City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

OCTOBER 26, 2012
MEETINGS SCHEDULED FOR NEXT WEEK
TUESDAY, OCTOBER 30, 2012

6:00 P.M. COMMITTEE ON FINANCE

1. Disc. w/ Administration, Dir. of Community Maintenance & Parking Clerk re repainting of road surface markings & crosswalks, traffic patterns, and potholes (resos. ad. 7-17-12 & 10-16-12)

AGENDA

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

PRIORITY MATTERS

1. *Mayor and 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

PRIORITY COMMUNICATIONS

2. *Corporation Counsel re Food Vending Push Cart Ordinance (amendments)
3. Traffic Commission recommending amendments to the traffic ordinances

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

First reading, as amended

4. *Hawkers and Peddlers

All readings, w/EP

5. *Traffic, handicapped parking

ORDINANCES

Second Reading and Enrollment:

6. *Traffic, misc.
7. *Responsible Employer Ordinance Amendment & Repeal
8. *Fire Chief position

Second Reading and Enrollment, as amended:

9. *Residency Requirement
10. *Trash Carts

RESOLUTIONS

11. *Com. on Finance discuss Fire Dept. plan to be self sufficient in 2015 when Safer Grant funding ends

CITATIONS

12. Kenneth Paiva – Heroic efforts in saving a fellow student's life by using the Heimlich maneuver
13. Lauretta Labonte – 100th Birthday

ORDERS – HEARINGS FOR TONIGHT – None

ORDERS – HEARINGS TO BE SCHEDULED

Curb Removals:

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

ORDERS – NO HEARING REQUIRED

Jt. Pole re-location:

16. Plymouth Avenue – One (1) joint pole re-location

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

ORDERS – MISCELLANEOUS

17. Police Chief's report on licenses

COMMUNICATIONS – INVITATIONS – PETITIONS

18. *Claims
19. *PERAC re Appropriation for Fiscal Year 2014

BULLETINS – NEWSLETTERS – NOTICES – None

Alison M Bouchard
City Clerk

WILLIAM A. FLANAGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED
2012 OCT 25 A 10: 19
CITY CLERK
FALL RIVER, MA

October 25, 2012

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

RE: Loan Orders

Dear Honorable Members of the Council:

It is respectfully requested that the attached Loan Orders be approved by your honorable body.

1. $4,900,000 Energy and Building Improvements – AMERESCO Phase II
2. $560,000 City Building Improvements
3. $890,000 Departmental Equipment and City Vehicles
4. $875,000 Park Improvements
5. $4,975,000 Phase 13 Water System Improvements

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

Sincerely,

William A. Flanagan
Mayor

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

IN CITY COUNCIL **October 30, 2012**

CITY OF FALL RIVER
LOAN ORDER
(Energy and Building Improvements)

ORDERED: That the City hereby appropriates the sum of Four Million Nine Hundred Thousand Dollars ($4,900,000) to pay the costs of remodeling, reconstructing or making extraordinary repairs to public buildings owned by the City, including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair, and/or for making energy conservation, alternative energy or renewable energy improvements to public buildings or facilities, and payment of all costs incidental and related thereto, and that to meet said appropriation the City Treasurer, with approval of the Mayor, is authorized to borrow said sum under Clauses (3A), (3B) and/or (14) of Section 7 of Chapter 44 of the General Laws, or any other enabling authority, and to issue from time to time, bonds, notes or certificates of indebtedness of the City therefor.

ORDERED: That the City Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

IN CITY COUNCIL **October 30, 2012**

CITY OF FALL RIVER
LOAN ORDER
(City Building Improvements)

ORDERED: That the City hereby appropriates the sum of Five Hundred and Sixty Thousand Dollars ($560,000) to pay the costs of remodeling, reconstructing or making extraordinary repairs to public buildings owned by the City, including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair and payment of all costs incidental and related thereto, and that to meet said appropriation the City Treasurer, with approval of the Mayor, is authorized to borrow said sum under Clause (3A) of Section 7 of Chapter 44 of the General Laws, or any other enabling authority, and to issue from time to time, bonds, notes or certificates of indebtedness of the City therefor.

ORDERED: That the City Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

IN CITY COUNCIL **October 30, 2012**

CITY OF FALL RIVER
LOAN ORDER
(Departmental Equipment and City Vehicles)

ORDERED: That the City hereby appropriates the sum of Eight Hundred and Ninety Thousand Dollars ($890,000) to pay the costs of purchasing departmental equipment including but not limited to City vehicles, trucks, sweepers, salters, woodchipers and grinders and payment of all costs incidental and related thereto, and that to meet said appropriation the City Treasurer, with approval of the Mayor, is authorized to borrow said sum under Clause (9) of Section 7 of Chapter 44 of the General Laws, or any other enabling authority, and to issue from time to time, bonds, notes or certificates of indebtedness of the City therefor.

ORDERED: That the City Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

IN CITY COUNCIL **October 30, 2012**

CITY OF FALL RIVER
LOAN ORDER
(PARK IMPROVEMENT – KENNEDY PARK AND HIGHLAND PARK)

ORDERED, that the City hereby appropriates the sum of Eight Hundred and Seventy Five Thousand Dollars ($875,000) to pay the costs of making renovations and improvements to the Kennedy Park and Highland Park, including the costs incidental and related thereto, and that to meet this appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Section 7(25) or any other enabling authority, and to issue bonds or notes of the City therefore, and

ORDERED, that the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require, and

ORDERED, that the Mayor is authorized to file on behalf of the City any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth under the Urban Self-Help Program pursuant to 301 CMR 5.00 et sequitur in any way connected with the scope of this Order, and that the City and the Board of Park Commissioners be authorized to expend any and all sums received in accordance with the requirements of said grant.

