City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

FEBRUARY 10, 2012
MEETINGS SCHEDULED FOR NEXT WEEK
MONDAY, FEBRUARY 13, 2012

6:00 P.M. COMMITTEE ON FINANCE

1. Disc. of proposed loan order re Refinancing Outstanding Bonds for Interest Cost (see # 1 below)
2. Disc. with Administrator of Community Utilities re President Avenue CSO Facilities

AGENDA

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

PRIORITY MATTERS

1. *Mayor and loan order re Refinancing Outstanding Bonds for Interest Cost (see #1 Finance)
2. *Mayor and lease agreement re Fall River Fire Museum, 1181 No. Main Street
3. *Mayor and resolution & order re Britland Park Project

PRIORITY COMMUNICATIONS

4. Traffic Commission recommending amendments to the traffic ordinances
5. *City Engineer and order requesting Riggenbach Road name change

COMMITTEE REPORTS

Committee on Regulations recommending:
Adoption:

6. Order – Auto Repair Shop lic. - 1082 No. Main Street for Shaun Cyr d/b/a Tony's Service and Sales

Committee on Ordinances & Legislation recommending:
First Reading:

7. Traffic, misc.

First Reading, as amended:

8. Police protection for traffic flow

Grant leave to withdraw:

9. Resolution req. review of Ch.34, Sec.320 re Prohibition of the Sale of Tobacco Products

All readings, w/EP

10. Traffic, handicapped parking

Committee on Real Estate recommending:
Adoption:

11. Sale of N.B. Borden Elementary School, 45 Morgan Street for the sum of $5,000 to T.A. Restaurant, Inc.
12. Sale of Osborn Elementary School, 160 Osborn Street for the sum of $3,111 to S.B&A Realty Group, Inc.

Action:

13. Bid for N.B. Borden Elementary School, 45 Morgan Street – Capitol Theater Performing Arts Center - $125
14. Bid for Osborn Elementary School, 160 Osborn Street – William Lucas - $10,100

Grant leave to withdraw:

15. Bid for N.B. Borden Elementary School, 45 Morgan Street – Women's Institute - $50,000
16. Bid for Osborn Elementary School, 160 Osborn Street – Women's Institute - $50,000

ORDINANCES - None

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

RESOLUTIONS

17. *Com. on Public Works & Transportation meet w/City Engineer, Planning Director and Corporation Counsel to discuss Stowe Street
18. *Rep. from Inspector General's Office be invited to attend a future Com. on Finance mtg. to discuss procedures for the disposition of city owned property
19. *Administration consider moving one of the Corporation Counsel positions to the City Council
20. *City Council urges Patrick-Murray Admin. to reconsider its plan to close Taunton State Hospital
21. *Com. on Public Works & Transportation meet w/city officials and members of community to discuss status of Highland Park and Kennedy Park Playground
22. *City Council urges the Governor and State Legislature to raise new revenue to improve the quality of life of Massachusetts residents
23. *Request Com. on Real Estate consider granting leave to withdraw all proposals on behalf of Belisle School
24. *Administration consider appropriating $100,000 from free cash towards obtaining Phase I environmental assessments and appraisals for several schools
25. *Req. Attorney General conduct investigatory hearing for Fire Lt. Michael Coogan
26. *Com. on Health & Environmental Affairs meet to discuss the PCB clean-up at the City Pier
27. *City Council support application for a "No Discharge Area" in Mount Hope Bay

CITATIONS

28. Fall River Firefighters Wives Association – Collecting donations for the victims of the Hood St. fire
29. Lance Houston – Using social media to assist the victims of the Hood St. fire

ORDERS – HEARINGS FOR TONIGHT

Jt. pole location:

30. Hawthorne Street – One (1) joint pole location

ORDERS – HEARINGS TO BE SCHEDULED

Street Acceptance:

31. Dundee Street in its entirety

ORDERS – NO HEARING REQUIRED – None

ORDERS – MISCELLANEOUS

32. Police Chief's report on licenses
33. Auto Repair Shop license renewal

COMMUNICATIONS – INVITATIONS – PETITIONS

34. *Claims
35. *City resident re purchase of city owned land at the corner of Mariano Bishop Blvd. & Whitefield St.
36. *Mass. DOT re pre-construction conference I-195, 2/14/12 at 1000 County Street, Taunton, MA
37. *University of Massachusetts Amherst re The Keystone Project
38. Zoning Board of Appeals Minutes – August 25, 2011
39. Zoning Board of Appeals Minutes – November 16, 2011
40. Planning Board Minutes – November 9, 2011
41. Planning Board Minutes – December 12, 2011

BULLETINS – NEWSLETTERS – NOTICES – None

Alison M Bouchard
City Clerk

WEDNESDAY, FEBRUARY 15, 2012
5:00 P.M. SPECIAL JOINT MEETING OF THE CITY COUNCIL WITH THE SCHOOL COMMITTEE
MATTHEW KUSS MIDDLE SCHOOL, COMMUNITY ROOM, 54 GLOBE MILLS AVENUE, FALL RIVER

City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

RECEIVED
2012 JAN 19 P 3:50
CITY CLERK
FALL RIVER, MA

January 19, 2012

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

RE: Order - Refinancing Outstanding Bonds for Interest Cost

Dear Honorable Members of the Council:

It is respectfully requested that the attached Order be approved by your honorable body. This Order will allow the City, under M.G.L. C44 §21A, to reduce interest costs by refunding all or any portion of the remaining principal, redemption premium, and interests on any outstanding City Bonds.

Thank you in advance for your consideration of this request to accept the order. City Administrator Shawn Cadime will be available to answer any questions the Council may have during their consideration.

Sincerely,

William A. Flanagan
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL
JAN 24 2012
a/c & placed on file

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

City of Fall River, *In City Council*

Loan Order
Refinancing Outstanding Bonds for Interest Cost Savings

ORDERED, that in order to reduce interest costs, the Treasurer, with the approval of the Mayor, is authorized to provide for the sale and issuance of refunding bonds under G.L. Chapter 44, Section 21A of the General Laws, to refund all or any portion of the remaining principal of and redemption premium and interest on any bonds of the City outstanding as of the date of adoption of this Order, in the amount of $32,000,000, and for the payment of all other costs incidental and related thereto, and that the Mayor and the Treasurer are each authorized to take any and all other action necessary to carry out the purposes of this order.

BE IT FURTHER ORDERED, that the Treasurer is authorized to file an application to quality under Chapter 44A of the General Laws any and all of the bonds or notes authorized to be issued pursuant to this order, and to provide such information and execute such documents as may be required for such purposes.

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City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

RECEIVED
2012 FEB -9 P 4: 21
CITY CLERK
FALL RIVER, MA

February 9, 2012

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

Dear Madam President and Members of the Honorable Council:

Attached for your action please find a copy of the Lease Agreement between the City of Fall River and the Fall River Fire Museum for the property located at 1181 North Main Street, Fall River, Massachusetts. The term of this lease shall be for ninety-nine years subject to City Council approval in accordance with MGL Chapter 30B Section 12.

If there are any questions regarding this matter please do not hesitate to contact me or a member of my staff. Thank you in advance for your time and attention in this matter.

Sincerely:

W A Flanagan

William A. Flanagan
Mayor

WF/amos

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

2

Lease between the City of Fall River
And the Fall River Fire Museum

Whereas,

The Fall River Fire Museum (FRFM) will be a nonprofit, tax exempt museum, operating in partnership with The Preservation Society of Fall River (PSFR). The Fall River Fire Museum's mission is to collect, preserve and exhibit artifacts that properly document the history of the Fall River Fire Department;

And whereas

The Fall River Fire Museum is dedicated to educating the public in fire safety and prevention and to serve as a memorial to those who have given their lives to the fire service;

And whereas, The City of Fall River desires to work in cooperation and conjunction with the Fall River Fire Museum to achieve its goals and objectives of preservation of valuable artifacts associated with the storied history of the Fall River Fire Department and continue the pursuit of public education in fire safety and awareness;

And whereas, the City of Fall River wishes to provide an historic, beneficial and unique location for development of a museum;

And whereas, the development of this historic fire station for development of a Fire Museum is a unique disposition of property; now

Therefore, the parties hereby enter into the following general statement of intent and memorandum of key provisions for a lease agreement.

The Premise:

Anawan No. 6 Fire/Police Station – circa 1873
1181 North Main Street, Fall River, MA 02720

Term

The term of the lease shall be for 99 years, subject to a majority vote of the Fall River City council in accordance with MGL Ch. 30B Section 12

General Terms

1. **Development and Construction Periods**

   Year One:

   Initial use will allow the Animal Control to continue use of the building as is for one year. During the first year, the Preservation Society's Fire Museum Committee will have access to limited areas of the building to allow for cleaning, maintenance and storage of possible museum items.

   Year Two:

   Animal Control could be allowed to stay another year, or until the museum is ready to open.

Year Three:
At the time of the museum opening, Animal Control should have relocated for public safety concerns. The south side of the building (the former Police Station) should be rehabilitated for commercial/rental space. Optimal use might include business that can afford to pay market rates that will help support the cost of the building i.e. office space. Other uses which would compliment the museum are listed below.

2. **Permissible uses for the existing Police Side of the Premises:**
   a. Subject to the mutual agreement of the parties and the FRFM determining that all of the space on the premises is not necessary for the operation of the museum, additional space identified as the "Police side" of the building, may be used as follows:

- Office for the Fall River Fire Museum
- Office for The Preservation Society of Fall River or other non-profit organization meetings
- Office for Local 1314 "Fall River Firefighters Union"
- Hall for Local 1314 "Fall River Firefighters Union"
- House the Juvenile Fire Setters Program
- Fire Prevention
- Safe Trailer
- Fall River Police Museum (Include in tours the rumor that Lizzie Borden was held in a cell on the police side prior to her arrangement in Taunton).
- Café
- Used Book Store
- Specialty Gift Shop (Fall River or locally made items)
- Artists Gallery
- Antique Shop

3. **Lessee obligations**
   a. With respect to the exterior of the building and premises, the lessee shall:
      i. • Restore exterior to the 1873 – 1936 era
      ii. • Restore cobble stone ramp
      iii. • Rebuild hose tower
      iv. • Rebuild carriage doors
      v. • Improve off street parking
      vi. • Create a firefighters memorial

   b. With respect to the interior and contents of the building, the lessee shall:
      i. First Floor: Restore interior to the 1873 – 1936 era
      ii. Engine 11 (1936 Maxim pumper) would be the museum centerpiece, an ambassador for the museum, used in parades and in firefighter funerals, this apparatus will be restored
      iii. Time-Line Wall depicting the many mills fires and other major fires in the city's history

iv. Exhibits and Artifacts on display (from donations, private collection consignment and city surplus)
v. Historical documentation on the city's fires and its firefighters
vi. Kids play area including a miniature fire pole and dress-up area with helmets and coats
vii. *Second floor – Depicts Private Life:*
viii. Restore interior to the 1873 – 1936 era
ix. Firefighter's dorm
x. Officer's room
xi. Kitchen
xii. Recreation area
xiii. Hose tower

c. Lessee shall maintain the interior and the exterior of the building in a sanitary, clean and orderly manner, free from debris, clutter, garbage or sanitary or other chemical wastes which may cause harm to the building and shall be responsible for disposing of all waste generated on the premises
d. Lessee shall, at its expense, apply for any necessary permits, licenses and approvals for its ongoing, periodic or special operations or events on the premises

4. **Lessor obligations**
   a. Being situated on city land, near North Park, the city will maintain ownership.
   b. Lessor shall maintain property and casualty insurance in the amounts currently provided for in its insurance policy and name the Fall River Fire Fighters Museum as an additional insured.
   c. Lessor shall: provide water and sewer utilities at no cost and electrical and gas utilities so long as there remains in a portion of the building any municipal use.
   d. Lessor shall provide routine and preventative maintenance as well as necessary repairs to the physical structure, roof, utilities, mechanical and electric systems
   e. Lessor shall be responsible for snow removal only in the parking and access areas. Lessee shall be responsible for snow removal from any walkways or walking paths associated with the building

   f. The lease would probably have a clause that allowed the city to cease the contract if the property is not maintained, or if certain milestones for preservation are not reached.

5. **Termination, material breach, notice**
   a. Upon a material breach of any obligation of any party as those obligations are defined in this agreement that continues, after a period of 30 days following notice by the non-breaching party to the other party, the non-breaching party may terminate the remaining term of the lease. In either case, the lessee shall have 60 days to remove all articles from the premises.
6. Notices required under this section shall be sent by certified mail, return receipt requested.

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City of Fall River
Massachusetts
Office of the Mayor

RECEIVED
2012 FEB -9 P 4:21
CITY CLERK
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

February 6, 2012

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

Dear Members of the City Council:

It is respectfully requested that the City Council approve the Britland Park project, appropriate the total project cost, and authorize execution of the Project Agreement between the City and the Commonwealth. The attached sample municipal vote and city council order, which were reviewed by municipal counsel, were included with the grant application submitted July 14, 2011.

The City has been awarded a $500,000 grant to fund the Britland Park Project, which will include the construction of a watercraft launch area, entrance and parking areas, paths and picnic areas, and interpretive signage, and the installation of a synthetic turf field.

The Massachusetts Executive Office of Energy and Environmental Affairs Division of Conservation Services requires a certified copy of the Council's vote, so your expeditious approval is appreciated.

