



City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2022 OCT 21 P 1:29

CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
TUESDAY, OCTOBER 25, 2022
AGENDA

5:00 P.M. COMMITTEE ON REAL ESTATE

5:55 P.M. PUBLIC HEARINGS (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON REAL ESTATE MEETING IF IT RUNS PAST 5:55 P.M.)

POLE LOCATIONS AND RELOCATIONS

1. Massachusetts Electric Company and Verizon New England, Inc, for new jointly owned pole locations and relocations as follows:

Bedford and Seabury Streets

Six (6) new jointly owned pole locations
and two (2) jointly owned pole relocations

Install six jointly owned poles and relocate two jointly owned poles on Bedford Street and Seabury Street beginning at a point approximately 50 feet east of the centerline of the intersection of Bedford Street and Twelfth Street and continuing approximately 950 feet in a west direction. Extending overhead conductor along Bedford Street for system reliability. Poles on adjacent streets relocated to support additional conductors.

In accordance with Plan No. 29748813

Dated: September 19, 2022

UNDERGROUND CONDUIT

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

Bedford Street

Install 65 feet of conduit from the south side of Bedford Street to pole 19 on the north side of Bedford Street near the intersection of Bedford Street and Ford Street and install 63 feet of conduit from manhole 24 east along Bedford Street to pole 23-50. Manhole 24 is located at the intersection of Twelfth Street and Bedford Street.

In accordance with Plan No. 30333673

Dated: September 19, 2022

Condition:

Roadway restoration curb to curb required.

6:00 P.M. CITY COUNCIL COMMITTEE ON FINANCE MEETING (OR IMMEDIATELY FOLLOWING THE PUBLIC HEARING IF IT RUNS PAST 6:00 P.M.)

1. Citizen Input
2. Transfers and appropriations (See #2 and #3 below)
3. Discuss order appropriating \$2,205 from CPA undesignated funds for CPA Historic Resources Preservation Projects and CPA Community Housing (See #4 below)
4. *Resolution – Discuss funding for construction of storage area/facility (Tabled 6-28-22)
5. *Resolution – Discuss plans to improve city parks and baseball fields (Tabled 3-22-22)

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 to the Special Charter Review Committee:
 - a. John R. Mitchell
 - b. Traci L. Almeida
 - c. Kathryn M. Nemkovich
 - d. Paul J. Machado
 - e. Michelle (Mimi) Larrivee
2. *Mayor and order transferring the sum of \$1,370,000.00 from the Tax Levy to School appropriation (See Finance #2)
3. *Mayor and order transferring the sum of \$180,000.00 from the Fiscal Year 2022 Stabilization Fund to Law, Expenses (See Finance #2)
4. *Mayor and order appropriating \$2,205 as follows (See Finance #3):
 - \$1,995.00 for CPA Historic Resources Preservation Projects
 - \$210.00 for CPA Community Housing
5. *Mayor and amended orders of taking for the MBTA Southcoast Rail Program Off-Site Traffic Mitigation Improvements at the intersection of President Avenue and North Main Street
6. *Mayor and Fiscal Year 2023 – Quarter 1 Budget Report
7. *Mayor and orders to accept and expend the following grants:
 - a. \$267,842.00 – MA EOEEA – Purchase a 7.10-acre farmland portion of Adirondack Farm adjacent to North Watuppa Pond
 - b. \$65,000.00 – MA EOPSS – FRPD will purchase 9 new Speed Radar Signs, 30 Bicycle Helmets and Reflective Bands, and compensate officers to conduct traffic enforcement during the yearly 6 MRS campaigns.
8. *Mayor and order accepting a donation of two paintings to the Fall River Public Library from artist Sheila Oliveira

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

9. *The City Council supports the Southcoast Rail Project and encourages residents to vote in favor of Fall River being added to the Massachusetts Bay Transportation Authority

CITATIONS – None

ORDERS – HEARINGS

- Pole Locations and Relocations
10. Massachusetts Electric Company and Verizon New England, Inc. – Six (6) new joint pole locations and two (2) joint pole relocations on Bedford and Seabury Streets.
- Underground Conduit
11. Massachusetts Electric Company – Installation of approximately 128 feet of underground conduit on Bedford Street

ORDERS – MISCELLANEOUS

12. Auto Body Shop License Renewals:
Steven Melo d/b/a Choice Collision Center, Inc, located at 645 Brayton Avenue
Shaun Silva d/b/a Globe Auto, Inc, located at 165 Tucker Street
13. Auto Repair Shop License Renewals:
Shaun Silva d/b/a Globe Auto, Inc, located at 165 Tucker Street
Luis Pimentel d/b/a L and S Auto Inc, located at 1138 Pleasant Street
14. *City Council Appointments to the Special Charter Review Committee:
• Attorney Rene Brown
• Timothy Campos
• Daniel Robillard
• Councilor Laura-Jean Washington

COMMUNICATIONS – INVITATIONS – PETITIONS

15. *Claims
16. *Planning Board Minutes - August 10, 2022
17. *Attorney General Response to Open Meeting Law complaint filed by Patrick Higgins re: April 26, 2022 alleged violation by City Council
18. *Open Meeting Law complaint filed by Patrick Higgins re: September 16, 2022 alleged violation by City Council

City Council Minutes:

19. *Public Hearing – October 11, 2022
20. *Committee on Finance – October 11, 2022
21. *Regular Meeting of the City Council – October 11, 2022

BULLETINS – NEWSLETTERS – NOTICES – None

Alison M. Bouchard

City Clerk

City of Fall River, *In City Council*

FINANCE 4

(Councilor Trott Lee)

WHEREAS, the City of Fall River is seeking to decrease and/or eliminate its spending on storage rental fees, now therefore

BE IT RESOLVED, that the Committee on Finance convene to discuss funding for the construction of a storage area/facility.

In City Council, September 22, 2020
Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk

12-2-20

Tabled, 8 years

6-28-22

Tabled

(Committee on Finance)

WHEREAS, City parks are in need of repair, and

WHEREAS, baseball leagues are all independent and do fundraising on their own,
now therefore

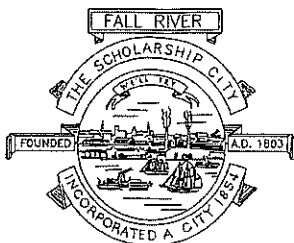
BE IT RESOLVED, that the Administration prepare a presentation to address the needs
of City parks and the needs of leagues, and

BE IT FURTHER RESOLVED, that the Administration and Park Board be invited to a
future meeting of the Committee on Finance to present a plan to improve our City parks and
baseball fields as well as bring forward, in conjunction with the baseball leagues, any immediate
capital needs for our City parks, and

BE IT FURTHER RESOLVED, that bids be obtained and a cost provided to the City
Council for a strategic Master Plan for all parks and that it be researched whether Open Space
and Recreational grant funding is available for these improvements.

5-11-21 Tabled

3-22-22 Tabled



City of Fall River
Massachusetts
Office of the Mayor

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2022 OCT 19 A 11:24

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN

Mayor

October 19, 2022

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

Dear Council President and Members of the Honorable Council:

Please see the attached pursuant to Section 10-5(n) of the Charter. I am resubmitting the following in accordance with this section related to appointments to the Special Charter Review Committee.

- John R. Mitchell, Esq. – City resident, licensed attorney, former Mayor, former member of the City Council, former Corporate Counsel and current Bristol County Commissioner.
- Traci Almeida, PhD – City resident and Coordinator of Graduate Admissions and Licensure, College of Arts and Sciences, University of Massachusetts, Dartmouth.
- Kathryn Nemkovich – City resident, Vice President of the Father Kelly Neighborhood Association, civic leader and community activist.
- Paul Machado, Esq. – City resident, licensed attorney, former 1st Assistant, Bristol County District Attorney's Office and former member Community Preservation Committee.
- Michelle "Mimi" Larrivee – City resident and current member Fall River School Committee.

I ask for your every consideration with this request.

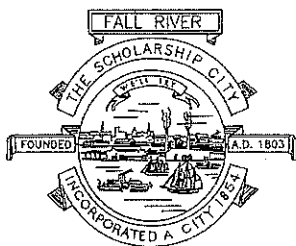
Best Regards,

Paul E. Coogan

Mayor

PC/amos

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

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CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

October 19, 2022

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

Council President and Members of the Honorable Council:

I hereby request the confirmation by the City Council for the following appointment:

Name: John R. Mitchell, Esq.

Address: 312 Florence Street
Fall River, MA 02720

Position: Special Charter Review Committee

Effective: October 19, 2022

Sincerely,

Paul E. Coogan
Mayor

PC/amos



1b

City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

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CITY CLERK _____
FALL RIVER, MA

October 19, 2022

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

Council President and Members of the Honorable Council:

I hereby request the confirmation by the City Council for the following appointment:

Name: Traci L. Almeida. PhD.

Address: 1658 Highland Avenue
Fall River, MA 02720

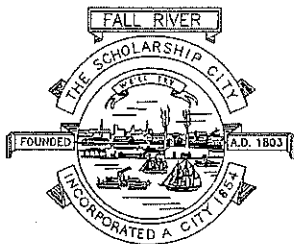
Position: Special Charter Review Committee

Effective: October 19, 2022

Sincerely,

Paul E. Coogan
Mayor

PC/amos



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City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

October 19, 2022

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CITY CLERK _____
FALL RIVER, MA

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

Council President and Members of the Honorable Council:

I hereby request the confirmation by the City Council for the following appointment:

Name: Kathryn M. Nemkovich

Address: 37 Winthrop Street
Fall River, MA 02721

Position: Special Charter Review Committee

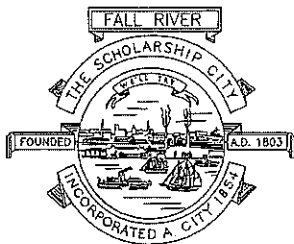
Effective: October 19, 2022

Sincerely,

Paul E. Coogan
Paul E. Coogan
Mayor

PC/amos

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City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

RECEIVED

2022 OCT 19 A 11:25

CITY CLERK
FALL RIVER, MA

October 19, 2022

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

Council President and Members of the Honorable Council:

I hereby request the confirmation by the City Council for the following appointment:

Name: Paul J. Machado, Esq.

