



City of Fall River Massachusetts

Office of the City Clerk

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2016 MAR 18 P 4:01

MARCH 18, 2016

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

ALISON M. BOUCHARD
CITY CLERK

TUESDAY, MARCH 22, 2016

CLERK
VER. MA
INÉS LEITE
ASSISTANT CITY CLERK

5:45 P.M. COMMITTEE ON HUMAN SERVICES, HOUSING AND ELDER AFFAIRS

6:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE COMMITTEE ON HUMAN SERVICES, HOUSING AND ELDER AFFAIRS IF THAT MEETING RUNS PAST 6:00 P.M.

1. *Resolution – Administration discuss PILOT (Payment in lieu of taxes) Program
2. *Resolution – Administration discuss Child Development program
3. *Discussion of Loan Order for Phase 16 of the Water Improvement Projects – \$4,889,400
4. *Discussion of Loan Order for Copicut Dam Rehabilitation Project – \$966,000
5. *Discussion of Loan Order for Refunding Bonds for Interest Cost – \$25,000,000

AGENDA

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

PRIORITY MATTERS

1. *Mayor and Year Two Annual Action Plan
2. *Mayor and proposed ordinance re: boat excise collection and Waterway Permit decal
3. *Mayor and order re: gift of \$15,000 from Southcoast Hospitals Group in support of the North Park Inclusion Playground Project
4. *Mayor and order re: Preservation Restriction in perpetuity for Bank Street Armory

PRIORITY COMMUNICATIONS

5. Traffic Commission recommending amendments to the traffic ordinances
6. Board of Election Commissioners re: Official Results of the Presidential Primary held on March 1, 2016

COMMITTEE REPORTS

Committee on Finance recommending:

Grant leave to withdraw:

7. Resolution – Administrator of Public Utilities provide update on performance reviews for Water/Sewer Divisions
8. Resolution – Finance Team provide info regarding shortfalls in Police and Fire Departments

ORDINANCES

Second Reading and enrollment:

9. *Proposed ordinance – Mooring Fees
10. *Traffic, miscellaneous

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

11. *Administration contact AMERESCO regarding the installation of solar panels on city-owned buildings to reduce utility costs
12. *Com. on Finance invite Secretary of Housing and Economic Development for the Commonwealth of Massachusetts to discuss economic development opportunities
13. *Com. on Public Safety convene to discuss broken windows at Government Center
14. *Com. on Economic Development and Tourism convene to discuss traffic patterns and road maintenance in and around the Industrial Park
15. *Com. on Public Works and Transportation convene to discuss parking and traffic patterns in the downtown area
16. *Com. on Economic Development and Tourism convene to discuss technology for fire safety, suppression and reporting systems in the area of the Fall River Industrial Park

CITATIONS – None

ORDERS – HEARINGS FOR TONIGHT

Second hand article store:

17. Maria DeMedeiros d/b/a Twice as Nice at 48 Columbia Street

Curb removal:

18. Steven Perry – Removal of 7.5 feet of curbing for a total of 18 feet of curbing at 372 Grove Street

ORDERS – HEARINGS TO BE SCHEDULED – None

ORDERS – NO HEARING REQUIRED – None

ORDERS – MISCELLANEOUS

19. Police Chief's report on licenses
20. Auto Body Shop license renewals
21. Auto Repair Shop license renewals
22. Taxicab license numbers 23 and 30, Faith Latessa d/b/a Town Transportation, LLC, 168 Stevens St.

COMMUNICATIONS – INVITATIONS – PETITIONS

23. *Claims
24. *Flint Neighborhood Association requesting Committee on Public Safety meet in the Flint Neighborhood
25. *Structure over a public way – Banner on Bedford Street for various AHA Nights
26. *Open Meeting Law complaint regarding February 9, 2016 City Council Meeting
 - a. *Corporation Counsel response
 - b. *Communication from CJ Ferry
 - c. *Communication from Attorney General
27. *Corporation Counsel response to Open Meeting Law complaint regarding February 16, 2016 City Council Committee on Ordinances and Legislation meeting
28. *City resident re: sale of St. Vincent's Property

BULLETINS – NEWSLETTERS – NOTICES – None


Assistant City Clerk

City of Fall River, In City Council

(Councilor Michael L. Miozza)
(Councilor Raymond A. Mitchell)
(Councilor Linda M. Pereira)
(Councilor Daniel M. Rego)

WHEREAS, the Administration is considering a formal PILOT program
(Payment in Lieu of Taxes) for Fall River, and

WHEREAS, constituents are asking questions about the Administration's
plans to ask tax-exempt entities to make regular voluntary payments to the City
in lieu of taxes, now therefore

BE IT RESOLVED, that the Administration come before the Committee on
Finance to discuss the particulars of a PILOT program for Fall River.

In City Council, May 27, 2014
Adopted

Approved, June 2, 2014
William A. Flanagan, Mayor

A true copy. Attest:

Alison M. Bouchard
City Clerk

City of Fall River, In City Council

(Councilor Linda M. Pereira)


BE IT RESOLVED, that the Administration attend a meeting of the City Council

Committee on Finance to discuss the Child Development Program.

In City Council, July 15, 2014
Adopted

Approved, July 17, 2014
William A. Flanagan, Mayor

A true copy. Attest:


City Clerk

City of Fall River, In City Council

CITY OF FALL RIVER
LOAN ORDER
(Water System Improvements)

ORDERED, that \$4,889,400 is appropriated for the purpose of financing construction and design of Phase 16 of the City's Water Project including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; and to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow \$4,889,400 and to issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer, with the approval of the Mayor, determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer, with the approval of the Mayor, is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust ("Trust") established pursuant to Chapter 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection ("Department") with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department, to expend all funds available for the project and to take any other action necessary or convenient to carry out the project.

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

CITY OF FALL RIVER
IN CITY COUNCIL
MAR 08 2016

*Authorized to be
published and referred
to the Committee on
Finance, 9 years*

CITY OF FALL RIVER
LOAN ORDER
(Dam Rehabilitation)

ORDERED, that \$966,000.00 is appropriated to pay costs of the Copicut Dam Project, including the payment of all costs incidental and related thereto; and to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow \$966,000 and to issue bonds or notes therefor under and pursuant to Chapter 44 of the General Laws or pursuant to any other enabling authority; that the Treasurer, with the approval of the Mayor, is authorized to borrow all or a portion of such amount from the Massachusetts State Revolving Fund for Dams and Seawalls (the "Fund") and in connection therewith to enter into a loan agreement and/or a security agreement with the Fund and otherwise to contract with the Fund and the Office of Economic Environmental Affairs with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to accept and expend any grants that may be available to pay costs of this project and to take any other action necessary to carry out the project.

