9) Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
  - (10) Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
  - (11) Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;
  - (12) Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Policy;
  - (13) Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
  - (14) A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
  - (15) A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
  - (16) Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control; and
  - (17) Such other information as is required by the Site Plan Review Committee.

## 8. OPERATION AND MAINTENANCE PLAN

- (a) An Operation and Maintenance plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this Ordinance and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Site Plan Review Committee shall make the final decision of what maintenance option is appropriate in a given situation. The Site Plan Review Committee will consider natural features; proximity of site to water bodies and wetlands, extent of impervious surfaces,

2

size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The Operation and Maintenance Plan shall remain on file with the Site Plan Review Committee and shall be an ongoing requirement. The O&M Plan shall include:

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

## 9. SURETY

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

released until the Site Plan Review Committee has received the final inspection report as required by Section 10 and issued a Certificate of Completion.

## 10. INSPECTIONS

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

## 11. WAIVERS

- (a) The Site Plan Review Committee may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:
  - (1) such action is allowed by federal, state and local statutes and/or regulations,
  - (2) is in the public interest, and
  - (3) is not inconsistent with the purpose and intent of this by-law.
- (b) Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the ordinance does not further the purposes or objectives of this ordinance.
- (c) All waiver requests shall be discussed and voted on by the Site Plan Review Committee.
- (d) If in the Site Plan Review Committee's opinion, additional time or information is required for review of a waiver request, the Site Plan Review Committee may extend

2

the review schedule. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

## 12. CERTIFICATE OF COMPLETION

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

## 13. ENFORCEMENT

- (a) The Site Plan Review Committee or an authorized agent of the Site Plan Review Committee shall enforce this ordinance, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- (b) Orders
  - (1) The Site Plan Review Committee or an authorized agent of the Site Plan Review Committee may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include requirements to:
    - a. cease and desist from construction or land disturbing activity until there is compliance with this ordinance and the stormwater management permit;
    - b. repair, maintain; or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan.
    - c. perform monitoring, analyses, and reporting;
    - d. remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system.
  - (2) If the enforcing person determines that abatement or remediation of adverse impacts is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the City may, at its option, undertake such work, and the property owner shall reimburse the City's expenses.
  - (3) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the City including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Site Plan Review Committee within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Site Plan Review Committee affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

2

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

#### 14. CERTIFICATE OF COMPLETION

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

#### 15. SEVERABILITY

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



2

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

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

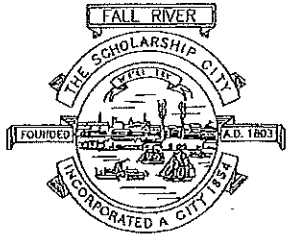
By striking out Sec. 74-52(a). Membership; appointment and qualifications of members; compensation of members, in its entirety, and inserting in place thereof, the following new Sec. 74-52(a)

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

RECEIVED

2017 SEP 20 A 9 13

CITY CLERK  
FALL RIVER, MA



City of Fall River  
Massachusetts  
Office of the Mayor

RECEIVED

2017 SEP 21 P 4:49

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

JASIEL F. CORREIA II  
Mayor

September 21, 2017

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

RE: Clover Leaf Mills LLC Easement

Dear Councilors:

Given recent events involving the above easement and its interaction, if any, with the Alfred J. Lima Quequechan River Rail Trail I request that the City Council refer this matter to the appropriate committee for a thorough re-appraisal of the entire situation with ample opportunity for all concerned parties to be heard.

I have requested Corporation Counsel to review this matter procedurally and legally to insure that any action ultimately taken is appropriate.

Best regards,

Jasiel F. Correia II  
Mayor, City of Fall River

**CITY OF FALL RIVER**

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6

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on September 18, 2017, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Joseph D. Camara absent and not voting.

*Carlene A. Taylor*  
Clerk of Committees

# City of Fall River, In City Council

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.

6

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

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7

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on September 18, 2017, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Joseph D. Camara absent and not voting.

