



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

APRIL 20, 2012
MEETINGS SCHEDULED FOR NEXT WEEK
TUESDAY, APRIL 24, 2012

INÊS LEITE
ASSISTANT CITY CLERK

5:15 P.M. COMMITTEE ON FINANCE **NOTE EARLIER TIME**

1. Presentation of Fall River Office of Economic Development annual report
2. Discussion with CDA officials and resolution authorizing submission of Year Three Annual Action Plan (see #2 below)
3. Financial Team and Quarterly budget update
4. Discussion with Corporation Counsel regarding Law Department budget

AGENDA

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

1. * Proposed ord. – Amending Salary for Director of Fiscal Services-Treasurer (objected to 4-10-12)

PRIORITY COMMUNICATIONS

2. *Mayor and resolution authorizing submission of Year Three Annual Action Plan (see #2 Finance)

COMMITTEE REPORTS

Committee on Ordinances & Legislation recommending:

3. First reading:
Traffic, misc.
4. First reading, as amended
*Proposed Social Host Ordinance
5. *Proposed Taxicab vehicles Ordinance
Grant leave to withdraw
6. Resolution – Review of Sec. 26-40 re: duty of property owners to keep property clean

ORDINANCES – None

RESOLUTIONS

7. *Administration consider taking by eminent domain Blossom and Indian Town road land owned by John Hasenjaeger as conservation land
8. *Committee on Ordinances and Legislation review all existing salary ordinances
9. *Administration consider Fire Dept. promotions from current civil service list

CITATIONS – None

ORDERS – HEARINGS FOR TONIGHT – None

ORDERS – HEARINGS TO BE SCHEDULED

10. Curb removal
Leo P. Boutin, Jr., 176 Bayview Street – 28 feet at 352 Peckham Street

ORDERS – NO HEARING REQUIRED – None

ORDERS – MISCELLANEOUS

11. Police Chief's report on licenses
12. Auto Repair Shop license renewals

COMMUNICATIONS – INVITATIONS – PETITIONS

13. *Claims
14. Drainlayer Bonds
15. *Denise Ferreira, 212 McMahon St. – Petition for purchase of Laurel Lake School to build skating rink
16. Planning Board minutes for March 20, 2012

BULLETINS – NEWSLETTERS – NOTICES – None

17. *Dept. of Housing and Community Development and Watuppa Heights Housing Improvement Plan

Alison M Bouchard
City Clerk

City of Fall River, In City Council

1

(Councilor Raymond Mitchell)

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

That Chapter 50 of the Revised Ordinances of the City Fall River, Massachusetts, 1999, which chapter relates to Personnel, be amended as follows:

by striking out in Section 50-309, which section relates to classification of positions and compensation grades, in proper alphabetical order, the following:

Director of fiscal services-treasurer..... \$ 72,000.00

and, by inserting in place thereof, the following:

Director of fiscal services-treasurer.....not to exceed \$140,000.00

CITY OF FALL RIVER
IN CITY COUNCIL

APR 10 2012

~~Objectioned to~~
and laid on the
table in accordance
with the City Charter.



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

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2012 APR -9 P 2: 43

WILLIAM A. FLANAGAN
Mayor

CITY CLERK _____
FALL RIVER, MA

April 12, 2012

President Linda Pereira & City Councilors
One Government Center
Fall River, MA 02722

Dear President Pereira & City Councilors:

I am pleased to forward to you the proposed resolution authorizing submission of the City of Fall River Year Three Annual Action Plan with the U.S. Department of Housing and Urban Development (HUD) for continued funding of the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and Home Investment Partnerships (HOME) Programs. The Action Plan details activities to be undertaken during the July 1, 2012 – June 30, 2013 program year.

The proposed program of activities, which was advertised March 2nd for public comment, was developed on the basis of testimony and proposals received at and following a public hearing held on January 4th. A second public hearing was held on March 14th.

The timetable provides for submission of the Year Three Annual Action Plan no later than May 9th.

Should you or any other Councilor have questions or comments prior to consideration of the proposed resolution at your City Council meeting on April 24th, I urge you to immediately contact Michael P. Dion, Executive Director/CFO of the Community Development Agency. Mr. Dion will be present at the City Council meeting to respond to any questions.

