



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, April 23, 2019 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 7:55 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 appropriating \$1,000,000 from General Fund Insurance Appropriation to General Fund School Appropriation
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the transfer.
2. Mayor requesting confirmation of appointment of Robert Kerr to Library Trustees
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to confirm the appointment.
3. Mayor and proposed ordinance re: approval process for park projects
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.
4. Mayor and loan order of \$7,426,775 for repairs to Samuel Watson Elementary School
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the loan order be authorized to be published and referred to the Committee on Finance. Councilor Shawn E. Cadime requested a presentation be made by the School Department outlining the repairs and necessary ADA compliance requirements. Councilor Stephen R. Long asked Council President Cliff Ponte what the procedure is for the reconsideration of an item. Council President Cliff Ponte stated that in his opinion, if someone wants to make a motion to reconsider an item it needs to occur during that same meeting that the vote took place before the meeting is adjourned.

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS

Committee on Finance recommending:

Grant leave to withdraw:

5. Resolution - \$375,050 funding for Fall River Public library roof replacement
On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted that the resolution be granted leave to withdraw.

ORDINANCES – None

RESOLUTIONS – None

CITATIONS

6. Robert Antonio Pais – attaining the rank of Eagle Scout
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the citation.

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

7. City Council meeting date changes
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order.

8. Police Chief's report on licenses:

Taxicab Drivers:

Marquis Afonso Marwame Elberhmi

Second Hand License Renewals:

Pacheco's Furniture located at 255 South Main Street

Aaron Tetrault d/b/a Spindle City Pawnbrokers, Inc. located at 1435 Pleasant Street

Michael W. West d/b/a A1 Antiques & Used Furniture located at 1091 Plymouth Avenue

Aaron Tetrault d/b/a Spindle City Pawnbrokers located at 364 South Main Street

Aaron Tetrault d/b/a Fall River Pawnbrokers, Inc. located at 1475 South Main Street

Alan Confoey d/b/a Alan's Jewelry located at 1661 South Main Street

Melissa Resendes d/b/a Melissa's New To You located at 2577 South Main Street

Pawnbroker Renewals:

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Aaron Tetrault d/b/a Spindle City Pawnbrokers located at 364 South Main Street

Aaron Tetrault d/b/a Fall River Pawnbrokers, Inc. located at 1475 South Main Street

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order.

9. Auto Repair Shop License Renewal:

Michael Carvalho d/b/a County Street Collision and Customizing located at 958 County St.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order.

COMMUNICATIONS – INVITATIONS – PETITIONS

10. 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.

11. Structure On or Over a Public Way – 30' long banner for the Day of Portugal on South Main Street near Court House

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to approve the application.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to take items #12 through #16 together.

City Council Meeting Minutes:

12 Regular Meeting of the City Council – March 5, 2019

13. Committee on Finance – March 5, 2019

14. Public Hearings – April 11, 2019

15. City resident requesting cap on the number of tobacco licenses

16. City resident requesting cap on the number of marijuana licenses

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to approve items #12 through #14 and accept and place on file items #15 and #16.

BULLETINS – NEWSLETTERS – NOTICES – None

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

CITY COUNCIL MEETING DATE: April 23, 2019

COMMITTEE REPORTS

Committee on Finance recommending:

Adopt:

5a. Order – Intermunicipal Agreement for Wastewater Treatment Services with Town of Westport

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, April 25, 2019, Mayor Jasiel F. Correia II

ORDINANCES

5b. Zoning Change – Kennels

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.

5c. Zoning Change – Wind Energy Corridor

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.

COMMUNICATIONS – INVITATIONS – PETITIONS

17. City resident regarding SRTA bus service to Boston Hospitals

On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the communication to the Committee on Public Works and Transportation.

18. Structure On or Over a Public Way – Eight 2'x4' tables with two chairs each with an umbrella on each table on the sidewalk located at 195 and 201 South Main Street
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the application.

19. City resident requesting clarification regarding marijuana accessories
On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the communication to Corporation Counsel.

CITATIONS

6a. Kyle Neves – Leadership and commitment at B.M.C. Durfee High School and to the City of Fall River - "I am Fall River" logo

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the citation.

6b. Jacob Roussel – Leadership and commitment at B.M.C. Durfee High School and to the City of Fall River - "I am Fall River" logo

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the citation.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adjourn at 8:09 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:



City Clerk

In City Council, May 28, 2019
Approved



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2019 APR 22 P 4: 04

ORIGINAL POSTING: APRIL 18, 2019 AT 3:34 P.M. CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
TUESDAY, APRIL 23, 2019
REVISED AGENDA

INÊS LEITE
ASSISTANT CITY CLERK

5:55 P.M. PUBLIC HEARINGS – ZONING

1. *Kennels
2. *Wind Energy Corridor

6:00 P.M. COMMITTEE ON FINANCE (OR IMMEDIATELY FOLLOWING THE PUBLIC HEARINGS IF THAT RUNS PAST 6:00 P.M.)

1. Citizen Input
2. *Transfer and appropriation (See #1 below)
3. *Discussion with Administrator of Community Utilities re: Westport Intermunicipal Agreement for Wastewater Services (referred 3-5-19)
4. *Resolution – Discussion with Administration, Dir. of Community Maintenance and Dir. of Facilities Maintenance re: electrical needs at the Gates of the City (adopted 3-5-19)
5. *Discussion of Fiscal Year 2019 – Quarter 3 Budget Report

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 order appropriating \$1,000,000 from General Fund Insurance Appropriation to General Fund School Appropriation (See #2 Finance)
2. *Mayor requesting confirmation of appointment of Robert Kerr to Library Trustees
3. *Mayor and proposed ordinance re: approval process for park projects
4. *Mayor and loan order of \$7,426,775 for repairs to Samuel Watson Elementary School

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS

Committee on Finance recommending:

Grant leave to withdraw:

5. *Resolution - \$375,050 funding for Fall River Public library roof replacement

ORDINANCES – None

RESOLUTIONS – None

CITATIONS

6. Robert Antonio Pais – attaining the rank of Eagle Scout

ORDERS – HEARINGS – None

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

ORDERS – MISCELLANEOUS

7. *City Council meeting date changes

8. Police Chief's report on licenses:

Taxicab Drivers:

Marquis Afonso Marwame Elberhmi

Second Hand License Renewals:

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10. *Claims

11. Structure On or Over a Public Way – 30' long banner for the Day of Portugal on South Main Street near Court House

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BULLETINS – NEWSLETTERS – NOTICES – None


City Clerk

CITY OF FALL RIVER
OFFICE OF THE CITY CLERK

18

To the City Council:

Application for permit to place or maintain a structure or device on or over a public way.

Name of Applicant: Joseph F. Pereira Jr

Name of Business (if applicable): Bert's Restaurant Tap & Bar

Address: 201 South Main St Fall River MA.
Street City State

Phone: 508-617-4554

Type of structure or device: Tables, chairs, umbrellas

Description (include dimensions): 824" x 4FT Tables with 2
Chairs for each Table (16). 8 umbrellas one per Table

Location: Side walk at 195 and 201 S. Main St.

Dates: May 1, 2019 thru September 30, 2019.

The applicant agrees to maintain this structure or device in accordance with the requirements of the Building Inspector and the City Council and that this permit may be revoked at the pleasure of the City Council.

Signature of Applicant: Joseph F. Pereira Jr
Date: 4/17/19

1. I (approve)
(disapprove) the issuance of this permit.

[Signature] 4/18/19
Building Inspector Date

RECEIVED

2019 APR 18 P 4:03

CITY CLERK
FALL RIVER, MA

In City Council,

Date

Permit (approved)
(disapproved)

Alison M. Bouchard
City Clerk

OFFICE USE ONLY

☒ Fee Paid

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: April 23, 2019

COMMUNICATIONS – INVITATIONS – PETITIONS

- 17. *City resident regarding SRTA bus service to Boston Hospitals
- 18. *Structure On or Over a Public Way – Eight 2'x4' tables with two chairs each with an umbrella on each table on the sidewalk located at 195 and 201 South Main Street
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4/17/19

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19

To The City Council

2019 APR 18 P 4:37

I have multiple concerns with this
proposed amendment listed below:

1. What is an ACCESSORIES considered to be?

↳ products that can be attached to a piece of marijuana apparatus

or

you mean ~~glass~~ marijuana apparatus & marijuana accessories

then if you're letting Marijuana establishments sell marijuana "accessories" you control the gifting system talked about in here example

I buy 2oz marijuana = 600
the give me pipes for \$1.00 or ~~accessories~~

how is this issue resolved its happening now it will get worse later I am a tobacco shop and want NO part of whats been over saturated already.

1 / You get yet 3% so it doesn't change 10 stores or 30 stores don't grab this about fees I've already submitted a letter to a hearing for Cops on Licenses pertaining to Tobacco & Marijuana.

RE: This is a Serious issue as well as
the City Council has not been charged
with any crimes if has permitted. Who do
you answer to why is the City Council above the
law.

Thank you

GLASSBORO JAIL
1095 Center St
FR NJ 07023
508673 6555



City of Fall River Massachusetts

Office of the City Clerk

RECEIVED
2019 APR 18 P 3:34

CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER INÊS LEITE

TUESDAY, APRIL 23, 2019

ASSISTANT CITY CLERK

AGENDA

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ORDERS – HEARINGS – None

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

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

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BULLETINS – NEWSLETTERS – NOTICES – None


City Clerk

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

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: April 23, 2019

COMMUNICATIONS – INVITATIONS – PETITIONS

17. *City resident regarding SRTA bus service to Boston Hospitals



City of Fall River
Massachusetts
Planning Department

Public Hearing
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2019 MAR 11 P 2:56

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

WILLIAM D. ROTH JR., AICP
City Planner

Memorandum

Date: March 11, 2019

To: City Council

Allison Bouchard, City Clerk

From: William D. Roth, Jr., AICP *WR*

RE: Zoning Bylaw Amendment - Kennels

On behalf of Glenn Hathaway, Building Commissioner & Zoning Enforcement Officer, I am submitting the following zoning bylaw amendment with regards to Kennels. It has come to our attention that under Chapter 86, Article II Definitions and Chapter 86-36 Table of Uses that the definition of Kennel is not consistent with M.G.L c.140, sec. 136A and City Code Chapter 6-1.

The additions are indicated in text that is **(bold and underlined)**. The deletions are indicated in bold strikethroughs (~~aaaa~~), and are as follows:

CHAPTER 86: FALL RIVER ZONING ORDINANCE
ARTICLE II. DEFINITIONS

KENNEL: One pack of collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than ~~three (3)~~ **four (4)** dogs, three months old or over owned or kept by a person on a single premises irrespective of the purpose for which they are maintained.

CHAPTER 86-36 – TABLE OF USES

RETAIL, RESTAURANT AND
CONSUMER SERVICE USES

g. Kennel (containing more than ~~three~~ **four** canines 3 months of age or older).

cc: Mayor's Office
Cathy Ann Viveiros, City Administrator
Glenn Hathaway, Building Commissioner

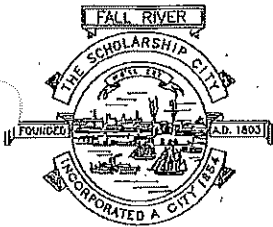
CITY OF FALL RIVER
IN CITY COUNCIL

MAR 19 2019

*Referred to the
Planning Board*

One Government Center • Fall River, MA 02722
TEL (508) 324-2561 • FAX (508) 324-2564 • wroth@fallriverma.org

Pl. Bd. email to Board March 20-19



City of Fall River
Massachusetts

Planning Department

Public Hearing

RECEIVED

2019 MAR 11 P 2:56

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

WILLIAM D. ROTH JR., AICP
City Planner

Memorandum

Date: March 11, 2019

To: City Council

Allison Bouchard, City Clerk

From: William D. Roth, Jr., AICP *WR*

RE: Zoning Bylaw Amendment – Wind Energy Corridor

In order to position the City for the future uses and the Economic Development that will be coming with the Wind Energy Industry locating in our Region, the following Zoning Bylaw changes are being recommended. The proposed changes are to add three use categories to the Table of Uses and to allow those uses in the WTOD Zoning District. The WTOD District was selected because it is the zoning district for properties adjacent to the City's shoreline. Water and rail access will be two critical needs for the Wind Energy Industry, of which the WTOD District has both.

The following are proposed new uses to the Table of Uses:

CHAPTER 86-36 – TABLE OF USES

DISTRICTS:

WTOD

INDUSTRIAL USES

- m. Wind energy industry research and development.
- n. Wind energy industry processing, fabrication, manufacturing, assembly, packaging
- o. Wind energy industry support services.

Y

Y

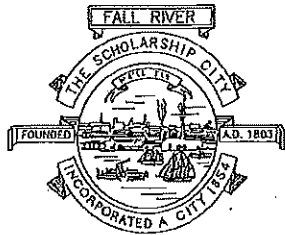
Y

cc: Mayor's Office
Cathy Ann Viveiros, City Administrator

CITY OF FALL RIVER
IN CITY COUNCIL

MAR 19 2019

*Referred to the
Planning Board*



JASIEL F. CORREIA II
Mayor

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

FINANCE 3

RECEIVED

2019 FEB 15 A 11:07

**CITY CLERK
FALL RIVER, MA**

February 14, 2019

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

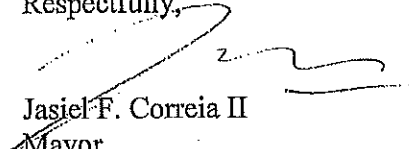
RE: Westport Intermunicipal Agreement for Wastewater Services

Dear Honorable Councilors:

Your approval of the attached Order and Agreement is respectfully requested. Terrance Sullivan is available if you have any questions.

The Sewer Commission approved the agreement on February 12, 2019. This agreement replaces the prior agreement.

Respectfully,


Jasiel F. Correia II
Mayor

**CITY OF FALL RIVER
IN CITY COUNCIL**

MAR - 5 2019

*Referred to the
Committee on Finance*

ORDERED, that the Mayor, through the Fall River Sewer Commission, be and the same is hereby authorized to enter into the attached Intermunicipal Agreement for wastewater treatment services between the City of Fall River and the Town of Westport.

CITY OF FALL RIVER
IN CITY COUNCIL

MAR - 5 2019

*Referred to the
Committee on Finance*

FINANCE 3

AGREEMENT FOR WASTEWATER TREATMENT SERVICES BETWEEN THE CITY OF FALL RIVER, MASSACHUSETTS AND THE TOWN OF WESTPORT, MASSACHUSETTS

THIS AGREEMENT, made and entered into this 7th day of January 2019, by and between the **City of Fall River**, a Municipal Corporation within the Commonwealth of Massachusetts in the County of Bristol, acting through its Sewer Commission hereinafter called the "City", party of the first part, and the Town of Westport a Municipal Corporation, in the County of Bristol, State of Massachusetts, acting through its Board of Selectmen ("Town"), party of the second part.

WHEREAS, the City owns and operates a wastewater treatment works in order to treat wastewater originating in the Town and the City, and

WHEREAS, the Town intends to continue and expand their discharge into the City wastewater collection and/or treatment works with sanitary and/or industrial wastewaters for treatment at the City's wastewater treatment works, and

NOW THEREFORE, in consideration of these premises and mutual benefits to be derived by the parties hereto, an Agreement is prepared in the following form:

SECTION 1. DEFINITIONS

Section 1.1 – For the purpose of this Agreement, the following terms are defined:

1.1.1 "Average Daily Flow" shall mean the total annual flow as measured at the metering station and/or agreed points of discharge, divided by the number of days in the year.

1.1.2 "Biochemical Oxygen Demand" (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade (68 degrees Fahrenheit) expressed in milligrams per liter by weight (or pounds per day).

1.1.3 "Industrial Wastes" are the liquid wastes, other than sanitary sewage, resulting from manufacturing and/or industrial operations or processes or drains.

1.1.4 "Maximum Daily Flow" shall mean the maximum flow recorded at the metering station and/or agreed points of discharge during a 24-hour period during any calendar year.

1.1.5 "Metering Station" shall mean a suitable facility for measuring, recording, and totalizing the flow of wastewater from the Town to the Fall River Sewer System.

