



# City of Fall River Massachusetts

## Office of the City Clerk

**ALISON M. BOUCHARD**

**CITY CLERK**

**MEETING:**

Monday, July 15, 2019 at 6:15 p.m.  
Council Chamber, One Government Center

**INÊS LEITE**

**ASSISTANT CITY CLERK**

**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:

#### **FROM:**

Fire – Salaries	\$ 123,779
Reserve Fund	\$ 1,125,000
Other Assessments	\$ 994,515
<b>TOTAL:</b>	<b>\$ 2,243,294</b>

#### **TO:**

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.*

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*

- 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.*

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.*

*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

## **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.*

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.*

**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:

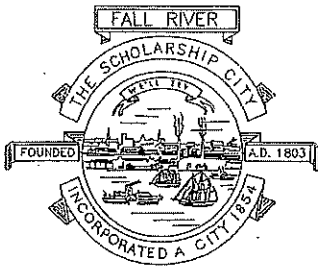


City Clerk

In City Council, August 12, 2019

Approved





**JASIEL F. CORREIA II**  
*Mayor*

**City of Fall River**  
**Massachusetts**  
Community Development Agency

*Received at City Council Meeting*

**buyfallriver**

**MICHAEL P. DION**  
*Executive Director / CFO*

July 15, 2019


City of Fall River, MA  
One Government Center  
Fall River, MA 02722  
Attention: Cathy Ann Viveiros, City Administrator

Dear Ms. Viveiros

Please be advised that the Fall River Community Development Agency is in receipt of the required paperwork that is needed to process the City's invoice for the Small District Improvement Program invoice dated July 9, 2019.

I want to thank you for your cooperation in this matter and look forward to our continued partnership in helping small businesses in the City.

Sincerely,

  
Michael P. Dion  
Executive Director/CFO





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

RECEIVED

2019 JUL 11 P 12:53

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

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

**ALISON M. BOUCHARD**  
CITY CLERK

**MONDAY, JULY 15, 2019**  
**AGENDA**

**INÊS LEITE**  
ASSISTANT CITY CLERK

**4:30 P.M. COMMITTEE ON REAL ESTATE MEETING**  
**5:15 P.M. COMMITTEE ON PUBLIC SAFETY MEETING (OR IMMEDIATELY FOLLOWING THE**  
**COMMITTEE ON REAL ESTATE MEETING IF THAT MEETING RUNS PAST 5:15 P.M.)**  
**5:55 PUBLIC HEARINGS (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON PUBLIC**  
**SAFETY MEETING IF THAT MEETING RUNS PAST 5:55 P.M.)**

**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.

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.

**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](mailto:city_clerks@fallriverma.org)

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.

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

1. Citizens Input
2. \*Transfers and appropriations (see items #2 through 5 below)

**6:15 P.M SPECIAL MEETING OF THE CITY COUNCIL (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON FINANCE MEETING IF THAT MEETING RUNS PAST 6:15 P.M.)**

**PRIORITY MATTERS**

1. \*Mayor and order establishing spending limits for the Revolving Funds for Fiscal Year 2020
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	<u>\$ 994,515</u>
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<u>TO:</u>	
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TOTAL:	\$ 2,243,294
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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)
6. \*Mayor and order of land acquisition for 903 Pearce Street, Lot P-03-0016

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

7. \*Mayor requesting revisions to city fire alarm ordinances
8. \*Mayor and gift orders for the Fall River Opioid Task Force as follows:
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  - b. 50 jackets from Fall River Police Officer Michael Pereira and Newton Firefighter Michael Walsh

#### **PRIORITY COMMUNICATIONS**

9. \*Corporation Counsel re: Charter amendments by Fall River Task Force
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

#### **COMMITTEE REPORTS**

##### **Committee on Ordinances and Legislation recommending:**

##### **All readings with Emergency Preamble:**

11. \*Proposed Ordinance – Traffic, Handicapped Parking

##### **All readings with Emergency Preamble as amended:**

12. \*Proposed Ordinance – Zoning, Kennels

##### **First Reading:**

13. \*Proposed Ordinance – Traffic, Miscellaneous

##### **First Reading as amended:**

14. \*Proposed Ordinance – Personnel, salary schedule for non-union positions – Commissioner of Recreational Facilities/Director of Recreational Facilities
15. \*Proposed Ordinance – Personnel, salary schedule for non-union positions – Parking Clerk/Director of Traffic and Parking
16. \*Proposed Ordinance – Marijuana Facilities, and Licenses

#### **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
18. \*Committee on Economic Development and Tourism convene to discuss position of Director of Tourism and Cultural Affairs
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
20. \*Fall River City Council support coalition to make Fall River both Age and Dementia Friendly

#### **CITATIONS** – None

#### **ORDERS – HEARINGS**

##### **Curb Removals:**

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22. \*Walid Assi, 2809 Highland Avenue – total of 22' at 2809 Highland Avenue
23. \*Pat Mayall, 257 Rathgar Street – total of 20' at 257 Rathgar Street

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

**ORDERS – MISCELLANEOUS**

24. Police Chief's report on licenses:

Taxicab Drivers:

Jeffrey Benoit

Latia Jackson

Gina Rodrigues

**COMMUNICATIONS – INVITATIONS – PETITIONS**

25. \*Claims

26. Structures over a public way – Steppingstone, Inc. requesting a banner over 134 Durfee Street advertising Get Steppin' Walk/Run

27. \*Open Meeting Law Complaint from Collin Dias re: June 20, 2019 Special Meeting of the City Council

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City Council Meeting Minutes:

32. \*Committee on Finance Meeting – June 18, 2019

33. \*Regular City Council Meeting – May 28, 2019

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**BULLETINS – NEWSLETTERS – NOTICES**

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

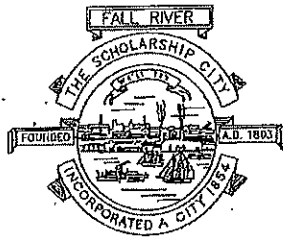
36. \*Mass DOT – Notice of Filing, Public Hearing, and Procedural Conference in connection with the Department of Public Utilities, Phase I of the MBTA South Coast Rail Project

37. \*MEPA environmental notification report re: Fall River Downtown Urban Renewal Plan

38. \*MEPA environmental notification report re: Fall River Waterfront Urban Renewal Plan

  
City Clerk

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



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

RECEIVED

2019 JUL 10 A 10:10

**JASIEL F. CORREIA II**  
*Mayor*

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

July 8, 2019

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

Dear Honorable Council Members:

Massachusetts General Laws Chapter 44, § 53E½ require spending limits be established for revolving funds for use by the City, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities.

Your approval of the associated appropriation order is respectfully requested.

**Ordered, that under the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½, the City of Fall River by vote of the City Council, hereby establishes authorized spending limits for the following Revolving Funds for FY 20:**

Fire Department	\$20,000	Hazardous Material Recovery
Community Services	\$50,000	Cleaning & Securing Buildings
Community Services	\$200,000	Demolition
Community Maintenance	\$10,000	Home Composting
Community Maintenance	\$10,000	Solid Waste – Recycling Recovery
Community Maintenance	\$40,000	Trolley & handicap Bus
Community Maintenance	\$25,000	Street Light Poles Repairs/Replacement
Facilities Maintenance	\$50,000	Vehicle Trade-In
Police Department	\$6,000	Moorings Maintenance
Police Department	\$40,000	Police Cruiser
School Dept	\$100,000	Summer Tuition
School Dept	\$50,000	Athletic Events

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

1

School Dept	\$25,000	Music Revolving
School Dept	\$5,000	School Store
School Dept	\$50,000	Culinary Arts Meals/ Functions
School Dept	\$200,000	Daycare Services
School Dept	\$175,000	School Buildings Use

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

Best Regards,



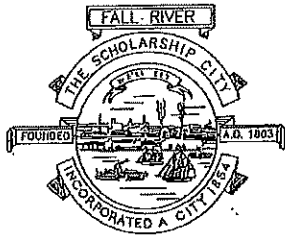
Jasiel F. Correia II  
Mayor



# City of Fall River, *In City Council*

Ordered, that under the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½, the City of Fall River by vote of the City Council, hereby establishes authorized spending limits for the following Revolving Funds for FY 20:

Fire Department	\$20,000	Hazardous Material Recovery
Community Services	\$50,000	Cleaning & Securing Buildings
Community Services	\$200,000	Demolition
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Community Maintenance	\$10,000	Solid Waste – Recycling Recovery
Community Maintenance	\$40,000	Trolley & handicap Bus
Community Maintenance	\$25,000	Street Light Poles Repairs/Replacement
Facilities Maintenance	\$50,000	Vehicle Trade-In
Police Department	\$6,000	Moorings Maintenance
Police Department	\$40,000	Police Cruiser
School Dept	\$100,000	Summer Tuition
School Dept	\$50,000	Athletic Events
School Dept	\$25,000	Music Revolving
School Dept	\$5,000	School Store
School Dept	\$50,000	Culinary Arts Meals/ Functions
School Dept	\$200,000	Daycare Services
School Dept	\$175,000	School Buildings Use



City of Fall River  
Massachusetts  
Office of the Mayor

2

RECEIVED

2019 JUL 10 AM 11:44

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

JASIEL F. CORREIA II  
Mayor

July 10, 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 necessitated due to the year-end review of the operating budget. The following appropriations will assist the City in meeting its Fiscal Year 2019 obligations:

**FROM:**

Fire – Salaries	\$123,779
Reserve Fund	\$1,125,000
Other Assessments	\$994,515
<b>Total</b>	<b>\$2,243,294</b>

**TO:**

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
<b>Total</b>	<b>\$2,243,294</b>

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

Best Regards,

Jasiel F. Correia II  
Mayor

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

# City of Fall River, In City Council

2

ORDERED: (FY 19 Orders)

Transfer and appropriate \$2,243,294 from:

Fire – Salaries	\$123,779
Reserve Fund	\$1,125,000
Other Assessments	\$994,515
	<hr/>
Total	\$2,243,294

And Transfer and appropriate \$2,243,294 to:

Community Maintenance - Expenses	\$330,612
Snow Removal – Salaries	\$41,825
Snow Removal – Expenses	\$543,519
Debt Service	\$463,953
Fire – Expenses	\$200,000
Insurance	\$93,712
Police – Salaries	\$547,426
Police – Expenses	\$22,247
	<hr/>
Total	\$2,243,294

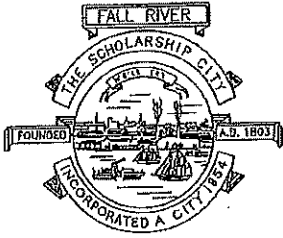
2

## FY19 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
Reserve Fund	\$ 1,125,000.00	\$ (1,125,000.00)	\$ -
Other Assessments	\$ 25,497,448.00	\$ (994,515.00)	\$ 24,502,933.00
Fire - Salaries	\$ 14,596,557.00	\$ (123,779.00)	\$ 14,472,778.00
Community Maintenance - Expenses	\$ 9,084,859.00	\$ 330,612.00	\$ 9,415,471.00
Snow Removal	\$ 526,243.00	\$ 585,344.00	\$ 1,111,587.00
Debt Service	\$ 9,068,126.00	\$ 463,953.00	\$ 9,532,079.00
Fire - Expenses	\$ 676,606.00	\$ 200,000.00	\$ 876,606.00
Insurance	\$ 39,954,256.00	\$ 93,712.00	\$ 40,047,968.00
Police - Salaries	\$ 20,708,947.00	\$ 547,426.00	\$ 21,256,373.00
Police - Expenses	\$ 1,311,829.00	\$ 22,247.00	\$ 1,334,076.00

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

  
 Jennifer Argo, City Auditor  
 July 15, 2019



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

3

RECEIVED

2019 JUL 10 AM 11:44

CITY CLERK  
FALL RIVER, MA

**JASIEL F. CORREIA II**  
Mayor

July 10, 2019

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

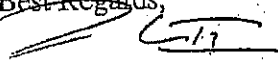
RE: Transfer of Funds

Dear Council Members:

It is respectfully requested that \$15,000 be transferred from the Mayor salaries to Small Business Improvement Fund to cover costs until the requirements of program can be completed. It is planned that the Community Development Agency will reimburse the City upon completion of the requirements.

Please contact Mary Sahady or Michael Dion if you have any questions.

Best Regards,

  
Jasiel F. Correia II  
Mayor

*City of Fall River, In City Council*

3

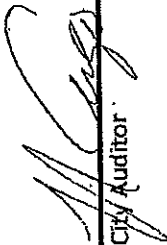
**ORDERED:**

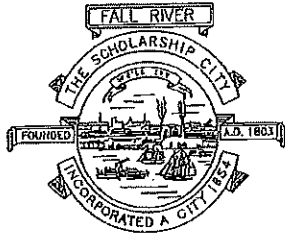
**That the sum of \$15,000 be, and the same is, hereby appropriated for the SMALL BUSINESS IMPROVEMENT FUND from the GENERAL FUND MAYOR SALARIES**

## FY19 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
General Fund Mayor - Salaries	\$ 286,662.00	\$ (15,000.00)	\$ 271,662.00
Small Business Improvement Fund	\$ -	\$ 15,000.00	\$ 15,000.00

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

  
 Jennifer Argo, City Auditor  
 July 15, 2019



**JASIEL F. CORREIA II**  
Mayor

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

RECEIVED

2019 JUL 10 P 3:23

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

4 a+b

July 10, 2019

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

RE: Water and Sewer Stabilization Funds

Dear Council Members:

It is respectfully requested that the following appropriations are approved:

1. That the sum of \$100,000 be, and the same is, hereby appropriated to the WATER STABILIZATION FUND as established by the Massachusetts General Laws Chapter 40, Section 5B from the WATER ENTERPRISE FUND FY18 SURPLUS REVENUE (Free cash).
2. That the sum of \$100,000 be, and the same is, hereby appropriated to the SEWER STABILIZATION FUND as established by the Massachusetts General Laws Chapter 40, Section 5B from the SEWER ENTERPRISE FUND FY18 SURPLUS REVENUE (Free cash).

These appropriations shall bring each stabilization fund to \$500,000.

Please contact Terrance Sullivan or Paul Ferland at the Department of Community Utilities if you have any questions.

Sincerely,

Jasiel F. Correia II  
Mayor



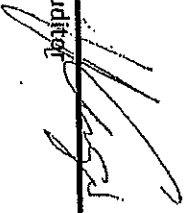
7/1a+b

# FY19 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
Water Free Cash	\$ 540,971.00	\$ (100,000.00)	\$ 440,971.00
Sewer Free Cash	\$ 1,349,941	\$ (100,000.00)	\$ 1,249,941.00
Water Stabilization Fund	\$ 409,027.28	\$ 100,000.00	\$ 509,027.28
Sewer Stabilization Fund	\$ 407,997.52	\$ 100,000.00	\$ 507,997.52

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

Jennifer Argo, City Auditor  
July 15, 2019



*City of Fall River, In City Council*

4a  
#1

**ORDERED:**

**That the sum of \$100,000 be, and the same is, hereby appropriated from the  
WATER ENTERPRISE FUND FY18 SURPLUS REVENUE to the WATER  
STABILIZATION FUND.**

*City of Fall River, In City Council*

4b

# 2

**ORDERED:**

**That the sum of \$100,000 be, and the same is, hereby appropriated from the  
SEWER ENTERPRISE FUND FY18 SURPLUS REVENUE to the SEWER  
STABILIZATION FUND.**



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

RECEIVED

2019 JUN 28 P 3:41

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

**JASIEL F. CORREIA II**  
*Mayor*

June 27, 2019

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

Dear Honorable Council Members:

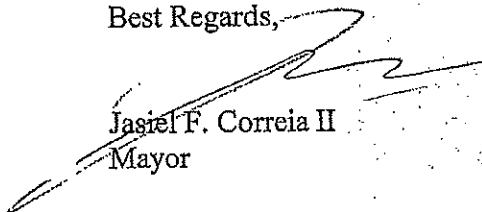
The Community Preservation Committee (CPC) has identified a supplemental funding for a community project for the fiscal year 2019 and has made recommendation for funding in accordance with the Community Preservation Act (CPA) MGL Chapter 44B Sections 4 to 7.

The CPA funding request for this emergency project is \$2,520 as outlined in the proposed Appropriation Order.

Your approval of the associated Appropriation Order is respectfully requested.

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

Best Regards,

  
Jasiel F. Correia II  
Mayor



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

5

**JASIEL F. CORREIA II**  
*Mayor*

**JAMES SOUZA**  
Chairman

**JOHN BRANDT**  
Vice-Chairman

June 26, 2019

City of Fall River  
Mayor Jasiel Correia  
One Government Center  
Fall River, MA 02722

Dear Mayor Correia:

The Community Preservation Committee voted for supplemental funding to complete the FY19 Fall River Historical Society project at their last meeting on Tuesday, June 25, 2019.

- Fall River Historical Society - \$2,520.00 for additional funding to complete Phase 3 of the exterior restoration project due to unexpected increase in costs.

A letter needs to come from the Mayor approving this funding and for the Auditor to prepare an Appropriation Order for this project.

We need this as soon as possible so it can get on the City Council agenda for their next meeting, Tuesday, July 16, 2019

Respectfully,

James Souza, Chair

Fall River Community Preservation Committee

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

# City of Fall River, In City Council

5

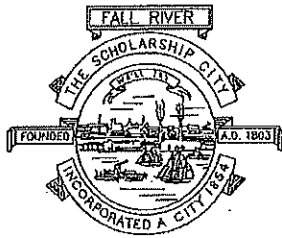
## APPROPRIATION ORDER

ORDERED, that the following FY 19 supplemental appropriations be provided through the Community Preservation Act (CPA), reserves under the MGL Chapter 44B Sections 4 to 7 in the aggregate, amounting to \$2,520 to be appropriated as follows:

Voted: That \$2,520 be appropriated from the CPA Fund's Undesignated fund balance

For CPA Administrative Expenditures	\$0
For CPA Open Space/Outdoor Recreation PROJECTS	\$0
For CPA Historic Resources Preservation PROJECTS	\$2,520
For CPA Community Housing	<u>\$0</u>
<b>TOTAL</b>	<b><u>\$2,520</u></b>

**Note:** Please note this is the fourth supplemental CPA appropriation for FY19. The City Council appropriated \$78,480 for emergency funding on September 25, 2018. The City Council also appropriated \$375,050 for emergency funding on April 12, 2019. The City Council also appropriated \$185,000 for emergency funding on May 15, 2019. The City Council also appropriated \$149,602 for supplemental funding on June 5, 2019. The CPA fund balance is reported at \$1,364,087 on June 30, 2018 and is more than sufficient to cover this supplemental appropriations.



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

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2019 JUL -8 A 11:37

CITY CLERK  
FALL RIVER, MA

**JASIEL F. CORREIA II**  
Mayor

July 8, 2019

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

RE: Land Acquisition Order  
903 Pearce Street

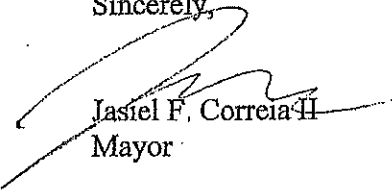
Dear Council Members:

It is respectfully requested that the attached order for the acquisition of a vacant lot at 903 Pearce Street, Lot P-03-0016 be approved. The cost of the Lot is \$77,000 and the appraisal has been attached. The Sewer Division has the available funds.

The lot is for sale and the neighbors have opposed construction of a new house due to flooding during extreme storm events in that area. The vacant lot has historically absorbed much of that water during storms. The Sewer Division shall maintain the lot and plans to utilize the lot in future drainage improvement projects in that area.

Please contact Terrance Sullivan or Paul Ferland at the Department of Community Utilities if you have any questions.

Sincerely,

  
Jasiel F. Correia II  
Mayor

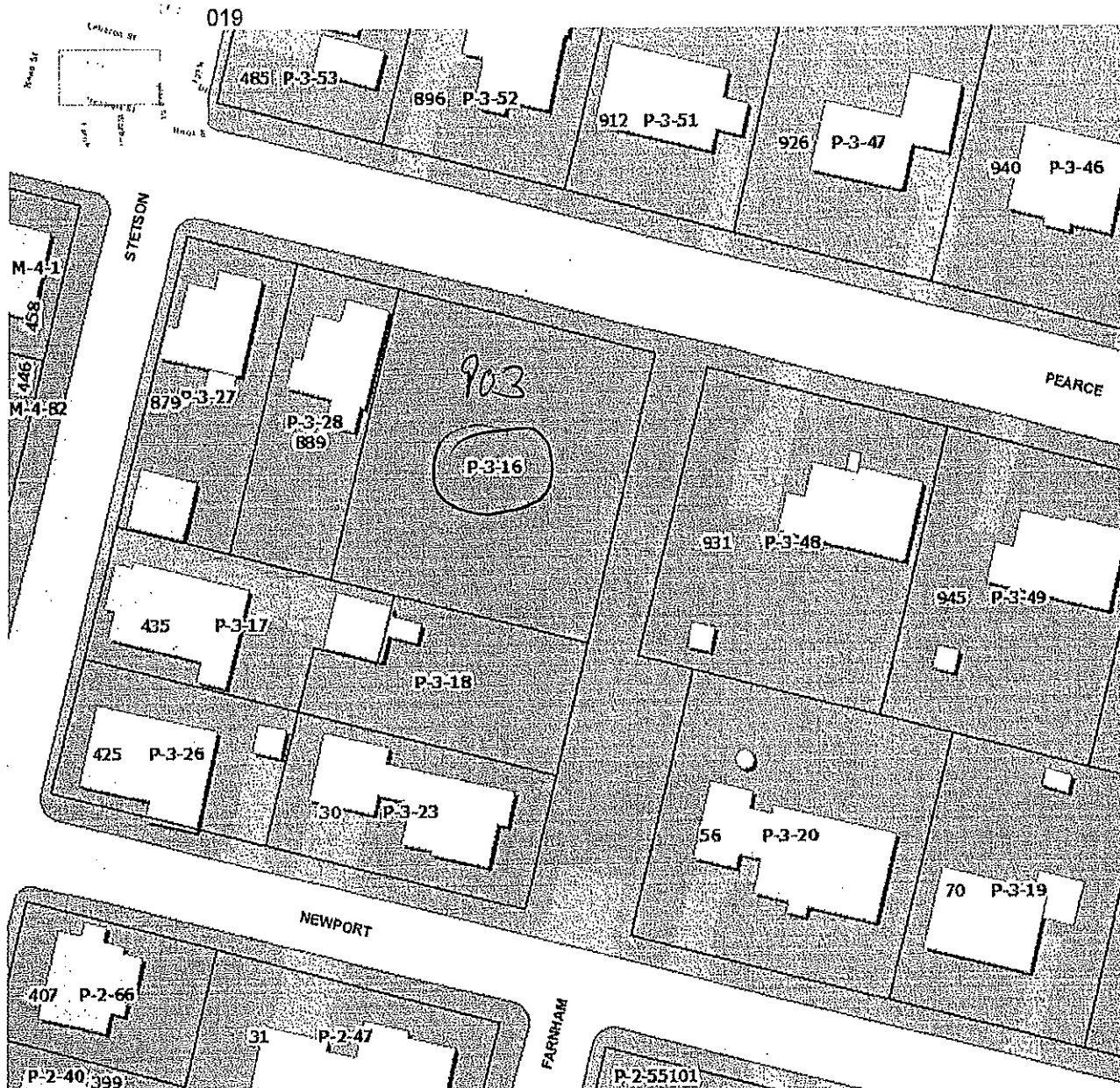
# City of Fall River, *In City Council*

6

ORDERED, that the Mayor is hereby authorized to acquire the property identified as 903 Pearce Street, Assessor Parcel Numbers P-03-0016 in Fall River, Massachusetts subject to any changes and final approval by the Corporation Counsel. The acquisition and ownership of said lot will provide a location for future improvements for the Community Utilities Department.



6



6

## APPRAISAL OF REAL PROPERTY



### LOCATED AT

903 Pearce St  
Fall River, MA 02720  
Book 6477 Page 154 Last Transfer 6/2/2014-\$1.00

### FOR

Private

### OPINION OF VALUE

77,000

### AS OF

April 1, 2019

### BY

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

Berge Associates, Incorporated  
P.O. BOX 2612  
Fall River, MA 02722  
(774) 665-0018

04/29/2019

Private

Re: Property: 803 Pearce St  
Fall River, MA 02720  
Borrower: City of Fall River Sewer Connection  
File No.: BER38444

Opinion of Value: \$ 77,000  
Effective Date: April 1, 2019

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

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, in encumbered fee simple title of ownership.

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

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

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

Sincerely,



Paul Berge  
Certified Residential  
License or Certification #: 75392  
State: MA Expires: 02/12/2021  
bergeassociates@comcast.net

6

Borough	City of Fall River Sewer Connection	File No. BER36444
Property Address	903 Pearce St	
City	Fall River	County Bristol State MA Zip Code 02720
Lender/Client	Private	

### APPRAISAL AND REPORT IDENTIFICATION

This Report is one of the following types:

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

### Comments on Standards Rule 2-3

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

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


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

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

### Comments on Appraisal and Report Identification

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

#### APPRAISER:

Signature:   
 Name: Paul Berge  
Certified Residential  
 State Certification #: 75392  
 or State License #:  
 State: MA Expiration Date of Certification or License: 02/12/2021  
 Date of Signature and Report: 04/29/2019  
 Effective Date of Appraisal: 4/1/2019  
 Inspection of Subject: ☐ None ☐ Interior and Exterior ☒ Exterior-Only  
 Date of Inspection (if applicable): April 1

#### SUPERVISORY or CO-APPRAISER (if applicable):

Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 State Certification #: \_\_\_\_\_  
 or State License #: \_\_\_\_\_  
 State: \_\_\_\_\_ Expiration Date of Certification or License: \_\_\_\_\_  
 Date of Signature: \_\_\_\_\_  
 Inspection of Subject: ☐ None ☐ Interior and Exterior ☐ Exterior-Only  
 Date of Inspection (if applicable): \_\_\_\_\_

6

# SUMMARY OF SALIENT FEATURES

SUBJECT INFORMATION	Subject Address	903 Pearce St
	Legal Description	Book 8477 Page 164 Last Transfer 6/2/2014-\$1.00
	City	Fall River
	County	Bristol
	State	MA
	Zip Code	02720
	Census Tract	6424.00
	Map Reference	P3/16
SALES PRICE	Sale Price	\$ N/A
	Date of Sale	N/A
CLIENT	Borrower	City of Fall River Sewer Connection
	Lender/Client	Private
DESCRIPTION OF IMPROVEMENTS	Size (Square Feet)	
	Price per Square Foot	\$
	Location	Average
	Age	
	Condition	
	Total Rooms	
	Bathrooms	
APPRAISER	Appraiser	Paul Berge
	Date of Appraised Value	April 1, 2019
VALUE	Final Estimate of Value	\$ 77,000

# LAND APPRAISAL REPORT

File No. BER36444

**Borrower** City of Fall River Sewer Connection **Assessment** 6424.00 **Map Reference** P3/16  
**Property Address** 903 Pearce St **County** Bristol **State** MA **Zip Code** 02720  
**Legal Description** Book 0477 Page 154 Last Transfer 01/21/2014-\$1.00  
**Sale Price** \$ N/A **Date of Sale** N/A **Loan Term** N/A **Property Rights Appraised** ☒ Fee ☐ Leasehold ☐ De Minimis PUD  
**Actual Real Estate Taxes** \$ 1,406 (yr) **Loan charges to be paid by seller** \$ N/A **Other sales concessions** N/A  
**Lender/Clien** Private **Address** N/A  
**Occupant** Vacant Land **Appraiser** Paul Berge **Instructions to Appraiser** Estimate Market Value

**Location** ☒ Urban ☐ Suburban ☐ Rural  
**Built Up** ☒ Over 75% ☐ 25% to 75% ☐ Under 25%  
**Growth Rate** ☐ Fully Dev. ☐ Rapid ☒ Steady ☐ Slow  
**Property Values** ☐ Increasing ☒ Stable ☐ Declining  
**Demand/Supply** ☐ Shortage ☒ In Balance ☐ Oversupply  
**Marketing Time** ☐ Under 3 Mos. ☒ 4-6 Mos. ☐ Over 6 Mos.  
**Present Land Use** 75% 1 Family 6% 2-4 Family 5% Apts. % Condo 10% Commercial  
**Change in Present Land Use** ☐ Industrial ☐ 5% Vacant ☐ %  
☒ Not Likely ☐ Likely (%) ☐ Taking Place (%)  
**Predominant Occupancy** ☒ Owner ☐ Tenant ☐ 0 % Vacant  
**Single Family Price Range** \$ 170,000 to \$ 425,000 **Predominant Value** \$ 250,000  
**Single Family Age** 10 yrs. to 125 yrs. **Predominant Age** 75 yrs.

**Employment Stability** ☒ Good ☐ Avg. ☐ Fair ☐ Poor  
**Convenience to Employment** ☒ ☐ ☐ ☐  
**Convenience to Shopping** ☒ ☐ ☐ ☐  
**Convenience to Schools** ☒ ☐ ☐ ☐  
**Adequacy of Public Transportation** ☒ ☐ ☐ ☐  
**Recreational Facilities** ☒ ☐ ☐ ☐  
**Adequacy of Utilities** ☒ ☐ ☐ ☐  
**Property Compatibility** ☒ ☐ ☐ ☐  
**Protection from Delinquent Conditions** ☒ ☐ ☐ ☐  
**Police and Fire Protection** ☒ ☐ ☐ ☐  
**General Appearance of Properties** ☒ ☐ ☐ ☐  
**Appeal to Market** ☒ ☐ ☐ ☐

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): The subject property is bordered north by President Avenue, south by New Boston Road, east by Elabree Street and west by Roberson Street. The subject has good convenience to shopping, dining and other surrounding facilities and is located within 2 miles from a Route 24 highway entrance. The other 5% land use is vacant land. The subject property is a conforming parcel to current zoning requirements and currently assessed as a class 101 buildable parcel according to city hall records.

**Dimensions** 100' X St. Irregular **Area** 10,885 Sq. Ft. or Acres ☐ Corner Lot  
**Zoning classification** Residential S **Present Improvements** ☒ do ☐ do not conform to zoning regulations  
**Highest and best use** ☒ Present use ☐ Other (specify)  
**Public** ☒ Other (Describe)  
**Elev.** ☒  
**Gas** ☒  
**Water** ☒  
**San. Sewer** ☒  
**Underground Elect. & Tel.** ☒  
**Off Site Improvements** ☒ Public ☐ Private  
**Street Access** ☒ Public ☐ Private  
**Surface** Blt. Concrete ☒ Public ☐ Private  
**Maintenance** ☒ Public ☐ Private  
**Storm Sewer** ☒ Curb/Gutter ☐ Street Light  
**Sidewalk** ☒ Street Light  
**Topo** Level  
**Size** Above Average  
**Shape** Irregular  
**View** City Street  
**Drainage** Appears Adequate  
**Is the property located in a HUD identified Special Flood Hazard Area?** ☒ No ☐ Yes  
**Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions):** There were no apparent easements, encroachments and/or adverse conditions affecting the subject marketability. The subject is a conforming existing parcel which is currently recognized by the city of Fall River as a residential parcel.

The undersigned has checked three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	903 Pearce St Fall River, MA 02720	1548 Rodman St Fall River, MA 02721	Lot 1 Oman St Fall River, MA 02721	Lot 84 Stafford Road Fall River, MA 02721
Proximity to Subject		2.19 miles SW	2.01 miles S	2.02 miles SW
Sales Price	\$ N/A	\$ 63,000	\$ 75,000	\$ 92,600
Price	\$	\$	\$	\$
Data Source	Pub. Records 72112820	Pub. Records 72377814	MLS 7246512 DOM 3	MLS 72366973 DOM 32
Date of Sale and Time Adjustment	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
Location	Average	Interior	Average	Interior
Site/View	10,885 sq/Neighborhood	10,190 sq/Neighborhood	9,833 sq/Neighborhood	9,858 sq/Neighborhood
Utilities	Public Water	Public Water	Public Water	Public Water
Utilities	Public Sewer	Public Sewer	Public Sewer	Public Sewer
Amenities	None	None	None	None
Amenities	None	None	None	None
Sales or Financing Concessions	N/A	Conv. Finance	Cash Finance	Conv. Finance
Net Adj. (Total)	N/A	N/A	N/A	N/A
Indicated Value of Subject		\$ 11,600	\$ 2,300	\$ 12,200
		\$ 74,600	\$ 77,300	\$ 104,700

Comments on Market Data: Greater weight was placed on comparable sale number two due to its overall similarity. Due to the extreme lack of sales, it was necessary to utilize comparables which are located over one mile from the subject property and comparable #3 consumed over six months ago. Comparables #1 & #3 exceed the 10% line adjustment guideline.

Comments and Conditions of Appraisal: This appraisal is based on subject highest and best use as a residential lot and is appraised "subject to a letter of compliance" from the city of Fall River as a buildable parcel. The comparables utilized exceed the 10% range of value guideline.

Final Reconciliation: Full weight was placed on the Sales Comparison Approach because this is considered the most viable way of estimating the market value of residential buildable lots.

ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF April 1, 20 19 to be \$ 77,000

Paul Berge  
 Appraiser(s)  
 Review Appraiser (if applicable) ☐ Did ☐ Did Not Physically Inspect Property

## MULTI-PURPOSE SUPPLEMENTAL ADDENDUM

BER36444

Borrower	City of Fall River Sewer Connection				
Property Address	803 Pearce St				
City	Fall River	County	Bristol	State	MA
Zip Code	02720				
Lender/Client	Private				

This Multi-Purpose Supplemental Addendum for Federally Related Transactions was designed to provide the appraiser with a convenient way to comply with the current appraisal standards and requirements of the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of Currency (OCC), the Office of Thrift Supervision (OTS), the Resolution Trust Corporation (RTC), and the Federal Reserve.

This Multi-Purpose Supplemental Addendum is for use with any appraisal. Only those questions and statements which have been marked by the appraiser apply to the property being appraised.

☒ **PURPOSE, INTENDED USE & INTENDED USER(S) OF APPRAISAL**

- ☒ The purpose of the appraisal is to estimate the market value as defined herein, or ☐ \_\_\_\_\_
- ☐ Intended use of the appraisal report: \_\_\_\_\_
- ☐ Intended user(s) of the appraisal report (by name or type): \_\_\_\_\_
- ☐ This is a federally related transaction.

☒ **EXTENT OF APPRAISAL PROCESS**

- ☒ The appraisal is based on the information gathered by the appraiser from public records, other identified sources, inspection of the subject property and neighborhood, and selection of comparable sales within the subject market area. The original source of the comparables is shown in the Data Source section of the market grid along with the source of confirmation, if available. The original source is presented first. The sources and data are considered reliable. When conflicting information was provided, the source deemed most reliable has been used. Data believed to be unreliable was not included in the report nor used as a basis for the value conclusion.
- ☐ The Reproduction/Replacement Cost is based on: \_\_\_\_\_, supplemented by the appraiser's knowledge of the local market.
- ☐ Physical depreciation is based on the estimated effective age of the subject property. Functional and/or external depreciation, if present, is specifically addressed in the appraisal report or other addenda. In estimating the site value, the appraiser has relied on personal knowledge of the local market. This knowledge is based on prior and/or current analysis of site sales and/or abstraction of site values from sales of improved properties.
- ☒ The subject property is located in an area of primarily owner-occupied single family residences and the Income Approach is not considered to be applicable. For this reason, the Income Approach was not used.
- ☐ The Estimated Market Rent and Gross Rent Multiplier utilized in the Income Approach are based on the appraiser's knowledge of the subject market area. The rental knowledge is based on prior and/or current rental rate surveys of residential properties. The Gross Rent Multiplier is based on prior and/or current analysis of prices and market rates for residential properties.
- ☐ For income producing properties, actual rents, vacancies and expenses have been reported and analyzed. They have been used to project future rents, vacancies and expenses.
- ☐ \_\_\_\_\_

☒ **FEMA FLOOD HAZARD DATA** ☐ Flood map is attached

- ☒ Subject property is not located in a FEMA Special Flood Hazard Area.
- ☐ Subject property is located in a FEMA Special Flood Hazard Area.

Zone	FEMA Map/Panel #	Map Date	Name of Community
X	25005C0334G	7/16/2014	Fall River

- ☐ The community does not participate in the National Flood Insurance Program.
- ☐ The community does participate in the National Flood Insurance Program.
- ☐ It is covered by a regular program.
- ☐ It is covered by an emergency program.

Analysis/Comments: \_\_\_\_\_

☒ **CURRENT SALES CONTRACT**

- ☒ The subject property is currently not under contract.
- ☐ The contract and/or escrow instructions were not available for review. The unavailability of the contract is explained later in the addenda section.
- ☐ The contract and/or escrow instructions were reviewed. The following summarizes the contract:

Contract Date	Amendment Date	Contract Price	Seller	Owner of Record

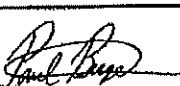
- ☐ The contract indicated that personal property was not included in the sale.
- ☐ The contract indicated that personal property was included. It consisted of \_\_\_\_\_ Estimated contributory value is \$ \_\_\_\_\_
- ☐ Personal property was not included in the final value estimate.
- ☐ Personal property was included in the final value estimate.
- ☐ The contract indicated no financing concessions or other incentives.
- ☐ The contract indicated the following concessions or incentives: \_\_\_\_\_
- ☐ If concessions or incentives exist, the comparables were checked for similar concessions and appropriate adjustments were made, if applicable, so that the final value conclusion is in compliance with the Market Value defined herein.

