



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, May 11, 2021 at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: None

President Cliff Ponte called the meeting to order at 8:42 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 James Cusick to the Conservation Commission
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to confirm the appointment.
2. Mayor requesting confirmation of the reappointment of Lisa Silva to the Commission on Disability
On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to confirm the reappointment.
3. Mayor and order appropriating \$1,809,616 from Community Preservation Act funds for FY22 Community Projects
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to refer the matter to the Committee on Finance.

PRIORITY COMMUNICATIONS

4. Traffic Commission recommending amendments to traffic ordinances
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.
5. Planning Director re: Mount Hope Bay Greenway Feasibility Study
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.

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

6. Ordinance Committee convene to discuss and draft ordinance establishing professional standards for employees of the City of Fall River
Councilor Michelle M. Dionne stated that she would like to see an ordinance regarding professional standards that is stronger than the existing Human Resources Administrative Policy #205, Expected Employee Conduct. Councilor Linda M. Pereira stated that this is a matter for Human Resources and Corporation Counsel to work on together, as there are various unions involved. Councilor Pam Laliberte-Lebeau stated that she received a copy of Administrative Policy #205 from Human Resources and it is very vague. Councilor Shawn E. Cadime stated that union negotiations must be considered when making such changes. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was unanimously voted to adopt the resolution, with Councilor Linda M. Pereira opposed.

CITATIONS – None

ORDERS – HEARINGS

Curb removals:

7. Michelle Arruda, 37 Chicago Street – total of 32' at 37 Chicago Street
On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the matter to the Committee on Public Works and Transportation.
8. Laurinda Goncalves, 539 President Avenue – total of 47' at 539 President Avenue
*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the order.
Approved, May 13, 2021, Paul E. Coogan, Mayor*

ORDERS – MISCELLANEOUS

9. Police Chief's Report on Licenses:

Taxicab Drivers:

Carlos Cosme Liz Marie Lugo Morales

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

10. Auto Body Shop License Renewal:

David Ponte d/b/a Brougham Motors, Inc. – 387 Bedford Street

*On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order.
Approved, May 13, 2021, Paul E. Coogan, Mayor*

COMMUNICATIONS – INVITATIONS – PETITIONS

11. 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.

12. Asst. Attorney General re: Open Meeting Law complaint filed by Patrick Higgins regarding City Council Meeting of October 27, 2020

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the communication be accepted and placed on file.

13. Asst. Attorney General re: Open Meeting Law complaint filed by Patrick Higgins regarding Committee on Regulations Meeting of March 8, 2021
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that the communication be accepted and placed on file.

14. Structure over a public way – Steppingstone, Inc. at 111 Durfee Street (banner)
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was voted 8 yeas that application be approved, with Councilor Trott Lee abstaining.

15. Structure over a public way – Fall River Health & Human Services at South Main and Bedford Streets (2 banners)
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted that application be approved.

16. Drainlayer Licenses:

- a. B & B Excavation, Inc.
- b. Raposo Co. Landscaping & Construction, LLC
- c. B & B Contracting & Excavation, Inc.
- d. JB Lanagan & Company, Inc.
- e. S. Oliveira Construction Corp.
- f. East Coast Landscaping & Construction, Inc.
- g. JDQ Excavating, LLC
- h. T. Ford Company, Inc.
- i. Sherry Construction Corp.
- j. Steven Steen

*On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Christopher M. Peckham, it was unanimously voted to approve items #16a through #16j.
Approved, May 13, 2021, Paul E. Coogan, Mayor*

Planning Board Minutes

17. March 10, 2021

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

18. March 17, 2021

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

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was unanimously voted to take items #19 through #27 together.

City Council Meeting Minutes:

19. Committee on Finance – March 23, 2021
20. Committee on Finance – April 6, 2021
21. Committee on Finance – April 20, 2021
22. Regular City Council Meeting – March 23, 2021
23. Regular City Council Meeting – April 6, 2021
24. Regular City Council Meeting – April 20, 2021
25. Joint Meeting of the City Council and School Committee – April 13, 2021
26. Public Hearings – March 23, 2021
27. Public Hearings – April 20, 2021

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Shawn E. Cadime, it was unanimously voted to approve items #19 through #27.

BULLETINS – NEWSLETTERS – NOTICES

28. Notice of Casualty and Loss – 700 Shore Drive, Unit 602

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was unanimously voted that the notice be accepted and placed on file.

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: MAY 11, 2021

ORDINANCES

5a. Proposed Ordinance – Thin Film Plastic Bags

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinances and Legislation.

RESOLUTIONS

6a. Request audit of Snow Removal Expense Account to be conducted by an outside auditor

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was unanimously voted to amend the resolution by changing paragraph four to read as follows: *BE IT RESOLVED*, that all salaries and expenses paid through the snow account as well as the Mayor's salaries and expenses for the last 4 years be forwarded to the City Council. On a further motion made by Councilor Trott Lee and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the resolution, as amended.

On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adjourn at 9:16 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:



City Clerk

In City Council, June 8, 2021
Approved.



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2021 MAY 11 P 3:52

ORIGINAL POSTING: MAY 7, 2021 AT 11:48 P.M.

CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

MEETINGS SCHEDULED
TUESDAY, MAY 11, 2021
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

INÉS LEITE
ASSISTANT CITY CLERK

REVISED AGENDA

5:00 P.M. CITY COUNCIL COMMITTEE ON ORDINANCES AND LEGISLATION MEETING
5:55 P.M. CITY COUNCIL PUBLIC HEARINGS (OR IMMEDIATELY FOLLOWING THE CITY
COUNCIL COMMITTEE ON ORDINANCES AND LEGISLATION MEETING IF IT RUNS
PAST 5:55 P.M.)

Curb Removals

1. Michelle Arruda, 37 Chicago Street, for the removal of curbing as follows:

	Existing opening	Curbing to be removed	Curbing to be added	Proposed Opening after alteration
37 Chicago Street	16'	16'	0"	32'

The petitioner is requesting the removal of 16 feet of curbing to the existing 16 foot driveway opening for purposes of creating a horseshoe driveway.

2. Laurinda Goncalves, 539 President Avenue, for the removal of curbing as follows:

	Existing opening	Curbing to be removed	Curbing to be added	Proposed opening after alteration
539 President Avenue	31'	16'	0'	47'

The petitioner is requesting the removal of 16 feet of curbing on President Avenue to the existing 31 foot driveway opening located on the Belmont Street side of the property (corner lot). The work will be done during the upcoming President Avenue reconstruction project.

6:00 P.M. CITY COUNCIL COMMITTEE ON FINANCE MEETING (OR IMMEDIATELY
FOLLOWING THE CITY COUNCIL PUBLIC HEARINGS IF THEY RUN PAST 6:00 P.M.)

1. Citizen Input
Due to the COVID-19 Essential Services Advisory, citizen input can be submitted by email to city_council@fallriverma.org by Tuesday, May 11, 2021 at 3:00 p.m. to be read at the meeting.
2. *Committee on Finance convene with Administration to discuss improvements and repairs at city parks and baseball fields (tabled 4-6-21)
3. *Committee on Finance convene to discuss plans to improve city parks and baseball fields (tabled 4-6-21)
4. *Committee on Finance meet with Administration to discuss trash collection and proposal for Cart Program (adopted 4-20-21)

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

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 James Cusick to the Conservation Commission
2. *Mayor requesting confirmation of the reappointment of Lisa Silva to the Commission on Disability
3. *Mayor and order appropriating \$1,809,616 from Community Preservation Act funds for FY22 Community Projects

PRIORITY COMMUNICATIONS

4. *Traffic Commission recommending amendments to traffic ordinances
5. *Planning Director re: Mount Hope Bay Greenway Feasibility Study

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

6. *Ordinance Committee convene to discuss and draft ordinance establishing professional standards for employees of the City of Fall River

CITATIONS – None

ORDERS – HEARINGS

Curb removals:

7. Michelle Arruda, 37 Chicago Street – total of 32' at 37 Chicago Street
8. Laurinda Goncalves, 539 President Avenue – total of 47' at 539 President Avenue

ORDERS – MISCELLANEOUS

9. Police Chief's Report on Licenses:

Taxicab Drivers:

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10. Auto Body Shop License Renewal:

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COMMUNICATIONS – INVITATIONS – PETITIONS

11. *Claims
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- 17. March 10, 2021
- 18. March 17, 2021

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BULLETINS – NEWSLETTERS – NOTICES

- 28. Notice of Casualty and Loss – 700 Shore Drive, Unit 602


City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: MAY 11, 2021

ORDINANCES

- 5a. *Proposed Ordinance – Thin Film Plastic Bags

RESOLUTIONS

- 6a. *Request audit of Snow Removal Expense Account to be conducted by an outside auditor

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

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommendation (if received):

- Proposed Ordinance – Salary schedules
- Proposed Ordinances – Water and Sewer Rates

5a

Chapter 26 Environment

ARTICLE IV. - THIN-FILM PLASTIC BAGS

§ 26-52 - Short title.

This article may be cited as the "Thin-film Plastic Bags Ordinance."

§ 26-53 - Purposes and intent.

The purposes of this article are: to regulate the retail distribution of thin-film plastic bags with integral handles in the City of Fall River; to encourage the use of reusable or biodegradable bags; and to encourage Retail establishments to offer reusable bags.

§ 26-54 - Definitions.

Thin-film plastic bag with integral handles

A bag with integral handles made of a non-biodegradable plastic that is 3.0 mils (3/1000th of an inch) in thickness or less.

Biodegradable bag

A bag that both: (I) contains no polymers derived from fossil fuels; and (II) will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.

Reusable bag

A bag that is specifically designed and intended for multiple uses and is made of (I) plastic with a thickness greater than 3.0 mils, or (II) fabric or (III) other durable materials.

Retail establishment

An establishment engaged in any "business" uses regulated under Division 1 Chapter 86 (zoning ordinance) of the Code of the City of Fall River Massachusetts.

§ 26-55- Limitations.

(a) Regulated activities.

No thin-film, plastic bag with integral handles shall be sold or otherwise distributed, with or without a fee, at or by any Retail establishment within the City of Fall River.

(b) Alternative activities.

Retail establishments, at their sole election, may sell or otherwise distribute biodegradable bags and/or reusable bags within the City of Fall River.

§ 26-56- Exemptions.

The following types of bags do not constitute Thin-film Plastic Bags, either due to their thickness, lack of integral handles, or material; inclusion in the following list does not create any exemptions from the requirements of the Ordinance if the bag used is a Thin-film Plastic Bag as defined by this Ordinance:

5a

- a. Bags used to package loose bulk items, such as fruits, vegetables, nuts, grains, candies, or small hardware items;
- b. Bags used to contain or wrap frozen or fresh foods, meat, fish or poultry, flowers or potted plants, or other items, in order to contain or otherwise mitigate dampness and/or inhibit the transmission of illness or disease;
- c. Bags used to contain unwrapped prepared foods, including, without limitation, take-out meals and baked goods;
- d. Bags used for the delivery of newspapers or other periodicals to a home or place of business;
- e. Laundry, dry cleaning, or garment bags, including, without limitation, bags used to contain wet or dirty clothing at a hotel/inn or bed and breakfast establishment;
- f. Bags used to package garbage, dead animals, pet waste, decayed and decaying matter, and of ashes, rubbish and other non-decaying refuse substances and things;
- g. Bags used to transport live animals, such as fish or insects, to or from pet stores or other Retail Establishments that sell them; and
- h. Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level.

§ 26-57- Enforcement.

(a) Regulations.

Consistent with this article, the city may promulgate regulations to enforce and otherwise implement the provisions of this article ninety (90) days from the date the ordinance takes effect.

(b) Noncriminal disposition.

If the city determines that a violation of this article has occurred at or by a Retail establishment, such Retail establishment shall be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D, and adopted by the city as a general ordinance as § 2-1021 of the Code of Ordinances of the City of Fall River, in the amounts set forth in § 26-57(d) of this article.

(c) Warning.

Upon the first violation of this article at or by a Retail establishment, the city shall provide such Retail establishment written notice that such first violation has occurred and issue a warning that any subsequent violations within a twelve (12) month period shall require the imposition of monetary penalty. No monetary penalty shall be imposed for this first violation.

(d) Subsequent violations.

Upon subsequent violations of this article at or by a Retail establishment within twelve (12) months after a first violation, the city shall impose and provide the Retail

5a

establishment written notice of the accrual of a monetary penalty. Such monetary penalty shall not exceed the following amounts:

- (1) One hundred dollars (\$100) for the second violation;
- (2) Two hundred dollars (\$200) for the third violation; and
- (3) Three hundred dollars (\$300) for the fourth and each subsequent violation.

(e) Late payment.

If payment of any monetary penalty is not received on or before the date when due, the city shall impose an additional penalty as provided by the regulations promulgated pursuant to this article.

§ 26-58 - Effective date.

To facilitate compliance by Retail establishments, enforcement of this article shall be suspended until such date that is one hundred eighty (180) days from the date that this ordinance takes effect. During such period of suspension, the city shall direct an effort to educate Retail establishments about this article.

§ 26-59 - Severability.

The city council intends that each separate provision of this article shall be deemed independent of all other provisions herein. The city council further intends that if a court of competent jurisdiction declares that any provision of this article is invalid, then the remaining provisions of this article shall remain valid and enforceable of this article.

City of Fall River, In City Council

(Councilor Pam Laliberte-Lebeau)
(Councilor Michelle M. Dionne)

6a

WHEREAS, the former Administration used the snow account to pay a stipend to the former Chief of Staff under false pretenses, and

WHEREAS, a City of Fall River Department Head stated in Federal Court this week that he instructed a contractor to double his snow plow invoice to pay for work done on a water line for a friend of the former Mayor, now therefore

BE IT RESOLVED, that all expenses paid through the snow account for the last 4 years be forwarded to the City Council, and

BE IT FURTHER RESOLVED, that an audit of the snow account expenses be conducted immediately by an outside auditor.



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2021 MAY -7 A 11:48

CITY CLERK _____
FALL RIVER, MA

MEETINGS SCHEDULED
TUESDAY, MAY 11, 2021

CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

AGENDA

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4. *Traffic Commission recommending amendments to traffic ordinances
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COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

6. *Ordinance Committee convene to discuss and draft ordinance establishing professional standards for employees of the City of Fall River

CITATIONS – None

ORDERS – HEARINGS

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ORDERS – MISCELLANEOUS

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Alison M Bouchard
City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: MAY 11, 2021

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

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommendation (if received):

Proposed Ordinance – Salary schedules

Proposed Ordinances – Water and Sewer Rates

(Councillor Christopher M. Peckham)
(President Cliff Ponte)

WHEREAS, prior to the 9C cuts of 2008, the then Administration mandated that the Fall River Little League, Fall River Youth League and local Babe Ruth Baseball Leagues take over the financial responsibility of paying for and maintaining the lights at the baseball fields, and

WHEREAS, our children, parents, coaches and volunteers work tremendously hard to give our children the best experience possible during the baseball season, and

WHEREAS, it has always been challenging for these baseball leagues to raise enough funds in order to maintain the lighting as well as their normal expenses, now therefore

BE IT RESOLVED, that the Committee on Finance convene as soon as possible to discuss this matter, and the Administration be prepared to present what the costs would be to the City in order to take this burden away from the local non-profit baseball leagues starting this year.

In City Council, March 9, 2021
Adopted.

A true copy. Attest:

Alison M. Bouchard

City Clerk

4-6-21 Tabled

City of Fall River, In City Council

(City Council)

WHEREAS, City parks are in need of repair, and

WHEREAS, baseball leagues are all independent and do fundraising on their own,
now therefore

BE IT RESOLVED, that the Administration prepare a presentation to address the needs
of City parks and the needs of leagues, and

BE IT FURTHER RESOLVED, that the Administration and Park Board be invited to a
future meeting of the Committee on Finance to present a plan to improve our City parks and
baseball fields.

In City Council, March 23, 2021
Adopted.

A true copy. Attest:

Alison M. Bouchard

City Clerk

4-6-21 Tabled

City of Fall River, In City Council

(Vice President Laliberte-Lebeau)

WHEREAS, in June, July, and August of 2020 the City Council encouraged the Administration to explore new avenues of revenue, and to reduce costs wherever possible, for the FY21 budget to be sustainable, and

WHEREAS, in July and August of 2020 Councilor Dionne put in an enormous amount of effort taking an inventory of trash and recycling bins at businesses, housing authority properties, and 6+ family properties throughout the city, and also researched the "pink bin business recycling program" that was in effect from 2012-2015, and

WHEREAS, the city is currently picking up trash and recycling at many of these locations, and pickup is in direct violation of our city ordinances, and costs the city money, and

WHEREAS, the former administration added an amendment to the EZ Disposal contract allowing the business owners of the pink bins to continue to have their recycling picked up, and further gave them the opportunity to have their trash picked up as well, and

WHEREAS, Councilor Dionne and Council Vice President Laliberte-Lebeau met with the Mayor, the CFO, and the Director of Community Maintenance in August 2020 in order to share all of Councilor Dionne's research, and to request that trash and recycling currently being picked up in opposition to city ordinance and at a cost to the city, cease immediately, and

WHEREAS, we also had a conversation about exploring a Cart Program, and

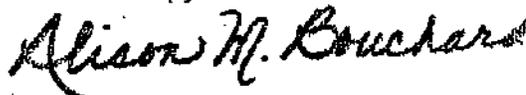
WHEREAS, the Administration was going to evaluate the most cost saving and equitable measures based on numbers of carts per household that conforms with city ordinance, and present a preliminary proposal as soon as possible, and

WHEREAS, the aforementioned trash and recycling pickup has yet to cease, and a cart proposal has yet to be presented, now therefore

BE IT RESOLVED, that the Administration attend the next meeting of the City Council Committee on Finance with an end date for trash and recycling pickup that is happening in direct opposition to our ordinances, and to present the Cart Program proposal.

In City Council, April 20, 2021
Adopted

A true copy. Attest:



City Clerk



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

PAUL E. COOGAN
Mayor

May 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: James Cusick
Address: 1528 Highland Avenue
Fall River, MA 02720
Position: Conservation Commission
Effective: April 28, 2021
Term to expire: 05/29/2022
Replacing: Gualter Amarelo

Sincerely,

Paul E. Coogan
Mayor

PC/amos

CITY CLERK
FALL RIVER, MA

2021 MAY -4 P 12:11

RECEIVED

James Cusick

1528 Highland Ave., Fall River, MA 02720 | 508-789-0047 | jwchr1@comcast.net

Objective

To serve as a member of Fall River's Conservation Commission

Education

HIGH SCHOOL DIPLOMA | 1972 | B.M.C. DURFEE HIGH SCHOOL
COLLEGE | 1983-1984 | BRISTOL COMMUNITY COLLEGE

Work Experience

FALL RIVER FIREFIGHTER 1985-2017
UPS WAREHOUSE 1975-1985

Activities

CHAIRMAN OF FALL RIVER BICYCLE COMMISSION 2012- 2021
TO IMPROVE BICYCLE SAFETY AND ASSIST WITH AND PROMOTE BICYCLE PROJECTS.

MOUNT HOPE BAY GREENWAY WORKING COMMITTEE
CURRENTLY INVOLVED WITH REVIEWING FEASIBILITY STUDY FOR FUTURE BIKE PATH ALONG
TAUNTON RIVER.

ROUTE 79- DAVOL ST. CORRIDOR IMPROVEMENT WORKING COMMITTEE
REVIEWED PLANS FOR CHOOSING THE BEST OPTION FOR TURNING ROUTE 79 INTO A 4 LANE
BOULEVARD.

CITY OF FALL RIVER CHARTER COMMISSION
REVIEWED AND REVISED FALL RIVER'S CHARTER TO BRING TO THE VOTERS.

RECEIVED
2021 MAY -4 P 12:11
CITY OF FALL RIVER
FALL RIVER, MA

2



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2021 APR 26 P 12:46

CITY CLERK _____
FALL RIVER, MA _____

PAUL E. COOGAN
Mayor

April 26, 2021

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

RE: Commission on Disability

Council President and Members of the Honorable Council:

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

Name: Lisa Silva

Address: 1140 Meridian Street
Fall River, MA 02720

Position: Commission on Disability

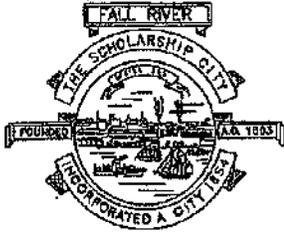
Effective: April 26, 2021

Term to expire: April 26, 2024

Replacing: Reappointment

Sincerely,

Paul E. Coogan
Mayor



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

3

RECEIVED

2021 APR 26 P 12:46

CITY CLERK
FALL RIVER, MA

April 26, 2021

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

Dear Honorable Council Members:

The Community Preservation Committee (CPC) has identified community projects for the fiscal year 2022 and had made recommendations for funding in accordance with the Community Preservation Act (CPA) MGL Chapter 44B Sections 4 to 7.

The total CPA funding request for FY 22 is \$1,809,616 as outlined in the proposed Appropriation Order.

Your approval of the associated Appropriation Order is respectfully requested.

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

Best Regards,

Paul E. Coogan
Mayor

City of Fall River, In City Council

3

APPROPRIATION ORDER

ORDERED, that the following FY 22 appropriations be provided through the Community Preservation Act (CPA), revenues and reserves under the MGL Chapter 44B Sections 4 to 7 in the aggregate, amounting to \$1,809,616 to be appropriated as follows:

Voted: That \$1,483,943 be appropriated from the CPA Fund FY 22 Annual Revenues

For CPA Administrative Expenditures	\$45,000
For CPA Open Space/Outdoor Recreation PROJECTS	\$658,214
For CPA Historic Resources Preservation PROJECTS	\$632,335
For CPA Community Housing PROJECTS	\$101,300
For CPA Community Housing RESERVES	\$47,094
TOTAL	\$1,483,943

And that \$325,673 be appropriated from fund balance:

For Historic Resources Preservation PROJECTS	
From CPA Fund Balance Unreserved/Undesignated	\$325,673
TOTAL	\$325,673

Note: This is the ninth year of CPA implementation. Anticipated CPA Surcharge revenue is \$1,260,784. Supplemental state trust fund distributions are estimated at \$223,159 (17.7%). Total \$1,483,943. Minimum 10% (\$148,394) has to be spent or reserved under each of the three categories and the Administrative expenditure cannot exceed 5% (\$74,197).



City of Fall River Massachusetts Community Preservation Committee

3

JOHN BRANDT
Chairman

KRISTEN CANTARA OLIVEIRA
Vice-Chairman

April 23, 2021

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

Dear Mayor Coogan:

The Community Preservation Committee is recommending the following appropriation for the FY22 year.

ALLOCATION TO APPROPRIATE	AMOUNT FY22	RESERVES	CATEGORY
OPEN SPACE/RECREATION			
Maplewood Park Lights - Public	499,214		Open Space/Recreation
Article 97 Protection for Vulnerable Open Space Parcels	21,000		Open Space/Recreation
Bonds			
Year 3 Mt. Hope Bike Path - Public	60,000		Open Space/Recreation
Year 2 Bio Reserve Project # land acquisition - Public	78,000		Open Space/Recreation
SUB TOTAL	658,214		
HISTORIC PRESERVATION			
Fall River Historical Society Roof - Private Non-Profit	989,943		Historic Preservation
Dr. Fiske House - Private Non-Profit	60,000		Historic Preservation
Fall River Historical Commission Form B's - Public	70,000		Historic Preservation
Fall River Fire Museum - Public	381,055		
North Burial Ground - Public	57,000		Historic Preservation
SUB TOTAL	\$958,008.00		Historic Preservation
COMMUNITY HOUSING			
Notre Dame Rectory Elevator - Private Non-Profit	101,300		
Unspent Funds (put into reserve)	47,094		
SUB TOTAL	\$148,394.00		
Administrative	\$45,000.00		Administrative
SUB TOTAL	\$45,000.00		
CPC OPEN SPACE/RECREATION	658,214		
CPC HISTORIC PRESERVATION	\$958,008.00		
CPC COMMUNITY HOUSING	148,394		
CPC ADMINISTRATIVE	\$45,000.00		
TOTAL FY20 APPROPRIATION	\$1,809,616.00		



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

JOHN BRANDT
Chairman

KRISTEN CANTARA OLIVEIRA
Vice-Chairman

The Community Preservation Committee is requesting that your office send this down to the Auditor to prepare an Appropriation Order for this FY22 budget.

We, then, need this request to be sent to the City Council so it can get on the agenda for their May 11, 2021 meeting.

Respectfully,
John Brandt, Chair
John Brandt, Chair
Community Preservation Committee

4



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Manager of Traffic

April 27, 2021

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

2021 APR 29 P 3 15
CITY OF FALL RIVER

Honorable Council Members:

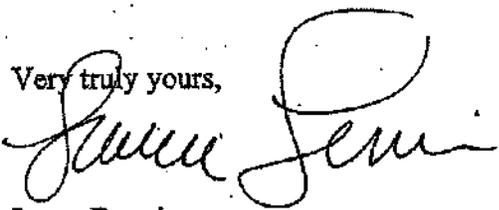
At a meeting of the Traffic Board Commission held on Wednesday, April 21, 2021 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70
Section: 241 Stop Sign

By inserting in proper alphabetical order the following.

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>At Intersection of</u>
Wall Street	Northbound	Wall Street at Beattie Street

Very truly yours,

Laura Ferreira
Manager of Traffic

19



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

4

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

April 23, 2021

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

RECEIVED
2021 APR 21 P 12:27
CITY OF FALL RIVER
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 21, 2021 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Barnes Street	South	Starting at a point 343 feet west of County Street, for a distance of 20 feet westerly.

Kimberly Snow
137 Barnes Street
Fall River, MA 02723

Very truly yours,

Laura Ferreira
Parking Clerk

29*



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

4

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

April 23, 2021

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

RECEIVED
2021 APR 27 P 12:27
CITY OF FALL RIVER MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 21, 2021 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Fielden Street	East	Starting at a point 65 feet south of Pleasant Street, for a distance of 20 feet southerly.

Vivaldo Meneses
1951 Pleasant Street
Fall River, MA 02723

Very truly yours,

Laura Ferreira
Parking Clerk

One Government Center Fall River, MA 02722

TEL: (508) 324-2123 FAX (508) 324-2578 EMAIL Lferreira@fallriverma.org

OK

4



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

April 23, 2021

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

RECEIVED
MAY 27 12:27
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 21, 2021 the following request was heard and approved by the Traffic Commission.

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

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Davis Street	West	Starting at a point 20 feet south of Locust Street, for a distance of 20 feet southerly.

Very truly yours,

Laura Ferreira
Parking Clerk

dx



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

4

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

April 23, 2021

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

CITY OF FALL RIVER
TRAFFIC & PARKING DIVISION

2021 APR 21 P 12:21

RECEIVED

Honorable Council Members:

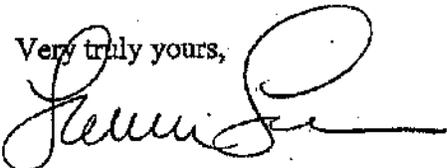
At a meeting of the Traffic Board Commission held on Wednesday, April 21, 2021 the following request was heard and approved by the Traffic Commission.

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

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

<u>STRIKE OUT</u> Name of Street	Side	Location
Foster Street	East	Starting at a point 330 feet south of Buffinton Street, for a distance of 20 feet southerly.

Very truly yours,


Laura Ferreira
Parking Clerk

OK



**CITY OF FALL RIVER
MASSACHUSETTS**
Traffic & Parking Division

4

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

April 23, 2021

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

CITY CLERK
FALL RIVER, MA
MAY 21 2021
MAY 21 2021
MAY 21 2021

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 21, 2021 the following request was heard and approved by the Traffic Commission.

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

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Locust Street	South	Starting at a point 20 feet west of Davis Street, for a distance of 20 feet westerly.

Very truly yours,

Laura Ferreira
Parking Clerk

OK

4



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk
APR 21 P 12:28

April 23, 2021

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 21, 2021 the following request was heard and approved by the Traffic Commission.

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

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

STRIKE OUT
Name of Street

Side

Location

Pitman Street

West

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

Very truly yours,

Laura Ferreira
Parking Clerk

18

5



**City of Fall River
Massachusetts
Planning Department**

PAUL E. COOGAN
Mayor

WILLIAM G. KENNEY, AICP
City Planner

April 22, 2021

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

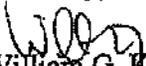
RECEIVED
2021 APR 23 A 9 31
CITY OF FALL RIVER, MA

Dear President Ponte:

On behalf of the Fall River Planning Board, I am pleased to present you with a copy of the "Mount Hope Bay Greenway Feasibility Study", issued in February of this year, prepared by Stantec Engineering. This is the first of several anticipated studies concerning the possibility of constructing a multi-use "rail trail" or "rail-with-trail" corridor along Mont Hope Bay from Battleship Cove to the Fall River-Tiverton line. Funding for this and for subsequent phases has been awarded by the Community Preservation Committee and approved by the City Council, for which we are very thankful.

We invite you to review this document and we look forward to any questions or comments you may have in advance of discussions as to the possible scope for the next phase of study.

Sincerely,


William G. Kenney, AICP
Director of Planning

City of Fall River, In City Council

(Councilor Michelle M. Dionne)
(President Cliff Ponte)

6

WHEREAS, elected officials, department heads, and city employees are not only representatives of, but are the face of Fall River, and

WHEREAS, each and every aforementioned individual should not only set the standard, in addition they should be held to a higher standard, and

WHEREAS, in the past and more recently, several individuals have failed to maintain professionalism in their behavior and actions, have breached existing policies, and have breached the confidence of the residents of our community, and

WHEREAS, these behaviors at times have led to formal and informal investigations often at a financial cost to the taxpayers, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation convene to discuss and draft, with the guidance of the City Council Legal Counsel, a Professional Standard Ordinance which would be applicable to all City of Fall River employees.

RECEIVED

2021 APR 26 A 9:14

CITY CLERK #2-27
FALL RIVER, MA



**City of Fall River
Notice of Claim**

11

1. Claimant's name: Susie Furtado
2. Claimant's complete address: 44 Conant Street
3. Telephone number: Home: 5084960210 Work: 5089733781
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Tree limb fell onto vehicle and caused damage to glass and body
5. Date and time of accident: 3/2/2021 Amount of damages claimed: \$ 771.67
6. Exact location of the incident: (include as much detail as possible):
44 Conant Street Fall River Ma 02724
7. Circumstances of the incident: (attach additional pages if necessary):
Vehicle was parked in private driveway when a limb from a tree that was located on sidewalk fell onto my vehicle and caused glass and body damage. Fall River Police was contacted and DPW came to the property to clean up the debris. This incident occurred during a wind storm.
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
GEICO

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: 3/25/2021

Claimant's signature: Susie Furtado

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

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

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

For official use only:

Copies forwarded to: City Clerk Law City Council City Administrator X DPW

Date: 4/26/2021



GEICO General Insurance Company

Buffalo/New Jersey Claims, PO BOX 9515
Fredericksburg, VA 22403-9515

04/19/2021

Fall River Police Department

1 Government Ctr FL 2ND
City Clerk
Fall River, MA 02722-7700

RECEIVED
2021 APR 23 P 1:24
CITY CLERK
FALL RIVER, MA
#81-16D

Company Name: GEICO General Insurance Company
Claim Number: 056035933 0101 037
Loss Date: Saturday, February 13, 2021
Policyholder: Alice Harkins
Claimant Vehicle: Police

Dear Fall River Police Department,

We haven't received a response to our prior written communication attempts. We also haven't been able to reach you by phone.

We previously sent you our supporting documents and written subrogation demands. Our investigation reveals that your insured is at fault for this loss.

If we do not hear from you within 10 days, we will take further action which may include litigation or referring our damages to a collection agency. If you wish to resolve this amicably, please forward your settlement draft or call me at the number listed below to discuss the claim.

Please include our claim number on your check and make the check payable to GEICO General Insurance Company as subrogee of Alice Harkins. Your check can be mailed to:

GEICO General Insurance Company
ATTN: Plaza Cashiers
P.O. Box 96008
Washington, DC 20090-6006

Thank you for your prompt attention to this matter.

C: Law
FRPD
City Council ✓
ES0008 (12/2018) 4-23-2021

0394008/7013008 1000000/1000008 5310000 052162701

12



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

MAURA HEALEY
ATTORNEY GENERAL

TEL: (617) 727-2200
www.mass.gov/ago

April 28, 2021

OML 2021 - 50

Gary P. Howayeck, Esq.
Assistant Corporation Counsel
City of Fall River
One Government Center
Fall River, MA 02722

2021 APR 28 A 9:50
RECEIVED

By email only: ghowayeck@fallriverma.org

RE: Open Meeting Law Complaint

Dear Attorney Howayeck:

This office received a complaint from Patrick Higgins on November 24, 2020, alleging that the Fall River City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Council on November 5, and you responded, on behalf of the Council, by letter dated November 24. The complaint alleges that the Council violated the Open Meeting Law by failing to announce the name of each member who participated remotely in the Council's October 27 meeting.

We resolve this matter by informal action, in accordance with 940 CMR 29.07(2)(a), after reviewing the original complaint, the Council's response to the complaint, the complaint filed with our office requesting further review, and the notice and video recording of the Council meeting held on October 27.² We find that the Council did not violate the Open Meeting Law.

On March 10, 2020, Governor Charles Baker declared a state of emergency in response to the public health emergency created by the outbreak of the 2019 novel Coronavirus ("COVID-19"). See Executive Order No. 591 (Mar. 10, 2020). On March 12, 2020, Governor Baker issued an executive order temporarily suspending certain provisions of the Open Meeting Law during the state of emergency. See Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20 (Mar. 12, 2020) (the "Executive Order"). The Executive Order

¹ All dates in this letter refer to the year 2020.

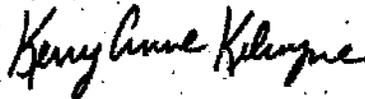
² A video recording of the Board's February 3, 2021, meeting is available at <https://www.youtube.com/watch?v=xKMIX180210>.

temporarily suspends the requirements under the Open Meeting Law and the Attorney General's Open Meeting Law regulations that a quorum of a public body, including the chair, be physically present at the meeting location and allows all members of a public body to participate in a meeting remotely. See OML 2020-82.³ All other provisions of the law and regulations regarding remote participation remain in effect, including the requirement that "[a]t the start of the meeting, the chair shall announce the name of any member who will be participating remotely. This information shall also be recorded in the meeting minutes." 940 CMR 29.10(7)(b).

On October 27, the Council held a meeting in which members participated remotely. At the beginning of the meeting, Chair Cliff Ponte called the meeting to order and requested that Clerk Alison Bouchard take a roll call of the members who were present. Clerk Bouchard then took a roll call announcing each member's name and each member responded that they were present. Chair Ponte then announced that the meeting "is in fact remote." We find that the combination of the Chair's announcement that the meeting was being held virtually along with the roll call taken by the clerk clearly and effectively conveyed to the public the identity of all Council members who were participating remotely, and fulfilled the transparency goals of the Open Meeting Law. See OML 2021-44; OML 2020-168. Therefore, we do not find a violation of the Open Meeting Law.

For the reasons stated above, we find that the Council did not violate the Open Meeting Law. We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Council. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Kerry Anne Kilcoyne
Assistant Attorney General
Division of Open Government.

cc: Patrick Higgins – By email only: patrick@patrickhiggins.co
Fall River City Council – By email only: city_council@fallriverma.org

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

³ Open Meeting Law determinations may be found at the Attorney General's website, <https://www.mass.gov/the-open-meeting-law>.

Rec'd attached 12



OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02720

Phone Number: 5086743140 Ext. _____

Email: patrick@patrickhiggins.co

Organization or Media Affiliation (if any): Patrick Higgins and Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Fall River City Council

Specific person(s), if any, you allege committed the violation: Cliff Ponte

Date of alleged violation: 10/27/2020

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Fall River City Council violated the open meeting law by holding a remote "zoom" meeting on Tuesday, October 27, 2020 and not announcing who the members of the City Council were that were participating remotely. See 2020-138

There were several other people who were logged into the zoom meeting who were not commissioners and the general public would not be sure who all were the Members and who the non-members were.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Keep up to date with all determinations of the Division of Open Government (located at <https://massago.onbaseonline.com/MASSAGO/1801PublicAccess2/oml.htm>) and comply with all determinations.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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

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

II. Consulting With a Private Attorney.

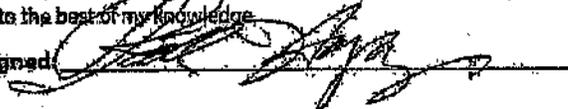
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

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

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

Signed



Date

11/5/2020





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

MAURA HEALEY
ATTORNEY GENERAL

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

April 30, 2021

OML 2021 - 60

Gary P. Howayeck, Esq.
City of Fall River - Office of the Corporation Counsel
One Government Center
Fall River, MA 02722

By email only: ghowayeck@fallriverma.org

RE: Open Meeting Law Complaint

Dear Attorney Howayeck:

This office received a complaint from Patrick Higgins on April 9, 2021, alleging that the Fall River City Council Committee on Regulations (the "Committee") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Committee on March 8, 2021, and you responded, on behalf of the Committee, by letter dated March 25, 2021. The complaint alleges that the Committee violated the Open Meeting Law by failing to announce the name of each member who participated remotely in the Committee's March 8, 2021, meeting.

We resolve this matter by informal action, in accordance with 940 CMR 29.07(2)(a), after reviewing the original complaint, the Committee's response to the complaint, the complaint filed with our office requesting further review, and a video recording of the Committee's meeting held on March 8, 2021.¹ For substantially the same reasons stated in our recent

¹ A video recording of the Committee's March 8, 2021, meeting is available at <https://www.youtube.com/c/FallRiverGovernmentTV/videos>

determinations OML 2020-168 and OML 2021-44, copies of which are enclosed, we find that the Committee did not violate the Open Meeting Law as alleged.

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

Sincerely,



Carrie Benedon
Assistant Attorney General
Division of Open Government

cc: Patrick Higgins -- By email only: patrick@patrickhiggins.co
Fall River City Council -- By email only: City_council@fallriverma.org

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

13



OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

2021 MAR -9 A 10:03

Please note that all fields are required unless otherwise noted.

CITY CLERK
FALL RIVER, MA

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: 5086743140 Ext. _____

Email: patrick@patrickhiggins.co

Organization or Media Affiliation (if any): Patrick Higgins and Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Fall River City Council Committee on Regulations

Specific person(s), if any, you allege committed the violation: Brad Kilby

Date of alleged violation: 03/08/2021

CITY OF FALL RIVER
IN CITY COUNCIL

MAR 23 2021

Referred to Corporation
Council

3/18/21 emailed to Law Dept.
Page 1

3/9/21 emailed to all Cs, copy to J. Bellitree

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Fall River City Council Committee on Regulations violated the open meeting law as follows: The Chairman, Attorney Brad Kilby, did not announce the names of the members of the public body who were participating remotely. See 2020-138 (issued on October 30, 2020) and 2021-20. Video of the meeting can be viewed at <https://www.youtube.com/c/FallRiverGovernmentTV/videos>

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Chairman Attorney Brad Kilby has a professional obligation to keep up to date with changes in laws and regulations. It is obvious that he willfully violated the open meeting law as I personally sent an email to the City Councilors that contained a .pdf attachment of 2021-20 along with a caution that I would be paying special attention to this issue. The members of the Committee on Regulations should be required to attend the next formal open meeting law training conducted by the Division of Open Government.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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

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

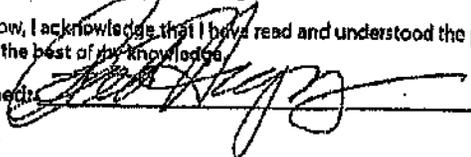
II. Consulting With a Private Attorney.

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

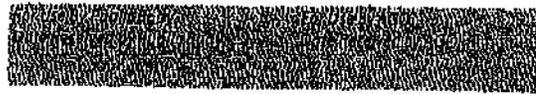
III. Submit Your Complaint to the Public Body.

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

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

Signed: 

Date: 03/08/2021



CITY OF FALL RIVER
OFFICE OF THE CITY CLERK



2021 MAY 14 10 39

To the City Council:

Application for permit to place or maintain a structure or device on or over a public way.

Name of Applicant: Joan Warren

Name of Business (if applicable): Steppingstone, Inc.

Address: 111 Durfee St. Fall River, MA
Street City State

Phone: 401-439-0480 E-mail: jwarrensteppingstoneinc.org

Type of structure or device: banner

Description (include dimensions): 30 x 3 ft. banner announcing
annual Get Steppin' fundraiser

Location: 111 Durfee St.

Dates: Jun, July - Aug. 16 2021

The applicant agrees to maintain this structure or device in accordance with the requirements of the Building Inspector and the City Council and that this permit may be revoked at the pleasure of the City Council.

Signature of Applicant Joan D Warren Date 5/2/21

[Signature] 5/6/21
Building Inspector Date

APPROVED
DISAPPROVED

[Signature] 5-6-2021
Director of Traffic Date

APPROVED
DISAPPROVED

[Signature] 5-6-21
Chief of Police Date

APPROVED
DISAPPROVED

In City Council, _____
Date

Permit (approved) (disapproved)

OFFICE USE ONLY
 Fee Paid

Alison M. Bouchard
City Clerk

Note: This event may be virtual.



ANNUAL GET STEPPIN' 5K WALK

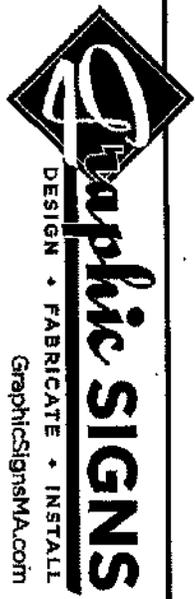


First Step Inn - 134 Durfee Street

Registration 8am

Walk starts at 9:15 am

For more info: www.steppingsstoneinc.org



DESIGN • FABRICATE • INSTALL

GraphicSignsMA.com

132 Stades Ferry Ave. • Somerset, Ma 02726 • 508.675.0085

Date: 7.25.19 Revisions:

Drawing By: J. Ste. Marie

File Name:

Client Approval:

Date:

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CITY OF FALL RIVER
OFFICE OF THE CITY CLERK

RECEIVED

2021 MAY -6 P 4:04



To the City Council:

Application for permit to place or maintain a structure or device on or over a public way.

CITY CLERK
FALL RIVER, MA

Name of Applicant: Tess Curran

Name of Business (if applicable): City of Fall River HHS

Address: One Government Center Fall River, MA 02722
Street City State

Phone: 508-324-2410 E-mail: tcurran@fallriverma.org

Type of structure or device: banner

Description (include dimensions): Banner to promote COVID-19 vaccine including 30 x 3'
frvax.com and 1-833-8VAX NOW. (two local resources for vaccine info +
support)

Location: S. Main, Bedford St. locations. 2 banner
locations

Dates: 5/28 - 8/31

The applicant agrees to maintain this structure or device in accordance with the requirements of the Building Inspector and the City Council and that this permit may be revoked at the pleasure of the City Council.

Signature of Applicant Tess Curran

Date 5/6/21

[Signature]
Building Inspector

5/6/21
Date

APPROVED
DISAPPROVED

[Signature]
Director of Traffic

5-6-2021
Date

APPROVED
DISAPPROVED

[Signature]
Chief of Police

5-6-21
Date

APPROVED
DISAPPROVED

In City Council, _____
Date

Permit (approved) (disapproved)

OFFICE USE ONLY
 Fee Paid N/A

Aileen M. Bouchard
City Clerk

COMMITTEE ON FINANCE

MEETING: Tuesday, March 23, 2021 at 6:00 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: Mary Sahady, Director of Financial Services
Christopher Gallagher, Director of Facilities Maintenance
John Perry, Director of Community Maintenance
Jeffrey Cardoza, Chief of Police
John D. Lynch, Fire Chief

The chair called the meeting to order at 6:25 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 to be read at the meeting.

- 1. Citizens' Input
Brandy Vining, 20 Bardsley Street – Upgrades to baseball fields

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

- David Oliveira, 210 Robeson Street – Superintendent Malone and EZ Disposal
- Robert Camara, 127 Gagnon Street – Health Care Holiday
- Dennis Polsell, 930 Bedford Street – Phase 2 Funding for Watson Elementary School
- Collin Dias, 560 Ray Street – Superintendent Malone and Fall River Public Schools
- Rebecca L. Collins, 501 Harvard Street – Funding for Phase 2 Project at Watson Elementary School
- CJ Ferry, 300 Buffinton Street – Bonding for City and School Buildings

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Christopher M. Peckham, it was unanimously voted to waive the rules to allow for the reading of a non-resident citizens' input submission, with Councilor Bradford L. Kilby absent and not voting.

Celeste Hoeg, 7 Robin Road, Whitman, MA – ADA Renovations and Upgrades at Watson Elementary School

2. Loan order – \$2,100,000 for improvements to several city buildings

Mary Sahady, Director of Financial Services, and Christopher Gallagher, Director of Facilities Maintenance, provided an overview of this loan order and explained that its approval will fund the replacement of windows, HVAC and the Chiller at the Police Station, which was built in 1997, in the amount of \$975,000 and the boiler at the library for \$250,00 as well as overhead doors for the Candelas Fire Station and Fire Headquarters, as well as boilers and generators at several fire stations in the amount of \$515,000 and roof repairs and lighting at the City's parking garages for \$360,000. Bond Counsel approved language to be included in the loan order allowing for the amount of borrowing to be reduced if CARES funding is received. Councilor Linda M. Pereira asked Mr. Gallagher regarding the repairs to be done at the parking garages and he explained that his plan is to install a rubber roof on the top decks of both garages to protect the water and ice infiltration and will reduce the amount of salt that is currently used. This would also allow for the top decks to be used for the leasing of solar panels. Mr. Gallagher is also looking to reduce the amount of alternative salt used on the parking decks, which causes deterioration of the structure. Councilor Trott Lee asked if the loan order was for immediate work or for other repairs, whether any grant funding could be used, and if the work would be outsourced. Mr. Gallagher replied that he does maintenance and improvements within the department's budget as allowed, that he works with the grant writer to identify transportation grants for the parking decks and structures, and that most of the work will be outsourced.

Councilor Michelle M. Dionne asked if the top decks are being utilized and Mr. Gallagher said they are not structurally sound for the parking of cars. Councilor Dionne expressed that this is a wise investment because it will allow for revenue to be generated with the rental of parking spaces. Councilor Pam Laliberte-Lebeau asked for an explanation of the difference between regular garage doors and the doors being installed at the fire stations, what HVAC work was done at the Flint Fire Station, and if the HVAC and Chiller at the Police Station were previously replaced. Mr. Gallagher explained that regular garage doors have 50,000-100,000 cycles and these are light commercial or commercial with one million cycles for \$30,000 a door because they are used constantly. He also explained that work was done on the outside of the Flint Fire Station but more needs to be done on the inside of the building, such as the inside coils and the cleaning of the duct work. The equipment at the Police Station had been previously substituted but needed to be replaced again due to cleaning that was done by a Facilities Maintenance staff member who power washed and bent the coils. Councilor Laliberte-Lebeau also asked for the status of the structure to be built on Bullock Street to house cemetery equipment and Mr. Gallagher stated that his plan was to build it using department personnel with perpetual funding before the end of the year. Mrs. Sahady also explained that a feasibility study was going to be conducted in three phases for the use of the Lewiston Street garage for purposes of storing equipment. Councilor Linda M. Pereira asked for the amount of funding in the perpetual care account and Mrs. Sahady stated that she would provide that information to her. On a motion made by Councilor Shawn E. Cadlme and seconded by Councilor Christopher M. Peckham, it was unanimously voted to recommend that the loan order be referred to the full Council for action, with Councilor Bradford L. Kilby absent and not voting.

3. Loan order – \$390,000 for an excavator for the Department of Community Maintenance and a bucket truck with lift for the Police Department

Mrs. Sahady stated that the loan order needs to be amended to \$500,000 (\$350,000 for the excavator and \$150,000 for the bucket truck with lift) because the Director of Community Maintenance did further research on the type of excavator needed for the Department. John Perry, Director of Community Maintenance, received an updated quote for a more robust excavator for use on the road and the loading of recycling. The estimate is for \$354,000 but Mr. Perry stated that he can work with the vendor to keep the cost at \$350,000. Currently the Department spends \$48,000 a year renting an excavator and approval of this loan order would allow the rental expenses to be shifted to another need in the department.

Councilor Trott Lee asked if the warranty would be purchased and Mr. Perry stated that the warranty would be included on this 15 year piece of equipment. Councilor Michelle M. Dionne stated that

since the equipment has such a life span, it would be worthwhile to purchase it since the City would recoup the rental expenses after 8 years. Councilor Dionne also asked Police Chief Jeffrey Cardoza what would be done with his current bucket truck and he replied that it would be sold, as it currently only reaches 29 feet. The new truck will reach 45 feet and will be safer because it will have a material handler and stabilizers. Councilor Christopher M. Peckham asked when the current bucket truck was purchased and the Chief replied 2009. Councilor Peckham stated that he supports the purchase of a new bucket truck for the safety features it will bring and how much quicker work can be done. Councilor Leo O. Pelletier asked if the Department of Community Maintenance could use it for the Cemetery and Tree Division or if the City could recoup any funding from its sale. Mr. Perry stated that he would need to evaluate the condition of the truck and its certifications, as selling it most likely would result in a minimal amount. Councilor Linda M. Pereira asked for the delivery timeframe and Mr. Perry stated 8 weeks for the excavator and the Chief stated 6 months for the bucket truck.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to recommend that the loan order be referred to the full Council for action, with Councilor Bradford L. Kilby absent and not voting.

4. Loan order – \$2,700,000 for constructing a building at Fire Headquarters to house Rescue-7 and the crew

Mrs. Sahady stated that this loan order would be for the construction of a building adjacent to Fire Headquarters for the Emergency Medical Services (EMS) Division to house Rescue 7 and will include a training room, sleeping quarters, office space and a small kitchenette. A feasibility study was conducted for the project. Since the EMS Division is an enterprise fund, EMS will pay the principal and interest for the life of the loan order but CARES funding can also be used to make these payments or to reduce the amount to be borrowed. Fire Chief John D. Lynch outlined that the concept of constructing this new building came about a year and a half ago because, as a result of the expansion of EMS, the fire stations are being overburden. There are more medical rescues at the stations and the initial thought was to take the spare rescues out of the stations and store them but in conversation with Chris Gallagher, Director of Facilities, it was decided that it be best to construct a building on the side of the north station (Fire Headquarters) that was more versatile. Test borings and environmental testing have been completed; hazmat testing was previously done when Fire Headquarters was built. Features of North Station will be incorporated into this new building.

Councilor Michelle M. Dionne stated that the architect's report references a cost of \$1.2 million instead of \$2.7 million. Chief Lynch explained that the original cost was for the initial concept of a minimal building only for storage without the office space and training room. Councilor Dionne also asked where training currently takes place and Chief Lynch explained that it currently is held at Fire Headquarters by EMS and other outside entities, such as the Red Cross and MEMA, among other groups and associations, including the Mass. Fire Academy. The new training room will allow for the types of trainings that EMS has initiated such as CPR and First Aid as well as OSHA training for the public, nursing homes, and industrial businesses. Chief Lynch further explained that Rescue 7 is a frontline apparatus that performs returns from the hospitals and does emergency calls 24 hours a day, 7 days a week.

Councilor Pam Laliberte-Lebeau asked if consideration had been given to building a new fire station instead since discussions have been held to merge EMS with the Fire Department and the Stanley Street fire station is in disrepair. Chief Lynch said that it was discussed to be constructed on land owned by the Commonwealth next to Cardinal Medeiros as a project for down the line but that, even if a new fire station were to be built, this building would be needed just the same. Mrs. Sahady stated that the new fire station would need the approval of the voters because the estimated cost in 2018 was \$15 million. Chief Lynch also explained that the merger has not moved forward because of a negotiation standstill with the IAFF Local 1314 Fall River Firefighters Association. Councilor Shawn E. Cadime inquired if contingencies, the operating project manager, and architects are included in the cost and it was stated that it did. Councilor Cadime also asked about the floor plan

for the new building and Mr. Gallagher explained that the new building will connect to the current building. The first level will include office space, the training room in the back, and the apparatus. The second floor level will include the sleeping headquarters, lockers, shower rooms, sitting area, and kitchenette above the training room and office space. He also emphasized that the City should develop a list of building projects and prioritize those building needs and how they fit into the City's debt schedule. Mr. Gallagher said he would request feasibility studies and develop floor plans. Councilor Christopher M. Peckham stated that he would like to see the merger come to fruition and inquired about including this building as part of the new Stanley Street Fire Station when it is built since that station is in such disrepair and the vehicles being housed at the new facility are not response vehicles. Chief Lynch explained that the building was designed to be versatile so that it could include fire trucks to accommodate the increased need in the Industrial Park area. Mrs. Sahady stated that the real issue with building a new Stanley Street Fire Station is location as the property being considered is currently owned by the Department of Housing and Community Development.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to recommend that the loan order be referred to the full Council for adoption, with Councilor Bradford L. Kilby absent and not voting.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adjourn at 9:04 p.m., with Councilor Bradford L. Kilby absent and not voting.

List of documents and other exhibits used during the meeting:

- Citizens' Input Communications
- Agenda packet (attached)
- DVD of meeting
- Quote for excavator from the Director of Community Maintenance
- Blueprint for new building at Fire Headquarters
- Feasibility studies for Stanley Street and Central Fire Stations

Chris Leite
Assistant City Clerk

19

MARCH 23, 2021

COMMUNICATIONS

SUBMITTED

FOR

CITIZENS' INPUT

19

Leite, Ines

From: acwdave <acwdave@aol.com>
Sent: Saturday, March 20, 2021 3:38 PM
To: City Council
Subject: [EXTERNAL]

Council president Ponte, Vice president Laliberte, members of the city councilors

I hope this is the last citizens input i write about the embarrassment on the superintendent. I wanna command every single councilor accept kilby because clearly he feels baseball field are more important then the law suits this superintendent has cost the tax payers. But baseball fields are all you care of?. An i dont understand why the school committee is not forcing the superintendent to attend a council meeting. Who is running ship here? Clearly the four committee members on strings from the picture on facebook being controlled by the superintendent shows he runs everything kinda reminds me of the Bye Bye Bye song. An for the record councilor cadime had nothing to do wit that. Because we dont want him being attack by a certain councilor again.. last thing last week i was watching ez doing trash on a windy day an when they lifted the recycle bin things started to fly an he dropped the bin and went to pick up everything that he could grab an throw it in the truck . An i then went outside to thank him for doing that. Thank you stay safe
David Oliveira

Sent from my Sprint Samsung Galaxy S10.

210 Robeson Street

CITY CLERK
FALL RIVER, MA

2021 MAR 22 P 2:09

RECEIVED

19

Leite, Ines

From: Bob C. <rcamara16@verizon.net>
Sent: Sunday, March 21, 2021 4:18 PM
To: City Council
Cc: City Council
Subject: [EXTERNAL] Heath Care Holiday
Attachments: Holiday Funding Impact (1).pdf; Transition Excerpt (P).pdf

Dear City Council/ Colleen Taylor,

Please review my letter and consider it my citizens input. I have attached the the letter in PDF form marked as **Holiday Funding Impact**. I also included for your review an excerpt from a r previous Transition sub committee letter. This attachment is for review since it gives a more in depth synopsis of the history of the city's history on this subject. I thank you for your attention to this matter, as always I am available to answer any question you may have.

Robert Camara

127 Gagnon Street

CITY CLERK
 FALL RIVER, MA

2021 MAR 22 P 2:09

RECEIVED

Dear Councilor,

At your last meeting the amount of the employee trust fund and the possibility of a premium holiday was brought up and a discussion took place. This was out of order, inappropriate, and in violation of multiple statutes.

First and foremost, the money in the employee trust fund is solely **EMPLOYEE** money and discussions of amounts, utilization of funds; and "Negotiations" are inappropriate and violations of MGL 32B and MGL 150E.

Inappropriate because the funds are not "City" funds and therefore are not a subject the City Council should be dealing with. Additionally, the funds in the "Employee Trust Fund" and expenditures of said funds are limited by MGL 32B.

That fact makes the comment by the CFO that they are "negotiating" inaccurate and frankly ridiculous. Negotiations are conducted under MGL 32B sections 21 and 22 the methods and manner of the application of surplus employee fund (Trust Fund) monies are conducted under 32B section 8A and the established past practice provision of MGL 150E.

The administration has used the City Council in an election year to promote "a premium holiday" for political gain. The money to fund this so-called holiday is coming from a reduction of claims caused by COVID. Elective surgery, cancer screenings, and all "normal" medical interventions were delayed/deferred to deal with the pandemic.

The problem is all these procedures will ultimately be done, the needed knee surgery, cancer screening, and all the delayed/ deferred health care will be done. The costs will be added to the costs of the regular annual cost of health care. The result will be an upward spike in costs, which it is why we must not just spend the money.

This money is money that was budgeted to pay for the services that would have been done without the Pandemic delay. These bills will ultimately begin to be added to our normal billing, and if you as a council allow it to be spent as if it were "MAGIC MONEY" as a previous administration referred to money that appears from the sky. We will have a shortfall not because we didn't have sufficient funds allocated but because we spent money that was budgeted on a "Holiday" as if we hit the lottery rather than understanding the liability has been delayed and will ultimately be incurred.

This is a problem that has Blue Cross adding a "COVID" factor to their actuarial projections for the upcoming year. We have no way to determine if the bills will trickle in or come in in the space of a few months.

All we can do is live up to our FIDUCIARY responsibility to protect our members and our Health Care. What you do as a Council is up to you, will you be responsible?

We have given numerous "Holidays" to our members when we had numbers and projections to feel secure that we would not adversely impact our trust fund. We have no such numbers or projections currently. I am willing to consider the "Holiday option." However, I will not consider spending money that is encumbered by potential claims without sound actuarial projects to support the action.

In closing, let me remind the honorable council of the history of which side has been on the right side of handling it's money and having accurate numbers. Just last year you were told numerous times the health care costs were rising 8% when in fact they were rising 5.7%. That 8% figure was arrived at by not including the rebates which are the only guaranteed numbers in the rate projections. That was a knowing misrepresentation of fact by the CFO and in my opinion a violation of her FIDUCIARY obligation under the law to produce accurate numbers to the legislative body. Please watch the you tube video of the Fall River PEC meeting when those numbers were confirmed with the CFO in the room.

The CFO also stated that the cost of the City's 75% premium share was 45 million, when in fact it was 40 million. That number was confirmed by Blue Cross and Gallagher's Diane LaFlash. Adding life insurance, stop loss and other non-premium related costs was another attempt to pad the bill and, in my opinion, both Malfeasance and breach of Fiduciary responsibility yet again.

Lastly, how many years have you seen the city with virtually no money in their Health Care Account and the Employees Trust Fund with a robust cushion. If you feel that is prudent and fiscally responsible that is your prerogative. I will however remind you that a few years ago the only way the city saved the Canadian Drug Plan and it's 2 million plus a year cost savings to the city was to get a 900, 000K loan from the Employee Trust Fund. Just think of our health care costs would be today if we lost that benefit. I have attached an excerpt from the letter I sent to the Finance Subcommittee of Mayor Coogan's transition team. I've sent it before, but you may have lost it. Thank you for your attention to this critical matter. If you need any more information, please contact me.

"If you put the federal government in charge of the Sahara Desert, in 5 years there'd be a shortage of sand."

**Robert Camara
PEC Fall River Retirees
Taxpayer**

Health Care

The health care is another example of how in a public sector budget short term "kick the can down the road" actions result not only in long term liabilities but even short term near catastrophes.

In order to gain some perspective, I think an overview of system would be helpful. The Group Health Care in the City of Fall River is an example of cooperation between city government and employees (Union) and it's retirees. The plan has continuously run under budget and the city is paying LESS over the past five years than it was a decade ago.

This was accomplished by two factors, one the cooperative effort between the HR department of the City and the representatives of the employees (IAC/PEC) working together to provide the best and most affordable health care possible for City Employees/Retirees.

Secondly, the adoption of Sections 21,22 and 23 of MGL 32B which provided for a Public Employee Committee to represent All employees and retirees in a weighted bargaining process.

The result has been a good health care system that has not only runs under budget, but has realized a large monetary wind fall for the city by the cost shift to employees. The City of Fall River has received an additional average of three (3) million dollars a year from the increased co-pays and deductible that were shifted to the employees after the adoption of the aforementioned sections of MGL 32B. These figures were reported to the Massachusetts Department of Revenue by the City of Fall River. So in addition to running under budget these additional monies were received by the city.

In spite of these positive results the City's financial team consistently under funds their share of the health care premium costs in the budget. They regularly divert any excess money they can elsewhere and leave the Health Care account virtually empty at the end of every fiscal year.

Fiduciary irresponsibility at best, and possibly malfeasance on their part.

Health care and prescription drugs are the most unpredictable and unstable financial

obligation any city faces. So why would you NOT want to reinvest some of the unused appropriated money ear marked for health care back into the system, by establishing an interest-bearing account that mirrors the way employee money is statutorily required to be handled? (MGL Chapter 32B section 8A)

The answer **POLITICICS**, kick the can down the road and use the money to artificially inflate the budget for optics. Examples: The Financial Team told the City Council **"WE NEVER fund our share fully because we always run under budget."** (Video of said council meeting is available.)

They virtually have no reserve cash at the end of a fiscal year. (records and video)

What can result from this short sighted fiscally unsound financial strategy? On the short term, the city could not afford to absorb the costs of changes that could benefit it in the long term. Examples that have already occurred:

We could not change from the current self-insurer plan to a premium plan because the city lacked the cash reserves to pay out the Incurred but not reported claims in the run off period due lack of funds.

