City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

NOVEMBER 9, 2012
MEETINGS SCHEDULED FOR NEXT WEEK
TUESDAY, NOVEMBER 13, 2012

5:15 P.M. COMMITTEE ON FINANCE **Note earlier time**

1. Presentation by Veterans' Agent re availability of Veterans' ID cards (reso. ad. 6-26-12)
2. Disc. of proposed loan orders:
   - $4,900,000 Energy and Building Improvements – AMERESCO Phase II
   - $560,000 City Building Improvements
   - $890,000 Departmental Equipment and City Vehicles
   - $875,000 Park Improvements
   - $4,975,000 Phase 13 Water System Improvements

AGENDA

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

PRIORITY MATTERS

1. *Mayor req. confirmation of Scott R. Charette as member of Housing Authority
2. *Mayor req. confirmation of Leonard Aguiar as member of Housing Authority

PRIORITY COMMUNICATIONS

3. *Mayor req. Administrative Office Area at new Morton Middle School be named in honor of Stephen J. Nawrocki

COMMITTEE REPORTS - None

ORDINANCES

Proposed:

4. *Loan orders exceeding $10,000,000 within a fiscal year require a vote of the registered voters

Second Reading and Enrollment, as amended:

5. *Hawkers and Peddlers

RESOLUTIONS

6. *Administration be invited to future mtg. of Com. on Finance to discuss all bonds currently on the books
7. *Administration submit interpretation of MGL c. 32 § 18A re mandatory transfer to Medicare health plan

CITATIONS

8. Hurricane Sandy volunteers and food donors

ORDERS – HEARINGS FOR TONIGHT

Curb Removals:

9. Lawrence Ferreira – 26 feet @ 2009 Robeson Street
10. Joseph Couto – 24 feet @ 791 Eastern Avenue

ORDERS – HEARINGS TO BE SCHEDULED - None

ORDERS – NO HEARING REQUIRED - None

ORDERS – MISCELLANEOUS

11. Police Chief's report on licenses
12. Auto Repair Shop license renewal
13. Auto Body Shop license renewal

COMMUNICATIONS – INVITATIONS – PETITIONS

14. *Claims

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

RECEIVED
2012 NOV -8 P 4:03
CITY CLERK
FALL RIVER, MA

November 8, 2012

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

Madam President and Honorable Members of the City Council:

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

Name: Scott R. Charette

Address: 77 Apple Creek Lane
Fall River, MA 02720

To: Housing Authority

Term to Expire: July 12, 2017

Replacing: Leonard Aguiar

Sincerely:

William A. Flanagan
Mayor

Cc: FRHA
DHCD

WF/amos

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

Scott R. Charette
77 Apple Creek Lane
Fall River, MA 02720
(617)543-8115
Src577@comcast.net

Professional Objective:

To obtain a position that will best utilize my negotiating and representation skills that will effectively provide a better living environment for families.

Education:

Diman Regional Vocational Technical High School — Fall River, Ma
Electrical — Diploma, 06/1995

Work Experience:

United Food & Commercial Workers Union Local 1445 (02/2007 – Present)

- **Organizer**
  - Organizing local non union companies by explaining the benefits of union organized companies.
- **Servicing Representative**
  - Effectively negotiate and arbitrate grievances and contracts.
  - Served on contract negotiating committees, each strengthening the union shop.
  - Participate organizing in the yearly Steward Seminar.

Skills & Abilities Summary:

- **Communication**- Persuasive communicator with experience in group presentations as well as delegation of authorities and tasks to workers. Able to develop positive relationships with colleagues, customers and staff at all levels.
- **Computer Training**- Trained and experiences in computer comprehension including Microsoft Word, Excel, and Adobe page maker.
- **Team Building**- Ability to work with others to achieve a planned goal in the most efficient and effective manner possible.

Trainings and Volunteering:

George Meany American Labor Studies Center — Washington, DC
Organizing Training Certificate, 09/2008

Political Campaign
Worked on multiple political campaigns, 2007-present

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Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

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November 8, 2012

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

Madam President and Honorable Members of the City Council:

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

Name: Leonard Aguiar

Address: 26 Francis Street
Fall River, MA 02721

To: Housing Authority

Term to Expire: July 12, 2015

Replacing: Steven R. Pereira, Esq.

Sincerely:

William A. Flanagan
Mayor

Cc: FRHA
DHCD

WF/amos

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

CITY OF FALL RIVER
MAYOR'S OFFICE
2012 NOV -5 PM 2: 19

PEREIRA LAW OFFICES, P.C.
982 Eastern Avenue, Fall River, MA 02723 508 675-1188 FAX 508 675-1189 email: Steve@PerLawPC.com

STEVEN R. PEREIRA

November 5, 2012

The Honorable William A. Flanagan
Mayor, City of Fall River
One Government Center
Fall River, MA 02722

RE: Fall River Housing Authority Board of Commissioners
Letter of Resignation

Dear Mayor Flanagan:

As a sitting commissioner on the Board of Commissioners of the Fall River Housing Authority (the "Authority"), it has come to my attention that the current Chairman of the Board of Commissioners, Leonard Aguiar, is likely not to be a candidate for reappointment to his seat in that the chair he occupies is designated for a member of organized labor. At a time when the Board of Commissioners is in need of senior, experienced leadership to deal with issues such as labor negotiations, selection of a new Executive Director, the current and future status of the Watuppa Heights site, management of unfunded liabilities and the development of new procurement policies, the inability of Mr. Aguiar to continue would not best serve the Authority.

To that end, and in the spirit of doing all necessary to forward the goals and best interests of the Authority and its dedicated workers, please accept this as my letter of resignation, to be effective November 13, 2012, the day following the next scheduled Board of Commissioners meeting. It is delivered to you in the hope that in contemplating appointment to fill my seat, you consider the appointment of Mr. Aguiar so that he may continue on in his leadership role with the Authority.

I wish to thank you for the opportunity to have been one of your appointments to the Board of Commissioners. It has been a privilege and great pleasure to serve the Authority.

Respectfully yours,

Steven R. Pereira

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City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

RECEIVED
2012 NOV -8 P 4:03
CITY CLERK
FALL RIVER, MA

November 8, 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 a request by the family of Stephen J. Nawrocki and School Committee member Paul Hart to name the administrative office area of the new Morton Middle School in the name of Stephen J. Nawrocki.

Mr. Nawrocki was a thirty-six year employee of the Fall River School Department. He taught at Morton Junior High School from 1961-1973, served as principal at Morton from 1973-1992 and served as principal of the Henry Lord Middle School from 1992-1997.

The majority of Mr. Nawrocki's career was spent at Morton Middle School. I believe this dedication in his name is a fitting tribute to his years of dedicated service to the City of Fall River and its' students, staff and facility.

Please give this request your every consideration and thank you in advance for your time and attention with this request.

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

City of Fall River, *In City Council*

ORDERED, that the administrative office area at the new James M. Morton Middle School shall hereinafter be known as the Stephen J. Nawrocki Administrative Office Area.

City of Fall River, *In City Council*

4

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

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

That Chapter 2 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Administration be amended as follows:

By inserting in Section 2-131 after $5,000,000.00, which section relates to election required for authorization of certain loan orders, the following:

or to exceed $10,000,000 within a fiscal year

City of Fall River, *In City Council*

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

That Chapter 14 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to businesses be amended by striking out Article VIII in its entirety, and inserting in its place thereof a new Article VIII, Hawkers and Peddlers, to read as follows:

Definitions

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

"City" means the City of Fall River.

"Department" means the Department of Engineering.

The terms "hawker" and "peddler" as used in this article mean any person, either principal or agent, who goes from place to place selling or bartering, or carrying for sale or barter, or exposing therefor, any goods, wares, or merchandise whether on foot or from any push cart or vehicle.

"Licensing authority" means the Clerk of the City of Fall River or her designee.

"Person" means an individual, corporation, partnership, or other business organization or entity.

"Push cart" means any wagon, cart, or similar wheeled container, but not a vehicle, from which goods, wares, or merchandise are offered for sale to the public.

License required

A. No person shall sell, barter, carry for sale or barter, or expose therefor, or provide any goods, wares, or merchandise under this article without first obtaining a hawkers and peddlers license from the licensing authority. Nor shall any person employ, direct, or otherwise cause any other person to sell, barter, carry for sale or barter, or expose therefor, or provide any goods, wares, or merchandise under this article without first obtaining a hawkers and peddlers license from the licensing authority.
B. All hawkers and peddlers duly licensed by the Commonwealth's Division of Standards are required to register with and obtain a certificate of such registration from the city clerk prior to conducting business in the city. The fee for such registration shall be $50.00 annually. The certificate of registration shall expire on the last day of April in each year.