Address: 241 London Street
Fall River, MA 02723

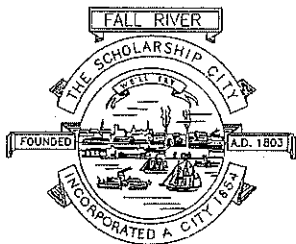
Position: Special Charter Review Committee

Effective: October 19, 2022

Sincerely,

Paul E. Coogan
Mayor

PC/amos



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

October 19, 2022

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2022 OCT 19 A 11:25

CITY CLERK
FALL RIVER, MA

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

Council President and Members of the Honorable Council:

I hereby request the confirmation by the City Council for the following appointment:

Name: Michelle "Mimi" Larrivee

Address: 268 Oak Grove Avenue
Fall River, MA 02723

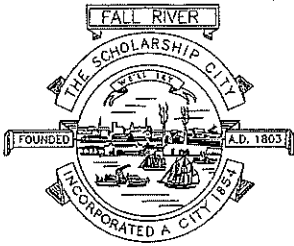
Position: Special Charter Review Committee

Effective: October 19, 2022

Sincerely,

Paul E. Coogan
Paul E. Coogan
Mayor

PC/amos



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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2022 OCT 17 A 9:54

CITY CLERK _____
FALL RIVER, MA

October 13, 2022

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

Dear Honorable Council Members:

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

1. \$1,370,000 That the sum of \$1,370,000 be, and the same is, hereby appropriated to the SCHOOL APPROPRIATION from the TAX LEVY (FY23).

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

Best Regards,

Paul E. Coogan
Mayor

City of Fall River, In City Council

OCTOBER 25, 2022

#1

ORDERED:

**That the sum of \$1,370,000.00 be, and the same is, hereby transferred to
SCHOOL APPROPRIATION from TAXY LEVY (FY23)**

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2022 OCT 17 P 12:57

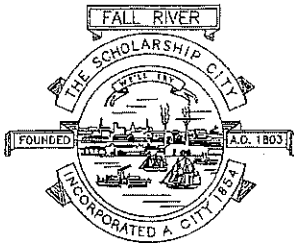
CITY CLERK
FALL RIVER, MA

FY23 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
TAX LEVY (FY23)	\$ 360,136,391.00	\$ 1,370,000.00	\$ 361,506,391.00
SCHOOL APPROPRIATION	\$ 140,487,792.00	\$ 1,370,000.00	\$ 141,857,792.00

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

Ashley Pires, City Auditor
October 25, 2022



City of Fall River
Massachusetts
Office of the Mayor

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2022 OCT 20 A 9:11

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

October 20, 2022

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

Dear Honorable Council Members:

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

1. \$180,000.00 That the sum of \$180,000.00 be, and the same is, hereby transferred to the LAW, EXPENSES from the FY22 STABILIZATION FUND.

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

Best Regards,

Paul Coogan
Mayor

City of Fall River, In City Council

OCTOBER 25, 2022

#1

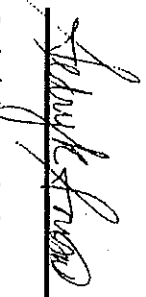
ORDERED:

**That the sum of \$180,000.00 be, and the same is, hereby transferred to
LAW, EXPENSES from STABILIZATION FUND.**

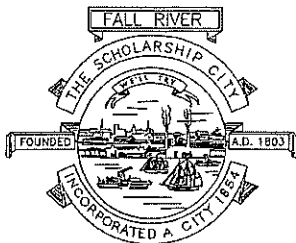
FY23 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
STABILIZATION FUND	\$ 8,462,545.02	\$ (180,000.00)	\$ 8,282,545.02
LAW, EXPENSES	\$ 700,000.00	\$ 180,000.00	\$ 880,000.00

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



Sedryk Sousa, Assistant Auditor
October 25, 2022



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

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2022 OCT 19 A 8:46

CITY CLERK
FALL RIVER, MA

October 18, 2022

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

Dear Council President and Members of the Honorable Council:

Attached please find the Community Preservation Committee's request and Appropriation Order for your review and adoption of the order.

Thank you for your consideration in this matter.

Sincerely,

Paul E. Coogan
Mayor

PC/amos

City of Fall River, *In City Council*

4

APPROPRIATION ORDER

ORDERED, that the following FY23 supplemental appropriations be provided through the Community Preservation Act (CPA), reserves under the MGL Chapter 44B Sections 4 to 7 in the aggregate, amounting to \$2,205 to be appropriated as follows:

Voted: That \$2,205 be appropriated from the CPA Fund's undesignated fund balance

For CPA Historic Resources Preservation PROJECTS	\$1,995
For CPA Community Housing	<u>\$210</u>
<u>TOTAL</u>	<u>\$2,205</u>

Note: Please note this is the first supplemental CPA appropriation for FY23.



4

City of Fall River Massachusetts

Community Preservation Committee

JOHN BRANDT
Chairman

KRISTEN CANTARA OLIVEIRA
Vice-Chairman

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

October 3, 2022

Dear Mayor Coogan:

The Community Preservation Committee voted to recommend the following transfer to the City Council for deed restriction filing fees from fund balance.

The CPC Committee is requesting the following:

- The mayor's office sends this down to the Auditor to prepare a transfer for deed restriction filing fee from fund balance.
- This request sent to the City Council so it can be placed on the City Council meeting agenda.

Historic Preservation \$1,995.00

Community Housing \$210.00

DEED RESTRICTION FILING FEE		
Academica Club	HP	\$105
Ben & Nate Building	CH	\$105
Children's Museum	HP	\$105
Copk Pond Wall Repair	HP	\$105
Creative Class 64 Durfee	CH	\$105
Eagle Event Center	HP	\$105
Fall River Historical Society	HP	\$105
Fall River Fire Museum	HP	\$105
Fall River School Department Administration Building	HP	\$105
FR Veteran's Center Roof	HP	\$105
Fall River Public Library	HP	\$105
Little Theatre	HP	\$105
Maritime Museum	HP	\$105
North Burial Ground Exterior Repairs to gate house	HP	\$105
Notre Dame Rectory	HP	\$105
Greater Fall River Re-Creation	HP	\$105
Oak Grove Cemetery Gates	HP	\$105
Rock Street LLC/Abby Grill Roof Repairs	HP	\$105
Kennedy Park Granite Wall	HP	\$105
Lafayette Durfee House	HP	\$105

TOTAL

\$2,205.00

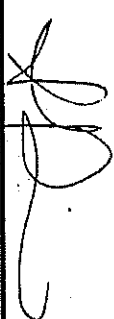
Respectfully,

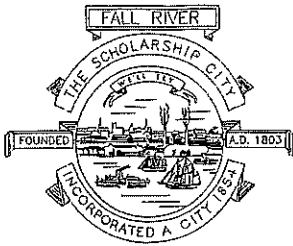
John Brandt, Chair
Community Preservation Committee

FY23 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
CPA Fund Balance Unreserved/Undesignated	\$ 525,776.00	(2,205.00)	\$ 523,571.00
CPA Historic Resources Preservation Projects	\$ 736,760.00	1,995.00	\$ 738,755.00
CPA Community Housing Reserves	\$ 198,596.00	210.00	\$ 198,806.00

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


Ashley Pires, City Auditor
October 25, 2022



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

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2022 OCT 19 P 3:08

CITY CLERK _____
FALL RIVER, MA

October 18, 2022

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

Dear Mr. President and Members of the Honorable Council

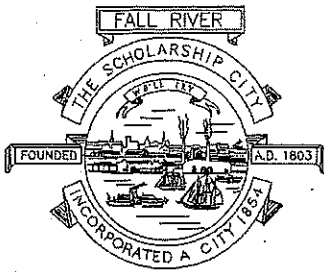
Attached please find a request for Council approval regarding the MBTA South Coast Rail Program Off-Site Mitigation Improvements in the area of President Avenue and North Main Street Intersection.

Thank you for your consideration with this request.

Sincerely,

Paul E. Coogan
Mayor

PC/amos



City of Fall River
Massachusetts
Engineering Department

PAUL E. COOGAN
Mayor

DANIEL N. AGUIAR
City Engineer

October 18, 2022

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

RE: MBTA South Coast Rail Program
Off-Site Traffic Mitigation Improvements
President Avenue at North Main Street Intersection

Dear Mr. President and Members of the Honorable Council

In June, The Fall River City Council adopted a taking and dedication regarding the above referenced matter. Upon review it has been determined that an amended taking is needed. The MBTA has prepared final design documents for the traffic intersection improvements at the intersection of President Avenue and North Main Street. The improvements proposed by MBTA are being performed to mitigate potential traffic impacts generated by additional traffic from the new MBTA commuter rail station and service at Fall River Depot located on Davol Street.

The project limits of the proposed improvements are limited to the intersection approaches in all 4 directions. The proposed intersection improvements will include widening of North Main Street along both approaches for the purpose of adding exclusive left turn lanes on each approach to improve operational level of service and safety. The intersection improvements also include replacement of all existing traffic signal equipment with new, reconstruction of existing cement concrete sidewalks on all approaches (both sides), pavement resurfacing (mill and overlay) and restriping for the new and added lane assignments.

The project requires the acquisition of a permanent easement associated with the North Main Street widening and placement of a new traffic signal control cabinet on the southwest corner of the intersection. We have worked with the MBTA design engineers to minimize disruptions to abutting properties at this intersection and have kept the number of properties impacted by permanent easements to just the parcel located at 1040 North Main Street. The remaining parcels will be limited to temporary easements, for most of which the MBTA has acquired the temporary rights.

The Fall River City Council is authorized to acquire the necessary land parcels or portions thereof and/or rights in land parcels for the purpose of obtaining a secure and public right of way. This allows for the construction of the President Avenue/North Main Street Improvement Project. Approval by the City Council is needed to ensure that the permanent Right of Way is obtained for this project.

What is an easement?

An easement is a legal document that conveys limited property rights from the grantor (landowner) to the grantee (City of Fall River). A temporary easement only grants restricted use of the property and is not a transfer in real estate ownership. It conveys temporary access and construction rights that terminate upon the completion of the construction of the project. A permanent easement only grants restricted use of the property and is not a transfer in real estate ownership. It conveys permanent access rights for the specific purpose noted. Both types of easements are required at 1040 North Main Street.

What is a taking?

A taking is a legal document that conveys property rights from the grantor (landowner) to the grantee (City of Fall River). A taking is a transfer in real estate ownership. There are no takings associated with the intersection improvements.

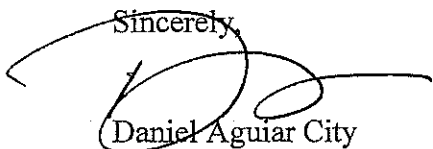
What did the appraisal process involve?

The MBTA retained Reynolds Company to conduct the land appraisals of the affected parcels. The property owner at 1040 North Main Street has been notified in advance and was given an opportunity to discuss the process with our office, the MBTA, and Reynolds Company. A monetary value was established, and upon Council approval, will be offered as fair market value for the temporary easement and permanent easement at 1040 North Main Street.

The cost of the appraisal and the cost of the temporary and permanent easements have been approved by MBTA and will be fully reimbursed by the MBTA, through their South Coast Rail Commuter Rail Expansion Program, to the City of Fall River once the easements are recorded.

Attached is a proposed order to affect these easement and takings, along with an appraisal with plan showing the location of all affected parcels.

Sincerely,



Daniel Aguiar City
Engineer

City of Fall River, In City Council

5

ORDER OF TAKING

CITY OF FALL RIVER

A portion of Assessors' Parcel ID Map O Lot 8

Whereas, the City of Fall River (hereinafter called the "City") is a duly organized municipal corporation under the General Laws of Massachusetts, with offices at One Government Center, Fall River, Massachusetts, and

Whereas, the City has determined that it is in the public interest to acquire certain parcels of land, described before, for the purpose of allowing the Massachusetts Bay Transportation Authority (hereinafter called the "MBTA") to construct and install certain sidewalk, signaling, and intersection improvements in connection with the traffic mitigation requirements of the South Coast Rail Project, now therefore

TAKING OF PERMANENT EASEMENT

Be it Ordered by the City Council of the City of Fall River, that the City of Fall River, Massachusetts, under the authority of Massachusetts General Laws, Chapter 79, does hereby take by eminent domain, a permanent easement in the following described parcel of land located in the City of Fall River, will all buildings, improvements, all easements, and rights and privileges as specifically referred to if any, but not limited thereto, and all claims, rights, and interest of any kind or nature therein, whether vested or otherwise, including the trees and structures, standing upon or affixed thereto, including air rights and the fee, if any, in all street and passageways in said area and rights, if any, either contiguous or nearly contiguous and adjacent or nearly adjacent to the property taken hereby:

<u>Parcel</u>	<u>Assessor ID</u>	<u>Address/Location</u>	<u>Area (+/-)</u>
Parcel FRS-132	O08-0008	1040 North Main Street	137 s.f.

As shown on the plan "Massachusetts Bay Transportation Authority South Coast Rail Phase I, PARCEL FRS-132, FRS-132-TE, FRS-133-TE, FRS-134-TE, FRS-135-TE, & FRS-136-TE LAND ACQUISITION PLAN – CITY OF FALL RIVER BRISTOL COUNTY", prepared by VHB HNTB 99 High Street, Boston, MA, dated June 22, 2021 (the "Taking Plan"), a true copy of which is recorded herewith at the Bristol County (Fall River District) Registry of Deeds (the "Registry") in Plan Book _____, Plan _____. A reduced copy of the Taking Plan is attached hereto as Exhibit A.

Being part of the premises described in a deed dated December 1, 2005 and recorded in the Bristol County (Fall River District) Registry of Deeds in Book 6113, Page 85.

Be it Further Ordered, that an award of damages for said taking is hereby made in the amount of (\$6,800.00) Dollars for any damages sustained by the supposed owner, Spare Change, LLC, 39 Dublin Street, Somerset, Massachusetts 02726, and all other persons having an interest in said land who are entitled to damages for said taking.

TAKING OF TEMPORARY EASEMENT

Be it Ordered by the City Council of the City of Fall River, that the City of Fall River, Massachusetts, under the authority of Massachusetts General Laws, Chapter 79, does hereby take by eminent domain, a temporary easement in the following described parcel of land located in the City of Fall River:

<u>Parcel</u>	<u>Assessor ID</u>	<u>Address/Location</u>	<u>Area (+/-)</u>
Parcel FRS-132-TE	O08-0008	1040 North Main Street	2,895 s.f.

As shown on the Taking Plan.

Being part of the premises described in a deed dated December 1, 2005 and recorded in the Bristol County (Fall River District) Registry of Deeds in Book 6113, Page 85.

Said temporary easement shall run for three (3) years from the date of recording this instrument, and shall be for the purposes of installing traffic signal equipment, constructing, maintaining, and repairing the public way, sidewalks, and appurtenances thereto, known as North Street, in said Fall River, Massachusetts, in furtherance of the Massachusetts Bay Transportation Authority South Coast Rail Project traffic mitigation requirements.

Be it Further Ordered, that an award of damages for said taking is hereby made in the amount of (\$4,300.00) Dollars for any damages sustained by the supposed owner, Spare Change, LLC, 39 Dublin Street, Somerset, Massachusetts 02726, and all other persons having an interest in said land who are entitled to damages for said taking.

ENTRY AND RECORDING

Be it Ordered, that the Massachusetts Bay Transportation Authority and its contractors shall be permitted to enter upon the said parcels for the purposes described herein.

Be it Further Ordered, that a copy of this Order of Taking and related plans, if any, be recorded at the Bristol County (Fall River District) Registry of Deeds, and the Land Registration Section thereof, if applicable, in compliance with M.G.L. Chapter 79.

DECLARATION AND DEDICATION OF PUBLIC LAND LOCATED AT 1040 NORTH MAIN STREET IN FALL RIVER, MASSACHUSETTS FOR TEMPORARY CONSTRUCTION PURPOSES AND PERPETUAL PUBLIC ACCESS AND PUBLIC WAY PURPOSES

North Main Street,
Fall River, Massachusetts

The City of Fall River, a municipal corporation and body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a place of business at One Government Center, Fall River, Massachusetts (the "City"), as the owner of interests in certain property located at 1040 North Main Street, Fall River, Massachusetts (the "City Property"), acting by and through its City Council and by virtue of every other power and authority hereto enabling us, hereby declares and dedicates portions of the City Property for construction purposes, public access, public ways, and public sidewalks in connection with the traffic mitigation requirements associated with the Massachusetts Bay Transportation Authority South Coast Rail Project (the "Project") and as follows:

The portions of the City Property to which this Declaration and Dedication applies are shown on the plan "Massachusetts Bay Transportation Authority South Coast Rail Phase I, PARCEL FRS-132, FRS-132-TE, FRS-133-TE, FRS-134-TE, FRS-135-TE, & FRS-136-TE LAND ACQUISITION PLAN – CITY OF FALL RIVER BRISTOL COUNTY", prepared by VHB HNTB 99 High Street, Boston, MA, dated June 22, 2021 (the "Plan"), a true copy of which Plan is recorded at the Bristol County (Fall River District) Registry of Deeds (the "Registry") in Plan Book _____, Plan _____. A reduced copy of the Plan is attached hereto as Exhibit A.

Perpetual Rights

The City, its licensees, and the general public shall have the non-exclusive perpetual right to enter upon, travel over, maintain, repair, and use those portions of the City Property shown on the plan and listed below as the Parcels for public access and public ways and sidewalks and all other purposes for which ways are used in the City of Fall River and the Commonwealth of Massachusetts.

<u>Parcel</u>	<u>Assessor ID</u>	<u>Address/Location</u>	<u>Area (+/-)</u>
Parcel FRS-132-PE	O08-0008	1040 North Main Street	2,895 s.f.

Such purposes, uses, and improvements include, by way of illustration and not limitation, passage for pedestrians, vehicles, and bicyclists, and pavement improvement for sidewalks, wheelchair ramps, pathways, grading, sloping, and drainage. The City shall not make any improvements to the Parcel[s] materially inconsistent with the allowed purposes described herein.

In so dedicating the Parcel[s], the City intends the herein described rights over said Parcel[s] to be perpetual in duration and that the Parcels be used for public access and public ways and sidewalks and all other purposes for which ways are used in the City of Fall River and the Commonwealth of Massachusetts in furtherance of public policies to create convenient and safe public access and travel. To that end, if, for any reason, this Declaration and Dedication shall be deemed subject to so-called 'sun-setting' provisions, terminated, void, or voidable on any grounds, or other principles requiring duration of less than perpetual, then the City and its successors shall undertake and carry out all reasonably necessary measures to extend, adopt, and/or renew the terms of this Declaration and Dedication to ensure the Parcel[s] are permanently used in a manner consistent with the terms and intent of this Declaration and Dedication.

Temporary Rights

The City and its licensees shall have the non-exclusive temporary right to enter upon, travel over, maintain, repair, and use those portions of the City Property shown on the plan and listed below for installing traffic signal equipment, constructing, maintaining, and repairing the public way, sidewalks, and appurtenances thereto, known as North Street:

<u>Parcel</u>	<u>Assessor ID</u>	<u>Address/Location</u>	<u>Area (+/-)</u>
Parcel FRS-132-TE	O08-0008	1040 North Main Street	2,895 s.f.

The City shall not make, cause, nor allow any improvements to the Parcel[s] that are materially inconsistent with the allowed purposes described above during the term of such temporary rights.

In so dedicating the Parcel[s], the City intends that the above-described rights over the said Parcels be temporary in duration, expiring on the date that is three (3) years from the date this instrument is recorded at the Registry, and that the Parcel[s] be used to facilitate and support the construction improvements to be performed by MBTA in connection with the South Coast Rail Project traffic mitigation requirements.

We direct that this instrument be filed with the Registry and with the City Clerk. In the event any provision of this instrument is deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this instrument shall nonetheless be valid and enforceable to the fullest extent permitted by law.

For the City's authority to dedicate the City Property pursuant to this instrument, see the certified copy of the City Council Vote attached hereto as Exhibit B.

For title to the City Property, see the instrument recorded at the Registry in Book ___, Page ___ and title report and certification attached hereto as Exhibit C.

Given under our hands this _____ day of _____, 2022

City Council of the City of Fall River, Massachusetts

In City Council, _____, 2022

VOTED: That the report of the City Council be accepted and allowed and that the dedication herein described be, and the same is hereby established, decreed and confirmed.

City Clerk of the City of Fall River

Office of the Mayor of the City of Fall River

Approved: _____

Paul E. Coogan
Mayor of the City of Fall River

COMMONWEALTH OF MASSACHUSETTS

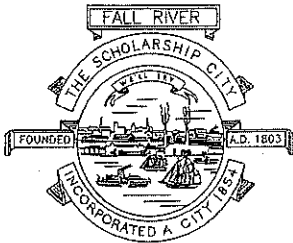
Bristol, ss

On the ____ day of _____, 2022, before me, the undersigned notary public, Paul E. Coogan personally appeared, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily in my presence as the Mayor of the City of Fall River, as the voluntary act of the City of Fall River.

Notary Public
My Commission Expires:

APPROVED AS TO FORM AND MANNER OF EXECUTION

Corporation Counsel



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

7
RECEIVED

2022 OCT 20 A 11:39

CITY CLERK _____
FALL RIVER, MA

October 20, 2022

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

Dear Mr. President and Members of the Honorable Council:

I respectfully request that the City council vote to accept and expend the grants listed in the attached table.

Thank you for your attention to this request.

Sincerely,

Paul E. Coogan
Mayor

PC/amos

City of Fall River, *In City Council*

ORDER:

The City of Fall River was awarded a Local Acquisitions for Natural Diversity (LAND) grant through MA EOEEA in the amount of \$267,842 with a duration from the date of contract execution through June 30, 2024. This grant will be used toward the purchase of the 7.10-acre farmland portion of Adirondack Farm adjacent to North Watuppa Pond.

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 \$267,842 for the purchase of the 7.10-acre farmland portion of Adirondack Farm;

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*

7b

ORDER:

The City of Fall River was awarded a Municipal Road Safety (MRS) Grant through MA EOPSS in the amount of \$65,000 with a duration from the date of contract execution through September 15, 2023. This grant will be used to purchase nine new Speed Radar Signs, 30 Bicycle Helmets and Reflective Bands, and to compensate officers to conduct traffic enforcement during the six MRS campaigns throughout the year.

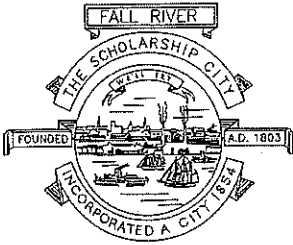
NOW, THEREFORE, BE IT VOTED BY THE CITY COUNCIL: That the Mayor be and is hereby authorized in the name of the City of Fall River to accept and expend a Grant through MA EOPSS in the amount of \$65,000 for the purchase of Speed Radar Signs, Bicycle Helmets and Reflective Bands, and to compensate officers during MRS campaigns throughout the year;

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 EOPSS, including the expenditure thereof.

GRANTS FOR CITY COUNCIL APPROVAL, OCTOBER 25, 2022

Grant Name	State/Federal/Other Funding Source	Duration	Amount of Award	Grant Director	Minimum Match/Local Share Amount Required & Source	Purpose
Local Acquisitions for Natural Diversity (LAND) Grant	MA EOEEA	Upon execution- 06/30/2024	\$267,842	Paul Ferland, Mike Labossiere	30%*/\$114,790; CPC/BCC ARPA	This grant will be used to purchase the 7.10-acre farmland portion of Adirondack Farm adjacent to North Watuppa Pond.
Municipal Road Safety Grant Program	MA EOPSS	Upon execution- 09/15/2023	\$65,000	Chief Gauvin	N/A	FRPD will purchase 9 new Speed Radar Signs, 30 Bicycle Helmets & Reflective Bands, and compensate officers to conduct traffic enforcement during the 6 MRS campaigns throughout the year.

*This is a reimbursement grant; EOEEA reimburses FR for 70% of the total project cost. 30% local share from CPC/BCC ARPA is pending approval.



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

RECEIVED

2022 OCT 17 A 9:54

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

October 6, 2022

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

Dear Council President and Members of the Honorable Council:

Attached please find a request from the Fall River Public Library for approval to accept a donation of two paintings from Sheila Oliveira. Thank you for your consideration with this request.

Sincerely,

Paul E. Coogan
Paul E. Coogan
Mayor

PC/amos

City of Fall River, In City Council

ORDERED, that under the provisions of M.G.L. Chapter 44, Section 53A 1/2, the Fall River Public Library be, and the same is hereby authorized to accept a donation of two paintings by Sheila Oliveira with one painting honoring Sesame Street composer Joe Raposo and one painting honoring a nineteenth century Fall River teacher, Sara Anna Lewis.



**City of Fall River
Massachusetts**
Department of Community Services
PLANNING • HEALTH & HUMAN SERVICES • LIBRARY
INSPECTIONAL SERVICES

Fall River Public Library
fallriverlibrary.org

PAUL E. COOGAN
Mayor

LIANE VERVILLE
Library Administrator
lverville@saisinc.org

October 6, 2022

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

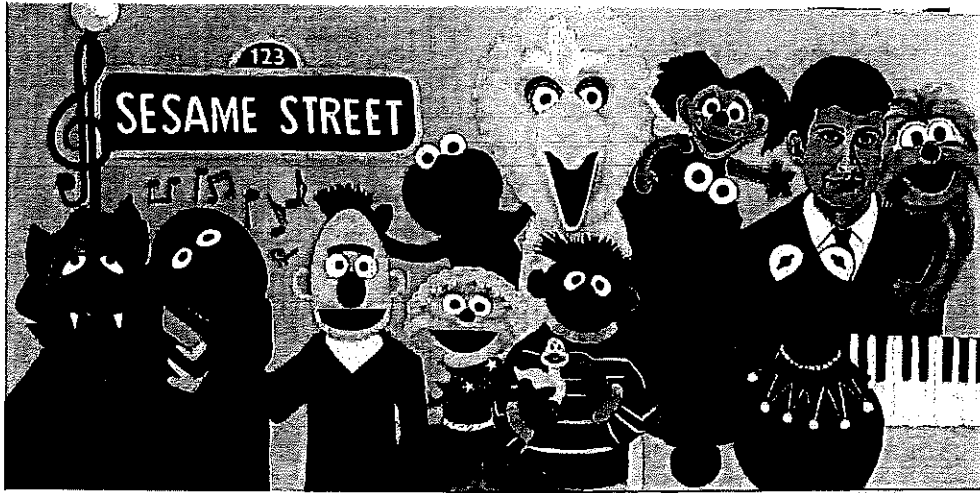
Dear Mayor Coogan:

In accordance with the provisions of MGL c. 44 §53A I hereby ask that the City Council accept a donation of two paintings by Sheila Oliveira. One honoring Sesame Street composer Joe Raposo and one of Fall River Teacher (1867) Sara Anna Lewis (see attached). The paintings would be hung in the hallway on the Children's level of the Library.

Sincerely,

Liane Verville
Library Administrator

SHEILA OLIVEIRA



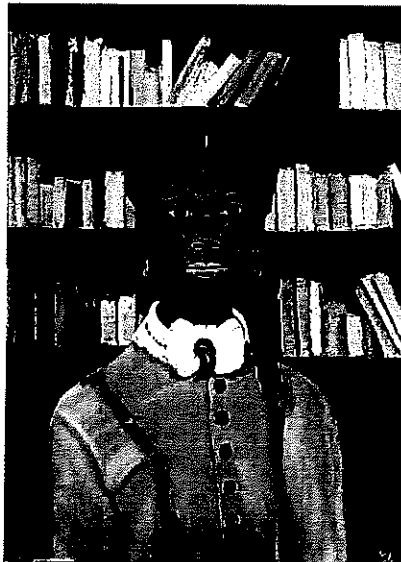
Sheila Oliveira Art Studio
127 W. Rodney French Blvd
New Bedford, MA 02744
Kilburn Mill
Suite 2 115

Top : Portrait of Joe Raposo,
Fall River Composer, Musician,
Singer Songwriter
Oil on Canvas 2022
Unframed
24 x 36
2 inch cradle (depth)
Wired for hanging

Bottom: Portrait of Sara Anna
Lewis, Fall River Teacher (1867)
Oil on Canvas 2022
Framed size 18 x 24
Wired for hanging
Acknowledgement to:
Fall River Cultural Council
Massachusetts Cultural Council
in part, for support of this

project. These two portraits are
part of a series of eight Fall
River persons in an exhibit
entitled "Famed & Framed" on
view at Heritage State Park
October 2022.

Website: www.Sheilaoliveiraart.com
Tel: 401-714-1270



Sheila Oliveira
20 Hickory Lane
Westport, MA 02790

October 5, 2022

David Mello
Liane Verville

Dear David & Liane

It was a pleasure to meet with you today to discuss the installation and donation of my paintings to the Fall River Public Library. As a Fall River native, I spent countless hours at the library and my memories are of a beautiful building filled with comfort and grace. I had the same impression today.

The two portrait paintings I wish to donate are currently on exhibit at the Heritage State Park through the end of October. They are of Joe Raposo, most notably of Sesame St. fame, who has recently been recognised by Mayor Coogan in establishing August 3rd as the official "Joe Raposo Day" and the portrait of Sarah Anna Lewis who was the first black student/woman to graduate from Bridgewater Normal School as it was called at the time. She was a teacher in the Fall River Public Schools until her marriage. These two individuals have unique life narratives and their portraits would add to the cultural education of library visitors which I would consider an honor. The official "children's song" of Fall River is now "Sing" written by Joe Raposo. Those in contact with the Raposo estate (his son Nick) has suggested an opening reception acknowledging the donation of the portrait as well as the declaration of the official song. Through the efforts of Jim Lopes of Heritage State Park in coordination and creating a collaborative event, citizens of Fall River now have a remarkable and world recognised hometown hero in Joe Raposo. Mr. Lopes has bridged the effort for donation of my painting which I hope you will accept. Personally, I wish to say the portrait of Ms. Lewis is one of social importance as she was prohibited from teaching after her marriage in 1871 (which was the law during this era). These portraits are my artist interpretations as I became familiar with their life stories. If you wish to learn about my background in the arts and teaching as well as exhibitions please visit my website and/or I will be please to meet with you to discuss in detail.

Sincerely yours,

Sheila Oliveira

City of Fall River, In City Council

(Councilor Bradford L. Kilby)

WHEREAS, the South Coast Rail Project has been discussed extensively for over thirty years, and

WHEREAS, this very important project to increase public transportation is finally becoming a reality for the City of Fall River, and

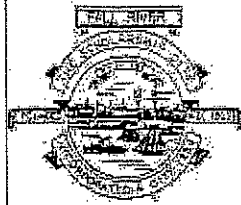
WHEREAS, access to the commuter rail will increase economic growth and stability in the City, now therefore

BE IT RESOLVED, that the City Council supports this worthwhile project and encourages the residents to vote in favor of this city being added to the Massachusetts Bay Transportation Authority.