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

CITY OF FALL RIVER
IN CITY COUNCIL

MAR 08 2016

*Authorized to be
published and referred
to the Committee on
Finance, 9 years*

**CITY OF FALL RIVER
LOAN ORDER
(Refunding Bonds)**

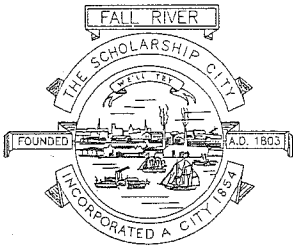
ORDERED: That in order to reduce interest costs, the Treasurer, with the approval of the Mayor, is authorized to issue refunding bonds in the amount of \$25 million, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all or any portion of the City's general obligation bonds outstanding as of the date of adoption of this Order and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the bonds of the City to be refunded, and costs of issuance of the refunding bonds; and that the Treasurer is authorized to execute such documents as may be necessary or desirable to carry out this transaction, including one or more refunding trust agreements with a bank or trust company.

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

**CITY OF FALL RIVER
IN CITY COUNCIL**

MAR 08 2016

*Authorized to be published
and referred to the
Committee on Finance, 9 years*



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

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2016 MAR 17 A 10:29

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II

Mayor

March 17, 2016

Council President Shawn Cadime & City Councilors
One Government Center
Fall River, MA 02722

Dear President Cadime & City Councilors:

I am pleased to forward to you the City of Fall River Year Two Annual Action Plan which I propose to file with the U.S. Department of Housing and Urban Development (HUD) for continued funding of the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and Home Investment Partnerships (Home) Programs. The Action Plan details activities to be undertaken during the July 1, 2016- June 30, 2017 program year.

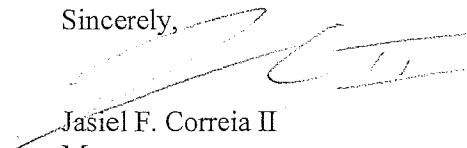
Under a separate cover on March 30, 2016 I shall submit a proposed resolution for your consideration at your April 5th meeting. The resolution would authorize submission of the City of Fall River Year Two Annual Action Plan with the U.S. Department of Housing and Urban Development (HUD). The Year Two Annual Action Plan is being submitted to you now in order to provide adequate review time prior to City Council consideration of the resolution at the April 5th meeting.

The proposed program of activities, which was advertised February 26th for public comment, was developed on the basis of testimony and proposals received at public hearings held January 6th and March 9th.

The timetable provides for submission of the Year Two Annual Action Plan no later than May 4, 2016.

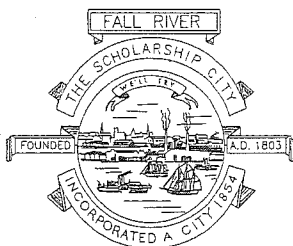
Should you or any other Councilor have questions or comments prior to April 5th, I urge you to immediately contact Michael P. Dion, Executive Director/ CFO of the Community Development Agency. Mr. Dion will also be present at the City Council meeting to respond to any questions.

Sincerely,


Jasiel F. Correia II
Mayor

Enclosure

2



City of Fall River
Massachusetts
Office of the Mayor

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2016 MAR 17 P 2:54

CITY CLERK
FALL RIVER, MA.

JASIEL F. CORREIA II
Mayor

March 17, 2016

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

RE: Proposed Boat Excise Collection Ordinance

Mr. President and Members of the Honorable Council:

In an effort to improve collection of boat excise taxes, I am requesting passage of the attached Ordinance. The City has historically collected less than half of the sums owed from the boat excise tax. This proposed measure will require placement of a Waterway Permit decal on boats seasonally moored in Fall River and required to pay the annual boat excise tax. The decal will be issued by the Harbormaster upon proof of payment of boat excise taxes owed to the City of Fall River.

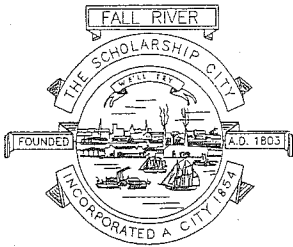
Your favorable review and approval of this ordinance is respectfully requested.

Best Regards,

Jasiel F. Correia II
Mayor

All boats using the waters of Fall River for more than 14 days per calendar year (cumulative) are required to display a Fall River Waterway Permit. The Harbormaster will, upon request from the owner and verification that no excise taxes are due on the vessel, provide a decal at no charge. Such decal shall be affixed approximately eighteen (18) inches from the stem and four (4) inches from the gunnel, on the starboard side. These decals shall be displayed so as to be clearly visible for inspection by the Harbormaster. Failure to display a current Fall River Waterway Permit decal shall be a violation of this ordinance and subject to a fine of \$50 per day.

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CITY CLERK
FALL RIVER, MA



City of Fall River
Massachusetts
Office of the Mayor

3

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2016 MAR 17 P 2:54

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

March 17, 2016

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

Dear Members of the City Council:

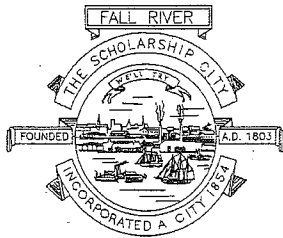
It is respectfully requested that the City Council approve acceptance of a donation of \$15,000 from the Southcoast Hospitals Group in support of the North Park Inclusion Playground Project.

The contribution reflects the Southcoast Hospitals Group's commitment to wellness and the health and wellbeing of Fall River residents. Please join me in accepting this donation with our heartfelt thanks for their generous gift.

Best Regards,

Jasiel F. Correia II
Mayor

ORDERED, that under the provisions of M.G.L. Chapter 44, Section 53A, the Department of Community Maintenance be and the same is hereby authorized to accept a gift from the Southcoast Hospitals Group in the amount of \$15,000 towards the construction of the Inclusion Playground at North Park.



3

City of Fall River Massachusetts

Department of Community Maintenance

CEMETERIES • MUNICIPAL BUILDINGS • PARKS • SANITATION • ENGINEERING
STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

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2016 MAR 17 P 2:54

JASIEL F. CORREIA II
Mayor

KENNETH C. PACHECO
CITY CLERK
FALL RIVER, MA
Director

March 17, 2016

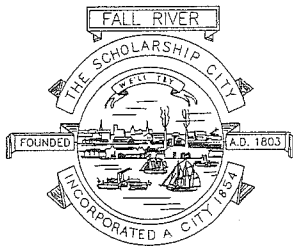
Honorable Jasiel F. Correia II
Mayor of the City of Fall River
One Government Center
Fall River, MA 02722

Dear Mayor Correia:

This letter is to inform you that the City has received a check in the amount of \$15,000 which is a donation from the Southcoast Hospitals Group secured through the efforts of Sandy Dennis and the Park Advocates, to assist in the construction of the North Park Natural Inclusion Playground Project. This project is funded through a combination of Land Water Conservation Funds, Community Development Block Grant Funds, City Funds (bond) and also through the generosity of our community partner Southcoast Hospital Group. The natural Inclusion playground will blend into the topography of North Park by design, while providing an all-inclusive play experience for children and adults of all abilities. The Southcoast Hospital Group should be commended for their dedication, and commitment.

