

City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2020 DEC 11 P 12:08

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>

TUESDAY, DECEMBER 15, 2020

AGENDA

4:30 P.M. COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM MEETING

5:55 P.M. PUBLIC HEARINGS (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM MEETING IF THAT MEETING RUNS PAST 5:55 P.M.)

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 15, 2020 at 3:00 p.m. to be read at the meeting.

Street Acceptances

1. The acceptance of Barrows Street, extending from South Main Street to Andrews Street
2. The acceptance of Chestnut Hill Drive, extending from North Main Street to a dead end
3. The acceptance of Estes Lane, extending from Lark Street to (old) Lower Stafford Road

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 15, 2020 at 3:00 p.m. to be read at the meeting.
2. *Discussion with City Planner re: uncompleted subdivisions (referred 8-11-2020)
3. *Resolution and Loan Order – Parkland Acquisitions and Renovations for Communities (PARC) Grant resolution for the renovation of the Cathy Assad Tot Lot and Playground and \$483,388 Loan Order for City Parks Capital (referred 12-1-2020)

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

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 proposed ordinance for the compensation schedule of the Director of Community Maintenance
2. *Mayor and proposed ordinance establishing position and salary of EMT–Administrative Assistant
3. *Mayor requesting the confirmation of the appointment of Michael J. Coughlin to the Board of Health

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS – None

ORDINANCES

Second reading and enrollment:

4. *Proposed Ordinance – Traffic, Miscellaneous
5. *Proposed Ordinance – Traffic, Stop intersection on Bark Street

Second reading and enrollment, as amended:

6. *Proposed Ordinance –Traffic fees and zones
7. *Proposed Ordinance – Establishing a fee schedule for utility poles

Ordination:

8. *Proposed Ordinance – Floodplain district boundaries and base flood elevation data (passed through second reading and enrollment 6-9-2020)

RESOLUTIONS – None

CITATIONS – None

ORDERS – HEARINGS

Street Acceptances:

9. Barrows Street, extending from South Main Street to Andrews Street
10. Chestnut Hill Drive, extending from North Main Street to a dead end
11. Estes Lane, extending from Lark Street to (old) Lower Stafford Road

ORDERS – MISCELLANEOUS

12. Police Chief's report on licenses:

2021 Taxicab Drivers:

Ashraf Kamal Antar	Patrick Bourassa	Edward Borges
Steven Breault	Charles Brothers	Melissa Carvalho
Gerald Costa	Luis Costa	Jeremiah Donovan-Soares
Darrell Carlsen	Paul Laberge	Louis Levesque
Robert H. MacDougall III	David Marshall	William Marshall
Richard Mello	George Oliveira	John D. Purcell
Todd J. Quintal	Edward Rego	James Silvia
Richard J. Souza	Stephen J. Stets	Antonio Sparshott
Gary Teixeira	Jose Vasconcelos	Rebecca Walkden

2021 Livery Driver:

David Marshall

2021 Livery Vehicles:

Fall River Taxi – Toyota Prius

13. Town Transportation LLC d/b/a Town Taxi – New Taxicab Vehicle Application for License No. 33

Auto Repair Shop License Renewal:

14. Joseph Bilan, BP Auto Repair, Inc. at 1091 South Main Street

COMMUNICATIONS – INVITATIONS – PETITIONS

15. *Claims
16. *Assistant Corporation Counsel response to Open Meeting Law complaint filed by Patrick Higgins re: November 17, 2020 City Council Meeting

BULLETINS – NEWSLETTERS – NOTICES

17. Notice of Casualty and Loss at 990 Maple Street


Assistant City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: DECEMBER 15, 2020

COMMITTEE REPORTS

Committee on Public Safety recommending:

Grant leave to withdraw:

- 3a. *Resolution – Discuss safety concerns at 28 Quequechan Street

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

COMMITTEE REPORTS

Committee on Finance recommending:

Action:

- 3b. Resolution and Loan Order – Parkland Acquisitions and Renovations for Communities (PARC) Grant resolution for the renovation of the Cathy Assad Tot Lot and Playground and \$483,388 Loan Order for City Parks Capital Repairs



FINANCE 2 RECEIVED

City of Fall River
Massachusetts
Planning Department

2020 AUG -5 A 10:48

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

WILLIAM G. KENNEY, AICP
City Planner

August 5, 2020

Hon. Cliff Ponte, President
Fall River City Council
One Government Center
Fall River, MA 02722

Re: "Uncompleted Subdivisions"

Dear President Ponte,

Thank you very much for the opportunity to address the Council on a matter which is, appropriately, a matter of serious concern to all of the members.

By way of background, as you know, on July 16 of this year, Mr. Frank Pearson of 35 Wyndham Court, sent an email to the Council complaining about the condition of streets in his general neighborhood, including, in particular, Detroit, Stevens and Omaha. It appears that a significant part of the problem may be that certain streets in this neighborhood were developed as part of a subdivision project in which construction of new dwellings has been completed, but proper finish coating of the roadways, and perhaps construction of related infrastructure, has never been completed to city standards.

This, unfortunately, seems to be a problem that may exist in several neighborhoods throughout the city.

I responded to Mr. Pearson's email on July 17, and City Inspector Dennis Silva and I subsequently visited the neighborhood in question as part of an initiative that the Planning Department and Engineering Department have undertaken to identify "uncompleted subdivisions" and related situations in which developers have left projects in unacceptable conditions.

By way of background, on June 25, 2020, in response to Mayor Coogan's directive that I develop a program to address this on-going problem of "uncompleted subdivisions", I initiated the following course of action:

- 1) I have directed my assistant, Brittany Faria, to review Planning Department records to determine what we are holding in terms of bonds, cash or other performance guarantees to assure proper completion of roadway infrastructure for various projects. She will determine whether our electronic records are consistent with those maintained by the Treasurer's Department and with the notations in various paper files maintained in the Planning Department. Any discrepancies will be rectified.
- 2) City Inspector Dennis Silva and I will compile a comprehensive list of possible problem projects, conduct site visits to each, and prepare a punch list of work that the responsible party was obligated to perform but which has not been properly completed.
- 3) We will then determine whether the city is holding anything in the way of performance guarantees applicable to the unfinished work. For cases in which there is a performance guarantee that the city can act upon, we will recommend doing so after first giving the responsible party a brief opportunity to finish the work. The action by the city may involve calling in a bond or applying cash to help pay for finishing the work. In some cases, we may suggest that the Law Department

investigate whether litigation might be appropriate/fruitful. Where the city does not hold proper security and where litigation would likely not be fruitful, we may recommend that the only available course of action may be for the city to finish the work or to contract for the finishing of the work, at its own expense and without the expectation of reimbursement.

4) As to the future, we propose to investigate: (a) whether the site plan review committee has or may be granted by appropriate legislation, the authority to require posting of security to guarantee that conditions with respect to roadway are properly performed; (b) whether the city has authority to deny permits for new projects to developers who have failed to properly complete earlier projects; and, (c) whether changes in our subdivision regulations are necessary to strengthen requirements for performance guarantees.

I am happy to report that, since Planning and Engineering began work on this initiative in late June, an early success has been with respect to the long-delayed paving and completion of street infrastructure, according to city standards, of Draper Street, which was completed at the developer's expense in late July.

As we move forward on this project, I ask your cooperation, as follows:

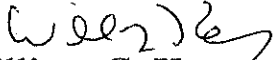
First, please assist us by notifying the Planning or Engineering Department of any complaints you may receive or situations you may become aware of that may fall within the purview of our work in this regard so we can conduct proper investigation and response.

Second, please understand that not all problems with streets are the result of failures of developers to perform as required. Some streets that are clearly the city's responsibility need work that is not the responsibility of any private developer.

Third, we ask for your patience. I caution everyone to understand that, just as this problem did not emerge "overnight", it will not be corrected overnight. Just reviewing individual files to determine a project's history

and to determine who the responsible parties might be, what they were or were not required to do, and what they failed to do, is, in many cases, an onerous and time-consuming task. Be assured, however, that our work has begun and will continue as a priority item.

Respectfully submitted,


William G. Kenney, AICP
Director of Planning

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 11 2020

*Referred to the Committee
on Finance*

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
IN CITY COUNCIL

DEC - 1 2020

*Referred To the Committee
on Finance, 8 years*

LOAN ORDER
CITY PARKS CAPITAL REPAIRS
(CATHY ASSAD TOT LOT)

ORDERED: That the City appropriates the amount of Four Hundred Eighty-three Thousand Three Hundred Eighty-eight Dollars (\$483,388) to pay for the costs of capital repairs to Cathy Assad Tot Lot, including the payment of all cost incidental or related thereto.

To meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said sum under and pursuant to G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

CITY OF FALL RIVER
IN CITY COUNCIL
DEC - 1 2020

*Authorized to be
published and
referred to the
Committee on Finance,
84-100*



PAUL E. COOGAN
Mayor

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

FINANCE 3

RECEIVED

2020 NOV 19 A 10:02

CITY CLERK _____
FALL RIVER, MA

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.

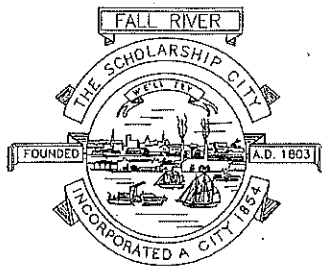
Best Regards,

Paul E. Coogan
Paul E. Coogan
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

DEC - 1 2020

a/c placed on file, 8 years



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Community Development Agency

FINANCE **3**

buyfallrivernow

MICHAEL P. DION
Executive Director / CFO

December 1, 2020

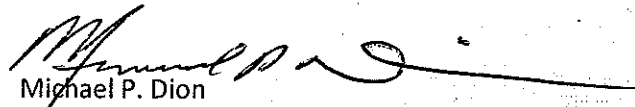
Department of Community Maintenance
City of Fall River
One Government Center
Fall River, MA 02722
Attention: Mr. John Perry

Dear Mr. Perry

Please be advised the Fall River Community Development Agency (FRCDA) will be providing \$145,016.40 dollars of Community Development Block Grant matching funding as required with the awarding of the Massachusetts PARC Grant for the renovation of the Cathy Assad Tot Lot.

If you have any questions please feel free to reach out to me.

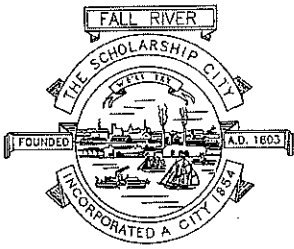
Sincerely,


Michael P. Dion
Executive Director/CFO

CITY CLERK
FALL RIVER, MA

2020 DEC - 1 P 12:25

RECEIVED



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

RECEIVED

2020 DEC -9 A 10:37

CITY CLERK _____
FALL RIVER, MA

December 2, 2020

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

Dear Honorable Council Members:

Please find attached a salary rate change for the position of Director of Community Maintenance which I will be including in Mr. Perry's contract renewal. This change includes an increase in Mr. Perry's salary of \$5000 for the 12-4-2020 to 12-3-2021 contract year and an additional \$5000 for the 12-4-2021 to 12-3-2022 contract year. Mr. Perry's base salary is currently \$99,470.

Your approval of this ordinance modification is respectfully requested.

We are available to answer any questions or concerns that you may have.

Best Regards,

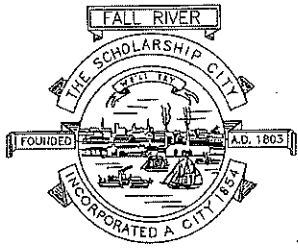
Paul E. Coogan
Mayor

Enclosure

City of Fall River, *In City Council*

BE IT ORDAINED, by the City Council of the City of Fall River, Chapter 50 of the City Ordinances be changed as follows:

- Change Salary of Director of Community Maintenance from not to exceed \$99,470 (\$98,000 plus 1 ½%) to **Not Exceed \$115,000**



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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2020 DEC 10 A 10:36

CITY CLERK _____
FALL RIVER, MA

December 9, 2020

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

Dear Honorable Council Members:

The Emergency Medical Services department is asking to add the position of EMT-Administrative Assistant (11A) to the City Ordinance Chapter 50, Personnel. This new clerical position will provide accounting functions, including those of entering data into the processing system; and to be responsible for ensuring that all his/her work conforms to City of Fall River and Commonwealth of Massachusetts codes and standards. Attached is the recommended pay scale and the request from the Director of EMS.

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

Best Regards,

Paul E. Coogan
Mayor



City of Fall River
Massachusetts
Fire Department Headquarters
Emergency Medical Services

2

PAUL E. COOGAN
Mayor

RECEIVED
2020 DEC 10 A 10:37
CITY CLERK
FALL RIVER, MA

JOHN D. LYNCH
Fire Chief

TIMOTHY OLIVEIRA
EMS Director

12/8/2020

Mayor
Paul E. Coogan
1 Government Center
Fall River Ma 02721

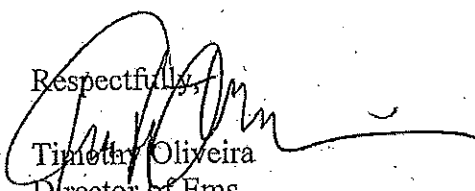
I am respectfully requesting that a new position be sent to ordinance for approval. The Ems division is requesting to move the position of Head Administrative clerk from local 3177 afscme. Create a new title of Administrative assistant (11M) placing the position in to local 1202 afscme.

The Administrative Assistant position pay scale will be 2,020.61 bi weekly. There are no steps to be included with this position.

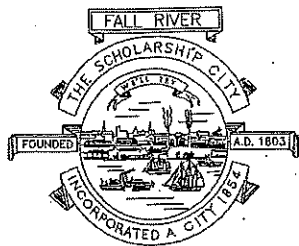
The retirement group for this position will remain group 1

This will enable our division to have an Administrative assistant that can handle ems issues such as confidential personnel issues, assist in personnel investigations, Hippa issues, etc. Job description is attached.

Respectfully,


Timothy Oliveira
Director of Ems
City of Fall River

2



**City of Fall River
Massachusetts**
Fire Department Headquarters
Emergency Medical Services

2020 DEC 10 A 10:37

PAUL E. COOGAN
Mayor

CITY CLERK
FALL RIVER, MA

JOHN D. LYNCH
Fire Chief

TIMOTHY OLIVEIRA
EMS Director

Job Description for Emergency Medical Services
Administrative Assistant (11-M)

The essential functions of the emergency medical services administrative assistant (11-M) include but are not limited to providing accounting functions, including those of entering data into the processing system; and to be responsible for ensuring that all his/her work conforms to City of Fall River and Commonwealth of Massachusetts codes and standards. They are expected to conform to all policies, procedures, and directives promulgated by the Chief of the department and/or the Director of Emergency Medical services, and to coordinate work for which he/she is responsible, and that of other workers. This work is performed with wide latitude in independent judgement and decision making, and under general direction performs related work as assigned.

Required Knowledge, Ability, Skills

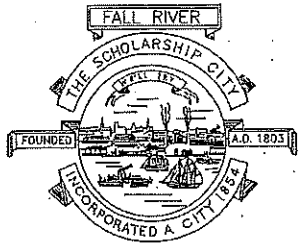
The administrative assistant must possess the ability to establish and maintain effective and harmonious working relationship with other city employees and especially with general public. Must have the willingness to work overtime when necessary. Must have the ability to perform technical work with some degree of independent judgment and decision making, must have highly developed interpersonal skills, and ability to instruct others. Ability to coordinate medical rescue for non-emergency dispatching. Able to coordinate with hospital for transfers to other medical facilities when necessary.

Educational and Experience

Administrative assistant must have graduated from an accredited standard or vocational high school or possess a GED equivalency. Must have experience in data processing, medical billing, ICD-10 coding, non-emergency billing, minimum 4 years related experience required.

Samples of work*

Assumes answering phone calls directed to the department / or division, responding to public inquiries and / or channeling to the appropriate individual within the Department/ Division.



**City of Fall River
Massachusetts**
Fire Department Headquarters
Emergency Medical Services

2

PAUL E. COOGAN
Mayor

2020 DEC 10 A 10:37
CITY CLERK
FALL RIVER, MA

JOHN D. LYNCH
Fire Chief

TIMOTHY OLIVEIRA
EMS Director

Receives public complaints and channels them to appropriate ems personnel.
Responsible for receiving non-emergency calls from hospitals, nursing homes and
dispatch non – emergency medical rescue to appropriate location. Ensures all times are
logged.

Acquires all information for billing of non – emergency calls.

Maintains all required documentation and records as directed.

Have an on call status Monday thru Friday.

Responsible for answering calls during off hours for non-emergency calls.

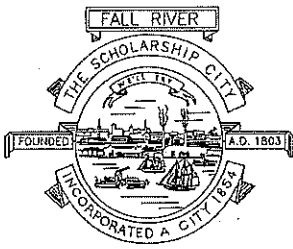
Performs related administrative fiscal work as assigned, including all deposits, accounts
receivable including billing claims, collections, and patient billing, insurance denials.

Responsible for exporting all data from PCR software program for both emergency and
non – emergency ambulance runs. Also including billing procedures for Medicare/B, all
secondary insurances. Knowledge of all third party billing procedures. Processing all
billing related to vaccinations / testing performed by the emergency medical services
division. Process all billing related to the divisions community paramedic program.

Must maintain and possess am 1CD-10 certification, and update certification as needed.
Maintain and keep up to date on all related federal and state regulations.

To perform any and related duties as required by the department / division.

- Samples given are illustrative only, and comprise a set of common tasks, the
emittance of any example of work or duty does not necessarily exclude the work
or duty from being performed by the employee.



City of Fall River
Massachusetts
Office of the Mayor

3

PAUL E. COOGAN
Mayor

December 10, 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: Michael J. Coughlin

Address: 236 Montgomery Street
Fall River, MA 02720

Position: Board of Health

Effective Date: December 8, 2020

Term to expire: N/A

Replacing: Stephanie Perry

Sincerely,

Paul E. Coogan
Paul Coogan
Mayor

CITY CLERK
FALL RIVER, MA

2020 DEC 10 P 2:00

RECEIVED

City of Fall River, In City Council

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

That Chapter 70 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to traffic be amended as follows:

Section 1.

By inserting in Section 70-371, which section relates to parking prohibited at all times the following:

Name of Street	Side	Location
Winward Street	East	Starting at Friendship Street for a distance of 205 feet northerly

Section 2.

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

Name of Street	Side	Location
Bay Street	East	Starting at a point 25 feet south of Charles Street, for a distance of 20 feet southerly
Center Street	West	Starting at a point 33 feet south of South Main Street, for a distance of 20 feet southerly
Conant Street	South	Starting at a point 23 feet west of Whipple Street, for a distance of 20 feet westerly
East Main Street	East	Starting at a point 20 feet north of Mystic Street, for a distance of 20 feet northerly
Fielden Street	East	Starting at a point 57 feet south of McGowan Street, for a distance of 20 feet southerly
Fountain Street	East	Starting at a point 25 feet north of William Street, for a distance of 20 feet northerly
Hall Street	North	Starting at a point 260 feet east of Church Street, for a distance of 20 feet easterly
Horton Street	South	Starting at a point 253 feet west of Barlow Street, for a distance of 20 feet westerly
Kellogg Street	East	Starting at a point 33 feet north of Hamlet Street, for a distance of 20 feet northerly
Lapham Street	East	Starting at a point 144 feet north of Cambridge Street, for a distance of 20 feet northerly
Last Street	North	Starting at a point 20 feet west of South Main Street, for a distance of 20 feet westerly
Last Street	North	Starting at a point 155 feet west of South Main Street, for a distance of 20 feet westerly
Linden Street	West	Starting at a point 130 feet north of Bank Street, for a distance of 20 feet northerly
Lindsey Street	East	Starting at a point 60 feet north of Norfolk Street, for a distance of 20 feet northerly
Locust Street	North	Starting at a point 119 feet east of Danforth Street, for a distance of 20 feet easterly
Maple Street	North	Starting at a point 62 feet west of School Street, for a distance of 20 feet westerly
Mott Street	West	Starting at a point 30 feet south of Heath Street, for a distance of 25 feet southerly
Peckham Street	South	Starting at a point 15 feet east of Vale Street, for a distance of 20 feet easterly
Tecumseh Street	South	Starting at a point 60 feet east of Lawrence Street, for a distance of 20 feet easterly
Whipple Street	West	Starting at a point 130 feet south of Middle Street, for a distance of 20 feet southerly

CITY OF FALL RIVER
IN CITY COUNCIL

DEC 01 2020

Passed Through First

City of Fall River, In City Council

(Councilor Leo O. Pelletier)

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

That Chapter 70 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to traffic be amended as follows:

By inserting in Section 70-241, which section relates to stop intersections designated the following:

Name of Street	Direction of Travel	At Intersection of
Bark Street	Northbound and southbound	Reservoir Street

CITY OF FALL RIVER
IN CITY COUNCIL

OCT 13 2020

*Referred to the
Committee on Ordinances
and Legislation*

CITY OF FALL RIVER
IN CITY COUNCIL

DEC 01 2020

*Passed through first
reading, 8 years*

City of Fall River, In City Council

6

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

That Chapter 70 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to traffic be amended as follows:

Section 1.

That Section 70-311, which section relates to Violations and penalties, be amended, as follows:

Sub-Section 1.

By striking out in sub-section A. (2) of said section, "\$20.", and inserting in place thereof, "\$25."

Sub-Section 2.

By striking out in sub-section A. (5) of said section, "\$20.", and inserting in place thereof, "\$25."

Sub-Section 3.

By striking out in sub-section A. (6) of said section, "\$20.", and inserting in place thereof, "\$25."

Sub-Section 4.

By striking out in sub-section A. (7) of said section, "\$20.", and inserting in place thereof, "\$25."

Sub-Section 5.

By striking out in sub-section A. (8) of said section, "\$20.", and inserting in place thereof, "\$25."

Sub-Section 6.

By inserting in sub-section A., in proper numerical order, the following:

For a violation of Section 70-312D: \$50.

Section 2.

By inserting in Section 70-312, which section relates to General prohibitions, the following new sub-section:

- D. Any un-registered motor vehicles upon any street, way, road or parkway, unless the vehicle displays a valid registration plate as required pursuant to M.G.L. Chapter 90, Section 9, shall be in violation of this section and subject to a fine, as set forth in Section 70-311.

Section 3.

By inserting in Section 70-377, sub-section C. (3), which sub-section relates to two-hour parking meter zones, in proper alphabetical order, the following:

Name of Street	Side	Location
Sixth Street	East and West	Between Bedford Street and Pleasant Street
Davol Street	West	From President Avenue southerly for a distance of 3,028 feet
Middle Street	North and South	Between Forest Street and South Main Street
Pocasset Street	South	Between South Main Street and Connector Street

Section 4.

By striking out in Section 70-345, in Appendix A-Fee Schedule, which section relates to Parking meter fees, the listed fees in their entirety, and inserting in place thereof, the following:

30-minute zones	\$0.50
1-hour zones	\$1.00
2-hour zones	\$2.00

City of Fall River, *In City Council*

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

That Chapter 2 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Administration, be amended as follows:

By inserting in Sec. 2-453 (26) in Appendix A-Fee Schedule, which section relates to fees charged by the City Clerk's office, the following:

26)	Pole authorization for small wireless facilities attached to a new or replacement utility pole	\$ 1,000.00
	Pole authorization for small wireless facilities attached to an existing pole or structure – up to five (5) small wireless facilities	\$ 500.00
	Each additional small wireless facility over five (5) on an existing pole or structure	\$ 100.00
	Annual fee (renewing authorization) per small wireless facility	\$ 270.00
	Fine for company's failure to notify the City within ninety (90) days that facility was abandoned	\$ 50.00

CITY OF FALL RIVER
IN CITY COUNCIL
DEC - 1 2020

*Passed through first
reading, as amended,
7 years*

City of Fall River, *In City Council*

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

That Chapter 10 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Buildings and Building Regulations, be amended, by striking out Sections 10-246, 10-247, and 10-248, in their entirety, and inserting in place thereof, the following:

Sec. 10-246. Floodplain district boundaries and base flood elevation data.

The purposes of the Floodplain District are to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contaminations, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 5) Eliminate costs associated with response and cleanup of flooding conditions;
- 6) Reduce damage to public and private property resulting from flooding waters.

The floodplain district is herein established as an overlay district. The district includes all special flood hazard areas within the City designated as Zone A, AE, AO or VE on the county Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the county FIRM that are wholly or partially within the City are panel numbers 25005C0264F, 25005C0269F, 25005C0342F, 25005C0344F, 25005C0351F, 25005C0353F, and 25005C0432F, dated July 7, 2009; and panel numbers 25005C0244G, 25005C0263G, 25005C0329G, 25005C0331G, 25005C0332G, 25005C0333G, 25005C0334G, 25005C0337G, and 25005C0341G, dated July 16, 2014, and 25005C0268G, 25005C0352G, 25005C0354G, 25005C0356G, 25005C0357G, 25005C0358G, 25005C0359G, 25005C0361G and 25005C0362G dated July, 8, 2020. The exact boundaries of the district may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the county Flood Insurance Study (FIS) report dated July 8, 2020. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk.

USE REGULATIONS

The floodplain district bylaw is part of a federal requirement for communities that choose to participate in the NFIP. However, the state already administers regulations that take care of many floodplain management concerns. Referencing existing regulations is important to ensure that projects have been reviewed under the appropriate state regulations and that variances to the conditions of the bylaw do not erroneously allow variances to state requirements.

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts state Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00); **(e communities only)**
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

Sec. 10-247. Base flood elevation data and floodway data

- (a) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge
- (b) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within the unnumbered A zones.

Sec. 10-248. Other use regulations

- (a) All new construction within zone VE must be located landward of the reach of mean high tide.
- (b) In a riverine situation, the director of code enforcement shall notify the following agencies of any alteration or relocation of a watercourse:
 - (1) Adjacent communities including the towns:
 - a. Tiverton, Rhode Island,
 - b. Somerset, Massachusetts
 - c. Westport, Massachusetts;
 - d. Dartmouth, Massachusetts; and
 - e. Freetown, Massachusetts;
 - (2) NFIP State Coordinator, Massachusetts Department of conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104; and
 - (3) NFIP Program Specialist, Federal Emergency Management Agency, Region I, 99 High Street, 6th Floor, Boston MA 02110
- (c) Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- (d) Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- (e) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures. **(c, d, e communities, if AH or AO appear)**
- (f) All subdivision proposals must be designed to assure that:
 - (1) Such proposals minimize flood damage;
 - (2) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards. **(b, c, d, e communities)**

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 19 2020

*Passed through
first reading,
9 years*

CITY OF FALL RIVER
IN CITY COUNCIL

JUN - 9 2020

*Passed through second
reading and enrollment,
9 years*

15

November 24, 2020

City Clerk

City of Fall River

1 Government Ctr.

Fall River, MA 02722

RECEIVED

2020 NOV 30 P 2:32

CITY CLERK 20-67
FALL RIVER, MA

Dear Sir or Madam,

Yesterday November 23, 2020 at approximately 9AM, I was traveling on Bay Street not far from Division St. and it was raining very hard and flooding in the area, when I hit a pothole that was covered with water and not visible to the drivers when my two driver side tires were damaged and had to have vehicle towed and tires replaced. I did immediately called your traffic dept. as well as your Public Works to make them aware of the incident and the flooding and potholes.

I am seeking compensation for the damage to my vehicle and I have enclosed pictures of the area as well as my vehicle and the invoice. My Rims were damaged as well as the two tires needing to be replaced. I have not replaced the rims as of yet only tires.

I look forward to hearing from you.

Sincerely,



Grace Oliveira

1118 Reed Road

N. Dartmouth, MA 02747

Cell 508-287-9064

Home 508-998-4765

Law 14 original
city council
city clerk
DCM

11/30/2020

City Clerk

Claim # 20-68

15

From: Dutra, Carla
Sent: Monday, December 07, 2020 8:51 AM
To: City Clerk
Subject: FW: City tree damage claim

Sorry there was 3 emails all together. ☺

From: Laurie Pelletier | RD [mailto:LPelletier@reynoldsdewalt.com]
Sent: Friday, December 4, 2020 2:00 PM
To: Dutra, Carla <Cdutra@fallriverma.org>
Subject: [EXTERNAL] RE: City tree damage claim

Laurie Pelletier
208 Garden Street, Fall River, Ma 02720
No home #, Cell 508.667.0962
City tree broke and fell on my roof during a storm
April 27, 2020 (screen shot of pictures sent showing the date they were taken)
Also there will be a record of city workers coming to remove the tree. 1 of which was Bob Kelley.
Damage to the back right hand side of my roof on 208 Garden Street
I have not submitted a claim through insurance

12/4/2020 Laurie Pelletier

Laurie Pelletier
Project Coordinator

Reynolds DeWalt

774.425.3519
lpelletier@reynoldsdewalt.com

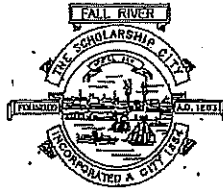
From: Dutra, Carla <Cdutra@fallriverma.org>
Sent: Friday, December 4, 2020 1:31 PM
To: Laurie Pelletier | RD <LPelletier@reynoldsdewalt.com>
Subject: RE: City tree damage claim

Hi Ms. Pelletier,

I have enclosed a claim form, if you could please fill it out and return to me.

Thank you,
Carla

From: Laurie Pelletier | RD [mailto:LPelletier@reynoldsdewalt.com]
Sent: Friday, December 4, 2020 1:18 PM
To: Facilities Maintenance <FacilitiesMaintenance@fallriverma.org>
Cc: Mayor <mayor@fallriverma.org>; Law office <Lawoffice@fallriverma.org>
Subject: [EXTERNAL] City tree damage claim



RECEIVED

15

2020 DEC -8 A 11: 08

City of Fall River
Notice of ClaimCITY CLERK #2069
FALL RIVER, MA

1. Claimant's name: Brenda Rousseau and Edgar Rousseau
2. Claimant's complete address: 856 Hood St, Fall River, MA 02720
3. Telephone number: Home: 508-675-1917 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Property damage to end of driveway
5. Date and time of accident: _____ Amount of damages claimed: \$ 440.00
6. Exact location of the incident: (include as much detail as possible):
Where driveway meets sidewalk at 856 Hood St, Fall River MA
7. Circumstances of the Incident: (attach additional pages if necessary):
When sidewalks were being replaced on Hood St the contractors felt it necessary to take up some of our driveway paver stones. When reinstalling them they cracked one and still installed the cracked one. We did advise them we had extra.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge:

Date: 12-04-20Claimant's signature: Brenda Rousseau

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 ☒ DCMDate: 12-8-20

16

City of Fall River
Office of the Corporation Counsel

PAUL E. COOGAN
Mayor

RECEIVED

2020 DEC 10 P 4:51

CITY CLERK
FALL RIVER, MA



ALAN J. RUMSEY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

December 10, 2020

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

Via email: patrick@patrickhiggins.co

RE: Open Meeting Law Complaint against Fall River City Council and Cliff Ponte
Date of Alleged Violation: November 17, 2020

Dear Mr. Higgins:

This 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 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.ufube.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 the 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.

16

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://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.

The City received your Complaint on November 18, 2020. On December 8, 2020, the City Council met and voted to refer the matter to this office to provide formal response. In preparing this response, I reviewed the posted Agenda for the Board of Assessors November 17, 2020 meeting, the posted Revised Agenda for the City Council's November 17, 2020 meeting and the relevant portions of the November 17, 2020 meetings video recordings.

First Allegation

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.utube.com/watch?v=YnKLH3P69Os> at 2:01:33 into the meeting.

Massachusetts Open Meeting Law is set forth in Mass. General Laws Chapter 30A, §§18-24. G.L. c. 30A §23 (b) provides in pertinent part: "At least 30 days prior to the filing of a complaint with the attorney general, the complainant shall file a written complaint with the public body, setting forth the circumstances which constitute the alleged violation and giving the body an opportunity to remedy the alleged violation; provided, however, that such complaint shall be filed within 30 days of the date of the alleged violation. The public body shall, within 14 business days of receipt of a complaint, send a copy of the complaint to the attorney general and notify the attorney general of any remedial action taken . . ." G.L. c. 30A §23 (b).

The Attorney General's Open Meeting regulations are set forth in 940 CMR 29.00 et seq. "For local public bodies, the complainant shall file the complaint with the chair of the public body, who shall disseminate copies of the complaint to the members of the public body. ..." 940 CMR 20.05 (3). "Within 14 business days after receiving the complaint, unless an extension has been granted by the Attorney General as provided in 940 CMR 29.05(5)(b), the public body shall meet to review the complaint's allegations; take remedial action, if appropriate; and send to the complainant a response and a description of any remedial action taken...." 940 CMR 20.05(5).

16

"[A] public body must meet to review the complaint and formulate a response, or meet to delegate that authority, and respond to the complaint within 14 business days." OML 2019-163. See also OML 2017-69; OML 2012-90. "Proper procedure requires that a public body review a complaint before authorizing legal counsel to respond on its behalf." OML 2019-163. Once a public body has reviewed a complaint during a meeting, its decision to simply refer the complaint, rather than discuss its substance, is the public body's prerogative. OML 2019-163.

Based on the above, the Open Meeting Law does not appear to require that the public body "discuss" an open meeting law complaint it has received. Nor does it appear to require that the public body "discuss remedial action to be taken." As long as the public body meets and votes to refer to counsel for response, it has met its obligation under the law.

Item 21 on the City Council's Revised Agenda, under COMMUNICATIONS-INVITATIONS-PETITIONS was "Open Meeting Law Complaint from Patrick Higgins re: alleged violation by City Council President on October 27, 2020."

As confirmed by the November 17, 2020 City Council meeting video recording, the City Council Item 21 was read aloud, and upon motion made, voted by roll call vote to refer the matter to Corporation Counsel for response. It appears that the City Council took the appropriate action and no violation of the Open Meeting Law occurred.

Second Allegation

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://youtube.com/watch?v=YnKLH3P69Os> at 6:37 minutes into the meeting.

A. Board of Assessors Meeting

Per its posted Agenda (enclosed) the Board of Assessors meeting was scheduled at 4:00 p.m. Item 6 on its Posted Agenda was "Discussion of Fiscal Year 2021 Tax Classification." The meeting was held remotely pursuant to Governor Baker's March 12, 2020 Executive Order. All members were visible and audible to the public and to each other. All members were announced by roll call vote at the start of the meeting. Following discussion of Item 6 and the remaining Agenda Items, the Assessors Board took a roll call vote to go into recess and resume the remote meeting as to Item 6 during the City Council's second Public Hearing scheduled later that afternoon.

16

B. City Council Public Hearings

Per its posted Revised Agenda (**enclosed**) the City Council's Public Hearings were scheduled to start at 5:55 p.m. The Public Hearings were held remotely per Governor Baker's March 12, 2020 Executive Order. The City Council members were announced by roll call vote at the start of the Public Hearings. The City Council members were visible and audible to the public and to each other. Also visible were the three Board of Assessors members and the City's Director of Financial Services.

There were two Public Hearings on the Agenda. Following closure of the first Public Hearing, upon motion and roll call vote of the City Council, the second Public Hearing was opened. The second Public Hearing was entitled on the Revised Agenda "Tax Classification 2. Adoption of the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2021." Following opening of the second Public Hearing, the City Council Chair acknowledged the Board of Assessors. The Board of Assessors voted by roll call vote to reopen its meeting. The Board of Assessors Chair then took roll call of the members who were present. City Council members asked questions of the Board of Assessors Chair. After discussion, upon motion, the City Council took a roll call vote to close the public hearing and the Board of Assessors then adjourned by roll call vote.

Under the Open Meeting Law, "Meeting", is defined as "a *deliberation* by a public body with respect to any matter within the body's jurisdiction; provided, however, "meeting" shall not include: . . . (c) attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate;" G.L. c. 30A, §18. See OML 2015-38. The law defines "deliberation" as "an oral or written communication through any medium . . . between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that 'deliberation' shall not include the distribution of other procedural meeting [sic] or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed." G.L. c. 30A, § 18.

Under the Open Meeting Law, "[t]wo or more public bodies may hold a joint meeting. However, each public body participating in the meeting must provide notice pursuant to G.L. c. 30A, § 20. The public bodies must provide independent notice of their meetings, or if posting a single notice, must clearly state that each public body will be meeting. If two or more public bodies plan to hold a joint meeting, for purposes of clarity, all bodies involved should note in their meeting notices that this will be a joint meeting with the other bodies." OML 2019-163. See also OML 2012-6; OML 2011-16. Any notice of a joint meeting must meet all the requirements of the Open Meeting Law and include the public bodies' names, the date, time, and location of the meeting, and all the topics that the public bodies anticipate discussing." OML 2019-163. See also OML 2013-36.

In considering whether members of a public body deliberated at another public body's meeting, the Attorney General's office looks for "indicia such as whether the public body members were seated with the general public and whether they participated by open participation to conclude

16

that no improper deliberation took place.” OML 2019-163. See also OML 2019-103; OML 2016-117; OML 2013-18. “The Open Meeting Law does not carve out an exception to the definition of “deliberation” for discussions that do not result in a decision or vote. Any communication among a quorum of a public body on matters that are pending or will come before it and within the public body’s jurisdiction is considered deliberation.” OML 2019-163. See also OML 2014-108; OML 2013-136; Boelter v. Board of Selectmen of Wayland, 479 Mass. 233, 243 (2018).

The Open Meeting Law, G.L. c. 30A Section 20 (b) provides that “[n]otice shall be printed in a legible, easily understandable format and shall contain the date, time and place of the meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. The “listing of topics shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” 940 CMR 29.03(1)(b).

The Board of Assessor’s participation in the City Council’s second Public Hearing was limited to the City Council asking the Board of Assessors Chair questions regarding the proposed tax levy. The fact that the Board of Assessors chose to resume its public meeting concurrently with the City Council’s second Public Hearing is inconsequential. As such, a joint meeting of the public bodies did not take place therefore the City Council was not required to post notice of a joint meeting.

Third Allegation

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.

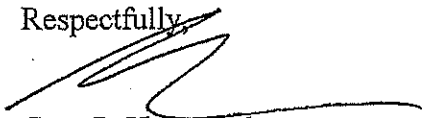
As stated above, upon motion and roll call vote of the City Council, the Second Public Hearing was opened. Following opening of the second Public Hearing, the Board of Assessors’ presence was acknowledged by the City Council Chair. The Board of Assessors then voted by roll call vote to open their meeting. The Board of Assessors Chair then took roll call of the members who were present. Under these circumstances, it does not appear that the City Council violated the Open Meeting Law by not announcing the members of the Board of Assessors.

Finally, if a public body or public body member made a good faith attempt at compliance with the law but was reasonably mistaken about its requirements, its conduct will not be considered an intentional violation of the Law. G.L. c. 30A, § 23(g); 940 CMR 29.02.

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

16

Respectfully,



Gary P. Howayeck
Assistant Corporation Counsel

Enclosures

Cc: MA Office Attorney General-Division of Open Government
via email: openmeeting@state.ma.us.
Fall River City Council
Cliff Ponte



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2020 NOV 16 P 12:53

CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

ORIGINAL POSTING: NOVEMBER 13, 2020 AT 1:58 P.M.

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>

TUESDAY, NOVEMBER 17, 2020
REVISED 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, November 17, 2020 at 3:00 p.m. to be read at the meeting.

5:55 PUBLIC HEARINGS
Auto Repair Shop License

1. Charbel Sarkis, 2 Fisherman Road, Fairhaven, MA 02719, d/b/a R & M Auto Service, for a license to operate an auto repair shop at 703 Brayton Avenue, on Lot F-7-0013, 14, 28 and 29 Assessors Plan.

Tax Classification

2. Adoption of the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2021.

6:00 P.M. COMMITTEE ON FINANCE MEETING

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, November 17, 2020 at 3:00 p.m. to be read at the meeting.
2. *Fiscal Year 2021 – Quarter 1 Budget Report (referred 10-27-20)
3. *Transfers and appropriations (see Items 1, 2 and 3 below)

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 order to reduce \$1,000,000.00 from the School Transportation Appropriation thereby reducing the Annual Budget for FY 2021

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

- 16
2. *Mayor and order appropriating \$1,194,155.00 from the increase in Cherry Sheet State Aid to the following:

Education – All Other	\$ 50,738.00
Insurance	\$ 63,313.00
State and County Assessments	\$ 1,080,104.00
 3. *Mayor and order appropriating \$250,000.00 from the General Fund FY20 Surplus Revenue (Free Cash) to the Capital Project Fund for police vehicles
 4. *Mayor and orders as follows:
 - a. An Act relative to the abolishment of the Board of Police
 - b. An Act relative to the abolishment of the Board of Fire Commissioners
 5. *City Assessor and orders for the establishment of the Fiscal Year 2021 tax factor and tax levy.

PRIORITY COMMUNICATIONS

6. *Traffic Commission recommending amendments to traffic ordinances
7. *Communication from Councilor Trott Lee to Governor Charles D. Baker regarding the COVID-19 Order No. 54

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

8. *Committee on Finance convene to determine response to Governor's COVID-19 Order No. 54 advocating for the balance of financial preservation and public safety measures

CITATIONS

9. Veterans of Foreign War Post 486 in celebration of their 100th Anniversary

ORDERS – HEARINGS

Auto Repair Shop License:

10. Charbel Sarkis, 2 Fisherman Road, Fairhaven, MA, d/b/a R & M Auto Service, for a license to operate an auto repair shop at 703 Brayton Avenue

ORDERS – MISCELLANEOUS

11. Police Chief's report on licenses:

2020 Taxicab Drivers:

Carol DeMelo Charles R. Phifer

2021 Taxicab Drivers:

Thomas Andrade	Robert M. Collins Jr.	Gilbert W. Correia	Carol DeMelo
Charles R. Phifer	Delores Socall	Walter Woods	

12. Revocation of permit for the storage of inflammables (removal of tanks):

*Genlyte Group Incorporated – 631 Airport Road

13. Auto Repair Shop License Renewals:

Tiago Botelho d/b/a Mill City Diesel Auto Repair and Sales at 1139 Slade Street
 Manuel Felix d/b/a Felix Auto Collision Center at 1201 Slade Street
 Luis Pimentel, L and S Auto, Inc. at 1138 Pleasant Street

14. Auto Body Shop License Renewals:

Steve Melo, Choice Collision Center, Inc. at 645 Brayton Avenue
 Joseph Silva d/b/a Supreme Auto at 421 Third Street

116

COMMUNICATIONS – INVITATIONS – PETITIONS

- 15. *Claims
- 16. Drainlayer License – R.J. Messina, Inc.
- Planning Board Minutes
- 17. October 19, 2020 meeting
- City Council Meeting Minutes:
- 18. *Regular Meeting of the City Council – October 27, 2020
- 19. *Communication from Collin Dias re: use of funding at Veterans Association of Bristol County
- 20. *Open Meeting Law Complaint from Collin Dias re: alleged violation by City Council Committee on Finance on October 27, 2020
- 21. *Open Meeting Law Complaint from Patrick Higgins re: alleged violation by City Council President on October 27, 2020

BULLETINS – NEWSLETTERS – NOTICES – None

TABLED MATTERS

- 5a. *Mayor requesting the confirmation of the reappointment of Christopher Antao (tabled 10-27-20)
- 5b. *Mayor requesting the confirmation of the reappointment of Donna A. Valente (tabled 10-27-20)
- 10a. Orders for public hearings to be scheduled for street acceptances as follows:
 - a. Barrows Street, extending from South Main Street to Andrews Street (tabled 8-11-20)
 - b. Chestnut Hill Drive, Extending from North Main Street to a dead end (tabled 8-11-20)
 - c. Estes Lane, extending from Lark Street to (old) Lower Stafford Road (tabled 8-11-20)


City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: NOVEMBER 17, 2020

PRIORITY COMMUNICATIONS

- 7a. *Planning Board re: request for release of right, title and interest in a portion of the unaccepted paper street known as Center Street extending from South Beacon Street westerly for a distance of 445.48 feet (opposition).

COMMUNICATIONS – INVITATIONS – PETITIONS

- 21a. *Communication and petitions from city residents requesting denial of request to the Zoning Board of Appeals from JH Holdings Group, LLC for a variance to allow construction of a 63-unit apartment complex on Mariano S. Bishop Boulevard and August Street.

16

AGENDA

RECEIVED City of Fall River Massachusetts

2020 NOV 13 P 12:13

NOTICE

CITY CLERK _____
FALL RIVER, MA

Date: November 13, 2020

In accordance with the provisions of Massachusetts General Law Chapter 30A, Section 20, notice is hereby given that a meeting of a public body will be held at the time and place set forth below:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order imposing strict limitations on the number of people that may gather in one place, as extended by the Governor's April 28, 2020 Order, this meeting of the Fall River Board of Assessors will be conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access a live video of the meeting at no cost, on the cities YouTube website. The website can be accessed at www.youtube.com/FallRiverGovernmentTV

Board of Assessors

(Board, Commission, Committee, Council)

On Tuesday, November 17, 2020 at 4:00p.m.

(Day and Date)

(Time)

At Virtual Meeting

(Place of Meeting)

Agenda

1. Open meeting Law Advisory M.G.L. Chapter 30A, Section 20(f)
2. Approve minutes & Executive Session minutes of the October 29, 2020
3. Monthly Report
4. Executive Session
 - a. Discuss Abatements & Exemptions per submitted list pursuant to G.L. c.30A Sec 21(a)(7) and G.L. c. 59, Section 60
 - b. Review ATB matters per submitted list pursuant to G.L. c. 30A Section 21(a)(3) since discussion in public would be detrimental to city legal position.
5. Open Meeting Law complaint from Patrick Higgins dated 11/5/2020
6. Discussion of Fiscal Year 2021 Tax Classification
7. Schedule Next Meeting
8. All other relevant business (not known 48 hours in advance)

Signed: _____

(Clerk, Secretary, Supt., Etc.)

ADA Coordinator

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



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

16

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:

[Signature]

Date:

11/18/2020

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

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Public Safety, at a meeting held on December 10, 2020, voted 3 yeas to recommend that the accompanying resolution be granted leave to withdraw.


Assistant Clerk of Committees

City of Fall River, *In City Council*

3a

(Councilor Trott Lee)

WHEREAS, a Fall River resident presented the attached letter to the Fall River City Council with multiple public safety concerns and ordinance violations regarding her property located at 28 Quequechan Street, now therefore

BE IT RESOLVED, that the property owner, all involved parties and city departments be invited to a future meeting of the City Council Committee on Public Safety to address her concerns.

In City Council, February 11, 2020
Adopted

A true copy. Attest:

Alison M. Bouchard
City Clerk