Sales exempted from license requirement

A. Pursuant to M.G.L. c. 101 § 17, no hawkers and peddlers license is required for the sale of newspapers, religious publications, flowering plants and wild or uncultivated flowers.
B. Hawkers and peddlers of said items listed in this section, shall record their names and residences with the city clerk without being subject to a fee.

Goods prohibited

Pursuant to M.G.L. c. 101 § 16, hawkers and peddlers are prohibited from selling jewelry, other than costume jewelry valued at not more than $10.00 and made by a nonprofit charitable organization, furs, wines, spirituous liquors, small artificial flowers, and miniature flags.

License application

An applicant for a hawkers and peddlers license shall file with the licensing authority a written application containing:

A. The name, address, and telephone number of the applicant;
B. The name, address, and telephone number of the business, its owner or owners, and the mailing address of the business;
C. The items offered for sale or provided to the public;
D. The proposed location of the vending site, including two alternative locations, listed by order of preference;
E. Evidence that all weighing and measuring devices have been duly inspected and sealed as required by law.

Each application shall be accompanied by a fee as listed in the fee schedule.

Approval process

A. A license application shall be forwarded to the Department of Engineering for review and approval of the proposed location requested by the applicant. The Department shall determine whether the width of the sidewalk at the proposed location or service route contains a minimum of seven (7) feet, including a minimum 36-inch path of travel around the push cart. Failure of the sidewalk to possess a minimum width of seven (7) feet, including a minimum 36-inch path of travel around the push cart will result in automatic rejection of the proposed location or service route by the Department. The Department may also consider in its approval or rejection of the proposed location whether the proposed location or service route poses a danger or nuisance to the public health, safety, or welfare, or impedes pedestrian or vehicular traffic.
B. The Department may work with the applicant or licensee to modify the location or service route at any time (i) before the issuance of a license or (ii) after the issuance of a license, if the grant of a license or approval of the location or service route has led to the creation of a nuisance or otherwise endangers the public health, safety, welfare, or impedes pedestrian or vehicular traffic or (iii) by request of the licensee.
C. The license shall state the approved location or service route in which the push cart may be located and operated.

Indemnification

Prior to the issuance of any license, the applicant shall execute an agreement holding the City, its employees, and agents harmless from any liability arising from the use of the license.

Insurance

The licensee, at his or her sole cost and expense, shall obtain and maintain liability insurance for bodily injury and property damage in an amount not less than five hundred thousand dollars ($500,000). The policy or policies shall contain an endorsement listing the City of Fall River as additional insured, and shall provide that the City be given thirty (30) days written notice prior to cancellation or material change. Proof of insurance shall be submitted to the licensing authority prior to issuance of any hawkers and peddlers license.

License term and renewal

Each license issued pursuant to this Article shall be for a period of one year commencing on May 1 and ending April 30. Renewal of any license shall be for an additional one year term and requires the submission of a new application along with a license fee as listed in the fee schedule.

Prohibition against transfer of license

No person holding a hawkers and peddlers license shall sell, lend, lease, assign, or transfer in any manner said license.

Display of license.

Every hawker or peddler shall exhibit his or her license and/or certificate of registration when the same is demanded of him or her by a sealer of weights and measures or his designee or a member of the police department of the city.

Numbers and badges

A. Every hawker and peddler licensed pursuant to this article shall be assigned a number and shall be provided with a badge, which shall be conspicuously worn by the licensee.
B. All badges issued pursuant to this section shall be furnished by the licensing authority at the expense of the licensee.

Number plates on vehicles

Every vehicle or push cart used by a licensee under this article as a conveyance for articles offered or exposed for sale or barter shall have attached thereto on each side a number plate to be furnished by the licensing authority at the expense of the licensee, with his license, bearing the number and date of expiration of such license.

Push cart regulations

A. Push cart operations shall be limited to sidewalks that conform to the requirements of this Article.
B. The maximum dimensions for any push cart shall not exceed six feet in length by four feet in width.
C. The push cart may have affixed thereto or painted thereon a sign used in conjunction with the pushcart.
D. No operator of a push cart shall park, stand, or move a push cart and conduct business where the licensee has not been authorized to operate.

E. No push cart operator or licensee shall provide or allow any dining area, including, but not limited to, tables, chairs, booths, bar stools, benches, or standup counters.
F. A trash receptacle shall be provided for patrons.
G. The push cart operator shall refrain from using bells, chimes, horns or other sounds, including the utterance of boisterous outcries to promote the sale of its goods, wares, or merchandise.
H. The licensee and the operator are responsible for ensuring that the area surrounding the push cart is kept clean and free or trash and debris associated with the push cart operation.
I. The push cart shall not be unattended at any time. Nor shall the push cart be stored, parked or left at the permitted location over night.
J. No propane tanks or open flames are permitted for operation on the push cart.

Penalty; revocation and hearing

A. Any person who violates any provision of this article shall be liable to a penalty in accordance with section 1-15 or be subject to arrest as provided for in M.G.L. c. 101 § 32.
B. A violation of this article may result in suspension of a permit issued pursuant to this article for up to five (5) days or revocation. Upon suspension or revocation of a license issued pursuant to this article, the person whose license was suspended or revoked may request a hearing before the municipal hearing officer or his designee. Such request shall be in writing and shall be filed with the licensing authority within ten (10) days after suspension or revocation. Failure to timely appeal the administrative determination is deemed a waiver of the right to a hearing.
C. Revocation of a hawkers and peddlers license issued by the Commonwealth may result in revocation of a hawkers and peddlers license issued pursuant to this article.

Enforcement

The Chief of Police or his designee and the sealer of weights and measures or his designee shall be vested with enforcement of this Article.

Conflict with state license

Nothing in this article shall be construed as conflicting with a hawkers and peddlers license duly issued under the laws of the Commonwealth.

Severability

The invalidity of any portion or portions of this article shall not invalidate any other portion, provision or section thereof.

CITY OF FALL RIVER
IN CITY COUNCIL
OCT 30 2012
Passed through first reading, as amended

City of Fall River, *In City Council*

6

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

BE IT RESOLVED, that representatives from the Administration be invited to a future meeting of the Committee on Finance to discuss all bonds currently on the books, what the terms are and when each will be paid off.

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City of Fall River, *In City Council*

(Council President Linda M. Pereira)

WHEREAS, questions exist relative to the implementation of M.G. L. Chapter 32, Section 18A, relative to the mandatory transfer of a retiree, spouse or dependent to a Medicare health plan, now therefore

BE IT RESOLVED, that the Administration submit an interpretation of this law to the City Council by Friday, November 16, 2012.

Council

14

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2012 OCT 31 P 2:45

CITY CLERK FALL RIVER, MA

12-59

CLAIM FORM

City of Fall River, Massachusetts

7

Name: Bret Pimental

Address: 352 Corbett Fall River MA 02720

Phone #: 508-965-9681

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

Date of Incident: 10-29-12

Time of Incident: between the hours of 1430-1830pm (2:30-6:30pm)

Location of Incident: 352 Corbett St. Fall River, MA 02720

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

On Oct 29th 2012 During Hurrican Sandy a large Tree branch located on the corner of Corbett + Bell St. (on City Property) fell on my Power lines/Cable lines. The fallen tree branch ripped out piping + wiring on the side of my home. The Tree also damaged my fence. National Grid Electric Company was called and I was told that anything attached to the house was the owners responsibility. I had to obtain an Electrician to make the repairs before National Grid could restore my power back. The Fall River tree dept was called to remove the fall branch. I also have pictures of the damage if needed.

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

CLAIM FORM
City of Fall River, Massachusetts

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2012 NOV -5 P 3:25
CITY CLERK 12-60
FALL RIVER, MA

Name: Claudia Viens

Address: 129 Clay St
Fall River, MA 02724

Phone #: 508 617 3544

Type of Claim: _____M.G.L. Chapter 84 _____M.G.L. Chapter 258 _____Other

Date of Incident: Oct 29, 2012
Time of Incident: 5:00 pm
Location of Incident: 129 Clay St Fall River

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

At 5:00 pm on Oct 29, 2012 Hurricane Sandy's wind knocked down a large tree branch from the tree on the sidewalk.

The branch hit the front of my house and tore down the vinyl siding off the house.

The fee for labor was $50.00 and supplies were $32.26 Total of $82.26.

I would like to be reimbursed.

atty, 2 Copies Law
1 DPW
1 CC
1 City Clerk

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