Respectfully Submitted,

William A. Flanagan
Mayor

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

Sample for PARC Park Development Project – City Council Resolution

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE PARKLAND ACQUISITIONS AND RENOVATIONS FOR COMMUNITIES PROGRAM FOR IMPROVEMENTS TO BRITLAND PARK

Whereas: Britland Park is by and far a community-wide asset and the preservation and improvements to this facility are a City priority as evidenced in the most recent Open Space and Recreation Plan; and

Whereas: Britland Park is dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 14; and

Whereas: Britland Park's renovation, guided in principal by the Master Plan, will greatly enhance this facility with improved recreational areas, walkways, access, etc.; and

Whereas: The main focus of the Plan is to improve access to the river/riverfront, enhance parking and paths, develop interpretive signage, and renovate the soccer playing field. This overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation of the project; and

Whereas: The project was to be implemented over time, by priority as fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort; and

Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities grant program (301 CMR 5.00); and

Whereas: The Britland Park Project will cost a total of $875,000 (Eight Hundred Seventy Five Thousand Dollars). The City has allocated $625,000 for the Britland Park Renovation Project, including $250,000 to be provided by the Fall River Youth Soccer Association and the Lusa Soccer Association.

NOW, THEREFORE, BE IT

1. That the City Manager be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the City Manager be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Community Maintenance Department; and
3. That this resolution shall take effect upon passage.

Sample for PARC Renovation Project – City Council Resolution

To see if the City will vote to appropriate, and authorize the Treasurer with the approval of the City Council [describe method of appropriation and/or borrowing according to M.G.L. Chapter 44, note particularly Section 8C], to borrow the sum of $875,000, for the purpose of making renovations and improvements to a certain property known as Britland Park consisting of 16 acres, more or less, as shown on a plan entitled "Plan of Land in Fall River, Massachusetts for the City of Fall River made by Tibbetts Engineering Corp. dated 05/01/1973"; that said land will remain in the care and control of the Board of Park Commissioners, to be managed and controlled by the Board of Park Commissioners of the City of Fall River, and the Board of Park Commissioners be authorized to file on behalf of the City of Fall River any and all applications deemed necessary for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Urban Self-Help Act (301 CMR 5.00) and/or any others in any way connected with the scope of this Article, and the City and the Board of Park Commissioners be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the City of Fall River to affect said project.

CITY OF FALL RIVER
PLANNING DEPARTMENT - ENGINEERING DIVISION
One Government Center
Fall River, MA 02722
Phone: (508) 324-2512
Fax: (508) 324-2564
Email: Bholmes@fallriverma.org

BYRON R. HOLMES, P.E.
City Engineer

5

MEMO

RECEIVED
2012 JAN 26 A 10: 16
CITY CLERK
FALL RIVER, MA

To: Alison Bouchard
City Clerk

From: Byron Holmes, P.E.
City Engineer

Date: January 25, 2012

Subject: Riggenbach Road Name Change

Comments:

Alison,

On January 23 the Planning Board voted to authorize a name change for a street on an approved subdivision. The street originally submitted as "Executive Park Drive" was changed to "Innovation Way". This street is a portion of the new road that runs from South Main Street in Freetown to Riggenbach Road in Fall River. Per the subdivision plan, the portion of the street affected begins at the Freetown-Fall River municipal boundary and runs southerly to Riggenbach Road. The portion of the road in Freetown was previously approved as Innovation Way by the Massachusetts Department of Transportation, the owner of that section of the roadway.

Per a request from the Fall River Redevelopment Authority, it is desired that the name "Innovation Way" also be extended along a portion of Riggenbach Road southerly to Airport Road. This would allow for one name for the entire stretch from South Main Street in Freetown to Airport Road in Fall River. There is no development along this section of Riggenbach Road, so no residential or business mailing addresses would be affected.

The portion of road to be renamed "Innovation Way" would be from the northern terminus of Riggenbach Road south to the northern intersection of Airport Road and Riggenbach Road, a distance of approximately 2700 feet.

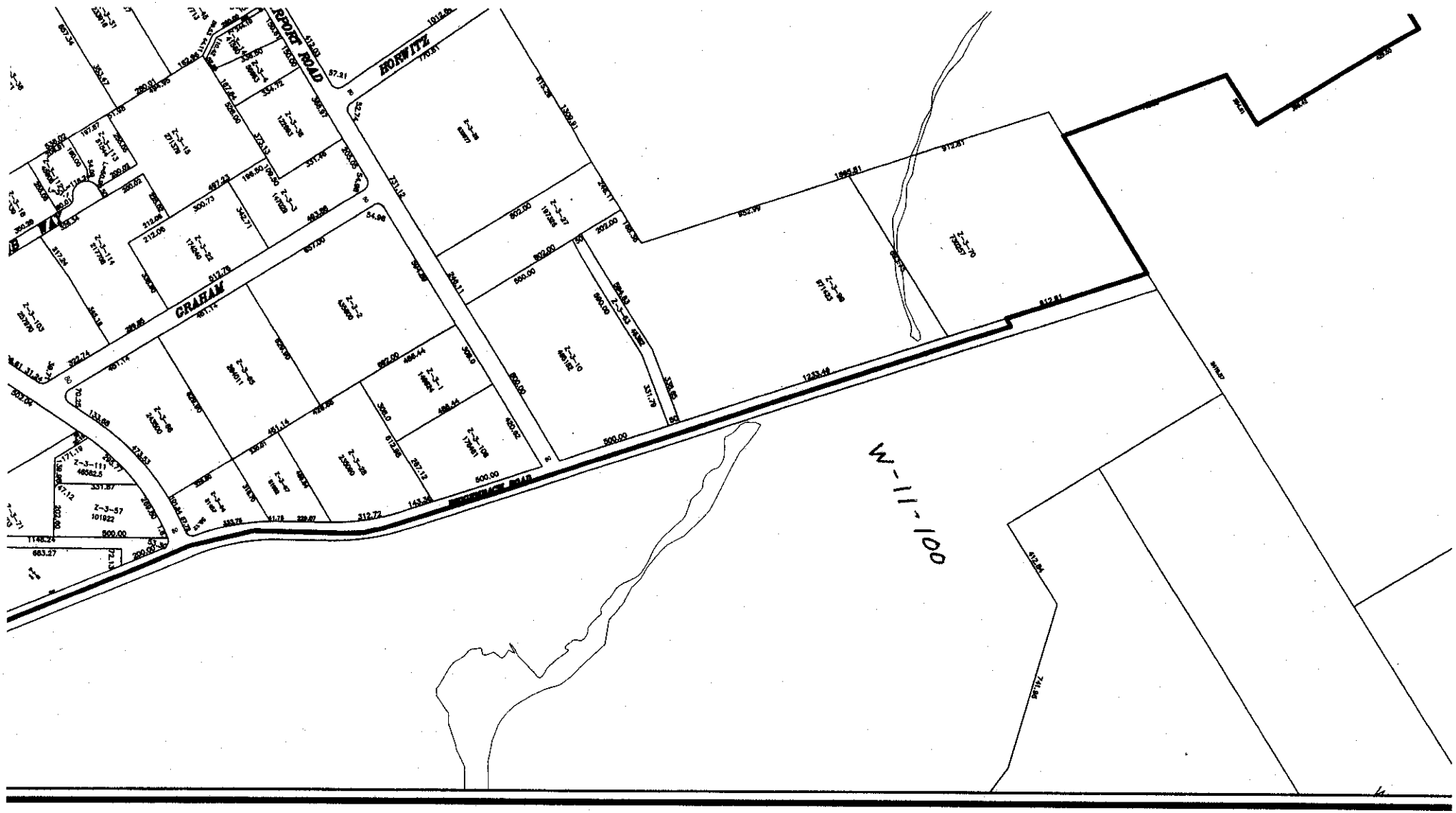
I am attaching a list of property owners along this section of Riggenbach Road and a sketch of the roadway layout to this memo.