CITY OF FALL RIVER
LOAN ORDER
(Water System Improvements)

CITY OF FALL RIVER, In City Council

ORDERED, that $4,975,000 is appropriated for the purpose of financing construction and design of Phase 13 of the City's Water Project including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; and to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow $4,975,000 and to issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer, with the approval of the Mayor, determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer, with the approval of the Mayor, is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust ("Trust") established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection ("Department") with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department, to expend all funds available for the project and to take any other action necessary to carry out the project.

ORDERED, that the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

RECEIVED

2012 OCT 25 A 10: 19

CITY CLERK
FALL RIVER, MA

SHAWN E. CADIME
City Administrator

MEMO

TO: William A. Flanagan, Mayor

FROM: Shawn E. Cadime, City Administrator

RE: Loan Orders

DATE: October 24, 2012

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1. **$4,900,000 Energy and Building Improvements – Ameresco Phase II**

Originally, Ameresco performed a preliminary energy audit on five (5) buildings throughout the City, including (1) school building and (4) City facilities. Along with these five (5) buildings, Ameresco performed a detailed lighting audit for an additional eight (8) school buildings. Under a Phase I project, the City proceeded with a selective scope to implement in 2011. The scope included lighting system improvements at Government Center, City Council Chambers, Henry Lord Middle School and the Spencer Borden Elementary School.

In addition to the lighting system improvements at the Government Center and City Council Chambers, new ceilings were added with the lighting improvements in select areas.

With this loan order, the City would be proceeding with Phase II of the project. The scope includes a re-evaluation of the Government Center and City Council Chambers, implementing the lighting system improvements, lighting controls, and energy management system updates at the remaining six (6) schools audited during

Phase I, as well as HVAC System and Elevator System Upgrades at Government Center.

2. **$560,000 City Building Improvements**

This loan order will allow the following

Government Center

- City Collector/Treasurer's Office: complete renovation of the office, which will include major security upgrades to the collection area.
- Auditor's Office: two new offices for additional staff and new carpet.
- The construction of two new public restrooms on the main level of Government Center.

Police Department

- Complete renovation to the Major Crimes Division
- Complete renovation to the VICE Division

Fire Department

- Maintenance and repairs to various fire stations

Public Library

- Security Cameras for Stairwells and Book Stacks

3. **$890,000 Departmental Equipment and City Vehicles**

This loan order will allow for the procurement of a street and sidewalk sweeper, rehab of 6 DPW salters, Board of Health Truck, 2 Park Department Trucks, 1 Engineering Department Truck, equipment for the Tree Division, Sanitation Trucks, Breathing Hoes and radio repeaters for the Fire Department.

4. **$875,000 Park Improvements**

This loan order will allow for the procurement and installation of an inclusion playground at Kennedy Park and the construction of the Highland Park.

5. **$4,975,000 Phase 13 Water System Improvements**

This loan order will allow for the construction of the Airport Road Water Tank and for the design and construction of the water main and lead service replacement as outlined by Terry Sullivan.

City of Fall River
Massachusetts
Department of Community Utilities
WATER • SEWER

WILLIAM A. FLANAGAN
Mayor

TERRANCE SULLIVAN
Administrator

October 10, 2012

Mayor William Flanagan
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mayor Flanagan:

It is respectfully requested that the attached Loan Order for Phase 13 of the Water System Improvements be submitted to the City Council for approval. The EDA Federal Grant application is due by December 14, 2012. This loan order must be fully approved by that date. The project budget is attached for reference.

Sincerely,

Terrance J. Sullivan
Administrator of Community Utilities

TJS/omc

Attachment

cc: John Friar, II
Jane DiBiasio

APPROVED:

W. A. Flanagan — 8-15-12
Mayor — Date

One Government Center • Fall River, MA 02722 • TEL (508) 324-2320
WATER (508) 324-2330 • SEWER (508) 324-2320 • EMAIL tsullivan@fallriverma.org

Phase 13 Water Projects	10.10.12
Planned construction schedule is for 2013-2014	

Phase 13			
Design			
Water main replacement and LSR	Open	2013-2014	$65,000
Construction Management			
Water main replacement and LSR	SRF	2013-2014	$125,000
Airport Road tank/high service area	SRF or EDA	2013-2014	$365,000
Construction	SRF		
Water Main and Lead Service Replacement	SRF	2013-2014	$800,000
Airport Road tank/high service area	SRF or EDA	2013-2014	$3,150,000
Police Details	SRF or EDA	2013-2014	$75,000
Contingency	SRF or EDA or open	2013-2014	$395,000
Total			**$4,975,000**

Water Main and Lead Service Replacement Proposed Streets-phase 13		
Street	From	To
Brownell	Davol	No. Main
Buffinton	Plymouth	Rodman
Hood	Robeson	No. Underwood
Huard	Albert	Brayton
Total		

.City of Fall River, Massachusetts

General Obligation Bonds
Dated February 13, 2013
$875,000 Park Improvements

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
02/13/2013	-	-	-	-	-
08/01/2013	-	-	17,354.17	17,354.17	-
02/01/2014	45,000.00	4.250%	18,593.75	63,593.75	-
06/30/2014	-	-	-	-	80,947.92
08/01/2014	-	-	17,637.50	17,637.50	-
02/01/2015	45,000.00	4.250%	17,637.50	62,637.50	-
06/30/2015	-	-	-	-	80,275.00
08/01/2015	-	-	16,681.25	16,681.25	-
02/01/2016	45,000.00	4.250%	16,681.25	61,681.25	-
06/30/2016	-	-	-	-	78,362.50
08/01/2016	-	-	15,725.00	15,725.00	-
02/01/2017	50,000.00	4.250%	15,725.00	65,725.00	-
06/30/2017	-	-	-	-	81,450.00
08/01/2017	-	-	14,662.50	14,662.50	-
02/01/2018	50,000.00	4.250%	14,662.50	64,662.50	-
06/30/2018	-	-	-	-	79,325.00
08/01/2018	-	-	13,600.00	13,600.00	-
02/01/2019	55,000.00	4.250%	13,600.00	68,600.00	-
06/30/2019	-	-	-	-	82,200.00
08/01/2019	-	-	12,431.25	12,431.25	-
02/01/2020	55,000.00	4.250%	12,431.25	67,431.25	-
06/30/2020	-	-	-	-	79,862.50
08/01/2020	-	-	11,262.50	11,262.50	-
02/01/2021	55,000.00	4.250%	11,262.50	66,262.50	-
06/30/2021	-	-	-	-	77,525.00
08/01/2021	-	-	10,093.75	10,093.75	-
02/01/2022	60,000.00	4.250%	10,093.75	70,093.75	-
06/30/2022	-	-	-	-	80,187.50
08/01/2022	-	-	8,818.75	8,818.75	-
02/01/2023	60,000.00	4.250%	8,818.75	68,818.75	-
06/30/2023	-	-	-	-	77,637.50
08/01/2023	-	-	7,543.75	7,543.75	-
02/01/2024	65,000.00	4.250%	7,543.75	72,543.75	-
06/30/2024	-	-	-	-	80,087.50
08/01/2024	-	-	6,162.50	6,162.50	-
02/01/2025	70,000.00	4.250%	6,162.50	76,162.50	-
06/30/2025	-	-	-	-	82,325.00
08/01/2025	-	-	4,675.00	4,675.00	-
02/01/2026	70,000.00	4.250%	4,675.00	74,675.00	-
06/30/2026	-	-	-	-	79,350.00
08/01/2026	-	-	3,187.50	3,187.50	-
02/01/2027	75,000.00	4.250%	3,187.50	78,187.50	-
06/30/2027	-	-	-	-	81,375.00
08/01/2027	-	-	1,593.75	1,593.75	-
02/01/2028	75,000.00	4.250%	1,593.75	76,593.75	-
06/30/2028	-	-	-	-	78,187.50
Total	$875,000.00	-	$324,097.92	$1,199,097.92	-

.City of Fall River, Massachusetts

General Obligation Bonds
Dated February 13, 2013
$4,900,000 ESCO

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
02/13/2013	-	-	-	-	-
08/01/2013	-	-	97,183.33	97,183.33	-
02/01/2014	165,000.00	4.250%	104,125.00	269,125.00	-
06/30/2014	-	-	-	-	366,308.33
08/01/2014	-	-	100,618.75	100,618.75	-
02/01/2015	165,000.00	4.250%	100,618.75	265,618.75	-
06/30/2015	-	-	-	-	366,237.50
08/01/2015	-	-	97,112.50	97,112.50	-
02/01/2016	175,000.00	4.250%	97,112.50	272,112.50	-
06/30/2016	-	-	-	-	369,225.00
08/01/2016	-	-	93,393.75	93,393.75	-
02/01/2017	180,000.00	4.250%	93,393.75	273,393.75	-
06/30/2017	-	-	-	-	366,787.50
08/01/2017	-	-	89,568.75	89,568.75	-
02/01/2018	190,000.00	4.250%	89,568.75	279,568.75	-
06/30/2018	-	-	-	-	369,137.50
08/01/2018	-	-	85,531.25	85,531.25	-
02/01/2019	195,000.00	4.250%	85,531.25	280,531.25	-
06/30/2019	-	-	-	-	366,062.50
08/01/2019	-	-	81,387.50	81,387.50	-
02/01/2020	205,000.00	4.250%	81,387.50	286,387.50	-
06/30/2020	-	-	-	-	367,775.00
08/01/2020	-	-	77,031.25	77,031.25	-
02/01/2021	215,000.00	4.250%	77,031.25	292,031.25	-
06/30/2021	-	-	-	-	369,062.50
08/01/2021	-	-	72,462.50	72,462.50	-
02/01/2022	225,000.00	4.250%	72,462.50	297,462.50	-
06/30/2022	-	-	-	-	369,925.00
08/01/2022	-	-	67,681.25	67,681.25	-
02/01/2023	235,000.00	4.250%	67,681.25	302,681.25	-
06/30/2023	-	-	-	-	370,362.50
08/01/2023	-	-	62,687.50	62,687.50	-
02/01/2024	240,000.00	4.250%	62,687.50	302,687.50	-
06/30/2024	-	-	-	-	365,375.00
08/01/2024	-	-	57,587.50	57,587.50	-
02/01/2025	255,000.00	4.250%	57,587.50	312,587.50	-
06/30/2025	-	-	-	-	370,175.00
08/01/2025	-	-	52,168.75	52,168.75	-
02/01/2026	265,000.00	4.250%	52,168.75	317,168.75	-
06/30/2026	-	-	-	-	369,337.50
08/01/2026	-	-	46,537.50	46,537.50	-
02/01/2027	275,000.00	4.250%	46,537.50	321,537.50	-
06/30/2027	-	-	-	-	368,075.00
08/01/2027	-	-	40,693.75	40,693.75	-
02/01/2028	285,000.00	4.250%	40,693.75	325,693.75	-
06/30/2028	-	-	-	-	366,387.50
08/01/2028	-	-	34,637.50	34,637.50	-
02/01/2029	300,000.00	4.250%	34,637.50	334,637.50	-
06/30/2029	-	-	-	-	369,275.00
08/01/2029	-	-	28,262.50	28,262.50	-
02/01/2030	310,000.00	4.250%	28,262.50	338,262.50	-
06/30/2030	-	-	-	-	366,525.00
08/01/2030	-	-	21,675.00	21,675.00	-
02/01/2031	325,000.00	4.250%	21,675.00	346,675.00	-
06/30/2031	-	-	-	-	368,350.00
08/01/2031	-	-	14,768.75	14,768.75	-
02/01/2032	340,000.00	4.250%	14,768.75	354,768.75	-
06/30/2032	-	-	-	-	369,537.50
08/01/2032	-	-	7,543.75	7,543.75	-
02/01/2033	355,000.00	4.250%	7,543.75	362,543.75	-
06/30/2033	-	-	-	-	370,087.50
Total	$4,900,000.00	-	$2,464,008.33	$7,364,008.33	-

.City of Fall River, Massachusetts

General Obligation Bonds
Dated February 13, 2013
$560,000 Building Improvements

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
02/13/2013	-	-	-	-	-
08/01/2013	-	-	11,106.67	11,106.67	-
02/01/2014	20,000.00	4.250%	11,900.00	31,900.00	-
06/30/2014	-	-	-	-	43,006.67
08/01/2014	-	-	11,475.00	11,475.00	-
02/01/2015	20,000.00	4.250%	11,475.00	31,475.00	-
06/30/2015	-	-	-	-	42,950.00
08/01/2015	-	-	11,050.00	11,050.00	-
02/01/2016	20,000.00	4.250%	11,050.00	31,050.00	-
06/30/2016	-	-	-	-	42,100.00
08/01/2016	-	-	10,625.00	10,625.00	-
02/01/2017	20,000.00	4.250%	10,625.00	30,625.00	-
06/30/2017	-	-	-	-	41,250.00
08/01/2017	-	-	10,200.00	10,200.00	-
02/01/2018	20,000.00	4.250%	10,200.00	30,200.00	-
06/30/2018	-	-	-	-	40,400.00
08/01/2018	-	-	9,775.00	9,775.00	-
02/01/2019	20,000.00	4.250%	9,775.00	29,775.00	-
06/30/2019	-	-	-	-	39,550.00
08/01/2019	-	-	9,350.00	9,350.00	-
02/01/2020	25,000.00	4.250%	9,350.00	34,350.00	-
06/30/2020	-	-	-	-	43,700.00
08/01/2020	-	-	8,818.75	8,818.75	-
02/01/2021	25,000.00	4.250%	8,818.75	33,818.75	-
06/30/2021	-	-	-	-	42,637.50
08/01/2021	-	-	8,287.50	8,287.50	-
02/01/2022	25,000.00	4.250%	8,287.50	33,287.50	-
06/30/2022	-	-	-	-	41,575.00
08/01/2022	-	-	7,756.25	7,756.25	-
02/01/2023	25,000.00	4.250%	7,756.25	32,756.25	-
06/30/2023	-	-	-	-	40,512.50
08/01/2023	-	-	7,225.00	7,225.00	-
02/01/2024	30,000.00	4.250%	7,225.00	37,225.00	-
06/30/2024	-	-	-	-	44,450.00
08/01/2024	-	-	6,587.50	6,587.50	-
02/01/2025	30,000.00	4.250%	6,587.50	36,587.50	-
06/30/2025	-	-	-	-	43,175.00
08/01/2025	-	-	5,950.00	5,950.00	-
02/01/2026	30,000.00	4.250%	5,950.00	35,950.00	-
06/30/2026	-	-	-	-	41,900.00
08/01/2026	-	-	5,312.50	5,312.50	-
02/01/2027	30,000.00	4.250%	5,312.50	35,312.50	-
06/30/2027	-	-	-	-	40,625.00
08/01/2027	-	-	4,675.00	4,675.00	-
02/01/2028	35,000.00	4.250%	4,675.00	39,675.00	-
06/30/2028	-	-	-	-	44,350.00
08/01/2028	-	-	3,931.25	3,931.25	-
02/01/2029	35,000.00	4.250%	3,931.25	38,931.25	-
06/30/2029	-	-	-	-	42,862.50
08/01/2029	-	-	3,187.50	3,187.50	-
02/01/2030	35,000.00	4.250%	3,187.50	38,187.50	-
06/30/2030	-	-	-	-	41,375.00
08/01/2030	-	-	2,443.75	2,443.75	-
02/01/2031	35,000.00	4.250%	2,443.75	37,443.75	-
06/30/2031	-	-	-	-	39,887.50
08/01/2031	-	-	1,700.00	1,700.00	-
02/01/2032	40,000.00	4.250%	1,700.00	41,700.00	-
06/30/2032	-	-	-	-	43,400.00
08/01/2032	-	-	850.00	850.00	-
02/01/2033	40,000.00	4.250%	850.00	40,850.00	-
06/30/2033	-	-	-	-	41,700.00
Total	$560,000.00	-	$281,406.67	$841,406.67	-

.City of Fall River, Massachusetts

General Obligation Bonds
Dated February 13, 2013
$890,000 Deparmental Equipment - 15yrs

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
02/13/2013	-	-	-	-	-
08/01/2013	-	-	17,651.67	17,651.67	-
02/01/2014	45,000.00	4.250%	18,912.50	63,912.50	-
06/30/2014	-	-	-	-	81,564.17
08/01/2014	-	-	17,956.25	17,956.25	-
02/01/2015	45,000.00	4.250%	17,956.25	62,956.25	-
06/30/2015	-	-	-	-	80,912.50
08/01/2015	-	-	17,000.00	17,000.00	-
02/01/2016	45,000.00	4.250%	17,000.00	62,000.00	-
06/30/2016	-	-	-	-	79,000.00
08/01/2016	-	-	16,043.75	16,043.75	-
02/01/2017	50,000.00	4.250%	16,043.75	66,043.75	-
06/30/2017	-	-	-	-	82,087.50
08/01/2017	-	-	14,981.25	14,981.25	-
02/01/2018	50,000.00	4.250%	14,981.25	64,981.25	-
06/30/2018	-	-	-	-	79,962.50
08/01/2018	-	-	13,918.75	13,918.75	-
02/01/2019	55,000.00	4.250%	13,918.75	68,918.75	-
06/30/2019	-	-	-	-	82,837.50
08/01/2019	-	-	12,750.00	12,750.00	-
02/01/2020	55,000.00	4.250%	12,750.00	67,750.00	-
06/30/2020	-	-	-	-	80,500.00
08/01/2020	-	-	11,581.25	11,581.25	-
02/01/2021	60,000.00	4.250%	11,581.25	71,581.25	-
06/30/2021	-	-	-	-	83,162.50
08/01/2021	-	-	10,306.25	10,306.25	-
02/01/2022	60,000.00	4.250%	10,306.25	70,306.25	-
06/30/2022	-	-	-	-	80,612.50
08/01/2022	-	-	9,031.25	9,031.25	-
02/01/2023	65,000.00	4.250%	9,031.25	74,031.25	-
06/30/2023	-	-	-	-	83,062.50
08/01/2023	-	-	7,650.00	7,650.00	-
02/01/2024	65,000.00	4.250%	7,650.00	72,650.00	-
06/30/2024	-	-	-	-	80,300.00
08/01/2024	-	-	6,268.75	6,268.75	-
02/01/2025	70,000.00	4.250%	6,268.75	76,268.75	-
06/30/2025	-	-	-	-	82,537.50
08/01/2025	-	-	4,781.25	4,781.25	-
02/01/2026	70,000.00	4.250%	4,781.25	74,781.25	-
06/30/2026	-	-	-	-	79,562.50
08/01/2026	-	-	3,293.75	3,293.75	-
02/01/2027	75,000.00	4.250%	3,293.75	78,293.75	-
06/30/2027	-	-	-	-	81,587.50
08/01/2027	-	-	1,700.00	1,700.00	-
02/01/2028	80,000.00	4.250%	1,700.00	81,700.00	-
06/30/2028	-	-	-	-	83,400.00
Total	$890,000.00	-	$331,089.17	$1,221,089.17	-

2

City of Fall River

Office of the Corporation Counsel

RECEIVED

2012 OCT 19 A 10: 32

CITY CLERK
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

ELIZABETH SOUSA
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

CHRISTY M. DIORIO
Assistant Corporation Counsel

October 18, 2012

Linda Pereira
City Council President
One Government Center
Fall River, MA 02722

Re: Food Vending Push Cart Ordinance

Dear Council President Pereira:

After meeting with Alison Bouchard and Dr. Henry Vaillancourt regarding implementation of Article XXI – the Food Vending Push Cart Ordinance – it has come to the undersigned's attention that Section 14-711 raises concerns of ambiguity with regard to revocation, hearing, and appeal.

The Board of Health conducts hearings pursuant to 105 CMR 590.015(8) for violations of the Sanitary Code as applied to mobile food operations. *See* 105 CMR 590.009 *et seq*. Such hearings are independent of any violations of the Food Vending Push Cart Ordinance. Therefore, to clarify any uncertainty about the role of the Board of Health, it is recommended that Section 14-711 of Article XXI be stricken and replaced as follows:

<u>Sec. 14-711 Revocation and hearing</u>

(a) 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 permit issued pursuant to this article, the person whose permit 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 permitting 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.

(b) A violation of the State Sanitary Code 105 CMR 590 is subject to the applicable revocation and hearing provisions contained therein.

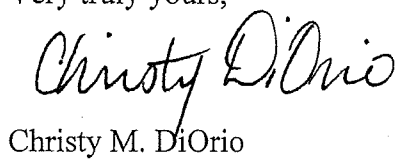
I respectfully request that the matter be submitted to the Committee on Ordinances for further discussion and consideration.

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

Your anticipated attention to this matter is appreciated.

Very truly yours,



Christy M. DiOrio

cc: City Council
Alison Bouchard, City Clerk
Dr. Vaillancourt, Director of Health & Human Services

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on October 23, 2012, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, as amended.

Inês Leite
Assistant Clerk of Committees

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.

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CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on October 23, 2012 voted unanimously to recommend the accompanying proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained.

Chris Leite
Assistant Clerk of Committees

City of Fall River, *In City Council*

EMERGENCY PREAMBLE

WHEREAS, the immediate passage of the accompanying proposed ordinance is deemed necessary inasmuch as it vitally affects the health and safety of the public, now therefore

BE IT RESOLVED, that said ordinance is hereby deemed an emergency measure in accordance with the provisions of Chapter 43, Section 20 of the Massachusetts General Laws.

City of Fall River, *In City Council*

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

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

By inserting in Section 70-387, which section relates to handicapped parking, in proper alphabetical order the following:

Elsbree Street, west side, starting at a point 195 feet north of New Boston Road, for a distance of 20 feet northerly
President Avenue, south side, starting at a point 126 feet east of Charlotte Street, for a distance of 20 feet easterly
South Oxford Street, west side, starting at a point 303 feet south of Brayton Avenue, for a distance of 20 feet southerly
Thomas Street, east side, starting at a point 215 feet south of County Street, for a distance of 20 feet southerly

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:

Remington Avenue, west side, for southbound drivers on Remington Avenue at Brownell Street. Stop sign location will be at the west corner of Remington Avenue

Section 2.

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

Lewis Street, east side, starting at a point 51 feet north of Dwelly Street, for a distance of 20 feet northerly

Orchard Street, north side, starting at a point 20 feet east of Cross Street, for a distance of 20 feet easterly

City of Fall River, *In City Council*

7

BE IT ORDAINED, by the City Council of the City of Fall River, that the Revised Ordinances of the City of Fall River, Massachusetts, 1999, be amended as follows:

By striking out in Section 2-294 (A) which section relates to Contractors, qualifications and sanctions, subsections 3 and 4 in its entirety, which subsections relate to maintaining a bona fide apprentice training program and furnishing hospitalization and medical benefits.

Insert Reference: Utility Contractors Association of New England, Inc., W. Walsh Company, Inc., and Rodney Elderkin v. City of Fall River, Judgment entered on November 18, 2011 (Civil Action No. 10-10994-RWZ).

City of Fall River, *In City Council*

BE IT ORDAINED, by the City Council of the City of Fall River, that the Revised Ordinances of the City of Fall River, Massachusetts, 1999, be amended as follows:

Section 1

By striking out Section 30-51, which section relates to Established; membership; purpose in its entirety; and inserting in place thereof, the following:

> The board of fire commissioners shall consist of three persons to be appointed by the Mayor and confirmed by the Council.

Section 2

By striking out Section 30-52, which section relates to the Supervision of fire department, in its entirety, and inserting in place thereof, the following:

(a) The position of fire chief shall be governed by the provisions of Massachusetts General Laws Chapter 31.

(b) The fire chief shall be the head of the fire department and shall be responsible for the management and operation of said department and shall be the "Appointing Authority" for all employees of the fire department in accordance with Section 1 of General Laws Chapter 31, with all the rights, duties and privileges appurtenant thereto and as contained in subsequent sections of Chapter 31 and any other general or special law applicable to Chiefs of Departments.

(c) The fire chief shall be appointed by the mayor and shall be confirmed by the city council. The terms and conditions of the chief's employment shall be contained in a contract pursuant to section 108O of General Laws Chapter 41, for a period not exceeding three years. The terms and conditions of said contract shall be negotiated by the mayor and approved by the city council.

City of Fall River, *In City Council*

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

That Chapter 50 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Personnel, be amended by inserting in said chapter, a new Article V RESIDENCY REQUIREMENT, and inserting under said article, the following new sections to read as follows:

ARTICLE V
RESIDENCY REQUIREMENT

Sec. 50-325 Definitions.

As used in this Article, the following terms shall have the respective meaning ascribed to them:

Employee: Any person:
Employed directly by the City, a City agency or department, who is paid as an employee of the City in accordance with the IRS regulations and receives an annual W-2 wage and earning statement, regardless of the number of hours the employee works for the City.

Promotion:
Advancement of an employees rank or position.

Residence:
The actual principal residence of the individual where such individual normally eats and sleeps and maintains such individual's normal personal and household effects.

Sec. 50-326 Scope of requirement.

A) Every person first employed by the City on or after November 15, 2012 shall be a resident of the City of Fall River or shall, within 18 months after such person commences to be employed by the City of Fall River, establish residency within the City.

B) Notwithstanding the provision of this Article, any employee as defined in section 2-222 of Article IV of the Revised Ordinances of the City of Fall River shall be subject to section(s) 2-223 through 2-229 of Article IV and any employee as defined in M.G.L c. 71 § 38 shall be subject to the provisions of M.G.L. c. 71 § 38. Every person employed by the City before November 15, 2012 who becomes reappointed, promoted or is unilaterally transferred on or after November 15, 2012 shall not be subject to this Article.

C) Every employee shall be furnished a copy of the residency ordinance when hired and annually thereafter and shall sign a certificate acknowledging receipt of the policy and agreeing to comply with the ordinance as a condition of continued employment. Failure to receive a copy and signing a certificate of acknowledgement shall not be held to excuse any violation.

D) Failure of an employee, subject to this Article, to comply with this Article shall be determined to be a voluntary termination of employment by such employee.

Sec. 50-327 Maintenance of list subject personnel.

The director of human resources shall prepare and maintain a list of all persons subject to this Article.

Sec. 50-328 Filing certificate annually

Annually, on July 1, every person subject to this Article shall file with each such person's department head or like officer, a certificate signed under the pains and penalties of perjury, stating such person's name and place of residence as defined herein. Upon receipt of a certificate indicating place of residence not within the city, or if no such certificate is filed, the department head or like officer shall forthwith notify the director of personnel. The names of the employees who are subject to this Article who have ceased to be residents of the City subsequent to the time of employment or promotion or did not become a resident at the time employment or promotion, or within 18 months of the commencement of employment or promotion shall be stricken from the payroll and those persons shall cease to be employed by the city. The department head or like officer shall give notice of such action to the director of human resources, the city treasurer, and the city auditor. The director of human resources shall transmit the same to the Mayor.

Sec. 50-329 Waiver authorized.

The Mayor, with a two-thirds vote of the City Council, is hereby authorized in his discretion, for good cause shown, to permit any officer or employee of the City to remain in the employ of the City without complying with the provisions hereof, where:

(A) The health of any employee or a member of their immediate family necessitates residence outside the city limits;

(B) Special circumstances, including but not limited to being in the best interest of the public to do so, exist justifying residence outside the City limits.

Sec. 50-330 Enforcement.

This ordinance shall only be enforced upon the City fulfilling its obligation to bargain with each collective bargaining unit representing the employees in the City, in accordance with the City's obligation pursuant to M.G.L c. 150E.

Sec. 50-331 Validity; Severability

In the event that this Article shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern and shall not defeat the application of this Article with respect to any position not governed by the law. In the event that the provisions of this Article are in conflict with the provisions of any other ordinance the provisions of that ordinance shall be deemed repealed. The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion hereof, and any such action declaring this section invalid with respect to any position or person shall not be held to apply to any other person or position.

City of Fall River, *In City Council*

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

That Chapter 62 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to solid waste be amended as follows:

Section 1

By inserting in Section 62-1, which section relates to definitions the following:
Cart means the City supplied wheeled trash receptor. Blue and pink carts are solely used for recycling and green carts for household trash.

Section 2

By striking in Section 62-1, which section relates to definitions, the definition of rubbish and inserting in place thereof, the following:

Rubbish means items of no value; broken glass, dishes, food wrappings, contaminated cardboard, items not suitable/designed for recycling; and food waste. Excluded from the definition are small appliances, items which do not fit in the green trash carts, any electronic devices, yard waste, branches, and bulky plastics.

Section 3

By inserting in Section 62-32, which section relates to compostable leaf and yard waste, the following:

(c) No leaf or yard waste materials shall be placed in the green, blue or pink carts.

Section 4

By striking in its entirety Section 62-33, which section relates to ashes.

Section 5

By striking in its entirety Section 62-35, which section relates to Paper, newspapers and paper cartons, and inserting in place thereof, the following:

Sec. 62-35 Recyclable Items.

(a) All plastic bottles and containers labeled 1-7, clear, green and brown bottles and jars, tin, steel, aluminum cans (including both deposit and non-deposit beverage cans), newspapers with inserts, cereal boxes, waxy milk and orange juice cartons, cookie boxes, flat or corrugated cardboard, mail, magazines, and all office/home paper shall be placed in the blue or pink recycling carts.

(b) Cans formerly containing hazardous materials, pizza boxes, plastic bags, Styrofoam, broken glass, hard-back books, scrap metal, plastic 6-pack holders, needles or syringes, plastic microwave trays, mirrors, ceramics or Pyrex, light bulbs, plates or vases, drinking glasses, window glass, hazardous or bio-hazardous waste, tissues, paper towels, napkins, waxed paper, stickers or sheets of address labels, clothes hangers. Pots and pans are not recyclable and shall be disposed in the green cart.

(c) Shredded paper is recyclable. However, it must be placed in a paper bag before placing in blue or pink recycling carts.

Section 6

By striking Section 62-39, which section relates to time of placing receptacles for collection in its entirety, and inserting in place thereof, the following:

Section 62-39 Time of placing carts for collection.

Carts shall be placed on the outer edge of the sidewalk no earlier than 4:00 p.m. the evening before and by 7:00 a.m. on collection day. The carts must face the proper direction (lid opening to street side). Carts must be placed in front of the property to which they are assigned. Carts shall be placed approximately 2 feet apart. Empty carts must be removed from the sidewalk area, but no later than 5:00 p.m. on the day following the day of collection. When possible, carts should be left at the end of the driveway opening at the street for easy access. Cart areas shall be shoveled during snow events. All trash and recycling must be in the appropriate carts with lids closed. No trash shall be picked up, which is outside the carts.

Section 7

By striking in its entirety Section 62-40, which section relates to limitation on quantity of waste removed.

Section 8

By renaming Section 62-41, which section relates to refuse deposited in streets to be in proper receptacles and bundles, refuse deposited in streets to be in proper receptacles and bundles, to the following:

Refuse deposited in streets are to be in proper carts, and

By striking "receptacles and bundles" and inserting in place thereof "carts."

Section 9

By striking Section 62-44 in its entirety, which section relates to standards for garbage containers and inserting in place thereof the following:

Section 62-44 Standards for any city issued carts.
Carts shall be of a type approved by the director of community maintenance and shall be kept in a clean, neat and sanitary condition at all times.

11

City of Fall River, *In City Council*

(Councilor Raymond A. Mitchell)

WHEREAS, in July of 2012 the Council requested that the Administration work with the Fire Department to create a plan of action to allow the Fire Department to be self sufficient in the year 2015 when the Safer Grant funding ends and that such a plan be submitted to the City Council by December 31, 2012, and

WHEREAS, it was also requested that the Fire Chief work in conjunction with the Administration by proposing the optimum number of firefighters needed to protect our citizens and also the minimum number that could keep the department running, now therefore

BE IT RESOLVED, that representatives from the Administration and Fire Department be invited to a future meeting of the Committee on Finance to provide a progress report on the status of these requests, and

BE IT FURTHER RESOLVED, that the Council be updated on a quarterly basis until this matter is resolved.

C.C

#12-56. 18

CLAIM FORM
City of Fall River, Massachusetts

Name: Shakir J Shaker SHAKER REALTY

Address: 1796 LOCUST ST

Phone #: 508-287 1954

RECEIVED
2012 OCT 12 P 2:22
CITY CLERK
FALL RIVER, MA

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

Date of Incident: 3/
Time of Incident:
Location of Incident: 314 EAST MAIN ST

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

Water was coming into the Cellar. the Water Dept Checked Where the water was coming in. It was a pipe in the street that was broken. The Water Dept fixed it but the Damage has been done.

ary + 2 copies - Law
1 Water Dept
1 CS
1 city clerk

To Bring Bills TR

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

#12-57

Law Offices

DUSSAULT & ZATIR, P.C.

James P. Dussault *
Peter T. Zatir
Carrie Dussault *
Samantha E. Phillips

1015 Kempton Street
New Bedford, MA 02740
(508) 999-2000
fax: (508) 999-2949

October 12, 2012

Ms. Alison M. Bouchard, City Clerk
One Government Center, Room 227
Fall River, MA 02722

RE: Client: Seth Lucio ppa Jennifer Dewsnap
Date of Injury: 10/04/12

NOTICE OF LIABILITY CLAIM PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 258, SECTION 4

Dear Ms. Bouchard:

Please be advised this office represents the above named minor, Seth Lucio, with respect to personal injuries he sustained as a result of an incident wherein his left ring finger was crushed by a door that was slammed by Mr. Weaver, a science teacher at Henry Lord Middle School on October 4, 2012. Please consider this correspondence to be presentment of Mr. Lucio's claim pursuant to Mass. Gen. Laws Chapter 258, Section 4.

The subject personal injury is a direct result of the negligence of Mr. Weaver in closing the door; and of the negligence of the Fall River Public Schools and its employees in the negligent hiring and/or supervision of Mr. Weaver. In addition, Mr. Lucio alleges reckless infliction of emotional distress as a direct result of said incident. Mr. Lucio's parents, Joseph and Jennifer, allege loss of consortium as result of the incident.

Would you please forward this correspondence to the appropriate authority/insurer and request that same contact me directly.

Sincerely,

DUSSAULT & ZATIR, P.C.

James P. Dussault

James P. Dussault, Esquire

Orig + 2 Copies - Law
1 School
1 CC
1 City Clerk

JPD/gd
Certified Mail: 7011 0110 0000 3332 9360
Return Receipt Requested

RECEIVED
2012 OCT 15 P 12: 32
CITY CLERK
FALL RIVER, MA

19

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

DOMENIC J. F. RUSSO, *Chairman* JOSEPH E. CONNARTON, *Executive Director*

Auditor SUZANNE M. BUMP | ALAN MACDONALD | JAMES M. MACHADO | DONALD R. MARQUIS | ROBERT B. McCARTHY | GREGORY R. MENNIS

RECEIVED
2012 OCT 22 A 10: 59
CITY CLERK
FALL RIVER, MA

MEMORANDUM

TO: Fall River Retirement Board

FROM: Joseph E. Connarton, Executive Director

RE: Appropriation for Fiscal Year 2014

DATE: October 16, 2012

Required Fiscal Year 2014 Appropriation: **$23,075,000**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2014 which commences July 1, 2013.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2014 appropriation to be paid by each of the governmental units within your system.

If your System has a valuation currently in progress, you may submit a revised funding schedule to PERAC upon its completion. The current schedule is/was due to be updated by Fiscal Year 2015.

If you have any questions, please contact PERAC's Actuary, Jim Lamenzo, at (617) 666-4446 Extension 921.

JEC/jrl
Attachments

cc: Office of the Mayor
City Council
Town Manager

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FIVE MIDDLESEX AVENUE, SUITE 304 | SOMERVILLE, MA 02145
PH 617 666 4446 | FAX 617 628 4002 | TTY 617 591 8917 | WWW.MASS.GOV/PERAC

Fall River Retirement Board

Projected Appropriations

Fiscal Year 2014 - July 1, 2013 to June 30, 2014

Aggregate amount of appropriation: **$23,075,000**

Fiscal Year	Estimated Cost of Benefits	Funding Schedule (Excluding ERI)	ERI	Total Appropriation	Pension Fund Allocation	Pension Reserve Fund Allocation	Transfer From PRF to PF
FY 2014	$30,721,266	$22,272,938	$802,062	$23,075,000	$23,075,000	$0	$7,646,266
FY 2015	$32,254,372	$23,182,938	$802,062	$23,985,000	$23,985,000	$0	$8,269,372
FY 2016	$33,864,749	$24,599,008	$802,062	$25,401,070	$25,401,070	$0	$8,463,679
FY 2017	$35,556,292	$25,594,971	$802,062	$26,397,033	$26,397,033	$0	$9,159,259
FY 2018	$37,333,092	$26,633,672	$802,062	$27,435,734	$27,435,734	$0	$9,897,358

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

For illustration, we have shown the amount to be transferred from the Pension Reserve Fund to the Pension Fund to meet the estimated Cost of Benefits for each year. If there are sufficient assets in the Pension Fund to meet the Cost of Benefits, this transfer is optional.

Fall River Retirement Board
Appropriation by Governmental Unit

Fiscal Year 2014 - July 1, 2013 to June 30, 2014

Aggregate amount of appropriation: **$23,075,000**

UNIT	Percent of Aggregate Amount	Funding Schedule (excluding ERI)	ERI	Total Appropriation
City of Fall River	92.05%	$20,502,240	$639,955	$21,142,195
Fall River Redevelopment	0.04%	$8,909	$0	$8,909
Fall River Housing Authority	6.57%	$1,463,332	$162,107	$1,625,439
Diman Voc.	1.34%	$298,457	$0	$298,457
UNIT TOTAL	**100%**	**$22,272,938**	**$802,062**	**$23,075,000**

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.