

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

RECEIVED

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FALL RIVER, MA

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ASSISTANT CITY CLERK

ALISON M. BOUCHARD  
CITY CLERK

ORIGINAL POSTING: JANUARY 13, 2022 AT 1:45 P.M.

MEETINGS SCHEDULED

CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

TUESDAY, JANUARY 18, 2022

REVISED AGENDA

6:00 P.M. CITY COUNCIL COMMITTEE ON FINANCE MEETING

1. Citizen Input
2. Transfer and appropriation (see item #2 below)
3. Discussion of Fiscal Year 2022 – Quarter 2 Budget Report (see item #3 below)

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

PRIORITY MATTERS

1. \*Mayor requesting the appointment of Seth Thomas Aitken as the City Administrator
2. \*Mayor and order appropriating \$105,408 from General Fund Free Cash to School Transportation (see #2 Finance)
3. \*Mayor and Fiscal Year 2022 - Quarter 2 Budget Report (see #3 Finance)
4. \*Mayor and Five Year Capital Improvement Plan
5. \*Mayor and Five Year Financial Forecast

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

6. \*Committee on Health and Environmental Affairs convene quarterly to review and discuss the water supply
7. \*Administration consider implementing the use of body cameras by the Police Department

CITATIONS – None

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

8. Police Chief's report on licenses

2022 Taxicab Drivers:

Johanys Laboy Avila  
Steven Breault

Leonora Daponte

Muhammad Shabbin

2022 Livery Driver:

Ronn Keneshea

9. Auto Body Shop License Renewals:  
Wayne Pereira d/b/a Fall River Auto Body and Sales, Inc. located at 155 Williston Street  
Eddie Feliciano d/b/a Eddie & Sons Auto Body and Marine located at 115 Maple Street
10. Auto Repair Shop License Renewals:  
Ronald Picard d/b/a Theo's Service Center located at 35 Oak Grove Avenue  
George Codega d/b/a Hunter Automotive Center located at 69 Hunter Street  
Henry J. Pleiss, Jr. d/b/a Hank's Garage located at 55 Murray Street  
Antonio F. Pinto d/b/a Pinto's Auto Repair and Sales, Inc. located at  
2447 South Main Street  
Paulo Pereira d/b/a Pereira Enterprise Auto & Diesel Repair located at 65 Tower Street  
Steven R. Nasiff d/b/a Rodman Repair, Inc. located at 771 Rodman Street
11. \*City Council meeting schedule from February through December 2022  
12. \*Light order – 99 Berlin Street

**COMMUNICATIONS – INVITATIONS – PETITIONS**

13. \*Claims  
14. \*Communication from resident re: Battleship Cove  
15. \*Communication from resident re: ARPA Funds  
16. \*Open Meeting Law complaint filed by Patrick Higgins re: January 3, 2022 alleged violation by City Council and Council President Pam Laliberte  
17. Planning Board Minutes – October 13, 2021  
18. Planning Board Minutes – December 8, 2021

City Council Minutes:

19. \*Public Hearings – December 28, 2021  
20. \*Committee on Finance – December 28, 2021  
21. \*Regular City Council Meeting – December 14, 2021  
22. \*Regular City Council Meeting – December 28, 2021  
23. \*Regular City Council Meeting and Organization of Government – January 3, 2022

**BULLETINS – NEWSLETTERS – NOTICES** – None

  
City Clerk

**ITEMS FILED AFTER THE AGENDA DEADLINE:**  
**CITY COUNCIL MEETING DATE: JANUARY 18, 2022**

**COMMUNICATIONS – INVITATIONS – PETITIONS**

- 23a. \*Open Meeting Law complaint filed by Patrick Higgins re: January 13, 2022 alleged violation by City Council regarding minutes listed on agenda



### 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 290

City: Northport State: AL Zip Code: 35476

Phone Number: 5086425274 Ext. \_\_\_\_\_

Email: patrick@patrickhiggins.co

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

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

(For statistical purposes only)

Individual  Organization  Media

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

City/Town  County  Regional/District  State

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

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

Date of alleged violation: 01/13/2022

**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 published their agenda package for their Jan 18, 2022 meeting on Jan 13, 2022. As part of their agenda packet, they included the minutes from their Dec 28, 2021 and Jan 3 2022 meetings. The minutes violate the open meeting law in that they don't include the "list of all of the documents and other exhibits used by the public body during the meeting." G.L. c 30A, section 22(a). See "Public Body checklist for creating and approving meeting minutes" memo issued by the Division of Open Government on September 25, 2017. In the minutes for December 28, 2021 and January 3, 2022, (as well as many others that the timeline to file OML complaints about has expired) they simply list "Agenda packet (attached)" This does not comply with Section 22(a) of the open meeting law.

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.

Attend a training webinar to learn the requirements of the Open Meeting Law. List "list of all of the documents and other exhibits used by the public body during the meeting" in all future meeting minutes as required by Section 22(a) of the open meeting law.

**Review, sign, and submit your complaint**

**I. Disclosure of Your Complaint.**

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

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

**II. Consulting With a Private Attorney.**

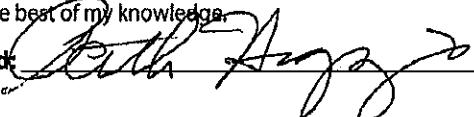
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

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

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

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

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



Date: 01/13/2022

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO:

**REGULAR MEETING OF THE CITY COUNCIL**

**MEETING:** Tuesday, December 28, 2021 at 7:00 p.m.  
Council Chamber, One Government Center

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

**ABSENT:** None

**IN ATTENDANCE:**

President Cliff Ponte called the meeting to order at 7:01 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 order appropriating \$20,000 from Financial Services, Salaries to Financial Services, Expenses  
*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to adopt the order.*

**PRIORITY COMMUNICATIONS**

2. Traffic Commission recommending amendments to traffic ordinances  
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.*

**COMMITTEE REPORTS** – None

**ORDINANCES** – None

**RESOLUTIONS** – None

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #3 through #9 together.*

**CITATIONS**

- 3. Tony Abreu – Patriots Difference Maker of the Week Award
- 4. Deputy Police Chief Charles J. Cullen – Retirement after 42 years of service to FRPD
- 5. James Borden – Heroic act as Fall River Firefighter during Four Winds Apartment fire
- 6. Kevin Machado – Heroic act as Fall River Firefighter during shooting at City Park
- 7. Joseph "Joe" Torres – Posthumous award for 29+ years of service to FRPD
- 8. Rick Barlow – Supplying custom made PPE masks to FRFD
- 9. Marcy Ytkin – Supplying custom made PPE masks to FRFD

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the citations.*

**ORDERS -- HEARINGS**

**Auto Repair Shop:**

- 10. Tannya Castro and Marco Rojas d/b/a R & C Auto Sales, located at 2291 South Main Street

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the order.  
Approved, December 29, 2021, Paul E. Coogan, Mayor*

**Underground Conduits:**

- 11. Massachusetts Electric Company – Installation of approximately 562 feet of underground conduit on South Main Street and Bradford Avenue

*Councilor Leo O. Pelletier asked how wide the trench will be and Councilor Linda M. Pereira asked if the street will be paved curb to curb after the excavation. The City Clerk stated that no one from National Grid was able to attend the today's meeting. Council President Cliff Ponte requested that a letter be send to National Grid regarding these questions (copy of said letter is attached hereto and made a part of these minutes). On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Trott Lee, it was unanimously voted to refer the order to the Committee on Public Works and Transportation.*

- 12. Massachusetts Electric Company – Installation of approximately 79 feet of underground conduit on Morgan Street

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the order to the Committee on Public Works and Transportation.*

- 13. Massachusetts Electric Company – Installation of a new pole and underground conduit on Plymouth Avenue

*On a motion made by Councilor Linda M. Perelra and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the order to the Committee on Public Works and Transportation.*

**ORDERS -- MISCELLANEOUS**

- 14. Police Chief's report on licenses

**2022 Taxicab Drivers:**

Russell Draine  
Jose Vasconcellos

**2022 Livery Drivers**

Ronn Keneshea

**2022 Livery Vehicles**

Fall River Taxi Service, Inc. – Toyota Prius

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

- 15. Town Transportation LLC d/b/a Town Taxi – New Taxicab Vehicle Application for License No. 42

*On a motion made by Councilor Shawn E. Cadime, and seconded by Councilor Linda M. Perelra, it was unanimously voted to adopt the order, pending the Police Chief's approval.  
Approved, December 29, 2021, Paul E. Coogan, Mayor*

16. Auto Body Shop License Renewals:

Nicholas R. Faggioli d/b/a Faggioli Auto Body located at 633 Lawton Street  
Carlos C. Sousa d/b/a Carlos Auto Body located at 400 Second Street  
Dylan Jarabek d/b/a Top Tier Auto Body located on 232 Lapham Street

*On a motion made by Councilor Bradford L. Kilby, and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the order.  
Approved, December 29, 2021, Paul E. Coogan, Mayor*

17. Auto Repair Shop License Renewals:

Nicholas R. Faggioli d/b/a Faggioli Auto Body located at 633 Lawton Street  
Carlos C. Sousa d/b/a Carlos Auto Body located at 389 Second Street  
Dylan Jarabek d/b/a Top Tier Auto Body located on 232 Lapham Street

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the order.  
Approved, December 29, 2021, Paul E. Coogan, Mayor*

18. Transfer of auto body shop license no. 122 located at 155 Williston Street from Humberto Pereira d/b/a Fall River Auto Body and Sales, Inc. to Wayne Pereira d/b/a Fall River Auto Body and Sales, Inc.

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the order.  
Approved, December 29, 2021, Paul E. Coogan, Mayor*

**COMMUNICATIONS – INVITATIONS – PETITIONS**

19. Claims

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

20. Communication from City Resident re: B.M.C. Durfee High School Bells

*On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted to accept and place on file and refer the communication to the School Committee.*

21. KP Law, P.C invoice for professional services from July 1, 2021 to August 31, 2021

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was voted to 8 yeas, and 1 nay to approve the matter, with Councilor Linda M. Pereira voting in the negative.*

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to take items #22 and #23 together.*

City Council Minutes:

22. Public Hearing Minutes – December 14, 2021

23. Committee on Finance – December 14, 2021

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

**BULLETINS – NEWSLETTERS – NOTICES** -- None

**TABLED MATTERS**

13a. Order – Second Hand Article Store License for Robert Bagley d/b/a One Stop Thrift Shop located at 1649 South Main Street (tabled 12-14-2021)

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to lift the matter from the table. Councilor Bradford L. Kilby stated that at the Committee on Regulations meeting this individual had two items that needed to be taken care of prior to approval and these items were not addressed by the applicant. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was granted leave to withdraw.*

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 7:18 p.m.*

List of documents and other exhibits used during the meeting:

Agenda packet (attached)  
DVD of meeting  
Letter to National Grid

A true copy. Attest:

*Alison M Bouchard*

City Clerk



**REGULAR MEETING OF THE CITY COUNCIL AND ORGANIZATION OF GOVERNMENT**

**MEETING:** Monday, January 3, 2022 at 4:00 p.m.  
B.M.C. Durfee High School, Robert J. Nagle Auditorium  
360 Elsbree Street

**PRESENT:** Councilors Shawn E. Cadime, Joseph D. Camara,  
Michelle M. Dionne, Bradford L. Kilby, Pam Laliberte-Lebeau,  
Trott Lee, Leo O. Pelletier, Linda M. Pereira, Andrew J. Raposo

**ABSENT:** None

The City Clerk Alison M. Bouchard called the meeting to order. There was a presentation of the colors by the Fall River Police Department and Fall River Fire Department Honor Guards.

The purpose of the meeting was to elect a President and Vice-President of the City Council for the year 2022.

**ORDERED**, that we now proceed, by a vive-voce vote, to elect a President of the City Council for the year 2022.

*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the order. Councilor Pam Laliberte-Lebeau received 5 votes, Councilor Joseph D. Camara received 3 votes, from Joseph D. Camara, Leo O. Pelletier, and Linda M. Pereira, and Councilor Linda M. Pereira receiving 1 vote, from Councilor Bradford L. Kilby. A further motion was made by Councilor Joseph D. Camara and seconded by Councilor Trott Lee for unanimity and Councilor Pam Laliberte-Lebeau was declared President of the City Council for the year 2022. Councilor Pam Laliberte-Lebeau was then sworn to her duties by the City Clerk.*

*Council President Pam Laliberte-Lebeau delivered remarks, then permitted the City Clerk to proceed with the order of business.*

**ORDERED**, that we now proceed, by a vive-voce vote, to elect a Vice-President of the City Council for the year 2022.

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was unanimously voted to adopt the order. Councilor Michelle M. Dionne received 7 votes and Councilor Trott Lee received 2 votes, from Councilors Bradford L. Kilby and Linda M. Pereira. A further motion was made by Councilor Trott Lee and seconded by Councilor Michelle M. Dionne for unanimity and Councilor Michelle M. Dionne was declared Vice-President of the*

23

*City Council for the year 2022. Councilor Michelle M. Dionne was then sworn to her duties by the City Clerk.*

*Council Vice-President Michelle M. Dionne delivered remarks.*

*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn the meeting at 4:59 p.m.*

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

A true copy. Attest:



City Clerk

## Public Body Checklist for Creating and Approving Meeting Minutes

Issued by the Attorney General's Division of Open Government – September 25, 2017

- Minutes must accurately set forth the date, time, place of the meeting, and a list of the members present or absent. G.L. c. 30A, § 22(a).
- Minutes must include an accurate summary of the discussion of each subject. See G.L. c. 30A, § 22(a). The summary does not need to be a transcript, but should provide enough detail so that a member of the public who did not attend the meeting could read the minutes and understand what occurred and how the public body arrived at its decisions.
- The minutes must include a record of all the decisions made and the actions taken at each meeting, including a record of all votes. G.L. c. 30A, § 22(a).
- The minutes must include a list of all of the documents and other exhibits used by the public body during the meeting. G.L. c. 30A, § 22(a). Documents and exhibits used at the meeting are part of the official record of the session, but do not need to be physically attached to the minutes. See G.L. c. 30A, §§ 22(d), (e).
- If one or more public body members participated remotely in the meeting, the minutes must include the name(s) of the individual(s) participating remotely. 940 CMR 29.10(7)(b).
- If one or more public body members participated remotely in the meeting, the minutes must record all votes as roll call votes. 940 CMR 29.10(7)(c).
- Executive session minutes must record all votes as roll call votes. G.L. c. 30A, § 22(b).
- The minutes must be approved in a timely manner. G.L. c. 30A, § 22(c). A “timely manner” will generally be considered to be within the next **three** public body meetings or within **30 days**, whichever is later, unless the public body can show good cause for further delay. 940 CMR 29.11(2).

**Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us). For more information on the Open Meeting Law, please visit [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting).**