

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, February 27, 2018 at 7:00 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, Leo O. Pelletier
and Derek R. Viveiros

ABSENT: Councilor Stephen R. Long

IN ATTENDANCE: None

President Cliff Ponte called the meeting to order at 7:47 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 the following appointments/reappointments:

a. Stephen R. Long to the Tax Increment Financing Board

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Bradford L. Kilby, it was voted 8 yeas to confirm the appointment, with Councilor Stephen R. Long absent and not voting.

b. Ruben Amaral to the Historical Commission

On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was voted 8 yeas to confirm the appointment, with Councilor Stephen R. Long absent and not voting.

c. Mark Nassiff, Jr. to the Retirement Board (reappointment)

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Bradford L. Kilby, it was voted 8 yeas to confirm the appointment, with Councilor Stephen R. Long absent and not voting.

2. Mayor requesting establishment of Street Sweeping ordinance

On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation, with Councilor Stephen R. Long absent and not voting.

3. Mayor requesting creation of new position – Special Assistant to the Chief of Police
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation, with Councilor Stephen R. Long absent and not voting.

PRIORITY COMMUNICATIONS

4. Traffic Commission recommending amendments to the traffic ordinances
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation, with Councilor Stephen R. Long absent and not voting.

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

Action:

5. Proposed Ordinance – Administrative Assistant/Code Enforcement
Councilor Pam Laliberte-Lebeau stated that she needs more information on this position. On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation, with Councilor Stephen R. Long absent and not voting.

First reading, as amended:

6. Proposed Ordinance – Wage Theft
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara, it was unanimously voted to pass the proposed ordinance through first reading, as amended with Councilor Stephen R. Long absent and not voting.

7. Traffic, miscellaneous
Councilor Steven A. Camara stated that the section of the proposed ordinance relating to no parking on the south side of President Avenue in the area of Stetson Street, had been removed from this proposed ordinance, as there are some residents that are not in favor of the change. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara, it was unanimously voted to pass the proposed ordinance through first reading, as amended with Councilor Stephen R. Long absent and not voting.

First reading:

8. Proposed Ordinance – Abolishment of Committee on Budget Preparation, Revenue and Audits
On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to pass the proposed ordinance through first reading, with Councilor Stephen R. Long absent and not voting.

Grant leave to withdraw:

9. Proposed Ordinance – Opioid Clerk
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was voted 7 yeas, 1 nay that the proposed ordinance be granted leave to withdraw, with Councilor Stephen R. Long absent and not voting.

All readings with Emergency Preamble:

10. Proposed Ordinance – Traffic, handicapped parking
On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was voted 8 yeas to adopt an emergency preamble. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime it was unanimously voted to pass the proposed ordinance through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilor Stephen R. Long absent and not voting.

ORDINANCES – None

RESOLUTIONS

11. Committee on Ordinances and Legislation consider proposed ordinance for public memorials
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the resolution, with Councilor Stephen R. Long absent and not voting.

CITATIONS

12. Brayton Avenue Café and The Camara Family – Community Service
Councilor Steven A. Camara stated that the Brayton Avenue Café opened their doors to the Fire Department and residents to escape the severe cold during a house fire in the neighborhood. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the citation, with Councilor Stephen R. Long absent and not voting.
13. Jai Sotomayor –Contributions of Historic Fall River photos
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the citation, with Councilor Stephen R. Long absent and not voting.

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

14. Police Chief's report on licenses:

Taxicab Drivers:

Lori Cronister
Antonio Leite
Errol O. South

Hiram Gonzalez
Jennifer Pavao

Christopher David Knight
Jonathan Roughan

Private Livery Driver:

David Ferreira

Second Hand License renewals:

Curt Barreira d/b/a Jimmy Jr's Tire Service at 729 Davol Street
Wayne Confoey d/b/a Cash for Gold at 1513 Pleasant Street
Joseph Bilan, BP Auto Service Repair, Inc. at 1091 South Main Street

Second Hand and Pawnbroker License renewals:

Howard Sperberg & Andrew Jaynes d/b/a Pawtucket Pawnbrokers Too at 302 South Main 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 Councilor Stephen R. Long absent and not voting.

15. Auto Repair Shop license renewals:

Empire Hyundai, Inc. at 428 Pleasant Street

Charles A. Sousa & Verissimo Medeiros, First Choice Auto Mall, Inc. at 1033 Pleasant St.

Humberto F. Medeiros d/b/a Major Auto Repair at 72 Everett Street

Jessica Rodrigues, VJR, LLC d/b/a Stafford Road Auto Repair & Sales at 182 Stafford Road

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilor Stephen R. Long absent and not voting. Approved, March 5, 2018, Mayor Jasiel F. Correia II

16. Auto Body Shop license renewal:

Robert Eleuterio d/b/a Eddie and Son Auto Body and Marine Repair at 115 Maple 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 Councilor Stephen R. Long absent and not voting.

Approved, March 5, 2018, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS

17. Claims

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the claims to Corporation Counsel, with Councilor Stephen R. Long absent and not voting.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to take items number 18 through 24 together after being read by the City Clerk, with Councilor Stephen R. Long absent and not voting.

City Council Committee/Meeting Minutes:

18. City Council Meeting – January 9, 2018

19. Special Meeting of the City Council – January 16, 2018

20. Public Hearing – January 23, 2018

21. Public Hearing – February 6, 2018

22. Committee on Public Works and Transportation – January 29, 2018

23. Committee on Ordinances and Legislation – February 13, 2018

24. Committee on Ordinances and Legislation – February 20, 2018

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

BULLETINS – NEWSLETTERS – NOTICES

25. Final Report – Acceptance of Blueberry Lane, from Rodman Street to Blueberry Lane

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was voted to 7 years to approve the final report, with Councilor Stephen R. Long absent and not voting.

Approved, March 5, 2018, Mayor Jasiel F. Correia II

26. Final Report – Acceptance of Morse Place, from Bay Street to Bowen Street
On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the matter to the Committee on Public Works and Transportation, with Councilor Stephen R. Long absent and not voting.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to take items number 27 through 29 together after being read by the City Clerk, with Councilor Stephen R. Long absent and not voting.

27. South Coast Rail – Draft Supplemental Environmental Impact Report

28. Notice of Casualty and Loss at 37 Star Street

29. MA Department of Agricultural Resources – Apiary Program

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the communications be accepted and placed on file, with Councilor Stephen R. Long absent and not voting.

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

Corporation Counsel and arguments and summary re: New B.M.C. Durfee High School of Fall River Ballot Question

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to that the communication be accepted and placed on file, with Councilor Stephen R. Long absent and not voting.

A recess was taken at 8:08 p.m. to allow the final report of the street acceptance to be signed and the Council reconvened at 8:11 p.m.

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Joseph D. Camara, it was unanimously voted to adjourn at 8:12 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

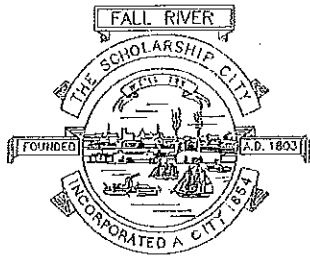
A true copy. Attest:



City Clerk

In City Council, May 29, 2018

Approved.



City of Fall River Massachusetts
Office of the City Clerk

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2018 FEB 23 A 10:15

ALISON M. BOUCHARD
CITY CLERK

MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
TUESDAY, FEBRUARY 27, 2018

CITY CLERK _____
FALL RIVER, MA

INÊS LEITE
ASSISTANT CITY CLERK

AGENDA

5:45 P.M. PUBLIC HEARINGS

Street Acceptances

1. The acceptance of Blueberry Lane, from Rodman Street to Blueberry Lane
2. The acceptance of Morse Place, from Bay Street to Bowen Street

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

1. Citizen Input
2. *Communication – Building Capital Improvement Plan (tabled 11-14-17)
3. *Resolution – Discuss salary increases for City Administrator and Director of Financial Services (adopted 1-23-18)

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 the following appointments/reappointments:
 - a. Stephen R. Long to the Tax Increment Financing Board
 - b. Ruben Amaral to the Historical Commission
 - c. Mark Nassiff, Jr. to the Retirement Board (reappointment)
2. *Mayor requesting establishment of Street Sweeping ordinance
3. *Mayor requesting creation of new position – Special Assistant to the Chief of Police

PRIORITY COMMUNICATIONS

4. Traffic Commission recommending amendments to the traffic ordinances

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

Action:

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First reading, as amended:

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7. *Traffic, miscellaneous

First reading:

8. *Proposed Ordinance – Abolishment of Committee on Budget Preparation, Revenue and Audits

Grant leave to withdraw:

9. *Proposed Ordinance – Opioid Clerk

All readings with Emergency Preamble:

10. *Proposed Ordinance – Traffic, handicapped parking

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

One Government Center • Fall River, MA 02722

TEL 508-324-2220 • FAX 508-324-2211 • EMAIL city_clerks@fallriverma.org

ORDINANCES – None

RESOLUTIONS

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CITATIONS

12. Brayton Avenue Café and The Camara Family – Community Service
13. Jai Sotomayor – Contributions of Historic Fall River photos

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

14. Police Chief's report on licenses:

Taxicab Drivers:

Lori Cronister

Hiram Gonzalez

Christopher David Knight

Antonio Leite

Jennifer Pavao

Jonathan Roughan

Errol O. South

Private Livery Driver:

David Ferreira

Second Hand License renewals:

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COMMUNICATIONS – INVITATIONS – PETITIONS

17. *Claims

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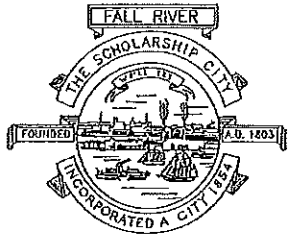
ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650

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Assistant City Clerk

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



City of Fall River
Massachusetts
Office of the Mayor

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CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

November 9, 2017

Honorable Members of the City Council
One Government Center
Fall River, MA 02720

RE: Building Capital Improvement Plan

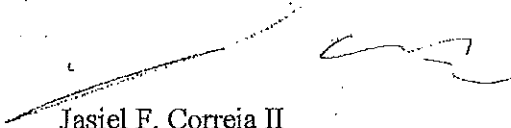
Honorable Councilors:

The Administration has recently completed a Building Capital Improvement Plan that is attached for your review. This Plan was completed at no cost to the City thanks to a Community Compact Grant provided by the Baker-Polito Administration. The Collins Center at University of Massachusetts Boston, working with Chris Gallagher, Ken Pacheco and our financial team, has provided an assessment of the resources within our Facilities Departments and also a prioritized list of needed improvements to City and School buildings.

These documents are intended to provide a framework for all local, elected officials, to make the decisions necessary to assure we have safe environments for employees, students and the public to utilize. They also address the resources needed to assure that our investments in our facilities are properly made and maintained.

The Collins Center will be making a presentation to your Honorable Body on Tuesday, November 14, 2017 during the Finance Committee. We look forward to your input regarding the content and implementation of this Plan.

Best Regards,


Jasiel F. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL
COMMITTEE ON FINANCE
NOV 14 2017
Tabled



EDWARD J. COLLINS, JR. CENTER FOR PUBLIC MANAGEMENT
JOHN W. MCCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES
UNIVERSITY OF MASSACHUSETTS BOSTON

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mccormack.umb.edu/centers/cpm
collins.center@umb.edu

November 6, 2017

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

Re: Proposed Capital Improvement Plan for City and School Facilities (FY2018-FY2023)

Dear Mayor Correia,

On behalf of the Edward J. Collins, Jr. Center for Public Management (Center) at the University of Massachusetts Boston, I am pleased to submit to you the proposed capital improvement plan for city and school facilities for FY2018-FY2023. This project was funded at no cost to the City as a result of Community Compact grant funding provided by the Baker-Polito administration in an effort to increase the use of best practices in local government. The Center also recently completed an organizational study of facilities maintenance in Fall River as part of the same grant-funded effort.

During the course of the study, the project team had the opportunity to work with an array of City and School District staff. Their comprehensive knowledge of the existing facilities and their capital needs was remarkable, and their assistance to the project team is greatly appreciated.

An overview of the recommended \$23.9 million capital investment plan for facilities (FY2018-FY2023) is provided below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen McGoldrick'.

Stephen McGoldrick
Director

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CAPITAL IMPROVEMENT PLAN FOR CITY AND SCHOOL FACILITIES (FY2018-FY2023)

Introduction

If approved, the proposed capital improvement plan (CIP) will result in an investment of just over \$23.9 million in 40 projects in city and school facilities over the next six years (FY2018-FY2023). Recommended projects range in size from \$25,000 to make electrical upgrades at the Candias Fire Station to nearly \$8.8 million for a large scale renovation of the Resilience Preparatory Academy, located at 290 Rock Street. Of the 41 projects, 17 will take place at city facilities (\$5.4 million), while 23 projects will be at school facilities (\$18.5 million). Anticipated funding sources include general fund pay as you go (\$806,600), general fund debt funding (\$11.2 million), and Massachusetts School Building Authority (MSBA) grant funding (\$11.9 million).

Project Requests

Members of the project team met on several occasions with City and School District staff to compile a list of capital needs, and to prepare associated descriptions and project justifications. A total of 120 project requests were received, with a combined estimated cost of \$71.4 million between FY2018 and FY2022. Six projects with values in excess of \$2 million were submitted and include:

- Complete renovation of Bank Street Armory: \$16,500,000;
- Replace glass windows at Government Center: \$6,000,000;
- Repairs and renovations to reactivate Wiley School: \$5,800,000;
- Upgrade electrical system at Resiliency Preparatory Academy: \$2,564,940;
- Design and construct new central garage facility: \$2,500,000; and,
- Upgrade plumbing system at Resiliency Preparatory Academy: \$2,393,944.

An additional eight projects were submitted values in excess of \$ 1million each.

Projects were categorized by the type of building system that was involved, with wholesale renovation of a building listed as "renovation" and new construction as "new". The single greatest category was found to be "renovation" as this included the Bank Street Armory, the Wiley School, renovation of warming houses/bathrooms in parks across the city (\$1.5 million), and renovation of the Fire Museum (\$500,000), among others. Window replacement (\$14.3 million), mechanical (e.g., heating and cooling systems) (\$7.6 million), roofs (\$4.4 million), and electrical upgrades (\$4.4 million) followed.

CAPITAL PROJECT REQUESTS BY TYPE (ALL YEARS)				
Project Type	City Amount	District Amount	Total	% of total
ADA	15,000	85,000	100,000	0.1%
Asbestos		1,481,250	1,481,250	2.1%
Bathroom	140,000		140,000	0.2%
Ceiling	30,000		30,000	0.0%
Doors	1,000,000		1,000,000	1.4%
Electrical	1,070,000	3,284,940	4,354,940	6.1%
Envelope	600,000	1,283,000	1,883,000	2.6%

Capital Improvement Plan for Fall River City and School Facilities (FY2018-FY2023)

CAPITAL PROJECT REQUESTS BY TYPE (ALL YEARS)				
Project Type	City Amount	District Amount	Total	% of total
Floor	350,000	330,000	680,000	1.0%
Interior	500,000		500,000	0.7%
Mechanical	2,685,000	4,866,600	7,551,600	10.6%
New	2,550,000		2,550,000	3.6%
Outdoor		355,000	355,000	0.5%
Parking	200,000	1,891,450	2,091,450	2.9%
Playground		441,000	441,000	0.6%
Plumbing		2,393,944	2,393,944	3.4%
Renovation	18,800,000	5,800,000	24,600,000	34.4%
Roof	2,080,000	2,357,000	4,437,000	6.2%
Safety	775,000	1,788,964	2,563,964	3.6%
Window	7,455,000	6,810,000	14,265,000	20.0%
	38,250,000	33,168,148	71,418,148	

It should be noted that the City facilities team focused on building envelope needs first – an appropriate prioritization in the opinion of the project team. However, this means that some interior improvements may not have been identified, as can be seen by the fact that no City plumbing requests were submitted. It is unlikely with the age of the City's building inventory that no plumbing upgrades are warranted, although other needs reasonably take precedence. As a result, while the list of projects gathered is very comprehensive, it likely remains less than the true capital need for facilities.

Funding

Three funding sources that could support the capital plan were identified. These include:

- **Capital Outlay / Pay As You Go:** Pay as You Go capital projects are funded with current revenues and the entire cost is paid off within one year so no borrowing takes place. Projects funded with current revenues are customarily lower in cost than those funded by general obligation bonds because there are no interest costs. However, funds to be used for this purpose must be carefully planned in order to not impact the annual operating budget. For this reason, Pay as You Go capital projects are typically lower in value than projects funded by borrowing;
- **Municipal Indebtedness:** The most commonly used method of financing large capital projects is general obligation bonds (GO Bonds). They are issued for a period of time ranging from 5 to 30 years, during which time principal and interest payments are made. Making payments over time has the advantage of allowing the capital expenditures to be amortized over the life of the project, expanding the capacity of a municipality to invest in capital through a reduced commitment of funds on an annual basis. For the Fall River capital plan for facilities, a level debt schedule, in which principal and interest payments do not vary over time, was used to calculate annual costs. This method increases interest payments over the long term but results in a lower annual payment in the early years of the borrowing; and,
- **Massachusetts School Building Authority (MSBA)** – The MSBA provides funding for school feasibility, design, and construction. Projects must be accepted into the process in response to the submission of a Statement of Interest which identifies a facility problem to be solved. Subsequently, the community must vote approval for funding schematic design and later, construction, before the MSBA will commit to cost-share the project. If accepted, the MSBA determines the amount of reimbursement it will offer based upon community need, with a minimum base rate of 31%. The percent of reimbursement can then be increased based upon three factors: community income factor, community property wealth

Capital Improvement Plan for Fall River City and School Facilities (FY2018-FY2023)

factor, and community poverty factor. Fall River has historically received an 80% reimbursement rate from the MSBA. The CIP conservatively uses a 70% reimbursement rate since not all aspects of a given project are reimbursable and there no guarantee that a given application will be approved.

In addition, some projects may be eligible for Community Preservation Act (CPA) funding, but this is a local decision by the CPA committee and the project team did not make any assumptions regarding this funding source. As can be seen in the table below, the vast majority of projects fall into the general fund debt-funded category, although a sizeable amount are eligible for outside MSBA grant funds.

ALL PROJECTS BY FUND AND YEAR (FY2018-FY2022)							
	FY2018	FY2019	FY2020	FY2021	FY2022	TOTAL	% of total
GF (Debt)	7,408,150	7,347,600	29,358,184	7,853,144	5,096,150	57,063,228	80%
GF (Pay as You Go)	697,250	815,250	820,250	327,000	194,450	2,854,200	4%
MSBA (eligible)	28,000	1,807,400	7,383,320	994,000	1,288,000	11,500,720	16%
	8,133,400	9,970,250	37,561,754	9,174,144	6,578,600	71,418,148	

To develop the proposed project listing, City staff provided the project team with an estimate of \$500,000 in general funds to be used each year. This amount, of course, is subject to approval by the City Council, but it provided a framework to use to when making hard decisions about which projects to recommend for funding.

Project Scoring

The project team scored all of the project requests using a system specifically developed for facilities projects that takes into account the severity of need (from physical discomfort to property or life safety issues), whether the facility is used year round or has limited use, whether the facility can be accessed by the general public, and whether outside grant funds are available to cover part of the cost, among other considerations. The single highest score given was 120 points for electrical upgrades to Government Center that will address the over-taxed electrical system that is tied to the fire detection system and at the Resiliency Preparatory Academy for largely the same reasons. The lowest score given was 22 points for projects to: a) refinish the floor at the Stone School, a facility that will no longer be occupied; b) repoint the masonry at the Stone School; and, c) purchase a generator for the Veteran's Building – a building that does not appear to have any municipal or school activities within it.

COST BY PROJECT SCORE (All Years, All Funds)		
Score	Amount	% of total
110 points or greater	9,844,040	14%
100+ points	13,910,540	19%
90+ points	25,928,448	36%
80+ points	28,557,448	40%

Project Plan (FY2018-FY2023)

A total of 40 projects, with a total value of \$23.9 million have been identified for inclusion in the capital improvement plan; the amount proposed for funding is equal to 33.5% of total project requests. By funding source, \$11.18 million were identified as debt-funded projects, \$806,600 in pay as you go capital funded projects, and \$11.9 million in projects eligible for MSBA funding. One of the reasons the MSBA share is so high is that a series of individual projects at the Resiliency Preparatory Academy (RPA) were bundled into a

Capital Improvement Plan for Fall River City and School Facilities (FY2018-FY2023)

FINANCE 2

single comprehensive renovation. A number of these would be ineligible as "stand alone" projects, but are potentially eligible as part of a large scale renovation. The combined RPA projects included the plan total \$8.8 million. A 65% reimbursement rate was conservatively used as part of the CIP, resulting in just over \$5.7 million in estimated funding from the MSBA.

The yearly spending plan is identified below. As can be seen, the \$500,000 in anticipated local funding per year is sufficient to fully balance the first four years of the plan. Although FY2022 and FY2023 are presently underfunded in this spending plan, sufficient time remains to identify alternative funding sources to cover a portion of these costs, or to increase the amount of local funding provided for facilities, as opposed to other capital needs. The project team understands that the City's existing debt will be declining as those years approach, and City decision makers can make a determination whether some of the savings could be used for facilities.

PROPOSED SPENDING PLAN (FY2018-FY2023 CIP)						
Fiscal Year	GF PayGo	GF Debt	RPA Debt	Total	Avail Resources	Difference
2018	0	17,400		17,400	17,400	0
2019	310,600	179,599		490,199	500,000	9,801
2020	252,000	237,374		489,374	500,000	10,626
2021	120,000	379,145		499,145	500,000	855
2022	124,000	495,094	195,000	814,094	500,000	(314,094)
2023	0	663,909	195,000	858,909	500,000	(358,909)
Total	806,600	1,955,121	390,000	3,151,721	2,500,000	(651,721)

Only one project is budgeted for in FY2018. This is a \$1 million replacement of windows at the James Tansey Elementary School. The School District has already received a funding commitment from the MSBA for 80% of the project cost, resulting in a local match of \$200,000. The \$17,400 cost in FY2018 represents the one-year debt service payment for the project. Debt service for the RPA project has its own column in the table above since it is such a large project and will be subject to detailed MSBA review over the next few years as the project parameters are refined and the reimbursement rate is set.

The two tables below identify the specific projects recommended for funding between FY2018 and FY2023. The first table, entitled "Projects by Funding Source and Fiscal Year (FY2018-FY2023)" breaks down the projects into the three potential funding areas and indicates the year in which funds will be provided. It should be noted that all projects identified as MSBA-eligible require a local match, so each of these projects has two rows – one either under pay as you go capital or debt-funded, and another under MSBA-eligible. The second table, entitled "Projects Summary by User Department" provides a description of the project and identifies the total funding to be made available. This table is organized in alphabetical order by City department (e.g., fire, library, etc.) and then by school facility (e.g., administration, AS Letourneau Elementary School, Carlton Viveiros Elementary School).

PROJECTS BY FUNDING SOURCE AND FISCAL YEAR (FY2018-FY2023)

Project #	Project Title	Location	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY2023	Total
GENERAL FUND PAY AS YOU GO FUNDED PROJECTS									
FAC33	Roof Replacement	Flint Fire				30,000			30,000
FAC40	Roof Replacement	Main Library		80,000					80,000
FAC50	Roof Replacement	Police Department			65,000	0			65,000
FAC52	Upgrade Electrical	Candias Fire Station			25,000				25,000
SCH07	Roof replacement	Samuel Watson Elementary School		72,600	0				72,600(*)
SCH14	Replace original boiler	James Tansey Elementary School					43,500		43,500(*)
SCH19	Replace roof section	Westall Elementary School					37,500		37,500(*)
SCH35	Boiler replacement & Gas Conversion	Administration Building			70,000				70,000
SCH25	Playground improvements	AS Letourneau Elementary School			25,000				25,000
SCH33	Repair play area and equipment	Carlton Viveiros Elementary School					43,000		43,000
SCH28	Rubberized play surface	John J Doran Elementary School		55,000					55,000
SCH44	Repair concrete walks and walls	John J Doran School		67,000	67,000				134,000
SCH29	Playground improvements	Spencer Borden Elementary School				90,000			90,000
SCH42	Playground improvements	William S Greene Elementary School		36,000	0				36,000
	Sub-Total Pay-as-You-Go Projects		0	310,600	252,000	120,000	124,000	0	806,600
GENERAL FUND (NON-EXEMPT) DEBT-FUNDED PROJECTS									
FAC04	Renovation of Building Exterior	Central Fire		100,000	300,000	100,000	100,000	100,000	700,000
FAC10	Replace Garage Doors	Multiple fire stations & Police Station		170,000	170,000	170,000	170,000	170,000	850,000
FAC11	Replace Roof	Stanley Fire Station		200,000					200,000
FAC18	Floor replacement	Stanley Fire Station		150,000					150,000
FAC23	Garage Doors	Stanley Fire Station		150,000					150,000
FAC34	Roof Replacement	Globe Fire Station		125,000					125,000

PROJECTS BY FUNDING SOURCE AND FISCAL YEAR (FY2018-FY2023)

Project #	Project Title	Location	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY2023	Total
FAC56	Floor Reinforcement	Stanley Fire Station		200,000					200,000
FAC02	Electrical Upgrades	Government Center					500,000		500,000
FAC15	Boiler Replacement and Energy Management System	Government Center						775,000	775,000
FAC22	Roof Replacement	Government Center		800,000					800,000
FAC30	Office space upgrades	Government Center		100,000	100,000	100,000	100,000	100,000	500,000
FAC27	Full Renovation of Kennedy Park Office Building	Kennedy Park Office						250,000	250,000
SCH04	Replace existing windows	Talbot Middle School				435,000			435,000(*)
SCH05	Convert Bldg. from Elect. to NG	Talbot Middle School						600,000	600,000
SCH08	Asbestos removal	Talbot Middle School						264,150	264,150
SCH13	Window replacement	Henry Lord Middle School		12,000	90,000	90,000	90,000	90,000	372,000(*)
SCH27	Replace EDPM roof	Henry Lord Middle School			10,500	330,000			340,500(*)
SCH24	Window replacement	James Tansey Elementary School	200,000		0				200,000(*)
SCH01	School Renovation	Resiliency Preparatory Academy (7-12) (RPA)					3,076,710		3,076,710(*)
SCH03	Replace a Redundancy Boiler System	Samuel Watson Elementary School				135,000			135,000(*)
SCH16	Window replacement all levels	Samuel Watson Elementary School				160,500			160,500(*)
SCH17	Asbestos removal	Westall Elementary School					191,450		191,450
SCH18	Replace a Redundancy Boiler System	Westall Elementary School				273,780			273,780(*)
SCH20	Replace Windows	Westall Elementary School					255,000		255,000(*)
SCH46	Install retaining wall	Westall Elementary School		120,000					120,000
	Sub-Total Non-Exempt Debt Funded Projects		200,000	2,127,000	670,500	1,794,280	4,483,160	2,349,150	9,452,310
MSBA ELIGIBLE PROJECTS (also see General Fund Pay as You Go and Debt-Funded Projects for local match)									
SCH04	Replace existing windows	Edmond P Talbot Middle School				1,015,000			1,015,000
SCH13	Window replacement	Henry Lord Middle School		28,000	210,000	210,000	210,000	210,000	858,000
SCH27	Replace EDPM roof	Henry Lord Middle School			24,500	770,000			794,500
SCH14	Replace original boiler	James Tansey Elementary School					101,500		101,500

PROJECTS BY FUNDING SOURCE AND FISCAL YEAR (FY2018-FY2023)

Project #	Project Title	Location	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY2023	Total
SCH24	Window replacement	James Tansey Elementary School	800,000		0				800,000
SCH01	School Renovation	Resiliency Preparatory Academy (7-12) (RPA)					5,713,890		5,713,890
SCH03	Replace a Redundancy Boiler System	Samuel Watson Elementary School				315,000			315,000
SCH07	Roof replacement	Samuel Watson Elementary School		169,400	0				169,400
SCH16	Window replacement all levels	Samuel Watson Elementary School				374,500			374,500
SCH18	Replace a Redundancy Boiler System	Westall Elementary School				638,820			638,820
SCH19	Replace roof section	Westall Elementary School					87,500		87,500
SCH20	Replace Windows	Westall Elementary School					595,000		595,000
	Sub-Total MSBA Eligible Projects		800,000	197,400	234,500	3,323,320	6,707,890	210,000	11,473,110

	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY2023	Total
GRAND TOTAL	1,000,000	2,635,000	1,157,000	5,237,600	11,315,050	2,559,150	23,903,800

FINANCE 2

PROJECT SUMMARY BY USER DEPARTMENT (FY2018-FY2023)

Project #	Project Title	Location	Project Description	Total Project Cost
FIRE DEPARTMENT				
FAC04	Renovation of Building Exterior	Central Fire	This project will renovate the exterior of the Central Fire Station, including but not limited to the roof and windows, repointing the brickwork, and replacing garage doors, etc. The existing building envelope is decaying causing structural and public safety concerns.	700,000
FAC10	Replace Garage Doors	Multiple fire stations & Police Station	This project will replace the garage doors on six public safety buildings, all of which are beyond life expectancy and in need of constant maintenance and repair.	850,000
FAC11	Replace Roof	Stanley Fire Station	The existing roof on the Stanley Fire Station is leaking, causing interior and exterior damage. This project will replace the roof.	200,000
FAC18	Floor replacement	Stanley Fire Station	The current wooden floor is rotting and caving in in several places, causing a structural and public safety hazard. This project will replace the flooring with concrete and steel.	150,000
FAC23	Garage Doors	Stanley Fire Station	This project will replace the 2 garage doors on the Stanley Fire Station which are well beyond their useful life and regularly require extensive repairs at a significant cost.	150,000
FAC33	Roof Replacement	Flint Fire	This project will replace the 20,000 sf roof on the Flint Fire Station. The existing roof is metal and the hardware is beginning to fail and cause small leaks.	30,000
FAC34	Roof Replacement	Globe Fire Station	This project will replace the roof on the Globe Fire Station. The roof currently suffers from extensive leaks which cause exterior and interior damage, and require frequent costly repairs.	125,000
FAC52	Upgrade Electrical	Candias Fire Station	This project will upgrade the electrical system in the Candias Fire Station, including panel work needed to reinforce power and replace breakers. The existing electrical capacity is not sufficient for present day use.	25,000
FAC56	Floor Reinforcement	Stanley Fire Station	This project will reinforce 2,500 sf of wood flooring that has failed. This section of the fire station is over the boiler room and industrial washer/dryer facility. The wood has deteriorated to the point of failure and floor is sagging and will need to be reinforced with steel.	200,000
GOVERNMENT CENTER				
FAC02	Electrical Upgrades	Government Center	This project will upgrade the electrical system in Government Center including transformers, panels, fire detectors, fire alarms, etc. The existing system is overloaded, and fuses are regularly blowing and panels are melting.	500,000

PROJECT SUMMARY BY USER DEPARTMENT (FY2018-FY2023)

Project #	Project Title	Location	Project Description	Total Project Cost
FAC15	Boiler Replacement and Energy Management System	Government Center	This project will replace four boilers and upgrade the energy management system. The boilers are presently reaching end of useful life and the City is currently spending \$7,000+ per year to keep them running correctly.	775,000
FAC22	Roof Replacement	Government Center	This project will replace the 30,000 sf roof on the Government Center building. The roof is leaking, causing interior and exterior damage.	800,000
FAC30	Office space upgrades	Government Center	Under this project, upgrades will be made to the interior of the Government Center building. There are currently a wide range of deficiencies in the building, including failing ceilings, non-ADA compliance in areas that the public needs to visit such as public service counters and hearing rooms.	500,000
LIBRARY				
FAC40	Roof Replacement	Main Library	This project will replace the 10,000 sf roof on the Main Library. The existing rubber roof was not installed correctly and is failing. The roof includes several skylights, and leakage is occurring as the rubber seams are separating.	80,000
POLICE DEPARTMENT				
FAC50	Roof Replacement	Police Department	This project will replace the 6,000 sf roof on the mechanics garage which is leaking and causing interior and exterior damage.	65,000
PARKS DEPARTMENT				
FAC27	Full Renovation of Kennedy Park Office Building	Kennedy Park Office	This project will renovate the building envelope and add a second means of egress, as required by fire code. Improvements include repairing the support columns, masonry, roof, and repointing the brickwork.	250,000
SCHOOL DISTRICT				
SCH35	Boiler replacement & Gas Conversion	Administration Building	This project will replace the 1917 boiler which is original to the building. The boiler was initially coal fired and then converted to oil. The oil tank has never been replaced, and is likely not compliant with current codes. This project will convert the building to gas to mitigate issues with cost of oil and system maintenance. The project estimate does not include extracting the old tank.	70,000
SCH25	Playground improvements	AS Letourneau Elementary School	This project will replace play structure components and the rubber fall protection surface. The fall surface is damaged and needs to be replaced as a whole. The play structure is well past its useful life.	25,000
SCH33	Repair play area and equipment	Carlton Viveiros Elementary School	This project will upgrade the playground to current standards. A 2008 addition was put onto the play area, was not built to the same standards as the original equipment. The project will repair the fall zone and equipment to meet current standards.	43,000

PROJECT SUMMARY BY USER DEPARTMENT (FY2018-FY2023)

Project #	Project Title	Location	Project Description	Total Project Cost
SCH04	Replace existing windows	Talbot Middle School	This project will replace all windows in the building, remove PCB-laden caulking, and address existing water infiltration into the brick and mortar. Each classroom presently has one 4' x 4' non-opening window. As a result, they are dark and uninviting. The design phase of the project will consider installing windows in a different location in the rooms.	1,450,000
SCH05	Convert Bldg. from Electric to Natural Gas	Talbot Middle School	The building is currently all electric, including lighting, heating, cooling, cooking, and hot water, at a very high annual price. Electricity presently costs approximately \$350,000 annually, in contrast to approximately \$40,000 at other schools. By adding natural gas to this building, it will become more energy efficient, and HVAC equipment and cooking and heating equipment will be greater.	600,000
SCH08	Asbestos removal	Talbot Middle School	This project will remove or encapsulate all asbestos in the building, consistent with the District's goal of removing all asbestos from remaining buildings and encapsulating anything that cannot be removed economically.	264,150
SCH13	Window replacement	Henry Lord Middle School	This project will replace all windows in school. The existing windows have seals that have decayed, leaving the windows fogged and/or inoperable. This contributes to heat loss and the lack of true sun light, resulting in a poor educational environment.	1,240,000
SCH27	Replace EDPM roof	Henry Lord Middle School	This project will replace the 1992 EDPM roof which presently has seam failures, air pockets, and flashing failures. The roof warranty period has expired. Failure to address roof leakage can result in water intrusion and associated health risks due to damp or mold infested walls and ceilings.	1,135,000
SCH14	Replace original boiler	James Tansey Elementary School	This project will replace the original 1952 boiler and air handler. The equipment is well past its useful life and requires continuous maintenance and repair.	145,000
SCH24	Window replacement	James Tansey Elementary School	This project will replace the windows in the Tansey School. The existing windows are original to the building and are inefficient, leading to heat loss and increased energy costs. The windows have asbestos caulking.	1,000,000
SCH28	Rubberized play surface	John J Doran Elementary School	This project will replace the rubber play surface at the school. The existing surface is made of rubberized 2' x 2' rubber squares. The surface has been painted, is deteriorating, and is becoming unsafe to use.	55,000
SCH44	Repair concrete walks and walls	John J Doran School	This project will repair cracked and uneven sidewalks, ramps, and retaining walls in various locations at the school site, crack seal the play area, and seal, repaint lines and games for recess. The current surface is deteriorated and creating a safety concern.	134,000

FINANCE 2

PROJECT SUMMARY BY USER DEPARTMENT (FY2018-FY2023)

Project #	Project Title	Location	Project Description	Total Project Cost
SCH01	School Renovation	Resiliency Preparatory Academy (7-12)	A comprehensive renovation project for the RPA submitted to the MSBA as part of its Major Repairs Program would include the following potential improvements, among others: roof replacement, electrical upgrade, plumbing upgrade, asbestos removal, window replacement fire suppression system, and elevator upgrade.	8,790,600
SCH03	Replace a Redundancy Boiler System	Samuel Watson Elementary School	This project will install two new gas fired boilers that offer a heating capacity of 1.8 million BTU's. The building's energy bills are high and consist temperatures are difficult to maintain given the current system.	450,000
SCH07	Roof replacement	Samuel Watson Elementary School	This project will replace the existing roof with a EDPM roof system, including flashing, drains, and insulation. The existing roof is compromised and currently requires repairs.	242,000
SCH16	Window replacement all levels	Samuel Watson Elementary School	This project will replace all windows of school windows, of which 90% have blown seals, inoperable mechanisms, and/or are completely fogged. The fogged windows reduce natural daylight in the classroom and make the building appear dirty or worn.	535,000
SCH29	Playground Improvements	Spencer Borden Elementary School	This project will replace play structure components and the rubber fall protection surface. The fall surface is damaged and needs to be replaced as a whole. The play structure is well past useful life and is deteriorating.	90,000
SCH17	Asbestos removal	Westall Elementary School	This project will remove or encapsulate all asbestos in the building, consistent with the District's goal of removing asbestos from remaining buildings, and encapsulating anything that cannot be removed economically.	191,450
SCH18	Replace a Redundancy Boiler System	Westall Elementary School	This project will install two new gas fired boilers that will provide a heating capacity of 2.3 million BTU's. The existing boiler is original to the building and only one is currently operational. This project will replace the existing boiler and add a redundancy boiler.	912,600
SCH19	Replace roof section	Westall Elementary School	This project will replace a section of the roof that is the last remaining unreplaced portion of school roof. All other sections were replaced in 2015-2016. The remaining section is approximately 45 years old, and is expected to have significant issues in near future.	125,000
SCH20	Replace Windows	Westall Elementary School	Half of windows have in the school have blown seals, inoperable mechanisms, and/or are completely fogged. Many windows are held shut with sticks and some cannot be opened. The fogged windows reduce natural daylight in the classroom and make the building appear dirty or worn.	850,000

FINANCE 2

PROJECT SUMMARY BY USER DEPARTMENT (FY2018-FY2023)

Project #	Project Title	Location	Project Description	Total Project Cost
SCH46	Install retaining wall	Westall Elementary School	This project will allow for the grading and safe usage of the school grounds by students from grades K-12. The property's existing slope is extremely dangerous for school yard play. Absent a retaining wall, a new play area and other site amenities cannot be constructed.	120,000
SCH42	Playground improvements	William S Greene Elementary School	This project will make necessary playground improvements, including repairing rubberized surface around playground, replacing the slide and climbing structure, and adding walking workout stations, painted games, and lines on the surface. The existing playground equipment has broken components, the surface has been torn up in various locations. The project will replace missing benches.	36,000
TOTAL				23,903,800

FINANCE 2

Fall River City and Schools

- *Organizational Study of Facilities
Maintenance Services*
- *CIP for Facilities*

Presentation to City Council, November 14, 2017

Agenda

- About the Center & the Project
- Facilities Maintenance Study
- Capital Improvement Planning
- Questions & Comments

Facilities Maintenance Study

Study Process

- Interviewed key staff
- Reviewed budgets, organizational charts, job descriptions, and work order data
- Participated in guided tours of several buildings
- Researched best practices in facilities maintenance

FINANCE 2

Strengths

- Solid institutional knowledge
- Longstanding partnership between current directors of the two facilities departments
- Commitment to the City and School District as evidenced by low staff turnover; and,
- Modern electronic work order system and long term planning in the School District.

Challenges

- Significant understaffing in City Facilities Dept;
- Differences b/t departments in terms of automation and tracking of work orders;
- Staff operate in response mode, little or no preventative maintenance
- Large City inventory, incl unused/vacant bldgs
- Relatively high level of unmet capital need
- Ad hoc process to identify and fund facility capital needs

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City Facilities

- Municipal Buildings
 - 557,000 sf
 - Average age = nearly 73 years
 - Range from 600 sf comfort station to 120,000 sf Public Works building
- Vacant Buildings (tax takings)
 - 458,000 sf
 - Average age = 89.5 years
 - Inventory varies over time

School Facilities

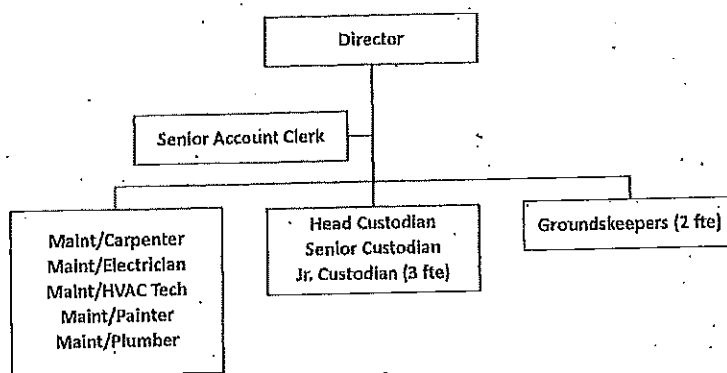
- 19 facilities:
 - 2 administrative buildings
 - 4 middle schools
 - 1 high school
 - 1 middle/high school (Resiliency Prep)
- 2.23 million sf
- Average age – under 50 yrs (range from 4-127 years old)

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City Facilities Responsibilities

- Capital planning and implementation
- Facilities maintenance
 - Preventative maintenance
 - Response to work order requests
 - Response to emergencies
- Grounds maintenance
- Custodial services
- Park design and construction

Staffing (FY2018)



14 fte in FY2018; two fewer than FY2017

FINANCE 2

Budget (FY2016-FY2018)

CITY FACILITIES MAINTENANCE OPERATING BUDGET (FY2016-FY2018)			
	FY2016	FY2017	FY2018
Equip Maint	52,000	47,500	
Parts & Supplies	406,185	402,508	371,675
Contractual Svcs	21,199	30,000	50,000
Training & Other	160		3,500
Utilities	786,137	625,856	444,920
Armory	118,459	25,000	
ADA Compliance			100,000
Custodial Services			185,000
Maint Services			207,500
TOTAL	1,384,140	1,130,864	1,362,595

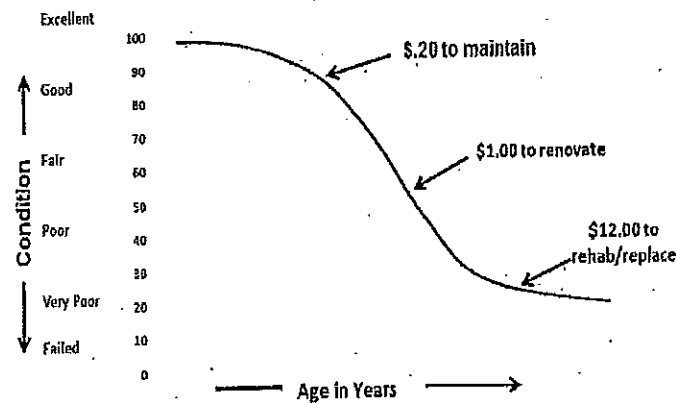
- o Approximately \$368k in direct building maintenance or \$0.36 per sf
- o ADA compliance is new item to make needed improvements
- o FY2018 is greater than FY2017, but less than FY2016

Preventative Maintenance (PM)

- PM returns \$2 in savings for every \$1 in investment
 - o Increased life expectancy of assets
 - o Reduced need for large-scale or emergency repairs
 - o Reduced repair cost by reducing secondary failures
 - o Reduced overtime and more economical use of maintenance workers
 - o Ability to identify equipment with excessive maintenance costs
 - o Improved safety and comfort for occupants

Facilities Maintenance Cycle

Typical Deterioration Curve of a Capital Asset



Finding #1

- City Facilities Maintenance is seriously understaffed
 - Occupied plus vacant inventory indicate need for 8.4 fte maintenance workers
 - Have 5.0 fte (3.4 fte shortfall)
 - Director is supervising all staff (1:15 ratio)

Recommendations:

- 1.1 Immediately reinstate Project Manager position.
- 1.2 Add 3.0 fte in FY2018-19: carpenter, electrician, plumber
- 1.4 Add Architect/Owners Project Manager (OPM) funded by capital projects

FINANCE 2

Finding #2

- Department lacks electronic work order system.
 - All manual process at present – paper documentation at best.
 - Director routinely calls workers to provide assignments
 - Paper files do not allow for data analysis
 - Customers do not know status of request

Recommendations:

2.1 Either leverage School District software or purchase new

2.2 Establish cost centers to determine spending on individual buildings (including time spent)

Finding #3

- Department operates largely in response mode.
 - Work orders/emergencies absorb vast majority of time
 - Preventative maintenance not catalogued when done
 - Lack of/limited PM generates work orders and emergencies

Recommendations:

3.1 Hire consultant to develop multi-year preventative maintenance plans and input into electronic work order system

3.3 Develop modest in-house inventory of parts / supplies

FINANCE 2

Finding #4

- Inventory includes vacant and less than optimal space.
 - Approx. 60% of inventory is vacant
 - Community Maintenance facility not efficient, adequate

Recommendations:

- 4.1 Hire architect for space needs assessment
- 4.2 Develop 2-3 alternatives for space use
- 4.3 Hire engineer for assessment of all buildings

Finding #5

- Departments have over 46,500 sf. of leased space
 - South End Library
 - Storage / garage space for facilities maintenance, community maintenance, traffic, and water division
 - Storing vehicles in open reduces years of service

Recommendations:

- 5.3 Consider building new facility for Community Maintenance Department and other storage / parking needs

Finding #6

- City has 6 fire stations built between 1905 and 2001
 - Some fire trucks parked outside

Recommendations:

6.1 Commission assessment of fire operations to determine facilities needs. Develop master plan for renovation / construction.

Capital Improvement Plan

Finding #12

- City and School capital requests exceed funding available.
 - \$71.4 m in project requests (46% schools, 54% city)
 - 14 projects with value of \$1 million or greater (ex. Armory - \$16.5m; Government Center windows - \$6.0 m; Resiliency Prep (\$8.8 m), Wiley School (\$5.8 m))

Recommendations:

- 12.1 Defer City window projects; pursue ESCO program
- 12.2 Identify outside \$ for Bank Street Armory
- 12.3 Review use of Veteran's Center

Capital Improvement Plan (CIP)

- Proposed \$23.9 m in new capital investment from FY2018-FY2023 (all funds)

PROPOSED SPENDING PLAN (FY2018-FY2023)						
Fiscal Year	GF PayGo	GF Debt	RPA Debt	Total	Avail Resources	Diff.
2018	0	17,400				
2019	310,600	179,599		490,199	500,000	9,801
2020	252,000	237,374		489,374	500,000	10,626
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2023	0	663,909	195,000	858,909	500,000	(358,909)
Total	806,600	1,955,121	390,000	3,151,721	2,500,000	(651,721)

- RPA – Resilience Preparatory Academy renovation
- FY2022-23 are not in balance, but City debt service will be declining then. City Council can decide to apply to facilities

FINANCE 2

Capital Improvement Plan (CIP)

- \$18.5 m for school projects (77.4%)
 - \$8.8m comprehensive renovation – Resiliency Prep Academy
 - Playground improvements – Letourneau, Greene, and Borden Elementary schools
 - Windows – Watson and Westall Elementary schools and Lord and Talbot Middle schools
 - Additional boilers, roofs, asbestos removal, retaining wall

Capital Improvement Plan (CIP)

- \$5.4m for city projects (22.6%)
 - Roof repair/replacement – Flint fire station, library, police station
 - Central Fire Station building exterior
 - Stanley Fire Station – roof, floor, garage doors
 - Globe Fire Station roof
 - Fire station doors (multiple)
 - Government Center – electrical, roof, office space
 - Kennedy Park office renovation

Facilities Conclusions

- Strengths
 - Commitment to City and schools
 - Collaborative working relationship
 - New focus on capital planning for facilities
- Challenges
 - Significant understaffing
 - Lack of work order system / technology
 - Lack of preventative maintenance
 - City facilities may not be aligned with operational needs

QUESTIONS & DISCUSSION

Thank You!

(Councilor Bradford L. Kilby)

WHEREAS, the City of Fall River has uncertain financial obligations, and

WHEREAS, a new B.M.C. Durfee High School ballot question is going before the voters on March 6, 2018 requesting a debt exclusion and, if approved, will increase the burden on taxpayers, and

WHEREAS, the Administration has increased the contractual salaries of the City Administrator and the Director of Financial Services by approximately 17% and 50%, respectively, now therefore

BE IT RESOLVED, that the City Council Committee on Finance convene with the Administration to justify these increases and that a legal opinion from Corporation Counsel be presented at such meeting determining whether or not under the new City Charter City Council approval was required for the Director of Financial Services position since it changed from part time to full time.

In City Council, January 23, 2018
Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk

City of Fall River
Office of the Corporation Counsel

FINANCE

3

JASIEL F. CORREIA II
Mayor

RECEIVED

2018 FEB -2 P 1:46

CITY CLERK
FALL RIVER, MA



JOSEPH I. MACY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

JESSICA A. ADLER
Assistant Corporation Counsel

January 25, 2018

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

RE: Director of Financial Services

Dear Councilors:

This office has been asked "whether or not under the new City Charter City Council approval was required for the Director of Financial Services since it changed from part time to full time."

The direct answer is that it was not.

Section 2-10 of the Charter titled CITY COUNCIL CONFIRMATION OF CERTAIN VACANCIES states, "The mayor shall refer to the city council and simultaneously file with the city clerk, the name of each person the mayor **desires to appoint** as a city officer, department head or as a member of a multiple member body." (emphasis supplied)

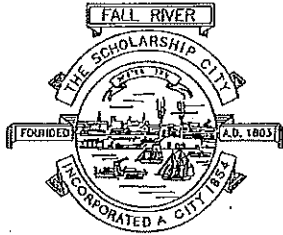
The charter became effective after its adoption by the voters in November of 2017. Its provisions are prospective and its terms apply to actions taken after its adoption.

The current Director of Financial Services was appointed on September 6, 2016. She signed a contract, which contract was renewed on December 20, 2017. The difference between the contracts being term, compensation and hours. Her title, duties, and responsibilities remained unchanged. This was not a new appointment as she had already been appointed to the position. Therefore City Council approval was not required.

I hope this opinion is helpful to you.


Joseph I. Macy, Corporation Counsel

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



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

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RECEIVED

2018 FEB 13 P 12:55

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

February 12, 2018

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

RE: Tax Increment Financing Board

Mr. President and Members of the Honorable Council:

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

Stephen R. Long
City Councilor
1147 Meridian Street
Fall River, MA 02720

As a member of the Tax Increment Financing Board commencing on 02/12/2018.

Thank you for your favorable consideration in this regard.

Jasiel F. Correia II
Mayor



JASIEL F. CORREIA II
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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2018 FEB 13 P 12:55

CITY CLERK
FALL RIVER, MA

February 12, 2018

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

RE: Historical Commission

Mr. President and Members of the Honorable Council:

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

Ruben Amaral
24 Katie Ct.
Fall River, MA 02720

As a member of the Historical Commission Board with a term commencing 02/12/2018 and
expiring 10/20/2020.

Thank you for your favorable consideration in this regard.

Jasiel F. Correia II
Mayor

Ruben Amaral

24 Katie Ct. • Fall River, MA 02720 • Cell: (508) 558-5527 • RubenSilvaAmaral@gmail.com

Objective

To become a member of the planning board that will best utilize my skills and education.

Highlights of Qualifications

Tenant Improvements	New Construction	Budgets and Contracts	Communication Skills
Team Coordination	Problem Solving	Project Estimation	Quality Control
Blueprint, Spec. Review	Purchasing/Procurement	Scheduling	Value Engineering
Permit & Building Codes	LEEDS	Risk Management	Negotiation
Pre-Construction	Change Order Management	Progress Reporting	Close-out Procedures

- An insightful problem solver recognized for strong analytical leadership and customer service skills consistently achieving goals and objectives.
- A construction specialist with more than 10 years of experience working on a variety of residential and commercial projects including drywall, EIFS, LGMF, fireproofing, plaster, roofing, siding, flooring, windows and doors.
- Strong work ethic and customer service background with customer satisfaction being the number one priority.
- Excellent organizational skills; reliable in completing projects while maintaining outstanding communication.
- Dedicated, hard-working individual who has worked on many project teams and has helped lead many projects to a successful completion.
- Verse in Microsoft Suite of products including Microsoft Project completing schedules, budgets and work breakdown structures.
- Verse in On Center Software suite of products including On Screen Take Off and Quick Bid.

Education

Northeastern University, Boston MA

Master of Science in Project Management with a concentration in Construction Management (December 2014)

Wentworth Institute of Technology, Boston, MA

Bachelor of Science in Project Management (August 2012) – Graduated Magna Cum Laude

Bristol Community College, Fall River, MA

Associate of Science in General Studies (May 2009)

Professional Experience

Keith Construction Inc. Canton, MA

March 2015 – Present

Project Manager

- Manage multiple project budgets in excess of \$7,000,000 across New England, Pennsylvania and Washington D.C. Ensuring the company obtains the best possible pricing; determine and minimize risk in buyout processes, reducing costs while effectively meeting architect/engineer specifications.
- Oversee and analyze cost reporting through-out the entire project life cycle. Including creating budgets, projecting costs from beginning to completion of project and managing subcontractor costs.
- Managing contract changes and reviewing with the architect and lenders to ensure scope and budget are within contract limits.
- Overseeing all project activities both on-site and off-site and ensuring project is within scope, budget and schedule.

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- Performing daily inspection of any construction activity outlined by the architect and engineers based upon the approved plans and specifications.
- Preconstruction coordination with field operators, clients and designers.
- Work with local municipalities to obtain approvals for any required permits.
- Design and implement traffic plans and sidewalk protection where required.
- Schedule creation and implementation based upon timeline and manpower required to complete project.
- Manage and supervise job site while scheduling field work, inspections, deliveries, and waste management.

M.L. McDonald Sales Co. LLC. Watertown, MA
Assistant Estimator/Project Manager – Drywall Division

May 2013 – March 2015

- Review construction documents thoroughly, scope project in detail complete takeoffs and submit bid packages.
- Furnish and complete submittals for materials specified within construction documents to be used on projects.
- Compile bids, negotiate, and award contracts to vendors and subcontractors.
- Estimate projects from \$10,000 to \$5,000,000 from tenant fit-outs to new construction schools, hospitals, high-rise, low-rise buildings and homes.
- Assist in managing projects from \$10,000 to \$5,000,000 at the direction of the project manager.
- Coordinate tasks and critical path items with other trades to ensure strict compliance to schedule.
- Obtain specialty permits from local jurisdictional agencies.
- Perform regular job site observations to provide direction for all subcontractor personnel.
- Prepared and followed through on all required punch lists.
- Assisted the vice president in the review, completion and archiving of all closeout documents.
- Reported the quality of performance on site to project manager, project super-intendant and foreman.
- Conducted routine quality audits to ensure that work was progressing per the specifications and initiated corrective actions.
- Implemented systems to improve process efficiency and reduce the project duration.
- Managed all vendor materials and pricing databases for entire drywall division.
- Compile all standardized construction documents from ASTM and UL and train department in additions and changes.

Lowe's Stores Inc. Seekonk, MA
Project Specialist – Millwork

Apr 2008 – May 2013

- Initiate leads for product sales and contractor installs with customers including sales training with associates to generate additional leads.
 - Responsible for ensuring orders are complete from beginning of process to delivery point with customer satisfaction being the number one priority.
 - Review blueprints, complete takeoffs and generate estimates for customers.
 - Communicate with customer and contractor through out all aspects of construction to ensure complete satisfaction.
 - Achievement of the department's sales goals as well as individual special order and install sales goals.
 - Perform audits, cycle counts, receiving of products, ensuring quality and distribution of products to proper work site.
 - Part of a core team responsible for improving quality of work environment, ensure employee and customer satisfaction, including product education and employee mentoring (Voice Team Leader).
 - Compile sales data and prepare reports with product information with highest and lowest sales of the week, analyze comparative data to prior sales.
 - Perform special projects as assigned, up to and including resets of displays and building displays.
-

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Projects

• North Square at the Mill District	Amherst	\$31,500,000	2018
• Symphony Towers Apartments	Boston	\$14,500,000	2018
• Atlantic Terrace/Gardens Apartments	Washington	\$25,000,000	2016/2017
• E.B. McMnitt Apartments	Pittsburgh	\$9,000,000	2016
• Four Freedoms House Apartments	Philadelphia	\$10,000,000	2016
• Park Tower Apartments	Philadelphia	\$7,000,000	2015
• Danker and Donohue Garage	Boston	\$435,000	2015
• Boston Medical Center Yawkey	Boston	\$505,000	2015
• Fitchburg State University Hammond Hall	Fitchburg	\$538,000	2014
• WeWork	Boston	\$2,405,000	2014
• Massachusetts Department of Fisheries and Wildlife	Westborough	\$1,554,000	2013
• Boston University Admissions Center	Boston	\$721,000	2013

Professional References

John Leahy

Project Manager/Estimator
M.L. McDonald Sales Co. LLC.
Watertown, MA
(617) 593-0263

Tim Ryan

Project Manager/Estimator
Commodore Builders
Waltham, MA
(781) 424-9002

Justin Lopes

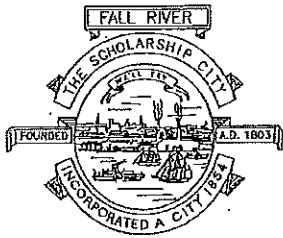
Pre-construction Project Manager
Ernst and Young
Boston, MA
(401) 556-0504

Michael J. Vieira, Ph.D.

President
The V Group
(Former) Associate Vice President for Academic Affairs
Bristol Community College
(508) 642-1024

Edward Benevides

Assistant Store Manager
Lowe's Stores Inc.
Raynham, MA
(774) 526-0145



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

JASIEL F. CORREIA II
Mayor

1C
RECEIVED

2018 FEB 13 P 3:32

**CITY CLERK _____
FALL RIVER, MA**

February 13, 2018

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

RE: Retirement Board

Mr. President and Members of the Honorable Council:

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

Mark Nassiff, Jr.
931 Madison Street
Fall River, MA 02720

As a member of the Retirement Board, with a term commencing 02/13/2018 and expiring 06/16/2021.

Thank you for your favorable consideration in this regard.

Jasiel F. Correia II
Mayor

1C

Mark Nassiff, Jr.
931 Madison St
Fall River, MA 02720
(508)-380-3086
mnassiff@hotmail.com

Resume of Qualifications

SUMMARY

- ◆ Seventeen years progressive experience and responsibilities in Financial Services and Retirement/Pension Plans.
- ◆ Accomplished relationship & territory manager
- ◆ Experienced in the cultivation & development of new accounts.
- ◆ Articulate and people oriented. Relate well with individuals of diverse levels and backgrounds.
- ◆ Goal oriented and accomplished problem solver in selecting appropriate strategies to exceed client expectations.

EXPERIENCE

Nassiff Financial Group-Fall River, MA
Principal

May 2007-Present

- Provide Retirement Income and Preservation Solutions to client base in Southeastern MA and RI.
- Client focus on wealth preservation, growth, and sustainable income.
- Create, implement, and review strategies designed to help clients pursue their retirement goals.
- Devise and execute business development strategies to attract and acquire new clients
- Series 65-Registered Investment Advisor

City of Fall River Retirement Board-Fall River, MA
Board Member-Appointed

June 2014-Present

Holy Name School Advisory Council-Fall River, MA
Council Member

September 2013-Present

Great-West Retirement Services - Denver, CO
Senior Account Executive/Relationship Manager

March 2000 - May 2007

- Manage Massachusetts, Rhode Island and Connecticut territory for sales, service and education of Government Market Retirement Plans including, 401(a), 457(b), and IRA products.
- NASD Series 6,63 and MA, RI, CT Life Insurance Licenses
- Knowledgeable in ERISA, IRC & DB/DC Conversions
- Manage and maintain 23 Government Market relationships with combined plan assets over \$298 million.
- Educate Executive Level Plan Sponsors, CFO, Mayors and Treasurers in industry updates, product knowledge and sales presentations.
- Implement product-marketing campaigns, growth strategies, account retention strategies and plan-to-plan transfer/rollover techniques within assigned territory.
- Prospect and close new Government Market accounts within assigned territory
- Assist with hiring, training and management of Account Representatives and Account Executives

Accomplishments:

- ❖ 2000 Rookie of the Year Award.
- ❖ Presidents Club Qualifier: 2002 -2006
- ❖ Top Performing Account Executive for the New York/New England Region 2002-2006
- ❖ Ranked in the top 5% of all Account Executives nationally 2002-2006

EDUCATION

Bridgewater State College- Bridgewater, MA, Bachelor's Degree-Business/Human Resources 1996



City of Fall River
Massachusetts
Office of the Mayor

2
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2018 FEB 22 P 3:21

JASIEL F. CORREIA II
Mayor

CITY CLERK
FALL RIVER, MA

February 22, 2018

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

RE: Street Sweeping Ordinance

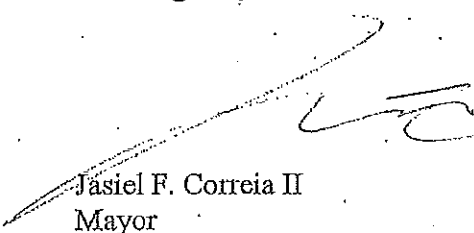
Members of the City Council:

The Administration has been working with members of the City Council's Ordinance Committee to establish citywide street sweeping during the months of April through October. The Department of Community Maintenance is organizing work crews and, in conjunction with the Traffic Division, has developed a means to improve efficiency by restricting parking on street sweeping days. While the sweepers will be able to continue a regular schedule along main thoroughfares, this ordinance will allow sweepers to venture into our neighborhoods and complete street sweeping curb to curb.

The schedule discussed with the Ordinance Committee provides for no parking zones from Monday through Thursday from 8AM to 2PM. However the Ordinance allows for enforcement Monday through Saturday from 8AM to 2PM. These Ordinance times will enable us to expand enforcement activities through Saturdays to accommodate special events or neighborhood clean-up activities.

Your approval of the street sweeping ordinance is respectfully requested.

Best Regards,


Jasiel F. Correia II
Mayor



**CITY OF FALL RIVER
TRAFFIC AND PARKING DIVISION**

JASIEL F. CORREIA II
MAYOR

Laura Ferreira
Director of Traffic & Parking

February 21, 2018

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

Dear Honorable Mayor Correia:

Attach for your review is the new ordinance for the Sweeping Program. I have put together the wording as well as the new section. It will be placed in Article 5, Division 3 and it will have a new section which will be 390 street sweeping.

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

Sincerely,

Laura Ferreira
Director of Traffic & Parking

Cc: Cathy Viveiros, City Administrator

City of Fall River, *In City Council*

2

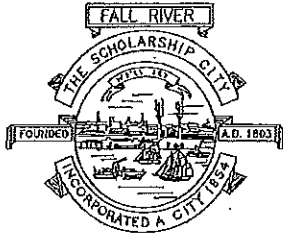
BE IT ORDAINED by the City Council of the City of Fall River, as follows:

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

By inserting a new section to read as follows:

Section 70-390 Street Sweeping

From April to November, Monday through Saturday, 8:00 a.m. to 2:00 p.m. as posted. Vehicles will be tagged/towed at owner's expense.



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2018 FEB 22 P 3:21

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

February 22, 2018

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

RE: Special Assistant to Chief of Police

Members of the City Council:

Chief Dupere is requesting the creation of a new position Administrative Assistant to Chief of Police due to the confidential nature of the position. Included herein is a Job Description, proposed Ordinance and a ruling from the Massachusetts Department of Labor Relations citing the appropriateness of this change to a non-union position. A letter from AFSCME Council 93 also concurs with this change.

An annual salary of \$45,000 is being requested by Chief Dupere. The Ordinance provides for a not to exceed amount of \$50,000 to allow for any future parity adjustment resulting from collective bargaining negotiated increases. There are sufficient funds within the Police Department's FY 2018 Budget to support this increase for the remainder of the fiscal year.

Your approval of this proposed amendment to local ordinance is respectfully requested.

Best Regards,

Jasiel F. Correia II
Mayor

City of Fall River, *In City Council*

3

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

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

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

Administrative Assistant to the Chief of Police

Not to exceed \$50,000.00 per annum



City of Fall River, Massachusetts Police Department

Office of the Chief of Police

3

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

January 31, 2018

To: Cathy Ann Viveiros
City Administrator

From: Albert F. Dupere
Chief of Police

AK

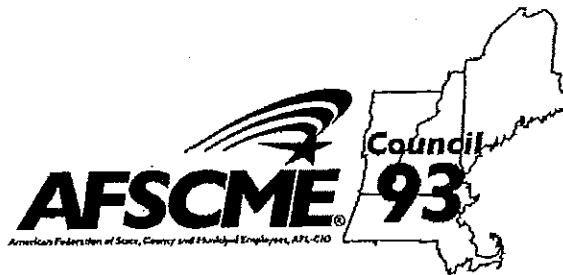
RE: Administrative Assistant to the Chief of Police

Dear Ms. Viveiros,

As I am sure you are aware, the position of an administrative assistant for a chief of police is a highly confidential and complex job. The nature of the job is such that it exposes that person to a number of confidential issues including personnel issues, access to the chief's mail and access to information regarding strategy in labor issues, to name a few. In fact, in the matter of City of Newburyport and AFSCME, Council 93, AFL-CIO (DLR Case No. CAS-13-3101), the Department of Labor Relations (DLR) ruled that the position of Executive Assistant to the Fire Chief is a confidential employee, within the meaning of M.G.L. C. 150E, S.1, and should be excluded from the bargaining unit.

The duties of Administrative Assistant to the Chief of Police in Fall River are currently performed by a person holding a bargaining unit position of Head Administrative Clerk, who is a member of AFSCME, and whose duties are substantially similar to the Executive Assistant in the Newburyport case. It is for this reason that I am requesting that a position of Administrative Assistant to the Chief of Police be established within the Police Department, as a confidential employee, and not part of any current or future collective bargaining unit. In order to attract qualified candidates, I request that the minimum qualification be an Associate's Degree or comparable training or relevant experience and I request an annual salary of \$45,000 be offered. The current budget can support the increase from the current pay rate to the new in the current fiscal year due to vacancies, but would require approximately \$6700 more in the coming year and subsequent budgets.

Thank you for any consideration given this request. I have attached a job description and the DLR case I referenced. Please note that the job description includes updated duties, which are in bold type, and a no overtime provision. I believe these changes justify the higher pay rate. Please contact me with any questions.



3

Frank Moroney
Executive Director

February 15, 2018

Charles C. Owen, Jr.
President

Kevin Hanley
Vice President

Nancy Silva
Recording Secretary

Gerry Mills
Treasurer

Scott Kell
Sgt. at Arms

Madeline Coelho, Human Resource Director
City of Fall River
One Government Center
Fall River, MA 02722

RE: Administrative Assitant to the Chief of Police

Dear Ms. Coelho

Please accept this letter as the Union's understanding of the Chief of Police, Albert F. Dupere's request to remove the Head Administrative Clerk position at the police department, working directly for the Chief, with a non-union position of Administrative Assitant to the Chief of Police. As the Chief has stated in his letter, Afscme Council 93, filed a CAS petition, with the Massachusetts Department of Labor Relations, in regards to a case in the city of Newburyport, MA. The Department of Labor Relations, ruled that the position can be excluded from any Collective Bargaining Agreement, due to the fact of confidentiality of said position. Therefore, the city of Fall River has the right to create a position which is confidential, under MGL Chapter 150e Section 1.

Sincerely,

Scott E. Taveira
Staff Representative

SET:cc

cc: Phil Rodrigues, President Local 3177

3

Job Description Administrative Assistant to the Chief of Police

Perform highly confidential and exceptionally difficult and responsible secretarial work directly for the Chief of Police.

Maintain Chiefs schedule; setting up appointments and meetings.

Responsible for screening and distributing Chief's incoming mail:

Responsible for Chief's correspondence letters, Chiefs Orders, Memos and distributing same.

Responsible for Deputy Chiefs Memos and distributing same.

Assist Administrative Assistant to Chief, Professional Standards and Deputy Chiefs in file/clerical work as needed.

Assist in maintaining the Police Department automated phone system as needed.

Assist department Electrician in billing insurance companies for damage to traffic light poles.

Maintain all personnel files for active and retired member of entire department.

Responsible for updating employee information in IMC (address, phone, emergency contacts)

Maintain all records of personnel time in IMC (furlough, sick, personal days) for all personnel assigned to the Chief's office.

Entrusted with receiving money from the Vice Unit to be placed in safe (drug money, evidence money) one of two people who have access to safe.

Responsible for receiving money from the Record Room for purchasing police reports then turn over to Treasurer's Office.

Process all applications for approval from Chief for the City Clerk's Office including Raffles, Bazaar, Beano licenses, Pawnbrokers, Second Hand, Junk Collector & Junk Yard, Hawkers and Peddlers,, Transient Vendor, Auto Body, Auto Repair, Taxicab, Private Livery Vehicle and Driver and Billiard licenses. Maintain files on all of the above.

Process all applications for approval from the Chief for the Licensing Board including New and Used Vehicle Licenses, Restaurant Licenses, Alcohol, Package Store, Entertainment and Juke Box. Maintain files on all of the above.

Assisting in researching and responding to grievances and contract negotiation requests.

3

Takes initiative to be well informed and aware of deadlines to have appropriate reports done for City Council and Licensing Board meetings.

Arrange interviews for new recruits as well as distributing and collecting application packets.

Organize promotional interviews for police personnel.

Responsible for shipping and receiving packages in Chief's Office and distributing same.

General Duties within the office:

Answer telephone calls, screen calls and take detailed messages.

Respond to inquiries from the public and other governmental agencies.

Receive incoming daily mail and distribute to appropriate personnel.

Sort and distribute payroll checks throughout the department.

Responsible for performance with National and State Accreditation Standards as well as City standards for all work performed.

Cover for any clerk in the Chief's Office as needed.

Salaried position may include hours outside of regular office hours (8AM-4PM) without additional compensation.

Other duties as determined by the Chief of Police.

Case No.: Case No. CAS-13-3101

Parties: In the Matter of CITY OF NEWBURYPORT and AFSCME, COUNCIL 93, AFL-CIO

Commission Agent: Board Members Participating:

Marjorie F. Wittner, Chair

Elizabeth Neumeier, Board Member

Harris Freeman, Board Member

Date: September 12, 2014

Appearing: Appearances:

Erin L. DeRenzis, Esq. - Representing AFSCME, Council 93, AFL-CIO

Darren R. Klein, Esq. - Representing the City of Newburyport

DECISION

Summary

The issue presented in this case is whether the Executive Assistant to the Fire Chief is a confidential employee within the meaning of Section 1 of M.G.L. c.150E (the Law) who should be excluded from the bargaining unit that AFSCME, Council 93, AFL-CIO (Union or AFSCME) represents in the City of Newburyport (City). We conclude that the disputed title is a confidential employee within the meaning of the Law, and, consequently, we dismiss the Union's petition.

Statement of the Case

On September 6, 2013, the Union filed a unit clarification petition with the Department of Labor Relations (DLR) seeking to accrete the newly-created position of Executive Assistant to the Fire Chief into AFSCME's existing bargaining unit. The City and AFSCME subsequently participated in an informal conference at the DLR's office on November 19, 2013. The parties submitted information, affidavits and position statements before and after the conference.

By letter dated August 5, 2014, the Commonwealth Employment Relations Board (Board) directed the parties to show cause why it should not resolve the unit clarification petition based upon the information provided at the informal conference and summarized in the August 5 letter. Neither party filed a response. Because all material facts necessary to the Board's decision in this case are not in dispute, it is appropriate to decide the case based on the information that is set forth below. Based on these facts, we conclude that the Executive Assistant to the Fire Chief is a confidential employee within the meaning of Section 1 of the Law, and we dismiss the Union's accretion petition.

Statement of Facts

AFSCME's Bargaining Unit[1]

The City and AFSCME are parties to a collective bargaining agreement covering the period of July 1, 2012 - June 30, 2015 (CBA).[2] The recognition clause of the CBA states that the City recognizes AFSCME as the exclusive collective bargaining representative for all employees of the City of Newburyport excluding all Department Heads, Administrative Assistant to the Assessor; Assistant Assessor; Assistant Treasurer; Administrative Assistant to the Auditor; all employees of the Clerk's Office (Admin. Secretary; Parking Clerk and Assistant Clerk), Appointed Officials, [and the] Executive Secretary to the Mayor. AFSCME's bargaining unit contains approximately 135 employees in a wide variety of positions, including the

titles Administrative Secretary and Administrative Assistant. AFSCME's bargaining unit includes the Administrative Assistant to the Police Chief. [3]

The Fire Department

The Fire Department employs one Chief, one deputy chief, four lieutenants, twenty-eight full-time firefighters, four full-time dispatchers, and three call firefighters. All of the full-time employees other than the Chief are included in bargaining units. The firefighters are represented by Local 827, I.A.F.F., AFL-CIO, and AFSCME represents the dispatchers.

The Executive Assistant position is a newly-created position. Previously, the City did not have an administrative position in the Fire Department, and former Fire Chief Stephen Cutter (Cutter) performed all of the administrative duties himself.

The Fire Chief is a managerial employee and a member of the City's negotiating team. He attends collective bargaining sessions, participates in determining the City's bargaining strategy, and potentially drafts bargaining proposals and counterproposals. He also takes personal notes at bargaining sessions. The Fire Chief is responsible for submitting a draft budget recommendation annually, and requesting funding for the Fire Department for the following fiscal year. This process may include making wage and benefit projections. The Fire Chief, as the "Department Head," is also the first step in the contractual grievance procedure.

The Hiring Process for the Executive Assistant

In February of 2013, former Fire Chief Cutter retired and the City convened a Fire Chief Screening Committee to search for a new chief. In the process of drafting the Fire Chief's job description and reviewing applications, the Screening Committee determined that the new chief would need administrative support to accomplish the City's goals for the Fire Department, and to enable the new chief to focus attention on Fire Department management. On April 18, 2013, the City hired Christopher LeClaire (Chief LeClaire) as the Fire Chief. It then sought to fill the Executive Assistant position as soon as possible since Chief LeClaire was scheduled to begin work on June 1, 2013.

City Human Resources Director Jennifer Lamarre (Lamarre) discussed the Executive Assistant position with AFSCME president Jerry Cronin (Cronin), noting that the City would use the job description for the Administrative Assistant in the Police Department for reference in creating the Fire Department Executive Assistant job description. The City quickly drafted a job description (initial job description) for the Executive Assistant position and attached it to a job posting. On May 28, 2013, the City posted the position, forwarded the posting, and attached job description to City department heads and to AFSCME Representative James Breslin (Breslin). The posting indicated that the position would be a 35 hour per week position [4] at AFSCME Grade 24 and provided in pertinent part as follows:

AFSCME POSITION OPENING*... *This new position is subject to appropriation in the FY14 Budget and may be included as a member of the AFSCME collective bargaining unit." (emphasis in original.)

The initial job description stated that the purpose of the position was to provide highly reliable administrative services to the Fire Chief, including processing and maintaining departmental accounts payable, accounts receivables, and payroll; maintain department personnel records; receive phone calls and visitors; develop and implement office procedures; maintain filing system; prepare reports and correspondence; and schedule meetings and appointments. It also stated that: "[t]he Executive Assistant has access to departmental personnel records, legal proceedings, collective bargaining information, and criminal investigations and records." The initial job description listed the following as essential job functions:

- * Provides executive and administrative support to the Fire Chief to ensure the efficient and smooth operation of the Chief's Office and schedule.

- * Performs a variety of customer service functions as primary contact for the Chief's Office, screens calls and greets visitors, takes messages, schedules appointments, manages appointment calendars, answers or directs inquiries and complaints as appropriate.

- * Assists the Fire Chief in formulation, implementation, and financial reporting of the departmental budget, monitors and tracks all expenditures related to the budget, including various grants, and projects, and provides regular financial reports to the Chief.

- * Processes departmental payroll, preparing and inputting payroll data, including the review of payroll data, monitoring hours worked to ensure compliance with collective bargaining agreements, and recording, tracking and maintaining all department employee attendance and leave accounts, resolving discrepancies with the City's Human Resources Department. This includes payroll and related OT assignments and special payments for all personnel in the Fire Department.

- * Processes departmental accounts payable, ensuring timely processing of all invoices to include the verification of authenticity of the payable(s), identifying the account(s) to be charge[d], and inputting the data into the City's accounting system; interacts with vendors and other City Departments in resolving accounts payable discrepancies.

- * Processes departmental accounts receivable and cash receipts, preparing and processing all billing for the department which may include Fire Alarm, Overtime/Detail Billing, etc...

- * Processes and posts all department cash receipts and reconciles with City's Finance Department weekly/monthly; and interacts with vendors to collect debt or resolve discrepancies within accounts.

- * Maintains and updates various departmental databases and fee schedules.

- * Processes grant application filings, requests for reimbursements, and completion of reports, following Federal and State Laws, grant guidelines and timelines.

- * Sets up for meetings and functions, determining, creating, and producing the necessary items that are needed (agenda, reports, statistical data, office equipment, refreshments/food items, and other duties as required) and following through so the meeting/function runs smoothly.

- * May be asked to provide secretarial assistance to other boards and/or committees that the Fire Chief is a member of.

- * May be required to represent the Fire Chief at meetings and be asked to work outside normal business hours.

- * Performs other duties as assigned by the Fire Chief.

After Chief LeClaire began his employment, he concluded that the Fire Department's personnel, medical, and collective bargaining agreement files were in "chaos" as they were unsecured and poorly kept. He determined that it would be a significant responsibility of the new Executive Assistant to

properly organize, maintain, and access the Department's personnel, medical, collective bargaining, and other confidential files in a secure manner, and that the Executive Assistant would need keys to all of the Fire Department's confidential files. Chief LeClaire believed that he would need a non-unit confidant since he was the only non-unit employee in the Fire Department.

On or about June 18, 2013, Chief LeClaire and Lamarre interviewed applicants for the Executive Assistant position. They asked the applicants some questions pertaining to confidential duties that the Executive Assistant would perform, i.e., "[h]ave you ever worked in a position where you had to keep many things confidential? How did you handle that?" However, the majority of the interview questions pertained to the applicants' experience, goals, skills and qualifications, e.g., "[t]ell us about your specific accounts receivable experience. What exactly did you do and how often did you do it?"

On or around July 24, 2013, the City selected Janice Richard (Richard) to fill the Executive Assistant position, and she began her employment on August 5, 2013. In the process of making the appointment, and after further considering the type and nature of the work that the Executive Assistant would be performing, the City amended the prior job description (amended job description) to describe the position's confidential duties more specifically. The amended job description differed in part from the initial job description by expanding the description of the job's purpose to include: updating personnel records and assisting in the review and preparation of confidential documents, including responses to grievances and bargaining proposals. The amended job description noted that the Executive Assistant would have access to litigation materials and correspondence, collective bargaining strategy memoranda, and records pertaining to internal discipline. It also added the following as an essential duty: "Assists the Fire Chief in review and preparation of responses to union grievances; maintains grievance files; [and] assists in preparation of proposals for collective bargaining sessions with [the] union."

By letter dated August 16, 2013, Breslin asked City Director of Policy & Administration Peter Lombardi (Lombardi) whether or not the City would voluntarily recognize AFSCME's bargaining unit as an appropriate bargaining unit for the Executive Assistant position, and if not, the specific reasons for denying recognition. Lombardi replied by letter dated August 23, 2013, declining to recognize AFSCME and explaining the City's position as follows:

The employee in this position will have a substantial relationship with the Fire Chief. This relationship requires a legitimate expectation of confidentiality in their day-to-day dealings. In this capacity, the individual will have access to confidential information about the City's collective bargaining strategy and prior notice of what management proposals will be offered at the bargaining table. Moreover, the employee in this position will have access and regular exposure to management's position on personnel matters, such as discipline and responses to union grievances.

The Executive Assistant's Working Conditions and Duties

Except for working forty hours a week instead of thirty-five, the Executive Assistant has the same hourly rate and benefit package as positions in AFSCME's unit. Her hours, 7:30 a.m. to 4:00 p.m., are the same as the Fire Chief's official hours. Her office is connected to the Fire Chief's office, and people must walk through her office to enter the Fire Chief's office. There are no additional offices on the floor where the Fire Chief and Executive Assistant work, other than the dispatch center.

The Executive Assistant often opens the Fire Chief's mail, including correspondence regarding financial and personnel matters, retrieves most correspondence forwarded to the Chief's office by facsimile transmission, which can include confidential material regarding labor and personnel disputes, and has access to the Chief's email and voicemail. When the Fire

Chief is not in the office, she is responsible for checking his communications, including his mail, email and answering his telephone. The Executive Assistant has a key to the locked confidential files that the Chief keeps in the Fire Department, and she maintains files containing personal notes that the Chief takes at bargaining sessions.

During the budget process for FY2015, the Executive Assistant was involved in making salary and budget projections, analyzing the impact of those projections on the overall Department budget, and calculating potential wage scales. During negotiations, she does not attend bargaining sessions, but she creates and updates a WORD document from the notes and comments she receives regarding the negotiations from the City's negotiators. This document is like a journal of the progress of the negotiations from the City's vantage point. The Executive Assistant circulates it to various City representatives and then files it with the City's collective bargaining files.

Opinion[5]

Section 1 of the Law defines the "confidential" exclusion as follows: Employees shall be designated as confidential employees only if they directly assist and act in a confidential capacity to a person or persons otherwise excluded from coverage under this chapter.

The Board has construed this statutory language to exclude those individuals who have a direct and substantial relationship with a managerial employee, so there is a legitimate expectation of confidentiality in their routine and recurrent dealings. Town of Medway, 22 MLC 1261, 1269, MCR-4350 and 4352 (October 23, 1995). Regular exposure to confidential material directly related to labor relations policy or equally sensitive policy information while directly assisting an excluded employee is grounds for finding an employee confidential. North Attleborough Electric Department, 32 MLC 66, MCR-04-5091 (June 29, 2005). This exclusion has been narrowly interpreted to exclude as few employees as possible, while not unduly hindering the employer's operations. Silver Lake Regional School Committee, 1 MLC 1240, 1243, CAS-163 (January 13, 1975).

The City contends that the Executive Assistant is a confidential position because she regularly and routinely performs functions of a confidential nature for the Fire Chief, an excluded employee, [6] and the only non-unit employee in the Fire Department. It stresses her significant access to confidential information, including personnel, medical, collective bargaining and grievance files, and the City's responses to grievances and internal disciplinary issues. The City notes that the Executive Assistant handles the majority of the Chief's regular mail and retrieves facsimile transmissions, both of which can include correspondence regarding labor and personnel matters, and has access to his email and voicemail. It highlights her responsibility for filing and maintaining the personal notes that the Chief takes at bargaining sessions, and her role in making salary and budget projections for the upcoming fiscal year by analyzing the impact of those projections on the Fire Department budget and calculating potential wage scales.

Although the Union challenges the City's general assertion that the position performs work of a confidential nature that would require exclusion from the bargaining unit, it did not dispute any of the facts set forth in the Board's August 5, 2014 show cause notice. Rather, the Union argues that the interviews conducted for the Executive Assistant position did not focus on the alleged confidential nature of the position, and the position receives Union contractual benefits, "borrows heavily" from existing Union job descriptions, and shares a community of interest with other members of the Union's bargaining unit. We are not persuaded by the Union's arguments.

There is no dispute that the Executive Assistant performs a variety of non-confidential duties, and the fact that the City questioned applicants primarily on their skills in those areas is inconsequential as is the fact

that the City changed the job description during the hiring process. We note AFSCME's concern for employees who made application decisions in reliance on the initial job description, but in this situation, the City was not precluded from revising the Executive Assistant's job duties to more closely match the needs of the Fire Department and the interests of the new Chief. Further, the fact that the Executive Assistant's job description purposely resembles other bargaining unit job descriptions, and that the position may share a community of interest with other AFSCME bargaining unit members compels no contrary conclusion. A position that performs confidential duties is statutorily excluded from bargaining notwithstanding any interests it otherwise shares with bargaining unit employees. The confidential exclusion protects the relationship between the confidential employee and the excluded manager, and once it is shown that an employee is performing confidential duties for a manager, the employee is excluded from coverage under the Law. See Fitchburg School Committee, 32 MLC 177, 180, CAS-05-3614 (June 2, 2006).

The record before us demonstrates that the Executive Assistant has a direct and substantial relationship with the Chief, a managerial employee, so there is a legitimate expectation of confidentiality in their routine and recurrent dealings. Town of Medway, 22 MLC at 1269. After finding the Fire Department's files in a state of chaos, the newly-hired Chief LeClaire structured the Executive Assistant's responsibilities to include organizing, maintaining, and accessing the Department's personnel, medical, collective bargaining, and other confidential files in a secure and orderly manner. The new Chief specifically sought a non-unit confidant since he was the only non-unit employee in the Fire Department. In the process of appointing Ms. Richard to the position, the City revised the Executive Assistant's job description to add confidential responsibilities, including: updating personnel records and assisting in the review and preparation of confidential documents, i.e. responses to grievances and bargaining proposals. The amended job description noted that the Executive Assistant would have access to litigation materials and correspondence, collective bargaining strategy memoranda, and records pertaining to internal discipline, and that she would assist the Fire Chief in review and preparation of responses to union grievances, maintains grievance files, and assist in the preparation of proposals for collective bargaining sessions.

We further find that the Executive Assistant regularly performs the types of duties that the Board has previously deemed to be confidential. She has significant access and regular exposure to confidential information concerning labor relations issues and management's position on personnel matters by virtue of her responsibility to open the Fire Chief's mail and retrieve faxed correspondence. See Pittsfield School Committee, 17 MLC 1369, 1372, CAS-2802 (December 11, 1990) (secretary to the Assistant Superintendent of Operations deemed confidential where she processed and had regular access to mail concerning labor relations matters); Board of Higher Education, 33 MLC 12, 14, CAS-05-3613 (June 23, 2006) (excluding president's administrative assistant as confidential because, in addition to opening letters from the vice president of administration and finance regarding financial matters, she received faxes regarding proposed settlement agreements with bargaining units and from the vice president of academic affairs regarding personnel matters). She has a key to the locked confidential files that the Chief keeps in the Fire Department, where she maintains, among other things, files containing personal notes that the Chief takes at bargaining sessions. Although the Executive Assistant does not attend bargaining sessions, she maintains a journal-like electronic document covering the progress of the negotiations from the notes and comments that she receives from the City's negotiators. This document makes her privy to the City negotiators' on-going perspectives and sentiments regarding the progress of the negotiations. The Executive Assistant's exposure to the City negotiators' thoughts and comments regarding the negotiations gives her the same confidential information that she would acquire if she attended a meeting with the City negotiators to discuss the

3

Department of Labor Relations (formerly LRC)

progress of the negotiations. See Pittsfield School Committee, 17 MLC at 1372 (access to confidential labor relations materials, including materials distributed by Budget Officer and Assistant School Superintendent of Personnel and Negotiations to School Committee's negotiations subcommittee rendered employee confidential).

Conclusion

For the foregoing reasons, we find that the Executive Assistant to the Fire Chief is a confidential employee within the meaning of Section 1 of the Law, and we dismiss the petition.

SO ORDERED.

/s/ _____

MARJORIE F. WITTNER, CHAIR

/s/ _____

ELIZABETH NEUMEIER, BOARD MEMBER

/s/ _____

HARRIS FREEMAN, BOARD MEMBER

September 12, 2014

[1] The DLR has no records regarding certification for AFSCME's bargaining unit.

[2] The Union ratified the CBA in November of 2012, and the City ratified it in March of 2013.

[3] The Police Chief is known as the City Marshal. In addition to the Chief, the Police Department employs patrol officers, sergeants, lieutenants, and two clerical employees. The uniformed officers are represented by different unions in two separate bargaining units, one for patrol officers and the other for superior officers. The lieutenants perform administrative duties as part of their duties.

[4] The Executive Assistant's hours subsequently increased to 40 hours per week.

[5] The Board's jurisdiction is not contested.

[6] The parties do not dispute that the Fire Chief is a managerial employee and thus excluded from coverage under the Law.

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on February 20, 2018, voted unanimously to recommend that proposed ordinance be forwarded to the full council for action, with Councilors Shawn E. Cadime and Bradford L. Kilby absent and not voting.


Clerk of Committees

City of Fall River, *In City Council*

5

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

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

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

Administrative Assistant/Code Enforcement	Not to exceed \$50,000.00 per annum
---	-------------------------------------

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on February 13, 2018, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, as amended with Councilor Shawn E. Cadime absent and not voting.


Clerk of Committees

City of Fall River, *In City Council*

6

(Councillor Raymond A. Mitchell)

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

Section 1

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

Section 2-949 Wage Theft.

- (a) The following section shall be incorporated into the City of Fall River's Standard Contract General Conditions Form as of July 1, 2018 and apply to every new contract and every renewal term of a contract entered into after that date:

The Contractor certifies that neither it nor any of its subcontractors have been subject to a federal or state criminal or civil judgment, final administrative determination, order or debarment resulting from a violation of M.G.L. Chapter 149, M.G.L. Chapter 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three years prior to the date of the contract; or certifies that it has provided copies of any and all of the above to the City prior to the date of the contract and any required wage bond or insurance; and certifies that while the contract is in effect, it will report any instance of the above to the City within five days of the contractor's receipt. Except that a contractor shall not be responsible for such certification on bids by Trade Contractors that there were submitted in accordance with M.G.L. Chapter 149A

- (b) The following provisions shall be included in any request for proposals, invitation for bids or request for qualifications issued by the City on or after July 1, 2018:
- (1) Prospective vendors must provide the following certifications or disclosures in writing to the purchasing agent with their bids or proposals. Failure to provide the following shall result in rejection of the bid or proposal;
 - (2) Prospective vendors must certify that neither they nor any of their subcontractors have been subject to a federal or state criminal or civil judgment, final administrative determination, order or debarment resulting from a violation of M.G.L. Chapter 149, M.G.L. Chapter 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three years prior to the date vendors submit their bids or proposals; except that a vendors shall not be responsible for such certification on bids by Trade Contractors which were submitted in accordance with M.G.L. Chapter 149A; or
 - (3) Prospective vendors must disclose any such criminal or civil judgments, final administrative determination, order or debarment and include copies with their bids or proposals.
 - (4) Prospective vendors are notified that they must report any such criminal or civil judgment, final administrative determination, order or debarment from a violation of M.G.L. Chapter 149, M.G.L. Chapter 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages while any of their bids or proposals to the responsible department official is pending and, if awarded a contract, during the term of the resulting contract, within five days of vendor's receipt.
 - (5) Prospective vendors that are subject to a state or federal debarment for violation of the above laws, either voluntarily or involuntarily, or that have been prohibited from contracting with the Commonwealth or any of its agencies or subdivisions

6

will be deemed not responsible and their bids or proposals shall be rejected. Such vendors shall be deemed not responsible for the entire term of debarment or other stated time period. During the term of a contract, upon a finding or order of such debarment or prohibition, the City may terminate the contract.

- (6) Vendor(s) awarded a contract that have disclosed a federal or state criminal or civil judgment, final administrative determination, order or debarment resulting from a violation of M.G.L. Chapter 149, M.G.L. Chapter 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three years prior to the date they submit their bids or proposals, or vendor(s) awarded a Contract that receive a federal or state criminal or civil judgment, order or final administrative determination resulting from a violation of M.G.L. Chapter 149, M.G.L. Chapter 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages during the term of the contract and that are not otherwise prohibited from public contracting may be required by the City to obtain a wage bond or other form of suitable insurance in an amount equal to the aggregate of all projected labor costs for the contract. Such bond must be maintained for the terms or extensions of any contract, and proof of such bond must be provided upon request by the City.
- (7) Vendor(s) awarded a contract that have disclosed a federal or state criminal or civil judgment, final administrative determination, order or debarment resulting from a violation of M.G.L. Chapter 149, M.G.L. Chapter 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages within three years prior to the date they submit their bids or proposals and through the contract term shall furnish their monthly certified payrolls to the responsible department for all employees working on such contract; except Trade Contractors who provide the City with weekly certified pay rolls as regulated by M.G.L. Chapter 149 § 273

Section 2

That Chapter 14 of the Revised Ordinances of the City of Fall River, 1999, which chapter relates to Businesses, be amended by inserting a new section as follows:

Sec. 14-45 Violations of wage laws by licensees or permittees.

- (a) Any application to the licensing board for any license issued pursuant to M.G.L. Chapter 138 or M.G.L. Chapter 140 may be denied if, during the three-year period prior to the date of the application, the applicant has been subject to a federal or state criminal or civil judgment, order or final administrative determination resulting from a violation of M.G.L. Chapter 149, M.G.L. Chapter 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages. Each applicant for a license shall certify that he has not been found guilty, liable or responsible, in the past three years, in any judicial or administrative proceeding; for any violation of any of the laws set forth above.
- (b) Any license or permit issued by the licensing board under M.G.L. Chapter 138 or M.G.L. Chapter 140 may be modified, suspended or revoked if, during the term of the license or permit, the licensee or permittee has been subject to a federal or state criminal or civil judgment, order or final administrative determination resulting from a violation of M.G.L. Chapter 149, M.G.L. Chapter 151, the Fair Labor Standards Act or any other state or federal laws regulating the payment of wages.

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on February 13, 2018, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, as amended with Councilor Shawn E. Cadime absent and not voting.


Clerk of Committees

City of Fall River, *In City Council*

7

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

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

Section 1.

By inserting in section 70-385, which section relates to loading zones, in proper alphabetical order the following:

- (9) 9:00 a.m. – 5:00 p.m. Monday through Friday
Merchant Street, north side, starting at a point 17 feet west of Fifteenth Street for a distance of 30 feet westerly

Section 2.

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

- Cory Street, north side, starting at a point 62 feet west of North Main Street, for a distance of 20 feet westerly
Foster Street, east side, starting at a point 232 feet south of Buffinton Street, for a distance of 20 feet southerly
Pleasant Street, north side, starting at a point 57 feet east of Quequechan Street, for a distance of 20 feet easterly
Warren Street, north side, starting at a point 40 feet west of Smith Street, for a distance of 20 feet easterly

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on February 13, 2018, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Shawn E. Cadime absent and not voting.

Cathleen A. Taylor
Clerk of Committees

City of Fall River, In City Council

8

(President Ponte)

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

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

By striking out in Section 2-151, which section relates to standing committees established, the following:

(10) Committee on Budget Preparation, Revenue and Audits, consisting of three members

(a) Recommendations of the committee shall be referred directly to the Committee on Finance

CITY OF FALL RIVER
IN CITY COUNCIL

JAN 09 2018

*Referred to the
Committee on Ordinances
and Legislation*

CITY OF FALL RIVER

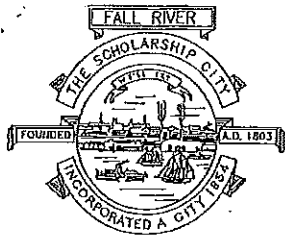
9

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on February 13, 2018, voted unanimously to recommend that the accompanying communication be granted leave to withdraw, with Councilor Shawn E. Cadime absent and not voting.


Chelsea A. Taylor
Clerk of Committees



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

RECEIVED

2017 DEC 14 P 2:35

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

December 14, 2017

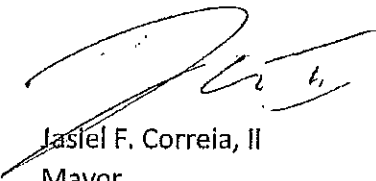
The Honorable City Council
City of Fall River
One Government Center
Fall River, MA. 02722

Honorable Council Members:

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

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

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


Jasiel F. Correia, II
Mayor

Enclosure

**CITY OF FALL RIVER
IN CITY COUNCIL**

DEC 19 2017

*Referred to the Committee
on Ordinances and Legislation*

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

OPIOID CLERK

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

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

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

Makes and checks arithmetical computations;

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

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

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

9

RECEIVED

2017 DEC 14 P 3:45

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

CITY CLERK
FALL RIVER, MA

Honorable Mayor Correia II:

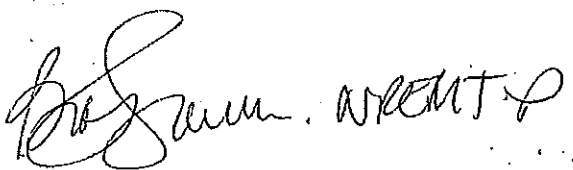
I am respectfully requesting to create a part time clerk's position for the Fall River Opioid Task Force, under the City of Fall River Health Department. The position will be a 19 hours a week at a rate of \$17.00 per hour. The Opioid Clerk's position is imperative for all the statistical information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

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

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

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

Respectfully submitted,



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

CITY OF FALL RIVER

10

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on February 13, 2018, voted unanimously to recommend the accompanying proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained with Councilor Shawn E. Cadime absent and not voting.

Colleen A. Taylor
Clerk of Committees

EMERGENCY PREAMBLE

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

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

City of Fall River, *In City Council*

10

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

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

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

Almy Street, west side, starting at a point 162 feet south of Cory Street, for a distance of 20 feet southerly

Covel Street, east side, starting at a point 130 feet south of Bedford Street, for a distance of 20 feet southerly

Foster Street, east side, starting at a point 330 feet south of Buffinton Street, for a distance of 20 feet southerly

City of Fall River, *In City Council*

(Councilor Pam Laliberte-Lebeau)

WHEREAS, occasionally after a tragedy which results in the death of an individual, public memorials appear in the form of candles, memorabilia, balloons, etc. and

WHEREAS, these memorials often become a gathering spot as part of the grieving process, and

WHEREAS, these memorials are put up on public roads and sidewalks and can be a public safety hazard, and

WHEREAS, these memorials sometimes infringe on other residents' or businesses' private property such as a fence or in a yard, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation consider a proposed ordinance that recognizes the sensitivity of these memorials, considers the feelings of the victims' families, and works to set up a process and a timeline for these memorials to be removed in a timely manner.



Anytime Premier Partner

February 2, 2018

City Clerk's Office
One Government Center
Room 227
Fall River, MA 02722

RECEIVED

2018 FEB -2 P 12:38

CITY CLERK #18-17
FALL RIVER, MA

To Whom It May Concern,


On Sunday, December 17th at approximately 11 a.m. the main water line at Swan Fabrics, 372 Steveris Street, Fall River broke. Upon discovery of the break the maintenance supervisor at Swan Fabrics immediately contacted the Fall River Water Department. The Fall River Water Department dispatched three employees to turn off the water connection to allow emergency repairs to be made. The water department employees shut off multiple water lines in the vicinity of the plant including the line to the neighborhood behind Swan Fabrics on Stevens Street. Unable to locate the correct water main shutoff, John Friar, left the scene to get blueprints of the water lines to the facility. Upon return, with the aid of the blueprints the shutoff was located in Swan's parking lot allowing emergency repairs to commence by Coastal Water-Sewer & Excavation.

Several weeks later on Monday, January 1st at approximately 9 a.m. Swan's fire alarm was activated noting that the fire suppression system water line had low pressure. The Fall River Fire Department was dispatched several times due to the alarm. Swan contacted Piping Systems, Inc. to diagnose the issue. Piping Systems determined that the fire suppression water line had been shut off by the water department during the water main break on December 17th and never turned back on.

We are asking the City of Fall River to reimburse Swan for Piping Systems, Inc. Invoice 27584 dated January 12th, 2018 for \$1,126 for two emergency calls and installation of a new packing gland on the water feed pump. The packing gland needed to be replaced due to the previous one drying out over the prior several weeks due to the water being turned off.

Also, I would like to note if an incident had occurred at Swan during the period where the fire water line had been shut off we would have been without fire suppression. Please feel free to contact me with any questions about the above mentioned claim.

Sincerely,


Michael Rodrigues
Chief Executive Officer
SwanSales@SwanFabrics.com
Phone: 508.674.4611

Water dept
council
Clerk
law

2/2/2018



City of Fall River
Notice of Claim

RECEIVED

2018 FEB -2 P 3:27

CITY CLERK #18-18
FALL RIVER, MA

1. Claimant's name: Jesenia Mangual
2. Claimant's complete address: 1634 Pleasant St Apt 2 F
3. Telephone number: Home: 774-417-8140 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):

5. Date and time of accident: 01/23/2018 Amount of damages claimed: \$ _____
6. Exact location of the incident: (include as much detail as possible):
Duquechan St
7. Circumstances of the incident: (attach additional pages if necessary):
I was driving to Walmart, with cars in both lanes. When my car hit a pot hole. The tire popped, the rim broke the front bumper and fender cover, among others things such as the sensor ABS were also affected. The car isn't driving well. I got a professional mechanic to make an estimate cost of damage.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 01/26/2018

Claimant's signature: Jesenia Mangual

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 ☒ DPW Date: 2/2/18



RECEIVED

2018 FEB -7 A 9:02

City of Fall River
Notice of Claim

CITY CLERK 18-20
FALL RIVER, MA

1. Claimant's name: RUI C BATHISTA
2. Claimant's complete address: 57 SALISBURY ST FALL RIVER MA
3. Telephone number: Home: 508-6784777 Work: 617-908-1626
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: 1-3-18 Amount of damages claimed: \$
6. Exact location of the incident: (include as much detail as possible):
WATER BREAK IN FRONT OF THE HOUSE
7. Circumstances of the incident: (attach additional pages if necessary):
WATER MAIN BREAK OUTSIDE BRINGING A LOT OF DEBRIS IN TO MY BACK YARD AND WATER IN TO MY BASEMENT
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
MASSACHUSETTS PROPERTY INSURANCE TWO CENTER PLAZA BOSTON MA 02108
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: 2-7-18

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.

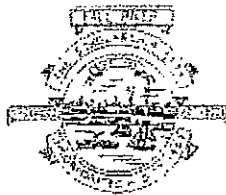
Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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For official use only:

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

Date: 2/7/18



RECEIVED

17

2018 FEB -7 A 11:14

City of Fall River
Notice of ClaimCITY CLERK #18-21
FALL RIVER, MA

1. Claimant's name: Jeannine Lockhart
2. Claimant's complete address: 89 Blaine St, Fall River, MA 02723
3. Telephone number: Home: @508.558.2040 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):

5. Date and time of accident: 1/13/18 ~ 2:10p Amount of damages claimed: \$ 222.19
6. Exact location of the incident: (include as much detail as possible):
Near corner of Highland Ave and Herman St, Fall River, MA
7. Circumstances of the incident: (attach additional pages if necessary):
Driving down Highland Ave with St Patrick's Cemetery on my left hand side.
I drove over a pot hole resulting in a flat, unrepairable tire. I was not
The only vehicle to receive damages that day, at that time. At least 6
other cars were damaged. After hitting the pot hole I pulled over in front
of 2000 Highland Ave to wait for roadside assistance. It appeared that the pot
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 (did call for roadside assistance)
USAA

hole
was
filled
before
I left
the
scene.

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: 2/5/18

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 form 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: 2/7/18

P.O. BOX 1870
FALL RIVER, MASSACHUSETTS 02722
TELEPHONE: 508-676-6900
FACSIMILE: 508-676-9908



COASTAL
LEGAL
AFFILIATES P.C.

251 BANK STREET, FALL RIVER, MA 02720

#18-22
17
PATRICK T. MATTHEWS, MBA
BRIAN M. TAVARES*
CAITLIN D. OLIVER
JORDAN J. RODRIGUES
ALSO ADMITTED INTO RHODE ISLAND*

RECEIVED

2018 FEB -7 A 11:15

CITY CLERK
FALL RIVER, MA

February 5, 2018

COPY

Via Certified Mail: 7017 0660 0000 7656 5859

City of Fall River
c/o Mayor Jasiel F. Correia
One Government Center
Fall River, MA 02722


RE: Notice of Massachusetts Tort Claim pursuant to M.G.L. c. 258, § 4 on behalf of
Samantha Snyder

Dear Sir or Madam:

This office represents Samantha Snyder whose address is 9 Seward Avenue, Somerset, MA 02726. On or about March 16, 2017, Ms. Snyder sustained injuries relative to a motor vehicle accident occurring at the intersection of County Street and Clifford Holland Road in the town of Somerset, MA. It is our understanding that the City of Fall River (Fall River Police Department) insured the 2011 Chevrolet Impala, Vin# 2G1WD5EM9B1295204, Reg# 726MF2, that was driven by James R. Smith, who was involved in the accident. We believe Mr. Smith's actions give rise to the level of negligence. A copy of the Motor Vehicle Crash - Police Report is attached hereto.

This notice is being given pursuant to M.G.L. c. 258, § 4. Please respond to this presentment at your earliest convenience. If a response has not been received within six (6) months from the date of presentment, or a final arbitration, settlement or compromise of such claim is not reached pursuant to M.G.L. c. 258, § 5, we will file the appropriate civil complaint on behalf of our client. Thank you for your attention to this matter. Should you have any further questions or concerns, please do not hesitate to contact our office.

Very truly yours,


Jordan J. Rodrigues, Esq.



17

RECEIVED

City of Fall River
Notice of Claim

2018 FEB -8 A 11: 19

1. Claimant's name: Carlos J. Cartagena CITY CLERK 18-23
FALL RIVER, MA

2. Claimant's complete address: 140 Essex St #204 Fall River, MA 02720

3. Telephone number: Home: (617) 461-6587 Work: _____

4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):

Public way

5. Date and time of accident: 1/23/18 morning Amount of damages claimed: \$ 394.18

6. Exact location of the Incident: (include as much detail as possible):

central st right in front American bank, connected to North main st.

7. Circumstances of the incident: (attach additional pages if necessary):

I was driving on central st when I went to turn to the right to go to north main st my car hit the pot holes. immediately after hitting the whole my car began to shake, I stopped check my vehicle and noticed that there was damage to the lower side front wheel underneath. I slowly drove my car to the nearest garage

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: 2/7/18

Claimant's signature: Carlos J. Cartagena

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

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

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

For official use only:	
Copies forwarded to: <input checked="" type="checkbox"/> City Clerk <input checked="" type="checkbox"/> Law <input checked="" type="checkbox"/> City Council <input type="checkbox"/> City Administrator <input checked="" type="checkbox"/> DCM	Date: <u>FEB - 8 2018</u>



17

RECEIVED

City of Fall River
Notice of Claim

2018 FEB -9 A 11:34

CITY CLERK #18-24
FALL RIVER, MA

1. Claimant's name: Allison Klamkin
2. Claimant's complete address: 571 Nichols St Fall River MA
3. Telephone number: Home: 508-525-0884 Work: 02720
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
2 flat tires from Pot hole
5. Date and time of accident: 1/24/18 Amount of damages claimed: \$ 289.92
@ 8:45 PM
6. Exact location of the incident: (include as much detail as possible):
@ 870 NORTH MAIN St (across from Family Dollar + Rite Aid)
7. Circumstances of the Incident: (attach additional pages if necessary):
Traveling north on N. Main, I had no choice to avoid the pot hole as there was a car coming towards me traveling south and cars parked to my right. Two tires were totally damaged but had to replace all 4 as car is a brand new lease and requires a matched set.
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: 2/6/18 Claimant's signature: Allison M Klamkin

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

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

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

For official use only:	
Copies forwarded to: <input checked="" type="checkbox"/> City Clerk <input checked="" type="checkbox"/> Law <input checked="" type="checkbox"/> City Council <input checked="" type="checkbox"/> City Administrator <input checked="" type="checkbox"/> DPW	Date: <u>2/9/18</u>



RECEIVED

2018 FEB 12 A 10: 27

City of Fall River
Notice of ClaimCITY CLERK 18-25
FALL RIVER, MA

1. Claimant's name: Elizabeth G. Henley
2. Claimant's complete address: 99 Peterson St. N. Attleboro MA 02760
3. Telephone number: Home: 774 300 0754 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Property damage to my auto
5. Date and time of accident: 1/12/18 9:45A Amount of damages claimed: \$ 481.13
6. Exact location of the incident: (include as much detail as possible):
Robeson in Fall River - Stanley St + Hood St
7. Circumstances of the incident: (attach additional pages if necessary):
In between those sts on Robeson St. I was driving down Robeson in Fall River + struck a
hole in my lane of travel that was caused by construction
work. The City of Fall River should have put cones or
barricades at this construction site but they failed to do so.
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: 2/12/18Claimant'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.

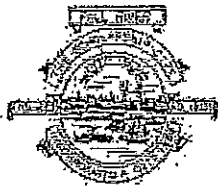
Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☒ City Administrator ☒ DPWDate: 2/12/18

It caused 2 tires to pop on my right side
which cost me \$481.13

17
RECEIVEDCity of Fall River
Notice of Claim

2018 FEB 14 P 1:45

CITY CLERK #18-26
FALL RIVER, MA

1. Claimant's name: Jeffrey K Cormier
2. Claimant's complete address: 54 Lebanon St Fall River Ma, 02723
3. Telephone number: Home: 508-730-8073 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Ran over POT Hole on Quakerchan St
5. Date and time of accident: 2-11-18 1:45 P.M. Amount of damages claimed: \$6150
6. Exact location of the incident: (include as much detail as possible):
Inbetween WALMART REAR TRUCK Entrance AND MILL
7. Circumstances of the Incident: (attach additional pages if necessary):
Passenger Front side Tire Blowout hit pothole was rainy storm day POT hole under water needed new Tire and Balance
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: 2-13-18Claimant's signature: Jeffrey K Cormier

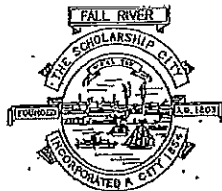
WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

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 ☒ DPW Date: 2/14/18



City of Fall River
Notice of Claim

RECEIVED

2018 FEB 15 P 1:15

#1827

1. Claimant's name: Alan Carvalho
2. Claimant's complete address: 380 King Rd. Tiverton, R.I. 02878
3. Telephone number: Cell: 508 837 4009 Home: 508 837 4009 Work: 401 624 6687
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Car damaged from a pothole, pipe in center of hole.
5. Date and time of accident: 1/16/18 Amount of damages claimed: \$ 3,675.39
6. Exact location of the incident: (include as much detail as possible):
Shore St. Next to McGovern's Restaurant Lower entrance
7. Circumstances of the incident: (attach additional pages if necessary):
Driving North on Shore St. behind another car going approximately 25 mph. Then there was a bang bang. Hit pothole with right front and rear tires. My car is very low to the ground with low profile tires.
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 Partners Ins. group
Not covered under my policy 1 Crandall Rd. 401 624 9931
Tiverton, R.I. 02878

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: 2/12/18

Claimant's signature: Alan Carvalho

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

Return this 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 ☒ DPW

Date: 2/15/18



RECEIVED

City of Fall River
Notice of Claim

2018 FEB 15 P 3:30

CITY CLERK #18-28
FALL RIVER, MA

1. Claimant's name: Evelina Travassos
2. Claimant's complete address: 70 Sandie St Fall River, Ma 02723
3. Telephone number: Home: 508 916 7014 Work: 508-679-2704
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Flat tire due to pothole
5. Date and time of accident: 2/11/18 7:10pm Amount of damages claimed: \$ 291.84
6. Exact location of the incident: (include as much detail as possible):
Jefferson St where the overpass is.
7. Circumstances of the incident: (attach additional pages if necessary):
Drove down Jefferson St. and due to rain potholes were filled with water making it seem like a puddle. When I drove through it my tires popped causing a flat.
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: 2/12/18

Claimant's signature: Evelina Travassos

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

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

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For official use only:

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

Date: 2/15/18



Council
17

RECEIVED

City of Fall River
Notice of Claim

2018 FEB 16 A 10:18

1. Claimant's name: ALAN MANCHESTER CITY CLERK 18-29
FALL RIVER, MA
2. Claimant's complete address: 2770 MAHW RD TIVERTON RT
3. Telephone number: Home: 4014180019 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto
5. Date and time of accident: 12/18/18 11:32 AM Amount of damages claimed: \$ 191.07
6. Exact location of the incident: (include as much detail as possible):
Highland - President Ave
7. Circumstances of the incident: (attach additional pages if necessary):
Pot hole that could not be avoided
with on coming traffic
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: 2/16/18

Claimant's signature: Alan Manchester

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 ☐ DCM Date: FEB 16 2018

17
RECEIVEDCity of Fall River
Notice of Claim

2018 FEB 16 A 11:12

CITY CLERK #18-30
FALL RIVER, MA

1. Claimant's name: PHILLIP RUBIN
2. Claimant's complete address: 40 MORSE FARM LN., HOLLISTON, MA 01746
3. Telephone number: Home: (508) 429-2089 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
PROPERTY DAMAGE - TIRE ON VEHICLE
5. Date and time of accident: 1/23/18 - 3:00PM Amount of damages claimed: \$ 195.03
6. Exact location of the incident: (include as much detail as possible):
Corner of Newton St. and Canning Blvd.
7. Circumstances of the incident: (attach additional pages if necessary):
Coming around the corner from Newton St. on to Canning Blvd., I hit a large/huge pothole. It was difficult to see it because it was raining hard and the pothole was full of water. A tire immediately
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: 2/14/18Claimant's signature: Phillip S. Rubin

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 ☒ DPW Date: 2/16/18

I want heat due to sidewalk damage.



RECEIVED

City of Fall River
Notice of Claim

2018 FEB 16 P 3:40

CITY CLERK 18-31
FALL RIVER, MA

1. Claimant's name: Natalie Raposo
2. Claimant's complete address: 11 Burke street
3. Telephone number: Home: 508 774 5264 Work: 624 3861
4. Nature of claim: (e.g.; auto accident, slip and fall on public way or property damage):
Pothole on Quarry St. a foot deep th hole is
5. Date and time of accident: 2/11/18 Amount of damages claimed: \$ 225.00
6. Exact location of the incident: (include as much detail as possible):
Quarry street in front of Kevin's Carwash
7. Circumstances of the Incident: (attach additional pages if necessary):
Blew both tires out and dented both rims
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: 2/16/18

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

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: 2/16/18

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, January 9, 2018 at 7:00 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 and Derek R. Viveiros

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Joseph I. Macy, Corporation Counsel
James Soule, Preservation Society of Fall River, 577 Rock Street
Thomas Murray, CPA, 84 North Main Street
Arnaldo Paquette, Jr., 160 Alumni Way
Monte Ferris Jr., Venus de Milo
75 Grand Army Highway, Swansea, MA 02777
Alan Abdallah, General Mgr., Venus de Milo
75 Grand Army Highway, Swansea, MA 02777

President Cliff Ponte called the meeting to order at 8:45 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 Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to take item #5 out of order.

5. Mayor and orders scheduling Special Election re: funding for Durfee High School Project
A motion was made by Councilor Bradford L. Kilby and seconded by Councilor Joseph D. Camara to adopt the orders. A further motion was made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, to amend the orders to read B.M.C. Durfee High School of Fall River, not Durfee High School. Councilor Steven A. Camara stated that he will be objecting to this for reasons previously stated. He believes that there needs to be time to further put the spot light and the microscope on this issue. On a roll call vote taken to adopt the orders, as amended, Councilor Shawn E. Cadime voted nay, Councilor Joseph D. Camara voted yea and Councilor Steven A. Camara objected.

1. Mayor and veto of order to accept a gift of 80-84 North Main Street (held over in accordance with the City Charter 12-19-17)
A motion was made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime to override the Mayor's Veto. Councilor Steven A. Camara stated that he is in support of this proposal, however he will not be voting to override the Mayor's Veto. He stated that symbolic votes are nothing more than symbolic votes and they mean absolutely nothing. He will not support the vote to override the veto, because he will not be part of symbolic votes. On a further motion made by Councilor Leo O. Pelletier and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to waive the rules to allow the Administration, Corporation Counsel and various proponents of the gift to speak. Councilor Leo O. Pelletier asked Mr. Paquette if the agreement could be changed and he answered no. Corporation Counsel stated that if the Council chooses to refer the matter to a committee for further discussion, remember that the current proposal cannot be changed. Councilor Bradford L. Kilby asked Corporation Counsel for reasons for the Mayor's Veto. Corporation Counsel stated there are numerous reasons. A few of the reasons are, the city would be acquiring the property, as is subject to any defects or environmental problems which currently exist and the city under the proposal would then be responsible for any remediation. Also, tenant selection, setting of rents and the use of the building would not be controlled by the city, but by a trust which would operate independently. The Mayor is concerned that this building will be incurring costs of an unknown amount on a continuing basis while not contributing any of its income. The City Administrator stated that she has been informed that this building is in need of a roof and work to the HVAC system. On yet a further motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was voted 8 yeas, 1 nay to refer the matter to the Committee on Real Estate, with Councilor Joseph D. Camara voting in the negative.

2. Mayor and order to acquire the Hathaway Commons Sewer Pumping Station
*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the order.
Approved, January 11, 2018, Mayor Jasiel F. Correia II*

3. Mayor and order to acquire the Highland Woods Sewer Pumping Station
*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the order.
Approved, January 11, 2018, Mayor Jasiel F. Correia II*

4. 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 Stephen R. Long and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the order.
Approved, January 11, 2018, Mayor Jasiel F. Correia II*

PRIORITY COMMUNICATIONS - None
COMMITTEE REPORTS

Committee on Finance recommending:
Referral to Committee on Real Estate:

6. Resolution – Status of former Duro Textiles property
On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the resolution to the Committee on Real Estate.

ORDINANCES

Proposed Ordinance:

7. Abolishment of City Council Committee on Budget Preparation, Revenue and Audits
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinances and Legislation.

Second Reading and Enrollment, as amended:

8. Proposed Ordinance – Salary updates
On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 8 yeas, 1 nay to pass the proposed ordinance through second reading and enrollment, as amended with Councilor Shawn E. Cadime voting in the negative. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was voted 8 yeas, 1 nay that the ordinance be passed to be ordained, as amended with Councilor Shawn E. Cadime voting in the negative.
Approved, January 11, 2018, Mayor Jasiel F. Correia II

On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to take items #9 through #12 together. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to pass the proposed ordinances through second reading and enrollment.

Second Reading and Enrollment:

9. Proposed Ordinance – Traffic, miscellaneous
On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the ordinance be passed to be ordained.
Approved, January 11, 2018, Mayor Jasiel F. Correia II
10. Proposed Ordinance – Sewer Commission
On a motion made by Councilor Steven A. Camara and seconded by Councilor Derek R. Viveiros, it was unanimously voted that the ordinance be passed to be ordained.
Approved, January 11, 2018, Mayor Jasiel F. Correia II
11. Proposed Ordinance – Sewer Use Regulations
On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted that the ordinance be passed to be ordained.
Approved, January 11, 2018, Mayor Jasiel F. Correia II
12. Proposed Ordinance – Stormwater Management
On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted that the ordinance be passed to be ordained.
Approved, January 11, 2018, Mayor Jasiel F. Correia II

RESOLUTIONS – None

CITATIONS – None

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

13. City Council meeting schedule through May 2018

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 by changing the dates of the February meetings to February 6th and 27th.

14. Police Chief's report on licenses:

Taxicab Drivers:

Sharon Acevedo	Carlos Albergaria	Patrick Barassa
Akeem Barlow	Devin Costa	Arcadio Cruz Gonzalez
Joyce Fels	Jose J. Goncalo	Susan Griego
John Guilmette	Andrew Hamlen	Susan Langellier
Lynda V. Lozinski	William Marshall	Mary A. Paquette
Ovidio A. Pedraza Melendez	Donald Pelletier	Paul Santos
Tony Sparshott	Richard J. Souza	Rebecca Walkden
Trevern Wesley		

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

15. Auto Repair Shop license renewals:

Nicholas R. Faggioli d/b/a Faggioli Auto Body at 633 Lawton Street
 Robert Luongo d/b/a Bob's Auto Sales at 686 Brayton Avenue
 Carlos C. Sousa d/b/a Carlos Auto Body at 389 Second Street
 Ronald Picard d/b/a Theo's Service Center at 35 Oak Grove Avenue
 George Codega d/b/a Hunter Automotive Center at 69 Hunter Street
 Henry J. Pleiss Jr. d/b/a Hank's Garage at 55 Murray Street
 Don and Karen Rochefort d/b/a Rochefort Auto Repair at 127 Eastern Avenue
 Jody Oliveira, Dover Towing, Inc. at 232 Lapham Street

On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the order, as amended. The amendment being the separation of George Codega d/b/a Hunter Automotive Center at 69 Hunter Street.

Approved, January 11, 2018, Mayor Jasiel F. Correia II

On a further motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the order for George Codega to the Committee on Regulations

16. Auto Body Shop license renewals:

Nicholas R. Faggioli d/b/a Faggioli Auto Body at 633 Lawton Street
 Ronald Pedro d/b/a ABC Auto Body at 753 Pleasant Street
 Carlos C. Sousa d/b/a Carlos Auto Body at 400 Second Street
 Jody Oliveira, Dover Towing, Inc. at 232 Lapham Street

On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, as amended. The amendment being the separation of Carlos C. Sousa d/b/a Carlos Auto Body at 400 Second Street.

Approved, January 11, 2018, Mayor Jasiel F. Correia II

On a further motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the order for Carlos C. Sousa to the Committee on Regulations.

17. City Engineer prepare plans for the acceptance of Estes Lane extending from Lark Street to (old) Lower Stafford Road

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 Planning Board.

COMMUNICATIONS – INVITATIONS – PETITIONS

18. Claims

On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the claims to Corporation Counsel.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to take items #19 and #20 together.

City Council Committee/Meeting Minutes:

19. Committee on Ordinances and Legislation – December 5, 2017

20. Committee on Health and Environmental Affairs – December 18, 2017

On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the minutes.

BULLETINS – NEWSLETTERS – NOTICES - None

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

RESOLUTIONS

Administration, Dir., DCM and Dir., Streets and Highways attend Finance Committee meeting to address concerns with issues that occurred during recent snowstorm

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the resolution to the Committee on Finance, as amended. The amendment being to add Mass Highway, District 5 to the list of invitees.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn at 10:16 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

SPECIAL MEETING OF THE CITY COUNCIL

MEETING: Tuesday, January 16, 2018 at 7:00 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 and Derek R. Viveiros

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services
Matthew H. Malone, Ph.D., Superintendent of Schools

President Cliff Ponte called the meeting to order at 5:35 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.

Agenda:

1. Citizen Input

<u>Name</u>	<u>Address</u>	<u>Subject</u>
C.J. Ferry	300 Buffinton Street	Bond
<i>President Cliff Ponte called for a 2 minute recess to repair the microphones at 5:37 p.m. The Council reconvened at 5:38 p.m.</i>		
Courtney Lopes Finnerty	141 Woodlawn Street	Durfee H.S.
Jane Fiore Bigelow	171 Hanover Street	Durfee vote
Gary Bigelow	171 Hanover Street	Durfee vote
Michael DeAlmeida	57 Elsbree Street	Durfee vote
Michael Costa	45 Bliss Street	Durfee vote
Jen Matheus	1227 Dwelly St., #2	Durfee vote
Kyle Neves	165 Kempton Street	Durfee vote
<i>On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to waive the thirty minute time limit on citizen input.</i>		
Matthew Desmarais	74 Williamson Street	Durfee
Joseph Martins	578 Lawton Street	School
Mark Costa	343 Kenyon Street	Durfee vote
Paul Coogan	90 Williamson Street	Durfee vote
Richard Branco	137 Fifth Street	Durfee School question on the ballot

2. Communication from Mayor re: construction of new B.M.C. Durfee High School and the following:

a. Order scheduling a Special Municipal Election

A motion was made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, to adopt the order, as amended. The amendment was made at the meeting of January 9, 2018, which changed the name of the school from Durfee High School to BMC Durfee High School of Fall River on the order. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to waive the rules to allow the Administration to answer questions. The City Administrator gave a brief overview of the process of the Special Election and placing the question on the ballot. A copy of the ballot question is attached hereto and made a part of these minutes. A further motion was made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, to move forward with a new Durfee High School building project to be bonded and funded within the City's tax levy. Councilor Stephen R. Long stated that a debt exclusion to fund the new BMC Durfee High School of Fall River is better because this will eventually be paid off and the charges will cease. If the City were to pay for this by an override of proposition 2 ½ that increase would be forever. Councilor Bradford L. Kilby requested that his motion be voted on first. The Council President stated that the second motion made by Councilor Shawn E. Cadime would be voted on first. Councilor Leo O. Pelletier then withdrew his second to the motion that was made by Councilor Shawn E. Cadime. Councilor Steven A. Camara asked what the anticipated costs to residents would be. The Director of Financial Services stated that the average cost would be approximately \$100.00 to \$130.00 per year additional on an average tax bill. Councilor Steven A. Camara asked why this question was not placed on the November ballot. The Superintendent of Schools stated that the final figures were not available at that time. On a roll call vote taken on the motion to adopt the order, as amended; it was voted 7 yeas, 2 nays with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative.

b. Order placing question on Special Municipal Election ballot

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier it was voted 7 yeas, 2 nays to adopt the order, as amended with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adjourn at 8:05 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

BMC Durfee High School Building Committee Meeting of December 19, 2017 packet .

A true copy. Attest:

Alison M. Bouchard

City Clerk

CITY COUNCIL PUBLIC HEARING

MEETING: Tuesday, January 23, 2018 at 5:30 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Steven A. Camara,
Bradford L. Kilby, Pam Laliberte-Lebeau,
Stephen R. Long, Leo O. Pelletier and Derek R. Viveiros

ABSENT: Councilor Joseph D. Camara

IN ATTENDANCE: Attorney Edward D. Pare Jr., Brown Rudnick LLP
10 Memorial Boulevard, Providence, RI 02903
Carley Cowher, Project Manager – Small Cell
Centerline Communications, 95 Ryan Dr., Suite 1, Raynham, MA 02767
Steven Nasiff, 11 Osprey Drive, Berkley, MA 02779

The President called the meeting to order at 5:30 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

Councilor Stephen R. Long arrived at 5:31 p.m.

Pole Attachments and Underground Conduits

Petitions of New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to existing National Grid utility poles as well as install underground conduits or direct bury fiber cables as follows:

2. 887 Plymouth Avenue, Pole #4.
3. 188 Nashua Street, Pole #7.
4. 70 William Street, Pole #3/6874.
5. 372 Plymouth Avenue, Pole #22-3.
6. 170 Baird Street, Pole #260/8.
7. 191 Aetna Street, Pole #17.
8. 152 Mott Street, Pole #11.
9. 35 Pelham Street, Pole #246/1/490.
10. 1069 Plymouth Avenue, Pole #1240S.
11. 23 Norfolk Street, Pole #597.
12. 565 Bedford Street, Pole #17/28 near Bank 5 sign.
13. 738 Oak Grove Avenue, Pole #38-84.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and Attorney Edward D. Pare Jr. and Carley Cowher came forward. Attorney Pare who is representing New Cingular Wireless PCS, LLC (AT&T) stated that these improvements will provide better coverage for AT&T. Councilor Steven A. Camara asked for pictures of what the equipment will look like. Attorney Pare stated that the antennas are top mounted to existing wooden utility poles and an electric meter is installed eight feet from the ground for power. He then stated that he didn't have pictures, but did have renderings of the equipment. Councilor Leo O. Pelletier asked if there will be any additional costs to the City of Fall River and Attorney Pare stated there would not be any additional costs. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara, it was unanimously voted to close the hearing.

Auto Repair Shop License

1. Steven Nasiff, 11 Osprey Drive, Berkley, MA, Rodman Repair, Inc., for a license to operate an auto repair shop at 771 Rodman Street, on Lot I-22-15, Assessors Plan.

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Derek R. Viveiros, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and Steven Nasiff came forward. Mr. Nasiff stated that this location is the former Levesque's Towing on Rodman Street. He will be working primarily on trucks and is hoping to increase his workforce from two to five employees. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Stephen R. Long, it was unanimously voted to close the hearing.

On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn at 5:43 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

CITY COUNCIL PUBLIC HEARING

MEETING: Tuesday, February 6, 2018 at 5:45 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Steven A. Camara,
Bradford L. Kilby, Pam Laliberte-Lebeau,
Stephen R. Long, Leo O. Pelletier and Derek R. Viveiros

ABSENT: Councilor Joseph D. Camara

IN ATTENDANCE: None

The President called the meeting to order at 5:47 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 Leo O. Pelletier arrived at 5:48 p.m.

Pole Attachments and Underground Conduit

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 pole as well as install underground conduit or direct bury fiber cables as follows:

449 Coggeshall Street, Pole 282/5. In accordance with Project No. cRAN_Frvr_21A.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, 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 Steven A. Camara by Councilor Bradford L. Kilby, it was unanimously voted to close the hearing.

On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn at 5:49 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 PUBLIC WORKS AND TRANSPORTATION

MEETING: Monday, January 29, 2018 at 5:30 p.m.
Council Chamber, One Government Center

PRESENT: Councilor Derek R. Viveiros, presiding
Councilors Joseph D. Camara and Steven A. Camara

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Terrance J. Sullivan, Administrator of Community Utilities
Joseph I. Macy, Corporation Counsel
JR Frey, City Engineer
Geraldo Brito, 107 Hyacinth Street
Paul Ferland, Deputy Administrator of Community Utilities
Richard Barlow, 50 Anderson Street
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
Laura Ferreira, Director of Traffic

The chairman called the meeting to order at 5:31 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

1. Citizen Input
None

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Derek R. Viveiros, it was unanimously voted to take items #8 and #9 out of order, with Councilor Steven A. Camara absent and not voting. Councilor Steven A. Camara arrived at 5:33 p.m.

8. Resolution – Stowe Street guardrail be replaced
The Chairman read an email received from Richard Cote regarding the guardrail at the end of Stowe Street. Corporation Counsel stated that the guardrail has been removed and should stay down. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to recommend the resolution be granted leave to withdraw.

9. Orders – Mobilitie, LLC to attach wireless backhaul transport equipment to existing poles owned by National Grid and Verizon as follows:
 - Hanover Street and New Boston Road
 - Franklin and High Streets
 - Rodman and Lonsdale Streets
 - Lyon and Third Streets
 - Dover and Tecumseh Streets
 - Plymouth Avenue and End Street
 - Orange and Cherry Streets

22

Lyle Bookbinder, NRE-Permitting Manager for Mobilitie, LLC distributed additional information regarding this project. Councilor Joseph D. Camara requested additional copies of the information for Corporation Counsel and the Director of Health and Human Services. Councilor Steven A. Camara stated that he would like to see additional information regarding the electromagnetic effects of this proposal. On a motion made by Councilor Steven A. Camara and seconded by Councilor Joseph D. Camara, it was unanimously voted to forward a letter requesting additional information from Corporation Counsel and the Director of Health and Human Services (copies of said letters are attached hereto and made a part of these minutes) in this regard and table the orders.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Joseph D. Camara, it was unanimously voted to take item #10 out of order.

10. Orders - 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 and install underground conduits or direct bury fiber cables as follows:

- 887 Plymouth Avenue, Pole #4
- 188 Nashua Street, Pole #7
- 70 William Street, Pole #3/6874
- 372 Plymouth Avenue, Pole #22-3
- 170 Baird Street, Pole #260/8
- 191 Aetna Street, Pole #17
- 35 Pelham Street, Pole #246/1/490
- 1069 Plymouth Avenue, Pole #1240S
- 23 Norfolk Street, Pole #597
- 565 Bedford Street, Pole #17/28 near Bank 5 sign
- 738 Oak Grove Avenue, Pole #38-84

Attorney Edward D. Pare Jr., representing New Cingular Wireless PCS, LLC (AT&T) distributed additional information regarding this project. Councilor Joseph D. Camara requested additional copies of the information for Corporation Counsel and the Director of Health and Human Services. He also asked what the distance would be for these proposed antennas from residences. Attorney Pare stated 10 to 15 feet. Councilor Joseph D. Camara stated that he would like to see additional information regarding the electromagnetic effects of this proposal, as was requested for Mobilitie LLC. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to forward a letter requesting additional information from Corporation Counsel and the Director of Health and Human Services (copies of said letters are attached hereto and made a part of these minutes) in this regard and table the orders.

2. Resolution - flooding issues at 50 Anderson Street

Richard Barlow distributed photographs of the flooding issues that have occurred at his property through the years. The Administrator of Community Utilities stated that Mr. Barlow's property is surrounded by wetlands. He also stated that it will cost approximately \$3.2 million dollars to correct some of the flooding problems in this area from Tiverton, RI to the Bleachery Pond. On a motion made by Councilor Steven A. Camara and seconded by Councilor Joseph D. Camara, it was unanimously voted to forward a letter to the Administrator of Community Utilities and copy the Administration requesting what steps need to be taken and the associated costs to correct this flooding problem (copy of said letter is attached hereto and made a part of these minutes) and table the resolution.

Councilor Joseph D. Camara left the meeting at 6:32 p.m.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Derek R. Viveiros, it was unanimously voted to take items #4 and #5 out of order, with Councilor Joseph D. Camara absent and not voting.

4. Communication from resident re flooding on Hyacinth Street

The Administrator of Community Utilities stated that this is the Hyacinth Street north project and that he has funding approved to purchase the vacant lot to begin work on the project. Corporation Counsel is working on an agreement with the property owners and when an agreement is reached an order will be forwarded to the City Council for their approval. On a motion made by Councilor Steven A. Camara and seconded by Councilor Derek R. Viveiros, it was unanimously voted to table the matter, with Councilor Joseph D. Camara absent and not voting.

5. Resolution – discuss flooding issues at 107 & 140 Hyacinth Street

The Administrator of Community Utilities stated that this is the Hyacinth Street south project and that he has authorization to acquire 107 Hyacinth Street to begin the project to alleviate flooding in this area. On a motion made by Councilor Steven A. Camara and seconded by Councilor Derek R. Viveiros it was unanimously voted to table the matter, with Councilor Joseph D. Camara absent and not voting. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Derek R. Viveiros, it was unanimously voted to lift the item from the table to allow Geraldo Brito to speak, with Councilor Joseph D. Camara absent and not voting. Mr. Brito asked what the status was with the purchase of his property. The Administrator of Community Utilities stated that after speaking with Corporation Counsel, he was under the impression that the offer made by the City to purchase his property was much less than Mr. Brito was willing to accept. Mr. Brito stated that he would like to discuss this matter again with Corporation Counsel. The Administrator of Community Utilities stated that he will contact Corporation Counsel and request that he contact Mr. Brito. On yet a further motion made by Councilor Steven A. Camara and seconded by Councilor Derek R. Viveiros, it was unanimously voted to table the matter, with Councilor Joseph D. Camara absent and not voting.

3. Resolution – Plan for re-painting road surface markings, review of traffic patterns and signage height requirements

On a motion made by Councilor Steven A. Camara and seconded by Councilor Derek R. Viveiros, it was unanimously voted to table the resolution, with Councilor Joseph D. Camara absent and not voting.

6. Resolution – discuss parking and traffic patterns in downtown area

The City Administrator stated that Southeastern Regional Planning and Economic Development District (SRPEDD) reviewed this request previously and recommended no changes, due to the width of North Main Street. Additionally, if North Main Street were changed to allow two-way traffic, some parking spaces would need to be removed to increase the width to accommodate the traffic. Councilor Steven A. Camara stated that he would like to see North Main Street returned to two-way traffic, as he believes this will increase traffic in the downtown area as it was years ago. On a motion made by Councilor Steven A. Camara and seconded by Councilor Derek R. Viveiros, it was unanimously voted to resubmit the letter that was previously sent to the Traffic Commission (copy of said letter is attached hereto and made a part of these minutes) and requested that SRPEDD be invited to the next meeting to discuss this matter and table the resolution, with Councilor Joseph D. Camara absent and not voting.

7. Communication from resident regarding collection of bulky items

The City Administrator stated that a tenant had put a mattress out for pick up without a bulky item sticker. The citation was appealed and reduced from \$300.00 to \$100.00. Councilor Steven A. Camara asked if there are communities in the Commonwealth of Massachusetts that have one day a month to dispose of bulky items for free. The City Administrator stated that the bulky item sticker system does work to provide addresses of the locations that have bulky items

to be collected. On a motion made by Councilor Steven A. Camara and seconded by Councilor Derek R. Viveiros, it was unanimously voted to table the communication and request the City Administrator to consider a possible amnesty program and check with bulky item policies of other communities, with Councilor Joseph D. Camara absent and not voting.

On a further motion made by Councilor Steven A. Camara and seconded by Councilor Derek R. Viveiros it was unanimously voted to adjourn at 7:07 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

Email from Richard Cote

Additional information from Mobilite, LLC

Additional information from New Cingular Wireless PCS, LLC (AT&T)

Photos from Richard Barlow


Cullen A. Taylor
Clerk of Committees

COMMITTEE ON ORDINANCES AND LEGISLATION

MEETING: Tuesday, February 13, 2018 at 5:30 p.m.
Council Chamber, One Government Center

PRESENT: Councilor Stephen R. Long, presiding
Councilors Bradford L. Kilby, Pam Laliberte-Lebeau
and Derek R. Viveiros

ABSENT: Councilor Shawn E. Cadime

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Joseph I. Macy, Corporation Counsel
Jeffrey Little, Director of Community Maintenance
Laura Ferreira, Director of Traffic
Jason Kauppi, President,
American Merit Construction Alliance, 39 Main Street, Ayer, MA
James Pimental, Vice-President/Organizer,
Bricklayers & Allied Craftsman, Union Local 3
550 Medford Street, Charlestown, MA
Daniel M. Rego, 361 Montaup Street

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

Agenda:

1. Citizen Input
None

2. Proposed Ordinance – Traffic, HP
On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Bradford L. Kilby, it was unanimously voted to recommend the proposed ordinance be accompanied by an emergency preamble and be passed through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilor Shawn E. Cadime absent and not voting.
3. Proposed Ordinance – Traffic, miscellaneous
An email was received prior to the meeting from Councilor Steven A. Camara stating that section one of the proposed ordinance, which is prohibited parking during certain hours on the south side of President Avenue has some opposition. He is requesting that section one be tabled for further discussion. The Director of Traffic stated that by inserting the parking prohibited from 7:00 a.m. to 4:00 p.m., Monday through Friday on the south side of President Avenue from 30 feet east of Stetson Street for a distance of 739 feet easterly, there would be a loss of approximately fifteen parking spaces. The residents in the area requested this proposal as it is difficult for the residents to exit their

driveways with vehicles parked in this area. On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Bradford L. Kilby it was unanimously voted to table section one of the proposed ordinance, until such a time that the residents of the area, Holy Name School, Truesdale Clinic and the Highland Neighborhood Association are invited to a future meeting to discuss the matter, with Councilor Shawn E. Cadime absent and not voting. The Clerk of Committees stated that Vale Street needed to be deleted from the proposed ordinance as it had already been struck out from Section 387 of Chapter 70 of the Revised Ordinances. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to recommend the proposed ordinance be passed through first reading, as amended with Councilor Shawn E. Cadime absent and not voting.

4. Proposed Ordinance –Abolishment of City Council Committee on Budget Preparation, Revenue and Audits

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Bradford L. Kilby, it was unanimously voted to recommend the proposed ordinance be passed through first reading, with Councilor Shawn E. Cadime absent and not voting.

5. Resolution – City side street sweeping program.

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Bradford L. Kilby, it was unanimously voted to lift the resolution from the table with Councilor Shawn E. Cadime absent and not voting. The City Administrator stated that the plan is to put stanchions in place the day prior to the street sweeping stating "No Parking from 8:00 a.m. to 2:00 p.m. – Street Sweeping". Councilor Laliberte-Lebeau stated that she would like to see the first citation to be a warning, not a fine. The second citation received will then be a \$20.00 fine. The Director of Traffic stated that the Parking Control Officers will check all streets prior to the street sweepers arriving and issue tickets to all vehicles parked in the no parking zone. The Director of Community Maintenance stated that the City has three street sweepers and three qualified drivers to operate the sweepers. He stated that each sweeper holds approximately seven yards of debris and 440 gallons of water. The City Administrator stated that the week prior to a procession, they will try to have all the streets on the route swept. She stated that they are looking to begin the program at the beginning of April. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau it was unanimously voted to table the matter, with Councilor Shawn E. Cadime absent and not voting.

6. Proposed Ordinance – Wage Theft

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Derek R. Viveiros, it was unanimously voted to lift the matter from the table, with Councilor Shawn E. Cadime absent and not voting. The City Administrator stated that the Purchasing Department should not be responsible for this additional paperwork, but each department should be responsible for their own record keeping. Corporation Counsel stated that he has met with all interested parties and made amendments to the proposed ordinance, which he had emailed to everyone earlier today. He stated that each side had suggestions and there was a general agreement as to the language changes (copy of said changes are attached hereto and made a part of these minutes). On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to recommend the proposed ordinance be passed through first reading, as amended with Councilor Shawn E. Cadime absent and not voting.

7. Mayor requesting creation of position of Opioid Clerk

The City Administrator stated that there is currently a clerical position that can be used for this position. On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Bradford L. Kilby, it was unanimously voted to recommend the proposed ordinance be granted leave to withdraw, with Councilor Shawn E. Cadime absent and not voting.

8. Mayor requesting creation of position of Administrative Assistant/Code Enforcement

The City Administrator stated that this will be an assistant to the Director of Code Enforcement and the salary would be not to exceed \$50,000.00. She then stated that there are presently three clerical positions in that department and one of those clerks may move into this position. Councilor Pam Laliberte-Lebeau asked what the current salaries were for the present clerical positions. The City Administrator stated in the \$30,000.00 range, but was unsure of the exact salaries. Councilor Bradford L. Kilby stated that he would like information from AFSCME stating that they would be agreeable to having a union position unfilled due to the creation of this position. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to table the matter, with Councilor Shawn E. Cadime absent and not voting.

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn at 6:50 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting

Cullen A. Taylor
Clerk of Committees

COMMITTEE ON ORDINANCES AND LEGISLATION

MEETING: Tuesday, February 20, 2018 at 5:30 p.m.
Council Chamber, One Government Center

PRESENT: Councilor Stephen R. Long, presiding
Councilors Pam Laliberte-Lebeau
and Derek R. Viveiros

ABSENT: Councilors Shawn E. Cadime and Bradford L. Kilby

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services

The chairman called the meeting to order at 5:31 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

1. Citizen Input
None

2. Mayor requesting creation of position of Administrative Assistant/Code Enforcement

On a motion made by Councilor Derek R. Viveiros and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to lift the matter from the table. The City Administrator stated that one clerical position will remain vacant in Code Enforcement. Councilor Pam Laliberte-Lebeau asked the City Administrator if the higher salary was already being paid and she stated that it was not. The Director of Financial Services stated that the Code Enforcement Department will end fiscal year 2018 with approximately a \$20,000.00 surplus, so this position will not require a financial transfer for the remainder of this year. Councilor Pam Laliberte-Lebeau stated that she would like to forward this matter to the full council without a recommendation. Chairman Stephen R. Long stated that he would like to see all of the clerical positions in Code Enforcement receive an increase in salary. The City Administrator stated that they are negotiating with AFSCME at this time. On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Derek R. Viveiros, it was unanimously voted to forward the proposed ordinance to the full council for action, with Councilors Shawn E. Cadime and Bradford L. Kilby absent and not voting.

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Derek R. Viveiros, it was unanimously voted to adjourn at 5:54 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting

Cullen A. Taylor
Clerk of Committees

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

This Council having on the 22 day of December, 2015 received a petition signed by fifteen registered voters in the City of Fall River that a new street or public way (**Blueberry Lane**) might be laid out and accepted for the use of the public and the City of Fall River, extending from the west line of Rodman Street and running westerly as a subdivided 40' road layout to a cul-de-sac, recorded at BK 7472, PG 201, N/F Dream Homes, Inc, therefore, the same was considered and on the ____ day of ____, 2018 it was:

ORDERED: That a meeting of the City Council be held at One Government Center on the ____ day of ____, 2018 at ____ o'clock to hear all parties interested and wishing to be heard on the subject of a layout for the said street, and that the City Clerk notify the several owners of land over and besides which it is proposed to layout the said street or public way, of the said meeting, and the intention of this Council to layout the same.

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

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

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

Said street or public way passes beside or over land supposed to belong, now or formerly to: *Dream Homes, Inc., Linh Vy and Nam Trang, Estevam D. Teves, Luis Barbosa, Keith R. Parent, and Eduardo Moniz.*

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

BLUEBERRY LANE**Layout Description**

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

From a Granite Bound (GB) with Brass Pin, found and held, a distance of 745.96', S 27° 46' 16" W along the eastern line of Rodman Street to a Granite Bound (GB) with Brass Pin found and held to establish the Rodman Street East Layout Line, continuing 50.00', N 62° 19' 26" W, to a point along the western line of Rodman Street, thence along the western line of Rodman Street 224.35', N 27° 46' 16" E to a Concrete Bound with drill hole set (CB) at the intersection of Blueberry Lane and Rodman Street, such point being the most southeasterly corner of the herein described Blueberry Lane layout, and the Point of Beginning (POB); from the POB, 62.45' along an arc to the left of radius 25.00' with a central angle of 143° 07' 48", to a point of reverse curvature, thence 249.81' along an arc to the right of radius 50.00' with a central angle of 286° 15' 37" to a point of reverse curvature, thence 62.45' along an arc to the left of radius 25.00' with a central angle of 143° 07' 48" to a Concrete Bound with drill hole set (CB) at the intersection of Blueberry Lane and Rodman Street, such point being the most northwesterly corner of the herein described Blueberry Lane layout, thence 90.00', S 27° 46' 16" W to the Point of Beginning; this layout of Blueberry Lane containing 9,634± square feet.

Said layout is shown on the attached plan entitled: **DEFINITIVE SUBDIVISION PLAN, BLUEBERRY LANE IN FALL RIVER, MASSACHUSETTS**, prepared for: **Dream Homes, Inc.** dated: **July 15, 2011** and endorsed by the **Planning Board** on **August 23, 2011**.

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

This Council having on the 22nd day of April, 2014 received a petition signed by thirteen registered voters in the City of Fall River that a new street or public way (**Morse Place**) might be laid out and accepted for the use of the public and the City of Fall River, extending from the east line of Bay Street and running easterly along the southern line of Morse Place for a distance of 383.89 feet to the easterly terminus of the roadway at the west line of Bowen Street, therefore, the same was considered and on the ____ day of _____, 2018 it was:

ORDERED: That a meeting of the City Council be held at One Government Center on the ____ day of _____, 2018 at ____ o'clock to hear all parties interested and wishing to be heard on the subject of a layout for the said street, and that the City Clerk notify the several owners of land over and besides which it is proposed to layout the said street or public way, of the said meeting, and the intention of this Council to layout the same.

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

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

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

Said street or public way passes beside or over land supposed to belong, now or formerly to: *Michael Letendre and Robert Blackburn, Brian Viveiros, Jose G. and Maria C. Pereira, Joao L. Sousa and Lucia F. Vitorino, Flordeliz and Jeffrey Costa, and Manuel B. Tavares and Dawn Marie Farias.*

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

MORSE PLACE

Layout Description

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

Beginning at a point at the intersection of Morse Place and Bay Street, such point being on the eastern side of Bay Street, said point being the most southwesterly corner of the herein described Morse Place layout, said point also being 314.27', N 44° 00' 43" E of a drill hole on the easterly side of Bay Street where it intersects the southerly line of Slade Street; thence from the Point of Beginning, running S 66° 38' 57" E along the southerly side of Morse Place for a distance of 383.89 feet to a point in the westerly line of Bowen Street, said point also being 294.00', N 23° 25' 03" E of the southwest corner of the intersection of Slade Street and Bowen Street; thence turning and running N 23° 25' 03" E for a distance of 20.00 feet to a point on the north side of Morse Place, thence running N 66° 38' 57" W for a distance of 376.37 feet to a point in the easterly line of Bay Street; thence turning and running S 44° 00' 43" W for a distance of 21.37 feet to the point of beginning; this layout of Morse Place containing 7,603± square feet.

Said layout is shown on the attached plan entitled: **STREET ACCEPTANCE PLAN located at MORSE PLACE IN FALL RIVER, BRISTOL COUNTY, MASSACHUSETTS**, prepared for: **City of Fall River** dated: **February 10, 2016**.



**Notice of Availability for South Coast Rail's
Draft Supplemental Environmental Impact Report (DSEIR)**

February 2, 2018

On January 31, 2018, the Massachusetts Department of Transportation (MassDOT) filed a Draft Supplemental Environmental Impact Report (DSEIR) for the South Coast Rail Phase 1 Project. The document was filed with the Massachusetts Executive Office of Energy and Environmental Affairs (EEA No. 14346).

You are receiving this notice because you submitted a written or electronic comment on the SCR Final Environmental Impact Statement/Report (FEIS/R) dated September 16, 2013 or the Notice of Project Change (NPC) dated March 15, 2017. The Secretary of Energy and Environmental Affairs issued a Certificate on the NPC on May 26, 2017, outlining the scope of work for the DSEIR. Since the publication of the NPC Certificate, MassDOT has continued to advance the design of the Project, including Phase 1, which will extend service from the existing Middleborough/Lakeville Commuter Rail Line along the Middleborough Secondary to Taunton, New Bedford and Fall River.

The DSEIR describes MassDOT's approach to providing long-awaited commuter rail service in 2022. The document will be made available for public review in accordance with the Massachusetts Environmental Policy Act (MEPA).

The extended 45-day public comment period for the DSEIR begins February 7, 2018 and ends March 23, 2018.

The DSEIR can be accessed on the project website (www.mass.gov/southcoastrail) beginning on February 7, 2018. Please also check the project website for information on public meetings during the comment period. Hard copies of the document are available for viewing at the libraries listed at the end of this document.

Written comments can be sent to the MEPA Office by March 23, 2018, at the following address:

Secretary Matthew A. Beaton, EOEEA
Attn: MEPA Office (Purvi Patel)
100 Cambridge Street, Suite 900
Boston, MA 02114
or fax: 617-626-1181
email: Purvi.Patel@state.ma.us

MassDOT would like to receive a copy of your letter, which you can email or mail to:

Jean Fox
MassDOT
Ten Park Plaza, Room 4150
Boston, MA 02116
email: Jean.Fox@state.ma.us

RECEIVED
2018 FEB -5 A 11:21
CITY CLERK
FALL RIVER, MA

5 - emailed to City Administrator + City Engineer

29

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

TO: Municipal Chief Executive Officers and Boards of Health

FROM: Taryn LaScola, Director, Division of Crop and Pest Services

REGARDING: MDAR Apiary Program

DATE: February 8, 2018

RECEIVED
 2018 FEB 12 P 12:07
 CITY CLERK
 FALL RIVER, MA

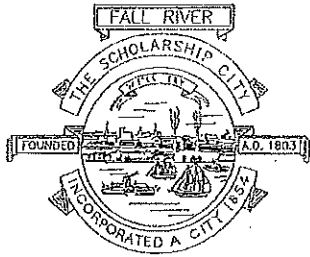
The Massachusetts Department of Agricultural Resources ("Department") Division of Crop and Pest Services manages the state Apiary Program ("Program"). The Program promotes and sustains apiculture in the Commonwealth by providing support to honey beekeepers, pesticide applicators, farmers, land managers, educators, regulators and government officials. The Program is comprised of a team of highly trained and knowledgeable staff consisting of a Chief Inspector and full-time seasonal inspectors located throughout the state. In addition, the Program is also charged with carrying out and enforcing the apiary laws and regulations found at M.G.L.c. 128 sections 32-38 and 330 CMR 8.00.

Due to the increased popularity of honey beekeeping and the rising number of beekeepers, the Department would like to inform municipalities that it is available to offer guidance and assistance in the following ways:

- Educational outreach to town officials
- Information on honey bee biology
- Information on existing state laws and regulations
- Information on best management practices for honey beekeeping
- Information on the Apiary Program's services
- Providing the Massachusetts Pollinator Protection Plan

Honey bee health in the country and in Massachusetts is in decline, represented most noticeably by the high annual losses of colonies. A vast majority of agriculture in the Commonwealth and our local food supply relies on honey bees for pollination. The Department supports the efforts of commercial and hobby honey beekeeping within the Commonwealth. The Department also understands that residents and municipalities often have questions and concerns about honey beekeeping activities. Given this, the Department is available to provide municipal government support and assistance.

Please review the attached Apiary Program brochure and also visit our website for additional information: <https://www.mass.gov/apiary-program-honey-bees>. If questions or concerns arise, please contact the Department for additional support.



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2018 FEB 27 P 3:58

AMENDED

ORIGINAL POSTING: FEBRUARY 23, 2018 10:15 AM

CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

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

INÊS LEITE

ASSISTANT CITY CLERK

TUESDAY, FEBRUARY 27, 2018

AGENDA

5:45 P.M. PUBLIC HEARINGS

Street Acceptances

1. The acceptance of Blueberry Lane, from Rodman Street to Blueberry Lane
2. The acceptance of Morse Place, from Bay Street to Bowen Street

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

1. Citizen Input
2. *Communication – Building Capital Improvement Plan (tabled 11-14-17)
3. *Resolution – Discuss salary increases for City Administrator and Director of Financial Services (adopted 1-23-18)

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 the following appointments/reappointments:
 - a. Stephen R. Long to the Tax Increment Financing Board
 - b. Ruben Amaral to the Historical Commission
 - c. Mark Nassiff, Jr. to the Retirement Board (reappointment)
2. *Mayor requesting establishment of Street Sweeping ordinance
3. *Mayor requesting creation of new position – Special Assistant to the Chief of Police

PRIORITY COMMUNICATIONS

4. Traffic Commission recommending amendments to the traffic ordinances

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

Action:

5. *Proposed Ordinance – Administrative Assistant/Code Enforcement

First reading, as amended:

6. *Proposed Ordinance – Wage Theft
7. *Traffic, miscellaneous

First reading:

8. *Proposed Ordinance – Abolishment of Committee on Budget Preparation, Revenue and Audits

Grant leave to withdraw:

9. *Proposed Ordinance – Opioid Clerk

All readings with Emergency Preamble:

10. *Proposed Ordinance – Traffic, handicapped parking

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

One Government Center • Fall River, MA 02722

TEL 508-324-2220 • FAX 508-324-2211 • EMAIL city_clerks@fallriverma.org

ORDINANCES – None

RESOLUTIONS

11. *Committee on Ordinances and Legislation consider proposed ordinance for public memorials

CITATIONS

12. Brayton Avenue Café and The Camara Family – Community Service
13. Jai Sotomayor –Contributions of Historic Fall River photos

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

14. Police Chief's report on licenses:

Taxicab Drivers:

Lori Cronister	Hiram Gonzalez	Christopher David Knight
Antonio Leite	Jennifer Pavao	Jonathan Roughan
Errol O. South		

Private Livery Driver:

David Ferreira

Second Hand License renewals:

Curt Barreira d/b/a Jimmy Jr's Tire Service at 729 Davol Street
Wayne Confoey d/b/a Cash for Gold at 1513 Pleasant Street
Joseph Bilan, BP Auto Service Repair, Inc. at 1091 South Main Street

Second Hand and Pawnbroker License renewals:

Howard Sperberg & Andrew Jaynes d/b/a Pawtucket Pawnbrokers Too at 302 South Main Street

15. Auto Repair Shop license renewals:

Empire Hyundai, Inc. at 428 Pleasant Street
Charles A. Sousa & Verissimo Medeiros, First Choice Auto Mall, Inc. at 1033 Pleasant St.
Humberto F. Medeiros d/b/a Major Auto Repair at 72 Everett Street
Jessica Rodrigues, VJR, LLC d/b/a Stafford Road Auto Repair & Sales at 182 Stafford Road

16. Auto Body Shop license renewal:

Robert Eleuterio d/b/a Eddie and Son Auto Body and Marine Repair at 115 Maple Street

COMMUNICATIONS – INVITATIONS – PETITIONS

17. *Claims

City Council Committee/Meeting Minutes:

18. *City Council Meeting – January 9, 2018
19. *Special Meeting of the City Council – January 16, 2018
20. *Public Hearing – January 23, 2018
21. *Public Hearing – February 6, 2018
22. *Committee on Public Works and Transportation – January 29, 2018
23. *Committee on Ordinances and Legislation – February 13, 2018
24. *Committee on Ordinances and Legislation – February 20, 2018

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

BULLETINS – NEWSLETTERS – NOTICES

- 25. *Final Report – Acceptance of Blueberry Lane, from Rodman Street to Blueberry Lane
- 26. *Final Report – Acceptance of Morse Place, from Bay Street to Bowen Street
- 27. *South Coast Rail – Draft Supplemental Environmental Impact Report
- 28. Notice of Casualty and Loss at 37 Star Street
- 29. *MA Department of Agricultural Resources – Apiary Program


Assistant City Clerk

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: FEBRUARY 27, 2018

*Corporation Counsel and arguments and summary re: New B.M.C. Durfee High School of Fall River Ballot Question

City of Fall River
Office of the Corporation Counsel

JASIEL F. CORREIA II
Mayor



JOSEPH I. MACY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

JESSICA A. ADLER
Assistant Corporation Counsel

February 27, 2018

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

RECEIVED
2018 FEB 27 P 3:49
CITY CLERK
FALL RIVER, MA

Dear Councilors:

Attached for your reference is the PRO/CON Statement re: the New B.M.C. Durfee High School of Fall River.

Joseph I. Macy, Corporation Counsel

BALLOT QUESTION

Shall the City of Fall River be allowed to exempt from the provisions of Proposition two-and-one-half, so called, the amounts required to pay for the bonds issued in order to build a new Durfee High School of Fall River?

Project Summary

The proposed Durfee High School of Fall River will consist of a new three-story academic building and the re-use of the existing athletic facility, football stadium, practice fields and performing arts building. The entire project results in a 501,330 square foot comprehensive high school that will serve 2,570 students in grades 9-12. The project will cost \$263.5 million. A \$165 Million grant will be given by Massachusetts School Building Authority and the local share will be \$98.5 million. It will be located on the existing high school site at 360 Elsbree Street.

The new academic building will be an efficient and compact footprint and exterior. The organization of the building has been simplified which will improve security, sightlines, wayfinding and natural lighting. The architectural characteristics of the building include reference to the 1887 Rock Street Durfee. The new building will allow the School Department to meet education accreditation requirements.

PRO

Durfee High School is plagued with safety issues, an outdated, failing structure, and lack of technology. Accreditation is at risk. Since 2012, the city has looked to solve these problems and create a learning space that prepares our students for the 21st century workforce. A yes vote allows a debt exclusion to help fund Fall River's share of the costs- \$98.5 million --to build a \$263.5 million school, with 63.5% from the MSBA. A debt exclusion is temporary and funds only this project. A NO vote means we forfeit the state grant and taxpayers will be responsible for an estimated \$147 million to make repairs and renovations necessary to insure the high school's accreditation. This is our shot to build a high school worthy of the great achievements that happen there. Our children, their children, and everyone who lives here deserve this investment in us and in our future.

Authored by:
Melissa Panchley
New Durfee Ballot Action Committee

CON

Everyone supports education. Not everyone supports uncontrolled spending.

"One of the great mistakes is to judge policies and programs by their intentions rather than their results."

While this bond issue has been cloaked in good intentions, it fails by its ultimate result. **To increase property taxes!** More taxes without so much as consideration of other viable funding options. Raising taxes again in spite of new increases in the residential tax factor, a maximum increase under proposition 2 ½, and increased fees and bonds.

We must not make the great mistake of judging this bond by its perceived intention. **We must judge this bond by its true intention, to increase taxes!** To again increase taxes without so much as a discussion of options that could greatly benefit taxpayers.

We must say no to this bond, not to education. We must send a message to our city government, enough! Find the money!

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