



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2022 JUN 10 P 1:29

MEETINGS SCHEDULED

CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
TUESDAY, JUNE 14, 2022

ALISON M. BOUCHARD
CITY CLERK

AGENDA

CITY CLERK
FALL RIVER, MA
INÊS LEITE
ASSISTANT CITY CLERK

5:55 P.M. CITY COUNCIL PUBLIC HEARINGS

Underground Conduit:

1. Massachusetts Electric Company for an underground conduit location, as follows:

Highland Avenue

National Grid is petitioning to install approximately 220' of underground conduit and single-phase primary starting at pole 96 and continuing South to manhole 22-1. Primary conductor will be installed for the purpose of feeding the new housing development on Courtney Street and the new Briarwood Lane.

In accordance with Plan No. 30422964

Dated: 05/10/2022

Pole Location:

2. Massachusetts Electric Company for two new pole locations as follows:

Graham Road

Two (2) new poles

The petitioner is proposing the installation of a 45' pole in the public way approximately 65' south of existing pole 8, to assist in the relocation of the existing service to 630 Currant Road. A 45' pole approximately 40' north of pole 8 will also be installed for new service to 630 Currant Road, Blount Seafood.

In accordance with Plan No. 30555610

Dated: May 10, 2022

Curb Removals:

3. Donna Onorato, 44 Bayview Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
44 Bayview Street	44'	0'	0'	44'
Wheeler Street	0'	16'	0'	16'
Total				60'

The existing dwelling is served by a 44' curb opening/driveway on Bayview Street. Being a corner lot, the owner is proposing a new 16' curb opening/driveway along the Wheeler Street frontage. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side. The applicant shall also be required to repair any and all sidewalk/roadway/curbing affect by this construction activity.

4. Southcoast Hospitals Group, Inc., 200 Mill Road, Suite 230, Fairhaven, MA, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
Hanover Street	16'	6'	0'	22'

The existing driveway at the street line is approximately 16' in width and is located at the easterly side of Hanover Street. This driveway currently serves a parking facility that is owned by Southcoast Hospitals Group, Inc. The applicant is proposing to expand the existing 16' driveway to a total of 22'. This expansion will greatly improve vehicular movement into and out of the busy parking facility. In conjunction with this project, the applicant will be closing approximately 37' of curb opening on an abutting parcel along the same roadway. The project is currently in the Site Plan Review process.

5. Mayara da Silva Pena, 102 Laurel Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
102 Laurel Street	16'	0'	0'	16'
Aetna Street	0'	14'	0	<u>14'</u>
Total				30'

The existing dwelling is serviced by a 16' curb opening/driveway on Laurel Street. Being on a corner lot, the owner is proposing a new 14' curb opening/driveway along the Aetna Street footage. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side. The applicant shall also be required to repair any and all sidewalk/roadway/curbing affected by this construction activity.

6. Nuve A. Reinoso, 655 President Avenue, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
655 President Avenue	0'	30'	0'	30'

The applicant is currently constructing a new single family dwelling along the South side of President Avenue and is proposing a 30' curb opening to increase off-street parking and to improve vehicular movement on this busy, steep street. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side. The applicant shall also repair any and all sidewalk/roadway/curbing affected by this construction activity.

7. GCH Properties LLC, 297 East Main Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
31 William Street	16'	16'	0'	32'

The existing dwelling is serviced by a 16' curb opening/driveway on William Street that accesses an existing garage. The applicant is proposing a new 16' curb opening/driveway that will provide access to 8 new off-street parking spaces. The applicant has received the appropriate Zoning and Site Plan Review approvals. If granted, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side. The applicant shall also be required to repair any and all sidewalk/roadway/curbing affected by this construction activity.

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

1. Citizen Input
2. Continue discussion of the proposed Fiscal Year 2023 Municipal Budget as follows:
 - Administrative Services
Management Information Systems; Law; Purchasing
 - Insurance and Other
Claims and Judgements; Insurance
 - Facilities Maintenance
City Facilities including the Armory
 - Communities Maintenance
Cemeteries; Parks; Civic Celebrations; Trees; Engineering; Solid Waste; Streets and Highways; Snow Removal; Traffic and Parking
 - Community Services
City Planning; Inspectional Services; Health and Human Services; Library
 - Financial Services
Director of Financial Services; Assessors; Auditor; Treasurer/Collector; Debt Service
 - Assessments
Pension, State and County Assessments and Reserves

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 orders to accept and expend the following grants:
 - a. \$220,770 – MassDOT – Local Bottleneck Reduction Program
 - b. \$30,000 – Last Call Foundation – Health, Safety and Welfare of Firefighters
 - c. \$121,750 – MA EOEEA – Drinking Water Supply Protection
 - d. \$110,752 – MA DPH – Mass in Motion Municipal Wellness and Leadership Initiative
 - e. \$46,500 – MassDOT – Shared Streets Equipment
 - f. \$49,900 – MassDOT – Shared Streets Equipment
2. *Mayor and resolution accepting the Drinking Water Supply Protection Grant and order for the acquisition of 2450 Indian Town Road

3. *Mayor and Memorandums of Agreement for the following Collective Bargaining Units:
 - a. AFSCME Council 93, Local 3177
 - b. AFSCME Council 93, Local 1202
 - c. Fall River Police Superior Officer's Association, Local 1844
 - d. Labor Advantage for Workers, Local 124
4. *Mayor and order for request from the Fall River Public Schools Facilities and Operations Department re: contracts for the Operation and Management of the School Food Service Program and the HVAC Maintenance and Controls Support Services

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

5. *Committee on Ordinances and Legislation meet to discuss current graffiti ordinance
6. *Committee on Public Safety convene to discuss noise at the Fall River Coin Operated Car Wash located at 1225 Dwelly Street
7. *Committee on Ordinances and Legislation convene to discuss number of medallions and fares for taxicabs

CITATIONS

8. 2022 SkillsUSA Massachusetts State Competition Winners

Alexandra Botelho	Nicholas Raposo	Jayden Massey
Oliver Ferguson	Chapin Dean	Evan Marchand
Dakota Valente	Imani Silver	Phillip Pereira
Abigail Oliveira	Evan Hetzler	Sarah Moniz
Alexis St. Pierre	Ethan St. Pierre	Ava Santos
Lindsey Moniz	Vanessa Melo	Emma Shaker

ORDERS – HEARINGS

Underground Conduit:

9. Massachusetts Electric Company – Installation of appropriately 220 feet of underground conduit on Highland Avenue

Pole Location:

10. Massachusetts Electric Company – Two new poles on Graham Road

Curb Removals:

11. Donna Onorato, 44 Bayview Street – 60 feet at 44 Bayview Street and Wheeler Street
12. Southcoast Hospitals Group, Inc., 200 Mill Road, Suite 230, Fairhaven, MA – 22 feet at Hanover Street
13. Mayara da Silva Pena, 102 Laurel Street – 30 feet at 192 Laurel Street and Aetna Street
14. Nuve A. Reinoso, 655 President Avenue – 30 feet at 655 President Avenue
15. GCH Properties LLC, 297 East Main Street – 32 feet at 31 William Street

ORDERS – MISCELLANEOUS

16. Police Chief's report on licenses:
2022 Taxicab Driver:
Maria Perreault

17. Auto Repair Shop License Renewals:
Geoffrey Brisbon d/b/a Brisbon Diesel Service, Inc. located at 2524 North Main Street
Monro Muffler Brake Inc. located at 129 Rhode Island Avenue
Tanios Barbour d/b/a Barbour Auto Sales Trust located at 673 Bedford Street

COMMUNICATIONS – INVITATIONS – PETITIONS

18. *Claims
19. Drainlayer License:
Bartlett Consolidated, LLC
20. Structures on or over a public way permits for St. Anthony of the Desert Maronite Church
a. Banner at the corner of Bedford and Troy Streets near Fire Station
b. Banner on South Main Street near Cultural Center
c. Banner on Pleasant Street near the Police Station
21. *Communication from Nebel Property Management, Inc. re: Events on Old Second Street
22. Planning Board Minutes – May 11, 2022
- City Council Minutes:
23. *Committee on Finance – May 24, 2022
24. *Committee on Finance – May 31, 2022
25. *Regular Meeting of the City Council – May 24, 2022
26. *Open Meeting Law complaint filed by Patrick Higgins re: June 6, 2022 alleged violation by City Council Committee on Finance
27. *Open Meeting Law complaint filed by Patrick Higgins re: June 8, 2022 alleged violation by the City Council Committee on Ordinances and Legislation
28. *Open Meeting Law complaint filed by Collin Dias re: June 6, 2022 alleged violation by the City Council Committee on Finance

BULLETINS – NEWSLETTERS – NOTICES – None

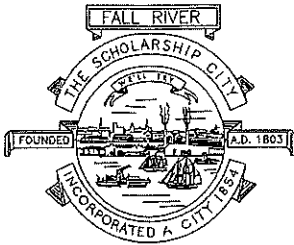

Assistant City Clerk

OTHER POTENTIAL MATTERS TO BE ACTED UPON:

COMMITTEE REPORTS (if received)

Committee on Finance:

- 4a. Orders – Proposed Fiscal Year 2023 Municipal Budget
i. General Fund
ii. Emergency Medical Services Enterprise Fund



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2022 JUN -9 A 10:40

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

June 9, 2022

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

Dear Madam President and Members of the Honorable Council:

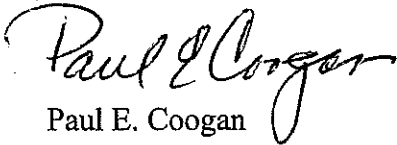
I respectfully request that the City council vote to accept and expend the following grants;

- Grant funding through MassDOT in the amount of \$220,770 with a duration of March 21, 2022 through June 30, 2023. This grant will be used to make improvements at 8 signalized intersections along Route 6 in Fall River to address local congestion bottlenecks to improve traffic flow & safety.
- Grant funding through Last Call Foundation in the amount of \$30,000 with a duration of 24 months (2022-2024). The grant will be used to purchase 468 pairs (3/ff) of 9 Alarm Defender Briefs, which provide a protective barrier against carcinogenic particles during firefighting operations.
- Grant funding through MA EOEEA in the amount of \$121,750 with a duration July 1, 2022 through June 30, 2023. This grant will be used toward the acquisition & protection of 16 acres of forestland on Indian Town Rd. near the Copicut Reservoir.
- Grant funding through MA DPH in the amount of \$110,752 per year with a duration July 1, 2022 through June 30, 2026. Mass in Motion FR will enact policy & practice changes to reduce barriers to healthy living & improve health indicators & social conditions that determine them.

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a-f
- Grant Funding through MassDOT in the amount of \$46,500 with a duration upon execution through December 31, 2023. FRPD will purchase/install pedestrian signal upgrades at 7 locations in the City's downtown area.
 - Grant Funding through MassDOT in the amount of \$49,900 with a duration of upon execution through December 31, 2023. Traffic Dept. will purchase/install traffic calming elements (30 Pedestrian Crosswalk Solar Signs & 16 Reflective Pedestrian Crosswalk Signs) throughout the City.

Thank you for your attention to this request.

Sincerely,



Paul E. Coogan
Mayor

PC/amos

GRANTS FOR CITY COUNCIL APPROVAL, JUNE 14, 2022

Grant Name	State/Federal/Other Funding Source	Duration	Amount	Grant Director	Purpose
Local Bottleneck Reduction Program	MassDOT	03/21/2022-06/30/2023	\$220,700	Chief Gauvin, Chris Hathaway	This grant will be used to make improvements at 8 signalized intersections along Route 6 in Fall River to address local congestion bottlenecks to improve traffic flow & safety.
Health, Safety & Welfare of Firefighters	Last Call Foundation	2022-2024 (24 month duration)	\$30,000	Chief St. Martin	The grant will be used to purchase 468 pairs (3/ff) of 9 Alarm Defender Briefs, which provide a protective barrier against carcinogenic particles during firefighting operations.
Drinking Water Supply Protection	MA EOEAA	07/01/2022 - 06/30/2023	\$121,750	Paul Ferland, Mike Labossiere	This grant will be used toward the acquisition & protection of 16 acres of forestland on Indian Town Rd. near the Copicut Reservoir.
Mass in Motion Municipal Wellness & Leadership Initiative	MA DPH	07/01/2022-06/30/2026	\$110,752/year	Tess Curran	Mass in Motion FR will enact policy & practice changes to reduce barriers to healthy living & improve health indicators & social conditions that determine them.
Shared Streets Equipment	MassDOT	Upon execution-12/31/2023	\$46,500	Chief Gauvin, Chris Hathaway	FRPD will purchase/install pedestrian signal upgrades at 7 locations in the City's downtown area.
Shared Streets Equipment	MassDOT	Upon execution-12/31/2023	\$49,900	Laura Ferreira	Traffic Dept. will purchase/install traffic calming elements (30 Pedestrian Crosswalk Solar Signs & 16 Reflective Pedestrian Crosswalk Signs) throughout the City.

Bottleneck – no match required; not an actual award to the City - MassDOT's contractors/subcontractors will provide all labor, materials, & equipment & other services necessary

Firefighter Safety – no match required

DWSP –50% local match required; CPC funds

MIM – no match required

Shared Streets – no match required

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City of Fall River, *In City Council*

1a

ORDER:

The City of Fall River was awarded a grant through MassDOT in the amount of \$220,770 with a duration from March 21, 2022 through June 30, 2023. This grant will be used to make improvements at 8 signalized intersections along Route 6 in Fall River to address local congestion bottlenecks to improve traffic flow & safety. ; and The City of Fall River desires to accept and expend the Grant in the amount of \$220,770 through the City's Police Department Signal Division;

NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL: That the Mayor be and is hereby authorized in the name of the City of Fall River to accept and expend a Grant through MassDOT in the amount of \$220,770 to make improvements to 8 signalized intersections along Route 6 in the City of Fall River;

BE IT FURTHER VOTED: That the Mayor, on behalf of the City of Fall River, be and hereby is, authorized to execute any and all documents necessary in connection with said grant from the Massachusetts Department of Public Health, including the expenditure thereof.

1a

Exhibit A – Scope of Work

LOCAL BOTTLENECK REDUCTION PROGRAM
MAJOR ITEMS REQUIRED
FALL RIVER, MA

President Avenue (Route 6) and Robeson Street

ITEM NO.	ITEM DESCRIPTION
816.01	Signal Retiming (Yellow/Red, time clock, TOD schedule, overall cycle length)

President Avenue (Route 6) and Elsbree Street

ITEM NO.	ITEM DESCRIPTION
816.02	Signal Retiming (Yellow/Red, Pedestrian times, TOD schedule)
819.	Traffic Controller NEMA (TS2, Type 2)

North Eastern Avenue (Route 6) and New Boston Road

ITEM NO.	ITEM DESCRIPTION
816.03	Signal Retiming (Yellow/Red, Pedestrian times, TOD schedule)
	Miovision Video Detection System (with 5 year data plan)
819.	Traffic Controller NEMA (TS2, Type 2)

North Eastern Avenue (Route 6) and Locust Street

ITEM NO.	ITEM DESCRIPTION
816.04	Signal Retiming (Yellow/Red, Pedestrian times, time clock, maximum green, TOD schedule)

North Eastern Avenue (Route 6) and Bedford Street

ITEM NO.	ITEM DESCRIPTION
816.05	Signal Retiming (Red time, time clock, TOD schedule)
	Size "M" Cabinet and Foundation
	Miovision Video Detection System (with 5 year data plan)
	Replace 10' signal post with 20' signal post and foundation
819.	Traffic Controller NEMA (TS2, Type 2)

1a

Exhibit A – Scope of Work

Eastern Avenue (Route 6) and County Street

ITEM NO.	ITEM DESCRIPTION
816.06	Signal Retiming (Yellow/Red, TOD schedule)
	Size "M" Cabinet and Foundation
	Miovision Video Detection System (with 5 year data plan)
	Replace (2) 10' signal post with 20' signal post and foundation
819.	Traffic Controller NEMA (TS2, Type 2)

Eastern Avenue (Route 6) and Pleasant Street

ITEM NO.	ITEM DESCRIPTION
816.07	Signal Retiming (Yellow/Red, Pedestrian times, TOD schedule)
	Size "M" Cabinet and Foundation
	Miovision Video Detection System (with 5 year data plan)
819.	Traffic Controller NEMA (TS2, Type 2)

Eastern Avenue (Route 6) and Martine Street/
Brayton Avenue/Father Devalles Boulevard

ITEM NO.	ITEM DESCRIPTION
816.08	Signal Retiming (Yellow/Red, Pedestrian times, TOD schedule)

City of Fall River, *In City Council*

16

ORDER:

The City of Fall River was awarded a grant through Last Call Foundation in the amount of \$30,000 with a duration from 2022-2024 (24 month duration). The grant will be used to purchase 468 pairs (3/ff) of 9 Alarm Defender Briefs, which provide a protective barrier against carcinogenic particles during firefighting operations;

NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL: That the Mayor be and is hereby authorized in the name of the City of Fall River to accept and expend a Grant through the Last Call Foundation in the amount of \$30,000 to purchase 468 pairs (3/ff) of 9 Alarm Defender Briefs;

BE IT FURTHER VOTED: That the Mayor, on behalf of the City of Fall River, be and hereby is, authorized to execute any and all documents necessary in connection with said grant from the Last Call Foundation, including the expenditure thereof.

City of Fall River, *In City Council*

1C

ORDER:

The City of Fall River was awarded a grant through MA EOEEA in the amount of \$121,750 with a duration from July 1, 2022 through June 30, 2023. This grant will be used toward the acquisition & protection of 16 acres of forestland on Indian Town Rd. near the Copicut Reservoir.

NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL: That the Mayor be and is hereby authorized in the name of the City of Fall River to accept and expend a Grant through MA EOEEA in the amount of \$121,750 for the acquisition & protection of 16 acres of forestland on Indian Town Road;

BE IT FURTHER VOTED: That the Mayor, on behalf of the City of Fall River, be and hereby is, authorized to execute any and all documents necessary in connection with said grant from the MA EOEEA, including the expenditure thereof.

City of Fall River, *In City Council*

1d

ORDER:

The City of Fall River was awarded a grant through MA DPH in the amount of \$110,752 with a duration from June 1, 2022 through June 30, 2026. The grant award is to allow Mass in Motion FR to enact policy & practice changes to reduce barriers to healthy living & improve health indicators & social conditions that determine them.

NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL: That the Mayor be and is hereby authorized in the name of the City of Fall River to accept and expend a Grant through MA DPH in the amount of \$110,752 to make allow Mass in Motion FR to enact policy and social practices changes.

BE IT FURTHER VOTED: That the Mayor, on behalf of the City of Fall River, be and hereby is, authorized to execute any and all documents necessary in connection with said grant from the MA DPH, including the expenditure thereof.

City of Fall River, *In City Council*

12

ORDER:

The City of Fall River was awarded a grant through MassDOT in the amount of \$46,500 with a duration from upon execution through December 31, 2023. The grant award is to allow the FRPD will purchase/install pedestrian signal upgrades at 7 locations in the City's downtown area.

NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL: That the Mayor be and is hereby authorized in the name of the City of Fall River to accept and expend a Grant through MassDOT in the amount of \$46,500 to allow the FRPD to purchase/install 7 pedestrian signal upgrades in the City's downtown.

BE IT FURTHER VOTED: That the Mayor, on behalf of the City of Fall River, be and hereby is, authorized to execute any and all documents necessary in connection with said grant from the MassDOT, including the expenditure thereof.

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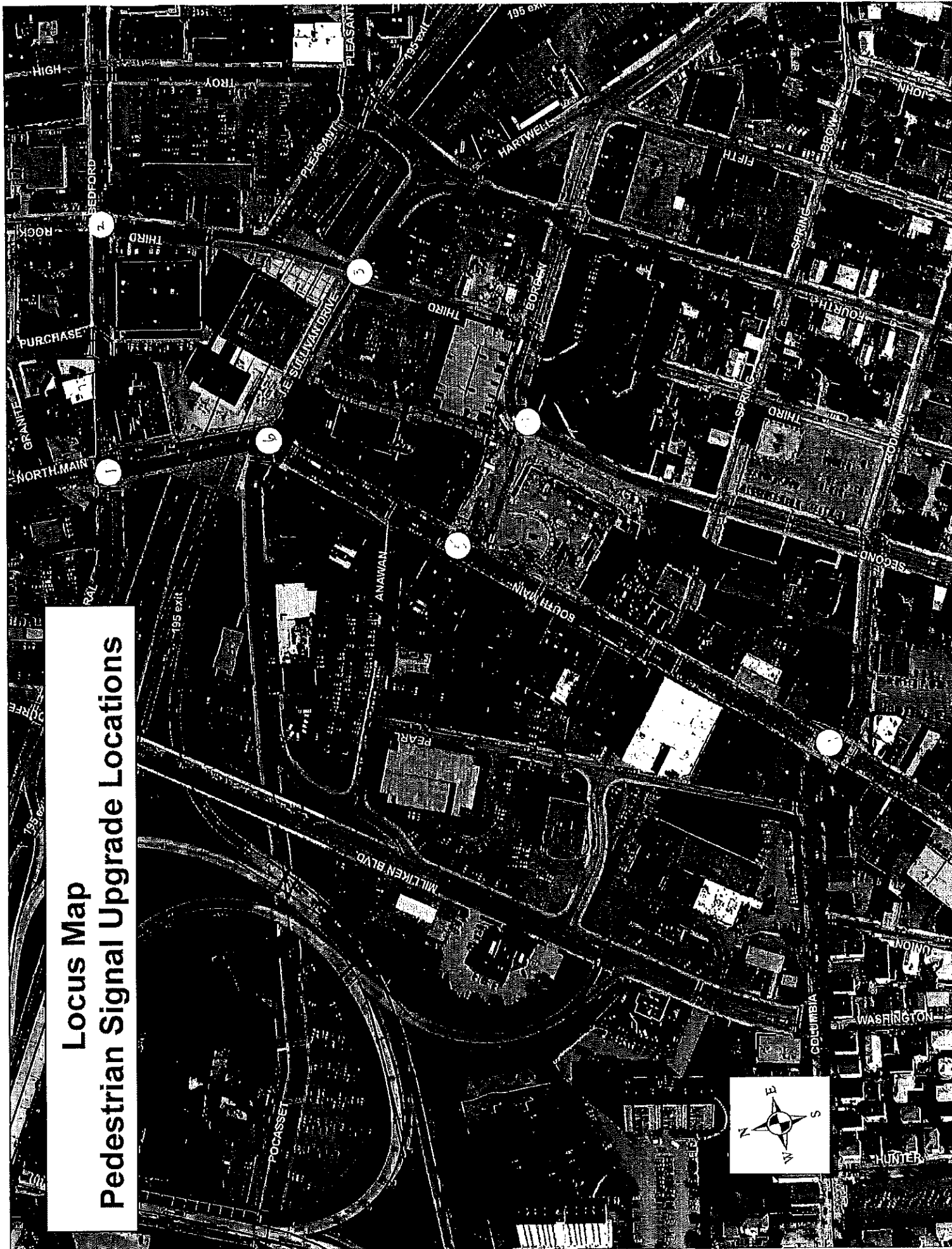
Shared Streets & Spaces, Round 4
FRPD Equipment Only Application

Part B. Project Information

Project Title: Pedestrian Signal Upgrade Project

Project location (GPS coordinates): Bedford Street @ North Main Street: 41.70191465420, -71.15530543240; Bedford Street @ Third Street: 41.70160396980, -71.15348349340; Third Street @ Sullivan Drive: 41.70024337600, -71.15432560310; South Main Street @ Columbia Street: 41.69833570480, -71.15865177640; South Main Street @ Borden Street: 41.70009650390, -71.15650517430; South Main Street @ Pocasset Street: 41.70098772240, -71.15538240190; Second Street @ Borden Street: 41.69953247740, -71.15573838450

Locus Map Pedestrian Signal Upgrade Locations



City of Fall River, *In City Council*

18

ORDER:

The City of Fall River was awarded a grant through MassDOT in the amount of \$49,900 with a duration from upon execution through December 31, 2023. The grant award is to allow the Traffic Department to purchase/install traffic calming elements (30 Pedestrian Crosswalk Solar Signs & 16 Reflective Pedestrian Crosswalk Signs) throughout the City..

NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL: That the Mayor be and is hereby authorized in the name of the City of Fall River to accept and expend a Grant through MassDOT in the amount of \$49,900 to allow the Traffic Department to purchase/install traffic calming elements throughout the City of Fall River.

BE IT FURTHER VOTED: That the Mayor, on behalf of the City of Fall River, be and hereby is, authorized to execute any and all documents necessary in connection with said grant from the MassDOT, including the expenditure thereof.

18

Part B. Project Information

Project Title: Pedestrian Safety Equipment Project

Project location (GPS coordinates):

L-1 – President Ave./Hanover St. – LED Lights: 41.71437978730, -71.14267891090
C-1 – President Ave./Chestnut St. – Crosswalk Cone: 41.71256324030, -71.13243920910
C-2 – Elsbree St./Langley St. – Crosswalk Cone: 41.71854993000, -71.12432109600
L-2 – Bedford St./Plain St. – LED Lights: 41.69943625720, -71.14184740340
L-3 – Bedford St./Sixth St. – LED Lights: 41.70126194900, -71.15164726990
L-4 – Pleasant St./Sixth St. – LED Lights: 41.69982721850, -71.15209720830
L-5 – Pleasant St./Eighth St. – LED Lights: 41.69943045640, -71.14997770410
C-3 – Pleasant St./Webster St. – Crosswalk Cone: 41.68810228050, -71.13124795390
C-4 – North Main St./Weetamoe St. – Crosswalk Cone: 41.71915996740, -71.14772130470
C-5 – Robeson St./Hood St. – Crosswalk Cone: 41.71630840260, -71.13984359920
L-6 – Stanley St./Truesdale Clinic – LED Lights: 41.71473376840, -71.13798190950
L-7 – Highland Ave./New Boston Rd. – LED Lights: 41.71063630620, -71.14601839030
L-8 – Highland Ave./New Boston Rd. – LED Lights: 41.71070676100, -71.14568466000
C-6 – Highland Ave./Lincoln St. – Crosswalk Cone: 41.71180954000, -71.14538381020
C-7 – Broadway/William St. – Crosswalk Cone: 41.69809197570, -71.16753483760
C-8 – South Main St./Union St. – Crosswalk Cone: 41.69718906820, -71.16063421020
C-9 – South Main St./Park St. – Crosswalk Cone: 41.69445625520, -71.16388052680
C-10 – South Main St./Oliver St. – Crosswalk Cone: 41.69278255020, -71.16480310500
L-9 – South Main St./Osborn St. – LED Lights: 41.69184668240, -71.16525611470
C-11 – Stafford St./Progress St. – Crosswalk Cone: 41.67252394310, -71.15352294860
C-12 – Rockland St./St. Stanislaus School – Crosswalk Cone: 41.69141551510, -71.16852500820
L-10 – Anawan St./Work Out World – LED Lights: 41.70183467150, -71.16037546780
C-13 – Lapham St./Cambridge St. – Crosswalk Cone: 41.68661378470, -71.15326688450
C-14 – Lapham St./Grinnell St. – Crosswalk Cone: 41.68583399530, -71.15344538860
C-15 – Slade St./Church St. – Crosswalk Cone: 41.68642100410, -71.17621527260
C-16 – Dwelly St./Lewis St. – Crosswalk Cone: 41.68540792690, -71.17734475230
L-11 – Bay St./Globe Mills Ave. – LED Lights: 41.69136229070, -71.17753474260
L-12 – Eastern Ave./Edgemond St. – LED Lights: 41.68466721740, -71.13016849580
L-13 – Bradford Ave./Broadway St. – LED Lights: 41.69533639290, -71.16340783060
L-14 – Third St./Fourth St. – LED Lights: 41.69938029430, -71.15507434860
L-15 – Third St./Fourth St. – LED Lights: 41.69902150160, -71.15432215640

Amount requested from MassDOT: \$49,900

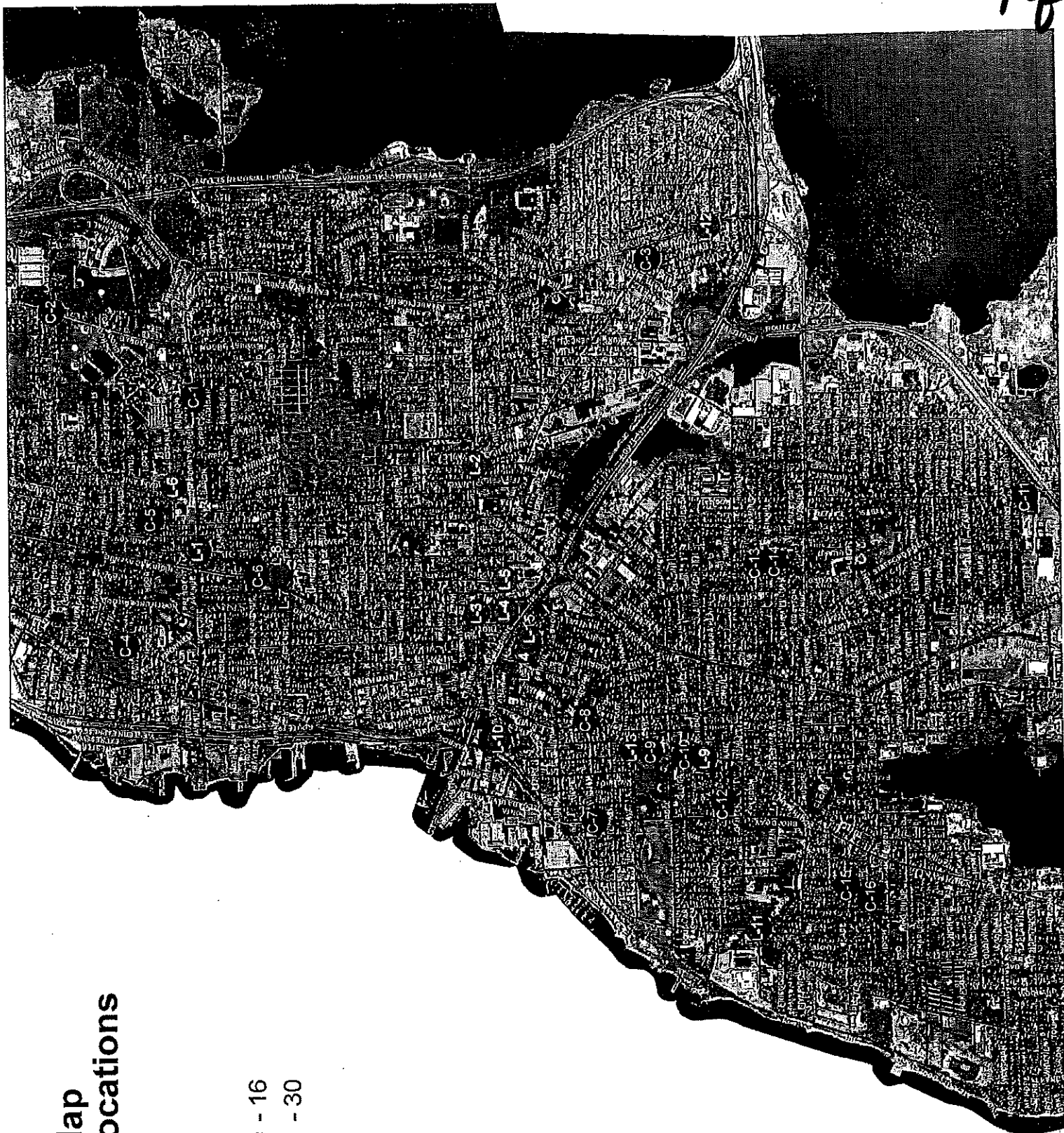
Project description (2-3 sentences):

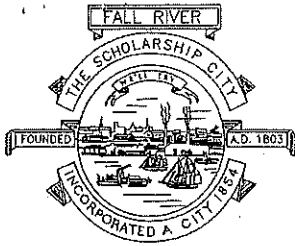
To help make Fall River's streets safer for pedestrians, the Traffic Department will purchase and install the following traffic calming elements throughout the city to reduce the risk of injury, death, and property damage. Pedestrian Crosswalk Solar Signs with flashing LEDs, which will be visible 24/7, and reflective Street Pedestrian Crosswalk Signs delineating crosswalks will be installed at dangerous intersections without traffic signals and near schools, hospitals, senior housing, churches, and other high volume areas.

Locus Map Equipment Locations

Legend

- Cone - 16
- Light - 30





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

RECEIVED

2022 JUN -9 P 2:10

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

June 7, 2022

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

Dear Honorable Council Members:

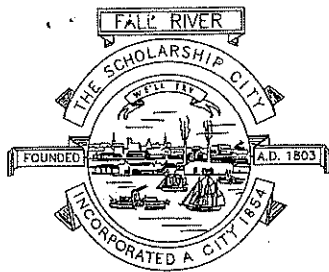
The City of Fall River has received a Fiscal Year 2022 Drinking Water Supply Protection Grant in the amount of \$121,750 for the Copicut Reservoir Water Supply Land Acquisition Project. In accordance with the Executive Office of Energy & Environmental Affairs' (EOEEA) guidelines, municipal grant recipients must provide evidence of authority to execute the Project Agreement on behalf of the City. This includes a certified copy of the City Council resolution that: 1) authorizes the project to acquire a parcel of land at 2450 Indian Town Road (part of Assessor's Parcel W-37-0012) and to enter into contracts for the project; 2) designates the Board of Water Commissioners (under M.G.L. c.40, §39B and 41) to hold and manage the property for water supply protection and land conservation purposes under M.G.L. c.40, §39B and 41, and Article 97 of the Amendments to the Massachusetts Constitution; 3) appropriates 100% of the total project cost, which is \$243,500; and 4) permit conveyance of a permanent Conservation Restriction, within the meaning of Ch. 184, to an eligible non-profit.

Please review and approve the attached resolution citing the property to be acquired (part of Assessor's Parcel W-37-0012) as the subject of the City of Fall River's FY'22 DWSP Grant Program acquisition project. With funds awarded, we will purchase the parcel. When complete, the parcel acquired will become protected open space under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, dedicated to water supply protection and land conservation. The proposed land acquisition project would be completed by June 30, 2023.

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

Sincerely,

Paul E. Coogan
Mayor



PAUL E. COOGAN
Mayor

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



PAUL J. FERLAND
Administrator

June 7, 2022

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

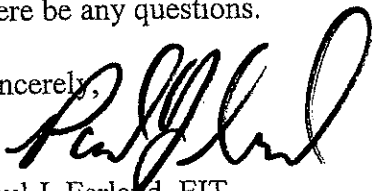
RE: Drinking Water Supply Protection Grant
Acquisition of 2450 Indian Town Road

Dear Mayor Coogan,

It is respectfully requested that the attached Project Agreement for the Drinking Water Supply Protection Grant Program and the included Resolution for the purchase of the above mentioned property be submitted to the City Council for review and approval. Approval by the City Council is of the essence as the grant contract needs to be executed prior to June 30, 2022 to secure funding.

Attached is a summary of the project. Please contact me if you need any further information and I will be available for the June 14, 2022 City Council Meeting should there be any questions.

Sincerely,


Paul J. Ferland, EIT
Adm. Community Utilities

PJF/kng
Attachments

CITY CLERK
FALL RIVER, MA

2022 JUN - 9 P 1:55

RECEIVED

DWSP Grant Program Land Acquisition Project

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE DRINKING WATER SUPPLY PROTECTION (DWSP) PROGRAM FOR PURCHASE OF A PARCEL OF LAND AT 2450 INDIAN TOWN ROAD (PART OF ASSESSOR'S PARCEL W-37-0012).

- Whereas: This Parcel is by and far a community-wide asset and the acquisition is a City priority as evidenced in the most recent Open Space and Recreation Plan, and
- Whereas: This Parcel is designated for water supply protection and land conservation purposes under M.G.L. Chapter 40, Section 39B and 41, and Article 97 of the Amendments to the Massachusetts Constitution.
- Whereas: The Parcel acquisition, guided in principle by the Master Plan, will protect public water supplies, and
- Whereas: The main focus of the Plan's Open Space element is to preserve, protect, and expand Fall River's open space assets. The overall cost and fiscal budget constraints prevented the City from proceeding forward with implementing the project, and
- Whereas: The project was to be implemented over time, by priority as fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort, and
- Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the protection and conservation quality and quantity of public drinking water supply sources through the Drinking Water Supply Protection grant program (310 CMR 22.00), and
- Whereas: The Fall River Land Acquisition Project will cost a total of \$243,500 (Two Hundred Forty Three Thousand Five Hundred Dollars). The City has allocated \$243,500 for the Fall River Land Acquisition Project, and
- Whereas: Community Preservation Act funds will be used as funding for the project, conveyance of a permanent Conservation Restriction, within the meaning of Ch. 184, to an eligible non-profit, is required, now therefore

BE IT RESOLVED:

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environment Affairs, and
2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Community Utilities Department, and
3. That this resolution shall take effect upon passage.

City of Fall River, *In City Council*

2

ORDERED, that the Mayor is hereby authorized to acquire an approximate 13,000 acre lot, part of Parcel W 37-0012, leaving a balance of 1.4 acres to be owned and maintained by the current owners, Jeffrey A. Silvia and Amy L. Silvia f/k/a Amy L. Massey. The property as described is subject to any changes and final approval by the Corporation Counsel. Said land is on 2450 Indian Town Road Fall River, Massachusetts. The acquisition and ownership of said lot will provide watershed protection to the Copicut Drinking Water Reservoir.

2

Fall River Department of Community Utilities ~ Water Division
“Copicut Reservoir Watershed Land Protection Project Phase 2”
(Silvia-Massey Property, 2450 Indian Town Road)
Summary Sheet
June 14, 2022

Current owners name & address: Jeffrey A. Silvia and Amy L. Massey, 2450 Indian Town Road,
Fall River, MA 02747

Property Location: East end of Indian Town Road immediately adjacent to protected forestland owned
by Commonwealth of Massachusetts and City of Fall River.

Map & Lot / Acreage: Portion of FR Parcel 37-12 / approximately 13.50 acres of 15.14 acres.

Conservation Values:

Water Resources:

- 100% in Copicut Reservoir Watershed, Zone A and Zone B Aquifer Areas
- Less than 500' from Copicut Reservoir shoreline

Natural Resources:

- Mostly forested, with ~ 1 acre of forested wetland
- Documented NHESP¹ BioMap2 “Priority Habitat of Rare Species” for **1 Threatened Amphibian, 1 Special Concern Bird and 1 Special Concern Turtle**

Scenic:

- ~ 192 feet of frontage on Indian Town Road
- ~ 60 feet of altitude range from Indian Town Road to height of land in rear of parcel

Contiguity:

- 1318 feet boundary along City owned protected forestland
- 2949 feet boundary along State-owned protected forestland

Recreational:

- Connects to existing >50 miles of Bioreserve Trails including new 20-mile Bioreserve Loop Trail
- Expands public hunting area

Cost of Acquisition and Funding Sources:

July 15, 2021 appraisal for 16-acre parcel was \$230,000. Owner agreed to sell the parcel for appraised value. Estimated acquisition cost (surveying, engineering and legal fees) is \$30,000

\$260,000	Total Cost of Project
\$121,750	DWSP Grant Award
<u>\$138,250</u>	CPA Grant Award
\$ 0	Final Cost to City

¹ Commonwealth of Massachusetts' Natural Heritage and Endangered Species Program (“NHESP”)

Conservation Restriction:

The DCU has asked the Commonwealth of Massachusetts Department of Fish and Game (DFG) to hold a Conservation Restriction (CR) on the 16 acres. The recording of a CR is a requirement for both land protection grants funding this project. DFG holds the CR on the Watuppa Reservation and also the Josefek Parcel acquired by the city in 2017 with CPA funds.

Background:

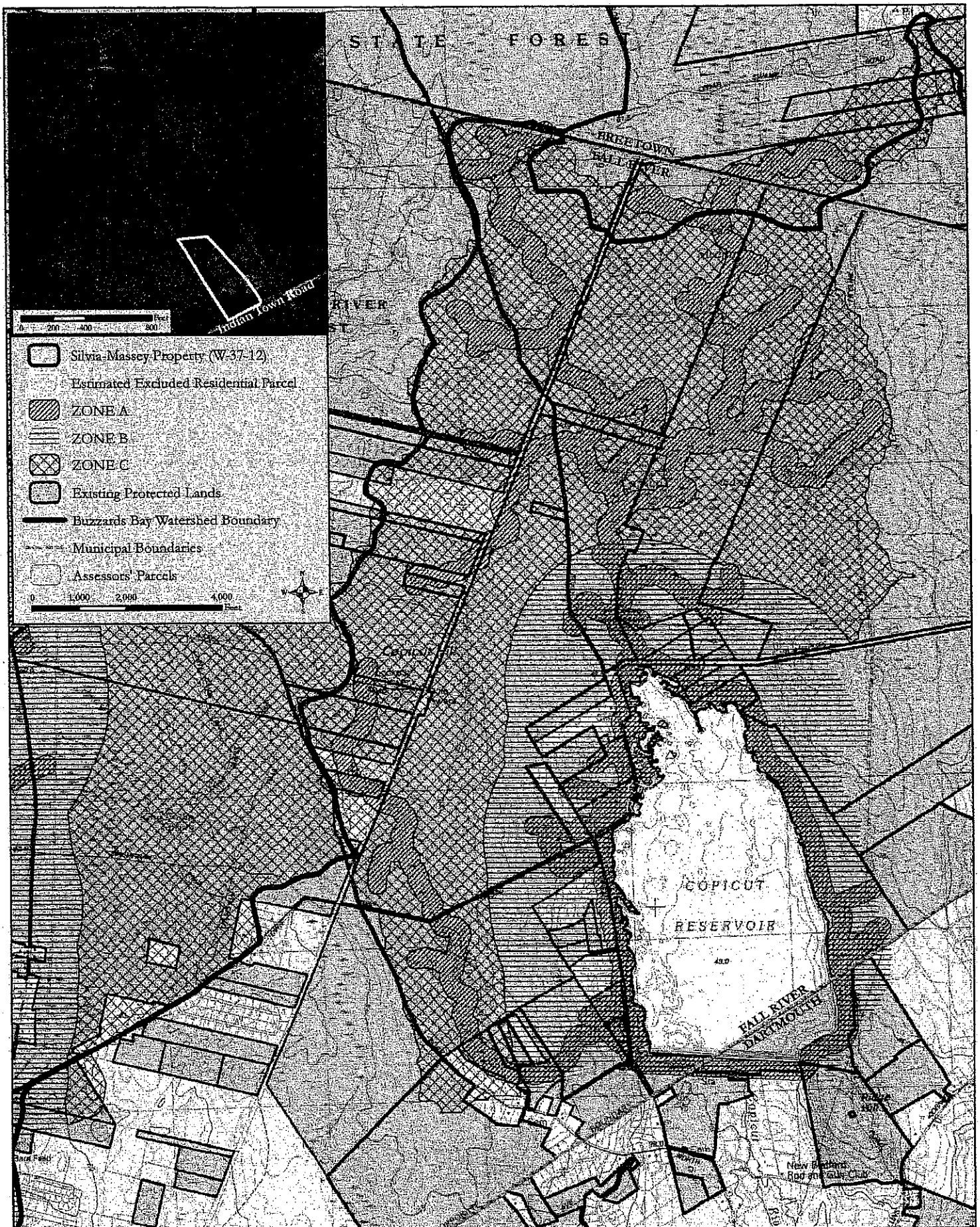
The DCU continually seeks opportunities to permanently protect Fall River's drinking water supply and the lands surrounding it. Copicut Reservoir is the city's secondary supply. It was constructed in 1970 and is capable of supplying 6.5 million gallons a day.

The owners built a single-family home on 15+/- acres on Indian Town Road in 1997. Since the parcel is zoned R-80, they only require about 2 acres to comply with zoning. Selling their additional land for water supply protection provides them a way to obtain cash value for their surplus land without the need to develop it or compromise its conservation value.

Programs such as the EOEEA Drinking Water Supply Protection Program and the Community Preservation Act provide funds to local communities to protect water and conservation resources and also enhance climate change resiliency.

Copicut Reservoir Water Supply Land Acquisition (Silvia-Massey Parcel)

2





City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

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2022 JUN -9 A 11:08

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

June 9, 2022

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

Dear Honorable Members of the City Council:

Consistent with the requirements of MGL Chapter 150E, Section 7, I am submitting the recently negotiated Memorandums of Agreement between the City of Fall River and the following Collective Bargaining Units:

AFSCME Council 93, Local 3177, which represents many Government Center, Water, Parks, Cemeteries, and civilian Police, Fire, and EMS Department employees.

AFSCME Council 93, Local 1202, which represents all employees for the Fall River Fire Department EMS Division with the exception of most clerks and the Director of EMS.

The Fall River Police Superior Officer's Association, Local 1844, which is Affiliated with Massachusetts Coalition of Police and represents all permanent sergeants, lieutenants, and captains, excluding patrol officers, deputy chiefs, and the chief of the Police Department of the City of Fall River.

Labor Advantage for Workers, Local 124, which represents all custodians employed by the city with the exception of those custodians assigned to the School Department.

These Agreements will become a part of the contractual obligations of their prior contracts. The Administration is grateful to each bargaining unit for their willingness to collaborate and reach consensus on Agreements which are favorable to both our employees and the constituents of the City of Fall River. I respectfully request you grant an appropriation necessary to fund the cost items contained therein. Please feel free to contact me if you have any questions or concerns.

Sincerely,

Paul E. Coogan
Mayor

City of Fall River, In City Council

3a

ORDERED, that the funding of the cost items contained in the collective bargaining agreement between the City of Fall River and the American Federation of State, County and Municipal Employees (AFSCME) Council 93, Local 3177, is hereby approved.

3a

MEMORANDUM OF AGREEMENT

BETWEEN

THE CITY OF FALL RIVER

AND

FALL RIVER AFSCME COUNCIL 93, LOCAL 3177

This **MEMORANDUM OF AGREEMENT** is entered into by and between the City of Fall River (hereinafter "the City") and the Fall River AFSCME, ("Union");

WHEREAS, the City and the Union are parties to a collective bargaining agreement for the period July 1, 2018 through and including June 30, 2021; and,

WHEREAS, the City and the Union have, pursuant to Massachusetts General Laws, Chapter 150E negotiated a successor contract for the aforementioned agreement;

NOW, THEREFORE, in consideration of mutual covenants and promises, the Parties agree that the following changes will be made to the Parties' July 1, 2018 through and including June 30, 2021:

1. Article XXXIV, Wages –

A. There shall be a general wage adjustment as follows:

- i. Effective July 1, 2021 -1.5% increase;
- ii. Effective July 1, 2022 - 1% increase;
- iii. Effective July 1, 2023 -1.5% increase;

B. Collector's cashiers increase from Grade 8A to Grade 9A

C. Supervisor of Tree Operations - \$1997.08 2092.67 \$2207.20

D. Painter with Certificate for Lead Paint Removal – 2,099.19

2. Duration –

The duration of the Agreement shall be extended for three (3) year term from July 1, 2021 through June 30, 2024.

3. New Article – Employee Reclassification

There shall be a new Article that states the following:

Requests for reclassification may be made by the Local 3177, the employee, or the employee's supervisor/department head. Requests shall be made utilizing the following procedure:

3a

- A. An employee who seeks a reclassification of their current position may request an audit of their position.
- B. The employee shall file said form with the Director of Human Resources between July 1 and December 1, inclusive, of a particular fiscal year and shall forward a copy of the same to the union.
- C. The Human Resources Director shall conduct a job audit by December 31 of the fiscal year in which the request was made.
- D. Within fourteen (14) calendar days of completion of the job audit, the City Administrator or his/her designee and Human Resources Director shall hold a hearing with the employee to review findings and allow employee to present any further details. A representative of the Union may attend any such hearing.
- E. The City Administrator shall make a final determination by January 31 of the fiscal year in which the request was made. If a decision is made to change a position's pay that pay change will take affect the following July 1.
- F. The foregoing deadlines may be waived by mutual agreement of the parties, but such agreements shall be documented in writing.

As part of this agreement the City agrees to conduct work with a professional personnel consultant to create new job descriptions and a wage and classification study. It is understood that there will be no salary reductions as a result of the study. The results of said study shall be considered in any reclassification request.

4. Article II – Union Dues – replace with the following: - Dues Deduction

During the term of this Agreement, the Employer shall deduct from the employee's pay an amount set by the union for union dues, agency fees, COPE contributions from each member of the union who voluntarily executes an authorization form and upon request, any additional dues amounts specified by the Union and authorized by the employee. When filed with the employer, the authorization form will be honored in accordance with its terms, Deductions will be promptly transmitted to the Union by electronic transfer (ACH). Along with the ACH payment, an employee payroll roster will be submitted within two business days via electronic means utilizing a CSV or Excel format, including any employee in a bargaining unit that is not having dues deducted. This electronic employee payroll roster must include, employee id numbers, legal name, bargaining unit, deduction amount, deduction type, base pay amount (excluding overtime, shift differentials, bonuses, and longevity), pay ending date and check date. The Employer shall be required to provide the Union with the following information:

1. The Union and/or the employee shall furnish a signed copy of the Union dues/agency fees deduction card that contains a waiver authorizing the use of his/her Social Security Number for the purposes of conducting business between the Union and the _____. The Union and the _____ agree that employee Social Security Numbers will not be released to any third party outside of the business relationship existing between the Union and the _____, unless directed in writing, by the employee.

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2. Concurrent with the issuance of weekly/ bi-weekly wages to workers in the bargaining units represented by the Union, the Employer will electronically forward a data file to the Union for all employees for whom dues or agency fees have been deducted. These deductions and roster-information will be transmitted to the AFSCME Council 93 business office no later than the 15th of every month – and such transmission shall be accomplished either by electronic mail or some other secure method as agreed to by the parties.

3. Upon the issuance of weekly/bi-weekly wages to workers in the bargaining units represented by the Union, the Employer will electronically forward a data file to the Union for all employees whose job title is represented by the Union. To the degree that the City obtains this information in the normal course of business, this file shall contain:

- Effective Date
- Last Name
- First Name
- Middle Initial
- Home Address
- Phone number (1 – Mobile, 2 – Home, 3 – Work)
- E-mail address (1 – Personal, 2 – Work, 3 – Other)
- Date of Birth
- Social Security Number or last 4 digits
- Employee ID #
- Gender
- Employee Status
- Hire Date
- Position/Title
- Bargaining Unit
- Date Employee Started in Bargaining Unit
- Dues Deduction
- Employer Name
- Agency/Department Code
- Salary Information
- Pay period frequency
- Number of pay periods
- Salary/Compensation rate
- Authorized Hours
- Full/Part-time Code
- Termination Date
- Marital Status
- Race
- Grade
- Step
- Step Entry Date
- Rehire Date

3a

4. Upon the request of the Union, the Employer may electronically forward employee data file(s)/extracts, using tools (such as _____) that are commonly used by the Employer. These files may contain data, which describes the employee, their job, or personnel actions performed. The request for this data will not be unreasonably denied.
5. **Article IV Grievance and Arbitration** Step 4: If the grievance has not been settled it shall be presented in writing to the Corporation Counsel or his Designee within five (5) working days after the Human Resources Director's response or said grievance shall be deemed waived. The Corporation Counsel shall respond to the representative in writing within five (5) working days.
6. **Article VI, Hours of Work,**
 - a. Add: Employees in the Facilities Maintenance Division will work a maximum of 16 hour shifts during weather emergencies.
 - b. Cemetery office clerical hours increase from 35 to 40 hours per week
 - c. **Section 11: Police Department Clerks/Employees--**
 - A. Change of days between two (2) dispatchers (a body for a body) shall be limited to sixteen (16) days in the calendar year (Jan 1 – Dec 31)
 - a. An officers report shall be submitted and signed by both parties for day to be valid
 - b. Reports will be filed for reference for the calendar year (Jan 1 – Dec 31)
 - i. Failure to show up for agreed upon shift will result in loss of sick time (8 hours) and docked 1 change of day
 - B. Change of days with one's self, shall be limited to twelve (12) days in the calendar year (Jan - Dec 31)
 - a. A signed officers report must be submitted for the day to be valid
 - b. Change of days with one's self shall be marked on a spreadsheet or Change of day Card for the Supervisor and/or dispatcher to reference.
 - c. Change of Day with self, will only be granted if seven (7) or more dispatchers are scheduled.
 - d. Change of day with self will not be granted if said change of day will bring man power below six (6) dispatchers.
 - e. The change of day with self must be paid back within 2 months of days taken.
 - C. Communications Training Officer - CTO – There shall be a total of six (6) CTO's designated by the Chief of Police. Each CTO shall receive a 5% stipend in addition to his/her regular wages, which shall be payable bi-weekly for the period served as CTO.
 - a. The assignment of Communications Training Officer is at the Chief of Police's authority and is not subject to Article IV of the Collective Bargaining Agreement: Grievance and Arbitration.

3a

7. Article X – Union Representation – add “and Elections”

Add new paragraph that states the following:

- a. Union Elections – The Union shall give the Director of Human Resources a minimum of fourteen (14) days’ notice of annual union elections. Employees shall be permitted to vote in said election on break, lunch, or at a time approved by their immediate supervisor. Employees may only vote during their break, lunch period, or before or after regular work hours.
- b. Add: Orientation - When the Employer hires new employees who are members of the bargaining unit one-half hour shall be allotted to the Union to meet with such employees. The Employer shall notify the Union Stewards upon the hiring of a new employee. Orientation shall be scheduled in coordination with the employee’s direct supervisor.

8. Article XII – Holidays - Add Juneteenth as a holiday.

9. Article VIII List of Civil Service Grandfathered Employees - Change Article title to Civil Service and place the current title in the first paragraph.

Walsh, Carol A.
Lubold, Richard
Consonni, Diodoro
Rapoza, Rachel
Reis, Joseph F.
Gosselin, Patricia F.
Chippendale, Julia A.
Bolduc, Janet

10. Article IX Shift Differential – Effective 7/1/2022 Increase from (0.75) per hour to (\$1.25) per hour

**11. Article XIII – vacations –
Section 1.**

After 60 days, employees accrue 1 day of vacation per month capped at 5 days per 6 months (in a calendar year 1/1 – 12/31) and 10 days per year. Accrual will start on the 1st day of the month following their 60th day.

Employees who have completed 6 months but not a full calendar year of service (1/1 - 12/31) will receive 5 days on 1/1 and an additional 5 days on 7/1. Upon completion of one full calendar year (1/1 – 12/31) employees receive 10 days beginning 1/1.

Vacation days in a given year must be used by 12/31. Employees will then receive 10 days per year until 1/1 following the completion of their 5th year when they will receive a total of 15 vacation days per year.

3a

After ten (10) years of service - four (4) weeks vacation.

After fifteen (15) years of service - five (5) weeks vacation.

After twenty-one (21) years of service - five (5) weeks and one (1) day vacation.

After twenty-two (22) years of service - five (5) weeks and two (2) days vacation.

After twenty-three (23) years of service - five (5) weeks and three (3) days vacation.

After twenty-four (24) years of service - five (5) weeks and four (4) days vacation.

After twenty-five (25) years of service - six (6) weeks vacation.

Section 2:

Police Department: All personnel who are members of the bargaining unit and who are currently working the 4 & 2 shift at the Police Department shall have their vacation picked the same as police:

Vacation for employees in this section shall accrue vacation credits on the following schedule:

After 60 days, employees accrue 1 day of vacation per month capped at 5 days per 6 months (in a calendar year 1/1 - 12/31) and 10 days per year. Accrual will start on the 1st day of the month following their 60th day.

Employees who have completed 6 months but not a full calendar year of service (1/1 - 12/31) will receive 5 days on 1/1 and an additional 5 days on 7/1. Upon completion of one full calendar year (1/1 - 12/31) employees receive 10 days beginning 1/1. Vacation days in a given year must be used by 12/31. Employees will then receive 16 days per year until 1/1 following the completion of their 5th year when they will receive a total of 24 vacation days per year.

After ten (10) years of service - thirty-two (32) days of vacation time.

After twenty (20) years of service - forty (40) days of vacation time.

After twenty-five (25) years of service - forty-eight (48) days of vacation time.

12. **Article XV - Personal Leave** - Modify as follows: Effective January 1, 2023: 15 years - 4 days leave, 25 years - 5 days leave. Modify second sentence as shown: Such personal days shall not be cumulative from year to year except that employees may carry over two (2) days into the next calendar year (for a total of up to seven (7) days, i.e. two day carry-over and two days accrued during the carry-over year to be used in the calendar year of the carry-over).

13. **Article XX - Temperature** - Except in cases of emergency, when the temperature becomes oppressive, either hot or cold, the continuance of work for the duration of the shift will be at the recommendation of the supervisor and at the discretion of the employee's department head. Should the department head order the suspension of work for the remainder of the shift, the employees so relieved will be paid straight time rate until the end of their shift. However, the department head may reassign the employees to areas where the heat or cold is not so oppressive as to warrant consideration of relief from work.

3a

14. Article XXII – Miscellaneous –

- a. Section 1, 2 – Move to Article V - Seniority
- b. Section D: No temporary, provisional or intermittent employee shall be disciplined or discharged except for just cause, after having successfully served a probation period of six (6) months. Move to Article V Seniority
- c. Parking: Effective no earlier than July 1, 2022, employees who currently pay for a reserved parking spot at the municipal owned parking lots will have their monthly rate lowered to \$20.00. Employees not currently utilizing these lots may apply for a spot through the normal application process which is overseen by the Traffic Department. The monthly rate will be \$20.00. The amount of all available spots are limited and new spots will be awarded by the Traffic Department on a first come first serve basis with preference given to City of Fall River employees, regardless of union status.

15. Article XXVII – Longevity

Effective 7/1/2022:

- a. 5 years increase to \$200
- b. 10 years increase to \$500
- c. 20 years increase to \$1000

16. Article XXVIII – Clothing Allowance and Car Allowance

Section 1. Effective 7/1/2022 \$900 annually

Section 2. Effective 7/1/2022 inspectors in the Code Enforcement Division shall receive a \$1,200.00 auto allowance and shall be allotted \$200 per month for fuel. Access to fuel from City pumps at the Department of Public Works shall not be permitted.

17. Article XXXVII – Facilities Maintenance Employees – Delete all except for working foreman language

18. Appendix A – 30 minute lunch for facilities/grounds/maintenance

19. Snow Removal Stipend: To be eligible for the snow removal incentive pay the employee shall not refuse or miss more than seven overtime calls for snow/ice removal. If an employee responds back to the department as available to work within 15 minutes of a message left on an answering machine, it shall not be counted as a missed call. If an employee has worked an 8-hour overtime shift, he/she shall be exempt from the missed call provision for 16 hours. If any employee works 125 hours or more overtime for snow/ice removal during the season (November 1 through April 1), then they shall be exempt from the seven-refusal limit noted above. Any overtime calls that would result in an employee working more than 16 hours are exempt from the refusal limit. An employee with a CDL must have a fully active license and a copy must be given to management as of May 1. Payment of the stipend shall be made by April 30 of the following year. This schedule is to allow for proper budgeting each year for stipend payments. Said employee must be willing

3a

and able to utilize said license as requested by the department. Refusal to utilize said license will result in loss of incentive pay. Effective 7/1/2022

a. Employees with CDL:

- For zero refusals the compensation shall be \$2500.00
- For seven or less the compensation shall be \$2250.00

b. Employees without CDL:

- For zero refusals the compensation shall be \$1250.00
- For seven or less the compensation shall be \$1000.00

20. Housekeeping - Update descriptions/references to City Departments.

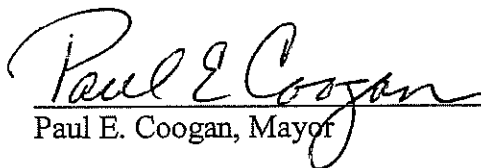
This Agreement is subject to ratification by the City of Fall River and by the Fall River AFSCME Council 93 and to appropriation. This Agreement shall not be implemented unless the Parties have ratified and fully executed the Agreement.


This Agreement has been duly executed by authorized representatives of the City of Fall River and by the Fall River AFSCME Council 93.

IN WITNESS WHEREOF, the Union and the City, by their authorized representatives, have set their hands to this Memorandum of Agreement on this 8th day of June, 2022.

FOR and on behalf of the City:

FOR and on behalf of Union:


Paul E. Coogan, Mayor Date

Scott E. Taveira
Scott E. Taveira, Afscme Council 93

Rui Santos, President Local 3177 Date 6-8-22

City of Fall River, In City Council

3b

ORDERED, that the funding of the cost items contained in the collective bargaining agreement between the City of Fall River and the American Federation of State, County and Municipal Employees (AFSCME) Council 93, Local 1202, is hereby approved.

MEMORANDUM OF AGREEMENT

BETWEEN

THE CITY OF FALL RIVER

AND

FALL RIVER EMS UNIT

LOCAL 1202, AFSCME COUNCIL 93

3b

This **MEMORANDUM OF AGREEMENT** is entered into by and between the City of Fall River (hereinafter "the City") and the Fall River EMS Unit, Local 1202, AFSCME Council 93, ("Union");

WHEREAS, the City and the Union are parties to a collective bargaining agreement for the period July 1, 2019 through and including June 30, 2022; and,

WHEREAS, the City and the Union have, pursuant to Massachusetts General Laws, Chapter 150E negotiated a successor contract for the aforementioned agreement;

NOW, THEREFORE, in consideration of mutual covenants and promises, the Parties agree that the following changes will be made to the Parties' July 1, 2019 through and including June 30, 2022:

1. Article 1 - Recognition

Insert new second paragraph:

The following position shall be members of the bargaining unit:

Administrative Assistant
EMT-Basic
EMT-Advanced
EMT-Paramedic
Community Paramedic
Field Training Officer
Lieutenant
Captain
District Chief of EMS

2. Article II Union Dues and Information

During the term of this Agreement, the Employer shall deduct from the employee's pay an amount set by the union for union dues, agency fees, COPE contributions from each member of the union who voluntarily executes an authorization form and upon request, any additional dues amounts specified by the Union and authorized by the employee. When filed with the employer, the authorization form will be honored in accordance with its terms, Deductions will be promptly transmitted to the Union by electronic transfer

3b

(ACH). Along with the ACH payment, an employee payroll roster will be submitted within two business days via electronic means utilizing a CSV or Excel format, including any employee in a bargaining unit that is not having dues deducted.

This electronic employee payroll roster must include, employee id numbers, legal name, bargaining unit, deduction amount, deduction type, base pay amount (excluding overtime, shift differentials, bonuses, and longevity), pay ending date and check date.

Employee Rosters

Upon signing of this agreement, and monthly thereafter, the Employer shall supply to the Union a list of all employees covered by this agreement. The list shall include the employees legal name, home address, phone number, personal email, employee ID number, date of hire, annual salary, bargaining unit, department, job title, work site, work email address and work phone number. Each month the Employer shall also electronically transmit a list of all new hires, any terminated, or transferred employees during the month.

3. Article IV Grievance and Arbitration

Step 4: Grievances involving disciplinary action shall be processed beginning at the second (2nd) step. Move this language to Step 2.

4. Article VI Hours of Work - Modify as shown

Work Schedule 24 HOUR SHIFTS

The average weekly hours of duty of the permanent members of the Emergency Medical Services division shall not exceed forty-two (42) hours over an eight (8) week cycle as set forth below.

Paragraph 3: The day off shall be assigned by seniority with the approval of the Deputy Chief of EMS. When a holiday falls during the week Monday – Friday the holiday shall be considered the day off for EMS Command Staff for that particular week. The Deputy Chief of EMS at any time can reassign the scheduled day off for departmental operational needs when necessary. The command staff shall consist of the District Chief of EMS, Captain of Training, Captain of QA/QI, Captain of MIH, Lieutenant of Professional standards, Lieutenant of MIH, and the EMS Administrative Clerk.

All EMS employees will be given (1) personal day for Christmas Day and Thanksgiving Day.

5. Article VII Overtime

Recall to Duty/Holdover Overtime Policy add to CBA: the off going shift will be responsible for being held for the day and night portion of the shift that is open. A list will be sent out for employees to review and have knowledge where they are on the hold list/order in list. When employees are out on accrued time or swaps the department will choose the next employee on the list. During a state of emergency the Chief or designee has the right to fill shifts as needed to ensure operational needs are met for the department.

3h

6. Article VIII Civil Service

Add: Employees listed in a side letter executed on November 15, 2016 between the City and the Union shall retain all rights and privileges, including all those related to promotions, under Massachusetts Civil Service Law G.L. c. 31, and any related regulations. The seniority of non-Civil Service employees shall be governed by the foregoing paragraph.

Beth Faunce
Robert Camara
John Morin
Timothy Oliveira
William Lonardo
Shaun Higgins
Jen Parent
Jen Rodriques
Mark Lighthall

7. Article XI Holidays

Add: Juneteenth

8. Article XIII Sick Leave

Add: Employees that are incapacitated for duty because of an injury or illness sustained in the performance of their duty shall be compensated pursuant to General Laws, c. 41, sec. 111M and 111N, so long as it can be conclusively shown that such injury or illness was a direct result of performance of duties associated with emergency medical care, pursuant to the above cited statutes.

9. Article XX Miscellaneous

F. The District Chief of EMS, Training Captain, Captain of QA/AI, Captain of MIH, Lieutenant of Professional Standards, and the Lieutenant of MIH shall receive a stipend of \$140 per month for responsibilities associated with the Duty Phone.

Add: The City will agree to implement a FTO (Field Training Officer) program. FTO's will be paid at a rate of 3.5% above top step medic. This 3.5% bump will not be considered another rank, and will have no impact of the 15% between pay grades. There will be six (6) FTO positions, who shall be assigned to Frontline Rescues. There shall be a Field Training Officer assigned to every Medical rescue. The administration shall implement criteria for eligibility for becoming a FTO. Being on the FTO list shall not preclude the employee from being on the Acting Lt list.

Add: The City will agree to implement a CP (Community Paramedic) program. CP's will be paid at a rate of 3.5% above the top step medic. This 3.5% bump will not be considered another rank, and will have no impact of the 15% between pay grades. There will be three (3) CP positions. The administration shall implement criteria for eligibility for being a CP. Being on the CP list shall not preclude the employee from being on the Acting Lt list.

3b

Add: EMS7 is to be implemented as an MIH/CEMS command vehicle. The vehicle will consist of 1 Lt. and 3 Community Paramedics. The Community Paramedics will receive the same pay grade as the FTO's but will not be considered an FTO for training purposes. Members wanting and or promoted to the position of Community Paramedic will have 1 year to complete the C.P course and obtain their CP certification.

All details for MIH/CP shall be first offered to EMS division members who have specialized training for such duties.

10. Article XXI Agency Fee Delete this article

11. Article XXII Temporary Service in a Lower or Higher Position

Employees may be assigned to temporarily fill vacancies, which will be under ten (10) calendar days in the positions of District Chief of EMS, Training Captain, Captain of QAQI, Captain of MIH, Lieutenant of Professional Standards, Lieutenant of MIH, and the Captain of Squad. If a vacancy totals more than ten (10) calendar days, then an employee will be assigned to the above. A person moving up in rank shall receive out of rank pay commencing on the 1st day of actual service in paid higher rank.

12. Article XXIII Sick Leave Severance Benefit Payment

There shall be a severance benefit pertaining to sick leave either upon retirement, termination for other than cause, or death while in the employ of the city after the employee completes their 4th year of service within the city.

13. Article XXIV Longevity

5 years - \$500.00
10 yrs - \$1,000.00
15 yrs - \$1,500.00
20 yrs - \$2,250.00
25 yrs - \$3,000.00
29 yrs - \$4,000.00

14. Article XXVII Drug and Alcohol Prohibition

All employees shall receive two (2) personal days as a result of the annual drug testing program.

15. Article XXIX Term of Agreement

July 1, 2022 – June 30, 2025

16. Article XXX Management Rights

The City agrees that due to the high call volume, and acuity of calls, all EMT basics hired within the EMS Division on the Medical Rescues must be currently enrolled in a certified Paramedic Program. The EMT must complete the program and obtain their paramedic certification within 14 months from their date of hire. If said employee for whatever reason will be unable to obtain his or her medic by the 14 months, they must notify the Deputy Chief of EMS as soon as possible. The EMS Chief, will assess the situation and

3b

can grant an extension of up to 6 months, for the employee to finish and obtain their paramedic certification. During this time, the employee's probationary period will also be extended. If the employee fails to become certified as a paramedic the end of their extension, the city shall terminate the employee.

Article XXXIII Wages

July 1, 2022 – new wage scale

July 1, 2023 – 1.5% increase

July 1, 2024 – 2% increase

Housekeeping –

1. All references to Director of Emergency Medical Services (EMS) shall be changed to Deputy of Chief of Emergency Medical Services.
2. Incorporate terms of MOU regarding Administrative Assistant – See attached.

This Agreement is subject to ratification by the American Federation of State, County, And Municipal Employees, Local 1202 and full funding by the City Council.

Signed and Agreed to this 31 day of May, 2022.

Paul E. Coogan
Mayor Paul Coogan Date

MA 5/26/22
President, Local 1202 Date

Scott E. Javeira 5/26/2022
Afscme Council 93 Date

City of Fall River, *In City Council*

3c

ORDERED, that the funding of the cost items contained in the collective bargaining agreement between the City of Fall River and the Fall River Police Superior Officers' Association, MCOP Local 1844, is hereby approved.

3c

MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN THE CITY OF FALL RIVER AND THE FALL RIVER POLICE
SUPERIOR OFFICERS' ASSOCIATION, MASSACHUSETTS COALITION OF POLICE,
LOCAL 1844

WHEREAS, the City of Fall River ("City") and the Fall River Police Superior Officers' Association, Massachusetts Coalition of Police, Local 1844 ("Union") are parties to a collective bargaining agreement originally in effect from July 1, 2019 through June 30, 2021; and

WHEREAS, the parties have agreed to the terms of a successor agreement covering the period from July 1, 2021 through June 30, 2024;

NOW THEREFORE, the parties agree to the following terms:

The parties agree to extend the collective bargaining agreement and maintain all current terms and conditions of employment established by their 2018-2021 collective bargaining agreement, the parties' practices, current policies, and work rules, or in any other way except as modified herein:

1. Article XIX Employee Wages

a. Amend first paragraph as shown:

Term of Agreement – July 1, 2021 – June 30, 2024

Wage Differential by Rank:

Lieutenant: 15 percent above a Sergeant's Maximum Rate at all corresponding steps.
Captain: 15 percent above a Lieutenant's Maximum Rate at all corresponding steps.

Add the following:

Effective July 1, 2022 –

- Sergeant's maximum rate shall be increased by 1.5% over the maximum rate in effect on June 30, 2022.
- Lieutenant: 16.5 percent above a Sergeant's Maximum Rate at all corresponding steps.
- Captain: 16.5 percent above a Lieutenant's Maximum Rate at all corresponding steps.

P.C.

3c

Effective July 1, 2023

- Sergeant's maximum rate shall be increased by 1.5% over the maximum rate in effect on June 30, 2023.
- Lieutenant: 18 percent above a Sergeant's Maximum Rate at all corresponding steps.
- Captain: 18 percent above a Lieutenant's Maximum Rate at all corresponding steps.

b. Amend section 1 of Article XIX to reflect the following:

- o Effective 7/1/21 – 1.5% general wage adjustment
- o Effective 7/1/22 – 1% general wage adjustment
- o Effective 7/1/23 – 1.5% general wage adjustment

Such general wage adjustments shall be fully retroactive to the effective date of the increase.

2. Article VI – Court time – Effective (30 days after funding) – **Add new Section 4.** Officers shall receive overtime compensation for all court attendance, and shall not be permitted to accrue compensatory or “comp” time in lieu of receiving overtime
3. Article VII – Holidays – add Juneteenth
4. Article X – Other Leave -
 - a. Section 4 – Police Relief Association, etc. - Effective (30 days after funding) – **Add new Section 4(f)** – Officers will be permitted to swap shifts in order to attend the activities described above, but shall not be permitted to accrue compensatory or “comp” time while attending such activities during scheduled work hours.
5. Article XI– Hours of Work. –
 - a. Section 5 – Effective (30 days after funding) **Modify as shown**

Section 5. Method of Compensation for Overtime Service. An employee who performs overtime service in accordance with the provisions of this Agreement shall receive, in addition to his/her regular weekly compensation, time and one-half his/her straight time hourly rate of pay for each hour of overtime service, or fraction thereof. The straight-time hourly rate shall be computed at one-fortieth of said employee's regular compensation as set forth in the wage scales attached hereto as Appendix A with the addition of the individual's education incentive pay, if any. It is the intent of the parties to include the same benefits in calculating overtime

P.C.

3c

rates for supervisors as are presently included for the police officers represented by the Fall River Police Association.

Effective (30 days following funding of this Agreement)
delete the following sentence, as shown: -Pay for overtime service shall be in addition to and not in lieu of holiday pay or vacation pay, and shall be remitted to employees as soon as practicable after the week in which such overtime service is performed.

An employee who is required to appear in court or to work overtime during his/her vacation period shall, in addition to receiving his/her court-time or overtime pay, be permitted to extend the duration of his/her vacation period by one day for every such day during which he/she is required to appear in court or to work overtime. The foregoing extension shall not result in the granting of additional paid days of vacation leave, and shall only impact the actual dates the employee is on vacation leave. Vacation leave shall include those days off immediately preceding and following each furlough period, for purposes of court attendance.

- b. Section 7 - Modify as shown: **Effective 30 days after funding of this Agreement:**

Any officer not covered by the provision of Article XIX, who is ordered into work on his/her regular day off, shall receive ~~overtime~~ **double his/her** straight-time hourly rate as defined in section 5 of this Article. Officers shall be called in inverse order of seniority.

6. The Parties agree that the City has fulfilled any and all bargaining obligations relating to the implementation of a system for body worn cameras (BWC's). This shall include but not be limited to bargaining over the impact of actual use of BWC's, data storage, monitoring/reviewing data from a BWC program, or any other issue relating to the implementation of said system.
7. In recognition and appreciation of the work performed and health risks incurred by unit members during the pandemic, the City will remit a one-time payment to each member of the bargaining unit in the amount of three thousand (\$3,000.00) dollars payable in the payroll following funding of this MOA by the City. This shall be paid to any member of the unit who was a member anytime between March 10, 2020 through the funding of this Agreement.


The Parties further agree that if the City agrees to pay members of the Fall River Police Association, MassCOP Local 1854, or the Fall River Firefighters, Local 1314 a one-time premium or bonus for service during the COVID-19 Pandemic in excess of three thousand dollars, this Agreement shall be re-opened for the sole and limited purpose of bargaining over such a premium or bonus for the members of this Union.

P.C.

3c


This Agreement is subject to ratification by the Fall River Police Superior Officers Association, Local 1844, and full funding by the City Council.

Signed and Agreed to this 19 day of April, 2022.



Mayor Paul Coogan

Date:



President
Fall River Police Superior Officers Union
Date:

City of Fall River, In City Council

3d

ORDERED, that the funding of the cost items contained in the collective bargaining agreement between the City of Fall River and the Labor Advantage for Workers, Local 124, is hereby approved.

MEMORANDUM OF AGREEMENT

BETWEEN

THE CITY OF FALL RIVER

AND

LABOR ADVANTAGE FOR WORKERS

LOCAL 124

This MEMORANDUM OF AGREEMENT is entered into by and between the City of Fall River (hereinafter "the City") and the Fall River Labor Advantage for Workers, Local 124 ("Union");

WHEREAS, the City and the Union are parties to a collective bargaining agreement for the period July 1, 2019 through and including June 30, 2021; and,

WHEREAS, the City and the Union have, pursuant to Massachusetts General Laws, Chapter 150E negotiated a successor contract for the aforementioned agreement;

NOW, THEREFORE, in consideration of mutual covenants and promises, the Parties agree that the following changes will be made to the Parties' July 1, 2019 through and including June 30, 2021:

1. Article VII Holidays

Add: Juneteenth

Delete: If an employee has a work schedule which is other than Monday to Friday, i.e. Saturday through Wednesday, he/she shall have the first day off considered as Saturday for purpose of Holiday Pay.

2. Article IX Leave

B. Personal Days:

Effective 1/1/2023 Employees with twenty (20) years of service will be entitled to four (4) days and employees with twenty-five (25) years of service will be entitled to five (5) days leave of absence for personal, legal, household or family business which requires absence during working hours. Application for Personal Leave will be made at least twenty-four (24) hours before taking such leave, except in the case of emergencies, and the applicant for such leave will not be required to state the reason for taking such leave other than that he is taking it under this Section. Such absence shall not be deducted from the number of days to the credit of the employee for such leave. Employees shall be allowed to carry over two (2) personal days into the next calendar year for a total of up to seven (7) days (i.e. two (2) carry over days and four (4) or five (5) days accrued during the carry over year).

3. Article XIV Miscellaneous Provisions

1. Effective Date:

The effective date of this Agreement is July 1, 2021. The signing of this Agreement by the authorized representatives of the Union and the employer shall be authorized to implement all of the provisions of this Agreement.

3d

2. TERMINATION:

This agreement will remain in effect from July 1, 2021 through June 30, 2024. At the end of that three (3) year period, either party may terminate this Agreement provided such notice of termination is transmitted through the U.S. Mail by Certified Mail to the responsible signatories to the Agreement. In no case can a termination notice be sent less than thirty (30) days prior to the date herein agreed.

3. RENEWAL

Delete this paragraph.

4. CHANGES:

No Change to paragraph

5. JOB CHANGES:

Wages:

July 1, 2021 – 1.5% increase

July 1, 2022 – 1% increase

July 1, 2023 – 1.5% increase

6. UNIFORM ALLOWANCE:

Effective 7/1/2022 said uniform allowance shall be increased to nine hundred (\$900.00) dollars annually.

13. SNOW REMOVAL:

Weather Close-down:

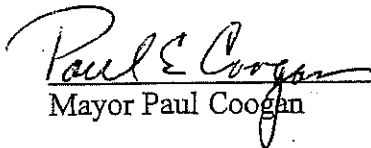
In the event that a building to which a custodian is assigned is closed down due to snowstorm or weather-related issues, custodians who work will receive one (1) floating day for all hours worked during the close-down period.

Housekeeping –

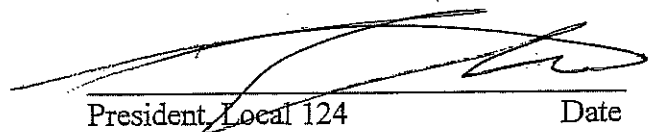
1. All references to Buildings and Grounds shall be changed to Facilities and Maintenance.

This Agreement is subject to ratification by Labor Advantage for Workers, Local 124 and full funding by the City Council.

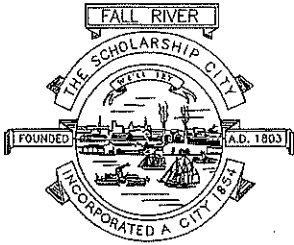
Signed and Agreed to this 6 day of June, 2022.



Mayor Paul Coogan Date



President Local 124 Date



City of Fall River
Massachusetts
Office of the Mayor

4
RECEIVED

2022 JUN -9 P 4:24

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

June 9, 2022

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

Dear Madam President and Members of the Honorable Council:

Attached please find a request from the Fall River School Department for the approval to advertise for two five year contracts for the Operation and Management of the School Food Service Program as well as for the HVAC Maintenance and Controls Support Services. Thank you for your consideration with this matter.

Sincerely,

Paul E. Coogan
Mayor

PC/amos



FALL RIVER PUBLIC SCHOOLS

Facilities & Operations

RECEIVED

2022 JUN -9 P 4:24

Maria Pontes
Superintendent of Schools

Kenneth C. Pacheco
CITY CLERK Chief Operations Officer
FALL RIVER, MA

June 14, 2022

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

Dear Mayor Coogan:

I am requesting through you to the City Council for the approval of a one year contract with 4, one year extensions for Operation and Management of the School Food Service Program and a one year contract with 4 one year extensions for HVAC Maintenance and Controls Support Services.

Sincerely,

Kenneth C. Pacheco,
Chief Operations Officer

City of Fall River, *In City Council*

4

ORDERED, under the provisions of M.G.L. c. 30B § 12(b), that the Fall River Public Schools Facilities and Operations Department is hereby authorized to enter into a one year contract with 4, one year extensions for the Operation and Management of the School Food Service Program and a one year contract with 4 one year extensions for HVAC Maintenance and Controls Support Services.

City of Fall River, *In City Council*

5

(Councilor Andrew J. Raposo)

WHEREAS, there has been an increased amount of graffiti across the city, and

WHEREAS, if left unaddressed, this will lead to quality of life issues for the residents of Fall River, and

WHEREAS, the current city ordinance regarding graffiti lacks reasonable steps to remedy this situation, and

WHEREAS, the City would like to purchase the equipment to remedy this issue, now therefore

BE IT RESOLVED, that the Committee of Ordinances and Legislation meet with members of the administration to discuss the current graffiti ordinance and discuss how to best remedy this issue.

Filed 5-26-22

City of Fall River, *In City Council*

6

(Councilor Leo O. Pelletier)

WHEREAS, complaints have been received from residents regarding noise being generated by the use of industrial vacuums at the Fall River Coin Operated Car Wash located at 1225 Dwelly Street, and

WHEREAS, loud music is played by customers throughout the day which causes vibrations in adjacent residences, which affects the health of these residents, and

WHEREAS, this excessive noise is not allowing the neighbors to live in peace, now therefore

BE IT RESOLVED, that the Committee on Public Safety convene to discuss this very important matter.

Filed: 6-8-22

City of Fall River, *In City Council*

(Councilor Leo O. Pelletier)
(Councilor Linda M. Pereira)

7

WHEREAS, the increasing cost of gasoline and diesel is causing a great hardship on many businesses, and

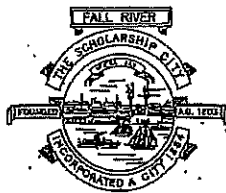
WHEREAS, the number of taxicab medallions available should have a cap, and

WHEREAS, local taxicab companies have not increased fares in many years, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation convene with taxicab companies to discuss rates, a possible cap on the number of medallions available and the possibility of waiving the fee for resealing meters for this one time increase.

Filed: 6-8-22

RECEIVED



18

2022 MAY 20 A 10: 59

City of Fall River
Notice of Claim

Email

CITY CLERK 22-53
FALL RIVER, MA

1. Claimant's name: John Motta Jr. mottaibhnr@gmail.com
2. Claimant's complete address: 42 Canedy St Fall River Ma. 02720
3. Telephone number: Home: (508) 674-9242 Cell: (508) 326-4194 Work: (508) 326-4194
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: 5/2/22 12:03 PM Amount of damages claimed: \$ 4,877.89
6. Exact location of the incident: (include as much detail as possible):
380 Boffington St. Fall River Ma. - Call Stephanie @ treasurer
7. Circumstances of the incident: (attach additional pages if necessary):
My truck was parked legally on Boffington St, when a Fall River Police Vehicle that was responding to a fleeing suspect struck the Passenger side of my truck.
See the Attached Police Report and note left on windshield.
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: 5/18/22

Claimant's signature: John Motta Jr.

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

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

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

For official use only:

Copies forwarded to: ☒ City Clerk

☒ Law

☒ City Council

☒ City Administrator

☒ Police Dept

Date: _____

18

RECEIVED

2022 MAY 27 P 12:19

CITY CLERK 22-54
FALL RIVER, MA



City of Fall River
Notice of Claim

1. Claimant's name: William MURDE
2. Claimant's complete address: 93 KEELEY STREET Fall River, MA. 02723
3. Telephone number. Home: 508-677-4145 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
POT HOLE - PATCH WORK IN ROTARY ON COUNTY STREET
5. Date and time of accident: MAY 14, 2022 Amount of damages claimed: \$ 547.00
9:00 AM
6. Exact location of the incident: (include as much detail as possible):
COUNTY STREET AND PLEASANT STREET - ROTARY BY PARK
7. Circumstances of the incident: (attach additional pages if necessary):
ON MAY 14, 2022 AT APPROXIMATELY 9:00 AM MY DAUGHTER WAS GOING TO DANCE CLASS - SHE WAS ON COUNTY STREET AND PLEASANT STREET IN THE ROTARY. SHE HEARD A NOISE, FELT HER WAS NOT OPERATING PROPERLY. SHE OBSERVED THAT -> NEXT PAGE
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: MAY 24, 2022 Claimant's signature: William R. Murde

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, 2nd Fl., One Government Center, Fall River, MA 02722

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

For official use only:
Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☒ City & Administration ☒ DCU Date: 5/27/22



18
RECEIVED

City of Fall River
Notice of Claim

2022 JUN -3 P 3:58

CITY CLERK 2235
FALL RIVER, MA

1. Claimant's name: Brian Pavan
2. Claimant's complete address: 242 Reeves Street, Fall River, MA 02721
3. Telephone number: Mobile: (774) 955-2061 Home: _____ Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Vehicle damage caused by manhole cover
5. Date and time of accident: 05.24.2022 @ 4:30 Amount of damages claimed: \$ 1,778.57
6. Exact location of the incident: (include as much detail as possible):
Corner of Brayton Avenue & Reeves St
7. Circumstances of the incident: (attach additional pages if necessary):
travelling on Brayton Ave, my vehicle struck on open manhole causing damage to the suspension and rim and tire of rear drivers side. See attached photos.
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: 06.03.2022

Claimant's signature: [Signature]

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

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

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

For official use only:

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

☒ JCM

Date: 6/3/22

21

NEBEL PROPERTY MANAGEMENT
INC.

