

City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2021 APR 15 P 4:21

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

MEETINGS SCHEDULED
TUESDAY, APRIL 20, 2021
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

INÊS LEITE
ASSISTANT CITY CLERK

AGENDA

5:15 P.M. CITY COUNCIL COMMITTEE ON ORDINANCES AND LEGISLATION MEETING
5:55 P.M. CITY COUNCIL PUBLIC HEARINGS (OR IMMEDIATELY FOLLOWING THE CITY
COUNCIL COMMITTEE ON ORDINANCES AND LEGISLATION MEETING IF IT RUNS
PAST 5:55 P.M.)

Billiards

1. CAPMRPM, LLC d/b/a Rack 'Em Up Billiards, 7 Cove Street, Swansea, MA for permission to maintain a pocket billiard room with nineteen (19) tables located at 129 Griffin Street on Lot G-27-0004, Assessors Plan.

Curb Removals

2. David Pereira, 430 Alden Street, for the removal of curbing as follows:

| | Existing opening | Curbing to be removed | Curbing to be added | Proposed Opening after alteration |
|------------------|---------------------|--------------------------|------------------------|--------------------------------------|
| 430 Alden Street | 16' | 8' | 0' | 24' |

The petitioner is requesting the removal of 8 feet of curbing to widen the driveway opening to 24 feet to eliminate on-street parking and create easier access for tenants.

3. Manuel Cabral, 29 Mott Street, for the removal of curbing as follows:

| | Existing opening | Curbing to be removed | Curbing to be added | Proposed Opening after alteration |
|----------------|---------------------|--------------------------|------------------------|--------------------------------------|
| 29 Mott Street | 19' | 3' 6" | 0' | 22' 6" |

The petitioner is requesting the removal of 3 feet 6 inches of curbing south of the existing 19 foot driveway opening. This request is to allow for improved access to on-site parking for a vehicle with a boat trailer.

4. Alan Macomber, The Creative Class Apartments, 64 Durfee Street, for the removal of curbing as follows:

| | Total Existing curb opening | Curbing to be removed | Curbing to be replaced | Proposed opening after alteration |
|------------------|--------------------------------|--------------------------|---------------------------|--------------------------------------|
| 64 Durfee Street | 75' | 1' | 0' | 76' |
| | 191' | 0' | 127' | 64' |
| | 65' | 0' | 43' | 22' |
| Total | 331' | 1' | 170' | 162' |

The curb removal will reduce driveway openings a total of 170 feet and remove 1 foot of curb located on three parcels associated with the reconfiguration of parking for The Creative Class

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

Apartments. This request would allow for improved access to the property. The proposed curb removals will be substantially less than the existing condition.

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

1. Citizen Input
Due to the COVID-19 Essential Services Advisory, citizen input can be submitted by email to city_council@fallriverma.org by Tuesday, April 20, 2021 at 3:00 p.m. to be read at the meeting.
2. *Loan order in the amount of \$4,875,000 for Phase 21 Water System Improvements Project (referred 4-6-21)
3. *Loan order in the amount of \$4,911,047 for Phase II repairs to the Samuel Watson Elementary School (referred 3-9-21)
4. *Loan order in the amount of \$1,800,000 for constructing a synthetic turf varsity baseball field at B.M.C. Durfee High School (referred 3-9-21) (*Original loan order updated to include lighting; new proposed amount total: \$2,400,000*)
5. *Discussion of Fiscal Year 2021 Quarter 3 Budget Report (see item #3 below)
6. *Discussion with Executive Director of CDA re: Year Two Annual Action Plan (referred 4-6-21)

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

PRIORITY MATTERS

1. *Mayor requesting confirmation of the reappointment of Ann Rockett-Sperling to the Board of Library Trustees
2. *Mayor re: City Council resolution requesting plan from Administration for anticipated funding from American Rescue Plan
3. *Fiscal Year 2021 Quarter 3 Budget Report

PRIORITY COMMUNICATIONS

4. *KP Law, P.C. – Terms of Engagement for legal services
5. *Council President request to reinstate ShotSpotter and other security cameras
6. *Fall River Retirement Board notification of public hearing re: cost of living adjustment

COMMITTEE REPORTS – None
ORDINANCES

- Second reading and enrollment:
7. *Proposed Ordinance – Traffic, miscellaneous
- Second reading and enrollment, as amended:
8. *Proposed Ordinance – Abutters Lots Program

RESOLUTIONS

9. *Committee on Health and Environmental Affairs convene to discuss contamination of yard waste and recycling

CITATIONS – None

ORDERS – HEARINGS

- Billiards:
10. CAPMRPM, LLC d/b/a Rack 'Em Up Billiards, 7 Cove Street, Swansea, MA to maintain a pocket billiard room with (19) tables at 129 Griffin Street
- Curb removals:
11. David Pereira, 430 Alden Street – total of 24' at 430 Alden Street
 12. Manuel Cabral, 29 Mott Street – total of 22' 6" at 29 Mott Street

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

13. Alan Macomber, The Creative Class Apartments, 64 Durfee Street – total of 162' at 64 Durfee Street

ORDERS – MISCELLANEOUS

14. Police Chief's Report on Licenses:
Taxicab Drivers:
Frederick Zawerucka

2021 Second Hand License Renewals:
TVI, Inc. d/b/a Savers Thrift Store – 109 Mariano Bishop Boulevard
Michael W. West d/b/a A1 Antiques & Used Furniture – 1091 Plymouth Avenue

2021 Pool and Billiards Renewals:
W & L Enterprises d/b/a Rack 'Em Up Billiards – 129 Griffin Street
Robert & John Albin d/b/a Straight Shooters – 288 Plymouth Avenue

COMMUNICATIONS – INVITATIONS – PETITIONS

15. *Claims
16. *City Engineer – Street opening less than 5 years on London Street

17. Drainlayer Licenses:
a. Cryan Landscape Contractors, Inc.
b. Biszko Contracting Corporation
c. Steen Realty & Development Corporation
d. Coastal Water Sewer & Excavation, Inc.
e. Khoury Excavating, Inc.
f. G. Lopes Construction, Inc.
g. K.R. Rezendes, Inc.
h. Bartlett Consolidated, LLC
i. Nathanyl Gomes Construction Corporation
j. Farland Corporation
k. Alexandre's Excavating, Inc.
l. Dixon, Inc.
m. ELJ, Inc.
n. DaSilva Landscaping & Construction, LLC
o. Century Paving & Construction Corporation
p. Thermo-Mechanical Systems, Inc.
q. Foley Excavation, LLC
r. Sandstone Construction, Inc.

- City Council Meeting Minutes:
18. *Committee on Finance – March 9, 2021
19. *Regular City Council Meeting – March 9, 2021
20. *Joint Meeting of the City Council and School Committee – March 9, 2021

BULLETINS – NEWSLETTERS – NOTICES – None


City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: APRIL 20, 2021

COMMITTEE REPORTS

Committee on Economic Development and Tourism recommending:

Referral to the Committee on Ordinances and Legislation

- 6a. Resolution – Discuss outdoor dining/seating for restaurants
- 6b. Resolution – Public Arts Policy

RESOLUTIONS

- 9a. *Committee on Finance meet with Administration to discuss trash collection and proposal for Cart Program

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

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommendation:

- 6c. Proposed Ordinance – Salary Schedule
- 6d. Proposed Ordinance – Traffic, handicapped parking

Committee on Finance recommendations:

- 6e. Loan order – \$4,875,000 for Phase 21 Water System Improvements Project
- 6f. Loan order – \$4,911,047 for Phase II repairs to the Samuel Watson Elementary School
- 6g. Loan order – \$2,400,000 for constructing a synthetic turf varsity baseball field to include lighting at B.M.C. Durfee High School
- 6h. Resolution – CDA Year Two Annual Action Plan

LOAN ORDER
(Water System Improvements)

ORDERED, that \$4,875,000 is appropriated for the purpose of financing construction and design of Phase 21 of the City's Water Project including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; and to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow \$4,875,000 and to issue bonds or notes, therefore, under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer, with the approval of the Mayor, determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer, with the approval of the Mayor, is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust ("Trust") established pursuant to Chapter 29C and in connection therewith to enter into a financing agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection ("Department") with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department, to expend all funds available for the project and to take any other action necessary or convenient to carry out the project.

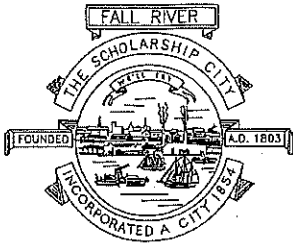
FURTHER ORDERED, any premium received upon the sale of any bonds or notes approved by this vote less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

CITY OF FALL RIVER
IN CITY COUNCIL

APR 06 2021

*Authorized to be published
and referred to the
Committee on Finance*



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

FINANCE *2*

PAUL E. COOGAN
Mayor

March 26, 2021

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

Dear Councilors:

Attached please find the proposed Loan Order for the Phase 21 Water Main Improvements Project. If you have any questions or require further information, please contact Paul J. Ferland, Administrator of Community Utilities.

I respectfully request your approval for this loan order.

Respectfully,

Paul E. Coogan
Mayor

Attachment

CITY OF FALL RIVER
IN CITY COUNCIL

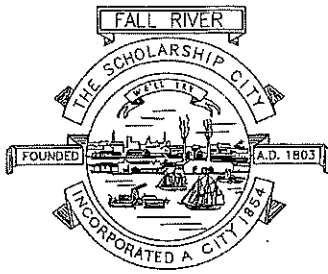
APR 06 2021

a/c + placed on file

CITY CLERK
FALL RIVER, MA

2021 MAR 29 P 2:20

RECEIVED



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Department of Community Utilities
WATER • SEWER



PAUL J. FERLAND
Administrator

March 26, 2021

The Honorable Paul E. Coogan
One Government Center
Fall River, MA 02722

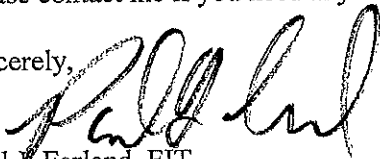
RE: Phase 21
Loan Order

Dear Mayor Coogan:

It is respectfully requested that the attached loan order for the Phase 21 of the Water Systems Improvements Project be submitted to the City Council for review and approval. Approval is needed to comply with the state funding (SRF).

Please contact me if you need any further information.

Sincerely,


Paul J. Ferland, EIT
Adm. Community Utilities

PJF/omc
Attachment

WATER SYSTEMS IMPROVEMENTS PROJECTS
FINANCIAL SUMMARY

PHASE 21
Fund

| Component | Vendor | Date | Function | Funding | Total Cost |
|--------------------------|--------|------|-----------------------------|---------|----------------|
| CM Mains | | 2022 | Construction Management | | \$400,000.00 |
| Main Replacement | | 2022 | water main improvements/LSR | | \$2,500,000.00 |
| Police | | 2022 | construction details | | \$150,000.00 |
| Contingency | | | | | \$125,000.00 |
| PENDING SRF/MCWT Mains | | | | | \$3,175,000.00 |
| Wilson Road Pump Station | | 2022 | | | \$1,100,000.00 |
| Contingency | | | | | \$50,000.00 |
| PENDING SRF/MCWT Mains | | | | | \$1,150,000.00 |
| Design Mains | | 2021 | Design | | \$250,000.00 |
| Paving | | 2022 | Paving | | \$100,000.00 |
| Contingency | | | | | \$200,000.00 |
| SUB TOTAL OPEN MARKET | | | | | \$550,000.00 |
| Total | | | | | \$4,875,000.00 |

notes:
EJC principal reduction:

| FUNDING Authorization | DATE | AMOUNT |
|-----------------------|------|----------------|
| PHASE 21 | | |
| Loan Order | | \$4,875,000.00 |
| Total | | \$4,875,000.00 |

| FUNDING-Loans | DATE | AMOUNT |
|-------------------|------|----------------|
| PHASE 21 | | |
| BAN | | \$550,000.00 |
| MCWT Pump Pending | | \$3,175,000.00 |
| MCWT Main Pending | | \$1,150,000.00 |
| Total | | \$4,875,000.00 |

Estimates of Phase 21 Project Debt: water projects
Loan Order= \$4,875,000

| | |
|----------------------------------|-------------|
| SRF Project Cost | \$4,325,000 |
| Repayment Less 10% EJC reduction | \$3,892,500 |

| | |
|--------------------------|-----------|
| Open Market Project Cost | \$550,000 |
|--------------------------|-----------|

| Phase 21-SRF-water projects | | | |
|-----------------------------|-------------|-----------|-------------|
| | \$3,892,500 | | |
| year | Principal | Interest | Annual P&I |
| 1 | \$194,625 | \$77,850 | \$272,475 |
| 2 | \$194,625 | \$73,958 | \$268,583 |
| 3 | \$194,625 | \$70,065 | \$264,690 |
| 4 | \$194,625 | \$66,173 | \$260,798 |
| 5 | \$194,625 | \$62,280 | \$256,905 |
| 6 | \$194,625 | \$58,388 | \$253,013 |
| 7 | \$194,625 | \$54,495 | \$249,120 |
| 8 | \$194,625 | \$50,603 | \$245,228 |
| 9 | \$194,625 | \$46,710 | \$241,335 |
| 10 | \$194,625 | \$42,818 | \$237,443 |
| 11 | \$194,625 | \$38,925 | \$233,550 |
| 12 | \$194,625 | \$35,033 | \$229,658 |
| 13 | \$194,625 | \$31,140 | \$225,765 |
| 14 | \$194,625 | \$27,248 | \$221,873 |
| 15 | \$194,625 | \$23,355 | \$217,980 |
| 16 | \$194,625 | \$19,463 | \$214,088 |
| 17 | \$194,625 | \$15,570 | \$210,195 |
| 18 | \$194,625 | \$11,678 | \$206,303 |
| 19 | \$194,625 | \$7,785 | \$202,410 |
| 20 | \$194,625 | \$3,893 | \$198,518 |
| TOTALS | \$3,892,500 | \$817,425 | \$4,709,925 |

| Phase 21-Open Market | | |
|----------------------|-----------|------------|
| \$550,000 | | |
| Principal | Interest | Annual P&I |
| \$27,500 | \$16,500 | \$44,000 |
| \$27,500 | \$15,675 | \$43,175 |
| \$27,500 | \$14,850 | \$42,350 |
| \$27,500 | \$14,025 | \$41,525 |
| \$27,500 | \$13,200 | \$40,700 |
| \$27,500 | \$12,375 | \$39,875 |
| \$27,500 | \$11,550 | \$39,050 |
| \$27,500 | \$10,725 | \$38,225 |
| \$27,500 | \$9,900 | \$37,400 |
| \$27,500 | \$9,075 | \$36,575 |
| \$27,500 | \$8,250 | \$35,750 |
| \$27,500 | \$7,425 | \$34,925 |
| \$27,500 | \$6,600 | \$34,100 |
| \$27,500 | \$5,775 | \$33,275 |
| \$27,500 | \$4,950 | \$32,450 |
| \$27,500 | \$4,125 | \$31,625 |
| \$27,500 | \$3,300 | \$30,800 |
| \$27,500 | \$2,475 | \$29,975 |
| \$27,500 | \$1,650 | \$29,150 |
| \$27,500 | \$825 | \$28,325 |
| \$550,000 | \$173,250 | \$723,250 |

| Effect on the Water Rate | Estimate Start of Long Term Debt |
|--------------------------|----------------------------------|
| \$0.10 | 2022 |
| \$0.10 | 2023 |
| \$0.10 | 2024 |
| \$0.10 | 2025 |
| \$0.10 | 2026 |
| \$0.09 | 2027 |
| \$0.09 | 2028 |
| \$0.09 | 2029 |
| \$0.09 | 2030 |
| \$0.09 | 2031 |
| \$0.09 | 2032 |
| \$0.09 | 2033 |
| \$0.08 | 2034 |
| \$0.08 | 2035 |
| \$0.08 | 2036 |
| \$0.08 | 2037 |
| \$0.08 | 2038 |
| \$0.08 | 2039 |
| \$0.07 | 2040 |
| \$0.07 | 2041 |

LOAN ORDER

(WATSON SCHOOL REPAIRS PHASE II)

ORDERED: That the City appropriates the amount of Four Million Nine Hundred Eleven Thousand and Forty-seven Dollars (\$4,911,047) for the purpose of paying costs for accessibility improvements (ramps and entrances, elevator, bathroom, and railing), new lighting system, electrical system upgrade, new acoustical ceiling system, new HVAC system/improvements at the Samuel Watson Elementary School, located at 935 Eastern Avenue in Fall River, including the payment of all other costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program.

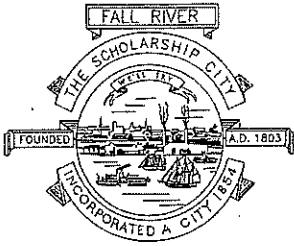
To meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said sum under and pursuant to G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Any premium received by the City upon the sale of any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

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

CITY OF FALL RIVER
IN CITY COUNCIL

MAR 09 2021

*Authorized to be published
and referred to the
Committee on Finance*



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

FINANCE 3

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2021 FEB 18 .P 1:42

CITY CLERK _____
FALL RIVER, MA

February 18, 2021

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

Dear Honorable Council Members:

Chief Operating Officer Kenneth Pacheco is respectfully requesting that the City appropriate the sum of \$4,911,047 for the purpose of Phase II repairs to the Samuel Watson Elementary School. This appropriation is requested in the form of a loan order.

