

City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2020 SEP -3 P 1:37

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

TUESDAY, SEPTEMBER 8, 2020
AGENDA

5:55 P.M. PUBLIC HEARINGS
Curb Removals

1. Kevin Swist, 403 Albert Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
403 Albert Street	15'	15'	0'	30'

The petitioner is requesting the removal of 15 feet of curbing to the existing 15 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.

2. Master Builder Ministries, Inc., 54 Bedard Street, Fall River, MA, for the removal of curbing as follows:

	Existing Driveway Opening	Curb to be Removed	Curb to be Replaced	New Driveway Opening
St. Joseph Street	27' 6"	3' 6"	0'	31'
Bedard Street	0'	26'	0'	26'
Notre Dame Street	0'	28'	0'	28'
Total	27' 6"	57' 6"	0'	85'

This proposed work will improve access to the property and does not cause a significant adverse effect to off street parking in that area.

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

3. Patricia Charette, 1077 County Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
1077 County Street removal on Eaton Street	18'	16'	0'	34'

The petitioner is requesting the removal of 16 feet of curbing to the existing 18 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.

4. Brian Costa, 145 Dickinson Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
145 Dickinson Street	25'	19' 5"	0'	44' 5"

The petitioner is requesting the removal of 19 feet 5 inches of curbing to the existing 25 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.

5. Nuno DaSilva, 370 Grattan Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
370 Grattan Street	16'	16'	0'	32'

The petitioner has an existing 16 foot driveway opening and is requesting the removal of an additional 16 feet of curbing on the east side of the property 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. Joann Bentley, 229 Highcrest Road, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
229 Highcrest Road	29'	16'	0'	45'

The petitioner is requesting the removal of 16 feet of curbing to the existing 29 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.

7. Paulo A. Gouveia, 54 Nightingale Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
54 Nightingale Street	16'	18'	0'	34'

The petitioner is requesting the removal of 18 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.

8. Bruno DaCruz, 879 Pearce Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
879 Pearce Street	22' 8"	16'	0'	38' 8"

The petitioner has an existing 22 foot 8 inch driveway opening on the Stetson Street side of the property, and is requesting the removal of 16 feet of curbing for an additional driveway opening on Pearce Street.

The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

9. Rui Sobreiro, 655-657 Robeson Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
655-657 Robeson Street	14'	12'	0'	26'

The petitioner is requesting the removal of 12 feet of curbing to the existing 14 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.

10. Jasmine Investments, LLC, 242 Stafford Road, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
242 Stafford Road	22'	16'	0'	38'

The petitioner is requesting the removal of 16 feet of curbing to extend the existing 22 foot curb cut within the property.

The installation does not represent a significant restriction to on street parking and would increase off-street parking availability for the property.

Pole Location

11. Massachusetts Electric Company for one new pole location as follows:

Pleasant Street

One (1) new pole location

The petitioner requests to install a 35 foot pole approximately 50 feet north of existing pole #10. This pole will be as a stub/guy pole to allow for future overhead primary extending down Front Street. In accordance with Plan No. 29560958 dated July 14, 2020.

6:00 P.M. COMMITTEE ON FINANCE (OR IMMEDIATELY FOLLOWING THE PUBLIC HEARING IF IT RUNS PAST 6:00 P.M.)

1. Citizen Input
2. *Discussion of FY 2021 Municipal Budget (see item #1 below)

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

PRIORITY MATTERS

1. *Mayor and appropriation order of \$312,689,650.00 for Fiscal Year 2021
2. *Mayor and order requesting renewal of the contract with Roselli, Clark and Associates to conduct the independent audit for FY2020
3. *Mayor requesting confirmation of the reappointment of Mary Sahady to the Housing Authority
4. *Mayor requesting confirmation of the appointment of Jose M. Barbosa to the Traffic Commission

PRIORITY COMMUNICATIONS

5. *Traffic Commission recommending amendments to traffic ordinances
6. *School Department Chief Operations Officer and the Building and Facilities Work and Improvement Report

COMMITTEE REPORTS

Committee on Health and Environmental Affairs recommending:

Grant leave to withdraw:

7. *Resolution – Proposed digital billboards
8. *Communication – City resident regarding sewage treatment plant odors

Referral to the Committee on Ordinances and Legislation:

9. *Resolution – Trash receptacles at drive-thru establishments, as amended

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

10. *Proposed Ordinance – Traffic, Handicapped Parking

First Reading:

11. *Proposed Ordinance – Traffic, Miscellaneous

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

Referral to Corporation Counsel:

12. *Proposed Ordinance – Solid waste updates
13. *Resolution – Establish an oversight committee to annually report on the finances, efficiencies, and needs of City Departments
14. *Resolution and Proposed Ordinance regarding an Abutters Lot Program
15. *Communication – Request for the authorization to enact a Compost Recycling Program

Grant leave to withdraw:

16. *Proposed Ordinance – Strike out "Official City Bag" from solid waste

ORDINANCES

Second reading and enrollment:

17. *Proposed Ordinance – Traffic, Miscellaneous
18. *Proposed Ordinance – EMT Basic Position

RESOLUTIONS

19. *Committee on Finance convene with Corporation Counsel and a representative of the Administration to discuss procedures for removal/appointment of Board members
20. *Committee on Health and Environmental Affairs convene with the Dir. Of Community Maintenance, Dir. Of Cemetery and Trees, and representatives from the Board of Park Commissioners and Urban Tree Commission to discuss tree stump removals
21. *Committee on Finance convene to discuss scheduling of future meetings in an effort to limit agenda items
22. *Committee on Economic Development and Tourism convene with a representative from MassDevelopment to discuss the Transformative Development Initiative

CITATIONS – None

ORDERS – HEARINGS

Curb removals:

23. Kevin Swist, 403 Albert Street – total of 30' at 403 Albert Street
24. Master Builder Ministries, Inc., 54 Bedard Street – total of 85' at Bedard Street, St. Joseph Street and Notre Dame Street
25. Patricia Charette, 1077 County Street – total of 34' at 1077 County Street removal on Eaton Street
26. Brian Costa, 145 Dickinson Street – total of 44' 5" at 145 Dickinson Street
27. Nuno DaSilva, 370 Grattan Street – total of 32' at 370 Grattan Street
28. Joann Bentley, 229 Highcrest Road – total of 45' at 229 Highcrest Road
29. Paulo A. Gouveia, 54 Nightingale Street – total of 34' at 54 Nightingale Street
30. Bruno DaCruz, 879 Pearce Street – total of 38' 8" at 879 Pearce Street
31. Rui Sobreiro, 655-657 Robeson Street – total of 26' at 655-657 Robeson Street
32. Jasmine Investments, LLC, 242 Stafford Road – total of 38' at 242 Stafford Road

Pole Location:

33. Massachusetts Electric Company – New pole location on Pleasant Street

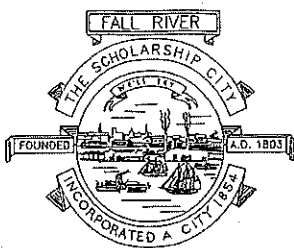
ORDERS – MISCELLANEOUS

34. *Order requesting the naming of the Veteran's Center located at 755 Pine Street in honor of Kenneth Joseph Boyer

35. *Light order – Corner of North Ogden Street and Bedford Street pole #372
36. Police Chief's report on licenses:
Taxicab Drivers:
Omar Awer Michael V. Friedlander David T. Rioux
Anthony J. Winbush Mostafa Yakoob
37. Auto Repair Shop License Renewals:
Manuel Ferreira, J&S Auto Sales and Repair, Inc., located at 178 Aberdeen Street
Jody Oliveira, Ground Earth, Inc., located at 232 Lapham Street
38. Transfer auto repair shop license no. 306 located at 1741 Stafford Road from Paul B. Faria d/b/a A and R Auto, to Ground Earth, Inc.

39. *Claims
40. Drainlayer Licenses:
 - a. Dixon, Incorporated
 - b. Foley Excavation LLC
 - c. Thermo-Mechanical Systems Corp.
41. *Planning Board Minutes – July 13, 2020 Meeting
- City Council Meeting Minutes:
42. *Public Hearings – August 11, 2020
43. *Public Hearings – August 24, 2020
44. *Committee on Finance – July 14, 2020
45. *Communication from Jason Rosati, CFO, Walter A. Furman Co., LLC, requesting the City relinquish rights, title, and interest in a portion of Center Street
46. *Communication from Collin Dias requesting the creation of a task force to examine revenue/costs affecting the City and its taxpayers and ways to improve government
47. *Communication from Collin Dias re: Town of Gosnold
48. *Open Meeting Law Complaint filed by Collin Dias re: alleged violation by City Council Committee on Finance on June 28, 2020
49. *Open Meeting Law Complaint filed by Collin Dias re: alleged violation by City Council Committee on Health and Environmental Affairs on August 19, 2020
50. *Assistant Corporation Counsel response to Open Meeting Law complaint filed by Collin Dias re: City Council Committee on Finance Meeting of July 28, 2020
51. *Assistant Corporation Counsel original and modified response to Open Meeting Law Complaint filed by Collin Dias re: City Council Meeting of July 14, 2020
52. *Attorney General's Office response to Asst. Corporation Counsel re: Open Meeting Law complaint filed by Collin Dias regarding the City Council Meeting of June 23, 2020
53. *Attorney General's Office acknowledgment of Open Meeting Law complaint filed by Collin Dias re: City Council Meeting of July 14, 2020

Alison M. Bauchard
City Clerk



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

PAUL E. COOGAN
Mayor

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2020 SEP -2 P 4:39

CITY CLERK _____
FALL RIVER, MA

September 2, 2020

Honorable Members of the City Council
One Government Center
Fall River, MA 02720

RE: Budget Vote

Council President:

I respect the Council's due diligence in reviewing the details presented in my budget and have made my administration available at each of your finance committee meetings to answer all of your questions and concerns. We believe the budget presented is a good budget. As we discussed we, more likely than not, will bring this Council a supplemental appropriation order (budget) when we know more from the state, federal government and the estimated local receipts prior to setting the tax rate.

As we have discussed, we are currently working with the Council on changes to some of our revenue sources such as trash, traffic, bulky items and building fees. These revenue sources will be implemented over the next few months. In addition, as you heard from our consultants on Monday the 31st they are working with the City to reduce the cost of health care into the next fiscal year.

At this time, we would appreciate your support of my budget.

Please let me know if you have questions or concerns.

Best Regards,

Mayor Paul E. Coogan

City of Fall River, In City Council

BE IT ORDERED, that the Annual Budget for the Fiscal Year 2021 from various funds, is \$312,689,650 of which the amount of \$302,213,087 be raised from ordinary revenue and municipal receipts for appropriation as follows:

A. for the purpose of GENERAL GOVERNMENT

1.	from the General Fund, for MAYOR, Salaries	\$	283,737	
2.	from the General Fund, for MAYOR, Expenses	\$	27,100	
3.	from the General Fund, for CITY COUNCIL, Salaries	\$	255,397	
4.	from the General Fund, for CITY COUNCIL, Expenses	\$	176,000	
5.	from the General Fund, for CITY CLERK, Salaries	\$	341,544	
6.	from the General Fund, for CITY CLERK, Expenses	\$	49,623	
	from the General Fund, for CITY CLERK, Capital	\$	-	
7.	from the General Fund, for ELECTIONS, Salaries	\$	236,043	
8.	from the General Fund, for ELECTIONS, Expenses	\$	76,380	
9.	from the General Fund, for VETERANS' BENEFITS, Salaries	\$	266,335	
10.	from the General Fund, for VETERANS' BENEFITS, Expenses	\$	2,326,865	\$ 4,039,024

B. for the purpose of ADMINISTRATION

1.	from the General Fund, for ADMINISTRATIVE SERVICES, Salaries	\$	1,225,654	
2.	from the General Fund, for ADMINISTRATIVE SERVICES, Expenses	\$	2,351,040	
	from the General Fund, for ADMINISTRATIVE SERVICES, Capital	\$	-	
3.	from the General Fund, for CLAIMS AND DAMAGES	\$	250,000	\$ 3,826,694

C. for the purpose of FINANCIAL SERVICES

1.	from the General Fund, for FINANCIAL SERVICES, Salaries	\$	1,333,270	
2.	from the General Fund, for FINANCIAL SERVICES, Expense	\$	335,830	\$ 1,669,100

D. for the purpose of FACILITIES MAINTENANCE

1.	from the General Fund, for FACILITIES, Salaries	\$	754,803	
2.	from the General Fund, for FACILITIES, Expense	\$	1,637,339	
3.	from the General Fund, for FACILITIES, Transfer to Revolving	\$	-	\$ 2,392,142

E. for the purpose of COMMUNITY MAINTENANCE

1.	from the General Fund, for COMMUNITY MAINTENANCE, Salaries	\$	4,486,332	
2.	from the General Fund, for COMMUNITY MAINTENANCE, Expense	\$	11,020,284	
	from the General Fund, for COMMUNITY MAINTENANCE, Capital	\$	-	\$ 15,506,616

F. for the purpose of COMMUNITY SERVICE

1.	from the General Fund, for COMMUNITY SERVICES, Salaries	\$	2,459,724	
2.	from the General Fund, for COMMUNITY SERVICES, Expense	\$	766,067	
3.	from the General Fund, for COMMUNITY SERVICES, Transfer to Demo Lien Revolving	\$	15,000	
4.	from the General Fund, for COMMUNITY SERVICES, Transfer to Vacant Lot Revolving	\$	15,000	\$ 3,255,791

G. for the purpose of EDUCATION

1.	from the General Fund, for SCHOOL APPROPRIATION	\$	114,789,675	
2.	from the General Fund, for SCHOOL TRANSPORTATION	\$	10,730,000	
3.	from the General Fund, for EDUCATION-ALL OTHER	\$	4,000,274	\$ 129,519,949

H. for the purpose of COMMUNITY PROTECTION

1.	from the General Fund, for POLICE, Salaries	\$	21,223,995	
2.	from the General Fund, for POLICE, Expenses	\$	1,713,409	
3.	from the General Fund, for POLICE, Capital	\$	-	
4.	from the General Fund, for HARBOR MASTER, Salaries	\$	2,500	
5.	from the General Fund, for HARBOR MASTER, Expenses	\$	25,800	
6.	from the General Fund, for FIRE & EMERGENCY SERVICES, Salaries	\$	14,434,207	
7.	from the General Fund, for FIRE & EMERGENCY SERVICES, Expenses	\$	713,662	
8.	from the General Fund, for FIRE & EMERGENCY SERVICES, Capital	\$	-	\$ 38,113,573

I. for the purpose of OTHER GOVERNMENTAL EXPENSES

1.	from the General Fund, for DEBT - SERVICE	\$	12,982,757	
2.	from the General Fund, for INSURANCE	\$	41,035,000	
3.	from the General Fund, for PENSION CONTRIBUTIONS	\$	31,548,259	
4.	from the General Fund, for RESERVE FUND	\$	-	\$ 85,566,016

TOTAL GENERAL FUND OPERATING BUDGET

\$ 283,888,905 \$ 283,888,905

CHERRY SHEET ASSESSMENT

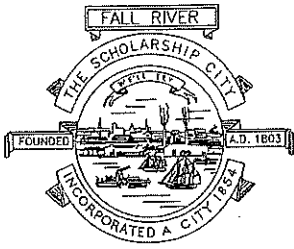
\$ 28,397,895 \$ 28,397,895

OTHER AMOUNTS TO BE RAISED

\$ 402,850 \$ 402,850

GENERAL FUND OPERATING BUDGET

\$ 312,689,650 \$ 312,689,650



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

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PAUL E. COOGAN
Mayor

August 27, 2020

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

CITY CLERK
FALL RIVER, MA

2020 AUG 28 A 10:19

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Dear Honorable Council Members:

City Council selected Roselli, Clark, and Associates to conduct the audit for FY2019. I respectfully request to renew the contract with Roselli, Clark, and Associates to conduct the audit for FY2020.

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

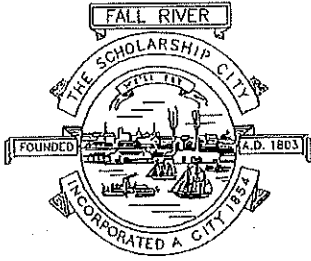
Best Regards,

Paul E. Coogan
Paul E. Coogan
Mayor

City of Fall River, In City Council

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ORDERED, that pursuant to Section 6-6 of the City Charter, Roselli, Clark and Associates are hereby selected to provide independent financial audit services as outlined in the attached engagement letter.



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Department of Financial Services
TREASURER • COLLECTOR • AUDITOR • ASSESSOR
Auditor Division

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2020 AUG 28 A 10:21

CITY CLERK _____
FALL RIVER, MA

JENNIFER ARGO
City Auditor

August 27, 2020

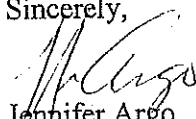
Mayor Paul E. Coogan
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mayor Coogan:

Under Article 6 (Finance and Fiscal Procedures), Section 6-6 (Independent Audit) in the City of Fall River's Charter, it states "The award of a contract to conduct the audit shall be made by the city council on or before September 15 of each year". Last year City Council selected Roselli, Clark, and Associates to conduct an independent audit for FY2019 with the option to renew for FY2020. We are requesting City Council renews the contract with Roselli, Clark, and Associates to conduct an independent audit for FY2020.

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

Sincerely,


Jennifer Argo
City Auditor



ROSELLI, CLARK & ASSOCIATES
CERTIFIED PUBLIC ACCOUNTANTS

500 West Cummings Park
Suite 4900
Woburn, MA 01801

Telephone: (781) 933-0073

www.roselliclark.com

2

July 1, 2020

City of Fall River, Massachusetts
Attn: Honorable City Council and
Ms. Mary Sahady, City Administrator and Director of Financial Services
One Government Center
Fall River, MA 02720

We are pleased to confirm the understanding of the services we are to provide for the City of Fall River, Massachusetts (the "City") for the year ended June 30, 2020. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the City, as of and for the year then ended. Accounting standards generally accepted in the United States of America provide for certain required supplementary information ("RSI"), such as management's discussion and analysis to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of the financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles will be subjected to certain limited procedures, but will not be audited:

1. Management's discussion and analysis
2. Budgetary comparison schedules
3. Schedule of City's Proportionate Share of Net Pension Liability
4. Schedule of City's Contributions to Pension Plan
5. Schedule of the Commonwealth's Collective Share of Net Pension Liability – Massachusetts Teachers' Retirement System
6. Schedule of Changes in Net OPEB Liability and Related Ratios
7. Schedule of Contributions to OPEB Plan
8. Schedule of Investment Returns – OPEB Plan

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United State of America

and will provide an opinion on it in relation to the financial statements as a whole, in a separate written report accompanying our audit's report on the financial statements:

1. Schedule of Expenditure Federal Awards

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles, and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on –

- Internal control related to the financial statements and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance and, (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the executive governing board of the City. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

Audit Procedures – General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities by generally accepted auditing standards.

Audit Procedures – Internal Controls

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

Audit Procedures – Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with provisions of applicable laws, regulations, contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations and the terms of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. The purpose of these procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Other Services

We will also assist in preparing the financial statements, schedule of expenditures of federal awards, and related notes of the City in conformity with U.S. generally accepted accounting principles and Uniform Guidance based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for (1) designing, implementing, and maintaining effective internal controls, including internal controls over federal awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws

and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review on the first day of fieldwork.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to either: include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is fairly presented in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to either: include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal awards, related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Engagement Administration, Fees, and Other

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information, and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party

service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We will schedule the engagement based in part on deadlines, working conditions, and the availability of your key personnel. We will plan the engagement based on the assumption that your personnel will cooperate and provide assistance by performing tasks such as preparing requested schedules, retrieving supporting documents, and preparing confirmations. If for whatever reason your personnel are unavailable to provide the necessary assistance in a timely manner, it may substantially increase the work we have to do to complete the engagement within the established deadlines and may result in a delay or inability to complete the engagement within the established deadlines, if such cooperation or assistance is not provided by your key personnel.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditors' reports or nine months after the end of the audit period.

We will provide copies of our reports for other entities as requested; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Roselli, Clark & Associates and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to your Cognizant or Oversight Agency for Audit or its designee, a federal agency providing direct or indirect funding, or to the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Roselli, Clark & Associates personnel or designee. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the Cognizant or Oversight Agency for Audit, or pass-through entity. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audits around July and will attempt to issue our reports (including basic financial statements, Single Audit, and DESE agreed upon procedure reports) by March 31, of the subsequent fiscal year being audited, if deemed feasible.

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Terenzio Volpicelli, CPA is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs, (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed the following:

Financial statement audit (inclusive of single audit) - \$100,000
Pension system audit - \$15,000

The DESE End of Year Report Agreed-Upon Procedures and Student Activities Agreed-Upon Procedures will be subject to separate letters of engagement with separate fees. These letters of engagement will be executed between us and the School Committee/School Business Office.

A separate engagement letter for the pension system audit shall be executed with the pension system. However, its fee shall be invoiced to and paid by the City for allocation to other participating employers.

A separate engagement letter with separate fees for the audit of the Fall River Redevelopment Authority for their December 31, 2019 financial statements may be executed separately between us and that unit.

Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. A copy of the peer review report can be viewed and obtained on our website at: www.roselliclark.com.

We appreciate the opportunity to be of service to the City and believe that this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter please sign below and return it to us.

Very truly yours,



Roselli, Clark & Associates
Certified Public Accountants

Certification –

Roselli, Clark and Associates hereby certifies that it is familiar with the provisions of M.G.L. c.268A, the Massachusetts Conflict of Interest Law, and it has no relationship that would constitute a violation of c.268A.

Roselli, Clark and Associates is independent with respect to the City of Fall River in accordance with standards promulgated by the American Institute of Certified Public Accountants and Government Accountability Office.

RESPONSE:

This letter correctly sets forth the understanding of the City of Fall River.

By: _____

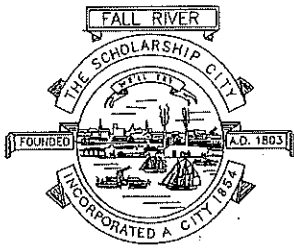
Title: _____

Date: _____

By: _____

Title: _____

Date: _____



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2020 AUG 13 P 1:30

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

August 12, 2020

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

Mr. President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following reappointment:

Name: Mary L. Sahady
Address: 140 Nichols Street
Fall River, MA 02720
Position: **Housing Authority**
Effective Date: July 12, 2023

Thank you for your favorable consideration in this regard.


Paul E. Coogan
Mayor

Cc: Health Department
Human Resources
Auditor's Office

3

**FALL RIVER HOUSING AUTHORITY
85 MORGAN STREET
P.O. BOX 989
FALL RIVER, MA 02722**

RECEIVED

2020 AUG 13 P 1:30

**TIMOTHY S. BARROW
EXECUTIVE DIRECTOR**

**TELEPHONE 508-675-3500
FAX 508-677-1346**

FALL RIVER, MA

**KEVIN SBARDELLA
DEPUTY EXECUTIVE DIRECTOR**

July 22, 2020

Alison Bouchard, City Clerk
City of Fall River
Fall River Government Center
Fall River, MA 02722

Dear Ms. Bouchard:

With the recent appointment of Jo Ann Bentley to the Housing Authority Board, we recently received from your office the schedule of service terms for all Fall River Housing Authority Board Commissioners. We feel a correction to this schedule is needed.

As background, Commissioner Sahady was first appointed to this Board in July, 2008 for a 5-year term. This term expired in July, 2013, at which time she was re-appointed for another 5-year term. This next term was scheduled to expire in July, 2018.

(Massachusetts state law requires that Housing Board member terms are for a period of 5 years. An individual re-appointed, or newly appointed, either serves the entire stated 5-year term or serves out the remaining years of that slot's 5-year term.)

However, due to an early re-appointment in July, 2015, the term for Ms. Sahady was re-characterized to expire in July, 2020. This overlooked that another Board member already was sitting with this same expiration date. (Massachusetts state law also requires that Board member terms are staggered over the 5-year terms so no two members appointments expire in the same year.)

Restating Commissioner Sahady's term to expire in July, 2023 would reflect that all Board member terms are in compliance with Massachusetts state law. Respectfully, the Authority requests a correction to the stated term dates for Commissioner Sahady to reflect the term dates of July, 2018 - July, 2023.

3

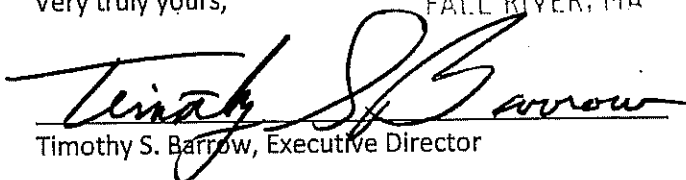
2.

RECEIVED

Please let me know if you require further information. Thank you. 2020 AUG 13 P 1:30

Very truly yours,

CITY CLERK
FALL RIVER, MA


Timothy S. Barrow, Executive Director

TSB:mjg

CC: Paul E. Coogan, Mayor, City of Fall River

MARY L. SAHADY, CPA, ESQ, MST, CMGA

Home • 140 Nichols Street • Fall River, Massachusetts • 02720

Cell: (508) 269-5559

mlsahady@gmail.com

AICPA Member # 01149056

Massachusetts License # CA8317

Rhode Island License # CPA.1050440

Florida License # AC49702

.....

SUMMARY: Efficient and result-oriented individual with experience in financial governmental reporting in accordance *Generally Accepted Governmental Accounting Principles* and with the standards set forth in the U.S. General Accounting Office's (GAO) *Governmental Auditing Standards* (1994), the provisions of Standards for Audit of Governmental Organizations, Programs, Activities, and Functions, promulgated by the U.S. Comptroller General, the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) with more than forty years of experience.

Professional Experience

City of Fall River, Massachusetts

2016 – Present

Director of Financial Services

- Implemented zero base budgeting during the first year
- Preparation of \$300M City Budgets including the general fund and enterprise funds
- Preparation of annual reports for the state and federal governments
- Preparation of 5-year forecast for the general fund operating budget
- Preparation of capital improvement plan
- Developed and managed construction budget for \$263M High School
- Developed policies on investment, debt management, fund balance, etc.
- Developed Net School Spending policy and negotiated with the school department
- Developed OPEB Trust documents and policy for funding
- Provides guidance and direction on financial matters to the Mayor, City Administrator, Department Managers and Council, and participate as a member of the Finance Team.
- Assist in the management of labor relations with City unions by determining the financial costs of all proposed negotiation positions and maintain a union personnel cost file.
- Present financial data to Moody's and S&P
- Present financial and other comments to the City Council and School Committee

- Oversee the financial division including the Treasurers Department, Collectors Department, Auditors Department and the Assessors Department including fixed assets, payroll, accounts payable, 1099 reporting and other federal and tax reporting
- Oversee the annual audit and single audit reporting
- Assists the City Administrator with the administration, supervision, and management of the City

Acting City Administrator

- November 2019 to present

Hague, Sahady & Co., Certified Public Accountants, PC

1978 – Present [Principal since December 1987]

Principal

- Participate as principal responsible for both governmental and non-profit auditing segment of the firm, focus of those audits with yellow book and single audits.
- Responsible for coordinating training and CPE for audit staff.
- Responsible for human resources including hiring, benefit management, etc.
- Engagement Quality Control principal of the firm.
- Participate as a Team Member on peer reviews for governmental & yellow book must select engagements.

Audit and Agreed-Upon Procedures:

- Audit financial statements of local governments, quasi-governmental and non-profits to ensure compliance with applicable statutes, laws, policies and General Accepted Governmental Accounting Principles.
- Preparation of CAFR financial statements for submission and acceptance to the GFOA
- Audit federal programs and report on compliance
- Performed various agreed upon procedures engagements included work for the Massachusetts School Building Authority and Massachusetts Department of Elementary and Secondary Education

Consulting and Other:

- Design, review and modify accounting systems for Local Governments.
- Ensure the accuracy of financial data and adherence of the system to Generally Accepted Accounting Principles for clients.
- Audit accounting data, identify and correct errors, identify and compute accruals, apply accounting principles to transactions and recommend revisions in clients accounting procedures
- Assist in the conversion to MUNIS accounting system in 2 different communities
- Design internal control systems for clients to ensure the safeguarding of assets.
- Prepare the Annual Financial Report, notes to those statements and the preparation of supporting statistical schedules for governmental clients
- File reports necessary to comply with State law and Federal regulations for audits of recipients of Federal grants.
- Developed fixed asset inventory system by supervising the client's recording of all items in the inventory, maintaining pertinent records and ensuring adequate treatment of fixed asset acquisitions and retirements and assisting with depreciation schedules
- Perform special accounting studies such as preparing cost allocation plans.
- Carried out various functions related to forensic accounting and auditing.

- Assisted in the development of municipal annual budgets.
- Presented financial data on behalf of clients to Moody's and S&P.
- Presented financial and other comments to various City and Town Councils; School Committees and District Committees.
- Expert witness appearances.
- Participated in writing the compliance manual for the Department of Education for the End of Year Report Engagements.
- Speaker at various training/conference meetings.

University of Massachusetts, Dartmouth campus 2011 – 2017

Adjunct Professor

- Taught both the Auditing Course and Governmental and Non-Profit Accounting Course at the University with a focus on frameworks and standards

Education and Other

Education:

Suffolk University - 1994 - Juris Doctor
 Bentley College - 1987 - Master of Science in Taxation
 Southeastern Massachusetts University - 1979 - Bachelor of Science in Accounting
 Bishop Stang High School - 1975

Admitted to:

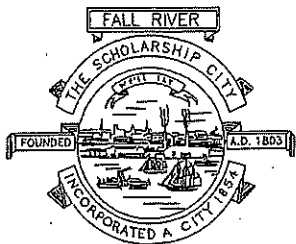
Massachusetts Board of Accountancy - 1984 - as Certified Public Accountant
 Florida Board of Accountancy – 2016 – as Certified Public Accountant
 Massachusetts Supreme Judicial Court - 1994 - as an Attorney
 United States Tax Court - February 1995
 United States District Court - March 1995

Other:

Chairwomen of the Review Acceptance Board – Massachusetts Society of Certified Public Accountants
 Member of the Review Acceptance Board – Massachusetts Society of Certified Public Accountants
 Member of the Audit Quality Center – American Institute of Certified Public Accountants
 Member of the Massachusetts Municipal Association
 Vice Chairwomen – Fall River Housing Authority
 Past Board of Director – Massachusetts Society of Certified Public Accountants
 Past Chairwomen of the Audit Committee – Massachusetts Society of Certified Public Accountants

Memberships:

American Institute of Certified Public Accountants
 Massachusetts Society of Certified Public Accountants
 Rhode Island Society of Certified Public Accountants
 Florida Society of Certified Public Accountants
 American Bar Association



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2020 SEP -1 A 9:42

CITY CLERK _____
FALL RIVER, MA

August 31, 2020

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

Dear Members of the Honorable Council:

I hereby respectfully request confirmation of the following appointment:

Name: Jose M. Barbosa

Address: *

To: Traffic Commission

Expiration Date: N/A

Sincerely,

Paul E. Coogan
Mayor

Auditors
Human Resources
City Clerk

PC/amos

***Contact information redacted pursuant to M.G.L. c. 4 § 7 (26) (a) Statutory Exemption (M.G.L. Chapter 66, Section 10).**

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Dear Mr. Mayor

My name is Jose M. Barbosa, I am currently a member of the Fall River Police Department since January 2000. I am also a resident of our great city. Since becoming a member of the police department I have worked in several different units.

I started my career working as a member of the Housing Unit assigned to the Special Operations Division of the police department.

In 2002, I was assigned to the Uniform Division Night Patrol, patrolling the Corky Row area of the city in Car 10.

In 2005, I was assigned to the Traffic Enforcement Unit, where I currently still hold my position. The Traffic Unit is in charge of enforcing all motor vehicle laws in our city. We assist in funeral escorts and all major events in the city.

I would ask for your consideration in appointment me as a member of the Traffic Board. I would appreciate the opportunity to serve as a member on the Traffic Board to assist the city and the citizens of our city with traffic board issues. Thank you for your time.

Sincerely Yours

Officer Jose M. Barbosa

*



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

5

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic

August 6, 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, July 29, 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 7:00 p.m.
Monday through Saturday

By inserting in proper alphabetical order the following.

INSERT

Name of Street	Side	Location	Hours/Days
Robeson Street	West	Starting at a point 365 feet North of Bedford Street for A distance of 20 feet northerly	8:00 a.m. – 7:00 p.m. Monday through Saturday

The Mill Store & Auction
502 Bedford Street
Fall River, MA 02720

Very truly yours,

Laura Ferreira
Director of Traffic

RECEIVED
2020 AUG 10 P 4:19
CITY CLERK
FALL RIVER, MA

Vad



FALL RIVER PUBLIC SCHOOLS
Facilities & Operations

Matthew H. Malone, Ph.D.
Superintendent of Schools

Kenneth C. Pacheco
Chief Operations Officer

August 26, 2020

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

RECEIVED
2020 AUG 26 P 1:01
CITY CLERK
FALL RIVER, MA

Dear Honorable Council:

The School Department has done many improvements to the schools in the district over the last 4 years; in this report it outlines the amount of funds that the School Department has invested in each project which was not part of the original budget. There are a few projects that are MSBA funds and the city appropriates a percentage of the funds as outlined.

The projects on the schools are ongoing and are a means of maintaining the up keep of the newer school buildings and preserving the older buildings.

Kenneth C. Pacheco
Chief Operations Officer

School	Amount	School Funding Source	City Funding Source	MSBA Funding Source	CPA Funding Source
Tansey	\$ 2,970,496		\$ 594,099	\$ 2,376,397	
	\$ 5,470	\$ 5,470			
Total	\$ 2,975,966	\$ 5,470	\$ 594,099	\$ 2,376,397	\$ -
Spencer Borden	\$ 15,300				
	\$ 5,200				
	\$ 4,300				
	\$ 7,000				
	\$ 1,200				
	\$ 44,740				
	\$ 20,000				
	\$ 10,000				
	\$ 33,975				
Total	\$ 141,715	\$ 141,715	\$ -	\$ -	\$ -
Silvia	\$ 53,920				
	\$ 12,000				
	\$ 50,000				
	\$ 10,000				
	\$ 34,925				
Total	\$ 160,845	\$ 160,845	\$ -	\$ -	\$ -
Watson	\$ 11,000,000		\$ 5,640,000	\$ 5,360,000	
Total	\$ 11,000,000	\$ -	\$ 5,640,000	\$ 5,360,000	\$ -
Fonseca	\$ 21,000				
	\$ 10,000				

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Total	\$	31,000	\$	31,000	\$	-	\$	-	\$	-
Letourneau	\$	43,800								
	\$	1,000								
	\$	21,000								
	\$	10,000								
Total	\$	75,800	\$	75,800	\$	-	\$	-	\$	-
Greene	\$	6,500								
	\$	3,200								
	\$	2,400								
	\$	2,745								
	\$	13,368								
	\$	10,000								
	\$	33,975								
Total	\$	72,188	\$	72,188	\$	-	\$	-	\$	-
Viveiros	\$	28,000								
	\$	10,000								
Total	\$	38,000	\$	38,000	\$	-	\$	-	\$	-
Doran	\$	3,762								
	\$	5,400								
	\$	1,000								
	\$	1,300								
	\$	10,000								
	\$	13,375								
Total	\$	34,837	\$	34,837	\$	-	\$	-	\$	-

6

Stone @ Globe St	\$ 43,000,000	\$	8,600,000	\$	34,400,000	
Total	\$ 43,000,000	\$	-	\$ 8,600,000	\$ 34,400,000	-
Administration Bldg.	\$ 1,700	\$	1,700			
	\$ 6,300	\$	6,300			
	\$ 210,000			\$		210,000
	\$ 1,940	\$	1,940			
	\$ 5,400	\$	5,400			
	\$ 260,000			\$		260,000
	\$ 5,400	\$	5,400			
Total	\$ 490,740	\$	20,740	\$ -	\$	470,000
New Durfee HS	\$ 263,000,000	\$	97,310,000	\$	165,690,000	
Total	\$ 263,000,000	\$	-	\$ 97,310,000	\$ 165,690,000	-
Totals	\$ 333,986,097	\$	5,752,143	\$ 113,784,036	\$ 213,979,918	\$ 470,000
			School Funding	City Funding	MSBA Funding	CPA Funding

6

CITY OF FALL RIVER

7

To the City Council

Councillors:

The Committee on Health and Environmental Affairs, at a meeting held on August 19, 2020, voted unanimously to recommend that the accompanying resolution be granted leave to withdraw.


Assistant Clerk of Committees

City of Fall River, In City Council

7

(Councilor Steven A. Camara)

WHEREAS, the City Council previously approved forwarding a proposed plan to locate six (6) electronic 70' tall x 50' wide Digital Billboards at these locations: "Easterly End of Bedford Street"; "South of Central Street, West of Route 79"; "North of Father DeValles Blvd"; "Fourth Street, Corner of Hartwell Street"; "North Side of Brayton Avenue, Corner of Route 195 Ramp"; "Market Street, Facing South Main Street" to the Zoning Board of Appeals (ZBA) and

WHEREAS, this proposal which was presented to the Zoning Board of Appeals (ZBA) as a request for "Special Permits" but was given "Leave to Withdraw" with no action taken by the ZBA and

WHEREAS, the proposal for these six (6) electronic 70' tall x 50' wide Digital Billboards have been increased to eight (8) 70' tall x 50' wide Digital Billboards and this proposal for eight (8) 70' tall x 50' wide Digital Billboards reportedly has been forwarded to the Commonwealth of Massachusetts' Department of Transportation for their input and presumably approval and

WHEREAS, there has been no public presentation in Fall River of what these billboards will look like and how they will affect the neighborhoods in which they would be constructed should the process move forward and

WHEREAS, "Photoshop" and other technological advances can produce a "virtual" reality of what these billboards would look like, should the process move forward now, therefore,

BE IT RESOLVED, that the Fall River City Council through its Committee on Health and Environmental Affairs hold a public hearing to consider issues concerning this proposal and get updates, including "Photoshop" or other virtual reality presentations from the City Administration and any of its consultants concerning this proposal so the people of Fall River and the City Council may understand the full impact of these Digital Billboards on Fall River and the neighborhoods in which they are intended to be constructed.

In City Council, April 10, 2018
Adopted.

A true copy. Attest:

Alison M. Bouchard

City Clerk

CITY OF FALL RIVER

8

To the City Council

Councillors:

The Committee on Health and Environmental Affairs, at a meeting held on August 19, 2020, voted unanimously to recommend that the accompanying communication be granted leave to withdraw.

Cathy A. Howard

Assistant Clerk of Committees

8
RECEIVED

2017 SEP 26 P 4: 17

CITY CLERK
FALL RIVER, MA

To Fall River City Councilors,

I'm sitting in my Sun Room this afternoon (09/26/17) and as many typical days this summer there is a warm gentle breeze. Unfortunately that warm gentle breeze brings with it a very unpleasant scent. The unpleasant scent is coming from the sewage plant.

This Summer both my wife and I have called different city departments and the sewage plant to complain. The responses have been that we have called the wrong department and they give us another telephone number to call. We call the number given and no answers. Needless to say we are very frustrated.

I have called the Mayor's office twice within the last two weeks and spoke to two different individuals. Although they express sympathy no one has given me an acceptable answer. The last individual I spoke was very helpful. He did take my telephone number, did some research and returned my call. I was told that there are four pumps that are forty years old, one has been replaced and they are in the process of replacing the other three. In order to eliminate the odors all four pumps have to be functioning properly. He said they are currently working on replacing the other three pumps. I asked for a time table on what to expect as a projected completion date he responded that he was not given that information.

My complaint is why wait until there is a problem to replace all four pumps. Why not be pro-active and not only do the best you can to maintain the pumps but have a plan on when to systematically replace the pumps before they break down and become useless. (just like our forty year old high school) Do we need to change the individual or company who is in charge of the plant? Is anyone paying attention and responsible for the condition? Is anyone minding the store?

It's unfair that I pay high water fees, high rain water tax and high sewage fees and I'm subjected to the unpleasant scent. Throughout the years the neighborhood has been subjected occasionally to the fowl orders coming from the plant. This summer the unpleasant odor has been to often and very embarrassing especially when we have our out of town family members for a weekend cookout.

I would have invited the councilors to our cookouts but I don't think you would care to attend. My name is Joseph Soares. My address is 235 King Philip Street and my telephone number is 508-676-3184 if you care to comment.

Thank You,

Joseph Soares

CITY OF FALL RIVER
IN CITY COUNCIL
OCT 10 2017

*Refer to Perry Sullivan
and the Committee on
Health & Environmental
Affairs*

CITY OF FALL RIVER

9

To the City Council

Councillors:

The Committee on Health and Environmental Affairs, at a meeting held on August 19, 2020, voted unanimously to recommend that the accompanying resolution, as amended, be referred to the Committee on Ordinances and Legislation.


Assistant Clerk of Committees

City of Fall River, *In City Council*

9

(Committee on Health and Environmental Affairs)

WHEREAS, many residents are concerned with the amount of trash littering our streets, and

WHEREAS, most of the litter is from food and beverage containers, and

WHEREAS, many of the drive-thru establishments have removed trash receptacles from the drive-thru line, now therefore

BE IT RESOLVED, that the Committee on Health and Environmental Affairs convene to discuss this very important matter, and

BE IT FURTHER RESOLVED, that the Committee on Ordinances and Legislation convene to draft a proposed ordinance to also include establishments that have a parking lot be required to provide trash receptacles on their premises.

10

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 13, 2020, voted unanimously to recommend the accompanying proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilor Shawn E. Cadime absent and not voting.

Cullen A. Taylor
Clerk of Committees

City of Fall River, In City Council

EMERGENCY PREAMBLE

WHEREAS, the immediate passage of the accompanying proposed ordinance is deemed necessary inasmuch as it vitally affects the health and safety of the public, now therefore

BE IT RESOLVED, that said ordinance is hereby deemed an emergency measure in accordance with the provisions of Section 2-9(b) of the City Charter.

City of Fall River, *In City Council*

10

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

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

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

Name of Street	Side	Location
18 th Street	East	Starting at a point 150 feet south of Merchant Street, for a distance of 20 feet southerly
Buffinton Street	North	Starting at a point 413 feet west of Dover Street, for a distance of 20 feet westerly
Earle Street	South	Starting at a point 631 feet east of Eastern Avenue, for a distance of 20 feet easterly
Fountain Street	East	Starting at a point 25 feet north of Williams Street, for a distance of 20 feet northerly
Globe Street	North	Starting at a point 41 feet west of Montaup Street, for a distance of 20 feet westerly
Healy Street	North	Starting at a point 39 feet east of Quarry Street, for a distance of 20 feet easterly
Middle Street	South	Starting at a point 144 feet west of Broadway, for a distance of 20 feet westerly
Norfolk Street	North	Starting at a point 21 feet east of Fulton Street, for a distance of 20 feet easterly
Pitman Street	West	Starting at a point 95 feet south of Webster Street, for a distance of 20 feet southerly
Robeson Street	West	Starting at a point 212 feet north of Bedford Street, for a distance of 20 feet northerly
St. Mary Street	West	Starting at a point 13 feet south of Norfolk Street, for a distance of 20 feet southerly

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 13, 2020, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Shawn E. Cadime absent and not voting.

