

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: Wednesday, August 15, 2018 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara,
Pam Laliberte-Lebeau, Stephen R. Long,
Leo O. Pelletier and Derek R. Viveiros

ABSENT: Councilors Steven A. Camara and Bradford L. Kilby

IN ATTENDANCE: Paul Ferland, Deputy Administrator of Community Utilities
Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services

President Cliff Ponte called the meeting to order at 8:09 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #34 and #35 out of order, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

34. Structure over a public way – Banners for Fall River Opioid Task Force
- a. Pleasant Street at Fourteenth Street
 - b. Bedford Street at Purchase Street

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to approve both locations, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

35. Deputy Director of EMS requesting permission to hang 3 banners from the railings of Government Center for "National Overdose Awareness Day"

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to approve the request, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

1. Mayor requesting confirmation of Kelly Souza-Young as Chairperson, Board of Election Commissioners/Director of the Office of Elections

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to confirm the appointment, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

2. Mayor requesting confirmation of Tess Gallagher Curran as Director of Health and Human Services

Councilor Pam Laliberte-Lebeau asked to clarify the change on the amended letter. The City Clerk advised that the annual salary was amended from \$82,000 to \$78,000. On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to confirm the appointment, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

3. Mayor and orders of land acquisition:

- a. 1941-1945 Bay Street, Lots A-14-0034 and A-14-0036
- b. 861 Indian Town Road, Lot W-24-0001
- c. 75 Yellow Hill Road, Lots W-38-0050 and W-38-0051

Councilor Leo O. Pelletier requested that the Deputy Administrator of Community Utilities provide an overview of the land acquisitions. The Deputy Administrator of Community Utilities stated that the property on Bay Street is adjacent to the sewage treatment plant on the north side of the property and will be a good addition to that property. He went on to state that the property on Indian Town Road and Yellow Hill Road will add to the conservation land adjacent to the North Watuppa Pond and funding for these purchases will come from Community Preservation funds. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was voted 5 yeas to refer the orders to the Committee on Real Estate, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting and Councilors Pam Laliberte-Lebeau and Cliff Ponte abstaining.

4. Community Preservation Committee regarding funding recommendations and the Fiscal Year 2019 Appropriation Order

A motion was made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier to adopt the Fiscal Year 2019 Appropriation Order in the amount of \$1,503,617. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 4 yeas, 2 nays to amend the order by reducing the amount for Historic Resources Preservation Projects by \$150,000, with Councilors Stephen R. Long and Derek R. Viveiros voting in the negative, Councilors Steven A. Camara and Bradford L. Kilby absent and not voting and Councilor Joseph D. Camara abstaining. A further motion was made by Councilor Stephen R. Long to adopt the amount of \$45,000 for CPA Administrative Expenditures, but received no second. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 6 yeas, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting and Councilor Joseph D. Camara abstaining, to amend the motion to include that the appropriation order be used to appropriate \$1,503,617 to the various accounts that were listed by the Community Preservation Committee in the appropriation order and that we authorize the expenditures from those accounts that have been provided by projects that were also listed with the exception of the \$150,000 reduced from the Historic Preservation Committee. A further motion was made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau to adopt the 2018 final report, submitted by the Community Preservation Committee, but was withdrawn. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 6 yeas, to adopt the 2018 final report, submitted by the Community Preservation Committee, minus the \$150,000 for the Elks Lodge, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting and Councilor Joseph D. Camara absent and not voting.

5. Transfers and appropriations - \$592,364 from municipal receipts (Final Cherry Sheet State Aid)
- a. \$221,410 to State and County Assessments for the increase in Charter School Assessments
 - b. \$185,477 to School Appropriation
 - c. \$185,477 to School Transportation

On a motion made by Councilor Stephen R. Long and seconded by Councilor Derek R. Viveiros, it was unanimously voted to adopt the transfers and appropriations, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

6. Transfers and appropriations:
\$1,042,975.88 to Streets and Highways Dept. Capital Equipment Fund from the following inactive capital projects:

Sale of Sanitation Trucks	\$1,026,543.11
Department Equipment (DPW)	\$ 1,055.00
Parks & Cemetery Equipment	\$ 4,563.71
DPW Equipment	\$ 10,814.06

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the transfers and appropriations, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

\$112,339.28 to Police Department Capital Equipment Fund from the following inactive capital projects:

North End Fire Station Complex	\$ 64,219.77
Fire Department Equipment	\$ 850.19
Extraordinary Repairs	\$ 11,011.92
City Hall Renovations	\$ 12,485.80
Building Improvement	\$ 8,112.35
Equipment Vehicles	\$ 4,267.99
Energy Phase 3	\$ 5,182.63
Acquisition of Street Lighting	\$ 5,605.04
Industrial Park Improvements	\$ 603.59

Councilor Pam Laliberte-Lebeau stated that she would support this request, but questioned why, as discussed during Citizen's Input, the City would seek funding from the Community Preservation Committee to repair fire stations if it may be available through inactive capital projects. On a motion made by Councilor Stephen R. Long and seconded by Councilor Derek R. Viveiros, it was voted 4 yeas, 3 nays to adopt the transfers and appropriations, with Councilors Shawn E. Cadime, Pam Laliberte-Lebeau and Cliff Ponte voting in the negative and Councilors Steven A. Camara and Bradford L. Kilby absent and not voting and the motion failed to carry.

7. Mayor and loan order in the amount of \$122,000 for Police Department Equipment
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to waive the rules and allow the Administration to answer questions. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 2 yeas, 5 nays with Councilors Joseph D. Camara, Pam Laliberte-Lebeau, Stephen R. Long, Leo O. Pelletier and Derek R. Viveiros voting in the negative and Councilors Steven A. Camara and Bradford L. Kilby absent and not voting. On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 5 yeas, 2 nays to authorize the loan order to be published and referred to the Committee on Finance, with Councilors Shawn E. Cadime and Cliff Ponte voting in the negative and Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

8. Mayor and updated Building Capital Improvement Plan
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the matter to the Committee on Finance, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.
9. Mayor requesting presentations before Committee on Finance in September for new voting Equipment
Councilor Stephen R. Long stated that he would like the Administration to decide what equipment would be the best, before a presentation is made to the City Council. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Committee on Finance, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.
10. Mayor and amendment to the Central Market Rate Housing Incentive Zone and Plan for the former Lincoln School located at 439 Pine Street
Councilor Shawn E. Cadime stated that he does not support this item, as he believes this is spot zoning. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to waive the rules to allow the Administration to answer questions, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 1 nay to refer the matter to the Planning Board with Councilor Shawn E. Cadime voting in the negative and Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

PRIORITY COMMUNICATIONS

11. Traffic Commission recommending amendments to traffic ordinances
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the amendments to the Committee on Ordinances and Legislation, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.
12. Purchasing Agent re: surplus property at the Fall River Police Department
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the surplus property, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

COMMITTEE REPORTS – None **ORDINANCES**

Second reading and enrollment:

13. Proposed Ordinance – Traffic, Miscellaneous
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.
Approved, August 20, 2018, Mayor Jasiel F. Correia II

Proposed Ordinance – Traffic, President Avenue

a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.
Approved, August 20, 2018, Mayor Jasiel F. Correia II

15. Proposed Ordinance – Crime and Data Analyst – Police Department

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.
Approved, August 20, 2018, Mayor Jasiel F. Correia II

RESOLUTIONS – None

CITATIONS

16. Cynthia Rodrigues – Retirement after 30 years of leading the Labor Council

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Derek R. Viveiros, it was unanimously voted to adopt the citation, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

17. McGovern's On The Water – 50th Anniversary

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the citation, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

18. Tiverton Casino Hotel – Ribbon Cutting Ceremony

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the citation, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

ORDERS – HEARINGS

Auto Body Shop License:

19. Fausto Ortiz, 1488 Pleasant Street, Auto Rally, Inc. located at 1033 Pleasant Street
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the order, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Approved, August 20, 2018, Mayor Jasiel F. Correia II

Auto Repair Shop License:

20. Fausto Ortiz, 1488 Pleasant Street, Auto Rally, Inc. located at 1033 Pleasant Street
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Approved, August 20, 2018, Mayor Jasiel F. Correia II

- Curb Removal:
21. Jose Pedro Lelis, 195 Middle Street, requests the removal of 12.4 feet at 1098 Bedford Street for a total of 26 feet
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, as amended with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.
Approved, August 20, 2018, Mayor Jasiel F. Correia II

ORDERS – MISCELLANEOUS

22. Police Chief's report on licenses:

Taxicab Drivers:

Joyce Fels

George Grothe

Hector M. Lebron Ortiz

Beau Rapoza

Jonathan Riopelle

Amy Rivas

Aracelis Santiago

Muhammad Shabbir

Matthew L. Stets

Private Livery Driver:

Jessica Oliver

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Revocation of license for storage of inflammables at request of owner:

23. Sam's Real Estate Business Trust to store 60,000 gallons of gasoline on Brayton Avenue Extension at Jefferson Street

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the order, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Approved, August 20, 2018, Mayor Jasiel F. Correia II

24. Auto Repair Shop License Renewals:

Fouad Rechmani d/b/a JC Gas, LLC located at 537 Bedford Street

Jody Oliveira d/b/a Auto Loft, Inc. located at 10 Durfee Street

Tanios Barbour d/b/a Barbour Auto Sales, Trust at 735 Pleasant Street

Manuel J. Ferreira, J&S Auto Sales and Repair, Inc. at 178 Aberdeen Street

David Saber, Eleventh Street Association, Inc. at 50 Sixth Street

Jody Oliveira, Ground Earth, Inc. located at 232 Lapham Street

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, as amended with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Approved, August 20, 2018, Mayor Jasiel F. Correia II

Taxicab Vehicles:

25. Town Transportation – 2 applications – License numbers 34 and 36

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

26. City Engineer prepare plans for the acceptance of Tone Street from Freedom Street to dead end

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Planning Board, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

MUNICATIONS – INVITATIONS – PETITIONS

Claims

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the claims to Corporation Counsel, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

28. Drainlayer license - Foley Excavation, LLC

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the drainlayer license, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

29. Fall River Redevelopment Authority re: Preliminary Screening Committee

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

30. Open Meeting Law Complaint from Patrick Higgins re: July 12, 2018 City Council Meeting

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted to refer the complaint to Corporation Counsel, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

31. Open Meeting Law Complaint from Jo Goode re: July 12, 2018 City Council Meeting

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the complaint to Corporation Counsel, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

32. Communication from the Attorney General's Division of Open Government with determination for Open Meeting Law Complaint from Patrick Higgins re: June 6, 2018 City Council Committee on Ordinances and Legislation Meeting

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and place on file, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

33. The Alliance to Save the Trail re: correspondence with the law firm of McGregor & Legere

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the communication be referred to the Committee on Finance, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #36, 37 and 38 together, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Zoning Board of Appeals Minutes:

36. November 16, 2017

37. January 18, 2018

38. June 14, 2018

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the minutes be accepted and placed on file, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #39, 40 and 41 together, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Planning Board Minutes:

39. January 9, 2018

40. January 31, 2018

41. May 31, 2018

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the minutes be accepted and placed on file, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #42 through 53 together, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

City Council Meeting Minutes:

42. Public Hearings – September 26, 2017

43. Public Hearings – October 24, 2017

44. Public Hearings – December 19, 2017

45. Committee on Finance – September 26, 2017

46. Committee on Finance – December 19, 2017

47. Committee on Finance – June 26, 2018

48. Committee on Finance – July 12, 2018

49. Regular Meeting of the City Council – September 26, 2017

50. Regular Meeting of the City Council – October 10, 2017

51. Regular Meeting of the City Council – October 24, 2017

52. Regular Meeting of the City Council – November 14, 2017

53. Regular Meeting of the City Council – December 19, 2017

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the minutes be approved, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES

54. Environmental Notification – Proposed Cathodic Protection Ground Bed

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

CITY COUNCIL MEETING DATE: AUGUST 15, 2018

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

Report of the Committee on Finance:

Agreement with EnerNOC, Inc. to enroll the Water Division in the demand response program for electricity

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to waive the rules to allow the Deputy Administrator of Community Utilities to answer questions, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting. The Deputy Administrator of Community Utilities gave a brief overview of the program.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the order, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

First Reading:

Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that proposed ordinance be passed through first reading, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Proposed Ordinance – Parking Clerk/Director of Traffic and Parking

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that proposed ordinance be passed through first reading, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Proposed Ordinance – Network Administrator – MIS

Councilor Pam Laliberte-Lebeau stated that the stipends will cease with this proposed ordinance. On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that proposed ordinance be passed through first reading, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Proposed Ordinance – Assistant City Clerk

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that proposed ordinance be passed through first reading, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

First Reading, as amended:

Proposed Ordinance – City Treasurer

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that proposed ordinance be passed through first reading, as amended with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Proposed Ordinance – Manager of Operations – Streets and Highways – DCM

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that proposed ordinance be passed through first reading, as amended with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Grant leave to withdraw:

Proposed Ordinance – Assistant Human Resources Director

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 4 yeas, 3 nays that proposed ordinance be granted leave to withdraw, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Auto Repair Shop License Renewals:

Jody Oliveira d/b/a Auto Loft, Inc. located at 10 Durfee Street

Jody Oliveira, Ground Earth, Inc. located at 232 Lapham Street

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Committee on Regulations, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

RESOLUTIONS

Forward letter to City Engineer regarding the current condition and paving of Melrose Street
On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the resolution, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

COMMUNICATIONS – INVITATIONS – PETITIONS

Drainlayer license – B & B Excavation, Inc.
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was unanimously voted to approve the drainlayer license, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adjourn at 9:28 p.m.

List of documents and other exhibits used during the meeting:

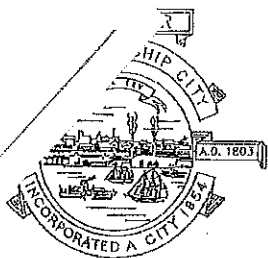
Agenda packet (attached)
DVD of meeting

A true copy. Attest:



City Clerk

In City Council, October 9, 2018
Approved.



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2018 AUG 13 P 3:48

CITY CLERK _____
FALL RIVER, MA

LISON M. BOUCHARD
CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
WEDNESDAY, AUGUST 15, 2018
AGENDA

INÊS LEITE
ASSISTANT CITY CLERK

5:45 P.M. PUBLIC HEARINGS

Auto Body Shop License

1. Fausto Ortiz, 1488 Pleasant Street, Fall River, MA, Auto Rally, Inc., for a license to operate an auto body shop at 1033 Pleasant Street, on Lot K-07-0005, Assessors Plan.

Auto Repair Shop License

2. Fausto Ortiz, 1488 Pleasant Street, Fall River, MA, Auto Rally, Inc., for a license to operate an auto repair shop at 1033 Pleasant Street, on Lot K-07-0005, Assessors Plan.

Curb Removal

3. Jose Pedro Leis, 195 Middle Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
1098 Bedford Street	13' 8"	12' 4"	0'	26'

The petitioner is requesting to widen the opening of the driveway by 12.4 feet to the south, to provide additional off-street parking to the residence. 1098 Bedford Street is a single family residence at the corner of Bedford Street and Eddy Street, which maintains an existing 13.8 foot narrow driveway and single car garage along the Eddy Street side. The work does not impact utilities or signage, and does not significantly impact on-street parking.

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

1. Citizen Input
2. *Transfers and appropriations (see items 5 & 6 below)
3. *Communication from Mayor and agreement with EnerNOC, Inc. to enroll the Water Division in the demand response program for electricity (referred 6-26-2018)
4. Discussion with Community Preservation Committee regarding funding recommendations and the Fiscal Year 2019 Appropriation Order (see item 4 below)

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

PRIORITY MATTERS

1. *Mayor requesting confirmation of Kelly Souza-Young as Chairperson, Board of Election Commissioners/Director of the Office of Elections
2. *Mayor requesting confirmation of Tess Gallagher Curran as Director of Health and Human Services

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

3. *Mayor and orders of land acquisition:
 - a. 1941-1945 Bay Street, Lots A-14-0034 and A-14-0036
 - b. 861 Indian Town Road, Lot W-24-0001
 - c. 75 Yellow Hill Road, Lots W-38-0050 and W-38-0051
4. *Community Preservation Committee regarding funding recommendations and the Fiscal Year 2019 Appropriation Order (see Finance 3 above)
5. *Transfers and appropriations - \$592,364 from municipal receipts (Final Cherry Sheet State Aid)
 - a. \$221,410 to State and County Assessments for the increase in Charter School Assessments
 - b. \$185,477 to School Appropriation
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\$1,042,975.88 to Streets and Highways Dept. Capital Equipment Fund from the following inactive capital projects:

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Department Equipment (DPW)	\$ 1,055.00
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Industrial Park Improvements	\$ 603.59
7. *Mayor and loan order in the amount of \$122,000 for Police Department Equipment
8. *Mayor and updated Building Capital Improvement Plan
9. *Mayor requesting presentations before Committee on Finance in September for new voting Equipment
10. *Mayor and amendment to the Central Market Rate Housing Incentive Zone and Plan for the former Lincoln School located at 439 Pine Street

PRIORITY COMMUNICATIONS

11. Traffic Commission recommending amendments to traffic ordinances
12. *Purchasing Agent re: surplus property at the Fall River Police Department

COMMITTEE REPORTS – None

ORDINANCES

Second reading and enrollment:

13. *Proposed Ordinance – Traffic, Miscellaneous
14. *Proposed Ordinance – Traffic, President Avenue
15. *Proposed Ordinance – Crime and Data Analyst – Police Department

RESOLUTIONS – None

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

CITATIONS

16. Cynthia Rodrigues – Retirement after 30 years of leading the Labor Council
17. McGovern's On The Water – 50th Anniversary
18. Tiverton Casino Hotel – Ribbon Cutting Ceremony

ORDERS – HEARINGS

Auto Body Shop License:

19. Fausto Ortiz, 1488 Pleasant Street, Auto Rally, Inc. located at 1033 Pleasant Street

Auto Repair Shop License:

20. Fausto Ortiz, 1488 Pleasant Street, Auto Rally, Inc. located at 1033 Pleasant Street

Curb Removal:

21. Jose Pedro Lelis, 195 Middle Street, requests the removal of 12.4 feet at 1098 Bedford Street for a total of 26 feet

ORDERS – MISCELLANEOUS

22. Police Chief's report on licenses:

Taxicab Drivers:

Joyce Fels	George Grothe	Hector M. Lebron Ortiz
Beau Rapoza	Jonathan Riopelle	Amy Rivas
Aracelis Santiago	Muhammad Shabbir	Matthew L. Stets

Private Livery Driver:

Jessica Oliver

Revocation of license for storage of inflammables at request of owner:

23. Sam's Real Estate Business Trust to store 60,000 gallons of gasoline on Brayton Avenue Extension at Jefferson Street

24. Auto Repair Shop License Renewals:

Fouad Rechmani d/b/a JC Gas, LLC located at 537 Bedford Street
Jody Oliveira d/b/a Auto Loft, Inc. located at 10 Durfee Street
Tanios Barbour d/b/a Barbour Auto Sales, Trust at 735 Pleasant Street
Manuel J. Ferreira, J&S Auto Sales and Repair, Inc. at 178 Aberdeen Street
David Saber, Eleventh Street Association, Inc. at 50 Sixth Street
Jody Oliveira, Ground Earth, Inc. located at 232 Lapham Street

Taxicab Vehicles:

25. Town Transportation – 2 applications – License numbers 34 and 36
26. City Engineer prepare plans for the acceptance of Tone Street from Freedom Street to dead end

COMMUNICATIONS – INVITATIONS – PETITIONS

27. *Claims
28. Drainlayer license - Foley Excavation, LLC
29. *Fall River Redevelopment Authority re: Preliminary Screening Committee
30. *Open Meeting Law Complaint from Patrick Higgins re: July 12, 2018 City Council Meeting
31. *Open Meeting Law Complaint from Jo Goode re: July 12, 2018 City Council Meeting

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

- 32. *Communication from the Attorney General's Division of Open Government with determination for Open Meeting Law Complaint from Patrick Higgins re: June 6, 2018 City Council Committee on Ordinances and Legislation Meeting
- 33. *The Alliance to Save the Trail re: correspondence with the law firm of McGregor & Legere
- 34. Structure over a public way – Banners for Fall River Opioid Task Force
 - a. Pleasant Street at Fourteenth Street
 - b. Bedford Street at Purchase Street
- 35. *Deputy Director of EMS requesting permission to hang 3 banners from the railings of Government Center for "National Overdose Awareness Day"

Zoning Board of Appeals Minutes:

- 36. *November 16, 2017
- 37. *January 18, 2018
- 38. *June 14, 2018

Planning Board Minutes:

- 39. *January 9, 2018
- 40. *January 31, 2018
- 41. *May 31, 2018

City Council Meeting Minutes:

- 42. *Public Hearings – September 26, 2017
- 43. *Public Hearings – October 24, 2017
- 44. *Public Hearings – December 19, 2017
- 45. *Committee on Finance – September 26, 2017
- 46. *Committee on Finance – December 19, 2017
- 47. *Committee on Finance – June 26, 2018
- 48. *Committee on Finance – July 12, 2018
- 49. *Regular Meeting of the City Council – September 26, 2017
- 50. *Regular Meeting of the City Council – October 10, 2017
- 51. *Regular Meeting of the City Council – October 24, 2017
- 52. *Regular Meeting of the City Council – November 14, 2017
- 53. *Regular Meeting of the City Council – December 19, 2017

BULLETINS – NEWSLETTERS – NOTICES

- 54. Environmental Notification – Proposed Cathodic Protection Ground Bed


City Clerk

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: AUGUST 15, 2018

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

Report of the Committee on Finance:

Agreement with EnerNOC, Inc. to enroll the Water Division in the demand response program for electricity

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



City of Fall River
Massachusetts
Office of the Mayor

FINANCE **3**
RECEIVED

2018 JUN 20 P 4:09

JASIEL F. CORREIA II
Mayor

CITY CLERK
FALL RIVER, MA

June 20, 2018

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

Dear Councilors:

Your approval of the attached agreement with ENERNOC is respectfully requested.

This agreement will enroll the Water Division in the demand response program for electricity. The Water Treatment Plant will earn revenue based on the kilowatt capacity of the emergency generator. Additional revenue can occur if an emergency event is triggered due to a shortfall of electricity in the grid and the emergency generator is used during said emergency.

The estimated revenue is \$43,200.00 per year depending on the market rate and emergency events. The agreement includes ENERNOC paying \$93,995.00 to upgrade our emergency generator which will be paid for by the revenue generated.

Please contact Terrance Sullivan or Paul Ferland if you have any questions.

Sincerely,

Jasiel F. Correia II
Mayor

Attachment

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 26 2018

*Referred to the
Committee on Finance*

ORDERED, that the Mayor be and the same is hereby authorized to enter into the attached agreement between the City of Fall River Water Division and EnerNOC, Inc. This agreement will enroll the Water Division in the demand response program for electricity.

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 26 2018

*Referred to the
Committee on Finance*

Demand Response Order Form

Provider:
EnerNOC, Inc.
One Marina Park Drive, Suite 400
Boston, MA 02210

Order Form #: 00197583.0
Order Effective Date: 4/1/2018
Order Expiration Date: 11/30/2023

Customer:
Name: Fall River Water Treatment Plant
DR Payment Contact: Paul Ferland
(508) 324-2320
pferland@fallriverma.org
DR Payment Address: 1620 Bedford Street
Fall River, MA 02720

This Order Form (this "Order Form"), made by and between the provider identified above ("Provider") and the customer identified above ("Customer"), is subject to and governed by Provider's: (i) applicable program rule attachment(s) attached hereto (each a "PRA") for the demand response solutions (the "Solutions"), and (ii) general terms and conditions available at <https://www.enernoc.com/terms-and-conditions-1.1-order-form-US.pdf> ("Terms and Conditions"), which are hereby incorporated by reference. Provider and Customer are referred to herein collectively as the "Parties" and each individually as a "Party" to this Order Form.

Demand Response Program	Zone	Aggregate Anticipated Capacity (kW)	Capacity Payment Rate	Energy Payment Rate
New England Demand Response Program	SEMA	600	\$5.83/kW Month	\$0.50/kWh

Demand Response Terms:

Term. The term of this Order Form shall commence on the Order Effective Date and continue until the later of (i) the Order Expiration Date ("Order Term") or (ii) the expiration of the last Program Period (as defined in the PRA) then in effect.

Demand Response Solutions. The Parties understand that the "Anticipated Capacity" value set forth on this Order Form is solely the Parties' best estimate of performance and does not necessarily represent the Customer's Accepted Capacity (as defined in the applicable PRA incorporated by reference).

Demand Response Payments. For each Customer site address that is enrolled in a demand response program, Provider shall pay Customer in accordance with the applicable PRA. Unless otherwise indicated on the applicable PRA, any reference to a payment "%" shall mean (i) the capacity payment rate identified on this Order Form as a percent of the price obtained by Provider for the applicable demand response program and/or product, and (ii) the energy payment rate identified on this Order Form as a percent of the energy payments available to Provider.

Provider
Signature: _____
Name: _____
Title: _____

Customer
Signature: _____
Name: _____
Title: _____

FINANCE 3

The following reflects current estimates provided by Customer, which, may change during the Order Term. Provider reserves the right to amend the Site Address Attachment by providing written notice to Customer and with no further act required by Provider or Customer.

Site Address	Demand Response Program	Anticipated Capacity (kW)	Upgrade Site or Contributing Site
1831 Bedford Street Fall River, MA 02723	New England Demand Response Program	600	Upgrade Site

Program Rule Attachment
New England Demand Response Program

FINANCE 3

Description. Provider shall enroll and manage Customer's Accepted Capacity (as defined below) in one or more demand response programs in New England (each a "DRP", and collectively, the "New England Program"). The New England Program enables Customer to receive recurring payments for being available and reducing electricity consumption when called upon by Provider to do so.

Program Enrollment. Customer authorizes Provider to enroll Customer in any DRP at any time during the Order Term. Customer has the ability and intent to respond to demand response events called by Provider ("Demand Response Events") during the program period ("Program Period") for the New England Program. From time to time, Provider may send Customer an enrollment notification email that confirms the DRP in which Customer will be enrolled and that sets forth any additional relevant terms.

Program Rules. The terms and conditions applicable to the New England Program are summarized in the table below:

Program Availability	The New England Program is in effect three hundred sixty five (365) days a year, twenty-four (24) hours a day, and seven (7) days a week, as needed.
Program Period	<p>The Program Period consists of the period from December 1st through March 31st (the "Winter Season") and all other months of a calendar year (the "Summer Season").</p> <p>The period from December 1st through January 31st of the Winter Season is designated as the "Peak Winter Period", while the period from June 1st through August 31st of the Summer Season is designated as the "Peak Summer Period".</p>
Event Trigger	Provider will initiate Demand Response Events in the case of a forecasted or real-time reserve shortfall or system emergency.
Advanced Notification	Customers are expected to respond to a Demand Response Event within thirty (30) minutes of receipt of a dispatch notification from Provider.
Event Frequency & Duration	Each Demand Response Event will last for a minimum of sixty (60) minutes. There will be no more than two (2) Demand Response Events per calendar day.
Testing Requirement	If no Demand Response Events occur during the Winter Season or Summer Season, Provider may call one (1), one-hour test event (a "Test Event") during the respective season to confirm Accepted Capacity.
Availability Reporting	Customer shall provide written notice to Provider of any unavailability to respond to a Demand Response Event by noon (12 PM) EST on the day prior to the start of such unavailability. Customer's written notice shall include the expected duration of unavailability.

The foregoing table reflects the current terms and conditions of the New England Program, which terms and conditions may be amended by Provider from time to time by providing email notice to Customer with no further act required by Provider or Customer.

Customer Capacity.

Accepted Capacity. "Accepted Capacity" shall represent the best estimate of Customer's performance based on analysis of consumption data and pre-enrollment testing. Customer agrees that the Accepted Capacity may be adjusted by Provider in the future to reflect actual performance, changes in facility operations, DRP terms and conditions, and regulations and/or other relevant information, including availability of capacity. Accepted Capacity will apply for the Program Period and Provider will notify Customer of any changes to Accepted Capacity as required in the terms and conditions of the New England Program or the applicable DRP.

Delivered Capacity. "Delivered Capacity" shall be defined as the average difference between the measured energy demand (in kW) and baseline energy usage over each hourly interval of a Demand Response Event and/or Test Event as measured by Provider's EnerNOC site server ("ESS"). Delivered Capacity is calculated on a monthly basis based on all Demand Response Event and Test Event hours during that month; provided, however, that Delivered Capacity may be further adjusted based on Customer's average performance in the Peak Summer Period and Peak Winter Period. If Delivered Capacity is not greater than 75% of Accepted Capacity in a given month, then Delivered Capacity for such month will equal zero (0) kW. Delivered Capacity in a given month will be calculated up to 125% of Accepted Capacity for such month, in accordance with the terms and conditions of the New England Program or the applicable DRP, and as measured by the ESS.

Payments.

Payments to Customer.

Capacity Payments. Provider will pay Customer a Capacity Payment Rate multiplied by either (i) Customer's Accepted Capacity if no Demand Response Events or Test Events have been initiated, or (ii) Customer's Delivered Capacity following a Demand Response Event or a Test Event.

- ii. **Energy Payments.** In months when one (1) or more Demand Response Events are called, Provider will pay Customer an Energy Payment Rate in connection with Customer responding to a Demand Response Event when notified by Provider; provided, however, that the Energy Payment Rate will not exceed the locational marginal price applicable to a particular Demand Response Event.
 - iii. **Payment Cap.** Provider may, at its discretion, remove the minimum and maximum caps outlined in Section 4(b) above for a single Demand Response Event or Test Event on a case-by-case basis.
 - iv. **Underperformance.** In no event shall Customer be penalized for underperformance or non-performance, other than to have future payments reduced to reflect Accepted Capacity or Delivered Capacity.
- b. **Payment Timing.** Provider shall make all payments associated with Customer's participation in the New England Program to Customer on a quarterly basis, and such payments shall be made within forty-five (45) days of Provider's receipt of total payment from the utility or grid operator of the applicable DRP.

FINANCE 3

This Generator Compliance Project Addendum (the "Generator Compliance Project Addendum") is appended to Order Form 00197583.0 (the "Order Form") and incorporated by reference therein. In the event of any inconsistency, ambiguity, or conflict between the Generator Compliance Project Addendum and any PRA and/or the Order Form, this Generator Compliance Project Addendum shall govern. Unless otherwise defined herein, capitalized terms shall have the meaning given to them in the applicable Order Form or PRA. For the avoidance of doubt, this Generator Compliance Project Addendum affects the rights and obligations of the Parties solely with respect to the Site Addresses that are identified as Upgrade Site(s) and, as applicable, Contributing Site(s).

1. Definitions.

- a. **Upgrade Site(s).** The "Upgrade Site(s)" refers to the Customer's Site Address(es) for which Provider will provide the Generator Compliance Project (as such services are described in further detail herein), and as those Site Address(es) are identified as the Upgrade Site(s) on the Site Address Attachment of the Order Form.
- b. **Contributing Site(s).** The "Contributing Site(s)" are, as applicable, certain other Site Address(es), as identified by the Customer; for which Provider will retain Capacity Payments and/or Energy Payments that would otherwise be payable to Customer for the purpose of defraying the Generator Compliance Project Costs, as described in greater detail herein and as identified as the Contributing Site(s) on the Site Address Attachment of the Order Form.
- c. **Enrollment Date.** For a given Site Address, the "Enrollment Date" for a given Program refers to the date specified in the Provider's enrollment e-mail to the Customer stating that the Site Address(es) listed on the Site Address Attachment is enrolled to participate in one or more specified Program.
- d. **Grid Operator.** The "Grid Operator" refers to, as applicable, the grid operator, independent system operator, regional transmission organization, and/or utility that administers the Program.
- e. **Reimbursement Term.** For a given Site Address, the "Reimbursement Term" shall commence as of the Enrollment Date and continue through the period of time identified in Schedule 1 ("Reimbursement Schedule"), and as may be adjusted from time to time pursuant to Section 3(b) below.

2. Generator Compliance Project.

- a. Provider will facilitate the provision of certain necessary ancillary equipment modifications at the Upgrade Site(s), as: (i) such modifications are required to comply with the Environmental Protection Agency administrative ruling referred to as RICE NESHAP, as such requirements exist as of the Order Effective Date, in order to utilize on-site generation in connection with Customer's participation in the Program(s), and/or; (ii) such modifications are otherwise mutually agreed upon between the parties and required in order to utilize on-site generation in connection with Customer's participation in the Program(s) at the Upgrade Site(s) (as described in more detail in this Section 2).
- b. Provider will manage the Generator Compliance Project and pay for the Generator Compliance Project Costs as shown in Schedule 1, and as adjusted pursuant to Section 3(b) below ("Project Cost Adjustments"). Except as set forth in Section 3(b) below, in no event will Provider pay for services in excess of the Schedule 1 attached hereto. As used herein, "Generator Compliance Project" refers to, collectively, the services and deliverables for the Upgrade Site(s) for which Provider will pay, as described in this Section 2. The costs of these services and deliverables are collectively referred to herein as "Generator Compliance Project Cost(s)."
- c. Title to any deliverables of the Generator Compliance Project will transfer upon delivery.
- d. At each of the Upgrade Site(s), Customer is solely responsible for any fees or costs in addition to the Generator Compliance Project Costs associated with the Generator Compliance Project, including but not limited to maintenance, additional professional services, replacement parts, fuel costs, insurance, and (unless otherwise expressly stated to the contrary) permitting. Customer bears the entire risk of loss, theft, malfunction, damage or destruction of any deliverable in whole or in part from any cause whatsoever. No such occurrence shall relieve Customer from its obligations under this Agreement.
- e. At each of the Upgrade Site(s), Customer will operate and maintain the generator and deliverables at all times in accordance with the written instructions of the manufacturer, Provider, and Provider's subcontractors and agents. In addition, Customer will operate the equipment consistent with information that may be outlined in an associated quote for the deliverables. Customer will use fuels with sulfur content lower than 50 ppm by weight or other contaminants such as siloxanes, phosphorus, zinc, barium, and lead. Customer will record all operating parameters on an hourly basis.
- f. During the Order Term, Customer agrees to provide reasonable access and cooperation to Provider, its subcontractors, and agents to the Upgrade Site(s) in order to deliver and install the deliverables and to provide all related services.

3. Payment Accrual and Offset.

- a. **Reimbursement Deductions.** For the Upgrade Site(s), Customer will begin to accrue Capacity Payments and/or Energy Payments pursuant to the Order Form beginning as of the Enrollment Date. For a given Upgrade Site, Provider will pay Capacity Payments and/or Energy Payments to Customer, less all or a portion of the Reimbursement Deduction (as identified in Schedule 1), following the Enrollment Date for that Upgrade Site during the Reimbursement Term. For a given Contributing Site, Provider will pay Capacity Payments and/or Energy Payments in accordance with the Order Form without any Reimbursement Deduction, until the first Enrollment Date for any Upgrade Site identified on the Site Address Attachment, at which time such payments may be subject to the Reimbursement Deduction during the Reimbursement Term.

- b. Subject to the adjustments detailed in Section 3(b), Provider will deduct Generator Compliance Project Costs from Capacity Payments and/or Energy Payments otherwise due to Customer for the Upgrade Site(s) and Contributing Site(s) over the Reimbursement Term as shown in Schedule 1. Following the Reimbursement Term, Provider will pay Capacity Payments and/or Energy Payment to Customer for Upgrade Sites and Contributing Sites in accordance with the applicable Order Form without regard for the payment language included in this Generator Compliance Project Addendum.
- c. **Project Cost Adjustments.** The parties agree that the Generator Compliance Project Cost identified in Schedule 1 is an initial estimate. Provider reserves the right to adjust Reimbursement Deductions and/or Reimbursement Term (as identified in Schedule 1) at its sole discretion in the event that the Generator Compliance Project Costs change by twenty (20%) percent or less than the previously-quoted Generator Compliance Project Costs. Provider will provide no less than thirty (30) days' notice of any such adjustment. If the previously-quoted Generator Compliance Project Cost changes by more than twenty (20%) percent, then Provider may adjust Reimbursement Deductions and/or Reimbursement Term, provided that Provider obtains prior written approval from Customer.
- d. **Capacity Payment Rate Adjustments.** Provider may, in its sole discretion, adjust Customer's Capacity Payment Rate for the Upgrade Site(s) in response to underperformance as described in Schedule 2 attached hereto.

4. **Reimbursement Payment.**

- a. **Generator Compliance Project Reimbursement Payment.** Notwithstanding anything to the contrary in the PRA, Customer will be required to pay to Provider a one-time reimbursement payment equal to the balance of the Generator Compliance Project Costs that remains unpaid (the "Reimbursement Payment") in the event that: (a) Customer has not repaid the Generator Compliance Project Cost after Provider's receipt of the Grid Operator's final payment for the third full calendar year subsequent to the Enrollment Date, or; (b) this Order Form is terminated pursuant to the Customer's exercise of its termination right under the Terms and Conditions during the Reimbursement Term. Provider shall invoice the Customer for the balance of Generator Compliance Project Costs (the "Reimbursement Payment"), and Customer shall pay within thirty (30) days of invoice date.
- b. **Reimbursement Payment for Early Termination.** Termination of the Agreement for any reason other than the Customer's exercise of its termination rights under the Terms and Conditions (including Provider's termination of the Agreement during the Reimbursement Term following Customer's material breach of the Agreement) will cause the Reimbursement Payment, plus an early termination fee equal to twenty (20%) percent of the Reimbursement Payment, to become due and payable to Provider within thirty (30) days of the termination date, regardless of the period of time remaining in the Reimbursement Term.

- 5. **Indemnification.** Notwithstanding any other terms of the Order Form, Customer indemnifies, defends and holds Provider and Provider's affiliates, directors, employees, and agents harmless against any third-party claim, action, liability or expense, including reasonable attorney's fees and court costs, incurred by Provider related to the Generator Compliance. While it is not anticipated that Provider will have any liability for torts related to the Generator Compliance Project, the foregoing indemnification obligations apply to any tort proceedings including any strict liability claim, any claim under another theory related to latent or other defects and any patent, trademark or service mark infringement claim. The terms of this section survive the termination of this Agreement. Customer agrees that Provider does not provide any representations or warranties, either express or implied, with respect to the services or deliverables of the Generator Compliance Project, including any warranties of merchantability or fitness for a particular purpose.
- 6. **Generator Use.** With respect to the materials provided pursuant to the Generator Compliance Project, Customer agrees that, during the Order Term, Customer will not knowingly take any actions which could adversely impact their ability to perform at the levels identified in the Order Form at any Upgrade Sites. Customer acknowledges that attempting to actively manage its peak load contribution or other relevant peak charges ("PLC Management") may increase the likelihood of underperformance and that its Delivered Capacity will generate insufficient Capacity and/or Energy Payments to cover the Generator Compliance Project Costs. In the event that Customer wishes to engage in PLC Management and does not want to participate in demand response following the expiration of the Order Term, then within ninety (90) days prior to the expiration of the Order Term, Customer will contact the Provider to discuss potential services, and Provider will have a right of first offer to provide PLC Management to Customer.

FINANCE 3

Schedule 1
Reimbursement Schedule

FINANCE

3

Generator Compliance Project Cost	\$93,995.00
Reimbursement Term	The period of time required for Provider to receive full reimbursement for the Generator Compliance Project Cost, where 100% of the Capacity Payments and/or Energy Payments from the Contributing Site(s) will be retained by Provider to offset the Generator Compliance Project Cost until Provider is fully reimbursed
Reimbursement Deduction (per month)	The monthly Reimbursement Deduction will equal the entirety of Capacity Payments and/or Energy Payments from the Contributing Site(s) for each month until the remaining Generator Compliance Project Cost is fully repaid

Schedule 2
Performance Adjustment Schedule

FINANCE 3

1. Delivered Capacity Calculation and Timing.

Within forty-five (45) days following the end of any Delivery Year, Provider will calculate Customer's Delivered Capacity for the Upgrade Site(s) for that preceding Delivery Year (each such Delivery Year, an "Assessed Delivery Year").

Based on those calculations for the Assessed Delivery Year, Customer's Capacity Payment Rate for the Upgrade Site(s) for the Delivery Year that immediately follows the Assessed Delivery Year may, in Provider's sole discretion, be adjusted (each such Delivery Year, an "Adjusted Delivery Year") in accordance with Section 2 below.

2. Capacity Payment Rate Adjustment.

Customer's Capacity Payment Rate will be modified for each Adjusted Delivery Year, at Provider's discretion, as follows: where Customer's Delivered Capacity for the preceding Assessed Delivery Year falls within a range identified in the "Delivered Capacity" column in Table 1 below, Customer's Capacity Payment Rate will be adjusted accordingly by reducing Customer's Capacity Payment Rate by the corresponding percentage or amount identified in the "Capacity Payment Rate Adjustment" column of that table (each such change, a "Rate Adjustment").

Rate Adjustment Table 1	
Delivered Capacity	Capacity Payment Rate Adjustment
575kW or greater	\$0/kW Month
550kW to 575kW	\$0.146/kW Month
475kW to 550kW	\$0.292/kW Month
475kW or less	\$0.583/kW Month

For the avoidance of doubt, such Rate Adjustment will apply retroactively to the beginning of the Adjusted Delivery Year through the entirety of that Adjusted Delivery Year, regardless of when Provider has actually finalized the calculations.



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

RECEIVED

2018 AUG -8 P 2: 16

JASIEL F. CORREIA II
Mayor

CITY CLERK
FALL RIVER, MA

August 9, 2018

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

Honorable Members of the City Council:

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

Name: Kelly Souza-Young

Address: 11 Davis Street
Fall River, MA 02720

To: Chairperson, Board of Election Commissioners/Director of the
Office of Elections

Term to expire: April 1, 2019

To fill the vacancy caused by the retirement of Elizabeth A. Camara.

Best Regards,

Jasiel F. Correia II
Mayor

Kelly A. Souza-Young

11 Davis Street, Fall River, MA 02720-508-617-3783 - kellysouza47@comcast.net

Objective Seeking a position as an Election Commissioner.

Experience

Head Clerk
City of Fall River
Board of Elections, Fall River MA
2016-Present

- Duties similar to the Principle Clerk position
- Office Payroll
- Requisitions and Bill Schedules in Munis
- Compiling and Proofreading Election results
- Assign poll workers and maintain payroll
- Verifying names on Nomination papers

Principle Clerk
City of Fall River
Board of Elections, Fall River MA
2014-2016

- Inputs Census and Voter information in VRIS
- Customer Service
- Process Absentee Ballots
- Verify Death Lists and remove voters from rolls
- Inventory control of office supplies

Office Manager
Bay State Crucible Company, Taunton, MA
2007-2014

- Bookkeeping in QuickBooks
- Quarterly and year-end inventory in Excel
- Customer Service

Accounting Clerk/Administrative Assistant Associated
Career Network, Fall River, MA
2006-2007

- Temporary assignments using QuickBooks and Excel

Administrative Assistant/Billing Clerk

Allied Waste Services, Fall River, MA

2005 – 2006

- Accounts receivable
- Customer Service
- Verified reports for residential and commercial customer base

Financial Aid Administrator/Assistant School Manager

Rob Roy Academy, Fall River, MA

2002 – 2004

- Assisted School Manager with day-to-day operations
- Processed financial aid for prospective students
- Communication with Department of Education regarding Title IV funds

Education

A.S., Business Administration

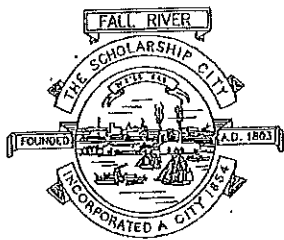
Bristol Community College, Fall River, MA

1998

- Received the Massachusetts Performance Award
- Tutored first-year accounting students
- Maintained a 3.5 G.P.A.

References

References are available on request



JASIEL F. CORREIA II
Mayor

City of Fall River
Massachusetts
Office of the Mayor

2
RECEIVED

2018 AUG -8 P 2:16

CITY CLERK
FALL RIVER, MA

August 9, 2018

Honorable City Council
One Government Center
Fall River, MA 02722

Councillors:

We are pleased to submit for your approval the appointment of Tess Gallagher Curran as our new Director of Health and Human Services. Ms. Curran has a Master's Degree in Public Health and has done outreach in the healthcare industry for programs including World Trade Center Health Program for 911 first responders and Dana Faber Cancer Institute community program for cancer screenings. Ms. Curran's marketing experience will also enable her to strengthen the City's collaboration with our health service agencies and their constituencies. Her starting annual salary will be \$82,000. Her Resume is included for your reference.

Your approval is respectfully requested.

Best Regards,

Mayor Jasiel F. Correia II
Mayor

2

TESS GALLAGHER CURRAN

22 Vassar Avenue
Providence, RI 02906

(508) 277-5541
Tess.Curran@gmail.com

July 8, 2018

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

To Selection Committee:

I am submitting my application for the Director of Health and Human Services position. Most recently, I worked as an Outreach and Retention Associate at the World Trade Center Health Program. There, I worked directly with 9/11 first responders in an effort to maintain their participation in the monitoring and research program. This included fostering relationships with University, hospital, and community-based stakeholders who helped promote the program and engage potential participants. I also conducted outreach, evaluation, and proposed innovative strategies for program improvement.

Similarly, as a Health Educator at Dana Farber Cancer Institute I collaborated with diverse communities to deliver sun safety information, hosted cancer screenings and interventions, and addressed health disparities. My responsibilities included hiring, training, supervising, and scheduling student interns and program volunteers.

While working in health-related marketing and event planning I successfully coordinated multidisciplinary teams with a variety of schedules and personalities. I handled contracts and negotiations for venues and speakers, and I developed conference schedules, session plans, and presentations. I stay on task, remain organized, and effectively communicate needs and deadlines to internal and external parties.

I am confident that with previous work experience I have much to offer the city of Fall River in the Director of Health and Human Services role. I would appreciate the opportunity to meet with you in person to discuss my application.

Thank you for your time and consideration.

Sincerely,

Tess Curran

TESS GALLAGHER CURRAN, MPH

22 Vassar Avenue
Providence, RI 02906

(508) 277-5541
Tess.Curran@gmail.com

2

PROFESSIONAL EXPERIENCE

NYU SOM World Trade Center Health Program, NY, NY

October 2017 – May 2018

Outreach and Retention Associate

- Established relationships with internal and external stakeholders to educate individuals and organizations about the World Trade Center (WTC) Health Program program eligibility and enrollment
- Encouraged members of the 9/11 First Responder population to enroll and participate in the WTC Health Program at health and benefits fairs
- Assisted with coordination and planning of the Research to Care Community Engagement Event on 9/11 Health, a forum to explain 9/11 environmental hazards and to identify common comorbidities for our patient population
- Developed outreach materials including flyers, newsletters, educational fact sheets, holiday cards, and webinars
- Coordinated and executed monthly raffle drawings to incentivize members to complete medical and mental health monitoring examinations
- Participated in monthly Steering Committee Meetings for 9/11 First Responders to develop program improvements

The Dana-Farber Cancer Institute, Boston, MA

March 2016 – August 2017

Health Educator

- Partnered with communities, corporations, and health fairs to promote our services and coordinate Sun Safety and Skin Cancer Program events
- Recruited, managed, and trained Sun Safety and Skin Cancer Prevention Program volunteers and interns
- Educated at-risk populations about sun safety and skin cancer prevention with evidence-based program materials
- Lead weekly events on the Blum Family Resource Van to promote awareness, encourage behavior change, and facilitate free screenings with an on-site dermatologist
- Conducted post-event data collection and follow up
- Developed a quality improvement project that analyzed the program's patient population demographic and follow-up data

Best Doctors, Inc., Boston, MA

March 2014 – April 2016

Marketing Events Associate

- Lead development and production of Best Doctors-sponsored Healthcare Innovations Summit including: Conduct site visits, vendor selection, speaker selection, guest list, marketing campaign, event logo, invitation and signage development, contract negotiation, budget management, and oversight of temporary support and volunteers
- Schedule, promote and deliver webinars, both public and client facing
- Managed all tradeshow conference logistics, including calendar, memberships, sponsorships, program advertisements, material support and relationships with show producers, staff selection and registration, housing, pre and post communications
- Applied for company presentation opportunities and develop presentation content and materials
- Oversaw booth shipment properties, design and updates
- Tracked lead generation through CRM

Jenzabar, Inc., Boston, MA

May 2011 – December 2013

Events Coordinator

- Maintained and update trade show calendar
- Researched and recommend potential events
- Handled logistical components of national and international conferences and trade shows including selection, staffing, registration, housing, communications
- Managed inventory and shipments of booth properties
- Facilitated relationships with customers, partners, trade associates and outside vendors; Execute all aspects of company hosted conferences
- Planned pre-event details including nature of event, scheme and guest list
- Negotiated contract agreements with facilities, caterers and staff
- Onsite for company hosted events, problem solving and quality control
- Compiled all post-event reports to determine effectiveness of each event, adapt changes, implement better processes
- Oversaw library of planning documents, promotional materials, presentations, catalogs Coordinate direct mail and e-mail campaigns
- Established administrative processes and procedures

Jones and Bartlett Publishers, Maynard, MA

April 2010 – May 2011

Event Associate

- Oversaw trade show and conference event calendar
- Determined trade show requirements based on marketing and sales
- Handled logistics of trade shows, conferences and events
- Directed shipment of booth inventory
- Coordinated marketing materials and displays for conference sites
- Maintained relations with customers, trade associations and vendors
- Organized company marketing & sales meetings
- Planned company social events
- Participated in budget development and fiscal analysis
- Evaluated monthly trade show programs
- Processed monthly trade show and conference receipts
- Tracked monthly financial reports

Marlborough Hospital, Marlborough, MA

June 2009 – April 2010

Marketing & Public Relations Assistant (Internship)

- Collaborated with hospital departments on current events and services
- Worked closely with the Development Department organizing fundraising events
- Implemented best practices to communicate hospital news and services to community
- Generated positive media relations with local newspapers
- Produced creative materials for monthly hospital newsletter
- Oversaw the use of photos for hospital and community newspapers
- Participated in the development of long term marketing strategies for hospital
- Contributed to marketing strategies for the off-site endoscopy suite Spring grand opening

EDUCATION

Massachusetts College of Pharmacy and Health Sciences (MCPHS)

- Master of Public Health (May 2017, *summa cum laude*)
- Lead contributor to MCPHS MPH social media accounts

Fashion Institute of Technology (FIT), State University of New York

- B.S. – Advertising & Marketing Communications (2009)
- A.S.S – Fashion Merchandising & Management (2008)
- Continuing Education: Spring 2008: *How to Produce Galas, Launch Parties and Charity Events*

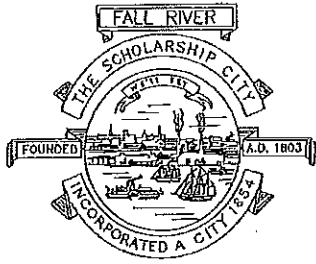
TECHNICAL SKILLS

Microsoft Office Suite (Word, Excel, PowerPoint, Outlook), Constant Contact, Marketo, Salesforce, WebEx, InDesign, EPIC

ADDITIONAL TRAININGS

Motivational Interviewing, Health Literacy

References Furnished Upon Request



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

JASIEL F. CORREIA II
Mayor

TERRANCE SULLIVAN
Administrator

August 9, 2018

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

Dear Councilors:

Please find enclosed three proposed orders of land acquisition for your review and approval. The requests are to purchase the following lots:

- 1941-1945 Bay Street, Lots A-14-0034 and A-14-0036.
- 861 Indian Town Road; Lot W-24-0001
- 75 Yellow Hill Road; Lots W-38-0050 and W-38-0051 (excluding the house and barn and 2-5 acres to be sub-divided).

The lots at 1941-1945 Bay Street are adjacent to the Wastewater Treatment Facility. The former house has been demolished. The lots shall be secured for potential future use and as lay down area for the future rehabilitation of the Wastewater Treatment Facility. Funding has been secured within the authorization approved by the voters in the ballot referendum of November of 2017. The appraisal is attached. The appraisal value was \$77,000. The agreed purchase price is \$77,000. Of that purchase price \$13,000 shall be paid to the estate of the former owner and the remainder shall be applied to past taxes.

861 Indian Town Road, Lot number W-27-0001 is within the Bioreserve and the watershed of the North Watuppa Pond. The Lot would be retained for conservation purposes adding to the Bioreserve and serving to continue future protection of our primary water supply. The lot is 16 acres and is entirely upland. The lot consists of a mature pine-oak forest. The parcel is contiguous to other protected lands. Funding is planned via the Community Preservation Plan. The proposed purchase/sale agreement and appraisal report are attached. The appraisal value was \$365,000. The agreed purchase price is \$325,000.

75 Yellow Hill Road, Lot numbers W-38-0050 and 51 are within the area of the Copicut Reservoir. The Lots would be retained for conservation purposes. The lot is 36 acres and consists of upland pine-oak forest, two abandoned agricultural fields and a small forested wetland. The parcel is proximal to other protected lands. The house, barn and 2-5 acres

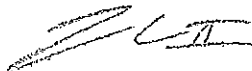
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CITY CLERK
FALL RIVER, MA

3

shall be sub-divided and not included in the purchase. Funding is planned via the Community Preservation Plan. The proposed purchase/sale agreement and appraisal report are attached. The appraisal value was \$425,000. The agreed purchase price is \$400,000.