RECEIVED

2022 JUN -9 A 11:45

CITY CLERK _____
FALL RIVER, MA

Site Management Office
145 Old Second Street
Fall River, MA 02721
Telephone: 508-679-8353
Fax: 508-679-8345
TTY: 800-439-0183

June 6, 2022

Attn: City Council Members
Fall River City Hall
One Government Center
Room 221
Fall River, MA 02722

RE Events on Old Second Street

Dear City Council Members,

Please advise if future events, approved by the city, could be held on the grounds at the Government Center instead of Old Second Street. A tenant who lives in the Hudner Building asked me to make this request. The tenant stated the music yesterday was extremely loud for hours. There are also no buses that run on Sundays, so that tenants without their own vehicles have no escape.

Sincerely,

Linda Hutchison

Linda Hutchison
Property Manager

cc Mayor Paul Coogan



COMMITTEE ON FINANCE

MEETING: Tuesday, May 24, 2022 at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: Councilor Linda M. Pereira

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Bridget Almon, Director of Financial Services
Paul Ferland, Administrator of Public Utilities

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

In accordance with a resolution adopted, as amended May 8, 2012, persons are allowed to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance.

1. Citizens' Input Time – Before Discussion of Financial Matters:

Brian Curt, 118 East Main Street – Residential Composting Program

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to allow Mr. Curt to deliver his input for an additional 3 minutes, with Councilor Linda M. Pereira absent and not voting.

Collin Dias, 560 Ray Street – Lack of Transparency from Mayor Coogan and Recall Election

Kevin Aguiar, 2 Crestwood Street – School Department bonding

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was unanimously voted to allow Mr. Aguiar to deliver his input for an additional 3 minutes, with Councilor Linda M. Pereira absent and not voting.

Vanessa Arruda, 1227 Dwelly Street – Noise Ordinance

Councilor Leo O. Pelletier asked the Clerk to send a letter on his behalf to the Police Chief regarding Ms. Arruda's noise complaints taking place at the Fall River Coin Operated Car Wash located at 1225 Dwelly Street, a copy of which is attached hereto and made a part of these minutes.

The City Clerk read a communication received for citizen input, a copy of which is attached hereto and made a part of these minutes.

CJ Ferry, 1167 Robeson Street – Ryan Lyons' Appointment

2. Resolution – Committee on Finance convene to discuss allowable use of the Bristol County ARPA funds that Fall River will be receiving

The City Administrator stated that many exhibits were provided for the Councilors' packets. ARPA has gone through a number of revisions and changes as of April 1, 2022. He stated that the summary provided is a great tool for Councilors to learn about the ARPA funds and determine where they stand. The Mayor's intent is to ask the Council to use the funds for important needs. Councilor Michelle M. Dionne stated that she has no issue with the funds for the Police Department and how they are being spent, but she doesn't understand why the Fire Department hasn't received any to date. Mr. Aitken responded that he is the one who submits the ARPA commitments and that a ladder truck as well as an engine, which will cost approximately \$2.5 million dollars, are being requested using funding from the Community Development Agency (CDA). They are also committed to purchasing turnout gear. Councilor Michelle M. Dionne also asked about the training for crime prevention and equipment. She stated that they are in two different line items, one is \$275,000 and the other is \$287,000. Mr. Aitken explained that the \$275,000 was an early ARPA purchase of police cruisers. As far as the equipment, the 911 communication system wasn't an anticipated ARPA expense but the Department received notice that the company is no longer supporting the software, which is used for EMS, the Fire Department and the Police Department, so it was necessary to make the purchase. Councilor Michelle M. Dionne inquired regarding body cameras to be worn by police officers. She stated that an ARPA meeting was held a few weeks ago and it was unanimously voted that City ARPA funds would be used to pay for the body cameras. Furthermore, she stated that it should not be under the Bristol County ARPA funds when it was already approved by the City's ARPA Committee. Mr. Aitken stated that the City's ARPA Committee approved the purchasing of Tasers as the ones currently owned by the Department are not compatible with the new body cameras. Each police officer has to have their own equipment so that if they need to review any of the footage they will know exactly whose camera it belongs to. Councilor Michelle M. Dionne then asked about street sweepers. She questioned how many employees are dedicated to street sweeping as well as how many are licensed operators and where is the City going to store almost \$1 million dollars' worth of equipment that is usually kept outside? The City Administrator stated that there are two different types of street sweepers: vacuum or brush. The vacuum sweepers are essential because they can clean deeper but require a driver with a CDL license while the brush sweepers do not. As far as storage, he stated that the Department of Community Maintenance has been cleaning out storage areas to host the equipment. Councilor Dionne also stated that in the Mayor's letter for the FY23 Budget, it said that the ARPA funding will be utilized to offset the debt exclusion from B.M.C. Durfee High School. Furthermore, she stated that she does not see any ARPA funding that is being dedicated to that or any line item in the Budget that states ARPA funding has been used. Bridget Almon, Chief Financial Officer, stated that instead of including the \$5 million dollar debt exclusion in the budget, they added only half of it, the other half came from ARPA. Councilor Michelle M. Dionne also stated that she would like to see \$50 million dollars appropriated for Water and Sewer projects in addition to the \$8 million dollars already committed. Councilor Andrew J. Raposo asked the City Administrator for a list of potential items where ARPA funds could be spent. Mr. Aitken stated that he is not sure if a list currently exists or what type of form any of the recommendations are in but he will look into it. Councilor Andrew J. Raposo stated that the use of ARPA money on youth programming would be a great way to use the funds. He stated that children were really affected by the pandemic. Council President Pam Laliberte-Lebeau stated that the best action for the Administration would be to present the ARPA list to the Council so that they can move forward with approving the spending for the ARPA funds. Councilor Shawn E. Cadime also asked that a list of potential items for ARPA funding be provided by Paul Ferland, the Administrator of Public Utilities. Mr. Ferland stated that he has already submitted a few proposals, one specifically in regards to street sweeping. Councilor Trott Lee stated that he

believes water and public safety are two of the most important areas where ARPA funding should be spent.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adjourn at 7:48 p.m., with Councilor Linda M. Pereira absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Citizens' Input Communication from CJ Ferry

Sierra Aguilar
Assistant Clerk of Committees

MAY 24, 2022

COMMUNICATION

SUBMITTED

FOR

CITIZENS' INPUT

COMMITTEE ON FINANCE

May 24, 2022

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

Re: Citizen's Input

Madame President and members of the City Council:

I would like to address a couple of issues that I consider important.

I would like to firstly address the appointment of Ryan Lyon as Election's Commissioner. In discussions with several past Election Commission Chair people, it is a common opinion that Mr. Lyon is allegedly not a good fit for the position of election's commission chair. Their opinion, as is my own, that Mr. Lyon allegedly does not have the personality or temperament to be a proper fit for the position. There is also the fact that Mr. Lyon as worked intimately with several political campaigns including local, state and Federal elections. Mr. Lyon has served on the campaigns for two city councilors who should recuse themselves from any vote on the issue of this appointment. Most recently, a political candidate who was opposition to a sitting state representative had issues with the Fall River elections office and I had made a suggestion that the candidate file a complaint with the Secretary of State Division of Elections and to the best of my knowledge such a complaint was filed by the candidate. I know that I personally filed a request for an opinion from the Corporate Counsel from the Secretary of State's Division of Elections regarding the recent handling of nomination papers. Mr. Lyon should have recused himself from the handling of the nomination papers as the candidate's opponent has had Mr. Lyon work on his campaign. It is apparent that with Mr. Lyon's past practice of working on any number of political candidates and campaigns his ability as an election's commissioner maybe impeded by the fact that he may have to recuse himself from the handling of the elections and the nomination process.

Further, the position of election's commissioner is a vital position in the electoral process and any inference of impropriety must be avoided as we have

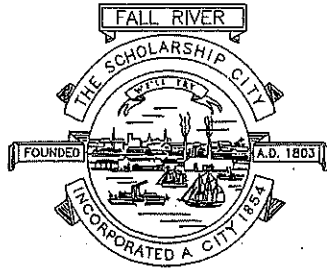
seen recently in the Presidential election. Complaints will be generated if Mr. Lyon does not recuse himself from the handling of the election if he has ever had a position in a candidate's campaign. The election's commissioner must be neutral and must only represent the law and the people and not his political allies. I know I personally will have no faith in our election process if Mr. Lyon did not recuse himself from the election vote or certification, especially when a candidate has had Mr. Lyon as part of their campaign. Another issue, although minor, were the two political parties in the city approached in their support or rejection of the appointment? While this may not have been a past practice, it is a practice that would maintain the confidence in the election process.

Lastly, the issue of water bills has come before this council annually and right now I would like to address the needs of low-income residents. The quarterly billing process of the water department can become burdensome on the people on fixed-incomes or low-income. I would like to once again suggest that the city council look into the possibility of doing monthly billings of the water and sewer accounts. It is not unheard of for community utilities to be billed monthly as it provides a monthly income stream for the community utilities and allows for proper budgeting for the community that is manageable. Some bills as high as \$500 and higher are not easily handled by many people, especially property owners that have apartments as they may not be charging exorbitantly high rents in order to keep people in their properties. I do understand that monthly billings will have a slight increase in costs to the city, but the offset may be fewer delinquent bills and a monthly income stream. More importantly it will alleviate some stress on the property owners.

Thank you for your consideration in these matters,



CJ Ferry



City of Fall River
Massachusetts
City Council

23

LEO O. PELLETIER
City Councilor

June 2, 2022

Chief Paul Gauvin
Fall River Police Department
P.O. Box 509
Fall River, MA 02722

Dear Chief Gauvin:

I am writing this letter on behalf of Vanessa Arruda from 1247 Dwelly Street. She came before the Council on Tuesday, May 24, 2022, during Citizens Input to state her concerns regarding the noise being generated by the use of industrial vacuums at the Fall River Coin Operated Car Wash located at 1225 Dwelly Street.

The vacuums are placed in very close proximity to Mrs. Arruda's apartment and in her opinion the high intensity of noise generated is a violation of Chapter 9.42 Public Disturbance of Noise in Massachusetts State Law. She also stated that the vibrations of the loud music that is played throughout the course of the day cause disturbance to her day-to-day life. She further expressed these matters should cause damage to not only her physical health but her emotional and mental health as well. The day after her input Mrs. Arruda also sent the attached email, which provides additional detail of the issues.

Subsequently, at a May 31, 2022 meeting, Mrs. Arruda's landlord, John Velho of 1215 Dwelly Street, addressed the Council with similar concerns.

I would really appreciate if your department could look into this matter and advise me of what can be done to remedy the situation. I can be reached at 508-678-0209. Should you need to reach Mrs. Arruda, her phone number is 401-559-1668 or 617-935-3579. Mr. Velho can also be reached at 774-526-0663

Very truly yours,

Leo O. Pelletier
City Councilor

Enc.

Cc: Vanessa Arruda, 1247 Dwelly Street
John Velho, 1215 Dwelly Street

/sa

COMMITTEE ON FINANCE

- MEETING: Tuesday, May 31, 2022 at 6:00 p.m.
Council Chamber, One Government Center
- PRESENT: President Pam Laliberte-Lebeau, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara,
Michelle M. Dionne, Bradford L. Kilby,
Linda M. Pereira and Andrew J. Raposo
- ABSENT: Councilor Leo O. Pelletier
- IN ATTENDANCE: Maria Pontes, Ph.D., Superintendent, Fall River Public Schools
Kenneth C. Pacheco, Chief Operating Officer, Fall River Public Schools
Kevin Almeida, Chief Financial Officer, Fall River Public Schools

The chair called the meeting to order at 6:02 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.

1. Citizens' Input

John Velho, 1215 Dwelly Street – Fall River Coin Operated Car Wash located at 1225 Dwelly Street

CJ Ferry, 300 Buffinton Street – Taxation and ARPA Funds

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

Collin Dias, 560 Ray Street – Mayor Recall

2. School Department Presentation and Discussion of the Proposed Fiscal Year 2023 Budget

The Superintendent of the Fall River Public Schools, Maria Pontes, stated that the budget before the City Council was a very thoughtful budget focused on direct services to students, supporting services, teachers and paraprofessionals in the classroom to make their schools more effective. Furthermore she stated, the goal of the budget was to set them up for success. Kevin Almeida, Chief Financial Officer, stated that the Fiscal Year 2023 budget was \$168,421,258, which is a \$23,238,415 increase from the previous year's budget. The local contribution towards this budget is \$36,332,032, which represents an increase of \$2,045,784 from the previous year. He also stated that this budget included the Student Opportunity Act, which will increase over the next few years and will continue through Fiscal Year 2027. Kevin Almeida also stated that the Fall River Public Schools have some great improvements, these including: the new Durfee field house façade (\$1,128,920), the Talbot Middle School Drainage and Parking Lot (\$1,028,473), the PACE Building Electrical Services (\$572,000) and Chiller Relocation and Pump Installation (\$420,000), the Henry Load Construction (\$408,643), Durfee's Cafeteria Equipment (\$245,366), and the Durfee Athletic Fields (\$2,298,381) for a grand total of \$6,101,733. In addition, they have also

allocated \$17 million dollars for HVAC work at all the school locations and new windows for the Henry Lord School.

Councilor Bradford L. Kilby inquired about the security of the schools. He asked if there are Fall River police or private officers. Maria Pontes stated that they have both, it depends on the school. The elementary schools are locked at all times so they have less officers rather than Durfee who has both internal and external security. Maria Pontes stated that they have added 12 more security officers. Kevin Almeida added that these officers receive training through the Sheriff's Department.

Councilor Bradford L. Kilby then questioned the funding of the fields. Kenneth C. Pacheco, the Chief Financial Officer of Fall River Public Schools, stated that they are working on the fields at the school. Initially, the field projects were going to cost \$1.8 million dollars but now with the increase in pricing, the estimated cost is around \$2.8 million dollars. Phase 1 will cost \$1.8 million dollars and will consist of the softball fields, the practice fields for soccer, and a new practice field for football. The baseball field renovations will begin immediately while the other projects will begin this year and will continue into the next. They will be working on the football field, the JV softball field and the Talbot Middle School baseball fields during Phase 2. This field will allow for the middle school to have baseball teams and an extra field if Durfee High School needs to use it. They will also be replacing the track around the football field, a press box and getting a new scoreboard. Phase 2 will cost roughly \$4.65 million dollars.

Council Bradford L. Kilby asked what was the student/teacher ratio. Maria Pontes stated that the cap is 27, but realistically it is 25 students to one teacher. She also stated that post Covid the attendance number has improved and they are at an 85-90% rate for attendance. They are also looking to add more Pre-K classes. Councilor Linda M. Pereira asked about adjustment councilors and if the school system is using any of the newer graduates from the surrounding colleges as interns. Maria Pontes stated that she has and added them into the elementary schools. The issue is that they are hard to find. Councilor Linda M. Pereira asked if that is because of the pay grade and if we are competitive pay wise with the other surrounding communities. Maria Pontes stated that the neighboring communities do pay more but they are trying to get the educators on the same pay level. Councilor Andrew J. Raposo asked why the schools have the same budget. Kevin Almeida stated that they use the same format for each of the schools. Councilor Andrew J. Raposo asked about the number of paraprofessionals. Maria Pontes stated that this is all depending on which schools need them more and the number of students requiring them. As for attendance, he asked if they have attendance officers and asked if they felt they have enough and whether there is an issue with attendance. Maria Pontes stated that they have enough attendance officers. Everyone, including herself, has their own groups to look through the attendance. There are 8 right now, but she does not feel like she needs to add more. They're each assigned to specific schools with their own caseloads. Councilor Andrew J. Raposo inquired about the Community Facilitator. Maria Pontes stated that these facilitators will be bilingual and be the connection bridge between home and school. They will be the access point for parents who cannot speak English and connect them to school events/information. Councilor Andrew J. Raposo referred back to Pre-K. He asked if it is being prioritized in certain areas. Maria Pontes stated that they are currently surveying parents to determine locations and there are already children on a list. There will be maximum of 12 to 15 students per class. They are also setting aside \$7 million dollars of the ESSER funds to go towards starting Pre-K classrooms. Councilor Andrew J. Raposo also asked if their job fairs have been successful. Maria Pontes responded that they have not. They are going to try to do a virtual event and hope they'll be able to recruit more that way and that many of the schools do their own recruiting. Councilor Joseph D. Camara praised Maria Pontes and her staff for their outstanding job as leaders of the Public School

system. He asked if the schools have interpreters for the students and parents who do not speak English. Maria Pontes stated that the schools do not have interpreters but there are many employees, teachers and principals who are bilingual and assist with interpreting whenever needed. Councilor Shawn E. Cadime stated that he fully supports the School Budget. He questioned where they stand with the indirect cost agreements. Maria Pontes stated that the School Committee and the Mayor would have to vote on it and it has not taken place yet. The agreements were last reviewed in 2017 and remain in effect until the City and the School Committee mutually agree to review them. Councilor Raposo also asked if the field at the Fonseca School is being used and Mr. Pacheco explained that it is used for recess and softball games. Mr. Pacheco explained that at one point it was thought that the field was City property but it is in fact School Department property. Councilor Shawn E. Cadime stated that the Security and Crossing Guards should be charged to the schools rather than the City. As far as the athletic fields, he questioned the pricing of the field projects. Mr. Pacheco stated that they would like to borrow \$4.6 million dollars to pay for Phase 2, but Phase 1 is already fully funded. Councilor Shawn E. Cadime also stated that he wants the schools to move forward with these field projects because students deserve it and sports keep them involved. Furthermore, he stated that he would like to have a meeting with the School Committee so that they can move forward with the long term plans. He also asked that the City Clerk request a report for the last three years of the McKinney Vento accounts. A copy of such request is attached hereto and made a part of these minutes.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adjourn at 7:26 p.m.