Why? Because in spite of the fact that the Employee Trust Fund had in excess of five (5) million dollars in it and the city Should Have Three Times More in their account . The City Trust Fund Account had approximately five hundred thousand.

The results of this incredible breach of their fiduciary responsibility to the employees, retirees, and tax payers was the city could not make a change that would have saved us money and made the plan costs stable.

THE MOST GLARING EXAMPLE OF WHAT THE LACK OF FIDUCIARY RESPONSIBILITY HAS ALREADYCREATED FOLLOWS:

The City of Fall River could not afford to pay its share of the Fall River Meds Program, our Canadian Drug Plan that saves use MILLIONS EVERY YEAR! In spite of the fact that the City is required by Collective Bargaining Agreements to pay 75% of the Health Care they didn't have the money in their account to fund a program that saves the city millions. Losing that plan would have added millions to the cost of the plan.

If that doesn't clearly demonstrate ineptness and lack of financial long term financial thinking, I don't know what does!

How Were We Saved? The Employees/Retirees LOANED THE CITY NEARLY A MILLION DOLLARS (From Our Trust Fund/Mitigation Fund) TO SAVE THE PLAN AND OUR HEALTH CARE!

I could go on, but let it suffice to say that the financial strategy this city uses is rob Peter to pay Paul, live for today and let the next administration worry about receivership. This financial planning and budgeting or lack thereof, has to go or we will all suffer the consequences.

In closing, please feel free to ask current IAC/PEC Chairman Joe Castro for confirmation. My background on health care is as follows.

I became a member of the IAC (Insurance Advisory Committee) in 1981. Was elected its first Chairman shortly thereafter and remained Chairman for over twenty years. Upon my retirement I was appointed by the State, County, and Municipal Retirees Association as the PEC (Public Employee Committee) representative for all municipal retirees.

In 1991 I successfully recovered almost two million dollars from the City of Fall River that was placed in City rather than the Employee Trust Fund. (A violation of MGL 32B section 8A) In 2008 I consulted when the city AGAIN mismanaged employee health care money. During this period an additional five Insurance Accounts were discovered to have been dormant/inactive for Twenty-Five (25) years in spite of required mandatory audits required by MGL 32B section 3A.

This part of the budget is the single most functionally sound but fiscally mismanaged area of the Fall River city budget. It is the "Slush Fund."



City of Fall River
Massachusetts

Fall River
Commission on Disability

RECEIVED 19

2021 MAR 23 P 12:41

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

Dennis Polselli
Chairman

Debbie Pacheco
Vice Chairman

Dennis Polselli Chair Fall River Commission on Disability

March 23, 2021

Dear Honorable Members of the City Council:

On behalf of the Fall River Commission on Disability, we are requesting your approval of funds for Phase two which is the ADA portion of the renovation project of the Watson Elementary School. The majority of this phase is for ADA compliance so individuals with disabilities will have access to the entire building.

I happen to be streaming a meeting of the Fall River School Committee where each of the School Principals were presenting their budgets. Among the testimonies was Principal Celeste Hoeg of Watson Elementary School who detailed the current state of the building and the inaccessibility of the building to a student in a wheelchair. According to this testimony the student needed to be carried to his class because of the inaccessibility of the building. During lunch-time, the Principal communicated the student was unable to join his class in the cafeteria and as a result had to eat alone.

This situation reminded me of a friend who attended the School for the Blind along with myself, whom was blind and had Cerebral Palsy. Many times, the Principal or staff member would have to interrupt a class to carry the individual, Michael Sheehan to his next class. The Assembly Hall was not accessible, so Michael would have to miss school assemblies. Michael went on to have a productive life obtaining a Master's Degree in Public Administration and working for the US Park Service before he left us some five years ago. But his childhood was exclusion after exclusion from activities and we must never allow that to happen to our children in wheelchairs who attend our Public Schools. Please reconsider your decision of withholding funding for the required compliance and inclusion of all individuals.

Respectfully,

Dennis Polselli Chair Fall River Commission on Disability

930 Bedford Street

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

City Clerk

RECEIVED

19

From: Collin Dias <collind00@aol.com>
Sent: Tuesday, March 23, 2021 2:05 PM
To: City Council; City Clerk
Subject: [EXTERNAL] Citizens Input

2021 MAR 23 P 2:41

CITY CLERK
FALL RIVER, MA

Citizens Input - Fall River City Council 3/23/21 Collin Dias 560 Ray Street, Fall River, Massachusetts, 02720

Good afternoon Council
President and Members of the City Council,

I want to go on record in support of the council presidents decision to not add the school quote on quote "improvement" projects to the agenda until the Superintendent fulfills the duties he was appointed to do. Sadly he is still the superintendent because the committee of 4 continues to place their personal interests before the needs of the city. We need to make a statement that we will stand for the faculty of this city. This is what the issue is. Faculty in our city were subjected to bullying and a hostile work environment in this city, and as leaders of this community, it is our job to give a voice to those who need one and to take a stand against wrongdoing. And it is a shame that leaders in this city, mainly the committee of 4, have taken steps to cover this issue up, hoping we would forget about it, and to under-punish the superintendent. Whoever says this superintendent was punished severely should look at themselves in the mirror.

On another note, I wholeheartedly agree with Councilor Dionne when it comes to the health and safety of our students in implementing this AstroTurf. We should look into alternative solutions to assure there are no health and safety issues any fields we produce. I also wholeheartedly agree with Councilor Lee when it comes to the cost to the taxpayers on these fields. We are in the middle of a pandemic, and this city wants to spend over 5 million dollar on fields, which the durfee rising people promised us we would not have to pay for the field, we would build the new durfee around the pool, and the fields. The durfee rising people lied to us. Thank you to councilor Lee and other city councilors for putting the taxpayers of this city first. Why is the committee of 4 worried about placing this topic before the voters for approval?

Speaking of the Cost to the taxpayers, and superintendent Malones mistreatment of our city staff, the committee of 4, would like us to forget about all of this. They want us to disregard superintendents Malones mistreatment of staff, mistreatment of school committee members, mistreatment of members of our community. However, this matter is sadly going to get worse. We have the Secretary of State who's about to issue a determination on the release of the report, we have multiple MCAD complaints, which could costs our city hundreds of thousands of dollars. This is detrimental to our City. However, we do have an election coming up. And the superintendent will theoretically be on the ballot. And the voters of this city are angry, and they will make their voices heard at the ballot box. And elections have consequences.

Lastly, I understand Mayor Coogan recused himself from the vote to removal Malone as superintendent. However Mr. Mayor, if you truly believe Superintendent Malone is in the wrong, and if you believe he should no longer be superintendent, I call upon you to remove superintendent Malone from the Durfee Building Committee. I call upon this council formally ask the Mayor to remove superintendent Malone from the durfee building committee.

Let's do the right thing and defend the faculty and employees who work hard for our children and to make Fall River a better place.

Hashtag Fire Malone.
Respectfully submitted,
Collin Dias

Sent from my iPhone

RECEIVED

19

City Clerk

From: rebecca collins <becca@collinsconst.net>
Sent: Tuesday, March 23, 2021 2:58 PM
To: City Clerk
Subject: [EXTERNAL] Citizen's Input Rebecca Collins CC 03.23.2021

2021 MAR 23 P 3:07

CITY CLERK _____
FALL RIVER, MA

While I respect the role of the City Council and the councilors individually I need to voice my concern as a business owner, tax payer, and parent of district students with the Council's inability to move forward in regard to the School Department's 5 year capital plan and the fact that the School projects were not being placed on this agenda. I would like to address Watson in particular.

It is my understanding that this Council previously agreed to fully fund the Watson Project as a 2 phase project. Phase 1 being the MSBA Accelerated Repair Plan and the ADA upgrades being moved to Phase 2 with a waiver provided by the ABA. With the Accelerated Repair being recently completed, Mr. Pacheco is trying to move forward with ADA improvement project to make the school compliant with ADA requirements. But yet the Council will not hear it. I'd like to remind the Council that the MSBA project was done in conjunction with the ADA upgrades at Tansey previous to the Watson renovation. I would be remiss if I didn't say "here we go again", the Highland kids get everything no questions asked, but the Flint kids need to be paraded up and down Eastern Ave, and used as a pawn in this City's political games. I understand that many of you may not understand because you send your children to catholic schools or get your "school of choice" requests approved. But Watson is one of only 2 true neighborhood schools left in the City. Most of the children attending Watson come from the heart of the Flint and can be seen walking up Pleasant St in the morning or walking down Jepson. But I imagine most of you only come up the Flint for Sam's meat pies or a grinda' on Bedford St. so you probably don't get it. But those kids deserve a ramp into school, an elevator to the cafeteria, and handicap accessible bathrooms.

Continuing to table the Capital plan kicks the ADA upgrades further down the road and potentially forces the School Department to close Watson and place all these kids in Fonseca increasing class sizes and making transportation more expensive for the children outside of the 1-mile radius.

President Ponte stated that a poll was taken from the councilors to see if placing the school projects on this agenda would be favorable, and it was not. I'd like to know, for transparency sake, who voted in favor of not placing it on this agenda.

In closing, I implore the councilors to put the hashtags away and work on the business at hand, which I thought was the betterment of the City as a whole.

Thank you:
Rebecca Collins



Rebecca L. Collins

President
Collins Construction Co., Inc.
MA/RI Certified Woman-Owned Business Enterprise (WBE)
Fall River, MA 02723
O: 508.678.5201 / Email: becca@collinsconst.net

*Home Address:
501 Harvard Street*

19

CJ FERRY, R.N., PHN

RECEIVED

2021 MAR 23 P 3:09

March 23, 2021

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

CITY CLERK _____
FALL RIVER, MA

Re: Citizen's Input

Council President, Members of the City Council:

I first want to applaud the actions of the City Council President by not putting the school department projects on the agenda until such time as the School Superintendent appears before the council. At this point to stop a pissing match, I believe that the School Committee and/or the Mayor should order the Superintendent to appear before the council in order to move the projects forward. The school department likes to believe that they are their own fiefdom, but they remain answerable to the people.

The school department also needs to remember that the City Council controls the purse strings and as such while the city is legally obligated to pay for the education of the city's children, the city is not responsible to provide for extravagant school buildings and athletic fields. Just because the school committee allocates the money for such projects, the city council is not obliged to honor those allocations as those allocations should only be made when the city can afford to pay for these projects without increased bonding.

While I am speaking about bonding, I do not ever remember the City Council voting on raising the bonding limit from \$10 million to \$20 million. When was this change made? Who made this change? Who authorized this change? While I have heard that it serves only as a guide, past practice in the city has limited the bonding to \$10 million annually. It is amazing that with this Mayor all of a sudden, the increase in bonding has required the city to raise its bonding limit. It is bad enough that the Mayor, the Chief Financial Officer, Department heads and the School Department deceive the citizens by dividing the bonds into smaller amounts in order to deprive the citizens their right to vote on and approve or deny the bond. The people have a right to be heard and by having our elected and appointed individuals work diligently to actively deny them that right on financial issues that are important to their city's financial wellbeing. This practice has got to stop and the City Council must work to make these action cease as you are complicit in this deception.

Finally, you have before you this evening a proposed bond order for the construction of a new ambulatory addition at the Fall River Fire Department headquarters. The proposed construction cost is \$2.7 million, but it has a listing of items that have been excluded from the construction such as Owner's contingency, Hazardous material/environmental reports and testing, surveys, removal of hazard materials, and so on. Will that cost when added to the cost of the building bring up another \$1 million to \$2 million or more. This is obviously an incomplete proposal and should be sent back to the Mayor for a full accounting of all

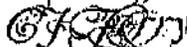
19

March 23, 2021

costs. Further, this building is for EMS and as such EMS is an enterprise fund. EMS claimed that they pay their own costs associated with ambulances, benefits, retirements and other items and as such EMS should be liable for the repayment of any such bond and further be responsible for the costs and maintenance of the building. If the EMS department wishes to claim independence from the city in regards to costs and equipment, then they should also accept responsibility for the cost of all bonding and equipment thereto.

I want to thank you for the opportunity to address this council.

Respectfully,



CJ Ferry

RECEIVED

SAMUEL WATSON ELEMENTARY SCHOOL
935 Eastern Avenue
Fall River, MA 02723
508-675-8240

2021 MAR 23 P 3:09

CITY CLERK _____
FALL RIVER CITY COUNCIL
School Adjustment Counselor

Celeste Hoeg
Principal

Erin Lund
Vice Principal



Annmarie Sterling
Student Support Coordinator

"Together we can soar to success!"

March 23, 2021

Dear Honorable Members of the Fall River City Council,

My name is Celeste Hoeg, and I have had the pleasure of serving as Principal of Watson Elementary School for the past year and half. As Principal, I work with a very dedicated group of faculty and staff who come to school each day and give 150% to the amazing students in their classes.

Our school is set to have money appropriated to it by the City of Fall River for upcoming ADA renovations and upgrades. I write to respectfully ask the City Council to fund this request and to visit our school to see the need for these renovations and upgrades. Recently this year, one of our students, who attends classes on the upper floors, was in a soft cast and on crutches. For several days, the nurse and I assisted the child up the two flights of stairs in the morning to class and down the stairs in the afternoon for dismissal but the student was not able to access the cafeteria or the student bathrooms—both located in the basement. We accommodated the student by having this child have lunch in the classroom with a friend and the student used one of the adult bathrooms on the floor next to the classroom. Also this year, one of our staff members had to request to work from home for a short period of time because of an injury and not being able to navigate the stairs to travel to the classes they taught in on a daily basis.

Respectfully, the faculty, staff and students, to whom I serve on a daily basis, deserve the same access to facilities as those found in other schools in the City. Over the past year and a half, I have had the opportunity to witness the Watson Elementary School faculty and staff come to school every day very prepared to meet their students with a positive attitude and high expectations. The ADA renovations and upgrades will allow the students of the Watson Elementary School community to have the same experiences as their peers across the City in the other public schools of Fall River and be able to achieve all that I and their teachers know they can.

Thank you for your consideration and I look forward to welcoming you to Watson Elementary School.

With respect,

Celeste Hoeg

*Home Address:
7 Robin Road
Whitman, MA*

COMMITTEE ON FINANCE

MEETING: Tuesday, April 6, 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
Shawn Travers, Coach, Maplewood Independent Youth Baseball League
John Botelho, President, Fall River Federal Little League

The chair called the meeting to order at 6:25 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, April 6, 2021 at 3:00 p.m. to be read at the meeting.

- 1. Citizens' Input
Carlos Cesar, 367 Frost Street – Taxes

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

- David Oliveira, 210 Robeson Street – Superintendent of Schools
- CJ Ferry, 300 Buffinton Street – Water and Sewer Rates
- Collin Dias, 560 Ray Street – School Committee
- Marcy Ytkin, 624 Mohawk Drive – City Parks

- 2. Transfers and appropriations - \$1,738,680 as follows:
 - a. \$1,282,529 from the Health Insurance Appropriation to the School Appropriation
 - b. \$456,151 from the State and County Assessments to the School Appropriation

The Director of Financial Services stated that after the discussion that was held at the City Council Meeting on March 23, 2021, this financial order was prepared which will close out Fiscal Year 2020 net school spending amount to 100%. Council President Cliff Ponte stated that no motion was necessary as this item is already listed on the Regular City Council Agenda.

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

Council President Cliff Ponte read the resolution and requested that the discussion focus only on the lighting improvements and repairs at city parks. He then asked for the costs for the lighting at Maplewood Park and any other parks that use lighting. The Director of Financial Service stated that the bills for the electricity are sent directly to the leagues. During the 9C cuts, it was decided that the leagues would pay for the electricity and be allowed to sell advertising on fencing to offset the cost of the electricity. Shawn Travers from Maplewood Park stated that the electricity is approximately \$6,000.00 per year for Maplewood Park.

Nancy Smith stated the maintenance of the lights, such as replacing bulbs and re-aiming lights, is the largest expense to the leagues. She then stated that during the 9C cuts back in 2009, it was determined that if leagues wanted to play at night, the leagues would need to pay for the electricity as the residents could no longer afford this expense. Councilor Christopher M. Peckham stated that he cannot understand why it is so difficult to compile a list of what electricity costs are being paid by the various leagues. Councilor Linda M. Pereira asked how many light poles are located in city parks that need maintenance. John Perry stated that there are approximately 66 light poles located in city parks. Councilor Linda M. Pereira asked what the cost would be to remove a pole. John Perry stated that the cost is approximately \$4,000 to \$5,000 to remove a pole. Councilor Linda M. Pereira asked how many parks have lights. Nancy Smith stated that there are six parks that have lights. Councilor Trott Lee stated that he believes the City is looking to reinvest in our parks. Nancy Smith stated that unfortunately, there is only one little league in the City now and years ago there were seven little leagues. Councilor Pam Laliberte-Lebeau asked how many leagues are represented here tonight. Nancy Smith stated that there are three leagues represented tonight.

Councilor President Cliff Ponte stated that since we do not have all the necessary information to discuss this matter fully, the Committee needed to end this discussion and table the matter for further discussion at the next Committee on Finance meeting. Councilor Michelle M. Dionne stated that the committee needs to have the cost of the electricity and the amount of income that the leagues are receiving from advertising for the next meeting. The Director of Community Maintenance stated that the requested information will be available at the next meeting when this matter is discussed. Councilor Leo O. Pelletier stated that the budget for the Park Department needs to be increased and instructed Nancy Smith to request from the Administration an increase in the budget for the maintenance of parks.

Councilor Christopher M. Peckham requested Shawn Travers to provide an update on the issues in Maplewood Park. Shawn Travers stated that there are less children participating in little leagues, as the total population of the City has been decreasing. He then stated that many of the improvements to the parks have been paid for with grant funding, and the work of many volunteers. He also stated that the reason there are so many major problems in our parks, is because there is never any regular maintenance to lighting or any other park items. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Trott Lee, it was unanimously voted to table the matter.

4. Committee on Finance convene to discuss plans to improve our City parks and baseball fields

The Director of Financial Services gave a PowerPoint Presentation regarding City of Fall River Park Projects. She stated that the City of Fall River has spent \$9,735,263.00 over the last 10 years on park projects. Council President Cliff Ponte asked if any improvements had been made to Dumont Park. The Director of Financial Services stated, not that she is aware of. Councilor Shawn E. Cadime stated that he has been an advocate to improve our parks to get people to want to live in the City of Fall River. He also stated that there needs to be a plan to determine what the residents would like to have in the parks and the City needs to budget an amount of funds to maintain these parks. In the current budget there is only approximately \$83,000.00 for park maintenance, which is greatly underfunded. He then mentioned that the City needs to start charging the leagues fees, but the City also needs to provide decent services and maintenance. Councilor Linda M. Pereira stated that she just had a meeting with the Mayor regarding this matter. She then stated that the Mayor is considering hiring seasonal help for the Park Department. She also stated that during the 9C cuts, the Department of Community Maintenance was cut drastically and has never recuperated. Joseph DaSilva, Chair of the Board of Park Commissioners, stated that the cemeteries are also understaffed and do not have sufficient funds for maintenance. On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted to table the matter.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adjourn at 7:59 p.m.

List of documents and other exhibits used during the meeting:

- Citizens' Input Communications
- Agenda packet (attached)
- DVD of meeting
- PowerPoint presented by the Director of Financial Services

Cherise A. Taylor
Clerk of Committees

20

APRIL 6, 2021

COMMUNICATIONS

SUBMITTED

FOR

CITIZENS' INPUT

20

City Council

From: acwdave <acwdave@aol.com>
Sent: Sunday, April 4, 2021 9:21 PM
To: City Council
Subject: [EXTERNAL]

President Ponte. Vice President Laliberte. Members of the council.

Just when i said i was done on the superintendent. Well after looking at the school budget i have to say i am disgusted of the superintendent to even give himself a pay raise, you got to be kidding me right? After him costing the residents an cheating the kids, because of his bad choices that he has admitted. An didnt want to even sit on a board. Can in good faith think its ok to give himself a 25,000\$ increase after a month was taken away from him by the school committee is just laughable. As far the school committee an the 5 who in my opinion is a rubber stamp of the superintendent all need to resign tonight. An should all take a months pay cut as well. So glad we have kevin an Paul an i mean Paul HArt. The rest of you claim to be for the kids i think you care of making sure the superintendent is being protected. We should of gotten mr aubin when we had the chance. Great work on this city council. For standing firm. Glad we have some elective officials that care... An in closing SUPERINTENDENT PLEASE RESIGN the tax payers want you gone. Thank you President Ponte for your leadership. Have a good night an stay safe
Dave Oliveira

Sent from my Sprint Samsung Galaxy S10.

210 Roberson Street

RECEIVED
2021 APR -5 A 10:14
CITY CLERK
FALL RIVER, MA

1 All cs. 4.5.21
+ Copy to L. Pellatoni

20

CJ FERRY, R.N., PHN

RECEIVED
2021 APR -6 A 9:09

April 5, 2021

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

CITY OF FALL RIVER
FALL RIVER, MA

Re: Citizen's Input

Council President and members of the City Council:

We are here once again looking at the water and sewer departments robbing the end user of water and sewer services by once again claiming increases for water, sewer and the infamous rain water tax.

The rain water tax dose not increase or decrease the flow of water, mother nature controls the amount of water that falls from the sky, yet the sewer department insists on raising that fee and once again this year it is by another \$1.00. So, tell me where the sewer department has resulted increases because of the rain water. Other cities across the Commonwealth, as a matter of fact, I believe that all other cities and towns in the Commonwealth do not collect a rain water fee. I understand that this was supposed to pay for the CSO project, yet the sewer department has found yet another source of revenue for the department and consistently wants to raise that fee, even though there are no increases in handling the rain water.

I want to call to your attention that last year Paul Ferland gave an estimate of approximately \$20 increase to the average water user. This is a lie. The average home in the city is not a single-family building and last year my water bill doubled from \$300 to \$600. The average home in this city is at least a three decker and some are even higher. When Mr. Ferland wants to compare the average user, make appropriate estimates based upon the average of the number of units in the city and not just the single-family homes. Remember that a single-family home in Fall River does not consist of just two adults, many have children, adult children and other dependents.

Now, I called in a plumber to check all fixtures and pipes to determine why my water bill doubled and there were no signs of any leaks or running water. I had all toilet, sinks and fixtures either replaced or repaired, even if it wasn't necessary. I await my next water bill to see what the cost is this time. Please do not buy the average increase will be any amount, it is all fictious. Over the past year, as was expected, water usage was destined to increase because of the necessity of increase hand washing. Last year, Councilor Dionne made reference to the CARES Act money being used to offset some of the costs that were necessary because of the pandemic. Mary Sahady and the Mayor decided that they wanted to keep that money for other reasons, like postage, and that they would find other areas for that money. A good portion of that money has gone unused and is still waiting in accounts waiting for the administration to pull the trigger on giving their friends some payoffs/back.

300 BUFFINTON STREET • FALL RIVER, MASSACHUSETTS • 02721-3942
PHONE: 508 - 644 - 9026 • CJ.FERRY@CONCAST.NET

transcribed as per request of [unclear]

April 5, 2021

CARES Act money should have been expended to give the taxpayer a break but the COVID Mayor thought tax and fee hikes were better for them.

The city is now expected to get \$70 million in Recovery Act money that is intended to infrastructure, the CSO project is infrastructure and by using this recovery act money it would give some relief to the utility end user. Remember, the Mayor wants his friends and bankers to decide where this m money can be well spent and you can be sure that it will not be to benefit the taxpayer, it will benefit them. The Fall River taxes and fees may seem low to many when they compare them to other cities and towns, but when it is consider based upon the average income of the people of Fall River, it is extremely high.

The average homeowner in Fall River is making less than \$34,000 a year and many are seniors and are fighting over whether to pay their taxes or pay for medications or food. This is unfair to the taxpayer that they may have to sell their home and then pay \$1,500 a month for rent and still have to determine whether to buy food or medication. This is what you as a City Councilor is doing to Fall River, you are contributing to the destruction of the fabric of Fall River and justify the increases in departmental budgets.

When the budget is presented to the City Council and approved by them, there should be no other requests for funding that was not included in the budget. If it wasn't included in the budget so as to make the budget palatable, but afterwards come back for more money, that is not budgeting. I want you to look at the budgets very closely, if a position is budgeted but not filled that is excess taxation and is used to create free cash at the end of the year, do away with the position.

It is time for a lean, no-frills budget, taxes and fees and to make Fall River more affordable for the average taxpayer. We are not Newton and we do not need "Newton" like footballs fields or otherwise. We are Fall River and we need to be lean on spending and taxation, if you can't be sure that is what happens maybe you need to reconsider whether or not you should hold the job of City Councilor, department head and more especially, Mayor.

Respectfully,



CJ Ferry

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RECEIVED

2021 APR -6 P 2:23

CITY COUNCIL
FALL RIVER, MASS.

City Council

From: Collin Dias <collind00@aol.com>
Sent: Tuesday, April 6, 2021 2:17 PM
To: City Council
Subject: [EXTERNAL] CITIZENS INPUT

Citizens Input
Collin Dias 560 Ray Street, Fall River, Massachusetts 02720

Fall River City Council Committee on Finance Citizens Input 4/6/21

Good afternoon Council President and members of the city council,

I just wanted to go on record in support of the council presidents statement calling for discussions regarding the school committee finally paying their fair share of capital improvement projects. For far too long, the school committee, especially the committee of four, has neglected in their fiduciary responsibility to the taxpayer of this great city. It always seems that the philosophy of the school committee is to try and spend as much money as possible, because there is no fiscal obligation on the taxpayer when it comes to the school committee, because they know they have the financial backing of the city. We need to change the philosophy on the school committee. The durfee rising committee, promised us that if we passed their school, we would build around the fields, there would be no costs for the football field, or the baseball field. That was very misleading to the voters. We need to upgrade our infrastructure in our community, however we need to do so responsibly. There were little conversations held by the school committee, regarding cost, safety to athletes, environmental concerns.

Another issue is the superintendents evaluation. I requested the individual evaluations of all school committee members. The school committee responded in a letter stating they are denying my request, however, they subsequently supplied the individual evaluations of Mr. Hart, Mr. Agular, and Vice Chairman Costa, which makes me believe those three voluntarily supplied their individual evaluations, which I commend them for. Why won't Mr. Khoury, Mr. Hetzler, and Ms. Larrivee release their evaluations. Why are their own evaluations, their opinion of the superintendent such a big deal for the public to see? Why is there no transparency. Also, why did Ms. Larrivee craft this evaluation behind closed doors, and not in an open meeting of the evaluation subcommittee.

We also need to address the superintendents misuse of his Twitter handle. It has been confirmed by the school committee that superintendent Malone is discussing personnel matters on his Twitter handle. He is also using the FRPS Twitter handle to promote business not on Fall River, but in Rosindale, Dorchester, Milton.

We need to make sure our school department works for everyone. We need to clear out the nepotism, and call it out when we see it. Why did a family member of the school committee Vice Chairman attain employment with the school department just one day before the committee of four voted to keep Superintendent Malone in power. And why is the school department withholding records regarding this persons resume, and who else applied to the position to make sure the most qualified person received the job.

One great thing that happened recently, the School Committee denied releasing the Malone Investigative report, and the Secretary of states office overturned the committee of 4's decision. The reported, redacted of course, will be released to the public. And the public will see, basically word for word, what truly and factually transpired, and they get to read it with their own eyes. And then we will know, if the committee of 4 punished the superintendent correctly, or if they neglected their duties for personal interests.

Handwritten notes at the bottom of the page.

20

And if the committee of 4 did indeed act incompetently, and against the interests of our city, the voters of this great city will send the committee of 4 packing at the ballot box.

And then in January we will fire Malone.

Thank you very much for your time

Respectfully submitted,

Collin Dias

Sent from my iPhone

RECEIVED

20

2021 APR -6 P 3: 01

Dear Council President Ponte, City Council & watching public,

STAVELAND
FALL RIVER, MA

My name is Marcy Ytkin of Mohawk Drive. Thank you for reading my citizen's input. I am writing today in response to item 3 in finance regarding the Parks/fields. I was taken back when I heard from Ms. Vining state that she has been fighting for her park/league for the past 4 years with the park dept & park board. I know firsthand, while I was a commissioner, that Ms. Vining's has never been refused of any necessary supplies or equipment for the maintenance and upkeep of the fields in which her league utilizes. I do know that unfortunately, when the Park board makes a decision (rule), I have found that some leagues met us with resistance. Remember, the Park Board duties by law and the oath we take is for ALL the taxpayers. There must be a balance of fairness. With that said, sometimes if the decision or rule is an unfavorable than you are labelled being difficult.

As chairwoman of the Park Board, I too was upset with the leagues having to pay to maintain the City owned fields. So, I made an appointment with the Park Director of New Bedford and other communities to see exactly how they handle their fields. After meeting with New Bedford, I found out that they charge for the use of all athletic fields and parks. They as other municipalities, (that I contacted) all do it the same way to some degree. Example, New Bedford charges the yearly leagues \$25.00 for a permit. They receive permit for the season, and they (the league) maintain the field. I would be extremely happy to share with my finding if the council chooses to be invited. Please note, I feel it would be the in best interest for all council to review the nonprofits leagues tax information that is listed on the Attorney General site.

In closing, Please know as a Park board member, I have seen the good and bad that has transpired in this City. I want to state that this council has concerns about Superintendent Malone's behavior. I witness the Park

2:01 PM received a.c. L. P. Water

dept, Director and including myself being intimated and bullied. This behavior is systemic within ALL city government. We can do better. Again, if you like to meet me regarding of any of my statements, please feel free to contact me. We must do better.

Sincerely,

Marcy Ytkin

624 Mohawk Drive

COMMITTEE ON FINANCE

MEETING: Tuesday, April 20, 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
Paul Ferland, Administrator of Community Utilities
Kenneth C. Pacheco, Chief Operating Officer, Fall River Public Schools
Michael P. Dion, Executive Director/CFO, Fall River Community
Development Agency
Jason Burns, Former President, Local 1314 International Association of
Firefighters
Christian J. Ponte, Former Secretary, Local 1314 International Association
of Firefighters
Attorney Lauren F. Goldberg, KP Law, P.C.
101 Arch Street, 12th Floor, Boston, MA 02110
Attorney David C. Jenkins, KP Law, P.C.
101 Arch Street, 12th Floor, Boston, MA 02110

The chair called the meeting to order at 6:31 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, April 20, 2021 at 3:00 p.m. to be read at the meeting.

- 1. Citizens' Input
Peyton Amaral, 901 Indian Town Road – Plastic bag ban
Chris Blanchette, 1135 North Main Street – Plastic bag ban
Paige Laliberte-Lebeau, 478 Osborn Street – Plastic bag ban

The City Clerk read communications received from city residents, copies of which are attached hereto and made a part of these minutes.
Alexander Silva, 263 Pine Street, Apt. B1 – Former N.B. Borden School demolition
Edward Hodgkinson, 23 LeBaron Street – Superintendent Malone and City Department Heads
CJ Ferry, 300 Buffinton Street – Phase 21 Water System Improvements

2. KP Law, P.C. – Legal Opinion re: Memorandum of Agreement between Local 1314 Firefighters and City of Fall River

Attorney David C. Jenkins stated that an email was received from Council President Ponte on April 8, 2021 requesting a legal opinion, regarding questions that arose during a discussion of the Memorandum of Agreement between Local 1314 Firefighters and the City of Fall River at a meeting of the City Council held on April 6, 2021, a copy of which is attached hereto and made a part of these minutes. He then stated that the definition of "governmental unit" is very short and distinct. It is defined as the Commonwealth and any political subdivisions. He then defined this by stating that any public employer is a governmental unit within the meaning of the statute, therefore the City of Fall River is a governmental unit, along with the Bristol County Sheriff's Office and the Housing Authority. Attorney David C. Jenkins then stated that if a firefighter is hired and had five years of service with the Bristol County Sheriff's Office, that firefighter would begin with five years of service for salary purposes. He went on to state that he does not feel that this would affect vacation time, as there is specific language regarding this matter that states that vacation is determined by the years of service with the Fire Department. He then stated that it appears that the amendment to the MOA only changed the wage calculations for the Fire Department. He also mentioned that the question was asked if this amendment would affect Civil Service Seniority and in his opinion, it would not. Civil Service Seniority is defined by Chapter 31 of Massachusetts General Laws, which is the Civil Service statute. He also stated that Chapter 31 is one of those statutes that cities and unions are prohibited from negotiating, therefore in his opinion the language would not affect the language regarding seniority for civil service purposes. He went on to mention that it was also asked by the City Council President, if this language was lawful and KP Law, P.C. responded in their legal opinion that it is. Additionally, it was asked if the Fall River Retirement Board would need to approve this language and in his opinion, that is not required as this is a contract between the City of Fall River and Local 1314 International Association of Firefighters. Attorney David C. Jenkins then stated that the role of the City Council under Chapter 150E, is the issue of funding the contract and that is the area that is within the jurisdiction of the City Council. Councilor Christopher M. Peckham thanked Attorney David C. Jenkins for clarification of this matter. Councilor Michelle M. Dionne asked Attorney David C. Jenkins if these changes would affect vacation time or selection of vacation time. Attorney David C. Jenkins stated that these changes only affect salaries because the MOA did not amend vacation allowance. Councilor Christopher M. Peckham stated that he had requested clarification at the previous meeting that this matter was discussed, as he was concerned with morale issues that can occur when changes such as this are made if they are not specific and discussed to alleviate any concerns. Jason Burns stated that he has not received any complaints on this matter. He then stated that some of the complaints that were received by City Councilors may have been due to union members not fully understanding the MOA. Councilor Shawn E. Cadlme stated that he does not understand how an individual who transfers from another department, such as the School Department, Code Enforcement or the Department of Community Maintenance would have experience that would assist with becoming a firefighter, to allow the individual to begin at a higher salary step. Jason Burns then stated that an individual beginning with the Fire Department that has numerous years with the Department of Community Maintenance can be an asset to the Fire Department, just by their knowledge of street locations. He then stated that everyone brings some knowledge with them when they become a firefighter.

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Trott Lee, it was unanimously voted to take item #7 out of order.

7. Discussion with Executive Director of CDA re: Year Two Annual Action Plan
 Council President Cliff Ponte stated that he will be abstaining from any discussion and left the Council Chamber at 7:21 p.m. Councilor Pam Laliberte-Lebeau stated that she will be abstaining from any discussion and left the Council Chamber at 7:21 p.m. Councilor Shawn E. Cadime took the podium at 7:21 p.m. at the request of the City Council President. Michael P. Dion provided an overview of the Year Two Annual Action Plan. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was voted to refer the matter to the full council for action, with Councilors Pam Laliberte-Lebeau and Cliff Ponte abstaining.

3. Loan order in the amount of \$4,875,000 for Phase 21 Water System Improvements Project

Councilor Michelle M. Dionne asked if this project may be eligible to use funds from the American Rescue Plan Act (ARPA). The Director of Financial Services stated that the City is still awaiting clarification on the approved uses of the funds, but the Administration will be asking to amend the loan orders before the City Council this evening to include language that would make that possible. Council President Cliff Ponte asked the Administrator of Community Utilities how much of a rate increase will be necessary to pay for this project. Paul Ferland stated an additional ten cents on the current water rate. Councilor Linda M. Pereira asked if it would be appropriate to wait on approving these loan orders until it is determined if the City can use some of the funds that it will be receiving from ARPA. The Director of Financial Services stated that this project is Phase 21 of Water System Improvements and needs to move forward regardless of where the funds are originating from. Councilor Linda M. Pereira asked if the City is allowed to use ARPA funds then there would be no need to increase the water rate by ten cents. Paul Ferland stated that is correct. Council President Cliff Ponte asked the Director of Financial Services for the amended language. The Director of Financial Services read the following proposed amendment, "The amount of the borrowing is to be reduced by any federal or state funds that the City may receive on account of the projects prior to the issuance of any bonds or notes hereunder". She then stated that the Administration is requesting to have this amendment added to all three of the loan orders on the agenda this evening. Councilor Shawn E. Cadime asked the Administrator of Community Utilities if he could provide an overview of some of the upgrades that will be made as part of Phase 21 Water System Improvements. The Administrator of Community Utilities stated that water mains will be replaced on the following streets:

- Charlotte Street – from New Boston Road to President Avenue
- Ray Street – from New Boston Road to Cypress Street
- President Avenue – from Elsbree Street to Robeson Street
- Moody Street – from Atlantic Boulevard to dead end
- Assonet Street – from Atlantic Boulevard to dead end
- Bryan Street – from Atlantic Boulevard to dead end
- Duke Street – from Atlantic Boulevard to dead end
- Pembroke Street – from Atlantic Boulevard to dead end
- Atlantic Boulevard – from Pembroke Street to Tindal Street
- Weetamoe Street – from North Main Street to Highland Avenue

He then stated that this is approximately 29,000 linear feet of water main and will remove 64 lead services within this project. Councilor Shawn E. Cadime asked the Administrator of Community Utilities, if the Bio Park is purchasing their water from Fall River or Freetown. Paul Ferland stated that the Bio Park would purchase water from the Town of Freetown. Council President Cliff Ponte asked Paul Ferland if the Intermunicipal Agreements with surrounding towns are renewed on an annual basis. Paul Ferland stated that these agreements are typically 20 year agreements. Councilor Linda M. Pereira asked Paul Ferland what is the rate for water sold to the other towns. Paul Ferland stated that the rate is 55% higher than the residential rate for Fall River. Councilor

Leo O. Pelletier asked the Administrator of Community Utilities if he anticipates water and sewer rates increasing annually. Paul Ferland stated that there is a cost to provide clean safe drinking water, so the rates need to be increased. He also stated that his department is still replacing old tuberculated six inch pipes that only have a one inch hole in the center for the water to flow through. Councilor Leo O. Pelletier then asked when the Water System Improvements may end. Paul Ferland stated that it is estimated to end at Phase 35. He then stated that some of the water infrastructure is over 100 years old and needs to be upgraded. Councilor Trott Lee asked what the cost is to repair an emergency water main break. Paul Ferland stated that the cost can vary widely to repair an emergency break depending on the destruction of the area and what occurs, and whether the City is able to repair the damage or must hire an emergency contractor. Councilor Trott Lee then asked if water usage was higher in 2020 due to the COVID-19 pandemic. Paul Ferland stated that it was about the same, because even though there were more residents at home all the restaurants were closed, so it averaged out. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the loan order to the full council for action, as amended by the Administration.

- 4. Loan order in the amount of \$4,911,047 for Phase II repairs to the Samuel Watson Elementary School

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the loan order to the full council for action, as amended by the Administration.

- 5. Loan order in the amount of \$1,800,000 for constructing a synthetic turf varsity baseball field at B.M.C. Durfee High School

Councilor Leo O. Pelletier asked the Chief Operating Officer for the reason to spend over \$2 million dollars on a synthetic turf baseball field. Kenneth C. Pacheco stated that it will withstand the usage and allow the field to be used more and the added lighting will allow for the field to be used day and night. Councilor Leo O. Pelletier then asked what the cost will be to demolish the old high school building. Kenneth C. Pacheco stated that the demolition cost is included in the \$263 million dollars for the construction of the new high school building. Councilor Michelle M. Dionne asked if the new B.M.C. Durfee High School will open in September of 2021. Kenneth C. Pacheco stated that is the plan, barring any unforeseen circumstances. Councilor Christopher M. Peckham asked if it would be feasible to upgrade the fields at North Park so that they could be used by the high school. Kenneth C. Pacheco stated that the major problem is control, as there is a good deal of vandalism in our City parks and synthetic fields are very costly to repair. He also stated that the students would need to be bused to and from the park and the school department would not have control in a public park like on school property. On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the loan order in the amount of \$2.4 million dollars which includes lighting, to the full council for action, as amended by the Administration.

- 6. Discussion of Fiscal Year 2021 Quarter 3 Budget Report

The Director of Financial Services provided a brief overview of the Fiscal Year 2021 Quarter 3 Budget Report. She stated that marijuana excise taxes are only at 54.8%, not the anticipated 75% as the state has not yet forwarded the third quarter payment. She also mentioned that receipts from the Library are down, as the Library has been operating on a very limited schedule due to the pandemic. Councilor Michelle M. Dionne stated that there is approximately \$49,000.00 remaining under capital projects from 2015, listed as yard waste carts. She then asked for the status of this account. Mary Sahady stated that this is still a current project. Councilor Michelle M. Dionne asked how many yard waste carts are in storage. The Director of Community

Maintenance stated that carts are being ordered, as needed. He then stated that requests are received daily for carts for various reasons, such as:

- new homes
- cart replacement for carts that are stolen or missing
- cart replacement for carts that are damaged

John Perry then stated that he recently placed an order carts. It consisted of 100 each of solid waste, recycling and yard waste carts and these carts have been already distributed and he will be placing another order of the same amount and these carts are paid for with the remaining funds in this account. Councilor Michelle M. Dionne then asked for the cost of each cart. The Director of Community Maintenance stated that a cart is approximately \$90.00 each. Councilor Michelle M. Dionne asked the Director of Community Maintenance if there will be sufficient funds for the remainder of the year for solid waste disposal and recycling. The Director of Community Maintenance stated that he anticipates ending the year with a shortfall of approximately \$612,000.00 for solid waste disposal and approximately \$260,000.00 for recycling. Councilor Michelle M. Dionne then asked how the City will deal with the shortfall. The Director of Community Maintenance stated that any line items within his department that have surplus funds will be used to reduce the shortfall. The Director of Financial Services stated that the Administration is investigating if CARES Act funds could be used, as the extra tonnage in solid waste disposal and recycling could be attributed to residents being home during the pandemic and cleaning their homes. Councilor Michelle M Dionne asked the Director of Financial Services how much is remaining of the CARES Act funds. The Director of Financial Services stated approximately \$1.6 million dollars. Council President Cliff Ponte asked the Director of Community Maintenance if there were plans for a presentation to the City Council regarding the financial aspects of solid waste disposal. The Director of Community Maintenance stated with the absence of any revenue generating programs, we need to focus on reducing our solid waste. He then stated that in August of 2017 there were 1,437 tons of solid waste for disposal and 3 years later in August of 2020 there were 2,524 tons of solid waste for disposal, which is a significant increase. John Perry then mentioned that the Solid Waste Task Force will be meeting and discussing ideas with the Administration and then will schedule a meeting with the City Council for a presentation and discussion. Councilor Christopher M. Peckham asked why the City needs to pay for the parts to repair trash and recycling carts, when the contract states that EZ Disposal will make the repairs. Councilor Michelle M. Dionne stated that on page 43 of the EZ Disposal Contract, Section 13.27 Replacement it states, "if in the City of Fall River's judgement carts are damaged or destroyed by EZ Disposal personnel, EZ Disposal shall at its' expense promptly replace the damaged or destroyed cart with a similar cart. Section 13.28 Cart Maintenance, EZ shall repair carts at curbside for the City of Fall River with spare materials from the City stockpile, wheels, axels, lids, lift bars, etc. in a timely manner no later than two weeks from when the damaged cart is noticed by the resident. Spare wheels and axels shall be carried as stock in each vehicle." She then stated that it appears if EZ Disposal damages the entire cart, then EZ Disposal needs to replace the cart with a similar one, but when it is pieces that are broken, the City needs to supply the parts and EZ Disposal will make the repairs. Councilor Trott Lee asked the Director of Financial Services for details of the entry on page 7 titled, custom forms. The Director of Financial Services stated that there were a number of forms that needed to be amended, due to the pandemic and residents performing more tasks online. Councilor Shawn E. Cadime asked the Director of Financial Services if the City was still collecting solid waste and recycling from some businesses. The Director of Community Maintenance stated that this is still continuing, but is being discussed by the Solid Waste Task Force. Councilor Shawn E. Cadime stated that in his opinion this should have ceased months ago.

21

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was unanimously voted to adjourn at 9.22 p.m.

List of documents and other exhibits used during the meeting:

Citizens' Input Communications

Agenda packet (attached)

DVD of meeting

Email from Council President to KP Law, P.C. requesting legal opinion

Cullen A. Taylor
Clerk of Committees

APRIL 20, 2021

COMMUNICATIONS

SUBMITTED

FOR

CITIZENS' INPUT

21

City Council

From: Fall River Preservation Society <psfallriver@gmail.com>
Sent: Tuesday, April 20, 2021 9:08 AM
To: City Council; City Clerk; Mayor; Rumsey, Alan J.
Cc: Connie Soule
Subject: [EXTERNAL] Preservation Society - City Council Citizens Input (4-20-2021)
Attachments: NB Borden School - Public Input 4-20-2021.pdf

Hello,

Attached and copied below is citizen input submitted on behalf of the Preservation Society of Fall River to be read aloud at tonight's City Council meeting.

When you have a moment, can you please confirm its receipt?

Thank you and have a good day!

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

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

FALL RIVER, MA
2021 APR 20 A 9:28

Citizen Input:

In light of the upcoming demolition of the N.B. Borden School on Morgan Street, the people of Fall River are left to wonder, how did we get here?

The city's missing copy of the purchase and sale agreement from the property's sale should and could contain protections for not just the building, but for the interests of all residents.

Nearly three years of public records requests, outreach efforts, and file cabinet searches by residents and city officials alike -- especially the current Law Department and City Clerk's Office -- have left the people of Fall River with no answers and seemingly nowhere left to find them.

As the final day approaches for the historic school that Lizzie Borden herself once walked, those with knowledge of the city's missing copy of the agreement or what was included in it have so far offered no explanation.

Former Mayor Will Flanagan has no answer for where the agreement he signed ended up in City Hall during his administration or what it said.

Former Corporation Counsel Steve Torres has no recollection of any details or irregularities in the contract he presided over and signed.

ALL RIGHTS RESERVED

21

City Councilor Brad Kilby has given no insight into the Committee on Real Estate meetings he chaired, where discussions of the sale took place.

The public meetings meant for the owner to explain to the community why a private parking lot benefits the city more than the promised redevelopment wasted a demolition delay's-worth of time with broken promises and no-shows.

Instead, residents only have a guarantee by City Councilor Leo Pelletier that nothing else could have been done for redevelopment, after he had a private meeting with the owner.

Where the N.B. Borden School's missing purchase and sale agreement is and why the city is missing it and that of Healy School are questions set to remain unanswered for residents.

The disappearance of legal contracts from City Hall should be a cause for alarm, if not for potential injustices, then for the effect such an unquestioned fact could have on future property purchases.

Because when it comes to discounted municipal property sales for the good of a neighborhood, the devil's in the details, but that doesn't matter if the fine print walks away.

Sincerely,

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

263 Pine Street, Apt. B1

21

The Preservation Society of Fall River

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



April 20, 2021

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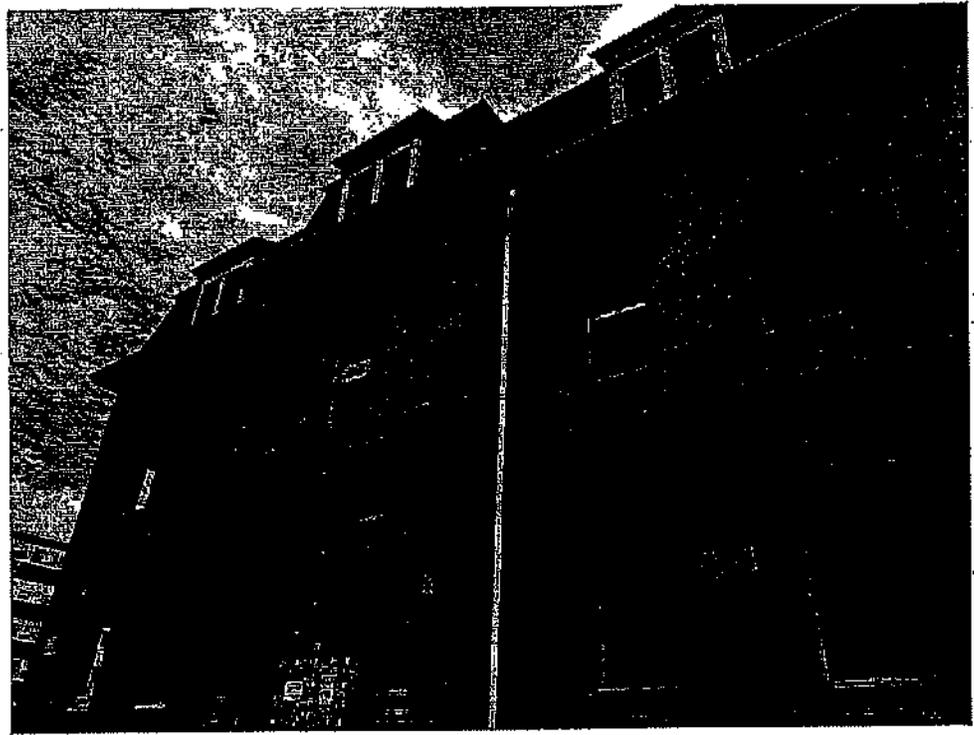
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Sincerely,

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



21

2021 APR 20 10:04 AM

April 20, 2021

To President Cliff Ponte and the members of the Fall River City Council:

I had planned to submit this letter before the City Council's last meeting to give praise to Chris Gallagher for his creative approach to using the two roof decks on the Fall River municipal parking garages sites for generating solar power but alas as is the case in Fall River, things change quicker than the wind's direction.

Be that as it may, the other person I wanted to single out for an exemplary and committed past 2 plus years is Mary Sahady. Her consistent and committed performance, using her CPA and legal skills has at least provided some direction and stability to Fall River trying to navigate a covid and budget crisis as well as two plus years of inconsistent and weak leadership coming from other members of the administration. Still she has done a job that few could have expected in trying to bridge the city council and the administration.

Also, just a mention here to Allison Bouchard as she does such a fine job of communicating these letters which are often difficult in a manner that would suggest she has a future as a public speaker, or at least a "public reader".

But in noting two women working diligently in Fall River without seeking accolades but doing their jobs and creating civic pride, I wanted to contrast these two women and all the others in Fall River who are employed in some capacity with the head of the administration, Mayor Coogan, and the head of schools, Dr Matty "Napolean" Malone.

Now I stand to be corrected if I am wrong but since the revelations broke on the abusive and misogynistic language used towards at least seven women who work for the school department, I can't recall a statement that the mayor has issued in criticism of the Superintendent and he has been asked in different contexts to provide one. But Mayor Coogan's deference to this worthless weasel of a man begs a question: What would Paul Coogan's reaction to these doltish and abusive comments be if one of the women targeted were his own wife, June Coogan? What if this troll with a doctorate had used the "c" word in referencing Mrs Coogan? How would the mayor have responded if at all when Dr shorty laid these insults on a member of his family? My guess would be he would have seen which way the political winds and opinion were blowing and then decided.

But the point is each one of the seven women insulted and demeaned by Dr Demented is someone's daughter, or wife or mother or sister or girlfriend. So its not even waiting for Dr Dirty tongue to insult mRs C with a c word, but just stand up for decency and be a man of integrity in calling out someone who demeans and debases woman. These women still have to work for the school department and how are they thought of when the school committee defends the superintendent but not them. They didn't bring this on and don't deserve for the head of a department in Fall River to essentially get away with the most egregious abuse. How did he get away with it? He still has his job and these women still have to answer to him.

mailed 4/20/21 10:04 AM

When you watch the superintendent in public, there are signs of his underlying medical condition, with his constant twiddling with his phone in front of him and for the most part he seems rational, but when you factor the \$25,000 report that Fall River taxpayers forked out to detail his nerosis, you are left with the conclusion that it's "Dr Jeckyl and Dr Malone". But even putting the women aside, the most troubling aspect of his persona is dealing with handicapped individuals and those with mental challenges. How can a grown man in his late fifties who has actually been a father be so cruel and insulting to someone who has little ability to defend himself? That shows a much deeper issue which would indicate Dr Malone's twisted soul or some deep psycho scar when you picked on the weakest kid on the playground.

But I find it all consistent when dealing with a bully and a mysognist since other than one intellectually challenged man, no other men seem to have been targeted by Dr Tough Guy. Why is that? Afraid of getting a fat lip from insulting a male school employee. I would say that is the most likely conclusion. Having cheerleaders like Linda Pereira with her rah-rah pom poms and Tom Khoury with his and his cute cheerleader outfit for "Malone Elementary" only embolden bad conduct and is a reminder to the days of Correia when he has his staunch mindless psychpants.

By allowing Dr Too Sexy for my Contract to remain in any position of auhthority in Fall River isn't just an insult to these women who work for the school department but all women who work for the city of Fall River. It sends the message that men are still in control and can get away with bad conduct at a woman's expense.

There are different words that get used in the course of a day: positive and negative, uplifting and demeaning, deplorable and ennobling. Now all decent people who hear this know what catageory Dr Dirty Mouth fits in but what category does the mayor fit in? When he was saying last week that he is 99% on the same page with the City Council and School Department, what is that 1%? I wouldn't say it has anything to do with suggestion a bar of soap be used to wash out the Super's dirty abusive mouth or to ask him to do the right thing and resign. I've had to be guarded and respectful of Allison Bouchard reading this because words Dr Malone has used in public, out of decency and respect. But I still put it to the mayor: If your wife was called C***y Coogan by Dr Dirty Mouth would it matter or is that just "boys being boys" and if we accept that language from the Superintendent what are the guard rails for swearing and conduct in the public schools in FR? Think of what it means to allow such a worthless weasel of a man lead the students and staff? And we expect Fall River ever to change? Keep blaming Jasie!

Ed Hodgkinson
23 Lebaron Street

21

City Council

From: Cliff Ponte <cponte@kw.com>
Sent: Tuesday, April 20, 2021 5:03 PM
To: City Clerk; City Council
Subject: Fwd: I forgot to sign the letter of today

No worries.

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

From: Cliff Ponte <cponte@kw.com>
Date: Tue, Apr 20, 2021 at 5:02 PM
Subject: Re: I forgot to sign the letter of today
To: Ed Hodkinson <edwardhodkinson467@gmail.com>

No worries. I sent it to clerk

On Tue, Apr 20, 2021 at 5:01 PM Ed Hodkinson <edwardhodkinson467@gmail.com> wrote:
Hi Cliff:

I was rushed to get the letter done since I've been at Charlton since last week and it put me behind, I neglected to sign it in the rush but since it follows up on the joint meeting, hope it gets read tonight. Thanks

Ed Hodkinson
LeBaron Street (if you need my address- 23 is #)
FR

21

CJ FERRY, R.N., PHN

2021 APR 20 10 13 58

April 20, 2021

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

Re: Citizen's Input
Phase 21 Water Systems Improvement

City Council President, members of the City Council:

I wish to bring to your attention the fact that Water System Infrastructure improvements are covered under the American Recovery Act money and as such, if it is bonded for prior to it's awarding, it may not be eligible as a new project.

In an effort to limit water and sewer increases and a way to maximize the use of the American Recovery Act monies, I would recommend that this item be tabled, until such time as we can determine if this project would be eligible after it is bonded for. As the legislative branch of city government, it is your responsibility to do your due diligence and not just blindly approve the spending of money that has not been included in the budget. As we have already seen, Mary Sahady has unilaterally decided to increase our bonding limits to \$20 million which increase the liability that the city taxpayer now has. It is time to control the spending and the budget.

When we look at other cities and towns, we do not see the regular transfer of funds among accounts, department and appropriations like we do in Fall River. If an item is not included in the budget presented to the city council unless there is an emergency, no approvals for further spending should be allowed. Place it in the budget or wait till next year. I would call your attention to the Town of Newton and their budget which is detailed and laid out for the year, no department comes back for more money for any item not in the budget, unless it is an emergency. In our own budget we see this regularly from our school department. Place the item in the budget and then the funding will be accounted for and not an item added after the fact increasing the budget and/or debt.

Please act accordingly in this matter and remember the taxpayer.

Respectfully,



CJ Ferry

21

City Council

From: Cliff Ponte <cponte@kw.com>
Sent: Thursday, April 8, 2021 11:12 AM
To: Lauren F. Goldberg
Cc: Pámela Laliberte-Lebeau; City Clerk; City Council; Shawn Cadime (GMAIL); Michelle Dionne
Subject: Legal Opinion - Fall River City Council
Attachments: April 6 2021 Agenda Packet_compressed (1).pdf
Importance: High

Dear Attorney Goldberg –

As our Fall River City Council meeting on 4/6/2021, there was discussion with respect to verbiage in the collective bargaining agreements that all Councilors on this email raised concerns over and we are looking for a written legal opinion as soon as possible.

At our meeting, we discussed the attached agenda item relating to the contract between Local 1314 International Association of Firefighters and the City of Fall River. A large part of the discussion was based upon a section within the contract pertaining to “creditable service”.

During discussion, a member of the City Council mentioned M.G.L. Chapter 32 Section 4, which defines creditable service. Section 4 (1) refers to “any governmental unit” as the qualification for creditable service.

Also part of that discussion included creditable service under the retirement law to award step and pay as a benefit to civil service employees rather than seniority under Chapter 31 of M.G.L.

The City Council has requested a legal opinion of M.G.L. s. 32 § 4(1). Specifically, your interpretation of “governmental unit” as listed within that section. Moreover, The Council is interested in your opinion with respect to ‘seniority’ - under this MOU we interpret that because they are giving the new hire into the department who has creditable service under the retirement law (Section 32) they are awarding them pay, step and vacation time benefit to Civil Service Employees, rather than seniority regarding chapter 31 - Is that possible and legal? Can the new hired Civil Service Employee also qualify for seniority if there was a layoff and choosing vacation time over other or department personal. Does the Fall River retirement board to approve such verbiage in the attached MOU?

Please respond at your earliest opportunity, as this matter has been tabled until the City Council has an opportunity to review your legal opinion.

Thank you in advance for your review and anticipated response.

Cliff Ponte
City Council President.

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, March 23, 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: Matthew J. Thomas, Esq.
4 Park Place, Suite 101, New Bedford, MA 02740
Mary Sahady, Director of Financial Services

President Cliff Ponte called the meeting to order at 9:04 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

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to take item 3 out of order, with Councilor Bradford L. Kilby absent and not voting.

- 3. Mayor and order re: Confirmatory Taking of Assessors' Parcel ID No. H20-0021
(Kuss Middle School)

*On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to invite Attorney Matthew J. Thomas to explain the request. Attorney Thomas explained that in 2004 when the City took the parcels needed for the building of the Kuss Middle School, where the baseball field is currently located, the taking included an erroneous description and instead of taking the vacant property in the back of 206 Globe Mills Avenue because of an old description in the deed the larger of the 206 Globe Mills Avenue properties – the mill – was taken instead which was not the intention. That property has now paid the City the taxes that were past due and is in the process of being sold. In doing the title search, this problem was found. There is no cost associated with this confirmatory taking of Parcel ID No. H20-0021, which re-affirms the public purpose when the parcel was taken. On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting.
Approved, March 24, 2021, Paul E. Coogan, Mayor*

1. Mayor and order appropriating \$1,738,680 as follows:
 - a. \$1,282,529 from the Employer Trust Fund to the School Appropriation
 - b. \$ 456,151 from the State and County Assessments to the School Appropriation

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Leo O. Pelletier, it was unanimously voted to lift the item from the table, 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 to waive rules to invite Mary Sahady, Director of Financial Services to explain the request, with Councilor Bradford L. Kilby absent and not voting. Councilor Michelle M. Dionne asked Mrs. Sahady regarding the status of the Employer Trust Fund. She is concerned that funding is being transferred from that account for these transfers. Mrs. Sahady explained that this fund is significantly over funded from where the City has been in the past but she is expecting claims to increase due to more elective surgeries resuming this year. She also explained that the City looks at claims and revenues separately and that a zero % increase in insurance is expected. Councilor Trott Lee asked if this transfer would affect the Employer Trust Fund and Mrs. Sahady stated that it would not and that the \$1.7 million is required to fund Net School Spending at 100% by law. Councilor Shawn E. Cadime asked if all the necessary funding had been transferred to the Employer Trust Fund and whether funding was available in the General Fund Health Care account and Mrs. Sahady stated that it was. Council President Cliff Ponte asked Mrs. Sahady if the School Department had indicated how they will spend this funding and Mrs. Sahady stated that they had not spoken to her but possibly had spoken with the Mayor. He also asked if there were any discussions about debt payments being made by the School Department. Mrs. Sahady stated that it had not been indicated to her. Councilor Michelle M. Dionne asked if there were other line items from where the funding could be taken and Mrs. Sahady stated she would need to discuss with the Mayor what his needs are but at this particular point the only other place with reserves is the Stabilization Account. Councilor Dionne also asked if CARES funding could be used for the appropriation and Mrs. Sahady stated that it could not because the appropriation is to fulfill the entire obligation for Net School Spending. Councilor Dionne also asked why the amount of Net School Spending didn't change when children were not in school due to the pandemic and Councilor Shawn E. Cadime explained that remote learning does not affect the Net School Spending amount because it was established earlier in the year.

A motion was made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham to amend the appropriation order to transfer the \$1,282,529 from the Health Care General Fund line item. The City Clerk explained that it is the Mayor's appropriation and the Council only has the ability to approve or grant the order leave to withdraw. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was voted 7 yeas, 1 nay, to refer the appropriation back to the Mayor and request that it be changed to the Health Care General Fund line item, with Council President Cliff Ponte voting in the negative and Councilor Bradford L. Kilby absent and not voting, a copy of which letter is attached hereto and made a part of these minutes.

2. Mayor and Memorandum of Understanding between the Fall River Police Association, MassCOP Local 1854, and the City of Fall River

Councilor Michelle M. Dionne inquired regarding the use of body cameras by police officers and Councilors Trott Lee and Christopher M. Peckham stated that the Mayor announced during the State of the City that a pilot program for body cameras with officers on the walking beat will be implemented. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to waive the rules to allow Mrs. Sahady to answer Councilor Shawn E. Cadime's question regarding language that relates to employees qualifying for the amount of furlough days. Mrs. Sahady explained that the language memorializes an honored

practice of allowing employees who come from another department within the City or Commonwealth to begin in the Police Department with the same number of creditable years held in the previous department. Mrs. Sahady stated that she calculated this will affect 16 employees for a total of \$30,000 in the next fiscal year. On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the order, with Councilor Bradford L. Kilby absent and not voting.
Approved, March 24, 2021, Paul E. Coogan, Mayor

4. Council President re: establishment of policy on use of City Council Attorney
Councilor Linda M. Pereira asked if travel time was included and Council President Cliff Ponte stated that he or Council Vice President Pam Laliberte-Lebeau would follow up with Attorney Lauren Goldberg regarding this matter. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to accept and place on file the policy, with Councilor Bradford L. Kilby absent and not voting.

5. Planning Board and resolution to include the Notre Dame Rectory
(529 Eastern Avenue) and adjacent parcels in the Central HD Zone
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to accept and place on file the communication and adopt the resolution, with Councilor Bradford L. Kilby absent and not voting.
Approved, March 24, 2021, Paul E. Coogan, Mayor

PRIORITY COMMUNICATIONS – None
COMMITTEE REPORTS – None
ORDINANCES – None
RESOLUTIONS

6. Committee on Finance convene with Administration to discuss plan for use of anticipated funding to be received through Stimulus Plan
Councilor Linda M. Pereira stated that the Mayor is working on a plan to determine the best use of the funds. Council President Cliff Ponte explained that \$35 million is expected during the month of May on the municipal side and the remaining \$35 million will be funded in the following fiscal year and urged the Administration to speak with National Grid and the Department of Community Maintenance regarding doing underground utility work as streets are scheduled to be paved within the next three years so streets can be prioritized that need to be paved. Councilor Trott Lee stated that it would be a disservice to the City if infrastructure isn't made the top priority of this funding. Councilor Michelle M. Dionne stated that relief needs to be provided to the taxpayers and Council President Cliff Ponte explained that there are restrictions on revenue and the Mayor will provide that information once it is received. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Linda M. Pereira, it was unanimously voted that the resolution be adopted, with Councilor Bradford L. Kilby absent and not voting.

CITATIONS

7. Students and faculty of Diman Regional Vocational Technical High School Electricity Program
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was unanimously voted to adopt the citation, with Councilor Bradford L. Kilby absent and not voting.

ORDERS – HEARINGS

8. Street Acceptance:

Acceptance of Lynwood Street, extending from Mariano S. Bishop Boulevard to a dead end, along with Way Street

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

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

9. Pole Location:

Massachusetts Electric Company for one new pole location on June Street

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

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

ORDERS – MISCELLANEOUS

10. City Engineer prepare plans for the acceptance of Detroit Street extending from Stevens Street to Omaha Street

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

11. Police Chief's Report on Licenses:

Taxicab Drivers:

Debra G. Bertrand Jean P. Charlot Nicholas Costa

2021 Second Hand License Renewals:

- Curt Barreira d/b/a Jimmy Jr's Tire Service – 729 Davol Street
- William Leach d/b/a Marine Consignment of Fall River – 75 Ferry Street
- Wayne Confoey d/b/a Cash for Gold – 1503 Pleasant Street
- ecoATM, LLC – 638 Quequechan Street
- Pawtucket Pawnbrokers Too, Inc. – 302 South Main Street
- New England Pawn, Inc. – 407 South Main Street
- Joseph Bilan, BP Auto Service Repair, Inc. – 1091 South Main Street
- Patenaude Jewelers, Inc. – 1473 South Main Street
- Alan Confoey d/b/a Alan's Jewelry – 1661 South Main Street
- ecoATM, LLC – 4171 North Main Street

2021 Pawnbroker License Renewals:

- Pawtucket Pawnbrokers Too, Inc. – 302 South Main Street
- New England Pawn, Inc. – 407 South Main Street

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

COMMUNICATIONS – INVITATIONS – PETITIONS

12. Claims

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

City Council Meeting Minutes:

13. Committee on Finance – February 9, 2021

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

14. Open Meeting Law Complaint filed by Patrick Higgins re: alleged violation by the City Council Committee on Regulations on March 8, 2021

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

BULLETINS – NEWSLETTERS – NOTICES

15. Notice of Casualty and Loss at 130 Bigelow Street

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

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

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

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

5a. Proposed Ordinance – Traffic, Handicapped Parking

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was voted 8 yeas to adopt the emergency preamble, with Councilor Bradford L. Kilby absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilor Bradford L. Kilby absent and not voting.
Approved, March 24, 2021, Paul E. Coogan, Mayor

First reading:

5b. Proposed Ordinance – Traffic, Miscellaneous

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

5c. Proposed Ordinance – Abutters Lot Program

Councilor Trott Lee stated that the addition of KP Law, P.C. at the Committee on Ordinances and Legislation was greatly appreciated and very helpful. On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Trott Lee, it was unanimously voted to pass the ordinance through first reading, as amended, with Councilor Bradford L. Kilby absent and not voting.

Committee on Finance recommending:

Action:

5d. Loan order – \$2,100,000 for improvements to several city buildings
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the loan order, with Councilor Bradford L. Kilby absent and not voting.
Approved, March 24, 2021; Paul E. Coogan, Mayor

5e. Loan order – \$500,000 for an excavator for the Department of Community Maintenance and a bucket truck with lift for the Police Department
The City Clerk stated that the recommendation from the Administration was to amend the loan order to \$500,000. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the loan order, as amended, with Councilor Bradford L. Kilby absent and not voting.
Approved, March 24, 2021, Paul E. Coogan, Mayor

5f. Loan order – \$2,700,000 for constructing a building at Fire Headquarters to house Rescue-7 and the crew
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the loan order, with Councilor Bradford L. Kilby absent and not voting.
Approved, March 24, 2021, Paul E. Coogan, Mayor

RESOLUTIONS

6a. Committee on Finance convene with Administration to discuss improvements and repairs at city parks and baseball fields
On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the resolution, with Councilor Bradford L. Kilby absent and not voting.

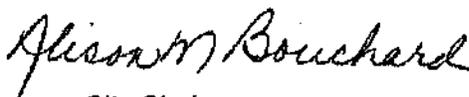
A recess was taken at 9:56 p.m. and the City Council reconvened at 9:59 p.m.

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adjourn at 9:59 p.m.

List of documents and other exhibits used during the meeting:

- Agenda packet (attached)
- DVD of meeting

A true copy. Attest:



City Clerk



City of Fall River Massachusetts
Office of the City Clerk

22

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

March 24, 2021

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

Dear Mayor Coogan:

At a Regular Meeting of the City Council held on March 23, 2021, a discussion was held relative to the School Appropriation order in the amount of \$1,738,680.

As a result of this discussion, and on a motion made and seconded, it was voted 7 yeas, 1 nay to refer the appropriation to your office to change the Employer Trust Fund Line Item to the Health Care Line Item in the General Fund, with Council President Cliff Ponte voting in the negative and Councilor Bradford L. Kilby absent and not voting.

On behalf of the City Council, it is respectfully requested that this request be considered and a new appropriation forwarded for the next City Council meeting scheduled for April 6, 2021. Thank you for your consideration.

Very truly yours,

Alison M. Bouchard
City Clerk

Cc: Mary L. Sahady, Director of Financial Services

/ispl

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, April 6, 2021 at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Mary Sahady, Director of Financial Services
Joshua Hetzler, President, Local 1314 International Association of
Firefighters
Jason Burns, former President, Local 1314 International Association
of Firefighters

President Cliff Ponte called the meeting to order at 8:13 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor and loan order for Phase 21 Water Main Improvements Project
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted to authorize the loan order to be published and referred to the Committee on Finance.

2. Mayor and order appropriating \$1,738,680 as follows:
a. \$1,282,529 from the Health Insurance Appropriation to the School Appropriation
b. \$456,151 from the State and County Assessments to the School Appropriation

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the order for both items #2a and #2b.

3. Mayor and communication from BayCoast Bank regarding \$100,000 grant to conduct preliminary water quality data collection and analysis and updated survey
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime; it was unanimously voted that the communication be accepted and placed on file. Councilor Trott Lee requested that a letter of thanks be sent to BayCoast Bank (a copy of which is attached hereto and made a part of these minutes).

4. Mayor and Memorandum of Agreement between Local 1314 International Association of Firefighters and City of Fall River

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Michelle M. Dionne, it was unanimously voted to waive the rules to allow Mary Sahady, Joshua Hetzler and Jason Burns to answer questions. Council President Cliff Ponte asked the Director of Financial Services to provide an overview of the term "credible service". The Director of Financial Services stated that the number of years worked in another department would be credited to the individual if they were to transfer to the fire department. Council President Cliff Ponte stated that if an individual worked as a clerk for seven years, they would begin with seven years of service to the Fire Department if they were to transfer to the Fire Department. He then stated that this does not seem fair to the individual who has worked for the Fire Department for seven years, to be equal in salary to the person who just transferred into the department. Councilor Michelle M. Dionne stated that she feels the language in the contract is ambiguous. She then asked, "how will this effect layoffs?" Joshua Hetzler stated that this language is only applicable to the salary scale, layoffs are all calculated by civil service rules. Councilor Shawn E. Cadime stated that he does not agree with the language in this Memorandum of Agreement and believes it should be rejected. He then stated that he would like to see more clarification, and that KP Law, P.C. should review the matter. Councilor Trott Lee stated that this is fair to employees, as they should not lose their years of service when they transfer to the Fire Department. He then stated that he would support requesting an opinion from Corporation Counsel or KP Law, P.C. On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Shawn E. Cadime, it was unanimously voted to request a legal opinion from KP Law, P.C. with respect to verbiage in the collective bargaining agreement, specifically the terms "credible service" and "any governmental unit". On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to table the matter until such time that the legal opinion is received.

5. Mayor and proposed Fiscal Year 2022 budgets for Water and Sewer Divisions
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the matter to the Committee on Finance.

6. Mayor and proposed ordinances for Fiscal Year 2022 water and sewer rates
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

7. Mayor and resolution for Comm. Development Agency Year Two Annual Action Plan
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the matter to the Committee on Finance.

PRIORITY COMMUNICATIONS

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

COMMITTEE REPORTS – None
ORDINANCES – None

COMMUNICATIONS – INVITATIONS – PETITIONS13. Claims

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

14. Drainlayer Licenses:

- a. Narragansett Improvement Co.
- b. D.W. White Construction Co.
- c. Bristol Pacific Homes, Inc.
- d. Albert Moreira and Son
- e. MJD Excavating, Inc.
- f. Green Acres Landscape & Construction, Inc.
- g. LAL Construction Co.
- h. Joseph Botti Co., Inc.

*On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to approve the drainlayer bonds.
Approved, April 7, 2021, Paul E. Coogan, Mayor*

15. KP Law, P.C. invoice for professional services

Councilor Leo O. Pelletier asked if there will be charges for travel time. Councilor Pam Laliberte-Lebeau stated that Attorney Lauren Goldberg will submit a schedule of fees. Councilor Linda M. Pereira stated that she would like information, clarifying what the City Council will be charged for, such as mileage and postage stamps. Council President Cliff Ponte stated that there are rules and regulations in place so that invoices will not exceed expectations. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to approve the invoice for payment.

16. Assistant Corporation Counsel response to Open Meeting Law complaint filed by Patrick Higgins re: March 8, 2021 City Council Committee on Regulations Meeting

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

17. City resident regarding taxicab service in the City of Fall River

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

City Council Meeting Minutes:18. Committee on Finance – February 23, 202119. Regular City Council Meeting – February 23, 2021

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to approve items #18 and #19.

BULLETINS – NEWSLETTERS – NOTICES – None

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: APRIL 6, 2021

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

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommendation:

8a. Resolution – Public art policy

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the matter to the Committee on Economic Development and Tourism.

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn at 9:42 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Council President Ponte email to KP Law, P.C.

A true copy. Attest:

Alison M. Bauchard

City Clerk

23



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

April 12, 2021

Nicholas M. Christ, President and CEO
BayCoast Bank
P.O. Box 1311
Fall River, MA 02722-1311

Dear Mr. Christ,

At a meeting of the City Council held on Tuesday, April 6, 2021, a request was made to forward a letter of thanks to BayCoast Bank. Your generous grant of \$100,000.00 to allow the City to conduct the preliminary study that is needed to help identify the causes of pollutants in the South Watuppa Pond, is greatly appreciated.

On behalf of the Fall River City Council, please accept our sincerest gratitude.

Sincerely,

Alison M. Bouchard
City Clerk

/ct

23

City Council

From: Cliff Ponte <cponte@kw.com>
Sent: Thursday, April 8, 2021 11:12 AM
To: Lauren F. Goldberg
Cc: Pamela Laliberte-Lebeau; City Clerk; City Council; Shawn Cadime (GMAIL); Michelle Dionne
Subject: Legal Opinion - Fall River City Council
Attachments: April 6 2021 Agenda Packet_compressed (1).pdf
Importance: High

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At our meeting, we discussed the attached agenda item relating to the contract between Local 1314 International Association of Firefighters and the City of Fall River. A large part of the discussion was based upon a section within the contract pertaining to “creditable service”.

During discussion, a member of the City Council mentioned M.G.L. Chapter 32 Section 4, which defines creditable service. Section 4 (1) refers to “any governmental unit” as the qualification for creditable service.

Also part of that discussion included creditable service under the retirement law to award step and pay as a benefit to civil service employees rather than seniority under Chapter 31 of M.G.L.

The City Council has requested a legal opinion of M.G.L. s. 32 § 4(1). Specifically, your interpretation of “governmental unit” as listed within that section. Moreover, The Council is interested in your opinion with respect to ‘seniority’ - under this MOU we interpret that because they are giving the new hire into the department who has creditable service under the retirement law (Section 32) they are awarding them pay, step and vacation time benefit to Civil Service Employees, rather than seniority regarding chapter 31 - Is that possible and legal? Can the new hired Civil Service Employee also qualify for seniority if there was a layoff and choosing vacation time over other or department personal. Does the Fall River retirement board to approve such verbiage in the attached MOU?

Please respond at your earliest opportunity, as this matter has been tabled until the City Council has an opportunity to review your legal opinion.

Thank you in advance for your review and anticipated response.

Cliff Ponte
City Council President

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, April 20, 2021 at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: John Perry, Director of Community Maintenance

President Cliff Ponte called the meeting to order at 9:28 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 reappointment of Ann Rockett-Sperling to the Board of Library Trustees
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to confirm the appointment.
2. Mayor re: City Council resolution requesting plan from Administration for anticipated funding from American Rescue Plan
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the communication be accepted and placed on file.
3. Fiscal Year 2021 Quarter 3 Budget Report
On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the report be accepted and placed on file.

PRIORITY COMMUNICATIONS

4. KP Law, P.C. – Terms of Engagement for legal services
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 8 yeas that the communication be accepted and placed on file and Council President Cliff Ponte be authorized to sign the Terms of Engagement Letter, with Councilor Linda M. Pereira voting present.

5. Council President request to reinstate ShotSpotter and other security cameras
Councilor Linda M. Pereira stated that she feels this is a good tool for law enforcement and agrees that it should be reinstated. She also mentioned that she would like to see the District Attorney's Office included. Council President Cliff Ponte stated that when ShotSpotter was previously in use in the City, the funding was from a grant secured by the District Attorney's Office. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to amend the request to include the District Attorney's Office in the funding mechanism. On a further motion made by Councilor Christopher M. Peckham and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that the communication be accepted and placed on file, as amended, a copy of which is attached hereto and made a part of these minutes.

6. Fall River Retirement Board notification of public hearing re: cost of living adjustment
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the communication be accepted and placed on file.

COMMITTEE REPORTS – None

ORDINANCES

Second reading and enrollment:

7. Proposed Ordinance – Traffic, miscellaneous
On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted to pass the proposed ordinance through second reading and enrollment. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the proposed ordinance be passed to be ordained.
Approved, April 22, 2021, Paul E. Coogan, Mayor

Second reading and enrollment, as amended:

8. Proposed Ordinance – Abutters Lots Program
On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, as amended. On a further motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the proposed ordinance be passed to be ordained, as amended.
Approved, April 22, 2021, Paul E. Coogan, Mayor

RESOLUTIONS

9. Committee on Health and Environmental Affairs convene to discuss contamination of yard waste and recycling
On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to waive the rules to allow the Director of Community Maintenance to answer questions. Councilor Trott Lee stated that a resident posted a video on social media of yard waste and recycling being collected in the same truck, which would contaminate both the yard waste and the recycling. Councilor Michelle M. Dionne asked how much it costs the City to dispose of solid waste and recycling. The Director of Community Maintenance stated that solid waste is approximately \$100.00 per ton and recycling is approximately \$135.00 per ton. He then stated that yard waste disposal is approximately \$78.00 per truckload. Councilor Trott Lee then stated if this incident was not posted on social media no one would have known. The Director of Community Maintenance stated that he is responsible for those actions, but he depends on the foreman to ensure that this contamination does not occur. Councilor Linda M. Pereira stated that EZ Disposal has been working hard for the City of Fall River and even volunteered to work on a

clean-up project in the Flint section of the City. On a further motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the resolution.

CITATIONS – None

ORDERS – HEARINGS

Billiards:

- 10. CAPMRPM, LLC d/b/a Rack 'Em Up Billiards, 7 Cove Street, Swansea, MA to maintain a pocket billiard room with (19) tables at 129 Griffin Street
 On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the order.
 Approved, April 22, 2021, Paul E. Coogan, Mayor

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to take items #11 through #13 together.

Curb removals:

- 11. David Pereira, 430 Alden Street – total of 24' at 430 Alden Street
- 12. Manuel Cabral, 29 Mott Street – total of 22' 6" at 29 Mott Street
- 13. Alan Macomber, The Creative Class Apartments, 64 Durfee Street – total of 162' at 64 Durfee Street

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt items #11 through #13.
 Approved, April 22, 2021, Paul E. Coogan, Mayor

ORDERS – MISCELLANEOUS

- 14. Police Chief's Report on Licenses:

Taxicab Drivers:

Frederick Zawerucka

2021 Second Hand License Renewals:

TVI, Inc. d/b/a Savers Thrift Store – 109 Mariano Bishop Boulevard
 Michael W. West d/b/a A1 Antiques & Used Furniture – 1091 Plymouth Avenue

2021 Pool and Billiards Renewals:

W & L Enterprises d/b/a Rack 'Em Up Billiards – 129 Griffin Street
 Robert & John Albin d/b/a Straight Shooters – 288 Plymouth Avenue

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

COMMUNICATIONS – INVITATIONS – PETITIONS

- 15. Claims

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

- 16. City Engineer – Street opening less than 5 years on London Street

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the request.
 Approved, April 22, 2021, Paul E. Coogan, Mayor

- 17. Drainlayer Licenses:
 - a. Cryan Landscape Contractors, Inc.
 - b. Biszko Contracting Corporation
 - c. Steen Realty & Development Corporation
 - d. Coastal Water Sewer & Excavation, Inc.
 - e. Khoury Excavating, Inc.
 - f. G. Lopes Construction, Inc.
 - g. K.R. Rezendes, Inc.
 - h. Bartlett Consolidated, LLC
 - i. Nathanyl Gomes Construction Corporation
 - j. Farland Corporation
 - k. Alexandre's Excavating, Inc.
 - l. Dixon, Inc.
 - m. ELJ, Inc.
 - n. DaSilva Landscaping & Construction, LLC
 - o. Century Paving & Construction Corporation
 - p. Thermo-Mechanical Systems, Inc.
 - q. Foley Excavation, LLC
 - r. Sandstone Construction, Inc.

*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted to approve the drainlayer licenses.
Approved, April 22, 2021, Paul E. Coogan, Mayor*

City Council Meeting Minutes:

- 18. Committee on Finance – March 9, 2021
On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted to approve the minutes.
- 19. Regular City Council Meeting – March 9, 2021
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to approve the minutes.
- 20. Joint Meeting of the City Council and School Committee – March 9, 2021
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to approve the minutes.

BULLETINS – NEWSLETTERS – NOTICES – None

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: APRIL 20, 2021

PRIORITY MATTERS

- 3a. Memorandum of Agreement between Local 1314 International Association of Firefighters and City of Fall River
*On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to lift the matter from the table. On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Christopher M. Peckham, it was voted 7 years, 2 nays to adopt the order, with Councilors Shawn E. Cadime and Cliff Ponte voting in the negative.
Approved, April 22, 2021, Paul E. Coogan, Mayor*

COMMITTEE REPORTS

Committee on Economic Development and Tourism recommending:

Referral to the Committee on Ordinances and Legislation

6a. Resolution – Discuss outdoor dining/seating for restaurants

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

6b. Resolution – Public Arts Policy

Councilor Pam Laliberte-Lebeau stated that she received an email stating that there are other groups who would like to speak regarding the proposed Public Arts Policy, so she would like the matter referred back to the Committee on Economic Development and Tourism. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was voted 1 yea, 8 nays to refer the matter to the Committee on Ordinances and Legislation, with a copy to Corporation Counsel, with Councilor Linda M. Pereira voting in the affirmative. On a further motion made by Councilor Christopher M. Peckham and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the matter to the Committee on Economic Development and Tourism.

