



City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

JUNE 8, 2012
MEETINGS SCHEDULED FOR NEXT WEEK
TUESDAY, JUNE 12, 2012

INÊS LEITE
ASSISTANT CITY CLERK

6:00 P.M. COMMITTEE ON FINANCE

1. Discussion with Corporation Counsel regarding Law Department Budget

AGENDA

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

PRIORITY MATTERS

1. *Mayor and proposed zoning ordinance establishing a Neighborhood Shopping District
2. *Mayor and proposed Small Personal Property Account Exemption & Real Property Residential Tax Exemption

PRIORITY COMMUNICATIONS

3. *FRPD req. review of Second Hand Article license @ 1611 Bay St. based on recent illegal activity
4. *City Clerk req. revocation of taxicab licenses
5. Traffic Commission recommending amendments to the traffic ordinances

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

First Reading:

6. *Traffic, misc.

Adoption:

7. *Order accepting provisions of the Community Preservation Act
8. *Order – Community Preservation Act – Ballot Question

ORDINANCES

Second Reading & Enrollment:

9. *Marihuana use in public places
10. *Taxicab vehicle licensing
11. *Connection to a public street for a private driveway
12. *Traffic, misc.

RESOLUTIONS

13. *Exec. Director/CFO of CDA be invited to future Finance Committee meeting to discuss FROED funding
14. *All departments receiving CDA funding submit contracts to City Council upon request
15. *FROED be invited to future Finance Committee meeting to provide overview of requirements & benefits of TIF agreements
16. *Flag Day be celebrated with ceremonial flag raising at Government Center on Thurs., 6/14/12 @ 10:00 AM
17. *All budgets submitted to the City Council include names, positions and salaries
18. *Traffic Commission review and consider revising traffic patterns on our main thoroughfares to increase ease of access to residents and tourists
19. *Veterans participating in Memorial Day and Veterans Day Parades be assigned to the first divisions
20. *Exec. Board of FROED provide City Council within 30 days copy of Executive V.P. of FROED contract

CITATIONS

21. John S. Brayton, Jr. Memorial Community Service Award recipients
22. Sandy Beach Cleanup participants

ORDERS – HEARINGS FOR TONIGHT – None

ORDERS – HEARINGS TO BE SCHEDULED

Auto Body Shop License:

23. Antonio Almeida, 405 E. Warren St., d/b/a State Road Auto, Inc. @ 2238 So. Main St.

ORDERS – NO HEARING REQUIRED – None

ORDERS – MISCELLANEOUS

- 24. Police Chief's report on licenses
- 25. Auto Body Shop license renewals
- 26. *City Council Meeting Schedule through December 2012

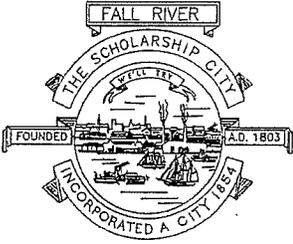
COMMUNICATIONS – INVITATIONS – PETITIONS

- 27. *Claims
- 28. Board of Appeals minutes for April 19, 2012

BULLETINS – NEWSLETTERS – NOTICES - None

Alison M. Bouchard

City Clerk



City of Fall River
Massachusetts
Office of the Mayor

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2012 MAY 21 A 9:58

WILLIAM A. FLANAGAN
Mayor

CITY CLERK _____
FALL RIVER, MA

May 21, 2012

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

Honorable Members of the Council:

I am placing before you for your consideration and approval the following item:

1. Request for a Neighborhood Shopping District (B-N) Zoning Change.

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

Sincerely,

William A. Flanagan
Mayor



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

MEMO

To: City Council

From: Byron Holmes, P.E.
City Engineer

Date: May 18, 2012

Subject: Zoning Ordinance

Comments:

On behalf of the Mayor and the Planning Director, we are submitting the attached proposed ordinance to establish a Neighborhood Shopping District B-N in an area now in an Industrial District IND, as described in the proposed ordinance and shown on the included map.

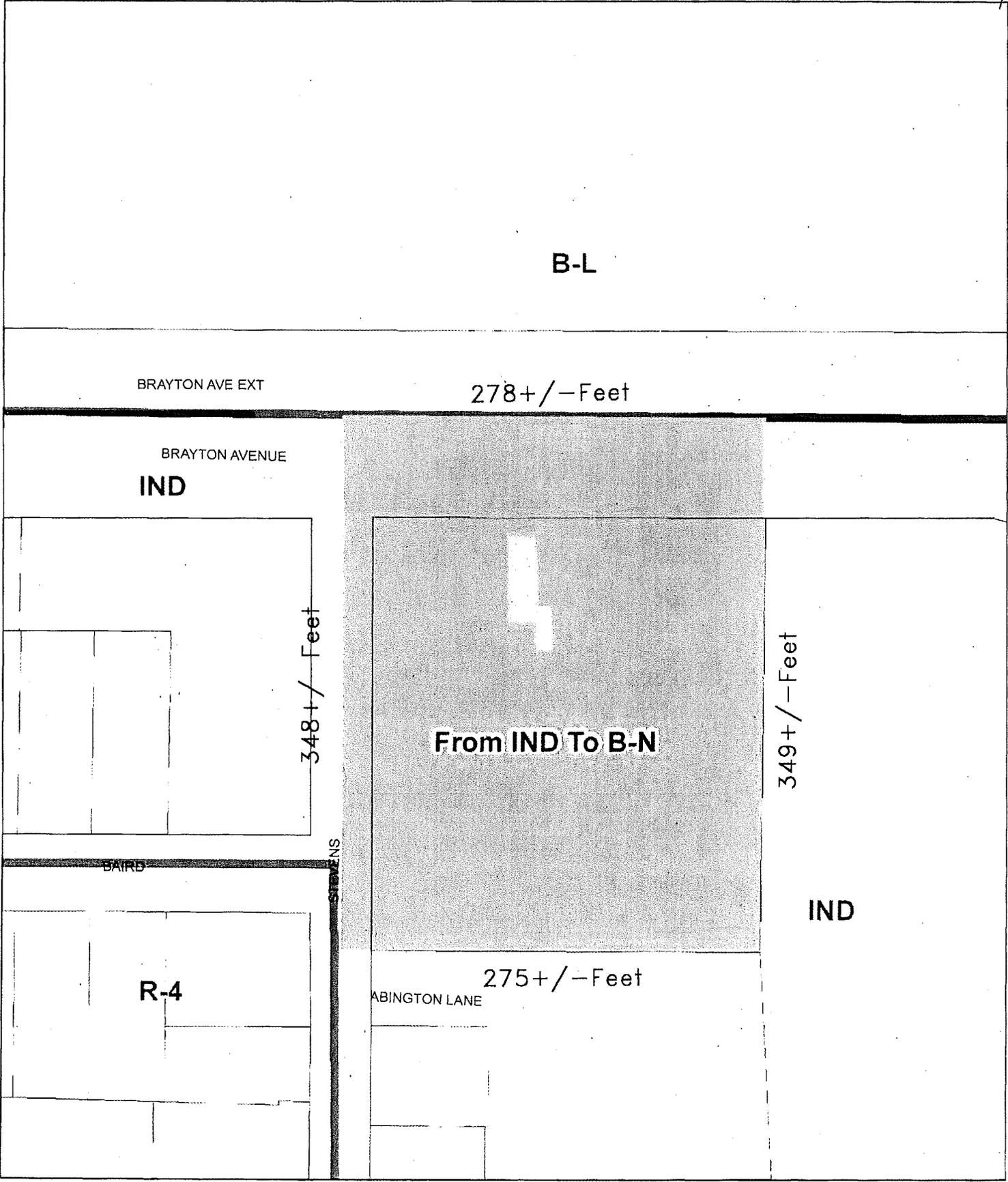
CITY OF FALL RIVER, In City Council

Be it ordained by the City Council of the City of Fall River, Massachusetts, as follows:

That the Planning Director be, and she is hereby authorized and directed to amend the map entitled "Zoning Map of the City of Fall River" which by Chapter 86, Section 121 of the Revised Ordinances of the City of Fall River, 1999 is made a part of said Chapter, by drawing on it, in addition to the presently existing districts shown thereon the following:

As a Neighborhood Shopping District B-N, that area now in an Industrial District IND, bounded and described as follows:

Beginning at a point at the centerline intersection of Brayton Avenue and Stevens Street; thence southerly by the centerline of Stevens Street approximately 348 +/- feet to the southerly boundary of tax assessor's lot E-27-4; thence easterly along the property line of tax assessor's lot E-27-4 approximately 275 +/- feet; thence northerly along the easterly property line of tax assessor's lot E-27-4 to the centerline of Brayton Avenue approximately 349 +/- feet; thence westerly by the centerline of Brayton Avenue 278 +/- feet to the centerline intersection of Brayton Avenue and Stevens Street and the point of beginning. Being the same area as shown on the map entitled Zoning Change from IND to B-N; dated February 17, 2012.