Byron

Attachments: Riggenbach Road Property Owners
Assessor Map
Sketch of Roadway

Riggenbach Road Property Owners
From Innovation Way to Airport Road

Assessor Map	Lot	Owner
Z-3	70	Charles Scrap Metal, Inc. 11 North Davis Street Providence, RI 02908-3247
Z-3	99	Greater Fall River Development Corporation P.O. Box 2939 Fall River, MA 02722
Z-3	63	Robbins Manufacturing Company 1200 Airport Road Fall River, MA 02720
Z-3	10	Robbins Manufacturing Company P.O. Box 704/750 Fall River, MA 02722
W-11	100	City of Fall River c/o Water Works One Government Center Fall River, MA 02722



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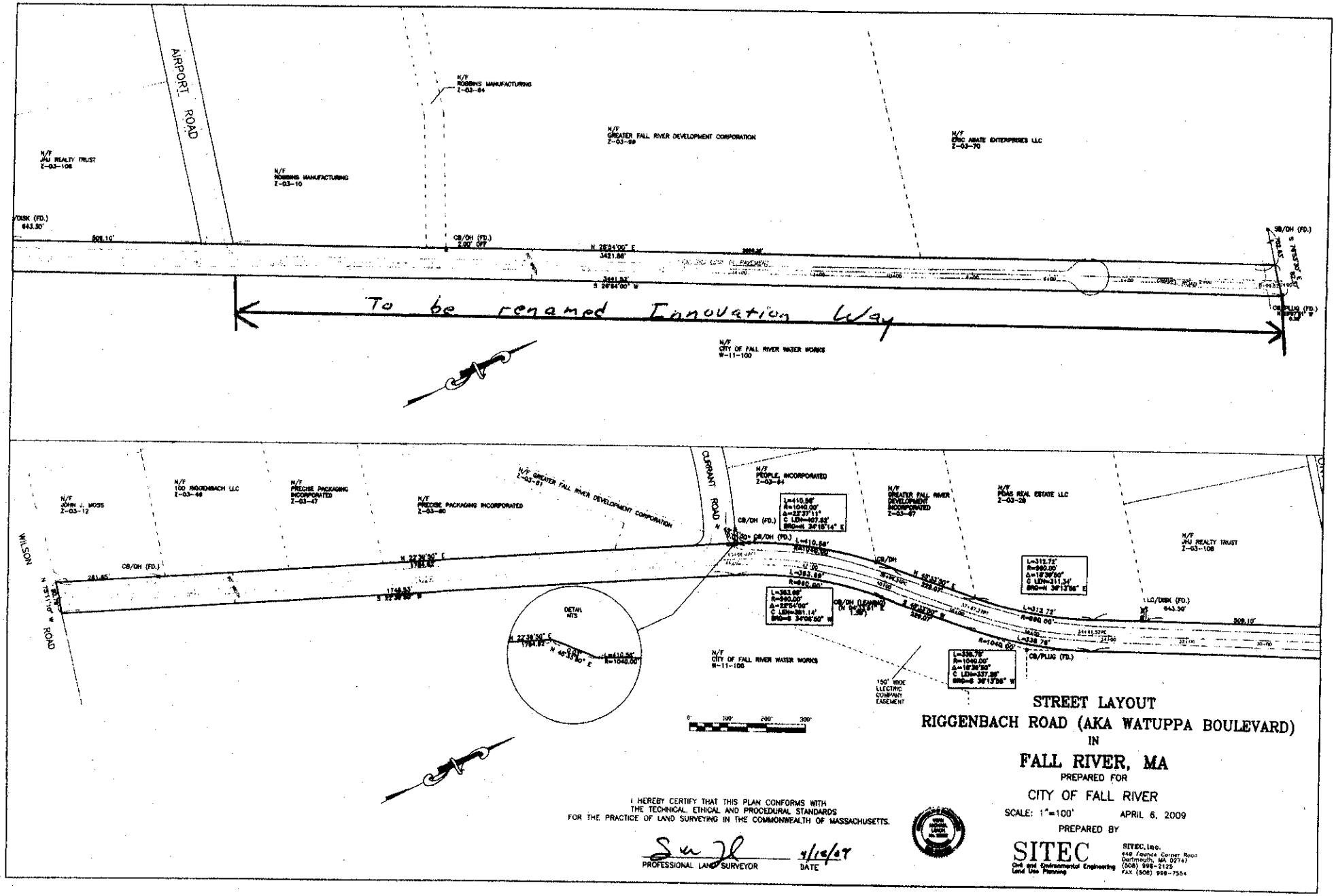
5



STREET LAYOUT
RIGGENBACH ROAD (AKA WATUPPA BOULEVARD)
IN
FALL RIVER, MA
PREPARED FOR
CITY OF FALL RIVER

SCALE: 1"=100' APRIL 6, 2009

PREPARED BY

I HEREBY CERTIFY THAT THIS PLAN CONFORMS WITH THE TECHNICAL, ETHICAL AND PROCEDURAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR 4/16/09 DATE

SITEC
Civil and Environmental Engineering
Land Use Planning
SITEC, Inc.
440 Faunce Corner Road
Dartmouth, MA 02747
(508) 998-2125
FAX (508) 998-7554

X-887

6

City of Fall River, *In City Council*

17

(Councilor Michael L. Miozza)

WHEREAS, Stowe Street appears to have been altered without the approval of the City, and

WHEREAS, the unauthorized alteration of this street has led to decisions regarding snow removal and constructing driveways, and

WHEREAS, the street alteration has impacted the residents of the neighborhood, and

WHEREAS, there is an apparent need to determine the proper width, now therefore

BE IT RESOLVED, that this resolution be sent the Committee on Public Works and Transportation to discuss with the City Engineer, Planning Director and Corporation Counsel.

City of Fall River, *In City Council*

(President Linda M. Pereira)

WHEREAS, the recent disposal of city owned property has raised many questions, now therefore

BE IT RESOLVED, that Corporation Counsel, City Administrator, Purchasing Agent, Administrator of Assessing, Director of Community Maintenance and a representative of the Inspector General's office be invited to a future meeting of the Committee on Finance to discuss this matter.

City of Fall River, *In City Council*

19

(Councilor Michael L. Miozza)

WHEREAS, the City Council should not be at the mercy of a Corporation Counsel who serves at the pleasure of the mayor, and

WHEREAS, the city budget provides for several attorneys in the Law Department, and

WHEREAS, other cities around the country allow the City Council to have their own legal representation, and

WHEREAS, adding another position to the City is costly and hiring attorneys on a case-by-case basis can be too expensive, now therefore

BE IT RESOLVED, that the Administration consider moving one of the Corporation Counsel positions to the City Council, as it will allow the Council to hire and fire its own attorney and request the legal advice needed to maintain its independence as the city's legislative branch.

City of Fall River, *In City Council*

(Councilor Raymond A. Mitchell)
(Councilor Eric Poulin)
(Councilor Michael L. Miozza)
(Councilor Daniel M. Rego)

WHEREAS, Taunton State Hospital (TSH) has a tremendous positive impact on Southeastern Massachusetts, the Cape, and the Islands and the recent announcement by the Patrick-Murray Administration to close TSH is disappointing, and

WHEREAS, if this action is taken it would have a devastating effect on our very fragile mental health system, and

WHEREAS, in addition to placing further stress on the statewide mental health system, this proposal will leave Southeastern Massachusetts, the Cape, and the Islands in an extremely dangerous predicament, and

WHEREAS, in order for a comprehensive community based mental health system to work, the state needs to have an appropriate capacity of inpatient beds to meet the critical needs of our community, and

WHEREAS, continuing to have a shortage of inpatient beds puts people's lives at risk, endangers the effectiveness of the mental health system, and puts an increased strain on local services as well as hospitals and emergency rooms that are not adequately equipped to treat mental health patients in crisis, and

WHEREAS, while it is clear that the current economic climate will likely necessitate some budget reallocations to mental-health facilities throughout the state, the Fall River City Council does not believe it is fair or equitable that Southeastern Massachusetts, the Cape, and the Islands should be forced to bear a disproportionate share of the sacrifice, now therefore

BE IT RESOLVED, that the Fall River City Council urges the Patrick-Murray Administration to commit to shared responsibility, in which allocations are distributed evenly and adequately throughout all state mental-health facilities, which would be a much more just and reasonable plan, and

BE IT FUTHER RESOLVED, that the Fall River City Council urges the Patrick-Murray Administration to ensure that TSH remains an invaluable asset to the people of Southeastern Massachusetts, the Cape, and the Islands and that the Fall River City Council hereby requests that the Patrick-Murray Administration reconsider its plan.

City of Fall River, *In City Council*

21

(Councilor Eric Poulin)

WHEREAS, the Highland School was sold for $145,000.00 with the Mayor and City Council expressing an interest in the proceeds from the sale going toward the restoration of the Highland Park at the corner of Robeson Street and President Avenue, and

WHEREAS, the City and the St. Anne's Neighborhood Association are working on raising and identifying funding for the restoration and also the improvement of the playground at Kennedy Park into a fully-integrated, handicap accessible playground, now therefore

BE IT RESOLVED, that the appropriate city officials and members of the community be invited to a meeting of the City Council Committee on Public Works and Transportation to give an update on the status of both projects (Highland Park & Kennedy Park playground).

City of Fall River, *In City Council*

22

(Councilor Eric Poulin)
(Councilor Raymond A. Mitchell)
(Councilor Michael L. Miozza)
(Councilor Daniel M. Rego)

WHEREAS, since the 1990s annual tax revenues have been down by more than $3 billion as a share of the state's economy, and

WHEREAS, Massachusetts continues to face a revenue deficit, and

WHEREAS, aid from the state helps to pay for the critical services on which our community depends, including police and fire departments, garbage collection, road repair, education, playgrounds, libraries, etc., and

WHEREAS, these services are what make Fall River a good place to live and they enhance the quality of life for all Fall River residents, and

WHEREAS, Fall River may continue to struggle with budget cuts year after year until the state's revenue deficit is addressed, and

WHEREAS, in order to address that deficit the state needs to raise new revenue, now therefore

BE IT RESOLVED, that the Fall River City Council urges the Governor and the State Legislature to invest in our communities, to strengthen our economy and to improve the quality of life of Massachusetts residents by passing legislation that raises new revenue while holding down increases for low and middle income individuals and families.

City of Fall River, *In City Council*

(President Linda M. Pereira)
(Councilor Michael Miozza)
(Councilor Raymond Mitchell)

WHEREAS, there has been much controversy with regard to the disposition of the Belisle School, and

WHEREAS, the City Council, at its last meeting, referred all bids back to the Committee on Real Estate, now therefore

BE IT RESOLVED, that the Committee on Real Estate consider granting leave to withdraw all proposals on behalf of the Belisle School, and

BE IT FURTHER RESOLVED, that the processes for the disposition of the Belisle School begin with a new Request for Proposals.

City of Fall River, *In City Council*

24

(Councilor Eric Poulin)

WHEREAS, the Fall River City Council sitting as the Committee on Finance heard from experts in the field of Real Estate on September 20, 2011, and

WHEREAS, the advice given to the City Council at that time suggested that possible/ideal ways to attract higher bids for school properties would be to conduct Phase I environmental assessments of the properties as well as to obtain professional appraisals, and

WHEREAS, the advice given was not pursued at that time possibly due to funding constraints related to the cost of conducting Phase I environmental assessments and obtaining professional appraisals, and

WHEREAS, the Massachusetts Department of Revenue on January 30, 2012 certified that the City of Fall River has $4,362,623.00 available in the municipal general fund in the form of free cash, now therefore

BE IT RESOLVED, that the Executive Branch consider appropriating $100,000.00 from said funds to be put toward obtaining Phase I environmental assessments and appraisals for several schools including but not necessarily limited to the following:

1.) Connell School, 650 Plymouth Avenue
2.) Davol School, 112 Flint Street
3.) Dubuque School, 330 Oak Grove Avenue
4.) Fowler School, 286 Sprague Street
5.) Healy School, 726 Hicks Street
6.) Wixon School, 263 Hamlet Street
7.) Lincoln School, 439 Pine Street
8.) Laurel Lake School, 152 Orswell Street

City of Fall River, *In City Council*

(President Linda M. Pereira)

WHEREAS, an investigatory hearing on behalf of Fire Lieutenant Michael Coogan was scheduled and subsequently postponed, and

WHEREAS, conducting this hearing at the local level may not be the best approach to this situation, now therefore

BE IT RESOLVED, that the Mayor contact Attorney General Martha Coakley to request that the hearing be conducted by a member of her staff.

City of Fall River, *In City Council*

26

(Councilor Michael L. Miozza)

WHEREAS, the status of polychlorinated biphenyl (PCB's) contamination is important to the community, and

WHEREAS, the city pier remediation project is costing more than originally anticipated and may require additional funding, now therefore

BE IT RESOLVED, that the Committee on Health and Environmental Affairs convene to discuss the cleanup project with the FROED project manager.

City of Fall River, *In City Council*

27

(Councilor Pat Casey)

WHEREAS, the City is spending millions of dollars to address sewerage discharging into Mount Hope Bay, and

WHEREAS, we are working very diligently to improve our waterfront, and

WHEREAS, the United States Environmental Protection Agency, New England Region has received an application for a State - Designated, Federally - Approved, "No Discharge Area" in Mount Hope Bay, which was recently submitted by the Massachusetts Office of Coastal Zone Management to protect the quality of water and natural resources of the Taunton River and the Mount Hope Bay, now therefore

BE IT RESOLVED, that the City Council support this application to prevent any boaters from discharging in this designated area.

EPA-901-F-11-012 27

No Discharge Areas in New England

What Is a No Discharge Area?

A No Discharge Area (NDA) is a designated body of water where the discharge of treated and untreated boat sewage is prohibited (does not include grey water). Under the federal Clean Water Act it is illegal to discharge untreated (raw) sewage from a vessel in U.S. waters.

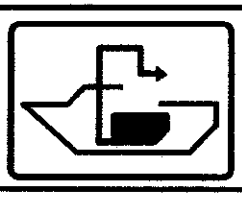
MSDs - Marine Sanitation Devices (Boat Toilets)
Recreational boats are not required to be equipped with a toilet, but if they are, the Marine Sanitation Devices (MSDs) must be Coast Guard approved. The approved design requires the MSDs to hold sewage for shore-based disposal or treat the sewage prior to discharge. There are three types of MSDs:

TYPE I: MSDs discharge treated effluent having a fecal coliform bacterial count not greater than 1,000 per 100 milliliters of water and no visible floating solids.

TYPE II: MSDs discharge treated effluent having a fecal coliform bacterial count less than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.

TYPE III: MSDs are devices designed to store sewage (usually with disinfectants and deodorants added) until it can be pumped out at a pump-out facility or discharged outside the territorial sea boundary of three miles from shore. These are also known as holding tanks.

Look for this CVA symbol to find pump-out facilities!



Clean Vessel Act: http://www.fws.gov/r5fedaid/

Boat Waste in a No Discharge Area

When operating in a No Discharge Area, Type I, Type II, and Type III Marine Sanitation Devices cannot be discharged. In No Discharge Areas, the US Coast Guard regulations state MSDs Type I, Type II and Type III must be secured to prevent discharge.

A Type I, Type II and Type III MSDs must be secured when operating in a No Discharge Area. This can be done by closing the seacock and padlocking it, using a non-releasable wire tie, or removing the seacock handle (with the seacock closed). Type I and Type II can also be secured by locking the toilet door handle.

Health Protection

Sewage wastes discharged from boats degrade water quality by introducing disease-causing microorganisms, nutrients, and chemicals into the marine environment.

Microorganisms, which include viruses and bacteria, may introduce diseases like hepatitis and gastroenteritis to people in contact with the water. Microorganisms may also contaminate shellfish beds and cause beach closures.

Nutrients are necessary for the growth of both microscopic and larger plants (seaweeds and eelgrass). However, when nutrients become too abundant they stimulate algae blooms which may lead to the loss of eelgrass and depletion of oxygen in water (called hypoxia.) Hypoxia can stress and even kill fish and other aquatic animals.

Chemical products can be toxic to marine and estuarine life and could pose a problem in areas where boats congregate and where there is little tidal flushing.

EPA United States Environmental Protection Agency

www.epa.gov/region01/eco/nodiscrg

Enforcement in No Discharge Areas

It is a violation of federal law to discharge treated or untreated boat sewage within the waters of a No Discharge Area (NDA). In January 2009, legislation was signed that gives the director of the Massachusetts Environmental Police, and all that serve under him, the ability to issue an administrative penalty not to exceed $2,000 per infraction for violations of NDA regulations. This enforcement authority applies to environmental police officers, harbormasters, fish and game wardens, and police officers assigned to patrol the waters of the Commonwealth. Specifically, the law states that no person shall discharge any sewage, whether treated or not, from a marine sanitation device into any waters of the Commonwealth designated by the Secretary of Environmental Affairs as an NDA. Roughly 70 percent of the Commonwealth's waters have been designated as no discharge.

Date

Ms. Ann Rodney
U. S. Environmental Protection Agency
New England Region
5 Post Office Square, Suite 100
Mail Code OEP06-1
Boston, MA 02109-3912

Re: Application for the Mount Hope Bay No Discharge Area

Dear Ms. Rodney:

I would like to offer this letter in support of the ***Application for a State-Designated, Federally-Approved No Discharge Area In Mount Hope Bay*** recently submitted to your agency by the Massachusetts Office of Coastal Zone Management. The water quality and natural resources of Mount Hope Bay are extremely important and valued assets to the City of Fall River and the entire Mount Hope Bay Region.

The City of Fall River's commitment to protect and improve the bay's natural resources and water quality is evident by the significant investments made over the years to improve our collection, storage, and treatment of wastewater, stormwater, and boat wastes, as well as many other activities. We believe the designation of the Massachusetts portion of Mount Hope Bay as a No Discharge Area will not only improve our ability to collect wastewater generated from boats, but will also help build public awareness of boaters and all our citizens on the value of protecting and improving the bay's water quality and natural resources. Hopefully this designation will help encourage everyone to do their part to continue to protect and improve our coastal waters.

Designation of the Massachusetts portion of the bay as a No Discharge Area will complement the earlier designation of the Rhode Island portion of the bay. For several years Fall River, through the efforts of our Harbormaster, has collected wastewater from boaters in the area. The City plans to continue this effort in support of the No Discharge Area designation. With an eye toward the upcoming boating season, I urge your prompt review and approval of this application.

Sincerely,

City Council

34

Liberty Mutual Insurance Company

5050 W Tilghman St Ste 200
Allentown PA 18104-9154
Tel: (800) 521-0986 / (800) 521-0986
Fax: (603) 334-0372

January 18, 2012

12-08

CITY OF FALL RIVER
1 GOVERNMENT CTR
FALL RIVER MA 02722-7700

ATTN CITY CLERKS OFFICE

RECEIVED
2012 JAN 23 P 1:21
CITY CLERK
FALL RIVER, MA

YOUR INSURED:	CITY OF FALL RI
YOUR CLAIM NUMBER:	
DATE OF LOSS:	12/05/2011
LOSS LOCATION:	UNK ST FALL RIVER, MA
OUR CLAIM NUMBER:	PD108-021255979-01
OUR INSURED:	ZITA J. BORGES
ADDRESS:	489 TAUNTON AVE SEEKONK MA 02771-3111
OUT OF POCKET: (if known)	

Dear Sir/Madam:

Based on our investigation of this accident, we believe your Insured to be responsible for the damage to our Insured's vehicle. I have enclosed documentation to support the following subrogation claim:

Amount we have paid	$	5706.34
Our Insured's deductible	$	500.00
Total amount of damages	$	5706.34
Salvage (if applicable)	$	0.00
Rental (if applicable)	$	0.00
Total Subrogation Amount Due	$	5706.34

Please include our claim number on your check for the total amount of damages shown above. Please deal directly with our insured to discuss any out of pocket expenses they may have incurred. Payment for out of pocket expenses should be made directly to our insured.

(over)

Atty + 2 Copies Law
1 DPW
1 Cty Clerk
1 City Council

CC

34

CLAIM FORM
City of Fall River, Massachusetts

RECEIVED
2012 JAN 27 A 10:08
CITY CLERK 12-11
FALL RIVER, MA

Name: John Branco

Address: 115 Maryland Ave

Phone #: 508 496-1674

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

Date of Incident: 1-27-12
Time of Incident: 5:00 AM
Location of Incident: DPW

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

I was pulling in the parking at the DPW space and the ~~gates~~ road collges

any + 2 Copies Law
1 DPW
1 City clerk
1 City Council

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

Cc

34

CLAIM FORM
City of Fall River, Massachusetts

RECEIVED
2012 JAN 25 P 1:06
CITY CLERK 12-10
FALL RIVER, MA

Name: MARIE R VERRETTE

Address: 170 WILLIAM ST APT 609
~~FALL RIVER, MA 02721~~

Phone #: 508-67-31944

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

Date of Incident: JAN 21 OR JAN 22
Time of Incident: MIDNITE TO SIXAM
Location of Incident: 140 ESSEX ST FALL RIVER MA

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

Car was parked at 140 Essex St
No DAMAGE TO car was there
next morning, my car had damage
on right side front fender -
Have no estimate of damage -
As far as I know it had to be
one of several places coming down
Essex street.

orig + 2 copies to law
1 DPW
1 City clerk
1 City Council

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

City Council

34

Commerce
INSURANCE
A MAPFRE COMPANY

12-07

January 20, 2012--- final request—please remit or make an offer –thank you

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

RECEIVED
2012 JAN 23 P 1:22
CITY CLERK
FALL RIVER, MA

RE:
Insured: Luis A Pereira
File #: WNT935/
Date of Loss: 1/15/2011
Responsible Party: City of Fall River (driver: Paul Demello)
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

Enclosure

any + 2 copies law
1 DPW
1 City Clerk
1 City Council

City Council

12-06

34

GEICO
geico.com

- Government Employees Insurance Company
- GEICO General Insurance Company
- GEICO Indemnity Company
- GEICO Casualty Company

Send Correspondence to: 300 Crosspoint Parkway, Getzville NY 14068

Please remit payment to: Attn: Cashiers, PO Box 96008, Washington DC 20090-6008

PAYMENT RECOVERY NOTICE

If you have received our demand please email me at sadams@geico.com to verify

City of Fall River

Our File #: 0430401300101029

Our Insured: Kevin A Medeiros

Date: 01/17/2012

Your Insured/Driver: Fall River Fire Dept/Brendan Mcdonald

Your File #: Pending

Your Vehicle: 99 Fire Truck Tag #: DC MFB789

Date of Loss/Location of Loss: 12/21/2011

WHEN RESPONDING- PLEASE REFER TO OUR CLAIM NUMBER.

Our investigation shows your insured to be at fault for this accident.

✓ Payment for repairs has been made. Documentation is attached. Please honor our claim.

CO's Interest:	$2266.98
Insured's Deductible:	$ 500.00
Rental:	$n/a
Total:	$2766.98

Please include our claim number when remitting payment.

RECEIVED
2012 JAN 23 P 1:21
CITY CLERK
FALL RIVER, MA

✓ Please make your check payable to:

GEICO
Attention: Cashiers
P.O. Box 96008
Washington, DC 20090-6008

✓ **Please pay our insured directly for out of pocket rental of $n/a.**

Thank you for your prompt attention.

Payment Recovery Examiner: Shaun Adams
Phone Number: 716-276-4633
Fax Number: 1-877-861-4095
Email: sadams@geico.com

any + 2 copies Law
1 Fire Dept
1 City Clerk
1 City Council

CC

34

#12-13

2/1/12

To Whom It May Concern:

On Jan. 4, 2012 @ 0930 my vehicle was struck by a Fall River Garbage truck at 170 Locust Street.

Sincerely

Astrid Korlhang
28 Wilbur Ave
Dartmouth, MA 02747
cell 774-644-1353

Ins Co: Plymouth Rock
Claim # 151000872110

ary + 2 Copies Law
1 DPW
1 City Council
1 city clerk

RECEIVED
2012 FEB -1 P 3:27
CITY CLERK
FALL RIVER, MA

#12-09

34

1/19/12

Dear Town Clerk

I was traveling east on Tucker St on 12/21 @ 4:30 AM when I took a left onto Wm Canning ~~BLVD~~ BLVD when I hit the manhole cover that sticks out into the street without any flourescent paint so you can see it. I paid out of pocket $2335.00 Anything you can do will be appreciated.

Thank you

Cynthia Benevides
60 Magellan St
Fall River, Ma

CITY CLERK
FALL RIVER, MA
2012 JAN 24 P 12:41
RECEIVED

CC.

34

CLAIM FORM
City of Fall River, Massachusetts

RECEIVED
2012 FEB -7 P 2:41
CITY CLERK 12-14
FALL RIVER, MA

Name: Christine Linsard

Address: 163 Winter St.
Fall River MA 02720

Phone #: (508) 567 0499

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

Date of Incident: 2-6-12
Time of Incident: 3:30 pm.
Location of Incident: June St.

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

I was parked outside of my mothers home on 612 June St. when I went to come out of my parking spot, there was a huge mound with a pothole on top of it that dented my bar under my car protecting my exhaust system. If that bar was not there I probably would have ripped out part of my exhaust. These need to be fixed!!!

atty + 2 copies law
1 DPW
1 City Council
1 city clerk

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

34

PAUL W. PATTEN
Attorney-at-Law
Suite 221
56 North Main Street
Fall River, Massachusetts 02720
Telephone (508)672-3559
Fax(508)672-2401
Email:paulpatten@comcast.net

RECEIVED
2012 FEB -8 P 3:58
CITY CLERK 12-15
FALL RIVER, MA

February 7, 2012

Alison M. Brett
City Clerk
City of Fall River
One Government Center
Fall River, MA 02722

Re: Santos D. Rivera
vs. Roger Lavoie, et al
U.S. District Court (MA)
Civil Action No. 1:12-CV-10194-DPW

Dear Ms. Brett:

Enclosed for service on the Defendant, City of Fall River, in the above-referenced action, please find copies of the summons and complaint, which are being served on you in accordance with F.R.Civ.P. 4(j)(2)(B) and M.R.Civ.P. 4(d)(4).

