

# City of Fall River Massachusetts

## Office of the City Clerk

**ALISON M. BOUCHARD**  
CITY CLERK

### REGULAR MEETING OF THE CITY COUNCIL

**INÊS LEITE**  
ASSISTANT CITY CLERK

**MEETING:** Tuesday, June 22, 2021 at 7:00 p.m.  
Council Chamber, One Government Center

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

**ABSENT:** Councilor Bradford L. Kilby

**IN ATTENDANCE:** None

President Cliff Ponte called the meeting to order at 9:54 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 requesting confirmation of the appointment of Joseph Pereira to the Board of Appeals

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

2. Mayor and order appropriating \$100,000.00 from the Water Enterprise Fund FY20 Surplus Revenue to the Water Stabilization Fund

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting.*

3. Mayor and order re: an easement located at 81 Greenleaf Street

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was voted 6 yeas to refer the matter to the Committee on Real Estate, with Councilors Pamela Laliberte-Lebeau and Cliff Ponte abstaining and Councilor Bradford L. Kilby absent and not voting*

4. Mayor and order re: members of the Fall River Park Board as special municipal employees

*Councilor Shawn E. Cadime stated that he would like to have a full analysis as to why some members of the board need to be classified as special municipal employees. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, to reject the order, the matter was objected to by Councilor Linda M. Pereira and laid on the table in accordance with the Charter.*

## **PRIORITY COMMUNICATIONS**

5. Communication from the Human Resources Director re: June 8, 2021 City Council Meeting

*Councilor Shawn E. Cadime stated that the accusation is frivolous at best. He stated that what led to the comment "that is such a lie" was the statement that was made that transfers are only made at year end. He then stated that various transfers are made throughout the year. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted that the communication be accepted and placed on file, with Councilor Bradford L. Kilby absent and not voting.*

## **COMMITTEE REPORTS** – None

## **ORDINANCES**

### Second reading and enrollment:

6. Proposed Ordinance – Traffic, miscellaneous

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to pass the proposed ordinance though second reading and enrollment, with Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilor Bradford L. Kilby absent and not voting.*

*Approved, June 24, 2021, Paul E. Coogan, Mayor*

### Second reading and enrollment as amended:

7. Proposed Ordinance – Floodplains District

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to pass the proposed ordinance though second reading and enrollment, as amended, with Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the proposed ordinance be passed to be ordained, as amended, with Councilor Bradford L. Kilby absent and not voting.*

*Approved, June 24, 2021, Paul E. Coogan, Mayor*

8. Proposed Ordinance – Structures on/over public way permit

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to pass the proposed ordinance though second reading and enrollment, as amended, with Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the proposed ordinance be passed to be ordained, as amended, with Councilor Bradford L. Kilby absent and not voting.*

*Approved, June 24, 2021, Paul E. Coogan, Mayor*

## **RESOLUTIONS**

9. Committee on Public Safety convene with various departments to discuss traffic and safety concerns in the area of Diman Regional Vocational Technical High School

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

10. Committee on Human Services, Housing, Youth and Elder Affairs convene with the Chair of the Commission on Disability to discuss ADA needs and improvements throughout the City

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

#### **CITATIONS**

11. Raymond E. Hague – In recognition of his retirement and 22 years of service to Fall River

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

#### **ORDERS – HEARINGS** – None

#### **ORDERS – HEARINGS TO BE SCHEDULED**

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #12 to #14 together, with Councilor Bradford L. Kilby absent and not voting.*

##### **Street Acceptances:**

- 12. Bell Street, extending from Corbett Street to a dead end
- 13. Granite Street, extending from Purchase Street to Rock Street
- 14. Small Street, extending from President Avenue to a dead end and also 280 feet of Stanley Street extending from Small Street to Damon Street

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

#### **ORDERS – MISCELLANEOUS** – None

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

15. Claims

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

16. Drainlayer License - Jones Excavating LLC

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

*Approved, June 24, 2021, Paul E. Coogan, Mayor*

##### **Planning Board Minutes**

17. May 12, 2021 Meeting

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

*On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #18 through #22 together, with Councilor Bradford L. Kilby absent and not voting.*

City Council Meeting Minutes:

- 18. Public Hearings – June 8, 2021
- 19. Public Hearing Fiscal Year 2022 Municipal Budget – June 8, 2021
- 20. Committee on Finance – May 11, 2021
- 21. Committee on Finance – May 25, 2021
- 22. Committee on Finance – June 8, 2021

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to approve items #18 through #22, with Councilor Bradford L. Kilby absent and not voting.*

- 23. KP Law, P.C. invoice for professional services through March 31, 2021  
*Councilor Pam Laliberte-Lebeau stated that she had not reviewed the charges on this invoice for accuracy. Council President Cliff Ponte stated that he would like this invoice to be granted leave to withdraw to allow Council Vice-President Laliberte-Lebeau time to review the invoice. On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the invoice be granted leave to withdraw, with Councilor Bradford L. Kilby absent and not voting.*

**BULLETINS – NEWSLETTERS – NOTICES**

- 24. Thank you card from the family of Barbara Travassos  
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the thank you card be accepted and placed on file, with Councilor Bradford L. Kilby absent and not voting.*

**ITEMS FILED AFTER THE AGENDA DEADLINE:**  
**CITY COUNCIL MEETING DATE: JUNE 22, 2021**

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

**COMMITTEE REPORTS**

Committee on Ordinances and Legislation recommendation (if received):

- 5a. Proposed Ordinance – Traffic, handicapped parking  
*On a motion made by Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was voted 8 yeas that the proposed ordinance be accompanied with an emergency preamble, with Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Michelle M. Dionne and seconded by Councilor Trott Lee, it was unanimously voted to pass the proposed ordinance through all readings, with Councilor Bradford L. Kilby absent and not voting. Approved, June 24, 2021, Paul E. Coogan, Mayor*

- 5b. Proposed Ordinance – Traffic, miscellaneous  
*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was unanimously voted to pass the proposed ordinance through first reading, with Councilor Bradford L. Kilby absent and not voting.*

Proposed Ordinance – Water and Sewer Rates – *Tabled in Committee*  
Proposed Ordinance – Salary schedules – *Tabled in Committee*

Committee on Finance:

Orders – Proposed Fiscal Year 2022 Municipal Budget – *Budget rejected in Finance*

- a. General Fund
- b. Emergency Medical Services Enterprise Fund
- c. Sewer Enterprise Fund
- d. Water Enterprise Fund

**RESOLUTIONS**

10a. Committee on Finance convene to discuss all committee meetings, be it an appointed or elected body, be scribed, televised and released to the public

*Councilor Christopher M. Peckham stated that this resolution basically speaks for itself and is quite clear. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted to amend the resolution by changing the Committee on Finance to the Committee on Ordinances and Legislation, with Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the resolution, as amended, with Councilor Bradford L. Kilby absent and not voting.*

**COMMUNICATIONS – INVITATIONS – PETITIONS**

23a. KP Law, P.C. invoice for professional services through May 31, 2021

*On a motion made by Councilor Pamela Laliberte-Lebeau and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the invoice be granted leave to withdraw, with Councilor Bradford L. Kilby absent and not voting.*

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to enter into Executive Session at 10:35 p.m., with Councilor Bradford L. Kilby absent and not voting.*

Discussion pertaining to policing our neighborhoods especially those of high crime locations with the Director of Financial Services, the Administration and the Chief of Police. Anticipated Executive Session pursuant to Massachusetts General Law Chapter 30A, § 21(a) (4) to discuss the deployment of security personnel or devices, and/or strategies with respect thereto

*Council President Cliff Ponte stated that the City Council will not return to open session, but will adjourn directly from Executive Session.*

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adjourn at 11:25 p.m., with Councilor Bradford L. Kilby absent and not voting.*

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, August 17, 2021

Approved





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

2021 JUN 21 P 4: 06

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

ALISON M. BOUCHARD  
CITY CLERK

ORIGINAL POSTING: JUNE 18, 2021 AT 11:21 A.M.

INÊS LEITE  
ASSISTANT CITY CLERK

MEETINGS SCHEDULED  
TUESDAY, JUNE 22, 2021  
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

REVISED AGENDA

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

PRIORITY MATTERS

1. \*Mayor requesting confirmation of the appointment of Joseph Pereira to the Board of Appeals
2. \*Mayor and order appropriating \$100,000.00 from the Water Enterprise Fund FY20 Surplus Revenue to the Water Stabilization Fund
3. \*Mayor and order re: an easement located at 81 Greenleaf Street
4. \*Mayor and order re: members of the Fall River Park Board as special municipal employees

PRIORITY COMMUNICATIONS

5. \*Communication from the Human Resources Director re: June 8, 2021 City Council Meeting

COMMITTEE REPORTS – None

ORDINANCES

Second reading and enrollment:

6. \*Proposed Ordinance – Traffic, miscellaneous

Second reading and enrollment as amended:

7. \*Proposed Ordinance – Floodplains District
8. \*Proposed Ordinance – Structures on/over public way permit

RESOLUTIONS

9. \*Committee on Public Safety convene with various departments to discuss traffic and safety concerns in the area of Diman Regional Vocational Technical High School
10. \*Committee on Human Services, Housing, Youth and Elder Affairs convene with the Chair of the Commission on Disability to discuss ADA needs and improvements throughout the City

CITATIONS

11. Raymond E. Hague – In recognition of his retirement and 22 years of service to Fall River

ORDERS – HEARINGS – None

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

One Government Center • Fall River, MA 02722  
TEL 508-324-2220 • FAX 508-324-2211 • EMAIL [city\\_clerks@fallriverma.org](mailto:city_clerks@fallriverma.org)

**ORDERS – HEARINGS TO BE SCHEDULED**

**Street Acceptances:**

12. Bell Street, extending from Corbett Street to a dead end
13. Granite Street, extending from Purchase Street to Rock Street
14. Small Street, extending from President Avenue to a dead end and also 280 feet of Stanley Street extending from Small Street to Damon Street

**ORDERS – MISCELLANEOUS – None**

**COMMUNICATIONS – INVITATIONS – PETITIONS**

15. \*Claims
16. Drainlayer License - Jones Excavating LLC
- 
17. Planning Board Minutes  
May 12, 2021 Meeting
- 
- City Council Meeting Minutes:
18. \*Public Hearings – June 8, 2021
19. \*Public Hearing Fiscal Year 2022 Municipal Budget – June 8, 2021
20. \*Committee on Finance – May 11, 2021
21. \*Committee on Finance – May 25, 2021
22. \*Committee on Finance – June 8, 2021
- 
23. \*KP Law, P.C. invoice for professional services through March 31, 2021

**BULLETINS – NEWSLETTERS – NOTICES**

24. \*Thank you card from the family of Barbara Travassos

  
City Clerk

**ITEMS FILED AFTER THE AGENDA DEADLINE:**  
**CITY COUNCIL MEETING DATE: JUNE 22, 2021**

**ORDINANCES**

**Ordination:**

- 8a. Proposed Ordinance – Traffic, Miscellaneous
- 8b. Proposed Ordinance – Floodplains District
- 8c. Proposed Ordinance – Structures on/over a public way permit

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

**COMMITTEE REPORTS**

**Committee on Ordinances and Legislation recommendation (if received):**

- Proposed Ordinance – Traffic, handicapped parking
- Proposed Ordinance – Traffic, miscellaneous
- Proposed Ordinance – Water and Sewer Rates
- Proposed Ordinance – Salary schedules

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



Committee on Finance:

Orders – Proposed Fiscal Year 2022 Municipal Budget

- a. General Fund
- b. Emergency Medical Services Enterprise Fund
- c. Sewer Enterprise Fund
- d. Water Enterprise Fund

**COMMUNICATIONS – INVITATIONS – PETITIONS**

23a. \*KP Law, P.C. invoice for professional services through May 31, 2021

Discussion pertaining to policing our neighborhoods especially those of high crime locations with the Director of Financial Services, the Administration and the Chief of Police. Anticipated Executive Session pursuant to Massachusetts General Law Chapter 30A, § 21(a) (4) to discuss the deployment of security personnel or devices, and/or strategies with respect thereto

23a

KP LAW, P.C.  
101 ARCH STREET  
FLOOR 12  
BOSTON, MA 02110

FEDERAL TAX ID: 04-2746356  
INVOICE NO: 131781

RECEIVED

2021 JUN 21 A 10:57

CITY CLERK  
FALL RIVER, MA

MR. CLIFF PONTE  
COUNCIL PRESIDENT  
FALL RIVER  
FALL RIVER CITY COUNCIL  
CITY HALL  
ONE GOVERNMENT CENTER  
FALL RIVER, MA 02722

June 11, 2021

IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH May 31, 2021

**GENERAL LEGAL SERVICES**

REVIEW E-MAIL FROM AND ANALYZE FACTS AND LEGAL  
ISSUES RE: SCOPE OF AUTHORITY OF SUPERINTENDENT WITH  
RESPECT TO PERSONAL AND MEDICAL INFORMATION RE:  
STUDENT.

REVIEW STATUS OF BALLOON RELEASE AND COMPOSTING  
ORDINANCES.

LETTER FROM RE: STUDENT RECORD INFORMATION UNDER  
STATE AND FEDERAL LAW AND STATE AND FEDERAL PRIVACY  
REQUIREMENTS FOR STUDENT INFORMATION.

BEGIN DRAFTING MEMORANDUM TO TOWN COUNCIL RE:  
SUPERINTENDENT'S AUTHORITY WITH RESPECT TO STUDENT  
INFORMATION.

SUBTOTAL:

3.50	\$962.50
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**GENERAL LABOR SERVICES**

POLICE - TELEPHONE CONFERENCE WITH CHIEF RE: PRIVATE  
DETAIL ISSUE.

SUBTOTAL:

0.20	\$55.00
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**ORDINANCES**

PLASTIC BAG ORDINANCE - LEGAL RESEARCH AND BEGIN  
DRAFTING ORDINANCE.

FINALIZE PLASTIC BAG ORDINANCE AND FORWARD TO  
COUNCIL VICE PRESIDENT.

23a

KP LAW, P.C.

PAGE:

2

BALLOONS - LEGAL RESEARCH AND DRAFT ORDINANCE RE:  
PROHIBITING RELEASE OF BALLOONS, INCLUDING ANALYSIS  
OF RELEVANT ENVIRONMENTAL STATUTES AND REGULATORY  
AUTHORITY; E-MAIL CITY COUNCILOR RE: ORDINANCE.

COMPOST - LEGAL RESEARCH AND DRAFT ORDINANCE RE:  
COMPOSTING PROGRAM, INCLUDING ANALYSIS OF RELEVANT  
ENVIRONMENTAL REGULATIONS AND LEGAL ISSUES; E-MAIL  
CITY COUNCILOR RE: ORDINANCE.

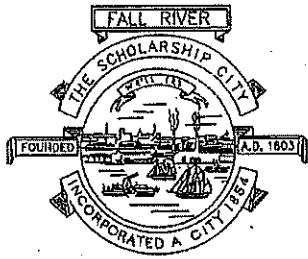
PREPARE FOR AND ATTEND 5/25/21 MEETING OF ORDINANCE  
COMMITTEE OF CITY COUNCIL.

SUBTOTAL:	10.30	\$2,832.50
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TOTAL FEES:	14.00	3,850.00
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TOTAL DUE:		\$3,850.00
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**City of Fall River Massachusetts**  
Office of the City Clerk

RECEIVED

2021 JUN 18 A 11:21

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

ALISON M. BOUCHARD  
CITY CLERK

**MEETINGS SCHEDULED**  
**TUESDAY, JUNE 22, 2021**  
**CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**

INÊS LEITE  
ASSISTANT CITY CLERK

**AGENDA**

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

**PRIORITY MATTERS**

1. \*Mayor requesting confirmation of the appointment of Joseph Pereira to the Board of Appeals
2. \*Mayor and order appropriating \$100,000.00 from the Water Enterprise Fund FY20 Surplus Revenue to the Water Stabilization Fund
3. \*Mayor and order re: an easement located at 81 Greenleaf Street
4. \*Mayor and order re: members of the Fall River Park Board as special municipal employees

**PRIORITY COMMUNICATIONS**

5. \*Communication from the Human Resources Director re: June 8, 2021 City Council Meeting

**COMMITTEE REPORTS** – None

**ORDINANCES**

Second reading and enrollment:

6. \*Proposed Ordinance – Traffic, miscellaneous

Second reading and enrollment as amended:

7. \*Proposed Ordinance – Floodplains District
8. \*Proposed Ordinance – Structures on/over public way permit

**RESOLUTIONS**

9. \*Committee on Public Safety convene with various departments to discuss traffic and safety concerns in the area of Diman Regional Vocational Technical High School
10. \*Committee on Human Services, Housing, Youth and Elder Affairs convene with the Chair of the Commission on Disability to discuss ADA needs and improvements throughout the City

**CITATIONS**

11. Raymond E. Hague – In recognition of his retirement and 22 years of service to Fall River

**ORDERS – HEARINGS** – None

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

One Government Center • Fall River, MA 02722  
TEL 508-324-2220 • FAX 508-324-2211 • EMAIL [city\\_clerks@fallriverma.org](mailto:city_clerks@fallriverma.org)

## **ORDERS – HEARINGS TO BE SCHEDULED**

### **Street Acceptances:**

12. Bell Street, extending from Corbett Street to a dead end
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## **ORDERS – MISCELLANEOUS – None**

## **COMMUNICATIONS – INVITATIONS – PETITIONS**

15. \*Claims
16. Drainlayer License - Jones Excavating LLC

### **Planning Board Minutes**

17. May 12, 2021 Meeting

### **City Council Meeting Minutes:**

18. \*Public Hearings – June 8, 2021
19. \*Public Hearing Fiscal Year 2022 Municipal Budget – June 8, 2021
20. \*Committee on Finance – May 11, 2021
21. \*Committee on Finance – May 25, 2021
22. \*Committee on Finance – June 8, 2021
23. \*KP Law, P.C. invoice for professional services

## **BULLETINS – NEWSLETTERS – NOTICES**

24. \*Thank you card from the family of Barbara Travassos

*Alison M. Bouchard*

City Clerk

## **ITEMS FILED AFTER THE AGENDA DEADLINE:** **CITY COUNCIL MEETING DATE: JUNE 22, 2021**

## **ORDINANCES**

### **Ordination:**

- 8a. Proposed Ordinance – Traffic, Miscellaneous
- 8b. Proposed Ordinance – Floodplains District
- 8c. Proposed Ordinance – Structures on/over a public way permit

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

## **COMMITTEE REPORTS**

### **Committee on Ordinances and Legislation recommendation (if received):**

- Proposed Ordinance – Traffic, handicapped parking
- Proposed Ordinance – Traffic, miscellaneous
- Proposed Ordinance – Water and Sewer Rates
- Proposed Ordinance – Salary schedules

Committee on Finance:

Orders – Proposed Fiscal Year 2022 Municipal Budget

- a. General Fund
- b. Emergency Medical Services Enterprise Fund
- c. Sewer Enterprise Fund
- d. Water Enterprise Fund

Discussion pertaining to policing our neighborhoods especially those of high crime locations with the Director of Financial Services, the Administration and the Chief of Police. Anticipated Executive Session pursuant to Massachusetts General Law Chapter 30A, § 21(a) (4) to discuss the deployment of security personnel or devices, and/or strategies with respect thereto



**PAUL E. COOGAN**  
Mayor

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

RECEIVED

2021 JUN 17 P 3:56

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

June 17, 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 see the attached appointment letter for the confirmation of Joseph Pereira to the Appeals Board to serve out the remainder of the term vacated by the resignation of Carolyn Morrisette. Mr. Pereira presently serves as an alternate member on the Appeals Board and has served the board well since his appointment on February 20, 2020. Thank you.

Best Regards,

Paul E. Coogan  
Mayor

PC/amos





PAUL E. COOGAN  
*Mayor*

City of Fall River  
Massachusetts  
Office of the Mayor

RECEIVED

2021 JUN -7 P 1:43

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

June 4, 2021

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

Council President and Members of the Honorable Council:

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

Name: Joseph Pereira

Address: 2002 Robeson Street  
Fall River, MA 02720

Position: Appeals, Board of

Effective: June 1, 2021

Term to expire: January 18, 2025

Replacing: Carolyn Morrissette

Sincerely,

*Paul E. Coogan*  
Paul E. Coogan  
Mayor

PC/amos

2



City of Fall River  
Massachusetts  
Office of the Mayor

RECEIVED

2021 JUN 17 P 2:54

CITY CLERK  
FALL RIVER, MA

PAUL E. COOGAN  
Mayor

June 17, 2021

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

Dear Honorable Council Members:

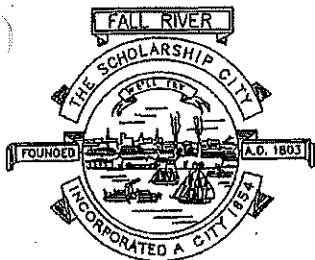
In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws,  
I recommend the following appropriations to your Honorable Body.

1. \$100,000 That the sum of \$100,000 be, and the same is, hereby appropriated to the WATER FUND STABILIZATION from the WATER FUND FREE CASH.

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

Best Regards,

Paul Coogan  
Mayor



**PAUL E. COOGAN**  
*Mayor*

**City of Fall River**  
**Massachusetts**  
Department of Community Utilities  
WATER • SEWER



**PAUL J. FERLAND**  
Administrator

June 17, 2021

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

RE: Water Stabilization Accounts

Dear Mayor Coogan:

It is respectfully requested that FY20 certified free cash for the Water Department be transferred as follows to the respective Stabilization fund:

Water Division transfer from:

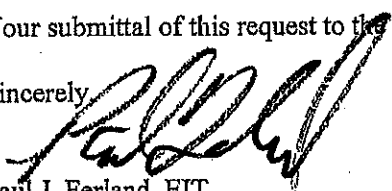
Free Cash \$100,000.00

Transfer to:

Stabilization Fund GLA #81450010-497400

Your submittal of this request to the City Council is respectfully requested.

Sincerely,

  
Paul J. Ferland, EIT  
Adm. of Community Utilities

PJF/omc

CITY CLERK  
FALL RIVER, MA

2021 JUN 17 P 3:01

RECEIVED

*City of Fall River, In City Council*

2

June 22, 2021

# 1

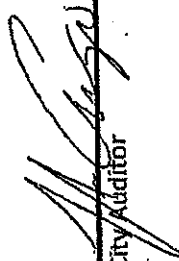
**ORDERED:**

**That the sum of \$100,000 be, and the same is, hereby appropriated from the  
WATER ENTERPRISE FUND FY20 SURPLUS REVENUE to the WATER  
STABILIZATION FUND.**

# FY21 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
Water Fund Free Cash	\$ 126,644.00	\$ (100,000.00)	26,644.00
Water Stabilization Fund	\$ 518,253.21	\$ 100,000.00	618,253.21

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

  
 Jennifer Argo, City Auditor  
 June 22, 2021

RECEIVED

2021 JUN 17 P 2:54

CITY CLERK  
 FALL RIVER, MA

2



PAUL E. COOGAN  
Mayor

City of Fall River  
Massachusetts  
Office of the Mayor

June 17, 2021

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

CITY CLERK  
FALL RIVER, MA

2021 JUN 17 P 4:22

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Dear Council President and Members of the Honorable Council:

Please see the attached correspondence from Assistant Corporation Counsel, Seth Aitken, regarding the request for easement for 81 Greenleaf Street, Fall River, MA from Attorney Joseph I. Macy.

Please advise if any additional information is needed. Thank you.

Best Regards,

Paul E. Coogan  
Mayor

PC/amos

*City of Fall River, In City Council*

3

ORDERED, that the Mayor be and is hereby authorized to grant an easement to Reverse Mortgage Funding LLC, of 81 Greenleaf Street in the City of Fall River, Massachusetts, as described in the grant of easement attached hereto.

3

**City of Fall River**  
*Office of the Corporation Counsel*

**PAUL E. COOGAN**  
Mayor



**ALAN J. RUMSEY**  
Corporation Counsel

**GARY P. HOWAYECK**  
Assistant Corporation Counsel

**SETH THOMAS AITKEN**  
Assistant Corporation Counsel

June 17, 2021

Re: Proposed Easement, 81 Greenleaf Street

Dear Mr. Mayor:

Please find attached a proposal letter and supporting documentation from Hon. Joseph I. Macy on behalf of the property owners of 81 Greenleaf St. Where the residence located at 81 Greenleaf Street encroaches several feet onto Judge Street, a public way in the City of Fall River, the property owners are seeking an easement.

Judge Macy requested that this office review his proposal and survey plan of the subject Property. I have reviewed the matter along with recorded documents pertaining to the Property. I have also notified necessary department heads of the proposal. This office takes no position on the attached proposal and offers no objection.

Accordingly I am asking that the matter be sent to the City Council for their consideration.

Respectfully submitted,



Seth Thomas Aitken

Assistant Corporation Counsel



3

**Attorney Joseph I. Macy**  
**1219 Highland Ave.**  
**Fall River, MA 02720**  
**(508) 243-3060**

June 8, 2021

Mayor Paul Coogan  
One Government Center  
Fall River, MA 02722

RE: 81 Greenleaf St.

Dear Mayor Coogan:

Enclosed please find a proposed easement with Exhibit "A" (see exhibit 1) and accompanying plan (see exhibit 2) for Reverse Mortgage Funding LLC, which I ask that you forward to the City Council for approval.

You may recall we discussed this request which involves a strip of land four feet wide at its maximum width tapering to a point about twenty feet therefrom.

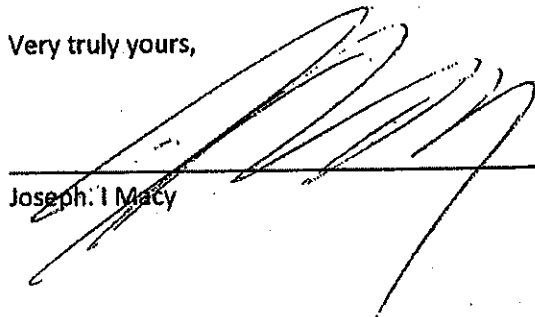
The current owners foreclosed on the property and did not create the current encroachment. Rather, they inherited it when they foreclosed.

It appears from the Assessors records that the current building on the lot has not been altered or extended in any way and that the encroachment has existed since the structure was erected. We are seeking the easement to clear title and have no plans to alter the location in any way.

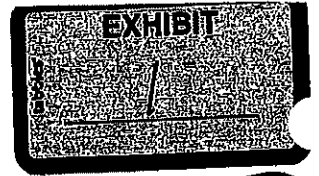
I have forwarded a copy of this letter and its enclosures to Corporation Counsel for his review in the hope of expediting the process.

Thank you for your kind cooperation, if you have any questions, please call me at your convenience.

Very truly yours,

  
Joseph I. Macy

cc: Corporation Counsel  
City Planner



Property:  
81 Greenleaf St.  
Fall River, MA 02721

## EASEMENT

This grant of Easement is made by **The City of Fall River**, a municipal corporation located at One Government Center Fall River, Massachusetts ("Grantor"), to Reverse Mortgage Funding LLC, c/o Celink, 3900 Capital City Boulevard Lansing, MI 48906 (the "Grantee"), for and in consideration of the sum of \$1.00 (One Dollar), the receipt of which is hereby acknowledged.

WHEREAS, the Grantor is the owner of that public way known as Judge Street, a portion of which are the premises subject to this Easement (the "Burdened Premises"). The Burdened Premises are described in Exhibit A attached hereto and incorporated by reference herein and also shown on a plan attached hereto as Exhibit B; and

WHEREAS, the Grantee is the owner of certain real property located immediately adjacent to and contiguous with the easterly sideline of the Burdened Premises on the easterly side of Judge Street, in Fall River, Bristol County, Massachusetts, as more particularly described in a foreclosure deed from Reverse Mortgage Funding LLC to Reverse Mortgage Funding LLC, dated January 21, 2020 and recorded with the Bristol County Registry of Deeds (the "Benefited Premises"); and

WHEREAS, Grantor and Grantee have agreed that the within Easement expresses fully the grants, terms, conditions and obligations with respect to said easement, as more fully set forth herein.

NOW THEREFORE, for good and valuable consideration, and intending to be bound hereby, the Grantor hereby grants to the Grantee the following easement, and the Grantee hereby agrees to the following restrictions, conditions, and obligations, all subject to the terms and conditions contained herein:

1. (a) The Grantor does hereby grant and convey to the Grantee, without covenants, upon and subject to the terms and conditions herein contained, for the benefit of the Benefited Premises

and running with and as appurtenant to the Benefited Premises, the perpetual right and easement in, on, over and across the Burdened Premises in its entirety for the purpose of access, egress and ingress on foot and in motor vehicles, to pass and repass from the Grantee's land to the Benefited Premises, and for the maintenance, repair and replacement of the existing wood addition to the Grantee's building, ramp and covered patio, utilities, and landscaping all in conjunction with the maintenance and use of the Benefited Premises as shown on the attached plan Exhibit B. The easement granted pursuant to the preceding sentence shall include, without limitation, the right to perform at the Grantee's sole cost and expense reasonable construction, maintenance and repair work in and on the Burdened Premises as necessary or desirable to maintain the existing structure, the Grantee's building, ramp and covered patio, utilities, and landscaping, including grading, removal of vegetation, and installation of landscaping and seeding to prevent erosion, and planting of flower beds within the Burdened Premises.

2. The Grantee agrees to indemnify and hold the Grantor harmless from and against all costs, claims, expenses, damages (including personal injury and property damage), and liabilities of any nature whatsoever (including, without limitation, court costs and reasonable attorney's fees), incurred by the Grantor (a) as a result of or in connection with any personal injury or property damage that occurs in, on, or around the Burdened Premises in connection with any exercise of the rights granted to the Grantee hereunder, (b) as a result of or in connection with any failure by the Grantee to comply with the provisions of the instrument, or (c) otherwise resulting from or relating to any exercise of the right granted to the Grantee hereunder, unless such cost, claim, expense, damage or liability is a result of the conduct of the Grantor or the Grantor's agent, employees, invitees or contractors.

3. As used herein, the terms "Grantor" and "Grantee" shall include their respective heirs, legal representatives, successors, assigns, and successors in title, and the rights, agreements, and obligations contained herein shall be covenants running with the land and shall be binding upon and inure to the benefit of the parties, hereto and those claiming title to or interest in the Burdened Premises and/or the Benefited Premises.

Executed as an instrument under seal this \_\_\_\_\_ day of \_\_\_\_\_, 20

**GRANTOR:**

**The City of Fall River**

By: \_\_\_\_\_  
Mayor

In City Council adopted on \_\_\_\_\_, 2021.

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss:

On this \_\_\_\_ day of \_\_\_\_\_, 2021 before me, the undersigned notary public, personally appeared \_\_\_\_\_, Mayor of the City of Fall River (the "city") proved to me through satisfactory evidence of identification, which was a MA driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose, and acknowledged the foregoing to be the free act and deed of said **The City of Fall River**.

\_\_\_\_\_  
Notary Public:

My Commission Expires:

\_\_\_\_\_  
Approved as to form By  
Corporation Counsel

**EXHIBIT "A"**

Easement  
Judge Street  
Fall River, Massachusetts

That certain easement or parcel of land situated within Judge Street in the City of Fall River, Bristol County, Commonwealth of Massachusetts, delineated as "Proposed Easement" on that plan entitled "Boundary Survey Plan, Assessor's Plat Y-9, Lot 22, 81 Greenleaf Street, Fall River, Massachusetts, Proplogix LLC, 5901 N. Honore Avenue, Suite 200, Sarasota, FL 34243 Project No. 20-067 Scale: 1"=20' Date: 8/12/2020 Revised: 05/25/2021 by Waterman Engineering Company Richard S. Lipsitz, P.L.S. No. 39691", more particularly bounded and described as follows;

Commencing at an iron rod set, said iron rod marking the intersection between the southerly street line of Greenleaf Street with the easterly street line of Judge Street and the northwesterly corner of land now or formerly of Reverse Mortgage Funding, LLC;

thence proceeding S 13°44'43" W, by and with the said easterly street line of Judge Street, a distance of thirty seven and 00/100 (37.00') feet to the point and place of beginning and the northerly corner of the easement herein-described;

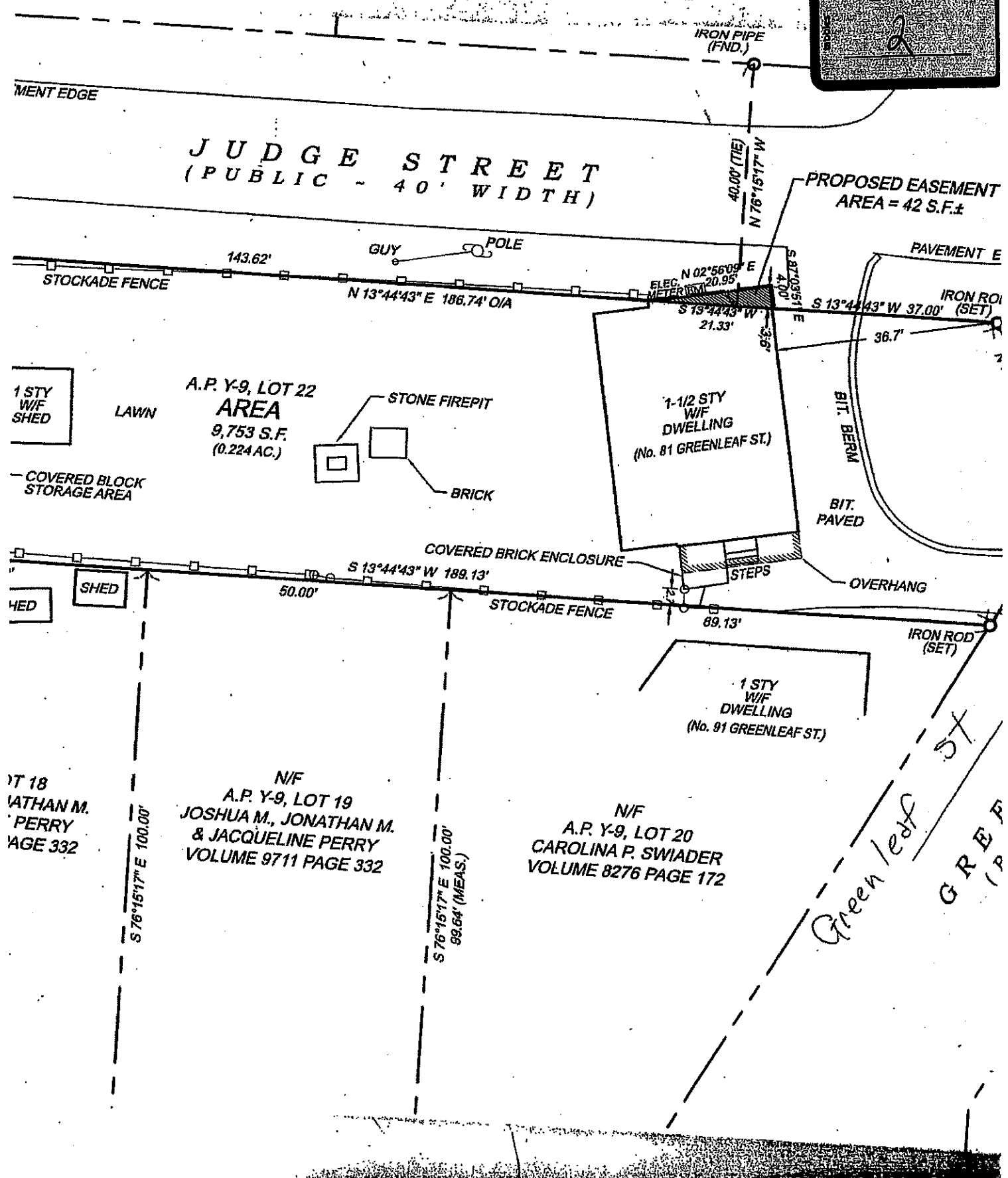
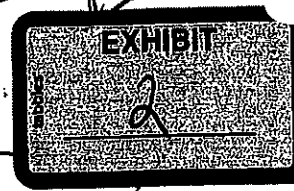
thence continuing S 13°44'43" W, by and with the said easterly street line of Judge Street and passing through an existing dwelling located at 481 Greenleaf Street, a distance of twenty one and 33/100 (21.33') feet to the southerly corner of the easement herein-described;

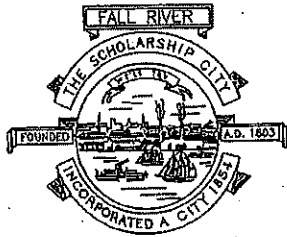
thence proceeding N 02°56'09" E, crossing the said Judge Street, a distance of twenty and 95/100 (20.95') feet to the westerly corner of the easement herein-described;

thence proceeding S 87°03'51" E, crossing the said Judge Street, a distance of four and 00/100 (4.00') feet to the point and place of beginning.

The above-described parcel contains 42+/- square feet of land, more or less

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PAUL E. COOGAN  
Mayor

City of Fall River  
Massachusetts  
Office of the Mayor

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CITY CLERK  
FALL RIVER, MA

June 17, 2021

The Honorable City Council  
One Government Center  
Fall River, Massachusetts 02722

Honorable Members of the City Council:

I hereby request the City Council to designate the members of the City of Fall River Park Board as "*special municipal employees*" in conformity with the Massachusetts Conflict of Interest Law, M.G.L. c. 268A, as enforced by the Massachusetts State Ethics Commission.

This request is being submitted with the intent to maintain a uniform "*special municipal employee*" designation for all members serving on Fall River Boards and Commissions, just as former Mayoral administrations have requested this designation by the Fall River City Council for other Boards in the past. As you are aware, it is the municipal position that is designated as having "special" status, not the individual. Therefore, all appointees holding the same position on a board must have the same classification as "special municipal employees."

Very truly yours,

Paul Coogan  
Mayor

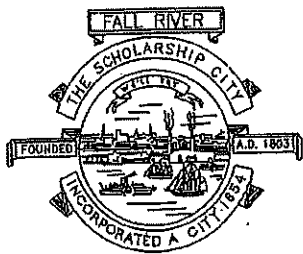
*City of Fall River, In City Council*

4

ORDERED, that in accordance with the provisions of Chapter 268A of the General Laws, the following position is hereby classified as "Special" and any municipal employee holding such position is hereby classified as a "Special Municipal Employee":

Member, Board of Park Commissioners.





**PAUL E. COOGAN**  
*Mayor*

**City of Fall River**  
**Massachusetts**  
**Human Resources**

5  
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CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

**MADELINE S. COELHO**  
Director

June 11, 2021

Shawn E. Cadime  
129 Gardner Street  
Fall River, MA 02720

Dear Councilor Cadime:

Please be advised that Mary Sahady, an employee of the City of Fall River, has filed a complaint alleging that your behavior at the City Council meeting on Tuesday June 8, 2021 constituted bullying and otherwise created a hostile work environment.

The City takes all complaints seriously and plans on conducting an investigation into the validity of these allegations. We expect your full cooperation during the course of this investigation.

Please do not hesitate to contact the Administration if you should have any questions.

Sincerely,

Madeline Coelho  
Human Resources Director

Cc: Paul Coogan; Mayor  
Corporation Counsel

# City of Fall River, In City Council

6

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

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

## Section 1.

By inserting in Section 70-241, which section relates to stop intersections designated the following:

Name of Street	Direction of Travel	At Intersection of
Aetna Street	Eastbound	Rhode Island Avenue

## Section 2.

By striking out in Section 70-281, which section relates to one-way streets the following:

Name of Street	Direction of Travel	Location
Aetna Street	Westerly	From Laurel Street to Rhode Island Avenue

CITY OF FALL RIVER  
IN CITY COUNCIL

JUN 08 2021

*Passed through  
first reading*

# City of Fall River, In City Council

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

That Chapter 10 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Buildings and Building Regulations, be amended, by striking out Sections 10-246, 10-247, and 10-248, in their entirety, and inserting in place thereof, the following:

## **Sec. 10-246. Floodplain district boundaries and base flood elevation data.**

The purposes of the Floodplain District are to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contaminations, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 5) Eliminate costs associated with response and cleanup of flooding conditions;
- 6) Reduce damage to public and private property resulting from flooding waters.

The floodplain district is herein established as an overlay district. The district includes all special flood hazard areas within the City designated as Zone A, AE, AO or VE on Fall River's Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the county FIRM that are wholly or partially within the City are panel numbers 25005C0264F, 25005C0269F, 25005C0342F, 25005C0344F, 25005C0351F, 25005C0353F, and 25005C0432F, dated July 7, 2009; and panel numbers 25005C0244G, 25005C0263G, 25005C0329G, 25005C0331G, 25005C0332G, 25005C0333G, 25005C0334G, 25005C0341G, and 25005C0337G dated July 16, 2014, and 25005C0268G, 25005C0352G, 25005C0354G, 25005C0356G, 25005C0357G, 25005C0358G, 25005C0359G, 25005C0361G, and 25005C0362G dated July, 6, 2021. The exact boundaries of the district

may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the county Flood Insurance Study (FIS) report dated July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk.

### USE REGULATIONS

The floodplain district ordinance is part of a federal requirement for communities that choose to participate in the NFIP. However, the state already administers regulations that take care of many floodplain management concerns. Referencing existing regulations is important to ensure that projects have been reviewed under the appropriate state regulations and that variances to the conditions of the ordinance do not erroneously allow variances to state requirements.

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts state Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00); (e communities only)
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

### **Sec. 10-247. Base flood elevation data and floodway data.**

- A. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- B. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within the unnumbered A zones.

7

**Sec. 10-248. Other use regulations.**

- A. All new construction within zone VE must be located landward of the reach of mean high tide.
- B. In a riverine situation, the director of code enforcement shall notify the following agencies of any alteration or relocation of a watercourse:

(1) Adjacent communities including the towns:

- a. Tiverton, Rhode Island,
- b. Somerset, Massachusetts
- c. Westport, Massachusetts;
- d. Dartmouth, Massachusetts; and
- e. Freetown, Massachusetts;

(2) NFIP State Coordinator, Massachusetts Department of conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104; and

(3) NFIP Program Specialist, Federal Emergency Management Agency, Region I, 99 High Street, 6<sup>th</sup> Floor, Boston MA 02110

- C. Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- D. Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- E. Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures. (c, d, e communities, if AH or AO appear)
- F. All subdivision proposals must be designed to assure that:
  - (1) Such proposals minimize flood damage;
  - (2) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
  - (3) Adequate drainage is provided to reduce exposure to flood hazards. (b, c, d, e communities)

**Sec. 10-249 Use of FEMA maps and supporting studies.**

- A. Abrogation and greater restriction section. The floodplain management regulations found in this Floodplain Overlay District

7

section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

- B. Disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable but does not imply total flood protection.
- C. Designation of community Floodplain Administrator. The City of Fall River hereby designates the Inspector of Buildings to be the official floodplain administrator for Fall River.
- D. Requirement to submit new technical data. If Fall River acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, Fall River will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief  
99 High St., 6<sup>th</sup> floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator  
MA Dept. of Conservation & Recreation,  
251 Causeway Street, Boston, MA 02114

- E. Variances to building code floodplain standards. Fall River will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

Fall River shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

- 7
- F. Variances to local Zoning Ordinances related to community compliance with the National Flood Insurance Program (NFIP). A variance from these floodplain ordinances must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.
  - G. Permits are required for all proposed development in the Floodplain Overlay District. Fall River requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and to other properties.
  - H. Assure that all necessary permits are obtained. Fall River's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.
  - I. Subdivision proposals. All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:
    - (a) Such proposals minimize flood damage.
    - (b) Public utilities and facilities are located & constructed so as to Minimize flood damage.
    - (c) Adequate drainage is provided.
  - J. Unnumbered A Zones. In A Zones, in the absence of FEMA BFE data and floodway data, the Building Division will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for flood proofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

- K. Recreational vehicles. In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

#### **Section 10-250. Definitions.**

**DEVELOPMENT** means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

**FLOODWAY** – The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

**FUNCTIONALLY DEPENDENT USE** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

**HIGHEST ADJACENT GRADE** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

**HISTORIC STRUCTURE** means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or



7

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

**NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

**RECREATIONAL VEHICLE** means a vehicle which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

**REGULATORY FLOODWAY** - See FLOODWAY.

**SPECIAL FLOOD HAZARD AREA** – The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

**START OF CONSTRUCTION** – The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

7

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION – When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

CITY OF FALL RIVER  
IN CITY COUNCIL

JUN 08 2021

*Passed through first  
reading, not amended*

# City of Fall River, In City Council

8

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. 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.
- (b) *Exception; outdoor dining.* A permit issued by the City Council pursuant to this section shall not be required for structures used for outdoor dining on a public sidewalk or other public way, provided the restaurant/applicant has obtained all city required approvals including, but not limited to, written approval from the City Building Inspector.
- (c) *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.
- (d) *Licensing period.* A permit issued under the provisions of this article is revocable and shall be valid for the period of time allowed by the permitting authority.

CITY OF FALL RIVER  
IN CITY COUNCIL  
JUN 08 2021

*Passed through first  
reading as amended*

9

*City of Fall River, In City Council*

(Councilor Linda M. Pereira)

WHEREAS, there have been numerous complaints regarding traffic in the area of Diman Regional Vocational Technical High School, and

WHEREAS, there are no sidewalks or crosswalks in this area causing students to walk in the street, and

WHEREAS, there is a great amount of traffic in the morning and afternoon when students are traveling to and from school, now therefore

BE IT RESOLVED, that the Committee on Public Safety convene with the Director of Traffic, Director of Community Maintenance, Administrator of Community Utilities and representatives of Diman Regional Vocational Technical High School to discuss improvements that can be made to improve public safety for the students and residents.

Filed: 6-15-21

10  
City of Fall River, *In City Council*

(Councilor Linda M. Pereira)

WHEREAS, upgrades are being made to Government Center to address barriers to accessibility, and

WHEREAS, the City of Fall River received a Municipal ADA Improvement Grant to fund these capital improvements, and

WHEREAS, more improvements are needed throughout the City of Fall River, now therefore

BE IT RESOLVED, that the Committee on Human Services, Housing, Youth and Elder Affairs convene the Chair of the Commission on Disability to discuss upgrades and improvements that are needed throughout the City, and

BE IT FURTHER RESOLVED, that the City Council President consider appointing a City Council liaison to the Commission on Disability.

Filed: 6-17-22



YALE

## City of Fall River Notice of Claim

RECEIVED

2021 JUN 15 P 1:03

CITY CLERK 21-32  
FALL RIVER, MA

1. Claimant's name; KENDEL TAVARES
2. Claimant's complete address: 169 MONTAUP ST #6 , FALL RIVER MA 02724
3. Telephone number: Home: 774-520-7839
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: 05/21/2021 at 9:04am

Amount of damages claimed: Vehicle Damage - \$1,200  
Medical Bill - \$1,371.91

6. Exact location of the incident: (include as much detail as possible): 273 WARREN ST and corner of COGGESHALL

7. Circumstances of the incident: (attach additional pages if necessary): I had just dropped my daughter off at the Greene School for 9am, I was driving and hit a pot hole which than made my car go to the right and hit the white vehicle as pictures are attached. The pot hole created damage to where my tire was on the curb. I was not cited for the accident and the pot holes were filled right after transport took me to ER.

☒ City Clerk   ☒ Law   ☒ City Council   ☒ DPW   Date: 6/15/2021



RECEIVED

2021 JUN 17 A 10:06

City of Fall River  
Notice of ClaimCITY CLERK 21-33  
FALL RIVER, MA

1. Claimant's name: Jose M. Borges, Margaret M. Borges
2. Claimant's complete address: 196 Hood St. Fall River, MA 02720
3. Telephone number: Home: 508-505-5924 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Property damage - Rock thrown from lawn mower (North Park) and  
lodged into vinyl siding cracking multiple panels of siding.
5. Date and time of accident: 5/25/21 2:11 PM Amount of damages claimed: \$ \_\_\_\_\_
6. Exact location of the incident: (include as much detail as possible):  
North Park and Hood St.
7. Circumstances of the incident: (attach additional pages if necessary):  
Public Works Dept was cutting the grass at North Park  
during that time a rock was launched from the blades of the  
lawn mower and lodge into vinyl siding of my home, destroying  
multiple panels.
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: 6/1/21Claimant's signature: Jose M. Borges

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 ☒ DPWDate: 6/17/2021



Law Office of  
**KEVIN J. PHELAN**

SUITES 24, 25 & 26

38 ROCK STREET  
FALL RIVER, MA 02720-3131

(508) 674-1999 FAX: (508) 679-1110

kphelan@fallriverlaw.net

RECEIVED

2021 JUN 17 A 11:18

CITY CLERK 21-34  
FALL RIVER, MA

STEPHEN M. SHEA, ESQ.  
sshea@fallriverlaw.net

June 15, 2021

Fall River City Clerk  
One Government Center  
Room 227  
Fall River, MA 02722

Re: Amaral v. City of Fall River et al.  
C.A. # 2173CV00418

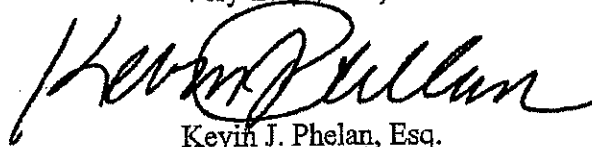
Dear Sir or Ma'am:

Enclosed for service of process in regard to the above-referenced matter, please find copies of the following documents:

1. Summons;
2. Complaint and Demand for Jury Trial;
3. Civil Action Cover Sheet;
4. Civil Tracking Order;
5. Plaintiff's Request for Production of Documents Propounded to Defendant City of Fall River (First Set);
6. Plaintiff's First Set of Interrogatories to Defendant Cynthia Rodriguez;
7. Plaintiff's Request for Production of Documents Propounded to Defendant Cynthia Rodriguez (First Set); and
8. Notice of Taking Deposition.

Thank you for your attention to these materials.

Very truly yours,



Kevin J. Phelan, Esq.

KJP/tt  
Enclosures

City Clerk ✓  
Law Dept ✓  
City Councilor ✓  
Fire/EMS ✓

6-17-2021

Sent via First Class Mail, Return Receipt Requested #7014 0150 0001 4747 6351

## CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, June 8, 2021 at 5:55 p.m.  
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Todd Paiva, 180 Stetson Street

The President called the meeting to order at 5:57 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:

**Pole Locations**

*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be opened.*

1. Massachusetts Electric Company for one new pole location as follows:

**Greenleaf Street**

One (1) new pole location

The petitioner requests to install new pole on Greenleaf Street approximately 100 feet from pole #3 on Judge Street. Pole is needed to reduce slack in current span of primary conductor. This will prevent span from hitting trees during wind events and reduce outages from the Greenleaf and Judge Streets area. In accordance with Plan No. 30378724 dated May 15, 2021.

*The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted written testimony and the City Clerk stated that none was received. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be closed.*

*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the hearing be opened.*

2. Massachusetts Electric Company for one new pole location as follows:

**Ling Street**

One (1) new pole location

The petitioner requests to install new pole on Ling Street approximately 65 feet from pole #6 located on Terrie Marie Way. Pole is needed to supply electrical power to new home at 67 Ling Street. In accordance with Plan No. 30367254 dated May 15, 2021.

*The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted written testimony and the City Clerk stated that none was received. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the hearing be closed.*

### **Curb Removals**

*On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be opened.*

3. Paula Oliveira, 307 Plain Street, Rehoboth, MA, for the removal of curbing as follows:

	Existing opening	Curbing to be removed	Curbing to be added	Proposed opening after alteration
--	---------------------	--------------------------	------------------------	--------------------------------------

43-45 Ash Street	0'	28'	0'	28'
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The petitioner is requesting the removal of 28 feet of curbing for the purposes of creating a three car driveway on the south side of the home and alleviate the demand for on-street parking.

*The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted written testimony and the City Clerk stated that none was received. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be closed.*

*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the hearing be opened.*

4. Marcelino Raposo III, 173 Stafford Road, for the removal of curbing as follows:

	Existing opening	Curbing to be removed	Curbing to be added	Proposed opening after alteration
--	---------------------	--------------------------	------------------------	--------------------------------------

173 Stafford Road	15'	8'	0'	23'
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The petitioner is requesting the removal of 8 feet of curbing to the existing 15 foot driveway opening for purposes of creating a wider driveway to allow vehicles access to the businesses in the rear of the property.

*The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted written testimony and the City Clerk stated that none was received. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the hearing be closed.*

*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted that the hearing be opened.*

5. Sarah Rodrigues, 333 Dunbar Street, for the removal of curbing as follows:

	Existing opening	Curbing to be removed	Curbing to be added	Proposed opening after alteration
--	---------------------	--------------------------	------------------------	--------------------------------------

333 Dunbar Street	13'	13'	0'	26'
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The petitioner is requesting the removal of 13 feet of curbing north of the existing 13 foot driveway opening for purposes of creating a two car driveway and alleviating the demand of on-street parking.

*The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted written testimony and the City Clerk stated that none was received. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be closed.*

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be opened.

6. Matthew Medeiros, 316 Gifford Road, Westport, MA, for the removal of curbing as follows:

	Existing opening	Curbing to be removed	Curbing to be added	Proposed opening after alteration
--	------------------	-----------------------	---------------------	-----------------------------------

33-35 Ward Street	11.5'	16'	0'	27.5'
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The petitioner is requesting the removal of 16 feet of curbing to the existing 11.5 foot driveway opening for the purposes of creating an additional driveway on the south side of the multi-family home to allow for a two car driveway to alleviate the demand for on-street parking demand. The current driveway is on the north side of the multi-family home.

The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted written testimony and the City Clerk stated that a written objection was received from Connie Rego of 23-25 Ward Street. The City Clerk read the letter, a 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 unanimously voted that the hearing be closed.

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be opened.

7. Eugene Merithew, 676 Charles Street, for the removal of curbing as follows:

	Existing opening	Curbing to be removed	Curbing to be added	Proposed opening after alteration
--	------------------	-----------------------	---------------------	-----------------------------------

676 Charles Street	15'	12'	0'	27'
--------------------	-----	-----	----	-----

The petitioner is requesting the removal of 12 feet of curbing to the existing 15 foot driveway opening for the purpose of creating an additional driveway on the east side of the home to allow for additional parking. The current driveway is on the west side of the home.

The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted written testimony and the City Clerk stated that none was received. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be closed.

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be opened.

8. Todd Paiva, 180 Stetson Street, for the removal of curbing as follows:

	Existing opening	Curbing to be removed	Curbing to be added	Proposed opening after alteration
--	------------------	-----------------------	---------------------	-----------------------------------

180 Stetson Street	18'	16'	0'	34'
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The petitioner is requesting the removal of 16 feet of curbing to the existing 18 foot driveway opening located on the Summerfield Street side of the property (corner lot).

The President then directed the proponents to be heard and Todd Paiva of 180 Stetson Street came forward. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted written testimony and the City Clerk stated that none was received. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted that the hearing be closed.

18

*On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adjourn at 6:08 p.m.*

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

Letter of objection from Connie Rego, 23-25 Ward Street

A true copy. Attest:

*Alison M Bouchard*

City Clerk

18

## City Council

---

**From:** City Clerk  
**Sent:** Friday, June 4, 2021 9:34 AM  
**To:** City Council  
**Subject:** Fw: [EXTERNAL] Response to notice of public hearing  
**Attachments:** IMG\_8399.jpg

CITY CLERK  
FALL RIVER, MA

2021 JUN -4 A 10:05

RECEIVED

Please see email below.

---

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

---

**From:** Patti Rego <pattirego@gmail.com>  
**Sent:** Friday, June 4, 2021 9:28:09 AM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Response to notice of public hearing

Hello,

I am writing on behalf of my mother, Connie Rego, who owns the property at 23-25 Ward Street (I am the occupant of the 2nd floor, labeled as 25 Ward St.) We received a notice from this office that the owner of 33-35 Ward Street, Matthew Medeiros, would like to remove curbing to create an additional driveway. We have some questions regarding this matter and would like them to be answered before this is approved.

- It's not clear from the description exactly what this new driveway will look like. It sounds as if he would like all curbing in front of his property to be removed. Why would 16ft of curb need to be removed to create an additional driveway on the south side of the property? Is this a wrap-around driveway? Is it a two-car horizontal or vertical driveway? It would be nice to see a rendering of the proposed change, as it would drastically alter the look of the property and as such, the neighboring area (and property values.)
- Will this removal of curbing affect any of the trees on this side of the street? I would object to any such alteration.
- The notice states that the owner would like to add a two car driveway to alleviate the demand for on-street parking. I have attached a picture of how this street looked this morning. As you can see, there is ample parking. In the 40+ years that my mother has owned this house, and the 20 years that I have resided here, there has never been an issue with parking on the street. Mr. Medeiros has owned the house for less than a year, and in that time, I have only noticed a parking issue when he was rehabilitating the first floor apartment. After that work was complete, the issue was resolved.

18

I would like more information about this project, so at this time, I object to the approval of this request, which I find to be rather vague.

Thank you and please let me know if you need additional information from me or my mother.

Respectfully,

Patti Rego - 25 Ward Street  
Connie Rego - 23 Ward Street





**CITY COUNCIL PUBLIC HEARING**

**MEETING:** Tuesday, June 8, 2021 at 5:15 p.m.  
Council Chamber, One Government Center

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

**ABSENT:** Councilor Pam Laliberte-Lebeau

**IN ATTENDANCE:** None

The President called the meeting to order at 5:21 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

**FISCAL YEAR 2022 MUNICIPAL BUDGET**

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be opened. The President stated that in accordance with Sec. 6-4(a) of the City Charter, this meeting is open to the public to hear all persons interested and wishing to be heard on the proposed Fiscal Year 2022 Municipal Budget. He then asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received. The President then directed the proponents to be heard and no one came forward. The President then directed the opponents to be heard and there were no opponents. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Bradford L. Kilby, it was unanimously voted to close the hearing.*

*On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adjourn at 5:24 p.m.*

**List of documents and other exhibits used during the meeting:**

Agenda (attached)  
DVD of meeting

A true copy. Attest:

*Alison M Bouchard*

City Clerk

20

## COMMITTEE ON FINANCE

MEETING: Tuesday, May 11, 2021 at 6:00 p.m.  
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Mary Sahady, Director of Financial Services  
John Perry, Director of Community Maintenance  
Nancy Smith, Asst. Commissioner of Parks and Recreational  
Facilities/Director of Parks and Recreational Facilities  
Joseph DaSilva, Chair, Board of Park Commissioners

The chair called the meeting to order at 6:40 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 could be submitted by email by Tuesday, May 11, 2021 at 3:00 p.m. to be read at the meeting.

1. Citizens' Input  
Shania Botelho, 39 Bond Street – Balloon releases  
Reghan Gibney, 213 Belmont Street – Balloon releases  
Julia Edge, 27 Hood Street – Balloon releases  
Clara Mason, 3 Rolling Green Drive – Balloon releases  
Hope Laliberte-Lebeau, 478 Osborn Street – Balloon releases  
Kiara Estrada, 270 Stetson Street – Balloon releases

The City Clerk read a communication received from a city resident, a copy of which is attached hereto and made a part of these minutes.  
Collin Dias, 560 Ray Street – Superintendent Matthew Malone

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to lift items #2 and #3 from the table.*

2. Committee on Finance convene with Administration to discuss improvements and repairs at city parks and baseball fields
3. Committee on Finance convene to discuss plans to improve city parks and baseball fields

The Director of Financial Services provided a brief overview of the matter. She then stated that it would cost approximately \$15,000.00 to maintain the lighting necessary for baseball leagues. Council President Cliff Ponte asked if this was included in the Fiscal Year 2022 Budget. The Director of Financial Services stated that it was not included, but there should be sufficient funds to cover this expense. The Director of Community Maintenance stated that approximately \$8,000.00 is needed for maintenance and repair of the lights. He then stated that he does not anticipate needing this amount annually, once the maintenance is up to date. Councilor Linda M. Pereira stated that she would like to see the restrooms open for residents, but vandalism is always a concern. She then asked how many benches were installed in Father Kelly Park. Nancy Smith stated that 15 benches were installed in Father Kelly Park. Councilor Linda M. Pereira asked if more funds are being allocated to the Park Department. The Director of Financial Services stated that more funds were allocated for expenses and also to hire seasonal workers. Councilor Trott Lee asked what tasks are performed by seasonal workers. The Director of Community Maintenance stated any job that needs to be done in the City parks. Councilor Michelle M. Dionne asked how much do the leagues pay for the use of the parks. Nancy Smith stated that no leagues pay to use the fields. She then stated that some surrounding communities charge fees such as New Bedford, Taunton and Somerset. Councilor Linda M. Pereira asked if the City provides loam for the maintenance of the fields. Nancy Smith stated that her department spends approximately \$15,000.00 per year on loam, lime, ballfield clay and speedy dry. Councilor Shawn E. Cadime stated that he would like to have a Capital Plan including a vision for the parks. He then stated that there may be grant funds available to assist with the project. On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to amend resolution #3 by adding the following at the end: as well as bring forward, in conjunction with the baseball leagues, and immediate capital needs for our City parks, and

**BE IT FURTHER RESOLVED**, that bids be obtained and a cost provided to the City Council for a strategic Master Plan for all parks and that it be researched whether Open Space and Recreational grant funding is available for these improvements.

On a further motion made by Councilor Trott Lee and seconded by Councilor Leo O. Pelletier, it was unanimously voted to table both items #2 and #3.

4. Committee on Finance meet with Administration to discuss trash collection and proposal for Cart Program

Councilor Pam Laliberte-Lebeau stated that she had spoken with the Mayor and he requested that this matter be tabled to allow the Administration more time to prepare for the discussion. She then stated that she does not have a problem with tabling the matter but would like an answer regarding the end date for the collection of commercial trash and recycling. Councilor Christopher M. Peckham asked if the carts can just be removed from these businesses. The Director of Community Maintenance stated that the City needs to notify these businesses and give them time to locate alternate trash haulers. Councilor Linda M. Pereira stated that there were fees and pay as you throw bags in the City, but these were rescinded due to political pressure. Councilor Trott Lee asked how much notice does the City need to give to these businesses. The Director of Community Maintenance stated that 60 days notice should be provided. He then stated that some of these businesses have apartments located above the business. Councilor Shawn E. Cadime stated that the City Council may need a legal opinion on the definition of "household trash". Councilor Leo O. Pelletier asked how many businesses are having their trash collected. The Director of Community Maintenance stated that there are 110 businesses, with a total of 372 carts that are collected. He also stated that there are 1,983 businesses located in the City and only 110 businesses have solid waste and recycling collected by the City. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to send a letter to the Mayor as follows:

City Clerk draft a letter for City Council President Ponte's approval advising the Mayor that, in accordance with City ordinance, the City should no longer pick up trash and recyclables from businesses, if in fact there is a violation of city ordinance(s), and that the City Clerk work with the Director of Community Maintenance to send the City Council a copy of the current ordinance(s) that he referenced at the meeting, and based on that review, the City Council President will determine whether the letter should be sent to the Mayor with a copy to Corporation Counsel, to include the City Council's comments on the matter (copy of said letter is attached hereto and made a part of these minutes). On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to table the matter.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn at 8.41 p.m.

List of documents and other exhibits used during the meeting:

Citizens' Input Communications  
Agenda packet (attached)  
DVD of meeting

*Christina A. Taylor*  
Clerk of Committees



City of Fall River  
Massachusetts  
City Council

20

FILE

CLIFF PONTE  
President  
City Council

May 13, 2021

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

Dear Mayor Coogan,

At a meeting of the City Council Committee on Finance held on May 11, 2021, a discussion was held regarding collection of trash for commercial establishments. A motion was made and seconded to request that I review the city ordinances available to me. I have had the opportunity to do so and my thoughts are outlined below.

Sec. 62-1 defines CART as "The City-supplied wheeled trash receptor. Blue and pink carts are solely used for recycling and green carts for household trash."

Further, Section 62-2 outlines *Collection and disposal generally*. The ordinance states:

*C. The City shall collect solid waste and recyclables from single-family dwellings and multiple-family residential buildings containing up to six dwelling units. Solid waste shall be collected only if placed in an official City bag and placed in a green cart. Recyclables shall not be placed in green carts, and solid waste shall not be placed in blue or pink carts.*

In reviewing these sections, it is my opinion that without specific verbiage in which "commercial trash" is collected and since Section 62-2(C) does specify collection for HOUSEHOLD trash, it could be and is implied that collection for commercial establishments does not occur. However, this is currently happening.

ARTICLE II provides for *Collection Regulations*. Section 62-42 which describes *Placemnt of refuse from commercial establishments on sidewalk* states:

*Business establishments, stores, restaurants and laundries will be permitted to place refuse and rubbish on the sidewalk on the day of collection, provided such refuse and rubbish shall be in*

proper containers and bundles and shall occupy a space not larger than 12 feet long, three feet wide and four feet high.

20

As the Council Vice President indicated during the meeting, Section 62-42 relates to placement of trash on the city's sidewalks, but does not authorize such collection.

Members of the City Council had a clear message: the 110 businesses that are currently having trashed picked up need to be placed on notice that this will no longer be the case, with a date to be set forth by the Mayor and Administration.

I respectfully request your response prior to the next meeting of the City Council which is scheduled for May 25, 2021 as the item will be placed on the agenda for that meeting.

Very truly yours,

*Cliff A. Ponte*

Cliff A. Ponte  
President, Fall River City Council

c: Corporation Counsel Alan Rumsey

**MAY 11, 2021**

**COMMUNICATIONS**

**SUBMITTED**

**FOR**

**CITIZENS' INPUT**

20

RECEIVED

**City Council**

**From:** Collin Dias <collind00@aol.com>  
**Sent:** Tuesday, May 11, 2021 12:21 PM  
**To:** City Council  
**Subject:** [EXTERNAL] Citizens Input

2021 MAY 11 P 12:36

CITY CLERK  
FALL RIVER, MA

Collin Dias  
560 Ray Street, Fall River, Massachusetts, 02720 Fall River City Council Committee on Finance Citizens Input 5/11/21

Good afternoon President Ponte and members of the City Council,

The school committee, frankly, the committee of 4, refuses to provide oversight to the school district, and the superintendent is allowed to do whatever he wants.

It was referenced at last night's school committee meeting that superintendent Malone "liked" a very vulgar, and inappropriate post on his public Twitter handle, in the name of the Fall River Public Schools. The superintendent and the committee of 4 are black clouds over our city. Thank you to committee members Aguiar and Hart for taking issue with the free reign of the superintendents Twitter handle. He can not be trusted with city property. The committee of 4 has proven to the voters they could care less about the conduct of the superintendent. The superintendent uses his Twitter account as a personal one, endorsing and supporting businesses in Boston, Dorchester, Rosindale, NOT Fall River. Is this not an ethics violation?

I had the school committee attorney, repeatedly interrupt me while I was speaking at citizens input last night. However the facts are the facts. The committee of 4 tried to hide the Malone report and they lost. The Secretary of states office told them no. The committee of 4 tried to release a report with a bunch of black lines running through it, and they lost again. So the common defense that the committee of 4 likes to use, that the redactions and the withholding of information is legally necessary, was proven false on this face. We have a renegade school committee. We need to restore integrity to school committee. We need to fire Malone.

We need to assure that the first amendment right to freedom of speech is protected. People have the right to give citizens input at city council meetings, or joint meetings of the city council and the school committee without fear of retaliation, or actual retaliation.

Tom Khoury threatened me at the joint meeting between the City Council and the School Committee. He acted like Superintendent Malone, like a bully. He swore at me multiple times, blocked me from leaving the council chambers, and put his finger in my face and didn't care to wear a mask while coming within close distance of me.

I would be just as angry if this happened to any other member of this community. This kind of behavior should be universally condemned by this council, and by this city. This behavior should not be condoned in the council chambers, nor in the school department. Tom Khoury, should join Superintendent Malone and resign.

Mr. Khoury failed in trying to stop me from speaking out about the nepotism and lack of integrity / accountability in the school department. His actions help assure me I am on the right side of history, and motivates me further to make Fall River Public Schools the best it can be for the children, the teachers, and the taxpayers.

Together, we will move forward as a city and remove these bad apples from our school district, and together we will restore integrity to the Fall River Public Schools.

Collin Dias



## \*Speech\*

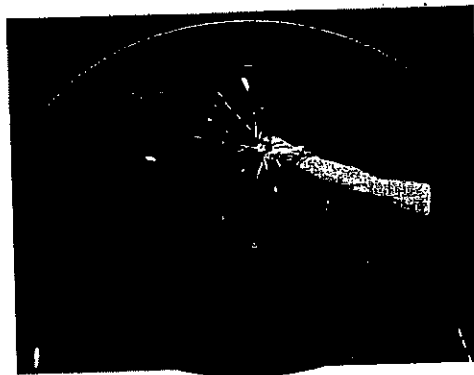
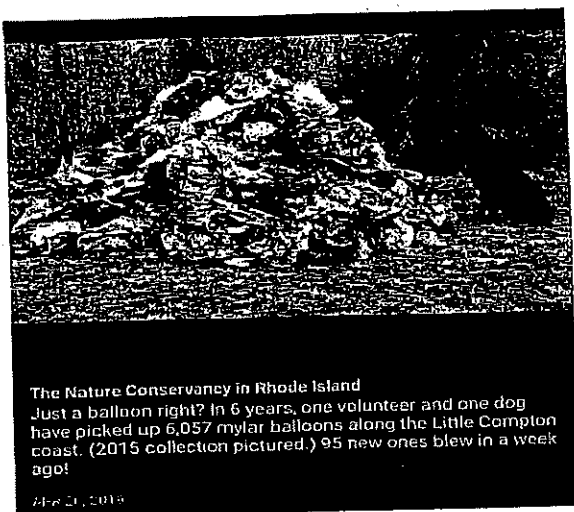
Hello my name is Clara Mason, my class and I have been working on an argument to ban balloon releases. **The city of Fall River needs to ban Balloon Releases.** We at first wanted to do wildlife protection in Fall River but after we saw what Balloon Releases do to the animals that we want to help and protect we decided to try to ban Balloon Releases. Balloon Releases cause ocean and woodland pollution, it doesn't only hurt our city but it also hurts other cities and towns around us. Speaking of the other cities and towns, many states, cities and towns have already banned balloon releases. If we don't ban Balloon Releases they'll keep hurting and polluting our environment and animals. The animals will eat the balloons and they'll choke. Even balloons that are biodegradable can survive in water for 6 months up to 4 years. We, the youth of Fall River, don't want to stay here if our city is dirty. If the city is dirty we'll want to leave for cleaner cities and towns. We the youth want to see our city clean and we want to see this step taken to keep our city clean.

Hi I'm Julia Edge, The big question we are asking is: **why aren't balloons already considered litter?** Throwing a cup on the ground would be considered littering and we would get a \$500 fine, but releasing a helium balloon up into the sky isn't considered litter even though it's still polluting our environment. A standard 11 inch latex balloon will float for about 10 hours to 5 days and then start to fall down, depending on the wind direction the balloons can travel thousands of miles away from the spot they were released from, and like Clara said animals might think it's food and pass away. We understand that it's for a lost loved one but you shouldn't pollute our city, neighboring cities, the water, and woodland areas. There are a lot of better alternatives which are good for the environment that our classmates are going to talk about later on and we thank you for listening.

Hello, I'm Hope my class and I are doing Generation Citizen where we are trying to ban balloon releases from happening, starting with Fall River. This petition has 407 signatures including a few countries such as Germany and France. I believe this petition is important, because the residence want a clean city not a dirty one. If we remove balloons in the environment it will be less harmful to animals and society. When a balloon is released it doesn't just land in the city it harms other areas as well, for an example if we release a balloon in Fall River it can land anywhere in the world and we wouldn't know that it's causing harm to animals/marine life and other things. Plastics such as balloons and more breaks up to something called micro plastic that sea creatures inhale through their gills and eat and eventually die. For an example when turtles eat plastic straws and can't breathe. The reason why balloon releases should be banned in Fall River is because more than 100,000 animals die a year.

Thank You

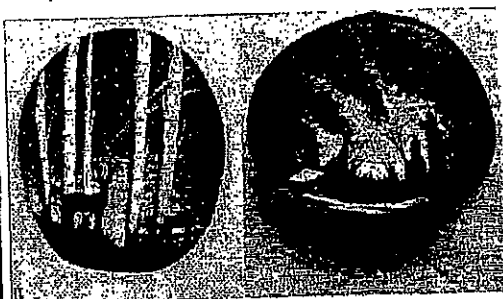
Hello I am Shania Botelho I am here today to tell you about what issues balloons have caused in our area. There have been many issues in our area and I have some stories of what balloons have done around our community. One great example of how this impacts Fall River is the story of our nice harbormaster Paul Borges near the cove saw a swan struggling so he got on a boat and paddled out there and when he was out there he wicked up the swan and saw that there was a balloon string wrapped around the birds feet and it also couldn't move and probably couldn't help it's family. With an iconic kiss he let the swan go. The next story that happened in a community near us is in Little Compton. They went in the water cleaning and when they finished cleaning by the end of the day they pulled Over 6,000 balloons and over the next week 100 more washed up. Who knows how many already disintegrated into small plastic particles and also how many balloons the animals in the ocean already ate. All those balloons didn't just come from Little Compton they can come from many other places like Fall River. A third and final reason is that in 2019 in Peabody Massachusetts there was a millard balloon that got wrapped around a power line and caused a power outage in a whole district. We hope to see Fall River take these issues seriously and make a change that will have a positive impact for years to come. Thank you for your time.



### Residence of Fall River quotes:

- "You know i am guilty of releasing balloons and after seeing the reality of our environment and what it's doing i refuse to release anymore balloons."
- "yes no questions asked, just ban releases."
- "Should be banned; it's literally littering and is bad for the environment".
- "Yes is this even a question. It's funny you litter on the ground and get fined if caught yet people do it on purpose and there are no repercussions".





# Anti-ballon pollution

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Balloon Releases are raising pollution in the environment and hurting it

Balloon making companies say that latex balloons are "Safer" to release. They claim that the balloon will only rise into the sky up to 5 miles and then burst into the air, and it will be harmless. They don't know where the balloons could end up. They can end up on beaches, forest and even other cities. They are fine with the balloons going up not caring about where they end up in the end.

## ALTERNATIVES

Instead of letting balloons go and pollute the ecosystem, you could do so many other things, such as:

- ☐ Float flowers on the water
- ☐ Blow bubbles
- ☐ Hold a candle-lighting
- ☐ You could make rock art
- ☐ Plant a tree or flowers
- ☐ Plan a fundraiser
- ☐ Have a ceremonial bonfire
- ☐ Write and plan a message on seed paper
- ☐ Write in the sand
- ☐ Plant a tree
- ☐ Brick dedication
- ☐ Candle light visual Memorial garden (because flowers come back every year)

(Pictures of alternatives are below)

## Fall River Street Tree Planting Program

An alternative for releasing balloons would be the Fall River Street Tree Planting Program. If you have an open area that you would like that tree to be planted in remembrance of that loved one, then contact the Fall River Street Tree Program and they'll come plant it for you. They will provide a **Free** tree of your choice. The only time you would need to pay for the tree is if you want a very expensive tree. To contact the program go to [http://www.frstpp.org/contact\\_us](http://www.frstpp.org/contact_us).





Hi my name is Reghan and I'm here to represent my class,

As you know Balloon Releases are to honor our loved ones that have passed away but what you may not know is that it causes more harm than good. These Balloons eventually fall back down to the ground and become litter. Animals get caught in the strings or they eat the balloons which it doesn't break down in their stomach causing them to get sick and eventually cease to exist. We need to pay more attention to these animals and do our best to keep them safe. This is why instead of having balloon releases people should try other alternatives such as planting a memorial tree. There is a program right here in our city called Fall River Street Tree. This program is open to all the residents of Fall River. You can get a free tree on whatever street you would like (as long as it gets approved) and if the tree you want costs money then the program will pay for half of it. A memorial tree is something that you can take care of and it has way more meaning than releasing balloons and you can regrow the tree. We need to find a way to make this program known to all the residents of Fall River. We as a class also think the city can expand this program by getting free flowers added to it so residents can make memorial flower gardens. I really think getting rid of balloon releases and trying to get a tree instead is the better option for the community, and the animals around you.

Thank you for listening.

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I'm Kiara Estrada, and what I'm going to present to you today is the alternatives to balloon releases. Fall river has a lot of alternatives to balloon releases that a lot of people don't know about. For example a big one that's not mentioned is the Fall river street tree program. More details about it are on the brochure and poster. But that's not the only alternatives. There are also many others, like candle lightings, memorial gardens, and many more

## COMMITTEE ON FINANCE

MEETING: Tuesday, May 25, 2021 at 6:00 p.m.  
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Mary Sahady, Director of Financial Services  
Timothy McCoy, City Administrator  
John Perry, Director of Community Maintenance  
Paul Ferland, Administrator of Community Utilities

The chair called the meeting to order at 6:14 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 could be submitted by email by Tuesday, May 25, 2021 at 3:00 p.m. to be read at the meeting.

1. Citizens' Input  
Jeffrey Gaudreau, 229 Palmer Street – Pride Ceremony

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

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to waive the rules to allow a non-Fall River resident to submit testimony.*  
Hal Levin, 35 Pilgrim Way, Lakeville, MA – Joint School Committee and City Council Meeting

Collin Dias, 560 Ray Street – School Department Salaries  
Alexander Silva, The Preservation Society of Fall River, 263 Pine Street, Apt. B1 – Purchase and Sale Agreements  
Attorney Rene Brown, 105 Bank Street – Corky Row Neighborhood Meeting

2. Discussion of proposed FY22 budgets for Water and Sewer Divisions  
*The Administrator of Community Utilities gave a brief overview of the Fiscal Year 2022 Budgets for the Water and Sewer Divisions. He stated that the proposed rate increases are \$0.07 per 100 cubic feet (CCF) for sewer usage, \$0.05/CCF for water usage and \$1.00 per equivalent residential unit (ERU) to the stormwater fee. An ERU is defined as 2,800 square feet of*

impervious area. He also mentioned that one CCF is equal to 748 gallons. The Administrator of Community Utilities then stated that the combined impact of the rate increases to the average family using 109 gallons per day (53 CCF per year) is \$10.36 per year or \$0.86 per month. Council President Cliff Ponte asked the Administrator of Community Utilities what would need to be cut from the budgets, if the rate increases are not approved. The Administrator of Community Utilities stated that the first item to be cut from the budget would be the \$100,000.00 for the Stabilization Account. He then stated that capital items would need to be reviewed. He also stated that electricity and chemicals cannot be reduced. The Director of Financial Services stated that the infusion of funds from the American Rescue Plan will be used next year on infrastructure. Councilor Shawn E. Cadime stated that the use of one time funds is not a good practice, because when there are no one time funds available there could be an increase of \$.80 per CCF instead of \$.07 per CCF. He then asked when some of the significant debt will begin to decline. The Administrator of Community Utilities stated that some of the significant debt for the Combined Sewer Overflow (CSO) tunnel will begin to drop off in the next few years. He also stated that many communities are facing significant increases, due to maintaining rates with no increases for too many years. Councilor Pam Laliberte-Lebeau asked when the stormwater fee was implemented. Paul Ferland stated the stormwater fee was implemented in 2008 and it was initially \$35.00 per quarter. Councilor Michelle M. Dionne asked if Terrance Sullivan, the former Administrator of Community Utilities is still working for the City on an as needed basis. Paul Ferland stated that Mr. Sullivan is still working when needed. He then stated that due to a lack of licensed individuals at the wastewater treatment plant, he will be covering a shift tomorrow night. Councilor Trott Lee asked why \$30,000.00 was needed for postage. Paul Ferland stated that is the amount of postage necessary to mail utility bills. Councilor Trott Lee then asked Paul Ferland, if the bills could be sent out electronically. Paul Ferland stated that he did not believe so because there are still many residents that do not have email. The Director of Financial Services stated that all invoices are currently available to pay online. Councilor Leo O. Pelletier stated that the main concern with the water and sewer budget is to ensure that the City of Fall River has clean safe water. Councilor Shawn E. Cadime stated that everyone needs to understand that when loan orders are approved to make significant upgrades, then rate increases will be necessary to support those loan payments.

3. Committee on Finance meet with Administration to discuss trash collection and proposal for Cart Program

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted to lift the matter from the table. The Director of Community Maintenance provided an updated overview of trash collection and the cart program. He then stated that there is one EZ Disposal truck collecting trash and recycling from the commercial businesses that are on the list of exceptions, in order to get an accurate weight. Councilor Michelle M. Dionne asked the Director of Community Maintenance if the 100 carts for solid waste, recycling and yard waste that were ordered are all 95 gallon. John Perry stated that all the carts in this previous order were 95 gallon carts. Councilor Pam Laliberte-Lebeau stated that there are a group of houses on Robeson Street, which total 32 units. She then stated that 32 units all purchased at the same time should constitute a business. Councilor Michelle M. Dionne asked the Director of Community Maintenance, if he feels that the City is getting close to resolving the solid waste problems. John Perry stated that he believes that the collection of commercial trash and recycling should be resolved soon. He then stated that when the market for recycling crashed, there was a loss of revenue. He also mentioned that without a revenue generating stream, such as fees or pay-as-you-throw there will always be a shortfall in solid waste collection account. The City Administrator stated that all communities are having the same problems with the costs for solid waste collection. John Perry stated that the best way to handle costs is the pay-as-you-throw program. He also stated that he would like to construct a recycling center at the Lewiston

Street facility. Councilor Michelle M. Dionne stated that she would like to see a redemption center for bottles and cans added to a recycling center. Councilor Linda M. Pereira asked how much does the City owe on trash trucks. John Perry stated that he believes that they have been paid off, but was unsure and will check on the matter. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to table the matter.

Citizens' Input Time – After Discussion of Financial Matters:

Carlos Cesar, 367 Frost Street - Neighborhood

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adjourn at 9:47 p.m.

List of documents and other exhibits used during the meeting:

Citizens' Input Communications

Agenda packet (attached)

DVD of meeting

Commercial Trash List from Director of Community Maintenance

  
Catherine A. Taylor  
Clerk of Committees

**MAY 25, 2021**

**COMMUNICATIONS**

**SUBMITTED**

**FOR**

**CITIZENS' INPUT**

21

**City Council**

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**From:** Hannah Levin <hlevinh19@gmail.com>  
**Sent:** Tuesday, May 25, 2021 1:13 PM  
**To:** City Council  
**Subject:** [EXTERNAL] citizens input 5/25/21

Good afternoon Fall River City Council,

I just have to ask, as an outsider, what is going on in Fall River? I heard the news from the joint city council and school committee meeting that there my friend Collin Dias was verbally assaulted and harassed by School Committee member Tom Khoury. Mr. Khoury created a public scene, swearing and pointing his finger in Mr. Dias' face. He also followed Mr. Dias and blocked his path from leaving. Normally, individuals who disrupt meetings, and harass people would be arrested for breaching the peace, or banned from city hall. Why didn't the police officer present at the meeting do anything about the incident. Where is the Mayor on this incident? Is it because Mr. Khoury knows the Mayor? We also have city council and school committee rules on decorum. Mr. Khoury should not be allowed to get away with his actions because of his status as a public official. Bullying should be condemned at every Avenue. I believe Mr. Khoury should resign. We already have one bully in the school department, and now we have one on the school committee.

Hal Levin  
35 Pilgrim Rd, Lakeville, MA

CITY CLERK  
FALL RIVER, MA

2021 MAY 25 P 2:09

RECEIVED

21

## City Council

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**From:** Collin Dias <collind00@aol.com>  
**Sent:** Tuesday, May 25, 2021 1:41 PM  
**To:** City Council  
**Subject:** [EXTERNAL] Citizens Input

Collin Dias 560 Ray Street, Fall River, Massachusetts, 02720 Fall River City Council Citizens Input 5/25/21

Good afternoon members of the city council,

I just wanted to speak on the importance of teacher retention, and the salary, or lack of, we stipend to our teachers and paraprofessionals in the Fall River Public Schools system.

Paraprofessionals are paid below the state average. In fact, they are paid below every state average. North Carolina has the lowest state average for paraprofessionals, and if Fall River was a state, we would have the lowest average for up and coming paraprofessionals.

Incoming teacher salary, and the Full time equivalent average for teachers in Fall River just doesn't make the cut. We're one of the lowest in the state. New Bedford, Taunton, Wareham, Attleboro, and others pay more in salaries for their teachers. Then we wonder why they leave for other districts. We need to care more for our faculty, our teachers. The budget priorities are not in the right place, they are placed on unneeded fillers positions, and wasteful spending. I believe you need can't put the cart before the horse. If you care about the children, then we need to make improvements into the pay for our common faculty.

We have great men and women in our school district, we have a great school district with a couple of bad apples at the top. However as a city I believe we will come together and solve the issues of integrity, accountability, and transparency to the voter, and transparency to the taxpayer.

We need advocates of the taxpayer on the school committee. We need to end the debt exclusion. And how are we going to do that. We need to work with the city, to cut down on how many dollars we borrow from them. We need to reign in on spending, and look into where our school dollars are going towards.

Thank you very much for your time.

Respectfully submitted

Collin Dias

Sent from my iPhone

CITY CLERK  
FALL RIVER, MA

2021 MAY 25 P 2:09

RECEIVED



21

## City Council

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**From:** Fall River Preservation Society <psfallriver@gmail.com>  
**Sent:** Tuesday, May 25, 2021 2:41 PM  
**To:** City Council; City Clerk  
**Cc:** Jim Soule  
**Subject:** [EXTERNAL] May 25, 2021 Citizen Input - Preservation Society  
**Attachments:** Input - City Council May 25, 2021.pdf

Hello City Councilors,

Attached and copied below is citizen input on behalf of the Preservation Society of Fall River regarding missing purchase and sale agreements in the city to be read at today's City Council meeting.

Thank you!

CC'd: Jim Soule, President of the Board of Directors

Sincerely,  
Alexander Silva  
Preservation Society of Fall River, Inc.  
774-301-9668

### Citizens Input:

Dear members of the City Council,

The Preservation Society of Fall River respectfully requests that the issue of missing purchase and sale agreements from City Hall be included as an agenda item for the full Council's discussion at the next City Council meeting.

The City Council was first made aware of this issue in early 2020 after a Massachusetts Public Records Request by the Preservation Society failed to produce the purchase and sale agreement for the Nathaniel B. Borden School.

During this time, it was discovered that the purchase and sale agreement for the Harriet T. Healy School was missing as well.

At the City Council Committee on Real Estate meeting on July 2020, members of the Committee requested more information on the N.B. Borden School's missing purchase and sale agreement and its continued search. To date, there have been no updates.

Looking beyond the impact these particular missing purchase and sale agreements have had on the city, Fall River residents deserve to know what has been done to prevent future legal contracts for the city from disappearing from a government building.

To solve any problem, it is first necessary to understand how it happened.

Otherwise, how can public faith in the city's ability to protect the interests of Fall River residents ever fully

RECEIVED  
2021 MAY 25 P 2:56  
CITY CLERK  
FALL RIVER, MA

recover?

Sincerely,

The Preservation Society of Fall River, Inc.  
Board of Directors

# The Preservation Society of Fall River

P: 508-673-4841 E: psfallriver@gmail.com W: psfallriver.org



May 25, 2021

Dear members of the City Council,

The Preservation Society of Fall River respectfully requests that the issue of missing purchase and sale agreements from City Hall be included as an agenda item for the full Council's discussion at the next City Council meeting.

The City Council was first made aware of this issue in early 2020 after a Massachusetts Public Records Request by the Preservation Society failed to produce the purchase and sale agreement for the Nathaniel B. Borden School.

During this time, it was discovered that the purchase and sale agreement for the Harriet T. Healy School was missing as well.

At the City Council Committee on Real Estate meeting on July 2020, members of the Committee requested more information on the N.B. Borden School's missing purchase and sale agreement and its continued search. To date, there have been no updates.

Looking beyond the impact these particular missing purchase and sale agreements have had on the city, Fall River residents deserve to know what has been done to prevent future legal contracts for the city from disappearing from a government building.

To solve any problem, it is first necessary to understand how it happened.

Otherwise, how can public faith in the city's ability to protect the interests of Fall River residents ever fully recover?

Sincerely,

The Preservation Society of Fall River, Inc.  
Board of Directors

21

City Clerk

**From:** Rene Brown <sinfullawyer@yahoo.com>  
**Sent:** Tuesday, May 25, 2021 3:09 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Citizens Input Letter for Council Meeting of Tuesday May 25 2021

Dear Council,

Thank you to the Mayor and all the concerned individuals that attended the Corky Row neighborhood meeting last night. Unfortunately, those of you who did not attend missed a real opportunity at UNITY in our great city.

I don't know and I don't really care why only two of our councilors could attend, but what I do care about is that the meeting last night was an opportunity to unite our city, engage our residents, and listen to the trials and tribulations of those individuals living in a neighborhood that is recovering from violent trauma.

Many of us live a somewhat insulated life from this type of neighborhood trauma. However, that doesn't mean we can't help. And sometimes, help can come from just listening. Help can come from just showing up. Help can come from just being there.

Last night's meeting was not about speeches, photo ops or deliberating issues, it was about listening to the handful of residents that appeared to share their stories, or ask their questions. Kudos to all the city departments that heeded the call to action and attended last night's meeting. Kudos to the 2 councilors, Peireira and Pellitier that did show up. Thank you to the Mayor, the District Attorney, the youth group volunteers, the neighborhood groups, school committee member Khoury, State Rep Silva, federal, state and city law enforcement, and the citizens of Fall River that did show up. Thank you to Shawn and Bobby for sharing their personal insight and journey that inspired HOPE and UNITY.

Hopefully, the rest of our Council can heed to that call of action and act in manner that promotes UNITY. Like it or not, we all are in this together. The real heroes last night were the brave residents that appeared to share their information, their stories, their questions, their concerns, their fear and their triumphs.

Let's listen more. And perhaps, just show up?

Attorney Rene Brown  
105 Bank Street  
Fall River MA 02720  
4018350598

*Allowed to be read with Co. President's approval.*

### COMMITTEE ON FINANCE

**MEETING:** Tuesday, June 8, 2021 at 6:00 p.m.  
Council Chamber, One Government Center

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

**ABSENT:** None

**IN ATTENDANCE:** Paul E. Coogan, Mayor  
Mary Sahady, Director of Financial Services  
Timothy McCoy, City Administrator  
Matthew H. Malone, Ph.D., Superintendent, Fall River Public Schools  
Kenneth C. Pacheco, Chief Operating Officer, Fall River Public Schools  
Kevin Almeida, Chief Financial Officer, Fall River Public Schools  
Shawn Travers, Coach, Maplewood Independent Youth Baseball League  
Joseph Charves, Board Member, Board of Directors,  
Maplewood Independent Youth Baseball League

The chair called the meeting to order at 6:08 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 could be submitted by email by Tuesday, June 8, 2021 at 3:00 p.m. to be read at the meeting.

#### 1. Citizens' Input

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

Collin Dias, 560 Ray Street – School Department Budget  
CJ Ferry, 300 Buffinton Street – Appointments and ARPA Funds

#### 2. Mayor and order appropriating \$1,809,616 from Community Preservation Act funds for Fiscal Year 2022 Community Projects

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to refer the matter to full Council for action.*

### 3. Presentation of Fiscal Year 2022 Municipal Budget

Mayor Paul E. Coogan provided a brief overview of the Fiscal Year 2022 Municipal Budget. He stated that the City of Fall River is fortunate to have received American Rescue Plan Act (ARPA) funds. He then stated that unfortunately these funds came about at a terrible price, approximately 370 residents died due to the COVID-19 pandemic. Councilor Trott Lee asked if there is a tax increase included in the Fiscal Year 2022 Municipal Budget. Mayor Paul E. Coogan stated that a 2 ½% tax increase is included in the budget. The Director of Financial Services gave a detailed presentation of the Fiscal Year 2022 Municipal Budget.

### 4. Presentation of Fiscal Year 2022 School Department Budget

Superintendent of Schools provided an overview of the Fiscal Year 2022 School Department Budget. Council President Cliff Ponte asked if there was a PowerPoint presentation. The Superintendent of Schools stated that there was no presentation, but the financial team will answer any questions that the City Councilors may have. He stated that the Fiscal Year 2022 School Department Budget is 100% of Net School Spending and contains 67 new positions. Councilor Michelle M. Dionne stated that she noticed various vacant positions in the budget. Kevin Almeida stated that there are numerous retirements and some positions are difficult to fill. Councilor President Cliff Ponte stated that he finds it very confusing when reviewing the School Department Budget, as salaries listed are average salaries and not actual salaries. Councilor Bradford L. Kilby asked if the new high school will open in September of 2021. The Superintendent of Schools stated that the new high school will open in September. Kenneth C. Pacheco stated that the demolition of the old high school will begin in the fall and will continue while students are in school. He also stated that due to the COVID-19 pandemic the availability of building materials is very slow. Councilor Pam Laliberte-Lebeau asked if there is any gang prevention in the schools. The Superintendent of Schools stated that the School Department is discussing the return of gang prevention in the schools.

Kevin Almeida stated that the School Department has over 2,000 employees. He then stated that salary savings occur due to employees retiring and also leaving for other employment opportunities. Council President Cliff Ponte stated that the School Department will be receiving over \$40 million dollars from the federal government. He then asked if there are any plans for the use of these funds, such as the new high school. Councilor Leo O. Pelletier asked who paid for the repairs needed to the roof on the new high school. Kenneth C. Pacheco stated that the contractor paid for the repairs which was approximately \$1 million dollars. He also stated that there have been additional costs due to the increase in the cost of materials, but the final cost of the project will stay the same as adjustments are made to accommodate the increases. Councilor Leo O. Pelletier then asked if the upgrades to the Watson School were almost complete. Kenneth C. Pacheco stated that the Watson School is almost complete. Councilor Leo O. Pelletier then asked how many students are enrolled in Fall River Public Schools. The Superintendent of Schools stated there are 10,170 students enrolled in Fall River Public Schools. Councilor Linda M. Pereira stated that she attended the Durfee Alumni Awards Ceremony and many graduates of B.M.C. Durfee High School have been accepted to great colleges across the country.

### Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 8:54 p.m.

List of documents and other exhibits used during the meeting:

Citizens' Input Communications

Agenda packet (attached)

DVD of meeting

Fiscal Year 2022 Budget Presentation by Mary Sahady

*Cullen A. Taylor*  
Clerk of Committees

**JUNE 8, 2021**

**COMMUNICATIONS**

**SUBMITTED**

**FOR**

**CITIZENS' INPUT**



22

CJ FERRY, R.N., PHN

RECEIVED

June 8, 2021

2021 JUN -8 P 2:32

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

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

Re: Citizen's Input <Corrected>

Council President and City Council:

I want to get right to the point, when will this council stop approving appointments of individuals who are not qualified by any means or experience. With the previous administration we saw people being hired, with no experience, into positions that they were not qualified for and the city council approved those contracts. Those people lasted a month or two and were then fired, resigned or given yet another position that they were not qualified for and we still have those people on the payroll, did you forget about them? We have seen people appointed to boards and commissions by two administrations, but more so with the current administration, where the individuals appointed met with the administration and told how they must vote on a specific issue or issues and those appointments were political payback for favors granted to the administration.

You have before you this evening two appointments to the Port Authority where neither potential appointment has any background or qualifications for the position except to do the bidding of the administration. One of those candidates has spoken very vocally in support of this administration when he was a candidate and now is soliciting signatures for his re-election. This is obviously a questionable appointment and of course I know at least three councilors who will vote in the affirmative of these candidates as they see this administration as perfect and will always answer his bidding. Please seriously consider denying these appointments for the safety and security of our citizens, the water front as we know it and our valuable asset, the State Pier which the mayor wants to have yet another political insider appointed to a do nothing, no show \$77,000 a year job in addition to their current job. Money just seems to flow from this administration to his friends.

This past week, City Councilor Shawn Cadime was quite clear when he called out the council's duplicitous behaviors and actions. Various City Councilors stomp their feet and complain about issues and budgets and they make scenes in front of the camera to show that they allegedly care about the citizens and the taxpayer. Such actions, as we see, are fruitless as those same complainers will vote to pass the resolution, ordinance or budget. The only benefit this shows is the benefit to the mayor and those of the city's typical function of wasting taxpayer funds. In an effort to shorten this budget process and to cut out the melodramatics of certain councilors, just pass it, as we know you will do anyhow. I know it is an election year, but do you have to really do a floor show for the people which means nothing because you intend to rape the taxpayer once again this year. As Councilor Cadime stated, you will complain and yet pass it anyway. So, save the people your fake

22

- 2 -

June 8, 2021

platitudes and for once be honest with the people. Rob them publicly and without the cover of your performance.

Finally, the city council is being asked to receive the ARPA money from the federal government. This money will be very beneficial for the city of Fall River, if it is utilized for the benefit of the taxpayers and its citizens. Many people do not trust this administration, its financial team and once again a city administrator that while new has been ineffective and can only act with the supervision of a handler. This will be the first of two payments and unless you see that the money is being used for the people and Fall River's infrastructure, I would suggest that you not accept it without restrictions. We have heard the CFO consistently say that items can be covered with COVID money, yet we do not see that happening publicly. Even with our city finances it has been proven that the CFO and a previous city administrator seem to always say they do not have the numbers or the answers. When Bob Connors was our city administrator, he knew every dime and where it was spent or went, we cannot say that for the past several years. When will this council call for a recess until they can produce the answers requested? It appears to many people that the answers and numbers must be fabricated. Transparency was touted by this administration during his last campaign and we have seen anything but.

The people must come first and you have to be sure that they do.

Respectfully,



CJ Ferry

22

City Clerk

From: Collin Dias <collind00@aol.com>  
Sent: Tuesday, June-08, 2021 2:49 PM  
To: City Council  
Subject: [EXTERNAL] Citizens Input

RECEIVED

2021 JUN -8 P 2:53

Citizens Input Fall River City Council Committee on Finance 6/8/21

Collin Dias  
560 Ray Street,  
Fall River, Massachusetts 02720

CITY CLERK  
FALL RIVER, MA

Good afternoon members of the City Council,

I think today's news, of the Fall River School Committee skipping out on tonight's meeting is saddening. It's saddening not for me, but for the school district, for the kids. I believe we should put politics aside, and always put the needs of this district first. Oh and there is plenty of them to discuss, where I wish members of the school committee were there so they could give their input and put our minds together. If you are elected to a public office, and you take an oath, you should honor your oath, and fulfill the duties you were elected to perform.

I hope the city council discusses tonight with the school department the ailing teacher retention rate, where our teachers are paid next to nothing. We have issues with our attendance officers, they need further assistance, more help, as shown in the David Almond report. We have issues with the new Durfee high school and we have a major taxpayer issue with the debt exclusion. The debt exclusion is going to go over the cost to the taxpayer that Durfee rising told us. We need to work together, collectively to end the debt exclusion. And I wish members of the school committee, people who have a full working knowledge of the budget and have voting power, were here today to discuss these issues. We owe it to our faculty, our students, and we owe it to the taxpayer that fiscal funds are being used appropriately.

Now regarding wrongdoing in the school department. This is an issue that sadly has been discussed all too often, I submitted a citizens input to the Fall River School Committee instructional subcommittee. I submitted a citizens input discussing the lack of transparency in the school department, and the wish that the next superintendent would be nicer to people than the previous one has been. Mark Costa, the school committee Vice chairman, and the chairman of the subcommittee, restricted my freedom of speech, and baselessly ruled my citizens input out of order. Mark Costa violated my civil rights. Any person, who wishes to express their satisfaction or dissatisfaction with government, has the right to do so. Mark Costa has no say in the content of my speech. Mark Costa has no right to restrict my speech. People should realize we can agree or disagree on issues without resorting to potentially illegal actions, such as restricting citizens input. It goes against the city charter, it violates Mass General Law, and it violates the first amendment of the constitution. This is nothing new. The school committee has developed new habits of restricting speech, and information from the public because they personally disagree with it. This will change in November. This should not be allowed. It is unlawful, and it needs to be addressed. I know councilor in seat 8 believes this is not a city issue. I disagree. This is a big city issue, and it is time elected officials are held accountable for their actions. There are first amendment organizations that are starting to peak at this issue, and rightfully so.

Thank you very much for your time.

Respectfully submitted

Collin Dias

Sent from my iPhone

23

RECEIVED

2021 JUN 11 P 12:51

KP LAW, P.C.  
101 ARCH STREET  
FLOOR 12  
BOSTON, MA 02110

CITY CLERK  
FALL RIVER, MA

FEDERAL TAX ID: 04-2746356  
INVOICE NO: 131521

MR. CLIFF PONTE  
COUNCIL PRESIDENT  
FALL RIVER  
FALL RIVER CITY COUNCIL  
CITY HALL  
ONE GOVERNMENT CENTER  
FALL RIVER, MA 02722

April 30, 2021  
IN REFERENCE TO: PROFESSIONAL SERVICES THROUGH March 31, 2021

**GENERAL LEGAL SERVICES**

REVIEW E-MAIL FROM CLERK OF COMMITTEES OF CITY COUNCIL  
RE: POLICY FOR USE OF LEGAL COUNSEL; LEGAL RESEARCH AND E-  
MAIL CITY COUNCIL CLERK OF COMMITTEES RE: EXAMPLES.

ABUTTERS LOT PROGRAM- REVIEW ORDINANCE OF ABUTTER'S LOT  
PROGRAM; REVIEW AND ANALYZE SPECIFIC DISTINCTIONS OF  
PROGRAM IN COMPARISON TO OTHER MUNICIPALITIES.

SUBTOTAL:	1.80	\$495.00
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**ORDINANCES**

REVIEW AND REPLY TO E-MAIL FROM CITY COUNCIL CLERK OF  
COMMITTEES RE: APPEARING AT ORDINANCE COMMITTEE  
MEETING.

ABUTTER'S LOT - INITIAL LEGAL RESEARCH RE: ABUTTERS LOT  
PROGRAMS.

ABUTTERS LOT PROGRAM - REVIEW AND ANALYZE ABUTTERS LOT  
PROGRAM AND ADDRESS ISSUES IN DRAFT ORDINANCE; DRAFT  
COMMENTS ON PROPOSED REVISIONS TO ORDINANCE.

SUBTOTAL:	2.60	\$715.00
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**RENEWAL OF CABLE LICENSE**

REVIEW STATUS; REVIEW ASCERTAINMENT PAPERS; PREPARE FOR  
CONFERENCE WITH COMCAST.

TELEPHONE CONFERENCE WITH COMCAST RE: NEGOTIATION  
STATUS (LEFT MESSAGE).

SUBTOTAL:	0.50	\$112.50
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KP LAW, P.C.

PAGE:

2

TOTAL FEES:

4.90

1,322.50

TOTAL DUE:

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\$1,322.50

The family of  
Barbara Travassos  
acknowledges with grateful  
appreciation the kind expression  
of your sympathy.

Cliff, Pam, + F.R. City Council.

Thank you so much for  
your thoughtfulness and kind words  
in your sympathy card. It was  
greatly appreciated. My Mom was a  
beautiful lady that will be  
greatly missed.

Sincerely,  
Bob + Sue Kelly