B-L

BRAYTON AVE EXT

278+/-Feet

BRAYTON AVENUE

IND

348+/- Feet

From IND To B-N

349+/-Feet

IND

BAIRD

STEVENS

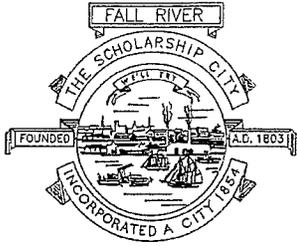
R-4

275+/-Feet

ABINGTON LANE

**ZONING CHANGE
FROM IND TO B-N
FEBRUARY 17, 2012**





WILLIAM A. FLANAGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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2012 JUN -7 P 2:50

CITY CLERK _____
FALL RIVER, MA

June 7, 2012

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

Honorable Members of the Council:

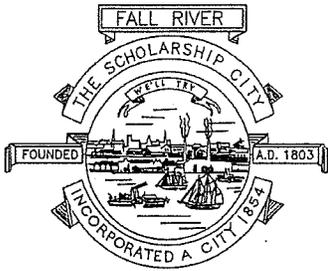
At your request, I am placing before you for your consideration the following item:

1. Small Personal Property Account Exemption
2. Real Property Residential Tax Exemption

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

Sincerely,

William A. Flanagan
Mayor



City of Fall River
Massachusetts
Department of Financial Services
TREASURER • COLLECTOR • AUDITOR • ASSESSOR
Board of Assessors

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CITY CLERK _____
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

RICHARD GONSALVES, MAA
Administrator of Assessing

SMALL PERSONAL PROPERTY ACCOUNT EXEMPTION

Cover Sheet

- 1) Law of Small Business Exemption
- 2) Certified Copy of Notification of Acceptance
- 3) Notice of Acceptance
- 4) Effect on City of Fall River if Exemption is Adopted

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2001-08B

TO: Boards of Assessors and City/Town Clerks
FROM: Marilyn H. Browne, Chief, Bureau of Local Assessment
DATE: September 4, 2001
TOPIC: ACCEPTANCE OF SMALL PERSONAL PROPERTY ACCOUNT EXEMPTION

Attached is a form to be submitted to the Bureau of Local Assessment by communities that accept General Laws Chapter 59 §5(54), added by Chapter 159 of the Acts of 2000 for small personal property accounts. The new local option allows a city or town that accepts its provisions to establish a minimum fair cash value required for personal property accounts to be taxed, and to modify that value, by vote of town meeting, town council with the manager's approval where required, or city council with the mayor's approval where required. G.L. Ch.4 §4. The minimum value cannot be more than \$10,000.

The exemption for small accounts will apply for the fiscal year beginning on the next July 1 after the acceptance of the vote, unless the vote specifies another implementation date. Fiscal Year 2002 is the first year the exemption may be implemented. Communities implementing this local option for FY2002 must notify the Bureau of Local Assessment, on the attached form, by October 1, 2001.

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**Massachusetts Department of Revenue
Division of Local Services
Municipal Databank**

(City/Town)

**Notification of Acceptance
General Laws Chapter 59 §5
(Clause 54 Small Personal Property Exemption)**

The Commissioner of Revenue is hereby notified that the City/Town of _____,
by an act of its legislative body on _____, _____, has accepted the
provisions of General Laws Chapter 59 §5 (54), and will exempt \$_____ of fair cash value
on personal property accounts to be taxed beginning in fiscal year _____.

(City/Town Clerk)

(Date)

Please attach a certified copy of the vote and submit in one of two ways:

(617) 660-7023 (fax)

Municipal Databank
PO Box 9569
Boston, MA 02114-9569

**REPORT OF ACCEPTANCE OF THE SMALL PERSONAL PROPERTY ACCOUNT
EXEMPTION MUST BE RECEIVED BY OCTOBER 1 OF THE FISCAL YEAR THE
EXEMPTION IS FIRST IMPLEMENTED**

(City/Town)

**NOTIFICATION OF ACCEPTANCE
General Laws Chapter 59 §5(54)
(Small Personal Property Accounts)**

The Commissioner of Revenue is hereby notified that the City/Town of _____, by act of its legislative body on _____, _____ has accepted Section 114 of General Laws Chapter 159, and will exempt \$ _____ of fair cash value on personal property accounts to be taxed beginning in fiscal year _____.

(City/Town Clerk)

(Date)

PLEASE ATTACH A CERTIFIED COPY OF THE VOTE AND SUBMIT TO:

**Bureau of Local Assessment
Division of Local Services
P.O. Box 55490
Boston MA 02205-5490**



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City of Fall River
Massachusetts
Department of Financial Services
TREASURER • COLLECTOR • AUDITOR • ASSESSOR

Board of Assessors

WILLIAM A. FLANAGAN
Mayor

RICHARD GONSALVES, MAA
Administrator of Assessing

To: Shawn Cadime

RE: May 11, 2012 request for Personal Property Tax Exemption.

If the council adopts a \$5,000 value exemption, 779 accounts totaling \$2,436,880 in assessed value would equal \$52,319.81 in actual tax dollars. The tax rate of \$23.54 would not increase.

If the council adopts a \$7,000 value exemption, 956 accounts totaling \$3,507,900 in assessed value would equal \$75,316.33 in actual tax dollars. This would add 2 cents to the tax rate increasing the CIP tax rate to \$23.56.

If the council adopts a \$10,000 value exemption, 1173 accounts totaling \$5,380,260 in assessed value would equal \$115,514.18 in actual tax dollars. This would add 3 cents to the tax rate increasing the CIP tax rate to \$23.57.

According to the tax collector's office, at \$5,000 in value, there are 202 accounts outstanding for FY 2011 with a tax dollar value of \$14,684.51. At \$10,000, 309 accounts would be outstanding at total tax dollar value of \$32,188.63. If the exemption is adopted in the future, the city could minimize its outstanding uncollectable accounts.

If you are considering an exemption for smaller valued personal property tax accounts, it is important to remember that all businesses would still be required to file the annual Form of List.

The Assessing Department would still be required to keep files and maintain these accounts.

Please do not hesitate to contact this office if you have any further questions.

Sincerely,

Richard Gonsalves
Administrator of Assessing



City of Fall River
Massachusetts
Department of Financial Services
TREASURER • COLLECTOR • AUDITOR • ASSESSOR
Board of Assessors

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CITY CLERK _____
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

RICHARD GONSALVES, MAA
Administrator of Assessing

Mr. Cadime,

Please find the enclosed documents containing research outlining the effect of a potential real property residential tax exemption.

- MGL Ch. 59 sect. 5c Exemptions for Residential Real Property. (2 pages)
- List of Communities that have adopted the Residential Exemption. (1 page)
- The 10% Residential Exemption Model. (3 pages)
- The 20% Residential Exemption Model. (3 pages)
- Calculating the Exemption. (1 page)
- Chart depicting properties that do not receive the exemption while receiving a tax increase. (1 Page)

If you have any question regarding the attached information, please do not hesitate to contact the office.

Respectfully

Richard Gonsalves, MAA
Administrator of Assessing

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THE 187TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

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Rules

PART I	ADMINISTRATION OF THE GOVERNMENT (Chapters 1 through 182)	PREV	NEXT
TITLE IX	TAXATION	PREV	NEXT
CHAPTER 59	ASSESSMENT OF LOCAL TAXES	PREV	NEXT
Section 5C	Exemptions for residential real property in cities or towns assessing at full and fair cash valuation	PREV	NEXT

Section 5C. With respect to each parcel of real property classified as Class One, residential, in each city or town certified by the commissioner to be assessing all property at its full and fair cash valuation, and at the option of the board of selectmen or mayor, with the approval of the city council, as the case may be, there shall be an exemption equal to not more than twenty per cent of the average assessed value of all Class One, residential, parcels within such city or town; provided, however, that such an exemption shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes. This exemption shall be in addition to any exemptions allowable under section five; provided, however, that in no instance shall the taxable valuation of such property after all applicable exemptions be reduced below ten per cent of its full and fair cash valuation, except through the applicability of section eight A of chapter fifty-eight and of clause Eighteenth of section five. Where, under the provisions of section five, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for purposes of the preceding sentence shall be computed by dividing the said amount of tax by the residential class tax rate of the city or town and multiplying the result by one thousand dollars. For purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the assessors in accordance with the deed for such property and shall include a condominium unit.

In those cities and towns in which an exemption is made available hereunder, a taxpayer aggrieved by the failure to receive such residential exemption may apply for such residential exemption to the assessors, in writing, on a form approved by the commissioner within three months after the date on which the bill or notice of assessment was sent.

A timely application filed hereunder shall, for the purposes of this chapter, be treated as a timely filed application pursuant to section fifty-nine.

For purposes of this section, with respect to real property owned by a cooperative corporation, as defined in section 4 of chapter 157B, that portion which is occupied by a member pursuant

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to a proprietary lease as such member's domicile and is used as such member's principal residence for income tax purposes shall be deemed to be real property owned by such member for purposes of this section, provided that the portion of the real estate is represented by the member's share or shares of stock in the cooperative corporation and the percentage of such portion to the whole is the percentage of such member's shares in the cooperative corporation to the total outstanding stock of the corporation, including shares owned by the corporation. Such portion of such real property shall be eligible for exemption from taxation pursuant to this section if such member meets all requirements for such exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the cooperative corporation; provided, however, that the reduction in taxes realized thereby shall be credited by the cooperative corporation against the amount of such taxes otherwise payable by or chargeable to such member. Nothing in this paragraph shall be construed to affect the tax status of any manufactured home or mobile home under this chapter, but shall apply to the land on which such manufactured home or mobile home is located if all other requirements of this paragraph are met. This paragraph shall take effect in a city or town upon its acceptance by the city or town.

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Residential exemption

An option that allows a community to grant an exemption to owner occupied residential properties of up to 20 percent. The exemption shifts a portion of the tax burden, within the residential class, away from lower valued, single family homes to multi-family properties, apartment buildings and non-resident property owners. Boston, Cambridge and Somerville have been granted special legislation to increase the percentage shifted to 30 percent. The legislation is as follows:

**Massachusetts Department of Revenue
Division of Local Services
Municipal Databank/Local Aid Section**

Residential Exemptions Granted

Residential Exemptions	DOR Code	Percent Granted
BARNSTABLE	020	20.0%
BOSTON	035	30.0%
BROOKLINE	046	20.0%
CAMBRIDGE	049	30.0%
CHELSEA	057	20.0%
EVERETT	093	20.0%
MALDEN	165	20.0%
NANTUCKET	197	20.0%
SOMERSET	273	10.0%
SOMERVILLE	274	30.0%
TISBURY	296	20.0%
WALTHAM	308	20.0%
WATERTOWN	314	20.0%
West Barnstable Fire		20.0%

Legislation which allows a community to exceed the residential exemption cap of 20%:

Boston - Chapter 403 of the Acts of 2003

Cambridge - Chapter 90 of the Acts of 2003

Somerville - Chapter 257 of the Acts of 2000

Example using 10% Exemption

Residential Exemption

A municipality can grant a residential exemption up to 20% of the average residential value for each owner-occupied property for real estate tax purposes. This is done by shifting a portion of the tax levy from the owner occupied residential to the non-owner occupied properties and lower valued properties to higher valued properties. Since the tax dollars loss by granting the residential exemption still must be made up by the residential class, the balance of the residential portion of the levy is raised by increasing the tax rate for the entire class. The effect is basically to shift the tax burden from average and lower valued homes to apartments, summer homes and higher value homes.

There are 19,290 residential parcels that could receive the residential exemption. The best estimate at this time is approximately 6,638 parcels would not receive the exemption leaving approximately 12,652 that would qualify.

Since the tax dollars lost by granting the residential exemption must still be made up by the residential class, the balance of the residential portion of the levy is raised by increasing the tax rate for the entire residential class.

The average residential value in Fall River for FY 2012 is \$220,303 dollars.

At 10% the exemption would be \$22,030 dollars of assessment would be exempt for each qualifying parcel.

The current residential factor or shift is 1.70%, current residential tax rate for FY 2012 is \$10.98 per thousand of assessment.

If adopted, the tax rate with the residential exemption at the current shift would be \$11.79 per thousand of assessment.

Once again the effect is basically to shift some of the tax burden from low valued to higher valued property and from the owner-occupied properties to the non-owner properties.

We have calculated the "**Break-Even**" assessment for FY 2012 to be \$320,100. In other words, if the residential exemption is adopted, residential properties assessed higher than the break-even valuation of \$320,100 will experience a tax increase for FY 2012 there is an estimated 598 residential properties out of 12,652 who receive the exemption will experience a tax increase.

Note: There are over 700 post office box addresses in the City of Fall River. If all would qualify after the bills are out based on a average exemption of 22,030 or 560 per bill the overlay fund would have be increase by 145,448 dollars.

RESIDENTIAL EXEMPTION:

In the City of Fall River, the average exemption value based on last year's data would be \$220,303. The estimated number of eligible parcels are 10,888.

Example:

- 1. \$100,000 assessment with a 10% Residential exemption:

Without the exemption	With the exemption	Savings
	100,000	
	<u>-22,030(exemption value)</u>	
\$100,000/\$1,000=100	77,970/\$1,000=77.97	\$178.73
<u>x 10.98</u>	<u>x 11.79</u>	
\$ 1,098	\$919.27	

Example:

- 2. \$150,000 assessment with a 10% Residential exemption:

Without the exemption	With the exemption	Savings
	150,000	
	<u>-22,030(exemption value)</u>	
\$150,000/\$1,000=150	127,970/\$1,000=127.97	\$138.23
<u>x 10.98</u>	<u>x 11.79</u>	
\$1,647	\$1,508.77	

Example:

- 3. \$200,000 assessment with a 10% Residential exemption:

Without the exemption	With the exemption	Savings
	200,000	
	<u>-22,030(exemption value)</u>	
\$200,000/\$1,000=200	177,970/\$1,000=177.97	\$97.73
<u>x 10.98</u>	<u>x 11.79</u>	
\$2,196	\$2,098.27	

Example:

4. \$250,000 assessment with a 10% Residential exemption:

Without the exemption	With the exemption	Savings
	250,000	
	-22,030(exemption value)	
\$250,000/\$1,000=250	227,970/\$1,000=227.97	\$57.23
<u>x 10.98</u>	<u>x 11.79</u>	
\$2,745	\$2,687.77	

Example:

5. \$300,000 assessment with a 10% Residential exemption:

Without the exemption	With the exemption	Savings
	300,000	
	-22,030(exemption value)	
\$300,000/\$1,000=300	277,970/\$1,000=277.97	\$16.73
<u>x 10.98</u>	<u>x 11.79</u>	
\$3,294	\$3,277.27	

Example:

6. \$450,000 assessment with a 10% Residential exemption:

Without the exemption	With the exemption	Increase
	450,000	
	-22,030(exemption value)	
\$450,000/\$1,000=450	427,970/\$1,000=427.97	\$+104.77
<u>x 10.98</u>	<u>x 11.79</u>	
\$4,941	\$5,045.77	

Example using 20% Exemption

Residential Exemption

A municipality can grant a residential exemption up to 20% of the average residential value for each owner-occupied property for real estate tax purposes. This is done by shifting a portion of the tax levy from the owner occupied residential to the non-owner occupied properties and lower valued properties to higher valued properties. Since the tax dollars lost by granting the residential exemption still must be made up by the residential class, the balance of the residential portion of the levy is raised by increasing the tax rate for the entire class. The effect is basically to shift the tax burden from average and lower valued homes to apartments, summer homes and higher value homes.

There are 19,290 residential parcels that could receive the residential exemption. The best estimate at this time is approximately 6,638 parcels would not receive the exemption leaving approximately 12,652 that would qualify.

Since the tax dollars lost by granting the residential exemption must still be made up by the residential class, the balance of the residential portion of the levy is raised by increasing the tax rate for the entire residential class.