Thank you very much.

Very Truly Yours,

Paul W. Patten

enclosures (2)

atty & 2 copies Law
1 Police Dept
1 city Council
1 city Clerk

RECEIVED
2012 FEB -3 A 9:49
CITY CLERK
FALL RIVER, MA

25

to: City Counsel, 1-20-2012

In 2002 my husband Antone Raposo and al Kelly Raposo looked into purchasing the grassy area of land in front of our property facing Mariano Bishop Boulevard. We went down to city hall assessor's to look into this piece of property, the assessor had to look back on plans from the 1940's to find this land that we were inquiring about. Once he found the piece of land we then asked about purchasing this land to the tarred roadway of Mariano Bishop Blvd. we were adviced on the steps to take about starting the process we put in a sealed bid. We went infront of city counsel explained our reason for purchasing the property was we have maintained this piece of property all the way to Mariano Bishop blvd. since 1994 when we purchased our property on 47 Whitefield Street after we explained our reason we waited and herd the other person that also put a bid in for the same piece of property, this other person wanted to put a garage there to store his antique car. Once we all gave our reason for wanting the property the council made their decision and

been brought to our attention that we did not purchase the land all the way to the tarred roadway because Mariano Bishop blvd. is that piece of property we thought we purchased. We are very up set because we were mislead into thinking we purchased that property by the assessor at that time in 2002. We were never told you do realize your not purchasing all the way to the tarred roadway of Mariano Bishop Blvd. because to our knowledge everyone from the assessor to the city councelors that came and looked at this piece of property assumed along with us the property went all the way to the tarred road way.

We are hard working tax payers of fall River and to have been mislead like this is ashame, we were taken advantage of and we are very upset. We are not surveyors or assessor's but when we were told yes this property does go to Mariano Bishop blvd. some one should have told us not to the tarred road way.

At this time we would like to know the process in asking the city counsel to abandon the property so we can repurchase a piece of property we thought we had purchased.

[illegible]

36

Deval L. Patrick, Governor
Timothy P. Murray, Lt. Governor
Richard A. Davey, Secretary & CEO
Frank DePaola, Administrator

massDOT
Massachusetts Department of Transportation
Highway Division

January 24, 2012

District File # 1171

SUBJECT: CONSTRUCTION – Fall River: I-195 (Rte. 24 to the Braga Bridge)
Contract 70560 - F.A.# IM-195-3(103)
RE: Pre-construction Conference

City of Fall River City Council
1 Government Center
Fall River, MA 02722

RECEIVED
2012 JAN 27 A
CITY CLERK
FALL RIVER, MA

Dear Sir or Madam:

On **Tuesday, February 14, 2012 at 10:00 a.m.** there will be a Pre-construction Conference at the District 5 Administration Bldg., 1000 County Street (Rte. 140) in Taunton, MA. You or your representative are invited to attend this conference.

The work to be done under this contract consists of resurfacing and related work on a section of Interstate 195 (Route 24 Interchange to the Braga Bridge)

The prime contractor for this project is:

L.A.L. Construction Co., Inc.
145 15th Street (P.O. Box 1349)
Fall River, MA 02722

Sincerely,

Mary-Joe Perry
District Highway Director

KJC/wav

cc: J.Pires, EEO
Dist. HazMat Coord.
DHD
RE
File

District 5 Office
1000 County Street, Taunton, MA 02780
Tel: 508-824-6633
www.mass.gov/massdot

37

UNIVERSITY OF MASSACHUSETTS
AMHERST

Department of Natural Resources Conservation
Holdsworth Natural Resources Center
160 Holdsworth Way
Amherst, MA 01003-9285
413.545.4300 / 413.545.4358 fax

RECEIVED
2012 JAN 20 P 2:52
CITY CLERK
FALL RIVER, MA

January 13th, 2012

Dear Friend of Forest Conservation,

Help us identify important people who can make the conservation difference! Every day landowners and communities make decisions that impact natural resources and the many benefits they provide. Our goal is to have in each community the people that can deliver accurate information to landowners and organizations at these crucial decision making times. **In order to achieve this goal, we are depending on you to recommend people for this year's Keystone training.**

In ecology, a **keystone species** is one whose impacts on its environment are larger and greater than would be expected from one species. The Keystone Project educates forest owners and community leaders who have a significant impact on their communities. Keystone Cooperators can either own forestland, be involved in the care and stewardship of a property, or be an active community leader.

The Keystone Project is an intensive 3-day training at the Harvard Forest which focuses on forest ecology and stewardship, wildlife management, and land protection. The training consists of both indoor and field sessions, as well as informal time to learn from fellow participants. In addition, each participant is given resources to take home. Participants are required to attend all parts of the program. We suggest visiting the Keystone web site (http://MassKeystone.net), which has other program details including a sample program.

In return for this valuable educational opportunity, participants agree to return to their communities as a local resource and volunteer at least 30-hours of time on a forest conservation project(s) of their choosing with continued support from UMass Extension.

This spring, the program will take place on: **Thursday evening, April 19th, through Sunday afternoon, April 22nd, 2012** at the Harvard Forest in Petersham. The application deadline is: **Monday, March 5th, 2012**. The Keystone Training will be held thanks to generous support from the MA Department of Conservation and Recreation's Service Forestry program, the MA Chapter of The Nature Conservancy, and Harvard Forest.

An application to the Keystone Project is enclosed. This application is an important step in helping us locate enthusiastic people to participate in the Keystone Project. If you are interested, please complete this form and return it by the deadline. If you know of good candidates, please pass this application on to them. Alternatively, you could contact us and we'd happily pass on application materials to likely candidates. Additional information and applications are available online: http://MassKeystone.net.

The Keystone Project is a competitive program. Applications will be reviewed for applicant experience, connectedness within the community, special skills, and diversity. Space in the program is limited to 25.

Thank you in advance for helping us to identify people in an excellent position to protect and conserve the woods of Massachusetts.

Sincerely,

David B. Kittredge, Jr.
Professor/ Extension Forester
dbk@nrc.umass.edu
(413) 545-2943

Paul Catanzaro
Extension Assistant Professor
cat@umext.umass.edu
(413) 545-4839

United States Department of Agriculture cooperating.
University of Massachusetts Extension offers equal opportunity in programs and employment.