Colleen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

11

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

Name of Street	Side	Location
Globe Street	North	Starting at a point 36 feet west of Montaup Street, for a distance of 25 feet westerly
Montaup Street	East	Starting at a point 232 feet south of Palmer Street, for a distance of 20 feet southerly
Orange Street	West	Starting at a point 22 feet south of Pine Street, for a distance of 20 feet southerly
Park Street	North	Starting at a point 165 feet west of Forest Street, for a distance of 20 feet westerly
Pleasant Street	North	Starting at a point 166 feet east of Keene Street, for a distance of 20 feet easterly
Prospect Street	North	Starting at a point 156 feet west of Robeson Street, for a distance of 20 feet westerly
Snell Street	South	Starting at a point 55 feet east of York Street, for a distance of 20 feet easterly

CITY OF FALL RIVER

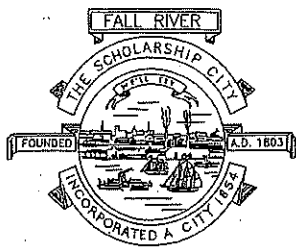
12

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 13, 2020, voted unanimously to recommend that the accompanying proposed ordinance be referred to Corporation Counsel for review, with Councilor Shawn E. Cadime absent and not voting.

Colleen A. Taylor
Clerk of Committees



City of Fall River
Massachusetts
Office of the Mayor

12
RECEIVED

2020 FEB 20 P 3:46

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

February 20, 2020

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

Dear Honorable Council Members:

During the budget preparation we found that the following ordinance should be updated to reflect the following information.

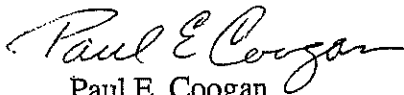
Section 62-2 is a housekeeping recommendation as it includes language regarding the use of Official City bags. The attached ordinance is requesting removal of the reference to the "Official City bag in both the definition section and section "C" of the ordinance.

Section 62-35 is a housekeeping recommendation as the City no longer recycles shredded paper. Subsection "C" should be removed.

Section 62-48 includes language regarding enforcement and disposition of fines. The attached ordinance recommendation it to change the enforcement from against the generator of the trash to the property owner.

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
IN CITY COUNCIL

FEB 25 2020

Referred to Committee
on Ordinances and
Legislation

One Government Center • Fall River, MA 02722

TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL mayor@fallriverma.org

CITY OF FALL RIVER

13

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 13, 2020, voted unanimously to recommend that the accompanying resolution be referred to Corporation Counsel to prepare a proposed ordinance, with Councilors Shawn E. Cadime and Linda M. Pereira absent and not voting.

Cecilia A. Taylor
Clerk of Committees

(President Cliff Ponte)

WHEREAS, the City of Fall River is facing an uncertain financial future due to the COVID-19 pandemic, and

WHEREAS, each city department should submit a report detailing its finances, cost savings, needs and suggested changes to improve the department finances and efficiencies, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation establish an Oversight Committee composed of two City Council members with one being appointed as Chair selected by the City Council President, two residents appointed by the Mayor, and the Director of Financial Services, to provide an annual report to the City Council and the Mayor, and

BE IT FURTHER RESOLVED, that such report be submitted to the City Council annually within two months prior to the end of the fiscal year.

In City Council, July 14, 2020
Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk

CITY OF FALL RIVER

14

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 13, 2020, voted unanimously to recommend that the accompanying proposed ordinance be referred to Corporation Counsel to review and prepare a proposed ordinance, with Councilor Shawn E. Cadime absent and not voting.

Colleen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

14

(Councilor Michelle M. Dionne)

WHEREAS, there are vacant non buildable lots in the City of Fall River that are foreclosed tax title properties and/or abandoned properties, and

WHEREAS, many of these have been identified as nuisance properties due to trash, rodents, and neglect, and

WHEREAS, the city of Fall River does not receive any revenue in the form of property taxes from these properties, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation convene with the Corporation Counsel, Attorney for Tax Title, Director of Minimum Housing, and the Director of Inspectional Services to discuss an Abutters Program to address these properties.

In City Council, February 25, 2020
Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk

Sec. . - Disposal of tax possessions.

(a) The Custodian of Tax Possessions may dispose of a Tax Possession:

- a. pursuant to the method set forth in General Laws of Massachusetts Chapter 60, Section 77B; or
- b. if said tax possession is eligible for the Abutter Lots Program, then through the process set forth in Section___(d) hereof; or
- c. if said tax possession is to be maintained by the City for municipal purposes, by transferring it to it the City acting through the City Council and Mayor; or
- d. if said tax possession is to be maintained by an enterprise fund for said enterprise fund's purposes, by conveying it to said enterprise fund; or
- e. pursuant to Request for Proposals issued pursuant to General Laws of Massachusetts Chapter 30B.

(b) The following terms, when used in this section, shall have the meanings ascribed to them in this subsection:

Abutters Lots Program means the program developed to provide an abutting landowner with the first opportunity to acquire an abutting tax possession which is vacant land and contains less area than the minimum required to be considered a buildable lot in the City of Fall River. Regulations for the Abutters Lot Program shall be promulgated and periodically published by the Custodian of Tax Possessions.

Decree of Foreclosure means a decree issued by the Land Court Department of the Trial Court of Massachusetts, which forever bars all rights of redemption pursuant to Massachusetts General Laws Chapter 60, Section 69.

Deed in Lieu of Foreclosure means a deed accepted by the city pursuant to the provisions of Massachusetts General Laws Chapter 60, Section 77C.

Eligible for Abutter Lots Program means a parcel for which a Decree of Foreclosure has been issued by the Land Court Department of the Trial Court of Massachusetts, or for which the city has accepted a Deed in Lieu of Foreclosure, which parcel contains less than the minimum square footage required to be considered a buildable lot in the City of Fall River, is located adjacent to a privately owned building on at least one side, is not needed for public open space or other public use, and is not part of a larger vacant parcel which will be developed. Abutters Lots may be used only for a garden, side yard, landscaped open space, off-street parking, garage, or an addition to abutter's existing structure.

Tax Possession means a property for which the City has obtained a Decree of Foreclosure from the Land Court Department of the Trial Court of Massachusetts, or for which the city has accepted a Deed in Lieu of Foreclosure.

(c) Prior to disposing of any Tax Possession, the Custodian of Tax Possessions shall, within fifteen (15) calendar days from the date the Treasurer receives the Decree of Foreclosure, send a memorandum notifying the Mayor, City Council, all City Departments, and all

City Enterprise Funds that the City has foreclosed on the parcel of property. The memorandum shall specify the approximate square footage and location of the property, and shall further state that the parcel shall be disposed of, as provided in Section ____ (a) unless the Custodian of Tax Possessions receives written notification, within thirty (30) days from the date the Custodian's communication appears on the City Council agenda, that the Mayor, City Council, City Department or City Enterprise Fund has identified a municipal need or other appropriate public purpose. Control of all parcels for which municipal needs or other appropriate purposes identified, and which are to be maintained in the possession of the City as municipal property, shall be transferred to the City's Real Estate Committee. Control of all parcels requested by an enterprise fund to be used by the said enterprise fund shall be conveyed to said enterprise fund.

- (d) After satisfying the requirements as set forth in Section ____ (c) above, the Custodian of Tax Possessions may dispose Tax Possessions eligible for the Abutters Lots Program (hereinafter the "Abutters Lots Program Tax Possession") in the following manner:
- a. After the thirty-day period as set forth in Section ____ (c) has expired, the Custodian of Tax Possessions shall send a notice to the owner of record immediately prior to the acquisition by the City of the title to such property. Such notice shall contain a description of the property to be sold sufficient to identify it, shall state that the property has been placed in the Abutters Lots Program, and shall state the date, time and place appointed for the sale thereof and the terms and conditions of such sale;
 - b. Such notice shall be sent by certified mail, return receipt requested, to the address of such owner, as appearing upon the records of the Assessors of the City at the time of receipt of the Decree of Foreclosure, at least fourteen (14) days before the sale.
 - c. The Custodian of Tax Possessions shall also, not less than fourteen (14) days before such sale date, post a similar notice in two (2) or more convenient and public places in the City.
 - d. The Custodian of Tax Possessions shall request a list of all abutters to Abutters Lots Tax Possession from the Assessors Office (hereinafter the "Abutters List").
 - e. The Custodian of Tax Possessions shall send a notification (by mail or electronic mail) to all parties appearing on the Abutters List attaching a copy of the Request For Proposals regarding said Abutters Lots.
 - f. The Custodian of Tax Possessions may reject any and all bids at such sale or any adjournment thereof if, in her opinion, no bid qualifies under the request for proposal. After any such sale and upon payment by the purchaser to the City of the amount of a bid accepted by the Custodian of Tax Possessions, the Custodian of Tax Possessions and the Treasurer, on behalf of the City, shall execute and deliver any instrument necessary to transfer the title of the City to any such property sold under this section. The deed shall contain a covenant, running with the land, limiting future use of the property to those uses permitted under the abutter lots program. The Treasurer shall not execute any deeds for tax title

property until the purchaser submits to the treasurer a statement signed under the pains and penalties of perjury that neither purchaser nor any other person who would gain equity in the property as a result of such conveyance has ever been convicted of a crime involving the willful and malicious setting of a fire or of a crime involving the aiding, counseling or procuring of a willful and malicious setting of a fire, or of a crime involving the fraudulent filing of a claim of fire insurance; or is delinquent in the payment of real estate taxes to the city, or, if delinquent, that a pending application for abatement of such tax, or a pending petition before the appellate tax board or the county commissioners has been filed in good faith. If there is more than one grantee of such deed, each grantee must file such statement, and no such deed shall be valid unless it contains a recitation that the treasurer has received such statement. Said deed shall further contain a covenant, running with the land, requiring the purchaser to complete the clean up and reuse of the property proposed in their abutter's lot program application within one year of the date of transfer. Said one year time period may be extended for an additional six (6) months provided the purchaser has applied for any and all permits necessary to complete their proposed work. The City shall have the option in the deed, pursuant to the preceding covenants, to take the property back or to bring an action in equity to enforce the terms of the covenants.

- g. All parcels included in the Abutter Lots Program shall be offered for sale to qualified abutters, in accordance with the regulations governing the Abutter Lots Program.
 - h. Notwithstanding the provisions of subsection (f), a lot acquired through the Abutters Lots Program may be combined with an adjacent lot also acquired through the Abutter Lots Program to form a "combined lot." Such combined lot shall not be subject to the restrictions set forth in the restrictive covenant and may then be developed in accordance with the relevant provisions of the City Code of Ordinances, provided that the combined lot satisfies then existing zoning, subdivision and building requirements without relief from the City Code sections regarding front yard, side yard, rear yard, floor-to-area ratios, lot size, density, or frontage. No other property may be considered as part of the combined lot in determining whether such combined lot satisfies the relevant sections of the City Code.
- (e) Upon payment by the purchaser to the City of the consideration for the sale of any Tax Possession, the Custodian of Tax Possessions and the Treasurer, on behalf of the city, shall execute and deliver any instrument necessary to transfer the title of the city to any such property sold under Section _____ of the City Code. The Treasurer shall not execute any deeds for an Tax Possession until the purchaser submits to the Treasurer a statement signed under the pains and penalties of perjury that purchaser nor any other person who would gain equity in the property as a result of such conveyance has ever been convicted of a crime involving the willful and malicious setting of a fire or of a crime involving the aiding, counseling or procuring of a willful and malicious setting of a fire, or of a crime involving the fraudulent filing of a claim of fire insurance; or is delinquent in the payment of real estate taxes to the City, or, if delinquent, that a

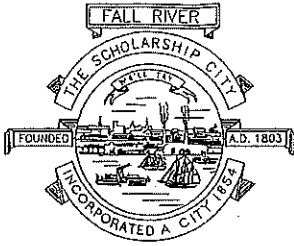
pending application for abatement of such tax, or a pending petition before the Appellate Tax Board or the Bristol County Commission has been filed in good faith. If there is more than one grantee of such deed, each grantee must file such statement, and no such deed shall be valid unless it contains a recitation that the Treasurer has received such statement.

- (f) In the case of parcels to be offered for sale at a Tax Possession Auction, parcels for which a Decree of Foreclosure or Deed in Lieu has been received by the Treasurer between January 1 and June 30, and all parcels remaining from the prior Abutters Lots Program sale, shall be auctioned in the following October. All parcels for which a Decree of Foreclosure or Deed in Lieu has been received by the Treasurer between July 1 and December 31, and all parcels remaining from the prior Abutters Lots Program sale shall be auctioned in the following April. Properties remaining after an auction would be re-advertised for successive auctions or offered under subsection until sold.
- (g) A payment in lieu of taxes pursuant to General Laws of Massachusetts Chapter 44 Section 63A shall be collected by the Treasurer upon the execution of any deed of a Tax Possession to a private party.

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 11 2020

*Referred to the Committee
on Ordinances and Legislation*



City of Fall River
Massachusetts
Office of the Mayor

14

PAUL E. COOGAN
Mayor

CITY CLERK
FALL RIVER, MA

2020 JUL 17 A 11: 28

RECEIVED

July 16, 2020

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

Dear Honorable Council Members:

During our briefings we have discussed the abutter's lot program. This program would allow the City to sell small parcels that "abut" properties and put them back onto the tax rolls.

The attached ordinance would allow an abutting landowner with the first opportunity to acquire an abutting tax possession which is vacant land and contains less area than the minimum required to be considered a buildable lot in the City of Fall River. Regulations for the Abutters Lot Program shall be promulgated and periodically published by the Custodian of Tax Possessions.

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
IN CITY COUNCIL

AUG 11 2020
*Referred to the
Committee on Ordinances
and Legislation*

CITY OF FALL RIVER

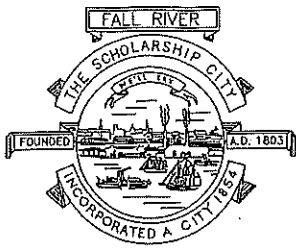
15

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 13, 2020, voted unanimously to recommend that the accompanying communication be referred to Corporation Counsel to prepare a proposed ordinance, with Councilor Shawn E. Cadime absent and not voting.

Cullen A. Taylor
Clerk of Committees



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

15
RECEIVED

2020 JUN 18 P 1:20

CITY CLERK
FALL RIVER, MA

June 18, 2020

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

Honorable Members of the Council:

I am attaching herewith, for your consideration and approval the following item requests from the Department of Community Maintenance:

- A request for the approval of 250 cobblestones to be donated to the Bank Street Neighborhood Association's community greenhouse.
- A request for the authorization to enact a Compost Recycling Program with residents to help reduce the amount of compostable materials within the City's solid waste stream.

Thank you in advance for your consideration to this matter.

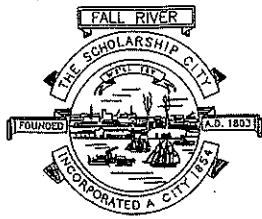
Sincerely,

Paul E. Coogan
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 23 2020

Accepted on file



City of Fall River Massachusetts

Department of Community Maintenance
CEMETERIES • TREES • PARKS • SANITATION • ENGINEERING
STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

Administrative Services Division

15
RECEIVED

2020 JUN 18 P 1:20

PAUL E. COOGAN
Mayor

JOHN A. PERRY JR.

City Clerk
FALL RIVER, MA

Date: June 18, 2020

Dear Council Members,

The Department of Community Maintenance is requesting authorization to enact a Compost Recycling Program with residents to help reduce the amount of compostable materials within our solid waste stream. The program will educate and guide residents as to the importance of reducing waste through composting and will provide at a \$25 dollar fee, compost bins for sale which the department has purchased through grant funds provided to us as part of the city's participation in the MA DEP Recycling Dividends Program.

Revenue collected will be placed in the already established revolving fund for home composting, City Ord. 2-1044. Thank you in advance for your cooperation and support in helping us reduce waste through our many ongoing efforts.

Sincerely,

John Perry
Director of Community Maintenance

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 23 2020

*Referred to the Committee
on Ordinances and Legislation*

CITY OF FALL RIVER

16

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on August 13, 2020, voted unanimously to recommend that the accompanying proposed ordinance be granted leave to withdraw, with Councilor Shawn E. Cadime absent and not voting.

Colleen A. Taylor
Clerk of Committees

City of Fall River, In City Council

16

(Councilor Stephen R. Long)
(Vice President Pam Laliberte-Lebeau)

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

That Chapter 62 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to solid waste be amended as follows:

Section 1.

By striking out in Section 62-1, which section relates to Definitions, "Official City Bag" and its definition.

Section 2.

By striking out in Section 62-2, sub-section C, which section relates to collection and disposal generally in its entirety, and inserting a new sub-section to read as follows:

(c) The city shall collect solid waste and recyclables from single family dwellings and multiple family residential buildings containing up to six dwelling units. Solid waste shall be collected only if placed in a green cart. Recyclables shall not be placed in green carts and solid waste shall not be placed in blue or pink carts.

Section 3.

By striking out in Section 62-48, sub-section A, which section relates to Enforcement; disposition of fines, the following: "Enforcement shall only be against the generator of the trash."

Section 4.

By striking out in Section 62-48, subsection B, which section relates to Enforcement; disposition of fines, in its entirety.

Section 5.

That Chapter A-110 Fee Schedule for the Code of the City of Fall River, Massachusetts, 2018, Chapter 62, which chapter relates to solid waste, be amended by striking out Section 62-1 Official City Bag in its entirety.

CITY OF FALL RIVER
IN CITY COUNCIL

SEP 10 2019

*Referred to the Committee
on Ordinances and Legislation*

City of Fall River, In City Council

17

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

Name of Street	Side	Location
Third Street	East	Starting at a point 82 feet north of Spring Street, for a distance of 20 feet northerly
Amity Street	North	Starting at a point 310 feet east of Laurel Street, for a distance of 20 feet easterly
Charles Street	South	Starting at a point 66 feet west of Crawford Street, for a distance of 20 feet westerly
Chester Street	West	Starting at a point 44 feet north of Lafayette Street, for a distance of 20 feet northerly
Chester Street	West	Starting at a point 22 feet north of Reney Street, for a distance of 20 feet northerly
Cook Street	West	Starting at a point 80 feet south of Hamlet Street, for a distance of 20 feet southerly
Covel Street	East	Starting at a point 130 feet south of Bedford Street, for a distance of 20 feet southerly
Durfee Street	East	Starting at a point 311 feet north of Cedar Street, for a distance of 20 feet northerly
Durfee Street	West	Starting at a point 41 feet north of Cedar Street, for a distance of 20 feet northerly
Durfee Street	West	Starting at a point 103 feet north of Walnut Street, for a distance of 20 feet northerly
Jencks Street	West	Starting at a point 202 feet north of Pleasant Street, for a distance of 20 feet northerly
Osborn Street	North	Starting at a point 79 feet west of Whipple Street, for a distance of 20 feet westerly
Robeson Street	West	Starting at a point 224 feet north of Pine Street, for a distance of 20 feet northerly

CITY OF FALL RIVER
IN CITY COUNCIL
AUG 11 2020

Passed through first reading

City of Fall River, In City Council

18

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

That Chapter 50 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Personnel be amended as follows:

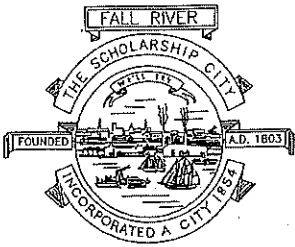
By inserting in Section 50-305, which section relates to salary schedules for EMS Local 1202 AFSCME, in proper alphabetical order, the following:

		Effective					
	Grade	Date	Step 1	Step 2	Step 3	Step 4	Step 5
EMT – Basic	19BB	7-1-2020	\$1,407.00	\$1,449.00	\$1,512.00	\$1,575.00	\$1,638.00

CITY OF FALL RIVER
IN CITY COUNCIL

AUG 11 2020

Passed through first reading



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

18

RECEIVED

2020 FEB -5 P 2:41

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

February 5, 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-Basics to the City Ordinance Chapter 50, Personnel. This position existed in the past and was removed as it was no longer being utilized. Due to the shortage of Paramedics within the Commonwealth, EMS would like to add back the position in ordinance in the hopes that candidates would continue to pursue their education in paramedic school. 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
IN CITY COUNCIL

FEB 11 2020

*Referred to the
Committee on Ordinances
And Legislation*

City of Fall River, *In City Council*

19

(Councilor Michelle M. Dionne)
(Vice President Pam Laliberte-Lebeau)

WHEREAS, a request for the submittal of citizens input was received and not read at the City Council Meeting held on Tuesday, August 11, 2020, and

WHEREAS, new information has been received in relation to Massachusetts General Law: Part I, Title VII, Chapter 45, Section 2, and case law presented to the City Council by Corporation Counsel regarding the removal and subsequent appointment of two members of the Board of Park Commissioners, now therefore

BE IT RESOLVED, that Corporation Counsel and a representative of the Administration be invited to a future meeting of the City Council Committee on Finance to discuss these matters to ensure that the City is following Massachusetts General Law and correct procedures.

City of Fall River, *In City Council*

(Councilor Linda M. Pereira)

WHEREAS, numerous trees throughout the city are being cut down by various city departments, and

WHEREAS, the City has purchased a stump grinder, yet tree stumps remain to be an eyesore all around the city, now therefore

BE IT RESOLVED, that the Committee on Health and Environmental Affairs convene with the Director of Community Maintenance, the Director of Cemeteries and Trees, and representatives from the Board of Park Commissioners and the Urban Tree Commission, to discuss coordinating services for the removal of tree stumps throughout the city.

City of Fall River, *In City Council*

21

(Councilor Linda M. Pereira)

WHEREAS, in accordance with Chapter 2 §54 of the Code of the City of Fall River, Massachusetts, 2018, the regular meetings of the City Council shall be held on the second and fourth Tuesday evening of each month at 7:00 p.m. unless otherwise ordered, and

WHEREAS, the City Council Committee on Finance Meeting is held prior to the regular meeting of the City Council, and run well beyond 7:00 p.m., now therefore

BE IT RESOLVED, that the Fall River City Council consider scheduling the Committee on Finance Meeting on a night separate from the regular meeting of the City Council, or if on the same night as the City Council meeting, place no more than two (2) items on the Committee on Finance agenda.

City of Fall River, In City Council

(Councilor Linda M. Pereira)

WHEREAS, the Transformative Development Initiative (TDI) is a program for gateway cities designed to accelerate economic growth within focused districts, and

WHEREAS, TDI is currently active in 17 gateway cities in Massachusetts, and

WHEREAS, the City of Fall River is a gateway city, now therefore

BE IT RESOLVED, that the Committee on Economic Development and Tourism convene with representatives from MassDevelopment to discuss this important program.

(Councilor Linda M. Pereira)

ORDERED, that the Veterans' Center located at 755 Pine Street be named in honor of Kenneth Joseph Boyer, who honorably served in the United States Navy during the Korean War.

The City Council hereby recommends that the Director of Facilities Maintenance conduct a lighting survey at the following location:

Corner of North Ogden Street and
Bedford Street
Pole # 372

(Councilor Linda M. Pereira)

39



ROB LEVINE & ASSOCIATES

The Lawyers for the Injured and Disabled

Personal Injury Law RI, MA & CT

Social Security Disability Nationwide

Veterans Disability Nationwide

RECEIVED

2020 AUG -7 P 12:31

August 6, 2020

City of Fall River
Attn: Treasurer's Office
1 Government Center
Fall River, MA 02722

CITY CLERK 18-174A
FALL RIVER, MA

Re: **Our Client:** Courtney L. Swift
Your Insured: Fall River Public Library
Date of Incident: October 18, 2018
Claim#: 18-174

PRIVILEGED AND CONFIDENTIAL RULE 408 COMMUNICATIONS

Dear Sir or Madam:

I hope this letter finds you well. As you are aware, my client Courtney L. Swift was injured in a premise incident on October 18, 2018 due to your insured's negligence.

Enclosed for your review are the following medical bills:

Southcoast Hospital Group Billing	\$ 1,698.00
APS	\$ 119.00
George H. Maxted, M.D.	\$ 1,020.00
Prima CARE, P.C.	\$ 4,635.00
Doctors Plus	\$ 3,278.00

TOTAL	\$10,750.00
-------	-------------

The medical records, which are attached for your review, indicate Ms. Swift received treatment from October 18, 2018 through December 9, 2019.

My demand to settle this claim is \$75,125.00, which includes medical bills in the amount of \$10,750.00, pain and suffering, and residuals. Once you have had the opportunity to review this demand package, kindly contact me to discuss a resolution to this claim.

Thank you for your time and consideration. I look forward to hearing from you.

Warm Regards,

Nicholas Smalley

Nicholas Smalley, Esq.
Enclosure

THE HEAVY HITTER®

544 Douglas Ave. - Providence, RI 02908 - local: 401-621-7000 - toll free 800-LAW-2201 - www.roblevine.com

Aug 7, 2020

Law - Original
Library - 1 copy

City Clerk - 1 copy

39



RECEIVED

2020 SEP -1 P 4: 24

City of Fall River

Notice of Claim

CITY CLERK ~~20-50~~ 20-08A
FALL RIVER, MA

1. Claimant's name: Carmen Belen-Concepcion
2. Claimant's complete address: 93 Cedar Street, Apt. 1R, Fall River, MA 02720
3. Telephone number: Home: 774-259-3990 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Slip and fall on public way.
5. Date and time of accident: 1/7/2020 8:30 a.m. Amount of damages claimed: \$ unknown
6. Exact location of the incident: (include as much detail as possible):
Cedar Street in front of 93-95 Cedar Street.
7. Circumstances of the incident: (attach additional pages if necessary):
While walking across the street to get into a friend's vehicle, Carmen Belen-Concepcion's foot caught in potholes in the street and caused her to fall. Her fall resulted in multiple fractures of her right forearm/wrist requiring surgical repair.
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: 2/4/20

Claimant's 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☒ DPWDate: 9/1/2020

City of Fall River
Notice of Claim

- 39
1. Claimant's name: Danisha R. Jones, Mother
 2. Claimant's complete address: 109 Phillips Ave New Bedford MA
 3. Telephone number: Home 508-934-2286 Work: 2046
 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: 07/20/2020 10:12 AM Amount of damages claimed: \$ 522.69
 6. Exact location of the incident: (include as much detail as possible)
622 Rte 1A Fall River MA
 7. Circumstances of the incident: (attach additional pages if necessary)
I was in my car parked on the side of the street and the city firetruck crashed into the driver side of my car.
 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: 08/20/2020

Claimant's signature: Danisha R. Jones

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

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For official use only
Copies forwarded to:

☒ City Clerk

☒ Law

☒ City Council

☒ City Administrator

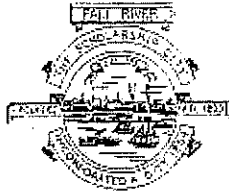
☒ Fire Dept

Date: 08/20/20

RECEIVED

2020 AUG 24 P 1:58

CITY CLERK 20-47
FALL RIVER, MA



City of Fall River
Notice of Claim

39

1. Claimant's name: Progressive Direct Insurance Company a/s/o MEDEIROS, JONATHAN
2. Claimant's complete address: PO BOX 512929 LOS ANGELES CA 90051
3. Telephone number: Home: _____ Work: 877-818-0139
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: 5/17/20 Amount of damages claimed: \$6,631.37 (PD: 4,881.37 , MED: 1,750.00 OPEN)
6. Exact location of the incident: (include as much detail as possible):
TUCKER STREET
7. Circumstances of the incident: (attach additional pages if necessary):
OUR INSURED WAS TRAVELING ON TUCKER STREET. THERE WAS AN OPEN MANHOLE RIM THAT WAS STICKING UP FROM THE ROADWAY THAT DAMAGED OUR INSUREDS VEHICLE. WE ARE SEEKING REIMBURSEMNT FOR OUR INSUREDS VEHICLE DAMAGES
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
Progressive Direct Insurance Company PO BOX 512929 LOS ANGELES CA 90051

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: 8/18/20

Claimant's signature: Ashley Adamik 8/18/20

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.

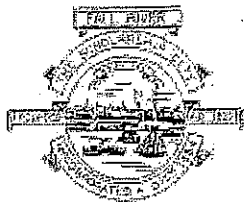
Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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: 8/24/2020



39

RECEIVED

City of Fall River

Notice of Claim

2020 AUG 26 A 9:07

1. Claimant's name: Danielle Peralta-Locke CITY CLERK 20-48
2. Claimant's complete address: PO Box 3 Fall River MA 02722
3. Telephone number: Home: 401-286-4801 Work: 401-739-9440
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Street Sweeper hit my car @ 340 Bank St Fall River MA
5. Date and time of accident: Friday 8/21/2020 7-8am Amount of damages claimed: \$
6. Exact location of the incident: (include as much detail as possible):
Right in front of 340 Bank St Fall River MA
7. Circumstances of the incident: (attach additional pages if necessary):
my Mother in law woke me up at 345pm Friday 21st (Aug). There was 3 to 4 men looking at my car, they were city workers. They told me my car was rubbed against and my driver mirror was damaged by a street sweeper truck. That the car behind mine got towed
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
Liberty Mutual Insurance

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: 8/24/2020

Claimant's signature: Danielle Peralta-Locke

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

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

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

For official use only:

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

☒ DCM

Date: 8/25/2020

emailed

emailed

RECEIVED



ATTENTION 39

2020 AUG 27 A 11:21

City of Fall River

Notice of Claim

P.O. Box 798
FOR MAIL

CITY CLERK 20-49
FALL RIVER, MA

1. Claimant's name: STEVEN ABRANTES SR.
2. Claimant's complete address: 694 STATE Rd WESTPORT MASS. 02740
3. Telephone number: Home: 508 324 5294 Work: Retired
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
HOLES IN ROAD DUE TO REPAIRS & METAL COVERUPS IN PAVED (MAN HOLE COVER'S)
5. Date and time of accident: 8-4-20 730 AM Amount of damages claimed: \$ 805.86
6. Exact location of the incident: (include as much detail as possible):
IN FRONT OF Wendy's + BANK OF AMERICA 35 Wendy's 87 Bank of America
7. Circumstances of the incident: (attach additional pages if necessary):
DAMAGE TO FRONT END OF CAR DUE TO THE ROAD
Beginning Repaired HOLES + METAL COVER'S IN ROAD, IN FRONT of
35 → Wendy's + BANK OF AMERICA 87 → MARIATION Bishop Blvd FALL RIVER MASS.
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). (MAN HOLE COVER'S)

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

Date: 8/21/2020

Claimant's signature: Steven P. Abrantes Jr

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: 8/27/2020



City of Fall River
Notice of Claim

RECEIVED

39

2020 SEP -2 A 10: 52

CITY CLERK #20-50
FALL RIVER, MA

1. Claimant's name: Tasha Hill
2. Claimant's complete address: 149 School St, Bucksport Maine 04416
3. Telephone number: Home: 339-788-8346 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: 8/21/2020 Amount of damages claimed: \$ 2,308.96
6. Exact location of the incident: (include as much detail as possible):
Day St, Waltham MA
7. Circumstances of the incident: (attach additional pages if necessary):
Our insured was visiting a friend and parked her car overnight. A witness heard a loud noise and saw a street sweeper driving close to the parked cars. My insured went out the next day and saw damages to her 2017 Toyota Highlander. A claim has been filed through Liberty Mutual. Claim # 043364551 I am the claims adjuster assigned. Penelope Aponte 508-621-0203. penelope.aponte@libertymutual.com
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: 9/02/2020

Claimant's 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.

