

City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2023 DEC -8 P 12:00

ALISON M. BOUCHARD
CITY CLERK

CITY CLERK
FALL RIVER, MA

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
TUESDAY, DECEMBER 12, 2023
AGENDA

5:55 P.M. PUBLIC HEARING

Pole Location

1. Massachusetts Electric Company d/b/a National Grid for one solely owned pole location as follows:

Penn Street

One (1) new pole location

Install one solely owned pole on Penn Street. National Grid is proposing to install one new 45 foot, solely owned pole approximately 15 feet east of the existing Pole 24 on Penn Street. This pole will allow National Grid to extend a three-phase overhead conductor from Pole 24 to proposed Pole 24-1 to allow for the installation of a pole mounted three-phase transformer bank. This transformer bank will feed a new service for Gold Medal Bakery in the trailer parking lot at 1397 Bay Street.

In accordance with Plan No. 30861726

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. *Amended loan order re: Fall River School Department's proposal to the Massachusetts School Building Authority for the Robert L. Medeiros Resiliency Preparatory Academy renovation project (referred 11-28-2023)
3. Transfer and appropriation

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

PRIORITY MATTERS

1. *Mayor and orders as follows:
 - a. Memorandum of Agreement between the Fall River Fire Fighters, Local 1314 International Association of Firefighters and the City of Fall River
 - b. Transferring the sum of \$2,500,000 from the Stabilization Fund to Fire, Salaries Fund

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

One Government Center • Fall River, MA 02722
TEL 508-324-2220 • FAX 508-324-2211 • EMAIL city_clerks@fallriverma.org

2. *Mayor requesting the confirmation of the following reappointments to the Library Board of Trustees:
- a. Ronald Caplain
 - b. Katherine Clarkin
 - c. Joyce Coelho
 - d. James Gibney
 - e. Aja Andrea Grice
 - f. Sharon Quinn
 - g. Fran E. Rachlin
 - h. Ann Rockett-Sperling

PRIORITY COMMUNICATIONS

3. *Board of Election Commissioners and orders authorizing the Presidential Primary Election on Tuesday, March 5, 2024, the State Primary Election on Tuesday, September 3, 2024, and the Biennial State Election on Tuesday, November 5, 2024, and designating polling places and changes to polling places for such elections

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

4. *Committee on Ordinances and Legislation convene with all interested parties, Corporation Counsel and representatives of local taxi companies to discuss an amendment to the current taxi license ordinances regarding accessible vehicles for disabled individuals

CITATIONS

5. City Councilor Pamela S. Laliberte – 8 Years of Public Service as a City Councilor
6. City Councilor Leo O. Pelletier – 36 Years of Public Service as a City Councilor

ORDERS – HEARINGS

Pole Location:

7. Massachusetts Electric Company d/b/a National Grid – Installation of one (1) new pole location on Penn Street

ORDERS – MISCELLANEOUS

8. Police Chief's report on licenses:

Taxicab Drivers (2024)

Ashraf Kamal Antar	Darrell E. Carlsen	Melissa Carvalho	Robert M. Collins, Jr.
Cristian R. Cunin-Choro	Robert R. Diguseppe	David Dube	Jeffrey Goldstein
Peter G. Hadad	Jamarie Hall	Louis Levesque	Dan P. Lockley
William Marshall, Jr.	Michael Migliori	Edise Parson	Gerald Pinault
John D. Purcell	Todd J. Quintal	Mikael Raposa	Gary Teixeira

Taxicab Vehicle (2024)

Faith Latessa, Town Transportation, LLC – One (1) Vehicle – Number 32

Private Livery Driver (2024)

Otis Aliemeke

Private Livery Vehicle (2024)
Otis Aliemeke – One (1) Vehicle

9. Auto Body Shop License Renewals:
Nicholas R. Faggioli d/b/a Faggioli Auto Body – 633 Lawton Street
Ronald Pedro d/b/a ABC Auto Body & Sales – 753 Pleasant Street
Dylan Jarabek d/b/a Top Tier Auto Body – 232 Lapham Street (rear)
10. Auto Repair Shop License Renewals:
Nicholas R. Faggioli d/b/a Faggioli Auto Body – 633 Lawton Street
Fouad C. Rechmani d/b/a Knight's Quality Service Station, Co. – 260 Linden Street
John Medeiros d/b/a Medeiros Auto Body & Sales, Inc. – 96-98 Alden Street
Elie Bouramia d/b/a North End Auto Service & Sales, Inc. – 3293 North Main Street
Ronald Picard d/b/a Theo's Service Center – 35 Oak Grove Avenue
Francis B. May d/b/a Brad's Auto Service – 156 President Avenue
Vincent Nanni d/b/a Vin's Motor Sales, Inc. – 1426 Plymouth Avenue
Dylan Jarabek d/b/a Top Tier Auto Body – 232 Lapham Street (rear)
Jacinto Silva d/b/a Tech Service Center, Inc. – 70 William Street
Rodrigo Tacach d/b/a Tacach Auto Repair, Inc. – 192C Eighteenth Street
Elio Younes d/b/a Coastal Fuel, Inc. – 1082 North Main Street
11. Light Order – Emery Street

COMMUNICATIONS – INVITATIONS – PETITIONS

12. *Claims
 13. *Communication from the Massachusetts Department of Public Safety and Licensing regarding M.G.L. Ch. 147, §47A re: the issuance of a license to Kris Jacobs/Stay Ready Boxing for a boxing event at the Police Athletic League, 31 Franklin Street, on December 16, 2023
 14. Structure on or over a public way application for One Stop Shop JP, LLC, 1930 Pleasant Street, to place two 10 foot tables with toys, shoes, and clothing against the building five days a week from 8:00 a.m. to 8:00 p.m.
 15. *Open Meeting Law Complaint filed by Patrick Higgins re: alleged violation by the City Council Committee on Finance on November 28, 2023
 16. *Open Meeting Law Complaint filed by Patrick Higgins re: alleged violation by the City Council on November 28, 2023
 17. Drainlayer Licenses
 - a. Perry Heavy Equipment Services, LLC
 - b. Solimini Excavation and Utilities
- City Council Minutes:
18. *Public Hearings – November 14, 2023
 19. *Committee on Finance – November 14, 2023
 20. *Regular Meeting – November 14, 2023
 21. *Public Hearing – November 28, 2023
 22. *Committee on Finance – November 28, 2023
 23. *Regular Meeting – November 28, 2023

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

BULLETINS – NEWSLETTERS – NOTICES – None

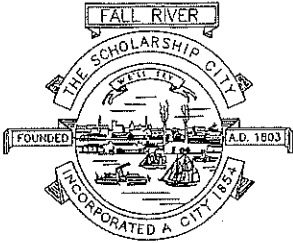

Assistant City Clerk

OTHER POTENTIAL MATTERS TO BE ACTED UPON (if received):

COMMITTEE REPORTS

Committee on Finance recommending action:

Amended loan order re: Fall River School Department's proposal to the Massachusetts School Building Authority for the Robert L. Medeiros Resiliency Preparatory Academy renovation project



City of Fall River
Massachusetts
Office of the Mayor

FINANCE 2

RECEIVED

2023 NOV 27 P 2:44

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

November 27, 2023

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

Dear Councilor President and Members of the Honorable Council:

Attached please find an amended order loan order for the Robert L. Medeiros Resiliency Preparatory Academy Renovation Project.

The original loan order was adopted by the City Council on September 26, 2023. However, the original loan order inadvertently was missing language which would allow the City to seek MFOB approval to borrow using the State's enhanced credit rating. This approval would save the City money on interest expenses moving forward.

Thank you for your consideration and please let me know if you have any questions or concerns.

Sincerely,

Paul E. Coogan
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

NOV 28 2023

Referred to the
Committee on Finance

One Government Center • Fall River, MA 02722
TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL mayor@fallriverma.org

Loan Order

Robert L. Medeiros Resiliency Preparatory Academy Renovation Project

ORDERED, that the City appropriates eight million one hundred one thousand six hundred thirty-six dollars (\$8,101,636) to pay costs of a door and window replacement project at Robert L. Medeiros Resiliency Preparatory Academy, 290 Rock Street, Fall River. The project consists of the replacement of exterior doors and windows and the addition of an accessible bathroom, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of School Department. To meet this appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the project shall not exceed the lesser of (1) eighty percent (80%) of eligible, approved project costs, as determined by the MSBA, and (2) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

FURTHER ORDERED, that the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws and any and all bonds of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

CITY OF FALL RIVER
IN CITY COUNCIL

NOV 28 2023

*Authorized to be published
and referred to the
Committee on Finance*

1a



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

PAUL E. COOGAN
Mayor

RECEIVED
701 NOV 22 A 9:54

CITY CLERK
FALL RIVER, MA

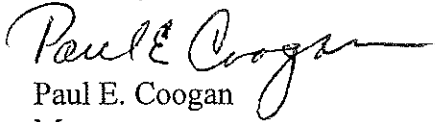
November 22, 2023

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

Dear Honorable Members of the City Council:

Consistent with the requirements of MGL Chapter 150E, I am submitting the Massachusetts Joint Labor Management Committee's (JLMC) decision and award for a successor agreement with the Fall River Fire Fighters, Local 1314, IAFF. Upon your appropriation of funds, the award of the JLMC interest arbitration panel will become a part of the contractual obligations of their prior contracts. Consistent with my obligations under General Laws, c. 150E and Chapter 589 of the Acts of 1987, I fully support funding this award, and respectfully request that the City Council approve such funding at the earliest practicable opportunity.

Sincerely,


Paul E. Coogan
Mayor

City of Fall River, In City Council

ORDERED, that the funding of the cost items contained in the collective bargaining agreements between the City of Fall River and the Fall River Fire Fighters, Local 1314, are hereby approved.



CITY OF FALL RIVER
COLLECTIVE BARGAINING AGREEMENT
THROUGH
JULY 1, 2021 –JUNE 30, 2024

FISCAL IMPACT STATEMENT

Fall River Fire Fighters, Local # 1314

	4%	4%	4%	Additional 5%		
	FY 2022	FY 2023		FY 2024		
	2021-2022	2022-2023	7/1/2023- 12/31/2023	**01/01/2024- 06/30/2024	Total FY 24	Total
Fiscal Impact:						
Pensionable	\$ 554,140	\$ 583,845	\$ 449,541	\$ 462,766	\$ 912,307	\$ 2,050,293
Non-Pensionable	\$ 83,382	\$ 57,460	\$ 61,350	\$ 63,155	\$ 124,506	\$ 265,348
IOD	\$ 5,696	\$ 3,057	\$ 6,234	\$ 6,418	\$ 12,652	\$ 21,405
	\$ 643,219	\$ 644,362			\$ 1,049,465	\$ 2,337,046
*Accrued liability from Prior year to be paid:						
Pensionable		\$ 561,389	\$ 432,142		\$ 432,142	\$ 993,532
Non-Pensionable		\$ 55,250	\$ 58,976		\$ 58,976	\$ 114,226
IOD		\$ 11,732	\$ 5,993		\$ 5,993	\$ 17,725
Total		\$ 628,372			\$ 497,111	\$ 1,125,483
Fringe:						
Medicare	\$ 9,327	\$ 18,455			\$ 22,425	\$ 50,207
Total Salaries & Fringe Including Fiscal Impact and accrued liability	\$ 652,545	\$ 1,291,189			\$ 1,569,001	\$ 3,512,736

Disclosures:

FY22 & FY23 & July 1st through November 14, 2023 represents amounts based on actual compensation

* The accrued liability represents the amount owed for the prior fiscal year increase of 4% for each year to be paid in FY24

** These figures are estimated over the remaining pay periods of FY24 based on the first six months of FY24

Figures are estimated and subject to change based on current employee staffing levels.

IN THE MATTER OF
ARBITRATION BETWEEN

FALL RIVER FIRE FIGHTERS, LOCAL 1314 IAFF

and

CITY OF FALL RIVER

Interest Arbitration
Case No. JLMC-22-9197

Arbitration Panel: Beth Anne Wolfson, Neutral Arbitrator
Matthew Reddy, JLMC Committee Member, Union
Gerard Hayes, JLMC Committee Member, Management

Appearances:

For the Union: Leah Barrault, Esq.
For the City: John Clifford, Esq.

Decision and Award
By the Arbitration Panel

Background

The City of Fall River (City) and the Fall River Fire Fighters, Local 1314, IAFF (Union) are parties to a collective bargaining agreement (CBA) with a term from July 1, 2016 to June 30, 2019, which was extended by a Memorandum of Agreement (MOA) from July 1, 2019 to June 30, 2021, signed by the parties on March 26, 2021. The bargaining unit covered by the CBA includes all uniformed members of the Fall River Fire Department (FRFD) except the Chief. There are approximately 195 firefighters who staff 6 stations across the City. In addition to fires, the FRFD

responds to calls concerning carbon monoxide, natural gas emergencies, motor vehicle accidents, water rescues, hazardous material emergencies, lift assists, and medical emergencies.¹ The City's population is approximately 94,000 and is the fourth largest city in the Commonwealth. It is bisected by two major highways, I-195 and MA-24. The FRFD covers approximately 33 square miles on land and about 7 miles of water. Jason Burnt, a City firefighter and current Union President, testified that the City is densely populated, with many three-decker houses that are close together, as well as old mill buildings. Apparently some of those buildings have been converted into medical offices. He also stated that the City has within its borders an LNG facility.

There are 6 engine companies and 3 ladder companies, a heavy rescue company, and 2 command vehicles. The water is covered by the Department of Marines 1 and 2, which is staffed through cross-manning of firefighters also assigned to heavy rescue. Apparently the FRFD's goal is to man its apparatus with 4 members, but at present most apparatus is staffed with 2 firefighters and 1 fire officer. The 2 engine companies furthest north and south in the City are maintain a crew of 3 firefighters and 1 fire officer. Both command vehicles are staffed with a District Chief alone, without an aid or assistant.

The Union previously filed a petition with the Massachusetts Joint Labor Management Committee (JLMC). After a subcommittee meeting of the JLMC held a hearing with the parties on the issues in dispute on September 29, 2022, and by letter dated November 4, 2022, it directed the parties to proceed to arbitration before a tripartite panel. By letter dated November 28, 2022, the undersigned was appointed by the JLMC to serve as Neutral Chair of the Arbitration Panel. The Management member of the Panel is JLMC Committee Member Gerard Hayes, and the Union member of the Panel is JLMC Committee Member Matthew Reddy.

¹ Although the City has a separate EMS Department, firefighters are first responders, and the record evidence shows that about 27% of FRFD calls are medical.

An arbitration hearing was held on July 17, 2023² before the tripartite Panel. At the hearing the parties were given full opportunity to present evidence and make arguments on their outstanding issues.³ Both parties submitted their briefs electronically on August 29, 2023, on which date this Arbitrator electronically exchanged the briefs for the parties and provided them to the other Panel members.

Issues in Contention

Duration was not listed as one of the authorized issues, and both parties have submitted evidence regarding wage rates for FY 2022, 2023, and 2024, from which the Panel has concluded that they are in agreement that the Award should provide for a three-year CBA effective from July 1, 2021 to June 30, 2024. The issues to be arbitrated, which were certified by the JLMC at its 3(a) hearing, are:

<u>Joint Issues:</u>	<u>Pages</u>
1. Wages (Article 3)	4 - 21

<u>Union's Issues:</u>	<u>Pages</u>
1. New Article, Hazardous Duty Pay	21 - 25
2. New Article, Medical Care Stipend	25 - 26
3. New Article, Apparatus Driver/Inspector Stipend	26 - 28
4. Firefighter EMT Stipend (Article 43)	28 - 30

<u>City's Issues</u>	<u>Pages</u>
1. Sickness/ Injury During Vacation Time (Article 21)	30 - 32

² An attempt to mediate a settlement of the parties' dispute prior to the commencement of the hearing was unsuccessful.

