



City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

SPECIAL MEETING OF THE CITY COUNCIL

MEETING: Monday, August 12, 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, Pam Laliberte-Lebeau,
Stephen R. Long, Leo O. Pelletier and Derek R. Viveiros

ABSENT: Councilor Bradford L. Kilby

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

President Cliff Ponte called the meeting to order at 9:14 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 resolution re: Massachusetts Commercial Property Assessed Clean Energy Program (PACE Massachusetts)
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the resolution, with Councilor Bradford L. Kilby absent and not voting.
Approved, August 15, 2019, Mayor Jasiel F. Correia II
2. Mayor and order appropriating \$1,000,000 from Employer Trust Fund (FY19) to General Fund - School Appropriation
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 3 yeas, 5 nays to table the matter, with Councilors Shawn E. Cadime, Pam Laliberte-Lebeau and Cliff Ponte voting in the affirmative and Councilor Bradford L. Kilby absent and not voting and the motion failed to carry. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to waive the rules to allow the City Administrator and the Director of Financial Services answer questions, with Councilor Bradford L. Kilby absent and not voting. The Director of Financial Services stated that this money is being transferred from the employer trust to the School Department. She then stated that this is a surplus in the healthcare account due to savings in the School Department. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting.

3. Mayor and order appropriating \$2,226,067 from Final Cherry Sheet State Aid to School Appropriation - \$2,697,853 and State County Assessment - (\$468,768)
On a motion made by Councilor Steven A. Camara and seconded by Councilor Joseph D. Camara, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting.
4. Mayor and loan order for \$6,088,821 for repair work at Resiliency Preparatory Academy
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to authorize the loan order to be published and referred to the Committee on Finance, with Councilor Bradford L. Kilby absent and not voting.
5. Mayor and loan order for \$1,704,637 for repair work at Westall a/k/a Stone PK-12 School
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to authorize the loan order to be published and referred to the Committee on Finance, with Councilor Bradford L. Kilby absent and not voting.
6. Mayor requesting confirmation of appointment of Paul Ferland as Administrator of Community Utilities
On a motion made by Councilor Stephen R. Long and seconded by Councilor Steven A. Camara, it was voted 7 yeas, 1 nay to confirm the appointment, with Councilor Shawn E. Cadime voting in the negative and Councilor Bradford L. Kilby absent and not voting.
7. Mayor requesting confirmation of appointment of Rajiv Nehra, D.C. to Greater Fall River Vocational School District Committee
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to confirm the appointment, with Councilor Bradford L. Kilby absent and not voting.
8. Mayor requesting confirmation of appointment of Michael J. Roberts to Board of Park Commissioners
The City Clerk stated that she was informed by Michael Roberts that his residence is in Little Compton, Rhode Island. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was voted 8 yeas to grant the appointment leave to withdraw, with Councilor Bradford L. Kilby absent and not voting.
9. Mayor and amended order for gift of \$100.00 from St. Luke's Episcopal Church to the Opioid Task Force.
On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting. Councilor Steven A. Camara requested that a letter of thanks be sent to the Reverend Susan Lee at St. Luke's Episcopal Church.

PRIORITY COMMUNICATIONS

10. Board of Election Commissioners and warrant for Preliminary Election on September 17, 2019 and Municipal Election on November 5, 2019
On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting. Approved, August 15, 2019, Mayor Jasiel F. Correia II

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

12. Council President requests for residency waivers for Bedford Street Streetscapes
Oversight Committee members
a. Michael Benevides
b. Atty. Arthur D. Frank Jr.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve both waivers, with Councilor Bradford L. Kilby absent and not voting.

13. Fall River Task Force Revised Draft for City Council consideration
On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to table the matter and refer the draft to Corporation Counsel to review the language, with Councilor Bradford L. Kilby absent and not voting.

COMMITTEE REPORTS

Committee on Real Estate recommending:

Grant leave to withdraw:

14. Communication – City resident requesting purchase of land adjacent to 66 Lake Avenue
On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the communication be granted leave to withdraw, with Councilor Bradford L. Kilby absent and not voting.

15. Communication and order – Appropriation of \$160,000 to Maplewood Park Acquisition
Capital Fund

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that the communication be granted leave to withdraw, with Councilor Bradford L. Kilby absent and not voting.

Committee on Health and Environmental Affairs recommending:

Action:

16. Resolution – Request draft of ordinance by Committee on Ordinances and Legislation re: thin film single-use check-out bags

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

ORDINANCES

Second reading and enrollment:

17. Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, with Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilor Bradford L. Kilby absent and not voting.

Approved, August 15, 2019, Mayor Jasiel F. Correia II

Second reading and enrollment as amended:

18. Proposed Ordinance – Personnel, salary schedule for non-union positions – Parking Clerk/Director of Traffic and Parking

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, as amended, with Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilor Bradford L. Kilby absent and not voting.

Approved, August 15, 2019, Mayor Jasiel F. Correia II

19. Proposed Ordinance – Personnel, salary schedule for non-union positions – Commissioner of Recreational Facilities/Director of Recreational Facilities

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, as amended with, Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was unanimously voted that the proposed ordinance be passed to be ordained, as amended, with Councilor Bradford L. Kilby absent and not voting.

Approved, August 15, 2019, Mayor Jasiel F. Correia II

20. Proposed Ordinance – Marijuana Facilities and Licenses

Councilor Leo O. Pelletier stated that he was looking to limit the number of licenses to eight but the proposed ordinance was amended to eleven. He also stated that there are 14 letters of non-opposition that have been issued by the Mayor. Councilor Steven A. Camara stated that he would like to apologize for his comments about the Committee on Ordinances and Legislation Meeting. He also stated that the subcommittees work very hard and spend lots of time on various matters. He then stated that it just seemed like everyone at the table was discussing different issues regarding this proposed ordinance and he feels that this is a solution to something that is not a problem. On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 5 yeas, 2 nays to pass the proposed ordinance through second reading and enrollment, as amended, with Councilors Steven A. Camara and Derek R. Viveiros voting in the negative and Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Leo O. Pelletier, it was voted 5 yeas, 2 nays that the proposed ordinance be passed to be ordained, as amended, with Councilors Steven A. Camara and Derek R. Viveiros voting in the negative and Councilor Bradford L. Kilby absent and not voting.

Vetoed, August 23, 2019, Mayor Jasiel F. Correia II

RESOLUTIONS

21. Request that Board of Park Commissioners review and update rules and regulations for use of city parks for events

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

CITATIONS – None

ORDERS – HEARINGS

Underground Conduit:

22. Pocasset Street

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting.
Approved, August 15, 2019, Mayor Jasiel F. Correia II*

ORDERS – MISCELLANEOUS

23. Police Chief's report on licenses:

Taxicab Drivers:

Erick Almond Jean P. Charlot Marwane El Berhmi Michael V. Friedlander
April Hampson Desiree Ouellette

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

24. Auto Repair Shop License Renewals:

Kenneth Rapoza, J.R.'s Superlube, Inc. located at 155 Milliken Blvd.
Kenneth Rapoza, J.R.'s Superlube, Inc. located at 334 Rhode Island Avenue
Pedro Albergaria, Pete's Auto Repair LLC located at 1058 Slade Street

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting.
Approved, August 15, 2019, Mayor Jasiel F. Correia II*

COMMUNICATIONS – INVITATIONS – PETITIONS

25. Claims

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to refer the claims to Corporation Counsel, with Councilor Bradford L. Kilby absent and not voting.

26. Complaint from Collin Dias re: board and commission vacancies

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the complaint to Corporation Counsel, with Councilor Bradford L. Kilby absent and not voting.

27. Drainlayer Licenses:

- a. Cryan Landscape Contractors, Inc.
- b. MJD Excavating, Inc.
- c. J.B. Lanagan & Company, Inc.
- d. T. Ford Company, Inc.

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

Approved, August 15, 2019, Mayor Jasiel F. Correia II

Planning Board Minutes:

28. June 18, 2019

29. July 16, 2019

On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted that items #28 and #29 be accepted and placed on file, with Councilor Bradford L. Kilby absent and not voting.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #30 through #36 together, with Councilor Bradford L. Kilby absent and not voting.

Zoning Board of Appeals Minutes:

30. April 18, 2019

City Council Meeting Minutes:

- 31. Public Hearings – July 15, 2019
- 32. Committee on Finance Meeting – June 19, 2019
- 33. Committee on Finance Meeting – June 20, 2019
- 34. Committee on Finance Meeting – July 15, 2019
- 35. Special Meeting of the City Council – June 20, 2019
- 36. Special Meeting of the City Council – July 15, 2019

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve items #30 through #36, with Councilor Bradford L. Kilby absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to take items #37 through #41 together, with Councilor Bradford L. Kilby absent and not voting.

- 37. Notice of Casualty and Loss at 239 Glasgow Street
- 38. Notice of Casualty and Loss at 275 Hope Street, Apt. 2R
- 39. Notice of Casualty and Loss at 79 North Main Street
- 40. Notice of Casualty and Loss at 239 Glasgow Street
- 41. Town of Burrillville letter of thanks and support

On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted that items #37 through #41 be accepted and placed on file, with Councilor Bradford L. Kilby absent and not voting.

A recess was taken at 9:52 p.m. to have the ordinances signed and the City Council reconvened at 10:00 p.m.

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: AUGUST 12, 2019

COMMITTEE REPORTS

Committee on Finance recommending:

Adoption:

- 16a. City Council withdraw authorization for Streetscapes projects and apply funding for specific road repairs

Councilor Steven A. Camara objected to taking a vote to accept this motion, made by Councilor Shawn E. Cadime, to withdraw authorization for streetscapes projects and apply funding for specific road repairs. In accordance with Section 2-9 (c) of the City Charter, the vote is postponed until the next meeting of the City Council.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn at 10:04 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

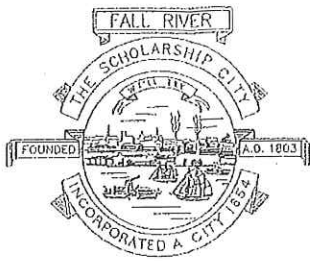
DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk

In City Council, September 10, 2019
Approved



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2019 AUG -9 P 3:19

ORIGINAL POSTING: AUGUST 8, 2019 AT 2:22 P.M. CITY CLERK _____
FALL RIVER, MA

MEETINGS OF THE CITY COUNCIL
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

MONDAY, AUGUST 12, 2019
REVISED AGENDA

5:55 PUBLIC HEARING

Underground Conduit

1. Massachusetts Electric Company for an underground conduit location, as follows:

Pocasset Street

National Grid - install four (4) 5" conduits from manhole 6 and 3 phase switchgear with manhole and protective bollards for switching flexibility and reduction in outage time.

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

1. Citizens Input
2. *Discussion and presentation re: clean energy program - PACE Massachusetts (see item #1 below)
3. *Discussion of Fiscal Year 2019 Quarter 4 Budget Report
4. *Transfers and appropriations (see items #2 and #3 below)
5. *Resolution - discussion with City Engineer re: workmanship on Streetscape project at East Main Street (referred 7-15-19)
6. *Resolution - discussion and review of Streetscape projects at Purchase Street and East Main Street (tabled 6-4-19)
7. *Fall River Task Force Revised Draft for discussion (see item #13 below)

7:00 P.M. SPECIAL 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 resolution re: Massachusetts Commercial Property Assessed Clean Energy Program (PACE Massachusetts)
2. *Mayor and order appropriating \$1,000,000 from Employer Trust Fund (FY19) to General Fund - School Appropriation
3. *Mayor and order appropriating \$2,226,067 from Final Cherry Sheet State Aid to School Appropriation - \$2,697,853 and State County Assessment - (\$468,768)
4. *Mayor and loan order for \$6,088,821 for repair work at Resiliency Preparatory Academy
5. *Mayor and loan order for \$1,704,637 for repair work at Westall a/k/a Stone PK-12 School
6. *Mayor requesting confirmation of appointment of Paul Ferland as Administrator of Community Utilities
7. *Mayor requesting confirmation of appointment of Rajiv Nehra, D.C. to Greater Fall River Vocational School District Committee

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

8. *Mayor requesting confirmation of appointment of Michael J. Roberts to Board of Park Commissioners
9. *Mayor and amended order for gift of \$100.00 from St. Luke's Episcopal Church to the Opioid Task Force.

PRIORITY COMMUNICATIONS

10. *Board of Election Commissioners and warrant for Preliminary Election on September 17, 2019 and Municipal Election on November 5, 2019
11. *Traffic Commission recommending amendments to traffic ordinances
12. *Council President requests for residency waivers for Bedford Street Streetscapes Oversight Committee members
 - a. Michael Benevides
 - b. Atty. Arthur D. Frank Jr.
13. *Fall River Task Force Revised Draft for City Council consideration

COMMITTEE REPORTS

Committee on Real Estate recommending:

Grant leave to withdraw:

14. *Communication – City resident requesting purchase of land adjacent to 66 Lake Avenue
15. *Communication and order – Appropriation of \$160,000 to Maplewood Park Acquisition Capital Fund

Committee on Health and Environmental Affairs recommending:

Action:

16. *Resolution – Request draft of ordinance by Committee on Ordinances and Legislation re: thin film single-use check-out bags

ORDINANCES

Second reading and enrollment:

17. *Proposed Ordinance – Traffic, Miscellaneous

Second reading and enrollment as amended:

18. *Proposed Ordinance – Personnel, salary schedule for non-union positions – Parking Clerk/Director of Traffic and Parking
19. *Proposed Ordinance – Personnel, salary schedule for non-union positions – Commissioner of Recreational Facilities/Director of Recreational Facilities
20. *Proposed Ordinance – Marijuana Facilities and Licenses

RESOLUTIONS

21. *Request that Board of Park Commissioners review and update rules and regulations for use of city parks for events

CITATIONS – None

ORDERS – HEARINGS

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ORDERS – MISCELLANEOUS

23. **Police Chief's report on licenses:**

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COMMUNICATIONS – INVITATIONS – PETITIONS

25. *Claims
26. *Complaint from Collin Dias re: board and commission vacancies

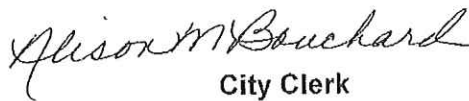
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- Planning Board Minutes:
28. *June 18, 2019
29. *July 16, 2019
Zoning Board of Appeals Minutes:
30. *April 18, 2019

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City Clerk



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2019 AUG -8 P 2:22

MEETINGS OF THE CITY COUNCIL
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
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MONDAY, AUGUST 12, 2019
AGENDA

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5:55 PUBLIC HEARING

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20. *Proposed Ordinance – Marijuana Facilities and Licenses

RESOLUTIONS

21. *Request that Board of Park Commissioners review and update rules and regulations for use of city parks for events

CITATIONS – None

ORDERS – HEARINGS

Underground Conduit:

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ORDERS – MISCELLANEOUS

23. **Police Chief's report on licenses:**

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COMMUNICATIONS – INVITATIONS – PETITIONS

25. *Claims
26. *Open Meeting Law Complaint from Collin Dias re: board and commission vacancies

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City Clerk

(Councilor Leo O. Pelletier)

WHEREAS, the streetscapes project is now complete on East Main Street, and

WHEREAS, the residents of the neighborhood are extremely dissatisfied in the quality of work performed on the roadway, and

WHEREAS, there are approximately 20 areas showing poor workmanship, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the City Engineer and a representative of the company that was awarded the contract to resolve this matter.

In City Council, July 15, 2019
Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk

Streetscapes Invoices As of 7/31/19

Project	Vendor	Invoice #	Capital Project Fund	Utilities	Chp 90	Fund 4019	Total Invoice
E. Main St	BETA	17.05587.01	31,228.75				31,228.75
	BETA	17.05587.02	14,421.25				14,421.25
	BETA	17.05587.03	20,750.00				20,750.00
	BETA	17.05587.04	53,950.00				53,950.00
	BETA	17.05587.05	10,375.00				10,375.00
	BETA	17.05587.06	9,525.00				9,525.00
	BETA	17.05587.07	13,750.00				13,750.00
	BETA	17.05587.08	24,750.00				24,750.00
	BETA	17.05587.09	27,500.00		1,465.00		28,965.00
	BETA	17.05587.10	26,035.00		9,083.00		35,118.00
	BETA	17.05587.11	27,500.00				27,500.00
	BETA	17.05587.12	-		18,752.00		18,752.00
	BETA	17.05587.13	-			22,925.00	22,925.00
	Bisko	IFB 18-26-1	42,512.50	271,947.00			314,459.50
	Bisko	IFB 18-26-2	205,340.54	714,593.00			919,933.54
	Bisko	IFB 18-26-3	123,164.20	267,550.19			390,714.39
	Bisko	IFB 18-26-4	760,559.70				760,559.70
	Bisko	IFB 18-26-5	161,267.49				161,267.49
	Bisko	IFB 18-26-6	75,000.00				75,000.00
	Bristol County Sheriff's	8-10-18	550.00				550.00
	Bristol County Sheriff's	9-26-18	625.00				625.00
	Bristol County Sheriff's	10-22-18	550.00				550.00
	Bristol County Sheriff's	9-26-18(2)	625.00				625.00
	Dighton Police Dept	0925188	400.00				400.00
	Fall River Police Dept	18-05-102	5,010.00				5,010.00
	Fall River Police Dept	18-06-024	5,800.00				5,800.00
	Fall River Police Dept	18-06-054	6,725.00				6,725.00
	Fall River Police Dept	18-06-082	2,650.00				2,650.00
	Fall River Police Dept	18-07-030	5,600.00				5,600.00
	Fall River Police Dept	18-07-055	2,025.00				2,025.00
	Fall River Police Dept	18-07-091A	5,900.00				5,900.00
	Fall River Police Dept	18-07-121A	4,600.00				4,600.00
	Fall River Police Dept	18-07-148	4,300.00				4,300.00
	Fall River Police Dept	18-07-178	6,025.00				6,025.00
	Fall River Police Dept	18-08-064	3,325.00				3,325.00
	Fall River Police Dept	18-08-136	2,375.00				2,375.00
	Fall River Police Dept	18-09-021	1,250.00				1,250.00
	Fall River Police Dept	18-09-047	4,325.00				4,325.00
	Fall River Police Dept	18-09-076	1,250.00				1,250.00
	Fall River Police Dept	18-09-104	1,737.50				1,737.50
	Fall River Police Dept	18-10-023	1,650.00				1,650.00
	Fall River Police Dept	18-10-053	2,575.00				2,575.00
	Fall River Police Dept	18-10-088	550.00				550.00
	Fall River Police Dept	18-10-118	1,825.00				1,825.00
	Fall River Police Dept	18-11-024	4,675.00				4,675.00
	Fall River Police Dept	18-11-093	5,375.00				5,375.00
	Fall River Police Dept	19-07-007	480.00				480.00
	Freetown Police Dept	18-127-DV	1,350.00	550.00			1,900.00
	New Bedford Police	19000911	958.50				958.50
	Rehoboth Police Dept	18-230-DV	400.00				400.00
	Somerset Police Dept	18-140-DV	1,725.00				1,725.00
	Somerset Police Dept	18-154-DV	325.00				325.00
	Somerset Police Dept	18-162-DV	2,375.00				2,375.00
	Somerset Police Dept	18-173-DV	1,350.00				1,350.00
	Somerset Police Dept	18-180-DV	1,300.00	625.00			1,925.00
	Somerset Police Dept	18-212-DV	1,325.00				1,325.00
	Somerset Police Dept	18-224-DV	250.00	875.00			1,125.00
	Somerset Police Dept	18-273-DV	550.00				550.00
	Somerset Police Dept	18-284-DV	625.00				625.00
	Somerset Police Dept	18-302-DV	550.00				550.00
	Somerset Police Dept	18-337-DV	550.00				550.00
	Somerset Police Dept	18-354-DV	1,475.00				1,475.00
	SW Cole	86881	2,815.38				2,815.38
	SW Cole	87367	752.25				752.25
	SW Cole	87613	544.52				544.52
			\$ 1,729,627.58	\$ 1,256,140.19	\$ 29,300.00	\$ 22,925.00	\$ 3,037,992.77
Remaining on PO			\$ 110,522.44	\$ -			
Contract to Install Streetlights (estimate)			\$ 229,898.00				
			\$ 2,070,048.02	\$ 1,256,140.19			
Loan Order			\$ 2,075,000.00				
Additional Budget Remaining			\$ 4,951.98				

City of Fall River, In City Council

FINANCE 6

(Councilor Pam Laliberte-Lebeau)
(Councilor Shawn E. Cadime)

WHEREAS, the streetscape projects are now complete for Purchase Street and East Main Street, and

WHEREAS, there were significant delays and possible cost overruns with both of these projects, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the Administration, Director of Financial Services, City Engineer, Administrator of Community Utilities and the City Planner to review all contracts, change orders, oversight committee recommendations, lists of oversight committee members and dates of oversight committee meetings, and

BE IT FURTHER RESOLVED, that copies of all documents be provided to the City Council as soon as possible for review prior to the meeting of the Committee on Finance.

In City Council, May 14, 2019
Adopted

A true copy. Attest:

Alison M. Bouchard
City Clerk

tabled 5-28-19
tabled 6-4-19

Streetscapes Invoices As of 7/31/19

Project	Vendor	Invoice #	Capital Project Fund	Utilities	Chp 90	Fund 4019	Total Invoice
Purchase St	BETA	16.05368.03	175.00				175.00
	BETA	17.05585.01	53,124.00	6,150.00			59,274.00
	BETA	17.05585.02	26,562.00	2,050.00			28,612.00
	BETA	17.05585.03	39,144.00				39,144.00
	BETA	17.05585.03-SEWER		15,200.00			15,200.00
	BETA	17.05585.04	13,980.00				13,980.00
	BETA	17.05585.05	6,990.00				6,990.00
	BETA	17.05585.06	12,280.16				12,280.16
	BETA	17.05585.07	11,957.81				11,957.81
	BETA	17.05585.08	7,229.94				7,229.94
	BETA	17.05585.09	29,932.89				29,932.89
	BETA	17.05585.10	11,512.65				11,512.65
	IW Harding	2018-155-01		107,807.63			107,807.63
	IW Harding	2018-155-02		357,370.30			357,370.30
	IW Harding	2018-155-03	537,218.90	85,552.75			622,771.65
	IW Harding	2018-155-04R	354,252.58	235,618.97			589,871.55
	IW Harding	2018-155-05R	62,096.31	207,975.44			270,071.75
	IW Harding	2018-155-06	228,148.13				228,148.13
	SW Cole	86880	145.62				145.62
	SW Cole	87366	2,250.01				2,250.01
	Verizon		1,000.00				1,000.00
			\$ 1,398,000.00	\$ 1,017,725.09	\$ -	\$ -	\$ 2,415,725.09
Bank St	BETA	17.05585.11	3,837.55				3,837.55
	BETA	17.05586.01	39,075.50	6,150.00			45,225.50
	BETA	17.05586.02	19,222.63	2,050.00			21,272.63
	BETA	17.05586.03	23,634.37				23,634.37
	BETA	17.05586.04	13,865.50				13,865.50
	BETA	17.05586.05	2,521.00				2,521.00
	BETA	17.05586.06	5,042.00				5,042.00
	BETA	17.05586.07	11,344.50				11,344.50
	BETA	17.05586.08	4,697.95				4,697.95
	BETA	17.05586.09	3,437.45				3,437.45
	BETA	17.05586.10	4,812.43				4,812.43
	BETA	17.05586.11	43,311.87				43,311.87
	BETA	17.05586.12	6,874.90				6,874.90
	BETA	17.05586.13	6,874.90				6,874.90
	Bishop Electric	9062	2,901.00				2,901.00
	IW Harding	2018-155-06	335,686.36	79,509.42			415,195.78
	IW Harding	2018-155-07	125,015.61	104,458.96	220,938.20		450,412.77
	IW Harding	2018-155-08	115,050.15				115,050.15
	IW Harding	2018-155-09	38,885.85				38,885.85
			\$ 806,091.52	\$ 192,168.38	\$ 220,938.20	\$ -	\$ 1,219,198.10
Total Purchase & Bank (includes Chapter 90)			\$ 2,425,029.72	\$ 1,209,893.47			
Remaining on PO			\$ 37,035.59	53,472.67			
			\$ 2,462,065.31	\$ 1,263,366.14			
Loan Order			\$ 2,658,500.00				
Additional Budget Remaining (for Columbia Sq)			\$ 196,434.69				



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

JASIEL F. CORREIA II
Mayor

August 1, 2019

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

RE: Property Assessed Clean Energy Program (PACE)

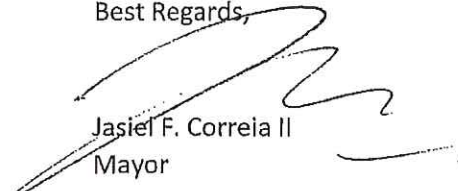
Honorable Council:

Pursuant to M.G.L. c. 23M, the Commonwealth has established a clean energy program designed to provide low cost financing to owners of commercial, industrial and larger multi-family housing doing rehabilitation to achieve energy savings. Through MassDevelopment, owners secure financing through conventional lenders and repayment is achieved through a betterment fee on the property's tax bill. The betterment lien stays with the property, rather than the owner, and the municipality sends the collected sums to a service provider designated by MassDevelopment.

The Program's benefits include increased energy efficiency, automatic loan repayment through the betterment mechanism, zero credit impact to the owner and improvements to community properties in need of rehabilitation. The PACE Program is yet another economic development tool designed to increase energy savings and decrease operating costs for businesses within Fall River.

My administration is prepared to address any questions you may have. Your approval of PACE is respectfully requested.

Best Regards,


Jasiel F. Correia II
Mayor

CITY CLERK
FALL RIVER, MA

2019 AUG - 1 AM 11:04

RECEIVED

City of Fall River, *In City Council*

ORDER Authorizing the City of Fall River to Participate in the Massachusetts Commercial Property Assessed Clean Energy Program (PACE Massachusetts)

WHEREAS, pursuant to M.G.L. c. 23M (the "PACE Act"), the Commonwealth has established a commercial sustainable energy program known as the Massachusetts Property Assessed Clean Energy Program ("PACE Massachusetts") to provide a financing mechanism ("PACE financing") to private owners of commercial and industrial properties for certain qualifying commercial energy improvements ("improvements"); and

WHEREAS, pursuant to the PACE Act, PACE Massachusetts is administered by the Massachusetts Development Finance Agency ("MassDevelopment"), in consultation with the Massachusetts Department of Energy Resources; and

WHEREAS, under PACE Massachusetts, the owner of the commercial or industrial property benefitting from the improvements (the "benefitted property") is required to repay the PACE financing through the payment of a betterment assessment (a "PACE betterment assessment") placed on such benefitted property by the municipality in which the benefitted property is located; and

WHEREAS, in order for an owner of commercial or industrial property to participate in PACE Massachusetts, Section 2 of the PACE Act requires that the municipality in which such property is located must elect to participate in PACE Massachusetts; and

WHEREAS, the City of Fall River (the "Municipality") has determined that it is in the best interest of the Municipality to participate in PACE Massachusetts as a "participating municipality," as provided in the PACE Act, to permit the owners of commercial and industrial properties located in the Municipality to access PACE financing for qualifying commercial energy improvements through PACE Massachusetts;

WHEREAS, NOW THEREFORE, BE IT ORDERED, as follows:

The City Council of the City of Fall River with the approval of the Mayor hereby approves the Municipality participating in PACE Massachusetts pursuant to the PACE Act, and authorizes the Mayor to enter into a PACE Massachusetts Municipal Assessment and Assignment Agreement (the "Agreement") with MassDevelopment, pursuant to which the Municipality will agree to (i) levy PACE betterment assessments and impose PACE betterment assessment liens on benefitted properties located in the Municipality, in the amounts determined by MassDevelopment to be sufficient to repay the PACE financing, (ii) assign the PACE betterment assessment liens to MassDevelopment, which MassDevelopment may in turn assign to the providers of the PACE financing (each a "capital provider"), as collateral for such PACE financing, (iii) include on the property tax bills for the benefitted properties the installment payments necessary to repay the PACE betterment assessments, in the amounts and at the times as determined by MassDevelopment, (iv) collect and pay over to MassDevelopment or its designee, the PACE betterment assessment installment payments, as and when collected, and (v) enforce, to the extent required by the Agreement, the PACE betterment assessments and liens; the Agreement to be substantially in the form presented to this meeting, with such changes, modifications and insertions as the Mayor may approve as being in the best interest of the Municipality. The Collector of the City or such other City agency as may be designated in the Agreement is authorized to levy such PACE betterment assessments and impose the PACE betterment assessment liens on behalf of the City without further authorization by this legislative body.

Notwithstanding any other provision of law to the contrary, officers and officials of the Municipality, including, without limitation, municipal tax assessors and tax collectors, are not personally liable to MassDevelopment or to any other person for claims, of whatever kind or nature, under or related to PACE Massachusetts, including, without limitation, claims for or related to uncollected PACE betterment assessments. Other than fulfillment of the obligations specified in the Agreement, the Municipality has no liability to the owner of the benefitted property or to any capital provider related to the Municipality's participation in PACE Massachusetts.



Property Assessed Clean Energy (PACE) Massachusetts

PACE Massachusetts for commercial buildings is a new mechanism to finance energy improvements, such as energy-efficiency projects, renewables, and gas line extensions, on commercial and industrial properties in Massachusetts. To finance improvements, a property owner agrees to a betterment assessment on their property, which repays the financing. This approach enables owners to undertake more comprehensive energy upgrades with longer payback periods of up to 20 years. At property sale, the lien stays with the property and is transferred to subsequent property owners.

PACE Background

Commercial Property Assessed Clean Energy was passed as part of the energy legislation signed by Governor Baker in August 2016. MassDevelopment and the Massachusetts Department of Energy Resources (DOER) will administer the PACE program. PACE financing will be available in 2018.

PACE Process and Eligibility

- Individual municipalities may opt into PACE one time by a majority vote of the city or town council or the board of selectmen, as appropriate.
- Properties eligible for financing through PACE include:
 - Commercial buildings
 - Industrial buildings
 - Multi-family buildings with five or more units
- Improvements eligible for financing through PACE must be permanently fixed to the property. Eligible improvements include:
 - Energy efficiency upgrades
 - Renewable energy
 - Extension of existing natural gas distribution to a property

To learn more call 800.445.8030 or visit MassDevelopment.com today. MassDevelopment. Way to grow.



— PACE



MASSDEVELOPMENT

Benefits of PACE

- Property owners: Advantageous, non-recourse, upfront, long-term, potentially off balance sheet financing that remains with the property if sold. Capital improvements could reduce operating costs and increase property values.
- Municipalities: Job creation, business growth, and environmental benefits associated with reducing energy consumption.
- Lenders/Mortgage holders: Improved cash flow and reduced credit risk from lower operating costs via financing that cannot be accelerated. Capital improvements could also increase collateral property value.

PACE is an economic development tool for cities and towns across Massachusetts. Energy upgrades create a more competitive environment for attracting and retaining businesses through lower energy costs. **Email pace@massdevelopment.com with your questions.**

MassDevelopment helps cities and towns revitalize, develop, and transform. We offer financing programs and real estate technical assistance services and have the expertise to take on your most challenging projects. **Learn more by calling 800-445-8030 or visit MassDevelopment.com.**

Main Office:

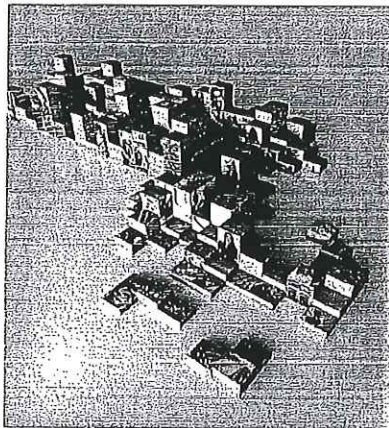
99 High Street, Boston, MA 02110
617-330-2000

To learn more call 800.445.8030 or visit MassDevelopment.com today. MassDevelopment. Way to grow.

Regional offices in: Devens • Fall River • Quincy • Lawrence • Springfield • Worcester



@MassDev



City of Fall River

PACE Massachusetts Program Information

March 2019

MassDevelopment

- Works with businesses, nonprofits, financial institutions, and communities to stimulate economic growth throughout Massachusetts.
- Promotes capital investment and economic development by providing financing and development solutions.
- In FY17, MassDevelopment financed or managed 136 projects generating investment of more than \$3.2 billion in the Massachusetts economy.
- These projects are projected to create more than 5,200 jobs and build or rehabilitate more than 1,300 residential housing units.