The average residential value in Fall River for FY 2012 is \$220,303 dollars. At 20% the exemption would be \$44,061 dollars of assessment would be exempt for each qualifying parcel.

The current residential factor or shift is 1.70%, current residential tax rate for FY 2012 is \$10.98 per thousand of assessment.

If adopted, the tax rate with the residential exemption at the current shift would be \$12.71 per thousand of assessment.

Once again the effect is basically to shift some of the tax burden from low valued to higher valued property and from the owner-occupied properties to the non-owner properties.

We have calculated the "**Break-Even**" assessment for FY 2012 to be \$320,100. In other words, if the residential exemption is adopted, residential properties assessed higher than the break-even valuation of \$320,500 will experience a tax increase for FY 2012 there is an estimated 598 residential properties out of 12,652 who receive the exemption will experience a tax increase.

Note: There are over 700 post office box addresses in the City of Fall River. If all would qualify after the bills are out based on a average exemption of 44,061 or 560 per bill the overlay fund would have be increase by 392,000 dollars.

RESIDENTIAL EXEMPTION:

In the City of Fall River, the average exemption value based on last year's data would be \$220,303. The estimated number of eligible parcels are 10,888.

Example:

1. \$100,000 assessment with a 20 % Residential exemption:

Without the exemption	With the exemption	Savings
	100,000	
	<u>-44,061(exemption value)</u>	
\$100,000/\$1,000= 100	55,939/\$1,000=55.94	\$387.00
<u>x 10.98</u>	<u>x 12.71</u>	
\$ 1,098	\$711.00	

Example:

2. \$150,000 assessment with a 20% Residential exemption:

Without the exemption	With the exemption	Savings
	150,000	
	<u>-44,061(exemption value)</u>	
\$150,000/\$1,000=150	105,939/\$1,000=105.94	\$300.50
<u>x 10.98</u>	<u>x 12.71</u>	
\$1,647	\$1,346.50	

Example:

3. \$200,000 assessment with a 20% Residential exemption:

Without the exemption	With the exemption	Savings
	200,000	
	<u>-44,061(exemption value)</u>	
\$200,000/\$1,000=200	155,939/\$1,000=155.94	\$214.00
<u>x 10.98</u>	<u>x 12.71</u>	
\$2,196	\$1,982.00	

Example:

4. \$250,000 assessment with a 20% Residential exemption:

Without the exemption	With the exemption	Savings
	250,000	
	<u>-44,061(exemption value)</u>	
\$250,000/\$1,000=250	205,939/\$1,000=205.94	\$172.50
<u>x 10.98</u>	<u>x 12.71</u>	
\$2,745	\$2,617.50	

Example:

5. \$300,000 assessment with a 20% Residential exemption:

Without the exemption	With the exemption	Savings
	300,000	
	<u>-44,061(exemption value)</u>	
\$300,000/\$1,000=300	255,939/\$1,000=255.94	\$41.00
<u>x 10.98</u>	<u>x 12.71</u>	
\$3,294	\$3,253.00	

Example:

6. \$450,000 assessment with a 20% Residential exemption:

Without the exemption	With the exemption	Increase
	450,000	
	<u>-44,601(exemption value)</u>	
\$450,000/\$1,000=450	405,399/\$1,000=405.40	\$211.64
<u>x 10.98</u>	<u>x 12.71</u>	
\$4,941	\$5,152.64	

Calculating the exemption:

1. Taking the total residential value, and dividing it by the total residential parcel count calculating the average residential value for the exemption.
2. The residential exemption equals the average residential value multiplied by the selected residential exemption.
3. The number of eligible parcels equals the total of residential parcels minus the non eligible parcels. (see enclosed spreadsheets).
4. Accepting this exemption, there is a distribution of payment within class, the property valued at \$320,100 (less exemption value of 22,030 at 10%) is where there is no savings. Any property valued above that amount will essentially pay for the exemption tax rate 11.79.
5. Accepting this exemption, there is a distribution of payment within class, the property valued at \$320,100 (less exemption value of 44,061 at 20%) is where there is no savings. Any property valued above that amount will essentially pay for the exemption tax rate 12.71.

Finally the exemption deals with residential property owned and occupied in Fall River. It makes is extremely difficult, to receive an accurate count of first time applicants. The statute reads that, the applicant who did not receive the abatement, can file an application within three (3) months, from the day the tax bills are mailed, and, if successful receive the exemption. The amount would be credited to the overlay account, which if not funded correctly will cause a deficit.

1. At Exemption 10% estimate 598 properties with 22,030 at 11.79 = 259.74 per parcel $259.74 \times 598 = 155,324.52$ added to overlay.
2. At Exemption 20% estimate 598 properties with 44,061 at 12.71 = 560.02 per parcel $\times 598$ added 334,891.96 to overlay.

The following is an example of properties ranging from 100,000 to 400,000 in value that will not receive the exemption and will have tax increase based on the exemption percentage amount.

prop value	taxes 10.98 without exp	taxes @ 10% 11.79 without exempt	tax increase without exempt	taxes @ 20% 12.71 without exempt	tax increase without exempt
100,000	1098	1179	81	1271	173
150,000	1647	1768.5	121.5	1906.5	259.5
200,000	2196	2358	162	2542	346
220,303	2418.93	2597.37	178.45	2800.05	381.12
300,000	3294	3537	243	3813	519
400,000	4392	4716	324	5084	692



Daniel S. Racine
Chief of Police

City of Fall River, Massachusetts
Police Department

Office of the Chief of Police

2012 JUN -5 A 11: 48

CITY CLERK _____
FALL RIVER, MA
685 Pleasant St.
Fall River, MA 02721
Tel: 508-324-2787
Fax: 508-324-2809
TDD: 508-324-2790

June 4, 2012

Fall River City Council
One Government Center
Fall River MA 02722

Detective Mark R. Bouchard
Fall River Police Department
685 Pleasant Street
Fall River MA 02721

Dear Councilors:

On 5/22/12, members of the Fall River Police Department Vice and Intelligence Unit executed a search warrant at Fall River Metals, 1611 Bay Street, Fall River, MA. They had a valid search warrant for heroin, a class A narcotic.

Both Deborah Reynolds and Michael Reynolds were in the office area. During the search of the office where the Reynolds were located, the Vice Detectives located 97 bags of heroin, along with other items associated with the packaging and sale of heroin.

I respectfully request you review this incident and consider revoking the Second Hand License issued to Fall River Metals.

Sincerely,

Mark R Bouchard

Mark R. Bouchard
Fall River Police Department



Fall River Police Department
Arrest Report

3

Arrest #: 12-2249-AR
Call #: 12-32871

Date/Time Reported: 05/22/2012 @ 1538
Arrest Date/Time: 05/22/2012 @ 1630
Booking Date/Time: 05/22/2012 @ 1630
OBTN: TFAL201202249
Court: 2nd District
Court Date: 05/23/2012 @ 0845
Reporting Officer: Officer James Elumba
Assisting Officer: Officer William Falan
Booking Officer: Officer Bruce Tavares



Bail For Court: 2nd District Set: 05/22/2012 @ 1721
Personal Recognizance Set 0.00
Personal Recognizance Set
Released by Assistant Clerk-Magistrate Karen A. Eng at 8:45PM.
Bail Set By: 04 Eng, Karen A.
Bail Payment: 05/22/2012 @ 1819 by Cash \$40.00
Bail Paid By: Reynolds, Debbie
Released: 05/22/2012 @ 2045

Signature: _____

#	DEFENDANT (S)	SEX	RACE	AGE	SSN	PHONE
1	REYNOLDS, MICHAEL G 34 JOHN E DUGGAN RD Tiverton RI 02780	M	W	65	██████████	401-625-5206

Military Active Duty: N
HEIGHT: 600 WEIGHT: 250 HAIR: GRAY OR PARTIALLY GRAY EYES: HAZEL
BODY: HEAVY COMPLEXION: FAIR
DOB: 07/02/1946 PLACE OF BIRTH: FALL RIVER, MA
STATE ID: MA00269407 FBI ID: 811028E
LICENSE NUMBER: MA 012365363 ETHNICITY: NOT HISPANIC
PCF #: 00000592890

[CONTACT INFORMATION]

Home Phone (Primary) 401-625-5206
Work Phone (Primary) 508-673-4660

[APPEARANCE]

GENERAL APPEARANCE: SOILED
SHIRT: T-SHIRT
PANTS/SKIRT: SPORTS SLACKS/SKIRTS
SHOE: BOOTS - UNSPECIFIED
GLASSES WORN: NO

Fall River Police Department
Arrest Report

Page: 2
05/23/2012

Arrest #: 12-2249-AR
Call #: 12-32871

DEFENDANT(S) SEX RACE AGE SSN PHONE

ALIAS LAST NAME	FIRST NAME	MIDDLE NAME	SSN	DOB
REYNOLDS	MICHAEL		NOT AVAIL	NOT AVAIL
REYNOLDS	MICHAEL		NOT AVAIL	07/02/1946

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: MARRIED

SPOUSE'S NAME: AMARAL, DEBORAH
FATHER'S NAME: REYNOLDS, GEORGE
MOTHER'S NAME: REYNOLDS, RUTH

EMPLOYER/SCHOOL: FALL RIVER METALS · 508-673-4660
1611 BAY ST
FALL RIVER MA

OCCUPATION: SELF-EMPLOYED

[RIGHTS/BOOKING CHECKS]

PHONE USED: Y PHONED DATE/TIME: 05/22/2012 & 1726
ARRESTEE SECURED: Y 05/22/2012 1733
ARRESTEE CELL #: 016

FINGERPRINTED: Y
PHOTOGRAPHED: Y
SUICIDE CHECK: Performed
PERSONS: State&Federal
NCIC VEHICLE CHECK: Not Performed
INJURY OR ILLNESS: N

OFFENSE(S) ATTEMPTED TYPE

LOCATION TYPE: Commercial/Office Building Zone: Zone 032, Sec 9
FALL RIVER METALS AND RECYCLING CORP
1611 BAY ST
FALL RIVER MA

- | | | | |
|---|---|---|--------|
| 1 | DRUG, POSSESS TO DISTRIB CLASS A
94C/32/C | N | Felony |
| | 94C 32
OCCURRED: 05/22/2012 1538
CRIMINAL ACTIVITY: Distributing/Selling | | |
| 2 | POSS TO DISTRIB CLASS A IN SCHOOL ZONE
94C/32J/A | N | Felony |
| | 94C 32J
OCCURRED: 05/22/2012 1538
CRIMINAL ACTIVITY: Distributing/Selling | | |

Fall River Police Department
Arrest Report

Page: 3
05/23/2012

Arrest #: 12-2249-AR
Call #: 12-32871

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
1	LACROIX, GEORGE W 530 BANK ST FALL RIVER MA DOB: 07/09/1957 EMPLOYER: FALL RIVER METALS TAKEN TO: NA CONTACT INFORMATION: Home Phone (Primary)	PARTICIPANT	M	W	54	[REDACTED]	508-889-0181
							508-889-0181

#	DRUG(S)	PROPERTY #	STATUS
1	BLUE GLASSINE BAGGIES OF HEROIN QUANTITY: 97.000 (Dosage of Units/Items) OWNER: REYNOLDS, MICHAEL G	12-2668-PR VALUE: \$0.00	Seized (Not Previously Stolen) DATE: 05/22/2012

#	OTHER PROPERTIES	PROPERTY #	STATUS
1	CELLULAR TELEPHONE QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/22/2012 OWNER: REYNOLDS, MICHAEL G	12-2669-PR VALUE: \$0.00	Evidence (Not Nibrs Reportable)
2	RX BOTTLE CONTAINING ELASTICS QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/22/2012 OWNER: REYNOLDS, MICHAEL G	12-2670-PR VALUE: \$0.00	Evidence (Not Nibrs Reportable)
3	METAL SIFTER QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/22/2012 OWNER: REYNOLDS, MICHAEL G	12-2671-PR VALUE: \$0.00	Evidence (Not Nibrs Reportable)
4	SUSPECTED DRUG LEDGERS QUANTITY: 2 SERIAL #: NOT AVAIL DATE: 05/22/2012 OWNER: REYNOLDS, MICHAEL G	12-2672-PR VALUE: \$0.00	Evidence (Not Nibrs Reportable)
5	ROUND HOLLOW METAL SPHERE (ENDCAP) QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/22/2012 OWNER: REYNOLDS, MICHAEL G	12-2673-PR VALUE: \$0.00	Evidence (Not Nibrs Reportable)
6	ITEMS OF STANDING: MICHAEL REYNOLDS QUANTITY: 2 SERIAL #: NOT AVAIL DATE: 05/22/2012 OWNER: REYNOLDS, MICHAEL G	12-2675-PR VALUE: \$0.00	Evidence (Not Nibrs Reportable)
7	ASSORTED US CURRENCY QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/22/2012 OWNER: REYNOLDS, MICHAEL G	12-2676-PR VALUE: \$1,776.00	Evidence (Not Nibrs Reportable)

Fall River Police Department
Arrest Report

Arrest #: 12-2249-AR
Call #: 12-32871

#	OTHER PROPERTIES	PROPERTY #	STATUS
8	PLASTIC BAGGIE MARIJUANA (UNDER 1 OZ) QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 05/22/2012 OWNER: LACROIX, GEORGE W	12-2677-PR VALUE: \$0.00	Evidence (Not Nibrs Reportable)

Ref: 12-2249-AR

3

On Tuesday, 5-22-12 at approximately 2:30 PM, Detectives William Falandys, Greg Wiley, Gary Barboza, John Cabral, Robert Jacob and I, Detective James Elumba, were assigned to the Vice and Intelligence Unit of the Fall River Police Department. We were in the area of Fall River Metals, a metal recycling business located at 1611 Bay Street, on a pre-search warrant surveillance. I was armed with a valid search warrant for that address. The owner of the business, Michael Reynolds, was named on the warrant. Det. Sgt. Joseph was also in the area to assist.

At approximately 3:00PM, we approached the business of Fall River Metals. I entered the business with other detectives and located Michael Reynolds (7-2-46) and his wife, Deborah Reynolds (4-3-60) in the business office. Two other men, later identified as George Lacroix (7-9-57) and Kenneth Swainamer(7-16-60) were located in the business working on machinery. Another male, later identified as Michael Boutin (6-24-6), was located in the scrap yard.

All these individuals were brought into the center of the business. I informed them all of the search warrant and gave them ample opportunity to review it. They each stated that they understood it. I then read them their Miranda Rights via prepared card. They each individually stated that they understood their rights. I then asked each person if they wished to produce any contraband prior to our search of the property. Kenneth Swainamer stated that he had a large sum of money in his pocket and added that it belonged to the business. No other contraband was produced. A search of the business took place.

While searching the office area where Michael and Deborah were initially located, Detective John Cabral located 97 blue glassine bags of suspected heroin. These bags were bound by elastic and hidden inside of a wall mounted coat rack. Det. Cabral had removed a small metal ball at the base of the coat rack. The ball was hollow and contained the heroin. I asked Michael to speak with me in this office. As he entered the office, I asked him if he knew why I was bringing him in there. He stated that he did and then added, "It's for personal use" prior to me notifying him of what was found. I then asked him where he had put it. He then pointed to the coat rack where the suspected heroin was located. I then brought Deborah into the office. I asked her if she had any knowledge of the heroin. She stated that she did not.

As the search of the office continued, Det. Falandys located two letters of standing for Michael and a prescription bottle filled with the same type of elastics used to bind the heroin. Detective Wiley located a straining device, similar to that used to sift heroin during packaging for street sale. Det. Barboza located two pieces of paper with names, numbers and dollar amounts. This is suspected to be a drug ledger. He also located a small amount of marijuana (less than one ounce) under a sweatshirt during a search of the machinery area of the business. George Lacroix claimed ownership of the marijuana. That marijuana was seized and will be submitted for destruction. As the search was being conducted, I spoke with Kenneth Swainamer about the money he had in his pocket. He stated that the money belonged to Michael Reynolds. He provided me with the money which totalled \$1306. The search concluded. No other contraband was found.

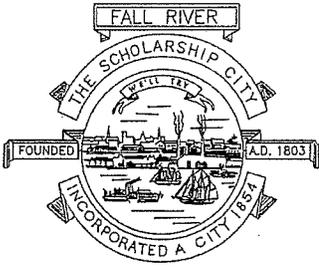
Michael was placed under arrest. As he was being placed in a marked cruiser, I retrieved \$470 cash and a cell phone from his pocket. He was then transported to the police station via marked cruiser. There, he was booked and placed in a holding cell to await release.

All items seized will be logged in at the Fall River Police Department. The suspected heroin will be sent to the Boston Food and Drug Lab for analysis. The \$1776 cash seized will be forwarded to the Office of the Chief of Police to await forfeiture.

The arrest location falls within 1000' of the Little Apples DayCare located at 20 Appleton Street, Fall River, MA.

Submitted under the pains and penalties of perjury.

Detective James Elumba A451



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

June 5, 2012

City Council
One Government Center
Fall River, MA 02722

Dear Council members:

On March 13, 2012, an order was unanimously adopted by your honorable body allowing the transfer of all previously issued taxicab vehicle licenses from Buddy's Transportation, Inc. d/b/a Yellow Cab to Town Transportation, LLC d/b/a Town Taxi, at the request of the business owners.

On March 22, 2012, and subsequently on May 3, 2012, notification was forwarded to both businesses advising of the approval and the need for submission of transfer applications for seven of the previously issued vehicle licenses in accordance with Sec. 78-65 of the Revised Ordinances of the City of Fall River.

At a meeting of the Committee on Ordinances and Legislation held on May 15, 2012, I again informed the business owners and their attorney of such process. To date, no applications have been filed with this office.

As such, I respectfully request that license numbers 8, 23, 26, 28, 31, 39, 42, issued to Buddy's Transportation d/b/a Yellow Cab, be revoked by the City Council.

As always, should there be any questions or concerns, please feel free to contact me at 508-324-2220.

Sincerely,

Alison M. Bouchard
Alison M. Bouchard
City Clerk

Enc.

COPY

4

CURRENT ORDINANCE:

***Sec. 78-63. - Transfer.**

Upon application of the license holder of a licensed taxicab to transfer a taxicab license from one vehicle to another, the city clerk, upon payment of the licensing fee, is authorized to issue a license for the new vehicle.

(Rev. Ords. 1988, § 20-37.1; Ord. No. 2002-20, § 2, 6-12-2002)

****THIS SECTION WILL NOT BE AMENDED BY PROPOSED ORDINANCE***

COPY 4

ORDERED, that the City Council does hereby approve the transfer of the following taxicab vehicle licenses:

License Numbers 8, 9, 13, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,
33, 34, 35, 36, 37, 38, 39, 40, 41 and 42

FROM: Buddy's Transportation, Inc. d/b/a Yellow Cab
TO: Town Transportation, LLC d/b/a Town Taxi

And, BE IT FURTHER ORDERED, that the above licenses are subject to the prior approval of the Chief of Police and City Council in accordance with applicable city ordinances.

In City Council, March 13, 2012
Adopted.

Approved, March 21, 2012
William A. Flanagan, Mayor

A true copy. Attest:



City Clerk

COPY

4

March 22, 2012

Buddy's Transportation, Inc.
d/b/a Yellow Cab
1033 Pleasant Street
Fall River, MA 02723

CERTIFIED MAIL

Town Transportation, LLC
d/b/a Town Taxi
168 Stevens Street
Fall River, MA 02721

Dear Sir/Madam:

This is to inform you that your request for the transfer of taxi vehicle licenses as listed in the attached order has been approved.

According to the records on file with this office, seven (7) of the currently licensed sixteen (16) vehicles are licensed and registered to Buddy's Transportation, Inc. d/b/a Yellow Cab (Buddy's). As per your telephone conversation with this office, it is my understanding that these vehicles have been registered to Town Transportation, LLC d/b/a Town Taxi (Town). At your earliest convenience, please file new Taxicab applications for these medallions (list attached) and return to this office with the updated Certificates of Registration. No further City Council approval is needed for these licenses. However, approval from the Chief of Police is still required.

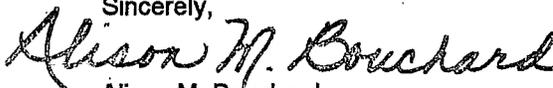
In addition, you are hereby notified that we have not received applications for numbers 36, 38, 40 and 41. Please note that these renewal applications will require the approval of the City Council and the Chief of Police.

In accordance with Sec. 78-65 of the Revised Ordinances of the City of Fall River, "all taxicab licenses assigned to a taxicab business shall be picked up each year prior to March 1 of that year or said license shall become available." As such, I would recommend that applications be filed with this office for the remaining medallions, as notification is being sent to those approved by the Council they are able to submit taxi applications to this office.

Lastly, the licenses for the remaining nine (9) medallions registered to Town have been updated to reflect the transfer and can be picked up. The total fee for these licenses is \$540. Kindly pick these up at your earliest convenience.

As always, should there be any questions or concerns, please feel free to contact me at 508-324-2220.

Sincerely,



Alison M. Bouchard
City Clerk

Enc.
/ispl

Cc: Mr. John R. Mitchell, Esquire, 105 Bank Street, Fall River, MA 02720
Detective Mark Bouchard, Fall River Police Department
Mr. Ray White, Sealer of Weights and Measurers, City of Fall River

COPY 4

May 3, 2012

CERTIFIED MAIL

Buddy's Transportation, Inc. d/b/a Yellow Cab
c/o Town Transportation, LLC d/b/a Town Taxi
168 Stevens Street
Fall River, MA 02721

Dear Sir/Madam:

As a follow-up to the attached letter, I am writing to inform you that according to the records on file with this office, seven (7) vehicles currently licensed and registered to Buddy's Transportation, Inc. d/b/a Yellow Cab have yet to be transferred to Town Transportation, LLC d/b/a Town Taxi.

Although the City Council has authorized you to apply for such transfers, to complete such process new Taxicab applications, with the updated Certificates of Registration, must be filed with this office for the following medallions:

8, 23, 26, 28, 31, 39, 42

No further City Council approval is needed. However, approval from the Chief of Police is still required and these medallions are not to be placed on Town Taxi vehicles until such transfers are approved and the new licenses picked up from this office.

Should applications not be filed by Monday, May 14, 2012, notice will be given to the Chief of Police for violation of Section 78-61 of the Revised Ordinances of the City of Fall River.

As always, should there be any questions or concerns, please feel free to contact me at 508-324-2220.

Sincerely,



Alison M. Bouchard
City Clerk

Enc.
/ispl

Cc: Mr. John R. Mitchell, Esquire, 105 Bank Street, Fall River, MA 02720
Detective Mark Bouchard, Fall River Police Department
Mr. Ray White, Sealer of Weights and Measurers, City of Fall River

CITY OF FALL RIVER

6

To the City Council

Councillors:

The Committee on

Ordinances and Legislation, at a meeting held on June 5, 2012,
voted unanimously to recommend that the accompanying proposed ordinance be
passed through first reading.

Cecilia A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

6

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

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

Section 1.

By inserting in Section 70-241, which section relates to stop intersections designated in proper alphabetical order the following:

Eastbound and westbound drivers on Angell Street at County Street
Westbound drivers on Bardsley Street at County Street
Southbound drivers on Buckley Street at County Street
Westbound drivers on California Street at County Street
Eastbound and westbound drivers on Cambridge Street at Jackson Street
Eastbound drivers on Carr Street at County Street
Northbound drivers on Fuller Street at Spencer Street
Eastbound drivers on Gagnon Street at County Street
Southbound drivers on Goss Street at County Street
Southbound drivers on Haffards Street at County Street
Eastbound drivers on Horton Street at County Street
Westbound drivers on Keeley Street at County Street
Eastbound drivers on Leo Street at County Street
Southbound drivers on McCloskey Street at County Street
Westbound drivers on Napoleon Street at William Canning Blvd.
Southbound drivers on Norwood Street at County Street
Northbound drivers on Prevost Street at McGowan Street
Westbound drivers on South Street at South Main Street
Southbound drivers on Stinziano Street at Bedford Street

Section 2.

By inserting in Section 70-371, which section relates to parking prohibited at all times in proper alphabetical order the following:

Penn Street, south side, starting at a point 210 feet east of King Street,
for a distance of 26 feet easterly

Section 3.

By inserting in Section 70-385 (19), which section relates to Passenger drop off and pick up zones, 7:30 AM – 8:30 AM and 2:00 PM – 3:00 PM, Monday through Friday, in proper alphabetical order the following:

Stetson Street, west side, starting at a point 162 feet south of President Avenue,
for a distance of 60 feet southerly

CITY OF FALL RIVER

7

To the City Council

Councillors:

The Committee on Ordinances and Legislation at a meeting held on June 5, 2012,
voted unanimously to recommend that the accompanying order be adopted.

Colleen A. Taylor
Clerk of Committees

7

BE IT ORDERED that Sections 3 to 7, inclusive, of chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, are hereby accepted for approval.

A surcharge on real property in the amount of 1.5% of the real estate tax levy against real property is hereby approved, along with the following surcharge exemptions:

- 1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the City of Fall River, as defined in Section 2 of the Community Preservation Act; and
- 2) for \$100,000 of the value of each taxable parcel of residential real property.

WHEREAS, the actions of the legislative body shall be submitted for acceptance to the voters of the City of Fall River at the next regular municipal or state election.

7

City of Fall River
Office of the Corporation Counsel



WILLIAM A. FLANAGAN
Mayor

STEVEN A. TORRES
Corporation Counsel

RECEIVED

ELIZABETH SOUSA
2012 MAY 11 11:05 AM
First Assistant Corporation Counsel

GARY P. HOWAYECK
CITY CLERK Assistant Corporation Counsel
FALL RIVER, MA

May 11, 2012

Christy M. DiOrio
Assistant Corporation Counsel

Inês Leite
Assistant Clerk of Committees
One Government Center
Fall River, MA 02722

Re: Community Preservation Act

Dear Inês:

In accordance with your letter dated April 12, 2012, the City Council Committee on Ordinances and Legislation having voted to request an order and ballot measure relative to the Community Preservation Act, please find the same enclosed.

The enclosed ballot measure reflects the 1.5% surcharge to be imposed on the annual real property tax assessed, as well as exemptions for 1) property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in Fall River; and 2) \$100,000 of the value of each taxable parcel of residential real property.

Upon approval of the legislative body of sections 3 to 7, inclusive, of chapter 44B of the General Laws, the actions of the body shall be submitted for acceptance to the voters of the City at the next regular municipal or state election. Mass. Gen. Laws ch. 44B § 3(f). The final date for notifying or filing a petition with the city clerk or state secretary to place the question on the ballot shall be 35 days before the city election or 60 days before the state election. Mass. Gen. Laws ch. 44B § 3(g).

Should you need anything further, please do not hesitate to contact me.

Very truly yours,

Christy M. DiOrio

Enclosures

cc: Mayor William A. Flanagan (w/ enc.)

CITY OF FALL RIVER

8

To the City Council

Councillors:

The Committee on Ordinances and Legislation at a meeting held on June 5, 2012,
voted unanimously to recommend that the accompanying order be adopted.

Cellean A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

COMMUNITY PRESERVATION ACT BALLOT QUESTION AND SUMMARY

Shall the City of Fall River accept Sections 3 to 7, inclusive of Chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?

The Community Preservation Act (hereinafter "Act") establishes a dedicated funding source to enable cities and towns to (1) acquire open space, which includes land for park and recreational uses and the protection of public drinking water well fields, aquifers and recharge areas, wetlands, farm land, forests, ocean and river frontages, beaches, scenic areas, wildlife preserves and other conservation areas, (2) acquire and restore historic buildings and sites, and (3) create affordable housing.

In the City of Fall River, the funding source for these community preservation purposes will be a surcharge of 1.5% on the annual property tax assessed on real property and annual distributions made by the state from a trust fund created by the Act. If approved, the following will be exempt from the surcharge: (1) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the City of Fall River, as defined in Section 2 of the Act; and (2) \$100,000 of the value of each taxable parcel of residential real property. A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in the surcharge.

Upon acceptance of the Act by the voters, a Community Preservation Committee will be established by ordinance to study community preservation needs, possibilities and resources to make annual recommendations to the City Council on spending the funds. At least 10% of the funds to each fiscal year will be spent or reserved or later spending on each of the Act's three community preservation purposes: (1) open space (excluding land for recreational use), (2) historic resources and (3) affordable housing.

City of Fall River, *In City Council*

9

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

By inserting Chapter 46, which chapter relates to Offenses, a new Article I, Public Consumption of Marihuana or Tetrahydrocannabinol and inserting under said article, the following new sections to read as follows:

Section 46-18 Use of marihuana in public

No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in M.G.L. Chapter 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the City of Fall River; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

Section 46-19 Name, address and date of birth to be provided

Upon request by any duly sworn police officer, any person charged with violating this chapter shall provide his or her true name, address and date of birth.

Section 46-20 Violations and penalties

This Article may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L., Chapter 40, Section 21, or by noncriminal disposition pursuant to M.G.L., Chapter 40, Section 21D. The fine for violation of the Article shall be two hundred dollars (\$200) for each offense. Any penalty imposed under this Article shall be in addition to any civil penalty imposed under M.G.L., Chapter 94C, Section 32L.

Section 46-21 Seizure of controlled substances

All controlled substances being used in violation of this Article may be seized and held until final adjudication in court whereupon they will be destroyed by the Police Department.

City of Fall River, *In City Council*

10

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 March 1 of that year. The owner of a vehicle that has a taxicab license assigned to it shall within 15 days 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. The transfer process must be completed no longer than 15 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. A valid certificate of registration must accompany all applications.

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 the following:

- 10
- 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) The applicant for a license has presented for examination in the case of each vehicle to be licensed, a valid certificate of inspection.
 - 3) Each vehicle to be licensed has been inspected and approved by the Sealer of Weights and Measures and found to have a taximeter as required by Sec. 78-32 and M.G.L. c. 98 s. 45.

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 22 2012

Motion made and seconded to pass through first reading, as amended carried.

A further motion made and seconded to reconsider, carried.

On another motion made and seconded to amend the ordinance requiring 24 hour service and dispatching services be available 7 days per week, the amendment did not carry, 3 yeas, 6 nays.

On yet another motion made and seconded, to pass the ordinance through first reading, as amended, the motion carried and the proposed ordinance was passed through first reading, as amended.

City of Fall River, *In City Council*

11

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

That Chapter 66 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to streets, sidewalks and other public places be amended as follows:

Section 1

By inserting in said Chapter, the following new section:

Section 66-67 Connection to a public street for a private driveway.

No person shall connect a private driveway to a public street without first obtaining permission as provided for in this section. All applications to connect a private driveway which is to be constructed after the passage of this ordinance, shall be filed with the city engineer and shall be accompanied by a fee as prescribed in the fee schedule in Appendix A to this revision. All work described in the application or provided for in the conditions for approval shall be performed by a licensed contractor. The sidewalk or driveway shall be constructed by the licensed contractor in a manner satisfactory to the city engineer and at no expense to the city. The city engineer may, in his discretion, grant permission to connect a private driveway not more than 16 feet in width. Any application to connect a driveway that exceeds 16 feet in width shall be forwarded by the city engineer with his recommendation first to the traffic commission, and, if approved by the traffic commission, to the city council. The private driveway shall not be connected to the public street without first having received the approval of both the traffic commission and the city council. Before approving such application, the city council shall conduct a public hearing and give due notice thereof in accordance with section 20 of chapter 30A of the General Laws, to all abutting property owners. If the application for connecting a private driveway to a public street is not approved in accordance with the preceding provisions, no person shall make second application for connecting a private driveway to a public street on the same property for a period of two years from the date the denial is recorded in the Office of the City Clerk.

Section 2

By inserting in Chapter 66, of Appendix A-Fee Schedule of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to streets, sidewalks and other public places, in proper numerical order, the following:

Section 66-67 Permit for connection to a public street for installation of a private driveway\$125

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 22 2012

Passed through first reading, as amended

City of Fall River, In City Council

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

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

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

- Fourth Street, west side, starting at a point 295 feet south of Plymouth Avenue, for a distance of 20 feet southerly
- Buckley Street, west side, starting at a point 68 feet north of County Street, for a distance of 20 feet northerly
- Durfee Street, west side, starting at a point 40 feet north of Walnut Street, for a distance of 20 feet northerly
- Edgmond Street, north side, starting at a point 25 feet east of Pitman Street, for a distance of 25 feet easterly
- Hamlet Street, north side, starting at a point 48 feet east of Melville Street, for a distance of 20 feet easterly
- Kilburn Street, west side, starting at a point 95 feet north of Dwelly Street, for a distance of 20 feet northerly
- King Phillip Street, south side, starting at a point 497 feet east of King Street, for a distance of 20 feet easterly
- Lawton Street, south side, starting at a point 280 feet east of Rodman Street, for a distance of 20 feet easterly
- Ridge Street, east side, starting at a point 206 feet south of Osborn Street, for a distance of 20 feet southerly
- Ridge Street, east side, starting at a point 232 feet north of Osborn Street, for a distance of 20 feet northerly

**CITY OF FALL RIVER
IN CITY COUNCIL**

MAY 22 2012

Passed through first reading

City of Fall River, *In City Council*

13

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

WHEREAS, the Fall River Office of Economic Development (FROED) has entered into a contract with the Community Development Agency (CDA), and

WHEREAS, federal public funds are provided to FROED, now therefore

BE IT RESOLVED, that the Executive Director/CFO of CDA come before the Fall River City Council Committee on Finance to discuss the contract.

City of Fall River, In City Council.

14

(Councilor Raymond A. Mitchell)
(Councilor Michael L. Miozza)

WHEREAS, the Community Development Agency provides funding for many departments and agencies within our City, and

WHEREAS, these funds are federal public funds, now therefore

BE IT RESOLVED, that any City department or agency that receives CDA funding submit contracts to the City Council upon request.

15
City of Fall River, *In City Council*

(Councilor Daniel M. Rego)
(Councilor Michael L. Miozza)

WHEREAS, the Tax Increment Financing Board has recommended TIF agreements for many businesses in the City of Fall River, and

WHEREAS, all TIF agreements are recommended by the TIF Board and then forwarded to the City Council for their approval, and

WHEREAS, some businesses in the City are unaware of TIF agreements and their benefits, now therefore

BE IT RESOLVED, that a representative from the Fall River Office of Economic Development be invited to a future meeting of the City Council Committee on Finance to give an overview on the requirements and benefits of TIF agreements, and

BE IT FURTHER RESOLVED, that updates of what companies presently have TIF agreements and their status, along with how many companies have applied in the past year.

City of Fall River, In City Council

14

(Councilor Raymond A. Mitchell)

WHEREAS, Flag Day will be celebrated on Thursday, June 14, 2012, and

WHEREAS, Flag Day commemorates the adoption of the flag of the United States of America, now therefore

BE IT RESOLVED, that a ceremonial raising of the flag be held on Thursday, June 14, 2012 at 10:00 A.M. in front of the Government Center. The flag to be raised was flown over the United States Capitol.

City of Fall River, *In City Council*

17

(Councilor Raymond A. Mitchell)

ORDERED, that all budgets that are submitted to the City Council include names, positions and salaries for all employees.

City of Fall River, In City Council

18

(Councilor Raymond A. Mitchell)

WHEREAS, many streets in our City are designated as one-way traffic patterns, and

WHEREAS, many of these traffic ordinances were put into effect many years ago, and

WHEREAS, many of our neighborhoods have changed dramatically in the last few years, and

WHEREAS, we are now looking to increase tourism in our City, now therefore

BE IT RESOLVED, that the Traffic Commission review traffic patterns on our main thoroughfares such as Davol, North Main, Bedford and Pleasant Streets and consider revising some traffic patterns to increase ease of access to our residents and tourists.

City of Fall River, In City Council

19

(Councilor Raymond A. Mitchell)
(President Linda M. Pereira)
(Councilor Michael L. Miozza)
(Councilor Daniel M. Rego)

WHEREAS, Memorial Day and Veterans Day are days to remember the men and women who died while serving in the United States Armed Forces, and

WHEREAS, the City of Fall River holds a Memorial Day Parade and a Veterans Day Parade every year to honor these residents, now therefore

BE IT RESOLVED, that all veterans participating in these annual parades be assigned to the first divisions, and

BE IT FURTHER RESOLVED, that the Grand Marshal of these parades preferably be a veteran who had served his or her country.

City of Fall River, In City Council

20

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

WHEREAS, Kenneth Fiola, Jr., the Executive Vice President of the Fall River Office of Economic Development, has been offered a contract extension, and

WHEREAS, in the interest of transparency, the City Council should be aware of the parameters of said contract, and

WHEREAS, the citizens of the City of Fall River have a basic right to this information, now therefore

BE IT RESOLVED, that the Executive Board of the Fall River Office of Economic Development Board, provide the City Council within 30 days of the adoption of this resolution, a copy of said contract.

City of Fall River, *In City Council*

26

ORDERED, that regular meetings of the City Council during 2012 shall be held as follows, and

BE IT FURTHER ORDERED that at said meetings the Committee on Finance shall begin at 6:00 PM, and the Regular Meeting of the City Council shall begin at 7:00 PM.

July 17

August 14

September 11
September 25

October 16
October 30

November 13
November 27

December 18

All meetings shall be held in the Council Chamber, Government Center.



Gregory V. DiPaolo
ATTORNEY AT LAW

12-05 B

May 16, 2012

Alison M. Bouchard
Office Of The City Clerk
1 Government Center
Fall River, MA 02721

RECEIVED
2012 MAY 18 P 1:43
CITY CLERK
FALL RIVER, MA

Re: My Client: Donna Chasse
D/O/L: December 18, 2011
Location: 158 Forest Street, Fall River, MA 02721

Dear Ms. Bouchard:

My office represents Donna Chasse concerning a slip and fall injury that she sustained in the City Of Fall River on or about December 18, 2011. I have enclosed a copy of an affidavit that I received from a Mr. Keith Cummings. In his statement, Mr. Cummings indicates that he was walking with Ms. Chasse on the day that she fell, so he witnessed the underlying event. I have also enclosed a copy of a bill from St. Anne's Hospital concerning Ms. Chasse's December 18th date of service.

As you may recall, written notice of this claim was delivered directly to the Clerk's Office on January 17, 2012. To date, however, I have not received a response concerning this matter. Kindly forward this letter to the legal department as soon as possible for their review.

Thank you.

Very Truly Yours,

Gregory V. DiPaolo

GD/md
Enclosure

copy & 2 copies Law
1 DPW
1 CC
1 city clerk

CC

RECEIVED

27

2012 MAY 21 A 10:08

CLAIM FORM
City of Fall River, Massachusetts

CITY CLERK 12-32
FALL RIVER, MA

Name: Ronald Costa

Address: 251 Renaud St
FR, MA 02721

Phone #: _____

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

Date of Incident: 5/5/12

Time of Incident: 11:00 AM

Location of Incident: (Wm S Canning) ~~at~~ Tucker St turning
onto BISHOP BOULEVARD

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

Turning onto Mariano Bishop
Blvd from Tucker traveling
South towards the shopping
center & ran over a raised
manhole cover. This caught
my catalytic converter, muffler
& pipe. Attached is a bill for
the damages.

arg & copy Law
LDPU
ice
city clerk

* Please consult with your own attorney in preparing this Claim Form to understand your legal rights
* Please file this Claim Form with: City Clerk, One Government Center, 2nd Floor, Fall River, MA 02722

cc

27

THE PROVIDENCE

THE PROVIDENCE MUTUAL FIRE INSURANCE COMPANY

May 31, 2012

12-33

City of Fall River
Office of City Clerk
One Government Center Room 227
Fall River, MA 02722

RECEIVED
2012 JUN - 1 P 12: 15
CITY CLERK
FALL RIVER, MA

RE: Our Insured: Maria Andrade
Our Claim #: 12-1138
Date of Loss: 5/2/2012
Collision Claim: \$1,744.04
Rental Claim: \$ 148.86
Insured Deductible: \$ 500.00
Total Claim: \$2,392.90
Your Driver: Antone Souza
Your Vehicle: 2000 Yellow Chevy M76681/MA

Dear City Clerk,

This letter is in regard to the above-captioned claim. We have paid our insured for the damages and are now looking to your Company for reimbursement.

We have attached the following supporting documentation.

- Proof of Payment*
- Estimate of damage/appraisal*
- Photos of damages*

We ask that you forward payment within the next 30 days. Should you have any questions, I can be reached at 877-763-1800 x 177.

Sincerely,

Jennifer Bianchi-Pickles

Jennifer Bianchi-Pickles
Subrogation Adjuster

*copy + 2 copies Law
1 DPW
1 cc
1 city clerk*