Sincerely,

Kenneth C. Pacheco, Director



City of Fall River
Massachusetts
Office of the Mayor

JASIEL F. CORREIA II
Mayor

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2016 MAR 17 P 2:54

CITY CLERK
FALL RIVER, MA

March 15, 2016

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


Dear Members of the City Council:

It is respectfully requested that the City Council approve the City's intent to execute and record a Preservation Restriction in perpetuity on the Bank Street Armory.

The City is applying for a Massachusetts Preservation Projects Fund grant in the amount of \$100,000 to make emergency repairs to the exterior of the Bank Street Armory, which will include critical masonry and roof repairs and replacement. Recording a Massachusetts Historical Commission Preservation Restriction is an application requirement, and applicants must demonstrate the ability to comply.

Pursuant to General Laws Chapter 184, Sections 31-33, approval from the City Council and Mayor must be obtained prior to execution of a Preservation Restriction. The state funding source, Massachusetts Historical Commission, requests a certified copy of the Council's vote to enter into the Preservation Restriction. Your expeditious approval is appreciated.

Respectfully Submitted,


Jasiel F. Correia II
Mayor

ORDERED, that the Mayor be and hereby is authorized pursuant to M.G.L. c. 184 § 31 through 33 to execute and record a preservation restriction in perpetuity for the Bank Street Armory for the purpose of obtaining a grant from the Massachusetts Historical Commission.

City of Fall River, In City Council

9

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

That Section 82-71 of Appendix A – Fee Schedule of the Revised Ordinances of the City of Fall River be amended as follows:

By striking out in sub-section (a) of said section, "\$35.00", and inserting in place thereof, "\$150 for moorings in Battleship Cove, \$100 for moorings outside Battleship Cove, and \$50 for moorings in Watuppa Pond.

CITY OF FALL RIVER
IN CITY COUNCIL
FEB 09 2016

*Referred to the Committee
on Ordinances and Legislation*

CITY OF FALL RIVER
IN CITY COUNCIL
MAR 08 2016

*Passed through
first Reading
(C. J. Camara opposed)*

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 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:

- Hambly Street, east side, starting at a point 140 feet south of Globe Street, for a distance of 20 feet southerly
- Mulberry Street, west side, starting at a point 75 feet south of William Street, for a distance of 20 feet southerly
- Palmer Street, north side, starting at a point 258 feet west of East Main Street, for a distance of 20 feet westerly
- Purchase Street, west side, starting at a point 80 feet north of Pine Street, for a distance of 25 feet northerly
- Slade Street, south side, starting at a point 20 feet east of Wilbur Street, for a distance of 20 feet easterly
- Smith Street, west side, starting at a point 66 feet north of Warren Street, for a distance of 25 feet northerly
- South Oxford Street, west side, starting at a point 303 feet south of Brayton Avenue, for a distance of 20 feet southerly
- Thompson Street, west side, starting at a point 150 feet south of Brownell Street, for a distance of 25 feet southerly
- Tuttle Street, east side, starting at a point 170 feet north of King Phillip Street, for a distance of 20 feet northerly
- Walnut Street, north side, starting at a point 105 feet east of Durfee Street, for a distance of 20 feet easterly

CITY OF FALL RIVER
IN CITY COUNCIL
MAR 08 2016

Passed through first reading

11

City of Fall River, *In City Council*

(Councilor Raymond A. Mitchell)

WHEREAS, roof mount solar panels are a popular choice for municipal government buildings and schools, and

WHEREAS, these rooftops are usually large enough for solar panels, and

WHEREAS, depending on the available roof area and the usage of the building, it is possible to generate 100% of the energy needed, and

WHEREAS, some city-owned buildings already have had these panels installed, now therefore

BE IT RESOLVED, that the Administration contact AMERESCO to discuss installing solar panels on the remaining city-owned buildings to reduce electricity costs where ever possible.

City of Fall River, *In City Council*

(Councilor Raymond A. Mitchell)

WHEREAS, Jay Ash serves as the Secretary of Housing and Economic Development for the Commonwealth of Massachusetts, and

WHEREAS, the City of Fall River is in dire need of Economic Development opportunities, now therefore

BE IT RESOLVED, that the Committee on Finance invite Secretary Ash to a future meeting to discuss opportunities that are available for economic development in the City of Fall River.

City of Fall River, In City Council

(Councilor Cliff Ponte)

WHEREAS, glass from a broken window on the sixth floor of Government Center fell to the ground on the Third Street entrance, and

WHEREAS, numerous windows have been broken for years without being repaired or replaced, and

WHEREAS, this is a public safety hazard due to the number of residents that must conduct business at Government Center daily, now therefore

BE IT RESOLVED, that the City Council Committee on Public Safety convene to discuss this very important matter.

14
City of Fall River, *In City Council*

(Councilor Stephen R. Long)

WHEREAS, the Fall River Industrial Park has numerous large trucks entering and exiting the park on a daily basis, and

WHEREAS, these heavy trucks contribute to the deterioration of roads, and

WHEREAS, the City is investing in excess of \$ 1,000,000 in infrastructure improvements, and

WHEREAS, routes should be posted to keep trucks from using Wilson Road, now therefore

BE IT RESOLVED, that the Committee on Economic Development and Tourism convene to discuss traffic patterns and road maintenance in and around the Industrial Park.

City of Fall River, *In City Council*

(Councilor Richard Cabeceiras)
(Councilor Raymond A. Mitchell)
(Council President Shawn E. Cadime)

WHEREAS, Fall River residents and businesses could benefit from better traffic patterns downtown, and

WHEREAS, there is a need for more available parking downtown, and

WHEREAS, more available metered parking could increase municipal revenue, and

WHEREAS, SRPEDD has recently completed a study on the traffic patterns in the downtown area, now therefore

BE IT RESOLVED, that the Committee on Public Works and Transportation convene to discuss potential ways to improve parking and traffic patterns in the downtown area.

City of Fall River, *In City Council*

16

(Councilor Stephen R. Long)

WHEREAS, the Fall River Industrial Park, Fall River Commerce Park, Southcoast Life Science and Technology Park and the City of Fall River have a shared interest in Fire Safety, Suppression and Reporting Systems, and

WHEREAS, choosing the next technology to replace existing antiquated systems will impact the ability to attract and grow new industry throughout Fall River, and

WHEREAS, Verizon will no longer maintain the current copper wire system which services the entire City of Fall River, now therefore

BE IT RESOLVED, that the Committee on Economic Development and Tourism convene to discuss the options available to replace existing systems.