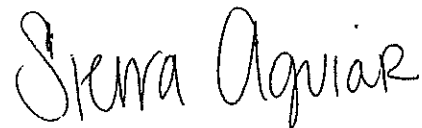
List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Fiscal Year 2023 Budget Handout from the Fall River Public Schools

Citizens' Input Communications from Collin Dias



Assistant Clerk of Committees

MAY 31, 2022

COMMUNICATION

SUBMITTED

FOR

CITIZENS' INPUT

COMMITTEE ON FINANCE

24

City Council

From: Collin Dias <collind00@aol.com>
Sent: Tuesday, May 31, 2022 2:58 PM
To: City Clerk; Leite, Ines; City Council
Subject: [EXTERNAL] Citizens Input

Fall River City Council Meeting Committee on Finance 5/31/22 6PM Citizens Input

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

Good afternoon Council President and members of the city council,

I want to make a disclosure, although it does go against advice I received, it's extremely important the community know this information. The Mayor has sent me a cease and desist letter regarding my comments at the last city council meeting. I believe the Mayor did this in an effort to silence me and to thwart a recall campaign against him. I am ashamed the Mayor would engage in political retaliation. I think this shows the community what the Mayor thinks about differences of opinion, and political discourse. The mayor has failed to silence me. I have the right to have my opinion on issues. With this budget, the Mayor is misleading the community. Paraphrasing, He has said numerous times in the past that the city is in the best fiscal shape it's ever been in. Mr. Mayor, you are a liar. The five year fiscal forecast is a forecast of deficits. You support raises to the water rates, the sewer rates, and property taxes raised two and a half percent. If the city is in the best fiscal shape it's ever been in, why are you looking for a bailout from the school department? In all seriousness, this Mayor has gone too far. I can't believe people still support him. He doesn't care about Fall River. I think the power is getting to his head. I think he's lost his mind. He's becoming more sinister, and this is a dangerous precedent having the Mayor try and silence people's rights to freedom of speech. At this time, I would like to call on the Mayor to resign.

Lastly, please note the Mayor will face recall proceedings next week, we will remove him from office in the next few months.

Thank you very much for your time.

Respectfully submitted,

Collin Dias

24

Low Office of
KEVIN J. PHELAN

SUITES 24, 25 & 26

38 ROCK STREET
FALL RIVER, MA 02720-3131

(508) 674-1999 FAX: (508) 679-1110

kphelan@fallriverlaw.net

STEPHEN M. SHEA, ESQ.

sshea@fallriverlaw.net

May 26, 2022

Collin R. Dias
560 Ray Street
Fall River MA 02720

Re: 5/24/22 Fall River City Council Meeting

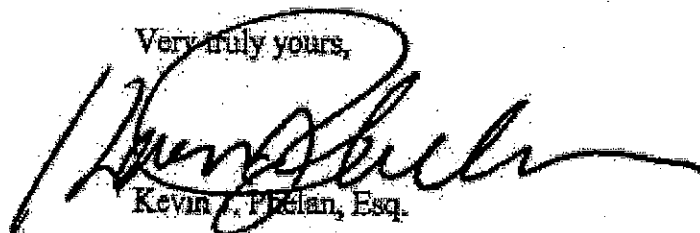
Dear Mr. Dias:

Please be advised that this office has been retained to represent Paul Coogan, Mayor of the City of Fall River, regarding the false allegations you made against him at the 5/24/22 Fall River City Council meeting.

As you know, your reckless allegations against Mr. Coogan ("deceptive" "shady" "lied to the community" "misrepresented the state of finances" "is engaged in a cover up" "misuse of city funds," etc.) are both utterly unsupported by any evidence and are highly defamatory. Mr. Coogan categorically and emphatically denies each of these allegations. Quite to the contrary, he has performed his public duties with the utmost professionalism and integrity.

Be advised that your defamatory and false assertions demonstrate a reckless disregard for the truth and are actionable under Massachusetts law.

Very truly yours,



Kevin J. Phelan, Esq.

KJP/ta

City Council Meeting – Fall River Public Schools – May 31, 2022

FY23 - State Aid - \$168,421,258 (Increase of \$23,238,415) - FY22 - \$145,182,843

FY23 – Required Local Contribution - \$36,332,032 (Increase of \$2,045,784) – FY22 - \$34,286,248

FY23 – Net School Spending - \$204,753,290 (Increase of \$25,284,199) – FY22 - \$179,469,091

Budget includes Student Opportunity Act increases. FY 2023 is being increased by 2/6 of the total SOA funding. The final year of Student Opportunity Act increases is FY 2027.

New Investments/positions in the budget included below:

Operating Budget			
Paras	66	SLP	1
Teachers	51	Family Eng Spec	1
Safety Officers	12	Psychologist	1
Tech Staff	8	BCBA	1
Support Specialists	6	Payroll Manager	1
Counselors	4	Laborer	1
Comm Facilitators	3	Plumber	1
SLPA/COTA	3	Clerk	1
Custodians	3	VP - Transition	0.5
		Athletic Trainer	0.5

Total Operating Budget: 165

ESSER	
Community Facilitator	7
Early College Academic Specialist	1
Instructional Support Liaison-Early College	1
Total ESSER Grant: 9	

Transportation Budget for FY 2023 is slotted in for \$11,000,000.

Investments have been made on the School side over the last several years. Here are a few over last two fiscal years:

Durfee: Fieldhouse Façade - \$1,128,920

Talbot: Drainage & Parking Lot - \$1,028,423

PACE Building: New Electrical Services - \$572,000

PACE Building: Chiller Relocation and Pump Installation - \$420,000

Henry Lord: Construction of Egress Road - \$408,643

Durfee: Cafeteria Equipment - \$245,366

Durfee: Athletic Fields - \$2,298,381

Total - \$6,101,733

In addition, we have allocated \$17 million plus for HVAC work at all school locations and new windows at Henry Lord Community School.

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, May 24, 2022 at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: Councilor Linda M. Pereira

IN ATTENDANCE: None

President Pam Laliberte-Lebeau called the meeting to order at 7:55 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 requesting confirmation of the appointment of Paul F. Gauvin as Chief of Police and order requesting approval of contract

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to confirm the appointment, with Councilor Linda M. Pereira absent and not voting.

2. Mayor requesting confirmation of the appointment of Ryan Lyons as Chairperson of the Board of Election Commissioners

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to confirm the appointment, with Councilor Linda M. Pereira absent and not voting.

3. Mayor requesting confirmation of the following reappointments:

- a. John Brandt to the Conservation Commission

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Andrew J. Raposo, it was unanimously voted to confirm the appointment, with Councilor Linda M. Pereira absent and not voting.

- b. James Cusick to the Conservation Commission

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Andrew J. Raposo, it was unanimously voted to confirm the appointment, with Councilor Linda M. Pereira absent and not voting.

PRIORITY COMMUNICATIONS

4. Traffic Commission recommending amendment to traffic ordinances

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation, with Councilor Linda M. Pereira absent and not voting.

COMMITTEE REPORTSCommittee on Ordinances and Legislation recommending:All readings with Emergency Preamble:

5. Proposed Ordinance – Traffic, Handicapped Parking (inserting)
 223 Eagle Street 1956 Pleasant Street 610 Slade Street
 139 Williston Street

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Bradford L. Kilby, it was voted 8 yeas to pass the ordinance with an emergency preamble, with Councilor Linda M. Pereira absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Andrew J. Raposo, it was unanimously voted to pass the proposed ordinance through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilor Linda M. Pereira absent and not voting.

Committee on Human Services, Housing, Youth and Elder Affairs recommending:Grant Leave to Withdraw:

6. Resolution – Committee on Human Services, Housing, Youth and Elder Affairs use their platform to announce Youth Violence Prevention Week to be held April 25-29, 2022
On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Andrew J. Raposo, it was unanimously voted to grant the matter leave to withdraw, with Councilor Linda M. Pereira absent and not voting.

ORDINANCESSecond Reading and Enrollment, as amended:

7. Proposed Ordinance – Traffic, Miscellaneous
Stop Intersections designated
 Indian Town Road at Blossom Road
Thirty minute parking
 1942 South Main Street

Handicapped parking (striking out)

57 Lyon Street	205 Barnaby Street	152 Buffinton Street
34 Canonicus Street	492 Division Street	1124 Dwelly Street
875 Eastern Avenue	354 Linden Street	26 Oliver Street
169 Pitman Street	27 Harriman Street	23 Tripp Street
897 Charles Street	534 William Street	

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Andrew J. Raposo, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, with Councilor Linda M. Pereira absent and not voting. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Andrew J. Raposo, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilor Linda M. Pereira absent and not voting.

Second Reading and Enrollment:

8. Proposed Ordinance – Water Rates
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was voted to pass the proposed ordinance through second reading and enrollment, with Councilor Michelle M. Dionne voting in the negative and Councilor Linda M. Pereira absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Andrew J. Raposo, it was voted it was unanimously voted that the proposed

ordinance be passed to be ordained, with Councilors Michelle M. Dionne and Trott Lee voting in the negative and Councilor Linda M. Pereira absent and not voting.

9. Proposed Ordinance – Sewer Rates

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Andrew J. Raposo, it was voted to pass the proposed ordinance through second reading and enrollment, with Councilors Michelle M. Dionne and Trott Lee voting in the negative and Councilor Linda M. Pereira absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Andrew J. Raposo, it was voted it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilors Michelle M. Dionne and Trott Lee voting in the negative and Councilor Linda M. Pereira absent and not voting.

10. Proposed Ordinance – Residential Compost Recycling Program

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, with Councilor Linda M. Pereira absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilor Linda M. Pereira absent and not voting.

11. Proposed Ordinance – Historical Preservation

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, with Councilor Linda M. Pereira absent and not voting. On a further motion made by Councilor Andrew J. Raposo and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilor Linda M. Pereira absent and not voting.

RESOLUTIONS

12. Director of Cemeteries fly flag flown over the United States Capital at Oak Grove Cemetery in honor of Fall River residents who have served in the military and made the ultimate sacrifice in defending our country

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the resolution, with Councilor Linda M. Pereira absent and not voting.

CITATIONS

13. Judy Collins – 30 years of outstanding service to the Saturday kitchen

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt the citation, with Councilor Linda M. Pereira absent and not voting.

14. Christopher Blanchette – Dedication and commitment to Morton Middle School 8th Grade Civics Class

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt the citation, with Councilor Linda M. Pereira absent and not voting.

ORDERS – HEARINGS – None

ORDERS – HEARING TO BE SCHEDULED

Underground Conduit:

15. Massachusetts Electric Company – Installation of appropriately 220 feet of underground conduit on Highland Avenue

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the order, with Councilor Linda M. Pereira absent and not voting.

ORDERS – MISCELLANEOUS

16. Police Chief's report on licenses:

2022 Taxicab Drivers:

Akeem Barlow Jean P. Charlot James Smith Michael Wasilowski

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt the order, with Councilor Linda M. Pereira absent and not voting.

17. Auto Repair Shop License Renewal:

Jose Pinheiro d/b/a Pinheiro Automotive and Repair Center, Inc., located at
697 Pleasant Street

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt the order, with Councilor Linda M. Pereira absent and not voting.

18. Auto Repair Shop License Transfer:

Transfer of auto repair shop license no. 228 located at 410 Second Street from Robert Fouquette d/b/a Big Wheel Truck Sales, Inc., to Paulo A. Carvalho d/b/a Carvalho's Tire and Auto Center, Inc.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt the order, with Councilor Linda M. Pereira absent and not voting.

19. Auto Body Shop License Transfer:

Transfer of auto body shop license no. 116 located at 410 Second Street from Robert Fouquette d/b/a Big Wheel Truck Sales, Inc., to Paulo A. Carvalho d/b/a Carvalho's Tire and Auto Center, Inc.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilor Linda M. Pereira absent and not voting.

COMMUNICATIONS – INVITATIONS – PETITIONS

20. Claims

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Andrew J. Raposo, it was unanimously voted to refer the claims to Corporation Counsel, with Councilor Linda M. Pereira absent and not voting.

21. Drainlayer Licenses:

- a. MRC Contracting, Inc.
- b. East Coast Landscaping & Construction, Inc.

- c. Jones Excavating LLC
- d. W. C. Smith and Son, Inc.
- e. JB Lanagan & Company

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Andrew J. Raposo, it was unanimously voted to approve the licenses, with Councilor Linda M. Pereira absent and not voting.

- 22. Structure on or over a public way permit – Banner at 205 South Main Street to promote Day of Portugal 2022

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Andrew J. Raposo, it was unanimously voted to approve the permit, with Councilor Linda M. Pereira absent and not voting.

- 23. Planning Board Minutes – April 23, 2022

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Shawn E. Cadime, it was unanimously voted the minutes be accepted and placed on file, with Councilor Linda M. Pereira absent and not voting.

City Council Minutes:

- 24. Public Hearings – April 26, 2022

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted to approve the minutes, with Councilor Linda M. Pereira absent and not voting.

- 25. Regular Meeting of the City Council – April 26, 2022

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Shawn E. Cadime, it was unanimously voted to approve the minutes, with Councilor Linda M. Pereira absent and not voting.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Andrew J. Raposo, it was unanimously voted to take items #26 through #28 together, with Councilor Linda M. Pereira absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES

- 26. Notice of Casualty and Loss at 3865 North Main Street, Unit 14

- 27. Notice of Casualty and Loss at 79 Woodlawn Street

- 28. Notice of Casualty and Loss at 123 Knights Way

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to accept and place items #26 through #28 on file, with Councilor Linda M. Pereira absent and not voting.

OTHER POTENTIAL MATTERS TO BE ACTED UPON:

RESOLUTIONS

- 12a. Completion and funding of Durfee High School athletic fields be discussed with School Department during Council's deliberation of the Fiscal Year 2023 Proposed Budget

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the resolution, with Councilor Linda M. Pereira absent and not voting.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to send a letter to the Governor's office in regards to the Braga Bridge Lighting, with Councilor Linda M. Pereira absent and not voting, a copy of which is attached hereto and made a part of these minutes. Councilor Shawn E. Cadime stated that the Councilors did not know about this event taking place and was very disappointed to hear about it on Social Media. He stated when Councilors have an event or when the Inauguration takes place, the local and state delegations are always invited, and expressed disappointment that Councilors were not made aware the project was taking place. He did not even know this project was currently taking place.

On a motion made by Councilor Trott Lee and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 8:20 p.m., with Councilor Linda M. Pereira absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk



OPEN MEETING LAW COMPLAINT FORM

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

26

RECEIVED

2022 JUN -7 A 10: 24

Please note that all fields are required unless otherwise noted.

CITY CLERK
FALL RIVER, MA

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 290

City: Northport State: AL Zip Code: 35476

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 Finance

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

Date of alleged violation: 06/06/2022

6/7/22 Emailed to Council members - copy to Co. Bellotti

26

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 subcommittee on Finance violated the open meeting law by not accepting or adopting their meeting minutes in a timely manner. The agenda for June 6, 2022, reflects that the board would be deliberating on the acceptance of the meeting minutes for meetings held on April 26, 2022. These minutes were due on May 31, 2022. The open meeting law requires that meeting minutes be accepted or adopted within 3 meetings or 30 days, whichever is longer.

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

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

Learn and comply with the open meeting law.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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

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

II. Consulting With a Private Attorney.

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

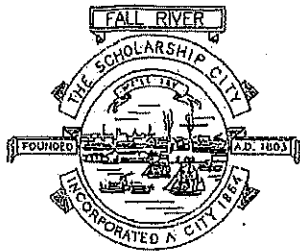
III. Submit Your Complaint to the Public Body.