Analysis/Comments: \_\_\_\_\_

6



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<input checked="" type="checkbox"/> <b>ADDITIONAL CERTIFICATIONS</b> The Appraiser certifies and agrees that: (1) The analyses, opinions and conclusions were developed, and this report was prepared, in conformity with the Uniform Standards of Professional Appraisal Practice ("USPAP"). (2) Their compensation is not contingent upon the reporting of predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event. (3) This appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.	
<input checked="" type="checkbox"/> <b>ENVIRONMENTAL LIMITING CONDITIONS</b> The appraiser's opinion of value is based on the assumption that the property is not negatively affected by the existence of hazardous substances or detrimental environmental conditions unless otherwise stated in this report. The appraiser is not an expert in the identification of hazardous substances or detrimental environmental conditions. The appraiser's routine inspection of and inquiries about the subject property did not develop any information that indicated any apparent significant hazardous substances or detrimental environmental conditions which would affect the property negatively unless otherwise stated in this report. It is possible that tests and inspections made by a qualified hazardous substance and environmental expert would reveal the existence of hazardous substances or detrimental environmental conditions on or around the property that would negatively affect its value.	
<input checked="" type="checkbox"/> <b>HIGHEST &amp; BEST USE ANALYSIS</b> Analysis/Comments: _____ _____ _____ <input type="radio"/> As Vacant: _____ _____ <input checked="" type="radio"/> As Improved: _____ _____ _____	
<input checked="" type="checkbox"/> <b>EFFECTIVE DATE OF APPRAISAL</b> (If not current, see comments). This appraisal report reflects the following value: <input checked="" type="checkbox"/> Current <input type="checkbox"/> Retrospective <input type="checkbox"/> Prospective Effective Date of the Appraisal: <u>April 1, 2019</u> Comments on the Effective Date: _____ _____	
<input type="checkbox"/> <b>ADDITIONAL COMMENTS</b> _____ _____ _____	
<input type="checkbox"/> <b>APPRAISER'S SIGNATURE &amp; LICENSE/CERTIFICATION</b> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 30%;">           Appraiser's Signature:             Appraiser's Name: <u>Paul Berge</u>            State: <u>MA</u> <input type="checkbox"/> License or <input checked="" type="checkbox"/> Certification # <u>75392</u>  <input type="checkbox"/> Appraiser is certified under the following CE program(s): _____         </div> <div style="width: 30%;">           Inspection Date: <u>April 1, 2019</u>            Exp. <u>02/12/2021</u> </div> <div style="width: 30%;">           Signed Date: <u>04/29/2019</u>            Phone # <u>(774) 565-0016</u>            Tax ID # _____         </div> </div>	
<input type="checkbox"/> <b>CO-SIGNING APPRAISER'S CERTIFICATION</b> <input type="radio"/> The co-signing appraiser has personally inspected the subject property, both inside and out, and has made an exterior inspection of all comparable sales listed in the report. The report was prepared by the appraiser under direct supervision of the co-signing appraiser. The co-signing appraiser accepts responsibility for the contents of the report including the value conclusions and the limiting conditions, and confirms that the certifications apply fully to the co-signing appraiser. <input type="radio"/> The co-signing appraiser has not personally inspected the interior of the subject property and: <input type="radio"/> has not inspected the exterior of the subject property and all comparable sales listed in the report. <input type="radio"/> has inspected the exterior of the subject property and all comparable sales listed in the report. <input type="radio"/> The report was prepared by the appraiser under direct supervision of the co-signing appraiser. The co-signing appraiser accepts responsibility for the contents of the report, including the value conclusions and the limiting conditions, and confirms that the certifications apply fully to the co-signing appraiser with the exception of the certification regarding physical inspections. The above describes the level of inspection performed by the co-signing appraiser. <input type="radio"/> The co-signing appraiser's level of inspection, involvement in the appraisal process and certification are covered elsewhere in the addenda section of this appraisal.	
<input type="checkbox"/> <b>CO-SIGNING APPRAISER'S SIGNATURE &amp; LICENSE/CERTIFICATION</b> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 30%;">           Co-Signing Appraiser's Signature: _____            Co-Signing Appraiser's Name: _____            State: _____ <input type="checkbox"/> License or <input type="checkbox"/> Certification # _____  <input type="checkbox"/> Co-Signing Appraiser is certified under the following CE program(s): _____         </div> <div style="width: 30%;">           Inspection Date: _____            Exp. _____         </div> <div style="width: 30%;">           Signed Date: _____            Phone # _____            Tax ID # _____         </div> </div>	

# Subject Photo Page

Borrower	City of Fall River Sewer Connection				
Property Address	903 Pearce St				
City	Fall River	County	Bristol	State	MA Zip Code 02720
Lender/Client	Private				



## Subject Front

903 Pearce St  
Sales Price N/A  
Gross Living Area  
Total Rooms  
Total Bedrooms  
Total Bathrooms  
Location Average  
Site 10,965 sq ft Neighborhood

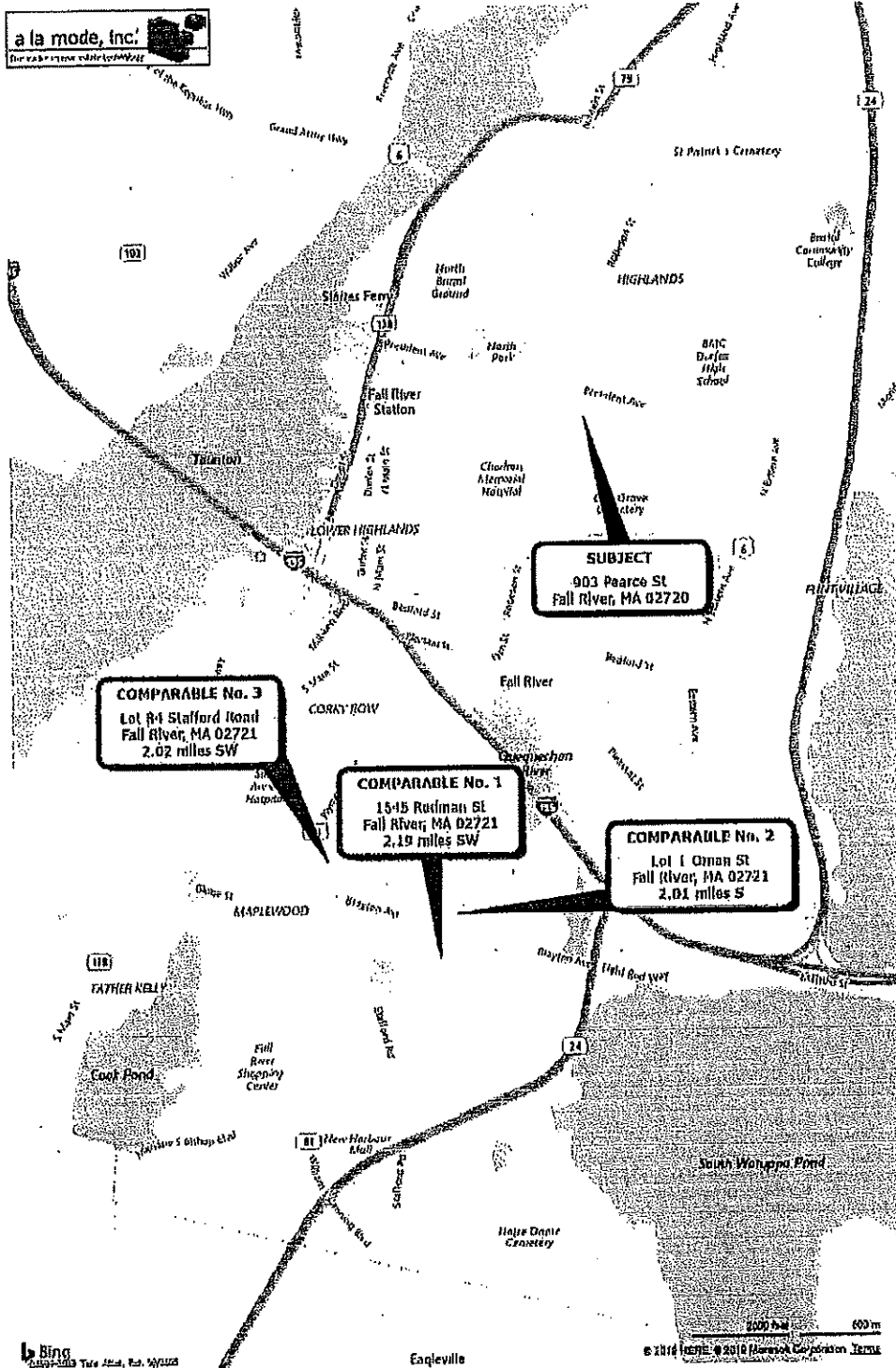


## Subject Rear

6

# Location Map

Borrower	City of Fall River Sewer Connection			
Property Address	903 Pearce St	County	Bristol	State MA Zip Code 02720
City	Fall River			
Lender/Client	Private			



**Supplemental Addendum**

File No. BER36444


Borrower	City of Fall River Sewer Connection				
Property Address	803 Pearce St.				
City	Fall River	County	Bristol	State	MA Zip Code 02720
Lender/Client	Private				

1. This appraisal is performed at the direction of the lender for the purpose of estimating the market value of the subject property.
2. The MSA number for the city of Fall River is 38300.
3. The factual information used in the Sales Comparison Approach Section of the report was gathered using the Multiple Listing Service, Banker and Tradesman and the Town Hall Assessors Office.
4. This appraisal includes digital photographs and signatures which are common in the appraisal industry. The digital photographs have not been enhanced or altered. Digital photographs and signatures are utilized to allow the appraisal report to be electronically delivered to expedite the lending process.
5. Due to the extreme lack of sales within the past ninety days in the immediate neighborhood, the appraiser has exhausted all avenues of research and utilized the best available sales and or listings that have the greatest bearing on the overall market value of the subject property. Although they are located outside the subject neighborhood and may have consummated over six months ago, they are located in compelling neighborhoods and are considered the most reliable indicators of value.
6. The Intended User of this appraisal report is the Lender/Client. The Intended Use is to evaluate the property that is the subject of this appraisal for a mortgage finance transaction, subject to the Scope of Work, purpose of the appraisal, reporting requirements of the appraisal report form and Definition of Market Value. No additional Intended Users are identified by the appraiser.
7. According to the city of Fall River, the subject parcel has a legal address of 803 Pearce Street, Fall River, MA 02720.
8. Adjustments utilized in the sales comparison approach:
  - \$10,000 location
  - \$2.00 per sq. ft. land area adjustment

License

6

COMMONWEALTH OF MASSACHUSETTS  
DIVISION OF PROFESSIONAL LICENSURE  
BOARD OF  
REAL ESTATE APPRAISERS  
ISSUES THE FOLLOWING LICENSE CERT  
RES. REAL ESTATE APPRAISER  
PAUL BERGE  
15 CAMERON WAY  
REHOBOTH, MA 02789-2118  
75752 02/02/2011 31912  
LICENSE NUMBER EXPIRATION DATE SERIAL NUMBER



#### DEFINITION OF MARKET VALUE:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; those costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgement.

#### STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

**CONTINGENT AND LIMITING CONDITIONS:** The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unsuspected conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
10. The appraiser must provide his or her prior written consent before the independent specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

**APPRAISER'S CERTIFICATION:**

The Appraiser certifies and agrees that:

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

**SUPERVISORY APPRAISER'S CERTIFICATION:**

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

**ADDRESS OF PROPERTY APPRAISED:**

803 Pearce St, Fall River, MA 02720

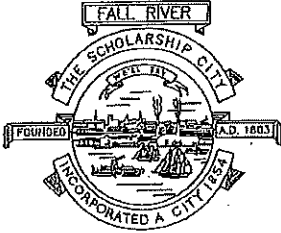
**APPRAISER:**

Signature: *Paul Berns*  
Name: Paul Berns  
Date Signed: 04/29/2019  
State Certification #: 75392  
or State License #: \_\_\_\_\_  
State: MA  
Expiration Date of Certification or License: 02/12/2021

**SUPERVISORY APPRAISER (only if required):**

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Date Signed: \_\_\_\_\_  
State Certification #: \_\_\_\_\_  
or State License #: \_\_\_\_\_  
State: \_\_\_\_\_  
Expiration Date of Certification or License: \_\_\_\_\_

☐ Did ☐ Did Not Inspect Property



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

7  
**RECEIVED**

**2019 JUL -1 A 11:01**

**CITY CLERK  
FALL RIVER, MA**

**JASIEL F. CORREIA II**

*Mayor*

July 1, 2019

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

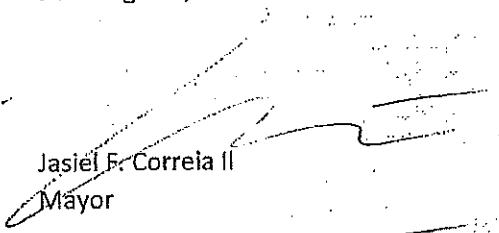
RE: Fire Alarm Ordinance Amendments

Honorable Council:

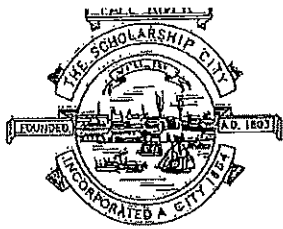
Fire Chief John Lynch has requested revisions to City Fire Alarm Ordinances #22-71, #22-76 and #22-82 in order to achieve compliance with NFPA standards for municipal and private alarm boxes. The ordinance revisions require permitting prior to connection to the municipal fire alarm system, annual testing of the fire alarm systems and penalties for failure to maintain a system.

Chief Lynch and administration officials are prepared to address any questions you may have. Your approval of these amendments are respectfully requested.

Best Regards,

  
Jasiel F. Correia II  
Mayor





**City of Fall River  
Massachusetts  
Fire Department Headquarters  
Office of the Fire Chief**

7

**JASIEL F. CORREIA II**  
*Mayor*

**JOHN D. LYNCH**  
*Fire Chief*


July 1, 2019

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

Dear Mayor Correia:

I am requesting that you please submit to the Council for their enactment the revisions of the City Fire Alarm Ordinances #22-71, # 22-76 and #22-82.

Respectfully,

  
John D. Lynch  
Fire Chief

## FIRE ORDINANCES – REVISED

### 22-71 Permit required for connection to Municipal or Private Alarm System

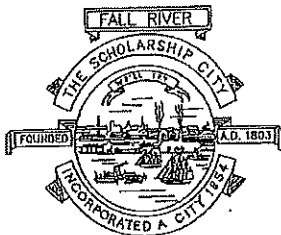
No building in which an automatic sprinkler system is required in accordance with Sec. 22-78 and no building required to be supervised by 527 CMR or MGL 148 shall be connected to the municipal fire alarm system either directly or by other system accepted in accordance with NFPA 72 without a permit for such installation or connection from the head of the fire department. Prior to the approval of any such permit, an acceptance and performance test shall be performed by the head of the fire department or his designee to ensure performance, reporting and verification requirements in accordance with NFPA 72. The verification process must not take longer than 90 seconds from the time the alarm signal is received at the supervising station until the time that the retransmission of the verified alarm signal is initiated. (NFPA 26.2.3.1 (4) Failure of such test must be remedied and a re-test passed within seven business days or no permit shall be issued. Any permit issued must be annually renewed with payment of the required fee. The fees for such permit and annual renewal shall be as provided in the fee schedule set forth in Appendix A of this section.

### 22-76 Installation Standards

Installation of all fire alarm boxes, supervisory systems or protective systems to be connected to the municipal fire system by any means shall be in conformity with all applicable standards of the National Fire Protection Association and with the Massachusetts Electrical Code.

### 22-82 Maintenance of Fire Alarm Systems

The owner of a fire alarm system shall be responsible for proper installation and maintenance of such fire alarm system to insure is proper functioning and in order to prevent such fire alarm system from activating false alarms, becoming a public nuisance, or endangering public safety. Fire alarm systems supervised by private alarm monitoring companies that fail any annual performance, reporting or verification test set forth in Sec 22-71 shall be given seven business days to pass the same. Upon the second failure of the required test the owner shall pay a fine of \$100 per day (MGL Chap148 s33) until such system is fully compliant or may, at its option, connect to the municipal system at its expense.



City of Fall River  
Massachusetts  
Office of the Mayor

8atb

RECEIVED

2019 JUL 10 P 12:30

JASIEL F. CORREIA II

Mayor

July 10, 2019

CITY CLERK  
FALL RIVER, MA

Fall River City Council  
One Government Center  
Fall River, MA

RE: Donation for the Opioid Task Force

Dear Councilors

In accordance with the attached letter requesting the deposit of \$2,100.00 in donated funds for future use by the Fall River Opioid Task Force. I am requesting the consideration of the council for the allowance of depositing the funds to the noted revolving fund.

Respectfully,

Jasiel F. Correia II, Mayor



**City of Fall River**  
**Massachusetts**  
**Fire Department Headquarters**  
**Emergency Medical Services**

8 atp

**JASIEL F. CORREIA II**  
July 18, 2019  
*Mayor*

**JOHN D. LYNCH**  
*Fire Chief*  
**Beth Faunce**  
Deputy Director of EMS

City of Fall River  
Mayor Jasiel Correia  
1 Government Center  
Fall River, MA

Mayor Correia:

As the Head of the Fall River Opioid Task Force, we are very fortunate to have a giving and caring community in the area of substance use disorder. Fall River Police Officer Michael Pereira, and Newton Firefighter Michael Walsh, did a fundraiser Swim Against Addiction. The swim was 5 miles in the Westport River, seeing a few sharks along the way. They accomplished their mission and in addition raised \$2,000.00 and jackets for all of the Project Reconnect outreach workers and officers.

The Fall River Baptist Church contributed to our Outreach Program in the amount of \$100.00. Nichole Fontaine, administrative clerk to the Task Force, spoke to their youth group spreading the word about prevention.

The goal is to obtain enough funding to purchase a software program to correlate all the data collected to better serve the people we are trying to help.

I am respectfully requesting permission to deposit this money into an account miscellaneous grant revenue 45300010 480000 for use in the future. The deposit will total \$2,100.00.

Thank you for your consideration in this matter.

Respectfully,

Beth Faunce, Deputy Director of EMS  
Fall River Opioid Task Force

CITY CLERK  
FALL RIVER, MA

2019 JUL 10 P 12:30

RECEIVED

*City of Fall River, In City Council*

8a

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 Fall River Police Officer Michael Pereira and Newton Firefighter Michael Walsh, participants in the fundraiser Swim Against Addiction, in the amount of \$2,000.00 as well as \$100.00 from the Fall River Baptist Church 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, *In City Council*

86

ORDERED, that under the provisions of M.G.L. Chapter 44, Section 53A ½ , the Fall River Opioid Task Force be, and the same is hereby, authorized to accept a gift of 50 jackets from Fall River Police Officer Michael Pereira and Newton Firefighter Michael Walsh, participants in the fundraiser Swim Against Addiction.

9

**City of Fall River**  
*Office of the Corporation Counsel*

**JASIEL F. CORREIA II**  
Mayor



**JOSEPH I. MACY**  
Corporation Counsel

**GARY P. HOWAYECK**  
Assistant Corporation Counsel

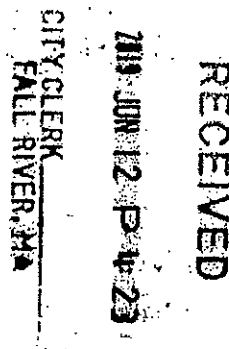
**JESSICA A. ADLER**  
Assistant Corporation Counsel

June 12, 2019

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

Attn: Councilor Steven Camara

Re: Charter Change



Councilor Camara, Members of the Honorable Council, and Members of the Task Force;

Although I have been unable to attend the Task Force Meetings I have met with Councilor Camara on several occasions, most recently today when we both met with the City Clerk.

In light of the charge to the Task Force, as set out in City Council Resolutions dated November 27, 2018 and March 3, 2019, I offer the following thoughts and comments:

- 1) The Charter provides for change in Section 9-1, "This charter may be replaced, revised or amended in accordance with any procedure made available under the state constitution or by the General Laws." Within that section there is wide choice available to the Task Force.
- 2) Among the choices available the most restrictive, but also the easiest to accomplish, is to revise or amend the Charter. This would enable the charter to be changed, in part, by eliminating or amending certain specific provisions of the existing Charter. By way of example only, the Charter could be amended to eliminate the Recall provisions, or to delete the requirement that one individual cannot serve on more than one board. These can be directly addressed within the context of the current Charter.
- 3) The more far ranging proposals are those which suggest some sort of City Manager form of government. These proposals, while possibly capable of accomplishment by amending the current Charter, appear to suggest such a fundamental alteration in our form of government as to replace the current Charter. The procedure to replace the Charter would be far more extensive than amending certain provisions.