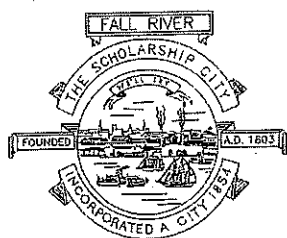
Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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 ☒ DCM

Date: 9-2-20



41

**City of Fall River
Massachusetts
Planning Department**

PAUL E. COOGAN
Mayor

WILLIAM G. KENNEY AICP
City Planner

TO: Alison Bouchard
City Clerk

FROM: Fall River Planning Board

RE: **PLANNING BOARD MINUTES**
July 13, 2020

RECEIVED
2020 AUG 11 P 12:05
CITY CLERK
FALL RIVER, MA

The Fall River Planning Board held a Public Meeting at 5:30 p.m. on Monday, July 13, 2020, in the First Floor Atrium, One Government Center, Fall River, MA for the purpose of considering the matters set forth in the agenda originally posted with your office on July 7, 2020, Revision posted July 9, 2020,

Members present: Cynthia Sevigny; Chair, John Ferreira; vice Chair, Mario Lucciola; and Gloria Pacheco

Members absent: Beth Andre

Also present: William Kenney City Planner, Patti Aguiar Recording Clerk, and Alex Mello, FRGTV.

"Minutes" of this meeting are as follows:

Mrs. Sevigny opened the meeting with roll call attendance and read the Open Meeting Law statement.

01. FORM-C: Definitive Subdivision File No. 211

Owner/Applicant: St. Vincent Services Inc.
Location: Highland Farms II, Highland Ave., Hayfield Lane, Courtney St
Assessor Map: U-4, Lot 1, and U-5 Lot 1

Mr. Dan Aguiar was present to address the Board on behalf of the petitioner. He stated that this petition is for the rear lot of St. Vincent Services and is being named Highland Farms Phase II. The road will begin at Hayfield Lane and run to Courtney St. He told the Board that the old Form A lots that were brought before them will now be part of this Subdivision Plan. Mr. Aguiar explained that there will be a total of 46 lots that will be 12,000 sq. ft. with 100ft of frontage. There will be multiple detention ponds throughout the development. Mr. Lucciano asked about the condition of Courtney St. Mr. Aguiar stated that that improvements will be made to Courtney St. It will have its own set of waivers to be approved. Mr. Lucciano asked about changes to Brookside St. He was told that there will be no changes to Brookside St. Mr. Ferreira asked how many lots there would be. Mr. Aguiar stated that there would be 12 lots on a small cul de sac, 30 on a large cul de sac. Traffic will enter from Courtney St. There will be a culvert 10 ft wide over the stream. The retention ponds have been designed to handle the 100 year storm. The majority of homes will have walk out basements. Mr. Kenney read opposition letters into the record from Derek Sousa of Hayfield Lane and Eric and Rachel Silva of 215 Highland Farm Rd. They stated that they were against opening the cul de sac on Hayfield Lane as an entrance to this phase of the project. They stated that they bought their homes because they were on a cul de sac and paid extra money for that privacy. Mr. Aguiar explained that there was a piece of roadway that was put into place on the cul de sac to be used as the new roadway for this new phase. Tiffany Bourquin and Honorio Lopes of 20 Hayfield Lane read their own statement into the record. They are also against opening up the culde sac on Hayfield Lane. They also stated that they paid extra money to own their property on the cul de sac. She asked how work has already begun when this project has not been approved yet. She stated that they are already cutting down trees and leveling land. Mr. Aguiar stated that the work that is being done there is part of the Phase I project. Devoney Kudrich and Mathew DeFaria of 122 Brookside St. read there letter into the record. They are concerned about the wildlife in the area. They feel that if all these new homes are built, the wildlife will have nowhere to go. Mr. Kenney asked how the construction would be done. Mr. Aguiar stated that they would try to limit the construction activity on Hayfield Lane.

Upon a motion duly made by Mr. Lucciola, and seconded by Ms. Pacheco, it was unanimously VOTED 4-0 to Table to the August 10, 2020 meeting at 5:30PM in the Atrium at Government Center.

**1A. Application for Endorsement of Plan Believed Not to Require Approval –
“FORM-A” File No. 20-1462**

Owner/Applicant-	Agostinho & Maria Ponte
Location-	160 County St. & Roccliffe St.
Assessor Lots:	K-05-25

Mr. Kenney stated that the property received a variance on September 19, 2020 to separate into 3 lots with a single family home on each lot. Frontage is on Roccliffe St. All 3 lots meet frontage requirements for “Approval Not Required Under the Subdivision Control Law” so he is recommending endorsement.

Upon motion made by Ms. Pacheco and seconded by Mr. Ferreira, it was unanimously VOTED 4-0: to direct the Chair to endorse the plan, "Approval Not Required Under the Subdivision Control Law".

**1B. Application for Endorsement of Plan Believed Not to Require Approval –
"FORM-A" File No. 20-1459**

Owner/Applicant- Jamie Duff
Location- South Beacon St.
Assessor Lots: H-06-Part of Lot 13

Mr. Kenney explained that this was approved at the last meeting, but the applicant has since changed the plans and needs approval. The new plans show that a non-buildable lot will be formed and the frontage is adequate, it therefore meets the requirements of "Approval Not Required Under the Subdivision Control Law" so he is recommending endorsement.

Upon motion made by Mr. Ferreira and seconded by Ms. Pacheco, it was unanimously VOTED 4-0: to direct the Chair to endorse the plan, "Approval Not Required Under the Subdivision Control Law".

**1C. Application for Endorsement of Plan Believed Not to Require Approval-
"FORM-A" File No. 20-1463**

Owner/Applicant- Arthur G. & Sonia M. Rodrigues
Location- 154 Hayfield Lane
Assessor Lots- U-01-37

Mr. Kenney explained that this plan is to reconfigure the lot and to change the existing lot into 3 parcels. All lots meet frontage requirements for "Approval Not Required Under the Subdivision Control Law" so he is recommending endorsement.

Upon motion duly made by Mr. Lucciola, and seconded by Ms. Pacheco, it was unanimously VOTED 4-0 to direct the Chair to endorse the plan, "Approval Not Required Under the Subdivision Control Law".

2. Approval of "Open Space and Recreation Plan, 2017-2024"

Mr. Kenney explained that this plan was started in 2017 and has never been approved. The plan needs approval from the Mayor and the Planning Board. He recommended approval.

Upon motion duly made by Mr. Lucciola, and seconded by Mr. Ferreira, it was unanimously VOTED 4-0 to Approve the Open Space & Recreation Plan 2017-2024.

3. Vote to Authorize Chair to Endorse plans on behalf of the Board

Mr. Kenney explained that the Registry of Deeds needs a signed document to allow the Chair to solely sign for the Board in case it is not convenient to get all members to sign. Members would still need to vote on all matters.

Upon motion duly made by Mr. Lucciola, and seconded by Mr. Ferreira, it was unanimously VOTED 4-0 to Authorize Chair to Endorse Plans on behalf of the Board, when such Plans have been approved by the board.

4. Approval of June 15, 2020 Minutes

Upon a motion duly made by Mr. Ferreira, and seconded by Ms. Pacheco, it was unanimously VOTED 4-0, to waive the reading of the minutes and to approve the minutes of the June 15, 2020, meeting.

5. Public Input-

No one signed up for public input. Mrs. Sevigny asked the Board for a vote to not accept any letters from the public that are not signed. There is legal opinion from Atty. Howayeck stating that all letters in favor of or against a petition must include name and address of the author. An email address is sufficient as signature if the letters are sent via email. Ms. Pacheco agreed, but cautioned that not all email addresses are legitimate.

Upon a motion duly made by Ms. Pacheco, and seconded by Mr. Ferreira, it was unanimously VOTED 4-0 to Approve not accepting anonymous comments into the record.

6. ADJOURNMENT

Upon motion duly made by Mr. Ferreira and seconded by Ms. Pacheco, it was unanimously VOTED 4-0: to adjourn the meeting at 7:15pm.

CITY COUNCIL PUBLIC HEARING

MEETING: Tuesday, August 11, 2020 at 5:55 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,
Leo O. Pelletier and Linda M. Pereira

ABSENT: Councilor Christopher M. Peckham

IN ATTENDANCE: None

The President called the meeting to order at 5:58 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

Auto Repair Shop License

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the hearing be opened. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received.

1. Tanios Barbour, 21 Second Street, Taunton, MA, d/b/a Barbour Auto Sales Trust, for a license to operate an auto repair shop at 673 Bedford Street, on Lot M-10-0009, Assessors Plan.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was unanimously voted that the hearing be closed.

On a further motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was unanimously voted to adjourn at 6:00 p.m.

List of documents and other exhibits used during the meeting:

Agenda (attached)
DVD of meeting

A true copy. Attest:


City Clerk

CITY COUNCIL PUBLIC HEARING

MEETING: Monday, August 24, 2020 at 5:30 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: None

The President called the meeting to order at 5:34 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

FISCAL YEAR 2021 MUNICIPAL BUDGET

The President stated that in accordance with Sec. 6-4(a) of the City Charter, this meeting is open to the public to hear all persons interested and wishing to be heard on the proposed Fiscal Year 2021 Municipal Budget. He then asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received. The President then directed the proponents to be heard and no one came forward. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted to close the hearing.

On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 5:35 p.m.

List of documents and other exhibits used during the meeting:

Agenda (attached)
DVD of meeting

A true copy. Attest:


City Clerk

COMMITTEE ON FINANCE

MEETING: Tuesday, July 14, 2020 at 6:40 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, Christopher M. Peckham, Trott Lee,
Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: Mary Sahady, Director of Financial Services
John Perry, Director of Community Maintenance
Attorney Kenneth Fiola, Jr., Executive Vice President, Bristol County
Economic Development Consultants, 139 South Main Street, Suite 400
John R. Erickson, Vice-Chair, Fall River Redevelopment Authority

The chair called the meeting to order at 6:43 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, citizens were encouraged to submit their remarks by email to the City Clerk by July 14, 2020 at 5:00 p.m. to be read at the meeting.

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

Citizens' Input Time – Before Discussion of Financial Matters:

David J. Dennis, Esq., 132 Highland Avenue – Hydrangea Project
Rene G. Brown, Esq., 105 Bank Street – Police Department activities & Public Safety Committee
Councilor Christopher M. Peckham responded to comments made in the communication received from Rene G. Brown regarding his visit to the Police Department on July 8, 2020. He stated that he did visit the Police Department on that day, but did not peddle or market the substance abuse disorder counseling services of a local citizen at roll call as stated in the communication. Councilor Bradford L. Kilby stated the City Council began their term in January of 2020 and in March of 2020, everything was shut down due to the COVID-19 pandemic. He then stated that there has not been many meetings in 2020, due to the pandemic. He also stated that he feels that Councilor Christopher M. Peckham is very qualified to chair the Committee on Public Safety and that the comments made in this letter were a bit extreme. Councilor Shawn E. Cadime stated that Mayor Paul E. Coogan is in charge of the day to day operations of the City and City Councilors are the legislative body. He then stated that as City Councilors we should not be asking department heads to perform tasks.

Edward Hodkinson, no address provided – Housing intervention program

Steven Kurowski, 1532 Bedford Street – Water rate increases

Brian W. Cabral, 77 Lynwood Street – Lynwood Street reconstruction

Albert Coelho, 89 Lynwood Street – Lynwood Street reconstruction

Councilor Pam Laliberte-Lebeau stated that she is unhappy with the legal opinion that was rendered by Attorney Arthur Frank due to his former representation of the developer in question. She then stated that Corporation Counsel should be in attendance at all City Council Meetings, so that any legal questions the City Council may have can be addressed, even if the answer must be researched and cannot be rendered immediately. Councilor Shawn E. Cadime stated that the City should have a surety on these developments and those funds should be used to complete and pave these streets. He then stated that a development on Detroit Street from 2006, still has not had the street paved with the final coat of asphalt which is unacceptable after 14 years.

2. Resolution – Discuss the contracting process of the city pier projects re: sidewalks and lighting with the Executive Vice President of the Bristol County Economic Development Consultants and a rep. of the Redevelopment Authority

Councilor Michelle M. Dionne left the Council Chamber at 7:56 p.m. to avoid any possible conflict of interest. Attorney Kenneth Fiola, Jr. provided a brief overview of the project. He stated that the Redevelopment Authority is a separate board and is not funded by the City. He also stated that their funding is the result of land that the Redevelopment Authority has sold. He also provided the following information regarding the city pier:

- *Approximately \$3 million dollars was spent for the remediation of polychlorinated biphenyls (PCBs)*
- *Approximately \$5.2 million dollars was spent for improvements, which includes the installation of a sea wall, the raising of the pier by three feet and capping it to further contain PCBs, the installation of utilities within the pier and also the installation of a combined sewer overflow (CSO) culvert*

He then stated that the next phase will include the installation of sidewalks around the perimeter of the pier, a railing, lighting, benches and the development of a grass area. He also stated that due to the contamination of the pier, it can never be used for residential or commercial development. Councilor Trott Lee then asked Attorney Kenneth Fiola, Jr. if any City funds were used for any of these improvements. Attorney Kenneth Fiola, Jr. stated that no City funds were used. Councilor Shawn E. Cadime asked if the lease that was granted by the former administration was still in effect. Attorney Kenneth Fiola, Jr. stated that he does not believe so, but he will confirm this with Attorney John Coughlin, counsel for the Redevelopment Authority. Councilor Linda M. Pereira asked if fishing will be allowed from the pier. Attorney Kenneth Fiola, Jr. stated that fishing can be an issue as far as cleanliness, so there will be a determination in the future. Councilor Linda M. Pereira stated that there are some piers that have stainless steel basins to allow fish to be cleaned and are continually rinsed out by the water from the river or bay. She then asked when the city pier will be completed. Attorney Kenneth Fiola, Jr. stated that they are hopeful to receive approvals from the Department of Environmental Protection (DEP) and the Environmental Protection Agency (EPA) by October of 2020. Councilor Bradford L. Kilby asked for a listing of the members of the Redevelopment Authority. John R. Erickson stated that Joseph Marshall is the chair, Ann Keane, Joan Medeiros, Luis Gonsalves and myself, as vice chair. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to refer the matter to full council for action, with Councilor Michelle M. Dionne absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to reconsider the previous motion, as no motion was necessary and the discussion was held, with Councilor Michelle M. Dionne absent and not voting.

Councilor Michelle M. Dionne returned to the Council Chamber at 8:19 p.m.

3. Resolution – Police Details at Northeast Alternatives

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to lift the matter from the table. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the resolution be granted leave to withdraw.

4. Discussion re: order for Community Preservation Act funds for FY 2021

Community Projects and Community Preservation Committee 2020 Final Report
Council President Cliff Ponte stated that he spoke with the Chair of the Community Preservation Committee and he requested that the City Council table the matter. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted to table the matter.

5. Discussion re: order rescinding the July Continuing Appropriation Budget for FY 2021

The Director Financial Services stated that the Administration requested that this item be granted leave to withdraw. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the matter be granted leave to withdraw.

6. Discussion re: order for the August Continuing Appropriation Budget for FY 2021

Councilor Michelle M. Dionne asked the Director of Financial Services if the Quarter 4 Budget Report that is scheduled to be discussed at the next meeting, could possibly change anything in this order for the August Continuing Appropriation Budget. The Director of Financial Services stated that she does not believe that would change anything in this order. She also stated that in the Quarter 4 Budget Report, there are many funds being turned back to the General Fund since they were not spent due to the COVID-19 pandemic. She then mentioned that the Police Department has unspent salary funds due to the courts being closed and police officers not attending any trials. Councilor Michelle M. Dionne asked if this August Continuing Appropriation is 1/12th of the annual budget. The Director of Financial Services stated that this appropriation is for the needs of the City for the month of August, which is different from the month of July. She then stated that in the appropriation for month of July there was \$6 million dollars included for retirement and that is not included in the August appropriation.

7. Transfers and appropriations

Councilor Linda M. Pereira stated that instead of the Police Department returning unused funds to the General Fund, she would prefer to see every police officer have a taser, a radio and a bullet proof vest. She stated that when there were protests being discussed in the city, she spoke with the Chief of Police and asked him if the Police Department had any riot gear. She then stated that the Chief of Police told her the riot gear that was located was last used during the "Big Dan's" case years ago. Councilor Christopher M. Peckham asked the Director of Financial Services how much money was returned from the Police Department for supplies. The Director of Financial Services stated that as of today, the amount is \$192,675.00. Councilor Christopher M. Peckham then stated that he would like to see the Police Department purchase necessary supplies and not have to borrow riot gear from Somerset and Westport. He then stated that he would like to see these funds returned to the Police Department. The Director of Financial Services then stated that this was not possible, as the fiscal year has ended. She then stated that if he wished to file a resolution to request that the Administration consider appropriating some of the free cash, once it is certified to the Police Department, he can certainly do so. Council President Cliff Ponte stated

that what is before the committee is year-end obligations. The City Council is not removing any funding from the Police Department.

Councilor Michelle M. Dionne stated that the Administration stated that the \$330,000.00 transfer is due to a missed payment to Republic Disposal. The Director of Financial Services stated that after reviewing the solid waste payments back to 2017, it was found that only 11 payments were made in 2017. She then stated that this matter has been carrying over for many years, so it was determined that since there are numerous turn back of funds this year it would be prudent to pay the invoice for June of 2020 within the Fiscal Year 2020 Budget and not make this payment in the Fiscal Year 2021 Budget. She also stated that then all payments for solid waste will be made within the correct fiscal year, but that means there will be 13 payments made within the Fiscal Year 2020 Budget to correct this error back in 2017. She also stated that going forward there will be 12 payments made within each fiscal year. Councilor Michelle M. Dionne then asked John Perry, Director of Community Maintenance how this transfer of funds to make the extra payment for solid waste will help his department. The Director of Community Maintenance stated that by making this additional payment, it will provide an actual picture of current solid waste removal costs going forward. He then stated that he feels it is prudent to have an up to date picture of all costs since the cost for June 2020 was \$264,000.00. He also stated that Fall River along with neighboring towns are in the same situation with these rising costs.

Councilor Shawn E. Cadime stated that every year during budget conversations, he always asks the Fire Chief and Police Chief if they have enough funding for their needs. He then stated that one year he suggested that enough funds be placed in the Police Department Budget so that all officers would have a radio. He then stated that he was told by the Chief of Police that all officers did not want radios to take home, as they did not want to be responsible for them. He also mentioned that the City of Fall River has been blessed that we have not needed to look for riot gear in over 35 years, unlike cities such as Los Angeles. Councilor Bradford L. Kilby stated that the public needs to stop listening to rumors. He then stated that these transfers are not cutting the Police Department in any way. Councilor Trott Lee stated that there was a lot of misinformation circulating regarding the transfer of funds from the Police Department. He then stated that the Police Department is not being defunded. Councilor Trott Lee then asked the Director of Community Maintenance what year had only 11 payments for solid waste. The Director of Community Maintenance stated that in 2017 there were only 11 payments made and the City had remained a month behind since then. He also stated that to correct the payments being made within the correct fiscal year, this payment needs to be made.

Councilor Shawn E. Cadime stated that he was informed by the Mayor that performance audits are going to be performed on the Police and Fire Departments. He then stated that this is a good thing, but we need to be prepared to authorize the additional funds that are needed for this.

Councilor Linda M. Pereira stated that three hours has been spent talking about these transfers and the new Chief of Police was only sworn in about six weeks ago. Councilor Christopher M. Peckham stated that there is a lack of communication between department heads and the Administration. Councilor Linda M. Pereira then stated that is why we have briefings with the Mayor prior the City Council meetings, so that we can be provided with the most up to date information.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 9:47 p.m.

List of documents and other exhibits used during the meeting:

Citizens' Input Communications

Agenda packet (attached)

DVD of meeting

Map of city pier, submitted by Attorney Kenneth Fiola, Jr.

Colleen A. Taylor
Clerk of Committees

WALTER A. FURMAN CO.

Architectural Woodwork

August 28, 2020

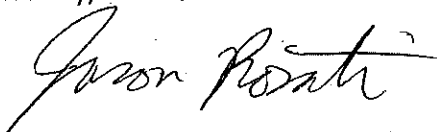
City Council
City of Fall River
One Government Center
Fall River MA 02722

Dear Honorable City Council Members:

We are hereby requesting the City of Fall River to relinquish rights, title, and interest in a portion of the paper street known as Center Street. This portion of Center Street extends from South Beacon Street westerly 445.48 feet and is an unaccepted street. See attached plan. We recently purchased and were deeded a 10-foot buffer strip from a developer and currently own the property on both sides of the street.

Thank you.

Sincerely,

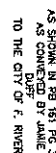


Jason Rosati, CFO
Walter A. Furman Co., LLC
New 180 Liberty Street, LLC

45
RECEIVED

2020 AUG 31 A 9:04

CITY CLERK
FALL RIVER, MA



SEP 14 2006
JUL 14 2006

THIS FIELD SURVEY AND PLAN WAS PREPARED UNDER MY DIRECT CHARGE AND SUPERVISION AS PER 250 CMR 5.04

I CERTIFY THAT THIS SURVEY AND PLAN CONFORMS TO THE ETHICAL, PROCEDURAL, AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS

Edward W. [Signature]
REGISTERED PROFESSIONAL SURVEYOR

6/10/82
DATE

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED
IN CONFORMANCE WITH THE RULES AND REGULATIONS
OF THE REGISTERS OF DEEDS OF THE

Prepared _____ Date _____

[illegible]

ENDORSEMENT BY THE PLANNING BOARD DOES NOT CONSTITUTE CONFORMANCE TO THE FALL RIVER ZONING BYLAWS NOR ASSURE THAT ANY LOT CREATED HEREIN IS BUILDABLE

PALL BEYER PLANNING BOARD APPROVAL
UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED

BY: _____ DATE: 7/27/20

FILE	DATE	BY	TO
1	10-10-10	10	10

THIS PLAN AND ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HERE ON. THE NAMES SHOWN AS OWNERS OF THE LOCUS AND ABUTTING PROPERTIES ARE TAKEN FROM THE CURRENT TAX ASSESSORS LIST.

THE INTENT OF THIS PLAN IS TO SUBDIVIDE LOT 8 OF MAP H-6 LOT 13 AS SHOWN IN PB 163 PG 17 INTO TWO LOTS - LOT Z AND NON-BUILDABLE PARCEL Y. PARCEL Y TO BE USED AS A VEGETATIVE BUFFER & TO PROVIDE DRIVEWAY CONSTRUCTION & MAINTENANCE EASEMENT TO BENEFIT DEVELOPMENT ON LOT Z.

FOR TIES TO THE EXISTING MONUMENTS AND PLAN REFERENCES SEE PB 161 PG 37:

SEE PB 161 PG 61 FOR THE DISCONTINUED PORTION OF CENTER ST

APPROVAL NOT REQUIRED PLAN
ASSESSOR'S MAP H-6 REMAINING PART OF LOT 13
SOUTH BEACON ST & CENTER ST
FALL RIVER, MASSACHUSETTS

PREPARED FOR
NEW 180 LIBERTY STREET LLC
GORDERSKY ENGINEERING
422 NORTH MAIN STREET
FALL RIVER MASS. 01920
(508) 384-1148
SCALE 1" = 40'
DATE JUNE 12, 2020


 0000 001 3584 1
 BIC: 105 Pg. 28 Doc: PLAN
 Page: 1 of 1 07/14/2020 12:09 PM

8/12/2020

Mail - City_Council@fallriverma.org

[EXTERNAL] I request this communication be placed on the next City Council Agenda

46

RECEIVED

2020 AUG 12 P 3:37

CITY CLERK
FALL RIVER, MA

Collin Dias <collind00@aol.com>

Wed 8/12/2020 2:41 PM

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

Cc: City Clerk <city_clerks@fallriverma.org>;

Good afternoon,

I understand there is a lot of discussion amongst the City Council to look into allocating breaks for the taxpayer via :

- Tax Decrease / non increase
- Fee decrease / non increase
- Ways decrease the cost of utilities such as trash and storm water runoff

These ideas are very helpful to our community, and I applaud the councilors who want to look into ways to reduce any burden to a taxpayer, homeowner, renter, landlord, or any common day citizen.

With that being said, I believe this needs to be at the forefront of the City Council, and for some of these goals to be successfully completed I believe there needs to be more individuals brought to the table, and group discussions need to be had on a long term basis. Therefore I request the following be done.

I ask that the Fall River City Council create a task force to :

- look into ways to reduce the cost of trash, recycling, and storm water runoff
- Look into ways to Reduce or status quo water and sewer fees without jeopardizing critical infrastructure or layoffs to hard working city employees
- look into ways to lower the size of government, and government spending, and to make government more efficient.

This task force should give monthly reports and a final report after it has concluded its findings.

Respectfully submitted,

Collin Dias
560 Ray Street, Fall River, Massachusetts, 02720
Collind00@aol.com
7747076790

Sent from my iPhone

47

RECEIVED

Collin Dias
560 Ray Street
Fall River, Massachusetts
02720

2020 AUG 17 A 11:12

CITY CLERK _____
FALL RIVER, MA*Fall River City Council Resolution*

Whereas, The City of Fall River and other communities are struggling financially due to the ongoing COVID – 19 pandemic.

Whereas, The City of of Fall River is attempting to produce more tourism to the area, and gain financial funds from such tourism endeavors.

Whereas, the smallest town in Massachusetts, Gosnold, contains several islands in southern Cape Cod, including Cuttyhunk. Such islands contain a plethora of opportunities to increase tourism with the islands beauty, fishing, and history.

Whereas, the Town of Gosnold town government is underachieving and both of the City of Fall River and the residents of Gosnold would benefit from Gosnold's incorporation into the City of Fall River.

Now be it resolved, The Fall River City Council ask the Acting City Administrator to create a cost – benefit analysis on Gosnold's incorporation into the City of Fall River.

Be it further resolved, The Fall River City Council invite the Gosnold Board of Selectmen to a joint meeting to discuss Gosnold's incorporation into the City of Fall River.

48

**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. AUG 18 A 9 24

Your Contact Information:		CITY CLERK _____ FALL RIVER, MA	
First Name: <u>Collin</u>	Last Name: <u>Dias</u>		
Address: <u>560 Ray Street</u>			
City: <u>Fall River</u>	State: <u>MA</u>	Zip Code: <u>02720</u>	
Phone Number: <u>7747076790</u>	Ext. _____		
Email: <u>Collind00@aol.com</u>			
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)			
<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Organization	<input type="checkbox"/> Media	

Public Body that is the subject of this complaint:			
<input checked="" type="checkbox"/> City/Town	<input type="checkbox"/> County	<input type="checkbox"/> Regional/District	<input type="checkbox"/> State
Name of Public Body (including city/town, county or region, if applicable): <u>Fall River City Council Committee on Finance</u>			
Specific person(s), if any, you allege committed the violation: _____			
Date of alleged violation: <u>8/11/2020</u>			

48

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 July 28th, 2020, the Fall River City Council Committee on Finance held a meeting where they entered into executive session. The Open Meeting Law section 22 (g) (2) provides a public body shall determine by its next meeting if non disclosure is warranted for said executive session meetings. The Fall River City Council Committee on Finance held its next meeting on 8/11/2020. No determination, pursuant to Open Meeting Law (g) (2), was made or announced by the committee on Finance.

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.

Release the 7/28 executive session 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: Collin DiDio

Date: 8/17/2020

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:



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 AUG 21 P 12:13

49

Your Contact Information:

First Name: Collin Last Name: Dias

Address: 560 Ray Street

City: Fall River State: MA Zip Code: 02720

Phone Number: 7747976790 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 Health and Environmental Affairs

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

Date of alleged violation: 8/19/2020

49

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 8/19/2020, the Fall River City Council committee on Health and Environmental Affairs ("Committee") held a public meeting at Fall River Government Center. The committee violated the Open Meeting Law during this meeting by:

1. Violating Governor Bakers March 12th executive order by failing to read my whole citizens input during said meeting. Governor bakers March 12th order states communities must comply with local ordinances and laws and the failure to fully read my citizens input violates both the City Charter and ordinance.
2. Chairman Trott Lee failed to announce at the beginning of the meeting that FRGTV would be recording the meeting, a violation of Open Meeting Law section 20 (f).
3. Violating Open Meeting Law section 20 (b) as item #6 on the committees agenda was too vague. During item number 6, the committee discussed many sub points, such as a composting program, a transfer station, gasification plant, energy recovery, and Anaerobic digestion.

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.

Future compliance 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: _____

Coleen Diod

Date: _____

8/20/20

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

50

City of Fall River
Office of the Corporation Counsel

PAUL E. COOGAN
Mayor

RECEIVED

2020 AUG 18 P 4: 56

CITY CLERK _____
FALL RIVER, MA



ALAN J. RUMSEY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

August 18, 2020

Collin Dias
560 Ray St.
Fall River, MA 02720

RE: Open Meeting Law Complaint against Fall River City Council
Date of Alleged Violation: July 28, 2020

Dear Mr. Dias:

This correspondence is sent 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, which the City received on July 29, 2020. Your complaint alleges the following:

On July 28th, 2020, The Fall River City Council Committee on Finance held a meeting.

The Fall River City Council Committee on Finance violated the Open Meeting Law during this meeting by:

1. Violating Open Meeting Law Section 20(a) and Governor Baker's March 12th executive order by fully denying access to the public to its proceedings. The meeting was held in a public building that is open to the public on a partial basis. There were also other non city council officials present at the meeting.
2. Violating Open Meeting Law Section 20(b) by discussing an agenda topic that was added within 48 hours of the meeting. The said agenda topic was listed as #2 on council's July 28th meeting agenda.
3. Violating Open Meeting Law Section 21 by entering executive session without a valid purpose. The council went into executive session under #4 of reasons to go into executive session. However, the Council discussed public safety as a whole, and the finances of the police department. This meeting was not designed to solely to discuss the deployment of security personnel or devices.
4. Violating Open Meeting Law Section 20 (f) by failing to announce FRGTV will be recording the meeting.

Future compliance with Open Meeting Law

Response:

1. Violating Open Meeting Law Section 20(a) and Governor Baker's March 12th executive order by fully denying access to the public to its proceedings. The meeting was held in a public building that is open to the public on a partial basis. There were also other non city council officials present at the meeting.

On March 12, 2020, Governor Baker issued an Executive Order Suspending Certain Provisions of the Open Meeting Law, to enable public bodies to carry out their responsibilities while adhering to public health recommendations regarding social distancing.

First, the executive order relieves public bodies from the requirement in the Open Meeting Law that meetings be conducted in a public place that is open and physically accessible to the public, provided that the public body instead provides adequate, alternative means of public access to the deliberations of the public body. "Adequate, alternative means" may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body in real time.

To assist public bodies in complying with the Open Meeting Law, as modified by the Governor's executive order, on June 9, 2020, the Massachusetts Division of Open Government provided "Updated Guidance on Holding Meetings During the COVID-19 State of Emergency."

The Guidance specifically provides that members of a public body may meet in person, while requiring the general public to follow the proceedings remotely. Section (1) of the executive order allowing public access through adequate, alternative means is independent from Section (2), which allows members of the public body to participate remotely. The public body may conduct its proceedings under the relief provided in section (1) or (2) or both. (A copy of the Guidance is enclosed for your reference.)

The City Council meetings are aired live on Facebook live, [frgtv.fredtv.us](https://www.facebook.com/frgtv), as well as the local government channel, and the public has the opportunity to participate in writing. This satisfies the updated guidance.

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I do not know what "non city council officials" were present as alleged, but if any such individuals were in attendance, they would have been there by invitation by the Committee to testify.

As such, this office has determined that no violation has occurred with regard to number 1 of your complaint and considers that matter closed. Also, see Decision by the Commonwealth of Massachusetts Office of the Attorney General dated August 7, 2020 (OML 2020-100) in further support of this determination.

2. Violating Open Meeting Law Section 20(b) by discussing an agenda topic that was added within 48 hours of the meeting. The said agenda topic was listed as #2 on councils July 28th meeting agenda.

The OML allows public bodies to amend agendas up until the meeting time. The agenda was revised the day before the scheduled meeting before to clarify the purpose of the meeting and the anticipated executive session (agendas attached). The original agenda noted "[d]iscussion of public safety implementation measures with the Fall River Police Department. Anticipated Executive Session pursuant to Massachusetts General Law Chapter 30A, Section 21(a)(4) to discuss the deployment of security personnel or devices, and/or strategies with respect thereto." The modified agenda had very similar wording but made is clear that the matter would be discussed in executive session. The modified agenda stated "Executive Session pursuant to Massachusetts General Laws, Chapter 30A, section 20(b); Chapter 30A, section 21 and 940 CMR 29.03(1)(b) to discuss a plan to address the increase in violent crimes and the financial aspects of the Police Department with the Chief of Police and the Mayor".

There was no open meeting law violation with regard to #2 of your complaint. As such, this office has determined that no violation has occurred with regard to number 2 of your complaint and considers that matter closed.

3. Violating Open Meeting Law Section 21 by entering executive session without a valid purpose. The council went into executive session under #4 of reasons to go into executive session. However, the Council discussed public safety as a whole, and the finances of

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the police department. This meeting was not designed to solely to discuss the deployment of security personal or devises.

The law states specific purposes for which an executive session may be held. Reason number four (4) is to 'discuss the deployment of security personnel or devices, or strategies with respect thereto'. The reason for going into executive session was to "to discuss a plan to address the increase in violent crimes and the financial aspects of the Police Department with the Chief of Police and the Mayor". As violent crimes in the City have been increasing, the purpose of this executive session was to devise strategies to curb such violent crimes. Strategies that could not be shared with the public in advance of its implementation for obvious reasons (i.e. not notifying the pubic where the police may be, when, using what equipment, etc.). The financial aspects were directly related to the implementation of such strategies. The general funding of the police was not the matter for executive session.

There was no open meeting law violation with regard to #3 of your complaint. As such, this office has determined that no violation has occurred with regard to number 3 of your complaint and considers that matter closed.

4. Violating Open Meeting Law Section 20 (f) by falling to announce FRGTV will be recording the meeting.

The City Council President read the OML recording statement as evidence in the video: <https://www.youtube.com/watch?v=HHvS3A8W9uY> (30 seconds into the meeting)

There was no open meeting law violation with regard to #4 of your complaint. As such, this office has determined that no violation has occurred with regard to number 4 of your complaint and considers that matter closed.

As such, this office has determined that no violation has occurred with regard to your open meeting law complaint and considers that matter closed.

Please note that you have the right to appeal to the Massachusetts Attorney General – Division of Open Government.

Respectfully,


Gary P. Howayeck

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Assistant Corporation Counsel

Enc.

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

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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

August 12, 2020

Collin Dias
560 Ray St.
Fall River, MA 02720

RE: Open Meeting Law Complaint against Fall River City Council
Date of Alleged Violation: July 14, 2020

Dear Mr. Dias:

This correspondence is sent 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, which the City received on July 15, 2020. Your complaint alleges the following:

On 7/14/2020, the Fall River City Council held a meeting. The Fall River City Council violated the open meeting law at this meeting because of the following:

On the upper portion of the City Council meeting agenda, it stated "Due to the COVID-19 Essential Services Advisory, these meeting are closed to the public."

The City Council violated the Open Meeting Law section 20 (a) by denying access to the public via its meeting agenda. Governor Baker's March 12th executive order only implies to remote meetings of public bodies. It does not give a public body permission to deny members of the public access to a fully convened City Council meeting in a public building that is open with limited access.

Also, the City Council cherry picked members of the public to allow into the meeting, despite the meeting agenda stating the meeting was closed to the public. I saw on video recording of the City Council 7/14 meeting multiple people who weren't members of the city council, which includes three city clerks staff, multiple department staff, a member of the local media, and two private citizens who were not city employees.

The City Council allow (sic) limited access to the public to its public meetings.

On March 12, 2020, Governor Baker issued an Executive Order Suspending Certain Provisions of the Open Meeting Law, to enable public bodies to carry out their responsibilities while adhering to public health recommendations regarding social distancing.

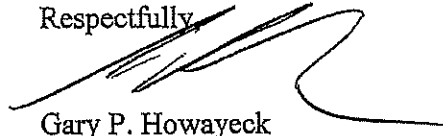
CITY CLERK
FALL RIVER, MA

2020 AUG 12 P 3:52

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Respectfully,



Gary P. Howayeck
Assistant Corporation Counsel

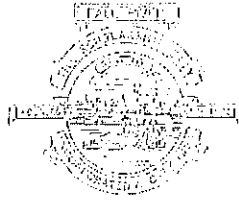
Enc.

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

City of Fall River
Office of the Corporation Counsel

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PAUL E. COOGAN
Mayor



ALAN J. ROUSSEY
Corporation Counsel

GARY P. HOWATUCK
Assistant Corporation Counsel

August 18, 2020

Collin Dias
560 Ray St.
Fall River, MA 02720

RE: Open Meeting Law Complaint against Fall River City Council
Date of Alleged Violation: July 14, 2020
Modified Response to one aspect of the previous response dated August 12, 2020.

RECEIVED
2020 AUG 19 AM 11:29
CITY CLERK
FALL RIVER, MA

Dear Mr. Dias:

This correspondence is sent *as a supplement* 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, which the City received on July 15, 2020. Your complaint alleges the following:

On 7/14/2020, the Fall River City Council held a meeting. The Fall River City Council violated the open meeting law at this meeting because of the following:

On the upper portion of the City Council meeting agenda, it stated "Due to the COVID-19 Essential Services Advisory, these meeting are closed to the public."

The City Council violated the Open Meeting Law section 20 (a) by denying access to the public via its meeting agenda. Governor Bakers March 12th executive order only implies to remote meetings of public bodies. It does not give a public body permission to deny members of the public access to a fully convened City Council meeting in a public building that is open with limited access.

Also, the City Council cherry picked members of the public to allow into the meeting, despite the meeting agenda stating the meeting was closed to the public. I saw on video recording of the City Council 7/14 meeting multiple people who weren't members of the city council, which includes three city clerks staff, multiple department staff, a **member of the local media**, and two private citizens who were not city employees.

The City Council allow (sic) limited access to the public to its public meetings.

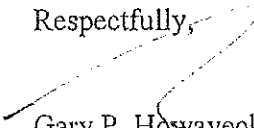
This supplement is directed to your complaint regarding 'a member of the local media' being in attendance. In my August 12, 2020 response I noted that "[t]he local media individual was not invited to the meeting. She should not have attended." I have since learned that this individual was permitted to attend such meeting. The individual in question had previously been

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authorized to enter city hall and is not being considered as part of the public prohibition. Sorry for my initial unfamiliarity of this fact.

As such, this office has determined that no violation has occurred and considers 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

Enc.

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

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

MAURA HEALEY
ATTORNEY GENERAL

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

August 7, 2020

OML 2020 – 100

Gary Howayeck, Esq.
Assistant Corporation Counsel
City of Fall River
One Government Center
Fall River, MA 02722

By e-mail only: ghowayeck@fallriverma.org

RE: Open Meeting Law Complaint

Dear Attorney Howayeck:

This office received a complaint from Collin Dias on July 27, 2020, alleging that the Fall River City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Council on June 26, 2020, and you responded, on behalf of the Council, by letter dated July 15, 2020.¹ The complaint alleges that the Council violated the Open Meeting Law when it met in person on June 23, but did not allow members of the public to physically attend the meeting, instead requiring the public to view the meeting live via remote means.

After reviewing the original complaint, the Board's response to the complaint, the complaint filed with our office requesting further review, and the notice for the June 23 meeting, we find that the Council did not violate the Open Meeting Law.

FACTS

We find the facts as follows. On June 19, the Council posted notice for a meeting to be held on June 23. The notice stated at the top:

MEETINGS SCHEDULED

¹ Hereafter, all dates in this letter refer to the year 2020.

CITY CLERK
FALL RIVER, MA

2020 AUG 12 P 5:06

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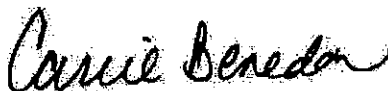
The Executive Order further provides, at Section (2), that "[p]ublic bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location ... is hereby suspended."

The Division of Open Government construes Section (1) of the Executive Order allowing public access through adequate, alternative means to be independent from Section (2), which allows members of the public body to participate remotely. A public body may conduct its proceedings under the relief provided in Section (1) or (2) or both. Here, the Council opted to meet in person while providing the public with adequate, alternative access to the meeting via a live broadcast on television and on the Fall River Government Television website in accordance with Section (1) of the Executive Order. The Council was permitted to avail itself of the relief provided in Section (1) of the Executive Order, even though the Council members opted to meet in person. Therefore, we find that the Council did not violate the Open Meeting Law.

CONCLUSION

For the reasons stated above, we find that the Council did not violate the Open Meeting Law. We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Council. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

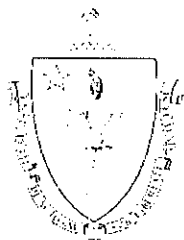
Sincerely,



Carrie Benedon
Assistant Attorney General
Division of Open Government

cc: Collin Dias (Collind00@aol.com)
Fall River City Council (city_council@fallriverma.org)
Fall River City Clerk (city_clerks@fallriverma.org)

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

MAURA HEALEY
ATTORNEY GENERAL

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

August 14, 2020

VIA EMAIL ONLY

Collin Dias
collind00@aol.com

RE: Open Meeting Law Complaint

Dear Mr. Dias:

Thank you for contacting the Attorney General's Office. On August 14, 2020, we received your Open Meeting Law complaint, which was originally filed with the Fall River City Council on or about July 15, 2020. We will review your complaint and will contact you in the event that we require additional information. We will issue a determination following our Office's review. If our determination finds a violation of the Open Meeting Law, we may order any of the remedies provided in G.L. c. 30A, § 23(c). Our office may also decline to review your complaint, if we find that it was untimely filed or that it does not contain allegations within the scope of the Open Meeting Law.

For additional information on the Open Meeting Law and the complaint process, please visit our website at www.mass.gov/ago/openmeeting. Please do not hesitate to contact the Division of Open Government with any further questions.

Sincerely,

KerryAnne Kilcoyne
Assistant Attorney General
Division of Open Government

cc: Gary P. Howayeck, Assistant Corporation Counsel (ghowayeck@fallriverma.org)
Fall River City Council (city_council@fallriverma.org)

CITY CLERK
FALL RIVER, MA

2020 AUG 17 A 9:55

RECEIVED