City of Fall River, In City Council

ORDERED, that the City Council hereby appoints the following individuals to serve on the Special Charter Review Committee as designated:

Attorney Rene Brown
Timothy Campos
Daniel Robillard
Councilor Laura-Jean Washington



15

City of Fall River
Notice of Claim

RECEIVED

2022 OCT -7 A 8:45

1. Claimant's name: John D. Gaffney
2. Claimant's complete address: 734 New Boston Rd CITY CLERK 22-76
FALL RIVER, MA
3. Telephone number: Home: 774 322 9191 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Didn't see pothole on Robeson St going to Stanley St
5. Date and time of accident: 10/2/2022 Amount of damages claimed: \$ 696.38
6. Exact location of the incident: (include as much detail as possible):
Robeson St
7. Circumstances of the incident: (attach additional pages if necessary):
Ruined front end alignment
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: 10/7/2022

Claimant's signature: John D. Gaffney

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 ☒ DEM Date: 10/7/22

✓ City clerk ✓ Law ✓ City Council ✓ Water Dept

10/7/22

15

RECEIVED

2022 OCT -7 P 12:08

CITY CLERK 22-77
FALL RIVER, MA



**City of Fall River
Notice of Claim**

1. Claimant's name: Eunice Vicente
2. Claimant's complete address: 25 8th St, Stoughton MA
3. Telephone number: Home: (617) 435-1097 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):

5. Date and time of accident: _____ Amount of damages claimed: \$ 1750.98
6. Exact location of the incident: (include as much detail as possible):
86 John St, Fall River Basement
7. Circumstances of the incident: (attach additional pages if necessary):
Fall River water Department worker drill a hole into new service cable for service. He drilled hole into basement from outside into basement. Never checked if any wires were in the area of hole he was making.
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.

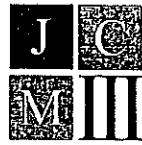
Date: 10-5-22

Claimant's 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



The Law Offices of

JOHN C. MANOOG III

Hyannis Office

450 South Street

Hyannis, MA 02601

Phone: (508) 775-0088

Fax: (508) 775-0176

*Please direct all correspondence to the Hyannis office.*Plymouth Office

4 Court Street, Suite 212

Plymouth, MA 02360

Phone: (508) 747-9888

RECEIVED

2022 OCT 14 A 11:14

CITY CLERK 22-78
FALL RIVER, MA

October 12, 2022

Via Certified Mail - Return Receipt Requested**Article No. 7021 1970 0000 1953 6247**

Maria Pontes

Superintendent of Schools

Fall River Public Schools

417 Rock Street

Fall River, MA 02720

RE: Presentment of Claim Pursuant to G.L. c. 258, § 4 and M.G.L. c. 84, §18.**Our Client: Anita Sanchies****Date of Loss: February 28, 2022, Approximately 2:05 p.m.****Location of Accident: Frank M. Silvia Elementary School**

Dear Sir or Madam,

As you may be aware, this office represents Anita Sanchies relative to her claims for personal injuries sustained on or about February 28, 2022, while on the property of your client, otherwise known as Frank M. Silvia Elementary School, located in Fall River, Massachusetts. Please take this letter as my client, Anita Sanchies', formal demand for settlement and presentment of claim pursuant to M.G.L. c. 258 §4 and c. 84, §18.

Summary of Facts:

On or about February 28, 2022, Anita Sanchies was on the property of your insured, otherwise known as Frank M. Silvia Elementary School, located in Fall River, Massachusetts. Ms. Sanchies was walking on the walkway near the playground on her way to pick up her grandchildren when she suddenly slipped on an unnatural accumulation of ice and fell to the ground. As a result, Ms. Sanchies suffered injuries to her right wrist, head, and back.

As a result of your insured's negligence including your insured's failure to exercise a proper degree of care, failure to ensure safe surroundings, failure to inspect and/or properly maintain the area which patrons regularly use, failure to ensure that the property was not dangerous, and failure to warn of the hazardous condition, Ms. Sanchies sustained personal injuries.

✓ City Clerk ✓ Law ✓ City Council ✓ Schools 10/14/22



RECEIVED

City of Fall River
Notice of Claim

2022 OCT 20 P 3:25

1. Claimant's name: Fidel Rosa Pizarro 22-79
2. Claimant's complete address: 145 Old Second St Fall River MA 02721
3. Telephone number: Home: 978-876-5857 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Slip and fall on public way
5. Date and time of accident: 10-08-2022 Amount of damages claimed: \$ _____
6. Exact location of the incident: (include as much detail as possible):
Old Second Street, Next to the library box.
7. Circumstances of the incident: (attach additional pages if necessary):
I was passing on the street and I didn't notice that the floor was missing tiles. I was in a wheelchair and tripped and when I fell the chair landed on top of me and I couldn't get up. Had to call an ambulance to take me to the emergency room.
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: 10-20-2022

Claimant's signature: Fidel Rosa

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 ☒ DCU

Date: 10-20-22



16

**City of Fall River
Massachusetts
Planning Department**

PAUL E. COOGAN
Mayor

DANIEL AGUIAR
City Engineer/Acting Planner

TO: Alison Bouchard
City Clerk

FROM: Fall River Planning Board

RE: **PLANNING BOARD MINUTES**
August 10, 2022

RECEIVED
2022 OCT 18 A 8:50
CITY CLERK
FALL RIVER, MA

The Fall River Planning Board held a Public Meeting at 5:30 p.m. on Wednesday, August 10, 2022, in the 1st Floor Hearing Room, One Government Center, Fall River, MA for the purpose of considering the matters set forth in the agenda originally posted with your office on August 4, 2022.

Members present: Cynthia Sevigny, Chair; John Ferreira, Vice Chair; Mario Lucciola; Gloria Pacheco; Elizabeth Andre

Also present: Dan Aguiar, City Engineer; Nina Pavao, Recording Clerk; and Craig Salvador, FRGTV.

"Minutes" of this meeting are as follows:

Ms. Sevigny opened the meeting at 5:30 pm with roll call attendance and read the Open Meeting Law statement

New Business

- 1. FORM-A Application for Endorsement of Plan Believed Not to Require Approval (ANR Plan of Land)**
File No. 22-1536
Owner/Applicant: Back in the Game, LLC
Property Location: 542-546 Fourth Street
Assessors Map: I-12-0044

Mr. Aguiar stated the applicant went before the Zoning Board of Appeals on June 9th and was granted a Special Permit. He stated no frontage or area requirements are required with the Special Permit and recommended the Board to endorse the plan.

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Upon a motion duly made by Mr. Lucciola and Seconded by Ms. André, it was unanimously VOTED 5-0 to direct the Chair to endorse the plan "approval under the subdivision control law not required."

Documents used during the meeting:

Form A Application for Endorsement of Plan Believed Not to Require Approval
Tax Certification Form
Approval Not Required Plan of Land

2. FORM-A Application for Endorsement of Plan Believed Not to Require Approval (ANR Plan of Land)

File. No 22-1537

Owner/Applicant: Hyperion Holdings, LLC

Property Location: 370 & 376 Linden Street

Assessors Map: M-26-0012

Mr. Aguiar stated the applicant went before the Zoning Board of Appeals on June 9th and was granted a Special Permit. He recommended the Board to endorse the plan.

Upon a motion duly made by Ms. Pacheco and Seconded by Mr. Lucciola, it was unanimously VOTED 5-0 to direct the Chair to endorse the plan "approval under the subdivision control law not required."

Documents used during the meeting:

Form A Application for Endorsement of Plan Believed Not to Require Approval
Tax Certification Form
Approval Not Required Plan of Land

3. Amend the City of Fall River Zoning Map

Mr. Aguiar stated the City has two different housing overlay districts, which is a state statute. The petition will extend one of the HD Zones to encompass a number of potential market rate housing developments. In doing so it also provides some financial assistance through the state process with tax credits to the developers.

Ken Fiola, executive vice president of the Bristol County Economic Development Consultants spoke on the matter. He stated they are proposing to extend and create a new zone that abuts the HD one zone. The new zone will pick up the mill buildings located along Chase Street, which is the Duro property, Globe Mill Ave as well as the end of Middle Street which has another large mill building complex. Mr. Fiola explained the importance of having an HD Zone, he stated it allows potential development of these properties for market rate housing. He stated once developed, 80% of the units must be market rate. From a developers perspective this is an important tool because it allows developers to participate in what is called housing development improvement program zone tax credits, or also known as HDIP tax credits. The developers can submit an

application to Massachusetts Department of Community and Housing Development for the securement of these tax credits, which helps to offset some of the costs for the rehab of the redevelopments. Mr. Fiola stated in this area there are three large potential mill conversions, two of which are already designed or undergoing environmental analysis. The mill is at the bottom of Middle Street, which is the old Duro Mill which has been recently purchased. That developer is going through phase one, which is the environmental analysis identification. This location will have anywhere from 150-200 market rate units. There is another mill along Globe Mills Ave. that is another potential conversion mill complex, this location will have 200 market rate units. Chase Street is the last mill that may or may not be used for residential use, but because it is located in the zone it keeps the window of opportunity open for the tax credit. Mr. Fiola stated with these conversions and tax credits bring new housing opportunities for people.

Mr. Aguiar asked how the amount of the tax credit is calculated.

Mr. Fiola stated typically the developer could secure up to 2 million dollars in tax credits, which is based upon the qualified expenses within the project itself. The qualified expenses consist of hard and soft cost as well as some construction cost. Mr. Fiola stated he has never seen a developer get the full 2 million dollar tax credit.

Mr. Aguiar asked if the amount the State has for this program ever get capped.

Mr. Fiola stated the State is oversubscribed, there is a 10 million dollar cap for this type of tax credit. He also stated the tax credit does not take place until the end of the calendar year. Mr. Fiola stated there has been recent legislation that has been filed as part of the State's Economic Development Bill that has 57 million dollars in it for this fiscal year that would take care of the backlog of projects that are currently underway, and then 30 million dollars a year for each year after for the next 5 years which would be made available for new projects. Unfortunately that Bill has been stalled in legislation which Mr. Fiola is hoping will be approved either by this fall or the first quarter of 2023.

Mr. Aguiar asked if it is competitive for developers to apply for the tax credit.

Mr. Fiola stated it is very competitive, and the tax credit is only being made available to gateway cities. Mr. Fiola also stated if the project is started before the securement of the tax credit, then the developer is no longer eligible for it, which acts like an incentive instead of a reward.

Mr. Aguiar stated if more opportunities are not being made then this money will be handed out to other communities.

Mr. Fiola agreed and stated the money will be handed out to other communities and the redevelopment projects will more than likely not take place.

Mr. Lucciola asked if there is a time limit before the project takes place.

Mr. Fiola stated the project cannot take place until the tax credit is given, and then the developers have two years of the issuance of the award to complete the project.

Chair Sevigny asked how many of the units will be on either Section 8 or some kind of housing assistance.

Mr. Fiola stated the law stated 80% of the units must be market rate, 20% of the units could be subsidized units. He stated he would not see these units being utilized by Section 8 occupants because the certificates are only worth a certain amount of dollars and the occupants would have to come out of pocket for the rest of whatever is due.

Chair Sevigny asked if the Planning Board approves the zone change, what the next steps are.

Mr. Fiola stated it would go back to the City Council and if approved there it goes to the Commonwealth Department of Housing and Community Development for final approval.

Upon a motion duly made by Mr. Lucciola and Seconded by Mr. Ferreira, it was unanimously VOTED 5-0 to support and approve the HD Zone change.

Documents used during the meeting:

Memo from Mayor's Office to City Council

Letter from Sanford Spinning Mills, LLC to Mayor's Office

HD Zone Boundaries Map

4. Receipt of Correspondence

Review and discussion of meeting to be held on August 11, 2022 for proposed construction of static billboard(s).

Mr. Aguiar stated this is just a notification, he stated the Zoning Board of Appeals granted a Special Permit for a billboard to be constructed at 171 Pleasant Street. This is the process with the outdoor advertising board where they have a zoom meeting, the notification gets sent out to abutters and municipalities. Mr. Aguiar recommended to place the item on file.

Upon a motion duly made by Mr. Ferreira and Seconded by Ms. Andre, it was unanimously VOTED 5-0 to place item on file.

Documents used during the meeting:

Notification of meeting to be held on August 11, 2022 for proposed construction of static billboard(s).

5. Approval of Minutes: July 13, 2022 meeting.

Upon a motion duly made by Mr. Ferreira and Seconded by Ms. Andre, it was unanimously VOTED 5-0 to approve the minutes from the July 13, 2022 meeting.

6. Citizens' Input:

Chair Sevigny read an external public comment from Colin Dias that was emailed to the Planning Department.

Upon a motion duly made by Mr. Lucciola and Seconded by Ms. Pacheco, it was unanimously VOTED 4-0 to place correspondence on file. Mr. Ferreira abstained his vote.

Documents used during the meeting:

Email from Colin Dias

7. Adjournment

Upon a motion duly made by Mr. Ferreira and Seconded by Ms. Andre, it was unanimously VOTED 5-0 to adjourn at 5:57pm.

List of documents and other exhibits used during the meeting:

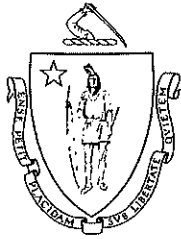
Planning Board Agenda for 8/10/2022 Meeting

Planning Board Minutes from 7/13/2022 Meeting

Recording Clerk

In Planning Board, October 12, 2022

Approved



17

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

TEL: (617) 727-2200
www.mass.gov/ago

October 12, 2022

OML 2022 – 186

Gary Howayeck, Esq.
Office of the Corporation Counsel
One Government Center
Fall River, MA 02722

By email only: ghowayeck@fallriverma.org

RE: Open Meeting Law Complaint

Dear Attorney Howayeck:

This office received a complaint from Patrick Higgins on June 29, 2022, alleging that the Fall River City Council Committee on Finance (the "Committee") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Committee on June 6, and you responded to the complaint, on behalf of the Committee, by letter dated June 22. The complaint alleges that the Committee failed to timely approve the minutes of a meeting held on April 26.

We resolve this matter by informal action, in accordance with 940 CMR 29.07(2)(a), after reviewing the original complaint, the Committee's response to the complaint, and the complaint filed with our office requesting further review. We also corresponded with counsel for the Committee and reviewed correspondence from the city clerk regarding the meeting minutes. We find that the Committee did not violate the Open Meeting Law in the way alleged.

The Open Meeting Law requires that a public body "create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes." G.L. c. 30A, § 22(a). The meeting minutes must be reviewed and approved in a timely manner. G.L. c. 30A, § 22(c). "Timely manner" means "within the next three public body meetings or within 30 days, whichever is later, unless the public body can

¹ All dates in this letter refer to the year 2022.

RECEIVED
2022 OCT 12 P 2:44
CITY CLERK
FALL RIVER, MA

show good cause for further delay.” See 940 CMR 29.11; OML 2018-48.² Whenever possible, we recommend that minutes of a meeting be approved at the next meeting. See OML 2018-67; OML 2017-133.

The Committee approved the minutes of its April 26 meeting during a meeting held on June 6. Following the Committee’s April 26 meeting, the Committee held meetings on May 10, May 24, May 31, and June 6. Therefore, the later of the Committee’s next three meetings or 30 days was May 31. However, the Committee asserts that it had good cause for the very brief delay in approval until June 6. We understand that a staff member who had attended the April 26 meeting and was tasked with preparing the minutes had nearly completed the minutes prior to the May 31 meeting, but then was unexpectedly out of work with the Covid-19 virus and the minutes were not completed in time for approval on May 31. Although another staff member subsequently completed the minutes for approval at a meeting six days later, that staff member had not been at the April 26 meeting and had to watch the meeting video to do so.

In general, staffing shortages of the type that all governmental bodies with limited resources experience, or periodic staff vacancies, do not constitute good cause for failing to approve minutes in a timely manner, as it is the responsibility of the public body and its members to take steps to ensure that staff have adequate assistance to complete the minutes in a timely manner, including having members of the public body assist in the creation of minutes if necessary. See OML 2021-177; OML 2018-105; OML 2015-86. Ultimately, the responsibility for complying with the Open Meeting Law’s requirement that meeting minutes be created and approved in a timely manner rests with public bodies and members of such bodies, not with individual public employees, such as administrative staff. See OML 2018-105. Here, however, where a specific employee was tasked with preparing the minutes and had nearly completed the minutes but then was unexpectedly and temporarily out of work due to illness before the minutes could be completed, we find good cause for the very short delay in approval of the minutes of the April 26 meeting and find that the Committee did not violate the Open Meeting Law.³

² Open Meeting Law determinations may be found at the Attorney General’s website, <https://www.mass.gov/the-open-meeting-law>.

³ In its initial response to the complaint, the Committee asserted that the June 6 meeting when the minutes were approved was only its second meeting following the April 26 meeting. This is not accurate. The Committee, which is a committee of the whole of the City Council, also held meetings on May 10 and May 24, although those Committee meetings were posted jointly with and held during meetings of the City Council. We remind the Committee that those meetings are considered meetings of the Committee for purposes of calculating the deadline for approval of meeting minutes.

For the reasons stated above, we find that the Committee did not violate the Open Meeting Law as alleged. We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Committee. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Carrie Benedon
Assistant Attorney General
Division of Open Government

cc: Patrick Higgins – By email only: patrick@patrickhiggins.co
Fall River City Council Committee on Finance – By email only:
city_council@fallriverma.org

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

**OPEN MEETING LAW COMPLAINT FORM**

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

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 290

City: Northport State: AL Zip Code: 35476

Phone Number: 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

Specific person(s), if any, you allege committed the violation: Alison M Bouchard, Joseph D Camara, Jr. Linda Pereira

Date of alleged violation: 09/16/2021

Description of alleged violation:

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

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

The Fall River City Council violated the open meeting law as follows:

1. City Clerk Alison M Bouchard illegally called and posted a special meeting of the Fall River City council at 4:01 pm on Sept 15, 2022, to be held at 6:15 pm, having no lawful authority to do so.
2. At 6:15 pm, City Clerk Alison M Bouchard, called the special meeting of the City council to order at 6:15 pm and conducted the meeting "as Chair" with no lawful authority to do so.

Charter of the city of Fall River, section 2-6 only allows for special meetings of the City Council to be called by the president or the call of any 3 or more members. City Code of the City of Fall River, section 2-55, allows for a special meeting of the council to be called by the Mayor or the President of the City Council, (with at 24 hours notice). This is an unlawful ordinance as it is in conflict with the open meeting law and the City Council Subcommittee on Ordinances should either amend this ordinance to comply with the open meeting law or be prepared to defend this in a civil action to be filed in Superior Court.

Section 18 of the open meeting law defines "emergency" as "a sudden, generally unexpected occurrence or set of circumstance demanding immediate action."

On September 13, 2022, City Council President Pam Laliberte, resigned her position as President of the City Council. It is my opinion that Vice President Michelle Dionne automatically promotes to the Presidency. It is the position of the City of Fall River that this is not accurate. Black's Law Dictionary defines "Vice-President" as "1. An officer selected in advance to fill the presidency if the president dies, resigns, is removed from office, or cannot or will not serve... 2. A corporate officer of mid-level to high rank" (Black's Law Dictionary Abridged Ninth Edition, 2010)

This is an intentional violation of the Open Meeting Law in order to prevent Vice President Dionne from becoming the President. At the September 16, 2022 meeting, the vote was 5 for Joseph D Camara, Jr and 4 for Michelle Dionne proving that the 5 would do anything, legal or not, to prevent the Legitimate Vice President from filling the presidency.

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.

Rule that the September 16 2022 special meeting was held in violation of the open meeting law. Remove Joseph D Camara as the illegitimate President and reinstate Vice President Michelle Dionne to President as the line of succession for all organizations provide for, as defined in Black's Law Dictionary. Vacate all actions taken by the City Council at any meeting held after the illegal September 16, 2022 meeting which was conducted and presided over by Joseph D Camara, Jr. Require all city council members to attend a open meeting law training webinar given by the Division of Open Government. See <https://www.mass.gov/service-details/open-meeting-law-trainings> for the schedule and to register.

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.

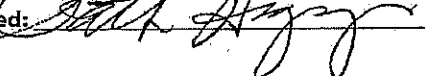
II. Consulting With a Private Attorney.

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: 10/14/2022



CITY COUNCIL PUBLIC HEARING

MEETING: Tuesday, October 11, 2022 at 5:55 p.m.
Council Chamber, One Government Center

PRESENT: President Joseph D. Camara, presiding;
Councilors Shawn E. Cadime, Bradford L. Kilby,
Leo O. Pelletier, Linda M. Pereira, Andrew J. Raposo and
Laura-Jean Washington

ABSENT: Councilors Michelle M. Dionne and Pam S. Laliberte

IN ATTENDANCE: None

The President called the meeting to order at 5:58 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:

Curb Removal

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.

1. Romanow Real Estate Trust, Max Harrison TRS., One International Place Suite 3700, Boston, MA, 02110, for a curb removal as follows:

	Existing Opening	Curbing to be Removed	Curbing to be Added	Combined Openings Proposed After Alteration
Newton Street	55.9'	42'	21.9'	76'
William S. Canning Blvd	34.8'	24'	34.8'	24'

This applicant proposes to modify the existing three curb openings that currently access the property at 323 William S. Canning Blvd. to access the proposed new Marketplace and Gas Station. The overall project results in an increase of 9.2' of curb removal. The project has received Site Plan Approval.

