



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, June 26, 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

President Cliff Ponte called the meeting to order at 9:19 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.

A motion was made by Councilor Leo O. Pelletier and seconded by Councilor Steven R. Long to adopt the municipal budget. A further motion was made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long to reduce the revenues by \$300,000. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau it was unanimously voted to waive the rules to allow the City Administrator and the Director of Financial Services to answer questions. The Director of Financial Services gave an overview of the changes that were made to the budget that was resubmitted to the City Council.

PRIORITY MATTERS

1. Mayor and revised appropriation order for the proposed Fiscal Year 2019 Municipal Budget
BE IT ORDERED, that the Annual Budget for the Fiscal Year 2019 from various funds, is \$274,176,558 be raised through taxation for appropriation as follows:
 - A. for the purpose of GENERAL GOVERNMENT
 1. from the General Fund, for Mayor, Salaries \$ 286,662
On a motion made by Councilor Stephen R. Long and seconded by Councilor Joseph D. Camara, it was voted 5 yeas, 4 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara, Bradford L. Kilby and Pam Laliberte-Lebeau voting in the negative.
 2. from the General Fund, for Mayor, Expenses \$ 25,450
On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.

3. from the General Fund, for City Council, Salaries \$ 247,820
On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.
4. from the General Fund, for City Council, Expenses \$ 1,000
On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.
5. from the General Fund, for City Clerk, Salaries \$ 327,786
On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.
6. from the General Fund, for City Clerk, Expenses \$ 48,348
On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.
7. from the General Fund, for Elections, Salaries \$ 194,566
On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.
8. from the General Fund, for Elections, Expenses \$ 71,745
On a motion made by Councilor Stephen R. Long and seconded by Councilor Derek R. Viveiros, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.
9. from the General Fund, for Veterans' Benefits, Salaries \$ 257,655
On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.
10. from the General Fund, for Veterans' Benefits, Expenses \$2,540,102
On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.

B. for the purpose of ADMINISTRATION

1. from the General Fund, for Administrative Services, Salaries \$1,387,339
On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 5 yeas, 4 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara, Bradford L. Kilby and Pam Laliberte-Lebeau voting in the negative.
2. from the General Fund, for Administrative Services, Expenses \$1,924,909
On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 5 yeas, 4 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara, Bradford L. Kilby and Cliff Ponte voting in the negative.
3. from the General Fund, for Claims and Damages \$ 250,000
On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.

C. for the purpose of FINANCIAL SERVICES

1. from the General Fund, for Financial Services, Salaries \$1,355,744

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.

2. from the General Fund, for Financial Services, Expenses \$ 514,625

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.

D. for the purpose of FACILITIES MAINTENANCE

1. from the General Fund, for Facilities, Salaries \$ 875,327

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.

2. from the General Fund, for Facilities, Expenses \$1,463,890

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.

3. from the General Fund, for Facilities, Transfer to Revolving \$ 15,000

On a motion made by Councilor Stephen R. Long and seconded by Councilor Derek R. Viveiros, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.

E. for the purpose of COMMUNITY MAINTENANCE

1. from the General Fund, for Community Maintenance, Salaries \$4,337,444

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 5 yeas, 4 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara, Bradford L. Kilby and Pam Laliberte-Lebeau voting in the negative.

2. from the General Fund, for Community Maintenance, Expense \$9,210,895

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Stephen R. Long, it was voted 5 yeas, 4 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara, Bradford L. Kilby and Pam Laliberte-Lebeau voting in the negative.

F. for the purpose of COMMUNITY SERVICE

1. from the General Fund, for Community Services, Salaries \$2,507,384

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 5 yeas, 4 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara, Bradford L. Kilby and Pam Laliberte-Lebeau voting in the negative.

2. from the General Fund, for Community Services, Expenses \$ 585,931

On a motion made by Councilor Stephen R. Long and seconded by Councilor Derek R. Viveiros, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.

3. from the General Fund, for Community Services, Transfer Demo\$ 15,000

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.

4. from the General Fund, for Community Svcs, Transfer Vacant Lot\$ 15,000

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Bradford L. Kilby voting in the negative.

G. for the purpose of EDUCATION

1. from the General Fund, for School Appropriation \$97,694,678

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 with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative.

2. from the General Fund, for School Transportation \$ 8,450,000

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 with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative.

3. from the General Fund, for Education – All Other \$ 3,876,048

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 with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative.

H. for the purpose of COMMUNITY PROTECTION

1. from the General Fund, for Police, Salaries \$20,706,447

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 with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative.

2. from the General Fund, for Police, Expenses \$ 994,938

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Pam Laliberte-Lebeau voting in the negative.

3. from the General Fund, for Police, Capital \$ 160,000

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 with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative.

4. from the General Fund, for Harbor Master, Salaries \$ 2,500

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 with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative.

5. from the General Fund, for Harbor Master, Expenses \$ 17,800

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 with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative.

6. from the General Fund, for Fire & Emergency Srvs, Salaries \$14,616,557

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 with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative.

7. from the General Fund, for Fire & Emergency Srvs, Expenses \$ 662,296

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 3 nays to adopt with Councilors Shawn E. Cadime, Steven A. Camara and Pam Laliberte-Lebeau voting in the negative.

I. for the purpose of OTHER GOVERNMENTAL EXPENSES

1. from the General Fund, for Debt - Service \$ 9,068,126

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 with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative.

2. from the General Fund, for Insurance \$41,954,256
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 with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative.
3. from the General Fund, for Pension Contributions \$27,658,317
On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Stephen R. Long, it was voted 7 yeas, 2 nays to adopt with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative.
4. from the General Fund, for Reserve Fund \$ 1,425,000
On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 1 yea, 8 nays to adopt with Councilors Shawn E. Cadime, Joseph D. Camara, Steven A. Camara, Bradford L. Kilby, Pam Laliberte-Lebeau, Leo O. Pelletier, Derek R. Viveiros and Cliff Ponte voting in the negative and the motion failed to carry. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Bradford L. Kilby, it was voted 6 yeas, 3 nays to reduce the appropriation by \$300,000 to \$1,125,000 with Councilors Shawn E. Cadime, Steven A. Camara and Stephen R. Long voting in the negative.
2. Mayor and financial transfer order in the amount of \$450,000 for Transportation – Fall River Public Schools from the General Fund Stabilization Account
Councilor Joseph D. Camara asked if this transfer was time sensitive. The Director of Financial Services stated that it would need to be acted on prior to July 15, 2018. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was voted 8 yeas, 1 nay to refer the matter to the Committee on Finance, with Councilor Stephen R. Long voting in the negative.
3. Mayor and agreement with EnerNOC, Inc. to enroll the Water Division in the demand response program for electricity
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to the Committee on Finance.
4. Mayor and Memorandum of Understanding between the Fall River Police Association, MCOP Local 1854 and the City of Fall River
*On a motion made by Councilor Stephen R. Long and seconded by Councilor Bradford L. Kilby, it was voted 9 yeas to adopt the order approving the MOU.
Approved, June 28, 2018, Mayor Jasiel F. Correia II*
5. Mayor and proposed ordinance for Crime and Data Analyst – Police Department
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to waive the rules to allow the City Administrator to answer questions. The City Administrator gave a brief overview of the position for the Police Department. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was voted 8 yeas, 1 nay to refer the matter to the Committee on Ordinances and Legislation with Councilor Stephen R. Long voting in the negative.
6. Mayor and confirmation of appointment for Glenn Hathaway as Director of Municipal Buildings and Code Enforcement/Inspector of Buildings
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to confirm the appointment.

PRIORITY COMMUNICATIONS

7. Communication from Corporation Counsel regarding Open Meeting Law Superior Court decision and response to Open Meeting Law Complaint from Patrick Higgins re:
June 6, 2018 City Council Committee on Ordinances and Legislation Meeting

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file.

8. Traffic Commission recommending amendments to traffic ordinances
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.

Councilor Bradford L. Kilby left the meeting at 10:16 p.m.

COMMITTEE REPORTS

Committee on Real Estate recommending:

Adopt:

9. Order – Lease agreement between Watuppa Water Board and Bay Coast Rowing Center
On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting. Approved, June 28, 2018, Mayor Jasiel F. Correia II

Grant leave to withdraw:

10. Communication from city resident requesting purchase of property adjacent to
270 London Street
On a motion made by Councilor Stephen R. Long and seconded by Councilor Steven A. Camara, it was unanimously voted that the communication be granted leave to withdraw, with Councilor Bradford L. Kilby absent and not voting.

ORDINANCES

Second reading and enrollment:

11. Proposed Ordinance – Traffic, Miscellaneous
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment, with Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Derek R. Viveiros, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilor Bradford L. Kilby absent and not voting.

Approved, June 28, 2018, Mayor Jasiel F. Correia II

12. Proposed Ordinance – Seasonal employee
On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment, with Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Derek R. Viveiros, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilor Bradford L. Kilby absent and not voting.

Approved, June 28, 2018, Mayor Jasiel F. Correia II

- ## ORDERS – HEARINGS

17 Stephen and Doreen Soares – total of 19.5 feet at 97 Holden Street

Auto Repair Shop License Renewals:

- 23. Gilbert Lourenco d/b/a Gil's Automotive located at 196 Oak Grove Avenue
- 24. Mark Shea d/b/a Shea's Automotive Center located at 400 Stafford Road
- 25. Monro Muffler and Brake, Inc. located at 129 Rhode Island Avenue

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt items #23 through #25, with Councilor Bradford L. Kilby absent and not voting.

COMMUNICATIONS – INVITATIONS – PETITIONS

- 26. Claims

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

- 27. Drainlayer license for Narragansett Improvement Company

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

On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #28 through #30 together, with Councilor Bradford L. Kilby absent and not voting.

- 28. Open Meeting Law Complaint from Patrick Higgins re: June 14, 2018
City Council Meetings
- 29. Open Meeting Law Complaint from Patrick Higgins re: June 12, 2018
City Council Meetings
- 30. Open Meeting Law Complaint from Patrick Higgins re: June 20, 2018
City Council Committee on Real Estate Meeting

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to refer items #28 through #30 to Corporation Counsel, with Councilor Bradford L. Kilby absent and not voting.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #31 and #32 together, with Councilor Bradford L. Kilby absent and not voting.

- 31. Communication from the Attorney General's Division of Open Government
with determination for Open Meeting Law Complaint from Patrick Higgins
re: September 7, 2016 City Council Committee on Real Estate Meeting
- 32. Communication from the Attorney General's Division of Open Government
with determination for Open Meeting Law Complaint from Patrick Higgins
re: August 2, 2016 City Council Committee on Ordinances and Legislation Meeting

On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted that items #31 and #32 be accepted and placed on file and copy to Corporation Counsel, with Councilor Bradford L. Kilby absent and not voting.

- 33. Resignation letter from Kenneth C. Pacheco as a member of the Fall River
Community Preservation Committee

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the resignation be accepted and placed on file and a letter of thanks be forwarded to Mr. Pacheco, with Councilor Bradford L. Kilby absent and not voting.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to take items #34 through #36 together, with Councilor Bradford L. Kilby absent and not voting.

- 34. Final Report – Acceptance of Arthur Street, extending from Ashley Street to Sidney Street
- 35. Final Report – Acceptance of Ashley Street, extending from North Main Street to a dead end
- 36. Final Report – Acceptance of Winslow Street, extending from North Main Street to a dead end

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt items #34 through #36 together, with Councilor Bradford L. Kilby absent and not voting.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to take items #37 and #38 together, with Councilor Bradford L. Kilby absent and not voting.

Zoning Board of Appeals Minutes:

- 37. January 25, 2018
- 38. May 17, 2018

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted that items #37 and #38 be accepted and placed on file, with Councilor Bradford L. Kilby absent and not voting.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #39 through #49 together, with Councilor Bradford L. Kilby absent and not voting.

City Council Meeting Minutes:

- 39. Public Hearings – May 29, 2018
- 40. Committee on Finance – June 27, 2017
- 41. Committee on Finance – July 11, 2017
- 42. Committee on Finance – May 29, 2018
- 43. Committee on Finance – June 12, 2018
- 44. Regular Meeting of the City Council – June 27, 2017
- 45. Regular Meeting of the City Council – July 11, 2017
- 46. Regular Meeting of the City Council – August 15, 2017
- 47. Regular Meeting of the City Council – May 29, 2018
- 48. Regular Meeting of the City Council – June 12, 2018
- 49. Special Meeting of the City Council – June 14, 2018

On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to approve items #39 through #49, with Councilor Bradford L. Kilby absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES

- 50. Fall River Historical Commission 2018 Annual Report

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

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: JUNE 26, 2018

PRIORITY COMMUNICATIONS

On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to take items #6a and #6b together, with Councilor Bradford L. Kilby absent and not voting.

6. Council President and requests for residency waivers for the Purchase and Bank Streets Streetscapes Construction Oversight Committee
- a. Brian Cunha
 - b. Joseph T. Baptista Jr.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was voted 7 yeas, 1 nay to approve items #6a and #6b, with Councilor Shawn E. Cadime voting in the negative and Councilor Bradford L. Kilby absent and not voting.

- 6c. Mayor and orders for City's Safe Routes to School project for the Carlton Viveiros Elementary School located at 525 Slade Street
- i. Order of Taking
 - ii. Declaration and dedication of public land located at Slade, Lewis, Dwelly and Scott Streets for temporary construction purposes and perpetual public access and public way purposes

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer items #6c, i and #6c, ii to the Committee on Real Estate, with Councilor Bradford L. Kilby absent and not voting.

COMMITTEE REPORTS

Committee on Public Works and Transportation recommending:

Approval:

On a motion made by Councilor Steven A. Camara and seconded by Councilor Derek R. Viveiros, it was voted 8 yeas to take items #10a and #10b together, with Councilor Bradford L. Kilby absent and not voting.

- 10a. Communication – Street opening req. for pavement less than 5 years old – 482 Globe St.
10b. Street acceptance – Morse Place

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to approve items #10a and #10b, with Councilor Bradford L. Kilby absent and not voting.

Grant leave to withdraw:

- 10c. Curb removal – 325 South Beacon Street

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the order to the Committee on Public Works and Transportation, with Councilor Bradford L. Kilby absent and not voting.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take item #10e out of order, with Councilor Bradford L. Kilby absent and not voting.

- 10e. Order appropriating \$1,503,617 from Community Preservation Act funds for
Fiscal Year 2019 Community Projects

A motion was made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier to adopt the order. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was voted 6 yeas, 2 nays to refer the matter back to the Community

Preservation Committee with Councilors Joseph D. Camara and Stephen R. Long voting in the negative and Councilor Bradford L. Kilby absent and not voting. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau it was unanimously voted to get an opinion from Corporation Counsel to determine if the City Council may approve each project or if they must vote on the order as a whole, with Councilor Bradford L. Kilby absent and not voting.

Committee on Finance recommending:

Action:

10d. Community Preservation Committee Final Report 2018 with Fiscal Year 2019
Project and Funding Recommendations

A motion was made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long to table the matter, but was withdrawn. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau to refer the matter back to the Community Preservation Committee, with Councilor Bradford L. Kilby absent and not voting.

COMMUNICATIONS – INVITATIONS – PETITIONS

30a. Open Meeting Law Complaint from Patrick Higgins re: June 6, 2018

City Council Committee on Ordinances and Legislation Meeting

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

City Council Meeting Minutes:

43a. Committee on Finance – June 7, 2018

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the minutes, with Councilor Bradford L. Kilby absent and not voting.

43b. Committee on Finance – June 14, 2018

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

The President called for a 5 minute recess at 10:58 p.m. to allow the ordinances to be signed and reconvened at 11:02 p.m.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn at 11:03 p.m., with Councilor Bradford L. Kilby absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

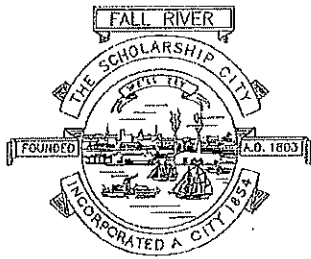
A true copy. Attest:



City Clerk

In City Council, September 25, 2018

Adopted.



City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2018 JUN 22 P 3:37

ALISON M. BOUCHARD
CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
TUESDAY, JUNE 26, 2018
AGENDA

CITY CLERK
FALL RIVER, MA
JUNES LEITE
ASSISTANT CITY CLERK

5:15 P.M. COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM

**5:45 P.M. PUBLIC HEARINGS OR IMMEDIATELY FOLLOWING THE COMMITTEE ON
ECONOMIC DEVELOPMENT AND TOURISM IF IT RUNS PAST 5:45 P.M.**

Curb Removals

1. Rhode Island Ave., LLC, 154 Rhode Island Ave., requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
154 Rhode Island Ave. Approx. 68' Aetna Street		12' Rhode Island Ave.	0'	80'

The petitioner is requesting to open a second 12 foot driveway onto Rhode Island Avenue, which is intended to improve circulation and access. 154 Rhode Island Avenue is a commercial property at the corner of Aetna Street and Rhode Island Avenue. The property maintains an existing driveway along Aetna Street with approximately 40 feet without curb and 28 feet painted yellow (no parking) asphalt berm, which is easily traversable in a vehicle. The work does not impact on-street parking. Engineering has no objection to the new driveway opening on Rhode Island Avenue, but recommends the paint indicating no parking against the Cape Cod berm on Aetna Street be removed as there is a "No Parking" zone in ordinance applicable to that location.

2. Stephen and Doreen Soares, 97 Holden Street, request the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
97 Holden Street	14.5'	5'	0'	19.5'

The petitioners are requesting to widen the driveway by 5 feet, which is intended to improve circulation and access to the property. 97 Holden Street is a multi-family property at the corner of Holden Street and Fielden Street, which maintains an existing 14.5 foot driveway and serves a large parking area and a two-car garage that is attached to the residence. The work does not impact utilities or signage, and does not significantly impact on-street 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

3. Lourenco Botelho, 57 Florence Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
57 Florence Street	11' 4"	8' 8"	0'	20'

The petitioner is requesting to widen the curb cut by 8 feet 8 inches to the east side of the existing 11 foot 4 inch driveway. The work does not impact utilities or signage, and does not significantly impact on-street parking.

4. Daniel and Erin-Beth Reilly, 704 Brayton Avenue, request the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
704 Brayton Avenue	32'	23'	0'	55'

The petitioners are requesting to widen the curb cut by 23 feet to the existing 32 foot driveway to provide access adjacent to their driveway that serves a double garage setback a short distance from the right-of-way. The work does not impact utilities or signage, and does not significantly impact on-street parking.

5. Greenwater Realty, LLC c/o Xiphias Wellness, 5 Pottersville Road, Little Compton, RI., requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
482 Globe Street	0'	28'	0'	28'

The petitioner is requesting to construct a commercial width driveway to serve their property, which is currently accessed via an abutter's driveway. The work does not impact utilities or signage, and does not significantly impact on-street parking.

Street Acceptances

6. The acceptance of Arthur Street, extending from Ashley Street to Sidney Street
7. The acceptance of Ashley Street, extending from North Main Street to a dead end
8. The acceptance of Winslow Street, extending from North Main Street to a dead end

Urban Renewal Plans

9. Waterfront Urban Renewal Plan
10. Downtown Urban Renewal Plan

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

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

1. Citizen Input
2. Discussion of Revised Fiscal Year 2019 Municipal Budget (see item #1 below)
3. *Community Preservation Committee Final Report 2018 with Fiscal Year 2019 Project and Funding Recommendations (referred 5-29-18)
4. *Communication from Mayor and order appropriating \$1,503,617 from Community Preservation Act funds for Fiscal Year 2019 Community Projects (referred 5-29-18)

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 and revised appropriation order for the proposed Fiscal Year 2019 Municipal Budget (see Finance #2 above)
2. *Mayor and financial transfer order in the amount of \$450,000 for Transportation – Fall River Public Schools from the General Fund Stabilization Account
3. *Mayor and agreement with EnerNOC, Inc. to enroll the Water Division in the demand response program for electricity
4. *Mayor and Memorandum of Understanding between the Fall River Police Association, MCOP Local 1854 and the City of Fall River
5. *Mayor and proposed ordinance for Crime and Data Analyst – Police Department
6. *Mayor and confirmation of appointment for Glenn Hathaway as Director of Municipal Buildings and Code Enforcement/Inspector of Buildings

PRIORITY COMMUNICATIONS

7. *Communication from Corporation Counsel regarding Open Meeting Law Superior Court decision and response to Open Meeting Law Complaint from Patrick Higgins re: June 6, 2018 City Council Committee on Ordinances and Legislation Meeting
8. *Traffic Commission recommending amendments to traffic ordinances

COMMITTEE REPORTS

Committee on Real Estate recommending:

Adopt:

9. *Order – Lease agreement between Watuppa Water Board and Bay Coast Rowing Center

Grant leave to withdraw:

10. *Communication from city resident requesting purchase of property adjacent to 270 London Street

ORDINANCES

Second reading and enrollment:

11. *Proposed Ordinance – Traffic, Miscellaneous
12. *Proposed Ordinance – Seasonal employee

RESOLUTIONS

13. *Committee on Finance meet with all interested parties regarding the Alfred J. Lima Quequechan River Rail Trail to ensure that no destruction will be done
14. *Mayor and Corporation Counsel reverse and/or rescind the "easement" provided to Cloverleaf Mills, LLC that will cross the Alfred J. Lima Quequechan River Rail Trail and that the Committee on Finance meet with these parties on the matter

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

15. Alexander Kirk, B.M.C. Durfee High School Unified Sports Track and Field Program –
First place finish at the Unified Track and Field State Meet

16. Rhode Island Avenue, LLC – total of 80 feet at 154 Rhode Island Avenue
17. Stephen and Doreen Soares – total of 19.5 feet at 97 Holden Street
18. Lourenco Botelho – total of 20 feet at 57 Florence Street
19. Daniel and Erin-Beth Reilly – total of 55 feet at 704 Brayton Avenue
20. Greenwater Realty, LLC c/o Xiphias Wellness – total of 28 feet at 482 Globe Street

21.	<u>Michael Coelho</u>	Mark Tardie
22.	*Reschedule Committee on Finance Meeting and Regular Meeting of the City Council from Tuesday, July 17, 2018 to Thursday, July 12, 2018	

23. Gilbert Lourenco d/b/a Gil's Automotive located at 196 Oak Grove Avenue
24. Mark Shea d/b/a Shea's Automotive Center located at 400 Stafford Road
25. Monro Muffler and Brake, Inc. located at 129 Rhode Island Avenue

26. *Claims
27. *Drainlayer license for Narragansett Improvement Company
28. *Open Meeting Law Complaint from Patrick Higgins re: June 14, 2018
City Council Meetings
29. *Open Meeting Law Complaint from Patrick Higgins re: June 12, 2018
City Council Meetings
30. *Open Meeting Law Complaint from Patrick Higgins re: June 20, 2018
City Council Committee on Real Estate Meeting
31. *Communication from the Attorney General's Division of Open Government
with determination for Open Meeting Law Complaint from Patrick Higgins
re: September 7, 2016 City Council Committee on Real Estate Meeting
32. *Communication from the Attorney General's Division of Open Government
with determination for Open Meeting Law Complaint from Patrick Higgins
re: August 2, 2016 City Council Committee on Ordinances and Legislation Meeting
33. *Resignation letter from Kenneth C. Pacheco as a member of the Fall River
Community Preservation Committee
34. Final Report – Acceptance of Arthur Street, extending from Ashley Street to Sidney Street
35. Final Report – Acceptance of Ashley Street, extending from North Main Street to a dead end
36. Final Report – Acceptance of Winslow Street, extending from North Main Street to a
dead end

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

Zoning Board of Appeals Minutes:

- 37. *January 25, 2018
- 38. *May 17, 2018

City Council Meeting Minutes:

- 39. *Public Hearings – May 29, 2018
- 40. *Committee on Finance – June 27, 2017
- 41. *Committee on Finance – July 11, 2017
- 42. *Committee on Finance – May 29, 2018
- 43. *Committee on Finance – June 12, 2018
- 44. *Regular Meeting of the City Council – June 27, 2017
- 45. *Regular Meeting of the City Council – July 11, 2017
- 46. *Regular Meeting of the City Council – August 15, 2017
- 47. *Regular Meeting of the City Council – May 29, 2018
- 48. *Regular Meeting of the City Council – June 12, 2018
- 49. *Special Meeting of the City Council – June 14, 2018

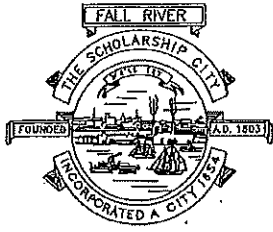
BULLETINS – NEWSLETTERS – NOTICES

- 50. *Fall River Historical Commission 2018 Annual Report


Assistant City Clerk

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: JUNE 26, 2018

- *Council President and request for residency waiver for Brian Cunha for the Purchase and Bank Streets Streetscapes Construction Oversight Committee



City of Fall River Massachusetts Community Preservation Committee

JASIEL F. CORREIA II
Mayor

KENNETH C. PACHECO
Chairman
James Souza
Vice-Chairman

May 23, 2018

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

Dear City Council:

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

Copies of the report have been submitted to:

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

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

Thank you for your attention to this matter.

Respectfully,

Kenneth Pacheco, Chair
Community Preservation Committee

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 29 2018

*Referred to the
Committee on Finance*

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

COMMUNITY PRESERVATION COMMITTEE FINAL REPORT 2018 FY19 Project & Funding Recommendations

Adoption and Preparation

The Citizens of Fall River approved the adoption of the community Preservation Act in the November 2012 election. 57.9% of the voters in the election cast ballots in support of its local adoption. The Community Preservation Committee was formed in October 2013 and held its first meeting on October 28, 2013.

The membership of the Community Preservation Committee includes two members appointed by the Mayor, two members appointed by the City Council, a representative from the Housing Authority, a representative from the Historic Commission, a representative from the Planning Board, a representative from the Conservation Commission and a representative from the Park Board

Mayor Appointee

- James Souza
- John Francoeur

City Council Appointee

- Kenneth Pacheco
- Antone Dias

Housing Authority

- Vacant

Historic Commission

- Kristen Cantara Oliveira

Planning Board

- Charles Moniz

Conservation Commission

- John Brandt

Park Board

- Victor Farias

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

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

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

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

In 2017 (FY18), the Community Preservation Committee recommended and the City Council approved funding for 11 projects. Since the inception of the Community Preservation Committee tools have been implemented. Award agreements have been drafted and financial protocols have been developed. Work on private projects have been completed. Some projects have been delayed due to weather, overruns and change in staffing. It is expected that projects will be completed by fall.

Colorful signs have been purchased and placed at construction sites throughout the city. The signs indicate that the work is being conducted because of the Community Preservation Act funding.

The Application Process

Hearings on Eligibility

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

During the 2018 funding cycle eligibility hearings were held

October 5, 2017 - Regular Meeting

Eligibility Projects

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

October 24, 2017 - Regular Meeting

Eligibility Projects

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

Finance 3

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

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

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

Hearings for Funding

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

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

March 28, 2018

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

April 3, 2018

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

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

Emergency Projects

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

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

No other emergency projects came before the committee.

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

Final Projects submitted for Funding round

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

Private Projects

Lafayette Durfee House

Little Theater of Fall River

Maritime Museum

CFC Children's Home

Academica Club

Eagle Event Center

Cultural Center

Anawan No. 6 (Fall River Fire Museum)

Former Elks Lodge (200 Bank Street)

Public Projects

Boat Ramp (Bicentennial Park)

Central Fire Station

Park Wires

Park Building (Kennedy Park)

Granite Wall (Kennedy Park/Bradford Avenue)

Private Joseph Francis Green

Niagara Neighborhood Bike Path Study

Fall River Public Schools Window Restoration

Bioreserve Conservation Land Acquisition Project #1

Bioreserve Conservation Land Acquisition Project #2

*Stanley Street Fire Station

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

Finance 3

The Voting Process

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

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

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

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

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

The final projects for recommendation are:

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

Each item to be considered a separate appropriation

Conclusion

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

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

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

The Categories are as follows:

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

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

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

filed by Sandy
Dennis after
5-29-18 Meeting
Finance 3

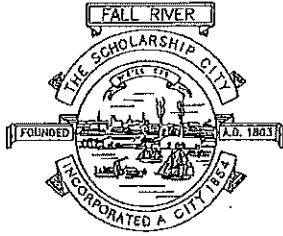
EXPLANATION OF FUNDING

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

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

Finance 3

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



City of Fall River
Massachusetts
Office of the Mayor

Finance 4

RECEIVED

2018 MAY 23 A 10:33

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

May 22, 2018

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

Dear Honorable Council Members:

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

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

Your approval of the associated Appropriation Order is respectfully requested.

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

Sincerely,

Jasiel F. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 29 2018

*Referred to the Committee
on Finance*

APPROPRIATION ORDER

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

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

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

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

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

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

CITY OF FALL RIVER
IN CITY COUNCIL

May 29, 2018
Referred to the Committee
on Finance

Finance 4



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

JASIEL F. CORREIA II
Mayor

KENNETH C. PACHECO
Chairman
James Souza
Vice-Chairman

May 21, 2018

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

Dear Mayor Correia:

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

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

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

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

Respectfully,

Kenneth Pacheco, Chair
Fall River Community Preservation Committee

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

RECEIVED

2018 JUN -7 A 10: 35

CITY CLERK
FALL RIVER, MA

EXPLANATION OF FUNDING

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

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

7/7/18 emailed and placed on desks

Finance 4

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

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

[illegible]



City of Fall River
Massachusetts
Office of the Mayor

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2018 JUN 21 A 11:43

JASIEL F. CORREIA II
Mayor

CITY CLERK _____
FALL RIVER, MA

June 21, 2018

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

Dear Honorable Council Members:

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, per the Council request, the following appropriation order change is presented to your Honorable Body for fiscal 2019. The appropriation order before you has been increased as a result of your actions to retain the Pay As You Throw (PAYT) Ordinance No. 2015-23.


The Annual Budget for the fiscal year 2019 is increased to \$281,489,012.

Original Budget Submission	\$ 279,664,012
Additional Appropriations:	
Solid Waste Expense – Bag Costs	\$400,000
Reserve Fund	<u>\$ 1,425,000</u>
Total Appropriations for FY2019	<u>\$ 281,489,012</u>

To arrive at this increase, it is anticipated that the local receipts will increase \$1,825,000. My original budget included anticipated receipts from the PAYT program through September 30th in the amount of \$475,000. As a result, the revised budget includes estimated receipts from the PAYT program of \$2,300,000. Any transfers from the reserve fund will need appropriation approve from the Council.

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

Best Regards,


Jasiel F. Correia II
Mayor

City of Fall River, In City Council

BE IT ORDERED, that the Annual Budget for the Fiscal Year 2019 from various funds, is \$281,489,012 of which the amount of \$274,476,558 be raised through taxation for appropriation as follows:

A. for the purpose of GENERAL GOVERNMENT

1.	from the General Fund, for MAYOR, Salaries	\$	286,662	
2.	from the General Fund, for MAYOR, Expenses	\$	25,450	
3.	from the General Fund, for CITY COUNCIL, Salaries	\$	247,820	
4.	from the General Fund, for CITY COUNCIL, Expenses	\$	1,000	
5.	from the General Fund, for CITY CLERK, Salaries	\$	327,786	
6.	from the General Fund, for CITY CLERK, Expenses	\$	48,348	
7.	from the General Fund, for ELECTIONS, Salaries	\$	194,566	
8.	from the General Fund, for ELECTIONS, Expenses	\$	71,745	
9.	from the General Fund, for VETERANS' BENEFITS, Salaries	\$	257,655	
10.	from the General Fund, for VETERANS' BENEFITS, Expenses	\$	2,540,102	\$ 4,001,134

B. for the purpose of ADMINISTRATION

1.	from the General Fund, for ADMINISTRATIVE SERVICES, Salaries	\$	1,387,339	
2.	from the General Fund, for ADMINISTRATIVE SERVICES, Expenses	\$	1,924,909	
3.	from the General Fund, for CLAIMS AND DAMAGES	\$	250,000	\$ 3,562,248

C. for the purpose of FINANCIAL SERVICES

1.	from the General Fund, for FINANCIAL SERVICES, Salaries	\$	1,355,744	
2.	from the General Fund, for FINANCIAL SERVICES, Expenses	\$	514,625	\$ 1,870,369

D. for the purpose of FACILITIES MAINTENANCE

1.	from the General Fund, for FACILITIES, Salaries	\$	875,327	
2.	from the General Fund, for FACILITIES, Expenses	\$	1,463,890	
3.	from the General Fund, for FACILITIES, Transfer to Revolving	\$	15,000	\$ 2,354,217

E. for the purpose of COMMUNITY MAINTENANCE

1.	from the General Fund, for COMMUNITY MAINTENANCE, Salaries	\$	4,337,444	
2.	from the General Fund, for COMMUNITY MAINTENANCE, Expenses	\$	9,210,895	\$ 13,548,340

F. for the purpose of COMMUNITY SERVICE

1.	from the General Fund, for COMMUNITY SERVICES, Salaries	\$	2,507,384	
2.	from the General Fund, for COMMUNITY SERVICES, Expenses	\$	585,931	
3.	from the General Fund, for COMMUNITY SERVICES, Transfer to Demo Lien Revolving	\$	15,000	
4.	from the General Fund, for COMMUNITY SERVICES, Transfer to Vacant Lot Revolving	\$	15,000	\$ 3,123,315

G. for the purpose of EDUCATION

1.	from the General Fund, for SCHOOL APPROPRIATION	\$	97,694,678	
2.	from the General Fund, for SCHOOL TRANSPORTATION	\$	8,450,000	
3.	from the General Fund, for EDUCATION-ALL OTHER	\$	3,876,048	\$ 110,020,726

H. for the purpose of COMMUNITY PROTECTION

1.	from the General Fund, for POLICE, Salaries	\$	20,706,447	
2.	from the General Fund, for POLICE, Expenses	\$	994,938	
3.	from the General Fund, for POLICE, Capital	\$	160,000	
4.	from the General Fund, for HARBOR MASTER, Salaries	\$	2,500	
5.	from the General Fund, for HARBOR MASTER, Expenses	\$	17,800	
6.	from the General Fund, for FIRE & EMERGENCY SERVICES, Salaries	\$	14,616,557	
7.	from the General Fund, for FIRE & EMERGENCY SERVICES, Expenses	\$	662,296	\$ 37,160,538

I. for the purpose of OTHER GOVERNMENTAL EXPENSES

1.	from the General Fund, for DEBT - SERVICE	\$	9,068,126	
2.	from the General Fund, for INSURANCE	\$	41,954,256	
3.	from the General Fund, for PENSION CONTRIBUTIONS	\$	27,658,317	
4.	from the General Fund, for RESERVE FUND	\$	1,425,000	\$ 80,105,699

TOTAL GENERAL FUND OPERATING BUDGET \$ 255,746,586 \$ 255,746,586

CHERRY SHEET ASSESSMENT \$ 25,259,800 \$ 25,259,800

OTHER AMOUNTS TO BE RAISED \$ 482,626 \$ 482,626

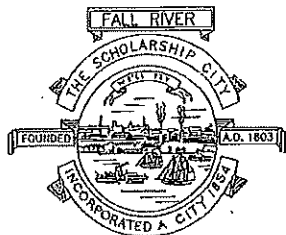
GENERAL FUND OPERATING BUDGET \$ 281,489,012 \$ 281,489,012

City of Fall River, In City Council

FUNDING SOURCES:

from the Grants for Admin	\$ 17,432	\$ 17,432
from Library for DEBT SERVICE	\$ 100,000	\$ 100,000
from Waterways for DEBT SERVICE	\$ 7,579	\$ 7,579
from the EMS Rate Revenues for INSURANCE	\$ 759,680	
from the EMS Rate Revenues for PENSION	\$ 345,794	
from the EMS Rate Revenues for SHARED PAYROLL	\$ 209,483	
from the EMS Rate Revenues for OTHER INDIRECT	\$ 1,209,833	
from the Water Rate Revenues for INSURANCE	\$ 800,171	
from the Water Rate Revenues for PENSION	\$ 688,156	
from the Water Rate Revenues for OTHER INDIRECT	\$ 1,230,838	
from the Sewer Rate Revenues for INSURANCE	\$ 92,398	
from the Sewer Rate Revenues for PENSION	\$ 124,076	
from the Sewer Rate Revenues for OTHER INDIRECT	\$ 1,427,014	\$ 6,887,443
 from Ordinary Revenue and Municipal Receipts	 \$ 274,476,558	 \$ 274,476,558
 GENERAL FUND OPERATING BUDGET	 \$ 281,489,012	 \$ 281,489,012

2



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

JASIEL F. CORREIA II
Mayor

2018 JUN 19 P 3:49

CATHY ANN VIVEIROS
City Administrator

CITY CLERK _____
FALL RIVER, MA _____

June 19, 2018

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

Dear Honorable Council Members:

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

This appropriation is necessitated due to both the regular periodic review of the operating budget and discussion with the school personnel. The shortfall in School Transportation is associated with Argosy High School Transportation and McKinney Vento Transportation due to the influx in students from Puerto and US Virgin Islands. The following appropriations will assist the City in meeting its Fiscal Year 2018 obligations:

1. \$450,000 That the sum of \$450,000 be, and the same is, hereby appropriated for TRANSPORTATION - FALL RIVER PUBLIC SCHOOLS from the GENERAL FUND STABILIZATION ACCOUNT.

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

Best Regards,

Jasiel F. Correia II
Mayor

City of Fall River, In City Council

2

1

ORDERED:

**That the sum of \$450,000 be, and the same is, hereby appropriated for the
SCHOOL TRANSPORTATION from the GENERAL FUND
STABILIZATION FUND.**

2

FALL RIVER PUBLIC SCHOOLS

"The Scholarship City"

417 Rock Street, Fall River, MA 02720

Matthew H. Malone, Ph.D., Superintendent

May 25, 2018

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

Dear Mayor Correia:

I am attaching herewith, for your consideration and approval, a request through the Mayor; to the City Council to appropriate additional funding for School Transportation in the fiscal year 2018 budget totaling \$450,000.

At the May 14, 2018 School Committee meeting, the School Committee provided authorization for us to request through you, an appropriation to cover the School Transportation shortfall. The shortfall is attributed to Argosy High School Transportation totaling \$183,825 and McKinney Vento Transportation associated with the influx of students from Puerto Rico and the US Virgin Islands totaling \$266,175 for a total of \$450,000.

Thank you in advance for your consideration to this matter.

Sincerely,

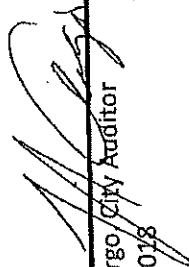


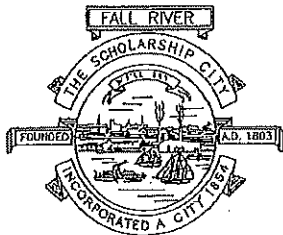
Kevin Almeida,
Chief Financial Officer

FY18 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
General Stabilization Fund	\$ 7,482,692.79	\$ (450,000.00)	7,032,692.79
School Transportation	\$ 8,150,000.00	\$ 450,000.00	8,600,000.00

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


 Jennifer Argo, City Auditor
 June 26, 2018



JASIEL F. CORREIA II
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2018 JUN 20 P 4:09

CITY CLERK _____
FALL RIVER, MA

June 20, 2018

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

Dear Councilors:

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

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

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

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

Sincerely,

Jasiel F. Correia II
Mayor

Attachment

Demand Response Order Form

Provider:

EnerNOC, Inc.

One Marina Park Drive, Suite 400
Boston, MA 02210**Customer:**

3

Order Form #: 00197583.0

Order Effective Date: 4/1/2018

Order Expiration Date: 11/30/2023

Name:

DR Payment Contact:

Fall River Water Treatment Plant

Paul Ferland

(508) 324-2320

pferland@fallriverma.org

DR Payment Address:

1620 Bedford Street

Fall River, MA 02720

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

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

Demand Response Terms:

1. **Term.** The term of this Order Form shall commence on the Order Effective Date and continue until the later of (i) the Order Expiration Date ("Order Term") or (ii) the expiration of the last Program Period (as defined in the PRA) then in effect.
2. **Demand Response Solutions.** The Parties understand that the "Anticipated Capacity" value set forth on this Order Form is solely the Parties' best estimate of performance and does not necessarily represent the Customer's Accepted Capacity (as defined in the applicable PRA incorporated by reference).
3. **Demand Response Payments.** For each Customer site address that is enrolled in a demand response program, Provider shall pay Customer in accordance with the applicable PRA. Unless otherwise indicated on the applicable PRA, any reference to a payment "%" shall mean (i) the capacity payment rate identified on this Order Form as a percent of the price obtained by Provider for the applicable demand response program and/or product, and (ii) the energy payment rate identified on this Order Form as a percent of the energy payments available to Provider.

Provider

Signature: _____

Name: _____

Title: _____

Customer

Signature: _____

Name: _____

Title: _____

Site Address Attachment

3

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

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

Program Rule Attachment New England Demand Response Program

3

1. **Program Description.** Provider shall enroll and manage Customer's Accepted Capacity (as defined below) in one or more demand response programs in New England (each a "DRP", and collectively, the "New England Program"). The New England Program enables Customer to receive recurring payments for being available and reducing electricity consumption when called upon by Provider to do so.
2. **Program Enrollment.** Customer authorizes Provider to enroll Customer in any DRP at any time during the Order Term. Customer has the ability and intent to respond to demand response events called by Provider ("Demand Response Events") during the program period ("Program Period") for the New England Program. From time to time, Provider may send Customer an enrollment notification email that confirms the DRP in which Customer will be enrolled and that sets forth any additional relevant terms.
3. **Program Rules.** The terms and conditions applicable to the New England Program are summarized in the table below:

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

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

4. Customer Capacity.

- a. **Accepted Capacity.** "Accepted Capacity" shall represent the best estimate of Customer's performance based on analysis of consumption data and pre-enrollment testing. Customer agrees that the Accepted Capacity may be adjusted by Provider in the future to reflect actual performance, changes in facility operations, DRP terms and conditions, and regulations and/or other relevant information, including availability of capacity. Accepted Capacity will apply for the Program Period and Provider will notify Customer of any changes to Accepted Capacity as required in the terms and conditions of the New England Program or the applicable DRP.
- b. **Delivered Capacity.** "Delivered Capacity" shall be defined as the average difference between the measured energy demand (in kW) and baseline energy usage over each hourly interval of a Demand Response Event and/or Test Event as measured by Provider's EnerNOC site server ("ESS"). Delivered Capacity is calculated on a monthly basis based on all Demand Response Event and Test Event hours during that month; provided, however, that Delivered Capacity may be further adjusted based on Customer's average performance in the Peak Summer Period and Peak Winter Period. If Delivered Capacity is not greater than 75% of Accepted Capacity in a given month, then Delivered Capacity for such month will equal zero (0) kW. Delivered Capacity in a given month will be calculated up to 125% of Accepted Capacity for such month, in accordance with the terms and conditions of the New England Program or the applicable DRP, and as measured by the ESS.

5. Payments.

a. Payments to Customer.

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

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

Generator Compliance Project Addendum

3

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

1. Definitions.

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

2. Generator Compliance Project.

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

3. Payment Accrual and Offset.

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

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

4. Reimbursement Payment.

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

- 5. Indemnification.** Notwithstanding any other terms of the Order Form, Customer indemnifies, defends and holds Provider and Provider's affiliates, directors, employees, and agents harmless against any third-party claim, action, liability or expense, including reasonable attorney's fees and court costs, incurred by Provider related to the Generator Compliance. While it is not anticipated that Provider will have any liability for torts related to the Generator Compliance Project, the foregoing indemnification obligations apply to any tort proceedings including any strict liability claim, any claim under another theory related to latent or other defects and any patent, trademark or service mark infringement claim. The terms of this section survive the termination of this Agreement. Customer agrees that Provider does not provide any representations or warranties, either express or implied, with respect to the services or deliverables of the Generator Compliance Project, including any warranties of merchantability or fitness for a particular purpose.

- 6. Generator Use.** With respect to the materials provided pursuant to the Generator Compliance Project, Customer agrees that, during the Order Term, Customer will not knowingly take any actions which could adversely impact their ability to perform at the levels identified in the Order Form at any Upgrade Sites. Customer acknowledges that attempting to actively manage its peak load contribution or other relevant peak charges ("PLC Management") may increase the likelihood of underperformance and that its Delivered Capacity will generate insufficient Capacity and/or Energy Payments to cover the Generator Compliance Project Costs. In the event that Customer wishes to engage in PLC Management and does not want to participate in demand response following the expiration of the Order Term, then within ninety (90) days prior to the expiration of the Order Term, Customer will contact the Provider to discuss potential services, and Provider will have a right of first offer to provide PLC Management to Customer.

Schedule 1
Reimbursement Schedule

3

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

Schedule 2
Performance Adjustment Schedule

1. Delivered Capacity Calculation and Timing.

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

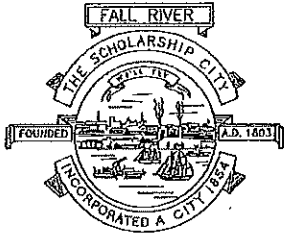
Based on those calculations for the Assessed Delivery Year, Customer's Capacity Payment Rate for the Upgrade Site(s) for the Delivery Year that immediately follows the Assessed Delivery Year may, in Provider's sole discretion, be adjusted (each such Delivery Year, an "Adjusted Delivery Year") in accordance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

2. Capacity Payment Rate Adjustment.

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

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

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



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

4

RECEIVED

2018 JUN 21 P 3:33

CITY CLERK _____
FALL RIVER, MA _____

JASIEL F. CORRÊIA II
Mayor

June 21, 2018

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

Honorable Council Members:

Consistent with the requirements of MGL Chapter 150E, Section 7, I am forwarding the recently negotiated Memorandum of Understanding (MOU) between Fall River Police Association, MCOP Local 1854 and the City of Fall River for your approval. It has been ratified by the membership. Enclosed please find the copy for your review.

This MOU will become a part of the prior contract document and, in combination, they establish the contractual obligations affecting this bargaining unit.

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

Best Regards,

Jasiel F. Correia II
Mayor

City of Fall River, *In City Council*

4

ORDERED, that the funding of the cost items contained in the attached Memorandum of Understanding between the City of Fall River and the Fall River Police Association MCOP Local 1854 is hereby approved.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CITY OF FALL RIVER
AND
FALL RIVER POLICE ASSOCIATION, MCOP LOCAL 1854

WHEREAS, The City of Fall River (the "City") and the Fall River Police Association, MCOP Local 1854 (the "Union") are parties to a collective bargaining agreement for the time period July 1, 2015-June 30, 2018;

WHEREAS, The parties have agreed to a successor Agreement from July 1, 2018 through June 30, 2019;

NOW, THEREFORE, The Parties agree to the following terms:

1. The Parties agree to extend the collective bargaining agreement from July 1, 2018 through June 30, 2019, with the following modifications:

- a. Article XIX WAGES, Section 1 add a General wage increase of 2% effective July 1, 2018
- b. Article II, EMPLOYEE RIGHTS, Section 2, second paragraph, as follows;

Association officers, shift and bargaining committee members, not to exceed four (4) in any instance shall be granted leave of absence without loss of pay or benefits for time required to discuss and process grievances or incidents which could lead to grievances, with the employee or others involved and may enter the premises of the Department, at any reasonable time for such purposes, provided they give notice of their presence immediately upon arrival at the person in charge, in keeping with existing Department rules and regulations.

- c. Article XXII, QUINN BILL, Section 2, modify as follows to remove the option of semi annual payments;

Educational benefits under this Article shall be paid in 26 biweekly payments.

- d. Article XXV, DRUG TESTING, Section B:Annual Drug Testing, subsection g modify as follows;

In consideration for this Section B, each member of the bargaining unit shall receive a \$400 stipend to be paid in 26 biweekly payments. Said payment will continue not be considered part of "base wages."

- e. Add new section to provide for officers to be allowed to have facial hair as follows:

The parties agree that effective July 1, 2018 officers will be permitted to grow facial hair in accordance with grooming standards to be provided by the Chief.

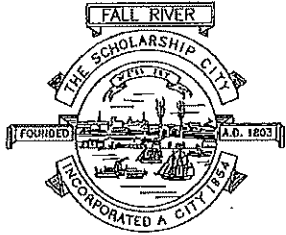
The allowance of facial hair will be initially for a 6 month period of time. If it is determined that there are issues concerning the allowance of facial hair, the City or Union may request to meet on or about December 1, 2018 to discuss such issues. Unless determined at that time, that facial hair has created issues that cannot be resolved between the parties, the allowance of facial hair shall continue after the 6 month trial period.

This Agreement is subject to ratification by the Union and funding at the next City Council Meeting.

City of Fall River


Fall River Police Association, MCOP Local 1854

June 20, 2018



City of Fall River
Massachusetts
Office of the Mayor

5

RECEIVED

2018 JUN 21 P 3:33

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

June 21, 2018

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

RE: Crime and Data Analyst-Police Department

Members of the City Council:

Chief Dupere is requesting the creation of a new position Crime and Data Analyst. Included herein is a Job Description and proposed Ordinance.

An annual salary of \$50,000 is being requested by Chief Dupere. The Ordinance provides for a not to exceed amount of \$60,000 to allow for any future parity adjustment resulting from collective bargaining negotiated increases. There are sufficient funds within the Police Department's FY 2019 Budget to support this position.

Your approval of this proposed position is respectfully requested.

Best Regards,

Jasiel F. Correia II
Mayor

City of Fall River, *In City Council*

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

That Chapter 50 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Personnel, be amended as follows:

Section 1.

By inserting in Section 50-281, which section relates to classification schedule, in proper alphabetical order the following:

Crime and Data Analyst – Police Department 50-301

Section 2.

By inserting in Section 50-301, which section relates to salary schedules for executive officers, department heads and non-union personnel, in proper alphabetical order the following:

Crime and Data Analyst – Police Department July 1, 2018 Not to exceed \$60,000.00

Job Description Crime and Data Analyst

Position Focus: Crime analysis will be conducted using both qualitative and quantitative data methods, including statistical methods, such as, frequencies, percentages, means and rates. Analyst will provide examination of long term patterns in crime trends over last several years, seasonal nature of crime, monthly trends, short term patterns (weekly) and time of day, time between instances trends. Analyst will also provide hot spot identification and intervention strategy. Creation of bulletins and sundry reports, as required based on current crime trends and pending projects. The Analyst will provide guidance to the various divisions and units (e.g. investigative unit, crime prevention unit, patrol and support services). Compliance work will include, but not limited to, collaboration in the compilation of statistics and other requirements in the preparation of the department's FBI Uniform Crime Report, and other mandated federal and state reporting. Serve as internal resource and provide interpretations to department leadership and officers regarding crime analysis, crime trends, and other changes impacting public safety.

Essential Duties

1. Under the direction of the Chief of Police or a designee, completion and submission of the department's N.I.B.R.S. report, daily crime log, yearly report and other custom reports as needed along with other State and federal mandated reporting compliance. Serve as internal resource and provide interpretations to department leadership and officers.
2. Develop and keep current a comprehensive compliance program to meet state and federal guidelines for crime reporting.
3. Analysis/research as applicable. Assist in the design and implementation of automated models for crime prevention and public safety purposes.
4. Plan and develop reports and analyses on crime, crime prevention strategies, and trends.
5. Identify other sources of data that may be of assistance in crime prevention, analysis and reporting requirements.
6. Recommend implementation of crime prevention initiatives and strategies. Such projects include crime prevention initiatives, community outreach, identifying changes in legislation impacting public safety.
7. Perform crime analysis using both qualitative and quantitative data methods, including statistical methods, such as, frequencies, percentages, means and rates. Analyst will provide examination of long term patterns in crime trends over last several years, seasonal nature of crime, monthly trends, short term patterns (weekly) and time of day, time between instances. Develop hot spot identification

and intervention strategy. Identify data sets and assist in the exploitation of publicly available data and information.

8. Create bulletins and sundry reports as required based on current crime trends and pending projects. Identify gaps in information and intelligence and work to mitigate risk.
9. Compile, track and present other crime and public safety data as needed for presentation to the community, other city departments, the media and other outside entities.
10. May perform other duties and data analysis as assigned.

Preferred Education and Experience: Bachelor's Degree in related discipline and two years of experience in public safety related field, or if there are no applicants meeting this requirement, equivalent combination of education and experience.

Preferred Skills: MS office skills, including experience manipulating raw data to create Excel reports and PowerPoint presentations. Experience working with public safety technology. Familiarity with public safety records management systems or similar systems including databases. Familiarity with mapping software.

Background Check Requirements All candidates for employment will be subject to pre-employment background screening for this position, which may include drug testing.

5



City of Fall River, Massachusetts Police Department

Office of the Chief of Police

Albert F. Dupere
Chief of Police

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

June 20, 2018

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

Dear Mayor Correia,

I am writing to respectfully request the addition of the position of Crime and Data Analyst to the police department. This individual would work in the Office of the Chief and would be responsible for crime analysis, crime data reporting and other special projects for the department.

As of September 2017, the duties formerly assigned to a full time police officer have been assigned to various officers in the department and I would like to allow them to devote their full time to their regular duties. Among other benefits the addition of a this position would centralize all data collection and analysis, provide greater accuracy in crime reporting to state and federal agencies and allow a full time police officer position to remain in the Uniform Division for regular street patrol duties.

I believe that having a full time person devoted to these duties would greatly benefit our public safety efforts and allow for a better understanding of and response to crime in our city. I also request that this position be funded at a salary not to exceed \$50,000 per year, in order to attract qualified applicants. Thank you for any consideration of this request and for your time and attention to this matter.

Sincerely,

Albert F. Dupere
Chief of Police



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2018 JUN 21 P 4:18

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II

Mayor

June 21, 2018

Honorable City Council
One Government Center
Fall River, MA 02722

Councilors:

We are pleased to submit for your approval the appointment of Glenn Hathaway as our new Director of Municipal Buildings and Code Enforcement/Inspector of Buildings. Mr. Hathaway has completed his interim appointment and demonstrated his ability to perform the duties of this position. His annual salary will be \$85,000. His Resume is included for your reference.

Your approval is respectfully requested.

Best Regards,

Mayor Jasiel F. Correia II
Mayor

6

Glenn Hathaway
46 Bowen Street
Fall River, MA 02722

December 11, 2017

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

Attn: Madeline Coelho

Dear Ms. Coelho:

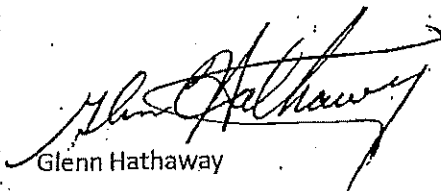
Please accept the enclosed resume as application for the Inspector of Buildings/Building Commissioner position advertised on the city website. Upon reviewing the required qualifications, I strongly believe that I am a strong candidate for this position.

In the past four and a half years as a Building Inspector for the City of Fall River, I have supervised and inspected numerous construction sites, responded to after hour emergency calls, issued permits, and attended many city and state hearings to present facts and materials for cases in question. I have provided coverage for the current Inspector of Buildings/Building Commissioner during his absence for vacation, sick time, and personal time. I have also represented him at various board inquiries in Boston for complaints that were filed. I have an excellent working relationship with the Mayor's Office, City Planner & Engineer, Fall River Fire and Police Departments, state commissioner's office and many other agencies.

I am well organized, dedicated, and a strong team player. I take a lot of pride in my work and am always willing to go above and beyond my job duties to assure the safety of the residents of this City. I am able to communicate effectively with diverse crowds and always maintain a positive attitude.

After reviewing the qualifications for the Inspector of Buildings/Building Commissioner, I strongly believe that I am well suited for this position. I have working knowledge of the Building Department, the staff, and the cliental and I feel that this will definitely be an asset to the department. I would appreciate the opportunity to further discuss my skills and qualifications in a meeting at your convenience. I can be contacted at the above address or by phone at 508-678-0252. I look forward to the opportunity to speak with you.

Sincerely,



Glenn Hathaway

GLENN HATHAWAY

46 Bowen Street
Fall River, MA 02724

508-678-0252
glennhat@comcast.net

Summary

A self-motivated, dedicated, and hardworking individual with a strong desire to succeed. Over 40 years experience (both self and private sector employment) in the construction and building service industry. Excellent problem solving, decision making, and management skills. Superior leadership and communication skills. Ability to prepare and manage budgets. In depth knowledge of the Fall River Building Department's policies and procedures, along with the state and local building codes, ordinances and regulations. Team player working with all City and State departments to achieve results that are within state and city regulations

Employment Experience

Local Building Inspector – Code Enforcement Division
City of Fall River, Massachusetts

July 2013 to Present

- Provide timely and efficient service to the people of the City for a variety of functions including the directing, supervising, coordinating and participation in the work of enforcing Massachusetts State Building Codes, regulations, and municipal ordinances relating to the inspection of private, commercial and industrial buildings for conformance with the laws
- Responsible to city, state and federal codes and standards of all work performed under his direction and to conform to policies and directives promulgated by the Director of Code Enforcement to coordinate the work for which he is responsible with the work of coworkers
- Supervises personnel and engaged in enforcing the provisions of the State Building Code and any other applicable statutes, rules regulations, ordinances pertaining
- Inspects installation, maintenance, alteration, repair and removal of electric light, heating and power systems, appliance, apparatus and devices:
- Assigned as City Inspector for many large scale projects (examples below):
 - a. Renovations and additions at Charlton Memorial Hospital
 - b. South Coast Market Place
 - c. Atlantis Charter School
 - d. Renovations and additions at St. Anne's Hospital
 - e. CSO Project at Bicentennial Park
 - f. Raw Seafood
- Investigates complaints of faulty wiring, fires and accidents of alleged electrical origin
- Makes determination as to what constitutes safe or unsafe installation
- Advises electricians, builders, owners, architects and engineers on electrical problems, materials and methods and interprets codes, laws and regulations
- Issues permit for installation, extension or repair
- Enforces conformity with municipal by-law or ordinances and issues orders for correction of hazards
- Plans and directs work subordinates
- Issues reports and maintains records of work
- Responsible for performing with considerable latitude in independent judgment and decision-making and under general supervision
- Fills in for Inspector of Buildings / Building Official during leaves of absence (vacation, sick, or personal time)

Employment Cont'd

Local Building Inspector (Part Time)
Town of Dighton

2013 – Present

- Provide timely and efficient service to the people of the Town for a variety of functions including the directing, supervising, coordinating and participation in the work of enforcing state laws, regulations, and municipal ordinances relating to the inspection of private, commercial and industrial buildings for conformance with the laws
- Responsible to the town, state and federal codes and standards of all work performed under his direction and to conform to policies and directives promulgated by the Director of Code Enforcement to coordinate the work for which he is responsible with the work of coworkers
- Engage in enforcing the provisions of the State Building Code and any other applicable statutes, rules regulations, ordinances pertaining
- Inspects installation, maintenance, alteration, repair and removal of electric light, heating and power systems, appliance, apparatus and devices
- Makes determination as to what constitutes safe or unsafe installation
- Issues permit for installation, extension or repair
- Responsible for performing with considerable latitude in independent judgment and decision-making and under general supervision
- Fills in for Inspector of Buildings / Building Official during leaves of absence (vacation, sick, or personal time).

Owner – Glenn Hathaway General Contractor
Fall River, MA

1979-2013

- Local builder and renovation contractor
- Hired and organized all necessary workers for a construction job
- Provided materials, obtains necessary permits, schedule inspections, complies with all building codes and sees the project through to completion
- Estimate how much a project will cost to build overall and offering that estimate in the form of a bid to the persons or company who are paying for the project
- Provide many hours of hands-on labor
- Managed company budgets, accounts receivables, and accounts payables

Licenses

Inspector of Buildings / Building Commissioner

Building Official Certification #BO-1941

Unrestricted Construction Supervisor License – #1453

Sheet Metal License – #6227

Certifications

Commonwealth of Massachusetts Office of Public Safety and Inspections

- Ministerial Duties April 2017
- Architectural Access Board Requirements April 2017
- How Zoning Affects the Process April 2017
- Building Inspection Techniques April 2017
- International Existing Building Code 2015

International Code Council

- Fire Stopping Inspection Training
- 40A updates
- Ventilation Workshop
- Fire Escape Inspection for Code Officials
- 2015 IRC Transition From the 2009 IRC

Home Builders & Remodelers Association of Cape Cod

- Fire Stopping

Mass Save

- MA – Commercial Energy Code – Lighting, Lighting Control and Other Electrical Provisions
- MA – Commercial Energy Code – Envelope and Building Science
- MA – Residential Energy Code – HVAC and Indoor Air Quality

6

Glenn Hathaway
46 Bowen Street
Fall River, MA 02722

References

Eric J Resendes (President)
Spindle City Homes Inc.
P.O. Box 9727
Fall River, MA 02720
508-496-6971

Neil Furtado
Captain/Assistant City Fire Marshall
140 Commerce Drive
Fall River, M 02720
508-324-2740 Ext 109 (office)
774-319-0954 (cell)

Nelson Carreiro
General Superintendent
GENCON
323 Manley Street
West Bridgewater, MA 02379
carreiro@gencondb.com
508-982-1413

7

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

June 19, 2018

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

RE: Open Meeting Law Decision

Dear President Ponte:

On April 2 I forwarded a copy of Judge Hopkins decision to you with a short letter explaining the decision. That letter was followed up by a longer letter on April 20 with a further explanation of the Judge's decision.

The gravamen of the Judge's decision, and the Attorney General's as well, is not that a subcommittee compromising a quorum violates the Open Meeting Law but that "deliberation" which includes non-committee members does. The Attorney General, in the decision appealed from specifically noted: "a quorum of a public body may sit on its subcommittee without having to post a separate meeting notice, provided that the discussion is limited to matters within the jurisdiction of the subcommittee." The Attorney General has also ruled that, "Members of the parent body may attend the meeting of a subcommittee provided there is no deliberation."

In this regard the Attorney General was quite specific: "The complaint alleges that the presence of five Councilors is a per se violation of the Open Meeting Law. The complaint alleges that every Subcommittee meeting is therefore a meeting at which a quorum of a public body is present. **This argument is unavailing.**" (Emphasis supplied)

In upholding the Attorney General's ruling Judge Hopkins found that the Attorney General was not "arbitrary or capricious" in ruling that the City Council violated the Open Meeting Law by the participation and deliberation of non-committee members; not because the committee comprised a quorum. The court stated with reference to the non-subcommittee members, "the substance of their participation reflected that they were "deliberating as Council members in a Subcommittee meeting. Thus the court agrees that the Council's failure to properly notice a joint meeting of the Subcommittee and the full Council violated the Open Meeting Law."

RECEIVED
2018 JUN 19 P 4:02
CITY CLERK
FALL RIVER, MA

7

I trust that this letter, combined with the previous letters, provides the guidance you seek and ends any confusion. However, since the line drawn is fairly fine I would be glad to discuss this matter with all or any of you at your convenience. To put the matter as succinctly as possible; the violation found was not the composition of the committee, it was the conduct of the meeting. In a telephone conversation with the Open Meeting Law division today that understanding was confirmed.

In an effort to eliminate any further confusion I am enclosing our recent response to a similar complaint from Patrick Higgins.



Joseph J. Macy, Corporation Counsel

For Distribution to Full Council

7

City of Fall River
Office of the Corporation Counsel

JASIEL F. CORRÊIA II
Mayor



JOSEPH I. MACY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

JESSICA A. ADLER
Assistant Corporation Counsel

June 18, 2018

Patrick Higgins
P.O. Box 24
Swansea, MA 02777

RE: **Open Meeting Law Complaint- Fall River City Council**
Date of Alleged Violation- June 6, 2018

Dear Mr. Higgins;

This letter is in response to your Open Meeting Law Complaint filed against the Fall River City Council with an alleged violation date of June 6, 2018 stating:

"The Fall River City Council and the Ordinance Sub. Committee violated the open meeting law by having a quorum of the Full City Council meet as the Ordinance Sub Committee without posting a joint meeting with the City Council in violation of the Open Meeting Law. See 2016-117."

The Fall River City Council referred this Open Meeting Law complaint to this office for response during their meeting on or about June 12, 2018.

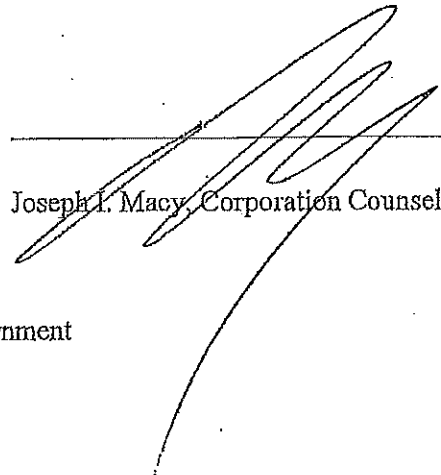
The Fall River City Council Ordinance Sub Committee did not violate the Open Meeting Law by having a quorum of the Full City Council meet as the Ordinance Sub Committee without posting a joint meeting.

In OML 2016-117, the Attorney General's Office, Open Meeting Law Division states: "We have previously concluded that a quorum of a public body may sit on its subcommittee without having to post a separate meeting notice, provided that the discussion is limited to matters within the jurisdiction of the subcommittee." See OML 2013-155. Here, no discussion of topics occurred beyond the Subcommittee's jurisdiction, thus no posting was necessary. Therefore no violation occurred.

Since a determination has been made that no violations exist, we consider this matter closed. Please note that you have the right to appeal to the Massachusetts Attorney General - Division of Open Government.

7

City of Fall River, by

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long trailing stroke, is written over a horizontal line.

Joseph L. Macy, Corporation Counsel

Cc: Attorney General – Division of Open Government
Fall River City Council



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

7 25
RECEIVED

2018 JUN -7 A 10:34

CITY CLERK
FALL RIVER, MA

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: +1 (508) 674-3140 Ext.

Email: patrick@patrickhiggins.xyz

Organization or Media Affiliation (if any): Patrick Higgins and Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/
town, county or region, if applicable): Fall River City Council

Specific person(s), if any, you allege
committed the violation: Steve Long, Shawn Cadime, Derek Viveiros, Pam Lebeau and Brad Kilby

Date of alleged violation: Jun 6, 2018

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 12 2018

*Referred to the
Corporation Council*

7

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Fall River City Council and the Ordinance Sub Committee violated the open meeting law by having a quorum of the Full City Council meet as the Ordinance Sub Committee without posting a joint meeting with the City Council in violation of the Open Meeting Law. See 2016-117.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

This is an intentional and deliberate violation of the open meeting law. The City had appealed the determination to the Superior Court and the Superior Court found that this was a violation. The Division of Open Government should fine the city the \$1000 civil penalty provided for in the Open Meeting Law.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 6/6/16

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

RECEIVED

Jasiel F. Correia II
Mayor

2018 JUN 15 P 12:15
LAURA FERREIRA
Parking Clerk

CITY CLERK _____
FALL RIVER, MA

June 14, 2018

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 30, 2018 following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Crawford Street	East	Starting at a point 25 feet south of Larouche Street, for a distance of a distance of 20 feet southerly

Very truly yours,

Laura Ferreira
Parking Clerk



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

RECEIVED

8

Jasiel F. Correia II
Mayor

2018 JUN 15 12:15
LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

June 14, 2018

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 30, 2018 following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

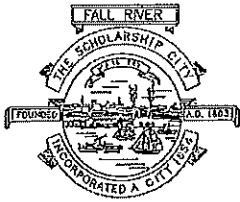
By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Tuttle Street	East	Starting at a point 87 feet south of Charles Street, for a distance of a distance of 20 feet southerly

Very truly yours,

Laura Ferreira
Parking Clerk



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division RECEIVED

Jasiel F. Correia II
Mayor

2018 JUN 15 12:15
LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

June 14, 2018

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 30, 2018 following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Ridge Street	West	Starting at a point 124 feet south of Cottage Street, for a distance of a distance of 20 feet southerly

Very truly yours,

Laura Ferreira
Parking Clerk



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

RECEIVED

8

Jasiel F. Correia II
Mayor

2018 JUN 15 5:12:15
LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

June 14, 2018

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 30, 2018 following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

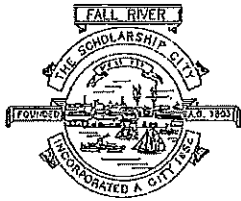
By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Oliver Street	North	Starting at a point 402 feet west of Broadway, for a distance of a distance of 20 feet westerly

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division **RECEIVED**

Jasiel F. Correia II
Mayor

2018 JUN 15 12:15
LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

June 14, 2018

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 30, 2018 following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

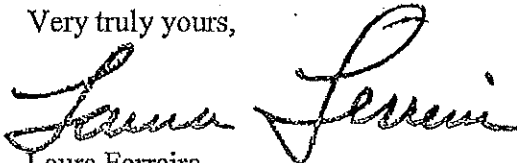
Article: 70
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Diman Street	West	Starting at a point 100 feet north of Bradford Avenue, for a distance of a distance of 20 feet northerly

Very truly yours,


Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

RECEIVED

Jasiel F. Correia II
Mayor

2018 JUN 15 15
LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

June 14, 2018

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 30, 2018 following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By inserting in proper alphabetical order the following:

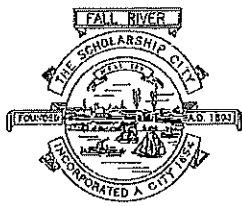
INSERT

Name of Street	Side	Location
South Main Street	West	Starting at a point 63 feet south of Center Street, for a distance of a distance of 20 feet southerly

Very truly yours,

Laura Ferreira
Parking Clerk

8



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

RECEIVED

Jasiel F. Correia II
Mayor

2018 JUN 15 12:15
LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

June 14, 2018

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 30, 2018 following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

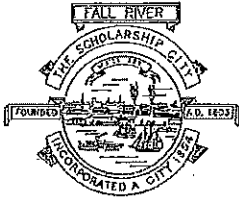
By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Eastern Avenue	East	Starting at a point 429 feet south of Horton Street, for a distance of a distance of 20 feet southerly

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

RECEIVED

Jasiel F. Correia II
Mayor

2018 JUN 15 12:15
LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

June 14, 2018

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 30, 2018 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Wellington Street	South	Starting at a point 137 feet west of Fulton Street, for a distance of 20 feet westerly.

Very truly yours,

Laura Ferreira
Parking Clerk

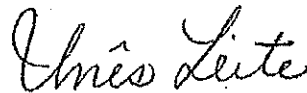
CITY OF FALL RIVER

9

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on June 20, 2018, voted unanimously to recommend that the accompanying order be adopted.



Assistant Clerk of Committees

City of Fall River, In City Council

9

ORDERED, that the City of Fall River hereby authorizes the attached lease agreement to be entered into between the City of Fall River Watuppa Water Board and the Bay Coast Rowing Center. The leased property is the former Boyd Center located at Lot D-20-0016, 994 Jefferson Street, Fall River, MA.

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 12 2018

Referred to the
Committee on Real Estate

**THE CITY OF FALL RIVER
LEASE AGREEMENT**

1. This Lease Agreement ("Lease") is effective _____, 2018 and entered into between The City of Fall River Watuppa Water Board ("the City") and BAY COAST ROWING CENTER., a Massachusetts Corporation ("Tenant"). The City leases to Tenant that portion of its property located at Lot D-20-0016; 994 JEFFERSON STREET, Fall River in the State of Massachusetts ("Property") as shown on the attached plan for educational and training purposes for the boating community. The Property is leased for the purpose of rehabilitating, maintaining, operating, improving, supplementing, painting, illuminating, repairing and/or removing the existing building formerly used as a child care center, including, without limitation, fixture connections, electrical supply and connections, panels, signs, fire alarm fixtures, security alarm fixtures, roof, water and sewer services and any equipment and accessories as Tenant may place thereon (collectively, the "Structures"). This Lease includes all necessary rights of Ingress and egress.
2. Phase 1 of the lease is for use and rehabilitation of the existing building, construction of docks and access to the shore for boats. Phase 2 is expected to be construction of an additional building that will require review and approval by the City. The tenant shall be responsible for all permits and compliance with all Federal and State laws and regulations, Conservation Commission approvals and Fall River ordinances.
3. The existing parking lot north of the existing building on Lot D-20-0016 can be utilized but must be kept available for the public use for recreational access to the South Watuppa Pond. Tenant must manage parking for events as to not cause significant traffic problems in the area and/or interfere with traffic to the Atlantis Charter School and the State Parking Area for Dave's Beach.
4. Tenant shall be responsible for erecting any additional fencing and/or access gates on or near the site that may be required to control access to the site as approved by the City.
5. This Lease shall be in effect commencing on 26 June 2018 and ending on 30 June 2028.
6. Tenant shall pay the City rent in accordance with the following schedule:

PHASE 1:

June 26, 2018 through June 30, 2018	\$2,000 lump sum
July 1, 2018 through June 30, 2028	\$2,000/month*
Royalty at 2.5% of net profits.	

*Timing/dates of payments can be modified by mutual agreement but must occur during the subject fiscal year. Monthly rent shall increase by 3% annually starting on July 1, 2019.

PHASE 2:

Subject to negotiation based on plan development; size and location of project.

Payment shall be due on 1st day of each month and shall be made payable to the City of Fall River.
Payment shall be mailed or delivered to:

City of Fall River
Department of Community Utilities (3rd Floor Room 326)
One Government Center
Fall River, MA 02722
Attention: Olga Correia

7. The City has the right to terminate this Lease at any time during the period of this Lease if the City intends to develop the Property and/or the Structures to occupy the site of the proposed development. In exercising its rights hereunder, The City shall, not less than one hundred and twenty (120) days prior to the commencement of the proposed development, (i) give Tenant written notice of the commencement of such proposed development, (ii) provide Tenant with a copy of the proposed building plans, and (iii) provide Tenant with the scheduled commencement date of the development of that portion of the site on which the Structures are located. Tenant shall have the right to maintain the Structures on the Property until 120 days prior to such time as the development of that portion of the site on which the Structures are located is scheduled to be commenced. If Tenant fails to remove the Structures on or before the date that is 120 days prior to the scheduled commencement of the development on that portion of the site on which the Structures are located, The City may in its sole discretion remove the Structures at Tenant's expense, Tenant hereby holding the City harmless for any loss or damage to the Structures caused by such removal.
8. The City represents that it is the owner of the Property and has the authority to enter into this Lease subject to approvals by the City Council and Mayor.
9. Tenant shall indemnify and hold the City harmless from all injuries to the Property or third persons caused by Tenant, Tenant's employees, agents, guests, students, teachers, school groups, licensees and contractors. The City shall indemnify and hold Tenant harmless from all injuries to Structures or third persons caused by the City, the City's employees, agents, licensees and contractors.
10. The Tenant shall provide and pay for liability insurance protection in the amount of at least one million (\$1,000,000) dollars for each occurrence, and the City of Fall River shall be named in the liability insurance policy as co-insured for any claims for damage or injury to any as outlined in the foregoing paragraph.
11. This Lease is binding upon the heirs, assigns and successors of both the City and Tenant.
12. The Tenant; and all persons or entities invited or allowed by Tenant shall, in the interest of public safety, abide by the following reasonable rules:
 - a. Hours of operation shall be within one half (1/2) hour after sunrise and one half (1/2) hour before sunset, seven days a week or as approved by the City.
 - b. The Tenant shall use the land for rowing center for public and private use.
 - c. The Tenant shall maintain public access to the shoreline.
 - d. Any authorized temporary structure(s), especially portable chemical sanitary toilet facilities that are used during events shall be removed by Tenant promptly at the end of the event.
 - e. All refuse and garbage shall be removed from the site at the end of each day.
 - f. Keys shall be provided by Tenant to the City for all locks on gates.
 - g. All activity by Tenant at the site shall follow the most stringent standards established for water based activities.

- h. No hazardous or toxic chemicals or materials shall be stored on the site at any time.
 - i. Tenant shall not destroy trees, shrubs, or other vegetation except for maintenance of the approved buildings and grounds as permitted by the City.
 - j. Tenant shall submit to the City any plans for modification or alteration of the property and said plans shall be subject to the prior approval of the City or their designated agents.
 - k. Tenant shall not excavate, dredge or engage in the removal of loam, gravel, soil, peat, rock or other mineral substance or natural deposits without expressed prior approval of the City.
 - l. Tenant shall not conduct activities detrimental to drainage, flood control, water and soil conservation or erosion control.
 - m. The City expressly reserves unto itself the right to maintain the LEASED property as a watershed area, specifically including the right to conduct the following activities:
 - i. To enter upon the LEASED property at will to inspect the premises to ascertain that the terms and conditions of the said LEASE are being complied with by the Tenant.
 - ii. To enter upon the LEASED property at will to inspect any and all changes of the land, its contour, and construction, reconstruction or maintenance of the facilities.
- 13. The City has the right of access to the LEASED property at all times for the purpose of inspecting and enforcing all the restrictions contained in this LEASE agreement. Any notice to any party under this Lease shall be in writing by certified or registered mail, and shall be effective on the earlier of (a) the date when delivered and receipted for by a person at the address specified within this Lease, or (b) the date which is three (3) days after mailing (postage prepaid) by certified or registered mail, return receipt requested, to such address; provided that in either case notices shall be delivered to such other address as shall have been specified in writing by such party to all parties hereto prior to the notice being delivered.
- 14. Neither the City nor Tenant shall be bound by any terms, conditions or oral representations that are not set forth in this Lease. This Lease represents the entire agreement of Tenant and the City with respect to the Structures and the Property and supersedes any previous agreement.
- 15. Both the City and the Tenant hereby agree that this LEASE may be terminated in any of the following ways:
 - a. End of Term as specified in herein.
 - b. By mutual consent of the parties with prior notice of ninety (90) days.
 - c. Failure of either Party to perform the contractual actions specified in this agreement.
 - d. Per the terms of Item 7 of this lease.
 - e. Upon breach, default, abandonment of the LEASED premises, dissolution, bankruptcy and/or insolvency of the Tenant.
- 16. The Tenant shall coordinate activities with the City Harbormaster. The Harbormaster shall be allowed reasonable docking area within any dock facilities constructed by the Tenant; and/or any docking facilities proposed by the City and/or the Harbormaster.
- 17. Traffic management shall be coordinated with the Atlantis Charter School so as to minimize access issues. The City maintains the right of final decision on any disputes that may occur between the Tenant and the Atlantis Charter School.
- 18. The parking lot known as Dave's Beach to the north of the subject property is owned by the State Office of Fishing and Boating Access. Any planned use of said lot must be approved by said office. The current contact is Douglas Cameron.
- 19. The site must be kept clean and presentable at all times. Tenant will address any reasonable issues as requested by the City for site cleanliness.

IN WITNESS HEREOF and where both parties proclaim they are duly authorized to enter into this lease, the parties signed this Lease this ____ day of _____, 2018.

The City of Fall River

Tenant

By: _____
Terrance J. Sullivan,
Administrator of Community Utilities
One Government Center
Fall River, MA 02722

By: _____
Joseph Mullaney
President
Bay Coast Rowing Center

Water Board:

Member

Member

Member

Attesting to Form and Manner

Joseph Macy, Corporation Counsel

Jasiel Correia, Mayor

ATTACHMENT A
PLAN LAYOUT OF SITE USE

CITY OF FALL RIVER

10

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on June 20, 2018, voted unanimously to recommend that the accompanying communication be granted leave to withdraw.


Assistant Clerk of Committees

10

RECEIVED

2017 MAR -7 A 9:48

TY CLERK
FALL RIVER, MA

March 6, 2017

City of Fall River
Fall River City Council
1 Government Center
Fall River, MA 02720

Councilors,

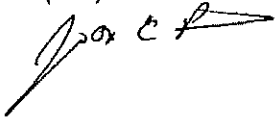
My name is Jose Pires. I own the home at 270 London Street in Fall River, which I purchased in 2011. To the left of my home is a non-accepted paper street, formerly called Weld Street. Since the purchase of my home I have maintained this land as the street has not been in use for quite a long time. The area is now grass that I maintain.

I am requesting to purchase this small piece of land from the City of Fall River. I have spoken with City Administrator Cathy Ann Viveiros. JR Frey, City Engineer, is also aware of my request to purchase.

Would you please put this correspondence on your next City Council meeting agenda so that it may be sent to the Committee on Real Estate for review and sale.

Sincerely,

Jose C. Pires
270 London Street
(508) 617-0117



CC: Cathy Ann Viveiros, City Administrator
JR Frey, City Engineer

CITY OF FALL RIVER
IN CITY COUNCIL
MAR 21 2017

*Referred to the
Committee on Real Estate*

Tabled 6/5/17

Tabled 12-18-17

*Letter to City Engineer re: abandonment
(rec'd due by 6/1/18)*

City of Fall River, In City Council

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

That Chapter 70 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to traffic be amended as follows:

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

Name of Street	Side	Location
Bogle Street	West	Starting at a point 246 feet south of Horton Street, for a distance of 20 feet southerly
Colfax Street	East	Starting at a point 73 feet north of Locust Street, for a distance of 20 feet northerly
Globe Street	North	Starting at a point 30 feet west of Vale Street, for a distance of 20 feet westerly
Oliver Street	South	Starting at a point 106 feet east of Broadway, for a distance of 20 feet easterly
Tecumseh Street	South	Starting at a point 60 feet east of Lawrence Street, for a distance of 20 feet easterly
Weetamoe Street	North	Starting at a point 381 feet north of North Main Street, for a distance of 20 feet easterly
Whitman Street	East	Starting at a point 85 feet north of Miller Street, for a distance of 20 feet northerly

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 12 2018

*Passed Through
first reading*

City of Fall River, In City Council

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

That Chapter 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 50-310.1, which section relates to miscellaneous salary schedule, in proper alphabetical order the following:

Seasonal employee

Not to exceed \$16.00

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 15 2018

*Referred to the Committee
on Ordinances and Legislation
(C. Cadime opposed)*

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 12 2018

*Passed through
first reading*

City of Fall River, *In City Council*

(Councilor Steven A. Camara)
(Councilor Pam Laliberte-Lebeau)

WHEREAS, The Alfred J. Lima/Quequechan River Rail Trail (AJL/QRRT) is a valuable asset to Fall River and when dedicated by the City of Fall River all who participated unanimously appreciated what it offers to bicyclists, pedestrians, skaters, parents with strollers and all who visit and

WHEREAS, an easement was granted through an order submitted by the Mayor with all City Councilors and most citizens not realizing the impact of this easement could result in a road cutting through the AJL/QRRT and

WHEREAS, it is agreed that any road, in addition to the roads already constructed, which would cut through the completed AJL/QRRT would be detrimental to the original intent of this "river trail" and

WHEREAS, officials of the City of Fall River signed a contract with the Commonwealth of Massachusetts that states: "Any interest in land acquired are to be permanently preserved as public park under Article 97 of the MA Constitution either via a Chapter 184 type restriction approved by the Secretary of Energy and Environmental Affairs or the transfer of the property to the care and custody of the Parks and Recreation Dept. with an appropriate deed notation recorded at the Registry of Deeds." and

WHEREAS, documented evidence exists that due to funding sources from the Gateway Cities Parks Program through the Environmental Bond Bill for the purpose of "the creation and restoration of parks and recreational facilities in underserved urban neighborhoods" and Fall River City Ordinances for the Fall River Park Board specify that these types of facilities come under the Park Board, now, therefore,

BE IT RESOLVED, that the City Council Committee on Finance convene to give all parties the opportunity to be heard on this issue and

BE IT FURTHER RESOLVED, that the following be invited to this Committee on Finance meeting: advocates for the AJL/QRRT, the Mayor, Corporation Counsel, the Director of Code Enforcement, the Director of Parks, the Planning Director and the Chair of the Conservation Commission and any others interested in this issue to reach a means to assure that no destruction will be done to the AJL/QRRT and its immediate environment.

City of Fall River, *In City Council*

14

(Councilor Steven A. Camara)
(Councilor Pam Laliberte-Lebeau)

WHEREAS, citizens of Fall River and other advocates in support of maintaining the character and integrity of the Alfred J. Lima/Quequechan River Rail Trail (AJL/QRRT) have formed under the name, "The Alliance to Save the Trail" and

WHEREAS, "The Alliance to Save the Trail" members and advocates have called on the City of Fall River Mayor, City Councilors and Corporation Counselor to take the necessary steps to reverse the "easement" granted through a City of Fall River "Order" to Cloverleaf Mills, LLC and,

WHEREAS, the Mayor has stated on several occasions that if the citizens of Fall River and other advocates in support of maintaining the character and integrity of the AJL/QRRT do not want a road crossing the AJL/QRRT then a road will not cross the AJL/QRRT and

WHEREAS, the Fall River City Council through an "Order" it unanimously adopted on October 24, 2017 and which then, was approved by Mayor Jasiel F. Correia II on November 6, 2017 and through a separate "Resolution" it unanimously adopted on October 24, 2017, established its solidarity and agreement with those citizens and advocates of maintaining the character and integrity of the AJL/QRRT now, therefore,

BE IT RESOLVED, that the Fall River City Council urges the Mayor and the City Corporation Counselor to take all necessary steps to reverse and/or rescind the "easement" provided to Cloverleaf Mills, LLC and

BE IT FURTHER RESOLVED, that the Committee on Finance convene with the Mayor and/or his designee, Corporation Counsel and representatives of Cloverleaf Mills, LLC to seek a legitimate and righteous end to this travesty and ill-conceived plan to allow a road to cross the AJL/QRRT, destroying its character and integrity and the valuable resource it has become to the people who access it as a safe, serene and environmentally valuable City of Fall River resource.

ORDERED, that the Committee on Finance Meeting and the Regular Meeting of the City Council scheduled for Tuesday, July 17, 2018 be and the same are hereby cancelled and rescheduled for Thursday, July 12, 2018.

Council
26

RECEIVED

Cecile I Couture

424 Tower Street
Fall River, MA 02721
508-674-9292

2018 JUN 18 A 11:54

CITY CLERK 17-86C
FALL RIVER, MA

June 10, 2018

Joseph I Macy
Corporation Counsel
One Government Center
Fall River, MA 02721

RE: Cecile Couture #033869007

424 Tower Street, Fall River MA 02721

Dear Mr. Macy:

As requested I am sending you a complete and final list of loss due to the water main break on October 15, 2017. Servpro was contracted to clean and remove items that were destroyed due to the water level in the basement. Servpro photographed all items and removed them to the back yard for final determination of damage. In addition to the list, I have included photos that are numbered correspondingly. I have also enclosed copies of receipts not covered by the insurance including my deductible which I have incurred. The combined total for damage and loss totals \$7195.00. I look forward to hearing from you in resolving this matter.

Respectfully,

Cecile I. Couture

Cecile I Couture

cc: Attorney Jenny I. Ellis, Claims Technical Specialist, Arbella Insurance Group,

1100 Crown Colony Drive, Quincy, MA. 02269

JUN 18 2018

Law -
Water -
Clerk -
Council -



RECEIVED

City of Fall River
Notice of Claim

2018 JUN -8 A 11:06

CITY CLERK 18-117
FALL RIVER, MA

1. Claimant's name: MARIE JORDAN
2. Claimant's complete address: 56 FIR AVENUE FIVERTON R.I.
3. Telephone number: Home: 1-401-624-8925 Work: Retired
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
POT HOLE NEWTON STREET
5. Date and time of accident: 5-24-18 2:43:00 Amount of damages claimed: \$ 518.58
6. Exact location of the incident: (include as much detail as possible):
NEWTON STREET BETWEEN SUBWAY & OCEAN STATE JOB LOT
7. Circumstances of the incident: (attach additional pages if necessary):
HIT POT HOLE ON NEWTON ST CAR WAS MAKING BAD NOISE, GOT TO JR SUPER LOBE 334 R.I. AVE ASKED WHAT HAPPENED TOLD HIM HE SAID HE DIDNT DO THAT TYPE OF WORK BUT GO (MIDAS MOTEL) 1439 PLYMOUTH AVE TOLD HIM WHAT HAPPENED
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
DONT HAVE FULL COVERAGE

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: 6-7-18Claimant's signature: Marie Jordan

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 AdministratorDEMDate: JUN - 8 2018



26

1100 Crown Colony Drive
P.O. Box 699195
Quincy, MA 02269-9195
617.328.2800
arbella.com

RECEIVED

June 6, 2018

2018 JUN 11 P 1:40

CITY CLERK 18-118
FALL RIVER, MA

TOWN OF FALL RIVER, MA
CITY CLERK
ONE GOVERNMENT CENTER
ROOM 227
FALL RIVER, MA 02722

Claim Number: 033893194
Policy Number: HC559974
Company Name: Arbella Mutual Insurance Company
Date of Loss: 01/10/2018
Our Insured: EUSEBIO PEREIRA
Your Insured: TOWN OF FALL RIVER, MA

Dear Tow of Fall River, MA:

Please accept this letter as legal notice under Massachusetts General Law, Chapter 258. On behalf of our insured, Arbella is demanding compensation in the amount of \$258.43 resulting from this loss.

Arbella Insured: EUSEBIO PEREIRA
463 WOOD STREET
FALL RIVER, MA 02721

Place of accident: 01/10/2018

Description of Loss: INSURED PULLED TO THE SIDE TO MAKE WAY FOR A PASSING AMBULANCE. WHEN THE AMBULANCE WENT BY, THE INSURED'S DRIVER'S SIDE MIRROR WAS STRUCK BY THE AMBULANCE.

Company and Name of Your Employee: City of Fall River, Christopher Kirkman

Company Vehicle: 2015 Ford Ambulance, Plate A485



Council
26

RECEIVED

City of Fall River
Notice of Claim

2018 JUN 18 A 11:45

18-119

1. Claimant's name: WILBER AND ASSOCIATE A/S/O Safety Insurance Company CITY CLERK 04870 FALL RIVER, MA
2. Claimant's complete address: 210 LANDMARK DRIVE NORMAL, IL 61761
3. Telephone number: Home: _____ Work: 8003135169
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
AUTO ACCIDENT
5. Date and time of accident: 5-16-2018 Amount of damages claimed: \$ 14:05
6. Exact location of the incident: (include as much detail as possible):
PLYMOUTH AVE AND RT 195W HYW
7. Circumstances of the incident: (attach additional pages if necessary):
YOUR INSURED JASHUA CARREIRO, THE DRIVER OF THE CITY OF FALL RIVER PD VEHICLE, WAS NOT SUING THE PROPER CAUTION WHEN FAILED TO YIELD TO A RED LIGHT AND ONCOMING TRAFFIC, THEREFORE, STRIKING OUR INSURED CUASING DAMAGES. (PLEASE SEE THE ATTACHED ESTIMATE AND PHOTOS)
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 Safety Insurance Company

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: 6-13-2018

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

FR PD

Date: JUN 18 2018



City of Fall River
Notice of Claim

RECEIVED

2018 JUN 21 A 11: 25

CITY CLERK #18-120
FALL RIVER, MA

1. Claimant's name: Jason Nunes
2. Claimant's complete address: 25 Prevest Street
3. Telephone number: Home: 401-263-0650 Work: 508-781-331-6000
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Large & deep Pothole
5. Date and time of accident: JUN 20 9:45 Amount of damages claimed: \$ 207.92
6. Exact location of the incident: (include as much detail as possible):
Between 15 and 25 Prevest St
7. Circumstances of the incident: (attach additional pages if necessary):
Came down the street about 5-10 mph, move away from pothole however the back tire sank into the hole, and damaged the sensor valve in the rear back tire
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: June 21, 2018 Claimant's signature: Jason Nunes

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: 6/21/18



**City of Fall River
Massachusetts**

Department of Community Maintenance
CEMETERIES • MUNICIPAL BUILDINGS • ENGINEERING • SANITATION
PARKS • STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

Engineering Division

2018 JUN 15 A 9:58

JASIEL F. CORREIA II
Mayor

JEFFREY LITTLE
CITY CLERK *Director*
FALL RIVER, MA
J R FREY, P.E.
City Engineer

MEMO

To: City Council
From: J R Frey
Date: June 14, 2018
Subject: Drainlayer license

Comments: The following Drainlayer applications has been received and the bonds was approved by Corporation Council.

NARRAGANSETT IMPROVEMENT COMPANY

The bond and the annual report are attached. Other items on file in the engineering department are:

1. Certificates of Insurance for Workmen's Compensation (if required), General Liability and Automobile.
2. Contractor's Data Sheet
3. Acknowledgement and Receipt of Street Opening/Sewer Connection Policies.
4. A copy of a check payable to the City of Fall River in the amount of \$250.00 for the Drainlayer's License Fee.

All licenses must be approved by the City Council to become effective.

One Government Center • Fall River, MA 0272
Telephone: (508) 324-2512 • Fax: (508) 324-2564 • Email: JRFREY@FALLRIVERMA.ORG

27

Bond No. 012-016-341

Know all men by these presents

that we NARRAGANSETT IMPROVEMENT COMPANY
223 Allens Avenue, Providence, Rhode Island as principal
and THE OHIO CASUALTY INSURANCE COMPANY
of Weston in the
State of Massachusetts; a corporation duly organized by law and authorized
to do business in the Commonwealth of Massachusetts; as surety, are holden and stand firmly bound
unto the CITY OF FALL RIVER a municipal corporation in the County of Bristol and Commonwealth
of Massachusetts, in the sum of FIFTY THOUSAND NO/100THS (\$50,000.00)*****dollars,
to the payment of which to the said City of Fall River, its successors or assigns, we hereby jointly
and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

The condition of this obligation is such that if the said
NARRAGANSETT IMPROVEMENT COMPANY shall well and faithfully perform all work done by
NARRAGANSETT IMPROVEMENT COMPANY
the licensee under a license as drain layer granted or to be granted presently by
the City Council of said City of Fall River; in accordance with the provisions of the Ordinances of said
City, and shall indemnify and save harmless said City of Fall River from any and all loss and damage
paid by it, arising from defective work done by NARRAGANSETT IMPROVEMENT COMPANY
the said licensee, in, under or upon any street, sidewalk, sewer, drain, pavement or other place; and shall
reimburse said city for all expense incurred in repairing any defect in the streets, sewers or other property
and from any negligence in the execution of any work so done, or in the proper guarding, protecting or
lighting of the same; except nevertheless defects arising in the surface of the street after the expiration
of two years from the date of the Certificate of Completion issued to said licensee by the Planning
Department of said City, and damage and loss resulting therefrom; then this obligation shall be void,
otherwise it shall be and remain in full force and effect.

In witness whereof we hereunto set our hand and seals this 30th
day of April, 2018 A.D. and said bond to continue for
a term of one (1) year, ending April 30, 2019

Signed and sealed in the presence of

May B. Hetherington
WITNESS

Jessica M. Rosa
WITNESS

NARRAGANSETT IMPROVEMENT COMPANY
PRINCIPAL

By: [Signature]
INSURANCE COMPANY
THE OHIO CASUALTY INSURANCE COMPANY

By: Denise A. Chianese
ATTORNEY-IN-FACT

Denise A. Chianese, Attorney-in-Fact



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Received at Council mtg
6-14-18

28

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: +1 (508) 674-3140 Ext.

Email: patrick@patrickhiggins.co

Organization or Media Affiliation (if any): Patrick Higgins and Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐ Individual ☒ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Fall River City Council

Specific person(s), if any, you allege committed the violation: All members

Date of alleged violation: Jun 14, 2018

6/15/18

mailed to all Councilors ; hand copy to Co. Pelletier ; email to Law Dept.

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Fall River City Council violated the open meeting law by whispering to other members of the public body in a volume that was barely audible, and which the general public was not able to hear in violation of the Open Meeting Law.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The members of this public body need to stop having the side conversations in volumes so low that the rest of the public body and general public cannot hear what is being said and what deliberations are taking place in the side conversations.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

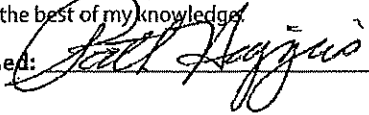
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

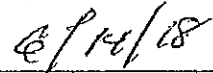
The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____



Date: _____

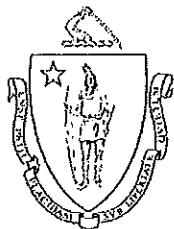


For Use By Public Body

For Use By AGO

Date Received by Public Body:

Date Received by AGO:



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

June 19, 2018

VIA EMAIL ONLY

Inês da Silva Paulino Leite
Assistant City Clerk
ileite@fallriverma.org

RE: Request for extension to respond to complaint

Dear Ms. Leite:

On June 19, 2018, our office received your request seeking an extension of time for the Fall River City Council ("Council") to consider its response to a complaint that alleges a violation of the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Council by Patrick Higgins on June 14, 2018.

In your request, you state that the Council will review the complaint at its next scheduled meeting, on June 26, 2018. With the hope that the parties involved can use the additional time to reach a mutually agreeable resolution of the complaint, our office hereby grants the request for an extension pursuant to 940 CMR 29.05(5)(b). Please send the Council's response to the complainant by **Tuesday, July 10, 2018**, and forward a copy of both the complaint and the response to our office.

Please contact the Division of Open Government with further questions.

Sincerely,

Jonathan Sclarsic
Assistant Attorney General
Director, Division of Open Government

cc: Patrick Higgins (via email)
Fall River City Council (by mail)

RECEIVED
2018 JUN 19 P 4:17
CITY CLERK
FALL RIVER, MA



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

*Sent by email
6/20/18 12:10 PM*

29
RECEIVED

2018 JUN 20 P 1:37

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: +1 (508) 674-3140 Ext.

Email: PATRICK@PATRICKHIGGINS.CO

Organization or Media Affiliation (if any): Patrick Higgins and Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

CITY CLERK
FALL RIVER, MA

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Fall River City Council

Specific person(s), if any, you allege committed the violation: All members

Date of alleged violation: Jun 12, 2018

*6/20/18
emailed to Councilors; -hard copy to Co. Pelletier*

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Fall River City Council violated the open meeting law by holding their meeting at the Fall River Government Center knowing that Richard Branco could not attend this meeting under threat of arrest for trespassing. The city administrator, Cathy Ann Viveiros issued a no trespass order to Richard Branco on April 26, 2018 notifying him that his presence in Government Center would result in his arrest for trespassing. The City Council knew or should have known that Richard Branco was prohibited from attending and observing the City Council meeting under threat of arrest and should have moved their meeting to a location where all people, including Richard Branco and any other persons who have been served with No Trespass notices, could attend if they desired to.

See <http://www.heraldnews.com/news/20180619/two-issued-no-trespassing-orders-at-fall-river-government-center>

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Move all meetings of the public bodies from Government Center to a location where no one is prevented from attending and observing the meeting under threat of arrest for trespassing.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

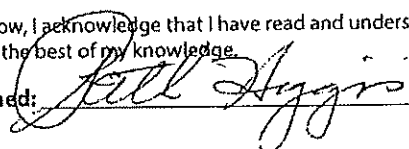
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____



Date: _____

6/20/18

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Received by email
6/20/18 5:24pm

30

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: +1 (508) 674-3140 Ext.

Email: PATRICK@PATRICKHIGGINS.CO

Organization or Media Affiliation (if any): Patrick Higgins and Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Fall River City Council subcommittee on Real Estate

Specific person(s), if any, you allege committed the violation: All members

Date of alleged violation: Jun 20, 2018

7/21/18
emailed to Councilors; hand copy to Co. Pelletier

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Fall River City Council on Real Estate violated the open meeting law by holding their meeting at the Fall River Government Center knowing that Richard Branco could not attend this meeting under threat of arrest for trespassing. The city administrator, Cathy Ann Viveiros issued a no trespass order to Richard Branco on April 26, 2018 notifying him that his presence in Government Center would result in his arrest for trespassing. The City Council on Real Estate knew or should have known that Richard Branco was prohibited from attending and observing the City Council on Real Estate meeting under threat of arrest and should have moved their meeting to a location where all people, including Richard Branco and any other persons who have been served with No Trespass notices, could attend if they desired to.

See <http://www.heraldnews.com/news/20180619/two-issued-no-trespassing-orders-at-fall-river-government-center>; also Division of Open Government determination letter 2018-77.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Move all meetings of the public bodies from Government Center to a location where no one is prevented from attending and observing the meeting under threat of arrest for trespassing.

Review, sign, and submit your complaint**I. Disclosure of Your Complaint.**

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 6/20/18

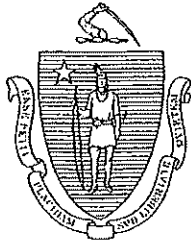
For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:

31



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

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

June 19, 2018

OML 2018 - 87

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

RE: Open Meeting Law Complaint

RECEIVED
2018 JUN 21 A 11:49
CITY CLERK
FALL RIVER, MA

Dear Attorney Macy:

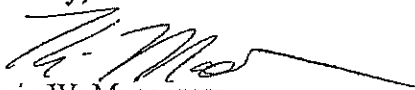
This office received a complaint from Patrick Higgins, dated November 17, 2016, alleging that the Fall River City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Council on September 25, 2016, and the Council responded by letter dated November 14, 2016. In his complaint, Mr. Higgins alleges that a quorum of the Council deliberated during a subcommittee meeting without posting notice.

Following our review, we resolve this complaint by informal action in accordance with 940 CMR 29.07(2)(a) and find that the Council violated the Open Meeting Law. In a prior determination issued on September 1, 2016, we found that the Council violated the Open Meeting Law where a quorum of the Council attended a subcommittee meeting and deliberated, even though the Council did not post notice, nor was the meeting noticed as a joint meeting between the two bodies. See OML 2016-117.¹ The Council challenged our determination, pursuant to G.L. c. 30A, § 23(d), and the Superior Court upheld our determination in a decision dated March 16, 2018. The present complaint concerns a subcommittee meeting that took place on September 7, 2016, during which a quorum of the Council deliberated. For the reasons stated in OML 2016-117, this violated the Open Meeting Law. It is our understanding that, following the March 16, 2018 Superior Court decision, the Council now understands its responsibilities and will refrain from deliberating during subcommittee meetings without posting notice. We commend such remedial steps.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Council. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

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

Sincerely,



Kevin W. Manganaro
Assistant Attorney General
Division of Open Government

cc: Patrick Higgins
Fall River City Council

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: +1 (508) 679-0160 Ext. _____

Email: patrick@patrickhiggins.co

Organization or Media Affiliation (if any): Patrick Higgins and Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐ Individual ☒ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Fall River City Council Subcommittee on Real Estate

Specific person(s), if any, you allege committed the violation: City Councilor Cliff Ponte

Date of alleged violation: Sep 7, 2016

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On September 1, 2016, OML Determination No. 2016-117 was issued finding that the City Council of Fall River violated the Open Meeting Law by allowing City Councilors who were not members of the sub committee to sit in their "official City Council" seats in the Council chamber and to actively participate in the sub committee meetings which they are not a member of.

On September 7, 2016, Councilor Cliff Ponte attended the Fall River City Council sub committee meeting of the Committee on Real Estate and was addressed as "Councilor" when he was allowed to speak on agenda items by the Chairman. See <http://vod.frgtv.us/video/181920829>

Since no timely appeal had been filed in Superior Court on 2016-117 on September 7, 2016, there was no stay in effect and this is a willful and deliberate violation of the City Council after having been put on notice that this conduct violates the Open Meeting Law.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The Division of Open Government should find that the Fall River City Council has willfully violated the open meeting law and impose the statutory fine of \$1000.

Review, sign, and submit your complaint**I. Disclosure of Your Complaint.**

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 9/25/16





MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

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

September 1, 2016

OML 2016 - 117

Joseph I. Macy, Corporation Counsel
City of Fall River
1 Government Center
Fall River, MA 02722

RE: Open Meeting Law Complaint

Dear Attorney Macy:

This office received a complaint from CJ Ferry, dated March 30, alleging that the Fall River City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Council on February 16, and the Council responded by letter dated March 10.² In his complaint, Mr. Ferry alleges that the Council violated the Open Meeting Law when a quorum of the Council was present at a meeting of the Council's Subcommittee on Ordinances and Legislation (the "Subcommittee") and deliberated, even though the meeting was not noticed as a joint meeting.

We appreciate the patience of the parties while we reviewed this matter. Following our review, we find that the Council violated the Open Meeting Law as alleged. In reaching a determination, we reviewed the original complaint, the Council's response, and the request for further review filed with our office. We also reviewed a video recording of a Subcommittee meeting held on February 16.³

FACTS

We find the facts as follows. The Council is a nine-member public body, thus five members constitute a quorum. At all times relevant to this complaint, five Councilors—Cliff Ponte, Joseph Camara, Pam Laliberte-Lebeau, Stephen Long, and Linda Pereira—were the sole members of the Subcommittee. On February 10, the Subcommittee posted notice of a meeting to be held on February 16. The notice did not state that the meeting would be a joint meeting between the Subcommittee and the Council.

¹ Unless otherwise indicated, all dates in this letter refer to the year 2016.

² We note that the complainant filed an amended complaint on February 22, adding more detail.

³ See <http://vod.frgiv.us/video/155631765>.

The Subcommittee held the February 16 meeting as planned in the Council chambers with four Subcommittee members present. The Subcommittee members sat at a rectangular table in the middle of the room in front of the dais where the Councilors regularly sit. During this meeting, four other Councilors arrived, sitting in their regular seats at the Council's dais, bringing the total present to eight Councilors. During the meeting, Councilors Richard Cabeceiras, Shawn Cadime, Raymond Mitchell, and Steven Camara were recognized to speak. These Councilors, not members of the Subcommittee, addressed the Subcommittee from the Council dais and asked questions. Ultimately, the Subcommittee voted to refer one issue to the Council for full discussion; the Councilors present did not comment on this vote.

DISCUSSION

The Open Meeting Law requires that, except in limited circumstances, "all meetings of a public body shall be open to the public." G.L. c. 30A, § 20(a). Except in an emergency, "a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays." G.L. c. 30A, § 20(b). A subcommittee of a public body is itself a public body subject to the Open Meeting Law. G.L. c. 30A, § 18. The Open Meeting Law defines a "meeting" as "a deliberation by a public body with respect to any matter within the body's jurisdiction," however this definition does not include the "attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate." *Id.* "Deliberation" is defined, in relevant part, as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction." *Id.*

The complaint alleges that the presence of five Councilors—a quorum of the Council—on the Subcommittee is a per se violation of the Open Meeting Law. The complaint alleges that every Subcommittee meeting is therefore a meeting at which a quorum of the Council is present. This argument is unavailing. We have previously concluded that a quorum of a public body may sit on its subcommittee without having to post a separate meeting notice, provided that the discussion is limited to matters within the jurisdiction of the subcommittee. *See* OML 2013-155, Fn. 2.⁴ Because we discern from the recording of the February 16 meeting no discussion of topics beyond the Subcommittee's jurisdiction, we find no violation with respect to this allegation.

The complaint also alleges that the Councilors who were not members of the Subcommittee violated the law when they deliberated during the Subcommittee's February 16 meeting. Members of a parent public body may attend the meeting of a subcommittee provided there is no deliberation. *See* OML 2013-38. In considering whether members of the parent public body have deliberated during a subcommittee meeting, we look for indicia such as whether the parent public body members were seated with the general public and whether they participated by open participation to conclude that no improper deliberation occurred. *Id.* Here, Councilors Cabeceiras, Cadime, Mitchell, and Camara sat in their seats at the Council dais. When they were recognized to speak, it was done with the honorific "Councilor." Based on this,

⁴ Open Meeting Law determinations may be found at the Attorney General's website: www.mass.gov/ago/openmeeting.

a reasonable member of the public watching the recording of the meeting would have believed they were watching a joint meeting of the Council and the Subcommittee. We therefore find that the Council violated the Open Meeting Law by deliberating during the February 16 meeting without posting notice.

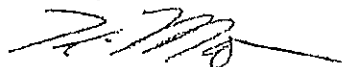
While not raised in the complaint, we note that the Council did not respond to the complaint within the time frame required by law. Unless an extension of time has been granted, a public body must, within 14 business days of receipt of an Open Meeting Law complaint, send a copy of the complaint to the Attorney General's Office and notify the Attorney General's Office of any remedial action taken. G.L. c. 30A, § 23(b); 940 CMR 19.05(5), (6). Here, the complaint was filed with the Council on February 16. The Board did not request an extension, and responded by letter dated March 10. We take this opportunity to remind the Board of its obligations under the Open Meeting Law.

CONCLUSION

For the reasons stated above, we find that the Council violated the Open Meeting Law. We order the Council's immediate and future compliance with the Open Meeting Law, and we caution that similar future violations may be considered evidence of intent to violate the law.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Council. Please feel free to contact the Division at (617) 963-2540 if you have any questions.

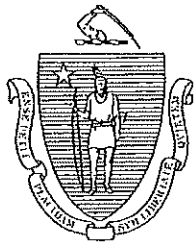
Sincerely,



Kevin W. Manganaro
Assistant Attorney General
Division of Open Government

cc: CJ Ferry
Fall River City Council

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

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

June 19, 2018

OML 2018 – 88

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

RE: Open Meeting Law Complaint

RECEIVED
2018 JUN 21 A 11:50
CITY CLERK
FALL RIVER, MA

Dear Attorney Macy:

This office received a complaint from CJ Ferry, dated August 15, 2016, alleging that the Fall River City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Council on August 3, 2016, and the Council responded by letter dated August 12, 2016. In his complaint, Mr. Ferry alleges that a quorum of the Council deliberated during a subcommittee meeting without posting notice.

Following our review, we resolve this complaint by informal action in accordance with 940 CMR 29.07(2)(a) and find that the Council violated the Open Meeting Law. In a prior determination issued on September 1, 2016, we found that the Council violated the Open Meeting Law where a quorum of the Council attended a subcommittee meeting and deliberated, even though the Council did not post notice, nor was the meeting noticed as a joint meeting between the two bodies. See OML 2016-117.² The Council challenged our determination, pursuant to G.L. c. 30A, § 23(d), and the Superior Court upheld our determination in a decision dated March 16, 2018. The present complaint concerns a subcommittee meeting that took place on August 2, 2016, during which a quorum of the Council deliberated. For the reasons stated in OML 2016-117, this violated the Open Meeting Law. It is our understanding that, following the March 16, 2018 Superior Court decision, the Council now understands its responsibilities and will refrain from deliberating during subcommittee meetings without posting notice. We commend such remedial steps.

¹ While the allegations in the complaint are styled as being against both the Council at the "Fall River Committee on Ordinances and Legislation," we understand the allegations to concern only the presence of a quorum of the Council at a subcommittee meeting.

² Open Meeting Law determinations may be found at the Attorney General's website:
www.mass.gov/ago/openmeeting.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Council. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

Sincerely,



Kevin W. Manganaro
Assistant Attorney General
Division of Open Government

cc: CJ Ferry
Fall River City Council

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

32
RECEIVED

2016 AUG -8 P 1:22

Please note that all fields are required unless otherwise noted.

CITY CLERK
FALL RIVER, MA

Your Contact Information:

First Name: CJ Last Name: Ferry

Address: 300 Buffinton Street

City: Fall River State: MA Zip Code: 02721

Phone Number: +1 (508) 646-9026 Ext.

Email: cj.ferry@comcast.net

Organization or Media Affiliation (if any): Patrick Higgins & Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐ Individual ☒ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Fall River City Council - Committee on Ordinances and Legislation

Specific person(s), if any, you allege committed the violation: Shawn E. Cadime, Linda Pereira, Cliff Ponte, Pam Laliberte-Lebeau, Stephen Long, Joseph Camara, Ray Mitchell

Date of alleged violation: 08/02/2016

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On August 2, 2016, a Committee Meeting was held by the Fall River City Council Committee on Ordinance and Legislation in which seven of nine City Councilors attended and deliberated on.

As has been previously reported to the Attorney General, (reference complaint regarding February 16, 2016), a Committee of five of the City Council constitutes a quorum of the City Council and this committee regularly violates MGL 30A by failing to announce this as a special City Council Meeting and use the excuse that it is a regular past practice.

At this particular meeting, the five members of the Committee were present, Chairman Cliff Ponte, Council Vice President Linda Pereira, Pamela Laliberte-Lebeau, Stephen Long, and Joseph Camara, but also the addition of City Council President Shawn E. Cadime and City Councilor Raymond Mitchell.

While it is still alleged that this Committee regularly and deliberately violate MGL 30A as it constitutes a quorum of the City Council and any vote they take carries in the full council, the addition of two additional councilor who are a part of the deliberation further exacerbates the willful and deliberate violation of MGL 30A.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Because of the continuous and willful violation by this Committee and the City Council in general, even after discussions with this filer and with Patrick Higgins regarding simple solution to this issue, they continue to pass the issue back and forth.

Therefore, an order from The Attorney General's Office reducing this Committee to four members or less and the assessment of the maximum pecuniary fines to each member of the committee and participant City Councilor is called for.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: August 3, 2016

For Use By Public Body

For Use By AGO

Date Received by Public Body

Date Received by AGO

RECEIVED

2018 JUN 18 A 11:09

CITY CLERK _____
FALL RIVER, MA

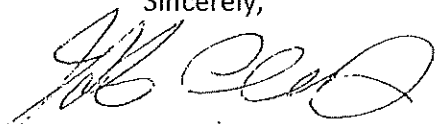
Kenneth C. Pacheco
263 Hyacinth Street
Fall River, MA 02720
June 2, 2018

Cliff Ponte, Council President
City of Fall River
1 Government Center
Fall River, MA 02720

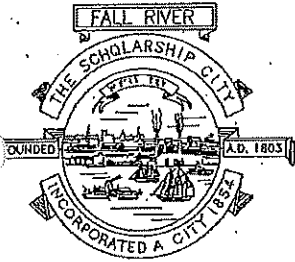
Dear President Ponte:

Please accept this letter as my formal resignation from my position as a member of the Fall River Community Preservation Committee effective July 1, 2018. I have enjoyed my time on the committee, serving as chairman since the committee was formed and also only 1 of 4 original committee members left on the board. I am extremely grateful for the opportunity to serve my City in this capacity. I would also like to thank the councilors for their confidence in my ability for the appointment to this vital City board.

Sincerely,



Kenneth C. Pacheco



City of Fall River
Massachusetts
Department of Community Services

PLANNING • HEALTH & HUMAN SERVICES
LIBRARY • INSPECTIONAL SERVICES

2018 JUN 18 P 12:05

JASIEL F. CORREIA II
Mayor

CITY CLERK _____
FALL RIVER, MA

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

WILLIAM D. ROTH JR., AICP
City Planner

TO: Alison Bouchard
City Clerk

FROM: Brittany Faria
Planning, Head Administrative Clerk

RE: **Fall River Zoning Board of Appeals Meeting**
January 25, 2018

The Fall River Zoning Board of Appeals held a Public Hearing on Thursday, January 25, 2018, at 5:30 PM in the First Floor Hearing Room for the purpose of considering the petitions set forth in the attached minutes of said Public Hearing.

Members present: David Assad, Chairman, Carolyn Morrisette, Vice Chairwoman, Jim Calkins, and alternate member David Saber

Members Absent: John Frank, Greg Brillhante

Also present: City Engineer JR Frey, and Recording Secretary, Brittany Faria.

Notice of the meeting was advertised in the Fall River Herald News on Wednesday, January 10, 2018, and Wednesday, January 17, 2018. The hearing was also posted in the Government Center and notice was sent to the petitioners and abutters of the specified property, as well as the City of Fall River's Planning Board.

6:00pm Chair read the Open Meeting Law notice, and his opening statement.

Chairman Assad read aloud a letter addressed to the Board from Capital Associates Inc, representing the City of Fall River in regards to petitions #01-06 inclusive, requesting to withdraw matters #01-06 inclusive, without prejudice. He stated for the record that no testimony would be heard for these matters as the request before the Board is to Withdraw without Prejudice.

CITY OF FALL RIVER

EASTERLY END of BEDFORD ST., adjacent to Rt. 24

In the matter of City of Fall River, Special Permit request to construct a 70' tall x 50' wide, Digital Billboard in a Water Resources District [WR] on city-owned land being a portion of the City of Fall River Water Department property at the easterly end of Bedford Street fronting on North Watuppa Pond. [TABLED from Nov 16, 2017 meeting]

CITY OF FALL RIVER

SOUTH of CENTRAL ST., WESTER of ROUTE 79, Lot N-12-2

In the City of Fall River, Special Permit request to construct a 70' tall x 50' wide, Digital Billboard in a Waterfront and Transit Oriented Development District [WTO] on city-owned land on the banks of the lower Quequechan River. [TABLED from Nov 16, 2017 meeting]

CITY OF FALL RIVER

NORTH of FATHER DEVALLES BLVD., Lot J-21-12

In the matter of City of Fall River, Special Permit request to construct a 70' tall x 50' wide, Digital Billboard in a Commercial Mill District [CMD] on city-owned land (Water Department Pumping Station.) [TABLED from Nov 16, 2017 meeting]

CITY OF FALL RIVER

FOURTH ST., CORNER of HARTWELL STREET, Lot N-21-22

In the matter of City of Fall River, Special Permit request to construct a 70' tall x 50' wide, Digital Billboard in a Commercial Mill District [CMD] on city-owned land (Water Department Pump Station) [TABLED from Nov 16, 2017 meeting]

CITY OF FALL RIVER

NORTH SIDE of BRAYTON AVE., CORNER OF RTE. 195 RAMP, Lot F-4-30

In the matter of City of Fall River, Special Permit request to construct a 70' tall x 50' wide, Digital Billboard in a Local Business District [BL] on city-owned land on banks of Quequechan River. [TABLED from Nov 16, 2017 meeting]

CITY OF FALL RIVER

MARKET ST., FACING SOUTH MAIN ST., Lot N-6-7

In the matter of City of Fall River, Special Permit request to construct a 70' tall x 50' wide, Digital Billboard in a Central Business District [CBD] on city-owned land [TABLED from Nov 16, 2017 meeting]

DECISION

In a motion made by Mr. Calkins and seconded by Ms. Morrisette, the Board unanimously voted 4-0 to grant the request to withdraw the 6 Billboard applications, without prejudice.

MICHAEL COUTO
555 Broadway St., Lot G-21-21

In the matter of Michael Couto, Special Permit pursuant to Sec. 86-424 of the City Zoning bylaw, requesting to expand the existing non-conforming use of a two family dwelling into a three family dwelling, in an [R-4] District. Lot size 4,557 +/- sq. ft.

Chairman Assad read aloud the letter addressed to the Board from Peter Saulino Esquire, of Saulino & Silvia, requesting to table the matter until the March 15, 2018 meeting, waiving the 100 day constructive grant period.

DECISION

In a motion made by Mr. Calkins and seconded by Mr. Saber, the Board unanimously voted 4-0 to grant the petitioner's request to table to the March 15, 2018 Zoning Board of Appeals Meeting.

JOSE & JUDITE AMARAL
144 Foster St., Lot F-21-39

In the matter of Jose and Judite Amaral, Variance request to subdivide existing parcel (Lot size 10,525 +/- sq. ft.) into two parcels, leaving an existing three family dwelling on one lot (5,272 +/- sq. ft.), and to construct a new single family dwelling on the second lot (5,253 +/- sq. ft.), waiving frontage and area requirements in an [R-4] District, while providing off-street parking.

FAVOR

Dan Aguiar, Senior Project Manager with SITEC Inc. was present to address the Board on behalf of the applicants. He requested the Board table this matter until the March 15, 2018 meeting, waiving the "time to act" period required of the Board.

DECISION

In a motion made by Mr. Calkins and seconded by Ms. Morrisette, the Board unanimously voted 4-0 to grant the petitioner's request to table to the March 15, 2018 Zoning Board of Appeals Meeting.

HIGHLAND FINANCIAL PROTECTION GROUP LLP**MANNY LINDO****58 Lisbon St., Lot E-7-46**

In the matter of Highland Financial Protection Group LLP, Variance request to subdivide the existing parcel (9,704 +/- sq. ft.) into two parcels, leaving an existing single family dwelling on one lot (4,800 +/- sq. ft.) and constructing a new single family dwelling on the second lot (4,800 +/- sq. ft.) waiving frontage, area, and side setback requirements in an [R-8] District.

FAVOR

Dan Aguiar, Senior Project Manager with SITEC Inc. was present on behalf of the applicant. Mr. Aguiar explained the property history to have been subdivided in the past but merged under common ownership. Discussion regarding hardship, being proposed as the oversized shape of the lot and location of the current house on the property.

OPPOSITION

Glenda Arruda of 90 Lisbon St. – present in opposition regarding property value going down, flooding and current parking issues due to the liquor store traffic.

Lisa Pacheco of 74 Lisbon St. – direct abutter, present in opposition regarding privacy being so close, blocking the sunlight needed for her current garden.

Elvis Leoncello of 74 Lisbon St. – present in opposition regarding parking and sunlight disruption.

Resident of 42 Lisbon St. – present in opposition regarding property value and parking concerns.

John Rebello of 333 Tower St. – direct abutter, present in opposition regarding the disruption of the water table and the land elevation of his abutting property.

David Rebello of 333 Tower St. – present in opposition regarding dimensional concerns with the side yard being tight, as well as causing flooding in their garage and basement.

Bethany Duarte of 26 Lisbon St. – present in opposition regarding concerns with disruption of the water table.

Mr. Aguiar addressed the concerns, indicating that they would be providing off-street parking in accordance to the city ordinance. He indicated that deliveries occur at the store across the street and parking is not an issue in result to that business. Mr. Aguiar offered to change the side yard dimensions if the Board wished. Mr. Aguiar reminded that Site Plan Review is a requirement that addresses storm water concerns.

DECISION

Upon motion duly made by Ms. Morrisette and seconded by Mr. Calkins, the Board unanimously voted to deny the request. Mr. Calkins, Mr. Saber, Ms. Morrisette, and Mr. Assad voted in favor of the motion, none were opposed and the petition was denied.

JOAO DACRUZ
132 Howland St., Lot B-3-24

In the matter of Joao DaCruz, Variance request to construct a two story addition measuring 30'x14', to the existing three family structure, with first floor of the addition to be a kitchen, and second floor of the addition to be one bedroom in an [R-4] District. Lot size 7,000 +/- sq. ft.

FAVOR

Joao DaCruz was present to address the Board. Mr. DaCruz explained the request being the need to expand his kitchen, and the side yard would remain the same.

OPPOSITION

No one was present in opposition.

DECISION

In a motion made by Ms. Morrisette and seconded by Mr. Calkins, the Board unanimously voted to Grant the petition. Ms. Morrisette, Mr. Calkins, Mr. Assad and Mr. Saber voted in favor of the motion, none were opposed and the petition was granted.

SOUTH COAST CAPITAL INVESTMENTS
209 Brightman St., Lot S-15-38

In the matter of South Coast Capital Investments, Variance request to subdivide existing parcel (Lot size 5,400 +/- sf) into three lots so that each of the existing three structures will be located on separate lots, waiving all applicable requirements in a Local Business District [B-L]. Currently on the property are: a mixed-use building containing three residential units and one commercial unit (proposed parcel #1 Lot size 2,400 +/- sf), an existing commercial building (proposed parcel #2 Lot size 900 +/- sf), and a single-family dwelling (proposed parcel # 3 Lot size 2,100 +/- sf).

FAVOR

Jeff Tallman with SITEC Inc., was present on behalf of South Coast Capital Investments to address the Board. Mr. Tallman submitted photos for the record. Mr. Tallman indicated that there are 3 existing structures, no change in use or any physical changes being proposed. Just seeking relief to divide them onto separate parcels so that the Planning Board could endorse the plan with an 81L exemption under the Subdivision Control Law. Board discussed access easement between lot #1 and #2, conditions for separate utilities, combination of lot #1 and #2 to appease concerns for approval.

Mr. Tallman asked the Board to amend the request to separate into two lots. Lots #1 and #2 would be combined as 1 lot and the remaining lot be separated.

OPPOSITION

No one was present in opposition to this petition.

DECISION

In a motion made by Mr. Calkins and seconded by Mr. Saber, the Board unanimously voted to Grant the petitioners **amended** request, with the Condition being: All utilities shall be separated and an affidavit signed by the petitioner under the pains and penalties of perjury stating that all utilities have been separated shall be recorded at the Bristol County Fall River District Registry of Deeds prior to the sale and/or transfer of the property, but no later than one year from the date of the grant of the variance.

MELVIN & SALLY COHEN
1412 S. Main St., Lot G-25-27

In the matter of Melvin and Sally Cohen, Variance request to operate a tattoo/body art establishment in the one-story portion of the existing commercial structure, in a [B-L] District. Lot size 7,981 +/- sq. ft.

FAVOR

Dan Aguiar, Senior Project Manager with SITEC Inc. was present to address the Board on behalf of the applicants. Bruce Deslaurius, the proposed business manager was also present to answer any questions the Board had.

Mr. Aguiar submitted a photo of the parcel and a photo of previous tenant use, as part of the record. Discussion regarding zoning allowance for this type of business. Owner has been unable to find a consistent tenant, vacant since 2010. Business hours proposed as 12-10pm, 4 independent chairs. Parking on street, peak hours are opposite that of the surrounding businesses, other than Dunkin Donuts. Board discussed difference between Special Permit compared to Variance request. This request being the alternative to requesting rezoning with City Council and Planning Board.

Jason Jacowski was present in favor of the petition.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Mr. Saber and seconded by Mr. Calkins, the Board unanimously voted 4-0 to grant the petitioner's request with the conditions being that: 1. Granted subject to compliance with the Board of Health's piercing and tattooing regulations; 2. Hours of Operation shall be limited to 12 pm -10 pm, seven (7) days a week. Mr. Saber, Mr. Calkins, Ms. Morrisette and Mr. Assad voted in favor of the motion and the petition was granted with conditions.

New Business

Mr. Calkins and Mr. Assad discussed a letter of appreciation for the upcoming end of term for Board Member John Frank. As this hasn't been finalized, Mr. Calkins delayed his motion.

A. Approval of 2018 Meeting Schedule

Board reviewed Meeting Schedule Proposal for 2018.

In a motion made by Mr. Calkins and Seconded by Ms. Morrisette, the Board unanimously voted 4-0 to approve the proposed schedule.

PUBLIC INPUT

John Sylvia – concerned with how limited the scope of the Site Plan Review is, whereas the Board approves petitions and it sometimes creates more density to neighborhoods and it increases on-street parking. Foliage and the need for trees should be addressed if the Board would consider those an issue. Mr. Sylvia asks that the Board consider neighbors in the petitions, so that it isn't just contractors that profit and benefit from approvals.

The Board thanked Mr. Sylvia for his input.

ADJOURNMENT

A motion was made by Mr. Cantin and seconded by Ms. Morrisette to adjourn the meeting.

In a vote of 4-0 the Board voted to adjourn the meeting. Mr. Calkins, Ms. Morrisette, Mr. Assad, and Mr. Saber voted in favor of the motion and the meeting was adjourned at 7:09 pm



JASIEL F. CORREIA II
Mayor

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

38

RECEIVED

2018 JUN 18 P 12:05

CITY CLERK
FALL RIVER, MA

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

WILLIAM D. ROTH JR., AICP
City Planner

TO: Alison Bouchard
City Clerk

FROM: Brittany Faria
Planning, Head Administrative Clerk

RE: Fall River Zoning Board of Appeals Meeting
May 17, 2018

The Fall River Zoning Board of Appeals held a Public Hearing on Thursday, May 17, 2018, at 5:30 PM in the First Floor Hearing Room for the purpose of considering the petitions set forth in the attached minutes of said Public Hearing.

Members present: David Assad, Chairman, Carolyn Morrisette, Vice Chairwoman, John Frank, Jim Calkins, and Greg Brilhante, and alternate member Dan Dupere.

Members absent: none

Also present: City Planner William D. Roth Jr., AICP and Recording Secretary, Brittany Faria.

Notice of the meeting was advertised in the Fall River Herald News on Wednesday, May 2nd, 2018, and Wednesday, May 9th, 2018. The hearing was also posted in the Government Center and notice was sent to the petitioners and abutters of the specified property, as well as the City of Fall River's Planning Board.

MANUEL RODRIGUES
53 Palmer St., Lot G-16-7, 13

In the matter of Manuel Rodrigues, Variance request to subdivide the existing 10,500 +/- sf lot into two lots waiving all dimensional requirements in an [A-2] District; leaving the existing 3-family dwelling on one lot (5,500 +/- sf) while providing 4 off-street parking spaces, and to demolish the existing garage on the second lot and to construct a new single family, two story dwelling on the second lot (5,000 +/- sf), while providing 2 off-street parking spaces.

FAVOR

Susan Welker was present on behalf of the petitioner.

Mr. Assad read aloud a letter requesting to Table the matter to the June 14, 2018, meeting. He stated for the record that they would not be taking any evidence or public input on the matter as the request stands to Table.

DECISION

In a motion made by Mr. Calkins, and seconded by Mr. Frank, the Board unanimously voted 5-0 to grant the petitioners request to Table this matter to the June 14, 2018, ZBA meeting.

ACN, TREYAM, LLC c/o Jeffrey Medeiros, Esq.
415 Elsbree St., Lot R-11-24

In the matter of ACN, TREYAM, LLC, c/o Jeffrey Medeiros, Esq., Variance request to change use from a hair salon to commercial and professional business offices waiving all applicable requirements in an [S] District. Lot size 12,849 +/- sf.

Greg Brilhante abstained from this petition.

FAVOR

Attorney representing ACN Treyam, LLC was present along with Dr. Rajiv Nehra manager. Looking to change the use from a previously approved Variance. Hardship being location and irregular lot shape. Discussion regarding First floor to be used by the petitioner for his Chiropractic business. Hours of operation being proposed M-F 7am-7pm, Sat 8am-2pm, and Sunday open only for emergencies. Second floor to rent as professional offices, requesting broad commercial use for future tenants intended for medical/healthcare offices. Those hours would be considered with regards to the needs of the future tenants.

Mr. Roth recommended approval, with the stipulation of restriction on the use not to allow retail or sales as a principle use.

Mr. and Mrs. David Sarmiento of 18 School Brook Road- abutter present in favor of the petition, stating that there haven't been issues with a business being on that property.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Mr. Calkins and seconded by Mr. Frank, with a vote of 5-0, the Board unanimously voted to grant the petitioner's request with the conditions: 1. No retail sales or use as a primary use shall be allowed. 2. Uses limited to professional offices. 3. Hours of operation for the first floor medical/healthcare office being M-F 7am-7pm, Sat 8am-2pm, and Sunday open only for emergencies. Mr. Frank, Mr. Calkins, Mr. Assad, Mr. Dupere and Ms. Morrisette voted in favor of the motion.

ANGEL E. ESTRELLA MOLINA
147 John St., Lot I-15-66

In the matter of Angel E. Estrella Molina, Variance request to construct a new four family dwelling on lot that previously contained a four family dwelling, waiving dimensional, area and use requirements in an [A-2] District, while providing 5 off-street parking spaces. Lot size 5,445 +/- sf.

David Assad abstained from this matter.

FAVOR

Dan Aguiar, Senior Project Manager with SITEC Inc. was present on behalf of the petitioner, Mr. Angel Molina, also present. Discussion of background and current use of property, and explanation of previously granted Special Permit. New construction, similar size as previously granted building with better setbacks being proposed. Clarification with the Board regarding Setbacks which were not listed accurately on the plans. Architectural plans were not yet created, not asking for relief on building height. Mr. Aguiar submitted for the record a subdivision plan for review.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Mr. Brilhante and seconded by Mr. Dupere, with a vote of 5-0, the Board unanimously voted to grant the petitioner's request. Mr. Frank, Mr. Calkins, Ms. Morrisette, Mr. Brilhante and Mr. Dupere voted in favor of the motion.

MARINO A. BENEVIDES
165 Stewart St., Lot S-7-2

In the matter of Marino A. Benevides, Variance request to subdivide the existing parcel into two lots, leaving an existing single family on one lot and to construct a new single family dwelling on the second lot providing 70' of frontage, each proposed lot size being 3,850 +/- sf. Waiving use, area and dimensional requirements in a [G] District and a [BN] Neighborhood Shopping District. Lot size 7,702 +/- sf

David Assad abstained from this matter.

FAVOR

Dan Aguiar, Senior Project Manager with SITEC, Inc. present on behalf of the petitioner/owner. Mr. Aguiar explained the site plan details. Existing single family is a nonconforming use. Parcel 2 has an additional structure that will be razed. Hardship being irregular shape, location of existing structure, elevation/grade difference, and excessive frontage.

Mr. Roth questioned if a driveway for the existing dwelling could be provided. Mr. Aguiar explained that there is a retaining wall that prevents a driveway for #165 but that the petitioner would accommodate if necessary. Mr. Roth asked the Board to set a requirement of Site Plan Review and requested that they include a driveway.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Mr. Brilhante and seconded by Mr. Calkins, with a vote of 4-1, the Board voted to grant the petitioner's request with the conditions being: 1. No building permit shall be issued prior to approval of the site plan by the Site Plan Review Committee. 2. No site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee. 3. All utilities shall be separated and an affidavit signed by the petitioner under the pains and penalties of perjury stating that all utilities have been separated shall be recorded at the Bristol County Fall River District Registry of Deeds prior to the sale and/or transfer of the property, but no later than one year from the date of the grant of the variance. 4. There shall be a minimum of one off-street parking space for the existing house at #165, and a minimum of two for the new proposed lot. Mr. Brilhante, Mr. Calkins, Mr. Dupere, and Ms. Morrisette voted in favor of the motion and Mr. Frank was opposed.

DIANE ECKERSLEY c/o David J. Megna, Esq.
206 Chicago St., Lot E-22-24

In the matter of Diane Eckersley, c/o David J. Megna, Esq., Variance request, to construct a 20'x 30' addition onto a pre-existing non-conforming dwelling, waiving all applicable requirements in an [R-8] District. Lot size 8,580 +/- sf

FAVOR

Attorney David Megna representing Diane Eckersley, also present, explained the proposal being needed for additional bedroom space. Board discussed set-backs requirements, garage location in regards to building code needing 6' separation between garage and dwelling. Hardship being the shape of the lot and the location of the existing dwelling.

OPPOSITION

Jim Finglas of Emmett Street- stated his concern with increasing a pre-existing non-conforming property. The request is looking for almost all off-set requirements and utilizing even more square footage, compounding the problem of non-conformity.

DECISION

In a motion made by Mr. Brilhante, and seconded by Mr. Calkins, the Board unanimously voted 5-0 to table the matter to the June 14, 218, ZBA meeting so that the petitioner may file a modified plan.

KC FALL RIVER HOLDINGS II LLC
859 Pine St., M-13-30

In the matter of KC Fall River Holdings II LLC, Variance request to expand the existing 30 unit apartment building to add 10 basement level units, waiving all applicable restrictions in an [M] district, while providing 12 new off-street parking spaces. Lot size 34,603 +/- sf

FAVOR

Dan Aguiar, Senior Project Manager with SITEC Inc., was present with Chris Bilotti of KC Fall River Holdings II LLC. Mr. Aguiar clarified parking on the plan to be 31 spaces as required in the previously granted variance, plus 3 spaces for #857 Pine St. Mr. Aguiar indicated that there is an elevation change on the property that prevents parking on one side of the property. The one-way street helps with on-street parking. He indicated that the surrounding lots do not supply off-street parking. Majority of current residents are not motorized. This proposal intends to have a mix of 1 and 2 bedroom "Garden Style Apartments" in the basement level of the building that offer full size windows on one side. Hardship being the development cost to renovate the

building, and the revenue from the added units would offset that cost. Board discussed bedroom quantities, [M] District restrictions.

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OPPOSITION

Angelo Sardino of 127 Orange St. – 1 car per unit is not enough for modern families, the additional units will overburden the neighborhood, and visitors would compound the issue

Natalie Melo of 510 N. Eastern Ave – of Bank St. Neighborhood Association, submitted a police log from January showing the issues that the property currently has, adding units would add to this issue rather than offer improvement

Joseph Carvalho, owner of 141/145 Tremont St. – submitted pictures for the record to show the state of neglect of the property, regarding trash, drug paraphernalia, vermin, etc.

Herman and Emmanuel Medeiros of 126/130 Orange St. – as an owner occupied abutter, parking issues in the area, management doesn't maintain the property including snow removal on the sidewalks in the winter.

Linda Owens of 151 Orange St. – submitted a petition for the record of 36 names of concerned citizens. Primary concern of emergency for the basement tenants, poor upkeep of the property, history of occupant issue, parking issues, some current tenants were unaware of this proposal, congested area, removal of green space, increase of traffic, overall detriment to the neighborhood.

Virginia Jacabeitas of 151 Orange St. – increase problems for the police, safety issue for pedestrians and travel of cars

Mr. Assad read a letter of opposition from Leo Pelletier, City Councilor.

Mr. Bilotti addressed the Board to reply to the concerns. There is a lengthy process to remove problem tenants. The management company is working to resolve the issues, and have actively been working to alleviate the litter issue. Mr. Assad indicated that many of these concerns could be addressed at the Neighborhood Association meetings. Mr. Aguiar requested that the Board allow them to withdraw the petition so that they could work on resolving these concerns.

DECISION

In a vote of 2-3, the petitioner did not receive the required number of votes needed to grant the request to Withdraw without Prejudice. Mr. Brillhante and Mr. Calkins voted in favor of the motion and Mr. Assad, Mr. Frank and Ms. Morrisette voted against the motion; therefore, the motion was denied.

In a motion made by Ms. Morrisette and seconded by Mr. Frank, the Board voted 4-1 to deny the petition and the petition was denied. Ms. Morrisette, Mr. Frank, Mr. Assad, and Mr. Calkins voted in favor of the motion, Mr. Brillhante voted against the motion.

LOUISA & GUIDA C. CARVALHO
2270 Highland Ave., Lot T-19-81

In the matter of Louisa & Guida C. Carvalho, Variance request to construct a new single family dwelling waiving set back requirements in an [S] district. Lot size 16,500 +/- sf

FAVOR

Dan Aguiar, Senior Project Manager with SITEC, Inc., was present on behalf of the owners. Seeking relief of front yard setback. Hardship being the topography of the land at a 30-foot elevation change across the site. Structure has a walkout basement, a garage would not be possible.

OPPOSITION

Pete and Karen Lee Miranda of 7 Bradley Court – concerned with the draining that the area has since trees were cleared for this property. Submitted photos for the record to show flooding.

Elaine Pelchat of 2 Bradley Court – directly affected by the flooding that has happened since the trees were cleared

Mr. Assad read aloud letter of opposition from Mike and Lisa Desrosiers of 23 Bradley Court

Mr. Assad addressed the concerns to clarify that the limited scope of the ZBA is to consider the side yard waiver, but that the city reviews drainage and grading through the site plan review process.

Mr. Roth requested the Board add the stipulation for a focus on grading and draining in the site plan review process. He forwarded the recommendation of the City Engineer that rip-rap is a long term maintenance issue and retaining walls should be considered.

Mr. Aguiar addressed the concerns by stating the topography has not changed, there was an existing flooding issue. They will have the opportunity to make improvements but they would not be able to solve everyone's flooding problems on this one lot.

DECISION

In a motion made by Mr. Brilhante and seconded by Mr. Calkins, with a vote of 5-0, the Board unanimously voted to grant the petitioner's Variance request with the conditions being: 1. No building permit shall be issued prior to approval of the site plan by the Site Plan Review Committee. 2. No site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee. 3. Site Plan Review to include focus on grading and drainage. Mr. Frank, Mr. Calkins, Ms. Morrisette, Mr. Brilhante and Mr. Assad voted in favor of the motion.

RILEY HOMES LLC. / JEFF RILEY
749 Cambridge St., Lot F-5-31

In the matter of Riley Homes LLC., Jeff Riley, Variance request to construct a 28'x28' single family dwelling in an [R-4] district waiving all applicable requirements, while providing off street parking. Lot size 5,000 +/- sf

FAVOR

Jeff Riley was present to address the Board. Seeking relief for lot size, frontage and side set back. Previous structure was recently razed due to a fire. Hardship being the prior pre-existing dwelling and the shape of the lot. This property previously had a two family, seeking relief for a single family home.

Mr. Assad read aloud a letter of support from John Demelo from 111 Reeves St.

OPPOSITION

No one was present in opposition to the petition.

DECISION

A motion was made by Mr. Brilhante and seconded by Mr. Calkins, with a vote of 5-0, the Board unanimously voted to grant the petitioner's request. Mr. Frank, Mr. Brilhante, Mr. Assad, Ms. Morrisette and Mr. Calkins voted in favor of the motion.

MATTHEW SOUSA
1715 Stafford Rd., Lot D-16-65

In the matter of Matthew Sousa, Variance request to build a 12'x12' breeze way between the existing house and existing garage waiving applicable requirements in an [R-8] District. Lot size 4,504 +/- sf

FAVOR

Mr. and Mrs. Matthew Sousa were present to address the Board. Seeking relief for the proposed breezeway, which becomes a single structure with the home and garage.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Mr. Frank and seconded by Mr. Calkins, with a vote of 5-0, the Board unanimously voted to grant the petitioner's request. Mr. Frank, Mr. Calkins, Mr. Assad, Mr. Brilhante and Ms. Morrisette voted in favor of the motion.

DCH REALTY TRUST
Weaver St., Lot T-3-18

In the matter of DCH Realty Trust, Six month extension request for Special Permit originally Granted with Conditions on May 18, 2017, to construct two, 36 unit, three story apartment buildings with associated parking and utilities in a Commercial Mill District. Lot size 3.90 +/- acres.

FAVOR

Dan Aguiar, Senior Project Manager with SITEC Inc., was present on behalf of the petitioner. Requesting to amend to a 1 year extension, as they had thought the original granting of the Special Permit was for 2 years instead of 1 year.

OPPOSITION

No one was present in opposition.

DECISION

In a motion made by Mr. Brilhante and seconded by Mr. Frank, with a vote of 5-0, the Board unanimously voted to grant the petitioner's request, as amended to a 1 year extension. Mr. Brilhante, Mr. Frank, Mr. Assad, Ms. Morrisette and Mr. Calkins voted in favor of the motion.

HANOVER PROPERTIES, LLC
439 Pine St., Lot N-5-27

In the matter of Hanover Properties, LLC, Variance request to convert the existing structure into 24 apartments, waiving requirements in an [A-2] District. Lot size 29,818 +/- sf

FAVOR

Attorney Peter Saulino was present on behalf of Hanover Properties, along with the manager of Hanover Properties, Mr. David Hebert. Mr. Saulino explained that the old Lincoln School was purchased by his client from the city, and the request is to convert the building into 24 apartments of various sizes, with considerations of the building being under historical status. The proposal includes a manager's office but the office does not need approval. Hardship being the historical structure and it having laid dormant for such a long time. Mr. Saulino indicated the plans proposed parking should state 28 spaces.

Mr. Assad read into the record *3 letters of support* to this petition.

A woman stood in favor of the petition, did not state her name for the record – glad to see building being preserved as intended when purchased, and wanted to state that they would rather see Market Rate housing.

Mr. Roth indicated that there is room to explore more parking spaces, and that he has reached out and intends to work with the Traffic Department to look at the ability to add on-street parking now that the building is no longer a school. With that consideration and with the potential for some additional spots on the property, he reiterated that 28 proposed spaces is still sufficient and is recommending approval.

OPPOSITION

Mr. Assad read into the record *1 letter of opposition* to this petition.

Mr. Brilhante addressed the opposition to state that the building was bought from the city with an intent to redevelop and is following through with that intent, while also working to preserve the building.

