City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

APRIL 5, 2012
MEETINGS SCHEDULED FOR NEXT WEEK
MONDAY, APRIL 9, 2012

5:15 P.M. COMMITTEE ON ORDINANCES AND LEGISLATION

TUESDAY, APRIL 10, 2012

6:00 P.M. COMMITTEE ON FINANCE

1. Disc. w/representatives from School Dept. re F.R. Master School Building Oversight Committee's Final Report re expansion and/or reconstruction of Tansey School

AGENDA

7:00 P.M. REGULAR MEETING OF THE CITY COUNCIL

PRIORITY MATTERS

1. *Mayor req. confirmation of appointments to the Election Commission
   a) Attorney Gregory Brilhante
   b) Michael Dunn
   c) Attorney Aileen H. Belford

PRIORITY COMMUNICATIONS

2. *Retirement Bd. & order accepting provisions of secs. 29 & 30 of M.G.L. c. 176 of the Acts of 2011 re member-survivor benefits.

COMMITTEE REPORTS - None

ORDINANCES

Second Reading & Enrollment:

3. *Traffic, misc.

RESOLUTIONS

4. *Com. on Finance meet with representatives from Administration to discuss the future of the landfill and programs such as mandatory recycling and pay-as-you-throw collection systems.

5. *Oak Grove Cemetery fly flag that was flown over U.S. Capitol in memory of men and women that made the ultimate sacrifice in defending our country.

6. *Com. on Ordinances & Legislation meet to discuss ords. Rel. to licensing of taxicab vehicles.

7. *Com. on Ordinances & Legislation meet to discuss residency requirement for city employment.

8. *Com. on Economic Dev. & Tourism meet to review possibility of signage @ Gov. Ctr. to advertise civic events.

CITATIONS

9. Anna J. Pickering – 100th Birthday
10. MaryAnn Wordell – Work on Tree Ordinance
11. Kenneth Pacheco – Work on Tree Ordinance

ORDERS – HEARINGS FOR TONIGHT

Curb removals:

12. Paul Viveiros – 320 Airport Road – 264 feet

ORDERS – HEARINGS TO BE SCHEDULED - None
ORDERS – NO HEARING REQUIRED - None

One Government Center • Fall River, MA 02722
TEL 508-324-2220 • FAX 508-324-2211 • EMAIL city_clerks@fallriverma.org

ORDERS – MISCELLANEOUS

13. Police Chief's report on licenses
14. Auto Repair Shop license renewals
15. Auto Body Shop license renewals

COMMUNICATIONS – INVITATIONS – PETITIONS

16. *Claims

BULLETINS – NEWSLETTERS – NOTICES - None

Alison M. Bouchard
City Clerk

1a

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2012 APR -4 P 1:04

CITY CLERK
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

April 4, 2012

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

Honorable Members of the City Council:

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

Name: Attorney Gregory Brilhante

Address: 114 Adams Street
Fall River, MA 02720

To: Election Commisssion

Term to Expire: April 1, 2016

Sincerely:

William A. Flanagan
Mayor

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

GREGORY A. BRILHANTE
114 Adams Street
Fall River, MA 02720
(Work) 508-679-2166
(Cell) 508-496-6755

LEGAL EXPERIENCE:

Partner
Horvitz & Brilhante, L.L.P. (formerly Horvitz, Kyriakakis & Donnelly), 321 North Main Street, Fall River, Massachusetts.
- - Concentration in municipal law, land use, labor and employment law, personal injury law, criminal law, probate, and civil litigation.

EDUCATION:

New England School of Law	J.D.	Boston, MA	1986
University of Rhode Island	B.A.	Kingston, RI	1981

EMPLOYMENT:

Partner/Associate Attorney
Horvitz & Brilhante, LLP 1984 - present

NON-LEGAL EXPERIENCE:

Community Development-Recreation, Board of Directors
Fall River School Committee
Diman Regional Vocational Technical High School, District Committee
Fall River Retirement Board
Fall River Zoning Board of Appeals

PROFESSIONAL ORGANIZATIONS:

Association of Trial Lawyers of America
American Bar Association
Massachusetts Bar Association

INTERESTS:

Basketball and other sports
My son, Myles Brilhante

1B

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2012 APR -4 P 1:04

CITY CLERK
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

April 4, 2012

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

Honorable Members of the City Council:

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

Name: Michael Dunn

Address: 472 Weetamoe Street
Fall River, MA 02720

To: Election Commisssion

Term to Expire: April 1, 2016

Sincerely:

William A. Flanagan
Mayor

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

1C

City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

RECEIVED

2012 APR -4 P 1:05

CITY CLERK
FALL RIVER, MA

April 4, 2012

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

Honorable Members of the City Council:

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

Name: Aileen H. Belford

Address: 1135 Highland Avenue
Fall River, MA 02720

To: Election Commisssion

Term to Expire: April 1, 2016

Sincerely:

William A. Flanagan
Mayor

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

COMMONWEALTH OF MASSACHUSETTS
Fall River Contributory Retirement Board
30 Third Street • Suite 301 • Fall River, MA 02720
Tel. (508) 646-9120 • Fax (508) 646-9123
www.fallriverretirement.com

2

RECEIVED

2012 APR -3 A 10: 07

CITY CLERK
FALL RIVER, MA

March 28, 2012

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

RE: Sections 29 & 30 of Chapter 176 of the Acts of 2011

Dear Members of the City Council:

Please be advised that on March 28, 2012 the Fall River Retirement Board voted to accept Sections 29 and 30 of Chapter 176 of the Acts of 2011. Acceptance of Sections 29 and 30 allow the minimum allowance contained in G.L. c.32, § 12 paid to an eligible survivor of an employee who dies prior to retiring to be increased from $250 to $500 per month. A copy of the sections of the Act is attached for your review.

Before acceptance of this provision is official it must be approved by the City Council and Mayor of the City of Fall River. We therefore respectfully request the City Council consider and approve the provisions of Section 29 and 30 of Chapter 176 of the Acts of 2011 at its meeting to be held on April 10, 2012.

Joseph Marshall, Chairman of the Board, and I will be available at the City Council meeting on April 10, 2012 and will do our best to address any questions you may have related to this matter. If you have any questions prior to this meeting please do not hesitate to contact me at 508-646-9120. Thank you for your consideration.

Very truly yours,

Christine A. Tetreault

Christine A. Tetreault
Executive Director

City of Fall River, *In City Council*

ORDERED, by the City Council of the City of Fall River, that the City of Fall River accepts the provisions of Sections 29 and 30 of Chapter 176 of the Acts of 2011 to allow the minimum allowance contained in M.G.L. c. 32 § 12 paid to an eligible survivor of an employee who dies prior to retiring to be increased from $250 to $500 per month.

SECTION 29. Said section 12 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 211 and 212, the words "two hundred and fifty dollars" and inserting in place thereof the following words:- $250 or $500 a month, whichever is applicable to such spouse.

SECTION 30. Option (d) of said section 12 of said chapter 32, as so appearing, is hereby amended by inserting after the tenth paragraph the following paragraph:-
Beginning April 2, 2012, the normal monthly member-survivor allowance provided for under this option to a spouse of a deceased member shall not be less than $500 for members of the state teachers' and state employees' retirement system. This paragraph shall take effect for the members of a retirement system of any other political subdivision by a majority vote of the board of such system and by the local legislative body. For the purpose of this paragraph, a vote of the legislative body shall take place in the following manner: in a city, by a vote of the city council subject to its charter; in a town, by a vote at a town meeting; in a county, by a vote of the county retirement board advisory council; in a region, by a vote of the regional retirement board advisory council; in a district, by a vote of the district members; and for an authority, by a vote of its governing body. Acceptance shall be deemed to have occurred upon the filing of a certification of such vote with the commission.

SECTION 31. Section 15 of said chapter 32, as so appearing, is hereby amended by adding the following subdivision:-
(6) If a member's final conviction of an offense results in a forfeiture of rights under this chapter, the member shall forfeit, and the board shall require the member to repay, all benefits received after the date of the offense of which the member was convicted.

SECTION 32. Paragraph (b) of subdivision (1) of section 16 of said chapter 32, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following:-
(i) Any member in service, classified in Group 1, Group 2 or Group 4 who has attained age 55 and completed 15 or more years of creditable service;
(ii) any member in service, classified in Group 1, Group 2 or Group 4 who has not attained age 55 but who has completed 20 or more years of creditable service;
(iii) any member in service, who entered such service on or after April 2, 2012, classified in Group 1 who has attained age 60 and completed 15 or more years of creditable service; or
(iv) any member in service, who entered such service on or after April 2, 2012, classified in Group 1 who has not attained age 60 but who has completed 20 or more years of creditable service, for whom an application for such member's retirement is filed by the head of such member's department under paragraph (a) of this subdivision, may, within 15 days of the receipt of such member's copy of such application, file with the board a written request for a private or public hearing upon such application.

3

City of Fall River, *In City Council*

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

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

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

Cambridge Street, north side, starting at a point 72 feet east of Mott Street, for a distance of 20 feet easterly
Cherry Street, north side, starting at a point 132 feet east of Winter Street, for a distance of 20 feet easterly
Church Street, west side, starting at a point 300 feet north of Slade Street, for a distance of 20 feet northerly
Davis Street, east side, starting at a point 20 feet north of Bedford Street, for a distance of 25 feet northerly
Irving Street, west side, starting at a point 70 feet north of Eaton Street, for a distance of 20 feet northerly
Lapham Street, east side, starting at a point 26 feet north of Cambridge Street, for a distance of 20 feet northerly
Lawton Street, north side, starting at a point 80 feet east of Rodman Street, for a distance of 20 feet easterly
Montaup Street, east side, starting at a point 64 feet south of Slade Street, for a distance of 25 feet southerly
Rodman Street, west side, starting at a point 43 feet south of Judson Street, for a distance of 20 feet southerly
Snell Street, north side, starting at a point 39 feet west of Dover Street, for a distance of 25 feet westerly

CITY OF FALL RIVER
IN CITY COUNCIL
MAR 27 2012
Passed through first reading

City of Fall River, *In City Council*

4

(Councilor Michael L. Miozza)

WHEREAS, the Committee on Health and Environmental Affairs was informed at a meeting held on March, 26, 2012 that there could be a $3.5 million dollar increase in solid waste disposal fees when the landfill closes, and

WHEREAS, the current expansion, if approved, will only add ten to fifteen months of additional operating life, and

WHEREAS, the landfill looks as if it will be at capacity by mid-2015, now therefore

BE IT RESOLVED, that the Administration send a representative(s) to the Finance Committee to talk about the future of the landfill and to discuss programs such as mandatory recycling and pay-as-you-throw collection systems.

City of Fall River, *In City Council*

5

(Councilor Raymond A. Mitchell)
(Councilor Eric Poulin)

WHEREAS, many residents of the City of Fall River have served and made the ultimate sacrifice in defending our country, and

WHEREAS, Memorial Day will be observed on May 28, 2012, and

WHEREAS, a flag has been procured that was flown over the United States Capitol, now therefore

BE IT RESOLVED, that the Director of Cemeteries be requested to fly this flag at Oak Grove Cemetery in honor of those men and women, and

BE IT FURTHER RESOLVED, that a ceremony be held at Oak Grove Cemetery on Friday, May 25, 2012 at 10:00 A.M.

City of Fall River, *In City Council*

6

(President Linda M. Pereira)

BE IT RESOLVED, that the Committee on Ordinances and Legislation meet to discuss ordinances that relate to the licensing of taxicab vehicles.

City of Fall River, *In City Council*

7

(President Linda M. Pereira)

WHEREAS, there are many qualified Fall River residents in need of employment, and

WHEREAS, there are many occasions that residents are not hired for city positions and they are equally qualified, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation meet to discuss the possibility of a residency requirement for city employment.

City of Fall River, *In City Council*

(President Linda M. Pereira)

WHEREAS, the Fall River Office of Economic Development gave a power point presentation of their annual report, and

WHEREAS, this presentation was very informative, now therefore

BE IT RESOLVED, that the Fall River Office of Economic Development be invited to a future Committee on Finance meeting to give this presentation.

CC

16

PROGRESSIVE

Payment Address
24344 Network Place
Chicago, IL 60673-1243

Document Address
P.O. Box 512929
Los Angeles, Ca 90051
Phone: (877)818-0139
Fax: (888) 781-6947

3/22/2012 11:51:00 AM
Certified Mail 91 7108 2133 3934 2618 4267 Return Receipt Requested

#12-28

CITY OF FALL RIVER
OFFICE OF THE CITY CLERK
1 GOVERNMENT CENTER
FALL RIVER, MA 02722

RECEIVED
2012 APR -4 A 10: 20
CITY CLERK
FALL RIVER, MA

Your Client: JASON HEPPE
Your Claim Number: UNKNOWN
Our Insured: REBECCA CORDEIRO
Our Claim Number: 12-1106709
Amount Subject to Reimbursement: 897.82
Amount of Insured's Deductible: WAIVED

Please take this as formal notice of our subrogation rights relative to the above -captioned claim. We have completed our investigation into the facts of the above-captioned loss and find that your insured was the proximate cause of the accident.
Location of Loss: 209 ESSEX ST
Date and Time of Loss:02/15/12 - 12:01 AM

Description of Loss: Our name insured's 2006 Hummer H2 was legally parked and unoccupied on Essex Street, when a City of Fall River Public Works truck, license plate # M67489 struck our insured's vehicle. The truck caused damage to the left door of our insured's vehicle. The driver, Jason Heppe, is the proximate cause of this accident by failing to maintain a safe distance.

Please make your draft payable to Progressive Direct Insurance Co as subrogee of "REBECCA CORDEIRO", in the amount stated above and mail it to the attention of the undersigned at your earliest convenience.
All supporting documentation is enclosed. I have diaried my file ahead fifteen (15) days. Thank you for your anticipated, prompt attention to this matter.

Preston Tripplett
Subrogation Representative
Progressive Direct Insurance Co
Tel. 877-818-0139 Ext 37672
Fax. 888-781-6947
Email: Preston_L_Tripplett@progressive.com

any v2 Copies Law
1 DPW
1 CC
1 City Clerk

MOX (K/LIVE.MIS/846) - BENEVIDES, CYNTHIA J

#10-27

From: CYNTHIA J BENEVIDES
Wed Mar 21, 2012 6:07 am Taken By: CYNTHIA J BENEVIDES (61-33706 HIS-IN)

Dear City Clerk,

I just wanted to send you a picture of the manhole cover I ran over with my 2011 Toyota Camry. I have already sent in a letter to you with the bill back in January. I was traveling west on Tucker Street the light was green and I preceded to take a left onto William Canning Blvd and ran over the manhole cover that is part of an island separating William Canning Blvd. I had stopped at McDonalds before going to work at 4:30 AM and it is dark and you cannot see the manhole cover, it blends in with the street. There is poor lighting in that area. It might be helpful if the street light on Tucker Street(McDonalds side) was closer to the intersection or the manhole cover was painted with fluoresent orange or yellow. I did not think I had more than $500 worth of damage but I was quite surprised when I was told it was over $2000. I did not go through my insurance because I have a good driving record and I didn't want to pay twice as much in a surcharge over 6 years. Any help would be greatly appreciated. Thank you for listening and have a good day.

Cynthia Benevides
60 Magellan St
Fall River, MA

RECEIVED
2012 MAR 23 A 10:28
CITY CLERK
FALL RIVER, MA

Arg & copies Law
1 DPW
1 CC
1 City Council