*Cecilia A. Taylor*  
Clerk of Committees

# City of Fall River, *In City Council*

(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

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8

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on September 18, 2017, voted to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Joseph D. Camara absent and not voting and Councilor Linda M. Pereira opposed.

*Cullen A. Taylor*  
Clerk of Committees

# City of Fall River, *In City Council*

8

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

That Chapter 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.

8

#### **l. 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

8

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

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9

To the City Council

Councillors:

The Committee on Ordinances and Legislation at a meeting held on September 18, 2017, voted to recommend that the accompanying order be adopted, with Councilor Joseph D. Camara absent and not voting and Councilor Linda M. Pereira opposed.

*William A. Taylor*  
Clerk of Committees

City of Fall River, *In City Council*

(Committee on Ordinances and Legislation)

ORDERED, that the provisions of Chapter 40U of the Massachusetts General Laws, which chapter pertains to Municipal Fines, be and the same is hereby accepted.



## CITY OF FALL RIVER

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10

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on September 18, 2017, voted unanimously to recommend that the accompanying resolution be granted leave to withdraw, with Councilor Joseph D. Camara absent and not voting.

*Colleen A. Taylor*  
Clerk of Committees

# City of Fall River, In City Council

10

(Councilor Richard Cabecenas)

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

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

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

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

In City Council, September 13, 2016  
Adopted

A true copy. Attest:

*Alison M. Bouchard*  
City Clerk

CITY OF FALL RIVER  
IN CITY COUNCIL

MAR 28 2017

*Referred to the  
Committee on  
Ordinances and  
Legislation*

## CITY OF FALL RIVER

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11

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on September 18, 2017, voted unanimously to recommend that the accompanying resolution be accepted and placed on file, with Councilor Joseph D. Camara absent and not voting.

*Carmen A. Taylor*  
Clerk of Committees

11

# City of Fall River, *In City Council*

(Council Vice-President Linda M. Pereira)

WHEREAS, code enforcement and licensing procedures are reactive instead of proactive, and

WHEREAS, in the interest of public safety all occupancies should be code compliant and meet statutory guidelines for operation, now therefore

BE IT RESOLVED, that the City of Fall River institute proactive plans to ensure that all occupancies are fully compliant with statutes, ordinances and codes, and

BE IT FURTHER RESOLVED, that all department heads commissioned with the responsibility to issue certificates of compliance are directed to inform all commercial property owners and to inform new occupants and current tenants that they will be responsible to secure all licenses and permits applicable for their specific use, and

BE IT FURTHER RESOLVED, that there be an annual inspection of commercial properties for compliance.

CITY OF FALL RIVER  
IN CITY COUNCIL

JUL 11 2017

*Referred to the  
Committee on Ordinances  
and Legislation*

# City of Fall River, In City Council

12

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

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

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

Barnes Street, north side, starting at a point 319 feet east of County Street, for a distance of 20 feet easterly  
Charles Street, south side, starting at a point 190 feet west of Bowen Street, for a distance of 20 feet westerly  
Cook Street, west side, starting at a point 70 feet south of Hamlet Street, for a distance of 25 feet southerly  
Globe Street, north side, starting at a point 435 feet east of Chace Street, for a distance of 20 feet easterly  
Merchant Street, north side, starting at a point 49 feet west of Eighteenth Street, for a distance of 20 feet westerly  
North Main Street, east side, starting at a point 55 feet south of Jones Street, for a distance of 20 feet southerly  
Park Street, north side, starting at a point 148 feet east of South Main Street, for a distance of 20 feet easterly  
Pleasant Street, north side, starting at a point 145 feet east of Barlow Street, for a distance of 20 feet easterly  
Pulaski Street, west side, starting at a point 77 feet south of Buffinton Street, for a distance of 20 feet southerly  
Rodman Street, west side, starting at a point 65 feet south of Grinnell Street, for a distance of 20 feet southerly  
Wilbur Street, west side, starting at a point 81 feet north of Globe Street, for a distance of 20 feet northerly

CITY OF FALL RIVER  
IN CITY COUNCIL

SEP 14 2017

*Passed through first reading*

# City of Fall River, In City Council

13

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

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

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

*City council senior clerk typist/senior clerk typist:*

7-1-2013	\$938.55	\$983.93	\$1,029.41	\$1,074.71	\$1,128.44
6-30-2014	\$947.94	\$993.77	\$1,039.70	\$1,085.46	\$1,139.72

and, by inserting in place thereof, the following:

*City Council Principal Clerk..... not to exceed \$35,000.00 per annum*

CITY OF FALL RIVER  
IN CITY COUNCIL

SEP 14 2017

*Passed Through first  
reading*

# City of Fall River, *In City Council*

14

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

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

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

Chairperson, board of election commissioners/director of office of elections

7-1-2013        \$2,134.84

6-30-2014        \$2,156.19

And by inserting in place thereof, the following:

Chairperson, board of election commissioners/director of office of elections

Not to exceed \$65,000.00 per annum

CITY OF FALL RIVER  
IN CITY COUNCIL

SEP 14 2017

*Passed through first  
reading*

City of Fall River, *In City Council*

15

(Councilor Cliff Ponte)

WHEREAS, the Massachusetts Department of Transportation (Mass DOT) has spent millions of dollars on the Route 79/Braga Bridge improvements project, and

WHEREAS, less than one year after the completion of this project overgrowth and lack of maintenance is apparent, and

WHEREAS, according to a Mass DOT press release from 2014, the City was to be responsible for maintenance once completed, now therefore

BE IT RESOLVED, that the Committee on Finance convene with a representative from Mass DOT, the Director of Community Maintenance, the Director of Buildings and Grounds and the City Administrator to discuss this matter.



16  
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.

Filed 9-19-17

17

City of Fall River, *In City Council*

(Councilor Pam Laliberte-Lebeau)

WHEREAS, the City Council unanimously adopted a resolution on January 10, 2017 for a Pay-As-You-Throw Trash Amnesty from December 26, 2017 – December 30, 2017 with ample notice being given to the residents, now therefore

BE IT RESOLVED, that the Administration formulate and implement the process of educating the public about this 5 day reprieve as soon as possible.

Filed 9-21-17

City of Fall River, *In City Council*

18

(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.

Filed 9-21-17

City of Fall River, *In City Council*

19

(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.





City of Fall River  
Notice of Claim

RECEIVED

2017 SEP -8 P 2:22

CITY CLERK #17-75  
FALL RIVER, MA

1. Claimant's name: Angel Pantoja
2. Claimant's complete address: 180 Cory St. Fall River, MA 02720
3. Telephone number: Home (508) 840-5045 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Property Damage
5. Date and time of accident: 06/27/17 <sup>0600-0745</sup> Amount of damages claimed: \$ \_\_\_\_\_
6. Exact location of the incident: (include as much detail as possible):  
180 Cory St. Fall River, MA (Front door)
7. Circumstances of the incident: (attach additional pages if necessary):  
Police forced entry into my home, police busted door and damaged entry. Door frame is damaged and door does not lock.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 9/8/17

Claimant's signature: Angel Pantoja

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

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

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

For official use only:

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

☒ Police

Date: 9/8/17



25

RECEIVED

City of Fall River  
Notice of Claim

2017 SEP 12 P 4: 55

CITY CLERK 17-76  
FALL RIVER, MA

1. Claimant's name: Shawn K Rioux
2. Claimant's complete address: 110 Woodman St. Fall River, MA 02724
3. Telephone number: Home: 508-642-6151 Work: 508-558-6234
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Damages to 2017 Nissan Titan by DCM Maint. Division Van
5. Date and time of accident: 8-31-17 / 2:36 PM Amount of damages claimed: \$ 5,482.34 ? >
6. Exact location of the incident: (include as much detail as possible):  
10 Lewiston St. F.R. MA DCM Garage (Incinerator Parking Lot)
7. Circumstances of the incident: (attach additional pages if necessary): Note: see Police Report  
I let my dad (Ronald Rioux) use my vehicle as his vehicle is being repaired. He parked and locked my vehicle behind two DCM pickups. While heading to office Mr. Casey pulled up and greeted my dad. Mr. Casey exited the building and entered the van backing into my vehicle.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 9/9/17Claimant's signature: Shawn Rioux

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

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For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City AdministratorBuildings  
DeptDate: 9/12/17

#17-77 25

On Saturday Sept 9th I was driving West on  
Slade St, I turned on to King St. (NORTH). I  
hit a pothole on King St. Hitting this hole caused  
dammmge to my 2013 Mercedes-Benz. attached is  
a copy of the estimate to repair the damage

Brentton Dewsnap  
131 Foote St  
Fall River MA  
02724

If you have any questions  
you can reach me @

15089898321

RECEIVED

2011 SEP 14 P 12:11

CITY CLERK  
FALL RIVER, MA



RECEIVED

26

2017 SEP 14 A 11:43

9/28/17

to the City Council,

CLERK  
FALL RIVER MA

I am a Concerned Citizen that has resided in Fall River for almost 60 yrs and a Voter. I am totally disgusted in the way a certain taxi service is being run, there are several topics that should be addressed:

1) they don't answer the phone, they leave people stranded, groceries end up going bad and I do mean 300 hundred dollars worth  
2) if you ask for help they swear at you and call you names, they say their not servants.

3) they overcharge and take longer routes. Don't well cost you more, the expect big tips

3) Gatra & Bristol Elder services are taking up the calls, so are the Schools all we get one crack that they rather take the Schools they make more money

4) they discriminate  
on who they take.

5) they lie to the dispatcher  
and they don't show up  
they claim your not there  
and take off.

these problems are  
serious and need to be  
addressed immediately  
the Voters of Fall River  
will not take this

Honestly some one  
should answer the phone  
in over 3 hrs. don't  
they hear it, this is  
abuse to the elderly.

a Concerned  
Voter.

COMMITTEE ON BUDGET PREPARATION, REVENUE AND AUDITS

MEETING: Wednesday, May 24, 2017 at 3:00 p.m.  
Council Chamber, Government Center

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

ABSENT: None

IN ATTENDANCE: Kenneth C. Pacheco, Chief Operating Officer,  
Fall River Public Schools  
Kevin Almeida, Chief Financial Officer,  
Fall River Public Schools  
School Committeeman Joseph Martins, Chair,  
School Committee Finance Subcommittee  
Mary Sahady, Director of Financial Services  
Thomas F. Aubin, Superintendent-Director,  
Diman Regional Vocational Technical High School  
Deborah Kenney, Business Manager  
Diman Regional Vocational Technical High School  
John D. Lynch, Fire Chief

The chairman called the meeting to order at 3:02 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

1. Resolution – Discuss additional educational funding with finance teams from the Fall River Public Schools, Diman Regional Vocational Technical High School and Bristol County Agricultural High School

*Kevin Almeida, Chief Financial Officer for the Fall River Public Schools stated that the School Department's budget goals were to reduce class size, maintain staffing levels, increase technologies, develop high quality teaching learning, maintain efficiencies and cost containments. He explained that a 1% increase to their budget would equal \$1.4 million, which would allow for the hiring of five to six teachers to reduce class size, increase investment on technology, bring the SPED program in-house to minimize costs, and add an early childhood program into the district.*

*Council President Shawn E. Cadime said he wanted to go on record that in terms of net school spending, there was no communication or partnership with the City Council as the Mayor held a press conference announcing the increase before it was sent to the City Council for approval*

and discussion. He further stated that he is fully committed to net school spending and improvements to the School Department with a focus on direct services.

Mary Sahady, Director of Financial Services, explained how the City met 101% of net school spending, with an increase of over \$1 million in the city contribution to the School Department. Some of those changes that allowed for the increase were the shifting of health care to the city side, the updated Memorandum of Understanding on Indirect Costs and the re-allocation of the School Resource Officers (SROs) in the amount of \$580,000 to the School Department budget. Commitments for net school spending from prior years have also been made up.

Mr. Almeida further outlined that there was an increase of \$6 million to Chapter 70 funds, transportation was budgeted at \$8.45 million plus over \$2 million for the circuit breaker, and 30 new positions were added or absorbed in the budget. He also explained that the Collective Bargaining agreements will expire on June 30, 2017.

Councilor Linda M. Pereira inquired to the status of the recycling program. Mr. Pacheco explained that the goal is zero waste, with a focus of cardboard recycling at Durfee and plastic recycling at the classroom level.

School Committeeman Joseph Martins, Chair of the School Finance subcommittee, would like to see lower class room sizes of 26 students. He agrees with bringing SPED in-house as long as the services that students need are provided.

Chairman Richard Cabeceiras inquired regarding increased technology and Mr. Almeida explained that teachers would like to see more chrome books in the classroom. When new technology is acquired Councilor Linda M. Pereira would like to see a re-purposing of technology to other schools.

Asked for a comparison of SROs with other communities, Mr. Pacheco agreed to provide such information. Mr. Martins and Mrs. Sahady stated they would confirm with the Police Chief that the SROs salaries would be pro-rated based on the time worked at the School Department.

In terms of increased classroom capacity, School Department officials explained that when the Westall School opens as the new Stone school, they can open it up to out of district students. The Wiley School is a single unit building that needs to be brought up to code.

The Diman Regional Vocational Technical High School was also discussed with Thomas F. Aubin, Superintendent-Director, and Deborah Kenney, Business Manager. Mr. Aubin outlined that he is looking to expand the school day to help students earn a living, add more inclusion through paraprofessionals as well as technology. One of those projects is to pair culinary arts with chemistry to work on synthetic foods. The current budget did grow by 1% due to minimum school spending, increased health insurance and salaries. As a result, technology and the book account were reduced and access consolidated to the main door for safety purposes. Safety in the athletic field is currently a concern as potholes exist on the field and students have been hurt. Councilor Shawn E. Cadime requested ideas for a small capital project that the Council could help with and Councilor Linda M. Pereira suggested contacting other communities as well for assistance. Mr. Aubin explained that most communities already approved their budgets but that he would send a letter asking for funding as well as a letter of invitation to the City Council to visit the grounds. On a motion made by Councilor Shawn E. Cadime and seconded by Chairman Richard Cabeceiras, it was unanimously voted to recommend that the resolution be granted leave to withdraw, with Councilor Linda M. Pereira absent and not voting.

2. Resolution – Discuss the amounts and sources of revenue in the Fiscal Year 2018 Budget . Mrs. Sahady provided an overview of the sources of revenue, mainly state aid, local receipts and taxes. The state aid figures were based on the information available at the time the budget was crafted. She explained that new pages will be presented to the Council to be inserted in their budget books at a later date due to changes made. Councilor Shawn E. Cadime stated that the motor vehicle excise tax amount to be raised of \$7.8 million seems high and does not want to see a deficit. Mrs. Sahady explained that the number was based on trend information received from the City Collector. Mrs. Sahady also outlined that four medical marijuana pilots have been signed and will be due and payable in Fiscal Year 2018 regardless of whether they are up and running. Additionally, an increase in parking fines is expected as ticketing will be taking place on Saturdays. Chairman Richard Cabeceiras asked for copies of the front page of the bank statements to make sure there isn't a problem with cash flow. Mrs. Sahady assured him that it has never been a problem but that she will provide him with any information necessary. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime it was unanimously voted to table the resolution.

3. Resolution – Discuss a "Facility Management Plan" to upgrade Fire Department facilities Chief John D. Lynch stated he had a conversation with the City Administrator and the Director of Buildings and they are working on a plan for all city buildings, including the fire stations. The Central and Globe Fire Stations are the Chief's priorities. The plan is to take \$500,000 and make them weather tight. Councilor Shawn E. Cadime challenged the administration to transfer \$500,000 from the stabilization fund for these repairs. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was unanimously voted to send a letter to the Mayor requesting a transfer of \$500,000 from the stabilization to pay for such repairs, a copy of which is attached hereto and made a part of these minutes. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was unanimously voted to recommend that the resolution be referred to the Committee on Real Estate.

On yet a further motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adjourn at 4:41 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet  
CD and DVD of meeting  
Fiscal Year 2018 Municipal Budget

  
Assistant Clerk of Committees

28

**CITY OF FALL RIVER, MASSACHUSETTS  
IN CITY COUNCIL**

This Council having on the 31 day of March, 2016 received a petition signed by thirteen registered voters in the City of Fall River that a new street or public way (**Frederick Street**) might be laid out and accepted for the use of the public and the City of Fall River, extending from the north line of Whitefield Street and running northerly along the western line of Frederick Street for a distance of 537.13 feet to the northerly terminus of the roadway at the south property line of Parcel C-14-3, N/F New England Power Company, therefore, the same was considered and on the \_\_\_\_ day of \_\_\_\_\_, 2017 it was:

**ORDERED:** That a meeting of the City Council be held at One Government Center on the \_\_\_\_ day of \_\_\_\_\_, 2017 at \_\_\_\_ o'clock to hear all parties interested and wishing to be heard on the subject of a layout for the said street, and that the City Clerk notify the several owners of land over and besides which it is proposed to layout the said street or public way, of the said meeting, and the intention of this Council to layout the same.

The requisite notice having been given, this Council met at the time and place named, and an opportunity was given to all parties interested and wishing to be heard.

This council did thereupon and does hereby adjudicate and decree that common convenience and necessity require that the said street or public way be called **Frederick Street**, and does hereby take, *in fee simple*, the land necessary therefore.

The description of the street layout and the plan annexed are hereby made part of this report.

Said street or public way passes beside or over land supposed to belong, now or formerly to: *Whitefield Ventures, LLC, Richardo Resendes & Angel M. DeSousa, County Mortgage, LLC, Elio & Christine Dobem, County Mortgage, LLC, Maria D. Fernandes, New England Power Company, City of Fall River, Cheryl Amaral & Henrique P. Farias, Cheryl Amaral & Henrique P. Farias, Michael & Robin Camara, Kenneth N. & Sandra L. Heywood.*

This council considers and decides that no damage is sustained in any of the aforementioned owners' property or by any other persons by the laying out, grading and acceptance of this said street or public way as shown on the annexed plan.

## FREDERICK STREET

### Layout Description

The Layout of Frederick Street in Fall River, Bristol County, Massachusetts, bounded and described as follows:

Beginning at a point at the intersection of Frederick Street and Whitefield Street, such point being on the northern side of Whitefield Street at an iron rod with an orange plastic cap set (OPC), said point being the most southwesterly corner of the herein described Frederick Street layout, said point also being 513.73', S 76° 63' 29" E of a drill hole in a stone bound on the northerly side of Whitefield Street where it intersects the easterly line of Mariano S. Bishop Boulevard; thence running N 13° 56' 31" E along the westerly side of Frederick Street for a distance of 537.13 feet to an iron rod with an orange plastic cap set (OPC); thence turning and running S 76° 03' 29" E for a distance of 40.00 feet to a point on the east side of Frederick Street, thence running S 13° 56' 31" W for a distance of 537.13 feet to a point in the northerly line of Whitefield Street at an iron rod with orange plastic cap set (OPC); thence turning and running N 76° 03' 29" W for a distance of 40.00 feet to the point of beginning; this layout of Frederick Street containing 21,485± square feet.

Said layout is shown on the attached plan entitled: **STREET ACCEPTANCE PLAN** located at **FREDERICK STREET IN FALL RIVER, MASSACHUSETTS**, prepared for: **City of Fall River** dated: **April 20, 2017**.