RESOLUTIONS

9a. Committee on Finance meet with Administration to discuss trash collection and proposal for Cart Program

Councilor Pam Laliberte-Lebeau stated that trash collection has been discussed at length this evening. She then asked Council President Cliff Ponte if this matter could be scheduled for discussion at the next Committee on Finance meeting scheduled for May 11, 2021 and Council President Cliff Ponte said yes. On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the resolution.

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

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommendation:

6c. Proposed Ordinance – Salary Schedule

No report was submitted, matter was tabled in the Committee on Ordinances and Legislation.

6d. Proposed Ordinance – Traffic, handicapped parking

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

Approved, April 22, 2021, Paul E. Coogan, Mayor

Committee on Finance recommendations:

6e. Loan order – \$4,875,000 for Phase 21 Water System Improvements Project

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the order, as amended.

Approved, April 22, 2021, Paul E. Coogan, Mayor

6f. Loan order – \$4,911,047 for Phase II repairs to the Samuel Watson Elementary School

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the order, as amended.

Approved, April 22, 2021, Paul E. Coogan, Mayor

6g. Loan order – \$2,400,000 for constructing a synthetic turf varsity baseball field to include lighting at B.M.C. Durfee High School

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was voted 7 yeas, 2 nays to adopt the order, as amended, with Councilors Michelle M. Dionne and Trott Lee voting in the negative.

Approved, April 22, 2021, Paul E. Coogan, Mayor

6h. Resolution – CDA Year Two Annual Action Plan

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was voted 7 yeas to adopt the order, as amended, with Councilors Pam Laliberte-Lebeau and Cliff Ponte abstaining and not voting.

Approved, April 22, 2021, Paul E. Coogan, Mayor

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adjourn at 10:15 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk



City of Fall River
Massachusetts
City Council

24

RECEIVED

2021 APR 14 P 3:55

CITY CLERK _____
FALL RIVER, MA

CLIFF PONTE
President
City Council

April 14, 2021

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

Dear Mayor Coogan,

At the budget briefing that was held today, Police Chief Cardoza indicated that the cost to reinstate ShotSpotter and other security cameras throughout the City would be approximately \$150,000.00 to \$175,000.00. These tools greatly assist the Police Department with ensuring safety and security to our neighborhoods.

I am hereby requesting that your Administration speak with other city departments, such as Fall River Public Schools and the Fall River Housing Authority to assist with these costs. I believe that reacquiring ShotSpotter and other security cameras would be another significant resource for the Police Department to keep the residents of our City safe. Feel free to contact me with any questions or concerns.

Respectfully submitted,

Cliff Ponte
City Council President

/ct

CITY OF FALL RIVER
IN CITY COUNCIL

APR 20 2021

*also placed on file,
as requested to include
the DA's office in the
funding mechanism*

24



City of Fall River
Massachusetts
City Council

CLIFF PONTE
President
City Council

April 14, 2021

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

Dear Mayor Coogan,

At the budget briefing that was held today, Police Chief Cardoza indicated that the cost to reinstate ShotSpotter and other security cameras throughout the City would be approximately \$150,000.00 to \$175,000.00. These tools greatly assist the Police Department with ensuring safety and security to our neighborhoods.

I am hereby requesting that your Administration speak with other city departments, such as Fall River Public Schools, Fall River Housing Authority and the District Attorney's Office to assist with these costs. I believe that reacquiring ShotSpotter and other security cameras would be another significant resource for the Police Department to keep the residents of our City safe. Feel free to contact me with any questions or concerns.

Respectfully submitted,

Cliff Ponte

Cliff Ponte
City Council President

/ct

JOINT MEETING OF THE CITY COUNCIL AND SCHOOL COMMITTEE

MEETING: Tuesday, April 13, 2021 at 5:30 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Mayor Paul E. Coogan
Mary Sahady, Director of Financial Services
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
Attorney Bruce A. Assad, School Committee Counsel

President Cliff Ponte called the meeting to order at 5:33 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.

A roll call was taken of the School Committee Members:

PRESENT: Mayor Paul E. Coogan, Kevin Aguiar, Mark Costa, Paul Hart,
Joshua E. Hetzler, Mimi Larrivee and Thomas Khoury

ABSENT: None

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

1. Citizens' Input
David Oliveira, 210 Robeson Street – School Committee
David M. Milstone, Ed.D and Sara Rodrigues, MSW, LICSW,
Fall River Confronting Discrimination Committee, United Neighbors,
209 Bedford Street – School Committee

2. Review of the Fiscal and Financial condition of the City, Revenue and Expense Forecasts, and other relevant information in preparation for the Fiscal Year 2022 Budget
President Cliff Ponte introduced Mayor Paul E. Coogan and stated that the purpose of the meeting was for the review of the fiscal and financial condition of the City, revenue and expense forecasts, and other relevant information in preparation for the Fiscal Year 2022 Budget, which is required by City Charter. Mayor Paul E. Coogan made a statement regarding the hardships of the last 13 months due to the COVID-19 Pandemic, a copy of which is attached hereto and made a part of these minutes.

The Director of Financial Services made a PowerPoint presentation regarding the municipal side of the discussion. The Chief Financial Officer for Fall River Public Schools provided a PowerPoint presentation regarding the school side of the discussion. Council President Cliff Ponte stated that the City of Fall River will be receiving a large sum of funding from the Federal Government due to the pandemic, and would like to investigate if some of these funds may be applied to the debt exclusion for the new high school.

Councilor Trott Lee stated that citizens should know what they are receiving for the taxes that are being paid. School Committee Member Thomas Khoury invited Councilor Trott Lee to have a tour of the schools to witness all the progress that has taken place in the Fall River Schools. He then stated that the new high school will be a great asset to the City. Councilor Shawn E. Cadime stated that he spoke against the debt exclusion because the average Fall River voter has no idea what a debt exclusion is. He then stated that the City of Fall River is struggling to fund the School Department at 100% of Net School Spending, and a great deal of City debt is attributed to the School Department. Councilor Michelle M. Dionne stated that enrollment for Fiscal Year 2022 is down by approximately 200 students. The Superintendent of Schools stated that these fluctuations occur frequently due to the transient nature of the City.

Councilor Linda M. Pereira asked if the new high school will be open longer hours. The Superintendent of Schools stated that some buildings will be open 18 hours per day. He also stated that there will be extended programs and mentioned that this new high school will be a game changer for the City. Council President Cliff Ponte asked if there is a salary increase included in the Fiscal Year 2022 School Department Budget for Superintendent Malone. The Chief Financial Officer stated only \$4,000.00, which is contractual. School Committee Member Thomas Khoury stated that the City loses many highly educated educators to surrounding cities and towns that offer much higher salaries than Fall River. Council President Cliff Ponte asked how many steps there are for teacher salaries. The Superintendent of School stated that there are 12 steps. The Chief Financial Officer stated that there were \$11 million dollars budgeted for transportation last year and there were \$3.6 million dollars unused due to the COVID-19 Pandemic. School Committee Member Mark Costa stated that many potential home buyers ask about the school system in a city or town prior to purchasing a home, because they want their children to have the best education possible. He then stated that education can be considered an asset or an expense.

Mayor Paul E. Coogan stated that the City is in a unique situation right now, with potentially receiving millions of dollars in grant funds due to the COVID-19 Pandemic. He also stated that the School Department will be receiving a large sum of funds that can benefit both the School Department and the City of Fall River. He then stated that everyone must work together to improve the City.

School Committee Member Kevin Aguilar stated that the collection of trash from businesses is costing the City \$500,000 and that needs to be addressed and the vote on the Watson School loan order needs to be scheduled to which Council President Ponte replied it would be listed on the

April 20, 2021 agenda. Councilor Shawn E. Cadime stated that he believes the City should not have rescinded the Pay-As-You-Throw Program, as it was generating millions of dollars for the City. Councilor Pam Laliberte-Lebeau stated that Councilor Michelle M. Dionne drove around the City to inventory the number of solid waste and recycling carts that were being collected by EZ Disposal, without any fees being paid to the City. She then stated that no information was received from the Administration after this information was submitted. Councilor Shawn E. Cadime stated that the Administration sets fees, the City Council only approves or rejects them.

On a motion made by School Committee Member Mark Costa and seconded by School Committee Member Paul Hart, it was voted 7 yeas to adjourn the School Committee Meeting at 9:30 p.m.

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adjourn the City Council at 9:30 p.m.

List of documents and other exhibits used during the meeting:

- Agenda packet (attached)
- DVD of meeting
- Citizens' Input Communications
- Mayor Paul E. Coogan remarks
- PowerPoint Presentation by Mary Sahady, Director of Financial Services
- PowerPoint Presentation by Kevin Almelda, CFO, Fall River Public Schools

A true copy. Attest:

Alison M. Bouchard

City Clerk

25

APRIL 13, 2021

COMMUNICATIONS

SUBMITTED

FOR

CITIZENS' INPUT

JOINT MEETING OF THE CITY

COUNCIL AND SCHOOL

COMMITTEE

RECEIVED 25

City Council

2021 APR 13 A 9 09

From: acwdave <acwdave@aol.com>
Sent: Monday, April 12, 2021 6:55 PM
To: City Council
Subject: [EXTERNAL]

CITY CLERK
FALL RIVER, MA

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

As tonight we are here for the kids of the fall river public schools. I wanna congratulate this council for holding the projects on the school department. Not because they aint for the kids because that is so not true. Its because we have a superintendent feels hes too good to attend meetings which he had no problem doing it in the pass.. Shame on mayor Coogan an the school committee for not enforcing the superintendent to not attend last month city council meeting knowing the city councilors wants questions answered. Which is what they are elected to do an

not be a rubber stamp like the mayor an the school committee are since they let the superintendent do what he wants anyways well accept kevin an Paul an i mean Paul Hart. I hope this city councilors get there question answered an these kids get what they deserve when this should of already been passed. But yet we let a guy run a district making over 200,000\$ which my opinion don't deserve it. An for an evaluation he got an for him to get a raise clearly shows he is running this school committee... In closing Superintendent Malone tonight you should do what everyone what's you to do an that is to resign tonight because no one wants him there. STOP EMBARRASSING THE FALL RIVER SCHOOL DISTRICT..

thank you

Be safe Councilors an school committee men Hart an Aguiar. The rest of you WAKE-UP.

Sent from my Sprint Samsung Galaxy S10.

[Faint handwritten notes at the bottom of the page]

RECEIVED

25

2021 APR 12 A 9 30

April 8, 2021

Fall River School Committee

DEPARTMENT OF EDUCATION
FALL RIVER, MA

Dear Mayor Coogan, Superintendent Malone, & Members of the School Committee,

We co-authored a letter to you (dated February 3, 2021) on behalf of the Fall River Confronting Discrimination Committee, for inclusion in the Citizen's Input section of the February School Committee meeting. The letter was read, which we appreciated, but three sections were excluded. Specifically, the term "hate speech" was omitted along with the recommendation that diversity and inclusion training for all school community members "beginning with the Superintendent and the school committee members." Further, the paragraph pertaining to Dr. Malone's past actions and our belief that the school committee's actions "reflect a school culture and climate that is in desperate need of change" was omitted. When we inquired as to the rationale for these exclusions, we were referred to a policy statement pertaining to citizens' input at School Committee meetings. Unfortunately, the policy we were shown lacked specifics as to why this potential violation of our freedom of speech was instituted.

In the aforementioned letter, we asked two questions:

1. By what date can the Fall River community expect to learn that the school system's Diversity Task Force will be established and charged with developing specific and measurable goals? This question was answered in part last week as you submitted the task force memorandum for our review.
2. By what date can the Fall River community expect to learn that an educational/training "Diversity and Inclusion" requirement for all constituents of the Fall River schools community has been established, including a listing of the first session presenters/facilitators and expected outcomes?

We again request that you respond to our inquiry or inform us of your unwillingness to do so.

Sincerely,

David Milstone

Sara Rodrigues

David M. Milstone, Ed.D.

Sara Rodrigues, MSW, LICSW

CC: Membership of the Fall River Confronting Discrimination Committee

mailed 4/12/21 11:12 AM

25

Leite, Ines

From: Sara Rodrigues <saraorodrigues@gmail.com>
Sent: Wednesday, April 14, 2021 9:18 AM
To: Leite, Ines
Subject: [EXTERNAL] [SPAM] Re: Citizen's Input

Hi Ines,

The Confronting Discrimination Committee falls under the umbrella of United Neighbors. The address is 209 Bedford St.

Let me know if you need anything else!

Thanks,
Sara

On Apr 14, 2021, at 9:10 AM, Leite, Ines <ileite@fallriverma.org> wrote:

Dear Ms. Rodrigues:

Thank you for your submission of this citizens' Input, which was read at yesterday's Joint Meeting and will be entered into the records of the City Council.

Could you please email me your address as well as Mr. Milstone for purposes of preparing our minutes?

Sincerely,
Inês Leite

Inês da Silva Paulino Leite
Assistant City Clerk
Office of the City Clerk
One Government Center
Fall River, MA 02722
T: 508-324-2220
F: 508-324-2211
E: ileite@fallriverma.org

From: Sara Rodrigues [mailto:saraorodrigues@gmail.com]
Sent: Sunday, April 11, 2021 9:21 PM
To: City Council <City_Council@fallriverma.org>
Subject: [EXTERNAL] Citizen's Input

Good evening,

Please see the attached letter for citizen's input at the joint CC/SC meeting.

25

Thanks,
Sara Rodrigues

Sara Rodrigues

(she/her/hers)

Why are Pronouns Important?<https://www.mypronouns.org/>

The 2021 Fall River Budget meeting between the Fall River City Council and the Fall River School Committee is an opportunity to review our budget and financial condition as a City.

I believe that we are on the brink of a significant opportunity to reshape the finances of our city through the American Recovery Act. We have paid dearly for this opportunity. Our students, businesses, families have all been impacted by some form of hardship in the last year, whether it is financial, emotional or due to the loss of a loved one. For the last 13 months, we have lived with seemingly constant stress, uncertainty and loss. However, as we prepare a budget for the upcoming fiscal year, it symbolizes not only a return to normalcy, but a return to growth in Fall River. It is my hope that we can all begin to heal by looking forward to and preparing for a bright new era for Fall River.

Fall River is already undergoing a revitalization that few would have predicted. With state of the art renovations to our schools and parks, a booming housing market, renewed interest in our downtown and waterfront, and new industry setting down roots in Fall River, we are on the cusp of an awakening for our city.

The American Rescue Act will infuse enough revenue to make sure that we, as a City, are prepared for these bright new days- whether it be improving our infrastructure, ensuring high quality city services or relieving the burden on our taxpayers.

We are preparing a committee of stakeholders to help us use this money to achieve a level of financial health that will carry us through the next decade and set the foundation for a period of prosperity in Fall River.

I look forward to working with my colleagues on the City Council and School Committee to ensure that we use this year's budget to better the lives of our families, our children, our seniors and our residents who have been hit hard by the Covid-19 pandemic. The darkest days, I believe, are almost over and I dedicate myself to ensuring that Fall River emerges from this crisis as a better, safer and more liveable community.

Thank you.

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, March 23, 2021 at 5:55 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: Aren Brown, 729 June Street

The President called the meeting to order at 6:20 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:

Street Acceptance

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, with Councilor Bradford L. Kilby absent and not voting.

The acceptance of Lynwood Street, extending from Mariano S. Bishop Boulevard to a dead end, along with Way Street.

The President asked the City Clerk if any proponents or opponents submitted written testimony and the City Clerk stated that Gail Furtado, President of the Board of Directors of Forever Paws Animal Shelter, submitted written testimony as a proponent of the street acceptance, a copy of which is attached hereto and made a part of these minutes. The President then directed any proponents or opponents to be heard and none came forward. 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, with Councilor Bradford L. Kilby absent and not voting.

Pole Location

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, with Councilor Bradford L. Kilby absent and not voting.

Massachusetts Electric Company for one new pole location as follows:

June Street

One (1) new pole location

Customer requested to install new 35 foot pole and secondary conductor to allow residence to be serviced via an overhead electrical service as opposed to an underground service. Pole will be approximately 63 feet from existing pole on June Street and will be numbered pole #2. In accordance with Plan No. 30321785 dated January 12, 2021.

The President directed the proponents to be heard and Aren Brown of 729 June Street came forward in support of the petition. Mr. Brown stated that he has underground power and is looking to bring his two family residence up to code. The right amount of power cannot be delivered from the underground utility and National Grid engineers recommended that it would be more cost effective for the City to allow the installation of the pole, instead of having to cut into the street. The President then directed the opponents to be heard and there were no opponents. The President then 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 Michelle M. Dionne and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be closed, with Councilor Bradford L. Kilby absent and not voting.

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adjourn at 6:25 p.m., with Councilor Bradford L. Kilby absent and not voting.

List of documents and other exhibits used during the meeting:

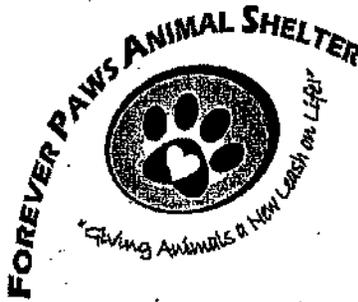
- Agenda (attached)
- DVD of meeting
- Gail Furtado Correspondence

A true copy. Attest:

Alison M. Bouchard

City Clerk

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March 20, 2021

To Fall River City Councilors:

The Board of Directors of Fall River Animal Shelter are sending this letter to inform all of you that we do indeed want Lynwood Street to be an accepted street. Since our shelter is located at the end of the street at the dead end it would be appreciated if it was a street maintained by the city.

We have been located there for seventeen years and have heard several times over the years that the street was brought up to be accepted but it never was. Hopefully, this time it will. Thank you for considering this again!

Respectfully Submitted,

Gail Furtado
President
Board of Directors

Forever Paws Animal Shelter
300 Lynwood Street Fall River, MA 02721
phone 508-677-9154 fax 508-677-9175
email: fpas1@foreverpaws.com www.foreverpaws.com

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, April 20, 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: Russell Moniz, 7 Cove Street, Swansea, MA 02777

The President called the meeting to order at 6:26 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearings was to hear all persons interested and wishing to be heard on the following:

Councilor Bradford L. Kilby arrived at 6:27 p.m.

Billiards

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

1. CAPMRPM, LLC d/b/a Rack 'Em Up Billiards, 7 Cove Street, Swansea, MA for permission to maintain a pocket billiard room with nineteen (19) tables located at 129 Griffin Street on Lot G-27-0004, Assessors Plan.

The President then directed the proponents to be heard and Russell Moniz came forward in support of the request. 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 testimony and the City Clerk stated that none was received. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was unanimously voted that the hearing be closed.

Curb Removals

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

2. David Pereira, 430 Alden Street, for the removal of curbing as follows:

	Existing opening	Curbing to be removed	Curbing to be added	Proposed Opening after alteration
430 Alden Street	16'	8'	0'	24'

The petitioner is requesting the removal of 8 feet of curbing to widen the driveway opening to 24 feet to eliminate on-street parking and create easier access for tenants.

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. The President asked the City Clerk if any proponents or opponents submitted testimony and the City Clerk stated that none was received. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be closed.

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.

3. Manuel Cabral, 29 Mott Street, for the removal of curbing as follows:

	Existing opening	Curbing to be removed	Curbing to be added	Proposed Opening after alteration
29 Mott Street	19'	3' 6"	0'	22' 6"

The petitioner is requesting the removal of 3 feet 6 inches of curbing south of the existing 19 foot driveway opening. This request is to allow for improved access to on-site parking for a vehicle with a boat trailer.

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

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be closed.

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

4. Alan Macomber, The Creative Class Apartments, 64 Durfee Street, for the removal of curbing as follows:

	Total Existing curb opening	Curbing to be removed	Curbing to be replaced	Proposed opening after alteration
64 Durfee Street	75'	1'	0'	76'
	191'	0'	127'	64'
	65'	0'	43'	22'
Total	331'	1'	170'	162'

The curb removal will reduce driveway openings a total of 170 feet and remove 1 foot of curb located on three parcels associated with the reconfiguration of parking for The Creative Class Apartments. This request would allow for improved access to the property. The proposed curb removals will be substantially less than the existing condition.

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

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be closed.

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adjourn at 6:31 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