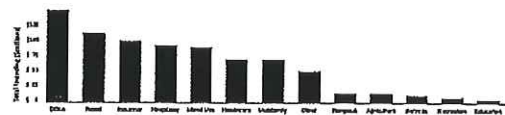
What Is PACE?

- Property Assessed Clean Energy (PACE) is a financing mechanism that enables low-cost, long-term funding for energy improvements
- PACE financing is repaid via a betterment assessment levied on property
- PACE betterment assessments work similar to improvements for public infrastructure that benefit specific properties (i.e. sidewalk or sewer)
- PACE financing is tied to the property, not the property owner.

National Commercial PACE Market

- 20 states (plus DC) have active commercial PACE programs
- 34 states (plus DC) have PACE enabling legislation
- \$756M outstanding for 1,790 commercial projects (as of 11/18)

C-PACE dollars funded by building type



New England Commercial PACE Programs

- Connecticut passed PACE enabling legislation in 2011 and a series of amendments in 2012 and 2015. C-PACE is administered by the Connecticut Green Bank.
- Rhode Island passed PACE enabling legislation in 2016. Rhode Island C-PACE is sponsored by the Rhode Island Infrastructure Bank (SRS is administrator)
- New Hampshire passed PACE enabling legislation in 2016

C-PACE projects by amount financed
BY STATE



PACE in Massachusetts



- Commercial Property Assessed Clean Energy (PACE) was passed in H4568 and signed by Governor Baker
- MassDevelopment will act as Lead Program Administrator
- MassDevelopment will administer the PACE Massachusetts program in consultation with the Massachusetts Department of Energy Resources

Eligible Properties



Property Type (Existing Buildings)	Examples
Commercial/Industrial	<ul style="list-style-type: none"> Office buildings Malls Hotels Restaurants Manufacturers
Not for profit	<ul style="list-style-type: none"> YMCA's Schools Health Care
Multifamily (5 units or more)	<ul style="list-style-type: none"> Apartment complexes

Eligible Measures



Measure Type	Examples
Energy Efficiency	<ul style="list-style-type: none"> Energy management systems Insulation & air sealing HVAC systems Boilers & furnaces Lighting Energy recovery & redistribution systems
Renewable Energy	<ul style="list-style-type: none"> Solar panels Solar hot water Geothermal
Gas Line Extensions	

Key Elements of PACE Massachusetts



- Municipal Opt-in (one time) required
- Maximum financing term allowed by statute is 20 years
- Energy cost savings must exceed cost of improvements (including any financing costs and associated fees)
- Third party direct private financing (no public funds used)

Key Elements of PACE Massachusetts



- Existing mortgage holders must provide written consent to a PACE financing and lien
- Municipal liens are senior to PACE lien. PACE lien is senior to other private mortgage liens in a foreclosure (with consent)
- PACE assessments cannot be accelerated
- If property is sold, the remaining PACE assessment and PACE lien stays with the property and transfers to new owner

Project and Financing Steps



- Property Owner selects lender (before or after project application submission)
- Project Application submitted to MassDevelopment
- Review done by MassDevelopment and DOER
- DOER performs technical review of project energy measures and proposed energy savings
- MassDevelopment
 - Verifies that municipality where project is located has authorized PACE
 - Reviews to ensure required property and financial information has been submitted by applicant
 - Verifies Mortgage holder consent was obtained (if applicable)

Project and Financing Steps



- If application approved, owner proceeds with lender and finalizes project details and financing terms
- MassDevelopment counsel prepares financing documents for closing
- When financing closes:
 - MassDevelopment instructs Municipality to levy PACE betterment assessment and record PACE lien
 - Municipality assigns lien to MassDevelopment
 - MassDevelopment assigns lien to lender

Project and Financing Steps



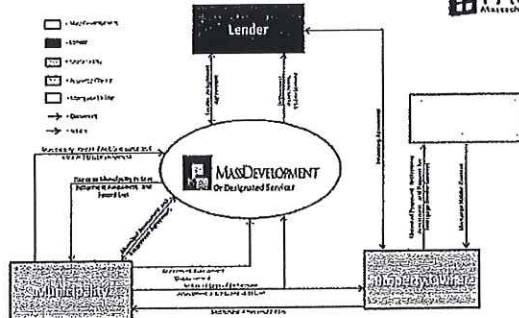
- Municipality responsible for billing and collecting PACE assessments via municipal property tax bill and disbursing only amounts collected to Mass Development's designated servicer
- Once received, the servicer will disburse the PACE assessment funds to each appropriate lender

PACE Authorized Municipalities



- Acton
- Agawam
- Amesbury
- Devens
- Greenfield
- Gardner
- Lexington
- North Adams
- Northampton
- Pittsfield
- Randolph
- Rockland
- Wendell
- West Springfield
- Yarmouth

Commercial PACE Structure





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

2
RECEIVED

2019 AUG -1 P 4:04

**CITY CLERK
FALL RIVER, MA.**

JASIEL F. CORREIA II
Mayor

August 1, 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 Employer Trust Fund 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

August 12, 2019

2

1

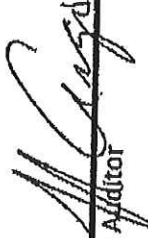
ORDERED:

That the sum of \$1,000,000 be, and the same is, hereby appropriated from the EMPLOYER TRUST FUND (FY19) to SCHOOL APPROPRIATION.

FY20 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
Employer Trust Fund (FY19)	\$ 2,286,837.67	\$ (1,000,000.00)	\$ 1,286,837.67
School Appropriation	\$ 114,516,128.00	\$ 1,000,000.00	\$ 115,516,128.00

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


 Jennifer Argo, City Auditor
 August 12, 2019



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2019 AUG -6 A 11:16

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORRELA II
Mayor

July 31, 2019

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

Dear Honorable Council Members:


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

These appropriations are a result of additional state aid as presented on the final Cherry Sheet approved by the Governor in July 2019. The following appropriations will be made in Fiscal Year 2020:

1. \$2,697,853 That the sum of \$2,697,853 be, and the same is, hereby appropriated to the SCHOOL APPROPRIATION
2. (\$468,768) That the sum of (\$468,768) be, and the same is, hereby appropriated to the STATE AND COUNTY ASSESSMENTS

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

August 12, 2019

3

2

ORDERED:

That the sum of \$2,229,067 be, and the same is, hereby appropriated from the Final Cherry Sheet State Aid for the following:

Revenues:

State Aid (Cherry Sheet)	\$2,163,782
Local Receipts	<u>\$65,285</u>
	\$2,229,067

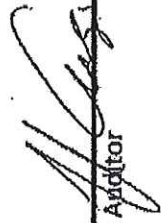
Appropriations:

School Appropriation	\$2,697,853
State & County Assessments	<u>(\$468,786)</u>
	\$2,229,067

FY20 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
State Aid (Cherry Sheet)	\$ 160,867,823.00 \$	2,163,782.00 \$	163,031,605.00
Local Receipts	\$ 22,760,483.00 \$	65,285.00 \$	22,825,768.00
School Appropriation	\$ 115,516,128.00 \$	2,697,853.00 \$	118,213,981.00
State Assessments	\$ 28,866,681.00 \$	(468,786.00) \$	28,397,895.00

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


 Jennifer Argo, City Auditor
 August 12, 2019



City of Fall River
Massachusetts
Office of the Mayor

4
RECEIVED

2019 AUG -7 P 4:20

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

August 7, 2019

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

RE: Resiliency Preparatory Academy MSBA Loan Order

President Ponte:

The Massachusetts School Building Authority (MSBA) has approved repair work at Resiliency Preparatory Academy within the Authority's Accelerated Repair Program. As you are aware, the City is required to approve a Loan Order for the full amount of the Project estimated at \$6,088,821. After reimbursement from MSBA, the City's cost will be an estimated \$1,270,183.

Your approval of this Loan Order is respectfully requested. Should you have any questions, please feel free to contact City or School Administration officials.

Best Regards,

Jasiel F. Correia II
Mayor

FALL RIVER PUBLIC SCHOOLS

"The Scholarship City"

417 Rock Street, Fall River, MA 02720

4

RECEIVED

Matthew H. Malone, Ph.D., Superintendent

2019 AUG -7 P 4:20

CITY CLERK
FALL RIVER, MA

August 8, 2019

The Honorable Jasiel F. Correia II

City of Fall River

1 Government Center

Fall River, MA 02722

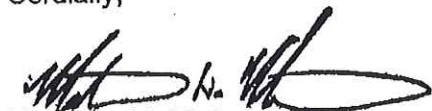
Dear Mayor Correia:

I am attaching herewith, for your consideration and approval, a request through you; to the City Council to appropriate funds to execute Project Funding Agreement for the Resiliency Preparatory Academy and the Stone School at Westall K-12 School. The request to the City is for a combined total of \$7,793,458 of which \$6,153,521 is reimbursable from the Massachusetts School Building Authority's Accelerated Buildings Repair Program Grant. The remaining amount of \$1,639,937 will represent the City portion of this program. This Project Funding Agreement will include repairs and renovations to the Resiliency Preparatory Academy; a Complete Roofing System Replacement, Selective Demolition, miscellaneous Plumbing and Electrical Work and a complete Redundant Boiler installation. The Project Agreement will also include repairs and renovations to the Stone/Westall K--12 School; a Partial Roofing System Replacement, Complete Redundant Boiler installation, miscellaneous Masonry, miscellaneous Electrical and Plumbing Work, and Selective Demolition.

I have included a complete construction summary sheet for each school building.

Thank you in advance for your consideration to this matter.

Cordially,



Matthew H. Malone, Ph.D.

Superintendent of Schools

CITY OF FALL RIVER
LOAN ORDER

(Resiliency Preparatory Academy Repairs)

ORDERED: That the City appropriate the amount of six million eighty eight thousand eight hundred twenty one (\$6,088,821.) Dollars for the purpose of paying costs Roof & Boiler Replacement at the Resiliency Preparatory Academy, including the payment of all 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 Office of the Mayor. To meet this appropriation the Fall River City Council is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the City 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.

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

BE IT FURTHER ORDERED: Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.



City of Fall River
Massachusetts
Office of the Mayor

5
RECEIVED

2019 AUG -7 P 4:20

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

August 7, 2019

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


RE: Westall a/k/a Stone PK-12 School MSBA Loan Order

President Ponte:

The Massachusetts School Building Authority (MSBA) has approved repair work at Westall a/k/a Stone PK-12 School within the Authority's Accelerated Repair Program. As you are aware, the City is required to approve a Loan Order for the full amount of the Project estimated at \$1,704,637. After reimbursement from MSBA, the City's cost will be an estimated \$369,754.

Your approval of this Loan Order is respectfully requested. Should you have any questions, please feel free to contact City or School Administration officials.

Best Regards,



Jasiel F. Correia II
Mayor

FALL RIVER PUBLIC SCHOOLS

"The Scholarship City"

417 Rock Street, Fall River, MA 02720

5

RECEIVED

Matthew H. Malone, Ph.D., Superintendent

2019 AUG -7 P 4:20

CITY CLERK
FALL RIVER, MA

August 8, 2019

The Honorable Jasiel F. Correia II

City of Fall River

1 Government Center

Fall River, MA 02722

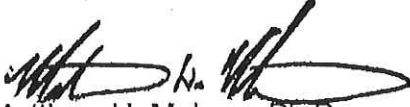
Dear Mayor Correia:

I am attaching herewith, for your consideration and approval, a request through you; to the City Council to appropriate funds to execute Project Funding Agreement for the Resiliency Preparatory Academy and the Stone School at Westall K-12 School. The request to the City is for a combined total of \$7,793,458 of which \$6,153,521 is reimbursable from the Massachusetts School Building Authority's Accelerated Buildings Repair Program Grant. The remaining amount of \$1,639,937 will represent the City portion of this program. This Project Funding Agreement will include repairs and renovations to the Resiliency Preparatory Academy; a Complete Roofing System Replacement, Selective Demolition, miscellaneous Plumbing and Electrical Work and a complete Redundant Boiler installation. The Project Agreement will also include repairs and renovations to the Stone/Westall K--12 School; a Partial Roofing System Replacement, Complete Redundant Boiler installation, miscellaneous Masonry, miscellaneous Electrical and Plumbing Work, and Selective Demolition.

I have included a complete construction summary sheet for each school building.

Thank you in advance for your consideration to this matter.

Cordially,


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

CITY OF FALL RIVER
LOAN ORDER
(Westall School Repair Project)

ORDERED: That the City appropriate the amount of one million seven hundred four thousand six hundred thirty seven (1,704,637.00) Dollars for the purpose of paying costs the Roof & Boiler Replacement at the Westall School, including the payment of all 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 Office of the Mayor. To meet this appropriation the Fall River City Council is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the City 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.

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

BE IT FURTHER ORDERED: Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.



City of Fall River
Massachusetts
Office of the Mayor

JASIEL F. CORREIA II
Mayor

July 25, 2019

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

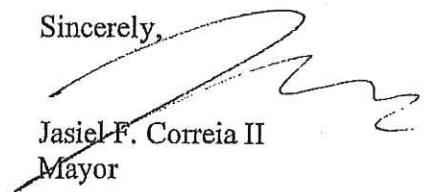
RE: Appointment of Administrator of Community Utilities

Dear Council Members:

Your approval is respectfully requested for the appointment of Paul Ferland as Administrator of Community Utilities effective September 21, 2019 upon the retirement of Terrance Sullivan. The recommended salary is \$107,066.67 per year. Attached for your information is Mr. Sullivan's memo of recommendation to the Water Board and the Sewer Commission including Mr. Ferland's resume. On July 23, 2019 both Boards approved and recommended the appointment of Mr. Ferland.

Please contact me if you have any questions.

Sincerely,


Jasiel F. Correia II
Mayor

CITY CLERK
FALL RIVER, MA

2019 JUL 26 A 10:18

RECEIVED




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

JASIEL F. CORRELA II
Mayor

TERRANCE SULLIVAN
Administrator

TO: Watuppa Water Board and the Sewer Commission

FROM: Terrance Sullivan, Administrator DCU 

DATE: July 15, 2019

RE: Department Transition

My retirement from the Department of Community Utilities is scheduled for September 20, 2019. I thank you for your support over the last 32 years. I believe that we accomplished much. However, as you know in a utility system this large spanning a life from the 1800's and dealing with the continued regulations there is always more to be done.

To plan for a proper transition and comply with the requirements of the new City Charter the following is proposed and recommended.

1. The attached excerpts from the charter identify the requirements and time line for appointment and approval of a new Department Head.
2. I recommend that Paul Ferland be appointed to the position as Administrator of Community Utilities effective September 21, 2019. Paul has worked for our Department since November 19, 2012 both as a Project Manager and Deputy Administrator of Community Utilities. Paul's experience, dedication and knowledge makes him the best person for this position.
3. Paul's resume is attached. His past experience; current experience in our Department; professional licenses and educational background makes him ideal for the position. His dedication to our work is clear. Paul's knowledge of our financial programs; grant/SRF programs; billing processes; personnel matters; permit procedures and construction projects present the requisite experience and knowledge for the position. Paul will, and has, worked around the clock when needed.
4. I recommend that he be appointed to the position at an annual base salary of \$107,066.67.
5. This matter shall be put on the next agenda for each Board for approval.
6. Assuming approval by both Boards the matter will then be submitted to the Mayor with a request to forward to the City Council for approval. I hope to have the matter before the City Council for approval for the August 13, 2019 Council meeting.

Please let me know if you have any questions.

PAUL J. FERLAND, EIT

OBJECTIVE

To obtain the position of Administrator of Community Utilities for the City of Fall River where I can apply my years of knowledge, skills and experience. I would like the opportunity to diversify and strengthen my skills in this rewarding new position which I believe would be the peak of my Career.

SUMMARY OF QUALIFICATIONS

A dedicated, reliable, self-sufficient and professional employee. A resourceful team player with effective communications skills and excellent work ethic. Ability to handle multiple tasks, work independently, and exercise sound judgment. Ability to access, manage and lead others by example in critical situations.

STRENGTHS

- Exemplary Leadership
- Consumer Relations
- Management Skills
- Familiar with Massachusetts SRF funding procedures and Massachusetts DEP grant processes
- Exerts sound judgment during critical circumstances
- Networking and involvement with other industries
- Proficient in Microsoft Office, MUNIS
- Project planning, estimating & organization

CERTIFICATIONS & LICENSURES

- Drinking Water Distribution License Grade 4
- Drinking Water Treatment License Grade 4
- Associate Massachusetts Certified Purchasing Official
- Massachusetts Journeyman Electrician License
- Massachusetts Engineer in Training
- Massachusetts Certified Construction Supervisor
- Massachusetts Real Estate Salesman License
- Hydraulic Operators License 2A
- OSHA 10 Certification and training

- 6
- Massachusetts Title V System Inspector
 - Massachusetts DEP Title V Soil Evaluator

EXPERIENCE

2017-Current Fall River Dept. of Community Utilities Fall River, MA
Deputy Administrator

- FY budget preparation and review
- Debt and bonding management
- Project and day to day operation oversight for water and sewer department
- Oversee regulatory compliance for water and sewer division

2012- 2017 Fall River Dept. of Community Utilities Fall River, MA
Project Manager

- Project budgeting/funding, overseeing of designs and execution of construction
- Oversight and execution of emergency repairs to both water and sewer systems
- Assist in management of day-to-day department operations, including water and sewer treatment, distribution and customer relations
- Evaluation of fiscal year budgeting and rate projections
- Interim City Engineer July-October 2016 City of Fall River

2008 – 2012 MWR Regional Maintenance Newport, RI
Assistant Maintenance Coordinator, Northeast Region

- Coordinate and manage day-to-day operations of construction team
- Execute electrical tasks for pertinent projects

2007-2008 Mark Rego Electric Fall River, MA
Electrical Apprentice

- Worked towards completion of MA electrical license certification
- Performed electrical work ranging from full wiring of new homes to replacement of electrical services in old and rehabbed homes

6

EDUCATION

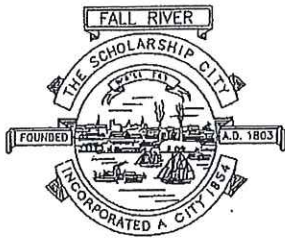
- 2007 University of Massachusetts Dartmouth Dartmouth, MA
- B.S., Civil Engineering
 - Minor in Business
- 2001 Diman Regional Vocational High School Fall River, MA
- Diploma Electricity
 - Participation in both academic course work as well as work in the trade of electricity

AWARDS & RECOGNITIONS

- Boy Scouts of America Eagle Scout Award
- Diman Regional School Committee Award for Outstanding Vocational Student
- 2018 Rhode Island ACEC Bronze Design Award for the "Globe Street Sewer Project"

AFFILIATION

- NEWWA Information Technologies Board
- Diman Regional Voc. Tech. Electrical Advisory Committee
- Durfee High School Environmental Technologies Advisory Committee



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

JASIEL F. CORREIA II
Mayor

July 25, 2019

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

RE: Greater Fall River Vocational School District Committee

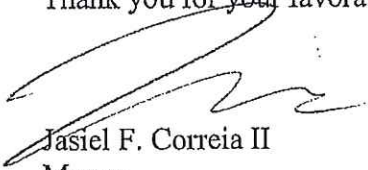
Mr. President and Members of the Honorable Council:

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

Rajiv Nehra, D.C.
1364 Robeson Street
Fall River, MA 02721

As a member of the Greater Fall River Vocational School District Committee, with a term commencing 07/25/2019 and expiring 07/25/2022.

Thank you for your favorable consideration in this regard.


Jasiel F. Correia II
Mayor

CITY CLERK
FALL RIVER, MA

2019 JUL 26 A 10:19

RECEIVED

RAJIV NEHRA, D.C.

7

Work Address:

235 Hanover Street, Suite 303
Fall River, MA 02720
(508) 676-7300

Permanent Address:

1364 Robeson Street
Fall River, MA 02721
(508) 675-7449

Objective: To establish a relationship with the community of Southern Massachusetts that will allow me to use my educational background, practical skills and experience, and high energy level to enhance the delivery of chiropractic health care.

Education: Doctor of Chiropractic
Palmer College of Chiropractic
Davenport, Iowa.
June 13, 1997.

Bachelor of Science-Major: Biology
University of Rhode Island
Kingston, Rhode Island.
August 06, 1993.

Certified Palmer Package with emphasis on Gonstead, Diversified, & Thompson Tech.

Techniques: Extremity Adjusting.
Pettibon Spinal Bio-Mechanics Technique.
Pierce Systems Technique.
Lumbar Flexion-Distraction Technique.
Logan Basic Technique.
Active and Passive Physiotherapy.

Extra-Curricular Seminars: Erhardt Roentgenology Seminars.
Motion Palpation Institute Seminars.
Activator Methods Seminars.
Parker School for Professional Success Seminars.

Professional Licensure: National Board of Chiropractic Examiners: Parts I, II, III, and IV.
State of Massachusetts.
State of Rhode Island (inactive).
State of Maine (inactive).
State of Indiana (inactive).

Work Experience: 08/96 - 06/97 Intern at Palmer College of Chiropractic,
1000 Brady Street; Davenport, IA. 52803.
Graduated on June, 1997.

RAJIV NEHRA, D.C.

- Work Experience:**
- 12/97 - 10/98 Chiropractic Physician at All Care Chiropractic, Jeffersonville, IN. 47130.
 - 10/98 - 10/99 Chiropractic Physician at Allen Chiropractic, Clarksville, IN. 47129.
 - 11/99 - 07/00 Chiropractic Physician at Evans Chiropractic, New Albany, IN 47150.
 - 07/00 - 03/04 Chiropractic Physician at
427 Plymouth Ave., Suite A.
Fall River, MA 02721
Tel: 508-672-8033
Fax: 508-672-4679
 - 4/04 - 07/18
235 Hanover Street, Suite 303
Fall River, MA 02720
Tel: 508-676-7300
Fax: 508-676-7310
 - 07/18 - current
415 Elsbree Street
Fall River, MA 02720
Tel: 508-676-7300
Fax: 508-676-7310
 - 06/02 - 05/03 Sub-investigator at *CurtisPharma, Inc.*,
100 Cummings Center, Beverly, MA. 01915. (978) 867-1010.
Enrolled 25 trial patients over 4 months.
10% Hydrocortisone typical cream with ultrasound for tx. of
shoulder bursitis, tendonitis, and capsulitis.

Publication: *BioMechanics*, November, 2003. Ultrasound relief improves with hydrocortisone.

Advanced Certification: ~ Whiplash and Brain Injury Traumatology, Spine Research Institute of San Diego, San Diego, CA. 2003.
~ Impairment Rating for Disability Evaluation of the Musculoskeletal and Nervous System. AMA Guideline, 5th Edition. National University of Health Sciences, Lombard, Illinois. 2004.
~ Cox Distraction Decompression Technique, Lincoln College of Post-professional, Graduate & Continuing Education. National University of Health Sciences, Lombard, Illinois. 2006.

RAJIV NEHRA, D.C.

- ~ Rehabilitation of the Spine. University of Bridgeport, Bridgeport, CT. 2006.
- ~ American Academy of Hospital Chiropractors. Meadowlands Hospital Medical Center. Meadowlands, NJ. 2008.
- ~ Certificate of Training-Emergency Department Protocols. Meadowlands Hospital Medical Center. Meadowlands, NJ. 2008.

Personal: Born: April 26, 1970
Married
Three children

References: *Available upon Request.*



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

8
RECEIVED

2019 JUL 25 P 12:07

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

July 24, 2019

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

RE: Park Commissioners

Mr. President and Members of the Honorable Council:

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

Michael J. Roberts
727 Valentine Street
Fall River, MA 02720

As a member of the Park Commissioners Board, with a term commencing 07/24/2019.

Thank you for your favorable consideration in this regard.


Jasiel F. Correia II
Mayor



Hathaway Funeral Homes

1813 Robeson Street, Fall River, MA 02720
900 Buffinton Street, Somerset, MA 02726
Phone: 508-673-0781

8

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

July 10, 2019

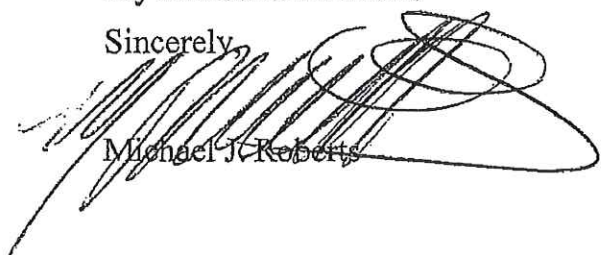
Dear Mayor Correia;

I would like to be considered to serve on the Board of Park Commissioners.

As a funeral director, I believe I would be an asset to the position.

My resume is attached.

Sincerely,


Michael J. Roberts

Home Office
1813 Robeson Street
Fall River, Massachusetts 02720



www.hathawayfunerals.com
Phone: 800-259-1893
Fax: 508-678-9542

8

MICHAEL J. ROBERTS

727 Valentine Street
Fall River, MA 02720
(508)726-9398-cellular phone

OBJECTIVE

To obtain a full-time funeral director/embalmer position in the Bristol County area and to help service the citizens within my home community.

EDUCATION

~Funeral Institute of the Northeast, Westwood, MA, Associate in Applied Science in Funeral Service, August, 2001.

EMPLOYMENT EXPERIENCE

~Funeral Director/Embalmer, Stanetsky Memorial Chapels, Brookline, MA, December 2001-present.

*Responsibilities included taking out funerals, preparation work, and removals.

~Funeral Director/Embalmer, Perlman Funeral Home, Worcester, MA, September 2001-December 2001.

*Responsibilities included arranging funerals with families and preparation work if necessary.

*Other responsibilities included scheduling personnel to assist with funerals, preparing newspaper notices and assisting with company clerical work.

*Traveled out-of-state (New York area) for funerals.

~Apprentice/Embalmer, J.S. Waterman & Sons-Waring Funeral Home, Wellesley, MA, August 1999-August 2001.

*Head embalmer for J.S. Waterman & Sons-Waring Funeral Home in Wellesley, MA; Gillooly Funeral Home in Norwood, MA; Wadsworth-Chiappini Funeral Home in Framingham, MA; The Duckett Funeral Home in Sudbury, MA averaging between 1,000 and 1,500 embalmings.

*Observed and arranged funerals under supervision of manager.

*Ordered preparatory supplies for the five previously listed funeral homes.

*Responsible for maintenance of preparation rooms in accordance to OSHA regulations.

*Responsible for all removals in the Metro-West area for five previously stated funeral homes.

~Apprentice/Embalmer, J. S. Waterman & Sons-Eastman-Waring, Kenmore Square, Boston, MA, June 1997- August 1999.

*Responsible for removals in the greater Boston area; on-call twenty four hours daily.

*Embalmer of third shift for a time frame of six months.

*Acquired fundamental knowledge of funeral business in an active environment.

*Trained and mentored by Richard A. Winkelman, manager of J.S. Waterman & Sons-Eastman-Waring during two years of employment.

*Pall bearer for late Governor Frances Sargent of Massachusetts.

*Assisted in arrangements of funerals for a Mitten family member whom was the owner of Jordan Marsh Company as well as for the late Senator Edward W. Brooke of Massachusetts.

ACCREDITATIONS

~Successful completion of Funeral Service Examining Boards, October 2001.

~Licensed funeral director/embalmer in the state of Massachusetts, license number:7149-7150

References Available Upon Request

8

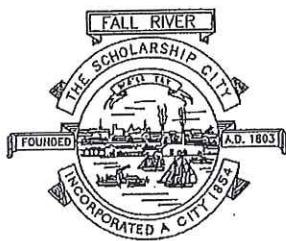
Page 2

2000 ~ Present

Operations Manager Hathaway Funeral Service

1813 Robeson Street, Fall River, MA 02720

Responsible for the management of their six locations



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

9
RECEIVED

2019 JUL 25 P 12:07

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

July 24, 2019

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

Mr. President and Members of the Honorable Council:

In a previous donation letter submitted to you requesting to accept a donation for \$100.00 for the Fall River Opioid Task Force from the First Baptist Church was incorrectly documented. The donation initiated from the St. Luke's Episcopal Church, 319 Warren Street, Fall River, MA.

I apologize for any confusion.

Respectfully,


Jasiel F. Correia II
Mayor

City of Fall River, *In City Council*

9

ORDERED, that under the provisions of M.G.L. Chapter 44, Section 53A, the Fall River Opioid Task Force be, and the same is hereby, authorized to accept a gift from St. Luke's Episcopal Church in the amount of \$100.00 for the Task Force's Outreach Program to assist in the future purchase of a software program to correlate collected data.



CITY OF FALL RIVER, MASSACHUSETTS

BOARD OF ELECTION COMMISSIONERS
ONE GOVERNMENT CENTER
TEL. 508-324-2630

RECEIVED

2019 JUL 30 P 12:27

CITY CLERK _____
FALL RIVER, MA

COMMISSIONERS

KELLY A. SOUZA-YOUNG, CHAIRPERSON
DAVID J. DENNIS, ESQ.
DARYL GONYON
MANUEL LEITE

July 30, 2019

Honorable City Council
One Government Center
Fall River MA

Dear City Councillors:

The Board of Election Commissioners is requesting the attached list of locations be designated as polling precincts for the upcoming City Preliminary Election on September 17, 2019 and the City Election being held on November 5, 2019.

The Preliminary Election is for the office of:

MAYOR

The City Election is for the office of:

MAYOR
CITY COUNCIL
SCHOOL COMMITTEE

Also, for any other questions appearing on the ballot for the City Election.

The Board of Election Commissioners is requesting the attached copy of the warrant, being posted at each polling location for the City Preliminary for September 17, 2019 be signed by the City Council. The polls will open at 7:00 AM and close at 8:00 PM.

Sincerely,

Kelly A. Souza-Young
Kelly A. Souza-Young, Chairperson
Board of Election Commissioners

City of Fall River, *In City Council*

10

ORDERED, that in accordance with the provisions of law, the City Clerk be and is hereby authorized and directed to cause notices to be given that meetings of the voters of the city qualified to vote at a Preliminary Municipal Election, to be held on Tuesday, September 17, 2019, in the several polling places designated by this Council, to cast their votes for the nomination of candidates for:

Mayor

and at a Municipal Election to be held on Tuesday, November 5, 2019, in the several polling places designated by this Council, to cast their votes for the nomination of candidates for:

**Mayor
City Council
School Committee**

and any questions that may appear on the ballot, and

BE IT FURTHER ORDERED, that the Board of Election Commissioners be and the same are hereby authorized and empowered to cause all necessary rooms, fixtures, apparatus, and supplies for the holding of the municipal election to be prepared and furnished for the same, the cost of the same to be charged to the appropriation for elections.

The polls to be opened from seven o'clock A.M. to eight o'clock P.M. and all polling places to be used.

CITY of FALL RIVER

10

List of Wards, Precincts and Polling Places

Ward	Prnct	Polling Place Name	Polling Place Address
1	A	ALFRED LETOURNEAU SCHOOL	323 ANTHONY ST
	B	EDWARD F. DOOLAN APTS	CORNER OF LAUREL & MITCHELL DR
	C	ALFRED LETOURNEAU SCHOOL	323 ANTHONY ST
2	A	BLESSED TRINITY CHURCH	1340 PLYMOUTH AVE (ENTRANCE ON WINTHROP ST)
	B	BLESSED TRINITY CHURCH	1340 PLYMOUTH AVE (ENTRANCE ON WINTHROP ST)
	C	CANDEIAS-NIAGARA FIRE STA	CORNER PLYMOUTH AVE & WARREN ST
3	A	MITCHELL APARTMENTS	2100 SOUTH MAIN ST
	B	CARLTON M VIVEIROS SCHOOL	200 LEWIS ST
	C	MATTHEW J KUSS MIDDLE SCH	ENTRANCE ON SHAW ST
4	A	FRANK B. OLIVEIRA APTS	170 WILLIAM ST
	B	JAMES A. O'BRIEN APTS	MORGAN & SECOND STS
	C	THE ATRIUM AT GOV'T CTR	ENTRANCE ON SULLIVAN DR
5	A	CANDEIAS-NIAGARA FIRE STA	CORNER PLYMOUTH AVE & WARREN ST
	B	CHOR BISHOP EID APTS	33 QUEQUECHAN ST
	B1	CHOR BISHOP EID APTS	33 QUEQUECHAN ST
	C	MARY L. FONSECA SCHOOL	160 WALL ST
6	A	FRANCIS J. BARRESI HTS	1863 PLEASANT ST
	B	GEORGE H. COTTELL HTS	1685 PLEASANT ST
	C	RENEY/EASTWOOD FIRE STA	400 EASTERN AVE
	C1	RENEY/EASTWOOD FIRE STA	400 EASTERN AVE
7	A	UNION UNITED METH CHURCH	600 HIGHLAND AVE
	B	THE ATRIUM AT GOV'T CTR	ENTRANCE ON SULLIVAN DR
	C	RAYMOND D. HOLMES APTS	ENTRANCE ON FULTON ST
8	A	MARY L. FONSECA SCHOOL	160 WALL ST
	B	CARDINAL MEDEIROS TOWERS	1197 ROBESON ST (ENTRANCE ON STANLEY ST)
	C	SPENCER BORDEN SCHOOL	ENTRANCE ON CHESTNUT ST
9	A	JAMES TANSEY SCHOOL	711 RAY ST
	B	CALVARY TEMPLE ASSEM OF G	4321 NORTH MAIN ST
	C	CALVARY TEMPLE ASSEM OF G	4321 NORTH MAIN ST

Total Number of Polling Places: 29

No. Pages of Printed: 1

*** End of Report ***



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

RECEIVED

Jasiel F. Correia II
Mayor

2019 JUL 17 A 11:37
LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

July 16, 2019

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, June 26, 2019 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

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

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Arizona Street	South	Starting at a point 237 feet west of County Street, for a distance of 20 feet westerly

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division **RECEIVED**

Jasiel F. Correia II
Mayor

2019 JUL 17 10:37 AM
LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

July 16, 2019

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, June 26, 2019 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

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

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Baker Street	East	Starting at a point 100 feet south of Warren Street, for a distance of 20 feet southerly

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division **RECEIVED**

Jasiel F. Correia II
Mayor

2019 JUL 17 11:34
LAURA FERREIRA
Parking Clerk
CITY CLERK
FALL RIVER, MA

July 16, 2019

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, June 26, 2019 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

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

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Garfield Street	West	Starting at a point 86 feet south of Globe Street, for a distance of 20 feet southerly

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Jasiel F. Correia II
Mayor

LAURA FERREIRA
Parking Clerk

August 2, 2019

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 31, 2019 the following request was heard and approved by the Traffic Commission.

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

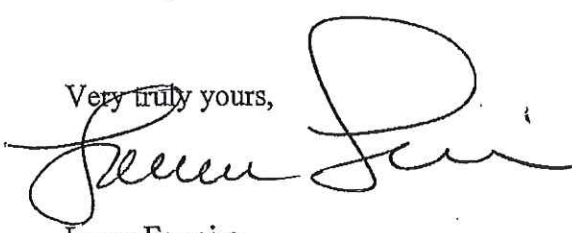
Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Montaup Street	East	Starting at a point 135 feet south of Slade Street, for a distance of 20 feet southerly.

Very truly yours,


Laura Ferreira
Parking Clerk

CITY CLERK
FALL RIVER, MA

2019 AUG -8 P 12:19

RECEIVED



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Jasiel F. Correia II
Mayor

LAURA FERREIRA
Parking Clerk

August 2, 2019

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

RECEIVED
2019 AUG -8 P 12:18
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 31, 2019 the following request was heard and approved by the Traffic Commission.

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

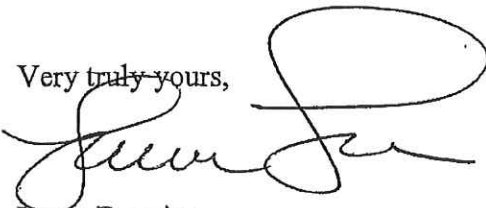
Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Birch Street	South	Starting at a point 448 feet west of South Main Street, for a distance of 20 feet westerly.

Very truly yours,


Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

11

Jasiel F. Correia II
Mayor

LAURA FERREIRA
Parking Clerk

August 2, 2019

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 31, 2019 the following request was heard and approved by the Traffic Commission.

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

Article: 70
Section: 387

Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street

Side

Location

Grant Street

West

Starting at a point 20 feet north of Hope Street,
for a distance of 20 feet northerly.

Very truly yours,

Laura Ferreira
Parking Clerk

CITY CLERK
FALL RIVER, MA

2019 AUG - 8 P 12:11 PM

RECEIVED



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

//

Jasiel F. Correia II
Mayor

LAURA FERREIRA
Parking Clerk

August 7, 2019

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

CITY CLERK
FALL RIVER, MA

2019 AUG -8 P 12:18

RECEIVED

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 31, 2019 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

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

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Barnaby Street	West	Starting at a point 245 feet south of Lincoln Avenue, for a distance of 20 feet southerly

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

11

Jasiel F. Correia II
Mayor

LAURA FERREIRA
Parking Clerk

August 7, 2019

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

CITY CLERK
FALL RIVER, MA

2019 AUG - 8 P 12:18

RECEIVED

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 31, 2019 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street

Side

Location

Cambridge Street

South

Starting at a point 135 feet west of Jefferson Street,
for a distance of 20 feet westerly

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Jasiel F. Correia II
Mayor

LAURA FERREIRA
Parking Clerk

August 7, 2019

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

RECEIVED
2019 AUG -8 P 12:18
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 31, 2019 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

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

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Pokross Street	North	Starting at a point 652 feet west of Bowen Street, for a distance of 20 feet westerly

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

11

Jasiel F. Correia II
Mayor

LAURA FERREIRA
Parking Clerk

August 7, 2019

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

CITY CLERK
FALL RIVER, MA

2019 AUG - 8 P 12:18

RECEIVED

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 31, 2019 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70
Section: 387

Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street

Side

Location

Hanover Street

East

Starting at a point 96 feet north of President Avenue,
for a distance of 20 feet northerly

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Jasiel F. Correia II
Mayor

LAURA FERREIRA
Parking Clerk

August 7, 2019

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

CITY CLERK
FALL RIVER, MA

2019 AUG - 8 PM 12:18

RECEIVED

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 31, 2019 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Division Street	North	Starting at a point 53 feet east of Mulberry Street, for a distance of 20 feet easterly

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

//

Jasiel F. Correia II
Mayor

LAURA FERREIRA
Parking Clerk

August 7, 2019

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

RECEIVED
2019 AUG -8 P 12:17
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 31, 2019 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Pokross Street	North	Starting at a point 296 feet west of Bowen Street, for a distance of 20 feet westerly

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

11

Jasiel F. Correia II
Mayor

LAURA FERREIRA
Parking Clerk

August 7, 2019

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

CITY CLERK
FALL RIVER, MA

2019 AUG -8 P 12:17

RECEIVED

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 31, 2019 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Aetna Street	North	Starting at a point 111 feet west of Garfield Street, for a distance of 20 feet westerly

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Jasiel F. Correia II
Mayor

LAURA FERREIRA
Parking Clerk

August 7, 2019

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

RECEIVED
2019 AUG -8 P 12:17
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 31, 2019 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
King Street	West	Starting at a point 20 feet north of Goodwin Street, for a distance of 20 feet northerly

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Jasiel F. Correia II
Mayor

LAURA FERREIRA
Parking Clerk

August 7, 2019

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

CITY CLERK
FALL RIVER, MA

2019 AUG -8 P 12:17

RECEIVED

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 31, 2019 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70
Section: 387

Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
County Street	North	Starting at a point 102 feet west of Goss Street, for a distance of 20 feet westerly

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Jasiel F. Correia II
Mayor

LAURA FERREIRA
Parking Clerk

August 7, 2019

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

CITY CLERK
FALL RIVER, MA

2019 AUG -8 P 12:17

RECEIVED

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 31, 2019 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70
Section: 387

Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Pitman Street	East	Starting at a point 110 feet south of Webster Street, for a distance of 20 feet southerly

Very truly yours,

Laura Ferreira
Parking Clerk



City of Fall River
Massachusetts
City Council

RECEIVED

2019 AUG -1 P 4 22

CITY CLERK
FALL RIVER, MA

CLIFF PONTE
President
City Council

August 1, 2019

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

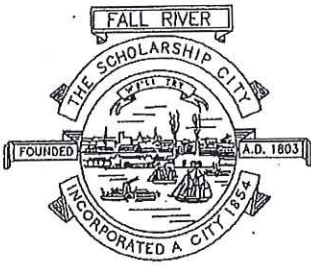
Honorable Members of the City Council:

Per the attached City Council resolution, I hereby request the residency waiver from the City Council for the following appointment:

Name: Michael Benevides
Address: 8 Michael Drive, Lincoln, RI, 02865
To: Bedford Street Streetscapes Oversight Committee

Very truly yours,

Cliff Ponte
President
City Council



City of Fall River
Massachusetts
City Council

126

RECEIVED

2019 AUG -1 P 4:22

CITY CLERK
FALL RIVER, MA

CLIFF PONTE
President
City Council

August 1, 2019

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

Honorable Members of the City Council:

Per the attached City Council resolution, I hereby request the residency waiver from the City Council for the following appointment:

Name: Atty. Arthur D. Frank Jr.
Address: 265 Hinchey Lane, Somerset, MA 02726
To: Bedford Street Streetscapes Oversight Committee

Very truly yours,

Cliff Ponte
President
City Council

REVISED DRAFT

PREAMBLE

We, the people of Fall River, in order to affirm the customary and traditional liberties of the people with respect to the conduct of our local government, ensure the accountability, transparency, and effectiveness of our government, and reflect the fullest advantages inherent in the home rule amendment to the constitution of the Commonwealth, do hereby adopt the following amendments through home rule petition of the current home rule charter for the city of Fall River.

13

ARTICLE 1
INCORPORATION; SHORT TITLE; DEFINITIONS

SECTION 1-1: INCORPORATION

The inhabitants of the city of Fall River, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "City of Fall River".

SECTION 1-2: TITLE

This instrument shall be known and may be cited as the City of Fall River Home Rule Charter.

SECTION 1-3: DIVISION OF POWERS

____ The administration of the fiscal, prudential and municipal affairs of the city of Fall River shall be vested in an executive branch headed by a city manager who is hired by majority vote of the city council and a legislative and policy-making branch, a city council, consisting of a mayor, deputy mayor and seven (7) elected at-large members of the city council. Also, the mayor and deputy mayor shall be elected at-large as a "leadership team", serving as President and Vice-President of the city council. The legislative and policy-making branch, the city council, shall never exercise any executive power except that the legislative and policy-making branch (city council) shall appoint by majority vote the city manager, city clerk, city auditor and the corporation counsel and the executive branch shall never exercise any legislative and policy-making power reserved to the city council. The city council shall have and exercise all the legislative and policy-making powers of the city, except as such powers are reserved to the City Manager, the school committee and to the qualified voters of the city.

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SECTION 1-4: POWERS OF THE CITY

Subject only to express limitations on the exercise of any power or function by a municipal government in the constitution or General Laws, it is the intention and the purpose of the voters of Fall River, through the adoption of this charter and amendments to this charter, to secure for themselves -and their- government all of the powers it is possible to secure as fully and as completely as —though each power were specifically and individually enumerated in this charter.

SECTION 1-5: CONSTRUCTION

The powers of the city of Fall River under this charter are to be construed liberally in favor of the city and the specific mention of any particular power is not intended to limit the general powers of the city as stated in section 1-4.

SECTION 1-6: INTERGOVERNMENTAL RELATIONS

Subject only to express limitations in the constitution or General Laws, the city of Fall River may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the commonwealth or any of its agencies or political subdivisions, or with the United States government or any of its agencies.

SECTION 1-7: DEFINITIONS

As used in this charter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

(1) "Charter", this charter and any adopted amendments to it.

(2) "City", the city of Fall River.

(3) "City agency", any multiple-member body, any department, division or office of the city of Fall River.

(4) "City Manager", a person having the authority of Chief Executive Officer (C.E.O.) of the city of Fall River

(5) "City officer or department head", a person having charge of a city office or department.

(6) "City website", a site established and maintained by the city as its online repository of municipal information, whether on the internet or

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accessed through electronic means or another comparable technology.

13

(6)(7) "Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

(7)(8) "Full city council", the entire authorized membership of the city council, notwithstanding any vacancy which might exist. The "Full city council", entire authorized membership, shall consist of the mayor, the deputy mayor and seven (7) members of the city council with the mayor and the deputy mayor, elected as a "leadership team" and the seven (7) members of the city council, all elected at-large. The mayor and the deputy mayor, elected as a "leadership team" shall serve as President and Vice-President of the city council.

(8)(9) "Full multiple-member body", the entire authorized membership of a multiple-member body, notwithstanding any vacancy that exists.

(9)(10) "Full school committee", the entire authorized membership of the school committee, notwithstanding any vacancy that exists. The "Full school committee" entire authorized membership shall consist of the Mayor, the deputy mayor and five (5) members of the school committee with the mayor and deputy mayor, elected as a "leadership team" and the five (5) members of the school committee, all elected at-large. The mayor and the deputy mayor, elected as a "leadership team" shall serve as Chair and Vice-Chair of the school committee.

(10)(11) "general laws", laws enacted which apply alike to all cities and towns, to all cities, or to a class of two (2) or more cities, or to a class of cities and towns of which Fall River is a member.

(11)(12) "General Laws", the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

(12)(13) "Initiative measure", a measure proposed by the voters through

the initiative process provided under this charter.

~~(13)~~(14) "Local newspaper", a newspaper of general circulation within Fall River, with either a weekly or daily circulation.

~~(44)~~(15) "Majority vote", when used in connection with a meeting of a multiple-member body, shall mean a majority of those present and voting, unless another provision is made by ordinance or by such body's own rules; provided, however, that General Laws related to any vote to meet in executive session shall always require a majority of the full multiple-member body.

~~(15)~~(16) "Measure", any ordinance, order or other vote or proceeding adopted, or which might be adopted, by the city council or the school committee.

~~(16)~~(17) "Multiple-member body", any council, commission, committee, subcommittee or other body consisting of 2 or more persons, whether elected, appointed or otherwise constituted, but not including the city council, the school committee or an advisory committee appointed by the mayor.

~~(17)~~(18) "Organization or reorganization plan", a plan submitted by the mayor to the city council which proposes a change in the organization or the administrative structure of the city administration or organization or a change in the way in which municipal services are delivered.

~~(18)~~(19) "Quorum", a majority of all voting members of a multiple-member body unless some other number is required by law or by ordinance.

~~(19)~~(20) "Recall", an election to remove an elected official from office before the expiration of the term for which elected.

~~(20)~~(21) "Referendum measure", a measure adopted by the city council or the school committee that is protested under the referendum procedures of this charter.

~~(21)~~(22) "Remove from the city" when a person ceases to be domiciled within the territorial limits of the city.

~~(22)~~(23) "Resolution" a formal expression of opinion or a ceremonial declaration voted by the city council not requiring the signature of the mayor and having no force of law.

~~(23)~~(24) "Voters", registered voters of the city of Fall River.

~~(24)~~(25) "Year", a calendar year, unless otherwise specified.

ARTICLE 2
LEGISLATIVE BRANCH

SECTION 2-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

(a) Composition - There shall be a city council consisting of nine (9) members. The "Full city council" entire authorized membership shall consist of the mayor, the deputy mayor and seven (7) members of the city council with the mayor and the deputy mayor, elected as a "leadership team" and the seven (7) members of the city council, all elected at-large. The mayor and the deputy mayor, elected as a "leadership team" shall serve as President and Vice-President of the city council, elected at-large which shall exercise the legislative powers of the city.

(b) Term of Office - The term of office for the mayor and deputy mayor and for the seven (7) members of city councilors shall be 2 years each, beginning on the first Monday in the January succeeding the councilor's election, except when that first Monday falls on a legal holiday, - in which event the term shall begin on the following day, and until successors have been qualified.

(c) Eligibility - Any voter shall be eligible to hold the office of mayor, deputy mayor or city councilor, councilor-at-large. If any of the seven (7) members of the city council, not including the mayor and the deputy mayor, councilor-at-large removes from the city during the councilor's term, that office shall immediately be deemed vacant and filled in the manner provided in section 2-11. The city council shall determine whether a councilor has removed from the city.

SECTION 2-2: PRESIDENT AND VICE-PRESIDENT, ELECTION;
TERM; POWERS

(a) Election and Term -- The voters of the city shall elect the mayor and the deputy mayor as a "leadership team" and the mayor and deputy

mayor shall serve as President and Vice-President of the city council. If the mayor removes from the city during the mayor's term, the deputy mayor shall serve immediately as mayor. If the deputy mayor removes from the city during the deputy mayor's term, the mayor as soon as practicable but no later than within seven (7) calendar days shall appoint a new deputy mayor who must be a resident for a minimum of one (1) year prior to appointment. As soon as practicable after the councilors elect have been qualified following each regular city election, as provided in section 9-11, the members of the city council shall elect from among its members a president and vice-president who shall serve for a 1 year term. The method of election of the president and vice-president shall be prescribed within the rules of the city council.

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If both Mayor and Deputy Mayor remove from their positions at the same time or at a time prior to action taken as specified within the prior paragraph of SECTION 2-2(a), the remaining seven (7) members of the City Council shall have added to its membership two (2) additional city councilors being filled in descending order of votes received by the two (2) candidates for the office of city councilor at the preceding city election who received the highest number of votes without being elected, provided such candidate remains eligible and willing to serve. The city clerk shall certify this candidate to the office of city council and the candidate shall be sworn to office immediately to serve for the balance of the unexpired term. city councilors serving under this section shall not be entitled to have the words "candidate for re-election" printed with that councilor's name on the election ballot. After the two (2) additional members of the City Council are sworn to office, the city clerk shall convene immediately or as soon as is possible to elect from the city council's membership an interim "leadership team" who would serve until the next regular city election as Mayor and Deputy Mayor, carrying out all "Powers and Duties", as specified in this SECTION 2-2(b). This convened city council meeting shall be called without delay by the City Clerk and shall be chaired by the City Clerk until the election of an interim

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"leadership team". The City Clerk shall have no vote during this convened city council meeting.

(b) Powers and Duties - The president shall prepare the agenda for city council meetings. The president shall preside at all meetings of the city council, regulate its proceedings, preserve decorum, and decide all questions of order. The president shall appoint all members of committees

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of the city council, whether special or standing, and such other appointments as are established by the charter and ordinances. In making appointments as established by the charter and ordinances, the president shall appoint city residents. The president shall have the same powers to vote upon measures coming before the city council as any other member of the city council. The president shall perform any other duties consistent with the office that are established by charter, ordinance or other vote of the city council. The vice-president shall preside in the absence of the president.

SECTION 2-3: PROHIBITIONS

(a) Holding Other City Position - Except as otherwise provided by the charter, no member of the city council shall hold any other compensated city position. No former member of the city council shall hold any compensated appointed city position until 1 year following the date on which the former member's service on the city council has terminated. This section shall not prevent a city employee who vacated a position in order to serve as a member of the city council from returning to the same or other position upon the expiration of the term for which that person was elected.

(b) Interference with Administration - Except for employees appointed in accordance with section 2-8, the city council or any member of the city council, shall not give orders or directions to any employee of the city, either publicly or privately.

SECTION 2-4: COMPENSATION

(a) Salary - The members of the city council shall receive compensation for their services as set by ordinance. No ordinance increasing or reducing the compensation of the members of the city council shall be effective unless it has been adopted during the first eighteen (18) months of the term for which the council is elected, ~~provides~~ providing that the

compensation increase or reduction is to take effect upon the organization of city government following the next regular city election, and is adopted by a minimum of six (6) votes of the city council.

(b) Expenses - Subject to appropriation, the council members shall be entitled to reimbursement of their actual and necessary expenses in the performance of their duties. Actual and necessary expenses shall be defined within the council's rules and regulations.

SECTION 2-5: GENERAL POWERS

Except as otherwise provided by the General Laws or by this charter, all powers of the city shall be vested in the city council which shall provide for the performance of all duties and obligations imposed upon the city by law.

SECTION 2-6: EXERCISE OF POWERS; QUORUM; RULES

(a) Exercise of Powers - Except as otherwise provided by General Laws or by this charter, the legislative and policy-making powers of the city council may be exercised in a manner determined by the city council.

(b) Quorum - The presence of five (5) city councilors shall constitute a quorum for the transaction of business. Except as otherwise provided by the General Laws or by this charter, the affirmative vote, taken by a roll call vote, of five (5) councilors shall be required to adopt any ordinance.

(c) Rules of Procedure - The city council shall adopt rules regulating the procedures of the city council, which shall include, but not be limited to, the following rules:

(i) Regular meetings of the city council shall be held at a time and place fixed by ordinance. All regular meetings of the city council shall provide for a period of public comment as required by section 9-18 of this

charter; provided, however, the city council may promulgate rules that regulate the period of public comment as deemed appropriate.

(ii) Special meetings of the city council shall be held at the call of the president or at the call of any 3 or more members, for any purpose. Notice of the meeting shall, except in an emergency, which shall be determined by the president, be delivered to each member at least forty eight (48) weekday hours in advance of the time set and shall specify the date, time and location of the meeting and the purpose or purposes for which the meeting is to be held. A copy of each notice shall immediately be posted as the General Laws relative to such postings require.

(iii) All sessions of the city council and of every committee or subcommittee of the city council shall at all times be open to the public unless otherwise permitted by law.

(iv) A full, accurate, up-to-date account of the proceedings of the city council shall be maintained by the city clerk, which shall include a record of each vote taken and which shall be made available with reasonable promptness following each meeting, but not later than the next regularly scheduled meeting. The minutes of an executive session shall be made available as soon as publication of the minutes would not defeat the purpose of the executive session.

SECTION 2-7: ACCESS TO INFORMATION

(a) In General - The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency.

(b) Information Requests - The city council may require a member of a multiple-member body, city officer, or a city employee to appear before the city council to give any information that the city council may require in relation to the municipal services, functions and powers or

duties which are within the scope of responsibility of that person and not within the jurisdiction of the school committee.

(c) Mayer-City Manager - The city council may request specific information from the mayer-City Manager on any municipal matter and may request that the mayer-City Manager be present to answer written questions relating to that information at a meeting that the council may call within a reasonable time after the request is made to the mayer-City Manager. The mayer-City Manager shall personally, or through a designee, attend such meeting and respond to the questions. The mayer-City Manager, or the person designated to attend, shall not be required to answer questions relating to any other matter. The council may further delineate procedures under this provision in the council's rules.

(d) Notice - The city council shall, by resolution, request the attendance of any officer or employee of the city, but not including the school committee or employees of the school department, to appear before it under this section. The resolution shall include the subject on which the city council seeks information and may contain specific questions prepared by the council. No officer or employee called to appear before the city council under this section shall be required to respond to any question not relevant to the subject of the inquiry as identified in the resolution. The mayer-City Manager shall receive a copy of all such resolutions.

SECTION 2-8: APPOINTMENTS OF THE CITY COUNCIL

Subject to appropriation, the city council may employ staff as it deems necessary.

SECTION 2-9: ORDINANCES AND OTHER MEASURES

(a) Measures - No measure shall be passed finally on the date on which it is introduced, except in the case of an emergency. Except as otherwise provided by the charter, every adopted measure shall become

effective at the expiration of ten (10) days after adoption or upon the signature of the mayor, whichever occurs first. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter, or as provided in the initiative and referendum procedures. This section shall not apply to resolutions.

(b) Emergency Measures - An emergency measure shall be introduced in the form and manner prescribed for measures generally, except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing the scope and nature of the emergency in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of a minimum of six (6) members of the city council. An emergency measure may be passed with an amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or a franchise or special privilege shall be passed as an emergency measure. Except as provided by the General Laws, such grant, renewal or extension shall be made by ordinance. An emergency measure shall become effective upon adoption or at such later time as it may specify.

(c) Charter Objection - On the first occasion that the question of adoption of a measure is put to the city council, if a single councilor present objects to the taking of the vote, the vote shall be postponed until the next meeting of the city council, whether regular or special. If more than 1 councilor present objects, such postponement shall be until the next regular meeting. If it is an emergency measure, at least 3 councilors must object. This procedure shall not be used more than once for any specific matter notwithstanding an amendment to the original matter. A charter objection shall have privilege over all motions but must be raised prior to or at the call for a vote by the presiding officer and all debate shall cease.

(d) Posting - All adopted ordinances shall be posted on the city website within seven (7) days of adoption, and copies of such documents shall be filed in the office of the city clerk and the main public library.

SECTION 2-10: CITY COUNCIL CONFIRMATION OF MAKES CERTAIN APPOINTMENTS

~~The mayor shall refer to the city council and simultaneously file with the city clerk, the name of each person the mayor desires to appoint as a city officer, department head or as a member of a multiple member body. Appointments made by the mayor shall become effective on the forty fifth day after the date on which notice of the proposed appointment was filed with the city clerk unless approved or rejected by the city council within the 45 days. All individuals appointed to a multiple member body shall be residents of the city. If an appointed individual removes from the city, the position shall be immediately deemed vacant. The city council appoints the City Manager, City Clerk, City Auditor and the Corporation Counselor. Also, the City Council appoints its own staff, as it deems appropriate and necessary. These positions are established through ordinance, as is customary, with salaries and benefits established either through ordinance or through contract, as is established by ordinance or general law and as is customary.~~

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SECTION 2-11: FILLING OF VACANCIES

If a vacancy shall occur on the city council for one (1) of the seven (7) councilor positions, not including the mayor or the deputy-mayor, the vacancy shall be filled in descending order of votes received by the candidate for the office of city councilor at the preceding city election who received the highest number of votes without being elected, provided such candidate remains eligible and willing to serve. The city clerk shall certify this candidate to the office of city council and the candidate shall be sworn to office immediately to serve for the balance of the unexpired term. City councilors serving under this section shall not be entitled to have the words "candidate for re-election" printed with that councilor's name on the election ballot.

If the mayor removes from the city during the mayor's term or in any other manner vacates the position of mayor, the deputy mayor shall serve immediately as mayor. If the deputy mayor removes from the city during the deputy mayor's term or in any other manner vacates the position of

deputy mayor, the mayor shall appoint a new deputy mayor, as soon as practicable but no later than within seven (7) calendar days.

If both Mayor and Deputy Mayor remove from their positions at the same time or at a time prior to action taken as specified within SECTION 2-2(a) their replacements shall be as provided for in SECTION 2-2(a).

ARTICLE 3 EXECUTIVE
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SECTION 3-1: MAYOR/CITY MANAGER: QUALIFICATIONS; TERM OF
OFFICE; COMPENSATION; PROHIBITIONS

a) City Manager Qualifications - The chief executive officer of the city shall be a ~~mayer~~City Manager, elected-hired by the-a majority of five (5) votes of the city-at-large-nine (9) members city council [includes the Mayor, Deputy Mayor and the seven (7) at-large elected members of the city council]. Any voter-qualified applicant as determined by the city council shall be eligible to hold the office of ~~mayer~~City Manager. The ~~mayer~~-City Manager shall devote full-time to the office and shall not hold any other elective-elected or appointed private or public office, provided however that this prohibition may be waived by a two-thirds (2/3rds) vote [a minimum of six (6) votes is required] of the City Council. The City Manager shall be sworn to the faithful performance of the duties of City Manager and shall be the chief administrative officer of the city and shall be responsible for the administration of all departments, commissions, boards and officers of the city, whether established before its adoption of this plan or thereafter, except that of the city clerk, city auditor, city corporation counselor and any official appointed by the governor or anybody elected by the voters of the city. The City Manager shall be appointed on the basis of administrative and executive qualifications only, and need not be a resident of the city or commonwealth when appointed. The City Manager shall hold office per contract with the city council and shall receive such compensation as shall be established by contract and/or by ordinance.

(b) Term of Office - The term of office of the ~~mayer~~-City Manager shall be 2 years, beginning on the first Monday in the January-succeeding the mayor's election, except when that first Monday falls on a legal holiday, in which event the term shall begin on the following day and shall continue until a successor has been-qualifieddetermined by contract established between the city council and the hired City Manager. The term of office of the City Manager shall not be co-terminus with the term of office of the elected officials, elected at the regular city election. The initial contract between the City Manager and the City Council shall be a minimum of three (3) years and shall not terminate, co-terminus, with the elected term of office of the City Council members. Also, any extension of the contract between the City Manager and the City Council shall not terminate, co-terminus, with the elected term of office of the City Council members.

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c) Compensation - The city council shall, by ordinance ~~contract~~ **and/or ordinance**, establish the compensation for the mayor City Manager. No ordinance increasing or reducing the compensation of the mayor shall be effective unless it has been adopted during the first 18 months of the term for which the mayor is elected, provides that the compensation increase or reduction is to take effect upon the organization of the city government following the next regular city election, and has been adopted by a minimum of 6 votes of the city council.

a) Prohibitions - The mayor City Manager shall hold no other ~~other~~ elected or appointed private or public office or position, r either compensated or not compensated city position. No former mayor shall hold a compensated appointed city office or city employment until 1 year following the date on which the former mayor's city service has terminated. This subsection shall not prevent a city officer or other city employee who has vacated a position in order to serve as mayor from returning to the same office or other position of city employment held at the time such position was vacated; provided, however, that no such person shall be eligible for any other municipal position until at least 1 year following the termination of service as

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a) ~~mayer~~. This prohibition shall not apply to persons covered by a leave of absence under section 37 of chapter 31 of the General Laws.

SECTION 3-2: EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES

The executive powers of the city shall be vested solely in the ~~mayer~~ City Manager and may be exercised by the ~~mayer~~ City Manager either personally or through the several city agencies under the general supervision and control of the office of the ~~mayer~~ City Manager. The ~~mayer~~ City Manager shall cause the charter, ordinances and other orders of the city government to be enforced and shall cause a record of all official acts of the executive branch of the city government to be kept. The ~~mayer~~ City Manager shall exercise general supervision and direction over all city agencies, unless otherwise provided by law or by this charter. Each city agency shall furnish to the ~~mayer~~ City Manager, upon request, any information or materials the ~~mayer~~ City Manager may request and as the needs of the office of ~~mayer~~ City Manager and the interests of the city may require. The ~~mayer~~ City Manager shall supervise, direct and be responsible for the efficient administration of all city activities and functions placed under the control of the ~~mayer~~ City Manager by law or by this charter. The ~~mayer~~ City Manager shall be responsible for the efficient and effective coordination of the activities of all agencies of the city and may call together for consultation, conference and discussion, at reasonable times, all persons serving the city, whether elected directly by the voters, chosen by persons elected directly by the voters or otherwise. The ~~mayer~~ City Manager shall be, by virtue of the office, a member of every appointed multiple-member body of the city. The ~~mayer~~ City Manager may, as such ex officio member, attend a meeting of an appointed multiple-member body of the city, at any time, including executive sessions, so called, to participate in the discussions of that body, but shall not have the right to vote.

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SECTION 3-3: APPOINTMENTS BY THE MAYOR/CITY MANAGER

The ~~mayer~~ City Manager shall appoint, ~~subject to review by the city council under Article 2, section 2-10,~~ all department heads and the members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, city ordinance or any general law of the Commonwealth of Massachusetts; provided, however, that this provision of the Charter shall not include the appointment of persons serving under the school committee and persons serving under the city council. All appointments to multiple-member bodies shall be for terms established under Article 5. Upon the expiration of the term of any member of a multiple-member body, a successor shall be appointed under Article 5. The ~~mayer~~ City Manager shall annually post on the city's web site in February a list of all vacancies on multiple-member bodies. Such listing shall include guidance on applying to serve on a multiple-member body. The ~~mayer~~ City Manager may also notify any civic, business, neighborhood, or service organizations in the city of multiple-member body vacancies. Members of multiple-member bodies and appointments made by the ~~mayer~~ City Manager to other committees as established by the charter and ordinances must be city residents. If a member resigns from a multiple-member body, removes from the city, or is otherwise unable to complete the term to which appointed, the ~~mayer~~ City Manager shall fill such resulting vacancy for the remainder of the unexpired term unless the filling of such resulting vacancy is provided for by this charter, city ordinance or any general law of the Commonwealth of Massachusetts.

The ~~mayer~~ City Manager shall file notice of removal of any member from a multiple-member body with the city clerk.

The method of appointment for all other city employees shall be prescribed by administrative order under Article 5.

SECTION 3-4: TEMPORARY APPOINTMENTS TO CITY OFFICES

Whenever a vacancy, either temporary or permanent, occurs in a city office and the needs of the city require that such office be filled, the

~~mayer~~City Manager may designate a person to perform the duties of the office on a temporary basis until the position can be filled as provided by law ~~or by this charter, city ordinance or any general law of the Commonwealth of Massachusetts.~~ When the ~~mayer~~City Manager designates a person under this section, the

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~~mayer~~ City Manager shall file a certificate with the city clerk in substantially the following form:

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy, or when the regular officer shall return). I certify that this person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the city of Fall River.

Persons serving as temporary officers under this section shall have only those powers of the office indispensable and essential to the performance of the duties of the office during the period of temporary appointment and no others. Notwithstanding any general or special law to the contrary, no temporary appointment shall be for more than 90 days; provided, however, that not more than 2 extensions of a temporary appointment, which together shall not exceed a total of 60 days, may be made when a permanent vacancy exists in the office.

SECTION 3-5: REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS

Unless some other procedure is specified in a collective bargaining agreement or by civil service law, the ~~mayer~~ City Manager may, in writing, remove or suspend any city officer, or the head of any city agency or department appointed by the ~~mayer~~ City Manager by filing a written statement, with the city clerk, setting forth the reasons for the removal or suspension. A copy of the written statement shall be delivered in hand, or mailed by certified mail, postage prepaid, to the last known address of the city officer or agency or department head. The decision of the ~~mayer~~ City Manager in suspending or removing a city officer or an agency or department head shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely with the ~~mayer~~ City Manager.

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SECTION 3-6: COMMUNICATIONS; SPECIAL MEETINGS

(a) Communications to the City Council - The ~~mayer~~City Manager shall, by written communications, recommend to the city council for its consideration measures as, in the judgment of the ~~mayer~~City Manager, the needs of the city require. The ~~mayer~~City Manager shall, by written communication, keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate in any such reports any fiscal, financial or administrative issues facing the city.

(b) Special Meetings of the City Council - The ~~mayer~~City Manager may call a special meeting of the city council for any purpose. Notice of the meeting shall, except in an emergency declared by the ~~mayer~~City Manager, be delivered at least forty eight (48) weekday hours in advance of the time set and shall specify the date, time and location of the meeting and the purpose for which the meeting is to be held. A copy of the notice shall be posted immediately or as required by the General Laws relative to such a posting.

(c) State of the City - The ~~mayer~~City Manager shall in each year on or before the third Wednesday in March make an address to a joint meeting of the city council and school committee, and shall include the city's multiple-member bodies, city officers and department heads, to report on the state of affairs of the city. Such address shall be open to the public.

SECTION 3-7: APPROVAL OF MAYOR, VETO

~~Every order, ordinance, or vote adopted or passed by the city council relative to the affairs of the city, except resolutions, the selection of city officers by the city council and any matters relating to the internal affairs of the city council, shall be presented to the mayor for approval within 3 business days of such adoption or passage. If the mayor approves of the measure, the mayor shall sign it; if the mayor disapproves of the measure, the mayor shall return the measure with the specific reason for such disapproval attached to the measure in writing to the city council. The city council shall enter the objections of the mayor on its records and not less than 10 business days nor more than 30 days~~

from the date of its return to the city council, shall again consider the same measure. If the city council, notwithstanding such disapproval by the mayor, shall again pass the order, ordinance, or vote by a minimum of 6 votes of the city council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve the same. If the mayor has neither signed a measure nor returned it to the city council within 10 days following the date it was presented to the mayor, the measure shall be deemed approved and in force.

SECTION 3-87: TEMPORARY ABSENCE OF THE MAYOR/CITY MANAGER

(a) Acting Mayor-City Manager - Whenever, by reason of sickness or other cause, the mayor-City Manager is unable to perform the duties of the office, the president of the city council shall be select by a majority vote of five (5) of its members the acting mayor-City Manager unless the president of the city council is unable or unwilling to serve; in such instance, the provisions of section 3-8 (c) shall apply. The city council, by the affirmative vote of 7 members, shall determine whether the mayor is unable to perform the duties of the office from among existing administrative/management staff. The vote shall be taken in public session by a roll call vote. Members of the city council or the school committee, including the mayor and the deputy mayor as well as the other seven (7) members of the city council and the other five (5) members of the school committee, are not eligible to serve as Acting City Manager. The Acting City Manager shall return to the duties of the position previously held, prior to the selection of the City Council to serve as Acting City Manager, upon the return of the City Manager or upon the hiring of a new City Manager.

(b) Powers of Acting Mayor-City Manager - The acting mayor-City Manager shall have only those powers of the mayor-City Manager as are indispensable and essential to conduct the business of the city in an orderly and efficient manner and on which action may not be delayed. The acting mayor-City Manager shall have no authority to make a permanent

appointment or removal from city service unless the disability or absence of the ~~mayer~~-City Manager shall extend beyond 60 days, nor shall an acting ~~mayer~~-City Manager approve or disapprove of any measure adopted by the city council unless the time within which the ~~mayer~~-City Manager must act would expire before the return of the ~~mayer~~-City Manager. ~~The city council president or any other city councilor who may be serving as acting mayor pursuant to section 3-8 (c) shall not act as a member of the city council.~~

(c) ~~Succession—In the event that the city council president is unable or unwilling to serve as acting mayor under this section, the vice president of the city council shall serve as acting mayor; if either the city~~

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~~council president or vice president is unable or unwilling to serve, the city council shall then elect, from among its membership, a councillor to serve as acting mayor.~~

SECTION 3-98: DELEGATION OF AUTHORITY BY MAYOR/CITY MANAGER

The ~~mayer~~ City Manager may authorize a subordinate officer or employee of the city to exercise a power or perform a function or a duty which is assigned by this charter, or otherwise, to the ~~mayer~~ City Manager and the ~~mayer~~ City Manager may rescind or revoke an authorization previously made; provided, however, that all acts performed under any such delegation of authority during the period of authorization shall be and remain the acts of the ~~mayer~~ City Manager. Nothing in this section shall be construed to authorize a ~~mayer~~ City Manager to delegate the powers and duties of a city council or school committee member, or the power of appointment to city office or employment ~~or to sign or return measures approved by the city council.~~

SECTION 3-109: VACANCY IN OFFICE OF MAYOR/CITY MANAGER

Whenever a vacancy occurs in the office of ~~mayer~~ City Manager by death, removal, resignation or any other reason during ~~the first 18 months of the term for which the mayor was elected,~~ the city council shall call a special election ~~meeting~~ to be held within 90-seven (7) business days following the date the vacancy is ~~to created~~ initiate the hiring process to select a new City Manager fill the vacancy for the remainder of the unexpired term. Between the date of the declaration of ~~of~~ the vacancy and the certification of the results of the special election, ~~the vacancy in the office of hiring of a new City Manager, mayer~~ the vacancy shall be filled as provided in section 3-8-7(a). ~~If the council president is unable or unwilling to serve, the provisions of section 3-8 (c) shall apply. The candidate elected as mayor in such special election shall be sworn to office immediately upon certification of the results of the special election.~~

~~If a regular city election is to be held within 150 days after the date the vacancy is created, a special election need not be held and the position shall be filled by vote at the regular city election and the candidate elected as~~

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mayor shall be sworn to office immediately upon certification of the results of the regular city election, and shall serve for the

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remainder of the unexpired term in addition to the term to which elected.

If a vacancy occurs after the eighteenth month through the end of the term for which the mayor was elected, the vacancy in the office of mayor shall be filled as provided in section 3-8 (a). If the vacancy cannot be filled under section 3-8 (a), the provisions of section 3-8 (c) shall apply. The acting mayor, shall exercise all the rights and powers of the mayor and shall be sworn to the faithful discharge of the mayoral duties. Any city councilor serving as acting mayor under this section shall not be entitled to have the words "candidate for reelection" printed with that councilor's name on the election ballot. Any councilor serving as mayor under this section shall receive the compensation then in effect for the office of mayor.

SECTION 3-11: PLANNING

At least once in every five (5) years, the mayor City Manager shall consult with all city officers, multiple-member bodies, agencies, departments and offices with responsibility for land use policy, development or regulation concerning the priorities for city planning initiatives, including but not limited to land use, development, transportation, housing, and the environment; such consultations shall include an assessment of the need for new plans or revisions to plans currently in effect.. The mayor City Manager shall advise the city council on or before December 1 in the year the consultations are held of any proposals to prepare or revise one or more plans to address the city's planning needs and priorities.

SECTION 3-12: STRATEGIC PLAN

The Mayor City Manager, in conjunction with agency and department heads, multiple-member bodies, the city council, school committee, and residents, shall prepare a long range strategic plan every ten (10) years in the year ending in a zero. The committee shall be composed of nine (9) members; the mayor City Manager shall appoint no more than three (3) members who shall be city

department heads, city officers or employees, or members of multiple-member bodies. The ~~mayer~~-City Manager ~~also~~ shall ~~also~~ appoint two (2) members who shall be city residents. The city council and the school committee shall each appoint two (2) members, who shall be city residents. The strategic plan shall address fiscal, financial, service, and management needs of the city, including but not limited to, personnel practices and use of technology. The committee shall complete its work within ~~four~~ one (1) year of its appointment, including preparation of a plan addressing its findings and recommendations. The ~~mayer~~-City Manager shall oversee the update of the plan every three (3) years. The ~~mayer~~-City Manager shall submit the plan and any updates to the city council; and such plan and any updates thereto shall be posted on the city website when submitted to the city council.

ARTICLE 4 SCHOOL COMMITTEE

SECTION 4-1: COMPOSITION; TERM OF OFFICE; ELIGIBILITY

(a) Composition - There shall be a school committee which shall consist of seven (7) members. ~~Six~~ Five (5) of these members shall be nominated and elected by the voters of the city at large. The mayor and the deputy mayor shall be the sixth (6th) and seventh (7th) member and they, mayor and deputy mayor, shall serve as chair (mayor) and vice-chair (deputy mayor).

(b) Term of Office - The term of office for elected school committee members shall be two (2) years each, beginning on the first (1st) Monday in the January succeeding the elected school committee's election, except when that first (1st) Monday falls on a legal holiday, in which event the term shall begin on the following day, and until successors have been qualified.

(c) Eligibility - A school committee member shall, at the time of election, be a voter. If a school committee member removes from the city during the term for which that person was elected, that office shall immediately be deemed vacant and filled in the manner provided in

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SECTION 4-2: ELECTION OF SCHOOL COMMITTEE VICE CHAIR;
POWERS AND DUTIES OF CHAIR AND VICE CHAIR

(a) ~~Election and Term~~ Term. As soon as practicable after school committee members The mayor and the deputy mayor elected at the elect have been qualified following each regular city election regular city election or through other means as provided in this charter as provided in section 9-11, the members of the school committee shall elect from among its members a vice-chair who shall serve for a 1-year term. The method of election of the vice-chair shall be prescribed within the rules of the school committee, shall serve as chair and vice chair of the school committee.

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(b) Powers and Duties - The chair shall approve the agenda for school committee meetings. The chair shall preside at all meetings of the school committee, regulate its proceedings and decide all questions of order. The chair shall appoint all members of committees of the school committee, whether special or standing. The chair shall have the same powers to vote upon measures coming before the school committee as any other member of the school committee. The chair shall perform any other duties consistent with the office that are established by charter, ordinance or other vote of the school committee. The vice-chair shall preside in the absence of the chair.

SECTION 4-3: PROHIBITIONS

No member of the school committee shall hold any other compensated city position except that the mayor and deputy mayor serve as members of the school committee by their election as mayor and deputy mayor. No former member of the school committee including the mayor and deputy mayor shall hold any compensated appointed city or school department office or city or school department employment until one (1) year following the date on which that member's service on the school committee terminated. This section shall not prevent a city officer or other city employee who has vacated a position in order to serve as a member of the school committee from returning to the same office or other position of city employment held at the time the position

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was vacated; provided, however, that no such person shall be eligible for any other municipal position until at least one (1) year following the termination of service as a member of the school committee.

SECTION 4-4: COMPENSATION, EXPENSES

(a) Salary - The city council shall, by ordinance, establish the compensation for the elected members of the school committee, including compensation for the mayor and the deputy mayor in their defined capacities, including their serving as president and vice president of the city council as well as chair and vice chair of the school committee. No ordinance increasing or reducing the compensation of elected members of the school committee shall be effective unless it has been adopted during the first eighteen (18) months of the term for which the school committee is elected, provides providing that the compensation increase or reduction is to take effect upon the organization of city government following the next regular city election, and has been adopted by a minimum of six (6) votes of the city council.

(b) Expenses - Subject to appropriation, the school committee members shall be entitled to reimbursement of their actual and necessary expenses in the performance of their duties. The actual and necessary expenses shall be defined in the rules and regulations of the school committee.

SECTION 4-5: SCHOOL COMMITTEE POWERS AND DUTIES

The school committee shall have all powers which are conferred on school committees by the General Laws and the additional powers and duties provided by charter, ordinance or otherwise and not inconsistent with the General Laws. The powers and duties of the school committee shall include:

(a) selecting and removing a superintendent of the schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the school committee and, upon the recommendation of the superintendent, to establish and appoint assistant or associate superintendents as authorized by the General Laws;

(b) making all reasonable policies, rules and regulations for the management of the public school system and for conducting the business of the school committee as deemed necessary or desirable; and

(c) adopting and overseeing the administration of an annual operating budget for the school department, subject to appropriation by the city council; provided, however, that the school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, ~~furniture~~^{furniture} and equipment; provided further, that the school committee shall provide ordinary maintenance of all school buildings and grounds, unless a central municipal maintenance department, which may include maintenance of school buildings and grounds, is established; provided further, that whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least one (1) member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee for the planning or construction of the new, remodeled or renovated school building.

SECTION 4-6: MEETINGS OF THE SCHOOL COMMITTEE

(a) Except in the case of an emergency, or in the event of a joint meeting with the city council, the school committee shall not meet on the same date as a regularly scheduled city council meeting.

(b) Regularly scheduled meetings of the school committee shall be held at a time and place as determined by the school committee's rules.

SECTION 4-7: INTERFERENCE WITH ADMINISTRATION

The school committee, or any member thereof, shall not give orders or directions to any employee of the school department appointed by the superintendent, either publicly or privately.

SECTION 4-8: FILLING OF VACANCIES

If a vacancy shall occur on the school committee, the vacancy shall be filled in the descending order of votes received by the candidate for the office of school committee at the preceding city election who received the highest number of votes without being elected to the office, provided such candidate remains eligible and willing to serve. The city clerk shall certify this candidate to the office of school committee member and the candidate shall be sworn to office immediately to serve for the balance of the unexpired term. Persons serving as school committee members under this section shall not be entitled to have the words "candidate for reelection" printed with that person's name on the election ballot.

If the mayor removes from the city during the mayor's term or in any other manner vacates the position of mayor, the deputy mayor shall serve immediately as mayor. If the deputy mayor removes from the city during the deputy mayor's term or in any other manner vacates the position of deputy mayor, the mayor shall appoint a new deputy mayor, as soon as practicable but no later than within seven (7) calendar days.

If both Mayor and Deputy Mayor remove from their positions at the same time or at a time prior to action taken as specified within SECTION 2-2(a) their replacements shall be as provided for in SECTION 2-2(a).

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ARTICLE 5 ADMINISTRATIVE ORGANIZATION

SECTION 5-1: ORGANIZATION OF CITY AGENCIES

The organization of the city into agencies to provide services and administer the government may be accomplished only through an administrative order submitted to the city council by the mayor~~City~~Manager. No such administrative order may originate with the city council.

The ~~mayer~~-City Manager may, subject only to express prohibitions of a general law of the Commonwealth of Massachusetts, city ordinance of the City of Fall River or this charter, submit proposals to reorganize, consolidate or abolish any agency, in whole or in part; or to establish a new agency as is deemed necessary, establish terms of office and prescribe the functions and administrative procedures to be followed by all such agencies. No function assigned by

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this charter to a particular agency may be discontinued or assigned to any other agency unless specified by this charter. The ~~mayer~~ City Manager may prepare and submit to the city council, administrative orders that establish agencies for the orderly, efficient or convenient conduct of the business of the city. These administrative orders shall be accompanied by a message from the ~~mayer~~ City Manager which explains the expected benefits and advises the city council if an administrative order shall require amendments, insertions, revisions, repeal or otherwise of existing ordinances. Whenever the ~~mayer~~ City Manager proposes an administrative order, the city council shall hold one (1) or more public hearings on the proposal giving notice by publication in a local newspaper and on the city website, which notice shall describe the scope of the proposal and the time and place at which the public hearing will be held, not less than seven (7) nor more than fourteen (14) days following the publication. An organization or reorganization plan shall become effective at the expiration of sixty (60) days following the date the proposal is submitted to the city council unless the city council shall, by a majority vote, within that sixty (60) day period, vote to disapprove the plan. The city council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

SECTION 5-2: MERIT PRINCIPLE

All appointments and promotions of persons employed by the city shall be made on the basis of merit and fitness demonstrated by examination, past performance or by other evidence of competence and suitability, Each person employed by the city shall be especially fitted by education, training and previous work experience to perform the duties of the office or position.

**ARTICLE 6
FINANCE AND FISCAL PROCEDURES**

SECTION 6-1: FISCAL YEAR

The fiscal year of the city shall begin on July 1 and shall end on June 30, unless another period is required by the General Laws.

SECTION 6-2: ANNUAL BUDGET MEETING

At least seventy-five (75) days before the beginning of the fiscal year, the mayor shall call a joint meeting of the city council and school committee, including the superintendent of schools, to review the fiscal and financial condition of the city, revenue and expenditure forecasts, and other relevant information prepared by the mayor in order to develop a coordinated budget.

SECTION 6-3: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

At least forty-five (45) days before the beginning of the fiscal year, the mayor shall submit to the city council a proposed operating budget for all city agencies, which shall include the school department, for the ensuing fiscal year with an accompanying budget message and supporting documents. The budget message submitted by the mayor shall explain the operating budget in fiscal terms and in terms of work programs for all city agencies. It shall outline the proposed fiscal policies of the city for the ensuing fiscal year, describe important features of the proposed operating budget and include any major variations from the current operating budget, fiscal policies, revenues and expenditures together with reasons for these changes. The proposed operating budget shall provide a complete fiscal plan of all city funds and activities and shall be in the form the mayor deems desirable. The school budget, as adopted by the school committee shall be submitted to the ~~mayor~~ City Manager at least thirty (30) days before the submission of the proposed operating budget to the city council. The ~~mayor~~ City Manager shall notify the school committee of the date by which the proposed budget of the school committee shall be submitted to the City Manager.
~~committee shall be submitted to the mayor.~~

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SECTION 6-4: ACTION ON THE OPERATING BUDGET

(a) Public Hearing - The city council shall publish in at least one (1) local newspaper and post on the city website a notice of the proposed operating budget as submitted by the ~~mayer~~City Manager. The notice shall state: (i) the times and places where copies of the entire proposed operating budget are available for inspection by the public; and (ii) the date, time and place when a public hearing on the proposed operating budget will be held by the city council, not less than fourteen (14) days after publication of the notice.

(b) Adoption of the Budget - The city council shall adopt the proposed operating budget, which may have amendments, within forty-five (45) days following the date the proposed budget is filed with the city clerk. In amending the proposed operating budget, the city council may delete or decrease amounts except expenditures required by law; provided, however, that except on the recommendation of the ~~mayer~~City Manager, the city council shall not increase any item in, or the total of, the proposed operating budget unless otherwise authorized by the General Laws. If the city council fails to take action on an item in the proposed operating budget within forty-five (45) days after its receipt, that amount shall, without any action by the city council, become a part of the appropriations for the year and be available for the purposes specified.

(c) Availability of the Operating Budget - In addition to any other posting requirements under law, immediately after the submission of the proposed budget to the city council, the ~~mayer~~City Manager shall cause the entire budget document to be posted on the city's website. Said proposed budget document shall remain posted during the city council's review process contained in this article. The budget as enacted shall be posted

on the city's website- and shall remain- there -throughout- the fiscal- year for which it is in effect. Said budget document shall reflect any amendments made by the city council and approved by the mayor and shall indicate that it is the budget in effect for the city.

SECTION 6-5: CAPITAL IMPROVEMENT PROGRAM

(a) Submission - The ~~mayor~~ City Manager shall submit a capital improvement program to the city council at least one hundred eighty (180) days before the start- of- each fiscal year. The capital improvement program shall include:

- (1) a clear and concise summary of its contents;
- (2) a list of all capital improvements proposed to be undertaken during the next five (5) years, with supporting information as to the need for each capital improvement;
- (3) cost estimates, methods of financing and recommended time schedules for each improvement; and
- (4) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information shall be annually revised by the ~~mayor~~ City Manager with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

(b) Public Hearing - The city council shall publish in at least one (1) local newspaper of general circulation in the city and shall post on the city's website a notice stating: (i) the times and places where copies of the entire capital improvement program are available for inspection by the public; and, (ii) the date, time and place of a public hearing on the plan to be held by the city council not less than fourteen (14) days after publication of the notice.

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(c) Adoption - At any time after the public hearing but before March 1 the city council shall by resolution adopt the capital improvement program, which may be amended, provided that each amendment shall be voted on separately and that an increase in the capital improvement program as submitted shall clearly identify the method of financing to accomplish the proposed increase.

SECTION 6-6: INDEPENDENT AUDIT

The city council shall annually provide for an outside audit of the books and accounts of the city to be conducted by a certified public accountant or a firm of certified public accountants, which has no personal interest, direct or indirect, in the fiscal affairs of the city or any of its officers. The ~~mayer~~ City Manager annually shall annually provide to the city council funds sufficient to satisfy the estimated cost of conducting the audit as presented to the ~~mayer~~ City Manager, in writing, by the city council. The award of a contract to conduct the audit shall be made by the city council on or before September 15 of each year. The report of the audit shall be filed in final form with the city council not later than March 1 in the year following its award. Within thirty (30) days of the filing of the audit report, the city council shall call a joint meeting with the administration and the independent auditor to discuss the findings of the independent audit. At least every five (5) years, the city council shall conduct a competitive procurement process to retain these auditing services.

SECTION 6-7: EXPENDITURES IN EXCESS OF APPROPRIATIONS

Except as otherwise provided by law, no official of the city of Fall River shall knowingly or intentionally expend in a fiscal year sums in excess of the appropriations, awards, grants or gifts duly made in accordance with law or involve the city in any contract for the future payment of money in excess of these appropriations, awards, grants or gifts. It is the intention of this section that section 31 of chapter 44 of the General Laws shall be strictly enforced. Any official who violates this

section shall be personally liable to the city for any amounts so expended to the extent that the city does not recover these amounts from the person to whom the sums were paid.

SECTION 6-8: QUARTERLY BUDGET UPDATES

Quarterly budget updates shall be made by the ~~mayer~~ City Manager or a designee during the second (2nd) regular monthly meeting of the city council in the months of January, April, July, and October.

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SECTION 6-9: LONG TERM FINANCIAL FORECAST

The ~~mayer~~ City Manager shall annually prepare a five (5) year long-term financial forecast of city revenues and expenditures; the forecast shall address the general financial condition of the city, including, but not limited to, an identification of factors which will impact the financial condition of the city and revenue and expenditure trends, including long and short term debt service to be incurred, a debt management plan, potential for new or expanded revenues, and any long or short term actions which may be taken to enhance the financial condition of the city. The forecast shall be submitted to the city council at least one hundred eighty (180) days before the start of the fiscal year.

SECTION 6-10 PUBLIC ACCESS TO FINANCIAL DOCUMENTS

Copies of the annual budget, capital improvement program, long term financial forecast, debt management plan and the annual independent audit shall be made available on the city website and for public inspection, at the same time they are made available to the council, and when the council receives the independent audit report. Copies of such documents shall also be filed in the office of the city clerk and the main public library.

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**ARTICLE 7
ELECTIONS**

SECTION 7-1: PRELIMINARY ELECTIONS

A preliminary election to nominate candidates for mayor and deputy mayor (elected as a "leadership team"), city council, and school committee shall be held on the third Tuesday in September in each odd-numbered year in which the candidates are to be elected; but the city clerk may, with the approval of the city council, reschedule the preliminary election to the second or fourth Tuesday in September to avoid a conflict with any civil or religious holiday. Whenever a special election to fill a vacancy is to be held, a preliminary election shall be conducted, if necessary, twenty-eight (28) days before the date established for the special election.

SECTION 7-2: PRELIMINARY ELECTION PROCEDURES

(a) Signature Requirements - The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of mayor and deputy mayor (elected as a "leadership team"), not less than three hundred (300) certified signatures; for councilor at large or school committee member not less than one hundred fifty (150) certified signatures. Signatures of voters shall be made on a form prescribed by the board of election commissioners and shall be made available not earlier than April 2 in each preliminary election year and those forms shall be submitted to the board of election commissioners for certification of the names on or before the fourteenth (14th) day preceding the date fixed for submission to the city clerk. The forms shall be submitted to the city clerk on or before 5 o'clock in the afternoon on the forty-fifth (45th) day prior to the declared date of the preliminary election. An individual may appear on the ballot for only 1 office. Candidates for mayor and deputy mayor may appear on the ballot for city council or school committee in addition to their appearing on the ballot for mayor and deputy mayor (elected as a "leadership team") at any preliminary, regular or special

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city election. If candidates for mayor and deputy mayor (elected as a "leadership team") are elected at a regular election and also, are elected as either a city council or school committee member, they must choose which position they accept. They cannot serve both as mayor and deputy mayor (elected as a "leadership team") as well as individual members of either the city council or the school committee.

(b) Ballot Position - The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk at least forty (40) days before the preliminary election. The drawing shall be open to the public.

(c) Determination of Candidates:

(i) Office of Mayor and Deputy Mayor (elected as a "leadership team") - The two (2) elected "leadership teams" of candidates receiving the highest number of votes for nomination at the preliminary election, except as provided in subsection (d), shall be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regular or special city election at which the office is to be voted upon and no acceptance of a nomination shall be necessary to its validity.

(ii) City Council and School Committee - If 2 or more candidates are to be elected to the same office at the regular or special city election, the several candidates equal in number to twice the number to be elected, receiving at such preliminary election the highest number of votes for nomination for that office shall, except as provided by subsection (d), be the sole candidates for that office whose names shall be printed on the official ballot.

(iii) Tie Votes - If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which would entitle a candidate receiving the same to have that candidate's name printed on the official ballot for the election, all candidates participating in the tie vote shall have their names printed on the official ballots, although in consequence thereof there shall be printed on the ballots the names of candidates exceeding twice the number to be elected.

(d) Condition Making Preliminary Unnecessary - If at the expiration of the time for filing statements of candidates to be voted for at any preliminary election, not more than twice as many such statements have

been filed with the city clerk for an office(s) as are to be elected to such office(s), the candidates whose statements have thus been filed shall be deemed to have been nominated to the office and those candidates shall be voted on for such office(s) at the succeeding regular or special city election and the city clerk shall not print those names on the ballot to be used at the preliminary election and no other nomination to the office(s) shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at a preliminary election in the city, no preliminary election shall be held.

SECTION 7-3: REGULAR CITY ELECTION

The regular city election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.

SECTION 7-4: BALLOT POSITION, REGULAR CITY ELECTION

The order in which names of candidates for each office appear on the ballot shall be determined by a drawing, by lot, conducted by the city clerk not later than seven (7) days after the certification of the preliminary election results. In the event that there is no preliminary election in advance of a special-city election, the drawing shall be conducted on the sixth (6th) Tuesday prior to the special-city election. The drawing shall be open to the public.

SECTION 7-5: NON-PARTISAN ELECTIONS

All elections for city offices shall be non-partisan and election ballots shall be printed without any party mark, emblem or other political designation.

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SECTION 7-6: WARDS

The territory of the city shall be divided by the city clerk into nine (9) wards to consist of nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded as far as possible by the center line of known streets or ways or by other well-defined ~~well-defined~~ limits. Each ward shall be composed of voting precincts established under the General Laws. The city council shall review these wards to ensure uniformity in the number of inhabitants at least once every ten (10) years.

SECTION 7-7: APPLICATION OF STATE GENERAL LAWS

Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be governed by the General Laws relating to the right to vote, the registration of voters, the nomination of candidates, voting places, the conduct of preliminary, regular and special city elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes and the determination of results.

ARTICLE 8 CITIZEN PARTICIPATION MECHANISMS

SECTION 8-1: FREE PETITION

The city council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it, which is signed by one hundred (100) or more registered voters, and which seeks the passage of a measure. The hearing shall be held by the city council or the school committee and the action by the city council or the school committee shall be taken not later than six (6) weeks after the petition is filed with the city clerk or the vice chair of the school committee. Hearings on two (2) or more petitions filed under this section may be held at the same time and place. The city clerk or the vice-chair of the school committee shall mail notice

of the hearing to the ten (10) persons whose names appear first on the petition at least seven (7) days before the hearing. Notice, by publication, of all such hearings shall be at public expense.

SECTION 8-2: CITIZEN INITIATIVE MEASURES

(a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative petition with the city clerk or the vice-chair of the school committee. The petition shall be addressed to the city council or to the school committee, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition and shall be signed by at least two hundred fifty (250) voters. At least twenty-five (25) signatures must be certified from each ward. The petition shall be accompanied by an affidavit signed by ten (10) voters and containing their residential addresses stating those voters will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

(b) Referral to City Attorney - The city clerk or the vice-chair of the school committee shall, immediately following receipt of a proposed petition, deliver a copy of the petition to the city attorney. The city attorney shall, within fifteen (15) days following receipt of a copy of the petition, in writing, advise the city council or the school committee, and the city clerk whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may lawfully be adopted by the city council or the school committee. If the opinion of the city attorney is that the measure is not in proper form, the reply shall state the reasons for this opinion, in full. A copy of the opinion of the city attorney shall be mailed to the members of the petitioners committee.

(c) Submission to City Clerk - If the city attorney determines that the petition is in a proper form, the city clerk shall provide blank forms for the use of subsequent signers and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city

attorney, together with the names and addresses of the petitioners

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committee. The city clerk shall notify the petitioners committee that the blank forms are issued. Within one hundred twenty (120) days following the date of the notice, the petition shall be returned and filed with the city clerk signed by at least ten (10) per cent of the total number of voters as of the date of the most recent regular city election. Signatures to an initiative petition need not all be on a single paper, but all papers pertaining to any single measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and address of the person designated as filing the papers. - With each signature on the petition there also shall also appear the street and number of the residence of each signer. Within ten (10) days following the filing of the petition, the board of election commissioners shall ascertain the number of voters that signed the petition and the percentage that number is of the total number of voters as of the date of the most recent regular city election. The board of election commissioners shall attach to the petition a certificate showing the results of its examination and shall return the petition to the city clerk or the vice-chair of the school committee, depending on how the petition is addressed. A copy of the board of election commissioners' certificate shall also be mailed to the members of the petitioners committee.

(d) Action on Petitions - Within thirty (30) days following the date a petition has been returned to the city clerk or the vice-chair of the school committee, the city council or the school committee shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the city council or the school committee fails to act within thirty (30) days following the date the measure is returned to it, the measure shall be deemed to have been rejected on the thirtieth (13th) day. If an initiative measure is rejected, the city clerk or the vice-chair of the school committee shall promptly give notice of that fact to the petitioners committee by certified mail.

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(e) Submission of Initiative Petition at Regular Municipal Election – If an initiative petition is certified as containing a minimum of eight (8) per cent of voters' signatures, but less than fifteen (15) per cent, such initiative shall be placed on the next regular municipal election ballot. All provisions of section 8-2 as may be applicable remain in effect, including but not limited to sections 8-2 (a), (b), (c), (d), (g), (h) and (i).

(f) Supplementary Petitions - Within sixty (60) days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the city clerk or the vice-chair of the school committee, but only by persons constituting the original petitioners committee. The supplemental initiative petition shall be signed by a number of additional voters equal to at least five (5) per cent of the total number of voters as of the date of the most recent regular city election. The signatures on the initial petition filed under subsection (c) and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of at least fifteen (15) per cent of the total number of voters as of the date of the most recent regular city election. If the number of signatures to this supplemental petition is found to be sufficient by the city clerk, the city council shall call a special election to be held on a date not less thirty-five (35) ~~than 35~~ nor more than sixty (60) days following the date of the certificate of the city clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; but if a city election is to be held within ninety (90) days following the date of the certificate, the city council may omit calling the special election and cause the question to appear on the election ballot at the approaching election for determination by the voters.

(g) Publication - The full text of an initiative measure which is to be submitted to the voters shall be published in at least one (1) local newspaper not less than seven (7) nor more than fourteen (14) days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk, and the text shall appear on the city website.

(h) Form of Question - The ballots used when voting on a measure proposed by the voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect?

(Here insert the fair, concise summary of the proposed measure, as determined by the city attorney as referenced in subsection [c]).

☐ YES ☐ NO

(i) Time of Taking Effect - Subject to section 8-6, if a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

SECTION 8-3: CITIZEN REFERENDUM PROCEDURES

(a) Petition, Effect on Final Vote - If, within twenty-one (21) days following the date on which the city council or the school committee has voted finally to approve any measure, a petition signed by a number of voters equal to at least twelve (12) per cent of the total number of voters as of the date of the most recent regular city election and addressed to the city council or to the school committee, protesting against the measure or any part of it is filed with the vice chair of the school committee or city clerk, the effective date of that measure shall be temporarily suspended. The school committee or the city council shall immediately reconsider its vote on the

measure or part of it and, if the measure is not rescinded, the city council shall provide for the submission of the question for a determination by the voters either at a special election, which it may call at its convenience, within such time as may be requested by the school committee, or at the next regular city election; provided, however, that pending this submission and determination, the effect of the measure shall continue to be suspended.

(b) Certain Initiative Provisions to Apply - The petition described in this section shall be termed a referendum petition and insofar as applicable Section 8-2 (a) describing the manner in which a petition is prepared and filed, 8-2 (b) providing for referral to the city attorney for a legal opinion, 8-2 (g) providing for publication of the text of the measure and 8-2 (h) providing for the form of ballot question shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" in said sections wherever it may occur and the word "referendum" shall be deemed to replace the word "initiative" wherever it may occur in said sections.

SECTION 8-4: INELIGIBLE MEASURES

None of the following shall be subject to the initiative or the referendum procedures:

- (1) proceedings relating to the internal organization or operation of the city council or of the school committee;
- (2) an emergency measure adopted under the charter;
- (3) the city budget or the school committee budget as a whole;
- (4) any appropriation for the payment of the city's debt or debt service;
- (5) an appropriation of funds to implement a collective bargaining agreement;

(6) proceedings relating to the appointment, removal, discharge, employment, promotion, transfer, demotion or other personnel action;

(7) any proceedings repealing or rescinding a measure or part of it which is protested by referendum procedures;

(8) any proceedings providing for the submission or referral to the voters at an election; and

(9) resolutions and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.

SECTION 8-5 RECALL

(a) Application - Any holder of an elective office may be recalled therefrom by the voters of the city as herein provided. No recall petition shall be filed against an officer within three (3) months after the officer takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least two hundred seventy (270) days after that election.

(b) Recall Petition - Any ten (10) voters of the city may file with the city clerk an affidavit containing the name of the officer or officers sought to be recalled and a statement of the grounds for recall. The city clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, printed forms of which the city clerk shall keep available. Said blanks shall be issued by the city clerk with the clerk's signature and official seal attached thereto. Said blanks shall be dated and addressed to the city council, and shall contain the names of the ten (10) persons to whom they are issued, the name of the officer (or officers) whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the city clerk. The recall petition shall be returned and filed with the city clerk within twenty (20) days after the filing of the affidavit and shall have been signed by at least five (5) per cent of the voters of the city who shall add to their signatures the street and number of their residences. The city clerk

shall submit the petition to the board of election commissioners- in the city and the board shall forthwith certify thereon the number of signatures which are names of voters of the city.

(c) Recall Election - If the petition shall be found and certified by the city clerk to be sufficient, the city clerk shall submit the same with the clerk's certificate to the city council without delay, and said city council shall forthwith give written notice of the receipt of the certificate to the officer or officers sought to be recalled, and shall, if the officer (or officers) does not resign within five (5) days thereafter, thereupon order a recall election to be held on a Tuesday fixed by said city council at least sixty-five (65) days after the date of the city clerk's certificate that a sufficient petition is filed; provided, however, that if any other city election is to occur within seventy-five (75) days after the date of the certificate, the city clerk shall postpone the holding of said recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this provision.

(d) Recall of One or More Office Holders - The question of recalling any number of officers may be submitted at the same election. For each officer whose recall is sought there shall be a separate ballot. The nomination of candidates to succeed an officer whose recall is sought, the publication of the warrant for said recall election, and the conduct of such election, shall all be in accordance with the provisions of the General Laws.

(e) Office Holder - The office holder shall continue to perform the duties of the office to which elected until the recall election. If not recalled, the office holder shall continue in office for the remainder of the unexpired term, subject to recall as the charter provides. If recalled, the office holder shall be deemed removed upon the qualification of the successor elected to the office, who shall hold office during the unexpired

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term. If the successor fails to qualify within thirty (30) days after receiving notification of election to the office, the recalled office holder shall thereupon be deemed removed and the office vacant.

(f) Recall Election Ballots - Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for one" and beneath this the names of candidates nominated as hereinbefore provided.

(g) Office Holder Recalled - Any person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against said office holder shall not be appointed to any office within 2 years after such recall or such resignation.

SECTION 8-6: REQUIRED VOTER PARTICIPATION

For any measure to be effective under the initiative procedure, and for any measure to be declared null and void under a referendum procedure, at least twenty (20) per cent of the voters as of the most recent regular city election must vote at any election that includes on the ballot submission to the voters of one (1) or more initiative or referendum questions.

SECTION 8-7: SUBMISSION OF OTHER MATTERS TO VOTERS

The city council may on its own motion and shall, at the request of the school committee if a measure originates with that body and pertains to affairs under its jurisdiction, submit to the voters at a regular city

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election for adoption or rejection any measure in the same manner and with the same force and effect as are hereby provided for submission by petitions of voters.

SECTION 8-8: CONFLICTING PROVISIONS

If two (2) or more measures passed at the same election contain conflicting provisions, only the one receiving the greatest number of affirmative votes shall take effect.

ARTICLE 9 GENERAL PROVISIONS

SECTION 9-1: CHARTER CHANGES

This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution or by the General Laws.

SECTION 9 - 2: SEVERABILITY

The provisions of this charter are severable. If any provision of this charter is held invalid the other provisions shall not be affected by this holding. If the application of this charter, or any of its provisions, to any person or circumstance is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

SECTION 9-3: SPECIFIC PROVISION TO PREVAIL

To the extent that a specific provision of this charter conflicts with any provision expressed in general terms, the specific provision of the charter shall prevail.

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SECTION 9-4: RULES AND REGULATIONS

Unless an emergency exists, as determined by the mayor, a copy of all rules and regulations adopted by a city agency shall be placed on file in the office of the city clerk at least five (5) days before such rules or regulations are to become effective and shall be available for review by any person who requests such information at any reasonable time.

SECTION 9-5: PERIODIC REVIEW OF ORDINANCES

Not later than August 1, at 5-year intervals, in each year ending in a 3 and 8, the ~~mayer~~ City Manager and city council shall provide for a review to be made of some or all of the ordinances of the city to prepare a proposed revision or recodification of them. The review of city ordinances shall be under the supervision of the city attorney.

This review shall be made by a special committee to consist of seven (7) members, all of whom shall be voters in the city. The committee's members shall be appointed as follows: five (5) shall be appointed by the city council president and 2 shall be appointed by the ~~mayer~~ City Manager. At least three (3) of the persons appointed by the city council president shall be members of the city council and 2 shall be residents but shall not be elected or appointed officers or employees of the city. The appointing authority shall fill any vacancies within twenty-one (21) days.

The special committee shall file its report with the city clerk not later than October 1 in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the city council's agenda for action before November 15 in such year, and if not so scheduled by the city clerk, the matter shall come before the city council for action at its meeting next held following November 15; and no other business shall be in order until such report has been acted upon by roll call vote.

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In each year between these reenactments, an annual supplement shall be prepared which shall contain all ordinances and amendments to ordinances adopted in the preceding year. Copies of the supplement shall be made available to the public on the city website, and shall be provided upon request at a cost not to exceed the actual cost of the reproduction.

SECTION 9-6: PERIODIC REVIEW OF CHARTER

Not later than July 1, at ten (10)-year intervals, in each year ending in a seven (7), the ~~mayer~~-City Manager and city council shall provide for a review to be made of the city charter. This review shall be made by a special committee to consist of seven (7) members, all of whom shall be voters in the city. The city council president shall appoint four (4) members, two (2) of whom shall be councilors, and two (2) of whom shall be residents but shall not be elected or appointed officers of the city. The ~~mayer~~-City Manager shall make two (2) appointments, and the ~~school-committee vice-chair~~~~mayer~~ shall make one (1) appointment. The appointing authority shall fill any vacancies within twenty-one (21) days.

The special committee shall file its report with the city clerk, not later than August 1 in the year following the year in which the committee is appointed. The recommendations of the special committee shall appear on the city council's agenda for action before August 15 in such year and, if not so scheduled by the city clerk, the matter shall come before the city council for action at its meeting next held following August 15; and no other business shall be in order until such report has been acted upon, by roll call vote. Copies of any recommendations shall be made available to the public on the city website, and shall be available upon request at a cost not to exceed the actual cost of the reproduction.

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SECTION 9-7: UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER BODIES

(a) Officers - All appointed multiple-member bodies shall annually elect a chair, a vice-chair, a secretary and any other officer the body deems necessary from among the body's membership, but not including alternate members.

(b) Meetings - All appointed multiple-member bodies of the city shall meet regularly at the times and places that the multiple-member body, by the body's own rules, shall prescribe. Special meetings of any multiple-member body shall be held at the call of the chair or by a majority of the members of the body. Notice of the meeting shall be posted as required by law. Except as may otherwise be authorized by law, all meetings of all multiple-member bodies shall at all times be open to the public.

(c) Meeting Documents and Submissions - Each appointed multiple-member body shall determine its own rules and order of business. Each multiple-member body shall provide for the keeping of agendas, minutes and related submissions of its proceedings. All such documents shall be a public record and certified copies shall be placed on file in the office of the city clerk within a reasonable period from the date of approval.

(d) Voting - If requested by a member, a vote of an appointed multiple-member body shall be taken by a roll call vote and the vote of each member shall be recorded in the minutes, but if the vote is unanimous, only that fact need be recorded.

(e) Quorum - A majority of the members of an appointed multiple-member body shall constitute a quorum. Unless some other provision is made by the multiple-member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to vote on any matter representing an

exercise of the powers of the multiple-member body unless otherwise required by the General Laws. General Laws related to a vote to meet in "executive session" shall always require a majority of members of the body.

(f) Residency - All members of multiple-member bodies must be residents of the city at all times during their entire term. If a member of a multiple-member body removes from the city during the term for which appointed, such seat shall immediately be deemed vacant and filled by the appointing authority.

(g) Notice to Mayer-City Manager - A multiple-member body may, by majority vote, send a notice to the mayer-City Manager if the extended absence of one or more members is impeding the ability of such body to maintain a quorum, fulfill its responsibilities, or otherwise preventing the body from taking action in a timely manner.

SECTION 9-8: REFERENCES TO GENERAL LAWS

All references to General Laws contained in the charter refer to the General Laws of the commonwealth and are intended to refer to and to include any amendments or revisions to such chapters or sections or to the corresponding chapters and sections of any rearrangement, revision or recodification of such statutes enacted or adopted subsequent to the adoption of this charter.

SECTION 9-9: COMPUTATION OF TIME

In computing time under this charter the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day which is not a Saturday, Sunday or legal holiday. When the period of time designated is fewer than seven (7) days,

intermediate Saturdays, Sundays and legal holidays shall not be included, when the period is seven (7) days or more, Saturdays, Sundays- and- legal holidays shall be included.

SECTION 9-10: OATHS OR AFFIRMATIONS FOR THE OFFICE OF MAYOR, CITY COUNCIL, SCHOOL COMMITTEE

A mayor-elect, deputy mayor-elect, the city council members-elect, and the school committee members-elect shall, on the first (1st) Monday in the January of each even-numbered year, meet and take an oath or affirmation to the faithful discharge of the duties of their office by the city clerk. If the first (1st) Monday in January of any even-numbered year falls on a legal holiday, the oaths or affirmations shall be taken on the following day.

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Upon receiving the oath or affirmation, each official shall document the same by signing an oath or affirmation that shall be kept in a bound book maintained by the city clerk. In the case of the absence of the mayor-elect, the deputy mayor-elect or any member-elect of the city council or school committee on the day the oath is administered, the oath or affirmation may at any time thereafter be administered to that person by the city clerk, the assistant city clerk, a judge of a court of record or by a justice of the peace.

SECTION 9-11: CERTIFICATE OF ELECTION OR APPOINTMENT

Every person who is elected or appointed to an office or as a member of a multiple-member body shall receive a certificate of that election or appointment from the city clerk. Except as otherwise provided by law, every person who is elected or appointed to an office or as a member of a multiple-member body, before performing any act under this election or appointment, shall take and subscribe to an oath or affirmation to qualify to enter upon the duties. A record of this oath shall be kept by the city clerk.

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SECTION 9-12: LIMITATION ON OFFICE HOLDING

Unless otherwise allowed by law or this charter, no person shall simultaneously hold more than one (1) city office or position of employment. This section may be waived by the ~~mayer~~-City Manager upon the appointment of a person to an additional office or position of employment by filing a notice of the waiver with an explanation and justification with the city clerk. Any hours worked in any part-time position shall not be the same or otherwise conflict with the hours worked in a full-time position.

SECTION 9-13: FELONY CONVICTION

An elected official who has been convicted of a state or federal felony while holding office shall be deemed to have vacated the office.

SECTION 9-14: ENFORCEMENT OF CHARTER PROVISIONS

It shall be the duty of the ~~mayer~~-City Manager to see that the charter is faithfully followed and that all city agencies and city employees comply with its provisions. Whenever it appears to the ~~mayer~~-City Manager that a city agency or city employee is failing to follow this charter the ~~mayer~~-City Manager shall, in writing, cause notice to be given to such city agency or city employee directing compliance with the charter. If it shall appear to the city council that the ~~mayer~~-City Manager personally is not following the charter, the city council shall, by resolution, direct the attention of the ~~mayer~~-City Manager to those areas in which it believes there is a failure to comply with the charter. The procedures made available in chapter 231A of the General Laws may be used to determine the rights, duties, status or other legal relations arising under this charter, including any question of construction or validity which may be involved in such determination.

SECTION 9-15: PERIODIC REVIEW OF THE NEED FOR MULTIPLE MEMBER BODIES

Not later than February 1, at ten (10)-year intervals, in each year that ends in a four (4), the ~~mayer~~-City Manager and city council shall appoint a special committee to review the purpose and need for each appointed multiple-member body of the city established by ordinance.

The review shall be made by a special committee to consist of five (5) voters of the city, three (3) of whom shall be appointed by the ~~city-council president~~mayer and 2 of whom shall be appointed by the ~~mayer~~City Manager. The ~~city-council president~~mayer shall appoint one (1) city councilor and two (2) residents of the city, who shall not be elected or appointed officers or employees of the city. The appointing authority shall fill any vacancies within twenty-one (21) days.

The special committee shall file a report outlining any findings and recommendations for changes with the city clerk, not later than April 1 in the year following the year the special committee is appointed. The recommendations of the special committee shall appear on the city council's agenda for action before April 15 in that year, and if not so scheduled by the city clerk, the matter shall come before the city council for action at its next meeting held following April 15, and no other business shall be in order until such report has been acted upon by roll call vote.

SECTION 9-16: INSPECTION OF DOCUMENTS

All documents cited in this article as available for public inspection shall be maintained in the office of the city clerk and in the public library. The city clerk shall provide copies of documents to the public library in a timely manner.

SECTION 9-17: CONFLICT OF INTEREST

(a) All city employees shall be considered municipal employees under Chapter 268A of the General Laws and shall comply with the state conflict of interest laws.

(b) The mayor, deputy mayor, city councilors, school committee members and members of multiple-member bodies shall not seek to individually influence the official acts of any city official, or to direct or request, except in writing, the appointment or removal of any person to or from office, or to interfere in any way with the performance of such officers of their duties. This provision shall not prohibit:

(i) assistance to constituents in their dealings with city officials if constituent requests to the appropriate administrative officials have been unsuccessful;

(ii) advocacy of particular outcomes on matters pending before the city if the matter is of a general nature; or

(iii) submission of recommendations or references on behalf of a candidate for city employment which are consistent with this charter.

SECTION 9-18: PUBLIC COMMENT RULES OR POLICY

The city council, the school committee, and all multiple-member bodies shall develop and adopt rules or a policy addressing public comment. The rules or policy shall require that public comment periods appear on meeting agendas for all regular and special meetings. Public comment shall not be limited to items on the agenda for any regular meeting, provided the issues or concerns raised are within the jurisdiction of the city council, school committee, or any multiple-member body, respectively; public comment at any special meeting shall be limited to items on the meeting agenda.

The rules or policy shall consider the convenience of the public when scheduling such public comments periods. The city council, school committee, and every multiple-member body shall post its public comment rules or policy on the city website and shall, at least annually, review the rules or policy and make revisions as needed.

SECTION 9-19: ELIGIBILITY FOR HEALTH INSURANCE AND OTHER BENEFIT PROGRAMS

No elected official other than the mayor and deputy mayor shall be eligible to participate in the city's health insurance and related benefit programs; provided, however, that any other elected officials in office at the time of this charter's adoption and who are receiving such benefits shall continue to be eligible for the city's health insurance and related benefit programs for as long as they are in continuous elective service to the city.

**ARTICLE 10
TRANSITION PROVISIONS**

SECTION 10-1: CONTINUATION OF EXISTING LAWS

All general laws, special laws, city ordinances, and rules and regulations of or pertaining to Fall River, including special acts creating regional entities and arrangements of which the city is a member, that are in force when this charter takes effect, and not specifically or by implication repealed by this charter, shall continue in full force and effect until amended or repealed, or rescinded by law, or until they expire by their own limitation. In any case in which the provisions of this charter are found to be inconsistent with the provisions of any general or special law that would otherwise be applicable, the provisions of this charter shall be deemed to prevail. Every inconsistency between the prior law and this charter shall be decided in favor of this charter.

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SECTION 10-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

All city agencies shall continue to perform their duties until re- elected, reappointed, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred and assumed by another city agency.

SECTION 10-3: EFFECT ON OBLIGATIONS, TAXES, ETC.

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the city before the adoption of this charter, and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as otherwise provided in this charter, shall continue without abatement and remain unaffected by the charter; and no legal act done by or in favor of the city shall be rendered invalid by reason of the adoption of this charter.

SECTION 10-4: DISPOSITION OF CERTAIN SPECIAL LAWS

The following special acts for the city of Fall River are hereby specifically repealed:

Chapter 131, Acts of 1937, An Act relative to the arrangement of the names of candidates on ballots to be used at preliminary elections in the City of Fall River; Chapter 160, Acts of 1941, An Act providing for the holding of biennial municipal elections in the city of Fall River in odd- numbered years instead of even-numbered years and establishing the date of said elections; Chapter 90, Acts of 1950, An Act relative to the filling of vacancies in the city council of the city of Fall River; Chapter 223, Acts of 1951, An Act relative to the filling of vacancies in the school

committee in the City of Fall River; Chapter 438, Acts of 1979, An Act establishing the term of office of the school committee in the city of Fall River to be coterminous with that of the mayor and city council of said city; Chapter 292, Acts of 1980, An Act providing for recall elections in the City of Fall River; Chapter 295, Acts of 1981; An Act relative to recall elections in the City of Fall River.

SECTION 10-5: TIME OF TAKING EFFECT

The Upon passage by the city voters at the city election on November 5, 2019, the charter, as amended, will take effect upon its adoption by the voters except as follows Inauguration Day, 2022, with the city government inaugurated on Inauguration Day, 2020, responsible for preparing the city and the school department for the new city government to be elected on November 2, 2021 and inaugurated on January 3, 2022 .:

(a) Section 3-3 regarding the mayor posting vacancies on multiple-member bodies shall take effect on or before February 28, 2019.

(b) The mayor taking office in 2020 shall initiate the review of planning needs and priorities as referenced in Section 3-11 of this charter by May 1, 2020..

(c) Section 6-2 requiring a meeting on the proposed budget will be in effect for the budget prepared for the fiscal year beginning July 1, 2019.

(d) Section 6-3 relative to submission of the budget to the council shall be in effect for the budget prepared for the fiscal year beginning July 1, 2019.

(e) Section 6-4 relative to council adoption of the budget shall take effect for the budget prepared for the fiscal year beginning July 1, 2019.

(f) Section 6-5 relative to preparation and submission of the capital improvement plan shall be effective upon submission of a plan submitted to the council on or before February 1, 2019.

(g) Section 6-6 relative to the annual independent audit shall take effect for the fiscal year ending June 30, 2019.

(h) Section 6-8 relative to quarterly budget updates shall take effect for the fiscal year ending June 30, 2018.

(i) Section 6-9 relative to the long term financial forecast shall take effect for the fiscal year beginning July, 1 2019.

(j) Article 7 provisions relative to the conduct of preliminary and regular municipal elections shall be in effect for the municipal election to be held on November 5, 2019.

(k) By June 15, 2021, the city council will review the city's wards to ensure uniformity as required by section 7-6 of this charter.

(l) The public comment rules or policies as referenced in section 9- 18 of this charter shall be posted on the city website by June 15, 2018, and such policies or rules must be in effect on or before July 1, 2018.

(m) Immediately following the adoption of this charter, the mayor and city council shall undertake a review of the city ordinances to determine the need for any revisions and amendments as may be needed to bring the ordinances into conformity with the charter, and to fully implement the charter. This review shall be made by a special committee to be established by ordinance, provided however, that (1) the committee shall be composed of voters in the city, (2) that the city clerk shall be a member of the committee, and (3) that the city attorney, or special counsel appointed for this express purpose, shall serve as an advisor to

the committee. A report from the committee shall be filed with the city council within one year of its appointment. The committee may make interim reports with recommendations at any time, as the committee may deem necessary.

(n) Notwithstanding section 9-6 of this charter, not later than May 1, in the fifth year following the adoption of this charter, the mayor and city council shall provide for a review to be made of the city charter. This review shall be made by a special committee to be composed of 9 members to be appointed as follows: the ~~mayer~~ City Manager shall appoint five (5) members to include one (1) member of the school committee and four (4) representatives of the city's business, academic, and civic associations and institutions. The ~~city council president~~ mayor shall appoint four (4) members to include one (1) city councilor, one (1) member of the charter commission elected in 2015 if able and willing to serve, provided however if no such charter commission member is able and willing to serve, the council shall choose another councilor; and two (2) representatives of established neighborhood or social service organizations. All members of the committee shall be voters of the city. Except as noted herein, no other city officials or employees shall be appointed to the committee. Appointments shall, to the most practicable extent, assure geographic and demographic diversity of the committee's membership. The city attorney shall serve on the committee ex-officio. The special committee shall hold a minimum of two (2) public hearings, and shall file its report with the city clerk by June 30 in the year following its appointment. Recommendations shall be posted on the city website and copies shall be made available to the public at a cost not to exceed the actual cost of the reproduction.

(o) Following the initial review of the charter as described in (n) above, the provisions of section 9-6 shall be implemented in the tenth (10th) year following charter adoption and for all subsequent reviews.

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CITY OF FALL RIVER

14

To the City Council

Councillors:

The Committee on

Real Estate, at a meeting held on July 15, 2019, voted unanimously to recommend that the accompanying communication be granted leave to withdraw, with Councilor Steven A. Camara absent and not voting.

Cullen A. Taylor
Clerk of Committees

14

RECEIVED

March 5, 2019

2019 MAR -6 A 9:45

CITY CLERK _____
FALL RIVER, MA

To Whom it may concern,

We, Joseph and Patricia Valcourt have purchased the property at 66 Lake Avenue. This property has been in our family since 1953. The small parcel which abuts us to the North is city owned and was used as access for emergency vehicles when there were not any hydrants on the street. We now have hydrants.

Over the years this property has filled with yard refuse and silt from the street which has changed the water path and is now eroding the property down to the waters edge creating a void which has made the trees/rock fall into the water.

We, as the new homeowners would like to purchase and care for this property if it is possible.

Thank you for your time and consideration,
Joseph and Patricia Valcourt

CITY OF FALL RIVER
IN CITY COUNCIL

MAR 19 2019

Referred to the
Committee on Real Estate

CITY OF FALL RIVER

15

To the City Council

Councillors:

The Committee on

Real Estate, at a meeting held on July 15, 2019, voted unanimously to recommend that the accompanying communication and order be granted leave to withdraw, with Councilor Steven A. Camara absent and not voting.

Callan A. Taylor
Clerk of Committees



City of Fall River
Massachusetts
Office of the Mayor

15

JASIEL F. CORREIA II

Mayor

January 31, 2019

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

CITY CLERK
FALL RIVER, MA

2019 JAN 31 P 4:52

RECEIVED


Dear Honorable Council Members:

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

1. \$160,000 That the sum of \$160,000 be, and the same is, hereby appropriated to the MAPLEWOOD PARK ACQUISITION from the MORTON MIDDLE SCHOOL INACTIVE FUND.

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

Respectfully,


Jasiel F. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

FEB - 5 2019

City Council to meet with Corporation Counsel in executive session at the next City Council meeting for purposes of discussing strategy in regards to the purchase and sale of two lots, 6 years, 2 days. The matter was also referred to the Committee on Real Estate. Such meeting is to be scheduled once the executive session is held by the City Council.

CITY OF FALL RIVER
IN CITY COUNCIL

FEB 19 2019

a/c placed on file

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

City of Fall River, In City Council

February 5, 2019

1

15

ORDERED:

That the sum of \$160,000 be, and the same is, hereby appropriated from the MORTON MIDDLE SCHOOL INACTIVE CAPITAL FUND to MAPLEWOOD PARK ACQUISITION CAPITAL FUND to purchase land.

CITY OF FALL RIVER IN CITY COUNCIL

FEB. 5, 2019

City Council to meet with Corporation Counsel in executive session at the next City Council meeting for purposes of discussing strategy in regards to the purchase and sale of two lots, 6 years, 2 days. The matter was also referred to the Committee on Real Estate. Such meeting is to be scheduled once the executive session is held by the City Council.

CITY OF FALL RIVER IN CITY COUNCIL

FEB. 19, 2019

Pursuant to M.G.L. Chapter 30A, Section 21(a)(6), the President called the roll to enter into executive session to discuss strategy relating to the purchase and sale of two lots (Maplewood Park Acquisition) as having the discussion in open session would be detrimental to the negotiation position of the City and the motion failed to carry, 3 yeas, 5 nays, with Councilors Shawn E. Cadime, Pam Laliberte-Lebeau and President Cliff Ponte voting in favor and Councilor Derek R. Viveiros absent and not voting.

Resolution – Request the Committee on Ordinances and Legislation draft thin film single-use check-out bag ordinance

CITY OF FALL RIVER

16

To the City Council

Councillors:

The Committee on Health and Environmental Affairs at a meeting held on July 22, 2019 voted unanimously to recommend that the accompanying resolution be submitted to the full Council for action, as amended, with Councilor Stephen R. Long absent and not voting.


Assistant Clerk of Committees

City of Fall River, *In City Council*

16

(Committee on Health and Environmental Affairs)

WHEREAS, there is a need to reduce thin film single-use plastic check-out bags in the City of Fall River, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation convene to draft an ordinance to address this issue as soon as possible.

Filed 7-22-19

City of Fall River, In City Council

17

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

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

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

Name of Street	Side	Location
North Main Street	West	Starting at a point 86 feet south of Weaver Street, for a distance of 20 feet southerly
Palmer Street	North	Starting at a point 352 feet west of Stafford Road, for a distance of 20 feet westerly
Penn Street	North	Starting at a point 20 feet east of King Street, for a distance of 20 feet easterly
Pitman Street	East	Starting at a point 221 feet north of Harriman Street, for a distance of 20 feet northerly
Pleasant Street	North	Starting at a point 20 feet east of Roper Street, for a distance of 20 feet easterly
Robeson Street	West	Starting at a point 205 feet north of Pine Street, for a distance of 20 feet northerly
Rocliffe Street	East	Starting at a point 272 feet south of County Street, for a distance of 20 feet southerly
Snell Street	North	Starting at a point 34 feet west of Rodman Street, for a distance of 20 feet westerly
South Main Street	West	Starting at a point 63 feet south of Center Street, for a distance of 20 feet southerly
Tecumseh Street	North	Starting at a point 557 feet west of Rodman Street, for a distance of 20 feet westerly
Walnut Street	South	Starting at a point 43 feet north of Robeson Street, for a distance of 20 feet easterly

CITY OF FALL RIVER
IN CITY COUNCIL

JUL 15 2019

*Passed through first
reading*

City of Fall River, In City Council

18

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

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

By striking out in Section 50-301, which section relates to Salary Schedule for executive officers, department heads, and non-union personnel, the following:

Parking Clerk/ Director of Traffic and Parking

07/01/2018

Not to exceed \$70,000

And inserting in place thereof the following:

Parking Clerk/ Director of Traffic and Parking

07/01/2019

Not to exceed \$80,000

CITY OF FALL RIVER
IN CITY COUNCIL

JUL 15 2019
*Passed through first
reading, as amended*

City of Fall River, In City Council

19

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

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

By striking out in Section 50-301, which section relates to Salary Schedule for executive officers, department heads, and non-union personnel, the following:

Commissioner of Recreational Facilities/ Director of Recreational Facilities	07/01/2018	Not to exceed \$75,000
---	------------	------------------------

And inserting in place thereof the following:

Commissioner of Recreational Facilities/ Director of Recreational Facilities	07/01/2019	Not to exceed \$80,000
---	------------	------------------------

CITY OF FALL RIVER
IN CITY COUNCIL

JUL 15 2019

*Passed through first
reading, as amended*

City of Fall River, In City Council

20

(Councilor Leo O. Pelletier)

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

That Chapter 34 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Health be amended as follows:

By inserting a new Article IX, which article relates to Marijuana Facilities as follows:

Section 34-380 Marijuana Licenses

The maximum number of marijuana licenses available at any one time in the City of Fall River will be limited to 20% of off-premise liquor licenses or eleven (11), whichever number is greater.

CITY OF FALL RIVER
IN CITY COUNCIL
JUL 15 2019

*Passed through first
reading, as amended,
5 yeas, 2 nays
(C. J. Camara absent)
Cs. President abstained*

City of Fall River, In City Council

21

(Vice President Pam Laliberte-Lebeau)

WHEREAS, the rules and regulations governing the use of public parks and cemeteries in the City of Fall River are extremely outdated, and

WHEREAS, these rules and regulations are not posted on the City of Fall River website where various forms and fees for the public parks are listed, and

WHEREAS, there does not seem to be specific guidelines that need to be met in order to ensure the approval of the use of a park for an event, and

WHEREAS, there needs to be set rules and regulations regarding the payment of necessary police details, the cleaning of park grounds once the event is over and specific requirements pertaining to portable restrooms, now therefore

BE IT RESOLVED, that the Board of Park Commissioners review and update the rules and regulations and institute specific requirements for the use of city parks for events, and

BE IT FURTHER RESOLVED, that said information be posted on the City of Fall River website.

City of Fall River, *In City Council*

22

ORDERED, that permission be and the same is hereby granted to:

Massachusetts Electric Company for an underground conduit location, as follows:

Pocasset Street

National Grid requests to install four (4) 5" conduits from manhole 6 and installing a 3 phase switchgear with manhole and protective bollards for switching flexibility and reduction in outage time.

In accordance with Plan No. 28508793 dated June 12, 2019.

278 CITY CLERK



25

City of Fall River
Notice of Claim

RECEIVED

2019 JUL 16 A 9:05

1. Claimant's name: Gregory Ferland
2. Claimant's complete address: 358 County St 2FL CITY CLERK 19-69
FALL RIVER, MA
3. Telephone number: Home: 7748496306 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
BROKEN WINDSHIELD
5. Date and time of accident: 7/2/19 1:25 PM Amount of damages claimed: \$ 155.58
6. Exact location of the incident: (include as much detail as possible):
FALL RIVER MA DOVAL ST
7. Circumstances of the incident: (attach additional pages if necessary): CORNER OF TAYLOR ST AND DOVAL
WORKER WAS WEED WACKING SIDE OF HIGHWAY.
WEED WACKER KICKED UP A ROCK HIT WINDSHIELD
WHILE I WAS DRIVING BY WITH CAR OVER
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 7/2/19

Claimant's signature: Gregory Ferland

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: 7/16/19



RECEIVED

City of Fall River
Notice of Claim

#19-70 25

2019 JUL 19 P 4: 41

1. Claimant's name: Richard A. Mello, II
2. Claimant's complete address: 38 Adamsville Road Westport, MA 02990
3. Telephone number: Home: 508 817 6504 Work: 508 965-0089 (Patty)
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto Accident estimate #1 | estimate #2
5. Date and time of accident: 5/31/19 950 am Amount of damages claimed: \$ 718.13 | 728.98
Curt's | Mike's
6. Exact location of the incident: (include as much detail as possible):
Parked outside of father's house @ 1012 Slade St. Fall River, MA 02724
7. Circumstances of the incident: (attach additional pages if necessary):
My truck was parked on the street @ my father's house @ 1012 Slade St Fall River, MA when it was hit by Mr. Michael Rodrigues DL# S10799321 MA while driving his Fall River Public Works Truck causing the mirror on my driver's side to break on my 2004 Dodge Pickup Truck. Mr. Rodrigues left the scene of the accident but my neighbor witnessed it and called me. I had to call the Public Works Department to report it and that is when the police were called to the scene to file the report with my father and Mr. Rodrigues who then returned to the scene.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☐ No

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

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

Date: 7/19/19 Claimant's signature: Richard A. Mello, II

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

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DPW Date: 7/19/19



25

RECEIVED

City of Fall River
Notice of Claim

2019 JUL 22 P 3:03

CITY CLERK 19-71
FALL RIVER, MA

1. Claimant's name: Tyra Leite
2. Claimant's complete address: 78 18th St.
3. Telephone number: Home: 401 374-4345 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
curb
5. Date and time of accident: 7/20/19 11AM Amount of damages claimed: \$ _____
6. Exact location of the incident: (include as much detail as possible):
Eastern Ave near New Boston Rd on Street Construction
7. Circumstances of the Incident: (attach additional pages if necessary):
Two manholes that are jutting high out of the street were trying to be avoided on the ~~left~~ ^{right} hand side of the road, but it lead to a popped tire on the passenger side.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 7/22/19

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: 7/22/19



City of Fall River
Notice of Claim

RECEIVED

2019 JUL 24 P 12:17

CITY CLERK #19-78
FALL RIVER, MA

1. Claimant's name: Catherine Hevesh
2. Claimant's complete address: 54 Little Mill Rd, Sandown, NH 03873
3. Telephone number: Home: 508-523-7100 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Reimbursement to replace 2 tires and correct alignment problem caused by manhole covers
5. Date and time of accident: 2:55 pm July 20, 2019 Amount of damages claimed: \$ 398.28
6. Exact location of the incident: (include as much detail as possible):
Eastern Av @ Rt 24 Exit
7. Circumstances of the incident: (attach additional pages if necessary):
While driving on Eastern Av @ Rt 24 exit, numerous manhole covers were 3" - 4" above road surface. No cones, no warnings. (1) Front right tire blew out; (2) fiberglass plys of right rear tire burst, causing significant bubble in sidewall rendering a safety hazard; (3) front end thrown severely out of alignment. See attachments and photos for more info.
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: July 23, 2019

Claimant's signature: Catherine Hevesh

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

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

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

For official use only:

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

Date: 7/24/19

7-22-19 I spoke with Yennis Wina who instructed me to
Send this to you.



City of Fall River
Notice of Claim

25
RECEIVED

2019 JUL 24 P 1:54

CITY CLERK #19-13
FALL RIVER, MA

1. Claimant's name: Kimberly Galvo-Conlon
2. Claimant's complete address: 463 King Philip St
3. Telephone number: Cell 508-523-6056 Home: 508-321-2301 Work: 508-321-2301
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Damage to my vehicle due to "excessive height" of manholes after grading
5. Date and time of accident: 7-17-19 Amount of damages claimed: \$ 653.09
(copy of bill attached)
6. Exact location of the incident: (include as much detail as possible):
Eastern Ave
7. Circumstances of the incident: (attach additional pages if necessary):
While driving, in the right lane, being unable to avoid the manhole because of a vehicle in the left lane I had to go over the obstruction (see photo) that immediately flattened both tires on the passenger side.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 7-22-19

Claimant's signature: Kimberly Galvo-Conlon

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

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

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

For official use only:

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

DPW

Date: 7/24/19



RECEIVED

25

City of Fall River
Notice of Claim

2019 JUL 29 A 10:00

CITY CLERK 19-74
FALL RIVER, MA

1. Claimant's name: Daniel Oliveira
2. Claimant's complete address: 307 Oak Grove Ave. F.R. Ma. 02723
3. Telephone number: Home: (608) 673-5772 Cell: 774-309-4224
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
property damage
5. Date and time of accident: 7/25/19 4:55 AM Amount of damages claimed: \$ 3,717.57
6. Exact location of the Incident: (include as much detail as possible):
Back door - wall & Door + Locks
7. Circumstances of the Incident: (attach additional pages if necessary):
F.R.P.D. Responding to 911 distress call for person not breathing they kicked in back door they knocked 3x's no one answered causing extreme damage to wall & frame of door and locks ended up being the wrong address.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 7/29/19

Claimant's signature: _____

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

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ Police Dept Date: 7/29/19



25

RECEIVED

2019 JUL 30 A 9:41

City of Fall River
Notice of Claim

CITY CLERK #19-75
FALL RIVER, MA 02723

1. Claimant's name: KENNETH A. TAVARES
2. Claimant's complete address: 168 REELEY ST FALL RIVER, MASS
3. Telephone number: Home: 5086750939 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
AUTO TIRE, RIM, HUB CAP (DAMAGED)
5. Date and time of accident: 7-21-19 9:00 AM Amount of damages claimed: \$ 8338
6. Exact location of the incident: (Include as much detail as possible):
EASTERN AVE - RIGHT AFTER PASSING NEW BOSTON RD
7. Circumstances of the incident: (attach additional pages if necessary):
ROAD WAS DUG UP AND MANY "MAN HOLE COVERS" WERE STICKING UP, THERE WERE TWO LANES OPEN AND VERY DIFFICULT TO AVOID COVERS
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 7-29-19

Claimant's signature: Kenneth A. Tavares

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

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☐ Law ☒ City Council ☐ City Administrator ☒ DPW Date: 7/30/19



RECEIVED

25

2019 JUL 31 AM 02

City of Fall River
Notice of ClaimCITY CLERK #19-76
FALL RIVER, MA

1. Claimant's name: MetLife A&H A/s/o Sandra I Coe
2. Claimant's complete address: P.O. Box 2204 Charlotte NC 28241
3. Telephone number: Home: Work: 800-634-9740 X 6161
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto accident - metlife claim # SLM23751 UG
5. Date and time of accident: 5/23/19 @ 2:45 PM Amount of damages claimed: \$ 2,131.50
6. Exact location of the incident: (include as much detail as possible):
Pleasant St and Quequechan St. Fall River MA.
7. Circumstances of the incident: (attach additional pages if necessary):
Our insured was stopped, under cover police officer was trying to pass insured on the right and struck insured's vehicle on the rear passenger side.
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
MetLife Auto & Home P.O. Box 2204 Charlotte, NC 28241-6204

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

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

Date: 7/30/19Claimant's signature: [Signature] A/s/o Sandra I Coe

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 ☒ PoliceDate: 7-31-19

25

RECEIVED

MetLife Auto & Home®
Subrogation - Warwick
Mail Processing Center
PO Box 2204
Charlotte, NC 28241-2204
800-634-9740

2019 AUG -5 A 11:19
#19-76(A)
CITY CLERK
FALL RIVER, MA

MetLife®

07/31/2019

City Of Fall River
Attn: City Clerk
One Government Center, 2nd Fl Room 227
Fall River, MA 02723

Our Insured: Sandra Coe
Our Claim Number: SLM23751
Date of Loss: 05/23/2019
Amount of Damages: 2,131.50
Location of Accident: Fall River, MA

Your Driver: City Of Fall River
Your Vehicle: 2009 Ford Escape Hev
Your Registration: MP7671 MA

Dear City Clerk:

Pursuant to Massachusetts General Laws, Chapter 258, Section 4, please consider this letter as a written claim for damages against City Of Fall River, as incurred by our customer, Sandra Coe.

On 05/23/2019, City Of Fall River incurred liability when their vehicle, a 2009 Ford Escape, bearing Massachusetts registration MP7671, was involved in an accident with our insured. This incident caused \$2,131.50 in damage to our insured's 2011 Hyundai Sonata.

The facts of the accident are as follows: insured was stopped, under cover cop was trying to pass insured on the right and struck their vehicle in the rear passenger side.

Please reimburse this office \$2,131.50 for the damage to our insured's vehicle. If you have automobile insurance, please send this letter to your insurance company and request that they contact me immediately. Thank you.

Sincerely,

John Demelim
METROPOLITAN PROPERTY AND CASUALTY INSURANCE COMPANY
SUBROGATION ADJUSTER Ext: 6161

MetLife Auto & Home is a brand of Metropolitan Property and Casualty Insurance Company and its Affiliates, Warwick, RI



City of Fall River
Notice of Claim

RECEIVED

2019 AUG -1 A 9:07

CITY CLERK
FALL RIVER, MA

1. Claimant's name: Lynn Floriano.
2. Claimant's complete address: 103 Kennedy St Fall River MA
3. Telephone number: Home: 508 561 3295 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto Accident
5. Date and time of accident: 12-29-18 Amount of damages claimed: \$500.00 (deductible)
6. Exact location of the incident: (include as much detail as possible):
213 Chicago St + 1780 Rodman St Fall River MA
7. Circumstances of the incident: (attach additional pages if necessary):
Vehicle damage due to pothole.
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
The Commerce Ins Comp 11 Gore Rd. Webster MA 01571

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

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

Date: 7-19-19.

Claimant's signature: Lynn E Floriano

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 ☐ RCM + Date: 8/1/19

Engineering



City of Fall River
Notice of Claim

25
RECEIVED

2019 AUG -2 P 3:36

CITY CLERK #19-78
FALL RIVER, MA

1. Claimant's name: Sandra Mauk
2. Claimant's complete address: P.O. Box 1123 Westport, MA 02790
3. Telephone numbers: Home: _____ Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto Accident
5. Date and time of accident: 06/20/2019 at 2:20 AM Amount of damages claimed: \$ \$1,268.89
6. Exact location of the incident: (include as much detail as possible):
RT 24 SOUTHBOUND FALL RIVER MA
7. Circumstances of the incident: (attach additional pages if necessary):
Police officer pulled from construction zone and impacted my insured's driver side rear corner.
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 Claim # IBU0702
Travelers Insurance Company P.O. Box 5076 Hartford, CT 06102-5076

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

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

Date: 8/2/19

Claimant's signature: Sandra Mauk

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

☒ Police

Date: 8/2/19



City of Fall River
Notice of Claim

RECEIVED

25
AUG -1 P 12-33

CITY CLERK #19-79
FALL RIVER, MA

1. Claimant's name: Tammy Chausse
2. Claimant's complete address: 88 Flynn St
3. Telephone number: Home: 508 493 2552 Work:
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Big pot hole in Northend. front end damage to vehicle
5. Date and time of accident: 7-15-19 Amount of damages claimed: \$ 702.08
6. Exact location of the incident: (include as much detail as possible):
next to Shell. Shell on your (R) near presidents Ave
7. Circumstances of the incident: (attach additional pages if necessary):
pot hole in road. no orange markers on area.
pot hole deep. Right next to manhole cover.
*I do have pictures upon request
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 8-1-19

Claimant's signature: Tammy Chausse

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

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

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

For official use only:
Copies forwarded to: ☒ City Clerk ☒ Law ☐ City Council ☐ City Administrator ☒ DPW Date: 8-1-19



RECEIVED

25

2019 AUG -6 A 9:17

City of Fall River
Notice of ClaimCITY CLERK #19-80
FALL RIVER, MA

1. Claimant's name: Kayla Czerwejn
2. Claimant's complete address: 38 Beacon St. Fall River, MA
3. Telephone number: Home (774) 955-8254 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto damage due to construction
5. Date and time of accident: 8/5/19 6:30p Amount of damages claimed: \$ Unknown
6. Exact location of the incident: (include as much detail as possible):
Middle & Forest (near St. Anne's)
7. Circumstances of the incident: (attach additional pages if necessary):
Vehicle was traveling down a construction path. raised structures and road damaged under frame etc. of vehicle. 911 contacted police took report no one was injured. Car towed to jeep 24
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 Brack
Geico

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

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

Date: 8/6/19Claimant's signature: Kayla Czerwejn

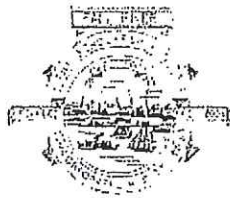
WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

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 ☒ DCMDate: 8/6/19



RECEIVED

25

2019 AUG -6 P 12:07

City of Fall River
Notice of ClaimCITY CLERK #19-81
FALL RIVER, MA

1. Claimant's name: Darlene Azadnia
2. Claimant's complete address: 700 Shore Drive Unit # 204 Fall River
3. Telephone number: Home: Cell (508) 717-4282 Work: 02721
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Broken window
5. Date and time of accident: 7/30/19 AM? Amount of damages claimed: \$ I do not have an
6. Exact location of the incident: (include as much detail as possible):
Back window of my unit # 204 / kitchen window estimate yet, will
amend this claim
when I get one.
7. Circumstances of the incident: (attach additional pages if necessary):
The back of my unit abuts the fence/railroad tracks. Workers
were cutting back there and debris was flying around.
My neighbor also had his window broken and a
city worker came by and took photos of all damage.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 8-6-19Claimant's signature: Darlene Azadnia

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☒ Parks☒ DCMDate: 8-6-19

26

City Council

Subject: FW: FW: [EXTERNAL] Re: OFFICIAL COMPLAINT (I ask that this important matter be placed on the next council agenda)

From: collind00@aol.com [mailto:collind00@aol.com]

Sent: Thursday, August 01, 2019 12:25 PM

To: City Clerk <city_clerks@fallriverma.org>

Subject: [EXTERNAL] Re: OFFICIAL COMPLAINT (I ask that this important matter be placed on the next council agenda)

After re reading the section of the charter I have to say you are correct.

However the common person would not be able to locate this information, I believe the system should be updated. I couldn't really tell where the vacancies were too, and it's fair to say I am pretty articulate with the city website. The common person would have a hard time. Also, I and many others believe that the process of appointing members to city board lacks fairness and transparency. Therefore I wish to modify my complaint to read the following :

"Dear members of the city council,

This is an official complaint. The Fall River City Charter, adopted by the voters in 2017, mandates that city board vacancies be reported on the city website. I believe this was done with the intent that every city resident has a fair and equal chance to apply for a city board and serve our community. Sadly, I and many others believe that the appointment process become tainted for the privileged few. Therefore I ask the council to meet with the IT department and city administration to develop a more transparent form to display board vacancies. Possibly the same format that shows city employment opportunities. Furthermore, I ask that the council adopt an ordinance, requiring a system for any city resident can apply for a vacant board position and receive a fair hearing.

- Collin Dias
560 Ray Street, Fall River Massachusetts, 02720"

I hope this above Complaint can be placed on the next council agenda.

Sent from Yahoo Mail for iPhone

On Thursday, August 1, 2019, 11:41 AM, City Clerk <city_clerks@fallriverma.org> wrote:

Collin,

Information relating to Boards and Commissions is posted on the city's website within the "Government" section.

Each board/commission has a list of current members and information relating to corresponding ordinances and/or General Laws. The page also includes the board's composition, which indicates whether vacancies exist.

26

As membership changes, my office notifies the IT Department, who in turn, updates the website. Perhaps there is an improved method of identifying vacancies, but to say that information is not posted at all is incorrect.

I have copied the Mayor's Office and IT Director on this email, should they want to weigh in.

Alison M. Bouchard

City Clerk

One Government Center

Fall River, MA 02722

T: 508-324-2220

F. 508-324-2211

Website: www.fallriverma.org

From: collind00@aol.com [mailto:collind00@aol.com]

Sent: Thursday, August 01, 2019 11:31 AM

To: City Clerk <city_clerks@fallriverma.org>; City Council <City_Council@fallriverma.org>

Subject: [EXTERNAL] OFFICIAL COMPLAINT (I ask that this important matter be placed on the next council agenda)

Dear members of the city council

26

This is an official complaint.

The Fall River City Charter, adopted by the voters in 2017, requires that all city board openings be posted on the city website. To this day, there are no board openings or vacancies posted online. I believe our city's administration should adhere to the city charter and follow all its provisions. Government transparency is important. It is necessary that all our city residents have an opportunity to apply for a city board opening, not just the privileged few. I ask that this complaint be resolved by opening communication with the IT department, and the administration on this matter.

- Collin Dias

560 Ray Street, Fall River Massachusetts, 02720

Sent from Yahoo Mail for iPhone



**City of Fall River
Massachusetts**

Planning Division

RECEIVED

28

JASIEL F. CORREIA II
Mayor

2019 JUL 17 A 10:00
CITY CLERK WILLIAM D. ROTH, JR., AICP
FALL RIVER, MA
City Planner

TO: Alison Bouchard
City Clerk

FROM: Fall River Planning Board

RE: **PLANNING BOARD MINUTES**
June 18, 2019

The Fall River Planning Board held a Public Meeting at 5:30 p.m. on Tuesday, June 18, 2019, in the First Floor Hearing Room, One Government Center, Fall River, MA for the purpose of considering the matters set forth in the agenda originally posted with your office on June 12, 2019, with a revision submitted to your office on June 17, 2019.

Members present: Cynthia Sevigny, Elizabeth Andre, and Mario Lucciola

Members absent: Charles Moniz

Also present: Planning Director, William D. Roth, Jr., AICP, Patti Aguiar, Recording Clerk and Nathan Saucier, FRGTV.

"Minutes" of this meeting are as follows:

Mrs. Sevigny opened the meeting and read the Open Meeting Law statement.

**1A. Application for Endorsement of Plan Believed Not to Require Approval –
File No. 19-1436**

Owner/Applicant- David Mello
Location- 22 & 42 Covell St.
Assessor Lots: L-4-4 & 52

Mr. Roth, explained that they are just adjusting lot lines, adding more frontage to lot 52. It complies with the frontage requirements. Therefore, it meets the requirements of "Approval Not Required Under the Subdivision Control Law" so he is recommending endorsement.

Upon motion made by Mr. Lucciola and seconded by Ms. Andre, it was VOTED 3-0: to direct the Chair to endorse the plan, "Approval Not Required Under the Subdivision Control Law".

**1B. Application for Endorsement of Plan Believed Not to Require Approval –
File No. 19-1437**

Owner/Applicant- Scott & Laurie Donnelly
Location- 542 Mt. Hope Ave & 15 Laplante St.
Assessor Lots: B-4-15 & 13

Mr. Roth explained that they are just adjusting lot lines, taking the back of lot 15 and transferring it to lot 13 to make it comply with zoning requirements. Therefore, it meets the requirements of "Approval Not Required Under the Subdivision Control Law" so he is recommending endorsement.

Upon motion made by Ms. Andre and seconded by Mr. Lucciola, it was unanimously VOTED 3-0: to direct the Chair to endorse the plan, "Approval Not Required Under the Subdivision Control Law".

2. Legal Notice Deposit Discussion

Mr. Roth explained the policy requiring the applicants to cover the cost of the Legal Ad. It will be a direct reimbursable cost. The Planning Department will prepare the legal notice, and the applicant will be notified of the cost and will have to submit payment before the petition can be heard at the meeting. It will take effect on July 1, 2019. Mrs. Seigny asked how the applicants will be notified of these changes. Mr. Roth stated it will be on the City Website, and at the Planning Dept. counter. He will send emails to Engineers and Land Surveyors that frequently do business with the Planning Department.

Upon a motion made by Mr. Lucciola, and seconded by Ms. Andre, it was unanimously VOTED 3-0 to adopt the new policy.

3. **Covenant Release**

Mr. Roth explained that a Covenant for a "Division of Land of James P. Jabbour & Katherine Simon dated April 26, 1988 was never released. It was never caught in anyone's title search until now. Mr. Roth recommended releasing the covenant.

Upon a motion made by Ms. Andre, and seconded by Mr. Lucciano, it was unanimously VOTED 3-0 to release the Covenant and release the 3 lots.

4. **May 28, 2019 Minutes**

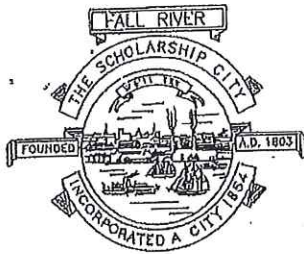
In a motion made by Mr. Lucciola and seconded by Ms. Andre, the Board VOTED 3-0 to waive the reading of the minutes and to approve the minutes of the May 28, 2019, meeting.

5. **Public Input-**

No one signed up for public input.

6. **ADJOURNMENT**

Upon motion duly made by Mr. Lucciola and seconded by Ms. Andre, it was unanimously VOTED 3-0: to adjourn the meeting at 5:45pm.



City of Fall River Massachusetts

Planning Division

29

JASIEL F. CORREIA II
Mayor

WILLIAM D. ROTH JR., AICP
City Planner

TO: Alison Bouchard
City Clerk

FROM: Fall River Planning Board

RE: **PLANNING BOARD MINUTES**
July 16, 2019

RECEIVED
JUL 16 - 11 AM '19
CITY CLERK
FALL RIVER, MA

The Fall River Planning Board held a Public Meeting at 5:30 p.m. on Tuesday, July 16, 2019, in the First Floor Hearing Room, One Government Center, Fall River, MA for the purpose of considering the matters set forth in the agenda originally posted with your office on July 2, 2019, with a revision submitted to your office on July 10, 2019.

Members present: Cynthia Sevigny, Elizabeth Andre, Charles Moniz and Mario Lucciola

Members absent: None

Also present: Planning Director, William D. Roth, Jr., AICP, Patti Aguiar, Recording Clerk and Michael Ferreira, FRGTV.

"Minutes" of this meeting are as follows:

Mrs. Sevigny opened the meeting and read the Open Meeting Law statement.

1. Repetitive Petition-

Owner/Applicant-	S. Beacon Comm. Dev. Trust
Location-	Evelyn's Way/Griffin St./ Ash St.
Assessor's Lot:	G-27-01

Mr. Dan Aguiar, SITEC, Inc. was present to speak to the Board. He explained that the Planning Board needs to determine if this new proposal reflects specific and material changes in the conditions which the denial was issued, and for consent of the Planning Board to allow a new hearing by the Zoning Board of Appeals (ZBA) prior to the expiration of two years after the date of the ZBA denial. He presented the new plan of five Single family dwellings. Mr. Lucciola asked what the square footage of the homes

would be. Mr. Aguiar stated that they would be 30ft. by 32ft. and would have two off street parking places per home. Cheryle Demoura of 35 Evelyn's Way asked to address the Board. She stated that this plan is still a safety issue with more traffic using Evelyn's Way. She asked how the new residents would get into the homes. Mr. Aguiar explained that there would be a curb cut off the end of the cul-de-sac connecting to a 22ft. internal driveway. Mr. John Carvalho of 99 Evelyn's Way stated that he was also concerned about traffic. He stated that they have had drainage issues ever since Duro closed and the drains are not kept clean. Mr. Aguiar tried to address their concerns, but stated that Evelyn's Way is a public street and the public has the right to use it. Mr. Roth explained to the Board and citizens that the only thing before the Planning Board is if there is a material change in the new plans that were submitted to the Planning Board versus what the ZBA denied. He stated that there was, and recommended to approve the Repetitive Petition. He explained that if this proposal was denied, it is likely that the petitioner would go back before the Conservation Commission with the original plan of Ten Construction Condos, which was allowed by right and would not require Planning Board or ZBA approval.

Upon motion made by Mr. Lucciola, and seconded by Ms. Andre, the Board voted 3-1 in favor of the petition, Mr. Moniz voted opposed and the petition was DENIED. A 9/10 vote of the Board is required to approve the repetitive petition and since the Board has one vacant position, a unanimous vote is required.

**2A. Application for Endorsement of Plan Believed Not to Require Approval –
File No. 19-1438**

Owner/Applicant-	Lawrence St. Development LLC.
Location-	Lawrence St.
Assessor Lots:	I-20-02

Mr. Roth, explained that the lots meet all requirements. Therefore, it meets the requirements of "Approval Not Required Under the Subdivision Control Law" so he is recommending endorsement.

Upon motion made by Ms. Andre and seconded by Mr. Lucciola, it was VOTED 4-0: to direct the Chair to endorse the plan, "Approval Not Required Under the Subdivision Control Law".

**2B. Application for Endorsement of Plan Believed Not to Require Approval –
File No. 19-1439**

Owner/Applicant-	CAPLA LLC.
Location-	341,351,357 South Oxford St.
Assessor Lots:	F-18-83

Mr. Roth explained that the lots meet all requirements. Therefore, it meets the requirements of "Approval Not Required Under the Subdivision Control Law" so he is recommending endorsement.

Upon motion made by Mr. Moniz and seconded by Ms. Andre, it was unanimously VOTED 4-0: to direct the Chair to endorse the plan, "Approval Not Required Under the Subdivision Control Law".

**2C. Application for Endorsement of Plan Believed Not to Require Approval-
File No. 19-1440**

Owner/Applicant-	Alexander F. Cordeiro
Location-	244 Montaup St.
Assessor's Lot:	G-13-31

Upon motion made by Mr. Lucciola and seconded by Mr. Moniz, it was unanimously VOTED 4-0: to direct the Chair to endorse the plan, "Approval Not Required Under the Subdivision Control Law".

3. May 28, 2019 Minutes

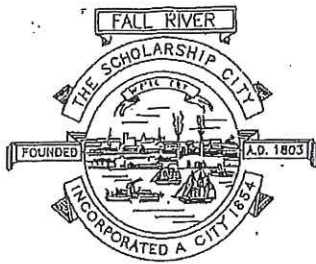
In a motion made by Mr. Lucciola and seconded by Ms. Andre, the Board VOTED 3-0 (with Mr. Moniz abstaining because he was absent) to waive the reading of the minutes and to approve the minutes of the June 18, 2019, meeting.

4. Public Input-

No one signed up for public input.

5. ADJOURNMENT

Upon motion duly made by Mr. Moniz and seconded by Mr. Lucciano, it was unanimously VOTED 4-0: to adjourn the meeting at 6:20pm.



City of Fall River
Massachusetts

Planning Division

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RECEIVED

2019 JUL 22 P 3:45

JASIEL F. CORREIA II
Mayor

WILLIAM D. ROTH JR., AICP
City Planner

TO: Alison Bouchard
City Clerk

FROM: Brittany Faria
Planning, Head Administrative Clerk

RE: Fall River Zoning Board of Appeals Meeting
April 18, 2019

The Fall River Zoning Board of Appeals held a Public Hearing on Thursday, April 18, 2019, at 6:00 PM in the First Floor Hearing Room for the purpose of considering the petitions set forth in the attached minutes of said Public Hearing.

Members present: David Assad, Chair, Carolyn Morrisette, Vice Chairwoman, John Frank, Jim Calkins, alternate members Dan Dupere and David Saber

Members absent: Greg Brilhante

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

Notice of the meeting was advertised in the Fall River Herald News on Wednesday, April 3, 2019, and Wednesday, April 10, 2019. The hearing was also posted in the Government Center and notice was sent to the petitioners and abutters of the specified property, as well as the City of Fall River's Planning Board.

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

Chair calls agenda item #3 out of order

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**NEW ENGLAND GROUP MANAGEMENT, LLC c/o Peter Saulino, Esq.
222 Peckham St., Lot F-28-6**

In the matter of Special Permit request to convert existing commercial use into a seafood distribution facility, to load and unload trucks and vehicles for fishing business in the [A-2] District. Lot size 152,656+/-sf

Chair read request letter from Attorney Saulino to table the matter to May 2019, meeting. Chair explains the vote process, as the applicant is asking to table, they would not be taking any evidence on this matter. No motion was made to grant or deny tabling the matter.

Attorney Saulino made a Request to Withdraw without Prejudice. Chair explains that the applicant is asking to withdraw so they would not be taking any evidence on this matter.

Mr. Leo Pelletier asked if a cease and desist would take place and what the process would be, as he had concerns about the continued business. Mr. Assad answered that the ZBA is not the authority on issuance of cease and desist orders, but the Building Official would be the person to speak to in that regard.

DECISION

In a motion made by Mr. Calkins and seconded by Mr. Frank, the Board unanimously VOTED 5-0 to GRANT the petitioners request to Withdraw without Prejudice. Mr. Calkins, Mr. Frank, Mr. Assad, Ms. Morrisette and Mr. Dupere voted in favor of the motion.

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WILLIAM McCANN c/o Kevin Ainsworth, Esq.
162 BAILEY ST., Lot A-11-42

In the matter of Special Permit request to build a 28'x54' detached garage waiving requirements in the [R-8] District, Lot size 17,840+/-sf

FAVOR

Attorney Kevin Ainsworth and his client William McCann were present to address the Board. Mr. Ainsworth explained that the previous house was torn down to build a garage, but with the size of the garage, had to request a variance. Post and Beam design, for storage only for his antique cars, not for business use. They are aware it will go through Site Plan Review.

Discussion regarding size being 28'x54' max, 3 stall garage, only 1 story.

Mr. Roth requested that the Board condition consolidation of lots with a perimeter plan or Form-A, and he noted that the curb cut should be removed and replaced by the owner. Mr. McCann requested that he keep the curb cut to alleviate cost as he has a fence there and he wouldn't use that entrance. Discussion regarding access being from existing driveway.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Mr. Calkins and seconded by Mr. Dupere, the Board unanimously VOTED 5-0 to GRANT the Special Permit with conditions being 1. No building permit shall be issued until the site plan has been approved by the Site Plan Review Committee and no site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee. 2. Subject to submittal of Perimeter Plan for lot consolidation. Mr. Calkins, Mr. Dupere, Mr. Frank, Ms. Morrisette and Mr. Assad voted in favor of the motion.

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FOURNIER, COELHO AND MELLO c/o Kevin Ainsworth, Esq.
22 & 42 Covell St., Lot L-4-4&52

In the matter of Variance request to re-divide lot into two lots, waiving requirements in the [G] District. Lot sizes 9,670+/-sf and 8,878+/-sf

FAVOR

Attorney Kevin Ainsworth was present on behalf of the applicants. Looking to resolve a 53 year old title issue. The sequence of acquisition of the vacant lot is where the issue is. The vacant lot behind these two addresses are currently taxed together. They are not changing or building anything, just shifting lot lines to fix a legal problem. Mr. Roth noted that the assessor's office shows current as requested. Mr. Ainsworth will file a Form-A plan if the variance is allowed.

OPPOSITION

No one was present in opposition to the petition.

DECISION

In a motion made by Ms. Morrisette and seconded by Mr. Calkins, the Board unanimously VOTED 5-0 to GRANT the petition. Ms. Morrisette, Mr. Calkins, Mr. Assad, Mr. Frank and Mr. Dupere voted in favor of the motion.

JULIEN & MARCHELINE WITENGER
987 Spencer St., Lot D-9-80

In the matter of Variance request to remove existing mobile home and to construct a single family home waiving all requirements in the [S] District. Lot size 7,015+/-sf

FAVOR

Dan Aguiar, Senior Project Manager at SITEC, Inc. was present to address the Board. There is an existing mobile home on the lot which has frontage on Spencer Street and is located easterly of the paper street portion of Preston St. Assessor's has the lot listed as a buildable single family lot. This is a previous, non-conforming lot with a structure. They are requesting an area waiver, as well as side/front/rear setbacks. Most homes in neighborhood were built prior to it becoming an [S] District. They will need a septic system, so the proposal shows a building envelope to allow for backyard vs front yard placement of the septic system, depending on the water table and dependent on Title 5 set-backs for neighboring well. Discussion regarding the possibility of a 25' front yard set-back. They will also need lot coverage waiver with the proposed dwelling and driveway.

Mr. Roth requested that the Board state the specific waiver for lot coverage if they choose to grant. Mr. Aguiar stated that they would not need greater than 30% lot coverage for driveway and house.

OPPOSITION

Susan Batt, 1011 Spencer St., direct abutter- her property has damage from trees on the subject property and as most of the trees would have to be removed to build a house, she is requesting that they cut down the specific hazardous tree. Also asking if the side-yard conform to 15' instead of the 10' waiver being requested. Also asked about placement of septic as there is 1 across the street. Chair clarified that the proposed house is 30'x30' and with a rear deck. Submitted her letter of opposition for the record.

Ruth and Steven Farias, 988 Spencer St.- stated that there is no sewerage at this end of the street. They established a well in 1986 and have never been hooked up to the city. They measured their well to the cement boundary at the sidewalk, concerned with placement of new septic system to affect her well. They have had issues with excavation of cemetery which abuts the subject property. They had to request cease and desist order to the cemetery to end the disruption. With the proposed being an undersized lot of 7,000 compared to 12,000 requirement, it is a congested area. There was a tree blockage last year on that dead end. They will need to use paper street Preston St. to access their lot. Submitted her Letter of opposition for the record. Chair stated that they do not have the power to address all of her concerns. Mrs. Farias questioned driveway placement. Mr. Aguiar answered first that the well is required by the Board of Health to be 100-ft away from anyone else's well and the applicant will be tying into city water. They are provided the required 2 off-street parking spaces which the driveway will most likely come off Spencer St. The proposed is an improvement to the neighborhood, without the mobile home. They have agreed to cut hazardous and almost all trees on property. Mr. Aguiar reiterated Board of Health requirements.

Mr. Roth requested that the Board condition Site Plan Review, two parking spaces, remove mobile home prior to permit, list specific waivers, remove hazardous tree, and tie into city water.

Chair read Letter of Comment from City Engineer, JR Frey.

DECISION

In a motion made by Ms. Morrisette and seconded by Mr. Calkins, the Board unanimously VOTED 5-0 to GRANT the petition with conditions being: 1. No building permit shall be issued until the site plan has been approved by the Site Plan Review Committee and no site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee. 2. There shall be a minimum of two (2) off-street parking spaces, 3. Removal of mobile home prior to issuance of building permit, 4. Removal of hazardous tree on easterly boundary adjacent to Assessors Lot D-9-81, 5. Must tie into City water, 6. Specific waivers being: 25' front yard, 15' side yard, 10' rear yard, 30% max lot coverage.

In the matter of Variance request to continue the use of a vehicle/equipment storage yard in the [S] District. Lot size 12,500+/-sf

FAVOR

Dan Aguiar, Senior Project Manager of SITEC, Inc., was present to address the Board. He submitted photos to show aerial of property over time. The property has no utilities, sewer and water prevent by ledge to access property. Activity is non-conforming and non-permitted. The property was rented from father and used for 8yrs as storage of construction vehicles. Purchased from father in 2017, shortly after which a cease and desist order has been issued. They are requesting the continued use of the property. It is an unbuildable lot due to the present soil conditions, being the hardship. He is not running the business out of this location, it's used for storage and staging.

Mr. Calkins asked difference of soil conditions compared to lot directly in front of it. Mr. Aguiar answered that Norwood Street was able to install enough sewerage just to that point. There is a high presence of ledge in that area which provides difficulty to run sewer and water.

Mr. Roth questioned utilities of 93 Norwood St. Mr. Donald J. Dupras Jr answered that #93 is owned and resided by his father, which has a well and septic, not connected to sewer. Discussion regarding father's mailing address being Friendship St.

Mr. Dupras Jr. stated that he only intends to continue the use of commercial storage.

OPPOSITION

Debbie Sardinha, speaking on behalf of her parents Maria and Tiago Medeiros, 40 Melrose St.- Began by stating that they are 1 of the 2 direct abutters, the other being Talbot Middle School. Read her letter for the record, stating that this is not an allowed use so it has been ongoing illegally. Fencing erected and gravel brought in without city permissions. Ledge St. is only accessible from Norwood St. The large commercial vehicles are a detriment to the neighborhood. Recently added storage and an increase of large commercial vehicles in the last 1-2 years. All hours of operation, as well as an eyesore.

Steve Sahady, Melrose St- property has a jaded pass. According to records with city hall, it taps into water from the house in front which was a shack turned into a house. Slowly grew over time, land was cleared a little at a time.

Karen Souza, 60 Melrose St. – had submitted letter of opposition along with photos. Chair read letter into record.

Councilor Long was present to support the neighbors. Read his own letter for the record.

Mr. Dupras Jr. replied that the snow removal hasn't occurred in two years so there have not been early or late operations. The gravel was brought in, in November. Water easement is accessed through another property.

DECISION

In a motion made by Ms. Morrisette and seconded by Mr. Calkins, the Board unanimously VOTED 5-0 to DENY the petition. Ms. Morrisette, Mr. Calkins, Mr. Frank, Mr. Assad and Mr. Dupere voted in favor of the motion and the petition was denied.

SHERWOOD EDUCATION LLC
250 Snell St., Lot I-23-29&30

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In the matter of Variance request to construct 6 residential townhouse style units in the [A-2] District waiving minimum lot coverage requirement. Lot size 20,371+/-sf

FAVOR

Dan Aguiar, Senior Project Manager of SITEC, Inc., was present to address the Board. As clarification, Mr. Aguiar explained that they are not asking to subdivide this parcel as Parcel has already been created by Form-A. With dimensional requirements requiring max lot coverage of 30%, they are asking waiver to increase 8%. Topography allows parking underneath the 2-unit dwellings. All other set-backs are met or exceeded. They expect Site Plan Review be a requirement to address drainage. They spread the structures out in order to get garages underneath with longer driveway, but were able to add 8' wide greenspace between structures. Discussion regarding being short only 1,600sf and Rectory will be razed prior to conveyance.

Mr. Roth requested that the Board condition Site Plan Review, 2 parking spaces per lot, and to raze existing structure prior to permitting, if they grant the proposal.

Chair read letter of comment from City Engineer, JR Frey. Chair stated that the concerns are outside the scope of the ZBA.

Helen Rego of Niagara Neighborhood Association was present in favor of the proposal.

OPPOSITION

James Levesque of 289 Manchester St. was present with concerns that the abutting school is currently in the process of expanding and asked if this proposal would be coordinated in the neighborhood, in regards to congestion of the parking and traffic detriment. The Board offered some resources to research that inquiry but the school is not a matter before the Board, therefore they could not comment on the coordination with other projects in the area.

DECISION

In a motion made by Mr. Calkins and seconded by Mr. Dupere, the Board unanimously VOTED 5-0 to GRANT the petition with conditions being: 1. No building permit shall be issued until the site plan has been approved by the Site Plan Review Committee and no site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee. 2. Existing garage and house must be razed prior to issuance of Building Permit.

GONSALVES REAL ESTATE INVESTMENTS LLC
835 N. Main St., O-10-14

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In the matter of Variance request to expand the existing commercial structure and parking facility on a conforming parcel of land in the [BL] District. Lot size 9,043+/-sf

FAVOR

Dan Aguiar, Senior Project Manager of SITEC, Inc. representing Luis Gonsalves, was present to address the Board. Mr. Aguiar submitted bigger revised plans as well as aerial view of the property.

This location was previously Del's Lemonade. A variance was granted in March 2017, to construct a 34'x77' building which is basically about 2.5 times the size of the existing structure on the property. Due to the topography, construction became insurmountable to offset cost of this size property. New proposal is an addition to existing structure. Asking for 21'x21' addition to South Side of existing structure. Not going further toward Lincoln, Barnaby and N. Main. Landscape buffers have been added around perimeter. 7 parking spaces in new parking lot. Rear has 4 parking spaces for employees. Parking requirement discussion of math being for 8 parking spaces in regards to Restaurant and the barbershop in addition. Entire renovation of property and building. [B-L] District has no lot coverage requirement. Asking for the same 5' side yard set-back which had been granted in 2017. The proposed uses are allowed. Lot is irregularly shaped. They would be closing the large, existing curb cut on Lincoln St..

Mr. Roth requested that the Board condition Site Plan Review, as well as screening dumpsters, closing down curb cuts and striped spaces, otherwise he is of the opinion that this proposal is an improvement.

OPPOSITION

No one was present in opposition to this matter.

DECISION

In a motion made by Mr. Calkins and seconded by Ms. Morrisette, the Board unanimously VOTED 5-0 to GRANT the petition with conditions being 1. No building permit shall be issued until the site plan has been approved by the Site Plan Review Committee and no site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee.
2. Striping required for parking lot spaces

7:42pm Chairman Assad and Vice Chairwoman Morrisette will abstain from agenda #9.
Chair makes statement regarding procedural standards for the Board to follow.
Mr. Frank steps in to Chair this petition as a 4 member Board.

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RODMAN STREET LLC

688 Rodman St. & Lawrence St., Lot I-21-1

In the matter of Request Reconsideration of Special Permit Decision from March 21, 2019, per MGL 40A Sec. 14, and proposing a modification to reduce the proposed density and construct 4 duplexes for a total of 8 units, with garages and parking to each unit and to demolish existing commercial structure. Lot size 21,252+/-sf

FAVOR

John Frank, acting as Chair, stated that at the last hearing, there was a bifurcated vote which was not necessary so this Request for Reconsideration is now an administrative, procedural vote.

No motion was made for reconsideration.

Dan Aguiar, Senior Project Manager at SITEC, Inc., was present to address the Board. Mr. Aguiar read the request letter to the Board, pursuing Sec. 14.0. The use is allowed by right with Special Permit so detriment to the neighborhood is not a consideration of the Board to vote on. Modifications have been made to the proposal addressing concerns from the original meeting, from City Planner regarding density and abutters regarding set-back concerns.

A motion made by Mr. Calkins and seconded by Mr. Dupere, with a vote of 4-0 to reopen the hearing and allow reconsideration with proposed modification.

Mr. Aguiar began presentation stating that this is an allowable use in the [CMD] District. They meet all density requirements but have reduced density from 11 to 8 units. They were able to reconfigure breaking into 4 separate pods with 2 units in each, two-story townhouse style with a garage space and a parking space in front, which allows them to pull the units away from the easterly direct abutter. They are creating screen dumpster area. Currently the property is almost entirely impervious so this proposal has added greenspace. Site Plan Review to handle drainage and landscaping. No added curb cuts. Only access on Rodman St. so they would not be impeding any traffic on the Lawrence St. area. Abutting homes were created by variance.

Salem Azabek, property manager and owners son- was present in favor of the petition explaining that the options were limited, it is not financially feasible to rehab building with insurance liability. Construction cost would be nearly 3/4 of a million dollars. Increase of greenspace and removal of existing eyesore structure are benefits to the area.

Helen Rego, 41 Foster St., in favor of modified plans for neighborhood improvement.

Diago Freitas, was present with a question. He is no longer opposed in seeing the modifications but he was concerned with density and nuisance rental property.

Mr. Aguiar answered that it is undetermined for rental or condos at this time.

OPPOSITION

Franciso Viveiros, 16 Lawrence St. direct abutter- in comparison to Snell St. petition with the lot size having a proposal of 6 unit vs 8 on this site. Too small for the proposed density. Housing at Lawrence facing away from street so it will be inconsistent seeing the back of the houses.

Mr. Azabek answered that there will be 6' stockade fencing on 3 sides, as shown on current plans. Mr. Viveiros insisted that it is not consistent with neighborhood but single family homes make more sense there.

Mr. Roth noted that Engineering opposes access to Lawrence St.

Mr. Aguiar's reminded that all of the single family homes were granted by variance, this being a Special Permit, is allowed. Mr. Aguiar proposed that they extend fencing to Lawrence St. side of property to appease the concern of looking at the backs of Lawrence St. homes which was included in the original plans.

Mr. Frank reminded that the larger, original project had this parcel being single family homes but that project did not come to conclusion.

DECISION

A motion made by Mr. Calkins and seconded by Mr. Dupere, with a vote of 4-0 to allow reconsideration hearing with proposed modification.

In a motion made by Mr. Calkins and seconded by Mr. Saber, the Board unanimously VOTED 4-0 to GRANT the petition as modified with conditions being 1. Existing structure to be razed prior to issuance of Building Permit, 2. No building permit shall be issued until the site plan has been approved by the Site Plan Review Committee and no site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee, 3. Add fencing to proposal along Lawrence Street. Mr. Calkins, Mr. Saber, Mr. Dupere and Mr. Frank voted in favor of the motion and the petition passed.

8:12pm Chairman Assad returns to the meeting.

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CITIZENS INPUT

No one signed up for Citizens Input.

APPROVAL OF MINUTES

In the matter of Minutes for Zoning Board of Appeals Meeting dated March 21, 2019.

A motion was made by Mr. Calkins and seconded by Mr. Dupere, the Board unanimously VOTED 5-0 to approve and waive reading the Minutes for March 21, 2019, meeting.

ADJOURNMENT

In a motion made by Mr. Calkins and seconded by Mr. Dupere, the Board unanimously voted 5-0 to adjourn the meeting at 8:13pm.

CITY COUNCIL PUBLIC HEARINGS

MEETING: Monday, July 15, 2019 at 5:55 p.m.
Council Chamber, One Government Center

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

ABSENT: Councilors Joseph D. Camara and Pam Laliberte-Lebeau

IN ATTENDANCE: None

The President called the meeting to order at 5:57 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. Anthony DeSilva, 115 Earle Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
115 Earle Street	12'	8'	0'	20'

The petitioner has an existing 12 foot driveway opening on the north side of the property facing Earle Street and would like to extend the driveway an additional 8 feet to the east, to improve off-street parking access and provide additional off-street parking spaces.

The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in the area.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the hearing be opened, with Councilors Joseph D. Camara and Pam Laliberte-Lebeau absent and not voting. 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 Shawn E. Cadime, it was unanimously voted to close the hearing, with Councilors Joseph D. Camara and Pam Laliberte-Lebeau absent and not voting.

2. Walid Assi, 2809 Highland Avenue, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
2809 Highland Avenue	10'	12'	0'	22'

The petitioner has an existing 10 foot driveway opening on the west side of the property facing Highland Avenue and would like to widen the driveway an additional 12 feet, to improve off-street parking access. The curb will be removed south of the existing driveway, removal not to impact the existing utility pole, and north of the driveway, not to extend beyond the property line.

The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in the area.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the hearing be opened, with Councilors Joseph D. Camara and Pam Laliberte-Lebeau absent and not voting. 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 Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to close the hearing, with Councilors Joseph D. Camara and Pam Laliberte-Lebeau absent and not voting.

3. Pat Mayall, 257 Rathgar Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
257 Rathgar Street	12'	8'	0'	20'

The petitioner has an existing 12 foot driveway opening on the north side of the property facing Rathgar Street and would like to widen the driveway an additional 8 feet, to improve off-street parking access and provide additional off-street parking spaces.

The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in the area.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the hearing be opened, with Councilors Joseph D. Camara and Pam Laliberte-Lebeau absent and not voting. 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 Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to close the hearing, with Councilors Joseph D. Camara and Pam Laliberte-Lebeau absent and not voting.

On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to adjourn at 6:01 p.m., with Councilors Joseph D. Camara and Pam Laliberte-Lebeau absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

A true copy. Attest:

Alison M Bouchard

City Clerk

COMMITTEE ON FINANCE

MEETING: Wednesday, June 19, 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
JR Frey, City Engineer
Christopher Gallagher, Director of Facilities Maintenance
Nancy Smith, Asst. Commissioner of Parks and Recreational
Facilities/Director of Parks and Recreational Facilities
Christopher Parayno, Asst. Commissioner of Cemeteries and Trees/
Director of Cemeteries/Trees
Laura Ferreira, Director of Traffic and Parking
William Roth, City Planner
Glenn Hathaway, Director of Code Enforcement
John Perry, Director of Community Maintenance
Tess Curran, Director of Health and Human Services
Liane Verville, Library Administrator

The chair called the meeting to order at 6:06 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. Continuation of the discussion related to the Fiscal Year 2020 Municipal Budget for the following:
 - Financial Services (Director of Financial Services; Assessors; Auditor; Collector; Treasurer; Debt Service);
 - Facilities Maintenance (Buildings & Grounds Maintenance including the Armory);

- Community Maintenance (Cemeteries; Parks; Civic Celebrations; Trees; Engineering; Solid Waste; Streets & Highways; Snow Removal; Traffic & Parking);
- Community Services (City Planning; Inspectional Services; Health & Human Services; Library);
- Revenue

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The City Engineer provided a brief overview of the budget for the Engineering Department. Councilor Leo O. Pelletier asked who is going to repair the 13 cuts that are in the asphalt on East Main Street. He then stated that this is brand new asphalt and there are already cuts in the pavement. The City Engineer stated that these areas are not cuts, they are repairs to the top coat of asphalt that did not adhere properly to the undercoat. Council President Cliff Ponte asked the Director of Financial Services to provide an overview of the Streetscape Projects. The Director of Financial Services stated that the effects of these projects on the Fiscal Year 2020 Budget will only be to debt service.

In terms of the Financial Services budget, Councilor Shawn E. Cadime questioned the salary of the Assessor. The Director of Financial Services stated that the only difference in the salary is the 1.5% increase. She then stated that the Assessor II position went to Assessor I, due to the individual receiving certification.

In terms of the Facilities Maintenance Budget, Councilor Shawn E. Cadime asked the Director of Financial Services why there was an increase in the salaries in this department. The Director of Financial Services stated that on page 188, Peter Moniz is listed twice which is causing the salary totals to be overstated by \$54,000.00. She then stated that the position of safety officer is listed and that position was not approved in the Committee on Ordinances and Legislation. Councilor Shawn E. Cadime asked what the extra funds in the expense line item were for. The Director of Facilities Maintenance stated that these funds were for software called "Facilities Dude". He then stated that this is comparable to "School Dude" that is currently used by the School Department. Councilor Shawn E. Cadime then asked the Director of Facilities Maintenance if the street lights are dimmable. The Director of Facilities Maintenance stated that the LED street lights are dimmable. Councilor Shawn E. Cadime then asked the Director of Facilities Maintenance if it will still be necessary to lease a garage for truck storage, now that the City owns the parking garages. The Director of Facilities Maintenance stated that the maintenance trucks have numerous tools stored in them and if these trucks are not secured in alarmed garages, the City could possibly lose many tools. Councilor Shawn E. Cadime then asked the Director of Financial Services for an analysis of the costs for privatization for custodial services in the Government Center, Police Station and the Library. He then stated that the amount of money that is being spent on privatization is close to the salaries of the custodians and I believed this would save the city money. Councilor Bradford L. Kilby asked why there is a position listed in the budget for a safety officer, when this position was granted leave to withdraw by the Committee on Ordinances and Legislation. The City Administrator stated that this position will not be filled, as the proposed ordinance was granted leave to withdraw. Councilor Leo O. Pelletier asked if there was sufficient funding for the repairs to the library roof. The Director of Facilities Maintenance stated that the bids came in at \$295,000.00 and there was \$375,000.00 budgeted. He then stated that they will be advertising for bids for plastering and painting of the damaged areas, due to the roof leaks. Councilor Pam Laliberte-Lebeau asked why there was no longer an auto allowance for the Department of Facilities Maintenance workers. The Director of Facilities Maintenance stated that all workers now have city vehicles, so there is no longer a need for this as workers no longer use their private vehicles. Councilor Pam Laliberte-Lebeau then asked how these vehicles are fueled. The Director of Facilities Maintenance stated that the new gas pump located at Lewiston Street is now functional. Councilor Pam Laliberte-Lebeau then asked about the condition of the Stanley Street Fire Station. The Director of Facilities Maintenance stated that the building needs a new roof and the basement is very damp. He then stated that the

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building will be getting a new roof in the next few months and then the Administration will be investigating the possibility of a new station, as this building is very old. Councilor Steven A. Camara asked why we are spending funds on such an old building, when we are in need of a new station. The Director of Facilities Maintenance stated that the process has begun for a new station, but the process can take a few years. He then stated that a new location may need to be found due to the recommended size of new fire stations and the fact that it is recommended that new fire stations be constructed to allow fire apparatus the ability to drive through the station. He then mentioned that the current location on Stanley Street does not have a large enough area for such a new station of the recommended size.

In terms of the Community Maintenance Budget, the Assistant Commissioner of Cemeteries and Trees/Director of Cemeteries and Trees provided a brief overview of the Fiscal Year 2020 Budget for his department. He stated that the salary adjustments were due to AFSME contract negotiations and there are funds for some new equipment that is needed.

Councilor Bradford L. Kilby asked what new equipment will be purchased. Christopher Parayno stated that either a debris loader for leaf clean up in the fall or the replacement of one of the aging lawn mowers will be purchased. Councilor Leo O. Pelletier asked the condition of the stump grinder. Christopher Parayno stated that it is in good working condition. Councilor Leo O. Pelletier then stated that there are many tree stumps throughout the city that need to be ground down. Councilor Shawn E. Cadime asked how much money is in the perpetual care account. Christopher Parayno stated a little over one million dollars. Councilor Shawn E. Cadime then asked what the interest rate is on the perpetual care account. The Director of Financial Services stated that she will forward that information to the City Council tomorrow. On a motion made by Councilor Shawn E.

Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to forward a letter to the Administration requesting that an order be forwarded to the City Council for the transfer of \$84,786.00 from Facilities Maintenance Salaries to Community Maintenance Cemeteries and Trees, Expenses. Councilor Stephen R. Long asked why a new cement sidewalk was poured around a tree stump. He then stated that the tree stump should have been removed prior to pouring concrete for the new sidewalk. The Director of Community Maintenance stated that he will be meeting with the City Engineer and the contractor who installed this sidewalk. John Perry then stated that this is the first time he has seen cement poured around a tree stump. He then stated that usually the contractor will work with the City to have any stumps removed prior to pouring a new concrete sidewalk.

In terms of the Parks and Recreational Facilities Budget, Councilor Shawn E. Cadime asked the Director of Parks and Recreational Facilities how many parks are located in the City of Fall River. Nancy Smith stated that there are 29 parks and also stated that memorials, greens and median strips are also maintained by her department. Councilor Pam Laliberte-Lebeau asked if seasonal workers could be used to assist in landscaping. Nancy Smith stated that the problem with seasonal workers was that the laborers were making \$13.00/hour and seasonal workers were making \$16.00/hour, which is unfair to the laborers that have been working for the City for 20 years. Councilor Steven A. Camara asked where the income from festivals is deposited. Nancy Smith stated that all fees are deposited into the general fund.

In terms of the Traffic and Parking Budget, the Director of Traffic and Parking provided a brief overview of her department. She stated that the department has three maintenance employees, six parking control officers and two office staff employees. She then stated that two parking garages have been added to her department. The Pearl Street Garage has a little over 300 parking spaces and the Third Street Garage and open lot has approximately 160 spaces in the garage, not including the two floors that are closed and the open lot has approximately 110 spaces. She then went on to mention that her department now is responsible for the 34 school crossing guards. Councilor Pam Laliberte-Lebeau asked the Director of Traffic and Parking if the kiosks have been installed at the parking garages. Laura Ferreira stated that two kiosks have been installed at the Pearl Street Garage and

one kiosk has been installed at the Third Street Garage. Councilor Joseph D. Camara asked for the current charges for parking meters. Laura Ferreira stated it is still 25 cents for 30 minutes, but then stated that if the City is going to invest in new kiosks we may want to consider increasing the charges. Councilor Leo O. Pelletier asked how much revenue is brought in by the Traffic and Parking Department. Laura Ferreira stated that in fiscal year 2019, \$1.8 million dollars and then stated that she is hopeful to collect \$2 million dollars in fiscal year 2020. Councilor Leo O. Pelletier then questioned the safety of the parking garages. The Director of Traffic and Parking stated that the Third Street Parking Garage has had vagrants sleeping there at night. She then stated that the Director of Facilities Maintenance has cleaned all debris and rubbish from this location and has secured the two unused levels to prevent any loitering. She also stated that security lighting will be installed in this garage, which will also deter loitering.

In terms of Solid Waste, Streets and Highways and Snow Removal Budgets, the Director of Community Maintenance provided a brief overview of these areas. Councilor Stephen R. Long asked what the increases are in solid waste disposal. John Perry stated that solid waste disposal has increased approximately \$800,000.00. He then stated that since the expiration of the purple bag program, approximately 400 residents have contacted the City to resume trash pickup. Councilor Stephen R. Long then asked the status of the recycling program. The Director of Community Maintenance stated that there has been a small decrease in recycling. The City Administrator stated that the Administration will be sending out a flyer to educate residents regarding recycling. Councilor Leo O. Pelletier asked if all trash needs to be inside the carts. The Director of Community Maintenance stated that all trash and recycling needs to be inside of the correct carts. He then stated that in the summer months residents usually tend to have more trash, so we have a dumpster at Lewiston Street to accept excess trash on Thursday, Friday and Saturday mornings.

Councilor Derek R. Viveiros asked for an update on the transfer station. The City Administrator stated that the Administration is working with the Department of Environmental Protection for approvals and also stated that site selection is currently being worked on. In terms of the Planning Department Budget, Councilor Steven A. Camara asked if the position of Assistant City Planner was a new position. The City Administrator stated that it was not a new position, but it had not been filled for many years.

In terms of the Inspectional Services Budget, the Director of Code Enforcement provided a brief overview and stated that if a request is made for an inspection it is usually performed within 24 hours. He then stated that the printing of permits takes about a week. Councilor Shawn E. Cadime asked for the balances on the demolition and vacant lot accounts. The Director of Code Enforcement stated that the balance of the demolition account is \$26,699.04 and the balance of the vacant lot account is \$15,126.12. Councilor Shawn E. Cadime then asked if the costs of demolition and vacant lot cleaning are recouped by the City. Glenn Hathaway stated that these costs are leaned on the properties and the City will recoup these funds, although it could take an extended period of time.

In terms of the Health and Human Services Budget, Tess Curran provided a brief overview. She stated that the only change in the department was the addition of the Senior Opioid Clerk, which previously was part of Emergency Medical Services. Councilor Steven A. Camara stated that he noticed that Julianne Kelly will be retiring and asked if she will be replaced. Tess Curran stated that the department has not yet received the grant funds that were used for this position, but it should be forthcoming from the Commonwealth of Massachusetts.

In terms of the Library Budget, Liane Verville provided a brief overview of the budget. She also stated that there are increases in the library budget due to requirements by the Massachusetts Board of Library Commissioners. She then mentioned that the City has been receiving a waiver for the past ten years due to not meeting the Municipal Appropriation Requirement, but the City now has only five years to comply so a small increase each year should bring Fall River into compliance.

The City Council recessed at 10:13 p.m.

The City Council reconvened at 10:28 p.m.

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In terms of the revenue section of the budget, the Director of Financial Services stated that the projected revenue in the Fiscal Year 2020 Budget is \$297,491,414.00. Councilor Shawn E. Cadime asked if there was any new growth in this budget. The Director of Financial Services stated nothing major, just the building permits showing new growth. Councilor Shawn E. Cadime then asked the Director of Financial Services if she could see any major shortfalls. The Director of Financial Services stated that \$1.8 million dollars is listed for cannabis revenue, which includes the impact fees and the 3% excise taxes. She then stated that \$8.2 million dollars is expected from automobile excise taxes in fiscal year 2020. Councilor Shawn E. Cadime questioned why Inspectional Services showed \$150,000.00 for vacant building fees in Fiscal Year 2019 Budget and in Fiscal Year 2020 Budget it lists zero. The City Administrator stated that until recently the fees were sent in to the City sporadically but we have recently computerized these vacant building fees and also changed the system from a calendar year to a fiscal year. Due to these changes the Director of Financial Services felt it would be better to be conservative and wait until the new system begins. She then stated that invoices may possibly be mailed out this week. Councilor Shawn E. Cadime then questioned the amount listed in the budget for closed circuit television advertising within Government Center. The City Administrator stated that the \$210,000.00 that is listed in the budget is an estimate from the advertising company. Councilor Steven A. Camara stated that the big change in this year's budget will be the revenues from cannabis. Councilor Leo O. Pelletier stated that he has taken criticism for his request to cap the number of cannabis licenses available in the City. He then asked why there are no revenues shown in the budget for purchasing. The City Administrator stated that she does not believe there were any auctions this past year for surplus items. Councilor Leo O. Pelletier then stated that approximately two weeks ago he was at the Lewiston Street Garage and an employee stated that a lot of office equipment was thrown away that was still in decent condition. He then stated that the Purchasing Department should be checking with all departments to get a list of all surplus items so that an auction can be held. Councilor Stephen R. Long asked what caused the drop in the Stabilization Account. The Director of Financial Services stated that \$300,000.00 was used for the Vietnam Veterans' Memorial Wall.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adjourn at 11:11 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Picture of a tree stump located on Niagara Street presented by Councilor Stephen R. Long

Calleen A. Taylor
Clerk of Committees

COMMITTEE ON FINANCE

MEETING: Thursday, June 20, 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
Albert F. Dupere, Chief of Police
John D. Lynch, Fire Chief
Timothy Oliveira, Director of Emergency Medical Services
Richard Aguiar, Director of Fall River Emergency Management Agency

The chair called the meeting to order at 6:07 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:

Collin Dias, 560 Ray Street – Boards and Commission vacancies (submitted by email)
Ed Gagnon, 220 Johnson Street – Reappointment of David Underhill

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to take item #3 out of order.

3. Continuation of Fiscal Year 2020 Municipal Budget discussion and further discussion with the following departments:
 - Public Safety (Fire; Fire Emergency Management; Police)
 - Insurance and other (Claims and Judgements; Insurance)
 - Enterprise Funds (Emergency Medical Services; Sewer; Water)

In terms of the Police Department Budget, the Chief of Police provided an overview of the budget. He stated that currently there are 221 total police officers and his ultimate goal is for 250 police officers. Councilor Joseph D. Camara asked if there are sufficient police cruisers that are in good working condition. The Chief of Police stated that there are sufficient vehicles and the new mechanic is doing an excellent job of maintaining the

vehicles. He also stated that there is funding for more radios in the budget, so that every police officer will have a radio. Councilor Shawn E. Cadime asked the Chief of Police if the department has addressed the compensatory time off matter. He then stated that previously officers would have more than a year in compensatory time and when they were getting ready to retire, they would be out for over a year using their compensatory time prior to retirement. Chief Dupere stated that effective July 1, 2019 there are new federal guidelines that will be adhered to and therefore officers will no longer be allowed to accumulate such great amounts of time. Councilor Shawn E. Cadime then asked for a breakdown of positions in the Police Department. The Police Chief stated that they are as follows:

- 1 Chief
- 2 Deputy Chiefs
- 4 Captains
- 14 Lieutenants
- 32 Sergeants
- 170 Officers

Councilor Pam Laliberte-Lebeau asked if the line item for K-9 veterinary care is a new budget item. The Chief of Police stated that this is a new item to the Police Department Budget. He then stated that previously K-9 officers were reimbursed for any veterinary care for the dogs, but this year there is a dedicated line item. He also stated that the K-9 officers have established a fund for any extra funding that may be needed, especially if there was an emergency for one of the dogs. Councilor Pam Laliberte-Lebeau then asked what funds would be used if there is a lawsuit filed against a police officer. The Director of Financial Services stated that any funds needed in the settlement of a law suit would be paid from the Law Department Budget. Councilor Leo O. Pelletier asked the City Administrator what is the policy for surplus property auctions. The City Administrator stated that the Purchasing Agent sends a memo to all departments requesting a list of any surplus property that is no longer useful to be auctioned off. She then stated that there was no surplus property this past year, so therefore no auction was held. Councilor Leo O. Pelletier stated that he was at the Lewiston Street Department of Community Maintenance Facility and was informed by some employees that office furniture that was still in usable condition was being discarded. He then stated that any items that are in useable condition should be auctioned off and not disposed of. Councilor Shawn E. Cadime asked the Chief of Police if there was sufficient funding for police vehicles. The Chief of Police stated that he has sufficient funding in the budget for unmarked vehicles and there is funding in the Capital Improvement Plan to replace police cruisers.

In terms of the Fire Department Budget, the Fire Chief provided a brief overview of the proposed budget. He stated that he has increased manpower by five employees, which will bring the total number of firefighters to 195. He also stated that for the first time mechanics will be supplied with tools. He then stated that in the past mechanics had to use their personal tools, so this will now provide the necessary tools for the job. Chief John D. Lynch then stated that there is also a line item in the proposed budget to replace four leased vehicles that are at the end of the leasing period. He then stated that these four vehicles will be replaced by either electric or gasoline vehicles. Councilor Bradford L. Kilby asked the Fire Chief if the fleet of fire apparatus has been as up to date as it is today. The Fire Chief stated that in the 33 years that he has worked for the Fire Department, the current fleet of fire apparatus is in the best condition that he can recall. He then stated that he wants to have the Capital Improvement Plan contain the replacement of fire apparatus on a continuous basis, unlike years ago when most of the apparatus needed to be replaced at the same time. Councilor Pam Laliberte-Lebeau asked the Fire Chief if Fall River is now compliant with National Fire Protection Association (NFPA) standards. The Fire Chief stated

that the City has been able to maintain four firefighters per engine, in all single engine fire houses. He also stated that Heavy Rescue 1 only has three firefighters, but this company has only had only 3 firefighters since 1950. Councilor Pam Laliberte-Lebeau asked the Fire Chief to provide an overview of the recent problem with the Klaxon System in the fire stations. The Fire Chief stated that the Klaxon System is the notification system to alert the necessary pieces of apparatus to respond to an alarm. He then stated that the system is so old that it took six weeks to have a part replicated, so that the system could continue to operate. He also stated that he is actively working to find a replacement notification system, while keeping the old Klaxon System for redundancy. Councilor Stephen R. Long asked how many new recruits there are for the Fire Department. The Fire Chief stated that there are 15 recruits in training to be sworn in as firefighters. He also stated that five of these new recruits will be paid for with SAFER Grant funds and after three years these five firefighters will then be paid for by the City of Fall River. Councilor Shawn E. Cadime asked if the Fire Department is working with Emergency Medical Services to cross train all firefighters as Emergency Medical Technicians (EMT), will there be any issues with the two unions. He then asked if they will be combining into one union. The Fire Chief stated that both unions have been working diligently to combine services, but we do not see one union representing both firefighters and emergency medical services. Councilor Shawn E. Cadime then asked about the revenue listed from Prima Care. The Director of Financial Services stated Prima Care is paying the salary and benefits to have a paramedic located at the walk in area at Prima Care. The Director of Emergency Medical Services stated that a paramedic is now stationed at Prima Care. He then stated that when there is a medical emergency at one of the doctor's offices at Prima Care, the doctor will call the paramedic who will respond immediately to the suite and radio to request a medical rescue to the location. The paramedic will immediately be in the suite with the necessary equipment and have the patient ready to transport when the medical rescue arrives. Councilor Shawn E. Cadime then asked, "How many per diem employees does Emergency Medical Services have?" The Director of Emergency Medical Services stated that there are twelve at this time.

In terms of the Enterprise Funds, Councilor Pam Laliberte-Lebeau stated that she has heard rumors that the Mayor will hold a press conference tomorrow to announce the elimination of the stormwater fee. The City Administrator stated that myself and the Director of Financial Services are unaware of any changes to eliminate the stormwater fee. She also stated that this Fiscal Year 2020 Budget includes the revenue from the stormwater fee. Councilor Stephen R. Long stated he is ready to vote on the budget that is before them and he is not going to let rumors interfere with his vote for this Fiscal Year 2020 Budget. Councilor Joseph D. Camara asked the Director of Financial Services if she has had any conversations with the Mayor regarding the elimination of the Stormwater Fee. The Director of Financial Services stated that she has not had any conversations regarding the elimination of \$5.9 million dollars in the Sewer Department Enterprise Fund. President Cliff Ponte stated that he sent a text message to the Mayor, asking if the Mayor was holding a press conference to announce that the stormwater fee was being eliminated. He then stated that the Mayor responded to him that he has no intention of making any such announcement. President Cliff Ponte then stated that the City Council may approve, reject or reduce the budget which will be before them in the upcoming Special City Council Meeting immediately following this meeting.

2. Discussion re: Intermunicipal Agreement between the Fall River Redevelopment Authority and the City of Fall River

The City Administrator provided a brief overview of the Intermunicipal Agreement between the Fall River Redevelopment Authority and the City of Fall River. She then stated that the Redevelopment Authority will be paying rent for office space in Government Center. Councilor Shawn E. Cadime stated that he has not had sufficient time to review the agreement and asked if there was an immediate need for this agreement to be approved tonight. Councilor Joseph D. Camara stated that he is comfortable with the agreement.

Councilor Steven A. Camara asked if the Fall River Redevelopment Authority will be renting the former Fall River Office of Economic Development Office. The City Administrator stated that the Community Development Agency will be moving to the former office of the Fall River Office of Economic Development. The Fall River Redevelopment Authority will be renting the office adjacent to the Information Technology Office. Councilor Shawn E. Cadime asked if the Fall River Redevelopment Authority should vote to approve this agreement prior to the City Council voting on the agreement. The City Administrator stated that Attorney John Coughlin, Counsel for the Fall River Redevelopment Authority felt the City should approve the agreement prior to the Fall River Redevelopment Authority voting on the matter. She also stated that there is a 30 day termination clause within the agreement, if the City felt this agreement was not in the best interest of the City at some point. Councilor Steven A. Camara asked if this matter is listed on the agenda for the Special City Council Meeting that will follow. The City Administrator stated that is correct and we are hopeful that this matter may be voted on this evening.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was unanimously voted to adjourn at 8:44 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Email submitted by Collin Dias for Citizen Input


Clerk of Committees

COMMITTEE ON FINANCE

MEETING: Monday, July 15, 2019 at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: Councilor Joseph D. Camara

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

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

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

Citizens' Input Time – Before Discussion of Financial Matters:

Jeanna DaCosta, 433 Ludlow Street – Agenda item #20
Celeste Arruda, 239 Melrose Street – Melrose Street
Danielle LaChance, 286 Concord Street – Melrose Street

Councilor Pam Laliberte-Lebeau arrived at 6:11 p.m.

2. Mayor and appropriation order for FY19 year-end obligations as follows:

<u>FROM:</u>	
Fire – Salaries	\$ 123,779
Reserve Fund	\$ 1,125,000
Other Assessments	\$ 994,515
TOTAL:	\$ 2,243,294

<u>TO:</u>	
Fire – Expenses	\$ 200,000
Police – Salaries	\$ 547,426
Police – Expenses	\$ 22,247
Community Maintenance – Expenses	\$ 330,612
Debt Service	\$ 463,953
Snow Removal	\$ 585,344
Insurance	\$ 93,712

TOTAL:	\$ 2,243,294
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The Director of Financial Services provided a brief overview of the order for Fiscal Year 2019 year end obligations. Councilor Pam Laliberte-Lebeau asked about the Fire Department Expenses. The Director of Financial Services stated that additional funds were required for the purchase of more transmitters, as there were dead spots for radio transmissions in the north end of the City. Councilor Pam Laliberte-Lebeau then asked for a breakdown of Police Department Salaries. The Director of Financial Services stated that there were various reasons for this overage. She then stated that there was \$100,000.00 requested by the Mayor for overtime after the shooting incident on South Main Street, in front of the Court House. She also stated that retirement buyouts were higher than anticipated. Councilor Shawn E. Cadime asked the Director of Financial Services if she could provide estimates of the year end shortfalls prior to July 15th. The Director of Financial Services stated that she will do her best to provide estimates prior to the end of the fiscal year. City Council President Cliff Ponte asked if there were any other questions regarding items #2 through #5 and there were no further questions in regard to the following items.

3. Mayor and order appropriating \$15,000 from the General Fund Mayor Salaries to the Small Business Improvement Fund
4. Mayor and orders appropriating as follows:
 - a. \$100,000 from the Water Enterprise Fund FY18 Surplus Revenue (free cash) to the Water Stabilization Fund
 - b. \$100,000 from the Sewer Enterprise Fund FY18 Surplus Revenue (free cash) to the Sewer Stabilization Fund
5. Mayor and order appropriating \$2,520 from CPA Fund's Undesignated for Historic Resources Preservation Projects (Fall River Historical Society)

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn at 6:20 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
DVD of meeting


Clerk of Committees

SPECIAL MEETING OF THE CITY COUNCIL

MEETING: Thursday, June 20, 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 8:50 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Appropriation Orders for the proposed Fiscal Year 2020 Municipal Budget
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Bradford L. Kilby, it was voted 8 yeas, 1 nay to adopt the order for the Fiscal Year 2020 Municipal Budget, with Councilor Shawn E. Cadime voting in the negative.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

On a further motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 8 yeas, 1 nay to adopt the Emergency Medical Services Enterprise Fund, with Councilor Shawn E. Cadime voting in the negative.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

On yet a further motion made by Councilor Stephen R. Long and seconded by Councilor Bradford L. Kilby, it was voted 7 yeas, 2 nays to adopt the Water Enterprise Fund, with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

On yet a further motion made by Councilor Stephen R. Long and seconded by Councilor Bradford L. Kilby, it was voted 7 yeas, 2 nays to adopt the Sewer Enterprise Fund, with Councilors Shawn E. Cadime and Steven A. Camara voting in the negative.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

2. Mayor and inter-municipal agreement between the City of Fall River and the Fall River Redevelopment Authority

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was voted 7 yeas, 2 nays to adopt the order, with Councilors Shawn E. Cadime and Cliff Ponte voting in the negative. At the completion of the roll call Councilor Shawn E. Cadime objected to the matter. President Cliff Ponte called for a recess at 9:01 p.m. to discuss the objection. At 9:04 p.m. the City Council reconvened and President Cliff Ponte stated that since the objection was made at the conclusion of the roll call vote, it could not be considered.

3. Mayor requesting confirmation of the appointment of Robert Tavares as a member of the Traffic Commission

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to confirm the appointment. Councilor Pam Laliberte-Lebeau asked if Mr. Tavares serves on any other board or commission. The City Clerk stated that he does not serve on any other board or commission.

4. Mayor requesting confirmation of the reappointment of David Underhill as a member of the Housing Authority

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to confirm the appointment. Councilor Pam Laliberte-Lebeau asked if Mr. Underhill serves on any other board or commission. The City Clerk stated that he does not serve on any other board or commission.

PRIORITY COMMUNICATIONS

5. Traffic Commission recommending amendments to the traffic ordinances

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

COMMITTEE REPORTS

Committee on Public Works and Transportation recommending:

Approval:

6. Communication – Street opening for pavement less than five years old – Harvard Street
On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the street opening.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

7. Communication – Street opening for pavement less than five years old – 724 Plymouth Avenue

On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the street opening.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

Adoption:

8. Order – One new pole location – President Avenue
On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the street opening.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

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ORDINANCES

Second reading and enrollment:

9. Proposed Ordinance – Traffic, miscellaneous

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through second reading and enrollment. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted that the proposed ordinance be passed to be ordained.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

10. Proposed Ordinance – Sewer rate increases

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 8 yeas, 1 nay to pass the proposed ordinance through second reading and enrollment, with Councilor Steven A. Camara voting in the negative. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the proposed ordinance be passed to be ordained.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

11. Proposed Ordinance – Water rate increases

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 8 yeas, 1 nay to pass the proposed ordinance through second reading and enrollment, with Councilor Steven A. Camara voting in the negative. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted that the proposed ordinance be passed to be ordained.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

12. Proposed Ordinance – Personnel, Water Department modifications

On a motion made by Councilor Stephen R. Long and seconded by Councilor Steven A. Camara, it was unanimously voted to pass the proposed ordinance through second reading and enrollment. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the proposed ordinance be passed to be ordained.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

13. Proposed Ordinance – Personnel, GIS – Specialist

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 second reading and enrollment. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the proposed ordinance be passed to be ordained.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

14. Proposed Ordinance – Personnel, salary schedule adjustments – list of positions

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through second reading and enrollment. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the proposed ordinance be passed to be ordained.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

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15. Proposed Ordinance – Personnel, salary schedule adjustments – rate of increase
On a motion made by Councilor Stephen R. Long and seconded by Councilor Bradford L. Kilby, it was unanimously voted to pass the proposed ordinance through second reading and enrollment. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the proposed ordinance be passed to be ordained.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

16. Proposed Ordinance – Special City Charter Committee
On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to pass the proposed ordinance through second reading and enrollment. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the proposed ordinance be passed to be ordained.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

Second reading and enrollment, as amended:

17. Proposed Ordinance – Personnel, salary schedule for non-union positions – EMA Director
On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, as amended. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the proposed ordinance be passed to be ordained, as amended.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

18. Proposed Ordinance – Personnel, salary schedule for non-union positions – City Council Principal Clerk
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 second reading and enrollment, as amended. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Steven A. Camara, it was unanimously voted that the proposed ordinance be passed to be ordained, as amended.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

19. Proposed Ordinance – Zoning, wind energy facilities
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, as amended. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the proposed ordinance be passed to be ordained, as amended.
Approved, June 24, 2019, Mayor Jasiel F. Correia II

RESOLUTIONS

20. Committee on Ordinances and Legislation convene with Corporation Counsel and Chief of Police to discuss proposed ordinance placing age restriction on purchase of knives
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the resolution.

21. Committee on Public Safety convene with Police Chief, City Planner, Administration and Academy Building management to discuss safety concerns on Old Second Street
A motion was made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara to adopt the resolution. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to amend the resolution by adding the Director of Traffic and Parking and the Director of the Fall River Redevelopment Authority to the list of invitees. On yet a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the resolution, as amended.

CITATIONS – None

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

22. Police Chief's report on licenses:

Taxicab Drivers:

William Bradford Robert S. Custer

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

23. Auto Repair Shop License Renewals:

Michael Penacho, Penacho Associates, Ltd. d/b/a Complete Auto Tech Center at
 535 Bay Street

Brian Moura d/b/a State Road Collision and Auto Repair at 480 South Main Street

John R. Glass, JG Auto, LLC at 84 Fourteenth Street

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

Approved, June 24, 2019, Mayor Jasiel F. Correia II

24. Auto Body Shop License Renewals:

Michael Penacho d/b/a Mike's Auto Body at 535 Bay Street

Brian Moura d/b/a State Road Collision and Auto Repair at 480 South Main Street

Luis Sousa and Rose Raposo d/b/a Color Tones Auto Body, LLC at 2238 South Main Street

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

Approved, June 24, 2019, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS

25. Claims

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

26. Drainlayer License:

T&K Asphalt Services, Inc.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the license.

Approved, June 24, 2019, Mayor Jasiel F. Correia II

27. Request from Recover Fall River to place banners on railings of Government Center

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

28. Structures over a public way – Recover Fall River promoting Overdose Awareness Day as follows:

- a. Banner over North Main Street
- b. Banner over South Main Street near courthouse
- c. Banner over Pleasant Street
- d. Banner over Bedford Street

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the applications. Councilor Pam Laliberte-Lebeau asked how long the banners will be hanging over the streets. The City Clerk stated that the banners will be put up on August 1, 2019 and removed on September 1, 2019.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara, it was unanimously voted to take items #29 through #32 together.

City Council Meeting Minutes:

- 29. Public Hearings – May 14, 2019
- 30. Public Hearings – June 4, 2019
- 31. Committee on Finance Meeting – May 14, 2019
- 32. Regular City Council Meeting – May 14, 2019

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to approve items #29 through #32.

BULLETINS – NEWSLETTERS – NOTICES

33. Notice of Casualty and Loss at 34 Division Street

On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the notice be accepted and placed on file.

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: JUNE 20, 2019

PRIORITY COMMUNICATIONS

- 5a. Traffic Commission recommending amendments to the traffic ordinances

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

- 5b. City Clerk regarding request to rescind the cost of living freeze for elected officials

A motion was made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, to refer the matter to the Committee on Ordinances and Legislation. Councilor Steven A. Camara then stated that he believed that this was initially done by an order years ago, but after conversations with the City Clerk I was informed that this was implemented by an ordinance. He then stated that he feels that this matter is important and if it is the will of the City Council, then the matter could be accompanied by an emergency preamble when referred from the Committee on Ordinances and Legislation. He then stated that Fall River is on the low end of paying our elected officials, including the members of the School Committee, City Council and also our Mayor. He also stated that elected officials are no longer eligible for benefits, since the new Charter has become effective. Councilor Pam Laliberte-Lebeau stated that this ordinance change would only remove the freeze on the salaries and not actually be a salary increase. Council President Cliff Ponte stated that in order for this change to take place, the Committee on Ordinances and Legislation would have to convene and then a Special Meeting of the City Council would need to be called and I will not call a Special Meeting of the City Council for this matter. Councilor Stephen R. Long then stated that he feels that this matter deserves discussion, but there is not an emergency to rush such discussion. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor

Stephen R. Long, it was voted 8 yeas, 1 nay to grant the matter leave to withdraw, with Councilor Steven A. Camara voting in the negative.

ORDERS – MISCELLANEOUS

24a. Light order – 110 Stevens Street pole #6

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

COMMUNICATIONS – INVITATIONS – PETITIONS

26a. Drainlayer License:

Raposo Company Landscape & Construction, LLC

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the license.

Approved, June 24, 2019, Mayor Jasiel F. Correia II

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Steven A. Camara, it was unanimously voted to take items #32a through #32e together.

City Council Meeting Minutes:

32a. Public Hearing – June 18, 2019

32b. Committee on Finance Meeting – May 28, 2019

32c. Committee on Finance Meeting – June 4, 2019

32d. Planning Board Minutes – April 23, 2019 Meeting

32e. Planning Board Minutes – May 28, 2019 Meeting

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to approve items #32a through #32e.

BULLETINS – NEWSLETTERS – NOTICES

34. Open Meeting Law complaint filed by Patrick Higgins regarding the June 18, 2019

City Council Committee on Finance Meeting

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the matter to the City Clerk for a response.

City Council President Cliff Ponte called for a recess at 9:36 p.m. to allow the ordinances to be signed. The City Council reconvened at 9:40 p.m.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adjourn at 9:44 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:


City Clerk

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SPECIAL MEETING OF THE CITY COUNCIL

MEETING: Monday, July 15, 2019 at 6:15 p.m.
Council Chamber, One Government Center

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

ABSENT: Councilor Joseph D. Camara

IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services
Joseph I. Macy, Corporation Counsel

President Cliff Ponte called the meeting to order at 6:21 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 establishing spending limits for the Revolving Funds for Fiscal Year 2020
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilor Joseph D. Camara absent and not voting. Approved, July 16, 2019, Mayor Jasiel F. Correia II

2. Mayor and appropriation order for FY19 year-end obligations as follows:

<u>FROM:</u>	
Fire – Salaries	\$ 123,779
Reserve Fund	\$ 1,125,000
Other Assessments	\$ 994,515
TOTAL:	\$ 2,243,294
<u>TO:</u>	
Fire – Expenses	\$ 200,000
Police – Salaries	\$ 547,426
Police – Expenses	\$ 22,247
Community Maintenance – Expenses	\$ 330,612
Debt Service	\$ 463,953
Snow Removal	\$ 585,344
Insurance	\$ 93,712

TOTAL: \$ 2,243,294

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilor Joseph D. Camara absent and not voting.

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3. Mayor and order appropriating \$15,000 from the General Fund Mayor Salaries to the Small Business Improvement Fund

President Cliff Ponte read a letter from the Community Development Agency. Councilor Shawn E. Cadime requested more information in this regard and President Cliff Ponte requested the City Administrator and the Director of Financial Services to answer questions. The Director of Financial Services stated that the Community Development Agency was waiting for funding, so to cover costs until the funding was received, the City was going to transfer funds to allow ending the fiscal year balanced. Councilor Shawn E. Cadime then asked if these funds were for the store front façade program. The Director of Financial Services stated that the funds were for the store front façade program and in order to streamline payroll, this individual was paid on a bi-weekly basis and not per project. On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted that the matter be granted leave to withdraw, with Councilor Joseph D. Camara absent and not voting.

4. Mayor and orders appropriating as follows:

- a. \$100,000 from the Water Enterprise Fund FY18 Surplus Revenue (free cash) to the Water Stabilization Fund

On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilor Joseph D. Camara absent and not voting.

- b. \$100,000 from the Sewer Enterprise Fund FY18 Surplus Revenue (free cash) to the Sewer Stabilization Fund

On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilor Joseph D. Camara absent and not voting.

5. Mayor and order appropriating \$2,520 from CPA Fund's Undesignated for Historic Resources Preservation Projects (Fall River Historical Society)

On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the order, with Councilor Joseph D. Camara absent and not voting. Approved, July 16, 2019, Mayor Jasiel F. Correia II

6. Mayor and order of land acquisition for 903 Pearce Street, Lot P-03-0016

A motion was made by Councilor Steven A. Camara to adopt the order, but received no second. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the matter to the Committee on Real Estate, with Councilor Joseph D. Camara absent and not voting.

7. Mayor requesting revisions to city fire alarm ordinances

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation, with Councilor Joseph D. Camara absent and not voting.

8. Mayor and gift orders for the Fall River Opioid Task Force as follows:

- a. \$2,100 from Fall River Police Officer Michael Pereira, Newton Firefighter Michael Walsh and the Fall River Baptist Church

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the order, with Councilor Joseph D. Camara absent and not voting. Approved, July 16, 2019, Mayor Jasiel F. Correia II

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- b. 50 jackets from Fall River Police Officer Michael Pereira and Newton Firefighter Michael Walsh

On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the order, with Councilor Joseph D. Camara absent and not voting. Approved, July 17, 2019, Mayor Jasiel F. Correia II

PRIORITY COMMUNICATIONS

9. Corporation Counsel re: Charter amendments by Fall River Task Force

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

10. Director of Financial Services re: quotes for annual independent audit from the following:

- a. Roselli, Clark and Associates
- b. CliftonLarsonAllen LLP
- c. Melanson Heath

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order selecting Roselli, Clark and Associates, with Councilor Joseph D. Camara absent and not voting. Approved, July 16, 2019, Mayor Jasiel F. Correia II

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

11. Proposed Ordinance – Traffic, Handicapped Parking

On a motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was voted 8 yeas to adopt an Emergency Preamble, with Councilor Joseph D. Camara absent and not voting. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to pass the proposed ordinance through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilor Joseph D. Camara absent and not voting.

Approved, July 16, 2019, Mayor Jasiel F. Correia II

All readings with Emergency Preamble as amended:

12. Proposed Ordinance – Zoning, Kennels

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was voted 8 yeas to adopt an Emergency Preamble, with Councilor Joseph D. Camara absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilor Joseph D. Camara absent and not voting.

Approved, July 16, 2019, Mayor Jasiel F. Correia II

First Reading:

13. Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through first reading, with Councilor Joseph D. Camara absent and not voting.

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First Reading as amended:

14. Proposed Ordinance – Personnel, salary schedule for non-union positions –
Commissioner of Recreational Facilities/Director of Recreational Facilities

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to pass the proposed ordinance through first reading, as amended with Councilor Joseph D. Camara absent and not voting.

15. Proposed Ordinance – Personnel, salary schedule for non-union positions –
Parking Clerk/Director of Traffic and Parking

On a motion made by Councilor Stephen R. Long and seconded by Councilor Bradford L. Kilby, it was unanimously voted to pass the proposed ordinance through first reading, as amended with Councilor Joseph D. Camara absent and not voting.

16. Proposed Ordinance – Marijuana Facilities, and Licenses

Councilor Leo O. Pelletier stated that since there are 11 letters of non-opposition already issued, he agreed to change the maximum number of licenses from 8 to 11. Councilor Steven A. Camara stated that he is opposed to limiting the number of licenses, because he feels there is no problem. He then stated that the market should decide how many businesses will open. Councilor Bradford L. Kilby stated that he is in support of this proposed ordinance and also stated that if the limit needs to be changed at some time in the future, the matter can be revisited. Councilor Shawn E. Cadime stated that the City of Fall River should have implemented a zoning overlay district for marijuana facilities. He then stated that we do not know if there will be problems with these marijuana facilities, because they have not been open very long. Councilor Steven A. Camara stated that he informed residents that the City Council would not be voting on this matter tonight, because he heard President Cliff Ponte on the radio stating that the City Council was awaiting an opinion on the matter from Corporation Counsel. He then stated that this industry in providing a financial relief to our taxpayers and rent payers and he is against stifling businesses that are generating revenue for the City of Fall River. Councilor Stephen R. Long stated that he believes this is a good ordinance, as 11 licenses should be a sufficient number of marijuana businesses for the City of Fall River. Councilor Shawn E. Cadime stated that the cap on the number of marijuana licenses only effects recreational marijuana, not medical marijuana. Councilor Leo O. Pelletier stated that he has heard that there are some businesses investigating the possibility of opening a marijuana café in the City. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to waive the rules to allow the Director of Financial Services, City Administrator and Corporation Counsel to answer questions. Councilor Shawn E. Cadime asked the Director of Financial Services, if the City of Fall River has ever had a proposition 2 ½ override. The Director of Financial Services stated, "Not that I can recall." Councilor Shawn E. Cadime then asked if the City of Fall River used the entire 2 ½% increase in the Fiscal Year 2020 Budget. The Director of Financial Services stated, "That is correct." Councilor Shawn E. Cadime then stated that he does not see any tax relief for the residents of Fall River due to the income from marijuana facilities. Councilor Steven A. Camara stated that this is a good revenue stream for the City of Fall River. He then stated that he realizes that he is against the electronic billboards, which would generate revenue but he believes that revenue from marijuana facilities will generate millions of dollars for the City of Fall River. He then stated that the owners of these new marijuana facilities are also upgrading the buildings that they have purchased. He stated that the old mill building on Weaver Street, has been updated with a new roof and new windows. The City Administrator stated that the reason the Administration was able to present a balanced budget without the revenue from the purple bags, is due to the new revenue stream from marijuana. On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Pam Laliberte-Lebeau to table the proposed ordinance, it was voted 3 yeas, 4 nays with Councilors Shawn E. Cadime, Steven A. Camara, Bradford L. Kilby and Stephen R. Long voting in the negative and Councilor Joseph D. Camara absent and not voting.

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and the motion failed to carry. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime to pass the proposed ordinance through first reading, as amended, it was voted 4 yeas, 3 nays with Councilors Steven A. Camara, Pam Laliberte-Lebeau and Derek R. Viveiros voting in the negative and Joseph D. Camara absent and not voting and the motion failed to carry.

On yet a further motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Leo O. Pelletier, it was voted 7 yeas to reconsider the previous motion, with Councilor Joseph D. Camara absent and not voting. On a roll call vote taken on the previous motion to adopt the proposed ordinance, as amended it was voted 5 yeas, 2 nays with Councilors Steven A. Camara and Derek R. Viveiros voting in the negative and Councilor Joseph D. Camara absent and not voting.

ORDINANCES – None

RESOLUTIONS

17. Committee on Finance convene with City Engineer and representative of company awarded contract for East Main Street Streetscape Project to discuss workmanship on roadways. Councilor Leo O. Pelletier stated that there are 18-20 cuts in this newly paved street. The lights were never installed and the entire streetscape project looks terrible. Councilor Pam Laliberte-Lebeau stated that she agrees with Councilor Leo O. Pelletier, the East Main Street area looks terrible. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the resolution, with Councilor Joseph D. Camara absent and not voting.

18. Committee on Economic Development and Tourism convene to discuss position of Director of Tourism and Cultural Affairs. On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the resolution, with Councilor Joseph D. Camara absent and not voting.

19. Committee on Economic Development and Tourism convene with Administration, Corporation Counsel, Sandy Dennis or designee from Creative Arts Network and representative from Massachusetts Cultural Commission to discuss development of a cultural district. Councilor Pam Laliberte-Lebeau stated that she has been working on this matter for a couple of months and there are still a few questions that the Administration has about this matter, so we will have further discussion in the Committee on Economic Development and Tourism. On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the resolution, with Councilor Joseph D. Camara absent and not voting.

20. Fall River City Council support coalition to make Fall River both Age and Dementia Friendly. On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the resolution, with Councilor Joseph D. Camara absent and not voting.

CITATIONS – None

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ORDERS – HEARINGS

Curb Removals:

21. Anthony DeSilva, 115 Earle Street – total of 20' at 115 Earle Street
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilor Joseph D. Camara absent and not voting. Approved, July 16, 2019, Mayor Jasiel F. Correia II

22. Walid Assi, 2809 Highland Avenue – total of 22' at 2809 Highland Avenue
On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilor Joseph D. Camara absent and not voting. Approved, July 16, 2019, Mayor Jasiel F. Correia II

23. Pat Mayall, 257 Rathgar Street – total of 20' at 257 Rathgar Street
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the order, with Councilor Joseph D. Camara absent and not voting. Approved, July 16, 2019, Mayor Jasiel F. Correia II

ORDERS – MISCELLANEOUS

24. Police Chief's report on licenses:

Taxicab Drivers:

Jeffrey Benoit Latia Jackson Gina Rodrigues

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilor Joseph D. Camara absent and not voting.

COMMUNICATIONS – INVITATIONS – PETITIONS

25. Claims

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the claims to Corporation Counsel, with Councilor Joseph D. Camara absent and not voting.

26. Structures over a public way – Steppingstone, Inc. requesting a banner over 134 Durfee Street advertising Get Steppin' Walk/Run

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to approve the application, with Councilor Joseph D. Camara absent and not voting.

27. Open Meeting Law Complaint from Collin Dias re: June 20, 2019 Special Meeting of the City Council

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to Corporation Counsel, with Councilor Joseph D. Camara absent and not voting.

28. Open Meeting Law Complaint from Collin Dias re: June 20, 2019 Special Meeting of the City Council

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to refer the matter to Corporation Counsel, with Councilor Joseph D. Camara absent and not voting.

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29. Determination from Attorney General's Division of Open Government re: OML complaint filed by Patrick Higgins relative to June 18, 2019 Committee on Finance Meeting
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file, with Councilor Joseph D. Camara absent and not voting.
30. Determination from Attorney General's Division of Open Government re: OML complaint filed by Collin Dias relative to December 4, 2018 Committee on Finance Meeting
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file, with Councilor Joseph D. Camara absent and not voting.
31. Determination from Attorney General's Division of Open Government re: OML complaint filed by Collin Dias relative to December 4, 2018 Committee on Finance Meeting
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file, with Councilor Joseph D. Camara absent and not voting.
- On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to take items #32 to #34 together, with Councilor Joseph D. Camara absent and not voting.*
- City Council Meeting Minutes:
32. Committee on Finance Meeting – June 18, 2019
33. Regular City Council Meeting – May 28, 2019
34. Regular City Council Meeting – June 4, 2019
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to approve items #32 through #34, with Councilor Joseph D. Camara absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES

- On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to take items #35 to #38 together, with Councilor Joseph D. Camara absent and not voting.*
35. Beta Group, Inc. re: Replacement of Weaver Street over Mass Coastal Railroad, Bridge No. F-02-019 Mass DOT Highway Division Project File No. 608619
36. Mass DOT – Notice of Filing, Public Hearing, and Procedural Conference in connection with the Department of Public Utilities, Phase I of the MBTA South Coast Rail Project
37. MEPA environmental notification report re: Fall River Downtown Urban Renewal Plan
38. MEPA environmental notification report re: Fall River Waterfront Urban Renewal Plan
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted that items #35 to #38 be accepted and placed on file, with Councilor Joseph D. Camara absent and not voting.

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ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: JULY 15, 2019

20a. Committee on Public Works and Transportation convene with the City Administrator, City Engineer and the Director of Community Maintenance to pursue a solution to the issue of making Melrose Street totally accessible for the residents of 239 Melrose Street
On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the resolution, with Councilor Joseph D. Camara absent and not voting.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, 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

Letter from CDA regarding a request for the transfer of \$15,000.00

A true copy. Attest:

Alison M. Bouchard

City Clerk

TOWN OF BURRILLVILLE

Office of Town Clerk

Louise R. Phaneuf
Town Clerk



TOWN BUILDING
HARRISVILLE, R.I.

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Telephone: (401) 568-4300 ext. 124
FAX: (401) 568-0490
E-mail: townclerk@burrillville.org
RI Relay 1-800-745-5555 (TTY)

July 12, 2019

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

Dear Council President Ponte,

On behalf of the Burrillville Town Council and our community, we want to thank you for your support against siting the Invenergy Power Plant in Northern Rhode Island.

The State's Energy Facilities Siting Board (EFSB) voted on June 20, 2019, to reject Invenergy's permit, which should (effectively) end this long ordeal.

With overwhelming support coming from all over the state and our neighbors in Connecticut and Massachusetts, the message was clearly sent that this project is not needed, would not do anything meaningful to lower or mitigate electric rates for Rhode Islanders, and would do harm to our treasured and dwindling forests, waterways and open space.

It takes courage to buck the establishment and to take politically unpopular votes such as the one your community took. Every once in a while, common sense and the peoples voice prevails. We thank you!

With Best Regards,

A handwritten signature in cursive script that reads "John F. Pacheco III".

John F. Pacheco, III
President
Burrillville Town Council

RECEIVED
JUL 17 P 2:11
CITY OF FALL RIVER, MA