FINANCE 3

1.1.6 "Sanitary Sewage" shall mean sewage discharging from the sanitary conveniences such as toilets, washrooms, urinals, sinks, showers, drinking fountains and from kitchens, restaurants, cafeterias and floor drains from industrial, manufacturing or process areas essentially free of industrial wastes or toxic materials.

1.1.7 "Shall" is mandatory; "may" is permissive.

1.1.8 "Total Suspended Solids" (abbreviated TSS) shall mean solids that either float on the surface of, or are in suspension in water, or sewage, or wastewater, or other liquids and which are removable by laboratory filtering, expressed in milligrams per liter by weight (or pounds per day).

1.1.9 "User Charges" shall mean a charge levied on users of the wastewater facilities for the cost of operation and maintenance.

1.1.10 "Wastewater" shall mean the spent water of the participating municipalities and may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any infiltration/inflow that may be present.

1.1.11 "Wastewater Treatment Facilities" shall mean all facilities for collection, conveying, pumping, treating and disposing of wastewater.

1.1.12 "Town Flow" means the amount of average daily flow of wastewater flowing into the City from the Town.

SECTION 2. RESPONSIBILITIES OF CITY

Section 2.1

The City shall operate and maintain the City's wastewater treatment facility.

Section 2.2

The City shall receive and dispose of the Town's sanitary and industrial wastewater provided the Town agrees to adopt such rules, regulations and/or by-laws as are necessary to secure compliance by system users with the standards provided for within this agreement or as otherwise may be amended or in accordance with any applicable local, State or Federal regulations.

Section 2.3

The City shall receive the Town's wastewater at a location or locations mutually agreeable to both parties, all physical connections being subject to the approval of the City.

SECTION 3. RESPONSIBILITIES OF THE TOWN

FINANCE 3

Section 3.1

The Town shall maintain the existing wastewater collection facilities, including any Flow Metering Stations or Flow Meter Facilities. If the Town expands sewer services to other areas not currently serviced by the Town, the Town shall be responsible for financing, planning, constructing and maintaining such wastewater collection facilities.

3.1.1. The Town and the City understand that the sewer pumping station at White's Restaurant and the associated force main and gravity sewers are currently under the control of LaFrance Enterprises.

3.1.2. The Town will manage and coordinate any necessary agreements and/or coordination between the Town and LaFrance Enterprises regarding operation, maintenance and management of the existing sewer infrastructure.

3.1.3. The Town must obtain any necessary approvals from LaFrance Enterprises related to approval of this agreement.

3.1.4. Expansion of sewer services to other areas of the Town would require approval by the City if the Town flow exceeds the Town's allotted flow.

Section 3.2

Characteristics of wastewater delivered to the City's wastewater treatment works by the Town and/or any users within the Town shall conform to the requirements of wastewater permitted by the City, under its sewer use ordinance as issued and amended from time to time and all applicable local, State and Federal regulations.

Section 3.3

The Town agrees to adopt such rules, regulations and/or by-laws as are necessary to secure compliance by Town users with the standards provided for within this Agreement, or as otherwise may be amended and to ensure conformity with the requirements of any agency of the City, the Commonwealth of Massachusetts, or any other governmental agency which may have jurisdiction covering the system. The Town agrees to enforce such rules, regulations and/or by-laws. The City shall have the right to require the Town to take appropriate legal action against any user connected to the Town's sewer collection system to enforce compliance with the terms of this Agreement and user fees owed to the City.

Section 3.4

As the City has implemented a federally approved Industrial Pretreatment Program and retains the responsibility to protect the Treatment Facility and receiving waters from industrial

FINANCE 3

interference, the Town and/or LaFrance shall convey the right to the City to take appropriate legal action against any system user to enforce compliance with the City's and/or the Town's Sewer Use Ordinance. This includes, but is not limited to requiring industrial users to self-monitor their discharge and report the results of Self-Monitoring activities to the City as prescribed in the industrial user's Discharge Permit; install the proper pretreatment systems if necessary; to submit to inspections for the purpose of documenting compliance; to allow the City to issue industrial discharge permits; and to levy fines or terminate discharge rights for continued non-compliance. All significant industrial users shall obtain and maintain an industrial discharge permit with the city and any other applicable permits.

Section 3.5

The Town agrees that the discharge of sanitary and/or industrial wastes containing heavy metals, cyanide and/or toxicity will not be allowed. All wastes to be discharged must be in accordance with the City's Industrial Pretreatment Guidelines presently in effect or any other which may take effect in the future.

Section 3.6

The Town hereby agrees that at no time will they intentionally allow the discharge of wastewaters which are economically and/or technically more burdensome to treat than those described in this Section.

Section 3.7

The Town hereby agrees that stormwater will not be allowed to enter the sewer system, and inflow and infiltration will be reasonably controlled and minimized.

Section 3.8

The Parties agree to work cooperatively with one another related to any infrastructure (i.e. sewer mains, drains or service connections) that may cross Town boundaries both in land agreements (i.e. easements) and access for maintenance.

SECTION 4. TERM

The term of this Agreement shall continue for 10 years from the date of execution. At the end of the 10 year term; the Agreement shall continue from year to year thereafter until a new Agreement is executed. Provided, however, that either party may terminate the same on December 31 of any year by giving written notice on or before June 30 of such year. Given the infrastructure investment, the critical public health and environmental protection issues related to this agreement; it is the intent of both parties to work to keep this agreement and future amendments continuous for the protections noted herein.

FINANCE 3

SECTION 5. IMPLEMENTATION

Section 5.1

The City agrees to provide Wastewater Treatment services with a portion of the capacity allocated to the Town. The capacity allocated is 44,000 GPD.

Current flow allocations are as follows:

White's Restaurant	25,000 GPD
Hampton Inn	10,000 GPD
New Hotel	9,000 GPD
Other Town Use	0 GPD

This capacity limit can be modified by mutual agreement and addenda to the agreement.

SECTION 6. IMPACT FEE TO NEW USERS

Section 6.1

All new connections (newly constructed residential, commercial and industrial buildings) to the collection system shall pay a onetime fee to the City of \$1.00 per gallon of the projected flow. Appendix A identifies standard flow projections for various types of residential, commercial and industrial establishments. Nonstandard facility flow projections not outlined in Appendix A shall be subject to reasonable engineering practices and estimates. The City retains the right for final approval of flow projections. A summary of said payments shall be included in the summary of wastewater flows submitted quarterly by the Town.

Existing residential and commercial property shall be exempt from this section except for significant expansion of commercial or industrial property. Municipal buildings shall be exempt from this section. For large new industrial or commercial customers projected to exceed a flow of 25,000 gallons per day, the maximum onetime impact fee shall be limited to \$25,000.

SECTION 7. PAYMENTS: OPERATION MAINTENANCE

Section 7.1

7.1.1 The Town shall make payments towards the costs of operation and maintenance of the wastewater treatment facilities as billed at the current rate of \$8.34/CCF. This rate is 55% above the standard rate charged to Fall River customers (\$5.38/ccf times 1.55 = \$8.34/ccf). If user charges identified in Section 74 of Appendix A of the Fall River

FINANCE 3

Revised Ordinances are increased or decreased, the Town's rate shall be increased or decreased by the proportionate percent. Rate increases shall be applicable immediately upon approval by the City and applied to the next invoice to the Town.

Billing frequency will be quarterly. Billing frequency can be increased to monthly upon agreement by the City and the Town.

- 7.1.2 Any costs associated with the operation and maintenance and/or capital repairs for the Town's sewer system shall be borne 100% by the Town. This includes the force main to the point where LePage's Restaurant connects. The Town must have an emergency response plan for repairs approved by the City. Said plan must be submitted to the City and approved by the City within 60 days of execution of this agreement.
- 7.1.3 The Town is responsible for assuring that all sources of sewer use in the Town are properly accounted for.
- 7.1.4 Failure of the Town to make payments within 30 days due can be cause for application of interest charges at 14% per annum.

SECTION 8. MEASUREMENT OF FLOW AND SAMPLING OF WASTEWATER

Section 8.1

8.1.1 The volume of flow used in computing the Town's payment shall be based upon readings obtained by suitable flow measurements and recording devices subject to approval by the City. The sewer metering system shall be operated and maintained by the Town. Alternative flow measurement or billing mechanisms can be discussed by the City and the Town however final approval of any method is controlled by the City.

8.1.2 The Town shall be responsible for inspecting and maintaining the accuracy and reliability of all flow metering and recording equipment. All costs incurred by the Town to inspect and maintain flow recording devices and equipment shall be borne by the Town. The City shall be advised of the results of any test on the equipment and the methods employed.

Section 8.2

The City and Town hereby agree that the determination of character and concentration of wastewater and the associated sampling technique shall be in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the Public Health Association (APHA), the American Water Works Association (AWWA) and the Water Environment Federation (WEF), or any other method mutually agreed upon by the City and Town.

FINANCE 3

8.2.1 The sampling and determination of the character and concentration of Town's wastewater shall be performed by the Town if needed. The sampling location will be mutually agreed upon by the Town and the City. All costs for sampling and analysis shall be the responsibility of the Town.

8.2.2 Samples shall be collected by the Town in such a manner as to be representative of the actual quality of the wastewater if needed.

8.2.3 The results of the wastewater sampling and analytical program shall be reported to the City upon request and in accordance with the City's Industrial Pretreatment Program.

8.2.4 The City shall be given full and free access to the Town's wastewater metering station(s) as required for the purposes of inspection, measurement, sampling and testing.

8.2.5 In the event the metering equipment is temporarily out of order or service for any reason the volume of wastewater and strength will be based on the period representing the highest volume and strength unless otherwise agreed by both parties on the basis of past experience.

8.2.6 The Town shall notify the Sewer Commission immediately in the event that the metering equipment is out of order or service.

8.2.7 The Town shall be responsible for facilitating repairs of the metering equipment and the costs associated with said repairs.

SECTION 9. AGREEMENT REPLACEMENT

This Agreement replaces the prior Agreement with Lafrance Enterprises, Inc. in conjunction with Lafrance Bros. Inc. dated September 26, 1984. The Town has the capability and legal capacity for approval of this agreement and for future negotiations and/or amendments to this agreement.

SECTION 10. CAPITAL IMPROVEMENTS

In the event that the City must undertake major repairs, replacement, or add to the joint wastewater collection and treatment facilities or is directed or ordered to provide a higher degree of treatment in the future, or to otherwise modify the process from that contemplated at the time of execution of this Agreement, the net capital cost of such replacement or additional facilities shall be included in the user fee.

SECTION 11. RECORDS AND ACCESS

FINANCE 3

Section 11.1

The City and Town shall maintain complete and accurate books and records concerning all matters relative to this Agreement. Such records shall be open for inspection and making copies or extracts thereof to accountants and other duly authorized representatives of the other party.

The Town records shall include, but not be limited to, as built plans of all sewers, schematics of all connections to sewer, building permits for all facilities connected to sewer, and documents regarding proper operation and maintenance of the Town's sewers.

Section 11.2

Both the City and the Town agree to make available to representatives and agents of the other for purposes of inspection all facilities and equipment related to each other's wastewater systems.

SECTION 12. SEPARATE AGREEMENTS

Any separate agreements relating to wastewater collection and treatment between the Town and adjacent municipalities which would result in additional discharges to the City's sewer system must be reviewed and approved by the City. In any event, the Town shall in the aggregate shall be restricted to the wastewater strengths and flows authorized in this agreement, and any increase must be formally contracted for between the Town and City.

SECTION 13. NOTIFICATION OF CHANGE

The Town agrees to notify the City in writing as far in advance as possible of anticipated or planned significant increases or decreases in the quantity and/or quality of the wastes to be discharged to the City's wastewater treatment facilities.

SECTION 14. TERMINATION

Section 14.1

For any material breach of this Agreement, continued for three months after notice thereof in writing by the other party, either party may terminate this Agreement. Upon receipt of said notice, both parties will enter into discussion within thirty (30) days to assure proper termination of the Agreement. If any time during the term of this Agreement either party determines that the

other party has breached the terms of this Agreement by failing to perform its obligations in accordance with all of the terms and provisions contained in this Agreement, the non-breaching party shall notify the party in breach in writing stating therein the nature of the alleged breach and directing the party in breach to cure such breach within ten (10) days. If the party in breach fails to cure said breach within ten (10) days, the non-breaching party may, at its election at any time after the expiration of said ten (10) days, terminate this Agreement by giving written notice thereof to the party in breach specifying the effective date of the termination, said date to be no less than ninety (90) days from the date of notice of breach. Upon the date specified in the notice of termination, this Agreement shall terminate. Such termination shall not prejudice or waive any rights or action which the non-breaching party may have against the party in breach up to the date of such termination.

Section 14.2

There shall be no circumstance under which the City will be obligated to return to the Town any portion of the Town's capital investment.

Section 14.3

The City maintains the right of refusal to accept the Town's waste if any section or subsection of this Agreement is materially violated that could endanger the treatment facilities, public health or the environment. The Town shall be notified in writing, and the Town shall be granted ninety (90) days to respond to a purported violation of this Agreement. If the matter is of immediate danger to the treatment facilities, public health or the environment, the City retains the right of immediate refusal.

SECTION 15. AMENDMENTS

Section 15.1

No amendments to this Agreement shall be effective until adopted by the Fall River City Council.

SECTION 16. TOWN BOUNDARIES

The Town agrees to work cooperatively with the City related to any infrastructure (i.e. sewer mains, drains or services) that may cross Town boundaries both in land agreements (i.e. easements) and access for maintenance.

The City agrees to allow the Town at no additional cost other than normal tie-in fees to connect isolated properties located on the border of the City and the Town where existing City sewers have the capacity to accept wastewater from said property and it would be cost prohibitive to extend redundant Town sewer lines to service the property. City permitting and inspection of all work within the City and/or on sewers maintained by the City shall be required.

SECTION 17. MISCELLANEOUS PROVISIONS

FINANCE 3

Section 17.1

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

Section 17.2

This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the parties hereto submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

Section 17.3

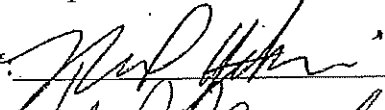
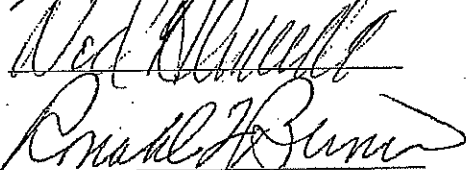
This Agreement, including all documents incorporated herein by reference, constitutes the entire agreement between the parties with respect to the matters described. This Agreement supersedes all prior Agreements, negotiations, and representations, either written or oral, and it shall not be modified except by a written document executed by the parties hereto.

IN WITNESS WHEREOF, the respective parties hereto have caused this Agreement to be signed by them and have affixed their hands and seals on the day and year referred to above written.

CITY OF FALL RIVER

Approved as to form:

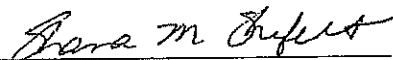
BY: _____
Corporation Counsel


BY: 

Sewer Commission

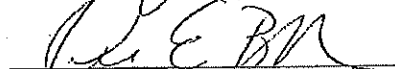
BY: _____
Mayor, City of Fall River

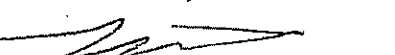
TOWN OF WESTPORT


Board of Selectmen

BY: 
Shana M. Shufelt, Chair


Steven J. Quellette, Vice-Chair


Ann E. Boxler, Clerk


Brian T. Valcourt


Richard W. Brewer

APPENDIX A

FINANCE 3

Calculation of Flows

Unless a variance is authorized by the Director in writing, applicants applying for a sewer extension or connection permit shall use the following figures in calculating daily sewer flow in completing the application:

SEWAGE FLOW ESTIMATES:

<u>Type of Establishment</u>	<u>Gallons per Person per day</u>
Boarding Schools, Colleges	65
Nursing Home and Rest Home	100
School, without cafeteria, gymnasium or showers	10
School, with cafeteria, but not gymnasium or showers	15
School, with cafeteria, gymnasium and showers	20
Swimming Pool	10
Camp, resident - washroom and toilets	25
Camp, resident - mess hall	10
Camp, day - washroom and toilets	10
Camp, day - mess hall	3
Camp Ground - showers and toilets - per site	75
Gymnasium - per spectator	3
Gymnasium - per participant	25
Theater, Auditorium	3
Public Park - toilet wastes only	5
Public Park - bathhouse, showers and flush toilets	10
Factory or Industrial Plant, without cafeteria	15
Factory or Industrial Plant, with cafeteria	20
Work or Construction Camp	50
<u>Gallons per Day</u>	
Single and multiple dwelling units - per bedroom	110
Motels, hotels, boarding houses	250
Tennis Club - per court	100
Bowling Alley - per alley	10
Country Club - dining room - per seat	10
Country Club - snack bar or lunch room - per seat	20
Country Club - locker and showers - per locker	3
Church - per seat	5
Church - vestry/kitchen - per person at capacity	50
Trailer, dump station - per site or per trailer	200
Mobile Home Park - per site	75
Office Building - per 1,000 sq. ft.	5
Dry Goods Stores - per 100 sq. ft.	

FINANCE 3

Drive-in - per stall	5
Non-single family, automatic clothes washer per washing machine	400
Hospital - per bed	200
Service station, excluding thruway - per island	300
Skating Rink - 3,000 gallons per day plus 5 gallons per seat	300
Dog Pounds - Veterinary Clinics - per pen	50

<u>Type of Establishment</u>	<u>Gallons per Seat Or Chair per day</u>
Restaurant, food service establishment, lounge, tavern	35
Restaurant, thruway service area	150
Restaurant, kitchen flow	15
Barber Shop/Beauty Salon per chair	100

WHEREAS, the City of Fall River is working on a Waterfront Redevelopment Plan to promote economic development and the arts, and

WHEREAS, the Gates of the City should continue to showcase the City's Portuguese Heritage and serve as a resource to continue to promote both the waterfront and the arts, and

WHEREAS, the Gates of the City should be outfitted to provide the necessary electrical cabinets capable of handling electrical needs for any event that is held at this location, now therefore

BE IT RESOLVED, that the Administration along with the Director of Community Maintenance be invited to a future meeting of the Committee on Finance to determine an estimated cost of installing a 400 amp (120/240 disconnect) single phase service, with costs to include underground boxes and restoration of all areas within the scope of the project, and

BE IT FURTHER RESOLVED, that the Administration provide a potential funding source for this project.

In City Council, March 5, 2019
Adopted

A true copy. Attest:

Glison M. Bouchard

City Clerk



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

RECEIVED

2019 APR 17 A 11:15

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

April 16, 2019

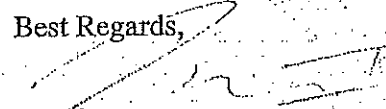
The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Dear Honorable Council Members:

The City is estimating a surplus in the Healthcare account due to savings in the School expense. At this time, I am requesting a transfer of \$1,000,000 from the General Fund - Insurance Appropriation to the General Fund - School Appropriation.

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

April 23, 2019

#1

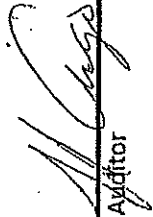
ORDERED:

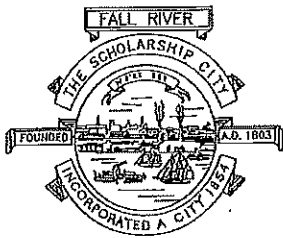
**That the sum of \$1,000,000 be, and the same is, hereby appropriated from the
INSURANCE APPROPRIATION to SCHOOL APPROPRIATION.**

FY19 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
Insurance Appropriation	\$ 40,954,256.00	\$ (1,000,000.00)	\$ 39,954,256.00
School Appropriation	\$ 99,488,595.00	\$ 1,000,000.00	\$ 100,488,595.00

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


 Jennifer Argo, City Auditor
 April 23, 2019



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

2

RECEIVED

2019 APR 17 A 11:15

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

April 17, 2019

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

RE: Library Trustees

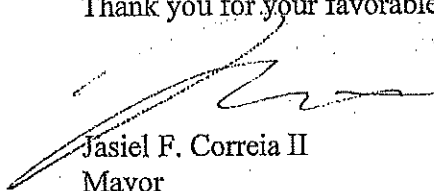
Mr. President and Members of the Honorable Council:

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

Robert Kerr
1099 Ray Street
Fall River, MA 02720

as a member of the Library Trustees, with a term commencing 04/17/2019 and expiring 04/17/2022.

Thank you for your favorable consideration in this regard.


Jasiel F. Correia II
Mayor

2

BOB KERR
1099 Ray Street
Fall River, MA 02720
elliottkerr1099@gmail.com

EDUCATION

University of Michigan, Grosse Point, MI
Hamilton College, Clinton, NY

MILITARY EXPERIENCE

United States Marine Corps, 1967-69

- Served one year in Vietnam as a combat correspondent with the Third Marine Division.

WORK EXPERIENCE

Detroit Free Press, Detroit, MI. Internship. Fall 1969

Charlotte Observer, Charlotte, NC. Sportswriter and reporter, 1969-71

Providence Journal, Providence, RI. Reporter, feature writer and local columnist, 1971-2014

VOLUNTEER WORK

- Fall River YMCA: Board member and volunteer
- Fall River Public Library – ESL volunteer
- Volunteer Transportation Network, VA, Providence: Volunteer driver



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

RECEIVED

3

2019 APR 12 A 10:56

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

April 12, 2019

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

RE: Park Board Ordinance Change

Members of the City Council:

The Board of Park Commissioners has requested a change to local ordinance regarding the approval process for park projects (see attached).

Your review and approval of this proposed ordinance amendment is respectfully requested.

Best Regards,

Jasiel F. Correia II
Mayor



City of Fall River Massachusetts

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

Parks Division

JASIEL F. CORREIA II
Mayor

NANCY SMITH
Parks Manager

March 22, 2019

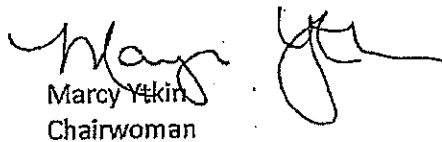
Honorable Mayor Jasiel F. Correia II
City of Fall River
One Government Center
Fall River, Massachusetts 02722

Dear Mayor Correia:

The Board of Park Commissioners voted at their meeting held on March 6, 2019 to request a change to Chapter 54- Section 132 of the Revised Ordinances that refer to "Notice of Proposed Changes in Parks". I have attached a copy of the present ordinance as well as the changes being requested by the Park Board and ask that you forward the same to the City Council for their review and approval.

A favorable action is respectfully requested.

Sincerely,
Board of Park Commissioners


Marcy Ytkin
Chairwoman

cc: City Administrator
City Clerk

450 Middle Street • Fall River, MA 02724
TEL (508) 324-2550 • FAX (508) 324-2553 • EMAIL parks@fallriverma.org

PROPOSED CHANGES

Section 54-132 Notice of Proposed Changes in Parks

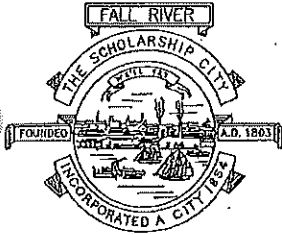
Replace present (a) with the following:

- (a) All projects that propose a "major change" to a public park shall require the approval of the Board of Park Commissioners. The Board of Park Commissioners shall hold a duly posted public meeting that allows the proposed project to be presented to the public and members of the public shall be given an opportunity to comment on the proposal prior to a vote of the Board.

Strike out paragraph (b) in its entirety

Replace present (c) with the following:

For the purpose of this ordinance, the term "major change" shall be defined as a change to the layout, footprint or present use of the park property.



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

4
RECEIVED

2019 APR 17 A 11:15

JASIEL F. CORREIA II
Mayor

CITY CLERK
FALL RIVER, MA

April 16, 2019

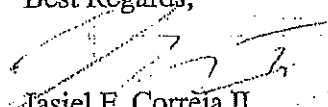
The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Dear Honorable Council Members:

Superintendent Matthew Malone is respectfully requesting that the City appropriate the sum of \$7,426,775 for the purpose of repairs to the Samuel Watson Elementary School. The MSBA as part of the Massachusetts School Building Authority's Accelerated Buildings Repair Program will reimburse the City \$4,180,690. This appropriation is requested in the form of a loan order.

Your approval of appropriation/loan order is respectfully requested.

Best Regards,


Jasiel F. Correia II
Mayor

City of Fall River, *In City Council*

4

LOAN ORDER

(WATSON SCHOOL REPAIRS)

ORDERED: That the City appropriates the amount of Seven Million Four Hundred Twenty-six Thousand and Seven Hundred Seventy-five Dollars (\$7,426,775) for the purpose of paying costs for the replacement windows, doors, roof replacement, boiler and fire suppression system at the Samuel Watson Elementary School, located at 935 Eastern Avenue in Fall River, including the payment of all other costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Fall River School Building Committee. To meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under M.G.L. c. 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the City incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the City; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA, and,

BE IT FURTHER ORDERED: That any premiums received by the City upon the sale of any bonds or notes approved by this order, may be applied to the payment of costs approved this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, and,

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

CITY OF FALL RIVER

5

To the City Council

Councillors:

The Committee on Finance, at a meeting held on April 11, 2019, unanimously voted to recommend that the accompanying resolution be granted leave to withdraw.

Alison M. Bouchard
City Clerk

City of Fall River, In City Council

5

(Councilor Shawn E. Cadime)

BE IT RESOLVED, that the Administration return to the City Council with an appropriation of \$375,050 from the FY2019 Reserve Account, or alternative account, to the Facilities Maintenance account, and

BE IT FURTHER RESOLVED, that a discussion be held at the next meeting of the Committee on Finance, with the Director of Facilities Maintenance participating in the discussion.

In City Council, February 5, 2019
Adopted, as amended

A true copy. Attest:

Alison M. Bouchard

City Clerk

*Tabler
2-18-19
GCM
4-11-19*

City of Fall River, *In City Council*

7

ORDERED, that the City Council Committee on Finance meetings and regular meetings of the City Council scheduled for the following dates:

Tuesday, June 11

Tuesday, September 3

Tuesday, September 17

are hereby cancelled and rescheduled to the following dates:

Tuesday, June 4

Tuesday, September 10

Tuesday, September 24



City of Fall River
Notice of Claim

RECEIVED

2019 APR 10 P 2:38

CITY CLERK
FALL RIVER, MA

#19-45

1. Claimant's name: Redson Francisco Cotinho
2. Claimant's complete address: 265 Rodman ST FALL RIVER MA
3. Telephone number: Home: 5088375585 Work:
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
SLIP ON A PUBLIC SIDE WALK.
5. Date and time of accident: 2-28-19 Amount of damages claimed: \$ 5,000
6. Exact location of the incident: (include as much detail as possible):
262 Rodman ST FALL RIVER MA.
7. Circumstances of the incident: (attach additional pages if necessary):
BROKEN LEG.
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: 4-10-19

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

DCM

Date: 4/10/19



10
RECEIVED

2019 APR 11 P 1:15

City of Fall River
Notice of Claim

CITY CLERK #19-46
FALL RIVER, MA

1. Claimant's name: Cynthia Silva / The Norfolk & Dedham Group
2. Claimant's complete address: 222 Ames St.
3. Telephone number: Home: 800-688-1825 ext1272 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
School bus hit parked vehicle
5. Date and time of accident: 11/07/2018 11:05 AM Amount of damages claimed: \$ 948.67
6. Exact location of the incident: (include as much detail as possible):
Parking lot 101 Fountain St. Fall River
7. Circumstances of the Incident: (attach additional pages if necessary):
Insureds vehicle was parked and school bus #68 plate # 21396 sideswiped the vehicle
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☒ Yes ☐ No

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

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

Date: 4/8/19

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

1 FRPS

Date: 4/11/19

#1 of 7

RECEIVED

2019 APR -5 P 3:35

CITY CLERK #19-47
FALL RIVER, MA

City of Fall River
Notice of Claim

1. Claimant's name: GERALD McHUGH
2. Claimant's complete address: 88 MOUNT ST FIECHBURG MA 01420-6142
3. Telephone number: Home: 928-342-6922 Work: RETIRED
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
DAMAGE FROM POT HOLE RIGHT FRONT TIRE & RIM
5. Date and time of accident: 3/19/2019 ABOUT 10:15 AM Amount of damages claimed: \$ 441.95
6. Exact location of the incident: (include as much detail as possible):
JUST BEFORE ENTRANCE TO SOUTH COAST MALL ON WILLIAM SCANNING BLVD. ABOUT 1/2 COR LANE
7. Circumstances of the incident: (attach additional pages if necessary):

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: MARCH 31/2019

Claimant's signature: Gerald McHugh

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 ☒ DCM

Date: 4/11/19



City of Fall River
Notice of Claim

10
RECEIVED

2019 APR 12 P 4:13

19-48
CITY CLERK
FALL RIVER, MA

1. Claimant's name: Richard Ballou
2. Claimant's complete address: 50 ANDERSON ST Fall River
3. Telephone number: Home: N/A Work: 774-930-7974
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
DAMAGE TO VEHICLE FROM POT HOLE
5. Date and time of accident: 3-17-2019 1:00 PM Amount of damages claimed: \$ 1,098.78
6. Exact location of the incident: (include as much detail as possible):
SOUTH SIDE OF WARREN ST heading west after Reeves ST
7. Circumstances of the incident: (attach additional pages if necessary):
DRIVING WEST ON WARREN ST WHEN HIT THE pothole The curb bent Rim Rued Tire and The Rack. Replaced Tire Rim. TIm S sensor And Had 4 wheel Alignment Thinking That was it but The Rack and Pinion is bent and Need Replaced
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: 4-10-2019

Claimant's signature: Richard Ballou

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

Date: 4/12/19



10

RECEIVED

City of Fall River
Notice of Claim

2019 APR 16 A 9:11

CITY CLERK 19-49
FALL RIVER, MA

1. Claimant's name: Manuel Menezes
2. Claimant's complete address: 327 William Street Fall River MA 02721
3. Telephone number: Home: 508-933-0410 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto / suspension damage
5. Date and time of accident: 4/6/19 8:30pm Amount of damages claimed: \$ 816.82
6. Exact location of the incident: (include as much detail as possible):
Hunter Street
7. Circumstances of the incident: (attach additional pages if necessary):
On my way home from coming from the super market it was dark out and I did not see nor ^{could} avoid the big pot hole in the street which caused this damage to my vehicle.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 4/16/2019

Claimant's signature: Manuel Menezes

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:		DCM	Date: <u>4/16/2019</u>
Copies forwarded to: <input type="checkbox"/> City Clerk <input type="checkbox"/> Law <input type="checkbox"/> City Council <input checked="" type="checkbox"/> City Administrator <input type="checkbox"/> Engineering			



10

RECEIVED

City of Fall River
Notice of Claim

2019 APR 16 P 4: 28

CITY CLERK 19-50
FALL RIVER, MA

1. Claimant's name: Collin Dias
2. Claimant's complete address: 560 Ray Street, Fall River, MA, 02720
3. Telephone number: Home: 774 707 6790 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Car Damage from Pothole
5. Date and time of accident: 4/12/19 12:00 PM Amount of damages claimed: \$ 47
6. Exact location of the incident: (include as much detail as possible):
North Main Street, Near Clinton Street
7. Circumstances of the incident: (attach additional pages if necessary):
I was driving south on North Main Street, I then hit a pothole then I heard a large bang. My dashboard then told me I had low tire pressure. I then parked on the side of a road above the pothole on North Main Street. I saw my tire was flat and destroyed. I then had then bought a new tire for my vehicle.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 4/16/19 Claimant's signature: Collin Dias

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

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

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

For official use only:

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

Date: 4/16/19

12

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, March 5, 2019 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 7:28 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. Transfer and appropriation: req. to appropriate \$51,018.75 to EMS Capital from EMS Stabilization Fund

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

2. Mayor requesting confirmation of appointment of Susan Cote to Cultural Council
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was voted 8 yeas, 1 nay to confirm the appointment, with Councilor Shawn E. Cadime voting in the negative.

3. Mayor and order authorizing Intermunicipal Agreement for wastewater treatment services with Town of Westport

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 Finance.

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS

Committee on Finance recommending:

Referral to the Committee on Public Works and Transportation:

4. Order – CPA funds for Historic Resources Preservation Projects (Fall River Public Library)
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the matter to the Committee on Public Works and Transportation.

12

Committee on Public Safety recommending:

Grant leave to withdraw:

5. Resolution – Hospitalization of police officers due to malfunction in cruisers
Council President Cliff Ponte asked Councilor Bradford L. Kilby to provide an update on this matter. Councilor Bradford L. Kilby stated that the Chief of Police mentioned that various police cruisers were recalled and all the repairs have been completed. He also stated that the police officer that was hospitalized has returned to work. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted that the resolution be granted leave to withdraw.

6. Resolution – Methods to increase police presence for public safety
On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted that the resolution be granted leave to withdraw.

Committee on Real Estate recommending:

Adoption:

7. Order – easement for Eric J. and Carol A. LePage on south side of 439 Martine Street
On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order. Councilor Bradford L. Kilby stated that he inquired if there was any intrusion to the Alfred J. Lima Quequechan River Rail Trail and it does not.
Approved, March 6, 2019, Mayor Jasiel F. Correia II

8. Order – Land transfer at Sykes Road, Lot Z-4-8
On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order.
Approved, March 6, 2019, Mayor Jasiel F. Correia II

9. Order – Land transfer at Currant Road, Lot Z-3-132
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order.
Approved, March 6, 2019, Mayor Jasiel F. Correia II

ORDINANCES – None

RESOLUTIONS

10. Request that Administration provide information and potential funding to provide electrical cabinets to handle electrical needs at the Gates of the City
Councilor Shawn E. Cadime requested support of this resolution to improve this area, which is used for many public events. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the resolution.

11. Committee on Ordinances and Legislation discuss establishment of an ordinance to require ratification of constable applications by the City Council
Councilor Shawn E. Cadime stated that at the last meeting, the Council heard from an individual regarding appointments of constables and hopefully this matter will be discussed further in the Committee on Ordinances and Legislation. Councilor Bradford L. Kilby stated that "hopefully we can cure an injustice". On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the resolution.

- 12
12. Committee on Ordinances and Legislation discuss establishment of an ordinance requiring all collective bargaining agreements include cost analysis
Councilor Stephen R. Long feels this is micro managing and over stepping City Council boundaries. Councilor Shawn E. Cadime stated that he does not believe that requesting the costs that are associated with a collective bargaining agreement is micro managing. Councilor Joseph D. Camara stated that he does not see the need to have the Director of Financial Services involved in negotiating contracts. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 3 nays to adopt the resolution, with Councilors Joseph D. Camara, Steven A. Camara and Stephen R. Long voting in the negative.

CITATIONS – None

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

13. Police Chief's report on licenses:

Taxicab Drivers:

Edward Borges	Michael Bravo	Jennifer A. Coelho
Steven Howance	Beau Rapoza	Laura Rodriguez
Muhammad Shabbir	Ashley Smith	Frederick Zawerucka

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order.

COMMUNICATIONS – INVITATIONS – PETITIONS

14. Claims

On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the claims to Corporation Counsel.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to take items #15 through #17 together.

15. Assistant Attorney General/Division of Open Government decision re: OML complaint from Patrick Higgins for June 25, 2018 meeting of City Council Committee on Public Works and Transportation
16. Assistant Attorney General Division of Open Government decision re: OML complaint from Patrick Higgins for June 26, 2018 meeting of City Council Committee on Economic Development and Tourism
17. Assistant Attorney General Division of Open Government decision re: OML complaint from Patrick Higgins for June 26, 2018 meeting of City Council

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that items #15 through #17 be accepted and placed on file.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to take items #18 through #20 together.

City Council Meeting Minutes:

18. Regular Meeting – January 22, 2019
19. Committee on Finance – February 5, 2019
20. Public Hearings – February 19, 2019

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted that items #18 through #20 be approved.

12

OTHER POTENTIAL MATTERS

3a. Mayor and order re: collective bargaining agreement for AFSCME Council 93
On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to lift the matter from the table. Councilor Leo O. Pelletier stated that he will be supporting the collective bargaining agreement. Councilor Bradford L. Kilby stated that he will be supporting this matter and apologized for the delay. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was voted 8 yeas, 1 nay to adopt the collective bargaining agreement as negotiated, with Councilor Shawn E. Cadime voting in the negative.

Approved, March 6, 2019, Mayor Jasiel F. Correia II

Committee on Ordinances and Legislation (pending recommendation):

9a. Proposed Ordinance – Traffic, handicapped parking

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was voted 9 yeas to adopt an Emergency Preamble. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to pass the proposed ordinance through first reading, second reading, passed to be enrolled and passed to be ordained.

Approved, March 6, 2019, Mayor Jasiel F. Correia II

9b. Proposed Ordinance – Traffic, miscellaneous (Stop Signs)

On a motion made by Councilor Stephen R. Long and seconded by Councilor Steven A. Camara, it was voted 9 yeas to adopt an Emergency Preamble. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to pass the proposed ordinance through first reading, second reading, passed to be enrolled and passed to be ordained, as amended.

Approved, March 6, 2019, Mayor Jasiel F. Correia II

9c. Proposed Ordinance – Traffic, miscellaneous

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to pass the proposed ordinance through first reading, as amended.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to adjourn at 8:05 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:

Alison M Bouchard

City Clerk

COMMITTEE ON FINANCE

MEETING: Tuesday, March 5, 2019 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 and Derek R. Viveiros

ABSENT: None

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services
Scott Taveira, Representative, AFSCME 93
8 Crooks Way, Mattapoisett, MA
Terrance J. Sullivan, Administrator of Community Utilities

The chair called the meeting to order at 6:13 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

2. Transfer and appropriation: req. to appropriate \$51,018.75 to EMS Capital from EMS Stabilization Fund
Councilor Shawn E. Cadime asked if the EMS Stabilization Fund was still on track to be sustainable. The Director of Financial Services stated that she anticipates that there will be an increase in free cash certified this year in this account.
3. Collective bargaining agreement for AFSCME Council 93
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to lift the matter from the table. The Director of Financial Services stated after the last City Council meeting the Financial Team worked to define the cost of the collective bargaining agreement for AFSCME Council 93. She then stated the cost in the first year is approximately \$374,000, the second year is approximately \$405,000 and the third year is approximately \$242,000, which includes step increases and the assumption that we would still have the same workforce for a total cost of approximately \$1 million dollars.

She then stated that in the Signal Division the increase will be \$138,000, which will create a shortfall of approximately \$111,000 which is part of the public safety budgets. She also stated that some of the increases are due to upgrades, as some departments are unable to fill vacancies and maintain qualified employees. The City Administrator stated that in the Signal Division there had been a 33% turnover of employees in two years and as this is part of public safety, this is not a good situation. She also stated that the pay equity in some departments needed to be addressed, as a laborer working in the parks and cemeteries department earned \$13.34 per hour and a laborer working in the Department of Community Maintenance earned \$17.34 per hour for performing the same basic job.

Council President Cliff Ponte questioned if there have been any changes to language regarding discipline. The City Administrator stated that there have not been any changes since the submission of the contract to the City Council. She then stated that the language is much improved over the previous contract. Additionally, she has discussed the matter with Corporation Counsel and he is confident that the language is appropriate.

Councilor Leo O. Pelletier asked the City Administrator how many employees are classified as an 8A. The City Administrator stated not very many, but I do not have that exact number.

Councilor Leo O. Pelletier then stated that he is disappointed that the mail clerk has been employed by the City of Fall River for over 20 years and she is still classified as an 8A. The City Administrator stated that in order to upgrade positions, there is usually an increase in duties. Councilor Leo O. Pelletier then asked what the changes are regarding overtime in the AFSCME Contract. He went on to state that the Health Inspectors that are on call, previously was paid for a minimum of four hours at time and one half. In this new agreement they stated that they will only receive overtime pay for the number of hours worked and no longer will they receive a minimum of four hours pay for being on call.

Councilor Leo O. Pelletier then stated that some of these inspectors may no longer want to be on call to perform needed inspections on the weekend, as they have lost money in their salaries. The City Administrator stated that during negotiations there was a restructure of overtime guidelines, because a great many employees only receive overtime pay for the number of overtime hours that are worked. This was unequal to the few employees that receive a minimum of four hours overtime pay, even if the employee works for one hour. Councilor Leo O. Pelletier then asked if a maintenance worker is called into the Government Center for an emergency, what would they be paid. The City Administrator stated that there are two types of overtime now. Any overtime that is prescheduled is only paid on an hour by hour basis. If someone is called to perform overtime duties that are not prescheduled then they would receive the minimum overtime amount of four hours.

Councilor Stephen R. Long asked the City Administrator why some employees receive a one hour unpaid lunch and some receive a 30 minute paid lunch. The City Administrator stated that she was unsure, as this has been the policy for many years. Councilor Stephen R. Long then questioned why stipends are given for so many reasons. The City Administrator stated that employees that are willing to get various licenses and certifications should have some incentives to do so and this improves the skill sets of our employees.

Councilor Stephen R. Long then asked the City Administrator who does not receive a clothing allowance. The City Administrator stated the clerks in Government Center.

Councilor Joseph D. Camara asked about clerks that were moving from department to department. The City Administrator stated that they were referred to as floaters and that was removed from this contract, as the policy was not working very well. She also stated that when clerks moved to another department that they were not trained in, it was found that this was not very helpful, other than answering telephones and taking messages.

Councilor Shawn E. Cadime asked how many employees received a 2% increase in this new contract. The Director of Financial Services stated approximately 125 employees.

Councilor Shawn E. Cadime then asked how many employees are covered by this new contract. The Director of Financial Services stated approximately 205 employees.

Councilor Shawn E. Cadime then asked what the increase was for the employees that did not receive the 2% increase. The Director of Financial Services stated that employees that received upgrades for various reasons varied in amounts up to 9%. Councilor Shawn E. Cadime then asked what the average salary is for a clerk. The Director of Financial Services stated that it ranges from a low of \$34,000 per year to a high of \$60,000 per year. Councilor Shawn E. Cadime asked if a new position has been created in wastewater treatment. The Administrator of Community Utilities stated that watchman attendant has always been a position. The new position is watchman attendant/junior operator. The Administrator of Community Utilities stated that this will allow more flexibility in the department to fill overtime shifts when needed. Councilor Steven A. Camara stated that the City Council is not involved in the negotiation of contracts. Councilor Leo O. Pelletier asked if the floaters were removed from the new contract. The City Administrator stated they have been removed.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn at 7:28 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Cecilia A. Taylor
Clerk of Committees

CITY COUNCIL PUBLIC HEARINGS

MEETING: Thursday, April 11, 2019 at 5:25 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 Lalibert -Lebeau, Stephen R. Long,
Leo O. Pelletier and Derek R. Viveiros

ABSENT: None

IN ATTENDANCE: None

The President called the meeting to order at 5:29 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

Curb Removals

1. Robert Plourde and Carrie Jarabek, 1030 High Street, request the removal of an additional 16 feet of curbing to the existing 23 foot driveway opening on the north side of the property facing President Avenue as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
1030 High Street	23'	16'	0'	39'
	(President Avenue)	(High Street)		

The petitioners would like to add a new driveway opening on High Street, on the south side of their house, beginning at the existing driveway opening serving 1018 High Street and running 16 feet north, to improve off-street parking access.

The proposed work improves access to the property. The location of the garage facing President Avenue prevents parking cars at the driveway unless the vehicles are in the garage. One on-street parking space would be eliminated in an area with high on-street parking utilization.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and no one came forward. The President then directed the opponents to be heard and there were no opponents. Councilor Steven A. Camara stated that a letter of objection was submitted and the City Clerk stated that a copy was placed on each Councilor's desk. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to close the hearing.

2. John Vincent c/o Michael McHenry, 763 Oak Grove Avenue, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
763 Oak Grove Ave. (Oak Grove Ave.) (Bond Street)	12' 6"	19'	0'	31' 6"

The petitioners would like to remove the curbing at an existing paved driveway on Bond Street, on the north side of their multi-family residence that also has an existing driveway opening on the west side of the property facing Oak Grove Avenue. The curb removal would correct the existing condition, wherein residents are driving over the exposed curb. The proposed work improves legal access to the property. On-street parking is not significantly affected by the curb removal.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and no one came forward. The City Clerk stated that a letter was received from an abutting neighbor in support of this curb removal. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to close the hearing.

3. Carl R. Machado, Trustee, 205 High Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
57 Oak Street	12'	12'	0'	24'

The petitioner has an existing 12 foot driveway opening on the north side of the property facing Bank Street and would like to extend the driveway an additional 12 feet to the west, to improve off-street parking access and provide two additional off-street parking spaces. The proposed work improves access to the property and does not cause a significant adverse effect on on-street parking in the area.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and no one came forward. 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.

Second Hand Article Store

4. Wayne Confoey d/b/a Cash for Gold, 745 Broadway, Fall River, MA 02724 for permission to operate and maintain a second hand article store located at 1503 Pleasant Street (precious metals to be sold.)

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and no one came forward. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to close the hearing.

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Storage Licenses

5. Colbea Enterprises, LLC, 2050 Plainfield Pike, Cranston, RI for permission to store 24,000 gallons of unleaded/super gasoline and 6,000 gallons of diesel fuel, for a total of 30,000 gallons underground; a decrease of 2,000 gallons at 372 Plymouth Avenue on Lot I-19-10, Assessors Plan.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and no one came forward. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Stephen R. Long, it was unanimously voted to close the hearing.

6. Christy's Realty Limited Partnership c/o Olde Northeast Realty, LLC, 22 Christy's Drive, Suite 4, Brockton, MA for permission to store 25,000 gallons of gasoline and 5,000 gallons of diesel fuel, for a total of 30,000 gallons underground at 340 Milliken Boulevard on Lot N-25-3, Assessors Plan.

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Stephen R. Long, it was unanimously voted that the hearing be opened. The President then directed the proponents to be heard and no one came forward. Councilor Leo O. Pelletier asked if this is for a new gasoline station. The City Clerk stated that this location was previously a gasoline station, but had not operated recently. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to close the hearing.

On a further motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adjourn at 5:36 p.m.

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk

4/16/19

15

To the City Council

I am requesting a hearing
to discuss and reduce and cap the number
of Tobacco Licenses in the City of Fall River MA.

John C Bourassa

GLASSBORO TAIL
1099 Park St
FR MA 02723
5086736555

RECEIVED
2019 APR 16 A 10:00
FALL RIVER, MA

4/16/19

16

To the City Council

I am requesting a hearing
to discuss and cap Pot Shop Licensing
in Fall River MA.

John Bourassa

GLASSBORO TX
1099 Bedford St
Fall River MA 02723
508.673.6555

RECEIVED
2019 APR 16 A 10:00
FALL RIVER, MA

17

City Council

From: Abel Perez <ableperez@yahoo.com>
Sent: Wednesday, April 17, 2019 9:08 PM
To: City Council
Subject: [EXTERNAL] Srta Bus Service from Fall River to Boston Hospitals.

Dear City Council Members:

I am submitting the concerns listed below with the hope that it put on the City Council agenda on Tuesday, April 23.

I would like to share with you a dilemma facing medical patients in finding transportation from the South Coast area to Boston medical facilities. I am a stage 4 cancer patient receiving treatment at Dana - Farber. I travel to Boston 1- 4 times a month as needed for treatments. I have metastatic lung cancer. Cancer in the right lung, lymph nodes, and brain tumor. My travel expenses utilizing the Peter Pan bus from Fall River to Boston and Boston taxi to the hospitals range \$125 - 375 a month. This month so far I have spent \$375 total on transportation expenses to Boston hospitals (Dana - Farber and Brigham & Women). I am disabled on a fixed income. No doubt there are other patients in a similar situation. Here's what I want to point out, Srta bus has one bus that leaves Fall River from Cash Street at 10 a.m. Thursday to Boston. The bus arrives in Boston at 10 a.m. and leaves to Fall River at 2 p.m., a 4-hour span for the patient to complete all necessary medical appointments. I once arrived in Boston and missed my appointment because the bus driver felt I would not complete my appointment before 2. To top it off, the Cash Street location where the patients are picked up and dropped off has no shelter to take cover in inclement weather and no public restrooms. Why isn't this service provided at the main bus terminal in Fall River where there are shelter and restrooms? Furthermore, I inquired into the states Ride program and was told Ride does not provide service to the South Coast. I consider this a travesty that needs to be addressed. The public needs to be made aware of it and the issues addressed. Can you help by bringing attention to it?

Sincerely,
Abel Perez

Sent from Yahoo Mail on Android