



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

**ALISON M. BOUCHARD**  
CITY CLERK

**SPECIAL MEETING OF THE CITY COUNCIL**

**INÊS LEITE**  
ASSISTANT CITY CLERK

**MEETING:** Monday, October 18, 2021 at 6:15 p.m.  
Council Chamber, One Government Center

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

**ABSENT:** Councilor Trott Lee

**IN ATTENDANCE:** None

President Cliff Ponte called the meeting to order at 6:16 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.

**Agenda:**

**1. Citizen Input**

Daryl Gonyon, 76 Frost Street – Budget

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to waive the rules to allow Daryl Gagnon to finish his comments, with Councilor Trott Lee absent and not voting.*

Joseph and Stephanie Merkt, 290 Cambridge Street – Corruption

*Joseph Merkt provided a brief overview of the application process that he has been attempting to navigate through. He then highlighted several events that occurred during this time. He stated that the Mayor was elected by the residents and should uphold laws regarding the approval of the 2016 ballot question to legalize marijuana in Massachusetts.*

*On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted to waive the rules to allow Joseph and Stephanie Merkt to finish their comments, with Councilor Trott Lee absent and not voting.*

*Joseph Merkt stated that the Mayor asked who would be interested in purchasing his product. He then stated that he has acquired three letters of intent from potential customers, who stated that they would be willing to purchase his product. He also highlighted that Northeast Alternatives stated that they would be willing to purchase approximately 50% of all the product that he will be able to produce.*

*Councilor Shawn E. Cadime stated that he would like to file a resolution to request that the Administration attend a future meeting of the Committee on Finance to answer questions regarding the creation and existence of the Fall River Cannabis Review Commission (copy of said resolution is attached hereto and made a part of these minutes).*

*Councilor Leo O. Pelletier stated that this type of incident is unacceptable, and should not have occurred. He then stated that the City Council will research the matter to ensure that the process is fair and equitable for everyone. Councilor Michelle M. Dionne added that this becomes an issue when one person alone is making all the decisions. Councilor Linda M. Pereira added to the conversation by stating that she is very concerned by this and felt that the matter should be referred to the Committee on Economic Development and Tourism for further discussion. She went on to state that if it is the consensus of the Council to discuss the matter at a meeting of the Committee on Finance, then that is acceptable. Councilor Bradford L. Kilby cautioned that accusations should not be made regarding this issue, as the City Council does not have all the facts. Councilor Shawn E. Cadime asked that KP Law, P.C. attend next Tuesday's meeting to discuss cannabis licensing. He also stated that there are eight different cannabis licenses available in Massachusetts. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the resolution, with Councilor Trott Lee absent and not voting.*

**2. Five year budget forecast and City's current finances**

*Council President Cliff Ponte stated that he asked Mary Sahady for the five year financial forecast and received an email response from the Mayor stating that all requests are to go through his office, per Section 3-6 of the City Charter. The email was read by Council President Cliff Ponte.*

*Council President Cliff Ponte called for a recess at 7:22 pm. to compile all emails received regarding this matter.*

*The City Council reconvened at 7:30 pm.*

*Council President Cliff Ponte read the email dated October 13, 2021 that he sent to Mary Sahady. He then read an email that he received which was sent from Mayor Paul E. Coogan dated October 14, 2021. He also noted and read an email from Mary Sahady dated October 15, 2021 answering the invitation that was emailed to her on Thursday, October 14, 2021. Councilor Linda M. Pereira asked when the City Council will receive the Fiscal Year 2022 Quarter 1 Budget Report. Council President Cliff Ponte stated that it will be discussed at the next City Council Meeting scheduled for October 26, 2021. Councilor Linda M. Pereira added that Fall River may be receiving money from Bristol County, possibly \$17 million dollars. Councilor Shawn E. Cadime stated that the City will receive \$34 million dollars from ARPA funding this year, \$34 million dollars from ARPA funding in year two and possibly \$17 million dollars in year three. He then asked what happens in years four and five when there are no extra funds being received. Councilor Pam Laliberte-Lebeau added to the conversation that she asked Mary Sahady for an updated list of all debt that will be ending. She also stated that she contacted KP LAW, P.C., as approved by the City Council President. She read sections (2-7(b)) and (2-7(d)) of the City Charter. She then stated that she had a conference call with KP Law, P.C. to inquire what action could be taken. Councilor Michelle M. Dionne stated she believes in open and honest government and to put it off, is a disservice to the citizens of Fall River. She hopes that Mary Sahady will attend the next City Council meeting. Councilor Christopher M. Peckham stated when he heard the Mayor on the radio, he made it sound like there was no deficit, yet the approximate deficit is \$9.6 million dollars. Councilor Leo O. Pelletier added that a Special Meeting was scheduled for a reason and the fact that the Mayor did not attend nor did he allow Mary Sahady to attend, is simply an injustice. Councilor Shawn E. Cadime stated that the bottom line is that there is a structural deficit and the residents of Fall River need to be informed. He then mentioned that the Mayor did not want Mary Sahady to answer these questions before the election*

