

# City of Fall River Massachusetts

## Office of the City Clerk

**ALISON M. BOUCHARD**  
CITY CLERK

**INÊS LEITE**  
ASSISTANT CITY CLERK

### **REGULAR MEETING OF THE CITY COUNCIL**

**MEETING:** Tuesday, January 19, 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:** Attorney Kenneth J. Fiola, Jr., Executive Vice President  
Bristol County Economic Development Consultants  
139 South Main Street, Suite 400, Fall River, MA 02721

President Cliff Ponte called the meeting to order at 8:14 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. Order authorizing dismissal of Fall River City Council v. Jasiel F. Correia, II, Bristol Superior Court, C.A. No. 1973CV00885, and, in conjunction therewith, approval and authorization of the release of minutes of the September 18, 2019 Special City Council Meeting  
*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.*  
*Approved, January 21, 2021, Paul E. Coogan, Mayor*
2. Mayor and Five Year Capital Improvement Plan  
*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 Finance.*
3. Mayor and Five Year Financial Forecast of City Revenues and Expenditures within the General Fund Operating Budget  
*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 Finance.*

4. Mayor and Fiscal Year 2021 - Quarter 2 Budget Report

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was voted 9 yeas that the report be accepted and placed on file.*

5. Mayor and proposed ordinance re: structures on/over public ways

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas that the proposed ordinance be referred to the Committee on Ordinances and Legislation.*

6. Mayor requesting approvals as follows:

- a. TIF Amendment for Hutchens Holding III, LLC – Innovation Way – Lot 1  
(a portion of Fall River Assessors Map W-19, Parcel 185)

- b. TIF Amendment for Seafox Holdings LLC – 0 Airport Road

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was voted 9 yeas to waive the rules to allow Attorney Kenneth J. Fiola, Jr. to answer questions. Council President Cliff Ponte called for a 2 minute recess at 8:23 p.m. due to technical difficulties. The meeting reconvened at 8:24 p.m. Attorney Kenneth J. Fiola, Jr. provided a brief overview of the TIF amendments for Hutchens Holding III, LLC and Seafox Holdings, LLC. He stated that these are only technical amendments to the TIF Agreements that were previously approved by the City Council in September of 2020. He then mentioned that applications were filed for state investment tax credits, which were subsequently granted by the Economic Assistance Coordinating Council (EACC) subject to the technical additions to the existing TIF Agreements. Attorney Kenneth J. Fiola, Jr. then expressed that the amendments to the TIF Agreements add the following language:*

- a. *The terms contained herein should not be altered without prior authorization from the EACC and the City of Fall River with a written amendment to the agreement.*

- b. *The company would be required to provide the EACC with an annual report as required by state law.*

- c. *The agreement shall be binding upon subsequent owners of such real property.*

*He then stated that the approval of these amendments into the TIF Agreements does not alter any of the benefits that the companies are receiving from the City, but does allow the companies to receive the state investment credits. Councilor Linda M. Pereira stated that it was helpful that Attorney Kenneth J. Fiola, Jr. was present to provide this information. Councilor Trott Lee asked Mr. Fiola if the EACC is the governing body regarding TIF Agreements and he stated that the EACC stands for the Economic Assistance Coordinating Council. He then mentioned that this is a Council that works through the Department of Business and Development under the auspices of the Department of Housing and Community Development and they evaluate all applications for State Investment Tax Credits. By law all companies with TIF Agreements must submit an annual report to the state and the City requires quarterly reports. He also stated that both the Commonwealth of Massachusetts and the City of Fall River have the ability to rescind the TIF Agreement for non-compliance.*

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was voted 9 yeas to adopt the resolutions for both items #6a and #6b.*

*Approved, January 21, 2021, Paul E. Coogan, Mayor*

#### **PRIORITY COMMUNICATIONS**

7. 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.*

8. Community Preservation Committee re: City Council appointments  
*Council President Cliff Ponte suggested that this matter be referred to the Committee on Economic Development and Tourism to review the four candidates and then recommend two candidates to the full council for consideration. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 7 yeas, 2 nays to refer the matter to the Committee on Economic Development and Tourism, with Councilors Trott Lee and Linda M. Pereira voting in the negative.*

### **COMMITTEE REPORTS**

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

Grant leave to withdraw:

9. Resolution – Stocking epinephrine to facilitate emergency treatment in Fall River Schools

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas that the resolution be granted leave to withdraw.*

10. Resolution – Preservation of affordable housing and displacement at Riverview Towers  
*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was voted 9 yeas that the resolution be granted leave to withdraw.*

### **ORDINANCES** – None

### **RESOLUTIONS**

11. Committee on Finance convene to determine response to Governor's COVID-19 Order No. 54 advocating for the balance of financial preservation and public safety measures  
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was voted 3 yeas, 6 nays that the resolution be granted leave to withdraw, with Councilors Michelle M. Dionne, Bradford L. Kilby and Linda M. Pereira voting in the affirmative and the motion failed to carry. Councilor Trott Lee stated that some of the regulations in Order No. 54 are hurting many small businesses in the city and that is the reason for filing this resolution. He then stated that it may provide some clarification and allow these businesses a voice in changing some of these regulations. Councilor Christopher M. Peckham stated that he has received many questions from constituents regarding the 9:30 p.m. curfew and was looking for answers from the Baker Administration. Councilor Bradford L. Kilby stated that this pandemic is not just a local problem and these guidelines are implemented with the best interest for the residents of the Commonwealth of Massachusetts. Councilor Shawn E. Cadime stated that the 9:30 p.m. curfew may affect some restaurants in the city, but he doesn't believe that the majority are affected because it is nearly impossible to find a restaurant open for dinner at 9:00 p.m. after a City Council Meeting other than a chain restaurant. Councilor Linda M. Pereira stated that Governor Charlie Baker is working with the most respected Boston doctors for guidance. She then stated that these decisions must be respected, as they have the medical expertise needed for these matters. Councilor Pam Laliberte-Lebeau stated that she agrees with the intent of the resolution, but does not believe that the City can change these regulations. Councilor Trott Lee stated that even though the original resolution may have been "aiming too high", he is agreeable to amendments. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was voted 9 yeas to amend the resolution by changing the discussion to be held in the Committee on Health and Environmental Affairs and that Tess Curran, Director of Health and Human Services, be invited to this meeting to discuss vaccine rollouts and determine whether the City can help area businesses with issues related to the COVID-19 restrictions. On yet a further motion made by Councilor Bradford L. Kilby*

and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to adopt the resolution, as amended.

### **CITATIONS**

12. Sharon Dahlstrom – Decades of service to the Fall River Board of Elections  
*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adopt the citation.*

13. Kobe Paiva – Outstanding hard work collecting personal care items for the homeless  
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to adopt the citation.*

### **ORDERS – HEARINGS**

#### **Curb removals:**

14. Cumberland Farms, Inc., 165 Flanders Road, Westborough, MA – total of 230' at  
Brayton Avenue and Stevens Street  
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adopt the order.*  
*Approved, January 21, 2021, Paul E. Coogan, Mayor*

15. BCBBL, LLC, 465 Rock Street – total of 72' at 697 Davol Street (removal on Davol  
Street and Turner Street)  
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was voted 9 yeas to adopt the order.*  
*Approved, January 21, 2021, Paul E. Coogan, Mayor*

16. Daniel Walsh, 9 Riverview Street – total of 35' 5" at 9 Riverview Street  
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adopt the order.*  
*Approved, January 21, 2021, Paul E. Coogan, Mayor*

### **ORDERS – MISCELLANEOUS**

17. **Police Chief's report on licenses:**

#### **2021 Taxicab Drivers:**

Russell J. Draine	Mark D. Edmondson	William Louis	Jeff C. Middleton
Yanylyz Navarro Nieves	Jonathan Riopelle	Carl Shepard	James Silvia Jr.
Ashley Leah Ward	Mostafa Yakoob		

#### **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 Michelle M. Dionne, it was voted 9 yeas to adopt the order.*

18. **Auto Repair Shop License Renewals:**

Dave's Tire and Auto Service, Inc. at 325 Bedford Street  
David J. Motta d/b/a Action Cycles at 326 Pleasant Street  
Michael Carvalho d/b/a County Street Collision and Customizing at 946 County Street  
Globe Auto, Inc. at 165 Tucker Street  
Luis Pereira d/b/a L.P. Auto Repair at 1201 Slade Street

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, January 21, 2021, Paul E. Coogan, Mayor

19. Auto Body Shop License Renewal:

Globe Auto, Inc. at 165 Tucker 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, January 21, 2021, Paul E. Coogan, Mayor

20. City Council meeting schedule from February through December 2021

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

**COMMUNICATIONS – INVITATIONS – PETITIONS**

21. Claims

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

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to take items #22 through #28 together.

City Council Meeting Minutes:

- 22. Public Hearings – November 17, 2020
- 23. Public Hearings – December 1, 2020
- 24. Committee on Finance – November 17, 2020
- 25. Committee on Finance – December 1, 2020
- 26. Regular Meeting of the City Council – November 17, 2020
- 27. Regular Meeting of the City Council – December 1, 2020
- 28. Special Meeting of the City Council – January 5, 2021

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to approve items #22 through #28.

29. Thank you card from the Amaral Family

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.

30. Law Office of Nicholas A. Gomes, P.C. re: Request for Host Community Agreements for Delivery Marijuana Establishments Tradesman Exchange LLC, 195 East LLC

Councilor Linda M. Pereira stated that she had a conversation with Attorney Nicholas A. Gomes regarding his request and he would like to open a marijuana facility in Fall River that would allow a customer to place an order for marijuana and have it delivered. She then stated that marijuana licenses and zoning regulations need to be reviewed, as the former Administration did not want to place any restrictions on these facilities. Councilor Michelle M. Dionne stated that she would like to discuss zoning regulations for marijuana facilities. Councilor Pam Laliberte-Lebeau stated that she had a conversation with the former City Planner regarding zoning for these establishments and he stated that he had experience from work he had done in Fairhaven, Massachusetts. She then mentioned that the former City Planner stated that the former Administration was not interested in implementing any zoning regulations for marijuana establishments. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to refer the communication to Corporation Counsel.

31. Street opening request for pavement less than 5 years – 140 Manchester Street  
Councilor Linda M. Pereira stated that the request does not list the name of the applicant. She also stated that the City needs to institute stricter guidelines for street opening permits, as new streets are ruined very quickly by excavations. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was voted 9 yeas that the street opening request be referred to the Committee on Public Works and Transportation.

**BULLETINS – NEWSLETTERS – NOTICES – None**

**ITEMS FILED AFTER THE AGENDA DEADLINE:**  
**CITY COUNCIL MEETING DATE: JANUARY 19, 2021**

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

**Ad Hoc Committee to Review Subdivisions**

32. Communication regarding zoning rules and regulations for subdivisions  
Councilor Pam Laliberte-Lebeau provided a brief history of this matter. Councilor Linda M. Pereira stated that she felt this matter should have been discussed in the Committee on Ordinances and Legislation. Councilor Bradford L. Kilby stated that the Planning Board and Zoning Board of Appeals should be able to make decisions that are in the best interest of the City without the Administration being allowed to influence those decisions. Councilor Trott Lee stated that he believes changes need to be made at the local and state levels to improve regulations for subdivisions. Councilor Leo O. Pelletier stated that this is not only a problem in the City of Fall River, but throughout the state. Councilor Shawn E. Cadime stated that the recommendations in the communication to Representative Carole Fiola are issues that need to be changed at the state level. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to approve this communication be sent to Representative Carole Fiola regarding possible changes to zoning rules and regulations for subdivisions (copy of said letter is attached hereto and made a part of these minutes).

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adjourn at 9:57 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, March 9, 2021  
Approved.



## City of Fall River Massachusetts City Council

**PAM LALIBERTE-LEBEAU**

*Vice-President*

*City Council*

January 19, 2021

Representative Carole Fiola  
307 Archer Street  
Fall River, MA 02720

Dear Representative Fiola:

I am writing to you as an outreach effort regarding potential amendments to the Subdivision Control Law. So many cities and towns in our Commonwealth struggle with Subdivision Control Law and its inadequacies in providing our community and constituents with the proper and necessary oversight and protection against abysmal workmanship involving developments. As a city councilor, I receive numerous complaints regarding subdivisions. Most if not all responses to these complaints are "it is a civil matter and the city has no recourse" and that "the Subdivision Control Law does not provide the city with the proper enforcement authority."

I have had numerous and lengthy discussions with various planning board members and planners in and around our community. Below are recommended changes that I have been able to compile based on those conversations, which the State Legislature should strongly consider.

### **Approval Not Required Subdivisions**

1. **Issue:** Currently the Subdivision Control Law allows for unlimited number of new lots for development via the creation of frontage lots, so long as, frontage and area requirements can be met with no notice to abutters being required regardless of the number of new lots being created for development. A possible solution would be to require any ANR creating more than a certain number of lots (3 proposed below) for development to be reviewed as a definitive subdivision.

**Amendment:** 41 MGL 81L Definitions "Subdivision" line 15 add the following language:

"...thereon, d) and provided that, not more than 3 new lots for development are being created by such division. Such frontage..."

**Intent:** Any plan creating 4 or more new lots for development would be defined as a subdivision and no longer be exempted from definitive plan review.



**Purpose:** To allow planning board review and input with regard to public services, infrastructure, and stormwater drainage where four or more new lots for development are being created by a plan of division as well as notice to abutters via the definitive plan review.

2. **Issue:** A planning board only has 21 days to review ANR plans despite the fact that planning board may only meet once a month. A possible solution would be to provide for a minimum 40 day review period for ANR proposing new lots for development.

**Amendment:** Amend 41 MGL 81P "Approval of plans not subject to control law; procedure" Paragraph 1 lines 12-13 as follows:

"...If the board shall determine that...it shall within ~~twenty-one~~forty days of such submittal..." and

**Paragraph 1 lines 17-22** as follows: "If the board fails to act...within ~~twenty-one~~forty days after its submission...the city or town clerk shall issue a certificate to the same effect...."

**Intent:** Allow for 40 days for review a plan not believed to require approval.

**Purpose:** To provide for adequate time for review of approval not required submissions. With the current 21 day time frame a Planning Board may not have the opportunity to conduct anything more than a superficial review or seek additional information regarding a proposal as an applicant can refuse to grant a continuance and further, if a planning board only conducts monthly meetings, a plan could be filed immediately after a board's meeting one month and the twenty one day review period would expire prior to their next meeting leading to an approval by lack of action on the part of the planning board.

### **Preliminary Subdivisions**

1. **Issue:** Preliminary plan submission is not mandatory regardless of the number of lots proposed to be created. Requiring preliminary subdivision plan review for larger subdivisions would allow for early identification of issues/ concerns to be addressed at the definitive stage.

**Amendment:** Amend 41 MGL 81S "Submission of preliminary plan; approval or disapproval; recording" Paragraph 1 lines as follows:

"In the case of a subdivision showing nine lots or less in a residential zone, any person, before submitting his definitive plan...may submit to the planning board...a preliminary plan..." and,

**Paragraph 2** as follows:

"In the case of a nonresidential subdivision or a subdivision showing 10 or more lots in a residential zone, any person,



before submitting his definitive plan...shall submit to the planning board...a preliminary plan..."

**Intent:** Require preliminary plan submission for all subdivisions of 10 or more lots.

**Purpose:** Allows for Planning Board input and identification of concerns, issues, and informational needs with regard to a potential subdivision of 10 or more lots at an early stage in the development process and before significant engineering development cost are incurred by requiring the submission of a preliminary plan.

2. **Issue:** There is currently no requirement for notice to abutters of a planning board's review of a preliminary plan.

**Amendment:** Amend 41 MGL 81S "Submission of preliminary plan; approval or disapproval; recording" Paragraph 3 line 8 by adding the following language:

"...reasons therefor. A planning board shall require and request evidence of the same that an applicant, at the applicant's expense, provide and has provided notice of the date, time, and place and specifics of the plan to be considered of a preliminary subdivision submission to all abutting property owners within 300 feet of the property shown on the preliminary plan submission by registered mail return receipt requested."

**Intent:** Require notice to abutters within 300 feet of a property that is the subject of a preliminary plan submission of a planning board review of such a plan.

**Purpose:** Allows for abutter input and identification of concerns, issues, and informational needs with regard to a potential subdivision at an early stage in the development process and before significant engineering development cost are incurred by requiring the submission of a preliminary plan.

#### **Definitive Subdivision (for discussion of potential amendments)**

1. **Issue:** Surety provisions do not allow for adequate input as to the appropriate form of surety and is prone to abuse. It is difficult for communities to compel completion of incomplete developments. The use of covenants as currently provided for and described in the General Laws fails to adequately ensure the completion of public improvements or provide clear direction as to when a Planning Board should undertake completion of a developers commitments.

**Amendment a:** Amend 41 MGL 81U Approval Modification or disapproval of plan by board; prerequisites for decision paragraphs 7 and 10 by amending the language as follows:

"Before endorsement of its approved plan, a planning board shall require that the construction of ways and installation of municipal services be secured by one or in part by one and in part by



another, of the methods described in the following clauses (1), (2), (3), and (4) which method or combination of methods may be selected and specifically approved by the Planning Board and from time to time may be proposed to be varied or changed by the applicant."...

(4) By a covenant, duly recorded by the owner of record, running with the land and including all parcels proposed for development as approved by the definitive plan, whereby.....from the date of such deed. Partial covenants over individual lots shall not be permitted.

**Intent:** Allow for the Planning Board to choose the form of surety to secure the improvements approved as part of a definitive subdivision and specifically eliminate partial covenants.

**Purpose:** Strengthen the position of cities and towns in the approval of surety for public improvements and provide for additional penalties or avenues of redress where developer fail to complete and more accurately reflect the costs that would be incurred by the municipality to complete a development.

**Amendment b:** Amend 41 MGL 81U Approval Modification or disapproval of plan by board; prerequisites for decision paragraph 13 by adding the following language to the end of the first sentence and at the end of the paragraph:

"...necessary to complete the work; including the prevailing wage costs of labor that would be incurred by the city or town to do so. Such amount or amounts...work remaining to be completed. However in no way shall the approval of a definitive plan or reduction of the penal sum held in surety be deemed to constitute the laying out or acceptance of any roadway or improvement thus proposed."

**Intent:** Require inclusion of prevailing wage costs to construction cost estimates and clarify that the Planning Board does not hold the authority to layout or accept a proposed road as a public way.

**Purpose:** Strengthen the position of cities and towns in the approval of surety for public improvements and provide for additional penalties or avenues of redress where developer fail to complete and more accurately reflect the costs that would be incurred by the municipality to complete a development.

2. **Issue:** The process of notification of residents of Homeowners Associations which they are required to be a part of in order to maintain



open space or common infrastructure does not appear to currently be provided for within the general law language.

**Amendment:** Amend 41 MGL 81Y Restrictions on construction of public ways, improvements and buildings; liability of grantors, etc.; court jurisdiction as follow by adding the following new paragraph 5 after paragraph 4:

"If a subdivision has been made in a city or town while the subdivision control law is in effect in such city or town and the Planning Board has endorsed a plan showing the subdivision or the subdivision has otherwise been recorded due to the Planning Board's failure to act and where ownership of any or all lots shown on such plan are to be subject to easements, declarations or other legal encumbrances, such as legal restrictions and obligations related to homeowner associations, drainage easements, recreation amenities or other legally granted or placed easements, restrictions, or obligations; then the person who made the subdivision or any successor in interest with notice, actual or record, of such legally recorded easements, restrictions, or obligations shall inform any successors to their interest to any lot shown on such approved subdivision plan of such easements, restrictions, or obligations, the details related thereto and a copy of the documents from which such easements, restrictions, or obligations originate no later than the execution of the final deed transferring ownership from person making the subdivision or their successor in interest and the successor interest to whom the deed is being granted."

**Intent:** Codify a requirement that developers and property sellers inform purchasers of property within a definitive subdivision having a homeowners association of the presence, details and obligations appurtenant thereto of any such homeowners association or other legally binding arrangements for the maintenance of common open space, stormwater drainage or other facilities the obligations of which are to be shared among homeowners. This office has some concern with this provision as it would seem to super-cede the theory of "record notice" whereby parties are deemed to have knowledge of a document or plan based on the fact that such document has been record in the land evidence records.

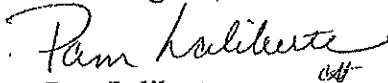


**Purpose:** Better facilitate notification to purchasers of properties within approved definitive subdivisions of the presence of and obligations related to homeowner's associations.

**Other Considerations**

1. Inclusionary zoning to require the construction of affordable units (or payments in lieu) as part of any definitive subdivision required (determination from Town Counsel requested)
2. While this does not necessarily pertain to the Subdivision Control Law, the legislature should strongly consider delegating more authority to communities to allow for the denial of projects based on an individual's involvement in another LLC that has not complied with the subdivision plans as approved by the planning board or finished subdivision projects to the satisfaction of the community. It is difficult for communities to compel completion of incomplete developments. Too often subdivision are not completed and contractors file bankruptcy under one LLC just to create another LLC for a new subdivision project, which in turn leads to more uncompleted projects. This impacts the community's ability to officially accept roadways and to maintain the infrastructure in developments.

Kind Regards,



Pam Laliberte

Vice-President, Fall River City Council

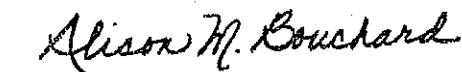
Chair: Ad Hoc Committee to Review Subdivisions

(508) 367-6819

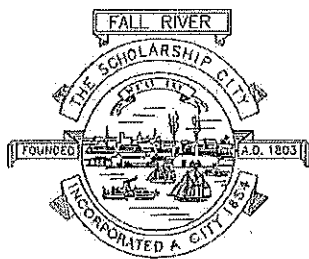
In City Council, January 19, 2021

Approved, 9 yeas

A true copy. Attest:

  
City Clerk





# City of Fall River Massachusetts

Office of the City Clerk

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2021 JAN 14 P 3:27

ALISON M. BOUCHARD  
CITY CLERK

CITY CLERK  
FALL RIVER, MA

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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](http://www.frgtv.fredtv.us/live); Facebook - [www.facebook.com/frgtv/live](https://www.facebook.com/frgtv/live); Livestream - <https://livestream.com/accounts/12896038>

## TUESDAY, JANUARY 19, 2021 AGENDA

### 5:55 P.M. PUBLIC HEARINGS

#### Curb Removals

1. Cumberland Farms, Inc., 165 Flanders Road, Westborough, MA, for the removal of curbing as follows:

	Total Existing Curb Opening	Existing To Be Removed	Existing To Be Replaced	New Curb Opening	Proposed Driveway Width
Brayton Ave. (New)	N/A	100'	N/A	100'	2 at 24'
Stevens St. (Ex.)	33'	0'	33'	0'	0'
Stevens St. (New)	N/A	80'	0'	80'	30'
Stevens St. (New)	N/A	50'	0'	50'	30'
Total	33'	230'	33'	230'	108'

The curb removals will result in a one way in, one way out opening on Brayton Avenue and two, two-way openings on Stevens Street. The requested curb removals would allow for improved access to the property, which is to be commercially developed. Although there are currently no sidewalks along Stevens Street, the site plan shows that there will be concrete sidewalks added along the Stevens Street property line.

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](mailto:city_clerks@fallriverma.org)

2. BCBBL, LLC, 465 Rock Street, for the removal of curbing as follows:

	Total Existing Curb Opening	Existing To Be Removed	Existing To Be Replaced	New Curb Opening	Proposed Driveway Width
697 Davol Street	190'	0'	154'	36'	24'
Turner Street	28'	8'	0'	36'	24'
Total	218'	8'	154'	72'	48'

The existing curb removals on Davol Street, which is a one way, will be replaced with a single curb cut to accommodate the new use of the property. This is to be an exit only, right turn onto Davol Street. No entrance is proposed off Davol Street. A curb removal on Turner Street will be replaced and used for both an entrance and an exit.

This request would allow for improved access to the property, which is to be commercially developed. The proposed curb removals will be substantially less than the existing condition.

3. Daniel Walsh, 9 Riverview Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
9 Riverview Street	16' 5"	19'	0'	35' 5"

The petitioner is requesting the removal of 19 feet of curbing to the existing 16 foot 5 inch driveway opening to allow for additional access.

