



City of Fall River Massachusetts
Office of the City Clerk

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2015 NOV -6 A 9:04

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

NOVEMBER 6, 2015
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER

INÉS LEITE
ASSISTANT CITY CLERK

TUESDAY, NOVEMBER 10, 2015

6:00 P.M. COMMITTEE ON FINANCE

1. Transfers and appropriations (see #1 below)

AGENDA

7:00 P.M. REGULAR MEETING OF THE CITY COUNCIL OR IMMEDIATELY FOLLOWING THE COMMITTEE ON FINANCE MEETING IF THAT MEETING RUNS PAST 7:00 P.M.

PRIORITY MATTERS

1. *Transfers and appropriations (see #1 Finance)

PRIORITY COMMUNICATIONS

2. Traffic Commission recommending amendments to the traffic ordinances
3. *City Administrator re Bonding for Police Department vehicles

COMMITTEE REPORTS – none

ORDINANCES – none

RESOLUTIONS

4. *Committee on Public Works and Transportation convene to discuss streets and sidewalks that are in dire need of repair

CITATIONS – none

ORDERS – HEARINGS FOR TONIGHT

Revocation of permit for the storage of inflammables:

5. Susan Pedder – 221 East Main Street

Curb removal:

6. Thomas Gosselin, 874 Robeson Street – Removal of 25 feet of curbing for a total of 25 feet of curbing at 755 Madison Street

ORDERS – HEARINGS TO BE SCHEDULED – none

ORDERS – NO HEARING REQUIRED – none

ORDERS – MISCELLANEOUS

7. Police Chief's report on licenses
8. Auto Body Shop license renewals
9. Auto Repair Shop license renewals

ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650

One Government Center • Fall River, MA 02722

TEL 508-324-2220 • FAX 508-324-2211 • EMAIL city_clerks@fallriverma.org

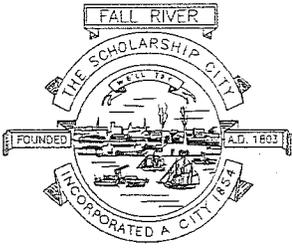
COMMUNICATIONS – INVITATIONS – PETITIONS

10. *Claims
11. *Street opening request – 204 Remington Avenue (to reinstate gas service)
12. Planning Board Minutes – July 28, 2015
13. Planning Board Minutes – August 17, 2015
14. Planning Board Minutes – September 9, 2015
15. Structures over public way – Fall River Holiday Parade Committee, Inc – Banner on Bedford Street at Central Fire Station and Banner on South Main Street at Center Place

BULLETINS – NEWSLETTERS – NOTICES

16. *Mass DOT re South Coast Rail Survey Data Collection


City Clerk



City of Fall River
Massachusetts
Office of the Mayor

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2015 NOV -5 P 3: 13

CITY CLERK _____
FALL RIVER, MA

C. SAMUEL SUTTER
Mayor

November 5, 2015

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.

These appropriations are necessitated due to the regular periodic review of the operating budget. The following appropriations will assist the City in meeting its Fiscal Year 2016 obligations:

1. \$1,101,233 That the sum of \$1,101,233 be, and the same is, hereby appropriated for the SANITATION FUND REVENUE SUBSIDY from the GENERAL FUND FY 15 SURPLUS REVENUE (Freecash).

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

Best,

C. Samuel Sutter
Mayor

1

ORDERED:

That the sum of \$1,101,233 be, and the same is, hereby appropriated for the SANITATION FUND REVENUE SUBSIDY from the GENERAL FUND FY 15 SURPLUS REVENUE (Freecash).

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CITY CLERK
FALL RIVER, MA

FY 16 Appropriation/Transfer Number Analysis # 02

Line	Original/Revised Appropriation	Amount Transferred	New Appropriation
GF Surplus Revenue (Freecash) FY 15	\$ 2,330,309	\$ (1,101,233)	\$ 1,229,076
Sanitation Enterprise Revenue Subsidy	\$ -	\$ 1,101,233	\$ 1,101,233

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



 Krishan Gupta, City Auditor
 11/5/2015

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2015 NOV -5 P 12: 29

CITY CLERK _____
 FALL RIVER, MA

SANITATION ENTERPRISE FUND REVENUES FY 16

FOR 2016-4

ACCOUNTS FOR:	BUDGET	10/31/2015 YTD ACTUAL	Projections thru 06/30/16	Total thru 06/30/16
6400 SANITATION FUND				
Revenues:				
483100 INTEREST	\$ -	\$ 1,097.91	\$ 3,902.09	\$ 5,000.00
432600 SOLID WASTE FEES	\$ 220,000.00	\$ 160,352.53	\$ 59,647.47	\$ 220,000.00
433400 PAYT Bags	\$ 2,850,000.00	\$ 851,378.00	\$ 1,751,840.00	\$ 2,603,218.00
433500 HOUSEHOLD FEE (See Below)	\$ 3,720,000.00	\$ 1,490,550.38	\$ 1,300,000.00	\$ 2,790,550.38
460000 STATE REVENUE	\$ -	\$ 1,999.11	\$ 68,000.00	\$ 69,999.11
	\$ 6,790,000.00	\$ 2,505,377.93	\$ 3,183,389.56	\$ 5,688,767.49

Total Budgeted Revenue	\$ 6,790,000.00
Projected Revenue	\$ 5,688,767.49
Potential Revenue Surplus/(Shortfall)	\$ (1,101,232.51)

WasteZero Bag Sales	Sales	Collections	AR
July	218,400	174,720	282,410
August	175,680	196,000	262,090
September	251,120	199,320	313,890
October (Not Complete Yet)		260,880	
November			
December			
January			
February			
March			
April			
May			
June			
	645,200	830,920	

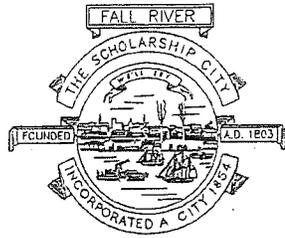
Average collection last 4 months	207,730
Next 8 months	\$ 1,661,840
Other Collections	\$ 20,458
Total PAYT Collection	\$ 851,378.00

House Hold Fee is billed at \$120/year due in two installments:

	Billed	Collection 11/3/2015	Projection 6/30/2016	Total for FY 16
1st Installment due 10/8/15	1,947,870	1,276,080	100,000	1,376,080
2nd Installment due 3/4/16	1,948,230	203,790	1,200,000	1,403,790
Tenants	39,000	10,680		10,680
	3,935,100	1,490,550	1,300,000	2,790,550

11/3/2015

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 CITY CLERK
 FALL RIVER, MA



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

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2015 NOV -4 P 1:06

CITY CLERK _____
FALL RIVER, MA

C. SAMUEL SUTTER
Mayor

CATHY ANN VIVEIROS
City Administrator

November 3, 2015

Joseph Camara, President
Fall River City Council
One Government Center
Fall River, MA 02722

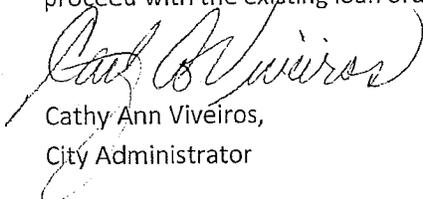
RE: Bonding for Police Vehicles

Mr. President:

Pursuant to a Resolution passed by the City Council on October 27, 2015 regarding the purchase of 5 police vehicles, a meeting was held on Friday, October 30, 2015 to discuss whether alternative funding sources may be available and in preference to bonding for this purchase. In attendance were John Nunes, CFO, Lou Pacheco, Chief of Staff to Mayor Sutter, Mike Dion, CDA Director, City Councilor Steve Long, Police Chief Dan Racine (by phone) and City Administrator Cathy Viveiros.

Chief Racine confirmed that he does not currently have available funds within his operating budget. Mr. Dion explained that any purchase through CDA would need to be by lease agreement. However, Mr. Dion does not have capacity within his FY 2016 annual Budget. Both CFO Nunes and Administrator Viveiros concurred that, due to pending uses for certified free cash, these funds would not be recommended for the purchase of these vehicles. They also concurred that, at the present time, there are no surplus funds in any municipal operating accounts. Based on these findings, we have determined that utilization of the authorized, yet unused, loan order, previously approved by the City Council, represents the only fiscally responsible option for the purchase of these 5 vehicles.

In accordance with the terms of the Resolution, we respectfully request your written concurrence, on behalf of the full City Council, that alternative funding has been duly considered and authorization to proceed with the existing loan order is hereby given. Thank you.


Cathy Ann Viveiros,
City Administrator

CC: Chief Dan Racine, Chief of Staff Lou Pacheco, CFO John Nunes, City Councilor Steve Long, CDA Director Michael Dion

City of Fall River, *In City Council*

4

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

WHEREAS, there are many streets and sidewalks in the City that are in dire need of repair, and

WHEREAS, some of these repairs have now become public safety issues, and

WHEREAS, residents of the City have contacted elected officials for assistance in addressing the deplorable condition of Ridge Street, Holland Street, Buffinton Street, Huard Street, Anderson Street and the sidewalk in North Park on the President Avenue side, now therefore:

BE IT RESOLVED, that the City Council Committee on Public Works and Transportation hold a meeting to determine the status of repairs to these streets and sidewalks.

10



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2015 OCT 27 A 10:42

City of Fall River
Notice of Claim

CITY CLERK 15-181A
FALL RIVER, MA

1. Claimant's name: USAA A/S/O- BLAKE STANGOHR
2. Claimant's complete address: 15 SHADOW FARM LN ROCHESTER, MA 02770
3. Telephone number: Home: _____ Work: 309-663-6700 EXT 209
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
AUTO ACCIDENT
5. Date and time of accident: 02-23-2015 10:27 AM Amount of damages claimed: \$ 2944.48
6. Exact location of the incident: (include as much detail as possible):
FREEDOM ST & TONE ST
7. Circumstances of the incident: (attach additional pages if necessary):
YOUR DRIVER, JOHN ARAUJO, FAILED TO MAINTAIN CONTROL OF HIS VEHICLE WHILE BACKING UP AND STRUCK OUR INSURED'S PARKED UNOCCUPIED VEHICLE CAUSING DAMAGES.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: Yes No
USAA INSURANCE - WILBER & ASSOCIATES 210 LANDMARK DR NORMAL, IL 61761

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 10/27/2015

Claimant's signature: Nicole Hernandez

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:	
Copies forwarded to: <input type="checkbox"/> City Clerk <input type="checkbox"/> Law <input checked="" type="checkbox"/> City Council <input type="checkbox"/> City Administrator <input checked="" type="checkbox"/> DCM	Date: <u>10/27/2015</u>



RECEIVED

OCT 23 A 10:43

City of Fall River
Notice of Claim

15-232
FALL RIVER, MA

1. Claimant's name: Paul Staltz
2. Claimant's complete address: 375 Concordus St Apt 1 Tiverton, RI 02878
3. Telephone number: Home: 508-557-9399 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Car repairs after damage from pot hole
5. Date and time of accident: Sunday 10/4 @ approx. 9:45 pm Amount of damages claimed: \$ 358.95 (parts & labor for repair)
6. Exact location of the incident: (include as much detail as possible):
Sunday approx 15 ft after the intersection of Newton St & Ma on Bishop Blvd →
7. Circumstances of the incident: (attach additional pages if necessary):
Took right hand turn from Ma on Bishop Blvd on to Newton St. Car hit a very large pot hole. Immediately car felt lower. Pivoted over to find both passenger side tires were completely flat. There were large cracks on the side of the road. Car was towed to Empire Hyundai where repairs were made.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: Yes No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 10/7/15

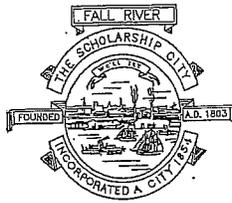
Claimant's signature: [Signature]

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

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For official use only:
 Copies forwarded to: City Clerk Law City Council City Administrator DCM Date: OCT 23 2015



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City of Fall River
Notice of Claim

2015 OCT 23 A 10:20

1. Claimant's name: Cesar B. Braga CITY CLERK 15-233
FALL RIVER, MA
2. Claimant's complete address: 708 So. Almond St.
3. Telephone number: Home: 508 617 4446 Work: N/A
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Damage to car due to two pot hole into
5. Date and time of accident: 7 PM 11/24/15 Amount of damages claimed: \$1511.87
6. Exact location of the incident: (include as much detail as possible):
Intersection of Broadway + Columbus St.
7. Circumstances of the incident: (attach additional pages if necessary):
Vehicle driving home to 708 ~~Almond St.~~ So. Almond St. and at the intersection of Columbus + Broadway St. I ran into two pot holes at and area just opposite the home just south of Columbus St.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: Yes No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

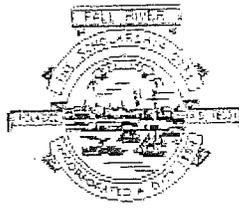
Date: 20 Oct 15 Claimant's signature: Cesar B. Braga

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:					Date: <u>10/23/15</u>
Copies forwarded to:	<input checked="" type="checkbox"/> City Clerk	<input checked="" type="checkbox"/> Law	<input checked="" type="checkbox"/> City Council	<input checked="" type="checkbox"/> City Administrator	<input checked="" type="checkbox"/> DPW



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City of Fall River
Notice of Claim

2015 OCT 26 A 11:17

- 1. Claimant's name: Laura Costa CITY CLERK 15-234
FALL RIVER, MA
- 2. Claimant's complete address: 45 VERNON STREET
- 3. Telephone number: Home: 5086429624 Work: 774-803-3453
- 4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
HIT POT HOLE
- 5. Date and time of accident: 10/5/15 Amount of damages claimed: \$ 255.00
- 6. Exact location of the incident: (include as much detail as possible):
CHARLES ST RIGHT BEFORE CRAWFORD HEADING TOWARDS SOUTH MAIN ST
- 7. Circumstances of the incident: (attach additional pages if necessary):
GOING WEST ON CHARLES ST RIGHT BEFORE CRAWFORD hit that pothole & broke spring on driving side rear wheel. (I have the broken spring) needed replacement spring + shock
- 8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: Yes No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 10/19/15

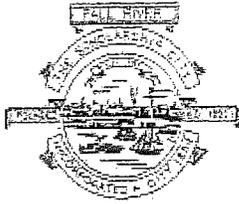
Claimant's signature: Laura Costa

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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For official use only:						Date: <u>OCT 26 2015</u>
Copies forwarded to:	<input checked="" type="checkbox"/> City Clerk	<input type="checkbox"/> Law	<input type="checkbox"/> City Council	<input type="checkbox"/> City Administrator	<input checked="" type="checkbox"/> DPW	



Council

RECEIVED

**City of Fall River
Notice of Claim**

2015 OCT 27 P 4: 02

1. Claimant's name: Scott Robert Standing CITY CLERK 15-235
FALL RIVER, MA
2. Claimant's complete address: 440 Staples St, East Taunton, MA, 02718
3. Telephone number: Home: 339-832-9455 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
pothole damage to car
5. Date and time of accident: 9/29/15 Amount of damages claimed: \$ 395.42
2:00pm
6. Exact location of the incident: (include as much detail as possible):
on route 79 right ~~turn~~ after getting off Devol St
7. Circumstances of the incident: (attach additional pages if necessary):
two blown out tires on drivers side from
pothole
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: Yes No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 10/27/15

Claimant's signature: Scott Standing

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Copies forwarded to: City Clerk Law City Council City Administrator DCM

Date: _____

OCT 27 2015



City of Fall River Massachusetts

Department of Community Maintenance
CEMETERIES • MUNICIPAL BUILDINGS • ENGINEERING • SANITATION •
PARKS • STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

Engineering Division

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NOV - 3 P 3:59

CITY CLERK
FALL RIVER, MA

C. SAMUEL SUTTER
Mayor

KENNETH C. PACHECO
Director
BYRON R. HOLMES, P.E.
City Engineer

MEMO

To: Fall River City Council
From: Byron Holmes, P.E.
City Engineer
Date: November 3, 2015
Subject: Street Opening Request for Pavement less than 5 years old.

Comments:

Liberty Utilities is requesting approval to reinstate the gas service to 204 Remington Avenue, at the request of the customer. The service was abandoned earlier this year due to pressure issues in the area, which have since been resolved by the gas company.

Remington Street was last paved in 2012, so is a street under the City's five year ordinance. If the Council agrees to this request, the following conditions would apply:

1. All work is to follow the "Standards Employed by Public Utility Operators When Restoring Municipal Streets" as published by the Commonwealth of Massachusetts Division of Telecommunications and Industry and with the requirements of the Fall River City Council.
2. The engineering division shall be notified prior to excavation in order to assure city inspection of this work.
3. An infrared patch will be used for repair of the asphalt surface.

Rec'd 11-2-15 A
16



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO
Frank DePaola, General Manager
Brian Shortsleeve, Chief Administrator

massDOT
Massachusetts Department of Transportation

Ms. Alison Bouchard, City Clerk
City of Fall River
1 Government Center
Room 227
Fall River, MA 02722

October 28, 2015

RE: South Coast Rail Survey Data Collection

Dear Ms. Bouchard:

The Massachusetts Bay Transportation Authority (MBTA) is continuing the preliminary design and permitting phase of the South Coast Rail (SCR) project, and crews are going back in the field to conduct additional survey work. The purpose of this letter is to notify South Coast communities that crews will be deployed during the remainder of 2015 and through next year.

MBTA and/or its consultants will require access to certain city-owned parcels adjacent to the right-of-way. The activity is necessary to continue to advance data collection to support the advancement of preliminary design and environmental permitting. There are no intrusive activities planned to occur on publically-held properties during this time period.

The MBTA's right to enter upon property is explained in the enclosed copy of Massachusetts General Laws, Chapter 161A, Section 44 (<http://www.mass.gov/legis/laws/mgl/161a-44.htm>). This statute allows the MBTA to enter upon property after giving a thirty-day notice by registered or certified mail for the purposes stated above, and this letter shall serve as this required notice.

General information concerning the SCR project is available at www.southcoastrail.com. Should you have any specific questions or concerns, please feel free to contact either Jamie Rush at 617-222-4538 or via email at JRush@MBTA.com or Carolann McCarron at 617-222-4284 or via email at Cmmccarron@MBTA.com. Thank you in advance for your continued co-operation.

Sincerely,

James A. Rush
Senior Right of Way Agent

Certified Mail:
Return Receipt Requested

Massachusetts Bay Transportation Authority
Ten Park Plaza, Suite 3910, Boston, MA 02116
www.mbta.com

*forwarded by email (receipt list attached)

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XXII. CORPORATIONS

CHAPTER 161A. MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

Chapter 161A: Section 44. Entry onto lands, waters and premises for purpose of making surveys, soundings, test pits, borings, drillings or examinations; notice; reimbursement for damage

Section 44. Whenever the authority deems it necessary to make surveys, soundings, test pits, borings, drillings or examinations to obtain information for or to expedite the construction of public transportation facilities or other projects under its jurisdiction, said authority, or its authorized agents or employees may, after 30 days notice by registered or certified mail and without the necessity of any judicial orders or other legal proceedings, enter upon any lands, waters and premises, not including buildings, in the commonwealth, including lands both publicly and privately owned, including land owned by railroad corporations, for the purpose of making such surveys, soundings, test pits, borings, drillings or examinations as it may deem necessary or convenient for the purposes of this section, and the entry shall not be deemed to be a trespass. Said authority shall make reimbursement for any injury or damage to lands resulting from entry caused by any act of its authorized agents or employees and shall, so far as possible, restore such lands to the same condition as prior to the making of such surveys, soundings, test pits, borings, drillings or examinations.