

City of Fall River Massachusetts  
Office of the City Clerk

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2018 APR 24 P 2: 28

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

ALISON M. BOUCHARD  
CITY CLERK

**AMENDED**  
ORIGINAL POSTED APRIL 20, 2018 1:44 P.M.  
AMENDED POSTED APRIL 23, 2018 12:16 P.M.

INÊS LEITE  
ASSISTANT CITY CLERK

**MEETINGS SCHEDULED**  
**CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**  
**MONDAY, APRIL 23, 2018**

**5:30 P.M. COMMITTEE ON HEALTH AND ENVIRONMENTAL AFFAIRS**

**TUESDAY, APRIL 24, 2018**  
**AGENDA**

**5:45 P.M. PUBLIC HEARINGS**

**Curb Removals**

1. Curt M. Litaway, 102 Crawford Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
102 Crawford Street	16'	14'	0'	30'

The petitioner is requesting to open an additional 14' to expand the existing driveway for additional off-street parking at 102 Crawford Street, a single-family residence. An existing 16' driveway opening provides access on the north side of the lot. There are no evident impacts to signage or utility infrastructure. The work would eliminate one parking spot on the street, but would provide at least two (and possibly up to five) off-street parking spaces.

2. Tamayra Rivera, 354 Chicago Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
354 Chicago Street	13'	17'	0'	30'

The petitioner is requesting to extend the entrance west to provide access to the full width of the existing paved driveway. The work does not impact utilities or signage, and does not significantly impact on-street parking.

**Second Hand Article Store**

3. Joey Pacheco d/b/a Pacheco's Furniture, 661 High Street, Fall River, MA 02720 for permission to operate and maintain a second hand article store located at 253 South Main Street (used furniture, antiques, jewelry, electronics and tools to be sold.)

**6:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE CITY COUNCIL  
PUBLIC HEARINGS IF THEY RUN PAST 6:00 P.M.**

1. Citizen Input
2. \*Transfers and appropriations (See #3 below)
3. \*Discussion re: TIF agreements for OSJ of Fall River, LLC and TIE for 64 Durfee, LLC (see #6 below)

**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](mailto:city_clerks@fallriverma.org)

**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 req. appointment of Victor Farias to the Community Preservation Committee
2. \*Mayor and order for employment agreement of Director of Community Maintenance
3. \*Transfers and appropriations (See #2 Finance)
4. \*Mayor and order accepting the provisions of MGL Chapter 64N, Section 3 regarding Local Option Excise on Retail Marijuana Sales
5. \*Mayor and order for the acceptance of land on the east side of Bay Street for the flow of the Cook Pond output
6. \*Mayor and TIF agreements for OSJ of Fall River, LLC and TIE for 64 Durfee, LLC (See #3 Finance)

**PRIORITY COMMUNICATIONS** – None

**COMMITTEE REPORTS**

Committee on Finance recommending:

Adoption:

7. \*Year Four Annual Action Plan

Accept and place on file:

8. \*Communication – PERAC – Fiscal Year 2019 Appropriation

Grant leave to withdraw:

9. \*Resolution – Purple Bag Pay-As-You-Throw Program

**ORDINANCES** – None

**RESOLUTIONS**

10. \*Committee on Finance meet to review cable TV contract and options for residents
11. \*Committee on Ordinances and Legislation meet to discuss possible ordinance relating to public safety concerns regarding panhandling
12. \*Committee on Health and Environmental Affairs consider an ordinance banning the use of plastic “t-shirt” bags in Fall River

**CITATIONS**

13. Leonard “Low Price” Kaplan – dedication of Heritage State Park footbridge in his honor
14. Guyanne Veillard – your heroic actions in saving the lives of your siblings
15. Alicia Vitorino – Hearts of Hope – caring & compassion to our homeless community
16. Luci Vitorino – Hearts of Hope – caring & compassion to our homeless community
17. Michelle Moniz – volunteerism and commitment to our community
18. Jim Heinz – volunteerism and commitment to our community
19. RE/MAX Right Choice – volunteerism and commitment to our community
20. Umi Japanese Steakhouse – volunteerism and commitment to our community

**ORDERS – HEARINGS**

**Curb Removals**

21. Curt M. Litaway, 102 Crawford Street – total of 30 feet at 102 Crawford Street
22. Tamayra Rivera, 354 Chicago Street – total of 30 feet at 354 Chicago Street

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

**Second Hand Article Store**

23. Joey Pacheco d/b/a Pacheco's Furniture, 661 High Street at 253 South Main Street

**ORDERS – MISCELLANEOUS**

24. Police Chief's report on licenses:

Taxicab Drivers:

Chelsea Brathas	Shenai Cain-Blake	Gerald Costa
James S. Gouveia Jr.	Andrew Hamlen	David Justice
Brian Partello	Shawn Pinto	Eric Torres
Israel Washington Jr.		

Second Hand License Renewals:

Beverly Post d/b/a Anything at 1791 South Main Street  
Melissa Resendes d/b/a Melissa's New To You

25. Auto Repair Shop License Renewals:

Phillip DeDucca d/b/a 851 Motor Sales at 851 Globe Street  
Haissam Elazar, Inc. d/b/a Joe's Gas Auto Sales at 2608 South Main Street

26. Auto Body Shop License Renewals:

Karen Isabel d/b/a Karen's Collision Specialist at 70 Jepson Street

**COMMUNICATIONS – INVITATIONS – PETITIONS**

27. \*Claims

28. Drainlayer licenses:

- a. ELJ, Inc.
- b. Biszko Contracting Corporation
- c. Eminar Trucking, Inc.
- d. East Coast Landscaping & Construction, Inc.
- e. Geosearch, Inc.
- f. Green Acres Landscape & Construction Co., Inc.
- g. Albert Moreira & Son
- h. Century Paving Construction Corporation
- i. Farland Corporation, Inc.
- j. J.B. Lanagan & Company, Inc.
- k. Khoury Excavating, Inc.
- l. Steen Realty & Development Corporation

City Council Committee/Meeting Minutes:

29. \*Regular Meeting of the City Council – November 28, 2017

**BULLETINS – NEWSLETTERS – NOTICES**

30. Notice of Casualty and Loss at 596 Pokross Street  
31. Notice of Casualty and Loss at 10 No. Court Street

  
City Clerk

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

**ITEMS FILED AFTER THE AGENDA WAS PREPARED:**  
**CITY COUNCIL MEETING DATE: APRIL 24, 2018**

**RESOLUTION**

- \*Committee on Finance convene with various parties to discuss the closure of Philips Lighting and economic development regarding new businesses and the retention of current businesses

**ORDER**

- \*City Council meeting dates for June through December 2018

**COMMUNICATIONS**

- \*Open Meeting Law complaint filed by Collin Dias regarding March 20, 2018  
Joint City Council and School Committee Meeting
  
- \*Open Meeting Law complaint filed by Patrick Higgins regarding April 24, 2018  
City Council Meeting

# 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:

June 12  
June 26  
July 17  
August 14  
September 11  
September 25  
October 9  
October 23  
November 6  
November 20  
December 4  
December 18

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



## OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: +1 (508) 674-3140 Ext. \_\_\_\_\_

Email: patrick@patrickhiggins.xyz

Organization or Media Affiliation (if any): Patrick Higgins and Associates

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

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

Date of alleged violation: Apr 23, 2018

**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 Fall River City Council has once again violated the open meeting law by not adopting or accepting their meeting minutes within 3 meetings or 30 days, whichever is longer. The agenda for their April 24, 2018 meeting reflects that they will be considering the minutes of the November 28, 2017 meeting.

The Fall River City Council has previously been found in violation of the Open meeting law regarding minutes.

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.

Catch up on all meeting minutes and accept or adopt them within 3 meetings or 30 days as required by the Open Meeting Law.

The Division of Open Government should impose an additional \$1000 fine for this willful and deliberate violation after having been previously warned that future violations would be considered an intentional violation.

**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, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

**II. Consulting With a Private Attorney.**

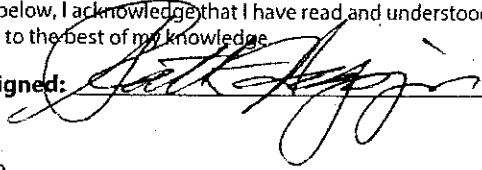
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**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: \_\_\_\_\_

4/23/18

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO: