



City of Fall River Massachusetts
Office of the City Clerk

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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

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, May 10, 2022 at 5:55 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: Linda M. Pereira

IN ATTENDANCE: Joaquim Fernandes, 4380 North Main Street, Apt. 402

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

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be opened, with Councilor Linda M. Pereira absent and not voting.

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).

The President asked if there were any proponents and no one came forward. The President then asked if there were any opponents and no one came forward. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Andrew J. Raposo, it was unanimously voted that the hearing be closed, with Councilor Linda M. Pereira absent and not voting.

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

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.

The President then directed the proponents to be heard and stated that Joaquim Fernandes was present. Mr. Fernandes asked that the Council vote in favor of this curb removal. He also stated he built the horseshoe driveway so it would allow him easier access to back out of his

garage and onto to the street. On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be closed, with Councilor Linda M. Pereira absent and not voting.

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

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.

The President asked if there were any proponents and no one came forward. The President then asked if there were any opponents and no one came forward. On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the hearing be closed, with Councilor Linda M. Pereira absent and not voting.

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

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.

The President asked if there were any proponents and no one came forward. The President then asked if there were any opponents and no one came forward. On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the hearing be closed, with Councilor Linda M. Pereira absent and not voting.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Andrew J. Raposo, it was unanimously voted that the hearing be opened, with Councilor Linda M. Pereira absent and not voting.

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.

The President asked if there were any proponents and no one came forward. The President then asked if there were any opponents and no one came forward. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Andrew J. Raposo, it was unanimously voted that the hearing be closed, with Councilor Linda M. Pereira absent and not voting.

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

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.

The President asked if there were any proponents and no one came forward. The President then asked if there were any opponents and no one came forward. On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the hearing be closed, with Councilor Linda M. Pereira absent and not voting.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be opened, with Councilor Linda M. Pereira absent and not voting.

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.

The President asked if there were any proponents and no one came forward. The President then asked if there were any opponents and no one came forward. On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be closed, with Councilor Linda M. Pereira absent and not voting.

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

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. *The President asked if there were any proponents and no one came forward. The President then asked if there were any opponents and no one came forward. On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the hearing be closed, with Councilor Linda M. Pereira absent and not voting.*

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

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.

The President asked if there were any proponents and no one came forward. The President then asked if there were any opponents and no one came forward. On a motion made by

Councilor Andrew J. Raposo and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be closed, with Councilor Linda M. Pereira absent and not voting.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 6:10 p.m., with Councilor Linda M. Pereira absent and not voting.

List of documents and other exhibits used during the meeting:

- Agenda (attached)
- DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk

COMMITTEE ON FINANCE

MEETING: Tuesday, April 26, 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, Linda M. Pereira and Andrew J. Raposo

ABSENT: None

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Bridget Almon, Director of Financial Services
Edward Iacaponi, Consultant
Ashley Pires, City Auditor
Paul Ferland, Administrator of Community Utilities
James Terrio, President, Watuppa Water Board
Terenzio Volpicelli, CPA Partner, Roselli, Clark & Associates, CPAs
500 West Cummings Park, Suite 4900, Woburn, MA 01801

The chair called the meeting to order at 6:00 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

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:

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to waive the rules to allow a non-Fall River resident to speak.
James Pimental, 210 Dwelly Road, Somerset, MA – Fair Share Amendment

Rebecca Cusick, 1528 Highland Avenue – Fair Share Amendment
Jason and Monica Justino, 10 Tiffany Drive – Sewage
Nelson Vasquez, 210 Sunset Hill – ARPA Funds

2. Discussion of Roselli, Clark & Associates Basic Financial Statements for year ending June 30, 2021

Terenzio Volpicelli, CPA Partner with Roselli, Clark & Associates provided a brief overview of the Basic Financial Statement for the year ending June 30, 2021. He stated that this was the final year of a three year engagement to audit the City's Financial Statements. He then mentioned that the audited financial statements were issued on February 23, 2022. He stated that their opinion was modified in the financial position and results of operation of the Fall River

Redevelopment Authority were not incorporated as discreetly presented component unit. Outside of that omission, the financial statements were essentially clean. He then highlighted that he did not encounter any significant difficulties in dealing with management and performing and completing a financial statement audit. He then stated that he was pleased to report that they had no significant disagreements with management in its accounting, financial reporting and auditing matters. Terenzio Volpicelli then mentioned that there was an increase in the General Fund balance of over \$6.3 million dollars in 2021, and that is a positive balance compared to 2020 and 2019 which saw a \$3.3 million dollar increase and a \$3.5 million dollar increase. He then stated that for the previous three years the City has had a steady rise in the General Fund balance, which is very positive. He then explained that in 2021 the City received \$35 million dollars in American Rescue Plan Act (ARPA) Funds, which was separately reported as a new major fund. He then highlighted that many departments returned unused funds to the General Fund by cost containment. Councilor Linda M. Pereira stated that there was a reference in the report that mentioned there was no information provided by the Redevelopment Authority. She then explained that since the Redevelopment Authority is a separate entity, the attorney for the Redevelopment Authority feels that they do not need to be a part of the City audit. She then asked Terenzio Volpicelli for his opinion on the matter. He stated that as he understands the matter the City has a modicum of control over that organization and under accounting standards, it would have to be combined within the City's Financial Statements. He then explained that this opinion is for accounting standards and not a legal opinion. Councilor Linda M. Pereira stated that the attorney for the Redevelopment Authority is John Coughlin, and possibly he could contact him to discuss the matter. Terenzio Volpicelli stated that he will speak with Attorney John Coughlin and report his findings to the management team. Edward Iacaponi stated that earlier in the day when he was reviewing the Fiscal Year 2021 Audit with the Director of Financial Services and the City Auditor, they discussed scheduling a meeting with members of the Redevelopment Authority to review this matter.

3. Discussion of proposed FY23 budgets for Water and Sewer Divisions

The Administrator of Community Utilities provided a brief overview of the Fiscal Year 2023 budgets for the Water and Sewer Divisions. He stated that the budget for the Sewer Division is \$26,603,402.00 which would be supported by a rate of \$5.75 per CCF (Hundred Cubic Feet or 748 gallons) and \$47.00 per ERU (Equivalent Runoff Unit) for the storm water fee per Quarter. The increase in the sewer rate is \$.08 per CCF and the storm water fee will have no increase. This budget also includes a \$100,000.00 transfer to the stabilization account. Paul Ferland then stated that the cost of chemicals is very uncertain, as the market is very volatile. He then noted that the amount of retained earnings used to support the fiscal year 2023 budget, was reduced by 10% over the previous year. Councilor Shawn E. Cadime asked the Administrator of Community Utilities, how much is generated by a one cent increase. The Administrator of Community Utilities stated that a one cent increase on the sewer rate will generate approximately \$26,000.00. Councilor Shawn E. Cadime then stated that a great deal of expenses for both the Water and Sewer divisions are fixed costs. Paul Ferland stated that usually in the Sewer Division, fixed costs account for approximately 92% of the budget. Councilor Shawn E. Cadime then asked if there has been a collective bargaining agreement approved. The Administrator of Community Utilities stated that the unions are still in negotiations. Councilor Shawn E. Cadime asked the amount of ARPA funds that have been allocated to both the Water and Sewer Divisions. Paul Ferland stated that ARPA funds have not been allocated for the Sewer Division. He then stated that \$13.5 million dollars have been allocated for the Water Division. He also highlighted that supply chain issues are problematic, as the lead time on certain items like water main pipe is months away instead of weeks. Councilor Michelle M. Dionne asked what constitutes taking action on the budgets for the water and sewer divisions. The City Administrator stated that action would be to approve, reduce or

reject the budget. She then asked if the 45 days were calendar or business days. The City Administrator stated that the budgets were received on March 14, 2022, therefore the 45th day will be on Thursday, April 28, 2022. Councilor Michelle M. Dionne then asked if there are any plans to investigate the possibility of having a solar farm or wind energy on land owned by the Watuppa Water Board to reduce costs. The Administrator of Community Utilities stated that there are solar panels on the wastewater treatment plant and both the Sewer and Water Divisions are always researching ways to reduce costs. James Terrio, President of the Watuppa Water Board stated that many of the water towers in the City generate funds from cellular companies that have equipment installed on the towers. He also stated that years ago the City used to pump approximately 16.3 to 16.4 million gallons of water per day, and now it has been reduced to 9.5 to 10 million gallons per day. He then stated that what the City is in need of, is a large use customer such as a brewery or a bottling company. Councilor Linda M. Pereira stated that she would like to see the City bottle water to sell. She then mentioned that she was contacted by a resident that had not received a water bill for five years and then received a demand notice for \$12,000.00. She stated that she does not believe that if there was an error and the resident had not been billed for five years, the City should work with that resident to bring the account up to date, not just receive a demand notice. Councilor Joseph D. Camara asked what the total cost is of the new building being constructed for water maintenance and wastewater treatment storage. The Administrator of Community Utilities stated that the total construction cost is \$8.65 million dollars, and it is a 20,000 square foot building. Councilor Joseph D. Camara then asked if there is a locking system when water service is shut off to a property. The Administrator of Community Utilities stated that there is no locking system. He then stated that only water department personnel are authorized to connect or disconnect water service to a property. Councilor Joseph D. Camara asked how many properties have the water disconnected in a year. The Administrator of Community Utilities stated that all properties that are abandoned or under renovation have water service disconnected and reconnected. He then stated that it is difficult to monitor over 20,000 accounts with the current staffing levels. Councilor Andrew J. Raposo asked if the new metering system will help reduce billing errors. The Administrator of Community Utilities stated that the new system will help to reduce some errors. He then stated the new system will show a reverse flow or a water flow to a meter that should be disconnected. Councilor Andrew J. Raposo asked if these notifications will be automatic. The Administrator of Community Utilities stated that all information is forwarded to a cloud that is a computer system in the cloud operated by Neptune, which is the meter company. Councilor Bradford L. Kilby asked for the condition of South Watuppa Pond, as he has received numerous calls regarding this matter. The Administrator of Community Utilities stated that there have been algae issues in the South Watuppa Pond for over 50 years. He then mentioned that he has been working on this matter and has recently joined with Westport and Tiverton to work to find a solution to this problem. He also noted that he is also working with UMass to assist in the sampling and studies to improve the water quality of the South Watuppa Pond. Councilor Linda M. Pereira stated that some of the problems with the water quality of the South Watuppa Pond may be caused by homes that surround the pond and use lawn fertilizers that may have runoff into the pond. Councilor Leo O. Pelletier asked who reads the water meters. The Administrator of Community Utilities stated that his department reads the meters. Councilor Leo O. Pelletier then stated that he would like to have all the meters read each time and then it would show water usage when service is supposed to be disconnected. The Administrator of Community Utilities stated that the billing system provides a list of all active accounts and that is how the meters are read. If the meter is not active it will not appear on the list of meters to read.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Andrew J. Raposo, it was unanimously voted to refer the matter to the full council for action.

4. Discussion of Fiscal Year 2022 – Quarter 3 Budget Report

Seth Aitken, City Administrator, and Edward Iacaponi provided a brief overview of the Fiscal Year 2022 – Quarter 3 Budget Report. Mr. Iacaponi stated that there will be a few end of year transfers, which will be presented in the near future. He also mentioned that he is still working on the snow and ice account. Councilor Michelle M. Dionne asked how many retirement buyouts will exist and Mr. Iacaponi stated that there would be several in various departments – including fire, police, and switchboard.

Mr. Aitken also stated that controls are needed with regard to overtime. If the City doesn't get a handle on recycling, more money will be expended on overtime expenses as tickets are being issued to individuals who are not recycling.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adjourn at 8:14 p.m.

List of documents and other exhibits used during the meeting:

- Agenda packet (attached)
- DVD of meeting
- Roselli, Clark & Associates Basic Financial Statements for year ending June 30, 2021
- FY23 Budgets for Water and Sewer Divisions
- FY22 Quarter 3 Budget Report

Cullen A. Taylor
Clerk of Committees

COMMITTEE ON FINANCE

MEETING: Tuesday, May 10, 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: Linda M. Pereira

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Paul Gauvin, Fall River Police Chief
Bridget Almon, Director of Financial Services

The chair called the meeting to order at 6:11 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:
Nelson Vasquez, 210 Sunset Hill –Durfee High School

On a motion made by Councilor Trott Lee and seconded by Councilor Michelle M. Dionne, it was unanimously voted to waive the rules to allow a video to be played by Mr. Vasquez, with Councilor Linda M. Pereira absent and not voting.

Patrick Higgins, 1197 Robeson Street—by Email—Open Meeting Law Complaint and Granite Street

2. Resolution – Administration consider implementing the use of body cameras by the Fall River Police Department (referred 1-18-22)
Chief Paul Gauvin began by stating that the City received a grant in December for \$201,000 to assist with the purchase of body cameras. There is a 14 page policy currently under negotiations. Councilor Trott Lee questioned if the pilot program was in deed apart of this process. Chief Gauvin stated that it is, they do have all the equipment in house for the pilot program and they have also renegotiated the cost with Axon to receive the program for free. The department is ready to move forward with the program but they are waiting for the superior officers to get their contracts ratified. Once that occurs, they'll be able to move forward with the process and finalize the pilot program policy. Councilor Shawn Cadime asked how many officers will be participating in this pilot program. He also questioned if the Chief what would be the cost affiliated with this program after the five years. Chief Gauvin stated seven officers will be participating but wasn't sure what the expensive down the road was going to be. In Massachusetts only 10% of communities have body cameras currently. We are trying to negotiate a policy to get the pilot program off of the ground. He realizes that there will be many

adjustments as we go along. In terms of footage, Councilor Shawn E. Cadime questioned if these cameras would be on if an officer was assisting with a medial call? The cameras should not be on due to HIPPA laws. Councilor Michelle M. Dionne asked in terms of policies, are there any communities that we can use their policies as a guide. Chief Gauvin stated that they have reviewed many. The City Administrator, Seth Thomas Aitken added in the future, this matter may become mandatory in Massachusetts. As we move along he thinks there will be more companies to choose from for equipment. Councilor Leo O. Pelletier, asked if all of the police officers will have body cameras. Chief Gauvin stated that the cameras will be assigned to each police officer and they'll each have their own profiles. These cameras, also will have Bluetooth sensors, when one of their equipment pieces are used or a weapon is drawn, it will automatically turn on. He also stated he believes there will be an increase in public record requests. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Trott Lee, it was unanimously voted to table the matter, with Councilor Linda M. Pereira absent and voting.

3. Transfers and appropriations (see #s 3 & 4 below)

Transferring \$12,000.00 from City Council Expenses to City Council Salaries.
This transfer was for the buyout of a City Council employee.

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

These transfers will be made to the school spending. The City Administrator stated that this will bring us up to 100% of net school spending for FY21. Councilor Shawn E. Cadime questions what is the FY21 Surplus revenue? Bridget Almon stated it is free cash. Councilor Shawn E. Cadime stated that free cash is a combination of surplus revenue. Did we receive verification of free cash for FY21? Bridget Almon stated that the \$850,000 from State and County assessment had the availability of funds. Seth Aitken then stated these funds are from FY21 and are true free cash.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to adjourn at 6:53 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

Catherine A. Taylor
Clerk of Committees

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, May 10, 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: Seth Thomas Aitken, City Administrator

President Pam Laliberte-Lebeau called the meeting to order at 7:00 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 following appointments:

a. John Sylvia to the Board of Appeals

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

b. Lisa Robitaille to the Election Commission

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

2. Mayor requesting confirmation of the following reappointments:

a. Richard Calderon to the Community Preservation Committee

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

b. Jeffrey Silvia to the Board of Park Commissioners

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

c. Victor Farias to the Board of Park Commissioners

On a motion made by Councilor Trott Lee and seconded by Councilor Joseph D. Camara, it was unanimously voted to confirm the appointment, with Councilor Linda M. Pereira absent and not voting.

- 3. Mayor and order transferring \$12,000.00 from City Council Expenses to City Council Salaries

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

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Trott Lee, it was unanimously voted to waive the rules for clarification from the City Administrator, with Councilor Linda M. Pereira absent and not voting.

- 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
 Seth Aitken, the City Administrator, stated the \$21,151.00 is certified free cash from FY21 and there is approximately \$1.6 million in the free cash fund. The \$850,000.00 was appropriated for assessments not used and is available in the same account. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the orders, with Councilor Linda M. Pereira absent and not voting.

- 5. Mayor and order appropriating \$2,511,737 from Community Preservation Act funds for Fiscal Year 2023 Community Projects
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to adopt the order, with Councilor Linda M. Pereira absent and not voting. Approved, May 11, 2022, Paul E. Coogan, Mayor

- 6. Mayor and order for Fiscal Year 2023 Revolving Funds
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilor Linda M. Pereira absent and not voting. Councilor Shawn E. Cadime stated he doesn't believe these revolving funds need to come before the City Council any longer since the passage of the modernization act. Approved, May 11, 2022, Paul E. Coogan, Mayor

PRIORITY COMMUNICATIONS

- 7. Traffic Commission recommending amendments to traffic ordinances
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Andrew J. Raposo, 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 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		

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Leo O. Pelletier, 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 Joseph D. Camara and seconded by Councilor Leo O. Pelletier, 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.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Andrew J. Raposo, it was unanimously voted to take sections #1 and #2 separately from the proposed ordinance, with Councilor Linda M. Pereira absent and not voting.

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

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Andrew J. Raposo, it was unanimously voted to separate Indian Town Road at Blossom Road and Granite Street at Rock Street in Section 1, with Councilor Linda M. Pereira absent and not voting. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Andrew J. Raposo, it was unanimously voted that the stop intersection on Indian Town Road at Blossom Road be passed through first reading, as amended, with Councilor Linda M. Pereira absent and not voting. On a further motion made by Councilor Michelle M. Dionne and seconded by Councilor Andrew J. Raposo, it was unanimously voted to refer both the Stop Sign and the one way designation for Granite Street to the Committee on Ordinance and Legislation, with Councilor Linda M. Pereira absent and not voting.

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 further motion made by Councilor Michelle M. Dionne and seconded by Councilor Trott Lee, it was unanimously voted to pass the remaining proposed ordinance through first reading, as amended, with Councilor Linda M. Pereira absent and not voting.

- 10. Proposed Ordinance – Water and Sewer Rates

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was voted to pass the proposed ordinance through first reading, with Councilors Michelle M. Dionne and Trott Lee voting in the negative and Councilor Linda M. Pereira absent and not voting.

- 11. Proposed Ordinance – Residential Compost Recycling Program

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Andrew J. Raposo, it was unanimously voted to pass the proposed ordinance through first reading, with Councilor Linda M. Pereira absent and not voting.

- 12. 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 first reading, with Councilor Linda M. Pereira absent and not voting.

ORDINANCES – None

RESOLUTIONS

13. Com. on Finance convene to discuss allowable use of the Bristol County ARPA funds that Fall River will be receiving

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. Councilor Andrew J. Raposo questioned if there were any summaries of recommendations from the residents. Council President Pam Laliberte-Lebeau stated that Councilor Michelle M. Dionne is on that committee. Councilor Michelle M. Dionne stated that she was not aware of any. Then Council President Pam Laliberte-Lebeau said the Council could ask the Administration to advertise this matter on social media to gather residents' input.

14. Com. on Public Works and Transportation convene to discuss and review expenses related to past winter snow storms

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt the resolution, with Councilor Linda M. Pereira absent and not voting. Councilor Michelle M. Dionne stated that she became concerned last year when discussion took place regarding receipts for snow storms. She stated that once the invoices were paid, it was believed they were then thrown away.

15. Com. on Health and Environmental Affairs convene to discuss construction on Stonehaven Road

Councilor Trott Lee stated he decided to file this resolution because of the emails he received. He met with the residents and also spoke with the Administrator of Public Utilities, Paul Ferland regarding it. Councilor Michelle M. Dionne stated that she has been to the location and she agrees that somethings need to done to help these residents. Councilor Shawn E. Cadime added that he does not understand why this resolution was filed because there is nothing that the Council itself can do. The Administration is handling this project and should be addressing these matters. Councilor Joseph D. Camara agreed with Councilor Shawn E. Cadime, the project is not over, so the residents need to be patient. He added that if the Administration has informed the residents that trees will be put back, they will be when the project is complete. On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was voted 5 yeas, 3 nays to adopt the resolution, with Councilor Linda M. Pereira absent and not voting.

CITATIONS – None

ORDERS – HEARINGS

Second Hand Article Store:

16. Malerie Rosa, d/b/a Black Brick Market – 575 Globe Street
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt the order, with Councilor Linda M. Pereira absent and not voting. Approved, May 11, 2022, Paul E. Coogan, Mayor

Curb Removals:

17. Joaquim Fernandes, 4380 North Main Street – 25.1 feet at 178 Lake Avenue
The City Clerk informed the Council that a variance is pending before the Zoning Board of Appeals for this matter. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt the curb removal pending the Zoning Board of Appeals approval, with Councilor Linda M. Pereira absent and not voting. Approved, May 11, 2022, Paul E. Coogan, Mayor

18. Karl A. Cabucio, 1297 North Main Street – 29 feet at 1297 North Main Street
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the curb removal, with Councilor Linda M. Pereira absent and not voting. Approved, May 11, 2022, Paul E. Coogan, Mayor

19. Barret Castro, 554 Reading Street – 26 feet at 554 Reading Street
On a motion made by Councilor Leo O. Pelletier and seconded by Joseph D. Camara, it was voted to adopt the curb removal, with Councilor Michelle M. Dionne voting in the negative and Councilor Linda M. Pereira absent and not voting. Approved, May 11, 2022, Paul E. Coogan, Mayor

20. Barret Castro, 554 Reading Street – 20 feet at 554 Reading Street (Valentine Street side)
On a motion made by Councilor Leo O. Pelletier and seconded by Joseph D. Camara, it was voted to adopt the curb removal, with Councilor Michelle M. Dionne voting in the negative and Councilor Linda M. Pereira absent and not voting. Approved, May 11, 2022, Paul E. Coogan, Mayor

21. Michael Mota, 388 Quincy Street – 29 feet at 388 Quincy Street
On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the curb removal, with Councilor Linda M. Pereira absent and not voting. Approved, May 11, 2022, Paul E. Coogan, Mayor

22. Phil Ponte, 500 State Avenue – 42 feet at 500 State Avenue
On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the curb removal, with Councilor Linda M. Pereira absent and not voting. Approved, May 11, 2022, Paul E. Coogan, Mayor

23. Kenneth Perreira, 515 Smith Street – 22 feet at 515 Smith Street
On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the curb removal, with Councilor Linda M. Pereira absent and not voting. Approved, May 11, 2022, Paul E. Coogan, Mayor

24. Paulo J. Amaral, 110 Andrews Street – 30 feet at 110 Andrews Street
On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the curb removal, with Councilor Linda M. Pereira absent and not voting. Approved, May 11, 2022, Paul E. Coogan, Mayor

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

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

26. Auto Repair Shop License Renewal:

Keyrlos Inc. d/b/a South End Sunoco located at 2322 South Main Street
On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the order, with Councilor Linda M. Pereira absent and not voting. Approved, May 11, 2022, Paul E. Coogan, Mayor

27. Auto Body Shop License Renewal:

Daniel Aguiar d/b/a Advanced Collision Center and Sales located at 39 Eleventh Street
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. Approved, May 11, 2022, Paul E. Coogan, Mayor

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.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt the order, with Councilor Linda M. Pereira absent and not voting. Approved, May 11, 2022, Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

29. 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.

30. City Engineer – Street opening less than 5 years at 150-166 Purchase Street

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to approve the street opening request, with Councilor Linda M. Pereira absent and not voting. Approved, May 11, 2022, Paul E. Coogan, Mayor

31. Open Meeting Law complaint filed by Patrick Higgins re: May 3, 2022 alleged violation by City Council Committee on Ordinances and Legislation/Councilor Shawn E. Cadime

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to refer the open meeting law complaint to Corporation Counsel, with Councilor Linda M. Pereira absent and not voting.

32. Communication – Freidman, Framme & Thrush, P.A. re Collin Dias – Public Comment Censorship

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

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.

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

34. Zoning Board of Appeals Minutes – March 17, 2022

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

35. Structure on or over a public way permit – Steppingstone, Inc. – Banner between 111 and 134 Durfee Street promoting 2022 Get Steppin Walk

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.

City Council Minutes:

36. Regular Meeting of the City Council – April 12, 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.

BULLETINS – NEWSLETTERS – NOTICES

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

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

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

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the TIE Agreements, with Councilor Linda M. Pereira absent and not voting. Approved, May 11, 2022, Paul E. Coogan, Mayor

33a. Drainlayer License:

- g. Steven Steen

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

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adjourn at 7:57 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