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

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

Signed: _____

Date: 06/06/2022



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED ²⁶

2022 JUN -6 P 1:56

CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

ORIGINAL POSTING: TUESDAY, MAY 24, 2022 AT 11:02 AM

MONDAY, JUNE 6, 2022

INÊS LEITE
ASSISTANT CITY CLERK

CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

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

REVISED AGENDA

1. Citizen Input

COMMITTEE REPORTS (if received)

Committee on Finance:

2. Orders – Proposed Fiscal Year 2023 Municipal Budget
 - a. General Fund
 - b. Emergency Medical Services Enterprise Fund

COMMUNICATIONS – INVITATIONS – PETITIONS

City Council Minutes:

3. Public Hearing – May 10, 2022
4. Committee on Finance – April 26, 2022
5. Committee on Finance – May 10, 2022
6. Regular Meeting of the City Council – May 10, 2022

Assistant City Clerk

ADA Coordinator:

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



OPEN MEETING LAW COMPLAINT FORM

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

27
RECEIVED

2022 JUN -9 P 12:57

Please note that all fields are required unless otherwise noted.

CITY CLERK
FALL RIVER, MA

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 290

City: Northport State: AL Zip Code: 35476

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 committee on Ordinance and Legislation

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

Date of alleged violation: 06/08/2022

6/9/22 Emailed to Councilors; hardcopy to Councilor Pelletier

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 subcommittee on Ordinances and Legislation violated the open meeting law by not responding to the complaint served upon them on May 4, 2022 within 14 business days. The full City Council (not the subcommittee who was served with the open meeting law complaint), did not discuss the open meeting law complaint at their May 10, 2022 meeting nor discuss any remedial actions to be taken by the subcommittee in response to the complaint as required by the open meeting law.

The response issued by Attorney Gary Howayeck, on June 6, 2022 states "the City Council agrees with you that Item No. 5 as described, did not provide sufficient specificity" This appears to be deliberation outside of a properly posted meeting in that this was not addressed during the May 10, 2022 meeting when they voted to refer the complaint to the Corporation Counsel, and in violation of the open meeting law requirement. See video of meeting at <https://www.youtube.com/watch?v=7NoOHRGJIDc> From 1:52:45 to 1:53:00. There was no discussion about any remedial actions taken in a publicly posted meeting.

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.

Read and discuss all future open meeting law complaints and have the public body deliberate on the proper remedial actions to be taken as required by 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: 

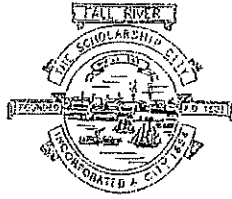
Date: 06/08/2022

27

City of Fall River
Office of the Corporation Counsel

ALAN J. RUMSEY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel



PAUL E. COOGAN
Mayor

MARY O'NEIL
Assistant Corporation Counsel

MATTHEW F. BURKE, JR.
Assistant Corporation Counsel

June 6, 2022

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

Via email: patrick@patrickhiggins.co

RE: Open Meeting Law Complaint against Fall River City Council Subcommittee on
Ordinance and Legislation
Date of Alleged Violation: May 3, 2022

Dear Mr. Higgins:

This response is provided pursuant to G.L. c. 30A, § 24 and 940 CMR 29.00 et seq., in response to your Open Meeting Law Complaint against the Fall River City Council Subcommittee on Ordinance and Legislation in which you allege:

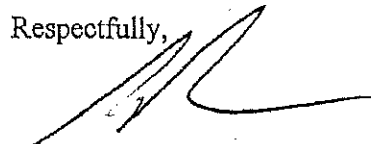
"The Fall River City Council on Ordinances and Legislation violated the open meeting law by not listing specifics on their posted agenda, and then not discussing the specifics for items on their posted agenda. Specifically, they had an item listed on the posted agenda that states: "Proposed Ordinance-Traffic, miscellaneous (Referred 3-22-22 and 4-12-22) which contained no other information. During the meeting they approved this item without discussion so that the general public who was observing by video, had no idea what the specifics were that they had accepted as a "proposed ordinance."

The City of Fall River received your Complaint on May 10, 2022. On May 10, 2022, the City Council timely met to review your complaint and voted to delegate authority to legal counsel respond.

Following consideration of your complaint, the City Council agrees with you that Item No. 5 as described, did not provide sufficient specificity. Going forward the Subcommittee on Ordinances and Legislation plans to identify the requested amendments and the streets on the Agenda to provide the public with adequate information.

27

Respectfully,



Gary P. Howayec
Assistant Corporation Counsel

Enclosures

Cc: MA Office Attorney General-Division of Open Government
via email: openmeeting@state.ma.us
Fall River City Council-Subcommittee on Ordinances and Legislation



OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

2022 MAY -4 A 9:27

CITY CLERK
FALL RIVER, MA

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: 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: Shawn Cadime – Chairman

Date of alleged violation: 05/03/2022

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 10 2022

Ref-70
Corporation Council

27

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 on Ordinances and Legislation violated the open meeting law by not listing specifics on their posted agenda, and then not discussing the specifics for items on their posted agenda. Specifically, they had an item listed on the posted agenda that states: "Proposed Ordinance - Traffic, miscellaneous (referred 3-22-22 and 4-12-22) which contained no other information. During the meeting they approved this item without discussion so that the general public who was observing by video, had no idea what the specifics were that they had accepted as a "proposed ordinance." See video of the meeting at <https://www.youtube.com/watch?v=KMgNhH6IFDQ> from 3:13 to 3:55 minutes into the video.

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.

Put more specifics on the posted agenda of what "miscellaneous" items are that are going to be deliberated upon and be sure to discuss the "miscellaneous" items before blindly voting to approve them.

Learn and comply with the open meeting law. All members should be required to attend a training webinar on the open meeting law. See <https://www.mass.gov/service-details/open-meeting-law-trainings> for the scheduled webinar trainings.

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: 05/03/2022





City of Fall River Massachusetts
Office of the City Clerk

27
RECEIVED

2022 MAY 10 A 11:44

CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

ORIGINAL POSTING: MAY 6, 2022 AT 1:10 P.M.

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED

CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
TUESDAY, MAY 10, 2022

REVISED AGENDA

5:55 P.M. CITY COUNCIL PUBLIC HEARINGS

Second Hand Article Store:

1. Malerie Rosa, d/b/a Black Brick Market, 415 Warren Street, Fall River, MA 02721 for permission to operate and maintain a second hand article store located at 575 Globe Street (clothes, household items, decorations, and toys to be sold).

Curb Removals:

2. Joaquim Fernandes, 4380 North Main Street, Apt. 402, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
178 Lake Avenue	25.1'	0'	0'	25.1'
The petitioner has constructed a horseshoe driveway connecting a 12.7' curb opening to a 12.4' curb opening. The total street opening exceeds the allowed 16 feet. As on-street parking is not relied upon in this neighborhood, the City Engineer has no objection to this request.				

3. Karl A. Cabucio, 1297 North Main Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
1297 North Main Street	13'	16'	0'	29'
The petitioner has an existing 13 foot driveway on the northerly side of the property and is requesting removal of 16 feet for an additional driveway on the south side of the property for a total of 29 feet. The new opening will access a proposed new parking area. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side and repair all sidewalks, roadway and curbing affected by this construction.				

4. Barret Castro, 554 Reading Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
554 Reading Street	12'	14'	0'	26'

The petitioner has an existing 12 foot driveway and is requesting removal of an additional 14 feet to the north side of the existing driveway for a total opening of 26 feet. This will require the removal of a large tree within the right of way. The expanded opening will align with the existing driveway on the private property it would serve. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side and repair all sidewalks, curbing and roadway affected by this construction.

5. Barret Castro, 554 Reading Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
Valentine Street side	11.5'	8.5'	0'	20'

The petitioner has an existing 11.5' driveway and is requesting removal of an additional 8.5' to the west side of the existing driveway for a total opening not to exceed 20 feet. This will require the removal of a large tree within the right of way. The expanded opening will align with the existing driveway on the private property it would serve. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side and repair all sidewalks, curbing and roadway affected by this construction.

6. Michael Mota, 388 Quincy Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
388 Quincy Street	16'	13'	0'	29'

The petitioner has an existing 16 foot opening that provides access to an existing garage and concrete driveway area. The applicant proposes to extend the existing curb opening an additional 13 feet to the North for a total opening of 29 feet. The new driveway would be constructed in an area that is currently lawn and will connect to an existing concrete driveway.

7. Phil Ponte, 500 State Avenue, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
500 State Avenue	26'	16'	0'	42'
The petitioner has an existing 26 foot curb opening and driveway to the East of the existing multifamily dwelling that provides access to an existing garage and provides off-street parking. The applicant is proposing the removal of 16 feet of granite curb to create an additional driveway to West of the existing structure. This new driveway would be constructed in an area that is currently lawn. The total curb opening for the parcel would be 42 feet.				

8. Kenneth Perreira, 515 Smith Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
515 Smith Street	16'	6'	0'	22'
The petitioner has an existing 16 foot driveway and is requesting removal of another 6 feet to the south side of the existing opening for a total opening of 22 feet. The expanded opening will align with the existing driveway on the private property it would serve. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side and repair all sidewalks, roadway and curbing affected by this construction.				

9. Paulo J. Amaral, 110 Andrews Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
110 Andrews Street	20'	10'	0'	30'
The petitioner has an existing 20 foot driveway on the northerly side of the property and is requesting removal of 10 feet for an additional driveway on the south side of the property for a total of 30 feet. The new opening will access a proposed new parking area. If allowed, the applicant shall install an entirely new concrete driveway apron within the right of way with appropriate ramps on each side and repair all sidewalks, roadway and curbing affected by this construction.				

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

1. Citizen Input
2. *Resolution – Administration consider implementing the use of body cameras by the Fall River Police Department (referred 1-18-22)
3. Transfers and appropriations (see #s 3 & 4 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 confirmation of the following appointments:
 - a. John Sylvia to the Board of Appeals
 - b. Lisa Robitaille to the Election Commission
2. *Mayor requesting confirmation of the following reappointments:
 - a. Richard Calderon to the Community Preservation Committee
 - b. Jeffrey Silvia to the Board of Park Commissioners
 - c. Victor Farias to the Board of Park Commissioners
3. *Mayor and order transferring \$12,000.00 from City Council Expenses to City Council Salaries (see #3 Finance)
4. *Mayor and order appropriating:
 - a. \$21,151.00 from the FY21 Surplus Revenue to the School Appropriation
 - b. \$850,000.00 from State and County Assessments to the School Appropriation (see #3 Finance)
5. *Mayor and order appropriating \$2,511,737 from Community Preservation Act funds for Fiscal Year 2023 Community Projects
6. *Mayor and order for Fiscal Year 2023 Revolving Funds

PRIORITY COMMUNICATIONS

7. *Traffic Commission recommending amendments to traffic ordinances

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

8. *Proposed Ordinance – Traffic, Handicapped Parking (inserting)

294 Barnaby Street	138 Blackstone Street	292 Durfee Street
74 Fulton Street	552 North Underwood Street	185 Smith Street
225 Washington Street		

First Reading:

9. *Proposed Ordinance – Traffic, Miscellaneous

Stop Intersections designated

Indian Town Road at Blossom Road

Granite Street at Rock Street

One-way Streets designated

Granite Street from Purchase Street to Rock Street

Thirty minute parking

1942 South Main Street

Handicapped parking (striking out)

57 Lyon Street	205 Barnaby Street	152 Buffinton Street
34 Canonicus Street	492 Division Street	1124 Dwelly Street
875 Eastern Avenue	354 Linden Street	26 Oliver Street
169 Pitman Street	27 Harriman Street	23 Tripp Street
897 Charles Street	534 William Street	

10. *Proposed Ordinance – Water and Sewer Rates
11. *Proposed Ordinance – Residential Compost Recycling Program
12. *Proposed Ordinance – Historical Preservation

ORDINANCES – None

RESOLUTIONS

13. *Com. on Finance convene to discuss allowable use of the Bristol County ARPA funds that Fall River will be receiving
14. *Com. on Public Works and Transportation convene to discuss and review expenses related to past winter snow storms
15. *Com. on Health and Environmental Affairs convene to discuss construction on Stonehaven Road

CITATIONS – None

ORDERS – HEARINGS

Second Hand Article Store:

16. Malerie Rosa, d/b/a Black Brick Market – 575 Globe Street

Curb Removals:

17. Joaquim Fernandes, 4380 North Main Street – 25.1 feet at 178 Lake Avenue
18. Karl A. Cabucio, 1297 North Main Street – 29 feet at 1297 North Main Street
19. Barret Castro, 554 Reading Street – 26 feet at 554 Reading Street
20. Barret Castro, 554 Reading Street – 20 feet at 554 Reading Street (Valentine Street side)
21. Michael Mota, 388 Quincy Street – 29 feet at 388 Quincy Street
22. Phil Ponte, 500 State Avenue – 42 feet at 500 State Avenue
23. Kenneth Perreira, 515 Smith Street – 22 feet at 515 Smith Street
24. Paulo J. Amaral, 110 Andrews Street – 30 feet at 110 Andrews Street

ORDERS – HEARING TO BE SCHEDULED – None

ORDERS – MISCELLANEOUS

25. Police Chief's report on licenses:

2022 Taxicab Drivers:

Justin Alix Jesse Cox Peter G. Hadad

2022 Second Hand License Renewal:

Antiques & Used Furniture located at 1091 Plymouth Avenue

26. Auto Repair Shop License Renewal:

Keyrlos Inc. d/b/a South End Sunoco located at 2322 South Main Street

27. Auto Body Shop License Renewal:

Daniel Aguiar d/b/a Advanced Collision Center and Sales located at 39 Eleventh Street

28. Auto Repair Shop License Transfer:
Transfer of auto repair shop license no. 168 located at 697 Pleasant Street from Antonio Pavao d/b/a Dave's Muffler Shop to Jose Pinheiro d/b/a Pinheiro Automotive and Repair Center, Inc.

COMMUNICATIONS – INVITATIONS – PETITIONS

29. *Claims
30. *City Engineer – Street opening less than 5 years at 150-166 Purchase Street
31. *Open Meeting Law complaint filed by Patrick Higgins re: May 3, 2022 alleged violation by City Council Committee on Ordinances and Legislation/Councillor Shawn E. Cadime
32. *Communication – Freidman, Framme & Thrush, P.A. re Collin Dias – Public Comment Censorship
33. Drainlayer Licenses:
a. Geosearch, Inc.
b. Century Paving & Construction Corp.
c. S. Oliveira Construction Corp.
d. Raposo Company Landscape & Construction LLC
e. J.H. Landscaping and Construction, Inc.
f. Sherry Construction Corp.
34. Zoning Board of Appeals Minutes – March 17, 2022
35. Structure on or over a public way permit – Steppingstone, Inc. – Banner between 111 and 134 Durfee Street promoting 2022 Get Steppin Walk
City Council Minutes:
36. *Regular Meeting of the City Council – April 12, 2022

BULLETINS – NEWSLETTERS – NOTICES

37. *National Grid re: Vegetation Management Plan and approved 2022 Yearly Operational Plan



City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: MAY 10, 2022

PRIORITY MATTERS

- 6a. *Mayor and TIE Agreements for:
a. 64 Durfee, LLC
b. Mechanics Mill One, LLC
33a. Drainlayer License:
g. Steven Steen



OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

28

Please note that all fields are required unless otherwise noted. 2022 JUN -9 P 3:47

Your Contact Information:

First Name: Collin Last Name: Dias

Address: 560 Ray Street

City: Fall River State: MA Zip Code: 02720

Phone Number: 7747076790 Ext. _____

Email: _____

Organization or Media Affiliation (if any): _____

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

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

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

Specific person(s), if any, you allege committed the violation: Councilor Linda Pereira, Councilor Brad Kilby

Date of alleged violation: 6/6/22

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.

28

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

On 6/6/22, there was a meeting of the Fall River City Council Committee on Finance ("council"). Right before Citizens input started, Councilors Linda Pereira and Bradford Kilby (Councilors) spoke out and asked the Council President to illegally censor citizens input. The councilors wanted no citizens input that demeaned the Mayor, or called the Mayor a liar. The inputs over the last few weeks were constitutionally protected, and individuals such as myself are constitutionally protected to criticize the Mayor. The fact the councilors, who took an oath to uphold the law, would encourage and call for illegal censorship is abhorrent and a violation of their oath of office. The councilors comments at the 6/6 meeting encouraged an environment of censorship, and I took as a veiled threat to those who speak out against the Mayor. I spoke right after, and I admit I did not say some of my comments critical of the Mayor I prepared out of fear of retaliation of the councilors and to not make a scene, a violation of my rights. I believe the councilors comments create a legal liability for the City Council as a whole, with their promotion of illegal censorship. The Councilors must stop with their promotion of illegal censorship, and learn that our comments are fully legal, protected, and in my opinion, necessary to hold Mayor Coogan accountable. I believe the Councilors are doing this to protect the Mayor from criticism, or the Mayor is asking them to. The councilors need to separate their personal friendship with the Mayor with their duties as a city councilor, and respect and adhere to an individual's right to freedom of speech.

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.

The Councilors need to receive legal advice from corporation counsel or KP Law on freedom of speech
The Councilors separate their personal friendship with the Mayor with their duties as a city councilor
The Councilors no longer encourage illegal censorship

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:

6/9/22

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO: