City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

JUNE 22, 2012
MEETINGS SCHEDULED FOR NEXT WEEK
TUESDAY, JUNE 26, 2012

6:00 P.M. COMMITTEE ON FINANCE

1. Transfers and appropriations (see # 3c below)

AGENDA

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

PRIORITY MATTERS

1. *Mayor req. confirmation of re-appt. of Leonard Aguiar as member of Housing Authority
2. *Mayor and Watuppa Heights Annual Assistance Fund Memorandum of Agreement

PRIORITY COMMUNICATIONS

3. *Comm. from Mayor requesting approval of the following:
   a) Establish spending limits on city's Revolving Funds for FY 2013
   b) Amend Ord. 2-207 & 2-208 re reorganization of Engineering Division
   c) Transfers and appropriations (see #1-Finance)
   d) Adjust motor vehicle excise tax demand fee schedule
4. *Planning Bd. re Mixed Business District Zoning Change – Laurel Lake School
5. *Corporation Counsel & two (2) Home Rule Petitions on behalf of Utilities Division

COMMITTEE REPORTS – None

ORDINANCES

Second Reading & Enrollment:

6. *Traffic, misc.

RESOLUTIONS

7. *Mayor consider appointing Director of Tourism
8. *Com. on Ordinances & Legislation discuss permitting of street vendors
9. *City Council prohibit wearing of hats in Council Chamber
10. *Com. on Ordinances & Legislation review Chapter 62 re Solid Waste Collection Regulations
11. *Veterans Agent investigate possibility of offering ID cards to veterans

CITATIONS – None

ORDERS – HEARINGS FOR TONIGHT

Auto Body Shop License:

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

Pole location

13. Brayton Avenue – One (1) pole location

ORDERS – HEARINGS TO BE SCHEDULED - None

ORDERS – NO HEARING REQUIRED – None

ORDERS – MISCELLANEOUS

14. Police Chief's report on licenses
15. Auto Repair Shop license renewal
16. Revocation of second hand article store license – Fall River Metals and Recycling Corp.
17. Revocation of taxicab licenses – Town Transportation, LLC d/b/a Town Taxi

COMMUNICATIONS – INVITATIONS – PETITIONS

18. *Claims
19. Planning Board minutes for May 9, 2012

BULLETINS – NEWSLETTERS – NOTICES - None

Alison M Bouchard
City Clerk

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

City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

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2012 JUN 21 A 11:02

CITY CLERK
FALL RIVER, MA

June 20, 2012

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

Honorable Members of the City Council:

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

Name: Leonard Aguiar

Address: 26 Francis Street
Fall River, MA 02721

To: Housing Authority

Term to Expire: July 12,2017

Sincerely:

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

City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

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CITY CLERK
FALL RIVER, MA

June 20, 2012

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

Madam President and Members of the Honorable City Council:

I respectfully submit to the Honorable Council the Watuppa Heights Annual Assistance Fund Memorandum of Agreement for your action. Please be advised that the Fall River Housing Authority Board of Commissioners voted to approve this agreement at their Tuesday, June 12, 2012 meeting.

The agreement has subsequently been signed by me and Attorney Steven A. Torres, Corporation Counsel. This agreement awaits the approval of the Council before it can be submitted to the Commonwealth of Massachusetts Department of Housing and Community Development.

Thank you for your time and attention to this request.

Respectfully:

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

FALL RIVER HOUSING AUTHORITY

85 MORGAN STREET
P.O. BOX 989
FALL RIVER, MASSACHUSETTS 02722

THOMAS J. COLLINS, JR.
EXECUTIVE DIRECTOR

DANIEL P. McDONALD
DEPUTY EXECUTIVE DIRECTOR
OF OPERATIONS AND TECHNOLOGY

TELEPHONE (508) 675-3500

FAX (508) 677-1346

SECTION-8 FAX (508) 675-3435

June 13, 2012

Re: Watuppa Heights Annual Assistance Fund
Memorandum of Agreement

The Honorable William Flanagan
Mayor, City of Fall River
Fall River Government Center
One Government Center
Fall River, Massachusetts 02722

Dear Mayor Flanagan:

Please be advised that the Fall River Housing Authority Board of Commissioners voted to approve the Watuppa Heights Annual Assistance Fund Memorandum of Agreement at their Postponed Regular Meeting on Tuesday, June 12, 2012.

Enclosed are four (4) original Agreements signed by Leonard Aguiar, Chairman, FRHA Board of Commissioners.

Please sign the Agreements, and have Attorney Torres sign as well.

In addition, we would appreciate your bringing the Agreements to the Fall River City Council for approval and signature/date.

Please contact me at (508) 675-3511 when they are all signed, and I will make arrangements to pick them up at the Government Center.

Thank you.

Very truly yours,

Thomas J. Collins, Jr., Executive Director

TJC:mjg
Enclosures
CC: Daniel P. McDonald, Deputy Executive Director of Operations & Technology

2

WATUPPA HEIGHTS ANNUAL ASSISTANCE FUND MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (MOA) is entered into among the Massachusetts Department of Housing & Community Development ("DHCD"), the Fall River Housing Authority ("FRHA") and the City of Fall River ("the City");

WHEREAS, the FRHA and the City have adopted a Housing Improvement Plan for the state-aided housing development owned by the FRHA that is known as Watuppa Heights and will seek a developer andfunding to build a new housing development at the site once the existing structures are demolished; and,

WHEREAS, the FRHA and the City desire to begin immediate demolition of the unoccupied buildings and structures on the Watuppa Heights site, but do not have funding for the demolition; and,

WHEREAS, pursuant to Section 3 of Chapter 235 of the Massachusetts Acts of 2002 ("the Act"), DHCD shall provide an annual assistance fund to the City and the FRHA in the amount of two hundred and ten thousand dollars ($210,000.00) for the implementation of the Housing Improvement Plan;

THEREFORE, in consideration of the mutual covenants contained herein, it is agreed among the City, the FRHA and DHCD as follows:

1. DHCD shall fund the total development cost of the demolition of the existing structures and appurtenances at the Watuppa Heights site through a capital modernization grant under the usual and customary terms and conditions contained in the DHCD regulations at 760 CMR 11.00 *etseq.* and form contracts and other documents currently used in DHCD's modernization program (the Project).

2. Notwithstanding the Act or anything else to the contrary, upon award of the construction contract for the ProjectDHCD will no longer provide an annual assistance fund to the City and the FRHA for the aforementioned Housing Improvement Plan.However, if:(a) the demolition contract scope of work is not completed within twenty-four(24) months of the award of the demolition contract, and;(b) DHCD has spent less than three million dollars($3,000,000.00) in funding the Project, then DHCD's obligation under Section 3 of the Act shall be reinstated until such time as the demolition contract scope is completed or DHCD expenses funding the Project equal three million dollars ($3,000,000.00.)

3. Upon the award of the construction contract for the demolition of Watuppa Heights, the City and the FRHA, on their own behalf, and on behalf of anyone claiming under them,

agree to waive any and all rights, claims or entitlements to the two-hundred ten thousand dollars ($210,000.00) annual assistance fund that may now exist or mayexist in the futureunder the Act, except as otherwise provided in this MOA.

4. The City and the FRHA agree on behalf of themselves, and their successors, assigns or anyone claiming under them, that, providing the DHCD obligations described in paragraphs 1-3 above are fulfilled, they will not seek to enforce Section 3 of the Act or otherwise take any action to obtain payment of the annual assistance fund from DHCD.

5. If DHCD, in its sole discretion, determines at any time that the total development cost of the demolition of Watuppa Heights will exceed three million dollars ($3,000,000.00), then it may, again in its sole discretion:(1.) terminate this agreement by written notice to the parties, and this agreement shall immediately be void, without effect and unenforceable, or;(2.) negotiate with the City and the FRHA a cost-sharing agreement, mutually accepted and ratified in the same manner as this MOA, which cost-sharing agreement shall provide that the financial obligations of DHCD as otherwise prescribed in this MOA, shall not exceed the amount of three million dollars, ($3,000,000.00) and that the City or the FRHA, or the City and the FRHA shall fund, in its entirety, the incremental cost to fully fund and pay the direct and indirect costs for engineering, procurement, contracting and construction of the Watuppa Heights demolition, as those requirements are described in the contract documents, specifications and scope of work, for those costs that exceed the amount of three million dollars, ($3,000,000.00); provided, further, however, that the City and the FRHA shall not require or make claim to any accumulated annual appropriations, or current or future appropriations pursuant to Section 3 of Chapter 235 of the Massachusetts Acts of 2002 in order to satisfy their obligation to fund the incremental costs, that exceed the three million dollar ($3,000,000.00) DHCD commitment.

6. To the extent that any party does not satisfy its obligations under Paragraph 5 aboveto pay for work completed on the project in accordance with the contract documents, then the defaulting party shall agree to indemnify and hold harmless the other signatories to this agreement for any claims, damages, costs, fees, including attorney fees, and interest, incurred by those other signatories as a result of being forced to defend or pay a claim for damages that exceeds the amount thatthey wereotherwise required to pay for their share of the direct and indirect costs for engineering, procurement, contracting and construction of the Watuppa Heights demolition, as those requirements are described in the contract documents, specifications and scope of work, provided that the financial obligations of DHCD shall not exceed three million dollars ($3,000,000.00) in any circumstance.

7. Nothing contained in this MOA shall create a third party claim, cause of action or right of enforcement for any person, corporation, entity or other government agency, not a signatory to this agreement.

8. This Agreement may be executed in multiple parts. It shall be construed under Massachusetts law. This Agreement sets forth the entire agreement among the parties

2

and may be modified or amended only by a written instrument signed by all of the parties hereto.

Executed under seal this ____ day of ____, 2012.

The Commonwealth of Massachusetts
Department of Housing & Community Development

By_____
Aaron Gornstein, Undersecretary

Fall River Housing Authority

By_____
Leonard Aguiar, Chairman

City of Fall River

By_____
William A. Flanagan, Mayor

By_____
Steven A. Torres, Corporation Counsel

Approved by vote of the Fall River City Council on_____, 2012

_____
(Signature of City Council or Clerk)

3

City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

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2012 JUN 21 A 11:22
CITY CLERK
FALL RIVER, MA

June 20, 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 items:

1. Set Spending Limits on the City's Revolving Accounts for Fiscal Year 2013
2. Reorganize the Engineering Division under Community Maintenance, by Amending City Ordinance 2-207 and 2-208.
3. Year-End Financial Transfers
4. Adjust the Motor Vehicle Excise Tax Demand Fee Schedule

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

Sincerely,

William A. Flanagan
Mayor

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

3a

City of Fall River, In City Council **June 26, 2012**

Ordered, that under the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½, the City of Fall River by vote of the City Council, hereby establishes authorized spending limits for the following Revolving Funds for FY 13:

Fire Department	$20,000	Hazardous Material Recovery
Community Services	$50,000	Cleaning & Securing Buildings
Community Services	$200,000	Demolition
Community Maintenance	$10,000	Home Composting
Community Maintenance	$30,000	Trolley & handicap Bus
School Dept	$35,000	Music Revolving
School Dept	$10,000	Reading Recovery Training
School Dept	$25,000	Printing Revolving
School Dept	$10,000	Greenhouse Revolving
School Dept	$10,000	School Store
School Dept	$60,000	Culinary Arts Meals/ Functions

Revolving Funds FY 13

Dept	Description	Fund #	Balance 6/30/2010	FY 11 Revenue	FY 11 Exp	Bal 6/30/11
Fire Department	Hazardous Material Recovery	4452	$ 7,798	$ 1,048	$ -	$ 8,846
Community Services	Cleaning & Securing Buildings	4083	$ 1,101	$ 12,498	$ 5,020	$ 8,579
Community Services	Demolition	4066	$ 41,612	$ 43,419	$ 76,108	$ 8,923
Community Maintenance	Home Composting	4057	$ 5,602	$ -	$ -	$ 5,602
Community Maintenance	Trolley & handicap Bus	4098	$ 5,985	$ 11,590	$ 5,146	$ 12,429
School Dept	Music Revolving	4096	$ 21,400	$ 19,863	$ 36,375	$ 4,888
School Dept	Reading Recovery Training	4014	$ 23,008	$ -	$ 23,008	$ -
School Dept	Printing Revolving	4015	$ 2,535	$ 2,269	$ 1,444	$ 3,360
School Dept	Greenhouse Revolving	4016	$ 267	$ 15	$ -	$ 282
School Dept	School Store	4093	$ 12,181	$ -	$ -	$ 12,181
School Dept	Culinary Arts Meals/ Functions	4045	$ 24,798	$ 37,413	$ 50,502	$ 11,709
			$ 146,287	$ 128,115	$ 197,603	$ 76,799

Dept	Description	Fund #	Balance 6/30/2011	FY 12 Revenue	FY 12 Exp	Bal 6/12
Fire Department	Hazardous Material Recovery	4452	$ 7,798	$ 18,132	$ 225	$ 26,753
Community Services	Cleaning & Securing Buildings	4083	$ 1,101	$ 12,654	$ 24,690	$ (3,457)
Community Services	Demolition	4066	$ 41,612	$ 65,626	$ 78,448	$ (3,899)
Community Maintenance	Home Composting	4057	$ 5,602	$ -	$ -	$ 5,602
Community Maintenance	Trolley & handicap Bus	4098	$ 5,985	$ 30,498	$ 18,082	$ 24,845
School Dept	Music Revolving	4096	$ 21,400	$ 13,394	$ 4,013	$ 14,269
School Dept	Reading Recovery Training	4014	$ 23,008	$ -	$ -	$ -
School Dept	Printing Revolving	4015	$ 2,535	$ 1,507	$ -	$ 4,867
School Dept	Greenhouse Revolving	4016	$ 267	$ -	$ -	$ 282
School Dept	School Store	4093	$ 12,181	$ -	$ 995	$ 11,186
School Dept	Culinary Arts Meals/ Functions	4045	$ 24,798	$ 46,871	$ 53,831	$ 4,749
			$ 146,287	$ 188,682	$ 180,284	$ 85,197

Dept	Description	Fund #	FY 11 Vote	FY 12 Vote	FY 13 Request
	Hazardous Material Recovery	4452	$ 100,000	$ 10,000	$ 20,000
Fire Department	Cleaning & Securing Buildings	4083	$ 50,000	$ 50,000	$ 50,000
Community Services	Demolition	4066	$ 300,000	$ 200,000	$ 200,000
Community Services	Home Composting	4057	$ 10,000	$ 10,000	$ 10,000
Community Maintenance	Trolley & handicap Bus	4098	$ 15,000	$ 15,000	$ 30,000
Community Maintenance	Music Revolving	4096	$ 35,000	$ 40,000	$ 35,000
School Dept	Reading Recovery Training	4014	$ 86,000	$ 25,000	$ 10,000
School Dept	Printing Revolving	4015	$ 25,000	$ 25,000	$ 25,000
School Dept	Greenhouse Revolving	4016	$ 10,000	$ 10,000	$ 10,000
School Dept	School Store	4093	$ 25,000	$ 5,000	$ 10,000
School Dept	Culinary Arts Meals/ Functions	4045	$ 45,000	$ 55,000	$ 60,000
School Dept			$ 701,000	$ 445,000	$ 460,000

3B

City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

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2012 JUN 21 A 11:21
CITY CLERK
FALL RIVER, MA

June 20, 2012

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

RE: Engineering Division Reorganization

Dear Honorable Members of the Council:

It is respectfully requested that the Engineering Division be reorganized and aligned under the Department of Community Maintenance. In order for this to occur the council would need to amend Ordinances 2-207 and 2-208. From a management standpoint the reorganization is a logical fit and would make the City's organization more streamlined.

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

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

3e

City of Fall River
Massachusetts ·
Office of the Mayor

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2012 JUN 21 A 11: 21

CITY CLERK
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

June 20, 2012

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

Dear Honorable Council Members:

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations to your Honorable Body. The following appropriations/transfers will assist the city in closing its Fiscal Year 2011:

1.	$748,418	That the sum of $748,418 be, and the same is, hereby appropriated from **FREE CASH,** to be credited to **GENERAL FUND STABILIZATION FUND**.
2.	$60,000	That the sum of $60,000 be, and the same is, hereby transferred from **RESERVE FUND**, to be credited to **VETERAN'S BENEFITS, EXPENSES.**
3.	$2,400	That the sum of $2,400 be, and the same is, hereby transferred from **RESERVE FUND**, to be credited to **VETERAN'S BENEFITS, SALARIES.**
4.	$5,000	That the sum of $5,000 be, and the same is, hereby transferred from **RESERVE FUND**, to be credited to **COMMUNITY MAINTENANCE, SALARIES.**
5.	$49,650	That the sum of $49,650 be, and the same is, hereby transferred from **RESERVE FUND**, to be credited to **INSURANCE**.
6.	$38,808	That the sum of $38,808 be, and the same is, hereby transferred from **EDUCATIONAL-ALL OTHER**, to be credited to **INSURANCE**.
7.	$126,542	That the sum of $126,542 be, and the same is, hereby transferred from **DEBT SERVICE,** to be credited to **INSURANCE**.

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

3C

8.	$3,000	That the sum of $3,000 be, and the same is, hereby transferred from **CITY CLERK, EXPENSES,** to be credited to **CITY CLERK, SALARIES**.
9.	$36,000	That the sum of $36,000 be, and the same is, hereby transferred and appropriated from **LETOURNEAU ELEMENTARY SCHOOL CAPITAL PROJECT,** to be credited to **KUSS MIDDLE SCHOOL CAPITAL PROJECT FUND**.
10	$40,000	That the sum of $40,000 be, and the same is, hereby transferred and appropriated from **FREE CASH,** to be credited to **REVOLVING FUND – DEMO BUILDING**.
11	$30,000	That the sum of $30,000 be, and the same is, hereby transferred and appropriated from **FREE CASH,** to be credited to **REVOLVING FUND – VACANT LOT**.

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

Sincerely,

William A. Flanagan
Mayor

3C

City of Fall River, *In City Council*

June 26, 2012

1

ORDERED:

That the sum of $748,418 be, and the same is,hereby appropriated from **FREE CASH,** to be credited to **GENERAL FUND STABILIZATION FUND.**

3C

City of Fall River, *In City Council*

June 26, 2012

2

ORDERED:

That the sum of $60,000 be, and the same is, hereby transferred from **RESERVE FUND**, to be credited to **VETERAN'S BENEFITS, EXPENSES.**

3C

City of Fall River, *In City Council*

June 26, 2012

3

ORDERED:

That the sum of $2,400 be, and the same is, hereby transferred from **RESERVE FUND**, to be credited to **VETERAN'S BENEFITS, SALARIES.**

3C

City of Fall River, *In City Council*

June 26, 2012

4

ORDERED:

That the sum of $5,000 be, and the same is, hereby transferred from **RESERVE FUND**, to be credited to **COMMUNITY MAINTENANCE, SALARIES.**

3C

City of Fall River, *In City Council*

June 26, 2012

5

ORDERED:

That the sum of $49,650 be, and the same is, hereby transferred from **RESERVE FUND**, to be credited to **INSURANCE.**

3C

City of Fall River, *In City Council*

June 26, 2012

6

ORDERED:

That the sum of $38,808 be, and the same is, hereby transferred from **EDUCATIONAL-ALL OTHER**, to be credited to **INSURANCE.**

3C

City of Fall River, *In City Council*

June 26, 2012

7

ORDERED:

That the sum of $126,542 be, and the same is, hereby transferred from **DEBT SERVICE,** to be credited to **INSURANCE.**

3C

City of Fall River, *In City Council*

June 26, 2012

8

ORDERED:

That the sum of $3,000 be, and the same is, hereby transferred from **CITY CLERK, EXPENSES,** to be credited to **CITY CLERK, SALARIES.**

City of Fall River, *In City Council*

3C

June 26, 2012

9

ORDERED:

That the sum of $36,000 be, and the same is, hereby transferred and appropriated from **LETOURNEAU ELEMENTARY SCHOOL CAPITAL PROJECT**, to be credited to **KUSS MIDDLE SCHOOL CAPITAL PROJECT FUND.**

City of Fall River, *In City Council*

3C

June 26, 2012

10

ORDERED:

That the sum of $40,000 be, and the same is, hereby transferred and appropriated from **FREE CASH,** to be credited to **REVOLVING FUND – DEMO BUILDING.**

City of Fall River, *In City Council*

3C

June 26, 2012

11

ORDERED:

That the sum of $30,000 be, and the same is, hereby transferred and appropriated from **FREE CASH,** to be credited to **REVOLVING FUND – VACANT LOT.**

FY 12 Appropriation/Transfer Analysis

Line	Original/Revised Appropriation	Amount Transferred	New Appropriation
Freecash (FY 11)	$ 818,418	$ (748,418)	$ 70,000
Gen Fund Stabilization Fund	$ 71,986	$ 748,418	$ 820,404
Reserve Fund	$ 117,050	$ (117,050)	$ -
Vocational Assessments	$ 3,038,204	$ (38,808)	$ 2,999,396
Debt Service	$ 14,394,742	$ (126,542)	$ 14,268,200
Veteran's Benefits Expenses	$ 2,681,385	$ 60,000	$ 2,741,385
Veteran's Benefits Salaries	$ 217,690	$ 2,400	$ 220,090
Community Maintenance Salaries	$ 3,175,896	$ 5,000	$ 3,180,896
Insurance	$ 39,828,787	$ 215,000	$ 40,043,787
City Clerk, Expenses	$ 47,100	$ (3,000)	$ 44,100
City Clerk, Salaries	$ 236,671	$ 3,000	$ 239,671
Kuss Middle Sch Cap Proj	$ 2,126,585	$ 36,000	$ 2,162,585
Letourneau Elem Sch Cap Proj	$ 1,256,676	$ (36,000)	$ 1,220,676
Freecash (FY 11)	$ 70,000	$ (70,000)	$ -
Transfer to Rvg Fd Demo Building	$ -	$ 40,000	$ 40,000
Transfer to Rvg Fd Vacant Lots	$ -	$ 30,000	$ 30,000

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

Krishan Gupta, City Auditor
6/20/2012

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

Collector Division

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2012 JUN 21 A 11:21
CITY CLERK
FALL RIVER, MA

3D

WILLIAM A. FLANAGAN
Mayor

IDALINA GERALDES
City Collector

February 2, 2012

Shawn Cadime
City Administrator
City of Fall River
One Government Center
Fall River, MA 02722

Re: Motor Vehicle Excise Tax: Demand Fees

Dear Mr. Cadime:

I respectfully request your consideration to increase the Motor Vehicle Excise Tax demand fee from $5.00 to $25.00 in accordance with M.G.L. Chapter 60 *Collection of Local Taxes*, Section 15 *Fees of Collector.*

This will facilitate in the continued increasing costs of sending out demand notices as required by M.G.L. Chapter 60A *Excise Tax*. This will affect approximately 15-20% of the total bills issued.

I thank you in advance for your consideration in this matter.

Sincerely,

Idalina Geraldes
City Collector

Cc: Mr. Ed Iacaponi

One Government Center • Fall River, MA 02722
TEL (508) 324-2240 • FAX (508) 324-2040 • EMAIL igeraldes@fallriverma.org

3D

Town		City	
Somerset	$ 5.00	Taunton	$ 25.00
Seekonk	$ 10.00	New Bedford	$ 5.00
Swansea	$ 5.00	Brockton	$ 30.00
Freetown	$ 30.00	Lawrence	
Lakeville	$ 15.00	Attleboro	$ 5.00
Acushnet	$ 15.00	Lynn	
Berkley	$ 15.00	Cambridge	$ 5.00
Dartmouth	$ 20.00	Everette	
Easton	$ 30.00		
Rochester	$ 10.00		

We send out approx 22,000 demand notices yearly

$ 5.00	**$ 10.00**	**$ 15.00**	**$ 20.00**	**$ 25.00**	**$ 30.00**
$ 110,000	$ 220,000	$ 330,000	$ 440,000	$ 550,000	$ 660,000
increase	$ 110,000	$ 220,000	$ 330,000	$ 440,000	$ 550,000

Experience in other communities show that increasing demand fees did not decrease the number of damand noties issued by the municipality.

whom paid, with such other matters as the town requires.

Historical and Statutory Notes

St.1887, c. 110, § 1.
St.1888, c. 390, § 4.
R.L.1902, c. 13, § 5.
St.1909, c. 490, pt. 2, § 5.
St.1918, c. 48.

§ 8. Collector's books as municipal property; open to examination

All books kept by the collector, which shall be approved as to form by the commissioner, shall be furnished by, and be the property of, the town, and shall be at all reasonable times open to examination by the auditor of such town or any other agent thereof duly authorized therefor. The collector shall, on demand by the mayor, aldermen or selectmen, exhibit to them or to any persons whom they designate, at any time during ordinary business hours, the books, accounts and vouchers relating to taxes committed to him for collection and to his receipts and payments on account of taxes; and they, or the persons designated by them, shall have full opportunity to examine said books, accounts and vouchers, and to make copies and extracts therefrom.

Historical and Statutory Notes

St.1887, c. 110, § 3.
St.1888, c. 390, § 5.
St.1897, c. 126, § 2.
R.L.1902, c. 13, § 6.
St.1909, c. 490, pt. 2, § 6.
St.1918, c. 257, § 43.
St.1919, c. 5.
St.1920, c. 2.
St.1926, c. 65, § 4.

§ 9. Repealed, 1976, 451

§§ 10, 11. Repealed, 1923, 128, Sec. 2

§ 12. Custody of books, etc.; demand

A town clerk or an assessor, having knowledge of any accounts, records or papers relating to taxes in his town which should be in his custody, shall demand them of any person having them, who shall forthwith deliver them to him.

Historical and Statutory Notes

St.1892, c. 370, § 6.
R.L.1902, c. 13, § 10.
St.1909, c. 490, pt. 2, § 10.
St.1923, c. 128, § 3.

§ 13. Necessity and duty to give bond

The collector shall, before the commitment to him of any taxes of any year, or, if he is a city or town collector under section thirty-eight A of chapter forty-one, before such commitment or the collection of any other accounts due his city or town and not included within the provisions of a bond previously given by him and still in force, give a bond or bonds for the faithful performance of his duties in all capacities in which he is acting as collector either in the collection of taxes or of such other accounts, including a bond, which shall be separate, in respect to uncollected accounts, if any, turned over to him by the assessors under section ninety-seven. Each bond given under this section shall be in a form approved by the commissioner and in such sum or sums, not less than the amount or amounts established by the commissioner, as shall be fixed by the selectmen or mayor and aldermen. A copy of each such bond shall be delivered to the commissioner. If the collector does not give bond or bonds as herein required, the selectmen or mayor and aldermen may declare the office vacant and the vacancy may be filled in the manner prescribed by section forty or sixty-one A of chapter forty-one, as the case may be.

Amended by St.1937, c. 143, § 5; St.1939, c. 44; St.1941, c. 308.

Historical and Statutory Notes

R.S.1836, c. 15, § 80.
G.S.1860, c. 18, § 72.
P.S.1882, c. 27, § 124.
St.1893, c. 423, § 18.
R.L.1902, c. 25, § 77.
St.1916, c. 131, § 1.
St.1926, c. 65, § 2.

§ 14. Special collector; bond

In towns, not cities, if, at the expiration of three years from the date of the commitment of tax lists and warrant to a collector of taxes, any taxes remain uncollected and recovery cannot be made upon the bond of the collector of the amount of such uncollected taxes, the selectmen shall appoint the collector of taxes for the current year or some other person as special collector thereof. He shall furnish a satisfactory bond for the faithful performance of his duties, in such sum as the selectmen require, in a form to be approved by the commissioner.

Historical and Statutory Notes

St.1910, c. 272, §§ 1, 2.
St.1916, c. 131, § 2.

§ 15. Fees of collector

The following interest, charges and fees, and no other, when accrued, shall severally be added to the amount of the tax and collected as a part thereof:—

1. For interest, as provided by law;

2. For each written demand provided for by law, not more than $30;

3. For preparing advertisement of sale or taking, $10 for each parcel of real estate included in the advertisement and the necessary legal fees for search of title;

4. For advertisement of sale or taking in newspaper, the cost thereof;

5. For posting notices of sale or taking, $5 for each parcel or real estate included in the notice;

6. For affidavit, $10 for each parcel of land included therein;

7. For recording affidavit, the cost thereof;

8. For preparing deed or instrument of taking, $10;

9. For the issuance and delivery of a warrant to an officer, $10;

10. For notice by mail or other means to the delinquent that warrant to collect has been issued, $12;

11. For exhibiting a warrant to collect or delivering a copy thereof to the delinquent or his representative or leaving it at his last and usual place of abode or of business, and without distraint or arrest, $17.

12. For distraining goods of the delinquent, $10 and the necessary cost thereof;

13. For the custody and safekeeping of the distrained goods of the delinquent, the cost thereof, for a period not exceeding seven days, together with the expense of parking, storage, labor and towing or teaming, and other necessary expenses;

14. For selling goods distrained, the cost thereof;

15. For arresting the body, the necessary costs of the arresting officer and the cost of the travel, at the rate of $.30 per mile, from the office of the collector to the place where the arrest is made;

16. For custody of the body arrested, if payment of the delinquent tax is not made forthwith, $10, and in addition thereto travel at the rate of $.30 per mile from the place of arrest to the jail or, if payment is made before commitment to jail, for the distance from the place where the arrest is made to the place where payment is made;

17. For service of demand and notice under section fifty-three, if served in the manner required by law for the service of subpoenas on witnesses in civil cases, the cost thereof, but not more than $40;

18. For the mailing of each written demand or notice by registered mail, the cost thereof.

19. For the recording of the instrument of taking under section 54, the cost thereof.

The collector shall account to the town treasurer for all interest, charges and fees collected by him; but the town shall reimburse or credit him for all expenses incurred by him hereunder, including all lawful charges and fees paid or credited by him for collecting taxes.

The collector may, in his discretion, waive such interest, charges and fees when the total amount thereof is $15 or less.

Amended by St.1934, c. 151, § 2; St.1935, c. 252, § 1; St.1943, c. 179; St.1952, c. 398; St.1955, c. 474, § 2; St.1958, c. 306, §§ 1, 2; St.1971, c. 273, §§ 1 to 3; St.1977, c. 525, § 1; St.1977, c. 669, § 1; St.1980, c. 64, § 1; St.1983, c. 189; St.1985, c. 365; St.1986, c. 297; St.1989, c. 729, § 2; St.1996, c. 450, § 108; St.2003, c. 46, §§ 56 to 69, eff. July 31, 2003; St.2008, c. 182, § 15, eff. July 1, 2008.

St.1785, c. 70, § 8.
R.S.1836, c. 8, § 2.
G.S.1860, c. 12, § 2.
St.1862, c. 183, § 10.
St.1878, c. 266, § 13.
St.1881, c. 138, § 2.
P.S.1882, c. 12, §§ 3, 36, 47.
St.1888, c. 390, §§ 7, 29, 41, 55.
St.1889, c. 334, § 3.
St.1890, c. 331, § 2.
St.1894, c. 537, § 5.
R.L.1902, c. 13, § 13.
St.1907, c. 427.
St.1909, c. 490, pt. 2, § 13.
St.1909, c. 512.
St.1915, c. 237, §§ 22, 26.
St.1918, c. 257, §§ 45, 58.
St.1919, c. 5.
St.1920, c. 2.
St.1931, c. 434.

§ 15A. Repealed, 1963, 160, Sec. 27

§ 16. Demand for payment of tax prior to sale of land, distraining of goods or arrest; statement of amount

The collector shall, before selling the land of a resident, or non-resident, or distraining the goods

City of Fall River
Massachusetts
Department of Community Services

PLANNING • HEALTH & HUMAN SERVICES
LIBRARY • INSPECTIONAL SERVICES • ELECTIONS

Planning Division

RECEIVED
2012 JUN 19 P 3:23
CITY CLERK
FALL RIVER, MA

4

WILLIAM A. FLANAGAN
Mayor

HENRY R. VAILLANCOURT MD, MPH
Director
Department of Community Services

ELIZABETH R. DENNEHY, MPA
Planning Director

June 19, 2012

Honorable City Council
One Government Center
Fall River, MA 02722

RE: Zoning Change from Two Family Residence District to Mixed Business District

Dear Council Members:

The Fall River Planning Board held a public hearing on June 18, 2012, on the proposed Zoning Change from Two Family Residence District [R-4] to Mixed Business District and took the following action:

A motion was made by Mr. Lucciola and seconded by Mr. Edwards to recommend to City Council adoption of the proposed zoning change from Two Family Residence District [R-4] to Mixed Business District.

In a vote of 5-0 the Board voted to recommend to City Council adoption of the proposed zoning change from Two Family Residence District [R-4] to Mixed Business District. Mr. Lucciola, Mr. Edwards, Mr. Nadeau, Ms. Medeiros, and Mr. Silvia voted in favor of the motion and the proposed zoning change from Two Family Residence District [R-4] to Mixed Business District received a unanimous favorable recommendation.

Sincerely,

Byron R. Holmes, P.E.
City Engineer

zoning change recommendation

4

CITY OF FALL RIVER, In City Council

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

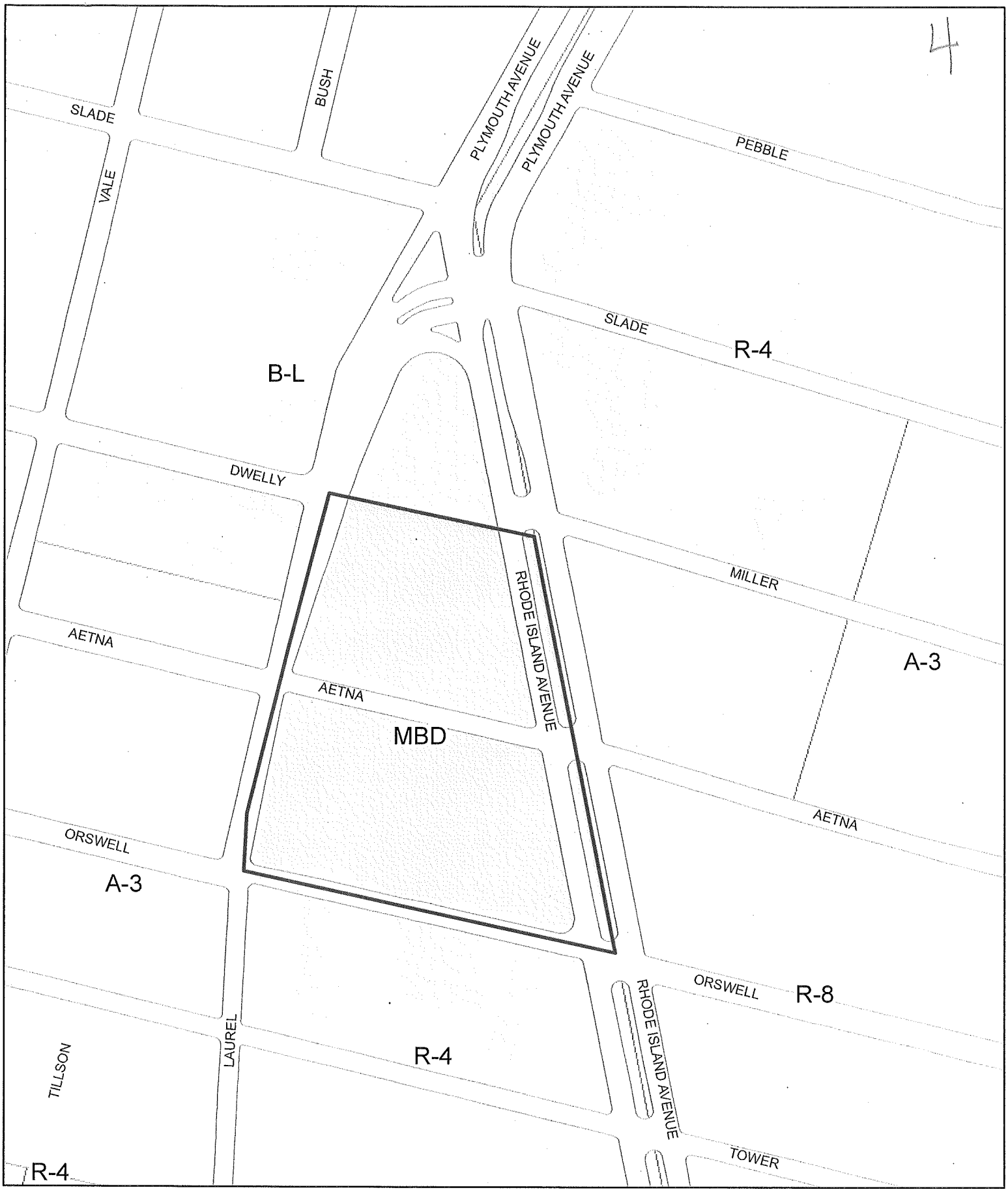
That the Planning Director be, and she is hereby authorized and directed to amend the map entitled "Zoning Map of the City of Fall River" which by Chapter 86, Section 121 of the Revised Ordinances of the City of Fall River, 1999 is made a part of said Chapter, by drawing on it, in addition to the presently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

As a Mixed Use Business District MBD, that area now in a Two Family Residence District R-4, bounded and described as follows:

Beginning at a point at the centerline intersection of Laurel Street and Orswell Street; thence running easterly by the centerline of Orswell Street to the centerline of Rhode Island Avenue; thence running northerly by the centerline of Rhode Island Avenue to the existing Local Business District; thence running westerly along the southerly line of the existing Local Business District to the centerline of Laurel Street; thence running southerly by the centerline of Laurel Street to the centerline intersection of Laurel Street and Orswell Street and the point of beginning. Being the same area as shown on the map entitled Laurel Lake School Zoning Change: R-4 to MBD; dated April 18, 2012.

CITY OF FALL RIVER
IN CITY COUNCIL
MAY 22 2012
Referred to Planning Board and Committee on Ordinances and Legislation

3: 5-24-12 Planning Bd



LAUREL LAKE SCHOOL
ZONING CHANGE: R-4 TO MBD
APRIL 18, 2012

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W E
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5

City of Fall River

Office of the Corporation Counsel

WILLIAM A. FLANAGAN
Mayor

STEVEN A. TORRES
Corporation Counsel

ELIZABETH SOUSA
First Assistant Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

Christy M. DiOrio
Assistant Corporation Counsel

June 21, 2012

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

RECEIVED
2012 JUN 21 P 1:41

Re: Home Rule Petitions

Dear Honorable Members of the Council:

On behalf of the Utilities Division, the Law Department has prepared the following two (2) Home Rule Petitions for review and approval by the Council and submission to the Legislature.

Thank you for your time and consideration in this matter.

Respectfully,

Steven A. Torres

Steven A. Torres
Corporation Counsel

SAT/n
Enclosures

One Government Center • Fall River, MA 02722 • TEL (508) 324-2650
Workers' Compensation (508) 324-2540 • FAX (508) 324-2655 • EMAIL lawoffice@fallriverma.org

Equal Justice Under Law

5

House Bill No._____

AN ACT AUTHORIZING THE CITY OF FALL RIVER TO ENTER INTO CONTRACTS FOR THE ACQUISTION AND DISPOSITION OF CERTAIN PARCELS OF REAL PROPERTY FOR THE DEMOLITION, RELOCATION AND RECONSTRUCTION OF A WATER STORAGE FACILITY,

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding the provisions of any general or special law to the contrary, the city of Fall River, with the approval of the mayor and city council, may enter into a contract or contracts for the acquisition, purchase, lease, sale, disposition or exchange of certain parcels of real property necessary for the demolition, relocation, reconstruction or construction of a water storage facility to ensure adequate services and to ensure the ability of said city's publically owned water works system to operate in full compliance with all applicable requirements of federal, state and local law; provided, however, that any such contract for the acquisition, purchase, lease, sale, disposition or exchange of certain parcels of real property shall not be subject to section 16 of general laws chapter 30B.

(b) The terms of the contract or contracts for the acquisition, purchase, lease, sale, disposition or exchange of certain parcels of real property necessary for the demolition, relocation, reconstruction or construction of a water storage facility shall be included in a written purchase and sale agreement and shall set forth all material terms of the acquisition, purchase, lease, sale, disposition or exchange of certain parcels of real property.

(b) A contract entered into pursuant to this section may provide for such activities as may be deemed necessary to carry out the purposes authorized herein, including the execution of any covenants, restrictions, easements, deeds, releases or other documents or instruments, whether required by law to be recorded or remain unrecorded, to ensure the timely and effective acquisition, purchase, lease, sale, disposition or exchange of certain parcels of real property more particularly described above.

SECTION 2. Any contract awarded pursuant to this act shall be subject to such terms and conditions as the city shall determine to be in the best interests of said city and shall be subject to a majority vote of the city council and approval of the mayor. Any such contract shall provide that prior to the acquisition, purchase, lease, sale, disposition or exchange of certain parcels of real property the city shall cause an independent, licensed, real estate appraiser to conduct an appraisal of all properties subject to the contracts entered into pursuant to this act, and the original appraisal report shall be submitted to the mayor and council contemporaneous with the submission of the contract or contracts for approval.

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SECTION 3. This act shall take effect upon its passage.

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H.xxxx/2011

AN ACT AUTHORIZING THE CITY OF FALL RIVER TO ENTER INTO CONTRACTS FOR THE OPERATION, MAINTENANCE AND MODIFICATION OF THE WASTEWATER TREATMENT PLANT, SEWERS, PUMP STATIONS, COLLECTION SYSTEM AND ANY AND ALL APPURTENANCES RELATING THERETO.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding the provisions of any general or special law to the contrary, the city of Fall River may enter into a contract or contracts for the operation and maintenance, financing, design and construction of modifications and installation of new equipment and systems necessary at the wastewater treatment facility, sewers, pump stations, collection system and any and all appurtenances relating thereto (the "Sewer Works System") to ensure adequate services and to ensure the ability of said city's Sewer Works System to operate in full compliance with all applicable requirements of federal, state and local law; provided, however, that any such contract shall not be subject to sections 14 to 21, inclusive, of chapter 149A of the General Laws and the competitive bid requirements set forth in sections 38A½ to 38O, inclusive, of chapter 7, section 39M of chapter 30 or sections 44A to 44J, inclusive, of chapter 149 of the General Laws; and provided, further, that each such contract shall be awarded pursuant to the provisions of chapter 30B of the General Laws, except for clause (3) of paragraph (b) of section 6, clause (3) of paragraph (e) and paragraph (g) of said section 6 and sections 13 and 16 of said chapter 30B.

(b) The request for proposals for such contract shall specify the method for comparing proposals to determine the proposal offering the lowest overall cost to the city, including, but not limited to, all capital financing, operating and maintenance and life cycle costs. If the city awards the contract to an offeror who did not submit the proposal offering the lowest overall cost, the city shall explain the reason for the award in writing.

(c) The request for proposals shall set forth the performance guarantees which the selected offeror will be required to meet in operating the Sewer Works System as constructed or improved. The contract which is negotiated with the selected offeror based on the request for proposals shall obligate the selected offeror to meet such performance guarantees, and shall set forth the minimum design requirements for any such construction or improvements and the acceptance tests to be conducted upon the completion of any such construction or improvements in order to demonstrate that the Sewer Works System, as improved, is capable of meeting the performance guarantees.

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SECTION 2. (a) Notwithstanding the provisions of any general or special law to the contrary, a contract or contracts awarded pursuant to section 1 may provide for a term not exceeding 20 years, and an option for renewal or extension of operations and maintenance services for one additional term not exceeding five years. The renewal or extension shall be at the sole discretion of the city in accordance with the original contract terms and conditions or contract terms and conditions more favorable to and acceptable to the city. A contract entered into pursuant to this act may provide that, subject to a majority vote of the city council and approval by the mayor, the city shall not be exempt from liability for payment of the costs to finance, permit, design and construct modifications or install new equipment and systems at the Sewer Works System necessary to ensure the ability of said Sewer Works System to operate in full compliance with all applicable requirements of federal, state and local law, provided that such costs shall be amortized over a period that is no longer than the useful life of said modifications, equipment and systems. The city's payment obligations for all operations and maintenance services shall be conditioned on the contractor's performance of said services in accordance with all contractual terms.

(b) A contract entered into pursuant to this act may provide for such activities as may be deemed necessary to carry out the purposes authorized herein including, but not limited to, financing, equipment installation and replacement, performance testing and operation, studies, design and engineering work, construction work, ordinary repairs and maintenance and the furnishing of all related material, supplies and services required for the Sewer Works System and the management, operation, maintenance and repair of said city's Sewer Works System.

SECTION 3. The chief procurement officer shall solicit proposals through a request for proposals which shall include those items in clauses (1) and (2) of paragraph (b) of section 6 of chapter 30B of the General Laws and the proposed key contractual terms and conditions to be incorporated into the contract, some of which may be deemed mandatory or nonnegotiable; provided, however, that such request for proposals may request proposals or offer options for fulfillment of other contractual terms and such other matters as may be determined by the city. The request for proposals shall provide for the separate submission of price and shall indicate when and how the offerors shall submit the price.

SECTION 4. The chief procurement officer shall make a preliminary determination of the most advantageous proposal from a responsible and responsive offeror taking into consideration price, estimated life-cycle costs and the other evaluation criteria set forth in the request for proposals. Said chief procurement officer may negotiate all terms of the contract not deemed mandatory or nonnegotiable with such offeror. If, after negotiation with such offeror, said chief procurement officer determines that it is in the city's best interests, said chief procurement officer may initiate negotiations with the next most advantageous proposal from a responsible and responsive offeror taking into consideration price, estimated life-cycle costs and the other evaluation criteria set forth in the request for proposals, and may negotiate all terms of the contract not deemed mandatory or nonnegotiable with such offeror. Said chief procurement officer shall award

the contract to the most advantageous proposal from a responsible and responsive offeror taking into consideration price, estimated life-cycle costs and the evaluated criteria set forth in the request for proposals and the terms of the negotiated contract. Subject to the approval of the city, said chief procurement officer shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement.

SECTION 5. Any contract awarded pursuant to this act shall be subject to such terms and conditions as the city shall determine to be in the best interests of said city and shall be subject to a majority vote of the city council and approval of the mayor. Any such contract shall provide that prior to the construction, modification or installation of equipment and systems the city shall cause a qualified wastewater engineer to independently review and approve plans and specifications for said modifications, equipment and systems. Such contract shall further provide that prior to the city's acceptance of any modifications, equipment or systems, including work undertaken pursuant to section 6 of this act and estimated to cost more than two-hundred fifty thousand dollars, ($250,000.00,) adjusted annually, upon the anniversary date of the contract, per the Construction Cost Index published by the Engineering News Report or if the Engineering News Report ceases to publish the index, any published index determined by the city to be comparable to the index, the city shall cause a qualified wastewater engineer to inspect said modifications, equipment and systems and certify that the construction or installation has been completed in accordance with the approved plans and specifications.

SECTION 6. (a) The provisions of any general or special law or regulation relating to the advertising, bidding or award of contracts, to the procurement of services or to the construction and design of improvements, except the provisions of sections 26 to 27H, inclusive, of chapter 149 of the General Laws, shall not be applicable to any selected offeror which is awarded a contract pursuant to this act, except as provided in this section. The construction of any new capital improvement or any renovation, modernization, installation, or replacement work estimated to cost more than two-hundred fifty thousand dollars, ($250,000), adjusted annually, upon the anniversary date of the contract, per the Construction Cost Index published by the Engineering News Report or if the Engineering News Report ceases to publish the index, any published index determined by the city to be comparable to the index, not specifically included in the initial contract for the operation and maintenance, design and construction of the Sewer Works System shall be procured on the basis of advertised sealed bids; provided, however, that bids need not be solicited if the contractor causes such construction, renovation, modernization, installation or replacement work to be completed without direct or indirect reimbursement from the city or other adjustment to the fees or costs paid by the city. Bids shall be based on detailed plans and specifications and the contract shall be awarded to the lowest responsible and eligible bidder. The contractor may act as an agent of the city in the solicitation of bids for the construction of any new capital improvement or for any renovation, modernization, installation or replacement work pursuant to this section, provided that the city shall cause a qualified wastewater engineer to independently assess the need for such capital improvement, renovation,

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modernization, installation or replacement work and to review and approve the contractor's proposed plans and specifications prior to advertising for bids. Based on the recommendation of the qualified wastewater engineer, the city may approve, modify, or reject the contractor's proposed plans and specifications including the contractor's determination of need for such capital improvement, renovation, modernization, installation or replacement work .

(b) Notwithstanding the above, the city reserves the right to effectuate the construction of any capital improvement or any renovation, modernization, installation, or replacement work estimated to cost more than two-hundred fifty thousand dollars, $250,000, adjusted annually, upon the anniversary date of the contract, per the Construction Cost Index published by the Engineering News Report or if the Engineering News Report ceases to publish the index, any published index determined by the city to be comparable to the index, not specifically included in the initial contract for the operations and maintenance, design and construction of the Sewer Works System in conformity with section 39M of chapter 30 or sections 44A to 44J, inclusive of chapter 149 of the General Laws.

SECTION 7. Notwithstanding the provision of any general or special law or regulation to the contrary, the department of environmental protection may issue project approval certificates with respect to the design/build contract procured by the city in connection with improvements being made to the Sewer Works System in accordance herewith and such design and construction services included in such contract shall be eligible for assistance under the Water Pollution Abatement Trust, established by section 2 of chapter 29C of the General Laws and any future revolving loan fund programs established by the commonwealth, as applicable.

Comment [FM1]: Such state approval may impact the types of technologies available to be utilized at the project

SECTION 8. Prior to the execution of a contract or contracts pursuant to this act, the selected offeror shall furnish to the city of Fall River performance bonds, payment bonds and insurance satisfactory to the city.

SECTION 9. Nothing in this act or any action taken or contract or agreement entered into under the provisions of this act shall change or alter any contract or agreement between the city of Fall River and any city, town or public entity which is in force and effect on the effective date of this act. **SECTION 10.** This act shall take effect upon its passage.

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
IN CITY COUNCIL
JUN 12 2012

Passed through first reading

City of Fall River, *In City Council*

7

(Councilor David J. Dennis)

WHEREAS, tourism is a critical component of regional economic development, and

WHEREAS, Fall River is promoting local attractions to increase travel and tourism in the City of Fall River, now therefore

BE IT RESOLVED, that in order to promote all the assets the City of Fall River has to offer the Mayor consider appointing a Director of Tourism.

City of Fall River, *In City Council*

8

(Councilor David J. Dennis)

WHEREAS, the City of Fall River is working on increasing tourism in the City, and

WHEREAS, many areas of the City are not very tourist friendly, and

WHEREAS, many cities have street vendors offering food and beverages for sale at convenient locations, now therefore

BE IT RESOLVED, that in the spirit of improving our City to become a tourist destination, the City Council Committee on Ordinances and Legislation discuss a streamlined process for the sale, storage and display of merchandise in public ways.

City of Fall River, *In City Council*

9

(Councilor David J. Dennis)

WHEREAS, the wearing of hats can be a considered a personal expression, and

WHEREAS, at times the personal expression may not be appreciated by everyone, now therefore

BE IT RESOLVED, that out of respect for our community and all attendees at City Council Meetings the wearing of hats in the Council Chamber shall be prohibited.

City of Fall River, *In City Council*

10

(Councilor Michael L. Miozza)

WHEREAS, there has been many disputes throughout the city with regards to placement of recycling and trash carts, and

WHEREAS, these disputes have required Department of Public Works and police involvement, and

WHEREAS, the Ordinance on Collection Regulations (Chapter 62 –Solid Waste) does not address the placement of the carts for collection, now therefore

BE IT RESOLVED, that the Committee on Ordinances review ordinance 62-47 and 62-48 with the intent of revising said ordinance to include language that defines the proper placement of the carts for collection.

City of Fall River, *In City Council*

(Councilor Raymond A. Mitchell)

WHEREAS, many cities and towns in several states are now providing identification cards to veterans, and

WHEREAS, these men and women who have served their Country should be recognized, and

WHEREAS, many businesses offer discounts to active and retired military personnel, now therefore

BE IT RESOLVED, that the Veterans Agent investigate the possibility of offering identification cards to Fall River Veterans.

CC

18

RECEIVED

2012 JUN 18 P 2:41

CITY CLERK
FALL RIVER, MA

12-36

CLAIM FORM
City of Fall River, Massachusetts

Name: Greg Almeida

Address: 406 June Street
Fall River MA 02720

Phone #: 508-789-5046

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

Date of Incident: 6/14/2012
Time of Incident: 9:30 P.M.
Location of Incident: 508 June St.

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

At approximately 9:30 P.M. on June 14th, 2012, traveling South on June ST, my right front tire struck a ridge of asphalt surrounding a raised man-hole cover. The impact created a bubble on the sidewall of the tire and must be repaired. It is my understanding that paving on this portion of road is not complete however, it is not ongoing.

NOTE: The vehicle and tires are nearly brand new with only 941 miles at the time of incident. Pictures and an invoice for repairs have been provided. I am seeking to recover my cost to replace the tire at $ 274.53.

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

any + 2 copies law
1 Dpw
1 CC
1 City Clerk

CC

18

RECEIVED
2012 JUN 12 P 12:18
CITY CLERK
FALL RIVER, MA

CLAIM FORM
City of Fall River, Massachusetts

12-35

Name: Helia Medeiros

Address: 969 Locust St
Fall River Mass. 02720

Phone #: _____

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

Date of Incident: 6-12-2012
Time of Incident: around 12:05
Location of Incident: Under City Hall

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

A Rock on my windshield

any, 2 cops Law
, DPW
, CC

* 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

18

ROB LEVINE & ASSOCIATES

RECEIVED

2012 JUN 18 A 11:52

CITY CLERK 12-35
FALL RIVER, MA

Admitted in RI, MA & CT

June 8, 2012

City of Fall River
Attn: City Clerk's Office
1 Government Center
Fall River, MA 02720

Re: Viola Mello
Re: ***Date of Incident: May 9, 2012***

The undersigned respectfully petitions your honorable body that Ms. Viola Mello of 144 Choate Street, Fall River, Massachusetts pursuant to M.G.L. Chapter 84 which requires a reply in thirty (30) days hereby gives notice of a claim for personal injuries against the City of Fall River within the thirty (30) day requirement imposed by statute.

On May 9, 2012 at approximatly 3:00PM Ms. Mello was being transported by the Fall River Rescue to Charlton Hospital. The rescue was traveling down Underwood Street and procceding through the intersection of Linclon Avenue, after breifly stopping at the stop sign. When the rescue was in the center of the intersection a second vehicle came traveling down Linclon Avenue and collided with the ambulance. The full extent of her injuries are as yet unknown. She is currently treating with medical facilties.

Thank you for your time and anticipated cooperation in this regard.

Very Truly Yours,

Jennifer J. Sylvia

Jennifer Sylvia, Esq.
JS/hm

any & 2 copies Law
1 EMS-FIRE
1 CC.
1 city clerk

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