The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

**6:00 P.M. COMMITTEE ON FINANCE MEETING (OR IMMEDIATELY FOLLOWING THE PUBLIC HEARINGS IF THEY RUN 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, January 19, 2021 at 3:00 p.m. to be read at the meeting.**
2. Discussion regarding authorization of the dismissal of Fall River City Council v. Jasiel F. Correia, II, Bristol Superior Court, C.A. No. 1973CV00885 (see item #1 below)
3. Discussion of Fiscal Year 2021 – Quarter 2 Budget Report (see item #4 below)

**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. \*Order authorizing dismissal of Fall River City Council v. Jasiel F. Correia, II, Bristol Superior Court, C.A. No. 1973CV00885, and, in conjunction therewith, approval and authorization of the release of minutes of the September 18, 2019 Special City Council Meeting

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

2. \*Mayor and Five Year Capital Improvement Plan
3. \*Mayor and Five Year Financial Forecast of City Revenues and Expenditures within the General Fund Operating Budget
4. \*Mayor and Fiscal Year 2021 - Quarter 2 Budget Report
5. \*Mayor and proposed ordinance re: structures on/over public ways
6. \*Mayor requesting approvals as follows:
  - a. TIF Amendment for Hutchens Holding III, LLC – Innovation Way - Lot 1 (a portion of Fall River Assessors Map W-19, Parcel 185)
  - b. TIF Amendment for Seafox Holdings LLC – 0 Airport Road

#### **PRIORITY COMMUNICATIONS**

7. \*Traffic Commission recommending amendments to traffic ordinances
8. \*Community Preservation Committee re: City Council appointments

#### **COMMITTEE REPORTS**

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

Grant leave to withdraw:

9. \*Resolution – Stocking epinephrine to facilitate emergency treatment in Fall River Schools
10. \*Resolution – Preservation of affordable housing and displacement at Riverview Towers

#### **ORDINANCES** – None

#### **RESOLUTIONS**

11. \*Committee on Finance convene to determine response to Governor's COVID-19 Order No. 54 advocating for the balance of financial preservation and public safety measures

#### **CITATIONS**

12. Sharon Dahlstrom – Decades of service to the Fall River Board of Elections
13. Kobe Paiva – Outstanding hard work collecting personal care items for the homeless

#### **ORDERS – HEARINGS**

Curb removals:

14. Cumberland Farms, Inc., 165 Flanders Road, Westborough, MA – total of 230' at Brayton Avenue and Stevens Street
15. BCBBL, LLC, 465 Rock Street – total of 72' at 697 Davol Street (removal on Davol Street and Turner Street)
16. Daniel Walsh, 9 Riverview Street – total of 35' 5" at 9 Riverview Street

#### **ORDERS – MISCELLANEOUS**

17. Police Chief's report on licenses:

2021 Taxicab Drivers:

Russell J. Draine	Mark D. Edmondson	William Louis	Jeff C. Middleton
Yanylyz Navarro Nieves	Jonathan Riopelle	Carl Shepard	James Silvia Jr.
Ashley Leah Ward	Mostafa Yakoub		

2021 Private Livery Vehicles:

Princess Limo

Freightliner Chassis	Ford F-550	Glava Universe Van	Ford Transit
Lincoln MKT	Chrysler 300	Chevy Suburban	

18. Auto Repair Shop License Renewals:  
Dave's Tire and Auto Service, Inc. at 325 Bedford Street  
David J. Motta d/b/a Action Cycles at 326 Pleasant Street  
Michael Carvalho d/b/a County Street Collision and Customizing at 946 County Street  
Globe Auto, Inc. at 165 Tucker Street  
Luis Pereira d/b/a L.P. Auto Repair at 1201 Slade Street
19. Auto Body Shop License Renewal:  
Globe Auto, Inc. at 165 Tucker Street
20. \*City Council meeting schedule from February through December 2021

**COMMUNICATIONS – INVITATIONS – PETITIONS**

21. \*Claims  
  
City Council Meeting Minutes:
22. \*Public Hearings – November 17, 2020
23. \*Public Hearings – December 1, 2020
24. \*Committee on Finance – November 17, 2020
25. \*Committee on Finance – December 1, 2020
26. \*Regular Meeting of the City Council – November 17, 2020
27. \*Regular Meeting of the City Council – December 1, 2020
28. \*Special Meeting of the City Council – January 5, 2021
29. \*Thank you card from the Amaral Family
30. \*Law Office of Nicholas A. Gomes, P.C. re: Request for Host Community Agreements  
for Delivery Marijuana Establishments Tradesman Exchange LLC, 195 East LLC
31. \*Street opening request for pavement less than 5 years – 140 Manchester Street

**BULLETINS – NEWSLETTERS – NOTICES** – None

  
City Clerk

**ITEMS FILED AFTER THE AGENDA DEADLINE:**  
**CITY COUNCIL MEETING DATE: JANUARY 19, 2021**

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

**Ad Hoc Committee to Review Subdivisions**

Communication regarding zoning rules and regulations for subdivisions

## City of Fall River, *In City Council*

ORDERED, that the Fall River City Council hereby authorizes the dismissal of Fall River City Council v. Jasiel F. Correia, II, Bristol Superior Court, C.A. No. 1973CV00885, and, in conjunction therewith, approves the September 18, 2019 Special City Council executive session meeting minutes, and authorizes release of the same.

RECEIVED

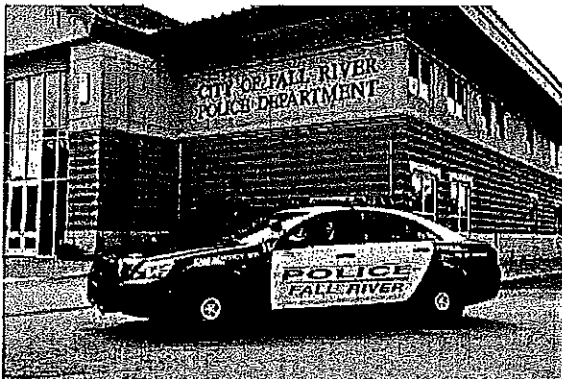
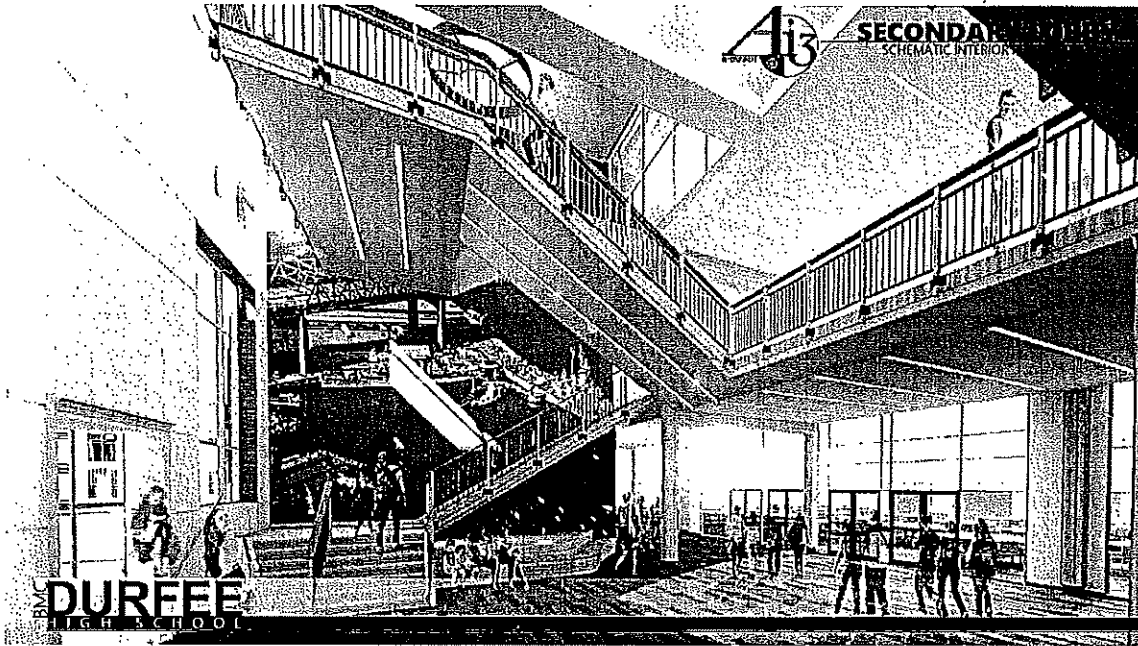
# City of Fall River, Massachusetts

2021 JAN -8 A 10:18

## CAPITAL IMPROVEMENT PLAN

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

*Fiscal Years Ending June 30, 2022 through 2026*



Contents

*Introduction*.....1

Mayor’s Letter .....2

City Charter .....3

SECTION 6-5: CAPITAL IMPROVEMENT PROGRAM .....3

Executive Summary .....4

Policies .....5

Process .....6

    How is the CIP developed?.....6

    Capital Improvement Plan Defined .....7

    Capital Assets Defined.....7

    Operating Budget Impacts .....7

    Staff Involvement .....8

    Evaluating Projects.....9

    Recommended Plan .....10

*Summary* .....10

*Projects In Progress* .....11

*Projects Planned* .....13

*Project Funding* .....22

## *Introduction*

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 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.

### 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.

**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	11/6/2018	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)	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)	When is the asset needed:					Estimated Cost
				FY2022	FY2023	FY2024	FY2025	FY2026	
<i>Parks:</i>									
Kubota - snow removal equipment	N			36,000					36,000
DESMARAI'S 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
<i>Total Parks</i>				336,000					336,000
<i>Assessors:</i>									
<i>Notes:</i>									
<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. 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. 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) 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. The City's current switches at the Police, Fire and City Hall The City current WAPs are End of Life (EOL) and will need to be replaced 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. Current system has many issues that Police have tried working with vendor unsuccessfully. Vendors being evaluated are: Mark43, Next Gen, and Tyler Technologies.	When is the asset needed:					Estimated Cost
				FY2022	FY2023	FY2024	FY2025	FY2026	
Technology Issues - facility wiring upgrades				15,000	15,000	15,000	15,000	15,000	75,000
Computer Replacements - Police, Fire, City Hall				35,000	35,000	35,000	35,000	35,000	175,000
Police Cruiser Replacements				30,600	30,600	30,600	30,600	30,600	153,000
Office 2019 Upgrades				72,600					72,600
Technology Issues - Switches and related equipment and software				WAITING FOR QUOTE					-
Technology Issues -Cisco Meraki Wireless access points and related software				WAITING FOR QUOTE					-
Technology Issues -Police Community Room Technology Update	Y	Poor		50,000					50,000
Technology Issues - Police & Fire RMS & CAD System				-	500,000	500,000	500,000	500,000	2,000,000

2



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 their own devices that are current. This room is utilized 4 - 5 days out of the week. This room is utilized for Inservice, 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	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				591,409	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 their own devices that are current. This room is utilized 4 - 5 days out of the week. This room is utilized for Inservice, 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	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 Clerks									
None									

CITY OF FALL RIVER, MA -- CAPITAL IMPROVEMENT PLAN

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

2

# 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/ Reduces Personnel Time/ New Operation);	FY2022	FY2023	FY2024	FY2025	FY2026	Estimated Cost
FIRE/EMERGENCY MEDICAL SERVICES										
				IMPROVE SERVICES/NEED MORE SPACE This space is needed desperatly we have no more space to store equipment or medical rescues. We are currently looking to expand serices 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					1,800,000
	GARAGE /OFFICE SPACE	NO		COMMAND UNIT/ RESCUE ESU UNIT	250,000					250,000
	LENCO RESCUE VEHICLE	NO			2,050,000		-	-	-	2,050,000
	Total Emis									
	Health:									
	None									
	Library:									
	Included in facilities - building upgrades									
	Other - none									
	Total Library									
	Police:									
	Window replacemnet, glass block removal	Y	P		571,730					571,730
	7 Marked police cruisers	Y	G-P		350,000	350,000	350,000	350,000	350,000	1,750,000
	3 Unmarked police cruisers	Y	G-P		75,000	75,000	75,000	75,000	75,000	375,000
	1 Police Tahoe	Y	P			55,964	55,964	55,964		111,928
	20 Active Shooter Kits	N		Increase public and oplicer safety	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	150,000
	1 Passenger van	Y	G-P			26,000			26,000	52,000
	1 Patrol Boat	Y	G-P	Present boat is over 15 year old		95,000				95,000
	2 Police motorcycles	Y	G-P	Phase out the 2011 every other year	51,234		51,234		51,234	153,702
	1 Land based pumpout station	N		New operation			25,000			25,000
	1 Bucket truck with equipment lift	Y	G	Current truck won't hoist lights	150,000					150,000
	Kubota - snow removal equipment	N		Snow removal /traffic lights	50,000					50,000
	Space building	N		Storage, approx 80X80 square feet	300,000					300,000
	Gas Tank Rehab	Y	Poor	Instail 1997, Cost to bring to compliance and updated	10,600					10,600
	Traffic signal, light upgrades	Y	P		70,000	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

2

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	1,500,000			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
<b>Total Facilities</b>				<b>10,382,000</b>	<b>9,254,750</b>	<b>6,238,054</b>	<b>4,393,944</b>	<b>2,525,000</b>	<b>32,793,748</b>

2

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
<b>Department of Community Maintenance:</b>									
Road Repair			Supplement Chapter 90	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	10,000,000
DPW Facility Repairs and Maintenance	N	Poor	10 Lewiston St	100,000	100,000	100,000	100,000	100,000	500,000
Excavator	N		Currently a rental	240,000					240,000
Front End Loader	Y	Good				175,000			175,000
DPW Fuel Depot	Y	Poor	10 Lewiston St			125,000			125,000
Brine System	Y	Fair	10 Lewiston St			100,000			100,000
Salt Storage Building	Y	Poor	10 Lewiston St			75,000			75,000
Transfer/DPW Facility				5,000,000	5,000,000	5,000,000			15,000,000
<b>Total DCM</b>				7,340,000	7,100,000	7,575,000	2,100,000	2,100,000	26,215,000
<b>Total Capital Needs</b>									
				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
<b>Total Capital Needs</b>				23,163,241	18,362,764	17,098,106	8,248,458	6,812,082	73,684,651

2

*Project Funding*

CITY OF FALL RIVER, MA – CAPITAL IMPROVEMENT PLAN

CITY OF FALL RIVER, MA – CAPITAL IMPROVEMENT PLAN



City of Fall River  
Massachusetts  
Office of the Mayor

3

RECEIVED

2021 JAN -8 P 1:42

CITY CLERK  
FALL RIVER, MA

PAUL E. COOGAN  
Mayor

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 reasonable 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, Massachusetts***

*Fiscal Year Ended June 30, 2020 Actual,*

*Fiscal Year Ending June 30, 2021 Budget &*

*5 Years of Projections Fiscal Years 2022 – 2026*

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
<b>RESOURCES:</b>							
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	\$ 6,956,385	\$ 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	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL RESOURCES</b>	<b>\$ 274,138,647</b>	<b>\$ 283,002,955</b>	<b>\$ 298,269,338</b>	<b>\$ 313,983,420</b>	<b>\$ 328,373,990</b>	<b>\$ 342,866,571</b>	<b>\$ 357,928,652</b>
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
<b>TOTAL RESOURCES - ENT FUNDS</b>	<b>\$ 43,077,433</b>	<b>\$ 46,791,265</b>	<b>\$ 48,015,296</b>	<b>\$ 49,290,304</b>	<b>\$ 50,607,578</b>	<b>\$ 51,968,689</b>	<b>\$ 53,375,269</b>
<b>LESS: NON-APPROPRIATED USES</b>							
Other Amounts to be Raised:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Snow & Ice Deficit	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL NON-APPROPRIATED USES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>RESOURCES AVAILABLE FOR APPROPRIATION</b>	<b>\$ 317,216,080</b>	<b>\$ 329,794,220</b>	<b>\$ 346,284,634</b>	<b>\$ 363,273,724</b>	<b>\$ 378,981,568</b>	<b>\$ 394,835,260</b>	<b>\$ 411,303,921</b>

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										
EXPENDITURES:																	
General Government	\$ 3,542,181	\$ 4,039,024	\$ 4,024,005	\$ 4,017,960	\$ 4,014,003	\$ 4,012,159	\$ 4,012,457										
Administrative Services	\$ 3,609,117	\$ 3,826,694	\$ 4,177,095	\$ 4,349,311	\$ 4,530,401	\$ 4,720,867	\$ 4,921,242										
Financial Services	\$ 1,636,198	\$ 1,669,100	\$ 1,701,631	\$ 1,739,373	\$ 1,778,396	\$ 1,818,763	\$ 1,860,538										
Facility Maintenance	\$ 2,459,750	\$ 2,392,142	\$ 2,516,704	\$ 2,632,331	\$ 2,754,378	\$ 2,883,223	\$ 3,019,266										
Community Maintenance	\$ 15,454,970	\$ 15,506,616	\$ 16,575,405	\$ 17,231,739	\$ 17,928,347	\$ 18,668,152	\$ 19,454,300										
Community Service	\$ 3,066,439	\$ 3,255,791	\$ 3,243,853	\$ 3,299,913	\$ 3,357,010	\$ 3,415,165	\$ 3,474,399										
Education	\$ 124,417,881	\$ 128,570,687	\$ 137,239,343	\$ 145,343,373	\$ 153,930,012	\$ 163,028,126	\$ 172,668,309										
Public Safety	\$ 37,818,009	\$ 38,113,573	\$ 39,395,079	\$ 40,098,908	\$ 40,820,244	\$ 41,559,765	\$ 42,318,186										
Debt	\$ 12,036,174	\$ 12,982,757	\$ 16,073,066	\$ 17,646,814	\$ 16,571,855	\$ 16,264,009	\$ 15,732,461										
Retirement	\$ 29,520,332	\$ 31,548,259	\$ 33,987,082	\$ 36,162,255	\$ 38,476,640	\$ 40,939,145	\$ 43,559,250										
Insurance & Other	\$ 39,159,550	\$ 41,098,313	\$ 42,275,310	\$ 44,422,106	\$ 46,688,905	\$ 49,083,675	\$ 51,615,083										
TOTAL APPROPRIATIONS - GENERAL FUND	\$ 272,720,601	\$ 283,002,956	\$ 301,208,573	\$ 316,944,085	\$ 330,850,191	\$ 346,393,049	\$ 362,635,491										
Water	\$ 11,968,541	\$ 13,615,264	\$ 13,982,606	\$ 14,404,832	\$ 14,842,542	\$ 15,296,363	\$ 15,766,948										
Sewer	\$ 22,244,541	\$ 24,376,001	\$ 24,903,012	\$ 25,552,004	\$ 26,223,019	\$ 26,916,887	\$ 27,634,471										
EMS	\$ 7,930,556	\$ 8,800,000	\$ 9,129,678	\$ 9,333,468	\$ 9,542,017	\$ 9,755,439	\$ 9,973,850										
TOTAL APPROPRIATIONS - ENT. FUNDS	\$ 42,143,638	\$ 46,791,265	\$ 48,015,296	\$ 49,290,304	\$ 50,607,578	\$ 51,968,689	\$ 53,375,269										
TOTAL APPROPRIATIONS - ALL FUNDS	\$ 314,864,238	\$ 329,794,220	\$ 349,223,869	\$ 366,234,388	\$ 381,457,769	\$ 398,361,737	\$ 416,010,760										
PLUS: APPROPRIATED USES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -										
TOTAL APPROPRIATED USES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -										
TOTAL APPROPRIATIONS	\$ 314,864,238	\$ 329,794,220	\$ 349,223,869	\$ 366,234,388	\$ 381,457,769	\$ 398,361,737	\$ 416,010,760										
BUDGET SURPLUS (DEFICIT)	\$ 2,351,842	\$ (0)	\$ (2,939,235)	\$ (2,960,663)	\$ (2,476,201)	\$ (3,526,477)	\$ (4,706,839)										
<table><tr><td>GENERAL FUND</td><td>1,418,047</td></tr><tr><td>SEWER ENTERPRISE FUND</td><td>613,706</td></tr><tr><td>WATER ENTERPRISE FUND</td><td>(111,183)</td></tr><tr><td>EMS ENTERPRISE FUND</td><td>431,272</td></tr><tr><td></td><td>2,351,842</td></tr></table>								GENERAL FUND	1,418,047	SEWER ENTERPRISE FUND	613,706	WATER ENTERPRISE FUND	(111,183)	EMS ENTERPRISE FUND	431,272		2,351,842
GENERAL FUND	1,418,047																
SEWER ENTERPRISE FUND	613,706																
WATER ENTERPRISE FUND	(111,183)																
EMS ENTERPRISE FUND	431,272																
	2,351,842																

City of Fall River, Massachusetts

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

RESOURCES:

State Aid (Cherry Sheet)		FY20	FY21	FY22	FY23	FY24	FY24	FY26
Education:		Actual	Budget	Projections	Projections	Projections	Projections	Projections
School Aid Chapter 70		\$ 163,567,247	\$ 170,043,532	\$ 178,992,584	\$ 188,595,224	\$ 198,737,869	\$ 209,454,487	\$ 220,781,271
Charter Tuition Reimbursement		130,926,689	\$ 137,016,364	\$ 145,237,346	\$ 153,951,587	\$ 163,188,682	\$ 172,980,003	\$ 183,358,803
Education Offset: Direct Expenditures		4,724,200	\$ 5,033,539	\$ 5,285,216	\$ 5,549,477	\$ 5,826,951	\$ 6,118,298	\$ 6,424,213
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	\$ 1,455,612	\$ 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

Real Estate Taxes		FY20	FY21	FY22	FY23	FY24	FY24	FY26
Prior Year Base		Actual	Budget	Projections	Projections	Projections	Projections	Projections
+2.5% of Base		\$ 106,054,850	\$ 111,623,454	\$ 121,014,040	\$ 127,664,391	\$ 132,712,876	\$ 137,887,573	\$ 143,191,637
Debt Exclusion (New High School)			\$ 106,766,089	\$ 111,623,454	\$ 117,014,040	\$ 121,939,391	\$ 126,987,876	\$ 132,162,573
Estimated New Growth		2,148,301	\$ 2,188,213	\$ 2,600,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000

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
<b>Local Receipts</b>	\$ 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	\$ -	\$ -	\$ -	\$ -	\$ -

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
<b>Other Sources</b>							
Surplus Revenue (Free Cash)	\$ 8,970,926	\$ 9,466,564	\$ 7,650,098	\$ 7,838,225	\$ 8,031,056	\$ 8,228,707	\$ 8,431,300
Other Available Funds:							
Indirects:							
Sewer	\$ 6,956,585	\$ 7,341,559	\$ 7,525,098	\$ 7,713,225	\$ 7,906,056	\$ 8,103,707	\$ 8,306,300
Water	1,670,000	1,670,000	1,711,750	1,754,544	1,798,407	1,843,368	1,889,452
EMS	2,744,999	2,756,841	2,825,762	2,896,406	2,968,816	3,043,037	3,119,113
	2,541,586	2,914,718	2,987,586	3,062,276	3,138,832	3,217,303	3,297,736
Transfers between funds	1,000,000	-	-	-	-	-	-
Other Sources of Funds (B2)	144,047	125,005	125,000	125,000	125,000	125,000	125,000
Overlay Surplus Reserve	-	-	-	-	-	-	-
Stabilization Fund	870,294	2,000,000	-	-	-	-	-
<b>TOTAL RESOURCES</b>	\$ 301,955,416	\$ 313,924,930	\$ 330,150,186	\$ 347,052,947	\$ 362,678,318	\$ 378,453,629	\$ 394,848,247
<b>LESS: NON-APPROPRIATED USES</b>							
<b>Other Amounts to be Raised</b>							
Appropriation Deficits (Snow, etc.)	\$ 402,850	\$ 469,591	\$ 470,018	\$ 481,768	\$ 493,812	\$ 506,157	\$ 518,811
Overlay/Revenue Deficits	-	-	-	-	-	-	-
Cherry Sheet Offsets	\$ 386,205	\$ 452,530	\$ 452,530	\$ 463,843	\$ 475,439	\$ 487,325	\$ 499,508
Court Judgments/Tax Title	-	-	-	-	-	-	-
Debt/Interest not on Sch B	-	-	-	-	-	-	-
SRPEDD	16,645	17,061	17,488	17,925	18,373	18,832	19,303
<b>State and County Assessments</b>							
County Tax	\$ 26,565,530	\$ 29,477,999	\$ 30,610,831	\$ 31,787,759	\$ 33,010,516	\$ 34,280,901	\$ 35,600,784
Retired Employees Health Insurance	594,092	608,944	624,168	639,772	655,766	672,160	688,964
Mosquito Control Projects	7,395	4,098	4,200	4,305	4,413	4,523	4,637
Air Pollution Districts	117,255	123,690	126,782	129,952	133,201	136,531	139,944
Parking Surcharge	20,640	21,065	21,592	22,131	22,685	23,252	23,833
Regional Transit Authorities (SRTA)	298,020	393,340	403,174	413,253	423,584	434,174	445,028
Special Ed. Chap. 71B	1,433,197	1,474,245	1,511,101	1,548,879	1,587,601	1,627,291	1,667,973
School Choice Sending Tuition	63,761	66,312	67,970	69,669	71,411	73,196	75,026
Charter School Sending Tuition	1,311,213	1,182,601	1,223,992	1,266,832	1,311,171	1,357,062	1,404,559
	22,719,957	25,603,704	26,627,852	27,692,966	28,800,685	29,952,712	31,150,821
<b>Reserve for Abatements</b>	\$ 848,389	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000
<b>RESOURCES AVAILABLE</b>	\$ 274,138,647	\$ 283,177,340	\$ 298,269,338	\$ 313,983,420	\$ 328,373,990	\$ 342,866,571	\$ 357,928,652