Your approval of appropriation/loan order is respectfully requested.

Best Regards,

Paul E. Coogan
Paul E. Coogan
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

FEB 23 2021

*Objected to and laid on
the table in accordance
with the City Charter
(objection filed by Councilor
Cadine)*

CITY OF FALL RIVER
IN CITY COUNCIL
MAR 09 2021

a/c placed on file



FINANCE 3

FALL RIVER PUBLIC SCHOOLS
Facilities & Operations

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

2021 FEB 18 P 1:42

Kenneth C. Pacheco
Chief Operations Officer

CITY CLERK _____
FALL RIVER, MA

February 23, 2021

The Honorable Paul E. Coogan, Mayor
City of Fall River
1 Government Center
Fall River, MA 02722

Dear Mayor Coogan:

I am attaching herewith, for your information and request through you to the City Council for the approval of a loan order in the amount of \$4,911,047 for the cost of Phase II of the renovation project at the Samuel Watson Elementary School. The Project is in Phase I construction with 70% of the prescribed work completed. Phase II work will begin on authorization of the loan order. I have attached a description of the phase II project along with a cost estimate sheet.

Sincerely,

Kenneth C. Pacheco,
Chief Operations Officer

Samuel Watson Renovation Project

Based upon the proposed scope of the project, the Samuel Watson School Project is broken into two phases. Phase I of the project includes work associated with the MSBA Accelerated Repair Program and life safety, while Phase II of the project focuses on Accessibility improvements, plumbing code requirements, and miscellaneous upgrades. Below is a summary of the two Proposed Phases:

- **Phase I (MSBA ARP Project)**

- Window Replacement
- Roof Replacement and Structural Improvements
- Boiler Replacement
- New Fire Suppression System
- New Fire Alarm System

- **Phase II (City Project)**

- Accessibility Improvements
 - Ramps and Entrances
 - Elevator
 - Bathroom Improvements
 - Railing Improvements
- New Lighting System
- Electrical System Upgrade
- New Acoustical Ceiling System
- New HVAC system/improvements

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2021 FEB 18 P 1:42
CITY CLERK
FALL RIVER, MA

| CSI Code | Description | Phase I Cost | Phase II Cost (with escalation) |
|-----------------------|---|---------------------|------------------------------------|
| Base Bid Total | | \$ 4,390,285 | \$ 4,943,955 |
| CO#1 | Electrical T&M for Wood Stair Wall Demo | \$ 2,321 | |
| | Wood Blocking at Masonry Gap | \$ 26,207 | |
| | Steam Trap Replacement | \$ 11,077 | |
| | Remove and Replace Conc Floor for Sprinkler | \$ 2,991 | |
| CO#2 | Window Abatement T&M | \$ 63,685 | |
| | Boiler Louver | \$ 4,261 | |
| | HVAC Demo of Unit Vents & Floor Units | \$ 14,057 | \$ (14,057) |
| | Fire Rated Doors & Frames | \$ 13,404 | |
| | Door Hardware | \$ 3,899 | |
| | Temp Roofing | \$ 64,459 | |
| | Exit Signs | \$ 20,232 | \$ (20,232) |
| | Steam Trap Insulation Abatement | \$ 3,297 | |
| | Masonry Infill Around Basement Pipes | \$ 6,017 | |
| | Remove Existing Window Shade Brackets | \$ 3,566 | |
| | Clean Misc. Materials in Boiler Room | \$ 2,545 | |
| | Louver Plenum | \$ 1,465 | |
| | Relocate Boiler Gas Line | \$ 1,993 | |
| CO#3 | Electrical Service | \$ 265,799 | \$ (265,799) |
| | Change at Back Door/ Bridge | \$ 1,959 | |
| | Large Masonry Lintels | \$ 26,220 | |
| | Credit Hot Water Fuel | \$ (5,140) | |
| | Replacement of Existing Window Frame | \$ 13,138 | |
| | Remove Gas & Oil Piping in Boiler Room | \$ 2,047 | |
| | 1st Floor HVAC Demo for Walls | \$ 12,756 | |
| | Basement Insulation Abatement | \$ 2,090 | |
| | Carpentry at Unit Vents | \$ 19,643 | |
| | Credit Plaster Scope | \$ (297,300) | |
| CO#4 | Additional Gas Pipe Demo in Boiler Room | \$ 1,026 | |
| | Masonry Overtime 10/9-10/17 | \$ 13,219 | |
| | Existing Boiler Electrical and Controls | \$ 7,310 | |
| | Additional Masonry at 1st and 2nd Floor Lintels | \$ 16,510 | |
| CO#5 | Replace Remaining Steam Traps | \$ 22,638 | |
| | Emergency Boiler Switches | \$ 3,305 | |
| | JJC and Masonry OT 10/24-10/31 | \$ 26,315 | |
| CO#6 | Existing Boiler Trap Height | \$ 1,157 | |
| | Upper Masonry Stone Band Joints | \$ 6,837 | |

| CSI Code | Description | Phase I Cost | Phase II Cost (with escalation) |
|--|--|---------------------|------------------------------------|
| | Electrical Study | \$ 4,935 | |
| | JJC and Masonry OT 11/7-12/5 | \$ 53,462 | |
| | Electrical T&M for Generator | \$ 2,089 | |
| CO#7 | Steam Pipe Insulation | \$ 918 | |
| | Masonry Unit Price Credit | \$ (6,140) | |
| RFP#7 | **Approx.** Demo heaters in basement shafts | \$ 50,000 | |
| | **Approx.** Roof | \$ 150,000 | |
| Change Order Total | | \$ 640,269 | \$ (300,088) |
| Total Contract Plus Change Orders | | \$ 5,030,554 | \$ 4,643,867 |
| | General Conditions (10%) | | \$ 464,387 |
| | General Requirements (3%) | | \$ 139,316 |
| | Insurance & Bond (2%) | | \$ 92,877 |
| | Building Permit (1%) | | \$ 46,439 |
| | Contractor's GC Fee (5%) | | \$ 232,193 |
| | Design/ Estimating Contingency (5%) | | \$ 232,193 |
| Total with Phase 2 Contingency | | | \$ 5,851,272 |
| Current Contracts | | | |
| | exPERTcon Current Contract | \$ 411,825 | |
| | Tighe & Bond (Through Amendment 5) | \$ 728,170 | |
| Subtotal | | \$ 1,139,995 | |
| Expected Contracts (add subtotal) | | | |
| | exPERTcon Phase 2 Contract | \$ 175,000 | |
| | Tighe & Bond Phase 2 Bidding and Construction (includes rate adjustments through 2021) | \$ 146,500 | |
| | Phase I/II Drawing/Scope Amendment - Estimated | \$ 65,000 | |
| Subtotal | | \$ 386,500 | |
| Total with Design/OPM fees | | \$ 6,557,049 | \$ 5,851,272 |
| <u>Move to Phase 1</u> | | | |
| RFP#9 | Main Entrance Steps, Ramp, Sitework | \$ 304,834 | \$ (304,834) |
| RFP#10 | Interior Handrails | \$ 114,630 | \$ (114,630) |
| RFP#11 | Basement Bathrooms | \$ 299,516 | \$ (299,516) |
| Subtotal | | \$ 718,980 | \$ (718,980) |
| Total After Moving Scope to Phase 1 | | \$ 7,276,029 | \$ 5,132,293 |
| Project Budget | | \$ 7,426,775 | \$ 5,000,000 |
| Remaining Budget | | \$ 150,746 | \$ (132,293) |



FINANCE 3

RECEIVED

FALL RIVER PUBLIC SCHOOLS

Facilities & Operations

2021 FEB 25 P 4:00

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

Kenneth C. Pacheco
Chief Operations Officer MA

February 25, 2021

The Honorable Cliff Ponte
President, City Council
City of Fall River
1 Government Center
Fall River, MA 02722

Dear President Ponte:

I am sending you this letter regarding the actions of the City Council on Tuesday February 23, 2021 meeting. I have attached documents which you have already received and included a waiver request and an approval notification on the ADA requirements at the Watson Elementary School. The much needed repairs at the 116 year old building are transforming this structure into a modern 2 unit educational structure with all the amenities of our other schools within the district. We are currently at approximately 75% completion for phase 1 of the renovations at Watson which is the MSBA Accelerated Repair Program portion. The ADA compliant part of construction is Phase 2, which was presented to the Council as an agenda item on February 23, 2021 to be advertised and referred to the Council's Committee on Finance scheduled for March 9, 2021. I am hopeful that on March 9th the Council will move this loan order request for the Watson Phase 2 project to the Committee on Finance meeting scheduled for March 23, 2021. I cannot stress enough how important this request is to the school department and especially to the Watson School Community.

The attached documents contain the waiver approval notification which has a completion date of November 30, 2021 for all ADA compliance articles. I am stressing the importance of having most if not all items completed on or before the date indicated in the waiver document.

In closing the District has made many improvements across most of our facilities in the last 4 and half years using school department funds, CPA grants and insurance proceeds to make necessary repairs, upgrade physical plants and improve technology infrastructure. The School Committee has approved the use of School funds over this time period totaling \$1,656,322, Insurance proceeds \$5,485,758 and CPA grants \$470,000 for a total of \$7,612,080.

I am looking forward to presenting the two loan orders to the Council and I will provide any additional information needed to you in advance of the meeting.

Sincerely,

Kenneth C. Pacheco
Chief Operations Officer

emailed Councilors
copy to
2/25/21



**CITY OF FALL RIVER
MASSACHUSETTS**
Department of Facilities Maintenance

JASIEL F. CORREIA II
Mayor

CHRIS GALLAGHER
Director

November 20, 2018

Mr. Walter White, Chairman
Massachusetts Architectural Access Board
One Ashburton Place, Room 310
Boston, MA 02108

Re: Request for Variance – Samuel Watson Elementary School

Dear Chairman White:

The City of Fall River and the Fall River Public Schools, as the owner of the Samuel Watson School building, have reviewed the proposed Application for Variance that is intended to be submitted to the Massachusetts Architectural Access Board for the Samuel Watson School in November 2018. The City of Fall River and the Fall River Public Schools takes no exception to the Application for Variance and grants permission to Tighe & Bond, Inc, the engineer on the proposed project, to submit the Application for Variance to the Architectural Access Board.

Respectfully,

Chris Gallagher, Director
City of Fall River, Facilities Maintenance



FINANCE **3**

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

JAY ASH
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts
Division of Professional Licensure
Office of Public Safety and Inspections
Architectural Access Board**

1 Ashburton Place, Rm 1310 • Boston • Massachusetts • 02108
V: 617-727-0660 • www.mass.gov/aab • Fax: 617-826-2511

JOHN C. CHAPMAN
UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

THOMAS HOPKINS
EXECUTIVE DIRECTOR

TO: Local Building Inspector
Local Disability Commission
Independent Living Center

Docket Number **V18 375**

FROM: ARCHITECTURAL ACCESS BOARD

RE: Samuel Watson Elementary School
935 Eastern Avenue
Fall River

Date: **12/17/2018**

Enclosed please find the following material regarding the above location:

___ Application for Variance

☒ Decision of the Board

___ Notice of Hearing

___ Correspondence

___ Letter of Meeting

The purpose of this memo is to advise you of action taken or to be taken by this Board. If you have any information which may assist the Board in reaching a decision in this case, you may call this office or you may submit comments in writing.

SERVICE NOTICE

I, Joseph Viamari, as Engineer
(name) (relationship to the applicant)
 for the Petitioner Kenneth Pacheco submit a
(name of the applicant)
 variance application filed with the Massachusetts Architectural Access Board on 11/6/18
(date variance submitted)

HEREBY CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT I SERVED OR CAUSED TO BE SERVED, A COPY OF THIS VARIANCE APPLICATION ON THE FOLLOWING PERSON(S) IN THE FOLLOWING MANNER:

| <u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u> | | <u>METHOD OF SERVICE</u> | <u>DATE OF SERVICE</u> |
|---|---|--------------------------|------------------------|
| 1 Building Department | Fall River Building Department One Government Center Room 524 Fall River, MA 02722 | Mail | |
| 2 Local Commission on Disability (If Applicable) | Disability Commission One Government Center Fall River, MA 02722 | Mail | |
| 3 Independent Living Center | Southeast Center for Independent Living 66 Troy Street Suite #3 Fall River, MA 02720 | Mail | |

AND CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS TO THE BEST OF MY KNOWLEDGE ARE TRUE AND ACCURATE.

J P V
 Signature: Appellant or Petitioner

On the 6th Day of November 20 18
 PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

Joseph P. Viamari
 (Type or Print the Name of the Appellant)

Patrice A. Peem
 NOTARY PUBLIC

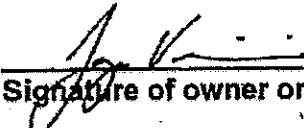
8-16-2024
 MY COMMISSION EXPIRES

17. State the phase of design or construction of the facility as of the date of this application:
Schematic Phase

18. State the name and address of the architectural or engineering firm, including the name of the individual architect or engineer responsible for preparing drawings of the facility:
Tighe & Bond, Inc.
53 Southampton Road
Westfield, MA 01085
Joseph P. Viamari - Senior Project Manager
E-mail: jpviamari@tighebond.com
Telephone: (413) 572-3281

19. State the name and address of the building inspector responsible for overseeing this project:
Glen Hathaway
E-mail: buildings@fallriverma.org
Telephone: (508) 324-2500

Date: 11/6/18


 Signature of owner or authorized agent (required)

PLEASE PRINT:

JAY VIAMARI
 Name

TIGHE+BOND
 Organization (If Applicable)

53 SOUTHAMPTON RD.
 Address

Address 2 (optional)

| | | |
|------------------|-----------|--------------|
| <u>WESTFIELD</u> | <u>MA</u> | <u>01085</u> |
| City/Town | State | Zip Code |

jpviamari@tighebond.com
 E-mail

413-572-3281
 Telephone

9. Is the building historically significant? yes X no. If no, go to number 10.

9a. If yes, check one of the following and indicate date of listing:

- ☐ National Historic Landmark
☐ Listed individually on the National Register of Historic Places
☐ Located in registered historic district
☐ Listed in the State Register of Historic Places
☐ Eligible for listing

9b. If you checked any of the above and your variance request is based upon the historical significance of the building, you *must* provide a letter of determination from the Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, MA 02125.

10. For each variance requested, state in detail the reasons why compliance with the Board's regulations is impracticable (*use additional sheets if necessary*), including but not limited to: the necessary cost of the work required to achieve compliance with the regulations (i.e. written cost estimates); and plans justifying the cost of compliance.

See attached

11. Which section of the Board's Jurisdiction (*see Section 3 of the Board's Regulations*) has been triggered?

3.2 3.3.1a 3.3.1b 3.3.2 X 3.4 Other (List Section)

12. List **all** building permits that have been applied for within the past 36 months, include the issue date and the listed value of the work performed:

| <u>Permit #</u> | <u>Date of Issuance</u> | <u>Value of Work</u> |
|-----------------|-------------------------|----------------------|
| | | |
| | | |
| | | |

(Use additional sheets if necessary.)

13. List the anticipated construction cost for any work not yet permitted:

MSBA Project Costs (not including work associated with 521 CMR) - \$6,050,000

Work associated with 521 CMR - \$2,650,000

14. Has a certificate of occupancy been issued for the facility? Yes No X

If yes, state the date it was issued:

15. To the best of your knowledge, has a complaint ever been filed on this building relative to accessibility? Yes No X

a. If so, list the AAB docket number of the complaint

16. For existing buildings, state the actual assessed valuation of the **BUILDING ONLY**, as recorded in the **Assessor's Office** of the municipality in which the building is located:

\$853,800.

Is the assessment at 100%?

If not, what is the town's current assessment ratio?

SECTION NUMBER

LOCATION OR DESCRIPTION

See Attached

| | |
|--|--|
| | |
| | |
| | |
| | |

If requesting relief to 5 or more sections, use the Large Variance Tally Sheet available on the "Forms and Applications" page of the Board's website (<http://www.mass.gov/aab>)

In accordance with M.G.L., c.22, § 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the building/facility described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

1. State the name and address of the owner of the building/facility:

City of Fall River, Fall River Public Schools
417 Rock Street
Fall River, MA 02720
 E-mail: kenpacheco@fallriverschools.org
 Telephone: (508) 675-8420 Ext 53704

2. State the name and address of the building/facility:

935 Eastern Ave
Fall River, MA 02723

3. Describe the facility (i.e. number of floors, type of functions, use, etc.):

The Samuel Watson Elementary School consists of an approximately 45,000 square foot building located on a parcel of approximately 1.2 acres. The school building is a multi-story brick and cast stone masonry building constructed in 1905. The school currently serves approximately 300 students from kindergarten through 5th grade. The sub-basement level of the building consists of mechanical and electrical equipment for building heating and hot water. The basement level consists of the gymnasium, cafeteria, bathrooms, storage areas, and custodial offices. The 1st through 3rd levels contain the core classroom space, as well as the school office, teachers' lounges, and administrative offices.

4. Total square footage of the building: 45,332 square feet Per floor: _____
 a. total square footage of tenant space (if applicable): _____

5. Check the work performed or to be performed:

☐ New Construction ☐ Addition
☒ Reconstruction/Remodeling/Alteration ☐ Change of Use

6. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary):

The primary scope of work for this project is window, exterior door, boiler, and roof replacement through the Massachusetts School Building Authority Accelerated Repair Program. Accessibility improvements will be required due to the project's construction cost exceeding 30% of the building's assessed value. Accessibility upgrades are proposed to commence in 2020, contingent upon this variance request.