The President asked if there were any proponents to be heard and no one came forward. The President then directed the opponents to be heard 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 to close the hearing at 6:01 p.m.

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, October 11, 2022 at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Joseph D. Camara, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne, Bradford L. Kilby
Pamela S. Laliberte, Leo O. Pelletier,
Linda M. Pereira, Andrew J. Raposo and Laura-Jean Washington

ABSENT: None

IN ATTENDANCE: Kevin Sbardella, Executive Director,
Fall River Housing Authority, 85 Morgan Street
Attorney Michael Souza, General Counsel,
Fall River Housing Authority, 85 Morgan Street
Kenneth Fiola, Executive Vice President,
Bristol County Economic Development Consultants,
139 South Main Street, Suite 400
Attorney Alan J. Rumsey, Corporation Counsel

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 Time – Before Discussion of Financial Matters:
Brenda Venice, 25 Wrights Way – 229 Highland Avenue
Nelson Vasquez, 210 Sunset Hill – Declaration of Rights

Councilor Michelle M. Dionne arrived at 6:05 p.m.

2. Mayor and order transferring the sum of \$14,953.28 from the General Fund Reserve to Elections, Expenses
On a motion made by Councilor Michelle M. Dionne and seconded, by Councilor Linda M. Pereira, it was unanimously voted to recommend that the order be adopted.

3. Discussion with Administration and representatives from the Fall River Housing Authority regarding Home Rule Petition – An Act Authorizing the Fall River Housing Authority to convey a certain parcel of land to SouthCoast Hospital Group, Inc.

President Joseph D. Camara asked for a brief summary of this petition. Kevin Sbardella, Executive Director of the Fall River Housing Authority, stated that the Fall River Housing Authority currently owns the property located at 229 Highland Avenue and manages it along with the Department of Community and Housing Development. This Home Rule Petition would allow the Fall River Housing Authority to expedite the process of approval of sale of the property to SouthCoast Hospital Group to extend their Emergency Services Department as well as parking. He stated it would do so by legally circumventing the Uniform Procurement Act (M.G.L. c. 30B) and that the funds from the sale of this property would be used to develop a new location for Special Needs Housing (M.G.L. c. 689) operated by the Fall River Housing Authority. Councilor Bradford L. Kilby asked Mr. Sbardella if he had an estimate of the timeline for when a new location for Special Needs Housing would be completed. Mr. Sbardella stated he could not estimate that and went over possible changes in the appraisal of property due to the housing market. Councilor Bradford L. Kilby asked Mr. Sbardella why this Home Rule Petition was needed. Mr. Sbardella stated that the State Legislature strongly recommended a Home Rule Petition to help get state legislative approval. Councilor Linda M. Pereira asked for a rough estimate of the sale price of the property. Attorney Michael Souza stated that last year the appraisal estimate was approximately \$420,000.00. Mr. Souza also stated that the State Legislature's Third Reading Committee had a disagreement about whether or not a Home Rule Petition was required, which is why they elected to pursue it. Mr. Souza also went over brief explanation of requirements that the SouthCoast Hospital Group will have to assist the Fall River Housing Authority following the sale. Councilor Linda M. Pereira emphasized the need for this to be expedited due to mental health needs in the City. Councilor Laura-Jean Washington asked Mr. Souza to confirm that this property has been vacant for ten years and that this purchase will allow the Fall River Housing Authority to create a new location for Special Needs Housing. Councilor Shawn E. Cadime asked if the Fall River Housing Authority is unable to submit Home Rule Petitions themselves. Mr. Souza stated that they are following recommendations made to State Representative Carole Fiola by the Counsel of the Massachusetts House of Representatives and this Home Rule Petition will help expedite the legislation they are looking to enact. Mr. Souza acknowledged this was not a typical process. Councilor Michelle M. Dionne asked about last year's appraisal gap based on the current housing market. Mr. Souza stated that the Department of Community and Housing Development will assist the Fall River Housing Authority with a price gap if necessary. Mr. Sbardella confirmed this statement and stated that there is wording in the written legislation that outlines this. Mr. Souza stated he would provide an updated copy to the City Clerk to distribute to all City Councilors. Councilor Pamela S. Laliberte asked if the SouthCoast Hospital Group was aware that this property was included in the Fall River List of Significant Structures as well as the National Register of Historical Places and if they had plans to adhere to regulations put forward by the City and the Federal Government. Mr. Souza stated he was unaware of that but was confident that the SouthCoast Hospital Group would follow any legal regulations on demolition.

On a motion made by Councilor Michelle M. Dionne and seconded, by Councilor Shawn E. Cadime, it was unanimously voted to lift Item 4 from the table.

4. Resolution – Committee on Finance meet with various parties regarding Fall River Cannabis Review Commission and process of approving marijuana licenses
 Councilor Shawn E. Cadime asked if there has been any progress in establishing this Committee. Corporation Counsel Alan J. Rumsey gave a brief overview of the progress in establishing the Committee and reviewed a summary of currently existing contracts. Mr. Rumsey stated there are nine active cannabis facilities open and also gave information on facilities facing termination by the City. President Joseph D. Camara asked if all nine active locations have their appropriate state licenses. Mr. Rumsey confirmed they do have appropriate state licenses. Councilor Shawn E. Cadime asked for reasons why some facilities were being terminated and if the City had the right to proceed with that action. Mr. Rumsey gave a brief overview and stated most facilities were inactive with no progression of business. Councilor Shawn E. Cadime asked about a quota for facilities. Mr. Rumsey stated the quota is currently eleven but that he isn't sure if placing a cap of eleven facilities has a legal standing. Councilor Shawn E. Cadime asked if additional licenses would be added. Mr. Rumsey stated that the Administration was willing to work with the City Council to determine a quota but that Zoning needed to be addressed. Councilor Shawn E. Cadime stated the state had issued requirements for Zoning to be established in either 2015 or 2016 for medical facilities and while an extension was granted for recreational facilities, the City was still over the deadline for Zoning requirements. Councilor Shawn E. Cadime also stated that if a limit to the number of facilities was imposed, there was a minimum to that limit. Mr. Rumsey stated that it was based on a minimum of 20% of liquor licenses, which in the City would be seven facilities, so the City is already over that minimum. Councilor Shawn E. Cadime asked if there had been a review of who would serve on this Committee. Mr. Kenneth Fiola, Executive Vice President of the Bristol County Economic Development Consultants, stated that five members - the Police Chief, City Planner, a City Council representative, a Department of Health representative and a resident of the City with a medical background as appointed by the Mayor – were planned to be on the Committee. Mr. Fiola also gave brief explanation on application requirements and stated it was similar to other local communities. Councilor Shawn E. Cadime asked for clarification on tax policy and regulations by the Cannabis Control Commission. Mr. Rumsey stated that future contract tax policy should be dependent on court decisions due to changes in Administration. Councilor Shawn E. Cadime asked what the timeline would be for this Committee to become operational. Mr. Fiola stated it was unknown if this Committee was necessary due to specificity of the current license requirements. Councilor Shawn E. Cadime stated that the ordinance passed by the City Council has a quota of eleven licenses, that the perspective on marijuana has changed and he feels it would benefit taxpayers of the City. Councilor Linda M. Pereira stated that there are multiple applicants who had applied and received their application money back and asked for clarification. Mr. Rumsey stated there is a rumor that a state law is currently being developed and the City Administration does not want to change things locally if the state is going to amend the current laws soon as the City needs to abide by state regulations. Councilor Linda M. Pereira asked what the timeline was for waiting for potential state regulation changes. Mr. Rumsey stated the Administration is hoping it will be soon. Mr. Fiola stated that the courts need to make a determination on community impact. Councilor Linda M. Pereira stated that the court decisions will not have an impact on licenses. Mr. Rumsey reiterated that the state laws are changing and this takes time. Councilor Michelle M. Dionne asked about marijuana delivery companies. Mr. Rumsey stated there are none of those businesses in the City. Mr. Fiola clarified that delivery companies are included in state legislation, so it would be a legal business. Councilor Michelle M. Dionne asked if there is a way to prevent delivery from outside of the city. Mr. Rumsey stated he does not believe the City has the right to ban these types of services. Councilor Andrew J. Raposo asked what the City would be expecting as a loss if there is a change in state legislation. Mr. Rumsey stated he cannot answer that question. Councilor Andrew J. Raposo asked what the original anticipated income estimate was when this

was originally approved. Mr. Fiola stated he did not know the exact amount but it was available in the related documents. Councilor Leo O. Pelletier stated he felt this Committee should have been created a year ago. Councilor Leo O. Pelletier also stated he felt neighboring cities and towns have significantly fewer licenses than the City and he has noticed a decrease in demand at the locations in the City. Mr. Fiola gave brief explanation about how the City Council and Administration would have control over the licenses, not the Committee. Councilor Leo O. Pelletier stated there should be a finite number of licenses available and that the Committee may not be able to get anything done. President Joseph D. Camara asked for clarification on the number of active licenses. Mr. Rumsey stated currently it was nine to twelve as they were currently working to terminate three. Mr. Fiola stated a decision needs to be made on licenses versus locations. President Joseph D. Camara asked about the timeline of the progress. Mr. Rumsey stated they are currently working on an ordinance for the Council to review regarding contracts and estimates thirty to sixty days until that ordinance is presented. Councilor Shawn E. Cadime stated the state law for municipal laws that restrict marijuana retail licenses, referring to M.G.L. c. 138, Section 15, which is related to liquor licenses. Councilor Bradford L. Kilby asked if there were any potential vendors that were implicated with the former Administration's legal issues in the City that were pursuing a license. Mr. Rumsey stated that none of the nine applications that have passed the Cannabis Control Commission's requirements were related to the former Administration's legal issues.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Laura-Jean Washington, it was unanimously voted to adjourn at 7:15 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Colleen A. Taylor

Clerk of Committees

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, October 11, 2022 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Joseph D. Camara, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Bradford L. Kilby, Pamela S. Laliberte, Leo O. Pelletier,
Linda M. Pereira, Andrew J. Raposo, and Laura-Jean Washington

ABSENT: None

IN ATTENDANCE: None

President Joseph D. Camara called the meeting to order at 7:26 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 to the Special Charter Review Committee:
 - a. Paul J. Machado
 - b. Traci L. Almeida
 - c. Kathryn M. Nemkovich
 - d. John R. Mitchell
 - e. Michelle (Mimi) Larrivee

Councilor Michelle M. Dionne stated that the City Charter requires this Special Charter Review Committee be established "no later than May 1st of the fifth year after adoption of the Charter," and that this Committee is being established late and violating the Charter. Councilor Michelle M. Dionne also stated that cultural diversity is lacking within the potential appointments. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was voted 3 yeas, 6 nays to confirm the appointments and the motion failed to carry, with Councilors Shawn E. Cadime, Michelle M. Dionne, Pamela S. Laliberte, Leo O. Pelletier, Linda M. Pereira and Andrew J. Raposo voting in the negative.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the Council take item #3 before item #2.

3. Mayor and Home Rule Petition – An Act Authorizing the Fall River Housing Authority to convey a certain parcel of land to SouthCoast Hospital Group, Inc.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was voted with 9 yeas to adopt the Home Rule Petition.

Approved, October 12, 2022, Paul E. Coogan, Mayor

2. Mayor and order transferring the sum of \$14,953.28 from the General Fund Reserve to Elections, Expenses

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the order.

4. Mayor and order accepting gift of \$57,114.00 for the Fall River Fire Department from Precise Packaging, LLC, to purchase two ChemProX, Handheld Chemical Detectors
Councilor Linda M. Pereira requested that a letter of thanks be sent to Precise Packaging, LLC. A copy of said letter is attached hereto and made part of these minutes. On a motion made by Councilor Andrew J. Raposo and seconded, by Councilor Linda M. Pereira, it was unanimously voted to approve the order.

Approved, October 12, 2022, Paul E. Coogan, Mayor

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS – None

ORDINANCES

Ordination, as amended

5. Proposed ordinance – Reorganization of city departments
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted that this proposed ordinance be passed to be ordained, as amended.

Approved, October 12, 2022, Paul E. Coogan, Mayor

RESOLUTIONS

6. Committee of Public Works and Transportation meet with residents of Grinnell and Jefferson Street areas, the Administrator of Community Utilities, and the City Engineer to discuss flooding issues

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the resolution.

7. Administration consider the use of American Rescue Plan Act (ARPA) funds to install cameras in all parks and playgrounds to ensure residents' safety
Councilor Leo O. Pelletier expressed concern that these cameras would not prevent crimes and would only record them. Councilor Linda M. Pereira stated that City residents have expressed fear of crime in City parks and that having signs that the park has security cameras may reduce crime. Councilor Pamela S. Laliberte stated that if this resolution was adopted, the Administration would do research on the effectiveness of cameras in crime prevention. Councilor Michelle M. Dionne stated concerns about the cost of this project. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to amend the resolution by adding that the Administration notify the City Council of the cost estimate within 60 days. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the resolution, as amended.

CITATIONS

8. Jim Lopes for being awarded the 2022 Department of Conservation and Recreation Innovation in Interpretation Award
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the resolution.

ORDERS – HEARINGS

Curb removal:

9. Romanow Real Estate Trust, Max Harrison TRS – Removal of 76 feet on Newton Street and 24 feet at 323 William S. Canning Boulevard (corner lot)
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the order.
Approved, October 12, 2022, Paul E. Coogan, Mayor

ORDERS – MISCELLANEOUS

10. Warrant for the State Election to be held on November 8, 2022
On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt the order.
Approved, October 12, 2022, Paul E. Coogan, Mayor
11. Auto Repair Shop License Renewals:
 Jody Oliveira d/b/a Ground Earth, Inc. located at 1741 Stafford Road
 Joseph Bilan d/b/a BP Auto Service Repair, Inc. located at 1091 South Main Street
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the order.
Approved, October 12, 2022, Paul E. Coogan, Mayor
12. Police Chief's report on licenses:
Taxicab Driver:
 Lisa A. Padula
The City Clerk stated that the applicant was approved by the Police and Fire Departments but denied by the City Collector and Deputy Collector due to a final notice excise bill that was issued on February 8, 2022 and remains unpaid. A motion was made by Councilor Leo O. Pelletier to deny the order until the bill is paid, but there was no second. Councilor Bradford L. Kilby stated that the order should be amended to be contingent upon payment of the bill. President Joseph D. Camara stated that City bills are often paid but receipt of payment is delayed. Councilor Linda M. Pereira stated that it would be more difficult for a bill to be paid if the driver was unable to do their job. The City Clerk stated that based on the ordinance for failure to pay taxes, the time limit would be twelve months from time of final notice. Councilor Michelle M. Dionne asked to clarify that an amendment on this order would reflect a requirement of payment one year from February 2022. The City Clerk stated that once an application is submitted, the applicant has thirty days to pay all necessary outstanding balances. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the order, subject to payment of the overdue excise taxes.

13. City Engineer prepare plans for the acceptance of Courtney Street from Highland Avenue to Fieldstone Lane

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Laura-Jean Washington, it was unanimously voted to refer the order to the Planning Board.

COMMUNICATIONS – INVITATIONS – PETITIONS

14. Claims

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

15. City resident requesting no parking signs on Bigelow Street

A motion was made by Councilor Shawn E. Cadime and seconded by Councilor Laura-Jean Washington to refer the communication to the Traffic Commission. Councilor Leo O. Pelletier stated that the street is currently a paper street and the City may not be able to put no parking signs up and that the Committee on Real Estate may be helpful. On a further motion made by Councilor Leo O. Pelletier and seconded by Councilor Michelle M. Dionne, it was unanimously voted to refer the communication to the Committee on Real Estate.

16. City Engineer – Street opening less than 5 years at 170 Purchase Street

Councilor Linda M. Pereira stated that it's difficult to deny this request since a building permit has already been issued and that she would work on a letter to the Building Department regarding this matter. Councilor Pamela S. Laliberte stated this request was part of a construction project for this vacant lot. On a motion made by Councilor Shawn E. Cadime and seconded, by Councilor Bradford L. Kilby, it was voted to approve the request, with Councilor Linda M. Pereira voting in the negative.

Approved, October 12, 2022, Paul E. Coogan, Mayor

On a further motion made by Councilor Shawn E. Cadime and seconded, by Councilor Andrew J. Raposo, it was unanimously voted to take items #17 through #21 together.

City Council Minutes:

- 17. Committee on Finance – September 13, 2022
- 18. Committee on Finance – September 27, 2022
- 19. Regular Meeting of the City Council – September 13, 2022
- 20. Regular Meeting of the City Council – September 27, 2022
- 21. Special Meeting of the City Council – September 16, 2022

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Laura-Jean Washington, it was unanimously voted to approve items #17 through #21.

BULLETINS – NEWSLETTERS – NOTICES

22. Department of Public Utilities Public Hearing for National Grid – Approval of an Alternative Basic Service Procurement Plan scheduled for October 11, 2022

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Andrew J. Raposo, it was unanimously voted to accept the notice and place it on file.

23. Department of Public Utilities Public Hearing for National Grid – 3 Year Energy Efficiency Plan scheduled for October 27, 2022

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Bradford L. Kilby, it was unanimously voted to accept the notice and place it on file.

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: OCTOBER 11, 2022

PRIORITY COMMUNICATIONS

4a. Traffic Commission recommending amendments to traffic ordinances
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

CITATIONS

8a. Chorbishop Joseph F. Kaddo for the celebration of his 50th Anniversary of being ordained to the Priesthood
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the resolution.

ORDERS – MISCELLANEOUS

13a. City Council appointments to the Special Charter Review Committee:

- Attorney Rene Brown
- Timothy Campos
- Daniel Robillard
- Councilor Laura-Jean Washington

Councilor Michelle M. Dionne stated that these appointments should have been made five months ago and that the appointments do not represent diversity of the City. Councilor Pamela S. Laliberte stated that she and Councilor Michelle M. Dionne have discussed the reasoning behind this Committee with Corporation Counsel and forwarded this information to Councilors in May of 2022. Councilor Laura-Jean Washington stated that there should not be assumptions made of ethnicities. President Joseph D. Camara stated that it is challenging to get members to volunteer for this Committee and that he agrees that there may need to be a discussion had regarding the need for this Committee. Councilor Michelle M. Dionne stated that the City Council could always move forward with Charter amendments without the Committee. Councilor Linda M. Pereira stated that the Charter requires this Committee and the City Council and Administration should work to move forward with the development of this Committee. Councilor Linda M. Pereira also stated that this matter should be tabled. President Joseph D. Camara stated that if this was tabled, it would not move forward and he did not feel that was ideal as the Committee planning was already months overdue. On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Pamela S. Laliberte, it was voted to deny the order, with Councilors Bradford L. Kilby, Linda M. Pereira, Laura-Jean Washington and President Joseph D. Camara in the negative.

COMMUNICATIONS – INVITATIONS – PETITIONS

21a. Corporation Counsel Response to Open Meeting Law complaint filed by Patrick Higgins re: August 16, 2022 alleged violation by City Council

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the communication be accepted and placed on file.

21b. Corporation Counsel Response to Open Meeting Law complaint filed by Jeffery Gaudreau re: September 16, 2022 alleged violation by City Council

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the communication be accepted and placed on file.

21c. Corporation Counsel Response to Open Meeting Law complaint filed by Collin Dias re:
September 16, 2022 alleged violation by City Council

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Andrew J. Raposo, it was unanimously voted that the communication be accepted and placed on file.

BULLETINS – NEWSLETTERS – NOTICES

24. Fall River Redevelopment Authority re: waterways application to construct and maintain a public marina

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted that the communication be accepted and placed on file.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adjourn at 8:04 p.m.

List of documents and other exhibits used during the meeting:

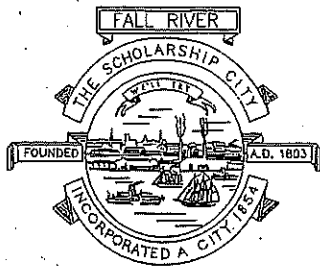
Agenda packet (attached)

DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

October 12, 2022

Richard C. Armstrong, President
Precise Packaging, LLC
300 Riggensbach Road
Fall River, MA 02720

Dear Mr. Armstrong,

At a meeting of the City Council held on Tuesday, October 11, 2022, a request was made to forward a letter of thanks to Precise Packaging, LLC. Your generous donation of two (2) ChemProX, Handheld Chemical Detectors valued at \$57,114.00 is greatly appreciated.

Fall River Firefighters are grateful for the donation as these items were greatly needed and will improve public safety for the residents. On behalf of the Fall River City Council, please accept our sincerest gratitude.

Sincerely,

Alison M. Bouchard
Alison M. Bouchard
City Clerk

/ct