



City of Fall River Massachusetts

Office of the City Clerk

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2023 JAN 23 A 11:34

CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

ORIGINAL POSTING: JANUARY 20, 2023 AT 12:44 P.M.

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
TUESDAY, JANUARY 24, 2023
REVISED AGENDA

5:55 P.M. PUBLIC HEARING (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON HEALTH AND ENVIRONMENTAL AFFAIRS MEETING IF IT RUNS PAST 5:55 P.M.)

Pole Location

Massachusetts Electric Company for one new pole location as follows:

Guild Street

One (1) new pole

The petitioner is proposing the installation of a 35' pole and anchor in front of 143 Guild Street, approximately 185' south of the centerline of the intersection with Mount Hope Avenue. This pole (Pole 4) will be utilized to guy/brace an existing pole (Pole 3) and be a stub pole to brace the dead end wires on Pole 3.

In accordance with Plan No. 30508646

Dated: January 4, 2023

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

1. Citizen Input
2. Transfers and appropriations (see #8 below)
3. *Resolution - Discuss real estate taxes and exemptions with the Chair of the Board of Assessors and the City Administrator (adopted 1-10-23)

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

PRIORITY MATTERS

1. *Mayor requesting confirmation of the following reappointments to the Council on Aging
 - a. Carolyn Burton
 - b. Barbara Jean
 - c. Susana Ribeiro
 - d. Lorraine Sherry
2. *Mayor and notification of Fall River Housing Authority appointment of Commissioner Jo Ann Bentley as the designee to the Community Preservation Committee.
3. *Mayor requesting confirmation of the reappointment of John Frank, III, to the Board of Appeals
4. *Mayor requesting confirmation of the reappointment of Richard J. Souza to the Sewer Commission

5. *Mayor requesting confirmation of the reappointment of Elizabeth Andre to the Planning Board
6. *Mayor requesting confirmation of the reappointment of Eric Kelly to the Board of Appeals (Alternate)
7. *Mayor requesting confirmation of the following appointments to the Council on Aging
 - a. Joan Mello
 - b. Joyce Landry
8. *Mayor and Orders:
 - a. To create a stabilization fund to be called "Opioid Settlement Receipts Stabilization Fund"
 - b. Transferring the sum of \$931,039.86 from the General Fund to the Opioid Settlement Receipts Stabilization Fund
 - c. Accept the fourth paragraph of MGL Ch. 40, Section 5B, which provides for the dedication to a stabilization fund to be effective for the fiscal year beginning on July 1, 2023
9. *Mayor and Department of Community Utilities - Water Division's proposal for Bristol County ARPA funding in the amount of \$2,000,000 for Waterfront Storm Water Corridor Project for Route 79
10. *Mayor and Department of Community Utilities - Water Division's proposal for Bristol County ARPA funding in the amount of \$3,000,000 for the partial removal of 450 lead service lines from curb stop to water meter for residential customers
11. *Mayor and request for extension to submit the Quarter 2 budget report to the City Council in February

PRIORITY COMMUNICATIONS - None

COMMITTEE REPORTS

Committee on Human Services, Housing, Youth and Elder Affairs recommending:

- Grant Leave to Withdraw
12. *Resolution – Discussion on access to housing and homelessness with local community organizations
- Referral to Committee on Finance
13. *Resolution – Administration prepare presentation to address the needs of City Parks and leagues, including football and baseball fields

Committee on Regulations recommending:

- Adoption
14. *Transfer of auto repair license no. 263 located at 830 Globe Street from Jose Beirao d/b/a Beirao's Auto Repair Co., Inc. to Mario P. Loureiro d/b/a Marios Auto Repair & Sales, Inc.

ORDINANCES – None

RESOLUTIONS

15. *The City Council and Administration requesting that Representatives and Senators in both the state and federal government begin aiding in the process to add Veterans Memorial Bicentennial Park to the National Historic Parks Registry.

16. *The Administration, a representative from the Assessor's office and a representative from the Department of Veteran's Services provide financial information re the City's participation with Massachusetts Tax Work Off Program

CITATIONS – None

ORDERS – HEARINGS

Pole Location

17. Massachusetts Electric Company – one (1) new pole in front of 143 Guild Street

ORDERS – MISCELLANEOUS

18. Auto Body Shop License Renewals:

Joseph Silva d/b/a Supreme Auto, located at 421 Third Street

19. Auto Repair Shop License Renewals:

David J. Motta d/b/a Action Cycles, located at 326 Pleasant Street

20. Revocation of License for an Auto Repair Shop at request of owner:

Luis Pereira d/b/a LP Auto Repair, 1201 Slade Street, License No. 311

21. Police Chief's report on licenses:

2023 Taxicab Drivers

Akeem Barlow

Roger W. Correia

Maurice Lievesley

Jeff C. Middleton

Antonio Sparshott

2023 Livery Drivers

Ferhat Ozakcaoglu

2023 Livery Vehicles

Ferhat Ozakcoaglu –Mercedes GLE350

22. *City Council meeting schedule from February through December 2023

COMMUNICATIONS – INVITATIONS – PETITIONS

23. *Claims

24. *Letter from Kevin Aguiar re School Committee Members Compensation

25. *Planning Board Minutes – December 14, 2022

City Council Minutes

26. *Public Hearing – December 27, 2022

27. *Committee on Finance – December 27, 2022

28. *City Council – December 27, 2022

29. *City Council Special Meeting – January 3, 2023

30. *Committee on Finance – January 10, 2023

31. *City Council – January 10, 2023

BULLETINS – NEWSLETTERS – NOTICES – None


City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: JANUARY 24, 2023

COMMUNICATIONS – INVITATIONS – PETITIONS

24a. *Open Meeting Law complaint filed by Patrick Higgins re: January 3, 2023 alleged violation by City Council

24a

Received by email on Friday, January 20, 2023 @ 5:09 PM

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OPEN MEETING LAW COMPLAINT FORM

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

2023 JAN 23 A 11:15

CITY CLERK
FALL RIVER, MA

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 290

City: Northport State: AL Zip Code: 35476

Phone Number: 8662838301 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: 01/03/2023

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 City Clerk called and conducted a meeting of the City Council on Jan 3, 2023, while not being an elected or sworn City Councilor with no legal authority to do so.
2. Members of the City Council deliberated outside of the public meeting as to their choice for President and Vice President of the City Council, all deliberations took place outside of a publicly posted meeting as evident by the votes of the City Council. Video of this meeting can be viewed at <https://www.youtube.com/watch?v=FGqS6b2c4Go&t=1170s>

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.

All members MUST attend an open meeting law training webinar without delay, scheduled can be viewed at <https://www.mass.gov/service-details/open-meeting-law-trainings>

Stop violating the open meeting law forthwith. Learn and comply with all aspects of the open meeting law.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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

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

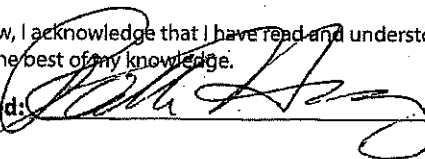
II. Consulting With a Private Attorney.

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

III. Submit Your Complaint to the Public Body.

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

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

Signed: 

Date: 01/20/2023

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

SPECIAL MEETING OF THE CITY COUNCIL

MEETING: Tuesday, January 3, 2023 at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: Councilor Pamela S. Laliberte

IN ATTENDANCE: None

City Clerk Alison M. Bouchard called the meeting to order at 6:02 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.

Agenda:

1. Citizen Input - None

2. Council Orders:

a. Election of President for the year 2023

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order to proceed by a vive-voce vote to elect a President of the City Council for the year 2023, with Councilor Pamela S. Laliberte absent and not voting. Councilor Michelle M. Dionne received 3 votes from Councilors Shawn E. Cadime, Michelle M. Dionne and Andrew J. Raposo and Councilor Joseph D. Camara received 5 votes, from Councilors Joseph D. Camara, Bradford L. Kilby, Leo O. Pelletier, Linda M. Pereira and Laura-Jean Washington, with Councilor Pamela S. Laliberte absent and not voting. Councilor Joseph D. Camara was declared President of the City Council for the year 2023. Councilor Joseph D. Camara was sworn to his duties by the City Clerk and delivered brief remarks.

b. Election of Vice President for the year 2023

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order to proceed by a vive-voce vote to elect a Vice President of the City Council for the year 2023. Councilor Andrew J. Raposo received 3 votes from Councilors Shawn E. Cadime, Michelle M. Dionne and Andrew J. Raposo and Councilor Linda M. Pereira received 5 votes, from Councilors Bradford L. Kilby, Leo O. Pelletier, Linda M. Pereira, Laura-Jean Washington and Joseph D. Camara, with Councilor Pamela S. Laliberte absent and not voting. Councilor Linda M. Pereira was declared Vice President of the City Council for the year 2023. Councilor Linda M. Pereira was sworn to her duties by the City Clerk and delivered brief remarks.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 6:18 p.m., with Councilor Pamela S. Lalberte 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

24a



City of Fall River Massachusetts
Office of the City Clerk

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2022 DEC -8 P 12:49

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ASSISTANT CITY CLERK

SPECIAL MEETING OF THE CITY COUNCIL

TUESDAY, JANUARY 3, 2023 AT 6:00 P.M.

CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

AGENDA

1. Citizen Input
2. Council Orders:
 - a. Election of President for the year 2023
 - b. Election of Vice President for the year 2023

Alison M. Bouchard
Alison M. Bouchard
City Clerk

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



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.