

City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2018 JAN -5 A 10:46

ALISON M. BOUCHARD
CITY CLERK

JANUARY 5, 2018
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

CITY CLERK _____
FALL RIVER, MA
INÊS LEITE
ASSISTANT CITY CLERK

TUESDAY, JANUARY 9, 2018
AGENDA

6:00 P.M. COMMITTEE ON FINANCE

1. Citizen Input
2. Discussion with Fall River Public Schools Chief Operating Officer re: Special Election and approval of funding for Durfee High School Project (see #5 below)
3. Discussion with Administration re: status of King Philip Mill (resolution, tabled 10-10-17)
4. Discussion with Administration re: Grant Writer (resolution, adopted 4-25-17)
5. Financial orders for Heritage State Park Bandshell (referred 4-11-17)

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. *Mayor and veto of order to accept a gift of 80-84 North Main Street (held over in accordance with the City Charter 12-19-17)
2. *Mayor and order to acquire the Hathaway Commons Sewer Pumping Station
3. *Mayor and order to acquire the Highland Woods Sewer Pumping Station
4. *Mayor and resolution for Parkland Acquisitions and Renovations for Communities (PARC) grant in the amount of \$395,500 for improvements to North Park, Ruggles Park, Father Kelly Park and Maplewood Park
5. *Mayor and order scheduling Special Election re: funding for Durfee High School Project

PRIORITY COMMUNICATIONS - None

COMMITTEE REPORTS

Committee on Finance recommending:

Referral to Committee on Real Estate:

6. *Resolution – Status of former Duro Textiles property

ORDINANCES

Proposed Ordinance:

7. *Abolishment of City Council Committee on Budget Preparation, Revenue and Audits

Second Reading and Enrollment, as amended:

8. *Proposed Ordinance – Salary updates

Second Reading and Enrollment:

9. *Proposed Ordinance – Traffic, miscellaneous
10. *Proposed Ordinance – Sewer Commission
11. *Proposed Ordinance – Sewer Use Regulations
12. *Proposed Ordinance – Stormwater Management

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

RESOLUTIONS – None

CITATIONS – None

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

13. *City Council meeting schedule through May 2018

14. Police Chief's report on licenses:

Taxicab Drivers:

Sharon Acevedo	Carlos Albergaria	Patrick Barassa
Akeem Barlow	Devin Costa	Arcadio Cruz Gonzalez
Joyce Fels	Jose J. Goncalo	Susan Griego
John Guilmette	Andrew Hamlen	Susan Langellier
Lynda V. Lozinski	William Marshall	Mary A. Paquette
Ovidio A. Pedraza Melendez	Donald Pelletier	Paul Santos
Tony Sparshott	Richard J. Souza	Rebecca Walkden
Trevernnon Wesley		

15. Auto Repair Shop license renewals:

Nicholas R. Faggioli d/b/a Faggioli Auto Body at 633 Lawton Street
Robert Luongo d/b/a Bob's Auto Sales at 686 Brayton Avenue
Carlos C. Sousa d/b/a Carlos Auto Body at 389 Second Street
Ronald Picard d/b/a Theo's Service Center at 35 Oak Grove Avenue
George Codega d/b/a Hunter Automotive Center at 69 Hunter Street
Henry J. Pleiss Jr. d/b/a Hank's Garage at 55 Murray Street
Don and Karen Rochefort d/b/a Rochefort Auto Repair at 127 Eastern Avenue
Jody Oliveira, Dover Towing, Inc. at 232 Lapham Street

16. Auto Body Shop license renewals:

Nicholas R. Faggioli d/b/a Faggioli Auto Body at 633 Lawton Street
Ronald Pedro d/b/a ABC Auto Body at 753 Pleasant Street
Carlos C. Sousa d/b/a Carlos Auto Body at 400 Second Street
Jody Oliveira, Dover Towing, Inc. at 232 Lapham Street

17. City Engineer prepare plans for the acceptance of Estes Lane extending from Lark Street to (old) Lower Stafford Road

COMMUNICATIONS – INVITATIONS – PETITIONS

18. *Claims

City Council Committee/Meeting Minutes:

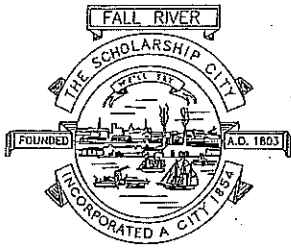
19. *Committee on Ordinances and Legislation – December 5, 2017

20. *Committee on Health and Environmental Affairs – December 18, 2017

BULLETINS – NEWSLETTERS – NOTICES - None


City Clerk

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



City of Fall River
Massachusetts
Office of the Mayor

Finance 2

JASIEL F. CORREIA II
Mayor

January 3, 2018

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

CITY CLERK
FALL RIVER, MA

2018 JAN - 3 P 4:40

RECEIVED

Dear Honorable Council Members:

As we move one step closer to the construction of a new Durfee High School, a Special Election needs to be scheduled to secure voter approval of funding for the project. The MSBA requires that voter approval be secured using the attached Ballot Question. In accordance with our local ordinance, materials shall be mailed to every registered, voter household, prior to the Special Election, explaining the consequences of both a YES or NO vote.

Please approve an Order for the scheduling of a Special Election to be held in March 2018, to include the attached Ballot Question.

Respectfully Submitted,

Jasiel F. Correia, II
Mayor

Finance 2

BALLOT QUESTION

Shall the City of Fall River be allowed to exempt from the provisions of Proposition two-and-one-half, so called, the amounts required to pay for the bonds issued in order to build a new Durfee High School?

City of Fall River, In City Council

Finance Cmte 3

(Councilor Raymond A. Mitchell)

WHEREAS, the King Philip Mill site has been undergoing various changes regarding financing and zoning, and

WHEREAS, the area residents are questioning the status of this property, now therefore

BE IT RESOLVED, that the Administration be invited to a future meeting of the Committee on Finance to present an update on the status of this property.

In City Council, September 26, 2017
Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk

10-10-17
Filed

City of Fall River, *In City Council*

Finance 4
(Councilor Richard Cabeceiras)

WHEREAS, Fall River has been without a grant writer for months, and

WHEREAS, a grant writer generates a sizable return on investment for the community, now therefore

BE IT RESOLVED, that the Administration be invited to a future meeting of the Committee on Finance to discuss what steps it has taken and will take to hire a grant writer.

In City Council, April 25, 2017
Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk

City of Fall River, In City Council

5

April 11, 2017

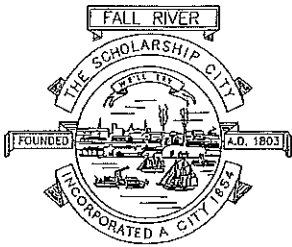
#4A

ORDERED:

Repurpose \$141,600 from the Council Order 2015-05 #5 for the Maplewood Park Land Acquisition and the same is, hereby appropriated for the HERITAGE STATE PARK "BANDSHELL" CAPITAL PROJECT DCR MATCHING FUNDS.

CITY OF FALL RIVER
IN CITY COUNCIL
APR 11 2017

*Referred to the
Comm. on Finance*



City of Fall River
Massachusetts
Office of the Mayor

JASIEL F. CORREIA II
Mayor

RECEIVED

2017 DEC -5 P 3:28

CITY CLERK
FALL RIVER, MA

December 5, 2017

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

RE: Council Order November 28, 2017
80-84 North Main Street

Dear City Council:

I am disapproving and vetoing the attached order for the following reasons:

While I appreciate the spirit of the proffered donation the language of the Proposal creates significant difficulties for the City. Since any purchase and sale agreement would have to track the Proposal I cannot approve the same.

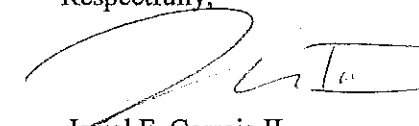
Significantly, the City would be acquiring the property "as is" subject to any structural defects or environmental problems which currently exist. The City would then be responsible for any remediation.

Tenant selection, setting of rents, and use of the building would not be controlled by the City but by a trust which would operate independently. While the trust would collect the rents the City would be required to assist in maintaining the building as if it were any city property. In addition, all costs associated with providing power, water/sewer, heating, and accessibility through its elevators shall be provided by the City.

The effect of accepting this proposal would be to remove property from the tax rolls while simultaneously incurring costs in an unknown amount on a continuing basis. If the costs became too burdensome the property could not be sold but would revert to the donor for the sum of One dollar.

Under these circumstances I cannot approve this measure and therefore disapprove the same. Should circumstances change I am willing to reconsider this matter.

Respectfully,


Jasiel F. Correia II
Mayor, City of Fall River

CITY OF FALL RIVER
IN CITY COUNCIL

DEC 18 2017

*Laid on the table
in accordance with
the Charter
(Cs. Correia opposed)*

City of Fall River, *In City Council*

ORDERED, that the City Council of the City of Fall River hereby grants permission to accept gifts of three parcels of land as follows:

1. Property located at 80-84 North Main Street; Assessor's Parcel ID #N-10-47
2. Parking lot property located on Assessor's Parcel ID #N-10-42, consisting of 12 parking spaces
3. Parking lot property located on Assessor's Parcel ID #N-10-27, consisting of 21 parking spaces, and orders that said land be conveyed to the City of Fall River for the sum of zero dollars and orders that the conveyance be subject to the terms and conditions of as set forth in a Purchase & Sales Agreement in a form determined acceptable by the Corporation Counsel and the execution of a Quitclaim Deed in a form also acceptable to the Corporation Counsel, and

BE IT FURTHER ORDERED, that a thank you letter be sent to Mr. Monte Ferris for the donations.

CITY OF FALL RIVER
CITY COUNCIL

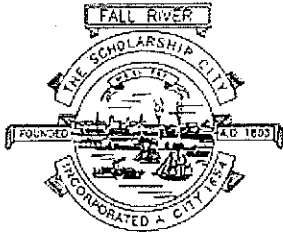
NOV 28 2017

Adopted, as amended

PRESENTED TO MAYOR FOR APPROVAL
NOV 30 2017

APPROVED: *Vetoed*
Mayor

12-5-17



City of Fall River
Massachusetts
HISTORICAL COMMISSION

RECEIVED
2017 NOV 22 P 3:49
CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

ANTONE DIAS
Chair

November 22, 2017

City Council
c/o Shawn E. Cadime, President
One Government Center
Fall River, Massachusetts 02722

Re: Gift – 80-84 North Main Street and Parking Lots

Dear Councilors:

At its November 21, 2017 meeting, the Fall River Historical Commission voted to accept a gift from Mr. Monte C. Ferris, Sr. through his Durfee Trust LLP, for the building located at 80-84 North Main Street. This incredible gift also comes with two (2) additional properties, both parking lots.

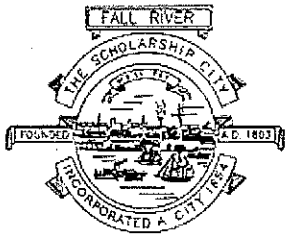
The building is historically known as the First National Bank Building, built in 1887 and is listed on the National Register of Historic Places and located within the Downtown Fall River Historic District. The building was designed by architect George Albert Clough who was also the architect for the old B.M.C. Durfee High School on Rock Street. Mr. Clough was also Boston's first City architect who designed various well known buildings including the Suffolk County Courthouse in Boston, and numerous other buildings around New England.

The terms of the gift as outlined in the attached proposal have also been accepted by the Historical Commission.

Per M.G.L. Chapter 44, Section 53A ½, the City Council is required to accept this gift with the mayor's approval for the Historical Commission.

The Fall River Historical Commission established under the provisions of M.G.L. Chapter 40, Section 8D, is authorized to receive "...gifts, contributions and bequests of funds..." for historical preservation purposes.

By providing this most generous gift, Mr. Ferris hopes that his legacy will further the Historical Commission's historical preservation efforts. Such a gift will promote the preservation, enhancement, and sustainable use of our city's diverse historic resources and provide a balance between historical preservation and the revitalization of our neighborhoods.



City of Fall River
Massachusetts
HISTORICAL COMMISSION

JASIEL F. CORREIA II
Mayor

ANTONE DIAS
Chair

Since its acceptance by the city on September 16, 1977, the Historical Commission has not been funded and has depended on its volunteers to administer Chapter 38 – Historical Preservation ordinance. This past year we've been fortunate to have our postage expenses financed by the city for the first time.

Both the Council and Mayor have an opportunity to allow the Historical Commission to be self-funded by accepting this gift. The Commission believes that this will allow for a broader public benefit that will advance community-wide preservation that is consistent with the goals and mission of the Historical Commission (attached).

We ask for your support and look forward to answering any questions you may have.

Very truly yours,

Antone J. Dias, Chairman
Fall River Historical Commission

cc: Alison M. Bouchard, City Clerk; Brittany Faria, Planning Dept.; Kerri Ayash, Licensing Clerk; Jim Soule, Preservation Society of Fall River, All Historical Commission members

Enclosure: Signed Proposal, map and photo of property

CITY OF FALL RIVER
IN CITY COUNCIL

Nov 28, 2017
a/c placed on file

PROPOSAL

Monte C. Ferris, Sr. through his Durfee Trust LLP, having an address of 75 G.A.R. Highway; Swansea, Massachusetts, gift multiple properties to the Fall River Historical Commission, (hereinafter referred to as the "Commission"). The properties are as follows:

1. The property located at 80-84 North Main Street; Fall River, MA 02720, plot number N-10-47.
2. The Parking Lot property located on parcel, plot number N-10-42, consisting of 12 parking spaces.
3. The Parking Lot property located on parcel, plot number N-10-27, consisting of 21 parking spaces.

As a condition of this "gift", Mr. Monte C. Ferris Sr., will establish a Trust for the purpose of Historic Preservation. Any interest of funds generated from this gift shall remain as part of this gift. There shall be in no instances where funds are to go into the city's general fund. This gift will be subject to the terms of the trust.

At a minimum, on a yearly basis, a grant shall be created from in the name of Monte C. Ferris, Sr., for any preservation purpose. Grants accepted shall include a deed restriction on properties grants are being used to preserve.

Per M.G.L. Chapter 41, Section 45, Monte Ferris will create a board of commissioners of trust funds, consisting of three (3) persons who shall have the management of all trust funds given or bequeathed for the benefit of the Fall River Historical Commission.

Per M.G.L. Chapter 44, Section 53A ½, a City Council, with the mayor's approval shall accept this gift on behalf of the Fall River Historical Commission.

The Fall River Historical Commission established under the provisions of M.G.L. Chapter 40, Section 8D, is authorized to receive "...gifts, contributions and bequests of funds..." for historical preservation purposes.

The Fall River Historical Commission will act as Trustees, will hold and dispose of all property now or later transferred by any person to them as Trustees.

The property at 80-84 North Main Street must be encumbered by a preservation deed.

A minimum of 1,000 sq. ft of space shall be dedicated to the "Preservation Society of Fall River" in perpetuity or until the Preservation Society wishes to vacate such premises. The Preservation Society shall not need to pay any utility fees for heating, plumbing or electrical. There shall be 1 parking space made available to them at no cost.

The Preservation Society may remodel and renovate such space at their own cost.

The Preservation Society will share a common work area with the Fall River Historical Commission. Such areas will be used for research purposes and to further the purpose of preservation in Fall River. This space will also include a Conference Room and an area to be used for public meetings consisting of a minimum of 50 occupants and able to be used for video recordings and presentations.

This space will be known as the Monte C. Ferris, Sr. Preservation Center.

When not in use by the Commission or the Preservation Society, this space may be used by the City for meetings, gatherings or any other special occasion as agreed by the Historical Commission.

The Commission will approval all uses and Tenants within the building, including Tenant fit outs and leasing agreements.

At the lobby of the building a bronze plaque will commemorate the "gift" from Mr. Monte C. Ferris, Sr. to the Fall River Historical Commission to further preservation in the City of Fall River.

The Commission shall prepare a budget and that such budget shall include salaries to employees and building maintenance/renovations etc. All monies as a result of tenant fees that are in access of such budget shall be placed in a trust (to be created by Monte C. Ferris, Sr.) and shall be used to further the Commissions Mission as stated below.

The Commission as one of its highest priorities is to assist the city in the restoration of the Bank Street Armory. The Commission agrees to allow use of its parking lots for special events. Any revenue generated through the use of these parking lots for purposes other than the use of the Commission, Preservation Society or the tenants shall be deposited into a Historical Commission account and be used as needed for the Commission's needs.

The Commission shall work with the local High Schools to create as much as possible a 1:40 scale model of the City of Fall River. The model to be created from basswood and be similar to the Boston Planning & Development Agency's model located on the 9th floor of Boston's City Hall. Model to be used by the Commission in its preservation efforts. The model shall represent the city in its current development and be able to be viewed by the public as allowed per the Commission requirements.

The Commission shall apply for grants, CPA funds and all other forms of funds to allow for the repair, construction, additions or maintenance of these properties. A full listing of these endeavors are listed below in the section called: "Fall River Historical Commission Mission"

The City of Fall River by accepting this gift for the Fall River Historical Commission shall assist in maintaining the building as if it were any city property.

All costs associated with providing power, water/sewer, heating, and accessibility through its elevators shall be provided by the city.

In the event the City of Fall River chooses to sell the property, it must sell it back to the Trust that is being created by Monte C. Ferris, Sr. for a total of one dollar.

The Commission may create a separate Preservation Project fund for all other Historical Commission Business as it chooses. The fund shall be called "**The Fall River Historical Commission Preservation Project Fund**".

The following guidelines are as follows:

- 1-2. The agreement provides that the commission creates the above named fund with the treasurer as trustee "for the purposes hereinbefore set forth".
3. The agreement authorizes the commission to delegate to any other person, including a non-member, its authority to sign any written instrument or its authority to take any action required by the commission.
4. The agreement provides that donations may be made to the fund by the commission or other persons and provides that such donations and "all income therefrom" shall constitute the fund.
5. The agreement authorizes the treasurer to make payments only upon and in accordance with the written direction of the commission.
6. The agreement authorizes the treasurer to invest funds "as permitted by law".
7. The agreement authorizes amendments to the agreement to be made by the commission alone, except that no amendment can permit all or any part of the fund to be administered or distributed other than for the purposes specified in the agreement. The treasurer must also sign amendments which increase the treasurer's duties or obligations.
8. The agreement limits the treasurer's liability to negligent and willful misconduct.
9. The agreement requires that it be executed in duplicate with each to be deemed the original.
10. In the absence of a trust, no agreements made by the Commission with the treasurer may alter or operate inconsistently with such statutory provisions.
11. The Fall River Historical Commission will decide which gifts, donation will be provided for this fund. MGL Chapter 40, Section 8D, grants no greater authority to the Historical Commission and clearly provides no specific authority to set up a special fund.

The following is the Mission of the Fall River Historical Commission.

Fall River Historical Commission Mission

- (1) To promote and increase knowledge and understanding of the history of Fall River from the earliest time to the present, including the archaeological, Indian, British, French, Colonial, Underground Railroad and American eras, by adopting and executing general plans, methods and policies for permanently preserving and marking objects, sites, structures and ruins;
- (2) To promote and assist in the publicizing of the historic resources of the city by preparing and furnishing information to public mass media and to governmental agencies charged with publicity and to coordinate any of its objectives, efforts or functions with any agency or agencies of the federal government, of the State of Massachusetts and of other states or local governments having objectives similar or related to those of the commission;
- (3) To accept for renovation, maintenance, restoration, preservation or management and operation any building or site within the City or any agency or subdivision thereof or by the National Trust for Historic Preservation or by natural or corporate persons, public or private, upon such terms and conditions as to the commission shall be deemed in the best interest of the City in conformity with the purposes of this division;
- (4) To acquire, historic structures of paramount or exceptional importance, such as those Fall River landmarks eligible for nomination to or recorded in the National Register of Historic Places; provided, that at least two-thirds of the members of the commission shall vote to acquire such structures by the exercise of this measure;
- (5) To charge admissions at the various buildings and sites under the control of the commission throughout the city and to sell booklets, pamphlets and souvenirs at said locations and to retain and use the proceeds of said sales and admissions for the furtherance of the purposes of the commission as defined by this division;
- (6) To adopt a seal for the commission and to use the same on its brochures, stationery and other official publications and upon its historic site markers;
- (7) a. To acquire, receive and take title to, by purchase, gift, lease, devise or otherwise, and to own, to hold, keep and develop, and to sell, transfer, convey, lease, and assign to any person or otherwise dispose of property of every kind and character, whether real, personal or mixed, whether tangible or intangible, whether in trust or otherwise, together with any and every interest therein, in furtherance of the lawful objectives of the commission;

b. To administer such property or trusts, whenever any such property is received or held to be used for the benefit of the historical heritage of the City of Fall River, for preservation of historic sites, buildings and objects, or for other lawful objectives of the commission, as it deems in the best interest of historical preservation or in furtherance of the objective for which the property is held or the donation or gift is made; and to convert such property or any portion thereof into securities or other forms of property and use the proceeds therefrom, including any interest on investments, as it deems will best promote the objectives of the commission;

c. To accept as trustee, beneficiary, or both, any interest in such property, together with any proceeds from its investment, for the benefit of historical preservation or other purposes of the commission, upon such conditions as may be acceptable to the donor and the commission. No such undertaking entered into by the commission or its agent or agents shall bind the city to pay any city moneys to anyone; provided, however, that nothing herein shall prevent the commission from undertaking payments out of the proceeds from such trust funds as a condition of the acceptance of the donation. All trust funds administered pursuant to this act may be required by the commission to pay the expenses of administering the same. Such gifts shall be deductible from the Massachusetts state income tax by the donor or donors;

d. To convey title or any interest in real estate by deed or other instrument executed by a majority of the commissioners or by agent or agents authorized by a majority vote of the commission; and to convey property other than real estate by agent or agents authorized by a majority vote of commissioners present and voting.

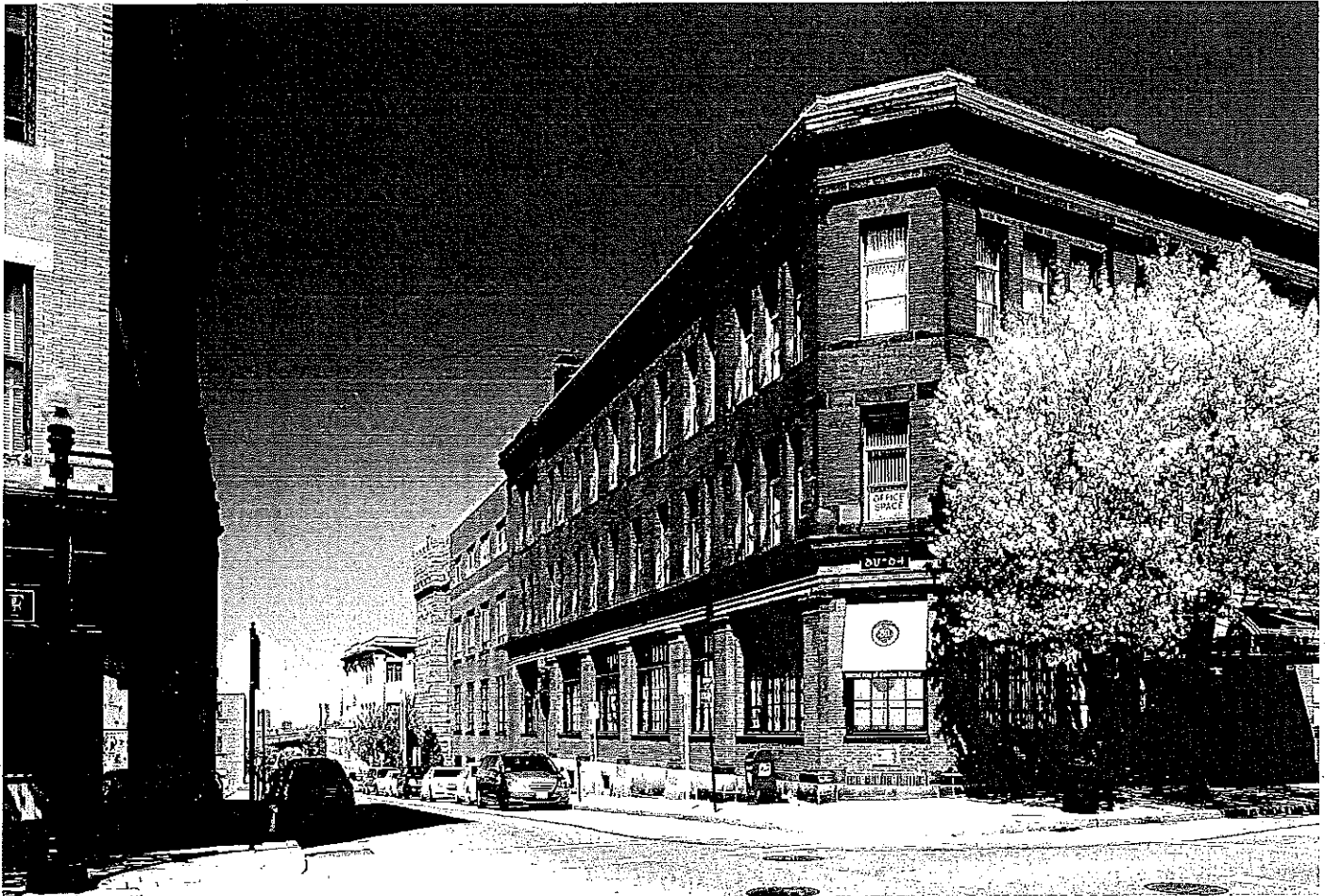
(8) To maintain an office in a location in the city to be selected by the commission for the use of the executive director, the employees and the commission and to acquire the necessary furniture and equipment therefor;

(9) To prepare, create, purchase and distribute pamphlets and brochures describing the various historic buildings and sites under the jurisdiction of the City of Fall River or any of its agencies;

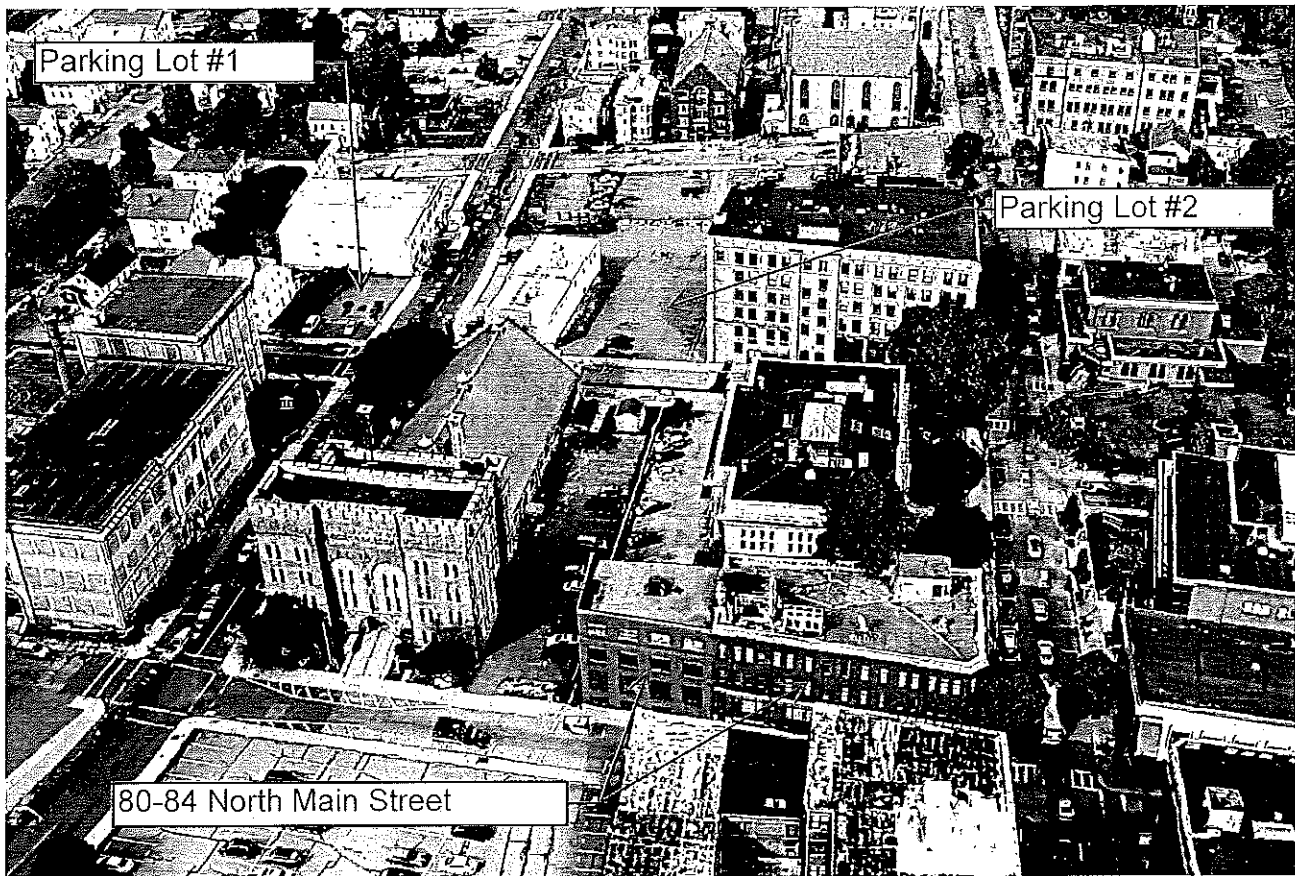
(10) To make and publish a survey of the buildings, ruins and sites of historic, architectural or archaeological significance within the City of Fall River and to make available such survey to individuals, institutions and governmental bodies desiring copies of same;

(11) To determine from such survey the buildings, ruins and sites listed therein which are considered worthy of permanent preservation, to certify same as being worthy and to publish said list;

(12) To establish criteria for the certification, selection and acquisition of historic properties for city ownership and for state aid to local historic site projects;



80-84 North Main Street



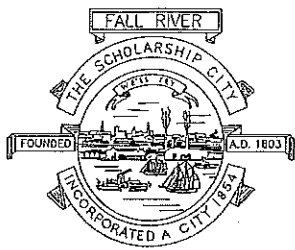
Fall River Public Library



Map

Bank Street Armory

2



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

RECEIVED

2018 JAN -3 P 2: 17

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

January 2, 2018

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

Dear Honorable Councilors:

Your approval of the attached order to acquire the Hathaway Commons Sewer Pumping Station is respectfully requested. The Sewer Commission has worked cooperatively with the homeowner's association and reached the terms of acceptance in accordance with the attached agreement. The Sewer Commission has voted to accept the station. The station has been inspected and the cost for the needed capital improvements are included in the agreement to be paid for by the homeowner's association.

If you have any questions or require further information, please contact Terrance Sullivan at 508-324-2320.

Respectfully,


Jasiel-F. Correia II
Mayor

City of Fall River, *In City Council*

2

ORDERED, that the Mayor is hereby authorized to acquire the property as described on the attached agreement subject to preparation of a deed and subject to any changes and final approval by the Corporation Counsel. Said land is in the Hathaway Commons Subdivision in Fall River, Massachusetts delineated as 143 Hathaway Commons Road. The acquisition and ownership of said lot will provide for the ownership of the sewer pumping station that services this area.

ORDERED, that the Mayor is hereby authorized to acquire the property as described on the attached agreement subject to preparation of a deed and subject to any changes and final approval by the Corporation Counsel. Said land is in the Hathaway Commons Subdivision in Fall River, Massachusetts delineated as 143 Hathaway Commons Road. The acquisition and ownership of said lot will provide for the ownership of the sewer pumping station that services this area.

2

**AGREEMENT FOR SEWER PUMP STATION ACCEPTANCE
BETWEEN
THE CITY OF FALL RIVER, MASSACHUSETTS
AND
THE HATHAWAY COMMONS ESTATES REALTY TRUST
Revision 12/4/17**

THIS AGREEMENT, made and entered into this _____ day of _____ 2017, by and between the City of Fall River, a Municipal Corporation within the Commonwealth of Massachusetts in the County of Bristol, acting through its Sewer Commission hereinafter called the "City", party of the first part, and the Hathaway Commons Estates Realty Trust, in the County of Bristol, State of Massachusetts, acting through the Beneficiaries of the Trust hereinafter called the "Trust".

WHEREAS, the Trust owns and operates a sewerage system in order to collect and pump wastewater to the City sewer system, and

WHEREAS, the City intends to accept, own and operate said sewerage system, and

NOW THEREFORE, in consideration of these premises and mutual benefits to be derived by the parties hereto, an Agreement is prepared in the following form:

SECTION 1. REFERENCED DOCUMENTS

- 1.1.1 DECLARATION OF TRUST dated April 3, 1992.
- 1.1.2 AGREEMENT dated April 3, 1992.
- 1.1.3 PLAN of sewer extension by SITEC Engineering dated October 9, 1991 and revised January 31, 1992.
- 1.1.4 REPORT dated April 18, 2017 by John Lincourt.

SECTION 2. RESPONSIBILITIES OF CITY

Section 2.1

The City shall accept, own, operate, and maintain the Trust's sewerage system including the pumping station subject to an approved order by the City Council and recording of the deed for the property.

2

Section 2.2

The City shall file the required documents to the City Council to initiate the process required for City Council approval.

SECTION 3. RESPONSIBILITIES OF TRUST

Section 3.1

The Trust shall operate and maintain the existing sewerage system including the pumping station until final acceptance by the City and recording of the new deed to the City is completed.

Section 3.2

The Trust shall pay the City \$13,400 for the projected capital costs for the pump station improvements. This cost is estimated based on the current condition of the system. If the pump station develops significant capital needs prior to the transfer the City reserves the right to increase this cost.

Section 3.3

The Trust shall prepare a document that all property owners within the Trust shall sign and certify agreement with the terms of the transfer of the sewerage system to the City.

Section 3.4

The Trust shall prepare the primary deed for the transfer of the pump station land and facilities for review and approval by the City.

Section 3.5

The Trust and its members understand that it is their responsibility to modify their individual property deeds to release the Trust covenants once the transfer to the City is completed. The City shall not be responsible to modify individual property deeds.

SECTION 4. TERM

The term of this Agreement shall end on successful completion of the transfer and recording of the deed.

2

IN WITNESS WHEREOF, the respective parties hereto have caused this Agreement to be signed by them and have affixed their hands and seals on the day and year referred to above written.

CITY OF FALL RIVER

**HATHAWAY COMMONS
ESTATES REALTY TRUST**

Approved as to form and manner:

BY: _____
Corporation Counsel

BY: _____
Counsel for the Trust

BY: _____
Sewer Commissioner

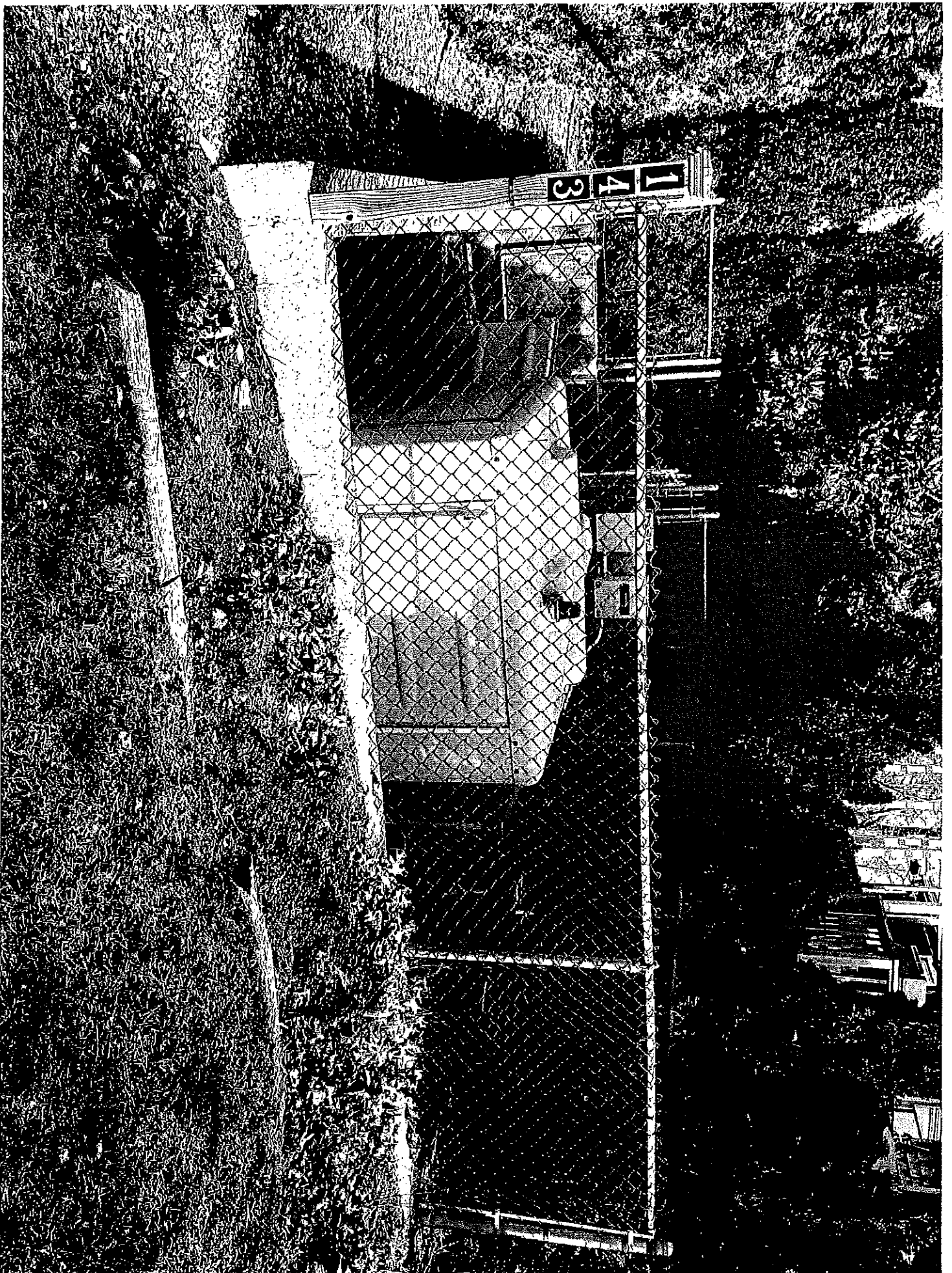
Trustee

Sewer Commissioner

Trustee

Sewer Commissioner

BY: _____
Mayor
City of Fall River





City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2018 JAN -3 P 2:17

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

January 2, 2018

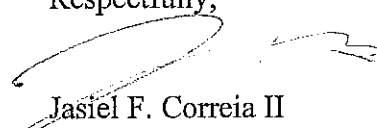
Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Dear Honorable Councilors:

Your approval of the attached order to acquire the Highland Woods Sewer Pumping Station is respectfully requested. The Sewer Commission has worked cooperatively with the project developer and reached the terms of acceptance. The Sewer Commission has voted to accept the station. The station has been inspected and the estimated cost for 20 years of operation and maintenance are to be paid for by the developer.

If you have any questions or require further information, please contact Terrance Sullivan at 508-324-2320.

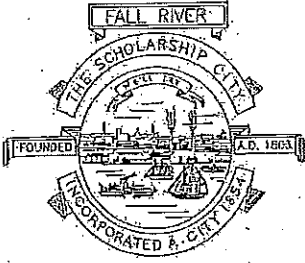
Respectfully,


Jasiel F. Correia II
Mayor

City of Fall River, *In City Council*

ORDERED, that the Mayor is hereby authorized to acquire the property as described on the attached deed subject to any changes and final approval by the Corporation Counsel. Said land is in the Highland Woods Subdivision in Fall River, Massachusetts delineated as Lot A on the attached plan entitled Modified Definitive Plan of Highland Woods dated 7/25/14 and revised 4/1/16. The acquisition and ownership of said lot will provide for the ownership of the sewer pumping station that services this area.

ORDERED, that the Mayor is hereby authorized to acquire the property as described on the attached deed subject to any changes and final approval by the Corporation Counsel. Said land is in the Highland Woods Subdivision in Fall River, Massachusetts delineated as Lot A on the attached plan entitled Modified Definitive Plan of Highland Woods dated 7/25/14 and revised 4/1/16. The acquisition and ownership of said lot will provide for the ownership of the sewer pumping station that services this area.



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

JASIEL F. CORREIA II
Mayor

TERRANCE SULLIVAN
Administrator

TO: Sewer Commission
FROM: Terrance Sullivan
Administrator/Community Utilities
DATE: November 21, 2017
RE: Highland Woods Pump Station

Please find attached the proposed deed for the acceptance of the Highland Woods Pump Station. The plans of the sub-division are attached. The pump station parcel is lot A shown on pages 1 and 4. Access is via Courtney Street to Theodore Street. If you would like to view the inside of the pump station please contact me or John Lincourt and we will arrange access.

This matter will be put on the agenda for the next Commission meeting.

Attachments

Lucille Lane, Fall River, Massachusetts

QUITCLAIM DEED

AIS REAL ESTATE DEVELOPMENT CORPORATION, a Massachusetts corporation having a mailing address of 3 Ledgewood Boulevard, North Dartmouth, Massachusetts 02747 (“Grantor”), for consideration paid and in full consideration of ONE DOLLAR AND NO CENTS (\$1.00) and other good and valuable consideration, grants to the City of Fall River (“Grantee”), with *quitclaim covenants*, the land in Fall River, Bristol County, Massachusetts, together with any buildings thereon, bounded and described as follows:

BEING SHOWN AS Lot A on a subdivision plan of land entitled “Modified Definitive Plan of Highland Woods, Fall River, Massachusetts” consisting of six (6) sheets dated 07/25/2014, REVISED 04/01/2016 prepared for Highlands North Realty Trust by Existing Grade, Inc., which plan was endorsed by the Planning Board on July 27, 2017, and recorded with the Bristol County Fall River District Registry of Deeds on August 1, 2017 in Plan Book 160, Page 48, together with the accompanying civil plans consisting of nineteen (19) sheets entitled, “Cover Sheet of Highland Woods, Fall River, Massachusetts” dated 07/25/2014, REVISED 04/01/16 prepared for Highlands North Realty Trust by Existing Grade, Inc.

Subject to Declaration of Covenants and Restrictions of Highland Woods dated June 9, 2016 and recorded with said registry in Book 8974 at Page 1.

Subject to and together with the benefit of a Declaration of Easement and Easement Agreement between AIMCO Fall River, L.L.C. and AIMCO Fall River II, L.L.C., dated September 30, 2013, recorded with the Bristol County (FR) Registry of Deeds in Book 8341, Page 204 and registered with the Bristol County (FR) Registry District of the Land Court as Document No. 45599.

Reserving to the Grantor, its successors and assigns, for the benefit of (i) the other Lots shown on the above referenced Plan, as said Plan may be further amended, and (ii) land adjacent to the subdivision now owned or to be acquired by Grantor, the right and easements to do all things necessary to connect to the structures and equipment (the “Sewer Pump Station”) installed on the Lot herein conveyed, which Sewer Pump Station is necessary to provide municipal sewer service to said other Lots and land.

By accepting this Deed, Grantee agrees to operate and maintain the Sewer Pump Station in accordance with the Grantee’s usual and customary operating procedures and to thereby provide municipal sewer service to (i) the Lots now existing or hereafter added to the subdivision shown on the Plan, (ii) certain other land and buildings now existing or hereafter constructed, adjacent to the subdivision, and (iii) such other parcels as the Grantee may deem necessary and appropriate.

Being a portion of the premises conveyed to Grantor by deed of Highland North Realty Trust May 27, 2016 and recorded with the Bristol County Fall River District Registry of Deeds in Book 8969, at Page 1.

Executed as a sealed instrument this _____ of November, 2017.

Witness to both:

AIS Real Estate Development Corporation

By: _____
Ashley E. Steen, President

By: _____
Ian R. Steen, Treasurer

Commonwealth of Massachusetts
Bristol, ss.

On this _____ day of November, 2017, before me appeared Ashley E. Steen, who, proved to me through satisfactory evidence of identification to be the person whose name is signed on the preceding document, being by me duly sworn, did say that she is the President of AIS Real Estate Development Corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said Ashley E. Steen acknowledged said instrument to be the free act and deed of said corporation. The satisfactory evidence of identification was:

- A current document issued by a federal or state government agency bearing the photographic image of the said signatory's face and signature; or
- On the oath or affirmation of a credible witness unaffected by the document or transaction who is personally known to the notary public and who personally knows the said signatory; or
- Identification of the said signatory based on the notary public's personal knowledge of the identity of the said signatory; or
- The following evidence of identification: _____

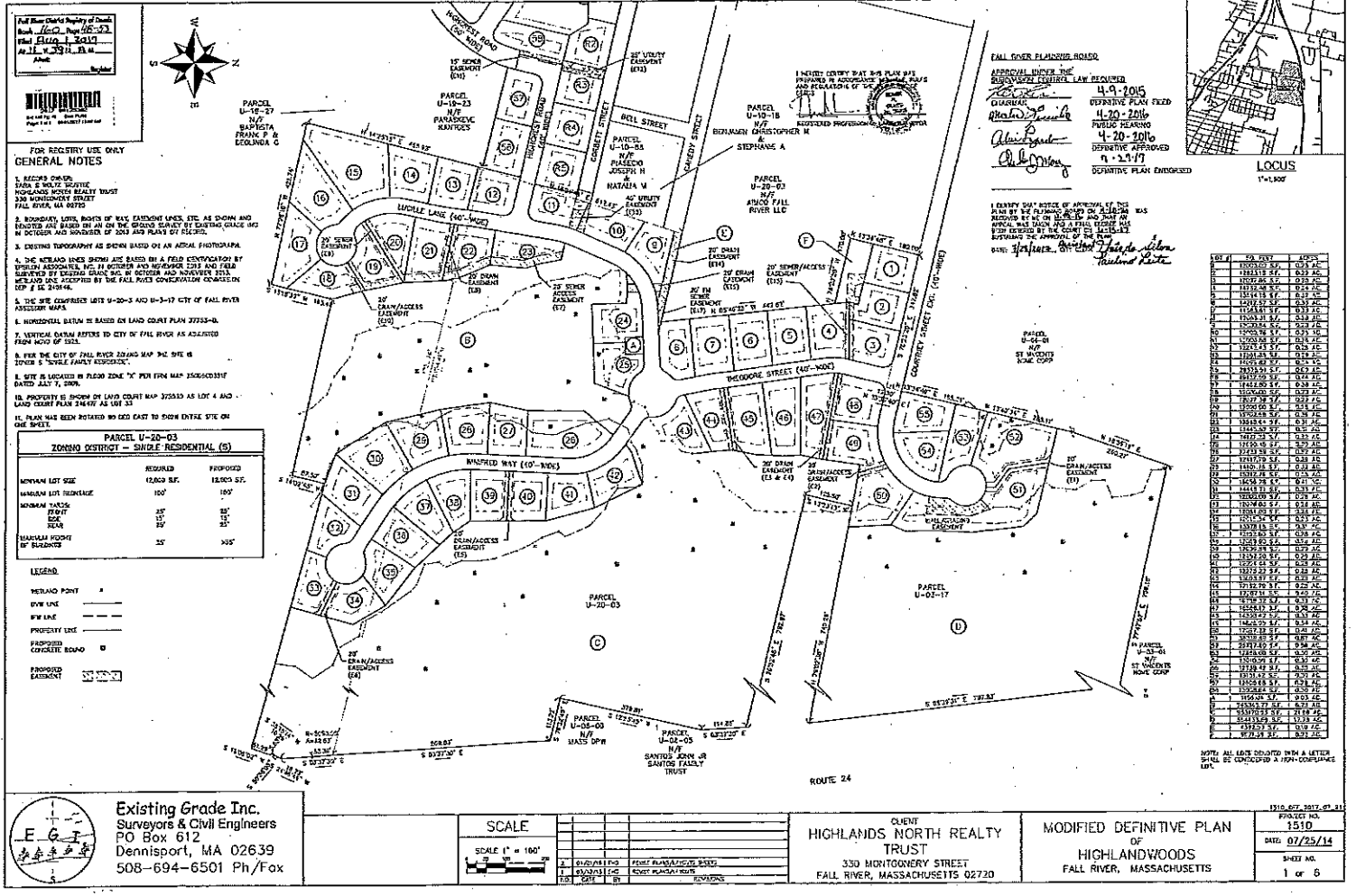
Notary Public: _____
My commission expires: _____

Commonwealth of Massachusetts
Bristol, ss.