7. Are you seeking temporary relief? Yes X No _____

a. If temporary relief is sought, what is the proposed deadline? Commencement of construction activities, of the items outlined in this variance request, is anticipated to begin by November 2020 and to be complete by November 2021.

8. State each section of the Architectural Access Board's Regulations for which a variance is being requested. (Please note the Board will NOT consider requests for relief from Section 3, please list the specific items triggered by Section 3 where relief is being sought):

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

JAY ASH
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT



Commonwealth of Massachusetts
Division of Professional Licensure
Office of Public Safety and Inspections
Architectural Access Board

1 Ashburton Place, Rm 1310 • Boston • Massachusetts • 02108
V: 617-727-0660 • www.mass.gov/aab • Fax: 617-727-0665

JOHN C. CHAPMAN
UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

THOMAS HOPKINS
EXECUTIVE DIRECTOR

APPLICATION FOR VARIANCE

Docket: _____
(Staff Only)

INSTRUCTIONS:

- 1) Answer all questions on this application to the best of your ability.
- 2) Attach whatever documents you feel are necessary to meet the standard of impracticability laid out in 521 CMR 4.1. You must show that either:
 - a. Compliance is technologically infeasible, or
 - b. Compliance would result in an excessive and unreasonable cost without any substantial benefit for persons with disabilities.
- 3) Please ensure that attached documents are no larger than 11" x 17". Common attachments include but do not require documents such as:
 - a. Floor plans,
 - b. Site plans which include the location of buildings and the meets and bounds of the property,
 - c. Cross-sectional drawings,
 - d. Color photographs,
 - e. Test drawings,
 - f. Cost estimates,
 - g. Copies of the Property Card, and/or
 - h. Narratives, including accommodation plans.
- 4) Sign the Application.
- 5) If the applicant is not the owner of the building or his or her agent, include a letter from the owner granting permission for you to apply for variance.
- 6) Burn copies of the application and all attached documents onto a Compact Disc (CD or DVD only, no flash drives will be accepted).
- 7) Provide full copies of the application and all attached documentation, on both Paper and CD/DVD to the:
 - a. Local Building Department,
 - b. Local Commission on Disability (if applicable in the town where the project is located), and
 - c. The Independent Living Center (ILC) for your area.
(Your ILC can be found at: <http://www.masilc.org/findacenter>.)
- 8) Provide to the Board:
 - a. A completed copy of the application and all attached documents,
 - b. A copy of the CD/DVD,
 - c. The completed, signed, and notarized Service Notice (included as Page 5 of this application).
 - d. A check or money order in the amount of \$50 dollars, made out to the Commonwealth of Massachusetts.

M-1215-15

November 7, 2018

Mr. Walter White, Chairman
Massachusetts Architectural Access Board
One Ashburton Place, Room 310
Boston, MA 02108

Re: Request for Variances – Samuel Watson Elementary School

Dear Chairman White:

The City of Fall River is currently considering potential renovations to the Samuel Watson Elementary School building as part of the Massachusetts School Building Authority's Accelerated Repair Program. The scope of the proposed work primarily consists of building envelope and energy efficiency upgrades to the school, including window, door, roof, and boiler replacement. The City has recently completed a Schematic Design evaluation of the proposed project and the anticipated cost of the renovations will be greater than 30% of the current assessed value of the building. As outlined in 521 CMR, renovations costing greater than 30% of the full and fair cash value of the building, require that the entire building be brought into compliance with 521 CMR.

The Accelerated Repair Program funding reimbursement does not cover any portion of the required accessibility upgrades once the anticipated scope of work exceeds 30% of the full and fair cash value of the building. Due to City funding restrictions, the exclusion of the required accessibility upgrades from the MSBA funding makes the proposed project infeasible. Therefore, the City of Fall River is requesting temporary relief from 521 CMR requirements, as outlined below, in order to complete the building upgrade project in phases to comply with funding requirements. It is the City's intention to complete full design of the school renovation project, including all required accessibility upgrades, and then complete construction in two phases. Phase I will include the window, door, roof, and boiler replacements partially funded by MSBA, and Phase II will include all of the accessibility upgrades required to bring the school into compliance with 521 CMR. These upgrades include construction of a new accessible entrance and elevator, installation of new handrails, door hardware, drinking fountains, signage, and wall-mounted fixtures; and the renovation of the building's bathrooms. As detailed in the variance application, the City of Fall River is requesting temporary relief for a period of 2-years (November 2020) to commence construction of the Phase II accessibility upgrades. It is anticipated that construction of the scope of work required to bring the School building into compliance with 521 CMR can be completed within a 1-year period, after the commencement of construction.

The following conditions have been identified which do not currently meet the requirements set forth in 521 CMR, and for which the City is seeking temporary relief:

- Variance Request #1 – Elevator
- Variance Request #2 – Accessible Entrances
- Variance Request #3 – Handrails
- Variance Request #4 – Door Hardware
- Variance Request #5 – Public Toilet Room Water Closets and Sinks
- Variance Request #6 – Drinking Fountains
- Variance Request #7 – Signage

Tighe&Bond

- Variance Request #8 – Accessible Tables and Seating
- Variance Request #9 – Wall Mounted Fixtures

Attached you will find the Application for Variance Form. We will be happy to provide any additional information or materials that the Board may require. Thank you for your attention to this matter.

Very truly yours,

TIGHE & BOND, INC.



Jay P. Wiamari
Senior Project Manager

J:\M\1215\08 Fall River\AAB Compliance\Cover Letter.doc

LOAN ORDER

(Durfee High School Baseball Field)

ORDERED: That the City appropriates the amount of One Million Eight Hundred Thousand Dollars (\$1,800,000) to be used for the construction of a synthetic turf varsity baseball field, including the payment of all cost incidental or related thereto.

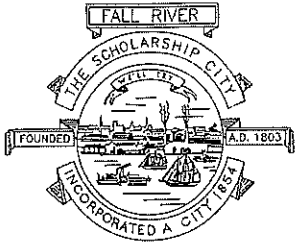
To meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said sum under and pursuant to G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Any premium received by the City upon the sale of any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

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

CITY OF FALL RIVER
IN CITY COUNCIL

MAR 09 2021

*Authorized to be published
and referred to the
Committee on Finance,
7 days, 2 days
(Dionne + Lee)*



City of Fall River
Massachusetts
Office of the Mayor

FINANCE **4**

RECEIVED

2021 FEB 18 P 1:42

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

February 18, 2021

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

Dear Honorable Council Members:

Chief Operating Officer Kenneth Pacheco is respectfully requesting that the City appropriate the sum of \$1,800,000 for the purpose construction of a synthetic turf varsity baseball field at Durfee High School. This appropriation is requested in the form of a loan order.

Your approval of appropriation/loan order is respectfully requested.

Best Regards,

Paul E. Coogan

Paul E. Coogan
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL
FEB 23 2021

*Objected to and laid on
the table in accordance
with the City Charter
(Objections filed by Councilors
Cadine and Dione)*

CITY OF FALL RIVER
IN CITY COUNCIL
MAR 09 2021

Accepted on file



FINANCE **4**

FALL RIVER PUBLIC SCHOOLS
Facilities & Operations

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

Kenneth C. Pacheco
Chief Operations Officer

February 23, 2021

The Honorable Paul E. Coogan, Mayor
City of Fall River
1 Government Center
Fall River, MA 02722

RECEIVED
2021 FEB 18 P 1:43
CITY CLERK
FALL RIVER, MA

Dear Mayor Coogan:

I am attaching herewith, for your information and request through you to the City Council for the approval of a loan order in the amount of \$1,800,000 for the construction of a synthetic turf varsity baseball field at Durfee High School. I have attached a cost estimate sheet.

Sincerely,

Kenneth C. Pacheco,
Chief Operations Officer



FINANCE **4**
RECEIVED

2021 FEB 18 P 1:43

CITY CLERK
FALL RIVER, MA

Opinion of Probable Cost - Synthetic Turf Baseball

| Item | Quantity | Unit | Unit Price | Total |
|--|----------|------|--------------|--------------------|
| Site Preparation/Demolition | | | | |
| Strip Top Soil (assume 6") | 2,400 | CY | \$6 | \$14,400 |
| Additional Cut and Fill | 6,700 | CY | \$12 | \$80,400 |
| Erosion Control and Temporary Facilities | 660 | LF | \$3 | \$2,000 |
| Subtotal | | | | \$96,800 |
| Synthetic Turf Varisty Baseball Field | | | | |
| New Dugouts | 2 | LS | \$40,000 | \$80,000 |
| New Backstop | 1 | LS | \$60,000.00 | \$60,000 |
| Fine Grading of Synthetic Turf Field | 1 | LS | \$25,000 | \$25,000 |
| PCC Field Curb | 1,580 | LF | \$40 | \$63,200 |
| Synthetic Turf | 124,000 | SF | \$4.25 | \$527,000 |
| Shock Pad | 124,000 | SF | \$1.00 | \$124,000 |
| New Mound | 1 | LS | \$12,000.00 | \$12,000 |
| 12' Black Vinyl Chainlink Fence | 40 | LF | \$100.00 | \$4,000 |
| 8' Black Vinyl Chain Link Fence | 80 | LF | \$75.00 | \$6,000 |
| 6' Black Vinyl Chain Link Fence | 1,150 | LF | \$60.00 | \$69,000 |
| Field Barrier Netting | 200 | LF | \$140.00 | \$28,000 |
| Base and Finishing Stone Subbase | 3,100 | CY | \$50 | \$155,000 |
| 12" HDPE Pipe and Stone Drainage Trench | 1,350 | LF | \$36 | \$48,600 |
| Manhole | 1 | LS | \$5,000 | \$5,000 |
| New Batting Cage | 1 | LS | \$40,000 | \$40,000 |
| Bases foul Poles, Bull Pens, etc. | 1 | LS | \$22,000 | \$22,000 |
| Scoreboard | 1 | LS | \$24,000 | \$24,000 |
| Safety Netting | 266 | LF | \$140 | \$37,300 |
| Utilities: Water and Electric | 1 | LS | \$7,500 | \$7,500 |
| Synthetic Turf Testing | 1 | LS | \$12,000 | \$12,000 |
| Subtotal | | | | \$1,349,600 |
| Subtotal | | | | \$1,446,400 |
| SUBTOTAL OF SITE CONSTRUCTION ITEMS | | | TOTAL | \$1,446,400 |
| ENGINEERING AND DESIGN | | | | \$94,016 |
| GENERAL CONDITIONS, BOND, CONTRACTOR OH&P | | | | \$144,640 |
| CONTINGENCY | | | | \$144,640 |
| TOTAL | | | | \$1,830,000 |



PAUL E. COOGAN
Mayor

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

FINANCE 4

RECEIVED

2021 MAR 17 A 11:23

CITY CLERK
FALL RIVER, MA

March 17, 2021

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

Dear Honorable Council Members:

Chief Operating Officer Kenneth Pacheco is respectfully requesting that the City appropriate the sum of \$2,400,000 for the purpose construction of a synthetic turf varsity baseball field at Durfee High School. The increase is due to the Councilor's request to include lighting at the varsity baseball field. This appropriation is requested in the form of a loan order.

Your approval of appropriation/loan order is respectfully requested.

Best Regards,

Paul E. Coogan
Mayor

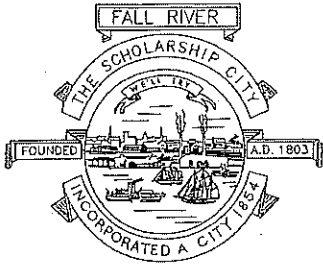
LOAN ORDER

(Durfee High School Baseball Field)

ORDERED: That the City appropriates the amount of Two Million Four Hundred Thousand Dollars (\$2,400,000) to be used for the construction of a synthetic turf and lighting at the varsity baseball field, including the payment of all cost incidental or related thereto.

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

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



**City of Fall River
Massachusetts**
Community Development Agency

FINANCE 6

buyfallrivernow

PAUL E. COOGAN
Mayor

MICHAEL P. DION
Executive Director / CFO

March 31, 2021

Council President Cliff Ponte & City Councilors
One Government Center
Fall River, MA 02722

Dear President Ponte & City Councilors:

I am pleased to forward to you the proposed resolution authorizing submission of the City of Fall River Year Two Annual Action Plan with the U.S. Department of Housing and Urban Development (HUD) for continued funding of the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME Investment Partnerships (HOME) Programs. The Action Plan details activities to be undertaken during the July 1, 2021 - June 30, 2022 program year.

The resolution and the Year Two Annual Action Plan are being submitted to you in order to provide review time prior to City Council consideration of the resolution at the April 20th Council meeting. The Plan was submitted for your review under separate cover.

The proposed program of activities, which was advertised on February 26th for public comment, was developed on the basis of testimony and proposals received at public hearings held January 6th and March 10th.

The timetable provides for submission of the Year Two Annual Action Plan no later than **May 5, 2021**.

Should you or any other Councilor have any questions or comments prior to April 20th, I urge you to immediately contact Michael P. Dion, Executive Director/Chief Financial Officer of the Fall River Community Development Agency. Mr. Dion will be present at the City Council meeting to respond to any questions.

Sincerely,

Paul E. Coogan
Mayor

Enclosure

CITY OF FALL RIVER
IN CITY COUNCIL

APR 06 2021

*Referred to the
Committee on Finance*

RECEIVED
2021 MAR 31 P 3:11
CITY CLERK
FALL RIVER, MA

Mayor Paul E. Coogan

**RESOLUTION OF LOCAL GOVERNING BODY AUTHORIZING SUBMISSION
OF THE CITY OF FALL RIVER YEAR TWO ANNUAL ACTION PLAN WITH
THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the City of Fall River Consolidated Plan integrates and has simplified the planning, application and reporting requirements for the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME Investment Partnerships (HOME) Programs; and

WHEREAS, the overall goal of the Consolidated Plan programs and activities is the development of viable urban communities by providing decent housing and a suitable environment and expanding economic opportunities, principally for low and moderate-income persons; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has notified the City of Fall River that entitlements are \$2,939,042.00 under CDBG, \$249,879.00 under ESG and \$1,052,327.00 under HOME; and

WHEREAS, the Year Two Annual Action Plan provides the necessary assurances and/or certificates of compliance with applicable Federal regulations and requirements of the CDBG, ESG and HOME Programs; and

WHEREAS, Mayor Paul E. Coogan must be authorized to submit the Year Two Annual Action Plan to the Secretary of the U.S. Department of Housing and Urban Development and to accept and/or execute the Grant Agreements.

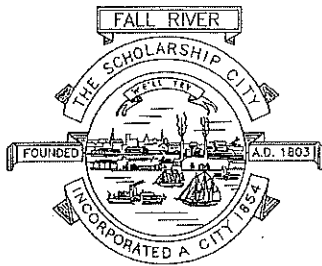
NOW, THEREFORE, BE IT RESOLVED BY THE FALL RIVER CITY COUNCIL that:

Mayor Paul E. Coogan is authorized to submit the Year Two Annual Action Plan and applications for CDBG, ESG and HOME entitlement funds and to accept and/or execute the contract(s) with the United States of America and to do all things necessary to carry out the Programs, including the execution of contracts and the submission of such reports, certificates, and other materials as the U.S. Department of Housing and Urban Development shall require.

CITY OF FALL RIVER
IN CITY COUNCIL

APR 06, 2021

*Referred to the
Committee on Finance*



City of Fall River
Massachusetts
Community Development Agency



buyfallriver

PAUL E. COOGAN
Mayor

MICHAEL P. DION
Executive Director / CFO

March 25, 2021

RECEIVED

Council President Cliff Ponte & City Councilors
One Government Center
Fall River, MA 02722

2021 MAR 31 A 11:56

CITY CLERK
FALL RIVER, MA

Dear President Ponte & City Councilors:

I am pleased to forward to you the City of Fall River Year Two Annual Action Plan which I propose to file with the U.S. Department of Housing and Urban Development (HUD) for continued funding of the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME Investment Partnerships (HOME) Programs. The Action Plan details activities to be undertaken during the July 1, 2021- June 30, 2022 program year.

Under a separate cover on March 30, 2021, I shall submit a proposed resolution for your consideration at your April 20th meeting. The resolution would authorize submission of the City of Fall River Year Two Annual Action Plan with the U.S. Department of Housing and Urban Development. The Year Two Annual Action Plan is being submitted to you now in order to provide adequate review time prior to City Council consideration of the resolution at the April 20th meeting.

The proposed program of activities, which was advertised on February 26th for public comment, was developed on the basis of testimony and proposals received at public hearings held January 6th and March 10th.

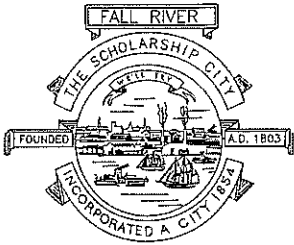
The timetable provides for submission of the Year Two Annual Action Plan no later than May 5, 2021.

Should you or any other Councilor have questions or comments prior to April 20th, I urge you to immediately contact Michael P. Dion, Executive Director/ CFO of the Fall River Community Development Agency. Mr. Dion will also be present at the City Council meeting to respond to any questions.

Sincerely,

Paul E. Coogan
Mayor

Enclosure



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

PAUL E. COOGAN

Mayor

April 14, 2021

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 reappointment:

Name: Ann Rockett-Sperling

Address: 147 Read Street
Fall River, MA 02720

To: Library Trustees

Salary: Non-paid

Expiration Date: April 17, 2023

Sincerely,

Paul E. Coogan
Mayor

CITY CLERK
FALL RIVER, MA

2021 APR 14 A 11:01

RECEIVED

Mayor

From: Liane Verville <lverville@sailsinc.org>
Sent: Wednesday, April 14, 2021 9:51 AM
To: Mayor
Cc: Ann Rockett-Sperling
Subject: [EXTERNAL] Library Trustee

Hello Mayor Coogan,

On behalf of Library Board of Trustee member Ann Rockett-Sperling whose term will be expiring April 17, 2021, I respectfully request that she be reappointed to the Library Board of Trustees.

The Library Board of Trustees meet once a month and are a non-paying board.

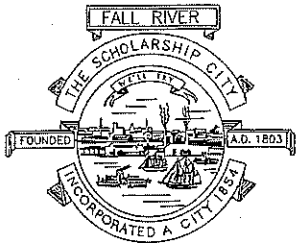
Sincerely,

--

Liane Verville
Library Administrator
Fall River Public Library
508-324-2700 ext. 112

Find us on Facebook!*
<http://www.facebook.com/FallRiverLibrary>

"The most important asset of any library goes home at night--the library staff."
--Timothy Healy



City of Fall River
Massachusetts
Office of the Mayor

2

PAUL E. COOGAN
Mayor

April 7, 2021

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

Dear Council President and Members of the Honorable Council:

On March 23, 2021, the City Council adopted a resolution requesting the Administration present to the City Council Committee on Finance a presentation that outlines a suggested plan for the anticipated approximately 70 million dollars in funding from the federal government's American Rescue Plan. At this time, the Administration is awaiting guidance from the United States Department of the Treasury that is charged with the implementation of this funding before a list of priorities can be drafted.

As soon as the City of Fall River is made aware of the guidelines for spending we will begin crafting a proposal for the utilization of this funding. Thank you.

Best Regards,

Paul E. Coogan
Mayor

PC/amos

Cc: Mary Sahady

CITY CLERK
FALL RIVER, MA

2021 APR -1 P 2:22

RECEIVED

City of Fall River, In City Council

(Council President Ponte)

WHEREAS, the City of Fall River is anticipated to receive over 70 million dollars from the 1.9 Trillion Dollar Stimulus Plan, and

WHEREAS, this is considered one-time money and there will likely be restrictions on how the money can be allocated, now therefore

BE IT RESOLVED, that the Administration present to the City Council Committee on Finance a presentation that outlines a suggested plan, and

BE IT FURTHER RESOLVED, that the Administration's plan include a list of priorities from the highest to the lowest priority.

In City Council, March 23, 2021
Adopted.

A true copy. Attest:

Alison M. Bouchard

City Clerk



The Leader in Public Sector Law

101 Arch Street, Boston, MA 02110
Tel: 617.556.0007 | Fax: 617.654.1735
www.k-plaw.com

April 12, 2021

Lauren F. Goldberg
lgoldberg@k-plaw.com

BY ELECTRONIC MAIL ONLY (City_Council@fallriverma.org)

Hon. Cliff Ponte and
Members of the City Council
Fall River Government Center
1 Government Center
Fall River, MA 02722

RECEIVED
2021 APR 12 A 9:30
CITY OF FALL RIVER, MA

Re: Terms of Engagement – Legal Services

Dear Members of the City Council:

As President of KP Law, P.C., thank you for appointing the firm to assist the Fall River City Council (“Council”) with legal matters as they are assigned to the Firm. This document sets forth our understanding of the work to be handled by the Firm, and our fees and expenses.

The firm’s attorneys provide a wide spectrum of legal services to the most expansive municipal client base in the Commonwealth. We provide city solicitor and town counsel services to approximately one-third of the municipalities throughout the state, and serve as labor or special counsel, including assisting with multiple property purchases and related matters. We are confident that our relevant experience representing cities and towns with such real estate transactions makes us uniquely qualified to assist the Council. Information about all the firm’s attorneys and their areas of expertise can be reviewed on our website at <http://www.k-plaw.com/attorneys/>.

As previously indicated, in our proposal we indicated that the legal services sought by the City Council would be provided at a single, blended hourly rate of \$275.00 per hour. We have also committed to attending City Council and Standing Committee meetings, as requested, whether in person or by remote participation. While various attorneys at the firm may be involved in undertaking the legal work needed, I will act as the Council’s primary contact, with Attorneys Mark R. Reich and Matthew V. Sirigu as the Council’s back-up contacts. Our resumes, and the resumes of other attorneys at the firm can be reviewed at www.k-plaw.com/attorneys.

We will act on the Council’s behalf at all times to the best of our ability. Any expressions on our part concerning these matters are expressions of our best professional judgment, but are not guarantees. Such opinions are necessarily limited by our knowledge of the relevant facts and are based on the state of the law at the time they are expressed. We will, of course, endeavor to undertake the Council’s work in an efficient and appropriately expedited manner and forward copies of significant papers prepared by or received by the firm, including correspondence, notices and filings as required.

Hon. Cliff Ponte and
Members of the City Council
April 8, 2021
Page 2

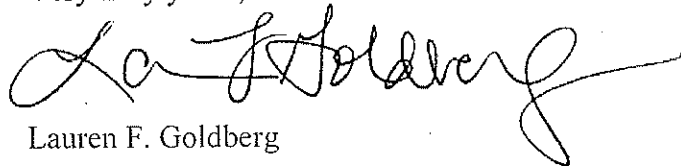
We bill in increments of one-tenth of an hour. We do not charge for work completed by clerical staff, or other non-attorney staff, other than paralegals, whose time is billed at one-half the applicable attorney rate, i.e. \$137.50/hour. We bill our time and disbursements on a monthly basis and bills are due and payable within thirty (30) days. Payments made by the Council in connection with the services provided hereunder will be applied against actual legal services performed, disbursements made, and other costs and expenses incurred. Of course, we are required by the Rules of Professional Conduct to notify the Council in writing of any proposed changes to either the basis or rate of the fees and expenses charged.

We will bill for out-of-pocket disbursements incurred on behalf of the Council at cost, including, but not limited to: filing fees; travel expenses; courier charges; charges for photocopies; long distance charges; and other incidental expenses. For work undertaken outside the office we also charge for mileage on a portal-to-portal basis at the rate set by the Internal Revenue Code. To facilitate our ability to appear before the Council or its Standing Committees, travel time to and from Fall River City Hall for Council and Standing Committee meetings will be capped at one hour, or shorter time actually travelled. We will notify you in advance before incurring individual costs exceeding \$500.00 in value.

While the Council may terminate our services at any time, such action does not, as you know, relieve the Council from the obligation to pay any bills to the firm outstanding at the time of termination. In the event that a dispute arises between the parties to this agreement, then Massachusetts law and Massachusetts venue shall control.

Again, thank you for your confidence in the firm. Please review this document and let me know if there are any further questions that need to be addressed. Should the within terms be acceptable and meet with your approval, please sign and return one copy for our files

Very truly yours,



Lauren F. Goldberg

Hon. Cliff Ponte and
Members of the City Council
April 8, 2021
Page 3

Terms of Engagement – Legal Services

The undersigned has received the within April 8, 2021 correspondence captioned, “Terms of Engagement - Legal Services,” and, on behalf of the Fall River City Council, agrees to the terms of representation as set forth therein.

Fall River City Council
By and through its Duly Authorized Agent

Cliff Ponte, Council President

Dated: April __, 2021



City of Fall River
Massachusetts
City Council

5
RECEIVED

2021 APR 14 P 3:55

CITY CLERK _____
FALL RIVER, MA

CLIFF PONTE
President
City Council

April 14, 2021

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

Dear Mayor Coogan,

At the budget briefing that was held today, Police Chief Cardoza indicated that the cost to reinstate ShotSpotter and other security cameras throughout the City would be approximately \$150,000.00 to \$175,000.00. These tools greatly assist the Police Department with ensuring safety and security to our neighborhoods.

I am hereby requesting that your Administration speak with other city departments, such as Fall River Public Schools and the Fall River Housing Authority to assist with these costs. I believe that reacquiring ShotSpotter and other security cameras would be another significant resource for the Police Department to keep the residents of our City safe. Feel free to contact me with any questions or concerns.

Respectfully submitted,

Cliff Ponte
City Council President

/ct



COMMONWEALTH OF MASSACHUSETTS
Fall River Contributory Retirement Board
21 Father DeValles Boulevard • Suite GR1 • Unit 14 • Fall River, MA 02723
Tel. (508) 646-9120 • Fax (508) 646-9123

RECEIVED

2021 APR 12 P 4: 22

CITY CLERK _____
FALL RIVER, MA

TO: Alison Bouchard, City Clerk
FROM: Fall River Contributory Retirement Board
DATE: April 12, 2021

NOTICE

In accordance with the provisions of Massachusetts General Laws Chapter 32, section 103 (i) the Fall River Contributory Retirement Board will be holding a public meeting for the purpose of determining whether to grant up to a 3% cost of living adjustment, to be effective July 1, 2021, to eligible retirees of the Fall River Contributory Retirement System.

Meeting day/date: Wednesday, May 19, 2021
Meeting location: 21 Father DeValles Blvd., Ste. GR1
Fall River, MA 02723
Meeting time: 8:30 AM

City of Fall River, *In City Council*

7

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

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

Section 1.

By inserting in Section 70-376, which section relates to two-hour parking the following:

| Name of Street | Side | Location | Hours/Days |
|-----------------|-------|--|---|
| Pleasant Street | South | Starting at a point 37 feet west of Quequechan Street for a distance of 40 feet westerly | 8:00 a.m. to 6:00 p.m. Monday through Saturday |

Section 2.

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

| Name of Street | Side | Location |
|-----------------|-------|--|
| Abbott Place | West | Starting at a point 131 feet south of Osborn Street, for a distance of 20 feet southerly |
| Barnes Street | North | Starting at a point 304 feet west of County Street, for a distance of 20 feet westerly |
| Bowen Street | East | Starting at a point 510 feet south of Globe Street, for a distance of 20 feet southerly |
| Chace Street | North | Starting at a point 586 feet east of Bay Street, for a distance of 20 feet easterly |
| Franklin Street | North | Starting at a point 38 feet west of North Seventh Street, for a distance of 20 feet westerly |
| Pine Street | North | Starting at a point 195 feet east of Winter Street, for a distance of 20 feet easterly |
| Robeson Street | West | Starting at a point 96 feet north of Walnut Street, for a distance of 20 feet northerly |
| Vale Street | West | Starting at a point 65 feet north of Aetna Street, for a distance of 20 feet northerly |
| Whipple Street | East | Starting at a point 139 feet south of Berkley Street, for a distance of 20 feet southerly |

CITY OF FALL RIVER

IN CITY COUNCIL

MAR 23 2021

Passed through first reading

City of Fall River, *In City Council*

8

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

That Chapter 42 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Housing be amended as follows:

By inserting a new Article IV Abutters Lots Program, which article relates to Abutters Lots Program as follows:

Division 1. Disposal of Tax Possessions

Section 42-141. Definitions

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 or Non-Buildable Municipal Property, 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

8

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.

Section 42-142. Disposition of Tax Possessions

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 42-144 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.

Section 42-143. Requirements

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 42-142 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.

Section 42-144. Disposition

After satisfying the requirements as set forth in Section 42-143 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 (30) period as set forth in Section 42-143 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 the Abutters Lots Tax Possession, to be offered for sale, 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 Tax Possession.
- 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 cleanup and reuse of the property proposed in their abutter's lot program application to the satisfaction of the Custodian of Tax Possessions 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. The deed shall provide that the property will automatically revert to the City if the purchaser fails to complete the cleanup or reuse proposed in his or her Abutters Lot Program application within eighteen (18) months of the deed transfer.

- 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 allowed uses set forth in the definition of eligibility for the Abutters Lots program contained in Section 42-

141, 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.

Section 42-145. Payment

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 42-144 of the City Code. The Treasurer shall not execute any deeds for a 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.

Section 42-146. Auctions

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 Section 42-144 until sold.

Section 42-147. Payment in Lieu of Taxes

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.

Division 2. Disposal of Non-Buildable Municipal Property

Section 42-148. Definitions

Eligible for Abutter Lots Program means a parcel which is Non-Buildable Municipal Property and 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.

Non-Buildable Municipal Property means vacant land owned by the City of Fall River as municipal property which contains less area than the minimum required to be considered a buildable lot in the City of Fall River, and abuts a developed residential or commercial parcel of land.

Section 42-149. Disposition of Non-Buildable Municipal Property

- A. The City Council, pursuant to a recommendation of the Committee on Real Estate, may vote to dispose Non-Buildable Municipal Property through the process set forth in this Section 42-149.
- B. At least fourteen (14) days prior to the proposed sale of property, the Chief Procurement Officer shall post a notice of the proposed sale. The 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, and said notice must be placed in a minimum of two (2) public and convenient locations in the City.

- C. The Chief Procurement Officer shall request a list of all abutters to Non-Buildable Municipal Property which shall be offered for sale hereunder from the Assessors Office (hereinafter the "Abutters List").
- D. The Chief Procurement Officer 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 Non-Buildable Municipal Property being offered for sale hereunder.
- E. The Chief Procurement Officer 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 Chief Procurement Officer, the Mayor, 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 shall not execute any deeds for tax title property until the purchaser submits to the Corporation Counsel 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 cleanup and reuse of the property proposed in their abutter's lot program application to the satisfaction of the Chief Procurement Officer 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. The deed shall provide that the property will automatically revert to the City if

the purchaser fails to complete the cleanup or reuse proposed in his or her Abutters Lot Program application within eighteen (18) months of the deed transfer.

- F. All Non-Buildable Municipal Property included in the Abutter Lots Program shall be offered for sale to qualified abutters, in accordance with the regulations governing the Abutter Lots Program.
- G. Notwithstanding the allowed uses set forth in the definition of eligibility for the Abutters Lots program contained in Section 42-148, 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.

Section 42-150. Disposition of Non-Buildable Municipal Property

An abutter that takes title to a Tax Possession or Non-Buildable Municipal Lot through the Abutters Lots Program may be required to pay all of the City's reasonable attorney's fees incurred in relation to such sale and transfer.

CITY OF FALL RIVER

IN CITY COUNCIL

MAR 23 2021

*Passed through first
reading, as amended*

City of Fall River, *In City Council*

9

(Councilor Trott Lee)

WHEREAS, residents have observed yard waste and recycling being collected and disposed of in the same collection vehicle, and

WHEREAS, this can cause cross contamination of both yard waste and recycling, now therefore

BE It RESOLVED, that the Committee on Health and Environmental Affairs convene with the Director of Community Maintenance and representatives from EZ Disposal Service, Inc. to discuss potential ramifications of this contamination, contractual obligations and potential costs to the City of Fall River associated with this contamination.

Filed: 4-12-21



Farm Family Casualty
Insurance Company
An American National Company

RECEIVED

201 MAR 12 P 3:53

15

FARM FAMILY

Service Center | Mail to: P.O. Box 10787, Springfield, MO 65808-0787 Ship to: 1949 E. Sunshine St., Springfield, MO 65899
FALL RIVER, MA

January 19, 2021

City Of Fall River
1 Government Ctr
Room 511
Fall River, MA 02722-7700

RE: Claim #: 28-V-3Y2129
Insured: Victor Molina
Date of Loss: December 26, 2020
Your Insured: City of Fall River
Your File No.: Unknown

Dear City Of Fall River:

We are handling our insured's claim for damages.

Our investigation established that due to a poorly maintained roadway, your insured was responsible for the damage to our insured's vehicle. Attached is documentation supporting our subrogation claim in the amount of \$1,438.41.

In order to assist you in evaluating and processing the subrogation claim, we are asserting we may provide nonpublic personal information about our customer. We are sharing this information to effect, administer, or enforce a transaction authorized by the customer. However, you are neither authorized nor permitted to: (1) use the customer information we provide for any purpose other than to evaluate and process the subrogation claim, or (2) disclose or share the customer information we provide for any purpose other than to evaluate and process the subrogation claim.

Please make payment to:
Farm Family Casualty Insurance Company a/s/o Victor Molina

Send Payment to:
Attn: Farm Family Insurance, MS 10R
Farm Family Casualty Insurance Company
P.O. Box 517
Glenmont, NY 12077

Thank you for your cooperation.



15

RECEIVED

City of Fall River
Notice of Claim

2021 APR -5 A 11:08

1. Claimant's name: Jo-Ann Solomon CITY CLERK 21-24
FALL RIVER, MA
2. Claimant's complete address: 1863 Pleasant st Apt 907
294
3. Telephone number: Home: 774-~~990~~ 6716 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Fall on public way
5. Date and time of accident: 12-31-2020 1pm Amount of damages claimed: \$ _____
6. Exact location of the incident: (include as much detail as possible):
side walk near residence
7. Circumstances of the incident: (attach additional pages if necessary):
Fell onto sidewalk hit my head using walker
one of the wheels got stuck in a crack and
went over had a head injury.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 3-29-2021

Claimant's signature: Jo-Ann Solomon

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: 4/5/2021



15
RECEIVEDCity of Fall River
Notice of Claim

2021 APR -7 P 3:28

CITY CLERK 21-26
FALL RIVER, MA

1. Claimant's name: Tina Fernandes
2. Claimant's complete address: 43 Beckham St. Fall River Ma 02724
3. Telephone number: Home: 508-567-8520 Work: I work nights
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
trip and fall
5. Date and time of accident: April 8th 2021 Amount of damages claimed: \$ 115,000 . gits
around 7pm
6. Exact location of the incident: (include as much detail as possible):
37 Beckham Street Fall River ma. up a little from my house.
7. Circumstances of the incident: (attach additional pages if necessary):
tripped over the cap on side walk.
Side walk is broken. Cap is sticking out
and exposed fell face first
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: April 15th 2021Claimant's signature: Tina Fernandes

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 ☒ DPU

Date: 4-7-2021



RECEIVED

2021 APR 15 A 10:44

City of Fall River
Notice of ClaimCITY CLERK #21-26
FALL RIVER, MA

1. Claimant's name: Mindy Arruda
2. Claimant's complete address: 649 Alden St., Apt. 425
3. Telephone number: Home (508) 673-8641 Work: (774) 451-3131
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Damage to tires
5. Date and time of accident: 3/29/21; 6:30 a.m. Amount of damages claimed: \$ 357.95
6. Exact location of the incident: (include as much detail as possible):
At the corner/intersection of Bedford St. and Eastern Ave.
7. Circumstances of the incident: (attach additional pages if necessary):
Driving down Eastern Ave. in right lane; hit pothole with exposed jagged metal pipe at corner intersection near Bedford St.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 4/15/21

Claimant's signature:

Mindy Arruda

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

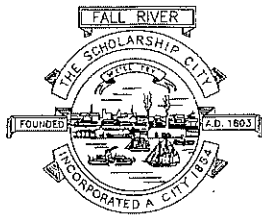
You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

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

☒ DPW

Date: 4-15-2021



City of Fall River Massachusetts

Department of Community Maintenance

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

Engineering Division

PAUL E. COOGAN
Mayor

JOHN A. PERRY JR.
Director

CHRIS J.
GALLAGHER, P.E.
City Engineer

16
RECEIVED

2021 APR 14 P 1:43

CITY CLERK
FALL RIVER, MA

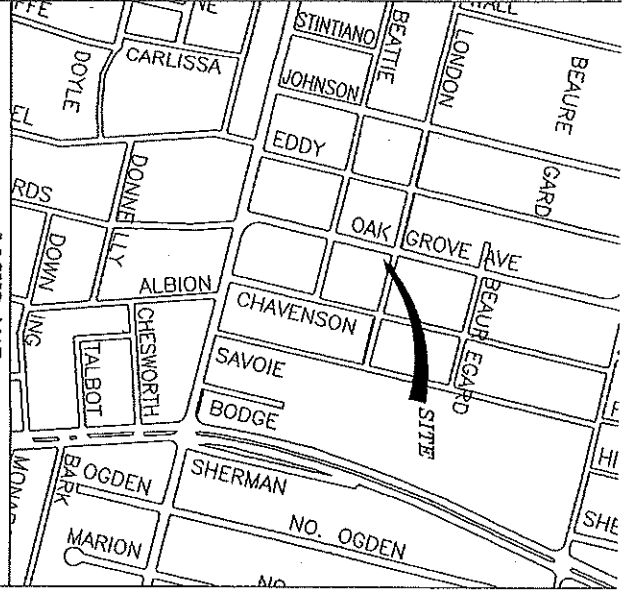
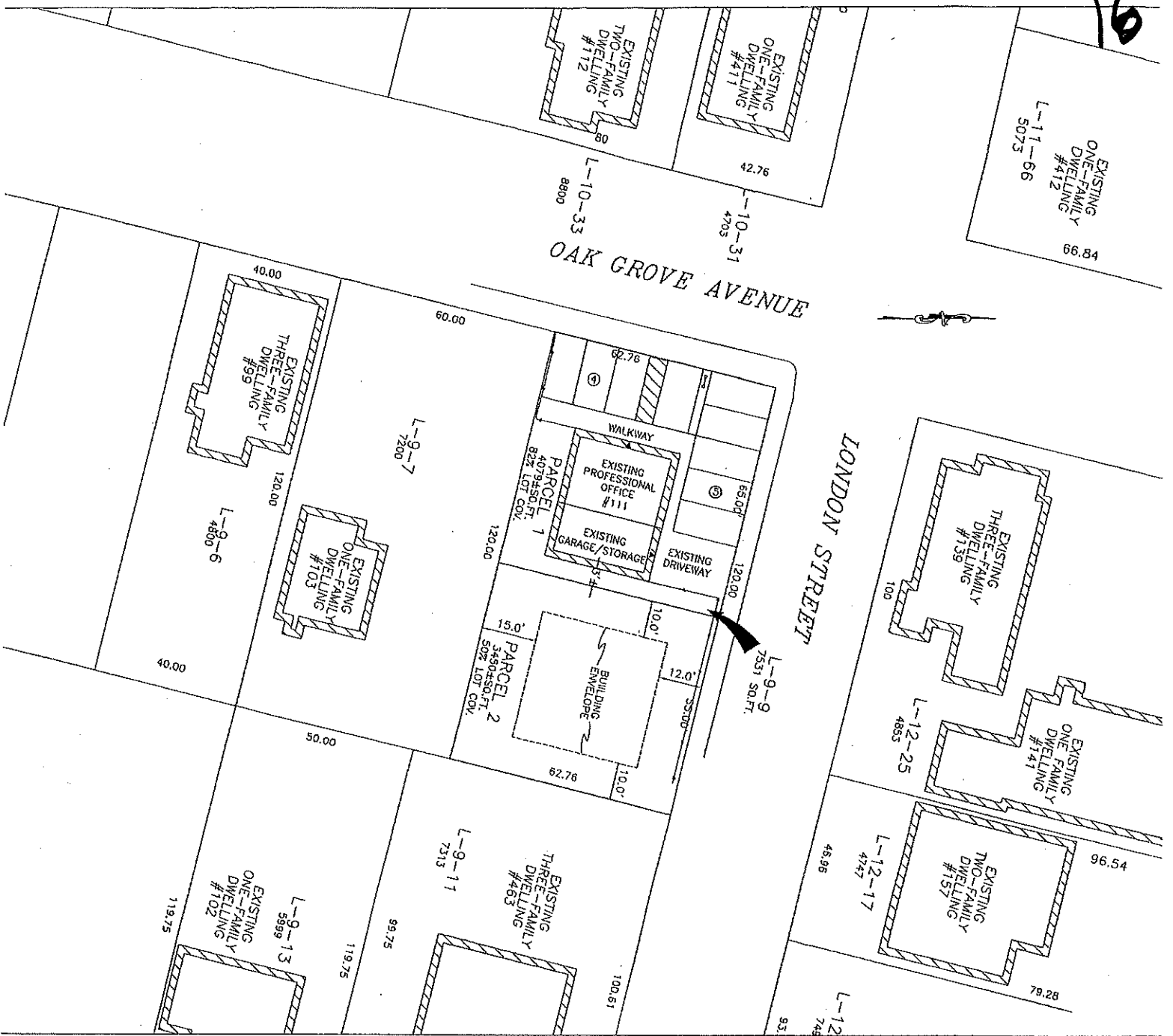
MEMO

To: Fall River City Council
From: Chris J. Gallagher, P.E., City Engineer
Date: April 14, 2021
Subject: Road Opening London Street
(A portion of Assessor's Map L-9-9 and #111 Oak Grove Ave)

Comments:

The owner of #111 Oak Grove Ave has requested a road opening for a lot on London Street that was subdivided off and formerly a portion of #111 Oak Grove Avenue. Said Lot is 65 feet east of Oak Grove Avenue and has frontage on London Street and is shown as Parcel 2 on a Variance Plan by SITEC Engineering dated June 6, 2020. The request is to install utilities (sewer and water) to said parcel from Oak Grove Avenue to said lot. London Street is a 5 year street and a road opening permit needs City Council approval. London Street was paved in 2018 and will be on the 5 year list until 2023. The City Engineer is in favor of this request under the following conditions:

- 1.) London Street shall be milled and overlayed to a depth of 2" from gutter to gutter from Oak Grove Avenue to the end of the lots frontage on London Street.
- 2.) All utility cross trenches shall be backfilled with flowable fill.



PROJECT DESCRIPTION

THE APPLICANT REQUESTS A VARIANCE FROM THE CITY OF FALL RIVER ZONING BYLAW... THE APPLICANT PROPOSES TO SUBSTANTIALLY REBUILD THE EXISTING BUILDING, INTO TWO... SINCERELY, THE APPLICANT REQUESTS A VARIANCE FROM THE CITY OF FALL RIVER ZONING BYLAW...

PARCEL SUMMARY

ASSESSORS REF: MAP L-9 LOT 9
APPLICANT: MYLES BRILHANTE
FALL RIVER, MA
OWNER: MYLES & GREGORY BRILHANTE
321 NORTH MAIN STREET
FALL RIVER, MA
DEED BOOK: 10018 PAGE: 336
ZONING: G (GENERAL RESIDENCE)
MIN. FRONTAGE - 50'
MIN. AREA - 5,000 SF
BUILDING SETBACKS
FRONT - 12'
SIDE - 10'
REAR - 15'
LOT COVERAGE - 25% MAX

VARIANCE PLAN
MAP L-9 LOT 9

111 OAK GROVE AVENUE
FALL RIVER, MA
MYLES BRILHANTE

PREPARED BY
SCALE: 1"=30' JUNE 8, 2020
PREPARED BY
SITEC
SITEC, Inc.
10 Pyroose Street
Fall River, MA 02720
(508) 673-5646
Land Use Planning

COMMITTEE ON FINANCE

MEETING: Tuesday, March 9, 2021 at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Mary Sahady, Director of Financial Services
Kenneth C. Pacheco, Chief Operating Officer, Fall River Public Schools

The chair called the meeting to order at 6:01 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, persons are allowed to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance. Due to the COVID-19 Essential Services Advisory, citizen input had to be submitted by email by Tuesday, March 9, 2021 at 3:00 p.m. to be read at the meeting.

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

1. Citizens' Input
Collin Dias, 560 Ray Street – School Committee
David Oliveira, 210 Robeson Street – State of the City

2. Five Year Capital Improvement Plan
Councilor Shawn E. Cadime stated that this matter was tabled at the previous meeting to allow the Superintendent of Schools to be invited to answer questions. Council President Cliff Ponte stated that the Superintendent of Schools was invited for this meeting, but was unable to attend. Councilor Linda M. Pereira stated that Kenneth C. Pacheco, the Chief Operating Officer for Fall River Public Schools is in attendance to answer questions. Councilor Leo O. Pelletier asked if Kevin Almeida, the Chief Financial Officer for the Fall River Public Schools was invited to this meeting. Council President Cliff Ponte stated that Kevin Almeida was invited, but was unable to attend due to illness. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was voted 8 yeas, 1 nay to table all items in the Five Year Capital Improvement Plan that pertain to the School Department, with Councilor Linda M. Pereira voting in the negative. The Director of Financial Services provided a brief overview of the Five

Year Capital Improvement Plan, without the items pertaining to the School Department. She stated that Information Technology (IT) has items listed in the Capital Improvement Plan that are eligible for CARES Act Funding. She also stated that there are items in this plan, such as unmarked police vehicles that will be included in the Fiscal Year 2022 Budget and mentioned that this document is ever changing. Council President Cliff Ponte asked the Director of Financial Services, if the Administration has any plans for the estimated \$70 million dollars that the City may receive from the stimulus package and possibly \$35 to \$40 million dollars that the Fall River Public Schools may receive. The Director of Financial Services stated that the bills in the House of Representatives and the Senate are different and changing daily. Councilor Trott Lee asked the Director of Financial Services whether the funding could be used for ineligible expenses. The Director of Financial Services stated that if the City spent any CARES Act Funding or Stimulus Funds on any ineligible expenses, the City would need to pay back those funds to the proper agency. She then stated that use of the CARES Act Funds has been extended until December 31, 2021. Councilor Michelle M. Dionne asked if the excavator is rented annually. The Director of Financial Services stated that the rental fee for the excavator is \$48,000.00 annually. Councilor Michelle M. Dionne then asked for the life expectancy of an excavator. The Director of Financial Services stated approximately 15 years. Councilor Pam Laliberte-Lebeau asked what would be stored in the proposed building to be constructed at Oak Grove Cemetery. The Director of Financial Services stated that new equipment that was purchased for the cemetery will be stored there. Councilor Linda M. Pereira stated that cemetery plots cannot be purchased unless an individual has passed away, as Oak Grove Cemetery needs to be expanded. Councilor Shawn E. Cadime stated that this would be the time to have a feasibility study regarding the Lewiston Street facility, to determine what a full expansion of this facility would cost and then construct a building that would have a life of 50 to 100 years with proper maintenance. The Director of Financial Services stated that a feasibility study is in process regarding the Lewiston Street facility. Councilor Pam Laliberte-Lebeau asked why the cost of the Emergency Medical Services (EMS) building has increased from \$2.1 million dollars to \$2.7 million dollars. She also asked why an additional building is needed for EMS, when the Fire Department and EMS will be combined in the future. The Director of Financial Services stated that the combining of those departments will take time and these questions should be forwarded to the Director of EMS and the Fire Chief, as they would have much more information. Councilor Michelle M. Dionne stated that when a transfer station was first considered, the Lewiston Street site was acceptable. She then stated that this was many years ago, so many things have changed and this matter will need to be revisited. Councilor Linda M. Pereira stated that the solid waste task force has been meeting and she is sure that information will be forthcoming from the task force. Councilor Shawn E. Cadime stated that he does not see any repairs to fire stations in the Five Year Capital Improvement Plan. The Director of Financial Services stated that the Director of Facilities Maintenance has been including building renovations in the budget for his department. She then stated that she will request this information from the Director of Facilities Maintenance. Councilor Shawn E. Cadime then stated that he would like any building improvements to the police station, government center and the library to be included in this request. On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the Five Year Capital Improvement Plan, without the items that pertain to the School Department, to the full council for action.

3. Transfers and appropriations

The Director of Financial Services stated that the end of the year report that was filed at the Massachusetts Department of Elementary and Secondary Education (DESE) in October of 2020 by the Chief Financial Officer for Fall River Public Schools, indicated that net school spending was short approximately \$1.2 million dollars. She then stated that DESE then reviewed all information and determined that an additional \$456,151 was due from the State and County

Assessments to the School Appropriation, mainly from enrollment fluctuations in the Charter Schools. She also stated that the \$1,282,529 was due to the overestimate that the City and the Fall River Public Schools had with regard to health insurance, particularly as it relates to the COVID-19 pandemic so health insurance was significantly less in expenditures and claims paid than what was originally anticipated. She then mentioned that this transfer will move these funds from the Employer Trust Fund to the School Appropriation, therefore this transfer will bring the City to 100% of net school spending for fiscal year 2020. Council President Cliff Ponte asked the Director of Financial Services if there will be more transfers for the School Department for Fiscal Year 2020. The Director of Financial Services stated that she is not aware of any forthcoming transfers for the School Department with the exception of health insurance. Councilor Shawn E. Cadime asked if the School Department will have sufficient time to spend these funds. Kenneth C. Pacheco stated that there are several shovel ready projects that could be funded with the approval of the School Committee.

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 7:15 p.m.

List of documents and other exhibits used during the meeting:

Citizens' Input Communications

Agenda packet (attached)

DVD of meeting


Clerk of Committees

MARCH 9, 2021

COMMUNICATIONS

SUBMITTED

FOR

CITIZENS' INPUT

RECEIVED

18

City Council

2021 MAR -9 A 9:26

From: acwdave <acwdave@aol.com>
Sent: Monday, March 8, 2021 7:00 PM
To: City Council
Subject: [EXTERNAL] state of the city/school committee

CITY CLERK
FALL RIVER, MA

President Ponte, Vice President Laliberte an members of the city councilors.

I have to say this has been a city that hasnt been taken serious by the mayor an city administration. An yet the excuse is covid. Well news flash business needs to still be taken care of not put a blame on covid. An i heard John Perry was suspended due to issue with Jason Burns. Did Jason get suspended to? But yet this mayor keeps saying open transparency. School committee i am sick an tired of my citizens imput not being read. If the superintendent or members of the school committee cant take the complaints then resign. Superintendent needs to resign. An lets get the black clouds from over our school system. Lastly i am asking not to support the baseball field or any extra moneys till this superintendent is gone. since he cost us \$25,000 of his incompetence. Thank you David Oliveira..

Sent from my Sprint Samsung Galaxy S10.

RECEIVED

18

City Council

2021 MAR -9 A 9:26

From: acwdave <acwdave@aol.com>
Sent: Monday, March 8, 2021 8:18 PM
To: City Council
Subject: [EXTERNAL] FW: state of the city/school committee.

CITY CLERK _____
FALL RIVER, MA

Sent from my Sprint Samsung Galaxy S10.

----- Original message -----

From: acwdave <acwdave@aol.com>
Date: 3/8/21 6:59 PM (GMT-05:00)
To: City Council <City_Council@fallriverma.org>
Subject: state of the city/school committee

President Ponte, Vice President Laliberte an members of the city councilors.

I have to say this has been a city that hasnt been taken serious by the mayor an city administration. An yet the excuse is covid. Well news flash business needs to still be taken care of not put a blame on covid. An i heard John Perry was suspended due to issue with Jason Burns. Did Jason get suspended to? But yet this mayor keeps saying open transparency. School committee i am sick an tired of my citizens input not being read. If the superintendent or members of the school committee cant take the complaints then resign. Superintendent needs to resign. An lets get the black clouds from over our school system. Lastly i am asking not to support the baseball field or any extra moneys till this superintendent is gone. since he cost us \$25,000 of his incompetence. Thank you David Oliveira..

Sent from my Sprint Samsung Galaxy S10.

18

City Council

From: Collin Dias <collind00@aol.com>
Sent: Tuesday, March 9, 2021 12:05 PM
To: City Council
Subject: [EXTERNAL] Citizens Input

RECEIVED

2021 MAR -9 P 12:19

CITY CLERK
FALL RIVER, MA

3/9/21 Fall River City Council Committee on Finance Citizens Input

Collin Dias, 560 Ray Street, Fall River, Massachusetts, 02720

Good afternoon Council President and members of the City Council,

I believe the state of our school department, is in need of a remodel on multiple fronts. Watching yesterday's meeting, from my phone because no one was allowed in the meeting room despite it saying on the meeting agenda it was open to the public, has shown me the state of our school department is fractured.

First of all, the chair of the evaluation subcommittee, Mimi Iarrivee, admitted to violating the Open Meeting law, by meeting with Mr. Hetzler behind closed doors to work on this evaluation process, why didn't they want to work on crafting the evaluation in an open session public meeting?

Secondly, to hear School Committee Chairman Mark Costa, minimize the impact of Superintendent Malones bullying and mistreatment of staff, shook me to my core. He claimed and I quote "I don't believe the superintendents conduct should necessarily cast such a dark shadow"... and he goes on into the superintendents alleged accomplishments. That is so nauseating and revolting. That we as a school committee believe that staff misconduct is a lower priority to other school related matters. Mark Costa should resign for that comment alone. That is just proof to me that he does not have the thoughts and feelings of the staff of the school department as a priority.

The Vice Chairman should have also recused himself from this affair, as the herald news reported that just a day before the committee voted on Malones conduct, that Mr. Costa had a family member receive a position in the school department.

And then we go into the superintendents conduct just at the meeting itself. He threatened all the school committee members with legal action. This superintendent is out of control. He uses the FRPS Twitter page for personal business, and acting without being professional, promoting businesses in Dorchester, blocking other Twitter accounts.

I also want to Thank Mayor Paul Coogan for his public rebuke of the superintendent and I couldn't agree more with his comments.

The Committee of 4 is holding our city hostage. This superintendent is a liability to the city. His treatment of others is shameful. The committee of 4 should not place personal agendas and self interests before the common good and place Fall River First. We need a breath of fresh air on the school committee. We need to restore accountability and public trust in the school department. We need to restore integrity. We need to have anti bullying policies for staff, and we need to assure that standard operating procedures for all investigations are followed to a T. No wiggle room. I am calling for an investigation into why standard operating procedures were not followed during the course of this investigation, along if there was any influencers during this investigation.

And I told the committee of 4 this yesterday, and I will remind them today. There is an election coming up, and this election for school committee shall be a referendum on the superintendent. The committee of 4 should be reminded that:

18

Elections.

Have.

Consequences.

Thank you very much.

Respectfully submitted,

Collin Dias

Sent from my iPhone

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, March 9, 2021 at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Kenneth C. Pacheco, Chief Operating Officer, Fall River Public Schools
Kevin Aguiar, School Committee Member

President Cliff Ponte called the meeting to order at 7:15 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor and loan order in the amount of \$4,911,047 for Phase II repairs to the Samuel Watson Elementary School
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to lift the matter from the table. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted that the loan order be authorized to be published and referred to the Committee on Finance.
2. Mayor and loan order in the amount of \$1,800,000 for constructing a synthetic turf varsity baseball field at B.M.C. Durfee High School
On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to lift the matter from the table. Councilor Michelle M. Dionne stated that she is concerned with the possible health and environmental hazards associated with synthetic turf, which need to be replaced every 8 to 10 years and that there are various injuries that occur when students are playing on synthetic turf that do not occur when playing on natural grass fields. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to waive the rules to allow Kenneth C. Pacheco, Chief Operating Officer for Fall River Public Schools and Kevin Aguiar, School Committee Member to answer questions. Councilor Michelle M. Dionne asked Kenneth C. Pacheco if the loan order included the necessary equipment to maintain the synthetic fields. Kenneth C. Pacheco stated that it does not include the maintenance equipment, but the School Department already owns the equipment for the two synthetic fields at the high school. He then stated that synthetic fields can be used after a rain storm, but a natural grass field cannot be used right after a rain storm due to mud. He also stated that there are two synthetic fields at the high school and one at the Kuss Middle School. Kenneth C. Pacheco then mentioned that whether a synthetic or natural grass field is

installed at the new high school, the height of the field will need to be raised and proper drainage will need to be installed. School Committee Member Kevin Aguiar advocated to add \$1.8 million for the baseball field because high school students have not been able to play baseball due to flooding of the fields. Councilor Michelle M. Dionne stated that there are 30 Major League Baseball Fields in the United States and only five are artificial turf. School Committee Member Kevin Aguiar stated that if Fenway Park was used as often as the high school, then they would install synthetic turf. Council President Cliff Ponte asked if this loan order will include the stands for spectators. Kenneth C. Pacheco stated that this loan order includes funding for everything except lighting. Councilor Leo O. Pelletier asked if there are more fields at the high school that will need to be upgraded and Mr. Pacheco stated that there were. Councilor Leo O. Pelletier stated that at a cost of \$263 million dollars, residents would believe that everything was included. Kenneth C. Pacheco stated that the cost of the new high school started at \$363 million dollars, but that \$100 million dollars were cut. Council President Cliff Ponte stated that the former Mayor decided that the renovation of the pool should be included in the cost of the high school, instead of the baseball fields. Councilor Christopher M. Peckham stated that he met with Kenneth C. Pacheco at the baseball field and the field was flooded and full of mud three to four inches deep. He also stated that the new synthetic turf is better for drainage and the hardness of the field when students may fall. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 7 yeas, 2 nays that the loan order be authorized to be published and referred to the Committee on Finance, with Councilors Michelle M. Dionne and Trott Lee voting in the negative.

3. Mayor and order appropriating the following:

- a. \$1,282,529 from the Employer Trust Fund to the School Appropriation
- b. \$ 456,151 from the State and County Assessments to the School Appropriation

A motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier to adopt the order, was objected to by Councilor Shawn E. Cadime and laid on the table in accordance with the City Charter.

4. Mayor and loan order in the amount of \$2,100,000 for improvements to several City buildings

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted that the loan order be authorized to be published and referred to the Committee on Finance.

5. Mayor and loan order in the amount of \$390,000 for an excavator for the Department of Community Maintenance and a bucket truck with lift for the Police Department

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the loan order be authorized to be published and referred to the Committee on Finance.

6. Mayor and loan order in the amount of \$2,700,000 for constructing a building at Fire Headquarters to house Rescue-7 and the crew

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that the loan order be authorized to be published and referred to the Committee on Finance.

7. Mayor requesting the confirmation of the following appointments:

- a. Aja Andrea Grice to the Board of Library Trustees

On a motion made by Councilor Trott Lee and seconded by Councilor Linda M. Pereira, it was unanimously voted to confirm the appointment.

- b. James V. Terrio, Jr. to the Watuppa Water Board

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to confirm the appointment.

- c. Danielle J. Pixley to the Community Preservation Committee

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

- d. Thomas J. Faris, Jr. to the Traffic Commission

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

8. Mayor requesting the confirmation of the following reappointments:

- a. Ronald Caplain to the Board of Library Trustees

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to confirm the reappointment.

- b. Attorney David Assad to the Board of Appeals

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to confirm the reappointment.

- c. Reverend James Hornsby to the Conservation Commission

On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted to confirm the reappointment.

PRIORITY COMMUNICATIONS

9. Traffic Commission recommending amendments to traffic ordinances

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

10. City Planner regarding installation of a plaque in memory of Roy Rogers (request made by Vernon Tripp, Jr.)

On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the matter to the Planning Board.

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

11. Committee on Public Safety convene with Director of Traffic and Chief of Police to discuss large commercial vehicles traveling on Wilson Road

Councilor Christopher M. Peckham stated that he would like the state delegation invited to the meeting when this matter is discussed and Councilor Linda M. Pereira stated that the neighbors should also be invited. On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the resolution.

12. Committee on Finance convene with Administration to discuss financial responsibility of maintaining lights at baseball fields by local non-profit leagues
Councilor Christopher M. Peckham stated that he was contacted by one of the non-profit leagues stating that they were paying for electricity to have lighting in the park during a med-flight. Councilor President Cliff Ponte requested that the resolution be sent to the Administration and that Mr. Keith Travers from Maplewood Independent Youth Baseball League be invited to the meeting when this matter is discussed. Councilor Pam Laliberte-Lebeau requested that Nancy Smith, Director of Parks, be invited to the meeting when the matter is discussed. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted to adopt the resolution.

CITATIONS – None

ORDERS – HEARINGS – None

ORDERS – HEARINGS TO BE SCHEDULED

Street Acceptance:

13. Lynwood Street, extending from Mariano S. Bishop Boulevard to a dead end, along with Way Street

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to schedule the public hearing.

ORDERS – MISCELLANEOUS

14. Police Chief's report on licenses:

2021 Taxicab Drivers:

Russell Draine Peter G. Hadad David Rioux Jose Sousa

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

15. Auto Repair Shop License Renewal:

David Fernandes d/b/a Distinctive Auto located at 26 Burns Street

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

Approved, March 10, 2021, Paul E. Coogan, Mayor

16. Auto Body Shop License Renewals:

David Fernandes d/b/a Distinctive Auto located at 26 Burns Street

Carl Garcia, Carl's Collision Center, Inc. located at 1591 Bay Street

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

Approved, March 10, 2021, Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

17. Claims

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

City Council Meeting Minutes:

18. Regular Meeting of the City Council – January 19, 2021

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the minutes.

19. Committee on Finance – January 19, 2021

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the minutes.

20. Public Hearing – February 23, 2021

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Shawn E. Cadime, it was unanimously voted to approve the minutes.

BULLETINS – NEWSLETTERS – NOTICES – None

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: MARCH 9, 2021

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

COMMITTEE REPORTS

Committee on Regulations recommendation:

10a. Auto Repair Shop License Renewal for Robert Luongo d/b/a Bob's Auto Sales at
 643 Brayton Avenue

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

Approved, March 10, 2021, Paul E. Coogan, Mayor

Committee on Finance recommendation:

10b. Five Year Capital Improvement Plan

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to adopt the City portion of the Five Year Capital Improvement Plan.

On a motion made by Councilor Trott Lee and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 8:53 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:

Alicia M. Bouchard

City Clerk

JOINT MEETING OF THE CITY COUNCIL AND SCHOOL COMMITTEE

MEETING: Tuesday, March 9, 2021 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: Mayor Paul E. Coogan

President Cliff Ponte called the meeting to order at 5:30 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

A roll call was taken of the School Committee Members:

PRESENT: Mayor Paul E. Coogan, Kevin Aguiar, Mark Costa, Paul Hart
and Thomas Khoury

ABSENT: Joshua E. Hetzler and Mimi Larrivee

President Cliff Ponte introduced Mayor Paul E. Coogan and stated that the purpose of the meeting was for the Mayor's State of the City address, a copy of which is attached hereto and made a part of these minutes.

On a motion made by School Committee Member Paul Hart and seconded by School Committee Member Thomas Khoury, it was voted 5 yeas to adjourn the School Committee Meeting at 5:56 p.m., with School Committee Members Joshua E. Hetzler and Mimi Larrivee absent and not voting.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adjourn the City Council at 5:57 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
DVD of meeting
Mayor's State of the City Address

A true copy. Attest:

Alison M. Bouchard

City Clerk

MAYOR PAUL E COOGAN
CITY OF FALL RIVER STATE OF THE CITY ADDRESS
MARCH 9TH, 5:30PM

Good evening. Honorable members of the council, school committee and citizens of Fall River, it is an honor to be with you as I deliver the 2021 State of the City address.

As is typical of my administration so far, this is still an unusual Address. First, because I am speaking to a limited group of people and I am only able to share this ceremonial event with our residents virtually. Secondly, this is an unusual address because I delivered a speech very similar to this only four months ago.

That is because, less than a week before my first State of the City address last March, we had to reschedule. It is quite symbolic of my term as Mayor. Much like that speech, many of my plans were quickly rescheduled and reprioritized.

I spent a lot of my address in November discussing Covid-19- what we did to curb the virus and support our hospitals, nursing homes and businesses in the early days. I would like to repeat what I said then- I am incredibly proud of the way that Fall River has come together in the face of the pandemic. Our rich history as a mill city proved to be an asset to us. Our local manufacturers showed impressive adaptability as they became some of the largest domestic producers of PPE, and they made sure to give back to our City.

Our service providers stepped up in a big way, shifting gears to make sure families were fed and our children were taken care of.

Fall River has not one but two hospitals and no shortage of medical offices. I cannot give enough credit to the doctors, nurses and medical staff who pushed on through this pandemic. Not to mention our teachers, essential workers and public safety team who kept our world turning despite all of the uncertainty and the changes that came their way. I would like to pause and take a moment to really and truly thank them.

While last year we were focused on masks, shut downs, and social distancing, we have quickly changed our focus to vaccines. Vaccines have always been our way out of this. When December came around and vaccines were finally ready to be rolled out, our administration and state delegation kicked into high gear. At the request of the State, our very own Health Department launched a clinic at Bristol Community College with the help of our Fire Department and EMS. It was a fantastic collaborative effort,

starting with a small first responders clinic that grew into a well oiled machine that could vaccinate hundreds of people daily.

When Southcoast Health rose to the challenge and chose to open a vaccine site, they narrowed in on the function hall at the Liberal Club. What is normally a staple for weddings and fundraisers is now an impressive vaccination site in the South End.

We also supported another partnership between the Fall River Housing Authority, HealthFirst and our EMS to bring mobile vaccine sites to Housing Authority Senior living complexes. This way, we were able to eliminate some transportation issues that may have otherwise been a barrier to getting the vaccine for some of our residents.

Unfortunately, we have constantly been limited by a national vaccine shortage.

But that hasn't stopped my administration and our state delegation from continuing to lobby everyone from Beacon Hill to Capitol Hill to make sure Fall River gets its fair share of doses.

I wanted to take a moment today to share a hopeful story about what vaccines have meant to our community.

IMPROV STORY ABOUT VACCINE SITES- woman

However, vaccines didn't come soon enough for far too many of our residents. Early on in this pandemic, our nursing homes were almost like warzones. Their staff often fought to keep our residents safe from this virus, but they could not save everyone. Sadly, we have lost 331 of our residents, both in and out of our nursing homes. Many of these residents passed away in very distressing circumstances, where loved ones may not have been able to say goodbye. My heart goes out to those affected and I would like to take a moment of silence for the lives lost to covid-19.

PAUSE for a moment of silence.

We are working to plan a fitting tribute to all of our victims later this year.

There is no denying the impact that this virus has had on all of us. We have a lot of work to do to recover- to get our students back in the classroom, to revive the arts and our cultural events, to support our businesses as they return to normal, to bring lost jobs back and to ensure that families can survive through these difficult times.

Before I get too far along in this speech, I want to acknowledge the team who got our City, and myself, through the darkest days of 2020. It truly takes a village, and I could not do my job without these people.

I'd like to take a moment to acknowledge:

- Our federal delegation,
 - Senators Markey and Warren
 - Representatives Keating and Auchincloss, as well as former Representative Joseph Kennedy
- State Senator Mike Rodriques
- Our State Representatives Carole Fiola, Alan Silvia and Paul Schmid
- The president and members of the City Council
- The members of the school committee

We work closely with this group, all of whom are committed to getting things done and making Fall River a better place to live.

Of course, I must thank the City employees who have endured so much, including my department heads and the team who work with me directly every day on the 6th floor- Ann, Jane, Ced, Elaina and Debra. They are the people I turn to every day, and I could not do my job without them.

All these individuals support me in achieving a unified vision for Fall River- a vision where residents are safe, where streets are clean, where we have a vibrant economy with plenty of places to go and things to do.

I also want to thank my wife Judi for all her love and support over this very difficult year.. And, believe me, this job is non-stop. She is my partner and I love her.

Finally, I want to acknowledge the people of Fall River. They have risen to the challenge, they stun me every day. They carry the future of our City on their backs, and they are doing a great job. Residents- you are Fall River's true warriors, surviving a pandemic and many crises. You have my utmost respect.

Now let's have a go at a proper State of the City address. So today, building on a moment of hope, I would like to spend more time talking about where we are as we prepare for the future. While we still have a long way to go, I am glad to be making the

2021 speech at a more hopeful moment, as we continue vaccinations, getting our kids back to school and reopening the economy.

For nearly my entire term, I have been called a "Covid Mayor". When the history books look at me in 50 years, I suppose I will be known as the Covid Mayor. However, being mayor of Fall River has been so much more than Covid-19. Despite the pandemic, we were able to accomplish many positive changes for the City of Fall River. We were able to navigate the restrictions of Covid-19 and operate efficiently despite all the challenges. Today, I will be highlighting some of our accomplishments during my first year.

I wanted to break down this address by section, so that we can lay out a transparent, clear discussion of how far we have come, despite the pandemic. There is much to be proud of, much to celebrate, and much to hope for.

I would like to begin with public safety.

- We appointed a new Police Chief, Jeff Cardoza .
- In the last year, we saw a dramatic drop in all but two of eight areas of both violent and property related crimes.
- Hired former Boston Police Commissioner Ed Davis to do a performance audit of the FRPD and we expect the report later this month.
- Expanded professional development opportunities for the Fall River Police Department including de-escalation training and conversational Spanish
- Piloting body cameras after successful negotiations with the Police Union. We are getting ready to roll out the cameras for our walking beat first.
- Obtained \$50,000 for neighborhood policing program
- Formed partnership between the school committee and the city to install 20 surveillance cameras, 10 permanent and 10 mobile
- We allocated \$100,000 for turnout gear for Fire Department
- And are finalizing plans for a separate, state of the art building to house our EMS.
- We also Provided the fire department with equipment and a heated tent to run a Covid-19 test site.
- We are currently Exploring opportunities through the SAFER grant to hire 5 additional firemen. We just welcomed 8 new members of the Fire Department two weeks ago.

As everyone knows, education and our schools have always been close to my heart.

- Working with the School Committee, we developed plans for the reopening of Fall River Schools through a hybrid model. We also helped to secure funding for Chromebooks and Hot spots to ensure all kids had access to remote learning. I thank Amazon, Verizon and Comcast for giving back to our community and meeting our students' needs.
- Today, we have returned our elementary and middle school students to hybrid learning, with Durfee students returning in the coming weeks.
- We have strengthened City oversight at the new Durfee construction site and are still planning for our fall opening. I truly believe this school will be an asset for generations of students to come.
- We have improved all of our school buildings across the City, not just Durfee. Progress is also being made on the drainage and roads at Talbot Middle School. Henry Lord is working towards getting a second means of egress and plans are also being finalized for something similar at Silvia. Among other projects, our Resiliency Preparatory Academy has improved their handicap accessibility and replaced their roof. Watson also received a new roof and windows and there are a number of ADA renovations in progress.

Looking at our infrastructure...

- We completed major sidewalk replacement projects all over the City. Two of the biggest projects were at Kennedy and North Parks. Our roads, too, have been improved across the City.
- To continue this work, we eliminated the Streetscapes program and transferred the funding to street and sidewalk repairs- creating a fund of close to \$5 million.
- It was a goal of my administration to make sure that no developers or contractors were taking advantage of our City. Our Planning and Engineering departments have been diligent in their oversight of any new developments along with reviewing those already in existence.
- We worked alongside Fall River's state delegation to obtain a \$1million grant for the Flint which will make a huge difference in tackling beautification and rehabilitation on Pleasant Street
- We are currently transitioning to parking kiosks that will have the ability to take credit cards as a way to simplify downtown parking.
- We have made improvements to a number of parks. The CDA has been leading several projects, including the renovation of the Aetna St Park (now dedicated as Paul Puolos Park) and we have also made upgrades to Chew Park. Plans have been established for the rehabilitation of Desmarais playground as well as the Cathy Assad tot lot.

One of my priorities is improving the quality of life in Fall River.

- While Covid did make it nearly impossible to hold events, we managed to provide a few safe activities for our families
- Over the summer, We organized several Drive-in Movies at Durfee to provide residents with outdoor recreation.
- In December, we kept holiday traditions alive with Santa's rolling parade. I am grateful to the team at Re-Creation for their hard work in helping us find a unique way to celebrate.
- We also worked with Fall River Government Television and the Narrows to bring the Sons of Serendip in for a live holiday concert which was broadcast into homes across the SouthCoast, showing the region what Fall River has to offer. I thank BayCoast Bank for sponsoring the event.
- Most recently, we have helped the Fall River Arts and Culture coalition create the Winterbridge at Gromada Plaza to provide some safe outdoor activities for Fall River families.
- In May, we will be dedicating the Vietnam Memorial Wall at Bicentennial Park. We also recently renamed the Veterans Center on Pine Street in honor of Kenneth J Boyer.

Another key part of improving quality of life is prioritizing health, wellness and social services.

- We strengthened our Department of Public Health by transferring a clerk and replacing her with another RN, which was crucial during the busiest days of the pandemic.
- We reorganized Mayor's Opioid Task Force under the title of the Fall River Substance Abuse Task Force, which we hope to ramp up as Covid wanes.
- Created a successful new street outreach program, embedded in the Police Department, to help non-offending drug users access treatment and to assist our homeless population in finding the support they need. These specialists have done an amazing job getting people the services they desperately need.
- Established Fall River's first permanent overflow shelter for the homeless at Solomon's Porch on Bay St, which is a tremendous asset to our city, and we have provided additional funding for Steppingstone and the First Step Inn.
- Another priority of mine has been caring for our veterans. Last year, we combined CARES Act funding and Office of Veterans Services funding to provide \$100,000 to the VABC for a job training program for veterans

- Together with the CDA, we also renovated a property at 32 Bradford Avenue into 3 units of veterans housing, with more to follow. We did so by reinstituting the Building Blocks program, which has allowed us to make plans to rehabilitate many vacant and abandoned properties across the City- keeping our neighborhoods safe and getting homes back on the tax roll.

Good Government allows the City to function at its full potential.

- Eliminated unnecessary City boards and combined positions in Government Center to save taxpayer money.
- Strengthening our online and off site payment options. We collaborated with BayCoast Bank to allow residents to pay City bills off site, which has been a very helpful partnership.
- We utilized grant funding to provide ADA renovations to the City Council Chambers and City Council hearings room.
- We instituted a City vehicle policy to reduce the personal use of city owned vehicles
- We created a new joint position in partnership with the Fall River Housing Authority and the CDA, the Minority Outreach Coordinator.
- We established Fall River's first ever Diversity Committee.
- We hired a hearings officer and re-established municipal hearings to address litter enforcement and minimum housing violations.
- We joined with one of our partners, UMass, to bring Law interns to assist with abandoned properties and other legal issues.

Now onto City finances...

- We presently have 2.2 million dollars in our free cash account.
- On January 1st of 2020, our Stabilization fund was around 7 and a half million dollars - it is currently well over 9 million dollars
- Last year, after 3 months of month-to-month budgets my budget was presented to the City Council and approved.
- Working with our finance team, the City is still on track financially to meet the Fiscal Year 2021 budget projection.
- Working with the insurance advisory committee and the public employee committee, we developed a cost saving strategy by moving some of our retirees to Medicare and Medex- saving the City health insurance costs and providing our retirees with additional benefits.
- We continue to work with the City Council and school committee to meet 100% of Net school spending.

- In February of 2021 we worked with Massachusetts Financial Oversight Board and sold bonds at one of the lowest rates in our City's history
- The City's allocation of CARES monies was nearly 8 million dollars - the City continues to work with departments to best utilize our remaining funds.
- We continue to negotiate with the City's unions to provide fair and equitable contracts.

Which brings us to economic development.

- I want you all to know- the City of Fall River is seeing a boom in our local real estate market. Many residential properties are selling as soon as they hit the market, for over asking price. Many overlooked properties in all corners of the City are being repurposed as market rate housing developments.
- Thanks in part to local developers like Anthony Cordeiro, Robert Karam and Alan Macomber, we have a number of active project across the City.
- Some examples include the Downtown Lofts at the Ben and Nathan building on Third Street and the Residences at Highland Avenue (which was formerly the Adams House). Plans are in the works to repurpose the Notre Dame Rectory and the International Garment Workers Union building for market rate and workforce housing. Mills on Alden St and Globe Mills Avenue are being renovated as well. These are just a few examples of recent and ongoing housing developments in Fall River.
- We are nearing the end of a long journey supporting the Bank St Armory's sale and rehabilitation. We have state approval to make the sale and are currently drawing up the purchase and sale agreement. The developer plans to make the Armory into a venue for events like weddings and fairs, which we hope will bring more action to downtown.
- We've obtained a \$1 Million grant from Seaport Council for Phase 2 of City Pier, which will make the pier safe for public use. The RDA is in the process of achieving this next phase of rehabilitation.
- Because of the ongoing developments at the waterfront and the incoming Commuter rail, the Waterfront is seeing heightened interest from commercial and residential mixed use developers. A new six story building on Davol street is being developed for 49 market rate units with commercial space on the first floor.
- The South Coast Rail project, which has driven much of the renewed interest in the City, is moving along and is set for completion by 2023.

- In our North End, the City has worked together with the redevelopment authority to solidify the expansion of Raw Seafood in the Industrial Park and facilitate Nantucket Seafood as a tenant
- We also worked with Liberty Utilities to relocate them to the industrial park, also, in the former Homeland building and assisted in the sale of their property on Anawan st to the RDA
- The City has worked to support the expansion of existing businesses such as US Mattress, who are moving to the former Sam's Club site late this Spring, bringing over a hundred new jobs to Fall River.
- The CDA, RDA and Bristol County Economic Development consultants assisted with the allocation of \$1.2 million dollars of CARES Act funding to support small and medium sized businesses with both job creation and retention.
- We have worked with the TDI Partnership and One Southcoast Chamber to promote Outdoor dining. By utilizing grant funding, the City distributed heaters to extend the outdoor dining season for our restaurants. We have plans to continue supporting restaurants as we approach the Spring.

As we begin the second year of the Coogan administration, we will be focused on the following priorities, which I believe will help move the City of Fall River towards meeting its full potential.

1. I want to make visible progress in revitalizing our downtown and Pleasant street commercial districts by adding market rate housing and supporting mixed use development while improving and filling vacant storefronts. I would like to return to the days of a bustling downtown with plenty of foot traffic.
2. As we look to another round of federal stimulus funding, I want to use these funds for streets, sidewalks and infrastructure projects.
3. I want to improve the liveability of the City by supporting our arts and cultural economy through the revitalization of the Bank Street Armory, the improvements to the Durfee auditorium and the growth of our waterfront cultural district. I also look forward to planning and supporting community events as soon as we can do so.

Almost every choice I make as Mayor works towards these goals.

I ran my campaign with a vision. A vision of a City government where everyone feels included. I had a vision of providing residents easy access to this building, to my office and to myself. But Covid-19 has changed that. Not only has it consumed much of my time here, but it has restricted me from doing what I love most, what drove me to this office. It has restricted me from being with all of you. We are no longer holding

cookouts, clam boils or chow mein sandwich luncheons. I can't drop in on fundraisers or classrooms. Visitation at City Hall has been restricted to essential services for customers.

I believe that in the last year, while we were all isolated and lived our lives online, we lost touch with the hope and unity that the City felt in early 2020. I have seen a troubling trend of residents turning to patterns of distrust, disrespect and division. It is so easy to villainize and hate, especially when, in recent history, we have had leaders fail us and embarrass us on a national and local scale.

But when I have a moment to message someone who leaves an aggressive comment on my page or when I bump into someone at the grocery store and they ask me about something that confused them or upset them, we try to reach an understanding. I believe, when people escape the confines of the internet and interact as we were meant to (with humanity, respect and understanding), they remember the hope that this City felt in January of last year. They remember why I was elected, they remember that my love for this City and my urge to do what is right for Fall River guides everything that I do.

Far too often, hate and mistrust clouds our judgement. My biggest fear is that if we give into these things, instead of coming to an understanding and treating people with respect and trust, we will remain in a pattern of negativity that as a City need to escape.

So as I close my statement tonight and as we come together to look for a more normal future, I want to make this message very, very clear. I urge you all to trust in a brighter tomorrow for Fall River and to treat others with dignity and respect.

I hope you still raise your voices and share your opinions, even if they are not positive towards me. But I urge you to do so thoughtfully and to seek the truth instead of only seeking the negative.

As we go forward, I once again promise you that I will continue to work hard, act out of my deep love for this City and commit my administration to integrity and transparency. We are on the cusp of something really special in Fall River and I am very excited about what the future is going to bring.

Good night and god bless the City of Fall River.

CITY OF FALL RIVER

6a

To the City Council

Councillors:

The Committee on Economic Development and Tourism at a meeting held on April 14, 2021, unanimously voted to recommend that the accompanying resolution be referred to the Committee on Ordinances and Legislation, with Councilor Pam Laliberte-Lebeau absent and not voting.

Colleen A. Taylor
Clerk of Committees

City of Fall River, In City Council

6a

(Councilor Linda M. Pereira)
(Councilor Michelle M. Dionne)

WHEREAS, the restaurants in Fall River have been requesting outside dining in front of their establishments from Memorial Day through Columbus Day, to provide increased services and add to the activity and ambiance of their establishments since 2014, and

WHEREAS, in recent months the COVID-19 pandemic has adversely impacted the ability of many local restaurants to maintain cash flow and remain a viable business in our city, and

WHEREAS, the Governor has established an order to allow for outside dining/seating at the start of Phase II of the Massachusetts' re-opening efforts, and

WHEREAS, allowing for outside dining/seating would greatly assist Fall River restaurants to remain in business, now therefore

BE IT RESOLVED, that the City Council Committee on Economic Development and Tourism convene with the Director of Code Enforcement, Director of Traffic, City Planner, a representative of the Police Department, a representative of the Commission on Disability, a representative of the Licensing Board, and Corporation Counsel to discuss and assist in the immediate development of policies and guidelines that outside seating and service be allowed at these establishments immediately, provided that the configuration of seating does not prohibit public access in front of the establishment and that these businesses be allowed to immediately utilize half of the sidewalk or other designated area, and

BE IT FURTHER RESOLVED, that once protocols are developed, a proposed ordinance will be submitted to the Committee on Ordinances and Legislation.

In City Council, June 9, 2020
Adopted, 9 yeas

A true copy. Attest:

Alison M. Bouchard
City Clerk

Laurel
6-15-20

CITY OF FALL RIVER

6b

To the City Council

Councillors:

The Committee on Economic Development and Tourism at a meeting held on April 14, 2021, unanimously voted to recommend that the accompanying resolution be referred to the Committee on Ordinances and Legislation, along with a copy to Corporation Counsel, with Councilor Pam Laliberte-Lebeau absent and not voting.

Colleen A. Taylor
Clerk of Committees

City of Fall River, In City Council

66

(Councilor Michelle M. Dionne)

WHEREAS, the Fall River City Council finds a public art program is important to a city, because it brings social, cultural, and economic benefits to the public and visitors to the city, and

WHEREAS, the Fall River City Council wishes to create and establish a program which will enhance the recreational and cultural environment in the city by incorporating the work of artists into the city's capital improvements, and

WHEREAS, the Fall River Public Art Plan, within its economic development and tourism goals, places a high priority on the establishment of a public art program in Fall River, and

WHEREAS, public art programs have been adopted in the Commonwealth of Massachusetts, and

WHEREAS, the resolution authorizing the establishment of a Fall River Public Art Commission "an advisory committee to the City Administrator and City Council" defines one of the commission's functions as "the implementation of a public art program", and

WHEREAS, The Downtown Urban Renewal Plan, Waterfront Urban Renewal Plan, Master Plan, and Open Space and Recreation Plan establishes a goal of "activating the street-level and the storefronts with interesting shops and venues; and continuing streetscape improvements including public art, throughout downtown and the waterfront", and

WHEREAS, the Citywide Strategic Plan goals of "a strong and diverse economy", "thriving livable neighborhoods" and "stewardship of the City's physical assets" are supported by a public art program, and

WHEREAS, the City of Fall River establishes a goal to encourage the incorporation of public art in new development projects, particularly in Downtown, Waterfront and Historic Neighborhoods, and

WHEREAS, a stable and predictable source of funding for public art projects and a transparent system for administering a public art process in the selection of works can support the goal of increasing the quality of diverse public art throughout the city, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation convene to review and discuss a Public Art Policy.

CITY OF FALL RIVER
IN CITY COUNCIL
APR - 6 2021

*Referred to the
Committee on
Economic Development
& Tourism*

In City Council, February 23, 2021
Adopted, 9 yeas

A true copy. Attest:

Alison M. Bouchard

City Clerk

Suggested Public Art Policy

6b

Public art has become an important component in the civic and cultural life of hundreds of U.S. cities.

The City of Fall River has an opportunity to integrate and expand the wide range of artworks in public locations throughout the community. This outline suggests the policies that could facilitate the development of public art throughout the City. It provides a guide and/or procedure for City departments considering the placement of public art.

The City of Fall River Public Art Policy outlines the acceptable criteria for project types and the process for implementing and realizing public art projects.

- SECTION 1 contains introductory information, the criteria for art selection, information about the development of a public art master plan and the process for identifying and selecting art and artists.
- SECTION 2 addresses key personnel and agencies and explains their roles as they relate to public art.
- SECTION 3 discusses the acquisitions, maintenance, and placement of the City Public Art Collection. And includes a list of all current public art installations throughout the City.
- SECTION 4 explains deaccessioning of artworks already in the City's possession.
- SECTION 5 includes examples of gateway city public art programs in Massachusetts.
- SECTION 6 includes a glossary of definitions.

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- 1.6 Community Input
- 1.7 Public Art Master Plan
- 1.8 Public Art Project Selection Methods
- 1.9 Art in Private Development

Section 2 - Roles and Responsibilities

- 2.1 Fall River City Council
- 2.2 Fall River Arts Commission
- 2.3 Public Art and Design Board
- 2.4 Other Departments

Section 3 - Public Art Collection (including current inventory)

Suggested Public Art Policy

66

Section 4 – Deaccessioning Policy and Procedures

- 4.1 Criteria for Deaccessioning
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- 4.3 Manner of Disposition

Section 5 – Definitions

SECTION 1 – PUBLIC ART PROGRAM IN FALL RIVER

The City of Fall River recognizes the value of public art to its citizens and visitors.

Public art provides engaging, imaginative spaces that enliven the public experience, foster community, celebrate our unique stories and collective history and inspire us to experience the world with fresh perceptions. Public works of art can transform and activate civic spaces and create a unique identity for Fall River as a destination place.

Public art in Fall River has a strong history to date, from the “Vietnam Veterans Memorial Wall” in Fall River’s Bicentennial Park (currently under construction in 2021) to the 1940 statue of “Prince Henry the Navigator” by Aristide Berto Cianfarani, an Italian born American sculptor, who studied at the Rhode Island School of Design. Others include murals and artworks set along South Main Street, created by members of the Greater Fall River Art Association.

Currently, the City of Fall River does not have a permanent Public Art Policy and Program which would promote the City’s identity and civic pride, attract visitors and businesses, develop vibrant, creative spaces, and creat jobs.

A newly developed Public Art Policy and Program could raise public awareness of the impact of public art and its cultural and economic contributions.

1.1 PURPOSE

The purpose of the Public Art Policy and Program would be to give direction for:

- ART...Establishing a diverse collection of public artworks with the cooperation of the community.
- ARTISTS...Providing ongoing opportunities for local, regional, and possibly national artists of diverse backgrounds to advance their art forms with temporary and permanent public artworks.
- ECONOMY...Considering economic development and cultural tourism when advocating for public art.
- QUALITY...Incorporating art and design projects of the highest quality throughout the community. Creating a museum without walls and making art accessible to all.
- LEGACY...Providing a legacy of art and culture for future generations.

1.2 APPROPRIATION AND ALLOCATION OF ART FUNDS - TBD

Public art can be obtained by the City by various means:

- Gifts, Purchases, Percent (of City revenue) for Art Process, Monuments and Memorials, Citizen-Initiated Artwork, Loans of Artwork.

Financial resources would be maintained in accordance with accepted governmental accounting procedures. All appropriations to and allocations from funds would occur in accordance with all legal restrictions associated with the source of financing. Capital improvement program projects that are required to be bid or otherwise contracted and that provide significant general public access – for example, public safety centers, senior centers, cultural arts venues, parks and recreation facilities and streetscape projects such as gateway arteries and thoroughfares – are eligible for funding.

1.3 ART PROJECT TYPES

For the purposes of this document, works of public art may include but are not limited to:

- SCULPTURE...in the round, bas relief, mobiles, fountains, kinetic and electronic work in any approved material or combination of materials.
- PAINTINGS... in all media, including oils and acrylics, that are portable or permanently affixed, such as murals.
- GRAPHIC ARTS... such as printmaking, drawing and banners.
- MOSAICS... including works executed in tile, glass, stone, or other materials.
- CRAFTS... using clay, fiber and textiles, wood, metal, plastics, stained glass, and other materials, both functional and ornamental.
- PHOTOGRAPHY... including digital and traditional photographic print media.
- MIXED MEDIA which may include any combination of two- and three-dimensional forms of media, including collage.
- LANDSCAPE ART... environmental installations and environmental art of all media, including "Hortensia" The Hydrangea Project, Flowers, Fall River Tree Farm/Trees, Public Art Gardens, Pathways, Walls, Lighting
- DECORATIVE ELEMENTS... designed by practicing artists or other persons submitting as artists, including design professionals.
- LIGHT-BASED ART...that is experiential, site-specific, or installation-based work that explores optical phenomena or work composed of transmitted light, artificial or natural light sources, projections, or sculpture.
- SOUND ART... or media with primarily aural-based expressive elements, including electronic, audio media, found or experimental sound sources.
- VIDEO and ANIMATION... projected or displayed on a video monitor.
- PORTABLE ART... that may be displayed at locations other than a substantially permanent location or adjacent to the project site.
- TEMPORARY performance or time-based art.

1.4 CRITERIA FOR SELECTION

The City may consider the following questions when conducting reviews of proposed artwork:

- Aesthetic Quality and Artistic Merit

Suggested Public Art Policy

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- Does the work under consideration have artistic merit?
- Is the work relevant to the City, its values, culture, and people?
- Is the work of art appropriate for the community it serves?
- Placement / Siting
 - How are the sites selected? In areas that are already popular (such as the waterfront) or areas that could be more utilized (downtown/Eastern Ave/etc.) Newly designated Waterfront Cultural District
 - What is the relationship of the work to the site? Is it appropriately scaled?
 - Will the work help to anchor and activate the site and enhance the surrounding area?
 - Will there be convenient public access to the site?
 - Will additional parking or access accommodations be required?
 - What are the utility requirements of the artwork?
 - Does the artwork have a connection with the surrounding community?
- Fabrication, Handling, and Installation
 - Are the projected costs accurate and realistic?
 - Have written estimates been obtained from qualified technical support and fabrication contractors?
 - Does a certain site present any special obstacles to installation?
 - Can the work easily be removed if necessary?
- Maintenance Requirements
 - Is the work suitable for outdoor display or special indoor environments?
 - Are the materials durable and will they last? Does the work have a limited lifespan due to built-in obsolescence or any inherent weakness?
 - What are the existing or projected maintenance requirements of the work? Are they excessive or cost prohibitive? Are any unusual or ongoing costs likely?
 - What are the artist's suggestions for protection of the work from vandalism? Liability and Safety
 - Is any aspect of the work a potential safety hazard?
 - Does the work meet building code requirements?
 - Does the work or any portion of the work require a professional seal (structural engineer, electrical engineer, etc.)?
 - Will fencing or other types of security measures be required?

1.5 CRITERIA FOR NON-ACCEPTANCE ARTWORK

The artwork fails to meet professional standards for acceptable public art practice if one or more of the following applies:

- Faults of design or workmanship pose a public health or life safety hazard or diminish the value of the work.

Suggested Public Art Policy

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- The artwork is fraudulent, inauthentic or appears to be of inferior quality relative to the quality of other works in the Program.
- The artwork is not the original work of fine art, such as a sculpture or painting. If the artwork is one of a multiple, it will be accepted only as an authorized limited edition.

1.6 PUBLIC ART MASTER PLAN

The City of Fall River is in the middle of a cultural and economic renaissance driven by new businesses, from manufacturing to breweries and restaurants, and the coming of the commuter rail system. There is a concurrent need to support and increase cultural opportunities, including permanent and temporary public art, for residents and visitors.

A Public Art Master Plan will:

- Advance goals for public art in the City of Fall River.
- Identify opportunities and needs for public art across the City.
- Develop a strategy for the equitable distribution of public art in public places.
- Define maintenance requirements for public art.
- Identify opportunities for collaboration with other government entities (county/state) to broaden the impact of public art.
- Reflect and document community input obtained during the master planning process.
- Identify funding mechanisms for public art.

1.7 PUBLIC ART PROJECT SELECTION METHODS

One of the following selection methods may be used to select artists or artist teams for eligible public art projects:

- Open Invitational/Open Entry
 - This process is open to all qualified artists with possible limitations based on geographical or other eligibility criteria. The project is advertised, and project guidelines are published. No fees will be charged to artists submitting materials and applications. A single artist may be selected, or a limited number of finalists to prepare a specific site proposal and/or attend an interview with the selection panel.
- Limited Invitational/Focused Invitational
 - Selected artists are invited to enter a competition or are pre-selected as candidates for a project or site. Artists are considered for a commission by invitation only. Members of the selection panel generate the names of artists to be invited. A finalist may be asked to submit a proposal and/or attend an interview with the selection panel.

1.8 ART IN PRIVATE DEVELOPMENT

Suggested Public Art Policy

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As municipal public art programs have become increasingly common throughout the nation, private developers are demonstrating a growing commitment to public art.

Accordingly, the City encourages creative public/private partnerships that enhance the profile of art in the City, support the City's mission and Public Art Policy and contribute to a culturally vibrant and aesthetically beautiful destination.

SECTION 2 – ROLES AND RESPONSIBILITIES

The following roles and responsibilities related to this Public Art Policy apply to groups and individuals.

2.1 FALL RIVER CITY COUNCIL

The City Council periodically reviews the Public Art Policy and related documents to assess compliance by City departments. The City Council determines and/or appropriates funding.

2.2 FALL RIVER ARTS COMMISSION

The Fall River Public Art Commission (FRPAC) is composed of 7 members to include 1 representative from Creative Arts Network Inc., 1 representative from BBC art professors or Grimshaw - Gudewicz Art Gallery, 1 representative from DCR MA/Heritage State Park, 1 representative from Fall River Cultural Council, 1 Local High School Student, 1 City Council appointee, 1 Mayoral appointee, FRPAC approves works of art before they are acquired or transferred, sold, or deaccessioned from the Public Art Collection. FRPAC advocates for public art in Fall River and reviews public art projects.

Duties include but are not limited to:

- Establishing and approving curatorial and programmatic goals, policies, and guidelines as they pertain to artwork acquired on behalf of the City.
- Approving the accession, care and deaccession of all donations of artwork accepted into the Public Art Collection.
- Reviewing the cleaning, repair, and overall care of artwork in the Public Art Collection at the recommendation of the public art director and in compliance with currently accepted standards of care.
- Approving citizen-initiated public art projects with budgets under \$10,000.

2.3 PUBLIC ART AND DESIGN BOARD

The Public Art and Design Board (PADB) is composed of individuals appointed by FRPAC. The PADB is authorized to review and approve matters related to the Public Art Program. The PADB, FRPAC, recommends the nature and placement of PA:

public art projects.

2.4 OTHER CITY DEPARTMENTS

Other city departments will be consulted in the placement of the Public Art Program and determine specific responsibilities and opportunities in which they can participate.

SECTION 3 – PUBLIC ART COLLECTION

The City of Fall River has acquired many works of art that are on view in public spaces, including parks, municipal buildings, and City offices. The artworks have until now been under the care and maintenance of the individual departments that acquired them.

With this Public Art Policy, the City declares that there is one Public Art Collection and that there is one authority, the City of Fall River Public Art Commission (FRPAC), for the acquisition and maintenance of the Public Art Collection.

The full documentation of the Public Art Collection will facilitate opportunities for public access to the Collection's rich history. (See below)

To fully support the care and management of the City Art Collection, consideration must be given to providing funding and staffing at a level consistent with national standards for proper collections management. The Public Art Policy sets the criteria for approval of acquisitions for the Collection by FRPAC. FRPAC also approves the deaccession of artworks in the Collection.

City of Fall River Public Art (as of July 2020) – TBD Examples

- SCULPTURE
 - Mariano S. Bishop Memorial (24 ft high created by unknown sculptor for the Liberal Club?)
<https://www.heraldnews.com/article/20150908/OPINION/150906994>
<https://www.southcoasttoday.com/article/20151026/SPECIAL/151029812>
 - Manuel F. Claudio Memorial
<https://www.heraldnews.com/article/20150526/OPINION/150527283/0/api.pymx5.com>
 - Iwo Jima Monument
 - Vietnam Veterans Memorial
<https://www.capecod.com/newscenter/construction-on-vietnam-veterans-memorial-getting-underway-in-fall-river/>
- PAINTINGS/ MURALS
 - Requires Inventory
- GRAPHIC ARTS
 - "Make It Here" banners
 - Neighborhood banners
- MIXED MEDIA
- EARTH/LANDSCAPE WORK
 - Olmstead Parks system
 - Hortensia Hydrangea Project
 - Sequoia Redwood Tree (North Park)
 - Quequechan Waterfall (behind WOW Gym)
- MOSAICS
- OTHER CRAFTS/SWITCHBOXES
- PHOTOGRAPHY

Suggested Public Art Policy

SECTION 4 – DEACCESSIONING POLICY

Deaccessioning is the process of removing artwork from the City Art Collection. This policy recognizes that over time there may be reasons to deaccession artworks. Deaccessioning is considered only after careful and impartial evaluation of artworks within the context of the Collection. At the beginning of the process, FRPAC makes reasonable efforts to notify any living artist whose work is being considered for deaccession.

Decisions related to deaccessioning are made by FRPAC. FRPAC may, from time to time, deem it necessary to deaccession objects for the betterment of the Collection. In considering an object or group of objects for deaccessioning, the FRPAC must always be aware of its role as trustee of the Collection for the benefit of the public.

4.1 CRITERIA FOR DEACCESSIONING

Objects may be deaccessioned when conditions require or when such action would improve or refine the Collection. Reasons for deaccessioning may include but are not limited to situations where:

- The use of the site has changed, the artwork is no longer appropriate, and the artwork cannot be reasonably protected or maintained.
- The artwork's annual maintenance cost is deemed excessive.
- The artwork has been damaged beyond reasonable repair.
- The artwork requires extensive conservation or restoration that is cost-prohibitive.
- The artwork is deemed inappropriate or requires removal because of new developments in the direction of the Collection.
- The artwork was commissioned or accepted with the provision or understanding that it was to have a limited lifecycle or installation period.

4.2 PROCEDURE FOR DEACCESSIONING

Deaccession of any object from the Collection is based on a written recommendation of FRPAC. The recommendation must specify reasons for the deaccession.

Disposition should occur as follows:

- Unless FRPAC specifically determines an alternative means of disposition, all dispositions are by sale with the primary objective of obtaining the best possible price. Sales of artworks are allowed through public auction, art gallery or dealer resale or direct bidding by individuals.
- Artworks that were commissioned or accepted into the Collection as site-specific works may be destroyed in lieu of being sold or reinstalled at an alternative site. This process is known as decommissioning rather than deaccessioning.
- Deaccessioned objects may be placed in another institution where they serve a similar purpose to that for which they were originally acquired.
- Regarding sale or trade of artworks, FRPAC offers the right of first refusal to the artist, if still alive, and/or the original donor if the artwork was a gift to the City. In the case of artwork by a living artist, an exchange may be made if appropriate.

4.3 USE OF NET PROCEEDS FROM DEACCESSIONING

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Suggested Public Art Policy

Net proceeds from the sale of deaccessioned objects (i.e., the proceeds of the disposition less all related expenses) must not be used as operating funds. Net proceeds are designated "for acquisition only" and must be used only for the growth or care of the collection, consistent with acquisition procedures.

If possible, a file on the object is retained, including object and donor history, photographs, conservation/restoration records, appraisals, and other relevant records.

SECTION 5 - DEFINITIONS

ACQUISITION: The inclusion of an artwork in a permanent art collection acquired through a commission, purchase, gift, or other means.

ARTIST: Individual artist, team of individual artists or artist team leader of individuals from other disciplines whose body of work and professional activities demonstrate serious ongoing commitment to the fine arts.

ARTIST FEES: The portion of the project budget reserved for payment to the artist for creative services for design, fabrication, and project management. Fees do not include other labor, materials, travel and per diem allowances for out-of-town artists.

Artist Selection Panel (ASP): An ad hoc panel whose charge is to review artists and art proposals and make recommendations to the Public Art and Design Board for their selection.

ARTWORK: A tangible creation by an artist.

DEACCESSION: The process of removing an object permanently from a collection, through sale, exchange, or any other transaction by which title is transferred from the collection to another institution or individual. Under certain conditions, it may also include disposal by intentional destruction.

DONOR: The individual, corporation or other entity offering a donation to the City.

FALL RIVER PUBLIC ART COMMISSION (FRPAC): Charter-mandated commission governed by members appointed by the City Council. FRPAC serves as the official advisory body and advocate for the arts to the City Council. FRPAC is an independent Commission.

LOANED ARTWORK: Artwork given for use over a period and returned to the owner at the end of the use period.

MONUMENTS: Structures, sculptures or other objects erected to commemorate a person or an event.

PUBLIC ART COLLECTION: The Public Art Collection comprises all artworks owned by the City that have been accessioned by the FRPAC on behalf of the City.

PLAQUE: Signage affixed on or near an artwork to identify the title, artist, media, etc.

PUBLIC ART: Artworks purchased or commissioned with funds generated by the PA ordinance. The artworks are created, usually by artists or design team collaborations, for public places and public experiences.

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Suggested Public Art Policy

PUBLIC ART PROGRAM: The FRPAC program that administers the purchase and commissioning of artworks.

WHEREAS, in June, July, and August of 2020 the City Council encouraged the Administration to explore new avenues of revenue, and to reduce costs wherever possible, for the FY21 budget to be sustainable, and

WHEREAS, in July and August of 2020 Councilor Dionne put in an enormous amount of effort taking an inventory of trash and recycling bins at businesses, housing authority properties, and 6+ family properties throughout the city, and also researched the "pink bin business recycling program" that was in effect from 2012-2015, and

WHEREAS, the city is currently picking up trash and recycling at many of these locations, and pickup is in direct violation of our city ordinances, and costs the city money, and

WHEREAS, the former administration added an amendment to the EZ Disposal contract allowing the business owners of the pink bins to continue to have their recycling picked up, and further gave them the opportunity to have their trash picked up as well, and

WHEREAS, Councilor Dionne and Council Vice President Laliberte-Lebeau met with the Mayor, the CFO, and the Director of Community Maintenance in August 2020 in order to share all of Councilor Dionne's research, and to request that trash and recycling currently being picked up in opposition to city ordinance and at a cost to the city, cease immediately, and

WHEREAS, we also had a conversation about exploring a Cart Program, and

WHEREAS, the Administration was going to evaluate the most cost saving and equitable measures based on numbers of carts per household that conforms with city ordinance, and present a preliminary proposal as soon as possible, and

WHEREAS, the aforementioned trash and recycling pickup has yet to cease, and a cart proposal has yet to be presented, now therefore

BE IT RESOLVED, that the Administration attend the next meeting of the City Council Committee on Finance with an end date for trash and recycling pickup that is happening in direct opposition to our ordinances, and to present the Cart Program proposal.