Councilor Pam Laliberte-Lebeau stated that the SAFER Grant was used to hire firefighters and when the funding ran out, a great deal of firefighters were laid off. She then highlighted that she does not want that to happen again.

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Christopher M. Peckham, it was unanimously voted to file a resolution to direct to the attention of the Mayor that he has failed to comply with Section 2-7, Access to Information, and Section 3-6, Communications; Special Meetings of the City Charter, with Councilor Trott Lee absent and not voting.

On a motion made by Shawn E. Cadime and seconded by Michelle M. Dionne, it was unanimously voted to adjourn at 8:23 p.m., with Councilor Trott Lee absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

Resolution regarding the creation and existence of the Fall River Cannabis Review Commission

Resolution regarding compliance with Section 9-14 of the City Charter, Enforcement of Charter Provisions

Email from Cliff Ponte to Mary Sahady dated October 13, 2021 at 1:12 pm

Email from Cliff Ponte to Mayor and Administration dated October 14, 2021 at 1:53 pm

Email from Mary Sahady to City Council dated October 15, 2021 at 3:16 pm

Email from Pam Laliberte-Lebeau to Mary Sahady dated October 18, 2021 at 11:36 am

Letter from Mayor dated October 18, 2021



City Clerk

In City Council, November 16, 2021

Approved.



**OCTOBER 18, 2021**

**COMMUNICATIONS**

**SUBMITTED**

**FOR**

**CITIZENS' INPUT**



CJ FERRY, R.N., PHN

RECEIVED

October 18, 2021

2021 OCT 18 P 3:06

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

CITY CLERK  
FALL RIVER, MA

Re: Citizen's Input

Council President and members of the City Council:

It is with deep regret that I must send in this citizen's input as it appears that the administration may not wish to be completely transparent with the public but more especially the City Council.

In a communication to the City Council President the mayor stated that he wanted to follow the charter. He stated in his email, "We should both follow the Charter so we don't put any city employees in a difficult position. Please forward all future questions to me." The mayor stated this after citing Section 2-3 of the charter which prohibits interference with the administration and restricts the actions of the City Council; "...member of the city council, shall not give orders or directions to any employee of the city, either publicly or privately." While I can understand this section of the charter, the charter also states in section 2-7 (c), "Mayor - The city council may request specific information from the mayor on any municipal matter and may request that the mayor be present to answer written questions relating to that information at a meeting that the city council may call within a reasonable time after the request is made to the mayor..." Historically the City Council has always requested financial information from the City Administrator and/or the CFO without directing it to the mayor. This has been an accepted "past practice".

Under Section 2-7 (a), "In General - The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency." Further in Section 2-7 (b) "Information Requests - The city council may require a member of a multiple-member body, city officer, or a city employee to appear before the city council to give any information that the city council may require in relation to the municipal services, functions and powers or duties which are within the scope of responsibility of that person and not





within the jurisdiction of the school committee.” As is clear, Section 2-7 of the Charter allows the City Council to approach ANY member of city government and especially any officer to obtain information within the scope of the City Council’s investigation. It is clear that the mayor is in violation of the charter even though he has stated that both parties should follow the charter.

Further, the city’s record access officer is the city clerk and not the mayor as requesting that all further questions be sent to the mayor is a violation of MGL Ch 66 § 6A (e) and 950 CMR 32.05 (1) (c) which requires that all requests be sent through the city clerk.

Finally, Section 3-6 of the charter states; “(a) Communications to the City Council - The mayor shall, by written communications, recommend to the city council for its consideration measures as, in the judgement of the mayor, the needs the city require. The mayor shall, by written communication, keep the city council fully informed of the financial and administrative condition of the city and shall specifically indicate in any such reports any fiscal, financial or administrative issues facing the city.” Under this section of the charter the mayor is required to provide the city council with the necessary financial information for the city council to act responsibly and appropriately.

I firmly believe that if the administration does not appear before this council today, that the City Council President should enact the council’s subpoena power and force the administration to appear and if the administration does not appear to take appropriate legal action to enforce the charter, Massachusetts General Law and the subpoenas if issued. This is not and will not be a political stunt it will be representing the people of Fall River appropriately.

Respectfully,



CJ Ferry



*City of Fall River, In City Council*

(Councilor Shawn Cadime)

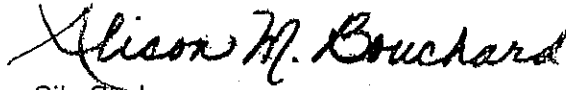
WHEREAS, concerns exist regarding the creation and existence of the Fall River Cannabis Review Commission, now therefore

BE IT RESOLVED, that the Corporation Counsel, Kenneth Fiola, Executive Vice President of BCEDC, or a representative of the Mayor's office who is qualified to respond to questions regarding this Commission and the process of approving marijuana licenses, as well as a representative of KP Law, be invited to a meeting of the Committee on Finance, and

BE IT FURTHER RESOLVED, that the Committee on Ordinances and Legislation meet with the same parties to draft an ordinance establishing such Commission.

In City Council, October 18, 2021  
Adopted.

A true copy. Attest:

  
City Clerk



# City of Fall River, *In City Council*

(City Council)

WHEREAS, at a Special Meeting of the City Council held on October 18, 2021, a discussion was held relative to the five year budget forecast and the City's current finances, and

WHEREAS, the Mayor advised that no representatives from the Administration would be in attendance, now therefore

BE IT RESOLVED, that in accordance with Section 9-14 of the City Charter, Enforcement of Charter Provisions, the City Council hereby directs to the attention of the Mayor that he has failed to comply with Section 2-7, Access to Information, and Section 3-6, Communications; Special Meetings, of the City Charter.

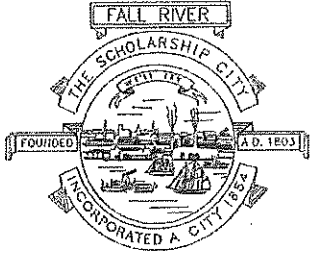
In City Council, October 18, 2021  
Adopted.

A true copy. Attest:



City Clerk





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

RECEIVED

2021 OCT 14 P 4:56

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

**INÊS LEITE**  
ASSISTANT CITY CLERK

**ALISON M. BOUCHARD**  
CITY CLERK

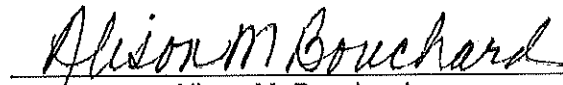
**SPECIAL MEETING OF THE CITY COUNCIL**

**MONDAY, OCTOBER 18, 2021 AT 6:15 P.M.**

**CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**

**AGENDA**

1. Citizen Input
2. Five year budget forecast and City's current finances



Alison M. Bouchard  
City Clerk

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





City Clerk

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**From:** Cliff Ponte <cponte@kw.com>  
**Sent:** Wednesday, October 13, 2021 1:12 PM  
**To:** City Council; Laliberte-Lebeau, Pam; Sahady, Mary  
**Subject:** Meeting Recap

Mrs. Sahady —

Thank you for coming back to the City Council meeting last night to address a very important and serious budget issue.

The CC is still looking to see what the deficit would be going into next year. Here is my math — this does show that we have over a 7 Million Dollar Deficit going into next year due to the Mayors attempt to address this issue in an election year.

2.8 Million Dollars in one time ARPA Money used for loss revenue

2.9 Million Dollars taken out of our operational budget to pay a total of 28 positions — which the final rule is not specific enough and we can have a large issue this year if they don't allow us.

1.6 Million Dollars we still owe the School System — which you'll need 1 time money to pay

When you add  $2.8 + 2.9 + 1.6 = 7.3$  Million Dollars

As City Council President — I'm requesting the most updated 5 year budget forecast by Thursday end of business. Please highlight how much this administration — If reelected — would go to the debt exclusion.

I'm still unsure if I can call a special meeting — which I may do for next Monday. Regardless of the objection — since the Charter allows for me to call a meeting.

Please confirm,



City Clerk

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**From:** Cliff Ponte <cponte@kw.com>  
**Sent:** Thursday, October 14, 2021 1:53 PM  
**To:** Rumsey, Alan J.; City Clerk; City Council; Coogan, Paul; Laliberte-Lebeau, Pam; Sahady, Mary; Timothy McCoy  
**Subject:** Re: budget

Thank you for responding. However, I find it to be unlikely that you and your finance team do not have financials and a most recent updated 5 year budget forecast.

As a result — Please have this email serve as a Freedom of Information Request for any emails between Mary Sahady, Tim McCoy, Mayor@FallRiverMa.org and this current email from You with the following key words — for the last 60 days.

1. Budget
2. Deficit
3. ARPA and American Recovery
4. Loss Revenue

Allison — Please confirm that I am correctly requesting this information since I've never had to do this as a Councilor to get information.

Also, please forward this to all Councilors

On Thu, Oct 14, 2021 at 1:45 PM Coogan, Paul <Mayor.Coogan@fallriverma.org> wrote:

Cliff

Pursuant to Article 6-9 in the Charter you received a 5 year Financial Forecast of City Revenues and Expenditures on December 7, 2020 this is the most updated forecast. We will issue our next report 180 days before the start of the fiscal year. This is in response to your resolution on the agenda Tuesday October 12<sup>th</sup>.

SECTION 6-9 LONG TERM FINANCIAL FORECAST.

The mayor shall annually prepare a 5 year long-term financial forecast of city revenues and expenditures; the forecast shall address the general financial condition of the city, including, but not limited to, an identification of factors which will impact the financial condition of the city and revenue and expenditure trends, including long and short term debt service to be incurred, a debt management plan, potential for new or expanded revenues, and any long or short term actions which may be taken to enhance the financial condition of the city. The forecast shall be submitted to the city council at least 180 days before the start of the fiscal year.

Section 2-3 Prohibitions-Interference with Administration - Except for employees appointed in accordance with section 2-8, the city council or any member of the city council, shall not give orders or directions to any employee of the city, either publicly or privately.



**Leite, Ines**

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**From:** PAMELA LALIBERTE <pslaliberte@outlook.com>  
**Sent:** Monday, October 18, 2021 11:36 AM  
**To:** Coogan, Paul; Rumsey, Alan J.  
**Cc:** Sahady, Mary; City Council; City Clerk; C Ponte  
**Subject:** [EXTERNAL] Ordinance Meeting  
**Attachments:** Ordinances and Legislation 10-19-21 Agenda Packet.pdf

**Importance:** High

Good Morning,

I received word from the City Council secretary that Mrs Sahady has been advised by the Mayor that she is not allowed to attend the Ordinance meeting, which I chair, scheduled for tomorrow evening, Tuesday, October 19th.

I have 2 concerns.

The 1st is that the agenda includes 2 items which relate to finance: the water & sewer rates, and the new IT Technical Support Specialist position proposed by the Administration. Copy of the Agenda is attached.

My second concern is that not allowing an employee to attend a City Council meeting is a violation of the Charter.

Please refer to Section, 2-7: Access to Information, specifically b & d.

#### SECTION 2-7: ACCESS TO INFORMATION

(a) In General - The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency.

(b) Information Requests - The city council may require a member of a multiple-member body, city officer, or a city employee to appear before the city council to give any information that the city council may require in relation to the municipal services, functions and powers or duties which are within the scope of responsibility of that person and not within the jurisdiction of the school committee.

(c) Mayor - The city council may request specific information from the mayor on any municipal matter and may request that the mayor be present to answer written questions relating to that information at a meeting that the city council may call within a reasonable time after the request is made to the mayor. The mayor shall personally; or through a designee, attend such meeting and respond to the questions. The mayor, or the person designated to attend, shall not be required to answer questions related to any other matter. The council may further delineate procedures under this provision in the council's rules.

(d) Notice - The city council shall, by resolution, request the attendance of any officer or employee of the city, but not including the school committee or employees of the school department, to appear before it under this section. The resolution shall include the subject on which the city council seeks information and may contain specific questions prepared by the council. No officer or employee called to appear before the city council under this section shall be required to respond to any question not relevant to the subject of the inquiry as identified in the resolution. The mayor shall receive a copy of all such resolutions.

I have scheduled an Ordinance meeting to conduct the business of the Committee. Not allowing the CFO to attend the meeting is blocking that from happening. The Agenda is created according to priority and estimated

