

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

REGULAR MEETING OF THE CITY COUNCIL

INÊS LEITE
ASSISTANT CITY CLERK

MEETING: Tuesday, February 23, 2021 at 7:00 p.m.
Zoom (Virtual Meeting Application) pursuant to the Governor's Declaration of State of Emergency due to the Coronavirus (COVID-19) pandemic

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

President Cliff Ponte called the meeting to order at 7:46 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 loan order in the amount of \$4,911,047 for Phase II repairs to the Samuel Watson Elementary School
A motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira to authorize the loan order to be published and referred to the Committee on Finance was objected to by Councilor Shawn E. Cadime and laid on the table in accordance with the City Charter.
2. Mayor and loan order in the amount of \$1,800,000 for constructing a synthetic turf varsity baseball field at B.M.C. Durfee High School
A motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira to authorize the loan order to be published and referred to the Committee on Finance was objected to by Councilors Shawn E. Cadime and Michelle M. Dionne and laid on the table in accordance with the City Charter.

PRIORITY COMMUNICATIONS

3. Traffic Commission recommending amendments to traffic ordinances
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to refer the matter to the Committee on Ordinances and Legislation.

COMMITTEE REPORTS – None

ORDINANCES

Second Reading and enrollment:

4. Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas that the proposed ordinance be passed through second reading and enrollment. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas that the proposed ordinance be passed to be ordained.

Approved, February 24, 2021, Paul E. Coogan, Mayor

5. Proposed Ordinance EMS – Administrative Assistant

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas that the proposed ordinance be passed through second reading and enrollment. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas that the proposed ordinance be passed to be ordained.

Approved, February 24, 2021, Paul E. Coogan, Mayor

RESOLUTIONS

6. Committee on Ordinances and Legislation convene to discuss a Public Art Policy
Councilor Michelle M. Dionne stated that Fall River was designated as one of 50 Cultural Districts in the Commonwealth of Massachusetts and with that designation Fall River needs to have a Public Art Policy and this resolution will begin the process. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was voted 9 yeas to adopt the resolution.

7. City Council support vote of no confidence against Matthew H. Malone, Superintendent of Schools

Councilor Shawn E. Cadime stated that buildings do not teach children, people teach children. He also stated that he received a letter from the attorney representing the Superintendent of Schools to cease and desist from making public comments on the matter. Councilor Pam Laliberte-Lebeau stated that there are numerous complaints against the Superintendent of Schools and he has not had his employment terminated, but a teacher was fired last year for one Facebook post. She then stated that there are five pending Massachusetts Commission Against Discrimination (MCAD) complaints regarding the Superintendent of Schools, which were confirmed by Corporation Counsel. Councilor Leo O. Pelletier stated that this matter is going to get worse, as more people are coming forward to report discrimination and bullying by the Superintendent of Schools. Councilor Christopher M. Peckham stated that no employee of the Fall River School Department should feel uneasy and afraid to report to work each day. Councilor Linda M. Pereira stated that social media is our downfall and unfortunately is causing a lack of qualified candidates to apply for vacant positions in the City. Council President Cliff Ponte read the following highlights from the mission statement of the Fall River Public Schools:

- Students will attain their fullest potential and become responsible members of society*
- We are committed to educating in a respectful, safe, healthy, and supportive environment*
- Not only do we prohibit discrimination of any kind – based upon race, color, gender identity, religion, national origin, sexual orientation, homelessness, or disability – we proactively reach out to all students to ensure that active participation in all curricular and extracurricular programs*
- Equal educational opportunity is not only a legal requirement, but something we earnestly pursue*

He then stated that the Superintendent of Schools has not upheld this mission and has disrespected and discriminated against teachers and paraprofessionals and that is not acceptable. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Shawn E. Cadime, it was voted 8 yeas to adopt the resolution, with Councilor Bradford L. Kilby voting present. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was voted 8 yeas to forward a letter to the Superintendent of Schools requesting his resignation (copy of said letter is attached hereto and made a part of these minutes), with Councilor Bradford L. Kilby voting present. On yet a further motion made by Council President Cliff Ponte and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas to forward a letter to the Superintendent of Schools, School Committee and Attorney Bruce Assad requesting the release of the \$25,000.00 investigative report regarding the Superintendent of Schools (copy of said letters are attached hereto and made a part of these minutes), with Councilor Bradford L. Kilby voting present.

CITATIONS – None

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

8. Police Chief's report on licenses:
2021 Taxicab Driver:
Michael Souza

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adopt the order.

9. Auto Repair Shop License Renewals:
Jose M. Beirao, Beirao's Auto Repair Co., Inc., located at 830 Globe Street
Kirk Carrier, Kirk's Transmission, Inc., located at 461 Globe Street

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to adopt the order.
Approved, February 24, 2021, Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

10. Claims

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Shawn E. Cadime, it was voted 9 yeas to refer the matter to Corporation Counsel.

City Council Meeting Minutes:

11. Regular Meeting of the City Council – February 9, 2021

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was voted 9 yeas to approve the minutes.

12. Assistant Corporation Counsel's response to Open Meeting Law complaint filed by Patrick Higgins re: City Council Committee on Ordinances and Legislation on February 2, 2021

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas that the communication be accepted and placed on file.

13. Attorney General's Office response to Asst. Corporation Counsel re: Open Meeting Law complaint filed by Collin Dias regarding the City Council Meeting of July 14, 2020

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was voted 9 yeas that the communication be accepted and placed on file.

BULLETINS – NEWSLETTERS – NOTICES

14. Notice of Casualty and Loss at 551 Rock Street

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was voted 9 yeas that the communication be accepted and placed on file.

ITEMS FILED AFTER THE AGENDA DEADLINE: **CITY COUNCIL MEETING DATE: FEBRUARY 23, 2021**

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

COMMITTEE REPORTS

Committee on Finance recommending:

- 3a. Five Year Capital Improvement Plan

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Christopher M. Peckham, it was voted 2 yeas, 7 nays to adopt the Capital Improvement Plan, with Councilors Bradford L. Kilby and Linda M. Pereira voting in the affirmative, and the motion failed to carry. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to refer the matter to the Committee on Finance.

- 3b. Five Year Financial Forecast

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was voted 9 yeas that the Five Year Financial Forecast be accepted and placed on file.

Committee on Public Works and Transportation recommending:

- 3c. Street opening request for pavement less than five years – 140 Manchester Street

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to approve the request with the conditions listed by the City Engineer.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to adjourn at 8:57 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

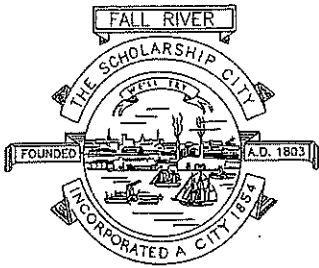
DVD of meeting

A true copy. Attest:



City Clerk

In City Council, April 6, 2021
Approved.



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

February 24, 2021

Matthew H. Malone
Superintendent of Schools
417 Rock Street
Fall River, MA 02720

Dear Superintendent Malone:

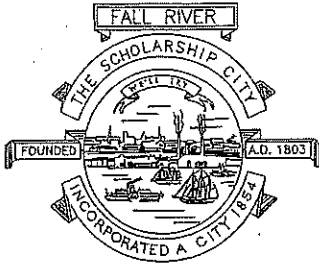
At a meeting of the Fall River City Council held on February 23, 2021 a discussion was held regarding a resolution for a vote of no confidence against the Superintendent of Schools. During that discussion and on a motion made and seconded, it was voted 8 yeas to send a letter requesting the release of the \$25,000.00 investigative report regarding the Superintendent of Schools.

The City Council has requested that you release this report to the City Council immediately.

Sincerely,

Alison M. Bouchard
City Clerk

/ct



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

February 24, 2021

Fall River School Committee
417 Rock Street
Fall River, MA 02720

Dear Members of the School Committee:

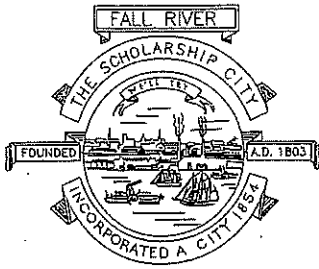
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The City Council has requested that you release this report to the City Council immediately.

Sincerely,

Alison M. Bouchard
City Clerk

/ct



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

February 24, 2021

Matthew H. Malone
Superintendent of Schools
417 Rock Street
Fall River, MA 02720

Dear Superintendent Malone:

At a meeting of the Fall River City Council held on February 23, 2021, the enclosed resolution was discussed at length. Said resolution, places the City Council on record in support of a vote no confidence, and further requests your immediate resignation.

With the exception of Brad Kilby, who voted "present", the resolution was adopted by a vote of 8 yeas.

The City Council has requested that you submit your resignation, effective immediately.

Sincerely,

Alison M. Bouchard
City Clerk

City of Fall River, *In City Council*

(Councilor Shawn E. Cadime)
(Councilor Michelle M. Dionne)

WHEREAS, there have been a number of issues regarding the behavior of the Superintendent of Schools, Matthew H. Malone, and

WHEREAS, many School Department employees stated that their work environment is toxic, consisting of bullying, intimidation and harassment, and

WHEREAS, many employees have not come forward due to the fear of retribution and the possibility of losing their employment, now therefore

BE IT RESOLVED, that the City Council go on record in support of a vote of no confidence against Matthew H. Malone, Superintendent of Schools, and

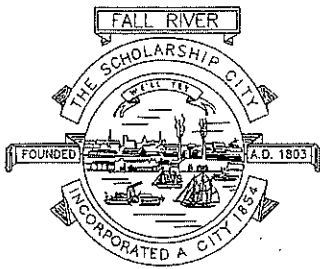
BE IT FURTHER RESOLVED, that the City Council go on record requesting that Matthew H. Malone resign immediately as the Superintendent of Schools.

In City Council, February 23, 2021
Adopted, 8 yeas.

A true copy. Attest:

Alison M. Bouchard

City Clerk



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

February 24, 2021

Attorney Bruce A. Assad
Fall River School Department
417 Rock Street
Fall River, MA 02720

Dear Attorney Assad:

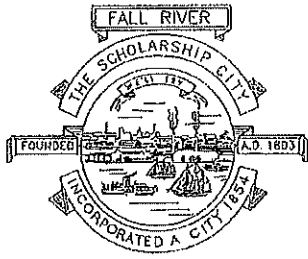
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The City Council has requested that you release this report to the City Council immediately.

Sincerely,

Alison M. Bouchard
City Clerk

/ct



City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2021 FEB 18 P 3:38

ALISON M. BOUCHARD
CITY CLERK

CITY CLERK _____
FALL RIVER, MA

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED VIRTUAL MEETINGS

Meetings will be available for viewing on Comcast Cable Channel 18 in Fall River or the following websites: Fall River Government Television - www.frgtv.fredtv.us/live; Facebook - www.facebook.com/frgtv/live; Livestream - <https://livestream.com/accounts/12896038>

TUESDAY, FEBRUARY 23, 2021 AGENDA

5:30 P.M. COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION MEETING

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

1. Five Year Capital Improvement Plan

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

1. Citizen Input
Due to the COVID-19 Essential Services Advisory, citizen input must be submitted by email to city_council@fallriverma.org by Tuesday, February 23, 2021 at 3:00 p.m. to be read at the meeting.
2. *Five Year Capital Improvement Plan (referred 1-19-21)
3. *Five Year Financial Forecast (referred 1-19-21)

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

PRIORITY MATTERS

1. *Mayor and loan order in the amount of \$4,911,047 for Phase II repairs to the Samuel Watson Elementary School
2. *Mayor and loan order in the amount of \$1,800,000 for constructing a synthetic turf varsity baseball field at B.M.C. Durfee High School

PRIORITY COMMUNICATIONS

3. *Traffic Commission recommending amendments to traffic ordinances

COMMITTEE REPORTS – None

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

ORDINANCES

Second Reading and enrollment:

4. *Proposed Ordinance – Traffic, Miscellaneous
5. *Proposed Ordinance EMS – Administrative Assistant

RESOLUTIONS

6. *Committee on Ordinances and Legislation convene to discuss a Public Art Policy
7. *City Council support vote of no confidence against Matthew H. Malone, Superintendent of Schools

CITATIONS – None

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

8. Police Chief's report on licenses:
2021 Taxicab Driver:
Michael Souza
9. Auto Repair Shop License Renewals:
Jose M. Beirao, Beirao's Auto Repair Co., Inc., located at 830 Globe Street
Kirk Carrier, Kirk's Transmission, Inc., located at 461 Globe Street

COMMUNICATIONS – INVITATIONS – PETITIONS

10. *Claims
11. City Council Meeting Minutes:
*Regular Meeting of the City Council – February 9, 2021
12. *Assistant Corporation Counsel's response to Open Meeting Law complaint filed by Patrick Higgins re: City Council Committee on Ordinances and Legislation on February 2, 2021
13. *Attorney General's Office response to Asst. Corporation Counsel re: Open Meeting Law complaint filed by Collin Dias regarding the City Council Meeting of July 14, 2020

BULLETINS – NEWSLETTERS – NOTICES

14. Notice of Casualty and Loss at 551 Rock Street


City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE: **CITY COUNCIL MEETING DATE: FEBRUARY 23, 2021**

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

COMMITTEE REPORTS

- Committee on Finance recommending:
Five Year Capital Improvement Plan
Five Year Financial Forecast

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

Committee on Public Works and Transportation recommending:

Street opening request for pavement less than five years – 140 Manchester Street

ORDINANCES

Ordination:

4. *Proposed Ordinance – Traffic, Miscellaneous
5. *Proposed Ordinance – EMS – Administrative Assistant

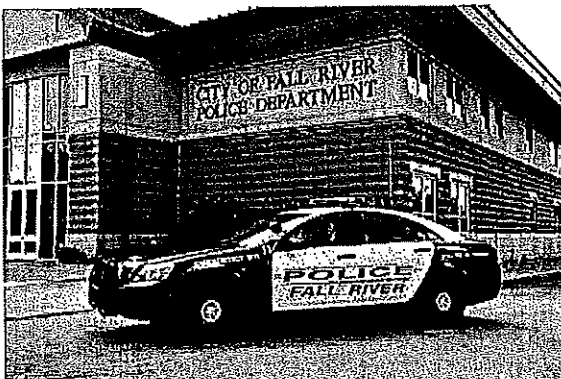
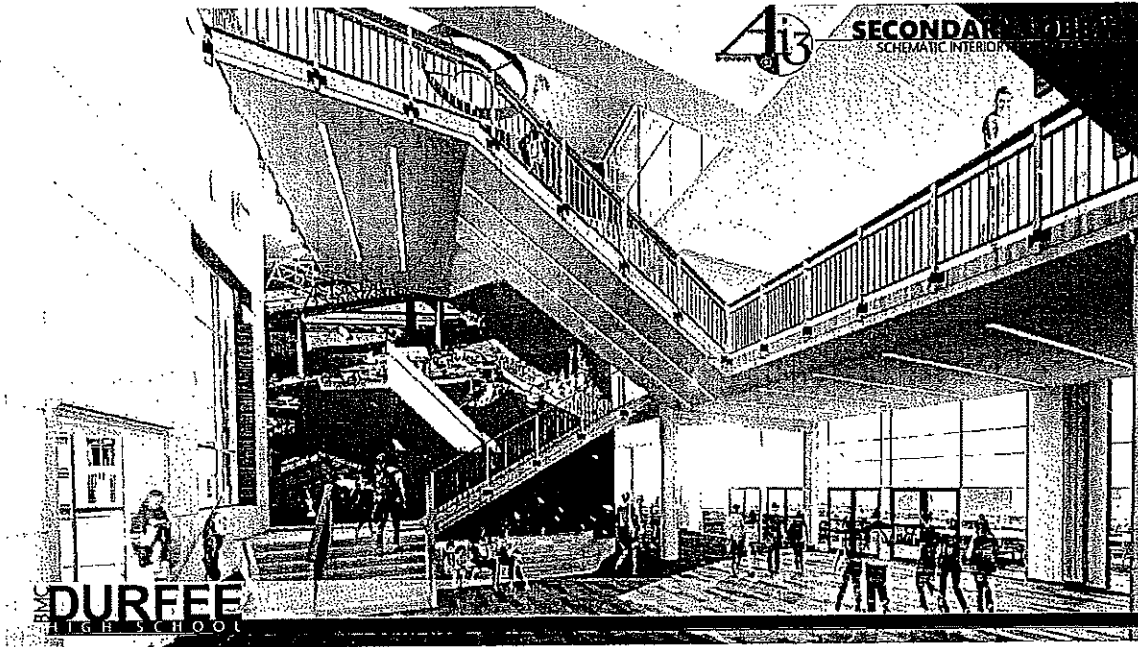
City of Fall River, Massachusetts

2021 JAN -8 A 10:12

CAPITAL IMPROVEMENT PLAN

CITY CLERK _____
FALL RIVER, MA

Fiscal Years Ending June 30, 2022 through 2026



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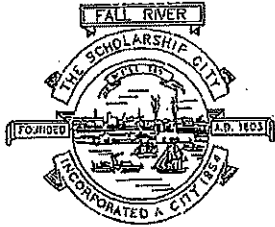
Introduction

CITY OF FALL RIVER, MA – CAPITAL IMPROVEMENT PLAN

RECEIVED

2021 JAN -8 A 10:18

CITY CLERK
FALL RIVER, MA



City of Fall River
Massachusetts
Office of the Mayor

Paul E. Coogan
Mayor

December 27, 2020

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

RE: 5-year Capital Improvement Plan

Honorable Council:

Pursuant to Article 6 of the City's Charter, I am submitting for your review and approval the 5-year Capital Improvement Plan (CIP) for our City. We have worked with the City Departments to assemble this document based on their current and future needs.

We are prepared to make a presentation in support of this CIP. Pursuant to the Charter the City Council is required to conduct a Public Hearing and adopt the Plan no later than March 1, 2021. We welcome your input and are happy to discuss the Plan with you.

Sincerely,

Paul E. Coogan
Mayor

**CITY OF FALL RIVER
IN CITY COUNCIL**

JAN 19 2021

*Referred to the Committee
on Finance 9 years*

City Charter

SECTION 6-5: CAPITAL IMPROVEMENT PROGRAM

(a) Submission - The mayor shall submit a capital improvement program to the city council at least 180 days before the start of each fiscal year. The capital improvement program shall include:

- (1) a clear and concise summary of its contents;
- (2) a list of all capital improvements proposed to be undertaken during the next 5 years, with supporting information as to the need for each capital improvement;
- (3) cost estimates, methods of financing and recommended time schedules for each improvement; and
- (4) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved.

This information shall be annually revised by the mayor with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

(b) Public Hearing - The city council shall publish in at least 1 local newspaper of general circulation in the city and shall post on the city's website a notice stating: (i) the times and places where copies of the entire capital improvement program are available for inspection by the public; and, (ii) the date, time and place of a public hearing on the plan to be held by the city council not less than 14 days after publication of the notice.

(c) Adoption - At any time after the public hearing but before March 1 the city council shall by resolution adopt the capital improvement program, which may be amended, provided that each amendment shall be voted on separately and that an increase in the capital improvement program as submitted shall clearly identify the method of financing to accomplish the proposed increase.

Executive Summary

A capital improvement plan (CIP) is a multi-year schedule of municipal improvements. The City's Capital Improvement Plan spans a five-year period. The plan sets forth the proposed expenditures for systematically constructing, maintaining, upgrading and replacing the community's physical plant or infrastructure, and includes vehicles and other mobile equipment.

Capital improvement projects are typically major, infrequent expenditures, such as the construction of a new facility or rehabilitation or major repair of an existing facility. This CIP does not recognize the purchase or construction of major capital facilities accounted for in the Enterprise Funds. Capital Projects Funds are generally not used to account for the acquisition of furniture, fixtures, equipment or other relatively short-lived assets. Individual projects from the adopted plan should become part of the capital budget for their respective departments.

To be useful as a tool for budgeting and sound financial management, the plan is updated annually by reviewing existing projects, proposing new projects and extending the program by an additional year. This process also considers the short term and long-term effects of the expenditures and any associated debt on fund balances and cash flow for operations. The CIP is considered essential for managing and coordinating the efficient expenditure of Fall River's public resources.

Capital projects are those where financing provided in whole or in part by the issuance of long-term obligations and/or expenditures are made during more than one fiscal year, while capital outlay expenditures normally are part of the operating budget and are referred to as pay as you go projects on the "Projects Planned" schedules attached hereto.

In the fiscal years ending to 2022 through 2026 the Administration has reviewed the needs of the Departments and keeping in mind the internal policy of our annual debt expense not to exceed \$10,000,000 made an allocation between those capital assets which are anticipated to be funded through the operating budget and those assets which will require bonding. Currently it is intended to include \$397,318 of the combined department capital needs in the fiscal year 2022 operating budget.

Policies

- The City will make capital improvements in accordance with an adopted CIP.
- The City will develop a 5-year plan for capital improvements and update it each year.
- Future capital expenditures necessitated by changes in population, real estate development or economic base will be calculated and included in the capital budget projections.
- The City will coordinate development of the capital improvements budget with development of the operating budget. When possible and efficient to do so, future operating costs associated with new capital improvements will be projected and included in operating budget forecasts.
- The City will use intergovernmental assistance to finance those capital improvements that are consistent with the CIP and City priorities, and whose operating and maintenance costs have been included in operating budget forecasts.
- The City will maintain all its assets at a level adequate to protect its capital investment and to minimize future maintenance and replacement costs.
- The City will identify the estimated costs and potential funding sources for each capital project proposal before it is submitted to the City Council for approval.
- The City will determine the least costly financing method for all new projects.
- The City will plan and organize the acquisition of the capital assets keeping the annual operating debt service cost to remain at approximately \$10,000,000 annually.

Process

The capital planning process and Capital Improvement Plan (CIP) were established to provide a routine process and procedure for identifying, evaluating and advocating the current and future capital needs of the City. The capital planning process not only provides an orderly and routine method of proposing the planning and financing of capital improvements, but the process also makes capital expenditures more responsible to community needs by informing and involving the public.

By prioritizing projects, the CIP process also creates a more understandable and defensible investment decision-making process, improves linkages between capital investments and the City's long-term vision and goals, and builds citizen confidence by making a more effective use of City resources.

The CIP plan reflects the capital spending goals presented for consideration. These projects are input annually (the process begins in July) by the Mayor, City Council, City Department and Division heads and most importantly, citizens of Fall River. To have a project considered for inclusion in this process please contact your City Council representative or the Mayor by July of each fiscal year.

The goal of the CIP is to identify projects that will be funded in the Capital Budget. The ranking of CIP projects may be used to influence funding for the annual Capital Budget. The inclusion of a project in the CIP does not mean it will be completed, funded or purchased. It is a tool used to identify the best use of City funds with the monies available.

How is the CIP developed?

The CIP is updated annually as part of the City's regular budget process. After departments submit their CIP requests to Budget, the Administration reviews and evaluates the proposed projects based on Mayor and City Council priorities, infrastructure needs, the financial capacity of the city, and the impact the projects could have on the City's operating budgets.

Once the projects are evaluated, the Administration recommends the selection and timing of capital projects through future fiscal years to the City Council. In some cases, plans are made to include the project in the operating budget and on other cases the projects are brought to the City Council for approval of a loan authorization.

CITY OF FALL RIVER, MA – CAPITAL IMPROVEMENT PLAN

Capital Improvement Plan Defined

The capital improvement plan is simply that – a plan. As such, projects are subject to change based on new or shifting service needs, special financing opportunities, emergency needs, or other directives or priorities established by the Mayor and City Council. Because priorities can change, projects included in outward planning years are not guaranteed for funding.

Capital Assets Defined

A capital improvement project is defined as a major expenditure that includes one or more of the following:

1. Any acquisition of land for a public purpose;
2. Any construction of a new facility (e.g., a public building, water lines, pavilion etc...) or an addition to, or extension of, such a facility;
3. A rehabilitation (i.e., something which is infrequent and would not be considered annual or other recurrent maintenance) or major repair of all or a part of a building, its grounds, or a facility, or of equipment;
4. Purchase or major equipment (i.e., items with a cost – individually or in total – of \$10,000 or more), which have a useful life of five years or more, including vehicles (rolling stock) if part of a systematic replacement plan;
5. Any planning, feasibility, engineering, or capital design study related to an individual capital improvement project or to a program that is implemented through individual capital improvement projects.

Operating Budget Impacts

Departmental budgets may be impacted by capital projects once they are completed and require maintenance/upkeep. Examples of these impacts include additional or reduced utilities, fuel costs, or staffing changes, which may not be realized until after projects are completed. For many projects, the operating costs are captured in the department's annual operating budget and no additional operating costs are listed. Most projects will not have an operating impact in the initial funding year, since this is typically the construction/installation phase and operating budgets are not impacted.

Staff Involvement

Developing the recommended capital improvement plan is a lengthy, multi- step process. Development of the Capital Improvements Plan requires a complex process involving input by all department and division heads. The initial task for each Department is to generate a list of identified capital. The next, and most critical, process component is rating the relative merits of each project (the “Prioritization” step). This crucial step, while constrained by the amount of funding anticipated to be available for capital projects and timing of availability of funds when more than one asset category is involved in a project, nonetheless provides invaluable information in the CIP decision-making process. Shrinking funds and rising costs incurred in maintaining and rehabilitating deteriorating infrastructure make the process of selecting the most vital capital projects even more crucial and difficult. Department heads also estimate the cost of each project or purchase, described the relationship to other projects and assigned the projects a priority rating. Aging buildings and rehabilitation of the buildings are managed by the Facility department. Police and Fire’s capital needs surround for the most part vehicles and large equipment. The Department of Community Service is responsible to ensure the streets and highway equipment as well as the snow equipment needs are satisfied.

The IT Department is responsible for the City’s IT infrastructure and software. With the aging equipment and the need for upgrades in hardware and software this department has estimated the cost of equipment and software needs to protect the City’s assets (its data).

Other CIP assets include improvements to our parks. Here, the Administration continues to work with State agencies and the Community Development Agency for funding of the projects.

Evaluating Projects

The following criteria are used to evaluate each of the proposed capital improvement projects or purchases.

Risk to Public Safety or Health. To protect against a clear and possibly immediate risk to public safety or public health.

Deteriorated Facility. An investment that deals with a deteriorated facility or piece of equipment. The action taken may be either: 1) reconstruction or extensive rehabilitation to extend its useful life to avoid or to postpone replacing it with a new and costlier one; or 2) replacement of the facility or piece of equipment with a new one.

Systematic Replacement. An investment that replaces or upgrades a facility or piece of equipment as part of a systematic replacement program. This investment assumes the equipment will be replaced at approximately the same level of service. Some increase in size to allow for normal growth or increased demand is anticipated.

Improvement of Operating Efficiency. An investment that substantially and significantly improves the operating efficiency of a department. Or an expenditure that has a very favorable return on investment with a promise of reducing existing, or future, increases in operating expenses (e.g., introduction of a new or improved technology).

Coordination. 1) An expenditure that is necessary to insure coordination with another CIP project (e.g., scheduling a sewer project to coincide with a street reconstruction project so that the street is not dug up a year after it is completed); 2) A project that is necessary to comply with requirements imposed by others (e.g., a court order, a change in federal or state law, an agreement with another governmental jurisdiction or agency); or 3) A project that meets established goals or objectives of the Administration.

Equitable Provision of Services, Facilities. 1) An investment that serves the special needs of a segment of the community's population identified by public policy as deserving of special attention (e.g., the handicapped, the elderly, or low- and moderate-income persons); or 2) An investment that, considering existing services or facilities, makes equivalent facilities or services available to neighborhoods or population groups that are now undeserved in comparison with residents generally.

Protection and Conservation of Resources. 1) A project that protects natural resources that are at risk of being reduced in amount or quality; or 2) A project that protects the investment in existing infrastructure against excessive demand or overload that threatens the capacity or useful life of a facility or piece of equipment.

CITY OF FALL RIVER, MA – CAPITAL IMPROVEMENT PLAN

New or Substantially Expanded Facility. Construction, or acquisition, of a new facility (including land) or new equipment, or major expansion thereof, that provides a service, or a level of service, not now available.

Recommended Plan

After identifying all of the potential capital projects and purchases, describing them in detail and evaluating their importance, the final plan is developed.

Each approved project is described, and the estimated cost is identified in the projects in progress section of this document.

The plan is recommended by the Mayor to City Council on a project by project basis for authorization. The projects and purchases from the plan will be incorporated into the annual operating budget as revenues permit.

Summary

The importance of implementing and updating the Capital Improvement Plan cannot be over-emphasized. Using the same process described herein, the Capital Improvement Plan will continue to be updated annually to span a full five-year period. New capital improvement requests will be submitted by department heads for evaluation and inclusion in the updated plan. With the help of department heads, constituents, and elected officials the administration will decide which projects and purchases from the recommended Capital Improvement Plan will be included in the annual budget and/or in future capital improvement plans.

Projects in Progress

CITY OF FALL RIVER, MA – CAPITAL IMPROVEMENT PLAN

The following projects have been previously authorized by City Council and the related financial information (revenues and expenditures) related to each project is included in the City's quarterly reports as required by Section 6-8 of the City Charter.

Purpose	Vote Date(s)	Reference	Amount Authorized
CSO Settlement	8/24/2006	Ch. 44 s. 8(14)	\$ 70,000,000
Middle Street Flood Control	7/1/2013	Ch. 44 s. 7(1)	\$ 3,000,000
Master Plan Flood Control Projects	7/1/2013	Ch. 44 s. 8(14)	\$ 10,000,000
Buildings & Grounds Departmental Equipment	10/18/2016	Ch. 44 s. 7(1)	\$ 465,000
MIS Departmental Equipment	10/18/2016	Ch. 44 s. 7(1)	\$ 390,000
Parks & Cemetery Departmental Equipment	10/18/2016	Ch. 44 s. 7(1)	\$ 278,600
Replace Sidewalks - Shared Homeowner Program	10/18/2016	Ch. 44 s. 7(1)	\$ 200,000
Replace Sidewalks in Various Parks - ADA Compliance	10/18/2016	Ch. 44 s. 7(1)	\$ 250,000
Streets & Highways Departmental Equipment	10/18/2016	Ch. 44 s. 7(1)	\$ 460,000
Streetscapes - Bank Street/Columbia Square	10/18/2016	Ch. 44 s. 7(1)	\$ 1,260,500
Streetscapes - Bedford Street	10/18/2016	Ch. 44 s. 7(1)	\$ 2,450,000
Police Departmental Equipment	10/28/2016	Ch. 44 s. 7(1)	\$ 600,000
Waste/Storm Water Master Plan (Phase 1)	1/31/2017	Ch. 44 s. 8	\$ 3,800,000
Mount Hope Bike Path Feasibility Study	7/3/2017	Ch. 44 s. 7(1)	\$ 240,000
Water Meter/AMR Replacement	7/3/2017	Ch. 44 s. 8(7)	\$ 3,700,000
Water Phase 17	7/3/2017	Ch. 44 s. 8	\$ 4,936,000
Tansey-Watson Feasibility Study	9/27/2017	Ch. 44 s. 7(7) or 70B	\$ 250,000
Waste/Storm Water Master Plan (Phase 2)	11/7/2017	Ch. 44 s. 7(1)	\$ 123,000,000
Durfee High School (13)	3/28/2018	Ch. 70B	\$ 263,494,125
Drinking Water (Phase 18)	5/30/2018	Ch. 44 s. 8	\$ 4,950,000
Police Departmental Equipment	9/13/2018	Ch. 44 s. 7(1)	\$ 122,000
Globe & Flint Fire Station Roof & Doors	10/1/2018	Ch. 44 s. 7(1)	\$ 500,000
Government Center Roof Replacement	10/1/2018	Ch. 44 s. 7(1)	\$ 1,300,000
Public Safety Communication Network	10/1/2018	Ch. 44 s. 7(1)	\$ 550,000
Tansey School Repairs (Windows, Doors & Boiler Replacement)	10/1/2018	Ch. 44 s. 7(1)	\$ 2,970,496
Westall Feasibility Study	11/8/2018	Ch. 44 s. 7(7)	\$ 250,000
CPA - Bio Reserve Project - Land Acquisition	1/9/2019	Ch. 44 s. 7(1) or 44B	\$ 750,000
Watson School Repairs	5/15/2019	Ch. 44 s. 7 or 70B	\$ 7,426,775
Water Project Design and Construction - Phase 19	6/5/2019	Ch. 44 s. 7 or 8	\$ 4,950,000
Resiliency Preparatory Academy Repairs	9/13/2019	Ch. 44 s. 7 or 70B	\$ 6,088,821
Westall School Repair Project	9/13/2019	Ch. 44 s. 7 or 70B	\$ 1,704,367
Water Project Design and Construction - Phase 20	6/10/2020	Ch 44, s 8(5)	\$ 4,758,085
Snow Removal Equipment	2/13/2020	Ch. 44 s. 7(1) or 44B	\$ 2,100,000
Totals			\$ 520,336,684

Projects Planned

The following capital asset departmental equipment needs are also included.

Description	Replacement (Y/N)	H/YES, condition of current asset (Excellent, Good, Poor)	If NO, what is the reason for Need (Increased Safety; Reduce Personel Time; New Operation; Improve Service to the Community, etc)	When is the asset needed:					Estimated Cost
				FY2022	FY2023	FY2024	FY2025	FY2026	
<i>Parks:</i>									
Kubota - snow removal equipment	N			36,000					36,000
DESMARIS PLAYGROUND	Y	Poor	Play structures are a safety concern & must be removed	150,000					150,000
BRITLAND PARK PLAYGROUND	Y	Poor	Play structures are a safety concern & must be removed	150,000					150,000
Total Parks				336,000					336,000
<i>Assessors:</i>									
None									
<i>Management Information Systems:</i>									
Munis Web Hosting			Munis applications is hosted, maintained, supported and administered on a private cloud by Tyler personnel. They manage all regular administrative tasks --- including installation, upgrades, support and file maintenance --- and ensure all databases, database servers, operating system, application files and image files are up to date and secure.	Annual cost approximately \$550,000 applied from CARES	Annual cost approximately \$550,000 applied from CARES	Annual cost approximately \$550,000 applied from CARES	Increase over operating cost of \$200,000	Increase over operating cost of \$200,000	
Technology Issues - Telephone System is out of date, weak and copper lines will not be supported in the near future.	Y		Telephone system located at the Police department, City Hall, all Fire stations, Cemetery, DPW located off site is out of date and weak. The City's telephone system is in need of an upgrade. We currently has a traditional phone systems which rides on legacy phone lines. This system is really outdated and still in operation, our phone equipment is obsolete and we purchase parts from the internet. Verizon has begun to decommission copper wire service in Massachusetts starting in 2018. We are looking at a fundamental change to the phone system from a traditional line to VoIP.		300,500				300,500

CITY OF FALL RIVER, MA – CAPITAL IMPROVEMENT PLAN

Description	Replacement (Y/N)	If YES, condition of	If NO, what is the reason for Need (Increased Safety; Reduce Personnel Time; New Operations; Current facility wiring has caused many obstacles to implement other digital technology initiatives. Proper facility wiring will result in better functions for security, reliability, and speed of digital technologies including, computers, video surveillance, and phone systems.	When is the asset needed:					Estimated Cost
				FY2022	FY2023	FY2024	FY2025	FY2026	
Technology Issues - Facility wiring upgrades			Current facility wiring has caused many obstacles to implement other digital technology initiatives. Proper facility wiring will result in better functions for security, reliability, and speed of digital technologies including, computers, video surveillance, and phone systems.	15,000	15,000	15,000	15,000	15,000	75,000
Computer Replacements - Police, Fire, City Hall			A majority of the City's current computers are end of their replacement cycle and will need to be updated as part of this cycle.	35,000	35,000	35,000	35,000	35,000	175,000
Police Cruiser Replacements			Majority of the City's police cruiser laptops are end of their replacement cycle and will need to be updated as part of this cycle. In-service 57 vehicles. (Schedule 12 a year)	30,600	30,600	30,600	30,600	30,600	153,000
Office 2019 Upgrades			Currently utilizes Windows 7 which is no longer supported. This will be for Police, Fire and City Hall. Software the staff currently uses is in need of an upgrade to keep up with market conditions and capabilities.	72,600					72,600
Technology Issues - Switches and related equipment and software			The City's current switches at the Police, Fire and City Hall	WAITING FOR QUOTE					-
Technology Issues - Cisco Meraki Wireless access points and related software			The City current WAPs are End of Life (EOL) and will need to be replaced	WAITING FOR QUOTE					-
Technology Issues - Police Community Room Technology Update	Y	Poor	Hardware the staff currently uses is in need of an upgrade currently 7 years old to keep up with market conditions and capabilities. Speakers, Receiver, DVD Blue Ray player, Projector, clickers.	50,000					50,000
Technology Issues - Police & Fire RMS & CAD System			Current system has many issues that Police have tried working with vendor unsuccessfully. Vendors being evaluated are: Mark43, Next Gen, and Tyler Technologies.		500,000	500,000	500,000	500,000	2,000,000

CITY OF FALL RIVER, MA – CAPITAL IMPROVEMENT PLAN

When is the asset needed:									
Description	Replacement (Y/N)	If YES, condition of	If NO, what is the reason for Need (Increased Safety; Reduce Personnel Time; New Operation; Software Umbrella Insights - Per User (150)/Year. Stop threats before they reach your network or endpoints First line of defense against threats Cisco Umbrella is a cloud security platform built into the foundation of the internet. Software Cisco Advanced malware Protecting 1 year 150 users. Switches are End of Life and must be replaced. Cisco Catalyst 3850-24P-S - Switch - L3 -managed - 24 x 10/100/1000 (PoE+) -desktop, rack-mountable - PoE+ (435 W) Cisco Catalyst 3650-24PS-L - Switch - managed - 24 x 10/100/1000 (PoE+) + 4 x SFP desktop, rack-mountable - PoE+ (390 W) Cisco Catalyst 3650-48PS-L - Switch - managed - 48 x 10/100/1000 (PoE+) + 4 x SFP desktop, rack- mountable - PoE+ (390 W) Software Umbrella Insights - Per User (40)/Year. Stop threats before they reach your network or endpoints First line of defense against threats Cisco Umbrella is a cloud security platform built into the foundation of the internet. Software Cisco Advanced malware Protecting 1 year 150 users. Switches are End of Life and must be replaced. Cisco Catalyst 3850-24P-S - Switch - L3 -managed - 24 x 10/100/1000 (PoE+) -desktop, rack-mountable - PoE+ (435 W) Cisco Catalyst 3650-24PS-L - Switch - managed - 24 x 10/100/1000 (PoE+) + 4 x SFP desktop, rack-mountable - PoE+ (390 W) Cisco Catalyst 3650-48PS-L - Switch - managed - 48 x 10/100/1000 (PoE+) + 4 x SFP desktop, rack- mountable - PoE+ (390 W) Due to End of Life and increasing bandwidth requirements, switching will need to be replaced at CH and PD. The current switching was acquired in 2013 and will need to be retired in 2020 per CH's Hardware Life Cycle. During the upgrade cycle, the city of Fall River should move to 10 Gigabit Connectivity between their switching infrastructure, including inter-floor network traffic.	When is the asset needed:					Estimated Cost
				FY2022	FY2023	FY2024	FY2025	FY2026	
Technology Issues - Police				11,800	11,800	11,800	11,800	11,800	59,000
Technology Issues - Police				15,450	15,450	15,450	15,450	15,450	77,250
Technology Issues - Police				51,240					51,240
Technology Issues - Fire				3,800	3,800	3,800	3,800	3,800	19,000
Technology Issues - Fire				4,400	4,400	4,400	4,400	4,400	22,000
Technology Issues - City Hall				102,140					102,140
FRPD/CH Switching Upgrade	Y	END OF LIFE		153,379					153,379

CITY OF FALL RIVER, MA – CAPITAL IMPROVEMENT PLAN

Description	Replacement (Y/N)	If YES, condition of	If NO, what is the reason for Need (Increased Safety; Reduce Personnel Time; New Operation; Equipment is failing and the technology is outdated making it impossible to use when agencies bring there own devices that are current. This room is utilized 4 - 5 days out of the week. This room is utilized for Inservise, CPR, and Defense Tactic training with other Law Enforcement Agencies. Also, the community utilizes this room. Youth court, Mass state police sex offender, sex training. Press conferences with media outlets, Boy Scouts, Relay for Life, Traffic crossing guards, Alan Silvia (State Rep) accreditation purposes. Some of the new technology needed: Video Conferencing, Digital Display screen, Projection, Microphones & Speakers, Creston (Control Panel), Wireless technology, Interactive whiteboard, PC Replace all City Hall VDI Think Clients due to End of Support/Life (160)	When is the asset needed:					Estimated Cost
				FY2022	FY2023	FY2024	FY2025	FY2026	
Fall River Police Community room outdated audio visual equipment	Y	Poor		50,000					50,000
VDI think Client Replacement	Y	Good		56,000					56,000
Virtual Host Expansion (Servers)	N			40,000					40,000
Total Management Information Systems				691,409	916,550	616,050	616,050	616,050	3,456,109
Description	Replacement (Y/N)	If YES, condition of	If NO, what is the reason for Need (Increased Safety; Reduce Personnel Time; New Operation; Equipment is failing and the technology is outdated making it impossible to use when agencies bring there own devices that are current. This room is utilized 4 - 5 days out of the week. This room is utilized for Inservise, CPR, and Defense Tactic training with other Law Enforcement Agencies. Also, the community utilizes this room. Youth court, Mass state police sex offender, sex training. Press conferences with media outlets, Boy Scouts, Relay for Life, Traffic crossing guards, Alan Silvia (State Rep) accreditation purposes. Some of the new technology needed: Video Conferencing, Digital Display screen, Projection, Microphones & Speakers, Creston (Control Panel), Wireless technology, Interactive whiteboard, PC Replace all City Hall VDI Think Clients due to End of Support/Life (160)	When is the asset needed:					Estimated Cost
				FY2022	FY2023	FY2024	FY2025	FY2026	
Cemetery:									
Tree Truck	Y	Poor			175,000				175,000
Storage Facility/Bullock St.	N		Construction of storage facility on existing foundation			250,000			250,000
Total Cemetery					175,000	250,000			425,000
City Clerk:									
None									

CITY OF FALL RIVER, MA – CAPITAL IMPROVEMENT PLAN

Fire:		no	ok	Improve service to community	60,000							
Maintenance Shop Emerg. Generator		yes	ok	Start cycle of Replacement(this was moved up from 2024)								60,000
SCBA (self contained breathing apparatus)		yes	critically poor	Increased safety,reduce personnel time;improve community service	110,000						900,000	900,000
Internal Fire Dispatch System(Klaxon)		yes	very poor	Increased safety and improve service		115,000						110,000
1980 Ford brush fire truck		yes	Good	Start cycle of Replacement(this was moved up from 2024)	550,000							115,000
1500 GPM Fire Engine-Engine 9		Yes	good	Start Cycle of replacement								550,000
Command Vehicle Car 2		Yes	Fair	Start Cycle of replacement			45,000					45,000
2010 Tractor Drawn Aerial ladder Truck		Yes	good	Start Cycle of replacement Lease will be done			1,750,000					1,750,000
2019 Electric Nissan cars		Yes	good	Start Cycle of replacement Lease will be done		23,000						23,000
2019 Electric Nissan cars		Yes	good	Start Cycle of replacement Lease will be done		23,000						23,000
2019 Electric Nissan cars		Yes	good	Start Cycle of replacement Lease will be done		23,000						23,000
2019 Electric Nissan cars		Yes	good	Start Cycle of replacement Lease will be done		23,000						23,000
1500 GPM Fire Engine-Engine 2		Yes	good	Start Cycle of replacement								550,000
Command Vehicle Car 3		Yes	good	Start Cycle of replacement					550,000		46,000	46,000
Total Fire					720,000	207,000	1,795,000	550,000		946,000		4,218,000

CITY OF FALL RIVER, MA - CAPITAL IMPROVEMENT PLAN

Description		Replacement (Y/N)	If YES, condition of	If NO, what is the reason for Need (Increased Safety; Reduce Personnel Time; New Operation;	When is the asset needed:					Estimated Cost
					FY2022	FY2023	FY2024	FY2025	FY2026	
FIRE/EMERGENCY MEDICAL SERVICES										
				IMPROVE SERVICES/NEED MORE SPACE This space is needed desperately we have no more space to store equipment or medical rescues. We are currently looking to expand services however cannot until we have te office space and garage built. The building would enable ems to have office space and vehicle /equipment storage with the ability to have a rescue run 24/7 out of this building.	1,800,000 250,000					1,800,000 250,000
	GARAGE /OFFICE SPACE	NO		COMMAND UNIT/ RESCUE ESU UNIT	2,050,000	-	-	-	-	2,050,000
	LENCO RESCUE VEHICLE	NO								
	Total Ems									
	Heath:									
	None									
	Library:									
	Included in facilities - building upgrades									
	Other - none									
	Total Library									
Police:										
	Window replacement, glass block removal	Y	P		571,730	350,000	350,000	350,000	350,000	571,730
	7 Marked police cruisers	Y	G-P		350,000	75,000	75,000	75,000	75,000	1,750,000
	3 Unmarked police cruisers	Y	G-P		75,000	55,964	55,964	55,964	55,964	375,000
	1 Police Tahoe	Y	P							111,928
	20 Active Shooter Kits	N		Increase public and officer safety	15,268	15,268	15,268	15,268	15,298	45,834
	15 Portable radios	Y	G-P	To remain consistent/increase complement	37,500	37,500	37,500	37,500	37,500	150,000
	1 Passenger van	Y	G-P			26,000	26,000	26,000	26,000	52,000
	1 Patrol Boat	Y	G-P	Present boat is over 15 year old		95,000	95,000	95,000	95,000	95,000
	2 Police motorcycles	Y	G-P	Phase out the 2011 every other year	51,234	51,234	51,234	51,234	51,234	153,702
	1 Land based pumpout station	N		New operation		25,000	25,000	25,000	25,000	25,000
	1 Bucket truck with equipment lift	Y	G	Current truck won't hoist lights	150,000	150,000	150,000	150,000	150,000	50,000
	Kubota - snow removal equipment	N		Snow removal /traffic lights	50,000	50,000	50,000	50,000	50,000	50,000
	Space building	N		storage, approx 80X80 square feet	300,000	300,000	300,000	300,000	300,000	300,000
	Gas Tank Rehab	Y	Poor	Install 1997, Cost to bring to compliance and updated						10,600
	Traffic signal light upgrades	Y	P		10,600	70,000	70,000	70,000	70,000	350,000
	Total Police				1,643,832	709,464	624,002	588,464	625,032	4,190,794

CITY OF FALL RIVER, MA – CAPITAL IMPROVEMENT PLAN

Description	Replacement (Y/N)	If YES, condition of current asset (Excellent, Good, Poor)	IF NO, what is the reason for Need (Increased Safety; Reduce Personnel Time; New Operation; Improve Service to the Community; etc)	FY2022	FY2023	FY2024	FY2025	FY2026	Estimated Cost
Replace existing windows	Schools		Edmond P Talbot Middle School		1,450,000				1,450,000
Convert Bldg. from Elect to NG	Schools		Edmond P Talbot Middle School			600,000			600,000
Asbestos removal	Schools		Edmond P Talbot Middle School			264,150			264,150
Drainage & Parking Lot Improvements	Schools		Edmond P Talbot Middle School	570,000					570,000
Window replacement	Schools		Henry Lord Middle School		340,000	300,000	300,000	300,000	1,240,000
Replace EDPM roof	Schools		Henry Lord Middle School		35,000	1,600,000			1,635,000
Replace a Redundancy Boiler System	Schools		Henry Lord Middle School	490,000					490,000
Access Road Improvements	Schools		Henry Lord Middle School	165,000					165,000
Durfee Athletic Fields	Schools		Durfee High School	1,800,000	4,900,000				6,700,000
Install retaining wall	Schools		Westall School		120,000				120,000
Boiler replacement & Gas	Schools		Administration Building		125,000				125,000
Playground improvements	Schools		AS Letourneau School		25,000				25,000
Repair play area and equipment	Schools		Carlton Viveiros			43,000			43,000
Replace Windows	Schools		John J Doran School		130,000				130,000
Rubberized play surface	Schools		John J Doran School		55,000				55,000
Repair concrete walks and walls	Schools		John J Doran School		67,000	67,000			134,000
Phase II of Renovation Project	Schools		Samuel Watson School	4,900,000					4,900,000
Playground improvements	Schools		Spencer Borden School			90,000			90,000
Playground improvements	Schools		William S Greene School	42,000					42,000
Upgrade electrical system	Schools		Resiliency Preparatory Academy			1,564,940	1,000,000		2,564,940
Upgrade plumbing system	Schools		Resiliency Preparatory Academy				1,393,944	1,000,000	2,393,944
Asbestos removal	Schools		Resiliency Preparatory Academy		287,750				287,750
Window replacement all levels	Schools		Resiliency Preparatory Academy		940,000	940,000			1,880,000
Installation of a fire suppressions	Schools		Resiliency Preparatory Academy			538,964	1,000,000		1,538,964
Upgrade elevator	Schools		Resiliency Preparatory Academy		210,000				210,000
Total Facilities				10,382,000	9,254,750	6,238,054	4,393,944	2,525,000	32,793,748

CITY OF FALL RIVER, MA – CAPITAL IMPROVEMENT PLAN

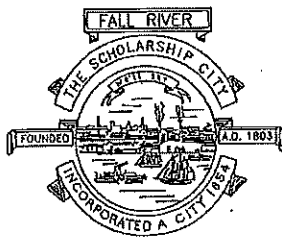
Description	Replacement (Y/N)	If YES, condition of	If NO, what is the reason for Need (Increased Safety, Reduce Personnel Time, New Operation;	FY2022	FY2023	FY2024	FY2025	FY2026	Estimated Cost
Department of Community Maintenance:									
Road Repair									
DPW Facility Repairs and Maintenance	N	Poor	Supplement Chapter 90 10 Lewiston St	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	10,000,000
Excavator	N		Currently a rental	100,000	100,000	100,000	100,000	100,000	500,000
Front End Loader	Y	Good		240,000					240,000
DPW Fuel Depot	Y	Poor	10 Lewiston St			175,000			175,000
Brine System	Y	Fair	10 Lewiston St			125,000			125,000
Salt Storage Building	Y	Poor	10 Lewiston St			100,000			100,000
Transfer/DPW Facility						75,000			75,000
				5,000,000	5,000,000	5,000,000			15,000,000
Total DCM				7,340,000	7,100,000	7,575,000	2,100,000	2,100,000	26,215,000
Total Capital Needs									
				23,163,241	18,362,764	17,098,106	8,248,458	6,812,082	73,684,651
City									
				13,146,241	9,678,014	11,090,052	4,554,514	5,512,082	43,980,903
School									
				7,967,000	8,684,750	6,008,054	3,693,944	1,300,000	27,653,748
Enterprise Funds - EMS									
				2,050,000					2,050,000
Total Capital Needs				23,163,241	18,362,764	17,098,106	8,248,458	6,812,082	73,684,651

FINANCE 2

Project Funding

FINANCE 2

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PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

FINANCE 3

RECEIVED

23 JAN -8 P 1:42

CITY CLERK
FALL RIVER, MA

December 7, 2020

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

RE: 5 Year Financial Forecast

Honorable Council:

Pursuant to Article 6-9 of the City Charter, I am submitting a 5 Year Financial Forecast of City Revenues and Expenditures within the General Fund Operating Budget. The Forecast is based upon revenue sources which can be reasonably anticipated as well as the expenses for services that we currently provide within our City and School Departments.

The City expects to receive revenue increases through sources such as cannabis excise taxes from recreational sales and local receipts from cannabis medical sales, new growth in personal and real property acquisitions. Expense reductions will result from improved efficiencies. We are currently working with our health care consultant refining the expected increase in health care costs over the next year and with our School Department on both net school spending and transportation costs. In addition, as we continue integration of our Fire and EMS departments, we are expanding medical transport services which will increase revenues to support these departments. The Fiscal Year 2022 Budget will be balanced through a combination of revenue increases and expense reductions due to ongoing improvements in our operating systems.

As with any forecast, the numbers continue to be refined as projections are realized and projects move from planning to implementation. Overall, our 5 Year Financial Forecast is sound and reflects the City's ability to address its challenges and opportunities with the resources necessary for controlled growth and spending.

Best Regards,

Paul E. Coogan
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

JAN 19 2021
*Referred to the Committee
on Finance, 9 years*

City of Fall River, Massachusetts

Fiscal Year Ended June 30, 2020 Actual,

Fiscal Year Ending June 30, 2021 Budget &

5 Years of Projections Fiscal Years 2022 – 2026

RESOURCES:

	FY20 Actual	FY21 Budget	FY22 Projections	FY23 Projections	FY24 Projections	FY24 Projections	FY26 Projections
State Aid							
General government, net of assessments	\$ 25,042,909	\$ 24,898,656	\$ 25,308,988	\$ 25,850,392	\$ 26,393,500	\$ 26,940,189	\$ 27,492,636
Education, net of assessments	\$ 111,555,958	\$ 115,197,286	\$ 122,602,748	\$ 130,475,306	\$ 138,840,040	\$ 147,727,240	\$ 157,169,038
Real Estate Taxes	\$ 105,206,461	\$ 110,649,069	\$ 120,214,040	\$ 126,864,391	\$ 131,912,876	\$ 137,087,573	\$ 142,391,637
Local Receipts	\$ 23,362,393	\$ 22,791,380	\$ 22,493,464	\$ 22,955,107	\$ 23,196,517	\$ 22,882,861	\$ 22,444,040
Indirects	\$ 6,956,585	\$ 7,341,559	\$ 7,525,098	\$ 7,713,225	\$ 7,906,056	\$ 8,103,707	\$ 8,306,300
Other Sources	\$ 2,014,341	\$ 125,005	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000
Free Cash	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Stabilization	\$ -	\$ 2,000,000	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL RESOURCES	\$ 274,138,647	\$ 283,002,955	\$ 298,269,338	\$ 313,983,420	\$ 328,373,990	\$ 342,866,571	\$ 357,928,652
Water	22,858,246	13,615,264	13,982,606	14,404,832	14,842,542	15,296,363	15,766,948
Sewer	11,857,359	24,376,001	24,903,012	25,552,004	26,223,019	26,916,887	27,634,471
EMS	8,361,828	8,800,000	9,129,678	9,333,468	9,542,017	9,755,439	9,973,850
TOTAL RESOURCES - ENT FUNDS	\$ 43,077,433	\$ 46,791,265	\$ 48,015,296	\$ 49,290,304	\$ 50,607,578	\$ 51,968,689	\$ 53,375,269

LESS: NON-APPROPRIATED USES

Other Amounts to be Raised:
Snow & Ice Deficit

\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

TOTAL NON-APPROPRIATED USES

RESOURCES AVAILABLE FOR APPROPRIATION

\$ 317,216,080	\$ 329,794,220	\$ 346,284,634	\$ 363,273,724	\$ 378,981,568	\$ 394,835,260	\$ 411,303,921
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FINANCE

3

City of Fall River, Massachusetts

Fiscal Year Ended June 30, 2020 Actual and Fiscal Year Ending June 30, 2021 Budget & 5 Years of Projections

EXPENDITURES:

	FY20 Actual	FY21 Budget	FY22 Projections	FY23 Projections	FY24 Projections	FY26 Projections
General Government	\$ 3,542,181	\$ 4,039,024	\$ 4,024,005	\$ 4,017,960	\$ 4,014,003	\$ 4,012,457
Administrative Services	\$ 3,609,117	\$ 3,826,694	\$ 4,177,095	\$ 4,349,311	\$ 4,530,401	\$ 4,921,242
Financial Services	\$ 1,636,198	\$ 1,669,100	\$ 1,701,631	\$ 1,739,373	\$ 1,778,396	\$ 1,860,538
Facility Maintenance	\$ 2,459,750	\$ 2,392,142	\$ 2,516,704	\$ 2,632,331	\$ 2,754,378	\$ 3,019,266
Community Maintenance	\$ 15,454,970	\$ 15,506,616	\$ 16,575,405	\$ 17,231,739	\$ 17,928,347	\$ 19,454,300
Community Service	\$ 3,066,439	\$ 3,255,791	\$ 3,243,853	\$ 3,299,913	\$ 3,357,010	\$ 3,474,399
Education	\$ 124,417,881	\$ 128,570,687	\$ 137,239,343	\$ 145,343,373	\$ 153,930,012	\$ 172,668,309
Public Safety	\$ 37,818,009	\$ 38,113,573	\$ 39,395,079	\$ 40,098,908	\$ 40,820,244	\$ 42,318,186
Debt	\$ 12,036,174	\$ 12,982,757	\$ 16,073,066	\$ 17,646,814	\$ 16,571,855	\$ 15,732,461
Retirement	\$ 29,520,332	\$ 31,548,259	\$ 33,987,082	\$ 36,162,255	\$ 38,476,640	\$ 43,539,250
Insurance & Officer	\$ 39,159,550	\$ 41,098,313	\$ 42,275,310	\$ 44,422,106	\$ 46,688,905	\$ 51,615,083
TOTAL APPROPRIATIONS - GENERAL FUND	\$ 272,720,601	\$ 283,002,956	\$ 301,208,573	\$ 316,944,085	\$ 330,850,191	\$ 362,635,491

Water	\$ 11,968,541	\$ 13,615,264	\$ 13,982,606	\$ 14,404,832	\$ 14,842,542	\$ 15,296,363
Sewer	\$ 22,244,541	\$ 24,376,001	\$ 24,903,012	\$ 25,552,004	\$ 26,223,019	\$ 27,634,471
EMS	\$ 7,930,556	\$ 8,800,000	\$ 9,129,678	\$ 9,333,468	\$ 9,542,017	\$ 9,973,850

TOTAL APPROPRIATIONS - ENT. FUNDS	\$ 42,143,638	\$ 46,791,265	\$ 48,015,296	\$ 49,290,304	\$ 50,607,578	\$ 53,375,269
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TOTAL APPROPRIATIONS - ALL FUNDS	\$ 314,864,238	\$ 329,794,220	\$ 349,223,869	\$ 366,234,388	\$ 381,457,769	\$ 416,010,760
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PLUS: APPROPRIATED USES

TOTAL APPROPRIATED USES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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TOTAL APPROPRIATIONS	\$ 314,864,238	\$ 329,794,220	\$ 349,223,869	\$ 366,234,388	\$ 381,457,769	\$ 416,010,760
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BUDGET SURPLUS (DEFICIT)	\$ 2,351,842	\$ (0)	\$ (2,939,235)	\$ (2,960,663)	\$ (2,476,201)	\$ (4,706,839)
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GENERAL FUND	1,418,047
SEWER ENTERPRISE FUND	613,706
WATER ENTERPRISE FUND	(111,183)
EMS ENTERPRISE FUND	431,272
	2,351,842

FINANCE 3

City of Fall River, Massachusetts

Fiscal Year Ended June 30, 2020 Actual and Fiscal Year Ending June 30, 2021 Budget & 5 Years of Projections

	FY20 Actual	FY21 Budget	FY22 Projections	FY23 Projections	FY24 Projections	FY24 Projections	FY26 Projections
State Aid (Cherry Sheet)	\$ 163,567,247	\$ 170,043,332	\$ 178,992,384	\$ 188,595,224	\$ 198,737,869	\$ 209,454,487	\$ 220,781,271
Education:							
School Aid Chapter 70	130,926,689	137,016,364	145,237,346	153,951,587	163,188,682	172,980,003	183,358,803
Charter Tuition Reimbursement	4,724,200	5,033,539	5,285,216	5,549,477	5,826,951	6,118,298	6,424,213
Education Offset: Direct Expenditures							
School Choice Receiving Tuition	223,642	257,301	257,301	263,734	270,327	277,085	284,012
General Government:							
General Municipal Aid	25,304,963	25,304,963	25,811,062	26,456,339	27,117,747	27,795,691	28,490,583
Veterans Benefits	1,465,652	1,485,318	1,453,612	1,411,943	1,355,466	1,287,692	1,210,431
Abatements: Vets, Blind, Spouses	426,268	419,909	419,909	424,108	428,349	432,633	436,959
State Owned Land	333,270	330,909	330,909	334,218	337,560	340,936	344,345
Offsets: Direct Expenditures							
Public Libraries Chap. 78	162,563	195,229	195,229	203,819	212,787	222,150	231,924

RESOURCES:

Real Estate Taxes	\$ 106,054,850	\$ 111,623,454	\$ 121,014,040	\$ 127,664,391	\$ 132,712,876	\$ 137,887,573	\$ 143,191,637
Prior Year Base	\$	\$ 106,766,089	\$ 111,623,454	\$ 117,014,040	\$ 121,939,391	\$ 126,987,876	\$ 132,162,573
+2.5% of Base	\$	\$ 2,669,152	\$ 2,790,586	\$ 2,925,351	\$ 3,048,485	\$ 3,174,697	\$ 3,304,064
Debt Exclusion (New High School)	\$	\$	\$ 4,000,000	\$ 5,725,000	\$ 5,725,000	\$ 5,725,000	\$ 5,725,000
Estimated New Growth	2,148,301	2,188,213	2,600,000	2,000,000	2,000,000	2,000,000	2,000,000

FINANCE 3

City of Fall River, Massachusetts

Fiscal Year Ended June 30, 2020 Actual and Fiscal Year Ending June 30, 2021 Budget & 5 Years of Projections

	FY20	FY21	FY22	FY23	FY24	FY24	FY26
	Actual	Budget	Projections	Projections	Projections	Projections	Projections
Local Receipts	\$ 23,362,393	\$ 22,791,380	\$ 22,493,464	\$ 22,955,107	\$ 23,196,517	\$ 22,882,861	\$ 22,444,040
Motor Vehicle Excise	8,241,903	\$ 8,100,000	\$ 8,262,000	\$ 8,427,240	\$ 8,595,785	\$ 8,767,700	\$ 8,943,055
Other Excise							
Meals	1,316,979	\$ 1,200,000	\$ 1,300,000	\$ 1,313,000	\$ 1,326,130	\$ 1,339,391	\$ 1,352,785
Room	12,620	\$ 40,000	\$ 80,000	\$ 82,000	\$ 84,050	\$ 86,151	\$ 88,305
Other	43,436	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000
Cannabis	1,137,867	\$ 1,500,000	\$ 1,515,000	\$ 1,530,150	\$ 1,545,452	\$ 1,560,906	\$ 1,576,515
Penalties and Interest	844,674	\$ 960,000	\$ 912,000	\$ 820,800	\$ 738,720	\$ 664,848	\$ 598,363
Payments in Lieu of Taxes	420,170	\$ 410,000	\$ 410,000	\$ 410,000	\$ 410,000	\$ 410,000	\$ 420,250
Fees	1,571,718	\$ 1,433,475	\$ 1,447,810	\$ 1,462,288	\$ 1,476,911	\$ 1,491,680	\$ 1,506,597
Cannabis Impact Fee	1,429,870	\$ 1,700,000	\$ 1,717,000	\$ 1,734,170	\$ 1,751,512	\$ 1,200,000	\$ 500,000
Rentals	101,033	\$ 70,948	\$ 70,948	\$ 70,948	\$ 70,948	\$ 70,948	\$ 70,948
Library	7,251	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000
Cemeteries	92,288	\$ 79,000	\$ 80,185	\$ 81,388	\$ 82,609	\$ 83,848	\$ 85,105
Departmental Revenue	1,082,864	\$ 987,850	\$ 1,007,607	\$ 1,027,759	\$ 1,048,314	\$ 1,069,281	\$ 1,090,666
Licenses and Permits	2,464,330	\$ 2,273,715	\$ 2,319,189	\$ 2,365,573	\$ 2,412,885	\$ 2,461,142	\$ 2,510,365
Solid Waste - Other	120,981	\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000
Fines and Forfeitures	1,341,671	\$ 1,515,000	\$ 1,537,725	\$ 1,560,791	\$ 1,584,203	\$ 1,607,966	\$ 1,632,085
Investment Income	1,551,977	\$ 880,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000
Medicare Reimbursement	1,258,924	\$ 1,250,000	\$ 1,250,000	\$ 1,250,000	\$ 1,250,000	\$ 1,250,000	\$ 1,250,000
Recurring	214,378	\$ 165,000	\$ 165,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000
Non-Recurring	107,459	\$ 107,392	\$ -	\$ -	\$ -	\$ -	\$ -

FINANCE 3

	FY20 Actual	FY21 Budget	FY22 Projections	FY23 Projections	FY24 Projections	FY26 Projections
Other Sources						
Surplus Revenue (Free Cash)	\$ 8,970,926	\$ 9,466,564	\$ 7,650,098	\$ 7,838,225	\$ 8,031,056	\$ 8,228,707
Other Available Funds:						
Indirects:						
Sewer	\$ 6,956,585	\$ 7,341,559	\$ 7,525,098	\$ 7,713,225	\$ 7,906,056	\$ 8,103,707
Water	1,670,000	1,670,000	1,711,750	1,754,544	1,798,407	1,843,368
EMS	2,744,999	2,756,841	2,825,762	2,896,406	2,968,816	3,043,037
	2,541,586	2,914,718	2,987,586	3,062,276	3,138,832	3,217,303
Transfers between funds	1,000,000	-	-	-	-	-
Other Sources of Funds (B2)	144,047	125,005	125,000	125,000	125,000	125,000
Overlay Surplus Reserve	-	-	-	-	-	-
Stabilization Fund	870,294	2,000,000	-	-	-	-
TOTAL RESOURCES	\$ 301,955,416	\$ 313,924,930	\$ 330,150,186	\$ 347,052,947	\$ 362,678,318	\$ 378,453,629
LESS: NON-APPROPRIATED USES						
Other Amounts to be Raised	\$ 402,850	\$ 469,591	\$ 470,018	\$ 481,768	\$ 493,812	\$ 506,157
Appropriation Deficits (Snow, etc.)	-	-	-	-	-	-
Overlay/Revenue Deficits	-	-	-	-	-	-
Cherry Sheet Offsets	\$ 386,205	\$ 452,530	\$ 452,530	\$ 463,843	\$ 475,439	\$ 487,325
Court Judgments/Tax Title	-	-	-	-	-	-
Debt/Interest not on Sch B	-	-	-	-	-	-
SRPEDD	16,645	17,061	17,488	17,925	18,373	18,832
State and County Assessments	\$ 26,565,530	\$ 29,477,999	\$ 30,610,831	\$ 31,787,759	\$ 33,010,516	\$ 34,280,901
County Tax	594,092	608,944	624,168	639,772	655,766	672,160
Retired Employees Health Insurance	7,395	4,098	4,200	4,305	4,413	4,523
Mosquito Control Projects	117,255	123,690	126,782	129,952	133,201	136,531
Air Pollution Districts	20,640	21,065	21,592	22,131	22,685	23,252
Parking Surcharge	298,020	393,340	403,174	413,253	423,584	434,174
Regional Transit Authorities (SRTA)	1,433,197	1,474,245	1,511,101	1,548,879	1,587,601	1,627,291
Special Ed. Chap. 71B	63,761	66,312	67,970	69,669	71,411	73,196
School Choice Sending Tuition	1,311,213	1,182,601	1,223,992	1,266,832	1,311,171	1,357,062
Charter School Sending Tuition	22,719,957	25,603,704	26,627,852	27,692,966	28,800,685	29,952,712
Reserve for Abatements	\$ 848,389	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000
RESOURCES AVAILABLE	\$ 274,138,647	\$ 283,177,340	\$ 298,269,338	\$ 313,983,420	\$ 328,373,990	\$ 342,866,571
						\$ 357,928,652

FINANCE 3

EXPENDITURES

	FY20 Actual	FY21 Budget	FY22 Projections	FY23 Projections	FY24 Projections	FY24 Projections	FY26 Projections
General Government							
Mayor's Office	\$ 3,542,181	\$ 4,039,024	\$ 4,024,005	\$ 4,017,960	\$ 4,014,003	\$ 4,012,159	\$ 4,012,457
City Council	\$ 272,465	\$ 310,837	\$ 316,042	\$ 321,343	\$ 326,744	\$ 332,246	\$ 337,852
City Clerk	\$ 371,619	\$ 431,397	\$ 439,628	\$ 448,026	\$ 456,596	\$ 465,340	\$ 474,263
Elections	\$ 374,413	\$ 391,167	\$ 398,936	\$ 405,686	\$ 412,561	\$ 419,563	\$ 426,694
Veterans	\$ 295,690	\$ 312,423	\$ 317,873	\$ 323,424	\$ 329,078	\$ 334,837	\$ 340,702
	\$ 2,227,994	\$ 2,593,200	\$ 2,551,527	\$ 2,519,480	\$ 2,489,024	\$ 2,460,173	\$ 2,432,946
Administrative Services							
City Administration	\$ 3,609,117	\$ 3,826,694	\$ 4,177,095	\$ 4,349,311	\$ 4,530,401	\$ 4,720,867	\$ 4,921,242
Human Resources	\$ 140,270	\$ 214,247	\$ 218,585	\$ 222,988	\$ 227,480	\$ 232,063	\$ 236,738
Information Systems	\$ 273,921	\$ 281,805	\$ 287,664	\$ 293,476	\$ 299,405	\$ 305,455	\$ 311,626
Law Department	\$ 2,348,417	\$ 2,543,562	\$ 2,749,904	\$ 2,892,926	\$ 3,044,200	\$ 3,204,215	\$ 3,373,492
Purchasing	\$ 745,763	\$ 724,913	\$ 858,523	\$ 876,444	\$ 894,760	\$ 913,479	\$ 932,612
	\$ 100,746	\$ 62,167	\$ 62,418	\$ 63,478	\$ 64,557	\$ 65,655	\$ 66,773
Financial Services							
Assessor	\$ 13,672,372	\$ 14,651,857	\$ 17,774,697	\$ 19,386,187	\$ 18,350,251	\$ 18,082,772	\$ 17,592,999
Auditor	\$ 374,681	\$ 410,037	\$ 411,812	\$ 418,575	\$ 425,456	\$ 432,459	\$ 439,586
Director of Financial Services	\$ 351,629	\$ 321,461	\$ 326,306	\$ 331,224	\$ 336,216	\$ 341,284	\$ 346,429
Collector	\$ 128,318	\$ 135,122	\$ 137,306	\$ 139,351	\$ 141,426	\$ 143,533	\$ 145,671
Treasurer	\$ 383,822	\$ 441,192	\$ 451,197	\$ 461,556	\$ 472,285	\$ 483,404	\$ 494,931
Debt Service	\$ 397,748	\$ 361,288	\$ 375,009	\$ 388,667	\$ 403,012	\$ 418,083	\$ 433,922
	\$ 12,036,174	\$ 12,982,757	\$ 16,073,066	\$ 17,646,814	\$ 16,571,855	\$ 16,264,009	\$ 15,732,461

FINANCE 3

City of Fall River, Massachusetts

Fiscal Year Ended June 30, 2020 Actual and Fiscal Year Ending June 30, 2021 Budget & 5 Years of Projections

	FY20 Actual	FY21 Budget	FY22 Projections	FY23 Projections	FY24 Projections	FY24 Projections	FY26 Projections
Facility Maintenance							
Buildings & Armory	\$ 2,459,750 \$	2,392,142 \$	2,516,704 \$	2,632,331 \$	2,754,378 \$	2,883,223 \$	3,019,266 \$
	\$ 2,459,750 \$	2,392,142 \$	2,516,704 \$	2,632,331 \$	2,754,378 \$	2,883,223 \$	3,019,266 \$
Community Development							
Cemeteries	\$ 15,454,970 \$	15,506,616 \$	16,575,405 \$	17,231,739 \$	17,928,347 \$	18,668,152 \$	19,454,300 \$
Parks, Civic Celebrations	\$ 416,432 \$	439,339 \$	448,096 \$	457,093 \$	466,338 \$	475,842 \$	485,614 \$
Trees	\$ 1,114,321 \$	1,175,334 \$	1,199,981 \$	1,225,208 \$	1,251,031 \$	1,277,464 \$	1,304,523 \$
Engineering	\$ 216,876 \$	221,797 \$	228,271 \$	234,937 \$	241,816 \$	248,916 \$	256,243 \$
Solid Waste	\$ 241,318 \$	257,366 \$	261,681 \$	266,074 \$	270,548 \$	275,102 \$	279,741 \$
Streets & Highways	\$ 8,738,884 \$	8,888,735 \$	9,798,345 \$	10,289,383 \$	10,814,260 \$	11,375,572 \$	11,976,128 \$
Snow Removal	\$ 3,134,964 \$	3,140,932 \$	3,235,136 \$	3,333,579 \$	3,436,493 \$	3,544,126 \$	3,656,738 \$
Traffic and Parking	\$ 696,866 \$	526,243 \$	526,243 \$	526,243 \$	526,243 \$	526,243 \$	526,243 \$
	\$ 895,309 \$	856,870 \$	877,652 \$	899,222 \$	921,619 \$	944,887 \$	969,070 \$
Community Services							
City Planning	\$ 3,066,439 \$	3,255,791 \$	3,243,853 \$	3,299,913 \$	3,357,010 \$	3,415,165 \$	3,474,399 \$
Inspectional Services	\$ 251,798 \$	262,374 \$	266,625 \$	270,948 \$	275,343 \$	279,813 \$	284,358 \$
Health & Human Services	\$ 1,108,512 \$	1,130,090 \$	1,147,552 \$	1,165,301 \$	1,183,340 \$	1,201,675 \$	1,220,311 \$
Library	\$ 394,255 \$	463,298 \$	470,672 \$	478,168 \$	485,787 \$	493,531 \$	501,403 \$
	\$ 1,311,874 \$	1,400,029 \$	1,359,003 \$	1,385,497 \$	1,412,540 \$	1,440,146 \$	1,468,326 \$

FINANCE **3**

Enterprise Funds	FY20 Actual	FY21 Budget	FY22 Projections	FY23 Projections	FY24 Projections	FY24 Projections	FY26 Projections
Emergency Medical Services	\$ 42,143,638	\$ 46,791,265	\$ 48,015,296	\$ 49,290,304	\$ 50,607,578	\$ 51,968,689	\$ 53,375,269
Water	\$ 7,930,556	\$ 8,800,000	\$ 9,129,678	\$ 9,333,468	\$ 9,542,017	\$ 9,755,439	\$ 9,973,850
Sewer	\$ 11,968,541	\$ 13,615,264	\$ 13,982,606	\$ 14,404,832	\$ 14,842,542	\$ 15,296,363	\$ 15,766,948
	\$ 22,244,541	\$ 24,376,001	\$ 24,903,012	\$ 25,552,004	\$ 26,223,019	\$ 26,916,887	\$ 27,634,471
School Department	\$ 124,417,881	\$ 128,570,687	\$ 137,239,343	\$ 145,343,373	\$ 153,930,012	\$ 163,028,126	\$ 172,668,309
School Transportation	\$ 113,457,245	\$ 114,789,675	\$ 121,677,056	\$ 128,977,679	\$ 136,716,340	\$ 144,919,320	\$ 153,614,479
Vocational Assessments	\$ 7,037,169	\$ 9,730,000	\$ 11,410,000	\$ 12,109,600	\$ 12,851,176	\$ 13,637,247	\$ 14,470,481
	\$ 3,923,467	\$ 4,051,012	\$ 4,152,287	\$ 4,256,094	\$ 4,362,497	\$ 4,471,559	\$ 4,583,348
Fire/PREMA	\$ 37,818,009	\$ 38,113,573	\$ 39,395,079	\$ 40,098,908	\$ 40,820,244	\$ 41,559,765	\$ 42,318,186
Police	\$ 15,352,125	\$ 15,147,869	\$ 15,744,724	\$ 16,014,937	\$ 16,291,245	\$ 16,573,863	\$ 16,863,015
	\$ 22,465,884	\$ 22,965,704	\$ 23,650,355	\$ 24,083,971	\$ 24,528,999	\$ 24,985,902	\$ 25,455,171
Insurance	\$ 39,159,550	\$ 41,098,313	\$ 42,275,310	\$ 44,422,106	\$ 46,688,905	\$ 49,083,675	\$ 51,615,083
	\$ 39,159,550	\$ 41,098,313	\$ 42,275,310	\$ 44,422,106	\$ 46,688,905	\$ 49,083,675	\$ 51,615,083
Retirement	\$ 29,520,332	\$ 31,548,259	\$ 33,987,082	\$ 36,162,255	\$ 38,476,640	\$ 40,939,145	\$ 43,559,250
	\$ 29,520,332	\$ 31,548,259	\$ 33,987,082	\$ 36,162,255	\$ 38,476,640	\$ 40,939,145	\$ 43,559,250
Total Expenditures	\$ 314,864,239	\$ 329,794,221	\$ 349,223,870	\$ 366,234,389	\$ 381,457,770	\$ 398,361,738	\$ 416,010,761

*City of Fall River, Massachusetts*ASSUMPTIONS OF 5 YEAR PROJECTION

The following is a five projection (fiscal years ending 2022 – 2026) for the General Fund. The projections begin with the 2020/2021 budget that was approved by the City Council. The following assumptions were added:

Resources:

- Property taxes are projected to increase by 2 ½% over the 2021 base
- New Growth will include a one-time increase as a result of the acceptance of the provisions of MGL Chapter 59, Section 2A(a) regarding the change of the assessment date from January 1 to July 1
- As the completion of the High School is expected to occur on or around May 2021, the debt exclusion voted by the taxpayers will be added to the tax bills
- Unrestricted General State Aid, net of assessments is expected to increase about 2% while state aid for Education is estimated to increase at 6.4%
- The projections do not include any significant changes in local receipts although the Administration continues to pursue other avenues of resources

Appropriations:

Included in the projections are inflationary increases and other increases based on known data. The projections do not include any budget cuts or reductions in staffing.

- Generally, the appropriations overall are expected to increase based on historical data
- In particular, the pension/retirement expense is based on the amortization schedule with no change in the funding date.
- The Administration continues to work on avenues to reduce the cost of health insurance
- The Administration is committed to 100% of net school spending

The projections also do not include any estimates for new industry or any other unknowns that could increase revenues. The Administration will continue to closely monitor all revenues and expenditures to keep the city healthy



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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2021 FEB 18 P 1:42

CITY CLERK
FALL RIVER, MA

February 18, 2021

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

Dear Honorable Council Members:

Chief Operating Officer Kenneth Pacheco is respectfully requesting that the City appropriate the sum of \$4,911,047 for the purpose of Phase II repairs to the Samuel Watson Elementary School. This appropriation is requested in the form of a loan order.

Your approval of appropriation/loan order is respectfully requested.

Best Regards,

Paul E. Coogan
Paul E. Coogan
Mayor



FALL RIVER PUBLIC SCHOOLS
Facilities & Operations

Matthew H. Malone, Ph.D.
Superintendent of Schools

2021 FEB 18 P 1:42

Kenneth C. Pacheco
Chief Operations Officer

CITY CLERK _____
FALL RIVER, MA

February 23, 2021

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

Dear Mayor Coogan:

I am attaching herewith, for your information and request through you to the City Council for the approval of a loan order in the amount of \$4,911,047 for the cost of Phase II of the renovation project at the Samuel Watson Elementary School. The Project is in Phase I construction with 70% of the prescribed work completed. Phase II work will begin on authorization of the loan order. I have attached a description of the phase II project along with a cost estimate sheet.

Sincerely,

Kenneth C. Pacheco,
Chief Operations Officer

City of Fall River, *In City Council*

LOAN ORDER

(WATSON SCHOOL REPAIRS PHASE II)

ORDERED: That the City appropriates the amount of Four Million Nine Hundred Eleven Thousand and Forty-seven Dollars (\$4,911,047) for the purpose of paying costs for accessibility improvements (ramps and entrances, elevator, bathroom, and railing), new lighting system, electrical system upgrade, new acoustical ceiling system, new HVAC system/improvements at the Samuel Watson Elementary School, located at 935 Eastern Avenue in Fall River, including the payment of all other costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program.

To meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said sum under and pursuant to G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

BE IT FURTHER ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of the Commonwealth of Massachusetts (the "Commonwealth") to qualify under M.G.L. c. 44A any and all bonds of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

Samuel Watson Renovation Project

Based upon the proposed scope of the project, the Samuel Watson School Project is broken into two phases. Phase I of the project includes work associated with the MSBA Accelerated Repair Program and life safety, while Phase II of the project focuses on Accessibility improvements, plumbing code requirements, and miscellaneous upgrades. Below is a summary of the two Proposed Phases:

- **Phase I (MSBA ARP Project)**

- Window Replacement
- Roof Replacement and Structural Improvements
- Boiler Replacement
- New Fire Suppression System
- New Fire Alarm System

- **Phase II (City Project)**

- Accessibility Improvements
 - Ramps and Entrances
 - Elevator
 - Bathroom Improvements
 - Railing Improvements
- New Lighting System
- Electrical System Upgrade
- New Acoustical Ceiling System
- New HVAC system/Improvements

CITY CLERK
FALL RIVER, MA

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CSI Code	Description	Phase I Cost	Phase II Cost (with escalation)
<u>Base Bid Total</u>		\$ 4,390,285	\$ 4,943,955
CO#1	Electrical T&M for Wood Stair Wall Demo	\$ 2,321	
	Wood Blocking at Masonry Gap	\$ 26,207	
	Steam Trap Replacement	\$ 11,077	
	Remove and Replace Conc Floor for Sprinkler	\$ 2,991	
CO#2	Window Abatement T&M	\$ 63,685	
	Boiler Louver	\$ 4,261	
	HVAC Demo of Unit Vents & Floor Units	\$ 14,057	\$ (14,057)
	Fire Rated Doors & Frames	\$ 13,404	
	Door Hardware	\$ 3,899	
	Temp Roofing	\$ 64,459	
	Exit Signs	\$ 20,232	\$ (20,232)
	Steam Trap Insulation Abatement	\$ 3,297	
	Masonry Infill Around Basement Pipes	\$ 6,017	
	Remove Existing Window Shade Brackets	\$ 3,566	
	Clean Misc. Materials in Boiler Room	\$ 2,545	
	Louver Plenum	\$ 1,465	
	Relocate Boiler Gas Line	\$ 1,993	
CO#3	Electrical Service	\$ 265,799	\$ (265,799)
	Change at Back Door/ Bridge	\$ 1,959	
	Large Masonry Lintels	\$ 26,220	
	Credit Hot Water Fuel	\$ (5,140)	
	Replacement of Existing Window Frame	\$ 13,138	
	Remove Gas & Oil Piping in Boiler Room	\$ 2,047	
	1st Floor HVAC Demo for Walls	\$ 12,756	
	Basement Insulation Abatement	\$ 2,090	
	Carpentry at Unit Vents	\$ 19,643	
	Credit Plaster Scope	\$ (297,300)	
CO#4	Additional Gas Pipe Demo in Boiler Room	\$ 1,026	
	Masonry Overtime 10/9-10/17	\$ 13,219	
	Existing Boiler Electrical and Controls	\$ 7,310	
	Additional Masonry at 1st and 2nd Floor Lintels	\$ 16,510	
CO#5	Replace Remaining Steam Traps	\$ 22,638	
	Emergency Boiler Switches	\$ 3,305	
	JJC and Masonry OT 10/24-10/31	\$ 26,315	
CO#6	Existing Boiler Trap Height	\$ 1,157	
	Upper Masonry Stone Band Joints	\$ 6,837	

CSI Code	Description	Phase I Cost	Phase II Cost (with escalation)
	Electrical Study	\$ 4,935	
	JJC and Masonry OT 11/7-12/5	\$ 53,462	
	Electrical T&M for Generator	\$ 2,089	
CO#7	Steam Pipe Insulation	\$ 918	
	Masonry Unit Price Credit	\$ (6,140)	
RFP#7	**Approx.** Demo heaters in basement shafts	\$ 50,000	
	Approx. Roof	\$ 150,000	
Change Order Total		\$ 640,269	\$ (300,088)
Total Contract Plus Change Orders		\$ 5,030,554	\$ 4,643,867
	General Conditions (10%)		\$ 464,387
	General Requirements (3%)		\$ 139,316
	Insurance & Bond (2%)		\$ 92,877
	Building Permit (1%)		\$ 46,439
	Contractor's GC Fee (5%)		\$ 232,193
	Design/ Estimating Contingency (5%)		\$ 232,193
Total with Phase 2 Contingency			\$ 5,851,272
Current Contracts			
	exPERTcon Current Contract	\$ 411,825	
	Tighe & Bond (Through Amendment 5)	\$ 728,170	
	Subtotal	\$ 1,139,995	
Expected Contracts (add subtotal)			
	exPERTcon Phase 2 Contract	\$ 175,000	
	Tighe & Bond Phase 2 Bidding and Construction (Includes rate adjustments through 2021)	\$ 146,500	
	Phase I/II Drawing/Scope Amendment - Estimated	\$ 65,000	
	Subtotal	\$ 386,500	
Total with Design/OPM fees		\$ 6,557,049	\$ 5,851,272
Move to Phase 1			
RFP#9	Main Entrance Steps, Ramp, Sitework	\$ 304,834	\$ (304,834)
RFP#10	Interior Handrails	\$ 114,630	\$ (114,630)
RFP#11	Basement Bathrooms	\$ 299,516	\$ (299,516)
	Subtotal	\$ 718,980	\$ (718,980)
Total After Moving Scope to Phase 1		\$ 7,276,029	\$ 5,132,293
Project Budget		\$ 7,426,775	\$ 5,000,000
Remaining Budget		\$ 150,746	\$ (132,293)



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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2021 FEB 18 P 1:42

CITY CLERK _____
FALL RIVER, MA

February 18, 2021

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

Dear Honorable Council Members:

Chief Operating Officer Kenneth Pacheco is respectfully requesting that the City appropriate the sum of \$1,800,000 for the purpose construction of a synthetic turf varsity baseball field at Durfee High School. This appropriation is requested in the form of a loan order.

Your approval of appropriation/loan order is respectfully requested.

Best Regards,

Paul E. Coogan
Mayor



FALL RIVER PUBLIC SCHOOLS
Facilities & Operations

Matthew H. Malone, Ph.D.
Superintendent of Schools

Kenneth C. Pacheco
Chief Operations Officer

2

February 23, 2021

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

RECEIVED
2021 FEB 18 P 1:43
CITY CLERK
FALL RIVER, MA

Dear Mayor Coogan:

I am attaching herewith, for your information and request through you to the City Council for the approval of a loan order in the amount of \$1,800,000 for the construction of a synthetic turf varsity baseball field at Durfee High School. I have attached a cost estimate sheet.

Sincerely,

Kenneth C. Pacheco,
Chief Operations Officer

City of Fall River, In City Council

LOAN ORDER

(Durfee High School Baseball Field)

ORDERED: That the City appropriates the amount of One Million Eight Hundred Thousand Dollars (\$1,800,000) to be used for the construction of a synthetic turf varsity baseball field, including the payment of all cost incidental or related thereto.

To meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said sum under and pursuant to G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Any premium received by the City upon the sale of any bonds or notes approved by this vote, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

2

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2021 FEB 18 P 1:43



Opinion of Probable Cost - Synthetic Turf Baseball

CITY CLERK
FALL RIVER, MA

Item	Quantity	Unit	Unit Price	Total
Site Preparation/Demolition				
Strip Top Soil (assume 6")	2,400	CY	\$6	\$14,400
Additional Cut and Fill	6,700	CY	\$12	\$80,400
Erosion Control and Temporary Facilities	660	LF	\$3	\$2,000
Subtotal				\$96,800
Synthetic Turf Varsity Baseball Field				
New Dugouts	2	LS	\$40,000	\$80,000
New Backstop	1	LS	\$60,000.00	\$60,000
Fine Grading of Synthetic Turf Field	1	LS	\$25,000	\$25,000
PCC Field Curb	1,580	LF	\$40	\$63,200
Synthetic Turf	124,000	SF	\$4.25	\$527,000
Shock Pad	124,000	SF	\$1.00	\$124,000
New Mound	1	LS	\$12,000.00	\$12,000
12' Black Vinyl Chainlink Fence	40	LF	\$100.00	\$4,000
8' Black Vinyl Chain Link Fence	80	LF	\$75.00	\$6,000
6' Black Vinyl Chain Link Fence	1,150	LF	\$60.00	\$69,000
Field Barrier Netting	200	LF	\$140.00	\$28,000
Base and Finishing Stone Subbase	3,100	CY	\$50	\$155,000
12" HDPE Pipe and Stone Drainage Trench	1,350	LF	\$36	\$48,600
Manhole	1	LS	\$5,000	\$5,000
New Batting Cage	1	LS	\$40,000	\$40,000
Bases foul Poles, Bull Pens, etc.	1	LS	\$22,000	\$22,000
Scoreboard	1	LS	\$24,000	\$24,000
Safety Netting	266	LF	\$140	\$37,300
Utilities: Water and Electric	1	LS	\$7,500	\$7,500
Synthetic Turf Testing	1	LS	\$12,000	\$12,000
Subtotal				\$1,349,600
Subtotal				\$1,446,400
SUBTOTAL OF SITE CONSTRUCTION ITEMS			TOTAL	\$1,446,400
ENGINEERING AND DESIGN				\$94,016
GENERAL CONDITIONS, BOND, CONTRACTOR OH&P				\$144,640
CONTINGENCY				\$144,640
TOTAL				\$1,830,000

3



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

2021 FEB 11 P 4:25
LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

February 9, 2021

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, January 27, 2021 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	2 Hour Parking Only
Section:	376	Monday – Saturday 8 a.m. – 6 p.m.

By inserting in proper alphabetical order the following.

INSERT

Name of Street	Side	Location	Hours/Days
Pleasant Street	South	Starting at a point 37 feet West of Quequechan Street for a Distance of 40 feet westerly	2 Hour Parking Only Monday thru Saturday 8 a.m. to 6 p.m.

Indelible Ink Tattoo Studio
1163 Pleasant Street
Fall River, MA 02723

Very truly yours,

Laura Ferreira
Manager of Traffic

One Government Center – Room 324 - Fall River, MA 02722
Tel: (508) 324-2123 Fax: (508) 324-2578 E-mail: Lferreira@fallriverma.org

9/2/21



CITY OF FALL RIVER
MASSACHUSETTS

3

Traffic & Parking Division
RECEIVED

Paul E. Coogan
Mayor

2021 FEB -9 P 4:49

LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

February 8, 2021

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, January 27, 2021 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
Cedar Street	South	Starting at a point 122 feet east of Durfee Street, for a distance of 20 feet easterly.

Lynn Mello
95 Cedar Street
Fall River, MA 02720

Very truly yours,

Laura Ferreira
Parking Clerk

Cash



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

LAURA FERREIRA
2021 FEB -9 P 4:49 Parking Clerk

February 8, 2021

CITY CLERK
FALL RIVER, MA

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, January 27, 2021 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
Harrison Street	West	Starting at a point 130 feet south of Canonicus Street, for a distance of 20 feet southerly.

Paula Borges
83 Harrison Street
Fall River, MA 02723

Very truly yours,

Laura Ferreira
Parking Clerk



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

2021 FEB -9 P 4:49
LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

February 8, 2021

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, January 27, 2021 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
Milk Street	West	Starting at a point 56 feet south of Charles Street, for a distance of 20 feet southerly.

Rosemary E. Souza
655 Charles Street
Fall River, MA 02724

Very truly yours,

Laura Ferreira
Parking Clerk

copy



CITY OF FALL RIVER
MASSACHUSETTS

3

Traffic & Parking Division

RECEIVED

Paul E. Coogan
Mayor

2021 FEB -9 P 4:49 LAURA FERREIRA
Parking Clerk

CITY CLERK
FALL RIVER, MA

January 29, 2021

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, January 27, 2021 the following request was heard and approved by the Traffic Commission.

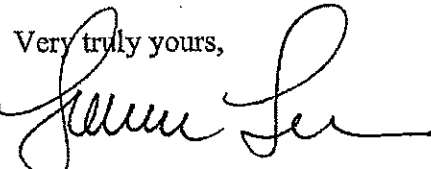
That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Pine Street	North	Starting at a point 195 feet east of Winter Street, for a distance of 20 feet easterly.

Very truly yours,

Laura Ferreira
Parking Clerk

Copy

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

Section 1.

By inserting in Section 70-371, which section relates to parking prohibited at all times the following:

Name of Street	Side	Location
Laurel Street	West	Starting at Amity Street for a distance of 482 feet southerly
Quincy Street	East	From Haskell Street to Herman Street

Section 2.

By inserting in Section 70-374, which section relates to thirty-minute parking the following:

Name of Street	Side	Location	Hours/Days
Morgan Street	South	Starting at a point 20 feet east of Second Street for a distance of 50 feet easterly	8:00 a.m. to 5:00 p.m. Monday through Friday

Section 3.

By inserting in Section 70-375, which section relates to one-hour parking the following:

Name of Street	Side	Location	Hours/Days
North Main Street	West	Starting at a point 75 feet north of Brownell Street for a distance of 37 feet northerly	6:00 a.m. to 5:00 p.m. Tuesday through Friday 8:00 a.m. to 1:00 p.m. Saturday and Sunday
Pleasant Street	North	Starting at a point 129 feet east of Rodcliffe Street for a distance of 35 feet easterly	9:00 a.m. to 6:00 p.m. Monday through Friday
Rodman Street	West	Starting at a point 20 feet east of Lowell Street for a distance of 39 feet easterly	6:00 a.m. to 2:00 p.m. Monday through Saturday

CITY OF FALL RIVER
IN CITY COUNCIL

FEB - 9 2021

*Passed through first
reading, 9 years.*

City of Fall River, In City Council

5

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:

Section 1.

By inserting in Section 50-281, which section relates to Classification of positions and compensation grades, in proper alphabetical order the following:

Class Title/In-House Title	Compensation Grade
EMS – Administrative Assistant	11M

Section 2.

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

	Grade	Effective Date	Step 1
EMS – Administrative Assistant	11M	3-1-2021	\$2,020.61

CITY OF FALL RIVER
IN CITY COUNCIL

FEB - 9 2021

*Passed through first
reading, 9 years*

City of Fall River, *In City Council*

6

(Councilor Michelle M. Dionne)

WHEREAS, the Fall River City Council finds a public art program is important to a city, because it brings social, cultural, and economic benefits to the public and visitors to the city, and

WHEREAS, the Fall River City Council wishes to create and establish a program which will enhance the recreational and cultural environment in the city by incorporating the work of artists into the city's capital improvements, and

WHEREAS, the Fall River Public Art Plan, within its economic development and tourism goals, places a high priority on the establishment of a public art program in Fall River, and

WHEREAS, public art programs have been adopted in the Commonwealth of Massachusetts, and

WHEREAS, the resolution authorizing the establishment of a Fall River Public Art Commission "an advisory committee to the City Administrator and City Council" defines one of the commission's functions as "the implementation of a public art program", and

WHEREAS, The Downtown Urban Renewal Plan, Waterfront Urban Renewal Plan, Master Plan, and Open Space and Recreation Plan establishes a goal of "activating the street-level and the storefronts with interesting shops and venues; and continuing streetscape improvements including public art, throughout downtown and the waterfront", and

WHEREAS, the Citywide Strategic Plan goals of "a strong and diverse economy", "thriving livable neighborhoods" and "stewardship of the City's physical assets" are supported by a public art program, and

WHEREAS, the City of Fall River establishes a goal to encourage the incorporation of public art in new development projects, particularly in Downtown, Waterfront and Historic Neighborhoods, and

WHEREAS, a stable and predictable source of funding for public art projects and a transparent system for administering a public art process in the selection of works can support the goal of increasing the quality of diverse public art throughout the city, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation convene to review and discuss a Public Art Policy.

Suggested Public Art Policy

Public art has become an important component in the civic and cultural life of hundreds of U.S. cities.

The City of Fall River has an opportunity to integrate and expand the wide range of artworks in public locations throughout the community. This outline suggests the policies that could facilitate the development of public art throughout the City. It provides a guide and/or procedure for City departments considering the placement of public art.

The City of Fall River Public Art Policy outlines the acceptable criteria for project types and the process for implementing and realizing public art projects.

- SECTION 1 contains introductory information, the criteria for art selection, information about the development of a public art master plan and the process for identifying and selecting art and artists.
- SECTION 2 addresses key personnel and agencies and explains their roles as they relate to public art.
- SECTION 3 discusses the acquisitions, maintenance, and placement of the City Public Art Collection. And includes a list of all current public art installations throughout the City.
- SECTION 4 explains deaccessioning of artworks already in the City's possession.
- SECTION 5 includes examples of gateway city public art programs in Massachusetts.
- SECTION 6 includes a glossary of definitions.

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Section 1 - Public Art in Fall River

- 1.1 Purpose
- 1.2 Appropriation and Allocation of Percent for Art Funds
- 1.3 Public Art Project Types
- 1.4 Criteria for Selection
- 1.5 Criteria for Non-Acceptance
- 1.6 Community Input
- 1.7 Public Art Master Plan
- 1.8 Public Art Project Selection Methods
- 1.9 Art in Private Development

Section 2 - Roles and Responsibilities

- 2.1 Fall River City Council
- 2.2 Fall River Arts Commission
- 2.3 Public Art and Design Board
- 2.4 Other Departments

Section 3 - Public Art Collection (including current inventory)

Suggested Public Art Policy

Section 4 - Deaccessioning Policy and Procedures

- 4.1 Criteria for Deaccessioning
- 4.2 Procedure for Deaccessioning
- 4.3 Manner of Disposition

Section 5 – Definitions

SECTION 1 – PUBLIC ART PROGRAM IN FALL RIVER

The City of Fall River recognizes the value of public art to its citizens and visitors.

Public art provides engaging, imaginative spaces that enliven the public experience, foster community, celebrate our unique stories and collective history and inspire us to experience the world with fresh perceptions. Public works of art can transform and activate civic spaces and create a unique identity for Fall River as a destination place.

Public art in Fall River has a strong history to date, from the "Vietnam Veterans Memorial Wall" in Fall River's Bicentennial Park (currently under construction in 2021) to the 1940 statue of "Prince Henry the Navigator" by Aristide Berto Cianfarani, an Italian born American sculptor, who studied at the Rhode Island School of Design. Others include murals and artworks set along South Main Street, created by members of the Greater Fall River Art Association.

Currently, the City of Fall River does not have a permanent Public Art Policy and Program which would promote the City's identity and civic pride, attract visitors and businesses, develop vibrant, creative spaces, and create jobs.

A newly developed Public Art Policy and Program could raise public awareness of the impact of public art and its cultural and economic contributions.

1.1 PURPOSE

The purpose of the Public Art Policy and Program would be to give direction for:

- ART...Establishing a diverse collection of public artworks with the cooperation of the community.
- ARTISTS...Providing ongoing opportunities for local, regional, and possibly national artists of diverse backgrounds to advance their art forms with temporary and permanent public artworks.
- ECONOMY...Considering economic development and cultural tourism when advocating for public art.
- QUALITY...Incorporating art and design projects of the highest quality throughout the community. Creating a museum without walls and making art accessible to all.
- LEGACY...Providing a legacy of art and culture for future generations.

Suggested Public Art Policy

6

1.2 APPROPRIATION AND ALLOCATION OF ART FUNDS - TBD

Public art can be obtained by the City by various means:

- Gifts, Purchases, Percent (of City revenue) for Art Process, Monuments and Memorials, Citizen-Initiated Artwork, Loans of Artwork.

Financial resources would be maintained in accordance with accepted governmental accounting procedures. All appropriations to and allocations from funds would occur in accordance with all legal restrictions associated with the source of financing. Capital improvement program projects that are required to be bid or otherwise contracted and that provide significant general public access – for example, public safety centers, senior centers, cultural arts venues, parks and recreation facilities and streetscape projects such as gateway arteries and thoroughfares – are eligible for funding.

1.3 ART PROJECT TYPES

For the purposes of this document, works of public art may include but are not limited to:

- SCULPTURE...in the round, bas relief, mobiles, fountains, kinetic and electronic work in any approved material or combination of materials.
- PAINTINGS... in all media, including oils and acrylics, that are portable or permanently affixed, such as murals.
- GRAPHIC ARTS... such as printmaking, drawing and banners.
- MOSAICS... including works executed in tile, glass, stone, or other materials.
- CRAFTS... using clay, fiber and textiles, wood, metal, plastics, stained glass, and other materials, both functional and ornamental.
- PHOTOGRAPHY... including digital and traditional photographic print media.
- MIXED MEDIA which may include any combination of two- and three-dimensional forms of media, including collage.
- LANDSCAPE ART... environmental installations and environmental art of all media, including "Hortensia" The Hydrangea Project, Flowers, Fall River Tree Farm/Trees, Public Art Gardens, Pathways, Walls, Lighting
- DECORATIVE ELEMENTS... designed by practicing artists or other persons submitting as artists, including design professionals.
- LIGHT-BASED ART...that is experiential, site-specific, or installation-based work that explores optical phenomena or work composed of transmitted light, artificial or natural light sources, projections, or sculpture.
- SOUND ART... or media with primarily aural-based expressive elements, including electronic, audio media, found or experimental sound sources.
- VIDEO and ANIMATION... projected or displayed on a video monitor.
- PORTABLE ART... that may be displayed at locations other than a substantially permanent location or adjacent to the project site.
- TEMPORARY performance or time-based art.

1.4 CRITERIA FOR SELECTION

The City may consider the following questions when conducting reviews of proposed artwork:

- Aesthetic Quality and Artistic Merit

Suggested Public Art Policy

6

- Does the work under consideration have artistic merit?
 - Is the work relevant to the City, its values, culture, and people?
 - Is the work of art appropriate for the community it serves?
- Placement / Siting
 - How are the sites selected? In areas that are already popular (such as the waterfront) or areas that could be more utilized (downtown/Eastern Ave/etc.) Newly designated Waterfront Cultural District
 - What is the relationship of the work to the site? Is it appropriately scaled?
 - Will the work help to anchor and activate the site and enhance the surrounding area?
 - Will there be convenient public access to the site?
 - Will additional parking or access accommodations be required?
 - What are the utility requirements of the artwork?
 - Does the artwork have a connection with the surrounding community?
- Fabrication, Handling, and Installation
 - Are the projected costs accurate and realistic?
 - Have written estimates been obtained from qualified technical support and fabrication contractors?
 - Does a certain site present any special obstacles to installation?
 - Can the work easily be removed if necessary?
- Maintenance Requirements
 - Is the work suitable for outdoor display or special indoor environments?
 - Are the materials durable and will they last? Does the work have a limited lifespan due to built-in obsolescence or any inherent weakness?
 - What are the existing or projected maintenance requirements of the work? Are they excessive or cost prohibitive? Are any unusual or ongoing costs likely?
 - What are the artist's suggestions for protection of the work from vandalism? Liability and Safety
 - Is any aspect of the work a potential safety hazard?
 - Does the work meet building code requirements?
 - Does the work or any portion of the work require a professional seal (structural engineer, electrical engineer, etc.)?
 - Will fencing or other types of security measures be required?

1.5 CRITERIA FOR NON-ACCEPTANCE ARTWORK

The artwork fails to meet professional standards for acceptable public art practice if one or more of the following applies:

- Faults of design or workmanship pose a public health or life safety hazard or diminish the value of the work.

Suggested Public Art Policy

- The artwork is fraudulent, inauthentic or appears to be of inferior quality relative to the quality of other works in the Program.
- The artwork is not the original work of fine art, such as a sculpture or painting. If the artwork is one of a multiple, it will be accepted only as an authorized limited edition.

1.6 PUBLIC ART MASTER PLAN

The City of Fall River is in the middle of a cultural and economic renaissance driven by new businesses, from manufacturing to breweries and restaurants, and the coming of the commuter rail system. There is a concurrent need to support and increase cultural opportunities, including permanent and temporary public art, for residents and visitors.

A Public Art Master Plan will:

- Advance goals for public art in the City of Fall River.
- Identify opportunities and needs for public art across the City.
- Develop a strategy for the equitable distribution of public art in public places.
- Define maintenance requirements for public art.
- Identify opportunities for collaboration with other government entities (county/state) to broaden the impact of public art.
- Reflect and document community input obtained during the master planning process.
- Identify funding mechanisms for public art.

1.7 PUBLIC ART PROJECT SELECTION METHODS

One of the following selection methods may be used to select artists or artist teams for eligible public art projects:

- Open Invitational/Open Entry
 - This process is open to all qualified artists with possible limitations based on geographical or other eligibility criteria. The project is advertised, and project guidelines are published. No fees will be charged to artists submitting materials and applications. A single artist may be selected, or a limited number of finalists to prepare a specific site proposal and/or attend an interview with the selection panel.
- Limited Invitational/Focused Invitational
 - Selected artists are invited to enter a competition or are pre-selected as candidates for a project or site. Artists are considered for a commission by invitation only. Members of the selection panel generate the names of artists to be invited. A finalist may be asked to submit a proposal and/or attend an interview with the selection panel.

1.8 ART IN PRIVATE DEVELOPMENT

Suggested Public Art Policy

As municipal public art programs have become increasingly common throughout the nation, private developers are demonstrating a growing commitment to public art.

Accordingly, the City encourages creative public/private partnerships that enhance the profile of art in the City, support the City's mission and Public Art Policy and contribute to a culturally vibrant and aesthetically beautiful destination.

SECTION 2 – ROLES AND RESPONSIBILITIES

The following roles and responsibilities related to this Public Art Policy apply to groups and individuals.

2.1 FALL RIVER CITY COUNCIL

The City Council periodically reviews the Public Art Policy and related documents to assess compliance by City departments. The City Council determines and/or appropriates funding.

2.2 FALL RIVER ARTS COMMISSION

The Fall River Public Art Commission (FRPAC) is composed of 7 members to include 1 representative from Creative Arts Network Inc., 1 representative from BBC art professors or Grimshaw - Gudewicz Art Gallery, 1 representative from DCR MA/Heritage State Park, 1 representative from Fall River Cultural Council, 1 Local High School Student, 1 City Council appointee, 1 Mayoral appointee, FRPAC approves works of art before they are acquired or transferred, sold, or deaccessioned from the Public Art Collection. FRPAC advocates for public art in Fall River and reviews public art projects.

Duties include but are not limited to:

- Establishing and approving curatorial and programmatic goals, policies, and guidelines as they pertain to artwork acquired on behalf of the City.
- Approving the accession, care and deaccession of all donations of artwork accepted into the Public Art Collection.
- Reviewing the cleaning, repair, and overall care of artwork in the Public Art Collection at the recommendation of the public art director and in compliance with currently accepted standards of care.
- Approving citizen-initiated public art projects with budgets under \$10,000.

2.3 PUBLIC ART AND DESIGN BOARD

The Public Art and Design Board (PADB) is composed of individuals appointed by FRPAC. The PADB is authorized to review and approve matters related to the Public Art Program. The PADB, FRPAC, recommends the nature and placement of PA:

public art projects.

2.4 OTHER CITY DEPARTMENTS

Other city departments will be consulted in the placement of the Public Art Program and determine specific responsibilities and opportunities in which they can participate.

Suggested Public Art Policy

SECTION 3 – PUBLIC ART COLLECTION

The City of Fall River has acquired many works of art that are on view in public spaces, including parks, municipal buildings, and City offices. The artworks have until now been under the care and maintenance of the individual departments that acquired them.

With this Public Art Policy, the City declares that there is one Public Art Collection and that there is one authority, the City of Fall River Public Art Commission (FRPAC), for the acquisition and maintenance of the Public Art Collection.

The full documentation of the Public Art Collection will facilitate opportunities for public access to the Collection's rich history. (See below)

To fully support the care and management of the City Art Collection, consideration must be given to providing funding and staffing at a level consistent with national standards for proper collections management. The Public Art Policy sets the criteria for approval of acquisitions for the Collection by FRPAC. FRPAC also approves the deaccession of artworks in the Collection.

City of Fall River Public Art (as of July 2020) – TBD Examples

- SCULPTURE
 - Mariano S. Bishop Memorial (24 ft high created by unknown sculptor for the Liberal Club?)
<https://www.heraldnews.com/article/20150908/OPINION/150906994>
<https://www.southcoasttoday.com/article/20151026/SPECIAL/151029812>
 - Manuel F. Claudio Memorial
<https://www.heraldnews.com/article/20150526/OPINION/150527283/0/api.pymx5.com>
 - Iwo Jima Monument
 - Vietnam Veterans Memorial
<https://www.capecod.com/newscenter/construction-on-vietnam-veterans-memorial-getting-underway-in-fall-river/>
- PAINTINGS/ MURALS
 - Requires Inventory
- GRAPHIC ARTS
 - "Make It Here" banners
 - Neighborhood banners
- MIXED MEDIA
- EARTH/LANDSCAPE WORK
 - Olmstead Parks system
 - Hortensia Hydrangea Project
 - Sequoia Redwood Tree (North Park)
 - Quequechan Waterfall (behind WOW Gym)
- MOSAICS
- OTHER CRAFTS/SWITCHBOXES
- PHOTOGRAPHY

6

SECTION 4 – DEACCESSIONING POLICY

Deaccessioning is the process of removing artwork from the City Art Collection. This policy recognizes that over time there may be reasons to deaccession artworks. Deaccessioning is considered only after careful and impartial evaluation of artworks within the context of the Collection. At the beginning of the process, FRPAC makes reasonable efforts to notify any living artist whose work is being considered for deaccession.

Decisions related to deaccessioning are made by FRPAC. FRPAC may, from time to time, deem it necessary to deaccession objects for the betterment of the Collection. In considering an object or group of objects for deaccessioning, the FRPAC must always be aware of its role as trustee of the Collection for the benefit of the public.

4.1 CRITERIA FOR DEACCESSIONING

Objects may be deaccessioned when conditions require or when such action would improve or refine the Collection. Reasons for deaccessioning may include but are not limited to situations where:

- The use of the site has changed, the artwork is no longer appropriate, and the artwork cannot be reasonably protected or maintained.
- The artwork's annual maintenance cost is deemed excessive.
- The artwork has been damaged beyond reasonable repair.
- The artwork requires extensive conservation or restoration that is cost-prohibitive.
- The artwork is deemed inappropriate or requires removal because of new developments in the direction of the Collection.
- The artwork was commissioned or accepted with the provision or understanding that it was to have a limited lifecycle or installation period.

4.2 PROCEDURE FOR DEACCESSIONING

Deaccession of any object from the Collection is based on a written recommendation of FRPAC. The recommendation must specify reasons for the deaccession.

Disposition should occur as follows:

- Unless FRPAC specifically determines an alternative means of disposition, all dispositions are by sale with the primary objective of obtaining the best possible price. Sales of artworks are allowed through public auction, art gallery or dealer resale or direct bidding by individuals.
- Artworks that were commissioned or accepted into the Collection as site-specific works may be destroyed in lieu of being sold or reinstalled at an alternative site. This process is known as decommissioning rather than deaccessioning.
- Deaccessioned objects may be placed in another institution where they serve a similar purpose to that for which they were originally acquired.
- Regarding sale or trade of artworks, FRPAC offers the right of first refusal to the artist, if still alive, and/or the original donor if the artwork was a gift to the City. In the case of artwork by a living artist, an exchange may be made if appropriate.

4.3 USE OF NET PROCEEDS FROM DEACCESSIONING

Suggested Public Art Policy

Net proceeds from the sale of deaccessioned objects (i.e., the proceeds of the disposition less all related expenses) must not be used as operating funds. Net proceeds are designated "for acquisition only" and must be used only for the growth or care of the collection, consistent with acquisition procedures.

If possible, a file on the object is retained, including object and donor history, photographs, conservation/restoration records, appraisals, and other relevant records.

SECTION 5 - DEFINITIONS

ACQUISITION: The inclusion of an artwork in a permanent art collection acquired through a commission, purchase, gift, or other means.

ARTIST: Individual artist, team of individual artists or artist team leader of individuals from other disciplines whose body of work and professional activities demonstrate serious ongoing commitment to the fine arts.

ARTIST FEES: The portion of the project budget reserved for payment to the artist for creative services for design, fabrication, and project management. Fees do not include other labor, materials, travel and per diem allowances for out-of-town artists.

Artist Selection Panel (ASP): An ad hoc panel whose charge is to review artists and art proposals and make recommendations to the Public Art and Design Board for their selection.

ARTWORK: A tangible creation by an artist.

DEACCESSION: The process of removing an object permanently from a collection, through sale, exchange, or any other transaction by which title is transferred from the collection to another institution or individual. Under certain conditions, it may also include disposal by intentional destruction.

DONOR: The individual, corporation or other entity offering a donation to the City.

FALL RIVER PUBLIC ART COMMISSION (FRPAC): Charter-mandated commission governed by members appointed by the City Council. FRPAC serves as the official advisory body and advocate for the arts to the City Council. FRPAC is an independent Commission.

LOANED ARTWORK: Artwork given for use over a period and returned to the owner at the end of the use period.

MONUMENTS: Structures, sculptures or other objects erected to commemorate a person or an event.

PUBLIC ART COLLECTION: The Public Art Collection comprises all artworks owned by the City that have been accessioned by the FRPAC on behalf of the City.

PLAQUE: Signage affixed on or near an artwork to identify the title, artist, media, etc.

PUBLIC ART: Artworks purchased or commissioned with funds generated by the PA ordinance. The artworks are created, usually by artists or design team collaborations, for public places and public experiences.

Suggested Public Art Policy

6

PUBLIC ART PROGRAM: The FRPAC program that administers the purchase and commissioning of artworks.

7

City of Fall River, *In City Council*

(Councilor Shawn E. Cadime)
(Councilor Michelle M. Dionne)

WHEREAS, there have been a number of issues regarding the behavior of the Superintendent of Schools, Matthew H. Malone, and

WHEREAS, many School Department employees stated that their work environment is toxic, consisting of bullying, intimidation and harassment, and

WHEREAS, many employees have not come forward due to the fear of retribution and the possibility of losing their employment, now therefore

BE IT RESOLVED, that the City Council go on record in support of a vote of no confidence against Matthew H. Malone, Superintendent of Schools, and

BE IT FURTHER RESOLVED, that the City Council go on record requesting that Matthew H. Malone resign immediately as the Superintendent of Schools.

Marc I. Simon, Esquire ♦
Michelle Skalsky-Simon, Esquire (Retired)
Joshua A. Rosen, Esquire ~
Matthew J. Zamites, Esquire ~
Brian F. George, Esquire ♦♦
Michael K. Simon, Esquire ~
Mary G. McCarthy, Esquire ~
Joshua D. Baer, Esquire ~
Amanda Nese, Esquire ~
Ashley Henkle, Esquire ~
Brittany Sturges, Esquire ~
Daniel Ward, Esquire ♦
Carleigh Baldwin, Esquire++
Ryan Flaherty, Esquire ~
Travis Gray, Esquire ~
Brandon Keller, Esquire ~
Matthew Dobson, Esquire ~
Sarkis Dramgotchian, Esquire ~



SIMON & SIMON, PC

INJURY LAWYERS

Headquarters

1818 Market Street | Suite 2000
Philadelphia, PA 19103
Tel: (215) 467-4666 | Fax: (267) 639-9006

10
Kane Daly, Esquire ~
William Nieves, Esquire ♦
Kelly Peterson, Esquire ♦
Harry Gosnear, Esquire ♦
Christopher Green, Esquire ♦
Adam Holtman, Esquire++
Andrew Baron, Esquire ~
Charles Williams, Esquire ♦
James Gundlach, Esquire ♦♦
Jessica Thimons, Esquire ~
Samuel Miller, Esquire++
Sam Reznik, Esquire ~

~ Licensed in PA
♦ Licensed to practice in PA & NJ
♦♦ Licensed to practice in PA & MA
♦♦♦ Licensed to practice in PA & NY
♦♦♦♦ Licensed to practice in PA, NJ & NY
□ Licensed to practice in PA & OH
+ Licensed to practice in NJ
++ Licensed to practice in MA
+++ Licensed to practice in NY
++++ Licensed to practice in NJ & NY

marcsimon@gosimon.com
www.gosimon.com

February 10, 2021

VIA CERTIFIED MAIL (RETURN RECEIPT REQUESTED)
NO.:

NOTICE OF INTENT TO SUE

Peabody Properties, Inc.
536 Granite Street
Braintree, MA 02184

RE: Notice of Claim; Preservation of Evidence; Letter of Representation

Our Client: Judith Ouellette
Date of Loss: 12/17/2020
Location: Borden West Apartments
181 S. Main Street, Fall River, MA 02721

Dear Sir or Madam:

This is a notice under the Massachusetts Tort Claims Act and is given pursuant to M.G.L. c. 258 and c. 84.

PHILADELPHIA | 1818 Market Street | Suite 2000 | Philadelphia, PA 19103 | Tel: (215) 467-4666
NEW JERSEY | 1401 Market Street | PO Box 807 | Camden, NJ 08101 | Tel: (856) 457-6393
PITTSBURGH | 707 Grant Street | Suite 1200 | Pittsburgh, PA 15219 | Tel: (412) 360-7257
ERIE | 1001 State Street | Suite 1400 | Erie, PA 16501 | Tel: (814) 240-5190
BOSTON | 114 State Street | 4th Floor | Boston, MA 02109 | Tel: (857) 233-0559
NEW YORK | 5 Penn Plaza | 19th Floor | Manhattan, NY 10001 | Tel: (212) 235-1060
CINCINNATI | PNC Center | 201 E. Fifth Street | Suite 1900 | Cincinnati OH 45202 | Tel: (513) 898-0930
COLUMBUS | Galleria at PNC Plaza | 20 S. Third Street | Suite 210 | Columbus, OH 43215 | Tel: (614) 754-6602
CLEVELAND | 600 Superior Ave. East | Fifth Third Building, Suite 1300 | Cleveland, OH 44114 | Tel: (216) 201-9307
YOUNGSTOWN | 11 Central Square West | Youngstown, OH 44503 | Tel: (330) 259-1486

RECEIVED
2021 FEB 16 A 11:59
CITY CLERK #21-9A
FALL RIVER, MA

City Clerk ✓
Law Dep ✓
City Council ✓
DPW ✓
2/16/21

10

This firm represents Judith Ouellette who resides at 181 S. Main Street, Fall River, MA 02721. This claim arises from injuries Ms. Ouellette sustained on December 17th 2020, due to the presence of a defective and dangerous condition, including but not limited to an untreated, icy sidewalk.

RECEIVED
2021 FEB 16 A 11: 59

At approximately 3:30 PM, Ms. Ouellette was walking at or near Borden West Apartments, 181 S. Main Street, Fall River, MA 02721 when this dangerous condition/defect caused Ms. Ouellette to slip and then fall to the ground. In doing so, Ms. Ouellette suffered serious injuries, including but not limited to her feet. # 219A

Ms. Ouellette claims Borden West Borden Street Associates, Borden Place West, Peabody Properties, Inc., The City of Fall River, and/or another party agent was negligent and/or reckless¹ when it created a dangerous condition/defect and/or failed to warn patrons of this dangerous condition/defect. A reasonable person could presume that untreated, icy sidewalks could create a dangerous condition. By not removing/fixing this dangerous condition/defect and/or failing to warn patrons about it, an unnecessary, unreasonable and dangerous condition existed.

This correspondence shall also serve as a demand that Borden West Borden Street Associates, Borden Place West, Peabody Properties, Inc., The City of Fall River, and/or any responsible third-party agents of any of those entities preserve any and all evidence that may be considered relevant in this matter, including, but not limited to, surveillance footage of the area in question.

The facts contained in this notice of claim shall afford Borden West Borden Street Associates, Borden Place West, Peabody Properties, Inc., and/or The City of Fall River with ample opportunity to investigate this claim on its merits. In the event Borden West Borden Street Associates, Borden Place West, Peabody Properties, Inc., and/or The City of Fall River determines that a third party and/or independent contractor may be liable for Ms. Ouellette's injuries, kindly provide my office with the name and business address of said party.

Please respond to this correspondence at your earliest convenience. If my office does not receive a response within six (6) months from the date you receive this notice, this office will file the appropriate civil complaint on behalf of Ms. Ouellette.

Please refrain from contacting Ms. Ouellette directly by any and all means of communication. All communication and notices with regard to the issues set forth herein shall be directed to my attention.

Thank you for your time and attention to this matter.

Very Truly Yours,
Simon & Simon, PC
/s/
Brian George, Esq.

¹ Ms. Ouellette reserves her right to raise additional claims against Borden West Borden Street Associates, Borden Place West, Peabody Properties, Inc., The City of Fall River, and/or any third party based upon the facts known to her at the time of this Notice of Claim and which have been presented hereto.



10

RECEIVED

City of Fall River
Notice of Claim

2021 FEB -9 A 10:22

CITY CLERK 21-13
FALL RIVER, MA

1. Claimant's name: Steven Kut
2. Claimant's complete address: 70 Summerfield Ave Somerset MA 02725
3. Telephone number: Home: 774-201-9320 Work: 774-201-9320
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto incident on public way by city salt truck
5. Date and time of accident: 1/27/21 2 pm Amount of damages claimed: \$ 819.75
6. Exact location of the incident: (include as much detail as possible):
222 Tecumseh St South side of St
7. Circumstances of the Incident: (attach additional pages if necessary):
My truck was parked when the salt truck hit my mirror with his Exhaust shield, he turned around admitted it was his fault, we called his supervisor and the police for a report
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
I paid the bill to him this reported for safety reasons

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: 2/08/21

Claimant's signature: [Signature]

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

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

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

For official use only:	
Copies forwarded to: <input checked="" type="checkbox"/> City Clerk <input checked="" type="checkbox"/> Law <input checked="" type="checkbox"/> City Council <input type="checkbox"/> City Administrator <input checked="" type="checkbox"/> DPW	Date: <u>2/9/2021</u>



RECEIVED

City of Fall River
Notice of Claim

2021 FEB 10 A 10:48

CITY CLERK 21-14
FALL RIVER, MA

1. Claimant's name: WILLIAM PECKHAM
2. Claimant's complete address: 111 BORDEN ST APT 207
3. Telephone number: Home: 508-674-8433 Work:
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
FELL ON ICE AT BOTTOM OF CITY HALL STEPS
5. Date and time of accident: 10:30 AM Amount of damages claimed: \$
6. Exact location of the incident: (include as much detail as possible):
AT BOTTOM OF CITY HALL STEPS
7. Circumstances of the incident: (attach additional pages if necessary):
I WAS LEAVING THE CITY HALL FROM BURLINGHAM DRIVE EXIT WHEN I
SLIPPED ON PATCH OF ICE AT THE BOTTOM OF THE STAIRS.
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: 2/10/21

Claimant's signature: William Peckham

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 form 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

Facile's Right

Date: 2/10/2021

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, February 9, 2021 at 7:00 p.m.
Zoom (Virtual Meeting Application) pursuant to the Governor's Declaration of State of Emergency due to the Coronavirus (COVID-19) pandemic

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: Mary Sahady, Director of Financial Services

President Cliff Ponte called the meeting to order at 8:29 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 order appropriating \$226,737.00 for the OPEB Trust Fund from the following:

General Fund Free Cash	\$220,150.00
Water Fund Free Cash	\$ 3,356.00
Sewer Fund Free Cash	\$ 994.00
EMS Fund Free Cash	\$ 2,237.00

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was voted 9 yeas to adopt the order.

2. Mayor and orders appropriating the following:
a. \$1,731,352.00 from the General Fund FY20 Surplus Revenue to the General Fund Stabilization Fund

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adopt the order.

- b. \$426,925.00 from the EMS Enterprise Fund FY20 Surplus Revenue to the EMS Stabilization Fund

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was voted 9 yeas to adopt the order.

3. Mayor and request to include the Notre Dame Rectory (529 Eastern Avenue) and adjacent parcels to the Central HD Zone

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to refer the matter to the Planning Board.

4. Mayor and proposed ordinance re: Abutters Lots Program

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was voted 9 yeas to refer the matter to the Committee on Ordinances and Legislation.

5. Mayor and proposed amendment re: salary schedules

Councilor Leo O. Pelletier stated that he would like to see salary increases for clerks and laborers who receive very low wages. Councilor Michelle M. Dionne stated there are 21 vacancies on this proposed amendment and then asked how long some of these positions have been vacant. The Director of Financial Services stated that many of those positions have been vacant for many years, possibly since 2017. She then stated that she will provide a current list of vacant positions prior to the meeting of the Committee on Ordinances and Legislation. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was voted 9 yeas to refer the matter to the Committee on Ordinances and Legislation.

6. Mayor and order authorizing the Fall River School Department to enter into a

Memorandum of Understanding re: Every Student Succeeds Act Transportation

Councilor Michelle M. Dionne asked if this is the first time that this program has been offered. The Director of Financial Services stated that it was. Councilor Linda M. Pereira stated that if a child is moved to another community for foster care, it is a good thing that the child is still allowed to attend their current school. She then stated that getting reimbursed for some of these additional expenses the communities are incurring will be very helpful. Council President Cliff Ponte asked if this was a multi-year contract. The Director of Financial Services stated that this contract is only for one year. Councilor Shawn E. Cadime then asked why a vote of the City Council was necessary. The Director of Financial Services stated that the Massachusetts Department of Elementary and Secondary Education required such action. 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, February 10, 2021, Paul E. Coogan, Mayor

PRIORITY COMMUNICATIONS

7. Communication from City Council President re: renovations to the Council Chambers and Hearing Room

Councilor Leo O. Pelletier stated that he would like to see the City Councilors' chairs replaced or reupholstered, as they have not been updated in over 30 years. Council President Cliff Ponte stated that he will send a letter to the Director of the Department of Facilities Maintenance to explore the possibility of replacing or reupholstering the current seating (a copy of said letter is attached hereto and made a part of these minutes). On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas that the communication be accepted and placed on file.

8. Corporation Counsel re: proposed amendments to the Solid Waste Ordinance

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to refer the matter to the Committee on Ordinances and Legislation.

9. 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 voted 9 yeas to refer the matter to the Committee on Ordinances and Legislation.

- 11
10. Board of Election Commissioners and order authorizing the Preliminary Municipal Election on September 21, 2021 and the Municipal Election on November 2, 2021
Councilor Leo O. Pelletier stated that due to the COVID-19 pandemic it may be difficult to obtain signatures required by the City Charter for candidates' nomination papers. He then asked for a letter to be sent to the Secretary of the Commonwealth, Elections Division to inquire if the Massachusetts State Elections Division would be issuing a waiver reducing the number of signatures that are required to be obtained for the nomination papers of municipal elected officials, due to the COVID-19 pandemic (copy of said letter is attached hereto and made a part of these minutes). On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to adopt the order.
Approved, February 10, 2021, Paul E. Coogan, Mayor

COMMITTEE REPORTS

Committee on Public Works and Transportation recommending:

Grant leave to withdraw:

11. Resolution – Administration work with Oak Grove Cemetery to return historic and sacred items to their cemetery sites
Councilor Linda M. Pereira stated that she has spoken with the Director of Cemeteries/Trees and the Director of Community Maintenance and she realizes that there are some historic and sacred items that can never be returned to their original place, as it is unknown. She also mentioned that some of those items will now be used to beautify the newly created section of the cemetery. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was voted 9 yeas that the resolution be granted leave to withdraw.

Committee on Economic Development and Tourism recommending:

Action:

12. Order – City Council Appointments to the Community Preservation Committee
Councilor Linda M. Pereira stated that she spoke with all four candidates for these two City Council appointments and two of the individuals are no longer interested and submitted letters to that effect. On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Trott Lee, it was voted 9 yeas that the order be adopted, as amended, to approve Caroline H. Aubin and Alexander Silva as the two City Council appointees to the Community Preservation Committee, with terms to expire on January 13, 2024.
Approved, February 10, 2021, Paul E. Coogan, Mayor

ORDINANCES – None

RESOLUTIONS

13. Director of Community Maintenance work with the Friends of the Quequechan River Rail Trail in naming a bench in honor of Janice Clarke
Councilor Linda M. Pereira stated that Janice Clarke frequented the Quequechan River Rail Trail and was dedicated to keeping the trail clean. She then stated that COVID-19 took her life too soon, so it would be a nice tribute to name a bench in her honor. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to adopt the resolution.

14. The Administration request that Comcast consider waiving excess fees for data plans and regulations and fees for streaming be examined

Council President Cliff Ponte stated this matter requires the attention of the federal government, as it is much like a monopoly. Councilor Leo O. Pelletier stated that Comcast has been the only provider in the City of Fall River for many years and the residents have no choice but to pay the increasingly high costs. Councilor Shawn E. Cadime stated that he would like to invite Congressmen Jake Auchincloss and William Keating along with U.S. Senators to a meeting of the City Council Committee on Finance to discuss concerns regarding the monopoly held by Comcast in the City of Fall River. He also stated that many monthly Comcast invoices are equal to an individual's vehicle payment. He also mentioned that he believes that Corporation Counsel outsourced the renewal of the Comcast Contract to KP Law and Attorney William Hewig, III is the lead attorney regarding this matter. Council President Cliff Ponte stated that when this matter is discussed in the Committee on Finance, he would also like to invite Attorney William Hewig, III to the meeting so that he can explain what the City can change and make suggestions as to the proper steps to make necessary changes to the availability of cable television. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was voted 9 yeas to refer the resolution to the Committee on Finance.

CITATIONS

15. James J. Riley – Retirement after 38 years of dedicated service to the Fall River Police Department and 18 years of service to Diman Regional Vocational Technical High School

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Linda M. Pereira, it was voted 9 yeas to adopt the citation.

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

16. The New Girls Varsity Softball Field at B.M.C. Durfee High School be named in honor of Steven R. Winarski

Councilor Bradford L. Kilby stated that Steven Winarski was a wonderful coach at B.M.C. Durfee High School and is well deserving of this honor. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adopt the order. Approved, February 10, 2021, Paul E. Coogan, Mayor

17. Police Chief's report on licenses:

2021 Taxicab Drivers:

Alex Cabral

Alfred W. Cuttle Jr.

Dennis A. Ferreira Jr.

Shane McNeill

Christopher J. Worsley

2021 Private Livery Vehicles:

Princess Limo

Freightliner Chassis

Ford F-550

Glava Universe Van

Ford Transit

Lincoln MKT

Chrysler 300

Chevy Suburban

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Linda M. Pereira, it was voted 9 yeas to adopt the order.

18. Auto Repair Shop License Renewal:

Robert Luongo d/b/a Bob's Auto Sales at 643 Brayton Avenue
On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to refer the matter to the Committee on Regulations.

19. Transfer of auto repair shop license no. 346 located at 681 Brayton Avenue from
Antone D. Vargas d/b/a ADV Auto Repair, to Nuno Dosouto, Easy Auto Repair, LLC
On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was voted 8 yeas to adopt the order, with Councilor Bradford L. Kilby absent and not voting.

Approved, February 10, 2021, Paul E. Coogan, Mayor

20. Transfer of auto repair shop license no. 217 located at 400 Stafford Road from Mark
Shea d/b/a Shea's Automotive Center to True Brother, Inc.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to adopt the order.

Approved, February 10, 2021, Paul E. Coogan, Mayor

21. Transfer of auto body shop license no. 37 located at 751 Eastern Avenue from Arthur
M. Camara, Deschenes Body Repair, Inc. to Khoury Enterprise LLC d/b/a Deschenes
Body Repair

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Linda M. Pereira, it was voted 9 yeas to adopt the order.

Approved, February 10, 2021, Paul E. Coogan, Mayor

22. Transfer of auto body shop license no. 149 located at 115 Maple Street from Robert L.
Eleuterio d/b/a Eddie & Son Auto Body and Marine Repair, to Eddie Feliciano d/b/a
Eddie & Sons Auto Body and Marine Repairs

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adopt the order.

Approved, February 10, 2021, Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

23. Claims

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to refer the claims to Corporation Counsel.

24. Planning Board Minutes – December 14, 2020 Meeting

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was voted 9 yeas that the minutes be accepted and placed on file.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to take items #25 through #28 together.

City Council Meeting Minutes:

25. Public Hearings – December 15, 2020

26. Public Hearings – January 19, 2021

27. Committee on Finance Meeting – December 15, 2020

28. Regular Meeting of the City Council – December 15, 2020

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to approve items #25 through #28.

29. Communication from Collin Dias requesting the installation of signage to support use of face masks

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas that the communication be accepted and placed on file.

30. Open Meeting Law Complaint filed by Patrick Higgins re: alleged violation by the City Council Committee on Ordinances and Legislation on February 2, 2021

Councilor Pam Laliberte-Lebeau asked the City Clerk if it was acceptable to place this Open Meeting Law Complaint on the City Council agenda and not the Committee on Ordinances and Legislation agenda. The City Clerk stated that all Open Meeting Law Complaints, both for committees and the full body, have historically been placed on the City Council agenda for action, and the Attorney General's office has agreed with this practice. Councilor Pam Laliberte-Lebeau then stated that the Open Meeting Law Complaint from Patrick Higgins also refers to the minutes incorrectly listing the format for roll call votes. The City Clerk stated that she reached out to the Division of Open Government and advised how the minutes have been formatted for decades. She then stated that the beginning of the minutes lists all members who are present and all members who are absent. Then each item lists the roll call vote. When the vote is unanimous, 9 yeas are listed and if a member votes in the negative on an item that Councilor is listed as voting in the negative. Additionally, if a Councilor is absent, every roll call vote lists that the Councilor is absent and not voting. The City Clerk then stated that she received a reply from the Assistant Attorney General and read her email, which stated, "If the record of each vote in the minutes lists the 9 members and then states 9 yeas, I think it would be splitting hairs to say that this isn't effectively the same thing as listing each person's vote" (a copy of said email is attached hereto and made a part of these minutes). On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 8 yeas to refer the matter to Corporation Counsel, with Councilor Linda M. Pereira absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES

31. Notice of Casualty and Loss at 551 Rock Street

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas that the notice be accepted and placed on file.

ITEMS FILED AFTER THE AGENDA DEADLINE: **CITY COUNCIL MEETING DATE: FEBRUARY 9, 2021**

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

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

- 12a. Proposed Ordinance – Traffic, Handicapped Parking

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adopt the emergency preamble. On a further motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to pass the proposed ordinance through first reading, second reading, passed to be enrolled and passed to be ordained.

Approved, February 10, 2021, Paul E. Coogan, Mayor

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First Reading:

12b. Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Bradford L. Kilby, it was voted 9 yeas to pass the proposed ordinance through first reading.

12c. Proposed Ordinance – Establish position and salary of EMS – Administrative Assistant

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was voted 9 yeas to pass the proposed ordinance through first reading.

Committee on Finance recommending:

12d. Proposal for legal counsel services for the City Council

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas to engage KP Law as legal counsel for the City Council, with Councilor Linda M. Pereira voting present. Council President Cliff Ponte stated that he will work with the City Clerk and Council Vice-President Pam Laliberte-Lebeau to establish regulations for members of the City Council to request the services of KP Law.

Approved, February 10, 2021, Paul E. Coogan, Mayor

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to adjourn at 10:04 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Email from Assistant Attorney General read by the City Clerk

A true copy. Attest:



City Clerk



City of Fall River
Massachusetts
City Council

11

CLIFF PONTE
President
City Council

February 10, 2021

Christopher Gallagher, Director
Department of Facilities Maintenance
One Government Center
Fall River, MA 02722

Dear Mr. Gallagher,

Thank you for your participation at the meeting of the City Council Committee on Finance last evening, and for providing an update on the future renovations of the City Council Chamber and Hearing Room.

Upon further discussion at the Regular Meeting of the City Council, the condition of the chairs utilized by members of the City Council was also mentioned.

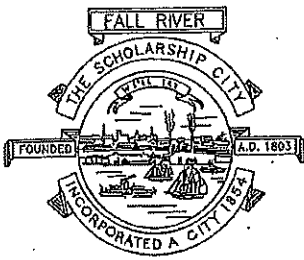
I am not certain whether the grant funds that have been identified can be utilized for this purpose, but the Council has requested that you explore the possibility of replacing or reupholstering the current seating.

Should you have any questions or concerns, please feel free to contact the City Council office.

Sincerely,

Cliff Ponte
City Council President

/a



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

February 16, 2021

The Honorable William Francis Galvin
Secretary of the Commonwealth
Elections Division
One Ashburton Place, Rm. 1705
Boston, MA 02108

Dear Secretary Galvin:

At a meeting of the City Council, held on February 9, 2021, a discussion was held relative to the authorization of the 2021 Political Calendar for the City's Preliminary Municipal Election and Municipal Election.

During this discussion, Councilor Leo O. Pelletier asked if the Massachusetts State Elections Division would be issuing a waiver reducing the number of signatures that are required to be obtained for the nomination papers of municipal elected officials, due to the Covid-19 pandemic.

Given the need to maintain social distancing, please advise if a waiver is being considered or whether your office can provide any guidance regarding this matter.

Thank you for your assistance in this matter.

Very truly yours,

Alison M. Bouchard
City Clerk

/ch

Cc: Charles D. Baker, Governor, Commonwealth of Massachusetts
Michelle K. Tassinari, Director of Legal Counsel, Elections Division
Kelly Souza-Young, Chair, Board of Election Commissioners

City Clerk

From: OpenMeeting (AGO) <openmeeting@state.ma.us>
Sent: Friday, February 05, 2021 3:23 PM
To: City Clerk
Subject: [EXTERNAL] RE: Question regarding minutes

If the record of each vote in the minutes lists the nine members and then states "9 yeas" I think it would be splitting hairs to say that isn't effectively the same as listing each person's vote..

Sincerely,

Carrie Benedon (she/her/hers)
Assistant Attorney General
Director, Division of Open Government
Massachusetts Office of the Attorney General
(617) 963-2540

From: City Clerk <city_clerks@fallriverma.org>
Sent: Friday, February 5, 2021 12:35 PM
To: OpenMeeting (AGO) <OpenMeeting@MassMail.State.MA.US>
Subject: RE: Question regarding minutes

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thanks for getting back to me.

So, listing the names of all nine Council members present, and a roll call vote of "9 yeas" is not sufficient to describe the unanimous vote?

Alison M. Bouchard
City Clerk
One Government Center
Fall River, MA 02722
T: 508-324-2220
F: 508-324-2211
Website: www.fallriverma.org

From: OpenMeeting (AGO) [mailto:openmeeting@state.ma.us]
Sent: Friday, February 05, 2021 11:31 AM
To: City Clerk <city_clerks@fallriverma.org>
Subject: [EXTERNAL] RE: Question regarding minutes

Alison,

This is a good question.

11

The Open Meeting Law states that all votes to enter executive session, and all votes taken during executive session, must be "recorded by roll call and entered into the minutes." That clearly means the roll call itself needs to be contained in the minutes.

For other votes that are taken by roll call because there are remote participants, our guidance is that these votes should also be recorded by roll in the minutes, since the OML requires that minutes contain an accurate record of all votes. An accurate record of a vote taken by roll call would be to record the roll call. So, I recommend that the practice be updated going forward.

Sincerely,

Carrie Benedon (she/her/hers)
Assistant Attorney General
Director, Division of Open Government
Massachusetts Office of the Attorney General
(617) 963-2540

From: City Clerk <city_clerks@fallriverma.org>
Sent: Friday, February 5, 2021 10:46 AM
To: OpenMeeting (AGO) <OpenMeeting@MassMail.State.MA.US>
Subject: Question regarding minutes

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning.

I am looking for some guidance, relating to recording of roll call votes taken at remote meetings.

Like most, the Fall River City Council has met remotely during the pandemic. Roll call votes have been taken during all of their meetings,

When preparing minutes, the clerk records the names of all nine members who are in attendance. When recording the actual roll call vote, she lists "9 yeas" for unanimous votes, and for those votes that are not unanimous, the names of those voting in the negative are recorded.

Can you please confirm that this method is acceptable, as all of our minutes are prepared in this fashion.

Thank you in advance for your help.

Alison M. Bouchard
City Clerk
One Government Center
Fall River, MA 02722
T: 508-324-2220
F: 508-324-2211
Website: www.fallriverma.org

City of Fall River
Office of the Corporation Counsel

Rec'd by email 2/11/21
@ 4:22 pm

12

PAUL E. COOGAN
Mayor



ALAN J. REMSEY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel

February 11, 2021

Patrick Higgins
P.O. Box 24
Swansea, MA 02777

Via email: patrick@patrickhiggins.co

RE: Open Meeting Law Complaint against Fall River City Council - Committee on
Ordinances and Legislation
Date of Alleged Violation: February 2, 2021

Dear Mr. Higgins:

This is provided 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 (Committee on Ordinance and Legislation and Pam Laliberte-Lebeau which alleges the following:

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

1. The Fall River City Council on Ordinances and Legislation violated the open meeting law by not properly recording the roll call votes taken on their November 20, 2020 meeting. The minutes were published on February 2, 2021 as part of the agenda package for the Feb 4, 2021 agenda package so this open meeting law is timely as this was the first time that the minutes had been published by the committee reflecting the violation of the open meeting law.
2. The minutes of the November 30, 2020 meeting indicate at the top of the minutes that the meeting was "Zoom (Virtual Meeting Application) pursuant to the Governor's Declaration of State of Emergency due to the Coronavirus (COVID-19) Pandemic" The Chairman (and all other members of the Committee) knew or should have known that the open meeting law requires that all votes be taken by roll call, (which the video indicates happened) and the minutes need to accurately reflect the roll call votes. The proper method of memorializing roll call votes in minutes is to list every members name and what their votes were, i.e. Smith Aye, Turner No.

3. In the published minutes for the November 30, 2020 meeting, which are on the Feb 4, 2021 agenda for consideration of acceptance or adoption, the minutes reflect." "It was voted 5 yeas to approve the minutes." "It was voted 5 yeas to recommend the proposed ordinance be passed through the first reading." This does NOT comply with the open meeting law requirements.

G.L. c. 30A, s 22(a) provides: "A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting." 940 CMR 29.10(7)(c) provides "All votes taken during any meeting in which a member participates remotely shall be by roll call vote." Citing 940 CMR 29.10(7)(c), the Attorney General's Division of Open Government's *Public Body Checklist for Creating and Approving Meeting Minutes* "intended as an educational guide" (September 25, 2017) provides "[i]f one or more public body members participated remotely in the meeting, the minutes must record all votes as roll call votes.

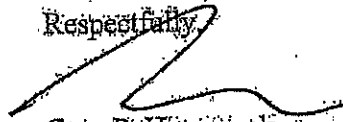
During the February 2, 2021 City Council Ordinance and Legislation Committee meeting, all votes were taken by roll call, as confirmed by the meeting's video recording-which you acknowledge in your Complaint. It is this office's opinion that the roll call votes were accurately reflected in the minutes in compliance with the Open Meeting Law. The meeting's minutes indicate that all five of the City Council committee members were present and there were no members absent. The minutes indicate that there were six votes taken at this meeting. The minutes indicate that Votes on Items 2-6 and 8 were unanimous votes "5 yeas". The minutes indicate that the Vote on Item 7 was "4 yeas, 1 nay" and identified by name, the one councilor who opposed. It was not the Committee's intent to usurp the Open Meeting Law.

Following receipt of your Open Meeting Violation Complaint, the City Clerk, Alison Bouchard, sent an email to the Attorney General's office inquiring as to whether the minutes' reflection of the votes was sufficient for purposes of the Open Meeting Law. In her response, the Assistant Attorney General, Carrie Benedon stated "[i]f the record of each vote in the minutes lists the nine members and then states '9 yeas' I think it would be splitting hairs to say that isn't effectively the same as listing each person's vote." (Entire email exchange is enclosed.)

In the present circumstances, where the votes were taken by roll call and where it is self-evident in the minutes how each member voted, the Committee's failure to list each councilor's individual name and roll call vote does not appear to constitute a violation of the Open Meeting Law's requirement to record all votes as roll call votes in the minutes.

Finally, I would ask that going forward you refrain from making nuisance accusations, and insults against City personnel. I would suggest you pursue those open meeting law violations that actually have merit (unlike this one).

Respectfully,



Gary P. Howaycek

Enc.

MA Office Attorney General-Division of Open Government
via email; openmeeting@state.ma.us
FR City Council Committee on Ordinances and Legislation



MAURA HEALEY
ATTORNEY GENERAL

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

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

February 9, 2021

OML 2021 - 11

VIA EMAIL

Gary Howayeck, Esq.
Assistant Corporation Counsel
One Government Center
Fall River, MA 02722
ghowayeck@fallriverma.org

CITY CLERK
FALL RIVER, MA

2021 FEB -9 A 10:36

RECEIVED

RE: Open Meeting Law Complaint

Dear Attorney Howayeck:

This Office received a complaint from Collin Dias on August 14, 2020, alleging that the Fall River City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Council on July 15, and the Council responded by letter dated August 12.^{1,2} In his complaint, Mr. Dias alleges that the Council allowed Council staff, City employees, a member of the media and two members of the public to attend a July 14 meeting, while requiring the rest of the public to attend remotely.

Following our review, we resolve this complaint by informal action in accordance with 940 CMR 29.07(2)(a), and find that the Council did not violate the Open Meeting Law. In reaching this determination, we reviewed the original complaint, the Council's response to the complaint, and the complainant's request for further review. We emailed with you and an Assistant City Clerk on several occasions in December 2020. We also reviewed minutes of the July 14 meeting of Fall River City Council, including those of the Finance Committee which met immediately after the Council's regular meeting.

On March 10, Governor Charles Baker declared a state of emergency in response to the public health emergency created by the outbreak of the 2019 novel Coronavirus ("COVID-19"). See Exec. Order No. 591 (Mar. 12, 2020). On March 12, Governor Baker issued an executive order temporarily suspending certain provisions of the Open Meeting Law during the state of

¹ Unless otherwise specified, all dates refer to 2020.

² We remind the Committee of its obligation to respond to an Open Meeting Law complaint within 14 business days of receipt, or within the time allotted pursuant to an extension granted by our Office. See G.L. c. 30A, § 23(b); 940 CMR 29.05(5).

emergency. See Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20 (Mar. 12, 2020) (the "Executive Order"). The Executive Order temporarily suspends the requirements under the Open Meeting Law and the Attorney General's Open Meeting Law regulations that a quorum of a public body, including the chair, be physically present at the meeting location and allows all members of a public body to participate in a meeting remotely. The Division of Open Government construes the Executive Order as allowing "hybrid" meetings in which a public body may conduct its proceedings in a physical meeting location while allowing public access through "adequate, alternative" means, as defined by the Executive Order. See OML 2020-100.³

In response to a similar complaint filed by Mr. Dias against the Fall River Conservation Commission, we found that the Commission did not violate the Open Meeting Law where the Commission provided "adequate alternative" access to the public while allowing several individuals to attend the meeting in-person, including a member of the media, four project applicants for the four public hearings on the agenda, and one other member of the public who had been invited by the City Planner to provide "pertinent information" regarding the subject of the first public hearing. See OML 2020-159. Here, the Council provided "adequate alternative" access to its July 14 meeting via Facebook Live and local access cable. See OML 2020-161 (local access cable live stream constituted "adequate alternative means"). For the same reasons as explained in OML 2020-159, we find that it was permissible for the Council to allow specific individuals to attend the Council's July 14 meeting in-person, including Council staff, City employees, a member of the media and two members of the public who represented a pier redevelopment project that was a topic of the Finance Committee's meeting.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our Office or the Council. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

Sincerely,



Sarah Monahan

Assistant Attorney General

Division of Open Government

cc: Collin Dias (via e-mail: collind00@aol.com)
Fall River City Council, c/o Assistant City Clerk Inês da Silva Paulino Leite
(via e-mail: ileite@fallriverma.org)

³ All previous determinations issued by the Division can be found on the Attorney General's website: <https://www.mass.gov/the-open-meeting-law>.

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