23

City of Fall River
Notice of Claim

RECEIVED

2016 MAR -8 P 2:32
16.27

1. Claimant's name: ROBERT FERREIRA
2. Claimant's complete address: 655 CHARLES ST. FALL RIVER, MA. 02724-2119
3. Telephone number: Home: 508-673-6398 Work: 774-488-4498
CELL
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
POT HOLE DAMAGED LEFT REAR WHEEL & TIRE
5. Date and time of accident: 2/28/16 12:30PM Amount of damages claimed: \$ 456.00
6. Exact location of the incident: (include as much detail as possible):
POT HOLE ON SIDE OF MANHOLE NEAR 812 CHARLES
7. Circumstances of the incident: (attach additional pages if necessary):
HIT POT HOLE CAUSING REPAIR OF WHEEL AND REPLACEMENT OF TIRE
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
I HAVE \$500.00 DEDUCTIBLE

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: 3/8/16

Claimant's signature: Robert Ferreira

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

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

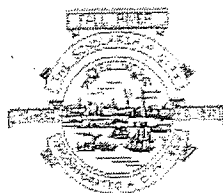
You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DPW

Date: 3/8/2016

Council
23



RECEIVED

2016 MAR 11 P 12: 52

City of Fall River
Notice of Claim

CITY CLERK 16-28
FALL RIVER, MA

1. Claimant's name: Walter Sponski
2. Claimant's complete address: 52 HERITAGE CT FALL RIVER MA 02721
3. Telephone number: Home: 508-677-4495 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: 2-5-16 9:00AM Amount of damages claimed: \$ 600.00
6. Exact location of the incident: (include as much detail as possible):
LAUREL ST FALL RIVER MA 02721
7. Circumstances of the incident: (attach additional pages if necessary):
DURING ICE STORM - pothole was covered with ICE
CRACKING MY front bumper
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: 3-3-16

Claimant's signature: Walter Sponski

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

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

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

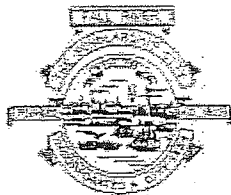
For official use only:

Copies forwarded to: ☒ City Clerk ☐ Law ☒ City Council ☐ City Administrator

DCM

Date:

MAR 11 2016



RECEIVED

City of Fall River
Notice of Claim

2016 MAR 15 A 9:31
CITY CLERK 16-29
FALL RIVER, MA

1. Claimant's name: Edward REGO
2. Claimant's complete address: 74 FOREST ST
3. Telephone number: Home: 508-617-3521 Work: D.C.M. (D.P.W)
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Damage to my FRONT END of my CAR AFTER Hitting a Pothole
5. Date and time of accident: 3/4 AFTERNOON Amount of damages claimed: \$ 367.50
6. Exact location of the incident: (include as much detail as possible):
ON FOREST ST, OFF Middle ST going NORTH before Park st
7. Circumstances of the incident: (attach additional pages if necessary):
Turning on Forest ST from Middle ST going North before Park st
i hit a Pothole causing damage to my rim and tire and under the
car for which i had repaired already. Didn't know until a few days
it cause damage, i already ask my co-worker to cover the hole for with they did
so no one will hit it. the picture show the new top is the hole i hit I hope the
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

Pictures help
understand what
happen T.Y.

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: 3/14/16 Claimant's signature: Edward Rego

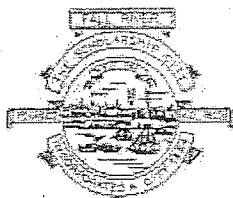
WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

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

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

For official use only:	
Copies forwarded to: <input checked="" type="checkbox"/> City Clerk <input checked="" type="checkbox"/> Law <input checked="" type="checkbox"/> City Council <input type="checkbox"/> City Administrator <input checked="" type="checkbox"/> DPW	Date: <u>03-15-16</u>

23



RECEIVED

City of Fall River
Notice of Claim

2016 MAR 16 P 3:21

1. Claimant's name: Ana Maria Martins CITY CLERK 16-30
FALL RIVER, MA
2. Claimant's complete address: 162 McCloskey Street
3. Telephone number: Home: 508-837-4119 Work: daughter Ana Cantelmo can speak in my behalf
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):

5. Date and time of accident: 8:00 A.m Amount of damages claimed: \$ don't have that yet
Insurance is taking care of that as of March 10, 2016
6. Exact location of the incident: (include as much detail as possible):

n front of 162 McCloskey St Fall River Ma

7. Circumstances of the incident: (attach additional pages if necessary):
Vehicle was parked in the street and city trash truck
e brake let go and truck crashed into vehicle.
On the right side.

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

met life Insurance, Pacheco Insurance Columbia St. Fall River MA
02721

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: 3-16-16

Claimant's signature: Ana Martins

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

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DPW Date: 03-16-2016

Flint Neighborhood Association

Since 1990

24

RECEIVED

2016 MAR 11 A 9:05

CITY CLERK _____
FALL RIVER, MA

March 10, 2016

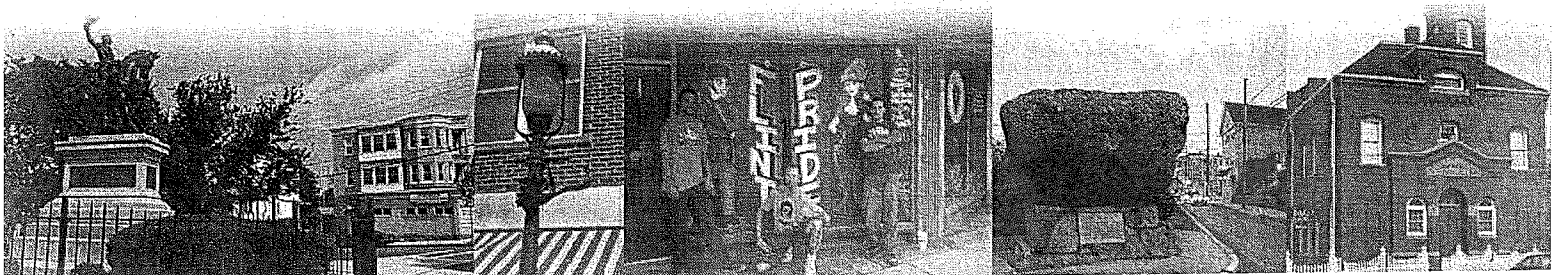
Dear Members of the City Council,

The Flint Neighborhood Association, would like to request the Committee on Public Safety, to hold its meeting in the Flint. The Associations meetings are always on the last Wednesday of every month, and at 6:30pm. Possibly, if available, we would like to hold a public safety meeting, as many neighbors have concerns in regards to safety in our Neighborhood.

The Neighborhood Association thanks you, for your attention to this request.

Sincerley,

Flint Neighborhood Board Members.



25

CITY OF FALL RIVER
OFFICE OF THE CITY CLERK

To the City Council:

Application for permit to place or maintain a structure or device on or over a public way.

Name of Applicant: Sandy Dennis

Name of Business (if applicable): AHA FALL RIVER

Address: 132 Highland Ave. FALL RIVER MA
Street City State

Phone: 508-673-2939

Type of structure or device: Banner

Description (include dimensions): This is a banner to publicize our AHA nights.

The banner will stretch between 2 bldg. approx - 4' x 20' / 30' ?

Location: Bedford Street just before South Main St. Hanging on The
Deadline Bldg & Norton
Phots Bldg

Dates: 4/1/2016 - 4/22/2016, 7/1/2016 - 7/22/2016, 10/1/2016 - 10/21/2016
12/1/2016 - 12/16/2016

The applicant agrees to maintain this structure or device in accordance with the requirements of the Building Inspector and the City Council and that this permit may be revoked at the pleasure of the City Council.

Signature of Applicant Sandy Dennis

Date 3/10/2016

1. (approve)
(disapprove) the issuance of this permit.

Joyl M. Byles 3/10/16
Building Inspector Date

2. In City Council, _____
Date

Permit (approved)
(disapproved)

Alison M. Bouchard
City Clerk

OFFICE USE ONLY

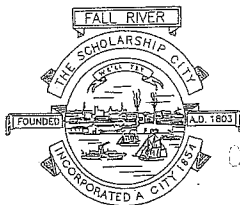
☒ Fee Paid

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a

City of Fall River
Office of the Corporation Counsel

RECEIVED

JASIEL F. CORREIA II
Mayor



2016 MAR 11 P 12: 55
JOSEPH I. MACY
Corporation Counsel

CITY CLERK _____ **GARY P. HOWAYECK**
FALL RIVER, MA Assistant Corporation Counsel

March 1, 2016

Mr. CJ Ferry
300 Buffington Street
Fall River, MA 02721

RE: OPEN MEETING LAW COMPLAINT OF FEBRUARY 15, 2016 FROM CJ FERRY

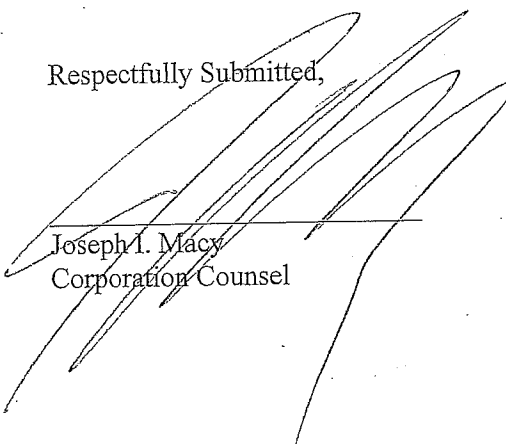
Dear Mr. Ferry,

Please let this serve as the City of Fall River City Council and School Committee's response to the Open Meeting Law Complaint you filed on or about February 15, 2016. The subject of the complaint is that on or about February 9, 2016 the Council allegedly held a meeting where a quorum of the School Committee attended without posting notice.

In response, the City Council referred this issue to the office of Corporation Counsel on February 23, 2016. Upon review we have determined that both School Committee members Mr. Andrade and Mr. Coogan did not participate in the meeting. They did not communicate with anyone and sat in seats among the general public. As such, there was no deliberation among the Committee members. The agenda posted on February 5, 2016 listed the Committee on Finance (which is a meeting of the City Council in its entirety), with an agenda item including "Communication from Superintendent of Schools." As this was properly advertised as a City Council meeting, the City Council rightfully participated. Attached you will find the referenced agenda.

We believe that these materials show we are in full compliance with the Open Meeting Law and there is no remedial action necessary. Should you have any questions, please feel free to contact the Office of Corporation Counsel at 508-324-2650.

Respectfully Submitted,



Joseph I. Macy
Corporation Counsel

cc: Office of the Attorney General



Spindle City Straight Talk
A Southcoast Media Educational Foundation Production

26
b

RECEIVED

2016 MAR 11 P 12:15

CITY CLERK _____
FALL RIVER, MA

March 5, 2016

Office of the Attorney General
Open Meeting
One Ashburton Place
Boston MA 02108

Re: Open Meeting Law Complaint
City of Fall River City Council, City of Fall River School Committee
Complaint Date: February 15, 2016
Alleged Violation Date: February 9, 2016

Please be advised that the above referenced complaint regarding a Joint Meeting of the Fall River City Council and the Fall River School Committee has been satisfactorily resolved.

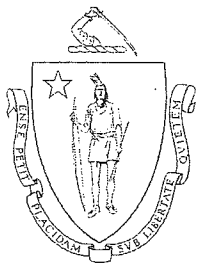
Corporate Counsels for both parties, Atty. Joseph Macy and Atty. Bruce Assad provided adequate response to the complaints and no further remedial action appears to be necessary.

Respectfully,

CJ Ferry
Executive Producer/Co-Host

cc.: Corporate Counsel
City of Fall River
One Government Center
Fall River MA 02722

Atty. Bruce A. Assad
16 Bedford Street, Suite #A
PO Box 1268
Fall River MA 02722



26
C

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

March 8, 2016

CJ Ferry
300 Buffington Street
Fall River, MA 02721

Dear Mr. Ferry:

We understand that on or about February 15, 2016, you filed a complaint with the Fall River City Council (the "City Council"), alleging a violation of the Open Meeting Law, G.L. c. 30A, §§ 18-25. We received a response from the City Council on March 1, 2016.

Under the Open Meeting Law, a complaint is ripe for review by our office when the complainant files a copy of the initial complaint with the Division of Open Government, provided that at least 30 days have passed since that complaint was filed with the public body. G.L. c. 30A, § 23(b); 940 CMR 29.05(6). We received an email on March 7, 2016, from you indicating that you are satisfied with the City Council's response, thus you are not requesting for further review by our office.

We now consider this matter closed. Feel free to contact our office if you have any questions.

Sincerely,

Juliana deHaan Rice
Deputy Chief
Government Bureau

cc: Joseph I. Macy, Esq., Fall River Corporation Counsel
Fall River City Council

CITY CLERK
FALL RIVER, MA

2016 MAR 10 P 12:06

RECEIVED

26 c



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

RECEIVED

2016 FEB 18 A 10:46

Please note that all fields are required unless otherwise noted.

CITY CLERK
FALL RIVER, MA

Your Contact Information:

First Name: CJ Last Name: Ferry

Address: 300 Buffinton Street

City: Fall River State: MA Zip Code: 02721

Phone Number: +1 (508) 646-9026 Ext.

Email: cj.ferry@scstonline.com

Organization or Media Affiliation (if any): Spindle City Straight Talk / Southcoast Media

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐ Individual ☐ Organization ☒ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Fall River City Council - Fall River School Committee

Specific person(s), if any, you allege committed the violation:

Date of alleged violation: Feb 9, 2016

CITY OF FALL RIVER
IN CITY COUNCIL

FEB 23 2016

*Referred to the
Operations Council*

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On February 9, 2016, the Fall River City Council held a schedule posted meeting the agenda listed Communication from the Superintendent of Schools, yet the School Superintendent Meg Mayo-Brown and the School Department Financial Team, and four School Committee members, Joseph Martins, Melissa Karam-Panchley, Gabriel Andrade and Paul Coogan, which makes a quorum for the City School Committee.

Whereas, a quorum of the Fall River School Committee was present at this meeting and no posting in regards to this meeting to be held with the Fall River City Council, by either body appears to be a violation of the open meeting law (MGL 30A).

The agenda for the City Council clearly stated a communication from the School Superintendent and did not reflect an invitation for a joint session of both bodies. nor did the Fall River School Committee announce or post that a joint session was scheduled nor was an agenda available.

In the letter addressed to then Mayor Sutter from Meg Mayo-Brown several issues were discussed and from the content of that letter (attached), it is apparent that the School Superintendent and the City Council could have adequately foreseen the necessity to list this as a joint meeting and include with specificity the items to be discussed and the person or person who will be discussing these issues.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Due to the increasing number of open meeting law complaints, mandatory attendance of ALL elected and appointed individuals within the scope of the City of Fall River should be immediately held and pecuniary assessment levied as punitive damages for the alleged willful violation of the open meeting law.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

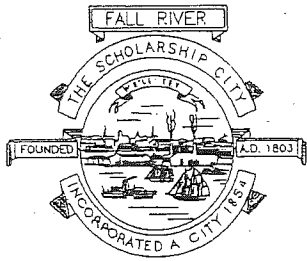
By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: February 15, 2016

For Use By Public Body	For Use By AGO
Date Received by Public Body	Date Received by AGO

26c



City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2016 FEB -5 A 9:01

FEBRUARY 5, 2016
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

TUESDAY, FEBRUARY 9, 2016

6:00 P.M. COMMITTEE ON FINANCE

1. *Comm. from Superintendent of Schools re: Request to amend Fiscal Year 2015 End of Year Report (postponed 1-26-16)
2. *Discussion of loan order for a Municipal Tractor – \$209,375 (referred 1-26-16)
3. *Resolution – possibility of utilizing City-owned assets for the use of advertising (adopted 1-12-16)

AGENDA

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

PRIORITY MATTERS

1. *Mayor and order requesting acceptance of two wall mount electric vehicle chargers from Nissan North America, Inc.
2. *Mayor and proposed amendments to Chapter 82: Waterways

PRIORITY COMMUNICATIONS - none

COMMITTEE REPORTS

Committee on Public Safety recommending:

Grant leave to withdraw:

3. Resolution – review traffic patterns at the intersection of Hamlet Street and Plymouth Avenue

ORDINANCES

Second Reading:

4. *Proposed ordinance – Traffic, Miscellaneous
5. *Proposed ordinance – Committee on Budget Preparation, Revenue and Audits
6. *Proposed ordinance – Amend Committee on Real Estate members
7. *Proposed ordinance – Establish Financial Audit Advisory Committee

RESOLUTIONS

8. *Com. on Ordinances and Legislation invite Dir. of Community Maintenance to future meeting to discuss possibility of establishment of city wide street sweeping program
9. *Administration partner with Sheriff's Office to improve cleanliness of city
10. *City engage services of CVS to offer free drug awareness program to high school students

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

26c

CITATIONS – none

ORDERS – HEARINGS FOR TONIGHT – none

ORDERS – HEARINGS TO BE SCHEDULED – none

ORDERS – NO HEARING REQUIRED – none

ORDERS – MISCELLANEOUS

11. Police Chief's report on licenses

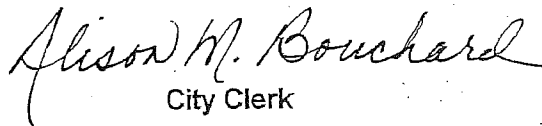
COMMUNICATIONS – INVITATIONS – PETITIONS

12. *Claims

13. Planning Board Minutes – November 5, 2015

14. Structure over a public way – Banner on Bedford Street at South Main Street for
People, Incorporated – Smiles 5K Road Race

BULLETINS – NEWSLETTERS – NOTICES - none


City Clerk

26
C

FALL RIVER PUBLIC SCHOOLS

The Honorable Mayor

RECEIVED

Mayor C. Samuel Sutter, Chairperson

December 28, 2015

2015 DEC 29 P 2:35

Mayor C. Samuel Sutter, Chairperson
Fall River School Committee
1 Government Center
Fall River, MA 02722

FALL RIVER, MA

RE: Request to Amend Fiscal Year 2015 End of Year Report

Dear Honorable Mayor Sutter,

I write in response to the letter I received as copy on December 23, 2015, sent by City Administrator, Cathy Ann Viveiros, requesting an amendment to the End of Year Report filed with the Department of Elementary and Secondary Education (DESE) on November 6, 2015.

In her letter the City Administrator highlighted four areas. I've addressed each below.

- For FY 2015, utilize the previously negotiated MOU for indirect cost allocations. The FRPS Finance Team agrees with this statement as it reflects the negotiated MOU.
- For FY 2016, utilize the "per pupil administrative cost allowance" for indirect cost allocations as agreed to by all parties in May 2015. The FRPS Finance Team agrees with this methodology and since our October 1 student enrollment is now certified by DESE, the actual student enrollment is 10,123, not the 10,374 used by the City's Finance Team. The difference between the projected and actual student enrollment is 251 students. This reduces the per-pupil amount from \$1,130,351 to \$1,103,002, resulting in a net change of \$27,349 using the per-pupil cost of \$108.96.
- For FY 2016, in accordance with 603 CMR 10.04, utilize direct premium costs for property insurance. The FRPS Finance Team will not be submitting a request for an amendment for this area for FY16, however the item is open for discussion for Fiscal Year 2017.
- For FY 2016, in accordance with 603 CMR 10.04 and in acknowledgment of the letter from Jay Sullivan, DESE, utilize direct costs for workers' compensation expenses and settlement claims and excludes legal staff costs. The FRPS Finance Team will not be submitting a request for an amendment for this area for FY 2016, however the item is open for discussion for Fiscal Year 2017.

The City Administrator references a letter dated November 19, 2015 written by John Sullivan, Executive Director of School Finance, DESE, clarifying eligible expenses. In his letter to Mr. Kevin Almeida, Chief Financial Officer for FRPS, Mr. Sullivan also states the following:

Your letter states that your understanding of how changes occur to these negotiated agreements is that any change must be agreed to prior to the new fiscal year. Your understanding of how changes occur to these agreements is correct. Changes to a municipal agreement should be negotiated prior to or at the beginning of the fiscal year that the changes will impact. This allows both parties the opportunity to plan the balance of the new year with the changes in mind.

As the City Administrator is requesting changes to the negotiated agreement (MOU) well into Fiscal Year 2016, the FRPS Finance Team is not able to accommodate her request for amendments for Fiscal Year 2016. However, advance planning for Fiscal Year 2017 will allow for negotiating potential changes to the MOU. Further, as we consider changes for Fiscal Year 2017 the FRPS Finance Team would also offer the following for discussion:

- Pension costs to the School Department need review. The current methodology used in the End of Year Report is on the basis of Total Salaries for School Department Employees as a Percentage of the Total of all Salaries for the City's Fall River Retirement System. With the report prepared by PERAC (Massachusetts Public Employee Retirement Administration Commission), we have the Present Value of Pension Benefits or the Actuarial Accrued Liability Figure by Department. Using this actual basis prepared by PERAC, our current expenditure figure would be lowered by \$896,000 to \$1,031,000, depending on the method used.
- After review of the FRPS Health Care account, it is noted that Stop Loss Credits/Reimbursements are fully taken by the City. These credits/reimbursements are done as a reduction to the amounts being charged to the City by Blue Cross/Blue Shield. Credits/Reimbursements related to the School Department should be applied to FRPS.

Additionally, the tuition figure moved to Circuit Breaker was not included in the End of Year report. A total \$73,946 was moved through a journal entry from the Operating Budget to the Circuit Breaker Revolving Fund. This created a surplus within the Operating Budget, thus returning funds to the City for Free Cash and this amount will be amended on the End of Year Report.

In closing, two outstanding areas need to be addressed. First, the City Administrator asserts additional sums for transportation should not be included in the End of Year Report. This matter is comprehensive and historical in nature and a letter from Chief Operating Officer Tom Coogan will be sent under separate cover to address the issue. Second, the City Administrator suggests

26c

There is no need for a MOU. I would caution her recommendation given 603 CMR 10.04, Section

2.

Where the Department's guidelines permit districts to select among two or more permissible methods for allocating the municipal expenditures set forth in 603 CMR 10.04 (1) (a) through (m), one method shall be chosen by the school district and used consistently from year to year. The allocation method used to report expenditures by municipal departments other than the school department may be changed only with the approval of the Commissioner.

As I indicated in my letter to you, dated November 25, 2015, the City's shortfall in meeting required Net School Spending remains at \$1.3 million for Fiscal Year 2016.

Sincerely,



Meg Mayo-Brown
Superintendent of Schools

CC: Fall River School Committee, City Administrator, City Treasurer, City Council Members, John Sullivan

CITY OF FALL RIVER
IN CITY COUNCIL

JAN 12 2016

*Referred to the
Committee on Finance*

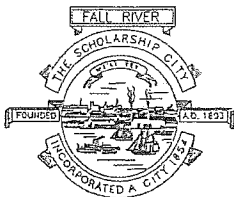
*1-26-16
Postponed to 2-9-2016*

City of Fall River
Office of the Corporation Counsel

JASIEL F. CORREIA II
Mayor

2016 MAR 10 P 2:53

CITY CLERK
FALL RIVER, MA



JOSEPH I. MACY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

March 10, 2016

Mr. C.J. Ferry
300 Buffinton Street
Fall River, MA 02721

RE: Amended Complaint - Meeting of Feb 16, 2016

Dear Mr. Ferry:

You have complained that the Ordinance Committee Meeting of February 16, 2016 violated the Open Meeting Law in several respects. You claim that the duly posted Ordinance Committee meeting was an "undeclared City Council Meeting". In addition you claim that members of the council, who were not members of the Ordinance Committee, "deliberated" in violation of the Open Meeting law.

This office has reviewed your amended complaint, the notice of the meeting, and the video of that meeting. There is no factual dispute as to the conduct of the meeting. The Ordinance Committee is comprised of five members, four of whom were present on February 16. There is no question that five councilors constitute a quorum of the Fall River City Council. Concerned citizens were allowed to address the meeting in accordance with long established practice and procedure. During the meeting other councilors arrived and sat in their regular seats. At one time eight of the nine elected City Councilors were present in the Council Chambers. The four sub-committee members present discussed the issues and asked questions of the administrative staff ultimately referring the matter to the "Full Council". Other than the referral no votes were taken nor were any recommendations made. During the meeting those councilors present, but not members of the committee, asked questions of the administrative staff regarding the factual basis for the recommendations and commenting thereon. However, a fair viewing of the contemporaneous video shows little, if any, interaction between the committee members and the non-committee councilors. Moreover, the non-committee members did not even vote to refer the matter to the full council.

Under these circumstances it does not appear that the Open Meeting Law was violated. The valid posting, since it of necessity included a quorum of the City Council, was both *ipso facto* and *de jure* posting of a City Council meeting. Moreover, it could, and should, be considered as a concurrent meeting of the committee and the council. Even if these considerations are put aside there was no "deliberation" including the non-members of the committee and any "deliberation" by members of the committee was perfectly appropriate, legal and noticed.

It is important to again direct our attention to the intent and purpose of the Open Meeting Law. That law is designed to foster, and require, free, open discussion of governmental matters on due notice to the public and subject to public scrutiny. It is designed to prevent, and protect the public against, secret negotiations and discussions. It is not designed to require hyper-technical analysis in order to

appropriately conduct the public's business. To adopt such an interpretation would have the opposite effect of the law's intent and severely circumscribe the operation of government.

In this instance every intent and purpose of the Open Meeting Law was observed and honored. The meeting was posted. The agenda was followed. Members of the public and the media were present. The meeting was televised in its entirety. The discussion was appropriately bi-furcated so that there was no "deliberation" involving non-committee members. In short, the letter and the spirit of the Open Meeting Law was observed and there was no violation.

Joseph L. Macy
Corporation Counsel

CC: Attorney General

CITY CLERK
FALL RIVER, MA

2016 MAR 10 P 2:53

RECEIVED

27



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

RECEIVED

Please note that all fields are required unless otherwise noted. 2016 FEB 18 A 10:46

Your Contact Information:

First Name: CJ Last Name: Ferry

Address: 300 Buffinton Street

City: Fall River State: MA Zip Code: 02721

Phone Number: +1 (508) 646-9026 Ext.

Email: cj.ferry@scstonline.com

Organization or Media Affiliation (if any): Spindle City Straight Talk / Southcoast Media

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐ Individual ☒ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Fall River City Council - Ordinance Sub-Committee

Specific person(s), if any, you allege committed the violation: City Council President Shawn Cadime, Cliff Ponte, Joseph Camara, Pam Laliberte-Lebeau, Stephen Long, Linda Pereira

Date of alleged violation: Feb 16, 2016

CITY OF FALL RIVER
IN CITY COUNCIL

FEB 23 2016

*Referred to the
Legislative Council*

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The City Council Sub-Committee on Ordinance and Legislation has five City Councilors as its members and meet regularly as a sub-committee containing five City Councilors. Five City Councilors form a quorum of the full City Council and by having a quorum of the full Council on a sub-committee in essence is a undeclared full City Council Meeting.

Further, any actions taken by this sub-committee that may be passed on to a regular meeting of the City Council that has been approved by the full sub-committee in fact means that the full City Council has already passed this measure and is a deliberation of the issue, ordinance or action by the City Council.

Whereas, the sub-committees are assigned as a matter of practice and ordinance, the City Council President Shawn Cadime is the primary alleged violator of the open meeting law (MGL 30A) and any and all governing Massachusetts General Laws.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Pecuniary assessments need to be assessed on the members listed in this complaint. A required in person attendance at the next available Open Meeting Law training. All actions taken by this committee should be immediately vacated.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

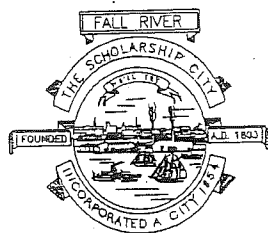
By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: February 16, 2016

For Use By Public Body	For Use By AGO
Date Received by Public Body	Date Received by AGO

27



COLLEEN A. TAYLOR
CLERK OF COMMITTEES

CITY OF FALL RIVER, MASSACHUSETTS
CITY COUNCIL

FEB 10 P 12:09

FALL RIVER, MA
INÉS LEITE
ASSISTANT CLERK OF COMMITTEES

February 10, 2016

Dear Councilor:

A meeting of the City Council Committee on Ordinances and Legislation has been scheduled for Tuesday, February 16, 2016 at 5:30 pm in the Council Chamber, Government Center, to discuss the following items:

1. Proposed Ordinance – Department of Community Maintenance (ref. 1/26/16)
2. Resolution – Discuss ambiguity in current zoning ordinance regarding [A-2] Apartment District (adopted 12/22/16)

It is respectfully requested that you attend this meeting.

Very truly yours,

Colleen A. Taylor
Clerk of Committees

Committee Members:

C. Ponte, Chr.
J. Camara
P. Laliberte-Lebeau
S. Long
L. Pereira

ADA Coordinator:

Gary P. Howayeck, Esq. 508-324-2650

also request an extension of time to respond to the complaint. A request for an extension should be made within 14 business days of receipt of the complaint by the public body. The request for an extension should be made in writing to the Division of Open Government, and should state the reason for the requested extension.

Step 3. Filing a Complaint with the Attorney General's Office

A complaint is ripe for review by the AGO 30 days after the complaint is filed with the public body. This 30-day period is intended to provide a reasonable opportunity for the complainant and the public body to resolve the initial complaint. It is important to note that complaints are *not* automatically treated as filed for review by the AGO upon filing with the public body. A complainant who has filed a complaint with a public body, and seeks further review by the Division of Open Government, must file the complaint with the AGO after the 30-day local review period has elapsed but before 90 days have passed since the date of the violation. When filing the complaint with the AGO, the complainant must include a copy of the original complaint and may include any other materials the complainant feels are relevant, including an explanation of why the complainant is not satisfied with the remedial action taken by the public body. Complaints filed with the AGO are public records:

The AGO will review the complaint and any remedial action taken by the public body. The AGO may request additional information from both the complainant and the public body. The AGO will seek to resolve complaints in a reasonable period of time, generally within 90 days of the complaint becoming ripe for review by our office. The AGO may decline to investigate a complaint where more than 90 days have passed since the date of the alleged violation.

When is a violation of the law considered "intentional"?

The Attorney General may, upon finding a violation of the Open Meeting Law, impose a civil penalty upon a public body of not more than \$1,000 for each intentional violation. G.L. c. 30A, § 23(c)(4). An "intentional violation" is an act or omission by a public body or public body member in knowing violation of the Open Meeting Law. G.L. c. 30A, § 18. In determining whether or not a violation was intentional, the Attorney General will consider, among other things, whether the public body or public body member 1) acted with specific intent to violate the law; 2) acted with deliberate ignorance of the law's requirements; or 3) was previously informed by a court decision or advised by the Attorney General that the conduct at issue violated the Open Meeting Law. 940 CMR 29.02. If a public body or public body member made a good faith attempt at compliance with the law, but was reasonably mistaken about its requirements or, after full disclosure, acted in good faith compliance with the advice of counsel, its conduct will not be considered an intentional violation of the Law. G.L. c. 30A, § 23(g); 940 CMR 29.02.

Will the Attorney General's Office provide training on the Open Meeting Law?

The Open Meeting Law directs the AGO to create educational materials and provide training to public bodies to foster awareness of and compliance with the Open Meeting

Law. The AGO has established an Open Meeting Law website, www.mass.gov/ago/openmeeting, on which government officials and members of public bodies can find the statute, regulations, FAQs, training materials, the Attorney General's determination letters resolving complaints, and other resources. The AGO will provide regional trainings for members of public bodies, in addition to offering a free online training video.

Contacting the Attorney General

If you have any questions about the Open Meeting Law or anything contained in this guide, please contact the AGO's Division of Open Government. The AGO also welcomes any comments, feedback, or suggestions you may have about the Open Meeting Law or this guide.

Division of Open Government
Office of the Attorney General
One Ashburton Place
Boston, MA 02108
Tel: 617-963-2540
www.mass.gov/ago/openmeeting
OpenMeeting@state.ma.us

March 8, 2015

From: The Rev. James Hornsby
260 Lake Avenue Fall River MA 02721 5423
Rector Emeritus, St. Luke's Episcopal Church and Secretary, Green Futures

RECEIVED

2015 MAR 15 P 12:31

To: Mr. Jack Weldon, Executive Director, St. Vincent's Home
The Hon. Jasiel Correia II, Mayor of Fall River

CITY CLERK _____
FALL RIVER, MA

cc. Green Futures, Diocese of Fall River, Fall River City Council

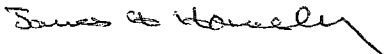
Re: Sale of St. Vincent's Property

First, I express my disappointment at the recently announced plan for housing development on the property, rather than an urban farm. The proposed farm reflected a desire of many to have an educational opportunity for Fall River and area residents in a working farm, as well as to preserve a green space. The proposal, funded in part by a state grant given in December, was to be augmented with CPA funding and possibly other sources. Unfortunately, this plan fell through, and the hopes and hard work of a number of people for many years seem gone. I and others are truly disappointed, as we thought the farm a "done deal". This deal was cancelled rapidly, and another bidder selected.

One purpose of this letter, then, is to express lament. The letter also tells you that I and the environmental community stand ready to try again. Should you reconsider, or should the re-development with housing prove too difficult or otherwise fail, please contact me along with others in the wider community. We will endeavor again to put together a workable package.

Thank you for your attention.

Yours sincerely,



The Rev. James H. Hornsby