

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

**RECEIVED**

**2021 FEB -5 P 2:13**

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

**ALISON M. BOUCHARD**  
CITY CLERK

**INÊS LEITE**  
ASSISTANT CITY CLERK

**MEETINGS SCHEDULED**  
**VIRTUAL MEETINGS**

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

**TUESDAY, FEBRUARY 9, 2021**  
**AGENDA**

**6:00 P.M. COMMITTEE ON FINANCE MEETING**

1. Citizen Input  
Due to the COVID-19 Essential Services Advisory, citizen input must be submitted by email to [city\\_council@fallriverma.org](mailto:city_council@fallriverma.org) by Tuesday, January 19, 2021 at 3:00 p.m. to be read at the meeting.
2. \*Letters of interest received in response to City Council request for legal services submitted by Attorney Arthur D. Frank, Jr., Law Offices of Arthur D. Frank, Jr., and Attorney Lauren F. Goldberg, KPLaw
3. \*Discussion with the Director of Facilities Maintenance re: Council Chambers and Hearing Room renovations (see item #7 below)
4. \*Transfers and appropriations (see items #1 and 2 below)

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

**PRIORITY MATTERS**

1. \*Mayor and order appropriating \$226,737.00 for the OPEB Trust Fund from the following:

General Fund Free Cash	\$220,150.00
Water Fund Free Cash	\$ 3,356.00
Sewer Fund Free Cash	\$ 994.00
EMS Fund Free Cash	\$ 2,237.00
2. \*Mayor and orders appropriating the following:
  - a. \$1,731,352.00 from the General Fund FY20 Surplus Revenue to the General Fund Stabilization Fund
  - b. \$426,925.00 from the EMS Enterprise Fund FY20 Surplus Revenue to the EMS Stabilization Fund
3. \*Mayor and request to include the Notre Dame Rectory (529 Eastern Avenue) and adjacent parcels to the Central HD Zone
4. \*Mayor and proposed ordinance re: Abutters Lots Program

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

One Government Center • Fall River, MA 02722  
TEL 508-324-2220 • FAX 508-324-2211 • EMAIL [city\\_clerks@fallriverma.org](mailto:city_clerks@fallriverma.org)

5. \*Mayor and proposed amendment re: salary schedules
6. \*Mayor and order authorizing the Fall River School Department to enter into a Memorandum of Understanding re: Every Student Succeeds Act Transportation

#### **PRIORITY COMMUNICATIONS**

7. \*Communication from City Council President re: renovations to the Council Chambers and Hearing Room
8. \*Corporation Counsel re: proposed amendments to the Solid Waste Ordinance
9. \*Traffic Commission recommending amendments to traffic ordinances
10. \*Board of Election Commissioners and order authorizing the Preliminary Municipal Election on September 21, 2021 and the Municipal Election on November 2, 2021

#### **COMMITTEE REPORTS**

##### **Committee on Public Works and Transportation recommending:**

###### **Grant leave to withdraw:**

11. \*Resolution – Administration work with Oak Grove Cemetery to return historic and sacred items to their cemetery sites

##### **Committee on Economic Development and Tourism recommending:**

###### **Action:**

12. \*Order – City Council Appointments to the Community Preservation Committee

#### **ORDINANCES** – None

#### **RESOLUTIONS**

13. \*Director of Community Maintenance work with the Friends of the Quequechan River Rail Trail in naming a bench in honor of Janice Clarke
14. \*The Administration request that Comcast consider waiving excess fees for data plans and regulations and fees for streaming be examined

#### **CITATIONS**

15. James J. Riley – Retirement after 38 years of dedicated service to the Fall River Police Department and 18 years of service to Diman Regional Vocational Technical High School

#### **ORDERS – HEARINGS** – None

#### **ORDERS – MISCELLANEOUS**

16. \*The New Girls Varsity Softball Field at B.M.C. Durfee High School be named in honor of Steven R. Winarski

17. Police Chief's report on licenses:

###### **2021 Taxicab Drivers:**

Alex Cabral	Alfred W. Cuttle Jr.	Dennis A. Ferreira Jr.
Shane McNeill	Christopher J. Worsley	

###### **2021 Private Livery Vehicles:**

###### **Princess Limo**

Freightliner Chassis	Ford F-550	Glava Universe Van	Ford Transit
Lincoln MKT	Chrysler 300	Chevy Suburban	

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

19. Transfer of auto repair shop license no. 346 located at 681 Brayton Avenue from Antone D. Vargas d/b/a ADV Auto Repair, to Nuno Dosouto, Easy Auto Repair, LLC
20. Transfer of auto repair shop license no. 217 located at 400 Stafford Road from Mark Shea d/b/a Shea's Automotive Center to True Brother, Inc.
21. Transfer of auto body shop license no. 37 located at 751 Eastern Avenue from Arthur M. Camara, Deschenes Body Repair, Inc. to Khoury Enterprise LLC d/b/a Deschenes Body Repair
22. Transfer of auto body shop license no. 149 located at 115 Maple Street from Robert L. Eleuterio d/b/a Eddie & Son Auto Body and Marine Repair, to Eddie Feliciano d/b/a Eddie & Sons Auto Body and Marine Repairs

#### **COMMUNICATIONS – INVITATIONS – PETITIONS**

23. \*Claims
24. Planning Board Minutes – December 14, 2020 Meeting  
  
City Council Meeting Minutes:
25. \*Public Hearings – December 15, 2020
26. \*Public Hearings – January 19, 2021
27. \*Committee on Finance Meeting – December 15, 2020
28. \*Regular Meeting of the City Council – December 15, 2020
29. \*Communication from Collin Dias requesting the installation of signage to support use of face masks
30. \*Open Meeting Law Complaint filed by Patrick Higgins re: alleged violation by the City Council Committee on Ordinances and Legislation on February 2, 2021

#### **BULLETINS – NEWSLETTERS – NOTICES**

31. Notice of Casualty and Loss at 551 Rock Street

  
City Clerk

#### **ITEMS FILED AFTER THE AGENDA DEADLINE:** **CITY COUNCIL MEETING DATE: FEBRUARY 9, 2021**

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

#### **COMMITTEE REPORTS**

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

- 12a. \*Proposed Ordinance – Traffic, Handicapped Parking  
First Reading:
- 12b. \*Proposed Ordinance – Traffic, Miscellaneous
- 12c. \*Proposed Ordinance – Establish position and salary of EMS – Administrative Assistant

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

RECEIVED

2021 JAN 20 P 3:44

CITY CLERK \_\_\_\_\_

FALL RIVER, MA

LAW OFFICES OF  
ARTHUR D. FRANK, JR.

209 BEDFORD STREET, SUITE 402  
FALL RIVER, MASSACHUSETTS 02720  
TELEPHONE 508-678-4556  
FAX 508-674-3610

MEMBER OF THE  
MASSACHUSETTS AND RHODE ISLAND BARS

E-MAIL  
afrank@adflaw.com

City\_Council@fallriverma.org

City of Fall River Corporation Counsel  
One Government Center  
Fall River, MA 02722

Attn: Clifford Ponte, Council President

**RE: Legal Counsel Services**

Dear Council President Ponte,

Please accept this letter as my formal interest in the position of Legal Counsel to the City of Fall River City Council.

My experience in this area of governmental law dates back to 2004 when I was retained by the Town of Swansea as their General Counsel, a position I held until 2019.

I have also served as Corporation Counsel to the City of Fall River (January 7, 2008 to December 31, 2009), Counsel to the City of Fall River School District (Law Office of Macy and Frank 1988-1990), and Counsel to the Town of Swansea School District (1998).

I am General Counsel to the Southeastern Regional Transit Authority (1998- present) and the Argosy Collegiate Charter School (2014 – present). For the past four (4) years I have acted as Special Real Estate Counsel to the City of Fall River Water and Sewer Department. Enclosed please find a copy of my resume.

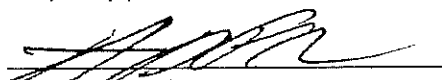
I have completed training seminars for the Open Meeting Law (MA Attorney General), Public Records Law (Secretary of the Commonwealth), and the Conflict of Interest Law (Ethics Commission).

My private hourly billing rate is \$350.00 per hour however my governmental rate is \$175.00 hour.

I do not charge for travel, postage, copies, or secretarial staff.

I would be pleased to meet with you or representatives of your search committee to discuss this position.

Very truly yours,

  
Arthur D. Frank, Jr.

**ARTHUR D. FRANK, JR.**  
265 Hinchey Lane  
Somerset, Massachusetts 02726  
(508) 674-3714

**EDUCATION:**

New England Law/Boston  
Boston MA  
JD 1982

Brown University  
Providence RI  
BA 1979

BMC Durfee High School  
Fall River MA  
1975

**ADMITTED:**

Massachusetts Bar, Rhode Island Bar,  
U.S. District Court  
1983

**PRIVATE LAW PRACTICE:**

JOSEPH I. MACY, P.C. 1983-1987  
10 Purchase Street  
Fall River MA 02720  
(508) 678-4556

MACY & FRANK 1988-1998  
Ten Purchase Street  
Fall River MA 02720  
(508) 678-4556

LAW OFFICES OF ARTHUR D. FRANK, JR.  
209 Bedford Street, Suite 402 1998-Present  
Fall River, MA 02720  
(508) 678-4556

**PROFESSIONAL MEMBERSHIP:**

Fall River Bar Association, Bristol  
County Bar Association, Massachusetts  
Bar Association, Massachusetts Trial  
Lawyers Association, Rhode Island Bar  
Association, Massachusetts Conveyancers  
Association

**APPOINTMENTS:**

Land Court Examiner  
Massachusetts Land Court – 1993

Agent, Chicago/Commonwealth Land Title Insurance Co.  
1998-Present

Town of Somerset Assistant Moderator.

**PUBLIC SERVICE TO  
CITY OF FALL RIVER:**

1. Chairman, Fall River Traffic Commission
2. Counsel to Fall River School Committee (Macy & Frank)
3. Special Counsel, Doran School Construction
4. Special Counsel, Bristol County Training Consortium
5. Special Counsel, Letourneau Middle School Construction
6. Special Counsel, Kuss Middle School Construction
7. Special Counsel, Slade Middle School Construction
8. Special Counsel, Small Middle School Construction
9. Corporation Counsel (2008-2009)
10. Special Counsel to City of Fall River (2016-present)

**OTHER GOVERNMENTAL  
SERVICE:**

1. Southeastern Regional Transit Authority (SRTA)  
General Counsel – 1998 to present
2. Town of Swansea, General Counsel – 2004 to 2019
3. Town of Somerset – Advisory Finance Committee –  
1996-2001
4. Swansea School Committee – Interim Counsel - 1998
5. Southeastern Massachusetts Convention & Visitors  
Bureau – Counsel
6. Argosy Collegiate Charter School- General Counsel, 2014  
to present

**COMMUNITY SERVICE:**

1. St. Thomas More Church – Lector
2. Somerset/Swansea Youth Soccer League – Coach
3. Swansea Independent Baseball League – Volunteer/Coach
4. Somerset Senior Baseball League – Coach
5. Somerset American Legion Baseball – Scorer
6. Stoico/First Fed Swansea YMCA, Chairman, Board of  
Managers – 2017 to present

**DIRECTOR:**

St. Anne's Credit Union  
1991 - 2002  
Chairman - CRA Committee  
Swansea Ambulance Corps  
1999 – 2002  
Fall River Chamber of Commerce  
2006 – 2008

**ALUMNI TRUSTEE:**

Delta Phi Omega, Beta Chapter

Brown University

**AWARDS:**

Recruitment Service Award  
National Alumni Schools Program  
Brown University - 1984  
Outstanding Young Men of America - 1985

**INSTRUCTOR:**

Fisher College, Fall River, MA  
1989 - 1990

**GUEST SPEAKER:**

Chamber of Commerce  
Fall River Board of Realtors  
Massachusetts Bar Association  
Elderly Legal Referral

**PERSONAL:**

Married, Two Children

**MISCELLANEOUS:**

Notary Public in Massachusetts and Rhode Island

**LOCATION:**

Attorney Frank's law office is located at 209 Bedford Street, Suite 402, Fall River, Massachusetts. The building is handicapped accessible with two (2) parking lots for visitors.

**REFERENCES:**

Submitted upon request.

**KP LAW***The Leader in Public Sector Law*

RECEIVED

2021 JAN 26 A 10:07

101 Arch Street, Boston, MA 02110  
Tel: 617.556.0007 Fax: 617.654.1735  
[www.k-plaw.com](http://www.k-plaw.com)

January 22, 2021

**Lauren F. Goldberg**  
[lgoldberg@k-plaw.com](mailto:lgoldberg@k-plaw.com)BY E-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 02722Re: Letter of Interest/Proposal to Provide Legal Counsel Services for the Fall River City Council

Dear Members of the City Council:

The law firm of KP Law, P.C. is pleased to submit this letter of interest to the Council for the provision of legal services. While many City Councilors may be familiar with the firm and its representation of the City Council in the Fall River City Council v. Jasiel F. Correia, II matter, we appreciate the opportunity to emphasize the Council's understanding of the commitment we make to our municipal clients and the value-added benefits the firm provides.

We are proud that KP Law, P.C., provides legal services to the largest public sector client base of any firm across the state, and that our extensive experience in virtually every area of municipal law can be leveraged to the benefit of each of our municipal clients individually. We use a primary and back-up contact system to ensure that each client works directly with a small team of highly qualified attorneys familiar with the City, its governance documents, its culture and its goals. This dedicated team is supported by other attorneys at the firm, who, collectively, have a depth of experience with the full spectrum of municipal legal issues. At KP Law we are committed to promptly, comprehensively and efficiently responding to each and every client inquiry. Together with our focus on personal relationships, responsiveness and complete accessibility, our combined experience and dedication to public law, the firm is uniquely poised to provide supplemental/specialized legal services to the City Council when and as requested.

#### QUALIFICATIONS

KP Law has been in the practice of municipal law for over four decades. No other firm is so fully dedicated to the practice of public sector law or offers such a wide range of services. KP Law attorneys provide the highest level of legal services in an efficient and cost effective manner, allowing all the firm's clients to equally benefit from the investment of time and resources in researching, advising on, and litigating matters of interest to municipalities. In addition, the firm supports practical resolutions, including proactively anticipating possible issues and negotiating settlements and filing of dispositive motions, when appropriate, to avoid costly litigation, as requested and directed by our clients. All attorneys are members in good standing of the



Hon. Cliff Ponte and  
Members of the City Council  
January 25, 2021  
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Massachusetts Bar, and many of our attorneys, as appropriate, are also admitted to the U.S. District Court (Mass.), the U.S. First Circuit Court of Appeals and the U.S. Supreme Court.

We regularly advise on and litigate a broad range of municipal issues, including, for example, Open Meeting Law, Public Records Law, Conflict of Interest Law, municipal finance, public procurement, tort claims under the Massachusetts Tort Claims Act (M.G.L. c.258), civil rights, labor and employment, telecommunications, cable negotiations, land use, tax title, green energy, housing authorities, animal control, alcoholic beverages licensing, and zoning, to name just a few. Enclosed as **Exhibit A** is an overview of our practice areas, list of sample litigation matters, our Town Counsel and City Solicitor client list, and other relevant information about the firm.

Additionally, we provide important advice concerning the adoption and implementation of recently enacted laws and regulations. For example, as you may be aware, the firm has provided significant guidance, as both general and special counsel, with respect to the COVID-19 epidemic as it relates to municipalities (see <http://www.k-plaw.com/covid-19-resources/>), implementation of G.L. c.94G, the recreational marijuana law, and all that it entails, including drafting bylaws, ordinances and ballot questions, drafting and negotiating host community agreements, and assisting municipal boards, including City and Town Councils, to understand the complicated range of available options. We have also assisted many municipalities with implementation of the new short-term rental tax and continue to support our clients in their work to understand the requirements imposed on day-to-day operations by the revised Public Records and Open Meeting Laws.

The firm's dedication to providing comprehensive, timely, legal services to municipalities and other public entities at a reasonable price is what differentiates us from all other municipal practitioners. This element of the firm's culture is exemplified by each of our attorneys, whose collective commitment to the practice is recognized by our peers and clients alike. We regularly speak at industry conferences, trade association events, and provide seminars and training sessions throughout the state on municipal law issues.

#### PERSONALIZED LEGAL SERVICES

Using a "primary contact" system pioneered by KP Law, we provide each one of our clients with the benefits of representation by a larger-scale firm with wide-ranging expertise, without sacrificing the personalized service that is the hallmark of a successful and lasting attorney-client relationship. We propose the following legal team for the City – Attorney Lauren M. Goldberg as the primary contact, with Attorneys Mark Reich and Matthew Sirigu providing back-up. Each of us brings expertise in various areas, and together we can best assure that the City's matters are addressed efficiently and effectively. As the point of service contact, I will either directly provide legal services to the City, pass matters on to Attorney Reich or Sirigu, as appropriate, or turn to the attorney at the firm who has the appropriate subject matter expertise needed in any particular case.

Hon. Cliff Ponte and  
Members of the City Council  
January 25, 2021  
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While resumes for the three members of the City Council's primary legal team are attached as **Exhibit B**, I have included a short description of our respective background and practice. Resumes for the firm's other attorneys can be viewed on our website at [www.k-plaw.com](http://www.k-plaw.com).

**Attorney Lauren F. Goldberg**, a Shareholder of the firm and the firm's President, is proposed to serve as your primary contact. Attorney Goldberg has more than 20 years of experience in municipal law, including serving in the role of primary contact and/or back up attorney for numerous communities. Attorney Goldberg's practice has a strong focus on general municipal law issues, including municipal finance, conflict of interest, public records, and open meeting law. In addition to her broad-based knowledge of general municipal law, Attorney Goldberg is an expert in issues related to forms of government, transitions from one form of government to another, and in drafting, reviewing and interpreting by-laws and ordinances, charters, and special legislation. Attorney Goldberg assists dozens of towns with town meeting matters, particularly parliamentary procedure, reviewing and preparing matters to be presented to the legislative body, and appearing before the legislative branches of cities and towns throughout the Commonwealth. She is also a founding member of the firm's Government Information and Access Group, and has been instrumental in leading the way in the firm's work with the new Public Records Law. Additionally, Attorney Goldberg has worked alongside a small team of attorneys at the firm to analyze and provide guidance to cities and towns of all sizes with respect to the impacts of COVID-19. Attorney Goldberg was recognized in 2018 by Massachusetts Lawyer's as one of 50 Top Women in Law.

**Attorney Mark R. Reich**, also a Shareholder, is proposed as the City Council's Back-up Contact attorney. With over 25 years of experience in municipal law, first working as an Assistant City Solicitor in Everett, Attorney Reich's practice includes serving as city attorney in several cities. He regularly attends city council meetings, providing advice as to subject matter issues and parliamentary procedure. Attorney Reich has extensive experience with procurement, contracting, and construction, drafting special legislation, and analyzing and interpreting by-laws, ordinances, and charters. Attorney Reich's practice also includes advising clients on all aspects of environmental law, including prosecution of property contamination claims; representation of municipal clients with respect to the reuse and rehabilitation of contaminated property; compliance with G.L. c.21E and the Massachusetts Environmental Policy Act and federal Superfund law; and regulatory and enforcement actions by local conservation commissions and boards of health. Mr. Reich is also a founding member of the firm's Government Information and Access Group, as well as a member of the firm's COVID-19 working group.

**Attorney Matthew V. Sirigu**, an Associate at the firm, formerly a clerk at the Massachusetts Appeals Court, now assists clients with a wide variety of general municipal law issues, including but not limited to town meetings, interpreting, revising and drafting municipal charters, ordinances and by-laws, conflicts of interest, the Public Records and Open Meeting Laws, land use and municipal finance. As a strong legal researcher and writer, and his experience clerking in the Massachusetts

Hon. Cliff Ponte and  
Members of the City Council  
January 25, 2021  
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Appeals Court, Attorney Sirigu has the focus and determination needed to provide the City with consistently accurate, well researched legal counsel.

### ACCESSIBILITY

Our attorneys are accessible at all times. We are reachable by e-mail, direct-line access at the office, mobile phone numbers, or fax. As a firm of town counsels and city solicitors, we understand that your work does not start and end during "regular" business hours, and we fully expect that we will be called upon at any time. For that reason, designated City officials and employees will be provided with the cell and office direct dial telephone numbers of each of the primary contact attorneys proposed for the City's legal team.

We believe legal services require collaboration, and will seek to ensure that we understand your expectations, and, in turn, that you are informed of any circumstances that would result in the need for additional time to prepare a well-researched, responsive opinion. We will, of course, provide a status report concerning the progress on any matter as requested.

### OTHER CONSIDERATIONS

The firm provides its municipal clients with several value added services at no cost, designed to keep our cities and towns abreast of the latest developments. These include the following:

- eUpdates – These electronic advisories are intended to provide our clients with more immediate, practical updates on important cases, legislative actions, and other developments of interest to municipalities, also at no charge. eUpdates generally address matters of a critical or urgent nature, and provide necessary information in an easily accessible, timely format, i.e., most recently, the ever-evolving issues implicated by the novel coronavirus COVID-19. A list of recent eUpdates and several examples may be found in *Exhibit C*
- Municipal Law Reference Cards – The firm maintains and publishes useful municipal law reference cards on topics including the Open Meeting Law, Public Records Law, Municipal Finance, Public Procurement, and Municipal Real Estate Acquisition. Samples can be found in *Exhibit C*. Examples of additional cards can be found on our website at the "Resources" tab.
- Training for Employees and Volunteers - We take great pride in our comprehensive seminar program offered at no charge to our municipal clients. Ensuring that elected and appointed officials and staff know about, and understand, the requirements of existing and new laws, as well as relevant court and agency decisions, helps municipalities avoid

Hon. Cliff Ponte and  
Members of the City Council  
January 25, 2021  
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incurrence of unnecessary costs and protracted litigation. Please see a list of our more popular seminars and workshops attached as *Exhibit D*.

As evidence of our commitment to training and education, most recently we provided key guidance to cities and towns during the COVID-19 pandemic, issuing many eUpdates and making them available to all municipalities, clients and non-clients alike, as well as participating in MMA meetings and leading MMLA seminars to help municipalities navigate during these difficult and challenging times. In fact, Attorneys Goldberg and Reich presented a workshop at this year's Annual Massachusetts Municipal Association meeting held on Thursday and Friday this last week. Please also view our website, [www.k-plaw.com](http://www.k-plaw.com), and click on the "Resources" tab for examples of the broad scope of training and preliminary legal analysis we provide our municipal clients. Note that there are separate pages for our eUpdates on various topics, as well as extensive guidance concerning implementation of the "new" Public Records Law, COVID-19, and related matters.

#### FEES FOR SERVICES

Over 98% of our firm's work is municipal legal work. We are particularly mindful that our revenue derives from public sector funds. Because we are the largest public sector law firm in the Commonwealth, our clients benefit from economies of scale and can tap into our experience and expertise for what they need, when they need it, in a cost-effective manner. Likewise, because we manage litigation for a large number of public sector entities, we have state-of-art matter tracking and reporting systems in place to keep our clients timely informed of the status of each.

It is proposed that legal services sought by the City Council to be provided at a single, blended hourly rate of \$275.00 per hour. We would also commit to attending City Council and Standing Committee meetings in person or by remote participation, as requested. Please be further aware that we utilize a retainer system with some clients, and would, of course, be happy to have further discussions with the Council President about the potential use of a retainer with respect to such meetings.

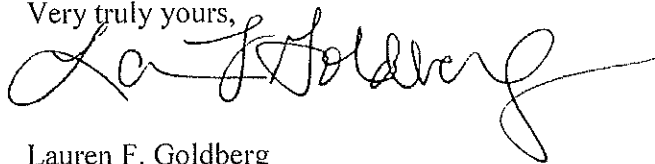
#### CONCLUSION

KP Law is pleased to submit this letter of intent/proposal for legal counsel services to the City Council. The firm is well positioned to provide any requested services, and the firm's unique attributes make it a perfect fit for the City Council's needs. As the proposed primary contact, and on behalf of Attorneys Reich and Sirigu, we are excited about the possibility of serving the Fall River City Council as legal counsel, and would be happy to provide any additional information that may be useful, including references. If selected, we would, at no cost to the City Council, meet in person with the City Council President and Vice President to reintroduce ourselves and establish appropriate channels of communication.

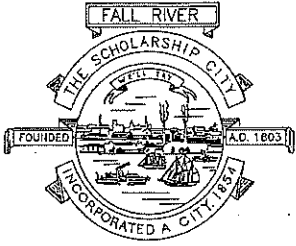
Hon. Cliff Ponte and  
Members of the City Council  
January 25, 2021  
Page 6

We would be delighted to have an opportunity to meet virtually with the City Council President or anyone else he so designates to discuss the within proposal. In the meantime, if you have any questions, please feel free to contact me on my cell phone at 617.548.7622 or by email at [lgoldberg@k-plaw.com](mailto:lgoldberg@k-plaw.com).

Very truly yours,

A handwritten signature in black ink, appearing to read "Lauren F. Goldberg", with a long horizontal flourish extending to the right.

Lauren F. Goldberg



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

**PAUL E. COOGAN**  
Mayor

RECEIVED  
2021 FEB -3 A 11:05

CITY CLERK  
FALL RIVER, MA

February 3, 2021

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

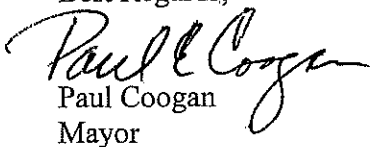
Dear Honorable Council Members:

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations to your Honorable Body.

1. \$220,150 That the sum of \$220,150 be, and the same is, hereby appropriated to the OPEB TRUST FUND from the GENERAL FUND FREE CASH.
2. \$3,356 That the sum of \$3,356 be, and the same is, hereby appropriated to the OPEB TRUST FUND from the WATER FUND FREE CASH.
3. \$994 That the sum of \$994 be, and the same is, hereby appropriated to the OPEB TRUST FUND from the SEWER FUND FREE CASH.
2. \$2,237 That the sum of \$2,237 be, and the same is, hereby appropriated to the OPEB TRUST FUND from the EMS FUND FREE CASH.

