

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, August 11, 2020 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Bradford L. Kilby, Pam Laliberte-Lebeau, Trott Lee,
Leo O. Pelletier and Linda M. Pereira

ABSENT: Councilor Christopher M. Peckham

IN ATTENDANCE: Mary Sahady, Director of Financial Services
Alan J. Rumsey, Corporation Counsel
Paul Ferland, Administrator of Community Utilities
Attorney Matthew J. Thomas, 4 Park Place, Suite 101
New Bedford, MA 02740
Marc Lederman, Wethersfield, LLC, 29 Freemont Avenue,
Chelsea, MA 02150

President Cliff Ponte called the meeting to order at 8:51 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 Leo O. Pelletier and seconded by Councilor Michelle M. Dionne, it was unanimously voted to take item #15 out of order, with Councilor Christopher M. Peckham absent and not voting. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to waive the rules to allow Attorney Matthew J. Thomas and Marc Lederman who are non Fall River residents to address the City Council, with Councilor Christopher M. Peckham absent and not voting.

COMMITTEE REPORTS

Committee on Real Estate recommending:

Adoption:

15. Order – Sale of former Police Station located at 158 Bedford Street to Wetherfield, LLC for \$10,000

Councilor President Cliff Ponte asked Attorney Matthew J. Thomas if he anticipated any problems that would prohibit the sale from taking place. Attorney Matthew J. Thomas stated that he does not believe that there are any problems, but he also stated what is different with this parcel than a typical tax possession is that with a typical tax possession the City has a decree from the land

court. He then stated that he has been in communication with Attorney O'Neil who represents Mr. Lederman and the basis of the City's title in this particular instance is a deed in lieu of foreclosure. He then stated that the City actually received a deed back for this property. He also stated that with the exception of the encumbrances that were placed in the interim, between the time that the City owned the property and the time that the City reacquired the property, the title is clear. Council President Cliff Ponte then asked why there is such a long closing period on this property, as it states in the purchase and sales agreement that the closing must be completed on or before 10:00 a.m. on December 31, 2020. Attorney Matthew J. Thomas stated that there is one contingency and that is to allow Mr. Lederman to acquire prospective purchaser status. He then stated that the former police station is a Brownfield Property, which means there is contamination on that property. He also stated that if Mr. Lederman purchases the property, which will give him prospective purchaser status, Mr. Lederman will be in the chain of liability. He then stated that if Mr. Lederman goes through a process that takes approximately two months by hiring a licensed site professional to conduct an all appropriate inquiry on the parcel and provide Mr. Lederman with a prospective purchaser letter, he will then no longer be in the chain of liability and may be able to access some public funds to assist with some of the contamination cleanup of the property. Council President Cliff Ponte then stated that the City will be held harmless for this property. Attorney Matthew J. Thomas stated that the City is still in the chain of liability because when this property was used as a police station, there were certain activities taking place at that location that may have caused the contamination. He further stated that because the City acquired the property back as a tax possession, then the City is not in the chain of liability on any tax possession, but because this was formerly a City owned property, that the City acquired back as a tax possession, then the City is in the chain of liability. Council President Cliff Ponte then asked Attorney Matthew J. Thomas if he was preparing a deed restriction for this property. Attorney Matthew J. Thomas stated that he will be working on the deed restriction within the next few months. He then stated that there are two deed restrictions that if Mr. Lederman would want to convey the property within four years of it being conveyed to Mr. Lederman, the City of Fall River would have to approve the transfer. If Mr. Lederman would want to convey the property to a non-profit organization, within 10 years that non-profit would need to execute a payment in lieu of taxes (PILOT) with the City before the conveyance could take place.

Councilor Leo O. Pelletier stated that he feels confident that Mr. Lederman will move this project forward, as he has proposed. He then stated that it has been over 20 years that the City of Fall River has been working to sell this property and it appears that the sale will take place in the near future. Councilor President Cliff Ponte asked Mr. Lederman for the estimated construction costs of this project. Mr. Lederman stated approximately 5 to 6 million dollars. Council President Cliff Ponte then asked Mr. Lederman how long the construction of the project will take. Mr. Lederman stated that he anticipates 1 to 1 ½ years. Councilor Linda M. Pereira asked Attorney Matthew J. Thomas if any environmental studies were completed on the former police station. Attorney Matthew J. Thomas stated that the City had two studies completed, a hazmat study and a Phase One Environmental Study. Councilor Linda M. Pereira then asked Attorney Matthew J. Thomas if Mr. Lederman will receive copies of the results of these two studies. Attorney Matthew J. Thomas stated that those results have already been shared with Mr. Lederman. Councilor Linda M. Pereira then stated that there is a vacant house behind the former police station that Mr. Lederman may be able to purchase to create parking for the residences that he will be constructing in the former police station. Councilor Shawn E. Cadime asked Attorney Matthew J. Thomas to elaborate on the letter that he mentioned that Mr. Lederman will need. Attorney Matthew J. Thomas stated that under both the federal and the state environmental laws there is something known as the all appropriate inquiry, which is approximately a page in length and references environmental reports that were completed, the history of the property, reviewing uses, and conducting a site visit. He then stated that once a licensed site professional completes this process, they will then submit a

letter to the prospective purchaser. The prospective purchaser can then purchase the property having completed an all appropriate inquiry, so that in the future their obligation is to try to address the contamination, as best as is possible as part of the redevelopment of the property but they are not liable for all the costs. He then stated that there is grant funding available from the Environmental Protection Agency and MassDevelopment to address the contamination of the property. Councilor Shawn E. Cadime then asked Mr. Lederman if he will be applying for historic tax credits. Mr. Lederman stated that he will if it is feasible. He then stated that it is his goal to keep the façade of the building. Councilor Shawn E. Cadime then asked how many apartments are needed to make the project feasible financially. Mr. Lederman stated that he will need to have a minimum of 30 apartments. Attorney Matthew J. Thomas stated that the property is located in the Historic Development Improvement District, which will allow Mr. Lederman to apply for a tax exemption on the residential portion of the project.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilor Christopher M. Peckham absent and not voting.

Approved, August 12, 2020, Paul E. Coogan, Mayor

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to take item #24a out of order, with Councilor Christopher M. Peckham absent and not voting.

OTHER POTENTIAL MATTERS (to be acted upon if recommendations are received)

Committee on Finance:

24a. Mayor and order requesting the approval of a five year contract for school bus transportation with Whaling City Transit, Inc. totaling \$2,603,982.00 for the first year of Special Education Transportation, Bus Monitors, and Summer Transportation

A motion was made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier to adopt the order, with Councilor Christopher M. Peckham absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to amend the order to include, "with each subsequent year to be increased by the Consumer Price Index (CPI)", with Councilor Christopher M. Peckham absent and not voting. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order, as amended, with Councilor Christopher M. Peckham absent and not voting.

Approved, August 13, 2020, Paul E. Coogan, Mayor

PRIORITY MATTERS

1. Mayor and proposed FY21 Municipal Budget

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to refer the matter to the Committee on Finance, with Councilor Christopher M. Peckham absent and not voting. Councilor Shawn E. Cadime stated that net school spending is at 98% not 100%. He then stated that he has spoken to members of the School Committee that are upset that the School Committee has not met with the City Council as is required by City Charter to discuss the budget. Council President Cliff Ponte stated that he has spoken to the Mayor regarding the joint meeting with the School Committee and the Mayor stated that he would not be scheduling that meeting. He then requested that the City Clerk forward a communication to the Mayor regarding the scheduling of this meeting and the City Clerk stated that she spoke to the Administrative Assistant to the School Committee and she stated that the Mayor is not opposed to the scheduling of the joint meeting and his secretary will be in contact with the City Clerk's Office with a tentative date in the near future.

2. Mayor and order establishing spending limits of Revolving Funds for Fiscal Year 2021
A motion was made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira to adopt the order. Councilor Linda M. Pereira asked how the amounts for each fund are determined. Councilor Shawn E. Cadime stated that he believes that these spending limits do not need to come before the City Council every year for approval, unless there is a change in the amounts from the previous year. The Director of Financial Services stated that she will need to speak with the City Auditor regarding this matter. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby it was unanimously voted to refer the matter to the Committee on Finance, with Councilor Christopher M. Peckham absent and not voting.

3. Mayor and proposed ordinance re: Abutters Lot Program
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation, with Councilor Christopher M. Peckham absent and not voting. Councilor Pam Laliberte-Lebeau stated that she will add this matter to the agenda of the Committee on Ordinances and Legislation scheduled for Thursday, August 31, 2020.

4. Mayor and proposed ordinance - Executive Administrative Assistant to the Chief of Police
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation, with Councilor Christopher M. Peckham absent and not voting.

5. Mayor and revised orders as follows:
Council President Cliff Ponte stated that the Council has the ability to reduce, reject or approve each section of item #5b. The City Clerk read each section.

- a. Appropriating \$871,150.00 from Community Preservation Act funds for
FY 2021 Community Projects
 - \$ 45,000.00 CPA Administrative Expenditures
 - \$192,900.00 CPA Open Space and Outdoor Recreation Projects
 - \$602,000.00 CPA Historic Preservation Resources Projects
 - \$ 31,250.00 CPA Housing Projects

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the order, with Councilor Christopher M. Peckham absent and not voting.

Approved, August 13, 2020, Paul E. Coogan, Mayor

- b. Community Preservation Committee 2020 Final Report
 - \$54,900.00 for open space/recreation – Bioreserve Conservation Land Acquisition – Public

A motion was made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, to approve the funding. Councilor Linda M. Pereira stated that she has questions regarding the location of this land. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to table the matter, with Councilor Christopher M. Peckham absent and not voting.

- \$60,000.00 for open space/recreation – bond year 3 – Mt. Hope Bike Path – Public

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the funding, with Councilor Christopher M. Peckham absent and not voting.

- \$78,000.00 for open space/recreation – bond year 2 – Bioreserve Project land acquisition – Public

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to approve the funding, with Councilor Christopher M. Peckham absent and not voting.

- \$150,000.00 for Historic Preservation – Maritime Museum – Private/Non-Profit

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to approve the funding, with Councilor Christopher M. Peckham absent and not voting.

- \$130,000.00 for Historic Preservation – Lafayette Durfee House – Private/Non-Profit

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was unanimously voted to approve the funding, with Councilor Christopher M. Peckham absent and not voting.

- \$220,000.00 for Historic Preservation – Fall River School Department – Public

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to approve the funding, with Councilor Christopher M. Peckham absent and not voting.

- \$30,000.00 for Historic Preservation – Water Department (documents) – Public

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to approve the funding, with Councilor Christopher M. Peckham absent and not voting.

- \$22,000.00 for Historic Preservation – Water Street – Private

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was unanimously voted to approve the funding, with Councilor Christopher M. Peckham absent and not voting.

- \$50,000.00 for Historic Preservation – Bank Street Armory – Public

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to approve the funding, with Councilor Christopher M. Peckham absent and not voting.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was voted 7 yeas to approve \$115,000.00 for the Adams House Project (\$15,000.00 from Historic Preservation and \$100,000.00 from Community Housing) to be added to Historic Preservation increasing the line item to \$717,000.00 and refer back to the Community Preservation Committee for their reconsideration, with Councilor Christopher M. Peckham absent and not voting and Council

President Cliff Ponte abstaining. Council President Cliff Ponte requested that a letter for the supplemental appropriation order be sent to the Community Preservation Committee requesting it, a copy of which is attached hereto and made a part of these minutes. Council President Cliff Ponte stated that the Community Preservation Committee will need to resubmit a new appropriation order to the City Council for this amount if it is considered favorably.

- \$31,250.00 for Community Housing – 77 Freedom Street – Private

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was voted 7 yeas, 1 nay to adopt the order, with Councilor Cliff Ponte voting in the negative and Councilor Christopher M. Peckham absent and not voting.

- \$45,000.00 – Administrative

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilor Christopher M. Peckham absent and not voting.

6. Mayor and order re: a Deed in Lieu of Foreclosure from Sandra Greaux, G-03-0086, 45 William Street

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was unanimously voted to waive the rules to allow Attorney Matthew J. Thomas to answer questions, with Councilor Christopher M. Peckham absent and not voting. Councilor Linda M. Pereira asked what will happen with this property. Attorney Matthew J. Thomas stated that Sandra Greaux owed approximately \$138,000.00 in unpaid real estate taxes and the City was in foreclosure on the property. He then stated that under M.G.L. Chapter 60, the individual can deed the property to the City in lieu of foreclosure and it is then treated as a tax possession, which must be approved by the City Council. Councilor Linda M. Pereira stated that the property should be sold for \$138,000.00 so that the City recoups the unpaid taxes. Attorney Matthew J. Thomas stated that it is his understanding that this property is now a vacant lot, as the building has been demolished, so the City will most likely not recoup the \$138,000.00. He then stated that the City has 29 tax possessions and this property will make the total 30. He also stated that these properties are being reviewed with various departments, to see what is appropriate to sell and then an auction will be scheduled for the middle of October. He then mentioned that \$78,000.00 of the \$138,000.00 that is owed is interest, therefore the balance is \$60,000.00 which has a better chance of being recouped. Councilor Linda M. Pereira asked if there was a fire at this property, which caused the demolition. Attorney Matthew J. Thomas stated that he believes that is what caused the demolition. Council President Cliff Ponte asked if there is a lien on this property. Attorney Matthew J. Thomas stated that there is no lien on this parcel of land. Councilor Pam Laliberte-Lebeau asked who determines if a piece of property would be taken by a deed in lieu of foreclosure. Attorney Matthew J. Thomas stated that the decision to take the property by a deed in lieu of foreclosure is made purely from the title situation with the property. If there are no outstanding liens, the City is the only one with a lien on the property, and the title is clear, the City will take the property by a deed in lieu of foreclosure and then sell the property as a tax possession. Councilor Linda M. Pereira asked if a married couple own a home and have no heirs and they both are deceased, how long would it take for the City to acquire that property? Attorney Matthew J. Thomas stated that property would become an unprobated parcel, which will require publication, and it may take 1-2 years, as the City is required to search for any heirs. Councilor Linda M. Pereira then stated that 2 years is a long time for the neighbors to have a vacant house next to them with no maintenance and no landscaping. Attorney Matthew J. Thomas stated that he understands the frustration, but the land court must conduct an exhaustive search prior to granting the property to the city or town for auction. Councilor Leo O. Pelletier asked how long a property can remain vacant. Attorney Matthew J. Thomas stated that there is no law in the Commonwealth of Massachusetts that states you cannot have a vacant piece

of property that is secured by boards. The issue is maintaining the property according to community standards and that is when Minimum Housing becomes involved to keep the property clean and free of vermin. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to adopt the order, with Councilor Christopher M. Peckham absent and not voting.

Approved, August 12, 2020, Paul E. Coogan, Mayor

7. Mayor requesting the confirmation of the following reappointments:

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to take items #7a through #7g together, with Councilor Christopher M. Peckham absent and not voting.

- a. Paul Borges as Deputy Shellfish Constable
- b. Paul Borges as Assistant Harbormaster
- c. Michael Lamarine as Deputy Shellfish Constable
- d. Michael Lamarine as Assistant Harbormaster
- e. Bob Smith as Shellfish Constable
- f. Jeffrey Silvia to the Board of Park Commissioners
- g. Victor Farias to the Community Preservation Committee

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

8. Mayor requesting confirmation of the appointment of Stephanie Perry to the Board of Health

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

9. Mayor requesting approval to reset a restored World War I Memorial Plaque at the Veteran's Center located at 755 Pine Street

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

Approved, August 12, 2020, Paul E. Coogan, Mayor

PRIORITY COMMUNICATIONS

10. Traffic Commission recommending amendments to traffic ordinances

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation, with Councilor Christopher M. Peckham absent and not voting.

11. City Planner re: uncompleted subdivisions

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to the Committee on Finance, with Councilor Christopher M. Peckham absent and not voting.

12. Corporation Counsel legal opinion re: Board of Park Commissioners

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted that the opinion be accepted and placed on file, with Councilor Christopher M. Peckham absent and not voting.

13. Corporation Counsel legal opinion re: Attendance of Corporation Counsel at City Council Meetings

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Michelle M. Dionne, it was unanimously voted to waive the rules to allow Corporation Counsel to answer questions, with Councilor Christopher M. Peckham absent and not voting. Councilor Leo O. Pelletier stated that he feels that the opinion is a conflict of interest, since the opinion was rendered by Corporation Counsel regarding the attendance of Corporation Counsel at City Council Meetings. Councilor Trott Lee stated that if Corporation Counsel is unable to attend a meeting then he should instruct the Assistant Corporation Counsel to attend the meeting. Council President Cliff Ponte stated that the City Council schedules two meetings a month and Corporation Counsel will be invited to attend. Councilor Linda M. Pereira stated that she is in agreement that the City Council should have their own legal counsel, but she does not agree with the \$275.00 per hour that was quoted by KP Law. Councilor Shawn E. Cadime stated that he believes it would be beneficial for the City Council to have their own legal counsel. He then stated that he is agreeable with the Council President meeting with Corporation Counsel prior to a City Council Meeting to determine if his presence is required. Councilor Leo O. Pelletier then stated that the City Council can spend thousands of dollars on legal counsel, but Corporation Counsel would still make the final decisions. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the communication be accepted and placed on file, with Councilor Christopher M. Peckham absent and not voting.

14. Request for street opening in pavement less than five years old on 522 Buffinton Street
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was voted 6 yeas to refer the matter to the Committee on Public Works and Transportation, with Councilors Pam Laliberte-Lebeau and Cliff Ponte abstaining and Councilor Christopher M. Peckham absent and not voting.

COMMITTEE REPORTS

Committee on Public Works and Transportation recommending:

Grant leave to withdraw:

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to take items #16 through #18 together, with Councilor Christopher M. Peckham absent and not voting.

16. Resolution – Road repairs by Liberty Utilities

17. Resolution – Flooding issues on Hyacinth Street

18. Communication – City resident regarding flooding on Hyacinth Street

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted that items #16 through #18 be granted leave to withdraw, with Councilor Christopher M. Peckham absent and not voting.

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

19. Proposed Ordinance – Traffic, Handicapped Parking

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was voted 8 yeas that the proposed ordinance be accompanied by an emergency preamble, with Councilor Christopher M. Peckham absent and not voting. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted that the proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilor Christopher M. Peckham absent and not voting.

Approved, August 12, 2020, Mayor Paul E. Coogan

First Reading:

20. Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was unanimously voted that the proposed ordinance, be passed through first reading, with Councilor Christopher M. Peckham absent and not voting.

21. Proposed Ordinance – EMT Basic Position

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was unanimously voted that the proposed ordinance, be passed through first reading, with Councilor Christopher M. Peckham absent and not voting.

Action:

22. Proposed Ordinances – Water and Sewer Rates

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 4 yeas, 4 nays that the proposed ordinance be passed through first reading, with Councilor Christopher M. Peckham absent and not voting, and the motion failed to carry. On a further motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Bradford L. Kilby, it was unanimously voted to table the matter, with Councilor Christopher M. Peckham absent and not voting. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to waive the rules to allow the Director of Financial Services and the Administrator of Community Utilities to answer questions, with Councilor Christopher M. Peckham absent and not voting. The Director of Financial Services stated that the City is two months into the Enterprise Budget for Water and Sewer Divisions and without rate increases, this is causing a structural deficit. She then stated that there are a couple of vacant positions in these departments and that will help to alleviate some of the deficit. The Administrator of Community Utilities stated that after the Water and Sewer Enterprise Fund Budget was approved, an order was placed for the chemicals necessary for the fiscal year. He then stated that if the water and sewer rates are not increased, it will be necessary to meet with the Department of Revenue to have the budget reduced. The Director of Financial Services stated that the majority of the funding for the Sewer Division is for debt service, which was approved by the City Council. Councilor Shawn E. Cadime asked the Administrator of Community Utilities what will occur if the rates are not increased. The Administrator of Community Utilities stated that there are not many things in the budget that can be reduced. He then stated that 92% of the Sewer Budget is fixed costs. Councilor Leo O. Pelletier stated that no one wants to raise rates, but this needs to happen from time to time to continue improving our Water and Sewer Divisions. The Administrator of Community Utilities stated that if the Sewer Budget needs to be reduced, we will need to cut 14 employees and this will make the department unsafe to operate. Council President Cliff Ponte asked the Administrator of Community Utilities how many employees will need to be laid off to balance the budget without any rate increases. The Administrator of Community Utilities stated that there will need to be 14 staff members cut from the Water Department, 7 from Water Maintenance, 3 from the Reservation, 2 from the Water Treatment Plant and 2 from the Water Administration Office. The Director of Financial Services stated that the number of layoffs could increase due to the budget already having been in place for two months. The Administrator of Community Utilities also stated that he considers this matter a public safety issue, as safe drinking water is provided to approximately 100,000 residents. He went on to state that in the Sewer Division there would need to layoff 4 staff members from the office, 18 staff members from Veolia for a total of 22 employees. He also stated that the Sewer Division processes 22 million gallons per day and during a rain storm that can increase to 100 million gallons per day.

Councilor Linda M. Pereira stated that there is so much property owned by the Water Department, why can't some of that land be sold so that those funds can assist in funding the Water and Sewer Enterprise Budget? Councilor Shawn E. Cadime stated that there will need to be some creative

ideas to assist with funding the budget for the next fiscal year. Council President Cliff Ponte stated that if cuts occur and residents begin receiving brown polluted water, they will complain to the City Council. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 2 nays to reconsider the vote to table the matter, with Councilors Michelle M. Dionne and Linda M. Pereira voting in the negative and Councilor Christopher M. Peckham absent and not voting. A motion was made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier to pass the proposed ordinance through first reading, but was withdrawn. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 6 yeas, 2 nays that the proposed ordinance be accompanied by an emergency preamble, with Councilors Michelle M. Dionne and Linda M. Pereira voting in the negative and Councilor Christopher M. Peckham absent and not voting. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was voted 5 yeas, 3 nays to pass the proposed ordinance, accompanied by an emergency preamble, through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilors Michelle M. Dionne, Trott Lee and Linda M. Pereira voting in the negative and Councilor Christopher M. Peckham absent and not voting. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to request the Administration convene with the Committee on Finance in September to begin discussions regarding the water and sewer rates for Fiscal Year 2022, with Councilor Christopher M. Peckham absent and not voting. Approved, August 12, 2020, Mayor Paul E. Coogan

Referral to Corporation Counsel:

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to take items #23 and #24 together, with Councilor Christopher M. Peckham absent and not voting.

23. Resolution – Review city ordinances relating to the confirmation of appointments

24. Resolution – Review duties and compensation of all Boards and Commissions

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to refer items #23 and #24 to Corporation Counsel, with Councilor Christopher M. Peckham absent and not voting.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to take item #47 out of order, with Councilor Christopher M. Peckham absent and not voting.

47. Mayor requesting the confirmation of the following appointments:

a. Amber Burns to the Board of Park Commissioners

b. Joseph DaSilva to the Board of Park Commissioners (tabled 7-14-2020)

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was unanimously voted to lift the matter from the table, with Councilor Christopher M. Peckham absent and not voting. Councilor Michelle M. Dionne stated that she will not be supporting these appointments, due to the inconsistencies in the manner that they are being appointed. She then stated that her non-support has nothing to do with the candidates or their qualifications. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was unanimously voted to waive the rules to allow Corporation Counsel to answer questions, with Councilor Christopher M. Peckham absent and not voting. Alan J. Rumsey, Corporation Counsel, stated that not all time frames are the same. He also stated that members of the Board of Park Commissioners may resign at a time other than May and from time to time a member may have a term that has expired without their knowledge and they may be reappointed at a time other than the month of May. He then stated that the Administration is working to update all Boards and Commissions to ensure that all members are current, therefore the May timeframe may not apply in

this case. Councilor Michelle M. Dionne then stated that the City has not been in compliance with Massachusetts General Laws regarding the Board of Park Commissioners in many years and she is working to ensure that in the future the City will be in compliance with these laws. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was voted 5 yeas, 3 nays to confirm both appointments, with Councilors Michelle M. Dionne, Pam Laliberte-Lebeau and Cliff Ponte voting in the negative and Councilor Christopher M. Peckham absent and not voting.

ORDINANCES – None

RESOLUTIONS

25. Committee on Finance convene with the Administration to discuss utilizing City-owned assets for the use of advertising
Councilor Michelle M. Dionne stated that she is in favor of discussing any idea that can raise funds for the City of Fall River. Councilor Trott Lee also stated that he is in favor of discussing any ideas that can raise funds for the City. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the resolution, with Councilor Christopher M. Peckham absent and not voting.
26. Committee on Finance convene to discuss solid waste and recycling
Councilor Pam Laliberte-Lebeau stated that she wanted to thank Councilor Michelle M. Dionne for her work on this matter. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the resolution, with Councilor Christopher M. Peckham absent and not voting.
27. City Council request State Auditor review Employee Health Insurance and Solid Waste Division accounts
Councilor Linda M. Pereira stated that she has discussed this matter with the Administration and Representative Carole Fiola and they are in agreement with this request. Councilor Michelle M. Dionne stated that there will be meetings to discuss solid waste and she also stated that she does not feel that an audit of the Solid Waste Division Account is necessary. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the resolution, with Councilor Christopher M. Peckham absent and not voting. A motion was made by Councilor Michelle M. Dionne for the City to undergo a forensic audit, but Council President Cliff Ponte recommended that she file a resolution instead and moved the order of business.

CITATIONS

28. Atlantis Charter School Top Ten Students:

Brayden Bergeron	Tristen Bigos	Taisha Garcia	Grace Kpor
Marley Levy	Michelle Medeiros	Victoria Pimentel	Sierra Soares
Eduarda Tacach	Kalie Viveiros		

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the citations, with Councilor Christopher M. Peckham absent and not voting.

ORDERS – HEARINGS

Auto Repair Shop License:

29. Tanios Barbour, 21 Second Street, Taunton, MA, d/b/a Barbour Auto Sales Trust, for a license to operate an auto repair shop at 673 Bedford Street

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

Approved, August 12, 2020, Paul E. Coogan, Mayor

ORDERS – HEARINGS TO BE SCHEDULED

Street Acceptances:

30. Barrows Street, extending from South Main Street to Andrews Street
31. Chestnut Hill Drive, Extending from North Main Street to a dead end
32. Estes Lane, extending from Lark Street to (old) Lower Stafford Road

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to table items #30 through #32, with Councilor Christopher M. Peckham absent and not voting.

ORDERS – MISCELLANEOUS – None

COMMUNICATIONS – INVITATIONS – PETITIONS

33. Claims

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the claims to Corporation Counsel, with Councilor Christopher M. Peckham absent and not voting.

34. Planning Board Minutes – June 15, 2020 Meeting

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the minutes be accepted and placed on file, with Councilor Christopher M. Peckham absent and not voting.

City Council Meeting Minutes:

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to take items #35 and #36 together, with Councilor Christopher M. Peckham absent and not voting.

35. Public Hearings – July 14, 2020

36. Regular Meeting of the City Council – July 14, 2020

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to approve items #35 and #36, with Councilor Christopher M. Peckham absent and not voting.

37. Communication from Sen. Michael Rodrigues re: use of funding from the CARES Act

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

38. Communication from StoneMandia, LLC re: Trinity Solar – Application for Solicitor's Permit

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to Corporation Counsel, with Councilor Christopher M. Peckham absent and not voting.

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #39 and #40 together, with Councilor Christopher M. Peckham absent and not voting.

39. Communication from Michael A. Picciandra re: fire boat emergency calls

40. Communication from Collin Dias re: forensic audit

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted that items #39 and #40 be accepted and placed on file, with Councilor Christopher M. Peckham absent and not voting.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to take items #41 and #42 together, with Councilor Christopher M. Peckham absent and not voting.

41. Open Meeting Law Complaint from Collin Dias re: July 14, 2020 alleged violation by the Fall River City Council

42. Open Meeting Law Complaint from Collin Dias re: July 28, 2020 alleged violation by the Fall River City Council Committee on Finance

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer items #41 and #42 to Corporation Counsel, with Councilor Christopher M. Peckham absent and not voting.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #43 through #45 together, with Councilor Christopher M. Peckham absent and not voting.

43. Assistant Corporation Counsel response to Open Meeting Law complaint filed by Collin Dias re: City Council Meeting of June 23, 2020

BULLETINS – NEWSLETTERS – NOTICES

44. Notice of Casualty and Loss at 479 Durfee Street

45. National Grid re: 2020 Yearly Operational Plan

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted that items #43 through #45 be accepted and placed on file, with Councilor Christopher M. Peckham absent and not voting.

TABLED MATTERS

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to lift the matter from the table, with Councilor Christopher M. Peckham absent and not voting.

46. Planning Board recommendation for the acceptance of Lynwood Street extending from Mariano Bishop Boulevard to a dead end along with Way Street, as amended (tabled 7-14-2020)

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

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: AUGUST 11, 2020

COMMUNICATIONS – INVITATIONS – PETITIONS

43a. Drainlayer License – JDQ Excavating, LLC

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to approve the license, with Councilor Christopher M. Peckham absent and not voting.

Approved, August 12, 2020, Paul E. Coogan, Mayor

Council President called for a two minute recess to allow documents to be signed at 11:42 p.m. and reconvened at 11:44 p.m.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adjourn at 11:45 p.m., with Councilor Christopher M. Peckham absent and not voting.

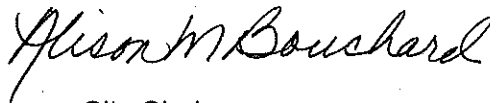
List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Councilor Michelle M. Dionne documents regarding the removal
of members from the Board of Park Commissioners

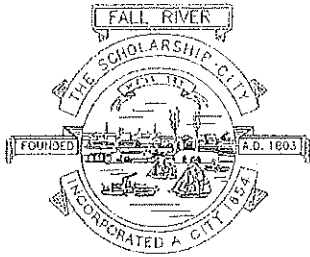
A true copy. Attest:



City Clerk

In City Council, October 13, 2020

Approved



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

August 24, 2020

Community Preservation Committee
One Government Center
Fall River, MA 02722

Dear Honorable Members:

At a meeting of the City Council held on Tuesday, August 11, 2020, a discussion was held relative to the Community Preservation Committee Final Report 2020 and projects to be funded in Fiscal Year 2021.

Following that discussion, and on a motion made and seconded, it was voted to adopt the attached order with the following conditions:

- \$54,900 from Open Space/Recreation for the Bioreserve Conservation Land Acquisition – Tabled in full Council
- \$31,250 from Community Housing for 77 Freedom Street, 7 years, 1 nay
- \$115,000 – (\$15,000 from Historic Preservation and \$100,000 from Community Housing for the Adams House), 7 years, to approve the project and send a letter to the Community Preservation Committee requesting that a supplemental appropriation for this project be submitted for the Council's consideration.

As such, the City Council respectfully requests that the Community Preservation Committee submit a supplemental appropriation in the amount of \$115,000 for the Adams House project to the City Council for its consideration.

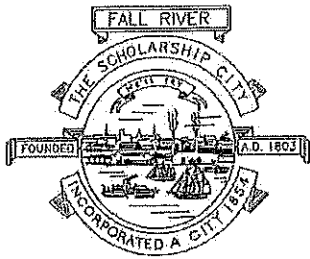
If you have any questions please contact me.

Sincerely,

Inês Leite
Assistant City Clerk

encl.

/ch



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2020 AUG -7 P 1:11

CITY CLERK _____
FALL RIVER, MA _____

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

TUESDAY, AUGUST 11, 2020
AGENDA

5:55 P.M. PUBLIC HEARING

Auto Repair Shop License

1. Tanius Barbour, 21 Second Street, Taunton, MA, d/b/a Barbour Auto Sales Trust, for a license to operate an auto repair shop at 673 Bedford Street, on Lot M-10-0009, Assessors Plan.

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

1. Citizen Input
2. Discussion with City Planner re: uncompleted subdivisions (see item #11 below)
3. *Mayor and order requesting approval of a five year contract for school bus transportation with Whaling City Transit, Inc. totaling \$2,603,982.00 for the first year of Special Education Transportation, Bus Monitors, and Summer Transportation (referred 7-14-20)
4. *Discussion re: order for Community Preservation Act funds for FY 2021 Community Projects and Community Preservation Committee 2020 Final Report (see items #5a and 5b below)
5. *Discussion of Fiscal Year 2020 – Quarter 4 Budget Report

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

PRIORITY MATTERS

1. *Mayor and proposed FY21 Municipal Budget
2. *Mayor and order establishing spending limits of Revolving Funds for Fiscal Year 2021
3. *Mayor and proposed ordinance re: Abutters Lot Program
4. *Mayor and proposed ordinance - Executive Administrative Assistant to the Chief of Police
5. *Mayor and revised orders as follows:
 - a. Appropriating \$871,150.00 from Community Preservation Act funds for FY 2021 Community Projects
 - b. Community Preservation Committee 2020 Final Report
6. *Mayor and order re: a Deed in Lieu of Foreclosure from Sandra Greaux, G-03-0086, 45 William Street
7. *Mayor requesting the confirmation of the following reappointments:
 - a. Paul Borges as Deputy Shellfish Constable
 - b. Paul Borges as Assistant Harbormaster
 - c. Michael Lamarine as Deputy Shellfish Constable

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

- d. Michael Lamarine as Assistant Harbormaster
- e. Bob Smith as Shellfish Constable
- f. Jeffrey Silvia to the Board of Park Commissioners
- g. Victor Farias to the Community Preservation Committee
- 8. *Mayor requesting confirmation of the appointment of Stephanie Perry to the Board of Health
- 9. *Mayor requesting approval to reset a restored World War I Memorial Plaque at the Veteran's Center located at 755 Pine Street

PRIORITY COMMUNICATIONS

- 10. *Traffic Commission recommending amendments to traffic ordinances
- 11. *City Planner re: uncompleted subdivisions
- 12. *Corporation Counsel legal opinion re: Board of Park Commissioners
- 13. *Corporation Counsel legal opinion re: Attendance of Corporation Counsel at City Council Meetings
- 14. *Request for street opening in pavement less than five years old on 522 Buffinton Street

COMMITTEE REPORTS

Committee on Real Estate recommending:

Adoption:

- 15. *Order – Sale of former Police Station located at 158 Bedford Street to Wetherfield, LLC for \$10,000

Committee on Public Works and Transportation recommending:

Grant leave to withdraw:

- 16. *Resolution – Road repairs by Liberty Utilities
- 17. *Resolution – Flooding issues on Hyacinth Street
- 18. *Communication – City resident regarding flooding on Hyacinth Street

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

- 19. *Proposed Ordinance – Traffic, Handicapped Parking

First Reading:

- 20. *Proposed Ordinance – Traffic, Miscellaneous
- 21. *Proposed Ordinance – EMT Basic Position

Action:

- 22. *Proposed Ordinances – Water and Sewer Rates

Referral to Corporation Counsel:

- 23. *Resolution – Review city ordinances relating to the confirmation of appointments
- 24. *Resolution – Review duties and compensation of all Boards and Commissions

ORDINANCES - None

RESOLUTIONS

- 25. *Committee on Finance convene with the Administration to discuss utilizing City-owned assets for the use of advertising
- 26. *Committee on Finance convene to discuss solid waste and recycling
- 27. *City Council request State Auditor review Employee Health Insurance and Solid Waste Division accounts

CITATIONS

28. Atlantis Charter School Top Ten Students:
Brayden Bergeron Tristen Bigos Taisha Garcia Grace Kpor
Marley Levy Michelle Medeiros Victoria Pimentel Sierra Soares
Eduarda Tacach Kalie Viveiros

ORDERS – HEARINGS

- Auto Repair Shop License:
29. Tanios Barbour, 21 Second Street, Taunton, MA, d/b/a Barbour Auto Sales Trust, for a license to operate an auto repair shop at 673 Bedford Street

ORDERS – HEARINGS TO BE SCHEDULED

Street Acceptances:

30. Barrows Street, extending from South Main Street to Andrews Street
31. Chestnut Hill Drive, Extending from North Main Street to a dead end
32. Estes Lane, extending from Lark Street to (old) Lower Stafford Road

ORDERS – MISCELLANEOUS – None

COMMUNICATIONS – INVITATIONS – PETITIONS

33. *Claims
34. Planning Board Minutes – June 15, 2020 Meeting

City Council Meeting Minutes:
35. *Public Hearings – July 14, 2020
36. *Regular Meeting of the City Council – July 14, 2020

37. *Communication from Sen. Michael Rodrigues re: use of funding from the CARES Act
38. *Communication from StoneMandia, LLC re: Trinity Solar – Application for Solicitor's Permit
39. *Communication from Michael A. Picciandra re: fire boat emergency calls
40. *Communication from Collin Dias re: forensic audit
41. *Open Meeting Law Complaint from Collin Dias re: July 14, 2020 alleged violation by the Fall River City Council
42. *Open Meeting Law Complaint from Collin Dias re: July 28, 2020 alleged violation by the Fall River City Council Committee on Finance
43. *Assistant Corporation Counsel response to Open Meeting Law complaint filed by Collin Dias re: City Council Meeting of June 23, 2020

BULLETINS – NEWSLETTERS – NOTICES

44. Notice of Casualty and Loss at 479 Durfee Street
45. *National Grid re: 2020 Yearly Operational Plan

TABLED MATTERS

46. *Planning Board recommendation for the acceptance of Lynwood Street extending from Mariano Bishop Boulevard to a dead end along with Way Street, as amended (tabled 7-14-2020)
47. *Mayor requesting the confirmation of the following appointments:
a. Amber Burns to the Board of Park Commissioners
b. Joseph DaSilva to the Board of Park Commissioners (tabled 7-14-2020)


City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: AUGUST 11, 2020

COMMUNICATIONS – INVITATIONS – PETITIONS

Drainlayer License – JDQ Excavating, LLC

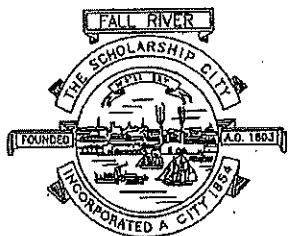
OTHER POTENTIAL MATTERS (to be acted upon if recommendations are received)

Committee on Finance:

Mayor and order requesting the approval of a five year contract for school bus transportation with Whaling City Transit, Inc. totaling \$2,603,982.00 for the first year of Special Education Transportation, Bus Monitors, and Summer Transportation

MONDAY, AUGUST 24, 2020

5:30 P.M. PUBLIC HEARING – FISCAL YEAR 2021 MUNICIPAL BUDGET



City of Fall River Massachusetts Office of the Mayor

PAUL E. COOGAN
Mayor

Honorable Members of the City Council:

I am submitting for your consideration the general fund budget of \$280.8 million and the combined enterprise budgets of \$46.8 million for fiscal 2021 spending package as required by the City's charter. This budget may need to be revised prior to the certification of the tax rate due to the ongoing coronavirus pandemic.

This proposed \$280.8 million general fund budget is a \$10.7 million or 4.0% increase over the current \$270.1 million spending plan. Because of the uncertainty, I have included both the state aid and municipal assessment at level funding/expenses from FY20.

My budget which was due to the City Council 45 days (City Charter Section 6-3) before the start of the fiscal years included uncertainty with local revenues and state aid due to the coronavirus crisis. Therefore, instead we presented you with two continuing appropriation budgets for the months of July and August. While critical information from the federal government is still needed in order to finalize a full fiscal year budget for the Commonwealth, the Baker-Polito Administration and the Legislature are committing to no less than the Fiscal Year 2020 (FY20) level of funding for UGGA and Chapter 70 education aid as a baseline amount for FY21 funding. This budget process protects essential services for the coming year and has called for the reduction in city departments due to the change in these economic conditions.

A number of capital items proposed by the departments at the start of my administration have been dropped from consideration. In addition, I have implemented a hiring freeze and eliminated a number of vacant positions from this budget. If the recession worsens and revenues decline even further, we will need to make deeper budget cuts.

Moody's continues to review our finances and as of the last update call did not make any changes to our rating. To maintain our rating, the budget does not draw upon the City's stabilization fund.

The federal government passed the Coronavirus Aid, Relief, and Economic Security Act — also known as the CARES Act. The federal government outlined the wide variety of "unforeseen financial needs and risks" created by the public health emergency that the city will be able to spend federal funds on. At this time the amount to be allocated to the City is \$7.9 million. The use of these funds, in terms of eligibility, is continuing to be deliberated by the federal government.

The city continues to evaluate the costs associated with the city's pandemic response efforts and how the federal funding can be utilized. In addition, we are pursuing additional funding through DPH, DOJ and MEMA.

My priorities during these challenging times are to protect our municipal and educational services, assist of residents and businesses and safeguard the health and safety of our employees.

Best Regards,

Paul E. Coogan,

Mayor

City of Fall River, Massachusetts
Fiscal Year Ended June 30, 2021 Municipal Budget

Proposed Budget Summary

Fiscal Year Ending June 30, 2021 Proposed Budget

RESOURCES:

State Aid:
General government, net of assessments
Education, net of assessments
Real Estate Taxes, net of abatements
Local Receipts
Indirects
Other Sources

Original FY 20 Budget	Revised FY 20 Budget	FY 21 Budget	FY 21 vs. FY 20 Increase (Decrease) Dollars	Percentage
\$ 25,126,535	\$ 25,048,457	\$ 25,048,457	\$ 0	0.0%
\$ 106,461,406	\$ 109,182,403	\$ 115,272,078	\$ 6,089,675	5.6%
\$ 105,967,788	\$ 105,906,300	\$ 110,435,241	\$ 4,528,941	4.3%
\$ 22,760,479	\$ 22,876,902	\$ 22,587,155	\$ (289,747)	-1.3%
\$ 6,970,397	\$ 6,970,397	\$ 7,341,558	\$ 371,161	5.3%
\$ 124,927	\$ 124,927	\$ 125,000	\$ 73	0.1%

TOTAL RESOURCES - GENERAL FUND

\$ 267,411,532	\$ 270,109,386	\$ 280,809,489	\$ 10,700,103	4.0%
\$ 13,367,974	\$ 13,367,974	\$ 13,615,264	\$ 247,290	1.8%
\$ 23,939,841	\$ 23,939,841	\$ 24,376,001	\$ 436,160	1.8%
\$ 8,233,000	\$ 8,233,000	\$ 8,800,000	\$ 567,000	6.9%
\$ 45,540,815	\$ 45,540,815	\$ 46,791,265	\$ 1,250,450	2.7%

TOTAL RESOURCES - ENTERPRISE FUNDS

LESS: NON-APPROPRIATED USES
Other Amounts to be Raised:
Snow & Ice Deficit

TOTAL NON-APPROPRIATED USES

RESOURCES AVAILABLE FOR APPROPRIATION

\$ -	\$ -	\$ -	\$ -	-
\$ -	\$ -	\$ -	\$ -	-
\$ 312,952,347	\$ 315,650,201	\$ 327,600,754	\$ 11,950,553	3.8%

City of Fall River, Massachusetts
Fiscal Year Ended June 30, 2021 Municipal Budget

Fiscal Year Ending June 30, 2021 Proposed Budget

	Original FY 20 Budget		Revised FY 20 Budget		FY 21 Budget	FY 21 vs. FY 20 Increase (Decrease) Dollars Percentage	
General Government	\$ 3,985,905	\$ 3,985,905	\$ 3,985,905	\$ 4,039,024	\$ 53,119	1.3%	
Administrative Services	\$ 3,847,546	\$ 3,847,546	\$ 3,847,546	\$ 3,826,694	\$ (20,852)	-0.5%	
Financial Services	\$ 1,708,023	\$ 1,708,023	\$ 1,708,023	\$ 1,669,100	\$ (38,923)	-2.3%	
Facility Maintenance	\$ 2,441,546	\$ 2,441,546	\$ 2,441,546	\$ 2,392,142	\$ (49,404)	-2.0%	
Community Maintenance	\$ 14,858,361	\$ 14,858,361	\$ 14,858,361	\$ 15,506,616	\$ 648,255	4.4%	
Community Service	\$ 3,284,060	\$ 3,284,060	\$ 3,284,060	\$ 3,292,679	\$ 8,620	0.3%	
Education	\$ 118,418,834	\$ 122,116,687	\$ 122,116,687	\$ 126,019,949	\$ 3,903,262	3.2%	
Public Safety	\$ 38,962,849	\$ 38,962,850	\$ 38,962,850	\$ 36,997,270	\$ (1,965,580)	-5.0%	
Debt	\$ 11,617,077	\$ 11,617,077	\$ 11,617,077	\$ 12,982,757	\$ 1,365,680	11.8%	
Retirement	\$ 29,520,332	\$ 29,520,332	\$ 29,520,332	\$ 31,548,259	\$ 2,027,927	6.9%	
Insurance & Other	\$ 38,767,000	\$ 38,767,000	\$ 38,767,000	\$ 42,535,000	\$ 3,768,000	9.7%	
TOTAL APPROPRIATIONS - GENERAL FUND	\$ 267,411,533	\$ 271,109,387	\$ 271,109,387	\$ 280,809,490	\$ 9,700,104	3.6%	
Water	\$ 13,367,974	\$ 13,367,974	\$ 13,367,974	\$ 13,615,264	\$ 247,290	1.8%	
Sewer	\$ 23,939,841	\$ 23,939,841	\$ 23,939,841	\$ 24,376,001	\$ 436,160	1.8%	
EMS	\$ 8,233,000	\$ 8,233,000	\$ 8,233,000	\$ 8,800,000	\$ 567,000	6.9%	
TOTAL APPROPRIATIONS - ENTERPRISE FUNDS	\$ 45,540,815	\$ 45,540,815	\$ 45,540,815	\$ 46,791,265	\$ 1,250,450	2.7%	
TOTAL APPROPRIATIONS - ALL FUNDS	\$ 312,952,348	\$ 316,650,202	\$ 316,650,202	\$ 327,600,754	\$ 10,950,553	3.5%	
PLUS: APPROPRIATED USES							
From Free Cash	\$ -	\$ (1,000,000)	\$ (1,000,000)	\$ -	\$ 1,000,000	-100.0%	
TOTAL APPROPRIATED USES	\$ -	\$ (1,000,000)	\$ (1,000,000)	\$ -	\$ 1,000,000	-100.0%	
TOTAL APPROPRIATIONS	\$ 312,952,348	\$ 315,650,202	\$ 315,650,202	\$ 327,600,754	\$ 11,950,553	3.8%	
BUDGET SURPLUS (DEFICIT)	\$ 0	\$ 0	\$ 0	\$ (0)	\$ (0)		

2



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

CITY CLERK
 FALL RIVER, MA

2020 JUL 17 A 11:29

RECEIVED

July 10, 2020

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

Dear Honorable Council Members:

Massachusetts General Laws Chapter 44, § 53E½ require spending limits be established for revolving funds for use by the City, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities.

Your approval of the associated appropriation order is respectfully requested.

Ordered, that under the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½, the City of Fall River by vote of the City Council, hereby establishes authorized spending limits for the following Revolving Funds for FY 21:

Fire Department	\$20,000	Hazardous Material Recovery
Community Services	\$50,000	Cleaning & Securing Buildings
Community Services	\$200,000	Demolition
Community Maintenance	\$10,000	Home Composting
Community Maintenance	\$10,000	Solid Waste – Recycling Recovery
Community Maintenance	\$40,000	Trolley & handicap Bus
Community Maintenance	\$25,000	Street Light Poles Repairs/Replacement
Facilities Maintenance	\$50,000	Vehicle Trade-In
Police Department	\$6,000	Moorings Maintenance
Police Department	\$40,000	Police Cruiser
School Dept	\$100,000	Summer Tuition
School Dept	\$50,000	Athletic Events

2

School Dept	\$25,000	Music Revolving
School Dept	\$5,000	School Store
School Dept	\$50,000	Culinary Arts Meals/ Functions
School Dept	\$200,000	Daycare Services
School Dept	\$175,000	School Buildings Use

Should you have any questions or concerns in this regard, please do not hesitate to contact Mary Sahady or me.

Best Regards,

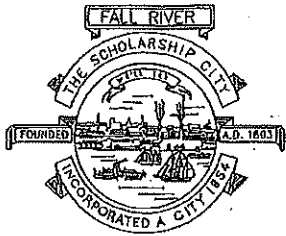


Paul E. Coogan
Mayor

City of Fall River, In City Council

Ordered, that under the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½, the City of Fall River by vote of the City Council, hereby establishes authorized spending limits for the following Revolving Funds for FY 21:

Fire Department	\$20,000	Hazardous Material Recovery
Community Services	\$50,000	Cleaning & Securing Buildings
Community Services	\$200,000	Demolition
Community Maintenance	\$10,000	Home Composting
Community Maintenance	\$10,000	Solid Waste – Recycling Recovery
Community Maintenance	\$40,000	Trolley & handicap Bus
Community Maintenance	\$25,000	Street Light Poles Repairs/Replacement
Facilities Maintenance	\$50,000	Vehicle Trade-In
Police Department	\$6,000	Moorings Maintenance
Police Department	\$40,000	Police Cruiser
School Dept	\$100,000	Summer Tuition
School Dept	\$50,000	Athletic Events
School Dept	\$25,000	Music Revolving
School Dept	\$5,000	School Store
School Dept	\$50,000	Culinary Arts Meals/ Functions
School Dept	\$200,000	Daycare Services
School Dept	\$175,000	School Buildings Use



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

CITY CLERK
FALL RIVER, MA

2020 JUL 17 A 11:28

RECEIVED

July 16, 2020

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

Dear Honorable Council Members:

During our briefings we have discussed the abutter's lot program. This program would allow the City to sell small parcels that "abut" properties and put them back onto the tax rolls.

The attached ordinance would allow an abutting landowner with the first opportunity to acquire an abutting tax possession which is vacant land and contains less area than the minimum required to be considered a buildable lot in the City of Fall River. Regulations for the Abutters Lot Program shall be promulgated and periodically published by the Custodian of Tax Possessions.

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

Best Regards,

Paul E. Coogan
Mayor

City of Fall River, In City Council

3

Sec. . - Disposal of tax possessions.

(a) The Custodian of Tax Possessions may dispose of a Tax Possession:

- a. pursuant to the method set forth in General Laws of Massachusetts Chapter 60, Section 77B; or
- b. if said tax possession is eligible for the Abutter Lots Program, then through the process set forth in Section ___(d) hereof; or
- c. if said tax possession is to be maintained by the City for municipal purposes, by transferring it to it the City acting through the City Council and Mayor; or
- d. if said tax possession is to be maintained by an enterprise fund for said enterprise fund's purposes, by conveying it to said enterprise fund; or
- e. pursuant to Request for Proposals issued pursuant to General Laws of Massachusetts Chapter 30B.

(b) The following terms, when used in this section, shall have the meanings ascribed to them in this subsection:

Abutters Lots Program means the program developed to provide an abutting landowner with the first opportunity to acquire an abutting tax possession which is vacant land and contains less area than the minimum required to be considered a buildable lot in the City of Fall River. Regulations for the Abutters Lot Program shall be promulgated and periodically published by the Custodian of Tax Possessions.

Decree of Foreclosure means a decree issued by the Land Court Department of the Trial Court of Massachusetts, which forever bars all rights of redemption pursuant to Massachusetts General Laws Chapter 60, Section 69.

Deed in Lieu of Foreclosure means a deed accepted by the city pursuant to the provisions of Massachusetts General Laws Chapter 60, Section 77C.

Eligible for Abutter Lots Program means a parcel for which a Decree of Foreclosure has been issued by the Land Court Department of the Trial Court of Massachusetts, or for which the city has accepted a Deed in Lieu of Foreclosure, which parcel contains less than the minimum square footage required to be considered a buildable lot in the City of Fall River, is located adjacent to a privately owned building on at least one side, is not needed for public open space or other public use, and is not part of a larger vacant parcel which will be developed. Abutters Lots may be used only for a garden, side yard, landscaped open space, off-street parking, garage, or an addition to abutter's existing structure.

Tax Possession means a property for which the City has obtained a Decree of Foreclosure from the Land Court Department of the Trial Court of Massachusetts, or for which the city has accepted a Deed in Lieu of Foreclosure.

(c) Prior to disposing of any Tax Possession, the Custodian of Tax Possessions shall, within fifteen (15) calendar days from the date the Treasurer receives the Decree of Foreclosure, send a memorandum notifying the Mayor, City Council, all City Departments, and all

City Enterprise Funds that the City has foreclosed on the parcel of property. The memorandum shall specify the approximate square footage and location of the property, and shall further state that the parcel shall be disposed of, as provided in Section ____ (a) unless the Custodian of Tax Possessions receives written notification, within thirty (30) days from the date the Custodian's communication appears on the City Council agenda, that the Mayor, City Council, City Department or City Enterprise Fund has identified a municipal need or other appropriate public purpose. Control of all parcels for which municipal needs or other appropriate purposes identified, and which are to be maintained in the possession of the City as municipal property, shall be transferred to the City's Real Estate Committee. Control of all parcels requested by an enterprise fund to be used by the said enterprise fund shall be conveyed to said enterprise fund.

- (d) After satisfying the requirements as set forth in Section ____ (c) above, the Custodian of Tax Possessions may dispose Tax Possessions eligible for the Abutters Lots Program (hereinafter the "Abutters Lots Program Tax Possession") in the following manner:
- a. After the thirty-day period as set forth in Section ____ (c) has expired, the Custodian of Tax Possessions shall send a notice to the owner of record immediately prior to the acquisition by the City of the title to such property. Such notice shall contain a description of the property to be sold sufficient to identify it, shall state that the property has been placed in the Abutters Lots Program, and shall state the date, time and place appointed for the sale thereof and the terms and conditions of such sale;
 - b. Such notice shall be sent by certified mail, return receipt requested, to the address of such owner, as appearing upon the records of the Assessors of the City at the time of receipt of the Decree of Foreclosure, at least fourteen (14) days before the sale.
 - c. The Custodian of Tax Possessions shall also, not less than fourteen (14) days before such sale date, post a similar notice in two (2) or more convenient and public places in the City.
 - d. The Custodian of Tax Possessions shall request a list of all abutters to Abutters Lots Tax Possession from the Assessors Office (hereinafter the "Abutters List").
 - e. The Custodian of Tax Possessions shall send a notification (by mail or electronic mail) to all parties appearing on the Abutters List attaching a copy of the Request For Proposals regarding said Abutters Lots.
 - f. The Custodian of Tax Possessions may reject any and all bids at such sale or any adjournment thereof if, in her opinion, no bid qualifies under the request for proposal. After any such sale and upon payment by the purchaser to the City of the amount of a bid accepted by the Custodian of Tax Possessions, the Custodian of Tax Possessions and the Treasurer, on behalf of the City, shall execute and deliver any instrument necessary to transfer the title of the City to any such property sold under this section. The deed shall contain a covenant, running with the land, limiting future use of the property to those uses permitted under the abutter lots program. The Treasurer shall not execute any deeds for tax title

property until the purchaser submits to the treasurer a statement signed under the pains and penalties of perjury that neither purchaser nor any other person who would gain equity in the property as a result of such conveyance has ever been convicted of a crime involving the willful and malicious setting of a fire or of a crime involving the aiding, counseling or procuring of a willful and malicious setting of a fire, or of a crime involving the fraudulent filing of a claim of fire insurance; or is delinquent in the payment of real estate taxes to the city, or, if delinquent, that a pending application for abatement of such tax, or a pending petition before the appellate tax board or the county commissioners has been filed in good faith. If there is more than one grantee of such deed, each grantee must file such statement, and no such deed shall be valid unless it contains a recitation that the treasurer has received such statement. Said deed shall further contain a covenant, running with the land, requiring the purchaser to complete the clean up and reuse of the property proposed in their abutter's lot program application within one year of the date of transfer. Said one year time period may be extended for an additional six (6) months provided the purchaser has applied for any and all permits necessary to complete their proposed work. The City shall have the option in the deed, pursuant to the preceding covenants, to take the property back or to bring an action in equity to enforce the terms of the covenants.

- g. All parcels included in the Abutter Lots Program shall be offered for sale to qualified abutters, in accordance with the regulations governing the Abutter Lots Program.
- h. Notwithstanding the provisions of subsection (f), a lot acquired through the Abutters Lots Program may be combined with an adjacent lot also acquired through the Abutter Lots Program to form a "combined lot." Such combined lot shall not be subject to the restrictions set forth in the restrictive covenant and may then be developed in accordance with the relevant provisions of the City Code of Ordinances, provided that the combined lot satisfies then existing zoning, subdivision and building requirements without relief from the City Code sections regarding front yard, side yard, rear yard, floor-to-area ratios, lot size, density, or frontage. No other property may be considered as part of the combined lot in determining whether such combined lot satisfies the relevant sections of the City Code.
- (e) Upon payment by the purchaser to the City of the consideration for the sale of any Tax Possession, the Custodian of Tax Possessions and the Treasurer, on behalf of the city, shall execute and deliver any instrument necessary to transfer the title of the city to any such property sold under Section _____ of the City Code. The Treasurer shall not execute any deeds for an Tax Possession until the purchaser submits to the Treasurer a statement signed under the pains and penalties of perjury that purchaser nor any other person who would gain equity in the property as a result of such conveyance has ever been convicted of a crime involving the willful and malicious setting of a fire or of a crime involving the aiding, counseling or procuring of a willful and malicious setting of a fire, or of a crime involving the fraudulent filing of a claim of fire insurance; or is delinquent in the payment of real estate taxes to the City, or, if delinquent, that a

pending application for abatement of such tax, or a pending petition before the Appellate Tax Board or the Bristol County Commission has been filed in good faith. If there is more than one grantee of such deed, each grantee must file such statement, and no such deed shall be valid unless it contains a recitation that the Treasurer has received such statement.

- (f) In the case of parcels to be offered for sale at a Tax Possession Auction, parcels for which a Decree of Foreclosure or Deed in Lieu has been received by the Treasurer between January 1 and June 30, and all parcels remaining from the prior Abutters Lots Program sale, shall be auctioned in the following October. All parcels for which a Decree of Foreclosure or Deed in Lieu has been received by the Treasurer between July 1 and December 31, and all parcels remaining from the prior Abutters Lots Program sale shall be auctioned in the following April. Properties remaining after an auction would be re-advertised for successive auctions or offered under subsection until sold.
- (g) A payment in lieu of taxes pursuant to General Laws of Massachusetts Chapter 44 Section 63A shall be collected by the Treasurer upon the execution of any deed of a Tax Possession to a private party.

4



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2020 AUG -6 P 4: 24

CITY CLERK
FALL RIVER, MA

July 23, 2020

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

Council President and Members of the Honorable Council:

I respectfully request your consideration in increasing effective September 1, 2020 the salary in City Ordinance for the position of Executive Administrative Assistant to the Chief of Police (Grade EAAP) from \$50,000.00 annually to not to exceed \$55,000.00 annually. Attached you will find a revised job description including additional duties for this position.

Thank you for your attention and consideration in this matter.

Sincerely,

Paul E. Coogan
Mayor

PC/amos

City of Fall River, *In City Council*

4

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 50 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Personnel be amended as follows:

By striking out in Section 50-301, which section relates to Salary schedules for executive officers, department heads, and non-union personnel, the following:

Executive Administrative Assistant to the Chief of Police Not to exceed \$50,000 per annum

and inserting in place thereof the following:

	Grade	Effective Date	
Executive Administrative Assistant to the Chief of Police	EAAP	9-1-2020	Not to exceed \$55,000 per annum

Job Description for the Office of Chief of Police

Executive Administrative Assistant to Police Chief

Perform highly confidential and exceptionally difficult and responsible secretarial work directly for the Chief of Police.

Maintain Chiefs schedule; setting up appointments and meetings.

Responsible for screening and distributing Chief's incoming mail.

Responsible for Chief's correspondence letters, Chiefs Orders, Memos and distributing same.

Responsible for Deputy Chiefs Memos and distributing same.

Assist Administrative Assistant to Chief, Professional Standards and Deputy Chiefs in file/clerical work as needed.

Assist in maintaining the Police Department automated phone system as needed.

Assist department Electrician in billing insurance companies for damage to traffic light poles.

Maintain all personnel files for active and retired member of entire department.

Responsible for updating employee information in IMC (address, phone, emergency contacts)

Maintain all records of personnel time in IMC (furlough, sick, personal days) for all personnel assigned to the Chief's office.

Entrusted with receiving money from the Vice Unit to be placed in safe (drug money, evidence money) one of two people who have access to safe.

Responsible for receiving money from the Record Room for purchasing police reports then turn over to Treasurer's Office.

Process all applications for approval from Chief for the City Clerk's Office including Raffles, Bazaar, Beano licenses, Pawnbrokers, Second Hand, Junk Collector & Junk Yard, Hawkers and Peddlers,, Transient Vendor, Auto Body, Auto Repair, Taxicab, Private Livery Vehicle and Driver and Billiard licenses. Maintain files on all of the above.

Process all applications for approval from the Chief for the Licensing Board including New and Used Vehicle Licenses, Restaurant Licenses, Alcohol, Package Store, Entertainment and Juke Box. Maintain files on all of the above.

Assisting in researching and responding to grievances and contract negotiation requests.

Takes initiative to be well informed and aware of deadlines to have appropriate reports done for City Council and Licensing Board meetings.

Arrange interviews for new recruits as well as distributing and collecting application packets.

Organize promotional interviews for police personnel.

Responsible for shipping and receiving packages in Chief's Office and distributing same.

Additional Duties:

Assists in carrying out the following tasks:

1. Police Department Payroll

- Assumes full range of responsibility for all Police, Civilian, Environmental, and Animal Control salary and payroll records.
- Responsible for producing a bi-weekly payroll for the 306 department employees.
- Responsible for the accurate computation of all differentials, including but not limited to overtime, stipends, education, as well as any other contractual obligations for the Superior Officers, Police Officers, and Environmental Police.
- Maintain civilian longevity records.
- Responsible for Munis Program implementation of civilian step increases.
- Maintain all civilian vacation, sick, and personal time in the Munis payroll system.
- Assumes full responsibility for the creation and maintenance of an Excel payroll backup system to verify bi-weekly release of payrolls.
- Prepares Semi-Annual Quinn Bill payment report for educational incentives for officer's who chose to receive payment twice a year.
- Computation of severance packages for any Police or Civilian employees.
- Prepare invoices for reimbursement for police salaries and over time to outside agencies.
- Implementation of any contract changes for Superior Officers, Police Officers, AFSCME, and Environmental Police.
- Maintain grant records.
- Responsible for employee data record changes.
- Responsible for receiving and depositing monies from the Records to the Treasurer's Office.
- Act as a liaison for the Police Department with Human Resources, Auditor's Office, Treasurer's Office, as well as the Fall River Retirement Board.
- Responsible for issuing a variety of payroll and grant reports.

General Duties within the office:

Answer telephone calls, screen calls and take detailed messages.

Respond to inquiries from the public and other governmental agencies.

Receive incoming daily mail and distribute to appropriate personnel.

Sort and distribute payroll checks throughout the department.

Responsible for performance with National and State Accreditation Standards as well as City standards for all work performed.

Cover for any clerk in the Chief's Office as needed.

Salaried position may include hours outside of regular office hours (8AM-4PM) without additional compensation.

Other duties as determined by the Chief of Police.

5A+B



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2020 AUG -5 P 1:06

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

August 5, 2020

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

Dear Council President and Members of the Honorable Council:

Please find the revised appropriation for The Community Preservation Committee (CPC) who has identified community projects for the fiscal year 2021 and had made recommendations for funding in accordance with the Community Preservation Act (CPA) MGL Chapter 44B Sections 4 to 7.

The total CPA revised funding request for FY 21 is \$871,150 as outlined in the proposed revised Appropriation Order.

Your approval of the associated Appropriation Order and the CPC Final Report 2020 is respectfully requested.

Should you have any questions or concerns in this regard, please do not hesitate to contact me.

Best Regards,

Paul E. Coogan
Paul E. Coogan
Mayor

City of Fall River, In City Council

APPROPRIATION ORDER

ORDERED, that the following FY 21 appropriations be provided through the Community Preservation Act (CPA), revenues and reserves under the MGL Chapter 44B Sections 4 to 7 in the aggregate, amounting to \$871,150 to be appropriated as follows:

Voted: That \$871,150 be appropriated from the CPA Fund FY 21 Annual Revenues

For CPA Administrative Expenditures	\$45,000
For CPA Open Space/Outdoor Recreation PROJECTS	\$192,900
For CPA Historic Resources Preservation PROJECTS	\$602,000
For CPA Community Housing PROJECTS	\$31,250

<u>TOTAL</u>	<u>\$871,150</u>
---------------------	-------------------------

Note: This is the eighth year of CPA Implementation. Anticipated CPA Surcharge revenue is \$1,168,089. Supplemental state trust fund distributions are estimated at \$134,330 (11.5%). Total \$1,302,419. Minimum 10% (\$130,242) has to be spent or reserved under each of the three categories and the Administrative expenditure cannot exceed 5% (\$65,121).

5A



**City of Fall River
Massachusetts
Community Preservation Committee**

JAMES SOUZA
Chairman

JOHN BRANDT
Vice-Chairman

August 5, 2020

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

Dar Mayor Coogan:

The Community Preservation Committee is recommending the following appropriation for the FY21 year.

ALLOCATION	AMOUNT FY21	RESERVES	CATEGORY
OPEN SPACE/RECREATION			
Bloreserve Conservation Land Acquisition - Public	54,900		Open Space/Recreation
Bonds			
<i>Year 3 Mt. Hope Bike Path - Public</i>	60,000		Open Space/Recreation
<i>Year 2 Bio Reserve Project # land acquisition - Public</i>	78,000		Open Space/Recreation
SUB TOTAL	192,900		
HISTORIC PRESERVATION			
Maritime Museum - Private/Non-Profit	150,000		Historic Preservation
Lafayette Durfee House - Private/Non-Profit	130,000		Historic Preservation
Fall River School Dept. - Public	220,000		Historic Preservation
Preserving Water Dept. Documents - Public	30,000		Historic Preservation

5A

Water Street - Private	22,000		Historic Preservation
Bank Street Armory - Public	50,000		Historic Preservation
SUB TOTAL	\$602,000.00		Historic Preservation
			Historic Preservation
COMMUNITY HOUSING			
77 Freedom Street - Private	31,250		
SUB TOTAL	\$31,250.00		
Administrative	\$45,000.00		Administrative
SUB TOTAL	\$45,000.00		
CPC OPEN SPACE/RECREATION	192,000		
CPC HISTORIC PRESERVATION	\$602,000.00		
CPC COMMUNITY HOUSING	\$31,250.00		
CPC ADMINISTRATIVE	\$45,000.00		
TOTAL FY20 APPROPRIATION	\$871,150.00		

The Community Preservation Committee is requesting that your office send this down to the Auditor to prepare an Appropriation Order for this FY21 budget.

We, then, need this request to be sent to the City Council so it can get on the agenda for their August 11, 2020 meeting.

Respectfully,

James Souza

James Souza, Chair
Community Preservation Committee

5A

ALLOCATION	AMOUNT FY21	RESERVES	CATEGORY
OPEN SPACE/RECREATION			
Bioreserve Conservation Land Acquisition - Public	54,900		Open Space/Recreation
Bonds			
Year 3 Mt. Hope Bike Path - Public	60,000		Open Space/Recreation
Year 2 Bio Reserve Project # land acquisition - Public	78,000		Open Space/Recreation
SUB TOTAL	192,900		
HISTORIC PRESERVATION			
Maritime Museum - Private/Non-Profit	150,000		Historic Preservation
Lafayette Durfee House - Private/Non-Profit	130,000		Historic Preservation
Fall River School Dept. - Public	220,000		Historic Preservation
Preserving Water Dept. Documents - Public	30,000		Historic Preservation
Water Street - Private	22,000		Historic Preservation
Bank Street Armory - Public	50,000		Historic Preservation
SUB TOTAL	\$602,000.00		Historic Preservation
			Historic Preservation
COMMUNITY HOUSING			
77 Freedom Street - Private	31,250		
SUB TOTAL	\$31,250.00		
Administrative	\$45,000.00		Administrative
SUB TOTAL	\$45,000.00		
CPC OPEN SPACE/RECREATION	192,000		
CPC HISTORIC PRESERVATION	\$602,000.00		
CPC COMMUNITY HOUSING	\$31,250.00		
CPC ADMINISTRATIVE	\$45,000.00		
TOTAL FY20 APPROPRIATION	\$871,150.00		

5A

Bioreserve Conservation Land Acquisition - Public	54,900		Open Space/Recreation
The City of Fall River Dept. of Community Utilities/Water Division to purchase a total of 29.5 acres of undeveloped forestland in the Bioreserve Area of the East section of Fall River for permanent conservation of natural resources and for public recreation			
HISTORIC PRESERVATION			
Maritime Museum - Private/Non-Profit	150,000		Historic Preservation
The Maritime Museum at Battleship Cove seeks the funding to purchase and install an upgraded electrical system as part of the second phase towards a museum-quality AVAC system. The new electrical upgrade will include an 800-amp transformer, which will be able to handle the current load of the museum, plus the load that a new HVAC system as it currently stands. Based on an Architectural Survey and specs from Architect, a new system is necessary in order to after have an HVAC system in place			
Lafayette Durfee House - Private/Non-Profit	130,000		Historic Preservation
This project is a continuation of the restoration of the Lafayette Durfee House. This phase will bring the museum house into full compliance without ADA requirements. By doing so LD House will be fully eligible for additional funding. Specifics include a wheelchair negotiable path, doorway widenings wheelchair lift & this is planned for the Northeast corner of the building.			
Fall River School Dept. - Public	220,000		Historic Preservation
Secure an existing conditions survey, repair the four chimneys from roof penetration to termination and begin the design and restoration of the 78 windows of this historic structure.			

Preserving Water Dept. Documents - Public	30,000		Historic Preservation
The City of Fall River Dept. of Community Utilities-Water Dept. seeks to preserve a number of its historic documents that chart the origin and development of the FR Water Works, the Watuppa Water Board, the Watuppa Reservoir Commission and the Watuppa Reservation.			
Water Street - Private	22,000		Historic Preservation
Architect will provide a comprehensive study of the existing exterior building conditions including an assessment of exterior walls, roofing, and building openings including windows and doors, and a summary of potential projects separated into phases.			
Bank Street Armory - Public	50,000		Historic Preservation
Urgent masonry repairs and removal of vegetation from the building exterior, roof and parapet.			
COMMUNITY HOUSING			
77 Freedom Street - Private	31,250		Community Housing
\$9,500 for Architectural Design fees to include: preparation of construction documents and providing construction administration throughout the construction. \$22,000 for masonry work to include: design for the repair and repointing of approximately 2,200 SF of existing masonry at the west elevation of the building			

City of Fall River, In City Council

ORDERED, that the attached 2020 final report, submitted by the Community Preservation Committee, be and the same is hereby approved.

5B

**COMMUNITY PRESERVATION COMMITTEE
FINAL REPORT 2020
FY21 Project & Funding Recommendations**

Adoption and Preparation

The Citizens of Fall River approved the adoption of the community Preservation Act in the November 2012 election. 57.9% of the voters in the election cast ballots in support of its local adoption. The Community Preservation Committee was formed in October 2013 and held its first meeting on October 28, 2013.

The membership of the Community Preservation Committee includes two members appointed by the Mayor, two members appointed by the City Council, a representative from the Housing Authority, a representative from the Historic Commission, a representative from the Planning Board, a representative from the Conservation Commission and a representative from the Park Board.

Mayor Appointee

- James Souza
- Paul Machado

City Council Appointee

- Vacancy
- Alfred Lima

Housing Authority

- Vacant

Historic Commission

- Kristen Cantara Oliveira

Planning Board

- John Ferrier

Conservation Commission

- John Brandt

Park Board

- Victor Farias

The Community Preservation Committee has developed a local CPA Plan, established the application and hearing process and has become familiar with the statute, GL Ch. 44B and applicable rules. The Community Preservation Committee continues to work closely with the Executive Director of the Community Preservation Coalition as a resource for technical guidance on the implementation of this Act. The Committee frequently utilizes the resources of the Community Preservation Coalition on matters that require clarification.

A website and Facebook have been developed and remains updated for public access. Materials are available through the website as well as at the Community Preservation Committee office at Government Center, 3rd Floor, room 321. As required by statute, the CPC held its annual meeting in

5B

August 2019. This public meeting was preceded by legal notices published in the Fall River Herald News. The annual meeting was an opportunity for the public to obtain information on projects and the financial condition of the committee.

In addition, to the annual public hearings, members of the public have been recognized at each of the CPC's meetings. The identity of the speakers and their comments are documented in the Committee's minutes and the Fall River Government TV video's. No member of the public wishing to address the Community Preservation Committee has ever been denied the opportunity to express his/her views.

The effectiveness of the efforts by the Community Preservation Committee to advertise the availability of these funds is evidenced by the fact that for 2020 28 applications were received, 9 applications were withdrawn, 19 applications made it to eligibility and 16 made it to funding hearings, 10 projects were voted on to recommend funding:

One more application was withdrawn making a total of 9 withdrawn applications.

One project was defunded prior to appropriation order due to information related to project start date making a total of 8 projects being recommended for funding (refer to Appropriation Order below).

OPEN SPACE/RECREATION				
Bioreserve Conservation Land Acquisition - Public	54,900			Open Space/Recreation
HISTORIC PRESERVATION				
Maritime Museum - Private/Non-Profit	150,000			Historic Preservation
Lafayette Durfee House - Private/Non-Profit	130,000			Historic Preservation
Fall River School Dept. - Public	220,000			Historic Preservation
Preserving Water Dept. Documents - Public	30,000			Historic Preservation
Water Street - Private	22,000			Historic Preservation
Bank Street Armory - Public	50,000			Historic Preservation
COMMUNITY HOUSING				
77 Freedom Street - Private	31,250			Community Housing

Two projects received emergency funding:

- Bio-Reserve/Land Acquisition
 - Fall River Public Library Roof
- Two projects were approved for additional funds due to delays and unexpected costs.
- North Burial Ground – Supplemental appropriation
 - Little Theatre of Fall River – Supplemental appropriation

Since the inception of the Community Preservation Committee tools have been implemented. Award agreements have been drafted and financial protocols have been developed. Work on private projects have been completed. Some projects have been delayed due to weather, overruns and change in staffing. It is expected that projects will be completed by fall.

Colorful signs have been re-designed, purchased and placed at construction sites throughout the city. The signs indicate that the work is being conducted because of the Community Preservation Act funding.
New processes have been put in place for dispersing funds for reimbursement and payments to vendors.

The Application Process

Hearings on Eligibility, Deliberation and Funding
The Community Preservation Committee adopted a three-step application process. This process was followed during the 2020 funding cycle.

Eligibility

The first part of the process involves an application for eligibility due on September 1st by 12:00pm/noon. Upon receipt of each application for eligibility the Committee scheduled an eligibility hearing and sends notification to each applicant.

The first purpose of these eligibility hearings was for the Committee to determine if the application met the criteria for funding. The Community Preservation Act allows funding for projects involving Open Space, Outdoor Recreation, Historic Preservation and Community Housing. Within each category there are rules involving permissible funding.

During the 2020 funding cycle eligibility hearings were held:
October 1, 2019

Eligibility Hearings

October 1, 2019

PUBLIC PROJECTS	
Bank St. Armory	
Kennedy Park Men's Warming House	
Kennedy Park Tennis Courts	
Oak Grove Cemetery Gatehouse	

5B

Boat Ramp @ Bicentennial Park
FR School Administration Bldg.
Feasibility Study/Niagar Quequechan Greenway
PUBLIC PROJECTS
Barnabas Blossom Workshop Restoration
QRRT Rodman Street Annex
Bioreserve Conservation Land Acquisition Readiness Project 2021
Preserving the Spencer Moacomber Farm
Preserving Fall River's Small Rural Cemeteries
Restoration of the 1873 Water Works Stable
Mystery Stone Relocation

5B

Preservation of Historic Dall River Water Department Documents
Securing Article 97 Protection for Open Space parcels omitted from Bioresere CR
Preserving the Watuppa Native American Legacy
PRIVATE PROJECTS
Little Theatre/Project Safety First
Trolley Building
Corky Row Club
Cherry & Webb Building
Adams House
Fall River Fire Museum
Maritime Museum
36-36 Water Street
Lafayette Durfee House
77 Freedom Fire/Police Station
Eagle Event Center

B
The Community Preservation Committee considered the eligibility of each project even when the applicant was not present. Ultimately 20 projects qualified, four (4) projects did not meet eligibility or withdrew. **5**
Did not meet eligibility or withdrew.

Kennedy Park Men's Warming House
Kennedy Park Tennis Courts
Oak Grove Cemetery Gatehouse
Boat Ramp @ Bicentennial Park

The second part of the process involves an application for funding due on January 15th before 12:00pm/noon. Upon receipt of each application for funding the Committee scheduled funding hearings and sends notification to each applicant. The purpose of these hearings was for the Committee to become familiar with the projects through applicant presentations. The committee members had frequent questions for these presenters. Once the funding hearings were completed the Community Preservation Committee held a meeting to deliberate on each project. Once deliberations were concluded another meeting was held to vote and recommend projects to the City Council

Funding Hearings

Deliberation

The third part of the process involves the scheduling of meetings, sends notification to each applicant. The purpose of these hearings was for the applicants to present their project and for the Committee to ask questions and make further recommendation, if necessary, before the funding hearings. Once deliberations were concluded another meeting was scheduled to vote and recommend projects to the City Council. Deliberation Hearings were held remotely via ZOOM due to the COVID-19 crisis.

March 30, 2020

Feb, 4th

April 13, 2020

5B

Voting and recommendation Hearings were held remotely via ZOOM due to the COVID-19 crisis April 13, 2020

CPC Administrator, Sandy Dennis worked on the tier-voting ballot. This ballot allowed each committee member to rate each project a 1 (high interest), 2 (moderate interest) or a 3 (low interest). Each committee member completed this ballot after the hearings for funding had been concluded and was allowed to assign 6 #1, 5 #2 and 5 #3 to the 16 projects. Sandy Dennis compiled the votes. The votes on these ballots were non-binding but were useful in informing the discussion on each project for the Funding round on April 13, 2020

The final report and appropriation order with recommendation to City Council was sent to the Mayor requesting the order be sent to City Council for vote.

ALLOCATION	AMOUNT FY21	RESERVES	CATEGORY
OPEN SPACE/RECREATION			
Bioreserve Conservation Land Acquisition - Public	54,900		Open Space/Recreation
Bonds			
Year 3 Mt. Hope Bike Path - Public	60,000		Open Space/Recreation
Year 2 Bio Reserve Project # land acquisition - Public	78,000		Open Space/Recreation
SUB TOTAL	192,900		
HISTORIC PRESERVATION			
Maritime Museum - Private/Non-Profit	150,000		Historic Preservation
Lafayette Dufee House - Private/Non-Profit	130,000		Historic Preservation
Fall River School Dept. - Public	220,000		Historic Preservation
Preserving Water Dept. Documents - Public	30,000		Historic Preservation
Water Street - Private	22,000		Historic Preservation
Bank Street Armory - Public	50,000		Historic Preservation
SUB TOTAL	\$602,000.00		Historic Preservation
COMMUNITY HOUSING			
77 Freedom Street - Private	31,250		
SUB TOTAL	\$31,250.00		

5B

Administrative	\$45,000.00		Administrative
SUB TOTAL	\$45,000.00		
CPC OPEN SPACE/RECREATION	192,900		
CPC HISTORIC PRESERVATION	\$602,000.00		
CPC COMMUNITY HOUSING	\$31,250.00		
CPC ADMINISTRATIVE	\$45,000.00		
TOTAL FY20 APPROPRIATION	\$871,150.00		

Each item to be considered a separate appropriation.

Conclusion

The Community Preservation Committee encouraged applications and followed an open and extended review process. Public input was and will continue to be encouraged. The Committee considered many factors in making these final recommendations. Among the factors that the Committee considered was geographic diversity so that the funded projects benefit all areas of the city. A number of other factors influence these final recommendations. In the Historic Preservation category, the urgency of repairs, the importance of preserving, protecting in addition was the benefits to the public.



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

July 16, 2020

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

Dear Honorable Council Members:

Attached please find a PDF of the executed Deed In Lieu of Foreclosure that was received in the mail on Friday, July 10, 2020 from Sandra Greaux.

Once this Deed In Lieu of Foreclosure is accepted pursuant to Chapter 60, Section 77C by the Council. The original will be kept in the Land Court file and recorded. After filing, the parcel will become a Tax Possession.

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

Best Regards,

Paul E. Coogan
Mayor

CITY CLERK
FALL RIVER, MA

2020 JUL 17 A 11:28

RECEIVED

6

City of Fall River, In City Council

ORDERED, that pursuant to the requirements of General Laws Chapter 60, Section 77C the City Council accepts Deed in Lieu of Foreclosure from Sandra Greaux to the following parcel of vacant land:

G03-0086 45 William Street

which pursuant to said Section 77C shall become a Tax Possession of the City of Fall River, and authorizes the Treasurer of the City of Fall River to cause said Deed in Lieu of Foreclosure and that attached Trustee's Certificate to be recorded with the Bristol County (Fall River District) Registry of Deeds.

6

DEED IN LIEU OF FORECLOSURE

Sandra Greaux, formerly known as Sandra Botelho, 111 Van Gogh Way Royal Palm Beach, FL 33411, for consideration given and in full consideration of the forgiveness of the present outstanding real estate tax liability on the herein conveyed property

grants to the CITY OF FALL RIVER, One Government Center, Fall River, Massachusetts, 02722

with *Quitclaim Covenants*

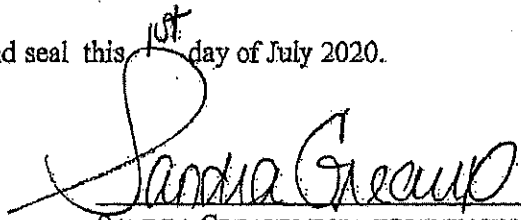
the land in Fall River, Bristol County, Massachusetts, with the buildings thereon, bounded and described as follows:

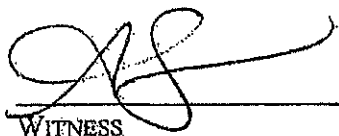
FALL RIVER ASSESSORS PARCEL ID# G03-0086

VACANT LAND - 45 WILLIAM STREET

FOR GRANTOR'S TITLE see deed of Antonio M. Martins dated February 10, 2006 and recorded with the Bristol County (Fall River) Registry of Deeds in Book 6188, Page 298.

WITNESS my hand and seal this ^{1st} day of July 2020.


SANDRA GREUX, FORMERLY KNOWN AS
SANDRA BOTELHO

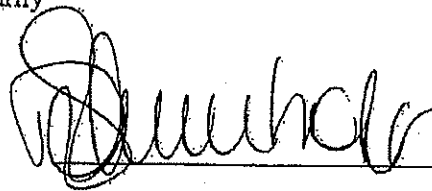

WITNESS

45 WILLIAM STREET
FALL RIVER, MA

6

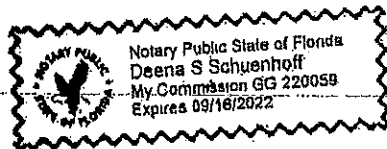
State of Florida

On this 1st day of July, 2020, before me, the undersigned notary public, personally appeared SANDRA GREUX, FORMERLY KNOWN AS SANDRA BOTELHO, whose identity was proved to me through Florida Drivers License G620-794-83-916-0 to be the person whose name is signed on the preceding or attached document, and acknowledged to me that the signatory signed it voluntarily



NOTARY PUBLIC

MY COMMISSION EXPIRES: September 16, 2022



Acceptance By Fall River City Council

The foregoing parcel is conveyed to the City of Fall River pursuant to Chapter 60 Section 77C of the General Laws of the Commonwealth of Massachusetts and said conveyance has been accepted by City of Fall River acting through its City Council on _____. Please see Agenda Item # _____ of said Meeting of the Fall River City Council.



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

7A
RECEIVED

2020 AUG -4 A 10:31

CITY CLERK
FALL RIVER, MA

August 4, 2020

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

Mr. President and Members of the Honorable Council:

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

Name: Paul Borges
Address: 161 Manchester Street
Fall River, MA 02721
Position: Deputy Shellfish Constable
Effective Date: August 4, 2020
Expiration Date: August 4, 2023

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Mayor

7A

Fall River Harbormaster Office

Fall River Police Department, P.O. Box 509, Fall River, MA 02722-0509

RECEIVED

2020 AUG -4 A 10:31

CITY CLERK _____
FALL RIVER, MA

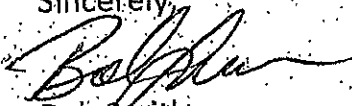
7/31/2020

Re: Deputy Shellfish Constable reappointment
Paul Borges
161 Manchester St., Fall River, MA 02721

To: Chief of Police Cardoza

I would like to request the reappointment of Paul Borges as Deputy Shellfish Constable. This position has always been done in conjunction with the Harbormaster position. Because the shellfish growing areas in Fall River are permanently closed due to contamination, it is the job of the Shellfish Constable to prevent any taking of shellfish from the Fall River waterways. The Shellfish Constable also monitors the shellfish relay program operated by MA. Marine Fisheries. Paul has been a Deputy Shellfish Constable for several years and is experienced with the position.

Sincerely,

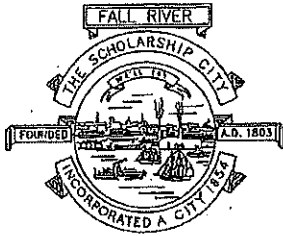


Bob Smith

Fall River Harbormaster

T: 508-207-7730

76



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2020 AUG -4 A 10:31

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

August 4, 2020

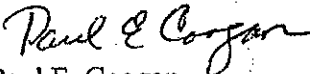
Honorable Members of the City Council
One Government Center
Fall River, MA 02722

Mr. President and Members of the Honorable Council:

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

Name: Paul Borges
Address: 161 Manchester Street
Fall River, MA 02721
Position: Assistant Harbormaster
Effective Date: August 4, 2020
Expiration Date: August 4, 2023

Thank you for your favorable consideration in this regard.


Paul E. Coogan
Mayor

76

Fall River Harbormaster Office

Fall River Police Department, P.O. Box 509, Fall River, MA 02722-0509

RECEIVED

2020 AUG -4 A 10: 31

CITY CLERK
FALL RIVER, MA

7/30/2020

Re: Assistant Harbormaster recommendation

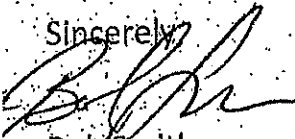
Paul Borges

161 Manchester St., Fall River, MA 02721

To: Chief of Police Cardoza

I would like to recommend Paul Borges for reappointment to the position of Assistant Harbormaster. Paul has been with the Harbormaster department for many years and is extremely valuable to the Harbormaster department.

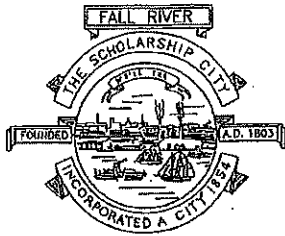
Sincerely,



Bob Smith

Fall River Harbormaster

T: 508-207-7730



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2020 AUG -4 A 10:32

CITY CLERK
FALL RIVER, MA

August 4, 2020

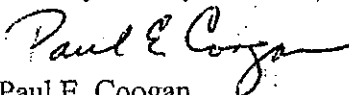
Honorable Members of the City Council
One Government Center
Fall River, MA 02722

Mr. President and Members of the Honorable Council:

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

Name: Michael Lamarine
Address: 96 Wellington Street
Fall River, MA 02720
Position: Deputy Shellfish Constable
Effective Date: August 4, 2020
Expiration Date: August 4, 2023

Thank you for your favorable consideration in this regard.


Paul E. Coogan
Mayor

7C

Fall River Harbormaster Office

Fall River Police Department, P.O. Box 509, Fall River, MA 02722-0509

RECEIVED

2020 AUG -4 A 10:32

CITY CLERK _____
FALL RIVER, MA

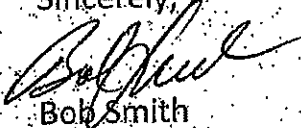
7/31/2020

Re: Deputy Shellfish Constable reappointment
Michael Lamarine
96 Wellington St., Fall River, MA 02720

To: Chief of Police Cardoza

I would like to request the reappointment of Michael Lamarine as Deputy Shellfish Constable. This position has always been done in conjunction with the Harbormaster position. Because the shellfish growing areas in Fall River are permanently closed due to contamination, it is the job of the Shellfish Constable to prevent any taking of shellfish from the Fall River waterways. The Shellfish Constable also monitors the shellfish relay program operated by MA. Marine Fisheries. Mike has been a Deputy Shellfish Constable for several years and is experienced with the position.

Sincerely,



Bob Smith

Fall River Harbormaster

T: 508-207-7730

7d



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2020 AUG -4 A 10: 31

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

August 4, 2020

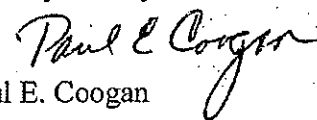
Honorable Members of the City Council
One Government Center
Fall River, MA 02722

Mr. President and Members of the Honorable Council:

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

Name: Michael Lamarine
Address: 96 Wellington Street
Fall River, MA 02720
Position: Assistant Harbormaster
Effective Date: August 4, 2020
Expiration Date: August 4, 2023

Thank you for your favorable consideration in this regard.


Paul E. Coogan
Mayor

7d

Fall River Harbormaster Office

Fall River Police Department, P.O. Box 509, Fall River, MA 02722-0509

RECEIVED

2020 AUG -4 A 10:31

CITY CLERK
FALL RIVER, MA

7/30/2020

Re: Assistant Harbormaster recommendation

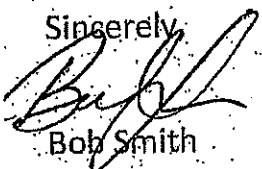
Michael Lamarine

96 Wellington St., Fall River, MA 02720

To: Chief of Police Cardoza

I would like to recommend Michael Lamrine for reappointment to the position of Assistant Harbormaster. Mike has been with the Harbormaster department for many years and is extremely valuable to the Harbormaster department.

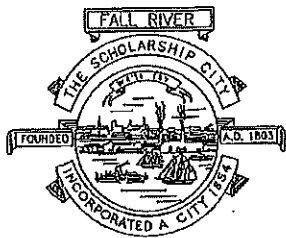
Sincerely,



Bob Smith

Fall River Harbormaster

T: 508-207-7730



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

7e
RECEIVED

2020 AUG -4 A 10:31

CITY CLERK _____
FALL RIVER, MA

August 4, 2020

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

Mr. President and Members of the Honorable Council:

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

Name: Bob Smith
Address: 22 Boomer Street
Fall River, MA 02720
Position: Shellfish Constable
Effective Date: August 4, 2020
Expiration Date: August 4, 2023

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Paul E. Coogan
Mayor

7e

Fall River Harbormaster Office

Fall River Police Department, P.O. Box 509, Fall River, MA 02722 -0509

RECEIVED

2020 AUG -4 A 10:31

CITY CLERK
FALL RIVER, MA

7/31/2020

Re: Shellfish Constable reappointment
Bob Smith
22 Boomer St., Fall River MA. 02720

To: Chief of Police Cardoza

I would like to request my reappointment to the position of Shellfish Constable. This position has always been done in conjunction with the Harbormaster position. Because the shellfish growing areas in Fall River are permanently closed due to contamination, it is the job of the Shellfish Constable to prevent any taking of shellfish from the Fall River waterways. The shellfish constable also monitors the shellfish relay program operated by MA. Marine Fisheries. I have been the Shellfish Constable for many years, and I have been certified as a Shellfish Constable by Massachusetts Maritime Academy.

Sincerely,



Bob Smith

Fall River Harbormaster

T: 508-207-7730

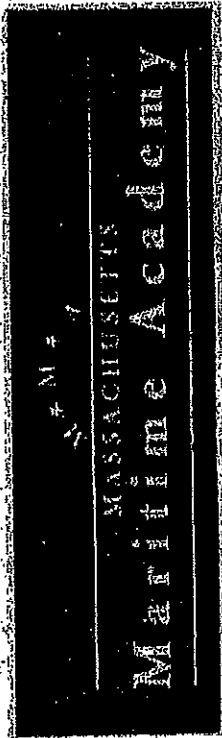
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2020 AUG -4 A 10:31

CITY CLERK
FALL RIVER, MA

[Signature]
Massachusetts Shellfish
Officers Association



COMMONWEALTH OF MASSACHUSETTS
STATE COLLEGE SYSTEM
BUZZARDS BAY, MASSACHUSETTS 02532

This is to certify that

ROBERT SMITH

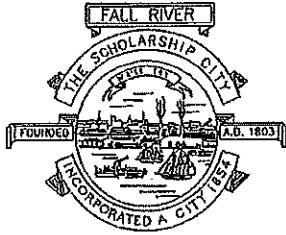
Has satisfactorily completed the following
course administered by the

**CENTER FOR
MARITIME TRAINING
SHELLFISH CONSTABLES TRAINING COURSE**

On this 4th Day of MARCH 16

[Signature]
Massachusetts Division of
Marine Fisheries

[Signature]
Director, Center for Maritime Training
Massachusetts Maritime Academy



City of Fall River
Massachusetts
Office of the Mayor

7f

PAUL E. COOGAN
Mayor

July 17, 2020

Honorable Members of the City Council
One Government Center
Fall River, MA 02721

CITY CLERK
FALL RIVER, MA

2020 JUL 20 P 12:13

RECEIVED

Mr. President and Members of the Honorable Council:

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

Name: Jeffrey Silvia

Address: 280 Ridge Street
Fall River, MA 02720

Position: Board of Park Commissioners

Effective Date: July 17, 2020

Term to Expire: May 3, 2021

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Mayor

Cc: Auditor's Office
Human Resources



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

July 20, 2020

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

RE: **Community Preservation Committee**

Mr. President and Members of the Honorable Council:

Per the requirements of the City Ordinance Sec. 2-364, (I) Member of Park Board (designated by said commission), I hereby request the confirmation of the City Council for the following reappointment:

Victor Farias
568 Weetamoe Street
Fall River, MA 02720

as a member of the Community Preservation Committee on July 20, 2020 and expiring on July 20, 2022.

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Mayor

CITY CLERK
FALL RIVER, MA

2020 JUL 20 P 12:13

RECEIVED

VICTOR M. FARIAS

568 Weetamoe St. • cell 774-451-1190
Email • thepats@aol.com

79
RECEIVED

2020 JUL -7 A 10:30

CITY CLERK
FALL RIVER, MA

EXPERIENCE

08/2007 – PRESENT

MANAGER, BRAGA TRANSPORTATION INC. D/B/A COZY BUS CO.
98 MANCHESTER ST. FALL RIVER, MA. 02721

School Bus Instructor training drivers to ensure proper operation of vehicles and safety procedures.

Monitors the overall maintenance work and fixing certain mechanical problems of school buses.

Over seeing day to day operations to make sure routes are started and completed on time.

1/07 – 6/07

SCHOOL BUS DRIVER, AMARAL BUS CO.
1090 STATE RD. WESTPORT, MA 02790
Driving school aged children to and from school
Charter Driver

1982 – 2003

CONSTRUCTION WORKER,
MCLAUGHLIN BROTHERS 120 CLINTON ST. BROCKTON, MA. 1999-2003

LV MAWN CONSTRUCTION, 65 HOWARD ST. BRAINTREE, MA. 1997-1999

EASTCOAST CONSTRUCTION 1995-1997

SANTARELLI CONSTRUCTION, 50 DOROTHY ST. WOBURN, MA. 1982-1995

Labor, Truck Driver, Pipe Layer

1979 – 1982

MOS 11 BROVO,
Communication

79

EDUCATION

DECEMBER 2006
CLASS A, NETTS
3.3 GPA

JUNE 1979

AUTO BODY, DIMAN REGIONAL TECHNICAL HIGH SCHOOL
Auto body

CITY CLERK, MA.
FALL RIVER, MA.

RECEIVED
2020 JUL -7 A 10 30

U.S ARMY 1980 TO 86 BTRY A 1 BM 21 FA HOR DISCHARD
ACTIVITIES

School bus instructor

Fall River Fire Department Special Service Unit
Fall River Emergency Management Services

Fall River Flags and Graves Officer

Constable of the City of Fall River

Rotary Public Commonwealth of Massachusetts

Member of Fall River:
Memorial and Veterans parade community
Park Board
CPC Board

Member of
Bristol County Veterans Association 755 Pine St. Fall River, Ma.
American Legion Post #464 283 Linden St. Fall River, MA.
Amvets Post #60 175 Danforth St. Fall River, Ma.
VVA chapter #207 PO Box 1214 Westport, Ma. 02790
Firefighters Wives Association Inc.

Official Driver for the Fall River Young Marines

Portuguese Heritage Award and medal on June 6, 2017
Firefighters Wives Association Citation on June 12, 2012



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

8
RECEIVED

2020 JUL 31 A 9:16

CITY CLERK _____
FALL RIVER, MA

August 3, 2020

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

Mr. President and Members of the Honorable Council:

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

Name: Stephanie Perry
Address: 282 Valentine Street
Fall River, MA 02720
Position: Board of Health
Effective Date: August 3, 2020

Thank you for your favorable consideration in this regard.

Paul E. Coogan
Paul E. Coogan
Mayor

Cc: Health Department
Human Resources
Auditor's Office

Stephanie Perry

Addiction Nurse Specialist; RN, CARN

282 Valentine St
Fall River, MA, 02720
(774) 644-5025
seros28@comcast.net

EXPERIENCE

Steward Hospital Group-St. Anne's Hospital, Fall River, MA.— *Addiction Nurse Specialist*

October 2014 - PRESENT

- Integrates strong medical/surgical and mental/behavioral health nursing skills with knowledge of substance use disorders and treatments to best optimize patient care and recovery outcomes.
- Collaborates with patients and families in appropriate disciplines to develop and manage referrals and individualized care plans.
- Provides ongoing support and education of substance use disorder to all medical staff.
- Works collaboratively with community partners to outreach those at high risk of substance use disorder focusing on harm reduction treatment and specific health needs.

Steward Hospital Group-St. Anne's Hospital, Fall River, MA.— *Emergency Room RN*

June 2009 - December 2019

- Recognized acute problems; prioritized nursing interventions in a complex, dynamic environment; Implemented physician and nursing orders; Evaluated patient outcomes and appropriate interventions.
- Performed patient assessments; Evaluated episodic and acute responses to broad classifications of physical and psychosocial complaints.
- Functioned effectively and positively in a collaborative and collegial relationship with other health professionals from multiple disciplines.

Habit OpCo, Fall River, MA.— *Clinical Nurse Manager*

October 2012- May 2013

- Responsible for maintaining nursing operations by initiating, coordinating and enforcing operational program procedures and policies through directing and developing staff as well as collaboration with physicians and multi-disciplinary team members.
- Promoted and restored patients' health by developing day to day

SKILLS

Compassion and empathy.

Utilization of COWS/CIWA assessment.

Organization and leadership.

Nursing Documentation

AWARDS

Reverend Doctor Robert P. Lawrence Humanitarian Award (October 2017).

For distinguished work within the community as well as in assisting in the development of Project Reconnect- post-overdose outreach.

Fall River Forward Award/Fall River Herald News Community Advisory Board (April 2016)

Awarded for community efforts to expand substance use disorder collaboration within the Greater Fall River area

St. Anne's Hospital-Person of Mission (2016)

Recognizes the commitment to service excellence and the hospital's mission principles.

management and long term planning of the patient care area while physically and psychosocially supporting patients engaged in medicated supportive recovery.

St. Anne's Hospital Hope House, Fall River, MA.— RN House Manager

March 2009 - July 2009

- Responsible for all aspects of care for those living with HIV/AIDS while managing and overseeing support staff.

EDUCATION

Community College of Rhode Island, Newport, RI.— Associate Degree in Nursing

February 2004 - December 2008

ORGANIZATIONS

Greater Fall River Partners for Healthier Community- Co-Chair Substance Addiction Task Force

January 2015 - Present

Steppingstone Inc.-Peer 2 Peer Leadership Council-Council Advisor

January 2016 - Present

Emergency Room Nurse of the Year/Greater Fall River/New Bedford EMS Committee (November 2015)
Awarded for the creation of the first opioid prevention program within St. Anne's Hospital in addition to exceptional clinical achievement.

Kathy Buffington Scholarship Award/Foundation of Addiction Nursing (September 2015)

CERTIFICATES

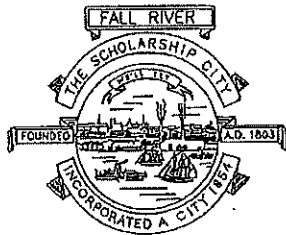
Certified Addiction Nurse
October 2014 - Present

Center for Addiction Recovery Training (CCAR) -certified recovery coach
August 2017 - Present

American Heart Association/Basic Life Support (BLS)
March 2009 - Present

American Heart Association/Advanced Cardiovascular Life Support (ACLS)
March 2009 - Present

9



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

August 6, 2020

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

Council President and Members of the Honorable Council,

Attached please find for your approval a request to reset a restored World War I Memorial Plaque at the Veteran's Center at 755 Pine Street, Fall River. I would appreciate the Council's consideration with this request.

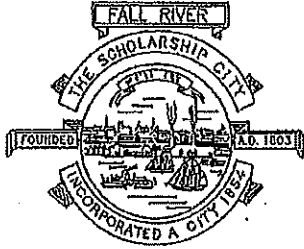
Respectfully,

Paul E. Coogan
Mayor

CITY CLERK
FALL RIVER, MA

2020 AUG -7 A 9:50

RECEIVED



City of Fall River
Massachusetts
Department of Veterans' Services

RECEIVED

2020 AUG -6 P 4: 59

CITY CLERK _____
FALL RIVER, MA

RAYMOND E. HAGUE
Director of Veterans' Services
Veterans' Benefits Agent

August 4, 2020

Honorable Mayor Paul Coogan
One Government Center
Fall River, MA 02722

Dear Honorable Mayor Coogan:

This is a request for approval to reset a Veterans Memorial Plaque.

As you know, Sacred Heart Church has been closed for a number of years. Attached to the church building was a World War I memorial plaque honoring parish and neighborhood men and women who served our country during that period. With the approval of church officials, the plaque has been removed and needs to be reset at a new location.

Your approval is being requested to reset the plaque to the Veterans' Center located at 755 Pine St., Fall River. The plaque will be restored and will be attached to the building.

Thank you for your consideration to this request.

Sincerely,


Raymond E. Hague
Director of Veterans' Services

REH/kv

City of Fall River, In City Council

ORDERED, that permission be and the same is hereby granted to reset a restored World War I memorial plaque from the former Sacred Heart Church to the Veterans' Center located at 755 Pine Street.

10

**City of Fall River
Massachusetts**

Traffic & Parking Division
RECEIVED

Paul E. Coogan
Mayor

2020 AUG -5 P 2:38

Laura Ferreira
Parking Clerk

CITY CLERK _____
FALL RIVER, MA _____

August 5, 2020

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020, the following request was made and approved by the Traffic Board Commission.

That Chapter 70, Section 241, of the Revised Ordinances be amended in the following section:

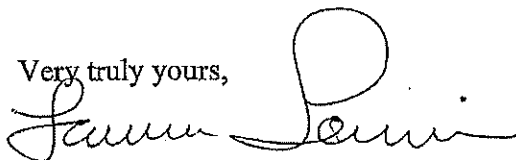
Article: 70
Section: 387 HANDICAP PARKING

By striking out in proper alphabetical order the following:

STRIKE OUT

Name of Street	SIDE	LOCATION
Globe Street	North	Starting at a point 36 feet west of Montaup Street, For a distance of 25 feet westerly.

Very truly yours,


Laura Ferreira
Director of Traffic & Parking



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

2020 AUG -5 P 1:33

LAURA FERREIRA

CITY CLERK
FALL RIVER, MA

Parking Clerk

July 30, 2020

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387

Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Montaup Street	East	Starting at a point 232 feet south of Palmer Street, for a distance of 20 feet southerly.

Very truly yours,

Laura Ferreira
Parking Clerk

Vest

10



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division **RECEIVED**

Paul E. Coogan
Mayor

2020 AUG -5 P 1:33
LAURA FERREIRA
CITY CLERK *Parking Clerk*
FALL RIVER, MA

July 30, 2020

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Orange Street	West	Starting at a point 22 feet south of Pine Street, for a distance of 20 feet southerly.

Very truly yours,

Laura Ferreira
Parking Clerk

10



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division
RECEIVED

Paul E. Coogan
Mayor

2020 AUG -5 P 1:33 LAURA FERREIRA
Parking Clerk

CITY CLERK _____
FALL RIVER, MA

July 30, 2020

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387

Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street

Side

Location

Park Street

North

Starting at a point 165 feet west of Forest Street,
for a distance of 20 feet westerly.

Very truly yours,

Laura Ferreira
Parking Clerk

10



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

2020 AUG -5 P 1:33
LAURA FERREIRA
Parking Clerk

CITY CLERK _____
FALL RIVER, MA _____

July 30, 2020

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70

Section: 387

Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street

Side

Location

Pleasant Street

North

Starting at a point 166 feet east of Keene Street,
for a distance of 20 feet easterly.

Very truly yours,

Laura Ferreira
Parking Clerk

10



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

2020 AUG - 5 LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

July 30, 2020

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Prospect Street	North	Starting at a point 156 feet west of Robeson Street, for a distance of 20 feet westerly.

Very truly yours,

Laura Ferreira
Parking Clerk

10



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

2020 AUG -5 2:43 PM
LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

July 30, 2020

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Snell Street	South	Starting at a point 55 feet east of York Street, for a distance of 20 feet easterly.

Very truly yours,

Laura Ferreira
Parking Clerk



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

2020 AUG -5 P 1:32 LAURA FERREIRA
Parking Clerk

CITY CLERK _____
FALL RIVER, MA

August 4, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387

Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street

Side

Location

Globe Street

North

Starting at a point 41 feet west of Montaup Street,
for a distance of 20 feet westerly.

Aprille Russo
848 Globe Street
Fall River, MA 02724

Very truly yours,

Laura Ferreira
Parking Clerk



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

2020 AUG -5 P 1:37
LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

August 4, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387

Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street

Side

Location

18TH Street

East

Starting at a point 150 feet south of Merchant Street,
for a distance of 20 feet southerly.

Marcia Ford-Kot
128 18th Street
Fall River, MA 02723

Very truly yours,

Laura Ferreira
Parking Clerk

10



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

2020 AUG -5 P 1:33
LAURA FERREIRA
Parking Clerk

CITY CLERK _____
FALL RIVER, MA

August 4, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Buffinton Street	North	Starting at a point 413 feet west of Dover Street, for a distance of 20 feet westerly.

Dawn Barcellos
158 Buffinton Street
Fall River, MA 02721

Very truly yours,

Laura Ferreira
Parking Clerk



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

2020 AUG -5 P 1:31
LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

August 4, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Earle Street	South	Starting at a point 631 feet east of Eastern Avenue, for a distance of 20 feet easterly.

Rachel Watts
131 Earle Street
Fall River, MA 02723

Very truly yours,

Laura Ferreira
Parking Clerk



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

Paul E. Coogan
Mayor

RECEIVED

LAURA FERREIRA
2020 AUG -5 P 1:32
Parking Clerk

CITY CLERK
FALL RIVER, MA

August 4, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

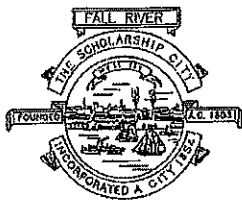
INSERT

Name of Street	Side	Location
Fountain Street	East	Starting at a point 25 feet north of William Street, for a distance of 20 feet northerly.

Raul Pereira
222 Fountain Street
Fall River, MA 02721

Very truly yours,

Laura Ferreira
Parking Clerk



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

2020 AUG -5 10:31
LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

August 4, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387

Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Healy Street	North	Starting at a point 39 feet east of Quarry Street, for a distance of 20 feet easterly.

Jeanne Troia
14 Healy Street
Fall River, MA 02723

Very truly yours,

Laura Ferreira
Parking Clerk

10



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

2020 AUG -5 P 1:32 **LAURA FERREIRA**
Parking Clerk

**CITY CLERK
FALL RIVER, MA**

August 4, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387

Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street

Side

Location

Middle Street

South

Starting at a point 144 feet west of Broadway,
for a distance of 20 feet westerly.

Eva Molina Rodriguez
471 Middle Street
Fall River, MA 02724

Very truly yours,

Laura Ferreira
Parking Clerk



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

2020 AUG -5 P 1:31 LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

August 4, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Norfolk Street	North	Starting at a point 21 feet east of Fulton Street, for a distance of 20 feet easterly.

Jesse Robinson
54 Norfolk Street
Fall River, MA 02720

Very truly yours,

Laura Ferreira
Parking Clerk



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

Paul E. Coogan
Mayor

August 4, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387

Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street

Side

Location

Pitman Street

West

Starting at a point 95 feet south of Webster Street,
for a distance of 20 feet southerly.

Katherine Chaves
23 Pitman Street
Fall River, MA 02723

Very truly yours,

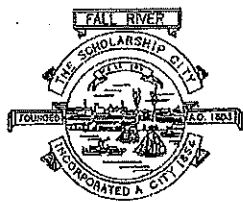
Laura Ferreira
Parking Clerk

RECEIVED

LAURA FERREIRA

2020 AUG -5 P 1:32
Parking Clerk

CITY CLERK
FALL RIVER, MA



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

Paul E. Coogan
Mayor

August 4, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387

Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street

Side

Location

Robeson Street

West

Starting at a point 212 feet north of Bedford Street,
for a distance of 20 feet northerly.

Maria Isabel Amari
49 Robeson Street
Fall River, MA 02720

Very truly yours,

Laura Ferreira
Parking Clerk

RECEIVED

LAURA FERREIRA
2020 AUG -5 Parking Clerk

CITY CLERK _____
FALL RIVER, MA



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division RECEIVED

Paul E. Coogan
Mayor

2020 AUG -5 LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

August 4, 2020

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02720

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 29, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

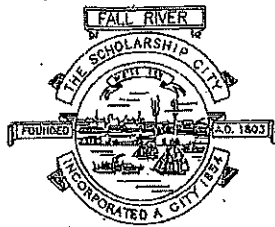
Name of Street	Side	Location
St. Mary Street	West	Starting at a point 13 feet south of Norfolk Street, for a distance of 20 feet southerly.

Natalia Rego
36 St Mary Street
Fall River, MA 02720

Very truly yours,

Laura Ferreira
Parking Clerk

Cost



**City of Fall River
Massachusetts
Planning Department**

RECEIVED

2020 AUG -5 A 10:48

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

WILLIAM G. KENNEY, AICP
City Planner

August 5, 2020

Hon. Cliff Ponte, President
Fall River City Council
One Government Center
Fall River, MA 02722

Re: "Uncompleted Subdivisions"

Dear President Ponte,

Thank you very much for the opportunity to address the Council on a matter which is, appropriately, a matter of serious concern to all of the members.

By way of background, as you know, on July 16 of this year, Mr. Frank Pearson of 35 Wyndham Court, sent an email to the Council complaining about the condition of streets in his general neighborhood, including, in particular, Detroit, Stevens and Omaha. It appears that a significant part of the problem may be that certain streets in this neighborhood were developed as part of a subdivision project in which construction of new dwellings has been completed, but proper finish coating of the roadways, and perhaps construction of related infrastructure, has never been completed to city standards.

11

This, unfortunately, seems to be a problem that may exist in several neighborhoods throughout the city.

I responded to Mr. Pearson's email on July 17, and City Inspector Dennis Silva and I subsequently visited the neighborhood in question as part of an initiative that the Planning Department and Engineering Department have undertaken to identify "uncompleted subdivisions" and related situations in which developers have left projects in unacceptable conditions.

By way of background, on June 25, 2020, in response to Mayor Coogan's directive that I develop a program to address this on-going problem of "uncompleted subdivisions", I initiated the following course of action:

- 1) I have directed my assistant, Brittany Faria, to review Planning Department records to determine what we are holding in terms of bonds, cash or other performance guarantees to assure proper completion of roadway infrastructure for various projects. She will determine whether our electronic records are consistent with those maintained by the Treasurer's Department and with the notations in various paper files maintained in the Planning Department. Any discrepancies will be rectified.
- 2) City Inspector Dennis Silva and I will compile a comprehensive list of possible problem projects, conduct site visits to each, and prepare a punch list of work that the responsible party was obligated to perform but which has not been properly completed.
- 3) We will then determine whether the city is holding anything in the way of performance guarantees applicable to the unfinished work. For cases in which there is a performance guarantee that the city can act upon, we will recommend doing so after first giving the responsible party a brief opportunity to finish the work. The action by the city may involve calling in a bond or applying cash to help pay for finishing the work. In some cases, we may suggest that the Law Department

11

investigate whether litigation might be appropriate/fruitful. Where the city does not hold proper security and where litigation would likely not be fruitful, we may recommend that the only available course of action may be for the city to finish the work or to contract for the finishing of the work, at its own expense and without the expectation of reimbursement.

4) As to the future, we propose to investigate: (a) whether the site plan review committee has or may be granted by appropriate legislation, the authority to require posting of security to guarantee that conditions with respect to roadway are properly performed; (b) whether the city has authority to deny permits for new projects to developers who have failed to properly complete earlier projects; and, (c) whether changes in our subdivision regulations are necessary to strengthen requirements for performance guarantees.

I am happy to report that, since Planning and Engineering began work on this initiative in late June, an early success has been with respect to the long-delayed paving and completion of street infrastructure, according to city standards, of Draper Street, which was completed at the developer's expense in late July.

As we move forward on this project, I ask your cooperation, as follows:

First, please assist us by notifying the Planning or Engineering Department of any complaints you may receive or situations you may become aware of that may fall within the purview of our work in this regard so we can conduct proper investigation and response.

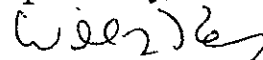
Second, please understand that not all problems with streets are the result of failures of developers to perform as required. Some streets that are clearly the city's responsibility need work that is not the responsibility of any private developer.

Third, we ask for your patience. I caution everyone to understand that, just as this problem did not emerge "overnight", it will not be corrected overnight. Just reviewing individual files to determine a project's history

11

and to determine who the responsible parties might be, what they were or were not required to do, and what they failed to do, is, in many cases, an onerous and time-consuming task. Be assured, however, that our work has begun and will continue as a priority item.

Respectfully submitted,


William G. Kenney, AICP
Director of Planning

12

City of Fall River
Office of the Corporation Counsel

PAUL E. COOGAN
Mayor



ALAN J. RUMSEY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

3 August 2020

Mayor Paul Coogan
Members of the Fall River City Council
Members of the Board of Park Commissioners
City Clerk Alison Bouchard

Re: Legal Opinion – Board of Park Commissioners

This legal opinion is being provided to address the current issues involving the Board of Park Commissioners.

Issue #1: Does the mayor of Fall River have the authority to unilaterally remove a member of the Board of Park Commissioners?

Answer #1: Yes, the mayor can unilaterally remove a member of the Board of Park Commissioners, even if the term of their appointment has not yet expired, by filing a written statement with the city clerk setting forth the specific reasons for removal.

The mayor of Fall River serves as the chief executive officer for the city and, as such, has the power and authority to appoint, subject to city council approval, department heads and municipal board members. See, M.G.L.A. c. 43, § 52; City Charter § 2-10 and §3-3.

In the absence of any statutory provision to the contrary, the power of removal is incident to the power of appointment. In other words, one who has the power to make an appointment also has the authority to remove the appointed person. As such, the mayor of Fall River has the legal authority to remove a member of the Board of Park Commissioners without action of the city council. See, Kaczmariski v. Mayor of Springfield, 346 Mass. 432 (1963) attached as Exhibit A.

The process for removing a member of a board is set forth in §54 of Chapter 43 of the Mass General Law, which states as follows:

The mayor may remove the head of a department or a member of a board by filing a written statement with the city clerk setting forth in detail the specific reasons therefor, a copy of which shall be delivered or mailed to the person thus removed, who may make a written reply, which, if he desires, may be filed with the city clerk; but such reply shall not affect the action taken unless

RECEIVED
2020 AUG - 3 P 4:46
CITY CLERK
FALL RIVER, MA

the mayor so determines. This section shall not apply to the school committee, or to officials appointed by the governor, or to assessors if elected by the people. See M.G.L.A Ch. 43, § 54, attached as Exhibit B.

In Fall River, a Park Board Commissioner can also be removed by a vote of two thirds of all the members of a city council. See, M.G.L.A. c. 45, § 2. The city council's ability to remove a commissioner is not exclusive, but is in addition to the mayor's removal powers.

Issue #2: Can any board member call a meeting to order?

Answer #2: Yes, the board can elect a *Chairman Pro Tem*, who will act as the chairperson.

Any board member can schedule a regular meeting of the board. If neither the chair/president nor the vice-chair/vice president is present for the meeting, then the secretary or any other board member is permitted to call the meeting to order. The first order of business must be to conduct an election for the position of *Chairman Pro Tem*, which is simply a temporary chairman for that one meeting.

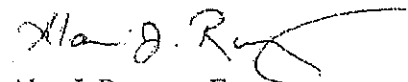
Issue #3: How many members are permitted to be on the Board of Park Commissioners?

Answer #3: Fall River's Board of Park Commissioners must consist of five (5) members.

Pursuant to M.G.L.A. c. 45, § 2, the Board of Park Commissioners shall consist of five (5) members. Cities are not authorized to modify this five-member requirement by simple ordinance. As such, §54-52 of the Code of the City of Fall River, which calls for seven (7) members of the Park Board, is invalid and should be amended to comply with the mandatory five-member requirement.

I hope this opinion helps resolve the current issues facing the Board of Park Commissioners. Please contact me with any questions or concerns.

Very truly yours,


Alan J. Rumsey, Esq.
Corporation Counsel

346 Mass. 432
Supreme Judicial Court of Massachusetts, Hampden.

John J. KACZMARSKI
v.
MAYOR OF SPRINGFIELD et al.

Argued Oct. 10, 1963.

Decided Nov. 5, 1963.

Synopsis

Proceeding was brought for writ of mandamus to annul action of respondent ~~mayor~~ of charter ~~city~~ in removing petitioner from his position as ~~member~~ of ~~board~~ of park commissioners and in ~~appointing~~ the other respondent to that position without ~~city council~~ action. The Superior Court, Good, J., entered an order directing issuance of the writ of mandamus, and respondents appealed. The Supreme Judicial Court, Whittemore, J., held that the board was a municipal board within statutes empowering mayor to appoint and remove members of municipal boards, and that therefore the mayor could remove the petitioner and appoint a new park commissioner without city council action.

Order vacated and order directed to be entered in Superior Court dismissing petition.

West Headnotes (2)

- [1] Municipal Corporations ⇌ Parks
Public Employment ⇌ Selection by officers
Public Employment ⇌ Authority to impose adverse action; manner and mode of imposition
Board of Park Commissioners of charter city was "municipal board" within statute empowering mayor to appoint and remove members of "municipal boards," and therefore mayor could remove park commissioner without city council action and appoint new one. M.G.L.A. c. 43 §§ 31-36, 52, 54, 60, 61, 67, 81, 95, 122, 124; c. 70 § 1 et seq.; c. 71 § 1 et seq.; c. 72 § 1 et seq.; c. 74 § 1 et seq.; c. 76 § 1 et seq.

4 Cases that cite this headnote

- [2] Municipal Corporations ⇌ Nature of municipal office or employment
Public Employment ⇌ Public office, officers, and officials
Officers who have obligations and immunities of public officers may nonetheless be officers of municipality.

Attorneys and Law Firms

*432 **574 John J. O'Connor, Assoc. City Sol., for respondents.

S. Thomas Martinelli, Springfield, for petitioner.

Before SPALDING, WHITTEMORE, CUTTER, KIRK, SPIEGEL and REARDON, JJ.

Opinion

WHITTEMORE, Justice.

The mayor of Springfield and Leroy Clayborne have appealed from an order of the Superior Court which directs the issuance of a writ of mandamus to cancel and annul both the removal by the mayor of the petitioner as a member of the board of park commissioners and the mayor's appointment of Clayborne to that post. The removal and appointment occurred on March 15, 1962, without city council action.

**575 The order is based on the ruling that G.L. c. 45, § 2, is applicable. That section provides: 'The mayor of a city may, with the approval of the city council, appoint a board of park commissioners for said city * * *. A commissioner may be removed * * * by a vote of two thirds of all the members of a city council.'

The mayor acted under G.L. c. 43, §§ 52 and 54, which are a part of Springfield's Plan A ('responsible executive'— *433 1915 Senate Doc. No. 254, p. 23) charter. That charter was adopted by the city to be effective on the first Monday of January, 1962; it superseded the charter of St.1852, c. 94 (as amended). Section 52 provides: 'Upon the adoption of Plan A, all heads of departments and members of municipal boards, except the school committee, officials appointed by the governor, and assessors if elected by vote of the people, as their terms of office expire, shall be appointed by the mayor

without confirmation by the city council.' Removal power is set out in § 54: 'The mayor may remove the head of a department or member of a board by filing a written statement with the city clerk setting forth in detail the specific reasons therefor, a copy of which shall be delivered or mailed to the person thus removed, who may make a written reply, which, if he desires, may be filed with the city clerk; but such reply shall not affect the action taken unless the mayor so determines. This section shall not apply to the school committee, or to officials appointed by the governor, or to assessors if elected by the people.'

The respondents contend that the applicability of the mayor's Plan A powers is established by G.L. c. 43, § 11: '*** [T]he form of government under the plan adopted by the city, shall supersede the provisions of its charter and of the general and special laws relating thereto and inconsistent herewith ***.'

[1] We agree. We hold, for the reasons stated below, that the board of park commissioners is a municipal board within the purview of G.L. c. 43, §§ 52 and 54. The board is a 'department' of the city subject to G.L. c. 44, § 31. See *McCarthy v. City of Malden*, 303 Mass. 563, 565, 23 N.E.2d 104. The municipality, of course, provides its funds. *Ibid.* G.L. c. 40, § 5(5) and last clause; c. 45, § 3; c. 40, § 14; c. 44, § 7(2). The board makes reports of its 'doings and detailed statements of all receipts, expenditures and liabilities *** to the city council annually ***.' G.L. c. 45, § 9. The General Court has expressly referred to it as a board of 'its city or town.' G.L. c. 45, § 3. Even if the park board had an unusual relationship to the structure of municipal government it could, nevertheless, be a municipal board in important *434 aspects. *Eastern Massachusetts St. R. Co. v. Mayor of Fall River*, 308 Mass. 232, 234, 31 N.E.2d 543 (school committee). *Municipal Light Comm. of Taunton v. State Employees' Group Ins. Comm.*, 344 Mass. 533, 534-536, 183 N.E.2d 286. But we note no significant anomaly in respect of the place of park boards in the group of agencies which govern municipal affairs. Of course, the parks which a park board creates and administers are held and maintained by the municipality for the benefit of all members of the public. *Lowell v. Boston*, 322 Mass. 709, 731, 79 N.E.2d 713, app. dism. sub nom. *Pierce v. Boston*, 335 U.S. 849, 69 S.Ct. 84, 93 L.Ed. 398. But town ways are likewise available to all the public. That park land may be disposed of only on specific legislative authorization (*Jacobson v. Parks & Recreation Comm. of Boston, Mass.*,¹ 189 N.E.2d 199) does not make the board which acquired it less a municipal board.

It is not significant that the provisions as to parks are in a separate chapter. There are special chapters as to public schools. See G.L. cc. 70, 71, 72, 74, 76. The petitioner points out that §§ 31-36 of c. 43 contain general provisions for the election, organization and powers of school **576 committees in any city operating under any of the charters provided for in that chapter. There can, therefore, be no doubt that the school committee is 'classed with departments and boards' in c. 43, subject, however, to the stated exceptions: *Eastern Massachusetts St. R. Co. v. Mayor of Fall River*, 308 Mass. 232, 234, 31 N.E.2d 543. G.L. c. 43, §§ 52, 54, 60, 61, 67, 81, 95, 122, 124. It is clear that general provisions for the establishment of municipal boards may be found outside c. 43. See, e. g., G.L. c. 41.

Strachan v. Mayor of Everett, 326 Mass. 659, 96 N.E.2d 392, is illuminating. In 1891, Everett accepted St.1882, c. 154 (the forerunner of G.L. c. 45). Everett's charter was enacted in St.1892, c. 355. Section 35 of this charter, unlike a general plan charter under G.L. c. 43, made express reference to parks: 'The city council may from time to time, subject to the provisions of this act and in accordance with general laws, if they exist in any particular case, provide by ordinance for the establishment of additional boards and other *435 offices *** [and] for the direction and custody of public parks.' Section 29 of the charter provided that '[t]he mayor shall appoint, subject to the confirmation or rejection of the board of aldermen, all the officers of the city, unless their election or appointment is herein otherwise provided for. *** Any officer so appointed may be removed by the mayor for such cause as he shall deem sufficient ***.' It was held (326 Mass. p. 661, 96 N.E.2d p. 393) that the scope of § 29 was limited by § 35, that is, the appointment of a park commissioner was 'herein otherwise provided for' so that the appointment and removal provisions of § 29 were inapplicable. This decision, although different in result because of the special statute involved, recognizes that a park commissioner is a municipal officer.

[2] The petitioner relies on *Crocker v. Deschenes*, 287 Mass. 202, 207-209, 191 N.E. 678, which can be cited to the proposition that one who is a public officer operating under legislative mandate is not a municipal officer for the purpose of appointment and removal under a plan charter. But in *Young v. Mayor of Brockton, Mass.*,² 190 N.E.2d 396, we said of the *Crocker* case and of *McDonald v. Justices of Superior Court*, 299 Mass. 321, 13 N.E.2d 16: These holdings are founded primarily, we think, in the importance of uniformity in the administration of a State wide statute. The boards involved in those cases were alcoholic liquor

licensing boards, and they operated under a State wide statutory scheme. See G.L. c. 138, §§ 67, 10A (compare § 9). The governing statute was enacted in 1933 and amended (as to § 4) in 1934 at a time when c. 43 provided for Plans A through D, with differing provisions as to appointment and removal, some of which were inconsistent with c. 138, §§ 4 and 5, the appointment and removal provisions as to local licensing boards. The established construction of the effect of these statutes on each other dates from 1934 (*Crocker v. Deschenes*, 287 Mass. 202, 191 N.E. 678) and 1938 (*McDonald v. Justices of Superior Court*, 299 Mass. 321, 13 N.E.2d 16). It is now well established that officers who have the obligations and immunities of public officers may nonetheless be officers of a municipality. *Commonwealth v. Dowe*, 315 Mass. 217, 222-224, 52 N.E.2d 406, *436 *Williams v. City Manager of Haverhill*, 330 Mass. 14, 15-16, 110 N.E.2d 851. *Commonwealth v. Oliver*, 342 Mass. 82, 83-84, 172 N.E.2d 241.

There is in c. 45 no aspect of a State wide plan for supervision or control of park boards. Like c. 43 itself which empowers cities to change their charters without legislative action, c. 45 is intended to give municipalities the power to establish park commissions without special legislative action and thereby to establish another local board. The importance of uniformity in the construction of the provisions of a city's c. 43 charter which relate to the appointment **577 and removal of members of municipal boards is the controlling consideration.

The order is vacated and an order is to be entered in the Superior Court dismissing the petition.

So ordered.

All Citations

346 Mass. 432, 193 N.E.2d 574

Footnotes

- 1 Mass. Adv. Sh. (1963) 429, 431.
- 2 Mass. Adv. Sh. (1963) 719, 721.

12

§ 54. Removal of officials; exceptions, MA ST 43 § 54

Massachusetts General Laws Annotated
Part I. Administration of the Government (Ch. 1-182)
Title VII. Cities, Towns and Districts (Ch. 39-49a)
Chapter 43. City Charters (Refs & Annos)

M.G.L.A. 43 § 54

§ 54. Removal of officials; exceptions

Currentness

The mayor may remove the head of a department or member of a board by filing a written statement with the city clerk setting forth in detail the specific reasons therefor, a copy of which shall be delivered or mailed to the person thus removed, who may make a written reply, which, if he desires, may be filed with the city clerk; but such reply shall not affect the action taken unless the mayor so determines. This section shall not apply to the school committee, or to officials appointed by the governor, or to assessors if elected by the people.

Notes of Decisions (9)

M.G.L.A. 43 § 54, MA ST 43 § 54

Current through Chapter 113 of the 2020 2nd Annual Session

End of Document

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City of Fall River
Office of the Corporation Counsel

PAUL E. COOGAN
Mayor

RECEIVED

2020 JUL 23 P 4:30

CITY CLERK _____
FALL RIVER, MA



ALAN J. RUMSEY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

23 July 2020

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

Re: Legal Opinion – Attendance of Corporation Counsel at City Council Meetings

Mr. President and Members of the Honorable Council:

This legal opinion is being provided to the City Council in order to correct and address the misconceptions regarding the duties of Corporation Counsel. In short, there is no legal authority to compel the mandatory attendance of Corporation Counsel at City Council meetings for purposes of providing on-the-spot legal advice to City Councilors. The City Council's vote that Corporation Counsel attend all meetings is not binding and has no legal effect.

As expressly stated in the Employment Agreement between the City and Corporation Counsel, "Corporation Counsel shall be in charge of the Law Department and shall perform the duties required of him as set forth in City Ordinances 2-521 through 2-532." These City Ordinances, contained in Chapter 2, Article V, Division 7 of the Code of the City of Fall River, require that Corporation Counsel, *inter alia*, represent the city in court, draft and approve city contracts, examine all titles to real property which the city is to acquire, initiate and defend lawsuits involving the city, investigate claims, and furnish legal opinions to the Mayor and City Council. There is no requirement, or even suggestion, that Corporation Counsel be required to attend City Council meetings.

The requirements for furnishing legal opinions is detailed in § 2-523 of the Code of the City of Fall River. In pertinent part, this ordinance states that Corporation Counsel shall furnish opinions on the law of any subject "that may be submitted to him in writing" by the Mayor, the City Council or any member of the City Council. Legal opinions shall be furnished to the City Council "within 10 days from the date on which the request is made." Again, there is no requirement that Corporation Counsel attend City Council meetings to personally deliver the legal opinions.

One Government Center • Fall River, MA 02722 • TEL (508) 324-2650

Workers' Compensation (508) 324-2540 • FAX (508) 324-2655 • EMAIL lawoffice@fallriverma.org

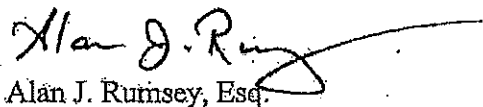
Equal Justice Under Law

*emailed to all Councilors
copy to his file 7-23-20*

The City Council's authority to compel attendance at its meetings is derived from Section 2-7 of the City of Fall River's Home Rule Charter. Section 2-7 of the Charter allows the City Council to "make investigations into the affairs of the city and into the conduct and performance of any city agency". This includes the authority to compel a city employee to personally appear before the City Council in order to provide information within the scope of responsibility of that person. In order to compel the attendance of the employee, the City Council must, by resolution, provide the employee with written notice of the subject matter that the City Council seeks information, and the resolution may contain specific written questions prepared by the council. **"No officer or employee called to appear before the City Council under this section shall be required to respond to any question not relevant to the subject of the inquiry as identified in the resolution".**

Pursuant to Section 2-9 of the Charter, the City Council does have the authority to employ staff as it deems necessary. If the City Council believes that it is necessary and cost-effective to retain an attorney to attend every single City Council meeting and/or sub-committee meeting to provide legal advice if/when a legal issue arises, then I suggest that the Council exercise their right to do so. Keep in mind, however, that a staff attorney would not be authorized to legally bind the city.

Very truly yours,


Alan J. Rumsey, Esq.

Byron R. Holmes, P.E.
Engineering Consultant
City of Fall River, Massachusetts

14

622 Berkley Street
Berkley, MA 02779

Phone: 508-880-6535
Email: holmes@holmes.net

MEMO

To: City Council
From: Byron Holmes, P.E.
Date: July 31, 2020
Subject: Street Opening Request for Pavement less than 5 years old

RECEIVED
2020 AUG -3 A 9 49
CITY CLERK
FALL RIVER, MA

Comments:

Jamison Souza is requesting approval to install sewer, water and gas services at 522 Buffinton Street.

This section of Buffinton Street was paved in 2017, so is a street under the City's five-year ordinance. If the Council agrees to this request, the following conditions would apply:

1. Trench repair work shall be done by a licensed drainlayer within the city of Fall River.
2. Flowable fill will be required.
3. The asphalt paving over the applicable tranches is to be combined into a single patch.
4. The engineering division shall be notified prior to excavation in order to assure city inspection of this work.
5. An infrared patch will be used for repair of the asphalt surface.

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on July 29, 2020, voted unanimously to recommend that the accompanying order be adopted.

Cullen A. Taylor
Clerk of Committees

City of Fall River, In City Council

15

ORDERED, that the City Council of the City of Fall River hereby orders that the former Police Station, 158 Bedford Street (Assessors Map N-04-0042), be conveyed to Wethersfield, LLC for the sum of \$10,000 as set forth in Wethersfield, LLC's April 21, 2020 response to RFP# 20-06, subject to the terms and conditions as set forth in said RFP, and subject to the terms and conditions of the Purchase & Sales Agreement which has been executed by Wethersfield, LLC and presented to the City Council, and subject to the execution of a Quitclaim Deed in a form acceptable to the Corporation Counsel, and

BE IT FURTHER ORDERED, that the Mayor, the Custodian of Tax Possessions, and the Treasurer are hereby authorized to execute all documents necessary to effectuate said conveyance in forms acceptable to the Corporation Counsel.



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2020 JUL 20 P 12:14

CITY CLERK _____
FALL RIVER, MA

July 20, 2020

Committee on Real Estate
City of Fall River
One Government Center
Fall River, MA 02722

Dear Councilor Pelletier and Members of the City Real Estate Committee:

Attached please find a copy of the partially executed P & S Agreement for the sale of 158 Bedford Street to Wethersfield, LLC for your review and recommendation to the full City Council.

As you know, this matter is presently before the Real Estate Committee and representatives of the Administration have previously met with the Committee to discuss the sale of 158 Bedford Street. Mary Sahady and Matt Thomas would be glad to meet with you and the members of the Committee to review the P & S Agreement. If you would like them to appear before the Committee, please forward the time and date of the Meeting.

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

Best Regards,

Paul E. Coogan
Mayor

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PURCHASE AND SALES AGREEMENT

158 BEDFORD STREET, FALL RIVER, MA

1. **DATE:** This Agreement is entered into as of the day of July, 2020.
2. **PARTIES:** The parties hereto are:
 - a) **SELLER:** The City of Fall River, a Municipal Corporation in the Commonwealth of Massachusetts, acting by and through its Mayor, City Council, Custodian of Tax Possessions, and Treasurer, with an address at One Government Center, Fall River, Massachusetts, 02721 (the "CITY"); and
 - b) **BUYER:** Wethersfield, LLC, a Massachusetts limited liability company formed under M.G.L. Chapter 156C with an address of 29 Fremont Avenue, Chelsea, Massachusetts 02150, hereinafter ("BUYER").
3. **AGREEMENT:** Upon receipt of full payment and compliance with and performance of all terms and conditions for conveyance as set forth in this Agreement, including all Riders and Exhibits attached hereto and made a part hereof, the CITY agrees to sell and the BUYER agrees to buy the Property, as hereunto defined.
4. **DESCRIPTION:** The land with building thereon located at 158 Bedford Street, Fall River, MA and more fully shown on Fall River Assessors Map N04 as Parcel 42, (the "Property"), in its "as is" condition. For the CITY'S Title see Deed in Lieu of Foreclosure of outstanding real estate taxes dated August 22, 2012 and recorded in a deed recorded at the Bristol County (Fall River District) Registry of Deeds in Book 8043, Page 187. "Property" shall include delivery of all portions of the granite column from the entrance which the CITY currently has in storage.
5. **TITLE DEED:** The Property is to be conveyed by a Treasurer's Deed running to BUYER or, subject to the approval of the City of Fall River to the nominee designated by BUYER by written notice to the CITY at least ten (10) days before the Deed is to be delivered as provided herein (the "Closing"). The Deed shall convey all of the CITY'S right, title and interest, subject to:
 - a) Provisions of existing building and zoning law;
 - b) Existing rights and obligations in party walls which are not the subject of written agreements;
 - c) Any and all easements, encumbrances or rights of way and restrictions of record to the extent that the same are now in force and applicable;

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- d) Any restrictions, exhibits and covenants contained in the Deed.
6. REGISTERED LAND: In addition to the foregoing, if the title to the Property is registered, the Deed shall be in a form sufficient to entitle the BUYER to a Certificate of Title for the Property and the CITY shall deliver with the Deed all instruments, if any, necessary to enable the BUYER to obtain such Certificate of Title.
7. DEFECT IN TITLE: The CITY acknowledges that it intends to sell a good and clear title as provided in Section 5. However, in the event the BUYER in searching the title uncovers a defect in the title substantially affecting marketability, the BUYER shall notify the CITY in writing of the defect no later than fourteen (14) calendar days prior to the Closing. If, in the opinion of the Corporation Counsel of the City of Fall River, the defect in the title is serious and substantially affects the marketability of the title, or if Property is not insurable on a standard ALTA form policy currently promulgated by companies licensed to do business in the Commonwealth of Massachusetts at normal premium rates and without exception for any matters not expressly permitted under this Agreement, the BUYER may:
- a) Request the CITY to cancel the sale and return the BUYER'S deposit, if any; or
 - b) Request the CITY to grant an extension of the date of the Closing for a reasonable time so that the BUYER, at the BUYER'S OWN EXPENSE, may clear the title. In no event shall the CITY be required to cure any title defect in the Property. The CITY may at any time terminate this Agreement and cancel the sale if, in the opinion of the Corporation Counsel of the City of Fall River, the BUYER is unable to clear title within a reasonable time or cancellation of the sale is in the public interest.
8. PURCHASE PRICE: The agreed purchase price for the Property is the aggregate of the following sums:
- a) Ten Thousand (\$10, 000.00) Dollars to be paid on or before the time of Closing by certified, cashier's, treasurer's or bank check, crediting any deposits held pursuant to Section 9; and
 - b) PAYMENT IN LIEU OF TAXES: The BUYER shall be required to make a payment in lieu of taxes, calculated upon the \$10,000.00 sale price, in accordance with Massachusetts General Laws, Chapter 44, Section 63A, at the time of Closing; and
 - c) A sum to be determined for RECORDING FEES; and
 - d) Payment of the balance of the purchase price, payment in lieu of taxes as defined above, recording fees, state excise stamp taxes calculated upon the \$10,000.00 sale price, and any other payments required hereunder, all of which shall constitute FULL PAYMENT of the purchase price. All payments hereunder must be made by certified, cashier's, treasurer's or bank check.

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9. DEPOSITS: Eight Thousand Two Hundred (\$8,200.00) Dollars have been previously paid and shall remain on deposit in escrow with the Treasurer of the City of Fall River in a non-interest bearing account, until the time for performance, when the deposit shall be credited to the purchase price. In the event of a disagreement between the parties considering the deposit, the deposit shall continue to be held in escrow pending mutual instructions given by the CITY and the BUYER, or in accordance with judicial determination.

10. TIME FOR PERFORMANCE; DELIVERY OF DEED: The Deed is to be delivered on or before 10:00 a.m. on the 31st day of December, 2020 or ten (10) business days from the date BUYER completes its due diligence as provided below and obtains a Prospective Purchaser Status, whichever is the first to occur (the "Closing Date") at the offices of the CITY, unless otherwise agreed upon in writing. It is agreed that time is of the essence of all provisions of this Agreement.

11. POSSESSION AND CONDITION OF PROPERTY:

a) PRESENT CONDITION: It is expressly understood by the BUYER that the Property is sold "AS IS". Upon delivery of the Deed, the BUYER shall assume all responsibility and liability for any and all violations that exist under, among others, building, fire, sanitary, safety, health and lead paint statutes, ordinances, codes, rules and regulations and all other applicable laws dealing with same. Notwithstanding the provisions of the previous sentence, the CITY acknowledges that the BUYER's obligation to purchase the Property is contingent upon BUYER obtaining Prospective Purchaser Status).

b) LEAD PAINT: As is

c) OCCUPANTS: To the best of the knowledge and belief of the CITY, there are no occupants on the Property. In the event there are occupants on the Property at the time of the delivery of the Deed, BUYER shall assume all rights and liabilities with respect to any such occupants.

d) PERSONAL PROPERTY: BUYER acknowledges that the CITY makes no representation or warranty that BUYER has a right of possession for any personal property or fixtures attached to the Property or contained therein owned or claimed to be owned by any third parties.

e) CODE REQUIREMENTS, ETC: As is

f) RISK OF LOSS/ Damage to Premises.

(i) In the event that the Property suffers significant damage by fire or other casualty prior to the time for performance hereof, the CITY shall immediately notify the BUYER of the nature and extent of the damage and the BUYER, at the BUYER's sole option may cancel this Agreement within ten (10) days after such notice, in

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which event all payments made under this Agreement shall be refunded, and all other obligations of the parties hereto shall cease and this Agreement shall be void and without recourse to the parties hereto. For purposes of this paragraph, the term "significant damage" shall mean damage to the Bedford Street façade occurring after the date of execution of this Agreement that would reasonably cost in excess of Ten Thousand Dollars (\$10,000.00) to correct.

(ii) Risk of Loss to the premises due to fire, storm or other casualty or act of God shall be assumed by Seller until delivery of deed to Buyer. Notwithstanding the foregoing, the CITY shall be under no obligation to repair, reconstruct, or in any way rehabilitate the Property.

12. BUYER'S WARRANTIES: The BUYER warrants and represents to the CITY and acknowledges that the CITY relies on said warranties and representations as follows:

- a) The BUYER, immediately after making Full Payment to the CITY, shall commence to take and thereafter diligently pursue all actions necessary to redevelop the Property in accordance with the the BUYER's Proposal received by the City on April 24, 2020 attached hereto and incorporated herein as Exhibit "A", the BUYER'S Price Proposal received by the City on April 24, 2020 and attached hereto and incorporated herein as Exhibit "B", and the Redevelopment Deadlines attached hereto, and incorporated herein, as Exhibit "C".
- b) The BUYER is willing and able to complete any and all applicable CITY forms necessary to complete the sale and transfer of the Property.
- c) The BUYER shall develop and use the premises in accordance with its proposal received by the CITY on April 24, 2020 attached hereto, and incorporated herein as Exhibit "A."
- d) The BUYER has not contacted any Real Estate Broker in connection with this transaction and was not directed to the CITY as a result of any services or facilities of any Real Estate Broker. The BUYER agrees to indemnify the CITY against and to hold the CITY harmless from any claim loss, damage, cost or liability for any brokerage commission or fee, which may be asserted against the CITY in connection with this transaction. The provisions of this Paragraph shall survive delivery of the Deed.
- e) The BUYER is taking possession of the Property "AS IS".
- f) The foregoing BUYER'S representations as set forth in this Section 12 shall survive delivery of the Deed.

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13. FULL PAYMENT: Full payment by the BUYER shall be deemed to be a full performance and a discharge of every agreement and obligation on the part of the CITY contained, expressed or implied herein.
14. EFFECT OF WARRANTIES AND REPRESENTATIONS: The BUYER acknowledges that the CITY has not influenced the BUYER to enter into this transaction and that the BUYER has not relied on any oral or written warranties or representations of the CITY not specifically included in this Agreement or incorporated by reference in writing herein.
15. BUYER'S DEFAULT; DAMAGES: If the BUYER shall fail to fulfill the BUYER'S obligations, representations or warranties herein prior to taking title to the premises, then, the deposit of Eight Thousand Two Hundred (\$8,200.00) Dollars shall be forfeited to the CITY as its sole and exclusive legal and equitable remedy and this Agreement shall be terminated and the sale cancelled without any further recourse for either party.
16. CONSTRUCTION OF AGREEMENT: This instrument and incorporated documents are to be construed as a Massachusetts contract, are to take effect as a sealed instrument, are to set forth the entire contract between the parties, are binding upon and inure to the benefit of the parties hereto and their respective nominees, successors and assigns. If two or more persons are named herein as the BUYER, their obligations shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this Agreement or to be used in determining the intent of the parties to it.
17. SEVERABILITY: If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be held invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement or the application of such term and provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.
18. DEVELOPMENT REQUIREMENTS: BUYER agrees:
 - a. to develop and use the premises in accordance with its proposal received by the CITY on April 24, 2020, attached hereto and incorporated herein as Exhibit "A" and in accordance with terms and conditions of the CITY'S Request for Proposals entitled "RFP 20-06 - Sale of Former Police Station 158 Bedford Street (the "RFP"); and
 - b. to conform to existing zoning restrictions of the CITY for said Property within deadlines set forth in Exhibit "C" as evidenced by the issuance of a Certificate of Occupancy by the Inspectional Services Department of the City of Fall River.

The BUYER'S Proposal and Price Proposal are hereby incorporated into this Agreement, as Exhibits "A" and "B" respectively, and constitute a part hereof, as if they were fully set forth herein. The requirements of this Paragraph including those set forth at Exhibits "A" and "B", and the rights as set forth in Paragraph 26, shall survive the delivery of the Deed and shall be incorporated into the Deed for the premises.

In the event that the BUYER fails to complete any work specified in its proposal within the time period specified in the Redevelopment Deadlines as set forth in Exhibit "C", or satisfy any of the Redevelopment Deadlines attached hereto, and incorporated as Exhibit "C", then after thirty (30) days' notice, the Property shall revert to the CITY under its right of entry detailed below at Paragraphs 26 and 27 and the Performance Bond described in said Exhibit "C" shall be paid to the CITY.

In the event that the BUYER has commenced, but not fully completed any work or satisfied any term within the time period specified in its proposal, then the CITY may grant an extension, so long as it is satisfied with the BUYER's progress towards completion. The CITY shall be entitled to remedies for any violation to include: specific performance, money damages, and voiding of contracts, transfer etc. by an action in equity. These detailed covenants shall run with the land and be incorporated in further detail into the Deed of the Property.

19. ASSIGNMENT: The BUYER may not assign any of the BUYER'S rights under this Agreement without the express prior consent of the CITY, as the basis of the award of this agreement is deemed to be the personal representation of the BUYER as made to the CITY in the selection process for the Property.

20. HOLD HARMLESS: The BUYER agrees to hold the City of Fall River harmless from any liability of any nature whatsoever arising out of BUYER'S use and occupancy of the Property. Upon delivery of the Deed, the BUYER agrees to assume exclusive control of the Property, and all tort liabilities incidental to the control thereof, and to defend, indemnify, and save the CITY harmless from all injury, loss, claim or damage to or of any person or Property occasioned by an omission, neglect, fault or other misconduct of the BUYER.

The CITY acknowledges that certain environmental reports have been completed and presented to the CITY which indicate that the PROPERTY may have certain levels of contamination that would cause the property to be deemed a "Brownfields" as the term is defined in federal and state laws and regulations. The CITY also acknowledges that the BUYER'S obligations hereunder are contingent upon the BUYER receiving Prospective Purchaser Status.

21. NOTICES: All notices to be provided under this Agreement shall be in writing, and shall be deemed given when deposited with the U.S. Mail by certified or registered mail, return receipt requested, or when delivered in hand and acknowledged by the recipient,

in the case of the CITY, to:

The City of Fall River
Treasurer's Office
One Government Center,
Fall River, MA 02721

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in case of BUYER, to the address first set forth above in Paragraph 2 with a copy to:

David E. O'Neil, Esq.
Silverstein & O'Neil, LLP
391 Broadway, Suite 300
Everett, MA 02149
Tel: 617-387-1818
Fax: 617-387-7381
e-mail: oneildave@silversteinoneil.com

and in case of any other party to such person or address as may be specified by written notice to the other parties as provided herein.

22. SURVIVAL: All warranties and representations made by the BUYER to the CITY herein shall continue from the execution of the Purchase and Sale Agreement and shall survive the delivery of the Deed.
23. COUNTERPARTS: This Agreement may be executed in counterparts. All such counterparts shall be deemed to be originals and together shall constitute but one and the same instrument.
24. NON RECORDING: Both parties agree that this Agreement shall not be executed in recordable form nor shall it be offered for recording at any time. If this Agreement is recorded then it will have the effect of canceling this Agreement in its entirety.
25. TRANSFER: The BUYER may not assign, license, sublet, sell, lease or otherwise transfer all or any portion of the Property for a period of four (4) years from the date of the recording of the Deed to the Property without the CITY'S prior written approval. Except for mortgages to any institutional, public or private sector, or quasi-public mortgage lender(s) providing financing for the purchase, development, and construction of the Project, which shall not require CITY'S prior approval, any mortgages or other encumbrances shall be subject to the prior written approval of CITY during this four (4) year term, which approval may be withheld in CITY'S sole and absolute discretion. Except as expressly provided herein, neither BUYER nor its successors and assigns shall (i) assign, transfer, license, permit, contract or otherwise transfer the Property or estate hereby granted, (ii) lease the Property or any part thereof or allow the same to be used or occupied by others, or (iii) mortgage, pledge, license, or encumber the Property or any part thereof in any manner by reason of any act or omission on the part of BUYER without, in each instance, obtaining the prior written consent of CITY, which approval may be withheld in CITY's sole and absolute discretion.

This prohibition includes any leasing or assignment which would otherwise occur by operation of law, merger, consolidation, reorganization, transfer, takeover or other change of BUYER's proprietary structure, or an assignment or leasing to or by a receiver or trustee in any Federal or state bankruptcy, insolvency, or other proceedings. For purposes of this Section:

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- (a) the transfer of a majority of the total interest in Wethersfield, LLC, which results in a change of control, however accomplished, whether in a single transaction or in a series of related or unrelated transactions, shall be deemed an assignment of the Property;
- (b) a takeover agreement shall be deemed a transfer of this Property;
- (c) any person or legal representative of BUYER, to whom BUYER'S interest under this Agreement passes by operation of law, or otherwise, shall be bound by the provisions of this Paragraph;
- (d) any dissolution, sale or other transfer of substantially all of the assets of BUYER shall be deemed an assignment of this Property.

As used herein, the term "control" shall mean the power and ability to direct the management and affairs of the corporation or partnership involved. Consent by CITY to any assignment or leasing shall not constitute a waiver of the requirement for such consent to any subsequent assignment or leasing. This restriction shall survive the delivery of the Deed and be a covenant running with the land for a period of four (4) years from the date of the recording of the Deed to the Property. Notwithstanding any contrary provision contained herein, the CITY acknowledges that BUYER may be securing funds, including, without limitation, obtaining institutional, governmental, private, public, and quasi-public loans and raising equity through the sale of state and/or federal tax credits to finance the Project, and the CITY further agrees that BUYER shall not be required to obtain the CITY'S approval for such debt and equity financing or any transfers or leases relating to the Project and/or the granting of any security interests and/or membership interests incidental thereto.

26. RIGHT OF ENTRY: The BUYER for itself, and its successors and assigns, agrees that deed restrictions, covenants and agreements shall be covenants running with the land, and that they shall, in any event, and without regard to technical classification or designation, legal or otherwise, be to the fullest extent permitted by law and equity, binding for the benefit and in favor, and enforceable by, the CITY, its successors, and assigns, against the BUYER, and its successors and assigns to or of the Property or any part thereof or any interest therein and any party in possession or occupancy of the Property or any part thereof. The BUYER, for itself, its successors and assigns, further covenants and agrees that the said covenants running with the land shall be in effect forever, or for the maximum duration of time permitted by law or as specifically permitted herein, but in no event longer than thirty (30) years. The BUYER, for itself, its successors and assigns, further covenants and agrees that all the said covenants running with the land shall be enforceable for said period of time without regard to whether the BUYER is or remains a seller of any land or interest therein to which said covenants relate.

27. SUBORDINATION, ETC. OF RIGHT OF ENTRY

- a) If the BUYER, or any of BUYER'S successors or assigns in the ownership of the Property, shall default or violate any of the conditions or covenants set forth in the Deed to the Property, and such default shall not be cured within ninety (90) days after notice in writing, the CITY, after expiration of the cure period, shall have a right of entry for condition broken, which shall be set forth in the deed and shall survive the execution and acceptance of the

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deed, except that this cure period shall be reduced to ten (10) days for default or violation of Paragraph 25, for which no prior notice shall be required. CITY acknowledges that it will accept a cure of any default hereunder by any registered mortgagee. In the event that, by virtue of the nature thereof, such default requires more than ninety (90) days to cure, with the CITY'S approval, not to be unreasonably withheld, conditioned or delayed, the BUYER and any mortgagees registered with the CITY shall have an additional sixty (60) days to effect such cure and, with the CITY's reasonable approval, such additional time as thereafter may be necessary to effect such cure. In the event of a condition or covenant broken with respect to which CITY has elected to exercise its right of entry that has not been cured as provided herein or with respect to which CITY is not forbearing as provided herein, CITY shall execute and record a Right of Entry Statement in writing, duly sworn to, containing: (1) a description of the property; (2) the nature of the right of entry; (3) the reasons for the exercise of such right; (4) the recording information relative to the deed or other instrument collating such right of entry; and (5) the name and address of the owner(s) of the fee to which the right of entry is subject. This statement shall be recorded with the Bristol County (Fall River District) Registry of Deeds, and Land Court Department thereof, if applicable. Upon the recording of a right of entry statement, the estate hereby conveyed shall be forfeited and the title to said estate shall revert to and vest in the said CITY or its successors or assigns, subject to the following paragraph. CITY'S reserved right of entry for condition or covenant broken shall be applicable and remain in force and effect for four (4) years following the date of recording of the Deed to the Property; if not exercised prior to the expiration of such four (4) year period, said right of entry shall automatically lapse and become void and of no further force and effect. The recording of a Certificate of Compliance, executed by the Mayor of the City of Fall River shall be conclusive evidence that all of the conditions subsequent, and provisions of the Purchase and Sale Agreement have been fulfilled and that the CITY no longer retains a right of entry for conditions broken. This provision shall specifically survive the Closing on the property.

- b) Notwithstanding any provision in this Deed to the contrary, CITY agrees that if a condition or covenant is broken that would entitle CITY to exercise its right of entry, CITY shall not exercise such right until it has first given notice of such condition broken to all registered mortgagees (the "City Condition Broken Exercise Notice") and has extended to such registered mortgagees the opportunity to exercise their respective rights and remedies under their respective mortgages to foreclose, possesses or otherwise assume control of the Property in order to transfer ownership of the Property to a third party which, in the judgment of such registered mortgagee, has sufficient experience and adequate capacity to develop the Project as provided herein diligently; said registered mortgagee agrees, in such case, not to transfer the Property to any third party as to whom the CITY has any reasonable objection. For any registered mortgagee to exercise such opportunity to transfer the Property to a third party as aforesaid, such mortgagee shall so notify the CITY in writing within forty-five (45) days after receipt of a City Condition Broken Exercise Notice (a "Lender/Investor Developer Replacement Notice"). If any registered mortgagee delivers a Lender/Investor Developer Replacement Notice within such forty-five (45) day period, the CITY shall forbear from exercising its right of entry for condition or covenant broken for a period of nine (9) months, during which period such registered mortgagee shall diligently proceed to exercise its rights and remedies and to transfer the Property to a qualified transferee reasonably acceptable to

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CITY as described above that shall thereupon proceed to develop the Project as expeditiously as possible; and in such case, the CITY also agrees to toll and extend the Development Schedule for the Project by the period of time reasonably estimated by such transferee to be required to substantially complete the Project, and the period of time during which CITY'S reserved right of entry for condition or covenant broken shall similarly be tolled and extended by the same amount of time.

- c) In the event that such registered mortgagee is unable to so transfer the Property within said nine (9) month period, with the CITY'S reasonable approval, such registered mortgagee shall have an additional three (3) month period to effect such transfer and, with the CITY'S reasonable approval, a successive additional period of time, not to exceed three (3) months, as thereafter may be necessary to effect such transfer. Upon its approval of any extension, CITY agrees to forbear from exercising its right of entry for condition or covenant broken and to toll and extend the Development Schedule for the Project for any additional three (3) month period.
- d) If no mortgagee gives CITY a Lender/Investor Developer Replacement Notice within said forty-five (45) day period, then the CITY shall thereafter be entitled to exercise its right of entry for condition or covenant broken subject to Paragraph 28 below.

28. MORTGAGEE PROTECTION: Any breach of a covenant or the existence of a condition subsequent which would result in the exercise by CITY of its right of entry for condition or covenant broken shall always be subject to and limited by, and shall not defeat, render invalid, or limit in any way, (i) the lien of any mortgage to which the Property is subject, that the CITY has approved or that is permitted hereunder without the CITY'S approval, for financing or refinancing the Property's acquisition or development, and (ii) any rights or interests provided in such mortgages for the protection of the holders of such mortgages; and (iii) any rights or interests of leasehold tenants. Said right of entry shall not apply to individual parts or parcels of the property herein conveyed on which the improvements to be constructed thereon have been completed in accordance with BUYER's covenants and for which a Certificate of Completion has been issued therefore by CITY. Upon the vesting in CITY of title to the premises herein conveyed or any part thereof as a result of CITY'S exercise of its right of entry, CITY shall, pursuant to its responsibilities under state law, use its best efforts to resell the premises or part thereof (subject to such mortgage liens and leasehold interests permitted herein) as soon and in such manner as CITY shall find feasible and consistent with the objectives of such law to a successor BUYER, who will assume the obligation of making or completing the improvements or such other improvements in the original BUYER's stead as shall be satisfactory to CITY and in accordance with the uses specified for the Property.

29. NON-DISCRIMINATION IN EMPLOYMENT: The BUYER, for itself, its successors and assigns, agrees that in the construction of the improvements in accordance with the provisions of this Agreement:

- a) The BUYER will not discriminate against any employee or applicant for employment because of race, color, sex, religion or national origin. The BUYER will take affirmative action to ensure that applicants are employed, and

that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The BUYER agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the CITY setting forth the provisions of this non-discrimination clause.

- b) The BUYER will, in all solicitations or advertisements for employees placed by or on behalf of the BUYER, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

30. BUYER'S ACCESS TO PROPERTY PRIOR TO TRANSFER: The CITY shall permit BUYER reasonable access to the property prior to transfer for the purpose of appraisals, inspections, measurements testing, and/or preliminary site work. BUYER shall, at its expense, restore any land disturbances or otherwise provide full remediation for BUYER's activities in the event BUYER fails to take title to the property, BUYER waives in advance all claims for injury or damages and agrees to indemnify and hold CITY harmless from and against all liability, damage or expense arising from any activity of BUYER or its agents, consultants or contractors.

- a) The BUYER, its subcontractors, agents or contractors shall provide the CITY with proof of General Liability Insurance for bodily injury and property damage in the amount of (\$1,000,000/\$2,000,000) combined limits and shall provide the CITY with a certificate of insurance naming the CITY as an "additional insured" on their general liability policy. Evidence of all insurance coverage shall be furnished to the CITY prior to any access for the purposes of this Paragraph 30.
- b) Any disputes arising pursuant to this Paragraph 30 of this Agreement shall be resolved, if feasible, by good faith consultation between the Parties and their authorized agents.
- c) The CITY, by this written Agreement, has granted to the BUYER certain rights of access pursuant to the conditions set forth herein and the CITY hereby releases the BUYER from any and all claims alleging invalid access, when said access was made pursuant to and in accordance with this Agreement.
- d) Except as otherwise provided herein, the CITY hereby reserves and does not in any manner waive any rights or causes of action against the BUYER or any other party.

31. CITY 'S OFFICIALS AND OFFICERS BARRED FROM INTEREST

- a) No member, official or employee of the CITY shall have any personal interest, direct or indirect, in this Agreement or the BUYER, nor shall any such member, official or employee participate in any decision relating to this Agreement

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which affects his personal interest or the interests of any corporation, partnership, or association in which he is, directly or indirectly, interested. No member, official or employee of the CITY shall be personally liable to the BUYER or any successor in interest in the event of any default or breach by the CITY or for any amount which may become due to the BUYER or to its successors or on any obligations under the terms of this Agreement.

b) Deleted

c) The BUYER covenants that it has not employed or retained any company or person (other than full-time, bona fide employee working for the BUYER, or legal counsel) to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person any percentage, or brokerage fee, contingent upon or resulting from the execution of this Agreement.

32. REAL ESTATE TAXES: In the event the parcel is determined in the next ten (10) years after the date of execution of this Agreement to be a property which is exempt from the assessment of real estate taxes, the BUYER, for itself and its successors and assigns, agrees to make a payment in lieu of taxes to be paid at the same rate as determined by Chapter 44, Section 63A. BUYER shall at the time of closing execute an "Agreement to Make Payment in Lieu of Taxes," a copy of which is attached hereto as Exhibit "D". The provisions of this Paragraph shall become a covenant and shall survive the delivery of the Deed.

33. CONTINGENCY: This Agreement is subject to the right of the BUYER, at its own expense, obtaining a letter from a Licensed Site Professional evidencing that said Licensed Site Professional has completed an inquiry and evaluation of the Property that would satisfy the All Appropriate Inquiry requirements of the US Environmental Protection Agency and the Massachusetts Department of Environmental Protection relative to prospective purchasers within ninety (90) days after the last party to this Agreement has executed the same, and which ninety (90) day period it is agreed expires on said 90th day, unless an extension of said date is reasonably requested by the BUYER and approved by the SELLER, in writing prior to said 90th day. The BUYER agrees to timely file any and all documentation required, in a commercially reasonable manner, and provide the SELLER copies of such documentation, upon request. If the BUYER is not able to obtain such Status, the BUYER, at its election, upon written notice to the SELLER, may terminate this Agreement, with the BUYER being entitled to a return of its deposit. It is agreed that the ninety (90) day period granted to the BUYER shall expire on October 30, 2020 at 3:00 P.M., unless otherwise extended in writing by the parties.

34. FORCE MAJEURE: It is agreed between the parties that neither party shall be held liable or responsible to the other party, nor shall it be deemed to have defaulted under or breached this Purchase and Sale Agreement or any document or agreement incorporated herein or related to this agreement in any way, for any failure of or delay in fulfilling or performing its obligations thereunder, when and to the extent such failure or delay is the result of any of the following force majeure events impacting Buyer or Seller, or their agents ("Force Majeure Events"): (a) acts of God; (b) flood, fire, earthquake, hurricane, tornado, volcanic eruption,

tsunami, landslide, explosion, epidemic, or pandemic; (c) war, invasion, hostilities (whether war is declared or not), terrorist threats or acts, riot or other civil unrest; (d) quarantine, embargo, blockade, or any other action or order by a governmental authority, including change of laws or regulations, declaration of a state of emergency, government travel restrictions, or mandated closure or requisition of facilities or services; and (e) similar events beyond the reasonable control of the impacted party that are not reasonably foreseeable. The impacted party will (i) give the other party notice of the disruption caused by the Force Majeure Event as soon as is practicable after the impacted party knows or has reason to know that the Force Majeure Event will cause a disruption, (ii) use reasonable efforts to end the failure or delay and ensure the effects of such Force Majeure Event are minimized, and (iii) resume the performance of its obligations as soon as reasonably practicable after the removal of the cause of the disruption. Notwithstanding the foregoing, both parties agree to automatically extend the date of performance of any obligation for a period of up to one-hundred twenty (120) days until the removal of the cause of the disruption. If at the expiration of the extended time the impacted party's performance remains disrupted or its failure or delay remains uncured due to a Force Majeure Event, either party may terminate the Agreement, whereupon any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.

35. ZONING, PERMITTING, HISTORICAL COMMISSION: CITY agrees to reasonably support the BUYER's applications for approvals of the Historical Commission and other municipal boards and commissions, provided said support is appropriate and does not create a conflict of interest, and is at no cost to the CITY .

SIGNATURE PAGES FOLLOW

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EXECUTED as a sealed instrument on the date and year first set forth above.

BUYER:
Wethersfield, LLC

By: Marc Leder owner
Marc Lederman,
Manager and Authorized Signatory

SELLER:
City of Fall River

By: _____
Paul Coogan
Mayor

Approved as to form & manner of execution:

By: _____
Alan Rumsey, Esq.
Corporation Counsel

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EXHIBIT "A"
DEVELOPMENT PROPOSAL

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Wethersfield, LLC
29 Fremont Ave.
Chelsea, MA 02150
617-889-2079

Wethersfield, LLC is interested in the property for sale located at 158 Bedford St. Fall River, MA 02722.
Marc Lederman is the manager of the company and is the main contact. His cell phone is 617-719-9111.

We are interested in purchasing this property and convert it into 30 market rate residential rental units.

We have extensive experience in the purchase, rehabilitation/ remodeling both modern and historic properties. Not only do we own and maintain rental properties in the Boston area, we also own and operate our own site development and construction company, Lederman Engineering, Inc. We own and operate our heavy equipment and site development operations. We also are licensed draftlayers, who install water, sewer, and fire line service all over the metro area. We are excavators, as well as design/builders with many years of experience in the field.

We are interested in this property, because we feel that it is a good opportunity to provide modern, market rate rentals in the neighborhood.

RECEIVED
APR 24 2020
PURCHASING DEPARTMENT

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Bidder's background and qualifications.

The Wethersfield, LLC development team consists of:

Marc Lederman, owner of Lederman Engineering Inc. and dba Lederman Engineering for over 25 years. He is a mechanical engineer and has been in the construction field as a licensed hydraulic equipment operator, licensed drainlayer, and excavator. He has supervised and successfully completed many projects and sites for municipal projects, large corporations as well as private homeowners.

Lederman Engineering, Inc. is also responsible for managing, and maintaining, commercial properties for Stanhope Garage Inc. with parking lots and garages all around the City of Boston. We also manage multi-unit buildings in Somerville and Brookline, MA

Richard Lederman has over 60 years of experience in carpentry, home improvement and maintenance. He has been a licensed Construction Supervisor and Home Improvement contractor who has completed many successful projects over the years. He is currently a property owner and manager for rental properties in Revere, Medford, Dorchester and Chelsea MA.

The property management entity is Wethersfield LLC. We have been incorporated since 2010, EIN 27-399-2327. We currently own and manage properties in Chelsea, Rowley, North Attleboro and Revere MA.

Wethersfield, LLC has successfully purchased and completely renovated properties that were former libraries, as well as uninhabitable buildings that from start to finish. We maintain and rent these properties.

Sarra Lederman is the project manager. She has over 15 year of experience as an apprentice in construction and home improvement, and over 25 years of experience in construction company management and operations. She is a licensed unrestricted construction supervisor and licensed home improvement contractor in MA.

Responsibilities include coordinating and supervising labor and staff. Maintaining safe, secure, and healthy work environment., manage sub-contractors, estimating, scheduling and coordinating projects, obtaining permitting, purchasing materials.

We would like to develop the property into approximately thirty (30) 2 bedroom units, with loft style top floors. The units will be modern, with central HVAC, laundry facilities, elevator, and indoor parking in the garage area. Our plan is to obtain proper permits and secure the site for OSHA, and safe working environment. Once we determine the scope of remediation necessary, we plan to begin demolition and exploration of the exact situation we are dealing with. Our intention is to progress as quickly and safely as possible in keeping with the timelines and benchmarks that are stated in the RFP.

We have extensive experience with Brownfield restoration and redevelopment. My company Lederman Engineering, Inc. is a site development business, doing, excavation, and site remediation. We have done environmental clean up and remediation of sites with Action Environmental, ABC Soils, and LSP oversight. We have successfully completed oil tank removal and site clean up in Somerville, recently. We have done environmental clean up and site remediation at the Charlestown Fire House site, Engine 50 in Boston, MA. We have also completed projects in Brighton.

Specific site information for Brownfield projects completed.

1. Medford MWRA: Exchange Ave. And Fulbright St. Medford MA. September/October 2018
ABC Soils, Inc.
111 Boston Post Rd. Suite 211
Sudbury, MA 01776
2. City of Boston Fire Station, Engine 50
34 Winthrop St. Charlestown, MA
WCI Corp. attn: Brian Silvernail
PO Box 300187
Boston, MA 02130
bsilvernail@wci-corp.com
3. Action Environmental
17 Green Street
Waltham MA 02451
Clean up and remediation of site in Stoughton MA.
4. Fuel tank removal and remediation of contaminated soil.
765 Somerville Ave. Somerville, MA
Nanstan Realty, LLC
1124 Mass Ave. Cambridge, MA

REFERENCE LIST

Charles Silbert (Residential)
17 Orchard Rd.
Acton, MA 01720

Phone: 617-699-3647

Description of Work: Numerous projects involving site work, installing water and sewer service at residential properties including: 15 Circuit Rd., Brookline MA, 23 Circuit Rd., Brookline MA, 243 Middlesex Rd. Chestnut Hill, MA, 833 Newton St., Brookline, MA..

Jorge Arroyo (Residential)
50 Edgehill Rd.
Brookline, MA

Phone: 617-650-4324

Description of Work: Excavating, and Water and Sewer service installation.

Mark Anthony Construction, Inc.
16 Virginia St.
Boston, MA 02125

Contact: Mark Anthony
Phone: 617-650-4324

Description of Work: Excavation and water and sewer service installation at various sites.

Methuen Housing Authority
24 Mystic St.
Methuen, MA

Contact: Ken Martin or Michelle
Phone: 978-682-8607 x 15

Description of Work: Replacement of underground pipe system for Methuen Housing Project 75 Edgewood Ave., Methuen, MA.

City of Boston
Department of Neighborhood Development
26 Court St., 9th Floor
Boston, MA

Contact: Fouad Hamzeh
Phone: 617-635-0107
Fax: 617-635-0282

Description of Work: General contractors and excavating, fence work throughout Boston. Working for city of Boston for last 6 years and presently ongoing. Farragut School playground, Completed 2005. Renovated and built new playground structure and school yard grounds in Jamaica Plain.

City of Chelsea
City Hall
500 Broadway
Chelsea, MA 02150

Contact: Ned Keefe or Joan Lanzillo
Phone: 617-889-8230
Fax: 617-889-8357

Description of Work: Bellingham Hill Park. Built park including fencing landscaping and planting. Completed in 1999. Stebbins Fountain historic restoration, 2001. Installation of recirculating pumping station including all plumbing, drain work, electrical etc... Voke Park playground spray park, 2003. Clepiela Park Restoration. Completed 2006. Construction of park, grading, landscape planting and maintenance.

Commonwealth of Massachusetts
Public Access Board
1420 Soldiers Field Road
Brighton, MA

Contact: Doug Cameron
Phone: 617-727-1843
Fax: 617-727-7214

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Description of Work: Several contracts: fence work, parking lots and boat ramps. Several projects ranging from 1999-2002.

City of Cambridge
Historical Commission
831 Mass Ave.
Cambridge, MA

Contact: Charles Sullivan
Phone: 617-349-4684 direct
Main Phone: 617-349-4683
Fax: 617-889-8357

Description of Work: Received commendation for historic fence work restoration at 307 Harvard St., Cambridge, MA.
Property owner: Professor Watson. Preservation Award 2002

Stanhope Garage
76 Seattle St.
Brighton, MA

Contact: Sy Gottlieb
Phone: 617-262-0691

Description of Work:
Building of parking lots, infrastructure improvements as well as general maintenance and repairs.

City of Boston
Park and Recreation Department
Boston, MA

Contact: Kelly Thomas
Telephone: 617-961-3034
Fax: 617-635-3173

Description of Work: Dorchester North Burying Ground historical mausoleum restoration, and gate work on historical sites. Dorchester South Burying Ground historic fence restoration and masonry repairs, 2003.

City of Revere
Dept. of Public Works

Contact: Paul Argenzlo
Telephone: 781-286-8149

Description of Work: Tennis Court Refurbishing

Action Environmental
17 Green St.
Waltham, MA 02451

Contact: Ben Marshall
Telephone: 781-899-3618
or Marcia Berger
Telephone: 781-893-9922

Description of Work: Site remediation, environmental clean up of contaminated soils.

Schiff Architectural
Eastern Ave.
Chelsea, MA

Contact: Jeffrey Schiff
Telephone: 617-887-0202

Description of Work: Welding, Excavating

Property management and maintenance:

55 Bernard St. Dorchester, MA 3 rental units. Owned since 1990.

84 Addison St. Chelsea, MA 3 rental units. Owned since 1995.

241 Walnut St. Chelsea, MA 3 rental units. Owned since 1993.

56 Heard St. Chelsea MS 2 rental units. Owned since 2000.

25 County Rd. Chelsea, MA 02150 3 rental units. Owned since 1994.

147 Chestnut St. Chelsea, MA 3 rental units. Owned since 2002.

17/19 Wethersfield St. Rowley, MA 2 rental units. Owned since 2010. Historic Property.

1043 Winthrop Ave. Revere Single Family Home rental. Owned since 2013.

99 Shurtleff St. Chelsea, MA 3 rental units. Owned since 2010.

722-726 Dudley St. Dorchester MA 9 rental units, 3 commercial rental units. Owned since 1982.

16 Mallard Ave. Dorchester, MA 2 rental units. Owned since 2002.

6 Nerious Ave. Revere, MA 02151. 2 rental units. Owned since 1992.

Zackmilk, LLC We own and maintain two commercial lots in Medford MA.

123 Heard St. Chelsea, LLC 3 BR home purchased, rehabbed, and sold. 2001-2003

Management and maintenance for others.

Lederman Engineering, Inc. EIN 27-038-7672. Owned by Marc Lederman, since 1995. Site development, and construction. From foundations to roofs. Excavating, drain layers, contractors for site work.

Property management for Nanstan Realty, LLC, multiple unit buildings located at 765 Somerville Ave. & 10-11 Adelaide St. Somerville, MA. Maintenance and Management of 24 rental units and property.

Property management, landscaping and maintenance for Stanhope Garage, Inc. owner of multiple (approx. 10) commercial parking lots throughout the City of Boston.

JCAM locations completed by Lederman Engineering, Inc.

Repair of damaged stones at Onachai Melrose.

Melrose Netherlands Cemetery Association Burial Ground. Grave markers repaired and reset.

Grave marker repair at Aduth Yeshurun cemetery.

Repairs to Malden Jewish Cemetery Hebrew Charitable Burial Ground.

Ohabei Shalom Cemetery East Boston grave marker repairs.

Securing marble panels in Beale Mausoleum.

Mishkan Tefillah Cemetery, West Roxbury.

Contact: Barry Ostrow, JCAM

Historic restoration at other parks and cemeteries.

1. Restoration of Wood's Mausoleum completed 2004. Dorchester North Burying Grounds, Dorchester, MA.
2. Restoration of grave markers at Dorchester South Burying Grounds, Dorchester, MA.
3. Restoration of historic walkway at King's Chapel Cemetery, Tremont St. Boston, MA.
4. Repair/restoration of historic brick walkway, and wrought Iron fence at Copp's Hill Cemetery, North End, Boston, MA.

Contact: Kelly Thomas, City of Boston Parks and Recreation Dept. 1010 Mass Ave.
Boston, MA

617-635-4505, direct 617-961-3034

5. Historic reproduction/restoration of granite and wrought Iron fencing at Hingham Center Cemetery, Hingham, MA.
Contacts: Andrea Young Hingham Historical Commission or Administrator Michael Studley
210 Centre St, Hingham, MA 781-741-1492.
6. Park renovation, Ciplela Park, Medford St. Chelsea, MA 02150. City of Chelsea.
7. Bellingham Park restoration, Bellingham Ave. Chelsea MA 20150. City of Chelsea.
8. Historic fountain repair and maintenance of Stebbin's Fountain, Broadway, Chelsea, MA.
9. Restoration of Voke Park, Washington St. Chelsea, MA.
10. Historic grave marker restoration at Salem St. Burying Grounds, Medford, MA.

Contact: Nino Susi Historic Society, (retired) cemetery supervisor.

MARC LEDERMAN

29 Fremont Ave. Chelsea, MA 02150 • 617-719-9111
ledermaneng@aol.com • www.Ledermanengineering.com

EXPERIENCE

1995 - PRESENT

OWNER/FOUNDER, LEDERMAN ENGINEERING, INC.

Lederman Engineering is an engineering company whose business is in general contracting with a focus on heavy equipment operation.

1990 - PRESENT

FOUNDER, OWNER, TREASURER, BERNARD STREET IMPROVEMENT, INC.

A growing real estate investment company established in 1990 with the primary purpose of purchasing run down real estate, renovating and providing affordable and safe housing in various communities.

1995- PRESENT

FOUNDER/OWNER, MA SEPTIC INSPECTIONS

We perform Title 5 septic system inspections, including blueprint and plan reading, transit and surveying, electronic pipe locating, analyzing and examining subsurface waste disposal systems to insure proper functioning.

1992-1996

PROPERTY SITE MANAGER, DUDLEY STREET CO-OP SOCIETY, DORCHESTER, MA

Handled budgeting and management duties. Performed maintenance and upkeep of property.

1985-1991

CONSTRUCTION, LEDERMAN CONSTRUCTION CO.

Worked with licensed contractors performing all aspects of construction including framing, stair design, walls and plastering. Installed heating, ventilation, air conditioning and supply and waste piping in residential properties. Operated heavy construction equipment.

EDUCATION

1989-1995

B.S. MECHANICAL ENGINEERING, BOSTON UNIVERSITY, BOSTON, MA

Courses include mechanics, material science, structural analysis, fluid mechanics, hydrodynamics, heat transfer, machine design, experimental procedures, electric circuit theory, control of mechanical systems, accounting, economics, computer science, real estate management, and advanced mathematics.

2003-PRESENT

CONTINUING EDUCATION, WENTWORTH INSTITUTE OF TECHNOLOGY

MASSASOIT COMMUNITY COLLEGE

Lederman Engineering**Equipment****Labor**

PC150 Excavator

CAT Front End Loader

410E Loader/Backhoe

Positrak

Bobcat Mini Excavator 334,e45

Bobcat 753

Bobcat 773

Bobcat S 150

Bobcat MT52

Takeuchi TL240

JCB micro excavator

Positrak and Bobcat Equipment

Mack 10 Wheel Truck

Lull

Positrak and Bobcat Equipment:

Blades, Buckets , forklift, hammer etc.

Trucks:

Utility Trucks with hand tools

Tri Axel

3- Six Wheel Dump Trucks

Muck truck power buggy

Mack Stone Slinger

Dumpsters

Man Lift Hoist

Compressor and air tools

Jackhammers

Underground camera pipe location equipment

Shoring boxes

Road Plates

Heavy ramps

Rock drills, Darda Rock splitters

cement mixers

Pumps

U screen Dirt screener

Runner Fee for supplies,permits etc

Site Location Service (Digsafe)

Plates

Source of funds:

We have adequate resources and funding for this project. We have successfully completed other projects involving construction loans and conversion once the certificate of occupancy is issued.

We currently have an open line of credit available to us, as well as additional private funding sources. Please find the accompanying letter of financial backing provided by Everett Bank.

Thank you,

Marc Lederman

Everett Bank

A CO-OPERATIVE BANK

419 Broadway
Everett, MA 02149
Phone (617) 387-1110
Fax (617) 381-0924

April 21, 2020

Marc Lederman
29 Freemont Avenue
Chelsea, MA 02150

Dear Mr. Lederman:

Please accept this as our letter of interest to finance your acquisition of the property located at 158 Bedford Street, Fall River, MA in accordance with Everett Co-operative Bank's lending policy. As soon as you have placed the property under agreement please forward me a copy of the P&S.

Enclosed is a commercial real estate application package. Thank you for allowing Everett Co-operative Bank the opportunity to provide this credit accommodation. If you have any questions please call me directly at (617) 387-1110.

Sincerely,



Joseph D. Keohane
Executive Vice President & Senior Loan Officer

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Attachment "C"
COMMONWEALTH OF MASSACHUSETTS
INDIVIDUAL CERTIFICATE OF TAX COMPLIANCE

Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Federal Identification
Number or SS#

[REDACTED] 2327

Company Name:

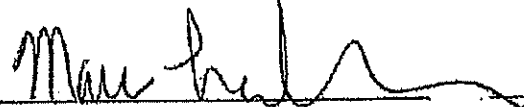
Wethersfield, LLC

Address:

29 Fremont Ave
Chelsea, MA 02150

BY:

Marc Lederman
Name of Company Officer (printed)


Signature

4/21/2020
Date

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Attachment "D"
**COMMONWEALTH OF MASSACHUSETTS CORPORATE
OR OTHER LEGAL ENTITY CERTIFICATE OF TAX COMPLIANCE**

Pursuant to the requirements of G.L. c. 62C, s. 49A, the undersigned does hereby state the following:

I, Marc Lederman, as the manager
of Wethersfield LLC, whose principal place of business is
located at 29 Fremont Ave Chelsea, MA 02150 do hereby certify
under the penalties of perjury that, to the best of my knowledge and belief, the above named
corporation/firm is in compliance with all laws of the Commonwealth relating to taxes, reporting
of employees and contractors, and withholding and remitting child support.

Federal Identification
Number:

 - 2327

Company Name:


Wethersfield, LLC

Address:

29 Fremont Ave
Chelsea, MA 02150

BY:

MARC LEDERMAN
Name of Company Officer (printed)


Signature

4/21/2020
Date

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Attachment "E"
DISCLOSURE OF BENEFICIAL INTERESTS IN REAL PROPERTY
TRANSACTION

This form contains a disclosure of the names and addresses of all persons with a direct or indirect beneficial interest in the real estate transaction described below. This form must be filed with the Massachusetts Division of Capital Asset Management, as required by M.G.L. c. 7, §40J, prior to the conveyance of or execution of a lease for the real property described below. Attach additional sheets if necessary.

For acquisition or disposition of real property by the City of Fall River, Massachusetts, the undersigned does hereby state, for the purposes of disclosure, pursuant to Massachusetts General Laws, Chapter 7, section 40J, of a transaction relating to real property, as follows:

1. Public agency involved in this transaction: City of Fall River, Massachusetts
2. Complete legal description of the property: The Land and Buildings located on the corner of Bedford and High Streets, Fall River, Massachusetts as more fully shown on shown on Fall River Assessors Map N04 as Parcel 42. For the City's title, please see Deed in Lieu of Foreclosure dated August 22, 2012 and recorded in a deed recorded at the Bristol County (Fall River District) Registry of Deeds in Book 8043, Page 187.

3. Type of transaction: ☒ Sale ☐ Lease or rental for _____ (term):

4. Seller (s) or Lessor (s): City of Fall River, Massachusetts

Purchaser(s) or Lessee(s): Wethersfield, LLC

5. Names and addresses of all persons who have or will have a direct or indirect beneficial interest in the real property described above. *Note: If a corporation has, or will have a direct or indirect beneficial interest in the real property, the names of all stockholders must also be listed except that, if the stock of the corporation is listed for sale to the general public, the name of any person holding less than ten percent of the outstanding voting shares need not be disclosed.*

Name

Address

<u>Marc Lederman</u>	<u>29 Fremont Ave Chelsea, MA 02150</u>
<u>Sarra Lederman</u>	<u>29 Fremont Ave Chelsea, MA 02150</u>
<u>Richard Lederman</u>	<u>29 Fremont Ave Chelsea, MA 02150</u>

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6. None of the persons listed in this section is an employee of the Division of Capital Asset Management or an official elected to public office in the Commonwealth of Massachusetts except as noted below:

Name	Title or Position
_____	_____
_____	_____

7. The individual(s) or organization(s) entering into this real property transaction with the public agency named in item 1 must sign this section. If this form is signed on behalf of a corporation or other legal entity, a duly authorized officer of that corporation or legal entity must sign it. The undersigned acknowledges that any changes or additions to items 3 and or 4 of this form during the term of any lease or rental will require filing a new disclosure with the Division of Capital Asset Management within thirty (30) days following the change or addition.

The undersigned swears under the pains and penalties of perjury that this form is complete and accurate in all respects.

Signature: Marc Leder

Printed Name: Marc Lederman

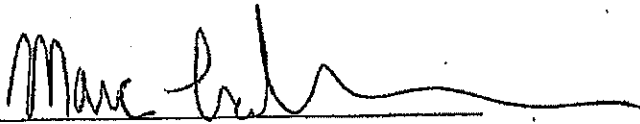
Title: Manager

Date: 4/21/2020

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Attachment "F"
CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this Proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.



Signature of individual submitting bid

Wethersfield, LLC
Name of business/organization

4/21/2020
Date

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Attachment "G"

AFFIDAVIT OF NON-CONVICTION OF CRIMES RELATED TO ARSON

I, Marc Lederman, hereby depose and say:

I, Marc Lederman manager of Wethersfield, LLC, the Purchaser/Lessee of the Property from the City of Fall River identified as 158 Bedford Street, Parcel ID# N04-0042, hereby state that neither the Purchaser/Lessee nor any person who would gain equity in the property as a result of the conveyance has ever been convicted of a crime involving the willful and malicious setting of a fire or of a crime involving the aiding, counseling or procuring of a willful and malicious setting of a fire, or of a crime involving the fraudulent filing of a claim of fire insurance.

Signed and sworn to under the pains and penalties of perjury this 21st day of April, 2020.

Marc Lederman
Signature

Marc Lederman
Printed or typed name

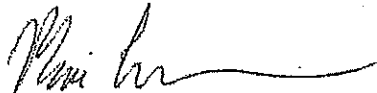
Wethersfield, LLC
Company name

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Attachment "H"
ACKNOWLEDGEMENT OF SOLICITATION REQUIREMENTS

As evidenced by the signature of the Proposer's authorized signatory below, the Proposer certifies that it has read and understands the Request for Proposal 16-4 - 158 Bedford Street, Fall River and understands the requirements of the solicitation.

The Proposer expressly acknowledges RFP Addendum #s: NONE and further expressly acknowledges that said Addendums have been read and that Proposer's Response has been made in light of the information contained in said Addendums.



Proposer's Authorized Signatory

Marc Lederman

Printed Name

4/21/2020

Date

Manager

Title

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Attachment "I"
TAX STATUS AND HISTORY DISCLOSURE*

The undersigned states that the Proposer, Wethersfield, LLC, is not delinquent in the payment of taxes on any property in the City of Fall River or is current in a pre-existing repayment agreement with the City of Fall River Treasurer's Office. The undersigned further states that the City of Fall River has never foreclosed on property owned by the Proposer.

If Proposer is Corporation, LLC or Trust:

Company Name:

Wethersfield, LLC

BY:

MARC Liederman
Name of Company Officer (printed)

Marc Liederman
Signature

4/21/2020
Date

If Proposer is an Individual or Partnership:

Signature

Proposer's Name (printed)

Date

* If Proposer is delinquent in the payment of taxes on any property in the City of Fall River, or is not current in a pre-existing repayment agreement with the City of Fall River Treasurer's Office, or the City of Fall River has foreclosed on property owned by the Proposer, state the circumstances of same below. (Attach additional sheets, if necessary.)

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Attachment "J"

HEALTH AND BUILDING CODES VIOLATIONS DISCLOSURE*

The undersigned states that the Proposer, Wethersfield, LLC, has never been cited by the City of Fall River, and has never owned any property in the City of Fall River that has been cited, for a violation of the Health Code or Building Code. I further state that the Proposer does not currently own any property in the City of Fall River on which there are outstanding Health or Building Code violations.

If Proposer is Corporation, LLC or Trust:

Company Name:

Wethersfield, LLC

BY:

Marc Lederman
Name of Company Officer (printed)

Signature

Date

4/21/2020

If Proposer is an Individual or Partnership:

Signature

Proposer's Name (printed)

Date

*If Proposer has been cited by the City of Fall River, or has owned any property in the City of Fall River that has been cited, for a violation of the Health Code or Building Code, or currently owns any property in the City of Fall River on which there are outstanding Health or Building Code violations, state the circumstances of same below. (Attach additional sheets, if necessary.)

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Attachment "K"
VOTE OF CORPORATION AUTHORIZING
EXECUTION OF CORPORATE AGREEMENTS

At a meeting of the Board of Directors of (managers) Wethersfield, LLC duly
called and held on April 21, 2020 at which a quorum was present and acting
throughout, the following vote was duly adopted.

VOTED: That Marc Lederman the Manager of the
corporation, be and hereby is authorized to affix the Corporate Seal, sign and deliver in the name
and behalf of the corporation contract documents with the City of Fall River relative to Request
For Proposals 16-4 – 158 Bedford Street, Fall River, the above mentioned documents to include
but not be limited to Bids, Proposals, and Contracts; and also to seal and execute, as above,
surety company bonds to secure bids and proposals and the performance of said contract and
payment for labor and materials, all in such form and on such terms and conditions as he/she, by
the execution thereof, shall deem proper. A true copy

ATTEST:

Sara Lederman
Name (printed)

[Signature] (Affix Corporate Seal)
Signature

manager
Title

4/21/2020
Date

SALE OF FORMER POLICE STATION 158 BEDFORD STREET

VENDOR CERTIFICATION

COMPANY NAME: Wethersfield, LLCSTREET ADDRESS: 29 FREMONT AVE.MAILING ADDRESS: 29 FREMONT AVE.CITY, STATE, ZIP CODE: CHELSEA MA, 02150COUNTY: SUFFOLKTELEPHONE: (617) 293-4689EMAIL ADDRESS: Ledermaneng@aol.comEMPLOYER OR FEDERAL ID#: [REDACTED] - 2327AUTHORIZED SIGNATURE AND TITLE: James Hill, Secretary

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Form **W-9**
(Rev. October 2007)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return) WETHERSFIELD, LLC	
Business name, if different from above	
Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶	
Address (number, street, and apt. or suite no.) 29 Fremont Ave.	Requester's name and address (optional)
City, state, and ZIP code Chelsea, MA 02150	
List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I Instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number
or
Employer identification number 2327

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person ▶	Date ▶ 4/20/2020
-----------	----------------------------	-------------------------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

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EXHIBIT "B"
PRICE PROPOSAL

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Attachment "A"

RFP # 20-06

Sale of Tax Possession
158 Bedford Street, Fall River, Massachusetts
Parcel ID# N04-0042

PRICE PROPOSAL

<u>Property</u>	<u>Suggested Minimum Bid Price</u>	<u>Proposed Purchase Price</u>
-----------------	------------------------------------	--------------------------------

158 Bedford Street
Fall River, MA
N04-0042

\$81,550.00

\$ 10,000.00

Ten Thousand and 00/100 ~~~~~ dollars.

If the Proposed Purchase Price is less than the Suggested Minimum Bid Price of \$81,550.00, then this Price Proposal must be accompanied by a written detailed explanation by the bidder as to how the current condition of the Property adversely affects the minimum suggested bid and why the amount proposed by the bidder is reasonable in light of said conditions. Unless accompanied by such written explanation, a Price Proposal containing a Proposed Purchase Price of less than \$81,550.00 will be deemed non-responsive.

Name:

Wethersfield, LLC

Address:

29 Fremont Ave.

Chelsea, MA 02150

e-mail:

Ledermaneng@aol.com

Tel#:

617-719-9111

By:

Mark Lederman Manager

Signature/Title

Mark Lederman

The current condition of the property adversely affects the minimum suggested bid. Our price to purchase the property is \$10,000 (Ten Thousand and 00/100 Dollars).

Due to the condition of the building, the only asset is the shell. We plan to maintain the historic façade, and historically accurate windows. These may be custom a quite a bit more expensive than modern replacements.

In today's market it is difficult to do business without off street parking. We will have to create additional parking in the garage area. Due to the uncertain times, we do not see a big need for the use of the ground floor as businesses. Although a childcare or similar facility could be on the ground level, there is no yard space on the property, and the parks are not in close enough walking distance for young children.

The building requires a complete gutting and rehabilitation. We would also need to install an elevator for access to the upper floors. We are offering a below value price because the site is contaminated, and will need remediation, and that is only the scope of what we do know. There is to remediate and to dispose of properly. Asbestos, mold, lead on floors, gun range, roofing, all must be mitigated. There is also rot from leaks found in the roof area and the extent of damage is unknown. We will have to do a complete gut is time until interior demolition is started. The project will be expensive and challenging in scope due to these conditions.

We are familiar with the City of Fall River. We completed a contract with the city of Fall River to install tree grates, and landscaping improvement throughout the city. We work extensively with McPhail Geo, performing test pits for many development sites in the state, including exploratory excavations in Fall River. We also have completed projects for the Commonwealth of MA Dept. of Fishing and Boating Access, installing a boat ramp, as well as a dock on the Weymouth Fore River. We have included a reference list with some of the projects that our company has completed over the years, that may be relevant.

All possible funds that are mentioned in the RFP may not be available or may be devoid of funds, with the Covid-19 crisis that we are experiencing. The uncertainty of small businesses remaining in business or re-opening is questionable at this time. In keeping with the set timelines and benchmarks, we feel it is prudent and useful to create better living spaces for the inhabitants of the down town area. We hope to see the local businesses prosper, but at the current moment those predictions are difficult.

EXHIBIT "C"
REDEVELOPMENT DEADLINES

Redevelopment of the Property shall be subject to the following Redevelopment Deadlines:

- | | |
|---------------------|--|
| July 30, 2020 - | A mutually agreeable Purchase and Sales Agreement for conveyance of the Property must be executed by this date. |
| December 31, 2020 - | The conveyance of the Property must be completed on or before this date |
| December 31, 2021 - | All environmental remediation required for the redevelopment of the Property as proposed in Exhibit "A" must be completed on or before this date and all necessary permits and approvals for said proposed redevelopment of the Property must be secured by this date. All Bank Financing necessary for said proposed redevelopment must be secured and in place by this date. |
| June 1, 2022 | Construction of said proposed redevelopment must begin by this date. |
| June 1, 2023 | A Certificate of Occupancy for the Property must be obtained by this date. |

The parties hereto that time is of the essence of the foregoing Redevelopment Deadlines and that said deadlines shall not be changed or extended without prior written agreement by the parties hereto.

Performance of the proposed redevelopment pursuant to the foregoing Redevelopment Deadlines will be secured by a Performance Bond in the amount of \$25,000.00 in favor of the City of Fall River which shall be secured at the successful bidder's sole cost and expense prior to conveyance of the Property from the City of Fall River.

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EXHIBIT "D"
PAYMENT IN LIEU OF TAXES

15


AGREEMENT TO EXECUTE PAYMENT IN LIEU OF TAX AGREEMENT
WITH THE CITY OF FALL RIVER
UPON CONVEYANCE TO A TAX EXEMPT ENTITY

THIS AGREEMENT, made this _____ day of {Month} {Year} by and between Wethersfield, LLC, a Massachusetts limited liability company formed under M.G.L. Chapter 156C with an address of 29 Fremont Avenue, Chelsea, Massachusetts 02150 ("Buyer"), and the City of Fall River ("City"), a municipal corporation in the Commonwealth of Massachusetts, One Government Center, Fall River, MA 02722 with respect to the property located at 158 Bedford Street, Fall River, Massachusetts and shown on the Fall River Assessors Maps as Parcel ID# N04-0042 (the "Property"/"Project").

Buyer hereby agrees pursuant to Paragraph 32 of that certain Purchase and Sale Agreement by and between the Buyer and the City for the purchase of the Property dated {Date of P & S Agreement} that in the event the Property is determined in the next ten (10) years after the date of execution of this Agreement to be a property which is exempt from the assessment of real estate taxes, the BUYER, for itself and its successors and assigns, agrees to execute an "Agreement to Make Payment in Lieu of Taxes," in substantially the same form as attached hereto as Exhibit "D". The provisions of this Paragraph shall become a covenant and shall survive the delivery of the Deed.

EXECUTED as a sealed instrument on the date and year first set forth above.

BUYER:
Wethersfield, LLC

By: 

Marc Lederman,
Manager and Authorized Signatory

SELLER:
City of Fall River

Approved as to form & manner of
execution:

By: _____
Paul Coogan
Mayor

By: _____
Alan Rumsey, Esq.
Corporation Counsel

15

AGREEMENT TO MAKE PAYMENTS IN LIEU OF TAXES BY AND BETWEEN
{NAME OF ORGANIZATION}
AND
THE CITY OF FALL RIVER

THIS AGREEMENT, made this ____ day of {Month} {Year} by and between {Name of Organization}, a charitable corporation duly organized under Chapter 180 of the laws of the Commonwealth of Massachusetts having a usual place of business at {Address} {City}, {State} {ZipCode}, and the City of Fall River ("City"), a municipal corporation in the Commonwealth of Massachusetts, One Government Center, Fall River, MA 02722 with respect to the property located at 158 Bedford Street, Fall River, Massachusetts and shown on the Fall River Assessors Maps as Parcel ID# N04-0042 (the "Property"/"Project").

WITNESSETH THAT:

A. {Name of Organization}, while currently entitled to exemption from obligations to pay local real estate taxes on its property pursuant to Massachusetts General Laws Chapter 59, § 5, Clause {Clause #}, recognizes that its operations at this Property require the City to furnish municipal services and is willing voluntarily to make certain payments to the City in the form of payment in lieu of taxes ("PILOT").

B. The Property may be exempt under the laws of the Commonwealth from local real property taxes provided that the uses remain consistent with the tax laws relative to exemption, and {Name of Organization} intends to file appropriate papers required by law to obtain and maintain such exemption.

C. {Name of Organization} and the City further acknowledge and agree that other real and personal property owned by {Name of Organization} which is now entitled to exemption from taxation shall continue to remain so entitled, subject to applicable laws relative to exemption from real property taxation; and consistent with the above, that the above referenced Property/Project which is the subject of this Agreement shall be granted exemption upon timely application for exemption and preservation of statutory rights of appeal, insofar as may be necessary, in the event of any or all the property taxed by the City in any particular fiscal year.

NOW, THEREFORE, in consideration of the municipal services to be furnished by the City and the mutual agreements herein contained, the parties hereto hereby agree as follows:

1. **PILOT Term and Payment Schedule.** Beginning in the fiscal year in which the exemption is granted (the "Effective Date"), {Name of Organization} will make an annual payment in lieu of taxes to the City for a term of {number of years, (#)}

years following such Effective Date. Each annual payment shall be due and payable in two installments with the first half due on November 1 and the second half on May 1 of each year during the term hereof in amounts and upon conditions set forth below.

2. **Base PILOT Payment Amount.** The "Base Payment," the amount due in the Effective Year, shall be {Amount} (\$Amount) Dollars.

3. **PILOT Escalation.** The payment due for each fiscal year after the first fiscal year in which payment shall be due pursuant to the terms of the Agreement shall be subject to an adjustment as provided in the Inflation Adjustment Clause attached hereto as Exhibit A.

4. **Community Service Credits.** Twenty- five percent (25%) of the total amount due in each fiscal year shall be credited, contingent upon {Name of Organization}'s documentation of community services being provided or funded for the benefit of Fall River residents during the fiscal year. Said documentation shall be submitted to the Assessing Department no later than April 1st of each fiscal year. Any amount so credited shall be credited from the May 1 installment.

5. **Property Exemption in Future Fiscal Years.** It is the intention of the City, through its Board of Assessors and Assessing Department, to recognize the Property as exempt pursuant to M.G.L. c. 59, § 5, Clause {Clause#} in future fiscal years so long as and provided that (a) exemption is warranted as a matter of ownership, use and occupancy and (b) Form 3 ABC is timely filed with the Assessing Department for each fiscal year.

6. **Property Tax Bill Issuance.** In the event a real estate bill is issued for the Property, it is the exclusive responsibility of {Name of Organization} to do all things necessary to preserve the jurisdiction of the City's Board of Assessors to grant abatement relief on the basis of exemption, overvaluation, misclassification, and/or disproportion including timely filing of application(s) for abatement, supporting documentation and appeal(s) to the Appellate Tax Board, as may be necessary, and timely payment of the deemed tax due as defined in M.G.L. c. 59, § 64.

7. **Commercial Operation or Use.** Pursuant to applicable law, the City may assess property taxes to {Name of Organization} based upon commercial operation or uses of the Property.

8. **Change in Exemption Law(s).** If, during the term of this Agreement, there is a change in the laws applicable to exemptions from real property tax that affects the exempt square footage within the Property, then the PILOT payment shall be reduced by the percentage by which the commercial square footage exceeds 20% of the Property's total square footage (example: if a change in exemption laws results in 30% of the Property's total square footage being assessed as commercial and thus taxable space, then the PILOT payment will be reduced by 10%).

9. **State Reimbursement.** If the Commonwealth of Massachusetts hereafter reimburses the City for property taxes lost as a result of exemptions and said reimbursement is based in part on valuation of property held by {Name of Organization} which is subject of this Agreement, there shall be a reduction of the amounts payable thereafter under this Agreement. Such reduction shall be in an amount equal to the percentage which the valuation of the Property under this Agreement constitutes of the valuation of all exempt buildings on which the reimbursement is based. Such reduction shall be credited against the payment due under this Agreement in each fiscal year in which the City receives the state reimbursement.

10. **Collection of PILOT Payments.** If the amount due as the May 1 payment pursuant to this Agreement is not received by the City within ten (10) days of said May 1, then the City may issue an Omitted Real Estate Tax Bill for the total unpaid balance of the total PILOT Payment that was due for the fiscal year pursuant to M.G.L. Chapter 59, § 75.

11. **Enforcement.** The provisions of this Agreement shall be binding and inure to the benefit of the parties hereto and their respective legal representatives, successors in office or interests, and assigns and may be amended only by an agreement in writing duly executed by both parties hereto or their successors.

12. **Headings.** The headings and captions of the paragraphs and sections of this Agreement are not to be considered a part of it and shall not be used to interpret, define, or limit the provisions hereof.

SIGNATURES FOLLOW ON NEXT PAGE

IN WITNESS WHEREOF, each of the parties has caused this Agreement to be executed as a sealed instrument by its officers duly authorized as of the day and year first above written.

{Name of Organization}

CITY OF FALL RIVER

 owner

{Name} wethers Field LLC
{Title}

{Name}
Mayor

{Name}
Chairman, Board of Assessors

As to Form & Manner

{Name}
Corporation Counsel

EXHIBIT A
Inflation Adjustment Clause

The payment adjustment shall be the percentage by which the tax levy for the current fiscal year was increased over the tax levy of the immediately preceding year net of new growth and overrides.

Thus, the payment due shall be adjusted annually by taking the amount payable pursuant to Section 2 of the Agreement, multiplying it by the percentage adjustment

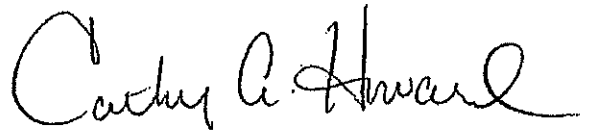
CITY OF FALL RIVER

16

To the City Council

Councillors:

The Committee on Public Works and Transportation, at a meeting held on July 28, 2020,
voted unanimously to recommend that the accompanying resolution be granted leave to withdraw.



Assistant Clerk of Committees

City of Fall River, *In City Council*

16

(Councilor Joseph D. Camara)

WHEREAS, Liberty Utilities is doing an enormous amount of road repairs in the City of Fall River, and

WHEREAS, Liberty Utilities will continue to do repairs for miles of main replacements, and

WHEREAS, no infrared repairs were completed in 2016, and

WHEREAS, there are many other issues and questions that need to be addressed by Liberty Utilities, now therefore

BE IT RESOLVED, that Liberty Utilities come before the City Council Committee on Public Works and Transportation to answer these and other questions as it pertains to their plans to bring their repairs up to code.

In City Council, May 16, 2017
Adopted.

A true copy. Attest:

Alison M. Bouchard

City Clerk

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 13 2017

*Referred to the
Committee on Public
Works and Transportation*

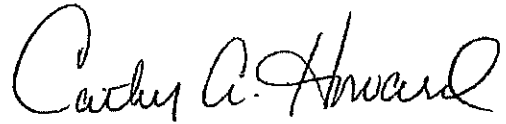
CITY OF FALL RIVER

17

To the City Council

Councillors:

The Committee on Public Works and Transportation, at a meeting held on July 28, 2020,
voted unanimously to recommend that the accompanying resolution be granted leave to withdraw.



Assistant Clerk of Committees

17
City of Fall River, In City Council

(Councilor Raymond A. Mitchell)

WHEREAS, residents of 107 and 140 Hyacinth Street and their neighbors have experienced flooding issues, and

WHEREAS, these issues cause a financial burden to these residents, now therefore

BE IT RESOLVED, that the City Council Committee on Public Works and Transportation meet with all involved and interested neighbors as well as representatives from the Administration and the Department of Community Utilities to plan for a long term solution to resolve the flooding.

In City Council, October 13, 2015
Adopted.

A true copy. Attest:

Alison M. Bouchard

City Clerk

CITY OF FALL RIVER

18

To the City Council

Councillors:

The Committee on Public Works and Transportation, at a meeting held on July 28, 2020,
voted unanimously to recommend that the accompanying resolution be granted leave to withdraw.


Assistant Clerk of Committees

Colleen Taylor

From: barbara.strollo@comcast.net
Sent: Sunday, May 18, 2014 9:45 PM
To: ctaylor@fallriverma.org
Subject: PLEASE FORWARD THIS EMAIL TO MAYOR FLANAGAN AND CITY COUNCILORS

Dear Mayor Flanagan,

My name is Barbara Strollo. I have lived at 481 Hyacinth St. since 2005. There has been a few on-going issues on my street prior to my moving here, however I did not have any knowledge of the following serious issues.

I have spoken to Terry Sullivan, Charlie Boulay and Councilor Liinda Pereira numerous times. I have also contacted Councilor Ray Mitchell today.

There is a problem with the storm drains. They cannot handle the volume of water and debris during a storm. Water backs up into the street overflowing into the neighborhood yards. There is a health issue because of the debris in the sewer (toilet paper), also the last storm we had was so severe that a vehicle stalled attempting to drive through the water.. A tow truck was called but could not rescue the vehicle. Eventually the street was closed per Police Dept. I also want to mention this is a heavy traveled road because of both schools (Diman and Silvia).

Last year my grandson had to be dropped off at the top of the street because my friend would not attempt driving through the water. This year my neighbor had an appointment but was unable to leave his driveway. If there was a real emergency we would not be able to leave our houses, also an ambulance would not be able to get through.

I have taken many pictures over the years. This as been not only a nuisance, but a serious problem. I understand some areas flood during rain storms, however we are getting the brunt of it. My yard has been destroyed because of dirty water from the street overflowing into my front yard up to the front porch. The first year we moved we paid to have our yard hydro seeded. One rain storm washed all of the loom and hydro seed into the street because the water backup up flooded the street then worked it's way to my front porch.

I have to mention this is not Stafford Square, this is a very desirable neighborhood.

Officials know this has been an on-going problem for years. Ken Pacheco lives on this street but is not affected by it, just the five housed at the bottom of the street which connects to New Boston Rd.

I also would like to mention that every school day Diman buses (13) drive down our street, take a left onto New Boston Rd which blocks traffic. This is very irritating knowing that they used to drive up Locust St. to Eastern Ave. The reason why I bring this up is because when the street is flooded, they drive through which brings the water up to my front porch and my neighbors driveways. One year I called City Hall to request the buses not drive down our street because the water was too high.

Ann O'Neil told me that Councilors voted against raising the water and sewer rates that we would need to address our concerns at the next City Councilors meeting. I feel this problem in my

neighborhood we are experiencing should not be connected with water and sewer fees. This problem has been ignored for a very long time.

My neighbors asked me to be the spokesperson regarding our concerns. We are hoping we can meet with you at your convenience because we feel we need to address these ongoing problems and hope to have our voices heard.

Thank you for your consideration.

Regards,

Barbara Strollo

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 27 2014

*Referred to the
Committee on Public
Works and Transportation*

CITY OF FALL RIVER

19

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 16, 2020, voted unanimously to recommend the accompanying proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilor Shawn E. Cadime absent and not voting.

Colleen A. Taylor
Clerk of Committees

City of Fall River, In City Council

EMERGENCY PREAMBLE

WHEREAS, the immediate passage of the accompanying proposed ordinance is deemed necessary inasmuch as it vitally affects the health and safety of the public, now therefore

BE IT RESOLVED, that said ordinance is hereby deemed an emergency measure in accordance with the provisions of Section 2-9(b) of the City Charter.

City of Fall River, *In City Council*

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 70 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to traffic be amended as follows:

By inserting in Section 70-387, which section relates to handicapped parking generally, the following:

Name of Street	Side	Location
Eastern Avenue	West	Starting at a point 79 feet south of Bedard Street, for a distance of 20 feet southerly
Mulberry Street	West	Starting at a point 138 feet north of Columbia Street, for a distance of 20 feet northerly
Thompson Street	East	Starting at a point 214 feet south of Brownell Street, for a distance of 20 feet southerly
William Street	South	Starting at a point 107 feet west of Washington Street, for a distance of 20 feet westerly

CITY OF FALL RIVER

20

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 16, 2020,
voted unanimously to recommend that the accompanying proposed ordinance be
passed through first reading, with Councilor Shawn E. Cadime absent and not voting.

Callen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 70 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to traffic be amended as follows:

By striking out in Section 70-387, which section relates to handicapped parking the following:

Name of Street	Side	Location
Third Street	East	Starting at a point 82 feet north of Spring Street, for a distance of 20 feet northerly
Amity Street	North	Starting at a point 310 feet east of Laurel Street, for a distance of 20 feet easterly
Charles Street	South	Starting at a point 66 feet west of Crawford Street, for a distance of 20 feet westerly
Chester Street	West	Starting at a point 44 feet north of Lafayette Street, for a distance of 20 feet northerly
Chester Street	West	Starting at a point 22 feet north of Reney Street, for a distance of 20 feet northerly
Cook Street	West	Starting at a point 80 feet south of Hamlet Street, for a distance of 20 feet southerly
Covel Street	East	Starting at a point 130 feet south of Bedford Street, for a distance of 20 feet southerly
Durfee Street	East	Starting at a point 311 feet north of Cedar Street, for a distance of 20 feet northerly
Durfee Street	West	Starting at a point 41 feet north of Cedar Street, for a distance of 20 feet northerly
Durfee Street	West	Starting at a point 103 feet north of Walnut Street, for a distance of 20 feet northerly
Jencks Street	West	Starting at a point 202 feet north of Pleasant Street, for a distance of 20 feet northerly
Osborn Street	North	Starting at a point 79 feet west of Whipple Street, for a distance of 20 feet westerly
Robeson Street	West	Starting at a point 224 feet north of Pine Street, for a distance of 20 feet northerly

CITY OF FALL RIVER

21

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 16, 2020,
voted unanimously to recommend that the accompanying proposed ordinance be
passed through first reading.


Clerk of Committees

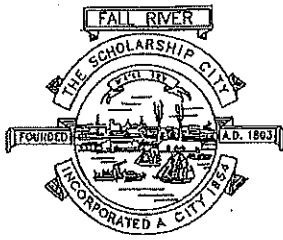
City of Fall River, *In City Council*

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 50 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Personnel be amended as follows:

By inserting in Section 50-305, which section relates to salary schedules for EMS Local 1202 AFSCME, in proper alphabetical order, the following:

		Effective					
	Grade	Date	Step 1	Step 2	Step 3	Step 4	Step 5
EMT – Basic	19BB	7-1-2020	\$1,407.00	\$1,449.00	\$1,512.00	\$1,575.00	\$1,638.00



City of Fall River
Massachusetts
Office of the Mayor

21

RECEIVED

2020 FEB -5 P 2:41

PAUL E. COOGAN
Mayor

CITY CLERK _____
FALL RIVER, MA

February 5, 2020

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

Dear Honorable Council Members:

The Emergency Medical Services department is asking to add the position of EMT-Basics to the City Ordinance Chapter 50, Personnel. This position existed in the past and was removed as it was no longer being utilized. Due to the shortage of Paramedics within the Commonwealth, EMS would like to add back the position in ordinance in the hopes that candidates would continue to pursue their education in paramedic school. Attached is the recommended pay scale and the request from the Director of EMS.

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

Best Regards,

Paul E. Coogan
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

FEB 11 2020

*Referred to the
Committee on Ordinances
and Legislation*



21

City of Fall River
Massachusetts
Fire Department Headquarters
Emergency Medical Services

PAUL E. COOGAN
Mayor

JOHN D. LYNCH
Fire Chief

TIMOTHY OLIVEIRA
EMS Director

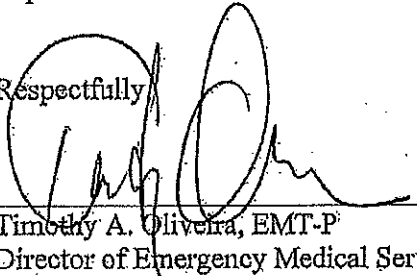
February 3, 2020

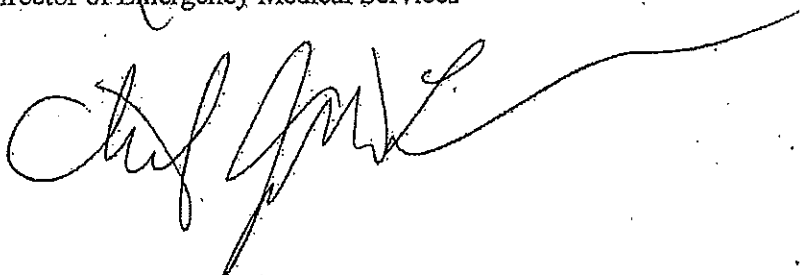
Mary Sahady, CPA, Esq.
Director of Financial Services
City of Fall River
1 Government Center
Room # 215
Fall River, MA 02722

Director Sahady,

The Fall River Fire Department / Division of Emergency Medical Services is respectfully requesting the reinstatement of the Emergency Medical Technician – Basic (EMT-B) as described within the City ordinances. The attached letter explains the rationale for this request.

Respectfully,


Timothy A. Oliveira, EMT-P
Director of Emergency Medical Services



21



**City of Fall River
Massachusetts**
Fire Department Headquarters
Emergency Medical Services

PAUL E. COOGAN
Mayor

JOHN D. LYNCH
Fire Chief

TIMOTHY OLIVEIRA
EMS Director

1/27/2020

Mary Sahady
CFO
1 Government Center
Fall River Ma. 02721

The department is looking to hire Emt -Basics due to the shortage of Paramedics within the commonwealth. The program would be with area paramedic schools to ensure the department has qualified candidates. The candidate must be enrolled in paramedic school to be considered for the position. The emt-basic would be assigned to the non-emergency transport rescue.

The city would need to approve a pay scale for this position through ordinance. The pay scale will be comparable to area municipalities and private service.

Step-1 16.75 day 17.00 night
Step-2 17.25 day 17.75 night
Step-3 18.00 day 18.50 night
Step-4 18.75 day 19.25 night
Step-5 19.50 day 19.75 night

This program will ensure recruitment for future paramedics for the city. Upon completion of their training to become paramedics the department can place them on the 911 emergency rescues. Hopefully alleviating the recruiting issues of the department.

It is important to know we are not adding positions to the budget. This would fill the two positions for the non-emergency rescue that we currently fill with paramedics. The cost savings between a paramedic's salary and overtime cost to fill these shifts do not seem fiscally responsible. I believe we can have the non-emergency program succeed with this program in place.

Respectfully,

Timothy Oliveira
Director of Ems

CITY OF FALL RIVER

27

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 16, 2020, voted 3 yeas, 2 nays to recommend that the accompanying proposed ordinances be referred to the full council for action, with Councilors Shawn E. Cadime and Pam Laliberte-Lebeau voting in the negative.

Cullen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

22

BE IT ORDAINED, by the City Council of the City of Fall River, as follows:

That Chapter 74 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to utilities, be amended as follows:

By striking out Sec. 74-353 in Appendix A-Fee Schedule, which section relates to utilities, in its entirety, and inserting in place thereof, the following:

For water billed on or after July 1, 2020, per 100 cu. ft.

\$3.43

CITY OF FALL RIVER
IN CITY COUNCIL

JUL 14 2020

*Referred to the Committee
on Ordinances and Legislation*

City of Fall River, In City Council

22

BE IT ORDAINED, by the City Council of the City of Fall River, as follows:

Section 1.

That Section 74-134 of Appendix A-Fee Schedule of the Code of the City of Fall River, Massachusetts, 2018, which Section relates to User Charges for Wastewater collection, be amended, as follows:

Sub-Section 1.

By striking out in sub-section (1) of said section, "\$5.48", and inserting in place thereof, "\$5.59", and by striking out "July 1, 2019", and inserting in place thereof, "July 1, 2020".

Sub-Section 2.

By striking out in paragraph (a) of sub-section (2) of said section, "\$5.48", and inserting in place thereof, "\$5.59", and by striking out "July 1, 2019", and inserting in place thereof, "July 1, 2020".

Sub-Section 2.

By striking out in paragraph (b) of sub-section (2) of said section, "\$2.58", and inserting in place thereof, "\$2.63", and by striking out "July 1, 2019", and inserting in place thereof, "July 1, 2020".

Sub-Section 4.

By striking out in sub-section (4) of said section, all dollar values and inserting in place thereof, the following:

\$ 184.00
\$ 357.00
\$ 536.00
\$ 713.00
\$ 891.00
\$ 1,066.00
\$ 1,243.00
\$ 1,417.00
\$ 1,594.00
\$ 1,773.00

and, by striking out in said sub-section (4) "July 1, 2019", and inserting in place thereof, "July 1, 2020".

Section 2.

That Section 74-140 of Appendix A-Fee Schedule of the Code of the City of Fall River, Massachusetts, 2018, which Section relates to Stormwater fee, be amended, as follows:

By striking out said section in its entirety, and inserting in place thereof, the following:

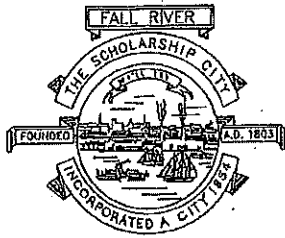
Effective July 1, 2020, the equivalent residential unit (ERU) shall be defined as 2,800 square feet of impervious area. Residential parcels (ERU) will be assessed: \$184.00 per year or \$46.00 per quarter. All other developed parcels will be assessed for each 2,800 square feet impervious area rounded to the nearest 100 square feet: \$184.00 per year or \$46.00 per quarter.

CITY OF FALL RIVER
IN CITY COUNCIL

JUL 14 2020

*Referred to the Committee
on Ordinances and Legislation*

22



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2020 JUL -8 P 1:43

PAUL E. COOGAN
Mayor

CITY CLERK _____
FALL RIVER, MA

July 8, 2020

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

RE: FY21 Rate Submission
Water and Sewer Division

Dear Members of the City Council:

Please see that attached Ordinances for the approval of the Water Rate and Sewer Rate to support the approved FY 21 Water and Sewer Budget.

Sincerely,

Paul E. Coogan
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

JUL 14 2020

*Referred to the Committee
on Ordinances and Legislation*



PAUL E. COOGAN
Mayor

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



PAUL J. FERLAND
Administrator

July 8, 2020

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

RE: FY21 Rate Submission
Water and Sewer Division

Dear Mayor Coogan:

Attached please see the Water and sewer rates that support the Budget that was Approved by you and passed by the City Council. These rates support the Revised Budget for the Water and Sewer divisions.

I would request that these rates be approved as soon as possible so that they can be effective as we have already started the FY 21 budget and any delays would have an impact to the revenues of the FY 21 budget.

Sincerely,

Paul J. Ferland EIT
Administrator of Community Utilities

1

Approved Water Budget

- *Total Budget for FY21 is \$13,615,264 which is an increase of 1.8% or \$247,290 from FY20*
- **Administrative Division** increase is \$158,250
 - Debt Service increasing \$139,855
 - All other expenses decreasing \$(198,105)
 - Transfer to stabilization fund \$100,000
- **Maintenance Division** increasing \$63,680
 - Salaries \$84,630
 - All other expenses decreasing \$(20,950)
- **Filtration Division** increasing \$25,361
 - Salaries increasing \$11,003
 - All other expenses increasing \$14,358 (\$7,000 DEP/Town Taxes)

Water Rate

- *What's the effect?*
- *\$ 3.43 per CCF*
- *\$ 0.19 Per CCF increase*
- *Effect on the Average Single Family Household*
 - *\$ 10.07 per year*
 - *\$ 2.52 Per a quarter*
 - *\$ 0.84 per a month*



Water Budget

- *How does late rate approval affect the budget?*
 - Estimated loss of revenue
 - \$105,390 For July and August billings
 - Measures to manage deficit
 - Hold Transfer of Stabilization funds Till end of Fiscal Year
 - Balance to be mitigated by open positions

Approved Sewer Budget

- *Total Budget for FY21 is \$24,376,001 which is an increase of 1.8% or \$436,160 from FY20*
- Salaries decreasing \$(36,694)
- Veolia contract increasing \$368,746
- Debt service increasing \$76,913
- All Other expenses decreasing \$(72,805)

Sewer Rate

- What's the effect?
- Sewer
 - \$ 5.59 per CCF
 - \$ 0.11 per CCF increase
- Stormwater
 - \$ 46.00 per quarter per ERU
 - \$ 2 increase per quarter per ERU
- Effect on the Average Single Family Household
 - \$ 13.83 per year
 - \$ 3.46 per a quarter
 - \$ 1.15 per a month

Sewer Budget

- *How does late rate approval affect the budget?*
- Estimated loss of revenue
- \$169,656 For July and August billings
- Measures to manage deficit
- Hold Transfer of Stabilization funds Till end of Fiscal Year
- Balance to be mitigated by open positions
- Hold on frame and cover replacements till End of Fiscal Year

In Summary

- *Total impact to residential customers per year*
- *Water* \$ 10.07
- *Sewer* \$ 13.83
- *Total per year* \$ 23.90
- *Per a month* \$ 1.99

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 16, 2020, voted unanimously to recommend that the accompanying resolution, be referred to Corporation Counsel.

Colleen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

(Councilor Linda M. Pereira)

WHEREAS, Section 2-10 of the City Charter: City Council confirmation of certain appointments, states, "The mayor shall refer to the city council and simultaneously file with the city clerk, the name of each person the mayor desires to appoint as a city officer, department head or as a member of a multiple-member body. Appointments made by the mayor shall become effective on the forty-fifth day after the date on which notice of the proposed appointment was filed with the city clerk unless approved or rejected by the city council within the 45 days. All individuals appointed to a multiple-member body shall be residents of the city. If an appointed individual removes from the city, the position shall be immediately deemed vacant.", now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation review city ordinances relative to the confirmation of certain appointments.

In City Council, January 14, 2020
Adopted

A true copy. Attest:

Alison M. Bouchard
City Clerk

City of Fall River, MA
Friday, July 10, 2020

Chapter C. The Charter

Article 2. LEGISLATIVE BRANCH

SECTION 2-10. CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS.

The mayor shall refer to the city council and simultaneously file with the city clerk, the name of each person the mayor desires to appoint as a city officer, department head or as a member of a multiple-member body. Appointments made by the mayor shall become effective on the forty-fifth day after the date on which notice of the proposed appointment was filed with the city clerk unless approved or rejected by the city council within the 45 days. All individuals appointed to a multiple-member body shall be residents of the city. If an appointed individual removes from the city, the position shall be immediately deemed vacant.

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 16, 2020, voted unanimously to recommend that the accompanying resolution, be referred to Corporation Counsel to review and compare with Massachusetts General Laws.

Catherine A. Taylor
Clerk of Committees

24

City of Fall River, In City Council

(Councilor Linda M. Pereira)

WHEREAS, the City of Fall River has numerous Boards and Commissions, and

WHEREAS, members of Boards and Commissions are compensated for their services and members of other Boards and Commissions are not equally compensated or not compensated at all, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation review the duties and compensation of all Boards and Commissions.

In City Council, January 14, 2020
Adopted

A true copy. Attest:

Alison M. Bouchard
City Clerk

City of Fall River, In City Council

(Councilor Michelle M. Dionne)
(President Cliff Ponte)

WHEREAS, the taxpayers of Fall River cannot be continuously relied upon to fund the increasing costs of needed city services, and

WHEREAS, in recent months the COVID-19 pandemic has adversely impacted the ability of many local restaurants to maintain cash flow and remain a viable business in our city, and

WHEREAS, assets owned by the City of Fall River such as buildings, vehicles, and vacant land can be utilized for advertising, and

WHEREAS, this can be considered a new source of revenue to help enhance city services, and

WHEREAS, this will not cost the City or its taxpayers any money, now therefore

BE IT RESOLVED, that the Administration be invited to a future meeting of the City Council Committee on Finance to discuss the possibility of utilizing City-owned assets for the use of advertising in an effort to increase revenues at no cost to the City, and

BE IT FURTHER RESOLVED, that the Administration discuss any previous action, documentation, and/or decisions relative to the use of said assets for advertising purposes.

City of Fall River, In City Council

(Councilor Michelle M. Dionne)

WHEREAS, relief to the taxpayer and the operating budget of the City of Fall River is a number one priority, and

WHEREAS, the fiscal year 2021 and 2022 budgets will be extremely challenging in terms of budgetary requirements and funding, and

WHEREAS, solid waste disposal and the handling of recyclables has become increasingly more expensive, and

WHEREAS, solid waste and recycling represents a significant impact on the operating budget and taxpayer funding of said budget, now therefore

BE IT RESOLVED, that the Committee on Finance discuss and review the costs associated with the disposal of solid waste, recyclables, and yard waste, and

BE IT FURTHER RESOLVED, that the Committee on Finance discuss and review solid waste and recycling compliance with City Ordinance, and

BE IT FURTHER RESOLVED, that this matter be referred to the Committee on Ordinance and Legislation for further review and action after discussion in the Committee on Finance.

Filed 7/21/20

City of Fall River, In City Council

(Councilor Linda M. Pereira)

WHEREAS, the Fall River City Council has questioned budgetary items, policies and practices, and has expressed an interest in conducting performance reviews, and

WHEREAS, State Auditor Suzanne Bump's Office has the ability to conduct reviews of financial policies, practices and budgets of city departments designated by the City Council, and

WHEREAS, it would seem appropriate to request the Employee Health Insurance and Solid Waste Division be two areas in which such an audit would be beneficial, now therefore

BE IT RESOLVED, that the City Council along with Mayor Paul E. Coogan request any and all policies, practices, and financial review assistance that the State Auditor and the State Auditor's Office can provide.

Filed 8/6/2020



33

RECEIVED

City of Fall River
Notice of Claim

2020 JUL 10 A 10:59

CITY CLERK #26-41
FALL RIVER, MA

1. Claimant's name: Carlos Botelho
2. Claimant's complete address: 49 Stewart Street
3. Telephone number: Home: 774-955-3990 Work: 508-8375697
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):

5. Date and time of accident: August 1-2019 Amount of damages claimed: \$ _____

6. Exact location of the incident: (include as much detail as possible):
In front 167 St. Mary Street

7. Circumstances of the Incident: (attach additional pages if necessary):

City was doing Landscaping one of the City workers was weedwacking around car's. We came outside and started to wave our hands to him to stop. He did not we yelled saying your parking cars. He did not care and acted inappropriate.

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: July 5-2020

Claimant's signature: Carlos Botelho

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.

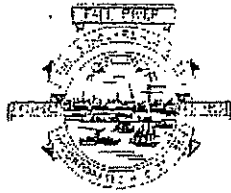
Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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 DCM

Date: _____



33

RECEIVED

City of Fall River
Notice of Claim

2020 JUL 14 A 11:36

1. Claimant's name: JOHN F. GARDELLA CITY CLERK 20-42
FALL RIVER, MA
2. Claimant's complete address: 56 CHURCH ST FALL RIVER, MA 02724
3. Telephone number: Home: 508-679-7972 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
PROPERTY DAMAGE (WATER SERVICE)
5. Date and time of accident: 7-7-20 8:30-9:00 AM Amount of damages claimed: \$1600.00
6. Exact location of the incident: (include as much detail as possible):
56 CHURCH ST AT MY WATER SERVICE TO HOUSE
7. Circumstances of the incident: (attach additional pages if necessary):
WAS USING OUTSIDE WATER ON 7-7-20 WHEN WATER JUST STOPPED FLOWING. I CALLED THE WATER DEPT AND THEY CAME RIGHT OUT TO MY HOUSE. THEY DUG UP THE SIDEWALK AND DUG TO SERVICE, TO DETERMINE LACK OF WATER. THEY DISCONNECTED MY SERVICE CONT.
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: 7-9-20Claimant's signature: John F. Gardella

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 ☒ WaterDate: 7/14/2020

33



RECEIVED

2020 JUL 24 A 11:07

City of Fall River
Notice of Claim

CITY CLERK 20-43

1. Claimant's name: FALL RIVER, MA Progressive Direct Insurance Company a/s/o MEDEIROS, JONATHAN

2. Claimant's complete address: PO BOX 512929 LOS ANGELES CA 90051

3. Telephone number: Home: _____ Work: 877-818-0139

4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
AUTO ACCIDENT

5. Date and time of accident: 5/17/20 Amount of damages claimed: \$ 6,571.37

6. Exact location of the incident: (include as much detail as possible):
TUCKER STREET

7. Circumstances of the incident: (attach additional pages if necessary):
OUR INSURED WAS TRAVELING ON TUCKER STREET. THERE WAS AN OPEN MANHOLE RIM
THAT WAS STICKING UP FROM THE ROADWAY THAT DAMAGED OUR INSUREDS VEHICLE. WE
ARE SEEKING REIMBURSEMENT FOR OUR INSUREDS VEHICLE DAMAGES

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
Progressive Direct Insurance Company PO BOX 512929 LOS ANGELES CA 90051

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: 7/16/20

Claimant's signature: Ashley Adamik 7/16/20

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

Y DRW

Date: 7/24/20

RECEIVED



33

2020 JUL 28 A 11:33

City of Fall River
Notice of Claim

- CITY CLERK 20-44
FALL RIVER, MA
1. Claimant's name: NANCY MASSON
 2. Claimant's complete address: 35 MEADOW LANE ACUSHNET, MA
 3. Telephone number: Home: 720-666-3833 Work: 02742
 4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
DEFECTIVE STREET - UNMARKED POTHOLES
 5. Date and time of accident: 5-30-2020 Amount of damages claimed: \$ 1461.
 6. Exact location of the incident: (Include as much detail as possible):
BORDEN ST. - PICTURE ATTACHED
 7. Circumstances of the incident: (attach additional pages if necessary):
DID NOT SEE 2 UNMARKED POT HOLES
BECAUSE OF VEHICLES IN FRONT OF ME.
HIT BOTH AND MY VEHICLE WARNING
SAID TO STOP ASAP. I PULLED INTO GAS STATION
AND SAW HOLE IN ROAD - FLAT TIRE
 8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: (PICTURE ATTACHED)
☐ 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: 6-28-2020

Claimant's signature: Nancy Masson

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 ☒ DCM

Date: 7/28/2020

SEE POLICE REPORT



SOUTHCOAST
HEALTH SYSTEM

363 Highland Ave, Fall River, MA 02720

Balance Statement

Account Number: 910288004

33

July 02, 2020

RECEIVED

2020 JUL 15 AM 11:39

CITY CLERK 26-32-4
FALL RIVER, MA

004 CSC1 512

Linda L Gray
For: Gray, Linda
211 Columbia St Apt 2
Fall River, MA 02721-6372



Thank you for choosing Southcoast Health. We are currently updating our Pay Plan statements. Please continue to pay your current amount due to keep your Pay Plan in good standing. You can call our Patient Accounts Department with any questions or concerns at 508-973-1212 or 844-500-1212.

Our billing department is open Mon - Fri, 8am - 4pm.

Certain physicians' charges are not billed with your hospital charges. You may receive a separate bill for physicians' services/charges.

Account Summary

Patient Name	Gray, Linda
Date of Service	06-10-2020
Charges	\$2,044.00
Adjustments	\$-1,583.73
Payments	\$-369.43
Balance	\$90.84

AMOUNT YOU NOW OWE: \$90.84

REQUEST FOR PAYMENT

The balance stated above is your responsibility to pay and is DUE NOW. To keep your account in good standing, please submit payment in full. If you are not able to pay your balance in full and would like to talk to someone about a payment plan, or if you think you might qualify for financial assistance, please contact our Patient Accounts Department at 508-973-1212 or 844-500-1212.

Payments and Information



You may pay online at
www.southcoast.org
Use Guarantor Number: 534259



Payments By Mail

Return the bottom portion of this letter in the enclosed return envelope.



To make payment arrangements or discuss financial assistance, please contact Customer Service at the number above.

Thank you for Choosing Southcoast Health System for your healthcare needs.

Please return bottom portion with your payment.

Guarantor/Resp. Party	Account Number	Date of Service	Statement Date	Due Date
Linda L Gray	910288004	June 10, 2020	July 02, 2020	Due On Receipt

Please check your payment method and include account number, expiration date, and signature below.

☐ VISA ☐ ☐ DISCOVER ☐

Card Number _____

Security Code _____

Expiration Date _____

Signature X _____

Amount Due

\$90.84

Amount Paid

Make your check payable to:

Southcoast Health Systems, Inc.
PO Box 417976
Boston, MA 02241-7976



091028800400000090840

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, July 14, 2020 at 6:30 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Bradford L. Kilby, Pam Laliberte-Lebeau, Trott Lee,
Christopher M. Peckham, Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: None

Due to the COVID-19 Essential Services Advisory, Government Center was closed to the public and citizens were advised to submit their remarks by email to the City Clerk by July 14, 2020 at 5:00 p.m. to be read at the meeting.

The President called the meeting to order at 6:35 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 hearings was to hear all persons interested and wishing to be heard on the following:

Councilor Pam Laliberte-Lebeau arrived shortly after roll call was taken at 6:36 p.m.

Curb Removals

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the hearing be opened. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received.

1. Thomas St. Realty Trust, LLC, 1250 Meridian Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
349 County Street	12'	8'	0'	20'

The petitioner is requesting the removal of 8 feet of curbing to the existing 12 foot driveway opening to allow for improved vehicle access to onsite parking and garages.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be closed.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be opened. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received.

2. John M. Viveiros, 990 Maple Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
990 Maple Street	16'	4'	0'	20'

The petitioner is requesting the removal of 4 feet of curbing to the existing 16 foot driveway opening to allow for improved vehicle access to onsite parking and garages.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be closed.

Joint Pole Re-location

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be opened. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received.

3. Massachusetts Electric Company and Verizon New England, Inc. for one joint pole re-location as follows:

Second Street

One (1) joint pole re-location

National Grid requests to relocate Pole 26 at Second Street per customer request. The pole will be relocated approximately 20 feet north of its current location. In accordance with Plan No. 28156889 dated April 10, 2019.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be closed.

Pole Location

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was unanimously voted that the hearing be opened. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received.

4. Massachusetts Electric Company for one new pole location as follows:

County Street

One (1) new pole location

The petitioner requests to install a new 35 foot pole approximately 48 feet west of existing pole #20. This pole will be used for electrical service to a future house at #349 County Street. In accordance with Plan No. 29635069 dated May 29, 2020.

Councilor Pam Laliberte-Lebeau left the meeting.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be closed, with Councilor Pam Laliberte-Lebeau absent and not voting.

Underground Conduits

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be opened, with Councilor Pam Laliberte-Lebeau absent and not voting. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received.

Councilor Pam Laliberte-Lebeau returned to the Chamber at 6:40 p.m.

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

Riggenbach Road and Innovation Way at Airport Road

National Grid requests to install approximately 250 feet of four 5" concrete encased conduits from the new three way manhole to pole 45 at Airport Road, and install approximately 2350 feet of six 5" concrete encased conduits from the new three way manhole at the intersection of Airport Road and Riggenbach Road to existing manhole 1 at Innovation Way.

In accordance with Plan No. 27542856 dated February 28, 2019.

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be closed.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be opened. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received.

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

Sykes Road and Currant Road

National Grid requests to install approximately 550 feet of nine 5" concrete encased conduits on Sykes Road from existing manhole #4 to the new four way manhole at the intersection of Sykes Road and Currant Road, and install approximately 300 feet of four 5" concrete encased conduit from the new four way manhole to a new two way manhole to pole 15 at Currant Road.

In accordance with Plan No. 27542856 dated February 28, 2019.

Councilor Leo O. Pelletier asked if the work being performed on Sykes and Currant Roads is for new businesses. President Cliff Ponte stated that he was not sure if that was the reason, but then stated that National Grid is working on many upgrades in the north end of the city. Councilor Linda M. Pereira stated that she hopes all utility companies are working in conjunction with each other to minimize the amount of patches that are necessary in the roadways.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be closed.

On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 6:43 p.m.

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

A true copy. Attest:


City Clerk

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, July 14, 2020 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne, Bradford L. Kilby,
Pam Laliberte-Lebeau, Christopher M. Peckham, Trott Lee,
Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: Mary Sahady, Director of Financial Services

President Cliff Ponte called the meeting to order at 9:55 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor and orders as follows:

- a. Appropriating \$986,150 from Community Preservation Act funds for
FY 2021 Community Projects
- b. Community Preservation Committee 2020 Final Report

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to table items 1a and 1b.

2. Mayor and order rescinding the July Continuing Appropriation Budget for FY 2021

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the order be granted leave to withdraw.

3. Mayor and order for August Continuing Appropriation Budget for FY 2021

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was voted 9 yeas to adopt the order.

Approved, July 15, 2020, Paul E. Coogan, Mayor

4. Mayor and request to submit Quarter 4 Budget Report in August

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

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5. Mayor and appropriation order for FY 2020 year-end obligations as follows:

FROM:

Administrative, Salaries	\$ 24,777
Administrative, Expenses	\$ 175,000
Police, Salaries	\$ 280,223
TOTAL:	\$ 480,000

TO:

Community Maintenance, Expenses	\$ 330,000
Insurance	\$ 150,000
TOTAL:	\$ 480,000

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas, 1 nay to adopt the order, with Councilor Christopher M. Peckham voting in the negative.

6. Mayor and proposed ordinances for FY 2021 water and sewer rates

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation. Councilor Linda M. Pereira questioned the vote taken on the water and sewer rates at the previous City Council meeting to reconsider the matter when the vote was tied 4 yeas, 4 nays, with Councilor Bradford L. Kilby absent and not voting. She stated that since there was no majority vote, how could the matter be reconsidered? Councilor Shawn E. Cadime stated that the Council President is the parliamentarian and it was his interpretation to allow the vote. Council President Cliff Ponte then stated that this matter needs to be discussed once again in the Committee on Ordinances and Legislation and will return to the full council for a vote.

7. Mayor and order requesting the approval of a five year contract for school bus transportation with Whaling City Transit, Inc. totaling \$2,609,982.00 for the first year of Special Education Transportation, Bus Monitors, and Summer Transportation

A motion was made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime to adopt the order. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to amend the clerical error on the agenda to read \$2,603,982. A further motion was made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira to adopt the order. Councilor Michelle M. Dionne stated that she had questions regarding bus monitor salaries. On yet a further motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to waive the rules to allow the Director of Financial Services to answer questions. The Director of Financial Services stated that bus monitors must now be paid the federal prevailing rate, which is why you see a significant increase. Mary Sahady then stated that there is a Massachusetts Municipal Association meeting tomorrow and she will participate in that meeting to obtain any school related information, such as salaries for bus monitors. Councilor Linda M. Pereira stated that a better rate is usually obtained with a five year contract versus a one year contract. She then stated that she is ready to vote on this matter. Councilor Bradford L. Kilby stated that there are no specifics as to how learning will proceed in September, so how can we vote on a contract for transportation when there is no approved school schedule? He then asked if the City received any refunds from the transportation companies due school closings during the COVID-19 pandemic. The Director of Financial Services stated that transportation companies were not paid for those periods of time. She then stated that Kenneth C. Pacheco, Chief Operations Officer for the School Department, and Corporation Counsel should be invited to answer more questions, as they are familiar with this contract. On yet a further motion made Councilor Michelle M. Dionne and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to the Committee on Finance.

8. Mayor and order gifting 250 cobblestones for the Vietnam Veterans' Memorial Wall Councilor Bradford L. Kilby thanked Councilor Linda M. Pereira for her involvement on this very important project. He then stated that this is a very good use of cobblestones. Councilor Linda M. Pereira stated that some of the items for this project have been delayed due to the COVID-19 pandemic, but the committee is hopeful that this project will be completed by Veterans Day. Councilor Michelle M. Dionne stated that she was advised that these cobblestones were hazardous and asked if this was true. Councilor Linda M. Pereira stated that the cobblestones are not hazardous and some were just used for projects in Oak Grove Cemetery and the Bank Street Neighborhood Association's Community Garden. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order. Approved, July 15, 2020, Paul E. Coogan, Mayor

9. Mayor requesting confirmation of the following appointments:

- a. Amber Burns to the Board of Park Commissioners
- b. Joseph DaSilva to the Board of Park Commissioners

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was unanimously voted to table items #9a and #9b. Councilor Michelle M. Dionne stated that it seems as though the Board of Park Commissioners has not been in compliance since 1986. She also stated that this matter is convoluted and that guidance is needed from Corporation Counsel regarding appointments to this board.

- c. Jo Ann Bentley to the Fall River Housing Authority

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was unanimously voted to confirm the appointment. Council President Cliff Ponte stated that he is in agreement with this appointment, as Ms. Bentley is an architect with many years of experience.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to take items #10a and #10b together.

10. Mayor requesting the confirmation of the following reappointments:

- a. Victor Farias to the Board of Park Commissioners
- b. Helen Rego to the Board of Park Commissioners

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to confirm both appointments.

PRIORITY COMMUNICATIONS

11. Communication from the City Council President to Corporation Counsel re: meeting attendance

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the communication be accepted and placed on file. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was unanimously voted to authorize the City Council President send a letter to K.P. Law requesting a quote to have a representative available at all City Council Meetings, either in person or virtually, to submit to the Administration to be included in the City Council Fiscal Year 2021 Budget, a copy of which is attached hereto and made a part of these minutes. Councilor Linda M. Pereira stated that there are many attorneys in the City of Fall River that are qualified and she would prefer a local attorney. Councilor Shawn E. Cadime stated that K.P. Law is very efficient and most questions from the City Council have already been researched for other communities, and as such an answer would be available quickly if they were hired.

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

13. Corporation Counsel opinion re: control of monuments and memorials in City parks
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the opinion be accepted and placed on file.

14. Request for street opening in pavement less than five years old on
 Sykes and Currant Roads
*On a motion made by Councilor Trott Lee and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the street opening.
 Approved, July 15, 2020, Paul E. Coogan, Mayor*

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

15. Committee on Ordinances and Legislation establish an Oversight Committee to
 annually report on the finances, efficiencies, and needs of City departments
On a motion made by Councilor Trott Lee and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the resolution. Councilor Shawn E. Cadime stated that if there are two Councilors and two city residents, the committee will be comprised of four voting members and an odd number of members should be appointed for voting purposes. Council President Cliff Ponte stated that the Director of Financial Services will also be on this oversight committee and will have voting rights, therefore bringing the number of voting members to five.

16. Committee on Finance convene with Administration to discuss performance audits
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was unanimously voted to adopt the resolution. Council President Cliff Ponte stated that many cities and towns have begun performance audits, which have rendered cost savings for those municipalities.

17. Committee on Public Safety convene with the Director of Traffic to discuss safety
 concerns on Wilson Road
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the resolution. Councilor Linda M. Pereira stated that she has received numerous telephone calls regarding this issue. She also stated that stone walls have required maintenance due to vibrations from large trucks causing stones to be loosened.

18. Hydrangea plant be named the official flower of the City of Fall River
A motion was made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham to adopt the resolution. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to amend the resolution by adding ornamental prior to the word flower. On yet a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the resolution be adopted, as amended.

CITATIONS

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted to take items #19 through #21 together.

19. B.M.C Durfee High School Top Ten Students:

Samya Rahman Anni	Miriam Sardinha Cabral	Jillian Nicole Caron
Adriana Rose Fernandes	Julia Anne Kelly	Savanha Leah Laroche
Kristin Rose Lavoie	Thomas Henry Panchley	Hailee Jade Tavares
Kaylee Marie Tavares		

20. Bishop Connolly High School Top Ten Fall River Students:

Alexandria Rosalia DiGregorio	Christopher Dupuis	Tess Abigail Kfoury
Carley Marie Medeiros	Sonja Elisabeth Morin	

21. Diman Regional Vocational Technical High School Top Ten Fall River Students:

Dominic Bento	Erica Cunin Guasco	Alex Goncalo
Liona Marsland	Justin Martel	Gabriel Worsley

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt items #19 through #21 after being read by the City Clerk.

ORDERS – HEARINGS

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to take items #22 and #23 together.

Curb Removals:

22. Thomas St. Realty, LLC, 1250 Meridian Street – Total of 20 feet at 349 County Street
 23. John M. Viveiros, 990 Maple Street – Total of 20 feet at 990 Maple Street

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt items #22 and #23.

Approved items #22 and #23, July 15, 2020, Paul E. Coogan, Mayor

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to take items #24 through #27 together.

Joint Pole Re-location:

24. Massachusetts Electric Company and Verizon New England, Inc. – Joint pole re-location on Second Street

Pole Location:

25. Massachusetts Electric Company – New pole location on County Street

Underground Conduits:

26. Massachusetts Electric Company – Installation of approximately 2,600 feet of underground conduit on Rigenbach Road and Innovation Way at Airport Road

27. Massachusetts Electric Company – Installation of approximately 850 feet of underground conduit on Sykes and Currant Roads

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt items #24 through #27.

Approved items #24 through #27, July 15, 2020, Paul E. Coogan, Mayor

ORDERS – MISCELLANEOUS**28. Police Chief's report on licenses:****Taxicab Drivers:**

Robert MacDougall III

Luis Perez Miranda

Shawn Pinto

Second Hand License Renewal:

Natasha Vera d/b/a Finders Keepers located at 427 Second Street

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the order.

29. Auto Repair Shop License Renewals:

Fouad Rechmani, JC Gas, LLC, located at 537 Bedford Street

David Saber, Eleventh Street Assoc., Inc., located at 50 Sixth Street

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the order.

Approved, July 15, 2020, Paul E. Coogan, Mayor

30. Transfer auto repair shop license no. 329 located at 193 Oak Grove Avenue from Edward A. Cellemme d/b/a Cellemme and Son Auto Service, to Timothy Pinto d/b/a

SM Automotive

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the order.

Approved, July 15, 2020, Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS**31. Claims**

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the claims to Corporation Counsel.

City Council Meeting Minutes:

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to take items #32 through #35 together.

32. Public Hearings – June 23, 2020**33. Committee on Finance – June 9, 2020****34. Committee on Finance – June 23, 2020****35. Regular Meeting of the City Council – June 23, 2020**

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Bradford L. Kilby, it was unanimously voted to approve items #32 through #35.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to take items #36a and #36b together.

36. Drainlayer Licenses:

a. Sandstone Construction, Inc.

b. Biszko Contracting Corp.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to approve items #36a and #36b.

Approved items #36a and 36b, July 15, 2020, Paul E. Coogan, Mayor

37. Open Meeting Law Complaint from Collin Dias re: June 23, 2020 alleged violation by Fall River City Council

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the matter to Corporation Counsel.

38. Communication from Collin Dias re: trash complaint hotline

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

BULLETINS – NEWSLETTERS – NOTICES – None

TABLED MATTERS

39. Planning Board recommendation for the acceptance of Lynwood Street extending from Mariano Bishop Boulevard to a dead end along with Way Street, as amended

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to lift the matter from the table. Councilor Shawn E. Cadime stated that he does not understand why the Planning Board is recommending the acceptance of some streets that should have been completed by the developer. He then stated that he would like to have a joint meeting with the Planning Board to discuss these matters. He also stated that this meeting should take place in executive session to avoid any litigation strategy being made public. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to table the matter with the understanding that the matter be lifted from the table at the next scheduled meeting of the City Council and invite the City Planner and Corporation Counsel and go into executive session with the Planning Board. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to request the Council President establish an ad hoc committee to review rules and regulations for zoning and hold developers accountable for finishing all work that was agreed to. Council President Ponte asked how many members the committee should have. Councilor Shawn E. Cadime stated that the committee should be comprised of three city councilors and that the chair of the committee be the City Council President or City Council Vice President. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to have a joint meeting with the Planning Board to discuss all subdivisions with streets that have not been accepted and the reasons why they have not been completed. Council President Cliff Ponte requested that a letter be sent to the Planning Board with this request, a copy of which is attached hereto and made a part of these minutes.

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: JULY 14, 2020

OTHER POTENTIAL MATTERS (to be acted upon if recommendations are received)

Committee on Finance:

- 14a. Resolution – Police Details at Northeast Alternatives

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the resolution be granted leave to withdraw.

36

RESOLUTIONS

18a. The Committee on Finance convene with the Chief of Police and the Mayor to discuss a plan to address the increase in violent crimes and the financial aspects of the Police Department

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the resolution. Councilor Linda M. Pereira stated that the Chief of Police will not discuss specific plans in public. Councilor Shawn E. Cadime stated that he would like to hear the Chief of Police's strategy, so the City Council can meet in Executive Session to discuss these matters with the Chief of Police.

COMMUNICATIONS – INVITATIONS – PETITIONS

36c. Drainlayer License – Khoury Excavating, Inc.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to approve the drainlayer license.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adjourn at 11:31 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

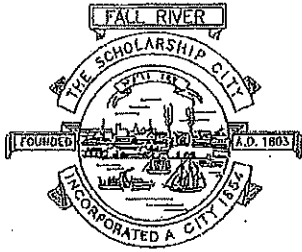
DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk

36



City of Fall River
Massachusetts
City Council

CLIFF PONTE
President
City Council

July 15, 2020

Attorney Lauren F. Goldberg
KP Law, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110

Dear Attorney Goldberg,

At a meeting of the City Council held on Tuesday, July 14, 2020, a discussion was held regarding legal counsel for the City Council.

Following that discussion, and on a motion made and seconded, it was unanimously voted to authorize the City Council President to obtain a quote from your law firm for services. I am hereby requesting a quote for services to be included in the Fiscal Year 2021 Budget.

The City Council meets twice per month, with the exception of July and August which have only one meeting. I have enclosed the list of meeting dates for 2020 for your review. Typically the City Council meets on the second and fourth Tuesday of every month.

I respectfully request a quote for services to have a representative from KP Law, P.C. attend all regular City Council meetings either in person or virtually to provide counsel on various matters that may arise. From time to time City Councilors may have legal questions and it would be helpful to have legal counsel available for guidance. This quote should be for services for Fiscal Year 2021.

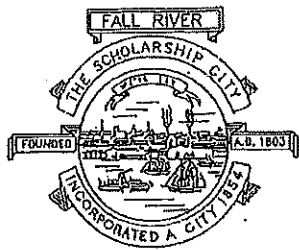
Should you have any questions, please feel free to contact me at 508-567-8604. Thank you for your assistance in this matter.

Sincerely,

Cliff Ponte
City Council President

encl.
/ct

36



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2020 JAN 16 A 10:14

CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

January 15, 2020

In accordance with the provisions of M.G.L. Chapter 30A, notice is hereby given that meetings of the following Committee and Council will be held at the time and place set forth below:

COMMITTEE ON FINANCE
6:00 P.M.

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

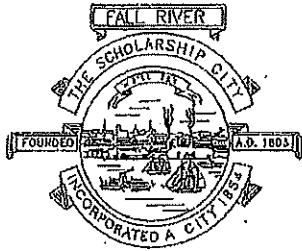
January	28
February	11
	25
March	10
	24
April	7
	21
May	12
	26
June	9
	23
July	14
August	11
September	8
	22
October	13
	27
November	10
	24
December	8
	22

Meetings will be held in the Council Chamber, Government Center.

Alison M. Bouchard
Alison M. Bouchard
City Clerk

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

36



City of Fall River
Massachusetts
City Council

CLIFF PONTE
President
City Council

July 16, 2020

Cynthia M. Sevigny, Chair
Planning Board
City of Fall River
One Government Center
Fall River, MA 02722

Dear Honorable Board Members,

At a meeting of the City Council held on Tuesday, July 14, 2020, a discussion was held regarding the acceptance of Lynwood Street and all outstanding subdivisions.

Following that discussion, and on a motion made and seconded, it was unanimously voted to send a letter to your honorable board requesting that a joint meeting of the Planning Board and the City Council be scheduled for Tuesday, August 11, 2020. It was noted that there are various streets in the City of Fall River that have not been completed or accepted and the developer has since dissolved their company. This leaves many unfinished streets that must be paid for by the City, which is unfair to our taxpayers.

Please respond as soon as possible with the availability of your honorable board to join the City Council in a joint meeting to discuss these very important matters.

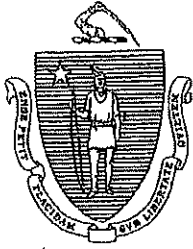
Should you have any questions, please feel free to contact me at 508-567-8604. Thank you for your assistance in this matter.

Sincerely,

Cliff Ponte
City Council President

cc: William Kenney, City Planner
Alan Rumsey, Esq., Corporation Council

/ct



The Commonwealth of Massachusetts

MASSACHUSETTS SENATE
COMMITTEE ON WAYS AND MEANS

SENATOR MICHAEL J. RODRIGUES
First Bristol and Plymouth District

CHAIR
Committee on Ways and Means

MICHAEL.RODRIGUES@MASENATE.GOV
WWW.MASENATE.GOV

July 16, 2020

Alison M. Bouchard
City Clerk
One Government Center
Fall River, MA 02722

Dear Clerk Bouchard,

Thank you for your letter conveying the City Council's request for direction. As you know, the CARES Act is federal funding. My understanding is that the restrictions on the funds are not in timing, but in how they are used.

Essentially, the funding can be used at any time. However, it must be used to cover a budget issue that was unplanned for and arose as a direct result of COVID-19. We are hopeful that the way this money can be used is expanded to more general budget areas, but that decision will play out on the federal level.

Along with the Council, the City's Treasurer and Administrator should be advised that if they have any questions on specific situations and whether they would qualify, they can always ask the Division of Local Services within the Department of Revenue. They are best equipped to offer guidance on the specifics of this funding.

Thank you for your letter. I truly appreciate the dedicated work that you and the Council are doing in these unprecedented times. Please do not hesitate to contact me if you have any questions.

Sincerely,

Michael J. Rodrigues

State Senator

Chair, Senate Committee on Ways & Means

37
RECEIVED

2020 JUL 16 A 11:55

CITY CLERK
FALL RIVER, MA
STATE HOUSE, ROOM 212
BOSTON, MA 02133-1053
TEL: (617) 722-1114
FAX: (617) 722-1498
WAYS & MEANS: (617) 722-1481

ONE GOVERNMENT CENTER
ROOM 235
FALL RIVER, MA 02722
TEL. (508) 646-0650
FAX. (508) 646-0656

SOMERSET TOWN HALL
140 WOOD STREET
SOMERSET, MA 02726
TEL. (508) 673-8408



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÈS LEITE
ASSISTANT CITY CLERK

June 30, 2020

The Honorable Michael J. Rodrigues
State Senator
One Government Center, Room 235
Fall River, MA 02722

The Honorable Carole Fiola
State Representative
307 Archer Street
Fall River, MA 02720

The Honorable Alan Silva
State Representative
1664 South Main Street
Fall River, MA 02724

The Honorable Paul A. Schmid
State Representative
One Government Center, Room 321
Fall River, MA 02722

Dear Honorable Members:

At a meeting of the Fall River City Council held on Tuesday, June 23, 2020, a discussion was held relative to the City adopting a continuing appropriation budget. As a result of the COVID-19 outbreak, and the effects of the Governor's declaration of a state emergency on March 10, 2020, the Mayor was unable to submit a level funded fiscal year 2021 budget to the City Council.

Following the discussion and on a motion made and seconded, it was voted, 8 yeas, to adopt a One Twelfth Budget for Fiscal Year 2021. As a result of the discussion, the City Council was informed that the City of Fall River has been allocated \$7.9 million from the CARES Act, and that Congress continues to debate use of the allocation by local municipalities.

The City Council respectfully requests your direction as to when the City of Fall River would be allowed to use said funding from the CARES Act, and guidance as to how those funds can be appropriately utilized in order to provide relief to our City which has been so negatively impacted by the COVID-19 pandemic.

The City Council kindly requests a response prior to August 1, 2020, and sends its sincerest gratitude for all your continued hard work in moving Fall River forward.

Very truly yours,

Alison M. Bouchard

Alison M. Bouchard
City Clerk

/cah

38

STONE MANDIA, L.L.C.

Attorneys at Law

RICHARD B. STONE*
FRANK J. MANDIA, JR.

HELEN B. ROSNER
JASON C. MANDIA*

*MEMBER OF NJ AND NY BARS
^MEMBER OF NJ AND FL BARS

685 NEPTUNE BOULEVARD
P.O. BOX 846
NEPTUNE, NEW JERSEY 07754-0846

AREA CODE 732
TEL. 531-4300 / 774-0800
FAX 531-4305 / 775-7637

OF COUNSEL
EDWARD R. MCGLYNN*
RICHARD A. NOCKS
JASON MICHAEL ROSS^
ELANA G. TAWIL

SIDNEY J. MEISTRICH
(1937-1995)

July 23, 2020

Via Federal Express - overnight delivery

Jeffrey Cardoza, Chief of Police
Fall River Police Department
685 Pleasant Street
Fall River, MA 02721-4305

RE: Trinity Solar - Application for Solicitor's Permit

RECEIVED
2020 AUG -3 P 2:33
CITY CLERK
FALL RIVER, MA

Dear Chief Cardoza:

Please be advised that this firm represents Trinity Solar Inc., which provides services related to the marketing, design, development, installation and servicing of solar electricity generation systems. These activities have been declared "Essential Services" pursuant to Governor Baker's COVID-19 Order No. 33 and the Reopening Massachusetts plan. Trinity Solar is aware that the City of Fall River has failed to promptly issue a solicitor's permit to one or more Trinity Solar employees. For the reasons set forth below, we respectfully request that the City of Fall River immediately issue a solicitor's permit to Trinity Solar employees.

First, the undersigned re-emphasizes Governor Baker's COVID-19 Order No. 33, dated May 18, 2020, the comprehensive Reopening Massachusetts plan, which is published at <https://www.mass.gov/info-details/reopening-massachusetts>, and the Commonwealth's updated Essential Services guidance, which is published at <https://www.mass.gov/info-details/covid-19-essential-services>. As you see, "renewable energy infrastructure or energy efficiency projects (including, but not limited to ... solar...)" have expressly been designated "COVID-19 Essential Services" permitted to operate in accordance with the related mandates.

Second, the designation of solar as an Essential Service expressly applies to new customers. Essential Services include: "Workers supporting the energy sector, regardless of the energy source (including but not limited to nuclear, fossil, hydroelectric, or renewable), segment of the system, or infrastructure the worker is involved in, or who are needed to monitor, operate, engineer, and maintain the reliability, safety, environmental health, and physical and cyber security of the energy system," "Workers supporting the energy sector through renewable energy infrastructure or energy efficiency projects (including, but not limited to wind, solar, biomass, hydrogen, ocean, geothermal, and/or hydroelectric), including those supporting construction, manufacturing, transportation,

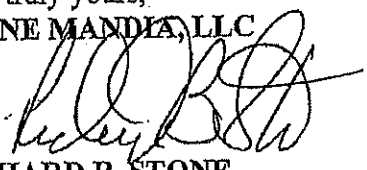
permitting, operation/maintenance, monitoring, and logistics," "Workers who maintain, ensure, or restore, or are involved in the reliable development, transportation, fuel procurement, expansion, or operation of the generation, transmission, and distribution of electric power, including call centers, utility workers, engineers, retail electricity, constraint maintenance, and fleet maintenance technicians- who cannot perform their duties remotely" and "Workers at renewable energy infrastructure (including, but not limited to wind, solar, biomass, hydrogen, geothermal, and/or hydroelectric), including those supporting construction, manufacturing, transportation, permitting, operation/maintenance, monitoring, and logistics." Specific use of terminology such as "engineer," "manufacturing," "development," "expansion," "retail electricity" and, ironically, "permitting" must contemplate new customers. Such construction is also consistent with the express intent of the Commonwealth's designation of "renewable energy infrastructure or energy efficiency projects" as Essential Services being to "support[] the energy sector," which is accomplished by the development and expansion of renewable energy facilities.

Third, the City is legally preempted from contradicting the Commonwealth's designation of solar as an Essential Service. Massachusetts has promulgated thorough and authoritative guidance on Essential Services (indeed, Reopening Massachusetts is expressly named the "comprehensive" plan), and Fall River is legally prohibited from contradicting or even modifying the Commonwealth's directives. In addition to the general law with respect to preemption, *see Connors v. City of Boston*, 430 Mass. 31 (1999), COVID-19 Order No. 33 expressly decrees, "This Order is intended to establish a uniform set of COVID-19 workplace safety rules for all businesses and other organizations operating brick-and-mortar premises across the Commonwealth. No municipal or other local authority should adopt or enforce any workplace health or safety rule to address COVID-19 that is in addition to, stricter than, or otherwise in conflict with any COVID-19 workplace safety rule adopted in this Order or under the implementing directives, regulations, and guidance issued by DLS or DPH under the authority granted by this Order. DLS, DPH, and each municipal or local authority shall uniformly apply any enforceable COVID-19 workplace safety rule." Trinity Solar provides Essential Services, and many of its workers' workplaces are at the homes and businesses of existing, new and prospective customers in Fall River, and Fall River is prohibited from imposing or enforcing rules that differ from the above-cited materials.

Trinity Solar acknowledges the strains facing municipal governments during these unprecedented times but respectfully requests that Fall River reconsider its blanket prohibition on solicitor's permits and, in light of the delay already incurred, promptly process applications therefor such that solicitor's permits shall be issued to Trinity Solar's employees and representatives forthwith. Trinity Solar contends that the prompt processing of solicitor's permits is fair, equitable and necessary, and in any event, your cooperation in permitting Trinity Solar to provide Essential Services is beneficial to the residents of Fall River, including those affected by the COVID-19 pandemic and related economic impacts, by facilitating residents' ability to take advantage of the Massachusetts solar incentive programs generally as well as to realize the specific Massachusetts directives in response to COVID-19 to "support[] the energy sector" through "energy efficiency projects." Regarding health and safety, Trinity Solar obligates its employees to maintain enhanced safety protocols in accordance with all federal and state mandates and guidelines and operates in accordance with the health and safety-related restrictions required of businesses and organization providing Essential Services.

Trinity Solar wishes to resolve this matter amicably and, in light of the consequences already incurred and continuing, expeditiously. Kindly contact the undersigned at your earliest convenience in order to discuss this matter. This letter is not intended to contain a complete statement of relevant facts, and everything stated herein is without prejudice to any rights, remedies, claims, defenses or anything else available to Trinity Solar, and Trinity Solar expressly reserves all of same.

Very truly yours,
STONE MANDIA, LLC



RICHARD B. STONE

cc: Hon. Paul Coogan (Mayor, City of Fall River)
One Government Center
Fall River, MA 02722
mayor@fallriverma.org
Fax: 508-324-2626
(Via Regular Mail, E-Mail, and Facsimile)

Cliff Ponte
President
Fall River City Council
One Government Center
Fall River, MA 02722
(Via Regular Mail)

Thomas C. Blatchley, Esq.
Partner
Gordon Rees Scully Mansukhani, LLP
21 Custom House Street, 5th Floor
Boston, Massachusetts 02110
tblatchley@grsm.com
(Via Email only)

FROM THE DESK OF
MICHAEL A. PICCIANDRA

July 27, 2020

US Coast Guard Sector Southeastern
20 Risho Ave Ste D
East Providence, RI. 02914

Commander Southeastern Sector:

On the morning of July 27, 2020 I was aboard my vessel, (S/V PAVITI TERN, official #515906) in the Battleship Cove mooring field when I heard this loud roar! I was working in the bilge and immediately my vessel was rocking gunnel to gunnel throwing me and gear all over the vessel. I understand the need to act quickly in an emergency but I would request that the Master of the fire boat be instructed to use lights and siren on emergency calls!

In my fifty years or more on the salt water I have come to expect this behavior from the boating public but in this instance the boat is operated by the Fire Department of the City of Fall River. They should be held to a higher standard than the boating public

Sincerely yours,

Michael A. Picciandra

CC: Fall River Harbor Master, Fall River Fire Chief, Fall River City Council

CITY CLERK
FALL RIVER, MA

2020 JUL 29 AM 11:24

RECEIVED

7/27/2020

Mail - City_Council@fallriverma.org

40

[EXTERNAL] Communication

Collin Dias <collind00@aol.com>

Mon 7/27/2020 3:08 PM

To: City Clerk <city_clerks@fallriverma.org>; City Council <City_Council@fallriverma.org>;

RECEIVED

2020 JUL 27 P 3:43

CITY CLERK
FALL RIVER, MA

Good afternoon, I ask that this attached communication be placed on the next full city Council meeting agenda that is in August.

Thank you very much,

- Collin Dias

WHEREAS, there has been years of waste, fraud, and misuse of City of Fall River funds.

WHEREAS, The City of Fall River has gone through years of fiscal and political turmoil

NOW BE IT RESOLVED, The Fall River City Council hereby request the administration initiate plans and request for proposals for a full forensic audit of the City of Fall River

Sent from my iPhone

41



OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

Please note that all fields are required unless otherwise noted. 2020 JUL 15 P 2:25

Your Contact Information:

First Name: Collin Last Name: Dias
Address: 560 Ray Street
City: Fall River State: MA Zip Code: 02720
Phone Number: 7747076790 Ext. _____
Email: Collind00@aol.com
Organization or Media Affiliation (if any): _____

CITY CLERK
FALL RIVER, MA

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: _____

Date of alleged violation: 7/14/2020

*emailed to Corp Council
& City Council 7-15-2020
Copy for Co. Law Attorney*

41

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.

On 7/14/2020, the Fall River City Council held a meeting. The Fall River City Council violated the open meeting law at this meeting because of the following:

On the upper portion of the City Council meeting agenda, it was stated " Due to the COVID - 19 Essential Services Advisory, these meetings are closed to the public."

The City Council violated the Open Meeting Law section 20 (a) by denying access to the public via its meeting agenda. Governor Bakers March 12th executive order only implies to remote meetings of public bodies. It does not give a public body permission to deny members of the public access to a fully convened City Council meeting in a public building that is open with limited access.

Also, the City Council cherry picked members of the public to allowed into the meeting, despite the meeting agenda stating the meeting was closed to the public. I saw on the video recording of the City Council 7/14 meeting multiple people who weren't members of the city council, which includes three city clerks staff, multiple department staff, a member of the local media, and two private citizens who were not city employees.

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

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

The City Council allow limited access to the public to its public meetings.

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: Colin Aiso

Date: 7/15/2020

For Use By Public Body	For Use By AGO
Date Received by Public Body	Date Received by AGO

42



OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

2020 JUL 29 P 3:29

Please note that all fields are required unless otherwise noted.

CITY CLERK
FALL RIVER, MA

Your Contact Information:

First Name: Collin Last Name: Dias

Address: 560 Ray Street

City: Fall River State: MA Zip Code: 02720

Phone Number: 7747076790 Ext. _____

Email: Collind00@aol.com

Organization or Media Affiliation (if any): _____

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

(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

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

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

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

Date of alleged violation: 7/28/2020

emailed: Corp Council
Connectors

Page 1

C. G. L. Bellier

7-29-20

42

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.

On July 28th, 2020, The Fall River City Council Committee on Finance held a meeting.

The Fall River City Council Committee on Finance violated the Open Meeting Law during this meeting by:

1. Violating Open Meeting Law Section 20 (a) and Governor Bakers March 12th executive order by fully denying access to the public to its proceedings. The meeting was held in a public building that is open to the public on a partial basis. There was also other non city council city officials present at the meeting.
2. Violating Open Meeting Law Section 20 (b) by discussing an agenda topic that was added within 48 hours of the meeting. The said agenda topic was listed as #2 on councils July 28th meeting agenda.
3. Violating Open Meeting Law Section 21 by entering executive session without a valid purpose. The council went into executive session under #4 of reasons to go into executive session. However, the Council discussed public safety as a whole, and the finances of the police department. This meeting was not designed solely to discuss the deployment of security personal or devises.
4. Violating Open Meeting Law Section 20 (f) by failing to announce FRGTV will be recording the meeting.

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

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

Future compliance with 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: Collin Dineen

Date: 7/29/2020

For Use By Public Body	For Use By AGO
Date Received by Public Body:	Date Received by AGO:

43

City of Fall River
Office of the Corporation Counsel

PAUL E. COOGAN
Mayor

RECEIVED

2020 JUL 16 A 10:00



CITY CLERK _____
FALL RIVER, MA

July 15, 2020

ALAN J. RUMSEY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

Collin Dias
560 Ray St.
Fall River, MA 02720

RE: Open Meeting Law Complaint against Fall River City Council
Date of Alleged Violation: June 23, 2020

Dear Mr. Dias:

This correspondence is sent pursuant to G.L. c. 30A, § 24 and 940 CMR 29.00 et seq., in response to your Open Meeting Law Complaint against the Fall River City Council, which the City received on June 26, 2020. Your complaint alleges the following:

On 6/23/2020 The Fall River City Council held a public meeting at Fall River Government Center. The Fall River City Council violated the Open Meeting Law by:

1. Violating Open Meeting Law section 20(a) by denying public access to its proceedings. Governor Baker's March 12th executive order relieved a public body from meeting in a public place open to the public. However the Fall River City Council met in a public place (Fall River Government Center), which was opened to the Public on a limited basis. To deny access to proceedings to the 6/23 meeting, which was held in a public place, means the governor's executive order doesn't apply here. Therefore the Fall River City Council violated the Open Meeting Law by denying access.

On March 12, 2020, Governor Baker issued an Executive Order Suspending Certain Provisions of the Open Meeting Law, to enable public bodies to carry out their responsibilities while adhering to public health recommendations regarding social distancing.

First, the executive order relieves public bodies from the requirement in the Open Meeting Law that meetings be conducted in a public place that is open and physically accessible to the public, provided that the public body instead provides adequate, alternative means of public access to the deliberations of the public body. "Adequate, alternative means" may include, without limitation, providing public access through telephone, internet, or satellite-enabled audio

or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body in real time.

Second, the executive order authorizes all members of a public body to participate in a meeting remotely; the Open Meeting Law's requirement that a quorum of the body and the chair be physically present at the meeting location is suspended.

All other provisions of the Open Meeting Law and regulations, such as the requirements regarding posting notice of meetings and creating and maintaining accurate meeting minutes, as well as the limited, enumerated purposes for holding an executive session, remain in effect. (A copy of the Governor's order is enclosed for your reference.)

To assist public bodies in complying with the Open Meeting Law, as modified by the Governor's executive order, on June 9, 2020, the Massachusetts Division of Open Government provided "Updated Guidance on Holding Meetings During the COVID-19 State of Emergency."

The Guidance specifically provides that members of a public body may meet in person, while requiring the general public to follow the proceedings remotely. Section (1) of the executive order allowing public access through adequate, alternative means is independent from Section (2), which allows members of the public body to participate remotely. The public body may conduct its proceedings under the relief provided in section (1) or (2) or both. (A copy of the Guidance is enclosed for your reference.)

The City Council meetings are aired live on Facebook live as well as the local government channel, and the public has the opportunity to participate in writing. In fact, of the six meetings that have taken place after March 10, 2020, you have submitted Citizen's Input five times.

As such, this office has determined that no violation has occurred and considers this matter closed. Please note that you have the right to appeal to the Massachusetts Attorney General - Division of Open Government.



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

WHEREAS, many important functions of State and Local Government are executed by "public bodies," as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

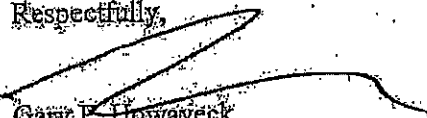
WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

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Respectfully,


Gary P. Howayack
Assistant Corporation Counsel

Enc.

Cc: Mira Netsky, MA Office Attorney General Division of Open Government
via email: Mira.Netsky@mass.gov
Fall River City Council

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

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Given in Boston at 8:40 PM this 12th day of
March, two thousand and twenty.

Charles D. Baker

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

(b) (5) Privacy

UNCLASSIFIED//FOR OFFICIAL USE ONLY

Updated guidance on holding meetings during the COVID-19 state of emergency

To enable public bodies to comply with the Open Meeting Law, as amended by the emergency provisions of the Statutes of Type 61, enacted during the following guidelines.

On July 20, 2020, the Governor issued an Executive Order that suspends the Open Meeting Law, as amended by the emergency provisions of the Statutes of Type 61, for the duration of the COVID-19 state of emergency.

For the reasons stated above, public bodies are not required to comply with the Open Meeting Law, as amended by the emergency provisions of the Statutes of Type 61, during the COVID-19 state of emergency. However, public bodies are encouraged to follow the guidelines set forth in this guidance to ensure that the public body's actions are consistent with the principles of the Open Meeting Law.

Public bodies are encouraged to hold meetings in person, but they are not required to do so. If a public body chooses to hold a meeting in person, it should follow the guidelines set forth in this guidance to ensure that the meeting is conducted in a safe and secure manner.

If a public body chooses to hold a meeting remotely, it should follow the guidelines set forth in this guidance to ensure that the meeting is conducted in a secure and confidential manner.

What means of access will be considered "adequate, alternative means?"

"Adequate, alternative means" refers to any means of access that allows the public to participate in a meeting. This can include video conferencing, webinars, or other electronic means. The key is that the means of access must be "adequate" and "alternative" to in-person attendance.

May a public body post a recording or transcript of the meeting afterwards, instead of providing access to the meeting as it is occurring?

The Open Meeting Law requires that public bodies provide access to their meetings as they are occurring. This means that the public should be able to watch or listen to the meeting in real time. Posting a recording or transcript afterwards is not sufficient to comply with the law.

May public body members meet in person, while requiring the general public to follow the proceedings remotely?

The Open Meeting Law requires that public bodies hold their meetings in a way that allows the public to participate. This can include holding a meeting in person with the public attending remotely. However, the public must be able to participate in the meeting in real time.

If a public body will provide access to its meeting through "adequate, alternative means," what information must be included on the meeting notice?

The meeting notice must include information about the meeting, including the date, time, and location. It must also include information about the means of access that will be provided to the public. This information should be included in the notice to ensure that the public is aware of the meeting and the means of access.

What other requirements apply to remote meetings?

The Open Meeting Law requires that public bodies hold their meetings in a way that allows the public to participate. This includes requirements for the notice, the means of access, and the conduct of the meeting.

1. The notice must include information about the meeting, including the date, time, and location.
2. The notice must include information about the means of access that will be provided to the public.
3. The meeting must be held in a way that allows the public to participate in real time.
4. The meeting must be conducted in a secure and confidential manner.

The Open Meeting Law requires that public bodies hold their meetings in a way that allows the public to participate. This includes requirements for the notice, the means of access, and the conduct of the meeting.

What about public comment, public participation, and public hearings?

The Open Meeting Law requires that public bodies hold their meetings in a way that allows the public to participate. This includes requirements for public comment, public participation, and public hearings. Public comment is a process by which the public can provide input on a proposed action. Public participation is a process by which the public can be involved in the decision-making process. Public hearings are formal proceedings in which the public can provide input on a proposed action.

Did you read and understand this document?
☐ Yes ☐ No

43



OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

RECEIVED

2020 JUN 26 A 9:48

Your Contact Information:

First Name: Collin Last Name: Dias CH. CLERK
Address: 560 Hay Street FALL RIVER, MA
City: Fall River State: MA Zip Code: 02720
Phone Number: 7747076790 Ext. _____
Email: Collind00@aol.com
Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

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

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

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

Date of alleged violation: 6/23/2020

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.

On 6/23/2020 The Fall River City Council held a public meeting at Fall River Government Center. The Fall River City Council violated the Open Meeting Law by:

1. Violating Open Meeting Law section 20(a) by denying public access to its proceedings. Governor Baker's March 12th executive order relieved a public body from meeting in a public place open to the public. However the Fall River City Council met in a public place (Fall River Government Center), which was opened to the Public on a limited basis. To deny access to proceedings to the 6/23 meeting, which was held in a public place, means the governor's executive order doesn't apply here. Therefore the Fall River City Council violated the Open Meeting Law by denying access.

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.

Allow limited attendance to future meetings

Review, sign, and submit your complaint**I. Disclosure of Your Complaint.**

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

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

II. Consulting With a Private Attorney.

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

III. Submit Your Complaint to the Public Body.

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

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

Signed: 

Date: 6/25/2020



45
RECEIVED nationalgrid

2020 JUL 17 P 12:06

July 14, 2020

CITY CLERK _____
FALL RIVER, MA

Fall River City Council President
1 Government Center
Fall River, MA 02722

Dear City Council President:

In letters dated December 20, 2018 and April 22, 2019, National Grid sent out notifications regarding scheduled 2019 herbicide treatments for rights-of-way, which pass through your municipality. Information on National Grid's approved Yearly Operational Plan (YOP) and maps showing the rights-of-way to be treated were included with that letter.

As part of the 2020 YOP we listed transmission lines that were treated in 2019, in the event that we need to do follow up treatment in 2020. National Grid field reviewed the 2019 ROWs and found site(s) in Fall River that requires a follow up treatment, therefore National Grid needs to perform selective treatment on this site(s) this year. Sites on the following ROWs will be treated: 2028

The current VMP and approved 2020 YOP are posted at the following websites:

https://www9.nationalgridus.com/non_html/National%20Grid%20VMP%202019-2023.pdf

https://www9.nationalgridus.com/non_html/National%20Grid_2020%20YOP.pdf

The work will be performed by one of the following National Grid Vegetation Management Contractors sometime between August 10, 2020 and December 31, 2020.

Lewis Tree Service	Lucas Tree Experts	Stanley Tree Service	Vegetation Control Service
300 Lucius Gordon Drive	12 Northbrook Drive	662 Great Road	2342 Main Street
West Henrietta, NY 14586	Falmouth, ME 04105	North Smithfield, RI 02896	Athol, MA 01331
(585) 436-3208	(800) 339-8873	(401) 765-4677	(978) 249-5348

Commonwealth of Massachusetts recommended herbicides for use in *sensitive areas* listed in Section 7 (pages 13-15) of the YOP will be selectively applied to target vegetation by experienced, Massachusetts' licensed/certified applicators that walk along the ROWs using backpack equipment. Copies of the manufacturers' labels and fact sheets are also included in the YOP Appendices 7 and 8.

45

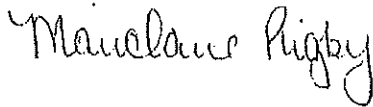
This informational 21-day notification follows Chapter 132B, section 6B of the Massachusetts General Laws, 333 CMR 11.05-11.07 Rights of Way Management and Chapter 85, Section 10 of the Acts of 2000. National Grid's vegetation management program is subject to federal and state regulations only. By statute, local permits or rulings are not applicable.

For inquiries concerning safety of the herbicides, please contact:

MDAR Rights of Way Vegetation Management
Pesticide Bureau
251 Causeway Street, Suite 500
Boston, MA 02114-2151
(617) 626-1782
<https://www.mass.gov/rights-of-way-vegetation-management>

Please contact me if you have any questions about the application and monitoring of the vegetation control program or if you would like me to email you another copy of the map. The best way to contact me is through email mariclaire.rigby@nationalgrid.com or please leave a voicemail at 508-860-6282.

Sincerely,



Mariclaire Rigby
Lead Vegetation Strategy Specialist

cc: Massachusetts Pesticide Bureau
Board of Health
Conservation Commission

Fall River: ROW 2028



City of Fall River
Massachusetts
Planning Department

RECEIVED **46**

2020 FEB 25 P 3:31

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

WILLIAM D. ROTH JR., AICP
City Planner

February 25, 2020

Hon. Fall River City Council
One Government Center
Fall River, MA 02722

Re: Recommendation for Acceptance of Lynwood Street extending from Mariano Bishop Blvd. to dead end, along with Way Street as amended.

Honorable Councilors:

On March 15, 2018, the City Council referred the above to the Planning Board for its recommendations. Planning Board, on August 23, 2018, reviewed the request and recommended approval and was forwarded to City Council, which approved the request on September 25, 2018.

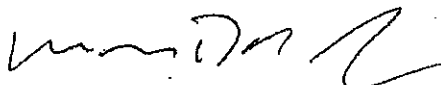
The City Engineer after receiving the draft acceptance plan discovered that a portion of Way Street would need to be accepted to provide for emergency vehicle turn around. The City Engineer requested a revision to the approved request. At a duly posted and advertised Public Hearing conducted on January 13, 2020, after hearing testimony from all members of the public present who wished to be heard, it was duly Moved, Seconded and Unanimously VOTED:

To recommend to the City Council that the City accept Lynwood Street extending from Mariano Bishop Blvd. to the dead end, along with Way Street as amended.

Respectfully Submitted,

CITY OF FALL RIVER
IN CITY COUNCIL

CITY OF FALL RIVER
IN CITY COUNCIL


William D. Roth, JR., AICP
City Planner

MAR 10 2020

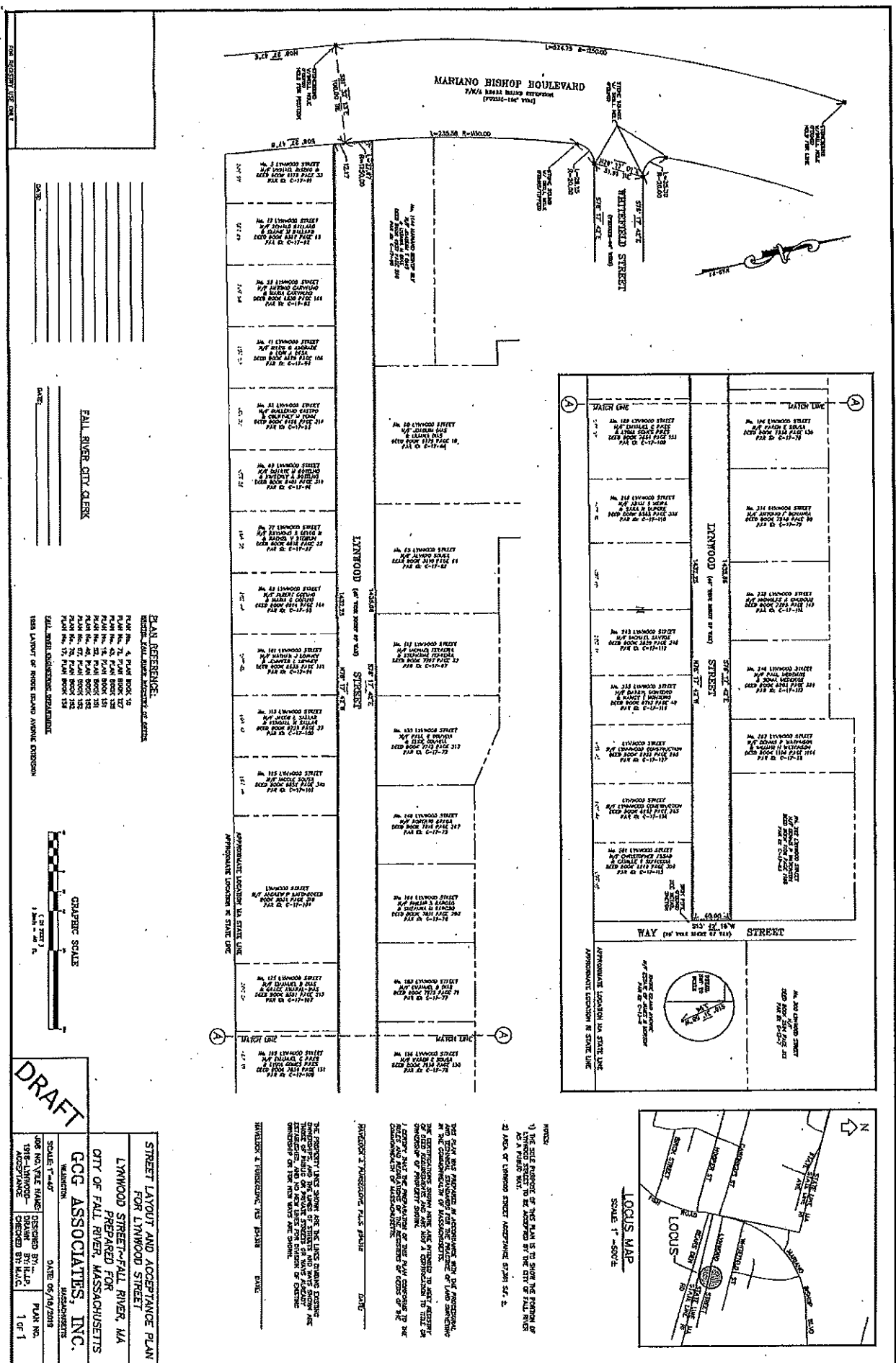
JUL 14 2020

Tabled

Tabled

(Request legal opinion regarding developer's responsibility to accept and pave street)

cc. File



City of Fall River, In City Council

46

The City Council hereby recommends that the City Engineer prepare plans for the acceptance of Lynwood Street extending from Mariano S. Bishop Boulevard to a dead end.

CITY OF FALL RIVER
IN CITY COUNCIL
MAR 15 2018

Referred to the
Planning Board

CITY OF FALL RIVER
IN CITY COUNCIL
SEP 25 2018

Adopted

CITY OF FALL RIVER
IN CITY COUNCIL

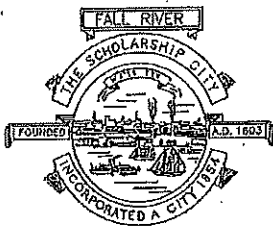
MAR 10 2020

Tabled

CITY OF FALL RIVER
IN CITY COUNCIL

JUL 14 2020

Tabled



City of Fall River
Massachusetts
Planning Department

46

JASIEL F. CORREIA II
Mayor

WILLIAM D. ROTH JR., AICP
City Planner

September 13, 2018

Hon. Fall River City Council
One Government Center
Fall River, MA 02722

RECEIVED
2018 SEP 13 P 2:53
CITY CLERK
FALL RIVER, MA

Re: Recommendation for Acceptance of Lynwood Street extending from Mariano Bishop Boulevard to the dead end.


Honorable Councilors:

On March 15, 2018, the City Council referred the above to the Planning Board for its recommendations. At a duly posted and advertised Public Hearing conducted on August 23, 2018, after hearing testimony from all members of the public present who wished to be heard, it was duly Moved, Seconded and Unanimously VOTED:

To recommend to the City Council that the City accept Lynwood Street extending from Mariano Bishop Boulevard to the dead end.

Estimated costs and overview for the needed improvements in the event the City accepts the street were prepared for by Paul J. Ferland, Deputy Administrator Community Utilities Department and JR Frey, City Engineer, attached hereto.

Respectfully Submitted,


William D. Roth, JR., AICP
City Planner

CITY OF FALL RIVER
IN CITY COUNCIL
SEP 25 2018

a/c placed on file

cc. File

46



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

JASIEL F. CORREIA II
Mayor

PAUL J. FERLAND
Deputy Administrator

TO: Bill Roth

FROM: Paul J. Ferland, Deputy Admin. *PJF*

DATE: July 10, 2018

RE: Lynwood Street Acceptance

Below are the comments in relation to the acceptance of Lynwood Street from the Community Utilities Division:

1. There is an 8" main on Lynwood Street that appears to serve all residences
2. There is a low pressure force main that services all residences
3. There is a drainage system that was installed by one of the developers per our spec/direction in the low point on the street. This street is very flat with a high water table area.

The cost to accept Lynwood Street from Water, Sewer and Stormwater would be minimal. Care should be taken with the design of the roadway as to make sure water is able to flow on the roadway and not affect adjacent properties. If there are any drainage benefits identified through design, they should be implemented.

46



City of Fall River Massachusetts

Department of Community Maintenance

CEMETERIES • MUNICIPAL BUILDINGS • ENGINEERING • SANITATION •
PARKS • STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

Engineering Division

JASIEL F. CORREIA II
Mayor

JOHN A. PERRY, JR.
Director

J R FREY, P.E.
City Engineer

MEMO

To: William D. Roth, Jr., AICP, City Planner
From: J R Frey, P.E., City Engineer *JRF*
Date: August 21, 2018
Subject: Public Hearing of the Planning Board Scheduled for August 23, 2018

Comments:

Item 1: Dedications/Memorials

Engineering has no comment on Item 1.

Item 2: Street Acceptances

A. Bell St.- The road was previously evaluated as part of the pavement management program and received an RSR of 0.00. Acceptance of this road will require extending the road to connect it to Canedy St., providing for plowing, trash collection, and maintenance, and access of City Utilities. The estimated cost of reconstructing the existing road and extending it is \$30,000 including police detail and contingency. Constructing the road as described would result in a significant reduction of the current driveway for 30 Bell Street, which appears to have only +/-17' of front set-back between the right-of-way and the residence.

B. Estes Ln.- The road was previously evaluated as part of the pavement management program and received an RSR of 0.00. Acceptance of this road requires the construction of a turnaround to provide for emergency access, plowing and trash collection. The estimated cost of reconstructing the existing road and constructing the turnaround is \$40,000 including police detail and contingency.

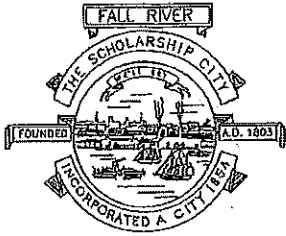
~~C.~~ Lynwood St.- The road was previously evaluated as part of the pavement management program and received an RSR of 35.18. Drainage problems at discrete locations within the layout have accelerated the deterioration of the roadway where the problems exist. Acceptance of this road requires the construction of a hammerhead turnaround within the Way Street layout to provide for emergency access, plowing and trash collection. The estimated cost of reconstructing the existing

road, minor drainage improvements, and constructing the turnaround is \$140,000 including police detail and contingency.

Item 3: Street Discontinuance

Engineering has no comments on Item 3.

47a



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

PAUL E. COOGAN
Mayor

June 18, 2020

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

Council President and Members of the Council:

I hereby make the following appointment:

Name: Amber Burns

**Address: 424 Oak Grove Avenue
Fall River, MA 02720**


Position: Board of Park Commissioners

Effective Date: June 18, 2020

Term to expire: May 05, 2025

Replacing: Marcy Ytkin

Sincerely,


**Paul Coogan
Mayor**

**Cc: Auditor's Office
Human Resources
City Council**

**CITY OF FALL RIVER
IN CITY COUNCIL**

JUL 14 2020



2020 JUN 29 P 2:06

RECEIVED

47a

Amber Burns
Amber.L.Burns@gmail.com
 781-535-7170

EDUCATION:

Southern New Hampshire University | Hooksett, New Hampshire 01/2017
 Masters of Science, Accounting

Eastern Nazarene College | Quincy, MA 05/2011
 Bachelor's Degree, Communications & Business Management

WORK EXPERIENCE:

AR Global Newport, RI 09/2018- Present

Assistant Financial Controller

- o Trial Balance
- o Month End and Year-end closing
- o General Ledger.
- o Budgeting and Forecasting
- o Monitor and analyze accounting data and produce financial reports or statements
- o Quarterly / Year End Audit
- o CAM Reconciliations

Navitas USA Holdings LLC Boston, MA 09/2014 – 09/2018

Corporate Finance Officer

- o Oversee Finance officers at perspective Business units. (UMASS Boston, UMASS Dartmouth, Florida Atlantic University, University of New Hampshire)
- o Process all student refunds
- o Reconcile corporate bank accounts
- o Maintain Corporate Fixed Assets
- o Process all agent commission payments
- o Established spreadsheets using Microsoft Excel and Adobe Reader to organize and keep records
- o Invoicing students and processing student payments (credit card, wire transfers and bank checks)
- o Respond to and resolve student invoice inquiries
- o Review and reconcile University billings to Navitas and reconcile end of month balances
- o Creating commissions billing, responding and resolving commission inquiries
- o Oracle Journal Inquiries

Cityscapes Plantcare Inc. Boston, Ma 01/2012- 09/2014

Assistant Financial Controller (April 2012 – September 2014)

- o Records daily payments received from customers, and bills received from vendors
- o Reconcile Bank Accounts
- o Standard Office Tasks: Filing, note taking, answering phones, scanning, faxing
- o Interview prospective employees
- o Process W9 requests and Certificates of Insurance
- o A/P and A/R
- o Record and enter credit card statements
- o Credit Card Processing

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

PAUL E. COOGAN
Mayor

June 18, 2020

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

Council President and Members of the Council:

I hereby make the following appointment:

Name: Joseph DaSilva

**Address: 537 Birch Street
Fall River, MA 02721**

Position: Board of Park Commissioners

Effective Date: June 18, 2020

Term to expire: May 06, 2024

Replacing: Joseph Schulenburg

Sincerely,

**Paul Coogan
Mayor**

**Cc: Auditor's Office
Human Resources
City Council**

**CITY OF FALL RIVER
IN CITY COUNCIL**

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JOSEPH DASILVA

537 Birch Street, Fall River, MA 02724

Cell Phone 1 (774) 526-3490

Email: bardydasilva2011@gmail.com

OBJECTIVE

Interested in being appointed as Park & Cemeteries Commissioner to serve on the Park & Cemeteries Board for the City of Fall River, MA

WORK EXPERIENCE

August 2018 – Present Fall River Housing Authority Fall River, MA
Program & Services Coordinator – Resident Services Department Organizing Activities, social programs and opportunities for residents in the Elderly, Disable and family development.

2008 – August 2018 Fall River Housing Authority Fall River, MA
Family & Youth Services Coordinator - Resident Services Department
Coordinating activities, programs and opportunities for residents.

March 2006 – 2008 Fall River Housing Authority Fall River, MA
Youth Services Coordinator - Resident Services Department
Creating opportunities, Sporting events, educational programs for Youths.

August 2004 - March 2006 Fall River Housing Authority Fall River, MA
Tenant Coordinator – Modernization Department
Coordinating the schedules of home improvements between contractors and tenants. Provide tenants with necessary information pertaining to them responsibility in preparation for improvements to their units.

Oct. 2003 – August 2004 Family Services Association of Greater Fall River
Van Driver for Adult Daycare Country Side Site

2002-2003 Stop & Shop Loss Prevention Fall River, MA
Store Detective
Worked as store detective protecting company assets, operated closed-circuit television

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2001 – 2003 City of Fall River, Oak Grove Cemetery Fall River, MA
Grounds keeper
Worked generally in keeping grounds including raking, cutting grass, burials and miscellaneous duties as needed

1990 – 1999 Fall River Housing Authority Fall River, MA
Participant
Worked with the Housing Authority on several sporting events and worked with troubled adolescents residing in public Housing.

Education

1989 – 1993 BMC Durfee High School Fall River, MA

Volunteer Experience

2014 – present
Greater Fall River Child Protection Council
President of Board

Past member of the Fall River Chapter of "A wish come True" by raising funds to Grant wishes to terminally ill children

Community Development Recreation
Assisted adolescents and pre-adolescents in sporting and arts and crafts activities

TOPPS (Teen Opportunities and Prevention Program) Peer Leader – worked with residents of Crawford Nursing Home.

1993- 1997 Auxiliary Police Officer held the rank of Sargent for Fall River Police Department – Help with crowd control and traffic for the many different events in the city of Fall River, MA