Carl Machado, owner of 205 High St. - presented his concern that the number of units was excessive in consideration to parking. That 36 spots would accommodate the proposed bedrooms but 28 is under par.

DECISION

In a motion made by Mr. Brilhante and seconded by Mr. Calkins, with a vote of 5-0, the Board unanimously voted to grant the petitioner's request with the conditions: 1. The development shall be limited to a 24 units. 2. The development shall provide a minimum of 28 onsite parking spaces. Mr. Brilhante, Mr. Frank, Mr. Assad, Ms. Morrisette and Mr. Calkins voted in favor of the motion.

CITIZENS INPUT

No one signed up for Citizens Input.

APPROVAL OF MINUTES

In the matter of Minutes for Zoning Board of Appeals Meetings dated February 15, 2018, March 15, 2018, April 19, 2018.

A motion was made by Mr. Brilhante and seconded by Mr. Calkins, the Board unanimously voted 5-0 to approve and waive reading the Minutes for Meetings dated 2/15/18, 3/15/18 and 4/19/18.

OPEN MEETING LAW COMPLAINT

In the matter of Complaint dated April 23, 2018 from Patrick Higgins, regarding ZBA Minutes and Approval deadlines.

Mr. Assad briefed the Board on the Complaint regarding approval of minutes under the Open Meeting Law.

In a motion made by Mr. Brilhante and seconded by Mr. Calkins, the Board unanimously voted 5-0 to refer the Complaint to Corporate Council. Mr. Brilhante, Mr. Calkins, Ms. Morrisette, Mr. Frank and Mr. Assad voted in favor of the motion.

ADJOURNMENT

A motion was made by Mr. Brilhante and seconded by Mr. Calkins to adjourn the meeting.

In a vote of 5-0 the Board voted to adjourn the meeting. Mr. Calkins, Mr. Frank, Mr. Assad, Mr. Brilhante and Ms. Morrisette voted in favor of the motion and the meeting was adjourned at 8:19pm.

CITY COUNCIL PUBLIC HEARING

MEETING: Tuesday, May 29, 2018 at 5:55 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Joseph D. Camara, Steven A. Camara, Bradford L. Kilby,
Stephen R. Long, Leo O. Pelletier and Derek R. Viveiros

ABSENT: Councilors Shawn E. Cadime and Pam Laliberte-Lebeau

IN ATTENDANCE: Patric J. Yaghoobian, Associated Distribution Engineer
Leidos, 550 Cochituate Rd., West Wing, 4th Fl., Framingham, MA 01701
Patrick Sullivan, Program Manager
Leidos, 550 Cochituate Rd., West Wing, 4th Fl., Framingham, MA 01701

The President called the meeting to order at 5:55 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:

Underground Conduits

1. South Main and Bedford Streets

National Grid requests to install manhole 184 in the sidewalk on the west side of South Main and Bedford Streets. Street pavement, sidewalk, and curb to be restored to original conditions. In accordance with Plan No. 23971563 dated March 1, 2018.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Steven A. Camara, it was unanimously voted that the hearing be opened, with Councilor Shawn E. Cadime absent and not voting. The President then directed the proponents to be heard and Patric Yaghoobian came forward. Mr. Yaghoobian is a Distribution Engineer for National Grid. He stated that this work is part of the underground replacement program. The old systems are susceptible to failure, that is why National Grid is updating various locations. Councilor Steven A. Camara asked if all the work will be underground and Mr. Yaghoobian answered that it would. Councilor Pam Laliberte-Lebeau arrived at 5:57 p.m. Then Patrick Sullivan came forward. Mr. Sullivan is the Program Manager for National Grid. He stated that this is a reliability project that will be completed by March of 2021. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to close the hearing, with Councilor Shawn E. Cadime absent and not voting.

2. Lincoln Avenue and North Main Street

National Grid requests to install manhole 185 in the sidewalk on the south side of Lincoln Avenue and install conduit duct bank from manhole 36 on North Main Street to manhole 185 on Lincoln Avenue. Street pavement, sidewalk, and curb to be restored to original conditions. In accordance with Plan No. 23992703 dated March 1, 2018.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Steven A. Camara, it was unanimously voted that the hearing be opened, with Councilor Shawn E. Cadime absent and not voting. 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 Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to close the hearing, with Councilor Shawn E. Cadime absent and not voting.

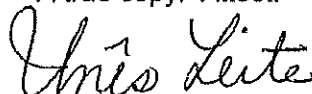
On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn at 6:02 p.m., with Councilor Shawn E. Cadime absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:



Assistant City Clerk

COMMITTEE ON FINANCE

MEETING: Tuesday, June 27, 2017 at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Chief John D. Lynch, Fall River Fire Department
Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services
Deputy Chief Al Dupere, Fall River Police Department
Joseph I. Macy, Corporation Counsel
Mayor Jasiel F. Correia II
Joseph Castro, Chair
Insurance Advisory Committee (IAC)

The chair called the meeting to order at 6:01 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Councilor Raymond A. Mitchell arrived at 6:06 p.m.

In accordance with a resolution adopted, as amended May 8, 2012, allowing persons to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance, the following persons spoke on the subjects listed:

Before Discussion of Financial Matters:
Gerald Fallon, 1006 Maple Street - Budget

Agenda:

1. Financial order – transfer \$40,000 from EMS salaries to EMS expenses
Councilor Cliff Ponte asked Chief John D. Lynch how many fire stations are there in the City of Fall River. The Chief stated that there are six stations and added that there are ten pieces of fire apparatus. Councilor Cliff Ponte then asked for the minimum amount of firefighters per shift. The Chief stated that the minimum is 30 firefighters, which are 3 men per truck. Councilor Cliff Ponte then asked if the Chief anticipates using all of the \$750,000.00 budgeted for overtime. The Chief answered yes. On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the matter to the full council for action.

2. Continuation of discussion of municipal side of the Fiscal Year 2018 Budget

Councilor Raymond A. Mitchell asked Deputy Chief Al Dupere how many candidates are in the academy at this time. Deputy Chief Al Dupere stated there are currently twelve candidates in the academy. Vice-President Linda M. Pereira took the podium at 6:39 p.m. to allow President Shawn E. Cadime to speak. He asked Deputy Chief Al Dupere about overtime for walking beats. Deputy Chief Al Dupere stated that for the past three years they have been increasing the walking beats in the spring and summer. Council President Shawn E. Cadime returned to the podium at 7:05 p.m. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to waive the rules to allow Joseph Castro, Chairman of the IAC to answer questions. Joseph Castro stated that the City uses Group Benefit Services, Inc. (GBS) to estimate costs. Last year there was a \$3 million dollar shortfall. He then stated that GBS predicted a 9% increase, but the City only increased their contribution by 6%. The employees increase was 9% as recommended by GBS. Council President Shawn E. Cadime requested that conversations by the public be kept to a minimum. He stated that it is very difficult to conduct a meeting when there are so many distractions in the audience. Mayor Jasiel F. Correia II entered the Council Chamber and joined the City Administrator, Director of Financial Services and Corporation Counsel at the table. Council President Shawn E. Cadime stated that the Mayor should wait in the audience to be called to the table, not just appear without being invited. Councilor Steven A. Camara stated that the Administration was called to the table for the discussion and the Mayor would be part of the Administration. Mayor Jasiel F. Correia II asked Councilor Pam Laliberte-Lebeau if she would support the budget, if he would add the \$20,000 for legal services for the City Council. The Mayor then stated that his goal is to eliminate the purple trash bags. He cannot eliminate them in this budget for Fiscal Year 2018, but I am hopeful they will be eliminated in the Fiscal Year 2019 Budget.

Vice-President Linda M. Pereira took the podium at 9:05 p.m. to allow President Shawn E. Cadime to speak. He then asked the Mayor how much have we set aside for OPEB. The Mayor stated that the Financial Team is working with the state on OPEB and pension liabilities. Councilor Steven A. Camara stated that he would like to take the first 30 seconds of my fifteen minutes to have a moment of silence for deep breathing and meditation. He then stated that there is a lack of cooperation among us that is very destructive to our community. We are jointly responsible for the future of our City and for the people who have elected us. The lack of decorum that has been here tonight, I don't think I have ever witnessed in my twenty plus years as an elected official.

Councilor Cliff Ponte stated that the City Council can reduce, reject or approve the budget. On a motion made by Councilor Steven A. Camara and seconded by Councilor Linda M. Pereira, it was unanimously voted to lift the municipal budget from the table and refer it to the full council for action. On a motion made by Councilor Steven A. Camara and seconded by Councilor Joseph D. Camara, it was voted 6 yeas, 3 nays to call the question, with Councilors Raymond A. Mitchell, Cliff Ponte and Shawn E. Cadime voting in the negative.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Joseph D. Camara, it was unanimously voted to adjourn at 10:39 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting

Colleen A. Taylor
Clerk of Committees

COMMITTEE ON FINANCE

MEETING: Tuesday, July 11, 2017 at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

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

The chair called the meeting to order at 6:01 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, allowing persons to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance, the following persons spoke on the subjects listed:

Before Discussion of Financial Matters:

Brenda Venice, 25 Wrights Way – Fall River Home Rule Charter
Alan Silvia, 684 Woodman Street – Fall River HDIP, King Philip Mill
Jane Darcy, 293 Kilburn Street – King Philip Mill
CJ Ferry, 300 Buffinton Street – Immaculate Conception Church land sale
Richard Barlow, 50 Ander Street – State of the City
Carlos Cesar, 367 Frost Street – Davol School

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to waive the rules and allow citizen input to exceed 30 minutes.

Dan Rego, 361 Montaup Street – King Philip Mill
Michelle Dion, 5 Byron Street – Pizza Delivery and King Philip Mill
Ian Tompkins, 450 Cambridge Street – Bulky Trash

Agenda:

1. Transfers and appropriations
ORDERED: (FY 17 Orders)

Transfer \$1,395,825 from:

Operating Reserves	\$175,000
Claims & Damages	\$130,000
Veteran's - Salaries	\$6,000
Veteran's - Expenses	\$300,000
Administrative Services - Salaries	\$21,000
Insurance	\$126,000
City Clerk - Salaries	\$12,000
City Clerk - Expenses	\$9,000
Mayor - Salaries	\$47,000
City Council - Salaries	\$8,000
City Council - Expenses	\$1,500
Fire - Salaries	\$90,000
Fire - Expenses	\$75,000
Police - Expenses	\$100,000
Community Maintenance - Salaries	\$103,325
Financial Services - Salaries	\$15,000
Vocational Assessments	\$102,000
Community Service - Salaries	\$55,000
Community Service - Expenses	\$20,000
Total	<u>\$1,395,825</u>

and Transfer \$1,395,825 to:

Community Maintenance - Expenses	\$1,069,621
Financial Services - Expenses	\$54,000
Administrative Services - Expenses	\$14,000
Debt Service	\$117,557
FY 15 Snow & Ice Appropriations	\$140,647
Total	<u>\$1,395,825</u>

Council President Shawn E. Cadime asked if these were an appropriation or just a transfer. The Director of Financial Services gave a brief overview of the transfers. Councilor Cliff Ponte asked if the \$140,647 will pay off the FY15 Snow and Ice Account. The Director of Financial Services stated that it will. She then stated that the reason there was a significant amount turned back from Veterans' – Expenses is that there are fewer veterans requesting services. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the transfers to the full council for action. The City Clerk stated that these transfers are already listed on the agenda and a motion is not necessary.

- Admin. of Community Utilities re: language changes for ballot question related to \$123M loan order for Integrated Wastewater and Stormwater Master Plan Improvements

On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the ballot question to the full council for action.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to adjourn at 6:52 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 FINANCE

MEETING: Tuesday, May 29, 2018 at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: Councilor Shawn E. Cadime

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services
Terrance J. Sullivan, Administrator of Community Utilities
Thomas Perreira, Executive Director
Bristol Workforce Investment Bd., One Government Center
Michael P. Dion, Executive Director, CFO
Community Development Agency
Attorney Kenneth Fiola, Jr., Executive V.P., FROED
Kara O'Connell, Chair, Fall River Redevelopment Authority

The chair called the meeting to order at 6:03 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, allowing persons to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance, the following persons spoke on the subjects listed:

Citizens' Input Time – Before Discussion of Financial Matters:

Jim Soule, 577 Rock Street – CPA & Streetscapes

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Bradford L. Kilby, it was unanimously voted to waive the 3 minute time limit to allow Mr. Soule to finish his statement, with Councilor Shawn E. Cadime absent and not voting.

Ray Hague, Director of Veterans' Services – Vietnam Veterans' Memorial Wall
Tony Abreu, 96 Boutwell Street – Angels Anonymous Food Pantry Grand Opening
Dan Rego, 361 Montaup Street – City Business

Agenda:

2. Loan Order – Phase 18 of the Water Improvement Projects – \$4,950,000

The Administrator of Community Utilities gave a brief overview of the project. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the loan order to the full council for action, with Councilor Shawn E. Cadime absent and not voting.

3. Resolution – Committee on Finance discuss with various parties the plan to attract new business, the plan for retention of current businesses in the community and attempted efforts to avoid the closure of Philips Lighting

Vice-President Pam Laliberte-Lebeau took the podium at 6:27 p.m. to allow President Cliff Ponte to speak. President Cliff Ponte stated that he filed this resolution because he was caught by surprise that this company was relocating. He stated that this brought to light that we have inconsistencies when it comes to economic development. He then stated that he wants to know, what are we doing with economic development? The City Administrator stated that in the past year, it has literally been "All hands on deck". President Cliff Ponte asked the Executive Vice-President of FROED, what his office was working on regarding economic development. Attorney Kenneth Fiola stated that his office is working on the loan program only, regarding economic development.

The City Administrator then stated that the Administration is working with the Community Development Agency regarding a loan program. Through various meetings, they have created a clearinghouse with a single application that can be shared with approximately five different lending institutions. This has streamlined the process for business owners. Attorney Kenneth Fiola then stated that FROED has been issuing loans since 1978 totaling over \$81 million dollars in low interest loans. He then stated that 99% of the loans are for small businesses that are unable to secure bank financing. President Cliff Ponte stated that we still do not know what we are doing for economic development and today is May 29th. You just don't abolish an organization that is doing all the economic development, with no plan in place. The City Administrator stated that there has been economic development going on in the City and the citizens are getting a bargain. Attorney Kenneth Fiola stated that he takes exception to the statement just made by the City Administrator. He then stated that one thing you can't argue about with economic development is quantifiable statistics. He also questioned how many jobs have been created? How many loans have been issued? How are we moving forward with absolute certainty that the money can be rolled over into next fiscal year. Thomas Perreira, Executive Director for the Bristol Workforce Investment Board stated that with a layoff in excess of 50 employees, a company is obliged to file a Worker Adjustment and Retraining Notification Act (WARN Act), giving at least 60 days advance notice prior to any company closure or major layoff of that nature. When we found out, we immediately contacted the company. In some cases the companies cooperate and in some cases they cooperate less. Council President Cliff Ponte returned to the podium at 7:15 p.m.

Councilor Steven A. Camara asked the Chair of the Redevelopment Authority to give an update on the Redevelopment Authority and what direction they plan to take. The Chair of the Redevelopment Authority stated that they are in transition and contemplating going down different paths. She then stated that the Redevelopment Authority wants FROED to continue their support, as you cannot put a price tag on so many years of experience. Councilor Steven A. Camara stated that Fall River is always looking for the quick fix, which is not always beneficial to the City such as Amazon building in the BioPark. Attorney Kenneth Fiola did state that 63 % of all employees at the Fall River Amazon facility are Fall River residents. He also stated that Amazon offers many benefits that other employers in the area do not. He then stated that some businesses had to raise their hourly wages from \$13.00/hour to \$15.00/hour to maintain employees, due to the wages at Amazon. Councilor Joseph D. Camara stated that we are our own worst enemies at promoting Fall River. People from other communities tell me how lucky we are. He then stated that Fall River is a great place to live, a great place to raise a family and a great place to work. Michael Dion stated that the Community Development Agency has begun sending out surveys on a quarterly basis to compile information from the area businesses. Councilor Joseph D. Camara then asked if anyone had considered providing loans to residents for college tuition. Attorney Kenneth Fiola stated that FROED had not considered that.

Citizens' Input Time – After Discussion of Financial Matters:

Douglas Carvalho, 360 Ferry Street – School Parking

On a motion made by Councilor Steven A. Camara and seconded by Councilor Derek R. Viveiros, it was unanimously voted to adjourn at 8:38 p.m., with Councilor Shawn E. Cadime absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Vietnam Veterans' Memorial Wall Picture

Carleen A. Taylor
Clerk of Committees

COMMITTEE ON FINANCE

MEETING: Tuesday, June 12, 2018 at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services
John Perry, Mgr. of Operations, Streets and Highways Department
JR Frey, City Engineer
Benjamin Mello, Administrator of Assessing
Nancy Smith, Asst. Commissioner of Parks and Recreational
Facilities/Director of Parks and Recreational Facilities
Christopher Parayno, Asst. Commissioner of Cemeteries and Trees/
Director of Cemeteries/Trees
Laura Ferreira, Director of Traffic and Parking

The chair called the meeting to order at 6:00 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, allowing persons to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance, the following persons spoke on the subjects listed:

Citizens' Input Time – Before Discussion of Financial Matters:

CJ Ferry, 300 Buffinton Street – Budget
John Sylvia, 51 Ada Street – QRRT
Amy Blanchette, 724 Second Street – Quequechan River Rail Trail
Mike Miozza, 84 Holland Street – Appointment

Agenda:

2. Continuation of discussion – Proposed Fiscal Year 2019 Budget
Christopher Parayno stated that his first day as the Director of Cemeteries/Trees was May 14, 2018. Councilor Pam Laliberte-Lebeau stated that she was happy to see this position filled. Councilor Bradford L. Kilby asked how the equipment at the cemetery was. John Perry stated that the backhoe at the cemetery is the old DCM backhoe. He then stated that they are working on getting some new equipment for the cemetery. Councilor Leo O. Pelletier asked if North Burial Ground was full. Christopher Parayno stated that it is basically full, but cremains are still being interred. Councilor Leo O. Pelletier then asked if

Oak Grove Cemetery was full. Christopher Parayno stated that there are 6 double lots and 100 single graves available. John Perry then stated that they are looking for new areas to expand. Councilor Joseph D. Camara asked if fertilizer is used on the cemetery. John Perry answered that they do not fertilize, as most of their time is spent trying to keep up with grass cutting and trimming.

Councilor Leo O. Pelletier questioned who cuts the grass on the roadway islands. Nancy Smith stated that Parks and Recreational Facilities maintain the roadway islands. She then stated that the laborer positions are very low paying in her department; therefore there is a lot of turnover. Councilor Pam Laliberte-Lebeau asked what the salary is for a laborer. Nancy Smith stated that the starting salary is approximately \$13.00/hour and the maximum is \$15.21/hour.

Councilor Steven A. Camara then stated that Fall River has three fountains and all are not working, they are the Highland Park Fountain, Kennedy Park Fountain and the Cogswell Fountain on the corner of North Main and Central Streets. John Perry stated that he is looking into repairing the Highland Park Fountain. Nancy Smith stated that the Kennedy Park Fountain would need to be completely reworked in order for it to once again function. Councilor Steven A. Camara then asked if the Cogswell Fountain was cracked. John Perry stated not that he was aware of.

Councilor Leo O. Pelletier asked about the status of the Kennedy Park Pool. Nancy Smith stated that demolition was complete and the pool has been removed. There is now work being done to prepare for the installation of a splash pad in the same area as the pool was located.

Councilor Shawn E. Cadime stated that there are more and more patches in the city roadways that are making our streets difficult to navigate. The City Administrator stated that Liberty Utilities is under mandate to replace a great number of gas mains. She then stated that flowable fill is not allowed for gas line trenches. Councilor Joseph D. Camara questioned how long a steel plate can remain covering holes in the roadway? The City Engineer stated that there is no rule that he is aware of. Councilor Joseph D. Camara then asked what entities are digging up the city streets other than Liberty Utilities. The City Engineer stated the Water Department, Sewer Department and extensive CSO work on Middle Street. Councilor Bradford L. Kilby made a motion to adjourn, but received no second.

Councilor Shawn E. Cadime asked the Administrator of Assessing what the re-evaluation will cost. The Administrator of Assessing stated that Patriot Properties quoted \$364,000. He then stated that they are doing this in house for approximately \$40,000, a great savings. Councilor Bradford L. Kilby questioned if we use parking meter revenues to support the budget. The Director of Financial Services stated that parking meter revenue is part of local receipts. The Director of Traffic and Parking stated that she is looking to have all digital parking meters. Councilor Bradford L. Kilby asked when was the last time we increased parking meter fees. The Director of Traffic and Parking stated 1999. Councilor Pam Laliberte-Lebeau asked the Director of Traffic and Parking if we can post street closure information on the city website. The Director of Traffic and Parking stated that she will work on having this done.

Councilor Shawn E. Cadime asked what the \$28,500 listed for storage rental was for. John Perry stated this is the rental space for the extra trash, recycling and yard waste carts. He then stated that there were so many carts at Lewiston Street they had to find another storage area.

Councilor Stephen R. Long asked about the Solid Waste Enforcement Officers. John Perry stated that they work from 6:00 a.m. to 2:00 p.m., so that they can go out ahead of the trash trucks. He then stated that they have tried various ways to determine who is putting out trash without it being in a PAYT bag. The Solid Waste Enforcement Officers tried going

through the bags of trash, but found this was too hazardous as they were encountering hypodermic needles, knives and human and animal feces. He then mentioned that they had also been assaulted. Councilor Stephen R. Long then stated that after a violation is given, many times the Housing Court dismisses the fine making it difficult to continue in this manner.

Councilor Bradford L. Kilby asked how many years are left on the E-Z Disposal contract. The City Administrator stated 7 years. Councilor Pam Laliberte-Lebeau asked the City Administrator if she would provide a copy of the contract to all Councilors.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to adjourn at 10:22 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting


Celine A. Taylor
Clerk of Committees

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, June 27, 2017 at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: None

President Shawn E. Cadime called the meeting to order at 10:54 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 & veto of order allocating funds from streetscapes project for repair of streets and sidewalks

Councilor Steven A. Camara stated that he will be abstaining from this vote. On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Linda M. Pereira, it was voted 8 yeas that the veto be laid on the table in accordance with the City Charter.

2. Mayor and proposed ordinance regarding personnel title and wage change for City Council Principal Clerk

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinances and Legislation.

3. Fiscal Year 2018 annual budget appropriation

A motion was made by Councilor Richard Cabeceiras to reduce the budget by \$1,265,000, but received no second. On a further motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was voted 6 yeas, 3 nays to reduce the budget by \$1,194,000 with Councilors Joseph D. Camara, Steven A. Camara and Stephen R. Long voting in the negative.

Fiscal Year 2018 Budget
Appropriation Order

A. for the purpose of Administration and Finance

1. from the General Fund, for City Council, Salaries \$246,769

On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was voted 5 yeas, 4 nays to reduce by \$38,387, with Councilors Joseph D. Camara, Steven A. Camara, Pam Laliberte-Lebeau and Stephen R. Long voting in the negative.

2. from the General Fund, for City Council, Expenses \$2,710

On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was voted 7 yeas, 2 nays to approve the amount with Councilors Joseph D. Camara and Stephen R. Long voting in the negative.

3. from the General Fund, for Mayor, Salaries \$338,643

On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was voted 7 yeas, 2 nays to reduce by \$55,000, with Councilors Steven A. Camara and Stephen R. Long voting in the negative.

4. from the General Fund, for Mayor, Expenses \$33,950

On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was voted 5 yeas, 4 nays to reduce by \$15,000, with Councilors Richard Cabeceiras, Joseph D. Camara, Steven A. Camara and Stephen R. Long voting in the negative.

5. from the General Fund, for Financial Services, Salaries \$1,413,785

On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was voted 7 yeas, 2 nays to approve the amount with Councilors Joseph D. Camara and Stephen R. Long voting in the negative.

6. from the General Fund, for Financial Services, Expenses \$427,105

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was voted 9 yeas to approve the amount.

7. from the General Fund, for Administrative Services, Salaries \$1,261,190

On a motion made by Councilor Cliff Ponte and seconded by Councilor Linda M. Pereira, it was voted 6 yeas, 3 nays to reduce by \$89,135, with Councilors Joseph D. Camara, Steven A. Camara and Stephen R. Long voting in the negative.

8. from the General Fund, for Administrative Services, Expenses \$1,930,467

On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was voted 5 yeas, 4 nays to reduce by \$407,414, with Councilors Joseph D. Camara, Steven A. Camara, Pam Laliberte-Lebeau and Stephen R. Long voting in the negative.

9. from the General Fund, for City Clerk, Salaries \$303,633

On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was voted 9 yeas to approve the amount.

10. from the General Fund, for City Clerk, Expenses \$48,348

On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was voted 5 yeas, 4 nays to reduce by \$1,300, with Councilors Richard Cabeceiras, Joseph D. Camara, Steven A. Camara and Stephen R. Long voting in the negative.

B. for the purpose of General Government

1. from the General Fund, for Claims and Damages \$250,000

On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was voted 9 yeas to approve the amount.

5. from the General Fund, for Debt – Service \$9,120,483

On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was voted 9 yeas to approve the amount.

6. from the General Fund, for Insurance \$41,430,000

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was voted 9 yeas to approve the amount.

7. from the General Fund, for Pension Contributions \$25,878,061

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was voted 9 yeas to approve the amount.

C. for the purpose of Community Maintenance

1. from the General Fund, for Community Maintenance, Salaries \$4,057,488

On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was voted 5 yeas, 4 nays to reduce \$45,000, with Councilors Richard Cabeceiras, Joseph D. Camara, Steven A. Camara and Stephen R. Long voting in the negative.

2. from the General Fund, for Community Maintenance, Expenses \$7,631,718

A motion was made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, to reduce the line item by \$19,200 but was withdrawn. On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was voted 5 yeas, 4 nays to reduce by \$43,000, with Councilors Joseph D. Camara, Steven A. Camara, Stephen R. Long and Linda M. Pereira voting in the negative.

D. for the purpose of Facilities

1. from the General Fund, for Facilities, Salaries \$884,537

On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was voted 4 yeas, 5 nays to reduce \$147,044, with Councilors Joseph D. Camara, Steven A. Camara, Stephen R. Long, Raymond A. Mitchell and Linda M. Pereira voting in the negative and the motion failed to carry. On a further motion made by Councilor Joseph D. Camara and second by Councilor Stephen R. Long, it was voted 6 yeas, 3 nays to approve the amount, with Councilors Richard Cabeceiras, Cliff Ponte and Shawn E. Cadime voting in the negative.

2. from the General Fund, for Facilities, Expenses \$1,365,595

On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was voted 7 yeas, 2 nays to approve the amount, with Councilors Richard Cabeceiras and Shawn E. Cadime voting in the negative.

3. from the General Fund, for Facilities, Transfer to Revolving \$15,000

On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was voted 8 yeas, 1 nay to approve the amount, with Councilor Shawn E. Cadime voting in the negative.

E. for the purpose of Community Protection

1. from the General Fund, for Police, Salaries \$19,990,275

On a motion made by Councilor Cliff Ponte and seconded by Councilor Linda M. Pereira, it was voted 8 yeas, 1 nay to approve the amount, with Councilor Richard Cabeceiras voting in the negative.

2. from the General Fund, for Police, Expenses \$1,151,144

On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was voted 9 yeas to approve the amount.

3. from the General Fund, for Police, Capital \$100,000

On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was voted 9 yeas to approve the amount.

4. from the General Fund, for Harbor Master, Salaries \$2,500

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was voted 9 yeas to approve the amount.

5. from the General Fund, for Harbor Master, Expenses \$17,800

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was voted 9 yeas to approve the amount.

6. from the General Fund, for Fire & Emergency Services, Salaries \$14,651,613

A motion was made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara to approve the amount, but was withdrawn. On a further motion made by Councilor Cliff Ponte and seconded by Councilor Linda M. Pereira, it was voted 5 yeas, 4 nays to reduce by \$250,000, with Councilors Joseph D. Camara, Steven A. Camara, Pam Laliberte-Lebeau and Stephen R. Long voting in the negative.

7. from the General Fund, for Fire & Emergency Services, Expenses \$691,009

On a motion made by Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was voted 9 yeas to approve the amount.

F. for the purpose of Education

1. from the General Fund, for School Appropriation \$95,157,870

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

2. from the General Fund, for School Transportation \$8,150,000

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

3. from the General Fund, for Education – all other \$3,743,552

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

G. for the purpose of Community Service

1. from the General Fund, for Community Services, Salaries \$2,410,991

A motion was made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell to reduce by \$170,629, but was withdrawn. On a further motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was voted 4 yeas, 5 nays to reduce by \$135,886, with Councilors Joseph D. Camara, Steven A. Camara, Pam Laliberte-Lebeau, Stephen R. Long and Linda M. Pereira voting in the negative and the motion failed to carry. On yet a further motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was voted 3 yeas, 6 nays to reduce by \$10,000, with Councilors Joseph D. Camara, Steven A. Camara, Pam Laliberte-Lebeau, Stephen R. Long, Raymond A. Mitchell and Linda M. Pereira voting in the negative and the motion failed to carry. On yet a further motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was voted 6 yeas, 3 nays to approve the amount, with Councilors Richard Cabeceiras, Cliff Ponte and Shawn E. Cadime voting in the negative.

2. from the General Fund, for Community Services, Expenses \$551,572

On a motion made by Councilor Cliff Ponte and seconded by Councilor Linda M. Pereira, it was voted 5 yeas, 4 nays to reduce by \$7,190, with Councilors Richard Cabeceiras, Joseph D. Camara, Steven A. Camara and Stephen R. Long voting in the negative.

3. from the General Fund, for Community Services, Transfer to Demo Lien Revolving \$15,000

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was voted 7 yeas, 2 nays to approve the amount, with Councilors Richard Cabeceiras and Shawn E. Cadime voting in the negative.

4. from the General Fund, for Community Services, Transfer to Vacant Lot Revolving \$15,000.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was voted 7 yeas, 2 nays to approve the amount, with Councilors Richard Cabeceiras and Shawn E. Cadime voting in the negative.

5. from the General Fund, for Veterans' Benefits, Salaries \$249,902

On a motion made by Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was voted 9 yeas to approve the amount.

6. from the General Fund, for Veterans' Benefits, Expenses \$2,664,846

On a motion made by Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was voted 9 yeas to approve the amount.

7. from the General Fund, for Elections, Salaries \$188,925

On a motion made by Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was voted 9 yeas to approve the amount.

8. from the General Fund, for Elections, Expenses \$84,407

On a motion made by Linda M. Pereira and seconded by Councilor Cliff Ponte, it was voted 9 yeas to approve the amount.

A motion was then made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell to reconsider the vote taken on item #3 and change the reduction from \$1,194,000 to \$951,426.50 and it was voted 4 yeas, 5 nays with Councilors Richard Cabeceiras, Joseph D. Camara, Steven A. Camara, Stephen R. Long and Shawn E. Cadime voting in the negative and the motion failed to carry.

A motion was then made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Linda M. Pereira to reconsider the vote take on item #D1 and was voted 7 yeas, 2 nays, with Councilors Steven A. Camara and Stephen R. Long voting in the negative. On a further motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was voted 2 yeas, 7 nays to approve the amount of \$884,537, with Councilors Richard Cabeceiras, Steven A. Camara, Pam Laliberte-Lebeau, Raymond A. Mitchell, Linda M. Pereira, Cliff Ponte and Shawn E. Cadime voting in the negative. On yet a further motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was voted 5 yeas, 4 nays to reduce the amount by \$147,043 with Councilors Joseph D. Camara, Steven A. Camara, Stephen R. Long and Linda M. Pereira voting in the negative.

A motion was then made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Linda M. Pereira to reconsider the vote taken on item #3 with the reduction of \$1,194,000 and it was voted 5 yeas, 4 nays with Councilors Richard Cabeceiras, Steven A. Camara, Stephen R. Long and Shawn E. Cadime voting in the negative. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was voted 4 yeas, 5 nays to reduce by \$1,194,000 with Councilors Joseph D. Camara, Steven A. Camara, Pam Laliberte-Lebeau, Stephen R. Long and Raymond A. Mitchell voting in the negative and the motion failed to carry. On yet a further motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was voted 5 yeas, 4 nays to reduce the amount by \$1,098,469.50, with Councilors Joseph D. Camara, Steven A. Camara, Stephen R. Long and Shawn E. Cadime voting in the negative.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was voted 9 yeas to approve the EMS – Enterprise Fund in the amount of \$7,600,000.
Approved, July 11, 2017, Mayor Jasiel F. Correia II

On a motion made by Councilor Stephen R. Long and seconded by Councilor Linda M. Pereira, it was voted 6 yeas, 3 nays to approve the Water – Enterprise Fund in the amount of \$12,486,014, with Councilors Steven A. Camara, Raymond A. Mitchell and Linda M. Pereira voting in the negative.

Approved, July 11, 2017, Mayor Jasiel F. Correia II

On a motion made by Councilor Stephen R. Long and seconded by Councilor Linda M. Pereira, it was voted 7 yeas, 2 nays to approve the Sewer – Enterprise Fund in the amount of \$21,908,748, with Councilors Steven A. Camara and Raymond A. Mitchell voting in the negative.

Approved, July 11, 2017, Mayor Jasiel F. Correia II

PRIORITY COMMUNICATIONS

4. Admin. of Community Utilities re: language changes for ballot question rel. to \$123M loan order for Integrated Wastewater and Stormwater Master Plan Improvements

On a motion made by Councilor Steven A. Camara and seconded by Councilor Cliff Ponte, it was unanimously voted refer the matter to the Committee on Finance.

COMMITTEE REPORTS

Committee on Finance recommending:

Action:

5. Loan Order – Phase 17 Water Project - \$4,936,000

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 6 yeas, 3 nays to adopt the loan order, with Councilors Steven A. Camara, Raymond A. Mitchell and Linda M. Pereira voting in the negative.

Approved, July 3, 2017, Mayor Jasiel F. Correia II

6. Loan Order – Water System Improvements - \$3,700,000

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 6 yeas, 3 nays to adopt the loan order, with Councilors Steven A. Camara, Raymond A. Mitchell and Linda M. Pereira voting in the negative.

Approved, July 3, 2017, Mayor Jasiel F. Correia II

7. Loan Order – CPA/Mt. Hope Bike Path Feasibility Study - \$240,000

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was voted 9 yeas, to adopt the loan order.

Approved, July 3, 2017, Mayor Jasiel F. Correia II

8. Fiscal Year 2018 Community Preservation Act Appropriation Order

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Linda M. Pereira, it was voted 9 yeas, to adopt the loan order.

Approved, July 3, 2017, Mayor Jasiel F. Correia II

Committee on Finance recommending:

Referral to the Committee on Ordinances and Legislation:

9. Proposed Ordinance – Personnel, Chair of Board of Election Commissioners/Director

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinances and Legislation.

ORDINANCES – None

RESOLUTIONS

10. No additional stipends be granted to any employee without prior approval of the City Council

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the resolution to the Committee on Ordinances and Legislation.

11. Allow submission of communications via email or regular mail for Citizen Input Time

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Richard Cabeceiras, it was unanimously voted to refer the resolution to the Committee on Ordinances and Legislation.

CITATIONS – None**ORDERS – HEARINGS** - None**ORDERS – MISCELLANEOUS**

12. Basketball court in Ruggles Park be named in honor of Manny Papoula

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

13. Police Chief's report on licenses:

Taxicab Drivers:

Nijo Burton Devin Costa Maurice Hampton William J. Rodrigues

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

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to take items #14 and 15 together.

Auto Repair Shop license renewal:

14. Brian Moura, State Road Collision and Auto Repair at 480 South Main Street

Auto Body Shop license renewal:

15. Brian Moura, State Road Collision and Auto Repair at 480 South Main Street

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt items #14 and 15.

Approved, July 3, 2017, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS

16. Drainlayer license – Foley Excavation LLC

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the drainlayer license.

Approved, July 3, 2017, Mayor Jasiel F. Correia II

17. Greater Fall River Vocational School District re: funding for soccer/football field

On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the communication to the Committee on Budget Preparation, Revenue and Audits.

18. Communication from city resident regarding motions out of order

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

19. Claims

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

20. Structure over a public way – Banner on Pleasant Street at Police Station for Flint Pride Days

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was unanimously voted to approve the application.

City Council Committee/Meeting Minutes:

21. *Committee on Public Safety – May 30, 2017

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

BULLETINS – NEWSLETTERS – NOTICES

22. Notice of Casualty and Loss at 148 Barnes Street

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

23. Thank you from Colleen Taylor

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

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

CITY COUNCIL MEETING DATE: JUNE 27, 2017

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

First reading:

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

On a motion made by Councilor Steven A. Camara and seconded by Councilor Linda M. Pereira, it was voted 6 yeas, 3 nays to pass the proposed ordinance through first reading, with Councilors Richard Cabeceiras, Raymond A. Mitchell and Shawn E. Cadime voting in the negative.

Proposed Ordinance – Personnel, Director of Emergency Medical Services

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was voted 8 yeas, 1 nay to pass the proposed ordinance through first reading, and referred to the Committee on Ordinances and Legislation, with Councilor Raymond A. Mitchell voting in the negative.

Proposed Ordinance – Personnel, Assistant Treasurer

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was voted 4 yeas, 5 nays to pass the proposed ordinance through first reading, with Councilors Richard Cabeceiras, Raymond A. Mitchell, Linda M. Pereira, Cliff Ponte and Shawn E. Cadime voting in the negative and the motion failed to carry. No further motions were made.

Proposed Ordinance – Personnel, Director of Facilities Maintenance

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was voted 8 yeas, 1 nay to pass the proposed ordinance through first reading, with Councilor Shawn E. Cadime voting in the negative.

Proposed Ordinance – Personnel, Network Administrator (IT)
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was voted 8 yeas, 1 nay to pass the proposed ordinance through first reading, with Councilor Shawn E. Cadime voting in the negative.

First reading, as amended:

Proposed Ordinance – Personnel, Human Resources Generalist
On a motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was voted 6 yeas, 3 nays to pass the proposed ordinance through first reading, as amended with Councilors Richard Cabeceiras, Cliff Ponte and Shawn E. Cadime voting in the negative.

Grant leave to withdraw:

Proposed Ordinance – Personnel, Wellness Coordinator
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was unanimously voted that the proposed ordinance be granted leave to withdraw.

Proposed Ordinance – Personnel, Project Manager, Facilities Maintenance
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was voted 3 yeas, 6 nays to recommend the proposed ordinance be granted leave to withdraw, with Councilors Joseph D. Camara, Steven A. Camara, Pam Laliberte-Lebeau, Stephen R. Long, Raymond A. Mitchell and Cliff Ponte voting in the negative. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was voted 6 yeas, 3 nays to pass the proposed ordinance through first reading, with Councilors Richard Cabeceiras, Raymond A. Mitchell and Shawn E. Cadime voting in the negative.

On a motion made by Councilor Cliff Ponte and seconded by Councilor Stephen R. Long, it was unanimously voted to adjourn at 1:45 a.m. on June 28, 2017.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
 CD and DVD of meeting

A true copy. Attest:

Alison M. Bouchard
 City Clerk

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, July 11, 2017 at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

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

Councilor Linda M. Pereira arrived at 7:03 p.m.

President Shawn E. Cadime called the meeting to order at 7:02 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor and veto of order allocating funds from streetscapes project for repair of streets and sidewalks

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to lift the veto from the table. Councilor Steven A. Camara stated that he will be abstaining from any vote or action in this matter. On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was voted 6 yeas, 2 nays to override the Mayor's Veto and adopt the order.

2. Transfers and appropriations

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to amend the order by removing the word appropriation. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to waive the rules to allow the City Administrator and the Director of Financial Services to answer questions. Councilor Linda M. Pereira asked if the transfer will pay all the monies owed in the Snow and Ice Account. The Director of Financial Services stated that this transfer will pay off the Fiscal Year 2017 Snow and Ice bills. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was voted 9 yeas that the order be adopted, as amended.

3. Mayor and order establishing spending limits for Revolving Funds for Fiscal Year 2018
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the matter to the Committee on Finance.

4. Mayor and order for Police Department to accept gift of \$5,000 from People, Inc. to purchase surveillance cameras
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the order. Councilor Linda M. Pereira then requested that a letter be sent to People, Inc. for their generous gift (copy of said letter is attached hereto and made a part of these minutes).
Approved, July 18, 2017, Mayor Jasiel F. Correia II

PRIORITY COMMUNICATIONS

5. Administrator of Community Utilities re:
 a. Proposed ordinance for personnel modifications
 b. Collective bargaining agreement for AFSCME, COUNCIL 93, LOCAL 3177, AFL-CIO
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

COMMITTEE REPORTS

Committee on Finance recommending:

Action:

6. Financial order -- transfer \$40,000 from EMS salaries to EMS expenses
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was voted 9 yeas to adopt the order.

ORDINANCES – None

RESOLUTIONS

7. City of Fall River institute proactive plans to ensure occupancies are compliant with all statutes, ordinances and codes
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

8. All travel expenses in excess of \$1,000.00 be approved by the City Council
Councilor Raymond A. Mitchell stated that he filed this resolution because there was a recent incident where a city employee spent an excessive amount of money on travel expenses and he feels there should be checks and balance. Councilor Cliff Ponte stated that he agrees there should be checks and balances, but he is not sure if this would be an appropriate process, but he will support referring it to the Committee on Ordinances and Legislation for further review and discussion. Councilor Linda M. Pereira stated that years ago, there was a policy that when someone went to a conference or seminar they brought back information to share with co-workers. Councilor Stephen R. Long stated that while he agrees with the idea of checks and balances, he doesn't want to begin micromanaging every department. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was voted 7 yeas, 2 nays to refer the resolution to the Committee on Ordinances and Legislation, with Councilors Joseph D. Camara and Steven A. Camara voting in the negative.

CITATIONS – None**ORDERS – HEARINGS - None****ORDERS – MISCELLANEOUS**

9. Police Chief's report on licenses:

Taxicab Drivers:

Al Amin

Tyler Charron

Jodi Tavares

Private Livery Drivers:

David Ferreira

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

10. Auto Repair Shop license renewal:

Michael Penacho d/b/a Complete Auto Tech Center at 535 Bay Street

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

Approved, July 18, 2017, Mayor Jasiel F. Correia II

11. Auto Body Shop license renewal:

Michael Penacho d/b/a Mike's Auto Body at 535 Bay Street

Antonio Almeida d/b/a State Road Auto Body, Inc. at 2238 South Main Street

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

Approved, July 18, 2017, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS

12. Claims

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

13. City resident regarding collection of bulky items

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

BULLETINS – NEWSLETTERS – NOTICES – None**ITEMS FILED AFTER THE AGENDA WAS PREPARED:****CITY COUNCIL MEETING DATE: JULY 11, 2017**

Recommendations from the following committees may be received and acted upon:

Committee on Ordinances and Legislation:

Proposed ordinance establishing the King Philip Mills Overlay District

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the matter to the Planning Board.

Committee on Finance:

Ballot question re: \$123M loan order for Integrated Wastewater and Stormwater Master Plan Improvements

On a motion made by Councilor Stephen R. Long and seconded by Councilor Cliff Ponte, it was voted 9 yeas to adopt the order.

On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adjourn at 7:48 p.m.

List of documents and other exhibits used during the meeting:

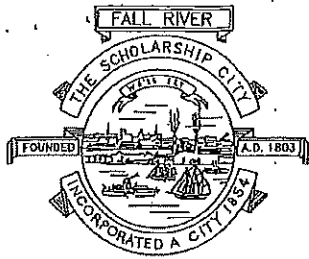
Agenda packet (attached)

CD and DVD of meeting

A true copy. Attest:



City Clerk



City of Fall River Massachusetts
Office of the City Clerk

45

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

COPY

July 18, 2017

Bill Perkins, President and CEO
People, Incorporated
4 South Main Street
Fall River, MA 02721

Dear Mr. Perkins,

At a meeting of the City Council held on Tuesday, July 11, 2017, a motion was made, seconded and unanimously voted to forward a letter of thanks for the generous donation in the amount of \$5,000.00 for the purchase of surveillance cameras for the Fall River Police Department.

This donation will allow the Police Department to purchase surveillance cameras for installation around the City to assist law enforcement efforts.

On behalf of the Fall River City Council, please accept our sincerest gratitude.

Sincerely,

Alison M. Bouchard
City Clerk

/ct

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, August 15, 2017 at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator

President Shawn E. Cadime called the meeting to order at 11:15 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 Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was unanimously voted to take item #31 out of order.

31. Home Rule Petition – An Act Authorizing the City of Fall River to grant additional licenses for the sale of alcoholic beverages

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Cliff Ponte, it was unanimously voted to waive the rules to allow the City Administrator to answer questions. Councilor Linda M. Pereira stated that she was under the impression that additional licenses for the sale of alcoholic beverages were needed for SouthCoast Marketplace. The City Administrator stated that she was not aware of any shortage of licenses for this project. She stated that she had a conversation with Senator Michael J. Rodrigues and he stated that the City of Fall River already had a sufficient number of alcoholic beverage licenses. Councilor Pam Laliberte-Lebeau asked how Portugalia Marketplace was added to the Home Rule Petition. The City Administrator stated that she was unsure. She stated that she had no idea that Portugalia Marketplace was interested in another license. Vice-President Linda M. Pereira took the podium to allow President Shawn E. Cadime to speak at 11:58 p.m. President Shawn E. Cadime stated that he had a conversation with State Representative Carole Fiola regarding the Home Rule Petition. During the conversation she stated that she would be inclined to support the Home Rule Petition, but she was informed that Portugalia Marketplace was waiting for an all alcohol license, as they presently have only beer and wine. On a motion made by Councilor Steven A. Camara and seconded by Councilor Richard Cabeceiras, it was voted 4 yeas, 5 nays that the Home Rule Petition be granted leave to withdraw, with Councilors Pam Laliberte-Lebeau, Raymond A. Mitchell, Linda M. Pereira, Cliff Ponte and Shawn E. Cadime voting in the negative and the motion failed to carry. President Shawn E. Cadime stated that he was inclined to support these requests for additional licenses to spur

economic development. The developer of SouthCoast Marketplace has committed \$100 million dollars to this project and I believe we need to support this project in any way that we can. President Shawn E. Cadime returned to the podium at 12:13 a.m. On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 3 yeas, 6 nays to table the matter with Councilors Richard Cabeceiras, Joseph D. Camara, Raymond A. Mitchell, Linda M. Pereira, Cliff Ponte and Shawn E. Cadime voting in the negative and the motion failed to carry. On a further motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was voted 5 yeas, 2 nays to table the matter with Councilors Richard Cabeceiras and Joseph D. Camara voting in the negative and Councilors Stephen R. Long and Linda M. Pereira absent and not voting.

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was unanimously voted to take an item after the agenda out of order regarding the adoption of Chapter 467 of the Acts of 2008.

Order to adopt Chapter 467 of the Acts of 2008 "An Act Relative to the Retirement Benefits of Emergency Medical Technicians"

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was voted 6 yeas, 1 nay to adopt the order with Councilor Raymond A. Mitchell voting in the negative and Councilors Stephen R. Long and Linda M. Pereira absent and not voting.

Approved, August 18, 2017, Mayor Jasiel F. Correia II

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to take item #4 out of order.

4. Mayor and order of land acquisition from the Atlantis Charter School

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

Approved, August 18, 2017, Mayor Jasiel F. Correia II

1. Confirmation of Jason Burns to the Housing Authority

On a motion made by Councilor Steven A. Camara and seconded by Councilor Cliff Ponte, it was voted 5 yeas, 4 nays to confirm the appointment with Councilors Richard Cabeceiras, Raymond A. Mitchell, Linda M. Pereira and Shawn E. Cadime voting in the negative.

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was unanimously voted to take an item after the agenda regarding Community Utilities personnel modifications out of order.

Committee on Ordinances and Legislation recommending:

First reading, as amended:

Proposed ordinance – Community Utilities personnel modifications

On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was unanimously voted to pass the proposed ordinance through first reading, as amended.

2. Confirmation of David H. Saber to the Zoning Board of Appeals (Alternate Member)

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was voted 9 yeas to confirm the appointment.

3. Mayor and request for residency waiver for Rochelle St. Martin Pettenati to serve as member of the Cultural Council

On a motion made by Councilor Steven A. Camara and seconded by Councilor Joseph D. Camara, it was voted 3 yeas, 6 nays to approve the waiver with Councilors Richard Cabeceiras, Stephen R.

Long, Raymond A. Mitchell, Linda M. Pereira, Cliff Ponte and Shawn E. Cadime voting in the negative and the motion failed to carry.

5. Mayor and proposed ordinance establishing a Municipal Hearings Officer and procedures under M.G.L. 40U

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

6. Corporation Counsel regarding Fall River City Council v. Maura Healey, Attorney General
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file.

PRIORITY COMMUNICATIONS

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

8. Attorney General's Office regarding an open meeting law complaint
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file.

9. The Preservation Society of Fall River, Inc. requesting the appointment of Kathryn Kenney to the Fall River Historic District Commission
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted that appointment be adopted.

10. Board of Election Commissioners re: Charter Commission ballot question and summary to be placed on the Municipal Election Ballot, November 7, 2017
On a motion made by Councilor Steven A. Camara and seconded by Councilor Joseph D. Camara, it was voted 5 yeas, 4 nays to refer the matter to the Committee on Finance with Councilors Richard Cabeceiras, Stephen R. Long, Raymond A. Mitchell and Linda M. Pereira voting in the negative.

11. Board of Election Commissioners and warrant for Preliminary Municipal Election, September 12, 2017 and Municipal Election, November 7, 2017
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to adopt the warrant.
Approved, August 18, 2017, Mayor Jasiel F. Correia II

COMMITTEE REPORTS

Committee on Public Works and Transportation recommending:

Adoption:

12. Order – acceptance of a "Complete Streets Policy"
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to adopt the order.
Approved, August 18, 2017, Mayor Jasiel F. Correia II

ORDINANCES

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to take items #13 through 16 together.

Second Reading and enrollment:

13. Proposed Ordinance – Personnel, Manager of Operations – Streets and Highways DCM
14. Proposed Ordinance – Personnel, Project Manager, Facilities Maintenance
15. Proposed Ordinance – Personnel, Director of Facilities Maintenance
16. Proposed Ordinance – Personnel, Network Administrator (IT)

On a motion made by Councilor Stephen R. Long and seconded by Councilor Joseph D. Camara, it was voted 4 yeas, 5 nays to pass the proposed ordinances through second reading and enrollment with Councilors Richard Cabeceiras, Raymond A. Mitchell, Linda M. Pereira, Cliff Ponte and Shawn E. Cadime voting in the negative and the motion failed to carry.

Second Reading and enrollment, as amended:

17. Proposed Ordinance – Personnel, Human Resources Generalist

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was voted 5 yeas, 4 nays to pass the proposed ordinance through second reading and enrollment, as amended with Councilors Richard Cabeceiras, Raymond A. Mitchell, Cliff Ponte and Shawn E. Cadime voting in the negative.

RESOLUTIONS

18. Committee on Finance convene with City Administrator and Director of Financial Service to discuss FY2018 budget cuts within various departments

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

19. Committee on Finance convene with Administration to review all expense adjustments made in balancing of the Fiscal Year 2018 budget

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

CITATIONS

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to take items #20 through 22 together.

20. Krishan Gupta – service as City Auditor
21. The Vieira Family & CAVS Restaurant – 2nd Anniversary
22. Alfredo P. Alves – 70th Birthday

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the citations.

ORDERS – HEARINGS

On a motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to take items #23 through 29 together.

Curb Removals:

23. Roland Fournier, 51 Barclay Street – total of 31 feet 10 inches at 51 Barclay Street
24. Joe Medeiros, 742 Sharps Lot Road, Swansea – total of 18 feet at 414 Bay Street
25. Maria Sarmiento, 614 Grinnell Street – total of 22.5 feet at 614 Grinnell Street
26. John Moniz, 110 Hemlock Street – total of 22 feet at 110 Hemlock Street
27. Kenneth Tavares, 107 Mt. Hope Avenue – total of 35.4 feet at 107 Mt. Hope Avenue
28. Portuguese Madeirense Sports, Inc., 106 Webster Street – total of 27 feet 4 inches at 102/106 Webster Street
29. Antonio DaSilva, 148 Summer Street, Rehoboth – total of 32 feet at 116 Lonsdale Street

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the orders.

Items #23 through #29 Approved, August 18, 2017, Mayor Jasiel F. Correia II

Second Hand Article Store:

30. Beverly Post, d/b/a Anything at 1791 South Main Street

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

Approved, August 18, 2017, Mayor Jasiel F. Correia II

ORDERS – MISCELLANEOUS

32. Police Chief's report on licenses:

Taxicab Drivers:

Akeem Barlow

Julieann Bennett

Glen J. Boutin

Michael Chenard

Scott Farias

Susan Griego

Tayyab Hussain

Preston S. McNeil

Ricardo Raposa

David T. Rioux

Ashley Smith

Jeremiah Soares

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

33. Auto Repair Shop license renewals:

Kenneth Rapoza, JR's Superlube, Inc. at 155 Milliken Boulevard

Kenneth Rapoza, JR's Superlube, Inc. at 334 Rhode Island Avenue

Pedro Albergaria, Pete's Auto Repair LLC at 1058 Slade Street

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

Approved, August 18, 2017, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS

34. Drainlayer licenses

- Dixon, Inc.
- T. Ford Company, Inc.
- MRC Contracting, Inc.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the licenses.

Approved, August 18, 2017, Mayor Jasiel F. Correia II

35. Claims

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

36. Structure over a public way – Banner on South Main Street at Center Place
for YMCA of Greater Fall River

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to approve the Structure over a public way.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to take items #37 and #38 together.

37. Southcoast MA Mini Maker Faire requesting permission to hang a banner on the rail of Government Center (South Main Street side) from Sept. 25, 2017 to Oct. 1, 2017

38. Fall River Opioid Task Force requesting permission to hang a three (3) banners on the rails of Government Center on August 31, 2017

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to approve both requests for banners.

39. Office of Inspector General regarding review of audit report for the period of July 1, 2015 through June 30, 2016

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

40. City resident requesting the City relinquish right, title and interest to a section of the unaccepted portion of Alice Street

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted that the communication be referred to the Committee on Real Estate.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to take items #41 through #45 together.

City Council Committee/Meeting Minutes:

- 41. Committee on Ordinances and Legislation – August 1, 2017
- 42. Committee on Ordinances and Legislation – July 11, 2017
- 43. Committee on Ordinances and Legislation – June 26, 2017
- 44. Committee on Ordinances and Legislation – May 23, 2017
- 45. City Council Meeting – March 21, 2017

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to approve items #41 through #45.

BULLETINS – NEWSLETTERS – NOTICES

46. Notice of Casualty and Loss at 251 Eastern Avenue

On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Cliff Ponte, it was unanimously that the notice be accepted and placed on file.

47. Environmental Notification Form on behalf of Liberty Utilities for sediment remediation activities proposed at 120 Charles Street

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

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

Referred by Committee on Finance:

Order establishing spending limits for Revolving Funds for FY 2018

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

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: AUGUST 15, 2017

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

Adoption, as amended:

Resolution – Allow submission of communications via email or regular mail for Citizen Input Time

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

RESOLUTIONS

Committee on Regulations meet regarding licenses for JZ Express, Inc. located at 969 South Main Street

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

ORDERS – MISCELLANEOUS

Order amending dates for September City Council meetings

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

On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adjourn at 1:16 a.m. on August 16, 2017.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

A true copy. Attest:

Unis Leite

Assistant City Clerk

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, May 29, 2018 at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: Councilor Shawn E. Cadime

IN ATTENDANCE: Terrance J. Sullivan, Administrator of Community Utilities

President Cliff Ponte called the meeting to order at 8:50 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor and gift of playground equipment from the New England Patriots Charitable Foundation, Inc.

- a. Gift Order and Agreement

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the order with Councilor Shawn E. Cadime absent and not voting.

Approved, May 30, 2018, Mayor Jasiel F. Correia II

- b. Financial Order in the amount of \$100,000 for the Maplewood Park Patriot Playground account by transferring \$48,000 from various inactive capital project accounts and repurposing \$52,000 from the Maplewood Park Land Acquisition account

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

PRIORITY COMMUNICATIONS

2. Mayor and order appropriating \$1,503,617 from Community Preservation Act funds for FY 2019 Community Projects

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 Finance, with Councilor Shawn E. Cadime absent and not voting.

3. Community Preservation Committee Final Report 2018 with Fiscal Year 2019 Project and Funding Recommendations

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to the Committee on Finance, with Councilor Shawn E. Cadime absent and not voting.

4. Board of Election Commissioners and order authorizing polling places for State Primary Election to be held September 4, 2018 and State Election to be held November 6, 2018

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilor Shawn E. Cadime absent and not voting. Approved, May 30, 2018, Mayor Jasiel F. Correia II

COMMITTEE REPORTS

Committee on Real Estate recommending:

Grant Leave to Withdraw:

5. Order – Gift of 80-84 North Main Street

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the item be granted leave to withdraw, with Councilor Shawn E. Cadime absent and not voting.

Adopt:

6. Order – Relinquish all rights, title and interest in a portion of Center Street

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the order, with Councilor Shawn E. Cadime absent and not voting. Approved, May 30, 2018, Mayor Jasiel F. Correia II

ORDINANCES

Second reading and enrollment:

7. Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Derek R. Viveiros, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment, with Councilor Shawn E. Cadime absent and not voting.

8. - Proposed Ordinance – Water rates

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment, with Councilor Shawn E. Cadime absent and not voting.

9. Proposed Ordinance – Sewer rates and stormwater fee

On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was voted 1 yea, 7 nays to refer the matter to the Committee on Ordinances and Legislation, with Councilors Joseph D. Camara, Bradford L. Kilby, Pam Laliberte-Lebeau, Stephen R. Long, Leo O. Pelletier, Derek R. Viveiros and Cliff Ponte voting in the negative and Councilor Shawn E. Cadime absent and not voting and the motion failed to carry. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau it was voted to waive the rules and allow the Administrator of Community Utilities to answer questions, with Councilor Steven A. Camara voting in the negative and Councilor Shawn E. Cadime absent and not voting. The Administrator of Community Utilities stated that he received a complaint from Mr. Finglass stating that he feels the equivalent residential unit (ERU) is too high. He then stated that Mr. Finglass wants a reduction because his impervious area is less than 2,800 square feet. The

Administrator of Community Utilities then stated that the entire parcel Mr. Finglass owns is over 26,000 square feet. Therefore, he may need to pay more if the ERU was changed, as some lots in the city are only about 5,000 square feet. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 7 yeas, 1 nay to pass the proposed ordinance through second reading and enrollment, with Councilor Steven A. Camara voting in the negative and Councilor Shawn E. Cadime absent and not voting.

Second Reading and enrollment, as amended:

10. Proposed Ordinance – Code adoption

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment, as amended, with Councilor Shawn E. Cadime absent and not voting.

11. Proposed Ordinance – Special City Charter Committee

On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment, as amended, with Councilor Shawn E. Cadime absent and not voting.

RESOLUTIONS

12. Committee on Regulations meet to review auto repair shop license held by Phillip Deducca operating at 851 Globe Street

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the resolution, with Councilor Shawn E. Cadime absent and not voting.

13. Administration consider transferring \$300,000.00 from Free Cash to cover expenses associated with the Vietnam Veterans' Memorial Wall

A motion was made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier to adopt the resolution. On a further motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the resolution, as amended, with Councilor Shawn E. Cadime absent and not voting.

CITATIONS – None

ORDERS – HEARINGS

Underground Conduits

14. South Main and Bedford Streets

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt with the conditions recommended by the City Engineer stating that "Backfill in the trench required to comply with controlled density ordinance", with Councilor Shawn E. Cadime absent and not voting. Approved, May 30, 2018, Mayor Jasiel F. Correia II

15. Lincoln Avenue and North Main Street

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order with the conditions recommended by the City Engineer stating that "Backfill in the trench required to comply with controlled density ordinance", with Councilor Shawn E. Cadime absent and not voting. Approved, May 30, 2018, Mayor Jasiel F. Correia II

ORDERS – MISCELLANEOUS

Police Chief's report on licenses:

Taxicab Drivers:

16. Jessica Rebello William Warren

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

17. Warrant – State Primary Election – September 4, 2018

On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the order, with Councilor Shawn E. Cadime absent and not voting. Approved, May 30, 2018, Mayor Jasiel F. Correia II

18. Warrant – State Election – November 6, 2018

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilor Shawn E. Cadime absent and not voting. Approved, May 30, 2018, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS

19. Claims

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

20. Structure on or over a public way – Banner on Pleasant and Fourteenth Streets for Waterfront Art and Music Festival scheduled for Saturday, June 23, 2018

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the structure over a public way, with Councilor Shawn E. Cadime absent and not voting.

21. Structure on or over a public way – Banner on South Main Street for Waterfront Art and Music Festival scheduled for Saturday, June 23, 2018

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to approve the structure over a public way, with Councilor Shawn E. Cadime absent and not voting.

22. Drainlayer licenses:

Coastal Water Sewer & Excavation, Inc.

J.H. Landscaping and Construction, Inc.

T. Ford Company, Inc.

A. DiFazio Construction, Inc.

G. Lopes Construction, Inc.

K.R. Rezendes, Inc.

S. Oliveira Construction Corp.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the licenses, with Councilor Shawn E. Cadime absent and not voting.

Approved, May 30, 2018, Mayor Jasiel F. Correia II

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to take items #23 through #34 together, with Councilor Shawn E. Cadime absent and not voting.

Zoning Board of Appeals Minutes:

- 23. February 15, 2018
- 24. March 15, 2018
- 25. April 19, 2018

City Council Meeting Minutes:

- 26. Public Hearing – February 27, 2018
- 27. Public Hearings – March 27, 2018
- 28. Public Hearing – May 15, 2018
- 29. Committee on Finance – April 10, 2018
- 30. Committee on Finance – April 24, 2018
- 31. Committee on Finance – May 15, 2018
- 32. Regular Meeting of the City Council – February 27, 2018
- 33. Regular Meeting of the City Council – March 15, 2018
- 34. Regular Meeting of the City Council – March 27, 2018

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve items #23 through #34, with Councilor Shawn E. Cadime absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES

- 35. Notice of Casualty and Loss at 741 Dwelly Street – Water damage

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the notice be accepted and placed on file, with Councilor Shawn E. Cadime absent and not voting.

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

CITY COUNCIL MEETING DATE: MAY 29, 2018

CITATIONS

Atlantis Charter School – Ribbon cutting ceremony for new campus at 991 Jefferson Street
 Antonio and Paulina Teixeira – Celebration of your 50th Wedding Anniversary
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the citations, with Councilor Shawn E. Cadime absent and not voting.

ORDERS – MISCELLANEOUS

Auto Repair Shop License Renewal:

Rabih Khoury, R&B, Inc. d/b/a Warren Auto Repair at 857 Warren Street
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilor Shawn E. Cadime absent and not voting.

COMMUNICATIONS – INVITATIONS – PETITIONS

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to take the minutes together, with Councilor Shawn E. Cadime absent and not voting.

City Council Meeting Minutes:

Committee on Finance – January 23, 2018

Committee on Finance – February 6, 2018
 Committee on Finance – February 27, 2018
 Committee on Finance – March 15, 2018
 Committee on Finance – March 27, 2018

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to approve the minutes, with Councilor Shawn E. Cadime absent and not voting.

A recess was taken at 9:20 p.m. to allow the ordinances to be signed and the Council reconvened at 9:25 p.m.

ORDINANCES

Proposed Ordinance – Special City Charter Committee

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted that the proposed ordinance be passed to be ordained, as amended with Councilor Shawn E. Cadime absent and not voting.
Approved, May 30, 2018, Mayor Jasiel F. Correia II

Proposed Ordinance – Code adoption

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted that the proposed ordinance be passed to be ordained, as amended with Councilor Shawn E. Cadime absent and not voting.
Approved, May 30, 2018, Mayor Jasiel F. Correia II

Proposed Ordinance – Sewer rates and stormwater fee

On a motion made by Councilor Stephen R. Long and seconded by Councilor Derek R. Viveiros, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilor Shawn E. Cadime absent and not voting.
Approved, May 30, 2018, Mayor Jasiel F. Correia II

Proposed Ordinance – Water rates

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilor Shawn E. Cadime absent and not voting.
Approved, May 30, 2018, Mayor Jasiel F. Correia II

Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Stephen R. Long and seconded by Councilor Steven A. Camara, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilor Shawn E. Cadime absent and not voting.
Approved, May 30, 2018, Mayor Jasiel F. Correia II

COMMITTEE REPORTS

Committee on Finance recommending:

Adoption:

Loan Order – Phase 18 of the Water Improvement Projects – \$4,950,000

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the loan order, with Councilor Shawn E. Cadime absent and not voting.

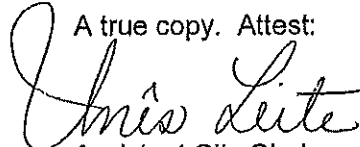
On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adjourn at 9:29 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:


Assistant City Clerk

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, June 12, 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: None

President Cliff Ponte called the meeting to order at 10:22 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor and order for acceptance of gift of labor and materials for handicap ramp railings at the Veterans Center

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order and forward a letter of thanks for the generous gift.
Approved, June 15, 2018, Mayor Jasiel F. Correia II*

2. Mayor and proposed ordinance increasing parking meter fees
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

3. Mayor and order of land acquisition for vacant lot at 463 Hyacinth Street, Lot P-22-0089
*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the order.
Approved, June 15, 2018, Mayor Jasiel F. Correia II*

4. Mayor and lease agreement between Watuppa Water Board and Bay Coast Rowing Center at former Boyd Center located at 994 Jefferson Street (Lot D-20-0016)
A motion was made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long to adopt the order, but was later withdrawn. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to the Committee on Real Estate.

5. City Council President and confirmation of appointments to Special City Charter Committee
 - a. City Councilor Steven A. Camara
Councilor Steven A. Camara stated that he will be abstaining from this vote. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to confirm the appointment.
 - b. City Councilor Stephen R. Long
Councilor Stephen R. Long stated that he will be abstaining from this vote. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to confirm the appointment.
 - c. City Councilor Derek R. Viveiros
Councilor Derek R. Viveiros stated that he will be abstaining from this vote. On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Leo O. Pelletier, it was unanimously voted to confirm the appointment.
 - d. Eric Poulin
On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Bradford L. Kilby, it was unanimously voted to confirm the appointment.
 - e. Michael Miozza
On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Bradford L. Kilby, it was unanimously voted to confirm the appointment.

PRIORITY COMMUNICATIONS

6. Planning Board recommendation – Flagg Swamp Road – 61A Right of First Refusal
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the matter to the Committee on Real Estate.
7. Planning Board recommendation – Prima Care P.C. Crosswalk Project
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Committee on Public Works and Transportation.
8. Planning Board recommendation – Fall River Waterfront Urban Renewal Plan and Fall River Downtown Urban Renewal Plan
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted that the recommendation be accepted and placed on file and allow the scheduling of a hearing.

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All Readings with Emergency Preamble:

9. Proposed Ordinance – Traffic, Handicapped Parking
On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Stephen R. Long, it was voted 9 yeas to adopt an emergency preamble. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through first reading, second reading, passed to be enrolled and passed to be ordained.
Approved, June 15, 2018, Mayor Jasiel F. Correia II

First reading:

10. Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted to pass the proposed ordinance through first reading.

11. Proposed Ordinance – Seasonal Employee

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through first reading.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Bradford L. Kilby, it was unanimously voted to take item #13 out of order.

ORDINANCES

13. Pay-as-you-Throw (PAYT) Program Enforcement

On a motion made by Councilor Stephen R. Long and seconded by Councilor Derek R. Viveiros, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation. Councilor Stephen R. Long stated that he is against referring this to the Committee on Ordinances and Legislation. President Cliff Ponte then stated that the City Clerk had just informed him that all ordinances must be referred to the Committee on Ordinances and Legislation.

COMMITTEE REPORTSGrant leave to withdraw:

12. Proposed Ordinance – Repeal of Pay-as-you-Throw (PAYT) Program

A motion was made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby that the proposed ordinance be granted leave to withdraw. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was voted 2 yeas, 7 nays to table the matter with Councilors Shawn E. Cadime, Steven A. Camara, Bradford L. Kilby, Pam Laliberte-Lebeau, Leo O. Pelletier, Derek R. Viveiros and Cliff Ponte voting in the negative. A further motion was made by Councilor Bradford L. Kilby and was seconded by Councilor Shawn E. Cadime that the proposed ordinance be granted leave to withdraw. Councilor Steven A. Camara stated that he would like to see the Pay-as-you-Throw Program repealed. He stated it has been a bad program from the inception with many flaws. Councilor Pam Laliberte-Lebeau stated this believes the program is fair, but she does agree that the quality of the bags is poor. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Bradford L. Kilby, it was voted 7 yeas, 2 nays to call the question with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative. A motion was made by Councilor Steven A. Camara to refer the matter to the Committee on Finance, but received no second. On the motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was voted 6 yeas, 3 nays that the proposed ordinance be granted leave to withdraw with Councilors Joseph D. Camara, Steven A. Camara and Derek R. Viveiros voting in the negative.

RESOLUTIONS

14. Stipends outside ordinance, state law or collective bargaining agreements not be granted without prior City Council approval

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the resolution.

CITATIONS – None

ORDERS – HEARINGS

To be Scheduled for June 26, 2018 at 5:45 p.m.:

15. Waterfront and Downtown Urban Renewal Plans

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

16. Street acceptance – Arthur Street, extending from Ashley Street to Sidney Street

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

17. Street acceptance – Ashley Street, extending from North Main Street to dead end

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the order.

18. Curb removals:

- a. 154 Rhode Island Avenue
- b. 97 Holden Street
- c. 57 Florence Street
- d. 704 Brayton Avenue
- e. 482 Globe Street, pending approval of street opening request

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

ORDERS – MISCELLANEOUS

19. Police Chief's report on licenses:

Taxicab Drivers:

Robert G. Caisse Joseph Reilly Gina Rodrigues
Charles Santos Jr.

Private Livery Drivers:

Evaldo Barros

Private Livery Vehicle:

J.O.A.T. LLC, 262 Stevens Street – Toyota Highlander

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

Auto Repair Shop License Renewal:

20. Geoffrey Brisbon, Briston Diesel Service, Inc. located at 2524 North Main Street

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

Approved, June 15, 2018, Mayor Jasiel F. Correia II

21. Light order – Columbus Drive – Pole #5

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order.

Approved, June 15, 2018, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS**22. Claims**

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the claims to Corporation Counsel.

23. Street opening request – less than 5 years – 482 Globe Street

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 Committee on Public Works and Transportation.

24. Structure on or over a public way – Banner on Bedford Street for OPA Boat Races

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the application.

25. Open Meeting Law Complaint from Patrick Higgins re: June 6, 2018 City Council**Committee on Ordinances and Legislation Meeting**

On a motion made by Councilor Stephen R. Long and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to Corporation Counsel.

Planning Board Minutes:**26. May 9, 2018**

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted that the minutes be accepted and placed on file.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara, it was unanimously voted to take items #27 through #45 together.

City Council Meeting Minutes:**27. Public Hearings – February 21, 2017****28. Public Hearings – March 21, 2017****29. Public Hearings – March 28, 2017****30. Public Hearing – May 16, 2017****31. Public Hearing – May 30, 2017****32. Committee on Finance – January 24, 2017****33. Committee on Finance – February 7, 2017****34. Committee on Finance – February 21, 2017****35. Committee on Finance – March 21, 2017****36. Committee on Finance – March 28, 2017****37. Committee on Finance – April 11, 2017****38. Committee on Finance – May 16, 2017****39. Committee on Finance – May 30, 2017****40. Committee on Finance – June 13, 2017****41. Committee on Finance – January 9, 2018****42. Regular Meeting of the City Council – May 30, 2017****43. Regular Meeting of the City Council – June 13, 2017****44. Regular Meeting of the City Council – May 15, 2018****45. Special Joint Meeting of the City Council and School Committee – March 20, 2018**

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve items #27 through #45.

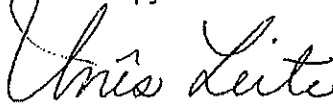
BULLETINS – NEWSLETTERS – NOTICES – None

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adjourn at 11:17 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
DVD of meeting

A true copy. Attest:

A handwritten signature in cursive script that reads "Chris Leite".

Assistant City Clerk

SPECIAL MEETING OF THE CITY COUNCIL

MEETING: Thursday, June 14, 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: None

President Cliff Ponte called the meeting to order at 11:03 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
None

2. Fiscal Year 2019 Annual Budget

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was voted 6 yeas, 3 nays to refer the Fiscal Year 2019 Annual Budget back to the Mayor, and that the Administration revise the budget to include revenue and expenses for Pay-As-You-Throw (PAYT), with Councilors Joseph D. Camara, Steven A. Camara and Derek R. Viveiros voting in the negative. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was voted 9 yeas to adopt the EMS Enterprise Fund. On yet a further motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was voted 8 yeas, 1 nay to adopt the Sewer Enterprise Fund, with Councilor Steven A. Camara voting in the negative. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was voted 8 yeas, 1 nay to adopt the Water Enterprise Fund, with Councilor Steven A. Camara voting in the negative.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adjourn at 11:06 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
DVD of meeting

A true copy. Attest:

Chris Leite

Assistant City Clerk

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RECEIVED

2018 JUN -8 P 3:00

CITY CLERK
FALL RIVER, MA

Fall River Historical Commission 2018 Annual Report

MISSION

The mission of the Fall River Historical Commission (a.k.a. Commission) is to identify, document, and protect Fall River's historic resources, to increase public awareness of Fall River's heritage and the value of historic preservation, and to do so with not only the guidance and council of the Massachusetts Historical Commission but also by interacting with other city boards and committees. The Commission's mission is to provide a regulatory overview of five designated Historic Districts. The Commission also provides community-wide historic preservation planning assistance by promoting historic preservation awareness and by commenting on projects that may impact historic resources. The Commission's other responsibilities include preserving and protecting its historical assets through education, legislation, policy recommendations, and physical conservation.

The Commission endeavors to be a preservation information resource to all citizens of Fall River and the Commonwealth of Massachusetts by means of research, public meetings, the press, and publications, and to educate the citizenry of Fall River and the Commonwealth of Massachusetts regarding the breadth and importance of Fall River's cultural heritage.

The Commission works in collaboration with the Massachusetts Historical Commission, operating under the provisions of Section 8D, Chapter 40 of the Massachusetts General Laws. This law was adopted on September 16, 1977 as a City of Fall River Ordinance - Chapter 38, Historical Preservation. The Commission administers the mandates of Fall River's Chapter 38: Historical Preservation and in particular Article III, Division 3. - Notice of Intent to demolish Structure, more commonly known as the "Demolition Bylaw".

COMMISSION MEMBERS

The Fall River Historical Commission is a volunteer board of Fall River residents appointed by the Mayor. The Commission has been in existence since September 16, 1977.

The Commission is regularly comprised of seven (7) regular members appointed by the Mayor.

Board Member are as follows:

Kristen Cantara Oliveira, Chair
898 Robeson Street

Connie Maria Soule, Vice-Chair
577 Rock Street

Laurence Dykes, Jr., Secretary
28 Chaloner Street

Richard Mancini
243 French Street

Ruben Amaral
24 Katie Court

(2 Available Positions)

The Commission has the following powers and duties:

1. to cooperate with, consult, and serve as an advisory body on matters affecting the historical assets of the city to officers, departments, boards, commissions, committees and other agencies of the city, and to assure that the comprehensive plan embodies the appropriate preservation of those assets;
2. to conduct a survey of Fall River's buildings and sites for the purpose of determining those of historic significance architecturally or otherwise;
3. to propose as it deems appropriate the establishment of additional historic districts and changes in existing historic districts;
4. upon recommendations of the Fall River Historic District Commission established under City Ordinance 2014-24, and in accordance with the Historic Districts Act, to act as the historic district study committee for the establishment of additional historic districts;
5. to offer assistance to and advise owners and occupants of historic buildings and structures on problems of preservation;
6. to acquire in name of the city by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same; and may administer on behalf of the city any properties or easements, restrictions or other interests in real property which the city may have or accept as gifts or otherwise and which the city may designate the commission as the administrator thereof.

The Fall River Historical Commission met ten (10) times during which a quorum was present for all 10 of these meetings. These meetings are scheduled on the third Tuesday of every month.

SIMILAR NAMES/DIFFERENT RESPONSIBILITIES

The **Fall River Historical Commission** is often confused with a Fall River Historic District Commission and a Historical Society. It is important that you understand the difference between these three organizations.

The **Fall River Historical Commission** is the official agent of the City of Fall River responsible for community-wide historic preservation planning.

The **Fall River Historic District Commission** is the review authority responsible for regulatory design review within the designated local historic districts, also known as a 40C District, created through city council vote. The Fall River Historic District Commission will be the regulator

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agent overseeing all local historic districts in the city. The city currently has only one (1) local historic district, the Highlands Local Historic District, comprising of 47 residences.

The **Fall River Historical Society** is a private, non-profit organization. Historical Societies often preserve local history through house museums, maintaining collections and records and public programs.

The **Preservation Society of Fall River** is a non-profit organization whose mission is to encourage and foster the preservation historically and architecturally significant properties, and to assist the city in the establishment of a 40C local historic district.

CERTIFIED LOCAL GOVERNMENT PROGRAM

The Commission is in the process of completing the application for the state Certified Local Government program.

The Certified Local Government Program (CLG) is a unique partnership that provides a close integration of federal, state, and local preservation activities. Communities that have enacted historic preservation legislation are eligible to apply to MHC for certification. There are currently 21 communities in Massachusetts that have been approved as CLG's. New Bedford being one of those communities.

By extending state and federal programs at the local level, the CLG program allows communities to participate directly in the review and approval of National Register nominations. CLGs are eligible to compete for at least 10% of the federal funds allocated to Massachusetts Historic Commission.

BUDGET

The Commission has not received any funding assistance this year. A non-existent budget for the commission's work, prevents staff members from attending training workshops, national or regional or statewide preservation conferences, and makes subscribing to basic materials which might help the commission in its work difficult or impossible. A review of Massachusetts General Law Chapter 40, Section 8D accepted by the City shows that funding is required in order to provide any services.

Lack of administrative support for the commission makes it difficult for the commission to issue draft certificates of appropriateness and to monitor work on approved projects. Adequate staff is essential in order for a commission to produce the routine administrative paperwork that any responsible local governmental agency needs to prepare as evidence that it has followed required procedures and reached a clear decision. The Commission is grateful to have the help of administrative assistant Kerri Ayash, who is located on the 5th floor of City Hall. Kerri provides administrative assistance for both the Historical & Historic District Commissions.

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The Commission is working to establish a revolving fund account. This will allow the Commission to receive funds/donations where the Commissions funds and expenditures will be tracked and quarterly reports can be generated.

The Commission per Chapter 40: Section 8D, may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section. Said Commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

DONATIONS

The Commission is dependent on any and all donations. Currently there is no means by which donations of property, items or funds may be received.

An historic property located at 80-84 North Main Street, along with two additional parking lots, was gifted to the Fall River Historical Commission by Mr. Monte Ferris. This would have allowed the Commission to be self-funded through funds generated from the property, and would have been an invaluable resource in helping the Commission carry out its mission in the city in furthering the cause of preservation of our historic buildings and properties. The City Council voted to gratefully accept the gift; however, it was vetoed by the Mayor, and the Historical Commission did not receive the gift.

FUNDRAISING EFFORTS

The Commission will be looking into fundraising opportunities that may allow it to continue its preservation activities.

CPA FUNDING

The Commission will continue to actively seek CPA funds in its efforts to preserve and restore the city's architectural resources.

OUTREACH

The Commission is limited on how it can coordinate the activities of unofficial bodies organized for similar purposes, and lacks any funding for advertising, printing and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work.

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The Commission's outreach is limited to social Media. There are three (3) means by which the Commission provides information. 1. The Commission has a page on the City of Fall River website; 2. Facebook and 3. Fall River Government Television | FRGTV Channel 18, where all of the Historical Commission meetings are televised and available on demand.

We have created a PowerPoint Presentation that we will present, in this coming year, to the various neighborhood groups, so that the public has a better understanding of not only who we are and what we do, but also what we can do to assist them as well.

On the City of Fall River website, there are a number of documents that the public can download. Those interested in our PowerPoint Presentation should contact the Commission directly.

As part of the Commission's educational component, the Commission has created a brochure that informs residents of what it means to be listed on the Fall River Register of Significant Structures (known as the Register).

Minutes of the Historical Commission meetings will be posted on the Commission page on the City of Fall River website.

FALL RIVER REGISTER OF SIGNIFICANT STRUCTURES

The Commission is continuing its work developing the listing of structures in the city determined by it, after nomination and hearing, to be significant structures. This listing known as the "Register" is called the Fall River Register of Significant Structures.

The listing in the Fall River Register of Significant Structures is significant in that the individual or entity intending to file a demolition application shall give written notice of such intent to the chairperson of the Historical Commission at least six months, but not more than one year, prior to the filing of an application for a permit to demolish, in whole or in part.

The Demolition Delay Ordinance was adopted to encourage preservation, restoration, and/or adaptive re-use of historic structures, and the six month delay provides the Historic Commission with time to work with property owners to pursue avenues other than demolition.

The Commission can waive the 6-month Demolition Delay Ordinance anytime during this delay once the Commission and property owners come to an agreement.

The City has 1,266 structures on the National Register of Historic Places of which 72 structures have been destroyed.

The City has 1,912 structures/objects/sites on the Fall River Register of Significant Structures.

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Since listing of the city's historical properties started in 1983, the 72 structures on the National Register that have been destroyed by either an act of God or selective demolition accounts for approximately 6% of historical structures destroyed in our City.

The following properties were added to the Register:

- 385 Columbia Street
- 229 Stanley Street (Stanley-Street Fire Station)

LETTERS OF SUPPORT

The Commission provided letters of support to the Massachusetts Historical Commission for the following applicants of Historical properties:

Cornell Mills (Tax Credits)

Bradford Durfee Textile School, 64 Durfee Street (Tax Credits)

Wampanoag Mill No. 2 (Tax Credits)

The Fall River Historical Commission is required to provide these applicants a letter off support in a quarterly basis in order for the applicants to receive these Tax Credits. It is recommended that property owners meet with the Historical Commission prior to doing construction.

CERTIFICATES ISSUED

The Historical Commission received:

- (0) Certificates of Non-Applicability;
- (9) Waivers of the Demolition Delay Ordinance; (*Demolition Approved*)
 - 749 Cambridge Street
 - 57 Carter Street (garage)
 - 697-713 Davol Street
 - Dickinson Street Lot (no recorded address)
 - 122 Madison Street (garage)
 - 54 Nightingale Street
 - 1338 Pleasant Street
 - 218 Rhode Island Avenue
 - 171 Seabury Street Unit 5
- (1) Demolition Approved after Demolition Delay Ordinance expired (*6-month Demolition Delay*).
 - 909 Dwelly Street/King Philip Mill

- (0) Denial for a Waiver of the Demolition Delay Ordinance; and (6-month Demolition Delay)

- (1) No Notification Received resulting in Demolition (Structures Demolished)
1165 Dwelly Street

- (0) Denial for Certificate of Appropriateness

- (0) Certificates of Appropriateness;

- (0) Certificates of Hardship;

-(6) Letters of Support;
Cornell Mills (tax credits)
Durfee Tech Building (tax credits)
Wampanoag Mills (tax credits)
Lafayette Durfee House (state funding)
MPPA Round 24 Application (stated funding)
Stanley Street Fire Station (CPA emergency funding)

- (3) Letters of Inquiry (no demolition)
306 French Street
1478 Locust Street
764 Rock Street

Certificates issued are provided to the owner of the property and/or the Building Inspector and are kept on file according to address.

Please note that the above numbers are from the time period of December 2018 to present, when a new Chair was elected.

WORKSHOPS/SEMINARS

None of our members have attended any workshops and/or seminars due to lack of funding and resources.

HISTORIC CEMETERIES AND PARKS

After the events in 2016 at the Oak Grove Cemetery, which resulted in the Park Board's decision to remove historical planters at numerous graves, the city Administration appointed a member of the Historical Commission to the Park Board, in order to avoid future detrimental occurrences. This was brought about by an outcry of public disapproval and anger over what had occurred in the cemetery. In February of 2018, the Historical Commission representative was removed from

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the Park Board and was not replaced, so as of now, there is no historical representative for either of our cemeteries that are listed on the National Historic Register, or our three Olmsted Parks in the city. This leaves the Historical Commission once again feeling that our very valuable historic resources are again in jeopardy of being lost to alterations that would take away the historic spirit of these locations.

CONCLUSION

Today's historic preservation is a complex matrix of laws, incentives, policies and advocacy groups at the national, state, and local level. More importantly, historic preservation has become a fundamental tool for strengthening communities. It has proven to be an effective tool for a wide range of public goals including small business incubation, affordable housing, sustainable development, neighborhood stabilization, downtown revitalization, job creation, promotion of the arts and culture, heritage tourism, economic development and many others.

In any Economic Development strategy, historic preservation needs to be among the factors our city considers when pondering its future. Unfortunately, this has not always been the case. Many in our city do not support or understand the direct connection between historic preservation and our local economy. This, along with our city's inability to follow through on the recommendations of its Master Plan, has hampered not only the commission's efforts, but the overall success and goals set forth by that plan. Our city's ability to follow through on these recommendations are crucial in providing a direction - one that includes Historic Preservation as a major component. These historic resources are the foundation by which we can build upon the investment of our grandparents and at the same time help create a healthy economy for the next generation.

The Commission believes very strongly that economic development and historical preservation can very successfully go hand-in-hand. It is our sincere hope that in topics regarding our city's historical resources that the council, city administrators and our citizens consider the Historical Commission as a valuable resource in these matters.

Respectfully submitted,



Kristen Cantara Oliveira, Chair
Fall River Historical Commission



City of Fall River
Massachusetts
City Council

After Agenda

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2018 JUN 22 P 2:28

CLIFF PONTE

President
City Council

CITY CLERK _____
FALL RIVER, MA

June 22, 2018

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

Honorable Members of the City Council:

Per the attached City Council resolution, I hereby request the residency waiver from the City Council for the following appointment:

Name: Brian Cunha
Address: 147 Harrison Avenue, Newport, RI 02840
To: Purchase and Bank Streets Streetscapes
Construction Oversight Committee

Very truly yours,

Cliff Ponte

Cliff Ponte
President
City Council

BRIAN R. CUNHA, ESQ.**
NELIA CAMARA DE STEFANO, ESQ.**

HONEY POLNER, ESQ., R.N.
KAREN A. ALEGRIA, ESQ.**
SHARON D. SYBEL, ESQ.**

**MEMBER MA & RI BAR

LAW OFFICES
BRIAN CUNHA
& ASSOCIATES

After Agenda

311 PINE STREET
FALL RIVER, MASSACHUSETTS 02720
(508) 675-9500

FAX: (508) 679-6360

WEBSITE: www.briancunha.com

June 7, 2018

Re: Member of Purchase Street Oversight of Streetscape Committee

To whom it may concern:

Please be advised that I would respectfully request that I be appointed as a member of the above streetscape committee with regard to the current construction project on Purchase Street and Bank Street.

I have operated and owned a law office located at 311 Pine Street, on the corner of Purchase and Pine Street for almost 40 years and have a profound interest in the current project to rehabilitate Purchase Street and bring it back to its historic view. As such, will you kindly consider my request to be placed on the committee that I understand is currently being formed.

Thank you for your anticipated courtesy and cooperation in this matter.

Very truly yours,
BRIAN CUNHA & ASSOCIATES, P.C.


Brian R. Cunha, Esq.

BRC/jl

RECEIVED
JUN 13 P 12:34
CLERK
FALL RIVER, MA

After Agenda

City of Fall River, In City Council

(Councillor Steven A. Camara)

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

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

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

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

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

BE IT FURTHER RESOLVED, that Committee members be city residents unless granted a residency waiver by the City Council, and

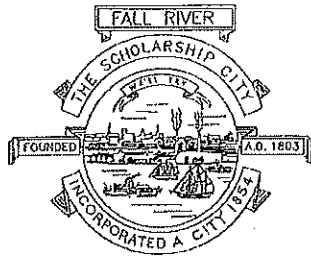
BE IT FURTHER RESOLVED, that these ten (10) person committees provide construction oversight responsibilities as well as feedback and report to the City Council and to the Mayor as Issues may arise.

In City Council, October 10, 2017

Adopted, as amended.

A true copy. Attest:

Alison M. Bouchard
City Clerk



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

2018 JUN 26 P 2:33

AMENDED

ORIGINAL POSTING: JUNE 22, 2018 AT 3:37 PM

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
TUESDAY, JUNE 26, 2018
AGENDA

INÊS LEITE
ASSISTANT CITY CLERK

5:15 P.M. COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM

5:45 P.M. PUBLIC HEARINGS OR IMMEDIATELY FOLLOWING THE COMMITTEE ON
ECONOMIC DEVELOPMENT AND TOURISM IF IT RUNS PAST 5:45 P.M.

Curb Removals

1. Rhode Island Ave., LLC, 154 Rhode Island Ave., requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
154 Rhode Island Ave. Approx. 68' Aetna Street Rhode Island Ave.		12'	0'	80'

The petitioner is requesting to open a second 12 foot driveway onto Rhode Island Avenue, which is intended to improve circulation and access. 154 Rhode Island Avenue is a commercial property at the corner of Aetna Street and Rhode Island Avenue. The property maintains an existing driveway along Aetna Street with approximately 40 feet without curb and 28 feet painted yellow (no parking) asphalt berm, which is easily traversable in a vehicle. The work does not impact on-street parking. Engineering has no objection to the new driveway opening on Rhode Island Avenue, but recommends the paint indicating no parking against the Cape Cod berm on Aetna Street be removed as there is a "No Parking" zone in ordinance applicable to that location.

2. Stephen and Doreen Soares, 97 Holden Street, request the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
97 Holden Street	14.5'	5'	0'	19.5'

The petitioners are requesting to widen the driveway by 5 feet, which is intended to improve circulation and access to the property. 97 Holden Street is a multi-family property at the corner of Holden Street and Fielden Street, which maintains an existing 14.5 foot driveway and serves a large parking area and a two-car garage that is attached to the residence. The work does not impact utilities or signage, and does not significantly impact on-street 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

3. Lourenco Botelho, 57 Florence Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
57 Florence Street	11' 4"	8' 8"	0'	20'

The petitioner is requesting to widen the curb cut by 8 feet 8 inches to the east side of the existing 11 foot 4 inch driveway. The work does not impact utilities or signage, and does not significantly impact on-street parking.

4. Daniel and Erin-Beth Reilly, 704 Brayton Avenue, request the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
704 Brayton Avenue	32'	23'	0'	55'

The petitioners are requesting to widen the curb cut by 23 feet to the existing 32 foot driveway to provide access adjacent to their driveway that serves a double garage setback a short distance from the right-of-way. The work does not impact utilities or signage, and does not significantly impact on-street parking.

5. Greenwater Realty, LLC c/o Xiphias Wellness, 5 Pottersville Road, Little Compton, RI., requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
482 Globe Street	0'	28'	0'	28'

The petitioner is requesting to construct a commercial width driveway to serve their property, which is currently accessed via an abutter's driveway. The work does not impact utilities or signage, and does not significantly impact on-street parking.

Street Acceptances

6. The acceptance of Arthur Street, extending from Ashley Street to Sidney Street
7. The acceptance of Ashley Street, extending from North Main Street to a dead end
8. The acceptance of Winslow Street, extending from North Main Street to a dead end

Urban Renewal Plans

9. Waterfront Urban Renewal Plan
10. Downtown Urban Renewal Plan

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

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

1. Citizen Input
2. Discussion of Revised Fiscal Year 2019 Municipal Budget (see item #1 below)
3. *Community Preservation Committee Final Report 2018 with Fiscal Year 2019 Project and Funding Recommendations (referred 5-29-18)
4. *Communication from Mayor and order appropriating \$1,503,617 from Community Preservation Act funds for Fiscal Year 2019 Community Projects (referred 5-29-18)

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 and revised appropriation order for the proposed Fiscal Year 2019 Municipal Budget (see Finance #2 above)
2. *Mayor and financial transfer order in the amount of \$450,000 for Transportation – Fall River Public Schools from the General Fund Stabilization Account
3. *Mayor and agreement with EnerNOC, Inc. to enroll the Water Division in the demand response program for electricity
4. *Mayor and Memorandum of Understanding between the Fall River Police Association, MCOP Local 1854 and the City of Fall River
5. *Mayor and proposed ordinance for Crime and Data Analyst – Police Department
6. *Mayor and confirmation of appointment for Glenn Hathaway as Director of Municipal Buildings and Code Enforcement/Inspector of Buildings

PRIORITY COMMUNICATIONS

7. *Communication from Corporation Counsel regarding Open Meeting Law Superior Court decision and response to Open Meeting Law Complaint from Patrick Higgins re: June 6, 2018 City Council Committee on Ordinances and Legislation Meeting
8. *Traffic Commission recommending amendments to traffic ordinances

COMMITTEE REPORTS

Committee on Real Estate recommending:

Adopt:

9. *Order – Lease agreement between Watuppa Water Board and Bay Coast Rowing Center

Grant leave to withdraw:

10. *Communication from city resident requesting purchase of property adjacent to 270 London Street

ORDINANCES

Second reading and enrollment:

11. *Proposed Ordinance – Traffic, Miscellaneous
12. *Proposed Ordinance – Seasonal employee

RESOLUTIONS

13. *Committee on Finance meet with all interested parties regarding the Alfred J. Lima Quequechan River Rail Trail to ensure that no destruction will be done
14. *Mayor and Corporation Counsel reverse and/or rescind the "easement" provided to Cloverleaf Mills, LLC that will cross the Alfred J. Lima Quequechan River Rail Trail and that the Committee on Finance meet with these parties on the matter

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

15. Alexander Kirk, B.M.C. Durfee High School Unified Sports Track and Field Program – First place finish at the Unified Track and Field State Meet

Curb Removals:

- ## ORDERS – MISCELLANEOUS

Taxicab Drivers:

- ### Auto Repair Shop License Renewals:

- ## COMMUNICATIONS – INVITATIONS – PETITIONS

26. *Claims
27. *Drainlayer license for Narragansett Improvement Company
28. *Open Meeting Law Complaint from Patrick Higgins re: June 14, 2018
City Council Meetings
29. *Open Meeting Law Complaint from Patrick Higgins re: June 12, 2018
City Council Meetings
30. *Open Meeting Law Complaint from Patrick Higgins re: June 20, 2018
City Council Committee on Real Estate Meeting
31. *Communication from the Attorney General's Division of Open Government
with determination for Open Meeting Law Complaint from Patrick Higgins
re: September 7, 2016 City Council Committee on Real Estate Meeting
32. *Communication from the Attorney General's Division of Open Government
with determination for Open Meeting Law Complaint from Patrick Higgins
re: August 2, 2016 City Council Committee on Ordinances and Legislation Meeting
33. *Resignation letter from Kenneth C. Pacheco as a member of the Fall River
Community Preservation Committee
34. Final Report – Acceptance of Arthur Street, extending from Ashley Street to Sidney Street
35. Final Report – Acceptance of Ashley Street, extending from North Main Street to a dead end
36. Final Report – Acceptance of Winslow Street, extending from North Main Street to a
dead end

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

- Zoning Board of Appeals Minutes:
- 37. *January 25, 2018
 - 38. *May 17, 2018

- City Council Meeting Minutes:
- 39. *Public Hearings – May 29, 2018
 - 40. *Committee on Finance – June 27, 2017
 - 41. *Committee on Finance – July 11, 2017
 - 42. *Committee on Finance – May 29, 2018
 - 43. *Committee on Finance – June 12, 2018
 - 44. *Regular Meeting of the City Council – June 27, 2017
 - 45. *Regular Meeting of the City Council – July 11, 2017
 - 46. *Regular Meeting of the City Council – August 15, 2017
 - 47. *Regular Meeting of the City Council – May 29, 2018
 - 48. *Regular Meeting of the City Council – June 12, 2018
 - 49. *Special Meeting of the City Council – June 14, 2018

BULLETINS – NEWSLETTERS – NOTICES

- 50. *Fall River Historical Commission 2018 Annual Report


Assistant City Clerk

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: JUNE 26, 2018

PRIORITY COMMUNICATIONS

- 6. *Council President and requests for residency waivers for the Purchase and Bank Streets Streetscapes Construction Oversight Committee
 - a. Brian Cunha
 - b. Joseph T. Baptista Jr.
- 6c. *Mayor and orders for City's Safe Routes to School project for the Carlton Viveiros Elementary School located at 525 Slade Street
 - i. Order of Taking
 - ii. Declaration and dedication of public land located at Slade, Lewis, Dwelly and Scott Streets for temporary construction purposes and perpetual public access and public way purposes

COMMITTEE REPORTS

Committee on Public Works and Transportation recommending:

Approval:

- 10a. *Communication – Street opening req. for pavement less than 5 years old – 482 Globe St.
- 10b. *Street acceptance – Morse Place

Grant leave to withdraw:

- 10c. *Curb removal – 325 South Beacon Street

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

Committee on Finance recommending: (if recommendations are received by City Council)

Action:

- 10d. Community Preservation Committee Final Report 2018 with Fiscal Year 2019 Project and Funding Recommendations
- 10e. Order appropriating \$1,503,617 from Community Preservation Act funds for Fiscal Year 2019 Community Projects

COMMUNICATIONS – INVITATIONS – PETITIONS

- 30a. *Open Meeting Law Complaint from Patrick Higgins re: June 6, 2018
City Council Committee on Ordinances and Legislation Meeting

City Council Meeting Minutes:

- 43a. *Committee on Finance – June 7, 2018
- 43b. *Committee on Finance – June 14, 2018

6a

City of Fall River
Massachusetts
City Council

RECEIVED

2018 JUN 22 P 2:28

CITY CLERK _____
FALL RIVER, MA

CLIFF PONTE
President
City Council

June 22, 2018

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

Honorable Members of the City Council:

Per the attached City Council resolution, I hereby request the residency waiver from the City Council for the following appointment:

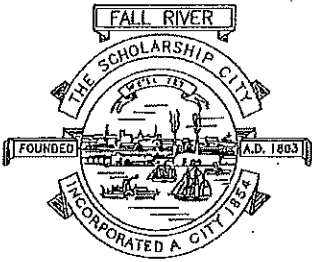
Name: Brian Cunha
Address: 147 Harrison Avenue, Newport, RI 02840
To: Purchase and Bank Streets Streetscapes
Construction Oversight Committee

Very truly yours,

Cliff Ponte
Cliff Ponte
President
City Council

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 26 2018



City of Fall River
Massachusetts
City Council

66

RECEIVED

2018 JUN 25 A 10:27

CLIFF PONTE
President
City Council

CITY CLERK _____
FALL RIVER, MA

June 25, 2018

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

Honorable Members of the City Council:

Per the attached City Council resolution, I hereby request the residency waiver from the City Council for the following appointment:

Name: Joseph T. Baptista Jr.
Address: 33 Jocelyn Circle, Taunton, MA 02780
To: Purchase and Bank Streets Streetscapes
Construction Oversight Committee

Very truly yours,

Cliff Ponte

Cliff Ponte
President
City Council

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 26 2018

City of Fall River, In City Council

6a+b

(Councillor Steven A. Camara)

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

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

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

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

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

BE IT FURTHER RESOLVED, that Committee members be city residents unless granted a residency waiver by the City Council, and

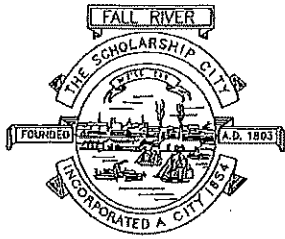
BE IT FURTHER RESOLVED, that these ten (10) person committees provide construction oversight responsibilities as well as feedback and report to the City Council and to the Mayor as issues may arise.

In City Council, October 10, 2017

Adopted, as amended.

A true copy. Attest:

Alison M. Bouchard
City Clerk



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

6C

JASIEL F. CORREIA II
Mayor

RECEIVED
2018 JUN 25 P 3:43
CITY CLERK
FALL RIVER, MA

June 25, 2018

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

RE: Carlton M. Viveiros Safe-Routes-to-School Project

Mr. President and Members of the Honorable Council:

The Massachusetts Department of Transportation (MassDOT) has prepared final design documents for the Carlton M. Viveiros Safe-Routes-to-School Project. The cost for the construction of this project is being borne entirely by the state and federal governments.

The project limits of the proposed improvements are on Slade Street and Dwelly Street, running from Lewis Street east to South Main Street, and on South Main Street between Slade Street and Dwelly Street. Improvements are primarily located at intersections and are designed to improve safety and accessibility for students at the Viveiros School.

The proposed street improvements are anticipated to include some pavement reconstruction and milling and paving, new sidewalks, new curbing and adjusted curb layouts, and ADA compliance. Traffic signal upgrades and replacements will be made at the intersection of Dwelly and South Main Streets. The project will result in improved safety for pedestrians walking to the Viveiros Elementary School, and improved safety and service levels for vehicles at Dwelly and South Main Streets.

The project requires temporary construction easements consisting of small slivers of land along the roadway frontage and dedication of City land to the constructed purpose in perpetuity. We have worked with the design engineers to minimize disruptions. There are 22 temporary easements on private property which will be effective for three (3) years from the date of this order. Two temporary easements (TE-13 and -14) were donated to the City by the Roman Catholic Bishop of Fall River. Two temporary easements (TE-4, -19) are on City land and do not require a taking. Parcel E-1 is a portion of land owned by the City which will hereafter be dedicated to the purposes for which it was constructed; principally for passage of pedestrians. The parcels on the Viveiros School Property were voted on and approved by the School Committee.

The Fall River City Council is authorized to acquire the necessary land parcels or portions thereof and/or rights in land parcels for the purpose of obtaining a secure and public right of way. This allows for the construction of the Carlton M. Viveiros Safe-Routes-to-School Project. Approval by the City Council is needed to insure that a Right of Way Certificate is obtained for this project. Without the ROW certificate, this project will not get constructed.

6C

What is an easement?

An easement is a legal document that conveys limited property rights from the grantor (landowner) to the grantee (City of Fall River). A temporary easement only grants restricted use of the property and is not a transfer in real estate ownership. It conveys temporary access and construction rights that terminate upon the completion of the construction of the project.

What is a taking?

A taking is a legal document that conveys property rights from the grantor (landowner) to the grantee (City of Fall River). A taking is a transfer in real estate ownership. There are no takings being made for this contract.

What is a dedication?

A dedication is the creation of an easement for public use. The dedication permanently restricts the use of dedicated property to the elucidated purpose. Parcel E-1 on the Viveiros Elementary School property is dedicated to be used for public access and public ways and sidewalks and all other purposes for which ways are used in the City of Fall River and the Commonwealth of Massachusetts in furtherance of numerous public policies to create convenient and safe public access and travel.

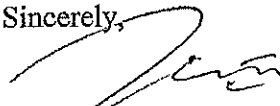
What did the appraisal process involve?

The City of Fall River retained Claude A. Giroux, SRA, to conduct land appraisals of the affected parcels. All residents to be affected were notified in advance and were given an opportunity to discuss the process with either our office or with Mr. Giroux. A monetary value was established and upon Council approval will be offered as fair market value for the temporary easements.

The cost of the appraisal and the cost of the easement and property takings have been approved by MassDOT under the state Chapter 90 program and are thus fully reimbursable by the state.

Attached are two proposed orders; the first to effect these easements, and the second to effect the dedication of land, along with a plan showing the location of all affected parcels.

Sincerely,


Jasiel P. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 26 2018

ORDER OF TAKING

ORDERED, that the City of Fall River, Massachusetts, under the authority of Massachusetts General Laws, Chapter 79, as amended, and all other applicable laws and ordinances, does hereby take by eminent domain temporary easements located on those certain parcels of land located in the City of Fall River being further described on the following pages.

Said temporary easements shall run for three years from the effective date of this order, and shall be for the purpose of constructing, maintaining, and repairing public ways and appurtenances thereto, known as Dwelly Street, Slade Street and South Main Street in said Fall River, Massachusetts, in furtherance of the Safe-Routes-to-School Project for Carlton M. Viveiros Elementary School.

Said temporary easements are shown on a plan of land entitled "EASEMENT PLAN FOR DWELLY STREET, SOUTH MAIN STREET & SLADE STREET in the City of Fall River, Bristol County, dated May 21, 2018" and recorded at the Bristol County Fall River District Registry of Deeds in Plan Book 161, Pages 67-70.

Be it further ORDERED, in accordance with Massachusetts General Laws, Chapter 79, Section 6, as amended, that the City of Fall River has determined that the awards for damages are as included on the following pages.

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 26 2018

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EXHIBIT A
TEMPORARY EASEMENTS FOR CARLTON M. VIVEIROS ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL PROJECT
TEMPORARY EASEMENTS: TE-1 THROUGH TE-27

LOCATION NUMBER	ASSESSORS MAP	LOT	STREET ADDRESS	CURRENT OR FORMER TITLEHOLDER	DEED BOOK PAGE	EASEMENT AREA	EASEMENT VALUE	
TE-1	B-12	31	530 DWELLY	ROSALINA CASHMAN	9248	212	455± S.F.	\$850.00
TE-2	B-11	42	531 DWELLY	JOSE M. COSTA & MICHAEL J. COSTA	9377	329	190± S.F.	\$675.00
TE-3	B-11	43	543 DWELLY	PATRICE A. SHAW & MICHAEL P. SEDOMA	8401	56	170± S.F.	\$650.00
TE-5	B-12	18	602 DWELLY	STEPHEN H. & PATRICIA A. LANGLAIS	2649	264	337± S.F.	\$775.00
TE-6	B-11	18	811 DWELLY	PAUL E. SOUZA	1837	164	400± S.F.	\$800.00
TE-7	B-11	20	821 DWELLY	ALBERT PACHECO AND MARIA A. PACHECO	1806	245	150± S.F.	\$565.00
TE-8	B-13	57	1641 SOUTH MAIN	ALLAN BORA & THOMAS DEININGER	5446	74	489± S.F.	\$3,100.00
TE-9	B-16	34	1648 SOUTH MAIN	TAVROS INC.	2906	133	193± S.F.	\$1,100.00
TE-10	B-14	1	1664 SOUTH MAIN	LORILL, LLC, C/O JEFFREY VIVEIROS	4195	157	90± S.F.	\$700.00
TE-11	B-11	28	677 DWELLY	RICHARD A. SROCCZYNSKI, TRUSTEE OF THE RICHARD A. SROCCZYNSKI TRUST	8674	74	107± S.F.	\$895.00
TE-12	B-11	29	1677 SOUTH MAIN	RICHARD A. SROCCZYNSKI & MARILYN L. GIRARD TRUSTEES	2341	337	26± S.F.	\$160.00
TE-15	B-16	14	1552 SOUTH MAIN	DONALD L. DESFORGES & DEBORAH A. DESFORGES	4136	118	55± S.F.	\$520.00
TE-16	B-13	53	1601 SOUTH MAIN	SOUTH COAST PHYSICIANS GROUP INC.	8092	192	1215± S.F.	\$3,550.00
TE-17	B-13	57	1533 SOUTH MAIN	GA 1553 SOUTH MAIN STREET LLC.	9460	243	584± S.F.	\$2,440.00
TE-18	H-04	32	502 SLADE	ALEXANDRA P. BRITO	8764	49	119± S.F.	\$450.00
TE-21	H-04	16	151 CHURCH	CARL H. BRYANT & THERESA L. BRYANT	942	411	337± S.F.	\$775.00
TE-22	B-13	4	138 CHURCH	CHRISTINE CARREIRO, DANNY COUTINHO, KEVIN COUTINHO, MELISSA COUTINHO, MARIA COUTINHO (LIFE ESTATE), MANUEL P. FERNANDES & MARIA T. FERNANDES (LIFE ESTATE) REMAINDER TO PAUL G. FERNANDES & NANCY ENGELHARD (EQUAL SHARE AS TEVANT IN COMMON)	4650	112	527± S.F.	\$1,100.00
TE-23	B-13	6	576 SLADE	DORIAN R. WIERZBA & JESSICA A. ROLLINS	5982	79	363± S.F.	\$830.00
TE-24	B-12	12	557 SLADE	THOMAS C. LABOSSEIRE & ROBIN L. LABOSSEIRE	8791	135	142± S.F.	\$530.00
TE-25	B-12	28	571 SLADE	LISA M. CARPENTER (LIFE ESTATE), REMAINDER TO LORETTA MENDES AND NICHOLAS MENDES J/T	5358	149	241 ± S.F.	\$700.00
TE-26	B-13	37	583 SLADE	JOSE S. & IZAURA R. DE MELLO	8484	273	129± S.F.	\$490.00
TE-27	H-04	17	514 SLADE		828	45	150± S.F.	\$565.00

TOTAL OF TEMPORARY EASEMENTS

\$72,420.00

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DECLARATION AND DEDICATION OF PUBLIC LAND
LOCATED AT SLADE STREET, LEWIS STREET, DWELLY STREET
AND SCOTT STREET IN FALL RIVER, MASSACHUSETTS FOR
TEMPORARY CONSTRUCTION PURPOSES AND
PERPETUAL PUBLIC ACCESS AND PUBLIC WAY PURPOSES

525 Slade Street,
Fall River, Massachusetts

The City of Fall River, a municipal corporation and body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a place of business of One Government Center, Fall River, Massachusetts (the "City"), as the owner of certain City property located at 525 Slade Street, Fall River, Massachusetts (the "City Property"), acting by and through its School Committee and City Council and by virtue of every other power and authority hereto enabling us, hereby declares and dedicates portions of the City Property for construction purposes and for public access, public ways and public sidewalks in connection with the City's "Safe Routes to School" project for the Carlton Viveiros Elementary School located at 525 Slade Street in Fall River, Massachusetts (the "Project") and as follows.

The portions of City Property to which this Declaration and Dedication applies are shown on the plan containing four sheets entitled "EASEMENT PLAN FOR DWELLY STREET, SOUTH MAIN STREET & SLADE STREET" in the City of Fall River, Bristol County, dated May 21, 2018 (the "Plan"), a true copy of which Plan is recorded at the Bristol County Registry of Deeds Fall River District (the "Registry") herewith. A reduced copy of the Plan is attached hereto as Exhibit A.

Perpetual Rights

The City and the general public shall have the non-exclusive perpetual right to enter upon, travel over, maintain, repair and use those portions of the City Property shown on the plan and listed below the Parcels for public access and public ways and sidewalks and all other purposes for which ways are used in the City of Fall River and the Commonwealth of Massachusetts.

<u>Parcel</u>	<u>Assessor ID</u>	<u>Address/Location</u>	<u>Area (±)</u>
Parcel E-1	Map B-12, Lot 11	525 Slade Street	767 s.f.

Such purposes, uses and improvements include, by way of illustration and without limitation, passage for pedestrians, vehicles and bicyclists and pavement and improvements for sidewalks, wheelchair ramps, pathways, grading, sloping and drainage. The City shall not make any improvements to the Parcels materially inconsistent with the allowed purposes described above.

In so dedicating the Parcels, the City intends to have the above-described rights over the above-described parcels to be perpetual in duration and to have the Parcels used for public access and public ways

6C

and sidewalks and all other purposes for which ways are used in the City of Fall River and the Commonwealth of Massachusetts in furtherance of numerous public policies to create convenient and safe public access and travel. To that end, if for any reason this Declaration and Dedication shall be deemed subject to sun-setting provisions, terminated, void or voidable on any grounds, or other principles requiring duration less than perpetual, then the City and its successors shall undertake and carry out all reasonably necessary measures to extend, adopt and/or renew the terms of this Declaration and Dedication to ensure that the Parcels are permanently used in a manner consistent with the terms and intent of this Declaration and Dedication.

Temporary Rights

The City and the general public shall have the non-exclusive temporary right to enter upon, travel over, maintain, repair and use those portions of the City Property shown on the plan and listed below the Parcels for public access and public ways and sidewalks and all other purposes for which ways are used in the City of Fall River and the Commonwealth of Massachusetts. Such purposes, uses and improvements include, by way of illustration and without limitation, passage for pedestrians, vehicles and bicyclists and pavement and improvements for sidewalks, pathways, grading, sloping and drainage. The City shall not make any improvements to the Parcels materially inconsistent with the allowed purposes described above during the term of such temporary rights.

<u>Parcel</u>	<u>Assessor ID</u>	<u>Address/Location</u>	<u>Area (±)</u>
Parcel TE-4	Map B-12, Lot 11	525 Slade Street	345 s.f.
Parcel TE-19	Map B-12, Lot 11	525 Slade Street	83 s.f.

Such purposes, uses and improvements include, by way of illustration and without limitation, passage for pedestrians, vehicles and bicyclists and pavement and improvements for sidewalks, pathways, grading, sloping and drainage. The City shall not make any improvements to the Parcels materially inconsistent with the allowed purposes described above.

In so dedicating the Parcels, the City intends to have the above-described rights over the above-described parcels to be temporary in duration, expiring on the date that is three (3) years from the date this instrument is recorded at the Registry, and to have the Parcels used for public access and public ways and sidewalks and all other purposes for which ways are used in the City of Fall River and the Commonwealth of Massachusetts in furtherance of numerous public policies to create convenient and safe public access and travel.

We direct that this instrument be filed with the Registry and with the City Clerk. In the event any provision of this instrument is deemed by a court of competent jurisdiction to be invalid, illegal or unenforceable, the remainder of this instrument shall be valid and enforceable to the fullest extent permitted by law.

For the City's authority to dedicate the City Property pursuant to this instrument, see the certified copy of the City Council Vote attached hereto as Exhibit B.

For title, see the instrument recorded at the Registry in Book 359, Page 531, and title report and certification attached hereto as Exhibit C.

6C

Given under our hands this _____ day of _____ 2018

City Council of the City of Fall River, Massachusetts

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

In City Council

Adopted _____

City Clerk of the City of Fall River

Office of the Mayor of the City of Fall River

Approved _____

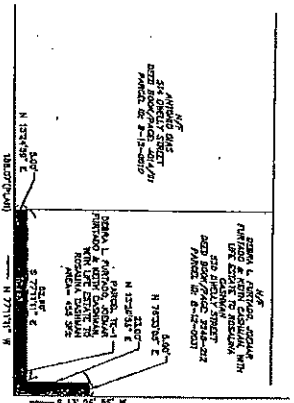
Date

Mayor of the City of Fall River

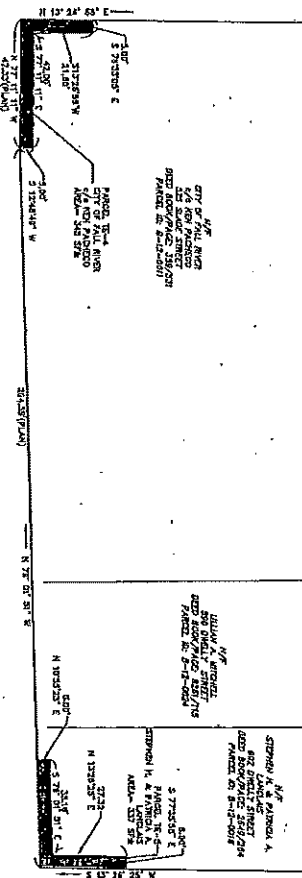
6C

EXHIBIT A

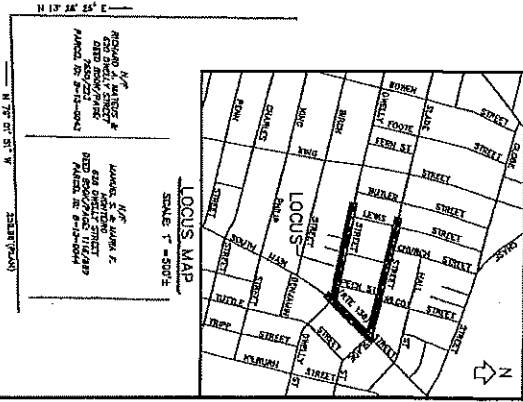
Reduced Copy of Plan



LEWIS (40' WIDE ~ 1898 CITY LAYOUT) STREET

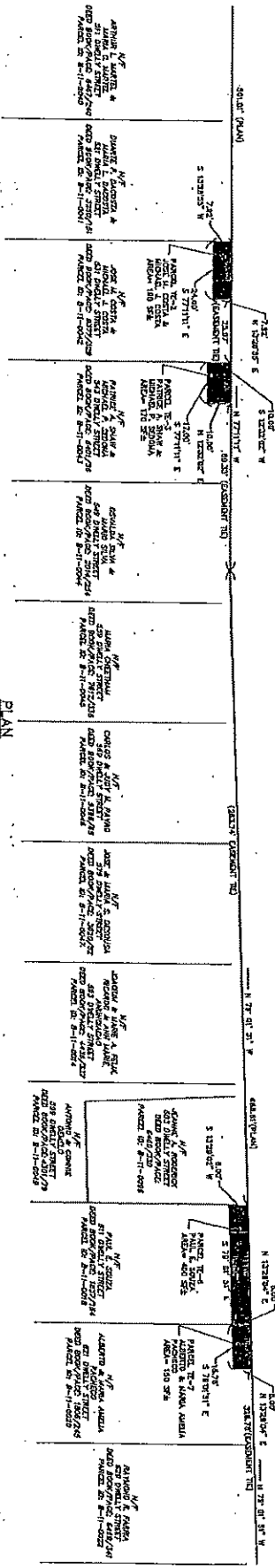


SCOTT (1st FLOOR - 1920 CITY LAYOUT) STREET



DWELLY STREET
(50' WIDE ~ 1938 CITY LAYOUT)

(50' WIDE ~ 1938 CITY LAYOUT)



PLAN REFERENCES

- [illegible]

PLAN
ALE: 7' - 20"

SCALE: 1" = 20'

[illegible]

THE PROPERTY LINES SHOWN ARE THE LINES BEING CLAIMED BY THE OWNERS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND ARE SUBJECT FOR GRANTOR OF EASEMENT OR FOR NEW WAYS AND STREETS.

Handwritten: 6/1/15

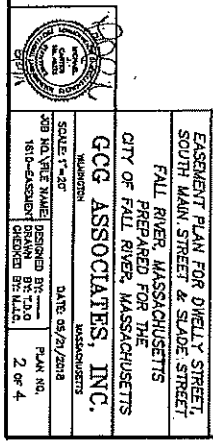
WITNESSED AND SIGNED BY ME, JAMES P. JAMES, JUNIOR, 1915.

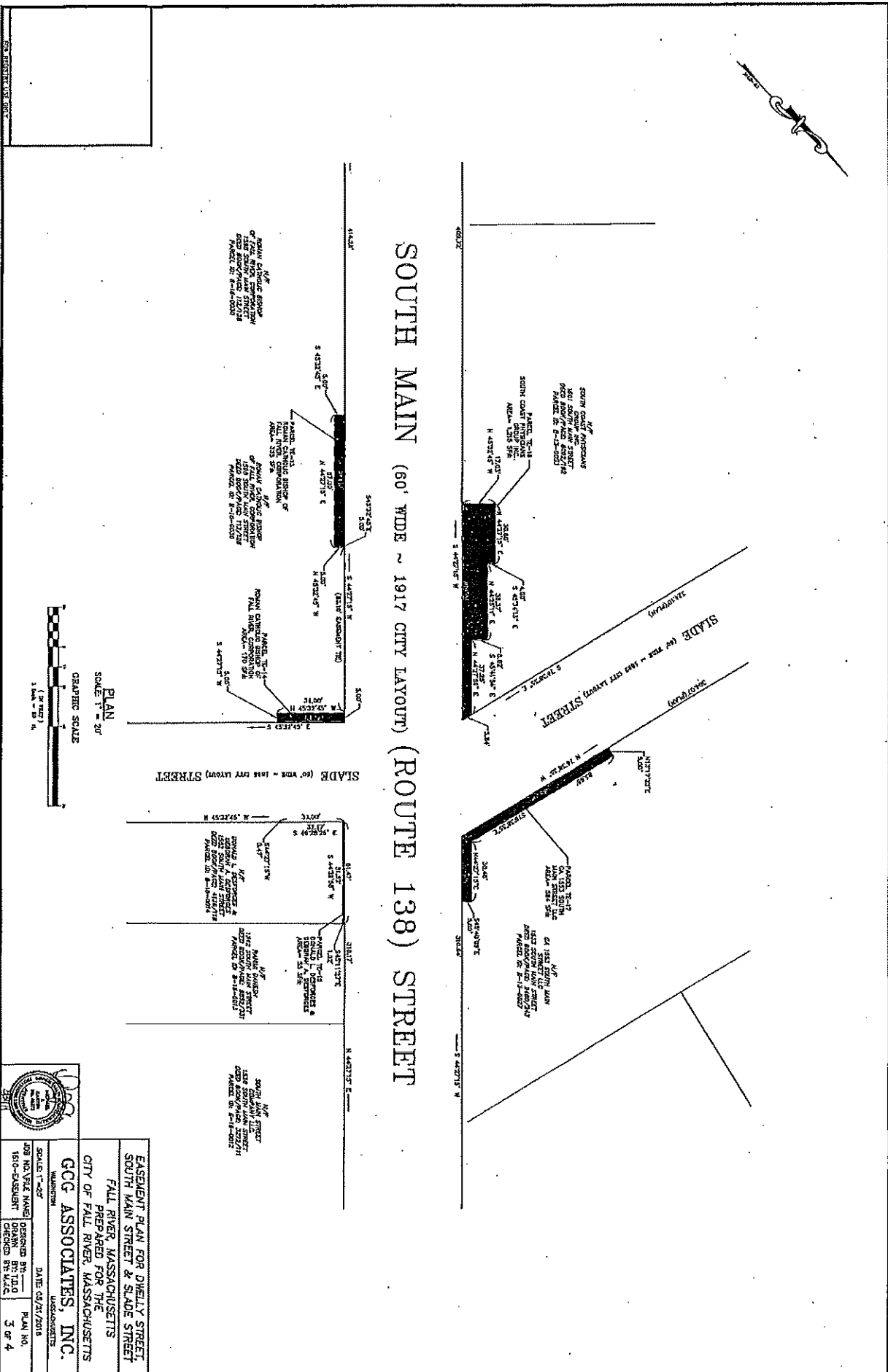
JAMES P. JAMES, JUNIOR



EASEMENT PLAN FOR DWILEY STREET,
SOUTH MAIN STREET & SLADE STREET
FALL RIVER, MASSACHUSETTS
PREPARED FOR THE
CITY OF FALL RIVER, MASSACHUSETTS
GCG ASSOCIATES, INC.

SCALE: 1"=20'		DATE: 05/21/2018	
JOB NO./FILE NAME		PLAN NO.	
1618-EASEMENT		1 OF 4	
DESIGNED BY: TDO			
DRAWN BY: MLC			







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EXHIBIT B

City Clerk Certified Copy of the
City Council Vote for Dedication Of Land
and Taking of Temporary Easements

10a

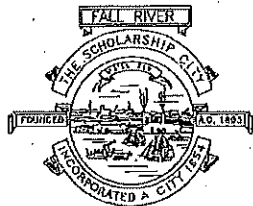
CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Public Works and Transportation, at a meeting held on June 25, 2018,
voted unanimously to recommend that the accompanying communication be approved.


Assistant Clerk of Committees



**City of Fall River
Massachusetts**

Department of Community Maintenance
CEMETERIES • MUNICIPAL BUILDINGS • ENGINEERING • SANITATION •
PARKS • STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

Engineering Division

JASIEL F. CORREIA II
Mayor

10a
RECEIVED
2018 JUN -4 P 2:01

CITY CLERK
FALL RIVER, MA
JEFFREY LITTLE
Director

J R FREY, P.E.
City Engineer

To: Fall River City Council
From: J R Frey, P.E., City Engineer *JR*
Date: May 2, 2018
Subject: Street Opening Request for Pavement Less Than Five Years Old

The Engineering Division has received a request for a road opening to install a curb cut at 482 Globe Street. Globe St. between South Main Street and Wilcox St. was paved by Community Utilities in 2017. The improvement is one year old.

The Engineering Division recommends approval of the request subject to the following conditions for pavement restoration in a street less than five years old:

- 1) Sidewalk behind the curb shall be excavated and curb removed from the rear, if possible;
- 2) Asphalt shall be sawcut one-foot (1') off curb line and 6" beyond limit of any disturbance, either side;
- 3) Backfill beneath the asphalt road surface shall be excavatable controlled density fill (flow fill);
- 4) Pavement restoration shall meet or exceed the existing pavement thickness;
- 5) Type I binder course(s) not to exceed 2" shall be placed and thoroughly compacted to within 1.5" of finished grade;
- 6) A Type I surface course shall be placed with a minimum thickness of 1.5";
- 7) Drainlayer shall be responsible for maintenance and repair of pavement associated with the curb cut, and any defects to surrounding pavement caused by the associated work, including spider-cracking, potholes, etc. through the moratorium period which ends December, 2022.

**CITY OF FALL RIVER
IN CITY COUNCIL**
JUN 12 2018

*Referred to the Committee
on Public Works and Transportation*

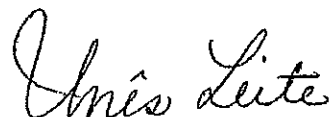
**CITY OF FALL RIVER
IN CITY COUNCIL**
JUN 26 2018

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Public Works and Transportation, at a meeting held on June 25, 2018,
voted unanimously to recommend that the accompanying final report be accepted and allowed.



Assistant Clerk of Committees

106

**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 27th day of February, 2018 it was:

ORDERED: That a meeting of the City Council be held at One Government Center on the 27th day of February, 2018 at 5:45 PM '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.

**CITY OF FALL RIVER
IN CITY COUNCIL**

FEB 27 2018

*Referred to the Committee
on Public Works and Transportation*

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**.

106

Given under our hands this _____ day of _____ 2018

City Council of the City of Fall River, Massachusetts.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

In City Council

VOTED: That the report of the City Council be accepted and allowed and that the layout herein described be, and the same is hereby established, decreed and confirmed.

City Clerk of the City of Fall River

Office of the Mayor of the City of Fall River

Approved _____
Date _____

Mayor of the City of Fall River

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CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Public Works and Transportation, at a meeting held on June 25, 2018,
voted unanimously to recommend that the accompanying order be granted leave to withdraw.


Assistant Clerk of Committees

City of Fall River, *In City Council*

10C

WHEREAS, the following order for a curb removal was as follows:

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

Jana and Justin Mercier, 325 S. Beacon Street, request the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
325 S. Beacon Street	16'	11' 9"	0'	27' 9"

The petitioners have two existing driveway openings at 325 S. Beacon Street which total 27' 9". They are intending to pave on their property and put the 11' 9" opening into regular use for tenants living at the property. The work provides improved access to the existing lot and results in a minimal impact to on-street parking. The property owner is utilizing this process to formalize a preexisting grandfathered curb cut.

and, on March 27, 2018 the order was referred to the Committee on Public Works and Transportation now therefore, be it

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

Jana and Justin Mercier, 325 S. Beacon Street, request the removal of curbing as follows:

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CITY OF FALL RIVER
IN CITY COUNCIL

JUN 26 2018

CITY OF FALL RIVER

10d

To the City Council

Councillors:

The Committee on Finance, at a meeting held on June 26, 2018, voted unanimously to recommend that the accompanying report be referred to the full council.

Glison M. Bouchard
City Clerk

11

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

JASIEL F. CORREIA II
Mayor

KENNETH C. PACHECO
Chairman
James Souza
Vice-Chairman

May 23, 2018

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

CITY CLERK
FALL RIVER, MA

2018 MAY 23 P 2:05

RECEIVED

Dear City Council:

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

Copies of the report have been submitted to:

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

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

Thank you for your attention to this matter.

Respectfully,

Kenneth Pacheco, Chair
Community Preservation Committee

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 26 2018

*Referred to the Community
Preservation Committee*

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 29 2018

*Referred to the
Committee on Finance*

City of Fall River, *In City Council*

10d

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

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 26 2018

Referred to the Community
Preservation Committee

101

10d

COMMUNITY PRESERVATION COMMITTEE
FINAL REPORT 2018
FY19 Project & Funding Recommendations

Adoption and Preparation

The Citizens of Fall River approved the adoption of the community Preservation Act in the November 2012 election. 57.9% of the voters in the election cast ballots in support of its local adoption. The Community Preservation Committee was formed in October 2013 and held its first meeting on October 28, 2013.

The membership of the Community Preservation Committee includes two members appointed by the Mayor, two members appointed by the City Council, a representative from the Housing Authority, a representative from the Historic Commission, a representative from the Planning Board, a representative from the Conservation Commission and a representative from the Park Board

Mayor Appointee

- James Souza
- John Francoeur

City Council Appointee

- Kenneth Pacheco
- Antone Dias

Housing Authority

- Vacant

Historic Commission

- Kristen Cantara Oliveira

Planning Board

- Charles Moniz

Conservation Commission

- John Brandt

Park Board

- Victor Farias

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

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

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

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

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

The Application Process

Hearings on Eligibility

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

During the 2018 funding cycle eligibility hearings were held

October 5, 2017 - Regular Meeting

Eligibility Projects

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

October 24, 2017 - Regular Meeting

Eligibility Projects

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

10d

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

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

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

Hearings for Funding

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

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

March 28, 2018

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

April 3, 2018

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

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

Emergency Projects

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

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

No other emergency projects came before the committee.

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

Final Projects submitted for Funding round

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

Private Projects

Lafayette Durfee House

Little Theater of Fall River

Maritime Museum

CFC Children's Home

Academica Club

Eagle Event Center

Cultural Center

Anawan No. 6 (Fall River Fire Museum)

Former Elks Lodge (200 Bank Street)

Public Projects

Boat Ramp (Bicentennial Park)

Central Fire Station

Park Wires

Park Building (Kennedy Park)

Granite Wall (Kennedy Park/Bradford Avenue)

Private Joseph Francis Green

Niagara Neighborhood Bike Path Study

Fall River Public Schools Window Restoration

Bioreserve Conservation Land Acquisition Project #1

Bioreserve Conservation Land Acquisition Project #2

*Stanley Street Fire Station

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

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The Voting Process

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

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

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

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

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

The final projects for recommendation are:

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

Each item to be considered a separate appropriation

Conclusion

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

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

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

The Categories are as follows:

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

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

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

10

filed by Sandy 10d
Dennis after
5-29-18 Meeting

EXPLANATION OF FUNDING

Appropriation Order **\$1,503,617**

FY19 Recommended Projects 1,300,867

Mt. Hope Bike Path (5yr. Bond) \$60,000

Administrative Costs \$45,000

Housing \$97,750

Total **\$1,503,617**

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

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



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Received by email
6-22-18 1:30 PM

30a

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: +1 (508) 674-3140 Ext.

Email: PATRICK@PATRICKHIGGINS.CO

Organization or Media Affiliation (if any): Patrick Higgins and Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/
town, county or region, if applicable): Fall River City Council Subcommittee on Ordinances

Specific person(s), if any, you allege
committed the violation: All members

Date of alleged violation: Jun 6, 2018

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 26 2018

-23-18 emailed to all Councilors; hard copy to Co. Pelletier

30a

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Fall River City Council Subcommittee on Ordinances violated the open meeting law by holding their meeting at the Fall River Government Center knowing that Richard Branco could not attend this meeting under threat of arrest for trespassing. The city administrator, Cathy Ann Viveiros issued a no trespass order to Richard Branco on April 26, 2018 notifying him that his presence in Government Center would result in his arrest for trespassing. The Fall River City Council subcommittee on Ordinances knew or should have known that Richard Branco was prohibited from attending and observing the Fall River City Council Subcommittee on Ordinances meeting under threat of arrest and should have moved their meeting to a location where all people, including Richard Branco and any other persons who have been served with No Trespass notices, could attend if they desired to.

See <http://www.heraldnews.com/news/20180619/two-issued-no-trespassing-orders-at-fall-river-government-center>; also Division of Open Government determination letter 2018-77.

The subcommittee additionally violated the open meeting law by having a quorum of 5 members of the full City Council present and deliberating on matters that they would be sending to the full City Council with their recommendations on whether or not to approve the actions they took at the subcommittee level. Since they constitute a full quorum of the City Council this would be an exercise in futility.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Move all meetings of the public bodies from Government Center to a location where no one is prevented from attending and observing the meeting under threat of arrest for trespassing.
Reduce the number of members of the subcommittee on Ordinances to less than a full quorum of the full City Council

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 6/22/18

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:

43a

COMMITTEE ON FINANCE

MEETING: Thursday, June 7, 2018 at 5:30 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services
Chief John D. Lynch, Fall River Fire Department
Chief Al Dupere, Fall River Police Department
Timothy Oliveira, Director of Emergency Medical Services
Matthew H. Malone, Ph.D., Superintendent of Schools
Kevin Almeida, Chief Financial Officer, School Department
Kenneth C. Pacheco, Chief Operating Officer, School Department
Mark Costa, Vice-Chairperson, School Committee

The chair called the meeting to order at 5:34 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Councilor Joseph D. Camara arrived at 5:44 p.m.

In accordance with a resolution adopted, as amended May 8, 2012, allowing persons to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance, the following persons spoke on the subjects listed:

Citizens' Input Time – Before Discussion of Financial Matters:

Dawn Saurette, 1984 Robeson Street - PAYT

Agenda:

2. Discussion of the proposed Fiscal Year 2019 budget of the School Department, followed by a presentation and discussion of the municipal side of the budget.

The Superintendent of Schools gave an overview of the Fiscal Year 2019 School Department Budget. He then stated that he was proud of this budget, as it contained no pink slips. He also mentioned that the Resiliency School graduated 79 students this year and this was the largest class ever. Councilor Bradford L. Kilby stated that schools are ever changing today, as Massachusetts Comprehensive Assessment System (MCAS) testing is

now being done online, instead of with paper and pencils. Councilor Joseph D. Camara stated that a few years ago Net School Spending was only at 97%, now we are at 101% which is a great achievement. Back then teachers had to purchase their own classroom supplies, as the schools had no money for supplies.

Councilor Pam Laliberte-Lebeau asked if the Atlantis Charter School can come to the City for transportation costs, now that they will be busing some students due to the location of the new school. The School Superintendent stated that for years the Atlantis Charter School never used transportation, but they will now be looking for transportation for students. Councilor Stephen R. Long asked what the cost was per student for education. The Superintendent of Schools stated approximately \$13,000 per student. He then stated that the average is between \$12,000 and \$15,000, so we are very average. Councilor Derek R. Viveiros stated that he wanted to thank everyone for all the hard work on the School Department Budget. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the School Department Budget to the full council for action.

President Cliff Ponte called for a 5 minute recess at 7:37 p.m. and the Council reconvened at 7:45 p.m.

The City Administrator gave a PowerPoint presentation of the Fiscal Year 2019 Budget. The Director of Financial Services then gave a brief overview of the increases and decreases presented in the Fiscal Year 2019 Budget.

The Fire Chief stated that he has increased manpower from 32 to 35 firefighters per shift. He then stated that presently he has a total of 190 firefighters and his goal is to have 200. He went on to state that after next year, there will only be 2 pieces of equipment that will need to be replaced. Engine 12 which is from 1998 and Ladder 4, which is from 2010. He also mentioned that the Stanley Street Fire Station was built to house horse and wagons, which is very different from the size and weight of new fire apparatus. Councilor Stephen R. Long asked what is the average salary of a firefighter. The Fire Chief stated between \$55,000 and \$60,000 per year.

Councilor Stephen R. Long then asked the Police Chief how much overtime a police officer can work. The Police Chief stated not more than 2 shifts. He then stated that the average police officer makes approximately \$55,000, with entry level salary being approximately \$46,000. Councilor Joseph D. Camara then asked the Police Chief how many homicides have there been in Fall River this year. The Police Chief stated one. Councilor Joseph D. Camara then stated that Dorchester has had 23 homicides this year. He then stated that Fall River is not the worst place to live, it is a safe place to live compared to many other cities. He also mentioned that the Police and Fire Departments should have a Facebook and Twitter Account as these are used by many residents.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to adjourn at 9:17 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
DVD of meeting
PowerPoint Budget Presentation – School Department
PowerPoint Budget Presentation – Municipal

Cecilia A. Taylor
Clerk of Committees

COMMITTEE ON FINANCE

MEETING: Thursday, June 14, 2018 at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services
Jennifer Argo, Auditor
Paulianne Martins-Teixeira, Treasurer
Ian Schachne, City Collector
Elizabeth A. Camara, Chairperson, Board of Election Commissioners
Rhonda Pinnell, Purchasing Agent
Joseph I. Macy, Corporation Counsel
Madeline Coelho, Director of Human Resources
Raymond E. Hague, Director of Veterans' Services
Terrance J. Sullivan, Administrator of Community Utilities
Christopher Gallagher, Director of Facilities Maintenance

The chair called the meeting to order at 6:00 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, allowing persons to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance, the following persons spoke on the subjects listed:

Citizens' Input Time – Before Discussion of Financial Matters:
None

Agenda:

2. Continuation of discussion – Proposed Fiscal Year 2019 Budget
Council President Cliff Ponte asked if any Councilors had questions for the City Collector, Treasurer and Auditor and there were no questions for these individuals. Councilor Bradford L. Kilby asked the Chairperson of the Board of Election Commissioners for an estimated cost for new voting machines. The Chairperson stated approximately \$188,000 to \$200,000. She then added that the voting booths also need replacing and the last quote received was for \$86,900 plus \$3,500 shipping costs.

Councilor Stephen R. Long asked the Director of Veterans' Services why there was a 5% decrease in funding. The Director of Veterans' Services stated that the client base is shrinking. He then stated that the budgeted amount is sufficient to deliver the needed services. He also mentioned that the Veterans' Center on Pine Street has received many improvements in the last 30 months. Councilor Stephen R. Long asked if the veterans were happy with the improvements. The Director of Veterans' Services stated that they are very happy.

Councilor Shawn E. Cadime asked Corporation Counsel about salary increases in his department. Corporation Counsel stated that Assistant Corporation Counsel Gary Howayeck had taken a pay reduction in previous years and now that his salary is increasing from \$75,000/year to \$85,000/year, it is a return to his original salary not really an increase. The Director of Human Resources stated that she is hoping to add an Assistant Human Resources Director to the department. Councilor Leo O. Pelletier stated that he agrees there should be someone able to back up the department head. Councilor Stephen R. Long stated that he agrees with Councilor Leo O. Pelletier's statement. The Director of Financial Services stated that the Assistant Director of Human Resources salary would be, not to exceed \$65,000/year.

Councilor Shawn E. Cadime asked the Administrator of Community Utilities, if he was comfortable with the budget. The Administrator of Community Utilities stated that he was. Councilor Shawn E. Cadime then asked the Director of Facilities Maintenance if AMERESCO was still guaranteeing savings. The Director of Facilities Maintenance stated that they were. Councilor Joseph D. Camara asked why there are so many purchases made at Home Depot. The Director of Facilities Maintenance stated there are always minor items that are needed on a day to day basis, such as drill bits, saw blades, nut and bolts, etc. Councilor Steven A. Camara then asked if the 5 bay garage on Rodman Street was the former Levesque's property. The Administrator of Facilities Maintenance stated that it was. Councilor Shawn E. Cadime asked the Director of Financial Services about the Mayor's Travel Expenses regarding the Mayor's trip to Paris. The Director of Financial Services stated that the flight was approximately \$900 and the other associated expenses were paid by the company offering the seminar.

Council President Cliff Ponte then asked if there were questions for the City Clerk or the City Council and there were none. He then asked if there were any questions for the City Administrator and Councilor Shawn E. Cadime asked the City Administrator if she was still receiving a stipend for tax title property work and she stated that she does not. Councilor Shawn E. Cadime asked about the expense of \$20,000 for customized forms in the MIS Department. The City Administrator stated that this was for the new e-permitting program. Councilor Shawn E. Cadime then asked if Group Benefits Strategies (GBS) was still our group health care consulting firm. The City Administrator stated that they are.

Council President Cliff Ponte called for a 5 minute recess at 9:09 p.m. The Council reconvened at 9:19 p.m.

Councilor Stephen R. Long asked where the revenue from the Vacant Building Registration Fees went. The Director of Financial Services stated into the General Fund. Councilor Pam Laliberte-Lebeau asked for an update on the medical and recreational marijuana licenses. The Director of Financial Services stated that there are 4 agreements pending, with 3 locations close to opening.

Vice-President Pam Laliberte-Lebeau took the podium at 9:40 p.m. to allow President Cliff Ponte to speak. President Cliff Ponte asked the Director of Financial Services what the total estimated receipts would be for Fiscal Year 2018 vehicle excise taxes. The Director of Financial Services stated approximately \$8 million dollars. President Cliff Ponte then stated that the City Council was correct in lowering the estimated vehicle excise taxes in last year's budget. The Director of Financial Services stated that he was correct and then added that other areas of revenue were under estimated, therefore balancing the anticipated revenue amounts in the Fiscal Year 2018 Budget. She stated that an average from Fiscal Year 2015 until present was used to come up with an anticipated \$8.2 million dollars for Fiscal Year 2019. She also stated that the City has a new Collector who is more aggressive in collections and collections are now approximately 82% where in previous years we were averaging 78%. President Cliff Ponte returned to the podium at 10:27 p.m. Councilor Bradford L. Kilby made a motion to table the matter, but received no second. Councilor Steven A. Camara stated that the citizens of Fall River want the Pay-As-You-Throw Program to be eliminated. He then stated that in his opinion, we should eliminate PAYT, parking meter fee and also CPA funds because the citizens cannot afford all these increases. He stated that there is a 2 1/2% tax increase and significant water and sewer rate increases and a proposed significant parking meter fee increase and now this Council wants to add the PAYT revenues back into the Fiscal Year 2019 Budget, the tax payers and rent payers of the City cannot afford all these increases. Councilor Joseph D. Camara stated that when the PAYT program was implemented, it was done wrong. He then stated that the Mayor has not included any PAYT revenue into this proposed budget, so he is confident that he can run the City without the PAYT revenue. He then stated that he will not support the parking meter fee increases, as it is too much of a burden on the residents that frequent the down town area. He then asked the Director of Financial Services how much will the City of Fall River certify in free cash this year. She stated that she did not have that figure, but she would guess approximately \$3 million dollars.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Bradford L. Kilby, it was voted 1 yea, 8 nays to adjourn at 11:01 p.m., with Councilors Shawn E. Cadime, Joseph D. Camara, Steven A. Camara, Pam Laliberte-Lebeau, Stephen R. Long, Leo O. Pelletier, Derek R. Viveiros and Cliff Ponte voting in the negative and the motion failed to carry. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was voted 6 yeas, 3 nays to refer to Fiscal Year 2019 Budget to the full council for action, with Councilors Shawn E. Cadime, Pam Laliberte-Lebeau and Cliff Ponte voting in the negative. On yet a further motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adjourn at 11:02 p.m.

Citizens' Input Time – After Discussion of Financial Matters:
None

List of documents and other exhibits used during the meeting:
Agenda packet (attached)
DVD of meeting

Colleen A. Taylor
Clerk of Committees