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

Sincerely,



Jasiel F. Correia II
Mayor

3

1941/1945 BAY STREET

LOTS A-14-0034 AND A-14-0036

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ORDERED, that the Mayor is hereby authorized to acquire the property identified as 1941 and 1945 Bay Street, Assessor Parcel numbers A-14-0034 and A-14-0036 in Fall River, Massachusetts subject to any changes and final approval by the Corporation Counsel. The acquisition and ownership of said lot will provide a location for future improvements for the Community Utilities Department.

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3

APPRAISAL OF REAL PROPERTY**LOCATED AT**

Assessors Map A14 Lots 34 and 36 Bay Street
Fall River, MA 02721
Book 6606 Page 86 Last Transfer 3/28/2007-\$1.00

FOR

Private

OPINION OF VALUE

77,000

AS OF

May 10, 2017

BY

Paul Berge
Berge Associates, Incorporated
P.O. BOX 2612
Fall River, MA 02722
(774) 565-0016
bergeassociates@comcast.net
bergeassociates.com

3

Berge Associates, Incorporated
P.O. Box 2612
Fall River, Massachusetts 02722

Private

Re: Property: Assessors Map A14 Lots 34 and 36 Bay Street
Fall River, MA 02721
Borrower: Fall River Sewer Commission
File No.: BER34007

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

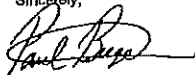
The purpose of this appraisal is to estimate the market value of the property described in this appraisal report, in unencumbered fee simple title of ownership.

This report is based on a physical analysis of the site, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The value conclusions reported are as of the effective date stated in the body of the report and contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Sincerely,



Paul Berge
President

MA License #75392 RI License #CRA.0A00679

3

Borrower	Fall River Sewer Commission	File No.	BER34007
Property Address	Assessors Map A14 Lots 34 and 36 Bay Street		
City	Fall River	County	Bristol
State	MA	Zip Code	02721
Lender/Client	Private		

APPRAISAL AND REPORT IDENTIFICATION

This Report is one of the following types:

- ☒ Appraisal Report (A written report prepared under Standards Rule 2-2(a), pursuant to the Scope of Work, as disclosed elsewhere in this report.)
- ☐ Restricted Appraisal Report (A written report prepared under Standards Rule 2-2(b), pursuant to the Scope of Work, as disclosed elsewhere in this report, restricted to the stated intended use by the specified client or intended user.)

Comments on Standards Rule 2-3

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- Unless otherwise indicated, 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 acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).


Reasonable Exposure Time (USPAP defines Exposure Time as the estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.)

My Opinion of Reasonable Exposure Time for the subject property at the market value stated in this report is: 3-6 months

Comments on Appraisal and Report Identification

Note any USPAP-related issues requiring disclosure and any state mandated requirements:

APPRAISER:

Signature: 

Name: Paul Berge

Certified Residential

State Certification #: 75392

or State License #:

State: MA Expiration Date of Certification or License: 02/12/2019

Date of Signature and Report: 05/15/2017

Effective Date of Appraisal: May 10

Inspection of Subject: ☐ None ☐ Interior and Exterior ☒ Exterior-Only

Date of Inspection (if applicable): May 10

SUPERVISORY or CO-APPRAISER (if applicable):

Signature: _____

Name: _____

State Certification #: _____

or State License #: _____

State: _____ Expiration Date of Certification or License: _____

Date of Signature: 02/15/2016

Inspection of Subject: ☐ None ☐ Interior and Exterior ☐ Exterior-Only

Date of Inspection (if applicable): _____

3

SUMMARY OF SALIENT FEATURES

SUBJECT INFORMATION	Subject Address	Assessors Map A14 Lots 34 and 36 Bay Street
	Legal Description	Book 6606 Page 66 Last Transfer 3/28/2007-\$1.00
	City	Fall River
	County	Bristol
	State	MA
	Zip Code	02721
	Census Tract	6403.00
	Map Reference	A14/34,36
SALES PRICE	Sale Price	\$ N/A
	Date of Sale	N/A
CLIENT	Borrower	Fall River Sewer Commission
	Lender/Client	Private
DESCRIPTION OF IMPROVEMENTS	Size (Square Feet)	
	Price per Square Foot	\$
	Location	Ab.Water Treat.Facility
	Age	
	Condition	
	Total Rooms	
	Bedrooms	
	Baths	
APPRAISER	Appraiser	Paul Berge
	Date of Appraised Value	May 10, 2017
VALUE	Final Estimate of Value	\$ 77,000

LAND APPRAISAL REPORT

File No. BER34007

3

Borrower Fall River Sewer Commission Property Address Assessors Map A14 Lots 34 and 36 Bay Street City Fall River County Bristol State MA Zip Code 02721 Legal Description Book 6606 Page 86 Last Transfer 3/28/2007-\$1.00 Sale Price \$ N/A Date of Sale N/A Loan Term N/A yrs. Property Rights Appraised <input checked="" type="checkbox"/> Fee <input type="checkbox"/> Leasehold <input type="checkbox"/> De Minimis PUD Actual Real Estate Taxes \$ 1,270 (yr) Loan charges to be paid by seller \$ N/A Other sales concessions N/A Lender/Client Private Address _____ Occupant Vacant Land Appraiser Paul Berge Instructions to Appraiser Estimate Market Value		Census Tract 6403.00 Map Reference A14/34.36																																																																																	
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Comments including these factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): The subject property is located on a paved public roadway with good convenience to shopping, dining and other supporting facilities/entrance. The subject parcels abut the Fall River water treatment facility. This is considered an external obsolescence with a location adjustment made within the location section of the Market Data Analysis section.																																																																																			
SITE <table border="0" style="width:100%;"> <tr> <td>Dimensions Sl. Irregular</td> <td>12,180 Sq. Ft. or Acres</td> <td><input checked="" type="checkbox"/> Corner Lot</td> </tr> <tr> <td>Zoning classification Industrial</td> <td>Present Improvements <input type="checkbox"/> do <input checked="" type="checkbox"/> do not conform to zoning regulations</td> <td></td> </tr> <tr> <td>Highest and best use <input checked="" type="checkbox"/> Present use <input type="checkbox"/> Other (specify) _____</td> <td>OFF SITE IMPROVEMENTS</td> <td>Topo Level</td> </tr> <tr> <td>Elec. <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other (Describe) _____</td> <td>Street Access <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private</td> <td>Site Average</td> </tr> <tr> <td>Gas <input checked="" type="checkbox"/> _____</td> <td>Surface Bit. Concrete</td> <td>Shape Sl. Irregular</td> </tr> <tr> <td>Water <input checked="" type="checkbox"/> _____</td> <td>Maintenance <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private</td> <td>View Neighborhood</td> </tr> <tr> <td>San. Sewer <input checked="" type="checkbox"/> _____</td> <td><input checked="" type="checkbox"/> Storm Sewer <input checked="" type="checkbox"/> Curb/Gutter</td> <td>Drainage Appears Adequate</td> </tr> <tr> <td><input checked="" type="checkbox"/> Underground Elect. & Tel.</td> <td><input checked="" type="checkbox"/> Sidewalk <input checked="" type="checkbox"/> Street Lights</td> <td>Is the property located in a HUD Identified Special Flood Hazard Area? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</td> </tr> </table>				Dimensions Sl. Irregular	12,180 Sq. Ft. or Acres	<input checked="" type="checkbox"/> Corner Lot	Zoning classification Industrial	Present Improvements <input type="checkbox"/> do <input checked="" type="checkbox"/> do not conform to zoning regulations		Highest and best use <input checked="" type="checkbox"/> Present use <input type="checkbox"/> Other (specify) _____	OFF SITE IMPROVEMENTS	Topo Level	Elec. <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other (Describe) _____	Street Access <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	Site Average	Gas <input checked="" type="checkbox"/> _____	Surface Bit. Concrete	Shape Sl. Irregular	Water <input checked="" type="checkbox"/> _____	Maintenance <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	View Neighborhood	San. Sewer <input checked="" type="checkbox"/> _____	<input checked="" type="checkbox"/> Storm Sewer <input checked="" type="checkbox"/> Curb/Gutter	Drainage Appears Adequate	<input checked="" type="checkbox"/> Underground Elect. & Tel.	<input checked="" type="checkbox"/> Sidewalk <input checked="" 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																																																								
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Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions): There were no apparent easements, encroachments and/or adverse conditions affecting the subject marketability. The subject is an existing parcel which received approval from the city of Fall River as a residential parcel and considered a buildable parcel.																																																																																			
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.																																																																																			
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Comments on Market Data: The comparables utilized indicate a central value of \$77,000. Due to the extreme lack of sales, it was necessary to utilize comparables which are located over one mile from the subject property and comparable #1 & #3 consummated over six months ago. Comparables utilized exceed the 10% range of value guideline. Comp. Net adj. were #1 -9.1%/#2 -11%/#3 -10%																																																																																			
Comments and Conditions of Appraisal: This appraisal is based on subject highest and best use as a residential lot and is appraised "subject to a letter of compliance" from the city of Fall River as a buildable parcel. The total lot size of 12,180 includes two parcels Assessors Map A14 Lots 34 and 36. Parcel 36 was included in the total lot size as it encompasses 4,510 sq. ft. and is non conforming lot. Both properties are located on the same deed.																																																																																			
Final Reconciliation: Full weight was placed on the Sales Comparison Approach because this is considered the most viable way of estimating the market value of residential buildable lots. Estimated market value is based on a letter of compliance from the city of Fall River showing the subject is a residential buildable parcel.																																																																																			
ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF May 10, 2017 to be \$ 77,000																																																																																			
Paul Berge <input type="checkbox"/> Did <input type="checkbox"/> Did Not Physically Inspect Property Appraiser(s) Review Appraiser (if applicable)																																																																																			

[Y2K]

3

Subject Photo Page

Borrower	Fall River Sewer Commission						
Property Address	Assessors Map A14 Lots 34 & 36 Bay Street						
City	Fall River	County	Bristol	State	MA	Zip Code	02721
Lender/Client	Private						



Subject Front-Assessors Parcel 34

Assessors Map A14 Lots 34 and 36 Bay Street

Sales Price N/A

Gross Living Area

Total Rooms

Total Bedrooms

Total Bathrooms

Location

Ab. Water Treat. Facility

Site

12,160 sqft Avg.



Front-Assessors Parcel 36

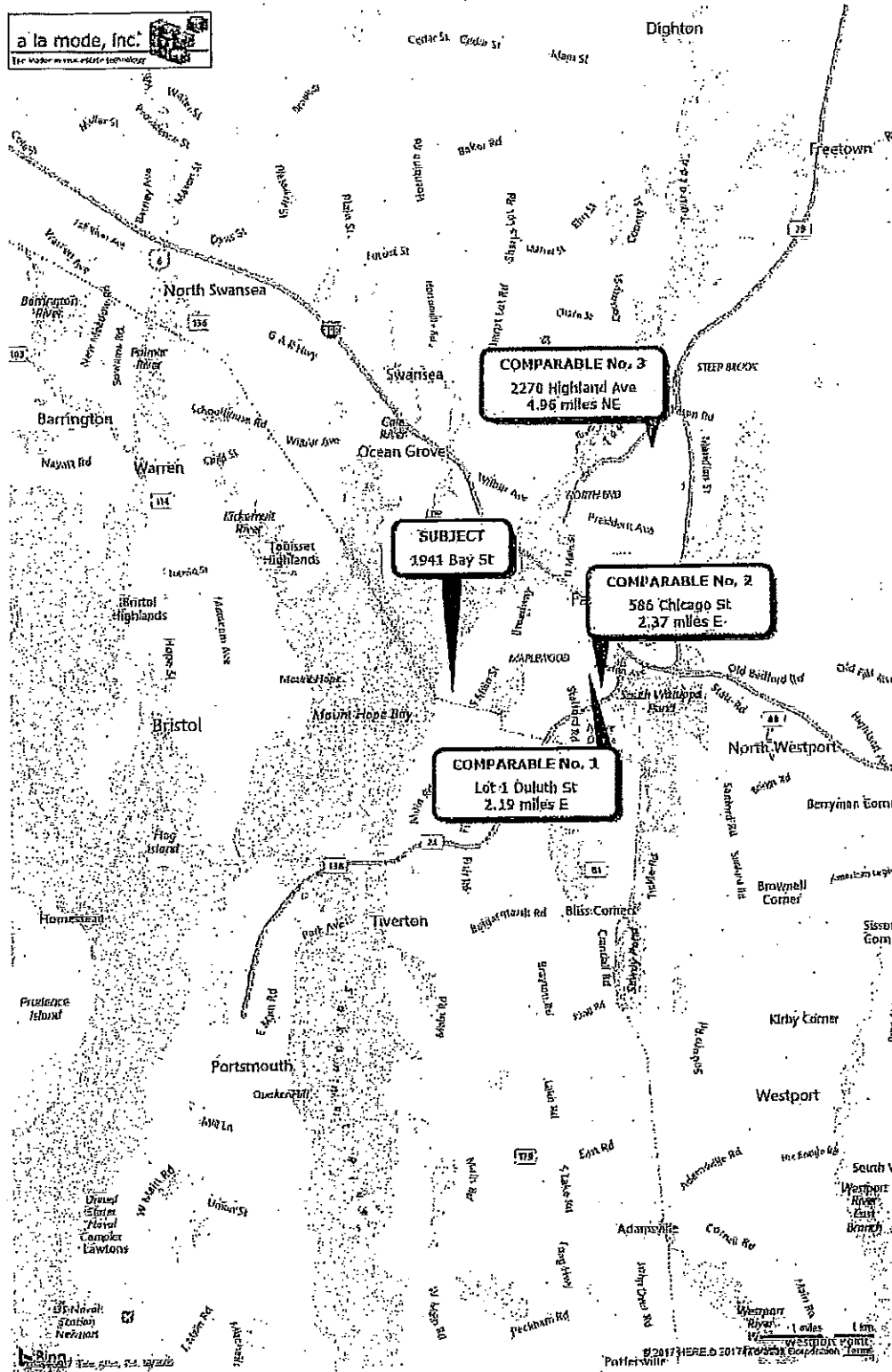


Street Scene

3

Comparable Sales Map

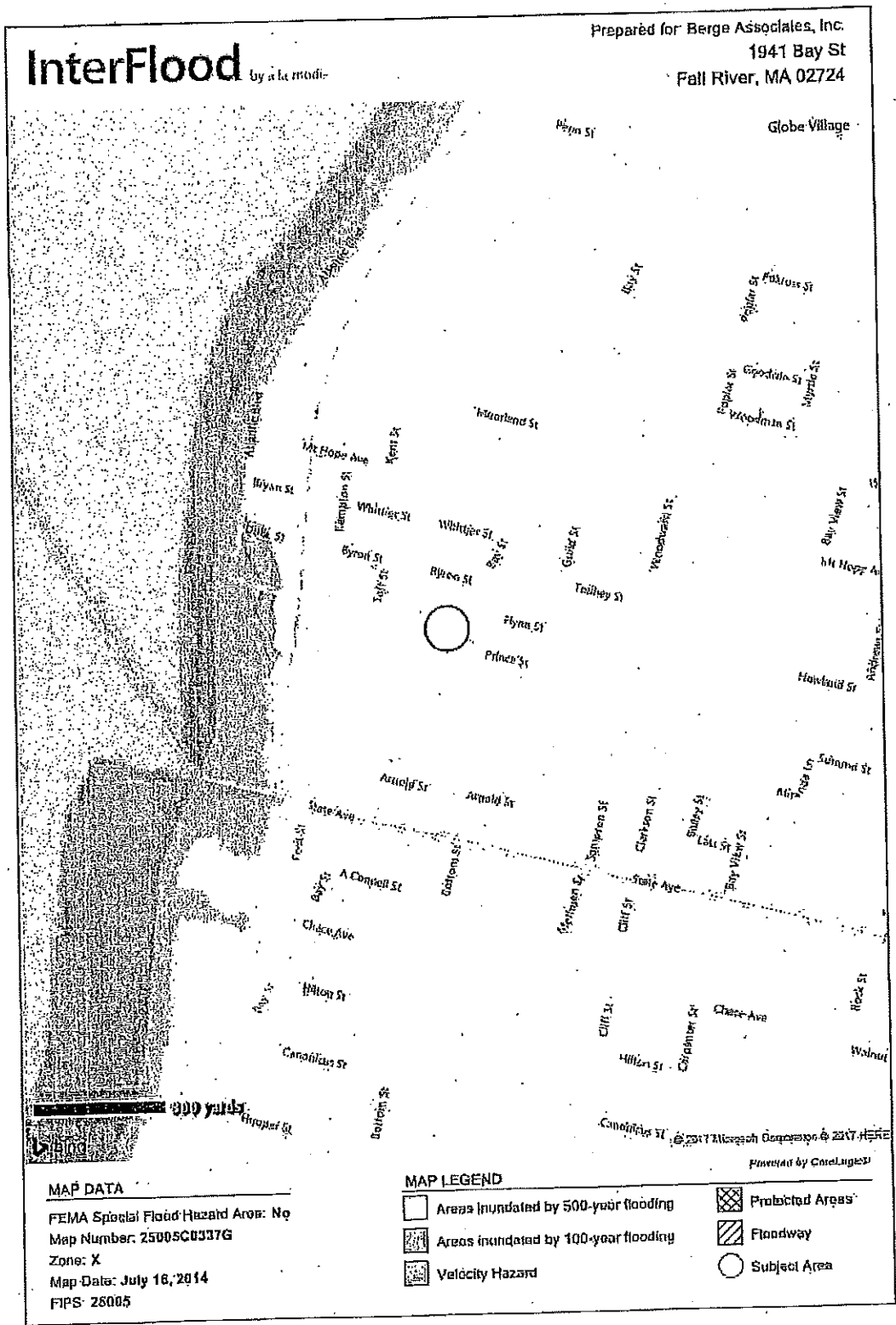
Borrower	Fall River Sewer Commission						
Property Address	Assessors Map A14 Lots 34 and 38 Bay Street						
City	Fall River	County	Bristol	State	MA	Zip Code	02721
Lender/Client	Private						



Flood Map

Borrower	Fall River Sewer Commission						
Property Address	Assessors Map A14 Lots 34 and 36 Bay Street						
City	Fall River	County	Bristol	State	MA	Zip Code	02721
Lender/Client	Private						

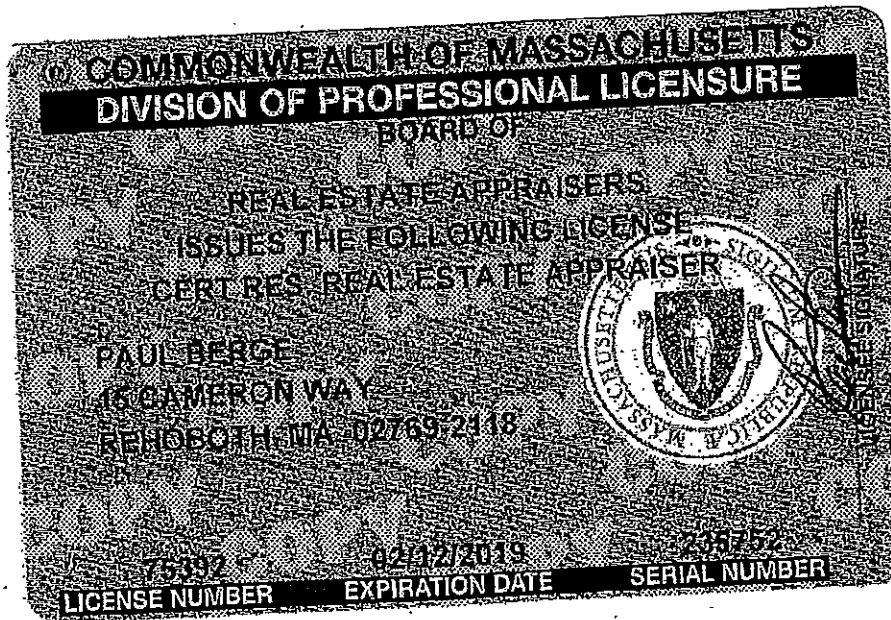
3



License

FHA/VA Case No.

3



Supplemental Addendum

File No. BER34007

Supplemental Addendum				File No. BER34007	
Borrower	Fall River Sewer Commission				
Property Address	Assessors Map A14 Lots 34 and 36 Bay Street				
City	Fall River	County	Bristol	State	MA Zip Code 02721
Lender/Client	Private				

1. This appraisal is performed at the direction of the lender for the purpose of estimating the market value of the subject property.
2. The MSA number for the city of Fall River is 39300.
3. The factual information used in the Sales Comparison Approach Section of the report was gathered using the Multiple Listing Service, Banker and Tradesman and the Town Hall Assessors Office.
4. According to public records, the subject property will utilize public water and public sewer. This appraisal is based on the above mentioned as the determination of water and sewer connection is beyond the scope of the appraisal process.
5. This appraisal includes digital photographs and signatures which are common in the appraisal industry. The digital photographs have not been enhanced or altered. Digital photographs and signatures are utilized to allow the appraisal report to be electronically delivered to expedite the lending process.
6. Due to the extreme lack of sales within the past ninety days in the immediate neighborhood, the appraiser has exhausted all avenues of research and utilized the best available sales and or listings that have the greatest bearing on the overall market value of the subject property. Although they are located outside the subject neighborhood and may have consummated over six months ago, they are located in competing neighborhoods and are considered the most reliable indicators of value.
7. The Intended User of this appraisal 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 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.
8. The appraiser noted if parcel 36 is deemed buildable, the appraiser reserves to change the value estimate.
9. The subject property was last appraised on 3/24/2014. The previous appraisal did not include Assessors Map 36 which is deemed currently unbuildable and was added to this appraisal to reflect a total lot size of 12,180.
10. Adjustments utilized in the sales comparison approach:
 - \$7,500 location (external obsolescence)
 - \$50 per square foot-land area adjustment

Supplemental Addendum

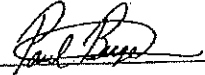
File No. BER34007

Borrower	Fall River Sewer Commission				
Property Address	Assessors Map A14 Lots 34 and 36 Bay Street				
City	Fall River	County	Bristol	State	MA Zip Code 02721
Lender/Client	Private				

APPRAISAL CERTIFICATION

I certify that, to the best of my knowledge and belief

- * The statements of fact contained in this report are true and correct.
- * The reported analyses, opinions and conclusions are limited by reported assumptions and limiting conditions and are my personal, unbiased professional analyses, opinions and conclusions.
- * I have no present or prospective interest in the property that is the subject of this report and I have no personal interest or bias with respect to the parties involved.
- * I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- * My compensation is not contingent on the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- * My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- * My analysis, opinions and conclusions were developed and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
- * I have made a personal inspection of the subject property that is the subject of this report.
- * No one has provided significant professional assistance to the persons signing this report.
- * I certify the digital photographs (computer generated) utilized in this report for the subject property and comparables have not been enhanced or altered in any way.

Signature 
 Name Paul Berge
 Date Signed 05/16/2017
 State Certification # 75392 State MA
 Or State License # _____ State _____

Signature _____
 Name _____
 Date Signed 02/15/2016
 State Certification # _____ State _____
 Or State License # _____ State _____

3

DEFINITION OF 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 considers his 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 judgement.

STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

CONTINGENT AND LIMITING CONDITIONS: The appraiser's certification that appears in the appraisal report is subject to the following 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. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
3. 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 the appraisal report whether 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.
4. 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.
5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, 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 normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. 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, the appraisal report must not be considered as an environmental assessment of the property.
7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
9. 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 completion of the improvements will be performed in a workmanlike manner.
10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower, the mortgagee or its successors and assigns; the mortgage insurer, consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

3

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and limiting conditions specified in this form.
4. I have no present or prospective interest in the property that is the subject to 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 the estimate of market value in the appraisal report on the race, color, religion, sex, 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.
5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
7. I performed this appraisal in conformity 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 as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
8. I have personally inspected the interior and exterior areas of the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of 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 the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

SUPERVISORY APPRAISER'S CERTIFICATION: If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

ADDRESS OF PROPERTY APPRAISED: Assessors Map A14 Lots 34 and 36 Bay Street, Fall River, MA 02721

APPRAISER:

Signature: *Paul Berge*
 Name: Paul Berge
 Date Signed: 05/15/2017
 State Certification #: 75392
 or State License #:
 State: MA
 Expiration Date of Certification or License: 02/12/2019

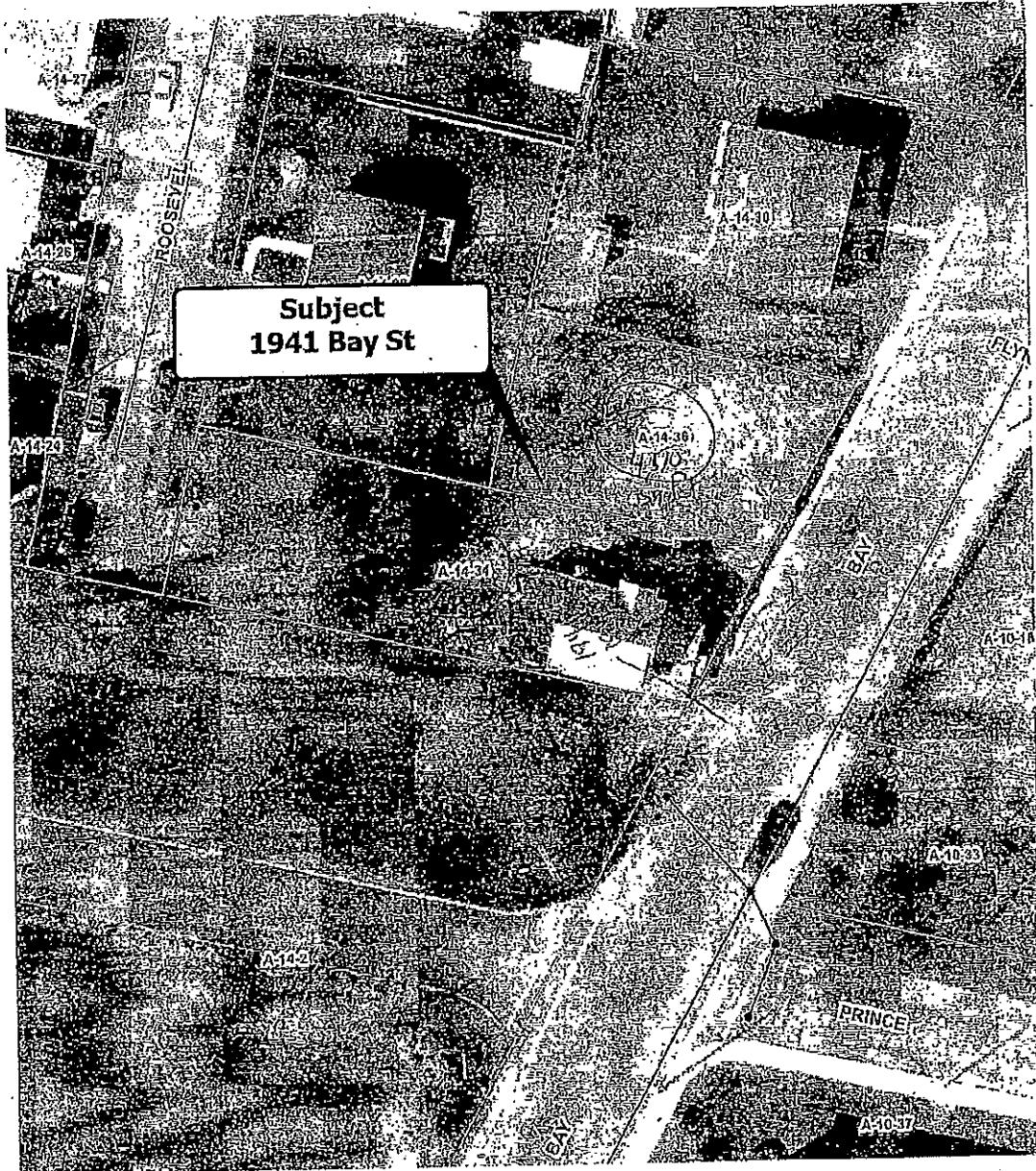
SUPERVISORY APPRAISER (only if required):

Signature: _____
 Name: _____
 Date Signed: 02/15/2016
 State Certification #: _____
 or State License #: _____
 State: _____
 Expiration Date of Certification or License: _____

☐ Did ☐ Did Not Inspect Property

Site Plan

3

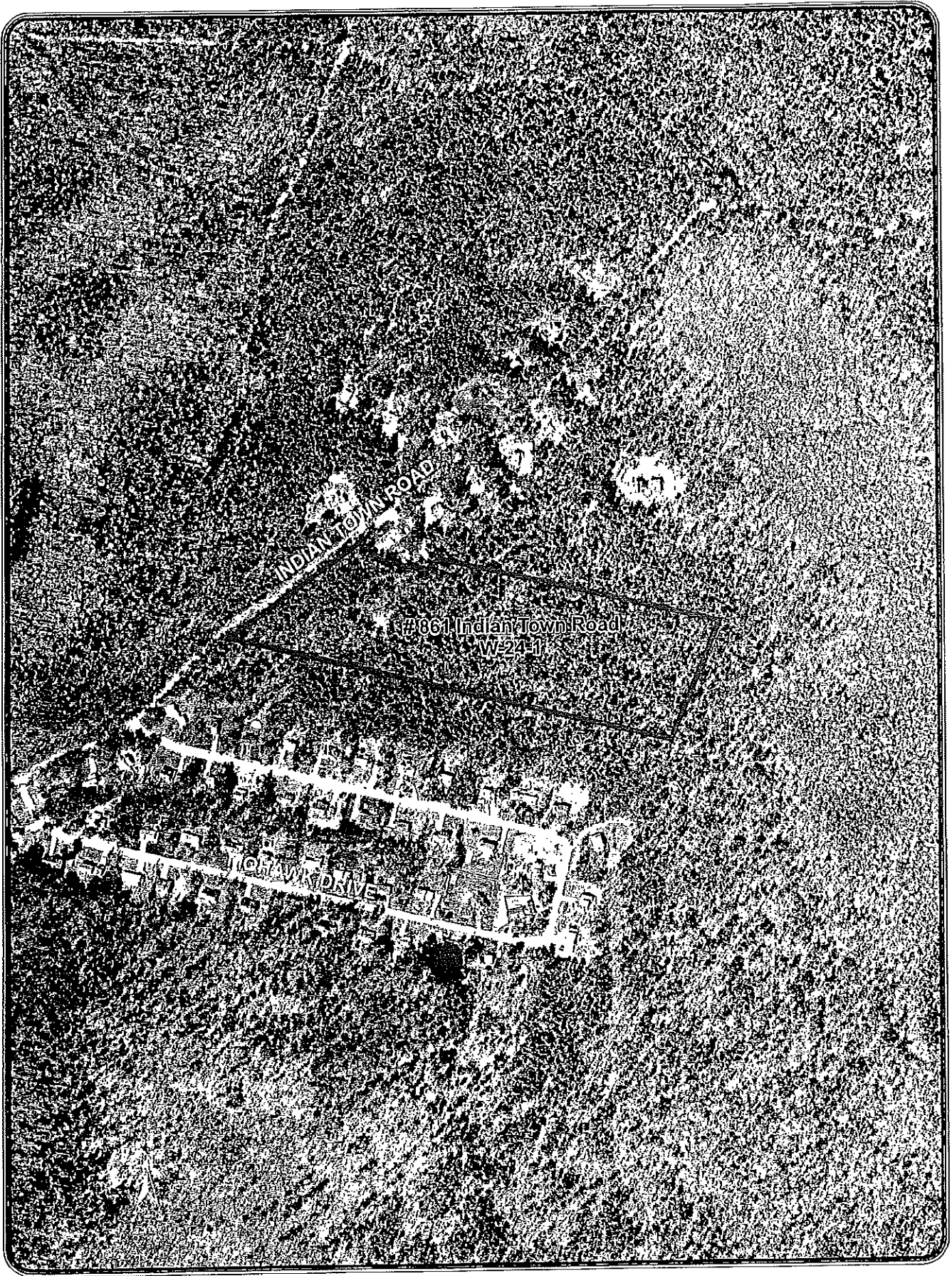


3

861 INDIAN TOWN ROAD

LOT W-24-0001

3



3
ORDERED, that the Mayor is hereby authorized to acquire the property identified as 861 Indian Town Road, Assessor Parcel number W-24-0001 in Fall River, Massachusetts subject to any changes and final approval by the Corporation Counsel. The acquisition and ownership of said lot will provide a location for future conservation protection for the Community Utilities Department.

3

**J A Jones Associates
1749 Main Road
Tiverton, Rhode Island 02878**

Mike Labossiere
Reservation Superintendent
Water Division, Treatment and Resources
Department of Community Utilities
City of Fall River
2929 Blossom Rd.
Westport, MA 02790

January 22, 2018

RE: Appraisal
861 Indian Town Road
Fall River, MA 02722

Dear Mr. Labossiere:

As requested, we have inspected the subject property to report an estimate of market value, of the fee simple interest, as of January 12, 2018. The complete appraisal process has been completed but according to your request we report our conclusions in the enclosed **Appraisal Report**. We intend this report to comply with the reporting requirements set forth under Standard Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice.

We retain the information and analysis not presented in this report in our file. We have completed the necessary analysis and verification needed to complete a more comprehensive Report. The Appraisal reporting format merely summarizes those pertinent pieces of information that are useful to the client's specific needs. As such, it presents only summary discussions of the data, reasoning, and analysis used in the appraisal process to develop our opinion of value. We are maintaining supporting documentation concerning the data, reasoning and analysis within our file. The depth of the discussion is specific to the client's needs with the intention that the client will use the report as stated below. The appraiser is not responsible for unauthorized use of this report.

It is important for the client to understand that the full evaluation process was conducted, and the valuation reported herewith would be the same in a more comprehensive appraisal report.

3

January 22, 2018
Page Two

Based on a careful analysis and review of all pertinent data and considering all factors that affect real estate values, we have formed the opinion that the subject property warrants an estimated market value, in the fee simple interest, as of the date mentioned, in the amount of:

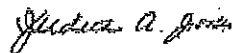
THREE HUNDRED SIXTY-FIVE THOUSAND (\$365,000) DOLLARS.

The following pages contain the conclusions formed from an extensive review of the data from which we derived this value estimate. If a more comprehensive report is needed, we can prepare one at your request.

We appreciate the opportunity to service your appraisal needs. If you have any questions or if we can be of further assistance, please do not hesitate to call.

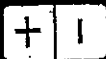
Sincerely,

J A Jones Associates



Judith A. Jones SRPA
General Certified

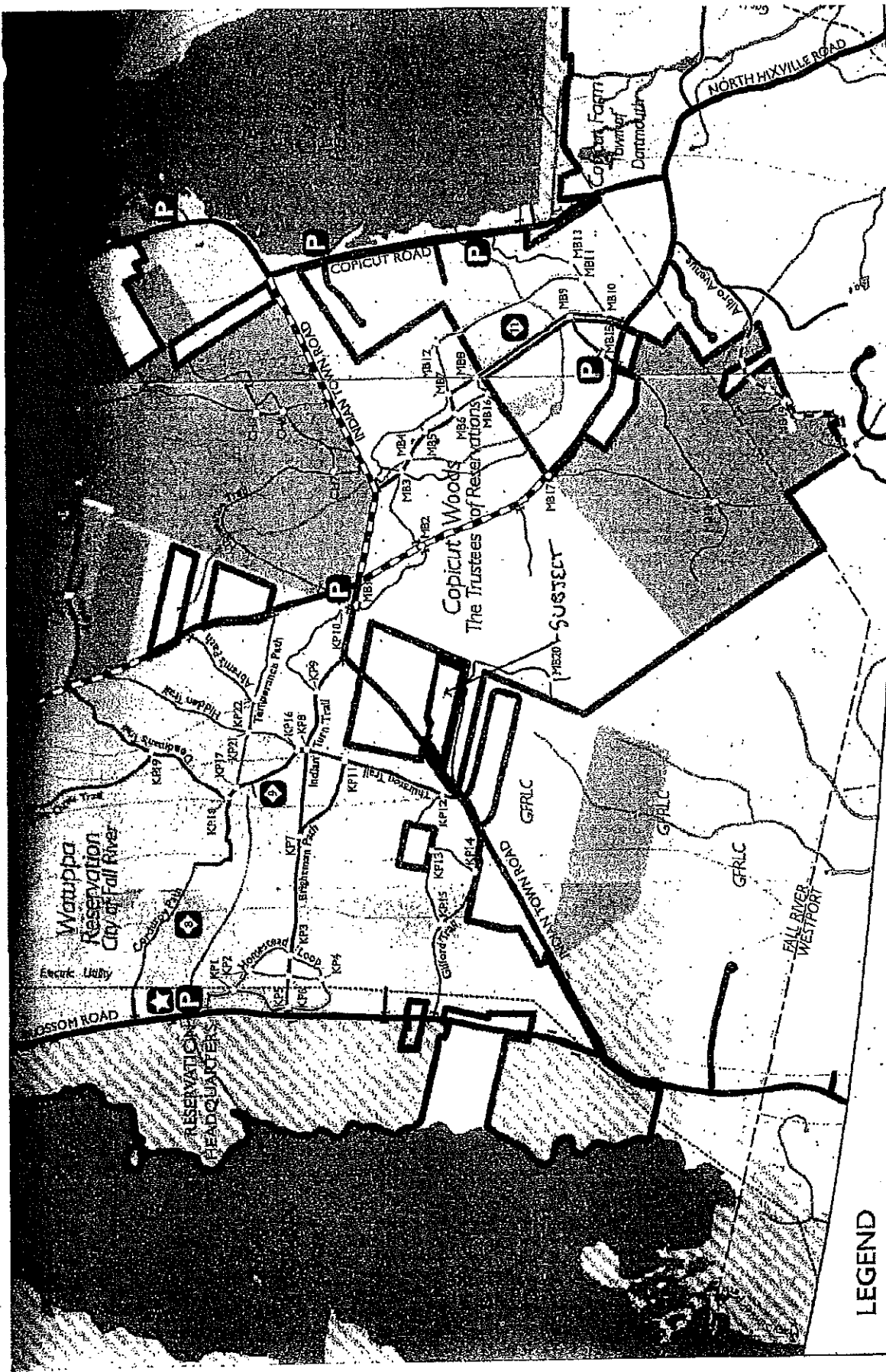
-71.056317, 41.706783



0 500 1000ft

SUBJECT

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LEGEND

- Southeastern MA Bioserve
- State Land
- Municipal Land
- Private Land
- Wetlands
- Public Roads
- Rough Roads
- Unimproved Roads

- Self-guided Trails
- Graded Dirt Roads
- Trails Open to Motorcycles
- No Motorcycles

- Headquarters
- Parking
- Garage

- Feature
- 1. Profile Rock
- 2. Assonet Ledge
- 3. Bell Rock

- 7. Mowry Pond
- 8. Corduroy Pond
- 9. King Phillip Pond

3

3

PURCHASE AND SALE AGREEMENT

Somerset Realty

1. PARTIES
(fill in)

This 28th day of September, 2017

Alfred R Desmarais of 159 Chace St, Swansea, MA 02777
Hereinafter called the SELLER, agrees to SELL and

City of Fall River of 1 Government Center, Fall River MA 02722
Hereinafter called the BUYER or PURCHASER, agrees to BUY upon the terms hereinafter set forth, the following described premises:

2. DESCRIPTION
(fill in and include title reference)

Land thereon located at Indian Town Rd, Fall River MA Assessor Parcel W-24-0001 Book 7028 Page 139

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES
(fill in or delete)

Included in the sale as a part of said premises are the buildings, structures, and improvements now thereon, and the fixtures belonging to the SELLER and used in connection therewith including, if any, all venetian blinds, window shades, screens, screen doors, storm windows and doors, awnings, shutters, furnaces, heaters, heating equipment, stoves, ranges, refrigerator, microwave, oil and gas burners and fixtures appurtenant thereto, hot water heaters, plumbing and bathroom fixtures, electric and other lighting fixtures, mantels, outside television antennas, fences, gates, trees, shrubs, plants, and, if built in, air conditioning equipment, ventilators, garbage disposers, _____

4. TITLE DEED
(fill in)
*Include here by specific reference any restrictions, easements, rights and obligations in party walls not included in (b), leases, municipal and other liens, their encumbrances, and make provisions to protect SELLER against buyer's BREACH OF seller's covenants in leases, where necessary.

Said premises are to be conveyed by a good and sufficient Quit Claim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven _____ days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except

- (a) Provisions of existing building and zoning laws;
- (b) Existing rights and obligations in party walls which are not the subject of written agreement;
- (c) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;
- (d) Any liens for municipal betterments assessed after the date of this agreement;
- *(e)

5. PLANS

If said deed refers to a plan necessary to be recorded therewith the SELLER shall deliver such plan with the deed in form adequate for recording or registration.

6. REGISTERED TITLE

In addition to the foregoing, if the title to said premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title of said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable the BUYER to obtain such Certificate of Title.

7. PURCHASE PRICE (fill in);
space is allowed to write out the amounts if desired (provide for payment by certified or Bank)

The agreed purchase price for said premises is \$325,000.00 dollars, of which

\$ <u>1000.00</u>	paid to bind offer
\$ <u>9,000.00</u>	have been paid as a deposit this day and
\$ <u>315,000.00</u>	are to be paid at the time of delivery of the deed in cash, or by certified cashier's, treasurer's or bank check.
\$ _____	
\$ <u>325,000.00</u>	TOTAL

ARW

[Signature]
Int'l
10/17

3

8. TIME FOR PERFORMANCE;
DELIVERY OF DEED (fill in)

Such deed is to be delivered at 2 o'clock P.M. on the 28th day of February, 2018, at the Fall River Registry of Deeds, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement.

9. POSSESSION and CONDITION of PREMISES.
(attach a list of exceptions, if any)

Full possession of said premises free of all tenants and occupants, except as herein provided, is to be delivered at the time of the delivery of the deed, said premises to be then (a) in the same condition as they now are, reasonable use and wear thereof excepted, and (b) not in violation of said building and zoning laws, and (c) in compliance with the provisions of any instrument referred to in clause 4 hereof. The BUYER shall be entitled to an inspection of said premises prior to the delivery of the deed in order to determine whether the condition thereof complies with the terms of this clause. Buyer shall assume the responsibility for the disposal of any and all personal property remaining on premises after the closing.

10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM
(change period of time if desired).

If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of the delivery of the deed the premises do not conform with the provisions hereof, then any payments made under this agreement shall be refunded and all other obligations of the parties hereto shall cease and this agreement shall be void and without recourse to the parties hereto, unless the SELLER elects to use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance thereof shall be extended for a period of thirty _____ days, however, in no event beyond the buyers rate lock period or loan commitment period.

11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, etc.

If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, or if at any time during the period of this agreement or any extension thereof, the holder of a mortgage on said premises shall refuse to permit the insurance proceeds, if any, to be used for such purposes, then, at the BUYER'S option, any payments made under this agreement shall be forthwith refunded and all other obligations of all parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.

12. BUYER'S ELECTION TO ACCEPT TITLE

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefor the purchase price without deduction, in which case the SELLER shall convey such title, except that in the event of such conveyance in accord with the provisions of this clause, if the said premises shall have been damaged by fire or casualty insured against, then the SELLER shall, unless the SELLER has previously restored the premises to their former condition, either

- (a) pay over or assign to the BUYER, on delivery of the deed, all amounts recovered or recoverable on account of such insurance, less any amounts reasonably expended by the SELLER for any partial restoration, or
- (b) if a holder of a mortgage on said premises shall not permit the insurance proceeds or part thereof to be used to restore the said premises to their former condition or to be so paid over or assigned, give to the BUYER a credit against the purchase price, on delivery of the deed, equal to said amounts so recovered or recoverable and retained by the holder of the said mortgage less any amounts reasonably expended by the SELLER for any partial restoration.

13. ACCEPTANCE OF DEED

The acceptance of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.

14. USE OF PURCHASE MONEY TO CLEAR TITLE

To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.

15. INSURANCE
* Insert amount (list additional types of insurance and amounts as agreed)

Until the delivery of the deed, the SELLER shall maintain insurance on said premises as follows:

Type of Insurance	Amount of Coverage
(a) Fire	\$ As presently insured.
(b) Extended Coverage	\$
(c) _____	

16. ASSIGNMENT OF INSURANCE
(delete entire clause if insurance is not to be assigned)

Unless otherwise notified in writing by the buyer at least seven _____ days before the time for delivery of the deed, and unless prevented from doing so by the refusal of the insurance company(s) involved to issue the same, the SELLER shall assign such insurance and deliver binders therefore in proper form to the BUYER at the time for performance of this agreement. In the event of refusal by the insurance company(s) to issue the same, the SELLER shall give notice thereof to the BUYER at least two _____ business days before the time for performance of this agreement.

Handwritten initials

Int: *Handwritten signature*
12/13/17

17. ADJUSTMENTS
(list operating
expenses, if any, or
attach schedule))

Collected rents, mortgage interest, prepaid premiums on insurance if assigned as herein provided, water and sewer use charges, operating expenses (if any) according to the schedule attached hereto or set forth below, and taxes for the then current year, shall be apportioned and fuel value shall be adjusted, as of the day of performance of this agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of delivery of the deed. Uncollected rents for the current rental period shall be apportioned if and when collected by either party.

18. ADJUSTMENT
OF UNASSESSED
AND ABATED
TAXES

If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall thereafter be reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless herein otherwise agreed.

19. BROKER'S FEE
(fill in fee with
dollar amount or
percentage; also
name of Broker(s))

A broker's fee for professional services of Five Percent (5%) to Somerset Realty from the SELLER. The Broker(s) herein, but if the SELLER pursuant to the terms of clause 22 hereof retains the deposits made hereunder by the BUYER, said Broker (s) shall be entitled to receive from the SELLER an amount equal to one-half the amount so retained or an amount equal to the broker's fee for professional services according to this contract, whichever is the lesser.

20. BROKER(S)
WARRANTY
(fill in name)

The Broker (s) named herein Donald P. Setters warrant(s) that he (they) is (are) duly licensed as such by the Commonwealth of Massachusetts.

21. DEPOSIT
(fill in, or delete
reference to
broker(s) if
SELLER holds
deposit)

All deposits made hereunder shall be held by the broker(s) Donald P Setters as agent for the SELLER, subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement.

22. BUYER'S
DEFAULT;
DAMAGES

If the BUYER shall fail to fulfill the BUYER'S agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages unless within thirty days after the time for performance of this agreement or any extension hereof, the SELLER otherwise notifies the BUYER in writing. This shall be the seller's sole remedy both at law and in Equity.

23. SALE OF
PERSONAL
PROPERTY
(fill in and attach
list or delete entire
clause)

The BUYER agrees to buy from the SELLER the articles of personal property enumerated on the attached list for the price of \$_____ and the SELLER agrees to deliver to the BUYER upon delivery of the deed hereunder, a warranty bill of sale therefore on payment of said price. The provisions of this clause shall constitute an agreement separate and apart from the provisions herein contained with respect to the real estate, and any breach of the terms and conditions of this clause shall have no effect on the provisions of this agreement with respect to the real estate.

24. RELEASE BY
HUSBAND OR
WIFE

The SELLER'S spouse hereby agrees to join in said deed and to release and convey all statutory and other rights and interests in said premises.

25. BROKER AS
PARTY

The broker(s) named herein, join(s) in this agreement and become(s) a party hereto, in so far as any provisions of this agreement expressly apply to him (them), and to any amendments or modifications of such provision to which he (they) agree(s) in writing.

26. LIABILITY OF
TRUSTEE
SHAREHOLDER,
BENEFICIARY,
etc.

If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

27. WARRANTIES
and REPRESENTATIONS
(fill in); if none,
state "none"; if
any listed, indicate
by whom each
warranty or
representation was
made

The BUYER acknowledges that the BUYER 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 following additional warranties and representations, if any, made by either the SELLER or the Broker(s):

g RD

Int'l
11/13/17

3

CONSTRUCTION
OF AGREEMENT
*delete "triplicate"
and substitute
"quadruplicate" if
required.

This instrument, executed in triplicate* _____ is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and ensures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be cancelled, modified or amended only by a written instrument, executed by both the SELLER and the BUYER. If two or more persons are named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

28. ADDITIONAL
PROVISIONS

The initialed riders, if any, attached hereto, are incorporated herein by reference.
Rider A

Robert R. Desrosiers
SELLER (or spouse)
[Signature] 12/15/17
BUYER

SELLER

BUYER

EXTENSION

Date 3/15/2018

The time for the performance of the foregoing agreement is extended until 5:00 o'clock P M, on the 30th day of June 2018, time still being of the essence of this agreement as extended. In all other respects, this agreement is hereby ratified and confirmed.

This extension, executed in triplicate, _____ is intended to take effect as a sealed instrument.

SELLER (or spouse) _____ Date _____
[Signature] 3/15/18
BUYER _____ Date _____

SELLER

BUYER

ARD

Int [Signature]
12/13/17

3

RIDER A

Rider A to Purchase and Sale Agreement by and between Alfred R. Desmarais as Seller and City of Fall River as Buyer and concerning the land located on INDIAN TOWN RD, FALL RIVER MA

ADDITIONAL PROVISIONS. It is understood and agreed by the parties that:

- a) the Buyer shall pay for all Seller related closing costs including but not limited to the cost of drawing the deed and payment of tax stamps.
- b) any price agreed upon shall be as of January 31, 2018. Thereafter, additional Seller expenses shall be added to the purchase price.
- c) agreement is subject to financing
- d) binder and deposit shall be refundable to the buyer if above contingencies are not met through no fault of the buyer.
- e) subject to appraisal confirming the value of the property
- f) subject to approval by the Fall River City Council
- g) subject to clean title search

BUYER:

[Signature] 1/9/18
[Signature] 3/13/18

ARQ

SELLER:

Alfred R. Desmarais

[Signature]
1/19/18

3

AMENDMENT TO CONTRACT
EXTENSION AGREEMENT

THIS EXTENTION AGREEMENT is made and entered into as of this day of 6/21, 2018,
by and between Alfred P. Desmaris, ("Seller")
and City of Fall River, Massachusetts, ("Purchaser").

WHEREAS, Seller and Purchaser entered into a Contract For Sale And Purchase Of Real Estate dated
9/28, 2017, (the "Contract"), in which the Purchasers agreed to
purchase from the Sellers the real property municipally known as F.R. Assessors Parcel W-24-0001, BH 702, B139
(the "Property"), reference to which contract is hereby made for the terms and
conditions thereof; and

WHEREAS, said Contract specified that the closing of the sale was to be held on or before 6/30,
2018; and By extension dated 3/15/18

WHEREAS, the Purchaser / Seller [circle one] was ready, willing, and able to close by said date but Purchaser /
Seller [circle one] was unable to do so and thus have requested the Purchaser / Seller [circle one] to extend the date for
closing; and

WHEREAS, the parties have so agreed to extend the date for closing, subject to said Contract being modified
according to the terms and conditions hereinafter stated.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and
sufficiency of which is hereby acknowledged, Sellers and Purchasers do hereby agree as follows:

1. The closing date is hereby extended to 8/30, 2018, TIME BEING
OF THE ESSENCE as to closing by said date.

2. Other Terms:

Sellers and Purchasers hereby agree that said Contract is hereby modified as shown hereinabove. Except as
expressly modified above, said Contract shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Sellers and Purchasers have executed this Agreement the day and year first
written above.

SELLERS:

PURCHASERS:

X [Signature] DIRECTOR

3

75 YELLOW HILL ROAD

LOTS W-38-0050 AND W-38-0051

3



COPICUT
RESEVOIR

#75 YELLOW HILL ROAD

W-38-51

W-38-50

TOWN OF DARTMOUTH

3

ORDERED, that the Mayor is hereby authorized to acquire the property identified as 75 Yellow Hill Road, Assessor Parcel numbers W-38-0050 and W-38-0051 in Fall River, Massachusetts subject to any changes and final approval by the Corporation Counsel. The acquisition and ownership of said lot will provide a location for future conservation protection for the Community Utilities Department.

3

**J A Jones Associates
1749 Main Road
Tiverton, Rhode Island 02878**

January 26, 2018

Mike Labossiere
Reservation Superintendent
Water Division, Treatment and Resources
Department of Community Utilities
City of Fall River
2929 Blossom Rd.
Westport, MA 02790

RE: Appraisal
75 Yellow Hill Rd.
Fall River, MA
Assessor's Map W-38 Lot 81 & portion of Lot 50 Land Only

Dear Mr. Labossiere:

As requested, we have made an inspection of the subject property to report an estimate of market value, of the fee simple interest, as of. The complete appraisal process has been completed but according to your request we report our conclusions in the enclosed **Appraisal Report**. We intend this report to comply with the reporting requirements set forth under Standard Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice.

We retain the information and analysis not presented in this report in our file. We have completed the necessary analysis and verification needed to complete a more comprehensive Report. The Appraisal reporting format merely summarizes those pertinent pieces of information that are useful to the client's specific needs. As such, it presents only summary discussions of the data, reasoning, and analysis used in the appraisal process to develop our opinion of value. We are maintaining supporting documentation concerning the data, reasoning and analysis within our file. The depth of the discussion is specific to the client's needs with the intention that the client will use the report as stated below. The appraiser is not responsible for unauthorized use of this report.

It is important for the client to understand that the full evaluation process was conducted and the valuation reported herewith would be the same in a more comprehensive appraisal report.

3

January 26, 2018
Page Two

Based on a careful analysis and review of all pertinent data and considering all factors that affect real estate values, we have formed the opinion that the subject property warrants an estimated market value, in the fee simple interest, as of the date mentioned, in the amount of:

**Parcel 1 @ 5.60 acres & Parcel 2 @ 25.69 acres
FOUR HUNDRED THOUSAND (\$400,000) DOLLARS.**

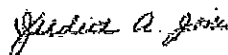
**Parcel 1 @ 5.60 acres & Parcel 2 @ 28.69 acres
FOUR HUNDRED TWENTY-FIVE THOUSAND (\$425,000) DOLLARS**

The following pages contain the conclusions formed from an extensive review of the data from which we derived this value estimate. If a more comprehensive report is needed, we can prepare one at your request.

We appreciate the opportunity to service your appraisal needs. If you have any questions or if we can be of further assistance, please do not hesitate to call.

Sincerely,

J A Jones Associates



Judith A. Jones SRPA
General Certified



CONCEPT SUBDIVISION
PLAN OF LAND
IN
FALL RIVER, MA
PREPARED FOR
CITY OF FALL RIVER
JUNE 18, 20
SCALE 1"=100'

STEC
Civil and Environmental Engineering
and Site Remediation
STEC, Inc.
100 Pioneer Center Road
Dorchester, MA 01919
(508) 881-2123
FAX (508) 898-7814

3

PROPOSAL TO PURCHASE REAL ESTATE
"THIS IS A LEGALLY BINDING CONTRACT. IF NOT UNDERSTOOD, SEEK COMPETENT ADVICE"

TO: Agnes Croteau
1316 North Hixville Rd.
North Dartmouth, MA 02747

DATE: 1/3/2018

The undersigned, hereinafter BUYER, hereby offers to buy the property herein referenced and identified as follows:
Two Parcels: Fall River Assessors MAP/LOT W-38-50 & W-38-51, located at 75 Yellow Hill Rd excluding the house and barn and approximately 2 to 5 acres (to be determined) to be subdivided and remain with seller. (Approximately 33 to 36 acres as described on the relevant SITEC concept plan).

BUYER hereby offers to buy said property under the following terms and conditions:

- (1) BUYER will pay therefore \$400,000.00 which:
 - (a) \$ 1,000.00 Is paid herewith as a deposit to bind this Proposal.
 - (b) \$ 9,000.00 Is to be paid as an additional deposit upon execution of the Purchase and Sale Agreement as provided for below.
 - (c) \$ 390,000.00 is to be paid in cash, certified check or bank draft at the time of the delivery of the Deed.
 - (d) \$ 400,000.00 Is the Total Purchase Price:
- (2) This Proposal is good until 1-12-2018 at 5pm, by or before which time a copy hereof shall be signed by SELLER signifying acceptance of this Proposal, and returned to BUYER forthwith; otherwise, this Proposal shall be considered rejected and any money deposited herewith shall be returned to BUYER forthwith.
- (3) The parties hereto shall, on or before 2-16-2018 at 5pm, execute a Purchase and Sale Agreement, which when executed, shall be the Agreement between the parties hereto.
- (4) A good and sufficient Deed, conveying a good, clear and marketable title of record shall be delivered on or before 6-30-2018 at 5pm at the Bristol County Registry of Deeds, unless some other time and place are mutually agreed upon.
- (5) (a) If SELLER does not fulfill SELLER's obligations under this Agreement, said Agreement shall be enforceable both at law and in equity, (inclusive of specific performance).
(b) In the event a dispute arises relating to the deposit (1)(a), the Escrow Agent may retain control over the deposit until provided mutually agreed upon written instructions from SELLER and BUYER, whereupon said deposit will be paid in accordance with said instructions.
- (6) Time is of the essence hereof.
- (7) Proposal subject to attached Rider A
- (8) Additional contingencies: House and Barn and approximately 2 to 5 acres (exact size to be determined by mutual agreement) shall be subdivided from the parcel and remain the property of the seller Agnes Croteau.

WITNESS my (our) hand(s) and seal(s).

SIGNED

BUYER

City of Fall River

BUYER

ADDRESS

This Proposal is accepted upon the foregoing terms and conditions at _____ on _____
WITNESS my (our hand(s) and seal(s)

SELLER

SELLER

Date: _____

RECEIPT FOR DEPOSIT

Received from BUYER the sum of \$1,000.00 as deposit under the terms and conditions of the above proposal to be held in escrow

by _____

Authorized Representative of Escrow Agent

3

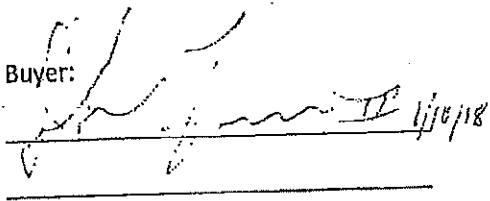
RIDER A

Rider A to purchase and Sale Agreement by and between Agnes Croteau, 1316 North Hixville Rd, North Dartmouth, MA as seller and City of Fall River as Buyer and concerning the land located on 75 Yellow Hill Rd., Fall River Ma.

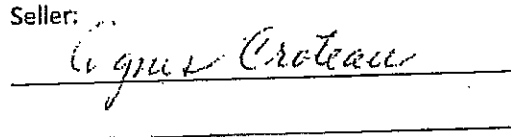
ADDITIONAL PROVISIONS. It is understood and agreed by the parties that:

- a) Agreement is subject to financing.
- b) Agreement is subject to appraisal confirming property value.
- c) Subject to confirmation of Seller's clear title.
- d) Subject to approval by the Fall River City Council.
- e) Binder and deposit shall be refundable to the buyer if above contingencies are not met through no fault of buyer.

Buyer:



Seller:



3

AMENDMENT TO CONTRACT
EXTENSION AGREEMENT

THIS EXTENTION AGREEMENT is made and entered into as of this day of JUNE, 2018.
by and between Agnes Croteau, ("Seller")
and City of Fall River, ("Purchaser").

WHEREAS, Seller and Purchaser entered into a Contract For Sale And Purchase Of Real Estate dated 113, 2018, (the "Contract"), in which the Purchasers agreed to purchase from the Sellers the real property municipally known as Land Fall River Assessors W-38-50+ W-38-51 @ (the "Property"), reference to which contract is hereby made for the terms and conditions thereof; and 75 Yellow Hill Rd (approximately 33-36 acres, no house) as described on 11/3/18 Purchase Contract

WHEREAS, said Contract specified that the closing of the sale was to be held on or before 6/30, 2018; and

WHEREAS, the Purchaser / Seller [circle one] was ready, willing, and able to close by said date but Purchaser / Seller [circle one] was unable to do so and thus have requested the Purchaser / Seller [circle one] to extend the date for closing; and

WHEREAS, the parties have so agreed to extend the date for closing, subject to said Contract being modified according to the terms and conditions hereinafter stated.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Sellers and Purchasers do hereby agree as follows:

1. The closing date is hereby extended to August 30, 2018 TIME BEING OF THE ESSENCE as to closing by said date.

2. Other Terms:

Sellers and Purchasers hereby agree that said Contract is hereby modified as shown hereinabove. Except as expressly modified above, said Contract shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Sellers and Purchasers have executed this Agreement the day and year first written above.

SELLERS:

Agnes Croteau

PURCHASERS:

[Signature] DIRECTOR



City of Fall River
Massachusetts
Community Preservation Committee

4

JASIEL F. CORREIA II
Mayor

James Souza
Vice-Chairman

July 30, 2018

Honorable City Council
One Government Center
Fall River, MA 02722

RECEIVED
2018 AUG -3 A 9:57
CITY CLERK
FALL RIVER, MA

Dear Honorable City Council:

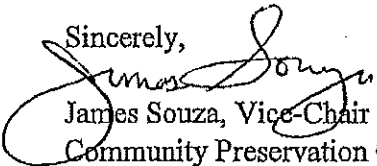
At the request of the City Council, The Community Preservation Committee met July 10, 2018 to review FY19 Projects in addition to resolve any outstanding issues related to The Former Elk's Lodge (200 Bank Street) project.

After meeting, the Community Preservation Committee voted to send the original Appropriation Order and recommended projects back to the City Council.

Additional information is attached for the Council's review.

It is the request of The Community Preservation Committee that this item be placed back on the City Council Agenda for a vote.

Sincerely,


James Souza, Vice-Chair
Community Preservation Committee

Sandy Dennis

From: James Souza <nbb92@aol.com>
Sent: Wednesday, August 1, 2018 8:31 PM
To: dendenllc@comcast.net
Subject: Fwd: City Council Actions on CPA Projects
Attachments: Sample Appropriation Votes from IGR 00_209amended.pdf

RECEIVED

2018 AUG -3 A 9:56

CITY CLERK
FALL RIVER, MA

Hi Sandy,

I asked Stuart on how the council can vote on the appropriation order.
This is his response. I think all the councillors should get this e-mail.

Jimmy

-----Original Message-----

From: Stuart Saginor <stuart.saginor@communitypreservation.org>
To: NBB92 <NBB92@aol.com>
Cc: Alison Leary <alison.leary@communitypreservation.org>
Sent: Wed, Aug 1, 2018 5:24 pm
Subject: City Council Actions on CPA Projects

Hi Jim:

You had called to ask about City Council actions on projects that the CPC recommends. Orders that present CPA projects to legislative bodies appear in many different formats, but no matter how it is presented, it is clear that each project is a separate appropriation. The Council can certainly take one action on the entire CPC recommendation, and vote all of the projects up or down. But they also have the right to vote on individual projects if they wish. See the attached page (number 43) from the main guidance document on CPA, IGR-209 from the Department of Revenue. It provides a sample of how to present projects and the CPA budget to the legislative body, and it clearly shows that each project is a separate appropriation.

The Council has three main actions they can take on each project. They can vote yes on the CPC's recommendation, they can vote no, or they can vote to reduce the appropriation. They cannot increase the amount. Nor can they make amendments to the scope of the project, as then the project would not be the one that the CPC recommended any longer, and as we know, the CPC must first recommend a project before the legislative body can vote on it. As a citizen approved, voluntary tax increase, the legislature wanted to make sure the recommendations on how to spend CPA money came from the citizens.

I hope this is helpful, Jim.

Best,
Stuart

Stuart Saginor
Executive Director
Community Preservation Coalition
6 Beacon St, Suite 615
Boston, MA 02108

Direct: 617-371-0540
stuart.saginor@communitypreservation.org

8/6 emailed to all Councilors.

Please Note: The Community Preservation Coalition does not render legal opinions or advice, and recommends consulting with an attorney.

CPC FY19 APPF CATEGORY	VTION/BROKEN OUT	AMOUNT	NOTES & RECOMMENDED AMOUNTS	FUNDING SOURCE
Community Housing		0	This Category was not fully funded. (10% of Dedicated funds)	
Open Space & Recreation				
Bio Reserve Project #1 (10-year bond)	City (Water Dept)	Open Space & Recreation	78,000 (first year)	Annual Revenues
Niagara Bike Path	City (Planning Dept.)	Open Space & Recreation	45,000	Annual Revenues
SUB TOTAL			123,000	
Historic Preservation				
Lafayette Durrfee House	Private Non-Profit	Historic Preservation	186,000.00	Annual Revenues/Unreserved Fund Balance
Anawan #6 (Fall River Fire Museum)	Private Non-Profit	Historic Preservation	172,930	Annual Revenues/Unreserved Fund Balance
Little Theatre	Private Non-Profit	Historic Preservation	95,937	Annual Revenues/Unreserved Fund Balance
Elks Lodge	Private Privately Owned	Historic Preservation	150,000	Annual Revenues/Unreserved Fund Balance
Academica	Private Privately Owned	Historic Preservation	250,000	Annual Revenues/Unreserved Fund Balance
Eagle Event Center	Private Privately Owned	Historic Preservation	80,000	Annual Revenues/Unreserved Fund Balance
Central Fire Station	Private Privately Owned	Historic Preservation	200,000	Annual Revenues/Unreserved Fund Balance
Private Joseph Francis Greet	City (Facilities Maint/Parks)	Historic Preservation	13,000	Annual Revenues/Unreserved Fund Balance
Granite Wall/Lower Kennedy Park (Bradford Avenue)	City (Facilities Maint/Parks)	Historic Preservation	30,000	Annual Revenues/Unreserved Fund Balance
SUB TOTAL			1,177,867.00	
Open Space & Recreation			123,000	
Historic Preservation			1,177,837	
SUB TOTAL			1,300,837	
Mt. Hope Bike Path (year 2 bond)			60,000	Annual Revenues
SUB TOTAL			60,000	
Housing (Reserve/Undesignated)			97,750	Annual Revenues
SUB TOTAL			97,750	
Administrative Expenditures			45,000	Annual Revenues
SUB TOTAL			45,000	
TOTAL			1,503,617	

4

SAMPLE APPROPRIATION VOTES

ANNUAL COMMUNITY PRESERVATION PROGRAM BUDGET

ARTICLE: TO ACT ON THE REPORT OF THE COMMUNITY PRESERVATION COMMITTEE ON THE FISCAL YEAR 2002 COMMUNITY PRESERVATION BUDGET AND TO APPROPRIATE OR RESERVE FOR LATER APPROPRIATION MONIES FROM COMMUNITY PRESERVATION FUND ANNUAL REVENUES OR AVAILABLE FUNDS FOR THE ADMINISTRATIVE EXPENSES OF THE COMMUNITY PRESERVATION COMMITTEE, THE PAYMENT OF DEBT SERVICE, THE UNDERTAKING OF COMMUNITY PRESERVATION PROJECTS AND ALL OTHER NECESSARY AND PROPER EXPENSES FOR THE YEAR, OR TAKE ANY OTHER ACTION RELATIVE THERETO.

MOTION: I move that the town vote to appropriate or reserve from Community Preservation Fund annual revenues or available funds the amounts recommended by the Community Preservation Committee for committee administrative expenses, debt service, community preservation projects and other expenses in Fiscal Year 2002, with each item to be considered a separate appropriation.

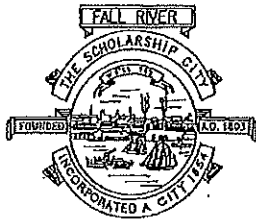
PROPOSED FISCAL YEAR 2002 COMMUNITY PRESERVATION BUDGET

THE COMMUNITY PRESERVATION COMMITTEE RECOMMENDS THAT THE FOLLOWING AMOUNTS BE APPROPRIATED OR RESERVED FROM FISCAL YEAR 2002 COMMUNITY PRESERVATION FUND REVENUES, UNLESS OTHERWISE SPECIFIED, FOR FISCAL YEAR 2002 COMMUNITY PRESERVATION PURPOSES WITH EACH ITEM CONSIDERED A SEPARATE APPROPRIATION:

<u>PURPOSE</u>	<u>RECOMMENDED AMOUNT</u>	<u>FUNDING SOURCE</u> (if other than FY02 annual fund revenues)
Appropriations		

Reserves		
Open Space		
Historic Resources		
Community Housing		

INITIAL FINAL REPORT



City of Fall River
Massachusetts
Community Preservation Committee

JASIEL F. CORREIA II
Mayor

KENNETH C. PACHECO
Chairman
James Souza
Vice-Chairman

May 23, 2018

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

RECEIVED
2018 MAY 23 P 2:05
CITY CLERK
FALL RIVER, MA

Dear City Council:

Pursuant to City Ordinance 2013-11, section 2-367, The Community Preservation Committee shall submit its final report prepared pursuant to GL Ch. 44B s 5.

Copies of the report have been submitted to:

- Mayor
- City Clerk
- City Council Official Record
- Nine copies, one for each City Council

This is the 2018 Report which includes the FY19 project & funding recommendations from the Community Preservation Committee.

Thank you for your attention to this matter.

Respectfully,

Kenneth Pacheco, Chair
Community Preservation Committee

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 26 2018

*Referred to the Community
Preservation Committee*

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 29 2018

*Referred to the
Committee on Finance*

4

City of Fall River, In City Council

ORDERED, that the attached 2018 final report, submitted by the Community Preservation Committee, be and the same is hereby approved.

CITY OF FALL RIVER
IN CITY COUNCIL ..

JUN 26 2018

Referred to the Community
Preservation Committee

**COMMUNITY PRESERVATION COMMITTEE
FINAL REPORT 2018
FY19 Project & Funding Recommendations**

Adoption and Preparation

The Citizens of Fall River approved the adoption of the community Preservation Act in the November 2012 election. 57.9% of the voters in the election cast ballots in support of its local adoption. The Community Preservation Committee was formed in October 2013 and held its first meeting on October 28, 2013. The membership of the Community Preservation Committee includes two members appointed by the Mayor, two members appointed by the City Council, a representative from the Housing Authority, a representative from the Historic Commission, a representative from the Planning Board, a representative from the Conservation Commission and a representative from the Park Board

Mayor Appointee

- James Souza
- John Francoeur

City Council Appointee

- Kenneth Pacheco
- Antone Dias

Housing Authority

- Vacant

Historic Commission

- Kristen Cantara Oliveira

Planning Board

- Charles Moniz

Conservation Commission

- John Brandt

Park Board

- Victor Farias

The Community Preservation Committee has developed a local CPA Plan, established the application and hearing process and has become familiar with the statute, GL Ch. 44B and applicable rules. The Community Preservation Committee continues to work closely with the Executive Director of the Community Preservation Coalition as a resource for technical guidance on the implementation of this Act. The Committee frequently utilizes the resources of the Community Preservation Coalition on matters that require clarification.

A website and Facebook has been developed and remains updated for public access. Materials are available through the website as well as at the Community Preservation Committee office at Government Center. As required by statute, the CPC held its annual meeting in August 2016. This public meeting was preceded by legal notices published in the Fall River Herald News. The annual meeting was an opportunity for the public to offer opinions as to the projects and general procedures.

In addition, to the annual public hearings, members of the public have been recognized at each of the CPC's meetings. The identity of the speakers and their comments are documented in the Committee's minutes and the Fall River Government TV video's. No member of the public wishing to address the Community Preservation Committee has ever been denied the opportunity to express his/her views.

The effectiveness of the efforts by the Community Preservation Committee to advertise the availability of these funds is evidenced by the fact that for 2018 28 applications were received.

In 2017 (FY18), the Community Preservation Committee recommended and the City Council approved funding for 11 projects. Since the inception of the Community Preservation Committee tools have been implemented. Award agreements have been drafted and financial protocols have been developed. Work on private projects have been completed. Some projects have been delayed due to weather, overruns and change in staffing. It is expected that projects will be completed by fall. Colorful signs have been purchased and placed at construction sites throughout the city. The signs indicate that the work is being conducted because of the Community Preservation Act funding.

The Application Process

Hearings on Eligibility

The Community Preservation Committee adopted a two-step application process. This process was followed during the 2018 funding cycle. The first part of the process involves an application for eligibility due on September 1st. Upon receipt of each application for eligibility the Committee scheduled an eligibility hearing and sent notification to each applicant.

During the 2018 funding cycle eligibility hearings were held

October 5, 2017 - Regular Meeting

Eligibility Projects

ELIGIBILITY APPLICATIONS	PROJECT #
PRIVATE	
Lafayette Durfee House	0001
Little Theatre of Fall River	0002
Maritime Museum	0003
Citizens for Citizens	0004
Academica Club	0005
8084 North Main Street	0006
Eagle Event Center	0007
Park View Condo Assoc.	0008
Cultural Center	0009
Fall River Fire Museum	0010
Elks Lodge/200 Bank St.	0011

October 24, 2017 - Regular Meeting

Eligibility Projects

	0012
City of Fall River/Boat Ramp	0013
City of Fall River/Central Fire Station	0014
City of Fall River/Park Wires	
City of Fall River/Park Building Kennedy Park	0015
City of Fall River/Lower Kennedy Park-Granite Wall	0016
Fall River Park Dept/Private Francis Green	0017
Fall River Park Dept/Bike Path Study	0018

4

School Dept, Administration Bldg.- Window Restoration	0019
City of Fall River-Free Quequechan River Study	0020
City of Fall River-Environmental Education & Discovery Center	0021
City of Fall River/Water Dept.-Land Acquisition	0022
City of Fall River/Water Dept.- Land Acquisition	0023
City of Fall River/Water Dept.- Land Acquisition	0024
City of Fall River/Water Dept.- Land Acquisition	0025
City of Fall River/Water Dept.- Land Acquisition	0026
Capital Theatre	0027
Stanley Street Fire Station Roof	0028

The first purpose of these eligibility hearings was for the Committee to determine if the application met the criteria for funding. The Community Preservation Act allows funding for projects involving Open Space, Historic Preservation, Outdoor Recreation and Community Housing. Within each category there are rules involving permissible funding.

The Community Preservation Committee considered the eligibility of each project even when a presenter did not appear. The secondary purpose of these hearings was for the Committee to become familiar with the projects through applicant presentations. The committee members had frequent questions for these presenters. Ultimately 28 projects qualified

Hearings for Funding

The Community Preservation Committee scheduled funding hearings for projects
March 15, 2018

- a. 2018-1 – Lafayette / Durfee House
- b. 2018-2 – Little Theater of Fall River
- c. 2018-3 – Maritime Museum at Battleship Cove HVAC System
- d. 2018-4 – CFC Children's Home / 427 Robeson Street
- e. 2018-5 – Academica Handicap Accessibility & Sprinkler System
- f. 2018-7 – Eagle Event Center ADA Compliance Project

March 28, 2018

- g. 2018-9 - Cultural Center Roof
- h. 2018-10 – Anawan No. 6 (Fire Museum) Restoration Project
- i. 2018-11 – Former Elks Lodge – 200 Bank Street
- j. 2018-12 – City of Fall River – Boat Ramp
- k. 2018-13 – City of Fall River – Central Fire Station Roof
- l. 2018-14 – City of Fall River – Park Wires
- m. 2018-15 – City of Fall River – Park Building
- n. 2018-16 – City of Fall River – Granite Wall – Lower Kennedy Park

April 3, 2018

- a. 2018-17 – Private Joseph Francis Green
- b. 2018-18 – Niagara Neighborhood Bike Path Study

- 4
- c. 2018-19 -- Fall River Public Schools Window Restoration Project
 - d. 2018-22 -- Bioreserve Conservation Land Acquisition Project #1
 - e. 2018-23 -- Bioreserve Conservation Land Acquisition Project #2

Emergency Projects

At the April 3, 2018 meeting Stanley Street Fire Station project was presented for Emergency funding.

Ultimately the Committee determined that additional information was needed along with a copy of exterior conditions and structural study report. This project will be discussed and reviewed at a future meeting. It was agreed and voted that the Stanley Street Fire Station will be included in the funding round along with the other FY19 projects.

No other emergency projects came before the committee.

Each of the applicants received notification of the hearing date. The applicants had the opportunity to supplement their earlier presentations and to submit additional materials. The Committee members also used this opportunity to ask many questions of each applicant. All proposals were considered even when a presenter did not appear for the hearing.

Final Projects submitted for Funding round

Out of the 28 projects that met eligibility a total of 20 projects made it to the funding round.

Private Projects

Lafayette Durfee House
 Little Theater of Fall River
 Maritime Museum
 CFC Children's Home
 Academica Club
 Eagle Event Center
 Cultural Center
 Anawan No. 6 (Fall River Fire Museum)
 Former Elks Lodge (200 Bank Street)

Public Projects

Boat Ramp (Bicentennial Park)
 Central Fire Station
 Park Wires
 Park Building (Kennedy Park)
 Granite Wall (Kennedy Park/Bradford Avenue)
 Private Joseph Francis Green
 Niagara Neighborhood Bike Path Study
 Fall River Public Schools Window Restoration
 Bioreserve Conservation Land Acquisition Project #1
 Bioreserve Conservation Land Acquisition Project #2
 *Stanley Street Fire Station

*During the final phase of funding Stanley Street Fire Station was withdrawn from for funding from the Fall River Fire Dept.

The Voting Process

Committee member Antone Dias worked on the tier-voting ballot. This ballot allowed each committee member to rate each project a 1 (high interest), 2 (moderate interest) or a 3 (low interest). Each committee member completed this ballot after the hearings for funding had been concluded. Mr. Dias then compiled the votes. The votes on these ballots were non-binding but were useful in informing the discussion on each project for the first phase of the Funding round on May 5, 2018.

At its meeting on May 5, 2018 the CPC vetted the projects in the order in which they were voted on by the committee members. Each project was discussed and a dollar amount for funding was determined for the 2nd phase of the funding round.

It was determined that the Bioreserve Conservation Land Acquisition Project #2 was not eligible for CPC funds after a determination made by the Community Preservation Coalition.

Committee members re-calculated their score sheets based on information from the May 5, 2018 meeting.

The final funding phase meeting was scheduled for May 9, 2018 where the CPC committee voted on the final projects and determined the amount of funds to recommend to the City Council.

The final projects for recommendation are:

FY19 CPC FINAL PROJECT RECOMMENDATIONS			
PRIVATE	CATEGORY	AMOUNT	
Lafayette Durfee House	Historic Preservation	186,000.00	
Anawan #6 (Fall River Fire Museum)	Historic Preservation	172,930	
Little Theatre	Historic Preservation	95,937	
Elks Lodge	Historic Preservation	150,000	
Academica	Historic Preservation	250,000	
Eagle Event Center	Historic Preservation	80,000	
		934,867.00	
PUBLIC			
Central Fire Station	Historic Preservation	200,000	
Private Joseph Francis Greet	Historic Preservation	13,000	
Granite Wall/Lower Kennedy Park (Bradford Avenue)	Historic Preservation	30,000	
Bio Reserve Project #1 (10-year bond)	Open Space & Recreation	78,000	(10-year bond)
Niagara Bike Path	Open Space & Recreation	45,000	
		366,000	
Total of 11 projects funded			
6 Private Project		934,867	
5 Public Projects		366,000	
Total Funding		1,300,867	
Historic Preservation		9	
Open Space & Recreation		2	

Each item to be considered a separate appropriation

Conclusion

The Community Preservation Committee encouraged applications and followed an open and extended review process. Public input was and will continue to be encouraged. The Committee considered many factors in

making these final recommendations. Among the factors that the Committee considered was geographic diversity so that the funded projects benefit all areas of the city. A number of other factors influences these final recommendations. In the Historic Preservation category, the urgency of repairs was a compelling factor, see, e.g., Central Fire Station, Granite Wall @ Lower Kennedy Park (Bradford Avenue). The importance of preserving, protecting and honoring a war memorial at the Private Joseph Francis Green. Other important factors that were considered was the benefits to the public and the preservation of historic properties. In the Open Space & Recreation category, the importance of protecting land in the Bio Reserve and the fact that it is referenced in the Master Plan on several occasions as well as continued work on our city bike paths. There were no applications in the Housing category this year.

The Community Preservation Committee respectfully requests that the following, considered recommendations be approved:

The Categories are as follows:

CPC FY19 FUNDING RECOMMENDATIONS		
CATEGORY	AMOUNT	NOTES
Community Housing	0	This Category was not fully funded. (10% of Dedicated funds)
Open Space & Recreation		
Bio Reserve Project #1 (10-year bond)	Open Space & Recreation	78,000 (first year)
Niagara Bike Path	Open Space & Recreation	45,000
SUB TOTAL		123,000
Historic Preservation		
Lafayette Durfee House	Historic Preservation	186,000.00
Anawan #6 (Fall River Fire Museum)	Historic Preservation	172,930.
Little Theatre	Historic Preservation	95,937
Elks Lodge	Historic Preservation	150,000
Academica	Historic Preservation	250,000
Eagle Event Center	Historic Preservation	80,000
Central Fire Station	Historic Preservation	200,000
Private Joseph Francis Greet	Historic Preservation	13,000
Granite Wall/Lower Kennedy Park (Bradford Avenue)	Historic Preservation	30,000
SUB TOTAL		1,177,867.00
Open Space & Recreation		123,000
Historic Preservation		1,177,837
Mt. Hope Bike Path (year 2 bond)		60,000
TOTAL		1,360,837

Totaling (11) new projects funded for a total of \$1,300,837 of which Bio Reserve is a (10) year bond. Also included is the Mt. Hope Bike Path of which is a (5) year bond at \$60,000 bringing the total to 1,360,837

Total for this 2018-year (FY19 Projects) were (11) projects and the Mt. Hope Bike Path (5) year bond-totaling \$1,360,837

filed by sandy 4
Dennis after
5-29-18 Meeting

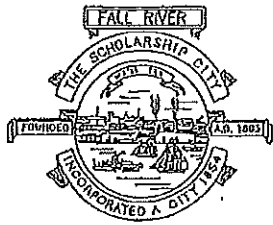
EXPLANATION OF FUNDING

Appropriation Order	\$1,503,617
FY19 Recommended Projects	1,300,867
Mt. Hope Bike Path (5yr. Bond)	\$60,000
Administrative Costs	\$45,000
Housing	<u>\$97,750</u>
Total	\$1,503,617

The reason the Appropriation Order does not match the Recommended FY19 Project Funding is because the Appropriation Order includes the \$60K Mt. Hope Bike Path (5 yr. Bond), Administrative costs and the 10% Housing reserve.

4

INITIAL APPRIATION ORDER



JASIEL F. CORREIA II
Mayor

City of Fall River
Massachusetts
Office of the Mayor

4
RECEIVED

2018 MAY 23 A 10:33

CITY CLERK
FALL RIVER, MA

May 22, 2018

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

Dear Honorable Council Members:

The Community Preservation Committee (CPC) has identified community projects for the fiscal year 2019 and had made recommendations for funding in accordance with the Community Preservation Act (CPA) MGL Chapter 44B Sections 4 to 7.

The total CPA funding request for FY 19 is \$1,503,617 as outlined in the proposed Appropriation Order.

Your approval of the associated Appropriation Order is respectfully requested.

Should you have any questions or concerns in this regard, please do not hesitate to contact me.

Sincerely,


Jasiel F. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL
MAY 29 2018

*Referred to the Committee
on Finance*

CITY OF FALL RIVER
IN CITY COUNCIL
JUN 26 2018

*Referred to the Community
Preservation Committee and
ask Corp. Council for Clarification
regarding the City Council's responsibility,
6 years, 2 days*

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

City of Fall River, In City Council

4

APPROPRIATION ORDER

ORDERED, that the following FY 19 appropriations be provided through the Community Preservation Act (CPA), revenues and reserves under the MGL Chapter 44B Sections 4 to 7 in the aggregate, amounting to \$1,503,617 to be appropriated as follows:

Voted: That \$977,500 be appropriated from the CPA Fund FY 19 Annual Revenues

For CPA Administrative Expenditures	\$45,000
For CPA Open Space/Outdoor Recreation PROJECTS	\$183,000
For CPA Historic Resources Preservation PROJECTS	\$651,750
For CPA Community Housing RESERVE	\$97,750
For CPA Open Space/Outdoor Recreation RESERVE	\$0
TOTAL	\$977,500

And that \$526,117 be appropriated from reserves and fund balance:

For Community Housing PROJECTS from CPA Fund Balance Reserved for Community Housing	\$0
For Historic Resources Preservation PROJECTS From CPA Fund Balance Unreserved/Undesignated	\$526,117
TOTAL	\$526,117

Note: This is the sixth year of CPA implementation. Anticipated CPA Surcharge revenue is \$850,000. Supplemental state trust fund distributions are estimated at \$127,500 (15%). Total \$977,500. Minimum 10% (\$97,750) has to be spent or reserved under each of the three categories and the Administrative expenditure cannot exceed 5% (\$48,875).

CITY OF FALL RIVER
IN CITY COUNCIL

May 29, 2018
Referred to the Committee
on Finance

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 26 2018
Referred to the Community
Preservation Committee and
Ask Corp. Council for clarification
regarding City Council's responsibility,
6/26/18, 2 days



4

**City of Fall River
Massachusetts
Community Preservation Committee**

JASIEL F. CORREIA II
Mayor

KENNETH C. PACHECO
Chairman
James Souza
Vice-Chairman

May 21, 2018

City of Fall River
Jasiel F. Correia II
One Gov't Center
Fall River, MA 02722

Dear Mayor Correia:

The Community Preservation Committee is requesting the following appropriation for the FY19 year.

For CPA Administrative Expenditures	\$ 45,000.00
For CPA Open Space/Recreation (this included funding for year-2 bond for the Mt. Hope Bike Path)	\$ 183,000.00
For CPA Historic Preservation	\$1,177,867.00
For CPA Community Housing (Reserve-Undesignated)	\$ <u>97,750.00</u>
Total	\$1,503,617.00

The Community Preservation Committee is requesting that your office sends this down to the the Auditor to prepare an Appropriation Order for this FY19 Budget.

We need this by May 22, 2018 so it can get on the City Council agenda for their Tuesday, May 29, 2018 meeting,

Respectfully,

Kenneth Pacheco, Chair
Fall River Community Preservation Committee

CC: Jen Argo, City Auditor
Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services

4

RECEIVED

2018 JUN -7 A 10:35

CITY CLERK _____
FALL RIVER, MA

EXPLANATION OF FUNDING

Appropriation Order	\$1,503,617
FY19 Recommended Projects	1,300,867
Mt. Hope Bike Path (5yr. Bond)	\$60,000
Administrative Costs	\$45,000
Housing	<u>\$97,750</u>
Total	\$1,503,617

The reason the Appropriation Order does not match the Recommended FY19 Project Funding is because the Appropriation Order includes the \$60K Mt. Hope Bike Path (5 yr. Bond), Administrative costs and the 10% Housing reserve.

6/7/18 emailed and placed on desks

CPC FY19 APPROPRIATION/BROKEN OUT CATEGORY	AMOUNT	NOTES
Community Housing	0	This Category was not fully funded. (10% of Dedicated funds)
Open Space & Recreation		
Bio Reserve Project #1 (10-year bond)	City (Water Dept)	78,000 (first year)
Niagara Bike Path	City (Planning Dept.)	45,000
SUB TOTAL		123,000
Historic Preservation		
Lafayette Durrfee House	Private/Non-Profit	186,000.00
Anawan #6 (Fall River Fire Museum)	Private/Non-Profit	172,930
Little Theatre	Private/Non-Profit	95,937
Elks Lodge	Private/Private/Non-Profit	150,000
Academica	Private/Private/Non-Profit	250,000
Eagle Event Center	Private/Private/Non-Profit	80,000
Central Fire Station	Private/Non-Profit	200,000
Private Joseph Francis Greet	City (Facilities Maint/Parks)	13,000
Granite Wall/Lower Kennedy Park (Bradford Avenue)	City (Facilities Maint/Parks)	30,000
SUB TOTAL		1,177,867.00
Open Space & Recreation		123,000
Historic Preservation		1,177,837
SUB TOTAL		1,300,837
Mt. Hope Bike Path (year 2 bond)		60,000
SUB TOTAL		60,000
Housing (Reserve/Undesignated)		97,750
SUB TOTAL		97,750
Administrative Expenditures		45,000
SUB TOTAL		45,000
TOTAL		1,503,617

4

[illegible]

RECEIVED
2018 JUN - 7 A 10 35
CITY CLERK
FALL RIVER, MA

4

APPROPRIATION ORDER

APPROPRIATION ORDER BROKEN OUT

4

APPROPRIATION ORDER

ORDERED, that the following FY 19 appropriations be provided through the Community Preservation Act (CPA), revenues and reserves under the MGL Chapter 44B Sections 4 to 7 in the aggregate, amounting to \$1,503,617 to be appropriated as follows:

Voted: That \$977,500 be appropriated from the CPA Fund FY 19 Annual Revenues

For CPA Administrative Expenditures	\$45,000
For CPA Open Space/Outdoor Recreation PROJECTS	\$183,000
For CPA Historic Resources Preservation PROJECTS	\$651,750
For CPA Community Housing RESERVE	\$97,750
For CPA Open Space/Outdoor Recreation RESERVE	\$ 0
TOTAL	<u>\$977,500</u>

And that \$526,117 be appropriated from reserves and fund balance:

For Community Housing PROJECTS	
from CPA Fund Balance Reserved for Community Housing	\$0
For Historic Resources Preservation PROJECTS	
From CPA Fund Balance Unreserved/Undesignated	<u>\$526,117</u>
TOTAL	<u>\$526,117</u>

Note: This is the sixth year of CPA implementation. Anticipated CPA Surcharge revenue is \$850,000. Supplemental state trust fund distributions are estimated at \$127,500 (15%). Total \$977,500. Minimum 10% (\$97,750) has to be spent or reserved under each of the three categories and the Administrative expenditure cannot exceed 5% (\$48,875).

Administrative Expenses/\$45,000.00							
Personnel						20,000	
CPC Coalition Membership						3,500	
Advertising						2,000	
Postage/Communication						250	
Office Supplies						750	
Copies						500	
Consulting Services							
Legal (deed filing, misc. legal services)						12,000	
Misc. Services						6,000	
						45,000	
Open Space/Recreation							
Bio Reserve Project #1 (10-year bond)				City (Water Dept)	Open Space & Recreation	78,000	
Niagara Bike Path				City (Planning Dept.)	Open Space & Recreation	45,000	
Mt. Hope Bike Path (2nd year of 5-year bond)						60,000	
						183,000	
Historic Preservation							
Lafayette Durrfae House				Private/Non-Profit	Historic Preservation	186,000.00	
Anawan #6 (Fall River Fire Museum)				Private/Non-Profit	Historic Preservation	172,930	
Little Theatre				Private/Non-Profit	Historic Preservation	95,937	
Elks Lodge				Private/Private/Privately Owned	Historic Preservation	150,000	
Academica				Private/Private/Privately Owned	Historic Preservation	250,000	
Eagle Event Center				Private/Private/Privately Owned	Historic Preservation	80,000	
Central Fire Station				Private/Non-Profit	Historic Preservation	200,000	
Private Joseph Francis Greet				City (Facilities Maint/Parks)	Historic Preservation	13,000	
Granité Wall/Lower Kennedy Park (Bradford Avenue)				City (Facilities Maint/Parks)	Historic Preservation	30,000	
						1,177,867.00 (651,750 + 526,117)	
Community Housing reserve						97,750	
						45,000	
						183,000	
						1,177,867	
						97,750	
Total Appropriation Order Broken Out						1,503,617	

4

FY19 PROJECTS

- Report
- Descriptions
- Application Page/Budget

4

PROJECT DESCRIPTIONS

FY19 RECOMMENDED PROJECT DESCRIPTIONS

4

1. Stanley Street Fire Station

Request withdrawn

Request came in just before the meeting

2. Lafayette-Durfee House

Historic Preservation

\$186,000.00

Further Renovations

Exterior windows, trim, flashing, gutters and clapboard siding

East Elevation

North Elevation

West Elevation

Architectural & Structural Engineering Services plans and specifications, construction administration agencies, owner and builder coordinator

(Refer to Funding Application for details)

3. Anawan No. 6

Historic Preservation

\$172,935.00

Exterior Masonry Work

Interior Work

Architectural & Structural Engineering Services plans and specifications, construction administration agencies, owner and builder coordinator

(Refer to Funding Application for details)

4. Central Fire Station

Historic Preservation

\$200,00.00

Roof and skylight repairs

Maintenance - Once the job is complete there shouldn't be any or much maintenance

5. Little Theatre of Fall River

Historic Preservation

\$95,937.00

Existing building conditions study and Preservation Plan

Abatement and environmental monitoring services

Potential need of servicing/repair/replacement of the HVAC system & duct work.

Asbestos Abatement & Environmental Science Monitoring Services before, during and after the completed abatement, to be immediately followed by an Existing Building Conditions Study and Preservation Plan

Including a potential repair/replacement of the HVAC system & duct work, if and only if after the completed abatement and environmental testing, indicates that asbestos contamination remains present in the HVAC system duct work.

The HVAC system work would only be performed if, by having the abatement completed and all environmental testing results prove that asbestos contamination remains present in the HVAC system and duct work.

6. Private Joseph Francis Green

Historic Preservation

\$13,000.00

3' black wrought iron fence around the memorial portion of the green with a gate in the back portion.

Received letter from Park Board supporting this project

7. Elks Lodge

Historic Preservation

\$150,000.00

Restore the storefronts and several windows to the condition and appearance they once had.

Store front Exterior Restoration

- Door restoration
- Cooper cornice restoration
- Granite Cleaning
- Repoint brick where needed
- Window replacement
- Painting

Window Restoration

- Scrape, sand, prime and paint frames
- Repairs to sashes
- Replace glass where needed

Second Floor Bay Windows

- Remove plywood
- Scrape, sand, prime and paint frames
- Epoxy as required
- Install glass
- Repairs to sashes -re-glaze, prime and paint

Refer to Executive Summary/Project Description & Goals

9. Bio Reserve

Open Space

Applicant: Mike Labossiere/City of Fall River

\$78,000.00 per year for 10 years - 10 Year Bond

Land Acquisition:

- 16.00 acres Indian Town Road
- 38.50 acres Yellow Hill Road

Maintenance: The maintenance plan for these conservation lands going forward will be to manage them along with the other 7800 acres owned and under the care and control of the Water Department. Some initial modest infrastructure will be installed such as signage and a simple single track hiking trail to experience the property. The signs will be funded out of operating budget and the trails will be designed and laid out using staff time and opened by volunteer parties. The ongoing light trail maintenance will also be done by a combination of staff and volunteer help. It is expected the simple trail system will be GPS'd and the data entered into the master data pool to be published in the next unified trail map.

10. Academica Project

Historic Preservation

\$250,000.00

Request amended from \$350k to \$250k. \$250,000.00 would be for the elevator and that if it costs more, they can fund it themselves. They cannot come back for addition funding for the elevator

4

11. Eagle Event Center

Historic Preservation

\$80,000.00

Request amended from \$94,000.00 to \$80,000.00

\$50,000.00 - Architectural Review

\$30,000.00 - Roof

12. Niagra Neighborhood Bike Path Study

Open Space

\$45,000.00

Request amended from \$90,000.00 to \$45,000.00

\$45,000.00 for a study for South Watuppa portion of the bike path linking to Maplewood Park

Project will not require a restriction

13. Granite Wall

Historic Preservation

\$30,000.00

Repair and restore the historical wall to return to its historical state.

Lower Bradford Avenue

Original stones will be used for the repair

Maintenance - Once the wall is complete there should be no maintenance

FY19 - PUBLIC

Recommended Projects

Historic Preservation

Central Fire Station – Public

Private Joseph Francis Green – Public

Granite Wall/Lower Kennedy Park (Bradford Avenue) – Public

Open Space & Recreation

Bio Reserve Project (10 year bond) – Public

Niagara Bike Path - Public

4

CITY OF FALL RIVER
APPLICATION FOR COMMUNITY PRESERVATION FUNDING

Date: January 3, 2018

Project Title: Central Fire Station Roof

Name of Applicant/Contact Person: Chris Gallagher

Name of Organization: Facilities Maintenance, City of Fall River

Mailing Address: One Government Center, Room 321, Fall River, MA 02722

Telephone: 508-324-2226

Email: cgallagher@fallriverma.org

CPA Funding Requested: \$ 200,000 Total Project Cost: \$ 200,000

CPA Category (YOU MUST CHECK OFF A MINIMUM OF ONE CATEGORY, but may identify more than one category, if applicable to your project)

• Open Space ☐

• Historic Preservation ☒

• Outdoor Recreation ☐

• Community Housing ☐

PROJECT DESCRIPTION:

- All the following MUST be answered in the space provided. If space is not adequate, please attach additional information to the back of the application.
- APPLICATIONS WILL BE RETURNED AS INCOMPLETE. IF ALL RELEVANT REQUESTED INFORMATION IS NOT PROVIDED. If a section is not applicable to your project, please put "n/a".
- Include supporting materials and exhibits as necessary.
- Please refer to the Fall River Community Preservation Funding Guidelines posted on the city web site before and while completing this application.
- If space provided is not adequate, please attach additional information to application.

1. Describe the project.

Installation of a new roof to preserve this historic structure. Also, there will be some masonry and skylight work.

4

**Central Fire Roof
Fall River
29-Jan-18**

	<u>Original Budget</u>	<u>Committed</u>	<u>Anticipated</u>	<u>Revised</u>	<u>Variance</u>
Construction					
Roofing	\$110,000	\$0	\$0	\$0	-\$110,000
Masonry and Flashing	\$15,000	\$0	\$0	\$0	-\$15,000
Glass-Skylights	\$15,000	\$0	\$0	\$0	-\$15,000
Asbestos Abatement	\$20,000	\$0	\$0	\$0	-\$20,000
Contingency/Change orders	\$4,500	\$0	\$0	\$0	-\$4,500
Subt-total Construction	\$164,500	\$0	\$0	\$0	-\$164,500
A/E Fees					
Architecture	\$25,000	\$0	\$0	\$0	-\$25,000
Arch/Structural- Roof	\$0	\$0	\$0	\$0	\$0
Reimbursables	\$0	\$0	\$0	\$0	\$0
Hazmat Spec/Inspection	\$5,000	\$0	\$0	\$0	-\$5,000
Testing/Inspection	\$0	\$0	\$0	\$0	\$0
Structural Peer Review	\$0	\$0	\$0	\$0	\$0
Sub-total A/E Fees	\$30,000	\$0	\$0	\$0	-\$30,000
Fall River Direct Costs					
Project Manager	\$5,000	\$0	\$0	\$0	-\$5,000
Dumpsters	\$0	\$0	\$0	\$0	\$0
Fencing	\$0	\$0	\$0	\$0	\$0
Sub-total FFE	\$5,000	\$0	\$0	\$0	-\$5,000
Development Costs					
CDA contribution	\$0	\$0	\$0	\$0	\$0
Insurance	\$0	\$0	\$0	\$0	\$0
Legal	\$0	\$0	\$0	\$0	\$0
Advertisement	\$500	\$0	\$0	\$0	-\$500
Sub-total Development	\$500	\$0	\$0	\$0	-\$500
Owner Contingency	\$0	\$0	\$0	\$0	\$0
Total Project Budget	\$200,000	\$0	\$0	\$0	-\$200,000

4

CITY OF FALL RIVER
APPLICATION FOR COMMUNITY PRESERVATION FUNDING

Date: January 3, 2018

Project Title: Private Joseph Francis Green

Name of Applicant/Contact Person: David Dennis

Name of Organization: Law Office of David J. Dennis

Mailing Address: 132 Highland Avenue, Fall River, MA 02720

Telephone: 508-673-2939

Email: ddennis132@comcast.net

CPA Funding Requested: \$ 13,000.00 Total Project Cost: \$ 13,000.00

CPA Category (YOU MUST CHECK OFF A MINIMUM OF ONE CATEGORY, but may identify more than one category, if applicable to your project)

• Open Space

☐

• Outdoor Recreation

☐

• Historic Preservation

☒

• Community Housing

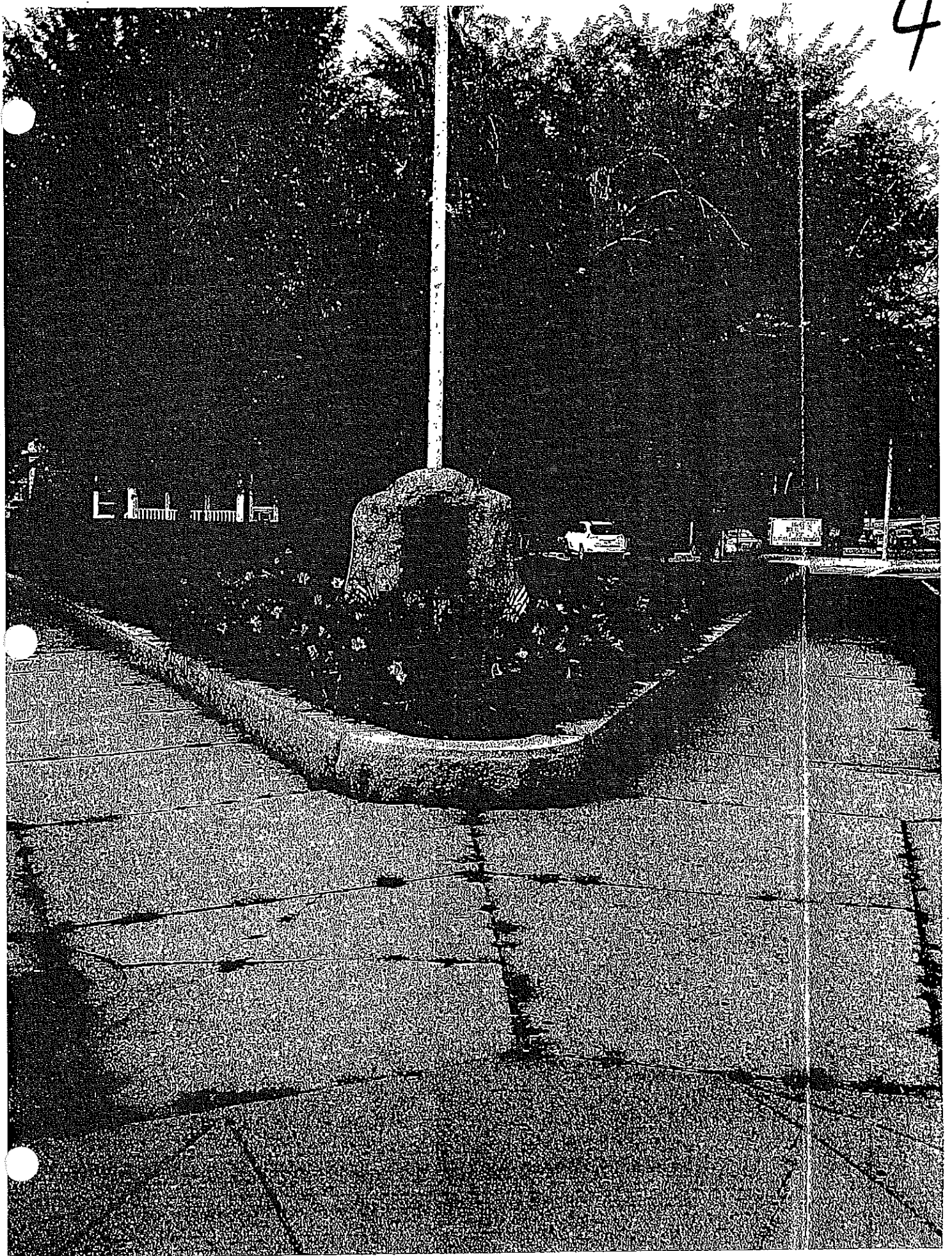
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PROJECT DESCRIPTION:

- All the following MUST be answered in the space provided. If space is not adequate, please attach additional information to the back of the application.
- APPLICATIONS WILL BE RETURNED AS INCOMPLETE IF ALL RELEVANT REQUESTED INFORMATION IS NOT PROVIDED. If a section is not applicable to your project, please put "n/a".
- Include supporting materials and exhibits as necessary.
- Please refer to the Fall River Community Preservation Funding Guidelines posted on the city web site before and while completing this application.
- If space provided is not adequate, please attach additional information to application.

1. Describe the project.

The Private Joseph Francis Green is in the Historic Highlands and sits directly across the street from The Little Theatre. The green was neglected for many years. This small green is broken into two sections. The front "V" section is a war memorial dedicated to the memory of Private Joseph Francis. This memorial is represented with an engraved stone and plaque. (see attached)
Directly in the back of the monument is a large flag pole (donated by South Coast Hospitals Group, Charlton Memorial Hospital). The second section is green open space with trees and a bench for passive recreation.
This project would consist of erecting a 3' black, wrought iron fence around the memorial portion of the green (see attached) with a gate in the back portion to allow entry for cleaning and maintenance of the area inside the fence.



4

CITY OF FALL RIVER
APPLICATION FOR COMMUNITY PRESERVATION FUNDING

Date: January 3, 2018

Project Title: Granite Wall-Lower Kennedy Park

Name of Applicant/Contact Person: Chris Gallagher

Name of Organization: Facilities Maintenance, City of Fall River

Mailing Address: One Government Center, Room 321, Fall River, MA 02722

Telephone: 508-324-2226

Email: cgallagher@fallriverma.org

CPA Funding Requested: \$ 30,000 Total Project Cost: \$ 30,000

CPA Category (YOU MUST CHECK OFF A MINIMUM OF ONE CATEGORY, but may identify more than one category, if applicable to your project)

- | | | | |
|-------------------------|-------------------------------------|----------------------|--------------------------|
| • Open Space | <input type="checkbox"/> | • Outdoor Recreation | <input type="checkbox"/> |
| • Historic Preservation | <input checked="" type="checkbox"/> | • Community Housing | <input type="checkbox"/> |

PROJECT DESCRIPTION:

- All the following MUST be answered in the space provided. If space is not adequate, please attach additional information to the back of the application.
- APPLICATIONS WILL BE RETURNED AS INCOMPLETE. IF ALL RELEVANT REQUESTED INFORMATION IS NOT PROVIDED. If a section is not applicable to your project, please put "n/a".
- Include supporting materials and exhibits as necessary.
- Please refer to the Fall River Community Preservation Funding Guidelines posted on the city web site before and while completing this application.
- If space provided is not adequate, please attach additional information to application.

1. Describe the project.

- 2. Repair and restore the historical wall to return to it's historical state.**

4

Granite Wall- Lower Kennedy Park

Fall River

29-Jan-18

	<u>Original Budget</u>	<u>Committed</u>	<u>Anticipated</u>	<u>Revised</u>	<u>Variance</u>
Construction					
Granite Wall	\$20,000	\$0	\$0	\$0	-\$20,000
Structural	\$0	\$0	\$0	\$0	\$0
Contingency/Change orders	\$3,500	\$0	\$0	\$0	-\$3,500
Subt-total Construction	\$23,500	\$0	\$0	\$0	-\$23,500
A/E Fees					
Architecture	\$5,000	\$0	\$0	\$0	-\$5,000
Arch/Structural- Roof	\$0	\$0	\$0	\$0	\$0
Reimbursables	\$0	\$0	\$0	\$0	\$0
Hazmat Spec/Inspection	\$0	\$0	\$0	\$0	\$0
Testing/Inspection	\$0	\$0	\$0	\$0	\$0
Structural Peer Review	\$0	\$0	\$0	\$0	\$0
Sub-total A/E Fees	\$5,000	\$0	\$0	\$0	-\$5,000
Fall River Direct Costs					
Project Manager	\$1,000	\$0	\$0	\$0	-\$1,000
Dumpsters	\$0	\$0	\$0	\$0	\$0
Fencing	\$0	\$0	\$0	\$0	\$0
Sub-total FFE	\$1,000	\$0	\$0	\$0	-\$1,000
Development Costs					
	\$0	\$0	\$0	\$0	\$0
Insurance	\$0	\$0	\$0	\$0	\$0
Legal	\$0	\$0	\$0	\$0	\$0
Advertisement	\$500	\$0	\$0	\$0	-\$500
Sub-total Development	\$500	\$0	\$0	\$0	-\$500
CDA contribution	\$0	\$0	\$0	\$0	\$0
Total Project Budget	\$30,000	\$0	\$0	\$0	-\$30,000

The project also has the support of the Watuppa Water Board which recognizes that continued land protection in the Reservation area facilitates its primary mission of public water supply protection. It is committed to supplying the resources needed to provide exemplary stewardship of the additional parcels.

This project has the support of the City of Fall River Planning Department and the Conservation Commission and the applicant anticipates letters of support being forwarded from these department heads after their next meetings.

Acquisition of the Desmaris and the Costa-Mello parcels has been a standing goal of the Southeastern Massachusetts Bioreserve partners and support letters from all three non-city partner agencies are attached.

Continued acquisition of parcels both within and adjacent to the Bioreserve continues to be a priority at a regional planning level and also by local environmental groups. Support letters from some of these groups are provided.

6. Project Budget:

Budget Summary

Total Project Cost	CPA Funds Requested	Additional Funding from Other Sources
\$ 818,700	\$750,000	\$68,700

Equipment is generally defined as an item with a useful life expectancy of more than one year.

Supplies are defined as an item with a useful life of less than one year.

Construction means all types of work done on a particular property or building including erecting, altering or remodeling.

The cost share is very important in giving the application a competitive advantage.

Budget Categories - Breakdown

	CPA FUNDS	OTHER FUNDS	TOTAL
Personnel			
Equipment			
Supplies			
Contractual			
Construction			
Other	\$750,000	\$68,700	\$818,700
TOTAL	\$750,000	\$68,700	\$818,700

Note: CPA FUNDING FOR ANY CATEGORY REQUIRES COMPETITIVE BIDDING unless you can provide a sole source justification for any category not competitively selected. **Please provide copies of two or more quotes or detailed and fully explained cost estimates for all contracts.**

Additional Funding Information

Identify the amount of additional funding for this project. Sources include private, federal, state or local government, or any other sources.

Organization	Item	Amount	Type (cash, in-kind, etc.)
FR Water Department	Appraisals, general engineering and surveying, transaction expenses, legal fees and staff time	\$68,700	Cash and in-kind

4

Date: September 1, 2017

Project Title: Desmaris Property Acquisition

Name of Applicant: Terrance Sullivan

Name of Organization: City of Fall River Department of Community Utilities

Address: One Government Center, Fall River, MA 02722

Telephone: 508-324-2320

Email: tsullivan@fallriverma.org

CPA Category (circle all that apply): **Open Space** **Historic Preservation**
 Recreation **Community Housing**

CPA Funding Requested: \$325,000 Total Project Cost: \$350,200

Project Description: Please provide a brief project description below. Include a brief description of how your project accomplishes the goals of the CPA and include an estimated budget. Please include supporting material as necessary.

The City of Fall River's Department of Community Utilities - Water Department, will purchase 16.00 acres of vacant land on Indian Town Road for conservation and public recreation. The project has strong support from its Southeastern Mass. Bioreserve Partners.

The parcel is entirely uplands and consists of a fine pine-oak forest. In the middle is a small clearing where once existing a small sportsman's camp later converted to a residence. The building was removed many years ago. The parcel is contiguous to other protected land owned by The Trustees of Reservations and also connects to the ancient Proprietors Way and is directly across the road from the Watuppa Reservation. A portion of the property falls within the North Watuppa Pond watershed area.

4

Date: September 1, 2017

Project Title: Costa-Mello Property Acquisition

Name of Applicant: Terrance Sullivan

Name of Organization: City of Fall River Department of Community Utilities

Address: One Government Center, Fall River, MA 02722

Telephone: 508-324-2320

Email: tsullivan@fallriverma.org

CPA Category (circle all that apply): **Open Space** **Historic Preservation**
 Recreation **Community Housing**

CPA Funding Requested: \$ 400,000 Total Project Cost: \$ 433,500

Project Description: Please provide a brief project description below. Include a brief description of how your project accomplishes the goals of the CPA and include an estimated budget. Please include supporting material as necessary.

The City of Fall River's Department of Community Utilities - Water Department, will purchase 38.5 acres of vacant land on Yellow Hill Road for conservation and public recreation. The project has strong support from its Southeastern Mass. Bioreserve Partners.

The parcel is part of the former Costa-Mello Farm. It contains two abandoned agricultural fields, wetlands and fine pine-oak uplands. The parcel is contiguous to other protected lands owned by the City of Fall River and The Trustees of Reservations. Protection of this parcel preserves the pristine viewscapes of The Trustees' Copicut Woods trail loop and provides access to the historic Miller Lane Dry Bridge, a hand-laid fieldstone livestock tunnel. The Water Department's stewardship goal for the property is to increase public access and preserve natural wildlife biodiversity. Multi-use passive recreation trails connecting Copicut

4

CITY OF FALL RIVER
APPLICATION FOR
COMMUNITY PRESERVATION ELIGIBILITY

Date: September 1, 2017

Project Title: Promised Land Conservation Project

Name of Applicant: Terrance Sullivan

Name of Organization: City of Fall River Department of Community Utilities

Address: One Government Center, Fall River, MA 02722

Telephone: 508-324-2320

Email: tsullivan@fallriverma.org

CPA Category (circle all that apply):

Open Space
Recreation

Historic Preservation
Community Housing

CPA Funding Requested: \$ 68,700

Total Project Cost: \$ 93,700

Project Description: Please provide a brief project description below. Include a brief description of how your project accomplishes the goals of the CPA and include an estimated budget. Please include supporting material as necessary.

The City of Fall River's Department of Community Utilities - Water Department, seeks to purchase 45.80 acres of vacant land east of Blossom Road for conservation and public recreation. The goal is to complete the protection of the about 348.10 acres omitted from the original Southeastern Mass. Bioserve acquisition in 2002 in an area that forms the headwaters of the Bread and Cheese Brook. This section of the city, dubbed "The Promised Land", is named after a location within one of the subject parcels said to have been a 17th century "Indian College". More information on this subject will be provided in the Funding Application.

The area is a mosaic of public and private ownerships and is adjacent to both the City's Watuppa Reservation and the original Indian Reservation under the custodianship of the Commonwealth of Massachusetts to the north and the Westport Town Line to the south.

4

Date: September 1, 2017

Email: tsullivan@fallriverma.org

Historic Preservation
Community Housing

CPA Funding Requested: \$ 194,850 Total Project Cost: \$ 214,850

Project Description: Please provide a brief project description below. Include a brief description of how your project accomplishes the goals of the CPA and include an estimated budget. Please include supporting material as necessary.

The City of Fall River's Department of Community Utilities - Water Department, seeks to protect the two remaining privately-owned shoreline parcels on North Watuppa Pond. It will do this by buying and recording a Conservation Restriction upon one 29.90-acre parcel and purchasing the fee interest in a 10.30-acre parcel. Both parcels are located on the east side of the North Watuppa Pond and west of Blossom Road.

Acquiring these parcels is essential in protecting the city's primary water supply reservoir. The lands immediately surrounding the North Watuppa were among the earliest properties identified for acquisition and control when planning the city's water supply security. These lands are also at the greatest risk because their proximity to the pond is attractive and

4

CITY OF FALL RIVER
APPLICATION FOR
COMMUNITY PRESERVATION ELIGIBILITY

Date: September 1, 2017

Project Title: East Line Trail Conservation Project

Name of Applicant: Terrance Sullivan

Name of Organization: City of Fall River Department of Community Utilities

Address: One Government Center, Fall River, MA 02722

Telephone: 508-324-2320

Email: tsullivan@fallriverma.org

CPA Category (circle all that apply):

Open Space	Historic Preservation
Recreation	Community Housing

CPA Funding Requested: \$ 123,000 **Total Project Cost:** \$ 147,000

Project Description: Please provide a brief project description below. Include a brief description of how your project accomplishes the goals of the CPA and include an estimated budget. Please include supporting material as necessary.

The City of Fall River's Department of Community Utilities - Water Department, seeks to purchase 82.00 acres of vacant land east of Yellow Hill Road for conservation and public recreation. The goal is to complete the protection of the 311 acres omitted from the original Southeastern Mass. Bioreserve acquisition in 2002. This area, dubbed "Sector 5" by Mass. Fish and Wildlife, is a mosaic of public and private ownerships and is almost 75% protected. Land conservation began in 1995 when the Greater Fall River Land Conservancy accepted a 50 acre gift of land. Numerous parcels have been acquired in this area for conservation and public use since that time including parcels bought by Mass. Fish and Wildlife and the Josefek property acquired by the city in 2017 using CPC funds. The project has strong support from its Southeastern Mass. Bioreserve Partners.

4

CITY OF FALL RIVER
APPLICATION FOR COMMUNITY PRESERVATION FUNDING

Date: January 26, 2018

Applicant: Helen Rego, President of the Niagara Neighborhood Association

Name of Organization: Niagara Neighborhood Association

Mailing Address: 41 Foster Street, Fall River, MA 02721

Telephone: (508) 837-7406

Email: jsylvia230@aol.com

CPA Funding Requested: \$ \$137,500 (includes 10%) Total Project Cost: \$ \$137,500

CPA Category (YOU MUST CHECK OFF A MINIMUM OF ONE CATEGORY, but may identify more than one category, if applicable to your project)

- | | |
|--|--|
| • Open Space <input checked="" type="checkbox"/> | • Outdoor Recreation <input checked="" type="checkbox"/> |
| • Historic Preservation <input type="checkbox"/> | • Community Housing <input type="checkbox"/> |

PROJECT DESCRIPTION:

- All of the following MUST be answered in the space provided. If space is not adequate, please attach additional information to the back of the application.
- APPLICATIONS WILL BE RETURNED AS INCOMPLETE IF ALL RELEVANT REQUESTED INFORMATION IS NOT PROVIDED. If a section is not applicable to your project, please put "n/a".
- Include supporting materials and exhibits as necessary.
- Please refer to the Fall River Community Preservation Funding Guidelines posted on the city web site before and while completing this application.
- If space provided is not adequate, please attach additional information to application.

1. Describe the project.

This project would lay out the direction of the paths and pursue easements for providing a rail trail along the Niagara Neighborhood and the South Watuppa shoreline.

With the completion of the Quequechan River Rail Trail, the city of Fall River now has an excellent bike path, complete with a wonderful open space corridor on the northern part of the Interstate 195 corridor. However, for the southern part of the Quequechan River (south of 195) the city is missing a viable rail trail. This project would help to address that problem. The Niagara Neighborhood is particularly crowded with residences that prevent a bike path from being constructed within the neighborhood. Therefore, we are proposing that the bike path proceed along the outer reaches of the neighborhood. For the South Watuppa shoreline, the line of the rail trail would follow the shore of the pond and would reach the Maplewood Neighborhood.

This project would be the first part of a three-part construction of a bike path: (1) the initial layout and easement acquisition part; (2) the planning and engineering part, and (3) the construction part. This project would be the first part.

2. Goals:

a. How does the community benefit from this project?

The community will benefit from this project because it will lead to the expansion of the bike path system in the city, in a place where it is needed. As such, it will lead to a greater length of paths in the city where the public will be able to walk, run, bike, skate boards, walk their dog and use their wheelchairs. It will provide a place where residents can recreate and enjoy being out of doors. It also provide a place where residents can stay in shape while enjoying the environment.

The benefit to the community is shown by the existence of the Quequechan River Rail Trail. Where once the railroad that ran through the area was neglected and was a poor example of what was possible there, now the trail is a wonderful place where persons can enjoy it at any time. Residents can not only ride their bikes on the QRRT, but it is available for running, walking, wheelchair riding, and other activities. In addition, the river provides a rich assortment of mammals, including ducks, geese, turtles, turkeys, fish, and many other animals and birds, a rich environment for kids and adults.

b. If applicable, explain how this project addresses needs identified in existing City plans? (Such as in the City of Fall River Master Plan)

In the City's Open Space and Recreation Master Plan, the path is mentioned as a major objective. The expansion of the bike path system is in the revised open space plan and is given major support.

This project will continue to implement the Fall River Bike Path Master Plan. That plan calls for new bike paths in the southern section of the City. This will be the first part of implementing that important part of the plan.

5. Community Support:

a. What is the nature and level of support? Include letters of support from any City boards or community groups that have endorsed the project.

The letters of support for this project are attached. They include the Niagara Neighborhood Association, Bike Fall River, the Bike Commission, Green Futures and the Greater Fall River Land Conservancy.

6. Project Budget:

Budget Summary

Total Project Cost	CPA Funds Requested	Additional Funding from Other Sources
\$ \$137,500 (includes 10 percent contingency)	\$137,500	\$ 0

Equipment is generally defined as an item with a useful life expectancy of more than one year.

Supplies are defined as an item with a useful life of less than one year.

Construction means all types of work done on a particular property or building including erecting, altering or remodeling. The cost share is very important in giving the application a competitive advantage.

Budget Categories - Breakdown

FY19 - PRIVATE

Recommended Projects

Historic Preservation

Lafayette Durfee House – Private Non-Profit

Anawan #6 (Fall River Fire Museum – Private Non-Profit

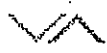
Little Theatre – Private Non-Profit

Elks Lodge (200 Bank Street) Private/Privately Owned

Academica - Private/Privately Owned

Eagle Event Center - Private/Privately Owned

4



VENTRONE ARCHITECTURE, LLC

400 E. 10th Street
Fall River, MA 02722-1774
Tel: 508/663-1111
Fax: 508/663-1112

January 31, 2018

Mr. David Jennings, President
Lafayette Durfee House Foundation,
PO Box 1774
Fall River, MA 02722-1774

Re: 2018 CPC Application Budget -Exterior Restoration
Estimates/Recommendations Phase Three Exterior Restoration

Dear Mr. Jennings:

Per your request for estimates for the next phase scope of work, we will here detail those tasks and costs for implementing the work. As you are aware, the siding and trim have many areas where water has rotted the wood and water infiltration is further damaging the structure. We have also recommended providing gutters and downspouts to prevent having the water from the roof constantly wetting the exterior. As in the front elevation which we have restored, many of the window sash and frames on these additional facades have failed.

The following are our recommendations as required to make the structure weathertight and even more historically accurate. For the reasons above, the work defined is primarily for exterior windows, trim, flashing, gutters and clapboard siding, our estimates to complete this portion are as follows:

East Elevation

- | | |
|--|-----------|
| 1) Provide historically accurate wood windows, frames and all trim at all East elevations, including copper flashing and restoration of sound older windows and repairs to damaged sheathing | 16,840.00 |
| 2) Replace wood clapboard siding | 15,600.00 |
| 3) Demolition, miscellaneous cleanup & dumpster fees | 1,800.00 |
| 4) Provide prep, primer and finish paint all siding and trim | 14,670.00 |
| 5) Repair/extend Ell brick chimney & flue, repair/replace flashing | 2,500.00 |

4

6) Entry shed roof	3,000.00
7) Gutters and downspouts	1,890.00
8) Set scaffolding/lift for gutters & exterior windows	1,270.00
Subtotal	<u>57,570.00</u>
Contingency fee of 5.0%	2,878.50

North Elevation

9) Provide historically accurate wood windows, frames and all trim at all North facing elevations Including copper flashing and restoration of sound older windows and repairs to damaged sheathing	12,088.00
10) Replace wood clapboard siding	10,805.00
11) Demolition, miscellaneous cleanup & dumpster fees	1,200.00
12) Provide prep, primer and finish paint all siding and trim	10,010.00
13) New Bulkhead (Mahogany) flashing	5,800.00
14) Moulding & trim	1,742.00
15) Gutters and downspouts	1,205.00
16) Set scaffolding/lift rake & exterior windows	1,100.00
Subtotal	<u>43,950.00</u>
Contingency fee of 5.0%	2,197.50

West Elevation

17) Provide historically accurate wood windows, frames and all trim at all West facing elevations Including copper flashing and restoration of sound older windows and repairs to damaged sheathing	23,810.00
18) Replace wood clapboard siding	15,750.00
19) Demolition, miscellaneous cleanup & dumpster fees	1,750.00
20) Provide prep, primer and finish paint all siding and trim	15,770.00
21) Gutters and downspouts	1,800.00
22) Set scaffolding/lift rake & exterior windows	1,270.00
Subtotal	<u>60,150.00</u>
Contingency fee of 5.0%	3,007.50

Total Estimated Construction Cost: \$162,354.00

Architectural & Structural Engineering Services, plans and specifications, construction administration, agencies, owner, and builder coordination

\$16,235.40

Total Estimated Construction
Cost with Architecture/Engineering

\$178,589.40

Total Contingency at 5%

\$8,117.70

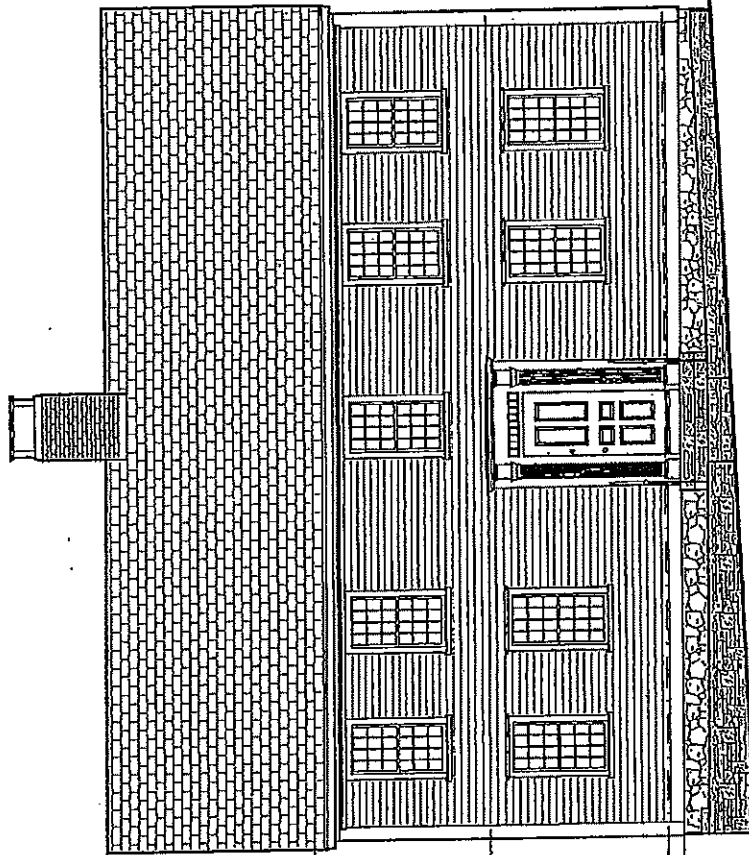
Total Construction and Architectural/Engineering and Contingency

\$186,707.10

A general contractor with demonstrated historic preservation experience will be selected to oversee all trades and coordinate with the owner and architect.

Very truly yours,
VENTRONE ARCHITECTURE, LLC


Robert E. Leach, R.A., NCARB



ATTIC
12.73

SECOND FLOOR
8.365

FIRST FLOOR
0.000

1 SOUTH ELEVATION
A2.0 3/16" = 1'-0"

copyright 2014 by Ventrone Architecture, LLC

PROJECT	LAFAYETTE - DUFFEE HOUSE 94 CHERRY STREET FALL RIVER, MASSACHUSETTS	DATE	12/18/14	SCALE	3/16" = 1'-0"	TITLE	SOUTH ELEVATION
FIRM	VENTRONE ARCHITECTURE, LLC	PROJECT NO.	401.465.3896	SCALE	3/16" = 1'-0"	TITLE	A2.0



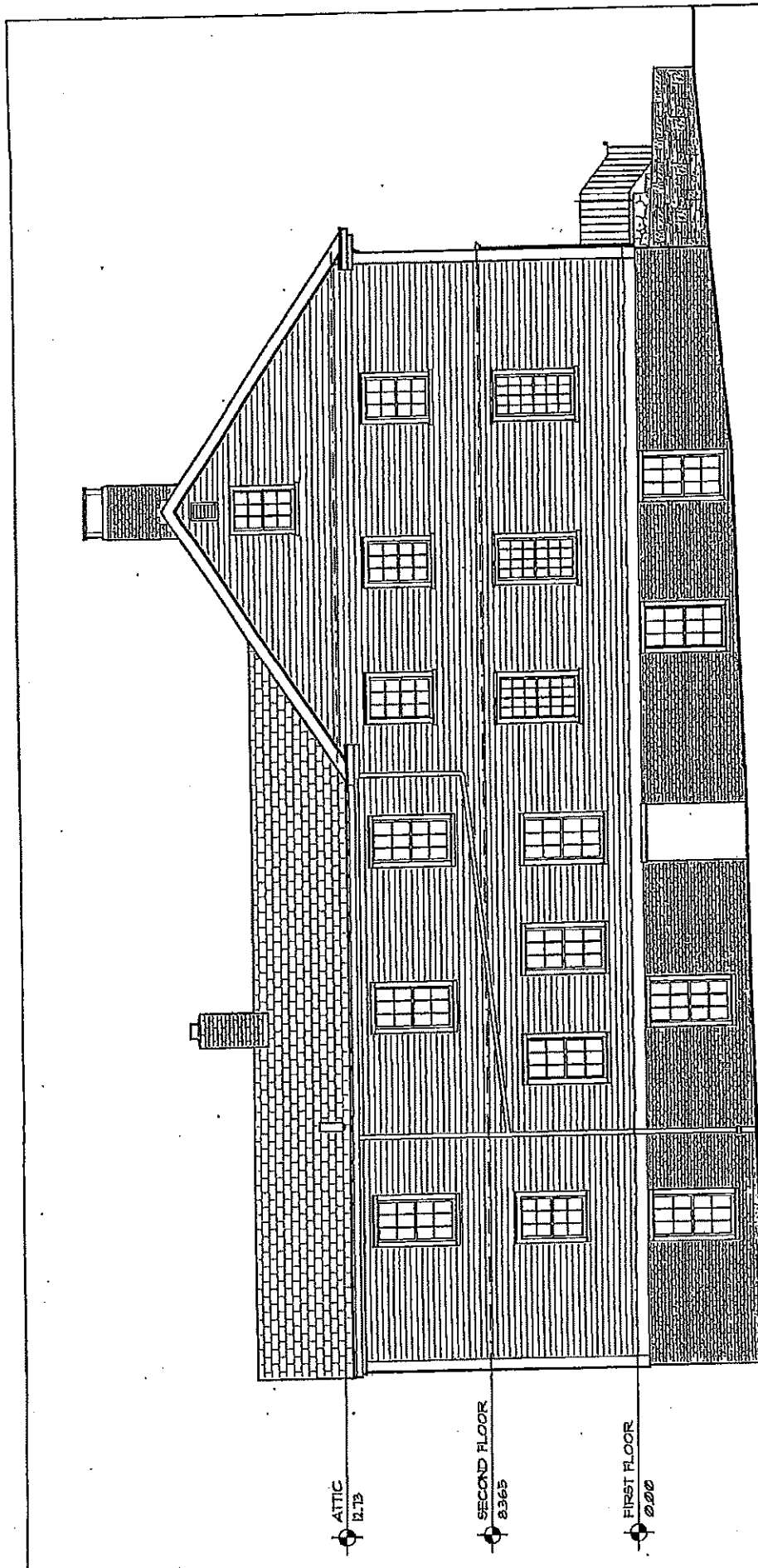
VENTRONE ARCHITECTURE, LLC

PROJECT NO.

DATE


SCALE

TITLE

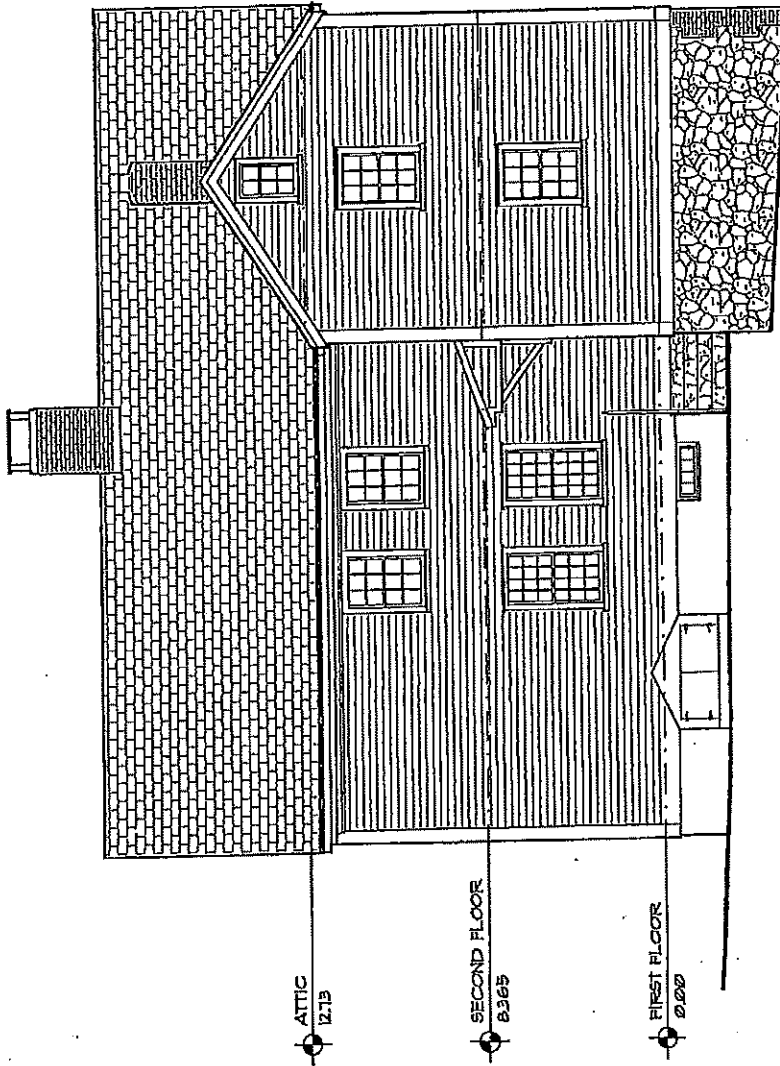


1 WEST ELEVATION
A2.3 3/16" = 1'-0"

copyright 2014 by Ventrone Architecture, Inc.

PROJECT		LAFAYETTE - DURFEE HOUSE 94 CHERRY STREET FALL RIVER, MASSACHUSETTS		TITLE	WEST ELEVATION	
 VENTRONE ARCHITECTURE, LLC		401.465.3896		DATE	12/18/14	
				SCALE	3/16" = 1'-0"	
					A2.3	

4



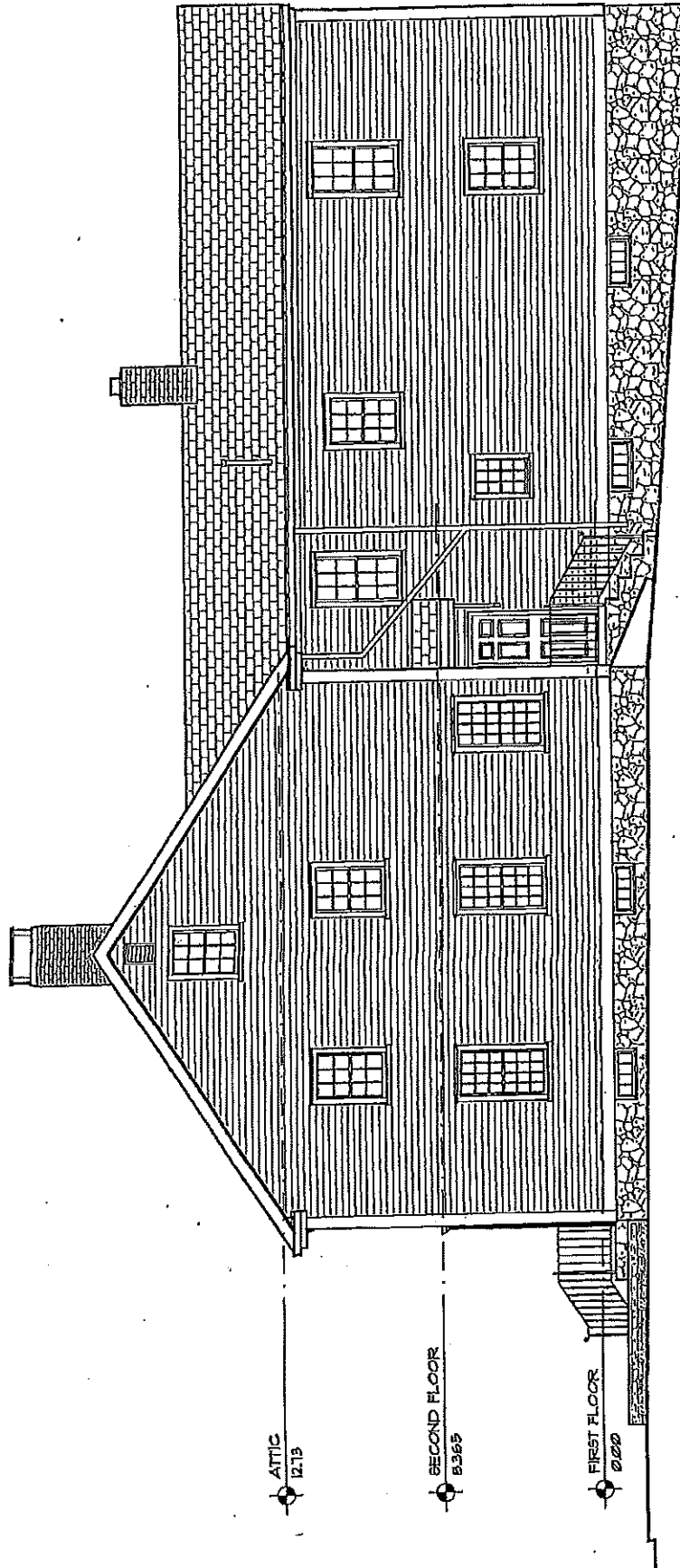
1 NORTH ELEVATION
A2.1 3/16" = 1'-0"

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SHEET	LAFAYETTE - DUREE HOUSE 94 CHERRY STREET FALL RIVER, MASSACHUSETTS	DATE 12/18/14	SCALE 3/16" = 1'-0"	NORTH ELEVATION
	VENTRONE ARCHITECTURE, LLC	401.465.3896	A2.1	A2.1



4



1 EAST ELEVATION
A2.2 3/16" = 1'-0"

copyright 2014 by Ventrone Architecture, LLC

PROJECT	DATE	SCALE	VIEW
LAFAYETTE - DUREE HOUSE 94 CHERRY STREET FALL RIVER, MASSACHUSETTS	12/13/14	3/16" = 1'-0"	EAST ELEVATION
VENTRONE ARCHITECTURE, LLC	401.465.3896		A2.2

4

The investment that has been made into the Fall River Fire Museum (FRFM) through the CPA is considerable and will stand out as an example of how these funds are best utilized to invest in the community. Through our hard work made possible by this funding, and staffed by dedicated volunteers who have served the City as firefighters, we provide the citizens of Fall River the opportunity to learn about this great City and develop an understanding of the sacrifices that were and continue to be made to protect it. If one life is saved as a direct result of the fire safety public educational aspect of this project, it will be certainly worth the effort.

b. If applicable, explain how this project addresses needs identified in existing City plans? (Such as in the City of Fall River Master Plan)

See Appendix E

5. Community Support:

a. What is the nature and level of support? Include letters of support from any City boards or community groups that have endorsed the project.

See Appendix F

6. Project Budget:

Budget Summary

Total Project Cost	CPA Funds Requested	Additional Funding from Other Sources
\$174,930.00 (See Appendix G)	\$172,930.00	\$204,000.00 (See Appendix H)

Equipment is generally defined as an item with a useful life expectancy of more than one year.

Supplies are defined as an item with a useful life of less than one year.

Construction means all types of work done on a particular property or building including erecting, altering or remodeling.

The cost share is very important in giving the application a competitive advantage.

Budget Categories - Breakdown

	CPA FUNDS	OTHER FUNDS	TOTAL
Personnel	N/A	N/A	N/A
Equipment	N/A	N/A	N/A
Supplies	N/A	N/A	N/A
Contractual	N/A	N/A	N/A
Construction	\$172,930.00	\$2,000.00	\$174,930.00
Other	None	None	None
TOTAL	\$172,930.00	\$2,000.00	\$174,930.00

Note: CPA FUNDING FOR ANY CATEGORY REQUIRES COMPETITIVE BIDDING unless you can provide a sole source justification for any category not competitively selected. **Please provide copies of two or more quotes or detailed and fully explained cost estimates for all contracts.**

Additional Funding Information

Identify the amount of additional funding for this project. Sources include private, federal, state or local government, or any other sources.

Organization	Item	Amount	Type (cash, in-kind, etc.)
See Appendix H	See Appendix H	See Appendix H	See Appendix H

7. Funding:

a. Attach commitment letters from any organization providing additional funding contribution listed in the table above.

b. Describe any other attempts (including unsuccessful) to secure funding for this project.

a. The FRFM does not have any commitments/letters to date but anxiously anticipate additional funding in 2018.

- b. • FY2016 Community Development Agency (CDA) unsuccessful funding in the amount of \$175,000.00
- FY2017 Community Development Agency (CDA) unsuccessful funding in the amount of \$153,771.50
- 2017 Good Hands Grant - Allstate Insurance received funding in the amount of \$1,000.00

8. Timeline:

APPENDIX G

4

PROJECT BUDGET

Budget Breakdown (January 30, 2018 Estimates/Recommendations - Revised Phase One Budget):

Ventrone Architecture, LLC revisited the necessary steps that would need to be taken to restore a portion of historic Anawan No. 6 in preparation for the opening of a fire museum on the first-floor. The architect created a Revised Phase One Budget that would be the basis for repair, restoration, and upgrades that would be limited to the first-floor fire engine bays and the eastern 1-1/2 story "stable" first-floor area only. Based on his findings as outlined in his *Existing Conditions Report & Rehabilitative Recommendations* report of January 30, 2016, (submitted to the CPC in 2016).

The architect determined it necessary to restore all the windows in order to make the structure weather tight. As securing of other funds was problematic as discussed, exterior renovations to existing windows and doors, replacement of missing doors and historic elements, gutters and downspouts adjacent to these areas would be important to accomplish. Structural work in the basement has been explored more in depth and structural engineering calculations have determined that a more extensive structural repair than first imagined will need to be implemented. That work is ongoing.

No additional extensive exterior brick or roofing repairs are part of this Revised Phase One Budget proposed work area. While other exterior work may be conducted simultaneously along with this Revised Phase One Budget project scope, such work will be funded separately and therefore will not be part of this proposed funding request. Please reference "*Existing Conditions Photographs*" from "*The Report*" for clarification.

With the stabilization of all damaged exterior masonry and the restoration of the north and west elevations completed by the fall of 2017, (see Appendix K) the FRFM requests funding to complete Ventrone Architecture's Revised Phase One Budget of restoring interior and exterior work, allowing the FRFM to open to the public.

The following recommendations for the work required for exterior windows and most doors as well as estimates to complete the museum portion of Revised Phase One Budget are as follows:

Exterior Work:

1) Provide historically accurate wood door with ADA sill, jamb and all trim at south to old horse stable, first-floor ADA compliant, ramp stone pad	\$7,480.00
2) Restore existing historic hayloft south door and all wood trim	\$2,980.00
3) Exterior illumination & emergency lighting/wiring	\$5,610.00
4) Gutter repairs and downspout replacement	\$14,400.00
5) Restoration/repairs to existing window sash, jambs and exterior brick mold trim, including two (2) basement windows. Caulk trim to brick and add weather stripping to all openable windows. All elevations included.	\$68,980.00
6) Window exterior trim repairs prep, paint	\$19,100.00
7) Demolition, miscellaneous cleanup & dumpster fees	\$1,100.00
8) Final brick Heavy Duty restoration cleaning	\$1,780.00
9) Scaffolding/lift for gutters & exterior windows	\$1,200.00
	Subtotal:
10) Contingency fee of 5.0%	\$122,630.00
	\$6,131.50

erior Work:

1) Removal of paint on all interior and woodwork or encapsulate as required fire museum side only, repaint all walls, tin ceilings, floors (three colors max) lead abatement, patch & paint	\$16,500.00
2) Electrical upgrades will be required by code	
• Subpanel north side, wire upgrade	\$1,870.00
• New electrical wiring, wall outlets/receptacles, lighting	\$14,800.00
• Specialty fixtures, museum lighting	\$5,300.00
• Fire Alarm (hard wired) & security alarm system, (wireless)	\$3,800.00
3) Plumbing rough in second-floor bathroom plumbing patch walls first-floor sink, exterior hose bib on west wall	<u>\$1,700.00</u>
	Subtotal: \$43,970.00
4) Contingency fee of 5.0%	\$2,198.50
Total estimated construction cost:	\$174,930.00

ase Note: Architectural & Structural Engineering Services, plans and specifications, construction administration, agencies, owner, and builder coordination have been factored into all prices.

general contractor with demonstrated historic preservation experience will be selected to oversee all trades coordinate with the owner and architect.

Describe the project.

Firebar Phase One:

This project will consist of an Asbestos Abatement & Environmental Science Monitoring Services before, during and after the completed abatement, to be immediately followed by an Existing Building Conditions Study and Preservation Plan -----

----- including a potential repair/replacement of the HVAC system & duct work, IF and only IF after the completed abatement and environmental testing, indicates that asbestos contamination remains present in the HVAC system & duct work.

3

1. Goals:

a. What are the goals of the proposed project?

1st:

To safely and properly remove the current known Asbestos Hazard and all contaminated basement materials. If after the abatement is completed and final environmental testing still indicates asbestos contamination, it may be necessary to have all HVAC system duct work cleaned or replaced. This may include a complete new HVAC system. The HVAC and duct work system are located in the basement of the Firebar.

2nd

To perform an existing building condition study and preparation of a preservation plan. This part will identify items needing immediate attention and the development of a preservation plan for the FireBar and its continued use by the Little Theatre of Fall River, Inc.

b. Who will benefit and why?

LTFR is a private non-profit community theater organization with multiple public access events involving people from the Fall River area and beyond. Upon completion of this project it will provide LTFR with a safe and clean home base for its core operations. This will provide LTFR a solid base to work with the CPA on future projects to improve the esthetics of the FireBar located in the Historic Highlands area. Such efforts will ensure a bright future to LTFR members, subscribers, annual kids camp participants while continuing to promote Theater Arts as it has done since 1935. The continued activities of LTFR also ensure that the local economy will benefit from audience members favoring local restaurants, vendors of playbill ads and hiring local services from various vendors.

In 2017 LTFR received a \$49,000 grant from the Hazen White Family Trust and a \$7,500 grant from a private donor. The acceptance of these funds was directed to update our Sound & Lighting equipment. To date we have updated our wireless sound equipment at a cost of \$16,778.82 and at the time of this application are working on an LED Lighting upgrade of approximately \$28,458.04. After the lighting is completed the remaining funds of \$11,263.14 will be used on other lighting and sound equipment needed. NOTE: All funds have been and will be utilized within the local economy.

5. Project Budget:

4

Budget Summary

Total Project Cost	CPA Funds Requested	Additional Funding from Other Sources
\$ 87,215.00	\$95,936.50	\$1,014.56

Equipment is generally defined as an item with a useful life expectancy of more than one year.

Supplies are defined as an item with a useful life of less than one year.

Construction means all types of work done on a particular property or building including erecting, altering or remodeling. The cost share is very important in giving the application a competitive advantage.

Budget Categories - Breakdown

	CPA FUNDS	OTHER FUNDS	TOTAL
Personnel	N/A	N/A	N/A
Equipment	See Item # 11	N/A	See Item # 11
Supplies	N/A	N/A	N/A
Contractual	See Item # 11	N/A	See Item # 11
Construction	N/A	N/A	N/A
Other	See Item # 11	N/A	See Item # 11
TOTAL	\$95,936.50	N/A	\$95,936.50

Note: CPA FUNDING FOR ANY CATEGORY REQUIRES COMPETITIVE BIDDING unless you can provide a sole source justification for any category not competitively selected. **Please provide copies of two or more quotes or detailed and fully explained cost estimates for all contracts.**

Additional Funding Information

Identify the amount of additional funding for this project. Sources include private, federal, state or local government, or any other sources.

Organization	Item	Amount	Type (cash, in-kind, etc.)
LTFR	Building Fund	\$1,014.56	Cash

7. Funding:

- Attach commitment letters from any organization providing additional funding contribution listed in the table above.

NOT APPLICABLE

4

Evening Phone:	508.642.9636
Email:	mkeane@civitects.com
Email:	

10. Maintenance:

a. If ongoing maintenance is required, who will be responsible for it?

The Little Theatre of Fall River, Inc.

b. How will it be funded?

In 2017 Little Theatre completed several FireBarn projects. As a result of these projects our building fund balance is now \$1,014.56.

During our January 2nd Board meeting a decision to add funds to the Building Fund Account will be done in the following manner. Fund raising activities such as our popular annual Clam boil & Chicken Barbecue, raffles, pre-show events and special performances will be used to refund this account.

Maintenance Budget (if applicable)

Year one	Year two	Year three	Year four	Year five
TBD	TBD	TBD	TBD	TBD

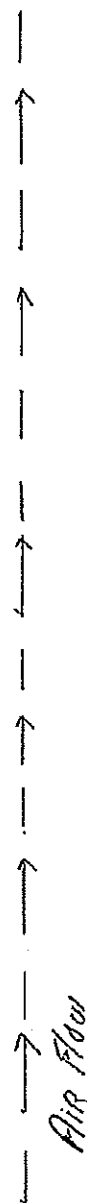
ADDITIONAL INFORMATION:

11. Project Documentation: Attach any applicable engineering plans, architectural drawings, site plans, any other renderings, relevant studies or material.

- 1) CIVITECTS revised proposal dated 01 January 2018.
- 2) Environmental & Construction Management Services, Inc. dated 18 October 2017.
- 3) New England Surface Maintenance, LLP proposal dated 18 October 2017.
- 4) G M Refrigeration proposal dated 00 January 2018.
- 5) GM Refrigeration Electrical Proposal
- 6) 10% Contingency Cost

\$32,000.00
\$ 5,140.00
\$27,950.00
\$21,675.00
\$ 450.00
\$ 8,721.50

2



15-MAR-2018

20651

4

4

walls appear to be in good condition; repointing was performed within the last seven years. We understand from our conversation that window replacement was undertaken on an as-needed basis and is nearing completion. Roof replacement was done several years ago, however, the original copper downspouts in most locations have been removed by vandals and require replacement.

PHOTOGRAPHIC DOCUMENTATION

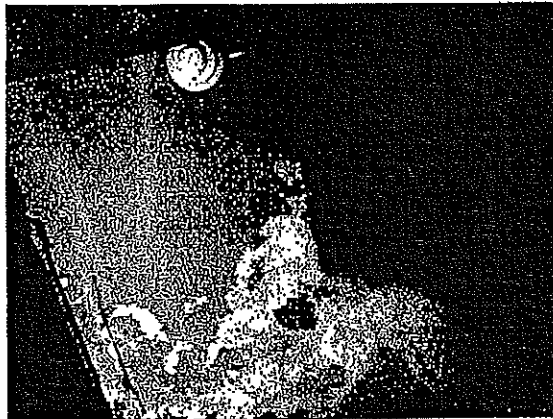


Photo 1 -- Deteriorated plaster ceiling

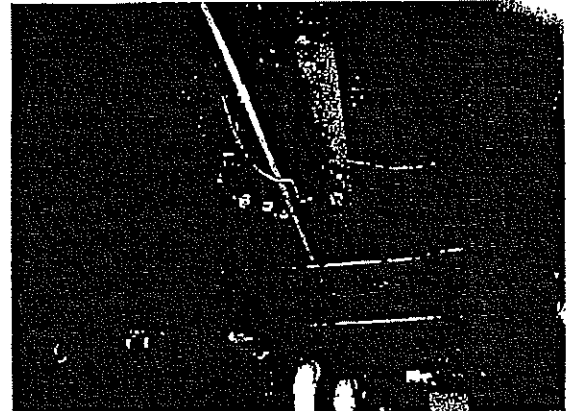


Photo 2 -- Outdated knob and tube wiring



Photo 3 -- Exposed asbestos pipe insulation wrap

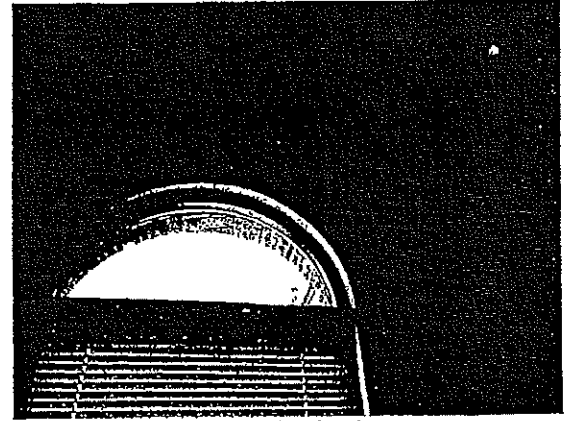


Photo 4 -- Interior plaster wall deterioration



Photo 5 -- Interior masonry needing repointing (daylight is visible)

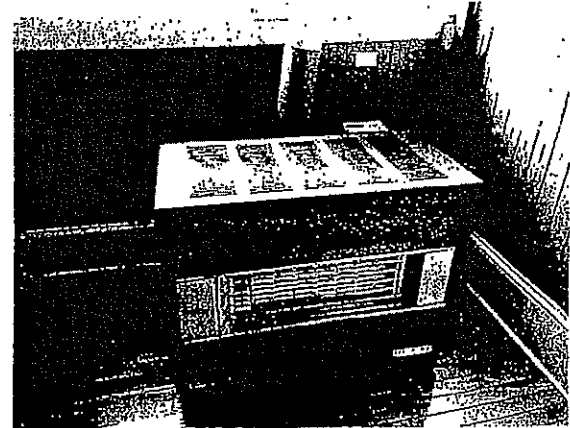


Photo 6 -- Outdated HVAC system

Elko Lodge

4

Project has been approved in 2017 & needs ongoing funding to complete.

6. Project Budget:

Budget Summary

Total Project Cost	CPA Funds Requested	Additional Funding from Other Sources
\$ 253,200	\$ 150,000	\$ 110,000 private

Equipment is generally defined as an item with a useful life expectancy of more than one year.

Supplies are defined as an item with a useful life of less than one year.

Construction means all types of work done on a particular property or building including erecting, altering or remodeling.

The cost share is very important in giving the application a competitive advantage.

Budget Categories - Breakdown

	CPA FUNDS	OTHER FUNDS	TOTAL
Personnel	-	-	-
Equipment	0	0	0
Supplies	-	-	-
Contractual	\$150,000	\$90,000	\$240,000
Construction	-	-	-
Other Architectural	-	\$20,000	-
TOTAL	\$150,000	\$110,000	\$260,000

Note: CPA FUNDING FOR ANY CATEGORY REQUIRES COMPETITIVE BIDDING unless you can provide a sole source justification for any category not competitively selected. **Please provide copies of two or more quotes or detailed and fully explained cost estimates for all contracts.**

Additional Funding Information

Identify the amount of additional funding for this project. Sources include private, federal, state or local government, or any other sources.

Organization	Item	Amount	Type (cash, in-kind, etc.)
--------------	------	--------	----------------------------

4

SELF-		110,000.-	

7. **Funding:**

- Attach commitment letters from any organization providing additional funding contribution listed in the table above.
- Describe any other attempts (including unsuccessful) to secure funding for this project.

ALL ADDITIONAL funding to date will be Self Funded. via
Financing thru Mechanics Co-op Bank & personal Funds

8. **Timeline:**

Provide a schedule for project implementation, including a timeline for starting and ending major tasks and project completion.

We hope to start by 5/15/18 provided application is approved
& Grant Funds awarded. project should take 120 days.

4

Project Description & Goals

The Benevolent and Protective Order of Elks (BPOE) Building is a handsome Neoclassical/Romanesque Revival building that holds an important place on the corner of Bank and Purchase streets. Arguably the most impressive building on the east side of Purchase Street, the structure retains much of its original detailing.

Though the windows have been substantially changed on the second floor, which we intend to replace with reproductions of the original designs in subsequent phases, the original third floor Elks lodge meeting hall windows with their gold opalescent glazing remain as do the south/southwest original storefronts. Both these elements are in remarkable condition given that they are nearly 110 years old and together comprise the scope of our Phase 1 work as part of a comprehensive interior and exterior restoration.

In 1977, the Massachusetts Historical Commission described the historical significance of the building as "...a handsome early 20th century commercial building worthy of careful consideration in any re-use plan." Though modern replacements would be the most expedient and cost effective method of completing these repairs, we are committed to the goal of restoring this important structure.

Phase 1 funding is requested to assist us with completing the following restoration elements:

- Restoration of the ten monumental third floor wood lodge windows, which will be completely restored utilizing the same materials and techniques
- Restoration of the remaining wood south and southwest storefronts, which will include new wood doors based on a single remaining original door, glass transoms, and the reproduction of glazed lower panels that have been lost over time
- Restoration of the pressed metal first floor cornice located above the storefronts along the entire south and west walls
- The replacement of the existing aluminum storefront door/sidelight at main south entrance to the upper floors with a new period appropriate wood door and sidelight entrance

4

Budget

In consultation with our preservation architect and contractor, we have developed the following budget:

1. Ten third floor windows	\$50,053.00	- FY18 Funding
2. South/southwest storefronts and 15 doors	\$77,882.00	
3. Pressed metal cornice	\$17,167.00	
4. Main south entrance	\$13,640.00	
Project Total	\$158,742.00	

Timeline & Conclusion

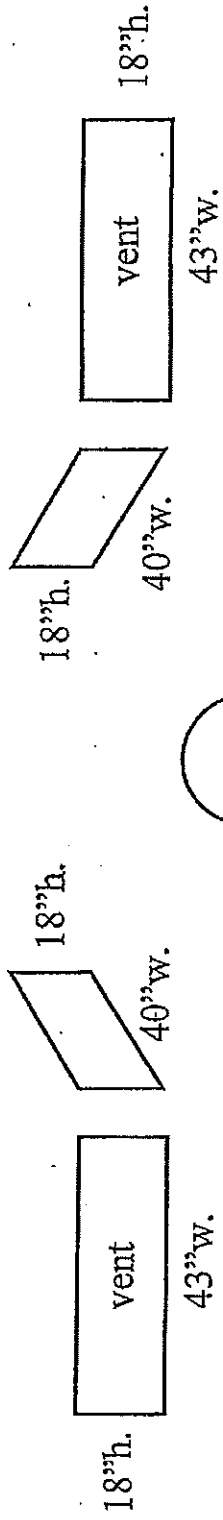
As delaying the work on the restoration of the five east third floor windows will continue to allow water to infiltrate the masonry wall (see photographs), we have contracted with the Architectural Preservation Group to serve as the general contractor beginning in February of 2017. Should the committee see fit to fund our project, we will begin work immediately to complete the work outlined in this application.

The restored Elks Lodge building will serve as an anchor for a revitalized Purchase Street as envisioned by the city. Though the west side of the street has lost many buildings to surface parking, the east edge retains many worthwhile historical structures. We already have a tenant interested in occupying the restored first floor storefronts, which, in concert with the already very popular Pink Bean Coffee will demonstrate the value and profitability associated with successful historical preservation projects.

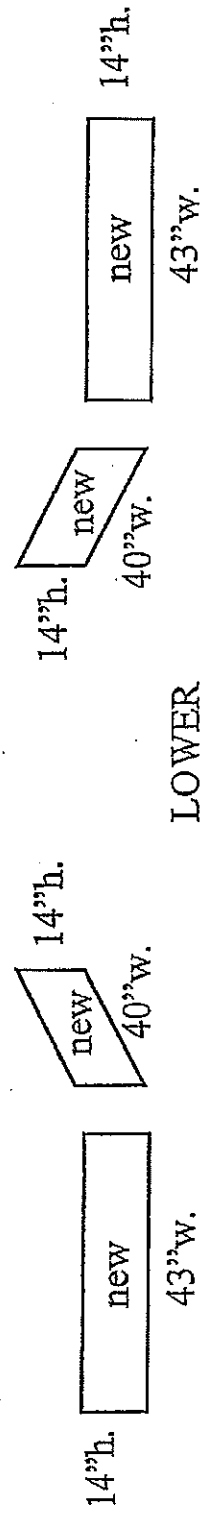
BANK STREET

2 sets

UPPER



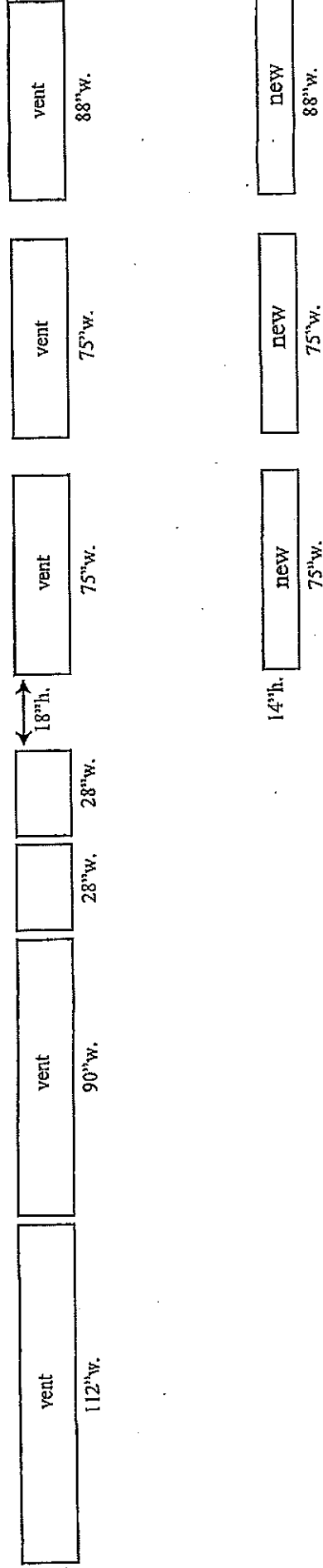
LOWER



4

PURCHASE STREET

Restore



ASSOCIAÇÃO ACADÉMICA de FALL RIVER

4

to our closing. There are very few event spaces in Fall River which will be able to sit 380 people for an event. This includes 180 people at our Balcony level which has not been accessible to the public prior to our planned renovations. This will allow Académica to be more available to many different non-profit organizations.

Goals

One of the ways this project will accomplish a goal of CPA is the connection Académica has with the Community. Académica has a history of providing a venue free of charge to non-profits and has provided over the years a number of grants and scholarships to a variety of different organizations and members of our Community. This is a very important component of who we are as an organization and allows us as a business to give back to our community. Another important accomplishment is with regards to the Historical significance of the building itself. Per the attached letter from the Massachusetts Historical Commission, "the staff agree that the building is an important element in Fall River's social history. Furthermore, the continued use of the building for the social functions for which it was constructed represents a positive continuity that a nomination to the National Register of Historical Places would recognize".

Timeline

A timeline has been included in one of the estimates provided. That was based on if the Bid proposal was accepted. Due to the high bids and new Architectural firm being hired we anticipate that revised architectural drawings will start sometime this spring with Construction documents going out to bid at the end of this summer. We will be able to provide a clearer timeframe at our next interview with the Community Preservation Committee.

Budget

The financial implications to Académica are extensive. But we will be taking out a loan from Bristol County Savings Bank and FROED, we have also received the insurance settlement money for the damages to the building. We are including previous CPA funds as part of this overall project. We are also generating some income through fundraisers.

Additionally, we have been approved by the Massachusetts Historical Commission to receive 20% MA Historical Tax Credits and 10% Federal Historical Tax Credits. This amounts to approx. \$600,000 dollars of revenue we will be incorporating into the project.

To date, we have gone out and received three (3) construction bids all in the range of \$5 - \$6 million dollars, an amount which is substantially higher than what we can afford or had requested. This has resulted in Académica having to making the difficult decision to hire another

ASSOCIAÇÃO ACADÉMICA de FALL RIVER

4

architectural firm. Mike Keane, Principal of Civitects Architects and his team are now going to assist in Académica renovations.

Attached we have included the three (3) Construction bids received along with B-Tech Construction Estimates for the Elevator and Sprinkler System. It is important to note that this spring B-Tech Construction will be providing Structural Repair services and Roof replacement based on the \$85,000 dollars CPA funds Académica has received from this Committee.

In Summary:

Bristol County Savings Bank (loan)	\$550,000
FROED (loan)	\$550,000
Insurance Settlement	\$500,000
2017 CPA Funds	\$ 85,000
<u>Historical Tax Credits</u>	<u>\$600,000</u>
TOTAL	\$2,285,000

Our project will be based on a not to exceed \$2 million dollar project. This will include Roof Replacement and Structural repairs and architectural and engineering expenses along with renovations resulting from the extensive water damage and required Building Code upgrades. The remaining \$285,000 will be needed for Start-up costs and a Contingency to the project.

Support

We at Académica are grateful for the overwhelming support we've received from our Community. Attached we're providing a letter from the Fall River Historical Commission. Other letters of support include Congressman Kennedy, All City Council members, local representatives and numerous other local Business and Organizations. We can make all these letters of support available if need be.

We look forward to speaking with you further to clarify any questions or comments you may have regarding this application.

Sincerely,

Rui Cabral, *President*

4

B-Tech Construction and Design, Inc.

***783 King St
Fall River, MA 02724
(508) 679-1840***

January 29, 2018

Owner:

~~Academica Restaurant~~

627 South Main St
Fall River MA 02721

Project Architect

Ventrone Architecture, LLC
94 Old Quarry RD
N.Scituate, RI 02857

Btech Construction Inc. Is pleased to submit this quote for the above mentioned project, as outlined below.

All Work Quoted is referenced from Plans drawn by Ventrone Architecture, LLC 94 Old Quarry RD. N.Scituate, RI 02857 and their Sub Consultants .Dated issuance.

All Work Quoted is referenced from Project Manual Prepared by Ventrone Architecture, LLC 94 Old Quarry RD. N.Scituate, RI 02857. Dated September 5, 2017 Addendum No 1 Dated September 29, 2017, Addendum No 2 Dated October 06, 2017, Addendum No 3 Dated October 12, 2017, Addendum No 4 Dated October 23, 2017.

Project Specifications include;

- 1- Demo and Framing of existing floors.
- 2- Passenger Elevator.
- 3- Complete excavation for elevator pit.
- 4- Footing and concrete foundation.
- 5- Concrete floor within the pit.
- 6- Concrete Block Shaft
- 7- Through existing roof framing.

- 4
- 8- Framing of shaft roof.
 - 9- Rubber membrane, Flashing, Metal work and Drainage.
 - 10- Steel Beam Work.
 - 11- Ventilation.
 - 12- Electrical work for elevator, ventilation, fire alarm system.

Project Total: \$354,000.00

Project does not include.

Electrical Up Grade in Existing Building.

Sprinkler Systems.

Any Finish flooring in Existing Building.

State Inspection Cannot be completed until Main building Construction is completed.

If you have any questions or need more information, please do not hesitate to contact me.
Sincerely, Brantley (508)-989-2864 *Btech Construction Inc*

4

WSA

WILLIAM STARCK ARCHITECTS, INC.

July 23, 2018

Jerry Donovan
Eagle Event Center
35 North Main Street
Fall River, MA 02720

Re: Existing Conditions Study
35 North Main Street
Fall River, MA 02720

Dear Mr. Donovan:

We are pleased to submit the following fee for the proposed work at the Eagle Events Center located at the address referenced above. The scope of work, as we understand it, includes:

- Prepare a building assessment study prioritizing recommendations for renovations, including existing conditions plans
- Prepare conceptual layouts for handicapped accessibility including elevators, lifts and toilet rooms,
- cursory review of mechanical and electrical systems and building envelope conditions,
- Prepare a preliminary opinion of probable construction cost

For the services listed above, we propose a fee of \$50,000

Our services will NOT include the following:

- Mechanical, electrical, plumbing and fire protection engineering
- Civil engineering services.
- Utility / infrastructure investigation.
- Environmental Consulting, Analysis or Testing Services.
- Hazardous material abatement / remediation / identification.

If the terms above are acceptable to you, please sign and date this document and return a copy to us for our files. We look forward to working with you on this project.

Sincerely,

WILLIAM STARCK ARCHITECTS, INC.

Rodney Jacques, R.A.
Vice President

Accepted: 

Date: 7/23/18

RJ/rj
Doc. Eagle Event Center
126 Cove Street
Fall River, MA 02720
tel (508) 679-5733
fax (508) 672-8556

www.StarckArchitects.com

Page 1 of 1

10 Dorrance Street, Ste. 700
Providence, RI 02903
tel. (401) 519-3647
fax (401) 519-3601

Proposal

AMARAL ROOFING

84 Alden Street • Fall River, MA 02723
P.O. Box 4124

Phone: 508-679-0862

MA Reg. # 141686 • RI Reg. # 26165

PROPOSAL SUBMITTED TO JERRY DONOVAN		PHONE	DATE 07/18/2018
STREET 35 N MAIN ST		JOB NAME	
CITY, STATE and ZIP CODE FALL RIVER MA		JOB LOCATION EAGLE EVENT CENTER	
ARCHITECT	DATE OF PLANS	JOB PHONE	

We propose hereby to furnish material and labor - complete in accordance with specifications below, for the sum of:

THIRTY TWO THOUSAND FIVE HUNDRED dollars (\$ 32,500.00).

Payment to be made as follows:

50% DUE UPON SIGNING CONTRACT

50% DUE UPON JOB COMPLETION

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized
Signature

Note: This proposal may be withdrawn by us if not accepted within 30 days

We hereby submit specifications and estimates for:

ALL MATERIALS TO BE GENFLEX ROOFING SYSTEM

4" Iso Insulation

45 or 60 min

A. REMOVE ALL RUBBER AND WET, SATURATED INSULATION.

B. SUPPLY AND INSTALL 1 INCH ISO OVER ENTIRE WORK AREA AS REQUIRED/FASTEN DOWN WITH 3 INCH PLATES AND COATED SCREWS

C. SUPPLY AND INSTALL STS AROUND ALL AC UNITS AND ALL ANGLE CHANGES/FASTEN DOWN WITH 2 INCH PLATES AND COATED SCREWS.

D. SUPPLY AND INSTALL TPO RUBBER MEMBRANE/MECHANICALLY ATTATCH TO NEW INSULATION AS REQUIRED.

E. ALL SEAMS TO BE HEAT WELDED.

F. FLASH ALL AC UNITS AND PENETRATIONS AS REQUIRED.

G. SUPPLY AND INSTALL NEW DRAINS AS REQUIRED.

H. SUPPLY AND INSTALL NEW RUBBER AROUND SKYLIGHTS AS REQUIRED.

I. SUPPLY AND INSTALL TERMINATION BAR AROUND ALL WALLS TO SECURE RUBBER ON EDGE.

J. 15 YEAR WARRANTY ON WORKMANSHIP.

K. CLEAN UP JOBSITE / DISPOSE OF PROPERLY.

1 1/2% Service Charge on all Invoices not paid in 30 days.
Any Collection Fees incurred will be paid by customer.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance

7/18/18

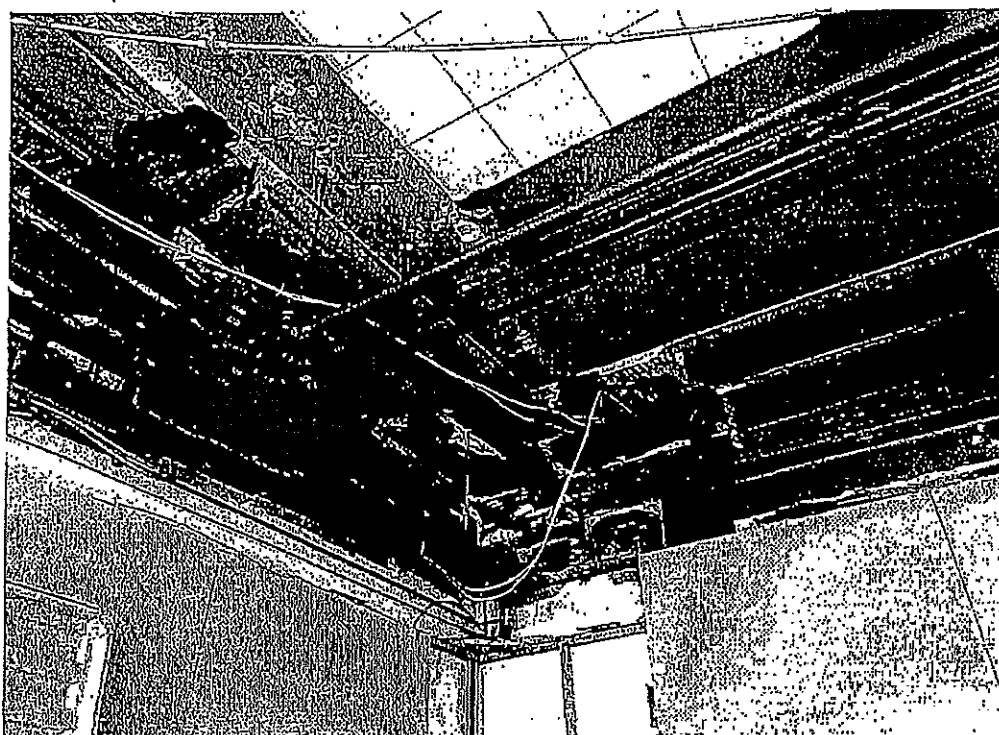
Signature

Signature

4

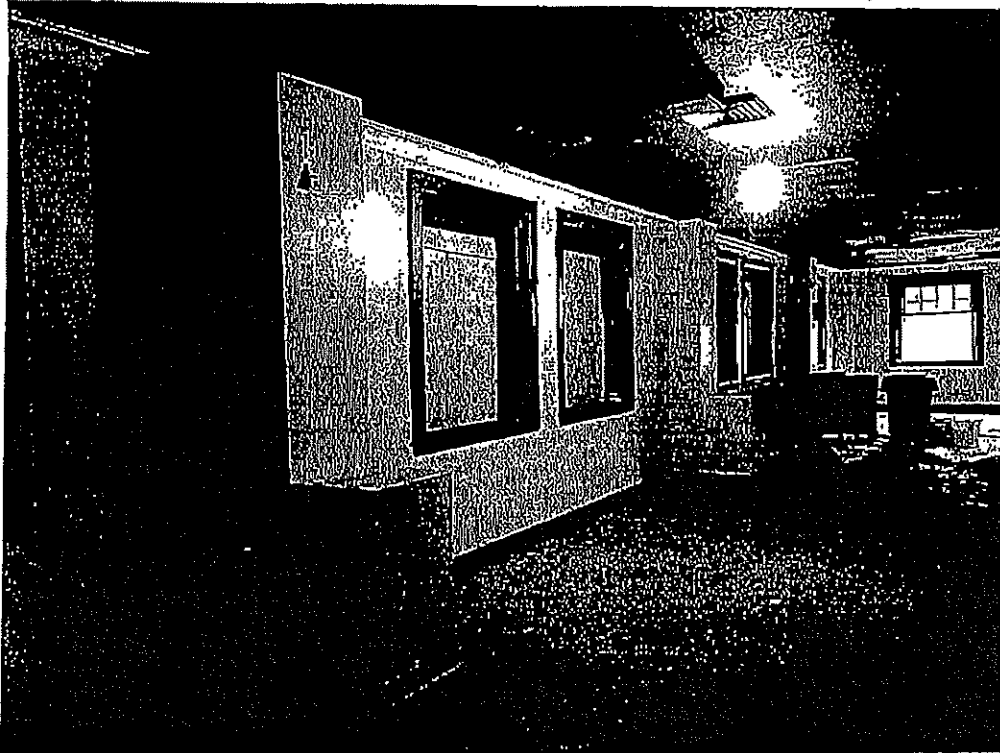


Dining Hall Interior

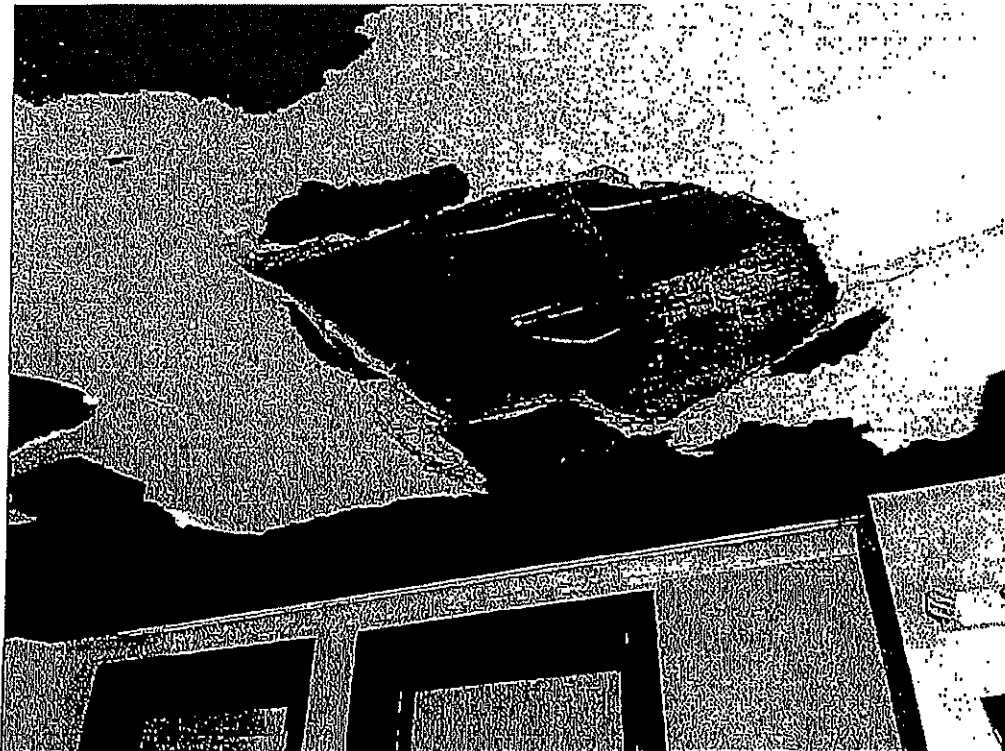


Decorative Ceiling – damage due to previous renovations

4



3rd Floor Balcony – boarded up openings in need of new windows

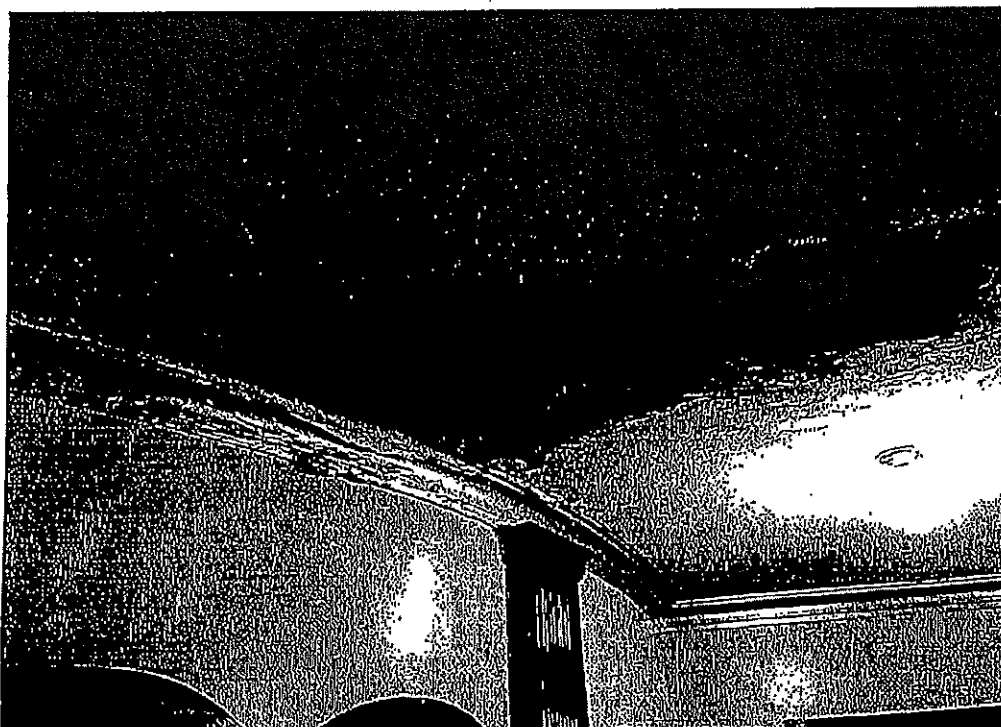


3rd Floor – significant ceiling deterioration caused by water infiltration as a result roof system failure

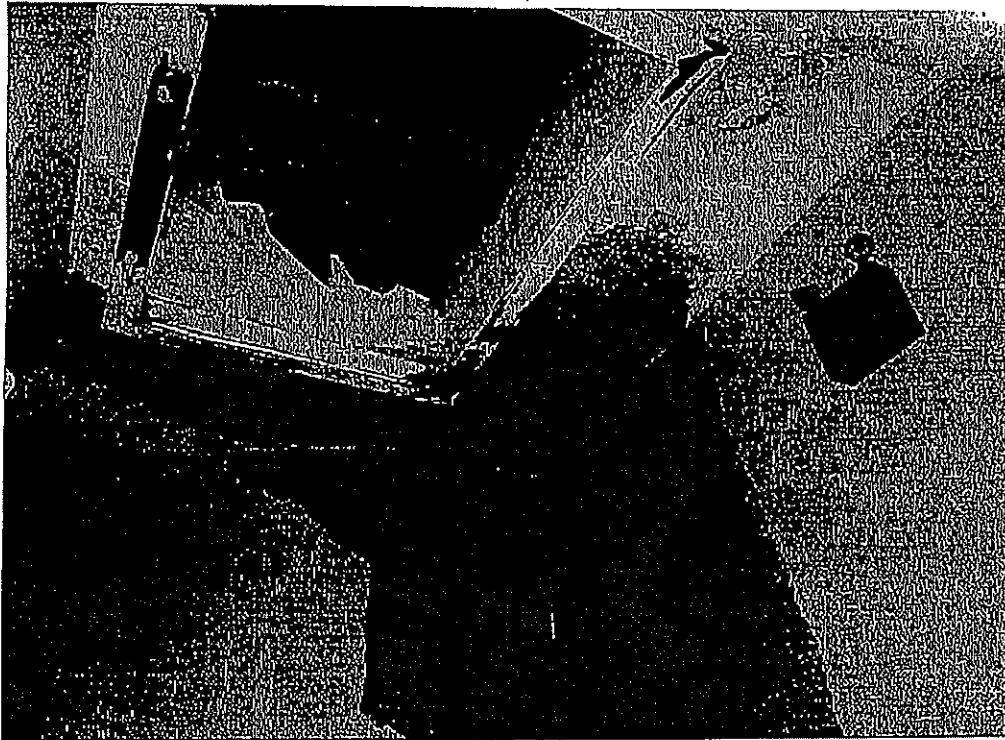
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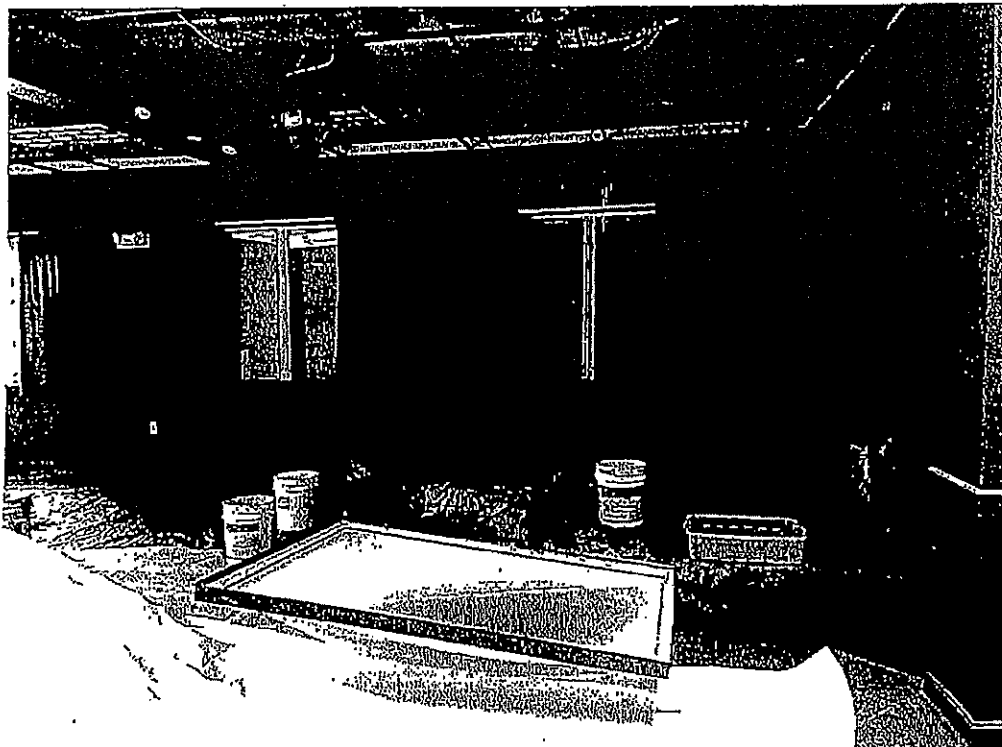
3rd Floor – significant ceiling deterioration caused by water infiltration as a result roof system failure



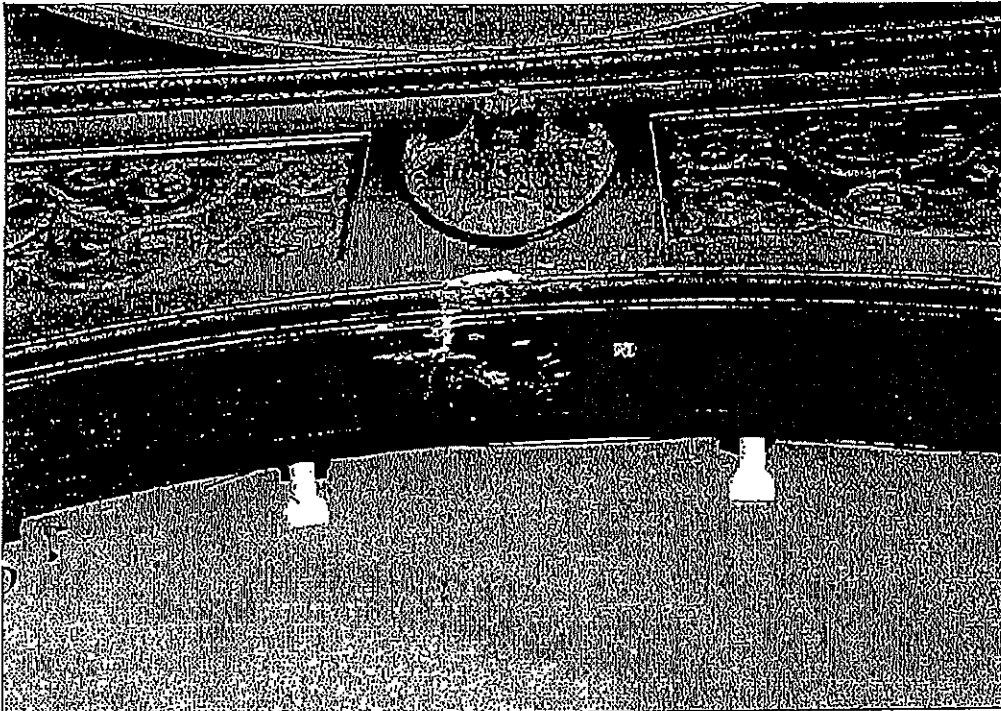
3rd Floor – significant ceiling deterioration caused by water infiltration as a result roof system failure



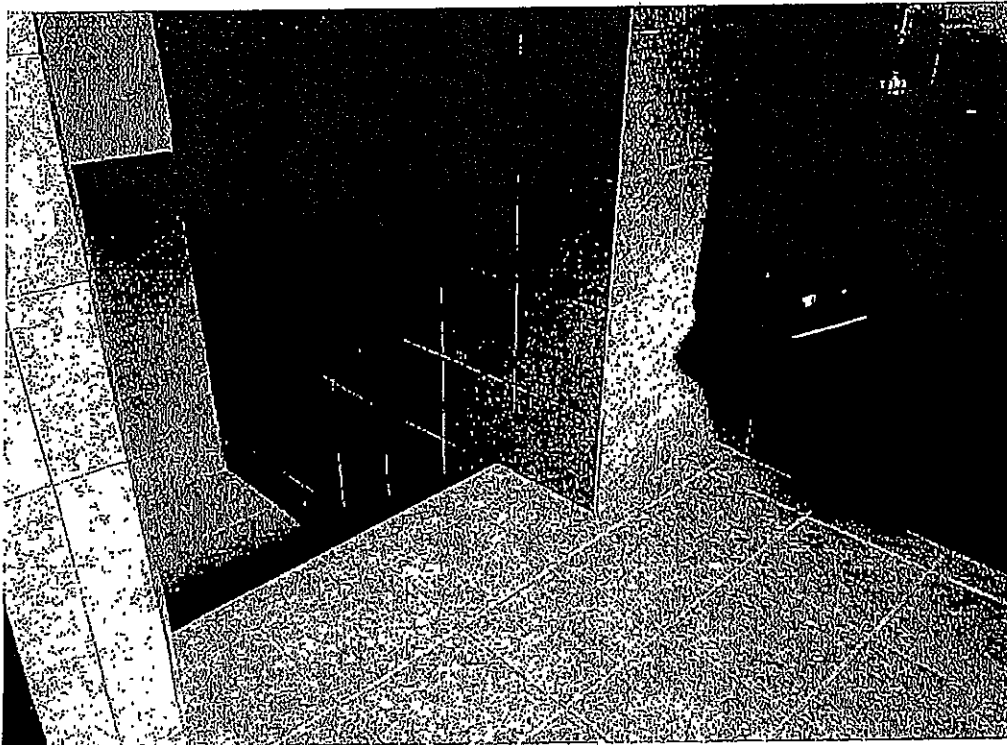
3rd Floor – significant ceiling and skylight deterioration caused by water infiltration as a result roof system failure



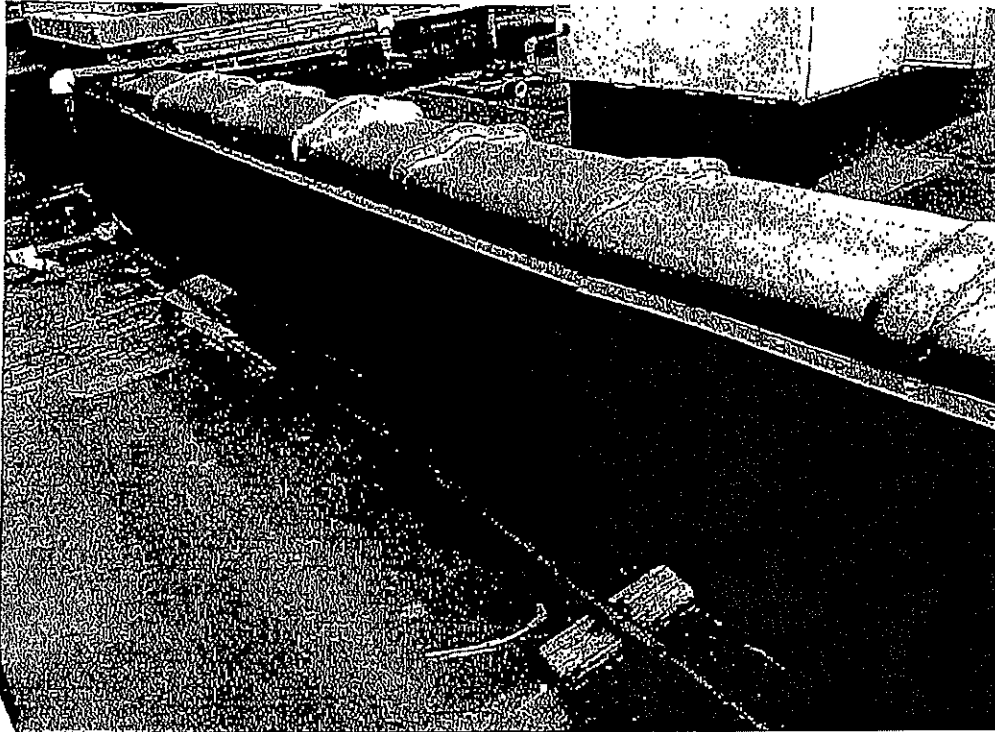
3rd Floor – significant ceiling deterioration caused by water infiltration as a result roof system failure



2nd Floor -- deterioration of the proscenium arch as a result roof system failure



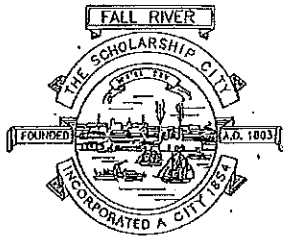
Existing Toilet Rooms -- non compliant with accessibility standards



Roof Mastic – assumed to contain asbestos; sampling and testing required prior to any removal.



Exterior Masonry – re-pointing of existing joints required



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2018 AUG 10 A 11:16

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

August 9, 2018

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

Dear Honorable Council Members:

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations to your Honorable Body.

These appropriations are a result of additional state aid as presented on the final Cherry Sheet approved by the Governor in July 2018. The following appropriations will assist the School Department in Fiscal Year 2019:

1. \$221,410 That the sum of \$221,410 be, and the same is, hereby appropriated to the State and County Assessments for the increase in the Charter School Assessments.
2. \$185,477 That the sum of \$185,477 be, and the same is, hereby appropriated to the SCHOOL APPROPRIATION.
3. \$185,477 That the sum of \$185,477 be, and the same is hereby appropriated to the SCHOOL TRANSPORTATION.

If you have any questions or concerns regarding this, please feel free to contact me.

Best Regards,

Jasiel F. Correia II
Mayor

City of Fall River, *In City Council*

5
#3

ORDERED:

That the sum of \$592,364 be, and the same is, hereby appropriated from municipal receipts (the Final Cherry Sheet State Aid) for the following:

State & County Assessments	\$221,410
School Appropriation	\$185,477
School Transportation	\$185,477

FY19 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
State Aid (Cherry Sheet)	\$ 149,954,603.00 \$	592,364.00 \$	150,546,967.00
State & County Assessments (Cherry Sheet)	\$ 25,259,799.00 \$	221,410.00 \$	25,481,209.00
School Appropriation	\$ 97,694,678.00 \$	185,477.00 \$	97,880,155.00
School Transportation	\$ 8,450,000.00 \$	185,477.00 \$	8,635,477.00

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



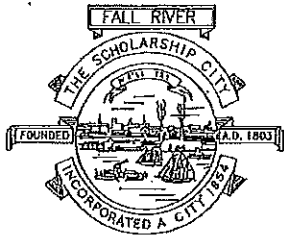
Jennifer Argo, City Auditor
August 15/2018

RECEIVED

2018 AUG 10 A 11: 23

CITY CLERK
FALL RIVER, MA

5



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2018 AUG 10 P 3:43

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

August 8, 2018

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

Dear Honorable Council Members:

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations to you Honorable Body.

As part of the on-going review of our Capital Plan and the review of our operating budget, we are requesting the following appropriations:

1. \$1,042,975.88

That the sum of \$1,042,975.88 be, and the same is, hereby appropriated to the STREETS & HIGHWAYS DEPARTMENT CAPITAL EQUIPMENT FUND from the following inactive capital project funds for the purchase of trucks and other equipment needed by various divisions within the Department of Community Services.

Sale of Sanitation Trucks	\$1,026,543.11
Department Equipment (DPW)	\$1,055.00
Parks & Cemetery Equipment	\$4,563.71
DPW Equipment	\$10,814.06

2. \$112,339.28

That the sum of \$112,339.28 be, and the same is, hereby appropriated to the POLICE DEPARTMENT CAPITAL EQUIPMENT FUND from the following inactive capital project funds for the purchase of radios and taser equipment:

North End Fire Station Complex	\$64,219.77
Fire Dept Equipment	\$850.19
Extraordinary Repairs	\$11,011.92

6

City Hall Renovations	\$12,485.80
Building Improvement	\$8,112.35
Equipment Vehicles	\$4,267.99
Energy Phase 3	\$5,182.63
Acquisition of Street Lighting	\$5,605.04
Industrial Park Improvement	\$603.59

If you have any questions or concerns regarding this, please feel free to contact me.

Best Regards,



Jasiel F. Correia II
Mayor,

6

CITY OF FALL RIVER, *In City Council*

August 15, 2018

1

ORDERED:

Transfer and appropriate \$1,042,975.88 from the following Inactive Capital

Projects:

Sale of Sanitation Trucks	\$1,026,543.11
Department Equipment (DPW)	\$1,055.00
Parks & Cemetery Equipment	\$4,563.71
DPW Equipment	<u>\$10,814.06</u>

Total	<u>\$1,042,975.88</u>
--------------	------------------------------

And Transfer and appropriate \$1,042,975.88 to the following Capital

Projects:

Streets & Highways Dept Equipment	<u>\$1,042,975.88</u>
--	------------------------------

Total	<u>\$1,042,975.88</u>
--------------	------------------------------

6

City of Fall River, MA	
Capital Equipment Needs	
	asset needed:
Description	FY2019
Streets & Highways:	
John Deer 410L Backhoe w/Attachments	\$ 119,083.13
6 Ton Capacity Asphalt Recycler/Hot Box	\$ 49,404.34
2019 International 7400 10W Dump Truck/w Snow Prep Package	\$ 140,804.00
2019 International 7400 10W Dump Truck/w Heated Body	\$ 115,000.00
Dynapac Roller 24HP 39" w/Trailer	\$ 36,995.00
John Deer 60G Excavator w/Attachments	\$ 65,761.00
2019 Ford F250 4x4 Regular Cab Pickup w/Snow Prep Package	\$ 34,767.00
2019 Ford F250 4x4 Regular Cab Pickup w/Snow Prep Package	\$ 34,767.00
2019 Ford F350 4x4 Regular Cab Dump w/Snow Prep Package	\$ 51,622.45
2019 Ford F350 4x4 Regular Cab Dump w/Snow Prep Package	\$ 51,622.45
Parks:	
Haul All Vac Truck	\$ 107,000.00
Kabota -- sidewalks/walkway snow removal	\$ 35,000.00
2019 Ford F250 4x4 Regular Cab Pickup w/Snow Prep Package	\$ 34,767.00
2019 Ford F350 4x4 Regular Cab Dump w/Snow Prep Package	\$ 51,622.45
2019 Ford F250 4x4 Utility Body w/Snow Prep Package	\$ 46,000.00
Cemetery:	
John Deer 60G Excavator w/Attachments	\$ 65,761.00
2019 Ford F250 4x4 Regular Cab Pickup w/Snow Prep Package	\$ 34,767.00
Traffic:	
2019 Ford F250 4x4 Utility Body for Maintenance Crew	\$ 46,000.00
Gasoline Cars to Replace Leased Electric Cars	\$ 100,000.00
Total	\$ 1,220,743.82

Source of Funds:	
Sale of Sanitation Trucks	\$ 1,026,543.11
Department Equipment (DPW)	\$ 1,055.00
Parks & Cemetery Equipment	\$ 4,563.71
Snow, Street & Lawn Equipment	\$ 10,814.06
Streets & Highway Equipment	\$ 177,768.93

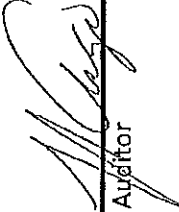
Total	\$ 1,220,744.81
--------------	------------------------

Additional Funding Needed	\$ (0.99)
----------------------------------	------------------

FY19 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
Sale of Sanitation Trucks	\$ 1,026,543.11 \$	(1,026,543.11) \$	-
Department Equipment (DPW)	\$ 1,055.00 \$	(1,055.00) \$	-
Parks & Cemetery Equipment	\$ 4,563.71 \$	(4,563.71) \$	-
DPW Equipment	\$ 10,814.06 \$	(10,814.06) \$	-
Streets & Highways Dept Equipment	\$ 177,726.25 \$	1,042,975.88 \$	1,220,702.13

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


 Jennifer Argo, City Auditor
 August 15, 2018

6

ORDERED:

Transfer and appropriate \$112,339.28 from the following Inactive Capital

Projects:

North End Fire Station Complex	\$64,219.77
Fire Dept Equipment	\$850.19
Extraordinary Repairs	\$11,011.92
City Hall Renovations	\$12,485.80
Building Improvement	\$8,112.35
Equipment Vehicles	\$4,267.99
Energy Phase 3	\$5,182.63
Acquisition of Street Lighting	\$5,605.04
Industrial Park Improvements	\$603.59
Total	<u>\$112,339.28</u>

And Transfer and appropriate \$112,339.28 to the following Capital Projects:

Police Dept Equipment	<u>\$112,339.28</u>
Total	<u>\$112,339.28</u>



City of Fall River, Massachusetts Police Department

Office of the Chief of Police

Albert F. Dupere
Chief of Police

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

August 8, 2018

Honorable Jasiel Correia
Mayor of Fall River
One Government Center
Fall River, Ma 02722

Mayor Correia,

I am writing to respectfully request a transfer of \$122,992.38 from inactive capital projects to the police capital account for the following items:

Radios (43)	\$107,992.38
Tasers (15)	\$15,000.00
Total	\$122,992.38

Thank you for any consideration of this request and for your time and attention to this matter.

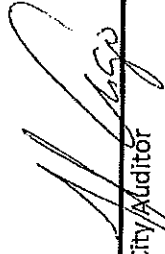
Sincerely,

Albert F. Dupere
Chief of Police

FY19 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
North End Fire Station Complex	\$ 64,219.77	\$ (64,219.77)	\$ -
Fire Dept Equipment	\$ 850.19	\$ (850.19)	\$ -
Extraordinary Repairs	\$ 11,011.92	\$ (11,011.92)	\$ -
City Hall Renovations	\$ 12,485.80	\$ (12,485.80)	\$ -
Building Improvement	\$ 8,112.35	\$ (8,112.35)	\$ -
Equipment Vehicles	\$ 4,267.99	\$ (4,267.99)	\$ -
Energy Phase 3	\$ 5,182.63	\$ (5,182.63)	\$ -
Acquisition of Street Lighting	\$ 5,605.04	\$ (5,605.04)	\$ -
Industrial Park Improvement	\$ 4,311.39	\$ (603.59)	\$ 3,707.80
Police Dept Equipment	\$ 10,653.10	\$ 112,339.28	\$ 122,992.38

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


 Jennifer Argo, City Auditor
 August 15, 2018

6



City of Fall River
Massachusetts
Office of the Mayor

7
RECEIVED

2018 AUG 10 P 3:43

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

August 8, 2018

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

Dear Honorable Council Members:

Your approval is respectfully requested for the attached Loan Order in the amount of \$122,000 for Police Department Equipment. The expenditures of this Loan Order will be included in the City Council's Quarterly Report.

Attached is the loan order. The language included therein has been approved by Bond Council.

If you have any questions or concerns regarding this, please feel free to contact me.

Best Regards,

Jasiel F. Correia II
Mayor,

7

City of Fall River, Massachusetts

Police Department

Office of the Chief of Police

Albert F. Dupere
Chief of Police

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

August 8, 2018

Honorable Jasiel Correia
Mayor of Fall River
One Government Center
Fall River, Ma 02722

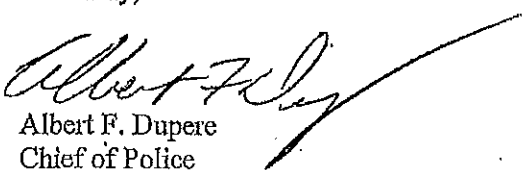
Mayor Correia,

I am writing to respectfully request a loan order of \$122,000.00 for the following items:

Prison transport Van	\$45,000.00
Plow truck	\$37,000.00
EPO Truck	\$40,000.00
Total	\$122,000.00

Thank you for any consideration of this request and for your time and attention to this matter.

Sincerely,


Albert F. Dupere
Chief of Police

7

LOAN ORDER

(Police Department Equipment)

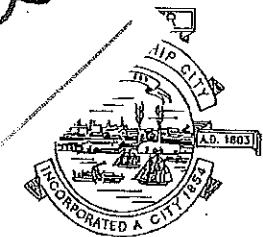
ORDERED: That the City appropriates the amount of One Hundred Twenty-Two Thousand Dollars (\$122,000) to pay costs of purchasing the following equipment, and for the payment of all other costs incidental and related thereto:

Departmental Equipment – Police Department	\$122,000.00
---	---------------------

Prison Transport Van
Plow Truck
EPO Truck

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, Section 7(9), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefore. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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 bonds 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
Massachusetts
Office of the Mayor

8

RECEIVED

2018 AUG 10 P 3:21

CITY CLERK _____
FALL RIVER, MA

ASIEL F. CORREIA II
Mayor

August 10, 2018

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

Honorable Council Members:

At the request of the City Council, we have secured new estimates from a professional, estimating firm, to provide more accurate pricing for the items in the Community Compact, Building Capital Plan. We have assembled a binder with the supporting materials to be provided to you.

Also included with this letter is a revised funding sheet. We have not revised the debt schedule as the timing of the projects affects the debt payments. Consensus amongst the Administration and the City Council is needed to set the project priorities and do a revised debt schedule.

Not included in these revised estimates are updates for each school project. Only Tansey and Watson schools have been revised as they are progressing through the MSBA Accelerated Repair Program.

Your referral of these revised estimates to the Finance Committee for further discussion is respectfully requested. Mr. Gallagher and the Finance Team are available to answer any questions you may have. Thank you.

Jasiel F. Correia II
Mayor

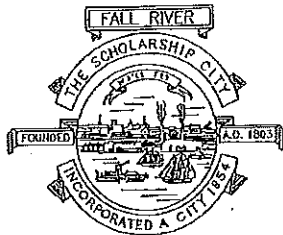
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FALL RIVER SCHOOL & CITY FACILITIES - FY19-FY24 PROJECT PLAN										
Project #	Score	Project Title	Project Location	Sub Dept	Term	RAYMOND Design Associates	CAPITAL COST	REVISED FUNDING SOURCE		
								GF (Debt)	GF (Pay as You Go)	MSRA (eligible)
Estimate Update										
GENERAL FUND CITY DEBT FUNDED PROJECTS										
FAC10	75	Replace Garage Doors	Candias Fire Station (3), Globe (3), Central Fire (8), Fire HQ (6), Flint (3)	Fire	15	\$ 979,044	850,000	980,000		980,000
FAC03	90	Electrical and Generator Upgrades	Central Fire	Fire	15	\$ 186,017	200,000	186,000		186,000
FAC04	85	Complete Renovation of Building Exterior	Central Fire	Fire	25	\$ 513,025	500,000	513,000		513,000
FAC34	90	Roof Replacement	Globe Fire Station	Fire	20	\$ 138,443	125,000	139,000		139,000
FAC11	95	Replace Roof	Stanley Fire Station	Fire	20	\$ 221,772	200,000	222,000		222,000
FAC18	90	Floor replacement	Stanley Fire Station	Fire	20	\$ 250,119	150,000	250,000		250,000
FAC23	77	Garage Doors	Stanley Fire Station	Fire	15	\$ 105,723	150,000	106,000		106,000
FAC56	90	Floor Reinforcement	Stanley Fire Station	Fire	20	\$ 200,000	200,000	200,000		200,000
FAC02	120	Electrical Upgrades	Government Center	Govt	15	\$ 540,240	500,000	540,000		540,000
FAC15	95	Boiler Replacement and Energy Management System	Government Center	Govt	20	\$ 867,142	775,000	868,000		868,000
FAC22	105	Roof Replacement	Government Center	Govt	20	\$ 1,290,658	800,000	1,291,000		1,291,000
FAC30	80	Office space upgrades	Government Center	Govt	15	\$ 500,000	500,000	500,000		500,000
FAC27	75	Amphitheater Renovations Full Renovation of Kennedy Park Office Building	Government Center Kennedy Park Office	Govt Rec	20	\$ 152,283 \$ 370,482	250,000	371,000		371,000
		* Updated Estimates not obtained - used original estimate				\$ 6,314,948	\$ 5,200,000	\$ 6,313,000	-	\$ 6,313,000

PAY AS YOU GO CITY CAPITAL PROJECTS

FAC33	80	Roof Replacement	Flint Fire	Fire		\$ 113,080	30,000	113,000		113,000
FAC52	75	Upgrade Electrical	Candias Fire Station	Fire		\$ 25,000	25,000	25,000		25,000
FAC40	70	Roof Replacement	Main Library	Library		\$ 345,050	80,000	345,000		345,000
FAC50	70	Roof Replacement	Police Department	Police		\$ 154,562	65,000	155,000		155,000
		* Updated Estimates not obtained - used original estimate				\$ 612,692	\$ 200,000	\$ 613,000	\$ 25,000	\$ 638,000
		Total				\$ 6,927,640	\$ 5,400,000	\$ 6,931,000	\$ 25,000	\$ 6,956,000

FALL RIVER SCHOOL & CITY FACILITIES - FY19-FY24 PROJECT PLAN										CAPITAL COST	REVISED FUNDING SOURCE			
Project #	Score	Project Title	Project Location	Sub Dept	Term	Updated Project Cost	GF (Debt)	GF (Pay as You Go)	MSBA (eligible)	Total funding source				
GENERAL FUND SCHOOL DEBT FUNDED PROJECTS														
SCH04	90	Replace existing windows	Edmond P. Talbot Middle School	Schools	15	1,450,000	435,000		1,015,000	1,450,000				
SCH05	90	Convert Bldg. from Elect. to NG	Edmond P. Talbot Middle School	Schools	25	600,000	600,000			600,000				
SCH08	100	Asbestos removal	Edmond P. Talbot Middle School	Schools	25	264,150	264,150			264,150				
SCH13	90	Window replacement	Henry Lord Middle School	Schools	15	1,240,000	372,000		868,000	1,240,000				
SCH27	95	Replace EPDM roof	Henry Lord Middle School	Schools	20	1,135,000	340,500		794,500	1,135,000				
SCH24	110	School Renovation	James Tansey School	Schools	15	2,970,496	960,275		2,010,223	2,970,496				
SCH01	120	School Renovation	Resiliency Preparatory Academy	Schools	25	8,790,600	2,637,980		6,152,620	8,790,600				
SCH05	115	School Renovation	Samuel Watson School	Schools	20	10,202,644	6,151,084		4,051,560	10,202,644				
SCH17	100	Asbestos removal	Westall School	Schools	25	191,450	191,450			191,450				
SCH18	115	Replace a Redundancy Boiler System	Westall School	Schools	20	912,600	273,780		638,820	912,600				
SCH20	80	Replace Windows	Westall School	Schools	15	850,000	255,000		595,000	850,000				
SCH46	75	Install/Retaining wall	Westall School	Schools	15	120,000	120,000			120,000				
						28,726,940	12,640,417		16,086,523	28,726,940				
						16,086,523								
						12,640,417								
									</					



JASIEL F. CORREIA II
Mayor

City of Fall River
Massachusetts
Office of the Mayor

9
RECEIVED

2018 AUG 10 P 2:41

CITY CLERK _____
FALL RIVER, MA

August 10, 2018

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

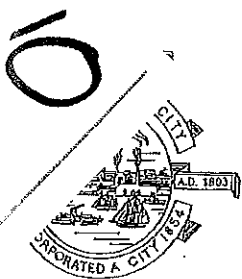
Dear Honorable Council Members:

My Administration would like to begin the process of purchasing new voting equipment. As the City Council has expressed an interest in participating in the review and selection process, we would like to provide the City Council, and the public, with an opportunity to see vendor presentations.

Given the State's timeline requirements for implementation of new machines, we would like to arrange for these presentations before the City Council's Finance Committee in September. The final selection will be done in conformance with MGL Chapter 30B requirements.

Your referral of this request to the Finance Committee is respectfully requested.

Jasiel F. Correia II
Mayor



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2018 AUG 10 P 12:28

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

August 10, 2018

Honorable Cliff Ponte President
Fall River City Council
One Government Center
Fall River, MA 02722

Dear Council President Ponte:

Attached for your information, review and City Council action, please find a proposed Amendment to the Central Market Rate Housing Incentive Zone and Plan. Approval of this Amendment will add the former Lincoln School, 439 Pine Street, to this Zone and Plan and provide the developer with tax incentives to rehabilitate the property for sale or lease as market rate units. As you may recall the Central Market Rate Housing Incentive Zone was ordained by the City Council on July 9, 2013 and approved by the Mayor on July 11, 2013 as part of the Revised Ordinances. This proposed Amendment must be submitted to the Massachusetts Department of Housing and Community Development for approval.

I respectfully request that the City Council look favorably upon this application and approve it as presented and subject to the Massachusetts Department of Housing and Community Development approval. Thank you for your time and attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Best Regards,

Jasiel F. Correia II
Mayor

Attachment

cc: City Council Members

City of Fall River, In City Council

RESOLUTION OF LOCAL GOVERNING BODY APPROVING AN AMENDMENT TO THE CENTRAL MARKET RATE HOUSING INCENTIVE ZONE AND THE FILING OF AN APPLICATION WITH THE MASSACHUSETTS DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT REQUESTING APPROVAL OF THE AMENDMENT TO THIS HOUSING INCENTIVE ZONE AND PLAN

WHEREAS, the Central Market Rate Housing Incentive Zone and Plan for Fall River was ordained by the City Council on July 9, 2013 and approved by the Mayor on July 11, 2013; and

WHEREAS, the former Lincoln School, 439 Pine Street, is an amendment established as illustrated on the attached Map, which is hereby made a part of this Resolution; and

WHEREAS, the Mayor is hereby authorized to submit the former Lincoln School as an Amendment to the Central Market Rate Housing Incentive Zone Plan and Map to the Massachusetts Department of Housing and Community Development; and

WHEREAS, the Mayor is authorized to act in connection with the submittal of the Amendment and to provide such additional information as may be required by the Massachusetts Department of Housing and Community Development; and

WHEREAS, the Mayor and the Tax Increment Financing Board, subject to City Council approval, are hereby authorized to negotiate tax increment exemptions from property taxes for a period not to exceed twenty (20) years for projects that meet the guidelines set forth under M.G.L. Chapter 40V and the regulations set forth at 760 CMR 66.00; and

NOW THEREFORE, BE IT RESOLVED BY THE FALL RIVER CITY COUNCIL THAT:
the local governing body does hereby authorize the Mayor to submit an application for Amendment to the Massachusetts Department of Housing and Community Development requesting approval of the former Lincoln School and also authorizes the Mayor to do all the things necessary to comply with the statutory and regulatory guidelines governing this Amendment to the Central Market Rate Housing Incentive Zone and Plan.

10

COVERSHEET

Applicant Municipality: City of Fall River

Contact Person for Application and HD Zone Plan:

Cathy Ann Viveiros, City Administrator
One Government Center
Fall River, MA 02722-7700
(508) 324-2600; (508) 324-2626 - fax
cviveiros@fallriverma.org

Authorized Officers Designated to Execute HD Tax Increment Exemption Agreements:

Jasiel F. Correia, II
Mayor, City of Fall River
One Government Center
Fall River, MA 02722-7700
(508) 324-2600 - tel., (508) 324-2626 - fax
mayor@fallriverma.org

OR

Tax Increment Financing Board Mayor
Jasiel F. Correia II, Chairman
One Government Center
Fall River, MA 02722
Tel: 508-324-2600

AND

Fall River City Council
Cliff Ponte, President
One Government Center
Fall River, MA 02722
Tel: 508-324-2233

By the signature below, I certify that the proposed Amendment to the Central Market Rate Housing Incentive Zone and Plan meets the requirements of 760 CMR 66.00 and was approved by the Fall River City Council on _____

Jasiel F. Correia, II
Mayor, City of Fall River

**CITY OF
FALL RIVER**

**CENTRAL MARKET RATE HOUSING
INCENTIVE ZONE AND PLAN
AMENDMENT**

Former Lincoln School
439 Pine Street

Application for DHCD Approval of Amendment

The City is preparing to amend its current Central Market Rate Housing Incentive Zone and Plan by adding the parcel including the former Lincoln School, 439 Pine Street. The proposed zone Amendment is located in the center of Fall River and is two blocks from the City's existing Central Market Rate Housing Incentive Zone. This Amendment consists of a former school that has been purchased by a developer for construction of 22 market rate housing rental units. The development will take full advantage of State and Federal historic tax credits.

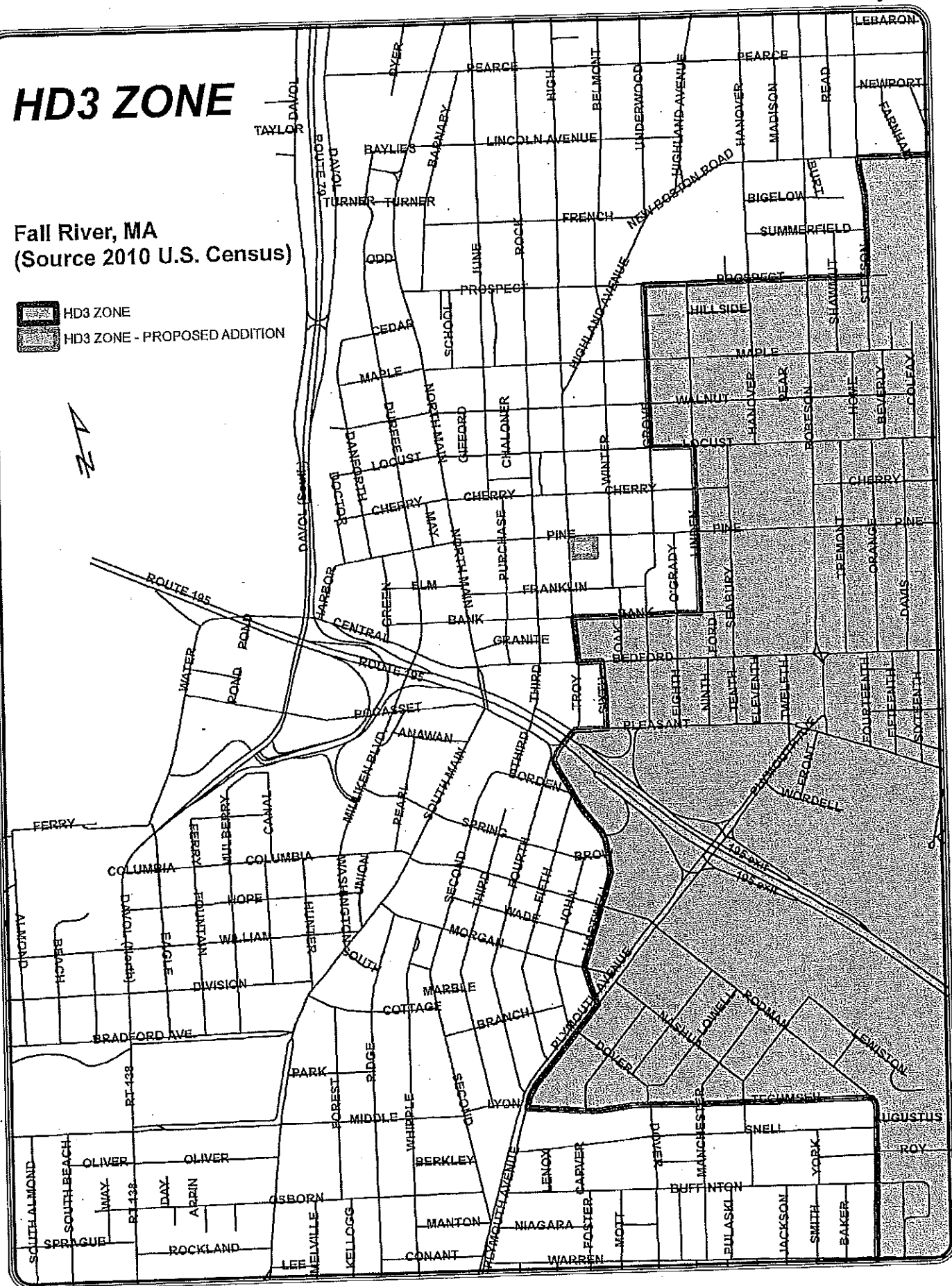
The proposed use as market rate housing meets the objectives of the Central Market Rate Housing Incentive Zone to increase residential growth, expand the diversity of housing stock, support economic development, and promote neighborhood stabilization. There is a clear need for multi-unit market rate housing in the Central Market Rate Housing Incentive Zone.

The City is currently funding a \$2.4 million Streetscapes Project in the Lincoln School neighborhood. This project will expand existing retail establishments by adding bump-outs for outdoor seating, new sidewalks and lighting for enhanced pedestrian access and the addition of full ADA mobility features in the public way. Improved water and storm water facilities are also included in this Scope of Work. All are designed to better serve the community.

The City considers this Amendment to be Material as it changes the boundary of the existing Zone.

10

21



55
N-1-47
N-1-46
N-05-0027

LUC	LUCDescrip
337	PARKLOT
400	INDUSTRIAL
337	PARKLOT
332	AUTOREP
330	AUTO SS
934	former elementary School

10

10

EVIDENCE OF PUBLIC HEARING- SECTION 66.03(2)

The proposed Amendment adding the former Lincoln School, 439 Pine Street, to the Central Market Rate Housing Incentive Zone and Plan was put forth before the Fall River City Council, consistent with the regulations of the Housing Development Incentive Program (HDIP), at its _____ meeting. A public hearing on the matter was held by the Fall River Planning Department on _____

Attachment A includes copies of the required newspaper notices which were published in the Herald News in each of two successive weeks, the last publication being held at least three days prior to the public hearing. Attachment B includes a copy of the minutes of the public hearing and the City Council meeting.

City of Fall River

10

RESOLUTION OF LOCAL GOVERNING BODY APPROVING AN AMENDMENT TO THE CENTRAL MARKET RATE HOUSING INCENTIVE ZONE AND THE FILING OF AN APPLICATION WITH THE MASSACHUSETTS DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT REQUESTING APPROVAL OF THE AMENDMENT TO THIS HOUSING INCENTIVE ZONE AND PLAN

WHEREAS, the Central Market Rate Housing Incentive Zone and Plan for Fall River was ordained by the City Council on July 9, 2013 and approved by the Mayor on July 11, 2013; and

WHEREAS, the former Lincoln School, 439 Pine Street, is an amendment established as illustrated on the attached Map, which is hereby made a part of this Resolution; and

WHEREAS, the Mayor is hereby authorized to submit the former Lincoln School as an Amendment to the Central Market Rate Housing Incentive Zone Plan and Map to the Massachusetts Department of Housing and Community Development; and

WHEREAS, the Mayor is authorized to act in connection with the submittal of the Amendment and to provide such additional information as may be required by the Massachusetts Department of Housing and Community Development; and

WHEREAS, the Mayor and the Tax Increment Financing Board, subject to City Council approval, are hereby authorized to negotiate tax increment exemptions from property taxes for a period not to exceed twenty (20) years for projects that meet the guidelines set forth under M.G.L. Chapter 40V and the regulations set forth at 760 CMR 66.00; and

NOW THEREFORE, BE IT RESOLVED BY THE FALL RIVER CITY COUNCIL THAT: the local governing body does hereby authorize the Mayor to submit an application for Amendment to the Massachusetts Department of Housing and Community Development requesting approval of the former Lincoln School and also authorizes the Mayor to do all the things necessary to comply with the statutory and regulatory guidelines governing this Amendment to the Central Market Rate Housing Incentive Zone and Plan.



City of Fall River
Massachusetts

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

Purchasing Division

RECEIVED

JUL 20 A 11:58

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

RHONDA AVILLA PINNELL
PURCHASING AGENT

July 20, 2018

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

Dear Councilor President Ponte and Members of the Council,

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

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

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

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

The auction will be held, pending approval of the City Council, at the
Fall River Police Department 685 Pleasant Street Fall River, MA 02721.

Respectfully submitted,

Rhonda Avilla Pinnell
Purchasing Agent

12

Active	Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Reg No	Div Assign	Radio ID	Mileage	DOP	logack	GUN RACK	Condition
NO	321	331	PD331	OLD SRO-4	FORD	2005	Taurus	Police 170G	Special Operation		29,000				ROTTED FLOORS AND SUBFRAME

Active	Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	logack	GUN RACK	Condition
NO	504	504	PD504	K9-SPARE FOR	2004	CROWN	2FAFP71W94X10393	BLACK/WHITE	MCPII	8	UNIFORM	A332	126574	12-29-15			JUNK

Active	Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	logack	GUN RACK	Condition
NO	403	163	PD163	OLD SIGNAL CAR	FORD	1995	Crown Victoria	2FALP71W5SX182809	Unmarked 4Dr blue/blue interior	327XNH	Uniform		95,234				JUNK

Active	Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	logack	GUN RACK	Condition
NO	818	362	PD362	OLD VICE	FORD	2002	Focus	1FAFP34302W130068	Gold	87VP56	VICE	DO radio	130,000				JUNK

Active	Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	logack	GUN RACK	Condition
NO	370	338	PD338	OLD SRO-1	FORD	2005	Crown Victoria	2FAFP71W05X107713	Black / white	Police 153G	Special Operation		100,000				JUNK

Active	Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	logack	GUN RACK	Condition
NO	442	442	PD442	VICE	CHEVY	2000	G	1GCHG35R3Y1270143	WHITE	196PM5	VICE		102034	6-21-2011			JUNK

REBEL FLEET																	
Active	Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	logack	GUN RACK	Condition
NO	115	318	PD318	OLD SRO-7	FORD	2004	Crown Victoria	2FAFP71WX4X103960	Black/white	Police 450G	Uniform Div	373	83,500	JUNK			8

REBEL FLEET																	
Active	Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	logack	GUN RACK	Condition
NO	325	384	PD382	OLD H-1	FORD	2002	Explorer	1FMDU75E62UA03625	Green/gray	43HU77	Special Operation		97,000	JUNK			

REBEL FLEET																	
Active	Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	logack	GUN RACK	Condition
NO	320	386	PD386	OLD-H-22	FORD	2008	CROWN	2FAFP71V08X110719	Black/white	Police 252J	Special Operation		123,000	JUNK			

REBEL FLEET																	
Active	Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	logack	GUN RACK	Condition
NO	716	320	PD320	OLD ITT SGT.MEDEIROS	FORD	2004	Taurus	1FAFP53U84G129138	Unmarked 4Drblack/gray interior	28MW30	VICE		37,680		JUNK		

REBEL FLEET																	
Active	Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	logack	GUN RACK	Condition
NO	111	407	PD407	OLD 18 EIGHTEEN	FORD	2009	Crown Victoria	2FAHP71V39X104453	Black/White	Police 765	Uniform Div	A318	28,000	JUNK			

REBEL FLEET																	
Active	Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	logack	GUN RACK	Condition
NO	322	332	PD332	OLD SRO-3	FORD	2005	Taurus	1FAFP53U55A159251	Black / white	Police 470G	Special Operation		32,000	JUNK			

REBEL FLEET

12

Active Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	lojack	GEN RACK	Condition
NO	724	397	PD397	OLD EPO-3	FORD	1997	Expedition	IFM8U18W1VLC37803	black/white		Vice mod	142,000		JUNK		fair, rust, hi, miles

REBEL FLEET																
Active Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	lojack	GEN RACK	Condition
NO	452	452	PD452	OLD VICE-K9	NISSAN	2004	MURANO	JN8AZ08XX4W306066	BLUE	148EX1	VICE	94254	2-13-2012	JUNK		

REBEL FLEET																
Active Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	lojack	GEN RACK	Condition
NO	850	418	PD418	OLD VICE	FORD	2004	F150	1FTPW14544KC65930	BLUE	VICE		114,000				

REBEL FLEET																
Active Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	lojack	GEN RACK	Condition
NO	507	507	PD507	VICE-K9-1	CHRYSLER	2005	PACIFIC	2C4GM68425R57299	GREEN	4AX38	VICE	128213	12/15/201	JUNK		

REBEL FLEET																
Active Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	lojack	GEN RACK	Condition
NO	503	503	PD503	VICE	FORD	2002	FORD	1FMZU73B92UC68869	GRAY	P94316	VICE	107317	5-20-2016	JUNK		

REBEL FLEET																
Active Control	Gas Key	PD Number	Unit Designation	Make	Year	Model	Serial Number	Description	Reg No	Div Assign	Radio ID	Mileage	DOP	lojack	GEN RACK	Condition
NO	76	76	PD76	SWAT SEP	CHEVY	1988	CHEVY	1GCM92M73313452	BLUE	MP5404	UNIFORM DIVISION	83	9-14-88	JUNK		

City of Fall River, *In City Council*

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

That Chapter 70 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to traffic be amended as follows:

Section 1.

By inserting in Section 70-385, which section relates to loading zones, in proper alphabetical order the following:

Name of Street	Side	Location	Hours/Days
Columbia Street	North	Starting at a point 63 feet east of Mulberry Street for a distance of 23 feet easterly	5:00 a.m. – 3:00 p.m. Monday through Sunday

Section 2.

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

Name of Street	Side	Location
Wellington Street	South	Starting at a point 137 feet west of Fulton Street, for a distance of 20 feet westerly

CITY OF FALL RIVER
IN CITY COUNCIL

JUL 12 2018

*Passed Through
first reading*

City of Fall River, *In City Council*

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

That Chapter 70 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to traffic be amended as follows:

By inserting in section 70-372, which section relates to parking prohibited during certain hours, in proper alphabetical order the following:

Name of Street	Side	Location	Hours
President Avenue	South	Starting at a point 30 feet east of Stetson Street for a distance of 739 feet easterly	7:00 a.m. – 4:00 p.m. Monday through Friday

CITY OF FALL RIVER
IN CITY COUNCIL

JUL 12 2018

*Passed Through
first reading*

City of Fall River, In City Council

15

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

That Chapter 50 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Personnel, be amended as follows:

Section 1.

By inserting in Section 50-281, which section relates to classification schedule, in proper alphabetical order the following:

Crime and Data Analyst – Police Department 50-301

Section 2.

By inserting in Section 50-301, which section relates to salary schedules for executive officers, department heads and non-union personnel, in proper alphabetical order the following:

Crime and Data Analyst – Police Department July 1, 2018 Not to exceed \$60,000.00

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 26 2018

*Referred to the
Committee on Ordinances
and Legislation, 8 years, 1 may*

CITY OF FALL RIVER
IN CITY COUNCIL

JUL 12 2018

*Passed through
first reading*

Via Certified Mail: 7015 1730 0000 4991 5121

RECEIVED

July 20, 2018

2018 JUL 25 P 3:27

#18-34B
CITY CLERK
FALL RIVER, MA

City of Fall River
Office of City Clerk
One Government Center, 2nd Floor
Fall River, MA 02722

Re: **Our Client:** Mr. Frank M. Stanley Jr.
Your Insured: City of Fall River
Date of Incident: 02/16/2018
Our File Number: 18-0198

Dear Sir or Madam:

This office has been retained to represent Mr. Frank M. Stanley Jr. for personal injuries and property damage sustained on February 16, 2018. On that day, Mr. Stanley suffered injuries to his neck, lower back and head as the result of a motor vehicle accident that occurred at 680 North Main Street Fall River, MA 02720. Notification of this incident was sent to the City of Fall River on February 23, 2018.

A review of circumstances will demonstrate the City of Fall River is liable for Mr. Stanley's injuries, property damage and other resulting losses. On February 16, 2018, Mr. Stanley was sitting in his 2006 Ford F150, which was parked directly across from 680 North Main Street Fall River, MA 02720, when he was struck by a vehicle owned by the City of Fall River which was driven by Officer James T. Hoar. Officer Hoar was traveling down North Main Street when he negligently began to veer to the side of the road striking both Mr. Stanley who was in his vehicle and another unattended parked vehicle.

As a direct result of the injuries sustained in this motor vehicle accident, Mr. Stanley sustained severe pain and suffering which created an inability for him to perform his daily functions. His injuries created a disruption in his social activities, employment and normal interaction with his family.

NATURE AND LOCATION OF INJURIES:

- Moderate acute cervical sprain/strain
- Moderate lumbar sprain/strain
- Severe left upper thoracic sprain/strain
- Mild to Moderate Contusion of the head
- Acute post traumatic headaches not intractable
- Cervical segmental dysfunction
- Thoracic segmental dysfunction
- Lumbar segmental dysfunction

7/25/18
C: Law Department (Orig.)
Police Department
City Council
City Clerk

27

ORABONA LAW OFFICES, P.C.

Mr. Stanley treated at Charlton Memorial Hospital where he was examined, administered x-rays, prescribed medication, and released. Due to ongoing pain and discomfort, Mr. Stanley sought further treatment from Hawthorne Medical Associates and Doctors Plus through June 6, 2018.

Medical Expenses:

• Charlton Memorial Hospital	02/16/2018	\$3,238.90
• Duva Sawko	02/16/2018	\$1,252.00
• Affiliated Professional Service	02/17/2018	\$304.00
• Hawthorne Medical Associates	03/26/2018	\$438.00
• Doctors Plus	02/21/2018-06/06/2018	\$7,173.00

Mr. Stanley incurred substantial costs for the required medical treatments prescribed by physicians. Included are the treating doctor's notes and bills. The bills total **\$11,967.90**

Pain and suffering Disability Period:

Mr. Stanley was rendered disabled for approximately four months. He is entitled to be compensated for his pain and suffering and loss of enjoyment of life during the time he was recuperating.

Property Damage:

Mr. Stanley's vehicle was rendered a total loss and is valued at **\$17,032.00** Please refer to the enclosed written estimate completed by Arbella Mutual Insurance Company. Moreover, he is entitled to be reimbursed for the loss of use of his vehicle as well as the towing cost. The towing cost was **\$180.66**. The loss of use of his vehicle continues to accrue as Mr. Stanley has not been paid for his property damage to date.

Please contact me upon review of the within documents, so we may discuss the possibility of resolving this matter prior to institution of suit. Mr. Stanley offers to settle this matter for One Hundred Thousand (\$100,000.00) Dollars in compensation for injuries and resulting losses caused by the accident.

Thank you in advance for anticipated cooperation and assistance in this matter.

Very truly yours,

Frank L. Orabona, Jr.
Frank L. Orabona, Jr.

FLOjr:jl
Enclosures



OF DARTMOUTH

100 Old Faunce Corner Rd - North Dartmouth, MA 02747
(508) 993-2616
www.toyotaofdartmouth.com



Certified
Collision Center
Keep Your Toyota a Toyota

**CHECKY
COLLISION**

7 Boat Rock Rd - Mattapoisett, MA 02739
(774) 377-3431
www.checkcollision.com

27

2018 JUL 17 P 1:44

#18-103C

CELL: 774-526-5195

CUSTOMER NO. 48211	ADVISOR CASCIOUS, ARROBAMA 105218	TAG NO. 5678	INVOICE DATE 07/17/18	INVOICE NO. T0CS234155
NORMAN MILAN 107 HARRISON ST FALL RIVER, MA 02723-2122	LABOR RATE	LICENSE NO. 563KY0	MILEAGE 302,521	COLOR TAN/
	YEAR / MAKE / MODEL 05/TOYOTA/COROLLA/COROLLA			DELIVERY DATE 01/01/05
	VEHICLE I.D. NO. 2 T 1 B R 3 2 E X 5 C 3 7 7 1 3 4			DELIVERY MILES
	P.T.E. NO.			PRODUCTION DATE 01/01/05
RESIDENCE PHONE	BUSINESS PHONE	COMMENTS	MO: 302521	

RECEIPT

RECEIPT DATE: 07/17/18
CUSTOMER NUMBER: 48211
CUSTOMER NAME: NORMAN MILAN

CHECK: \$1753.45 CHECK# 15116623

A Quality Job is our

#1 Goal

If you were satisfied with
these repairs today,
please tell your
friends. If you were
not, please tell us.

Thank You
Parts and Service
Director
Tom Menchi
(508) 993-2616

Please visit us
online to schedule
your next appointment
www.toyotaofdartmouth.com

Thank You
for your
business!

PD
CHK 15116623

POT, HOLES,
RELATED.



OF DARTMOUTH

100 Old Faunce Corner Rd - North Dartmouth, MA 02747
(508) 993-2616
www.toyotaofdartmouth.com



CHECK COLLISION

7 Boat Rock Rd - Mattapoisett, MA 02739
(774) 377-3431
www.checkcollision.com

RECEIVED

2018 AUG -6 P 4: 47

#18-103 D

CELL: 774-526-5195

CUSTOMER NO. 48211	ADVISOR CASCIOS ARRUDALL	TAG NO. 6344	INVOICE DATE 07/19/18	INVOICE NO. T0CS234788
NORMAN MILAN 107 HARRISON ST FALL RIVER, MA 02723-2122	LABOR RATE	LICENSE NO. 563KY0	MILEAGE 315,000	COLOR TAN/
	YEAR/MAKE/MODEL 05/TOYOTA/COROLLA/COROLLA	DELIVERY DATE 01/01/05		
	VEHICLE I.D. NO. 2 T 1 B R 3 2 E X 5 C 3 7 7 1 3 4	SELLING DEALER NO.		
	F.T.E. NO.	P.O. NO.	R.O. DATE 07/18/18	
RESIDENCE PHONE	BUSINESS PHONE	COMMENTS		

MO: 315000

JOB# 1 CHARGES

LABOR
J# 1700TOZ QUICK SERVICE TECH(S) 82269 INTERNAL
C/S WAS JUST HERE 7/17 ... WHILE DRIVING VEHICLE DOES NOT WANT TO ACCELERATE-- SAME ISSUE AS LAST RO FOUND VEHICLE HAS OVER HEATED AND BLOWN HEAD GASKET CYLINDER HEAD AND BLOCK ARE MOST LIKELY WARPED. WOULD RECOMMEND REPLACING ENGINE ASSEMBLY. RECOMMENDED OIL TEMP SENSOR LAST VISIT

JOB# 1 TOTALS

JOB# 1 JOURNAL PREFIX TOCS JOB# 1 TOTAL 0.00

ESTIMATE

CUSTOMER HEREBY ACKNOWLEDGES RECEIVING ORIGINAL ESTIMATE OF \$0.00 (+TAX)

COMMENTS

RECOMMENDED NOT DONE/ DECLINED SERVICES

LISTED BELOW ARE SOME RECOMMENDED ITEMS THAT MIGHT REQUIRE IMMEDIATE ATTENTION, OTHERS MAY NOT BE REQUIRED FOR UP TO 15,000 MILES. PLEASE TALK TO A SERVICE ADVISOR FOR WHICH ITEMS SHOULD BE ADDRESSED IMMEDIATELY AND WHAT ARE FUTURE NEEDS.

20TOZZCOOL1	COOLING CONCERN	TECH: 83675	FOLLOW-UP: 05/25/18	
45TOZZ434021	FRT AXLE HUB	TECH: 83675	FOLLOW-UP: 05/25/18	\$654.04
45TOZZ422041	REAR HUB & BEARING	TECH: 83675	FOLLOW-UP: 05/25/18	\$660.87
11TOZZENGINES	ENGINE LEAK CONCERN	TECH: 83675	FOLLOW-UP: 05/25/18	\$25.48
52TOZZ810151	HEADLAMP BULB	TECH: 83675	FOLLOW-UP: 05/25/18	\$87.25
00TOZPLATELIGHT	PLATE BULB	TECH: 83675	FOLLOW-UP: 05/25/18	\$19.25
46TOZMB4 CAUSE:	MOUNT & BALANCE 4 FEATHERED ON OUTER EDGES	TECH: 83675	FOLLOW-UP: 05/25/18	\$619.75
12TOZZ	ENGINE CONCERN	TECH: 83675	FOLLOW-UP: 05/25/18	\$702.33
20TOZZCOOL2	COOLING SYSTEM	TECH: 83675	FOLLOW-UP: 07/20/18	\$202.70
09TOZO6	*INJECTOR SERVICE	TECH: 83675	FOLLOW-UP: 07/20/18	\$196.72

A Quality Job is our

#1 Goal

If you were satisfied with these repairs today, please tell your friends. If you were not, please tell us.

Thank You
Parts and Service
Director
Tom Menchi
(508) 993-2616

Please visit us online to schedule your next appointment
www.toyotaofdartmouth.com

Thank You
for your
business!

Saint Anne's Hospital

A STEWARD FAMILY HOSPITAL



27
FINAL

AL, ANTONE

AH6177987689 06/06/18 06/07/18 06/10/18

AMARAL, ANTONE
PO BOX 1565
FALL RIVER MA 02722

Medicare A&B
MassHealth

015349650A
100019898251

6/18	250006363	TYLENOL; ACETAMINOPHEN 325 MG TAB	2	0.17
6/18	250001980	KETOROLAC INJ 30MG; KETOROLAC 30 MG/ML VIAL	1	2.75
6/18	250000381	TETANUS DIPHTHERIA TOX PF >7YRS; TETANUS/DIPHTHERIA TOX 0.5 ML VIAL	1	67.69
6/18	350000210	CT CERVICAL SPINE WO CONTRAST	1	343.25
6/18	350000010	CT HEAD WITHOUT CONTRAST	1	485.00
6/18	320002140	FOOT COMP 3 VIEWS	1	185.61
6/18	320001790	X-RAY EXAM OF HUMERUS 2+ VIEWS	1	185.61
6/18	320001760	SHOULDER TWO PLUS VIEWS	1	185.61
6/18	4500000518	EMERGENCY ROOM	1	997.13
6/18	4500000859	THER PROP DIAG INJ-SC/IM.WMOD	1	168.47
6/18	4500000480	IMMUNIZATION ADMIN 1ST	1	103.23
0/18	CMEDA&B	CADJ - MEDICARE A&B NON COVERED	1	-0.17

*** SUMMARY BY SERVICE ***

259 PHARMACY OTHER	2	0.17
320 RADIOLOGY DIAG GENERAL	3	556.83
351 CAT SCAN HEAD	1	485.00
352 CAT SCAN BODY	1	343.25
450 EMERGENCY ROOM GENERAL	2	1165.60
636 DRUG SPEC ID DETAIL CODING	2	70.44
771 PREVENTIVE CARE VACCINE	1	103.23
RECEIPTS, ADJUSTMENTS, ETC.	1	-0.17

ESTIMATED INSURANCE DUE
Medicare A&B

2724.35

original + 1 copy - da
1 copy - C.C.
1 copy - City Clerk
1 copy - DPH

7/11/18

AH6177987689

CITY CLERK
FALL RIVER, MA
18-116A

2018 JUL 11 AM 11:05

RECEIVED

2724.52

-0.17

2724.35

2724.35

Saint Anne's Hospital

795 Middle Street, Fall River, Massachusetts 02721 Tel: 508-674-5600 www.saintanneshospital.org

ATTORNEYS

- KENNETH L. WILBER (CO, IL)
- CHRISTINE CHANCE (FL, GA, IL, MA, ME)
- MARCLANE (IL)
- PATRICK J. LIGHT (IL)
- NICOLE R. MESSAMORE (FL)

OF COUNSEL

- DAVID B. CHURCHILL (CA)



WILBER & ASSOCIATES, P.C.
ATTORNEYS AT LAW

27

PHONE: 800-313-5168

FAX: 800-313-5178

210 LANDMARK DR

NORMAL, IL 61761

Claim # 18-119A

CITY OF FALL RIVER
CITY CLERK
ONE GOVERNMENT CENTER
2ND FLOOR
FALL RIVER, MA 02722

July 10, 2018

In Reference To:

Our Client: Safety Insurance Company
Our Client's Insured: JASON RAPOZA
Our File Number: 1707207 - 44
Your Insured: FALL RIVER PD
Your Claim Number:
Date of Accident: 05-16-18
Amount Claimed: \$3,508.36

CITY CLERK
FALL RIVER, MA

2018 JUL 16 P 2:05

RECEIVED

ENCLOSED PLEASE FIND THE SUPPLEMENT AND RENTAL OUR CLIENT PAID OUT.
CARMON ALTIERY
309-663-6700 X3114

ADV ENC2

7-16-18
C: City Clerk
City Council
Law
FRPD



RECEIVED

27

City of Fall River
Notice of Claim

2018 JUL 11 P 2:45

CITY CLERK 11-130
FALL RIVER, MA

1. Claimant's name: Ryan Czajka
2. Claimant's complete address: 155 Glasgow St Fall River MA 02721
3. Telephone number: Home: 774-319-1429 Work: N/A
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Damaged tire due to road condition
5. Date and time of accident: 7/9/18 Approx 5:30 PM Amount of damages claimed: \$ 280.15
6. Exact location of the incident: (include as much detail as possible):
Approx. 10 ft from stop sign @ the corner of Fenner St. & State St.
7. Circumstances of the incident: (attach additional pages if necessary):
Damaged tire replacement. Receipt of repair attached.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 7/11/18Claimant's signature: [Signature]

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

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DPWDate: 7/11/18



RECEIVED

27

City of Fall River
Notice of Claim

2018 JUL 16 A 10:10

CITY CLERK 18-131
FALL RIVER, MA

1. Claimant's name: Robin Lewis
2. Claimant's complete address: 28 Myrtle Street Fall River, MA 02724
3. Telephone number: Home: 774-301-3397 Work: 508-675-8300
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Damage to car tire, tie rod, and alignment
5. Date and time of accident: June 18, 4 PM Amount of damages claimed: \$ 378.02
6. Exact location of the incident: (include as much detail as possible):
North Main Street, near Weaver Street
7. Circumstances of the incident: (attach additional pages if necessary):
While driving on N. Main St. the front right tire landed in a deep pothole. The only way to avoid it was to drive on the other side of the street. The tire began to leak repeatedly, so I brought it in to Henry's Tire Service. They replaced the bent right tie rod, the tire, and I needed a front end alignment. (The other tire I replaced was my responsibility when I hit a curb).
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: 7/12/18

Claimant's signature: _____

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

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

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For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☒ City Administrator ☒ DPWDate: 7-16-18

RECEIVED 27
2018 JUL 16 P 2:03

#18-132
CITY CLERK
FALL RIVER, MA
(See also #17-99
and #17-99A)

July 13, 2018

**VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
AND FIRST-CLASS MAIL**

Fall River City Clerk
One Government Center
Room 227
Fall River, MA 02722
7017 2620 0000 9268 1195

Watupe Water Board Chairman
One Government Center
Room 326
Fall River, MA 02722
7017 2620 0000 9268 1188

**RE: Union Mutual a/s/o Hanover Properties, LLC
v. City of Fall River, and KR Rezendes
Date of Loss: September 27, 2017
Our File No.: 5-0174**

Dear City Clerk and Water Board Chairman:

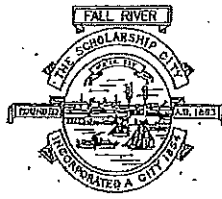
This is a notice under the Massachusetts Tort Claims and is given pursuant to M.G.L. c. 258, sec.4, for negligence by agents, employees, or representatives of the City of Fall River.

This office represents Union Mutual of Vermont Companies ("Union Mutual"), as subrogee of Hanover Properties, LLC, owner of 200 Bank Street, Fall River, MA. All communications and notices with regard to the issues set forth herein should be sent to the undersigned at Haverty & Feeney, 57 Obery Street, Suite 1, Plymouth, MA 02360.

In or around the summer of 2017, agents, employees, or representatives of the City of Fall River, negligently supervised, performed, or inspected work on an underground water main in the area of 200 Bank Street, Fall River, MA, Massachusetts ("the Property").

As a result of the negligent work, supervision, or inspection performed by or on behalf of agents, employees, or representatives of the City, a water line was caused to separate from the curb stop valve in the vicinity of the property. As a result of the

57 Obery Street, Suite 1
Plymouth, MA 02360
Voice 508 746 6100
Fax 508 746 7067
Email info@havertyfeeney.com



27

RECEIVED

City of Fall River
Notice of Claim

2018 JUL 27 A 10:37

1. Claimant's name: Edward Estrella CITY CLERK #18-133
FALL RIVER, MA
2. Claimant's complete address: 410 Highland Ave Westport M.A.
3. Telephone number: Home: 1-774-5263583 Work: 508-678-5362
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: 7/23/2018 Amount of damages claimed: \$?
6. Exact location of the incident: (include as much detail as possible):
714 Globe St Fall River M.A. (Henry's Tire Service)
7. Circumstances of the incident: (attach additional pages if necessary):
I was at work, Park department was mowing the Park, Hit my truck on Right Rear with rocks from mower. Did call Park department, They did come by to Inspect Damage, was told to go to LAW OFFICE
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: 7/27/2018 Claimant's signature: Edward Estrella

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

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☐ Law ☒ City Council ☐ City Administrator ☒ Park Dept Date: 7/27/18

27
RECEIVED

2018 AUG -6 A 11: 27

City of Fall River
Notice of ClaimCITY CLERK #18-134
FALL RIVER, MA

1. Claimant's name: Mario A + Margaret A. Maniz
2. Claimant's complete address: 616 Langley St., Fall River, MA 02720
3. Telephone number: Home: 617-799-2593 Work: 508-675-7475
642-4888
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
raw sewerage backup from city pipe
5. Date and time of accident: 8/4/18 Amount of damages claimed: \$ To be determined
6. Exact location of the incident: (include as much detail as possible):
616 Langley St. Fall River, MA 02720
7. Circumstances of the incident: (attach additional pages if necessary):
basement flooded with 8" of raw sewerage
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 8/6/18Claimant's signature: Mario A. Maniz

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

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

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

For official use only:

Copies forwarded to: ☐ City Clerk ☐ Law ☒ City Council ☒ City AdministratorSewerDate: 8/6/2018



27

RECEIVED

City of Fall River
Notice of Claim

2018 AUG -6 P 12:07

CITY CLERK #18-135
FALL RIVER, MA

1. Claimant's name: Paunilia GRAY
2. Claimant's complete address: 179 Haffards St, apt 1
3. Telephone number: Home: (774) 294-8982 Work: Dollar Tree, Quarry St
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
water valve unlevelled on sidewalk took toenail off
5. Date and time of accident: Tues, July 17th approx 3pm exactly 3:38pm Amount of damages claimed: \$ 500.00
6. Exact location of the incident: (include as much detail as possible):
approx #1 151 Haffards St, Fall River 41.697, - 71.134 Fall River
7. Circumstances of the incident: (attach additional pages if necessary):
Walking home with my 3 young children pushing my stroller there was a water valve unlevelled raised about 2 1/2 inches above ground hurt my toe really bad, I screamed, bled and eventually lost half my toenail; ~~my~~
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: Monday, August 6th Claimant's signature: Paunilia Gray

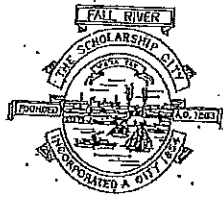
WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☒ City Administrator ☒ Water Dept Date: 8/6/18



27

City of Fall River
Notice of Claim

RECEIVED

2018 AUG -7 P 2:03

CITY CLERK #18-136
FALL RIVER, MA

1. Claimant's name: JAMES T. HOAR
2. Claimant's complete address: 29 ALDEA ST. FALL RIVER, MA
3. Telephone number: Cell: 508-878-7763 Work: _____
Home: 508-878-7763
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
PROPERTY DAMAGE - TANKLESS WATER HEATER
5. Date and time of accident: 7/6/21/18 Amount of damages claimed: \$ 3000.00
6. Exact location of the Incident: (Include as much detail as possible):
29 ALDEA ST
7. Circumstances of the Incident: (attach additional pages if necessary):
See ATTACHED
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 7/10/18

Claimant's signature: [Signature]

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

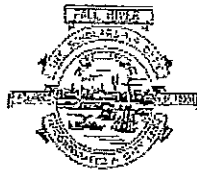
Return this from to: City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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For official use only:

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

Date: 8/7/18



27

RECEIVED

City of Fall River
Notice of Claim

2018 AUG -8 P 12:04

1. Claimant's name: Charleen Martini
2. Claimant's complete address: 384 E. Main St. Fall River MA 02724 #18-137
3. Telephone number: Home: 508.558.1335 Work: ---
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage): Fall due to curbing being too high because of work being done to street/sidewalks
5. Date and time of accident: 7/26/18 Approx 1:34 PM Amount of damages claimed: \$ TBD
6. Exact location of the incident: (Include as much detail as possible): 384 E Main St. Fall River MA outside door entrance to house / Apts.
7. Circumstances of the incident: (attach additional pages if necessary): Walking from car to apt - carrying 2 light traps - took a few steps then foot caught curbing a fell startled on hands & knees - stood there for a few moments / got up with daughter's help + she walked me to apartment. Took pictures injury to left knee. Bleeding thru jeans / pains up side of left leg + down to calf - twist in lower back.
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

doctor's diagnosis to follow - Wanted to get Report filed

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: 7/26/2018

Claimant's signature: Charleen Martini

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 90 days of the Incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DPW Date: 8/8/18



City of Fall River
Notice of Claim

RECEIVED

2018 AUG -9 A 11: 29

CITY CLERK #18-138
FALL RIVER, MA

1. Claimant's name: RAYMOND L. GUERTIN
2. Claimant's complete address: 211 CHERRY HILL LANE P.O. BOX 374 WESTPORT POINT, MA 02791
3. Telephone number: Home: 508-496-4965 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
POT HOLE, DAMAGED 2 RIGHT HAND TIRES
5. Date and time of accident: 8/8/18 1PM Amount of damages claimed: \$ 183.42
6. Exact location of the incident: (include as much detail as possible):
ROUTE 81 AT RAMP OFF ROUTE 24 TO SO. COAST MARKET PLACE
7. Circumstances of the incident: (attach additional pages if necessary):
HIT POT HOLE AT RAMP. BLEW OUT 2 RH TIRE
SIDE WALLS.
POT HOLE IS AT RAMP WHERE IT MEETS ROUTE 81.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 8-9-18

Claimant's signature: Raymond L. Guertin

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

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

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Date: 8/9/18



RECEIVED

27

City of Fall River

2018 AUG -9 P 12:43

Notice of Claim

CITY CLERK #18-139
FALL RIVER, MA

1. Claimant's name: Tracey Parrent
2. Claimant's complete address: 5 Carver St 3N F.R. MA 02721
3. Telephone number: Cell 1745268430 Home: Work:
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Public Way (Pot Hole)
5. Date and time of accident: 7/2/18 1:30 pm Amount of damages claimed: \$1575.00
6. Exact location of the incident: (include as much detail as possible):
1159 Stafford Rd. F.R. MASS.
7. Circumstances of the incident: (attach additional pages if necessary):
Backed out of driveway at 1159 Stafford Rd and fell into pot hole on St. where bottom of car hit and cracked transmission. Neighbors around area told me been there (pot holes) for yrs. and keeps getting worst. they've called for yrs. and has never been fixed.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 8/9/18

Claimant's signature: Tracey Parrent

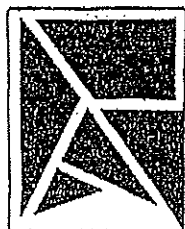
WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

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

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

For official use only:			
Copies forwarded to:	<input type="checkbox"/> City Clerk	<input type="checkbox"/> Law	<input checked="" type="checkbox"/> City Council
	<input type="checkbox"/> City Administrator	<input type="checkbox"/> DCM	Date: <u>8/9/18</u>

29



FALL RIVER
REDEVELOPMENT AUTHORITY

RECEIVED

2018 AUG -6 A 11:01

July 23, 2018

CITY CLERK
FALL RIVER, MA

Cliff Ponte, President
Fall River City Council
One Government Center
Fall River, MA 02722

RE: Fall River Redevelopment Authority –
Preliminary Screening Committee

Dear Mr. Ponte:

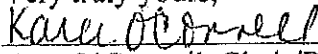
I am writing to you as Chair of the Fall River Redevelopment Authority to respectfully request that you recommend a member of the Fall River City Council to serve on the Preliminary Screening Committee to assist in the search process for hiring an Economic Development Director.

At our last meeting, the Fall River Redevelopment Authority voted to authorize me to appoint the Preliminary Screening Committee made up of the following seven members:

Kara O'Connell, RDA Member/Chair
Robert Smith, RDA Member
Mayor Jasiel F. Correia II
Michael Dion, Executive Director of CDA
A representative from the Fall River City Council
A representative from the Fall River Industrial Park Association
A representative from the Bristol County Chamber of Commerce

We are now in the process of receiving applications from qualified candidates and anticipate that we will begin our review of applicants in the next few weeks.

Would you please forward the name and contact information of a City Council member to serve on the committee by emailing me at captainoconnell@comcast.net.

Very truly yours,

Kara O'Connell, Chair/RDA



OPEN MEETING LAW COMPLAINT FORM

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

Rec'd by email 30
Sun, July 15, 2018
@ 12:12 AM

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: +1 (508) 674-3140 Ext.

Email: patrick@patrickhiggins.co

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

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐ Individual ☒ Organization ☐ Media

Public Body that is the subject of this complaint:

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

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

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

Date of alleged violation: Jul 12, 2018

Description of alleged violation:

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

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

The Fall River City Council violated the open meeting law by not "reviewing" several Open Meeting Law complaints prior to voting to send them to Corporation Counsel to respond to.

The City Council also voted to refer several open meeting law complaints to Corporation Counsel that were not addressed to them, nor served on them, which dealt with violations by sub-committees of the Fall River City Council. It is the position of the undersigned that the Chairman of the sub-committees that were served were required to disseminate the complaints to the members of their sub-committees and the sub-committees were required to review the complaint and discuss any remedial actions or vote to send the complaints to Corporation Counsel after reviewing the complaints.

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

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

Learn and comply with the open meeting law in compliance with the certificates that you signed and filed with the municipal clerk upon taking your oaths of office.

Review, sign, and submit your complaint**I. Disclosure of Your Complaint.**

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

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

II. Consulting With a Private Attorney.

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

III. Submit Your Complaint to the Public Body.

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

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

Signed: 

Date: 7/14/18



30



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

MAURA HEALEY
ATTORNEY GENERAL

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

July 16, 2018

VIA EMAIL ONLY

Joseph I. Macy, Esq.
Fall River Corporation Counsel
jmacy@fallriverma.org

RE: Request for extension to respond to complaints

Dear Attorney Macy:

On July 16, 2018, our office received your request seeking an extension of time for the Fall River City Council (the "Council") to consider its responses to two complaints that allege violations of the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaints were originally filed with the Council by Patrick Higgins on July 14, 2018 and by Jo Goode on July 16, 2018.

In your request, you state that the Council will review the complaints at its next scheduled meeting, on August 7, 2018. You requested an extension of 14 business days past that meeting date, to August 27, 2018. With the hope that the parties involved can use the additional time to reach mutually agreeable resolutions of the complaints, our office hereby grants an extension pursuant to 940 CMR 29.05(5)(b), but we grant a slightly shorter extension of 10 business days past the scheduled meeting date. Please send the Council's responses to the complainants by **Tuesday, August 21, 2018**, and forward a copy of each complaint and response to our office.

Please contact the Division of Open Government with further questions.

Sincerely,

Carrie Benedon
Assistant Attorney General
Director, Division of Open Government

cc: Patrick Higgins (via email)
Jo Goode (via email)
Fall River City Council (by mail)

CITY CLERK
FALL RIVER, MA

2018 JUL 17 A 11:03

RECEIVED



OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

2018 JUL 16 P 1:11

CITY CLERK
FALL RIVER, MA

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Jo Last Name: Goode

Address: 207 Pocasset St.

City: Fall River State: MA Zip Code: 02722

Phone Number: 5086762539 Ext.

Email: jgoode@heraldnews.com

Organization or Media Affiliation (if any): The Herald News

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐ Individual ☐ Organization ☒ Media

Public Body that is the subject of this complaint:

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

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

Specific person(s), if any, you allege committed the violation: City Councillor Joseph Camara

Date of alleged violation: 7-12-2018

Description of alleged violation:

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

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

On July 12, 2018 the City Council held a Committee on Finance and Legislation meeting. Two issues involving a controversial topic were on the agenda for discussion. A motion was made to combine the resolutions to which City Councilor Joseph Camara abstained without explanation.

Councilor Camara abstained a second time when there was a motion to table the issue.

While he abstained two times, Councilor Camara participated in the discussion at hand.

I did ask Councilor Camara after the meeting why he abstained and he said that one of the parties involved in the issue is a partner in a company his employer does business.

I have no reason to believe this possible violation was intentional, however given the conflict and two abstentions, I don't think that the councilor should have been a participant.

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

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

I would like the council to address the matter and create a policy or ordinance to specifically address abstentions as well as recusals.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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

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

II. Consulting With a Private Attorney.

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

III. Submit Your Complaint to the Public Body.

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

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

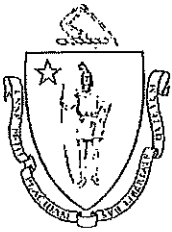
Signed: _____

Jo C. Goode

Date: _____

7-16-18

For Use By Public Body	For Use By AGO
Date Received by Public Body:	Date Received by AGO:



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

MAURA HEALEY
ATTORNEY GENERAL

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

July 16, 2018

VIA EMAIL ONLY

Joseph I. Macy, Esq.
Fall River Corporation Counsel
jmacy@fallriverma.org

RE: Request for extension to respond to complaints

Dear Attorney Macy:

On July 16, 2018, our office received your request seeking an extension of time for the Fall River City Council (the "Council") to consider its responses to two complaints that allege violations of the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaints were originally filed with the Council by Patrick Higgins on July 14, 2018 and by Jo Goode on July 16, 2018.

In your request, you state that the Council will review the complaints at its next scheduled meeting, on August 7, 2018. You requested an extension of 14 business days past that meeting date, to August 27, 2018. With the hope that the parties involved can use the additional time to reach mutually agreeable resolutions of the complaints, our office hereby grants an extension pursuant to 940 CMR 29.05(5)(b), but we grant a slightly shorter extension of 10 business days past the scheduled meeting date. Please send the Council's responses to the complainants by **Tuesday, August 21, 2018**, and forward a copy of each complaint and response to our office.

Please contact the Division of Open Government with further questions.

Sincerely,

Carrie Benedon
Assistant Attorney General
Director, Division of Open Government

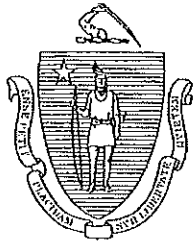
cc: Patrick Higgins (via email)
Jo Goode (via email)
Fall River City Council (by mail)

CITY CLERK
FALL RIVER, MA

2018 JUL 17 A 11:03

RECEIVED

31



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

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

July 26, 2018

OML 2018 - 112

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

RE: Open Meeting Law Complaint

RECEIVED
2018 JUL 31 A 10:59
CITY CLERK
FALL RIVER, MA

Dear Attorney Macy:

This office received a complaint from Mr. Patrick Higgins, dated June 19, alleging that the Fall River City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Council on June 6, and the Council responded by letter dated June 18. In his complaint, Mr. Higgins alleges that the Council violated the Open Meeting Law when a quorum of the full Council met as the Council's Subcommittee on Ordinances and Legislation (the "Subcommittee") without posting a joint meeting notice.

Following our review, we resolve this matter by informal action, in accordance with 940 CMR 29.07(2)(a), and we find that the Council did not violate the Open Meeting Law. The Council is a nine-member public body; therefore, five members constitute a quorum. Five Councilors serve on the Subcommittee. The Subcommittee held a meeting on June 6 and posted notice of a Subcommittee meeting; the notice did not state that the meeting would involve a quorum of the Council. We have previously determined that a quorum of a public body may sit on its subcommittee without having to post a separate meeting notice, provided that the discussion is limited to matters within the jurisdiction of the subcommittee. See OML 2013-155.² In his response to the complaint, the Council's legal counsel wrote that "no discussion of topics occurred beyond the Subcommittee's jurisdiction." As the complainant has provided no evidence to the contrary, we credit this statement. See OML 2016-141 (absent evidence to the contrary, we credit a public body's version of the facts). Accordingly, the Board did not violate the Open Meeting Law.


¹ Unless otherwise indicated, all dates in this letter refer to the year 2018.

² Open Meeting Law determinations may be found at the Attorney General's website: www.mass.gov/ago/openmeeting.

32

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

Sincerely,



Kevin W. Manganaro
Assistant Attorney General
Division of Open Government

cc: Patrick Higgins
Fall River City Council

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

33

The Alliance to Save the Trail

RECEIVED

July 18, 2018

2018 JUL 18 P 12:42

Fall River City Council
Fall River Law Department
1 Government Center
Fall River, MA 02722

CITY CLERK _____
FALL RIVER, MA

Dear City Officials,

Please find enclosed two letters written by our Attorneys from the Boston law firm of McGregor & Legere. Both letters have been signed off by three environmental attorneys. The law firm of McGregor & Legere has been established since 1975 and their expertise is in environmental law, real estate matters, and related litigation throughout New England and consulting for clients throughout the United States. The principal, Gregor I. McGregor, has been given the highest rating (AV) by the Martindale Hubbell legal directory.

The first letter, written in March 15, 2018, addresses Article 97 and its relationship to the Rail Trail. The second letter, written July 17, 2018, addresses the statements made by Attorney Matt Thomas at a City Council hearing held Thursday evening on July 12, 2018.

Our Attorneys have requested that we relay this message to you: If you have any questions dealing with either letter you are instructed to forward the questions to either myself or James Cusick. You are to send the questions in writing by email and we will put the questions together and forward to our Attorneys. Thank you for your attention to this most important matter.

Brian Pearson

Email: btrekman@comcast.net

James Cusick

Email: jwchr1@comcast.net

emailed to acc. 7/18/18

McGREGOR & LEGERE

ATTORNEYS AT LAW, P.C.

15 COURT SQUARE - SUITE 500
BOSTON, MASSACHUSETTS 02108
(617) 338-6464
FAX (617) 338-0737

March 15, 2018

Brian Pearson, Chairman
Alliance to Save the Trail
c/o Green Futures
4234 North Main Street, Unit 201
Fall River, MA 02720**RE: Article 97 Application to the Quequechan River Bike Path in Fall River, MA**

Dear Mr. Pearson:

You have asked us whether the portion of the Quequechan River Rail Trail ("QRRT") in Fall River, Massachusetts between Route 24 and Brayton Avenue enjoys protection under Article 97 of the Amendments of the Massachusetts Constitution, meaning any change of use would require a bill passed by supermajority vote of the State Legislature.

You ask because the City Council purportedly granted an easement on February 21, 2017 over this portion of the QRRT for a private access road to the adjacent Clover Leaf LLC property¹ and that that easement has been recorded (the "private road easement"). The purported easement was approved by the Mayor on March 1, 2017, and recorded on April 13, 2017.

In this letter, we provide our initial findings regarding the applicability of Article 97 protection to this portion of the QRRT. We think you have a colorable claim that the QRRT is protected by Article 97. In our opinion the private road easement is of no effect unless and until it is approved by both the General Court and Executive Office of Energy and Environmental Affairs ("EEA").

We reviewed documents you provided related to the acquisition of property interests in the QRRT, its design, construction, and funding. These included: the Environmental Bond Bill providing \$25,000,000.00 to EEA for the construction of parks and related facilities; contracts between EEA and the City of Fall River (the "City"); assessor's maps; account ledgers for the City of Fall River; reimbursement requests between the City of Fall River and EEA; invoices of appraisals of land involved in the creation of the QRRT; orders of taking of easements for parcels of land involved in the creation of the QRRT; communications to and from Matthew J. Thomas, special counsel for the City of Fall River, and minutes and agendas of Fall River City Council meetings.

¹ You tell us that this private road easement was presented to the City Council as just a utility easement so the Councilors did not know it included a roadway.

McGREGOR & LEGERE

The Environmental Bond Bill provided money to the EEA "for the acquisition of land or interests in land for the creation of parks under Article 97 of the Amendments to the Constitution and construction of parks and all related facilities..."²

Provided that you find the City obtained EEA funding pursuant to the Environmental Bond Bill, deposited funds in the City's account, and used that money to map and appraise parcels and purchase easements for the creation of the QRRT, we think you have a colorable claim that the land is protected by Article 97.

For example, the documents you provided include a contract between EEA and Brown, Richardson, & Rowe, Inc., and its sub-consultant, Fay, Spofford, and Thorndike, to provide the City of Fall River with "design, [and] engineering...to advance the conversion of about 8000 feet of former rail line along with Quequechan River into a multi-use trail for bikes and pedestrians."

Those documents also included a February 28, 2018 letter from Brown, Richardson, and Rowe confirming that "in the State fiscal years between FY 2012 and FY 2016, Brown Richardson + Rowe, Inc., and our sub-consultants invoiced and were paid a total sum of \$2,273,977.28 by the Commonwealth of Massachusetts' Executive Office of Energy and Environmental Affairs for planning, design, engineering, and permitting services related to the Quequechan River Rail Trail, Phases II, III, and IV...in the City of Fall River, Massachusetts."

The documents you provided also include a contract between EEA and the City of Fall River for state Environmental Bond Bill funds for appraisal and land acquisition costs for the QRRT. The documents you produced indicate that EEA provided funds to the City of Fall River between August 5, 2013 and November 10, 2014, in the amount of over \$150,000 for land acquisition expenses for the QRRT as shown on the plans produced by Fay, Spofford, and Thorndike.

On June 10, 2014, the Fall River City Council approved five orders of taking of easements for Phase III of the QRRT for the purposes of creating "an alternative transportation facility for pedestrian and bicycle purposes within a linear park..." ("Orders of Taking"). All Orders of Taking for these easements were shown on the plans prepared by Fay, Spofford, and Thorndike dated June 5, 2014.

Three of these Orders of Taking, parcels E-4, E-5, and E-6, were for land located between Route 24 and Brayton Avenue. Only two of the five parcels were marked "owner unknown"—parcels E-5 and E-6. The Orders of Takings for these two parcels were each approved for \$20,000.00. The approved Orders of Taking also included parcel E-4, owned by Cloverleaf Mills, for \$52,000.00.

You spoke with the Fall River City Auditor who accessed ledgers of the City of Fall River showing withdrawals from an EEA account and from a Parks Department account and testified to their accuracy. You tell us she confirmed that EEA funds were used for the appraisals and takings of this portion, Phase III, of the QRRT.

² Chapter 312 of the Acts of 2008.

McGREGOR & LEGERE

The Auditor's ledgers for an account titled "EEA" show two withdrawals on August 21, 2014: one for "owner unknown taking" for \$20,000.00, and one for an "eminent domain taking" issued to Cloverleaf Mills in the amount of \$52,000.00. These withdrawals correlate in name and amount for two of the Orders of Taking the Fall River City Council approved on June 10, 2014, for the purposes of creating "an alternative transportation facility for pedestrian and bicycle purposes within a linear park...."

The Parks Department account shows one withdrawal on August 21, 2014 for \$20,000.00 for "Owner unknown taking," which also correlates in name and amount with an Order of Taking the Fall River City Council approved on June 10, 2014, for the purposes of creating "an alternative transportation facility for pedestrian and bicycle purposes within a linear park...."

Based on the foregoing, it appears that the funds spent on the Orders of Taking, design, and appraisals of property subject to the private road easement were from the Environmental Bond Bill and carry the protection of Article 97.

We believe the above facts establish that the QRRT is dedicated to parkland protected by Article 97. The test under the court cases is, in order for an Article 97 vote requirement to apply, land and easements must have been taken or acquired (or later dedicated) for Article 97 purposes.

Provided that the private road easement purportedly granted to Cloverleaf Mills contemplates using any part of parcels E-4, E-5, and E-6, we also believe that private road easement constitutes a transfer under Article 97, and contemplates a use other than for Article 97 purposes.

The easement is essentially a permanent transfer for a portion of the QRRT, a privatization of the parkland because it is a roadway for private—not public—use. And a private access road is a change of use.


It follows that in our opinion the private road easement needs to be reviewed and approved in compliance with the Environmental Office of Executive Affairs' February 19, 1998 Article 97 Disposition Policy, approved by the Commonwealth in the form of an Article 97 Bill passed by a two-thirds, roll call vote of both houses of the Legislature, then signed by the Governor.

In our opinion, if the City sought to properly release easements from Article 97 protection and transfer it to Clover Leaf, LLC for a private use, it would not even get to first base, as EEA approval is unlikely given violation of the BEA grant conditions and lack of replacement real estate of equal or better environmental or recreational value. On top of that problem, bill passage is unpredictable given the disapproval of a large, strong, and vocal opposition.

Very truly yours,



Gregor I. McGregor



Nathaniel Stevens



Olympia Bowker

McGREGOR & LEGERE

ATTORNEYS AT LAW, P.C.

15 COURT SQUARE - SUITE 500
BOSTON, MASSACHUSETTS 02108
(617) 338-6464
FAX (617) 338-0737

July 17, 2018

Brian Pearson, Chairman
Alliance to Save the Trail
c/o Green Futures
4234 North Main Street, Unit 201
Fall River, MA 02720

RE: Reactions to Statements Made at City Council Meeting; July 12, 2018

Dear Mr. Pearson:

You have reported to us statements and actions taken at the July 12, 2018 City of Fall River City Council Meeting, and asked for our opinion.

You report that Cloverleaf Mills, LLC ("Cloverleaf") presented the City Council with an excerpt from the August 15, 2014 Deed of Easement between the Massachusetts Department of Transportation ("Mass DOT") and the City of Fall River for the purpose of illustrating ownership of Parcel E-4.

You also report certain statements Attorney Thomas made at this City Council meeting. You report that Attorney Thomas said that Cloverleaf "owns the dirt" of parcel E-4, and that gives Cloverleaf a right to build a driveway over the linear park and the Quequechan River Rail Trail ("QRRT"). You also report that Attorney Thomas asserted that the course of the trail itself is a Public Way.

Based on the above, you asked us whether Cloverleaf "owns the dirt under" parcel E-4, and whether that gives Cloverleaf the right to build an access driveway over the existing linear park and QRRT. You also asked whether the taking of E-4 was in fee.

In our opinion, the answers to your questions are as follows: the taking of E-4 was not in fee—it was for an easement to use the property for specific purposes; while Cloverleaf still owns the dirt or "fee" of E-4, its uses are limited by the easement; lastly, we found no evidence that the QRRT is a "public way".

August 15, 2014 Deed of Easement

The August 15, 2014 Deed of Easement between the Mass DOT and the City of Fall River was for land Mass DOT owned in fee. The easement acknowledges an "assent area," which the easement describes as an area not being owed by the state. We do not dispute this.

McGREGOR & LEGERE

Although Mass DOT did not own the "assent area" in fee, they still had a right to run a railroad over that land. Thus, Mass DOT assented to the QRRT running over the space where a railroad could go. Any focus on this easement to determine the rights and ownership of E-4 appears to be misguided. The ownership and control of E-4 is not described in the August 15, 2014 Deed of Easement between Mass DOT and Fall River.

Order of Taking for Parcel E-4

The Order of Taking for Parcel E-4, approved by City Council on June 20, 2014¹, does speak to control and use of that parcel. The City unilaterally took that land for the specific use of a linear park and rail trail. The City did not reserve any rights of use for Cloverleaf in the taking instrument. As the City used its sovereign power to take an easement for a public purpose, it is our opinion that Cloverleaf's building, maintenance, and operation of a driveway over E-4 would interfere with the very specific and clear easement rights taken by the City.

The Order of Taking for E-4 is for "an easement to pass, repass, develop, maintain and operate an alternative transportation facility for pedestrian and bicycle purposes...." That the taking was only for an easement does not mean Cloverleaf has the right to do construction and use a private roadway on the land. Thus, the Order of Taking for the easement over E-4 limits what uses can occur on that property—even though the dirt is still owned by Cloverleaf.


QRRT Is Not a "Public Way"

To address Attorney Thomas's assertion of the trail being a public way: while we are not clear of the context when this statement was made, on first glance, we do not agree that the QRRT as described in the Orders of Taking is for a "public way."

"Public Way" is a term of art, and can be established in one of three ways: 1) laid out and accepted as prescribed by G.L. c. 82; 2) by prescription, or, 3) prior to 1846 the way was unequivocally dedicated by the owner to public use. Further, creation of a public way has much larger implications—public ways create frontage for zoning purposes, allow public access for other vehicles (such as cars, trucks, etc.), and create maintenance obligations for the town.

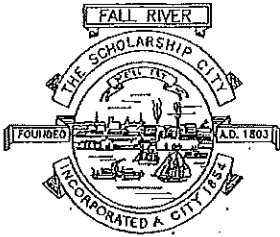
We have not seen any evidence that the trail meets any of these criteria, and no evidence that the City of Fall river intended to create a public way where the QRRT runs.

Very truly yours,



Gregor & McGregor
Nathaniel Stevens
Olympia Bowker

¹ Recorded at Book 00031, page 79 in the Bristol County Registry of Deeds.



City of Fall River
Massachusetts
Fire Department Headquarters
Emergency Medical Services

35

2018 AUG -9 P 1:06

JASIEL F. CORREIA II
Mayor

Honorable Members of the City Council
City of Fall River
1 Government Center
Fall River, Massachusetts

CITY CLERK
FALL RIVER, MA

JOHN D. LYNCH
Fire Chief
Beth Faunce
Deputy Director of EMS

Honorable Members of the City Council:

For the third year, organizations represented within the Fall River Opioid Task Force through a collaborative effort have scheduled a list of events in honor of "National Overdose Awareness Day", August 31st, 2018.

In this regard, we would like to request permission to hang (3) banners from the railing of 1 Government Center in the City of Fall River. One representing "Project Reconnect" Outreach Program, "Recover Fall River" coordinator of the monthly Help Center, and Peer2Peer Recovery offering many services to people suffering with substance abuse disorder. Each equal in size approximately 3'x8'. Secondly, we would like to place "purple" flags around the staging area, one for each person who suffered a fatal overdose. There are also posters in honor "National Overdose Awareness Day" provided in the preparation packet "someone's mother", "someone's father", etc., to be hung outside of the Government Center, for this day only.

This year, we will be hanging a piece of art work created by the students in the summer program. The piece will portray ideas sponsored by students for substance abuse prevention. The piece will be removed from the building, and attached to the trolley for the procession to St. Anne's church.

Your support in the matter is greatly appreciated. "National Overdose Awareness Day" is important to those in our community both suffering from substance abuse disorder, in recovery and remembering loved ones who lost the fight against addiction.

Respectfully submitted,

Beth Faunce, Deputy Director of EMS
Fall River Fire Department
Emergency Medical Services
Fall River Opioid Task Force

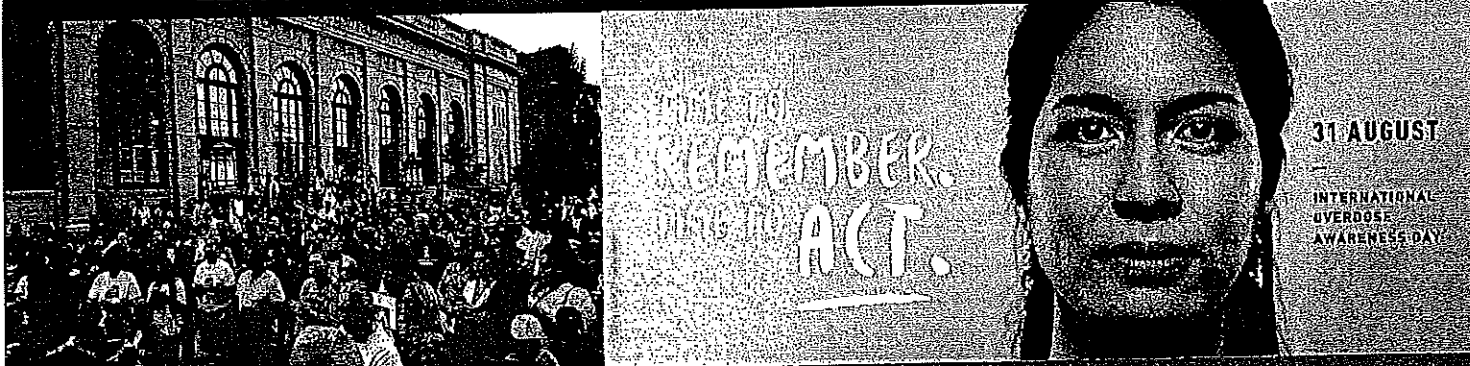
Friday August 31st, 2018



International
Overdose
Awareness Day
prevention and remembrance

35

International Overdose Awareness Day



Greater Fall River Help Center/Resources

A comprehensive collaboration providing barrier free access to treatment and support services for local residents most profoundly impacted by Substance Use Disorder.

The Help Center/ Resources will be available from 5.00pm-7.00pm

1 Government Center, Fall River, Ma 02720

Vigil & Procession

A candlelight vigil will take place at Government Center followed by a candlelight procession to St. Anne's Church for prayer in memory of those lost to overdose. The church bells will toll for local victims of the opioid epidemic.

Vigil- City Hall- 7.00pm-8.15pm

Procession - City Hall to St. Anne's Church- 8.15pm

If your loved one has passed away due to an overdose, their photo can be submitted by next of kin to recoverfallriver@gmail.com. Please submit by Wednesday August 1st, 2018.





36

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

JASIEL F. CORREIA II
Mayor

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

WILLIAM D. ROTH JR., AICP
City Planner

TO: Alison Bouchard
City Clerk

FROM: Brittany Faria
Planning, Head Administrative Clerk

RE: **Fall River Zoning Board of Appeals Meeting**
November 16, 2017

RECEIVED
2018 AUG -2 P 2:51
CITY CLERK
FALL RIVER, MA

The Fall River Zoning Board of Appeals held a Public Hearing on Thursday, November 16, 2017, at 6:00 PM in the First Floor Hearing Room for the purpose of considering the petitions set forth in the attached minutes of said Public Hearing.

Members present: John Frank, Vice President, James Calkins, Carolyn Morrisette, and alternate members Paul Cantin and David Saber.

Members absent: David Assad, Chairman, and Greg Brilhante

Also present: Recording Secretary, Brittany Faria, and FRGTV Alex Mello.

Notice of the meeting was advertised in the Fall River Herald News on Wednesday, November 1, 2017, and Wednesday, November 8, 2017. The hearing was also posted in the Government Center and notice was sent to the petitioners and abutters of the specified property, as well as the City of Fall River's Planning Board.

6:00pm Vice Chair read the Open Meeting Law notice, and his opening statement.

36

Vice Chair called out of order agenda #5 through 10 inclusive

CITY OF FALL RIVER
EASTERLY END of BEDFORD ST.

In the matter of Special Permit request to construct a 70' tall x 50' wide, Digital Billboard in a Water Resources District [WR] on city-owned land being a portion of the City of Fall River Water Department property at the easterly end of Bedford Street fronting on North Watuppa Pond.

FAVOR

Vice Chair read letter of request to table this matter to the next Zoning Board meeting.

DECISION

In a motion made by Mr. Calkins, and seconded by Mr. Cantin, the Board unanimously voted 5-0 to table the matter to the next meeting.

CITY OF FALL RIVER
SOUTH of CENTRAL ST., WESTER of ROUTE 79, Lot N-12-2

In the matter of Special Permit request to construct a 70' tall x 50' wide, Digital Billboard in a Waterfront and Transit Oriented Development District [WTO] on city-owned land on the banks of the lower Quequechan River.

FAVOR

Vice Chair read letter of request to table this matter to the next Zoning Board meeting.

DECISION

In a motion made by Mr. Calkins, and seconded by Mr. Cantin, the Board unanimously voted 5-0 to table the matter to the next meeting.

CITY OF FALL RIVER
NORTH of FATHER DEVALLES BLVD., Lot J-21-12

In the matter of Special Permit request to construct a 70' tall x 50' wide, Digital Billboard in a Commercial Mill District [CMD] on city-owned land (Water Department Pumping Station).

FAVOR

Vice Chair read letter of request to table this matter to the next Zoning Board meeting.

DECISION

In a motion made by Mr. Calkins, and seconded by Mr. Cantin, the Board unanimously voted 5-0 to table the matter to the next meeting.

CITY OF FALL RIVER

FOURTH ST., CORNER of HARTWELL STREET, Lot N-21-22

In the matter of Special Permit request to construct a 70' tall x 50' wide, Digital Billboard in a Commercial Mill District [CMD] on city-owned land (Water Department Pump Station)

FAVOR

Vice Chair read letter of request to table this matter to the next Zoning Board meeting.

DECISION

In a motion made by Mr. Calkins, and seconded by Mr. Cantin, the Board unanimously voted 5-0 to table the matter to the next meeting.

CITY OF FALL RIVER

NORTH SIDE of BRAYTON AVE., CORNER OF RTE. 195 RAMP, Lot F-4-30

In the matter of Special Permit request to construct a 70' tall x 50' wide, Digital Billboard in a Local Business District [BL] on city-owned land on banks of Quequechan River.

FAVOR

Vice Chair read letter of request to table this matter to the next Zoning Board meeting.

DECISION

In a motion made by Mr. Calkins, and seconded by Mr. Cantin, the Board unanimously voted 5-0 to table the matter to the next meeting.

CITY OF FALL RIVER

MARKET ST., FACING SOUTH MAIN ST., Lot N-6-7

In the matter of Special Permit request to construct a 70' tall x 50' wide, Digital Billboard in a Central Business District [CBD] on city-owned land

FAVOR

Vice Chair read letter of request to table this matter to the next Zoning Board meeting.

DECISION

In a motion made by Mr. Calkins, and seconded by Mr. Cantin, the Board unanimously voted 5-0 to table the matter to the next meeting.

DCH REALTY TRUST**Robin St (Nightingale St) Lots D-5-34 and D-5-35**

In the matter of Variance request to divide two (2) parcels into three (3) parcels to build single family homes on each parcel waiving area and frontage requirements in a Single Family Residential District [S]. Lot sizes 7,018 s.f. +/-, 7,019 s.f. +/- and 11,158 s.f. +/-.

FAVOR

Attorney Arthur Frank, Jr. representing the petitioner, explained the hardship being economic disadvantage due to the shape and size of the lot. Mr. Frank also specified the sewer easement on the lot. The creation of 3 lots would cover the expense of the required conditions by the city. Reference of 1978 *Simone vs Board of Appeals of Haverhill*. Ms. Morrisette suggested 2 lots to stay in conformance. Discussion regarding hardship considerations by the Board, financial hardship having been added as an amendment to Chapter 40A.

OPPOSITION

Emmanuel Fontes, 461 Dickenson St. - spoke to remind the Board that the petitioner tabled the matter to change the plans but has not done so. Hardship isn't adequate other than to make more money.

Vice Chair summarized Neighborhood Petition of Opposition.

DECISION

Ms. Morrisette made a motion to deny. No one seconded that motion. Motion was denied.

Upon motion duly made by Mr. Frank and seconded by Ms. Morrisette, the Board voted 3 - 2 to deny the petition. Mr. Frank, Ms. Morrisette, and Mr. Calkins voted in favor of the motion to deny. Mr. Saber and Mr. Cantin voted against the motion to deny. The petition was denied.

CLEAN ENERGY COLLECTIVE, LLC c/o JAMES P. KILLORAN, ESQ
1484 Meridian St., Lot U-8-08

36

In the matter of Variance or Special Permit request (to be determined), to allow for construction of a solar farm on the subject parcel of land in a Single Family District [R-30]. Lot size 1,120,110 s.f. +/-

FAVOR

Attorney Killoran requested on behalf of his client to table this matter to the next meeting, pursuant to resolution of the wetland delineation line that the Conservation Commission is deliberating on. He would provide a letter to the Board waiving the time line.

Attorney Johnson representing the Carvalho Family Trust, also requested the Board consider the request.

Attorney Frank requested the Board deliberate to go forward with the petition.

Mr. Killoran replied that the subject of the wetlands line would need to be disregarded if they went forth tonight. Zoning is what is considered before the Board.

DECISION

In a motion made by Mr. Calkins and seconded by Mr. Cantin, the Board unanimously voted 5-0 to table the matter to the next meeting.

SILVERIO A. SOARES c/o JEFFREY TALLMAN, Project Manager at SITEC, Inc
76 Holden St., Lot J-14-16

In the matter of request for a six month extension of the variance granted on Sept 15, 2016 for the subject property. The variance was granted to "subdivide the parcel into two lots, leaving the existing two-family dwelling on one parcel and to construct a single family dwelling on the other parcel waiving dimensional requirements in a General Residence [G]" District.

FAVOR

Jeffrey Tallman of SITEC Inc., present on behalf of Silverio Soares, with Derek Soares, son of Silverio Soares, to address the Board. Construction delay due to unforeseen issues. Having resolved those issues over the summer, they have filed a Site Plan Review to go forward with the project.

OPPOSITION

Mr. Calkins summarized a letter from the former City Planner, indicating that the application request wasn't submitted in a timely manner.

Mr. Tallman submitted a letter in response and explained his interpretation of the 20 day appeal period being involved with the approval process of a variance, which would extend the allowable time to submit the extension request.

Further, he explained that the property has already been subdivided.

DECISION

Upon motion duly made by Mr. Calkins and seconded by Ms. Morrisette, the Board voted 5-0 to grant the petition. Mr. Calkins, Mr. Frank, Ms. Morrisette, Mr. Cantin and Mr. Saber voted in favor of the motion, and none were opposed.

36

ANTONIO COSTA & DORA COSTA
166 BRADFORD AVE., G-3-75

In the matter of Variance request for relief from Zoning Bylaw waiving the applicable area, frontage and dimensional setback requirements for a garage in an "A2" zone. The applicant has constructed a 15.5'x17.5' (269 sq. ft) garage with a side yard setback of 2' and a rear yard setback of .7' in lieu of the required 4' setback requirement

FAVOR

Dan Aguiar of SITEC, Inc. on behalf of the petitioners, explained that Mr. Costa built the existing shed, less than a foot to the property line. The structure is not large enough to fit a vehicle. The building inspector was notified of the structure and upon inspection, required a variance due to not meeting minimum set-backs. The structure would have to come down otherwise.

OPPOSITION

No one was present in opposition.

DECISION

Upon motion duly made by Mr. Calkins and seconded by Mr. Cantin, the Board voted 4-1 to grant the petition. Mr. Calkins, Mr. Frank, Mr. Cantin and Mr. Saber voted in favor of the motion. Ms. Morrisette was opposed.

JOANNE REALTY LLC.
178-180 ROBESON ST., Lot M-14-1

In the matter of Variance request to expand existing use of the property to allow operation of a liquor store and a gas station with four fueling locations in a CMD Zone [Commercial Mill District].

FAVOR

Dan Aguiar of SITEC, Inc. on behalf of the petitioner, along with Joseph Geha, to explain the application. Mr. Aguiar explained the property history having been a gas station in years past as a non-conforming use, and is currently still taxed as a gas station/convenience store. The use ceased for a period of greater than 2 years and that lapse requires a variance. As this is not entirely a non-conforming use proposal, because the convenience store is allowable, this request does not fall under Special Permitting.

OPPOSITION

No one was present to oppose the petition.

DECISION

Upon motion duly made by Mr. Saber and seconded by Mr. Cantin, the Board voted 5-0 to grant the petition. Mr. Calkins, Mr. Frank, Mr. Cantin, Ms. Morrisette and Mr. Saber voted in favor of the motion. No one was opposed.

BRUCE A. MAYALL
257 RATHGAR ST., Lot P-13-22

In the matter of Variance request to build a 26' x 28' attached garage with 2 bedrooms on second level, waiving setback requirements in a Single Family ["S"] district. Lot Size 6,018+/- sq. ft

FAVOR

Bruce Mayall and Michael Smith were present to address the Board. Mr. Smith explained that the roof design is cantilever so there is an overhang of 3 feet, over the garage doors. Providing 4 off street parking spaces.

OPPOSITION

No one was present in opposition.

DECISION

Upon motion duly made by Mr. Saber and seconded by Mr. Cantin, the Board voted 5-0 to grant the petition with the condition that No site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee. Mr. Calkins, Ms. Morrisette, Mr. Frank, Mr. Cantin and Mr. Saber voted in favor of the motion. No one was opposed.

New Business: 2018 Meeting Schedule

In the matter of 2018 Meeting Schedule.

A motion was made by Mr. Frank and seconded by Mr. Calkins, the Board unanimously voted 5-0 to table the matter to the next meeting.

ADJOURNMENT

A motion was made by Mr. Calkins and seconded by Mr. Calkins. to adjourn the meeting.

In a vote of 5-0 the Board voted to adjourn the meeting. Mr. Calkins, Mr. Frank, Mr. Saber, Mr. Cantin and Ms. Morrisette voted in favor of the motion and the meeting was adjourned at 6:58pm.



37

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

JASIEL F. CORREIA II
Mayor

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

WILLIAM D. ROTH JR., AICP
City Planner

TO: Alison Bouchard
City Clerk

FROM: Brittany Faria
Planning, Head Administrative Clerk

RE: Fall River Zoning Board of Appeals Meeting
January 18, 2018

RECEIVED
2018 AUG -2 P 2:51
CITY CLERK
FALL RIVER, MA

The Fall River Zoning Board of Appeals held a Public Hearing on Thursday, January 18, 2018 at 5:30 PM in the First Floor Hearing Room for the purpose of considering the petitions set forth in the attached minutes of said Public Hearing.

Members present: David Assad, Chairman, Greg Brilhante, Carolyn Morrisette, Jim Calkins and John Frank.

Members absent: none

Also present: City Engineer JR Frey, and Recording Secretary, Brittany Faria.

Notice of the meeting was advertised in the Fall River Herald News on Wednesday, January 3rd, 2017, and Wednesday, January 10th, 2017. The hearing was also posted in the Government Center and notice was sent to the petitioners and abutters of the specified property, as well as the City of Fall River's Planning Board.

Called out of order:

37

New Business

A. Board to VOTE for New Offices, as required by Rules and Regulations Section A Paragraph 2, Mass Gen. Law Ch. 40A Sec. 12 and Section 9-7 of the City Charter.

In a motion made by Mr. Calkins and seconded by Ms. Morrisette, the Board unanimously voted 5-0 to nominate David Assad as Chairman of the Zoning Board of Appeals.

In a motion made by Mr. Calkins and seconded by Mr. Brilhante, the Board unanimously voted 5-0 to nominate Carolyn Morrisette as Vice Chairwoman of the Zoning Board of Appeals.

In a motion made by Mr. Brilhante and seconded by Mr. Frank, the Board unanimously voted 5-0 to nominate Jim Calkins as Secretary of the Zoning Board of Appeals.

New Business

B. Adoption of rules for Zoning Board "public input" under the New Charter, Section 9-18
Chairman Assad briefed the Board on the new City Charter requiring all multiple member bodies to develop and adopt a policy for Public Comments. Mr. Assad had prepared a modified version of the policy that City Council uses, as a sign in sheet.

In a motion made by Mr. Brilhante and seconded by Mr. Calkins, the Board unanimously voted 5-0 to adopt the Public Comment portion of the Zoning Board of Appeals meetings going forward.

Chair called agenda #5 out of order.

**S. BEACON COMMUNITY DEVELOPMENT TRUST c/o ARTHUR FRANK
Globe St., Portion of Map G-27-1, FORM-A parcels 1 & 2**

In the matter of South Beacon Community Development Trust c/o Arthur Frank, a Special Permit/Variance Request (to be determined) to construct two single family houses in a Commercial Mill District. Lot sizes 31,387 +/- sq. ft. & 10,139 +/- sq. ft.

FAVOR

Chairman Assad summarized the letter to withdraw without prejudice, received on Jan. 18, 2018.

DECISION

In a motion made by Mr. Brilhante and seconded by Mr. Calkins, the Board unanimously voted 5-0 to grant the petitioner's request to withdraw its petition, without prejudice. Mr. Frank, Mr. Calkins, Mr. Brilhante, Ms. Morrisette, and Mr. Assad voted in favor of the motion and the petition was withdrawn.

MINA LAND LLC, c/o SAMEH SALEB
2322 S. Main St., Lot B-23-1

In the matter of Mina Land LLC, Sameh Saleb, Request for a Six Month Extension of a Variance granted on November 17, 2016 for the subject property. The variance was granted to "construct a two-story addition to the existing auto service/gasoline station/convenience store waiving dimensional requirements in an [A-2] District.

FAVOR

Sameh Saleb, manager of Mina Land LLC, was present for any questions.

OPPOSITION

There was no one present to speak in opposition of the petition.

DECISION

In a motion made by Mr. Brilhante and seconded by Mr. Calkins, the Board unanimously voted to grant the request. Mr. Frank, Mr. Calkins, Mr. Brilhante, Ms. Morrisette, and Mr. Assad voted in favor of the motion, none were opposed.

Chairman moved agenda #02 out of order to the end of the meeting, to allow lawyers to deliberate on the matter.

JOSEPH DASILVA/FASHAA, LLC
295 Columbia St., Lot I-7-6

In the matter of Joseph DaSilva/FASHAA, LLC, Special Permit request to convert portion of the first floor of a pre-existing, non-conforming commercial/residential building into a residential unit, leaving remaining portion of 1st floor to continue commercial use, waiving all dimensional and set back requirements in an [A-2] District, in accordance with Ordinance Section 86-425. Lot size 2,800 +/- sq. ft.

FAVOR

Attorney Arthur Frank and petitioner Joseph DaSilva were present to address the Board. Discussion regarding floor plan and current use, parking plans, detriment to the neighborhood. Mr. Silva explained the separation of business and residential spaces but did not have supporting details on the plans. Mr. Frank suggested a full floor plan be provided at the February meeting, which would also help clarify the parking. Mr. Frank offered to supply a letter in writing for the request to table the matter to February. Mr. Assad explained the fee to Table the petition at the applicant's request.

DECISION

In a motion made by Mr. Brilhante and seconded by Mr. Calkins, the Board voted 4-1 to grant the petitioners request to Table to the February 15, 2018 ZBA meeting. Mr. Brilhante, Ms. Morrisette, Mr. Calkins and Mr. Assad voted in favor of the motion, Mr. Frank was opposed.

PRECISE PACKAGING c/o ARTHUR FRANK
300 Riggensbach Rd., Lot Z-3-60

In the matter of Precise Packaging c/o Arthur Frank, a Variance request to construct a 14' X 14' gas house to increase manufacturing process waiving set back requirements in an Industrial Park District. Lot size 124,564 +/- sf

FAVOR

Attorney Arthur Frank was present, with William Brown representing the petitioning business. Mr. Frank described the production process, the gas house is an accessory structure, and is needed to expand production. Placement of the structure is owing to the layout of the interior of the building and the layout of the lot. Mr. Calkins inquired to potential hazards approaching the roadway. Mr. Brown stated that the road is not endangered by this proposal.

Mike Bizko, abutting property owner- was present in support of the petition.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Mr. Calkins and seconded by Mr. Frank, with a vote of 5-0, the Board voted to grant the petitioner's request. Mr. Calkins, Mr. Frank, Mr. Assad, Ms. Morrisette and Mr. Brilhante voted in favor of the motion, none were opposed.

DENIS KEOHANE
99-109 Robeson St., Lot M-13-69

In the matter of Denis Keohane, Variance request to divide existing lot into two separate lots, leaving one existing house on each lot waiving all dimensional requirements in a Multifamily [M] District. 3-family Lot size 2,798 +/- sq. ft., Multifamily Lot size 4,544 +/- sq. ft

FAVOR

Attorney Mark L. Levin, representing the petitioner, explained the need for a Special Permit with his client having applied for a Variance without knowing the difference. Board and Mr. Levin discussed proceeding with Variance. Hardship being lot size and shape with regards to the placement of the existing two buildings.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a vote of 5-0 the Board voted to grant the petitioner's request with the conditions being that: 1. All utilities shall be separated and an affidavit signed under the penalties of perjury indicating that all utilities have been separated, shall be recorded at the Bristol County Fall River Registry of Deeds prior to the sale and/or transfer of the property, but no later than one year from the date of the grant of the variance. 2. There shall be a minimum of two off-street parking spaces for the three (3) family on the North side of the property, and three off-street parking spaces for the multifamily on the South side of the property. Mr. Brilhante, Mr. Calkins, Mr. Frank, Ms. Morrisette and Mr. Assad voted in favor of the motion and the petition was granted with conditions.

In the matter of N&H Realty Trust, a Variance request to construct an addition to the existing building that is currently utilized as Gasoline/Service station with a Convenience Store, in a BL District. Request was prev. approved in 8/2016 but had not been acted on within the 1 year period.

FAVOR

Dan Aguiar, Senior Project Manager of SITEC Engineering, on behalf of N&H Realty Trust. Discussion regarding lapse of previously granted variance. Petitioner is ready to pursue Site Plan Review process. Chairman inquired to the clearing of debris, having been a condition listed in granting the original variance. Mr. Aguiar suggested the Board consider a condition to make the debris be cleared prior to issuance of building permit.

OPPOSITION

No one present in opposition of the petition.

DECISION

In a motion made by Mr. Brilhante and seconded by Mr. Calkins, the Board voted 5-0 to grant the request with conditions being: 1. No building permit shall be issued prior to approval of the site plan by the Site Plan Review Committee, 2. No building permit shall issue prior to all debris in area behind existing building is removed, 3. Place "Cape Cod" berm along the Easterly property line; 3. Vegetative border to be established and maintained along the Easterly boundary line with a fence or guard rail; 4. Rear yard not to be less than 8 feet. Mr. Brilhante, Mr. Frank, Mr. Calkins, Mr. Assad and Ms. Morrisette voted in favor of the motion and none were opposed.

CLEAN ENERGY COLLECTIVE, LLC
1484 Meridian Street, Lot U-8-8

In the Matter of Clean Energy Collective, LLC, Variance or Special Permit request (to be determined), to allow for construction of a solar farm on the subject parcel of land which is located in a Single Family District [R-30]. Lot size 1,120,110 sf +/-.

FAVOR

Attorney James Killoran representing Clean Energy Collective, Attorney Johnson representing the land owners, Larry Silva of Silva Engineering, and Chad Blackiston of Clean Energy Collective, were present to address the Board.

Mr. Killoran suggested that the city ordinance does not regulate solar energy projects but that in the absence of allowing the use, he referenced Chapter 40A, Sec 3, paragraph 9 says "*no zoning ordinance or bylaw shall prohibit or unreasonably regulate the installation of solar energy systems, or the buildings and structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare*". Mr. Killoran explained this project being a passive use, and would not impact the public health, safety or welfare. The access lane is designed to the middle of the property so as not to impact the neighbors. Mr. Killoran reiterated that the only thing for consideration before the Board is the use of a portion of this property.

Discussion regarding Ch. 40A, Sec 6 for Special Permitting, coupled with local ordinance Sec 86.424 A and B, to support the argument that this petition would be considered under Special Permitting rather than as a Variance.

Discussion regarding imposing reasonable conditions as far as this use is concerned.

Mr. Killoran submitted petitions in favor of this project, signed by Meridian St. residents.

Mr. Killoran submitted 'Proposed Findings of Fact and Conclusion' document for Board to review.

Mr. Killoran confirmed that the Conservation Commission has approved the Wetland Delineation Line as shown on the most recently submitted plans.

Attorney Gerald Johnson, representing the land owner, was present in favor of the petition.

OPPOSED

Attorney Arthur Frank Jr., representing abutting property owner, Thomas St. Pierre, began by contesting the pursuit of a Special Permit. That the petition would be handled as a Variance, under consideration that the current use is conforming to the zone and local ordinance, as well as consideration to the proposed use being an additional primary use, not an accessory use, bringing the primary uses on this property to a quantity of 3. The impact of this project would result in the displacement of farm animals and waste toward the outer bounds of the property, which would directly impact the abutting property owners.

Mr. Frank submitted a list of conditions, requested by abutters, that the Board discussed with consideration of the neighbors.

Mr. Frank submitted aerial photos of the current placement of structures and animal activity on the property. Board discussed displacement of current use and impact on neighbors.

Further discussion regarding Special Permit and Variance use.

Board discussed potential options to compromise. Mr. Killoran explained that there were several meetings to resolve issues, but that they were met with demands rather than compromise.

In reply to the opposition:

Joseph Carvalho, property owner- present to discuss division of land use. Explained that he and the tenants were in agreement to lessen the quantity of the farm animals and were already in the process.

Larry Silva, Silva Engineering- suggested that a farm fence be conditioned by the Board, to keep animals from migrating toward the abutters properties, so as to appease the abutters with an appropriate solution rather than the cost of the abutters demands of a stockade fence.

Board further discussed detriment to neighborhood and public health. Chairman reiterated that the land use under determination.

Mark Nelson, Vice President of Clean Energy- spoke to the abutter concerns. The fencing and vegetative screening were requested to border the existing farm and the abutters' requests were in relation to the farm, not the solar panels. But they have offered to reasonably appease the abutters by proposing a fence to prevent the animals from straying south, as well as screening. There was a plan to relocate the manure pile further north, but they were prevented from accomplishing that because of the Cease and Desist Order. They have been trying to work with the neighbors to resolve the impact and safety concerns, and have been working with the property owner in regards to the financial aspect of appeasing the requests. He reiterated that these concerns were in regards to the farm and not the solar project.

Tom St. Pierre at 1250 Meridian St., abutter in opposition- showed the Board on the large plans where the tenant farmers are housed and where they graze currently. They already come right up to the property line. Mr. St. Pierre explained that the Conservation Commission has approved the delineation line, but a Notice of Intent has not yet been filed to confirm where the trees would get cleared. To reiterate, the animals are going to be further displaced to the south where the abutters live.

Mr. Carvalho replied that the last 5 years there has been no increase in animal quantity.

Mr. Frank expressed concern about changing a large portion of land into a commercial use and what the impact would be on future land use in the city.

Mr. Killoran replied that this petition was tabled to pursue resolution with the neighbors but further delay will not likely prove fruitful.

Board further discussed this petition being considered as a Variance request, as a higher standard of consideration, rather than a Special Permit as a passive use.

DECISION

The Petition was presented as a Special Permit, at the discretion of Attorney Killoran. The Petition was heard as a bifurcated hearing, a motion for a finding was made by Mr. Brilhante and seconded by Mr. Frank, that the use of the property would be substantially more detrimental to the neighborhood. In a vote of 2-3 the petitioner did not receive the required number of votes needed to make that finding. Mr. Brilhante and Mr. Frank voted in favor of the motion, Mr. Assad, Mr. Calkins, and Ms. Morrisette voted against the motion.

A motion was then made by Ms. Morrisette and seconded by Mr. Calkins, that the use would not be substantially more detrimental to the neighborhood. In a vote of 3-2 the petitioner did not receive the required number of votes needed to make that finding. Ms. Morrisette, Mr. Calkins and Mr. Assad voted in favor of the motion, Mr. Frank and Mr. Brilhante voted against the motion and the petition was denied.

New Business**C. Approval of minutes: October 19, 2017 Meeting**

In a motion made by Mr. Frank to waive reading of the minutes and seconded by Mr. Calkins, the Board voted 4-0 to approve the motion. Mr. Assad, Mr. Frank, Ms. Morrisette and Mr. Calkins voted in favor of the motion and Mr. Brilhante abstained.

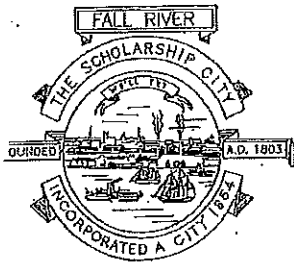
In a motion made by Mr. Calkins and seconded by Mr. Frank, the Board unanimously voted 4-0 to approve the minutes of the October 19, 2017 Meeting. Mr. Assad, Mr. Frank, Ms. Morrisette and Mr. Calkins voted in favor of the motion and Mr. Brilhante abstained.

Public Input

No one signed up for Public Input.

ADJOURNMENT

In a motion was made by Mr. Calkins and seconded by Mr. Brilhante, the Board unanimously voted 5-0 to adjourn the meeting. Mr. Calkins, Ms. Morrisette, Mr. Assad, Mr. Frank and Mr. Brilhante voted in favor of the motion and the meeting was adjourned.



38

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

JASIEL F. CORREIA II
Mayor

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

WILLIAM D. ROTH JR., AICP
City Planner

TO: Alison Bouchard
City Clerk

FROM: Brittany Faria
Planning, Head Administrative Clerk

RE: Fall River Zoning Board of Appeals Meeting
June 14, 2018

RECEIVED
2018 AUG -2 P 2:51
CITY CLERK
FALL RIVER, MA

The Fall River Zoning Board of Appeals held a Public Hearing on Thursday, June 14, 2018, at 6:00 PM in the First Floor Hearing Room for the purpose of considering the petitions set forth in the attached minutes of said Public Hearing.

Members present: David Assad, Chairman, Carolyn Morrisette, Vice Chairwoman, John Frank, Jim Calkins, and alternate member Dan Dupere.

Members absent: Greg Brilhante

Also present: City Planner William D. Roth Jr., AICP and Recording Secretary, Brittany Faria.

Notice of the meeting was advertised in the Fall River Herald News on Wednesday, May 30th, 2018, and Wednesday, June 6th, 2018. The hearing was also posted in the Government Center and notice was sent to the petitioners and abutters of the specified property, as well as the City of Fall River's Planning Board.

6:00pm Chair read the Open Meeting Law notice, and his opening statement.

Chair called out of order agenda #02

MANUEL RODRIGUES
53 Palmer St., Lot G-16-7, 13

In the matter of Manuel Rodrigues, Variance request to subdivide the existing 10,500 +/- sf lot into two lots waiving all dimensional requirements in an [A-2] District; leaving the existing 3 family dwelling on one lot (5,500 +/- sf) while providing 4 off-street parking spaces, and to demolish the existing garage on the second lot and to construct a new single family, two story dwelling on the second lot (5,000 +/- sf), while providing 2 off-street parking spaces.

FAVOR

Chairman Assad summarized the request letter to withdraw the petition without prejudice.

DECISION

In a vote of 5-0, the Board voted to grant the petitioner's request to withdraw its petition, without prejudice. Mr. Calkins, Mr. Frank, Mr. Dupere, Ms. Morrisette, and Mr. Assad voted in favor of the motion and the petition was withdrawn.

Chair called out of order agenda #2

KEVIN SANTOS c/o John Francoeur, Esq.
294 Robeson St., Lot M-8-94

In the matter of Kevin Santos, c/o John Francoeur, Esq., for a six month extension request for a Variance, originally Granted with Conditions on May 18, 2017, to construct a singly family dwelling waiving use and dimensional requirements in an [A-2] District. Lot size 6,128 +/- sq. ft.

FAVOR

Attorney John Francoeur representing Kevin Santos, was present to address the Board. Discussion clarifying the request to be a 6 month extension.

OPPOSITION

No one was present to oppose the petition.

DECISION

In a motion made by Mr. Dupere and seconded by Mr. Calkins, with a vote of 5-0, the Board unanimously voted to grant the petitioner's request. Mr. Dupere, Mr. Frank, Mr. Assad, Ms. Morrisette and Mr. Calkins voted in favor of the motion.

38

DIANE ECKERSLEY c/o David J. Megna, Esq.
206 Chicago St., Lot E-22-24

In the matter of Diane Eckersley, c/o David J. Megna, Esq., for a variance request to construct a 24x28 addition onto a 4x4 breezeway connecting to a pre-existing, non-conforming single family dwelling, waiving rear and side yard set-backs in an [R-8] District. Lot size 8,580 +/- sf.

FAVOR

Attorney David Megna representing Diane Eckersley were present to address the Board. Mr. Megna supplied a floor plan to the Board depicting the proposed bedrooms and bathroom. Explanation of the revised plans, which include a necessary 4x4 breezeway to connect the proposed 24x28 addition to the existing dwelling. The addition would have 4 bedrooms and 1 bathroom. Existing garage to be razed. Hardship being location of the existing structure sits on the lot.

OPPOSITION

Jim Finglas representing the Maplewood Association spoke in opposition, voicing his concern for increasing the non-conformity on a pre-existing, grandfathered lot. He indicated the Hardship not being validated.

Attorney Megna reiterated the hardship being addressed as the location of the current structure on the lot. Discussion regarding request for a one-story addition, as revised.

DECISION

In a motion made by Mr. Frank and seconded by Mr. Dupere, with a vote of 5-0, the Board unanimously voted to grant the petitioner's request with **Conditions being: 1. No building permit and site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee. 2. The existing garage shall be demolished prior to issuance of a building permit. 3. The house and addition shall remain a single family dwelling. 4. The addition shall be limited to a single story and no kitchen shall be allowed.** Mr. Frank, Mr. Calkins, Mr. Assad, Ms. Morrisette and Mr. Dupere voted in favor of the motion.

POYANT SIGNS
199 Pleasant St., Lot N-21-11

In the matter of Poyant Signs, Special Permit request to install a 130 sq. ft. roof-mounted, internally illuminated electronic message center, on the rear portion of the roof of existing single story office building, facing I-195, in a [CMD] District.

FAVOR

Stephanie Poyant of Poyant Signs, was present with owner of Dutchman Dental, Jon-Paul Van Regenmorter. Chairman Assad addressed the application with Mr. Van Regenmorter to clarify ownership and deed reference. Ms. Poyant explained to the Board the difference between what constitutes as a 'billboard' versus a digital changing sign and message center. Ms. Poyant indicated the intention for this sign would be to clearly identify this individual business. Discussion regarding size needed for readability from the viewing distance of the highway. Explanation of roof mounting compared to pole mounting with base footprint. Board discussed tree removal, light output and dimming, dimensional maximums being 40sf.

OPPOSITION

No one was present to oppose the petition.

DECISION

Ms. Morrisette made a motion to deny that did not carry with a second vote.

In a vote of 3-2, the petitioner did not receive the required number of votes needed to grant the petition. Mr. Calkins, Mr. Dupere and Mr. Frank voted in favor of the motion and Mr. Assad and Ms. Morrisette voted against the motion and the motion was denied.

CITIZENS INPUT

No one signed up for Citizens Input.

APPROVAL OF MINUTES

In the matter of Minutes for Zoning Board of Appeals Meetings dated May 17, 2018 and January 25, 2018.

A motion was made by Mr. Calkins and seconded by Mr. Frank, the Board unanimously voted 5-0 to approve and waive reading the Minutes for Meetings dated 1/25/18 and 5/17/18.

ADJOURNMENT

A motion was made by Mr. Calkins and seconded by Mr. Frank to adjourn the meeting.

In a vote of 5-0 the Board voted to adjourn the meeting. Mr. Calkins, Mr. Frank, Mr. Assad, Mr. Dupere and Ms. Morrisette voted in favor of the motion and the meeting was adjourned at 6:53pm.



39

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

Planning Division
2018 AUG - 1 3: 58

JASIEL F. CORREIA II
Mayor

CITY CLERK
FALL RIVER, MA

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

WILLIAM D. ROTH JR., AICP
City Planner

TO: Alison Bouchard
City Clerk

FROM: Fall River Planning Board

RE: **PLANNING BOARD MINUTES**
January 9, 2018

The Fall River Planning Board held a Public Meeting at 6:00 p.m. on Tuesday, January 9, 2018, in the First Floor Hearing Room, One Government Center, Fall River, MA for the purpose of considering the matters set forth in the agenda originally posted with your office on January 3, 2018, and posted, as revised on January 8, 2018, at 4:21 pm.

Members present were as follows:

Keith Paquette, Chairman
Mario Lucciola
Charles Moniz
Alice Fagundo

Also present were JR Frey, City Engineer and Brittany Faria, Recording Clerk.

"Minutes" of this meeting are as follows:

1. **FORM A PLAN**
 - A. **18-1393**
Owner/Applicant – Greenwater Realty LLC
Location – 508 Globe St./999 Broadway
Assessor Lots: G-27-6 & 8

Mr. Frey explained that the two parcels were combining to meet requirements. He recommended that the Board direct the Chair to endorse this Plan Approval Not Required.

39

Upon a motion made by Mr. Lucciola and seconded by Ms. Fagundo, the Board unanimously VOTED 4-0: to direct the Chair to endorse the plan, "Approval Not Required Form-A".

2018 AUG -1 P 3: 58

FORM A PLAN

B. 18-1394

Applicant – Jamie Duff

Owner – Line Road LLC c/o Jamie Duff

Location – Vacant Land, East Side of Line St.

Assessor Lots: D-21-75, 76

CITY CLERK _____
FALL RIVER, MA

Mr. Frey explained the hammerhead intersection on the plans in terms of way to access the split lot. Board discussed location adjacent to Tiverton. Discussion regarding Site Plan Review pertaining to the structure that will be built. His recommendation to the Board was to endorse this Plan Approval Not Required for the lot.

Upon a motion made by Ms. Fagundo and seconded by Mr. Lucciola, the Board unanimously VOTED 4-0: to direct the Chair to endorse the plan, "Approval Not Required Form-A".

2. **Old Business – N/A**

3. **New Business – N/A**

5. **Adjournment**

A motion was made by Mr. Moniz and seconded by Ms. Fagundo, the Board unanimously VOTED: to adjourn the meeting at 6:11 pm.



**City of Fall River
Massachusetts**
Department of Community Services

PLANNING • HEALTH & HUMAN SERVICES
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2018 AUG -1 P 3:58

CITY CLERK
FALL RIVER, MA

Planning Division

JASIEL F. CORREIA II
Mayor

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

WILLIAM D. ROTH JR., AICP
City Planner

TO: Alison Bouchard
City Clerk

FROM: Fall River Planning Board

RE: **PLANNING BOARD MINUTES**
January 31, 2018

The Fall River Planning Board held a Public Meeting at 5:30 p.m. on Wednesday, January 31, 2018, in the First Floor Hearing Room, One Government Center, Fall River, MA for the purpose of considering the matters set forth in the agenda originally posted with your office on January 23, 2018.

Members present were as follows:

- Keith Paquette, Chairman
- Mario Lucciola
- Charles Moniz
- Alice Fagundo

Also present were JR Frey, City Engineer and Brittany Faria, Recording Clerk.

"Minutes" of this meeting are as follows:

1. **FORM A PLAN**
 - A. 18-1395
 - Owner/Applicant -- Lynnwood Construction
 - Location -- Nightingale St.
 - Assessor Lots: D-5-28

Mr. Frey explained that these plans are subject to Zoning Board of Appeals approval of a Variance. He explained the requirements being met other than lot size. This lot is 10,000

40
RECEIVED

sq.ft but normally 12,000 sq.ft is needed. Board discussed wetland border. He recommended that the Board direct the Chair to endorse this Plan Approval Not Required.

Upon a motion made by Mr. Lucciola and seconded by Ms. Fagundo, the Board unanimously VOTED 4-0: to direct the Chair to endorse the plan, "Approval Not Required Form-A".

- 2A. Street Acceptances: Arthur St. -** Revised proposal -- previously approved to recommend to City Council 9/13/16

Mr. Frey explained that this street was previously presented and approved to recommend street acceptance to City Council. Since then, adjustments were made and would need to be reviewed. Mr. Frey presented clarification of the plans.

No one was present in opposition to this petition.

In a motion made by Ms. Fagundo and seconded by Mr. Moniz, the Board unanimously VOTED 4-0: to recommend to City Council for street acceptance as revised.

- 2B. Street Acceptance: Ashley St. -** Revised proposal - previously approved to recommend to City Council 9/13/16

JR Frey, City Engineer discussed options for a Permanent Emergency Access Easement, to allow for a turnaround space for Emergency vehicles at the end of Ashley St.

Mr. John Lomba and Mr. Jeff Torres of Ashley St. were present as direct abutters to the proposed easement. Discussion regarding grading challenges, emergency access, maintenance, ownership, deed stipulations.

Mr. Frey recommended to the Board that they approve of the street acceptance, or accept with a stipulation for the end of Ashely St.

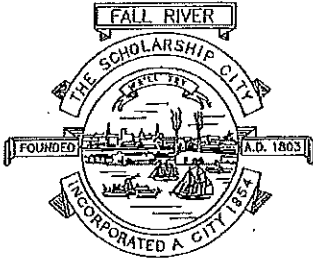
One of the direct abutters was not able to attend, so the Board discussed due diligence to discuss easement with missing abutter.

Upon motion made by Mr. Moniz and seconded by Mr. Lucciola, the Board unanimously VOTED 4-0: to Table the matter to February 28, 2018, Planning Board Meeting, to allow discussions with abutters regarding emergency access of easements.

- 4. Public Input- None**

- 5. Adjournment**

A motion was made by Ms. Fagundo and seconded by Mr. Moniz, the Board unanimously VOTED: to adjourn the meeting at 6:05 pm.