Sincerely,

William A. Flanagan
Mayor

Enclosure

Mayor William A. Flanagan

**RESOLUTION OF LOCAL GOVERNING BODY AUTHORIZING SUBMISSION
OF THE CITY OF FALL RIVER YEAR THREE ANNUAL ACTION PLAN
WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the City of Fall River Consolidated Plan integrates and has simplified the planning, application and reporting requirements for the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and Home Investment Partnerships (HOME) Programs; and

WHEREAS, the overall goal of the Consolidated Plan programs and activities is the development of viable urban communities by providing decent housing and a suitable environment and expanding economic opportunities, principally for low and moderate-income persons; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has notified the City of Fall River that entitlements will be \$2,469,457 under CDBG, \$237,426 under ESG and \$758,282 under HOME; and

WHEREAS, the Year Three Annual Action Plan provides the necessary assurances and/or certificates of compliance with applicable federal regulations and requirements of the CDBG, ESG and HOME Programs; and

WHEREAS, Mayor William A. Flanagan must be authorized to submit the Year Three Annual Action Plan to the Secretary of the U.S. Department of Housing and Urban Development and to accept and/or execute the Grant Agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE FALL RIVER CITY COUNCIL that:

Mayor William A. Flanagan is authorized to submit the Year Three Annual Action Plan and applications for CDBG, ESG and HOME entitlement funds and to accept and/or execute the contract(s) with the United States of America and to do all things necessary to carry out the Programs, including the execution of contracts and the submission of such reports, certificates, and other materials as the U.S. Department of Housing and Urban Development shall require.

City of Fall River, *In City Council*

4

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

That Chapter 46 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to offenses be amended as follows:

By inserting Chapter 46, a new Section, 46-17, SOCIAL HOST and, inserting under said section, the following new subsections to read as follows:

(a) Intent:

It is the purpose of this section to protect the public interest, welfare, health and safety within the City of Fall River by prohibiting the service to and consumption of alcoholic beverages and drugs by minors at private premises located within the city. The City Council finds that the occurrence of social gatherings at private premises where alcoholic beverages or drugs are served to or consumed by minors is harmful to themselves and a threat to public welfare, health and safety. Minors often obtain alcoholic beverages or drugs at social gatherings. Persons who rent, own, or control the premises where service or consumption of alcoholic beverages or drugs occurs are in the best position to ensure that alcoholic beverages and drugs are neither served to nor consumed by minors.

(b) Definitions:

For purposes of this section, the following terms are defined as follows:

“Alcoholic beverage,” as defined by M. G. L. c. 138 § 1, means any liquid intended for human consumption as a beverage and containing one half of one per cent or more of alcohol by volume at sixty degrees Fahrenheit.

“Control” means the authority and ability to regulate, direct, or dominate.

“Drug,” as defined by M. G. L. c. 94C § 1, means the following:

- 1) Substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;
- 2) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;
- 3) Substances, other than food, intended to affect the structure, or any function of the body of man and animals; or
- 4) Substances intended for use as a component of any article specified in M. G. L. c. 94C § 1 clauses (a), (b) or (c), exclusive of devices or their components, parts or accessories.

“Minor” means any person under the age of twenty-one (21).

“Open House Party” means a social gathering at premises with one or more minors present.

“Person” means a human being, corporation or unincorporated entity.

“Premises” means any dwelling unit, including a hotel or motel room, yard, hall or meeting room, whether owned, leased, rented, or used regardless of compensation for use.

“Social host” means any person who owns, rents, or otherwise controls the premises at which an open house party occurs.

(c) Prohibition:

A social host shall be responsible for unlawfully serving any alcoholic beverage or drug to a minor at an open house party.

(d) Exceptions:

The provisions of this section shall not apply to:

- 1) The possession or consumption of a drug for which the individual has a current, valid prescription or as otherwise permitted by applicable law;
- 2) The practice of legally recognized religious observances;
- 3) Any parent charged with serving any alcoholic beverage to the parent’s child;
- 4) Any grandparent charged with serving any alcoholic beverage to the grandparent’s grandchild; and
- 5) Any legal guardian charged with serving any alcoholic beverage to the minor lawfully entrusted to the guardian’s care.

(e) Warning and Fines:

- 1) A first violation of this ordinance shall result in a warning which shall be issued by the Chief of Police or designee.
- 2) A second violation of this ordinance at the same premises or by the same person within a twelve (12) month period shall be fined \$150.00. Any violation occurring after the twelve (12) month period shall constitute a first violation.
- 3) A third or subsequent violation of this ordinance at the same premises or by the same person within a twelve (12) month period shall be fined \$300.00. Any violation occurring after the twelve (12) month period shall constitute a first violation.

A warning issued pursuant to this ordinance shall remain in effect for a twelve (12) month period.

(f) Appeal:

Any person who receives a warning or fine pursuant to Section 46-17 may appeal in a non-criminal proceeding by making a written request within twenty-one (21) calendar days to the Law Department of the City of Fall River. Failure to timely appeal the administrative citation is deemed a waiver of the right to appeal.

City of Fall River, *In City Council*

5

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

That Chapter 78 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Vehicles for Hire, be amended as follows:

Section 1.

By striking out Section 78-65, which subsection relates to execution; numbering; contents; term, in its entirety, and inserting in place thereof, the following:

Every taxicab license shall be signed by the city clerk, who shall assign a permanent taxicab license number to each taxicab at the time the license is first issued. The number shall be used for each subsequent license renewal. It shall set forth the name, residence and place of business of the licensee, the owner of the motor vehicle to be operated under it, if not the licensee, a description of the motor vehicle to be operated under it, the current registration number, the engine number of the vehicle, and the number of persons, exclusive of the operator, which it may carry, and, unless sooner revoked or rendered void, shall continue in effect until January 1 next after the date thereof. All taxicab licenses assigned to a taxicab business shall be picked up each year by January 1 of that year or said license shall become available. The owner of a vehicle that has a taxicab license assigned to it shall within two weeks of the vehicle being removed from service or taken off the road, either apply to transfer that license to another vehicle or return the license and plate to the City Clerk's office. Licenses held in the City Clerk's office shall become available. The application process must be completed no longer than 30 days after submission to the City Clerk.

Section 2.

By inserting a new Section 78-68, which section shall relate to renewals, the following:

Sec. 78-68. Renewals.

- a) A license issued under the provisions of this article shall be subject to renewal annually.
- b) Applications for vehicle licenses and plates shall be made at the office of the City Clerk. Applications for licenses and plates shall set forth such information as the City Clerk may require, in addition to the following information: Name of the applicant, home and business address of the applicant; name of the registered owner of the vehicle, home and business address of the vehicle owner, if not the applicant; make, model, vehicle identification number and registration number of the vehicle. All applications must be accompanied by a valid certificate of registration.
- c) It shall be a further requirement that in order to operate such a vehicle that the vehicle have a taxi plate and no other license plate shall be permitted in order to license said vehicle.

Section 3.

By inserting a new Section 78-69, which section shall relate to conditions to issuance of license, the following:

Sec. 78-69. Conditions to Issuance of License.

Notwithstanding City Council approval of any new application, no taxicab license, including any renewal thereof, shall be issued by the City Clerk without written notification from the Chief of Police that:

- 1) The applicant for a license has presented for examination in the case of each vehicle to be licensed, a valid certificate of registration.
- 2) Each vehicle to be licensed has been found to have affixed to its windshield, a valid inspection sticker.
- 3) Each vehicle to be licensed has been inspected by the Police Department and found to have:
 - a) A taximeter as required by Sec. 78-32 that has been approved by the Sealer of Weights and Measures as required by M.G.L. c. 98 s. 45.
 - b) To have an illuminated sign as required by Sec. 78-34.
 - c) To have lettering painted on the vehicle as required by Sec. 78-67(b).

City of Fall River, *In City Council*

7

(Councilor Raymond A. Mitchell)

BE IT RESOLVED, that the Administration consider taking by eminent domain the land owned by developer John Hasenjaeger located in the area of Blossom and Indian Town roads as conservation land for purposes of preserving it for future generations.

City of Fall River, *In City Council*

8

(Councilor Raymond A. Mitchell)

BE IT RESOLVED, that the City Council Committee on Ordinances and Legislation convene a meeting to review all existing salary ordinances.

City of Fall River, In City Council

(Council President Linda M. Pereira)

WHEREAS, firefighters have concerns in regards to the awarding of promotions at the Fire Department while a civil service chief is waiting to be selected, now therefore

BE IT RESOLVED, that the Administration consider working with the Interim Fire Chief to determine whether such promotions can be made before the current civil service list expires, and

BE IT FURTHER RESOLVED, that the Administration inform the City Council whether the civil service regulations allow for such.

City Council

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Commerce
INSURANCE™
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12-07 B

APRIL 18, 2012----- final request please remit or make an offer --thank you

CITY CLERK
FALL RIVER, MA

3rd Request

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

RE: Insured: Luis A Pereira
File #: WNT935/
Date of Loss: 1/15/2011
Responsible Party: City of Fall River (driver: Paul Demello)—City trash
truck:2005 International – Plate M81334
Reimbursement Due: \$1,403.70
Property Damage: \$1,403.70
PIP Medical/Wage: \$n/a

Dear Sir or Madam:

Please accept this letter of presentment as required by M.G.L. c. 258 §4. Our investigation reveals that Paul Demello is responsible for damages sustained by our insured. We have settled the loss with our insured and would appreciate your immediate payment of the amount listed above. Please make your check payable to The Commerce Insurance Company in the amount of \$1,403.70 and be sure to note our file number to ensure proper credit.

Enclosed are our supporting papers for your review.

If you have any questions, please call me at 1-800-221-1605, ext. 153610.

Thank you.

Sincerely,
THE COMMERCE INSURANCE COMPANY

CAROLE BROZOWSKI
Claim Representative, SUBROGATION

copy to eom Pan
1 DPW
1 CC
1 City Clerk

Enclosure

The Commerce Insurance Company | Citation Insurance Company
11 Gore Road, Webster MA 01570 | 800-221-1605 | www.commerceinsurance.com

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CLAIM FORM
City of Fall River, Massachusetts

2012 APR 10 P 3:09

Name: Kristen O'Mara

CITY CLERK #12-29
FALL RIVER, MA

Address: 557 Lake Road
Tiverton, RI 02878

Phone #: 401-608-6584

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other pothole

Date of Incident: 4/5/2012

Time of Incident: 11:00 AM

Location of Incident: Newton St to Amity St Fall River MA

Provide a detailed description of your claim (attach additional sheets if necessary):

I had just finished grocery shopping and exited the
Stop and Shop parking lot by the Newton St. exit toward
Rte. 81 south. While on Newton St (which turns in to
Amity Street) I hit a pothole on the right side of the car
and noticed a banging noise in the back of the vehicle
especially if going over a bump. The noise continued and
worsened. I brought the car to Henry's Tire Service and
learned that my rear strut had snapped and required
replacement/repair. This cost 300.87 and required
a full day at the shop. I would greatly any reimbursement
that I am eligible for for this incident.

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

RECEIVED

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2012 APR 10 P 12: 12

April 3rd. 2012

CITY CLERK _____
FALL RIVER, MA

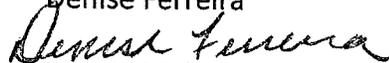
The reason I am writing this letter is that I am very interested in the Laurel Lake School which is on Laurel Street or any other school that is vacant and available. The reason that I am asking, is because I am interested in building a roller skating rink for our children and young adults. There is nothing for our children except PAL, Bank Street Armory and Driscoll Rink.

I do remember Lincoln Park where my parents took my brothers and I. I have two young children and I have to leave the city where I reside to entertain them. I have to leave and go to another city where I work to earn my money and in this economy I'd rather give it to my city. So as a citizen of Fall River, I believe we could come together to keep the children and young adults off the streets. This would prevent less crime and violence and give them a safe place for entertainment. This would also give back to the city.

Our children are our future and we need a positive atmosphere for them to grow up in. They are our future mayors, city councilors, lawyers, doctors, etc. If you would please take this in consideration I have over 500 signatures of people who would give donations for the building of this skate rink. I cannot except these donations unless I have a building to make this happen.

I would like to thank you for time and patience for reading my letter. My phone # is 508-308-7179 if you have any questions.

Thank you,

Denise Ferreira

212 McMahan Street

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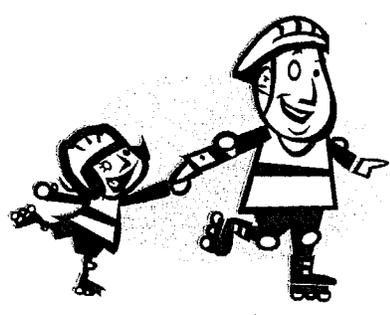
2012 APR 10 P 12: 12

CITY CLERK _____
FALL RIVER, MA



I Denise Ferreira and friends are doing a petition for a Roller Skating Rink in Fall River!!!!

Name	Address
Melissa Ferreira	1120 Meridian St FR.
Dylan Ferreira	1126 meridian st F.R.
David LaFleur	212 McMahon FR
Kayla LaFleur	212 McMahon FR
Katherine Renee	1007 Rock st. FR.
Jef Holloway	237 Milton St.
Elan Cruz	85 Stetson. St.
Alex Racquez	907 Rock st
Samantha Ferreira	1126 Meridian st.
Ana Dafonte	35 Consul st
Brandon Reed	277 Belmont St.
Caitlin Botelho	90 New Boston RD
Nicholas Santos	134 Seabury ST.
Kerri Trizany	68 Cedar St
Kahja Perry	68 Cedar St
Donald Ribeno	321 Union ST
Angela Savoie	1025 Old Fall River Rd. RD
Lauri Almeida	4000 N Main St Fall River
Cetra Johnson	21 French St.
Michael Johnson	21 French St.



I Denise Ferreira and friends are doing a petition for a Roller Skating Rink here in Fall River!!!!

Name

Address

PRIME CAR SERVICES, INC.
Hiepoint Road Area

<u>Name</u>	<u>Address</u>
Castal Mendoca	855 Plymouth Ave Fall River MA 02721
Cheryl Minahan	251 Kim Philip St. FR. MA 02721
Megan Tremblay	26 Gate St New Bedford. MA 02716
Jeanne M. Souza	4939 N. Main St FR Ma
Maranda Keeg	91 Oak Grove Av FR
Dale W.	316 Steven St F.R. Ma
Alisha Mello	68 Liberty St. FR MA.
Telma SFR	39 Howard St. Fall River MA
ANSEN FORMINON	126 John St #301 F.R.
Ma Lury Adams	50 Peabody St
Janice Gilbert	69 Cheryl Dr. Thornton Rd
Jamie Melman	112 Arizona St FR Ma
Sherry LeBlanc	47 Canopus St. FR MA 02723
Faustina Soares	178 Fenol Court Somerset, MA
PATRICE CORBIANEY	163 HAMLET ST. FALL RIVER, MA 02720
Danielle Friedlandt	250 College Park Road
Johnne MHSIS	French Street Fall River
Marye Brough	31 Adams Street Fall River
Jana Parbata	Union Street Fall River
Jessica & Colleen Kelly	103 Hamlet Street Fall River, MA 02724
Woolie Lee Paumoga	359 Hartwell Street Fall River, MA 02720
Janina Leigh Bliss	261 Division Street Fall River, MA 02721
Pamela Carulli, Homeland Bldg	465 Sykes Road Fall River, Ma 02720
Steven Ribeiro / Homeland Bldg	465 Sykes Road Fall River, MA 02720
EDWIN YATES CH. YATES RUBBER	777 SYKES ROAD FALL RIVER MA 02720
David Myles	28767 Airport Rd FR
Ana Justina	16 Shannon St FR MA 02721
Christine Gifford	171 Stevens st Fall River MA 02721
Tara Pacheco	120 Fly 119 St Fall R 02720
Debra Cyr	161 Foote St. Fall River

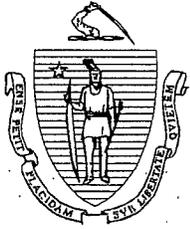
Name	Address
Stacy Lemello	420 Currant Road Fall River
Kim Hawkins	846 Airport Rd FR
Steve Boner Pella	1325 AIRPORT RD
Leifer Duarte	1325 Arpa Fkd
John Sam	1325 Airport Rd
Rachel Gray	1325 Airport Rd
Grand Inlino	255 Fountain St
John M. Rocio	537 William St
Anton Alan	223 Powell St FR
Ms. Joan M. Proulx	494 Ridge St F.R.MA.
Warrior Proulx	494 Bridge St
Lenny A. Loring	95 Lawrence St
Maureen Botelho	155 Sprague St
Walter Mendes	303 Mulberry St.
Joseph V. Vintal	34 Whipple St
John M. ...	281 Washington St
John Bonin	24 South St
Jerry P. ...	95 Lawrence St
John P. ...	196 Providence St. Rehoboth
Paul ...	220 Bradford Ave
MIRISA SOUK	840 Dwelly St Apt 2W
maria & Lima	90 HOLDEN ST APT C
Megan Odette	248 Mahank DR
Cristina Barreira	129 Hummocks Ave
Rhonda Holmes	1575 Laurel St
William Holmes	1863 Pleasant St. APT 504 Fall River MA
Renal Ferreira	1863 Pleasant St APT 504 Fall River
Shirley Leibel	212 Manhattan St F.R.M
Debra Medeiros	90 Montaup St F.R. MA
Sharon Cabral	88 Jenck St F.R. MA
Ana morais	922 Broadway Fall River
Juanes Moraes	82 Montaup St.
Conrey Resendes	90 Montaup St
Jane Demands	53 Ludlow St Apt 2
Maria Medeiros	504 Whipple St FR Apt 2R
Lisa Coroa	44 Malrose St FR
Ana Ribeiro	44 Kellogg St. Fall River 02723
Geoff ...	118. Fregolyn St
Christa Costa	100 Amity St FR
Chapman	Yallaher
Monica ...	228 Whipple St
Veronica Reis	209 Franklin St 1
Jean Reed	29 Conant St
	228 Whipple St

Eddie Cabral	374 Boulevard St
Lawrence	200 William S Canning Blvd
Donna Lutz	Fall River
Liz Lutz	Fall River
And St Pierre	109 Bush St
Steven St Pierre	109 Bush St
Michel D'Incena Sr	116 Whipple Ave
Jordan D'Incena	116 Whipple Ave
Richard D'Bezo	82 County St
Charity Feijs	130 Canal St
Ivana Feijs	130 Canal St
Reuben Medeiros	134 Pacey St
Matthew Medeiros	134 Pacey St
Nino Carvalho	48 Sprague Str
David Ferreira	157 County Street
Devin Bastoye	108 Charles Street
Eric Almeida	111 East Main St
Eric Almeida	84 Galun St
Debra Yuritis	104 East Stn
Mike Marilli	76 Columbia Str
Mike DeBello	76 Columbia St
Danny Ferreira	New Bedford
Cliff Lussseau	39 Censer St F.R.M.
Becky Lussseau	39 Censer St F.R.M.
Debra Lussseau	39 Censer St F.R.M.
Bob Lussseau	39 Censer St F.R.M.

name	address
Autumn Johnson	21 French St.
Kayla Silvia	564 N. Underwood St.
Chris Silvia	3080 N. Main St.
Helen Ponte	242 Tecumseh St F13
Trevan Goncalves	242 Tecumseh St F13
Tianna Goncalves	242 Tecumseh St F13
Tyrin Goncalves	242 Tecumseh St F13
Cecilia Teixeira	242 Tecumseh St F11
Joe Teixeira	242 Tecumseh St F11
John Ponte	36 middle st
Gretchen Ponte	36 middle st
Aldina BORGES	63 windsor et
JESSICA NUNES	63 windsor et.
JORGE BORGES	63 windsor et.
Simone Rezo	71 Kalman Place
Debra LePage	321 Dwelly Rd
John Paver	735 Stofford rd
Kirstine Fletcher	25 Julian Way
Michelle Souza	948 Way St
Loren	685 Pleasant St FR
Paul Freen	685 Pleasant St. FR
David V. Poffin	685 Pleasant St FR
John Roggeira	685 Pleasant St FR
Roger LaFlan	137 Smithies St
Gene LaFlan	137 Smithies St
Shirley Masket Robinson	212 McMahon St. FR MA
Edward Joz Jr.	117 Laporte St. F.R. MA.

02724

Khonda Huff	610 County St.
Angie Leves	876 Locust St
Aminda Kunnicker	210 Mamanon St
Jul K. Kettner	528 High Street
David M. Kauter (PW)	1158 Stafford Rd.
Conny Sousa	Somerset MA.
Erica Skiff	563 New Boston Road
Keith Hubert	151 Buffinton St.
Chris Cabral	EAST Providence
Gene Cabral	150 East Ave N. Dartmouth
James Moran	662 Middle St. FR. ma
Kendrea Cabral-Morais	82 Montcup St. FR. ma
Jason Dasilva	Tecumseh St.
Kate Chace	50 York St. Apt 1-5
Heather Alexander	225 Almond St
Kath Ferreira	1585 Copcut Rd N. Dartmouth
Iony Mendez	1585 Copcut Rd N. Dartmouth
Dennis Ferreira	56 No. Main St
Kenny Freitas	7 Chaverson St
Bleary Freitas	7 Chaverson St
Anthony Lovell	72 Tower St
Neil Wimping	72 Tower St
Gail Kay	561 Jefferson St
Crystal Sabbe	47 Dixwell Ave
Shaylyn Rego	35 Lawton St
Michael Pimental	86 Division St
Trinity Camera	34 Harrison St



Commonwealth of Massachusetts
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

Deval L. Patrick, Governor ♦ Timothy P. Murray, Lt. Governor ♦ Aaron Gomstein, Undersecretary

April 9, 2012

Mayor William A. Flanagan
City of Fall River
One Government Center, Room 619
Fall River, MA 02722

Leonard Aguiar, Chairman
Fall River Housing Authority Board of Commissioners
85 Morgan Street
Fall River, MA 02721

RECEIVED
2012 APR 17 P 12:13
CITY CLERK
FALL RIVER, MA

Re: Watuppa Heights Housing Improvement Plan

Dear Mayor and Chairman:

Thank you for submitting the "Housing Improvement Plan" (HIP), dated November 28, 2011, for redevelopment of the Watuppa Heights property. The HIP proposes creation of new affordable rental and affordable homeownership units at the site, replication of affordable rental units through Section 8 contracts off-site, and passive and active open/recreational spaces. Subject to the conditions set forth in this letter, the Department of Housing and Community Development (Department) approves the HIP and looks forward to the next steps in making the plan a reality as soon as possible.

As you know, the HIP was submitted pursuant to the process required by our Memorandum of Agreement (MOA), dated March 6, 2009. During our review period, the Department has discussed the HIP with the City of Fall River (City) and the Fall River Housing Authority (FRHA), requested and obtained further information, and independently examined various elements of the proposed plan. Based on our review, the following conditions are necessary for our approval.

City's Funding Commitment

Under the MOA, the City agreed to commit \$4 million of local HOME, CDBG or other City Funds to support the HIP. The development budget set forth in the HIP proposed that this be split so that \$2.8 million supported the rental project phase and \$1.2 million supported the homeownership phase.

In our recent discussions, the City has identified \$2,758,587 in projected HOME funds that will be available over the years 2012-2016. As you know, HUD regulatory requirements limit the City's ability to use these funds; in particular, there is a two-year window for the City to commit the funds as they become available each year and the funds are recaptured if not timely committed to a specific project that is in position to proceed. A spreadsheet setting forth the specific amounts and timing of these HOME funds is attached as "A."