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

Best Regards,

  
Paul Coogan  
Mayor

# City of Fall River, *In City Council*

February 9, 2021

# 1

## ORDERED:

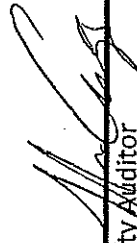
That the sum of \$226,737 be, and the same is, hereby appropriated for the OPEB Trust Fund from:

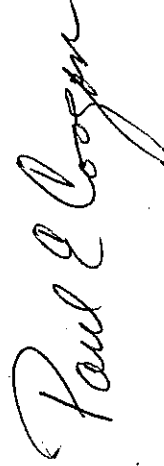
GENERAL FUND FREE CASH	\$220,150
WATER FUND FREE CASH	\$ 3,356
SEWER FUND FREE CASH	\$ 994
EMS FUND FREE CASH	\$ 2,237

## FY21 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
General Fund Free Cash	\$ 1,951,502.00 \$	(220,150.00) \$	1,731,352.00
Water Fund Free Cash	\$ 459,524.00 \$	(3,356.00) \$	456,168.00
Sewer Fund Free Cash	\$ 1,940,291.00 \$	(994.00) \$	1,939,297.00
EMS Fund Free Cash	\$ 429,162.00 \$	(2,237.00) \$	426,925.00
OPEB Trust Fund	\$ 539,358.00 \$	226,737.00 \$	766,095.00

I certify that there are sufficient funds available for these transfers.

  
 Jennifer Argo, City Auditor  
 February 9, 2021

  
 Paul E. Coogan



## **CITY OF FALL RIVER, MASSACHUSETTS**

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**Policy Title: Other Post-Employment Benefits Trust Fund**

**Effective Date: October 30, 2018**

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### **I. INTRODUCTION**

The purpose of this policy is to establish guidelines for the management of the impact of the City's Other Post-Employment Benefits (OPEB) liability on the overall budget and credit rating, within the context of the City's long-term obligations to its retirees. The Other Post-Employment Benefits (OPEB) Liability Trust Fund was established with the acceptance of Chapter 32B, Section 20, of the Massachusetts General Laws, which requires the segregation of funds to address the City's actuarial liability.

The custodian of the OPEB Trust Fund is the City Treasurer. The City of Fall River utilizes the most advantageous investment vehicle as authorized in the OPEB investment policy to invest funds that are designated for addressing the City's OPEB liability. Transfers into, and withdrawals from, the OPEB Trust Fund require an appropriation by the City Council, upon recommendation by the Mayor.

### **II. FUNDING SOURCES**

The OPEB Trust Fund may be supported by transfers from multiple funding sources, potentially including taxation, enterprise fund revenue and/or Free Cash. The City will seek to designate an amount equivalent to 10% of certified General Fund Free Cash for deposit into the OPEB Trust Fund on an annual basis. In addition, funding will be designated from the individual enterprise funds to offset the funds' overall share of assigned liabilities as determined by the most recent actuarial study. All interest proceeds generated by the accumulated deposits shall accrue to the Trust Fund.

### **III. MANAGEMENT OF OPEB LIABILITY TRUST FUND**

The City's management team, working with union representatives and health care providers, will continue to make every effort to manage the OPEB liability by identifying revisions to benefit delivery and cost assignment that will reduce out year costs. Management of the Trust Fund is subject to the following parameters:

- A. Current retiree health obligations will be funded on a pay-as-you-go basis.
- B. Withdrawals under any circumstances will not occur unless the Trust Fund balance is sufficient to maintain at minimum a two-year reserve for the City's share of retiree claims costs.
- C. The City may only draw upon the Trust Fund to offset the impact of unexpected increases in retiree benefit costs once the reserve benchmark has been attained, and only if such increases will stabilize annual expenditures.
- D. The City will evaluate, adopt and implement policies and strategies to limit future OPEB liabilities as legislatively allowed and appropriate.
- E. The City may, as available funds provide, opt to set aside more than the amount required to achieve and maintain the benchmark reserve.

City of Fall River, MA  
City Council Orders to Transfer Free Cash

FY20 OPEB Liability		FY20 Free Cash Certified	FY21 OPEB Contribution (Policy Attached)	November 2020 - Transfer from Free Cash for Police Vehicles	February 2021 - Transfer to Stab Fund
FY20 Audited FS	<u>\$ 604,066,710</u>				
Participants (Active & Inactive)					
General Fund	5,314	\$ 2,201,502	\$ 220,150	\$ 250,000	\$ 1,731,352
Water	81	\$ 459,524	\$ 3,356		(a)
Sewer	24	\$ 1,940,291	\$ 994		(a)
EMS	54	\$ 429,162	\$ 2,237		\$ 426,925
Total	<u>5,473</u>	\$ 429,162			
General Fund					
Free cash	\$ 2,201,502				
10%	\$ 220,150				
Per Participant	\$ 41.43				

(a)= Paul Ferland will propose a transfer to the Stabilization Funds at a later date



SUBMITTED BY Jennifer Argo  
FIELD REP Tom Guilfoyle

COMMUNITY Fall River  
FUND Water

**RETAINED EARNINGS CALCULATION - ENTERPRISE FUND**

**PART I**

CASH

787,768

SUBTRACT:

CURRENT LIABILITIES, DESIGNATIONS OF FUND BALANCE

Warrants Payable	186,543
Encumbrances	11,781
Expenditures	54,949
Accounts Payable	2,628
Accrued Payroll & Withholdings	72,343

TOTAL

459,524

**PART II**

RETAINED EARNINGS - UNDESIGNATED

459,524

SUBTRACT:

ACCOUNTS RECEIVABLE (NET)


TOTAL

459,524

**PART III**

**FIXED ASSETS:**

DEBITS

CREDITS

Total	-		-
FIXED ASSET VARIANCE	-		

Tom Guilfoyle

REVIEWED BY:

PLEASE SEE CERTIFICATION LETTER

DATE:

10/06/20

FOR DIRECTOR OF ACCOUNTS APPROVAL

SUBMITTED BY Jennifer Argo  
FIELD REP Tom Guilfoyle

COMMUNITY Fall River  
FUND Sewer

**RETAINED EARNINGS CALCULATION - ENTERPRISE FUND**

**PART I**

CASH 2,824,001

**SUBTRACT:**

**CURRENT LIABILITIES, DESIGNATIONS OF FUND BALANCE**

Warrants Payable	153,831
Encumbrances	262,410
Expenditures	643,220
Accounts Payable	16,665
Accrued Payroll & Withholdings	9,865

Late receipt 9/25/20	(202,281)
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TOTAL 1,940,291

**PART II**

RETAINED EARNINGS - UNDESIGNATED 1,940,291

**SUBTRACT:**

**ACCOUNTS RECEIVABLE (NET)**

Other receivables	202,281
-------------------	---------

Late receipt 9/25/20	(202,281)
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TOTAL 1,940,291

**PART III**

**FIXED ASSETS:**

**DEBITS**

**CREDITS**

Total

FIXED ASSET VARIANCE

Tom Guilfoyle

REVIEWED BY:

PLEASE SEE CERTIFICATION LETTER

DATE:

10/06/20

FOR DIRECTOR OF ACCOUNTS APPROVAL

SUBMITTED BY Jennifer Argo  
FIELD REP Tom Guilfoyle

COMMUNITY Fall River  
FUND EMS

**RETAINED EARNINGS CALCULATION - ENTERPRISE FUND**

**PART I**

CASH (735,844)

**SUBTRACT:**

**CURRENT LIABILITIES, DESIGNATIONS OF FUND BALANCE**

Warrants Payable	85,761
Encumbrances	31,892
Expenditures	
Accounts Payable	3,128
Accrued Payroll & Withholdings	149,043
Late Receipt 7/7/20	(1,434,830)

TOTAL 429,162

**PART II**

RETAINED EARNINGS - UNDESIGNATED 463,112

**SUBTRACT:**

**ACCOUNTS RECEIVABLE (NET)**

Departmental	1,468,780
Late Receipt 7/7/20	(1,434,830)

TOTAL 429,162

**PART III**

**FIXED ASSETS:**

**DEBITS**

**CREDITS**

Total	-		-
FIXED ASSET VARIANCE	-		

REVIEWED BY:

Tom Guilfoyle

PLEASE SEE CERTIFICATION LETTER

DATE:

10/06/20

FOR DIRECTOR OF ACCOUNTS APPROVAL

**OPEB Liability as of June 30, 2020**

The following presents the changes in the OPEB liability during FYE 2020.

June 30, 2019 Liability	482,535,814
Service Cost	13,927,153
Interest on Liability and Service Cost	18,295,905
Change in Plan Provisions	0
Experience (Gain) and Loss	0
Change in Assumptions	107,149,111
Benefit Payments	(17,303,605)
Other	<u>0</u>
June 30, 2020 Liability	604,604,377

**Net OPEB Liability as of June 30, 2020**

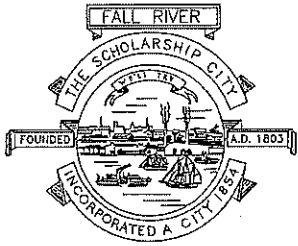
The following presents the net OPEB liability of the system calculated using the discount rate of 2.5%, as well as what the system's net OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower (1.5%) or 1-percentage-point higher (3.5%) than the current rate. The Plan Fiduciary Net Position as a percentage of the Total OPEB Liability is 0.1%.

	<b>1% Decrease (1.5%)</b>	<b>Current Discount Rate (2.5%)</b>	<b>1% Increase (3.5%)</b>
Total OPEB Liability	716,300,425	604,604,377	715,762,758
Plan Fiduciary Net Position	<u>537,667</u>	<u>537,667</u>	<u>537,667</u>
Net OPEB Liability	515,970,123	604,066,710	715,225,091

**EXHIBIT 2 – MEMBERSHIP DATA****Number of Participants  
July 1, 2019**

	<u>Actives</u>	<u>Retirees and Beneficiaries</u>	<u>Total</u>
Fire	194	413	607
Police	270	364	634
School	1478	1985	3463
BCTS	28	24	52
CDA	10	48	58
EMS	54	0	54
Sewer	21	3	24
Water	28	53	81
Other	<u>215</u>	<u>285</u>	<u>500</u>
Totals	2298	3175	5473





**PAUL E. COOGAN**  
*Mayor*

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

2a+b

RECEIVED

2021 FEB -3 A 11:05

FALL RIVER, MA

February 3, 2021

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

Dear Honorable Council Members:

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations to your Honorable Body.

1. \$1,731,352 That the sum of \$1,731,352 be, and the same is, hereby appropriated to the GENERAL FUND STABILIZATION from the GENERAL FUND FREE CASH.
2. \$426,925 That the sum of \$426,925 be, and the same is, hereby appropriated to the EMS FUND STABILIZATION from the EMS FUND FREE CASH.

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

Best Regards,

Paul Coogan  
Mayor

*City of Fall River, In City Council*

2a

February 9, 2021

# 1

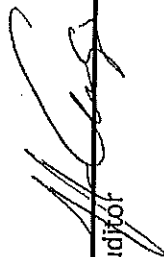
ORDERED:

That the sum of \$1,731,352 be, and the same is, hereby appropriated from the  
GENERAL FUND FY20 SURPLUS REVENUE to the GENERAL FUND  
STABILIZATION FUND.

# FY21 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
General Fund Free Cash	\$ 1,731,352.00	\$ (1,731,352.00)	\$ -
EMS Fund Free Cash	\$ 426,925.00	\$ (426,925.00)	\$ -
General Fund Stabilization Fund	\$ 7,497,793.00	\$ 1,731,352.00	\$ 9,229,145.00
EMS Stabilization Fund	\$ 2,200,554.00	\$ 426,925.00	\$ 2,627,479.00

I certify that there are sufficient funds available for these transfers.

  
 Jennifer Argo, City Auditor  
 February 9, 2021

*City of Fall River, In City Council*

2b

February 9, 2021

# 2

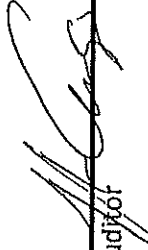
ORDERED:

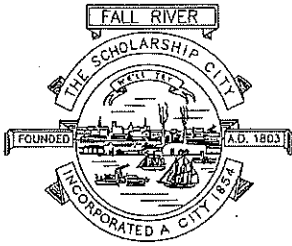
That the sum of \$426,925 be, and the same is, hereby appropriated from the EMS ENTERPRISE FUND FY20 SURPLUS REVENUE to the EMS STABILIZATION FUND.

# FY21 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
General Fund Free Cash	\$ 1,731,352.00 \$	(1,731,352.00) \$	-
EMS Fund Free Cash	\$ 426,925.00 \$	(426,925.00) \$	-
General Fund Stabilization Fund	\$ 7,497,793.00 \$	1,731,352.00 \$	9,229,145.00
EMS Stabilization Fund	\$ 2,200,554.00 \$	426,925.00 \$	2,627,479.00

I certify that there are sufficient funds available for these transfers.

  
 Jennifer Argo, City Auditor  
 February 9, 2021



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

3

**PAUL E. COOGAN**  
*Mayor*

January 25, 2021

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

RECEIVED  
2021 FEB - 2 A 9:49  
FALL RIVER, MA

RE: Proposed Amendment to the Central HD Zone

Dear Council President Ponte:

With regard to the above referenced subject matter and pursuant to 760 CMR 66.00, please accept this correspondence to initiate a request from Karen and Roland Langevin, 410 Grove Street, Fall River, MA 02720, as owners of the Notre Dame Rectory, to amend the City of Fall River Central HD Zone to include the location of the Notre Dame Rectory located on 529 Eastern Avenue and adjacent parcels as identified in the attached map and forward this request to the City of Fall River Planning Department for the scheduling of a Public Hearing on this matter.

Notre Dame de Lourdes Church was constructed in 1874 to accommodate the French-Canadian and Irish populations who settled in the east end of Fall River to work in the cotton mills. In addition to the Church the parish grew over time to include an orphanage, convent, school, rectory, Brother's Residence, high school and off-site cemetery. In 1982, during a restoration of the Church project, a massive fire destroyed the Church and many of the nearby buildings, however, the parish's rectory survived.

As a means to save and re-purpose this historic structure for residential use, the project proponents will be investing an estimated \$4,548,704. As a result of this investment, the Notre Dame Rectory will be converted into 14 residential units where it is anticipated that 10 units will be market rate, 2 units will be community housing units offered at 100% AMI and 2 units will be HOME funded units. Recently, the Fall River Historic Commission has agreed to place the property on the List of Significant Structures and the project has received Part 1 Historic Approval from both federal and state historic commissions. Part 2 Historic Application approval for federal and state historic tax credit funding was filed for on January 15, 2021.

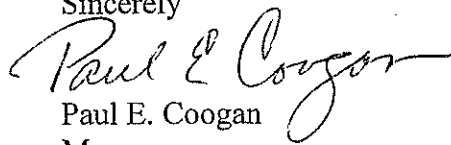
As some of you may recall, the Central HD Zone, was ordained by the Fall River City Council on March 8, 2016, approved by then Mayor Jasiel Correia on March 10, 2016 as part of the City

of Fall River Revised Ordinances and subsequently approved by the Massachusetts Department of Communities and Development in May 2016.

The requested action by the Fall River City Council is a state mandated first step in the HD Zone amendment process. After the convening of a Public Hearing by the City of Fall River Planning Department on this matter, the request will be forwarded back to the Fall River City Council for further action.

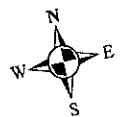
As such, I respectfully request that the Fall River City Council look favorably upon this application and vote to send it to the Fall River Planning Department for further action. Thank you for your time and attention in this matter. If you have any questions or need any additional information, please do not hesitate to call Kenneth Fiola, Jr. Esq, Executive Vice President, BC EDC at 508-965-4942.

Sincerely

  
Paul E. Coogan  
Mayor

## Project Site Locus

**HD3 Zone**







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

4

**PAUL E. COOGAN**  
*Mayor*

RECEIVED  
2021 JAN 14 P 3:56  
CITY CLERK  
FALL RIVER, MA


January 14, 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:

Please find for your consideration a proposed amendment to Chapter 42 of the Code of the City of Fall River, Massachusetts, 2018, as it relates to Housing. Thank you for your consideration.

Best Regards,

  
Paul E. Coogan  
Mayor

PC/amos

# City of Fall River, *In City Council*

4

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 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 clean up and reuse of the property proposed in their abutter's lot program application within one year of the date of transfer. Said one year time period may be extended for an additional six (6) months provided the purchaser has applied for any and all permits necessary to complete their proposed work. The City shall have the option in the deed, pursuant to the preceding covenants, to take the property back or to bring an action in equity to enforce the terms of the covenants.

4

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.

4

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.

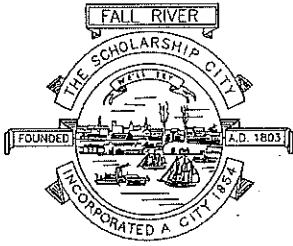
Section 42-149. Disposition of Non-Buildable Municipal Property

- 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. The Mayor 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 clean up and reuse of the property proposed in their abutter's lot program application within one year of the date of transfer. Said one year time period may be extended for an additional six (6) months provided the purchaser has applied for any and all permits necessary to complete their proposed work. The City shall have the option in the deed, pursuant to the preceding covenants, to take the property back or to bring an action in equity to enforce the terms of the covenants.
- 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.





PAUL E. COOGAN  
Mayor

City of Fall River  
Massachusetts  
Office of the Mayor

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RECEIVED

2021 FEB -5 P 2:32

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

February 5, 2021

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

Dear Honorable Council Members:

During the budget preparation we found that the following ordinance should be updated to reflect the information (both salaries and titles) which will be included in my proposed budget.

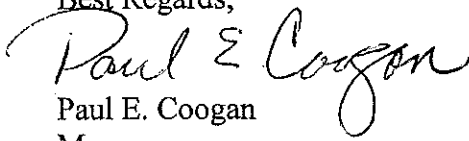
Section 50-301 includes the salary schedule for executive officers, department head and non-union personnel. The attached ordinance is requesting a change to the "ceiling" salary amount for certain non-union positions. This includes an increase equal to the increase approved for the American Federal of State, County and Municipal Employees (AFSCME) for 7/1/2019 and 7/1/2020 as well as an increase to the "ceiling" not to exceed amounts.

Section 50-302 removes the "not to exceed" ceiling for 3 positions which are contract positions. All other contract positions do not include a not to exceed amount in section 50-302.

The other sections referenced in subsection A of 50-315(1) are currently being negotiated and we will provide an update this section 50-315 subsection (B) upon approval of those contracts.

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

Best Regards,

  
Paul E. Coogan  
Mayor

CITY OF FALL RIVER, MA		DRAFT FOR DISCUSSION 2-2-2021								
SALARY ORDINANCE										
Section 50-301 Salary Schedules for Executive Officers, Dept Heads & Non- Union Personnel	Date of Last Ordinance Change	CURRENT NOT TO EXCEED - CITY ORDINANCE	7/1/2017 Ordinances Adjusted for AFAME Increases 7/1/2018	7/1/2017 Ordinances Adjusted for AFAME Increases 7/1/2019	7/1/2017 Ordinances Adjusted for AFAME Increases 7/1/2020	Current Salary	Proposed Ordinance Change - Ceiling Not to Exceed		Notes or Comments	
Account Manager-Police	7/1/2017	\$60,000.00	\$ 60,900.00	\$ 61,813.50	\$ 62,740.70	\$ 55,750.00	\$ 68,850.00			
Accreditation Coordinator	7/1/2019	\$60,000.00			\$ 66,300.00	\$ 53,675.00	\$ 68,850.00			
Administrative Assistant Board of Assessors/ Administrator of Assessing	7/1/2017	\$90,000.00	\$ 91,350.00	\$ 92,720.25	\$ 94,111.05	\$ 75,000.00	\$ 103,300.00			
Administrative Assistant/Code Enforcement Administrator Services Manager	7/1/2017	\$50,000.00				Vacant	\$ 57,400.00			
Administrator of Community Utilities	7/1/2017	\$69,666.63	\$ 70,710.99	\$ 71,771.65	\$ 72,848.23	Vacant	\$ 80,000.00			
Animal Control Officer	7/1/2017	\$103,416.08	\$104,967.24	\$106,541.75	\$108,139.87	\$ 108,672.67	\$ 118,800.00			
Asset Manager/ GIS Specialist-Community Utilities	7/1/2017	\$33,118.45	\$ 33,614.77	\$ 34,118.99	\$ 34,630.78	\$ 34,801.84	\$ 38,100.00			
Assistant Assessor I	7/1/2017	\$60,000.00	\$ 60,900.00	\$ 61,813.50	\$ 62,740.70	\$ 63,049.77	\$ 68,900.00			
Assistant Assessor II	7/1/2017	\$60,959.94	\$ 61,874.40	\$ 62,802.52	\$ 63,744.55	\$ 60,900.00	\$ 69,950.00			
Assistant City Auditor	7/1/2017	\$52,150.93	\$ 52,933.27	\$ 53,727.26	\$ 54,533.17	Vacant	\$ 59,900.00			
Assistant City Clerk	7/1/2017	\$75,000.00	\$ 76,125.00	\$ 77,266.88	\$ 78,425.88	Vacant	\$ 86,100.00			
Assistant Collector	7/1/2018	\$75,000.00		\$ 76,125.00	\$ 77,266.88	\$ 77,345.25	\$ 86,100.00			
Assistant Commissioner of Recreation Facilities/ Director of Recreational Facilities	7/1/2017	\$60,000.00	\$ 60,900.00	\$ 61,813.50	\$ 62,740.70	\$ 58,928.87	\$ 68,850.00			
Trees/ Director of Trees/ Cemeteries Assistant Purchasing Agent	7/1/2017	\$55,916.38	\$ 56,754.74	\$ 57,606.06	\$ 58,470.15	Vacant	\$ 64,200.00			
Assistant Treasurer	7/1/2017	\$55,916.38	\$ 56,754.74	\$ 57,606.06	\$ 58,470.15	\$ 58,758.58	\$ 64,300.00			
Audit/Grants Manager	7/1/2017	\$38,083.55	\$ 38,654.25	\$ 39,234.06	\$ 39,822.57	Vacant	\$ 43,750.00			
Board of Election Commissioners/ Director- Office of Elections, Chairperson	7/1/2017	\$65,000.00	\$ 65,975.00	\$ 66,964.63	\$ 67,969.09	\$ 68,000.00	\$ 74,600.00			
City Auditor	7/1/2017	\$75,000.00	\$ 76,125.00	\$ 77,266.88	\$ 78,425.88	Vacant	\$ 86,100.00			
City Clerk	7/1/2017	\$65,000.00	\$ 65,975.00	\$ 66,964.63	\$ 67,969.09	\$ 57,795.62	\$ 74,600.00			
City Collector	7/1/2017	\$87,567.07	\$ 88,880.51	\$ 90,213.71	\$ 91,566.92	\$ 92,018.06	\$ 100,600.00			
City Council Principal Clerk	7/1/2017	\$94,555.34	\$ 95,973.33	\$ 97,412.92	\$ 98,874.12	\$ 99,361.55	\$ 108,650.00			
City Council Secretary	7/1/2017	\$90,213.08	\$ 91,566.20	\$ 92,939.69	\$ 94,333.78	Vacant	\$ 103,550.00			
City Engineer	7/1/2017	\$40,000.00			\$ 40,600.00	\$ 40,600.00	\$ 45,900.00			
City Planner	7/1/2017	\$49,320.65	\$ 50,060.82	\$ 50,811.73	\$ 51,573.90	\$ 51,827.60	\$ 56,700.00			
City Treasurer	7/1/2017	\$90,000.00	\$ 91,350.00	\$ 92,720.25	\$ 94,111.05	\$ 90,000.00	\$ 103,300.00			
Commissioner for Recreational Facilities/Director of Recreational Facilities	7/1/2018	\$88,300.00	\$ 89,624.50	\$ 90,968.87	\$ 92,333.40	\$ 86,275.00	\$ 101,350.00			
Commissioner of Recreational Facilities and Cemeteries/ Administrator, Administrator Recreational Facilities, Cemeteries and Trees	7/1/2019	\$90,000.00	\$ 91,350.00	\$ 92,720.25	\$ 94,111.05		\$ 103,300.00			
Crime and Data Analyst - Police Department	7/1/2019	\$80,000.00	\$ 81,200.00	\$ 82,418.00	\$ 83,654.27	\$ 79,804.38	\$ 91,800.00			
Deputy Administrator-Community Utilities	7/1/2017	\$66,439.90	\$ 67,436.60	\$ 68,448.15	\$ 69,474.87	Vacant	\$ 76,250.00			
Deputy Police Chief 20 years	7/1/2018	\$60,000.00		\$ 60,900.00	\$ 61,813.50	\$ 49,126.00	\$ 68,850.00			
	7/1/2017	\$89,000.00	\$ 90,335.00	\$ 91,690.03	\$ 93,065.38	\$ 93,523.83	\$ 102,300.00			
	7/1/2017	\$108,728.95	\$110,359.94	\$112,015.33	\$113,695.56	Vacant	\$ 124,800.00			

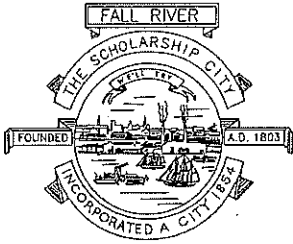
\* Adjusted Ceiling "Not to Exceed" using recommended 3% per Councilor suggestion as a guide to the proposed ordinance change - "Ceiling Not to Exceed"

DRAFT FOR DISCUSSION 2-2-2021									
CITY OF FALL RIVER, MA									
SALARY ORDINANCE									
Section 50-301 Salary Schedules for Executive Officers, Dept Heads & Non-Union Personnel	Date of Last Ordinance Change	CURRENT NOT TO EXCEED - CITY ORDINANCE	7/1/2017 Ordinances Adjusted for AFAME Increases 7/1/2018	7/1/2017 Ordinances Adjusted for AFAME Increases 7/1/2019	7/1/2017 Ordinances Adjusted for AFAME Increases 7/1/2020	Current Salary	Proposed Ordinance Change - Ceiling Not to Exceed	Notes or Comments	
Deputy Police Chief 25 years	7/1/2017	\$109,441.74	\$111,083.63	\$112,749.88	\$114,441.13	Vacant	\$ 125,600.00		
Deputy Police Chief 28 years	7/3/2017	\$110,630.07	\$112,289.45	\$113,973.79	\$115,683.40	\$ 116,250.42	\$ 127,100.00		
Director of Facilities Maintenance	7/1/2017	\$98,000.00	\$ 99,470.00	\$100,962.00	\$102,476.48	\$ 94,574.66	\$ 112,450.00		
Director of Health and Human Services	7/1/2017	\$82,415.86	\$ 83,652.24	\$ 84,907.02	\$ 86,180.63	\$ 84,066.36	\$ 94,600.00		
Director of Minimum Housing Standards Inspectional Services	7/1/2017	\$50,183.78	\$ 50,936.76	\$ 51,700.81	\$ 52,476.32	\$ 53,789.30	\$ 58,800.00		
Director of Municipal Buildings and Code Enforcement/ Inspector of Buildings	7/1/2017	\$91,687.73	\$ 93,062.31	\$ 94,438.24	\$ 95,875.11	\$ 89,320.51	\$ 105,200.00		
Director of Production - FRGTV	7/1/2017	\$45,000.00	\$ 45,675.00	\$ 46,360.13	\$ 47,055.53	Vacant	\$ 51,650.00		
Director of Water Department	7/1/2017	\$82,416.23	\$ 83,653.26	\$ 84,908.05	\$ 86,181.67	\$ 68,997.00	\$ 94,600.00		
Director of Water Distribution and Maintenance	7/1/2017	\$69,824.41	\$ 70,871.36	\$ 71,934.43	\$ 73,013.45	\$ 70,520.00	\$ 80,150.00		
Director of Water Treatment and Resources	7/1/2017	\$72,113.78	\$ 73,195.71	\$ 74,293.65	\$ 75,408.05	\$ 70,520.00	\$ 82,750.00		
Employee Benefits Administrator	7/1/2017	\$65,032.07	\$ 66,007.48	\$ 66,997.59	\$ 68,002.56	\$ 68,337.62	\$ 74,700.00		
Executive Administrative Assistant to the Chief of Police	9/1/2020	\$55,000.00			\$ 55,000.00	\$ 52,287.33	\$ 63,150.00		
Forester-Community Utilities	7/1/2017	\$63,235.87	\$ 64,184.54	\$ 65,147.31	\$ 66,124.52	Vacant	\$ 72,600.00		
Human Resources Assistant	7/1/2017	\$43,652.94	\$ 44,306.78	\$ 44,971.38	\$ 45,645.95	\$ 45,871.80	\$ 50,200.00		
Human Resources Generalist	7/1/2017	\$51,992.72	\$ 52,772.90	\$ 53,564.49	\$ 54,367.96	\$ 54,635.48	\$ 59,750.00		
Manager of Operations Streets and Highways	7/1/2018	\$85,000.00		\$ 86,275.00	\$ 87,569.13	Vacant	\$ 97,550.00		
Mayor's Administrative Assistant	7/1/2017	\$40,000.00	\$ 40,600.00	\$ 41,209.00	\$ 41,827.14	\$ 42,033.18	\$ 45,950.00		
Network Administrator	7/1/2018	\$75,000.00		\$ 76,125.00	\$ 77,266.88	\$ 65,975.00	\$ 86,100.00		
Parking Clerk/Director of Traffic and Parking	7/1/2019	\$80,000.00			\$ 81,200.00	\$ 74,653.25	\$ 91,800.00		
Project Manager, Facilities	7/1/2017	\$64,387.50	\$ 65,352.81	\$ 66,333.10	\$ 67,328.09	\$ 67,660.29	\$ 74,000.00		
Project Manager-Community Utilities	7/1/2017	\$72,817.07	\$ 73,909.26	\$ 75,017.89	\$ 76,143.16	\$ 76,518.32	\$ 83,650.00		
Project Specialist I/Financial Services	7/1/2017	\$70,000.00	\$ 71,050.00	\$ 72,115.75	\$ 73,197.49	\$ 59,419.12	\$ 80,350.00		
Project Specialist II/Treasurer's Office	7/1/2017	\$56,494.00	\$ 57,341.41	\$ 58,201.53	\$ 59,074.55	Vacant	\$ 64,850.00		
Project Specialist-Community Utilities	7/1/2017	\$56,494.00	\$ 57,331.26	\$ 58,191.23	\$ 59,064.10	\$ 59,365.56	\$ 64,950.00		
Purchasing Agent	7/1/2017	\$67,538.45	\$ 68,551.07	\$ 69,579.34	\$ 70,623.03	Incl w/ Tammy	\$ 77,500.00		
Residential Data Lister	7/1/2017	\$36,929.41	\$ 37,482.94	\$ 38,045.18	\$ 38,615.86	Vacant	\$ 42,400.00		
Revaluation Specialist	7/1/2017	\$79,523.31	\$ 80,715.85	\$ 81,926.58	\$ 83,155.48	Vacant	\$ 91,250.00		
Sanitarian Supervisor	7/1/2017	\$66,963.22	\$ 67,967.45	\$ 68,986.96	\$ 70,021.76	Vacant	\$ 76,850.00		
Special Projects Media Mayor's Office	7/1/2017	\$45,900.00	\$ 46,588.50	\$ 47,287.33	\$ 47,996.64	\$ 38,000.00	\$ 52,700.00		
Staff Nurse	7/1/2017	\$50,696.16	\$ 51,456.44	\$ 52,228.29	\$ 53,011.71	\$ 61,343.00	\$ 67,050.00		
Student Intern Apprentice		\$15.00 per hour					\$		
Treasurer-Collector	7/1/2017	\$105,000.00	\$106,575.00	\$108,173.63	\$109,796.23	\$ 106,575.00	\$ 120,500.00		
Veteran's Benefit Agent and Director of Veteran's Services/Director of Veteran's Benefits	7/1/2017	\$60,959.94	\$ 61,874.40	\$ 62,802.52	\$ 63,744.55	\$ 64,058.51	\$ 69,950.00		

\* Adjusted Ceiling "Not to Exceed" using recommended 3% per Councilor suggestion as a guide to the proposed ordinance change - "Ceiling Not to Exceed"

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CITY OF FALL RIVER, MA	DRAFT FOR DISCUSSION 2-2-2021							
SALARY ORDINANCE								
Section 50-301 Salary Schedules for Executive Officers, Dept Heads & Non-Union Personnel	Date of Last Ordinance Change	CURRENT NOT TO EXCEED - CITY ORDINANCE	7/1/2017 Ordinances Adjusted for AFAME Increases 7/1/2018	7/1/2017 Ordinances Adjusted for AFAME Increases 7/1/2019	7/1/2017 Ordinances Adjusted for AFAME Increases 7/1/2020	Current Salary	Proposed Ordinance Change - Ceiling Not to Exceed	Notes or Comments
Water Quality Manager	7/1/2019	\$60,000.00			\$ 60,900.00		\$ -	
Personnel Section 50- 302								
Assistant Administrator Public Library	7/1/2017	Per contract				\$ 60,399.05	Per contract	
Assistant Corporation Counsel	7/1/2017	Per contract				Vacant	Per contract	
Assistant Corporation Counsel PT	7/1/2017	Per contract				\$ 77,265.92	Per contract	
Chief of Police	7/1/2017	Per contract				\$ 175,000.00	Per contract	
Chief of Staff Mayor's Office	7/1/2017	Per contract - not to exceed \$78,780.00				\$ 84,024.77	Per contract	
City Administrator	7/1/2017	Per contract					Per contract	
Corporation Counsel	7/1/2017	Per contract				\$ 123,625.00	Per contract	
Director of Community Maintenance	7/1/2017	Per contract - not to exceed \$98,000.00				\$ 100,564.17	Per contract	
Director of Financial Services	7/1/2017	Per contract - not to exceed 140,000				\$ 133,927.17	Per contract	
Director of Human Resources	7/1/2017	Per contract				\$ 99,161.21	Per contract	
Director of Management Information Services	7/1/2017	Per contract				\$ 99,843.46	Per contract	
Fire Chief	7/1/2017	Per contract				\$ 158,444.23	Per contract	
Grant Writer	7/1/2017	Per contract				\$ 66,000.11	Per contract	
Library Administrator	7/1/2017	Per contract				\$ 95,774.47	Per contract	
Paralegal	7/1/2017	Per contract				Vacant	Per contract	
Animal Control Supervisor	7/1/2017	Per contract				\$ 53,592.17	Per contract	
Workers Compensation Clerk -Law	7/1/2017	Per contract				Vacant	Per contract	
Youth Service Coordinator	7/1/2017	Per contract				40,235.50	Per contract	



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

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RECEIVED

2021 JAN 21 A 9:29

FALL RIVER, MA

**PAUL E. COOGAN**  
*Mayor*

January 20, 2021

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

RE: ESSA Transportation

Dear Honorable Council Members:

The City has an opportunity to receive reimbursement from the state for a portion of the out of district foster care transportation costs. Pursuant to MGL c. 44, § 70 and for purposes of the MOU entitled "Every Student Succeeds Act Transportation Claiming Under Title IV-E of the Social Security Act" between the Executive Office of Health and Human Services (EOHHS) and the City of Fall River, a city by vote of its city council with the approval of the mayor, authorizes the School Department to enter into the MOU and that it is responsible, or assumes responsibility, either directly or indirectly for the non-federal share of the Program expenditures.

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

Best Regards,

Paul E. Coogan  
Mayor

Attached: MOU

# City of Fall River, *In City Council*

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ORDERED, that the Fall River City Council, with the approval of the Mayor, hereby authorizes the Fall River School Department to enter into the terms of the attached Memorandum of Understanding – Every Student Succeeds Act Transportation Claiming Under Title IV-E of the Social Security Act, with the Executive Office of Health and Human Services, Department of Elementary and Secondary Education, and the Department of Children and Families.

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**Memorandum of Understanding – Every Student Succeeds Act  
Transportation Claiming Under Title IV-E of the Social Security Act**

*This Memorandum of Understanding (MOU) has been created and entered into on \_\_\_\_\_, 2020 by and between the following parties in relation to the administration of school of origin transportation costs under the Every Student Succeeds Act (ESSA) to maximize Federal Financial Participation from the Federal Government through Title IV-E of the Social Security Act (Title IV-E):*

**Executive Office of Health and Human Services (EOHHS);**

**Department of Elementary and Secondary Education (DESE);**

**Department of Children and Families (DCF); and**

\_\_\_\_\_**(Enter name)**  
**Commonwealth City/Town/Regional School District or Local Education  
Agency**

The Commonwealth of Massachusetts, Executive Office of Health and Human Services, Department of Elementary and Secondary Education, Department of Children and Families and \_\_\_\_\_ the City or Town or Regional School District of [ ] by and through [ ] (legal name and address of the Local Education Agency, hereinafter, the LEA), hereby agree to the following terms and conditions as they relate to reporting costs and receiving Title IV-E allowable federal reimbursement for said costs as they relate to transporting children eligible under Title IV-E foster care to and from their foster placement and their School of Origin, effective for dates of service on or after April 1, 2019.

**RECITALS**

WHEREAS, DCF is the single state agency designated to submit claims to the Administration of Children and Families (ACF) for the purposes of obtaining Title IV-E cost reimbursement; and

WHEREAS, the LEA desires to participate in the Title IV-E Claiming of Transportation Expenditures for Children in Foster Care (hereinafter, the "Program") under the terms and conditions set forth in this Memorandum of Understanding (MOU);

WHEREAS, the scope of services and providers payable under the Program is defined by this MOU; and

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NOW, THEREFORE, in consideration of the mutual obligations contained in this MOU, the parties agree as follows:

## Section 1. DEFINITIONS

The following terms that appear capitalized throughout this MOU shall have the following meanings, unless the context clearly indicates otherwise.

Administration of Children and Families (ACF) – The agency responsible for the oversight and administration of services pertaining to children, youth, and families nationwide, as established under the authority of Section 6 of the Reorganization Plan No. 1 of 1953.

Certification of Qualified Expenditures or Certification of Qualifying Expenditures – For purposes of this agreement, an expenditure for Transportation that is certified, or attested to, by a contributing public agency or designated authority at a public agency that is eligible for reimbursement under Title IV-E of the Social Security Act.

Department of Children and Families (DCF) – The constituent agency within EOHHS providing services to children 0 through 22 years old who are at risk or have been victims of abuse or neglect, as well as their families, established under M.G.L. c. 18B, § 1.

Department of Elementary and Secondary Education (DESE) – The constituent agency within the Executive Office of Education responsible for the provision of a public education system of a sufficient quality to extend to all children, established under M.G.L. c. 69, § 1.

Every Student Succeeds Act (ESSA) – Federal Law passed in December 2015 governing United States K-12 public education policy (Public Law 114-95).

Executive Office of Health and Human Services (EOHHS) – The executive secretariat of the Commonwealth of Massachusetts established under M.G.L. c. 6A, § 2 that oversees DCF.

Individualized Education Program (IEP) – A written statement, developed and approved in accordance with federal special education law in a form established by the Department of Elementary and Secondary Education, that identifies a student's special education needs and describes the services a school district shall provide to meet those needs.

Local Education Agency (LEA) – See definition for Local Government Entity.

Local Government Entity – Pursuant to MGL c. 44, § 70 and for purposes of this MOU, a city or town, that by vote of its town meeting, town council or city council with the approval of the selectmen, town manager or mayor, authorizes the LEA to enter into this MOU and that is responsible, or assumes responsibility, either directly or indirectly through an agency or other political subdivision, for the non-federal share of the Program expenditures. Local Governmental Entity is also referred to as Local Educational Authority (LEA) in this MOU.



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Metropolitan Council for Educational Opportunity (METCO) – a state-funded grant program run by DESE intended to expand educational opportunities, increase diversity, and reduce racial isolation by permitting students in Boston and Springfield to attend public schools in other communities that have agreed to participate, pursuant to M.G.L. c. 76, § 12A.

Reporting Tool – The mechanism, designed and agreed upon by EOHHS, DESE, and DCF, by which the LEA will report on costs associated with the Program and attest to the accuracy of said costs.

School of Origin – The school in which a child is enrolled at the time of placement in foster care. Pursuant to Elementary and Secondary Education Act, § 1111 (g)(1)(E)(i)), DESE and the LEAs must ensure that a child in foster care enrolls or remains in his or her school of origin unless a determination is made that it is not in the child's best interest.

State Fiscal Year – The 12-month period commencing July 1 and ending June 30 and designated by the calendar year in which the fiscal year ends (e.g., State Fiscal Year 2020 starts on July 1, 2019 and ends June 30, 2020).

Title IV-E – an amendment to the Social Security Act that allows states to claim federal reimbursement for the costs of administering foster, adoptive, and guardianship services based on specific eligibility criteria.

Title IV-E Allowable Transportation Claiming Activities – The process through which an LEA requests payment based on Title IV-E-allowable actual incurred costs related to Administrative Activities. Administrative Activities Claiming is further described in Section 2.3 of this MOU.

Title IV-E Claiming of Transportation Expenditures for Children in Foster Care Program – The program through which Local Government Entities participate in administrative activities claiming of Title IV-E allowable expenditures of transportation for children in foster care.

Title IV-E Eligibility – children in foster care that meet the federal eligibility requirements outlined in the Social Security Act for foster care maintenance payments claimed on their behalf.

Title IV-E Federal Financial Participation (Title IV-E FFP) – The amount of the federal share that may be available based on the Certification of Qualifying Expenditures of an LEA for administrative activities related to the provision of transportation services to IV-E eligible foster care children to their School of Origin provided pursuant to this MOU.

## Section 2. TERMS AND CONDITIONS

1. Subject to (a) the City/Town/Regional School District, hereinafter, Local Education Agency's (LEA) voluntary compliance, as determined by EOHHS, with all submission and other requirements established by EOHHS, DESE, and DCF, hereto referred to as "the Commonwealth"; (b) all other state approvals; (c) federal approval of all necessary payment and funding methods and payment limits; and (d) the availability of Title IV-E

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FFP, the Commonwealth will pay the LEA an amount equal to the final Title IV-E FFP amount received by the Commonwealth for the allowable Certification of Qualifying Expenditures of the LEA for that state fiscal year, less any contingency fees and other administrative costs.

2. The LEA shall submit to the DESE no later than October 1 of each year, a cost report and Certification of Qualifying Expenditures on a form designated by the Commonwealth and completed in accordance with the Commonwealth's instructions and signed by an officer who is an authorized signatory of the unit of government providing the non-federal share of Title IV-E allowable transportation expenditures associated with transporting children to/from his/her School of Origin.
3. Said certification shall provide that the LEA's reported expenditures are allowable costs for children in foster care who are covered under ESSA and exclude the following costs:
  - a. Any Individualized Education Program (IEP) transportation costs incurred for a child who is enrolled in MassHealth where transportation services are required under the IEP;
  - b. Any costs for children and youth considered homeless as defined by the McKinney-Vento Homeless Assistance Act's, 42 USC 11434(a)(2);
  - c. Participate in METCO as set forth in M.G.L. c. 76, § 12A; or
  - d. Any other federally funded form of transportation services.
4. The LEA shall comply with all Title IV-E transportation administrative and billing requirements set forth in this MOU or incorporated by reference and applicable laws, regulations or subregulatory guidance regarding these requirements.
5. The LEA must repay to the Commonwealth any amounts resulting from any overpayment, erroneous reporting, administrative fine, or otherwise, in accordance with this MOU, DESE's rules and regulations, and all other applicable state and federal laws.
6. In the event that a review by the Commonwealth, ACF, or any other state and federal oversight entity reveals that the LEA's claim resulted in a duplicate payment under one or more state or federal programs or that LEA did not follow the requirements in accordance with the terms specified herein or applicable state or federal laws for any fiscal year the Commonwealth retains the right to recover payments from the LEA for that fiscal year(s).
7. At any point during the MOU, if the Commonwealth, in its sole judgment, identifies any deficiency in the LEA's performance under the MOU, the Commonwealth may require the LEA to develop a corrective action plan to correct such deficiency. The corrective action plan must, at a minimum:
  - a. identify each deficiency and its corresponding cause;
  - b. describe corrective measures to be taken to address each deficiency and its cause;
  - c. provide a time frame for completion of each corrective measure;

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- d. describe the target outcome or goal of each corrective measure (i.e., how the action taken will be deemed successful);
- e. describe the documentation to be submitted to the Commonwealth as evidence of success with respect to each corrective measure; and
- f. identify the person responsible for each corrective measure, and any other information specified by the Commonwealth.

The LEA shall submit any such corrective action plan to the Commonwealth and shall implement such corrective action plan only as approved or modified by the Commonwealth. Under such corrective action plan, the Commonwealth may require the LEA to (1) alter the manner or method in which the LEA performs any MOU responsibilities, and (2) implement any other action that the Commonwealth may deem appropriate.

The LEA's failure to implement any corrective action plan may, in the sole discretion of the Commonwealth, be considered breach of the MOU, subject to any and all agreement remedies including, but not limited to, termination of the MOU.

- 8. Any costs incurred by the Commonwealth to administer the LEA's participation in the ESSA transportation claiming program, including contingency fees payable to the Commonwealth contractors, if necessary, will be offset against amounts of federal revenue payable to the LEA under an ongoing MOU or withheld in a special payment arrangement in the case of MOU termination.
- 9. The LEA shall immediately disclose to the Commonwealth any non-compliance by the LEA with any provision of this MOU, or any state or federal law or regulation governing this MOU.
- 10. In the event that the Commonwealth receives written notification of a deferral or disallowance of Title IV-E FFP claimed on behalf of the LEA's services through the Certification of Qualifying Expenditures, receives written notification of an audit finding requiring the return of any such Title IV-E FFP, or otherwise reasonably determines that any such Title IV-E FFP will be deferred or disallowed if claimed, the Commonwealth shall so notify the LEA. At any time after the Commonwealth's receipt of such notice or other information, it may require the LEA to remit to the Commonwealth the amount of payment(s) under review, pending final disposition of such review. The Commonwealth shall specify such amount in a written remittance notice to the LEA and, within 30 days of the date of such remittance notice, the LEA shall repay to the Commonwealth an amount equal to the amount specified. In the absence of such a remittance notice, the LEA may, on its own initiative remit such amount to the Commonwealth. In the event the LEA for any reason retains payment amounts subject to deferral, disallowance, or audit findings as described herein, the LEA shall be liable for such amounts plus any interest assessed by the federal government on the Commonwealth. The Commonwealth shall provide to the LEA written notification of the amount of any federal interest assessed on

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payment amounts retained by the LEA. In the event that the final disposition of the deferral, disallowance, or audit described herein requires the Commonwealth to return an amount previously paid by the LEA to the Commonwealth under these provisions, no such payment due to the LEA shall constitute a late payment or otherwise obligate the Commonwealth to pay to the LEA any interest on such payment. Any remittance pursuant to the provisions of the paragraph shall be in accordance with all applicable state law.

11. The LEA must maintain records that are accurate and sufficiently detailed to substantiate the legal, financial, and statistical information reported on the Certification of Qualifying Expenditure form. These records must demonstrate the necessity, reasonableness, and relationship of the costs (e.g., personnel, supplies, and services) to the provision of services and must be furnished upon request to the Commonwealth or its designees, or to any other federal and state officials and agencies authorized by law to inspect such information or their designees, including the United States Secretary of Health and Human Services, the Comptroller General of the United States, the Administration for Children and Families, the Governor of Massachusetts, the Massachusetts Secretary of Administration and Finance, the Massachusetts State Auditor, the Massachusetts Department of Elementary and Secondary Education, and the Massachusetts Department of Children and Families. These records include, but are not limited to, all relevant transportation payments, service dates related to transportation payments, and child count. The LEA must maintain documentation supporting the transportation costs: (1) associated with transporting children eligible under Title IV-E in foster care, including their names and dates of services provided; and (2) that the costs are associated with transporting these children to/from their School of Origin; and (3) that the costs are not excluded pursuant to Section 2.3 of this MOU. The LEA is required to maintain cost report work papers for a minimum period of seven years beyond the last quarter that a child's transportation costs are included on a claim or until the completion of any audit, whichever is longer, following the end of each cost reporting period.
12. The LEA and any of their business associates/subcontractors shall comply with the terms, conditions, and obligations relating to data privacy, security, and management of personal and other confidential information applicable to the LEA under this MOU, as well as any other laws, regulations and other legal obligations regarding the privacy and security of such information to which the LEA is subject.
13. The Terms and Conditions set forth in this MOU may be terminated by any party upon written notice to the other at the address set forth below. Notice shall be sent to:

Executive Office of Health and Human Services  
Office of Federal Finance and Revenue  
600 Washington Street, 7<sup>th</sup> Floor  
Boston, MA 02111  
Attn: Michael Berolini, Director

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\_\_\_\_\_  
Local Education Agency Name

\_\_\_\_\_  
Local Education Agency Address

\_\_\_\_\_  
Local Education Agency Address

Attn: \_\_\_\_\_  
Local Education Agency Contact

14. The Terms and Conditions may be amended at any time in writing, signed by all parties.
15. The Terms and Conditions shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.
16. No provision of the Terms and Conditions is or shall be construed as being for the benefit of, or enforceable by, any third party.
17. Rights and obligations, which by their nature should survive or which these Terms and Conditions expressly states will survive, will remain in full force and effect following termination or expiration of this MOU. Notwithstanding the generality of the foregoing, the rights and duties under paragraph 12 survive the termination or expiration of this MOU.

Signed by the respective duly authorized representatives of the parties hereto.

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**COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE  
OFFICE OF HEALTH AND HUMAN SERVICES**

By: \_\_\_\_\_  
EOHHS Authorized Signatory

Name: \_\_\_\_\_ (Print)

Date: \_\_\_\_\_

By: \_\_\_\_\_  
DESE Authorized Signatory

Name: \_\_\_\_\_ (Print)

Date: \_\_\_\_\_

By: \_\_\_\_\_  
DCF Authorized Signatory

Name: \_\_\_\_\_ (Print)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Name)

**Local Education Agency Authorized Signatory**

By: \_\_\_\_\_  
Local Education Agency Authorized Signatory

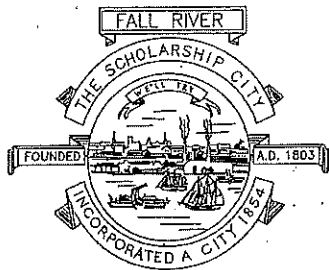
Date: \_\_\_\_\_

Name: \_\_\_\_\_ (Print)

Position: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_



**City of Fall River**  
**Massachusetts**  
**City Council**

**CLIFF PONTE**  
*President*  
*City Council*

January 26, 2021

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

RE: Council Chambers and Hearing Room Renovations

Dear Colleagues:

As you may be aware, the City Council Chambers and Hearing Room will be undergoing some much need renovations. This project will be overseen by Chris Gallagher, Director of Facilities Maintenance. At my request for your review, enclosed is an overview prepared by Mr. Gallagher encompassing the work to be done, and the funding sources associated to finance this project.

My intention is to invite Mr. Gallagher to the February 9, 2021 Meeting of the City Council Committee on Finance to discuss these renovations and provide you with an opportunity to have any questions or concerns associated with the project answered.

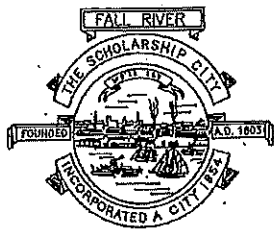
If you have any further questions regarding this, please do not hesitate to contact me.

Best Regards,

Cliff Ponte  
City Council President

Encl.

/ch



**City of Fall River  
Massachusetts**

**Department of Facilities Maintenance**

· Groundskeeping · Electrical · Carpentry · Plumbing · Custodial · Painting · HVAC

**PAUL E. COOGAN**  
Mayor

**CHRIS GALLAGHER**  
Director

**TAMMY MOUTINHO**  
Project Manager & Purchasing Agent

January 21, 2021

City Council  
One Government Center  
Fall River, MA 02722

RE: Council Chambers & Hearing Room Upgrades Funding Sources

Dear Councilors:

The City Council Chambers and Hearing Room will be undergoing some upgrades/renovations in the very near future. The scope of the Council Chambers portion of the project includes upgrading the handicap ramp, removing the carpet from the walls and replacing with soundproof panels (wall preparation includes skim coating & paint). The Council Hearing Room floor will be leveled off to better welcome, accommodate and support our accessible community.

A combination of funding sources will be utilized to accomplish this project. The City has been awarded a Project Funding Grant through the Massachusetts Office on Disability in the amount of \$250,000 as a result of the recently completed and filed (with the Massachusetts Office of Disability) ADA Self-Evaluation and Transition Plan. This grant, in addition to funds that have been earmarked specifically for ADA upgrades in the amount of \$50,000 within the Facilities Maintenance Department operational budget are expected to cover the cost of this project. Additional funding options may include drawing from City Hall Renovation inactive account or reaching out to our local Fall River Commission on Disability. Attached please find: 1. the estimate from the professional estimator for the total project cost, 2. the architect's design proposal fee, 3. Baker Sign's proposal for ADA signage for Government Center and 3. the MOD Grant Award confirmation.

Should you have any questions or concerns please do not hesitate to reach out to me.

Regards,

Chris Gallagher, Director

RECEIVED  
2021 JAN 21 P 4:01  
CITY OF FALL RIVER, MA





KEOUGH  
CONSTRUCTION MANAGEMENT

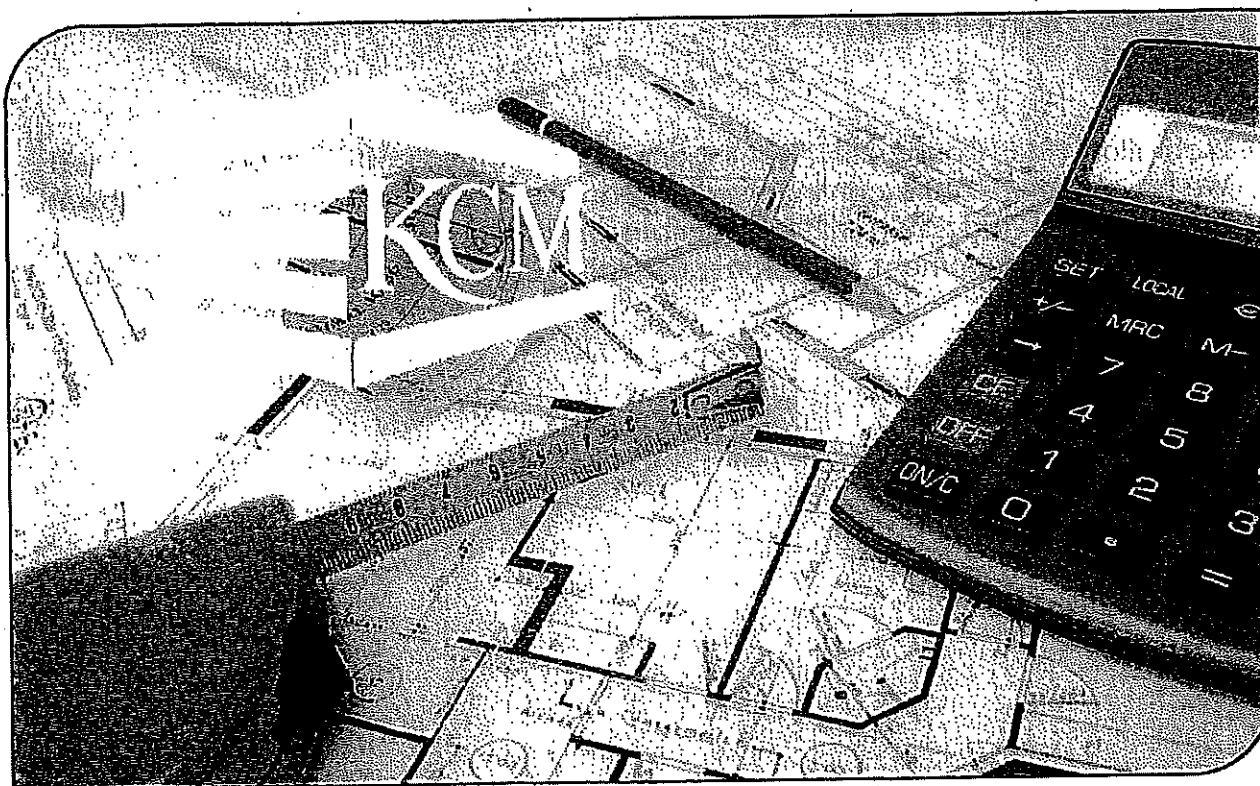
7

# Construction Cost Estimate

Design Development Cost Estimate

Project: Fall River Government City Council Chambers  
1 Government Center  
Fall River, MA 02722

Prepared for: William Starck Architects  
126 Cove Street  
Fall River, MA 02720



Prepared by: Keough Construction Management  
312 Waterman Ave  
East Providence, RI 02917

Date: Tuesday, September 8, 2020.



**KEOUGH**  
CONSTRUCTION MANAGEMENT

Owner: <b>William Starck Architects</b>	Date: <b>8-Sep-20</b>
Project: <b>Fall River Government City Council Chambers</b>	Estimator: <b>ID</b>
Location: <b>Fall River, MA 02720</b>	S/P: <b>250 gsf</b>
Description: <b>Design Development Cost Estimate</b>	Projected Construction Duration: <b>1 months</b>

Division	Amount	% of Total	Subtotal
<b>ARCHITECTURAL</b>			
DIVISION 02 - EXISTING CONDITIONS	\$ 3,339	4.2%	\$13.36
DIVISION 03 - CONCRETE	\$ -		
DIVISION 04 - MASONRY	\$ -		
DIVISION 05 - METALS	\$ 8,600	10.8%	\$34.40
DIVISION 06 - WOOD, PLASTICS, & COMPOSITES	\$ 19,986	25.0%	\$79.95
DIVISION 07 - THERMAL & MOISTURE PROTECTION	\$ 761	1.0%	\$3.05
DIVISION 08 - OPENINGS	\$ -		
DIVISION 09 - FINISHES	\$ 2,872	3.6%	\$11.49
DIVISION 10 - SPECIALTIES	\$ -		
DIVISION 11 - EQUIPMENT	\$ -		
DIVISION 12 - FURNISHINGS	\$ -		
DIVISION 13 - SPECIAL CONSTRUCTION	\$ -		
DIVISION 14 - CONVEYING EQUIPMENT	\$ -		
<b>MECHANICAL</b>			
DIVISION 21 - FIRE SUPPRESSION	\$ -		
DIVISION 22 - PLUMBING	\$ -		
DIVISION 23 - HVAC	\$ -		
<b>ELECTRICAL</b>			
DIVISION 26 - ELECTRICAL	\$ -		
DIVISION 27 - COMMUNICATIONS	\$ -		
DIVISION 28 - ELECTRONIC SAFETY & SECURITY	\$ -		
<b>SITEWORK</b>			
DIVISION 31 - EARTHWORK	\$ -		
DIVISION 32 - EXTERIOR IMPROVEMENTS	\$ -		
DIVISION 33 - EXTERIOR UTILITIES	\$ -		
<b>TRADE CONTRACTORS TOTAL</b>	<b>\$35,857</b>	<b>44.6%</b>	<b>\$142.21</b>
<b>PROCUREMENT, GENERAL CONDITIONS &amp; ESCALATION</b>			
DIVISION 00 - PROCUREMENT & CONTRACTING REQUIREMENTS	\$ 14,972	18.7%	\$59.89
DIVISION 01 - GENERAL REQUIREMENTS	\$ 6,433	8.0%	\$25.73
4.75% Construction Escalation Compounded Over 0.5 years	\$ -	0.0%	
<b>TOTAL CONSTRUCTION COST</b>	<b>\$50,943</b>	<b>71.3%</b>	<b>\$207.85</b>
<b>DESIGN, CONTINGENCIES, &amp; OWNER COSTS</b>			
Design and Estimating Contingency (10% of Construction Cost)	\$ 6,605	8.3%	\$26.42
Design Cost (0% of Construction Cost)	\$ -	0.0%	
FF & E	Excluded	n/a	n/a
Owner's Project Contingency (10% of Project Cost)	\$ 7,265	9.1%	\$29.06
<b>TOTAL PROJECT COST</b>	<b>\$78,973</b>	<b>100.0%</b>	<b>\$317.33</b>



KEOUGH  
CONSTRUCTION MANAGEMENT

Owner: William Starck Architects	Date: 8-Sep-20
Project: Fall River Government City Council Chambers	Estimator: TD
Location: Fall River, MA 02720	S/F: 250 gsf
Description: Design Development Cost Estimate	Projected Construction Duration: 1 months

Division	Description	Unit	Qty	Unit Price	Subtotal	Division	Description	Unit	Qty	Unit Price	Subtotal
648	DIVISION 01 - EQUIPMENT										
663											
664											
665	DIVISION 02 - FURNISHINGS										
685											
686											
687	DIVISION 03 - SPECIAL CONSTRUCTION										
704											
705											
706	DIVISION 04 - CONVEYING EQUIPMENT										
722											
723											
724	DIVISION 05 - FIRE SUPPRESSION										
749											
750											
751	DIVISION 06 - PLUMBING										
810											
811											
812	DIVISION 07 - HVAC										
907											
908											
909	DIVISION 08 - ELECTRICAL										
978											
979											
980	DIVISION 09 - COMMUNICATIONS										
1003											
1004											
1005	DIVISION 10 - ELECTRONIC SAFETY & SECURITY										
1040											
1041											
1042	DIVISION 11 - EARTHWORK										
1098											
1099											
1100	DIVISION 12 - EXTERIOR IMPROVEMENTS										
1180											
1181											
1182	DIVISION 13 - EXTERIOR UTILITIES										
1299											
1300											
1301											
1302											
1303	DIVISION 01 - GENERAL REQUIREMENTS										
1304	01 41 00 Regulatory Requirements										
1305	01 41 23 Plan review fees	0.5%			\$	223					
1306	01 41 26 Building Permit fees	\$9/K			\$	402					
1307	Certificate of Occupancy	1	ea	\$	50.00	\$	50				
1308	01 45 00 Quality Control										
1309	01 45 23 Testing and Inspecting Services	0	day	\$	1,500.00	\$	-				
1310	01 45 33 Code-Required Special Inspections and Procedures	0	ea	\$	600.00	\$	-				
1311	01 50 00 Temporary Facilities & Controls										
1312	01 51 13 Temporary Electricity	0	mo	\$	-	\$	-				
1313	01 51 23 Temporary Heating, Cooling, and Ventilating	0	mo	\$	-	\$	-				
1314	01 51 26 Temporary Lighting	0	mo	\$	-	\$	-				
1315	01 51 33 Temporary Telecommunications	1	mo	\$	125.00	\$	63				
1316	01 51 36 Temporary Water	0	mo	\$	-	\$	-				
1317	01 52 13 Field Offices and Sheds	1	mo	\$	125.00	\$	63				
1318	01 52 19 Sanitary Facilities	0	mo	\$	-	\$	-				
1319	01 54 13 Temporary Elevator Protection	1	ls	\$	1,000.00	\$	1,000				
1320	01 54 23 Temporary Scaffolding and Platforms	0	sf	\$	-	\$	-				
1321	01 56 16 Temporary Dust Barriers	0	ls	\$	-	\$	-				
1322	01 56 26 Temporary Fencing	0	lf	\$	-	\$	-				
1323	01 56 33 Temporary Security Barriers	0	mo	\$	-	\$	-				





WILLIAM STARCK  
ARCHITECTS, INC.  
1000 BROADWAY, SUITE 200  
NEW YORK, NY 10003  
TEL: 212-691-1000  
FAX: 212-691-1001  
WWW.WSTARCK.COM

RENOVATIONS  
AT THE  
CITY HALL HEARING ROOM  
1 GOVERNMENT CENTER  
FALL RIVER, MA 02722

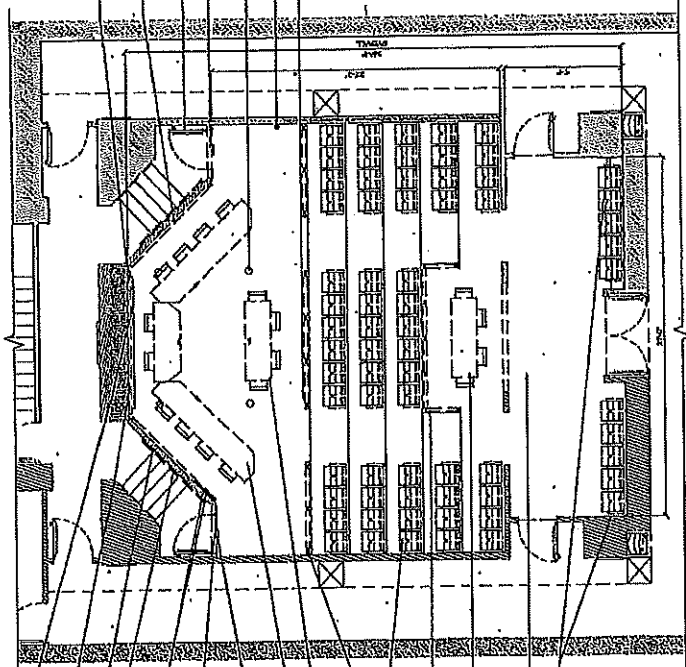
REVISIONS:

DATE: 01/15/01  
BY: J. STARCK  
CHECKED: J. STARCK  
DESIGNED: J. STARCK  
DRAWING NAME:  
DEMO & PROPOSED  
FLOOR PLANS

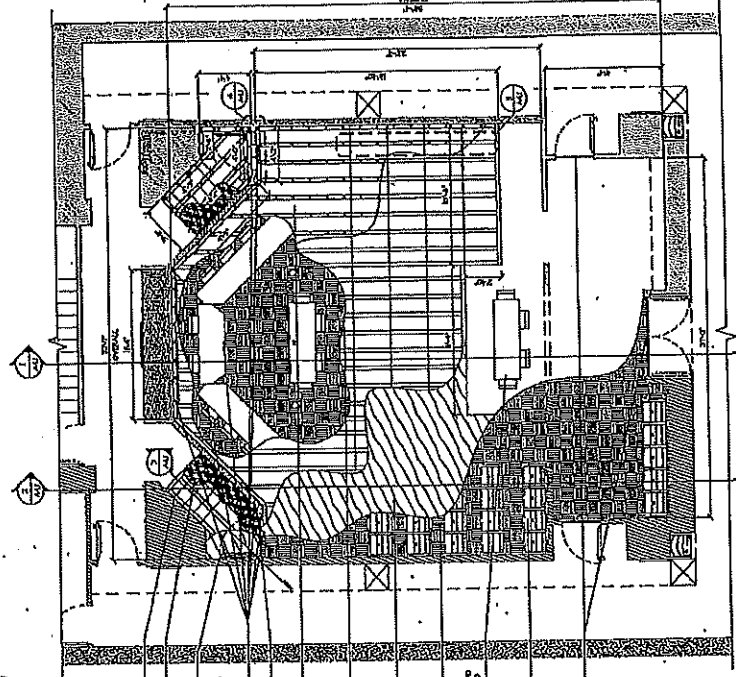
DRAWING NUMBER:

A1.1

COMMENTS:  
NOT FOR CONSTRUCTION



DEMO HEARING ROOM FLOOR PLAN  
SCALE: 1/8" = 1'-0"



PROPOSED HEARING ROOM FLOOR PLAN  
SCALE: 1/8" = 1'-0"





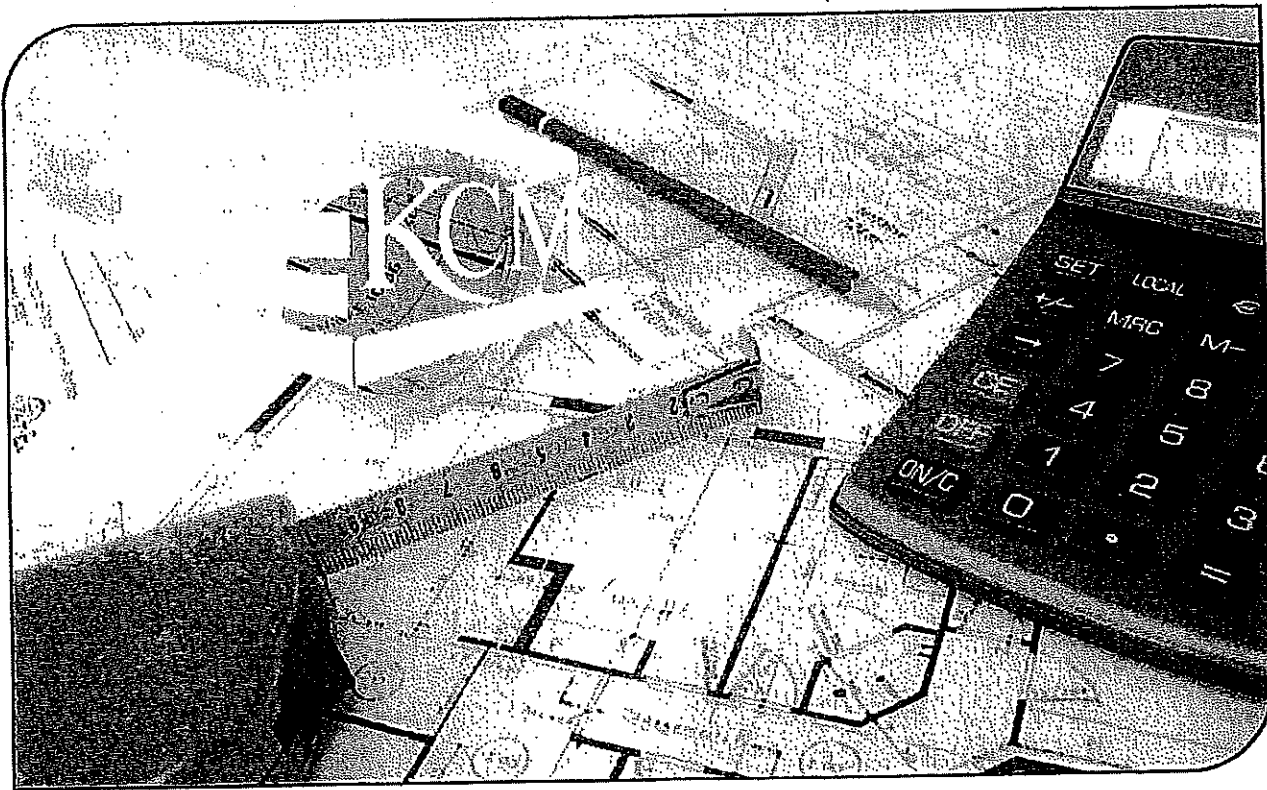
KEOUGH  
CONSTRUCTION MANAGEMENT

# Construction Cost Estimate

## Design Development Cost Estimate

Project: Fall River Government Center Hearing Room  
1 Government Center  
Fall River, MA 02722

Prepared for: William Starck Architects  
126 Cove Street  
Fall River, MA 02720



Prepared by: Keough Construction Management  
312 Waterman Ave  
East Providence, RI 02917

Date: Tuesday, September 8, 2020





**KEOUGH**  
CONSTRUCTION MANAGEMENT

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Owner: <b>William Starck Architects</b>	Date: <b>8-Sep-20</b>
Project: <b>Fall River Government Center Hearing Room</b>	Estimator: <b>CL</b>
Location: <b>Fall River, MA 02720</b>	S/F: <b>1,226 gsf</b>
Description: <b>Design Development Cost Estimate</b>	Projected Construction Duration: <b>1 months</b>

Description	Division	% of Cost	Cost / \$
<b>ARCHITECTURAL</b>			
DIVISION 02 - EXISTING CONDITIONS	\$ 9,106	3.1%	\$7.43
DIVISION 03 - CONCRETE	\$ -		
DIVISION 04 - MASONRY	\$ -		
DIVISION 05 - METALS	\$ -		
DIVISION 06 - WOOD, PLASTICS, & COMPOSITES	\$ 94,856	32.6%	\$77.37
DIVISION 07 - THERMAL & MOISTURE PROTECTION	\$ 8,611	3.0%	\$7.02
DIVISION 08 - OPENINGS	\$ 508	0.2%	\$0.41
DIVISION 09 - FINISHES	\$ 14,490	5.0%	\$11.82
DIVISION 10 - SPECIALTIES	\$ -		
DIVISION 11 - EQUIPMENT	\$ -		
DIVISION 12 - FURNISHINGS	\$ 7,200	2.5%	\$5.87
DIVISION 13 - SPECIAL CONSTRUCTION	\$ -		
DIVISION 14 - CONVEYING EQUIPMENT	\$ -		
<b>MECHANICAL</b>			
DIVISION 21 - FIRE SUPPRESSION	\$ -		
DIVISION 22 - PLUMBING	\$ -		
DIVISION 23 - HVAC	\$ -		
<b>ELECTRICAL</b>			
DIVISION 26 - ELECTRICAL	\$ 9,421	3.2%	\$7.68
DIVISION 27 - COMMUNICATIONS	\$ -		
DIVISION 28 - ELECTRONIC SAFETY & SECURITY	\$ -		
<b>SITEWORK</b>			
DIVISION 31 - EARTHWORK	\$ -		
DIVISION 32 - EXTERIOR IMPROVEMENTS	\$ -		
DIVISION 33 - EXTERIOR UTILITIES	\$ -		
<b>TRADE CONTRACTORS SUBTOTAL</b>			
	\$ 149,172	49.6%	\$107.61
<b>PROCUREMENT, GENERAL CONDITIONS &amp; ESCALATION</b>			
DIVISION 00 - PROCUREMENT & CONTRACTING REQUIREMENTS	\$ 45,998	15.8%	\$37.52
DIVISION 01 - GENERAL REQUIREMENTS	\$ 6,799	2.3%	\$5.55
4.75% Construction Escalation Compounded Over 0.5 years	\$ 5,519	1.9%	\$4.50
<b>TOTAL CONSTRUCTION COST</b>			
	\$ 202,507	69.7%	\$147.13
<b>DESIGN, CONTINGENCIES, &amp; OWNER COSTS</b>			
Design and Estimating Contingency (10% of Construction Cost)	\$ 24,062	8.3%	\$19.63
Design Cost (0% of Construction Cost)	\$ -	0.0%	
F F & E	Excluded	n/a	n/a
Owner's Project Contingency (10% of Project Cost)	\$ 25,917	8.9%	\$21.14
<b>TOTAL PROJECT COST</b>			
	\$ 228,402	100.0%	\$168.27

**\*\*CONFIDENTIAL\*\***

File: Hearing Room Renovations Estimate





**KEOUGH**  
CONSTRUCTION MANAGEMENT

Owner: William Starck Architects  
Project: Fall River Government Center Hearing Room

Location: Fall River, MA 02720

Description: Design-Development Cost Estimate

Date: 8-Sep-20

Estimator: CL

S/F: 1,226 gsf

Projected Construction Duration: 1 months

Division	Description	Qty	Unit	Cost	Estimate	Division
582	09 91 00 Painting					
584	09 91 23 Interior Painting	1	ls	\$ 3,000.00	\$ 3,000	
585	Touch-up painting					
594	Trade contractor bond	1	ls	\$ 214.14	\$ 214	
595						
596						
597						
598						
645						
646						
647						
662						
663						
664						
678	12 40 00 Furnishings and Accessories	48	ea	\$ 150.00	\$ 7,200	
679	Reinstall Chairs					
684						
685						
686						
703						
704						
705						
721						
722						
723						
748						
749						
750						
809						
810						
811						
906						
907						
908						
909	26 10 00 Medium-Voltage Electrical Distribution					
910	Make Safe	1	ea	\$ 500	\$ 500	
911	Re-locate Outlets, Receptacles and Signage	5	cmd	\$ 1,520	\$ 7,600	
912	Misc Materials	1	ls	\$ 1,000	\$ 1,000	
974	Permits and fees	1	ls	\$ 182.00	\$ 182	
975	Trade contractor bond	1	ls	\$ 139.23	\$ 139	
976						
977						
978						
979						
1002						
1003						
1004						
1039						
1040						
1041						
1077						
1098						
1099						
1179						
1180						
1181						
1298						
1299						
1300						
1301						
1302						
1303	01 41 00 Regulatory Requirements					
1304	01 41 23 Plan review fees	0.5%		\$ 912		
1305	01 41 26 Building Permit fees	\$9/K		\$ 1,641		

\*\*CONFIDENTIAL\*\*

File: Hearing Room Renovations Estimate

## [EXTERNAL] Fwd: Estimate - ADA Signage Fall River City Hall - 2020

Linda Baker <lbaker@bakersignworks.com>

Tue 9/8/2020 7:29 PM

To: Gallagher, Chris <cgallagher@fallriverma.org>; Moutinho, Tammy <tmoutinho@fallriverma.org>;

6 attachments (110 KB)

image005.jpg; ATT00001.htm; image006.png; ATT00002.htm; ADAFallRiver.Estimate.pdf; ATT00003.htm;

Please see original email below for questions, clarification & explanation

Thank you!

Linda Baker  
Baker Sign Works  
508-674-6600

Begin forwarded message:

From: Linda Baker <lbaker@bakersignworks.com>  
Date: September 8, 2020 at 9:31:00 AM EDT  
To: "cgallagher@fallriverma.org" <cgallagher@fallriverma.org>  
Subject: Estimate - ADA Signage Fall River City Hall - 2020

Hi Chris,

Attached is the estimate you requested. Please note that you may want to double check that you need the text on these signs in Braille. The federal ADA standard is only the room number needs to be in Braille. Which would allow you to use paper inserts to indicate the department in that office. I know you said if offices are changed then they just have to buy another plaque. But the issue is that won't happen and has never happened. That is why city hall main directory and offices have never been kept up. I looked at the Massachusetts Architectural Access Board "In Massachusetts, the Architectural Access Board (AAB) develops and enforces ... under the Americans with Disabilities Act (ADA) and its corresponding ADA Design Standards"

The ADA Act states all you need is the number in Braille. I don't mean to be a pest about it but it is a waste of money and non functional. In an office setting as yours the office need to be flexible.

I added Stair signs as you have 2 stair cases 7 floors and a staircase near the city council chambers (I am not sure how many floors that goes up I thought it might only be one). These 9" x 6" stair signs are placed in the hallway at the stairwell door. I have also added in a line item for large signs that are required in the stairwell.

I added in installation to this estimate but did not know if you would be having your staff install.

You can add or remove what you need for your proposal.

Thank you!

# Estimate

Page 1 of 3

**Baker Sign Works, Inc.**

75 Ferry Street, Unit 5

Fall River, MA 02721

ph. 508-674-6600

fax 508-674-6610

email: info@bakersignworks.com

Estimate: 20 11207

Printed 9/8/2020 9:29:19AM

Description: ADA Signage Fall River City Hall - 2020

Prepared For: Chris Gallagher

Company: City of Fall River Facilities Maintenance

ph: (508) 922-6715

email: cgallagher@fallriverma.org

Dear Chris:

Thank you for considering Baker Sign Works, Inc. for your sign needs. The estimate we discussed is below. If you have any questions, please call or e-mail.

Please note:

- Your estimate is good for 30 days.
- Any changes you may wish to make to the estimated sign may result in additional charges.
- Baker Sign Works requires a 75% deposit when your order is placed
- Balance is due upon pick up or delivery of your order.

Sincerely,

Linda A. Baker  
President

Product	Font	Qty	Sides	Height	Width	Unit Cost	Install	Item Total
1 Layout Charge		3	1	1	1	\$85.00	\$0.00	\$255.00

**Color:****Description:** Design Charge to Provide Layout Options and Revisions with Client Provided Logo

Note that this is an estimated time/charge it should take to provide options and refine options for your sign. You will only be charged for time used in 15 minute increments if more time is required you will be charged accordingly. Rates are below:

1/4 hr = \$25

1/2 hr = \$42.50

3/4 hr = \$63.75

1 hr = \$85

**Text:**

2 ADA/Braille		16	1	9	6	\$51.90	\$0.00	\$830.40
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**Color:** White on Navy**Description:** ADA/Braille Room Identification Signage with Pictogram & double sided tape for mounting**Text:** Stairs  
(Stair Pictogram)

# Estimate

Page 2 of 3



**Baker Sign Works, Inc.**  
75 Ferry Street, Unit 5  
Fall River, MA 02721  
ph. 508-674-6600  
fax 508-674-6610  
email: info@bakersignworks.com

Estimate: 20 11207

Printed 9/8/2020 9:29:19AM

Product	Font	Qty	Sides	Height	Width	Unit Cost	Install	Item Total
3 ADA/Braille		14	1	18	12	\$125.00	\$0.00	\$1,750.00
<b>Color:</b> White on Navy <b>Description:</b> ADA/Braille Stairwell Identification Signage with Pictogram & double sided tape for mounting <b>Text:</b> Qty 1 each Stair 1 Lower Level Stair 1 Floor 1 Stair 1 Floor 2 Stair 1 Floor 3 Stair 1 Floor 4 Stair 1 Floor 5 Stair 1 Floor 6 Stair 2 Lower Level Stair 2 Floor 1 Stair 2 Floor 2 Stair 2 Floor 3 Stair 2 Floor 4 Stair 2 Floor 5 Stair 2 Floor 6								
4 ADA/Braille		9	1	9	6	\$51.90	\$0.00	\$467.10
<b>Color:</b> White on Navy <b>Description:</b> ADA/Braille Room Identification Signage with Pictogram & double sided tape for mounting <b>Text:</b> Staff Restroom (female & handicapped pictogram)								
5 ADA/Braille		9	1	9	6	\$51.90	\$0.00	\$467.10
<b>Color:</b> White on Navy <b>Description:</b> ADA/Braille Room Identification Signage with Pictogram & double sided tape for mounting <b>Text:</b> Staff Restroom (male & handicapped pictogram)								
6 ADA/Braille		1	1	9	6	\$51.90	\$0.00	\$51.90
<b>Color:</b> White on Navy <b>Description:</b> ADA/Braille Room Identification Signage with Pictogram & double sided tape for mounting <b>Text:</b> Women (female & handicapped pictogram)								
7 ADA/Braille		1	1	9	6	\$51.90	\$0.00	\$51.90
<b>Color:</b> White on Navy <b>Description:</b> ADA/Braille Room Identification Signage with Pictogram & double sided tape for mounting <b>Text:</b> Menroom (male & handicapped pictogram)								
8 ADA Signs & Sign Systems		75	1	10	12	\$96.97	\$0.00	\$7,272.75
<b>Color:</b> <b>Description:</b> ADA/Braille Room Identification Signage with double sided tape for mounting <b>Text:</b> Layout 2 B - all offices								

YOUR SIGN SOLUTION COMPANY

# Estimate

Page 3 of 3



**Baker Sign Works, Inc.**  
75 Ferry Street, Unit 5  
Fall River, MA 02721  
ph. 508-674-6600  
fax 508-674-6610  
email: info@bakersignworks.com

Estimate: 20 11207

Printed 9/8/2020 9:29:19AM

Product	Font	Qty	Sides	Height	Width	Unit Cost	Install	Item Total
9 ADA Signs & Sign Systems		30	1	10	12	\$96.97	\$0.00	\$2,909.10

**Color:****Description:** ADA/Braille Room Identification Signage with double sided tape for mounting**Text:** Layout 2 B - Misc room signage  
Data Room  
Electrical Room  
Elevator Room  
Custodian Room

10 Installation using In Store En		3	1	1	1	\$95.00	\$0.00	\$285.00
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**Color:****Description:** Onsite Installation**Text:**

Notes:

Line Item Total:	\$14,340.25
Tax Exempt Amt:	\$14,340.25
Subtotal:	\$14,340.25
Taxes:	\$0.00
Total:	\$14,340.25

Deposit Required: \$10,755.19

Company: City of Fall River Facilities Maintenance  
1 Government Center  
Room 321  
Fall River, MA 02722

Received/Accepted By: / /

YOUR SIGN SOLUTION COMPANY



WILLIAM STARCK ARCHITECTS, INC.

August 27, 2020

Chris Gallagher  
Director of Facilities Maintenance  
City of Fall River  
One Government Center  
Room 321  
Fall River, MA 02722

**RE: Proposal for the City Hall Hearing Room Renovations  
Fall River City Hall  
Fall River, MA 02722**

Dear Mr. Gallagher (herein referred to as Client or Owner):

We look forward to working with you and would like to thank you for the opportunity to provide you with this fee proposal for the above referenced project.

**PROJECT DEFINITION:**

The Project is generally limited to the following:

To provide Architectural and Structural Engineering services related to the infill of the existing City Hall Hearing Room cast in place tiered floor system with a new continuous level floor system as depicted on Drawing A1.1 which is titled "Demo. & Proposed Floor Plans" and Drawing A4.1 which is titled "Building Sections & Details", both of which are dated March 28, 2018 and were prepared by William Starck Architects under a separate contract for schematic and design development services.

**SCOPE OF BASIC SERVICES:**

William Starck Architects, Inc. (Architect) will provide architectural design services for the Project. Basic Services will include the services of the following consultants:

Structural Engineer  
Cost Estimator

**PREDESIGN:**

Basic Services during this phase include:

1. Design and programming meetings/reviews with Client.
2. Field verification and observation of existing conditions.

**SCHEMATIC DESIGN:**

N/A

126 Cove Street  
Fall River, MA 02720  
tel (508) 678-5733  
fax (508) 672-8556

10 Dorrance Street, Ste. 700  
Providence, RI 02803  
tel (401) 519-3647  
fax (401) 519-3601

**DESIGN DEVELOPMENT:** N/A

**CONSTRUCTION DOCUMENTS:**

Basic Services during this phase include:

1. The Architect will review the Design Development drawings with the Client and evaluate any structural and/or cost impacts associated with a client proposed alternate floor system consisting of LVL's and mid-span support columns to ensure the existing building can support any loads imposed by the Client's proposed system.
2. Present the results of the evaluation to the Client for review and direction on which system the Client wishes to proceed with.
3. Modify the Design Development drawings, as required, to capture Client selected floor system.
4. Prepare Book Specifications for the work.
5. Provide four (3) signed and sealed sets of drawings and specifications.
6. Provide a professional construction cost estimate prepared by a third party consultant.

**BIDDING ASSISTANCE / CONSTRUCTION ADMINISTRATION:**

The Architect shall provide, as part of Basic Services, Project Administration during bidding and construction for those items included within the Scope of the Architect's Work.

Project Administration shall consist of the following:

1. Attend a maximum of one bidding meeting with the Client to identify and aid the Client in the Client's selection of a contractor for the work.
2. Attend a maximum of one pre-bid site visit with all bidders.
3. Provide assistance for Construction Document clarification during bidding.
4. Provide in-office interpretation of Construction Documents necessary for the proper execution of the Work during construction.
5. Process shop drawings and other submittals from contractor for work as specified on Construction Documents.
6. Attend on-site job meetings (we anticipate a total of 2 meetings).
7. Visit the site at intervals appropriate to the stage of construction, or at the request of the Client to determine, in general, if the Work is proceeding in accordance with Contract Documents. Field visits performed as part of Basic Services shall be limited to two (2) visits.
8. Review and approve Contractor's Applications for Payment
9. Completion of Punch List Inspections (we anticipate a total of 2 inspections)
10. Provide one (1) thumb drive containing the drawings and specifications so that the Client can print copies of bidding documents for distribution to bidders by the Architect.

**ASSUMPTIONS:**

The following assumptions relate to the performance of Basic Services:

1. Attendance at Planning, Zoning, Historic Commission/Society, Condominium Association or other special meetings/hearings (including any variance meetings); and preparation of any supplemental documentation for same are not included.
2. CAD files of plans developed by the Client's previous consultant are free and clear to be used by the Architect in performance of work under this Proposal.
3. Services related to Environmental Consulting, Analysis or Testing Services are not included.
4. Services related to the detection or removal of hazardous materials are not included.
5. Services related to the specification of furnishings and equipment are not included.
6. Services related to LEED design and certification are not included.
7. Services related to Telecommunications, data and security systems are not included.
8. Services related to the preparation of "as-built" drawings/Close out documents are not included.

#### **COMPENSATION:**

##### **REIMBURSABLE EXPENSES:**

Reimbursable expenses are out-of-pocket costs incurred by the Architect and the Architect's consultants during the course of the Project and include: travel, printing, express mail, CAD plots, etc. Reimbursable expenses are billed at 1.1 times the actual cost for same to the Architect.

##### **PAYMENTS:**

Billing is based on the percentage completed of Basic Services at the time of the invoice, plus payment for Reimbursable Expenses and authorized Additional Services. Invoices will be billed on a monthly basis and payment in full is due upon receipt of invoice. Please note, payments past due more than forty-five (45) days from the date of original invoice will be charged interest at the rate of 1½% per month on the unpaid balance.

##### **FEE:**

We propose a fixed fee of \$19,375.00 for performance of Basic Services as indicated herein. Payments for Basic Services during each phase shall be as follows:

1. Predesign	\$1,500.00
2. Construction Documents/Estimating	\$14,075.00
3. Bidding Assistance	\$1,300.00
4. <u>Construction Administration</u>	<u>\$2,500.00</u>
Total Fee	\$19,375.00

- \* If work is stopped or the project is cancelled at any period, payment will be expected for that portion of the work completed to date.
- \* We reserve the right to adjust our fee accordingly due to a change in the scope of work.



### **ADDITIONAL SERVICES**

Any services not included as part of Basic Services are Additional Services and must be pre-authorized by the Client before performance of same. Additional Services of the Architect are billed at the Architect's standard hourly rates for the personnel involved.

Additional Services of consultants are billed at 1.1 times amounts billed to the Architect for same. Hourly rates for services of the Architect and the Architect's consultants as set forth in this Proposal shall be adjusted in accordance with their normal salary review practices.

If the services covered by this Proposal have not been completed within eight (8) months of the date of this Proposal, through no fault of the Architect, extension of the Architect's services beyond that time shall automatically be compensated for as Additional Services. The Architect shall notify the Client in writing at the time of implementation of this provision of the Proposal.

### **HOURLY RATES:**

The following are the Architect's standard hourly rates:

#### **Architect**

Principal	\$225.00/hour
Associate Principal	\$175.00/hour
Senior Associate	\$175.00/hour
Project Manager	\$150.00/hour
Project Architect	\$120.00/hour
Interior Designer	\$110.00/hour
Job Captain	\$100.00/hour
Architectural Designer	\$75.00/hour

#### **Structural Engineering**

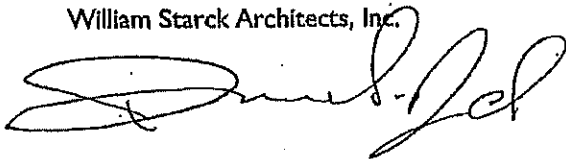
Senior Engineer	\$160.00/hour
Project Engineer	\$100.00/hour

### **CLOSING:**

If this Proposal meets with your approval, please sign and return a copy of this proposal to us as we require a signed copy of this Agreement to begin work. If you have any questions, please call...we look forward to working with you.

Sincerely,

William Starck Architects, Inc.



David J. Andrade, R.A.  
Vice President

For [Client]:

By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Refer to attached General Provisions for additional Terms and Conditions of this Agreement.

**INVOICING INFORMATION**

Contact Name: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Company Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Billing Address: \_\_\_\_\_  
\_\_\_\_\_

Invoice type (check one, or both):

☐ E-mailed

☐ Hard Copy

Will P.O. # be issued for invoicing:

☐ Yes

☐ No

## **GENERAL PROVISIONS:**

**ENVIRONMENTAL AND HEALTH HAZARDS:** The client agrees, notwithstanding any other provisions of this agreement, to the fullest extent permitted by law, to indemnify and hold harmless the architect, his or her officers, principals, employees, agents and consultants from and against any and all claims, suits, demands, liabilities, losses or costs, including reasonable attorneys' fees and defense costs, resulting or accruing to any and all persons, firms, and any other legal entity, caused by, arising out of or in any way connected with the detection, presence, handling, removal, abatement, or disposal of any asbestos or hazardous or toxic substances, products or materials that exist on, about or adjacent to the jobsite, whether liability arises under breach of contract or warranty, tort, including negligence, strict liability or statutory liability or any other cause of action.

**PUBLIC RESPONSIBILITY:** The client recognizes that both the client and the architect owe a duty of care to the public that requires them to conform to applicable codes, standards, regulations and ordinances, principally to protect public health and safety. The architect will do his or her best to alert the client to any matter that requires the client's immediate action to protect public health and safety or conform to applicable codes, standards, regulations or ordinances. Should the client decide to disregard the architect's recommendations in these respects, the client agrees the architect has the right to employ his or her best judgment in deciding whether to notify public officials or take other appropriate action. The client agrees the architect should not be held liable in any respect for reporting or failing to report said conditions. Accordingly, the client agrees, to the fullest extent permitted by law, to indemnify and hold the architect harmless from any claim, liability or cost (including reasonable attorneys' fees and costs of defense) for injury or loss arising or allegedly arising from the architect's notifying or failure to notify public officials.

**LIMITATION OF LIABILITY:** In recognition of the relative risks and benefits of the project to both the client and the architect, the risks have been allocated such that the client agrees, to the fullest extent permitted by law, to limit the liability of the architect and his or her consultants to the client for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, so that the total aggregate liability of the architect and his or her consultants to the client shall not exceed the architect's total fee for services rendered on this project. Such claims and causes include, but are not limited to negligence, professional errors or omissions, strict liability, breach of contract or warranty.

**OWNERSHIP OF INSTRUMENTS OF SERVICE:** All reports, plans, specifications, field data and notes and other documents, including all documents on electronic media prepared by the architect and his or her consultants as instruments of service shall remain the property of the architect.

**SUSPENSION / TERMINATION OF SERVICES:** If the client fails to make payments when due or otherwise is in breach of this agreement, the architect may suspend or terminate performance of services upon five (5) calendar days' notice to the client. The architect shall have no liability whatsoever to the client for any costs or damages as a result of such suspension caused by any breach of this agreement by the client.

Either the Client or the Architect may terminate this Agreement at any time with or without cause upon giving the other party five (5) calendar days prior written notice. The Client shall within thirty (30) calendar days of termination pay the Architect for all services rendered and all costs incurred up to the date of termination, in accordance with the Compensation provisions of this Agreement.

**PAYMENT:** Payment of invoices is not subject to unilateral discounting or back-charges by the client and payment is due regardless of suspension or termination of this agreement by either party.

## **RESOLUTION OF DISPUTES:**

**General:** The parties shall commence all claims against the other arising out of or related to this Agreement within the period specified by applicable law, but in no case more than 10 years after the date of the Client's occupancy of the Work for its intended use.

**Mediation:** Any claim, dispute or other matter in question arising out of or related to this Agreement shall be subject to mediation as a condition prior to binding dispute resolution.

Mediation shall be administered in accordance with the Construction Industry Mediation Procedures of the American Arbitration Association currently in effect. The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in the place where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

If the parties do not resolve a dispute through mediation, the method of binding dispute resolution shall be litigation in a court of competent jurisdiction.

**Collection Costs:** In the event legal action is necessary to enforce the payment terms of this Agreement, the Architect shall be entitled to collect from the Client any judgment or settlement sums due, plus reasonable attorneys' fees, court costs and other expenses incurred by the Architect in connection therewith and, in addition the reasonable value of the Architect's time and expenses spent in connection with such collection action, computed according to the Architect's prevailing fee schedule and expense policies.

**WAIVER OF CONSEQUENTIAL DAMAGES:** To the fullest extent permitted by law, neither the Client nor the Architect, its subconsultants and subcontractors, shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of or connected in any way to the Project or this Agreement. This mutual waiver of consequential damages shall include, but not be

limited to loss of use, loss of profit, loss of business, loss of income, loss of reputation and any other cause of action including negligence, strict liability, breach of contract, and breach of strict or implied warranty.

**VERIFICATION OF EXISTING CONDITIONS:** In as much as the remodeling and/or rehabilitation of an existing building requires that certain assumptions be made regarding existing conditions and because some of these assumptions may not be verifiable without expending additional sums of money or destroying otherwise adequate or serviceable portions of the building, the client agrees, to the fullest extent permitted by law, to indemnify and hold the architect harmless from any claim, liability or cost (including reasonable attorneys' fees and costs of defense) for injury or economic loss arising or allegedly arising out of unforeseen existing conditions, excepting only those damages, liabilities or costs attributable to the sole negligence or willful misconduct of the architect.

**OPINIONS OF PROBABLE CONSTRUCTION COST:** In providing opinions of probable construction cost, the client understands that the architect has no control over costs or the price of labor, equipment or materials, or over the contractor's method of pricing and that the opinions of probable construction costs provided are to be made on the basis of the architect's qualifications and experience. The architect makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.

**LIMITED CONSTRUCTION PHASE SERVICES:** The architect shall visit the project on a limited basis as stated in this agreement during construction to observe the progress and quality of the contractor's work. The client has not retained the architect to make regular or detailed inspections or to provide regular or continuous project administration and observation services during construction. The architect does not guarantee the performance or, and shall have no responsibility for, the acts or omissions of any contractor, subcontractor, supplier or any other entity furnishing materials or performing any work on the project.

If the Client desires more extensive project administration or observation or full-time project representation, the Client shall request such services be provided by the Architect as Additional Services in accordance with the terms of this Agreement.

**JOB SITE SAFETY:** Neither the professional activities of the architect, nor the presence of the architect and the architect's employees and consultants at a construction/project site shall relieve the contractor of their obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending and coordinating the work in accordance with the construction documents and any health or safety precautions required by any regulatory agencies. The architect and his or her personnel have no authority to exercise any control over any construction contractor or their employees in connection with their work or any health or safety precautions. The client agrees that the contractor is solely responsible for jobsite safety, and warrants that this intent shall be carried out in the client's agreement with the contractor. The client also agrees that the client, the architect and the architect's consultants shall be indemnified and shall be made additional insureds under the contractor's general liability insurance policy.

**BETTERMENT:** Betterment means that a person who is damaged because of another's mistake should be entitled to recoup losses caused by that mistake, but not benefit because of it.

If, due to the Architect's error, any required item or component of the Project is omitted from the Architect's construction documents, the Architect shall not be responsible for any costs to add such item or component to the extent that such item or component would have been otherwise necessary to the Project or otherwise adds value or betterment to the Project. In no event will the Architect be responsible for any cost or expense that provides betterment, upgrade or enhancement of the Project.

**ENERGY ESTIMATES:** As the Architect has no control over building and equipment operation, or climatic conditions, any energy estimates are made on the basis of the Architect's experience and judgment as design professionals, but the Architect cannot and does not warrant or guarantee that actual building or system operating costs will not vary from our estimates.

**FIDUCIARY RESPONSIBILITY:** The client confirms that neither the architect, nor the architect's consultants has offered any fiduciary service to the client, and no fiduciary responsibility shall be owed to the client by the architect or the architect's consultants as a consequence of the architect's entering into this agreement with the client.

**STANDARD OF CARE:** The Architect shall perform its services consistent with the professional skill and care ordinarily provided by architects practicing in the same or similar locality under the same or similar circumstances. The Architect shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project.

**ADVERTISING:** The architect shall have the right to include representations of the designs of the project, including photographs of the exterior and interior, among the architect's promotional and professional materials. The architect's materials shall not include the client's confidential or proprietary information if the client has previously advised the architect in writing of the specific information considered by the client to be confidential or proprietary. The client shall provide professional credit for the architect on the construction sign, and in any authorized reuse of the architect's instruments of services (i.e. Renderings, photographs, models, drawings, etc.) in the promotional materials the client prepares or releases for the project.

**GOVERNING LAW:** The laws of the Commonwealth of Massachusetts will govern the validity of this agreement, its interpretation and performance. Any litigation arising in any way from this agreement shall be brought in the courts of that state.

**INTEGRATION:** This Agreement comprises the final and complete agreement between the Client and the Architect. It supersedes all prior or contemporaneous communications, representations, or agreements, whether oral or written, relating to the subject matter of this Agreement. Execution of this Agreement signifies that each party has read the document thoroughly, has had any questions explained by independent counsel and is satisfied. Amendments to this Agreement shall not be binding unless made in writing and signed by both the Client and the Architect.

7

Gallagher, Chris

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**From:** Dibiasio, Jane  
**Sent:** Thursday, January 21, 2021 1:37 PM  
**To:** Gallagher, Chris  
**Cc:** Dibiasio, Jane  
**Subject:** Fw: Municipal ADA Improvement Grant

Here you go...

---

**From:** Bryan, Karl (OHA) <karl.bryan@state.ma.us>  
**Sent:** Wednesday, January 6, 2021 12:52 PM  
**To:** Dibiasio, Jane  
**Cc:** Dougan, Jeff (OHA)  
**Subject:** [EXTERNAL] RE: Municipal ADA Improvement Grant

Good Afternoon Ms. Dibiasio,

Thank you for reaching out to our office regarding Fall River's FY21 Municipal ADA Improvement Grant Application. On the 24<sup>th</sup> of December we sent notifications to the email address [cgallagher@fallriverma.org](mailto:cgallagher@fallriverma.org), [ghowayeck@fallriverma.org](mailto:ghowayeck@fallriverma.org), and [mayor@fallriverma.org](mailto:mayor@fallriverma.org) informing them that Fall River was approved for their \$250,000 project grant. If you have any other questions regarding this please let me know.

Congratulations!

-Karl Bryan

---

**From:** Dibiasio, Jane <jdibiasio@fallriverma.org>  
**Sent:** Monday, January 4, 2021 3:13 PM  
**To:** Dougan, Jeff (OHA) <jeff.dougan@mass.gov>  
**Cc:** Gallagher, Chris <cgallagher@fallriverma.org>; Bryan, Karl (OHA) <Karl.Bryan@mass.gov>  
**Subject:** Re: Municipal ADA Improvement Grant

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Jeff,

Any news to share yet?

The Fall River Commission on Disability is preparing its agenda for the next meeting, and the proposed project will be on the agenda.

Jane

7

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**From:** Dibiasio, Jane  
**Sent:** Thursday, December 17, 2020 12:42:53 PM  
**To:** Dougan, Jeff (OHA)  
**Cc:** Gallagher, Chris; Bryan, Karl (OHA)  
**Subject:** Re: Municipal ADA Improvement Grant

Thank you.

Jane

---

**From:** Dougan, Jeff (OHA) <[jeff.dougan@state.ma.us](mailto:jeff.dougan@state.ma.us)>  
**Sent:** Thursday, December 17, 2020 11:56:55 AM  
**To:** Dibiasio, Jane  
**Cc:** Gallagher, Chris; Bryan, Karl (OHA)  
**Subject:** [EXTERNAL] RE: Municipal ADA Improvement Grant

Jane:

We expect award notifications to go out next week and non-selected notifications will be send before the new year.

Sincerely,  
Jeffrey L. Dougan  
Assistant Director for Community Services

Massachusetts Office on Disability  
One Ashburton Place, Room 1305  
Boston, MA 02108  
Phone: 617-979-7316  
Fax: 617-727-0965  
[www.mass.gov/mod](http://www.mass.gov/mod)

Sent from my cellphone. Please excuse any typo's.

Please note: Due to the high volume of phone calls and emails, there may be delays to responding to emails.

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CONFIDENTIALITY NOTICE: This email, including any attachments, contains information which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this information is prohibited. If you have received this email in error, please notify the sender immediately and destroy all electronic and hard copies of the communication, including attachments.

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**From:** Dibiasio, Jane <[jdibiasio@fallriverma.org](mailto:jdibiasio@fallriverma.org)>  
**Sent:** Thursday, December 17, 2020 9:39 AM  
**To:** Dougan, Jeff (OHA) <[jeff.dougan@mass.gov](mailto:jeff.dougan@mass.gov)>  
**Cc:** Gallagher, Chris <[cgallagher@fallriverma.org](mailto:cgallagher@fallriverma.org)>; Bryan, Karl (OHA) <[Karl.Bryan@mass.gov](mailto:Karl.Bryan@mass.gov)>; Dibiasio, Jane

<jdibiasio@fallriverma.org>

Subject: Re: Municipal ADA Improvement Grant

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Jeff,

I'm just checking re: the status of Fall River's application and potential date for award announcements. Please provide any available update.  
Thank you.

Jane

---

**From:** Dougan, Jeff (OHA) <jeff.dougan@state.ma.us>  
**Sent:** Friday, September 11, 2020 4:34:25 PM  
**To:** Jane Dibiasio; Bryan, Karl (OHA)  
**Cc:** Gallagher, Chris  
**Subject:** [EXTERNAL] RE: Municipal ADA Improvement Grant

Jane:

If it was the \$250k application, then yes it is in the system. I am curious why you wouldn't have received the email. Was your email in the applicant or responsible employee email fields under section 1? That is who those emails would be sent to.

Sincerely,  
Jeffrey L. Dougan  
Assistant Director for Community Services  
Massachusetts Office on Disability  
One Ashburton Place, Room 1305  
Boston, MA 02108  
**Phone: 617-979-7316**  
**Fax: 617-727-0965**  
[www.mass.gov/mod](http://www.mass.gov/mod)

Sent from my cellphone. Please excuse any typo's.

---

**CONFIDENTIALITY NOTICE:** This email, including any attachments, contains information which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this information is prohibited. If you have received this email in error, please notify the sender immediately and destroy all electronic and hard copies of the communication, including attachments.

7

**From:** Jane Dibiasio <[jdibiasio@fallriverma.org](mailto:jdibiasio@fallriverma.org)>

**Sent:** Friday, September 11, 2020 2:30 PM

**To:** Bryan, Karl (OHA) <[Karl.Bryan@mass.gov](mailto:Karl.Bryan@mass.gov)>

**Cc:** Dougan, Jeff (OHA) <[jeff.dougan@mass.gov](mailto:jeff.dougan@mass.gov)>; Jane Dibiasio <[jdibiasio@fallriverma.org](mailto:jdibiasio@fallriverma.org)>; Gallagher, Chris <[cgallagher@fallriverma.org](mailto:cgallagher@fallriverma.org)>

**Subject:** Re: Municipal ADA Improvement Grant

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Bryan,

I haven't yet received it, but the screen told me it was submitted successfully.

I leave today at 3, so I'll look for it on Monday.

Jane

---

**From:** Bryan, Karl (OHA) <[karl.bryan@state.ma.us](mailto:karl.bryan@state.ma.us)>

**Sent:** Friday, September 11, 2020 1:48:37 PM

**To:** Jane Dibiasio

**Cc:** Dougan, Jeff (OHA)

**Subject:** [EXTERNAL] RE: Municipal ADA Improvement Grant

That sounds great! You should receive a confirmation email from the onbase system if it was successful.

---

**From:** Jane Dibiasio <[jdibiasio@fallriverma.org](mailto:jdibiasio@fallriverma.org)>

**Sent:** Friday, September 11, 2020 1:36 PM

**To:** Bryan, Karl (OHA) <[Karl.Bryan@mass.gov](mailto:Karl.Bryan@mass.gov)>

**Cc:** Dougan, Jeff (OHA) <[jeff.dougan@mass.gov](mailto:jeff.dougan@mass.gov)>

**Subject:** Re: Municipal ADA Improvement Grant

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thank you.

I just submitted the application, and it seemed to go ok.

I also sent the supplemental documentation to Jeff as required.

Jane

---

**From:** Bryan, Karl (OHA) <[karl.bryan@state.ma.us](mailto:karl.bryan@state.ma.us)>

**Sent:** Friday, September 11, 2020 1:24:25 PM

**To:** Jane Dibiasio



7

Cc: Dougan, Jeff (OHA)  
Subject: [EXTERNAL] RE: Municipal ADA Improvement Grant

Good Afternoon Jane,

Yes that will be acceptable. If you are unable to upload it with the application you can use the dropbox method you described below. On the back end we will be able to attach the appropriate documentation in the appropriate place. If you have any other questions please let me know.

Thank you

From: Jane Dibiasio <[jdibiasio@fallriverma.org](mailto:jdibiasio@fallriverma.org)>  
Sent: Friday, September 11, 2020 9:07 AM  
To: Bryan, Karl (OHA) <[Karl.Bryan@mass.gov](mailto:Karl.Bryan@mass.gov)>  
Cc: Jane Dibiasio <[jdibiasio@fallriverma.org](mailto:jdibiasio@fallriverma.org)>  
Subject: Municipal ADA Improvement Grant

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Karl,

I do have a final version of our Self-Evaluation; however, I think it will be too large to upload. May I use a dropbox and send a link to Jeff Dougan in the email with the supplemental documentation (plans, designs, estimates) that will be emailed to him?

You sent me our Transition Plan. I think that will work as an upload. If not, may I use the dropbox for that as well?

Please let me know. I hope to submit the application today.  
Thank you.

Jane DiBiasio  
Grant Writer  
Mayor's Office  
TEL: 508-324-2600, ext. 6115  
FAX: 508-324-2626

8

**City of Fall River**  
*Office of the Corporation Counsel*

**PAUL E. COOGAN**  
Mayor



**ALAN J. RUMSEY**  
Corporation Counsel

**GARY P. HOWAYECK**  
Assistant Corporation Counsel

January 20, 2021

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


RE: Solid Waste Ordinance

Dear Council President and Members of the Honorable Council:

Per your request, I have reviewed the four (4) proposed changes to the solid waste ordinance. Three of the proposed changes are fine as written (62-1, 62-35, and 62-48), however, I would make a small change to 62-2. Specifically, I would retain the word "bag" in 62-2(c) in order to avoid the placement of loose trash inside of the green carts. I have attached an edited version of the proposed ordinance for your consideration. The City Clerk's office has suggested that this matter should be referred to the Ordinance Committee

Please contact me with any questions or concerns.

Very truly yours,

  
Alan J. Rumsey  
Corporation Counsel

RECEIVED  
2021 JAN 20 PM 2:06  
CITY OF FALL RIVER, MA

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

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

✓ Section 2.  
By striking out in Section 62-2, sub-section C, which section relates to collection and disposal generally, the following: "in an official city bag and placed in"  
a

✓ Section 3.  
By striking out in Section 62-35, which section relates to recyclable items, the following:

(c) Shredded paper is recyclable. However, it must be placed in a paper bag before placing in blue or pink recycling carts.

✓ Section 4.  
By striking out in Section 62-48, subsection A, which section relates to Enforcement; disposition of fines, the following:

"generator of trash"

and replacing it with the following:

"property owner"

City of Fall River, MA  
Wednesday, September 16, 2020

## Chapter 62. Solid Waste

### ARTICLE I. In General

#### § 62-1. Definitions.

[Amended 12-17-1999 by Ord. No. 1999-28; 7-15-2008 by Ord. No. 2008-40]

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

##### **ASHES**

The residue of the burning of wood, coal, coke or other combustible materials.

[1]

##### **CART**

The City-supplied wheeled trash receptor. Blue and pink carts are solely used for recycling and green carts for household trash.

[Added 10-30-2012 by Ord. No. 2012-38]

##### **COMMERCIAL HANDBILL**

Any printed or written matter, any sample or device, any dodger, circular, leaflet, pamphlet, paper or booklet, or any other printed or otherwise reproduced original or copies of any matter of literature which:

- A. Advertises for sale any merchandise, product, commodity or thing;
- B. Directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
- C. Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this subsection shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when such performance, exhibition or event is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this subsection shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license where such license is or may be required by any law of the commonwealth or under any ordinance of the City; or
- D. While containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

##### **DIRECTOR**

The Director of Community Maintenance of the City.

[Added 8-18-2015 by Ord. No. 2015-23]

8

**GARBAGE AND SOLID WASTE**

Decomposing animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

**LITTER**

Garbage, refuse and rubbish and all other waste material which, if thrown or deposited as prohibited in this Code, tends to create a danger to public health, safety and welfare.

**NEWSPAPER**

Any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

**NONCOMMERCIAL HANDBILL**

Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine or booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definition of a "commercial handbill" or "newspaper."

**~~OFFICIAL CITY BAG~~**

~~A trash bag authorized to be used by the City for the disposing of solid waste into a green cart.  
[Added 8-18-2015 by Ord. No. 2015-23]~~

**PARK**

A park, reservation, playground, beach, recreation center or any other public area in the City owned or used by the City and devoted to active or passive recreation.

**PRIVATE PREMISES**

Any dwelling, house, building or other structure designed or used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling house, building or other structure.

**PUBLIC PLACE**

Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

**REFUSE**

All decomposing and nondecomposing solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

**RUBBISH**

Items of no value; broken glass, dishes, food wrappings, contaminated cardboard, items not suitable/designed for recycling; and food waste. Excluded from the definition are small appliances, items which do not fit in the green trash carts, any electronic devices, yard waste, branches, and bulky plastics.

[Amended 10-30-2012 by Ord. No. 2012-38]

**SOLID WASTE**

Synonymous with the terms "garbage" and "refuse."

**TRASH**

Synonymous with the term "rubbish."

**VEHICLE**

8

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

- [1] *Editor's Note: The definition of "authorized private receptacle," which immediately followed this definition, was repealed 8-18-2015 by Ord. No. 2015-23.*

## § 62-2. Collection and disposal generally.

[Amended 7-15-2008 by Ord. No. 2008-40]

- A. Except as otherwise authorized in this chapter, all refuse accumulated in the City shall be collected, conveyed and disposed of by the City under the supervision of the Director of Community Maintenance.
- B. This chapter shall not prohibit the actual producers of refuse, or the owners of property upon which the refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such persons comply with all provisions of this chapter.
- C. The City shall collect solid waste and recyclables from single-family dwellings and multiple-family residential buildings containing up to six dwelling units. Solid waste shall be collected only if placed in an official City bag and placed in a green cart. Recyclables shall not be placed in green carts, and solid waste shall not be placed in blue or pink carts.<sup>[1]</sup>

[Added 8-18-2015 by Ord. No. 2015-23]

- [1] *Editor's Note: Former Subsection (d), regarding collection/disposal fees and abatement, added 7-14-2015 by Ord. No. 2015-20 and amended 8-18-2015 by Ord. No. 2015-25, which immediately followed this subsection, was repealed 6-14-2016 by Ord. No. 2016-17.*

## ARTICLE II. Collection Regulations

### § 62-35. Recyclable items.

[Amended 10-30-2012 by Ord. No. 2012-38]

- A. All plastic bottles and containers labeled 1 through 7, clear, green and brown bottles and jars, tin, steel, aluminum cans (including both deposit and non-deposit beverage cans), newspapers with inserts, cereal boxes, waxy milk and orange juice cartons, cookie boxes, flat or corrugated cardboard, mail, magazines, and all office/home paper shall be placed in the blue or pink recycling carts.
- B. Cans formerly containing hazardous materials, pizza boxes, plastic bags, Styrofoam, broken glass, hard-back books, scrap metal, plastic six-pack holders, needles or syringes, plastic microwave trays, mirrors, ceramics or Pyrex, light bulbs, plates or vases, drinking glasses, window glass, hazardous or biohazardous waste, tissues, paper towels, napkins, waxed paper, stickers or sheets of address labels, clothes hangers, pots and pans are not recyclable and shall be disposed of in the green cart.

- ~~C. Shredded paper is recyclable. However, it must be placed in a paper bag before placing in blue or pink recycling carts.~~

### § 62-48. Enforcement; disposition of fines.

[Amended 9-12-2000 by Ord. No. 2000-25; 7-15-2008 by Ord. No. 2008-40; 8-18-2015 by Ord. No. 2015-23]

8

- 
- A. The Director and his authorized agents, including, but not limited to, litter enforcement officers, shall have the authority to enforce the provisions of ordinances as detailed in Chapter 26, Environment, Chapter 62, Solid Waste, and §§ 2-1021 through 2-1025 of Chapter 2, Administration, as said sections relate to Chapters 26 and 62. Enforcement shall only be against the generator of the trash. *property owner.*
- B. Any fines collected for noncompliance with Chapter 62 shall be credited to the Sanitation Enterprise Fund.



**CITY OF FALL RIVER  
MASSACHUSETTS**

*Traffic & Parking Division*

**Paul E. Coogan**  
*Mayor*

**LAURA FERREIRA**  
*Parking Clerk*

February 2, 2021

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, January 27, 2021 the following request was heard and approved by the Traffic Commission.

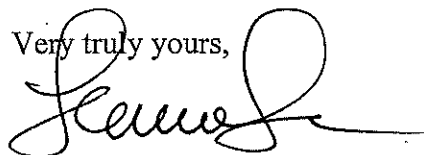
That Chapter 70 of Revised Ordinances be amended in the following Section:

**Article: 70**  
**Section: 387**                      **Handicapped Parking**

By striking out in proper alphabetical order the following.

**STRIKE OUT**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Chace Street	North	Starting at a point 586 feet east of Bay Street, for a distance of 20 feet easterly.

Very truly yours,  


Laura Ferreira  
Parking Clerk





**CITY OF FALL RIVER  
MASSACHUSETTS**

*Traffic & Parking Division*

**Paul E. Coogan**  
*Mayor*

**LAURA FERREIRA**  
*Parking Clerk*

January 29, 2021

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, January 27, 2021 the following request was heard and approved by the Traffic Commission.

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

**Article: 70**  
**Section: 387**                      **Handicapped Parking**

By striking out in proper alphabetical order the following.

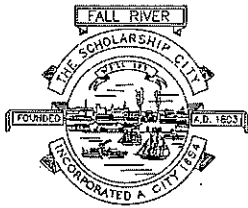
**STRIKE OUT**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Abbott Place	West	Starting at a point 131 feet south of Osborn Street, for a distance of 20 feet southerly.

Very truly yours,

Laura Ferreira  
Parking Clerk

9



**CITY OF FALL RIVER  
MASSACHUSETTS**

*Traffic & Parking Division*

**Paul E. Coogan**  
*Mayor*

**LAURA FERREIRA**  
*Parking Clerk*

January 29, 2021

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

RECEIVED  
2021 FEB - 2 P 2:52  
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, January 27, 2021 the following request was heard and approved by the Traffic Commission.

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

**Article: 70**  
**Section: 387**                      **Handicapped Parking**

By striking out in proper alphabetical order the following.

**STRIKE OUT**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Barnes Street	North	Starting at a point 304 feet west of County Street, for a distance of 20 feet westerly.

Very truly yours,

Laura Ferreira  
Parking Clerk

✓  
CAF



**CITY OF FALL RIVER  
MASSACHUSETTS**

*Traffic & Parking Division*

**Paul E. Coogan**  
*Mayor*

**LAURA FERREIRA**  
*Parking Clerk*

January 29, 2021

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, January 27, 2021 the following request was heard and approved by the Traffic Commission.

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

**Article: 70**  
**Section: 387**                      **Handicapped Parking**

By striking out in proper alphabetical order the following.

**STRIKE OUT**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Franklin Street	North	Starting at a point 38 feet west of N. Seventh Street, for a distance of 20 feet westerly.

Very truly yours,

Laura Ferreira  
Parking Clerk

*Copy*



**CITY OF FALL RIVER  
MASSACHUSETTS**

*Traffic & Parking Division*

9

**Paul E. Coogan**  
*Mayor*

**LAURA FERREIRA**  
*Parking Clerk*

January 29, 2021

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

RECEIVED  
2021 FEB -2 P 2:52  
CITY OF FALL RIVER

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, January 27, 2021 the following request was heard and approved by the Traffic Commission.

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

**Article: 70**  
**Section: 387**                      **Handicapped Parking**

By striking out in proper alphabetical order the following.

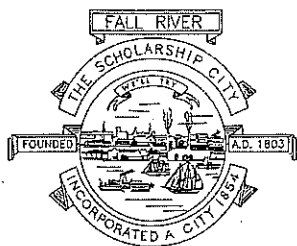
**STRIKE OUT**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Whipple Street	East	Starting at a point 139 feet south of Berkley Street, for a distance of 20 feet southerly.

Very truly yours,

Laura Ferreira  
Parking Clerk

2/3/21



# CITY OF FALL RIVER, MASSACHUSETTS

BOARD OF ELECTION COMMISSIONERS

ONE GOVERNMENT CENTER

TEL. 508-324-2630

10

RECEIVED

2021 JAN 28 A 9:36

## COMMISSIONERS

KELLY A. SOUZA-YOUNG, CHAIRPERSON

TIMOTHY S. CAMPOS

DAVID J. DENNIS, ESQ.

MANUEL LEITE, CLERK

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

January 27, 2021

Honorable City Council  
One Government Center  
Fall River MA 02722

Dear City Councillors:

The Board of Election Commissioners is requesting your approval to hold the City Preliminary Election on September 21, 2021 with the City Election being held on November 2, 2021. The polls will open at 7:00 A.M. and close at 8:00 P.M.

Sincerely,

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

ORDERED, that in accordance with the provisions of Chapter 54, Section 103P of the General Laws, the Preliminary Municipal Election to be held in the City of Fall River shall be held on Tuesday, September 21, 2021, and the Municipal Election shall be on Tuesday, November 2, 2021.

10

**CITY OF FALL RIVER**  
**2021 – POLITICAL CALENDAR**

**(150 SIGNATURES REQUIRED FOR CITY COUNCIL, SCHOOL COMMITTEE)**  
**(300 SIGNATURES REQUIRED FOR MAYOR)**

<b><u>DATE</u></b>	<b><u>EVENT</u></b>
April 27	“NOMINATION PAPERS” are available from the Office of the Board of Election Commissioners for the offices of Mayor, City Council and School Committee. Each candidate must file with this office, before obtaining nomination papers, a signed statement containing the person’s name and address and the office for which the person intends to be a candidate. Anyone other than a candidate must also present the signed candidate’s authorization before securing papers in the candidate’s behalf. Each candidate can be issued only thirty eight (38) pages for Mayor and nineteen (19) pages for City Council, School Committee. (City Charter Section 7-2)
July 21 5:00 PM	Last day and hour for OBTAINING Nomination Papers.
July 23 5:00 PM	Last day and hour for SUBMITTING Nomination Papers for Certification with the Election Commissioners.
August 6 5:00 PM	Last day and hour for FILING Certified Nomination Papers with the City Clerk.
August 9 5:00 PM	Last day and hour for FILING withdrawals and/or objections of Nomination Papers with the Election Commissioners.
September 1 8:00 PM	Last day and hour for Registration of Voters for the Preliminary City Election at Government Center, Room 636.
September 13 5:00 PM	Last day and hour for ALL Candidates and Political Committees to FILE campaign finance reports.
September 14	Post Warrant for City Preliminary.
September 15 5:00 PM	Last day and hour for FILING Absentee Ballot by mail applications for the City Preliminary Election with the Election Office.
September 20 12:00PM	Last day and hour for Absentee vote in person.
September 21	<b>CITY PRELIMINARY ELECTION – POLLS OPEN FROM 7AM TO 8 PM</b>

## 2021 Political Calendar (cont.)

10

September 27 5:00 PM	Last day and hour to FILE Recount Petitions, withdrawals of/or objections to nominations made at the Preliminary Election and for filing written acceptances by write-ins or sticker candidates who won a Preliminary with the Election Commissioners.
OCTOBER 13 8:00 PM	Last day and hour for Registration of Voters for the City Election at Government Center, Room 636.
October 25 5:00 PM	Last day and hour for ALL Candidates and Political Committees to FILE campaign finance reports.
October 26	Post Warrant for City Election.
October 27 5:00 PM	Last day and hour for FILING Absentee ballot applications for mail in ballots for the City Election with the Election Office.
November 1 12:00 PM	Last day and hour for absentee voting in person.
<b>November 2</b>	<b>CITY ELECTION – POLLS OPEN FROM 7AM TO 8 PM</b>
November 12 5:00 PM	Last day and hour to FILE Recount Petitions.
January 20, 2022 5:00 PM	Last day and hour for ALL Candidates and Political Committees to FILE Campaign Finance reports.



Resolution – The Administration work with Oak Grove Cemetery to return historic and sacred items to their cemetery sites

## CITY OF FALL RIVER

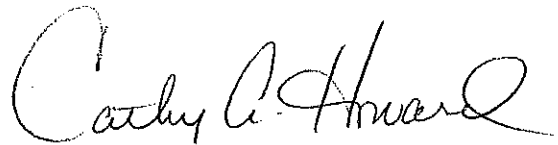
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11

To the City Council

Councillors:

The Committee on Public Works and Transportation, at a meeting held on January 14, 2021,  
voted 3 yeas to recommend that the accompanying resolution be granted leave to withdraw.



Assistant Clerk of Committees

City of Fall River, *In City Council*

11  
(Councilor Linda M. Pereira)

WHEREAS, on or about, October 2016, it was learned that numerous flower boxes, vases and other items of historic value were removed from our deceased citizens at the Oak Grove Cemetery, and

WHEREAS, at that time the City Council requested that those items be returned to the cemetery sites where possible, and

WHEREAS, the past Administration did not follow through on their pledge to return those sacred items to their places, now therefore

BE IT RESOLVED, that the Administration follow up with this issue and return the historic and sacred items to their places, and

BE IT FURTHER RESOLVED, that this matter be referred to the Committee on Public Works and Transportation.

In City Council, January 14, 2020  
Adopted, as amended

A true copy. Attest:

*Alison M. Bouchard*  
City Clerk

**CITY OF FALL RIVER**

---

12

To the City Council

Councillors:

The Committee on Economic Development and Tourism at a meeting held on February 2, 2021  
voted 3 yeas to recommend that the accompanying order be forwarded to full Council for  
action.

A handwritten signature in black ink, reading "Cathy A. Howard". The signature is fluid and cursive, with the first name "Cathy" being more prominent than the last name "Howard".

Assistant Clerk of Committees

*City of Fall River, In City Council*

ORDERED, that the Committee on Economic Development and Tourism hereby recommends the following individuals be considered for the two City Council vacancies on the Community Preservation Committee:

Caroline H. Aubin  
Richard R. Mancini  
Alexander Silva

City of Fall River, *In City Council*

13

(Councilor Linda M. Pereira)

WHEREAS, Janice Clarke enjoyed the beauty and serenity of the Alfred J. Lima Quequechan Rail Trail and was a champion in educating others on the wildlife that may be seen along the paths and the need to preserve and care for our environment, and

WHEREAS, Ms. Clarke dedicated countless hours cleaning and maintaining the bike path to ensure the safety and enjoyment to all who used it, now therefore

BE IT RESOLVED, that the Director of Community Maintenance work with the Friends of the Quequechan River Rail Trail in naming a bench at the Alfred J. Lima Quequechan River Rail Trail in memory of Ms. Janice Clarke.

*City of Fall River, In City Council*

(Councilor Christopher M. Peckham)

WHEREAS, Comcast is the only cable provider in the City of Fall River and recently changed their policy regarding data limits, which is negatively effecting home schooling due to the COVID-19 Pandemic, and

WHEREAS, Comcast has now included excess fees and penalties to their data plan to compete with internet streaming companies, now therefore

BE IT RESOLVED, that Corporation Counsel review the possibility of this being a "monopoly" and examine regulations and fees regarding streaming, and

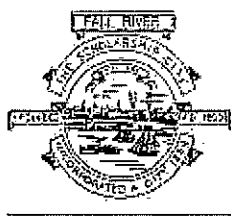
BE IT FURTHER RESOLVED, that the Administration request that Comcast consider waiving any excess fees for data plans due to home schooling and residents who must work from home as a result of the COVID-19 Pandemic.

*City of Fall River, In City Council*

16

(Council President Cliff Ponte)  
(Councilor Bradford L. Kilby)

ORDERED, that the new Girls Varsity Softball Field at B.M.C. Durfee High School shall hereinafter be known as the Steven R. Winarski Girls Varsity Softball Field.



City of Fall River  
Notice of Claim

RECEIVED

2021 JAN 21 A 9:43

20-24 E  
FALL RIVER, MA

23

1. Claimant's name: Progressive Direct Insurance Company a/s/o MEDEIROS, JONATHAN
2. Claimant's complete address: PO BOX 512929 LOS ANGELES CA 90051
3. Telephone number: Home: \_\_\_\_\_ Work: 877-818-0139
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
AUTO ACCIDENT
5. Date and time of accident: 5/17/20 Amount of damages claimed: \_\_\_\_\_
6. Exact location of the incident: (include as much detail as possible):  
TUCKER STREET
7. Circumstances of the incident: (attach additional pages if necessary):  
OUR INSURED WAS TRAVELING ON TUCKER STREET. THERE WAS AN OPEN MANHOLE RIM  
THAT WAS STICKING UP FROM THE ROADWAY THAT DAMAGED OUR INSUREDS VEHICLE. WE  
ARE SEEKING REIMBURSEMNT FOR OUR INSUREDS VEHICLE DAMAGES
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☒ Yes ☐ No  
Progressive Direct Insurance Company PO BOX 512929 LOS ANGELES CA 90051

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

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

Date: 1/12/21 Claimant's signature: Ashley Adamik 8/18

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, 2<sup>nd</sup> 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: 1/21/2021





23

RECEIVED

City of Fall River  
Notice of Claim

2021 JAN 14 P. 1:46

1. Claimant's name: Donna Manchester CITY CLERK #21-7  
FALL RIVER, MA
2. Claimant's complete address: 244 Neptune St. Fall River, MA 02721
3. Telephone number: Home: 774-319-4492 Work: 774-319-4492
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
damage to rear passenger tire (flat)
5. Date and time of accident: 1:30pm 1-4-21 Amount of damages claimed: \$ 204.56
6. Exact location of the incident: (include as much detail as possible):  
STAFFORD RD SOUT of overpass before Notre Dame Cemetery
7. Circumstances of the incident: (attach additional pages if necessary):  
I was heading south on Stafford Rd coming back from the Market, as I drove over the two large plates they shifted up in the back, immediately I started losing air pressure there is a piece of metal in the tire.
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: 1-4-21

Claimant's signature: Donna Manchester

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, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722

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For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DPW Date: 1/14/2021

ATTACHED IS A COPY OF MY BILL FOR THE TIRE REPLACEMENT

2021 JAN 19 P 1:14

Claim #21-8  
CITY CLERK  
FALL RIVER, MACity of Fall River  
Notice of Claim

1. Claimant's name: Robert / Lisa Shaw
2. Claimant's complete address: 399 New Boston Rd. Fall River, MA 02720
3. Telephone number: Home: (508) 676-3805 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Property damage
5. Date and time of accident: 12/25/20 Amount of damages claimed: \$ 160.49
6. Exact location of the incident: (include as much detail as possible):  
On Stafford Rd next to Tucker St.
7. Circumstances of the incident: (attach additional pages if necessary):  
Driving on Stafford Rd. We hit a pothole that blew out our front passenger tire.
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: 1/12/21

Claimant's signature: Lisa Shaw

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, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

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For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☒ City Administrator ☒ DCM Date: 1-19-21

23



SIMON & SIMON, PC  
INJURY LAWYERS

Headquarters

1818 Market Street | Suite 2000  
Philadelphia, PA 19103  
Tel: (215) 467-4666 | Fax: (267) 639-9006

Marc I. Simon, Esquire ♦  
Michelle Skalsky-Simon, Esquire (Retired)  
Joshua A. Rosen, Esquire ~  
Matthew J. Zamites, Esquire ~  
Brian F. George, Esquire ♦♦  
Michael K. Simon, Esquire ~  
Mary G. McCarthy, Esquire ~  
Joshua D. Baer, Esquire ~  
Amanda Nese, Esquire ~  
Ashley Henkle, Esquire ~  
Brittany Sturges, Esquire ~  
Daniel Ward, Esquire ♦  
Carleigh Baldwin, Esquire++  
Ryan Flaherty, Esquire ~  
Travis Gray, Esquire ~  
Brandon Keller, Esquire~  
Matthew Dobson, Esquire~  
Sarkis Dramgotchian, Esquire~

Kane Daly, Esquire ~  
William Nieves, Esquire ♦  
Kelly Peterson, Esquire ♦  
Harry Gosnear, Esquire ♦  
Christopher Green, Esquire ♦  
Adam Holtman, Esquire++  
Andrew Baron, Esquire~  
Charles Williams, Esquire ♦  
James Gundlach, Esquire ♦♦♦  
Jessica Thimons, Esquire ~  
Samuel Miller, Esquire++  
Sam Reznik, Esquire ~

~ Licensed in PA  
♦ Licensed to practice in PA & NJ  
♦♦ Licensed to practice in PA & MA  
♦♦♦ Licensed to practice in PA & NY  
♦♦♦♦ Licensed to practice in PA, NJ & NY  
□ Licensed to practice in PA & OH  
+ Licensed to practice in NJ  
++ Licensed to practice in MA  
+++ Licensed to practice in NY  
++++ Licensed to practice in NJ & NY

marcsimon@gosimon.com  
www.gosimon.com

January 15, 2021

VIA CERTIFIED MAIL (RETURN RECEIPT REQUESTED)  
NO.:

NOTICE OF INTENT TO SUE

Borden West Borden Street Associates  
536 Granite St.  
Braintree, MA 02184

2021 JAN 21 A 9:43  
#21-9  
RECEIVED

RE: Notice of Claim; Preservation of Evidence; Letter of Representation

Our Client: Judith Ouellette  
Date of Loss: 12/17/2020  
Location: Borden West Apartments  
181 S. Main Street, Fall River, MA 02721

Dear Sir or Madam:

This is a notice under the Massachusetts Tort Claims Act and is given pursuant to M.G.L. c. 258 and c. 84.

City Clerk  
Law Dept.  
City Council  
DPW  
1/21/2021

PHILADELPHIA | 1818 Market Street | Suite 2000 | Philadelphia, PA 19103 | Tel: (215) 467-4666  
NEW JERSEY | 401 Market Street | PO Box 807 | Camden, NJ 08101 | Tel: (856) 457-6393  
PITTSBURGH | 707 Grant Street | Suite 1200 | Pittsburgh, PA 15219 | Tel: (412) 360-7257  
ERIE | 1001 State Street | Suite 1400 | Erie, PA 16501 | Tel: (814) 240-5190  
BOSTON | 114 State Street | 4th Floor | Boston, MA 02109 | Tel: (857) 233-0559  
NEW YORK | 5 Penn Plaza | 19th Floor | Manhattan, NY 10001 | Tel: (212) 235-1060  
CINCINNATI | PNC Center | 201 E. Fifth Street | Suite 1900 | Cincinnati OH 45202 | Tel: (513) 898-0930  
COLUMBUS | Galleria at PNC Plaza | 20 S. Third Street | Suite 210 | Columbus, OH 43215 | Tel: (614) 754-6602  
CLEVELAND | 600 Superior Ave. East | Fifth Third Building, Suite 1300 | Cleveland, OH 44114 | Tel: (216) 201-9307  
YOUNGSTOWN | 11 Central Square West | Youngstown, OH 44503 | Tel: (330) 259-1486



RECEIVED

23

2021 JAN 21 A 9:15

City of Fall River  
Notice of ClaimFILE # 21-10  
FALL RIVER, MA

1. Claimant's name: Scott Charette
2. Claimant's complete address: 100 Orswell St. Apt. 2E Fall River, Ma
3. Telephone number: Home: (508) 415-5859 Work: Same -
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Damage to auto undercarriage + Exhaust
5. Date and time of accident: \_\_\_\_\_ Amount of damages claimed: \$ \_\_\_\_\_
6. Exact location of the incident: (include as much detail as possible):  
Near the lights at William S. Canning Blvd. and Newton St.
7. Circumstances of the incident: (attach additional pages if necessary):  
Was stuck in traffic after exiting the Highway Northbound. Traffic lights were not properly working due to roadwork. While shifting into the left lane to turn at the light the undercarriage and exhaust pipe at the manifold were damaged by what was raised up in the road.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 12/22/20

Claimant's signature: Scott Charette

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, 2<sup>nd</sup> 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: 1/21/2021



23

RECEIVED

City of Fall River  
Notice of Claim

2021 JAN 22 A 9:31

1. Claimant's name: Sherry L Legault CITY CLERK # 21-11
2. Claimant's complete address: 281 Jefferson St Fall River Ma
3. Telephone number: Home: 401 862 2925 Work: 401 862 2925 02721
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
2 Tires & Headlamp Blown out due to pot hole
5. Date and time of accident: 5:50 PM Amount of damages claimed: \$ 243.00  
12/24/20
6. Exact location of the incident: (include as much detail as possible):  
100 Ft traveling north on Stafford Rd From  
Cumberland S.
7. Circumstances of the incident: (attach additional pages if necessary):  
I was traveling north on Stafford Rd.  
I hit a pot hole hard, blew out 2 tires  
on my 2014 Chevy impala. Pulled into  
maplewood after my sensors displayed both tires  
had no pressure
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: 1/21/21Claimant's signature: Sherry Legault

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.

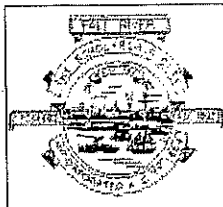
**Return this from to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

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For official use only:

Copies forwarded to: ☒ City Clerk☒ Law☒ City Council☒ City Administrator☒ DCMDate: 1/27/21

23



City of Fall River  
Notice of Claim

2021 JAN 27 A 11:34

1. Claimant's name: David & Conor Fagundes 21-12
2. Claimant's complete address: 405 Main St, Dighton MA 02715 FALL RIVER, MA
3. Telephone number: Home: 508-669-6373 Work: 774-218-3918
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Auto Accident
5. Date and time of accident: 9/28/2020 4:55 pm Amount of damages claimed: \$ 11,397.35
6. Exact location of the incident: (include as much detail as possible):  
286 ~~Griffin~~ St. accident report enclosed
7. Circumstances of the incident: (attach additional pages if necessary):  
Griffin  
Accident report attached
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: 1/20/2021

Claimant's signature: David Fagundes Conor Fagundes

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 form to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

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

For official use only:

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

Date: 1/27/2021

## CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, December 15, 2020 at 5:55 p.m.  
Zoom (Virtual Meeting Application) pursuant to the Governor's Declaration of State of Emergency due the Coronavirus (COVID-19) pandemic

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

ABSENT: None

IN ATTENDANCE: None

Pursuant to the Governor's Declaration of State of Emergency due the Coronavirus (COVID-19) pandemic, these public hearings were held virtually. Persons interested and wishing to be heard at the public hearings were advised to submit written comments by letter addressed to the City Clerk, One Government Center, Fall River, MA 02722 or email to [city\\_council@fallriverma.org](mailto:city_council@fallriverma.org) by Tuesday, December 15, 2020 at 3:00 p.m. to be read at the meeting.

The President called the meeting to order at 6:00 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearings was to hear all persons interested and wishing to be heard on the following:

### **Street Acceptances**

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas that the hearing be opened.*

1. The acceptance of Barrows Street, extending from South Main Street to Andrews Street

*The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that there were no proponents. Steven Winarski submitted testimony as an opponent. The City Clerk then read the testimony submitted, a copy of which is attached hereto and made a part of these minutes. Councilor Bradford L. Kilby stated that he would like to see this matter granted leave to withdraw, as he has visited the site and is in agreement with the opponent. Council President Cliff Ponte stated that this matter is on the agenda for the City Council Meeting later this evening and during that meeting would be the appropriate time for such a motion. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas that the hearing be closed.*

*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas that the hearing be opened.*

2. The acceptance of Chestnut Hill Drive, extending from North Main Street to a dead end

*The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that there were no proponents. Vladimir Michel submitted testimony as an opponent. The City Clerk then read the testimony submitted, a copy of which is attached hereto and made a part of these*

minutes. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Bradford L. Kilby, it was voted 9 yeas that the hearing be closed.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas that the hearing be opened.

3. The acceptance of Estes Lane, extending from Lark Street to (old) Lower Stafford Road

The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that there were two proponents and no opponents. The City Clerk then read the testimony submitted by Paul N. Gagne and Alae and Zakary Marshall, copies of which are attached hereto and made a part of these minutes. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Bradford L. Kilby, it was voted 9 yeas that the hearing be closed.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adjourn at 6:18 p.m.

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

Email from Steven Winarski regarding Barrows Street

Email from Vladimir Michel regarding Chestnut Hill Drive

Email from Paul N. Gagne regarding Estes Lane

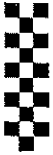
Email from Alae and Zakary Marshall regarding Estes Lane

A true copy. Attest:

*Alison M. Bouchard*

City Clerk





25

RECEIVED

December 13, 2020

2020 DEC 14 P 1:01

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

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

RE: Opposition to the acceptance of Barrows Street extension from South Main Street to Andrews Street

Dear Ms. Bouchard:

I reside at 114 Andrews St which is the property adjacent to the Barrows paper road. I have expressed my concerns on two previous occasions about the applications to extend Barrows St from South Main St through to Andrews St. Both requests were denied and the reasons for the denial pretty much remain the same. The paper road sits on ledge and to make it a legitimate road blasting and removal of said ledge would cause severe damage to the surrounding homes foundations, and in my case my in-ground swimming pool. Traffic would also be a concern as motorists would use the road as a short cut increasing traffic in an otherwise quiet residential neighborhood. Directly across from the proposed road live two children and the headlights of cars exiting Barrows St from South Main St would shine headlights directly into their home. Most of the residents in the neighborhood have lived there for 30 plus years and do not want traffic dumped into their neighborhood and should have a voice seeing we have been paying our taxes all these years.

I have maintained that section of Barrows St for over 30 years to prevent overgrowth to potentially keep vandals from having a place to hide and prohibit drug use.

I do not see any significant advantage to having Barrows St as a path to Andrews St as Mt Hope St and Howland St serve as a means of access to Bay St and other streets in our neighborhood. From Mt Hope Ave to Barrows St there are only 2 houses on Andrews St. From Barrows St to Howland St there is only 1 house. What need would there be for a street to be put in as access to these homes? Traffic can access any house on Andrews St by either going a couple hundred feet from Mt Hope Ave or Howland St.

I am respectfully requesting that you leave our neighborhood as is and respect our rights as tax paying citizens to live as we have for well over 30 years.

Sincerely,

Steven Winarski

25

December 11, 2020

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

RE: Opposition to the acceptance of Barrows Street extension from South Main Street to Andrews Street

Dear Ms. Bouchard:

We the undersigned respectfully voice our opposition of the proposal to extend Barrows Street from South Main Street to Andrews Street. We have previously indicated our opposition to this proposal. The proposed land, for this road, is located on ledge and would likely require blasting to make way for the road. The undersigned homeowners are deeply concerned that any disturbance to this land could result in damage to the foundations of our homes. In addition, if this rezoning road is approved and completed, the residential neighborhoods surrounding this road will witness an increase in traffic impacting our quality of life.

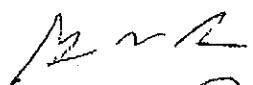
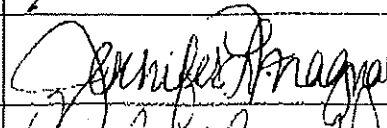
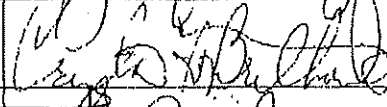
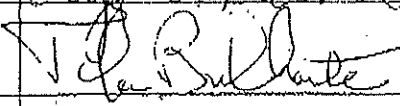
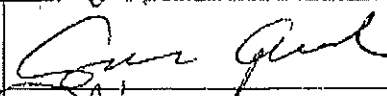
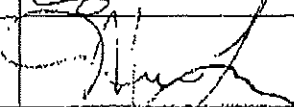
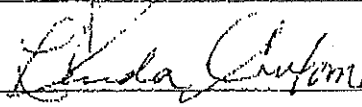
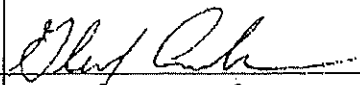

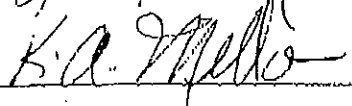
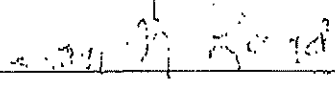
We strongly urge that the City Council deny the request to Barrows Street extension.

Sincerely

*Carl Carvallo*

<u>Name</u>	<u>Address</u>	<u>Signature</u>
STEVE WINARSKI	114 ANDREWS ST	<i>Steve Winarski</i>
SUSAN WINARSKI	114 ANDREWS ST	<i>Susan Winarski</i>
<i>Carl Carvallo</i>	131 ANDREWS ST	<i>Carl Carvallo</i>
Randy Noiscent	130 ANDREWS ST	<i>Randy Noiscent</i>
PETER A. BEDARD	153 ANDREWS ST	<i>Peter A. Bedard</i>
<i>John Bedard</i>	153 Andrews St	<i>Peter Bedard</i>
<i>Denise Carvallo</i>	131 Andrews St	<i>Denise Carvallo</i>

RE: Opposition to the acceptance of Barrows Street extension from South Main Street to Andrews Street

<u>Name</u>	<u>Address</u>	<u>Signature</u>
Gina M. Reitano	96 Howland St	
Jennifer L. Magnan	96 Howland St	
Crystal Brilhante	89 Howland St	
Tha Brilhante	89 Howland	
Angela Amaral	110 Andrews St	
Miguel FERNANDES	110 Andrew St	
LINDA Coulombe	115 Andrews St	
Glenn Coulombe	115 Andrews St	
AURIANO MELLO	119 ANDREWS ST	
K.A. MELLO	119 ANDREWS ST	
Jean N. Lora	96 Howland	

25

City Council

Opposition

**From:** Vladimir Michel <vladmich9@gmail.com>  
**Sent:** Tuesday, December 15, 2020 1:09 PM  
**To:** City Council  
**Subject:** [EXTERNAL] Chestnut Hill Drive

Dear Committee of the City Council, first I want to thank you for informing me about this hearing about my street and making me feel valued as a resident of the city. I prefer the street to remain as it is with no dead end sign such as other streets nearby across four wings apartments complexes, these streets are the same as mine like a cult-de-sac with no dead end in front of them.

Thank you in advance

Vladimir

34 Chestnut Hill Dr.

CITY CLERK  
FALL RIVER, MA

2020 DEC 15 P 2:13

RECEIVED

25

To: Fall River City Clerk  
One Government Center  
Fall River, MA. 02722

RECEIVED

2020 DEC -9 A 10:09

CITY CLERK \_\_\_\_\_ December 8th, 2020  
FALL RIVER, MA

To Whom it May Concern,

I am Paul Gagne of 1346 Stafford Rd. (Estes Lane). In response to a letter dated December 4th, 2020 regarding the acceptance of Estes Lane, I would like to voice my approval for the road to be observed as public. Currently, the road does not get plowed or maintained by the city, nor is trash picked up. This is the main reason for my request to make the road public.

Thank-you for your consideration.

Sincerely,

*Paul N. Gagne*

Paul N. Gagne

[EXTERNAL] Response to letter dated December 4

gs38@aol.com

Wed 12/9/2020 11:24 AM

To: City Council <City\_Council@fallriverma.org>;

Thank you so much for the quick response. If clarification is required, Estes Lane is the only street access to my property on Lower Stafford Rd.  
Again thank you.

Sent from my iPhone

On Dec 9, 2020, at 10:19 AM, City Council <City\_Council@fallriverma.org> wrote:

Good morning Mr. Gagne,

Thank you for your submission as a proponent for the Estes Lane street acceptance.  
This matter will be heard during the City Council Public Hearing that is scheduled for Tuesday, December 15, 2020 beginning at 5:55 p.m., at which time your communication will be read.  
If you have any further questions please feel free to reach out.  
Have a great day.

Sincerely,  
Cathy

*Cathy A. Howard  
Assistant Clerk of Committees  
Office of the City Council  
One Government Center  
Fall River, MA 02722*

508-324-2233 O  
508-324-2234 F  
city\_council@fallriverma.org

---

From: gags38@aol.com <gags38@aol.com>

Sent: Wednesday, December 9, 2020 9:55:52 AM

To: City Council

Subject: [EXTERNAL] Response to letter dated December 4

Attached letter from Mr. Paul Gagne regarding response to acceptance of Estes Lane.

Please acknowledge receipt.

Thank you

City Council

Proponent

RECEIVED

25

2020 DEC 15 P 2:51

**From:** Zak Marshall <zakmar25@gmail.com>  
**Sent:** Tuesday, December 15, 2020 2:44 PM  
**To:** City Council  
**Subject:** [EXTERNAL] Petition For Lark Street/(Old) Lower Stafford Road and Estes Lane

CITY CLERK  
FALL RIVER, MA

City Council Members,

We are petitioning the City Council of Fall River on the acceptance of Estes Lane, extending from Lark Street to (old) Lower Stafford Road. For several reasons, the road needs to become public to make it eligible for public services such as salting, plowing, and road work.

The roadway has been home for many years now to Paul Gagne, a previous business owner and faithful taxpayer that suffered a stroke years ago. The entire time he has lived here, he has had to plow this road every winter. He has put his own money into purchasing plows, fixing his truck, and spent hours plowing so that the street is safe for all who live and work here. There is a business at the end of the street that utilizes about half of the road. Employees must drive up the road that is very much in disrepair. Paul has serviced this section for years so that they may access their building and work area. As the years go by, this plowing has been harder for Paul to maintain, as the cold is increasingly harder for him to handle. In this regard, he needs help. If he stops plowing, the employees at the warehouse will not be able to work or access the property.

Paul and his current tenants will also be trapped in during snow storms as there is only one street connecting. Lark street is serviced every year with salt and plows, while Estes (and lower stafford road) is overlooked. In the event of an emergency and he cannot get his plow out, we will certainly be in serious need of city assistance.

There is also a manhole cover at the joint section of lower Stafford Road and Estes Lane that is about 4 or more inches above the ground. This makes plowing a difficult job for Paul as it can damage his plow and the manhole cover just trying to keep the street open. To remedy this, we need the city to redo the road and help maintain it.

It is also a matter of public safety that the road be maintained. There is a staircase that cuts through the hill from Stafford Road down to lower Stafford Road. People accessing the staircase at night have tripped on the rubble from the ruined road. My wife has also cut her foot on lower Stafford Road, and required stitches at the hospital. Without maintained pavement or sufficient street lighting at that location, this presents an obvious public safety issue. The rough road is understandably harsh on vehicles, with many potholes causing a lot of damage to all vehicles that travel on it.

This is a comparatively small section of the city that would require only minimal upkeep. One redo of the roads should last over a decade. We, as the tenants living above Paul Gagne at 1346 Stafford Rd. #2, believe it is important that the city step in and maintain this street, not only for the people who live here or the employees who work at the warehouse, but for the dozens of people that use the stairway and road as a shortcut. It is the community that ties tax paying citizens together and adheres to their mutual cares, labors, and dangers.

Please consider accepting the petition in front of you .

Thank you and Happy Holidays,

Alae and Zakary Marshall

## CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, January 19, 2021 at 5:55 p.m.  
Zoom (Virtual Meeting Application) pursuant to the Governor's Declaration of State of Emergency due the Coronavirus (COVID-19) pandemic

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

ABSENT: None

IN ATTENDANCE: None

Pursuant to the Governor's Declaration of State of Emergency due the Coronavirus (COVID-19) pandemic, these public hearings were held virtually. Persons interested and wishing to be heard at the public hearings were advised to submit written comments by letter addressed to the City Clerk, One Government Center, Fall River, MA 02722 or email to [city\\_council@fallriverma.org](mailto:city_council@fallriverma.org) by Tuesday, January 19, 2021 at 3:00 p.m. to be read at the meeting.

The President called the meeting to order at 5:57 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearings was to hear all persons interested and wishing to be heard on the following:

**Curb Removals**

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas that the hearing be opened.*

1. Cumberland Farms, Inc., 165 Flanders Road, Westborough, MA, for the removal of curbing as follows:

	Total Existing Curb Opening	Existing To Be Removed	Existing To Be Replaced	New Curb Opening	Proposed Driveway Width
Brayton Ave. (New)	N/A	100'	N/A	100'	2 at 24'
Stevens St. (Ex.)	33'	0'	33'	0'	0'
Stevens St. (New)	N/A	80'	0'	80'	30'
Stevens St. (New)	N/A	50'	0'	50'	30'
Total	33'	230'	33'	230'	108'

The curb removals will result in a one way in, one way out opening on Brayton Avenue and two, two-way openings on Stevens Street. The requested curb removals would allow for improved access to the property, which is to be commercially developed. Although there are currently no sidewalks along



Stevens Street, the site plan shows that there will be concrete sidewalks added along the Stevens Street property line.

*The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that there were no proponents or opponents. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was voted 9 yeas that the hearing be closed.*

*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was voted 9 yeas that the hearing be opened.*

2. BCBBL, LLC, 465 Rock Street, for the removal of curbing as follows:

	Total Existing Curb Opening	Existing To Be Removed	Existing To Be Replaced	New Curb Opening	Proposed Driveway Width
697 Davol Street	190'	0'	154'	36'	24'
Turner Street	28'	8'	0'	36'	24'
Total	218'	8'	154'	72'	48'

The existing curb removals on Davol Street, which is a one way, will be replaced with a single curb cut to accommodate the new use of the property. This is to be an exit only, right turn onto Davol Street. No entrance is proposed off Davol Street. A curb removal on Turner Street will be replaced and used for both an entrance and an exit.

This request would allow for improved access to the property, which is to be commercially developed. The proposed curb removals will be substantially less than the existing condition.

*The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that there were no proponents or opponents. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas that the hearing be closed.*

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas that the hearing be opened.*

3. Daniel Walsh, 9 Riverview Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
9 Riverview Street	16' 5"	19'	0'	35' 5"

The petitioner is requesting the removal of 19 feet of curbing to the existing 16 foot 5 inch driveway opening to allow for additional access.

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

*The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that there were no proponents or opponents. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas that the hearing be closed and the meeting be adjourned at 6:04 p.m.*

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List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

A true copy. Attest:

*Nelson M Bouchard*

City Clerk

## COMMITTEE ON FINANCE

**MEETING:** Tuesday, December 15, 2020 at 6:00 p.m.  
Zoom (Virtual Meeting Application) pursuant to the Governor's Declaration of State of Emergency due to the Coronavirus (COVID-19) pandemic

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

**ABSENT:** None

**IN ATTENDANCE:** Mary Sahady, Director of Financial Services  
William Kenney, City Planner  
John Perry, Director of Community Maintenance

The chair called the meeting to order at 6:18 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, December 15, 2020 at 3:00 p.m. to be read at the meeting.

The City Clerk read a communication received from a city resident, a copy of which is attached hereto and made a part of these minutes.

1. Citizens' Input  
Collin Dias, 560 Ray Street – City topics

2. Discussion with City Planner re: uncompleted subdivisions  
*Council President Cliff Ponte asked the City Planner to provide an overview of this matter. The City Planner stated that the laws that are in place governing subdivisions have not been observed and unfortunately there has been no one individual or department overseeing the matter. He then expressed that there are developers that do not complete a subdivision and then move on to their next project, which should not be allowed. William Kenney then stated that he has worked with the Treasurer's Office to review all performance guarantees for subdivisions that are being held by the City to verify that both the Planning Department and the records of the City Treasurer are in agreement. He also mentioned that previously, performance guarantee amounts, like letters of credit were reduced prematurely, below an amount needed to finish the necessary work to complete the subdivision. He then stated that the City needed to complete all necessary work*

to ensure the safety of the residents. The City Planner then stated that any resident that is aware of a situation within a subdivision should contact his office and the matter will be investigated and appropriate action will be taken to correct the matter. He also mentioned that when appropriate, Corporation Counsel is notified of any situation that may need to have legal action taken against a developer who did not complete any necessary work that was agreed to. William Kenney then explained that many developers often work under the name of an entity to avoid personal liability. He then stated that often it is discovered that legal action against a certain developer will not be productive because the entity has no assets other than the real estate that was involved in the matter. The City Planner then expressed that he is happy to report that the current Administration is allowing department heads to force developers to complete projects that were agreed to and not requesting leniency for certain developers. He then noted that his office is working with various other city departments every day, to ensure that the City is properly protected and to correct any situations that occurred in the past. Council President Cliff Ponte asked, how much money is being required from developers for a subdivision? The City Planner stated that he requests quotes from the Engineering Division and the Department of Community Utilities for the anticipated costs of finishing what work would need to be done to complete the road and utilities, add a percentage for variations and that is the amount that is required to be deposited. Councilor Bradford L. Kilby stated that subdivisions have caused problems through the years and he is glad that Attorney William Kenney is now the City Planner and is very active in correcting these matters. Councilor Leo O. Pelletier stated that the City Planner is now holding developers accountable to complete projects as were agreed upon. He also stated that there are many developers that do not complete projects and walk away, file bankruptcy and then establish a new company or LLC, therefore causing the City to complete and repair any unfinished subdivisions, which is unfair to the residents of the City of Fall River. Councilor Shawn E. Cadime stated that in the past there has been no accountability required of developers. He then stated that he doesn't believe that the subdivision control laws provide the City or any community with the proper enforcement authority that is needed. Councilor Pam Laliberte-Lebeau asked the City Planner if there are any updates on Whitefield Street. The City Planner stated that he has spoken with Byron Holmes, the consulting engineer for the City and he stated that some patching has been done and there are some residual drainage issues to be corrected and a contract has been signed for a final paving in the spring of 2021. Councilor Pam Laliberte-Lebeau stated that she is unsure how a developer was allowed to build in such an area that has always had flooding issues. The City Planner stated that some of the issues with the houses that are built in this area is that some homeowners have filled in the swales that were installed in the backyards of these homes to prevent flooding. He went on to state that this will cause flooding to the neighboring properties, as these swales are necessary to alleviate flooding in this area, but went on to state that he cannot completely answer the question as he was not the City Planner at the time of the construction. The Director of Community Maintenance stated that this area is having more drainage installed and then mentioned that Whitefield Street will be paved in the spring. He also stated that these swales are listed in their deeds to be maintained, but many residents have filled in the swales to use the area for a shed or a trampoline, which causes more flooding problems. He then expressed that if the City were to repair these swales the City would then be responsible. Councilor Linda M. Pereira stated that she is willing to assist in any way to help the residents of this area. Councilor Trott Lee stated that he has visited this area and would like to know how a site plan review would have prevented such a situation. The City Planner stated that site plan reviews focus on issues of stormwater management and drainage and many of these drainage issues would have been addressed prior to construction.

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Linda M. Pereira, it was voted 9 yeas to table the matter.

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

*The Director of Financial Services provided an overview of the project. Councilor Michelle M. Dionne stated that she has received calls from constituents stating that lighting should also be installed at this location for public safety. The Director of Community Maintenance stated that he will visit this location after dark to determine a location to install a spot light. Councilor Christopher M. Peckham stated that he is in agreement that a light or lights need to be installed for public safety. Councilor Linda M. Pereira stated that she also agrees that lights would improve public safety in this location. On a motion made by Councilor Trott Lee and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to recommend the resolution and loan order be adopted.*

Citizens' Input Time – After Discussion of Financial Matters:

None

*On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to adjourn at 7:30 p.m.*

List of documents and other exhibits used during the meeting:

Citizens' Input Communication  
Agenda packet (attached)  
DVD of meeting

*Cullen A. Taylor*  
Clerk of Committees

**DECEMBER 15, 2020**

**COMMUNICATIONS**

**SUBMITTED**

**FOR**

**CITIZENS' INPUT**

**City Council**

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**From:** Collin Dias <collind00@aol.com>  
**Sent:** Tuesday, December 15, 2020 2:07 PM  
**To:** City Council  
**Subject:** [EXTERNAL] Citizens Input Fall River City Council

Good afternoon, please disregard my prior citizens input.

Collin Dias  
560 Ray Street, Fall River, Massachusetts 02720

Fall River City Council Committee on Finance 12/15/2020 Citizens Input

Topic: City Topics

Good afternoon Council President and members of the City Council,

I wish to speak on a few matters facing our community.

First of all, at the last meeting I was called out as a part of being an "open meeting law people" and shamed for submitting an open meeting law complaint like I am some sort of degenerate. I have only submitted an open meeting law complaint for two things, one was that I believe the city council shouldn't hold meetings in the council chambers and privately invite members of public to attend, and the second time was when my citizens input was lambasted because I gave my opinion on a subject. I could care less if the council forgot to take a role call vote, or forgot a simple procedure, and to any member of the community filing frivolous open meeting law complaints to waste city resources on the smallest of abnormalities, shame on them.

Secondly, I think we need to focus our attention onto bringing in revenue into our community. We need a transfer station, which can be retrofitted into a gasification plant. It was passed by the voters in a referendum vote, and every day we do not honor the will of the voters, our elected leaders lose credibility with the constituents they serve. Also, I believe our PARC grants should be focused elsewhere. We need to improve public safety by increasing security and surveillance in public parks across our city. As always, I'm sure the request for a transfer station will fall on deaf ears, which is a shame.

Furthermore, I believe the city administration should work with the health department on the issuance of COVID related fines and suspensions. We need an education program with small businesses and large chains on the new state covid restrictions before we ruin people's livelihood with fines and suspensions. I condemn the latest fines and suspensions issued against the republican club and the local supermarket. I believe it is time the City's war on small business comes to an end. I believe there is also a lot of hypocrisy. I don't see the city going into the large chains like McDonald's and Wendy's where they don't wear masks or follow much covid restrictions, but will bother small business owners.

Lastly, I believe the City Council should work with the administration to put an end on Northeast Alternatives corrupt business practices on Fall River. Any public official who does business with those miscreants who do not do business honestly in Fall River, should stop. I am not afraid to go stand up against corruption in my city and to hold those accountable.

Thank you very much for your time.

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Respectfully submitted,

Collin Dias

Sent from my iPhone



### REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, December 15, 2020 at 7:00 p.m.  
Zoom (Virtual Meeting Application) pursuant to the Governor's Declaration of State of Emergency due to the Coronavirus (COVID-19) pandemic

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

ABSENT: None

IN ATTENDANCE: Mary Sahady, Director of Financial Services

President Cliff Ponte called the meeting to order at 7:30 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.

#### PRIORITY MATTERS

1. Mayor and proposed ordinance establishing position and salary of EMT–Administrative Assistant  
*Councilor Linda M. Pereira stated that the salaries for many positions in the City of Fall River need to be reviewed. She then expressed that many employees have left employment with the City for positions in other communities, due to the low wages paid by the City and there are employees that are paid more if they work for the School Department instead of another municipal department, which is unfair. Councilor Michelle M. Dionne asked the Director of Financial Services, if this will add a new position. The Director of Financial Services stated that this will be a new position added to the current clerical positions. Councilor Christopher M. Peckham asked what the salary will be for the new position. The Director of Financial Services stated the salary will be \$2020.00 biweekly. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to refer the matter to the Committee on Ordinances and Legislation.*
2. Mayor requesting the confirmation of the appointment of Michael J. Coughlin to the Board of Health  
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to confirm the appointment.*

#### PRIORITY COMMUNICATIONS – None

#### COMMITTEE REPORTS – None

**ORDINANCES**Second reading and enrollment:

## 3. Proposed Ordinance – Traffic, Miscellaneous

*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Bradford L. Kilby, it was voted 9 yeas that the proposed ordinance be passed through second reading and enrollment.*

## 4. Proposed Ordinance – Traffic, Stop intersection on Bark Street

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas that the proposed ordinance be passed through second reading and enrollment.*

Second reading and enrollment, as amended:

## 5. Proposed Ordinance – Traffic fees and zones

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas that the proposed ordinance be passed through second reading and enrollment, as amended.*

## 6. Proposed Ordinance – Establishing a fee schedule for utility poles

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas that the proposed ordinance be passed through second reading and enrollment, as amended.*

Ordination:7. Proposed Ordinance – Floodplain district boundaries and base flood elevation data  
(passed through second reading and enrollment 6-9-2020)

*The City Clerk stated that a communication was received from the Director of Code Enforcement stating that the flood maps will need to be amended and the Federal Emergency Management Agency (FEMA) has not yet approved the effective dates. She then stated that the Director of Code Enforcement has requested that this matter be granted leave to withdraw, as a new ordinance will be resubmitted at a later date. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Bradford L. Kilby, it was voted 9 yeas that the proposed ordinance be granted leave to withdraw.*

**RESOLUTIONS** – None**CITATIONS** – None**PUBLIC HEARINGS**Final Reports - Street Acceptances:

## 8. Barrows Street, extending from South Main Street to Andrews Street

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas that the final report be granted leave to withdraw.*

## 9. Chestnut Hill Drive, extending from North Main Street to a dead end

*On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was voted 8 yeas that the final report be referred to the Committee on Public Works and Transportation, with Councilor Bradford L. Kilby absent and not voting due to technical difficulties.*

10. Estes Lane, extending from Lark Street to (old) Lower Stafford Road  
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adopt the final report.*  
*Approved, December 16, 2020, Paul E. Coogan, Mayor*

#### **ORDERS – MISCELLANEOUS**

11. Police Chief's report on licenses:

2021 Taxicab Drivers:

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

2021 Livery Driver:

David Marshall

2021 Livery Vehicles:

Fall River Taxi – Toyota Prius

- On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adopt the order.*

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

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to adopt the order.*  
*Approved, December 16, 2020, Paul E. Coogan, Mayor*

Auto Repair Shop License Renewal:

13. Joseph Bilan, BP Auto Repair, Inc. at 1091 South Main Street  
*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to adopt the order.*  
*Approved, December 16, 2020, Paul E. Coogan, Mayor*

#### **COMMUNICATIONS – INVITATIONS – PETITIONS**

14. Claims

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to refer the claims to Corporation Counsel.*

15. Assistant Corporation Counsel response to Open Meeting Law complaint filed by Patrick Higgins re: November 17, 2020 City Council Meeting  
*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was voted 9 yeas that the communication be accepted and placed on file.*

**BULLETINS – NEWSLETTERS – NOTICES**

16. Notice of Casualty and Loss at 990 Maple Street

*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Bradford L. Kilby, it was voted 9 yeas that the notice be accepted and placed on file.*

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

**COMMITTEE REPORTS**

Committee on Public Safety recommending:

Grant leave to withdraw:

2a. Resolution – Discuss safety concerns at 28 Quequechan Street

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas that the resolution be granted leave to withdraw.*

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

Committee on Finance recommending:

Action:

2b. Resolution and Loan Order – Parkland Acquisitions and Renovations for Communities (PARC) Grant resolution for the renovation of the Cathý Assad Tot Lot and Playground and \$483,388 Loan Order for City Parks Capital Repairs

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was voted 9 yeas to adopt the resolution and loan order.*  
*Approved, December 16, 2020, Paul E. Coogan, Mayor*

**ORDINANCES**

Ordination:

3. Proposed Ordinance – Traffic, Miscellaneous

*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Bradford L. Kilby, it was voted 9 yeas that the proposed ordinance be passed to be ordained.*  
*Approved, December 16, 2020, Paul E. Coogan, Mayor*

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

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas that the proposed ordinance be passed to be ordained.*  
*Approved, December 16, 2020, Paul E. Coogan, Mayor*

Ordination, as amended:

5. Proposed Ordinance – Traffic fees and zones

*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was voted 9 yeas that the proposed ordinance be passed to be ordained, as amended.*  
*Approved, December 16, 2020, Paul E. Coogan, Mayor*

6. Proposed Ordinance – Establishing a fee schedule for utility poles

*On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas that the proposed ordinance be passed to be ordained, as amended.*  
*Approved, December 16, 2020, Paul E. Coogan, Mayor*

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adjourn at 8:00 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:

*Glison M. Bouchard*

City Clerk

## [EXTERNAL] Communication to City Council

Collin Dias &lt;collind00@aol.com&gt;

Thu 1/14/2021 1:31 PM

To: City Council &lt;City\_Council@fallriverma.org&gt;;

Cc: City Clerk &lt;city\_clerks@fallriverma.org&gt;; Leite, Ines &lt;ileite@fallriverma.org&gt;;

RECEIVED

2021 JAN 14 P 1:46

CITY CLERK  
FALL RIVER, MA

Good afternoon,

I ask that the following communication be placed on the next city council meeting agenda.

Thank you very much,

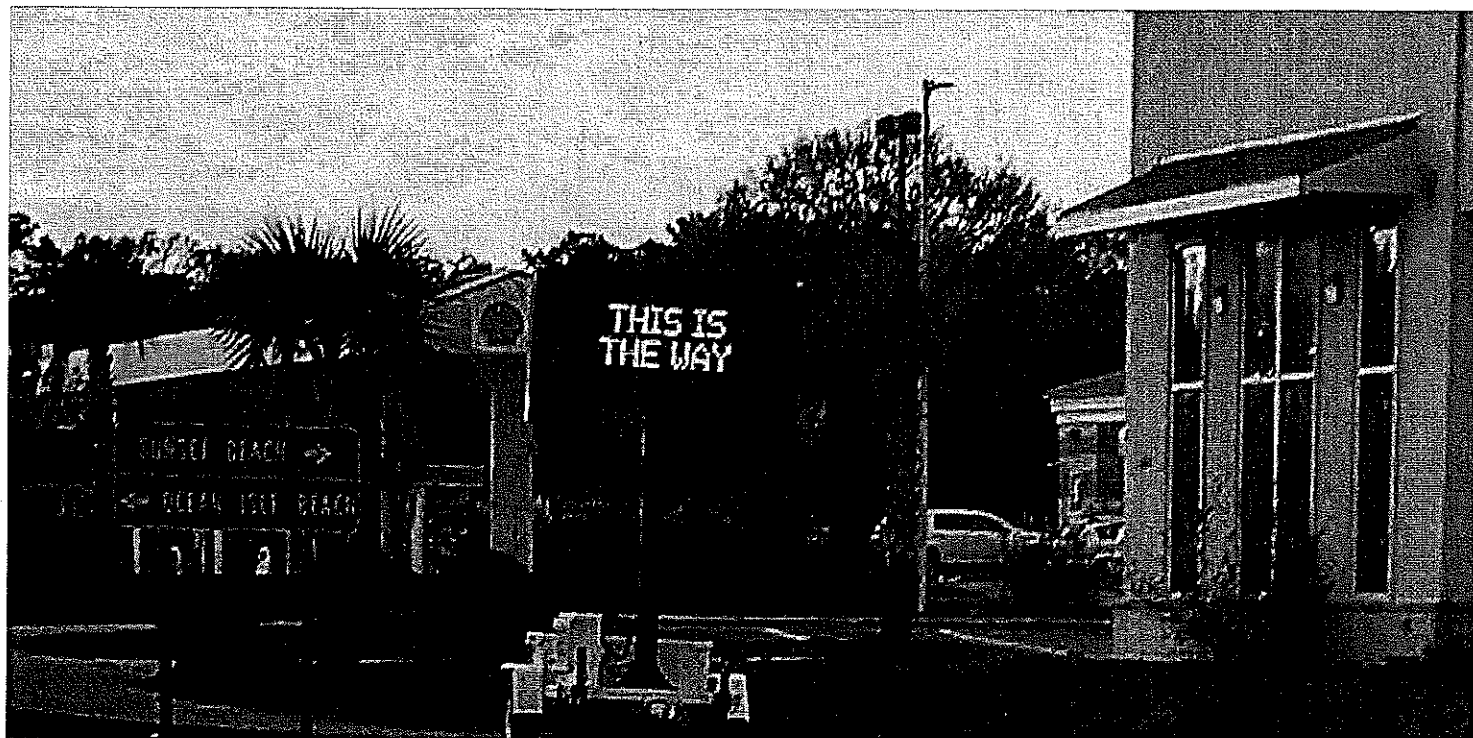
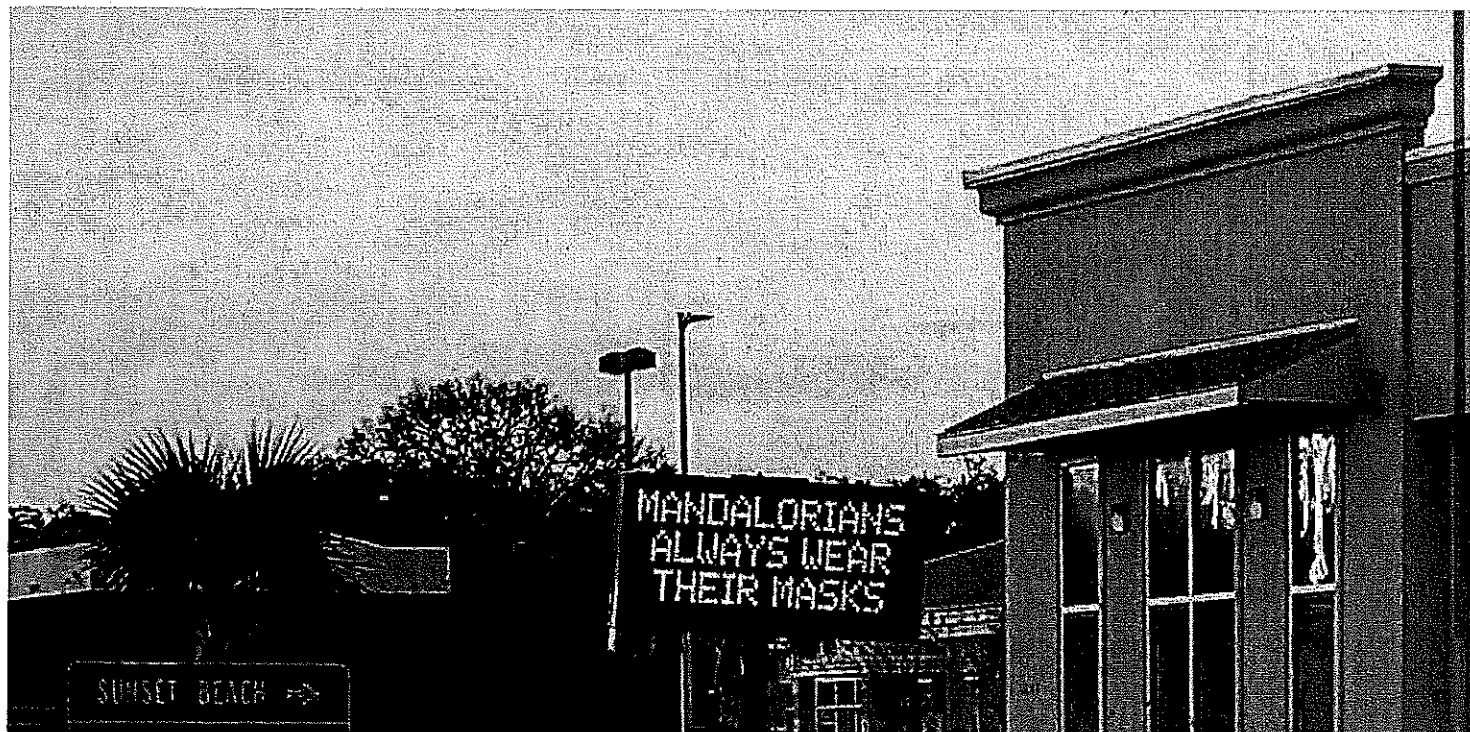
Collin Dias

Whereas, CDC and public health experts recommend the wearing of a face covering while in public

Whereas, The Governor signed an executive order requiring the wearing of face masks in public in the Commonwealth of Massachusetts.

Whereas, The Mandalorian is a popular TV show on Disney plus, where the protagonists called Mandalorians wear face shields.

Now be it resolved, The Fall River City Council Committee on Public Safety convene with the administration and the Department of Public Works to install signage in the City that says "Mandalorians always wear their masks" and "this is the way"



Sent from my iPhone



## OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: Patrick

Last Name: Higgins

Address: P O Box 24

City: Swansea

State: MA

Zip Code: 02777

Phone Number: 5086743140

Ext. \_\_\_\_\_

Email: patrick@patrickhiggins.co

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

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐ Individual

☒ Organization

☐ Media

### Public Body that is the subject of this complaint:

☒ City/Town

☐ County

☐ Regional/District

☐ State

Name of Public Body (including city/town, county or region, if applicable): Fall River City Council committee on ordinances

Specific person(s), if any, you allege committed the violation: Pam Laliberte-Lebeau

Date of alleged violation: 02/02/2021



## Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Fall River City Council Committee on Ordinances and Legislation violated the open meeting law by not properly recording the roll call votes taken at their November 20, 2020 meeting. The minutes were published on Feb 2, 2021 as part of the agenda package for the Feb 4, 2021 agenda package so this open meeting law is timely as this was the first time that the minutes had been published by the committee reflecting the violation of the open meeting law.

The minutes of the November 30 2020 meeting indicate at the top of the minutes that the meeting was "Zoom (Virtual Meeting Application) pursuant to the Governor's Declaration of State of Emergency due to the Coronavirus (COVID-19) Pandemic" The Chairman (and all other members of the Committee) knew or should have known that the open meeting law requires that all votes be taken by roll call, (which the video indicates happened) and that the minutes need to accurately reflect the roll call votes. The proper method of memorializing roll call votes in minutes is to list every members name and what their votes were, i.e. Smith Aye, Turner No.

In the published minutes for the November 30, 2020 meeting, which are on the Feb 4 2021 agenda for consideration of acceptance or adoption, the minutes reflect "It was voted 5 yeas to approve the minutes." "It was voted 5 yeas to recommend the proposed ordinance be passed through the first reading." This does NOT comply with the open meeting law requirements.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Learn and comply with the open meeting law.

Amend the minutes with the proper recording of each roll call vote taken at all meetings, both already accepted and in the future.

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

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

### II. Consulting With a Private Attorney.

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

### III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_

Date: 02/03/2021

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2

## COMMITTEE ON ORDINANCES AND LEGISLATION

MEETING: Monday, November 30, 2020 at 5:30 p.m.  
Zoom (Virtual Meeting Application) pursuant to the Governor's  
Declaration of State of Emergency due to the Coronavirus (COVID-19)  
Pandemic

PRESENT: Councilor Pam Laliberte-Lebeau, presiding  
Councilors Shawn E. Cadime, Michelle M. Dionne,  
Trott Lee and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: Mary Sahady, Director of Financial Services  
Laura Ferreira, Director of Traffic

The chair called the meeting to order at 5:32 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

### Agenda:

1. Citizen Input - None

Due to the COVID-19 Essential Services Advisory, citizen input must be submitted by email to [city\\_council@fallriverma.org](mailto:city_council@fallriverma.org) by Monday, November 30, 2020 at 3:00 p.m. to be read at the meeting.

2. Minutes - August 13, 2020

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was voted 5 yeas to approve the minutes.

3. Minutes - September 22, 2020

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was voted 5 yeas to approve the minutes.

4. Proposed ordinance - Traffic, miscellaneous

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was voted 5 yeas to recommend the proposed ordinance be passed through first reading.

5. Proposed ordinance - Traffic, handicapped parking

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was voted 5 yeas to recommend the proposed ordinance be accompanied by an emergency preamble. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was voted 5 yeas to recommend the proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained.

2

6. Proposed ordinance – Traffic, stop intersection on Bark Street

Councilor Linda M. Pereira stated that numerous residents of this area have requested this stop intersection due to increased traffic from Diman Regional Vocational Technical High School. Councilor Shawn E. Cadime asked the Director of Traffic, if this matter was reviewed by the Traffic Commission. The Director of Traffic stated that the Traffic Commission denied the request, as there were not many vehicle accidents at this intersection. Councilor Linda M. Pereira stated that there is a great amount of traffic in this area with young inexperienced drivers, which causes a great concern for the residents. Councilor Trott Lee stated that there is an area in this neighborhood that does not have sidewalks, which caused students to walk in the street adding additional hazards for young inexperienced drivers so he feels this will help public safety in this area. Councilor Shawn E. Cadime stated that there are grants available for safe routes to school, so possibly this area would qualify for a grant to install sidewalks to improve safety for students walking to school. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was voted 5 yeas to recommend the proposed ordinance be passed through first reading.

7. Proposed ordinance – Traffic, 30-minute parking on Robeson Street

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 5 yeas to lift the matter from the table. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was voted 4 yeas, 1 nay to recommend the proposed ordinance be granted leave to withdraw, with Councilor Trott Lee voting in the negative.

8. Proposed ordinance – Traffic, traffic fees

A motion was made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, to pass the proposed ordinance through first reading. Councilor Shawn E. Cadime asked the Director of Financial Services to provide an overview of the offenses related to the fines. The Director of Financial Services provided an overview and stated that only the \$20.00 fines will be increased to \$25.00. Councilor Linda M. Pereira asked if the fine for overtime parking at a parking meter would increase from \$20.00 to \$25.00. The Director of Financial Services stated that is correct. She then stated that in fiscal year 2020 there were 10,171 fines issued for overtime parking which amounted to approximately \$203,000.00, so if these fines are raised to \$25.00 then the total amount would be approximately \$254,000.00 which would be an approximate \$50,000.00 increase. Councilor Linda M. Pereira stated that it is a bad time to raise any fees or fines, due to the Coronavirus COVID-19 Pandemic. The Director of Traffic stated that these fines have not been increased since 2008 and most communities are charging \$30.00. She then stated that due to the pandemic she has only recommended fines be increased to \$25.00, which is lower than the surrounding communities. Councilor Linda M. Pereira asked the Director of Traffic if the additional funds would be used to purchase kiosks, which would accept credit and debit cards in addition to cash. The Director of Traffic stated that is the goal. Councilor Pam LaLiberte-Lebeau asked if these are the fees that were discussed during budget deliberations. The Director of Financial Service stated that is correct. A motion was made by Councilor Michelle M. Dionne to separate section one of the proposed ordinance and vote separately on each of the six subsections and it was seconded by Councilor Trott Lee. Councilor Linda M. Pereira stated that she is not opposed to voting on the proposed ordinance, as presented and Councilor Michelle M. Dionne then withdrew her previous motion. The Clerk of Committees stated that there is an amendment from the original submission for section three of the proposed ordinance, relating to two-hour parking meter zones. The amendment is for Davol Street, west side which originally stated between President Avenue and Heritage Park Parking. The amended location on Davol Street is west side, from President Avenue southerly for a distance of 3,028 feet. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 5 yeas to recommend the proposed ordinance be passed through first reading, as amended.

9. Proposed ordinance – Establishing a fee schedule for utility poles  
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was voted 5 yeas to recommend the proposed ordinance be passed through first reading.

On a motion made by Councilor Trott Lee and seconded by Councilor Linda M. Pereira, it was voted 5 yeas to adjourn at 6:04 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

*Colleen A. Taylor*  
Clerk of Committees

**CITY OF FALL RIVER**

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12a

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on February 4, 2021, voted 5 yeas to recommend the accompanying proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained.

*Cullen A. Taylor*  
Clerk of Committees

**EMERGENCY PREAMBLE**

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

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

# City of Fall River, *In City Council*

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

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

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

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Fifth Street	West	Starting at a point 21 feet north of Rodman Street, for a distance of 20 feet northerly
Alden Street	West	Starting at a point 371 feet south of Ross Street, for a distance of 20 feet southerly
Fielden Street	East	Starting at a point 44 feet south of Pleasant Street, for a distance of 20 feet southerly
Highland Avenue	West	Starting at a point 127 feet north of Pearce Street, for a distance of 20 feet northerly
Niagara Street	North	Starting at a point 133 feet west of Foster Street, for a distance of 20 feet westerly
Tower Street	North	Starting at a point 212 feet east of Bates Street, for a distance of 20 feet easterly

**CITY OF FALL RIVER**

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To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on February 4, 2021,  
voted 5 yeas to recommend that the accompanying proposed ordinance be  
passed through first reading.

*Cullen A. Taylor*  
Clerk of Committees



# City of Fall River, *In City Council*

12b

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

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

## Section 1.

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

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Laurel Street	West	Starting at Amity Street for a distance of 482 feet southerly
Quincy Street	East	From Haskell Street to Herman Street

## Section 2.

By inserting in Section 70-374, which section relates to thirty-minute parking the following:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>	<b>Hours/Days</b>
Morgan Street	South	Starting at a point 20 feet east of Second Street for a distance of 50 feet easterly	8:00 a.m. to 5:00 p.m. Monday through Friday

## Section 3.

By inserting in Section 70-375, which section relates to one-hour parking the following:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>	<b>Hours/Days</b>
North Main Street	West	Starting at a point 75 feet north of Brownell Street for a distance of 37 feet northerly	6:00 a.m. to 5:00 p.m. Tuesday through Friday 8:00 a.m. to 1:00 p.m. Saturday and Sunday
Pleasant Street	North	Starting at a point 129 feet east of Rockliffe Street for a distance of 35 feet easterly	9:00 a.m. to 6:00 p.m. Monday through Friday
Rodman Street	West	Starting at a point 20 feet east of Lowell Street for a distance of 39 feet easterly	6:00 a.m. to 2:00 p.m. Monday through Saturday

## CITY OF FALL RIVER

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12c

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on February 4, 2021,  
voted 5 yeas to recommend that the accompanying proposed ordinance be  
passed through first reading.

  
Clerk of Committees

# City of Fall River, *In City Council*

12c

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

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

## Section 1.

By inserting in Section 50-281, which section relates to Classification of positions and compensation grades, in proper alphabetical order the following:

Class Title/In-House Title	Compensation Grade
EMS – Administrative Assistant	11M

## Section 2.

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

	Grade	Effective Date	Step 1
EMS – Administrative Assistant	11M	3-1-2021	\$2,020.61