³ At the hearing and in its brief the City objected to the JLMC's exclusion from these proceedings of some City bargaining proposals. This Panel declined to consider those proposals because its authority is limited to the issues certified by the JLMC to be arbitrated, as listed in the November 28, 2022 appointment letter.

	<u>Pages</u>
2. Bid System (Article 22)	32 -33
3. Sickness/Illness (Article 29)	33 - 35
<u>Summary of Award</u>	35 – 37

Wages and Salary – Article 3

The parties' CBA, effective July 1, 2016 to June 30, 2019, was extended by a Memorandum of Agreement, effective July 1, 2019 to June 30, 2021. Wages are addressed in Article 3 – Wages and Salary – of their expired Agreement.

With respect to wages of comparable employees, the Panel must look at the fire fighters in comparable communities. Because the parties were unable to agree on the universe of comparable communities, the Panel must determine for purposes of its analysis the appropriate universe of comparable communities. The Town asserts it is: Attleboro; New Bedford; Taunton; Brockton; and Plymouth. The Union contends it is: Attleboro; New Bedford; Taunton; Brockton; Chelsea; Everett; Leominster; Lowell; Malden; Quincy; Revere; and Springfield. The parties agree on Attleboro; New Bedford; Taunton; and Brockton.

The City provided as evidence an excerpt from the 2018 police patrol officers' award where the parties agreed that Attleboro, New Bedford, Taunton, Brockton, and Plymouth were appropriate comparable communities. In that case, the Union also proposed to include in the universe of comparable communities, Everett, Lowell, and Springfield; however, that Panel determined the communities agreed on, i.e., Attleboro, New Bedford, Taunton, Brockton, and Plymouth were appropriate comparable communities. That panel declined to include Everett, Lowell and Springfield because the City of Everett, as a greater Boston community, typically

reflected a higher compensation factor than the South Coast region, the City of Springfield is located in the western part of the Commonwealth and is the third largest city in the Commonwealth, and the City of Lowell is in the Merrimack Valley, which is geographically distinct from Fall River, and has a traditionally distinguishable wage and benefit track from Fall River.

The Union provided as evidence the statutory definition of what is a gateway city and a list of Massachusetts gateway cities, demographic information for all 26 gateway cities, including Fall River, and the testimony of the Union's expert, Kevin J. Dasey. According to Dasey's testimony, he selected 11 of the 25 other gateway cities to compare to Fall River. The Panel notes both that Dasey did not explain why he selected those 11 out of 25, and also that he actually included a 12th gateway city in his analysis.⁴ In addition, it appears the Union did not include Plymouth because it was focusing on Massachusetts gateway cities for its universe of comparable communities and Plymouth, a town, is not a gateway city.

This Panel accepts as external comparable communities the four cities the parties agreed on, i.e., Attleboro, New Bedford, and Taunton – all in Bristol County as is Fall River – and Brockton, in Plymouth County, which is contiguous to Bristol County.

This Panel declines to include in the universe of external comparable communities the town of Plymouth. The Union provided copies of the four agreed to cities' most recent CBAs, but neither party provided a copy of the town of Plymouth's most recent CBA. The Panel is not comfortable relying on only the extrapolated information the Employer provided from which to draw comparisons. The Panel also declines to include in the universe of external comparable communities the cities of Chelsea, Everett, Leominster, Lowell, Malden, Quincy, Revere, and

⁴ Union Ex. 9, p. 95, lists 11 external comparable communities, not including Attleboro, but Union Ex. 9, pp. 96, 97, and 99-100, include Attleboro in the analysis of external comparable communities.

Springfield suggested by the Union. None of those cities are in Bristol County. All of those cities are geographically remote from Fall River, especially Lowell, Leominster, and Springfield. All of those cities are in counties not contiguous to Bristol, except Quincy; however, Quincy, along with Chelsea, Revere, and Everett, are all located in the Metro Boston Region. Malden, which abuts Revere and Everett, while not part of the recognized Metro Boston Region, is considered a suburb of Boston. Finally, although it appears the Union was concentrating on gateway cities, as stated above, its expert did not testify why he chose those 8 cities out of the 21 gateway cities not agreed to by the parties.

City's Position

The City originally proposed a wage increase of 1.5%, 0%, and 1%, for the 2022, 2023, and 2024 fiscal years. In the Summary contained in its post-hearing brief, however, the City submitted that this Panel should award wages increases of 1.5%, effective 7/1/21, 3%, effective 7/1/22, and 1/5%, effective 7/1/23. In its brief, the City addressed what it perceived as the Union's primary focus, *i.e.*, the City's patrol officers' wage increases, but also addressed the City's EMS and Superior Officers' wage increases and those of the comparable communities it suggested. Finally, the City discussed its financial ability to fund wage increases.

With respect to the patrol officers, the City contends their raises were: 7/1/21 – 1.5%; 7/1/22 – 1%; and 7/1/23 – new wage schedule for Step 1, date of hire through year 4, \$2,346.20, Step 2, year 5 through year 9, \$2,538.46, and Step 3, 10 years of credible service, \$2,923.08. This demonstrates the City had limited resources to fund retroactive wage increases for FY 22 and 23. The fiscal year beginning 7/1/23, however, includes significant increases for Patrol Union members, including an increase of approximately 18.5% over the prior year for patrol officers with 10 years of service. The City asserts the increase in the third year of the patrol officers CBA was

justified by several factors that are not applicable to the firefighters. First, police wages were a contributing factor to severe hiring and retention issues. At the time the patrol officers' CBA was settled the Police Department (PD) had 25 funded positions that were vacant and its staff of 145 officers was significantly lower than the previous year. The City was losing officers to other police departments as well as its own Fire Department. Conversely, the FRFD is fully staffed and does not have any staffing or retention issues.

The City argues the workload of its police officers is substantially greater than the workload of its firefighters. The City measures workload by number of calls. It asserts the 3-year average of calls was 6,930 per year, or 19 per day, for the FRFD, while the PD averaged 44,900 per year or 123 per day, or six times as many calls as the FRFD. The City also argues this average does not take into account the fact that as of December 2022, the PD had only 145 officers while the FRFD had 195 firefighters. Furthermore, given that police officers respond to 10 times the number of calls on a daily basis than firefighters, their job is clearly more hazardous.⁵ It also argues the Union has steadfastly resisted the City's proposals to narrow the gap.

The City asserts the Patrol Union made several valuable and meaningful concessions in exchange for their wage increases. Specifically, both the Patrol and Superior Officers Unions agreed to significant language changes limiting both the opportunity to accrue comp time and how much comp time could be accrued, addressing a practice that had created an unfunded liability in the millions of dollars by allowing an employee to not work for up to 2 years prior to actually retiring. Both police unions also agreed to full implementation of body cameras, which would create a record of police interactions with the public and provide a clear method of determining whether claims of police misconduct are true. None of the City's non-wage proposals are remotely

⁵ The Panel notes this argument concerns an Article proposed by the City that was not authorized by the JLMC at its 3(a) Hearing to be submitted to arbitration, therefore, the Panel cannot consider such an argument.

close in importance or value to these concessions by the police unions. Finally, the City contends if the firefighters want parity with the police it should engage with the City in good faith bargaining over the issue of workload.

The City asserts the Panel should consider the fact that its police have historically been paid more than its firefighters. Union Exhibit 8 shows a patrol officer with 15 years of service earned a total of \$84,746 per year, while a firefighter with the same years of service earned \$69,306, or 22.3% less. Furthermore, the Union exhibit includes EMT pay, which is not paid to all firefighters. When that is subtracted from firefighter wages, the difference increases to 25.7%. In addition, the Union exhibit is predicated on the theory that firefighters "work" 12.5% more hours than police officers, therefore, their wages should reflect that; however, firefighters are permitted to sleep during their shifts while police officers are not, therefore, the difference in scheduled hours is meaningless. Furthermore, any rational analysis of "work" should include workload measured in number of calls, so that disparity is negated by the amount of work actually performed by police officers. The City also asserts that not only is there no evidence that would justify imposing a wage package that narrowed or eliminated a gap that has always existed, but also for its reasons cited above there is ample justification for that wage gap to be increased.

With respect to the Superior Officers' CBA, the City contends it is inapplicable to this arbitration. That Union negotiated an increase in rank differential, from 15% to 18%, which was phased in during the term of their CBA because the existing rank structure resulted in some patrol officers earning more than sergeants. That was the only wage increase negotiated by the Superior Officers' Union. That conflict in wage structure does not exist in the firefighters' CBA. Furthermore, as previously asserted, the Superior Officers also agreed to implementation of body cameras and to modifications in their comp time language.

With respect to the EMS Department, the City contends there are several distinguishing factors. Between 2018 and 2022 that department's revenues increased from \$7.4 million to \$9.6 million. The wage increases negotiated in its most recent CBA has dramatically improved the ability to hire and retain staff. The EMS Department operates as an enterprise fund, i.e., its revenues fund wages and other expenses. FRFD wages, on the other hand, are funded through general fund revenues, and firefighters cannot generate additional revenue to support their wages. Even if the Panel compares EMS wages to firefighters, EMS basic EMTs earn 20.89% less than firefighter basic EMTs. The City argues the Union will likely try to compare EMS paramedics to firefighter wages; however, they are trained and equipped to perform medical procedures that firefighters, including those certified as paramedics, cannot perform. In addition, EMS employees responded to 25,715 calls in 2022, whereas firefighters responded to 7,170 calls. The call volume for the EMS Department, which is 3 ½ times that of the FRFD, is managed by staffing 17 employees per shift compared to 35 firefighters on a given shift. For these reasons the Panel should not consider the wages paid to EMS Department employees in its deliberations.

With respect to external comparability, The City contends the analysis of comparable wages must include relative ability to pay and a comparison of workload. Pursuant to its analysis of workload, its firefighters respond to fewer calls than other departments, including Attleboro, which has half the population of the City. New Bedford, which is very close both geographically and in population, respond to three times as many calls. The City contends the primary reason for the disparity is that New Bedford firefighters respond to almost 19,000 medical calls a year, while its firefighters respond to 2,600. Furthermore, the City spends on average \$3,303 per call, as compared to an average of \$1,036 per call for the other communities. In addition, a City firefighter with 10 years of service, based on FY21 wages, earned \$61,535, approximately \$4,324 below the

average of comparable communities when compared to their FY23 wages. For illustrative purposes only the City projects that if its firefighters received 1.5% in FY22 and 3% in FY23, they would then be paid 1% more than the average. This analysis does not take into consideration that its 10 year firefighters receive unlimited sick leave compared to their peers in other communities, most of whom receive 15 sick days a year. The analysis also does not reflect the vacation benefits of the City's firefighters. After 10 years of service they receive 240 hours of vacation, on average one week more than their peers in other departments, which the City projects at a value of 2% of total earnings.

The City also argues that, to the extent its firefighters receive lower wages than their peers, based on the City's fiscal data, as well as workload, they are precisely where they should be. The City's need to negotiate higher wages for patrol officers should not be construed as indicative of the City being flush with cash. Its Chief Financial Officer testified that the City faces significant challenges, including short-term and long-term pension funding, construction of the Diman Vocational High School, the minimum net spending requirement of the Commonwealth, loss of grant revenue from the American Rescue Plan (ARPA), and a reduction in cannabis revenues. She also testified that the FY24 budget was balanced using one-time revenues, including \$4.3 million in ARPA funding and \$430,000 in free cash. Although such use of non-recurring revenue is generally frowned upon, the City had no choice but to do so.

According to the City, its exhibits demonstrate both its available revenues and how it compares to other communities. Its cash reserves at the end of FY22 was \$1.9 million. Its free cash is the lowest of the comparable communities, as a percentage of its operating budget. Its general purpose stabilization fund is the second lowest, 38% less than average. Its revenue by source shows the City heavily relies on state aid to balance its budget. Its undesignated fund

balance in 2022 was the lowest of the comparable communities as a percent of budget (2.8%). Its cannabis revenues were drastically reduced due to legislative changes, which occurred after the City's FY23 budget had been approved. Finally, the City's credit rating from Moody's of A3 specifically lists low cash reserves and high debt as concerns, and notes its low per capita income, which the City states is the lowest of the comparable communities, and the elevated poverty levels (the City states it has the highest unemployment of the comparable communities), as contributing to the lower bond rating.

With respect to other Chapter 589 economic indicators the Panel could consider, the City argues the CPI, which is just one of the factors, does not enhance the City's overall ability to pay. The City's low reserves reflect that. All the data supplied by the City, including information from the Massachusetts Division of Local Services, the U.S. Department of Labor Consumer Price Index, bond rating agencies, such as Moody's and Standard and Poor's, and its financial reports demonstrate conclusively that the City continues to have constraints on its ability to fund wage increases. The City states the Union's projected cost for its proposed COLA's alone (4%/4%/4%) would be \$3.8 million. The City included \$880,000 in the FRFD budget for anticipated raises, based on a projected total increase of 6% for FY24 over the FY23 budget. It does not include any retroactive pay for FY22 or FY23. There is no credible evidence that the City can afford such an increase.

Union's Position

The Union seeks wage increases of 4% for each year of a three-year CBA effective from July 1, 2021 to June 30, 2024. The Union contends the City has the ability to pay fair firefighters raises and benefits, and in light of the low compensation in comparison to the City's patrol officers the Union's wage and benefits proposals must be granted. The City has provided significant

increases to its other public safety bargaining units, which alone demonstrates both a willingness and an ability to pay. The Union asserts the City has not denied an ability to pay, but rather shows an unwillingness to provide its public safety pattern of wage and benefits increases to its underpaid firefighters based on its perception that the FRFD does fewer runs than it should. The City has made no showing that the firefighters have not done their assigned work. In addition, the City's comparable call data is flawed because it is impossible to ascertain what is contained in the external comparable call data, particularly the number of inspections, drills, and training done by in-service fire companies. That information is also missing from the FRFD call data presented by the City, which only contained a group of FRFD annual Incident Analysis reports also missing those incidents. In addition, the City apparently did not credit any of the 4,000 EMS responses by "Squad 11," which is a joint FRFD and EMS manned unit.

In light of the possibility that the Panel might not award the wage increase the Union seeks plus the other monetary benefits requested, it proposed a financial package that included the 4%/4%/4% wage increase, plus hazardous duty pay of 1.5% annually, added to base retroactively. The Union asserts that subtracting out the \$880,000 the City has already appropriated for this CBA, the cost for this Union proposal would be \$4.117 million, or an average annual cost to the City of \$1.372 million for each of the three years at issue. According to the Union, the City shows \$41.12 million in its Actual Reserve Balances (excluding the Water and Sewer Stabilization Funds). The Union, on the other hand, has identified \$76.422 million. The City included in its calculation an EMS Stabilization Fund of \$1.25 million, but the Union did not. The City shows unexpended Free Cash of \$2.2 million while the Union assumes, based on the \$5.4 million FY 22 surplus in Other Local Receipts that there will be a sufficient FY23 surplus to restore Free Cash to the FY 23 certified amount of \$4.961 million. Both the City's and the Union's reserve calculations are well

above the net cost of the Union's proposals of \$4.117 million, factoring in what the City has already appropriated for this CBA.

The Union's contends its wage proposal should be granted because it helps bring the City's firefighters and police officers into parity. There is historical precedent of police and fire parity in JLMC decisions. The uniquely hazardous responsibilities held by police officers and firefighters leads to the common public safety pattern of parity between a municipality's police and fire departments, and is why police and fire bargaining units are the only units subject to the JLMC process to resolve collective bargaining disputes. The Union asserts it is generally accepted that there is enough community of interest to provide some validity to the comparison. It argues this Panel should follow the long line of precedent and issue a decision that calibrates the parity between the City's police and fire units. Furthermore, the Union's proposal should be granted because the compensation of the City's firefighters lags behind that of its police by at least 31.3% annually across degree levels. The City failed to present any credible evidence comparing the fire and police units. The Union's charts, on the other hand, demonstrate that the fairest comparison is between a 15 year firefighter and a 15 year patrol officer spanning all levels of education, *i.e.*, none, associate degree, bachelor's degree, and master's degree. Furthermore, the City's firefighters, separated into four groups, work a 48-hour cycle, averaging 42 hours weekly to provide the City with 24 hour coverage without gaps or overtime. Its police officers, on the other hand, work a 4 on and 2 off schedule, which averages only 37.5 hours weekly, so they work 242 hours less than firefighters annually, or 12.5% less scheduled hours. The City avoids paying its firefighters overtime for the 4.5 hours that about 170 firefighters work each week of straight time that police officers do not, equaling almost \$20,000 in pay hours each year. Factoring the

difference in hours into the equation, the overall average lag between a City firefighter and a City patrol officer with all degrees is about 47.6%.

The Union's also argues its proposal, or some variation of it, should be granted because it mirrors what the City gave its police and EMS units. According to the Union, in the last round of CBA negotiations, the City's patrol officers received average annual increases of 5.125% or 20.5% over four years, from FY22 through FY25, and its Superior Officers received average annual wage increases of 7.4% or 29.6% over the same period. In addition, the City's EMS employees received average annual wage increases of 8.125% or 32.5% over the same period. With respect to patrol officers, this results in an average annual lag for firefighters of 31.3%, or an average hourly lag of 47.6%.⁶ Furthermore, patrol officers received other benefits, including but not limited to a \$3,000 COVID bonus and the Juneteenth holiday. The City does not dispute these increases, but took the position that the although the COVID bonuses were related to work performed during the pandemic, payment was contingent on its public safety units settling their contracts, which is why firefighters have not yet been given the bonus.

The Union also argues, in light of the low compensation in comparison of FRFD firefighters to similarly situated firefighters in other cities and towns, its proposed wage increase should be granted. Using the City's proposed external universe, it is clear the FRFD provides fire protection at the lowest cost per capita, and property protection per \$1,000 of property protected at the fourth lowest cost. Furthermore, the City's firefighters lag behind significantly at each degree level, resulting in an average lag of 26.6%. In addition, the Union argues this Panel should disregard the City's external comparison data because it is flawed. It does not contain a review of overall compensation as required by the JLMC statute. For example, the City omitted or ignored

⁶ Because the Union's externals analysis included cities the Panel has not included in the universe of external comparable communities it deems appropriate, the Panel has not relied on that data.

holiday pay and shift differentials in Brockton, educational incentives in Taunton, New Bedford, and Brockton, and other stipends such as Brockton's non-supervisory differential.

Finally, the Union contends its proposed increases to firefighter wages and benefits are justified by the increase in workload and the hazards of the job. In this case, the Union has shown that while the FRFD manpower has decreased over the past several years, call volumes have been rising and continue to rise. In addition, the Union offered un rebutted evidence that the City's firefighters' job is replete with hazards and that they put their lives on the line each time they respond to a call.

Discussion

In lieu of the parties reaching agreement, this Panel must determine the appropriate wage increase for the three-year CBA sought by the parties. There are a number of factors arbitrators customarily consider in determining what wage increases should be granted, including the wages of comparable employees, wage increases granted to other City employees, and the City's ability to pay. The parties, through the hearing testimony, document submissions, and post-hearing briefs, have provided the Panel with information on these factors and have relied on this information in support of their respective positions. For the reasons outlined below, this Panel concludes that for the three-year CBA sought by the parties for FY22, FY23, and FY24 (July 1, 2021 – June 30, 2024) a wage increase of 4.0% effective July 1, 2021, 4.0% effective July 1, 2022, and 4.0% effective July 1, 2023, is appropriate.

With respect to Town-side bargaining units, the Town asserts that the patrol officers received only 1.5% and 1% for the first two years of their CBA, which demonstrates that the City has limited resources to grant retroactive raises for FY22 and FY23. The City admits that fiscal year beginning 7/1/23 included significant increases for patrol officers, including an increase of

approximately 18.5% over the prior year for patrol officers with 10 years of service. The City asserts the increase in the third year of the patrol officers CBA was justified by several factors that are not applicable to the firefighters. First, police wages were a contributing factor to severe hiring and retention issues. Second, the workload of its police officers is substantially greater than the workload of its firefighters, as measured by the average number of calls responded to by patrol officers and firefighters per day and per year. Third, the Patrol Union made several valuable and meaningful concessions in exchange for their wage increases, i.e., agreeing to a language change limiting the opportunity to accrue comp time and how much comp time could be accrued and to full implementation of body cameras. It asserts that none of the City's non-wage proposals for the firefighters' CBA are remotely close in importance or value to these concessions by the police unions. Fourth, the City contends if the firefighters want parity with the police it should engage with the City in good faith bargaining over the issue of workload. Finally, the City asserts the Panel should consider the fact that its police have historically been paid more than its firefighters.

The City contends a comparison to the Superior Officers' CBA is inapplicable to this arbitration because the only wage increase it received was an increase in rank differential, from 15% to 18%, which was phased in during the term of their CBA because the existing rank structure resulted in some patrol officers earning more than sergeants, a situation absent in the firefighters' CBA. The City also noted that, like the patrol officers, the Superior Officers agreed to implementation of body cameras and to modifications in their comp time language. Finally, the City asserts the Panel should not consider the wages paid to EMS Department employees in its deliberations because that department's budget is exclusively funded by through department receipts, while firefighters cannot generate revenue to support their wages. Even if the Panel compares EMS wages to firefighters, EMS basic EMTs earn 20.89% less than firefighter basic

EMTs, the EMS paramedics are trained and equipped to perform medical procedure that firefighters, including those certified as paramedics, cannot perform, and the call volume for the EMS Department is 3 ½ times that of the FRFD, covered by 17 employees per shift compared to 35 firefighters on a given shift.

It is clear from the record evidence that both the City's offer to its firefighters at the time of the JLMC hearing, and the raises suggested in its brief, would result in the firefighters salary schedule trailing far behind that of the City's other public safety unions, especially its patrol officers.⁷ Although the City asserts that its firefighters have historically been paid less than its patrol officers, the Panel notes that the gap has been considerably widened by the substantial bump given the patrol officers in their current CBA, effective 7/1/23. In addition, the City has widened the gap even further by agreeing to another wage increase for patrol officers of 2%, effective July 1, 2024. Finally, a historical imbalance does not support the contention that increasing that imbalance is justified.

The Panel is also not persuaded by the workload argument. The respective number of calls for patrol officers and firefighters is generated by circumstances beyond either group's control. It would be a disservice to the citizens of Fall River to discount the need to have firefighters ready to respond and serve in whatever emergencies arise. In addition, the Panel notes that although the City attempted to show its Firefighters respond to fewer calls than in the comparable communities, its data did not support that contention. It is clear from the City's data that the vast majority of calls for all the comparable communities were "medical responses" as opposed to "fire/other responses." When looking at just the number of "fire and other responses calls" the City's firefighters responded to more calls than every comparable except Brockton. Even though the

⁷ For purposes of the analysis the Panel has concentrated on the comparison with the City's patrol officers.

majority of the City's "medical responses" were clearly handled by its EMS department, 1,944 medical calls made up 27% its firefighters' total calls. In addition, its firefighters responded to 3,025 of the medical calls jointly with the EMS Department, which represented 15.6% of the EMS Department calls. Finally, comparing the non-monetary provisions before this Panel to those agreed to by the police unions is akin to comparing apples to oranges.⁸

With respect to external comparability, as stated above, the Panel accepts as the appropriate universe of comparable communities the cities of Attleboro, New Bedford, Taunton and Brockton. Trying to compare the parties' information was again akin to comparing apples and oranges. The City compared the base pay of a 5 year and a 10 year firefighter in its employ as of FY21 with those of the same duration in the comparable communities as of FY 23, 24 or 25, depending on the CBA duration. It also calculated the average lag for its firefighters as compared to the comparable group for varying years including Plymouth, which comparable the Panel has declined to use. While such a comparison is not ideal, it is interesting to note that the City drew the conclusion that without a raise its firefighters annual base pay would lag behind on average \$2,079 or 97% for a 5 year firefighter and \$4,324 or 98% for a 10 year firefighter. If they received a projected raise of 1.5% in FY22 their annual base pay would still lag behind \$1,164 or 98% and \$3,401 or 95%, respectively. If they received a projected raise of 3% in FY23, according to the City's calculations, their annual base pay would be above the average: \$794 or 101% for a 5 year firefighter and \$553 or 101% for a 10 year firefighter.

The Union, on the other hand, compared base pay for a 15 year firefighter with no degree, an associate degree, a bachelor's degree, and a master's degree. It compared the City's firefighters base pay for FY21 with that of the comparable communities of Attleboro (using FY23 base salary),

⁸ The Panel declines to comment on the bargaining assertion as that is both irrelevant to this arbitration and improper to raise in this forum.

New Bedford (using FY24 base salary), and Taunton (using FY24 base salary). For some reason it left out Brockton. Again, the comparison is not ideal, however, the Panel notes apparently for a 15 year City firefighter with no degree the lag is \$5,015 or 8.1%, with an associate degree it is \$2,311 or 3.6%, with a bachelor's degree there is no lag, but rather \$367 or 0.5% above the average with those three cities, and with a master's degree \$1,719 or 2.5% above the average.

Because the Panel could not draw any conclusions due to the vastly different criteria each party used, it turned to the CBAs for the comparable communities to see what percentage wage increases were granted by those municipalities for the fiscal years at issue. Here, again, the data is not consistent because the CBAs run through varying fiscal years. A review of the firefighters most recent CBAs for the comparable communities shows that Attleboro firefighters received 3% raises effective 7/1/21 and 7/1/22. New Bedford firefighters received 2% raises effective 7/1/21, 7/1/22, 7/1/23, and 7/1/24. Taunton firefighters received raises of 1% effective 7/1/21, 2% effective 7/1/22, and 2% effective 7/1/23. Brockton firefighters received a raise of 2% effective 7/1/21. The Panel notes that, according to the record evidence, as of 7/1/20, which was the last time the City's firefighters received a raise, its newly hired firefighters with no degree earned less than newly hire firefighters in every comparable community other than Brockton. Trying to determine what its firefighters with an associate, bachelor's or master's degree earned as of 7/1/20 with specific years of service as compared to firefighters with the same status in the comparable communities was again akin to a comparison of apples to oranges because the comparable communities employ either a different range of steps, or a different combination of steps and years of service, and their monetary credit for various degrees, which varied from community to community would have to be added in because it was included in a CBA article separate from the wage article. Based on the City's treatment of its internal units' raises, particularly the patrol

officers, as well as the record evidence from both parties concerning external comparable communities, the Panel concludes its award of wages is justified. The award will bring the City's firefighters' base wages in line with its patrol officers and with the firefighters in the comparable communities.

Having so concluded, the Panel must now consider whether the City is able to pay these increases. The City contends, among other things, that it set aside \$880,000 in the FRFD budget for anticipated raises based on a projected total increase of 6% for FY24 over the FY23 budget. Apparently this does not include any retroactive pay for FY22 or FY23. It also claims its cash reserves at the end of FY22 was \$1.9 million, its free cash was the lowest of the comparable communities as a percentage of its operating budget, its general purpose stabilization fund is 38% less than average, its undesignated fund balance in 2022 was 2.8% of its budget, its cannabis revenues were drastically reduced due to legislative changes, and it relies heavily on state aid to balance its budget. Finally, the City's Chief Financial Officer testified that the City faces significant challenges, including short-term and long-term pension funding and the cost of construction of the Diman Vocational High School. In addition to the loss of cannabis revenue, she cited the loss of ARPA grant revenue. She also testified that the FY24 budget was balanced using one-time revenues, including \$4.3 million in ARPA funding and \$430,000 in free cash because it had no choice but to do so. The City asserts it does not have the resources to pay the Union's proposed COLA of 4%/4%/4%, which it calculates would cost \$3.8 million.

With respect to City funds that are traditionally relied upon in determining ability to pay, the City's evidence shows that as of May 31, 2023 its unexpended Free Cash reserve balance was

\$2,200,000,⁹ its General Stabilization Fund reserve balance was \$8,370,000, and its ARPA reserve balance was \$30,000,000. The Panel does not take the position that non-recurring funds should normally be relied on for payroll. It does find, however, that there are monies adequate and appropriate for funding retroactive wage increases in an agreement the City knew it was negotiating and should have known would eventually be funded. Furthermore, the City was aware that, awarding both the patrol and superior officers significant base wage adjustments would signal a request for a larger percentage base wage increase to firefighters and could have anticipated that such an amount would be awarded to the firefighters. Indeed, in its brief the City has moved away from its original proposal of 1.5%/0%/1% to 1.5%/3%/1.5%. Although the Panel is awarding more than the City indicated it would have offered the Union, the Panel notes that it is not awarding the medical care stipend, apparatus drive/inspector stipend, or firefighter EMT stipend sought by the Union, or hazardous duty pay in the amount the Union requested (see below). Finally, it is not appropriate to budget for other employees and for capital expenditures at the expense of one group of employees. Given the totality of the evidence, the Panel concludes that the City has sufficient resources to fund the firefighter wages the Panel is awarding.

Award - Wages

There will be a three-year contract covering July 1, 2021 to June 30, 2024, with wage increases of 4% effective July 1, 2021, 4% effective July 1, 2022, and 4% effective July 1, 2023.

New Article – Hazardous Duty Pay

Union's Position

The Union proposes firefighters receive annual hazardous pay equivalent to 3% of their annual base pay. The Union asserts firefighters are required to respond to numerous and varied

⁹ This was apparently not certified Free Cash. The record evidence shows the last Certified Free Cash amount was \$4,960,698 as of 6/30/22, as noted in the Massachusetts Department of Revenue Free Cash Calculation, which indicated this as certified on 1/24/23.

types of hazardous calls. In addition, calls that do not initially present as hazardous can change in an instant to become extremely hazardous. The City has the ability to pay the cost of the Union's proposal yet it objects on the grounds that a FRFD firefighter's job is not dangerous because its call volume is lower than that of its comparable communities. A fire is dangerous irrespective of how many times per year firefighters respond to them. An assertion to the contrary is nonsense, and lacks compassion and a fundamental understanding of the risks being made by its firefighters for its citizens. In addition, if the job of a FRFD firefighter was not dangerous or hazardous, and did not require specialized training and personal protective equipment, anyone who the City employs would have no problem responding to any calls received by the FRFD, which is not the case. For these reasons, the Union's proposal should be granted.

City's Position

The City asserts the projected cost of the Union's proposal is \$1,287,000. The City contends it has assigned a one-time stipend for employees in recognition of the challenges encountered in the performance of their duties during COVID-19 pandemic, which in the case of public safety units is \$3,000. If the Panel approves a similar payment for this unit, the cost would be approximately \$600,000. The City has no objection to the Panel awarding the same COVID premium pay to the firefighters' unit.

The City does not agree that the Union's 3% increase for hazardous duty pay is justified. The City recognized its police and EMS employees with a one-time bonus for the additional risks incurred during the pandemic. The Union opposes a permanent increase of 3% in their wages based on hazards that were not proven through the evidence. Rather the evidence actually shows the City's firefighters are exposed to less hazardous duty than its police officers or EMS workers based solely on the number of times they are called to respond. That is equally true if the Panel

considers the hazards faced by the City's firefighters as compared to their peers in other communities. In some of those communities the firefighters receive hazardous duty pay in addition to their base wages, however, they respond to more calls than the City's firefighters. It is self-evident that firefighters face more hazards if they respond to more calls. An across-the-board increase, as the Union proposes, is not supported by an analysis of the comparable communities in wages or as compared by workload. The City opposes any award other than a one-time bonus of \$3,000 for service during the COVID-19 pandemic. It proposes for that benefit the following language:

ARPA Hazard Premium Pay – Firefighters employed by the Fall River Fire Department at any time from March 1, 2020, through March 1, 2021, shall receive a one-time stipend of \$3,000.00 in recognition of the employees' continuing to perform their duties as front-line workers, who have and will bear the greatest health risks because of their service in critical sectors. In order to be eligible for said payment, employees must either be on active status as of the funding of this agreement or have retired from the Fall River Fire Department in good standing prior to said date, and be receiving pension payments pursuant to General Laws, c. 32.¹⁰

Discussion

The Union asserts an annual hazardous duty pay provision is merited because firefighters are required to respond to numerous and varied types of hazardous calls. The City opposes the provision because it believes, based on the number of calls its firefighters respond to, as opposed to those for its police officers and EMS workers, and those of firefighters in the comparable communities, the City's firefighters are exposed to less hazardous duty. The City opposes any hazardous duty provision other than the one-time hazard premium pay in the amount of \$3,000 it

¹⁰ The City notes this language was taken from the Fall River Patrol MOU, and was also included in the Superiors MOA.

has already given to its patrol officers and superior officers.¹¹ The Panel does not agree that the hazards faced by the City's firefighters can be calculated solely based upon the number of calls to which they respond. Rather, the scenarios with which they are presented, including potential adverse firefighting conditions, exposure to unknown hazardous materials, various scenarios in addition to building fires, such as motor vehicle accidents, carbon monoxide and natural gas emergencies, and medical responses, create the hazards of the job. This is acknowledged by the universe of comparable communities, all of which have hazardous duty provisions in their CBAs.

Attleboro has had a hazardous duty pay stipend since 7/1/15, which amount at that time was gradated dependent on rank. Effective 7/1/18, the stipend was increased to \$1,650 for all bargaining unit members. Effective 7/1/21 half of that amount was rolled into its firefighters' base pay while the other half was paid out as a stipend, and effective 7/1/22 the entire stipend was rolled into firefighters' base pay. Brockton has a hazardous duty stipend. As of 7/1/21 it was 14.25%.¹² New Bedford has a hazardous duty supplemental wage for all members of the bargaining unit, which is 3% of the base pay of a top step firefighter.¹³ Finally, the hazardous material pay section in Taunton's CBA states, "Because of the risks of exposure to hazardous materials that are inherent in the firefighting profession" every member of the bargaining unit would receive a hazmat premium of 3% applied to the base salary of each member's rank or position. That article was amended to include a retroactive payment of 1% effective on 7/1/20, 7/1/21, and 7/1/22, resulting in hazmat pay amounts of 4%, 5%, and 6% for each of those years, respectively.

¹¹ The Panel notes that according to the record evidence, in addition to its patrol officers and superior officers, the City has also made COVID-19 bonus payments to its Environmental Police (\$3,000), and its DPW employees represented by the Teamsters (\$2,500).

¹² According to the City the amount is 9.25%, but that is contradicted by the Brockton CBA in evidence, which states the stipend was increased by 2% to 12.25 effective 7/1/20, and by another 2% effective 7/1/21 to 14.25%.

¹³ According to the City's that equals \$1,880.

The Panel is mindful of the cost to the City that would result in the implementation of a hazardous duty pay provision; however, it is also respectful of the fact that FRFD firefighters are exposed to dangers in the performance of their duties as protectors of the City's citizens and property. Indeed, every comparable community has recognized the dangers inherent in their firefighters' jobs by including some form of a hazardous duty pay provision in their respective CBAs. In light of this, the Panel finds it appropriate to award hazardous duty pay in the amount of 3.0% of a bargaining unit member's annual base pay, to be added to each member's base pay as of 1/1/24.¹⁴

Award - New Article – Hazardous Duty Pay

The Panel awards hazardous duty pay in the amount of 3.0% of a bargaining unit member's annual base pay, to be applied to the base salary of each member's rank or position, included in each member's regular paycheck, and included in base pay for all purposes including overtime and retirement. The 3.0% hazardous duty pay is to be added into each member's base pay as of 1/1/24.

New Article – Medical Care Stipend

Union's Position

The Union proposes a new \$1,500.00 annual medical care stipend. It contends that will compensate firefighters for duties they already perform, including epi-pen, stop bleed, active shooter, and the needle machine. This increase is warranted given the nature of the firefighters work, the lag in compensation between firefighters and police, as well as the lag between them and their external comparable firefighters. The City presented no defense except that it does not

¹⁴ The Panel notes the City's willingness to pay its firefighters the same COVID-19 one-time bonus that it paid to its other protective services employees, and the DPW unionized employees, which it apparently has already budgeted with ARPA funds. While a COVID pandemic bonus provision was not an issue certified for arbitration by the JLMC, the Panel sincerely hopes the City does so compensate its firefighters for service during the pandemic.

want to pay firefighters any more than they are being paid now. For these reasons the Panel should award the Union's proposal.

City's Position

The City asserts the projected cost of the Union's proposal is \$855,000. The City does not minimize the value or importance of any of these activities, but based on call volume, firefighters do not perform these activities with any regularity. This is particularly true of Narcan and the epi-pen. Firefighters respond to a small number of medical calls per year, a small fraction of the medical calls handled by the EMS Department. There is also no justification for this wage increase in the external comparable communities' data as there is no reference to a similar payment in those communities. For these reasons the City opposes the Union's proposal.

Discussion

The City's firefighters already receive a stipend based of their certification as EMT basic, EMT intermediate/advanced, and EMT paramedic. In addition the Panel has awarded the firefighters a hazardous duty pay provision. Based on the record evidence, the Panel concludes there is insufficient evidence to support granting this new article.

Award – New Article - Medical Care Stipend

The Union's proposal is not awarded.

New Article - Apparatus Driver/Inspector Stipend

Union's Position

The Union proposes a stipend of 5% of their annual base pay, effective 7/1/21, for all apparatus drivers and inspectors. It asserts apparatus drivers are responsible for more during a work shift than a firefighter who is not driving. It is additional stress when responding to calls to get apparatus to the call and positioned properly, and to ensure the firefighters on the scene have the equipment to respond to the call safely and properly. Because of the immense stress and

responsibility it is not surprising that the City has a difficult time getting these positions voluntarily filled. That is also true for Inspector positions. The Union argues the City did not present any opposition to the proposal at the hearing and it has the ability to pay. For these reasons the Panel should award the Union's proposal.

City's Position

The City contends the projected cost of this proposal is \$337,000. It argues apparatus drivers and inspectors have completely different schedules and job requirements. Firefighters work two 24-hour shifts every 8 days. Inspectors work 8 AM to 4 PM with one day off a week. They take classes on their own time in order to be qualified. Conversely, there is no training or certification necessary to receive the pay for apparatus driver. Those positions are awarded by seniority through a bidding process. There are fire academy certifications for apparatus drivers, but the FRFD does not require them.

The proposed stipend for apparatus drivers is an attempt to increase wages, without acquiring any actual expertise or specialized training, based solely on seniority. The City opposes any such stipend in the absence of any requirements for training or certification. The City would not oppose a modest, non-retroactive stipend between 1% to 3% for inspectors only because those employees have an unfavorable schedule and are required to attend critical training on their own time.¹⁵

Discussion

The Union provided insufficient evidence to support either part of its proposal. Although the Panel appreciates the City's indication that it would not oppose a modest, non-retroactive

¹⁵ The City noted that New Bedford pays a stipend to firefighters assigned to the Fire Prevention Bureau of 1% to 3%, based on service in that position.

stipend for inspectors only, the Panel concludes that is best left to the parties to discuss any stipend for the inspectors in future negotiations.

Award - New Article - Apparatus Driver/Inspector Stipend

The Union's proposal with respect to stipends for apparatus drivers and inspectors is not awarded.

Firefighter EMT Stipend – Article 43

Union's Position

The Union proposed the firefighter EMT Stipends be increased, effective 7/1/21 as follows:

EMT Basic- increase stipend to an amount equal to 5% of the annual base salary paid to a five-year firefighter with no degree.

EMT Intermediate/Advanced- increase stipend to an amount equal to 7% of the annual base salary paid to a five-year firefighter with no degree.

EMT paramedic- increase stipend to an amount equal to 10% of the annual base salary paid to a five-year firefighter with no degree.

The above stipends shall be included in an employee's base for all contractual purposes including but not limited to overtime.

The Union argues that when a shift is staffed with 35 firefighters, and all of them are working, which is still below national safety standards, the FRFD pulls one to work on the EMS truck with an EMT or paramedics rather than keeping the firefighter on duty to bolster suppression response. Firefighters are considered first responders under the law, which is different from EMS employees; however, if they are being required to work on EMS trucks when the FRFD is still understaffed per national standards, they should be properly compensated for doing a job that is not even in their department or under their CBA. For these reasons the Panel should award the Union's proposal.

City's Position

The City contends the projected cost of this increase is \$715,000. The City argues that all of the comparable communities provide critical medical services to their communities, but the City's firefighters do not. Given the vast disparity in the amount of medical services provided by the City's firefighters as compared to the firefighters in the comparable communities, the stipends of the comparable communities' EMTs and paramedics is irrelevant. There is also no basis to compare the wages of the EMS Department's paramedics with the City's firefighters. Furthermore, the City asserts the firefighters would not increase the amount of EMS work they do. For these reasons, the City opposes the Union's proposal.

Discussion

Article 43 already provides for a stipend to the City's firefighters based of their certification as EMT basic - \$1,500, EMT intermediate/advanced - \$2,250, and EMT paramedic \$3,000. The data for the comparable communities shows that Attleboro's EMT stipends in its 2020-23 CBA are \$2,600 (basis), \$3,100 (intermediate), and \$7,000 (advanced). New Bedford provides only for an EMT basis stipend at \$2,000. Brockton increased its percentage stipend effective 7/1/21. According to the City's chart that resulted in stipends of \$2,633 (basic) and \$5,792 (paramedic). Although the CBA provides for an EMT intermediate stipend the City apparently omitted it from its chart. Finally according to the City's chart, Taunton EMTs also receive a percentage of base. Its stipends are \$2,567 (basic) and \$5,133 (paramedic). Again, a stipend for intermediate, if there is one provided in the CBA, was omitted. All of these communities' firefighters respond to medical emergency services, but the record is clear that the City has an EMS Department that provides the majority of its emergency medical services. The Panel concludes, therefore, that there is insufficient evidence to support granting the requested stipend increases.

Award – Firefighter EMT Stipend – Article 43

The Union's proposal is not awarded.

Article 21 – Sickness/Injury During Vacation Time

City's Position

The City proposes to delete Section 1 of Article 21, which states:

Any employee who is disabled due to sickness or injury, provided that the injury or illness is not due to the result of outside employment, during his/her assigned vacation period shall not be charged for such vacation time. Provided, however, that the employee shall not automatically extend his/her vacation, but rather, said unused vacation shall be assigned either in the current or subsequent calendar year at a time convenient to the Department. Employees shall provide a doctor's certificate with respect to said disability.

The City contends the Union enjoys unlimited sick leave. This provision allows an employee to get a doctor's note stating he was sick during vacation, and have that vacation re-credited to him/her. The City's firefighters enjoy a very generous vacation benefit. Firefighters with ten years of service gets 240 hours of vacation. Firefighters with twenty-nine years of service get 335 hours of vacation time. Based on a 42-hour week that equates to 8 weeks of vacation. The City requests this section be deleted because it can easily be manipulated, expanding the already generous vacation benefits enjoyed by this bargaining unit. The City is not accusing the Union or any employees of abusing this section, but is merely seeking to eliminate an onerous provision from the CBA. In summary, the provision is ridiculous on its face. The potential for abuse is beyond obvious. The Union will likely argue there is no evidence that there has been abuse in the past, so the City's proposal should be rejected on that basis. The City's proposal is a very modest change to a sick leave benefit that is far beyond any other comparable fire unit. The City's proposal would

inhibit the expansion or manipulation of an already generous vacation benefit. For these reasons, the City's proposal should be granted.

Union's Position

The Union argues that there is no evidence to support the City's proposal. There is no data showing that sick leave is an issue in the FRFD. For this reason, the City's proposal should be rejected.

Discussion

The City requests that this section be deleted from the parties' CBA because its firefighters enjoy a generous vacation benefit and because this provision can be easily manipulated, even though it is apparently not accusing its firefighters of ever having done so. The Union opposes the deletion of this provision because there is no evidence that sick leave has been an issue in the FRFD. The Panel notes that, upon review of the comparable communities' CBAs, Taunton has a similar provision. Article VII, Section 1 (g) states in pertinent part: "Any Firefighter who has reported in on the sick list and whose vacation is due to start shall not commence such vacation until the Firefighter reports subject for duty." Taunton also has a sick leave abuse provision (Article VII, Section 4) that allows the Chief to request a doctor's certification and counsel or use progressive discipline if he finds a firefighter has abused sick leave, pursuant to the provisions of that section. Even though New Bedford does not have a similar provision concerning sickness during vacation, the Panel notes New Bedford does have a provision in its sick leave article (Article 23) that permit its Chief to require a doctor's verification of illness regardless of the duration in cases of frequent use of sick leave or when a pattern of sick leave indicates a potential abuse of sick leave privileges. The City's Fire Chief also has the ability to address suspected abuses of sick leave. Article 29, Sickness/Illness, Section 2 states:

Any member reporting out sick periodically and compiling a series of short duration absences may be required by the Chief, after notice, to submit a physician's certificate for each subsequent absence. The employer may require the employee to submit to a physical examination by a physician designated by the department. If so, the report shall be recognized unless substantial evidence as to fitness for duty can be presented to the contrary through the department physician to the Chief Executive Officer.

Based on the evidence in the record, in particular the fact that the City does not assert there has been any specific instances of abuse of Article 21, Section 1, the Panel declines to grant the City's proposal.

Award – Article 21 – Sickness/Injury During Vacation Time

The City's proposal to delete Section 1 of Article 21 is not awarded.

Article 22 – Bid System

City's Position

The City proposes to amend Section 2 to return to the practice of only doing one bidding process per year, rather than multiple bidding processes per year. Repeating this bidding process is inconvenient, but the proposal does not have significant value to the City so it should not be awarded in exchange for some costly wage increase.

Union's Position

The Union did not present a position in its brief with respect to this proposal.

Discussion

The Panel notes that, pursuant to the City's position, a one round bidding process had been agreed to by the parties in the past, and the current process is inconvenient. The Union presented

no opposition to this specific proposal. In light of this, the Panel grants the City's proposal. The second sentence in the fourth paragraph of Article 22, Section 2, will be deleted.

Award – Article 22 – Bid System

Article 22, Section 2, paragraph 4 (unnumbered) is amended to read:

Section 2. Bid System Procedure:

Bid system – After the initial bid is awarded there shall be one (1) subsequent bid offered for the position vacated by the person being awarded the original bid.

Article 29 – Sickness/Illness

City's Position

The City proposes to add the following section to Article 29:

When a member of the FRFD is out sick long term (more than two weeks) said member shall not be allowed to leave the state of Massachusetts. If said member does leave the state said member will forfeit vacation time equal to their time away from Massachusetts. Members out long-term sick and those who demonstrate repeated or pattern sick leave will at the discretion of the Fire Chief at a date and time convenient to the department be ordered to report to a doctor's office for fit for duty assessment. Any member who does not show up for an appointment or leaves before being seen by the doctor will be reported as AWOL and will be taken off the pay roll until said member returns to duty or upon arrival at next available Doctor appointment.

The City asserts, as with its proposal for Article 21, that this is a modest restriction on the unlimited sick leave benefit. If an employee is out sick more than 2 weeks that employee will not be allowed to use unlimited sick leave in lieu of vacation to travel to other states or countries. The proposal would also require employees on long-term sick leave or otherwise showing a pattern of sick leave use to go to a City appointed physician. The City has provided data that indicates firefighters used an average of 92 hours of sick leave in 2022. That is more than 2 weeks of sick leave on average. The City's exhibit also shows a significant increase in sick leave over the past 3 years. This

proposal would impose a modest restriction on opportunities for abuse. For these reasons, the Panel should award the City's proposal.

Union's Position

The Union objects to the City's proposal. The Union contends the City's proposal has no basis in data showing that sick leave in the FRFD is an issue at present. Union members have never been required to be in a specific location when they are on sick leave and the City cites no instances where a member's location while out on sick leave was an issue. Moreover, there is already a provision in the parties' CBA permitting the City to send a Union member to a doctor of its choosing when an issue arises. The Union argues the City admitted it does not utilize the provision because it is too costly. For these reasons, the Panel should reject the City's proposal.

Discussion

The Panel has reviewed the evidence in the record of the CBA provisions of the City's patrol officers and superiors, as well as of the comparable communities, and has determined that none of those communities have a travel restriction such as the City is seeking to include in the parties' CBA. Although the City has presented data to show sick leave usage of its firefighters it does not allege that it suspects a pattern of abuse. The Union opposes this provision because there is no evidence that sick leave has been an issue in the FRFD. Although, as stated above, pursuant to Article 29 Section 2, the Chief has some ability to address potential abuses of sick leave by requiring a physician's certificate if a firefighter is out periodically and compiling a series of short term absences, the Panel notes this proposed provision concerns when an FRFD member is out long term. The Panel concludes that based upon the record evidence the City's proposal, not including the travel restriction, is warranted.

Award – Article 29 – Sickness/Illness

The City's proposal to add a section to Article 29, without the travel restriction, is awarded.

The language awarded by the Panel is as follows:

Members of the FRFD out sick leave for two or more weeks, or who demonstrate repeated or pattern sick leave will at the discretion of the Fire Chief at a date and time convenient to the department be ordered to report to a doctor's office for fit for duty assessment. Any member who does not show up for an appointment or leaves before being seen by the doctor will be reported as AWOL and will be taken off the pay roll until said member returns to duty or upon arrival at next available Doctor appointment.

Summary of Award

Award - Wages

There will be a three-year contract covering July 1, 2011 to June 30, 2024, with wage increases of 4% effective July 1, 2021, 4% effective July 1, 2022, and 4% effective July 1, 2023.

Award - New Article – Hazardous Duty Pay

The Panel awards hazardous duty pay in the amount of 3.0% of a bargaining unit member's annual base pay, to be applied to the base salary of each member's rank or position, included in each member's regular paycheck, and included in base pay for all purposes including overtime and retirement. The 3.0% hazardous duty pay is to be added into each member's base pay as of 1/1/24.

Award – New Article - Medical Care Stipend

The Union's proposal is not awarded.

Award - New Article - Apparatus Driver/Inspector Stipend

The Union's proposal of stipends for apparatus drivers and inspectors is not awarded.

1a

Award – Firefighter EMT Stipend – Article 43

The Union's proposal is not awarded.

Award – Article 21 – Sickness/Injury During Vacation Time

The City's proposal to delete Section 1 of Article 21 is not awarded.

Award – Article 22 – Bid System

Article 22, Section 2, paragraph 4 (unnumbered) is amended to read:

Section 2. Bid System Procedure:

Bid system – After the initial bid is awarded there shall be one (1) subsequent bid offered for the position vacated by the person being awarded the original bid.

Award – Article 29 – Sickness/Illness

The City's proposal to add a section to Article 29, without the travel restriction, is awarded.

The language awarded by the Panel is as follows:

Members of the FRFD out sick leave for two or more weeks, or who demonstrate repeated or pattern sick leave will at the discretion of the Fire Chief at a date and time convenient to the department be ordered to report to a doctor's office for fit for duty assessment. Any member who does not show up for an appointment or leaves before being seen by the doctor will be reported as AWOL and will be taken off the pay roll until said member returns to duty or upon arrival at next available Doctor appointment.

Respectfully submitted this 21 day of October, 2023,

Gerard Hayes - I dissent.

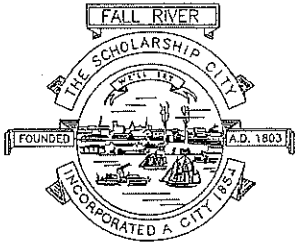
Gerard Hayes, Management Panel Representative

Matthew Reddy

Matthew Reddy, Union Panel Representative

Beth Anne Wolfson

Beth Anne Wolfson, Neutral Arbitrator and Panel Chairperson



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

November 21, 2023

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. \$2,500,000.00 That the sum of \$2,500,000.00 be, and the same is, hereby transferred to the FIRE, SALARIES from the STABILIZATION FUND.

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

Best Regards,

Paul Coogan
Mayor

RECEIVED

2023 NOV 22 A 9:54

CITY CLERK _____
FALL RIVER, MA

City of Fall River, In City Council

December 12, 2023


ORDERED:

**That the sum of \$2,500,000 be, and the same is, hereby transferred to
Fire, Salaries from the Stabilization Fund.**

FY24 Appropriation/Transfer Number Analysis

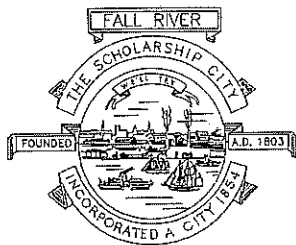
Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
STABILIZATION FUND	\$ 10,347,399.43	\$ (2,500,000.00)	7,847,399.43
FIRE, SALAIRES	\$ 17,489,705.00	\$ 2,500,000.00	19,989,705.00

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



Sedryk Sousa, City Auditor
November 28, 2023

2a



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2023 DEC -5 A 9:12

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN

Mayor

December 5, 2023

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

Dear Council President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following reappointment:

Name: Ronald Caplain

Address: 295 Albany Street
Fall River, MA 02720

Position: Library Trustee

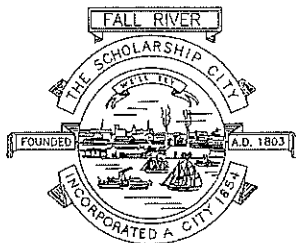
Effective: December 5, 2023

Expiration: December 4, 2025

Sincerely,

Paul E. Coogan
Mayor

PC/amos



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

RECEIVED

7823 DEC -5 A 9:12

CITY CLERK
FALL RIVER, MA

December 5, 2023

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

Dear Council President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following reappointment:

Name: Katherine Clarkin


Address: 479 Harvard Street
Fall River, MA 02720

Position: Library Trustee

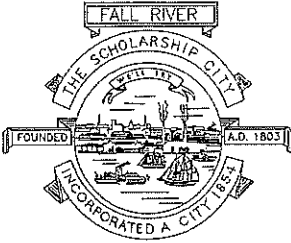
Effective: December 5, 2023

Expiration: December 4, 2024

Sincerely,


Paul E. Coogan
Mayor

PC/amos



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

RECEIVED

2023 DEC -5 A 9:12

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

December 5, 2023

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

Dear Council President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following reappointment:

Name: Joyce Coelho

Address: 525 Harvard Street
Fall River, MA 02720

Position: Library Trustee

Effective: December 5, 2023

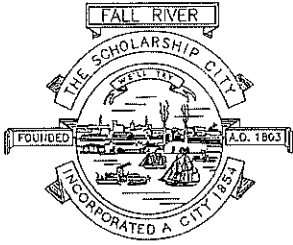
Expiration: December 4, 2026

Sincerely,

Paul E. Coogan
Mayor

PC/amos

2d



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2023 DEC -5 A 9:12

PAUL E. COOGAN
Mayor

CITY CLERK
FALL RIVER, MA

December 5, 2023

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

Dear Council President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following reappointment:

Name: James Gibney

Address: 34 Merritt Street
Fall River, MA 02720

Position: Library Trustee

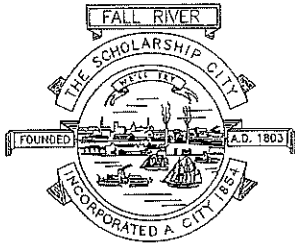
Effective: December 5, 2023

Expiration: December 4, 2026

Sincerely,

Paul E. Coogan
Mayor

PC/amos



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

December 5, 2023

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

Dear Council President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following reappointment:

Name: Aja Andrea Grice

Address: 58 North Seventh Street
Apt #2
Fall River, MA 02720

Position: Library Trustee

Effective: December 5, 2023

Expiration: December 4, 2025

Sincerely,

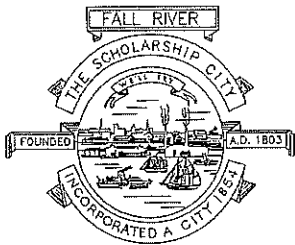
Paul E. Coogan
Mayor

PC/amos

RECEIVED

2023 DEC -5 A 9:12

CITY CLERK _____
FALL RIVER, MA



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

December 5, 2023

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

Dear Council President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following reappointment:

Name: Sharon Quinn

Address 375 Eldridge Street
Fall River, MA 02720

Position: Library Trustee

Effective: December 5, 2023

Expiration: December 4, 2024

Sincerely,

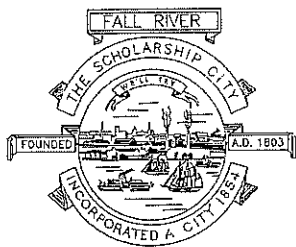
Paul E. Coogan
Mayor

PC/amos

RECEIVED

2023 DEC -5 A 9:12

CITY CLERK
FALL RIVER, MA



City of Fall River
Massachusetts
 Office of the Mayor

PAUL E. COOGAN
Mayor

December 5, 2023

RECEIVED

2023 DEC -5 A 9:12

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

Dear Council President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following reappointment:

Name: Fran E. Rachlin

Address 1170 Wilson Road
 Unit 5
 Fall River, MA 02720

Position: Library Trustee

Effective: December 5, 2023

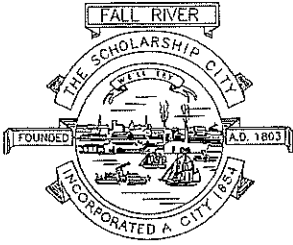
Expiration: December 4, 2024

Sincerely,

Paul E. Coogan
 Mayor

PC/amos

2h



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

PAUL E. COOGAN
Mayor

December 5, 2023

RECEIVED

2023 DEC -5 A 9:12

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

Dear Council President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following reappointment:

Name: Ann Rockett-Sperling

Address 147 Read Street
Fall River, MA 02720

Position: Library Trustee

Effective: December 5, 2023

Expiration: December 4, 2025

Sincerely,

Paul E. Coogan
Mayor

PC/amos



BOARD OF ELECTION COMMISSIONERS

CITY OF FALL RIVER

RECEIVED

2023 DEC -6 P 2:49

5 December 2023

CITY CLERK
FALL RIVER, MA

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

Dear City Councilors,

Pursuant to the General Laws of the Commonwealth, *Chapter 54, Section 24*, I hereby request that you approve the attached list of polling precincts for the 2024 state elections to be held on the following dates:

- Presidential Primary: Tuesday, March 5th
- State Primary: Tuesday, September 3rd
- Biennial State Election: Tuesday, November 5th

The polling precincts will be open from 7:00 A.M. to 8:00 P.M. As required by statute, registered voters affected by a change in precinct location will be notified in writing by my office at the beginning of the year.

Sincerely,

Ryan Lyons
Chairman & Director
Chief Elections Official
Board of Elections Dept.

Ryan Lyons, Chairman & Director
One Government Center • Fall River, MA 02722

TEL (508) 324-2630 • FAX (508) 324-2633 • EMAIL rlyons@fallriverma.org

City of Fall River, In City Council

ORDERED, that the following places be and the same are hereby designated as polling places for the Presidential Primary Election to be held on Tuesday, March 5, 2024, the State Primary Election to be held on Tuesday, September 3, 2024, and the Biennial State Election to be held on Tuesday, November 5, 2024. The polls are to be opened from 7:00 A.M. to 8:00 P.M., and all polling places shall be used.

City of Fall River, *In City Council*

ORDERED, that the following locations, formally designated as polling places in the City of Fall River, be and the same are hereby cancelled:

Ward 3 Precinct A	Mitchell Apartments, 2100 South Main Street
Ward 3 Precinct B	Carlton M. Viveiros School, 200 Lewis Street
Ward 4 Precinct A	Frank B. Oliveira Apartments, 170 William Street
Ward 5 Precinct B	Chor Bishop Eid Apartments, 33 Quequechan Street
Ward 6 Precinct C	Reney/Eastwood Fire Station, 400 Eastern Avenue
Ward 8 Precinct B	Cardinal Medeiros Towers, 1197 Robeson Street
Ward 8 Precinct C	Spencer Borden School, Entrance on Chestnut Street
Ward 9 Precinct A	James Tansey School, 711 Ray Street

and, BE IT FURTHER ORDERED, that the following places be designated as polling places:

Ward 3 Precinct A	Good Shepherd Parish, 1598 South Main Street
Ward 3 Precinct B	Good Shepherd Parish, 1598 South Main Street
Ward 4 Precinct A	Matthew J. Kuss Middle School, 52 Globe Mills Avenue (entrance on Shaw Street)
Ward 5 Precinct B	St. Anthony of the Desert, 300 North Eastern Avenue
Ward 6 Precinct C	St. Anthony of the Desert, 300 North Eastern Avenue
Ward 8 Precinct B	Bristol Community College – Building “G”, 777 Elsbree Street
Ward 8 Precinct C	Bristol Community College – Building “G”, 777 Elsbree Street
Ward 9 Precinct A	Bristol Community College – Building “G”, 777 Elsbree Street

List of Wards, Precincts and Polling Places

Ward	Prnct	Polling Place Name	Polling Place Address
1	A	ALFRED LETOURNEAU SCHOOL	323 ANTHONY ST
	B	EDWARD F. DOOLAN APTS	CORNER OF LAUREL & MITCHELL DR
	C	ALFRED LETOURNEAU SCHOOL	323 ANTHONY ST
2	A	BLESSED TRINITY CHURCH	1340 PLYMOUTH AVE (ENTRANCE ON WINTHROP ST)
	B	BLESSED TRINITY CHURCH	1340 PLYMOUTH AVE (ENTRANCE ON WINTHROP ST)
	C	CANDEIAS-NIAGARA FIRE STA	CORNER PLYMOUTH AVE & WARREN ST
3	A	GOOD SHEPHERD PARISH	1598 SOUTH MAIN STREET
	B	GOOD SHEPHERD PARISH	1598 SOUTH MAIN STREET
	C	MATTHEW J KUSS MIDDLE SCH	52 GLOBE MILLS AVENUE (ENTRANCE ON SHAW STREET)
4	A	MATTHEW J KUSS MIDDLE SCH	52 GLOBE MILLS AVENUE (ENTRANCE ON SHAW STREET)
	B	JAMES A. O'BRIEN APTS	34 WHIPPLE STREET
	C	THE ATRIUM AT GOV'T CTR	ONE GOVERNMENT CENTER (ENTRANCE ON SULLIVAN DRIVE)
5	A	CANDEIAS-NIAGARA FIRE STA	CORNER PLYMOUTH AVE & WARREN ST
	B	ST.ANTHONY OF THE DESERT	300 NORTH EASTERN AVENUE
	C	MARY L. FONSECA SCHOOL	160 WALL ST
6	A	FRANCIS J. BARRESI HTS	1863 PLEASANT ST
	B	GEORGE H. COTTELL HTS	1685 PLEASANT ST
	C	ST.ANTHONY OF THE DESERT	300 NORTH EASTERN AVENUE
7	A	UNION UNITED METH CHURCH	600 HIGHLAND AVE
	B	THE ATRIUM AT GOV'T CTR	ONE GOVERNMENT CENTER (ENTRANCE ON SULLIVAN DRIVE)
	C	RAYMOND D. HOLMES APTS	140 ESSEX STREET (ENTRANCE ON FULTON ST.)
8	A	MARY L. FONSECA SCHOOL	160 WALL ST
	B	BRIS.COMM.COLL. BULD."G"	777 ELSBREE STREET
	C	BRIS.COMM.COLL. BULD."G"	777 ELSBREE STREET
9	A	BRIS.COMM.COLL. BULD."G"	777 ELSBREE STREET
	B	CALVARY TEMPLE ASSEM OF G	4321.NORTH MAIN ST
	C	CALVARY TEMPLE ASSEM OF G	4321 NORTH MAIN ST

Total Number of Polling Places: 27

No. Pages of Printed: 1

*** End of Report ***

City of Fall River, *In City Council*

(Councilor Andrew J. Raposo)

WHEREAS, concerned members of the public recently spoke about Americans with Disabilities Act (ADA) accessibility with public transportation; and

WHEREAS, these residents experience difficulty securing means of transportation in the city, and

WHEREAS, they are seeking assistance on how this can be resolved and how the City can address this issue, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation meet with interested parties, Corporation Counsel, and representatives of local taxi companies to discuss ways to expand accessibility of transportation by amending the current taxi license ordinances.



6000 AMERICAN PARKWAY
MADISON, WI 53783-0001

Underwritten By:
Main Street America Protection Insurance Company
Tel: 1-800-258-5310
Fax: 1-866-935-2858

12

007823FC6500M01033311711 Q03A 001



CITY CLERK
2 ND FLOOR ONE GOVERNMENT CTR
FALL RIVER, MA 02722

Claim Number:
Date Of Loss:
Policy Number:
Policyholder:

01-006-024809
04/14/2023
21M1450F
Gerald Moss Jr And Susan Moss

23-34A

November 27, 2023

Your Insured Name: City of Fall River
Your Claim Number: Pending

Dear City Clerk,

This correspondence is regarding the claim for Susan Moss.

We have not received a response to our prior subrogation notice. Please provide us with an update as soon as possible.

Your driver is Matthew Gauvin. A police vehicle rear ended our insured Susan Moss.

We are committed to providing excellent customer service and are here to assist you. Please contact us with any questions you may have.

Sincerely,

Kristen Navarro

Kristen Navarro
Claim Adjuster II
AFICS on behalf of Main Street America Protection Insurance Company
Kristen.Navarro@afics.com
Phone: 1-608-722-3150 | Fax: 1-866-935-2858
Mail: 6000 American Parkway, Madison, WI 53783-0001

CITY CLERK
FALL RIVER, MA

2023 DEC -4 P 12:31

RECEIVED

mailed
2/4/23 1 original + 1 copy = hand
1 copy to Police
12/4/23 1 copy to City Clerk
2 1 copy to city council

THOMAS GEORGE ASSOCIATES, LTD
TGA
Post Office Box 30
East Northport NY 11731 0030
(631) 261-8800

November 21, 2023

CITY OF FALL RIVER
ONE GOVERNMENT CENTER
2ND FLOOR
FALL RIVER, MA 02722-0000

Attention: CITY CLERK

OUR CLIENT: Safeco Insurance Company
OUR INSURED: HARVEY, VICTORIA
CLIENTS CLAIM#: 053300987
OUR FILE #: 1146949-31
AMT OF DAMAGES: \$12,579.23
YOUR INSURED: SELF-INSURED
YOUR CLAIM#: PLEASE ADVISE
YOUR POLICY#:
DATE OF LOSS: 04/25/23

RECEIVED
2023 NOV 28 AM 11:37
CITY CLERK
FALL RIVER, MA
23-77

Please be advised that we are the recovery agents for the above referenced client and are aiding them in their subrogation rights as result of the above captioned loss.

The information obtained through our investigation places the liability on your insured for the damages incurred by our client's insured.

Please notify this writer as to the claim number and individual handling this claim.

When processing this claim, make your check payable to our client, and mail it to the address listed above, and kindly reference our file number on all correspondence. If any additional information is needed, please feel free to contact me at the above number.

Very truly yours,

William Angela

11/28/23
1 original & email to
1 email to Police
1 copy to city clerk
1 copy to city council

TGA



City of Fall River
Notice of Claim

RECEIVED

2023 DEC -7 P 3:20

1. Claimant's name: William ASSAD CITY CLERK 23-78
2. Claimant's complete address: 700 SHORE DR. UNIT 708 FALL RIVER, MA 02721
3. Telephone number: Home: 508 789 5490 Work: 508 6799 6000
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
AUTO
5. Date and time of accident: 12/5/23 3:15PM Amount of damages claimed: \$ 230.52
6. Exact location of the incident: (include as much detail as possible):
OSBORN ST.
7. Circumstances of the incident: (attach additional pages if necessary):
A WATER CAP WAS OPENED IN THE RD. I HIT IT WITH MY DRIVER SEAT FRONT TIRE AND BLEW IT OUT. AAA CAME TO PUT MY DOWN ON. TILL I WAS ABLE TO HAVE IT REPAIRED
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 12/7/23

Claimant's signature: [Signature]

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

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

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

For official use only:

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

Date: 12/12/23

City Clerk

From: Licciardi, Guy (DPL) <Guy.Licciardi@mass.gov>
Sent: Thursday, December 07, 2023 11:49 AM
To: City Clerk
Subject: event

RECEIVED

2023 DEC -7 A 11:59

CITY CLERK
FALL RIVER, MA

City Clerk,

We are writing to inform you the Massachusetts State Athletic Commission has issued a license to Kris Jacobs/ Stay Ready Boxing for a boxing event at P A L 31 Franklin St, Fall River MA 02720 on, December 16, 2023.

In accordance with MGL chapter 147 § 47A the city of Fall River, by approval of the Mayor/ Administrator, may prohibit the event, and order revocation of the license.

Thank You

Guy Licciardi

My contact number is 617 826 5262 if you have any questions or concerns.

Regulated Activities/ Special Licensing and MSAC
Department of Public Safety and Licensing
1000 Washington Street
Room 710
Boston, MA 02118
617 826 5262
Guy.licciardi@mass.gov

Part I

ADMINISTRATION OF THE GOVERNMENT

Title XX

PUBLIC SAFETY AND GOOD ORDER

Chapter 147STATE AND OTHER POLICE, AND CERTAIN POWERS AND
DUTIES OF THE OFFICE OF PUBLIC SAFETY AND
INSPECTIONS OF THE DIVISION OF PROFESSIONAL
LICENSURE**Section 47A**PROHIBITION OF LICENSED EVENT BY MUNICIPALITY;
NOTICE OF EXERCISE OF MUNICIPAL OPTION

Section 47A. The commission shall notify a municipality in writing of the issuance of a license for an event scheduled to take place therein within 24 hours of its issuance. At its option, a municipality may prohibit an event licensed by the commission under section 33. The prohibition shall be by a majority vote of the city council with approval of the mayor in a city or by a majority vote of the board of selectmen in a town. The municipal option shall be exercised within 7 days of issuance of a license by the commission. The municipality shall notify the commission within 24 hours of any such action. Upon receipt of such notice, the commission shall immediately notify the promoter of the determination of the municipality and the license shall be revoked.



OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

2023 NOV 29 A 6:50

Please note that all fields are required unless otherwise noted.

CITY CLERK
FALL RIVER, MA

Your Contact Information:

First Name: Patrick

Last Name: Higgins

Address: P O Box 290

City: Northport

State: AL

Zip Code: 35476

Phone Number: 615-236-2189 Ext. _____

Email: patrick@openmeetinglawenforcer.com

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

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

(For statistical purposes only)

☐ Individual

☒ Organization

☐ Media

Public Body that is the subject of this complaint:

☒ City/Town

☐ County

☐ Regional/District

☐ State

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

Fall River City Council Committee on Fir

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

Joseph D Camara, President

Date of alleged violation:

11/28/23

Finell

Description of alleged violation:

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

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

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

1. The Fall River City Council held an illegal meeting on November 28, 2023 in that the agenda was NOT properly posted to "https://fallriverma.org" for 48 hours prior to the meeting. The agenda was posted to "https://fallriverma.gov" and the official posting location of agendas, as on file with the Division of Open Government, reflects "https://fallriverma.org" as the official posting location as of Nov 10, 2015.

see <https://www.mass.gov/info-details/official-notice-posting-locations-for-public-bodies> for access to the Microsoft Excel file containing the official posting locations on record, viewed at 4:18 pm on November 28, 2023 <https://www.mass.gov/doc/municipal-posting-methods-website-0/download>

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.

Cancel this meeting immediately and post an agenda at "https://fallriverma.org" the official posting location for meetings of Fall River Public Bodies

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: 11/28/2023

For Use By Public Body:

Date Received by Public Body: _____

For Use By AGO:

Date Received by AGO: _____

28
NOV

November 28, 20

Tuesday

City Council Meetings @ 5:55 p.m.

AGENDA - City Council Meetings 11-28-23

ADA AGENDA - City Council Meetings 11-28-2023

REVISED AGENDA - City Council Meetings 11-28-2023

REVISED ADA AGENDA - City Council Meetings 11-28-20
23

SECOND REVISED AGENDA - City Council Meetings 11-2
8-2023

SECOND REVISED ADA AGENDA - City Council Meeting
5-11-20-2023

*Meeting end time is subject to change



15

The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

2023 NOV 29 A 8:50

Please note that all fields are required unless otherwise noted. CITY CLERK
FALL RIVER, MA

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 290

City: Northport State: AL Zip Code: 35476

Phone Number: 615-236-2189 Ext. _____

Email: patrick@openmeetinglawenforcer.com

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: Joseph D Camara, President

Date of alleged violation: 11/28/23

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. The Fall River City Council held an illegal meeting on November 28, 2023 in that the agenda was NOT properly posted to "https://fallriverma.org" for 48 hours prior to the meeting. The agenda was posted to "https://fallriverma.gov" and the official posting location of agendas, as on file with the Division of Open Government, reflects "https://fallriverma.org" as the official posting location as of Nov 10, 2015.

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II. Consulting With a Private Attorney.

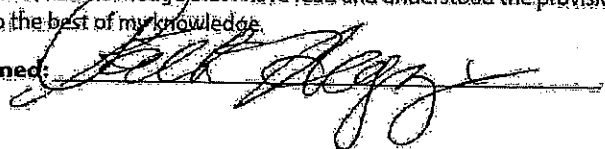
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By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed:



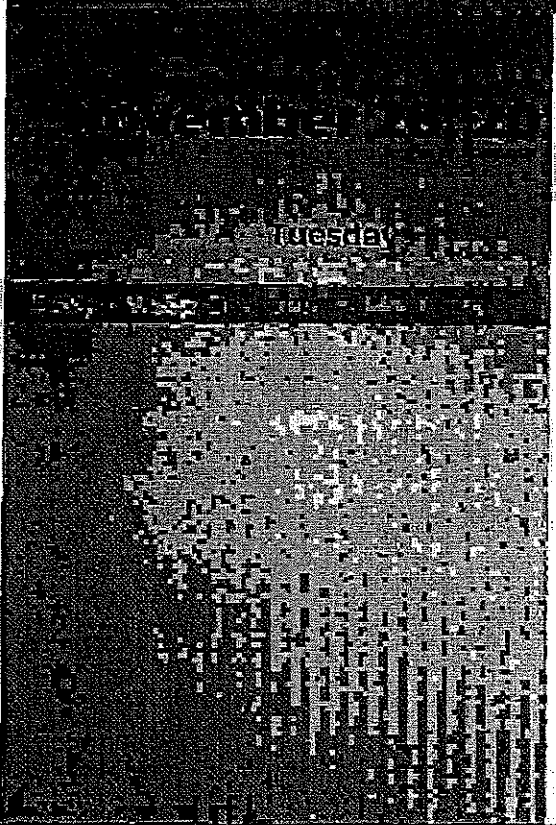
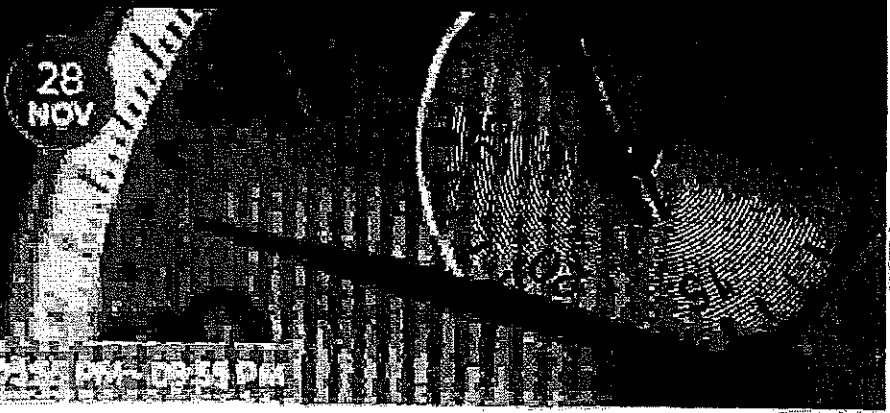
Date: 11/28/2023

For Use By Public Body

Date Received by Public Body:

For Use By AGO

Date Received by AGO:



City Council Meetings @ 5:55 p.m.
AGENDA - City Council Meetings 11-28-23

ADA AGENDA - City Council Meetings 11-28-2023

REVISED AGENDA - City Council Meetings 11-28-2023

REVISED ADA AGENDA - City Council Meetings 11-28-2023

SECOND REVISED AGENDA - City Council Meetings 11-28-2023

SECOND REVISED ADA AGENDA - City Council Meeting 11-28-2023

Meeting end time is subject to change



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

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If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, November 14, 2023 at 5:55 p.m.
Council Chamber, One Government Center

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

ABSENT: Councilors Pamela S. Laliberte and Leo O. Pelletier

IN ATTENDANCE: Bridget Almon, Director of Financial Services
Daniel Lane, Administrative Assistant to the Board of Assessors
Richard Gonsalves, Chair, Board of Assessors
Richard B. Wolfson, Secretary, Board of Assessors
Nancy Hinote, Member, Board of Assessors
Aaron Roy, National Grid Engineer, 1250 Brayton Point Road,
Somerset, MA 02725
Laura Pacheco, Ph.D., 369 June Street
Anthony Caton, 170 Westerly Road, Plymouth, MA, 02360
Laurie Mitchell, 2568 North Main Street
Louis Sousa, 19 Wayland Street
Deolinda Camara, 5 Wayland Street

The President 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 and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to open the hearings, with Councilors Laliberte and Pelletier absent and not voting

Joint Pole Location

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

Airport Road

One (1) new jointly owned pole location

Install one jointly owned pole on Airport Road. Install one jointly owned anchor on Airport Road. National Grid is proposing to install one new 45 foot jointly owned pole (Pole 36-50) and anchor halfway between existing Pole 36 and Pole 37 on Airport Road. This new pole will allow National Grid to relocate the three phase pole mounted transformers from

Pole 36-1 on Airport Road over to this new pole in order to utilize Pole 36-1 for a new service for Allied Waste Industries.

In accordance with Plan No. 30826280

The President asked if there were any proponents, and Aaron Roy, National Grid Engineer, came forward and explained the need for the new jointly owned pole to provide additional power for Allied Waste Industries. The President then asked if there were any opponents, and no one came forward.

2. Massachusetts Electric Company and Verizon New England, Inc, for one new jointly owned pole location as follows:

Laurel Street

One (1) new jointly owned pole location
One (1) solely owned anchor

Install one jointly owned pole on Laurel Street. Install one solely owned anchor on Laurel Street. National Grid is proposing to set a new jointly owned Pole 26-50 and solely owned anchor in line between existing Poles 26 and 27 on Laurel Street. This proposed pole will allow National Grid to run a new overhead feed into the Doolan Apartment Complex. The existing overhead feed, off Pole 27 on Laurel Street, will be eliminated after the new service is energized.

In accordance with Plan No. 30811760

The President asked if there were any proponents, and Aaron Roy, National Grid Engineer came forward and explained that this pole location will allow for new electrical services for the Doolan Apartment Complex. The President then asked if there were any opponents, and no one came forward.

Second Hand Article Store

3. Laura Pacheco, Ph.D. d/b/a Laura's Vintage Attic, 369 June Street, Fall River, MA 02720 for permission to operate and maintain a second hand article store located at 1800 South Main Street (vintage goods and repurposed furniture to be sold).

The President asked if there were any proponents, and Laura Pacheco, Ph.D., 369 June Street, came forward and explained her plan to open a new vintage store. The President then asked if there were any opponents, and no one came forward.

Curb Removals

4. Jeanne Allard, 123 Alsop Street, for the removal of curbing as follows:

	Existing Opening	Curbing to be Removed	Curbing to be Added	Combined Opening Proposed After Alteration
123 Alsop Street	12'	14'	0'	26'

The applicant proposes to extend the existing 12' curb opening by an additional 14' on the west side. The total opening for the location will be 26'.

The President asked if there were any proponents, and no one came forward. The President then asked if there were any opponents, and no one came forward.

5. Brian Rua, 41 Crestwood Street, for the removal of curbing as follows:

	Existing Opening	Curbing to be Removed	Curbing to be Added	Combined Opening Proposed After Alteration
41 Crestwood Street	24'	12'	0'	36'

The parcel is currently serviced by a 24' curb opening/driveway. The applicant proposes to construct a separate 12' curb opening/driveway. The total opening for the location will be 36'. Site Plan review is pending.

The President asked if there were any proponents, and no one came forward. The President then asked if there were any opponents, and no one came forward.

6. MMS Realty LLC, 22 Boomer Street, for the removal of curbing as follows:

	Existing Opening	Curbing to be Removed	Curbing to be Added	Combined Opening Proposed After Alteration
0 President Avenue/ Dyer Street	16' (Dyer St.)	24' (President Ave.)	0'	40'

The parcel currently has an existing 16' curb opening/driveway on Dyer Street and proposes to construct a new 24' curb opening on President Avenue. The total opening for the location will be 40'.

The President asked if there were any proponents, and no one came forward. The President then asked if there were any opponents, and no one came forward.

7. Anthony Caton, 170 Westerly Road, Plymouth, MA, 02360, for the removal of curbing as follows:

	Existing Opening	Curbing to be Removed	Curbing to be Added	Combined Opening Proposed After Alteration
106 Howland Street	22'	18'	0'	40'

The parcel is currently serviced by a 22' curb opening/driveway. The applicant proposes to extend the existing driveway an additional 18'. The total opening for the location will be 40'. Site Plan review is pending.

The President asked if there were any proponents, and Anthony Caton, 170 Westerly Road, Plymouth, MA, 02360, stated that he is the homeowner who is transitioning the property to a four-family residence, and he needs to add two parking spots to receive a variance from the Zoning Board of Appeals. The President then asked if there were any opponents, and no one came forward.

Street Acceptances

8. Hayfield Lane from Highland Farm Road both northerly and southerly to terminuses
The President asked if there were any proponents, and no one came forward. The President then asked if there were any opponents, and no one came forward.
9. Highland Farm Road from Highland Avenue easterly to Hayfield Lane
The President asked if there were any proponents, and no one came forward. The President then asked if there were any opponents, and no one came forward.
10. Old Pasture Way from Highland Farm Road southerly to terminuses
The President asked if there were any proponents, and no one came forward. The President then asked if there were any opponents, and no one came forward.
11. Steepbrook Terrace from Highland Farm Road southerly to terminuses
The President asked if there were any proponents, and no one came forward. The President then asked if there were any opponents, and no one came forward.
12. Glendale Street from North Main Street westerly to terminuses
The President asked if there were any proponents, and no one came forward. The President then asked if there were any opponents, and no one came forward.
13. Wayland Street from North Main Street westerly to terminuses
The President asked if there were any proponents, and Laurie Mitchell, 2568 North Main Street, came forward and stated she would like the street to be accepted to allow road repairs to occur. The President asked if there were any other proponents, and Louis Sousa, 19 Wayland Street, came forward and stated that the road needed more renovation and accepting the street would provide these services. The President then asked if there were any opponents, and Deolinda Camara, 5 Wayland Street, came forward and stated that it would not be safe for the street to be accepted.

Tax Classification

14. Adoption of the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2024.
The President called on the Board of Assessors to address the Council and Richard Gonsalves, Chair of the Board of Assessors, reconvened the recessed Board of Assessors meeting at 6:18 p.m. The Chair of the Board of Assessors provided a summary of the City's real estate revenue over the past year of \$9,000,000 and stated there has been a consistent increase in this type of revenue over the past few years. Daniel Lane, Administrative Assistant to the Board of Assessors, described the increased number of residential, taxable, properties that have been constructed of the past year, tax increment exemptions that are due to end soon and anticipated revenue growth for 2024. Councilor Kilby and Mr. Lane discussed the revenue growth of \$2,939,000 in comparison to the year prior. Councilor Cadime and Mr. Lane discussed the anticipated utility revenue of \$1,780,000 and the process for obtaining that estimate. On a motion made by Richard B. Wolfson, Secretary, Board of Assessors, and seconded by Nancy Hinote, Member, Board of Assessors, it was voted 3 yeas to adjourn the Board of Assessors meeting at 6:24 p.m. The President then asked if there were any opponents, and no one came forward.

On a motion made by Councilor Raposo and seconded by Councilor Washington, it was unanimously voted to close the hearings at 6:25 p.m., with Councilors Laliberte and Pelletier absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk

COMMITTEE ON FINANCE

MEETING: Tuesday, November 14, 2023 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,
Linda M. Pereira, Andrew J. Raposo and Laura-Jean Washington

ABSENT: Councilors Pamela S. Laliberte and Leo O. Pelletier

IN ATTENDANCE: None

The chair called the meeting to order at 6:25 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:
Kelly Buchanan, 16 Bradford Avenue – Illegal Encampments

On a motion made by Councilor Kilby and seconded by Councilor Raposo, it was unanimously voted to adjourn at 6:26 p.m., with Councilors Pamela S. Laliberte and Leo O. Pelletier absent and not voting.

List of documents and other exhibits used during the meeting:
Agenda packet (attached)
DVD of meeting


Clerk of Committees

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, November 14, 2023 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,
Linda M. Pereira, Andrew J. Raposo and Laura-Jean Washington

ABSENT: Councilors Pamela S. Laliberte and Leo O. Pelletier

IN ATTENDANCE: None

President Camara called the meeting to order at 7:02 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor and proposal for Bristol County ARPA funding in the amount of \$172,372.77 to Emergency Medical Services for the purchase of medical equipment for home health care services

A motion was made by Councilor Kilby and seconded by Vice President Pereira to approve the proposal. Councilor Dionne stated that further discussion regarding this funding would be helpful and suggested that the proposal be referred to the Committee on Finance prior to being approved and Councilor Kilby agreed. On a further motion made by Councilor Dionne and seconded by Councilor Washington, it was unanimously voted to refer the proposal to the Committee on Finance, with Councilors Laliberte and Pelletier absent and not voting.

2. Mayor requesting approvals as follows:
 - a. Resolution – TIE Agreement for Sanford Spinning Mills, LLC
206 Globe Mills Avenue

Councilor Raposo asked if all back taxes due would be paid prior to the agreement moving forward. Councilor Cadime stated that no agreements would come forward for approval without payment or establishment of a payment plan. Councilor Dionne asked if all three of the TIE agreements were in the Housing Development Improvement Program (HDIP) zone and Councilor Cadime stated that to be eligible for the TIE agreements, the locations must be within the HDIP zone. On a motion made by Councilor Raposo and seconded by Councilor Cadime, it was unanimously voted to amend the order with the contingency that the creation of a pending payment agreement or payment of outstanding taxes must occur prior to the TIE agreement moving forward, with Councilors Laliberte and Pelletier absent and not voting. On a further motion made by Councilor Kilby and seconded by Vice President Pereira, it was voted to adopt

the resolution, pending payment agreement or payment of outstanding taxes, with Councilor Dionne opposed and with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

**b. Resolution – TIE Agreement for Durfee Trust Limited Partnership
80-84 North Main Street**

On a motion made by Councilor Kilby and seconded by Vice President Pereira, it was voted to adopt the resolution, with Councilor Dionne opposed and with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

**c. Resolution – TIE Agreement Amendment for 66 Troy Street, LCC
66 Troy Street**

Councilor Dionne asked why the original agreement was being increased by nine units. President Camara suggested that it may be due to smaller apartment sizes. Vice President Pereira stated that the increase in units was most likely caused by a change in the market which dictated one- or two-bedroom units would be more desired than three-bedroom units. On a motion made by Councilor Kilby and seconded by Councilor Cadime, it was voted to adopt the resolution, with Councilor Dionne opposed and with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

3. Mayor and orders to accept and expend the following grants:

- a. \$2,375,000 from the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS) to help fund salaries and benefits of newly hired police officers

On a motion made by Councilor Kilby and seconded by Vice President Pereira, it was unanimously voted to adopt the order, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

- b. \$127,555 from the U.S. Department of Justice's Office of COPS for the purchase of virtual reality-based de-escalation training equipment and 464 hours of de-escalation training.

On a motion made by Councilor Raposo and seconded by Councilor Washington, it was unanimously voted to adopt the order, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

4. Mayor and order to accept a vehicle donation from Alfred Nemer of a 2011 Nissan Altima to the Fall River Fire Department for vehicular extrication training.

Vice President Pereira requested that a letter of thanks be sent to the donor of the vehicle, a copy of which is attached hereto and made a part of these minutes. On a motion made by Councilor Raposo and seconded by Councilor Washington, it was unanimously voted to adopt the order, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

A brief recess was held from 7:12 p.m. to 7:15 p.m. to confirm numerical information for item 5.

PRIORITY COMMUNICATIONS

5. Board of Assessors re: establishment of Fiscal Year 2024 tax factor and tax levy

On a motion made by Vice President Pereira and seconded by Councilor Kilby, it was unanimously voted to adopt the percentages on the local tax levy for a 1.75 tax factor, with Councilors Laliberte and Pelletier absent and not voting. On a further motion made by Councilor Cadime and seconded by Councilor Kilby, it was unanimously voted to adopt a residential factor of 83.9975, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

6. Traffic Commission recommending amendments to the traffic ordinances
On a motion made by Councilor Raposo and seconded by Councilor Washington, it was unanimously voted to refer the recommendations to the Committee on Ordinances and Legislation, with Councilors Laliberte and Pelletier absent and not voting.

COMMITTEE REPORTS – None

ORDINANCES

Second Reading and Enrollment:

7. Proposed Ordinance – Traffic, miscellaneous

Handicapped parking removals:

Birch Street Forest Street Fountain Street Osborn Street Swindells Street

On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment, with Councilors Laliberte and Pelletier absent and not voting. On a further motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted that the proposed ordinance be passed through ordination, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

RESOLUTIONS

8. The Committee on Public Safety convene with the Fire Chief and any interested parties to discuss updates to smoke and carbon monoxide alarm systems for residential properties.

Vice President Pereira explained that recommendations for smoke and carbon monoxide alarms have been updated and providing this information to the public would be beneficial. On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adopt the resolution, with Councilors Laliberte and Pelletier absent and not voting.

CITATIONS - None**ORDERS – HEARINGS****Joint Pole Location:**

9. Massachusetts Electric Company and Verizon New England, Inc – One (1) new jointly owned pole location on Airport Road

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adopt the order, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

10. Massachusetts Electric Company and Verizon New England, Inc. – One (1) new jointly owned pole location and one (1) solely owned anchor on Laurel Street

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adopt the order, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

Second Hand Article Store:

11. Laura Pacheco, Ph.D. d/b/a Laura's Vintage Attic, 369 June Street, located at 1800 South Main Street

On a motion made by Councilor Washington and seconded by Councilor Raposo, it was unanimously voted to adopt the order, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

Curb removals:

12. Jeanne Allard, 123 Alsop Street – removal of 14 feet at 123 Alsop Street

On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted to adopt the order, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

13. Brian Rua, 41 Crestwood Street – removal of 12 feet at 41 Crestwood Street
On a motion made by Councilor Dionne and seconded by Councilor Raposo, it was unanimously voted to include a contingency that the pending site review must be approved, with Councilors Laliberte and Pelletier absent and not voting. On further a motion made by Councilor Raposo and seconded by Councilor Washington, it was unanimously voted to adopt the order, as amended, with Councilors Laliberte and Pelletier absent and not voting.
 Approved, November 15, 2023
 Paul E. Coogan, Mayor

14. MMS Realty LLC, 22 Boomer Street – removal of 24 feet at 0 President Avenue/Dyer St.
On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted to adopt the order, with Councilors Laliberte and Pelletier absent and not voting.
 Approved, November 15, 2023
 Paul E. Coogan, Mayor

15. Anthony Caton, 170 Westerly Road, Plymouth, MA, 02360 – removal of 18 feet at 106 Howland Street
On a motion made by Councilor Dionne and seconded by Councilor Raposo, it was unanimously voted that the order be adopted, pending the site review, with Councilors Laliberte and Pelletier absent and not voting.
 Approved, November 15, 2023
 Paul E. Coogan, Mayor

ORDERS – MISCELLANEOUS

16. Police Chief's report on licenses:

Taxicab Drivers (2023)

Wanda Brousseau Devin Stephen Costa Jeffrey Goldstein Scott Medeiros

Taxicab Drivers (2024)

Luis Costa Laura Ferreira Jeffrey Goldstein Jeff C. Middleton
 Joseph Paiva Victor J. Principe, II James E. Smith Walter Woods

Private Livery Drivers (2023)

Jeffrey Goldstein

Private Livery Drivers (2024)

Jeffrey Goldstein

On a motion made by Councilor Kilby and seconded by Councilor Raposo, it was unanimously voted to adopt the order, with Councilors Laliberte and Pelletier absent and not voting.
 Approved, November 15, 2023
 Paul E. Coogan, Mayor

17. Auto Body Shop License Renewals:

Jan M. Pankowski d/b/a Classic Auto – 270 Shove Street
 Joseph J. Jennings d/b/a Jennings Garage – 64 Judson Street
 John V. Pacheco and Michael V. Pacheco d/b/a Celebrity Auto – 2220 Pleasant Street
 Marco Moniz and Laudalino Viveiros d/b/a Platinum Collision – 5 Laurel Street

The City Clerk stated that the Police Chief did not recommend approval of the license renewal for Marco Moniz and Laudalino Viveiros. Councilor Dionne requested more information regarding the Police Chief's recommendation and President Camara stated that one of the applicants previously had a restraining order issued upon him, but the reason for the restraining order was not related to his auto body shop business. On a motion made by Vice President Pereira and seconded by Councilor Kilby, it was unanimously voted to adopt the order, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

18. Auto Repair Shop License Renewals:

Jan M. Pankowski d/b/a Classic Auto – 270 Shove Street
 Robert W. Piva d/b/a Piva's Garage – 252 Crescent Street
 Joseph J. Jennings d/b/a Jennings Garage – 64 Judson Street
 Roger E. Khoury d/b/a Andrade's Automotive Services, LLC – 46 McGowan Street
 Antonio Pinto d/b/a T & P Auto Repair & Sales – 2553 South Main Street
 Joseph Medeiros, 4J Auto, Inc. d/b/a Midas Auto Service – 1439 Plymouth Avenue
 Faouzi Raad, Michael & Tia, Inc. d/b/a Fawzi's Auto – 256 Bedford Street
 Wayne Senechal d/b/a Wayne's Auto and Performance – 122 Lowell Street
 Cardoso Garage, Inc. d/b/a Easy Auto Repair – 681 Brayton Avenue

On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to adopt the order, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

19. Claims

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to refer the claims to Corporation Counsel, with Councilors Laliberte and Pelletier absent and not voting.

20. Communication from Alan F. Macomber, Main Street Projects, re 2021 Appraisal of the Bank Street Armory

On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted that the communication be accepted and placed on file, with Councilors Laliberte and Pelletier absent and not voting.

21. Final Report – Acceptance of Hayfield Lane extending from Highland Farm Road both northerly and southerly to terminuses

On a motion made by Councilor Raposo and seconded by Councilor Washington, it was unanimously voted to approve the final report, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

22. Final Report – Acceptance of Highland Farm Road extending from Highland Avenue easterly to Hayfield Lane

On a motion made by Councilor Raposo and seconded by Councilor Washington, it was unanimously voted to approve the final report, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

23. Final Report – Acceptance of Old Pasture Way extending from Highland Farm Road southerly to terminuses

On a motion made by Councilor Raposo and seconded by Councilor Washington, it was unanimously voted to approve the final report, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

24. Final Report – Acceptance of Steepbrook Terrace extending from Highland Farm Road southerly to terminuses

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to approve the final report, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

25. Final Report – Acceptance of Glendale Street extending from North Main Street westerly to terminuses

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to approve the final report, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

26. Final Report – Acceptance of Wayland Street extending from North Main Street westerly to terminuses

On a motion made by Councilor Raposo and seconded by Councilor Washington, it was unanimously voted to approve the final report, with Councilors Laliberte and Pelletier absent and not voting.

Approved, November 15, 2023

Paul E. Coogan, Mayor

City Council Minutes:

27. Committee on Finance – October 24, 2023

On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted to approve the minutes, with Councilors Laliberte and Pelletier absent and not voting.

28. City Council – October 24, 2023

On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted to approve the minutes, with Councilors Laliberte and Pelletier absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES

29. Notice re: SouthCoast Wind Energy, LLC, POWER Engineers filing of Supplemental Final Environmental Impact Report for the SouthCoast Wind 1 Project (EEA. No. 16596).
On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted that the notice be accepted and placed on file, with Councilors Laliberte and Pelletier absent and not voting.

COMMUNICATIONS – INVITATIONS – PETITIONS

28a. Structure on or over a public way application for the Annual Children's Holiday Parade (Banners on Bedford Street at Central Fire Station and on South Main Street at Center Place)

President Camara stated that the parade will occur on Saturday, December 2, 2023, at 1:00 p.m. On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to approve the application, with Councilors Laliberte and Pelletier absent and not voting.

A brief recess was held from 7:27 p.m. to 7:32 p.m. for signing of the Traffic, miscellaneous ordinance and the final reports for Hayfield Lane, Highland Farm Road, Old Pasture Way, Steepbrook Terrace, Glendale Street and Wayland Street.

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adjourn at 7:33 p.m., with Councilors Laliberte and Pelletier absent and not voting.

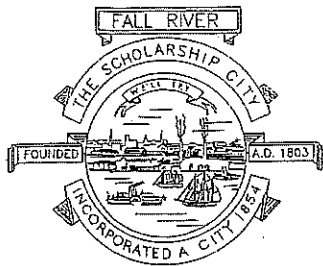
List of documents and other exhibits used during the meeting:

Agenda packet (attached)
 DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

November 15, 2023

Addison Nemer
92 Pearl Street
Middleboro, MA 02346

Mr. Nemer,

At a Regular Meeting of the City Council held on Tuesday, November 14, 2023, a request was made to forward a letter of thanks to you. Your donation of a 2011 Nissan Altima to the Fall River Fire Department is greatly appreciated.

This donation provides an excellent representation of your generosity to the first responders and residents of Fall River. On behalf of the Fall River City Council, please accept our sincerest gratitude.

Sincerely,

Alison M. Bouchard
City Clerk

/v

CITY COUNCIL PUBLIC HEARING

MEETING: Tuesday, November 28, 2023 at 5:55 p.m.
Council Chamber, One Government Center

PRESENT: President Joseph D. Camara, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne, Bradford L. Kilby,
Andrew J. Raposo and Laura-Jean Washington

ABSENT: Councilors Pamela S. Laliberte, Leo O. Pelletier and Linda M. Pereira

IN ATTENDANCE: Rebecca Marques, National Grid Engineer,
245 South Main Street, Hopedale, MA

The President 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 and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted to open the hearing, with Councilors Laliberte, Pelletier and Pereira absent and not voting.

Underground Conduit

1. Massachusetts Electric Company d/b/a National Grid for an underground conduit location as follows:

Lindsey Street

Beginning at a point approximately 370 feet south of the centerline of the intersection of Lindsey Street and Brightman Street and continuing approximately 130 feet in a northerly direction, install underground facilities on Lindsey Street and install new primary conductors to upgrade feeder 106W46.

In accordance with Plan No. 30637607

The President asked if there were any proponents and Rebecca Marques, National Grid Engineer, came forward and explained the need to add 130 feet of underground conduit to assist an existing feeder utility on Lindsey Street. The President then asked if there were any opponents, and no one came forward.

On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted to close the hearing at 6:04 p.m., with Councilors Laliberte, Pelletier and Pereira absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

A true copy. Attest:

A handwritten signature in cursive script that reads "Alison M. Bouchard".

City Clerk

COMMITTEE ON FINANCE

MEETING: Tuesday, November 28, 2023 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,
Linda M. Pereira, Andrew J. Raposo and Laura-Jean Washington

ABSENT: Councilors Pamela S. Laliberte and Leo O. Pelletier

IN ATTENDANCE: Timothy Oliveira, Chief, Emergency Medical Services

The chair called the meeting to order at 6:05 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:

Patrick Higgins, 1197 Robeson Street - Illegal Meeting

Councilors Cadime and Kilby made brief comments regarding the new website redirecting people from the old website to the new website. Mr. Higgins stated that he has submitted an Open Meeting Law complaint as the website that is listed on the state's municipal notice page does not match the City's current website.

Carol Borges, 64 Durfee Street - Bank Street Armory

Vice President Pereira arrived at 6:06 p.m.

2. Discussion re: proposal for Bristol County ARPA funding in the amount of \$172,372.77 to Emergency Medical Services for the purchase of medical equipment for home health care services

Councilor Dionne requested clarification regarding this funding proposal as a similar amount was approved at an American Rescue Plan Act (ARPA) Committee meeting in August 2023 and as an enterprise fund, the Department of Emergency Medical Services (EMS) had a balanced budget for Fiscal Year 2024. Timothy Oliveira, Chief of EMS, explained that there is a new requirement within the state that requires all emergency vehicles to have ventilators on board ambulances and clarified that the EMS Department never received ARPA funding in August of 2023, although it may have been discussed at that meeting. The Chief of EMS also explained that these ambulances will serve both overnight and holiday shifts for those who need home healthcare due to a nursing shortage and the services will be billable. Councilor Washington

emphasized her support of the program as it will help avoid hospital visits for those who can receive care at home which will also relieve stress on area emergency rooms and Vice President Pereira agreed.

Councilor Cadime asked if the nine ventilators that are listed in the ARPA proposal will cover all the City's ambulances and Chief Oliveira confirmed that there are currently nine active rescue units. Councilor Dionne stated that she supports the project overall but needed clarification of the overall financing plan. Chief Oliveira emphasized that the EMS Department works diligently to invest in the City for long term improvements. On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted that the proposal be referred to full Council for action, with Councilors Laliberte and Pelletier absent and not voting.

On a motion made by Councilor Kilby and seconded by Councilor Raposo, it was unanimously voted to adjourn at 6:22 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting


Clerk of Committees

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, November 28, 2023 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,
Linda M. Pereira, Andrew J. Raposo and Laura-Jean Washington

ABSENT: Councilors Pamela S. Laliberte and Leo O. Pelletier

IN ATTENDANCE: Joseph A. Marshall, Vietnam War Veteran
Denny Cosmo, Director, Joseph A. Marshall Veterans Center,
Bristol Community College
Charles N. Gagnon, Vietnam War Veteran

President Camara called the meeting to order at 7:02 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.

On a motion made by Councilor Cadime and seconded by Vice President Pereira, it was unanimously voted to take items 4-5 out of order together to allow for the presentation of citations, with Councilors Laliberte and Pelletier absent and not voting. On a further motion made by Councilor Cadime and seconded by Councilor Raposo, it was unanimously voted to adopt the citations, with Councilor Laliberte and Pelletier absent and not voting.

CITATIONS

4. Bristol Community College – Student Veterans of America Chapter:
 Sarah Ashley Michael Duphily John Morris Austin Scott
 Amanda Bartlett Devon Martinez Analin Sanchez
 Brandon Blanchard Colin McKeon Amanda Scott

Councilor Vice President Pereira, Joseph A. Marshall, Vietnam War Veteran, and Denny Cosmo, Director, Joseph A. Marshall Veterans Center, Bristol Community College, made brief remarks regarding the achievements of the members of the Student Veterans of America Chapter at Bristol Community College and presented their citations.

5. Charles N. Gagnon – Receipt of the Vietnamese Cross of Gallantry with Palm Medal from the Armed Forces of the Republic of Vietnam in 1965
President Camara made brief remarks regarding Mr. Gagnon's service to the United States Army during the Vietnam War and presented his citation.

PRIORITY MATTERS

1. Mayor and order for the Bank Street Armory Proposal Review and Recommendation (resubmittal)

On a motion made by Vice President Pereira and seconded by Councilor Cadime, it was voted 4 yeas, 3 nays to lift the order from the table, with Councilors Kilby, Raposo and Washington voting in the negative, and Councilors Laliberte and Pelletier absent and not voting, and the motion failed to carry in accordance with the Code of the City of Fall River, Massachusetts, 2018, Ch. 2, Article II, §2-56, B.

PRIORITY COMMUNICATIONS

2. Traffic Commission recommending amendment to the traffic ordinances
On a motion made by Vice President Pereira and seconded by Councilor Raposo, it was unanimously voted to refer the recommendation to the Committee on Ordinances and Legislation, with Councilors Laliberte and Pelletier absent and not voting.

COMMITTEE REPORTS – None**ORDINANCES – None****RESOLUTIONS – None****CITATIONS**

3. Fall River Police Department Award Recipients and Retirees:

Daniel J. Ahaesy	Albert F. Dupere	Thomas Santos	Keith Strong
John Albin	Lauren Fiola	Nicholas Soule	Michael Sullivan
Faith Amaral	Michael A. Fogarty	David M. St. Laurent	Douglas Swass
Brandon Antone	Paul Furtado	Paul McGuire	Christopher J. Teves
Edward J. Ayers	Guy Furtado	Robert McGuire	Jackson S. Tracy
Joseph Bailey	Ronald Furtado	Brendan McNerney	Zachary Vorce
Manuel A. Bernardo	Ronald H. Gagnon	Coleen Medeiros	Mitchell Walsh
Michael R. Berube	Matthew Gauvin	Felicia Melo	
Paul Borges	Christopher J. Gibson	Nicole A. Motta	
Scott M. Boyer	Anthony R. Goff	Charles J. O'Gara	
Chelsea T. Campellone	Patricia Gosselin	Wanda Otero-Sanchez	
Jeffrey Cardoza	Gregory J. Homen	Norbert Pacheco	
Christopher J. Caron	Jason N. Jacob	Cynthia Page	
Samuel Chace	Brett D. Kimball	Athanasios Parousis	
Brian Cordeiro	David V. Laffleur	Gary Pasternak	
Marc Correia	Jeremias DaSilva Lameiro	Derek Pereira	
Jaime Costa	Glenn Macdonald	Keith Pires	
Robert A. Costa Sr.	William D. Mace	Marques Pires	
Andrew Crook	James M. Machado	William Platt	
Jennifer D. Deleon	Timothy Magan	Kyle Raposo	
Jhonathan Delgado	Jeffrey R. Maher	John E. Robinson	
Corey Dolan	Thomas G. Mauretti	Christopher Rodrigues	
Luis Duarte	Rory McCoomb	Steven M. Roseberry	
Daniel W. Dube	David McElroy	Douglas Rosenberg	

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adopt the citations, with Councilors Laliberte and Pelletier absent and not voting.

6. Inês Leite, Assistant City Clerk – Awarded the designation of Certified Municipal Clerk by the International Institute of Municipal Clerks
On a motion made by Councilor Raposo and seconded by Councilor Cadime, it was unanimously voted to adopt the citation, with Councilors Laliberte and Pelletier absent and not voting.

ORDERS – HEARINGS

Underground Conduit

7. Massachusetts Electric Company d/b/a National Grid – Installation of underground conduit on Lindsey Street
On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adopt the order, with Councilors Laliberte and Pelletier absent and not voting.
 Approved, November 29, 2023
 Paul E. Coogan, Mayor

ORDERS – MISCELLANEOUS

8. Police Chief's report on licenses:
Taxicab Drivers (2024)

Douglas J. Carvalho Gilbert W. Correia Edward Rego

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adopt the order, with Councilors Laliberte and Pelletier absent and not voting.
 Approved, November 29, 2023
 Paul E. Coogan, Mayor

9. Auto Body Shop License Renewal:

Wayne Pereira d/b/a Fall River Auto Body and Sales, Inc. – 155 Williston Street

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adopt the order, with Councilors Laliberte and Pelletier absent and not voting.
 Approved, November 29, 2023
 Paul E. Coogan, Mayor

10. Auto Repair Shop License Renewal:

Marco Vinico Rojas Fernandez d/b/a Rojas Auto Sales – 2291 South Main Street

On a motion made by Vice President Pereira and seconded by Councilor Raposo, it was unanimously voted to adopt the order, with Councilors Laliberte and Pelletier absent and not voting.
 Approved, November 29, 2023
 Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

11. Claims

On a motion made by Councilor Raposo and seconded by Councilor Washington, it was unanimously voted to refer the claims to Corporation Counsel, with Councilors Laliberte and Pelletier absent and not voting.

12. Structure on or over a public way applications for Fall River Masonic Building Association to place permanent metal signs to provide building name and location (One 30" round sign with building logo and one 12" x 24" rectangle sign with building address) at the following locations:
- a. Eastern Avenue between 871 Eastern Avenue and 1163 New Boston Road (on an existing pole)
 - b. Eastern Avenue just before McGowan Street
 - c. Wilson Road east of the intersection at Highland Avenue

On a motion made by Vice President Pereira and seconded by Councilor Kilby, it was unanimously voted to approve the applications, with Councilors Laliberte and Pelletier absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES – None

OTHER POTENTIAL MATTERS TO BE ACTED UPON (if received):

COMMITTEE REPORTS

Committee on Finance recommending action:

- 2a. Proposal for Bristol County ARPA funding in the amount of \$172,372.77 to Emergency Medical Services for the purchase of medical equipment for home health care services

On a motion made by Vice President Pereira and seconded by Councilor Washington, it was unanimously voted to approve the proposal, with Councilors Laliberte and Pelletier absent and not voting.

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: NOVEMBER 28, 2023

PRIORITY MATTERS

- 1a. Mayor and amended loan order (with emergency preamble) re. Fall River School Department's proposal to Massachusetts School Building Authority for the Robert L. Medeiros Resiliency Preparatory Academy renovation project

On a motion made by Councilor Raposo and seconded by President Camara, it was voted 7 yeas to adopt the emergency preamble, with Councilors Laliberte and Pelletier absent and not voting. On a further motion made by Councilor Cadime and seconded by Vice President Pereira, it was unanimously voted that the loan order be authorized to be published and referred to the Committee on Finance, with Councilors Laliberte and Pelletier absent and not voting.

On a motion made by Councilor Washington and seconded by Councilor Raposo, it was unanimously voted to adjourn at 7:20 p.m., with Councilors Laliberte and Pelletier absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk