

City of Fall River Massachusetts
Office of the City Clerk

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2020 NOV 25 A 10:10

ALISON M. BOUCHARD
CITY CLERK

CITY CLERK _____
FALL RIVER, MA

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED

VIRTUAL MEETINGS

Meetings will be available for viewing on Comcast Cable Channel 18 in Fall River or the following websites: Fall River Government Television - www.frgtv.fredtv.us/live; Facebook - www.facebook.com/frgtv/live; Livestream - <https://livestream.com/accounts/12896038>

MONDAY, NOVEMBER 30, 2020

5:30 P.M. COMMITTEE ON ORDINANCES AND LEGISLATION MEETING

TUESDAY, DECEMBER 1, 2020

AGENDA

All persons interested and wishing to be heard at the public hearings must submit written comments by letter addressed to City Clerk, One Government Center, Fall River, MA 02722 or email to city_council@fallriverma.org. Comments must be received by Tuesday, December 1, 2020 at 3:00 p.m. to be read at the meeting.

5:55 P.M. PUBLIC HEARINGS

Curb Removals

1. Aisha M. Barbosa, 37 Seaview Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
37 Seaview Street	23' 6"	16'	0'	39' 6"

The petitioner has an existing 23 foot 6 inch driveway opening on the Woodman Street side of the property and is requesting the removal of 16 feet of curbing for a separate driveway opening for additional access on the Seaview Street side. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

2. Maria De Amaral, 207 Stafford Road, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
207 Stafford Road removal on Palmer Street	16' 7"	18'	0'	34' 7"

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

The petitioner has an existing 16 foot 7 inch driveway opening on the Palmer Street side of the property and is requesting to remove an additional 18 feet of curbing for a separate driveway opening to allow for additional access on Palmer Street. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

3. Luiz R. Defreitas, 1641 Stafford Road, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
1641-1645 Stafford Road removal on Welcome Street	0'	47'	0'	47'

The petitioner is requesting the removal of 47 feet of curbing on the Welcome Street side of the property. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

4. Rosa D. Rodrigues, 48 Thomas Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
48 Thomas Street	10' 6"	10' 4"	0'	20' 10"

The petitioner is requesting the removal of 10 feet 4 inches of curbing to the existing 10 foot 6 inch driveway opening to allow for additional access. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

5. Antonio Mello, 40 Winifred Way, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
40 Winifred Way	16'	13'	0'	29'

The petitioner is requesting the removal of 13 feet of curbing to the existing 16 foot driveway opening to allow for additional access. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

6:00 P.M. COMMITTEE ON FINANCE MEETING (OR IMMEDIATELY FOLLOWING THE PUBLIC HEARINGS IF THEY RUN PAST 6:00 P.M.)

1. Citizen Input
Due to the COVID-19 Essential Services Advisory, citizen input must be submitted by email to city_council@fallriverma.org by Tuesday, December 1, 2020 at 3:00 p.m. to be read at the meeting.
2. *Discussion re: draft Memorandum of Agreement transferring ownership of the Bank Street Armory from the City of Fall River to the Fall River Redevelopment Authority and legal opinion regarding the proposed transfer from Corporation Counsel (see item 1 below)
3. *Resolution – Discuss funding for the construction of storage area/facility (adopted 9-22-2020)

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

PRIORITY MATTERS

1. *Mayor and draft Memorandum of Agreement re: transferring ownership of the Bank Street Armory from the City of Fall River to the Fall River Redevelopment Authority and legal opinion regarding the proposed transfer from Corporation Counsel (see Finance item 2 above)
2. *Mayor requesting confirmation of the appointment of Timothy P. McCoy to the Licensing Board
3. *Mayor and Parkland Acquisitions and Renovations for Communities (PARC) Grant resolution for the renovation of the Cathy Assad Tot Lot and Playground

PRIORITY COMMUNICATIONS

4. *Traffic Commission recommending amendments to traffic ordinances
5. *Board of Election Commissioners re: the official results of the State Election held on November 3, 2020

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

6. *Committee on Health and Environmental Affairs convene with representatives from MassDEP to discuss the oversight of the Soil Management Project to be conducted by Browning-Ferris Industries, Inc.
7. *Committee on Human Services, Housing, Youth and Elder Affairs convene with representatives from MassSupport Network to discuss available resources to aid citizens during the COVID-19 pandemic
8. *City Council send letter to state delegation petitioning MassDOT Highway Division improves the safety of the east bound exit ramp on the Veterans Memorial Bridge
9. *Administration submit a proposal for a 25% reduction in the cost of renewal fees for various alcohol, beer and wine, common victualler, and entertainment licenses

CITATIONS – None

ORDERS – HEARINGS

Curb Removals:

10. Aisha M. Barbosa, 37 Seaview Street – Total of 39' 6" at 37 Seaview Street
11. Maria De Amaral, 207 Stafford Road – Total of 34' 7" at 207 Stafford Road – Removal on Palmer Street
12. Luiz R. Defreitas, 1641 Stafford Road – Total of 47' at 1641-1645 Stafford Road – Removal on Welcome Street
13. Rosa D. Rodrigues, 48 Thomas Street – Total of 20' 10" at 48 Thomas Street
14. Antonio Mello, 40 Winifred Way – Total of 29' at 40 Winifred Way

ORDERS – MISCELLANEOUS

15. Police Chief's report on licenses:
2020 Taxicab Drivers:
Anthony Cabral James Silvia

2021 Taxicab Drivers:

Anthony Cabral Gerald Pinault Mikael Raposa Dorothy Ward

16. Auto Repair Shop License Renewals:
Thomas A. Legault d/b/a Tom Legault's Auto Repair at 745 Brayton Avenue
Igor Zinovyev, Boston Auto Fair LLC at 2147 Pleasant Street
17. Transfer auto repair shop license no. 117 located at 2553 South Main Street from
Steven Thornsby d/b/a T and T Auto Repair and Sales, to Antonio Pinto d/b/a
T and P Auto Repair and Sales

COMMUNICATIONS – INVITATIONS – PETITIONS

18. *Claims

City Council Meeting Minutes:
19. *City Council Committee on Finance – October 13, 2020
20. *City Council Committee on Finance – October 27, 2020
21. *Regular Meeting of the City Council – October 13, 2020
22. *Open Meeting Law Complaint from Patrick Higgins re: alleged violation by City Council
and City Council President on November 17, 2020
23. *Assistant Corporation Counsel response to Open Meeting Law complaint filed by Collin
Dias re: October 27, 2020 City Council Committee on Finance Meeting
24. *Assistant Corporation Counsel response to Open Meeting Law complaint filed by
Patrick Higgins re: October 27, 2020 City Council Meeting

BULLETINS – NEWSLETTERS – NOTICES

25. *PERAC re: Fiscal Year 2022 Appropriation


Assistant City Clerk

OTHER POTENTIAL MATTERS (to be acted upon if recommendations are received)
COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

- Proposed Ordinance – Traffic miscellaneous
- Proposed Ordinance – Traffic, handicapped parking
- Proposed Ordinance – Traffic, stop intersection on Bark Street
- Proposed Ordinance – Traffic, 30-minute parking on Robeson Street
- Proposed Ordinance – Traffic, traffic fees
- Proposed Ordinance – Establishing a fee schedule for utility poles

(Councilor Trott-Lee)

WHEREAS, the City of Fall River is seeking to decrease and/or eliminate its spending on storage rental fees, now therefore

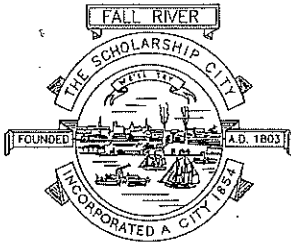
BE IT RESOLVED, that the Committee on Finance convene to discuss funding for the construction of a storage area/facility.

In City Council, September 22, 2020
Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

November 24, 2020

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

Dear Council President and Members of the Honorable Council:

Please find the draft Memorandum of Agreement between the City of Fall River and the Fall River Redevelopment Authority for your review, discussion and consideration. It is respectfully requested that ownership of the Bank Street Armory be transferred to the Fall River Redevelopment Authority (RDA). The draft Memorandum of Agreement outlines the following:

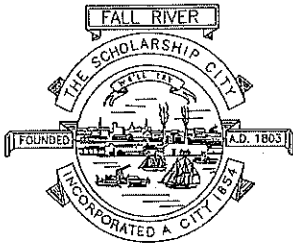
- RDA shall file for a plan change to the Downtown Urban Renewal Plan to include the Armory
- Upon approval the City shall transfer the Armory to the RDA by deed
- The RDA shall dispose of the Armory to a private developer with demonstrated experience in the renovation of structures of this nature and with the financial ability to undertake and complete such a project.
- The disposition price may not be less than the assessed value at the time of disposition.
- The sale proceeds shall be paid to the City less any incurred cost for disposition.
- The RDA shall complete the disposition process to a private developer within 6 months of obtaining the title. If not complete the City shall have a right of reverter.
- Agreement contains Land Disposition Agreement

Should you have any questions or concerns in this regard, please do not hesitate to contact me.

Best Regards,

Paul E. Coogan
Mayor

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City of Fall River
Massachusetts
Office of the Mayor

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2020 NOV 12 P 4:29

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

November 9, 2020

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

RE: Armory

Dear Honorable Council Members:

Known as the Bank Street Armory the City acquired the property from the State for \$1 many years ago. Although the buildings historical façade remains intact, the building remains empty requiring several million dollars to redevelopment. In the last few years, the Community Preservation Committee has invested monies to repair the center roof, chimneys and some mason repairs, not nearly enough to bring the property back to life. Redevelopment of this historical property would complement the neighborhood and be an asset to the community. Attached are alternatives to dispose of the armory as well as pros and cons.

It is respectfully requested that ownership in the Bank Street Armory be transfer to the redevelopment authority and the City charge the board with finding/working with a buyer and making it a taxpaying entity. Transferring the ownership to the Fall River Redevelopment Authority (RDA) will help the city market the site to buyers with experience in rehabbing armories with the goal of making the property an event center and a taxpayer. Property transfers to redevelopment authorities is a common mechanism in cities plagued by deteriorated property in need of revitalization.

To ensure, that the desires of the City will be executed, the City will execute a memorandum of understanding with the RDA setting a minimum sales price as well as restriction on the future use of the property.

We appreciate your guidance on the disposition of the armory.

Best Regards,

Paul E. Coogan
Paul E. Coogan
Mayor

City of Fall River, *In City Council*

ORDERED, that the Fall River City Council authorizes the Mayor to transfer the Bank Street Armory, located at 72 Bank Street, Fall River (Parcel ID N-10-0048) to the Fall River Redevelopment Authority pursuant to the terms of the attached Memorandum of Agreement to be executed by the City of Fall River and the Fall River Redevelopment Authority.

DRAFT
Memorandum of Agreement
Between
The City of Fall River
and
The Fall River Redevelopment Authority

This Memorandum of Agreement ("Agreement") is made as of the ____ day of _____, 2020, by and between the City of Fall River, a municipal corporation organized under the laws of the Commonwealth of Massachusetts, of One Government Center, Fall River, MA 02722 ("CITY") and the Fall River Redevelopment Authority, a public body politic and corporate under M.G.L. c. 121B, of One Government Center, Fall River, MA 02722 ("RDA").

Recitals

Whereas, the City is the present owner of the Bank Street Armory located at 72 Bank Street, Fall River, MA by deed recorded at the Bristol County Fall River District Registry of Deeds in Book 1122, Page 1161 ("Armory"); and

Whereas, the RDA has an approved Downtown Urban Renewal Plan which includes the location of the Armory within the urban renewal area; and

Whereas, the City and the RDA wish to enter into a Memorandum of Agreement regarding the transfer and subsequent disposition and development of the Armory under the RDA's Downtown Urban Renewal Plan.

Now, therefore, for good and valuable consideration the parties hereby agree as follows:

1. The RDA shall file and request approval from the Commonwealth of Massachusetts Department of Housing and Community Development ("DHCD") for a plan change to the Downtown Urban Renewal Plan under 760 CMR 12.03 to include the Armory under the list of real property eligible for disposition and development.
2. Upon the approval of said plan change the City shall transfer the Armory to the RDA by deed for consideration of \$1.00 pursuant to 760 CMR 12.04(3).
3. The RDA shall thereafter dispose of the Armory to a private developer with demonstrated experience in the renovation of structures of this nature for uses of the nature intended and with the financial ability to undertake and complete the project within a reasonable period of time pursuant to 760 CMR 12.05.
4. The disposition of the Armory to a private developer shall be for a disposition price of not less than the assessed value of the Armory at the time of said disposition.
5. The sale proceeds from said disposition shall be paid by the RDA to the City, less the RDA's expenses including insurance, maintenance and utility costs and less the RDA's expenses for completing the disposition including closing costs, recording fees, attorney fees and appraisal fees.
6. The RDA shall complete the disposition of the Armory to a private developer within six (6) months of obtaining title to the Armory from the City. If said disposition is not completed within said six (6) months the City shall have a

right of reverter to acquire back title to the Armory from the RDA and the RDA shall execute all documents necessary to vest title to the Armory back to the City.

7. The disposition of the Armory to a private developer shall include a Land Disposition Agreement as required under 760 CMR 12.05.
8. Said Land Disposition Agreement shall include the following terms and conditions:
 - i. That the private developer shall renovate the Armory in a manner consistent with the Downtown Urban Renewal Plan and any amendments thereto.
 - ii. Subject to a real property restriction that shall limit future use of the Armory to an "event center", and accessory uses thereto, to provide a venue for social and business gatherings and to support and expand opportunities for arts and culture in the community.
 - iii. That the private developer shall commence renovations within six (6) months of acquiring title to the Armory and that the renovations shall be substantially completed within twenty-four (24) months of acquiring title to the Armory.
 - iv. That the private developer shall be required to enter into a Payment in Lieu of Taxes Agreement with the City to the extent

that the private developer or the use is deemed not otherwise required to pay real estate taxes.

- v. That the RDA shall have a right of reverter to acquire the title to the Armory back from the private developer if the project is not commenced or completed on time.

9. In the event that the RDA acquires title to the Armory back from the private developer at any time hereunder then the City shall thereafter have a right of reverter to acquire back title to the Armory from the RDA and the RDA shall execute all documents necessary to vest title to the Armory back to the City.

10. This Agreement is to take effect as a sealed instrument, sets forth the entire Agreement between the parties, is binding upon and inures to the benefit of the parties hereto and their successors or assigns, may be modified or amended only by a written instrument executed by both parties and shall be governed by the laws of the Commonwealth of Massachusetts.

Executed as a sealed instrument to be effective as of the date first above written.

City of Fall River:

Mayor

Fall River Redevelopment Authority:

Chair

1

ALTERNATIVE ROUTES TO DISPOSE OF ARMORY

Alternative #1

Direct sale by city to unidentified developer

Alternative #2

Step #1: City to FRRA; then

Step #2: City to Identified Developer

Alternative #1

Must comply with 30B, so must be by auction or RFP

-advertising delays

-procedural delays (City Council meeting schedule, drafting auction terms/RFP, corporate counsel review, etc.)

-can't negotiate sale with pre-identified developer

-would be open to other interested developers (although none have come forward for decades)

-can set minimum bid price

-can include minimum qualifications for successful bidder.

-existing Historic Preservation Restrictions remain in effect

-can include terms of sale, including restrictions on future use, but these are difficult to draft and **the possibility of negotiations may be limited** since certain terms of sale announced in advance cannot be later varied or negotiated with the successful bidder

-If no qualified successful bidder comes forward, the process must be repeated.

Alternative #2

Step #1: City to FRRA:

-Exempt from 30B

- no delay for advertising
- transfer from City to FRRA can be for \$1
- City can require FRRA to sign a Memorandum of Agreement requiring FRRA to sell to developer for at least a minimum price; to pay back the City an agreed upon amount such as 90% of the net sales price paid by the developer; and requiring FRRA to return title to the City if no sale takes place within a certain time.
- transfer from City to FRRA can include restrictions on future use, and existing Historic Preservation Restrictions will still apply
- after City transfer title to FRRA, City will no longer have the cost of insuring or maintaining the building.

Step #2: FRRA to Identified Developer

-Exempt from 30B

- No advertising delay, but Department of Housing and Community Development may require a minor amendment to the Downtown Urban Renewal Plan, an appraisal must be done (unless waived by DHCD) and DHCD must approve sale price and Land Disposition Agreement. The FRRA is experienced in drafting Land Disposition Agreements.
- These safeguards help assure the a fair price is received and that use of the property will be consistent with the Downtown Urban Renewal Plan
- Unlike under 30B, **detailed negotiations between FRRA and developer can take place**, within the guidelines imposed by the City under Step #1 for minimum sales price and restrictions on future use.
- An interested buyer has already been identified with experience and a successful track record in Armory redevelopment and with the financial ability to see the project through to a successful conclusion.**
- Negotiation with the identified buyer can begin immediately.**
- Identified Buyer can begin work within 30 days after sale**
- Identified Buyer has committed to invest as much as \$8,000,000 for renovation**

ARMORY

RDA Pros	RDA Cons
1. Exempt from 30B	1. Appraisal & DHCD approval needed
2. Can restrict the use for use, experience, etc.	2. Land Disposal agreement needs DHCD approval
3. Can negotiate the sale price with the buyer	3. A MOU with the City will require a transfer back to the City is not sold by _____
4. Timing to execute the sale could be shorter	4. MOU with the City can restrict the use
5. CPA deed restrictions will remain on the property	5. MOU will include 90% of the sale price to be returned to the City
6. Buyer is willing to start within 30 days weather permitting	6. Must insure the property
7. Buyer has experience with Armory's and is willing to commit to \$8M rehab of the property	7. City is currently providing mason repairs with CPA funding

CITY Pros	CITY Cons
1. Follows 30B	1. RFP restrictions can be tricky
2. Can restrict RFP for use, experience, etc.	2. A MOU will include 90% of the sale price to be returned to the City (10% will be retained by the RDA)
3. Can include a minimum selling price in the RFP.	3. Cannot negotiate with the buyer
4. Property is currently insured as part of the overall property insurance	4. Timing to execute could be longer
5. A MOU can restrict how the RDA sells the property	5. Fair competition may bring others interested parties
6. MOU can require the property be returned if the sale does not occur by _____	
7. CPA deed restrictions will remain on the property	

760 CMR 12

760 CMR 12.00:

URBAN RENEWAL REGULATIONS

- 12.01: Effective Date, Applicability and Definitions
- 12.02: Urban Renewal Plans
- 12.03: Plan Changes
- 12.04: Land Acquisition
- 12.05: Land Disposition
- 12.06: Urban Revitalization Development Grant (URDG)
- 12.07: Waiver

12.01: Effective Date, Applicability and Definitions

760 CMR 12.00 supersedes Department of Housing and Community Development Urban Renewal regulations appearing at 760 CMR 12.00 through 20.00, as previously promulgated December 12, 1986.

760 CMR 12.00 shall take effect on November 1, 1996 and apply to all applications for approval of Urban Renewal Plans, and all on-going projects on and after November 1, 1996.

Plan approvals, conditions and waivers in effect as of the effective date of 760 CMR 12.00 shall remain in effect.

760 CMR 12.00 governs planning and program activities for both Urban Renewal projects and Urban Revitalization and Development projects.

Unless otherwise specified, the definitions in M.G.L. c. 121B, § 1 shall be applicable to 760 CMR 12.00.

12.02: Urban Renewal Plans

The Department of Housing and Community Development (the Department) is charged with the responsibility for the review and decision on an application for approval of an Urban Renewal Plan. If the Department shall have made the findings set out in M.G.L. c. 121B, § 48 it shall approve the plan.

Each application shall contain the following:

- (1) Characteristics. Plans or maps of the project area and the immediately surrounding area, showing:
 - (a) Boundaries of the project area and topography,
 - (b) Boundaries of areas proposed for clearance and areas proposed for rehabilitation,

- (c) Property lines and the foot-print of buildings and parking areas on each lot, existing and proposed,
- (d) Existing uses, including identification of land in mixed uses and land in public use, and the current zoning,
- (e) Proposed land uses, other activities and zoning,
- (f) All thoroughfares, public rights of way and easements, existing and proposed,
- (g) Parcels to be acquired,
- (h) Lots to be created for disposition,
- (i) Buildings to be demolished,
- (j) Buildings to be rehabilitated,
- (k) Buildings to be constructed.

(2) Eligibility. Data and other descriptive material which demonstrates that the project area is a blighted open area, a decadent area, and/or a substandard area within the definitions set out in M.G.L. c. 121B, § 1. The data and other descriptive material shall also show:

- (a) Where clearance is proposed, a showing that more than 50% of the floor area of all buildings is functionally obsolete, structurally substandard or is not reasonably capable of being rehabilitated for productive use,
- (b) Where spot clearance is proposed, a showing that the clearance is necessary in order to achieve the objectives of the plan,
- (c) Where clearance is proposed, a showing that the extent of clearance proposed is justified, and necessary. Particular attention shall be paid to justifying the acquisition of individual parcels of basically sound property which involve high acquisition costs,
- (d) Where rehabilitation is proposed, a showing that it is economically feasible to rehabilitate the properties in the project area and that the existing street and land use pattern can be adapted to the objectives of the plan,
- (e) Where rehabilitation is proposed, a showing that the area has desirable qualities and other evidence of vitality establishing a likelihood that rehabilitation activities will restore the area over the long-term, and
- (f) The Urban Renewal Plan is based upon a local survey and conforms to a comprehensive plan for the locality.

(3) Objectives. A statement of the objectives of the plan including:

- (a) Specification of all proposed redevelopment (In any project area the reuse of which will be predominantly residential, an objective shall be the provision of housing units for low or moderate income persons),
- (b) A detailed estimate of how many jobs will be retained, how many created, and how many eliminated as a result of the proposed renewal and redevelopment, and
- (c) The specific provisions which exist or which will be established to control densities, land coverage, land uses, setbacks, offstreet parking and loading and building height and bulk.

(4) Financial Plan. Cost estimates establishing:

- (a) The estimated cost of each parcel (or interest in a parcel) to be acquired with an attached appraisal from a licensed appraiser in private practice (appraisal services shall be procured in accordance with M.G.L. c. 30B) and identification of any property in which any officer or employee of the municipality or of the operating agency has, or is believed to have, any direct or indirect interest,
- (b) Detailed cost estimates for site preparation,
- (c) Detailed cost estimates of all proposed public improvements,
- (d) Detailed cost estimates for relocation expenses,
- (e) Detailed cost estimates establishing the gross and net project cost (Gross project cost shall consist of the total of all costs associated with the project, including but not limited to planning, acquisition and disposition of land, relocation of occupants, improvements to the site, financing and administrative costs. Net project cost shall be the gross project cost less revenue anticipated from disposition of land and other income), and
- (f) A project budget including administrative expenses and reserves for contingencies.

(5) Requisite Municipal Approvals. Evidence of a public hearing and the requisite municipal approvals specified in M.G.L. c. 121B, § 48, and an opinion of counsel to the operating agency certifying that the proposed Urban Renewal Plan is in compliance with applicable laws.

(6) Site Preparation. Specification of all proposed site preparation, including land protection and measures to address environmental, topographic, subsoil or flood problems. Any special site preparation or land protection problems shall be identified.

(7) Public Improvements. Specification of any public improvements, a description of their general design and an explanation of how the improvements will help achieve the objectives of the plan.

(8) Relocation. A relocation plan conforming to all applicable requirements appearing in federal law, M.G.L. c.79A, and the regulations and guidelines thereunder.

(9) Redeveloper's Obligation. Specification of the obligations which have been imposed or will be imposed upon redevelopers for construction of improvements within a reasonable time and in conformity with the plan. If specific or general commitments for redevelopment exist, specification of the commitments in all pertinent detail, including copies of any contracts, plans, or proposals.

(10) Disposition. The plan must specify the disposition proposed for each parcel and identify any known redeveloper.

(11) Citizen Participation. A report on citizen participation describing citizen participation in the planning process and the expected citizen participation during the project execution. A showing of meaningful citizen participation is necessary for approval of the plan.

12.03: Plan Changes

The operating agency shall submit all proposed minor and major plan changes to the Department for approval. The application for a plan change shall include a detailed description of the change, the purpose and effect of the plan change on project activities, and pertinent revisions of the original application to reflect the change.

(1) A minor plan change is a plan change that does not significantly affect any of the basic elements of a previously approved Urban Renewal Plan. An application for a minor plan change shall include a resolution of the operating agency adopting the plan change. If deemed necessary for its decision, the Department may request additional local approvals or information.

(2) A major plan change is a significant change in any of the basic elements of a previously approved Urban Renewal Plan. The request for a major plan change shall be accompanied by evidence of a public hearing, a Planning Board determination that the proposed change is in conformance with the general plan for the community as a whole, City Council or Town Selectmen approval, and evidence that all affected redevelopers have been notified of the plan change, have been given an opportunity to comment, and that any such comments have been considered. If deemed necessary for its decision, the Department may request additional local approvals or information.

12.04: Land Acquisition

(1) Appraisals. Two independent appraisals are required for each parcel to be acquired. The first appraisal shall provide the basis for the initial estimate of the value of the parcel to be purchased pursuant to the Urban Renewal Plan. The second appraisal shall be prepared after the Department's approval of the Urban Renewal Plan. If deemed

necessary, the Department may request an additional appraisal, or an update of the first or second appraisal. The operating agency's determination of the proposed acquisition price shall be based on review of the appraisals. The acquisition price shall not be less than the lowest appraisal, nor more than the highest appraisal.

(2) Negotiations and Condemnation. The operating agency may negotiate for the purchase of one or more parcels after the Urban Renewal Plan has been approved by the Department. Negotiations may be performed by a member of the operating agency staff experienced in real estate matters or by a licensed broker under contract. The negotiated acquisition price shall be approved by the Department. Approval by the Department of the acquisition price for a parcel shall constitute the Department's concurrence in the institution of condemnation proceedings, provided that the operating agency shall have made every reasonable effort to acquire the property through purchase. All condemnation proceedings shall be authorized by the operating agency's governing body and shall be carried out in accordance with M.G.L. c. 79.

12.05: Land Disposition

(1) Each parcel to be sold or otherwise disposed of by the operating agency shall have an independent disposition appraisal. If deemed necessary, the Department may require an additional disposition appraisal. In cases where the cost of the appraisal will exceed the estimated value of the parcel, the Department may waive the disposition appraisal. Prior to disposition of any parcel, the operating agency shall file or record the Urban Renewal Plan or an appropriate declaration of restrictions with the appropriate registry of deeds or division of the land court.

The operating agency shall determine the disposition price for each parcel as follows:

- (a) The disposition price shall be no less than the fair market value of the land for the use specified in the Urban Renewal Plan, as determined by the disposition appraisal,
- (b) The disposition appraisal shall reflect both the advantages created by the project and the requirements and limitations on land uses to be imposed on the redeveloper by the Urban Renewal Plan,
- (c) Disposition of project land may be made by long-term lease. The fair market value of the parcel to be leased, the then current rate of rent at which similar long-term land leases are made, and an acceptable annual rent for the property to be leased shall be determined by the operating agency on the basis of two disposition appraisals made by licensed appraisers,
- (d) In instances where the operating agency has demonstrated that a significant public purpose will be served by disposing of the parcel at less than the fair market value, the Department may approve such a disposition at less than fair market value.

(2) The Department shall approve the disposition price, the proposed purchaser or lessee (redeveloper) and a land disposition agreement (instrument describing the terms of such sale or lease). The land disposition agreement for each parcel shall insure that the redeveloper conforms to and carries out the requirements of the Urban Renewal Plan and that the interests of the project are safeguarded. The time permitted for the performance of each obligation of the redeveloper shall be specified.

(3) Prior to entering into a land disposition agreement, the operating agency shall determine that the redeveloper possesses significant qualifications and financial resources to acquire and develop the land in accordance with the Urban Renewal Plan. The operating agency shall not enter into a land disposition agreement until the redeveloper has furnished satisfactory evidence that the redeveloper has the financial resources needed to complete redevelopment.

(4) Members of the governing body of the operating agency or municipality and employees of the operating agency or municipality, who, acting in their official capacity, exercise or may exercise responsibility concerning the project, are ineligible to be redevelopers.

12.06: Urban Revitalization Development Grant (URDG)

(1) As authorized by M.G.L. c. 121B, §§ 45 through 57 the Department may provide an Urban Revitalization Development Grant (URDG) to a municipality in an amount equal to half of the net project cost of a project, as determined by the Department. All grants are subject to a prior appropriation by the Legislature sufficient to fund the grant. Approval of an Urban Renewal Plan by the Department shall be a necessary condition of such a grant, but such approval shall not guarantee that the Department will make a grant. Such URDG projects will require detailed information regarding the redeveloper and redevelopment proposal, including the financing of the redevelopment, and the operating agency's management plan for the project site, to the extent known. An URDG request may be submitted in conjunction with an application for approval of an Urban Renewal Plan or as a separate grant application for a project under an approved plan. Any applicant for a grant shall provide all information requested by the Department for use in its determination of the grant request.

(2) Grant Recipients. Any recipient of an Urban Renewal Assistance Grant or an Urban Revitalization Development Grant shall comply with the following:

(a) Reports. The recipient, including the municipality and the operating agency, shall comply with all requests of the Department for reports, audits of accounts, and records of the project, and other assurances that the project is being executed on schedule and in accordance with the approved Urban Renewal Plan. Once a year, the recipient must submit to the Department an updated "Comparative Statement of Approved Budget to Actual Project Cost" in a form specified by the Department and a private, independent audit of the project, detailing all project income, costs and expenditures. The Department reserves the right to suspend grant payments if actual project costs exceed the

1

estimated costs, or such action is necessary to protect the public interest. Upon determination of project completion by the Department, the recipient shall submit a final comparative statement and conduct a final audit. The recipient shall also provide all such reports as the Department may request concerning the redevelopment of the project area and shall make all pertinent documentation available for inspection by the Department.

(b) Retention of Project Records. All project records shall be maintained and kept for a period of seven years following project completion or three years following the date of final resolution of all legal claims, whichever occurs later. All such records shall be available for inspection by the Department.

(c) Acknowledgment of State Assistance. State participation in the financing of an urban renewal project or activity shall be prominently acknowledged by project signs approved by the Department, and in any book, pamphlet, plan, report, or map prepared by the municipality or the operating agency concerning the project.

(d) Contracting. The operating agency shall submit copies of all contracts involving the expenditure of \$10,000 or more to the Department immediately after execution. The Department may require its pre-approval of some or all contracts as a condition of a grant.

(e) Final Financial Settlement. Upon approval of the final audit at close-out of a project, the operating agency shall submit for Department approval a certificate of completion and a statement of the gross project cost and the net project cost determined in such manner as shall be specified by the Department. The Department shall approve the certificate and statement upon its determination that all applicable requirements have been met.

12.07: Waiver

The Director of the Department of Housing and Community Development may waive any provision of 760 CMR 12.00 under the following circumstances:

- (1) A catastrophic event, such as a fire, flood, or other similar event, causes severe hardship to the municipality; or
- (2) There is severe economic hardship in the municipality (such as may result from loss of a major employer), an unemployment rate consistently in excess of the state average, or a high concentration of low and moderate income population; and
- (3) There is evidence that granting a waiver will produce exceptional public benefit not otherwise available.

The request for a waiver must be submitted in writing to the Director of the Department of Housing and Community Development, 100 Cambridge Street, Boston, MA 02202. Communities shall submit detailed evidence to support their claims of hardship and public benefit.

As a condition of waiver of the regulations, the Department's Chief Counsel shall render a written opinion that such a waiver accomplishes a significant public purpose not otherwise available and that the request for a waiver is consistent with statutory requirements.

In the event of such a waiver, the Department shall prepare a statement of facts upon which such a waiver is based. No waiver shall be made if it conflicts with any mandatory provision of any statute.

REGULATORY AUTHORITY

760 CMR 12.00; M.G.L. c. 121B, § 45 through 57; c.23B.

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PRESERVATION RESTRICTION AGREEMENT
between the COMMONWEALTH OF MASSACHUSETTS
by and through the MASSACHUSETTS HISTORICAL COMMISSION
and the CITY OF FALL RIVER

The parties to this Agreement are the Commonwealth of Massachusetts, by and through the Massachusetts Historical Commission located at the Massachusetts Archives Building, 220 Morrissey Boulevard, Boston, Massachusetts 02125, hereinafter referred to as the Commission, and the City of Fall River, One Government Center, Fall River, MA 02722, hereinafter referred to as the Grantor,

WHEREAS, the Grantor is the owner in fee simple of certain real property with improvements known as the Bank Street Armory thereon as described in a deed dated February 18, 1976 from The Armory Commission, Military Division, Commonwealth of Massachusetts, to the City of Fall River, and recorded with the Bristol County Registry of Deeds, Book 1122, Pages 1161 and 1162, and which is located at 72 Bank Street, Fall River, Massachusetts 02720, hereinafter referred to as the Premises. The Premises is also shown in Exhibit A, a full legal boundary description from deed cited above and attached hereto and incorporated by reference.

WHEREAS, the Premises includes, but is not limited to, the following: A parcel in Fall River, having four sides and consisting of approximately 36,573 square feet of land, more or less, and containing the Bank Street Armory (1895-97), a monumental Romanesque Revival structure of rock-faced granite ashlar with a medieval, fortress-like appearance enhanced by the use of projecting corner pavilions, a crenelated parapet, and small round-arched windows, designed by the Boston firm of Wait and Cutler in association with the prominent local architect, Louis Destremps. The parcel includes a small contemporary shed situated in the northeast corner of the lot. The premises is also shown in Exhibit B as Lot #48 on Assessor's Plat N-10, in Exhibit C as Parcel 72 N-10-48 on the GIS Map, attached hereto and incorporated therein by reference.

WHEREAS, the Grantor wishes to impose certain restrictions, obligations and duties upon it as the owner of the Premises and on the successors to its right, title and interest therein, with respect to maintenance, protection, and preservation of the Premises in order to protect the architectural, archaeological and historical integrity thereof; and

WHEREAS, the Premises is significant for its architecture, archaeology and/or associations, and was listed in the State and National Registers of Historic Places on February 16, 1983 as a contributing resource to the Downtown Fall River Historic District and the Fall River Multiple Resource Area, and therefore qualifies for a preservation restriction under M.G.L., Chapter 184, section 32; and

WHEREAS, the preservation of the Premises is important to the public for the enjoyment and appreciation of its architectural, archaeological and historical heritage and will serve the public interest in a manner consistent with the purposes of M.G.L. Chapter 184, sections 31, 32, and 33 hereinafter referred to as the Act; and

WHEREAS, the Commission is a government body organized under the laws of the Commonwealth of Massachusetts and is authorized to accept these preservation restrictions under the Act;

NOW, THEREFORE, for good and valuable consideration, the Grantor conveys to the Commission the following preservation restrictions, which shall apply in perpetuity to the Premises.

PURPOSE

It is the Purpose of these preservation restrictions to ensure the preservation of those characteristics which contribute to the architectural, archaeological and historical integrity of the Premises which have been listed in the National and/or State Registers of Historic Places, under applicable state and federal legislation. Characteristics which contribute to the architectural, archaeological and historical integrity of the Premises include, but are not limited to, the artifacts, features, materials, appearance, and workmanship of the Premises, including those characteristics which originally qualified the Premises for listing in the National and/or State Registers of Historic Places.

TERMS

The terms of the Agreement are as follows:

1. Maintenance of Premises: The Grantor agrees to assume the total cost of continued maintenance, repair and administration of the Premises so as to preserve the characteristics which contribute to the architectural, archaeological and historical integrity of the Premises in a manner satisfactory to the Commission according to the Secretary of the Interior's "Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings" (36 CFR 67 and 68), as these may be amended from time to time. The Grantor may seek financial assistance from any source available to it. The Commission does not assume any obligation for maintaining, repairing or administering the Premises.
2. Inspection: The Grantor agrees that the Commission may inspect the Premises from time to time upon reasonable notice to determine whether the Grantor is in compliance with the terms of this Agreement.

3. Alterations: The Grantor agrees that no alterations shall be made to the Premises, including the alteration of any interior, unless (a) clearly of minor nature and not affecting the characteristics which contribute to the architectural, archaeological or historical integrity of the Premises, or (b) the Commission has previously determined that it will not impair such characteristics after reviewing plans and specifications submitted by the Grantor, or (c) required by casualty or other emergency promptly reported to the Commission. Ordinary maintenance and repair of the Premises may be made without the written permission of the Commission. For purposes of this section, interpretation of what constitutes alterations of a minor nature and ordinary maintenance and repair is governed by the Restriction Guidelines which are attached to this Agreement and hereby incorporated by reference.

4. Notice and Approval: Whenever approval by the Commission is required under this restriction, Grantor shall request specific approval by the Commission not less than (30) days prior to the date Grantor intends to undertake the activity in question. A request for such approval by the grantor shall be reasonably sufficient as a basis for the Commission to approve or disapprove the request. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Commission to make an informed judgment as to its consistency with the purposes of this Preservation Restriction. Within (30) days of receipt of Grantor's reasonably sufficient request for said approval, the Commission shall, in writing, grant or withhold its approval, or request additional information relevant to the request and necessary to provide a basis for its decision. However, should the Commission determine that additional time is necessary in order to make its decision the Commission shall notify the Grantor. The Commission's approval shall not be unreasonably withheld, and shall be granted upon a reasonable showing that the proposed activity shall not materially impair the Purpose of this Agreement. Failure of the Commission to make a decision within sixty (60) days from the date on which the request is accepted by the Commission or notice of a time extension is received by the Grantor shall be deemed to constitute approval of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after the passage of time.

5. Assignment: The Commission may assign this Agreement to another governmental body or to any charitable corporation or trust among the purposes of which is the maintenance and preservation of historic properties only in the event that the Commission should cease to function in its present capacity.

6. Validity and Severability: The invalidity of M.G.L. c. 184 or any part thereof shall not affect the validity and enforceability of this Agreement according to its terms. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement.

7. Recording: The Grantor agrees to record this Agreement with the appropriate Registry of Deeds and file a copy of such recorded instrument with the Commission.

8. Archaeological Activities: The conduct of archaeological activities on the Premises, including without limitation, survey, excavation and artifact retrieval, may occur only following the submission of an archaeological field investigation plan prepared by the Grantor and approved in writing by the State Archaeologist of the Massachusetts Historical Commission (M.G.L. Ch.9, Section 27C, 950 CMR 70.00).

9. Enforcement: The Commission shall have the right to prevent and correct violations of the terms of this preservation restriction. If the Commission, upon inspection of the Premises, finds what appears to be a violation, it may exercise its discretion to seek injunctive relief in a court having jurisdiction. Except where the Commission determines that an ongoing or imminent violation will irreversibly diminish or impair the cultural, historical and/or architectural importance of the Premises, the Commission shall give the Grantor written notice of the violation and allow thirty (30) calendar days to correct the violation before taking any formal action, including, but not limited to, legal action. If a court, having jurisdiction, determines that a violation exists or has occurred, the Commission may seek to obtain an injunction to stop the violation, temporarily or permanently. A court may also issue a mandatory injunction requiring the Grantor to restore the Premises to a condition that would be consistent with the preservation purposes of the grant from the Massachusetts Preservation Projects Fund and the Massachusetts Historical Commission. In any case where a court finds that a violation has occurred, the court may require the Grantor to reimburse the Commission and the Commonwealth's Attorney General for all the Commonwealth's expenses incurred in stopping, preventing, and/or correcting the violation, including, but not limited to, reasonable attorney's fees. The failure of the Commission to discover a violation or to take immediate action to correct a violation shall not bar it from doing so at a later time.

10. Other Provisions: None applicable.

The burden of these restrictions enumerated in paragraphs 1 through 10, inclusive, shall run with the land and is binding upon future owners of an interest therein.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 30th day of June, 2017.
CITY OF FALL RIVER

By: [Signature]
Name: Jasiel F. Correia II
Title: Mayor

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this 30th day of June, 2017, before me, the undersigned notary public, personally appeared Jasiel F. Correia II, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purposes.

Nancy R. Pavao
Notary Public
My Commission Expires Feb. 10, 2023

APPROVAL BY THE MASSACHUSETTS HISTORICAL COMMISSION

The undersigned hereby certifies that the foregoing preservation restrictions have been approved pursuant to Massachusetts General Laws, Chapter 184, section 32.

MASSACHUSETTS HISTORICAL COMMISSION

By Brona Simon
Brona Simon
Executive Director and Clerk
Massachusetts Historical Commission

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this 11th day of July, 2017, before me, the undersigned notary public, personally appeared Brona Simon, proved to me through satisfactory evidence of identification, which was (a-current driver's license) (a-current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purposes.

Notary Public

Nancy Maier

My Commission Expires

January 25, 2019

RESTRICTION GUIDELINES

The purpose of the Restriction Guidelines is to clarify Paragraph Three of the Terms of the Preservation Restriction Agreement, which deals with alterations to the Premises. Under this Paragraph, prior permission from the Massachusetts Historical Commission is required for any major alteration. Alterations of a minor nature, which are part of ordinary maintenance and repair, do not require the Commission's prior review.

In an effort to explain what constitutes a minor alteration and what constitutes a major change, which must be reviewed by the Commission, the following list has been developed. By no means is this list comprehensive: it is only a sampling of some of the more common alterations, which may be contemplated by building owners,

PAINT

Minor - Exterior or interior hand scraping and repainting of non-decorative and non-significant surfaces as part of periodic maintenance.

Major - Painting or fully stripping decorative surfaces or distinctive stylistic features including murals, stenciling, wallpaper, ornamental woodwork, stone, decorative or significant original plaster.

WINDOWS AND DOORS

Minor - Regular maintenance including caulking, painting and necessary reglazing, Repair or in-kind replacement of existing individual decayed window parts.

Major - Wholesale replacement of units; change in fenestration or materials; alteration of profile or setback of windows as well as any level of stained glass window conservation/restoration. The addition of storm windows is also considered a major change; however, with notification it is commonly acceptable.

EXTERIOR

Minor - Spot repair of existing cladding and roofing including in-kind replacement of clapboards, shingles, slates, etc.

Major - Large-scale repair or replacement of cladding or roofing. Change involving inappropriate removal or addition of materials or building elements (i.e., removal of chimneys or cornice detailing; installation of architectural detail which does not have a historical basis); altering or demolishing building additions; spot repointing of masonry. Structural stabilization of the Premises is also considered a major alteration.

LANDSCAPE/OUTBUILDINGS

Minor - Routine maintenance of outbuildings and landscape including lawn mowing, pruning, planting, painting, and repair.

Major - Moving or subdividing buildings or Premises; altering of Premises; altering or removing significant landscape features such as gardens, vistas, walks, plantings; ground disturbance affecting archaeological resources.

WALLS/PARTITIONS

Minor - Making fully reversible changes (i.e., sealing off doors in situ, leaving doors and door openings fully exposed) to the spatial arrangement of a non-significant portion of the building.

Major - Creating new openings in walls or permanently sealing off existing openings; adding permanent partitions which obscure significant original room arrangement; demolishing existing walls; removing or altering stylistic features; altering primary staircases.

HEATING/AIR CONDITIONING/ELECTRICAL/PLUMBING SYSTEMS

Minor - Repair of existing systems.

Major - Installing or upgrading systems which will result in major appearance changes (i.e., dropped ceilings, disfigured walls or floors, exposed wiring, ducts, and piping); the removal of substantial quantities of original plaster or other materials in the course of construction.

Changes classified as major alterations are not necessarily unacceptable. Under the Preservation Restriction, such changes must be reviewed by the Commission and their impact on the historic integrity of the Premises assessed.

It is the responsibility of the owner of the Premises (Grantor) to notify the Commission in writing when any major alterations are contemplated. Substantial alterations may necessitate review of plans and specifications.

The intent of the Preservation Restriction is to enable the Commission to review proposed alterations and assess their impact on the integrity of the Premises, not to preclude future change. Commission staff will attempt to work with Grantors to develop mutually satisfactory solutions, which are in the best interests of the Premises.

EXHIBIT A

Bristol County Registry of Deeds
Book 1122
Page 1161

Boundary Description transcribed from the Bristol County Registry of Deeds, BOOK 1122, PAGE 1161:

"Beginning at a stone bound on the northerly side of Bank Street, thence running northerly along the easterly line of Durfee Street 239.23 feet to the southerly side of Elm Street; thence turning at an angle of $87^{\circ}01'$ and running easterly along the southerly side of Elm Street 151.07 feet to land of the City of Fall River, Public Library; thence turning and running southerly 241.42 feet to Bank Street to a point 153.95 feet from the said stone bound; thence turning at an angle of $85^{\circ}36'50''$ and running westerly along the northerly side of Bank Street 153.95 feet to the point of beginning. Said land contains 134.34 square rods or 36,573 square feet of land, more or less.

Being the same land acquired by the Armory Commission, Military Division, Commonwealth of Massachusetts, from the City of Fall River and recorded in the Fall River District of the Bristol County Registry of Deeds on December 12, 1907 in Book 134, Pages 327 to 329."

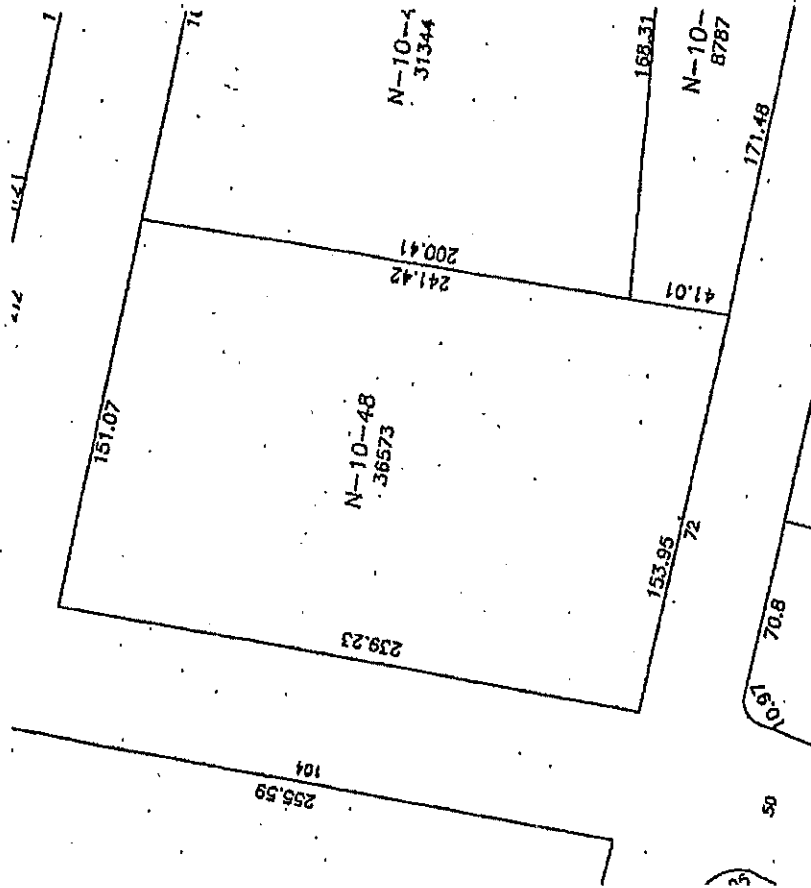
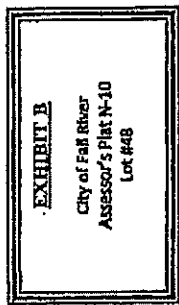
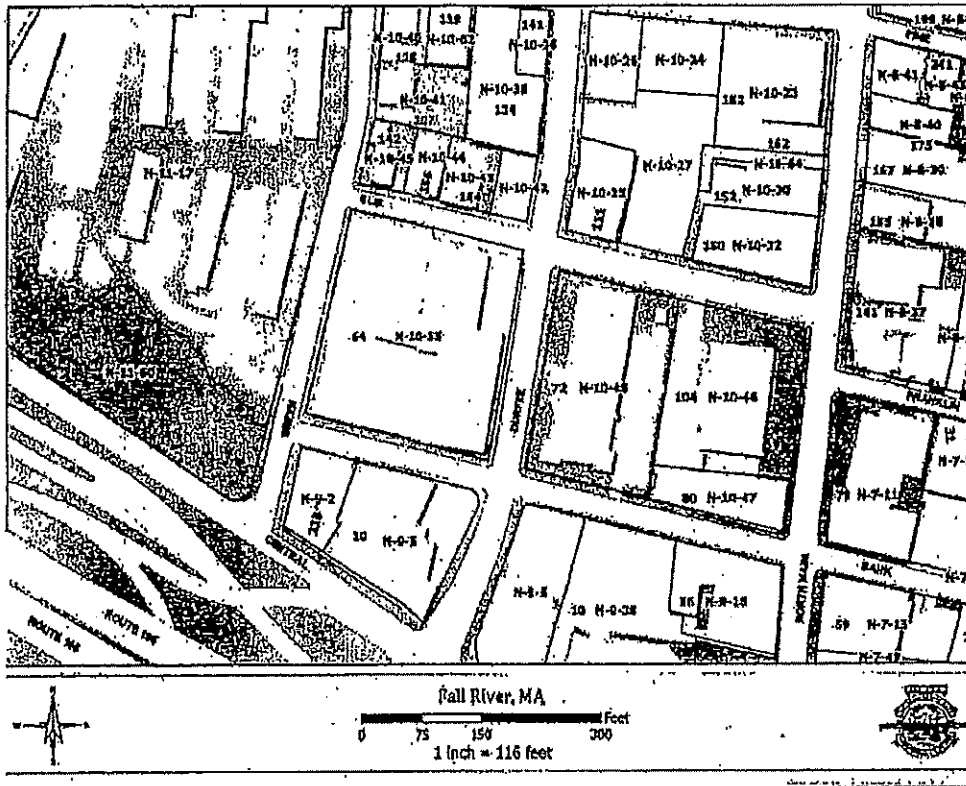


EXHIBIT C

City of Fall River
GIS Map



ATTEST: BR. COUNTY, F.R. DIST.
Bernard J McDonald III Register

1

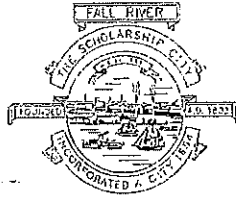
City of Fall River
Office of the Corporation Counsel

PAUL E. COOGAN
Mayor

RECEIVED

2020 NOV -4 P 12:43

CITY CLERK _____
FALL RIVER, MA



ALAN J. RUMSEY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

4 November 2020

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

Re: Legal Opinion – Proposed Transfer of Armory

Honorable Members of the City Council and members of the Park Commission:

I have prepared the following legal opinion regarding the proposed transfer of the Bank Street Armory to the Redevelopment Authority.

I. ISSUE:

I have been asked to render an opinion regarding the control of the Bank Street Armory ("Armory"). Specifically, the City Council wants to know if the Board of Park Commissioners ("Park Board") is required to approve any proposed transfer of Armory ownership to the Redevelopment Authority ("RDA").

II. OPINION:

The Armory is owned by the City of Fall River and held under the control of the City Council as part of the city's general corporate property. The Park Board is neither required, nor permitted, to exert any control over the City Council's proposed transfer of the Armory to the RDA.

III. FACTS:

On November 19, 1975, the City Council voted to approve the conveyance of the Bank Street to the City of Fall River. The Order of the City Council specifically stated that "The acquisition of this land and buildings will be for general municipal purposes and functions." See 11/19/75 Order of the City Council, attached as **Exhibit A**.

On February 18, 1976, the City of Fall River officially acquired the Bank Street Armory for the sum of One Dollar (\$1.00). The deed, attached as **Exhibit B**, does not contain any limitation on Fall River's use of the Armory.

On April 14, 1976, the City Council adopted an Order that a) designated the Fall River Park Department as the "operating agency" for the Bank Street Armory for a period of sixty (60) days to "provide for the proper and efficient utilization of said complex"; and b) ordered that the Department of Public Works be responsible for the Armory's upkeep and maintenance. The City Council retained the right to revoke these designations at any time. *See*, 4/14/76 Order of City Council, attached as **Exhibit C**.

Article III of the Code of the City of Fall River states that the "Board of Park Commissioners shall promote the City Armory in a manner which will be most beneficial to the City and shall endeavor to maximize and diversify its use." *See*, §54-101 of the Code of the City of Fall River, attached as **Exhibit D**.

The Office of Corporation Counsel is not aware of the existence of any additional Order(s) of the City Council officially limiting the use of the Armory or transferring control of the Armory to a particular city board, officer, or department.

IV. LAW:

Land conveyed to a city with no limitation on its use, either in the deed or in the vote of the city council accepting the conveyance, becomes part of the city's general corporate property. *See*, Muir v. City of Leominster, 2 Mass.App.Ct. 587 (1974). Conveyance of land by a city is governed by the general provisions regulating the power to hold, lease, and convey property found in G.L. c. 40, § 3 (made applicable to cities by G.L. c. 40, § 1), and as limited by the conditions set out in G.L. c. 40, §15, if applicable. *Id* at 592.

V. DISCUSSION:

There is no evidence to suggest that the Armory was held for a specific municipal purpose. The deed conveying the Bank Street Armory to the City of Fall River did not contain any limitations on the City's use of the Armory (**Exhibit B**) and, perhaps more importantly, the City Council Order approving the conveyance specifically stated that "The acquisition of this land and buildings will be for general municipal purposes and functions." (**Exhibit A**).

There is also no evidence to suggest that the City transferred control of the Armory to the Armory Commission and/or Park Board. The 4/14/76 Order of City Council (**Exhibit C**) makes clear that the City Council retained ownership and control of the Armory.

Furthermore, nothing in Article III of the Code of the City of Fall River (**Exhibit D**) transfers ownership and/or control of the Armory to the Armory Commission and/or Park Board. The purpose of Article III is to allocate responsibility for promoting appropriate use of the Armory.

Article III does not change the ownership status of the Armory and, as such, cannot be used as a basis for the Park Board to interfere in the City Council's ability to convey title to the RDA.

The holding in Muir illustrates a city council's ability to retain official control of property while designating responsibility to a specific board or department. Muir v. City of Leominster, 2 Mass.App.Ct. 587 (1974). In Muir, the city of Leominster acquired a gift of approximately eight (8) acres of land on August 25, 1935. The land was known as Whitney Field and, from 1935 to 1965, the majority of the land was used as a playground and for recreational purposes and was "operated" by Leominster's Playground/ Recreation Commission. In 1970, the council adopted an order selling a portion of the land to a private developer. Residents of Leominster challenged the city's authority to sell the land stating, *inter alia*, that the city failed to comply with the provisions of G.L. c. 40, §15, which required the "commission which had charge of the land" to make a determination that the land was no longer required for public purposes. The court disagreed with the residents and found that "Whitney Field was held by the city as part of its general corporate property and could be used for different purposes in the event of changes in the nature or the needs of the municipality" Id at 592. The court based its decision on the absence of any restriction in the deed and the fact that there was "no formal dedication by the city of this area as park land". Id.

VI. G.L. c. 40, § 15A:

A brief discussion of G.L. c. 40, § 15A (**Exhibit E**) is warranted. § 15A details the procedure for transferring the official charge of land from one board or officer to the same or another board or officer for another specific municipal purpose. Specifically, § 15A states, in pertinent part as follows:

Section 15A. Whenever a board or officer having charge of land... held by a city or town within its limits for a specific purpose shall determine that such land is no longer needed for such purpose... such board or officer shall forthwith give notice of such determination to the city council of the city.


In other words, if land is officially designated as being held for a particular municipal purpose, § 15A requires a determination that the land is no longer needed by the designated board or for the designated purpose. *See, Harris v. Town of Wayland*, 392 Mass. 237 (1984). Land which has been formally devoted to one public use cannot be diverted to another, inconsistent use without complying with the requirements of § 15A.

The Park Board need not comply with the requirements of § 15A because there is no evidence to suggest that the City Council transferred the official charge of the Armory and/or designated the Armory for a specific municipal purpose. However, if use of the Armory is no longer required by the Park Board, then the Park Board could eliminate any existing confusion over this issue by simply notifying the City Council that they no longer need the property.

VII. CONCLUSION:

The Armory is owned by the City of Fall River and held under the control of the City Council as part of the city's general corporate property. The Park Board is neither required, nor permitted, to exert any control over the City Council's proposed transfer of the Armory to the RDA. Nonetheless, in an effort to avoid any potential disputes or legal challenges, I would advise the Board of Park Commissioners to comply with the requirements of § 15A by providing the City Council with notice that use of the Armory is no longer required by the Park Board.

Respectfully submitted,


Alan J. Rumsey, Esq.
Corporation Counsel

cc: Mayor Paul E. Coogan

November 18, 1975

Order- Accept parcel #6, Pearl St. Redevelopment project from F.R.H.A. (#5)



Order- Accept Bank Street Armory from Commonwealth for \$1.00

ORDERED, that the Mayor be and he is hereby authorized to accept from the Fall River Housing Authority, on behalf of the City of Fall River, a parcel of land in the City of Fall River known as parcel no. 6 of the Pearl Street Redevelopment project acquired by the Fall River Housing Authority as a result of eminent domain proceedings. Said parcel being further described as a triangular parcel no. 6 in the Pearl Street Redevelopment Project containing four thousand nine hundred sixty (4,960) square feet of land, more or less, in preliminary subdivision plat no. 5.

Adopted, 9 years.

Approved, November 19, 1975.

ORDERED, that the Mayor be, and he is hereby authorized and directed on behalf of the City of Fall River to accept from the Armory Commission, Military Division, Commonwealth of Massachusetts, 905 Commonwealth Avenue, Boston, Massachusetts for the sum of ONE DOLLAR (\$1.00) all land and buildings located on the northerly side of Bank Street, the easterly side of Durfee Street and the southerly side of Elm Street, being lot #48 on Assessors Plat # N-10, containing 36,573 square feet of land, more or less. Said building is presently known as the "Bank Street Armory".

The acquisition of this land and buildings will be for general municipal purposes and functions.

Said parcel of land, according to said plans is further bounded and described as follows:

Beginning at a stone bound on the northerly side of Bank Street, thence running northerly along the easterly line of Durfee Street 239.23 feet to the southerly side of Elm Street; thence turning at an angle of 87°01' and running easterly along the southerly side of Elm Street 151.07 feet to land of the City of Fall River, Public Library; thence turning and running southerly 241.42 feet to Bank Street to a point 153.95 feet from the said stone bound; thence turning at an angle of 85°36'50" and running westerly along the northerly side of Bank Street 153.95 feet to the point of beginning. Said land contains 134.34 square rods or 36,573 square feet of land, more or less.

Being the same land acquired by the Armory Commission, Military Division, Commonwealth of Massachusetts, from the City of Fall River and recorded in the Fall River District of the Bristol County Registry of Deeds on December 12, 1907 in Book 134, Pages 327 to 329.

Adopted, 9 years.

Approved, November 19, 1975.

ORDERED, that a license be and the same is hereby granted to Almeida Bus Lines, Inc., 1091 Kempton Street, New Bedford, Massachusetts to operate motor vehicles on the following streets and public ways in the City of Fall River, for sightseeing purposes.

Rt. 195 between Fall River - Westport line and exit 138 North. Exit 138 north, exit ramp from Rt. 195 on Rt. 79 and 138 north. Davol St. between Rt. 195 exit ramp and Water Street between Davol Street and Anawan Street. Anawan Street between School Street and Rt. 138. Rt. 138 between Pocasset St. and Broadway. Middle Street between Broadway, Rt. 138 and South Main Street. South Main Street between Middle Street and Rodman Street. Rodman Street between South Main Street and Plymouth Avenue. Plymouth Ave. between Rodman Street and the entrance ramp onto Rt. 195.

Adopted.

Approved, November 19, 1975.

EXHIBIT

A

Order- authorizing Almeida Bus Lines, Inc. to operate buses on certain roads for sightseeing purposes

WM 1122 MAC 1161

The Armory Commission, Military Division, Commonwealth of Massachusetts, 905 Commonwealth Avenue, Boston, Massachusetts, established under the authority of Chapter 6, Section 18 of the Massachusetts General Laws, on behalf of the Commonwealth of Massachusetts under its authority contained in Chapter 33, Section 126 of the Massachusetts General Laws, in consideration of the sum of ONE DOLLAR (\$1.00) and other valuable consideration to it paid, grants to the City of Fall River, a municipal corporation of Bristol County, Massachusetts, with quitclaim covenants, all land and buildings located ~~in said City of Fall River~~ on the northerly side of Bank Street, the easterly side of Durfee Street and the southerly side of Elm Street, being Lot #48 on Assessors' Plat N-10, containing 36,573 square feet of land, more or less.

Said parcel of land, according to said plans is further bounded and described as follows:

Beginning at a stone bound on the northerly side of Bank Street, thence running northerly along the easterly line of Durfee Street 239.23 feet to the southerly side of Elm Street; thence turning at an angle of $87^{\circ}01'$ and running easterly along the southerly side of Elm Street 151.07 feet to land of the City of Fall River, Public Library; thence turning and running southerly 241.42 feet to Bank Street to a point 153.95 feet from the said stone bound; thence turning at an angle of $85^{\circ}36'50''$ and running westerly along the northerly side of Bank Street 153.95 feet to the point of beginning. Said land contains 134.34 square rods or 36,573 square feet of land, more or less.

Being the same land acquired by the Armory Commission, Military Division, Commonwealth of Massachusetts, from the City of Fall River and recorded in the Fall River District of the Bristol County Registry of Deeds on December 12, 1907 in Book 134, Pages 327 to 329.


IN WITNESS WHEREOF, the Armory Commission, Military Division of the Commonwealth of Massachusetts, has caused these presents to be signed and its corporate seal to be hereunto affixed by its Major General, Vahan Vartanian, The Adjutant General, Nicholas Del Torto, Major General, Commander 26th Inf. Div. and William A. Quigley, Colonel State Quartermaster.


Dated this 18th day of February, 1976.

BOOK 1122 PAGE 1162

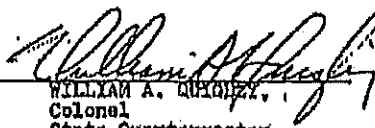
COMMONWEALTH OF MASSACHUSETTS
By its Armory Commission

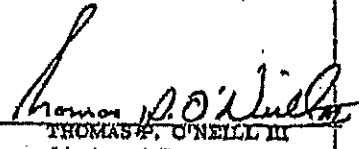
COMMONWEALTH OF MASSACHUSETTS
By its Armory Commission


NICHOLAS DEL TORTO,
Major General,
Commander 26th Inf. Div.,
Member

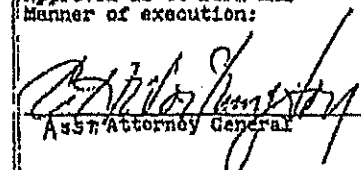

VAHAN VARTANIAN,
Major General,
The Adjutant General,
Chairman

COMMONWEALTH OF MASSACHUSETTS
By its Armory Commission


WILLIAM A. QUIGLEY,
Colonel,
State Quartermaster,
Secretary


THOMAS P. O'NEILL III,
Lieutenant Governor,
Acting Governor

Approved as to form and
manner of execution:


ARTHUR J. KING,
Asst. Attorney General

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

Boston, 18. February, 1976

Then personally appeared before me, the above named
Vahan Vartanian, Major General, The Adjutant General, Chairman;
Nicholas Del Torto, Major General, Commander 26th Inf. Div.,
Member; William A. Quigley, Colonel, State Quartermaster, Secretary,
and acknowledged the foregoing instrument to be the free act and
deed of the said Armory Commission, Military Division, Commonwealth
of Massachusetts.

My commission expires:

22 December, 1978


NOTARY



REC'D FEB 20 1976 AT 2-53PM AND RECORDED

WHEREAS, that the Hall River City Council hereby designates the Board of Park Commissioners and the Hall River Park Department as the operating agency for the Bank Street Armory for a period of sixty days from the date of adoption of this order in order to provide for the proper and efficient utilization of said complex, and

BE IT FURTHER ORDERED, that the City Council may at any time revoke said designation, and

BE IT FURTHER ORDERED, that the Department of Public Works be responsible for the Bank Street Armory's upkeep and maintenance, and

BE IT FURTHER ORDERED, that the Park Board shall not enter into any agreement for use of said Armory or portion thereof unless said agreement terminates within the said sixty day period, and

BE IT FURTHER ORDERED, that the City Council shall not set fee schedules for said building's utilization as it deems proper and necessary.

A motion was made, seconded and carried to amend the order, and the order was adopted, as amended, 8 yeas, 1 nay.

Approved, April 14, 1976.

Chapter 54. Public Facilities

ARTICLE III. Armory

§ 54-101. Armory Commission.

The Board of Park Commissioners shall have and exercise all the powers, duties and responsibilities of the Armory Commission. The Board of Park Commissioners shall promote the City Armory in a manner which will be most beneficial to the City and shall endeavor to maximize and diversify its use.

§ 54-102. Compensation of Armory Commission members.

In any one fiscal year in which the cost of operation and staffing of the Armory facilities have been met by income, 25% of the net income thereafter or \$7,500, whichever is the lesser, shall be apportioned equally among the Armory Commission members as remuneration.

§ 54-103. Authorized uses.

The Armory shall be used for, but not limited to, the following purposes:

- A. Area, regional and statewide meetings and conventions.
- B. Science and trade fairs and expositions.
- C. Flower and garden shows.
- D. Automobile shows.
- E. Indoor athletic events of all types.
- F. Rental of office or business space.

§ 54-104. through § 54-130. (Reserved)

Part I ADMINISTRATION OF THE GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter 40 POWERS AND DUTIES OF CITIES AND TOWNS

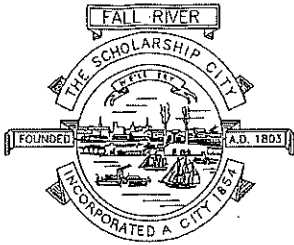
Section 15A TRANSFER OF LAND; PROCEDURE

Section 15A. Whenever a board or officer having charge of land, including land acquired for playground purposes pursuant to the provisions of section fourteen of chapter forty-five, but excluding land acquired for park purposes, constituting the whole or any part of an estate held by a city or town within its limits for a specific purpose shall determine that such land is no longer needed for such purpose, whether such land was acquired before or after the effective date of this section and whether acquired by eminent domain, purchase, gift, devise or otherwise, such board or officer shall forthwith give notice of such determination to the city council of the city or the board of selectmen of the town. At any time after the receipt of such notice, the city council of the city by a two thirds vote of all its members, in the case of a city having a city manager, with the approval of said city manager, and in the case of other cities, with the approval of the mayor, or the town by

1

a two thirds vote at a regular or special town meeting, may transfer the care, custody, management and control of such land to the same or another board or officer of the city or town for another specific municipal purpose, any provision of general or special law to the contrary notwithstanding; provided, that no such transfer shall be valid if it is in violation of any term or condition of the title of the city or town to such land.

In any city or town which accepts the provisions of this paragraph, when land is being transferred for the purpose of constructing low and moderate income housing, the vote required of the city council or the town meeting shall be by a majority vote.



City of Fall River
Massachusetts
Office of the Mayor

2

PAUL E. COOGAN
Mayor

November 20, 2020

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

Council President and Members of the Council:

I hereby make the following appointment:

Name: Timothy P. McCoy
Address: 93 Grattan Street
Fall River, MA 02721

Position: Licensing Board

Effective Date: December 1, 2020

Term to expire: N/A

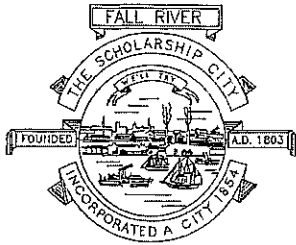
Replacing: Eric Santos

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2020 NOV 20 P 2:47
CITY CLERK
FALL RIVER, MA

Sincerely,

Paul Coogan
Mayor

Cc: Auditor's Office
Human Resources
City Council



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

3

RECEIVED

2020 NOV 19 A 10:02

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

November 18, 2020

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

Dear Honorable Council Members:

In accordance with the Executive Office of Energy & Environmental Affairs' (EOEEA) guidelines for the Parkland Acquisitions and Renovations for Communities (PARC) Grant Program, municipalities that receive an award must submit to EOEEA by December 31, 2020, an affirmative vote on a City council resolution that: 1) authorizes the municipality to seek funding and enter into contracts for the project; 2) dedicates the site for park purposes as under M.G.L. Chapter 45, Section 3; and 3) appropriates 100% of the total project cost - \$483,388. [The PARC grant award is \$338,371.60, which is 70% of total project cost; Municipal Share (CDBG funds) is \$145,016.40, which is 30% of total project cost.] Fall River was notified of an award earlier this month in the amount of \$338,371.60.

Please review and approve the attached resolution citing the Cathy Assad Tot Lot & Playground as the subject of the City of Fall River's FY'21 PARC Grant Program renovation project. With funds awarded, we will renovate the park by replacing the significantly deteriorated swings and basketball court with new playground structures and basketball court equipment. In addition, we will add an outdoor spray park, new fencing and benches, and new tree plantings. When complete, the renovations will create playground and recreation opportunities for people of varying abilities, as well as promote healthy, active lifestyles for those who visit the park. The proposed park renovation project would be done over the next two years and completed by June 1, 2022.

If you have any questions or concerns regarding this, please feel free to contact me.

Best Regards,

Paul E. Coogan
Mayor

PARC Grant Program Park Renovation Project – 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 (PARC) PROGRAM FOR IMPROVEMENTS TO THE CATHY ASSAD TOT LOT & PLAYGROUND

- Whereas: This Park is by and far a community-wide asset and the preservation and improvements to this facility is a City priority as evidenced in the most recent Open Space and Recreation Plan, and
- Whereas: This Park is dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 3, and
- Whereas: The Park's renovations, guided in principal by the Master Plan, will greatly enhance this facility 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. The 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 Park Renovation Project will cost a total of \$483,388 (Four Hundred Eighty Three Thousand Three Hundred Eighty Eight Dollars). The City has allocated \$483,388 for the Fall River Park Renovation Project, now therefore

BE IT RESOLVED:

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs, and
2. That the Mayor 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**

Traffic & Parking Division

4

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic

November 18, 2020

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, November 4, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 374

Thirty (30) Minute Parking Only

8:00 a.m. to 5:00 p.m.
Monday through Friday

By inserting in proper alphabetical order the following.

INSERT

Name of Street	Side	Location	Hours/Days
Morgan Street	South	Starting at a point 20 feet East of Second Street for A distance of 50 feet easterly	8:00 a.m. – 5:00 p.m. Monday through Friday

Electrolux/Aerus
95-103 Morgan Street
Fall River, MA 02721

Very truly yours,

Laura Ferreira
Director of Traffic

RECEIVED
2020 NOV 19 P 2:16
CITY CLERK
FALL RIVER, MA

CHV



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA

2020 NOV 20 10:51
Parking Clerk

CITY CLERK
FALL RIVER, MA

November 19, 2020

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, November 4, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 371

Parking Prohibited at all times

By inserting in proper alphabetical order the following.

INSERT

Name of Street

Side

Location

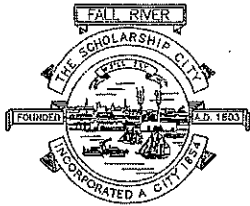
Laurel Street

West

Starting at Amity Street for a distance of 482 feet southerly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

Laura Ferreira
Director of Traffic

November 23, 2020

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, November 4, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article:	70	1 Hour Parking Only
Section:	375	Monday thru Saturday
		6 a.m. to 2 p.m.

By inserting in proper alphabetical order the following.

INSERT

Name of Street	Side	Location	Hours/Days
Rodman Street	West	Starting at a point 20 feet East of Lowell Street for a Distance of 39 feet easterly	1 Hour Parking Only Monday thru Saturday 6 a.m. to 2 p.m.

Rosaria's Diner
593 Rodman Street
Fall River, MA 02721

Very truly yours,

Laura Ferreira
Director of Traffic

RECEIVED
2020 NOV 24 P 12:25
CITY CLERK
FALL RIVER, MA

4



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

4

Paul E. Coogan
Mayor

Laura Ferreira
Director of Traffic

November 23, 2020

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

RECEIVED
2020 NOV 24 P 12:25
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, November 4, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article:	70	1 Hour Parking Only
Section:	375	Tuesday thru Friday
		6 a.m. to 5 p.m.
		Saturday & Sunday
		8 a.m. to 1 p.m.

By inserting in proper alphabetical order the following.

INSERT

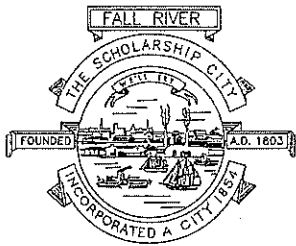
Name of Street	Side	Location	Hours/Days
North Main Street	West	Starting at a point 75 feet North of Brownell Street for a Distance of 37 feet northerly	1 Hour Parking Only Tuesday thru Friday 6 a.m. to 5 p.m. Saturday & Sunday 8 a.m. to 1 p.m.

Divine Nutrition & Beauty
1174 North Main Street
Fall River, MA 02720

Very truly yours,

Laura Ferreira
Director of Traffic

OK



CITY OF FALL RIVER, MASSACHUSETTS

BOARD OF ELECTION COMMISSIONERS

ONE GOVERNMENT CENTER

TEL. 508-324-2630

RECEIVED

2020 NOV 16 P 2:02

CITY CLERK _____
FALL RIVER, MA

COMMISSIONERS

KELLY A. SOUZA-YOUNG, CHAIRPERSON

TIMOTHY S. CAMPOS

DAVID J. DENNIS, ESQ.

MANUEL LEITE, CLERK

November 16, 2020

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

Dear Alison M. Bouchard,

The Board of Election Commissioners certify that the names on the attached list are the Official Results of the State Election held on November 3, 2020. No recount papers were filed.

Sincerely,

Kelly A. Souza-Young, Chairperson
Board of Election Commissioners

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Elections Division

Return of Votes - STATE ELECTION November 03, 2020

FALL RIVER

Total Number of Persons Who Voted in the
STATE ELECTION 32200

***** ATTENTION CLERK : SIGN AND RETURN AT ONCE *****

I certify that all ballots cast for candidates
in the STATE ELECTION held on November 03, 2020
have been counted and recorded in accordance with the law,
and that the following return of votes is correct

Clerk: Kelly A. Souza-L/R

***** METHOD OF RECORDING VOTES *****

Record the number of votes for each listed candidate and for each write-in or sticker candidate. The space between the last candidate's name and the designation 'All Others' is to be used to record the names, addresses (if known) and votes of any write-ins. Also, record the number of votes for No Preference and Blanks. The total vote for each office is the sum of votes for listed candidates, write-ins and blanks. The total vote should be equal to the number of people who voted in the STATE ELECTION
Do not send results of ward or town committee candidates to this office.

***** IMPORTANT : DO NOT SEPARATE SHEETS *****

5

Office Name: ELECTORS OF PRESIDENT AND VICE PRESIDENT
 District Name: 0001 STATEWIDE
 Town Name: 095 FALL RIVER

	Candidates	Votes	Party:
1	BIDEN AND HARRIS	17459	DEMOCRAT
2	HAWKINS AND WALKER	156	GREEN-RAINBOW
3	JORGENSEN AND COHEN	379	LIBERTARIAN
4	TRUMP AND PENCE	13571	REPUBLICAN
*	BAKER AND BLANK	0	REPUBLICAN
*	CARROLL AND PATEL	0	UNENROLLED
*	CELLA AND CELLA	0	UNENROLLED
*	DESCOTEUX AND ADAMS	0	TWELVE VISIONS PARTY
*	GABBARD AND BLANK	0	DEMOCRAT
*	SANDERS AND BLANK	0	DEMOCRAT
*	SIMONS AND ROZE	0	UNENROLLED
*	WELLS AND WELLS	0	UNENROLLED

All Others	51
Blanks	584
Total Votes Cast	32200

Office Name: SENATOR IN CONGRESS
 District Name: 0001 STATEWIDE
 Town Name: 095 FALL RIVER

	Candidates	Votes	Party:
1	EDWARD J. MARKEY	18570	DEMOCRAT
2	KEVIN J. O'CONNOR	11467	REPUBLICAN
*	ALEX B. MORSE	0	DEMOCRAT
*	JOSEPH P. KENNEDY, III	0	DEMOCRAT

5

Office Name: SENATOR IN CONGRESS
 District Name: 0001 STATEWIDE
 Town Name: 095 FALL RIVER

Candidates	Votes	Party:
* SHIVA AYYADURAI	129	REPUBLICAN

All Others	19
Blanks	2015
Total Votes Cast	32200

Office Name: REPRESENTATIVE IN CONGRESS
 District Name: 0005 FOURTH DISTRICT
 Town Name: 095 FALL RIVER

	Candidates	Votes	Party:
1	JAKE AUCHINCLOSS	8170	DEMOCRAT
2	JULIE A. HALL	5569	REPUBLICAN
*	JESSE R. MERMELL	0	DEMOCRAT

All Others	7
Blanks	1237
Total Votes Cast	14983

Office Name: REPRESENTATIVE IN CONGRESS
 District Name: 0010 NINTH DISTRICT
 Town Name: 095 FALL RIVER

	Candidates	Votes	Party:
1	BILL KEATING	9601	DEMOCRAT
2	HELEN BRADY	5639	REPUBLICAN

5

Office Name: REPRESENTATIVE IN CONGRESS
District Name: 0010 NINTH DISTRICT
Town Name: 095 FALL RIVER

	Candidates	Votes	Party:
3	MICHAEL MANLEY	542	UNENROLLED

All Others	9
Blanks	1426
Total Votes Cast	17217

Office Name: COUNCILLOR
District Name: 0012 FIRST DISTRICT
Town Name: 095 FALL RIVER

	Candidates	Votes	Party:
1	JOSEPH C. FERREIRA	23279	DEMOCRAT
*	MATTHEW B. MARSHALL	0	UNENROLLED

All Others	115
Blanks	8806
Total Votes Cast	32200

5

Office Name: SENATOR IN GENERAL COURT
District Name: 0021 FIRST BRISTOL & PLYMOUTH DISTRICT
Town Name: 095 FALL RIVER

	Candidates	Votes	Party:
1	MICHAEL J. RODRIGUES	23727	DEMOCRAT

All Others	118
Blanks	8355
Total Votes Cast	32200

Office Name: REGISTER OF PROBATE
District Name: 0233 BRISTOL COUNTY
Town Name: 095 FALL RIVER

	Candidates	Votes	Party:
1	THOMAS C. HOYE, JR.	16967	DEMOCRAT
2	MELANIE PATENAUDE LAYDEN	10107	UNENROLLED

All Others	26
Blanks	5100
Total Votes Cast	32200

5

Office Name: COUNTY TREASURER
District Name: 0233 BRISTOL COUNTY
Town Name: 095 FALL RIVER

	Candidates	Votes	Party:
1	CHRISTOPHER T. SAUNDERS	22096	DEMOCRAT

All Others	100
Blanks	10004
Total Votes Cast	32200

Office Name: COUNTY COMMISSIONER
District Name: 0233 BRISTOL COUNTY
Town Name: 095 FALL RIVER

	Candidates	Votes	Party:
1	PAUL B. KITCHEN	12709	DEMOCRAT
2	JOHN R. MITCHELL	15747	DEMOCRAT
3	NANCY C. STANTON-CROSS	10403	REPUBLICAN

All Others	59
Blanks	25482
Total Votes Cast	64400

Offices Requiring Ward and Precinct Breakdown

Page 1 of 15

5

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 5 Precinct: B

	Candidates	Votes	Party:
1	CAROLE A. FIOLA	433	DEMOCRAT

All Others	5
Blanks	129
Total Votes Cast	567

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 5 Precinct: B1

	Candidates	Votes	Party:
1	CAROLE A. FIOLA	95	DEMOCRAT

All Others	0
Blanks	30
Total Votes Cast	125

Offices Requiring Ward and Precinct Breakdown

Page 2 of 15

5

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 5 Precinct: C

Candidates	Votes	Party:
1 CAROLE A. FIOLA	645	DEMOCRAT
All Others	0	
Blanks	197	
Total Votes Cast	842	

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 6 Precinct: C

Candidates	Votes	Party:
1 CAROLE A. FIOLA	879	DEMOCRAT
All Others	3	
Blanks	303	
Total Votes Cast	1185	

Offices Requiring Ward and Precinct Breakdown

Page 3 of 15

5

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 6 Precinct: C1

Candidates	Votes	Party:
1 CAROLE A. FIOLA	26	DEMOCRAT
All Others	0	
Blanks	5	
Total Votes Cast	31	

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 7 Precinct: A

Candidates	Votes	Party:
1 CAROLE A. FIOLA	907	DEMOCRAT
All Others	13	
Blanks	325	
Total Votes Cast	1245	

Offices Requiring Ward and Precinct Breakdown

Page 4 of 15

5

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 7 Precinct: B

	Candidates	Votes	Party:
1	CAROLE A. FIOLA	738	DEMOCRAT

All Others	5
Blanks	254
Total Votes Cast	997

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 7 Precinct: C

	Candidates	Votes	Party:
1	CAROLE A. FIOLA	964	DEMOCRAT

All Others	0
Blanks	266
Total Votes Cast	1230

Offices Requiring Ward and Precinct Breakdown

Page 5 of 15

5

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 8 Precinct: A

Candidates	Votes	Party:
1 CAROLE A. FIOLA	837	DEMOCRAT
All Others	0	
Blanks	273	
Total Votes Cast	1110	

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 8 Precinct: B

Candidates	Votes	Party:
1 CAROLE A. FIOLA	1168	DEMOCRAT
All Others	1	
Blanks	426	
Total Votes Cast	1595	

Offices Requiring Ward and Precinct Breakdown

Page 6 of 15

5

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 8 Precinct: C

Candidates	Votes	Party:
1 CAROLE A. FIOLA	1292	DEMOCRAT
All Others	6	
Blanks	480	
Total Votes Cast	1778	

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 9 Precinct: A

Candidates	Votes	Party:
1 CAROLE A. FIOLA	1481	DEMOCRAT
All Others	15	
Blanks	612	
Total Votes Cast	2108	

Offices Requiring Ward and Precinct Breakdown

Page 7 of 15

5

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 9 Precinct: B

Candidates	Votes	Party:
1 CAROLE A. FIOLA	987	DEMOCRAT
All Others	5	
Blanks	372	
Total Votes Cast	1364	

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0074 SIXTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 9 Precinct: C

Candidates	Votes	Party:
1 CAROLE A. FIOLA	1233	DEMOCRAT
All Others	0	
Blanks	415	
Total Votes Cast	1648	

Offices Requiring Ward and Precinct Breakdown

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5

Office Name: REPRESENTATIVE IN GENERAL COURT
 District Name: 0075 SEVENTH BRISTOL DISTRICT
 Town Name: 095 FALL RIVER Ward: 1 Precinct: B

	Candidates	Votes	Party:
1	ALAN SILVIA	860	DEMOCRAT

All Others	0
Blanks	286
Total Votes Cast	1146

Office Name: REPRESENTATIVE IN GENERAL COURT
 District Name: 0075 SEVENTH BRISTOL DISTRICT
 Town Name: 095 FALL RIVER Ward: 1 Precinct: C

	Candidates	Votes	Party:
1	ALAN SILVIA	861	DEMOCRAT

All Others	0
Blanks	428
Total Votes Cast	1289

Offices Requiring Ward and Precinct Breakdown

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5

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0075 SEVENTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 2 Precinct: A

Candidates	Votes	Party:
1 ALAN SILVIA	932	DEMOCRAT
All Others	0	
Blanks	0	
Total Votes Cast	932	

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0075 SEVENTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 2 Precinct: B

Candidates	Votes	Party:
1 ALAN SILVIA	747	DEMOCRAT
All Others	2	
Blanks	114	
Total Votes Cast	863	

Offices Requiring Ward and Precinct Breakdown

Page 10 of 15

5

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0075 SEVENTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 2 Precinct: C

Candidates	Votes	Party:
1 ALAN SILVIA	657	DEMOCRAT
All Others	0	
Blanks	352	
Total Votes Cast	1009	

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0075 SEVENTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 3 Precinct: A

Candidates	Votes	Party:
1 ALAN SILVIA	776	DEMOCRAT
All Others	0	
Blanks	443	
Total Votes Cast	1219	

Offices Requiring Ward and Precinct Breakdown

Page 11 of 15

5

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0075 SEVENTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 3 Precinct: B

Candidates	Votes	Party:
1 ALAN SILVIA	949	DEMOCRAT
All Others	0	
Blanks	257	
Total Votes Cast	1206	

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0075 SEVENTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 3 Precinct: C

Candidates	Votes	Party:
1 ALAN SILVIA	934	DEMOCRAT
All Others	0	
Blanks	435	
Total Votes Cast	1369	

Offices Requiring Ward and Precinct Breakdown

Page 12 of 15

5

Office Name: REPRESENTATIVE IN GENERAL COURT
 District Name: 0075 SEVENTH BRISTOL DISTRICT
 Town Name: 095 FALL RIVER Ward: 4 Precinct: A

Candidates	Votes	Party:
1 ALAN SILVIA	695	DEMOCRAT
All Others	0	
Blanks	211	
Total Votes Cast	906	

Office Name: REPRESENTATIVE IN GENERAL COURT
 District Name: 0075 SEVENTH BRISTOL DISTRICT
 Town Name: 095 FALL RIVER Ward: 4 Precinct: B

Candidates	Votes	Party:
1 ALAN SILVIA	684	DEMOCRAT
All Others	0	
Blanks	179	
Total Votes Cast	863	

Offices Requiring Ward and Precinct Breakdown

Page 13 of 15

5

Office Name: REPRESENTATIVE IN GENERAL COURT
 District Name: 0075 SEVENTH BRISTOL DISTRICT
 Town Name: 095 FALL RIVER Ward: 4 Precinct: C

Candidates	Votes	Party:
1 ALAN SILVIA	716	DEMOCRAT
All Others	2	
Blanks	192	
Total Votes Cast	910	

Office Name: REPRESENTATIVE IN GENERAL COURT
 District Name: 0075 SEVENTH BRISTOL DISTRICT
 Town Name: 095 FALL RIVER Ward: 5 Precinct: A

Candidates	Votes	Party:
1 ALAN SILVIA	645	DEMOCRAT
All Others	0	
Blanks	59	
Total Votes Cast	704	

Office Name: REPRESENTATIVE IN GENERAL COURT
 District Name: 0076 EIGHTH BRISTOL DISTRICT
 Town Name: 095 FALL RIVER Ward: 1 Precinct: A

Candidates	Votes	Party:
1 PAUL A. SCHMID, III	858	DEMOCRAT

Offices Requiring Ward and Precinct Breakdown

Page 14 of 15

5

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0076 EIGHTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 1 Precinct: A

Candidates	Votes	Party:
2 EVAN GENDREAU	607	REPUBLICAN

All Others 0
Blanks 134
Total Votes Cast 1599

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0076 EIGHTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 6 Precinct: A

Candidates	Votes	Party:
1 PAUL A. SCHMID, III	747	DEMOCRAT
2 EVAN GENDREAU	540	REPUBLICAN

All Others 0
Blanks 129
Total Votes Cast 1416

Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0076 EIGHTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 6 Precinct: B

Candidates	Votes	Party:
1 PAUL A. SCHMID, III	579	DEMOCRAT

Offices Requiring Ward and Precinct Breakdown

Page 15 of 15

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Office Name: REPRESENTATIVE IN GENERAL COURT
District Name: 0076 EIGHTH BRISTOL DISTRICT
Town Name: 095 FALL RIVER Ward: 6 Precinct: B

	Candidates	Votes	Party:
2	EVAN GENDREAU	288	REPUBLICAN

All Others 0

Blanks 77

Total Votes Cast 944

5

Town Name: 0095 FALL RIVER

Question 1

PET E: MOTOR VEHICLE REPAIR (LAW)

Yes	19145	No	10418	Blank	2637	Total	32200
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Question 2

PET C: RANKED-CHOICE VOTING (LAW)

Yes	10710	No	17985	Blank	3505	Total	32200
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City of Fall River, *In City Council*

6

(Councilor Trott Lee)

WHEREAS, many concerned residents have questions regarding the proposed Soil Management Project to be conducted by Browning-Ferris Industries, Inc., which was presented to the City Council Committee on Finance on October 27, 2020, now therefore

BE IT RESOLVED, that the Committee on Health and Environmental Affairs convene with representatives from the Massachusetts Department of Environmental Protection to discuss the oversight of this project.

Filed 11-20-20

City of Fall River, *In City Council*

(Councilor Trott Lee)

WHEREAS, residents of the City of Fall River are facing hardships during the COVID-19 pandemic with increasing needs for public resources, now therefore

BE IT RESOLVED, that the Committee on Human Services, Housing, Youth and Elder Affairs convene with representatives from the MassSupport Network to provide information on resources that are available to the residents of Fall River.

Filed 11-20-20

City of Fall River, *In City Council*

8

(Councilor Linda M. Pereira)

WHEREAS, in the last few months there have been two motorcycle accidents on the east bound exit ramp of the Veterans Memorial Bridge, causing the drivers to be ejected off the bridge and into the Taunton River, and

WHEREAS, the safety barrier that was installed on this exit is much too low, now therefore

BE IT RESOLVED, that the City Council send a letter to the state delegation petitioning MassDOT Highway Division improves the safety of this exit by increasing the height of the safety barriers and to install fencing to prevent such accidents from occurring.

(Councilor Shawn E. Cadime)
(Councilor Trott Lee)
(Councilor Leo O. Pelletier)

WHEREAS, the COVID-19 pandemic has caused a severe loss of revenue to many restaurants and other establishments requiring liquor licenses, and

WHEREAS, fees for these licenses are substantial and many small businesses are suffering financially due to required closures, reduced capacity and the current seasonal changes that will discourage outdoor dining, and

WHEREAS, free cash was certified for the City of Fall River at approximately \$5 million dollars, now therefore

BE IT RESOLVED, that the Administration submit a proposal to the City Council for a twenty-five percent (25%) reduction in the cost of the renewal fees for restaurant all alcohol licenses, restaurant beer and wine licenses, package store all alcohol licenses, package store beer and wine licenses, and associated common victualler and entertainment licenses, and

BE IT FURTHER RESOLVED, that the loss of revenue be supplemented with a one-time use of free cash.



ROB LEVINE & ASSOCIATES

The Lawyers for the Injured and Disabled

Personal Injury Law RI, MA & CT

Social Security Disability Nationwide

Veterans Disability Nationwide

2020 NOV 20 A 10:35

CITY CLERK 18-174B
FALL RIVER, MA

November 19, 2020

City of Fall River
Attn: Law Department
1 Government Center
Fall River, MA 02722

Re: ***Our Client:*** *Courtney Swift*
Your Insured: *Fall River Public Library*
Date of Incident: *10/18/2018*
Claim#: *18-174*

To Whom It May Concern:

Please consider this letter as a formal demand for relief sent pursuant to Mass. Gen. Laws. Ch. 93A and 176D.

Our client was injured on October 18, 2018 while sitting at a computer in the Fall River Public Library when a piece of the ceiling fell and struck her in the head.

93A/176D VIOLATION

The City of Fall River has a duty to make a prompt and fair settlement offer. *Hopkins v. Liberty Mut. Ins. Co.*, 434 Mass. 556 (2001). The City of Fall River also has a duty to "effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear." Mass. Gen. Laws ch. 176D §3(3)(9)(f). The City of Fall River also has a duty to "acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies." Mass. Gen. Laws ch. 176D §3(3)(9)(b). Further, it is an unfair claim settlement practice to refuse to pay claims "without conducting a reasonable investigation based upon all available information." Mass. Gen. Laws ch. 176D §3(3)(9)(d).

This incident occurred on October 18, 2018 and a letter of representation along with a demand was sent to the City of Fall River on October 24, 2018 via certified mail and it was received by the City of Fall River on November 16, 2018 as evidenced by the returned slip signed by Brenda Mello. Additionally, an amended demand was sent to the City of Fall River on August 6, 2020 with Ms. Swift's medical records, medical bills, and photos of the defect in the ceiling. My office was notified that this demand package was received approximately one month later however there was no position as to liability or an offer. Since then, my office has contacted the City of Fall River on multiple different occasions in an effort to resolve this file only to be told that no

THE HEAVY HITTER®



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The Lawyers for the Injured and Disabled

Personal Injury Law RI, MA & CT

Social Security Disability Nationwide

Veterans Disability Nationwide

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position has been taken and that the demand is still under review. A complete demand package that had been with the City of Fall River for over ninety (90) days.

The City of Fall River has committed unfair claims settlement practices and violated 176D by failing to make a timely determination regarding liability and coverage, which is a violation of 93A. In light of the above, we repeat our request for a determination of liability and coverage. Under Chapter 93A you have thirty days from your receipt of this letter to respond. If you fail to do so, the City of Fall River may be exposed to multiple damages and attorney's fees, as provided by the statute.

Warm Regards,

Nicholas Smalley

Nicholas Smalley, Esq.
Attorney licensed in MA & RI

Law - Original & Copy ✓

Library - ✓

Council - ✓

Clerk - ✓

THE HEAVY HITTER®



City of Fall River
Notice of Claim

18
RECEIVED

2020 NOV 16 P 2:32

CITY CLERK 20-64
FALL RIVER, MA

1. Claimant's name: Carlos F Oliveira
2. Claimant's complete address: 173 Bark St Fall River, MA 02723
3. Telephone number: Home: (508) 676-5501 Work: (508) 837-0697
Cell: CCU
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
property damage
5. Date and time of accident: 4/16/20 Approx 12pm - 1pm Amount of damages claimed: \$ 650.00
6. Exact location of the incident: (include as much detail as possible):
right side of porch gutter
7. Circumstances of the incident: (attach additional pages if necessary):
gutter damaged by garbage truck while picking up trash
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: 4/16/20

Claimant's signature: [Signature]

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.

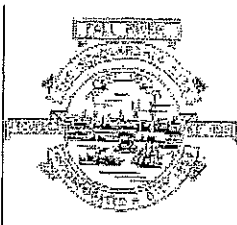
Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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: 11/16/2020



18

RECEIVED

**City of Fall River
Notice of Claim**

2020 NOV 17 A 8:52

CITY CLERK 20-65
FALL RIVER, MA

1. Claimant's name: Brian Carvalho
2. Claimant's complete address: 331 Stetson St., Fall River MA, 02720
3. Telephone number: Home: 774-526-7550 Work: N/A
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Vehicle damage
5. Date and time of accident: Nov. 1, 2020/9:00PM Amount of damages claimed: \$ 8,427.16
6. Exact location of the incident: (include as much detail as possible):
Near the intersection of Pleasant and Quarry St., right in front of Popeyes restaurant
7. Circumstances of the incident: (attach additional pages if necessary):
Please see attached police report for circumstances as well as photos of vehicle damage
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: 11/16/2020

Claimant's signature: Brian Carvalho

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.

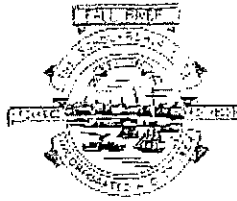
Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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 ☒ TCM

Date: 11/17/2020



18

RECEIVED

**City of Fall River
Notice of Claim**

2020 NOV 18 A 11:50

CITY CLERK #20-66
FALL RIVER, MA

1. Claimant's name: FLAVIO B. ALVA
2. Claimant's complete address: 144 JOHN STREET APT 1ST FALL RIVER, MA 02721
3. Telephone number: Home: 9144866815 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: 11/12/2020 12:03 Amount of damages claimed: \$ _____
6. Exact location of the incident: (include as much detail as possible):
JOHN STREET AND RODMAN STREET FALL RIVER, MA 02721
7. Circumstances of the incident: (attach additional pages if necessary):
I was stopped at a stop sign behind fall river police officer marques d. pires. The officer backed up into my vehicle.
crash report id 20-1914-ac
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: 11/17/2020

Claimant's signature: Flavio Alva

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 ☒ Police

Date: 11/18/2020

COMMITTEE ON FINANCE

MEETING: Tuesday, October 13, 2020 at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Bradford L. Kilby, Pam Laliberte-Lebeau, Trott Lee,
Christopher M. Peckham, Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: Mary Sahady, Director of Financial Services
Attorney Alan J. Rumsey, Corporation Counsel

The chair called the meeting to order at 6:24 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, persons are allowed to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance.

The City Clerk read communications received from city residents, copies of which are attached hereto and made a part of these minutes.

1. Citizens' Input

Collin Dias, 560 Ray Street – Censoring and limiting Citizens Input (Mr. Dias's Citizens' Input statement was delivered in person and submitted electronically)

Hank Poitras, 34 Downing Street – Freedom of speech in a public forum

Jeffrey Gaudreau, 229 Palmer Street – Limiting Citizens' Input time

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted to waive the rules to allow for the reading of a non-resident citizens' input submission.

Hannah Levin, 35 Pilgrim Road, Lakeville, MA – Censoring of Citizens' Input time

Marcy Ytkin, 624 Mohawk Drive – Board of Park Commissioners appointments

Council President Cliff Ponte stated that it is not the intention of the City Council to limit citizens' input. He then read the resolution regarding the establishment of "Citizens' Input Time" that was adopted as amended, on August 15, 2017, a copy of which is attached hereto and made a part of these minutes.

2. Committee on Finance convene with the Administration to discuss utilizing City-owned assets for the use of advertising

The Director of Financial Services presented a large print photograph of the approved billboard location on the corner of Market Street and South Main Street. She stated that this digital billboard location was the only location approved by the MassDOT Office of Outdoor Advertising. The Director of Financial Services informed the Committee that she was not involved in the

previous discussions regarding the proposed digital billboards. She stated that the former City Administrator was handling the matter, and she did her best to review the information that she could find. She stated that the other digital billboard applications were denied for various reasons such as obstruction of view, or its close proximity to a body of water. The Director of Financial Services stated that Capital Associates was a firm involved with the presentation to the MassDOT Office of Outdoor Advertising and it was estimated that although the annual rental fee paid to the City for the Market Street/South Main Street location would be approximately \$53,000, the Administration does not have an appetite to erect a digital billboard at this location.

Councilor Michelle M. Dionne asked if there was a specific reason for denying the other billboard locations that were near waterways. The Director of Financial Services explained that the electronic billboards would ruin the public's right to scenic, historic and aesthetic qualities. This was in reference to the billboard location near the North Watuppa Pond. Councilor Michelle M. Dionne stated that there are billboards located on Route 24. The Director of Financial Services stated that they are further down Route 24 not anywhere near the North Watuppa Pond. Councilor Michelle M. Dionne stated that there are other City owned locations where non-electronic billboards could potentially be installed. She further suggested that City owned trucks or other City owned properties could be rented for advertising. The Director of Financial Services stated that City vehicles may be limited since the solid waste trucks are not owned by the City, and she is uncertain if the Administrator of Community Utilities would be interested in having advertisements placed on the water tanks. Councilor Michelle M. Dionne stated that she is aware that there are many communities eliminating billboards, but until Fall River decides to follow the same direction, it would be beneficial to explore the potential of billboards as an additional source of revenue.

Council President Cliff Ponte stated that when he filed the resolution in 2016, he was looking for alternative ways to generate revenue with no cost to the taxpayer because the Administration at that time was looking to eliminate the household trash fee and the Pay-As-You-Throw program and this discussion is still needed today. He stated that he proposed using land owned by the Water Division to erect billboards with the hopes of potentially generating enough revenue that could have reduced water rates, or selling advertisement on park benches or kiosks. He further stated while placing advertisements on the water tanks may not be aesthetically pleasing, there is land owned by the Water Division that could be repurposed and utilized to erect a billboard.

Councilor Linda M. Pereira stated that there have been discussions in the past regarding the use of City assets for advertising. She said many residents were not in favor of billboards or advertisements on park benches and fences because they did not find them to be visually pleasing. She suggested that public hearings should be held if the Administration were to move forward with proposing other billboard locations, and further stated that she feels it is not worth upsetting residents for a potential \$50,000 in annual revenue.

Councilor Leo O. Pelletier stated he is not in favor of erecting more billboards. He feels that there are enough and that it cheapens the look of the City. Council President Cliff Ponte stated that the intention of the resolution is to explore the possibility of using any assets to generate revenue in an aesthetic manner that is appealing to the community. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to table the matter.

3. Committee on Finance convene with Corporation Counsel and a representative of the Administration to discuss procedures for removal/appointment of Board members

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Councilor Bradford L. Kilby asked Corporation Counsel if it is appropriate to discuss this matter due to the possibility of future litigation. Corporation Counsel stated that he is comfortable discussing the matter and providing an overview of his opinion. Corporation Counsel said he has reviewed a statement submitted by Marcy Ytkin and stated that her opinion is biased. He explained that the terms by which the Board of Park Commissioners appointees serve were not established correctly and have been incorrect for decades. He stated that there was no term on Ms. Ytkin's appointment, therefore the Mayor as the appointing authority, could terminate an appointment at any time. He further stated that the Board of Park Commissioners had taken a vote to establish their own terms but they do not have the authority to do so.

Councilor Shawn E. Cadime asked if an appointment letter does not declare a term, or is "silent", could one assume the stipulations outlined in ordinance or Massachusetts General Law would apply instead? Corporation Counsel stated that this is the position that Ms. Ytkin is attempting to prove. He stated that since there was no term indicated at the time of appointment she assumes the term would be in effect for five years. However, in his opinion there is no authority for that assumption. Corporation Counsel further stated that they recently affirmed members to the Board of Park Commissioners with staggered terms to allow for the Board to be appropriately set up. Councilor Pam Laliberte-Lebeau asked when the Board of Park Commissioners took a vote to establish their own terms. The City Clerk responded that it was in 2019.

Corporation Counsel stated that it is his opinion that the Mayor has the power to appoint but also has the power to remove an appointee. He further stated that the City Council is an additional power that confirms an appointment with a two thirds vote but they are not the exclusive appointing authority. The Mayor is the appointing authority. Councilor Michelle M. Dionne stated that the Park Board has not been set up correctly for 36 years. Councilor Michelle M. Dionne stated that this discussion is strictly to do determine what the correct procedure for the removal and appointing of board members. She then stated that according to Massachusetts General Law when a Mayor makes an appointment, that appointment is for a period of five years, therefore can an individual assume that would be their term of appointment. Corporation Counsel stated that the assertion that a Mayoral appointment is for five years is incorrect. He stated that the Board of Park Commissioners should have been established with its members having staggered terms of one, two, three, four and five years resulting in a new appointment or reappointment when a term expired. He further stated that he does not disagree that the Board was not properly established for many years however, the Mayor has taken the proper steps to correct it and has now appointed individuals with specific terms, which will expire at the proper time. Councilor Michelle M. Dionne then asked Corporation Counsel if Ms. Ytkin did or did not have a term. Corporation Counsel said a term is for a fixed period of time therefore Ms. Ytkin did not have a term. He further stated that he is not aware as to why Ms. Ytkin was chosen to be replaced on the Board of Park Commissioners, but rather to explain whether the Mayor has the authority to remove an appointee, which in his opinion, the Mayor does have the authority.

Council President Cliff Ponte asked if an individual does not have a specific term when they are sworn in would they be considered to be at the will of the appointing authority. Corporation Counsel said that was correct. Councilor Christopher M. Peckham asked if the Board of Park Commissioners was to be made up of seven or five members. Councilor Michelle M. Dionne stated that the city ordinance was incorrect where it states a seven member board. She said Massachusetts General Law states it can only be a five member board. Council President Cliff Ponte asked if an amendment has been made to the city ordinance. Corporation Counsel stated that there are five Board of Park Commissioners currently but the ordinance has not been amended yet. Council President Cliff Ponte requested that Corporation Counsel review the ordinances for the various Boards and Commissions and forward any recommendations to the

City Council that would require amending the city ordinances. Corporation Counsel stated that his office is already in the process of reviewing the ordinances pertaining to various boards and commissions.

Councilor Shawn E. Cadime stated that he agrees with Corporation Counsel that an appointing authority has the ability to remove a member, however, he is still uncertain as to whether an appointment made without a term limit, can be assumed that the individual would follow what has been identified in ordinance or Massachusetts General Law. He then asked if it is assumed that Ms. Ytkin was within a five year term, would the Mayor still have the authority to remove her from the Board of Park Commissioners? Corporation Counsel said yes, even if she was within her term, the Mayor still would have the authority to remove her. Councilor Shawn E. Cadime then asked if the removal of a Board member would need to come before the City Council for approval. Corporation Counsel stated that in his opinion it would not be required. He further stated that if a property right existed then it could possible that the request for removal would need to go before the City Council, however that is not the case with Ms. Ytkin's appointment.

Councilor Pam Laliberte-Lebeau asked if Park Board members Joseph Schulenburg or Jeffrey Silvia had a specified term when they were appointed. The City Clerk responded that they did not. Councilor Pam Laliberte-Lebeau then asked if the reappointment of those members was approved by the City Council. Councilor Michelle M. Dionne stated that Mr. Silvia's appointment recently was before the City Council after having been appointed since 1996. Mr. Schulenburg had been serving on the Board since 2008 and was removed at the same time as Ms. Ytkin. The City Clerk said both members were serving at will with no term dates. Corporation Counsel again stated that the city ordinance will be changed to comply with Massachusetts General Law, which states that the Board of Park Commissioners is to be comprised of five members, where city ordinance indicates a seven member Board. Corporation Counsel further stated that the Mayor had removed two Board members and reappointed three members giving them staggered expiration dates to their terms. As such, in May of each year a Board member's term will expire.

Councilor Trott Lee is in agreement that the Mayor has the authority to remove an appointed Board member, but asked why the Mayor chose Ms. Ytkin and Mr. Schulenburg since any of the members that were serving could have been removed as their appointments had no term dates. Corporation Counsel stated that he did not know the reasons behind why members were appointed or removed. Councilor Trott Lee stated that it seems that Ms. Ytkin was being singled out.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to request a legal opinion to determine whether a vote of the City Council is necessary for the removal of a reappointed Board member since a City Council vote is required to confirm a Board member recommended by the Mayor.

Citizens' Input Time – After Discussion of Financial Matters:
None

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adjourn at 7:39 p.m.

List of documents and other exhibits used during the meeting:

Citizens' Input Communications

Resolution establishing Citizens' Input Time

Poster board print of the approved Market Street/South Main Street billboard location

Agenda packet (attached)

DVD of meeting

A handwritten signature in cursive script, reading "Cathy A. Howard". The signature is written in black ink and is positioned above the printed name.

Assistant Clerk of Committees

OCTOBER 13, 2020

COMMUNICATIONS

SUBMITTED

FOR

CITIZENS' INPUT

10/6/2020

Mail - City_Council@fallriverma.org

[EXTERNAL] Question

RECEIVED

19

2020 OCT -6 P 2:41

Collin Dias <collind00@aol.com>

Tue 10/6/2020 2:34 PM

CITY CLERK
FALL RIVER, MA

To: City Clerk <city_clerks@fallriverma.org>; City Council <City_Council@fallriverma.org>; Cliff Ponte (GMAIL) <cliffpontejr@gmail.com>;

Hello,

I plan on giving my citizens input at the next council meeting IN PERSON. I attached a copy of my citizens input I will read out loud and I would like to hear from the council president if he will stop me at any point from reading my attached citizens input out loud.

"Good afternoon Council President, and members of the City Council,

I come before you today because I am most displeased not only as a proud resident of this city, but also as an American, that this council, along with its leadership, is engaging in ways to censor, or limit citizens input of the residents of our community.

At the last meeting, right after I gave my lonely humble opinion on the financial affairs of our city, My opinion alone, a few councilors did not like my input, and the council leadership falsely attributed my input as slander. There was no slander in my input whatsoever. For several minutes, instead of discussing the important issues facing our community, we heard several horrible ideas to limit citizens input, attempts to restrict the input of concerned city residents. We heard ideas of limiting what people can discuss at citizens input, we heard ideas of removing written input to be read out loud. Instead of working on ways to expand citizens input, we want to lower our connection with the community, and shut the doors to public participation.

Now, the most outrageous and appealing move the council has made, is now that the council leadership will now, and I quote "scratch out of the verbiage you don't like". That was said at the last meeting. The council leadership will not quote on quote admit parts or total citizens input that the council leadership simply does not agree with. This city council, or any body, absolutely has no right to censor or refuse citizens input and the options of its residents. There was no slander whatsoever. People have the absolutely right to give their opinions on the direction of city government, without fear of censorship whatsoever. And this move by the council and it's leadership is illegal, and goes against the 1st amendment of the constitution. There is countless case law that sets up the city for liability if it censors opinions it does not agree with, and as a proud resident of Fall River, I will not stand for it."

Sent from my iPhone

Delivered remarks in person.

10/1/2020

Mail - City_Council@fallriverma.org

[EXTERNAL] Fall River City Council Citizens Input 10/13/2020

19

Hank Poitras <H.Poitras11@outlook.com>

Wed 9/30/2020 9:52 PM

RECEIVED

2020 OCT -1 A 9:26

To: City Clerk <city_clerks@fallriverma.org>; City Council <City_Council@fallriverma.org>;

CITY CLERK
FALL RIVER, MA

Fall River city council committee on finance citizens input 10/13/2020

Hello Fall River City Council,

My name is Hank Poitras. I wish to write to this council in support of my good friend Collin Dias and the 1st amendment rights of freedom of speech in a public forum. No public body should ever infringe on the rights of any person who wants to voice their displeasure with government officials. I hope this never, ever happens again. Also, this public body should look into ways to expand citizen participation during public comment, not limit it.

Best regards,

Hank Poitras

Sent from my Verizon, Samsung Galaxy smartphone

Address: 34 Downing Street
Fall River, Ma 02723

Forwarded to: [unclear]
Copies to: [unclear]
<https://east.exch091.serverdata.net/owa/#path=/mail>

10/6/2020

Mail - City_Council@fallriverma.org

[EXTERNAL] Citizens input

RECEIVED

19

Jeffrey Gaudreau <jeffreyg1986@gmail.com>

2020 OCT -6 P 12:16

Tue 10/6/2020 11:59 AM

CITY CLERK
FALL RIVER, MA

To: City Council <City_Council@fallriverma.org>;

Jeffrey gaudreau 229 palmer st fall river Dear city council members this is my 1st time speaking on behalf of myself and those who are watching I would like to make a statement when I found out that you would considered of cutting back on citizens input I found it to be wrong and unnecessary even though sometimes We the citizens and taxpayers have made concern of our issues and we like to speak it in front of you That is the purpose of our government You may not like what people have to say to certain individuals but that is what they are being paid for if there not doing the job we have to call them out sometimes but cutting back to 3 minutes or only to discuss on the certain subject is not right and it is unconstitutional Let's not forget a few years ago you stop telling people to clap Thinking it was disrespectful in a distraction which in my opinion it was never a distraction I know we are dealing in a difficult time But please Don't take Away the very thing that we ask for

*emailed to Councilors
Copy to Bellini 10/6/20*

10/13/2020

Mail - City_Council@fallriverma.org

19

[EXTERNAL] Fall River city council citizens input 10/13/2020

Hannah Levin <hlevinh19@gmail.com>

RECEIVED

Tue 10/13/2020 12:42 PM

2020 OCT 13 P 12:45

To: City Council <City_Council@fallriverma.org>;

CITY CLERK _____
FALL RIVER, MA _____

Hello Fall River City Council,

Of course we don't ever want to see hate speech or slander being read during citizens input. However, the speech made by my friend Collin Dias at the last meeting was clear, and articulate, and only respectfully gave his opinion on city government. There was no slander. Let's not take away citizens right to critique the government. And please don't take away citizens input. And also please do not censor any citizens input which is not hate speech or slander. Represent your constituents and show more transparency.

Best regards,

Hannah Levin

35 Pilgrim Rd Lakeville, MA

First, let me say, it is an honor to be on the Park Board. We have worked extremely hard getting the Park and Cemetery up and on track with MGL and City ordinance. Just a quick update. Joe Schulenburg and I have NOT Resigned.

According to MGL 45 (sec 2) we ARE still board members of the Park Board. MGL 45 sec 2 is clearly written to protect the board members from Political retaliation, nepotism and or self-dealing. Which is unfortunately is happening now. Sadly, the night that appointments were voted on the council conveniently did not receive our legal opinion so the council could make a legal and informative vote.

Joe and I am hoping that the council will follow the MGL 45 sec 2 law. In the meantime, the any decisions, contracts or approvals of the present board MAY be in question as to there vitality.

mgl 45 sec 2

MGL 45 sec 2 Section 2: Board of park commissioners; membership; tenure; vacancies; removals Section 2. A town may elect a board of park commissioners, consisting of three or five persons and prescribe their terms of office, or the members of a town planning board or department of public works, or road commissioners may if so authorized by vote of the town act as park commissioners therein. In a town which has not elected a board of park commissioners or has not authorized the town planning board so to act, the

RECEIVED
2020 OCT 13 P 3:22
CITY CLERK
FALL RIVER, MA

selectmen shall act as such board of park commissioners and have authority to approve or disapprove the acquisition of lands by eminent domain as set forth in section seventy-nine of chapter ninety-two and shall have all other powers and duties of a park commission. The mayor of a city may, with the approval of the city council, appoint a board of park commissioners for said city, consisting of five persons, who shall hold office for terms of one, two, three, four and five years respectively from the first Monday in May next following such appointment, or until their successors are qualified; and thereafter the mayor shall annually, before the first Monday in May, with like approval appoint one such commissioner for a term of five years from said first Monday in May. No member of the city council, clerk or treasurer of such city or town shall be such commissioner. In cities a vacancy in such board shall be filled in like manner for the residue of the unexpired term. A commissioner may be removed by a vote of two thirds of the voters of a town, or by a vote of two thirds of all the members of a city council. Such commissioners shall serve without compensation.

Thank you,

Marcy Ytkin

624 Mohawk Drive

City of Fall River, *In City Council*

19

BE IT RESOLVED, that the City Council does hereby establish a "Citizens Input Time" whereby any resident of the City of Fall River may address the Council sitting at the Committee on Finance at each meeting of the Committee, prior to the beginning of the meeting* or after all other items have been disposed of, prior to each regular Council meeting, subject to the following rules:

Residents with disabilities who are unable to attend a meeting shall be allowed to forward their comments via email or regular mail and their communication be read during citizen input time, as if the person was present at the meeting.**

Three (3) minute time limit for each resident.

Subject to be addressed must be matters concerning the City Government.

Address shall be limited to that particular matter.

Address must always remain within the bounds of decorum.

Person will be allowed to deliver his address without interruption.

After the address, the members of the Council may ask pertinent questions of the person, who may respond if he so desires.

President shall determine whether the subject proposed to be discussed is a legitimate issue, subject to appeal and decision of the Council, or the President may request the Council to make such a determination.

Citizen input time shall not exceed thirty (30) minutes at each Finance Committee Meeting.

If resident is present at the meeting**, must sign in with the City Clerk at any given time until the Committee on Finance adjourns*.

In City Council, August 16, 1983
Adopted, as amended

A true copy. Attest:

Joseph A. Doran
City Clerk

*In City Council, May 8, 2012
Adopted, as amended

A true copy. Attest:

Alison M. Bouchard
City Clerk

**In City Council, August 15, 2017
Adopted, as amended

A true copy. Attest:

Alison M. Bouchard
City Clerk

COMMITTEE ON FINANCE

MEETING: Tuesday, October 27, 2020 at 6:00 p.m.
Zoom (Virtual Meeting Application) pursuant to the Governor's Declaration of State of Emergency due to the Coronavirus (COVID-19) Pandemic

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Bradford L. Kilby, Pam Laliberte-Lebeau, Trott Lee,
Christopher M. Peckham, Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: Mary Sahady, Director of Financial Services
John Perry, Director of Community Maintenance
Terenzio Volpicelli, CPA Partner, Roselli, Clark & Associates, CPAs
500 West Cummings Park, Suite 4900, Woburn, MA 01801
Christopher Macera, Municipal Services Manager, Republic Services
1080 Airport Road, Fall River, MA 02720
Nicholas Stefkovich, Market Vice-President, Greater Boston Area,
Republic Services, 1080 Airport Road, Fall River, MA 02720
Michael Quatromoni, PE, SITEC Engineering and Environmental
Consultants, Inc., 769 Plain Street, Unit C, Marshfield, MA 02050

The chair called the meeting to order at 6:09 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, persons are allowed to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance. Due to the COVID-19 Essential Services Advisory, citizen input had to be submitted by email by Tuesday, October 27, 2020 at 3:00 p.m. to be read at the meeting.

The City Clerk read communications received from city residents, copies of which are attached hereto and made a part of these minutes.

1. Citizens' Input
Collin Dias, 560 Ray Street – City Administrator Position, Municipal Advertising,
Municipal Transfer Station/Gasification Plant and Ladder Program
The Preservation Society of Fall River, 263 Pine Street, Apt. B1 – Bank Street Armory
Melissa Costa, 251 Renaud Street – Social media blocking and Trump/Back the Blue rallies

Councilor Leo O. Pelletier joined the meeting at 6:19 p.m.

2. Discussion with the Director of Financial Services and a representative of Roselli, Clark & Associates re: findings of the 2019 Year End Independent Audit

Terenzio Volpicelli, CPA Partner for Roselli, Clark & Associates, provided an overview of the Report on Examination of Basic Financial Statements and Additional Information for the City of Fall River for the fiscal year ending on June 30, 2019. He also stated that all Councilors received the three page letter dated October 27, 2020 that outlines the required communication that certified public accountants need to make at the conclusion of an audit. He then stated that since everyone was provided with a copy of the letter, he would just review the salient points. He also stated that management, which includes the Director of Financial Services and the City Council, are responsible for the section and use of the appropriate accounting policies within the City in its financial statements. Mr. Volpicelli then stated that there were no changes in any of the accounting policies in 2019. He then stated that the most crucial accounting estimates, which require a significant degree of judgement, pertain to the pension liabilities, other post-employment benefits (OPEB) liabilities, allowances for doubtful accounts and those that have been detailed within the required communication letter. He also was pleased to report that they did not encounter any significant difficulties in dealing with management and performing or completing the audit for the purpose of this discussion. Councilor Bradford L. Kilby stated that during the PowerPoint Presentation, the unfunded pension liability seemed to be heading in a positive direction. Mr. Volpicelli stated that by comparing December 31, 2019 to December 31, 2018 there was an uptick in the funded ratio compared to the previous year. He then stated that Fall River is in the bottom half of the state, based on the last series of valuation reports but the state is behind in updating this information and that is really the only way anyone can benchmark the municipality against other cities and towns, but 2019 was a positive year. The Director of Financial Services stated that the City is on track to be fully funded before the required date of 2040. She then stated that Fall River should be fully funded by the year 2035 and that there is a small leeway if the market should drop significantly. Councilor Bradford L. Kilby then stated that since people are living longer, the City needs to ensure that when employees retire there is sufficient funding for their pensions. Mr. Volpicelli stated that actuarial assumptions are used to determine the required amounts along with mortality tables. He then stated that these mortality tables are modified over time. The tables that are currently being used are not the same as tables from 1987, 1997 or 2007. Councilor Shawn E. Cadime asked Mr. Volpicelli if he knows how many communities use Public Employee Retirement Administration Commission (PERAC) as their actuarial. Mr. Volpicelli stated that approximately one third of all the public pension systems and there are roughly 105 public pension systems in the state, so that would be between 30 and 35 communities. Councilor Bradford L. Kilby asked Mr. Volpicelli if he could grade the City of Fall River based on the audit, would the City received an A or an F? Mr. Volpicelli stated that he cannot provide that type of a grade. He then stated that he can discuss a deficiency that was noted in the report that the Information Technology (IT) Department is severely understaffed. Councilor Linda M. Pereira stated that she agrees that the IT Department is severely understaffed, especially during this pandemic. She then thanked Mr. Volpicelli for his presentation.

Councilor Pam Laliberte-Lebeau joined the meeting at 7:03 p.m.

3. Discussion of the proposed Soils Management Project to be conducted by Browning-Ferris Industries, Inc. in conjunction with the City of Fall River

The Director of Financial Services stated that one of the requirements for permitting is to have the company provide the City with an understanding of the program. She then stated that this program is very similar to the prior program where the City received as a partner with Republic \$1

million dollars in non-recurring revenue. She also stated that \$400,000.00 were included in the Fiscal Year 2021 Budget, in the same category. However, due to the pandemic this process has taken longer than usual and as such we are here tonight to allow the City Council to receive an overview of the project and hopefully be able to move forward with the permitting process for the work to begin at the site. Christopher Macera, Municipal Services Manager for Republic Services, provided a PowerPoint Presentation. He also stated that Nicholas Stefkovich who is the Market Vice-President for Republic Services and Michael Quatromoni, an Engineer from SITEC Engineering and Environmental Consultants, Inc., are also in attendance. Mr. Macera stated that this is a soil management project to include the acceptance of mildly impacted soils at the closed Fall River Landfill to regrade a portion of the closed landfill with suitable soils in preparation for a post-closure use of the landfill. He then stated that in terms of the project summary, it is a soil management project and will include the acceptance of mildly impacted soil at the closed Fall River Landfill. He also stated that this project is governed by Mass DEP for the reuse of soil for large reclamation projects. He then stated that there will be a re-grade to a portion of the landfill with suitable soil in preparation for a post-closure use of the landfill, to include leveling and eventually grass seeding which could provide the ability to install solar panels. Michael Quatromoni stated that the soil to be accepted will come mainly from commercial development projects and will contain very low levels of contaminants. He also stated that no other materials such as solid waste or hazardous waste would be used, it will be strictly soil that meets the criteria. He then stated that this soil management area will not be filled to the height of the existing landfill, it will be 78 feet lower and is not expected to be visible from the surrounding streets.

Councilor Trott Lee requested a copy of the PowerPoint Presentation. Christopher Macera stated that he will forward it to the City Council in the morning. Councilor Linda M. Pereira stated that when a similar project occurred years ago she had a meeting with former Mayor Sam Sutter and an agreement with Republic was negotiated to provide \$1 million dollars in revenue to the City of Fall River. She then asked how much revenue will be generated by this new project for the City of Fall River. Nicholas Stefkovich stated that there is a guarantee of \$1 million dollars and the formula is \$2.00 per ton, so if there is a million tons of soil over the life of the project it's likely the City would receive approximately \$2 million dollars of revenue. Councilor Linda M. Pereira then stated that this will be extra revenue for the City of Fall River without any increases that would be paid by the taxpayers. She then asked if solar panels would be installed on the capped landfill and Christopher Macera stated that is the overall plan for the site, but that is a separate authorization process with DEP and this idea is just conceptual at this point. Councilor Linda M. Pereira stated that if this does occur, she would be in favor of the City receiving funds from the installation of solar panels. Christopher Macera stated that there are a couple of other similar projects in Massachusetts and it's usually a partnership with the host community. Councilor Linda M. Pereira stated that the City of Fall River has always had a good relationship with Republic Services and they are always willing to assist with community events and also donate trash receptacles when needed. Christopher Macera then explained that BFI is the legal entity for the Fall River Landfill. He then stated that it is a subsidiary of the Republic parent company.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was voted 9 yeas to adjourn at 7:19 p.m.

20

List of documents and other exhibits used during the meeting:

Citizens' Input Communications

Agenda packet (attached)

DVD of meeting

Roselli, Clark & Associates – 2019 Year End Independent Audit

PowerPoint Presentation – Republic Services – BFI Fall River Landfill Soils Management Project

Colleen A. Taylor
Clerk of Committees

OCTOBER 27, 2020

COMMUNICATIONS

SUBMITTED

FOR

CITIZENS' INPUT

20

City Council

From: Collin Dias <collind00@aol.com>
Sent: Monday, October 26, 2020 2:12 PM
To: City Council
Cc: City Clerk
Subject: [EXTERNAL] Citizens Input

RECEIVED

2020 OCT 26 P 2:31

CITY CLERK
FALL RIVER, MA

Citizens Input, Collin Dias, 560 Ray Street, Fall River, Massachusetts, 02720 Fall River City Council Committee on Finance
10/27/2020

Good afternoon Council President and members of the City Council,

I wish to speak on a few issues facing our community and which are on the council agenda.

First of all, regarding the city administrator position. It's clear and obvious the city administration and the city council wants to see our city succeed with the best individuals we can find. I just hope the city council and the public can review the Millbury Separation agreement and any job performance reviews. I just wish in the future employment agreements aren't announced the Friday before a city council meeting and the city should allow the public more time for vetting and comment.

In regards to municipal advertising. I used to be very against billboard and other forms of municipal advertising i.e vehicle and vehicle advertising. I have since changed my mind. We should look for any forms of revenue we can. I heard from a city official at the last meeting that we can't have municipal advertising on city vehicles because and I quote "Mr. Ferland doesn't want advertising on his vehicles". They are not HIS vehicles, they are City vehicles, and the city should look into municipal advertising. Multiple reports show that the city can add up to 3 million in yearly revenue if we add multiple forms of municipal advertising via billboards, vehicles, and buildings.

On another note, I wish to discuss the creation of a Municipal Transfer Station / Gasification Plant. I know there are discussions currently being held in the Committee of Health and Environmental Affairs. I understand the chairman of the board is a big fan and a proponent of a transfer station / gas plant. However, like the composting program, nothing seems to get done.

To the residents of our great city, if I am a member of the city council after November of 2021, the lip service will end. I hope to be the chairman of the health and environmental affairs committee. We will end that committees empty talk and promises, and we will bring the administration to the table and craft plans to create a municipal transfer station which can be transformed into a gasification plant.

Attached to this citizens input, is the 2015 plan created by the city, which is collecting dust, for a transfer station/ gasification plant FYI.

Finally, I hope my proposal to create a ladder program to help elderly and disabled with essential ladder services does not fall on death ears, and is transferred to Committee. I hope there is no motion to "accept and place on file". That is lame. If you believe my idea is bad, be brave and say so, and vote to deny my idea. We should always be more inclusive the ideas of residents of our community.

Thank you very much for your time.

20

Respectfully submitted,

Collin Díaz

Sent from my iPhone

20

The Preservation Society of Fall River

P: 508-673-4841 E: psfallriver@gmail.com Web: psfallriver.org



October 27, 2020

Dear members of the City Council,

The Preservation Society of Fall River is in full support of any plan that preserves the c. 1897 Bank Street Armory building for future use so a development in the best interests of the city can one day succeed.

With a plan for the structure that complements the area, we believe this iconic downtown building could once again be a neighborhood centerpiece for the city and its residents.

Thanks to recent city projects and funds allocated to the property by the Community Preservation Committee, the Bank Street Armory has a preservation restriction currently attached to the deed of the building, ensuring its protection outside of municipal ownership.

The Armory has been an important part of the community for more than a century, first as a home for the local armed garrison and then as a venue for city events and programs still treasured in the memories of many Fall River residents.

Our members believe that if historic buildings such as the Armory are preserved and repurposed for the world of today, they will continue to bring immeasurable benefits to the city of Fall River tomorrow.

Sincerely,

The Preservation Society of Fall River, Inc.
Board of Directors
508-361-2714

CITY CLERK
FALL RIVER, MA

2020 OCT 27 A 11:19

RECEIVED

City Council

From: Fall River Preservation Society <psfallriver@gmail.com>
Sent: Tuesday, October 27, 2020 11:14 AM
To: City Council
Subject: [EXTERNAL] Preservation Society of Fall River - Citizen Input Re: Bank Street Armory
Attachments: City Council - Armory Letter 10.27.2020.pdf

Hello,

Attached and copied below is citizen input to be read at today's City Council meeting. Please let me know if you have any questions or need anything else. Thank you!

Sincerely,
Alexander Silva
Preservation Society of Fall River
Board of Directors

Dear members of the City Council,

The Preservation Society of Fall River is in full support of any plan that preserves the c. 1897 Bank Street Armory building for future use so a development in the best interests of the city can one day succeed.

With a plan for the structure that complements the area, we believe this iconic downtown building could once again be a neighborhood centerpiece for the city and its residents.

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Our members believe that if historic buildings such as the Armory are preserved and repurposed for the world of today, they will continue to bring immeasurable benefits to the city of Fall River tomorrow.

Sincerely,

The Preservation Society of Fall River, Inc.
Board of Directors
508-361-2714

20

[EXTERNAL] Citizen's Input 10/27/2020

Stretch It Out Arts by Melissa Costa <melissadancetheatre@gmail.com>

RECEIVED

Tue 10/27/2020 2:34 PM

2020 OCT 27 P 2:38

To: City Council <City_Council@fallriverma.org>;

CITY CLERK
FALL RIVER, MA

Members of the City Council,

I writing to address what has become a pattern over the last several months by elected officials which is to unfriend/block citizens and residents of this city whom they represent if that person has contrasting views or asks challenging questions. Two federal court rulings have concluded that elected officials cannot block constituents on their social media. I have included a deeper dive into those 2 rulings in this email for you to read as I only have 3 minutes for input and have 1 more topic to cover. If an elected official clearly uses their page to engage with other voters, clarify reasons for votes etc., then that social media account has all the "hallmarks of a public forum".

I am also writing about the weekly Trump / Back the Blue rallies held in front of the police station at 685 Pleasant St. In fact, that is the address used in event emails and social media posts. Although these may be organized by campaign volunteers, I find it deeply troubling in the times we're in that the FRPD has not asked them to move down to the right or left as it gives the appearance that the police department is endorsing a candidate for office. They represent all tax-paying residents of this city regardless of political party. These are also Back The Blue rallies so why wouldn't they oblige if the request had been made? These rallies are attended by many of the same people consistently and streamed on Facebook live. I've watched them park in the front police parking lot, unload their flags, and even stick those flags in the grass at the station. Conversely, there have been numerous standouts for the Black Lives Matter movement in which people have had entire streets closed to them and last week someone was arrested for stepping off of the curb. The attendees of these Trump / Back the Blue rallies can be seen just this past weekend with their toes at the edge of the curb waving flags out into the public street which is dangerously distracting for drivers. This is a very difficult time in the country, and no one should feel intimidated to walk into a police station in a very diverse city, and I feel this is intimidating and would argue a form of voter intimidation. People are afraid of being targeted for having different views. I ask that even though I don't want anyone's First Amendment rights to be violated, I believe more could be done to avoid discord and mistrust in our community.

Thank you,
Melissa Costa
251 Renaud St., FR

ADDITIONAL INFO:

That followed a Fourth Circuit case, decided in January, in which a local official blocked a man from a government Facebook page because of the man's criticism of the county school board. In its opinion, the appeals court observed that the page had all "the hallmarks of a public forum" and that blocking access was "black-letter viewpoint discrimination." That was the first circuit court ruling on the First Amendment's application to government-run social-media accounts.

The basic lesson from these cases is that once a public official opens a social-media account and uses it to interact in an official capacity with users, the account qualifies as a public forum under the First Amendment, and the public official may not exclude users on the basis of viewpoint.

COUNCILORS WHO BLOCKED ME:

Christopher Peckham
Brad Kilby

Also, Paul Hart (School Committee) and Alan Silvia (my state representative)

Melissa Costa
Teaching Artist- Dance & Theatre
Director & Choreographer

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, October 13, 2020 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Bradford L. Kilby, Pam Laliberte-Lebeau, Trott Lee,
Christopher M. Peckham, Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: Mary Sahady, Director of Financial Services
Paul Ferland, Administrator of Community Utilities

President Cliff Ponte called the meeting to order at 7:39 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor requesting confirmation of the appointment of Renee M. Howayeck to the Sewer Commission
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to confirm the appointment.
2. Mayor requesting confirmation of the re-appointment of Nadilio D. Almeida to the Sewer Commission
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to confirm the appointment.
3. Mayor and order appropriating \$17,000 from the CPA Undesignated Fund (\$15,000 from the CPA Open Space/Outdoor Recreation Projects for the Quequechan River Rail Trail and \$2,000 from the CPA Historic Resources Preservation Projects for Little Theatre of Fall River)
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the order.
Approved, October 14, 2020, Paul E. Coogan, Mayor
4. Mayor and proposed ordinances for new parking meter zones and increases in traffic fees and fines
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

PRIORITY COMMUNICATIONS

5. Response from Attorney Matthew J. Thomas regarding P & S Agreement for the former Police Station located at 158 Bedford Street
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the communication be accepted and placed on file.
6. Fall River Public Library Annual Report for Fiscal Year 2020
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the annual report be accepted and placed on file.

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

Referral to Corporation Counsel:

7. Resolution – Require trash receptacles at drive-thru establishments and any establishment with a parking lot
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the resolution be referred to Corporation Counsel to prepare a proposed ordinance.

Committee on Public Works and Transportation recommending:

Grant leave to withdraw:

8. Communication – Department of Environmental Protection re: issuance of Chapter 91 Waterways License No. 14859
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted that the communication be granted leave to withdraw.

Committee on Real Estate recommending:

Adoption:

9. Order – CPC 2020 Final Report – \$54,900 from Open Space/Recreation for the Bioreserve Conservation Land Acquisition
On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Bradford L. Kilby, it was unanimously voted to waive the rules to allow the Director of Financial Services and the Administrator of Community Utilities to answer questions.
Councilor Linda M. Pereira stated that she is not in favor of using CPA funds to purchase landlocked wetlands. Councilor Leo O. Pelletier stated that he is in favor of the purchase. He said the \$54,900.00 will be placed in the General Fund and the land will be owned by the City and overseen by the Water Division. The Administrator of Community Utilities stated that the parcel consists of three lots that are in tax title possession of the City. The parcel has gone through Massachusetts land court and has been deemed as owner unknown and was given to the City through the foreclosure process due to back taxes owed by the unknown owner. Council President Cliff Ponte asked who was the buyer and seller. The Administrator of Community Utilities stated that the buyer is the Fall River Department of Community Utilities/ Water Division and the seller is the City of Fall River Tax Title Possession. The Administrator of Community Utilities stated that the reason the property needs to be purchased and not transferred is due to following Chapter 30B of Massachusetts General Law, stating that intergovernmental transfers cannot be done and the purchase price needs be based off the assessed value or appraised value, and in this case they used the assessed value to determine the purchase price. He further stated that the parcel is not all wetlands and there are some uplands and down land between the three lots, and will be kept as part of the Bioreserve with conservation restrictions.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was voted 8 yeas, 1 nay to adopt the order with Councilor Linda M. Pereira voting in the negative.

Approved, October 14, 2020, Paul E. Coogan, Mayor

ORDINANCES

Proposed:

10. Traffic – Stop intersections – Bark Street at the intersection of Reservoir Street
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinances and Legislation.

Second reading and enrollment:

11. Proposed Ordinance – Executive Administrative Assistant to the Chief of Police
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was unanimously voted to pass the ordinance through second reading and enrollment.
On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the proposed ordinance be passed to be ordained, and Councilor Linda M. Pereira exited the Council Chamber at 8:06 p.m.
Approved, October 14, 2020, Paul E. Coogan, Mayor

Second reading and enrollment, as amended:

12. Proposed Ordinance – Traffic, miscellaneous
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to pass the ordinance through second reading and enrollment.
On a further motion made by Councilor Michelle M. Dionne and seconded by Councilor Trott Lee, it was unanimously voted that the proposed ordinance be passed to be ordained, and Councilor Linda M. Pereira exited the Council Chamber at 8:06 p.m.
Approved, October 14, 2020, Paul E. Coogan, Mayor

RESOLUTIONS

13. Committee on Public Works and Transportation convene with South Coast Rail Project Manager to provide overview of construction necessary to bring South Coast Rail to Fall River
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the resolution.

CITATIONS – None

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

14. Auto Repair Shop License Renewals:
Fernando P. da Silva d/b/a Brodeur's Service Station located at 109 Barrett Street
Jody L. Oliveira, Ground Earth, Inc., located at 1741 Stafford Road
Marco Tavares, Auto Stop, located at 325 Oman Street
George Moreira, George's Auto Tech, LLC, located at 581 Pleasant Street
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the order.
Approved, October 14, 2020, Paul E. Coogan, Mayor

15. Auto Body Shop License Renewal:

Manuel Felix d/b/a Felix Auto Collision Center located at 1201 Slade Street
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the order.
Approved, October 14, 2020, Paul E. Coogan, Mayor

16. Police Chief's report on licenses:

2020 Taxicab Driver:

Shawn M. Stevens

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the order.

COMMUNICATIONS – INVITATIONS – PETITIONS

17. Claims

On a motion made by Councilor Bradford L. Kilby and seconded by Michelle M. Dionne, it was unanimously voted to refer the claims to Corporation Counsel.

18. Drainlayer Licenses:

a. RJV Construction, Corp.

b. MRC Contracting, Inc.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to approve the drainlayer licenses.
Approved, October 14, 2020, Paul E. Coogan, Mayor

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to take items #19 through #21 together.

Zoning Board of Appeals Minutes:

19. January 16, 2020 Meeting

20. February 20, 2020 Meeting

21. June 22, 2020 Meeting

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted that items #19 through #21 be accepted and placed on file.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to take items #22 through #27 together.

City Council Meeting Minutes:

22. Regular Meeting of the City Council – August 11, 2020

23. Committee on Finance – August 24, 2020

24. Committee on Finance – August 31, 2020

25. Special Meeting of the City Council – August 31, 2020

26. Joint Meeting of the City Council and School Committee – August 20, 2020

27. Public Hearings – September 22, 2020

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Bradford L. Kilby, it was unanimously voted to approve items #22 through #27.

28. Open Meeting Law Complaint filed by Collin Dias re: alleged violation by City Council

Committee on Finance on September 22, 2020

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was unanimously voted to refer the item to Corporation Counsel.

BULLETINS – NEWSLETTERS – NOTICES

29. Department of Environmental Protection – Notice of Chapter 91 Permit Application
by Liberty Utilities for Former MGP Site, Mount Hope Bay off 120 Charles Street

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the communication be accepted and placed on file.

30. Notice of Casualty and Loss at 325 Bullock Street

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the notice be accepted and placed on file.

The Council President called for a two minute recess to allow documents to be signed at 8:05 p.m. and reconvened at 8:09 p.m., at which time Councilor Linda M. Pereira exited from the Council Chamber at 8:06 p.m.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adjourn at 8:10 p.m., with Councilor Linda M. Pereira absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Bioreserve map

A true copy. Attest:



City Clerk

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OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

2020 NOV 18 P 4: 31

Please note that all fields are required unless otherwise noted.

CITY CLERK
FALL RIVER, MA

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: 5086743140 Ext. _____

Email: patrick@patrickhiggins.co

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: Cliff Ponte

Date of alleged violation: 11/17/2020

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 violated the open meeting law as follows:

1. Did not discuss the open meeting law complaint of October 27, 2020 nor discuss any remedial actions to be taken before voting to send the complaint to the "City Attorney" to handle See <https://www.youtube.com/watch?v=YnKLH3P69Os> at 2:01:33 into the meeting.

The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days). After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.

2. Did hold a joint meeting with the Fall River Board of Assessors at 5:55 pm on November 17, 2020 without posting the joint meeting agenda on the City of Fall River website as required by the open meeting law, see <https://www.youtube.com/watch?v=YnKLH3P69Os> at 6:37 minutes into the meeting.

3. Chairman of the City Council did not make the required announcement of who the members of the Board of Assessors were that were participating remotely as required by the Open Meeting Law Determinations 2020-138 and 2020-98.

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.

Learn and comply with 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, 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.

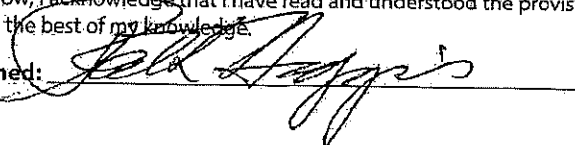
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

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:

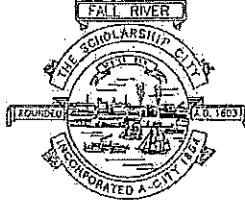
11/18/2020

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

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City of Fall River
Office of the Corporation Counsel

PAUL E. COOGAN
Mayor



ALAN J. RUMSEY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

November 24, 2020

Collin Dias
560 Ray St.
Fall River, MA 02720

Via email: Collind00@aol.com

RE: Open Meeting Law Complaint against Fall River City Council Committee on Finance
Date of Alleged Violation: October 27, 2020

Dear Mr. Dias:

This response is provided pursuant to G.L. c. 30A, § 24 and 940 CMR 29.00 et seq., in response to your Open Meeting Law Complaint against the Fall River City Council Committee on Finance (sometimes referred to as Committee on Finance) which alleges the following:

On October 27, 2020, the Fall River City Council Committee on Finance approved minutes from its September 22nd, 2020 meeting. The September 22nd meeting minutes that were approved, are inaccurate and are not in accordance of Open Meeting Law section 22(c). Section 22(c) of the Open Meeting Law call[s] for a summary of the discussions of each subject.¹ The September 22nd meeting minutes do not include a summary of the discussion of my citizen input, where after my citizens input was read at the meeting, a quorum of the City Council discussed in one way or another my citizens input and citizens input in general. This discussion is not summarized in the September 22nd meeting minutes.

The City received your Complaint on November 4, 2020. On November 17, 2020, the Fall River City Committee met to review your complaint and voted to delegate authority to this office to respond. In preparing a response, this office has reviewed the September 22, 2020 meeting minutes and viewed the relevant portions of the September 22, 2020 recorded meeting.

¹ Although the complaint alleges violation of Section 22(c), the relevant section having to do with summary of discussions of each subject is found in Section 22(a).

Open Meeting Law, G.L. c. 30A, §§18-25

You allege that the Committee on Finance violated Section 22(c)² of the Open Meeting Law, G.L. c. 30A which you state calls for a summary of the discussions of each subject. The relevant section pertaining to the summary of discussions, is 22(a) and provides as follows:

Section 22. (a) A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.

G.L. c. 30A, §22(a).

The Division of Open Government's website provides a checklist entitled "Public Body Checklist for Creating and Approving Meeting Minutes." It states in pertinent part: "The summary does not need to be a transcript but should provide enough detail so that a member of the public who did not attend the meeting could read the minutes and understand what occurred and how the public body arrived at its decisions.

Early into the City Council Meeting, The City Clerk read your communication into the record. The communication contained slanderous allegations against a City official. Normally, when citizens address the Council in person, citizens would be interrupted by the Council President and prevented from continuing to speak their speech was slanderous towards City officials.

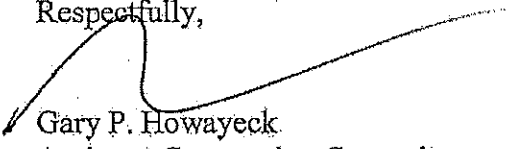
Following your letter being read, a Council member questioned the Council's typical protocol with regards to it allowing slanderous statements against City officials. There was consensus among the City Council members that written communications submitted for the public meeting would be treated similarly as if the citizen were speaking before the Council in-person.

The meeting minutes indicates that your communication was read during the meeting and a copy of it was attached and made part of the minutes. The substance of that discussion was not reflected in the minutes as it was a discussion with regard to what was normal protocol for in-person citizens input, no decision or vote was made as a public body.

² As stated earlier, the relevant section having to do with summary of discussions is found in G.L. c. 30A, Section 22(a).

As such, this office believes the minutes satisfy G.L. c. 30A, §22(a). We consider this matter closed. Please note that you have the right to appeal to the Massachusetts Attorney General – Division of Open Government.

Respectfully,



Gary P. Howayeck
Assistant Corporation Counsel

Enclosures

Cc: Mira Netsy, MA Office Attorney General-Division of Open Government
via email: Mira.Netsky@mass.gov
Fall River City Council Committee on Finance

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OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

2020 NOV -4 P 3: 26

Please note that all fields are required unless otherwise noted.

CITY CLERK
FALL RIVER, MA

Your Contact Information:

First Name: Collin Last Name: Dias

Address: 560 Ray Street

City: Fall River State: MA Zip Code: 02720

Phone Number: 7747076790 Ext. _____

Email: Collind00@aol.com

Organization or Media Affiliation (if any): _____

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 Committee on Finance

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

Date of alleged violation: 10/27/2020

CITY OF FALL RIVER
IN CITY COUNCIL

NOV 17 2020

*Referred To Corporation
Counsel, 9/4/20*

Page 1

*emailed - Atty Howard
& Councilors*

Copy to Peterson 11-4-20
<https://east.exch091.serverdata.net/owa/#path=/mail/inbox/rp>

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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 October 27th, 2020, The Fall River City Council Committee on Finance approved minutes from its September 22nd, 2020 meeting. The September 22nd meeting minutes that were approved, are inaccurate and are not in accordance of Open Meeting Law section 22 (c). Section 22 (c) of the Open Meeting Law call for a summary of the discussions of each subject. The September 22nd meeting minutes do not include a summary of the discussion of my citizens input, where after my citizens input was read at the meeting, a quorum of the City Council discussed in one way or another my citizens input and citizens input in general. This discussion is not summarized in the September 22nd meeting 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.

Revision of the September 22nd, 2020 meeting minutes

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: Callin Diod

Date: 11/4/2020

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

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COMMITTEE ON FINANCE

MEETING: Tuesday, September 22, 2020 at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Bradford L. Kilby, Pam Laliberte-Lebeau, Trott Lee,
Christopher M. Peckham, Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: Mary Sahady, Director of Financial Services
John Perry, Director of Community Maintenance

The chair called the meeting to order at 6:00 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, persons are allowed to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance.

The City Clerk read communications received from city residents, copies of which are attached hereto and made a part of these minutes.

1. Citizens' Input
Collin Dias, 560 Ray Street – Mary Sahady resignation and trash costs
Erica Scott-Pacheco, 1510 Highland Avenue – Zoning Board of Appeals
CJ Ferry, 300 Buffinton Street – TIF and TIE Agreements
2. Resolution to discuss and review solid waste and recycling
Councilor Michelle M. Dionne asked the Director of Community Maintenance how the City has advanced with regards to solid waste and recycling. The Director of Community Maintenance stated that currently he is gathering information to review the various options. He then stated that he is not prepared to make a presentation tonight, but is working on all the various possibilities and also reviewing various policies of other cities and towns. He also stated that he is reviewing all associated costs for the collection of solid waste and recycling. The Director of Community Maintenance then stated that the collection of solid waste and recycling from businesses is also being reviewed, along with residences with 6 units that may be considered commercial properties. Councilor Michelle M. Dionne then stated that various other communities are being reviewed that are in similar situations, such as not having a pay-as-you-throw program or a household fee. The Director of Community Maintenance stated that there are 351 communities in the Commonwealth of Massachusetts and of those there are only 44 communities that do not have a pay-as-you-throw program, a household unit fee for the removal of trash and recycling or a combination of both. He then stated that most of the 44 communities are affluent communities that can afford to dispose of their trash without fees or they have infrastructure in place to handle

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the disposal, such as a landfill. He also stated that the City does not have a landfill or transfer station to assist with the costs associated with the collection of solid waste and recycling, so the City needs to research all possibilities.

Councilor Michelle M. Dionne then asked the Director of Community Maintenance for an update on the plan to remove the blue recycling carts from Fall River Housing Authority properties. The Director of Community Maintenance stated that he has been in contact with Timothy Barrow, the Executive Director for the Fall River Housing Authority, regarding the removal of the blue recycling carts from Housing Authority properties. He then stated that Mr. Barrow is in the process of obtaining proposals from solid waste companies for the collection of recycling from the various properties. Mr. Perry then stated that once that process is complete, the Fall River Housing Authority will determine how recycling will be collected from the various properties and notify the City to either remove the recycling carts or determine payments to be made to the City of Fall River. Councilor Michelle M. Dionne then stated that she will await the decision from the Fall River Housing Authority, as she understands that the process will take time and as long as the process is moving forward, she is agreeable to allowing sufficient time to ensure the process is done correctly. Councilor Trott Lee stated that there should also be discussions regarding the storage of solid waste and recycling carts. The Director of Community Maintenance stated that there was a time when the carts were stored outside at the Lewiston Street Facility and there were many problems with this method. He also stated that in the future the construction of a storage facility will need to be discussed for the storage of carts and other necessary equipment that is weather sensitive. Councilor Trott Lee then stated that there will need to be an information dissemination process regarding businesses that may no longer have their recycling picked up by the City and this may cause an increase of carts to be stored as they are returned to the City. He then asked the Director of Community Maintenance if businesses would be able to retain having the City collect their solid waste and recycling if the business paid a fee for the service. The Director of Community Maintenance stated that these are discussions that need to be had, whether these services will still be provided by the City and if so how much will be charged. Councilor Trott Lee then stated that fees will need to be researched and discussed because the City does not want to overcharge businesses but it also does not want to be severely undercharging. Councilor Leo O. Pelletier asked the Director of Community Maintenance what the cost would be to erect a storage building approximately 30 or 50 feet by 100 feet. The Director of Community Maintenance stated that it would cost approximately \$130,000.00 to \$150,000.00 to construct a storage facility of this size. Councilor Leo O. Pelletier then asked how much the City is paying in the rental of storage space per year. The Director of Financial Services stated that the City is spending \$62,400.00 per year on the rental of storage space as follows:

- Rodman Street - \$19,200.00
- Seabury Street - \$30,000.00
- Montaup Street - \$13,200.00

Councilor Leo O. Pelletier then stated that he believes that the City should construct a storage facility, since it would be paid for in 2 or 3 years with the amounts the City is currently paying in rental fees. He then asked the Director of Community Maintenance if the parcel of property on Bay Street that was transferred to the City could be used to construct a storage facility. The Director of Community Maintenance stated that the Bay Street location cannot be used to construct a storage facility because a brook crosses the parcel. Councilor Linda M. Pereira asked the Director of Community Maintenance if any of the 44 communities that do not have any fees for solid waste collection are gateway communities. The Director of Community Maintenance stated that he would need to check those statistics of all the communities, but he does know that New Bedford does not have any fees for solid waste collection but has a transfer station and an active landfill. Councilor Linda M. Pereira then asked the Director of Community

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Maintenance how many years New Bedford will be able to utilize their landfill. The Director of Community Maintenance stated New Bedford has approximately 15 years remaining in the life of their landfill. Councilor Linda M. Pereira then stated that she would like to see more educational outreach to the residents regarding regulations for recycling. She also stated that the Department of Community Maintenance facility on Lewiston Street is in need of cleaning and renovations. Councilor Michelle M. Dionne asked the Director of Community Maintenance if he had obtained any information on machinery that would grind mattresses and sofas to reduce the amount of space required for disposal. The Director of Community Maintenance stated that he had not yet researched this equipment. He also stated that he would share the information on this machinery once obtained.

Citizens' Input Time -- After Discussion of Financial Matters:

None

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 6:34 p.m.

List of documents and other exhibits used during the meeting:

Citizens' Input Communications

Agenda packet (attached)

DVD of meeting


Clerk of Committees

City of Fall River
Office of the Corporation Counsel

PAUL E. COOGAN
Mayor

RECEIVED

2020 NOV 24 P 4: 16

CITY CLERK
FALL RIVER, MA



ALAN J. RUMSEY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

November 24, 2020

Patrick Higgins
P.O. Box 24
Swansea, MA 02777

Via email: patrick@patrickhiggins.com

RE: Open Meeting Law Complaint against Fall River City Council and Cliff Ponte
Date of Alleged Violation: October 27, 2020

Dear Mr. Higgins:

This response is provided pursuant to G.L. c. 30A, § 24 and 940 CMR 29.00 et seq., in response to your Open Meeting Law Complaint against the Fall River City Council (also referred to as City Council) and Cliff Ponte which alleges the following:

The Fall River City Council violated the open meeting law by holding a remote "zoom" meeting on Tuesday, October 27, 2020 and not announcing who the members of the City Council were that were participating remotely.
See 2020-138

There were several other people who were logged into the zoom meeting who were not commissioners and the general public would not be sure who all were the Members and who the non-members were.

The City received your Complaint on November 6, 2020. Following receipt of your alleged violation, the City Clerk contacted the Attorney General's Division of Open Government for guidance as to whether roll call was sufficient to "announce" the members and was advised that conducting a roll call could satisfy this requirement, while also announcing which members were participating remotely.

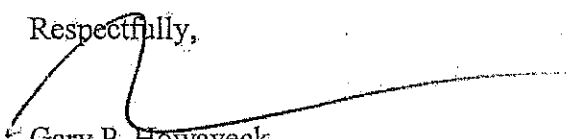
On November 17, 2020, the City Council met and voted to refer the matter to this office to provide formal response. The Open Meeting Law regulations governing remote participation are found at 940 CMR 29.10. Procedures for remote participation are set forth in §29.10(7)(b) which provides: "At the start of the meeting, the chair shall announce the name of any member who will be participating remotely. This information shall also be recorded in the meeting minutes."

In preparing this response, I reviewed the video recording of the October 27, 2020 City Council Meeting. The meeting was opened by the City Council President/Chair, Cliff Ponte, who made an announcement that the meeting was being conducted remotely via Zoom Video Conference. Immediately thereafter, the City Clerk who serves as Clerk to the Council conducted the roll call which indicated that all members were virtually present. The members of the City Council were viewed on individual tiles with their names on the bottom left of each tile. Also, in view, were other individuals (also identified by name in the lower left of their respective tiles) who were related to the meeting's agenda items.

You raise the concern that members of the public who logged into the Zoom meeting would not be sure which individuals were the members of the City Council. Although I do not believe the City Council violated the open meeting law, in furtherance of improving transparency to the public, please be advised that this office has advised the City Council and all Municipal Boards and Commissions to ensure that in addition to announcing member who are participating remotely through roll call or otherwise, that the members' names and membership of the public body are clearly delineated and visible on the remote platform throughout the video recording. (See enclosed.)

We consider this matter closed. Please note that you have the right to appeal to the Massachusetts Attorney General – Division of Open Government.

Respectfully,


Gary P. Howayec
Assistant Corporation Counsel

Enclosures

Cc: Mira Netsy, MA Office Attorney General-Division of Open Government
via email: Mira.Netsky@mass.gov
Fall River City Council
Cliff Ponte

MEMO

TO: ALL MUNICIPAL PUBLIC BODIES
FR: OFFICE OF THE CORPORATION COUNSEL
RE: PUBLIC ACCESS TO OPEN MEETINGS-IDENTIFICATION OF PUBLIC
BODY MEMBERS DURING REMOTE MEETINGS

In furtherance of the Open Meeting Law's requirement that public bodies provide adequate, alternative means of public access to the deliberations of the public body, and in furtherance of providing transparency to all public meetings, all public bodies who conduct meetings remotely, or otherwise have members participating remotely, must ensure that each member of the public body is identified by name and title throughout the video recording. This requirement is in addition to the requirement that all members participating remotely participants must be announced at the beginning of the meeting of the public body.

Please contact the office of the corporation counsel with any questions.

Dated: November 24, 2020

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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.

2020 NOV -6 P 1:15

Your Contact Information:

First Name: Patrick

Last Name: Higgins

Address: P O Box 24

City: Swansea

State: MA

Zip Code: 02720

Phone Number: 5086743140

Ext. _____

Email: patrick@patrickhiggins.co

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:

Cliff Ponte

Date of alleged violation:

10/27/2020

CITY OF FALL RIVER
IN CITY COUNCIL

NOV 17 2020

Referred to Corporation
Council, 9 years

enclosed 11/6/20 by City Clerk

Gary Hunsyck - 7 Councilors

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 violated the open meeting law by holding a remote "zoom" meeting on Tuesday, October 27, 2020 and not announcing who the members of the City Council were that were participating remotely. See 2020-138

There were several other people who were logged into the zoom meeting who were not commissioners and the general public would not be sure who all were the Members and who the non-members were.

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.

Keep up to date with all determinations of the Division of Open Government (located at <https://massago.onbaseonline.com/MASSAGO/1801PublicAccess2/omi.htm>) and comply with all determinations.

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: 11/5/2020

For Use By Public Body:

Date Received by Public Body:

For Use By AGO:

Date Received by AGO:

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

PHILIP Y. BROWN, ESQ., *Chairman*

JOHN W. PARSONS, ESQ., *Executive Director*

Auditor SUZANNE M. BUMP | KATHLEEN M. FALLON | KATE FITZPATRICK | JAMES M. MACHADO | ROBERT B. MCCARTHY | JENNIFER F. SULLIVAN

MEMORANDUM

TO: Fall River Retirement Board
 FROM: John W. Parsons, Esq., Executive Director
 RE: Appropriation for Fiscal Year 2022
 DATE: November 6, 2020

Required Fiscal Year 2022 Appropriation: **\$37,701,000**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2022 which commences July 1, 2021.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2022 appropriation to be paid by each of the governmental units within your system.

The current schedule is due to be updated by Fiscal Year 2022.

If you have any questions, please contact PERAC's Actuary, John Boorack, at (617) 666-4446 Extension 935.

JWP/jfb
 Attachments

cc: Office of the Mayor
 City Council
 Town Manager

RECEIVED
 2020 NOV 18 P 3:11
 CITY CLERK
 FALL RIVER, MA

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Fall River Retirement Board

Projected Appropriations

Fiscal Year 2022 - July 1, 2021 to June 30, 2022

Aggregate amount of appropriation: **\$37,701,000**

Fiscal Year	Estimated Cost of Benefits	Funding Schedule (Excluding ERI)	ERI	Total Appropriation	Pension Fund Allocation	Pension Reserve Fund Allocation	Transfer From PRF to PF
FY 2022	\$38,506,838	\$37,701,000	\$0	\$37,701,000	\$37,701,000	\$0	\$805,838
FY 2023	\$39,290,066	\$40,529,000	\$0	\$40,529,000	\$39,290,066	\$1,238,934	\$0
FY 2024	\$40,090,170	\$43,569,000	\$0	\$43,569,000	\$40,090,170	\$3,478,830	\$0
FY 2025	\$40,907,514	\$46,837,000	\$0	\$46,837,000	\$40,907,514	\$5,929,486	\$0
FY 2026	\$41,742,469	\$50,350,000	\$0	\$50,350,000	\$41,742,469	\$8,607,531	\$0

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

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

Fall River Retirement Board
Appropriation by Governmental Unit

Fiscal Year 2022 - July 1, 2021 to June 30, 2022

Aggregate amount of appropriation: **\$37,701,000**

UNIT	Percent of Aggregate Amount	Funding Schedule (excluding ERI)	ERI	Total Appropriation
City of Fall River	91.21%	\$34,387,082	\$0	\$34,387,082
Fall River Redevelopment	0.02%	\$7,540	\$0	\$7,540
Fall River Housing Authority	7.19%	\$2,710,702	\$0	\$2,710,702
Diman Voc.	1.58%	\$595,676	\$0	\$595,676
UNIT TOTAL	100%	\$37,701,000	\$ 0	\$37,701,000

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