On this _____ day of November, 2017, before me appeared Ian R. Steen, who proved to me through satisfactory evidence of identification to be the person whose name is signed on the preceding document, being by me duly sworn, did say that he is the Treasurer of AIS Real Estate Development Corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said Ian R. Steen acknowledged said instrument to be the free act and deed of said corporation. The satisfactory evidence of identification was:

- A current document issued by a federal or state government agency bearing the photographic image of the said signatory's face and signature; or
- On the oath or affirmation of a credible witness unaffected by the document or transaction who is personally known to the notary public and who personally knows the said signatory; or
- Identification of the said signatory based on the notary public's personal knowledge of the identity of the said signatory; or
- The following evidence of identification: _____

Notary Public: _____
My commission expires: _____



Field Book of Property of David
Book No. 100 Page 106-107
Filed June 1, 2010
Attest: [Signature]
Date: [Date]

**FOR RECOVERY USE ONLY
GENERAL NOTES**

1. RECORD OWNER: TARA E MOULT SCOTTIE HIGHLAND WOODS REALTY TRUST 330 MONTGOMERY STREET FALL RIVER, MA 02720
2. BOUNDARY, LOT, BOOKS OF MAP, EASEMENT, UNLAW, ETC. AS SHOWN AND NOTED ARE BASED ON AN ON THE GROUND SURVEY BY EXISTING GRADE MAP IN OCTOBER AND NOVEMBER OF 2013 AND PLANS BY DEEDS.
3. EXISTING TOPOGRAPHY AS SHOWN BASED ON AN AERIAL PHOTOGRAPH.
4. THE WETLAND LINES SHOWN ARE BASED ON A FIELD INVESTIGATION BY DAVID BROWN, INC. IN OCTOBER AND NOVEMBER 2013 AND FIELD SURVEY BY EXISTING GRADE MAP IN OCTOBER AND NOVEMBER 2013. ALL DATA WAS ACCEPTED BY THE FALL RIVER COMMISSION ON DECEMBER 10, 2013.
5. THE SITE IS DESCRIBED IN U-20-3 AND U-3-17 CITY OF FALL RIVER ZONING MAPS.
6. NONSPATIAL DATA IS BASED ON LAND COURT PLAN 27233-B.
7. VERTICAL DATA REFERS TO CITY OF FALL RIVER AS ASSIGNED FROM MAP OF 1921.
8. FROM THE CITY OF FALL RIVER ZONING MAP THE SITE IS ZONED "S" SINGLE FAMILY RESIDENTIAL.
9. SITE IS LOCATED IN PLANNING ZONE "C" PER FIRM MAP 1564003101 DATED JULY 7, 2009.
10. PROPERTY IS SHOWN ON LAND COURT MAP 37553-D AS LOT 4 AND LAND COURT PLAN 24627 AS LOT 33.
11. PLAN WAS BEING NOTED AND DEDICATED TO SHOW EXISTENCE OF ONE STREET.

PARCEL U-20-03 ZONING DISTRICT - SINGLE RESIDENTIAL (S)		
REQUIRED	PROVIDED	
MINIMUM LOT SIZE	12500 S.F.	12500 S.F.
MINIMUM LOT DEPTH	100'	100'
MINIMUM WAREHOUSE FLOOR AREA	100'	100'
MINIMUM FRONT SETBACK	10'	10'
MINIMUM SIDE SETBACK	10'	10'
MINIMUM REAR SETBACK	10'	10'

- LEGEND**
- WETLAND POINT
 - UTILITY LINE
 - PROPERTY LINE
 - PROPOSED CONCRETE ROAD
 - EXISTING EASEMENT

Existing Grade Inc.
Surveyors & Civil Engineers
PO Box 612
Dennisport, MA 02639
508-694-6501 Ph/Fox

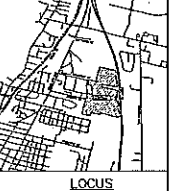
SCALE
SCALE 1" = 100'
1. EXISTING GRADE
2. PROPOSED CONCRETE ROAD

CLIENT
HIGHLANDS NORTH REALTY TRUST
330 MONTGOMERY STREET
FALL RIVER, MASSACHUSETTS 02720

MODIFIED DEFINITIVE PLAN
OF
HIGHLANDWOODS
FALL RIVER, MASSACHUSETTS

1510, 077, 2017, 07, 211
PROJECT NO.
15110
DATE: 07/25/14
SHEET NO.
1 of 6

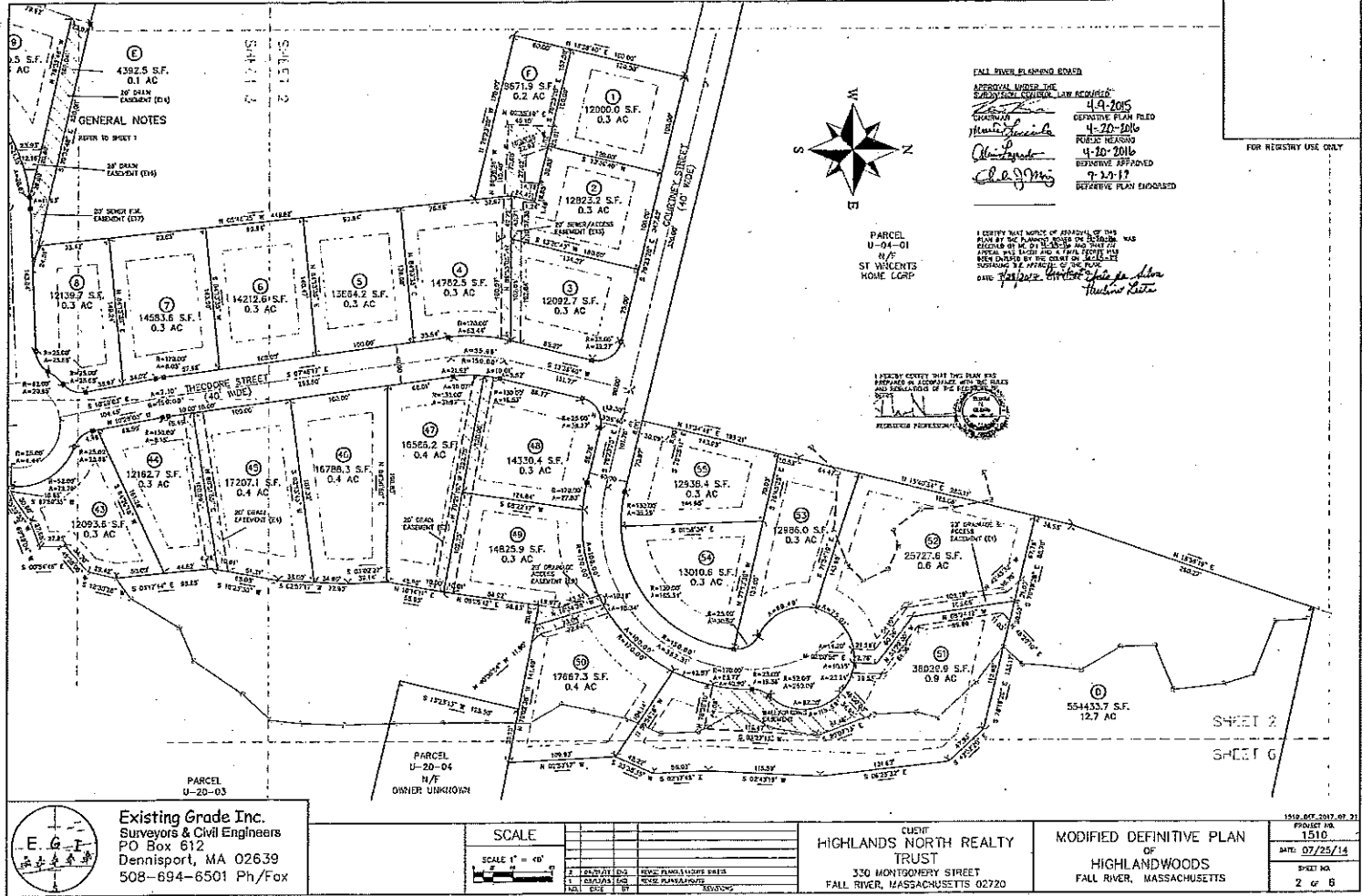
FALL RIVER PLANNING BOARD
APPROVAL UNDER THE
BROWN/SCOTT COURSE LAW REVISIONS
DATE: 4-9-2015
DEFINITIVE PLAN FILED
DATE: 4-20-2016
PUBLIC HEARING
DATE: 4-20-2016
DEFINITIVE APPROVED
DATE: 9-2-2017
DEFINITIVE PLAN EMERGED



LOT	AREA	PERCENT
1	12500 S.F.	0.14%
2	12500 S.F.	0.14%
3	12500 S.F.	0.14%
4	12500 S.F.	0.14%
5	12500 S.F.	0.14%
6	12500 S.F.	0.14%
7	12500 S.F.	0.14%
8	12500 S.F.	0.14%
9	12500 S.F.	0.14%
10	12500 S.F.	0.14%
11	12500 S.F.	0.14%
12	12500 S.F.	0.14%
13	12500 S.F.	0.14%
14	12500 S.F.	0.14%
15	12500 S.F.	0.14%
16	12500 S.F.	0.14%
17	12500 S.F.	0.14%
18	12500 S.F.	0.14%
19	12500 S.F.	0.14%
20	12500 S.F.	0.14%
21	12500 S.F.	0.14%
22	12500 S.F.	0.14%
23	12500 S.F.	0.14%
24	12500 S.F.	0.14%
25	12500 S.F.	0.14%
26	12500 S.F.	0.14%
27	12500 S.F.	0.14%
28	12500 S.F.	0.14%
29	12500 S.F.	0.14%
30	12500 S.F.	0.14%
31	12500 S.F.	0.14%
32	12500 S.F.	0.14%
33	12500 S.F.	0.14%
34	12500 S.F.	0.14%
35	12500 S.F.	0.14%
36	12500 S.F.	0.14%
37	12500 S.F.	0.14%
38	12500 S.F.	0.14%
39	12500 S.F.	0.14%
40	12500 S.F.	0.14%
41	12500 S.F.	0.14%
42	12500 S.F.	0.14%
43	12500 S.F.	0.14%
44	12500 S.F.	0.14%
45	12500 S.F.	0.14%
46	12500 S.F.	0.14%
47	12500 S.F.	0.14%
48	12500 S.F.	0.14%
49	12500 S.F.	0.14%
50	12500 S.F.	0.14%
51	12500 S.F.	0.14%
52	12500 S.F.	0.14%
53	12500 S.F.	0.14%
54	12500 S.F.	0.14%
55	12500 S.F.	0.14%
56	12500 S.F.	0.14%
57	12500 S.F.	0.14%
58	12500 S.F.	0.14%
59	12500 S.F.	0.14%
60	12500 S.F.	0.14%

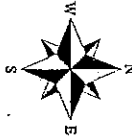
NOTE: ALL LOTS SHOWN WITH A LETTER SHALL BE CONSIDERED A PERM-COMPLIANCE LOT.

160-48



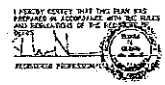
FALL RIVER PLANNING BOARD
 APPROVAL UNDER THE
 SUBDIVISION CONTROL LAW, CHAPTER
 40A, § 20B
 DEFINITIVE PLAN FILED
 4-20-10
 PUBLIC HEARING
 4-20-10
 RESOLUTION APPROVED
 7-23-17
 RESOLUTION APPROVED

FOR REISTRY USE ONLY



PARCEL
 U-04-01
 ST VINCENTS
 HOME CORP

I CERTIFY THAT NOTICE OF APPROVAL OF THIS
 PLAN BY THE PLANNING BOARD OF THE TOWN
 OF FALL RIVER, MASSACHUSETTS, WAS
 GIVEN ON 4-20-10 AND THAT THE
 PLAN HAS BEEN FILED IN THE OFFICE OF THE
 REGISTERED PROFESSIONAL SURVEYOR
 OF THE TOWN OF FALL RIVER,
 MASSACHUSETTS, ON 4-20-10.
 DATE 7/23/17
 REGISTERED PROFESSIONAL SURVEYOR
 Matthew Costa



PARCEL
 U-20-03
 OWNER UNKNOWN



Existing Grade Inc.
 Surveyors & Civil Engineers
 PO Box 612
 Dennisport, MA 02639
 508-694-6501 Ph/Fax

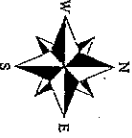
SCALE
 SCALE 1" = 40'

CLIENT
 HIGHLANDS NORTH REALTY
 TRUST
 330 MONTGOMERY STREET
 FALL RIVER, MASSACHUSETTS 02720

MODIFIED DEFINITIVE PLAN
 OF
 HIGHLANDWOODS
 FALL RIVER, MASSACHUSETTS

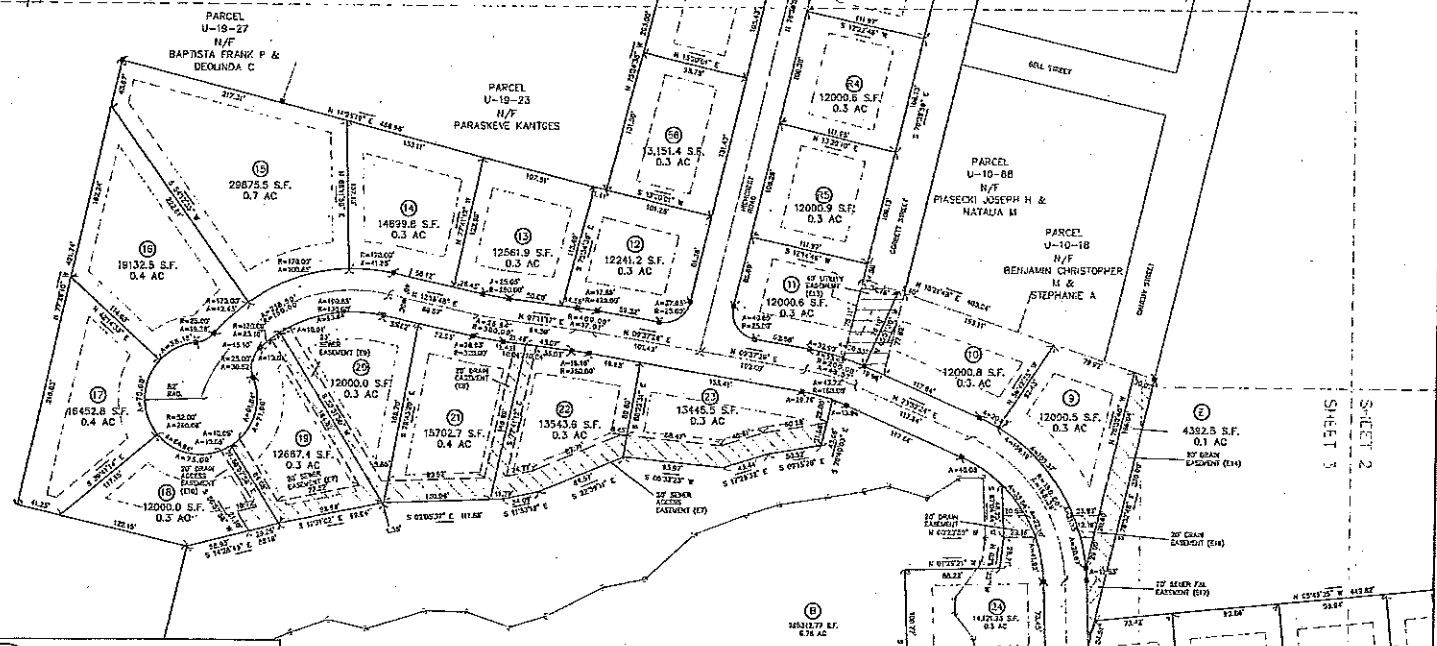
1519.007.2007.07.21
 PROJECT NO.
 1510
 DATE: 07/25/14
 SHEET NO.
 2 of 6

FALL RIVER PLANNING BOARD
 APPROVAL UNDER THE
 SUBVERSIVE CONTROL LAW ACQUIRED
 4-9-2015
 CHAIRMAN
 4-20-2016
 PUBLIC HEARING
 4-20-2016
 DEFENSE AFFORDED
 7-17-17
 DEFINITIVE PLAN ENDORSED



FOR REGISTRY USE ONLY

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN REVIEWED BY ME AND THAT I AM A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF MASSACHUSETTS AND THAT I AM NOT PROVIDING ANY SERVICE TO THE CLIENT IN VIOLATION OF THE PROFESSIONAL ETHICS OF THE SURVEYING BOARD OF THE STATE OF MASSACHUSETTS.



Existing Grade Inc.
 Surveyors & Civil Engineers
 PO Box 612
 Dennisport, MA 02639
 508-694-6501 Ph/Fox

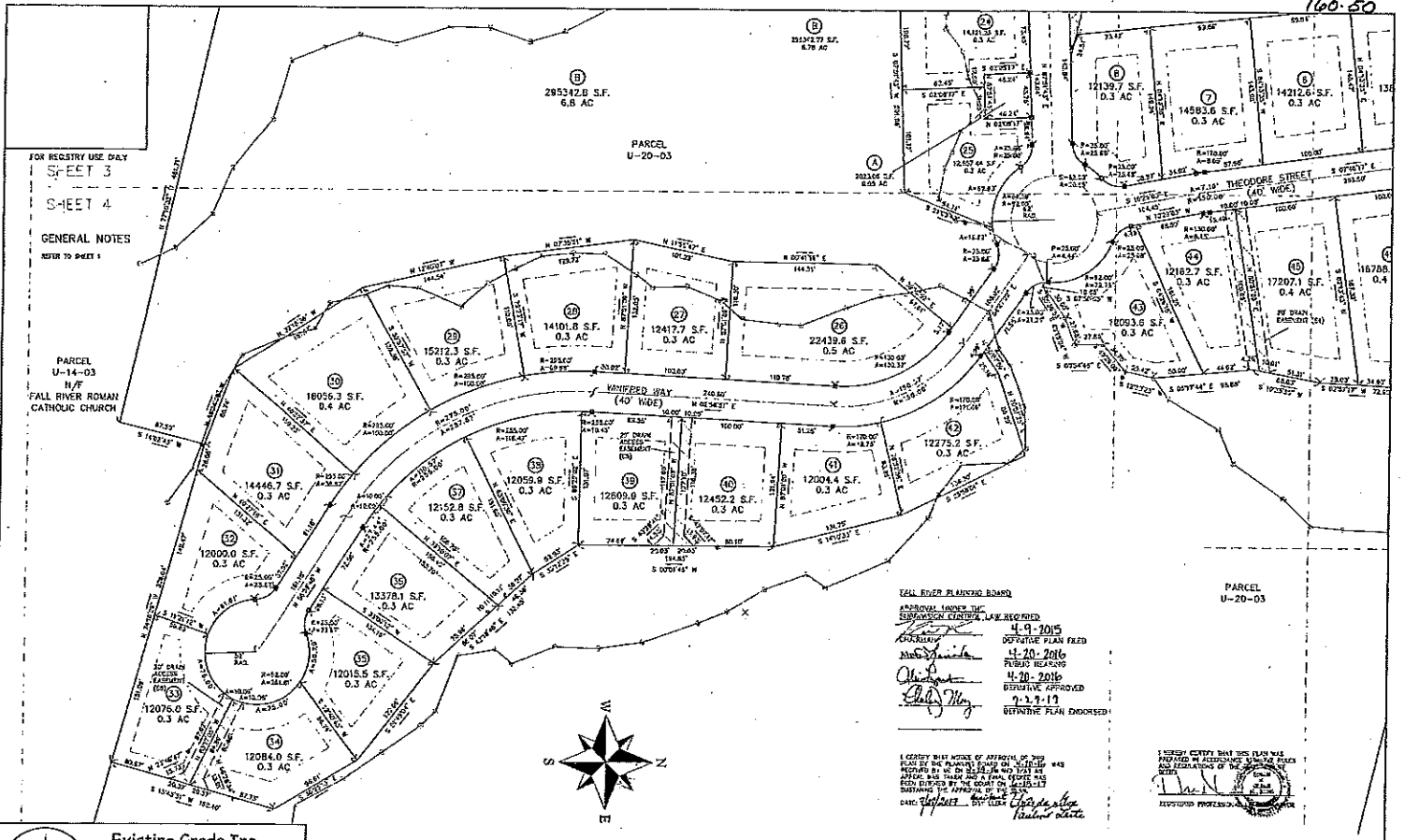
SCALE

1" = 40'	1" = 40'	1" = 40'	1" = 40'
1" = 40'	1" = 40'	1" = 40'	1" = 40'

CLIENT
HIGHLANDS NORTH REALTY TRUST
 330 MONTGOMERY STREET
 FALL RIVER, MASSACHUSETTS 02720

MODIFIED DEFINITIVE PLAN
 OF
HIGHLANDWOODS
 FALL RIVER, MASSACHUSETTS

1100.00 307.07.11
 PROJECT NO.
1510
 DATE: 07/25/14
 SHEET NO.
3 of 6



FOR REGISTRY USE ONLY
SHEET 3
SHEET 4
GENERAL NOTES
REFER TO SHEET 1

PARCEL
U-14-03
N/F
FALL RIVER ROMAN
CATHOLIC CHURCH

FALL RIVER PLANNING BOARD
APPROVAL UNDER THE
SUBORDINATE ZONING LAW REQUIRED
APPROVAL DATE: 11-19-2015
DEFINITIVE PLAN FILED
DATE: 11-20-2016
PUBLIC HEARING
DATE: 11-20-2016
DEFENSIVE APPROVED
DATE: 7-23-17
DEFINITIVE PLAN ENDORSED

I CERTIFY THAT A COPY OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD ON 11-19-2015 WAS FILED BY ME ON 11-20-2016 AND THAT THE APPROVAL HAS TAKEN EFFECT AS A FINAL DECISION. I HAVE BEEN ADVISED BY THE COURT ON 11-20-2016 THAT THE APPROVAL OF THIS PLAN IS VALID.
DATE: 11-20-2016
Signature: Charles J. ...
Professional Seal

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER.
Signature: ...
Professional Seal

Existing Grade Inc.
Surveyors & Civil Engineers
PO Box 612
Dennisport, MA 02639
508-694-6501 Ph/Fax

SCALE

SCALE 1" = 40'

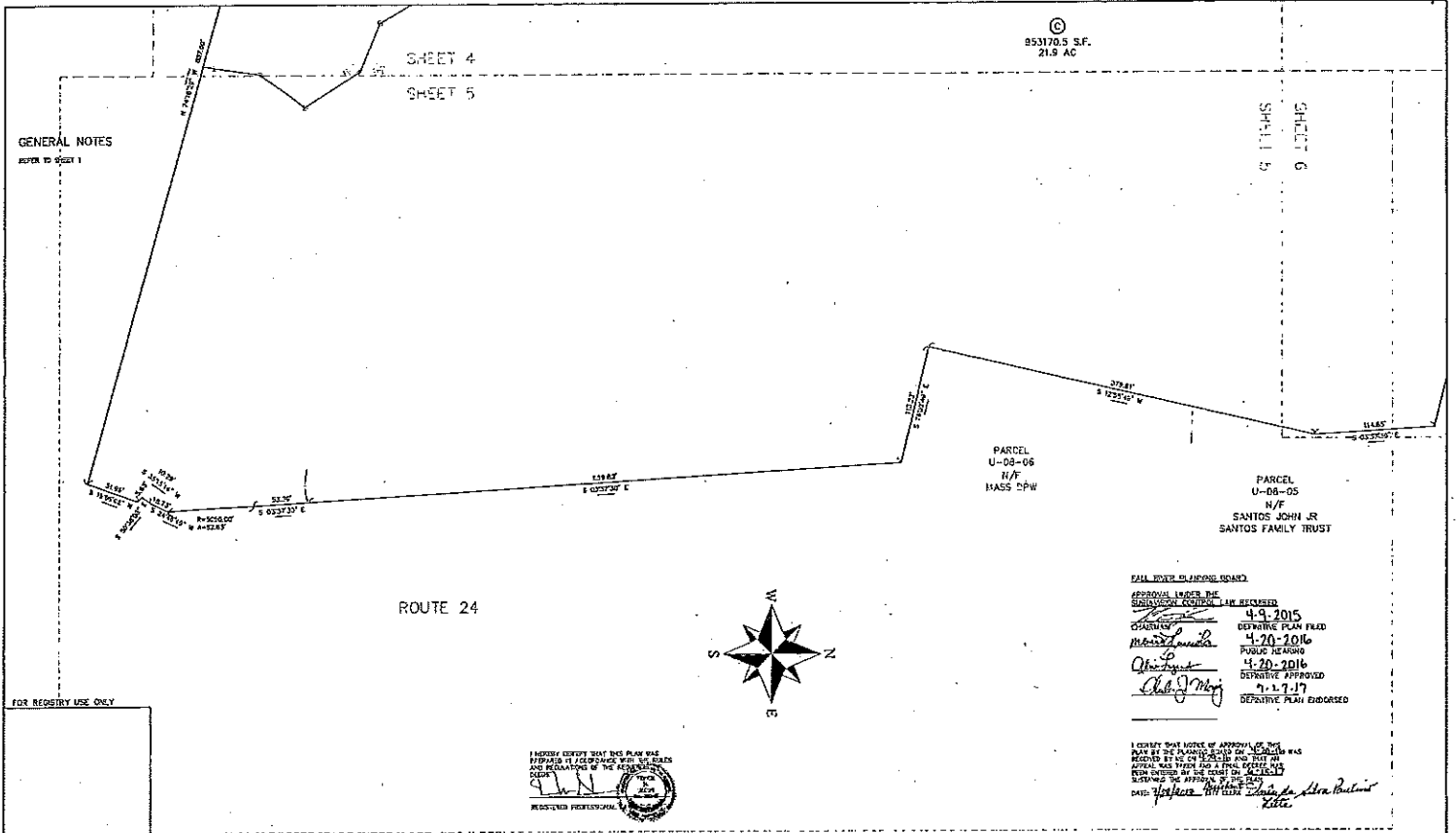
1. SURVEYING	2. ENGINEERING	3. ARCHITECTURE	4. LANDSCAPE ARCHITECTURE	5. CIVIL ENGINEERING
6. MECHANICAL ENGINEERING	7. ELECTRICAL ENGINEERING	8. CHEMICAL ENGINEERING	9. METALLURGICAL ENGINEERING	10. INDUSTRIAL ENGINEERING
11. AERONAUTICAL ENGINEERING	12. AGRICULTURAL ENGINEERING	13. MARINE ENGINEERING	14. MINING ENGINEERING	15. METEOROLOGICAL ENGINEERING

CLIENT
HIGHLANDS NORTH REALTY TRUST
339 MONTGOMERY STREET
FALL RIVER, MASSACHUSETTS 02720

MODIFIED DEFINITIVE PLAN
OF
HIGHLANDWOODS
FALL RIVER, MASSACHUSETTS

1110, 07/25/14, 01.51
PROJECT NO.
1510
DATE: 07/25/14
SHEET NO.
4 of 6

160-51



GENERAL NOTES
REFER TO SHEET 1

©
853170.5 SF.
21.9 AC

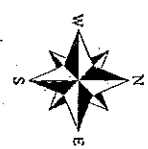
SHEET 4
SHEET 5

SHEET 6
SHEET 7

PARCEL
U-08-06
R/F
MASS DPW

PARCEL
U-08-05
R/F
SANTOS JOHN JR
SANTOS FAMILY TRUST

ROUTE 24

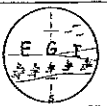


FALL RIVER PLANNING BOARD
APPROVAL UNDER THE
SUBDIVISION CONTROL ACT REFORMED
DATE: 4-9-2015
COMMISSIONER: [Signature]
DEFINITIVE PLAN FILED: 4-20-2016
PUBLIC HEARING: 4-20-2016
DEFINITIVE APPROVED: 7-1-2017
DEFINITIVE PLAN ENDORSED: [Signature]

I HEREBY CERTIFY THAT THIS PLAN WAS
PREPARED BY ME OR UNDER MY CLOSE
AND IMMEDIATE SUPERVISION AND THAT
I AM A LICENSED PROFESSIONAL ENGINEER
DATE: 7/25/14
REGISTERED PROFESSIONAL ENGINEER

I CERTIFY THAT NOTICE OF APPROVAL OF THIS
PLAN BY THE PLANNING BOARD OR COMMISSIONER WAS
RECEIVED BY ME ON 7/25/14 AND THAT AN
ACTUAL NOTICE OF APPROVAL WAS
FILED WITH THE REGISTRAR OF DEEDS
WITHIN THE APPROVAL PERIOD OF THE ACT.
DATE: 7/25/14 BY: [Signature]

FOR REGISTRY USE ONLY



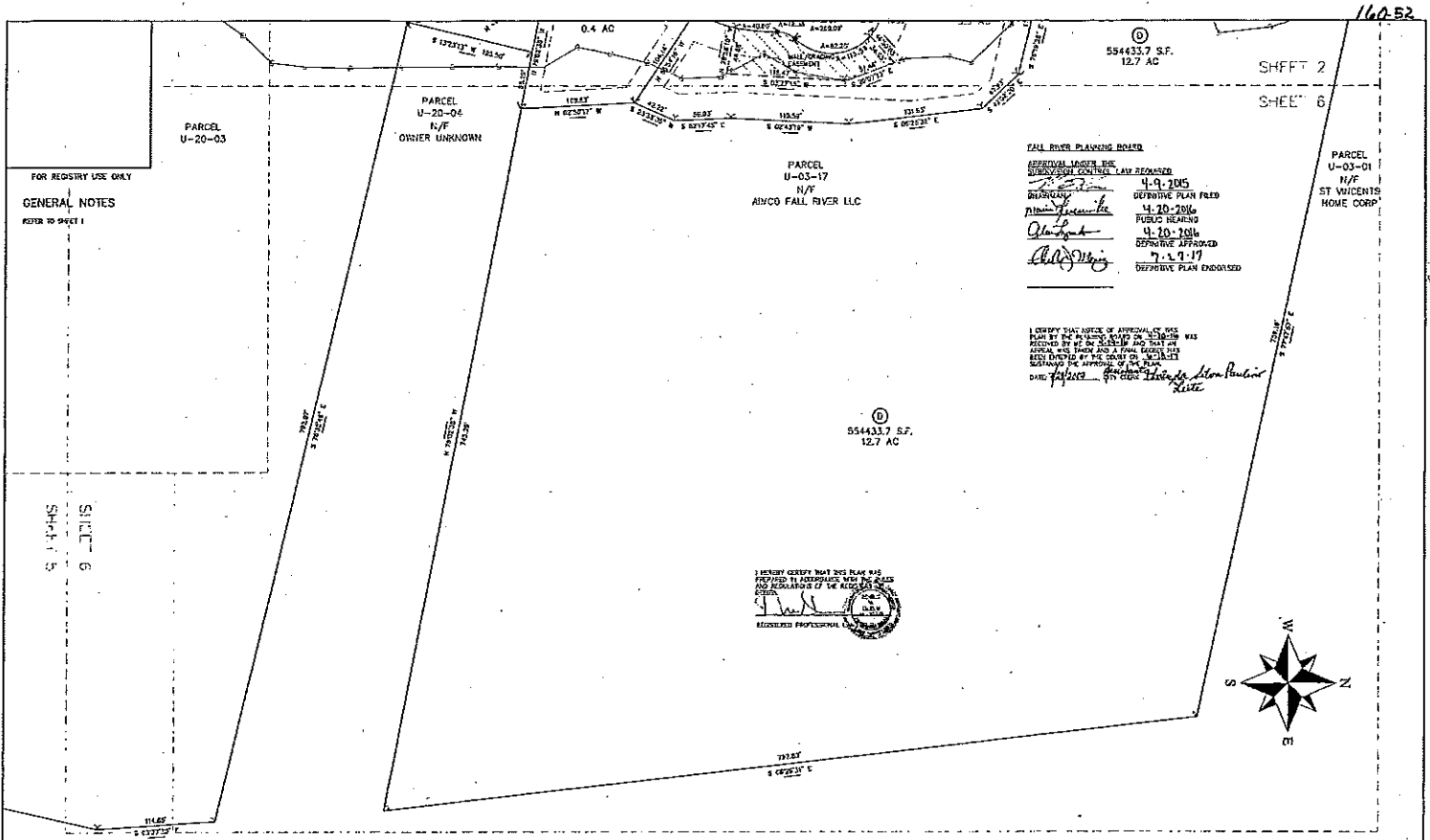
Existing Grade Inc.
Surveyors & Civil Engineers
PO Box 612
Dennisport, MA 02639
508-694-6501 Ph/Fax

SCALE	
SCALE 1" = 40'	
DATE: 7/25/14	BY: [Signature]

CLIENT
HIGHLANDS NORTH REALTY
TRUST
330 MONTGOMERY STREET
FALL RIVER, MASSACHUSETTS 02720

MODIFIED DEFINITIVE PLAN
OF
HIGHLANDWOODS
FALL RIVER, MASSACHUSETTS

1510, 05F, 2017, 09, 21
PROJECT NO. 1510
DATE: 07/25/14
SHEET NO. 5 of 6

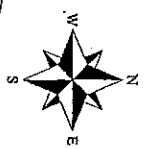


FOR REGISTRY USE ONLY
GENERAL NOTES
REFER TO SHEET 1

FALL RIVER PLANNING BOARD
APPROVAL UNDER THE
SUBVERSIVE CONTROL LAW REVOKED
4-9-2005
DEFINITIVE PLAN FILED
4-10-2006
PUBLIC HEARING
4-10-2006
DEFINITIVE APPROVED
7-1-11
DEFINITIVE PLAN ENFORCED

I HEREBY CERTIFY THAT THIS PLAN WAS
PREPARED IN ACCORDANCE WITH THE RULES
AND REGULATIONS OF THE BOARD OF
REGISTRY OF DEEDS
DATE 07/25/14
[Signature]

I HEREBY CERTIFY THAT THIS PLAN WAS
PREPARED IN ACCORDANCE WITH THE RULES
AND REGULATIONS OF THE BOARD OF
REGISTRY OF DEEDS
DATE 07/25/14
[Signature]



Existing Grade Inc.
Surveyors & Civil Engineers
PO Box 612
Dennisport, MA 02639
508-694-6501 Ph/Fax

SCALE	
SCALE 1" = 40'	
1. SURVEYED	DATE 07/25/14
2. APPROVED	DATE 07/25/14
3. RECORDED	DATE 07/25/14

CURRIN
HIGHLANDS NORTH REALTY TRUST
330 MONTGOMERY STREET
FALL RIVER, MASSACHUSETTS 02720

MODIFIED DEFINITIVE PLAN OF HIGHLANDWOODS
FALL RIVER, MASSACHUSETTS

1310-EST 2017-20-21
PROJECT NO. 1519
DATE: 07/25/14
SHEET NO. 5 OF 6



4



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

JASIEL F. CORREIA II
Mayor

January 3, 2018

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

RECEIVED
2018 JAN -3 P 3:43
CITY CLERK
FALL RIVER, MA

Dear Honorable Council Members:

The City has applied for a Parkland Acquisitions and Renovations for Communities (PARC) grant in the amount of \$395,500 to make improvements to four city parks – North Park, Ruggles Park, Father Kelly Park and Maplewood Park, and will include repair of the walking pathways within each park. PARC is a reimbursement grant that reimburses 70% of total project costs.

The state funding source, Massachusetts Executive Office of Energy and Environmental Affairs Division of Conservation Services, requires a certified copy of the Council's vote to authorize funding in an amount equal to the total project cost of \$565,000. Your expeditious approval is appreciated.

While the State has yet to confirm the exact grant amount, they are requiring that the attached authorization be approved by the City Council. Please feel free to contact me or the City Administrator with any questions.

Respectfully Submitted,

Jasiel F. Correia, II
Mayor

City Council Resolution

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE PARKLAND ACQUISITIONS AND RENOVATIONS FOR COMMUNITIES PROGRAM FOR IMPROVEMENTS TO THE FOLLOWING CITY PARKS: NORTH PARK, FATHER KELLY PARK, RUGGLES PARK, AND MAPLEWOOD PARK

Whereas: These Parks are by and far community-wide assets and the preservation and improvements to these facilities are a City priority as evidenced in the most recent Open Space and Recreation Plan; and

Whereas: These Parks are dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 14; and

Whereas: The Parks' renovations, guided in principal by the Master Plan, will greatly enhance these facilities with improved recreational areas; and

Whereas: The main focus of the Plan's Natural Resources, Open Space, and Recreation element is to improve Fall River's open space and opportunities for recreation. This overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation of the project; and

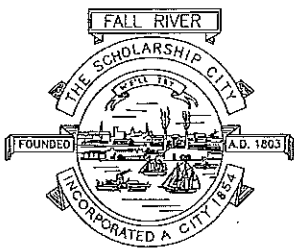
Whereas: The project was to be implemented over time, by priority as fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort; and

Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities grant program (301 CMR 5.00); and

Whereas: The Fall River Parks Project will cost a total of \$565,000 (Five Hundred Sixty-Five Thousand Dollars). The City will appropriate \$565,000 for the Fall River Parks Project.

NOW, THEREFORE, BE IT

1. That the City Administrator be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the City Administrator be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Community Maintenance Department; and
3. That this resolution shall take effect upon passage.



City of Fall River
Massachusetts
Office of the Mayor

JASIEL F. CORREIA II
Mayor

January 3, 2018

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

Dear Honorable Council Members:

As we move one step closer to the construction of a new Durfee High School, a Special Election needs to be scheduled to secure voter approval of funding for the project. The MSBA requires that voter approval be secured using the attached Ballot Question. In accordance with our local ordinance, materials shall be mailed to every registered, voter household, prior to the Special Election, explaining the consequences of both a YES or NO vote.

Please approve an Order for the scheduling of a Special Election to be held in March 2018, to include the attached Ballot Question.

Respectfully Submitted,

Jasiel F. Correia, II
Mayor

CITY CLERK
FALL RIVER, MA

2018 JAN -3 P 4:40

RECEIVED

BALLOT QUESTION

Shall the City of Fall River be allowed to exempt from the provisions of Proposition two-and-one-half, so called, the amounts required to pay for the bonds issued in order to build a new Durfee High School?

CITY OF FALL RIVER

To the City Council

Councilors:

The Committee on Finance, at a meeting held on December 19, 2017, voted unanimously to recommend that the accompanying resolution be referred to the Committee on Real Estate.

Alison M. Bouchard
City Clerk

City of Fall River, *In City Council*

6

(Councilor Cliff Ponte)

WHEREAS, Duro Textiles closed approximately two years ago, and

WHEREAS, this shuttered building is within close proximity to the Matthew J. Kuss Middle School, and

WHEREAS, there are approximately 800 students that attend this school, and

WHEREAS, the City of Fall River has begun foreclosure proceedings for the non-payment of taxes, and

WHEREAS, the City has had its challenges disposing of shuttered properties, especially those that pose a threat to the safety and security of its residents, now therefore

BE IT RESOLVED, that the Administration be invited to a future meeting of the Committee on Finance to discuss the status of this possible tax title property.

In City Council, November 14, 2017
Adopted, as amended

A true copy. Attest:

Alison M. Bruchard
City Clerk

Ref to RE

City of Fall River, *In City Council*

(President Ponte)

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, Mass., 1999, which chapter relates to Administration be amended, as follows:

By striking out in Section 2-151, which section relates to standing committees established, the following:

- (10) Committee on Budget Preparation, Revenue and Audits, consisting of three members
 - (a) Recommendations of the committee shall be referred directly to the Committee on Finance

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 Fall River, Massachusetts, 1999, which chapter relates to Personnel, be amended, as follows:

By striking out the salary schedules in Sections 50-301 through 50-310 in their entirety and inserting in place thereof, the following:

(Salary schedules attached)

CITY OF FALL RIVER
IN CITY COUNCIL

DEC 19 2017

*Passed through first
reading, as amended*

8

Section 50-301 Salary Schedules for Executive Officers.

Dept Heads & Non-Union Personnel	Proposed Ordinance	Grade	Effective Date	Step 1
Account Manager-Police	AMP	7/1/2017	Not to exceed \$60,000	
Accreditation Coordinator	ACCR	7/1/2017	Not to exceed \$39,715.85	
Administrative Assistant Board of Assessors/Administrator of Assessing	ADAS	7/1/2017	Not to exceed \$90,000	
Administrative Services Manager	ADSM	7/1/2017	Not to exceed \$69,666.63	
Administrator of Community Utilities	ADPU	7/1/2017	Not to exceed \$103,416.08	
Animal Control Officer	ACOS	7/1/2017	Not to exceed \$33,118.45	
Asset Manager/GIS Specialist-Community Utilities	AS1	7/1/2017	Not to exceed \$60,000	
Assistant Assessor I	AS1	7/1/2017	Not to exceed \$60,959.94	
Assistant Assessor II	ASII	7/1/2017	Not to exceed \$52,150.93	
Assistant City Auditor	AAUD	7/1/2017	Not to exceed \$75,000	
Assistant City Clerk	ACC	7/1/2017	Not to exceed \$69,824.55	
Assistant Collector	ACOL	7/1/2017	Not to exceed \$60,000	
Assistant Commissioner for Recreation Facilities/Director of Recreational Facilities	ACRF	7/1/2017	Not to exceed \$55,916.38	
Assistant Commissioner of Cemeteries & Trees/Director of Trees/Cemeteries	ACCT	7/1/2017	Not to exceed \$55,916.38	
Assistant Purchasing Agent	APUR	7/1/2017	Not to exceed \$38,083.55	
Assistant Treasurer	ASTR	7/1/2017	Not to exceed \$65,000	
Audit/ Grants Manager	AGMA	7/1/2017	Not to exceed \$75,000	
Board of Election Commissioners/Director-Office of Elections, Chairperson	ELCO	7/1/2017	Not to exceed \$65,000.00	
City Auditor	AUD	7/1/2017	Not to exceed \$87,567.07	
City Clerk	CCLK	7/1/2017	Not to exceed \$94,555.34	
City Collector	CCOL	7/1/2017	Not to exceed \$90,213.08	
City Council Principal Clerk	CCCT	7/1/2017	Not to exceed \$35,000	
City Council Secretary	CCS	7/1/2017	Not to exceed \$49,320.65	
City Engineer	CENG	7/1/2017	Not to exceed \$90,000	
City Planner	CPLN	7/1/2017	Not to exceed \$88,300	
City Treasurer	TREA	7/1/2017	Not to exceed \$81,600	
Commissioner of Recreational Facilities and Cemeteries/Administrator, Administrator Recreational Facilities, Cemeteries and Trees	CRFC	7/1/2017	Not to exceed \$66,439.90	
Deputy Administrator-Community Utilities		7/1/2017	Not to exceed \$89,000	
Deputy Police Chief 20 years	DP20	7/1/2017	Not to exceed \$108,728.95	
Deputy Police Chief 25 years	DP25	7/2/2017	Not to exceed \$109,441.74	
Deputy Police Chief 28 years	DP28	7/3/2017	Not to exceed \$110,630.07	
Director of Facilities Maintenance		7/1/2017	Not to exceed \$98,000	
Director of Health & Human Services	HHS	7/1/2017	Not to exceed \$82,415.86	
Director of Minimum Housing Standards Inspectional Services	DOMM	7/1/2017	Not to exceed \$50,183.78	
Director of Municipal Buildings and Code Enforcement/Inspector of Buildings	DOMB	7/1/2017	Not to exceed \$91,687.73	
Director of Production -FRGTV	FRTV	7/1/2017	Not to exceed \$45,000	

8

Director of Water Department	DOAS	7/1/2017	Not to exceed \$82,416.23
Director of Water Distribution & Maintenance	DWDM	7/1/2017	Not to exceed \$69,824.41
Director of Water Treatment & Resources	DWTR	7/1/2017	Not to exceed \$72,113.78
Employee Benefits Administrator	EBAD	7/1/2017	Not to exceed \$65,032.07
Forester-Community Utilities	FORS	7/1/2017	Not to exceed \$63,235.87
Human Resources Assistant	FORS	7/1/2017	Not to exceed \$43,652.94
Human Resources Generalist	HRG	7/1/2017	Not to exceed \$51,992.72
Manager of Operations Streets & Highways DCM	HRG	7/1/2017	Not to exceed \$66,510.86
Mayor's Administrative Assistant	RCEP	7/1/2017	Not to exceed \$40,000
Network Administrator	CNET	7/1/2017	Not to exceed \$54,155.08
Parking Clerk/Director of Traffic and Parking	PKCK	7/1/2017	Not to exceed \$61,812.11
Project Manager, Facilities	PMD	7/1/2017	Not to exceed \$64,387.50
Project Manager-Community Utilities	PMS	7/1/2017	Not to exceed \$72,817.07
Project Specialist I/Financial Services	PSFS	7/1/2017	Not to exceed \$70,000
Project Specialist I/Treasurer's Office	PSPC	7/1/2017	Not to exceed \$56,494
Project Specialist-Community Utilities	PSW	7/1/2017	Not to exceed \$56,494
Purchasing Agent	PURA	7/1/2017	Not to exceed \$67,538.45
Residential Data Lister	RDL	7/1/2017	Not to exceed \$36,929.41
Revaluation Specialist	REVL	7/1/2017	Not to exceed \$79,523.31
Sanitarian Supervisor	SANI	7/1/2017	Not to exceed \$66,963.22
Special Projects Media Mayors Office	SAMI	7/1/2017	Not to exceed \$45,900
Staff Nurse	STNH	7/1/2017	Not to exceed \$50,696.16
Treasurer-Collector	TC	7/1/2017	Not to exceed \$105,000
Veteran's Benefit Agent and Director of Veteran's Services /Director Of Veteran's Benefits	VBAG	7/1/2017	Not to exceed \$60,959.94

8

Section 50-302 Salary Schedules for Contract Personnel

Proposed Ordinance	Grade	Effective Date	Step 1
Assistant Administrator Public Library	AUB	7/1/2017	Per Contract
Assistant Corporation Counsel	ACC	7/1/2017	Per Contract
Assistant Corporation Counsel PT	ASCC	7/1/2017	Per Contract
Chief of Police	PC	7/1/2017	Per Contract
Chief of Staff Mayor's Office	CHOF	7/1/2017	Per contract -Not to exceed \$78,780
City Administrator	MUNI	7/1/2017	Per Contract
Corporation Counsel (PT)	DRCM	7/1/2017	Per Contract
Director of Community Maintenance	DRCM	7/1/2017	Per Contract, not to exceed \$98,000
Director of Financial Services	DEFT	7/1/2017	Per Contract, not to exceed 140,000 per annum
Director of Human Resources	PERS	7/1/2017	Per Contract
Director of Management Information Services	CMIS	7/1/2017	Per Contract
Fire Chief	CHF	7/1/2017	Per Contract
Grant Writer	GRNT	7/1/2017	Per Contract
Library Administrator	LIBR	7/1/2017	Per Contract
Paralegal	PARA	7/1/2017	Per Contract
Animal Control Supervisor	ACOS	7/1/2017	Per Contract
Workers Compensation Clerk -Law	9A	7/1/2017	Per Contract
Youth Service Coordinator	CVTH	7/1/2017	Per Contract

8

Section 50-303 Salary Schedules for Political Appointments & Boards/Committees

Proposed Ordinance	Grade	Effective Date	Step 1
Assistant Clerk of Committees	ACLC	7/1/2017	\$4569 per annum
Assistant Election Commissioner	AELE	7/1/2017	\$300 per annum
Assistant Sewer Registrar and Assistant Clerk of the Sewer Commission	ASRG	7/1/2017	\$1500 per annum
Board of Appeals	PAAP	7/1/2017	\$900 per annum
Board of Appeals, Member Alternate	PLAL	7/1/2017	\$750 per annum
Board of Assessors, Member	BASS	7/1/2017	\$3800 per annum
Board of Assessors, Chairman	BASS	7/1/2017	\$3800 per annum
Board of Election Commissioner, Member	CELE	7/1/2017	\$1700 per annum
Board of Licensing Commissioner, Chairman	CHCM	7/1/2017	\$2000 per annum
Board of Licensing, Commissioner	CHCM	7/1/2017	\$1500 per annum
Clerk of Committees / Clerk of Committees (PT)	COGM	7/1/2017	\$7125 per annum
Clerk of Council	COCC	7/1/2017	\$5000 per annum
City Councilor	COUN	7/1/2017	\$16,091.06 per annum
Director of Fall River Emergency Management Agency	FREM	7/1/2017	\$20,000 per annum
Fire Commissioner	FIRC	7/1/2017	\$1500 per annum
Harbormaster PT	HBMS	7/1/2017	\$2500 per annum
Mayor	MAYR	7/1/2017	\$118,688.24 per annum
Police Board	POLB	7/1/2017	\$1500 per annum
School Committee	SCOM	7/1/2017	\$7197 per annum
Sewer Commission, Member	SWBD	7/1/2017	\$1400 per annum
Sewer Commission, President	POSW	7/1/2017	\$2000 per annum
Sewer Registrar and Clerk of Sewer Commission	SWRG	7/1/2017	\$3125 per annum
Veterans' Grave Officer	GRAV	7/1/2017	\$300 per annum

8

Section 50-304 Local 3177 AFSCME

Proposed Ordinance	Grade	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Administrative Clerk/ Secretary to Dept Head/Library	11AL	7/1/2017	\$ 1,447.20	\$ 1,473.83	\$ 1,500.06	\$ 1,526.48	\$ 1,659.04	\$ 1,704.90	
Assistant Community Resource Coordinator/Coordinator II Council on Aging	8a	7/1/2017	\$ 1,092.67	\$ 1,107.88	\$ 1,180.32	\$ 1,258.31	\$ 1,336.29		
Assistant Planner	APLN	7/1/2017	\$ 2,121.49						
Auto Service Worker I-Water	27B	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.92	\$ 1,753.14	\$ 1,780.38		
Carpenter/Facilities	CARP	7/1/2017	\$ 1,851.76						
Cashier	8A	7/1/2017	\$ 1,032.67	\$ 1,107.88	\$ 1,180.32	\$ 1,258.31	\$ 1,336.29		
Cemetery Foreman	22B	7/1/2017	\$ 1,410.51	\$ 1,453.93	\$ 1,481.24	\$ 1,503.01	\$ 1,530.20		
Chief Water Inspector	26B	7/1/2017	\$ 1,595.47	\$ 1,644.39	\$ 1,671.54	\$ 1,693.38	\$ 1,720.51		
Chief Water Inspector D-4	29B	7/1/2017	\$ 1,877.05	\$ 1,941.34	\$ 1,964.67	\$ 1,993.94	\$ 2,023.18		
Electrician /Facilities	ELEC	7/1/2017	\$ 1,851.76						
Electrician II Police	ELII	7/1/2017	\$ 1,736.73	\$ 2,040.00					
Fire Apparatus Repairman	24B	7/1/2017	\$ 1,497.58	\$ 1,541.12	\$ 1,568.22	\$ 1,595.47	\$ 1,617.18		
Forester HMEQ Trees	FHM	7/1/2017	\$ 1,390.75	\$ 1,428.89	\$ 1,467.10	\$ 1,505.22	\$ 1,554.34		
Grounds Keeper MEO II Facilities	11B	7/1/2017	\$ 1,067.89	\$ 1,095.09	\$ 1,116.84	\$ 1,144.05	\$ 1,171.27	\$ 1,217.14	
Head Admin Clerk 80 Hours EMS	HDEM	7/1/2017	\$ 1,614.72	\$ 1,644.16	\$ 1,673.58	\$ 1,703.06	\$ 1,732.55		
Head Administrative Clerk /Administrative Clerk	11A	7/1/2017	\$ 1,412.88	\$ 1,438.64	\$ 1,464.37	\$ 1,490.18	\$ 1,515.98		
Head Administrative Clerk Law Department	HDAD	7/1/2017	\$ 1,008.57	\$ 1,109.67	\$ 1,185.82	\$ 1,261.93	\$ 1,337.94	\$ 1,413.95	\$ 1,459.81
Head Clerk	9A	7/1/2017	\$ 1,008.57	\$ 1,109.67	\$ 1,185.82	\$ 1,261.93	\$ 1,337.94	\$ 1,413.94	
Head Clerk 80 Hours EMS	HCEM	7/1/2017	\$ 1,152.66	\$ 1,268.19	\$ 1,355.22	\$ 1,442.21	\$ 1,529.07	\$ 1,615.94	
Head Clerk 80 Hours Fire	H FIR	7/1/2017	\$ 1,152.66	\$ 1,268.19	\$ 1,355.22	\$ 1,442.21	\$ 1,529.07	\$ 1,615.94	
Heating Ventilation & Air Conditioning Maintenance Facilities	HVAC	7/1/2017	\$ 1,851.76						
Information Technology Clerk	9A	7/1/2017	\$ 1,008.57	\$ 1,109.67	\$ 1,185.82	\$ 1,261.93	\$ 1,337.94	\$ 1,413.94	
Junior Civil Engineer	JEN	7/1/2017	\$ 1,545.05	\$ 1,594.03	\$ 1,621.14	\$ 1,652.46	\$ 1,670.19		
Library Assistant I	8A	7/1/2017	\$ 1,032.67	\$ 1,107.88	\$ 1,180.32	\$ 1,258.31	\$ 1,336.29		
Library Assistant I PT	8A	7/1/2017	\$ 14.75	\$ 15.83	\$ 16.86	\$ 17.98	\$ 19.09		
Library Assistant II	9A	7/1/2017	\$ 1,008.57	\$ 1,109.67	\$ 1,185.82	\$ 1,261.93	\$ 1,337.94	\$ 1,413.94	
Library Assistant II PT	9A	7/1/2017	\$ 14.41	\$ 15.85	\$ 16.94	\$ 18.03	\$ 19.11	\$ 20.20	
Mail Clerk	8A	7/1/2017	\$ 1,032.67	\$ 1,107.88	\$ 1,180.32	\$ 1,258.31	\$ 1,336.29		
Maintenance Craftsman- Parks	19B	7/1/2017	\$ 1,296.35	\$ 1,334.38	\$ 1,361.54	\$ 1,383.36	\$ 1,410.51		
Motor Equipment Operator Laborer II- Cemetery	11B	7/1/2017	\$ 1,067.89	\$ 1,095.08	\$ 1,116.84	\$ 1,144.05	\$ 1,171.27	\$ 1,217.14	
Motor Equipment Operator- Council on Aging	11B	7/1/2017	\$ 1,067.89	\$ 1,095.08	\$ 1,116.84	\$ 1,144.05	\$ 1,171.27	\$ 1,217.14	
Motor Equipment Operator- Veterans	108M	7/1/2017	\$ 1,067.89	\$ 1,095.08	\$ 1,116.84	\$ 1,144.05	\$ 1,171.27	\$ 1,217.14	
Motor Equipment Repair Person- DCM	27B	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.92	\$ 1,753.14	\$ 1,780.38		
Motor Equipment Repair Person- Police	XXB	7/1/2017	\$ 1,381.59	\$ 1,409.95	\$ 1,438.18	\$ 1,466.42	\$ 1,494.46		
Painter/Facilities	PTPL	7/1/2017	\$ 1,851.76						
Park Foreman	22B	7/1/2017	\$ 1,410.51	\$ 1,453.93	\$ 1,481.24	\$ 1,503.01	\$ 1,530.20		
Parking Control Officer (40 hours)	PKCO	7/1/2017	\$ 1,437.84	\$ 1,480.96	\$ 1,525.40	\$ 1,555.85			
Plumber/Facilities	PTPL	7/1/2017	\$ 1,851.76						
Police Electrician I	PELC	7/1/2017	\$ 2,012.08	\$ 2,339.47					
Printing Services Specialist	PRSP	7/1/2017	\$ 1,328.73	\$ 1,377.59	\$ 1,426.44	\$ 1,475.29	\$ 1,524.14		
Sealer Weights & Measures	SWAM	7/1/2017	\$ 1,822.78						
Section Head Library I	11AL	7/1/2017	\$ 1,447.20	\$ 1,473.82	\$ 1,500.06	\$ 1,526.48	\$ 1,659.04	\$ 1,704.90	
Senior Account Clerk	8A	7/1/2017	\$ 1,032.67	\$ 1,107.88	\$ 1,180.32	\$ 1,258.31	\$ 1,336.29		
Senior Accountant	11A6	7/1/2017	\$ 1,412.88	\$ 1,438.64	\$ 1,464.37	\$ 1,490.18	\$ 1,515.98	\$ 1,562.90	

8

Senior Cashier	SRCH	7/1/2017	\$ 1,014.84	\$ 1,082.94	\$ 1,151.13	\$ 1,219.24	\$ 1,287.32	\$ 1,378.65
Senior Center Coordinator	8A	7/1/2017	\$ 1,092.67	\$ 1,107.88	\$ 1,180.32	\$ 1,258.31	\$ 1,336.29	
Senior Center Coordinator (PT) 38 hours	8APT	7/1/2017	\$ 560.59	\$ 601.42	\$ 640.75	\$ 683.08	\$ 725.41	
Senior Clerk	7A	7/1/2017	\$ 996.90	\$ 1,058.01	\$ 1,119.11	\$ 1,180.49	\$ 1,241.86	
Senior Clerk (PT) 40 hours	PT40	7/1/2017	\$ 569.66	\$ 604.58	\$ 639.49	\$ 674.57	\$ 709.63	
Senior Clerk 80 Hours EMS	SCEM	7/1/2017	\$ 1,139.31	\$ 1,209.15	\$ 1,278.98	\$ 1,349.13	\$ 1,419.26	
Senior Engineering Aide D4 Water	29B	7/1/2017	\$ 1,877.05	\$ 1,941.34	\$ 1,964.67	\$ 1,993.34	\$ 2,023.18	
Senior Engineering Aide Water	26B	7/1/2017	\$ 1,595.47	\$ 1,644.39	\$ 1,671.54	\$ 1,698.38	\$ 1,720.51	
Senior Health Inspector-Food, Sanitation & Minimum Housing	23C	7/1/2017	\$ 1,441.62	\$ 1,463.92	\$ 1,486.20	\$ 1,508.51	\$ 1,530.68	
Senior Inspector Plumbing, Wire & Building	INS1	7/1/2017	\$ 1,657.81	\$ 1,683.47	\$ 1,709.14	\$ 1,734.78	\$ 2,095.01	
Sewer Commission, Industrial Pretreatment Coordinator	SCPC	7/1/2017	\$ 2,282.53					
Signal Maintainer	XIXB	7/1/2017	\$ 1,345.40	\$ 1,373.67	\$ 1,401.94	\$ 1,430.34	\$ 1,458.30	
Signal Operator	SIGO	7/1/2017	\$ 1,227.19	\$ 1,316.58	\$ 1,402.66	\$ 1,495.34		
Supervisor of Payrolls	25B	7/1/2017	\$1,541.14	\$1,595.45	\$1,617.18	\$ 1,644.49	\$ 1,671.52	
Supervisor Tree Operations	25T	7/1/2017	\$ 1,541.13	\$ 1,595.45	\$ 1,617.17	\$ 1,644.39	\$ 1,671.52	
Telephone Operator	9A	7/1/2017	\$ 1,109.67	\$ 1,185.82	\$ 1,261.93	\$ 1,337.94	\$ 1,413.94	
Traffic Maintenance Worker	19A	7/1/2017	\$ 1,296.35	\$ 1,334.38	\$ 1,361.54	\$ 1,383.36	\$ 1,410.51	
Water Maintenance Supervisor	25B	7/1/2017	\$ 1,563.22	\$ 1,612.07	\$ 1,660.92	\$ 1,709.78	\$ 1,758.62	
Water Maintenance Supervisor D-1	27B	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.92	\$ 1,753.14	\$ 1,780.38	
Water Maintenance Supervisor D-4	29B	7/1/2017	\$ 1,877.05	\$ 1,941.34	\$ 1,964.67	\$ 1,993.94	\$ 2,023.18	
Water Filtration Attendant Watchman	11E	7/1/2017	\$ 1,353.18	\$ 1,378.92	\$ 1,404.75	\$ 1,430.48	\$ 1,455.93	
Water Maintenance Worker I	19B	7/1/2017	\$ 1,296.35	\$ 1,334.38	\$ 1,361.54	\$ 1,383.36	\$ 1,410.51	
Water Maintenance Worker I Advanced Backhoe	28B	7/1/2017	\$ 1,704.17	\$ 1,758.54	\$ 1,785.67	\$ 1,813.00	\$ 1,834.74	
Water Maintenance Worker I Advanced Backhoe D1	21B	7/1/2017	\$ 1,372.49	\$ 1,410.51	\$ 1,437.75	\$ 1,459.48	\$ 1,486.70	
Water Maintenance Worker I Advanced Backhoe D2	22B	7/1/2017	\$ 1,410.51	\$ 1,453.93	\$ 1,481.24	\$ 1,503.01	\$ 1,530.20	
Water Maintenance Worker I Advanced Backhoe D3	23B	7/1/2017	\$ 1,453.94	\$ 1,497.58	\$ 1,524.77	\$ 1,549.41	\$ 1,552.96	
Water Maintenance Worker I Advanced Backhoe D4	29B	7/1/2017	\$ 1,877.05	\$ 1,941.34	\$ 1,964.67	\$ 1,993.94	\$ 2,023.18	
Water Maintenance Worker I CDI or Backhoe	20B	7/1/2017	\$ 1,334.38	\$ 1,372.43	\$ 1,399.70	\$ 1,421.42	\$ 1,448.57	
Water Maintenance Worker I CDI/Backhoe	22B	7/1/2017	\$ 1,410.51	\$ 1,453.93	\$ 1,481.24	\$ 1,503.01	\$ 1,530.20	
Water Maintenance Worker II	16B	7/1/2017	\$ 1,198.47	\$ 1,231.08	\$ 1,258.30	\$ 1,289.62	\$ 1,307.15	
Water Service Inspector	18C	7/1/2017	\$ 1,230.56	\$ 1,256.07	\$ 1,281.63	\$ 1,307.22	\$ 1,332.73	
Water Treatment Operator	WTOP	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.96	\$ 1,753.12	\$ 1,780.26	
Water Treatment Operator Grade II	WFG2	7/1/2017	\$ 1,531.96					
Water Treatment Operator Grade III	WTO3	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.96	\$ 1,753.12	\$ 1,780.26	
Water Treatment Operator Grade IV	WTO4	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.96	\$ 1,753.12	\$ 1,780.26	
Water Treatment Plant Supervisor-3	SWT3	7/1/2017	\$ 1,840.46	\$ 1,904.71	\$ 1,928.14	\$ 1,957.34	\$ 1,986.55	
Water Treatment Plant Supervisor-4	SWT4	7/1/2017	\$ 1,877.06	\$ 1,941.34	\$ 1,964.67	\$ 1,993.94	\$ 2,023.18	
Working Foreman -Fire Apparatus Repair	27B	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.92	\$ 1,753.14	\$ 1,780.38	
Working Foreman Repair Person- Police	27B	7/1/2017	\$ 1,644.39	\$ 1,704.17	\$ 1,725.96	\$ 1,753.12	\$ 1,780.26	
Working Foreman/Chief Laborer Cemetery	13B	7/1/2017	\$ 1,116.84	\$ 1,144.05	\$ 1,171.27	\$ 1,193.05	\$ 1,220.19	
Working Foreman/Chief Laborer Parks	13B	7/1/2017	\$ 1,116.84	\$ 1,144.05	\$ 1,171.27	\$ 1,193.05	\$ 1,220.19	

The grades for the positions for Afscome 3177 are as follows:

35 hours per week for the following grades:

A, AL, APLN, C, PRSP, SWAM, SRCH, INSL, SPC, HDAD, JGEN

40 hours per week for the following grades:

ELEC, ELI, FHM, HVAC, BM, XXB, XIXB, PTPL, CARR, PKCO, PELC, SCEM, HCEN, HFR, HDEM, T, B, E, SIGO, SWT3, SWT4, WTOP, WFG2, WTO3, WTO4

8

Section-Miscellaneous

Proposed Ordinance	Grade	Effective Date	Hourly Rate
Crossing Guard	SCTR	7/1/2017	\$ 15.00
Fire Dept. Maintenance Student Intern-Apprentice	IMAP	7/1/2017	\$ 10.00
Library page (PT)	PAGE	7/1/2017	\$ 11.00
Senior Aide	NW38	7/1/2017	\$ 11.00

8

Section 50-305 EMS Local 1202 AFSCME

Proposed Ordinance	Grade	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5
Director of Emergency Medical Services	EMSS	7/1/2017	\$ 93,000.00				
	EMSS	7/1/2018	\$ 98,000.00				
	EMSS	7/1/2019	\$ 108,000.00				
EMS Captain	CAPT	7/1/2017	\$ 2,383.60				
		7/1/2018	\$ 2,561.77				
		7/1/2019	\$ 2,752.09				
EMS Deputy Director	DPDR	7/1/2017	\$ 2,562.37				
		7/1/2018	\$ 2,754.50				
		7/1/2019	\$ 2,960.91				
EMS Lieutenant	LT	7/1/2017	\$ 2,217.31				
		7/1/2018	\$ 2,375.60				
		7/1/2019	\$ 2,537.57				
EMT/Paramedic	20D	7/1/2017	\$ 1,850.07	\$ 2,017.39	\$ 2,062.62	\$ 2,110.50	\$ 2,159.55
		7/1/2017	\$ 19,3880				

8

Section 50-306 Salary Schedules for uniformed member of Fire Dept.

Proposed Ordinance	Grade	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5
Fire Captain- 5 Years	C5	7/1/2017	\$ 2,900.47				
		7/1/2018	\$ 2,958.48				
Fire Captain-10 Years	C10	7/1/2017	\$ 2,919.79				
		7/1/2018	\$ 2,978.18				
Fire Captain-15 Years	C15	7/1/2017	\$ 2,941.25				
		7/1/2018	\$ 3,000.08				
Fire Captain-20 Years	C20	7/1/2017	\$ 2,964.86				
		7/1/2018	\$ 3,024.15				
Fire Captain-25 Years	C25	7/1/2017	\$ 3,229.86				
		7/1/2018	\$ 3,294.46				
Fire Captain-29 Years	C29	7/1/2017	\$ 3,332.30				
		7/1/2018	\$ 3,398.94				
Fire Administrative Assistant/Captain-5 Years	C5	7/1/2017	\$ 2,900.47				
		7/1/2018	\$ 2,958.48				
Fire Administrative Assistant/Captain-10 Years	C10	7/1/2017	\$ 2,919.79				
		7/1/2018	\$ 2,978.18				
Fire Administrative Assistant/Captain-15 Years	C15	7/1/2017	\$ 2,941.25				
		7/1/2018	\$ 3,000.08				
Fire Administrative Assistant/Captain-20 Years	C20	7/1/2017	\$ 2,964.86				
		7/1/2018	\$ 3,024.15				
Fire Administrative Assistant/Captain-25 Years	C25	7/1/2017	\$ 3,229.86				
		7/1/2018	\$ 3,294.46				
Fire Administrative Assistant/Captain-29 Years	C29	7/1/2017	\$ 3,332.30				
		7/1/2018	\$ 3,398.94				
Fire District Chief- 5 Years		7/1/2017	\$ 3,311.06				
		7/1/2018	\$ 3,377.28				
Fire District Chief- 10 Years		7/1/2017	\$ 3,330.37				
		7/1/2018	\$ 3,396.99				
Fire District Chief- 15 Years		7/1/2017	\$ 3,351.82				
		7/1/2018	\$ 3,418.86				
Fire District Chief- 20 Years		7/1/2017	\$ 3,375.45				
		7/1/2018	\$ 3,442.96				
Fire District Chief- 25 Years		7/1/2017	\$ 3,673.31				
		7/1/2018	\$ 3,746.78				
Fire District Chief- 29 Years		7/1/2017	\$ 3,710.39				
		7/1/2018	\$ 3,784.60				
Fire Deputy Chief-10 Years		7/1/2017	\$ 3,991.46				
		7/1/2018	\$ 4,071.29				
Fire Deputy Chief-15 Years		7/1/2017	\$ 4,012.92				
		7/1/2018	\$ 4,093.18				
Fire Deputy Chief-20 Years		7/1/2017	\$ 4,036.53				
		7/1/2018	\$ 4,117.26				
Fire Deputy Chief-25 Years		7/1/2017	\$ 4,387.27				
		7/1/2018	\$ 4,475.01				
Fire Deputy Chief-29 Years		7/1/2017	\$ 4,424.35				

8

Fire Senior Deputy Chief-10 Years		7/1/2018	\$ 4,512.85						
Fire Senior Deputy Chief-10 Years		7/1/2017	\$ 4,098.77						
Fire Senior Deputy Chief-15 Years		7/1/2018	\$ 4,180.75						
Fire Senior Deputy Chief-15 Years		7/1/2017	\$ 4,120.24						
Fire Senior Deputy Chief-20 Years		7/1/2018	\$ 4,202.64						
Fire Senior Deputy Chief-20 Years		7/1/2017	\$ 4,143.85						
Fire Senior Deputy Chief-25 Years		7/1/2018	\$ 4,226.73						
Fire Senior Deputy Chief-25 Years		7/1/2017	\$ 4,503.17						
Fire Senior Deputy Chief-29 Years		7/1/2018	\$ 4,593.24						
Fire Senior Deputy Chief-29 Years		7/1/2017	\$ 4,540.27						
Firefighter	F-11	7/1/2018	\$ 4,631.07	\$ 2,057.73	\$ 2,103.87	\$ 2,152.70	\$ 2,202.75		
Firefighter	F-11	7/1/2017	\$ 1,887.07	\$ 2,098.89	\$ 2,145.94	\$ 2,195.76	\$ 2,246.80		
Firefighter- 5 Years	F-5Y	7/1/2018	\$ 2,232.93						
Firefighter- 5 Years	F-5Y	7/1/2017	\$ 2,277.59						
Firefighter-10 Years	F-10Y	7/1/2018	\$ 2,252.24						
Firefighter-10 Years	F-10Y	7/1/2017	\$ 2,297.30						
Firefighter-15 Years	F-15Y	7/1/2018	\$ 2,273.71						
Firefighter-15 Years	F-15Y	7/1/2017	\$ 2,319.19						
Firefighter-20 Years	F-20Y	7/1/2018	\$ 2,297.33						
Firefighter-20 Years	F-20Y	7/1/2017	\$ 2,343.28						
Firefighter-25 Years	F-25Y	7/1/2018	\$ 2,508.93						
Firefighter-25 Years	F-25Y	7/1/2017	\$ 2,559.11						
Firefighter- 29 Years	F-29Y	7/1/2018	\$ 2,546.01						
Firefighter- 29 Years	F-29Y	7/1/2017	\$ 2,596.93						
Fire District Aide		7/1/2018	\$ 1,939.14	\$ 2,111.07	\$ 2,158.49	\$ 2,208.68	\$ 2,260.12		
Fire District Aide		7/1/2017	\$ 1,977.92	\$ 2,153.29	\$ 2,201.18	\$ 2,252.85	\$ 2,305.32		
Fire District Aide- 5 Years		7/1/2018	\$ 2,290.30						
Fire District Aide- 5 Years		7/1/2017	\$ 2,336.11						
Fire District Aide-10 Years		7/1/2018	\$ 2,309.61						
Fire District Aide-10 Years		7/1/2017	\$ 2,355.80						
Fire District Aide-15 Years		7/1/2018	\$ 2,331.07						
Fire District Aide-15 Years		7/1/2017	\$ 2,377.70						
Fire District Aide-20 Years		7/1/2018	\$ 2,354.69						
Fire District Aide-20 Years		7/1/2017	\$ 2,401.78						
Fire District Aide-25 Years		7/1/2018	\$ 2,570.88						
Fire District Aide-25 Years		7/1/2017	\$ 2,622.30						
Fire District Aide- 29 Years		7/1/2018	\$ 2,607.97						
Fire District Aide- 29 Years		7/1/2017	\$ 2,660.13						
Fire Lieutenant- 5 Years	L-5	7/1/2018	\$ 2,543.40						
Fire Lieutenant- 5 Years	L-5	7/1/2017	\$ 2,594.27						
Fire Lieutenant-10 Years	L-10	7/1/2018	\$ 2,562.72						
Fire Lieutenant-10 Years	L-10	7/1/2017	\$ 2,613.98						
Fire Lieutenant-15 Years	L-15	7/1/2018	\$ 2,584.18						
Fire Lieutenant-15 Years	L-15	7/1/2017	\$ 2,635.87						
Fire Lieutenant-20 Years	L-20	7/1/2018	\$ 2,607.79						
Fire Lieutenant-20 Years	L-20	7/1/2017	\$ 2,659.95						

8

Fire Lieutenant-25 Years	L-25	7/1/2017	\$ 2,844.24					
		7/1/2018	\$ 2,901.12					
Fire Lieutenant- 29 Years	L-29	7/1/2017	\$ 2,881.32					
		7/1/2018	\$ 2,938.95					

Section 50-307 Salary Schedules for Uniformed Members of the Police Department

Proposed Ordinance	Grade	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5
Police Captain-10 Years	CP10	7/1/2017	\$ 3,301.54				
Police Captain-15 Years	CP15	7/1/2017	\$ 3,323.43				
Police Captain-20 Years	CP20	7/1/2017	\$ 3,481.40				
Police Captain-25 Years	CP25	7/1/2017	\$ 3,508.72				
Police Captain-28 Years	CP28	7/1/2017	\$ 3,554.24				
Police Lieutenant-10 Years	L10	7/1/2017	\$ 2,894.85				
Police Lieutenant-15 Years	L15	7/1/2017	\$ 2,916.75				
Police Lieutenant-20 Years	L20	7/1/2017	\$ 3,058.44				
Police Lieutenant-25 Years	L25	7/1/2017	\$ 3,085.77				
Police Lieutenant-28 Years	L28	7/1/2017	\$ 3,131.28				
Police Sergeant-10 Years	S10	7/1/2017	\$ 2,541.24				
Police Sergeant-15 Years	S15	7/1/2017	\$ 2,563.12				
Police Sergeant-20 Years	S20	7/1/2017	\$ 2,690.68				
Police Sergeant-25 Years	S25	7/1/2017	\$ 2,718.00				
Police Sergeant-28 Years	S28	7/1/2017	\$ 2,763.53				
Police Officer	PO	7/1/2017	\$ 1,886.75	\$ 1,969.74	\$ 2,052.71	\$ 2,107.01	\$ 2,161.21
Police Officer /Probation Completed	PROB	7/1/2017	\$ 1,879.10	\$ 1,962.08	\$ 2,045.06	\$ 2,099.36	\$ 2,153.54
Police Officer -5 Years	PO5	7/1/2017	\$ 2,192.55				
Police Officer-10 Years	PO10	7/1/2017	\$ 2,212.05				
Police Officer-15 Years	PO15	7/1/2017	\$ 2,233.74				
Police Officer-20 Years	PO20	7/1/2017	\$ 2,347.88				
Police Officer-25 Years	PO25	7/1/2017	\$ 2,374.92				
Police Officer-28 Years	PO28	7/1/2017	\$ 2,420.02				

8

Section 50-308 Salary Schedules for Environmental Officers

<i>Proposed Ordinance</i>	<i>Grade</i>	<i>Effective Date</i>	<i>Step 1</i>	<i>Step 2</i>	<i>Step 3</i>	<i>Step 4</i>	<i>Step 5</i>
Environmental Police Officer	ENV/R	7/1/2017	\$ 1,349.50	\$ 1,382.66	\$ 1,600.00	\$ 1,665.89	\$ 1,734.50
Environmental Police 10 Years	EN10	7/1/2017	\$ 1,743.18				
Environmental Police 15 Years	EN15	7/1/2017	\$ 1,751.84				
Environmental Police 20 Years	EN20	7/1/2017	\$ 1,830.93				
Environmental Police 25 Years	EN25	7/1/2017	\$ 1,839.96				
Environmental Police 30 Years	EN30	7/1/2017	\$ 1,885.03				

8

Section 50-309 Salary Schedules covered by Community Maintenance Local 251

Proposed Ordinance	Grade	Effective Date	Step 1	Step 2	Step 3	Step 4	Step 5
Supervisor Asphalt/Concrete	CHFA	7/1/2017	\$ 2,500.00				
Working Foreman Laborer/ Chief Laborer DCM	CHFA	7/1/2017	\$ 1,698.88				
		7/1/2018	\$ 1,732.85				
Working Foreman laborer /Asphalt	CLBA	7/1/2017	\$ 1,698.88				
		7/1/2018	\$ 1,732.85				
Working Foreman Laborer /Concrete	CLBA	7/1/2017	\$ 1,698.88				
		7/1/2018	\$ 1,732.85				
DCM Foreman/Supervisor	FORM	7/1/2017	\$ 1,863.42				
		7/1/2018	\$ 1,900.69				
Special CL/BA DCM	CLBA	7/1/2017	\$ 1,637.32				
		7/1/2018	\$ 1,670.06				
Special CL/BS DCM	CLBS	7/1/2017	\$ 1,637.32				
		7/1/2018	\$ 1,670.06				
Liter Enforcement Officer-DCM	LTR	7/1/2017	\$ 1,179.46	\$ 1,211.79	\$ 1,423.85	\$ 1,488.10	\$ 1,550.83
		7/1/2018	\$ 1,203.06	\$ 1,236.03	\$ 1,452.32	\$ 1,517.86	\$ 1,581.85
Working Foreman Motor Equipment Operator	WFER	7/1/2017	\$ 1,863.42				
		7/1/2018	\$ 1,900.69				
Motor Equipment Repair Person DCM	MERM	7/1/2017	\$ 1,637.32				
		7/1/2018	\$ 1,670.06				
Motor Equipment Operator /Laborer 2A DCM	ME02	7/1/2017	\$ 1,467.80				
		7/1/2018	\$ 1,497.15				
SHMEO 1A DCM	SHM1	7/1/2017	\$ 1,583.13				
		7/1/2018	\$ 1,614.78				

8

Section 50-310 Salary Schedules for Custodians Local 124

Proposed Ordinance	Grade	Effective Date	Step 1	Step 2	Step 3
Head Custodian	Head Cust	7/1/2017	\$ 1,728.29		
		7/1/2018	\$ 1,762.86		
	Head Cust 20 Years	7/1/2017	\$ 1,781.18		
		7/1/2018	\$ 1,816.80		
Junior Custodian	Jr. Cust	7/1/2017	\$ 1,174.70	\$ 1,242.46	\$ 1,310.14
		7/1/2018	\$ 1,198.18	\$ 1,267.31	\$ 1,336.34
	Jr. Cust 20 Years	7/1/2017	\$ 1,209.93	\$ 1,279.74	\$ 1,349.42
		7/1/2018	\$ 1,234.13	\$ 1,305.32	\$ 1,376.43
Senior Custodian	Sr. Cust	7/1/2017	\$ 1,334.52	\$ 1,402.24	\$ 1,469.90
		7/1/2018	\$ 1,361.20	\$ 1,430.28	\$ 1,499.29
	Sr. Cust 20 Years	7/1/2017	\$ 1,374.55	\$ 1,444.30	\$ 1,535.90
		7/1/2018	\$ 1,402.04	\$ 1,473.20	\$ 1,565.80

City of Fall River, *In City Council*

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

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

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

Albion Street, west side, starting at a point 52 feet north of Chesworth Street, for a distance of 20 feet northerly

Beverly Street, east side, starting at a point 133 feet south of Walnut Street, for a distance of 20 feet southerly

Choate Street, west side, starting at a point 115 feet south of Bedard Street, for a distance of 20 feet southerly

Fulton Street, east side, starting at a point 70 feet north of Suffolk Street, for a distance of 25 feet northerly

McCloskey Street, east side, starting at a point 20 feet north of County Street, for a distance of 20 feet northerly

CITY OF FALL RIVER
IN CITY COUNCIL

DEC 19 2017

Passed through first reading

City of Fall River, *In City Council*

10

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

That Chapter 74 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to utilities, be amended as follows:

By striking out Sec. 74-52(a). Membership; appointment and qualifications of members; compensation of members, in its entirety, and inserting in place thereof, the following new Sec. 74-52(a)

(a) The Sewer Commission shall consist of five commissioners appointed by the Mayor with the approval of the City Council. One member of the Commission shall be a qualified engineer. One member shall be an attorney at law. The engineer shall be qualified by virtue of possession of at least a baccalaureate degree in civil, chemical or mechanical engineering or related discipline from an accredited institution, or by virtue of possession of a professional engineering certificate in such discipline or a related discipline from any state of the United States. The attorney shall be qualified by virtue of membership in the Massachusetts bar. Three members shall have an interest in matters related to the Sewer Commission. All Commissioners must be residents of the city.

CITY OF FALL RIVER
IN CITY COUNCIL

DEC 19 2017

*Passed through first
reading*

City of Fall River, *In City Council*

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

That Chapter 74 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to utilities, be amended as follows:

By striking out Article III, which article relates to Sewer Use Regulations, in its entirety, and inserting in place thereof, the attached Article III.

ARTICLE III. SEWER USE REGULATIONS ^[3]

DIVISION 1. - GENERALLY

DIVISION 2. - BUILDING SEWERS AND CONNECTIONS

DIVISION 3. - DISCHARGE INTO PUBLIC SEWERS

FOOTNOTE(S):

--- (3) ---

Cross reference— Sewage disposal in the water shed and water supply protection district, § 86-349. (Back)

DIVISION 1. GENERALLY

Sec. 74-161. Definitions.

Sec. 74-162. Damaging or tampering with facilities of sewerage works.

Sec. 74-163. Right of entry.

Sec. 74-164. Notice of violation.

Sec. 74-165. Failure to correct violation; penalty.

Sec. 74-166. Liability for expense or damage caused by violation.

Secs. 74-167—74-190. Reserved.

Sec. 74-161. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized or Duly Authorized Representative of the User:

- (1) If the User is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Enforcing Officer.

BOD, denoting biochemical oxygen demand, means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in (40 CFR 403.5(a)(1) and (b) National pretreatment standards, general and specific prohibitions. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning ten feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Categorical Industrial User. An Industrial User subject to a National Categorical Pretreatment Standards *Chemical Oxygen Demand* or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

Combined sewer means a sewer designated to receive both surface runoff and sewage.

Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Enforcing officer means the Administrator of Community Utilities or his authorized deputy, agent or representative.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Indirect Discharge or Discharge means the introduction of pollutants into the Sewerage Works from any nondomestic source.

Industrial wastes means the water-carried wastes from industrial manufacturing processes, trades or businesses, as distinct from sanitary sewage.

Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the SEWERAGE WORKS, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limit. Specific discharge limits developed and enforced by the Enforcing Officer upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in (40 CFR 403.5(a)(1) and (b) National pretreatment standards, general and specific prohibitions).

Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Pass Through. A discharge which exits the Sewerage Works into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the SEWERAGE WORKS. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 74-223 of this ordinance.

Properly shredded garbage means the waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Sanitary sewer means a sewer which is designated to carry sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

Sewer means a pipe or conduit for carrying sewage.

Sewerage Works means all facilities for collecting, pumping, treating and disposing of sewage.

Significant Industrial User (SIU). A Significant Industrial User is:

- (1) An Industrial User subject to categorical Pretreatment Standards; or
- (2) An Industrial User that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the Sewerage Works (excluding sanitary, noncontact cooling and boiler blow down wastewater);
 - (b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the Sewerage Works treatment plant; or

(c) Is designated as such by the Enforcing Officer on the basis that it has a reasonable potential for adversely affecting the SEWERAGE WORKS's operation or for violating any Pretreatment Standard or Requirement.

Significant noncompliance means violations which meet one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined for purposes of this subsection as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
- (2) Technical review criteria (TRC) violations, defined for purposes of this subsection as those in which 33 percent or more of all of the measurements taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit times the applicable TRC. (TRC equals 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH.)
- (3) Any other violation of a pretreatment effluent limit (daily or longer-term average) that the control authority believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of personnel of the publicly owned treatment works or the general public.
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment and has resulted in the publicly owned treatment works' exercise of its emergency authority to halt or prevent such danger.
- (5) Violation, by 90 days or more after the schedule date of a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, and attaining final compliance.
- (6) Failure to provide required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance schedules within 30 days of the due date.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation or group of violations which the control authority considers to be significant.

The control authority is the City of Fall River and its publicly owned treatment works (POTW).

Slug means any discharge of water of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the Sewerage Works' regulations, Local Limits or Permit conditions.

Storm drain and storm sewer mean a sewer which is designated to carry stormwater and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Suspended solids means solids that either float on the surface of or are in suspension in water, sewage or other liquids, and that are removable by laboratory filtering.

Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the Sewerage Works.

Wastewater treatment plant means that portion of the Sewerage Works which is designed to provide treatment of municipal sewage and industrial waste. An arrangement of devices and structures used for treating sewage.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

(Rev. Ords. 1988, § 19-116)

Cross reference—Definitions generally, § 1-2.

Sec. 74-162. Damaging or tampering with facilities of sewerage works.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewerage works. Any person violating this section shall be subject to immediate arrest under a charge of disorderly conduct and/or applicable fines and penalties.

(Rev. Ords. 1988, § 19-117)

Sec. 74-163. Right of entry.

- (a) *Generally; limitations.* The enforcing officer and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The enforcing officer or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- (b) *Liability of city; observance of company safety rules.* While performing the necessary work on private property referred to in subsection (a) of this section, the enforcing officer or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in this article.
- (c) *Work in easements.* The enforcing officer and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Rev. Ords. 1988, §§ 19-118—19-120)

Sec. 74-164. Notice of violation.

Any person found to be violating any provision of this article, except section 74-162, shall be served by the city with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(Rev. Ords. 1988, § 19-121)

Sec. 74-165. Failure to correct violation; penalty.

Any person who shall continue any violation beyond the time limit provided for in section 74-164 shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$5,000.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(Rev. Ords. 1988, § 19-122)



Sec. 74-166. Liability for expense or damage caused by violation.

Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(Rev. Ords. 1988, § 19-123)

Secs. 74-167—74-190. Reserved.

DIVISION 2. BUILDING SEWERS AND CONNECTIONS

Sec. 74-191. Generally.

Sec. 74-192. Separate building sewer required for each building; exception.

Sec. 74-193. Use of old building sewers.

Sec. 74-194. Standards for installation of building sewer.

Sec. 74-195. Elevation of building sewer.

Sec. 74-196. Connection of sources of surface runoff or groundwater to sanitary sewer.

Sec. 74-197. Standards for connections.

Sec. 74-198. Supervision of connection.

Sec. 74-199. Excavations.

Sec. 74-200. Extension and connection permits.

Sec. 74-201. Installation and maintenance of force mains and pumping stations.

Sec. 74-202. Infiltration and inflow reduction program.

Secs. 74-203—74-220. Reserved.

Sec. 74-191. Generally.

- (a) *Permit required.* No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city engineer.
- (b) *Notification of new discharge.* Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the enforcing officer at least 45 days prior to the proposed change or connection.
- (c) *Classes of permits; application for permit.* There shall be two classes of building sewer permits:
 - (1) Residential and commercial service; and
 - (2) Establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgment of the enforcing officer.

- (d) *Payment of costs; indemnification of city.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Rev. Ords. 1988, § 19-136)

Sec. 74-192. Separate building sewer required for each building; exception.

A separate and independent building sewer shall be provided for every building, except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Rev. Ords. 1988, § 19-137)

Sec. 74-193. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the enforcing officer, to meet all requirements of this article.

(Rev. Ords. 1988, § 19-138)

Sec. 74-194. Standards for installation of building sewer.

- (a) The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city.
- (b) In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(Rev. Ords. 1988, § 19-139)

Sec. 74-195. Elevation of building sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Rev. Ords. 1988, § 19-140)

Sec. 74-196. Connection of sources of surface runoff or groundwater to sanitary sewer.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Rev. Ords. 1988, § 19-141)

Sec. 74-197. Standards for connections.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be gastight under a pressure of five pounds per square inch. Tests shall be conducted by pressurizing the public system adjacent to the connection and the private sewer at the expense of the applicant for the building sewer permit. Leakage will be determined by the development of bubbles at joints when they are wiped with a soapy solution. Any deviation from the prescribed procedures and materials must be approved by the enforcing officer before installation.

(Rev. Ords. 1988, § 19-142)

Sec. 74-198. Supervision of connection.

The applicant for the building permit shall notify the enforcing officer 48 hours prior to the time when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the enforcing officer or his representative.

(Rev. Ords. 1988, § 19-143)

Sec. 74-199. Excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Rev. Ords. 1988, § 19-144)

Sec. 74-200. Extension and connection permits.

- (a) Building permits for all sewer connections must be signed by both the engineering division for the physical availability of the sewer, and the sewer commission for the available capacity of affected sewers, interceptors, combined sewer overflow facilities and the wastewater treatment facility.
- (b) Any project which requires a permit under the Massachusetts Sewer System Extension and Connection Permit Program, title 314 CMR 7.00, must obtain such a permit prior to connection to the public sewer system. It is the responsibility of the developer to obtain all approvals for this permit prior to connection.
- (c) Any person who violates any provision of this section shall be liable for penalties as provided by section 74-165
- (d) All projects shall be subject to site plan review for sewer and Stormwater facilities.

(Rev. Ords. 1988, § 19-145; Ord. No. 2000-12, § 12, 6-20-2000)

Sec. 74-201. Reserved.

Sec. 74-202. Infiltration and inflow reduction program.

- (a) Any project that is new construction connecting to the sewer system, or which is of sufficient discharge capacity and requires a state sewer extension permit pursuant to Massachusetts Sewer System Extension and Connection Permit Program, title 314 CMR 7.00 must contribute to the reduction of infiltration and inflow to the public sewer system. This may be in the form of a limited inflow/infiltration study, actual removal of inflow/infiltration by pipeline rehabilitation, combined sewer separation, storm drain installation, specific pipeline maintenance projects, a permit fee or other method as approved by the sewer commission and department of community utilities.
- (b) Such inflow/infiltration reduction must establish an effective removal or planned removal of four times that volume proposed to that which is being introduced.
- (c) Massachusetts Department of Environmental Protection approval of 314 CMR 7.00 permits are no longer required; the Sewer Commission shall continue to implement the program through the Site Plan approval process.
- (d) The Inflow/Infiltration permit fee shall be per appendix A. The fee schedule shall apply to all new residential, commercial and industrial construction or expansion.

(Rev. Ords. 1988, § 19-147; Ord. No. 2008-40, § 12(74-202), 7-15-2008)

Secs. 74-203—74-220. Reserved.

DIVISION 3. DISCHARGE INTO PUBLIC SEWERS

- Sec. 74-221. Discharge of unpolluted drainage to sanitary sewer.
- Sec. 74-222. Permitted discharge of unpolluted drainage; discharge of unpolluted drainage to combined sewers.
- Sec. 74-223. Prohibited discharges.
- Sec. 74-224. Discharges requiring approval by enforcing officer.
- Sec. 74-225. Acceptance of restricted discharges.
- Sec. 74-226. Disposal of waste from septic tanks or other waste receptacles.
- Sec. 74-227. Grease and oil interceptors.
- Sec. 74-228. Maintenance of preliminary treatment and flow-equalizing facilities.
- Sec. 74-229. Manholes.
- Sec. 74-230. Measurements, tests and analyses.
- Sec. 74-231 Pretreatment Facilities
- Secs. 74-232—74-250. Reserved.

Sec. 74-221. Discharge of unpolluted drainage to sanitary sewer.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(Rev. Ords. 1988, § 19-156)

Sec. 74-222. Permitted discharge of unpolluted drainage; discharge of unpolluted drainage to combined sewers.

- (a) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the enforcing officer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the enforcing officer, to a storm sewer, combined sewer or natural outlet. However, all new connections to combined sewers shall be made separately to serve all roof downspouts, exterior foundation drains, areaway drains and other unpolluted drainage.
- (b) Every effort must be made to avoid discharging stormwater and all other unpolluted drainage to combined sewers. Only in cases where every alternative has been exhausted, and severe flooding will be encountered otherwise, will such connection be allowed. Such cases must be fully documented and approved by the sewer commission and the department of community maintenance.
- (c) Any person who violates any provision of this section shall be liable for penalties as provided by section 74-165

(Rev. Ords. 1988, § 19-157; Ord. No. 2008-40, § 12(74-222), 7-15-2008)

Sec. 74-223. Prohibited discharges.

No person shall discharge or cause to be discharged any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all users of the Sewerage Works, whether or not they are subject to categorical Pretreatment Standards or any other National, State, or Local Pretreatment Standards or Requirements. The following described waters or wastes shall be prohibited from any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas without expressed written consent of the Control Authority.
- (2) Pollutants which create a fire or explosive hazard in the Sewage Works, including, but not limited to wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21
- (3) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
- (4) Any waters or wastes having a pH lower than 5.5 or greater than 11.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.
- (5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage works, such as but not limited to latex, rubber, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, paper cups, paper milk containers, etc., either whole or ground by garbage grinders.
- (6) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the Sewage Works.
- (7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- (8) Pollutants which result in the presence of toxic gases, vapors, or fumes within the Sewage Works in a quantity that may cause acute worker health and safety problems;
- (9) Trucked or hauled pollutants, except at discharge points designated by the enforcing officer;
- (10) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (11) Sludges, screenings, or other residues from the pretreatment of industrial waste;
- (12) Medical Wastes, except as specifically authorized by the Administrator of Community Utilities in an individual wastewater discharge permit;

(Rev. Ords. 1988, § 19-158)

Sec. 74-224. Discharges requiring approval by enforcing officer.

- a. No person shall discharge or cause to be discharged the substances, materials, waters or wastes described in subsection (b) of this section if it appears likely in the opinion of the enforcing officer that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb or public property or constitute a nuisance
- b. In forming his opinion as to the acceptability of these wastes, the enforcing officer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:
 - (1) Any liquid or vapor having a temperature higher than 130 degrees Fahrenheit.

11

- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit.
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the enforcing officer.
- (4) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the enforcing officer for such materials. Limits for the following substances must not be exceeded at the point source discharge to the sewer system:

Cadmium	0.30 mg/l
Chromium	2.24 mg/l
Copper	0.54 mg/l
Lead	4.0 mg/l
Nickel	1.43 mg/l
Silver	0.10 mg/l
Zinc	2.20 mg/l

If any other local, state or federal regulations apply to these substances, the most stringent regulation shall apply.

- (5) Any waters or wastes containing phenols or other taste-producing or odor-producing substances in concentrations exceeding limits which may be established by the enforcing officer as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies having jurisdiction for such discharge to the receiving waters.
- (6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the enforcing officer in compliance with applicable state or federal regulations.
- (7) Any waters or wastes having a pH in excess of 11.5.
- (8) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate). The concentration of total suspended solids (TSS) shall not exceed 350 milligrams per liter.
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting slugs.
 - e. Unusual concentrations of nitrogen and nitrogen compounds.
 - f. Unusual concentrations of phosphorus.
- (9) Wastes removed from septic tanks and cesspools.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the

- sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- c. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the Enforcing Officer convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Enforcing Officer. The Enforcing Officer may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections (1) a. through (1) e. below.
- (1) To be eligible for equivalent mass limits, the Industrial User must:
- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- (2) An Industrial User subject to equivalent mass limits must:
- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - c. Continue to record the facility's production rates and notify the Enforcing officer whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (1)c. of this Section. Upon notification of a revised production rate, the Enforcing officer will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs (1)a of this Section so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the Enforcing officer:
- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and may retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment.. (Rev. Ords. 1988, § 19-159)

Sec. 74-225. Acceptance of restricted discharges.

- (a) *Authority of enforcing officer.* If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 74-224, and which in the judgment of the enforcing officer may have a deleterious effect upon the

sewerage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the enforcing officer may:

- (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (3) Require control over the quantities and rates of discharge.
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this article.
- (b) *Pretreatment or equalization of waste flows.* If the enforcing officer permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to review and approval of the enforcing officer and subject to the requirements of all applicable codes, ordinances and laws.
- (c) *Waste from septic tanks and cesspools.* Wastes removed from septic tanks and cesspools may be discharged to the public sewers only under the following conditions:
- (1) The superintendent of the sewage treatment plant is notified, and it is done in the presence of his representative.
 - (2) It is done during the schedule as established by the enforcing officer.
 - (3) It is done at places designated by the enforcing officer.
 - (4) It shall done be in a manner and at such times as may be acceptable to the authority having jurisdiction over the sewer.

(Rev. Ords. 1988, § 19-160)

Sec. 74-226. Disposal of waste from septic tanks or other waste receptacles.

- (a) *Fees.* The owner or operator of any company transporting and disposing of the contents of private cesspools, chemical toilets, septic tanks, holding tanks or waste receptacles into the sewerage system shall pay a fee for each 1,000 gallons or fraction thereof of tank capacity of the truck or vehicle depositing the material in accordance with the fee schedule in Appendix A to this Revision.
- (b) *Approval of source and hauler.* All nonresidential sources must be approved in writing by the sewer commission. All transport haulers must be approved by the sewer commission.

(Rev. Ords. 1988, § 19-161; Ord. No. 1998-18, § 2, 8-18-1998)

Sec. 74-227. Grease and oil interceptors.

- (a) *Generally.* Grease and oil interceptors shall be provided when, in the opinion of the enforcing officer, they are necessary for the proper handling of liquid waste containing grease in excessive amounts or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the enforcing officer, and shall be located so as to be readily accessible for cleaning and inspection.
- (b) *Approval; recommended requirements.* The plumbing inspector must approve all grease traps. The following are the recommended requirements; however, the plumbing inspector may approve alternative systems based on the specific project:
 - (1) *Grease traps generally.* Any commercial establishment, including restaurants, bakeries, nursing homes, schools, hospitals or other such industries, having a potential or actual discharge of wastewater containing a concentration of 100 milligrams per liter or more of fat, oil or grease, or that impacts the city sewer system in such a way as to hinder flow or upset process conditions at the publicly owned treatment works, shall provide a fat, oil and grease interceptor to eliminate such discharges. Fat, oil and grease interceptors, referred to in this section as grease traps, must adhere to the following specifications:
 - a. *Capacity.* Grease traps shall have a minimum depth of four feet and a minimum capacity of 1,000 gallons, and shall be of sufficient capacity to provide at least a 24-hour detention time for the projected flow to the sewer.
 - b. *Construction.* Grease traps shall be watertight and constructed of sound and durable materials not subject to excessive corrosion or frost damage, or cracking or buckling due to settlement or backfilling. Tanks and covers shall be designed and constructed so

- as to withstand normal structural loadings. Proper buoyancy compensation must be provided if necessary.
- c. *Depth of tees.* The inlet tee shall extend to the mid-depth of the tank and conform to specifications delineated in 248 CMR 2.06.2. The outlet tee shall be of PVC and extend to within 12 inches of the bottom of the tank. Tees shall be properly supported by a hanger, strap or other device.
 - d. *Baffles.* Baffles may be provided as necessary to maximize the separation of grease from the wastewater. Baffles may not be a substitute for the inlet and outlet tees.
 - e. *Materials.* Grease traps may be constructed of poured reinforced concrete, precast reinforced concrete or prefabricated material acceptable to the approving authority.
 - f. *Base.* Grease traps shall be installed on a level, stable base that will not settle.
 - g. *Accessibility.* Grease traps shall be located on the lot so as to be accessible for servicing and cleaning.
 - h. *Access manholes.* Grease traps shall be provided with a minimum 24-inch diameter manhole frame and cover to grade. Manholes shall be provided over the inlet and outlet.
 - i. *Backfill.* Backfill around the grease trap shall be placed in such a manner as to prevent damage to the tank.
 - j. *Cleaning.* Grease traps shall be inspected monthly and shall be cleaned by the owner when the level of grease is 25 percent of the effective depth of the trap, or at least every three months. A log book depicting scheduled maintenance and maintenance performed shall be kept by the owner and made available to the city's health inspector upon request. Recorded log books must be kept available for inspection for at least three years.
 - k. *Location.* Grease traps shall be installed on a separate building sewer serving that part of the plumbing system into which the grease will be discharged. Grease traps shall be installed on the lot, below grade, and ten feet outside of the structure. A variance may be granted by the city health and human services division to allow the installation of a grease trap within the confines of the structure if it is demonstrated, to the satisfaction of the health and human services division, that such installation does not constitute a threat to the general welfare and health of the public and that installation outside of the structure creates an undue hardship.
 - l. *Grease traps not required for certain premises.* Grease traps are not required for individual dwelling units or any private living quarters.
 - m. *Discharge of waste from food waste grinders.* The waste from food waste grinders (garbage disposers) shall not discharge to the sewer through a grease trap.
- (2) *Interior grease traps.* Adherence to this section does not exculpate liability to conform with the requirements of 248 CMR 2.09.2.
 - (3) *Oil and gas separators.* Garages, parking lots, condominiums and other establishments where petroleum-based products are used and stored and where any petroleum-based products, sand or other harmful material may be discharged to the city sewer system or that may discharge stormwater runoff into wetlands must provide a separator pursuant to 248 CMR 2.09.1.
- (c) *Enforcement.* The sewer commission, as authorized by this chapter and M.G.L.A. c. 41, §§ 63, 65 and 68, hereby designates the city plumbing inspector to enforce the conditions of this section. The plumbing inspector shall act as an agent of the sewer commission when enforcing this section only and carry out duties including but not limited to:
- (1) The use of this section as constituent criteria in the issuance of plumbing permits.
 - (2) Inspecting the installation of grease traps to ensure compliance with this section.
 - (3) The signing of building permits to signify compliance with this section by the permit holder.
 - (4) The implementation of 248 CMR 2.09.1. The jurisdiction of the plumbing inspector shall be extended to include all fixtures up to and including the sewer connection. Jurisdiction granted to the city's plumbing inspector by this section shall not be superseded by 248 CMR 2.09.1 or any federal, state or local statute that limits the jurisdiction of the plumbing inspector to that of any distance short of the sewer connection.

Sec. 74-228. Maintenance of preliminary treatment and flow-equalizing facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Rev. Ords. 1988, § 19-163)

Sec. 74-229. Manholes.

When required by the enforcing officer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the enforcing officer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(Rev. Ords. 1988, § 19-164)

Sec. 74-230. Measurements, tests and analyses.

- (a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at the control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence or hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether grab samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH is determined from periodic grab samples.
- (b) All industries discharging into a public sewer shall perform such monitoring of their discharges as the enforcing officer and/or other duly authorized employees of the city may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting results of such monitoring to the enforcing officer. Such records shall be made available upon request of the enforcing officer to other agencies having jurisdiction over discharges to the receiving waters.

(Rev. Ords. 1988, § 19-165)

Sec. 74-231 Pretreatment Facilities

- a. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Sec. 74-224. Discharges requiring approval by enforcing officer of this ordinance within the time limitations specified by EPA, the State, or the enforcing officer, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the enforcing officer for review, and shall be acceptable to the enforcing officer before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Enforcing Officer under the provisions of this ordinance
- b. Whenever deemed necessary, the enforcing officer may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate domestic sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the Sewerage Works and determine the User's compliance with the requirements of this ordinance.

- c. The enforcing officer may require any person discharging into the Treatment Works to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- d. The enforcing officer shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The enforcing officer may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
 - a. Description of discharge practices, including nonroutine batch discharges;
 - b. Description of stored chemicals;
 - c. Procedures for immediately notifying the enforcing officer of any accidental or Slug Discharge, ; and
 - d. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Secs. 74-232—74-250. Reserved.

CITY OF FALL RIVER
IN CITY COUNCIL
DEC 19 2017

*Passed through
first reading*

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

That Chapter 74 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to utilities, be amended by inserting a new Section 74-143 as attached titled Stormwater Management Ordinance for Discharges to the Municipal Stormwater System of the City of Fall River.

STORMWATER MANAGEMENT ORDINANCE
For
Discharges to the Municipal Stormwater System
Of the City of Fall River

1. PURPOSE

- (a) Regulation of stormwater and contaminated stormwater runoff to the municipal combined sewer system as well as the separate storm sewer system (MS4) is necessary for the protection of the City's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; such as:
- (1) impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater,
 - (2) contamination of drinking water supplies,
 - (3) erosion of stream channels;
 - (4) overloading or clogging of municipal catch basins and storm drainage systems;
 - (5) overloading of the municipal combined sewer system;
 - (6) alteration or destruction of aquatic and wildlife habitat; and
 - (7) flooding.
- (b) Therefore, this ordinance establishes stormwater management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be borne by abutters and the general public.
- (c) The objectives of this ordinance are:
- (1) To require practices to control the flow of stormwater from new and redeveloped sites into the City storm drainage system in order to prevent flooding and erosion;
 - (2) To protect groundwater and surface water from degradation;
 - (3) To promote groundwater recharge;
 - (4) To prevent pollutants from entering the City's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
 - (5) To ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;
 - (6) To comply with state and federal statutes and regulations relating to stormwater discharges; and

12

- (7) To establish the City's legal authority to ensure compliance with the provisions of this ordinance through inspection, monitoring, and enforcement.

1. DEFINITIONS

- (a) For the purposes of this Ordinance, the following shall mean:
- (1) **ABUTTER:** The owner(s) of land abutting the activity.
 - (2) **AGRICULTURE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.
 - (3) **ALTERATION OF DRAINAGE CHARACTERISTICS:** Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.
 - (4) **APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed land-disturbance activity.
 - (5) **BEST MANAGEMENT PRACTICE (BMP):** An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.
 - (6) **CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC):** A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications
 - (7) **CLEARING:** Any activity that removes the vegetative surface cover.
 - (8) **CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site.
 - (9) **EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.
 - (10) **EROSION AND SEDIMENTATION CONTROL PLAN:** A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.
 - (11) **ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:** Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).
 - (12) **DEVELOPMENT:** The modification of land to accommodate a new use or expansion of use, usually involving construction.

12

- (13) **DISTURBANCE OF LAND:** Any action that causes a change in the position, location, or arrangement of soil, sand rock, gravel of similar earth material.
- (14) **GRADING:** Changing the level or shape of the ground surface.
- (15) **GRUBBING:** The act of clearing land surface by digging up roots and stumps.
- (16) **IMPERVIOUS SURFACE:** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.
- (17) **LAND-DISTURBING ACTIVITY:** Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.
- (18) **MASSACHUSETTS ENDANGERED SPECIES ACT:** (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.
- (19) **MASSACHUSETTS STORMWATER MANAGEMENT POLICY:** The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.
- (20) **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City of Fall River.
- (21) **OPERATION AND MAINTENANCE PLAN:** A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.
- (22) **OUTFALL:** The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.
- (23) **OUTSTANDING RESOURCE WATERS (ORWs):** Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.
- (24) **OWNER:** A person with a legal or equitable interest in property.
- (25) **PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or

- agent of such person.
- (26) POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.
 - (27) PRE-CONSTRUCTION: All activity in preparation for construction.
 - (28) PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.
 - (29) REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.
 - (30) RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.
 - (31) SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.
 - (32) SEDIMENTATION: The process or act of deposition of sediment.
 - (33) SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.
 - (34) SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.
 - (35) SOIL: Any earth, sand, rock, gravel, or similar material.
 - (36) STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.
 - (37) STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit. See Section 6.
 - (38) STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.
 - (39) STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.
 - (40) TSS: Total Suspended Solids.

2. AUTHORITY

- (a) This ordinance is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34 published in the Federal Register on December 8, 1999.

3. APPLICABILITY

- (a) No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land draining to the Fall River municipal separate storm sewer system without a permit from the Site Plan Review Committee. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site

(b) Exemptions. The following activities are exempt from this ordinance:

- (1) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
- (2) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
- (3) The construction of fencing that will not substantially alter existing terrain or drainage patterns;
- (4) Construction or maintenance and repair of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
- (5) Emergency repairs to any stormwater management system or feature that poses a threat to public health or safety, or as deemed necessary by the Planning Board, Board of Health, Conservation Commission, Department of Community Utilities or Department of Community Maintenance.
- (6) Disturbances of one or more acres that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Policy as reflected in an Order of Conditions issued by the Conservation Commission.
- (7) As authorized in the Phase II Small MS4 General Permit for Massachusetts, stormwater discharges resulting from the activities identified in said permit that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this ordinance.

4. ADMINISTRATION

- (a) The Site Plan Review Committee, shall administer, implement and enforce this ordinance. Any powers granted to or duties imposed upon the Site Plan Review Committee may be delegated in writing by the Site Plan Review Committee to its employees or agents.
- (b) Rules and Regulations. The Site Plan Review Committee may adopt, and periodically amend, rules and regulations relating to the procedures and administration of this Stormwater Management ordinance, by majority vote of the Site Plan Review Committee.

5. PERMITS and PROCEDURE

- (a) Filing Application. The site owner or his agent shall file with the Site Plan Review Committee, three (3) copies of a completed application package for a Stormwater Management Permit (SMP). Permit issuance is required prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SMP Application package shall include:
 - (1) a completed Application Form with original signatures of all owners;
 - (2) a list of abutters, certified by the Assessor's Office;
 - (3) three (3) copies of the Stormwater Management Plan and project description as specified in Section 6;

- (4) three (3) copies of the Erosion Control Plan as specified in Section 7;
 - (5) three (3) copies of the Operation and Maintenance Plan as required by Section 8 of this ordinance;
 - (6) payment of any application and review fees.
- (b) Entry. Filing an application for a permit grants the Site Plan Review Committee, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit
- (c) Fee Structure. The Site Plan Review Committee shall obtain with each submission an Application Fee as established by this ordinance to cover expenses connected with the application review of the Stormwater Management Permit and a technical Review Fee sufficient to cover professional review. The Site Plan Review Committee is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Site Plan Review Committee on any or all aspects of these plans. Applicants must pay review fees before the review process may begin.
- (1) Application fee for projects less than 3 Acres \$300
 - (2) Application fee for projects from 3 to 10 Acres \$600
 - (3) Application Fee for projects greater than 10 Acres \$1500
 - (4) Resubmittal/Amendment filing fee \$100
 - (5) Fees for Professional peer review..... Assessed on a case by case basis
- (d) Actions. The Site Plan Review Committee's action, rendered in writing, shall consist of either:
- (1) Approval of the Stormwater Management Permit Application based upon determination that the proposed plan meets the Standards and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this ordinance;
 - (2) Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the Site Plan Review Committee which will ensure that the project meets the Standards and adequately protect water resources, set forth in this ordinance
 - (3) Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not meet the Standards or adequately protect water resources, as set forth in this ordinance.
- (e) Plan Changes. The permittee, must notify the Site Plan Review Committee in writing of any drainage change or alteration in the system authorized in a Stormwater Management Permit before any change or alteration is made. If the Site Plan Review Committee determines that the change or alteration is significant, based on the Stormwater Management Standards and accepted construction practices, the Site Plan Review Committee may require that an amended application be filed. If any change or alteration from Stormwater Management Permit occurs during any land disturbing activities, the Site Plan Review Committee may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.
- (f) Project Completion. At completion of the project the permittee shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site. The as-built drawing shall show deviations from the

approved plans, if any, and be certified by a Registered Professional Engineer.

6. STORMWATER MANAGEMENT PLAN

- (a) The application for a stormwater management permit shall consist of submittal of a Stormwater Management Plan to the Site Plan Review Committee. This Stormwater Management Plan shall contain sufficient information for the Site Plan Review Committee to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in Part B of this section and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:
- (1) A locus map,
 - (2) The existing zoning, and land use at the site,
 - (3) The proposed land use,
 - (4) The location(s) of existing and proposed easements,
 - (5) The location of existing and proposed utilities,
 - (6) The site's existing & proposed topography with contours at 2 foot intervals,
 - (7) The existing site hydrology,
 - (8) A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows,
 - (9) A delineation of 100-year flood plains, if applicable,
 - (10) Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration,
 - (11) The existing and proposed vegetation and ground surfaces with runoff coefficients for each,
 - (12) A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths,
 - (13) A description and drawings of all components of the proposed drainage system including:
 - a. Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
 - b. all measures for the detention, retention or infiltration of water,
 - c. all measures for the protection of water quality,
 - d. the structural details for all components of the proposed drainage systems and stormwater management facilities,
 - e. notes on drawings specifying materials to be used, construction specifications, and typicals, and
 - f. expected hydrology with supporting calculations.
 - (14) Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,
 - (15) Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,
 - (16) A maintenance schedule for the period of construction, and
 - (17) An Erosion & Sediment Control Plan as detailed in section 7.

- (18) Operation & Maintenance Plan as detailed in section 8.
- (19) Any other information requested by the Site Plan Review Committee.

(b) Standards

Projects shall meet the Standards of the Massachusetts Stormwater Management Policy, which are as follows:

- (1) No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth.
- (2) Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
- (3) Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
- (4) For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
 - a. Suitable nonstructural practices for source control and pollution prevention are implemented;
 - b. Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
 - c. Stormwater management BMPs are maintained as designed.
- (5) Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.
- (6) Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
- (7) Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.
- (8) Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.
- (9) All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.
When one or more of the Standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

(c) Project Changes

The permittee, or their agent, shall notify the Site Plan Review Committee in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Site Plan Review

Committee determines that the change or alteration is significant, based on the design requirements and accepted construction practices, the Site Plan Review Committee may require that an amended Stormwater Management Permit application be filed. If any change or deviation from the Stormwater Management Permit occurs during a project, the Site Plan Review Committee may require the installation of interim measures before approving the change.

7. EROSION AND SEDIMENT CONTROL PLAN

- (a) The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 7.B. below.
- (b) The design requirements of the Erosion and Sediment Control Plan are:
 - (1) Minimize total area of disturbance;
 - (2) Sequence activities to minimize simultaneous areas of disturbance;
 - (3) Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
 - (4) Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
 - (5) Divert uncontaminated water around disturbed areas;
 - (6) Maximize groundwater recharge;
 - (7) Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers specifications and good engineering practices;
 - (8) Prevent off-site transport of sediment;
 - (9) Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
 - (10) Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
 - (11) Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
 - (12) Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
 - (13) Properly manage on-site construction and waste materials; and
 - (14) Prevent off-site vehicle tracking of sediments.
- (c) Erosion and Sedimentation Control Plan Content. The Plan shall contain the following information:
 - (1) Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
 - (2) Title, date, north arrow, names of abutters, scale, legend, and locus map;

- (3) Location and description of natural features including:
 - a. Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
 - b. Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and
 - c. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
- (4) Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
- (5) Existing soils, volume and nature of imported soil materials;
- (6) Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;
- (7) Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
- (8) Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
- (9) Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
- (10) Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
- (11) Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;
- (12) Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Policy;
- (13) Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
- (14) A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
- (15) A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
- (16) Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control; and
- (17) Such other information as is required by the Site Plan Review Committee.

8. OPERATION AND MAINTENANCE PLAN

(a) An Operation and Maintenance plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this Ordinance and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Site Plan Review Committee shall make the final decision of what maintenance option is appropriate in a given situation. The Site Plan Review Committee will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The Operation and Maintenance Plan shall remain on file with the Site Plan Review Committee and shall be an ongoing requirement. The O&M Plan shall include:

- (1) The name(s) of the owner(s) for all components of the system
- (2) Maintenance agreements that specify:
 - a. The names and addresses of the person(s) responsible for operation and maintenance
 - b. The person(s) responsible for financing maintenance and emergency repairs.
 - c. A Maintenance Schedule for all drainage structures, including swales and ponds.
 - d. A list of easements with the purpose and location of each.
 - e. The signature(s) of the owner(s).
- (3) Stormwater Management Easement(s).
 - a. Stormwater management easements shall be provided by the property owner(s) as necessary for:
 1. access for facility inspections and maintenance,
 2. preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.
 3. direct maintenance access by heavy equipment to structures requiring regular cleanout.
 - b. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
 - c. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Site Plan Review Committee.
 - d. Easements shall be recorded with the Bristol County Registry of Deeds prior to issuance of a Certificate of Completion by the Owner.
- (4) Changes to Operation and Maintenance Plans
 - a. The owner(s) of the stormwater management system must notify the Site Plan Review Committee of changes in ownership or assignment of financial responsibility.
 - b. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this ordinance by mutual agreement of the Site Plan Review Committee and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

9. SURETY

- (a) The Site Plan Review Committee may require the permittee to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by Corporation Counsel, and be in an amount deemed sufficient by the Site Plan Review Committee to ensure that the work will be completed in accordance with the permit. If the project is phased, the Site Plan Review Committee may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Site Plan Review Committee has received the final inspection report as required by Section 10 and issued a Certificate of Completion.

10. INSPECTIONS

- (a) The Site Plan Review Committee or their designee shall inspect the project site at the following stages:
 - (1) Initial Site Inspection: prior to approval of any plan.
 - (2) Erosion Control Inspection: to ensure erosion control practices are in accord with the filed plan.
 - (3) Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.
 - (4) Final Inspection. After the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The Site Plan Review Committee or their designee shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to Site Plan Review Committee which will issue a Certificate of Completion.
- (b) In order to obtain inspections, the permittee shall notify the Site Plan Review Committee at least two (2) working days before the required inspection.
- (c) If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act the City of Fall River may use the surety bond to complete the work. Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

11. WAIVERS

- (a) The Site Plan Review Committee may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:
 - (1) such action is allowed by federal, state and local statutes and/or regulations,
 - (2) is in the public interest, and
 - (3) is not inconsistent with the purpose and intent of this by-law.
- (b) Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver

request and demonstrating that strict application of the ordinance does not further the purposes or objectives of this ordinance.

- (c) All waiver requests shall be discussed and voted on by the Site Plan Review Committee.
- (d) If in the Site Plan Review Committee's opinion, additional time or information is required for review of a waiver request, the Site Plan Review Committee may extend the review schedule. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

12. CERTIFICATE OF COMPLETION

- (a) The Site Plan Review Committee will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this ordinance.

13. ENFORCEMENT

- (a) The Site Plan Review Committee or an authorized agent of the Site Plan Review Committee shall enforce this ordinance, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- (b) Orders
 - (1) The Site Plan Review Committee or an authorized agent of the Site Plan Review Committee may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include requirements to:
 - a. cease and desist from construction or land disturbing activity until there is compliance with this ordinance and the stormwater management permit;
 - b. repair, maintain; or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan.
 - c. perform monitoring, analyses, and reporting;
 - d. remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system.
 - (2) If the enforcing person determines that abatement or remediation of adverse impacts is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the City may, at its option, undertake such work, and the property owner shall reimburse the City's expenses.
 - (3) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the City including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Site Plan Review Committee within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days

12

following a decision of the Site Plan Review Committee affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.

- (c) **Criminal Penalty.** Any person who violates any provision of this ordinance, or regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- (d) **Non-Criminal Disposition.** As an alternative to criminal prosecution or civil action, the City of Fall River may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and Chapter 2, Article X, Section 2-1021 "Non-criminal disposition authorized" of the Revised Ordinances of the City of Fall River, in which case, the Site Plan Review Committee or their designee shall be the enforcing person. The penalty for the 1st violation shall be \$100. The penalty for the 2nd violation shall be \$200. The penalty for the 3rd violation shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- (e) **Appeals**
The decisions or orders of the Site Plan Review Committee shall be final. Further relief shall be to a court of competent jurisdiction.
- (f) **Remedies Not Exclusive**
The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law.

14. CERTIFICATE OF COMPLETION

- (a) The issuing authority will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this ordinance.

15. SEVERABILITY

- (a) If any provision, paragraph, sentence, or clause of this ordinance shall be held invalid for any reason, all other provisions shall continue in full force and effect

CITY OF FALL RIVER
IN CITY COUNCIL

DEC 19 2017

*Passed through
first reading*

City of Fall River, *In City Council*

ORDERED, that regular meetings of the City Council during 2018 shall be held as follows, and

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

- January 23
- February 6
- February 20
- March 13
- March 27
- April 10
- April 24
- May 15
- May 29

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

17-106A 18
INVOICE

American Brothers General Contracting
118 Grinnell St., Fall River, MA 02721 (774)606-7310

DATE: 12/4/17

BILL TO: Mary Souza
255 Mott St
Fall River MASS
02721

CITY CLERK
FALL RIVER, MA

2017 DEC 20 A 10:33

RECEIVED

PAYMENT TERMS

JOB Remove & Replace Doors

DESCRIPTION

AMOUNT

This proposal is for the removal and replacement
of 2 Doors and frames located at 255 Mott St

1st Door / side Door to be removed and replaced
Custom cut 36 x 80 Steel Exterior Door with frame,
locks and screen door

2nd Door is 3rd floor interior wood Door (solid)
Custom cut along with door locks / frame

\$1,156.78 (Materials)

\$1,000 (Labor) 9 hrs

TOTAL \$2,156.78

Half to be paid up front Remaining to be

Make all checks payable to American Brothers General Contracting. Thank you for your business!

Paid in full when
Job Complete

12/1/17

Paid in Full

18

Prima CARE ^{PC} Prima CARE Orthopedic

289 Pleasant Street
Fall River MA 027213005
Ph: 508-646-7645 Fax:508-672-1301

CHART #351957

DOCTOR'S REPORT OF WORK STATUS AND RESTRICTIONS

This area to be filled in by Clinic Staff

Injured Worker Paula D Cordeiro DOB 09/21/1964
 Date of Injury _____ Claim# 138A56953 SSN# _____
 Employer _____ W/C Ins Co. Neighborhood Health ma
 Approved DX _____ W/C Address P O Box 853908
 W/C Contact Person _____

This area to be filled in by Physician

Diagnosis left 5th metatarsal fracture october 1, 2017 due to stepping on city sewer cover that was three inches above surface

Treatment fracture boot, restricted activity

Recommendations:

- Patient will need ongoing care. Next appointment is _____
- Recommending surgery _____
- Occupational Physical Therapy _____ x per week for _____ weeks
- Return to work without restrictions, starting _____
- Return to _____ for on-going treatment _____
- Patient discharged, no further medical treatment needed
- Employee is totally incapacitated at this time, will be re-evaluated on _____

Return to work restrictions - Starting: _____

Upper Extremities

- No overhead work Right Left
- No Power Gripping Right Left
- No use of vibrating tools
- No Pushing or Pulling motions Right Left
- Right-hand work only Left hand work only

Lower Extremities

- No repeated bending/stooping
- No continual standing/walking/sitting/chairs
- No pivoting
- No climbing
- Sedentary Only

Other: _____

Not to lift over:

- 5 pounds 20 pounds No Lifting
- 10 pounds 25 pounds Other _____
- 15 pounds 50 pounds

Patient is able to work:

- 8 hours 4 hours
- 6 hours _____ hours

Temporary Medical Protection:

- Dressing - describe _____
- Brace Right Left - describe _____
- Splint/Cast Right Left - describe _____
- Protective Foot Ware Right Left - describe _____
- Arm Sling Right Left
- Other patient incapacitated by fracture, had to hire dog walker

Claim
ID#

17-90A

CITY CLERK
FALL RIVER, MA

2017 DEC 19 P 2:47

RECEIVED

Benny Blank

12.12.17

Physician's Signature

Date

Powered By eClinicalWorks LLC.

1 Gov. T center
Fall River, MA
02720

ATTN:
city clerk

17-110A

18

ENTERPRISE RENT-A-CAR COMPANY OF RHODE ISLAND, 1591 BAY ST, FALL RIVER, MA 027241225 (508) 677-9000

RENTAL AGREEMENT 186888 REF# 9SJSXG

SUMMARY OF CHARGES

RENTER OLIVEIRA, SUZETTE
DATE & TIME OUT 12/04/2017 03:22 PM
DATE & TIME IN 12/20/2017 02:47 PM

Charge Description	Date	Quantity	Per	Rate	Total
TIME & DISTANCE	12/04 - 12/05	2	DAY	\$25.98	\$51.96
TIME & DISTANCE	12/06 - 12/20	15	DAY	\$36.00	\$540.00
REFUELING CHARGE	12/04 - 12/20				\$0.00
Subtotal:					\$591.96

BILLING CYCLE CALENDAR DAY

Taxes & Surcharges					
MASSACHUSETTS PARKING SURCHARGE	12/04 - 12/20	1	RENTAL	\$0.60	\$0.60
MASSACHUSETTS STATE SALES TAX	12/04 - 12/20			6.25%	\$39.43
VEHICLE LICENSE COST RECOVERY	12/04 - 12/20	17	DAY	\$2.25	\$38.25
Total Charges:					\$670.24

CAR CLASS CHARGED IFAR

VEH #1 2018 JEEP CHER LAT4
VIN# 1C4PJMCOJD564449
LIC# 5EK566
MILES DRIVEN 31
CAR CLASS: IFAR

Bill-To / Deposits					
METLIFE INS-ST LOUIS ARC**					
TIME & DISTANCE	12/04 - 12/20	2	DAY		
MASSACHUSETTS PARKING SURCHARGE	12/04 - 12/20	1	RENTAL		
MASSACHUSETTS STATE SALES TAX	12/04 - 12/20	1	PERCENT	6.25%	
VEHICLE LICENSE COST RECOVERY	12/04 - 12/20	2	DAY		
Subtotal:					(\$510.00)
DEPOSITS					(\$50.00)

BILL TO ACCOUNT METLIFE INS-ST LOUIS ARC**
ATTN: BEVILACQUA, MICHAEL
13045 TESSON FERRY RD
ST LOUIS, MO 63128

Total Estimated Amount Due \$110.24

CLAIM INFO
SLH21879
INSURED: OLIVEIRA SUZETTE
LOSS DATE: 12/04/2017
INSURED
SHOP: CARL'S COLLISION CENTER INC.
PHONE: (508) 675-5422
ATTN: UNKNOWN

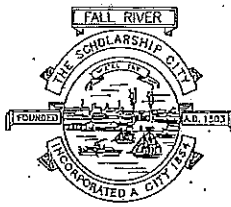
PAYMENT INFORMATION		
AMOUNT PAID	TYPE	CREDIT CARD NUMBER
\$110.24	Mastercard	XXXXXXXXXXXX4828 PENDING
\$50.00	Mastercard	XXXXXXXXXXXX4828

to total \$160.24

CITY CLERK
FALL RIVER, MA

2017 DEC 20 P 3:23

RECEIVED



RECEIVED

City of Fall River
Notice of Claim

2017 DEC 26 A 11:11

CITY CLERK #17-111
FALL RIVER, MA

1. Claimant's name: Lawrence Leger
2. Claimant's complete address: 189 Featherbed Lane Rochester, MA 02770
3. Telephone number: Home: 508 817-0444 Work: _____
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: 11-4-17 10:30 AM Amount of damages claimed: \$ _____
6. Exact location of the incident: (include as much detail as possible):
across from 186 South Main St. Fall River (courthouse)
7. Circumstances of the incident: (attach additional pages if necessary):
Parked @ low meter when ov hit Driver Side mirror + casing. Ov kept driving witness Shawn Pinto - 508 837 7570. Driver of vehicle. Lic # S551235535 DOB 7-17-42. (Veteran's Bus is the o. vehicle)
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: 12-18-17 Claimant's signature: Lawrence Leger

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:	<input type="checkbox"/> City Clerk	<input type="checkbox"/> Law	<input type="checkbox"/> City Council	<input type="checkbox"/> City Administrator	<input checked="" type="checkbox"/> Veterans	Date: <u>12/26/17</u>
------------------------	-------------------------------------	------------------------------	---------------------------------------	---	--	-----------------------

Veterans
Driver's Name on
BACK →



BRENO'S COLLISION & SERVICE

Specializing in Invisible Collision Repairs
408 WINTHROP ST, TAUNTON, MA 02780
Phone: (508) 828-1444
FAX: (508) 828-9244

Workfile ID: 14dd2bf
Federal ID: 20240530
License Number: RS# 344

18

#17-111

Preliminary Estimate

Customer: LEGER, LAWRENCE

Job Number:

Written By: Breno Lima

Insured: LEGER, LAWRENCE
Type of Loss:
Point of Impact:

Policy #:
Date of Loss:

Claim #:
Days to Repair: 0

Owner:
LEGER, LAWRENCE

Inspection Location:
BRENO'S COLLISION & SERVICE
408 WINTHROP ST
TAUNTON, MA 02780
Repair Facility
(508) 828-1444 Business

Insurance Company:

RECEIVED
2017 DEC 26 A 11:02
CITY CLERK
FALL RIVER, MA
Job #:

VEHICLE

2002 TOYO Sequoia Limited 4WD 4D UTV 8-4.7L Gasoline SFI GREEN

VIN: 5TDBT48A62S131292
License: 5LG288
State: MA

Interior Color:
Exterior Color: GREEN
Production Date:

Mileage In:
Mileage Out:
Condition:

TRANSMISSION

Automatic Transmission
Overdrive
4 Wheel Drive

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Heated Mirrors
Power Driver Seat

DECOR

Dual Mirrors
Body Side Moldings
Privacy Glass

Console/Storage
Overhead Console

CONVENIENCE

Air Conditioning
Intermittent Wipers
Tilt Wheel
Cruise Control
Rear Defogger
Keyless Entry
Alarm

Message Center
Rear Window Wiper
Climate Control
Dual Air Condition
Home Link
RADIO

AM Radio
FM Radio
Stereo
Search/Seek
CD Player
Cassette
Premium Radio
SAFETY
Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes
Traction Control
Stability Control
ROOF
Luggage/Roof Rack

SEATS

Bucket Seats
Leather Seats
Heated Seats
3rd Row Seat

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint

OTHER

Fog Lamps

TRUCK

Trailer Hitch
Trailer Package
Running Boards/Side Steps

Preliminary Estimate

18

Customer: LEGER, LAWRENCE

Job Number:

2002 TOYO Sequoia Limited 4WD 4D UTV 8-4.7L Gasoline SFI GREEN

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		FRONT DOOR					
2	Repl	LT Mirror outside Limited w/o luxury package green	879400C906	1	385.60	0.3	0.4
3		Add for Clear Coat					0.1
4	R&I	LT R&I trim panel				0.4	
5		MISCELLANEOUS OPERATIONS					
6	#	Adhesion Promoter		1	15.00	0.3	
7	#	Tint To Match		1			0.5
SUBTOTALS					400.60	1.0	1.0

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			400.60
Body Labor	1.0 hrs @	\$ 50.00 /hr	50.00
Paint Labor	1.0 hrs @	\$ 50.00 /hr	50.00
Paint Supplies	1.0 hrs @	\$ 45.00 /hr	45.00
Subtotal			545.60
Sales Tax	\$ 445.60 @	6.2500 %	27.85
Grand Total			573.45
Deductible			0.00
CUSTOMER PAY			0.00
INSURANCE PAY			573.45

- * SPECIAL HOURS - TO ACCOMODATE YOUR NEEDS EITHER EARLIER OR LATER *
- * FREE VALET SERVICE - PICKUP OR DELIVER YOUR VEHICLE OR EVEN YOU! *
- * RENTAL CAR VAN BE DELIVERED TO YOUR HOME, BUSINESS OR HERE! *
- * PERFECT MATCH INVISIBLE PAINT MATCHING SO YOUR VEHICLE LOOKS NEW *
- * ON TIME PERFORMANCE - WE'LL KEEP YOU ADVISED THROUGHOUT THE REPAIR PROCESS *
- * EXCLUSIVE WRITTEN LIFETIME WARRANTY - FOR YOUR PEACE OF MIND! *

PER MASSACHUSETTS REG. TITLE 212 CHAPTER 2.02(5), "THIS ESTIMATE HAS BEEN PREPARED AND SWORN TO UNDER THE PENALTIES OF PERJURY."

COMMITTEE ON ORDINANCES AND LEGISLATION

MEETING Tuesday, December 5, 2017 at 5:30 p.m.
 Council Chamber, One Government Center

PRESENT Councilor Cliff Ponte, presiding
 Councilors Joseph D. Camara, Pam Laliberte-Lebeau
 and Stephen R. Long

ABSENT Councilor Linda M. Pereira

IN ATTENDANCE Cathy Ann Viveiros, City Administrator
 Joseph I. Macy, Corporation Counsel
 Mary Sahady, Director of Financial Services
 Terrance J. Sullivan, Administrator of Community Utilities
 Madeline Coelho, Director of Human Resources

The chairman called the meeting to order at 5:32 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

1. Proposed Ordinance – Traffic, Handicapped Parking
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to recommend the proposed ordinance be accompanied by an emergency preamble, with Councilor Linda M. Pereira absent and not voting. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau it was unanimously voted to recommend the proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilor Linda M. Pereira absent and not voting.

2. Proposed Ordinance – Traffic, miscellaneous
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to recommend the proposed ordinance be passed through first reading, with Councilor Linda M. Pereira absent and not voting.

3. Proposed Ordinances for Department of Community Utilities:
 - a. Sewer Use Regulations
 - b. Stormwater Management
 - c. Sewer Commission, membership modifications*On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to recommend the three proposed ordinances be passed through first reading, with Councilor Linda M. Pereira absent and not voting.*

4. Proposed Ordinance – Director of Tourism and Cultural Affairs
On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Stephen R. Long, it was unanimously voted to lift the proposed ordinance from the table, with Councilor Linda M. Pereira absent and not voting. The City Administrator stated that this position was removed from the Fiscal Year 2018 budget; however they would like the ordinance to be approved so that the position could be included in the Fiscal Year 2019 budget. On a further motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Joseph D. Camara, it was unanimously voted to table the matter, with Councilor Linda M. Pereira absent and not voting.

5. Resolution – Discuss how Sober Houses are being addressed regarding licensing and zoning by other cities and towns in the Commonwealth of Massachusetts
On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Stephen R. Long, it was unanimously voted to lift the resolution from the table, with Councilor Linda M. Pereira absent and not voting. Corporation Counsel stated that the issue of Sober Houses is varied in all the different communities and there is no fixed statutory definition of what a Sober House really is. He also mentioned that there is a state law called the "Dover Amendment" which exempts non-profits from certain zoning restrictions. Councilor Stephen R. Long stated that there are many concerns regarding safety and fire regulations. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to table the matter, with Councilor Linda M. Pereira absent and not voting.

6. Resolution – Review of all boards and commissions
On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Stephen R. Long it was unanimously voted to lift the resolution from the table, with Councilor Linda M. Pereira absent and not voting. The City Administrator stated that the new Chief of Staff is reviewing all boards and commissions. The new Charter requires that all appointments to boards and commissions be approved by the City Council. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to table the matter, with Councilor Linda M. Pereira absent and not voting.

7. Resolution – Review and update all salary ordinances
On a motion made by Councilor Stephen R. Long and seconded by Councilor Joseph D. Camara, it was unanimously voted to lift the resolution from the table, with Councilor Linda M. Pereira absent and not voting. The Director of Human Resources stated that there are a total of eighteen non-union management positions that are being changed to annual salaries and the steps are being eliminated. Also, the position of City Council Senior Clerk is deleted from Section 50-304 Local 3177 AFSCME due to a clerical error. On a motion made by Councilor Stephen R. Long and seconded by Councilor Joseph D. Camara, it was unanimously voted to recommend the proposed ordinance be passed through first reading, as amended with Councilor Linda M. Pereira absent and not voting.

8. Resolution – Review requirements of annual budget
On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to lift the resolution from the table, with Councilor Linda M. Pereira absent and not voting. The Director of Financial Services stated that the City Council has no control over the School Department Budget or its presentation. Councilor Joseph D. Camara stated that the School Department was informed by the state, that the names of employees were not required to be included in their budget, but the new Superintendent provided the information in the last budget, which was much appreciated. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to recommend the resolution be granted leave to withdraw, with Councilor Linda M. Pereira absent and not voting.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adjourn at 6:16 p.m.

List of documents and other exhibits used during the meeting:

- Agenda packet (attached)
- CD and DVD of meeting

Cecilia A. Taylor
Clerk of Committees

COMMITTEE ON HEALTH AND ENVIRONMENTAL AFFAIRS

- MEETING: Monday, December 18, 2017 at 6:30 p.m.
Council Chamber, Government Center
- PRESENT: Councilor Steven A. Camara, presiding
Councilor Joseph D. Camara
- ABSENT: Councilor Richard Cabeceras
- IN ATTENDANCE: Cathy Ann Viveiros, City Administrator
Terrence J. Sullivan, Administrator of Community Utilities
Joseph I. Macy, Corporation Counsel
Attorney Mark Russo, 55 Pine Street, Providence, RI 02903
Sabrina Davis, 196 Irving Street
Joseph Carvalho, 575 Eastern Avenue
Kevin Costa, 226 Davis Street
Erica Scott, 187 Pitman Street
Amy Blanchette, 724 Second Street
Ian A. Tompkins, 450 Cambridge Street
Paul A. Roselli, 665 Maureen Circle, Mapleville, RI 02839
Ray Trinque, 300 Centennial Street, Pascoag, RI 02859
Robert Woods, Woods Lane, Pascoag, RI 02859
Lorraine Savard, 76 Emmett Street, Central Falls, RI 02863
Melody O'Brien, 2-3 Sgt. Greene Way, Newport, RI 02840
Mike Lamoureux, 608 Camp Dixie Road, Pascoag, RI 02859
Ben Fortier, 191 Franklin Road, Somerset, MA 02726
Taylor Badessa, 48 Steere Drive, Johnston, RI 02919
Devin O'Brien, 2-3 Sgt. Greene Way, Newport, RI 02840
Kenneth W. Putman, 500 Wallum Lake Road, Pascoag, RI 02859
Lauren Neidel, 8 Camp Street, Gloucester, MA 02814
Lisa Moczynski, 60 Oak Street, Douglas, MA 01516
Alicia Ann Kelly, 520 Danielson Pike, No. Scituate, RI 02857
Sally Mendzela, 12 Gamma Court, No. Providence, RI 02911

The chairman called the meeting to order at 7:02 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

Resolution – Committee on Health and Environmental Affairs meet with various parties to discuss the agreement to sell water to a Burrillville, RI energy company
Corporation Counsel stated that the contingent water supply agreement is valid; contractually enforceable and is in force and legal. It was appropriately adopted, appropriately signed and is

in full force and effect. The City Administrator stated that the Mayor was of the opinion that this was a contingent water supply and the City would be paid whether or not any water was sold. The Administrator of Community Utilities stated that the amount of water to be sold is between 18,000 and 88,000 gallons per day. The City of Fall River has an extra 4 million gallons of water per day that could be sold, so this agreement will not hinder the residents of Fall River in any way. He also mentioned that this agreement states that the monies will be paid to the City of Fall River, whether or not any water is sold. He also mentioned that there was concern regarding truck traffic created from the sale of this water. He said that there are approximately 10 to 15 trucks per day that haul sludge from the sewerage treatment plant and this has not caused any concern, so he does not believe that there should be any problem with the roads caused by the sale of water.

Lisa Moczynski read a prepared statement regarding the sale of water to Invenergy, for use at the proposed Clear River Energy Center in Burrillville, RI, which is attached hereto and made a part of these minutes.

Councilor Steven A. Camara stated that he would like to request to be a late intervenor, so that the City can request to be kept abreast of this issue. Councilor Joseph D. Camara stated that being a two member committee, he feels that the matter should be tabled and allow the Council President to appoint a new committee next year to continue these discussions. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to table the matter with Councilor Richard Cabeceiras absent and not voting. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn the meeting at 8:51 p.m., with Councilor Richard Cabeceiras absent and not voting.

List of documents and other exhibits used during the meeting:

- Agenda packet (attached)
- CD and DVD of meeting
- Lisa Moczynski statement

Cecilia A. Taylor
Clerk of Committees