I realize that the above may not be as specific as the Task Force might like but as a resource I do not want to appear to dictate or suggest what the Task Force should do; only provide my analysis of what is possible within your purview.

If you have any specific questions about the matters raised in this letter please advise



Joseph I. Macy, Corporation Counsel



## CITY OF FALL RIVER

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11

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 8, 2019, voted unanimously to recommend the accompanying proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained.



Assistant Clerk of Committees

**EMERGENCY PREAMBLE**

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

**BE IT RESOLVED, that said ordinance is hereby deemed an emergency measure in accordance with the provisions of Section 2-9(b) of the City Charter.**

# City of Fall River, In City Council

11

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

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

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

Name of Street	Side	Location
Buffinton Street	South	Starting at a point 188 feet west of Jackson Street, for a distance of 20 feet westerly
Davis Street	West	Starting at a point 200 feet north of Bedford Street, for a distance of 20 feet northerly
Healy Street	North	Starting at a point 79 feet east of Quarry Street, for a distance of 20 feet easterly
Hope Street	North	Starting at a point 168 feet east of Mulberry Street, for a distance of 20 feet easterly
Jefferson Street	East	Starting at a point 47 feet north of Russell Street, for a distance of 20 feet northerly
Second Street	West	Starting at a point 351 feet north of Middle Street, for a distance of 20 feet northerly
Sprague Street	North	Starting at a point 20 feet west of Ash Street, for a distance of 20 feet westerly

**CITY OF FALL RIVER**

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12

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 8, 2019, voted unanimously to recommend the accompanying proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained, as amended.



Assistant Clerk of Committees

**EMERGENCY PREAMBLE**

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

**BE IT RESOLVED, that said ordinance is hereby deemed an emergency measure in accordance with the provisions of Section 2-9(b) of the City Charter.**

# City of Fall River, In City Council

12

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

That Chapter 86 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to zoning be amended as follows:

## Section 1.

By striking out in Section 86-9 Terms defined, Kennel, in its entirety, and inserting in place thereof, the following:

### KENNEL

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

## Section 2.

By striking out in Section 86-36 TABLE of USES, RETAIL, RESTAURANT AND CONSUMER SERVICE USES, g. Kennel, in its entirety, and inserting in place thereof, the following:

g. Kennel (containing more than four (4) canines 3 months of age or older).

tabled 5-30-19

**CITY OF FALL RIVER**


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13

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 8, 2019, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading.

A handwritten signature in black ink, reading "Cathy A. Howard". The signature is fluid and cursive, with the first name "Cathy" and last name "Howard" clearly legible. The middle initial "A." is written in a smaller, more compact script.

Assistant Clerk of Committees

# City of Fall River, In City Council

13

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:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
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
Rodcliffe 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

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14

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 8, 2019, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, as amended.

  
Assistant Clerk of Committees

# City of Fall River, *In City Council*

14

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

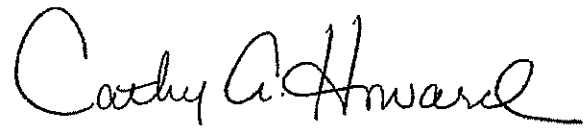
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15

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 8, 2019, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, as amended.



Assistant Clerk of Committees

# City of Fall River, *In City Council*

15

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

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

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
------------------------------------------------	------------	------------------------

Section 50-301 Salary Schedules for Executive Officers, Dept Heads & Non-Union Personnel			
Proposed Ordinance	Grade	Current Ordinance	Increase to
City Council Principal Clerk	CCCT	Not to exceed \$35,000	Not to exceed \$40,000
Commissioner of Recreational Facilities / Director of Recreational Facilities	ACRF	Not to exceed \$75,000	Not to exceed \$78,625
Parking Clerk/Director of Traffic and Parking	PKCK	Not to exceed \$70,000	Not to exceed \$73,550
Section 50-303 Salary Schedules for Political Appointments & Boards/Committees			
Proposed Ordinance	Grade	Current Ordinance	Increase to
Director of Fall River Emergency Management Agency	PREM	\$20,000 per annum	\$22,250 per annum
			Request per Chief

## CITY OF FALL RIVER

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16

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 8, 2019, voted 3 yeas, 2 nays to recommend that the accompanying proposed ordinance be passed through first reading, as amended, with Councilor Pam Laliberte-Lebeau and Councilor Derek Viveiros voting in the negative.

  
Assistant Clerk of Committees

# City of Fall River, In City Council

(Councilor Leo O. Pelletier)

16

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:

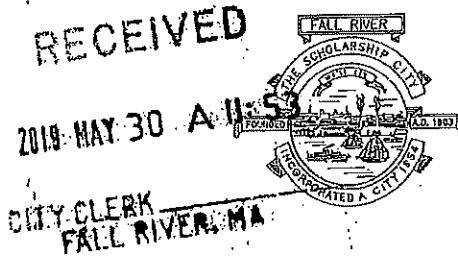
## Section 34-380 Marijuana Licenses

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  
Office of the Corporation Counsel

JASIEL F. CORREIA II  
Mayor



16

JOSEPH I. MACY  
Corporation Counsel

GARY P. HOWAYECK  
Assistant Corporation Counsel

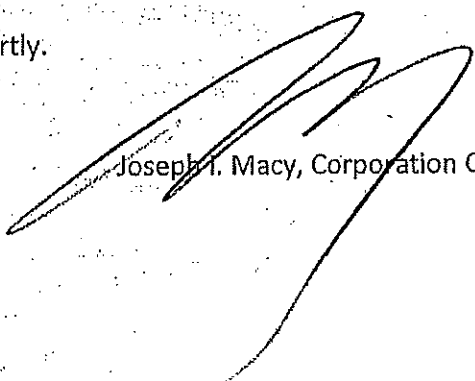
JESSICA A. ADLER  
Assistant Corporation Counsel

May 30, 2019

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

Dear Councilors:

I will follow up with more information shortly.

  
Joseph I. Macy, Corporation Counsel

## Cannabis Assignment

16

### Notable observations:

- Fitchburg has the most licenses (11)
  - Pittsfield has the most retail licenses (4)
  - Attleboro (8) Pittsfield (8 and, Fitchburg (11) have more licenses than Fall River
  - Fall River has as many retail licenses (3) as Brookline, Easthampton, and Worcester
- 

### Amesbury

- 3 licenses
  - 1 cultivator (FINAL)
  - 1 retailer (PROVISIONAL)
  - 1 product manufacturer (FINAL)

### Amherst

- 1 license
  - 1 retailer (FINAL)

### Athol

- 2 licenses
  - 1 cultivator (PROVISIONAL)
  - 1 product manufacturer (PROVISIONAL CONSIDERATION)

### Attleboro

- 8 licenses
  - 3 cultivator (PROVISIONAL)
  - 2 retailer (PROVISIONAL)
  - 3 product manufacturer (PROVISIONAL)

### Ayer

- 3 licenses
  - 1 cultivator (PROVISIONAL)
  - 1 product manufacturer (PROVISIONAL)
  - 1 retailer (PROVISIONAL)

### Barre

- 1 license
  - 1 cultivator (PROVISIONAL)

### Bellingham

- 2 licenses
  - 1 product manufacturer (FINAL)

- 16
- 1 cultivator (FINAL)

Brewster

- 2 Licenses
  - 1 product manufacturer (PROVISIONAL)
  - 1 cultivator (PROVISIONAL)

Bridgewater

- 2 licenses
  - 1 product manufacturer
  - 1 cultivator

Brockton

- 3 licenses
  - 1 product manufacturer (PROVISIONAL)
  - 1 retailer (PROVISIONAL)
  - 1 cultivator (PROVISIONAL)

Brookline

- 3 licenses
  - 3 retailer (1 FINAL, 1 PROVISIONAL CONSIDERATION, 1 PROVISIONAL)

Chilcopee

- 3 licenses
  - 1 product manufacturer (FINAL)
  - 1 retailer (FINAL)
  - 1 cultivator (FINAL)

Easthampton

- 5 licenses
  - 1 cultivator (FINAL)
  - 3 retailer (2 PROVISIONAL, 1 FINAL)
  - 1 product manufacturer (FINAL)

Fall River

- 7 licenses
  - 3 retailer (2 PROVISIONAL, 1 FINAL)
  - 2 product manufacturer (1 FINAL, 1 PROVISIONAL)
  - 2 cultivator (1 FINAL, 1 PROVISIONAL)

Fitchburg

- 11 licenses
  - 2 retailer (1 PROVISIONAL, 1 PROVISIONAL CONSIDERSTION)

16

- 4 cultivator (2 FINAL, 2 PROVISIONAL)
- 5 product manufacturer (3 PROVISIONAL, 2 FINAL)

#### Framingham

- 2 licenses
  - 2 independent testing laboratory (1 FINAL, 1 PROVISIONAL CONSIDERATION)

#### Franklin

- 2 licenses
  - 1 product manufacturer (FINAL)
  - 1 cultivator (FINAL)

#### Gardner

- 1 license
  - 1 retailer (FINAL)

#### Georgetown

- 3 licenses
  - 1 retailer (PROVISIONAL)
  - 1 product manufacturer (PROVISIONAL)
  - 1 cultivator (PROVISIONAL)

#### Great Barrington

- 1 license
  - 1 retailer (FINAL)

#### Greenfield

- 2 licenses
  - 2 retailer (1 FINAL, 1 PROVISIONAL)

#### Holliston

- 2 licenses
  - 1 cultivator (PROVISIONAL)
  - 1 product manufacturer (PROVISIONAL)

#### Holyoke

- 5 licenses
  - 1 retailer (PROVISIONAL)
  - 1 product manufacture (FINAL)
  - 2 cultivator (1 FINAL, 1 PROVISIONAL CONSIDERATION)
  - 1 microbusiness (PROVISIONAL CONSIDERATION)

#### Hudson

- 2 licenses
  - 2 retailer (1 FINAL, 1 PROVISIONAL)

#### Lakeville

- 5 licenses
  - 1 retailer (PROVISIONAL CONSIDERATION)
  - 2 product manufacturer (1 PROVISIONAL, 1 PROVISIONAL CONSIDERATION)
  - 2 cultivator (1 PROVISIONAL, 1 PROVISIONAL CONSIDERATION)

#### Lee

- 1 license
  - 1 retailer (PROVISIONAL)

#### Leicester

- 5 licenses
  - 1 retailer (FINAL)
  - 2 product manufacturer (1 FINAL, 1 PROVISIONAL)
  - 2 cultivator (1 PROVISIONAL, 1 FINAL)

#### Littleton

- 2 licenses
  - 1 cultivator (FINAL)
  - 1 product manufacturer (FINAL)

#### Lowell

- 3 licenses
  - 1 retailer (FINAL)
  - 1 product manufacturer (FINAL)
  - 1 cultivator (FINAL)

#### Lynn

- 1 license
  - 1 retailer (FINAL)

#### Marlborough

- 1 license
  - 1 retailer (FINAL)

#### Medway

- 2 licenses
  - 1 product manufacturer (FINAL)
  - 1 cultivator (FINAL)

#### Milford

16

16

- 3 licenses
  - 1 cultivator (FINAL)
  - 1 product manufacturer (FINAL)
  - 1 Transport with Other (FINAL)

#### Millbury

- 1 license
  - 1 Retailer (PROVISIONAL)

#### Montague

- 2 licenses
  - 1 cultivator (PROVISIONAL)
  - 1 retailer (PROVISIONAL)

#### Nantucket

- 3 licenses
  - 1 product manufacturer (PROVISIONAL)
  - 1 retailer (PROVISIONAL)
  - 1 cultivator (FINAL)

#### Newton

- 1 license
  - 1 retailer (FINAL)

#### Northampton

- 4 licenses
  - 2 retailer (1 FINAL, 1 PROVISIONAL)
  - 1 microbusiness (PROVISIONAL)
  - 1 product manufacturer (PROVISIONAL)

#### Orange

- 2 licenses
  - 1 cultivator (PROVISIONAL)
  - 1 retailer (PROVISIONAL)

#### Oxford

- 1 license
  - 1 retailer (PROVISIONAL)

#### Pittsfield

- 8 licenses
  - 4 retailer (2 FINAL, 2 PROVISIONAL)
  - 1 product manufacturer (FINAL)

- 16
- 2 cultivator (1 FINAL, 1 PROVISIONAL)
  - 1 transport with other (FINAL)

#### Plymouth

- 4 licenses
  - 1 retailer (PROVISIONAL)
  - 1 cultivator (PROVISIONAL)
  - 1 product manufacturer (PROVISIONAL)
  - 1 third party transporter (PROVISIONAL)

#### Rockland

- 3 licenses
  - 1 product manufacturer (PROVISIONAL CONSIDERATION)
  - 1 retailer (PROVISIONAL CONSIDERATION)
  - 1 cultivator (PROVISIONAL CONSIDERATION)

#### Rowley

- 1 license
  - 1 retailer (PROVISIONAL)

#### Salem

- 3 licenses
  - 2 retailer (1 FINAL, 1 PROVISIONAL)
  - 1 independent testing laboratory (FINAL)

#### Salisbury

- 1 license
  - 1 retailer (PROVISIONAL)

#### Sheffield

- 3 licenses
  - 3 cultivator (PROVISIONAL)

#### Somerset

- 1 license
  - 1 cultivator (PROVISIONAL)

#### Tyngsborough

- 1 license
  - 1 retailer (PROVISIONAL)

#### Uxbridge

- 3 licenses

- 16
- 1 product manufacturer (PROVISIONAL)
  - 1 microbusiness (PROVISIONAL)
  - 1 retailer (FINAL)

#### Wareham

- 4 licenses
  - 2 retailer (1 FINAL, 1 PROVISIONAL)
  - 1 product manufacturer (PROVISIONAL)
  - 1 cultivator (PROVISIONAL)

#### Webster

- 2 licenses
  - 1 product manufacturer (PROVISIONAL)
  - 1 cultivator (PROVISIONAL)

#### Whately

- 1 cultivator (PROVISIONAL)

#### Williamstown

- 1 retailer (FINAL)

#### Worcester

- 7 licenses
  - 3 retailer (2 PROVISIONAL CONSIDERATION, 1 FINAL)
  - 2 cultivator (1 PROVISIONAL CONSIDERATION, 1 FINAL)
  - 2 product manufacturer (1 FINAL, 1 PROVISIONAL CONSIDERATION)



16

**City of Fall River**  
*Office of the Corporation Counsel*

**JASIEL F. CORREIA II**  
Mayor



**JOSEPH I. MACY**  
Corporation Counsel

**GARY P. HOWAYECK**  
Assistant Corporation Counsel

**JESSICA A. ADLER**  
Assistant Corporation Counsel

June 3, 2019

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

Re: Marijuana Licenses

Mr. President and Members of the Honorable Council;

As a follow up to my recent enclosure detailing the number of licenses issued, and pending, state-wide I am providing the following:

Newspaper articles from the Worcester Telegram, The Brockton Enterprise, and The Fall River Herald News. The Worcester and Brockton articles deal with their local situations but the Herald News article is a general overview of the situation state wide.

In addition to the already issued Letters of Non Opposition (11) we have received written inquiry from seven other individuals or entities of which two are quite detailed. We have also received numerous telephone inquiries with no written follow up.

This letter is meant to be informative only. . However, I suggest we proceed cautiously as this area is so new, to everyone, that we are in uncharted waters.

As always, I am available to answer any questions you may have.

  
Joseph I. Macy, Corporation Counsel

# The Enterprise

16

## Recreational marijuana shops inching closer in Brockton

By Marc Larocque

Enterprise Staff Writer

@Enterprise\_Marc

Posted Feb 27, 2019 at 5:05 PM

Updated Feb 28, 2019 at 3:51 PM

The Brockton City Council finalized a zoning ordinance governing recreational marijuana businesses that will open in the city. The majority of City Councilors rejected an amendment to increase the buffer zone for state-legalized pot shops, keeping them at a distance from schools.

BROCKTON – The Brockton City Council is sticking with the state's recommended 500-foot buffer zone for legalized recreational marijuana businesses in the city.

City Council voted this week to finalize a zoning ordinance governing the locations of state-legalized recreational marijuana businesses in Brockton, which was the final act of local legislation needed before pot shops and cultivators could open in the city, ending an moratorium on the cannabis businesses.

Now, applicants for recreational marijuana licenses can go to the state Cannabis Control Commission for approval, a process that takes several months. The city said it will allow up to eight state-permitted retail adult use marijuana stores in the city, including recreational lines of business for the two medical marijuana dispensary permit holders that already exist in the city.

But before the final vote on the zoning ordinance, which limits two pot shops to the downtown district and allows the rest in other business zones throughout the city, Ward 5 City Councilor Anne Beauregard stood up to propose

increasing the 500-foot buffer zone prescribed in the state's recreational marijuana regulations to 750 feet, which would prevent a pot shop from opening within that distance from schools or other youth-oriented facilities.

16

Beauregard's proposal at the meeting Monday evening was ultimately shot down by the majority of the 11-member City Council. Beauregard was joined by Ward 4 City Councilor Susan Nicaastro, Councilor At-large Robert Sullivan and Councilor At-large Winthrop Farwell, voting in favor of the amendment.

This comes after the proposal was already voted down at the five-person City Council Ordinance Committee level.

Ward 1 City Councilor Tim Cruise said the proposal was not going to pass legal muster, and that a municipality could only reduce the size of a buffer zone, not increase it. Cruise also said that a 750-foot buffer zone would eliminate the downtown business district from consideration, due to its proximity to schools, namely the Champion High School at the Keith Center, the library and other youth-oriented organizations. Cruise said it could undo City Council's progress on zoning marijuana stores.

Cruise was joined in the vote against the amendment by Ward 7 City Councilor Shirley Asack, Councilor At-large Jean Bradley Derenoncourt, Councilor At-large Moises Rodrigues, Ward 2 City Councilor Thomas Monahan, Ward 3 City Councilor Dennis Eaniri and Ward 6 City Councilor Jack Lally, according to the City Clerk's office.

"I think there's no question, the way I have read the state regulation, that we cannot expand that 500 feet," Cruise said. "I would ask that we don't pass it to the 750. I understand the reasoning behind it. I think it's valid. The problem is if we go to 750 at this point, I believe it will kill the downtown territory. There is physically two licenses allowed in downtown. We would probably have to go back to the drawing board and start over. At this point, it would be a real issue."

Farwell, who voted in favor of the amendment, said he disagreed with that interpretation. Farwell said the town of Dighton passed a local bylaw that increased the 500-foot buffer zone. That decision by the town of Dighton gained the approval from the office of Massachusetts Attorney General Maura Healey, Farwell said.

"Those of us who argued for an increased buffer particularly noted that, if it were illegal, if somehow something wasn't being done properly and didn't comport with the law, the AG's office certainly would have flagged it," Farwell said.

16

16

## Marijuana shops face little opposition in Worcester

By Nick Kotsopoulos

Telegram & Gazette Staff

@NCKotsopoulos

Posted May 20, 2019 at 8:54 PM

Updated May 20, 2019 at 10:46 PM

WORCESTER - When City Manager Edward M. Augustus Jr. announced last year that the city would have to provide for up to 15 retail adult-use marijuana stores, there were some concerns it would be difficult finding 15 locations because of anticipated neighborhood opposition.

That was underscored last summer when strong opposition surfaced at a community outreach session to discuss plans for a pot shop at 393 Chandler St., where a Rite Aid Pharmacy was formerly located.

Since then, however, the process has gone much more smoothly.

Opposition simply has not materialized to plans for marijuana stores and related businesses that have gone before city regulatory boards.

There has been no public opposition at any of the public hearings held by the Planning Board for the six special permits it has granted for retail adult-use marijuana sales. Neither has there been any public opposition to the special permits the board has granted for cultivation or product manufacturing operations, or at public hearings before the License Commission.

Last week, the Planning Board unanimously approved three more special permits for retail adult-use marijuana sales, for Evergreen Strategies at 143 Southwest Cutoff, (Evergreen Strategies), Mayflower Medicinals at 645 Park Ave., and Trichome Health Corp. at 68 West Boylston St.

Those applicants need final approval from the state Cannabis Control Commission and a license from the city License Commission.

16

The special permits that were previously approved were for Good Chemistry of Massachusetts Inc. at 9 Harrison St., TDMA LLC at 74 Grafton St. and The Botanist at 65 Pullman St. Good Chemistry is the only one that has opened for businesses.

The Planning Board has also granted a special permit for adult-use marijuana product cultivation to Temescal Wellness LLC at 139 Southwest Cutoff and a special permit to Supercritical Mass Laboratories for product manufacturing at 251 Brooks St.

Joshua Lee Smith, an attorney with Bowditch & Dewey who represented Mayflower Medicinals and Trichome Health Corp. at last week's Planning Board public hearings, pointed out that in both instances the retail marijuana stores are in busy commercial zones, well away from residential areas.

He said the businesses will blend in with other businesses and in some cases will improve the area through upgrades to their buildings and off-street parking situations.

In many instances, the marijuana stores will occupy storefronts that are vacant now.

While the city is limiting the number of adult-use marijuana stores to 15 - that figure is based on 20 percent of the number of off-premises alcohol licenses the city is authorized to issue - there is no limit on the number of other marijuana-related businesses that do not have points of sale with the public, such as marijuana cultivators, independent testing laboratories, product manufacturers, research facilities, transporters and micro-businesses

City officials attribute the smooth process so far to regulations, formulated by the city administration and adopted by the City Council, governing the siting of adult-use marijuana establishments.

Those regulations ban adult-use retail marijuana stores, cultivators, manufacturers and other related businesses from all residential-zoned areas. They also cannot be located within 500 feet of a public or private school, public park, playground, licensed day care center or public library.

Those restrictions are believed to have diffused the potential for a lot of

neighborhood opposition.

Also, when the city solicited statements of interest last year to find out how many companies were interested in establishing adult-use marijuana-related business in Worcester, one of the first things required of applicants was to hold a community outreach meeting. That was meant to introduce their proposal to the neighborhood residents.

City officials said many of the applicants have done a good job airing their proposals at those meetings, thus addressing potential concerns before going into the city's regulatory process.

16

16

## The Herald News

### New marijuana industry rules now eyed for September

By Colin A. Young / State House News Service

Posted May 30, 2019 at 5:37 PM

BOSTON -- The Cannabis Control Commission on Thursday pushed off for a month its consideration of new draft regulations for the marijuana industry as the agency tries to keep up with a crushing workload amid a shortage of staff.

The CCC, which has held public hearings and policy debates in recent months as it endeavors to revise and republish the regulations governing both the medical and non-medical marijuana sectors, was planning to begin discussing its rewritten regulations Thursday. Instead, Chairman Steve Hoffman started the meeting by announcing that the new regs aren't ready yet and will be considered next month.

"We've got a lot of very complicated issues to work through. The objective of the regulations is to ensure that the policy decisions we made about a month ago, that they're explicitly embedded in the regulations and that translation process is complicated," he said. "There are a lot of details to work out and we just thought we really needed more time to do it carefully, thoroughly and to do it right."

The CCC now plans to unveil and discuss its rewritten rules during two meetings to be held the last week of June. Hoffman said the commission's "expected timeline" is that it will discuss and vote on the draft regs in late June, immediately begin a public comment period, launch a series of public hearings on the draft regs and then vote to finalize the rules "right after Labor Day, maybe mid-September."

Two things in particular held the CCC back from having the revised industry regulations ready for Thursday's meeting -- the complexity of the policy issues that must now be boiled down into regulatory language and the fact that the CCC isn't yet at full staffing but is "operating at or above full capacity" as the agency tries to rewrite its regulations while still standing up a relatively new industry, Hoffman said.



16

The chairman said the issues of home delivery and social consumption, or a policy that would allow adults to use marijuana in some form in a social setting, are among those gumming up the works. The CCC this month approved, on a 3-2 vote, a policy allowing for a social consumption pilot program in a limited number of communities.

The commission drafted regulations in 2018 to allow so-called social consumption but put the issue on the back burner after pushback from Gov. Charlie Baker. The governor this year has indicated he could support a pilot program.

"It's not that there are debates yet to be had, it's just the work of translating policy into regulations is very time consuming," Hoffman said Thursday.

While the CCC's staff is working to translate the commission's policy decisions into regulations, the same employees are also working to inspect and license marijuana establishments around the state.

"We need to get more people and more capability, and we're doing that," Hoffman said, adding that the CCC is currently hiring inspectors, licensing staff and legal personnel. He added, "Right now we're at 60, plus or minus, but the headcount plan originally had about 75 people so it's not that we need more people than we thought we needed, we just need to find the time to hire them."

Ahead of Thursday's meeting, the CCC had considered and approved 157 marijuana business license applications since it began that process last June. Another 263 applications have been submitted in full to the commission and are awaiting a completeness review or third-party responses, like information from the host community or the results of background checks, Executive Director Shawn Collins said Thursday.

Since the first two legal non-medical marijuana retail stores opened in November, the CCC has authorized an additional 17 retail stores to open their doors. Cumulatively, the retailers have sold roughly \$130 million worth of marijuana products. Hoffman said in December that he expected four to eight new retail stores coming online each month, but the CCC has trailed that pace.

16

"I think we have a good process, I just think we need more people," the chairman said Thursday when asked how the CCC's licensing process was going. He said both branches of the Legislature approved the CCC's full request during fiscal year 2020 budget deliberations and that the agency's budget is sufficient to support the necessary staff.

And as its staff contends with working on the new regulations and churning through new license applications, the CCC is about to run into a new responsibility: considering and approving the annual license renewals for the companies that were among the first to receive a license.

The CCC's regulations state that a marijuana business license "shall expire one year after the date of issuance of the provisional license and annually thereafter." The CCC voted on June 21, 2018, to issue its first provisional license, to Sira Naturals.

"It's coming up. We're planning for it, that's part of why we're obviously trying to staff up as quickly as we can," Hoffman said. "I think we've got to be very careful about prioritization so we've got applications for provisional licenses, applications for final licenses, applications for change of control, applications for renewal, agent applications -- so we've got to make sure we have adequate resources and we're prioritizing and focusing in the appropriate sequence."

The chairman then added, "I'm comfortable that we have that process in place, but we do need more people, no question."

# City of Fall River, *In City Council*

17

(Councilor Leo O. Pelletier)

WHEREAS, the streetscape 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.

# City of Fall River, In City Council

18

(Vice President Pam Laliberte-Lebeau)

WHEREAS, the position of the Director of Tourism and Cultural Affairs has been discussed numerous times in the past few years, and

WHEREAS, the City of Fall River is still without this most important position, now therefore

BE IT RESOLVED, that the Committee on Economic Development and Tourism convene to discuss this very important matter.

# City of Fall River, *In City Council*

19

(Vice President Pam Laliberte-Lebeau)

WHEREAS, Fall River wishes to pursue a state-authorized cultural district through the enabling legislation, M.G.L., Chapter 10, Section 58A, and

WHEREAS, Fall River has a mixed-use geographical area that has a concentration of cultural facilities and assets, and

WHEREAS, Fall River has held the public hearing required to establish a state-designated cultural district, and

WHEREAS, Fall River created a broad and diverse partnership of stakeholders committed to cultural, community and economic development to provide oversight of the district, and

WHEREAS, the Massachusetts Cultural Council will be petitioned in accordance with its guidelines and criteria to designate said cultural district, now therefore

BE IT RESOLVED, that the Committee on Economic Development and Tourism convene with the Administration, Corporation Counsel, Sandy Dennis and/or a designee from the Creative Arts Network and a representative from the Massachusetts Cultural Commission to discuss the proposed geographical boundaries and agreement necessary to create said cultural district and in doing so agrees to: foster the development of a cultural district, endorses the state-sponsored cultural district goals (attracting artists and cultural enterprises, encouraging business and job development, establishing tourist destinations, preserving and reusing historic buildings, enhancing property values and fostering local cultural development), will appoint a city official to represent the city within the district partnership of said cultural district, will encourage all who own property or businesses within the cultural district to involve themselves and participate in the full development of the district, and will direct city agencies to identify programs and services that could support and enhance the development of the cultural district and ensure that those programs and services are accessible to the cultural district.

*City of Fall River, In City Council*

20

(Councilor Steven A. Camara)

Whereas, Bristol Elder Services Inc. has pledged towards making Fall River a Dementia Friendly community in accordance with Dementia Friendly Massachusetts and Dementia Friendly America and

Whereas, Bristol Elder Services Inc. has convened a Dementia Friendly Coalition consisting of members of the Greater Fall River community and

Whereas, the Coalition plans to expand its Dementia Friendly efforts by adding Age-Friendly work as defined by the AARP Network, now therefore,

Be it resolved, that the Fall River City Council supports the coalition's current efforts to make Fall River a Dementia Friendly Community and

Be it further resolved, that the Fall River City Council supports the coalition's plans to make Fall River both Age and Dementia Friendly.



In August 2016, Bristol Elder Services (Bristol) was awarded a one-time grant to create a Dementia Friendly Fall River (DF FR). The funding presented an exciting opportunity to improve quality of life in Fall River for those with dementia and their families. A summit was convened and an ongoing coalition formed. The group adopted the forget-me-not flower as its symbol.

The coalition, comprised of representatives from about 35 public and private organizations, focuses on training businesses to recognize and assist those with dementia. Once trained, a business receives a DF FR window cling with the logo found on this letterhead.

To date, over 60 presentations have resulted in over 1,300 people being trained at public agencies, private businesses, human service organizations and coalitions, and a hair salon.

### **What Is A Dementia Friendly Community?**

A place where individuals with dementia:

- Are able to live good lives
- Maintain as much independence as possible
- Continue to be part of their community
- Are met with understanding
- Are given support where necessary

Those with dementia describe a dementia friendly community as one that enables them to:

- Find their way around and be safe
- Access places like banks, stores, restaurants, post offices, libraries, and pharmacies that they are familiar with and where they are known
- Maintain their social networks so they feel they continue to belong in places such as senior centers, churches, and the YMCA

The DF FR goal is to build infrastructures which support and enhance the beneficial effect of services for those with dementia and their caregivers. To accomplish these goals, Bristol aims to:

- Increase public awareness of dementia and eliminate the frustration and stigma
- Train businesses to become dementia friendly.

For more information, contact Jeanna DaCosta, Dementia Friendly Coordinator, at [Jeanna.DaCosta@bristolelder.org](mailto:Jeanna.DaCosta@bristolelder.org) or 774-627-1312

## *Building a Movement for an Age-Friendly Massachusetts*

### WHY IT'S IMPORTANT

Across the nation and around the globe, a major demographic shift is taking place. By 2020, adults age 65 and over will outnumber children under five among the global population for the first time. This has significant implications for how we live and work.

Here in Massachusetts, this shift is well underway and community leaders face critical decisions for how to move forward. Many leaders are already using an age-friendly lens to identify ways to promote healthy aging and enhance life for all residents.

**FACT:** *For the first time in the history of our country, the population over age 60 is growing faster than the population under age 18.*

### WHO WE ARE

A group of more than 100 agencies and organizations committed to advancing healthy aging and age-friendly communities throughout the state, the Massachusetts Healthy Aging Collaborative promotes policies and practices that are inclusive, relevant, and enhance the quality of life for people of all ages.

**FACT:** *In many Commonwealth cities and towns, adults over 65 already outnumber children 5 and younger.*

### HOW WE HELP YOU

Visit our website ([www.mahealthyagingcollaborative.org](http://www.mahealthyagingcollaborative.org)) to access the Age-Friendly Community Checklist, Age-Friendly Tool Kit, and the Massachusetts Healthy Aging Data Report. These tools will help you start conversations in your community and begin planning for an age-friendly future.

You will also find links to the AARP, Dementia-Friendly Massachusetts Initiative, the Executive Office of Elder Affairs, and others who offer additional age-friendly resources.

**FACT:** *By 2030, more than one-quarter of the Massachusetts population will be 60 years or older.*

### LEARN MORE

#### AARP

Kara Cohen  
[kcohen@aarp.org](mailto:kcohen@aarp.org)  
617-305-0569

#### Dementia-Friendly Massachusetts Initiative

Emily Kearns  
[emily@mcgaonline.com](mailto:emily@mcgaonline.com)  
978-604-0830

#### Executive Office of Elder Affairs

Robin Lipson  
[robin.lipson@state.ma.us](mailto:robin.lipson@state.ma.us)  
617-222-7511

#### Massachusetts Healthy Aging Collaborative

James Fuccone  
[james.fuccone@mahealthyaging.org](mailto:james.fuccone@mahealthyaging.org)  
617-717-9493

### EXECUTIVE COMMITTEE

Milagros Abreu, MD, MPH  
The Latino Health Insurance Program Inc.

Alice Bonner  
Executive Office of Elder Affairs

Kara Cohen  
AARP Massachusetts

Martin Cohen  
MetroWest Health Foundation

Mike Festa  
AARP Massachusetts

James Fuccone  
Massachusetts Healthy Aging Collaborative

Rebecca Gallo  
MetroWest Health Foundation

Bill Henning  
Boston Center for Independent Living

Emily Kearns  
Massachusetts Councils on Aging

Wendy Landman  
WalkBoston

Walter Leutz, PhD  
Heller School, Brandeis University

Robin Lipson  
Executive Officer of Elder Affairs

Tamy-Feé Meneide  
Multi-Cultural Coalition on Aging

Nora Moreno Cargie  
Tufts Health Plan Foundation

Jan Mutchler  
UMass Boston Gerontology Institute

Lea Susan Ojamaa  
Massachusetts Department of Public Health

Carlene Pavlos  
Massachusetts Public Health Association

Jennifer Raymond  
Healthy Living Center of Excellence

Barbara Salisbury  
MAB Community Services

Amy Schectman  
Jewish Community Housing for the Elderly

Emily Shea  
Boston Commission on Affairs of the Elderly

Elissa Sherman  
LeadingAge Massachusetts

David Stevens  
Massachusetts Councils on Aging

Karen Voci  
Harvard Pilgrim Health Care

*Revised April 2018*



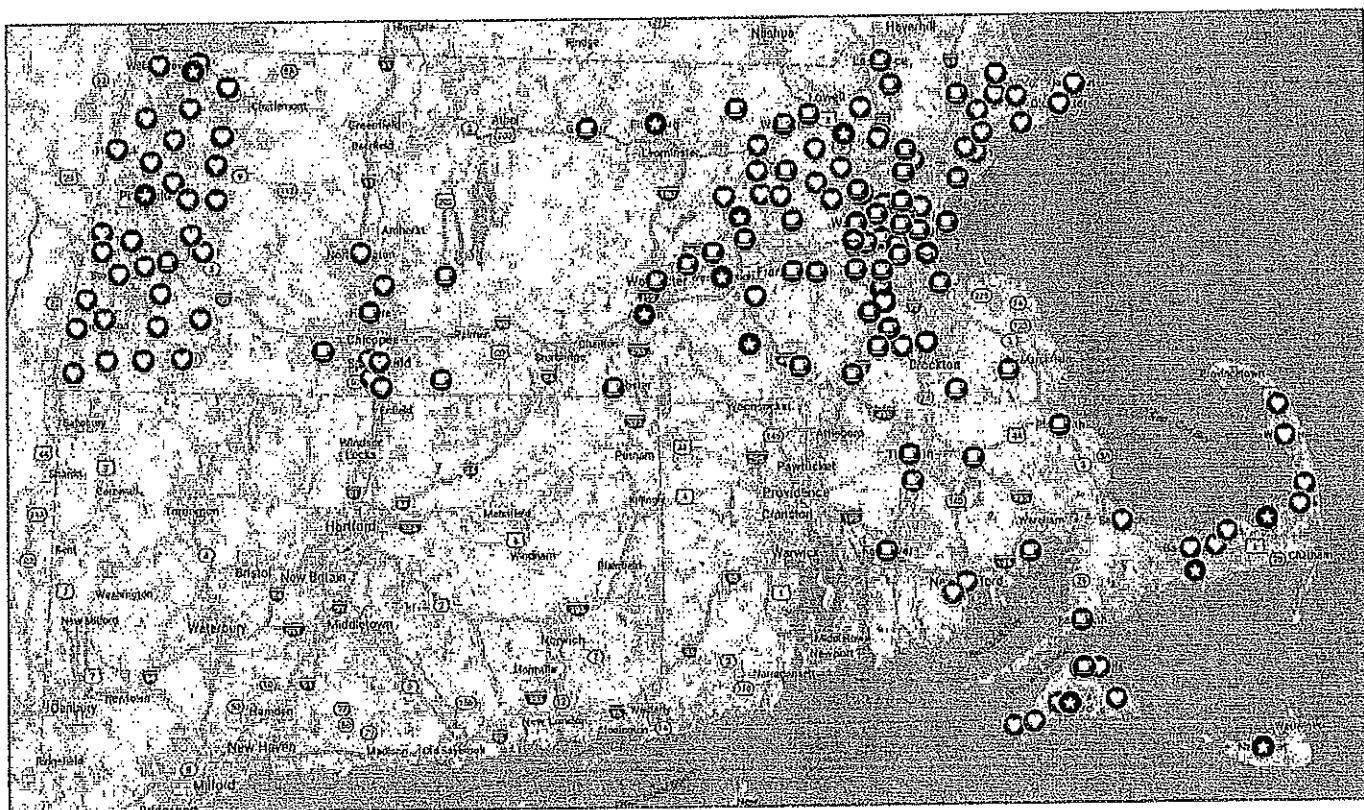
## Age-Friendly and Dementia-Friendly Initiatives in Massachusetts

Revised April 2018

The Massachusetts Healthy Aging Collaborative tracks current age- and dementia friendly activities online using an interactive map. These include active and emerging efforts, as well as memory cafes and age-friendly universities.

**To view the most up-to-date map, visit:**

[mahealthyagingcollaborative.org/age-friendly/ma/map](http://mahealthyagingcollaborative.org/age-friendly/ma/map)



### Key



Active Age-Friendly Community

Emerging Age-Friendly Community

Dementia Friendly Community

Memory Cafe (*list available on MHAC map and JF&CS Directory*)

Age-Friendly University

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

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.

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

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.

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

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.

# THE NORFOLK & DEDHAM GROUP®

## INTER-COMPANY REIMBURSEMENT NOTIFICATION

25

RECEIVED

June 18, 2019

Our File No.: C1847937  
Our Insured: Silva, Cynthia  
Address: 118 Valley Barre Road  
Bourne, MA

2019 JUN 20 AM 11:16

City of Fall River  
City Clerk  
1 Government Center 2nd Floor  
Fall River, MA 02722

Your File No.:  
Your Insured:  
Address:

NA

CITY CLERK 18-180A  
FALL RIVER, MA

Loss Date: 11/07/2018  
Location: Doran School

Sir/Madam:

Our investigation of this accident indicates liability rests with your Insured. We request reimbursement for benefits paid, and/or for amounts paid under physical damage coverages.

### I PERSONAL INJURY PROTECTION

☐ PRELIMINARY

☐ FINAL

Name of Injured	BENEFITS		EXPENSE		TOTAL
	Medical	Wage	Allocated	Unalloc	
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
Total					\$0.00

### II PHYSICAL DAMAGE COVERAGE

Total Loss	NO	Bailment Claimed	NO	Supporting Papers	YES
1. Total Amt. of Damage	\$	448.67			
2. Deductible	+	\$ 500.00			
3. Rental Reimbursement	+	\$ 0.00			
Total \$948.67					
GRAND TOTAL I & II					\$948.67

Sincerely,

Dylan Becker  
Property Damage Examiner  
1-800-688-1825 Ext. 1272

### SECOND REQUEST

School Bus #68 struck our insureds parked vehicle

Home Office  
222 Ames Street, P.O. Box 9109  
Dedham, MA 02027-9109  
Phone: (800) 688.1825

**ND**  
SINCE 1825



City of Fall River  
Notice of Claim

RECEIVED

25

2019 JUN 24 P 1:12

CITY CLERK 19-66  
FALL RIVER, MA.

1. Claimant's name: RAQUEL REIS
2. Claimant's complete address: 715 RUSSELLS HILLS ROAD S. DARTMOUTH, MA 02748
3. Telephone number: Home: (508) 977-7345 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
AUTO ACCIDENT - POT HOLE
5. Date and time of accident: 5/31/19 Amount of damages claimed: \$ 682.10
6. Exact location of the incident: (include as much detail as possible):  
NORTH MAIN STREET NEAR HORTON MIDDLE SCHOOL
7. Circumstances of the incident: (attach additional pages if necessary):  
I HIT AN EXTREMELY LARGE POT HOLE ON NORTH MAIN STREET BETWEEN MALVEY AND PRESIDENT AVE. I CONTACTED POLICE WHO ADVISED TO FILE CLAIM WITH THE CITY OF FALL RIVER. I BROUGHT MY VEHICLE TO TOYOTA WHO STATED THE INNER BOOT OF DRIVER'S FRONT AXLE LEAKED ALL OF ITS GREASE. PLEASE SEE ATTACHED PHOTO.
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: 6/20/19

Claimant's signature: R. Reis

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, 2<sup>nd</sup> 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 ☒ JCM

Date: 6/25/19



**ROB LEVINE  
& ASSOCIATES**

The Lawyers for the Injured and Disabled

Personal Injury Law RI, MA & CT

Social Security Disability Nationwide

Veterans Disability Nationwide

Certified Mail/Return Receipt Requested  
7018 1830 0001 7932 0174

June 20, 2019

**STATUTORY PRESENTMENT AND DEMAND**

City of Fall River  
1 Government Center  
Fall River, MA 02722  
*Attention: City Clerk*

Re: *Our Client: Ann M. Johannsen*

Dear Sir or Madam:

This letter of presentment is being sent to you pursuant to M.G.L. Ch. 258 §4, and M.G.L. Ch. 84 §18. Please be advised that I represent Ms. Ann M. Johannsen of 35 G Mitchell Road, Fall River, MA 02724 with regard to injuries sustained in a slip and fall on April 11, 2018, at Henry Lord Middle School, 15 Amity Street Fall River, MA, due to your insured's negligence.

Due to the uneven defective pavement and broken bricks on the sidewalk near the entrance of Henry Lord Middle School Ms. Johannsen tripped, fell, and sustain bodily injuries. She injured her chest, wrists, elbows, knees, and face. Please see the attached form and pictures for additional information.

Demand – as the client is still treating at this time and the full value of their injuries is unknown, the value to settle this claim at this time is five million dollars, \$5,000,000.00. This demand is being provided according to the requirements set forth under Chapter 258, Section 4 of The Massachusetts General Laws.

Thank you for your anticipated cooperation in this matter.

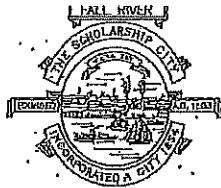
Very truly yours,

*Kalin McKivergan*

Kalin E. McKivergan, Esq.  
KEM/ss

RECEIVED  
2019 JUN 26 A 11:09  
CITY CLERK  
FALL RIVER, MA  
19-67

**THE HEAVY HITTER®**



City of Fall River  
Notice of Claim

RECEIVED

25

2019 JUL -2 A 10:46

CITY CLERK 19-68  
FALL RIVER, MA

1. Claimant's name: Michael E Bettencourt SR
2. Claimant's complete address: 170 William St APT #405
3. Telephone number: Home: 401-230-5003 Work: 401-683-2683
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage): Tore SKIN OFF OF ELBOW; Bruised Right side Rib Cage.
5. Date and time of accident: 3:40 AM Amount of damages claimed: \$
6. Exact location of the incident: (Include as much detail as possible): ACROSS FROM OLIVERA APARTMENT 170 William St FALL RIVER, MA. Sidewalk; cut Pole out of Sidewalk
7. Circumstances of the incident: (attach additional pages if necessary): STICKING UP ABOUT 3 inches I WAS ON MY WAY TO WORK. MY RIGHT FOOT STRUCK STUB AND I WENT TUMBLING DOWN. I GOT UP WAS ALL BLOODY ON MY RIGHT ELBOW I WENT BACK INTO APARTMENT. CLEANED MYSELF WRAPPED MY ELBOW AND WENT TO WORK.
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: 7/2/2018

Claimant's signature: Michael E Bettencourt SR

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, 2<sup>nd</sup> 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 ☒ Engineering Date: 7/2/19





# OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

27

2019 JUL -8 P 2: 24

Please note that all fields are required unless otherwise noted.

CITY CLERK  
FALL RIVER, MA

## Your Contact Information:

First Name: Collin Last Name: Dias

Address: 560 RAY Street

City: Fall River State: MA Zip Code: 02720

Phone Number: 7747076790 Ext.:

Email: Collind00@aol.com

Organization or Media Affiliation (if any):

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?  
(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

## Public Body that is the subject of this complaint:

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

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

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

Date of alleged violation: 6/20/19

## Description of alleged violation:

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

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

On 6/20/19 the Fall River City Council had a special meeting. A few hours before the meeting, their agenda was revised and posted, not 48 hours before the meeting. Just a few hours before the meeting, the council added 10 new agenda topic items to the agenda. They are listed as 5a, 5b, 24a, 26a, 32a, 32b, 32c, 32d, 32e, and 34. Action taken on any of these items, which were placed on just before the meeting, violates section 20(b) of the open meeting law.

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

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

Nullification of all action taken during agenda items 5a, 5b, 24a, 26a, 32a, 32b, 32c, 32d, 32e, and 34.

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

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

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

### II. Consulting With a Private Attorney.

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

### III. Submit Your Complaint to the Public Body.

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

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

Signed: Collin Diaz

Date: 7/8/19

For Use by Public Body	For Use by AGO
Date Received by Public Body	Date Received by AGO



## OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

28

2019 JUL -8 P 2:15

Please note that all fields are required unless otherwise noted.

CITY CLERK  
FALL RIVER, MA

### Your Contact Information:

First Name: Collin Last Name: Dias

Address: 560 RAY Street

City: Fall River State: MA Zip Code: 02720

Phone Number: 7747076790 Ext.

Email: Collind00@aol.com

Organization or Media Affiliation (if any):

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

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

### Public Body that is the subject of this complaint:

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

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

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

Date of alleged violation: 6/20/19

**Description of alleged violation:**

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

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

On June 20th, 2019, the Fall River City Council held a special meeting. During the meeting, under "Priority Matters" number "2.", there was an agenda item listed as "Mayor and Inter-municipal agreement between the City of Fall River and the Fall River Redevelopment Authority. During that agenda topic, there were deliberations that had nothing to do with the said agenda topic. That is a violation of the Open Meeting law.

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

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

Nullification of any action taken during priority matters number 2 of the June 20th special meeting.

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

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

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

**II. Consulting With a Private Attorney.**

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

**III. Submit Your Complaint to the Public Body.**

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

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

Signed: Colin Dias

Date: 7/8/19

For Use By Public Body	For Use By AGO
Date Received by Public Body	Date Received by AGO

29



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

MAURA HEALEY  
ATTORNEY GENERAL

(617) 727-2200  
(617) 727-4765 TTY  
[www.mass.gov/ago](http://www.mass.gov/ago)

June 26, 2019

VIA EMAIL ONLY

Patrick Higgins  
[patrick@patrickhiggins.co](mailto:patrick@patrickhiggins.co)

Dear Mr. Higgins:

We understand that on or about June 19, 2019, you filed a complaint with the Fall River City Council Committee on Finance ("Committee"), alleging a violation of the Open Meeting Law, G.L. c. 30A, §§ 18-25. Our office received notification and a response from the Committee on June 25, 2019.

Under the Open Meeting Law, a complainant may request that our office review a complaint only after at least 30 days have passed since that complaint was filed with the public body. G.L. c. 30A, § 23(b); 940 CMR 29.05(6). You notified us by email on June 26, 2019, that you were satisfied with the response from the Committee; thus, you are not requesting further review from our office.

We now consider this matter closed. Feel free to contact our office if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "KerryAnne Kilcoyne".

KerryAnne Kilcoyne  
Assistant Attorney General  
Division of Open Government

cc: Alison M. Bouchard, City Clerk (by mail)  
Fall River City Council Committee on Finance (by mail)

RECEIVED  
FALL RIVER, MA

2019 JUN 28 A 11:02



# OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

29

Please note that all fields are required unless otherwise noted.

7/18 JUN 19 P 3 14

## Your Contact Information:

CITY CLERK  
FALL RIVER, MA

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

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

Email: patrick@patrickhiggins.co

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

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

(For statistical purposes only)

☐ Individual ☒ Organization ☐ Media

## Public Body that is the subject of this complaint:

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

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

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

Date of alleged violation: Jun 18, 2019

CITY OF FALL RIVER  
IN CITY COUNCIL

JUN 20 2019

*Referred to the City  
Clerk for a response*

*Response attached*

## Description of alleged violation:

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

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

The Fall River City Council Committee on Finance violated the open meeting law by attending and participating in a "joint meeting" with the Fall River City School Committee without posting a joint meeting with the City Council in violation of the Open Meeting Law.

The Fall River City Council Committee on Finance further violated the Open Meeting Law by not listing the departments of the City that the City Council Committee on Finance would be discussing and deliberating on. This has been determined to be a violation by the Division of Open Government in several determination letters issued finding other Budget discussions required that the agenda list the departments to be discussed.

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

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

The Budget presentation needs to be redone to allow the general public the required 48 hours notice that the School Committee will be meeting with the Council Committee on Finance to discuss the FY 2020 School Budget.

The Council Committee on Finance also needs to repost their meetings with the specifics as to what departments budgets they will be discussing and start the budget hearing process over.

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

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

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

### II. Consulting With a Private Attorney.

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

### III. Submit Your Complaint to the Public Body.

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

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

Signed: Robert Higgins

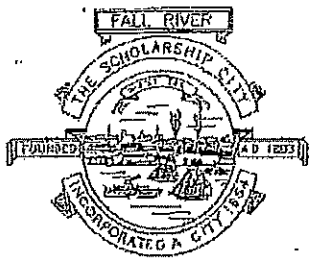
Date: 6/19/19

For Use by Public Body

Date Received by Public Body

For Use by AGO

Date Received by AGO



ALISON M. BOUCHARD  
CITY CLERK

City of Fall River Massachusetts  
Office of the City Clerk

RECEIVED

2019 JUN 13 P 4:28

CITY CLERK  
FALL RIVER, MA

INÊS LEITE  
ASSISTANT CITY CLERK

POSTING NOTICE

A meeting of the City Council Committee on Finance has been scheduled for:

Tuesday, June 18, 2019 at 6:00 PM  
in the City Council Chamber, One Government Center

AGENDA:

1. Citizen Input
2. Discussion of the proposed Fiscal Year 2020 Municipal Budget.

  
City Clerk

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





City of Fall River Massachusetts  
Office of the City Clerk

29

ALISON M. BOUCHARD  
CITY CLERK

INÊS LEITE  
ASSISTANT CITY CLERK

June 25, 2019

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

Dear Mr. Higgins:

This letter is in response to your Open Meeting Law complaint filed against the Fall River City Council Committee on Finance, alleging a violation on June 18, 2019.

On behalf of the City Council, I offer the following information:

A Joint Meeting was not posted, as members of the School Committee were not specifically invited to participate in the discussion. When the City Council President noticed a quorum of the body, he respectfully announced the possibility of an Open Meeting Law violation, and one of the members left the table prior to any discussion taking place.

Further, your complaint listed a lack of information as specific departments were not listed on the agenda. Historically, the School Department presents its budget during the first scheduled budget meeting. Although discussions took place that evening, no votes were taken.

Acknowledging the lack of specificity on the June 18<sup>th</sup> agenda, notices for remaining meetings held on June 19<sup>th</sup> and June 20<sup>th</sup> were revised to include specific departments.

This was not a willful or intentional violation, and remedial action was taken for all subsequent meetings of the committee. Please note that you have the right to appeal to the Massachusetts Attorney General – Division of Open Government.

Sincerely,

Alison M. Bouchard  
City Clerk

cc: Attorney General – Division of Open Government

30



MAURA HEALEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

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

June 26, 2019

Collin Dias  
560 Ray Street  
Fall River, MA 02720

RE: Open Meeting Law Complaint

Dear Mr. Dias:

This office received a complaint from you on January 15, 2019, alleging that the Fall River City Council Committee on Finance (the "Committee") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Committee on or about December 4, 2018, and Attorney Joseph Macy responded to the complaint, on behalf of the Committee, by letter dated January 29, 2019.<sup>1</sup> In your complaint, you allege that the Mayor interrupted the Committee's meeting on December 4, 2018 "and requested a motion to table a measure, which passed, even though he had no authority to." For the reasons stated below, we decline to review your complaint.

The Division of Open Government's review concerns compliance with the Open Meeting Law, G.L. c. 30A, §§ 18-25. Your complaint alleges that the Mayor requested that the Committee table a topic. The Open Meeting Law does not require a public body to discuss any topic. See OML 2014-98; OML 2013-64; OML 2012-23. The law also does not prohibit a public body from removing, postponing, or declining to discuss a topic listed on a meeting notice or agenda. See OML 2012-23. Furthermore, the law does not specify who has the authority to request that a particular motion be made. See OML 2016-155. Thus, even if true, the allegation in your complaint would not constitute a violation of the Open Meeting Law. As such, we decline to review this matter. See OML Declination 1-25-16 (Nahant Housing Authority Board of Commissioners); OML Declination 5-21-12 (Hampden-Wilbraham Regional School Committee).

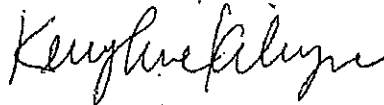
<sup>1</sup> We remind the Committee that the Open Meeting Law requires that within 14 business days of receipt of a complaint, the public body must meet to review the complaint's allegations; take remedial action, if appropriate; send to the complainant a response and a description of any remedial action taken; and send to the Attorney General a copy of the complaint and a description of any remedial action taken. G.L. c. 30A, § 23(b); 940 CMR 29.05(5).

2019 JUN 28 A 11:02  
FALL RIVER, MA  
RECEIVED

30

We now consider this matter closed. Please feel free to contact the Division at 617-963-2540 if you have any questions.

Sincerely,



KerryAnne Kilcoyne  
Assistant Attorney General  
Division of Open Government

Assisted by: Stephen Delcuze, Legal Intern, Division of Open Government

cc: Joseph I. Macy, Esq.  
Fall River City Council Committee on Finance



## OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED  
2018 DEC -5 P 1:10  
CITY CLERK  
FALL RIVER, MA

30

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: Collin Last Name: Dias

Address: 560 Rav Street

City: Fall River State: MA Zip Code: 02720

Phone Number: 7747076790 Ext.

Email: Collind00@aol.com

Organization or Media Affiliation (if any):

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

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

### Public Body that is the subject of this complaint:

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

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

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

Date of alleged violation: 12/4/18

## Description of alleged violation:

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

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

During the 12/4 city council meeting, Mayor Jasiel F. Correia II came down to a city council Meeting on finance and requested a motion to table a measure, which passed, even though he had no authority to. That is an obvious violation of the open meeting law.

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

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

Invite Gen Andrade and Mayor Jasiel F. Correia II to a future council meeting to discuss Gen Anderade's stipend.

Future compliance with the open meeting law

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

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

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

### II. Consulting With a Private Attorney.

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

### III. Submit Your Complaint to the Public Body.

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

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

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

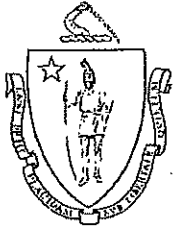
12/4/18

For Use By Public Body

Date Received by Public Body

For Use By AGO

Date Received by AGO



MAURA HEALEY  
ATTORNEY GENERAL

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

RECEIVED  
2019 JUL -8 A 11:35

(617) 727-2408  
(617) 727-4783 TTY  
www.mass.gov/ago  
CITY CLERK  
FALL RIVER, MA

July 2, 2019

Collin Dias  
560 Ray Street  
Fall River, MA 02720

Dear Mr. Dias:

We understand that on or about December 31, 2018, you filed a complaint with the Fall River City Council Committee on Finance ("Committee"), alleging a violation of the Open Meeting Law, G.L. c. 30A, §§ 18-25. The Committee is required to notify our office of the complaint and any remedial action taken to address the complaint. G.L. c. 30A, § 23(b); 940 CMR 29.05(5). Our office received notification and a response from the Committee on January 30, 2019.

Under the Open Meeting Law, a complaint is ripe for review by our office when the complainant files a copy of the initial complaint with the Division of Open Government, provided that at least 30 days have passed since that complaint was filed with the public body. G.L. c. 30A, § 23(b); 940 CMR 29.05(6). We sent you a letter on February 6, 2019, stating that if we did not receive the original complaint from you by April 4, 2019, we would presume the action taken by the Committee was sufficient and would close this file. Our office currently has no record of a complaint filed by you in this matter. Therefore, we now consider this matter closed.

Please feel free to contact me if you have any questions or believe anything stated in this letter to be inaccurate.

Sincerely,

Sarah Chase  
Assistant Attorney General  
Division of Open Government

cc: Joseph I. Macy, Esq., Corporation Counsel  
Fall River City Council Committee on Finance



## OPEN MEETING LAW COMPLAINT FORM

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

31

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: Collin Last Name: Dias

Address: 560 RAY Street

City: Fall River State: MA Zip Code: 02720

Phone Number: 7747076790 Ext. \_\_\_\_\_

Email: Collind00@aol.com

Organization or Media Affiliation (if any): \_\_\_\_\_

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

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

### Public Body that is the subject of this complaint:

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

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

Specific person(s), if any, you allege committed the violation: \_\_\_\_\_

Date of alleged violation: 12/27/18

### Description of alleged violation:

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

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

On 12/4/18, I submitted an Open Meeting Law Complaint to the Fall River City Council Committee on Finance in regards to a meeting held on 12/4/18.

It has been 14 business days and I have yet to receive a response to the said open meeting law complaint.

That is a violation of the Open Meeting law.

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

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

Respond to my 12/4 open meeting law complaint.

### Review, sign, and submit your complaint

#### I. Disclosure of Your Complaint:

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

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

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

#### III. Submit Your Complaint to the Public Body:

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

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

Signed: Carolyn Dine

Date: 12/30/18

For Use By Public Body	For Use By AGO
Date Received by Public Body	Date Received by AGO



# **COMMITTEE ON FINANCE**

**MEETING:** Tuesday, June 18, 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  
Matthew H. Malone, Ph.D., Superintendent of Schools  
Kevin Almeida, Chief Financial Officer, School Department  
Kenneth C. Pacheco, Chief Operating Officer, School Department  
Mark Costa, Vice-Chairperson, School Committee  
Paul Coogan, School Committee Member  
Joseph Martins, School Committee Member  
Raymond E. Hague, Director of Veterans' Services  
Dawn E. Lewis, Information Technology Director  
Joseph I. Macy, Corporation Counsel

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.

School Committee Member Thomas Khoury was present at this meeting. City Council President Cliff Ponte stated that a quorum of the School Committee was seated at the table. School Committee Member Thomas Khoury immediately left the table prior to any discussion taking place.

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:  
Kathleen Botelho, 102 South Main Street – Old Second Street

2. Discussion of the proposed Fiscal Year 2020 Municipal Budget  
*The City Council President requested that the Superintendent of Schools provide an overview of the Fiscal Year 2020 School Department Budget. He then requested the Vice-President to take the podium, as he had numerous questions regarding the School*

Department Budget. Vice-President Laliberte-Lebeau took the podium at 6:10 p.m. to allow the President the opportunity to ask questions. The School Superintendent then provided an overview of the Fiscal Year 2020 School Department Budget. He stated that the amount of the Fiscal Year 2020 School Department Budget is \$160,662,706.00, which is 101% of net school spending. He then stated that there are 70 new positions in this budget. He also noted that school transportation is not net school spending eligible.

President Cliff Ponte stated that in the School Department Budget there are names listed with their position and an annual salary, but these individuals are not actually making the listed salary. He then stated that all principals are listed as earning \$87,000.00 per year, but that is not their actual salary. He then asked the Superintendent of Schools to explain why these salaries are not the actual salaries. The Superintendent of Schools stated that an average is used for all full time employees. He then stated that administrators are listed as earning \$87,000.00 per year and teachers are listed as earning \$64,000.00 per year.

Council President Cliff Ponte asked, "Why isn't the School Committee using the actual salaries?" He then stated "in my opinion, this is crazy." The Superintendent of Schools stated that he does not understand why there are questions this year, when the same format was used for last year's budget and there were no questions in the matter. Council

President Cliff Ponte stated that this year he has received telephone calls from School Department Employees stating that the salary that is listed in the budget is not their actual salary. The Superintendent of Schools stated that an average salary is listed in the budget because if cuts are necessary, it is less controversial as the average salary is listed. The Superintendent of Schools then stated that in another section of the budget the actual salaries are listed. Council President Cliff Ponte returned to the podium at 6:46 p.m.

Councilor Shawn E. Cadime asked, "Where do we stand with transportation?" School Committee Vice-Chair stated that the School Committee rescinded the vote of \$11.9 million dollars and voted on the newly negotiated amount of \$10.1 million dollars. Councilor Shawn E. Cadime stated that any contract over 3 years needs to be approved by the City Council. Councilor Shawn E. Cadime then asked, "What is the breakdown of this year's budget?" The Chief Financial Officer for the School Department stated that the budget is 80% salaries and 20% expenses.

Councilor Bradford L. Kilby stated that he is very excited about this budget and the construction of a new B.M.C. Durfee High School.

Councilor Stephen R. Long asked, "How can we budget \$10.1 million dollars for transportation when there are not contracts yet?" The Chief Operating Officer for the School Department stated that the bids for transportation are due by July 11, 2019.

Councilor Leo O. Pelletier requested that page numbers be added to next year's budget, as it is difficult to follow along during this question and answer period. He then stated that if the transportation bids come in over the \$10.1 million dollars that is budgeted, the City will need to make up the difference not the School Department.

Council President Cliff Ponte called for a recess at 8:20 p.m. The City Council reconvened at 8:32 p.m.

Councilor Leo O. Pelletier asked the Director of Veterans' Services if there will be any unused funds returned to the city. The Director of Veterans' Services stated that there will be approximately \$200,000.00. Councilor Leo O. Pelletier then asked if these funds could be used for the Vietnam Veterans' Memorial Wall. The Director of Financial Services stated that these funds will need to be returned to the General Fund. Councilor Pam Laliberte-Lebeau stated that there has been many repairs made to the Veterans Center and she is happy to see these repairs finally being completed.

The Director of Information Technology provided a brief overview of her budget. Councilor Steven A. Camara asked if the automated system that the receptionist uses when she is unavailable will be upgraded. The Director of Information Technology stated that will be 2 to 3 years down the road. The City Administrator stated that they are working to free up some personnel in the mail room, to allow coverage of the switch board when the receptionist is on vacation or at lunch. Councilor Steven A. Camara then stated that the City needs to be more consumer friendly.

Council President Cliff Ponte stated that the next department for discussion is the Purchasing Department. Councilor Pam Laliberte-Lebeau asked if there are changes to positions within the department. She stated that in this year's budget it lists a Purchasing Agent, Assistant Purchasing Agent and a Senior Account Clerk. She then stated that in the Fiscal Year 2019 Budget, it listed a Purchasing Agent, Senior Account Clerk and a Senior Clerk Typist. She then asked if there are personnel changes being made in this department. The City Administrator stated that with the volume of work that is performed in that department, the Administration feels that the position of Assistant Purchasing Agent, which has gone unfilled for many years now, needs to be filled. She also stated that the Senior Clerk Typist position will now go unfilled, as they do not see the need for four employees in this department. They feel that this is necessary, in the event that the Purchasing Agent is on vacation or ill, there will be no diminishment of services. Councilor Pam Laliberte-Lebeau then asked the City Administrator if there are certain qualifications for an Assistant Purchasing Agent. The City Administrator stated that she would have to review the job description for this position. She also stated that she doesn't believe they could hire someone with for the qualifications for the salary associated with that position and then stated that it would be clearly delineated to any candidate that it will be necessary to begin classes for certification immediately. Councilor Pam Laliberte-Lebeau asked if the City will pay for these classes. The City Administrator stated that the City will pay for the classes. Councilor Pam Laliberte-Lebeau then asked if the job for the senior clerk typist will end July 1<sup>st</sup>. The City Administrator stated that is correct. Councilor Pam Laliberte-Lebeau then asked what will happen to the individual in that position. The City Administrator stated that there are other positions that the individual can apply for. She then stated that the individual was offered the opportunity to move into the position of Assistant Purchasing Agent and go for the certification, but the individual declined. Councilor Shawn E. Cadime then asked if the individual in the senior clerk typist position would be laid off. The City Administrator stated that may be possible, although there is another opening that the individual may apply for. Councilor Shawn E. Cadime stated that he is not in support of a layoff. He then asked where in the budget it is listed that a position in the Purchasing Department is being eliminated and a vacancy that has been unfilled for years is now going to be filled. The City Administrator stated that if he would compare last year's budget with this new budget he would notice the difference. Councilor Shawn E. Cadime then stated that unless you are comparing each department with the previous year's budget, he would not have seen these changes.

Corporation Counsel provided a brief overview of his department's budget. Councilor Shawn E. Cadime asked Corporation Counsel if there are any increases for his employment contract. Corporation Counsel stated that there are none. City Council President Cliff Ponte asked Corporation Counsel if there are any outside legal fees that will require extra funding. Corporation Counsel stated, "Not that I am aware of."

Councilor Shawn E. Cadime stated that he had numerous questions for the revenue section of the budget and it would be best to wait until tomorrow to discuss revenue.

The City Administrator stated that the Tourism Director position was not included in this year's budget, as it was not approved by the City Council. She then stated that the Grant Writer has resigned and interviews have begun for a new Grant Writer. Councilor Bradford L. Kilby asked if the position of Grant Writer is split with the School Department. The City Administrator stated that is correct.

In terms of the Mayor's Budget, the Director of Financial Services stated that the dues for the U.S. Conference of Mayors were misclassified in the incorrect line item. She then stated that the dues for Massachusetts Municipal were \$15,300 per year.

As for the City Clerk Budget, the City Clerk stated that she added \$1,000.00 to the budget for an ID maker for Identification Badges. In The City Council Budget, the Director of Financial Services stated that the funding for the outside audit has been added, per the new City Charter. Councilor Shawn E. Cadime stated that he would still like funding for the City Council included for legal counsel. He then stated that he would like to have \$10,000.00 in an account for legal services for the City Council. Councilor Pam Laliberte-Lebeau stated that she agrees. She then requested a copy of the resolution that was previously voted on by the City Council, requesting funding for legal counsel. Council President Cliff Ponte asked if this can be distributed to all Councilors tomorrow, prior to the meeting.

Councilor Steven A. Camara stated that he would like to ask the Administration to rescind the freeze on elected officials' salaries. Councilor Shawn E. Cadime asked the Director of Financial Services if the City Council will be able to select the auditing firm. The Director of Financial Services stated that she will ask Corporation Counsel for an opinion.

A motion was made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long to send a letter to the Administration requesting an order to rescind the freeze on elected officials' salaries and that this order be submitted by Thursday, June 20, 2019 to reinstate the salaries and include increases back to when the freeze began. Councilor Stephen R. Long stated that he is in favor of the 1.5% increase going forward, but not retroactively. The previous motion was withdrawn by Councilor Steven A. Camara. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Stephen R. Long, it was voted 6 yeas, 3 nays to request that the Administration submit an order to the City Council rescinding the freeze on elected officials' salaries effective in Fiscal Year 2020 for January 2020, with Councilors Joseph D. Camara, Leo O. Pelletier and Cliff Ponte voting in the negative.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn at 10:18 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Document from Veterans Agent re: Veterans' Center

*Cullen A. Taylor*  
Clerk of Committees

## REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, May 28, 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: Joseph I. Macy, Corporation Counsel

President Cliff Ponte called the meeting to order at 7:00 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 proposed ordinances:

a. Section 50-301 – amended salary schedule for non-union positions  
*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.*

b. Section 50-315 (A) – salary schedule adjustments - list of positions  
*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.*

c. Section 50-315 (B) – salary schedule adjustments - rate of increase  
*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.*

### PRIORITY COMMUNICATIONS

2. Corporation Counsel and Home Rule Petition authorizing employees of City of Fall River the ability to apply with Retirement Bd. to purchase credible service for military service  
*A motion was made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long to adopt the Home Rule Petition. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the following amendments:*

*In Section 1a, the word "active" was inserted before member and "on the effective day of this act" was added after Fall River Retirement System.*

*Add Section 1b. The Fall River Retirement Board shall provide notice of the provisions of this act to all employees of the City of Fall River.*

*In Section 2. Add the word "effect" after the word take.*

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to waive the rules to allow Corporation Counsel to answer questions. Corporation Counsel stated that he has reviewed the Home Rule Petition for language and it was amended to be more inclusive, stating that the Retirement Board will notify all city employees. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to amend the Home Rule Petition by adding a letter with all paychecks for city employees notifying them of the Home Rule Petition, once approved. The Home Rule Petition was amended in Section 1b. After Retirement Board the words "and the Division of Human Resources" were added. On yet a further motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Stephen R. Long to adopt the Home Rule Petition, as amended.*

3. Report of Special City Charter Committee

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.*

4. Communication from City Council President re: nomination for appointment of member to Community Preservation Committee:

- a. Jason R. Bouchard
- b. Alfred J. Lima
- c. Alexander Silva

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order for the appointment of Alfred J. Lima to the Community Preservation Committee.*

5. Traffic Commission recommending an amendment to the traffic ordinance

*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.*

6. City Engineer and req. for street opening in pavement less than five years old on Harvard Street

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to the Committee on Public Works and Transportation.*

**COMMITTEE REPORTS – None**  
**ORDINANCES**

Second reading and enrollment:

7. Proposed Ordinance – Traffic, Miscellaneous

*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 Steven A. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted that the proposed ordinance be passed to be ordained. Approved, May 29, 2019, Mayor Jasiel F. Correia II*

8. Proposed Ordinance – Vacant Building Registration and Fee

*On a motion made by Councilor Steven A. Camara 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, May 29, 2019, Mayor Jasiel F. Correia II*

**RESOLUTIONS**

9. Requesting Home Depot Corporation support Fall River's mobile-model of the Tomb of the Unknown Soldier

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

**CITATIONS** – None

**ORDERS – HEARINGS** – None

**ORDERS – MISCELLANEOUS**

10. Police Chief's report on licenses:

Taxicab Driver:

Gilbert W. Correia

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order.*

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take each auto repair shop license renewal separately.*

11. Auto Repair Shop License Renewals:

Zaqueu F. da Silva d/b/a Zack's Garage at 65 Manchester Street

*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 Regulations.*

Frank Correia d/b/a Mello Services Station at 801 Bay 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, May 29, 2019, Mayor Jasiel F. Correia II*

Jose Collazo d/b/a JC Performance, Inc. at 401 Bedford Street

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the order.*

*Approved, May 29, 2019, Mayor Jasiel F. Correia II*

12. Auto Body Shop License Renewal:

David Ponte d/b/a Brougham Motors, Inc. at 387 Bedford Street

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the order.*

*Approved, May 29, 2019, Mayor Jasiel F. Correia II*

**COMMUNICATIONS – INVITATIONS – PETITIONS**

13. Claims

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the claims to Corporation Counsel.*

14. Drainlayer Licenses:

- a. Alexandre's Excavating, Inc.
- b. Bristol Pacific Homes, Inc.
- c. Coastal Water & Sewer Excavation, Inc.
- d. Foley Excavation, LLC
- e. K.R. Rezendes, Inc.
- f. Joseph Botti Co., Inc.

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to approve the drainlayer licenses.*

*Approved, May 29, 2019, Mayor Jasiel F. Correia II*

15. Structure On or Over a Public Way – 20' wide banner for St. Anthony of the Desert Church advertising the Lebanese Mahrajan Festival on Bedford Street and Troy Street

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

City Council Meeting Minutes:

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to take items #16 through #18 together.*

- 16. Committee on Finance – April 11, 2019
- 17. Joint Meeting of the City Council and School Committee – April 11, 2019
- 18. Regular Meeting of the City Council – April 23, 2019

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve items #16 through #18.*

**BULLETINS – NEWSLETTERS – NOTICES – None****OTHER POTENTIAL MATTERS**Committee on Regulations (pending recommendation):

Order – Second Hand Article Store application for Joseph McFadden, 87 Rockland Street, Fall River, MA d/b/a Our Place Shoppe located at 156 Tripp Street (used video games, toys and clothes to be sold)

*(Matter not heard in full council, as it was tabled in the Committee on Regulations.)*

Committee on Finance (pending recommendation):

Loan Order – \$4,950,000 for Phase 19 Water System Improvement

*(Matter not heard in full council, as it was tabled in the Committee on Finance.)*

**ITEMS FILED AFTER THE AGENDA WAS PREPARED:**  
**CITY COUNCIL MEETING DATE: MAY 28, 2019**

**RESOLUTIONS**

- 9a. Requesting the Committee on Real Estate to convene with the Administration, the City Historic Commission, the Preservation Society of Fall River, Inc. and the current owner of the N.B. Borden School building to discuss a possible alternative to demolition

*Councilor Steven A. Camara stated that Fall River should embrace its history. On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the resolution.*



**COMMUNICATIONS – INVITATIONS – PETITIONS**

19. Communication from the Fall River Pride Committee requesting approval to hang banners on the Government Center

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to approve the request.*

*Approved, May 29, 2019, Mayor Jasiel F. Correia II*

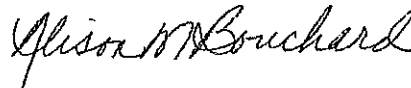
*On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adjourn at 7:28 p.m.*

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:



City Clerk

**REGULAR MEETING OF THE CITY COUNCIL**

MEETING: Tuesday, June 4, 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,  
Leo O. Pelletier and Derek R. Viveiros

ABSENT: Councilor Stephen R. Long

IN ATTENDANCE: None

President Cliff Ponte called the meeting to order at 8:04 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

**PRIORITY MATTERS**

1. Mayor and order appropriating \$149,602 from the CPA Undesignated Fund to the CPA Historic Resources Preservation Projects (North Burial Ground Gatehouse Restoration)  
*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 Stephen R. Long absent and not voting. Approved, June 5, 2019, Mayor Jasiel F. Correia II*

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to send a letter to the School Department, requesting that they work with the Inspector General to determine if there are any concerns regarding the bidding process for school bus transportation (copy of said letter is attached hereto and made a part of these minutes), with Councilor Stephen R. Long absent and not voting.*

2. Mayor and order appropriating \$1,834,297 from Community Preservation Act funds for FY 2020 Community Projects  
*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 Stephen R. Long absent and not voting. Approved, June 5, 2019, Mayor Jasiel F. Correia II*

3. Mayor requesting confirmation of the appointment of Gualter Amarelo as a member of the Conservation Commission  
*On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Bradford L. Kilby, it was voted 5 yeas, 1 nay to confirm the appointment, with Councilor Shawn E. Cadime voting in the negative and Councilor Stephen R. Long absent and not voting.*

4. Mayor requesting confirmation of the reappointment of John A. Brandt as a member of the Conservation Commission

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

#### **PRIORITY COMMUNICATIONS**

5. City Engineer req. for street opening in pavement less than five years old on 724 Plymouth Avenue

*On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Shawn E. Cadime, it was unanimously voted to refer the matter to the Committee on Public Works and Transportation, with Councilor Stephen R. Long absent and not voting.*

#### **COMMITTEE REPORTS** – None

#### **ORDINANCES**

6. Proposed Ordinance – Limiting the number of marijuana licenses to eight (8)
- On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 1 nay to refer the proposed ordinance to the Committee on Ordinances and Legislation, with Councilor Stephen R. Long absent and not voting.*

#### **RESOLUTIONS** – None

#### **CITATIONS**

7. John S. Brayton Jr. Awards:

Roger Cabral	Sharron Schoonover Furtado
Doug Glassman	Christian McCloskey
Matthew Schondek	Harvey Trieff

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the citations, with Councilor Stephen R. Long absent and not voting.*

8. Greater Fall River Food Pantry:

Lee "Boomer" Gibbons	Marylou Mancini
Richard Mancini	David Perry

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the citations, with Councilor Stephen R. Long absent and not voting.*

#### **ORDERS – HEARINGS**

##### New Pole Location

9. Massachusetts Electric Company – One new pole location on President Avenue
- On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to refer the matter to the Committee on Public Works and Transportation, with Councilor Stephen R. Long absent and not voting.*

Storage License:

10. Colbea Enterprises, LLC, 7 Starline Way, Cranston, RI – to store 28,000 gallons underground at 372 Plymouth Avenue on Lot I-19-10, Assessors Plan.

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier it was unanimously voted to adopt the order, with Councilor Stephen R. Long absent and not voting. Councilor Leo O. Pelletier asked if this license was for a new business. The City Clerk stated that this is a current business; this is just a change to the amount of storage.*  
*Approved, June 5, 2019, Mayor Jasiel F. Correia II*

ORDERS – MISCELLANEOUS

11. Police Chief's report on licenses:

Taxicab Driver:

Akeem Barlow

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

12. Light order – 63 Brow Street pole #1

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the order, with Councilor Stephen R. Long absent and not voting.*  
*Approved, June 5, 2019, Mayor Jasiel F. Correia II*

COMMUNICATIONS – INVITATIONS – PETITIONS

13. Claims

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

City Council Meeting Minutes:

14. Committee on Finance – April 23, 2019

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

15. Communication from city resident re: traffic issues near the food pantry on the corner of Nashua and Lawrence Streets

*A motion was made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier to refer the item to the Committee on Public Works and Transportation, but was then withdrawn. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Joseph D. Camara, it was unanimously voted to refer the matter to the Committee on Public Safety, with Councilor Stephen R. Long absent and not voting.*

BULLETINS – NEWSLETTERS – NOTICES

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to take items #16 and #17 together, with Councilor Stephen R. Long absent and not voting.*

16. Notice of Casualty and Loss at 228 Washington Street

17. Notice of Casualty and Loss at 93 Weaver Street

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve items #16 and #17, with Councilor Stephen R. Long absent and not voting.*

**ITEMS FILED AFTER THE AGENDA DEADLINE:**  
**CITY COUNCIL MEETING DATE: JUNE 4, 2019**

**PRIORITY COMMUNICATIONS**

- 5a. Communication from City Council President regarding the nomination of Jason R. Bouchard to the Fall River Historic District Commission  
*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the order, with Councilor Stephen R. Long absent and not voting. Councilor Pam Laliberte-Lebeau spoke highly of Mr. Bouchard's qualifications.*

**COMMITTEE REPORTS**

**Committee on Ordinance and Legislation recommending:**

**All readings with Emergency Preamble:**

- 5b. Proposed Ordinance – Traffic, Handicapped Parking  
*On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was voted 8 yeas to adopt an Emergency Preamble, with Councilor Stephen R. Long absent and not voting. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to pass the proposed ordinance through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilor Stephen R. Long absent and not voting.*  
*Approved, June 5, 2019, Mayor Jasiel F. Correia II*

**First Reading:**

- 5c. Proposed Ordinance – Traffic, miscellaneous  
*On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to pass the proposed ordinance through first reading, with Councilor Stephen R. Long absent and not voting.*
- 5d. Proposed Ordinance – Personnel, Water Department modifications  
*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 first reading, with Councilor Stephen R. Long absent and not voting.*
- 5e. Proposed Ordinance – Water rate increases  
*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was voted 7 yeas, 1 nay to pass the proposed ordinance through first reading, with Councilor Steven A. Camara voting in the negative and Councilor Stephen R. Long absent and not voting.*
- 5f. Proposed Ordinance – Sewer rate increases  
*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was voted 7 yeas, 1 nay to pass the proposed ordinance through first reading, with Councilor Steven A. Camara voting in the negative and Councilor Stephen R. Long absent and not voting.*
- 5g. Proposed Ordinance – Personnel, GIS – Specialist  
*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, with Councilor Stephen R. Long absent and not voting.*

5h. Proposed Ordinance – Personnel, salary schedule adjustments – list of positions  
*On a 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, with Councilor Stephen R. Long absent and not voting.*

5i. Proposed Ordinance – Personnel, salary schedule adjustment – rate of increase  
*On a 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, with Councilor Stephen R. Long absent and not voting.*

5j. Proposed Ordinance – Special City Charter Committee  
*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to pass the proposed ordinance through first reading, with Councilor Stephen R. Long absent and not voting.*

First Reading, as amended:

5k. Proposed Ordinance – Zoning, wind energy 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 Stephen R. Long absent and not voting.*

5l. Proposed Ordinance – Personnel, salary schedule for non-union positions  
*A motion was made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau to pass the proposed ordinance through first reading, as amended. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was unanimously voted to separate the two positions listed, with Councilor Stephen R. Long absent and not voting. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to pass the proposed ordinance for the City Council Principal Clerk through first reading, as amended, with Councilor Stephen R. Long absent and not voting. On yet a further motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was voted to pass the proposed ordinance for the Director of Fall River Emergency Management Agency through first reading, as amended, with Councilor Stephen R. Long absent and not voting.*

Grant leave to withdraw:

5m. Proposed Ordinance – Personnel, safety officer  
*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the proposed ordinance be granted leave to withdraw, with Councilor Stephen R. Long absent and not voting.*

Committee on Finance recommending:

Action:

5n. Loan Order – \$4,950,000 for Phase 19 Water System Improvement  
*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 Stephen R. Long absent and not voting.*  
 Approved, June 5, 2019, Mayor Jasiel F. Correia II

**ORDERS – MISCELLANEOUS****Taxicab Vehicles:**

12a. Town Transportation d/b/a Town Taxi – new applications (License Nos. 36 and 40)  
*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the order, with Councilor Stephen R. Long absent and not voting. Approved, June 5, 2019, Mayor Jasiel F. Correia II*

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adjourn at 8:43 p.m.*

**List of documents and other exhibits used during the meeting:**

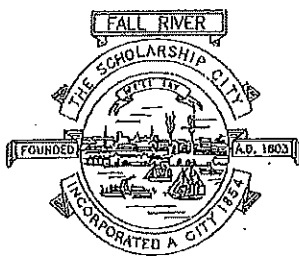
Agenda packet (attached)

DVD of meeting

A true copy. Attest:



City Clerk



City of Fall River  
Massachusetts  
City Council

CLIFF PONTE  
*President*  
*City Council*

June 12, 2019

Matthew H. Malone, Superintendent  
Fall River School Department  
417 Rock Street  
Fall River, MA 02720

Dear Superintendent Malone,

At a meeting of the City Council Committee on Finance held on Tuesday, June 4, 2019 a discussion was held regarding school bus transportation. On a motion made and seconded, it was unanimously voted to forward a letter to your office requesting that you work with the Office of the Inspector General to determine whether or not there has been any potential violations of Chapter 30B regarding the bidding process for school bus transportation.

The City Council looks forward to your response with regard to this matter. If you have any questions, feel free to contact this office.

Sincerely,

Cliff Ponte  
City Council President

/ct





35

RECEIVED

2019 JUN 27 P 4:50

June 27, 2019

The Honorable City Council  
City of Fall River  
One Government Center, Room 221  
Fall River, MA 02722

CITY CLERK  
FALL RIVER, MA

Re: Fall River – Replacement of Weaver Street over Mass Coastal Railroad, Bridge No. F-02-019  
MassDOT Highway Division Project File No. 608619

Dear Honorable Members of the City Council:


The Massachusetts Department of Transportation (MassDOT) Highway Division proposes to replace the existing Weaver Street Bridge over the Mass Coastal Railroad in Fall River. The enclosed project information is included for your review

The purpose of the project is to replace the Weaver Street Bridge. The existing bridge will be removed in its entirety to allow for the construction of a new bridge. The replacement structure will consist of a 34'-0" single-span structure supported on new cantilever concrete abutments and wingwalls. The roadway will be widened to 32'-0", and 6'-0" sidewalks will be provided on each side of the roadway. The bridge railing will be a concrete parapet with a protective screen. The bridge will be closed during and traffic detoured.

MassDOT Highway Division requests that you review the enclosed materials at their earliest convenience, and solicits any comments that you wish to make regarding this project. Written comments should be submitted, preferably within 30 days, to: Patricia A. Leavenworth, P.E., Chief Engineer, MassDOT Highway Division, 10 Park Plaza, Boston, MA 02116, Attn: Stephen Soma, P.E., [Stephen.soma@dot.state.ma.us](mailto:Stephen.soma@dot.state.ma.us). Please also copy BETA Group, attention Christopher Jones at the address shown below on the letterhead or at [cjones@beta-inc.com](mailto:cjones@beta-inc.com).

If we can be of any further assistance regarding this matter, please contact us at our office.

Very truly yours,  
BETA Group, Inc.

  
Christopher W. Jones, P.E.  
Associate

Atts: Project Description  
Project location Map

cc: S. Soma, MassDOT (w/o att)

BETA GROUP, INC.  
315 Norwood Park South, 2<sup>nd</sup> Floor, Norwood, MA 02062  
P: 781.255.1982 | F: 781.255.1974 | W: [www.BETA-Inc.com](http://www.BETA-Inc.com)

*emailed all cc. 6-27-19 & copy to LRP. - CJ*

## Weaver Street Bridge over Mass Coastal Railroad – Fall River

Bridge No. F-02-019

### Project Description

The existing bridge is located in Fall River, Massachusetts and consists of a single span steel through-girder superstructure identified as Bridge No. F-02-019 (409). The bridge carries Weaver Street over the Mass Coastal Railroad (see Locus Map).

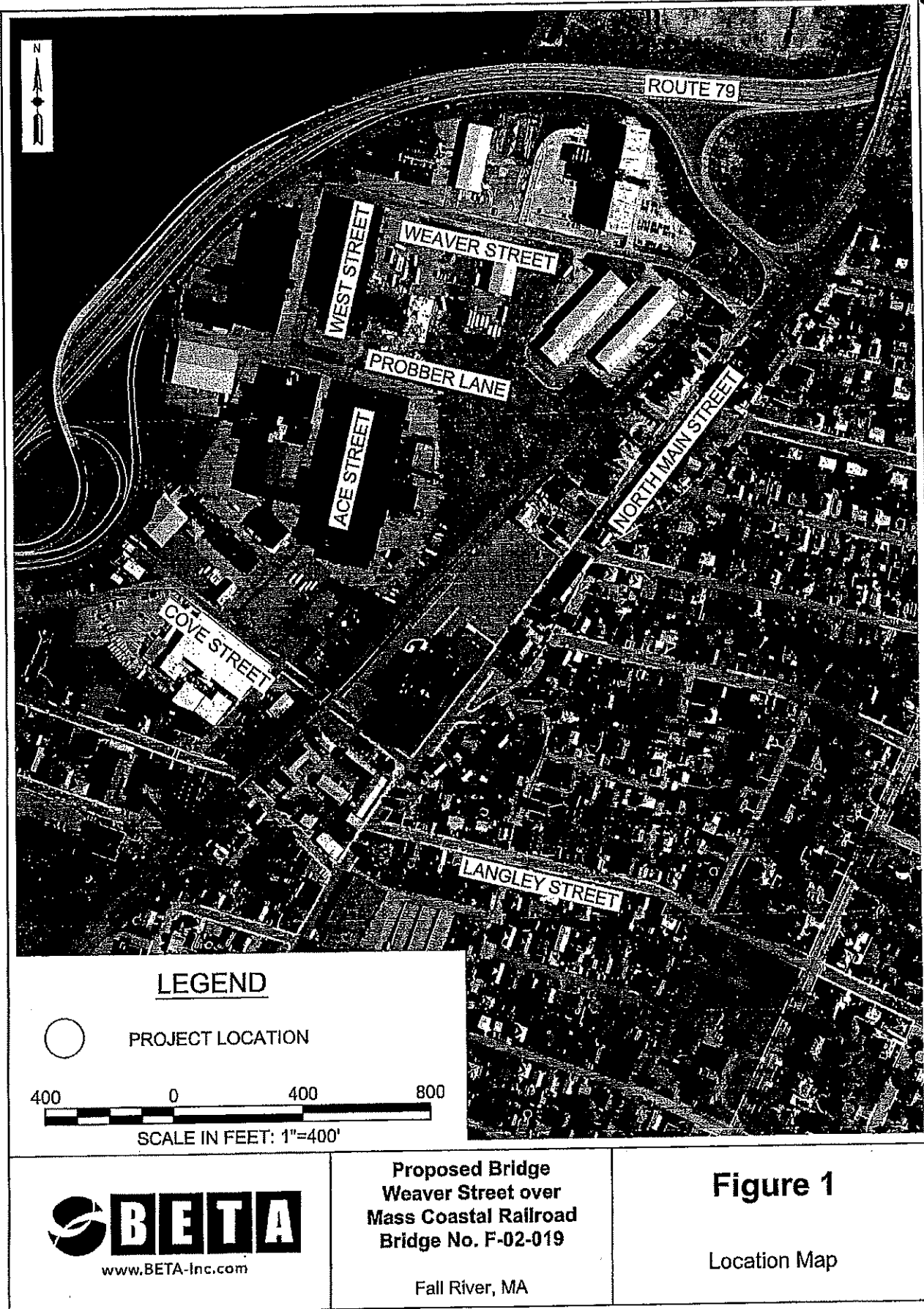
The existing bridge, which has a span of 56.1', will be replaced with a new structure having a span length of approximately 36'. A new cantilevered concrete east abutment will be constructed in the same location as the existing abutment, and a new cantilevered concrete west abutment will be constructed 34' from the east abutment. The bridge wingwalls will be replaced with new cantilevered concrete wingwalls.

The proposed roadway on the bridge will have two 11' lanes and 5' shoulders for a total roadway width of 32', which is an increase from the existing 26' width. The bridge will also carry two 6' sidewalks. The Weaver Street approaches will be reconstructed to meet the proposed design. East of the bridge, the shoulders will be widened to 8' to allow limited curbside parking. West of the bridge the widened roadway and sidewalks will be continued to the intersecting driveways at the base of the hill.

The replacement superstructure will be constructed so that the low chord of the bridge will be approximately 18" higher than the low chord of the existing bridge. The increased vertical clearance will allow for easier implementation of future electrification of the railroad line. Because of the shortened span of the bridge, this increased vertical clearance can be accomplished while maintaining the elevation of the existing roadway above.

The bridge will be closed during construction and traffic detoured. The detour length is approximately 1 mile.

O:\4600s\4657 - MassDOT Master Services Agreement\Assignment 24 - Fall River - Weaver Street\Engineering\Reports\FDR\Figures\4657\_24 - Location Map.dwg May 29, 2019 3:57pm





Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Stephanie Pollack, MassDOT Secretary & CEO  
Steve Poflak, General Manager

**massDOT**  
Massachusetts Department of Transportation

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July 1, 2019

City Counsel  
Fall River City Hall  
One Government Center  
Room 227  
Fall River, MA 02722

*Via Certified Mail*

RECEIVED  
2019 JUL -3 P 2:41  
CITY CLERK  
FALL RIVER, MA

Dear Members of the Fall River City Council,

Please find enclosed a Notice of Filing, Public Hearing, and Procedural Conference in connection with D.P.U. 19-68, Petition of the Massachusetts Department of Transportation to the Department of Public Utilities, pursuant to G.L. c. 160, §98, for an exemption from the vertical height requirements for certain bridges in connection with Phase I of the MBTA South Coast Rail Project.

Please do not hesitate to contact me with any questions. Thank you for your attention to this matter.

Regards,

Rachel Morse  
Assistant General Counsel, MBTA/MassDOT

Massachusetts Bay Transportation Authority Law Department  
Ten Park Plaza, Suite 7760, Boston, MA 02116  
(617) 222-4787  
REMorse@mbta.com  
www.mbta.com

*emailed to Councilors 7/3/19*



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### NOTICE OF FILING, PUBLIC HEARING, AND PROCEDURAL CONFERENCE

D.P.U. 19-68

June 27, 2019

Petition of the Massachusetts Department of Transportation to the Department of Public Utilities, pursuant to G.L. c. 160, § 98, for an exemption from the vertical height requirements for certain bridges in connection with Phase I of the MBTA South Coast Rail Project.

On June 26, 2019, the Department of Public Utilities ("Department") received a petition from the Massachusetts Department of Transportation ("MassDOT"), pursuant to G.L. c. 160, § 98 ("§ 98"), seeking an exemption from the vertical height requirements for several bridges in connection with Phase I of the Massachusetts Bay Transportation Authority ("MBTA") South Coast Rail Project. The Department has docketed this petition as D.P.U. 19-68.

In its petition, MassDOT states that Phase I of the expansion of commuter rail service to Fall River and New Bedford, Massachusetts includes the reconstruction of existing bridges over the Middleboro Subdivision and the New Bedford Main Line railroad tracks in Taunton, Massachusetts, and the construction of two new pedestrian bridges in East Taunton over the New Bedford Main Line tracks. Specifically, MassDOT proposes to increase the vertical clearance of the existing Route 24 bridge over the Middleboro Subdivision in Taunton from 18 feet, five inches to 20 feet, six inches. Further, MassDOT proposes to increase the vertical clearance of the existing Route 24 bridge over the New Bedford Main Line in Taunton from 18 feet, 3 inches, to 20 feet, six inches. In addition, MassDOT proposes to construct two new pedestrian bridges over the New Bedford Main Line at East Taunton Station, each at a vertical clearance of 20 feet, six inches.

In its petition, MassDOT also states that Phase I of the commuter rail expansion project also includes the reconstruction of two existing bridges and the construction of a new pedestrian bridge over the Fall River Secondary railroad tracks in Fall River, Massachusetts. Specifically, MassDOT proposes to reduce the vertical clearance of the existing Country Club Road Bridge at the Fall River Country Club from 22 feet, three inches to 20 feet, ten inches. Further, MassDOT proposes to increase the vertical clearance of the Weaver Street Bridge over the Fall River Secondary from 18 feet, five inches to 20 feet, four inches, with a future increase to 20 feet, six inches. Finally, MassDOT proposes to construct a new pedestrian bridge over the Fall River Secondary at the Fall River Country Club, at a vertical clearance of 20 feet, six inches.

MassDOT states that in addition to commuter rail passenger service, Mass Coastal Railroad will be operating freight service on the Middleboro Subdivision, Fall River Main Line and Fall River Secondary railroad tracks. According to MassDOT's petition, Mass Coastal

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Railroad has verbally agreed that proposed vertical clearances are sufficient to deliver freight over these tracks.

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Pursuant to § 98, no bridge shall be constructed over a railroad track at a height of less than 22 feet, six inches without the Department's approval. Accordingly, the Department will review and determine the propriety of MassDOT's petition, including whether an exemption from the vertical height clearance requirement will affect existing and anticipated rail car access and is consistent with public safety.

The Department will conduct a public hearing to receive comments on MassDOT's petition. The hearing will take place on **Wednesday July 16, 2019, at 2:00 p.m.** at the Department's offices, One South Station, 5th Floor, Boston, Massachusetts 02110. A procedural conference will follow immediately thereafter. Any person who desires to comment may do so at the time and place noted above or submit written comments to the Department not later than the close of business (5:00 p.m.) on **Wednesday July 16, 2019.**

A copy of the petition and accompanying exhibits are available for inspection during regular business hours at the Department's offices. In addition, the filing is also available on the Department's website at <http://web1.env.state.ma.us/DPU/FileRoom/dockets/bynumber> (enter "19-68"). To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact Janine Vargas at [janine.vargas@mass.gov](mailto:janine.vargas@mass.gov) or (617) 305-3617.

Any person who desires to participate in this proceeding shall file an original and two (2) copies of such petition for leave to intervene in the proceeding with Mark D. Marini, Secretary, Department of Public Utilities, One South Station, 5<sup>th</sup> Floor, Boston, Massachusetts, 02110, no later than 5:00 p.m. on **Wednesday July 16, 2019.** All responses to petitions to intervene must be filed by the close of business on the second business day after the petition to intervene was filed. Petitions to intervene and responses to petitions to intervene shall be served on counsel for MassDOT, Rachel Morse, Esq., Assistant General Counsel, MassDOT/MBTA, Ten Park Plaza, Suite 7760 Boston, Massachusetts 02116.

A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

All documents also should be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dpu.efiling@state.ma.us](mailto:dpu.efiling@state.ma.us) and the hearing officer [janine.vargas@mass.gov](mailto:janine.vargas@mass.gov); or (2) on a CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 19-68); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website.

For further information regarding the petition, please contact, Rachel Morse, Esq., Assistant General Counsel, MassDOT/MBTA, Ten Park Plaza, Suite 7760 Boston,

Massachusetts 02116, 617-222-4787. For further information regarding this notice, please contact Janine Vargas, Hearing Officer, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110, 617-305-3617.

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Reasonable accommodations at public or evidentiary hearings for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. Contact Janine Vargas at [janine.vargas@mass.gov](mailto:janine.vargas@mass.gov) or (617) 305-3617.

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