**City of Fall River
Massachusetts**
Department of Community Services
PLANNING • HEALTH & HUMAN SERVICES
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2018 AUG -1 P 3: 58

CITY CLERK _____
FALL RIVER, MA

Planning Division

JASIEL F. CORREIA II
Mayor

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

WILLIAM D. ROTH JR., AICP
City Planner

TO: Alison Bouchard
City Clerk

FROM: Fall River Planning Board

RE: **PLANNING BOARD MINUTES**
May 31, 2018

The Fall River Planning Board held a Public Meeting at 5:30 p.m. on Wednesday, May 31, 2018, in the First Floor Hearing Room, One Government Center, Fall River, MA for the purpose of considering the matters set forth in the agenda originally posted with your office on May 22, 2018.

Members present: Keith Paquette, Chairman, Mario Lucciola, Charles Moniz, Alice Fagundo, and Cynthia Sevigny

Also present: William D. Roth, Jr. AICP, Director of Planning, and Brittany Faria, Recording Clerk.

"Minutes" of this meeting are as follows:

- 1 A. Application for Endorsement of Plan Believed Not to Require Approval –
File No. 18-1403:**
- | | |
|----------------|--------------------------------------|
| Owner- | Greater Fall River Baptist Church |
| Applicant – | Carmen Francisco, rep Pedro Benjamin |
| Location – | 30 Kay St. |
| Assessor Lots: | B-19-1, 3, 9 |

Mr. Roth explained that the lot was existing and non-conforming, this plan would help move it toward conformance and recommended to the Board that the proposal satisfied the requirements for "approval not required" endorsement.

41

Upon motion made by Mr. Lucciola and seconded by Mrs. Sevigny, it was unanimously VOTED 5-0: to direct the Chair to endorse the plan, "Approval Not Required Under the Subdivision Control Law".

- 1 B. Application for Endorsement of Plan Believed Not to Require Approval** - P 3: 58
File No. 18-1404
 Owner - Karen Kozak
 Applicant - Mark Thayer
 Location - off of Restful Valley Rd.
 Assessor Lots: Y-7-30

CITY CLERK
 FALL RIVER, MA

Mr. Roth explained the plan to be a boundary survey for property that crossed the Tiverton, RI and Fall River, MA city lines, no new lots were being created and recommended to the Board that the proposal satisfied the requirements for "approval not required" endorsement.

Upon motion made by Ms. Fagundo and seconded by Mr. Moniz, it was unanimously VOTED 5-0: to direct the Chair to endorse the plan, "Approval Not Required Under the Subdivision Control Law".

- 1 C. Application for Endorsement of Plan Believed Not to Require Approval -**
File No. 18-1405
 Owner/Applicant - Denise Gendreau
 Location - 112 Progress St.
 Assessor Lots: D-2-84

Mr. Roth explained the intent of Area A is to be combined with the property of the abutter at 525 Anthony St., which would make it a conforming lot and the remaining lot will still be conforming and recommended to the Board that the proposal satisfied the requirements for "approval not required" endorsement.

Upon motion made by Mrs. Sevigny and seconded by Mr. Lucciola, it was unanimously VOTED 5-0: to direct the Chair to endorse the plan; "Approval Not Required Under the Subdivision Control Law".

- 2. New Business- Right of First Refusal Chapter 61A Request from Charles and Joan Swift to remove three parcels from Chapter 61A tax classification. The three lots are Assessor's Map W-50, Lots 4, 5 & 6; totaling approximately 30.72 acres. The property address is 8 Flagg Swamp Road, East Freetown, MA.**

Mr. Roth explained the tax classification of the property in question, with details on the process to remove it from the Chapter 61A tax classification. Mr. Roth indicated that it is of the City Staff's opinion that the funds are not available to purchase the entire property within the P&S at the value proposed. His recommendation to the Board is to recommend to City Council not to purchase the land.

In a motion made by Mr. Lucciola and seconded by Mr. Moniz the Board unanimously VOTED 5-0 to refer the Right of First Refusal, 61A Request to City Council with the recommendation not to purchase.

2018 AUG -1 P 3: 58

3. **Approval of Minutes: May 9, 2018 - Planning Board Meeting**

Upon motion duly made by Ms. Fagundo and seconded by Mrs. Sevigny, it was unanimously VOTED 5-0: to approve the Minutes of the May 9, 2018.

4. **Public Input- N/A**

5. **ADJOURNMENT**

Upon motion duly made by Mr. Lucciola and seconded by Ms. Fagundo, it was unanimously VOTED 5-0: to adjourn the meeting at 5:43pm.

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, September 26, 2017 at 5:45 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Christopher C. Sirr, 29 Frederick Street

The President called the meeting to order at 5:48 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

Councilor Cliff Ponte arrived at 5:53 p.m. and Councilor Richard Cabeceiras arrived at 5:56 p.m.

Street Acceptance

1. Acceptance of Frederick Street, from Whitefield Street to Mariano Bishop Boulevard
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and the following proponent came forth:

1. Christopher C. Sirr of 29 Frederick Street came forth and stated that the street is in great need of paving, due to flooding issues and potholes. He then requested to view the engineering plan for the street because of the drainage problems. President Shawn E. Cadime stated that the City Clerk has a copy for review.

The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to close the hearing.

On a further motion made by Councilor Raymond A. Mitchell and seconded by Richard Cabeceiras, it was unanimously voted to adjourn at 5:57 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, October 24, 2017 at 5:30 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: Lyle Bookbinder, NRE - Permitting Mgr., Rhode Island & Massachusetts
Mobilitie, LLC, 116 John Street, Lowell, MA 01852
Attorney Edward D. Pare Jr., BrownRudnick
10 Memorial Boulevard, Providence, RI 02903

The President called the meeting to order at 5:32 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

Councilor Richard Cabeceiras arrived at 5:56 p.m.

Joint Pole Attachments

Petition of Mobilitie, LLC to attach wireless backhaul transport equipment to existing utility poles owned by National Grid (Massachusetts Electric Company)/Verizon in the right-of-way as follows:

1. Hanover Street and New Boston Road, pole ID: Null, has Hanover Street sign attached with electricity connection
2. Franklin and High Streets, pole ID: NET&T CO. 702 with electricity connection
3. Rodman and Lonsdale Streets, pole ID: 27-84(NG)/27S(VZ) with electricity connection
4. Lyon and Third Streets, pole ID: 68/7 with electricity connection
5. Dover and Tecumseh Streets, pole ID: FREL-NET 4208 420 with electricity connection
6. Plymouth Avenue and End Street, pole ID: NG1 with electricity connection
7. Orange and Cherry Streets, pole ID: FREL-NET 8500-1 with electricity connection

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and the following proponent came forth:

Lyle Bookbinder, the Permitting Manager for Mobilitie stated that Mobilitie is a wireless infrastructure company. He then gave a brief overview of the project and distributed maps of the proposed locations. He also stated that Mobilitie is working with National Grid to attach the wireless backhaul transport equipment to existing utility poles.

The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to close the hearing.

Pole Attachments and Underground Conduits

Petition of New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to existing National Grid utility poles as well as install underground conduits or direct bury fiber cables as follows:

8. 887 Plymouth Avenue, Pole #4
9. 188 Nashua Street, Pole #7
10. 70 William Street, Pole #3/6874
11. 372 Plymouth Avenue, Pole #22-3
12. 170 Baird Street, Pole #260/8
13. 191 Aetna Street, Pole #17
14. 152 Mott Street, Pole #11
15. 35 Pelham Street, Pole #246/1/490
16. 1069 Plymouth Avenue, Pole #1240S
17. 23 Norfolk Street, Pole #597
18. 565 Bedford Street, Pole #17/28 near Bank 5 sign
19. 738 Oak Grove Avenue, Pole #38-84

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and the following proponent came forth: Attorney Edward D. Pare Jr. from BrownRudnick representing New Cingular Wireless PCS, LLC (AT&T) stated that they are respectfully requesting a continuance for this project until late November.

The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to close the hearing.

On a further motion made by Councilor Raymond A. Mitchell and seconded by Cliff Ponte, it was unanimously voted to adjourn at 5:58 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting
Maps of Mobilitie project

A true copy. Attest:

Alison M. Bouchard
City Clerk

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, December 19, 2017 at 5:45 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Joshua Oliver, 140 Huard Street

Councilor Richard Cabeceiras arrived at 5:56 p.m.

The President called the meeting to order at 6:00 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

Curb Removals

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

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

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

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Cliff Ponte, it was unanimously voted to close the hearing.

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

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

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

On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and Joshua Oliveira of 140 Huard Street came forward and stated that he is requesting to remove sixteen feet of curbing for easier access to the property. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to close the hearing.

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

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

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

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

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to close the hearing.

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

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

1538 North Main Street is the abutter to and held in ownership with Roger's Coney Island Hot Dogs, an existing business at 1518 North Main Street. 1538 North Main Street will be used as a

parking lot to support the business. Traffic will enter from North Main Street and exit from a rear driveway onto Brightman Street. The work provides drive-thru access to parking spaces serving the business, and results in elimination of a single two-hour parking space. The driveway should be located north of the utility pole.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to close the hearing.

On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to adjourn at 6:11 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

COMMITTEE ON FINANCE

MEETING: Tuesday, September 26, 2017 at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services
Joseph I. Macy, Corporation Counsel
Kenneth C. Pacheco, COO, Fall River Public Schools
Michael L. Miozza, Chair, Fall River Charter Commission

The chair called the meeting to order at 6:01 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, allowing persons to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance, the following persons spoke on the subjects listed:

Councilor Stephen R. Long arrived at 6:02 p.m.

Before Discussion of Financial Matters:

Eric Andrade, 41 Barnes Street – Quequechan River Rail Trail
Amy Blanchette, 724 Second Street – Quequechan Rail Trail
Brian Pearson, 4234 North Main Street – Rail Trail

On a motion made by Councilor Cliff Ponte and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to waive the rules and allow Mr. Pearson to exceed 3 minutes to finish his statement.

CJ Ferry, 300 Buffinton Street – Rail Trail
Alfred Lima, 488 Hood Street – Rail Trail
Bruce Sousa, 282 South Main Street – Rail Trail
Bob Viner, 70 Stowe Street – removal of guard rail
Paul de Villers, 256 Hood Street – Rail Trail Road
Julie Ann Kelly, 69 Cedar Street, Fairhaven, MA – Rail Trail Road

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to waive the rules to allow a non-Fall River resident to speak.

45
On a motion made by Councilor Steven A. Camara and seconded by Councilor Linda M. Pereira, it was unanimously voted to waive the rules and allow Ms. Kelly to exceed 3 minutes to finish her statement.

John Sylvia, 51 Ada Street – Rail Trail
Ed Luz, 117 LaPlante Street – QRRT
Janice Velozo, 83 Hall Street – QRRT
Collin Dias, 560 Ray Street – Bike Trail

Atty. Randall Souza (Counsel for Ruth Glicksman), 1262 Brayton Avenue – Tail Trail
On a motion made by Councilor Steven A. Camara and seconded by Councilor Linda M. Pereira, it was unanimously voted to waive the rules and allow Attorney Souza to exceed 3 minutes to finish his statement.

Agenda:

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

Councilor Cliff Ponte asked if some of the left over funds from the Morton Middle School and the Westall School could be used to fund this project. The Director of Financial Services stated that these funds have been spent down and are no longer available. Councilor Cliff Ponte stated that he would like to receive an update on any remaining funds from school projects. The Chief Operations Officer for Fall River Public Schools stated that MSBA has an accelerated repair plan for major repairs like roofs, windows and boilers. He also stated that the Watson School is over 100 years old. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the matter to the full council for action.

2. Mayor and Corporation Counsel regarding Charter Commission ballot question and summary to be placed on the Municipal Election Ballot, November 7, 2017
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to lift the matter from the table. On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to refer the matter to the full council for action. Councilor Pam Laliberte-Lebeau stated that there was an Open Meeting Law complaint filed by Patrick Higgins at 4:24 p.m. regarding the Charter Commission Meeting that was held on September 25, 2017 and then asked if any action taken regarding the Charter Commission ballot question will be in jeopardy. Corporation Counsel stated that this OML complaint should not hinder any action that the City Council intends to take.

Citizens' Input Time – After Discussion of Financial Matters:
None

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to adjourn at 7:38 p.m.

List of documents and other exhibits used during the meeting:
Agenda packet (attached)
CD and DVD of meeting

Clement A. Taylor
Clerk of Committees

COMMITTEE ON FINANCE

MEETING: Tuesday, December 19, 2017 at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services
Chief John Lynch, Fall River Fire Department
Kenneth C. Pacheco, COO, Fall River Public Schools

The chair called the meeting to order at 6:11 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, allowing persons to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance, the following persons spoke on the subjects listed:

Before Discussion of Financial Matters:

Brian Pearson, 4234 North Main Street – Rail Trail Easement Veto
Erica Scott, 187 Pitman Street – Rail Trail Easement Veto
Amy Blanchette, 724 Second Street – Quequechan Rail Trail Easement
Jim Soule, 577 Rock Street – Building located at 80-84 North Main Street
CJ Ferry, 300 Buffinton Street – Thank You and Veto
Joseph Carvalho, 575 Eastern Avenue – Rail Trail

Agenda:

2. Discussion with Administration re: status of property located at former Duro Textiles site

The City Administrator gave a brief overview of the status of the properties located at the former Duro Textiles site. She stated that \$602,776.16 are the taxes and interest that is owed by Duro to the City of Fall River. This amount is due by January 11, 2018 which was determined by Land Court. She also stated that Patriot Partners

and Liberty Utilities also have an interest in these properties. Chief John Lynch then stated that he has been working with Kenneth Pacheco from Fall River Public Schools and have developed an evacuation plan for the Kuss Middle School due to the close proximity of the school to the mill buildings. He also stated, hopefully in the next couple of months the Environmental Protection Agency and Department of Environmental Protection will be removing the chemicals that are stored in these mills. He also mentioned that the electricity has been shut off for quite some time. Councilor Cliff Ponte stated that if the electricity has been disconnected and there is no heat, then there would be no sprinkler system functioning in these mills. Council President Shawn E. Cadime stated that he doesn't believe that these public safety concerns should be discussed publicly and if you would like to continue these conversations, then it may need to be continued in executive session. Councilor Steven A. Camara questioned how many buildings are owned by Duro on Middle Street and Globe Mills Avenue. The City Administrator stated that there are various properties and that Chace Street, Inc. has been unresponsive. On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the matter to the Committee on Real Estate.

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

The Director of Financial Services stated that certain monies cannot be used due to the useful life of the project. Kenneth Pacheco stated that the \$50,000.00 is in addition to the \$1 million dollars for the feasibility study. There was additional funding needed for an independent consultant and also for additional soil borings for testing. Councilor Cliff Ponte asked if there were any funds from inactive projects that could be used. The Director of Financial Services stated that due to the time frame, it would be prudent to take these funds from the stabilization fund. Councilor Joseph D. Camara stated that we have discussed this matter long enough and we need to vote on this very important matter, as we all agree that the children of Fall River need a new high school. Councilor Raymond A. Mitchell stated, call the question. On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to adjourn at 7:53 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting

Colleen A. Taylor
Clerk of Committees

COMMITTEE ON FINANCE

MEETING: Tuesday, June 26, 2018 at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara,
Steven A. Camara, Bradford L. Kilby, Pam Laliberte-Lebeau,
Stephen R. Long, Leo O. Pelletier, Derek R. Viveiros

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services
Kenneth C. Pacheco, Chair, Community Preservation Committee
James Souza, Vice-Chair, Community Preservation Committee

The chair called the meeting to order at 7:14 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, allowing persons to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance, the following persons spoke on the subjects listed:

Citizens' Input Time – Before Discussion of Financial Matters:

Richard P. Vohnoutka, 381 Snell Street – PAYT and removing tenants from ordinance
CJ Ferry, 300 Buffinton Street – PAYT

Bruce Souza, 181 South Main Street – Rail Trail

Brian Pearson, 4234 North Main Street – Rail Trail

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara, it was unanimously voted to waive the 3 minute time limit to allow Mr. Pearson to finish his statement.

Jim Cusick, 1528 Highland Avenue – Rail Trail
Nuno Dosouto, 285-299 South Main Street – Downtown

Agenda:

2. Discussion of Revised Fiscal Year 2019 Municipal Budget

The Director of Financial Services stated that the revised budget includes \$2.4 million in revenue for the Pay-As-You-Throw Program and also the \$400,000 in expenses for bags. The original budget included \$475,000 for the sale of the PAYT bags, due to the 90 day cancellation clause.

3. Community Preservation Committee Final Report 2018 with Fiscal Year 2019 Project and Funding Recommendations

The Chair of the Community Preservation Committee gave a brief overview of the Fiscal Year 2019 Projects and Funding recommendations. He then stated that it was Alfred J. Lima who was instrumental in establishing the Community Preservation Act in the City of Fall River. Councilor Pam Laliberte-Lebeau asked if there is a reason that a private project would be funded for several years. The Chair of the Community Preservation Committee stated that when a project is very large, it may be done in stages over several years. Councilor Derek R. Viveiros asked if the repair of the Kennedy Park wall had gone before the Board of Park Commissioners for their approval. The Vice-Chair of the Community Preservation Committee stated that it had been approved by the board. The Chair of the Community Preservation Committee stated that the intent is to restore projects to their original state. He also stated that if final approval from a board or commission has not been received, then the project does not go forward. Councilor Pam Laliberte-Lebeau asked about the payment of funds for a project. She asked who the funds are paid to. The Chair of the Community Preservation Committee stated that the funds are paid to the applicant and not the architect or the contractor. Councilor Shawn E. Cadime asked for a list of the work being done for each project. The Vice-Chair of the Community Preservation Committee read the following list:

• Lafayette Durfee House	\$186,000	siding and windows
• Anawan #6 (F.R. Fire Museum)	\$172,930	windows, brick work, etc.
• Little Theatre	\$ 95,937	asbestos removal and HVAC
• Elks Lodge	\$150,000	first floor store fronts and windows
• Academica	\$250,000	elevator
• Eagle Event Center	\$ 80,000	architect and elevator
• Central Fire Station	\$200,000	roof
• Private Joseph Francis Green	\$ 13,000	install fencing around monument
• Granite Wall/Lower Kennedy Park	\$ 30,000	repair collapsed wall
• Bio Reserve Project #1	\$ 78,000	acquire 3 properties
• Niagara Bike Path	\$ 45,000	feasibility study to connect to Alfred J. Lima Quequechan River Rail Trail

Councilor Leo O. Pelletier asked when the Community Preservation Act was adopted by the City of Fall River. The Chair of the Community Preservation Committee stated that it was approved by the voters in 2012 and in 2013 funding began. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to the full council for action.

4. Communication from Mayor and order appropriating \$1,503,617 from Community Preservation Act funds for Fiscal Year 2019 Community Projects
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the matter to the full council for action.

Citizens' Input Time – After Discussion of Financial Matters:
None

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn at 8:58 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Colleen A. Taylor
Clerk of Committees

COMMITTEE ON FINANCE

MEETING: Tuesday, July 12, 2018 at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara,
Steven A. Camara, Bradford L. Kilby, Pam Laliberte-Lebeau,
Stephen R. Long, Leo O. Pelletier, Derek R. Viveiros

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services
Kevin Almeida, CFO, Fall River Public Schools
Joseph I. Macy, Corporation Counsel
Robert Carrigg, Manager, Group One Management
275 Martine Street, Suite 110
Brian Pearson, The Alliance to Save the Trail,
4234 North Main Street, Unit 201
James Cusick, The Alliance to Save the Trail
1528 Highland Avenue
Thomas Aubin, Superintendent, Diman Regional Vocational Technical
High School, 251 Stone Haven Road
Attorney Matthew J. Thomas, 4 Park Place,
Suite 101, New Bedford, MA 02740

The chair called the meeting to order at 6:01 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Councilor Joseph D. Camara arrived at 6:19 p.m.

In accordance with a resolution adopted, as amended May 8, 2012, allowing persons to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance, the following persons spoke on the subjects listed:

Citizens' Input Time – Before Discussion of Financial Matters:

None

Agenda:

2. Transfers and appropriations

FROM:

Claims & Damages	\$ 120,000
Veteran's – Expenses	\$ 413,172
Insurance	\$ 55,023
Fire – Salaries	\$ 185,222
Community Services – Salaries	\$ 107,988
Community Maintenance – Salaries	\$ 25,000
Financial Services – Salaries	\$ 94,504
Other Assessments	\$ 904,889
TOTAL:	\$1,905,798

TO:

Financial Services – Expenses	\$ 37,076
Administrative Services – Expenses	\$ 282,914
Community Maintenance – Expenses	\$ 25,000
City Clerk – Expenses	\$ 3,450
Debt Service	\$ 10,598
Elections – Salaries	\$ 34,386
Veterans' Benefits – Salaries	\$ 22,007
Vocational Assessments	\$ 37,959
Snow Removal	\$1,452,408
TOTAL:	\$1,905,798

Councilor Leo O. Pelletier asked the Director of Financial Services if all snow and ice expenses from previous years will now be paid. The Director of Financial Services stated that all pending snow and ice expenses will be paid with this final transfer.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to take item #6 out of order.

6. Appropriate \$450,000 for Transportation – Fall River Public Schools from the General Fund Stabilization Account

Kevin Almeida, CFO for Fall River Public Schools, gave a brief overview of the request for the \$450,000 for transportation. He stated that this increase was due to the students from Puerto Rico and the U.S. Virgin Islands that have moved to Fall River after last year's storms. Councilor Leo O. Pelletier asked for the total transportation costs for the year. Kevin Almeida stated that the total transportation costs are just under \$9 million dollars. Council President Cliff Ponte asked if there has been any analysis regarding transportation for the Charter Schools. The City Administrator stated that there is a meeting scheduled for next week to discuss this matter. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the matter to full council for action.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was voted 8 yeas to take items #3 and #4 together, with Councilor Joseph D. Camara abstaining.

3. Discussion re: assurance that no destruction will occur to Alfred J. Lima
Quequechan River Rail Trail

4. Discussion re: reversal and/or withdrawal of easement provided to the Cloverleaf Mills,
LLC

Corporation Counsel stated that his involvement with the AJLQRRT began when he was hired on July 14, 2015. There were engineering issues at that time regarding bridges on the rail trail. There were conversations to determine if they should float or be on pylons. Additionally, there were various meetings with Mass DOT regarding the end of the bike path near South Watuppa Pond and traffic signals to cross Brayton Avenue.

Attorney Matthew Thomas then gave a detailed overview of the project. He stated that the project was completed in three phases. He continued that on June 5, 2013 he attended a meeting with then Corporation Counsel Elizabeth Sousa and Assistant Corporation Counsel Christy DiOrio and they met with the Glicksmans and Attorney James Clarkin regarding the request for trucks to be able to access their property from Brayton Avenue and to also have water and sewer easements.

Councilor Pam Laliberte-Lebeau stated that Mr. Carrigg owns the property under the bike path. The City has an easement for the bike path, but Mr. Carrigg still owns the dirt under the bike path. Councilor Steven A. Camara then requested that Brian Pearson and James Cusick from "The Alliance to Save the Trail" be invited to the table. Mr. Pearson provided many details from the attached package of information that he provided. Mr. Carrigg replied to many statements made by Attorney Matthew Thomas and Brian Pearson. Attorney Matthew Thomas then stated that we cannot prevent Mr. Carrigg from utilizing his own property. He also stated that if both sides in this matter did not compromise, there would not be a trail. Corporation Counsel then stated that this matter could take three to four years to come to a conclusion. The City Administrator stated that maintenance and cleaning of the trail is being provided by the Department of Community Maintenance. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara, it was voted to table the matter, with Councilor Joseph D. Camara abstaining.

Council President Cliff Ponte called for a 5 minute recess to allow the Superintendent of Diman Regional Vocational Technical High School to set up the power point presentation. The Council reconvened at 8:55 p.m.

5. Request for \$1,500,000 for costs of Feasibility Study at Diman Regional Vocational Technical High School

A power point presentation was given by the Superintendent of Diman Regional Vocational Technical High School regarding the Feasibility Study. The Superintendent then stated that the average student population between 2014 and 2016 was 13,573 students. He also stated that the Feasibility Study is estimated to cost \$1.5 million dollars with 72.43% reimbursement. Councilor Joseph D. Camara stated that he will support this request as it is definitely needed. Councilor Leo O. Pelletier asked the Superintendent if they are planning on renovations or building a new school. The Superintendent stated they are awaiting the decision of the Massachusetts School Building Authority. Council President Cliff Ponte then stated that there is no appropriation order before them tonight. Therefore it will be on the next City Council Agenda. Councilor Joseph D. Camara then stated the reimbursement will be about 63% for the new B.M.C. Durfee High School of Fall River. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the item to the full council for action.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adjourn at 9:24 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Documents provided by Brian Pearson

Documents provided by Robert Carrigg

Power Point presentation from Diman Regional Vocational Technical High School


Clerk of Committees

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 do 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, Cliff 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.

ORDINANCESSecond 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. Silva 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.

49

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:

Alison M. Bouchard

City Clerk

REGULAR MEETING OF THE CITY COUNCIL

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

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

ABSENT: None

IN ATTENDANCE: Joseph I. Macy, Corporation Counsel

President Shawn E. Cadime called the meeting to order at 9:24 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor requesting confirmation of Kathryn E. Kenney to the Historical Commission
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted that the appointment be granted leave to withdraw.

PRIORITY COMMUNICATIONS

2. Planning Board – favorable recommendation of creation of King Philip Mills Overlay District
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted that the communication be referred to the Committee on Ordinances and Legislation.

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

First Reading:

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

Adoption:

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

Approval:

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

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

Grant leave to withdraw:

6. Resolution – Discuss parameters of bonding

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

Committee on Regulations recommending:Adoption:

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

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

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

ORDINANCESSecond Reading and enrollment:

8. Proposed Ordinance – Establishment of Revolving Funds

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

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

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

10. Proposed Ordinance – Establishment of Municipal Hearings Officer

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

RESOLUTIONS

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

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

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

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

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

CITATIONS

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

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

16. Fall River Police Department Award Recipients and Retirees

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

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

ORDERS – HEARINGS

Hearings to be scheduled:

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

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

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

ORDERS – MISCELLANEOUS

19. Police Chief's report on licenses:

Taxicab Drivers:

Mickey Dias Preston S. McNeil Manuel Silvia IV Kevin Workman

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

20. **Auto Repair Shop license renewals:**

Paul J. Amarello, Ray's Auto Sales, Inc. at 707 Brayton Avenue
 Paul J. Amarello, Durfee Auto Sales, Inc. at 345 Durfee Street
 Michael Camara, Performance Auto Center, Inc. at 1148 Davol Street
 David L. Turcotte, Walter's Super Service, Inc. at 30 Bodge Street
 Steven Thornsbury d/b/a T&T Auto Repair and Sales, 2553 South Main Street
 Joseph Medeiros, 4J Auto, Inc. d/b/a Midas Auto Service at 1439 Plymouth Avenue
 Robert Fouquette d/b/a Big Wheel Truck Sales, Inc. at 410 Second Street
 Roy Oliveira d/b/a Auto Boutique at 101 Price Place

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

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

21. **Auto Body Shop license renewals:**

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

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

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

COMMUNICATIONS – INVITATIONS – PETITIONS

22. **Claims**

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

23. **City resident regarding chainlink fence**

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

24. **City resident regarding sewage treatment plant odors**

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

25. **Planning Board Minutes for August 3, 2017**

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

BULLETINS – NEWSLETTERS – NOTICES – None**OTHER POTENTIAL MATTERS (to be acted upon if recommendation is received:)****Report of the Committee on Regulations:**

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

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

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

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

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

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

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

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

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

PRIORITY COMMUNICATIONS

Corporation Counsel regarding Ballot Questions, Summary and Arguments

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

Councilor Steven A. Camara asked Corporation Counsel if the pro and con statements need to be posted at the polls. Corporation Counsel stated that he will be reviewing all the laws and regulations on this matter. Councilor Richard Cabeceiras stated that maybe we could post the information in each voting booth. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file.

Proposed Ordinance – Establishment of Revolving Funds

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

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

Proposed Ordinance – Taxicab drivers; recommendation received by Police Chief

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

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

Proposed Ordinance – Establishment of Municipal Hearings Officer

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

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

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

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting

A true copy. Attest:

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

City Clerk

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, October 24, 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
Cathy Ann Viveiros, City Administrator
Attorney Kenneth Fiola, Jr., Executive V.P., FROED
Antone J. Dias, 80 Hood Street

President Shawn E. Cadime called the meeting to order at 11:05 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 Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to take item #3 out of order.

3. Mayor and Chief of Police Employment Agreement for Albert F. Dupere
A motion was made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long to accept the communication and approve the employment agreement. Councilor Raymond A. Mitchell stated that the Police Chief should not be sworn in at a paid function; it should be vetted by the City Council and sworn in at a public venue so that any resident may attend. On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was voted 6 yeas, 3 nays to table the matter, with Councilors Steven A. Camara, Pam Laliberte-Lebeau and Stephen R. Long voting in the negative.

PRIORITY MATTERS – None

PRIORITY COMMUNICATIONS

1. Traffic Commission recommending amendments to the traffic ordinances
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the recommendations to the Committee on Ordinances and Legislation.

2. Community Preservation Committee re: reappointment of Antone J. Dias and Kenneth C. Pacheco

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was voted 2 yeas, 7 nays to table the appointments with Councilors Joseph D. Camara, Steven A. Camara, Pam Laliberte-Lebeau, Stephen R. Long, Linda M. Pereira, Cliff Ponte and Shawn E. Cadime voting in the negative and the motion failed to carry. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the appointments.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Joseph D. Camara, it was unanimously voted to take item #35 out of order.

BULLETINS – NEWSLETTERS – NOTICES

35. Communication from Antone J. Dias, Chairman, Historical Commission re: King Philip Mill
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Pam Laliberte-Lebeau it was unanimously voted to waive the rules to allow the City Administrator, Corporation Counsel, Kenneth Fiola Jr. and Antone Dias to answer questions. Antone Dias gave an overview of events that led to the submission of the communication that he submitted. He then stated that at a meeting with the Mayor, the Mayor stated that he could resign or he would be removed from the Historical Commission. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Joseph D. Camara, it was voted 4 yeas, 5 nays to reconsider the previous vote to waive the rules with Councilors Richard Cabeceiras, Pam Laliberte-Lebeau, Raymond A. Mitchell, Linda M. Pereira and Cliff Ponte voting in the negative and the motion failed to carry. On yet a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Joseph D. Camara it was unanimously voted to accept the communication and place it on file. On yet a further motion made by Councilor Joseph D. Camara and seconded by Councilor Richard Cabeceiras, it was voted 3 yeas, 6 nays to move the question with Councilors Steven A. Camara, Pam Laliberte-Lebeau, Raymond A. Mitchell, Linda M. Pereira, Cliff Ponte and Shawn E. Cadime voting in the negative and the motion failed to carry. On yet a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Joseph D. Camara, it was unanimously voted that the communication be accepted and placed on file.

COMMITTEE REPORTS

Committee on Public Safety recommending:

Grant leave to withdraw:

4. Communication – City resident re: intersection of Meridian and Watkins Streets
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted that the communication be granted leave to withdraw.

ORDINANCES

Second Reading:

5. Proposed Ordinance – Definition and fee schedule for dog kennels
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to pass the proposed ordinance through second reading and enrollment.

RESOLUTIONS

6. Committee on Finance consider utilizing drop boxes as a convenience for residents to conduct city business without visiting Government Center
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to adopt the resolution.
Approved, October 27, 2017, Mayor Jasiel F. Correia II
7. Committee on Health and Environmental Affairs meet with various parties to discuss the proposed road that would cut through the Alfred J. Lima Quequechan River Rail Trail
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the resolution.

CITATIONS – None

ORDERS – HEARINGS

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to take items #8 through #14 together.

Joint Pole Attachments:

- Mobilitie, LLC to attach wireless backhaul transport equipment to existing utility poles:
8. Hanover Street and New Boston Road, pole ID: Null, has Hanover Street sign attached with electricity connection
 9. Franklin and High Streets, pole ID: NET&T CO. 702 with electricity connection
 10. Rodman and Lonsdale Streets, pole ID: 27-84(NG)/27S(VZ) with electricity connection
 11. Lyon and Third Streets, pole ID: 68/7 with electricity connection
 12. Dover and Tecumseh Streets, pole ID: FREL-NET 4208 420 with electricity connection
 13. Plymouth Avenue and End Street, pole ID: NG1 with electricity connection
 14. Orange and Cherry Streets, pole ID: FREL-NET 8500-1 with electricity connection
- On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to refer items #8 through #14 to the Committee on Public Works and Transportation.*

On a motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to take items #15 through #26 together.

Pole Attachments and Underground Conduits:

- New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas:
15. 887 Plymouth Avenue, Pole #4
 16. 188 Nashua Street, Pole #7
 17. 70 William Street, Pole #3/6874
 18. 372 Plymouth Avenue, Pole #22-3
 19. 170 Baird Street, Pole #260/8
 20. 191 Aetna Street, Pole #17
 21. 152 Mott Street, Pole #11
 22. 35 Pelham Street, Pole #246/1/490
 23. 1069 Plymouth Avenue, Pole #1240S
 24. 23 Norfolk Street, Pole #597
 25. 565 Bedford Street, Pole #17/28 near Bank 5 sign
 26. 738 Oak Grove Avenue, Pole #38-84

On a motion made by Councilor Steven A. Camara and seconded by Councilor Linda M. Pereira, it was unanimously voted to table the orders.

ORDERS – MISCELLANEOUS

27. Light order for Columbus Drive – Pole #3

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

28. Cease and desist order be issued for any road, roadway or construction on the
Alfred J. Lima Quequechan River Rail Trail

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

**Approved, November 6, 2017, Mayor Jasiel F. Correia II*

**I have signed the within order despite the fact that it clearly exceeds the City Council's power and authority. However, it is consistent with prior representations made on behalf of the City and will be authorized as a matter of executive authority. It is consistent with prior representations made to the City by the private landowner. It is an appropriate exercise of governmental authority.*

29. Police Chief's report on licenses:

Taxicab Drivers:

Mary Caton	Jeffrey Carreiro	Jennifer Francis
Jason N. Hall Sr.	Nicolas Martins	Kenneth McAulay
Jennifer Moniz	Romeo Saladin	Kyle Wilson

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

COMMUNICATIONS – INVITATIONS – PETITIONS

30. Claims

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

31. Communication from Partners for a Healthier Community re: naming of nature trail at Cook Pond in honor of Dr. David S. Weed

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the communication to the Planning Board.

32. Structures over public ways – Banners on Bedford Street at Central Fire Station and South Main Street at Center Place

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

33. Structure over a public way – Yard sign on William S. Canning Boulevard median

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the application to the Board of Park Commissioners.

City Council Committee/Meeting Minutes:

34. Committee on Public Works and Transportation – May 24, 2017

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

51

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

Report of the Committee on Public Works and Transportation:

Order – Purchase of land on Hyacinth Street

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was voted, 5 yeas to adopt the order.

Approved, October 27, 2017, Mayor Jasiel F. Correia II

Report of the Committee on Ordinances and Legislation:

Proposed Ordinance – Traffic, Handicapped Parking

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

Approved, October 27, 2017, Mayor Jasiel F. Correia II

Proposed Ordinance – Zoning, Establishing the King Philip Mills Overlay

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was voted 8 yeas, 1 nay to pass the proposed ordinance through first reading with Councilor Linda M. Pereira voting in the negative.

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: OCTOBER 24, 2017

RESOLUTIONS

City Council Committee on Health and Environmental Affairs meet with various parties to discuss contract for the sale of water to a Burrillville, RI energy company

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

Proposed Ordinance – Definition and fee schedule for dog kennels

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

Approved, October 27, 2017, Mayor Jasiel F. Correia II

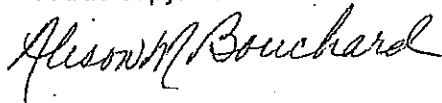
On a motion made by Councilor Steven A. Camara and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adjourn at 12:42 a.m. on October 25, 2017.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

A true copy. Attest:


City Clerk

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, November 14, 2017 at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: Joseph D. Camara and Cliff Ponte

IN ATTENDANCE: Kenneth C. Pacheco, COO, Fall River Public Schools
Cathy Ann Viveiros, City Administrator

President Shawn E. Cadime called the meeting to order at 8:43 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Transfers and appropriations
 - a. That the sum of \$188,000 be, and the same is, hereby appropriated to the EMS CAPITAL OUTLAY ACCOUNT from the EMS STABILIZATION FUND for the purchase of capital items including: an above ground storage tank, the purchase of a pickup truck, a sedan for the transfer/MIH division, an EKG monitor, laptop, as well as power load systems now required by state regulations.
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Steven A. Camara, it was voted 5 yeas, 2 nays to table the order with Councilors Pam Laliberte-Lebeau and Stephen R. Long voting in the negative and Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

- b. That the sum of \$300,000 be, and the same is, hereby appropriated to the EMS CAPITAL OUTLAY ACCOUNT from the EMS STABILIZATION FUND for the purchase of an ambulance and related equipment for the transfer/MIH Division.
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Steven A. Camara, it was voted 5 yeas, 2 nays to table the order with Councilors Pam Laliberte-Lebeau and Stephen R. Long voting in the negative and Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

2. Mayor and order for Fire Department to accept gift of concrete (valued at \$500) from Fall River Redi-Mix, LLC
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order with Councilors Joseph D. Camara and Cliff Ponte

absent and not voting. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Steven A. Camara, it was unanimously voted to send a thank you letter to Fall River Redi-Mix, LLC, with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

PRIORITY COMMUNICATIONS

3. Traffic Commission recommending amendments to the traffic ordinances
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to refer the recommendations to the Committee on Ordinances and Legislation with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

4. Fall River Retirement Board – 2018 Budget
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the matter to the Committee on Finance with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

COMMITTEE REPORTS

Committee on Health and Environmental Affairs recommending:

Grant leave to withdraw:

5. Resolution – State delegation file legislation requiring physicals and drug testing for public Employees

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Linda M. Pereira, it was unanimously voted that the resolution be granted leave to withdraw with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

Action:

6. Resolution – Administration transfer Alfred J. Lima Quequechan River Rail Trail to the Board of Park Commissioners

On a motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to adopt the resolution with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

Approved, November 15, 2017, Mayor Jasiel F. Correia II

ORDINANCES

Second Reading:

7. Proposed Ordinance – Zoning, King Philip Mills Overlay District
A motion was made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell to refer the matter to the Committee on Ordinances and Legislation, but was later withdrawn. On a further motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Stephen R. Long, it was unanimously voted to waive the rules to allow the City Administrator to answer questions, with Councilors Joseph D. Camara and Cliff Ponte absent and not voting. Councilor Pam Laliberte-Lebeau asked the City Administrator to provide an update on the matter. The City Administrator stated that the neighbors want the overlay district to be put into place. They feel it will increase the marketability of the property and they would like to see market rate housing on the site. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

RESOLUTIONS

8. Committee on Public Safety convene to prepare evacuation plan for Matthew J. Kuss Middle School

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Steven A. Camara, it was unanimously voted to amend the resolution by deleting the last paragraph with Councilors Joseph D. Camara and Cliff Ponte absent and not voting. On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the resolution, as amended with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

9. Rename portion of Wall Street in honor of Ralph M. Small

Councilor Raymond A. Mitchell stated that the school is the only building on this portion of the street and therefore this will not cause any address changes. On a motion made by Councilor Steven A. Camara and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the resolution to the Planning Board with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

10. School Department Building Committee consider public hearing to discuss alternatives to Elsbree Street location for Durfee High School

A motion was made by Councilor Steven A. Camara and seconded by Councilor Richard Cabeceiras to adopt the resolution. On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell it was unanimously voted to waive the rules and allow Kenneth Pacheco to answer questions with Councilors Joseph D. Camara and Cliff Ponte absent and not voting. Kenneth Pacheco stated that the state will not pay for a full renovation and they will not pay to rehab the pool. The current auditorium holds 1,325 students and a new auditorium would only hold about 750. He also stated that MSBA has been very good to the City of Fall River with school reimbursements running about 80% of eligible expenses. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Raymond A. Mitchell, it was voted 4 years, 3 days to move the question with Councilors Richard Cabeceiras, Steven A. Camara and Pam Laliberte-Lebeau voting in the negative and Councilors Joseph D. Camara and Cliff Ponte absent and not voting. On a roll call vote of the motion made by Councilor Steven A. Camara and seconded by Councilor Richard Cabeceiras to adopt the resolution; Councilor Richard Cabeceiras voted no, Councilor Joseph D. Camara was absent and not voting and Councilor Steven A. Camara objected and the resolution was laid on the table in accordance with the Charter.

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to take item #14 out of order with Councilor Joseph D. Camara and Cliff Ponte absent and not voting.

ORDERS – HEARINGS**Curb Removals:**

14. John Mendoca, 45 Dover Street – total of 20 feet at 45 Dover Street

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order, with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

Approved, November 15, 2017, Mayor Jasiel F. Correia II

11. City Council recommend Zoning Board of Appeals vote to withdraw recent requests for Special Permits for billboards and hold public hearing for further discussion
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the resolution with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

CITATIONS

12. Andrew Kosinski – Eagle Scout
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to adopt the citation with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

13. Tracy Wright – Retirement
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to adopt the citation with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Richard Cabeceiras, it was unanimously voted to take items #15 through #17 together with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

ORDERS – HEARINGS

Curb Removals:

15. Chicharro Realty Corp., 32 Doyle Street – total of 32 feet at 168 Eighteenth Street
 16. Manuel A. Oliveira, 200 Bullock Street – total of 33 feet at 200 Bullock Street
 17. Mark Veloza, 350 Eldridge Street – total of 28 feet at 350 Eldridge Street
- On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt items #15 through #17 with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.*
Approved, November 15, 2017, Mayor Jasiel F. Correia II

Joint Pole Location:

18. Stafford Road One (1) jointly owned pole location
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.
Approved, November 15, 2017, Mayor Jasiel F. Correia II

ORDERS – MISCELLANEOUS

19. Administration instruct Corporation Counsel to petition the Court to nullify the approved easement that crosses the Alfred J. Lima Quequechan River Rail Trail
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.
20. Order – Fiscal Year 2018 Tax Factor
A motion was made by Councilor Steven A. Camara to adopt an order for a tax factor of 1.75, but received no second. On a further motion made by Councilor Richard Cabeceiras and seconded by Councilor Pam Laliberte-Lebeau, it was voted 4 yeas, 3 nays to adopt an order for a tax factor of 1.70 with Councilors Steven A. Camara, Raymond A. Mitchell and Linda M. Pereira voting in the negative and Councilors Joseph D. Camara and Cliff Ponte absent and not voting.
Approved, November 15, 2017, Mayor Jasiel F. Correia II

21. Order – Fiscal Year 2018 Tax Levy

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 4 yeas, 3 nays to adopt an order for a tax levy as follows, with Councilors Steven A. Camara, Raymond A. Mitchell and Linda M. Pereira voting in the negative with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

Approved, November 15, 2017, Mayor Jasiel F. Correia II

Residential	(Class I)	62.0228
Open Space	(Class II)	-0-
Commercial	(Class III)	22.1483
Industrial	(Class IV)	9.9106
Personal Property	(Class V)	5.9184

22. Police Chief's report on licenses:

Taxicab Drivers:

Kathy Correia	Richard A. Desrosiers	Maren Eppich
Deena Feldman	Jose J. Goncalo	Angelymar Santini Johnson
Mikael Raposa	Joshua Schill-Berry	Rodney Smith

On a motion made by Councilor Raymond A. Mitchell and seconded by Stephen R. Long, it was unanimously voted to adopt the order with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

23. Auto Repair Shop license renewals:

John H. Knight, Knight's Quality Service Station, Inc. at 260 Linden Street
 Robert P. Fortier d/b/a Fortier's Auto Sales and Service, Inc. at 605 Globe Street
 John Medeiros, Medeiros Auto Body & Sales, Inc. at 96/98 Alden Street
 Jan M. Pankowski d/b/a Classic Auto at 270 Shove Street
 Elie Bouramia d/b/a North End Auto Service and Sales, Inc. at 3293 North Main Street
 Joseph Jennings d/b/a Jennings Garage at 64 Judson Street
 Francis B. May d/b/a Brad's Auto Service at 156 President Avenue
 Mark A. Shea d/b/a Shea's Radiator Center at 400 Stafford Road
 Vincent Nanni, Vin's Motor Sales, Inc. at 1426 Plymouth Avenue
 Wayne Senechal d/b/a Wayne's Auto and Performance at 122 Lowell Street

On a motion made by Councilor Linda M. Pereira and seconded by Raymond A. Mitchell, it was unanimously voted to adopt the order with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

Approved, November 15, 2017, Mayor Jasiel F. Correia II

24. Auto Body Shop license renewals:

Jan M. Pankowski d/b/a Classic Auto at 270 Shove Street
 Joseph Jennings d/b/a Jennings Garage at 64 Judson Street
 John V. Pacheco & Michael V. Pacheco d/b/a Celebrity Auto at 2220 Pleasant Street
 David Saber, Eleventh Street Assoc., Inc., Saber Auto Body at 231 Bedford Street

On a motion made by Councilor Raymond A. Mitchell and seconded by Linda M. Pereira, it was unanimously voted to adopt the order with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

Approved, November 15, 2017, Mayor Jasiel F. Correia II

On a motion made by Councilor Linda M. Pereira and seconded by Raymond A. Mitchell, it was unanimously voted to take items #25 through #29 together with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

Revoke licenses for storage of inflammables at request of owner:

25. Borden & Remington Fall River, LLC to store 40,000 gallons of phenol and formaldehyde at 1 Firestone Avenue
26. Borden & Remington Fall River, LLC to maintain a garage and store 150 gallons of gasoline in tanks of eight cars and 10,000 gallons of diesel fuel at 1 Firestone Avenue
27. Borden & Remington Fall River, LLC to store 650,000 gallons of fuel oil, 40,000 gallons of solvents and 8,500 gallons of quenching oil at 1 Firestone Avenue
28. Christy's Realty Limited Part. c/o Southland Corp., Loc. #125 to store 25,000 gallons underground, 200 gallons motor oil and 7 alcohol at Milliken Blvd. and Columbia Street
29. Fernando DaSilva to store 20,000 gallons of diesel oil, 20,000 gallons of gasoline, 5,000 gallons of #2 fuel oil and 1,000 gallons grain alcohol for gasohol underground and to store 6 motor vehicles at the N.W. corner of Peckham and Barrett Streets

On a motion made by Councilor Raymond A. Mitchell and seconded by Stephen R. Long, it was unanimously voted to adopt items #25 through #29 with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

Approved, November 15, 2017, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS

30. Claims

On a motion made by Councilor Raymond A. Mitchell and seconded by Linda M. Pereira, it was unanimously voted to refer the claims to Corporation Counsel with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to take items #31 through #34 together with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

City Council Committee/Meeting Minutes:

31. Committee on Ordinances and Legislation – September 18, 2017
32. Committee on Regulations – October 2, 2017
33. Committee on Regulations – October 10, 2017
34. City Council Meeting – April 11, 2017

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Linda M. Pereira, it was unanimously voted to approve items #31 through #34 with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES

35. Dept. of Public Utilities Public Hearing – November 29, 2017, One So. Station, Boston, MA
- On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file with Councilors Joseph D. Camara and Cliff Ponte absent and not voting.*

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: NOVEMBER 14, 2017

Proposed Ordinance – Zoning, King Philip Mills Overlay District

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Steven A. Camara, it was unanimously voted that the proposed ordinance be passed to be ordained.
Approved, November 15, 2017, Mayor Jasiel F. Correia II

52

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adjourn at 10:12 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk

REGULAR MEETING OF THE CITY COUNCIL

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

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

ABSENT: None

IN ATTENDANCE: Joseph I. Macy, Corporation Counsel

President Shawn E. Cadime called the meeting to order at 8:04 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor req. confirmation of appointments to the following:

a. Robert Tavares to the Board of Park Commissioners

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

b. Cheryl Costa to the Commission on Disability

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

c. Susana Ribeiro to the Council on Aging

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

d. Richard J. Souza to the Sewer Commission

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

e. Manuel Leite to the Conservation Commission

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

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

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

PRIORITY MATTERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRIORITY COMMUNICATIONS

8. Traffic Commission recommending amendments to the traffic ordinances

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

COMMITTEE REPORTS

Committee on Finance recommending:

Accept and place on file:

9. Communication – Fall River Contributory Retirement Board 2018 Budget

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

Committee on Public Safety recommending:

Grant leave to withdraw:

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

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

Referral to Corporation Counsel:

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

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted refer the communication to Corporation Counsel.

Committee on Ordinances and Legislation recommending:

First Reading, as amended:

12. Proposed Ordinance – Salary updates

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through first reading, as amended.

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

First Reading:

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

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

All readings with Emergency Preamble:

17. Proposed ordinance – Traffic, handicapped parking

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

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

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

Grant leave to withdraw:

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

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

Committee on Budget Preparation, Revenue and Audits recommending:

Grant leave to withdraw:

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

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

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

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

ORDINANCES – None

RESOLUTIONS – None

CITATIONS

Government Center Custodial Staff – for outstanding service to city:

22. Henry Medeiros; David Lavoie; Jeffrey Lavoie

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

ORDERS – HEARINGS

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

Curb Removals:

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

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

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

ORDERS – MISCELLANEOUS27. **Auto Repair Shop license renewals:**

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

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

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

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

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

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

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

29. **Police Chief's report on licenses:****Taxicab Drivers – 2017:**

Jose Castro

Wayne Conway

Gilbert Dallaire

Taxicab Drivers – 2018:

Sharon Acevedo
 Ashraf Kamal Antar
 Steven Breault
 Jeffrey Carreira
 Lori Cronister
 Michael Diniz
 Tiffany Evans
 Steven Howance
 Kathleen M. Lamothe
 David Marshall Sr.
 Jeff C. Middleton
 Jennifer Pavao
 Gerald Pinault
 Todd J. Quintal

Timothy E. Adams
 Brian Araluce
 Edward Butler
 Melissa Carvalho
 Joseph DaCosta
 Carlton Ducharme II
 Peter Hadad
 Frederick Humes
 David Larkin
 William Marshall
 Rui Neves
 Tyler Perreira
 Bud Prater
 Ricardo Raposa

Thomas Andrade
 Edward A. Arruda
 Darrell Carlsen
 Robert M. Collins Jr.
 Tania L. Dillingham
 Philip J. Fay
 Richard Hannah
 Paul Laberge
 Louis Levesque
 Richard Mello
 Albert A. Paquette Jr.
 Charles Phifer
 John D. Purcell
 Edward Rego

George Robidoux
Jeremiah Soares
Stephen Stets
Troy Wool

Carl Shepard
Delores Socall
Ronald Vaillancourt

Natasha Smith
Richard Souza
Jose Vasconcelos

Private Livery Drivers – 2018:

David Marshall Sr.

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

COMMUNICATIONS – INVITATIONS – PETITIONS

30. Drainlayer license – Oliveira Construction, Inc.

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

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

31. Claims

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

32. PERAC re: Appropriation for Fiscal Year 2019

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

33. Planning Board Minutes – December 13, 2017

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

34. Open Meeting Law complaint re: approval of minutes

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

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

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

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

City Council Committee/Meeting Minutes:

36. Committee on Finance – November 28, 2017

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

38. City Council Public Hearing – November 14, 2017

39. City Council Public Hearings – November 14, 2017

40. City Council Public Hearing – November 28, 2017

41. City Council Meeting – May 19, 2017

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

BULLETINS – NEWSLETTERS – NOTICES

42. National Grid – 2018 Yearly Operational Plan and 21 day herbicide application notification
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted that the notice be accepted and placed on file.
43. Notice of Casualty and Loss – 647 June Street
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the notice be accepted and placed on file.

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

COMMITTEE REPORTS

Committee on Real Estate recommending:

Grant leave to withdraw:

- 21a. Order – Purchase of property located at 38 Third Street for Employee Health Clinic
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the order be granted leave to withdraw.
- 21b. Resolution – Discuss possible use of underutilized city property for the sale of water
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Cliff Ponte, it was unanimously voted that the resolution be granted leave to withdraw.

RESOLUTIONS

- 21c. Diman Regional Vocational Technical High School representatives be invited to a future meeting of the City Council Committee on Finance to discuss funding above net school spending
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Richard Cabeceiras, it was unanimously voted to amend the resolution by striking out the last paragraph that read as follows:
BE IT FURTHER RESOLVED, that Diman RVTHS be funded 75% of the percentage that Fall River Public Schools is funded above minimum net school spending.
On a further motion made by Councilor Steven A. Camara and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the resolution, as amended.
- 21d. Easements submitted for City Council approval be referred to the Real Estate Committee
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was voted 2 yeas, 7 nays to adopt the resolution and the motion failed to carry with Councilors Joseph D. Camara, Steven A. Camara, Pam Laliberte-Lebeau, Stephen R. Long, Linda M. Pereira, Cliff Ponte and Shawn E. Cadime voting in the negative.
- 21e. Interested parties be invited to a future meeting of the City Council Committee on Finance to discuss the plan for paying Fall River's portion of the new Durfee High School's debt service
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was voted 5 yeas, 4 nays to lift the resolution from the table with Councilors Joseph D. Camara, Steven A. Camara, Stephen R. Long and Linda M. Pereira voting in the negative. On a further motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Cliff Ponte, it was unanimously voted to amend the resolution by adding that the meeting be held by February 1, 2018. On yet a further motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the resolution, as amended.

CITATIONS

22a. Joseph Rebello

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

COMMUNICATIONS – INVITATIONS – PETITIONS

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

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

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

City Council Committee/Meeting Minutes:

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

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

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

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

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

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

A true copy. Attest:

Alison M Bouchard

City Clerk