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	FY24 Projections	FY26 Projections
<b>General Government</b>	\$ 3,542,181	\$ 4,039,024	\$ 4,024,005	\$ 4,017,960	\$ 4,014,003	\$ 4,012,159	\$ 4,012,457
Mayor's Office	\$ 272,465	\$ 310,837	\$ 316,042	\$ 321,343	\$ 326,744	\$ 332,246	\$ 337,852
City Council	\$ 371,619	\$ 431,397	\$ 439,628	\$ 448,026	\$ 456,596	\$ 465,340	\$ 474,263
City Clerk	\$ 374,413	\$ 391,167	\$ 398,936	\$ 405,686	\$ 412,561	\$ 419,563	\$ 426,694
Elections	\$ 295,690	\$ 312,423	\$ 317,873	\$ 323,424	\$ 329,078	\$ 334,837	\$ 340,702
Veterans	\$ 2,227,994	\$ 2,593,200	\$ 2,551,527	\$ 2,519,480	\$ 2,489,024	\$ 2,460,173	\$ 2,432,946
<b>Administrative Services</b>	\$ 3,609,117	\$ 3,826,694	\$ 4,177,095	\$ 4,349,311	\$ 4,530,401	\$ 4,720,867	\$ 4,921,242
City Administration	\$ 140,270	\$ 214,247	\$ 218,585	\$ 222,988	\$ 227,480	\$ 232,063	\$ 236,738
Human Resources	\$ 273,921	\$ 281,805	\$ 287,664	\$ 293,476	\$ 299,405	\$ 305,455	\$ 311,626
Information Systems	\$ 2,348,417	\$ 2,543,562	\$ 2,749,904	\$ 2,892,926	\$ 3,044,200	\$ 3,204,215	\$ 3,373,492
Law Department	\$ 745,763	\$ 724,913	\$ 838,523	\$ 876,444	\$ 894,760	\$ 913,479	\$ 932,612
Purchasing	\$ 100,746	\$ 62,167	\$ 62,418	\$ 63,478	\$ 64,557	\$ 65,655	\$ 66,773
<b>Financial Services</b>	\$ 13,672,372	\$ 14,651,857	\$ 17,774,697	\$ 19,386,187	\$ 18,350,251	\$ 18,082,772	\$ 17,592,999
Assessor	\$ 374,681	\$ 410,037	\$ 411,812	\$ 418,575	\$ 425,456	\$ 432,459	\$ 439,586
Auditor	\$ 351,629	\$ 321,461	\$ 326,306	\$ 331,224	\$ 336,216	\$ 341,284	\$ 346,429
Director of Financial Services	\$ 128,318	\$ 135,122	\$ 137,306	\$ 139,351	\$ 141,426	\$ 143,533	\$ 145,671
Collector	\$ 383,822	\$ 441,192	\$ 451,197	\$ 461,556	\$ 472,285	\$ 483,404	\$ 494,931
Treasurer	\$ 397,748	\$ 361,288	\$ 375,009	\$ 388,667	\$ 403,012	\$ 418,083	\$ 433,922
Debt Service	\$ 12,036,174	\$ 12,982,757	\$ 16,073,066	\$ 17,646,814	\$ 16,571,855	\$ 16,264,009	\$ 15,732,461

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

City of Fall River, Massachusetts

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

Enterprise Funds	FY20 Actual	FY21 Budget	FY22		FY23		FY24		FY24		FY26	
			Projections	Projections	Projections	Projections	Projections	Projections	Projections	Projections	Projections	Projections
Emergency Medical Services	\$ 42,143,638	\$ 46,791,265	\$ 48,015,296	\$ 49,290,304	\$ 50,607,578	\$ 51,968,689	\$ 53,373,269					
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/FREMA	\$ 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

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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

4  
RECEIVED

2021 JAN 12 P 1:41

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

January 12, 2021

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

PDF  
email  
Out 2 Rep.

Dear Council President and Members of the Honorable Council:

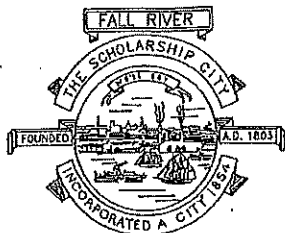
Please find for your consideration and review the attached Quarterly Budget Report for FY21.  
Thank you.

Best Regards,

Paul E. Coogan  
Mayor

PC/amos

5



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

RECEIVED

2021 JAN 11 P 1:56

**PAUL E. COOGAN**  
*Mayor*

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

January 11, 2021

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

Dear Council President and Members of the Honorable Council:

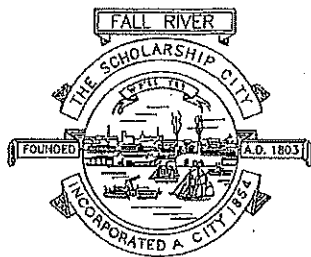
Please find the attached proposed amendment to Chapter 66 of the Code of the City of Fall River as it relates to Streets, Sidewalks and Other Public Places for your consideration. Should you have any questions or concerns in this regard, please do not hesitate to contact me.

Best Regards,

Paul E. Coogan  
Mayor

PC/amos

5



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

**ALISON M. BOUCHARD**  
CITY CLERK

**INÊS LEITE**  
ASSISTANT CITY CLERK

January 11, 2021

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

Dear Mr. Mayor:

Attached please find a proposed ordinance to be submitted to the City Council for purposes of amending The Code, as it relates to permits for signs and other structures projecting into or over public way.

This proposal comes as a result of a meeting with respective department heads, and amends the process for violations of said section and also establishes an annual licensing period.

The fee for such permits will not be affected.

Your approval and submission to the City Council is respectfully requested.

Should you have any questions or concerns, please feel free to contact me.

Sincerely,

Alison M. Bouchard  
City Clerk

Enc.

# City of Fall River, In City Council

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

That Chapter 66 of the Code of the City of Fall River, which chapter relates to Streets, Sidewalks and Other Public Places, be amended by striking out Section 66-258 in its entirety, and inserting in place thereof the following:

**Sec. 66-258. Permit for signs and other structures projecting into or over public way.**

- (a) *Required; fee; revocation.* No person shall place or maintain any structure, as described in M.G.L.A. c. 85, § 8, projecting into or placed on or over a public way without first obtaining a permit from the City Council. The fee for the permit shall be as provided in Chapter A110, Fee Schedule of the City Code. Any such permit may be revoked at the pleasure of the City Council.
- (b) *Violations; penalty.* The City may immediately remove, at the expense of the owner, any sign or structure found to be in violation of this section. Additionally, any person found to be in violation of this section shall also be subject to a fine, as provided in Section 2-1025. However, pursuant to M.G.L. c. 85 § 8, no fine shall issue unless the person fails to remove the structure or cure the violation after being given five (5) days' notice to do so.
- (c) *Licensing period.* A permit issued under the provisions of this article shall be valid for one (1) year from the date of issue.

6a+b



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

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2021 JAN 12 P 1:41

CITY CLERK  
FALL RIVER, MA

**PAUL E. COOGAN**  
Mayor

January 12, 2021

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

Dear Council President Ponte:


Attached for your information, review and City Council action, please find two amended Tax Increment Financing (TIF) Agreements for Hutchens Holdings III, LLC and Seafox Holding Company, LLC, respectively. Based on feedback from the Massachusetts Office of Business Development, it has been requested that these previously approved TIF Agreements incorporate the following technical changes:

- Section 4 – Add “This Agreement and the terms contained herein shall not be altered without prior authorization from the EACC and the City of Fall River and a written amendment to this Agreement.”
- Section 6 – Require Company to provide EACC with an annual report
- Include provision stating “This agreement shall be binding upon subsequent owners of such parcel of real property.”

These changes have been incorporated in the attached TIF Agreements and do not change the purpose, substance or value of the previously approved TIF Agreements.

Thank you for your time and attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

  
Paul Coogan  
Mayor

Attachments

cc: City Council Members

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**City of Fall River, In City Council**

**RESOLUTION OF LOCAL GOVERNING BODY APPROVING THE FILING OF A REVISED TAX INCREMENT FINANCING AGREEMENT AS PART OF A PREVIOUSLY APPROVED ECONOMIC DEVELOPMENT INCENTIVE PROGRAM APPLICATION FOR SECUREMENT OF MASSACHUSETTS INVESTMENT TAX CREDIT AWARDS AS APPROVED BY THE MASSACHUSETTS ECONOMIC ASSISTANCE COORDINATING COUNCIL**

WHEREAS, on September 22, 2020, Hutchens Holding III, LLC had secured approval for Certified Project Status and a Tax Increment Financing Agreement from the City of Fall River and on December 15, 2020 secured conditional approval from the Massachusetts Economic Assistance Coordinating Council for the award of Investment Tax Credits under the Massachusetts Economic Development Incentive Program created by Chapter 23A of the Massachusetts General Laws; Chapter 166 of the Acts of 2009 and 402 CMR 2.00, subject to Fall River City Council approval of a Revised Tax Increment Financing Agreement, and

WHEREAS, the City of Fall River has been designated a gateway municipality by the Commonwealth of Massachusetts and Hutchens Holding III, LLC plans to invest an estimated \$20,000,000 in the construction of a 200,000,000 SF cold storage facility to be located at be constructed at Lot 1 (A portion of Fall River Assessors Map W- 19, Parcel 185) located on Innovation Way, Fall River, Ma. Said investment will result in the creation of a minimum of 35 new full-time jobs, and

WHEREAS, the Massachusetts Economic Assistance Coordinating Council is seeking approval of a Revised Tax Increment Financing Agreement as part of an approved Massachusetts Economic Development Incentive Program Application for the award of Investment Tax Credits which meets the requirements of Chapter 23A of the Massachusetts General Laws; Chapter 166 of the Acts of 2009 and 402 CMR 2.00, in which the project described will have a reasonable chance of creating employment opportunities for residents of the Economic Target Area, and

WHEREAS, the previously approved Certified Project is located at Lot 1 (A portion of Fall River Assessor's Map W- 19, Parcel 185), Fall River, Massachusetts, which is within the boundaries of the gateway municipality of Fall River, and

WHEREAS, approval of the Hutchens Holding III, LLC Revised Tax Increment Financing Agreement and conditionally approved Economic Assistance Coordinating Council Economic Development Improvement Program application in accordance with the above referenced laws, rules and regulations of the Commonwealth of Massachusetts is hereby accepted by the City Council, now therefore

BE IT RESOLVED that the City Council of Fall River approves the Revised Hutchens Holding III, LLC Tax Increment Financing Agreement as part of the approval process necessitated by the Massachusetts Assistance Coordinating Council and forwards said Agreement to the Massachusetts Economic Assistance Coordinating Council for final approval and endorsement.

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## TAX INCREMENT FINANCING AGREEMENT

CITY OF FALL RIVER, MASSACHUSETTS

and

HUTCHENS HOLDING III LLC

RECEIVED  
2021 JAN 12 P 1:41  
CITY CLERK  
FALL RIVER, MA

This revised Agreement is made this \_\_\_\_ day of January, 2021, by and between: **City of Fall River** (hereinafter called the "CITY"), a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at One Government Center, Fall River, Massachusetts, 02722, acting through its Tax Increment Financing (TIF) Board (hereinafter called the "CITY"); and **Hutchens Holding III LLC**, corporation with a principal place of business at 481 Currant Road, Fall River, Massachusetts, 02720 (hereinafter called the "COMPANY"). This Agreement shall take effect immediately upon final approval by the Massachusetts Economic Assistance Coordinating Council on December 10, 2020.

**WHEREAS**, the COMPANY was founded to build a best in class cold storage facility to service cold storage needs not currently available in Massachusetts; and

**WHEREAS**, the COMPANY recently purchased 24.75 acres known as Lot 1 (A portion of Fall River Assessors Map W – 19, Parcel 185) located on Innovation Way, Fall River, MA and plans to construct a 200,000 square foot cold storage facility (hereinafter called the "FACILITY"); and

**WHEREAS**, the COMPANY is projected to invest an estimated \$20,000,000 into the project and create jobs a minimum of 35 new permanent full-time positions; and

**WHEREAS**, the COMPANY is seeking real property tax exemptions from the CITY for said FACILITY and the COMPANY shall embark upon a strategy of significant capital investment and job creation at its FACILITY in Fall River, the CITY shall grant said tax exemptions in return for a guarantee of capital investment at the FACILITY and employment opportunities for local workers; and

**NOW, THEREFORE**, in consideration of the mutual promises contained herein, the parties do mutually agree as follows:

### **A. THE COMPANY'S OBLIGATIONS**

1. The COMPANY shall invest approximately \$20,000,000 in the FACILITY to be constructed at Lot 1 (A portion of Fall River Assessors Map W – 19, Parcel 185) located on Innovation Way, Fall River, MA. The COMPANY further agrees to create a minimum of thirty five (35) new permanent full-time jobs within eight (8) years of the CITY issuing the COMPANY a Certificate of Occupancy.

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**TIF Agreement/Hutchens Holding III LLC**

Page 2 of 4

2. The COMPANY agrees to operate its business at its FACILITY so long as this Agreement is in force. The COMPANY further agrees to continuously maintain the level(s) of jobs required under this Agreement from the date(s) such level(s) is/are first required to be maintained and/or achieved until the expiration or termination of this Agreement. In the event the COMPANY does not create the required number of jobs in the time frame outlined above, this agreement becomes revocable by a vote of the TIF Board.
3. The COMPANY shall cooperate with the MassHire Bristol WorkForce Board and other local and state agencies, as appropriate, in seeking to fill vacancies at the COMPANY from the local community.
4. If the COMPANY plans to change its business plan as provided in the previous paragraphs, it may request to amend this agreement to amend its commitment. Said request for amendment shall be reviewed by the TIF Board and City Council. If the said amendment to the business plan results in a reduced commitment, the amended exemption shall be calculated in such a fashion that the total exemption provided under this Agreement for the project shall be reduced by the corresponding percentage. This Agreement and the terms contained herein shall not be altered without prior authorization from the EACC and the City of Fall River and a written amendment to this Agreement.
5. If the COMPANY decide(s) to sell the FACILITY and/or the business or to otherwise transfer control of the FACILITY and/or business and the operations therein, the COMPANY shall make all good faith efforts to give the CITY at least six (6) months notice of said sale or transfer but no less than sixty (60) days shall be required. This Agreement is non-transferable without the consent of the TIF Board and City Council. Said notice shall be given by certified mail, return receipt requested, to the Mayor of the City of Fall River, One Government Center, Fall River, Massachusetts, 02722.
6. The COMPANY shall provide the CITY with a Quarterly Report, to be supplied by the City, within thirty (30) days from the end of the quarter immediately following Project Certification and for each subsequent quarter thereafter until the expiration or termination of this Agreement. Said report shall contain, at a minimum, the following information: (1) employment levels at the COMPANY at the beginning and end of the reporting period; (2) number of Fall River residents employed at the COMPANY at the beginning and end of the reporting period; (3) utilization of local contractors during the reporting period; (4) supplies/materials purchased locally during the reporting period; and (5) the COMPANY's financial contribution to the city (i.e., property taxes, motor vehicle excise taxes, water and sewer fees) for the reporting period.

Said quarterly report shall be forwarded to the Mayor of the City of Fall River, President of the Fall River City Council, Fall River City Clerk and Fall River Assessor. The Fall River Assessor shall be responsible for monitoring job creation activities and compliance with the terms and conditions set forth in this Agreement. The COMPANY also shall notify the

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### TIF Agreement/Hutchens Holding III

Page 3 of 4

Fall River Assessor of its receipt of a Certificate of Occupancy for its FACILITY within ten (10) days of such receipt.

The COMPANY is further required to provide an annual report to the EACC.

#### **B. THE CITY'S OBLIGATIONS**

1. The CITY shall grant a Tax Increment Financing exemption to the COMPANY in accordance with Massachusetts General Laws, Chapter 23A, Section 3E, Chapter 40, Section 59, and Chapter 59, Section 5. Said exemption shall be granted on the building to be constructed, as described in FACILITY above. Said exemption shall be valid for a period of eight (8) fiscal years, beginning upon the CITY issuing the COMPANY a Certificate of Occupancy. Said exemption shall also apply to any supplemental real estate tax bills issued by the CITY within the aforesaid time period.

The exemption schedule is as follows for new value created:

<i>Term</i>	<i>Exemption</i>	<i>Taxes Due</i>
1	100%	0%
2	75%	25%
3	50%	50%
4	50%	50%
5	40%	60%
6	30%	70%
7	20%	80%
8	10%	90%

2. If the CITY determines, after a hearing before, and determination from, the CITY'S Tax Increment Financing Board, that the COMPANY has failed to meet or maintain employment goals, including its obligations to create a minimum of thirty-five (35) new permanent full-time jobs within eight (8) years of the CITY issuing the COMPANY a Certificate of Occupancy, the Tax Increment Financing exemption pertaining to real property tax exemptions shall be revoked.

The parties hereto hereby expressly agree that the actual loss to the CITY as a result of the failure of the COMPANY to comply with the provisions hereof are incapable of precise quantification due to the imprecise nature of secondary losses resulting from the COMPANY'S breach of this Agreement. Therefore, upon decertification of the project, the total amount of tax that would otherwise have been due and payable to the CITY but has otherwise been exempted pursuant to Section B, paragraph 1 hereof shall be paid as a Payment In Lieu of Tax and as the CITY'S sole remedy at law and equity for damages as a result of a breach of this agreement. Said Payment In Lieu of Tax shall be due and payable to the Treasurer of the City of Fall River within sixty (60) days of the date this project is decertified. All amounts due under the TIF Agreement will be collectable pursuant to the provisions of Massachusetts General Laws Chapter 60.

6a

***C. OTHER CONSIDERATIONS***

1. If the COMPANY fails to meet or maintain employment goals or comply with the other terms of this Agreement, the CITY may request revocation of the TIF Agreement by the Economic Assistance Coordinating Council, in accordance with Commonwealth of Massachusetts Regulations 402 CMR, sections 2.01 - 2.22, as amended.
2. This agreement shall be binding upon subsequent owners of such parcel of real property.

Executed as a sealed instrument.

***Tax Increment Financing Board,  
City of Fall River***

***Hutchens Holding III, LLC***

\_\_\_\_\_  
Mayor Paul Coogan, Chairman

\_\_\_\_\_  
Jason K. Hutchens, President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

66

**City of Fall River, In City Council**

**RESOLUTION OF LOCAL GOVERNING BODY APPROVING THE FILING OF A REVISED TAX INCREMENT FINANCING AGREEMENT AS PART OF A PREVIOUSLY APPROVED ECONOMIC DEVELOPMENT INCENTIVE PROGRAM APPLICATION FOR SECUREMENT OF MASSACHUSETTS INVESTMENT TAX CREDIT AWARDS AS APPROVED BY THE MASSACHUSETTS ECONOMIC ASSISTANCE COORDINATING COUNCIL**

WHEREAS, on September 22, 2020, Seafox Holdings LLC had secured approval for Certified Project Status and Tax Increment Financing Agreement from the City of Fall River and on December 15, 220 secured conditional approval from the Massachusetts Economic Assistance Coordinating Council for the award of Investment Tax Credits under the Massachusetts Economic Development Incentive Program created by Chapter 23A of the Massachusetts General Laws; Chapter 166 of the Acts of 2009 and 402 CMR 2.00, subject to Fall River City Council approval of a Revised Tax Increment Financing Agreement, and

WHEREAS, the City of Fall River has been designated a gateway municipality by the Commonwealth of Massachusetts and Seafox Holdings LLC plans to invest an estimated \$2,300,000 in the construction of a 12000 SF seafood processing, seafood packaging and office to be occupied by Nantucket Sound Seafood, to be located at be constructed at 0 Airport Road, Fall River, Ma. Said investment will result in the creation of 15 new full-time jobs and the retention of 30 permanent full time jobs, and

WHEREAS, the Massachusetts Economic Assistance Coordinating Council is seeking approval of a revised Tax Incentive Financing Agreement as part an approved Massachusetts Economic Development Incentive Program Application for the award of Investment Tax Credits which meets the requirements of Chapter 23A of the Massachusetts General Laws, Chapter 166 of the Acts of 2009 and 402 CMR 2.00 in which the project described will have a reasonable chance of creating employment opportunities for residents of the Economic Target Area, and

WHEREAS, the previously approved Tax Incentive Certified Project is located at Lot 1 ( A portion of Fall River Assessor's Map W- 19, Parcel 185), Fall River, Massachusetts, which is within the boundaries of the gateway municipality of Fall River, and

WHEREAS, approval of the Seafox Holdings LLC Revised Tax increment Financing Agreement and conditionally approved Massachusetts Economic Assistance Coordinating Council Economic Development Incentive Program application in accordance with the above referenced laws, rules and regulations of the Commonwealth of Massachusetts is hereby accepted by the City Council, now therefore

BE IT RESOLVED that the City Council of Fall River approves the Revised Seafox Holdings LLC Tax Incentive Financing Agreement as part of the approval process necessitated the by the Massachusetts Economic Assistance Coordinating Council and forwards said revised Agreement to the Massachusetts Economic Assistance Coordinating Council for final approval and endorsement.

66

## TAX INCREMENT FINANCING AGREEMENT

CITY OF FALL RIVER, MASSACHUSETTS  
and  
SEAFOX HOLDINGS, LLC

RECEIVED  
JUL 12 P 1:41

This revised Agreement is made this \_\_\_\_ day of January, 2021, by and between: **City of Fall River** (hereinafter called the "CITY"), a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at One Government Center, Fall River, Massachusetts, 02722, acting through its Tax Increment Financing (TIF) Board (hereinafter called the "CITY"); and **Seafox Holdings, LLC** corporation with a principal place of business at 515 Sanford Road, Westport, Massachusetts, 02790 (hereinafter called the "COMPANY"). This Agreement shall take effect immediately upon final approval by the Massachusetts Economic Assistance Coordinating Council on December 10, 2020.

**WHEREAS**, the COMPANY's tenant, Nantucket Sound Seafood LLC, was founded in September 2014 by Allen W. Rencurrel, to provide product for both the United States domestic marketplace as well as foreign markets and specializes in standard processed products such as clam strips, chopped clam meat, whole live clams, shucked quahogs, shucked steamers, shucked bay scallops, surf clams, fileted clam tongues, abductor muscles and butterflied mantel; and

**WHEREAS**, the COMPANY recently purchased a 3.88 acres on 0 Airport Road, Fall River, MA and plans to construct a 12,000 square foot seafood processing, seafood packaging and office space facility to be occupied by its tenant Nantucket Sound Seafood (hereinafter called the "FACILITY"); and

**WHEREAS**, the COMPANY is projected to invest an estimated \$2,300,000 into the project and its tenant, Nantucket Sound Seafood, will retain 30 permanent full-time jobs and create 15 new permanent full-time positions; and

**WHEREAS**, the COMPANY is seeking real property tax exemptions from the CITY for said FACILITY and the COMPANY shall embark upon a strategy of significant capital investment and job creation at its FACILITY in Fall River, the CITY shall grant said tax exemptions in return for a guarantee of capital investment at the FACILITY and employment opportunities for local workers; and

**NOW, THEREFORE**, in consideration of the mutual promises contained herein, the parties do mutually agree as follows:

### **A. THE COMPANY'S OBLIGATIONS**

1. The COMPANY shall invest approximately \$2,300,000 in the FACILITY to be constructed at 0 Airport Road, Fall River, MA. The COMPANY further agrees to create fifteen (15) permanent full-time jobs and retain thirty (30) permanent full-time jobs within five (5) years of the CITY issuing the COMPANY a Certificate of Occupancy.

6b

**TIF Agreement/Seafox Holdings LLC**  
Page 2 of 4

2. The COMPANY agrees to operate its business at its FACILITY so long as this Agreement is in force. The COMPANY further agrees to continuously maintain the level(s) of jobs required under this Agreement from the date(s) such level(s) is/are first required to be maintained and/or achieved until the expiration or termination of this Agreement. In the event the COMPANY does not create the required number of jobs in the time frame outlined above, this agreement becomes revocable by a vote of the TIF Board.
3. The COMPANY shall cooperate with the MassHire Bristol WorkForce Board and other local and state agencies, as appropriate, in seeking to fill vacancies at the COMPANY from the local community.
4. If the COMPANY plans to change its business plan as provided in the previous paragraphs, it may request to amend this agreement to amend its commitment. Said request for amendment shall be reviewed by the TIF Board and City Council. If the said amendment to the business plan results in a reduced commitment, the amended exemption shall be calculated in such a fashion that the total exemption provided under this Agreement for the project shall be reduced by the corresponding percentage. This Agreement and the terms contained herein shall not be altered without prior authorization from the EACC and the City of Fall River and a written amendment to this Agreement.
5. If the COMPANY decide(s) to sell the FACILITY and/or the business or to otherwise transfer control of the FACILITY and/or business and the operations therein, the COMPANY shall make all good faith efforts to give the CITY at least six (6) months notice of said sale or transfer but no less than sixty (60) days shall be required. This Agreement is non-transferable without the consent of the TIF Board and City Council. Said notice shall be given by certified mail, return receipt requested, to the Mayor of the City of Fall River, One Government Center, Fall River, Massachusetts, 02722.
6. The COMPANY shall provide the CITY with a Quarterly Report, to be supplied by the City, within thirty (30) days from the end of the quarter immediately following Project Certification and for each subsequent quarter thereafter until the expiration or termination of this Agreement. Said report shall contain, at a minimum, the following information: (1) employment levels at the COMPANY at the beginning and end of the reporting period; (2) number of Fall River residents employed at the COMPANY at the beginning and end of the reporting period; (3) utilization of local contractors during the reporting period; (4) supplies/materials purchased locally during the reporting period; and (5) the COMPANY's financial contribution to the city (i.e., property taxes, motor vehicle excise taxes, water and sewer fees) for the reporting period.

Said quarterly report shall be forwarded to the Mayor of the City of Fall River, President of the Fall River City Council, Fall River City Clerk and Fall River Assessor. The Fall River Assessor shall be responsible for monitoring job creation activities and compliance with the terms and conditions set forth in this Agreement. The COMPANY also shall notify the Fall

6b

**TIF Agreement/Seafox Holdings LLC**

Page 3 of 4

River Assessor of its receipt of a Certificate of Occupancy for its FACILITY within ten (10) days of such receipt.

The COMPANY is further required to provide an annual report to the EACC.

**B. THE CITY'S OBLIGATIONS**

1. The CITY shall grant a Tax Increment Financing exemption to the COMPANY in accordance with Massachusetts General Laws, Chapter 23A, Section 3E, Chapter 40, Section 59, and Chapter 59, Section 5. Said exemption shall be granted on the building to be constructed, as described in FACILITY above. Said exemption shall be valid for a period of five (5) fiscal years, beginning upon the CITY issuing the COMPANY a Certificate of Occupancy. Said exemption shall also apply to any supplemental real estate tax bills issued by the CITY within the aforesaid time period.

The exemption schedule is as follows for new value created:

<i>Term</i>	<i>Exemption</i>	<i>Taxes Due</i>
1	100%	0%
2	75%	25%
3	50%	50%
4	25%	75%
5	10%	90%

2. If the CITY determines, after a hearing before, and determination from, the CITY'S Tax Increment Financing Board, that the COMPANY has failed to meet or maintain employment goals, including its obligations to create fifteen (15) new permanent full-time jobs and retain thirty (30) permanent full-time jobs within five (5) years of the CITY issuing the COMPANY a Certificate of Occupancy, the Tax Increment Financing exemption pertaining to real property tax exemptions shall be revoked.

The parties hereto hereby expressly agree that the actual loss to the CITY as a result of the failure of the COMPANY to comply with the provisions hereof are incapable of precise quantification due to the imprecise nature of secondary losses resulting from the COMPANY's breach of this Agreement. Therefore, upon decertification of the project, the total amount of tax that would otherwise have been due and payable to the CITY but has otherwise been exempted pursuant to Section B, paragraph 1 hereof shall be paid as a Payment In Lieu of Tax and as the CITY's sole remedy at law and equity for damages as a result of a breach of this agreement. Said Payment In Lieu of Tax shall be due and payable to the Treasurer of the City of Fall River within sixty (60) days of the date this project is decertified. All amounts due under the TIF Agreement will be collectable pursuant to the provisions of Massachusetts General Laws Chapter 60.

66

**TIF Agreement/Seafox Holdings LLC**

Page 4 of 4

***C. OTHER CONSIDERATIONS***

1. If the COMPANY fails to meet or maintain employment goals or comply with the other terms of this Agreement, the CITY may request revocation of the TIF Agreement by the Economic Assistance Coordinating Council, in accordance with Commonwealth of Massachusetts Regulations 402 CMR, sections 2.01 - 2.22, as amended.
2. This agreement shall be binding upon subsequent owners of such parcel of real property.

Executed as a sealed instrument.

***Tax Increment Financing Board,  
City of Fall River***

***Seafox Holdings, LLC***

\_\_\_\_\_  
Mayor Paul Coogan, Chairman

\_\_\_\_\_  
Allen W. Rencurrel, President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**CITY OF FALL RIVER  
MASSACHUSETTS**

*Traffic & Parking Division*

**Paul E. Coogan**  
*Mayor*

**LAURA FERREIRA**

*Parking Clerk*

RECEIVED  
JAN 12 P 12:13

January 11, 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, December 30, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

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

By inserting in proper alphabetical order the following:

**INSERT**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Fifth Street	West	Starting at a point 21 feet north of Rodman Street, for a distance of 20 feet northerly.

Rev. Walter Keith III  
216 Rodman Street  
Fall River, MA 02721

Very truly yours,

Laura Ferreira  
Parking Clerk



**CITY OF FALL RIVER  
MASSACHUSETTS**

*Traffic & Parking Division*

RECEIVED

**Paul E. Coogan**  
*Mayor*

2021 JAN 12 **LAURA FERREIRA**  
*Parking Clerk*

CLERK  
FALL RIVER, MA

January 11, 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, December 30, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70  
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

**INSERT**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Alden Street	West	Starting at a point 371 feet south of Ross Street, for a distance of 20 feet southerly.

Elaine Santos  
502 Alden Street  
Fall River, MA 02723

Very truly yours,

Laura Ferreira  
Parking Clerk

✓  
Est



CITY OF FALL RIVER  
MASSACHUSETTS

Traffic & Parking Division

Paul E. Coogan  
Mayor

January 11, 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, December 30, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70  
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

**INSERT**

Name of Street

Side

Location

Fielden Street

East

Starting at a point 44 feet south of Pleasant Street,  
for a distance of 20 feet southerly.

Olga Rivera  
14 Fielden Street  
Fall River, MA 02723

Very truly yours,

Laura Ferreira  
Parking Clerk

RECEIVED

2021 JAN 12 12:12  
LAURA FERREIRA  
Parking Clerk

CITY CLERK  
FALL RIVER, MA



**CITY OF FALL RIVER  
MASSACHUSETTS**

*Traffic & Parking Division*

RECEIVED

**Paul E. Coogan**  
Mayor

2021 JAN 12 10:00 AM  
**LAURA FERREIRA**  
Parking Clerk

January 11, 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, December 30, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

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

By inserting in proper alphabetical order the following:

**INSERT**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Highland Avenue	West	Starting at a point 127 feet north of Pearce Street, for a distance of 20 feet northerly.

Union United Methodist Church  
600 Highland Avenue  
Fall River, MA 02720

Very truly yours,

**Laura Ferreira**  
Parking Clerk



**CITY OF FALL RIVER  
MASSACHUSETTS**

*Traffic & Parking Division*

**Paul E. Coogan**  
Mayor

**LAURA FERREIRA**

*Parking Clerk*

2021 JAN 12 P 12:13

January 11, 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, December 30, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70  
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

**INSERT**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Niagara Street	North	Starting at a point 133 feet west of Foster Street, for a distance of 20 feet westerly.

Jeannine Hart  
112 Niagara Street  
Fall River, MA 02721

Very truly yours,

Laura Ferreira  
Parking Clerk



**CITY OF FALL RIVER  
MASSACHUSETTS**

*Traffic & Parking Division*

RECEIVED

**Paul E. Coogan**  
Mayor

2021 JAN 12 P 12:13  
**LAURA FERREIRA**  
Parking Clerk

CITY CLERK  
FALL RIVER, MA

January 11, 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, December 30, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

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

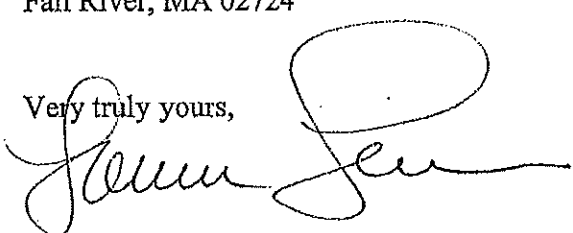
By inserting in proper alphabetical order the following:

**INSERT**

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Tower Street	North	Starting at a point 212 feet east of Bates Street, for a distance of 20 feet easterly.

Laurette J. Gagnon  
46 Tower Street  
Fall River, MA 02724

Very truly yours,

  
Laura Ferreira  
Parking Clerk

2/1/21  
P. Clark



**CITY OF FALL RIVER  
MASSACHUSETTS**

*Traffic & Parking Division*

**Paul E. Coogan**  
Mayor

**Laura Ferreira**  
Director of Traffic

January 11, 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, December 30, 2020 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article:	70	1 Hour Parking Only
Section:	375	Monday thru Friday
		9 a.m. to 6 p.m.

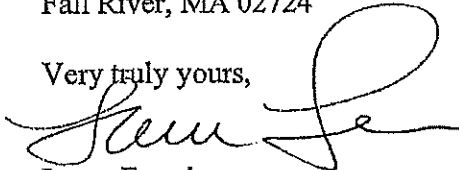
By inserting in proper alphabetical order the following.

**INSERT**

Name of Street	Side	Location	Hours/Days
Pleasant Street	North	Starting at a point 129 feet East of Rocliffe Street for a Distance of 35 feet easterly	1 Hour Parking Only Monday thru Friday 9 a.m. to 6 p.m.

Accutrust Mortgage, Inc.  
1107 Pleasant Street  
Fall River, MA 02724

Very truly yours,

  
Laura Ferreira  
Director of Traffic

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





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

RECEIVED

2021 JAN 13 P 4:16

CITY CLERK  
FALL RIVER, MA

8

**JAMES SOUZA**  
Chairman

**JOHN BRANDT**  
Vice-Chairman

January 12, 2021

Fall River City Council  
One Government Center  
Fall River, MA 02722

RE: Community Preservation Committee

Dear City Councilors,

Tonight, the Community Preservation Committee held a virtual meeting. At the request of the City Council, the CPC considered the applicants for the two long vacant City Council seats.

Each of the four candidates had been invited to this meeting and did attend, virtually. Each of the candidates spoke to the Committee. The Committee then had the opportunity to ask questions of them.

Caroline Aubin: Ms. Aubin stated that she works for the Fall River Historical Society and has a BA degree in Historic Preservation.

Alex Silva: Mr. Silva has a degree in communications and has worked as a writer/journalist. He is currently a member of the Preservation Society.

Richard Mancini: Mr. Mancini has a long history of facilities management and community involvement. He is currently a member of the Historic Commission and the Historic District Commission.

Danielle Pixley: Ms. Pixley is currently an Assistant District Attorney with the Bristol County District Attorney's Office.

All of the candidates are residents of Fall River and described their enthusiasm for the future of Fall River.

After these presentations, the Committee began to discuss these candidates. The Committee members expressed universal approval of all four candidates.

However, one of the members raised a concern that the process, the CPC picking future members, would set a bad precedent. A number of other Board members agreed.

I informed the Committee that the statute, GL Ch. 44B s. 5 indicates that the local by-law will define the method of selecting members. I then referenced By-Law 2-364 which defines how the Committee members are chosen in Fall River. The Fall River by-law is clear that a Committee member will be appointed by the involved City Department. By law 2-364(7) specifically indicates that two citizens shall be appointed by the City Council.

One Government Center • Fall River, MA 02722  
TEL (508) 264-6700 • FAX (508) 324-2659 • EMAIL [nbb92@aol.com](mailto:nbb92@aol.com)

8



City of Fall River  
Massachusetts  
Community Preservation Committee

JAMES SOUZA  
Chairman

JOHN BRANDT  
Vice-Chairman

The Committee agreed that the language is clear and does not authorize the Community Preservation Committee to appoint its own members. A motion to have this letter sent to the City Council, describing the process, and indicating that the Committee would not vote on or recommend any candidate. That motion was unanimously approved.

The members of the Community Preservation Committee agreed that the City Council would likely be as impressed with each of the candidates as we were. I have attached the resumes of each candidate and, on behalf of the Community Preservation Committee, encourage the City Council to invite each of the candidates to its meeting.

It is encouraging that there are four outstanding candidates for these vacancies. The Community Preservation Committee recognizes the difficult choice facing the City Council.

Sincerely,

Paul J. Machado, Clerk  
Community Preservation Committee

## CITY OF FALL RIVER

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9

To the City Council

Councillors:

The Committee on Human Services, Housing, Youth & Elder Affairs at a meeting held on December 22, 2020, voted 3 yeas to recommend the accompanying resolution be granted leave to withdraw.

*Callien A. Taylor*  
Clerk of Committees

9

City of Fall River, In City Council

(Councilor Michelle M. Dionne)

WHEREAS, the Massachusetts Department of Public Health, through the Board of Registration in Pharmacy and the Drug Control Program, advises Massachusetts pharmacists and pharmacies that a prescriber may order and a pharmacy may sell stock supply of non-patient specific epinephrine by auto injector for use at a Massachusetts public or private school for emergency treatment of severe allergic reactions, and

WHEREAS, the Board of Registration in Pharmacy and Drug Control Program strongly support all prescriber and pharmacy efforts to provide stock epinephrine in a pre-measured, auto injector device to Massachusetts public and private schools to facilitate emergency treatment of anaphylaxis reactions, and

WHEREAS, there are students enrolled in the Fall River school system who suffer from life threatening allergies which require that they supply their own auto injector device commonly referred to as an Epi Pen, and

WHEREAS, the Fall River School Department does not provide stock epinephrine to facilitate emergency treatment, now therefore

BE IT RESOLVED, that the Committee on Human Services, Housing, Youth and Elder Affairs convene with the School Department Chief Financial Officer, the Fall River Nursing Department Director, and the Fall River Board of Health Physician to discuss this matter.

In City Council, February 11, 2020  
Adopted

A true copy. Attest:

*Alison M. Bouchard*  
City Clerk

*tabled 3-3-20*

## CITY OF FALL RIVER

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To the City Council

Councillors:

The Committee on Human Services, Housing, Youth & Elder Affairs at a meeting held on December 22, 2020, voted 3 yeas to recommend the accompanying resolution be granted leave to withdraw.

*Cullen A. Taylor*  
Clerk of Committees

10

# City of Fall River, *In City Council*

(Councilor Joseph D. Camara)

WHEREAS, Riverview Towers today provides a vital mixed income community for 200 families, elderly, disabled, and veteran households, affordable to a wide range of low, moderate and market rate tenants, and

WHEREAS, the 40 year State Section 13A mortgage that has kept rents affordable at Riverview Towers expired on March 1, 2018, and

WHEREAS, Riverview Towers has been purchased by a new owner who has announced plans to raise rents to high market levels, displacing most tenants unless a housing preservation plan is in place, and

WHEREAS, current tenants are protected from rent increases greater than 3% plus inflation for the next 2 years by Chapter 40T, after which rents will be raised to high market rents, and

WHEREAS, of current tenants, an estimated 87 former Section 13A Basic Rent tenants are paying as much as 60% of their income to rent, and are at great risk of displacement when the 40T rent limits end, and

WHEREAS, in 2018, the Riverview Towers Tenants Association supported the proposal by the Fall River Housing Authority to offer up to 150 Project Based Vouchers for a preservation plan, later withdrawn, which would have protected current tenants from displacement and preserved affordable housing at Riverview Towers, while guaranteeing the owner full market rents, and

WHEREAS, the Tenants Association proposes to revive this plan, to offer the new owner market rents paid by sufficient subsidies from City and State sources, to prevent displacement and preserve affordable housing, including Project Based Vouchers from the Fall River Housing Authority as voucher funds become available, and/or the State Department of Housing and Community Development, augmented by additional capital loans from City, MassHousing and/or DHCD sources, and

*tabled 2-27-19*

WHEREAS, use of PBV's to save at risk 13A housing is an innovative approach that provides Fall River an opportunity for statewide leadership on the 13A crisis, now therefore

BE IT RESOLVED, that the Fall River City Council:

1. Support the Riverview Towers Tenants Associations goals of preserving Riverview Towers as permanently affordable housing, for the same income mix of low, moderate and market rate tenants as live there now, with priority to elderly and veteran tenants;
2. Appeals to the building's owner, Ed Juke, to recognize and respect tenants' rights, including the Right to Organize, and to negotiate in good faith with the Tenants Association to prevent displacement and preserve affordable housing;
3. Supports the award of at least 90 Project Based Vouchers (PBV's) by the Fall River Housing Authority and/or the State Department of Housing and Community Development (DHCD) as the best way to prevent displacement of 90 currently rent burdened low income elderly and handicapped tenants, when Chapter 40T rent restrictions end in March 2021;
4. Encourage the City of Fall River, the Fall River Housing Authority, the State Department of Housing and Community Development and MassHousing to provide PBV's and other funds to ensure that the current owner can receive market rents while protecting tenants;
5. Convene a hearing through the Committee on Human Services, Housing, Youth and Elder affairs, to invite the Tenants Association, the owner, the Fall River Housing Authority, City and State officials and other interested parties to discuss the preservation of affordable housing and prevention of displacement at Riverview Tower.

In City Council, February 19, 2019  
Adopted

A true copy. Attest:

*Alison M. Bouchard*

City Clerk

# City of Fall River, *In City Council*

(Councilor Trott Lee)

(Councilor Christopher M. Peckham)

WHEREAS, on November 2, 2020, Massachusetts Governor Charles D. Baker issued COVID-19 Order No. 54, a revised order further regulating gatherings in the Commonwealth, and

WHEREAS, COVID-19 Order No. 54 establishes a time limitation where all gatherings, no matter the size or location, must end and participants must disperse by 9:30 p.m., limiting businesses and citizen activity in the City of Fall River, and

WHEREAS, many citizens and businesses are enduring significant financial hardships directly related to the COVID-19 restriction policy, and

WHEREAS, COVID-19 restrictions have had a direct negative effect on City revenue, jeopardizing funding for public safety and education, now therefore

BE IT RESOLVED, that the City Council Committee on Finance convene to determine an appropriate response to the Governor's COVID-19 Order No. 54, requesting the retraction of the order, and advocate for the balance of financial preservation and public health safety measures.

City of Fall River, *In City Council*

20

ORDERED, that regular meetings of the City Council during 2021 shall be held as follows, and

BE IT FURTHER ORDERED that at said meetings the Committee on Finance shall begin at 6:00 PM, and the Regular Meeting of the City Council shall begin at 7:00 PM unless otherwise ordered:

February 9  
February 23  
March 9  
March 23  
April 6  
April 20  
May 11  
May 25  
June 8  
June 22  
July 13  
August 17  
September 14  
September 28  
October 12  
October 26  
November 16  
November 30  
December 14  
December 28

All meetings shall be held in the Council Chamber, One Government Center, unless otherwise ordered.

RECEIVED

21

2020 DEC 14 A 11:17

CITY CLERK 20-70  
FALL RIVER, MA

**City of Fall River  
Notice of Claim**

1. Claimant's name: Wayne R. Souza
2. Claimant's complete address: 103 Kellogg St, Apt 1, Fall River, MA 02724
3. Telephone number: Home: 508-965-6807 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Property Damage (Auto)
5. Date and time of accident: 12/5/2020 3:00 PM Amount of damages claimed: \$ 500.00 (Deductible)
6. Exact location of the incident: (Include as much detail as possible):  
102 Water St., Just west of DAVOL St.
7. Circumstances of the incident: (attach additional pages if necessary):  
My son was driving my vehicle home from work and turned right from DAVOL St onto Water St. He heard and felt something hit vehicle. He stopped and saw a person fall from light pole & had hit passenger side of vehicle.
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  
MAPFRE Insurance, 11 Gore Rd. Webster, MA, 01570

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

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

Date: 12/8/2020

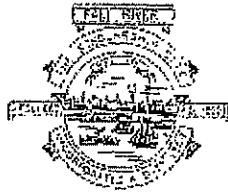
Claimant's signature: Wayne R. Souza

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, 2<sup>nd</sup> 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 checked="" type="checkbox"/> City Administrator <input checked="" type="checkbox"/> DCM		Date: <u>12/14/2020</u>
------------------------	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	-------------------------



21

RECEIVED

City of Fall River  
Notice of Claim

2020 DEC 22 P 4:29

CITY CLERK #26-71  
FALL RIVER, MA

1. Claimant's name: Wilson Tiburti/1170
2. Claimant's complete address: 104 Barnaby ST Fall River, MA 02720
3. Telephone number: Home: 508 510-1372 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
City snow plow hit driver side mirror
5. Date and time of accident: 12-17-20 Amount of damages claimed: \$ 290.17
6. Exact location of the incident: (include as much detail as possible):  
104 Barnaby ST FR MA 02720
7. Circumstances of the incident: (attach additional pages if necessary):  
Snowing
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 12-21-20

Claimant's signature: Wilson Tiburti

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, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

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For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DCM Date: 12/22/20



21

RECEIVED

City of Fall River  
Notice of Claim

2020 DEC 28 P 2:22

CITY CLERK #20-72  
FALL RIVER, MA

1. Claimant's name: Bruna J. Arruda
2. Claimant's complete address: 290 Mulberry St. #2, Fall River, MA 02721
3. Telephone number: Home: 7745260772 Work: no
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Car parked on snow day clearly got hit by a snow plow, due to the damage made.
5. Date and time of accident: most likely 12/17/20 when snow plow drove by. Amount of damages claimed: \$ ?
6. Exact location of the incident: (include as much detail as possible):  
Mulberry St (across 362 Mulberry St) (please see attached photo).
7. Circumstances of the Incident: (attach additional pages if necessary):  
Parking ban was on Wednesday, December 2020 starting 3 pm.  
My Rav4 was parked across the number 362 Mulberry St from Wed through Sunday 12/20,  
after having a spot available in front of my house, 290 Mulberry St., my stepson cleaned  
snow from my car and we noticed the damage on left side of the car. (driver side)
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☒ Yes ☐ No

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

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

Date: 12/21/2020

Claimant's signature: Bruna Arruda

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, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DCM Date: 12/28/20



21

RECEIVED

City of Fall River  
Notice of Claim

2020 DEC 30 P 2:53

1. Claimant's name: Gigi Tierney CITY CLERK #26-73  
FALL RIVER, MA
2. Claimant's complete address: 56 Hanson Street, Fall River MA 02720
3. Telephone number: Home: 508-837-8428 Work: 508-992-1270
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Property damage - Falling tree branch
5. Date and time of accident: 10/7/20 about 10pm Amount of damages claimed: \$ 722.19
6. Exact location of the incident: (include as much detail as possible):  
46-56 Hanson Street
7. Circumstances of the incident: (attach additional pages if necessary):  
Please see cover letter & attached pictures.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 12/28/20

Claimant's signature: Gigi Tierney

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, 2<sup>nd</sup> 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 ☒ Comptroller

Date: 12/30/20

21

→ THE INFO REQUESTED ON THIS FORM, SENT TO ME NEARLY 3 WKS AFTER THE DATE OF MY FILING, IS IDENTICAL TO THAT WHICH I FILED.



RECEIVED

2021 JAN -5 P 2:50

City of Fall River  
Notice of Claim

CITY CLERK 21-1  
FALL RIVER, MA

1. Claimant's name: RICHARD J. PARSONS
2. Claimant's complete address: 630 DWELLY STREET, FALL RIVER, MA
3. Telephone number: Home: 508.353.3433 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
SPRAINED ANKLE AND FALL ON PUBLIC WAY
5. Date and time of accident: 8/31/2020/9:30 AM Amount of damages claimed: \$ 5,000
6. Exact location of the incident: (include as much detail as possible):  
BETWEEN PLEASANT F.R. (PLEASE SEE COVER LETTER + PHOTOS)
7. Circumstances of the incident: (attach additional pages if necessary):  
I WAS WALKING ALONG THE SIDEWALK AND STEPPED INTO THE DEEP DEPRESSION OF A PIPELINE WITHIN THE CONCRETE (NEARLY INVISIBLE. AS IT WAS THE SAME COLOR) IT HAPPENED VERY QUICKLY; MY FULL WEIGHT WENT ONTO MY →
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 10/26/2020

Claimant's signature: Richard J. Parsons

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, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722

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For official use only:

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

Date: 1/5/2021

★  
PLEASE  
NOTE  
THAT  
I  
FILED  
ON  
10/2/20  
+ THIS  
FORM  
WAS

SENT TO ME SUBSEQUENT TO THAT FILING.  
(- 3 WKS )

City Clerks Office - Law Department  
One Government Center  
Fall River, MA 02722

21

RECEIVED

2021 JAN -8 A 11:31

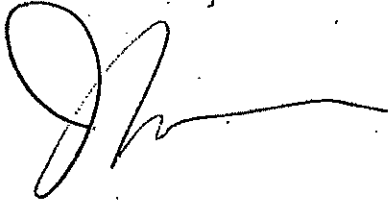
CITY CLERK #21-2  
FALL RIVER, MA

Hello,

My name is Joseph Faria. I am a homeowner and lifelong resident of Fall River. I live at 41 Lafayette Street. I was driving on Christmas Eve around 6pm along Stafford Road Near Maplewood Park and blew both passenger side tires on a nasty pothole. The pictures of the damage and the pothole are enclosed. I spoke with a clerk at city hall and she instructed me to send this letter along with all documentation. I decided to replace all 4 tires but I would expect you would only be responsible for two of them. If there is any way you could reimburse me for the trouble that would be greatly appreciated. It was a terrible situation to be in on Christmas Eve. My guess is the plow trucks ripped up part of the street after the storm we had recently. It was raining so what appeared to be a mere puddle became a terrible road hazard.

Thank you for your time,  
Joseph Faria - 508.441.0139

Email: Joe@joefaria.com



✓ City Clerk

Law

✓ City Council

✓ DCM

1/8/21

21



**City of Fall River  
Notice of Claim**

RECEIVED

2021 JAN 12 A 8:57

CITY CLERK #21-3  
FALL RIVER, MA

1. Claimant's name: Safeco Insurance Company of America
2. Claimant's complete address: PO Box 515097 Los Angeles, CA 90051
3. Telephone number: Home: \_\_\_\_\_ Work: 6363267918
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Auto accident - Injury
5. Date and time of accident: 12/19/2019, 4:00 pm Amount of damages claimed: \$ 1275.66
6. Exact location of the incident: (include as much detail as possible):  
Outside of 239 Fountain Street, Fall River
7. Circumstances of the incident: (attach additional pages if necessary):  
When policyholder vehicle entered outside of 239 Fountain Street, Engine 4 of Fall River Fire Department proceeding north on Fountain Street, Fire truck's rear wheel operator over-extended and side swiped my policyholder's vehicle on the passenger side.  
Jaelynn Mowrey \$300.00 medical treatment  
Robert Langlais \$975.66 medical treatment
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: 1/12/2021

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, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

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For official use only:

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

Fire Dept Date: 1/12/2021



21

RECEIVED

**City of Fall River  
Notice of Claim**

2021 JAN 12 P 2:38

#21-04  
CITY CLERK  
FALL RIVER, MA

1. Claimant's name: Efrain Molina / Victor Molina
2. Claimant's complete address: 133 McBrowan St Apt #3
3. Telephone number: Home: 978-891-2260 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
\_\_\_\_\_
5. Date and time of accident: 1:05 PM / 12-26-20 Amount of damages claimed: \$1,542.53
6. Exact location of the incident: (include as much detail as possible):  
Alden St Fall River MA 02723 Pot Hole Damaged two tires and fender
7. Circumstances of the incident: (attach additional pages if necessary):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

American National (800) 948-3276 x5236 Email: Camille.Derway@american-national.com

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: 1-12-21

Claimant's signature: Efrain Molina

**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, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

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For official use only:

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

Date: 1/12/2021



City of Fall River  
Notice of Claim

RECEIVED

2021 JAN 13 P 1:30

# 21-5

1. Claimant's name: MetLife Auto & Home Also Christopher Gaffigan
2. Claimant's complete address: Use MetLife
3. Telephone number: Home: \_\_\_\_\_ Work: 800-634-9740 X6161
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
auto accident.
5. Date and time of accident: 12/7/20 2 pm Amount of damages claimed: \$ 1407.13
6. Exact location of the Incident: (include as much detail as possible):  
Insured parked on Berlin with Waring St.
7. Circumstances of the Incident: (attach additional pages if necessary):  
Snow plow struck insured's parked unoccupied vehicle - 2014 RAV 4

SLQ 71839 - claim #

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  
MetLife A&H P.O. Box 2204 Charlotte NC 28241

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: 1/12/21

Claimant's signature: [Signature]

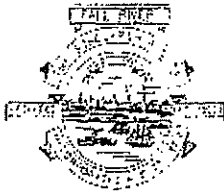
WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

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For official use only:

Copies forwarded to: ☒ City Clerk ☐ Law ☐ City Council ☐ City Administrator ☒ DPW Date: 1/13/21



21

RECEIVED

City of Fall River  
Notice of Claim

2021 JAN 13 P 4:30

1. Claimant's name: Gloriana + Antonio Botelho CITY CLERK # 21-40  
FALL RIVER, MA
2. Claimant's complete address: 78 Joseph Drive Fall River ma 02720
3. Telephone number: Home: 508-672-2852 Son Cell 508 294 6473  
Work:
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Plow Damage to property
5. Date and time of accident: 12/16/20 ? time Amount of damages claimed: \$ 250.<sup>00</sup> Plus sprinkler
6. Exact location of the incident: (include as much detail as possible):  
End of Driveway and Front Lawn
7. Circumstances of the incident: (attach additional pages if necessary):  
Plow hit Cobblestone alongside my drive way ripped it up pushed it against irrigation sprinkler (? damage) and continued to pull up lawn in my front yard that is taken very care of very well by landscapers. I am attaching Photos.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No.

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

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

Date: 12.29.20

Claimant's signature: Antonio Botelho

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

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For official use only:

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

☒ DPW

Date: 1/13/2021

# CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, November 17, 2020 at 5:55 p.m.  
Zoom (Virtual Meeting Application) pursuant to the Governor's Declaration of State of Emergency due 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  
Richard Gonsalves, Chair, Board of Assessors  
Richard Wolfson, Member, Board of Assessors  
Nancy Hinote, Member, Board of Assessors  
Nelia M. Raposo, Administrative Assistant to the Board of Assessors

Pursuant to the Governor's Declaration of State of Emergency due the Coronavirus (COVID-19) Pandemic, these public hearings were held virtually. Persons interested and wishing to be heard at the public hearings were advised to submit written comments by letter addressed to the City Clerk, One Government Center, Fall River, MA 02722 or email to [city\\_council@fallriverma.org](mailto:city_council@fallriverma.org) by Tuesday, November 17, 2020 at 3:00 p.m. to be read at the meeting.

The President called the meeting to order at 6:03 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearings was to hear all persons interested and wishing to be heard on the following:

## Auto Repair Shop License

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was voted 9 yeas that the hearing be opened.*

1. Charbel Sarkis, 2 Fisherman Road, Fairhaven, MA 02719, d/b/a R & M Auto Service, for a license to operate an auto repair shop at 703 Brayton Avenue, on Lot F-7-0013, 14, 28 and 29 Assessors Plan.

*The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that Collin Dias is a proponent and there were no opponents. The City Clerk then read the testimony submitted, a copy of which 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 hearing be closed.*

## Tax Classification

*On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas that the hearing be opened.*

2. Adoption of the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2021.

The President then called on the Board of Assessors and on a motion made by Richard Wolfson and seconded by Nancy Hinote, it was voted 3 yeas to reconvene the Board of Assessors Meeting. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that Collin Dias submitted testimony, but stated that he was unsure if he wanted to be a proponent or an opponent. The City Clerk then read the testimony submitted, a copy of which is attached hereto and made a part of these minutes. The President then called on the Director of Financial Services to provide an overview of the recommendation of the Administration. The Director of Financial Services stated that the Assessor's Office submitted a scenario of the different tax factors, as well as five years of historical data. Mrs. Sahady also stated that the tax factor has varied each year between 1.69 and 1.72. She then mentioned that due to the COVID-19 pandemic, the Mayor is recommending a tax factor of 1.75 to give the maximum relief to the residential taxpayers. The Director of Financial Services stated that the average residential tax increase would be \$116.53 using an average property value of \$251,600, which is an increase from the average property value of \$232,914 used in the previous year. She then stated that if the factor remained at 1.71, which is currently in place the average tax increase would be \$156.79. Richard Gonsalves, Chair for the Board of Assessors, stated that every year the Assessor's Office performs a sales analysis. He then stated that there has been a tremendous amount of growth with 75 new single family homes being constructed in the City, with values between \$350,000 and \$400,000. Mr. Gonsalves also mentioned that there has been growth in two-family and three-family homes along with apartment buildings, due to Fall River becoming a strong housing market in comparison to surrounding communities. Councilor Bradford L. Kilby asked the Chair of the Board of Assessors what rate would give the maximum amount of relief to the residential taxpayer. Richard Gonsalves stated that would be the 1.75 tax factor. Councilor Bradford L. Kilby then asked what factor is currently being used. The Director of Financial Services stated the current tax factor is 1.71. Council President Ponte stated that adopting a 1.75 tax factor would result in the lowest tax increase for residents and the Director of Financial Services concurred. Councilor Michelle M. Dionne asked the Director of Financial Services, what the residential tax increase would be if the tax factor remains at 1.71. The Director of Financial Services stated that the increase would be \$156.79 instead of \$116.53, which would be approximately an additional \$40.00. Councilor Michelle M. Dionne then asked if that increase was per quarter or per year and the Director of Financial Services stated that it would be per year. Councilor Pam Laliberte-Lebeau asked if commercial properties would still see a savings and the Director of Financial Services stated that the commercial properties would see a savings of approximately \$307.00 per year. Councilor Shawn E. Cadime asked what the breakeven point would be for commercial properties and Nancy Hinote stated that it would be for properties valued between \$640,000 and \$1.2 million dollars since there is an approximate savings of \$300.00 for a property valued at \$640,000 and an increase of \$249.40 for a property valued at \$1.2 million dollars. Councilor Michelle M. Dionne also stated that for the viewing audience's edification, the increase in residential property taxes is mainly due to increased property values.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adjourn at 6:32 p.m. The President then asked the Board of Assessors if they wished to adjourn their meeting. On a motion made by Nancy Hinote and seconded by Richard Wolfson, it was voted 3 yeas to adjourn the Board of Assessors Meeting at 6:35 p.m.

List of documents and other exhibits used during the meeting:

Agenda (attached)  
 DVD of meeting  
 Tax classification information  
 Email from Collin Dias regarding 703 Brayton Avenue  
 Email from Collin Dias regarding Tax Classification

A true copy. Attest:

*Alison M. Bouchard*

City Clerk

## CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, December 1, 2020 at 5:55 p.m.  
Zoom (Virtual Meeting Application) pursuant to the Governor's Declaration of State of Emergency due 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, Leo O. Pelletier and Linda M. Pereira

ABSENT: Councilor Christopher M. Peckham

IN ATTENDANCE: None

Pursuant to the Governor's Declaration of State of Emergency due the Coronavirus (COVID-19) pandemic, these public hearings were held virtually. Persons interested and wishing to be heard at the public hearings were advised to submit written comments by letter addressed to the City Clerk, One Government Center, Fall River, MA 02722 or email to [city\\_council@fallriverma.org](mailto:city_council@fallriverma.org) by Tuesday, December 1, 2020 at 3:00 p.m. to be read at the meeting.

The President called the meeting to order at 5:59 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearings was to hear all persons interested and wishing to be heard on the following:

**Curb Removals**

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas that the hearing be opened, with Councilor Christopher M. Peckham absent and not voting.*

1. Aisha M. Barbosa, 37 Seaview Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
37 Seaview Street	23' 6"	16'	0'	39' 6"

The petitioner has an existing 23 foot 6 inch driveway opening on the Woodman Street side of the property and is requesting the removal of 16 feet of curbing for a separate driveway opening for additional access on the Seaview Street side. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

*The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that Collin Dias is a proponent and there were no opponents. The City Clerk then read the testimony submitted, a copy of which is attached hereto and made a part of these minutes. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas that the hearing be closed, with Councilor Christopher M. Peckham absent and not voting.*

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was voted 8 yeas that the hearing be opened, with Councilor Christopher M. Peckham absent and not voting.

2. Maria De Amaral, 207 Stafford Road, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
207 Stafford Road removal on Palmer Street	16' 7"	18'	0'	34' 7"

The petitioner has an existing 16 foot 7 inch driveway opening on the Palmer Street side of the property and is requesting to remove an additional 18 feet of curbing for a separate driveway opening to allow for additional access on Palmer Street. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none were received. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas that the hearing be closed, with Councilor Christopher M. Peckham absent and not voting.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was voted 8 yeas that the hearing be opened, with Councilor Christopher M. Peckham absent and not voting.

3. Luiz R. Defreitas, 1641 Stafford Road, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
1641-1645 Stafford Road removal on Welcome Street	0'	47'	0'	47'

The petitioner is requesting the removal of 47 feet of curbing on the Welcome Street side of the property. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none were received. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas that the hearing be closed, with Councilor Christopher M. Peckham absent and not voting.

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas that the hearing be opened, with Councilor Christopher M. Peckham absent and not voting.

4. Rosa D. Rodrigues, 48 Thomas Street, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
48 Thomas Street	10' 6"	10' 4"	0'	20' 10"

The petitioner is requesting the removal of 10 feet 4 inches of curbing to the existing 10 foot 6 inch driveway opening to allow for additional access. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none were received. On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was voted 8 yeas that the hearing be closed, with Councilor Christopher M. Peckham absent and not voting.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was voted 8 yeas that the hearing be opened, with Councilor Christopher M. Peckham absent and not voting.

5. Antonio Mello, 40 Winifred Way, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
40 Winifred Way	16'	13'	0'	29'

The petitioner is requesting the removal of 13 feet of curbing to the existing 16 foot driveway opening to allow for additional access. The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in that area.

The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none were received.

Councilor Linda M. Pereira left the meeting at 6:10 p.m.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 7 yeas that the hearing be closed, with Councilors Christopher M. Peckham and Linda M. Pereira absent and not voting.

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Michelle M. Dionne, it was voted 7 yeas to adjourn at 6:11 p.m., with Councilors Christopher M. Peckham and Linda M. Pereira absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

Email from Collin Dias regarding 37 Seaview Street

A true copy. Attest:

*Alison M. Bouchard*

City Clerk

23

RECEIVED

**City Council**

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**From:** Collin Dias <collind00@aol.com>  
**Sent:** Wednesday, November 25, 2020 2:50 PM  
**To:** City Council  
**Subject:** [EXTERNAL] Public Hearing Input Fall River City Council

2020 NOV 30 A 10:50

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

Tuesday December 1st, 2020. Fall River City Council Public Hearings. Curb Removal #1 - PROPONENT

Collin Dias  
560 Ray Street, Fall River, Massachusetts 02720

Good afternoon Council President and members of the City Council,

I wish to speak in the proponent section of the curb removal on 37 seaview street. I believe it is important that city government remain as helpful as we can to our city residents especially in the time of a crippling pandemic. Improving access to property is the least we can do for our residents. We should also look into other ways we can help local residents and businesses.

For example, we should work to redirect CDBG funding to match grants awarded to small businesses and non profits. The city should look into creating a no interest loan fund for small businesses, if we truly want to help individuals impacted by this pandemic.

Also, instead of fining businesses, let's survey them, let's bring them to the table, virtually of course, and let's solve the current divide between our city's businesses and the administration.

Furthermore, let's create a municipal website only for COVID resources only. This can create a lot of benefits for residents.

Thank you very much for your time.

Respectfully submitted;

Collin Dias

Sent from my iPhone

## COMMITTEE ON FINANCE

**MEETING:** Tuesday, November 17, 2020 at 6:00 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

The chair called the meeting to order at 6:33 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, persons are allowed to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance. Due to the COVID-19 Essential Services Advisory, citizen input had to be submitted by email by Tuesday, November 17, 2020 at 3:00 p.m. to be read at the meeting.

The City Clerk read communications received from city residents, copies of which are attached hereto and made a part of these minutes.

1. Citizens' Input  
Jerica Washington, 200 Bayview Street – Helping homeowners protect their homes  
Collin Dias, 560 Ray Street – City's allocation of CARES Act Funding  
David Oliveira, 210 Robeson Street – City Councilors' Professionalism

2. Fiscal Year 2021 – Quarter 1 Budget Report  
*Mary Sahady stated that the Quarter 1 Budget Report ended on September 30, 2020 and is exactly as anticipated at this point in time. She then stated that total revenues to date are at 24% and that is due to vehicle excise tax bills being due in February. She then stated that expenditures are at 24.3%. The Director of Financial Services also stated that there seems to be some savings in the health insurance expenditures, as doctor's office visits and elective surgeries are not occurring due to the COVID-19 pandemic. She then stated that the Water and Sewer Enterprise Funds have high expenditures in the Quarter 1 Budget Report due to debt payments that are payable in the first quarter of the fiscal year. Mary Sahady stated that the Emergency Medical Services (EMS) Enterprise fund is showing expenses above 25% as there are some expenses that will be reimbursable through the CARES Act. Council President Cliff Ponte asked the Director of Financial Services if she could explain the use of CARES Act funds. Mary Sahady*

stated that theoretically it covers expenses that have not been budgeted for, therefore CARES Act funds may be used for insurance reimbursement for testing, doctor visits and hospitalizations that were the result of the COVID-19 virus. President Cliff Ponte then asked if the estimates for health insurance have been updated due to the pandemic. The Director of Financial Services stated that no changes have been made at this time. She then stated that due to the uncertainty of the COVID-19 pandemic it would be premature to make any changes at this time. Council President Cliff Ponte asked if the Administration is preparing to address any budgetary changes that may occur throughout the winter and into the spring due to the COVID-19 pandemic. Mary Sahady stated that all excess health insurance funds are remaining in the employer and employee health insurance trust funds. She also stated that 1/12 of the budgeted amount for health insurance is being transferred from the general fund and remaining in the health insurance trust funds, until such time that the pandemic ceases. Councilor Michelle M. Dionne stated that she would like to see the Administration continue to pursue other sources of possible income, such as billboard advertising and reducing the cost of solid waste disposal. Mary Sahady stated that there is a solid waste task force which will be working on cost saving measures and she is working with the Director of Traffic to increase parking meter fees and fines. Councilor Trott Lee asked if there has been any progress made regarding the storage facility rentals. Mary Sahady stated that there are three different departments that are renting locations within the City. She then stated that the Administration is working with the Redevelopment Authority regarding property that they may be acquiring and they are hopeful that all three departments may be able to move to one storage location. Councilor Linda M. Pereira stated that possibly a metal storage building may be constructed at the current Department of Community Maintenance Facility on Lewiston Street. The Director of Financial Services stated that discussions have begun regarding this possibility, but there has been no determination regarding the dimensions of the building or the best location for such a building. Councilor Bradford L. Kilby stated that he is in agreement that the Administration needs to work on a storage facility as soon as possible. Council President Cliff Ponte requested that the Director of Financial Services speak with the Administration and request that this matter be moved forward quickly, as winter is fast approaching and equipment needs to be stored out of the elements.

### 3. Transfers and appropriations

- Mayor and order to reduce \$1,000,000.00 from the School Transportation Appropriation thereby reducing the Annual Budget for FY 2021

The Director of Financial Services stated that this reduction is basically a housekeeping function, it is a reclassification of the way school transportation was being classified in the operating budget.

- Mayor and order appropriating \$1,194,155.00 from the increase in Cherry Sheet State Aid to the following:
 

Education – All Other	\$	50,738.00
Insurance	\$	63,313.00
State and County Assessments	\$	1,080,104.00

The Director of Financial Services stated that this is an order to adjust the budget, and this matter was discussed during the budget deliberations and it was stated that adjustments would need to be made to the budget before the recap would need to be approved by the Department of Revenue (DOR). She then stated that the largest amount is the adjustment to the Charter School Assessments to the change in the Cherry Sheet Assessments. She also stated that the \$50,738.00 transfer for Education – all other is for Diman Regional Vocational Technical High School and Bristol County Agricultural High School. Mary Sahady then stated that property insurance premiums were received recently and are \$63,313.00 higher than what was listed in

*the Fiscal Year 2021 Budget. Councilor Linda M. Pereira stated that the State Delegation has worked diligently to increase funding for Fall River even with the COVID-19 pandemic.*

- Mayor and order appropriating \$250,000.00 from the General Fund FY20 Surplus Revenue (Free Cash) to the Capital Project Fund for police vehicles

Citizens' Input Time – After Discussion of Financial Matters:

None

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was voted 9 yeas to adjourn at 7:00 p.m.*

List of documents and other exhibits used during the meeting:

Citizens' Input Communications

Agenda packet (attached)

DVD of meeting

*Cullen A. Taylor*  
Clerk of Committees

**NOVEMBER 17, 2020**

**COMMUNICATIONS**

**SUBMITTED**

**FOR**

**CITIZENS' INPUT**

11/12/2020

Mail - City\_Council@fallriverma.org

24

Re: [EXTERNAL] Fwd: Resident Input: How to help homeowners protect their homes

Jerica Washington <jdarleenwashington@gmail.com>

Thu 11/12/2020 10:44 AM

To: City Council <City\_Council@fallriverma.org>;

RECEIVED

2020 NOV 12 A 10:52

CITY CLERK  
FALL RIVER, MA

Thank you for the clarification. Here's a summary of the article and my written input:

Summary:

The Consumer Finance Protection Bureau shapes everyday forums with more than just breaking news and journal entries.

Most recently, the CFPB has addressed homeowner's questions about what to do to guard their financial well being during a pandemic such as this one.

..."More than half a million homeowners who missed mortgage payments since the start of the pandemic have not yet opted into forbearance. And some homeowners are exiting forbearance and stumbling..."

Input:

While the CFPB can only stand in between the consumer and interagency relationships, I believe local government can move to promote the value of it's hometown consumers. Because the City Council is closer.

I propose that the City Council of Fall River conduct a motion to advertise all relative CFPB recommendations.

-Subscribe to CFPB for future reference and real resources that might promote methods of financial protection in the City of Fall River.

- recognize that there are homeowners in Fall River, MA who are otherwise disconnected from the prosperity & resiliency of the Commonwealth without essential knowledge.

- strive to be more reliable

Respectfully,

Jerica D. Washington

Washington Research & Legal Analyst

Paralegal

Address: 200 Bayview St, Fall River, MA 02724

Phone: 857-251-2998

God is Love. 1John 4:16 Pray

On Thu, Nov 12, 2020, 10:25 AM City Council <City\_Council@fallriverma.org> wrote:

Good morning Ms Washington,

Thank you for your email.

Is it your intention to address the City Council regarding this topic as citizens input at the next City Council Meeting?

24

11/12/2020

Mail: City\_Council@fallriverma.org

If so, citizens input needs to be a written communication providing your name and home address that can be read within three minutes. We can not accept a link as a communication for citizens input.

If you intend on submitting a statement, we would need to receive it by 3:00 p.m. on Tuesday, November 17th in order to be read at the meeting.

I hope this information is helpful. If you have any question please feel free to ask.

Sincerely,

Cat

*Cathy A. Howard*

*Assistant Clerk of Committees*

*Office of the City Council*

*One Government Center*

*Fall River, MA 02722*

508-324-2233 O

508-324-2234 F

[city\\_council@fallriverma.org](mailto:city_council@fallriverma.org)

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From: Jerica Washington <[jdarleenwashington@gmail.com](mailto:jdarleenwashington@gmail.com)>

Sent: Wednesday, November 11, 2020 2:38:12 PM

To: City Council

Subject: [EXTERNAL] Fwd: Resident Input: How to help homeowners protect their homes

Jerica D. Washington

Washington Research & Legal Analyst

Professionally Independent Paralegal (Practitioner)

Phone: 857-251-2998

God is Love. 1John 4:16 Pray

----- Forwarded message -----

From: Jerica Washington <[jdarleenwashington@gmail.com](mailto:jdarleenwashington@gmail.com)>

Date: Tue, Nov 10, 2020, 11:57 AM

11/12/2020

Mail - City\_Council@fallriverma.org

Subject: Resident Input: How to help homeowners protect their homes

To: Mike Dion <[mdion@fallriverma.org](mailto:mdion@fallriverma.org)>, Mayor <[mayor@fallriverma.org](mailto:mayor@fallriverma.org)>, Mayor Office <[ccabral@fallriverma.org](mailto:ccabral@fallriverma.org)>

..."More than half a million homeowners who missed mortgage payments since the start of the pandemic have not yet opted into forbearance. And some homeowners are exiting forbearance and stumbling..."

Read more by the CFPB - [https://www.consumerfinance.gov/about-us/blog/how-help-homeowners-protect-their-homes/?utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=CFP](https://www.consumerfinance.gov/about-us/blog/how-help-homeowners-protect-their-homes/?utm_source=newsletter&utm_medium=email&utm_campaign=CFP)

Jerica D. Washington

Washington Research &amp; Legal Analyst

Paralegal

Address: 200 Bayview St, Fall River, MA 02724

Phone: 857-251-2998

God is Love. 1John 4:16 Pray

11/12/2020

Mail - City\_Council@fallriverma.org

24

Re: [EXTERNAL] Question

Collin Dias <collind00@aol.com>

Thu 11/12/2020 12:42 PM

To: City Council <City\_Council@fallriverma.org>

RECEIVED

2020 NOV 12 P 12:59

CITY CLERK  
FALL RIVER, MA

Hello Cat I wish to withdraw my old citizens input and I wish to submit a new slightly modified citizens input.

Citizens Input, Collin Dias 560 Ray Street, Fall River Massachusetts, 02720  
November 17th, 2020 Fall River City Council Committee on Finance

Topic: City's Allocation of CARES act funding

Good afternoon Council President and members of the City Council,

I am writing to this council today regarding providing care for our veterans in Fall River and allocations of taxpayer funding to quote on quote "charitable organizations". Let me just say that the City of Fall River has a great veterans department and a great veterans agent. I believe it is important for communities to provide quality care for veterans and any little service we can to make a veterans life better goes a long way.

I have several issues, however, with the recent allocation of taxpayer funding of One Hundred Thousand Dollars from the City of Fall River via CARES act funding to the Veterans Association of Bristol County.

As advocates of the taxpayer, we must hold the city accountable for every dollar and be vigorous in our accountability as stewards of the taxpayer. I have issues with the allocation of funding to the VABC because if you review the 2017 tax year filing of the VABC, the VABC received \$209,209 in revenue and spent \$148,714 in expenses. Out of the \$148,714 in expenses, \$80,394 went towards the salaries for VABC employees and only \$31,703 went towards program activities. The Better Business Bureau has set guidelines for charity accountability, and one of the guidelines is set for the allocations of public charities expenditures. The standards is that a charity should allocate NOT LESS than 65% of its total expenses on program activities.

The 2017 return shows us that the only 21.3% of the VABC expenses were for veterans activities. 54.06 % of VABC were for salaries, instead of providing further programs and support for veterans in our great community.

That is a sham. I am very disgraced that this is where public taxpayer funding is going, not just on the city level but also the VABC receives state funding. And as a proud resident of this city, I am furious, and I will not stand for it. The taxpayers deserve an advocate. The city should deeply look into this and refer this to corporate counsel, or even call for an audit of VABC funding.

And the council does not have to go far to start its investigation, the executive director of the VABC at the time, who signed off on the tax return, is a current city councilor. I believe this is fiscal mismanagement at the very least, and at the very most, this is a big disservice to the taxpayers and to veterans in our community where the VABC spends vastly more on salaries then veterans expenses.

Thank you very much,

Respectfully submitted

Collin Dias

Sent from my iPhone

11/17/2020

Mail - City\_Council@fallriverma.org

24

[EXTERNAL] city councilors professionalism

acwdave <acwdave@aol.com>

Mon 11/16/2020 7:06 PM

To: City Council <City\_Council@fallriverma.org>;

RECEIVED

2020 NOV 17 A 9:54

CITY CLERK  
FALL RIVER, MA

Dear Councilor President Ponte an Vice President Pam Laliberte an memebers of the councilors.

Tonight I am writing to you all about the professionalism of this city council. We are in very hard times an not being able to use the chamber during the virus the city still needs to be ran. So as I am not a fan of zoom but its all we have. But I have noticed going zoom. There hasnt been a meeting that goes by, where we see seat 3 ego get the best of him. An his attacks on seat 1 an an the disrespect to councilor president. I agree there shouldn't of been discussion on that motion to table. But for one resident I have to agree with seat 1. An his frustration an who like to know why we make motions an if we table something just let the public an have some conslderation of ur fellow councilor. But you are the face of this city representing our pocketbooks lets do the job an lets do it respectfully. An councilor 3 should apologize to city councilor president who I have to say run very good meetings an calling him a pelce of work is just unprofessional. Do the right thing or resign we dont need negative on this city council. Thank you for your time an all you can do to try to make fall river get ahead.

David Oliveira  
210 Robeson st.  
Fall River Ma.

Sent from my Sprint Samsung Galaxy S10.

## COMMITTEE ON FINANCE

**MEETING:** Tuesday, December 1, 2020 at 6:00 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,  
Leo O. Pelletier and Linda M. Pereira

**ABSENT:** Councilor Christopher M. Peckham

**IN ATTENDANCE:** Mary Sahady, Director of Financial Services  
William Kenney, City Planner  
Attorney John J. Coughlin, Counsel for Fall River Redevelopment Authority  
John Perry, Director of Community Maintenance  
Christopher Gallagher, Director of Facilities Maintenance  
Sarah Page, Executive Director, Fall River Redevelopment Authority

The chair called the meeting to order at 6:15 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, persons are allowed to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance. Due to the COVID-19 Essential Services Advisory, citizen input had to be submitted by email by Tuesday, December 1, 2020 at 3:00 p.m. to be read at the meeting.

The City Clerk read communications received from city residents, copies of which are attached hereto and made a part of these minutes.

### 1. Citizens' Input

Joseph F. Carvalho, 575 Eastern Avenue – Landfill

Eric Sowersby, 22 Apple Creek Lane – Proposal for Municipal Internet

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was voted 6 yeas, 1 nay to forward this communication to Corporation Counsel, with Councilor Shawn E. Cadime voting in the negative, Councilor Linda M. Pereira absent due to technical difficulty and not voting and Councilor Christopher M. Peckham absent and not voting.*

Charlie Pereira, 707 Norman Street – Fall River EMS

David Oliveira, 210 Robeson Street – COVID-19 and City's handling

Collin Dias, 560 Ray Street – Recent meetings of School Committee, PARC Grants and City Council priorities

2. Discussion re: draft Memorandum of Agreement transferring ownership of the Bank Street Armory from the City of Fall River to the Fall River Redevelopment Authority and legal opinion regarding the proposed transfer from Corporation Counsel

The Director of Financial Services provided an overview of the Memorandum of Agreement regarding the Bank Street Armory. Councilor Trott Lee asked if a non-profit entity were to purchase the Bank Street Armory, would they be required to enter into a payment in lieu of taxes (PILOT) agreement and what that amount would be. The Director of Financial Services stated that the amount would be based upon the value of the property once renovations are complete. Councilor Trott Lee then asked if the time had elapsed for the developer to complete any necessary renovations, would the Bank Street Armory revert back to the City of Fall River? The Director of Financial Services stated that the property would revert back to the Redevelopment Authority (RDA) and then back to the City of Fall River. Councilor Michelle M. Dionne then stated that item #9 in the Draft Memorandum of Agreement states, "In the event that the RDA acquires title to the Armory back from the private developer at any time hereunder then the City shall thereafter have a right of reverter to acquire back title to the Armory from the RDA and the RDA shall execute all documents necessary to vest title to the Armory back to the City." The Director of Financial Services stated that if there are any items that the City Council would like to see in the Memorandum of Agreement, they could speak with Attorney John J. Coughlin to have the matter considered by the RDA. Councilor Pam Laliberte-Lebeau stated that Councilor Michelle M. Dionne had found information stating that the possible purchaser of the Bank Street Armory owed back taxes on another property that he owns. Councilor Pam Laliberte-Lebeau then stated that she spoke with the Director of Financial Services and asked that she inquire in the other cities and towns that the proposed buyer owns property, to see if the real estate taxes were current. She then stated that the other locations are:

- Pawtucket, Rhode Island
- Worcester, Massachusetts
- Keene, New Hampshire
- Concord, New Hampshire
- Woonsocket, Rhode Island

The Director of Financial Services stated that she worked with the Mayor earlier in the day to contact these cities and towns to determine if all taxes due were paid on the properties in question. She then stated that they did not receive an answer to the message that was left in Keene, New Hampshire, and the City Hall in Pawtucket, Rhode Island is closed from November 30<sup>th</sup> to December 13<sup>th</sup> due to the COVID-19 Pandemic. She also stated that no one was available in Woonsocket, Rhode Island and she believes that the City Hall there may also be closed due to the pandemic. Additionally, she stated that she did not have time to contact Concord, New Hampshire. Councilor Pam Laliberte-Lebeau also asked the City Planner, why do we need to transfer this property to the RDA to sell? The City Planner stated that by transferring the property to the RDA, the RDA would be in essence an agent and partner for the City of Fall River. He further stated that the RDA has the flexibility to negotiate with someone who has presented themselves as an interested party and that the alternative would be to have the City of Fall River sell the property through the Chapter 30B process. He also stated that when there is interest the only way to communicate directly with an interested party is through the RDA, because they are exempt from the Chapter 30B process. He also stated that the RDA can begin negotiations the day that the City Council approves the transfer, within the guidelines that have been set forth in the Memorandum of Agreement. He then stated that if for some reason the process doesn't come to a successful conclusion, then the property will be transferred back to the City. Councilor Bradford L. Kilby stated that most of his questions have been answered, but he is happy to see

movement on this property as this is a property that needs to be preserved. He also stated that he would like to see this matter referred to the Committee on Real Estate for further vetting. Council President Cliff Ponte stated that this matter is in the Committee on Finance for discussion and it is also on the agenda for tonight's Regular City Council Meeting, at which time it would be the appropriate to refer the matter to the Committee on Real Estate if it was the Council's will to do so. Mr. Kenney stated that the Bank Street Armory is a critical link between the waterfront and downtown. He then explained that the interested party is Brian Thibeault, who can be found if the Council Googles the Pawtucket Armory or any of his other projects. He also stated that to transform the Bank Street Armory in the manner that the Pawtucket Armory was renovated would be a great asset to the City of Fall River. Councilor Michelle M. Dionne asked if a developer is a non-profit and they did not want to agree to a PILOT, what would occur? The Director of Financial Services stated that the purchase and sales agreement would include a PILOT agreement, but the PILOT would be a matter of contract law as opposed to real estate taxes, which would be enforceable. Councilor Michelle M. Dionne then stated that there is an application pending for Community Preservation Act (CPA) funding for this property. She then asked what will happen to this application if this property is transferred to the RDA. The City Planner stated that CPA funds can be used by private agencies of the City or by private individuals, so the prospective buyer of the Bank Street Armory could apply for funding which they would be entitled to do. Councilor Michelle M. Dionne then asked if the pending application would need to be withdrawn by the City if the transfer to the RDA would take place. The Director of Financial Services stated that is correct and there are also CPA funds that were approved but have not yet been spent and she then stated that those funds would revert back to the Community Preservation Committee (CPC). Councilor Linda M. Pereira stated that the vetting should be conducted by the RDA. She then stated that the proposal is for an event center to host wedding receptions, craft fairs and other similar events. She also stated that if there are taxes owed on the Pawtucket Armory, it could be due to the COVID-19 Pandemic since no large events have been allowed for many months. Councilor Linda M. Pereira then stated that she is in favor of transferring the property to the RDA. Councilor Shawn E. Cadime stated that he is in favor of transferring the property to the RDA, as the property does need to be developed. He stated that since the MOA includes clauses that the property would revert back to the City if not sold within six months and also a right to first refusal to acquire the property back, if the property were put up for sale after development, he believes that the City is sufficiently protected. He also mentioned that he would like to see updates made to the MOA, to include language that if the developer is considering selling the property that the City would have the right of first refusal, which would be prior to an actual sale. Attorney John J. Coughlin stated that if this property is turned into an event center, that may not actually be considered for public use. He then stated that language can be added to the MOA that states if the owner wants to change the use of the building from something other than what the building was originally sold for, then the City would have the option to reacquire the property. Council President Cliff Ponte stated that he is also in favor of this transfer, as it is an opportunity for the City to take full advantage of an underutilized or a non-utilized property which would possibly sit vacant for many years to come. Councilor Bradford L. Kilby stated that he is not prepared to support this transfer tonight, he would rather table the matter for changes to the MOA to be made in writing. The Executive Director for the Fall River Redevelopment Agency stated that she does not feel that a small delay would be a huge problem. She then stated that this is an incredible opportunity for the City of Fall River to get this property useful and paying taxes or a PILOT, which would also help with the revitalization of the downtown area. She also stated that she would urge the City Council to move this matter along quickly. Councilor Shawn E. Cadime stated that the building cannot be demolished due to the use of CPA funds.

3. Resolution – Discuss funding for the construction of storage area/facility  
 Council President Cliff Ponte stated that the Mayor contacted him earlier in the day and his Administration is not prepared to discuss this matter yet, as they are still working on it. The Director of Financial Services stated that the City is paying \$62,400.00 annually for rental properties. She then stated that the Director of Community Maintenance is in discussions regarding the cost of constructing a 150' x 80' building. She also explained that the City will need to bond for the construction costs of this building over the course of 20 years, and therefore the City would not be paying rental costs, but would be paying on the debt incurred for the construction. Councilor Trott Lee stated that the intent of this discussion was to save funds, not to spend more funds than the City is currently spending to rent the various locations. The Director of Financial Services stated that the estimate to construct a building would be between \$1.5 and \$2 million dollars. Councilor Trott Lee then stated that this may not be worth pursuing as the bond repayment costs would far exceed the rental fees. The Director of Financial Services stated that the construction would be more involved than just constructing a metal building on a cement slab. Councilor Linda M. Pereira expressed that in the long run, it will be a savings but not initially. She then stated that it may be beneficial to investigate the possibility of having a school construct the building.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was voted 4 yeas, 4 nays to table with matter, with Councilors Shawn E. Cadime, Michelle M. Dionne, Pam Laliberte-Lebeau and President Cliff Ponte voting in the negative and Councilor Christopher M. Peckham absent and not voting and the motion did not carry.

Councilor Shawn E. Cadime stated that he will support the motion to table after all Councilors have an opportunity to speak. He then stated that the Lewiston Street Garage needs to be updated and renovated. Councilor Leo O. Pelletier asked the Director of Community Maintenance how large the parcel of land is that houses the Lewiston Street Garage. The Director of Community Maintenance stated that parcel is 4.7 acres. He also stated that the cost to purchase the structure is one amount, but then there is the cost of the infrastructure for the building, such as electrical, plumbing, foundation and fire suppression. He then stated that a decision needs to be made regarding the property on Lewiston Street and if this location is going to be the permanent home for the Department of Community Maintenance. Councilor Linda M. Pereira asked the Director of Community Maintenance for the cost of a metal building. The Director of Community Maintenance stated that just the building costs between \$10.00 and \$12.00 per square foot. He then stated that does not include any necessary infrastructure for the building. He also stated that after research, he has determined that a building 170' x 80' would be needed to house all equipment.

On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas to table the matter, with Councilor Christopher M. Peckham absent and not voting.

Citizens' Input Time – After Discussion of Financial Matters:  
 None

Councilor Leo O. Pelletier left the meeting at 8:20 p.m. due to an emergency.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Bradford L. Kilby, it was voted 7 yeas to adjourn at 8:21 p.m., with Councilors Christopher M. Peckham and Leo O. Pelletier absent and not voting.

List of documents and other exhibits used during the meeting:

Citizens' Input Communications

Agenda packet (attached)

DVD of meeting

*Colleen A. Taylor*  
Clerk of Committees

**DECEMBER 1, 2020**

**COMMUNICATIONS**

**SUBMITTED**

**FOR**

**CITIZENS' INPUT**

11/23/2020

Mail - City\_Council@fallriverma.org

25

[EXTERNAL] RE: Landfill Powerpoint

JOSEPH F CARVALHO <jcarvalho02720@msn.com>

Fri 11/20/2020 12:51 PM

To: City Council <City\_Council@fallriverma.org>;

Cc: Trott Lee <tlee@fallriverma.org>;

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

city\_council@fallriverma.org

Sent on my Samsung Galaxy S®

----- Original message -----

From: BRIAN PEARSON <btrekman@comcast.net>

Date: 10/30/2020 11:38 AM (GMT-05:00)

To: Joe BikeCarvalho <jcarvalho02720@msn.com>, Everet BikeCastro <castro.everett@gmail.com>

Subject: Landfill Powerpoint

see attached As the Special Projects for Green Futures and the vice president of the Flint neighborhood association, I am deeply concerned regarding Republic Services plan to place one million tons of impacted fill at the dump. My concerns range from who will actually be testing the impacted soil and what is the oversight for such a massive amount of fill, to the location of where the fill will be located, especially importance is this fills proximity to the city's water supply. Republic Services has said that they will take impacted soil from sites such as the former St. Vincents home which as part of the Shell tanks that leaked over the years, is hardly "lightly contaminated"! I strongly urge that Fall River take stringent measures to insure the safety of our drinking water.

Joseph Carvalho  
Special Projects Director  
Green Futures

11/23/2020

Mail - City\_Council@fallriverma.org

25

[EXTERNAL] RE: Landfill Powerpoint

JOSEPH F CARVALHO <JCARVALHO02720@msn.com>

Fri 11/20/2020 6:13 PM

To: City Council <City\_Council@fallriverma.org>;

Please have my statement read during citizens input and distributed to all of the council members.

Joseph Carvalho

575 Eastern Avenue

Fall River, MA 02723

Thank you.

Sent on my Samsung Galaxy S® 5

----- Original message -----

From: City Council <City\_Council@fallriverma.org>

Date: 11/20/2020 1:07 PM (GMT-05:00)

To: JOSEPH F CARVALHO <jcarvalho02720@msn.com>

Cc: Trott Lee <tlee@fallriverma.org>

Subject: Re: Landfill Powerpoint

Good afternoon Mr. Carvalho,

Thank you for your email.

I noticed that there is no attachment.

Would you like to forward the powerpoint that the email references?

Also would you like this to be distributed to all the Councilors or was it your intention to have this statement read as citizens input for the next City Council meeting scheduled for December 1, 2020?

If that is your intention, could you please provide your address for our records.

Sincerely,

Cathy

*Cathy A. Howard*

*Assistant Clerk of Committees*

*Office of the City Council*

*One Government Center*

*Fall River, MA 02722*

508-324-2233 O

508-324-2234 F

*city\_council@fallriverma.org*

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From: JOSEPH F CARVALHO <jcarvalho02720@msn.com>

Sent: Friday, November 20, 2020 12:51 PM

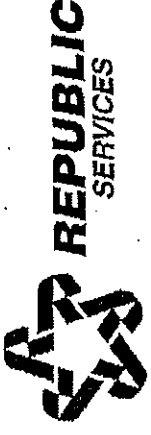


**REPUBLIC  
SERVICES**

We'll handle it from here.



## BFI Fall River Landfill Soils Management Project



## Project Summary

- Soil Management Project to include the acceptance of mildly impacted soils at the closed Fall River Landfill
- Governed by Mass DEP Policy # COMM-15-01, *Interim Policy on the Re-Use of Soil for Large Reclamation Projects*
- Regrade a portion of the closed Landfill with suitable soils in preparation for a post-closure use of the Landfill
- Photo-voltaic solar arrays on the closed landfill surface for the generation of clean energy.



## MassDEP Authorization Requirement

- MassDEP policy requires "...local officials are aware of the project and have been afforded the opportunity for meaningful input"



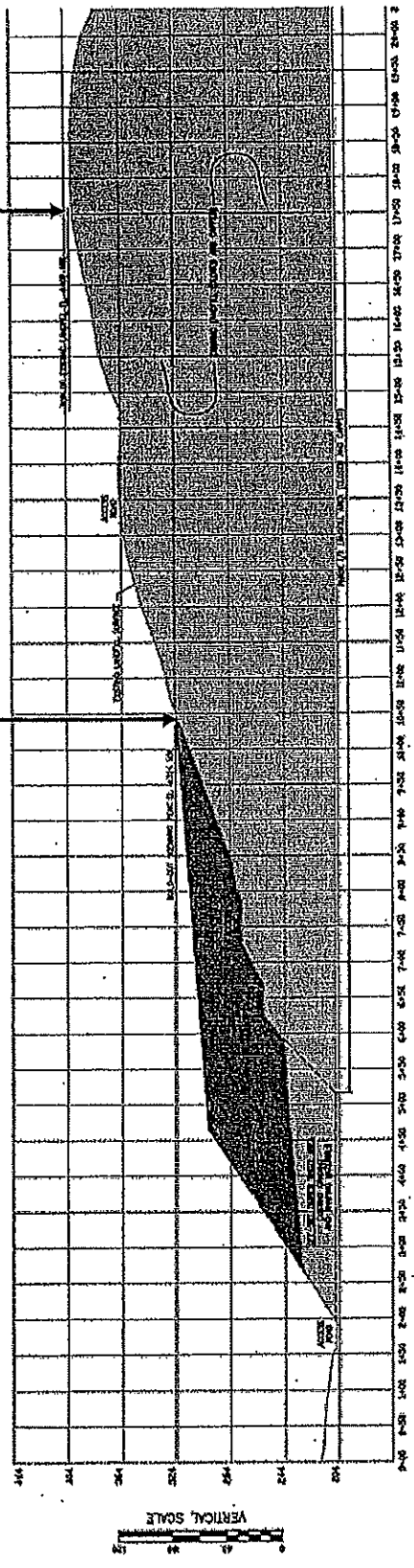
## Soil Acceptance Criteria

- Soils from commercial redevelopment projects containing low level contamination. The levels are so low that they are below MassDEP's reportable standards.
- The applicable MassDEP standards are referred to as RCS-1 and RCS-2
- As an example, soil to be excavated as part of the South Coast Rail Project
- There will be no hazardous waste or solid waste accepted.
- All soils will be subject to testing according to Soil Management Plan.

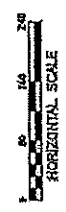


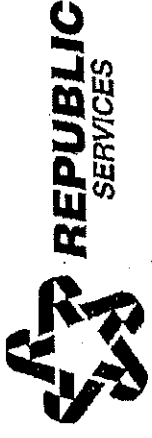
EL-402'  
MSL

EL 324'  
MSL



BIG FALL RIVER LANDFILL  
CROSS SECTION A-A





## Project Details

- Project Capacity 708,000 cubic yards or ~1,000,000 tons of soil
- Project Duration: 4-5 years of fill activity
- Maximum elevation of project does not exceed height of existing landfill
- Soil Types: RCS-1 and RCS-2



## Project Benefits

- Prepare the site for future post closure project
  - Solar energy project
- Generate economic benefit to City of Fall River
  - Revenue Share per ton



We'll handle it from here.®

Questions?

11/24/2020

Mail - City\_Council@fallriverma.org

25

## [EXTERNAL] Proposal for municipal internet

Eric Sowersby <ericsowersby@gmail.com>

Tue 11/24/2020 8:11 AM

To: City Council <City\_Council@fallriverma.org>;

RECEIVED

2020 NOV 24 A 10:52

CITY CLERK  
FALL RIVER, MA

City councilors of Fall River,

I do not normally reach out to my town representatives but I came upon news today that will critically impact my ability to work from home during this pandemic. Recently Comcast xfinity notified its customers that starting in January it will now have an internet data cap, charging if customers go over a limit. Historically, if a customer exceeds a data cap, they will throttle (slow) down their data after that point but no extra charges are made.

They mention a data cap of 1.2 TB, which may sound exorbitant but with kids and spouses home from school and work this only takes a few 4K movies and zoom calls for a few hours a day and they will have exceeded that limit. This can cause an internet bill of over \$300 a month for some families and requires them to use Comcast hardware as opposed to their own private modems if they pay extra for their "unlimited plan".

Additionally, there are other Fall River residents like me, who work IT jobs and siphon through large amounts of data daily. With federal net neutrality repealed and a state level version (bill S.1936) unclear on data caps, this leaves large internet providers like Comcast to take advantage of their customers during a pandemic where the internet is the only way to keep people like me employed.

Though I come to you with a problem, I also come to you with a solution; city municipal internet. City owned municipal internet plans offer a local solution that benefits both city members and the city itself over time. Of course, upfront costs to set up such a program would cost several millions of dollars but the year on year return would eliminate that deficit over a period of several years.

Cities like Quincy, Lowell, and Braintree are offering programs like this with tremendous success, even raising property values by 3% and studies from Harvard have shown that community owned internet is statistically cheaper and more successful than big name internet companies.

I implore you all to seriously look into this plan. I think it would both benefit the city of Fall River and its residents, giving them the option to choose local internet over their singular option that is price gouging its customers. I would love to provide more information and even have the pleasure of knowing the former city councilor of Lowell who proposed their initial municipal internet bill and could even ask for her experience to aid you if this is a path viable to the city.

Below is the link for the Harvard study if you would like to read it.

[https://dash.harvard.edu/bitstream/handle/1/34623859/2018-01-16-Pricing\\_Final.pdf?sequence=5&isAllowed=y](https://dash.harvard.edu/bitstream/handle/1/34623859/2018-01-16-Pricing_Final.pdf?sequence=5&isAllowed=y)

Very Respectfully,  
Eric Sowersby  
22 Apple Creek Ln, Fall River MA

25

RECEIVED

City Council

**From:** Charles Pereira <cpereira0911@icloud.com>  
**Sent:** Sunday, November 29, 2020 5:59 PM  
**To:** City Council  
**Subject:** [EXTERNAL] Fall River EMS

2020 NOV 30 A 11:50

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

Hi

This message is for the city council. I'm a current resident of the city and have been since my parents emigrated to Fall River in 1969. On October 8th of this year I had a medical emergency that required Fall River EMS to respond to my residence. My experience with the 2 paramedics that responded that night was shocking and frightening. I requested a EMS summary of that night and was shocked to find fraudulent documentation on the report. I've been a nurse for almost 19 years and I'm well versed in medical assessments and terminology. I am asking to speak directly to you folks so that I can tell my story.

Thank you

Charlie Pereira

707 Norman St., F.R., MA 02721

Sent from my iPhone

25

RECEIVED

City Council

2020 NOV 30 P 12:59

From: acwdave <acwdave@aol.com>  
Sent: Monday, November 30, 2020 11:49 AM  
To: City Council  
Subject: [EXTERNAL] Covid-19 an city handling.

CITY CLERK  
FALL RIVER, MA

Councilor President Ponte, Vice President Laliberte, members of the city councilors.

Hope all had a great stuffing holiday!!!!

I am writing to you guys today really concerned on the handling of the covid. The one person that should care i believe is making the issues worse. I hear there is a Christmas tree lighting scheduled for Sat. If that is true are we inviting the public to this? An if we are then shame on Paul Coogan. We shouldn't as a city shouldnt be promoting no gatherings of anything. An i think Paul Coogan has failed his role to protect the citizens of this city. I applaue councilor president for doing what the governor is instructing. An that is keeping himself an his council members safe an doing zoom meeting till further noticed that is good leadership. I ask that this board write letter to Paul Coogan an tell him he should follow the rules of no gatherings an do not have a light of the tree. If we wanna then go remote. We are suppose to save lives not add to the testing or death. Thank you

Stay safe.  
David Oliveira

Sent from my Sprint Samsung Galaxy S10.

210 Robeson St.  
Fall River, MA  
02720

25

RECEIVED

**City Council**

**From:** Collin Dias <collind00@aol.com>  
**Sent:** Monday, November 30, 2020 1:54 PM  
**To:** City Council  
**Subject:** [EXTERNAL] Fall River City Council Citizens Input

2020 NOV 30 P 2:19

CITY CLERK  
FALL RIVER, MA

Collin Dias, 560 Ray Street, Fall River, Massachusetts 02720 Fall River City Council Committee on Finance December 1st, 2020 meeting citizens input.

Topic: City Affairs

Good afternoon Council President and members of the City Council,

I wish to speak on a few pressing matters facing our city.

First I wish to reiterate the grave concerns regarding the recent meetings of the School Committee and the complaints levied against Superintendent Matthew Malone. I just wish to state as a resident of this community, I am appalled by the lack of transparency by the administration and the school department regarding the hiding of information regarding the nature of the complaints, or even who the complaints are against. I am completely dumbfounded as to why the administration or the school department can not give a mere statement as to the nature of the complaint. Obviously, we don't want to impede or obstruct any investigation, and understand that every bit of information cannot be released, however the public has a right to know when there is misdoing by any of our public officials, and if the city is at risk for liability. Obviously these can not be small complains if the school committee is meeting in executive session for 4 hours at a time.

The city council has a role to maintain public accountability and transparency in government, and you should be demanding the administration provide an update to the public. The silence of all the City Councilors on this issue is also appealing.

On another note, I wish to discuss two items on the council agenda tonight. Number one. I believe PARC grants should be used to improve park architecture and cracks in walk paths in parks, along with upgraded security in parks such as surveillance and quote on quote "park police".

Secondly, I believe the city council is not focusing on the proper priorities. There is a resolution submitted to the city council that alleges city residents are complaining about the upcoming soils management project in the city dump. The councilor who submitted this resolution should know there are no city residents within miles of the dump, so I am confused to why there are complaints about this. I have attached a copy of a map of the City of Fall River in cause said councilor forgot that the city dump has no residential housing within multiple miles. I believe this resolution amounts to micromanaging, and city council efforts should be focused elsewhere.

Thank you very much for your time.

Respectfully submitted,

Collin Dias

Sent from my iPhone

## REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, November 17, 2020 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 7:00 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 to reduce \$1,000,000.00 from the School Transportation Appropriation thereby reducing the Annual Budget for FY 2021

*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.*

2. Mayor and order appropriating \$1,194,155.00 from the increase in Cherry Sheet State Aid to the following:

Education – All Other	\$ 50,738.00
Insurance	\$ 63,313.00
State and County Assessments	\$ 1,080,104.00

*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.*

3. Mayor and order appropriating \$250,000.00 from the General Fund FY20 Surplus Revenue (Free Cash) to the Capital Project Fund for police vehicles

*Councilor Michelle M. Dionne asked if the vehicles are currently on order. The Director of Financial Services stated that these vehicles are already on order and were submitted to be funded by the CARES Act, unfortunately the Federal Government does not allow these funds to be used for the purchase of vehicles. She then stated that the regulations do allow for the leasing of vehicles, but the City did not want to lease police vehicles. Councilor Michelle M. Dionne then stated that these discussions should have occurred prior to the purchase of the police vehicles. Councilor Christopher M. Peckham asked how many vehicles will be purchased with the \$250,000.00. The Director of Financial Services stated that five vehicles will be purchased. Councilor Bradford L. Kilby stated that five police vehicles are very significant to the Police Department. Councilor Trott*

Lee stated that he fully supports public safety. 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.

4. Mayor and orders as follows:

- a. An Act relative to the abolishment of the Board of Police
- b. An Act relative to the abolishment of the Board of Fire Commissioners

A motion was made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee to refer both items a. and b. to the Committee on Ordinances and Legislation. Councilor Linda M. Pereira stated that one of the first resolutions that she filed was to review all boards and commissions and the resolution was referred to Corporation Counsel. She then stated that she believed that the recommendations from Corporation Counsel would be discussed further in the Committee on Ordinances and Legislation. Councilor Christopher M. Peckham stated that he would like to see this matter referred to the Committee on Public Safety for further discussion. Councilor Michelle M. Dionne asked if anyone had spoken to either the Chief of Police or the Fire Chief regarding this matter. Councilor Linda M. Pereira stated that she has spoken to both the Chief of Police and the Fire Chief and both stated that these boards are now primarily ceremonial and have not convened a meeting in a very long time. Councilor Shawn E. Cadime stated that Corporation Counsel has already vetted this matter with the proper individuals. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adopt both items a. and b. and send a letter to the Mayor and the Chair of the Public Safety Committee to work on the possible establishment of boards or commissions that would have a different scope of responsibilities to oversee both the Police and Fire Departments (copy of said letter is attached hereto and made a part of these minutes).

Approved, November 18, 2020, Paul E. Coogan, Mayor

5. City Assessor and orders for the establishment of the Fiscal Year 2021 tax factor and tax levy.

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 for a tax shift at 1.75.

Approved, November 18, 2020, Paul E. Coogan, Mayor

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to waive the reading of the following order for the tax levy. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was voted 9 yeas, to adopt the order for the tax levy.

Approved, November 18, 2020, Paul E. Coogan, Mayor

**PRIORITY COMMUNICATIONS**

6. Traffic Commission recommending amendments to traffic ordinances

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

7. Communication from Councilor Trott Lee to Governor Charles D. Baker regarding the COVID-19 Order No. 54

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 8 yeas that the communication be accepted and placed on file, with Councilor Trott Lee abstaining.

**COMMITTEE REPORTS** – None

**ORDINANCES** – None

**RESOLUTIONS**

8. Committee on Finance convene to determine response to Governor's COVID-19 Order No. 54 advocating for the balance of financial preservation and public safety measures  
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was voted 6 yeas, 3 nays that the resolution be granted leave to withdraw, with Councilors Trott Lee, Christopher M. Peckham and President Cliff Ponte voting in the negative.*

**CITATIONS**

9. Veterans of Foreign War Post 486 in celebration of their 100<sup>th</sup> Anniversary  
*Councilor Linda M. Pereira stated that she will attend their next meeting and present the citation. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 9 yeas to adopt the citation.*

**ORDERS – HEARINGS**

**Auto Repair Shop License:**

10. Charbel Sarkis, 2 Fisherman Road, Fairhaven, MA, d/b/a R & M Auto Service, for a license to operate an auto repair shop at 703 Brayton Avenue  
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adopt the order.*  
*Approved, November 18, 2020, Paul E. Coogan, Mayor*

**ORDERS – MISCELLANEOUS**

11. **Police Chief's report on licenses:**

**2020 Taxicab Drivers:**

Carol DeMelo Charles R. Phifer

**2021 Taxicab Drivers:**

Thomas Andrade Robert M. Collins Jr. Gilbert W. Correia Carol DeMelo  
 Charles R. Phifer Delores Socal Walter Woods

*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.*

12. **Revocation of permit for the storage of inflammables (removal of tanks):**

Genlyte Group Incorporated – 631 Airport Road

*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, November 18, 2020, Paul E. Coogan, Mayor*

13. **Auto Repair Shop License Renewals:**

Tiago Botelho d/b/a Mill City Diesel Auto Repair and Sales at 1139 Slade Street  
 Manuel Felix d/b/a Felix Auto Collision Center at 1201 Slade Street  
 Luis Pimentel, L and S Auto, Inc. at 1138 Pleasant Street

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was voted 8 yeas to adopt the order, with Councilor Pam Laliberte-Lebeau absent and not voting.*  
*Approved, November 18, 2020, Paul E. Coogan, Mayor*

14. Auto Body Shop License Renewals:

Steve Melo, Choice Collision Center, Inc. at 645 Brayton Avenue  
Joseph Silva d/b/a Supreme Auto at 421 Third Street

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

*Approved, November 18, 2020, Paul E. Coogan, Mayor*

**COMMUNICATIONS – INVITATIONS – PETITIONS**

15. Claims

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

16. Drainlayer License – R.J. Messina, Inc.

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to approve the drainlayer license.*

*Approved, November 18, 2020, Paul E. Coogan, Mayor*

Planning Board Minutes

17. October 19, 2020 meeting

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

City Council Meeting Minutes:

18. Regular Meeting of the City Council – October 27, 2020

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

19. Communication from Collin Dias re: use of funding at Veterans Association of Bristol County

*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.*

20. Open Meeting Law Complaint from Collin Dias re: alleged violation by City Council Committee on Finance on October 27, 2020

*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 Corporation Counsel.*

21. Open Meeting Law Complaint from Patrick Higgins re: alleged violation by City Council President on October 27, 2020

*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 Corporation Counsel.*

**BULLETINS – NEWSLETTERS – NOTICES – None**

**TABLED MATTERS**

5a. Mayor requesting the confirmation of the reappointment of Christopher Antao

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to lift the matter from the table. Councilor Bradford L. Kilby stated that at the previous City Council Meeting there was a question regarding Mr. Antao's residence. He then stated that, after researching the matter, it was confirmed that Mr. Antao is a resident of the City of*

*Fall River. On a further motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was voted 9 yeas to confirm the appointment.*

*Councilor Leo O. Pelletier left the meeting at 8:09 p.m.*

5b. Mayor requesting the confirmation of the reappointment of Donna A. Valente  
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas to lift the matter from the table, with Councilor Leo O. Pelletier absent and not voting. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas to confirm the appointment, with Councilor Leo O. Pelletier absent and not voting.*

- 10a. Orders for public hearings to be scheduled for street acceptances as follows:
- a. Barrows Street, extending from South Main Street to Andrews Street
  - b. Chestnut Hill Drive, Extending from North Main Street to a dead end
  - c. Estes Lane, extending from Lark Street to (old) Lower Stafford Road

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 8 yeas to amend the orders to read December 15, 2020 and adopt the orders, as amended, with Councilor Leo O. Pelletier absent and not voting.*

**ITEMS FILED AFTER THE AGENDA DEADLINE:**  
**CITY COUNCIL MEETING DATE: NOVEMBER 17, 2020**

**PRIORITY COMMUNICATIONS**

- 7a. Planning Board re: request for release of right, title and interest in a portion of the unaccepted paper street known as Center Street extending from South Beacon Street westerly for a distance of 445.48 feet (opposition).

*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 Leo O. Pelletier absent and not voting.*

**COMMUNICATIONS – INVITATIONS – PETITIONS**

- 21a. Communication and petitions from city residents requesting denial of request to the Zoning Board of Appeals from JH Holdings Group, LLC for a variance to allow construction of a 63-unit apartment complex on Mariano S. Bishop Boulevard and August Street.

*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was voted 8 yeas that the communication be accepted and placed on file with Councilor Leo O. Pelletier absent and not voting. On a further motion made by Councilor Michelle M. Dionne and seconded by Councilor Bradford L. Kilby, it was voted 8 yeas to send a letter to the Zoning Board of Appeals, a copy of which is attached hereto and made a part of these minutes, in opposition to the request for a variance to allow construction of a 63-unit apartment complex on Mariano S. Bishop Boulevard and August Street, with Councilor Leo O. Pelletier absent and not voting.*

*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas to adjourn at 8:26 p.m., with Councilor Leo O. Pelletier absent and not voting.*

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:

*Alison M. Bouchard*

City Clerk

26



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

**ALISON M. BOUCHARD**  
CITY CLERK

**INÊS LEITE**  
ASSISTANT CITY CLERK

November 18, 2020

Zoning Board of Appeals  
One Government Center  
Fall River, MA 02722

Dear Honorable Board Members:

At a meeting of the City Council held on Tuesday, November 17, 2020, it was voted 8 yeas, to send a letter to your honorable board in opposition of item #6 on your agenda for the meeting scheduled for Thursday, November 19, 2020. The petition is for JH Holdings Group, LLC, Mariano S. Bishop Boulevard and August Street, Assessors Lots C-16-1, 23, 82, 86-88, for a variance request to allow construction of a 63-unit apartment complex consisting of seven (7) 9-unit buildings waiving requirements in the [R-8] District; as well as a request for a Special Permit to allow parking to be provided at the rate of 1.5 spaces per unit.

Members of the City Council have been contacted by numerous residents of this neighborhood regarding this petition. This neighborhood suffers from various flooding problems, which are still ongoing, as well as the increased traffic, parking issues and odors due to the Northeast Alternatives Marijuana Dispensary located at 999 William S. Canning Boulevard. The construction of such a large complex would only intensify the flooding issues and negatively impact the neighborhood.

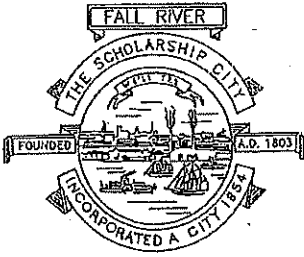
Please consider denying this request to respect the integrity of this single family neighborhood and read this letter into the minutes of the meeting. Should this request be denied and the petitioner files a new request in the near future, please notify the City Council so they are aware of the changes being requested in the neighborhood. Thank you for your consideration of this request.

Sincerely,

Alison M. Bouchard  
City Clerk

/ct

26



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

**ALISON M. BOUCHARD**  
CITY CLERK

**INÊS LEITE**  
ASSISTANT CITY CLERK

November 23, 2020

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

City Councilor Christopher Peckham, Chair  
Committee on Public Safety  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Mayor Coogan and Chairman Peckham,

At a meeting of the City Council held on Tuesday, November 17, 2020, it was voted 9 yeas, to send this letter requesting that a meeting be convened to best determine how to provide oversight of both the Police and Fire Departments. This request is the result of the Special Acts that were submitted for the City Council's consideration, and adopted, 9 yeas, at the same meeting, to request the abolishment of the Board of Police and the Board of Fire Commissioners. These boards have been inactive for several years.

Since the current boards were mainly ceremonial, the City Council looks forward to the possibility of the establishment of boards or commissions that would have a different scope of responsibilities to oversee both the Police and Fire Departments.

Thank you for your consideration of this request.

Sincerely,

Inês Leite  
Assistant City Clerk

/ct

## REGULAR MEETING OF THE CITY COUNCIL

**MEETING:** Tuesday, December 1, 2020 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,  
Leo O. Pelletier and Linda M. Pereira

**ABSENT:** Councilor Christopher P. Peckham

**IN ATTENDANCE:** Mary Sahady, Director of Financial Services

President Cliff Ponte called the meeting to order at 8:22 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 draft Memorandum of Agreement re: transferring ownership of the Bank Street Armory from the City of Fall River to the Fall River Redevelopment Authority and legal opinion regarding the proposed transfer from Corporation Counsel  
*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas to amend the MOA with the following changes, with Councilor Christopher M. Peckham absent and not voting:*

- *Add a new paragraph – "The RDA must do its due diligence and confirm that all real and personal property taxes of the potential developer are paid for each of its projects."*
- *Modify paragraph 8vi. to read – "That if the private developer anticipates or intends to sell the Armory in the future the City shall have right of first refusal to acquire the Armory back from the private developer."*

*On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was voted 8 yeas to adopt the order, as amended, with Councilor Christopher M. Peckham absent and not voting.*

*Approved, December 4, 2020, Paul E. Coogan, Mayor*

2. Mayor requesting confirmation of the appointment of Timothy P. McCoy to the Licensing Board

*Councilors Bradford L. Kilby and Leo O. Pelletier stated that they will support this appointment as they believe that he is a good candidate for this board. Councilor Michelle M. Dionne stated that this board does not have term limits and that is something that she would like to see reviewed. Councilor Linda M. Pereira stated that Eric Santos should be thanked for his many years of service to the Licensing Board. Council President Cliff Ponte requested the City Clerk send a letter of thanks for his service. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas to confirm the appointment, with Councilor Christopher M. Peckham absent and not voting.*

3. Mayor and Parkland Acquisitions and Renovations for Communities (PARC) Grant resolution for the renovation of the Cathy Assad Tot Lot and Playground  
*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was voted 8 yeas to adopt an emergency preamble for the loan order for this project in the amount of \$483,388.00, with Councilor Christopher M. Peckham absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was voted 8 yeas that the loan order be authorized to be published and referred to the Committee on Finance, with Councilor Christopher M. Peckham absent and not voting. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was voted 8 yeas that the resolution be referred to the Committee on Finance, with Councilor Christopher M. Peckham absent and not voting.*

#### **PRIORITY COMMUNICATIONS**

4. Traffic Commission recommending amendments to traffic ordinances  
*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was voted 8 yeas to refer the matter to the Committee on Ordinances and Legislation, with Councilor Christopher M. Peckham absent and not voting.*
5. Board of Election Commissioners re: the official results of the State Election held on November 3, 2020  
*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was voted 8 yeas that the communication be accepted and placed on file, with Councilor Christopher M. Peckham absent and not voting.*

#### **COMMITTEE REPORTS** – None

#### **ORDINANCES** – None

#### **RESOLUTIONS**

6. Committee on Health and Environmental Affairs convene with representatives from MassDEP to discuss the oversight of the Soil Management Project to be conducted by Browning-Ferris Industries, Inc.  
*Councilor Trott Lee stated that more information should be provided to the residents of Fall River regarding the oversight process of this Soil Management Project. He then stated that is why he has filed this resolution, so that an in depth discussion can be held in the Committee on Health and Environmental Affairs. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was voted 8 yeas to adopt the resolution, with Councilor Christopher M. Peckham absent and not voting.*
7. Committee on Human Services, Housing, Youth and Elder Affairs convene with representatives from MassSupport Network to discuss available resources to aid citizens during the COVID-19 pandemic  
*Councilor Trott Lee stated that he had a conversation with a representative from MassSupport regarding available resources for residents during the COVID-19 pandemic. He then stated that is why he has filed this resolution, so that residents will be provided with this important information. On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Trott Lee, it was voted 8 yeas to amend the resolution by adding the following invitees: Bristol Elder Services, Tess Curran, the Director of Health and Human Services, and other individuals the Chair determines to be appropriate, with Councilor Christopher M. Peckham absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was voted 8 yeas to adopt the resolution, as amended, with Councilor Christopher M. Peckham absent and not voting.*

8. City Council send letter to state delegation petitioning MassDOT Highway Division improves the safety of the east bound exit ramp on the Veterans Memorial Bridge

Councilor Linda M. Pereira stated that she has spoken with Representative Carole Fiola about this matter, but she felt that if letters are sent to MassDOT Highway Division District 5 in this regard that may also help expedite the necessary public safety improvements. Councilor Bradford L. Kilby stated that he is in agreement that upgrades to this exit ramp need to be made as soon as possible. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was voted 8 yeas to amend the resolution by adding that a letter be sent to MassDOT Highway Division District 5, requesting that immediate action be taken regarding the public's safety on the bridge, as well as the letter to the state delegation (copies of said letters are attached hereto and made a part of these minutes), with Councilor Christopher M. Peckham absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was voted 8 yeas to adopt the resolution, as amended, with Councilor Christopher M. Peckham absent and not voting.

9. Administration submit a proposal for a 25% reduction in the cost of renewal fees for various alcohol, beer and wine, common victualler, and entertainment licenses
- Council President Cliff Ponte stated that he will be abstaining from any vote on this matter and left the meeting. Council Vice-President Pam Laliberte-Lebeau assumed the chair. Councilor Linda M. Pereira stated that the Administration has been working on a similar proposal. She then stated that she feels that package stores have not had a reduction in sales, because residents will purchase liquor to consume at home with restaurants being closed or at a reduced capacity. Councilor Leo O. Pelletier stated that he had researched this matter a few months ago, but did not file a resolution as it seemed the Administration was not in support of the matter at that time. He then stated that he is in support of this resolution as he realizes that many businesses are having a difficult time paying for these licenses when they have not been able to open or have only had a take-out option. Councilor Trott Lee stated that he believes this is a good resolution, as the Governor has reduced the hours of operation for restaurants by enacting a curfew. Councilor Shawn E. Cadime stated that he wanted to include package stores as most of the package stores are small businesses. He then stated that there are only three large commercial package stores and that most of the package stores that would be affected are the small neighborhood stores which are in need of assistance. Councilor Bradford L. Kilby stated that he is in support of the resolution, but he is concerned with the loss of revenue to the budget. On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Leo O. Pelletier, it was voted 7 yeas to adopt the resolution, with Councilor Christopher M. Peckham absent and not voting and Council President Cliff Ponte abstaining.

#### CITATIONS – None

#### ORDERS – HEARINGS

##### Curb Removals:

Councilor Leo O. Pelletier stated that he is not in agreement with all these curb removals, as the reasons for the removals all stated that the removal is for improved access to the property and does not cause a significant adverse effect to on-street parking. He then stated that some of these curb removals are very large and does not agree with such large driveways. Councilor Shawn E. Cadime stated that if the removal of curbing in a location decreases the number of vehicles that are parking on the street, then that will be helpful to a congested neighborhood. He then stated that if a removal of curbing is just for the convenience of the property owner and will decrease on-street parking in that neighborhood, then that may need further review by the City Engineer and the Director of Traffic. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 7 yeas, 1 nay to take items #10 through #14 together, with

Councilor Leo O. Pelletier voting in the negative and Councilor Christopher M. Peckham absent and not voting.

10. Aisha M. Barbosa, 37 Seaview Street – Total of 39' 6" at 37 Seaview Street
  11. Maria De Amaral, 207 Stafford Road – Total of 34' 7" at 207 Stafford Road – Removal on Palmer Street
  12. Luiz R. Defreitas, 1641 Stafford Road – Total of 47' at 1641-1645 Stafford Road – Removal on Welcome Street
  13. Rosa D. Rodrigues, 48 Thomas Street – Total of 20' 10" at 48 Thomas Street
  14. Antonio Mello, 40 Winifred Way – Total of 29' at 40 Winifred Way
- On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was voted 7 yeas, 1 nay to adopt items #10 through #14, with Councilor Leo O. Pelletier voting in the negative and Councilor Christopher M. Peckham absent and not voting.  
Approved, December 4, 2020, Paul E. Coogan, Mayor

#### **ORDERS – MISCELLANEOUS**

15. Police Chief's report on licenses:

##### 2020 Taxicab Drivers:

Anthony Cabral      James Silva

##### 2021 Taxicab Drivers:

Anthony Cabral      Gerald Pinault      Mikael Raposa      Dorothy Ward

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was voted 8 yeas to adopt the order, with Councilor Christopher M. Peckham absent and not voting.

16. Auto Repair Shop License Renewals:

Thomas A. Legault d/b/a Tom Legault's Auto Repair at 745 Brayton Avenue  
Igor Zinovyev, Boston Auto Fair LLC at 2147 Pleasant Street

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was voted 8 yeas to adopt the order, with Councilor Christopher M. Peckham absent and not voting.  
Approved, December 4, 2020, Paul E. Coogan, Mayor

17. Transfer auto repair shop license no. 117 located at 2553 South Main Street from Steven Thornsby d/b/a T and T Auto Repair and Sales, to Antonio Pinto d/b/a T and P Auto Repair and Sales

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Linda M. Pereira, it was voted 8 yeas to adopt the order, with Councilor Christopher M. Peckham absent and not voting.  
Approved, December 4, 2020, Paul E. Coogan, Mayor

#### **COMMUNICATIONS – INVITATIONS – PETITIONS**

18. Claims

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was voted 8 yeas to refer the claims to Corporation Counsel, with Councilor Christopher M. Peckham absent and not voting.

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas to take items #19 through #21 together, with Councilor Christopher M. Peckham absent and not voting.

##### City Council Meeting Minutes:

19. City Council Committee on Finance – October 13, 2020
20. City Council Committee on Finance – October 27, 2020
21. Regular Meeting of the City Council – October 13, 2020

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas to approve items #19 through #21, with Councilor Christopher M. Peckham absent and not voting.

22. Open Meeting Law Complaint from Patrick Higgins re: alleged violation by City Council and City Council President on November 17, 2020

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was voted 8 yeas to refer the matter to Corporation Counsel, with Councilor Christopher M. Peckham absent and not voting.

23. Assistant Corporation Counsel response to Open Meeting Law complaint filed by Collin Dias re: October 27, 2020 City Council Committee on Finance Meeting

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was voted 8 yeas to refer the matter to Corporation Counsel, with Councilor Christopher M. Peckham absent and not voting.

24. Assistant Corporation Counsel response to Open Meeting Law complaint filed by Patrick Higgins re: October 27, 2020 City Council Meeting

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was voted 8 yeas to refer the matter to Corporation Counsel, with Councilor Christopher M. Peckham absent and not voting.

#### **BULLETINS – NEWSLETTERS – NOTICES**

25. PERAC re: Fiscal Year 2022 Appropriation

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas that the communication be accepted and placed on file, with Councilor Christopher M. Peckham absent and not voting.

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

#### **COMMITTEE REPORTS**

Committee on Ordinances and Legislation recommending:

- 5a. Proposed Ordinance – Traffic miscellaneous

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was voted 8 yeas that the proposed ordinance be passed through first reading, with Councilor Christopher M. Peckham absent and not voting.

- 5b. Proposed Ordinance – Traffic, handicapped parking

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas that the proposed ordinance be accompanied by an emergency preamble and passed through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilor Christopher M. Peckham absent and not voting.  
Approved, December 4, 2020, Paul E. Coogan, Mayor

- 5c. Proposed Ordinance – Traffic, stop intersection on Bark Street

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was voted 8 yeas that the proposed ordinance be passed through first reading, with Councilor Christopher M. Peckham absent and not voting.

5d. Proposed Ordinance – Traffic, 30-minute parking on Robeson Street

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was voted 7 yeas, 1 nay that the proposed ordinance be granted leave to withdraw, with Councilor Trott Lee voting in the negative and Councilor Christopher M. Peckham absent and not voting.*

5e. Proposed Ordinance – Traffic, traffic fees

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was voted 8 yeas that the proposed ordinance be passed through first reading, as amended, with Councilor Christopher M. Peckham absent and not voting.*

5f. Proposed Ordinance – Establishing a fee schedule for utility poles

*A motion was made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby to pass the proposed ordinance through first reading. Councilor Pam Laliberte-Lebeau stated that she would like to see the word "each" added to section three, so that section will read "Each additional small wireless facility over five (5) on an existing pole or structure \$100.00".*

*Councilor Shawn E. Cadime left the meeting at 9:56 p.m. due to technical difficulties.*

*On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Michelle M. Dionne, it was voted 7 yeas to amend the proposed ordinance, with Councilors Shawn E. Cadime and Christopher M. Peckham absent and not voting. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was voted 7 yeas to pass the proposed ordinance through first reading, as amended, with Councilors Shawn E. Cadime and Christopher M. Peckham absent and not voting.*

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 7 yeas to adjourn at 9:58 p.m., with Councilors Shawn E. Cadime and Christopher M. Peckham absent and not voting.*

List of documents and other exhibits used during the meeting:

Agenda packet (attached)  
DVD of meeting

A true copy. Attest:

*Alison M. Bouchard*

City Clerk



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

**ALISON M. BOUCHARD**  
CITY CLERK

**INÊS LEITE**  
ASSISTANT CITY CLERK

December 8, 2020

The Honorable Michael J. Rodrigues  
State Senator  
One Government Center, Room 235  
Fall River, MA 02722

The Honorable Carole Fiola  
State Representative  
307 Archer Street  
Fall River, MA 02720

The Honorable Alan Silvia  
State Representative  
1664 South Main Street  
Fall River, MA 02724

The Honorable Paul A. Schmid  
State Representative  
One Government Center, Room 321  
Fall River, MA 02722

Dear Honorable Members:

At a meeting of the City Council held on Tuesday, December 1, 2020, a discussion was held relative to a resolution regarding the safety of the east bound exit ramp of the Veterans Memorial Bridge (copy enclosed). Following that discussion, and on a motion made and seconded, it was voted 8 yeas, to adopt the resolution, as amended. The amendment being that MassDOT Highway Division, District 5 take immediate action to improve safety of this exit by increasing the height of the safety barriers and to install fencing to prevent any additional accidents. There have been numerous accidents that have occurred on the off ramp. Most recently, a tragic accident occurred causing a motorcycle driver to be ejected over the side of the bridge into the Taunton River causing his death. Unfortunately, this was the second accident that has occurred on this exit.

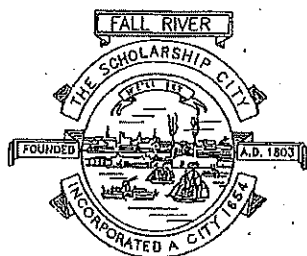
Due to the urgency of this situation, any assistance that can be provided to improve the safety of this highway exit immediately will be greatly appreciated. If you have any questions, feel free to contact this office.

Very truly yours,

*Alison M. Bouchard*

Alison M. Bouchard  
City Clerk

/cah  
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**City of Fall River Massachusetts**  
Office of the City Clerk

**ALISON M. BOUCHARD**  
CITY CLERK

**INÊS LEITE**  
ASSISTANT CITY CLERK

December 8, 2020

Mary-Joe Perry, District Highway Director  
MassDOT Highway Division, District 5  
1000 County Street  
Taunton, MA 02780

Dear Ms. Perry:

At a meeting of the City Council held on Tuesday, December 1, 2020, a discussion was held relative to a resolution regarding the safety of the east bound exit ramp of the Veterans Memorial Bridge (copy enclosed). Following that discussion, and on a motion made and seconded, it was voted 8 yeas, to adopt the resolution, as amended. The amendment being that MassDOT Highway Division, District 5 take immediate action to improve safety of this exit by increasing the height of the safety barriers and to install fencing to prevent any additional accidents. There have been numerous accidents that have occurred on the off ramp. Most recently, a tragic accident occurred causing a motorcycle driver to be ejected over the side of the bridge into the Taunton River causing his death. Unfortunately, this was the second accident that has occurred on this exit.

Due to the urgency of this situation, any assistance that can be provided to improve the safety of this highway exit immediately will be greatly appreciated. If you have any questions, feel free to contact this office.

Very truly yours,

*Alison M. Bouchard*

Alison M. Bouchard  
City Clerk

/cah

**SPECIAL MEETING OF THE CITY COUNCIL**

MEETING: Tuesday, January 5, 2021 at 6:00 p.m.  
Zoom (Virtual Meeting Application) pursuant to the Governor's Declaration of State of Emergency due to the Coronavirus (COVID-19) Pandemic

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

ABSENT: None

IN ATTENDANCE: None

City Clerk Alison M. Bouchard called the meeting to order at 6:06 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.

In accordance with Section 9-18 of the City Charter, persons were allowed to address the Council. Due to the COVID-19 Essential Services Advisory, citizen input was submitted by email by Tuesday, January 5, 2021 at 3:00 p.m. to be read at the meeting. The Assistant City Clerk read communications received from city residents, copies of which are attached hereto and made a part of these minutes.

**Agenda:**

1. Citizen Input  
Patrick Higgins, 1197 Robeson Street – Salary ordinances and restaurant license renewals  
Collin Dias, 560 Ray Street – Superintendent Matthew Malone, Mayor and transparency

Councilor Linda M. Pereira requested that Mr. Dias' communication be forwarded to the members of the School Committee.

2. Council Orders:
  - a. Election of President for the year 2021  
*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. On a roll call vote, Councilor Cliff Ponte received 9 votes and Councilor Cliff Ponte was declared President of the City Council for the year 2021.*

*Council President Ponte delivered the following remarks: "I would like to thank my colleges for your support for another year to serve as Council President. Obviously 2020 was a year that we look*

back at as a very challenging year that we didn't know was coming. 2021 we don't know what the future holds for it, but I will say that the future holds for a City Council, a body of 9 members, who really care about moving this city forward and really care about making some long lasting changes in this community and I am happy to be a part of it with you all, so thank you again for your support. I am honored to serve this honorable body as your Council President and I am looking forward to do that for what hopes to be a better 2021."

b. Election of Vice President for the year 2021

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. On a roll call vote, Councilor Pam Laliberte-Lebeau received 9 votes and was declared Vice President of the City Council for the year 2021. Council Vice President Laliberte-Lebeau thanked her colleagues for supporting her election for another year.

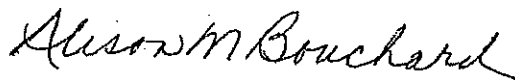
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was voted 9 yeas to adjourn at 6:19 p.m.

Due to the pandemic and this meeting being held virtually, Council President Cliff Ponte and Council Vice President Pam Laliberte-Lebeau were sworn to their duties by the City Clerk the next day in the City Clerk's office.

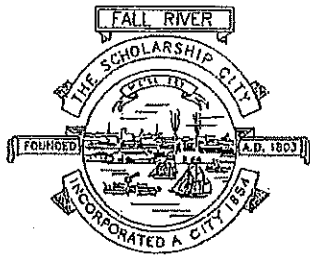
List of documents and other exhibits used during the meeting:

Citizens' Input Communications  
Agenda (attached)  
DVD of meeting

A true copy. Attest:



City Clerk



City of Fall River Massachusetts  
Office of the City Clerk

RECEIVED

2020 DEC 28 P 3:22

ALISON M. BOUCHARD  
CITY CLERK

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

INÊS LEITE  
ASSISTANT CITY CLERK

**SPECIAL MEETING OF THE CITY COUNCIL**

**TUESDAY, JANUARY 5, 2021 AT 6:00 P.M.**

**CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**  
**AND VIRTUAL MEETING**

*This meeting is closed to the public and 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](http://www.frgtv.fredtv.us/live); Facebook - [www.facebook.com/frgtv/live](https://www.facebook.com/frgtv/live); Livestream - <https://livestream.com/accounts/12896038>*

**AGENDA**

1. Citizen Input  
Due to the COVID-19 Essential Services Advisory, citizen input must be submitted by email to [city\\_council@fallriverma.org](mailto:city_council@fallriverma.org) by Tuesday, January 5, 2021 at 3:00 p.m. to be read at the meeting.
2. Council Orders:
  - a. Election of President for the year 2021
  - b. Election of Vice President for the year 2021

*Inês Leite*

Inês Leite  
Assistant City Clerk

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

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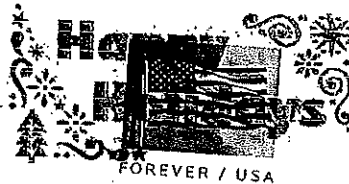
Perhaps you sent a lovely card,  
Or sat quietly in a chair,  
Perhaps you sent a funeral spray,  
If so we saw it there,  
Perhaps you spoke the kindest words,  
As any friend could say,  
Perhaps you were not there at all,  
Just thought of us that day,  
Whatever you did to console our hearts,  
We thank you so much whatever the part.  
By the family of

Gary Amaral

Amaral Family  
546 Dufferin St  
Fall River, MA

02720

PROVIDENCE RI 028  
16 DEC 2020 PM 4 L

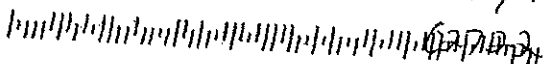


CITY CLERK  
FALL RIVER, MA

2020 DEC 21 A 11:14

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City Council  
One Government Center  
Fall River, MA



# Law Office of Nicholas A. Gomes, P.C.

226 South Main Street, Suite 6, Fall River, MA 02721

67 Batterymarch Street, Suite 100, Boston, MA 02110

257 Union Street, New Bedford, MA 02740

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E: [ngomes@ngomeslaw.com](mailto:ngomes@ngomeslaw.com)

[www.ngomeslaw.com](http://www.ngomeslaw.com)

December 15, 2020

*Sent via First Class Mail and Email*

[City\\_council@fallriverma.org](mailto:City_council@fallriverma.org)

City of Fall River

City Council

One Government Center

Fall River, MA 02722

RECEIVED  
2020 DEC 18 A 10:54  
CITY CLERK  
FALL RIVER, MA

**Re: Request for Host Community Agreements for Delivery Marijuana Establishments  
Tradesman Exchange LLC, 195 East LLC**

Dear City Council Members:

As a young attorney proud of my practice of law for the past seven years in Fall River, I feel compelled to send this correspondence to the Honorable City Council. I have kept apprised of the Massachusetts marijuana industry since its inception and truly believe Fall River was wrongfully given a black-eye by the former administration. I continue to receive ridicule over the debacle when I introduce myself as an attorney from Fall River as if the entire City's hands are stained by one man's greed. Nonetheless, I persevere in my mission of entering the industry because I want to benefit the community and show the world the Scholarship City's true fabric of character.

My clients and I seeking to enter this new industry are all locals from Bristol County who were unable to enter the industry because of the substantial cost of the operations. It pains me to think others were able to essentially purchase a license when the State enacted the marijuana laws specifically to include individuals in the industry who were not wealthy or large corporations. Our companies hold the State's certifications of both Social Equity and Economic Empowerment designed to right the past wrongs caused by the war on drugs in areas, such as Fall River, that were disproportionately impacted by the war on drugs. These designations provide our companies with priority review before the Cannabis Control Commission (CCC) and an exclusive three-year term to perform delivery of cannabis to customers at their homes.

On November 30, 2020, the CCC finalized the regulations on delivery licenses and companies are now able to obtain Host Community Agreements. At this time, I have two eligible companies with delivery pre-certifications seeking to become licensed in Fall River. In yesterday's Herald there was an article about there being no solution to the problems of traffic congestion and noise caused by a popular Fall River dispensary near the interstate. **The solution is to approve Host Community Agreements with delivery operators.** Utilizing home delivery for cannabis will decrease traffic and noise for neighbors while making it safer for the customer who does not need to leave their home. I have personally conducted market research by monitoring the dispensary I mentioned. I witnessed lines of over thirty people attempting to socially distance themselves. I also witnessed a line of cars wrap around the entire dispensary building with approximately ten vehicles waiting in traffic on the public road backed up to the main street so vehicles were gridlocked and access from the main road was blocked.

30

I am proud to send you this correspondence on behalf of my clients, Tradesman Exchange LLC and 195 EAST LLC, because they stand for responsible future economic empowerment for all municipalities they conduct business in. With our social equity status, we receive priority review at the CCC and exclusivity for delivery. Our model of growth is to capture the first three years of the exclusive delivery market and provide our clients with a diverse product menu accessible from the safety of their home. Our proposed cannabis uses will benefit the community while not negatively affecting the area. Members of the public will never come to our physical location which consists of an office, storage space, and secure parking. Our use will not be a nuisance as it will not release any offending odors or cause traffic congestion associated with traditional brick and mortar dispensaries. There are sufficient security safeguards in place to keep our employees and the public safe. Every second of the delivery operation is tracked by product seed-sale tracking, gps, audio/visual surveillance, and our office comptroller overseeing the operations.

The companies intend to provide legal consumers with access to cannabis products through safe and convenient delivery. Our customers will be certain consumers who find it hard to leave their homes or cannot physically spend extended time in transit. These consumers will appreciate delivery and will also enjoy the level of specialized and individual attention they will receive from our service, as it will make the experience seem all that much more tailored to their needs. Consumers will have the benefit of the cannabis store experience being brought right to their home. With my legal compliance at the helm, our objectives are to operate cannabis delivery services in compliance with state law, providing a secure and reliable service for those consumers who prefer the convenience of getting their cannabis delivered directly to their door.

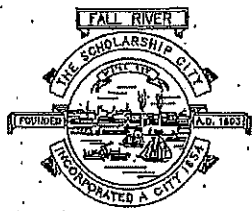
I contacted the City on numerous occasions regarding obtaining a Host Community Agreement, but have not received a substantive response. Thus, I am respectfully reaching out to the City Council requesting an audience to discuss the benefits of issuing Host Community Agreements to delivery operators and specifically request Host Community Agreements issue in favor of my clients 195 East LLC and Tradesman Exchange LLC.

Kindly contact me at your earliest convenience to discuss moving forward with a meeting to discuss the proposals for Host Community Agreements. We appreciate your effort and it will be diligently reciprocated as we move our charter forward to grow indispensable economic and social empowerment through recreational cannabis in our region. Our proposal is to provide the City with all allowable benefits under law for the privilege of becoming community partners. Please feel free to contact me with questions and scheduling of any meetings. Thank you for your time and consideration.

Sincerely,



Nicholas A. Gomes, Esq.



# City of Fall River Massachusetts

## Department of Community Maintenance

CEMETERIES • TREES • PARKS • SANITATION • ENGINEERING  
STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

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2021 JAN 13 P 2:41

### Administrative Services Division

PAUL E. COOGAN  
Mayor

CITY CLERK  
FALL RIVER, MA  
JOHN A. PERRY JR.  
Director

**To:** Fall River City Council  
**From:** John Perry Jr. – Director DCM  
**Date:** December 21, 2020  
**Subject:** Street Opening Request for Pavement Less Than Five Years Old

The Engineering Division has received a request for a road opening to install water and sewer utilities at 140 Manchester St. Manchester Street was paved in 2018. The improvements are two year old.

The Engineering Division recommends approval of the request subject to the following conditions for pavement restoration in streets less than five years old:

- 1) All work shall meet or exceed the "Standards Employed by the Public Utility Operators When Restoring Municipal Streets" (the Standards) as published by the Commonwealth of Massachusetts Division of Telecommunications and Industry and with the requirements of the Fall River City Council;
- 2) All excavated material shall be removed from the site and appropriately disposed of;
- 3) Backfill shall consist of Controlled Density Fill (CDF) in conformance with City Ordinance;
- 4) Binder material meeting Superpave 12.5mm MassDOT specification shall be placed in two (2) lifts to match existing pavement thickness, with tack applied along the edges, the subgrade, and between lifts;
- 5) A settlement period of six (6) weeks shall occur, and within three (3) weeks of the conclusion of the settlement period, the contractor shall return to complete the final patch;
- 6) The final patch shall be constructed by milling the pavement by 1-1/2", one-foot (1') outside of the utility trenches;
- 7) Tack shall be applied to the entire exposed surface and a surface course meeting the Superpave 9.5mm MassDOT specification shall be placed with a minimum compacted thickness of one and one-half inches (1 1/2");
- 8) The three (3) seams shall be heated using infrared to a surface temperature sufficient to allow remixing asphalt without oxidation or burning, but in no case shall the surface temperature exceed 350 degrees F;
- 9) The surface shall be compacted using a steel drum roller, resulting in a smooth, tight, pavement surface which matches the grade of the existing pavement;

10) Sand should be evenly distributed over the surface to fill small voids and absorb excess sealant if surface sealant is applied;

11) The repaired area shall be allowed to cool to 175 degrees F before opening to traffic.

Prior to opening the street, the applicant shall provide to the City Engineer a copy of the contract for any subcontractor providing work covered by this application. A minimum of 24-hours in advance of excavation, the contractor must call the Engineering Division at 508-324-2512 to request inspection services. Material specifications shall be provided to the City Engineer for all materials brought to the site for use as backfill, base course, and surface course.