In light of the challenges that any developer faces in getting all of its financing in place and in getting ready to proceed, it is not clear to the Department that the City will be able to firmly commit the FY12 HOME funds within HUD's two-year commitment window. Accordingly, our approval is conditioned on the City identifying at least \$468,712 in additional funds that can be combined with the projected HOME funds for FY13, FY14, FY15 and FY16 if the rental development is not sufficiently ready to proceed to qualify for a commitment of FY12 HOME funds within the two-year deadline. In addition, the Department's approval is conditioned on the City's timely commitment of its HOME program funding, within HOME guidelines, to the proposed affordable rental project, minimizing (to the extent possible) recapture by HUD.

Even if all \$2.76 million in HOME funding proves available, the funds are not sufficient to comply with the City's commitment for all phases of the HIP. Therefore our approval is conditioned upon the full \$2,758,587 in identified HOME funds being applied to the proposed 50-unit affordable rental project, with the proviso that the City continues to look for additional funds that can be used for other aspects of the site development.

Use of Annual Operating Subsidy

As agreed by the FRHA, the FRHA owes the Department \$243,623 in previously overpaid operating subsidy as of March 31, 2012 (calculation attached as "B."). Currently, this outstanding balance, and ongoing water/sewer, insurance and electric costs for the Watuppa site (currently estimated at \$77,000 per year) are to be paid from the \$210,000 "annual assistance fund" established by Chapter 235 of the Acts of 2002. However, as an additional state financial commitment in support of the HIP, the Department will permit the overpaid operating subsidy to be used to further the HIP in the following way:

- 1) The amount owed DHCD (\$243,623) will be deferred until such date as there is no need for the annual assistance fund to support the proposed development, with this determination to be made by the Department in its sole discretion;
- 2) The FRHA will use the annual assistance fund to meet the site's ongoing operating expenses, such as those noted above, pay pre-development expenses for the rental development, and pay for site development and operating expenses that are not part of the affordable rental project; and
- 3) Any contract executed by the FRHA for purposes of the project as described in #2 above and each expenditure over \$10,000 must be approved in advance in writing by the Department with full documentation of all expenditures to be reviewed and approved by the Department prior to issuance of reimbursement.

Rental Development Timeline

In order to maintain the recent progress on redeveloping Watuppa Heights and implement the HIP, it is necessary to establish a development timeline. Attached as "C" is a schedule through initial application to the Department for funding, with certain dates being a condition of HIP approval. First, the City/FRHA must issue a Request for Proposal (RFP) on at least the rental project on or before August 1, 2012. While all the parties involved would like to see an RFP issued sooner, it is our determination that in the present funding/development climate more pre-RFP work is required than contemplated when the MOA was signed. The draft RFP must be submitted thirty days in advance to the Department for approval. Second, the City/FRHA must award a development contract to a qualified respondent by October 1, 2012. In the event that the City/FRHA believes that, despite working diligently, these deadlines cannot be met, they can request of the Department a reasonable extension. Our hope and expectation is that if these deadlines are met, the selected project developer will be ready to apply for funding at the Department in our first 2013 funding round.

We have listed the demolition of existing structures, site preparation work, and an RFP for the single family development on the timeline without specific dates. The parties will need to continue working to determine when these steps will become feasible, given the limited availability of funding.

Zoning

The Department's approval is conditioned on the City providing the necessary zoning to allow a developer to build what is proposed in the HIP, namely a multi-family rental development and single family homeownership units as outlined. To show its ability to comply with this condition, the City has provided a zoning opinion, attached as "D." The City must agree to refrain from enacting any zoning changes which DHCD reasonably believes will negatively impact the ability to develop the 50-unit rental development envisioned by the HIP.

Off-Site Replication

Pursuant to the MOA, the FRHA must replicate at least 56 affordable units off the existing Watuppa site. Within five years of approval of the HIP. The Department conditions this HIP approval on the FRHA's implementation of the off-site replication plan outlined in its letter attached as "E," which includes a schedule and the request for Section 8 proposals that it issued in March 2012.

Affordable Homeownership Units

While the Department supports the city's desire to proceed with the homeownership portion of the on-site development project, this HIP approval is conditioned on the City ensuring that no aspect of the homeownership project, including but not limited to zoning, funding, and feasibility, will be permitted to diminish the feasibility of the affordable rental project.

Conclusion

In closing, I want to address two other points.

The MOA provides that the cost of relocation and demolition will ultimately be capitalized as costs of the replacement project, but recognizes that the costs of both may need to be advanced prior to commencement of the construction project. The Department used the \$210,000 annual operating subsidy over the course of several years to fund the relocation costs. With respect to the demolition costs, the City has been unable to identify the funds necessary (which have been estimated at \$2.7 million). The HOME funds committed by the City can be used for demolition, under HUD regulations, only as part of a redevelopment project ready to proceed. The Department recognizes that it is in the best interest of the City, FRHA, city residents and the Commonwealth for the demolition to occur within a reasonable time and prior to delivery of the site to a developer. The Department will continue to work with you to identify funding sources.

Finally, our approval of the HIP, with the conditions set forth here, is part of our continuing mutual effort to implement the MOA, which remains in full force and effect. We look forward to working with you on the exciting, and challenging, vision in the HIP.

Sincerely,



Aaron Gornstein
Undersecretary
Department of Housing and Community Development

CC: Colleen A. Taylor, Secretary of the City Council (for distribution to the President and City Council members)

Attachment A

Funds Committed to Watuppa	Cumulative Funding if NOT committed in two years	7/1/2012	7/1/2013	7/1/2014	7/1/2015	7/1/2016	Projected Funding	Projected 10% Reduction	Available Funding	15% CHDO Reserve	10% Administration Reserve	FTHB Program Reserve	Projected HOME Funding	Projected Program Income	Add 10% Administration from Income	Watuppa Commitment
\$468,712		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$758,282	(\$113,742)	(\$75,828)	(\$100,000)	\$468,712	\$0	\$0	\$468,712
\$663,650	\$1,132,362	\$758,000	(\$75,800)	\$682,200	(\$102,330)	\$411,650	\$758,000	(\$75,800)	\$682,200	(\$102,330)	(\$68,220)	(\$100,000)	\$411,650	\$280,000	(\$28,000)	\$663,650
(\$468,712) (\$252,000)	\$411,650															
\$600,200	\$1,011,850	\$680,000	(\$68,000)	\$612,000	(\$91,800)	\$359,000	\$680,000	(\$68,000)	\$612,000	(\$91,800)	(\$61,200)	(\$100,000)	\$359,000	\$268,000	(\$26,800)	\$600,200
(\$411,650) (\$241,200)	\$359,000															
\$542,150	\$901,150	\$610,000	(\$61,000)	\$549,000	(\$82,350)	\$311,750	\$610,000	(\$61,000)	\$549,000	(\$82,350)	(\$54,900)	(\$100,000)	\$311,750	\$256,000	(\$25,600)	\$542,150
(\$359,000) (\$230,400)	\$311,750															
\$483,875	\$795,625	\$545,000	(\$54,500)	\$490,500	(\$73,575)	\$267,875	\$545,000	(\$54,500)	\$490,500	(\$73,575)	(\$49,050)	(\$100,000)	\$267,875	\$240,000	(\$24,000)	\$483,875

\$2,758,587

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Attachment B

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Analysis of Fall River Housing Authority Operating Subsidy

Fall River Fiscal Year (FYE is 3/31)	Amount of operating subsidy overpayment owed to DHCD at beginning of FY	Actual or estimated Watuppa operating subsidy costs incurred during FY	Amount of overpayment repaid at end of FY (\$210,000 minus op. costs incurred)
FY09	\$500,000	> \$210,000	\$0
FY10	\$500,000	> \$210,000	\$0
FY11*	\$500,000	\$86,623	\$123,377
FY12**	\$376,623	\$77,000	\$133,000
FY13***	\$243,623		

NOTES:

* FY11 costs incurred assumes subsidy paid = 25% of the \$346,493 recouped for 80 units in the 3/11 year-end op stmt.

** FY12 subsidy costs equals \$51,020 actual utility costs for 4/1/11-12/31/11, plus estimated utility costs for Watuppa from 1/1/12 to 3/31/12, plus \$8000 for insurance

*** Repayment of \$243,623 operating subsidy owed as of 4/1/12 will be deferred by DHCD until there is no need for the annual assistance fund to support the proposed development, as determined by DHCD in its sole discretion.

(April 9, 2012)

Attachment "C"--Development Timeline

Select Consultant to assist in RFP preparation May 15, 2012

Complete Phase 1 21E June 15, 2012

Draft RFP submitted to DHCD July 1, 2012

Issue RFP for Rental Project August 1, 2012

Select Qualified Respondent to RFP/award contract October 1, 2012

Projected completion (off-site replication)--award of all off-site Section 8 contracts December 31, 2012

Initial application to DHCD for funding Rental Project March 2013

(note: this is a projected date as schedule of funding rounds for next year not set)

Financing approvals 2013 or 2014

Demolition of existing structures TBD

Site preparation TBD

Final Commitment of HOME Program funds TBD

Draft RFP for Home Ownership Project TBD

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