

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LETTE
ASSISTANT CITY CLERK

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, July 12, 2022 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Pam Laliberte-Lebeau, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara,
Michelle M. Dionne, Bradford L. Kilby, Leo O. Pelletier,
Linda M. Pereira, Andrew J. Raposo, and Laura-Jean Washington

ABSENT: None

IN ATTENDANCE: Bridget Almon, Director of Financial Services

President Pam Laliberte-Lebeau called the meeting to order at 7:00 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor requesting confirmation of the reappointment of Ricky P. Sahady to the Board of Appeals (alternate member)

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Linda M. Pereira, it was unanimously voted to confirm the appointment.

2. Mayor and order transferring the sum of \$97,392.50 from FY21 Surplus Revenue to Law, Expenses

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Andrew J. Raposo, it was unanimously voted to waive the rules to allow the Director of Financial Services to address the Council. On a further motion made by Councilor Michelle M. Dionne and seconded by Councilor Shawn E. Cadime, it was voted 9 nays to transfer the funds from the Columbia Street Streetscapes, Capital Project line item and the motion did not carry. Councilor Joseph D. Camara stated that he was unsure if the City Council could stipulate where funds are transferred from. The Director of Financial Services stated that all remaining invoices must be processed for payment by Friday, July 15, 2022. Councilor Joseph D. Camara made a further motion to adopt the order and it was seconded by Councilor Bradford L. Kilby. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to amend the motion to adopt the order, pending a review of the Bank Street/Columbia Street Capital Project for the availability of funds. The Council expressed that the financial transfer be processed using any remaining funds in this account and if the balance was zero, that the transfer be made from the FY21 Surplus Revenue, as originally requested by the Administration. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Michelle M. Dionne, it was voted 9 yeas to adopt the order, as amended.

3. Mayor and order transferring the sum of \$180,000 from FY21 Surplus Revenue to Law, Expenses

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Laura-Jean Washington, it was unanimously voted to adopt the order.

4. Mayor and order transferring the sum of \$1,300,000 from FY21 Surplus Revenue to the Stabilization Fund

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

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS

Committee on Public Safety recommending:

Grant leave to withdraw:

5. Resolution—Discuss complaints from residents regarding noise generated at the Fall River Coin Operated Car Wash located on 1225 Dwelly 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 Ordinances and Legislation.

ORDINANCES – None

RESOLUTIONS – None

CITATIONS

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Michelle M. Dionne, it was unanimously voted to take items #6 through #10 together.

6. B.M.C Durfee High School Top Ten Students:

Sophia Chen	Timothy Michael Costa	Maya Leigh Couto
Louraine Almerol Dayao	Julia Christine Faria	Kaitlyn Munekata Ferreira
Colin Patraic Guillemette	Morgan Carmen Ledo	Ayomide Oluwatobi Olubanwo
Christopher James Panchley		

7. Diman Regional Vocational Technical High School Top Ten Fall River Students:

Bishoy Mikhail	Russell McComb	Sarai Benitez
Charles Magnifico	Jennifer Chan	Bryce King
Jacob Furtado		

8. Atlantis Charter High School Top Ten Fall River Students:

Madison Stevens	Ryan Garrity	Cassidy Medeiros
Julieann Camara	Emily Cativo	Carina Lebrun
Hailey Soares		

9. Bishop Connolly High School Top Ten Fall River Students:

Greta Bertha Costello	Aidan Xu	Maya Elizabeth Pontes
Alyssa St. Laurent	Kaleigh Elizabeth Rezendes	Sherley L. Ortiz
Sophie Isabella Garcia		

10. Argosy Collegiate Charter School Top Ten Fall River Students:

Jamie M. Milton	Monica A. Smith	Elijah E. Lazaro
Cali M. Bastos	Angella L. Tavares	Aydin Mederios
Jenel A. Molina	Savannah Leite	Kimberly M. Moniz
Alexia L. Kelly		

On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt items #6 through #10.

ORDERS – HEARINGS

Auto Repair Shop:

11. Jonathan Manchester, d/b/a Manchester Automotive located at 67 Kay Street
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt the order.
Approved, July 13, 2022, Paul E. Coogan, Mayor

ORDERS – MISCELLANEOUS

12. Police Chief's report on licenses:

2022 Taxicab Drivers:

Derrick Guerrier Joseph Paiva

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt the order.

13. Auto Repair Shop License Renewals:

Eleventh Street Association, Inc. d/b/a Saber Auto Body located at 50 Sixth Street
On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Laura-Jean Washington, it was unanimously voted to adopt the order.
Approved, July 13, 2022, Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

14. Claim

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted to refer the claim to Corporation Counsel.

15. Thank You card from the Pelletier family

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Andrew J. Raposo, it was unanimously voted that the communication be accepted and placed on file.

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Linda M. Pereira, it was unanimously voted to take items #16 through #18 together.

City Council Minutes:

- 16. Committee on Finance – June 14, 2022
- 17. Public Hearings – June 28, 2022
- 18. Committee on Finance – June 28, 2022

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Linda M. Pereira, it was unanimously voted to approve items #16 through #18.

BULLETINS – NEWSLETTERS – NOTICES – None

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: JULY 12, 2022

PRIORITY COMMUNICATIONS

4a. Traffic Commission recommending amendments to traffic ordinances
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Andrew J. Raposo, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

RESOLUTIONS

5a. City Council vote to obligate \$11,000,000.00 of Bristol County ARPA funding for water and sewer infrastructure mandates
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Andrew J. Raposo, it was unanimously voted to refer the resolution to the Committee on Finance. Councilor Shawn E. Cadime stated that he would like to have the City Administrator and the Administrator of Community Utilities present to discuss the matter. Councilor Linda M. Pereira said she agrees that the Committee on Finance is the proper venue to discuss the matter.

ORDERS – MISCELLANEOUS

13. Auto Repair Shop License Renewals:
Francisley J. Grizotte d/b/a Shea's Automotive Center located at 400 Stafford Road
Eleventh Street Association, Inc. d/b/a Saber Auto Body located at 50 Sixth Street
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adopt the order.

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adjourn at 7:37 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, August 16, 2022
Approved.



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2022 JUL 11 P 2:06

ORIGINAL POSTING: JULY 8, 2022 AT 12:12 P.M.

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
TUESDAY, JULY 12, 2022

INÊS LEITE
ASSISTANT CITY CLERK

REVISED AGENDA

5:55 P.M. CITY COUNCIL PUBLIC HEARING

Auto Repair Shop:

Jonathan Manchester, 398 Canedy Street, Fall River, MA d/b/a Manchester Automotive for a license to operate an auto repair shop at 67 Kay Street, on Lot B-21-4, Assessors Plan.

6:00 P.M. CITY COUNCIL COMMITTEE ON FINANCE MEETING

1. Citizen Input
2. Transfers and Appropriations (see item #2 through 4 below)

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

PRIORITY MATTERS

1. *Mayor requesting confirmation of the reappointment of Ricky P. Sahady to the Board of Appeals (alternate member)
2. *Mayor and order transferring the sum of \$97,392.50 from FY21 Surplus Revenue to Law, Expenses
3. *Mayor and order transferring the sum of \$180,000 from FY21 Surplus Revenue to Law, Expenses
4. *Mayor and order transferring the sum of \$1,300,000 from FY21 Surplus Revenue to the Stabilization Fund

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS

Committee on Public Safety recommending:

Grant leave to withdraw:

5. *Resolution—Discuss complaints from residents regarding noise generated at the Fall River Coin Operated Car Wash located on 1225 Dwelly Street

ORDINANCES – None

RESOLUTIONS – None

CITATIONS

6. **B.M.C Durfee High School Top Ten Students:**

Sophia Chen	Timothy Michael Costa	Maya Leigh Couto
Louraine Almerol Dayao	Julia Christine Faria	Kaitlyn MuneKata Ferreira
Collin Patraic Guillemette	Morgan Carmen Ledo	Ayomide Oluwatobi Olubanwo
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ORDERS – HEARINGS

- Auto Repair Shop:
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ORDERS – MISCELLANEOUS

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2022 Taxicab Drivers:

Derrick Guerrier	Joseph Paiva
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COMMUNICATIONS – INVITATIONS – PETITIONS

14. *Claim
15. *Thank You card from the Pelletier family

- City Council Minutes:
16. *Committee on Finance – June 14, 2022
17. *Public Hearings – June 28, 2022
18. *Committee on Finance – June 28, 2022

BULLETINS – NEWSLETTERS – NOTICES – None


City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: JULY 12, 2022

PRIORITY COMMUNICATIONS

- 4a. *Traffic Commission recommending amendments to traffic ordinances

RESOLUTIONS

- 5a. *City Council vote to obligate \$11,000,000.00 of Bristol County ARPA funding for water and sewer infrastructure mandates

ORDERS – MISCELLANEOUS

13. Auto Repair Shop License Renewals:
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5a
City of Fall River, *In City Council*

(Councilor Michelle M. Dionne)

WHEREAS, the City of Fall River has been federally mandated to take on numerous projects directly related to the Combined Sewer Overflow (CSO) Project which has, and continues to, financially burden the taxpayers of this community with virtually no financial relief, and

WHEREAS, many taxpayers are struggling to meet the demands of increased taxes and water and sewer rates, a crippling cost of living increase, and now for the first time the debt exclusion for the new high school, and

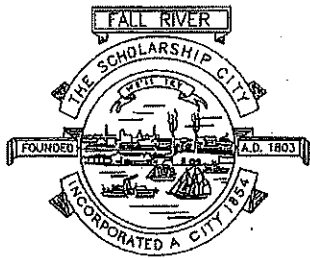
WHEREAS, water and sewer infrastructure is a proper American Rescue Plan Act (ARPA) funding category and has a direct impact on the health and welfare of our residents, which is also an ARPA funding category, and

WHEREAS, ARPA funds must be obligated by December 31, 2024 and spent by December 31, 2026 and the aforementioned mandates must be completed in 2025 well within the time limit for ARPA funding, and

WHEREAS, utilizing ARPA funding would provide relief to the taxpayers by reducing water and sewer rates in the future, now therefore

BE IT RESOLVED, that the City Council vote to obligate \$11,000,000.00 of Bristol County ARPA funding for water and sewer infrastructure mandates, and

BE IT FURTHER RESOLVED, that the City Council send a letter to the Administration requesting they obligate \$9,000,000.00 in ARPA funding to water and sewer infrastructure mandates to help ease the financial burden on our taxpayers and continue to ensure our water is always delivered and maintained for the safety of our residents.



City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2022 JUL -8 P 12:12

MEETINGS SCHEDULED

ALISON M. BOUCHARD
CITY CLERK

CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
TUESDAY, JULY 12, 2022

CITY CLERK
FALL RIVER, MA
INÊS LEITE
ASSISTANT CITY CLERK

AGENDA

5:55 P.M. CITY COUNCIL PUBLIC HEARING

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PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS

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Grant leave to withdraw:

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ORDINANCES – None

RESOLUTIONS – None

CITATIONS

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ORDERS – HEARINGS

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ORDERS – MISCELLANEOUS

12. Police Chief's report on licenses:

2022 Taxicab Drivers:

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COMMUNICATIONS – INVITATIONS – PETITIONS

14. *Claim
15. *Thank You card from the Pelletier family

City Council Minutes:

16. *Committee on Finance – June 14, 2022
17. *Public Hearings – June 28, 2022
18. *Committee on Finance – June 28, 2022

BULLETINS – NEWSLETTERS – NOTICES – None


City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: JULY 12, 2022

PRIORITY COMMUNICATIONS

- 4a. *Traffic Commission recommending amendments to traffic ordinances



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor
June 29, 2022

RECEIVED
2022 JUN 29 P 2:33
CITY CLERK
FALL RIVER, MA

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

Council President and Members of the Honorable Council:

I hereby make the following reappointment:

Name: Ricky P. Sahady

Address: 4700 North Main Street
Apt# 4G
Fall River, MA 02720

Position: Board of Appeals

Effective: June 29, 2022

Term to expire: June 29, 2023

Sincerely,

Paul Coogan
Paul Coogan
Mayor

PC/amos



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

2

RECEIVED

2022 JUN 30 P 4 23

CITY CLERK
FALL RIVER, MA

June 30, 2022

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

Dear Honorable Council Members:

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

1. \$97,392.50 That the sum of \$97,392.50 be, and the same is, hereby transferred to the LAW, EXPENSES from the FY21 SURPLUS REVENUE.

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

Best Regards,

Paul Coogan
Mayor

2

City of Fall River
Office of the Corporation Counsel

ALAN J. RUMSEY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel



PAUL E. COOGAN
Mayor

MARY O'NEIL
Assistant Corporation Counsel

MATTHEW F. BURKE, JR.
Assistant Corporation Counsel

30 June 2022

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

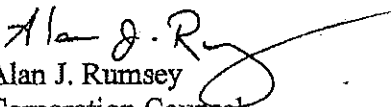
RECEIVED
2022 JUN 30 P 4:23
CITY CLERK
FALL RIVER, MA

Dear Mayor Coogan:

Please accept this letter as a formal request to have the sum of **\$97,392.50 transferred to Law Department Expenses** in order to pay legal invoices and expenses incurred during fiscal year 2022.

Please place this item on the agenda for the next regularly scheduled City Council meeting. I will make myself available to attend the City Council meeting to answer any questions the City Council may have.

Very truly yours,


Alan J. Rumsey
Corporation Counsel

City of Fall River, In City Council

2

June 24, 2022

ORDERED:

**That the sum of \$97,392.50 be, and the same is, hereby transferred to the
LAW, EXPENSES from FY21 SURPLUS REVENUE:**

FY21 SURPLUS REVENUE


\$97,392.50

2

FY22 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
FY21 Surplus Revenue	\$ 1,607,640.00	\$ (97,392.50)	\$ 1,510,247.50
LAW, EXPENSES	\$ 1,494.73	\$ 97,392.50	\$ 98,887.23

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


Bridget Almon, Director of Financial Services
June 30, 2022

RECEIVED
2022 JUL -7 P 4:32
CITY CLERK
FALL RIVER, MA



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

3
RECEIVED

2022 JUL -7 P 3:46

CITY CLERK _____
FALL RIVER, MA

July 7, 2022

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

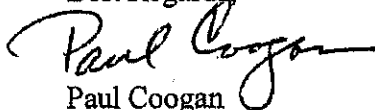
Dear Honorable Council Members:

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

1. \$180,000.00 That the sum of \$180,000.00 be, and the same is, hereby transferred to the LAW, EXPENSES from the FY21 SURPLUS REVENUE.

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

Best Regards,


Paul Coogan
Mayor

City of Fall River
Office of the Corporation Counsel

3

ALAN J. RUMSEY
Corporation Counsel

GARY P. HOWAYECK
Assistant Corporation Counsel



MARY O'NEIL
Assistant Corporation Counsel

MATTHEW F. BURKE, JR.
Assistant Corporation Counsel

PAUL E. COOGAN
Mayor
7 July 2022

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

Dear Mayor Coogan:

Please accept this letter as a formal request to have the sum of **\$180,000.00 transferred to Law Department Claims & Damages** in order to pay for a settlement agreement that was incurred during fiscal year 2022.

As you are aware, Amaral Bus Co., Inc. filed a lawsuit against the City of Fall River in 2020, wherein they alleged in excess of \$1M in damages associated with the closure of the schools during the COVID-19 pandemic.

After lengthy negotiations, the City and Amaral Bus Co. have agreed upon a proposed settlement in the amount of \$180,000.00. In order to pay the settlement, I am requesting that \$180,000.00 be appropriated from surplus revenue.

Please place this item on the agenda for the next regularly scheduled City Council meeting. I will make myself available to attend the City Council meeting to answer any questions the City Council may have.

Very truly yours,


Alan J. Rumsey
Corporation Counsel

July 7, 2022

ORDERED:

**That the sum of \$180,000.00 be, and the same is, hereby transferred to the
LAW, EXPENSES from FY21 SURPLUS REVENUE:**


FY21 SURPLUS REVENUE

\$180,000.00

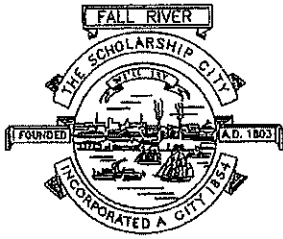
FY22 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
FY 21 SURPLUS REVENUE	\$ 1,510,247.50 \$	(180,000.00) \$	1,330,247.50
LAW, EXPENSES	\$ 98,887.23 \$	180,000.00 \$	278,887.23

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



Bridget Almond, Director of Financial Services
July 12, 2022



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

4

RECEIVED

2022 JUL -7 P 3:46

CITY CLERK _____
FALL RIVER, MA

July 7, 2022

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

Dear Honorable Council Members:

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

1. \$1,300,000.00 That the sum of \$1,300,000.00 be, and the same is, hereby transferred to the STABILIZATION FUND from the FY21 SURPLUS REVENUE.

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

Best Regards,

Paul Coogan
Paul Coogan
Mayor

City of Fall River, In City Council

4

July 7, 2022

ORDERED:

**That the sum of \$1,300,000.00 be, and the same is, hereby transferred to
STABILIZATOIN FUND from FY21 SURPLUS REVENUE:**

FY21 SURPLUS REVENUE

\$1,300,000.00



City of Fall River
Massachusetts
Department of Financial Services
TREASURER • COLLECTOR • AUDITOR • ASSESSOR

4

PAUL E. COOGAN
Mayor

July 7, 2022

Bridget Almon
Director of Financial Services

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

Dear Mayor Coogan:

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations from the FY21 certified free cash (surplus revenue). This recommendation is to follow best practice and increase the stabilization fund for the City of Fall River.

1. \$1,300,000.00 That the sum of \$1,300,000.00 be, and the same is, hereby transferred to the STABILIZATION FUND from the FY21 SURPLUS REVENUE.

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

Best Regards,

Bridget Almon
Director of Financial Services

FY22 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
FY 21 SURPLUS REVENUE	\$ 1,510,247.50 \$	(1,300,000.00) \$	210,247.50
Stabilization Fund	\$ 7,162,545.02 \$	1,300,000.00 \$	8,462,545.02

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



Bridget Almon, Director of Financial Services
July 12, 2022

Resolution – Discuss complaints from residents regarding noise generated at the Fall River Coin Operated Car Wash located at 1225 Dwelly Street

CITY OF FALL RIVER

5

To the City Council

Councillors:

The Committee on Public Safety, at a meeting held on June 28, 2022, voted unanimously to recommend that the accompanying resolution be granted leave to withdraw.

Colleen A. Taylor
Clerk of Committees

5

City of Fall River, In City Council

(Councilor Leo O. Pelletier)

WHEREAS, complaints have been received from residents regarding noise being generated by the use of industrial vacuums at the Fall River Coin Operated Car Wash located at 1225 Dwelly Street, and

WHEREAS, loud music is played by customers throughout the day which causes vibrations in adjacent residences, which affects the health of these residents, and

WHEREAS, this excessive noise is not allowing the neighbors to live in peace, now therefore

BE IT RESOLVED, that the Committee on Public Safety convene to discuss this very important matter.

In City Council, June 14, 2022
Adopted.

A true copy. Attest:



City Clerk



FARMERS
INSURANCE

RECEIVED

2022 JUL -5 P 2:40

CITY CLERK #22-57
FALL RIVER, MA

Our Insured: Kassie Moniz-Arruda
Our Claim Number: SLT09079
Date of Loss: 03/31/2022
Amount of Damages: 1,144.96
Location of Accident: Fall River, MA

Your Driver: Fall River City Clerk
Your Vehicle: 2000 Ford
Your Registration: M58334

Dear Risk Management:

Pursuant to Massachusetts General Laws, Chapter 258, Section 4, please consider this letter as a written claim for damages against Fall River City Clerk, as incurred by our customer, Kassie Moniz-Arruda.

On 03/31/2022, Fall River City Clerk incurred liability when their vehicle, a 2000 Ford, bearing Massachusetts registration M58334, was involved in an accident with our insured. This incident caused \$1,144.96 in damage to our insured's 2011 Lexus ES350.

The facts of the accident are as follows: 2000 Ford pulled too far into the intersection on Rodman St and Brayton Ave and after realizing it the driver (Hector Perez) began to reverse and struck the front end of the 2011 Lexus ES350

Please reimburse this office \$1,144.96 for the damage to our insured's vehicle. If you have automobile insurance, please send this letter to your insurance company and request that they contact me immediately. Thank you.

Sincerely,

Dennis Rainone
Farmers Property & Casualty Insurance Company
SUBROGATION ADJUSTER Phone:913-577-7537

[illegible]

15

RECEIVED

2022 JUN 30 A 11:29

CITY CLERK
FALL RIVER, MA

All City Council members,

On behalf of the Pelletier family, I wish to thank all of you for sending the beautiful flower arrangement to the funeral parlor. Your thoughtfulness means the world to us.

Your support and kindness helped us through this difficult time.

— Murrie Martel

COMMITTEE ON FINANCE

MEETING: Tuesday, June 14, 2022 at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Pam Laliberte-Lebeau, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara,
Michelle M. Dionne, Bradford L. Kilby, Trott Lee,
Leo O. Pelletier, Linda M. Pereira and Andrew J. Raposo

ABSENT: None

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Bridget Almon, Director of Financial Services
Edward Iacaponi, Consultant
Brian Dias, Solutions Engineer, Micro Technology Solutions, Inc.
132 Alden Road, Fairhaven, MA 02719
Tammy Moutinho, Purchasing Agent/Project Manager
Alan Rumsey, Corporation Counsel
Nicholas A. Macolini, Director of Human Resources
Christopher Parayno, Asst. Commissioner of Cemeteries and Trees/
Director of Cemeteries/Trees
Charles Denmead, Acting Director of Community Maintenance
Daniel N. Aguiar, City Engineer

The chair called the meeting to order at 6:11 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.

1. Citizens' Input Time – Before Discussion of Financial Matters:
Rui Santos, 80 Freedom Street – President, AFSCME Council 93, Local 3177

The City Clerk read a communication received from a city resident, a copy of which is attached hereto and made a part of these minutes.

Robert Camara, 127 Gagnon Street – Ordinance compliance

2. Continue discussion of the proposed Fiscal Year 2023 Municipal Budget as follows:
 - Administrative Services
Management Information Systems; Law; Purchasing

Council President Pam Laliberte-Lebeau asked if there were any questions for MIS. The City Administrator stated that Brian Dias, from Micro Technology Solutions, Inc. (MTSI) has been assisting the City since the Director of Management Information Systems resigned a few months ago. He stated that there has been some cybercrime and ransom attacks, in surrounding communities, but Fall River has not had those issues. He then mentioned that is due to the City contracting with good companies, such as MTSI. The City Administrator stated that significant equipment upgrades are needed, as well as upgrading the Municipal Uniform

Information System (MUNIS) software. Councilor Andrew J. Raposo questioned, since there is no Director of MIS, who is currently in charge of the department personnel. The City Administrator stated that he has been meeting weekly with Brian Dias to maintain the department. Councilor Linda M. Pereira stated that she would like to have a committee appointed to work on the new City Website. She then stated that the website needs to be more interactive for our residents, to allow permits to be obtained electronically to reduce the need for in person visits to Government Center. Councilor Shawn E. Cadime asked if a plan for replacement of computer equipment could be established. The City Administrator stated that is a matter that can be discussed when a new Director of MIS is hired. Councilor Joseph D. Camara asked how often computer equipment needs to be replaced. Brian Dias stated approximately every three to five years. Councilor Andrew J. Raposo stated that software should be upgraded at reasonable intervals. He then stated that employees should not be using 2007 and 2013 software in 2022.

Council President Pam Laliberte-Lebeau stated that Corporation Counsel will not be available until 8:00 p.m., so Law will be discussed later in the evening.

Council President Pam Laliberte-Lebeau asked if there were any questions for Purchasing. The City Administrator stated that there is not a significant change in the Purchasing Budget. He then stated that when a full time purchasing agent is hired, a transfer of funds will be necessary. Councilor Leo O. Pelletier stated that Tammy Moutinho has done an excellent job, as a part-time purchasing agent. Councilor Shawn E. Cadime stated that the City Council has received mixed messages as last year they were told that the position of Purchasing Agent was not a full time position, but now the Council is being told that it is. Tammy Moutinho stated that with all the contracts for the use of American Rescue Plan Act (ARPA) funds, it is definitely a full time position. Councilor Linda M. Pereira stated that since Tammy Moutinho has filled many vacant positions over the previous two years, maybe she should be asked which position she is interested in for a permanent position.

Council President Pam Laliberte-Lebeau stated that since Corporation Counsel is not available until 8:00 p.m., Facilities Maintenance will be discussed next.

- Facilities Maintenance

- City Facilities including the Armory

The City Administrator provided a brief overview of Facilities Maintenance. Councilor Michelle M. Dionne asked why the amount for street lights has increased, since the street lights are new. Tammy Moutinho stated that although the bulbs in the street lights are new, the poles and wiring are not, therefore there are upgrades that need to be addressed. Councilor Michelle M. Dionne then asked if the transfer of ownership of the Armory was complete. The City Administrator stated that the transfer had not occurred and he was unsure of an exact date. Councilor Linda M. Pereira asked if cameras will be installed at the parking garages. Tammy Moutinho stated that the cameras that are currently installed on the Third Street Garage do not work. Councilor Linda M. Pereira stated that she recently was informed that the cameras do not work, as a vehicle was stolen from the Third Street Garage and the owner was informed that they were not operational. Councilor Laura-Jean Washington stated that it is alarming that there are security cameras on the parking garages that are not working, as that is a serious safety concern. She then asked if the cameras would still function. Tammy Moutinho stated that she did not realize that there were cameras that had been installed by the previous owner of the garages, but will investigate the matter further. Councilor Shawn E. Cadime asked if the wages the City is offering for a licensed electrician are too low. The City Administrator stated that he is in agreement that the wages being offered are too low for the qualifications required by the City for the position of a licensed electrician. He then stated that is why the positions are vacant. Councilor Leo O. Pelletier stated that the salaries for the positions of licensed electricians and

plumbers are too low, that is why the City cannot fill these vacant positions. He then stated that both of the parking garages are collecting fees and some of those funds should be used for security at both garages. He also mentioned that the Bristol County District Attorney was recently informed that there was no security or cameras in the parking garages that courthouse employees and jurors must use daily, which was very concerning to him. Councilor Leo O. Pelletier then stated that possibly the Office of the District Attorney may consider sharing some of the cost for security at both garages. The City Administrator stated that he had parked in the parking garage for approximately nine months and he witnessed numerous repairs and upgrades that were made to the facility. Councilor Joseph D. Camara stated that he is agreement the security cameras need to be installed in both parking garages.

Council President Pam Laliberte-Lebeau called for a 15 minute recess at 8:13 p.m.
The Council reconvened at 8:38 p.m.

Council President Pam Laliberte-Lebeau asked if there were any questions for Law. Corporation Counsel provided a brief overview of the Law Department Budget. He stated that he had a difficult time finding a full time Assistant Corporation Counsel for the advertised annual salary of \$70,000.00. He then mentioned that he was very lucky to have found two part time Assistant Corporation Counsels. He then highlighted that both Attorney Mary O'Neil and Attorney Matthew Burke are retired and do not require health benefits. Councilor Bradford L. Kilby stated that both Attorney Mary O'Neil and Attorney Matthew Burke are well qualified and will be a great asset to the department. Councilor Michelle M. Dionne asked how outsourcing of legal matters will be affected by having two part-time attorneys. Corporation Counsel stated that this will definitely reduce the number of hours needed, but unfortunately the hourly rate has increased significantly. Councilor Linda M. Pereira asked how many outstanding lawsuits are pending against the City. Corporation Counsel stated approximately one dozen.

- Insurance and Other

- Claims and Judgements; Insurance

Council President Pam Laliberte-Lebeau asked if there were any questions for Insurance. Councilor Shawn E. Cadime asked for the balance of the employer trust fund. Edward Iacaponi stated that he did not have that information currently available. Councilor Shawn E. Cadime requested that information be forwarded to him.

- Communities Maintenance

- Cemeteries; Parks; Civic Celebrations; Trees; Engineering; Solid Waste; Streets and Highways; Snow Removal; Traffic and Parking

Council President Pam Laliberte-Lebeau asked if there were any questions for cemeteries. Christopher Parayno provided a brief overview of the department. He stated that the salary amount has been reduced due to an employee who was on workman's compensation, who has since retired. He highlighted that Oak Grove Cemetery was just expanded, which should add approximately another 25 years of burial space. Councilor Linda M. Pereira stated that the roads within Oak Grove Cemetery need to be repaired, as there are many holes and tree roots that have caused asphalt to lift and crack. Councilor Michelle M. Dionne asked if it would be cost efficient to construct a storage facility, instead of renting a storage unit for equipment. Christopher Parayno stated that all time saved is important with a cemetery containing 53,000 headstones to trim around and lawns to maintain.

Council President Pam Laliberte-Lebeau asked if there were any questions for Parks and Civic Celebrations. The City Administrator stated that Nancy Smith was unable to be present, as she was not feeling well. He then provided a brief overview and mentioned that the line item for

electricity increased by \$15,000.00. He explained that this is in part due to the cost of electricity increasing and also the City now paying for the electricity to light the baseball and softball fields.

Council President Pam Laliberte-Lebeau asked if there were any questions for Engineering. The City Administrator asked if Engineering and Planning could be discussed together, as the City doesn't currently have a City Planner and the City Engineer has been assisting in the Planning Department. The City Engineer provided a brief overview of the Engineering Department. He stated that the 12.4% increase in salaries is mostly due to his hiring.

Council President Pam Laliberte-Lebeau asked if there were any questions for Planning, as the City Engineer is presently overseeing that department. The City Engineer stated that currently, the City does not have a City Planner or an Assistant City Planner. He then mentioned that in the short term, he will work some extra hours to assist with any planning matters. He also stated that moving forward the City will be advertising for a new City Planner and Assistant City Planner.

Council President Pam Laliberte-Lebeau asked if there were any questions for solid waste; streets and highways, and also snow removal. Councilor Linda M. Pereira stated that there are a few vacancies for streets and highways and asked if the vacancies are being advertised. Charles Denmead stated that the mechanic vacancy is on hold as the current employee is out on workman's compensation. Councilor Linda M. Pereira then asked what the savings to the City are with sidewalks being repaired and installed by City employees versus private companies. Charles Denmead stated that a list is kept of all repairs and installations and he can provide that information at a later date. Councilor Joseph D. Camara stated that residents are encouraged to walk more, but there are no sidewalks on Eastern Avenue which is a public safety concern. He then stated that at least one side of Eastern Avenue should have sidewalks. He then mentioned that if it is too costly to install concrete, then at least asphalt could be installed with a berm. Councilor Andrew J. Raposo stated that the crews repairing sidewalks have been doing excellent work. He then asked what the status of the City suspending the collection of business trash. The City Administrator stated that a plan is being worked on, but there is not a clear understanding of the obligation of E-Z Disposal. He then mentioned that the Administration is awaiting a legal opinion on the collection of solid waste for businesses. Councilor Linda M. Pereira stated that she noticed a storage type of tent, and asked if this would be of any use. Charles Denmead stated that the military uses the same type of structures to store equipment and it should be very helpful. Councilor Linda M. Pereira then asked when this unit was purchased. The Acting Director of Community Maintenance stated that a former director purchased the unit approximately six years ago. Councilor Michelle M. Dionne highlighted that some businesses have pink recycling carts that were part of a program, a few years ago. The City Administrator stated that the different cart colors, don't really have much effect. She then stated that Appendix H of the E-Z Disposal Contract lists the businesses that will have solid waste and recycling collected. Councilor Shawn E. Cadime stated that if the Administration wanted to stop the collection, then the practice would have already ceased. He then mentioned that solid waste is collected at churches and they are not businesses. He then asked if GPS units are being used in snow removal vehicles. Charles Denmead stated not all trucks have GPS units.

Council President Pam Laliberte-Lebeau asked if there were any questions for Traffic and Parking and no one had questions for Laura Ferreira.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Andrew J. Raposo, it was unanimously voted to adjourn at 10:08 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Information regarding Government Center upgrades distributed by Tammy Moutinho

Calvin A. Taylor
Clerk of Committees

JUNE 14, 2022

COMMUNICATIONS

SUBMITTED

FOR

CITIZENS' INPUT

16

Dear Councilor,

It has become quite apparent that the mayor has submitted a budget that has funds to pay city employees more than the amount specified in ordinance. That fact was clarified by the city administrator at the June 6th meeting. He stated that "we are paying outside ordinance"
Please refer to Attachment "A" for time frame of comments referenced.

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2022 JUN 13 A 10:29

That statement is an admission that the mayor has violated the law and misappropriated taxpayer funds in the budget you are being asked to fund.

FALL RIVER, MA

Clearly this is prohibited by Massachusetts General law.
Chapter 43 section 1 states:

"Ordinance", a vote or order of the city council entitled "ordinance" and **designed for the permanent regulation of any matter within the jurisdiction of the city council as laid down in this chapter.**

Chapter 44 section 33A states:

Section 33A. The annual budget shall include sums sufficient to pay the salaries of officers and employees fixed by law or by ordinance. Notwithstanding any contrary provision of any city charter, no ordinance providing for an increase in the salaries or wages of municipal officers or employees shall be enacted except by a two thirds vote of the city council, nor unless it is to be operative for more than three months during the calendar year in which it is passed. No new position shall be created or increase in rate made by ordinance, vote or appointment during the financial year subsequent to the submission of the annual budget unless provision therefor has been made by means of a supplemental appropriation. No ordinance, vote or appointment creating a new position in any year in which a municipal election is held shall be valid and effective unless said ordinance, vote or appointment is operative for more than three months during said municipal election year.

Emphasis added

As stated, ordinances are "permanent" "regulations" anything stipulated in an ordinance cannot be changed without changing the ordinance legislatively. This language is further buttressed by the excerpt from MGL 44 section 33A

In addition, the Constitution of the Commonwealth of Massachusetts in Part of the First Article VII states:

Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestable, unalienable, and infeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it. **Emphasis added**

16

Yet, there has not even been an attempt to deny this violation by the mayor, on a recent pod cast (Refer to attachment "A") the mayor cavalierly said and I'm paraphrasing, watch the video for exact phraseology. I don't understand the problem the fire and police got raises, we're careful with our money.

That statement crystallizes the mayors total lack of understanding of how our government works! It is NOT his money; it is the taxpayers money! Apparently, the mayor has no idea that the executive branch does NOT appropriate funding, the legislative branch does!

Did you change the ordinances? Did you take a vote to change the ordinance and FUND the change per 44-33A? And for the record union bargaining is conducted under Chapter 150E and section 7 which clearly states as follows:

(b) **The employer**, other than the board of higher education or the board of trustees of the University of Massachusetts, the chief justice for administration and management, a county sheriff, the PCA quality home care workforce council, the alcoholic beverage control commission, or the state lottery commission, **shall submit to the appropriate legislative body within thirty days after the date on which the agreement is executed by the parties, a request for an appropriation necessary to fund the cost items contained therein**; provided, that if the general court is not in session at that time, such request shall be submitted at the next session thereof. **If the appropriate legislative body duly rejects the request for an appropriation necessary to fund the cost items, such cost items shall be returned to the parties for further bargaining.** The provisions of the preceding two sentences shall not apply to agreements reached by school committees in cities and towns in which the provisions of section thirty-four of chapter seventy-one are operative. **Emphasis added**

The same process is used in non-union contracts, the mayor negotiates and proposes, the council rejects or appropriates and disposes. You are NOT obligated to fund any contract. If you choose to not fund any appropriation, it's back to square one. The city of Attleboro's city council rejected a Joint Labor Management Commission award to the fire union that the mayor was obligated by law to "PRESENT" to the council. When they rejected it, they went back to bargaining. The moral of the story is you have control of the purse strings, and the ethical and legal responsibility to follow the law and your oath of office.

This budget must not contain payments more than ordinance no matter where they hide it. It is misappropriation of taxpayer's money. It not only must stop, but any monies disbursed in violation of the law previously must be returned to the taxpayers!

The video of last year's budget hearing (6/29/2021) shows corporation council being asked a direct question about the legality of this action. To which he did not respond and was allowed to not answer. It was referenced again at the 6/6/2022 meeting and councilor Dion AGAIN referred to her question to corporation council again with no response.

In my opinion it is not only disrespectful to the legislative body to not answer a direct question on legality, but also at the least it may be unethical and at worse illegal. Please see the opinion of Cornell Law School's Legal Information Institute which I included in the packet during the first budget hearing, I have attached one page. I would respectfully ask you review the entire packet as it contains case law and numerous legal opinions on the ethical and legal responsibilities of public fiduciaries.

16

We are a government of men not kings, and the foundation upon which the government is built is the Public Trust. Our elected "substitutes /agents" must set the example, not ignore the law.

There is no doubt that the mayor knowingly violated the law. He knew that the ordinances had to be changed BEFORE it was legal to pay the salaries in question. He tried to get them changed, and when they were not, he did it anyway! This is not ignorance of the process and law; this is blatant disregard for the law and the taxpayers! It is misappropriation of government funds by a public official. Which is the very definition of malfeasance.

In closing, the mayor has violated his oath, he has violated the Constitution of the Commonwealth of Massachusetts, the Massachusetts General Laws, and the ordinances of the City of Fall River. All of which he swore to uphold **so help him God!** (See video) You as our elected legislative body must not only eliminate misappropriated funds in the budget before you, but you must also return all money illegally taken from the taxpayers of this city. You are our lawmakers enforce the law and hold the executive branch accountable! **Keep the sacred oath you swore!**

Robert Camara
Taxpayer/Resident
Chairman Citizens Alliance for Accountability in Government

Attachment "A"

6.29.2021 Fall River City Council

Michelle Dionne asks the question to Corporation Council if a budget can pass if it violates ordinance!

Timeframe: 2:32:50-2:37:16 (Access on You Tube)

6.6.2022 Fall River City Council - Committee on Finance / Special Meeting

Vice President Michelle Dionne has an exchange with the City Administrator about ordinance violation.

Timeframe: 1:26:45-1:29:54 (Access on You Tube)

<https://www.facebook.com/nbc10/videos/828752694232710/>

Mayor Coogan violated his Oath!

Timeframe: 14:00-15:06

<https://fb.watch/dB1KvcF1fw/>

Mayor Coogan "admitted" on camera during his interview with Marc Dion about salaries violating the ordinance

Timeframe: 5:26-7:34

Attachment "B"

Cornell Law School
Legal Information Institute [LII]

Duty of Care

The duty of care requires that the directors inform themselves "prior to making a business decision, of all material information reasonably available to them."

Smith v. Van Gorkem, 488 A. 2nd 858 (1985)

Whether the directors were informed of all material information depends on the quality of the information, the advice available, and whether the directors had "sufficient opportunity to acquire knowledge concerning the problem before action."

Moran v. Household Intern, Inc., 490 A. 2nd 1059 (1985)

Moreover, a director may not simply accept the information presented. Rather, the director must assess the information with a "critical eye," so as to protect the interests of the corporations and stockholders.

Smith v. Van Gorkem, 488 A. 2d 858 (1985).

This article argues that, notwithstanding the proliferation and usefulness of government ethics codes, common law fiduciary-duty principles continue to play an important role in shaping the law of government ethics. Regardless of whether specific rules of government ethics have been adopted, public officials have a broad fiduciary duty to carry out their responsibilities in a manner that is faithful to the public trust that has been reposed in them. The duties of public officials may extend beyond minimal compliance with codified ethics rules. Even if no ethics code has been adopted, or if no code provision is on point, public officials must act in a manner that comports with their common law fiduciary-duty obligations. Government ethics laws, criminal provisions, and other legislative enactments should be interpreted and applied in light of the demanding loyalty obligations that are imposed on public officials as fiduciaries.

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, June 28, 2022 at 5:55 p.m.
Council Chamber, One Government Center

PRESENT: President Pam Laliberte-Lebeau, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara
Michelle M. Dionne, Bradford L. Kilby,
Leo O. Pelletier, Andrew J. Raposo and
Laura-Jean Washington

ABSENT: Councilor Linda M. Pereira

IN ATTENDANCE: Denilson de Freitas Januario, 889 Grinnell Street
Allan Arruda, 869 Grinnell Street
Jason Arruda, 869 Grinnell Street
Alyssa Dailey, 880 Grinnell Street

The President called the meeting to order at 6:02 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the hearing be opened, with Councilor Linda M. Pereira absent and not voting.

Junk Collector and Second Hand:

Denilson de Freitas Januario d/b/a D & M Junk Collector, 889 Grinnell Street, Fall River, MA 02721 for permission to operate as a junk collector and operate and maintain a second hand article store located at 889 Grinnell Street (used vehicles to be sold).

The President asked if there were any proponents and Denilson de Freitas Januario came forward. Mr. Januario spoke only Portuguese, but Councilor Joseph D. Camara agreed to translate for the Council. Mr. Januario stated that he would like to open a business to purchase and sell junk cars. When he first began, he was unaware that he needed a license and that he could not bring any cars to his home. He came before the Council to request a license to properly operate his business. The President asked if there were any opponents and three residents came forward. The first to speak was Allan Arruda, who stated that this is a residential area and allowing this business is causing a raucous in their neighborhood. He continued by informing the Council that tractor trailers are always in the neighborhood causing damage to neighbors' vehicles. Next to speak was Jason Arruda, who reiterated the previous statements. He stated that individuals associated with Mr. Januario's business have been welding in the middle of the street without proper safety equipment. Additionally, trailers have been parked across the street causing issues with access to the neighborhood. Last to speak was Alyssa Dailey, who also stated that the applicant has been attaching license plates from one vehicle to another, there are issues with parking and they are continuously blocking driveways.

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

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be opened, with Councilor Linda M. Pereira absent and not voting

Auto Repair Shop:

Jonathan Manchester, 398 Canedy Street, Fall River, MA d/b/a Manchester Automotive for a license to operate an auto repair shop at 45 Dover Street, on Lot B-21-4, Assessors Plan. The President asked if there were any proponents and no one came forward. The President then asked if there were any opponents and no one came forward.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Michelle M. Dionne, it was unanimously voted that the hearing be closed, with Councilor Linda M. Pereira absent and not voting.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn at 6:18 p.m., with Councilor Linda M. Pereira absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda (attached)
DVD of meeting

A true copy. Attest:


City Clerk

COMMITTEE ON FINANCE

MEETING: Tuesday, June 28, 2022 at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Pam Laliberte-Lebeau, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara,
Michelle M. Dionne, Bradford L. Kilby, Trott Lee,
Leo O. Pelletier and Andrew J. Raposo

ABSENT: Councilor Linda M. Pereira

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Charles Denmead, Acting Director of Community Maintenance

The chair called the meeting to order at 6:18 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.

1. Citizens' Input Time – Before Discussion of Financial Matters:
Richard Barlow, 50 Anderson Street – Mini Splits

The City Clerk read a communication received from a city resident, a copy of which is attached hereto and made a part of these minutes.

Loren Simao, 567 Smith Street – June 14, 2022 City Council Meeting

2. Resolution – Discuss funding for construction of storage area/facility
Charles Denmead stated that a large canopy type structure was purchased in 2016 for \$3,000.00 at a commercial auction in New Hampshire. He further explained that the cost to have the structure erected was greater than the cost of the unit, therefore the unit remains unused. He went on to explain that there is a possibility of having employees assemble the unit, but a good location has not been determined. The City Administrator stated that the unit is being inspected for quality and a good location. Councilor Leo O. Pelletier asked how much available land is located at the former incinerator. He then asked if the area between the sand storage area and the old incinerator is large enough to erect a storage building. The City Administrator stated that area is currently used to store old vehicles. Councilor Leo O. Pelletier then questioned if a vacant large box store with a parking lot would be a good location for vehicle and equipment storage for the City. The City Administrator stated that any of those facilities are subject to environmental issues and the facility would need to be located in Fall River. Councilor Shawn E. Cadime stated that a feasibility study of the Lewiston Street Facility was discussed previously, and he would like to obtain copies of that study. On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Laura-Jean Washington, it was unanimously voted to table the matter, with Councilor Linda M. Pereira absent and not voting.

3. Transfers and appropriations – transfer the sum of \$50,000.00 from Fire, Salaries to Fire Expenses

The City Administrator stated that this transfer is requested to ensure the account will have sufficient funds to pay any remaining invoices for the Fire Department from Fiscal Year 2022.

4. Mayor requesting approval of seven (7) proposals for Bristol County ARPA funding
The City Administrator provided a brief overview of the proposals. He then stated that the Administration has recently hired Kara Humm as the American Rescue Plan Act (ARPA) Director. He explained that the ARPA Director has researched numerous proposals to determine which projects would qualify for Bristol County ARPA funding. The seven proposals to be considered are as follows:

1. Body-Worn Cameras and Compatible Tasers	\$1,522,877.00
2. Graffiti Removal Machine	\$ 75,400.00
3. Pothole and Asphalt Repair Equipment	\$ 122,568.00
4. Street Sweepers	\$ 950,000.00
5. Bioreserve Discovery Center	\$1,365,000.00
6. Blue Water Project	\$ 241,275.00
7. 911 Dispatch Communications System	<u>\$ 305,000.00</u>
TOTAL	<u>\$4,537,120.00</u>

Councilor Bradford L. Kilby stated all of these items have been discussed by the City Council recently and he supports all seven recommendations. Councilor Michelle M. Dionne stated that the City Council has had no input into the spending of ARPA funds. She then stated that she has requested that funds be utilized for water and sewer infrastructure improvements and that such request had not been considered. She also highlighted that the \$1.5 million for Body-Worn Cameras and Compatible Tasers should be funded from the original ARPA funds that the City received in the amount of \$70 million, not this Bristol County ARPA funding. She also outlined that she does not agree that street sweepers are an acceptable use of these funds. Council President Pam Laliberte-Lebeau asked if Bristol County will approve these requests prior to the purchase of any of the equipment. The City Administrator stated that all of the requests will be approved prior to any purchases being made. Councilor Laura-Jean Washington stated that she is very happy to support these requests, as all of the residents will benefit from these items. Councilor Shawn E. Cadime stated that he believes the Bioreserve Discovery Center should be able to be funded with Community Preservation Act (CPA) funds. He then stated that he feels that would be a good use of CPA funds and then \$1.3 million in ARPA funding would be available for additional needs. Councilor Andrew J. Raposo stated that he is in support of the graffiti removal machine, as there is an excessive amount of graffiti in the City that needs to be addressed. He also stated that the street sweepers need to sweep the entire street, not just drive down the center of the street. Therefore, signs must be placed to prohibit parking on the days that sweeping will take place. Councilor Joseph D. Camara stated that with all the new equipment that will be purchased the City will need to hire additional employees. The City Administrator stated that there are some vacant positions that the Administration is looking to fill soon. Councilor Laura-Jean Washington stated that there was a lot of research that was done on these items, prior to submission to the City Council. The City Administrator agreed to contact the ARPA Director to ask whether some of the ARPA funds could be used to purchase air conditioning units for some of the fire stations. Councilor Leo O. Pelletier asked the City Administrator for the time frame for funding approval. The City Administrator stated approximately 4 – 6 weeks.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn at 7:41 p.m., with Councilor Linda M. Pereira absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

Information distributed by Richard Barlow


Clerk of Committees

June 28, 2022

COMMUNICATION

SUBMITTED

FOR

CITIZENS' INPUT

COMMITTEE ON FINANCE

City Council

From: LOREN SIMAO <triland65@comcast.net>
Sent: Tuesday, June 21, 2022 12:58 PM
To: City Council
Subject: [EXTERNAL] Fwd: Citizens input about city council meeting on June 14th
Attachments: CitizensInput2022.docx

----- Original Message -----

From: LOREN SIMAO <triland65@comcast.net>
To: "city_clerks@fallriverma.org" <city_clerks@fallriverma.org>
Date: 06/21/2022 12:38 PM
Subject: Citizens input about city council meeting on June 14th

Hello,

I would like to submit this citizen input to be read at the next city council meeting, I am unable to go in person due to my disability. I have never submitted a public citizen input before, so if I did something wrong or inappropriate, please don't hesitate to let me correct it.

Thank You,

Loren Simao
401-523-7733

My concern at what happened at the City Council meeting on June 14th, 2022

Dear Members of the City Councilor,

I am writing you today with my concern of the horrendous verbal attack that happened at the City Council meeting on June 14th, 2022. As a resident, homeowner, and an active voter, I feel the verbal attack on the city's Madam President by City Councilor Brad Kilby was out of order, inappropriate and not called for. The exact final words from Mr. Kilby's verbal attack were "I have lost faith in your leadership", but the meeting before that he made a statement to add to Counselor Pereira comment about demeaning people in citizen's input. Counselor Pereira made a statement in the June 6th, 2022, meeting before citizen's input that if any citizen starts to demean someone that she hopes Madam President would hit her gavel and take control of the inappropriate comment, she also stated that we don't want our kids to bully and that goes for the adults as well. With that being said, Mr. Kilby added "at times it gets embarrassing", "it becomes defamation and personal attacks are made" and "no naming calling" to which he adds after that, he knows that Madam President will do the right thing, he even emphasizes she will. Moving forward to the June 14th meeting Mr. Kilby does that exact same thing but this time toward the city's Madam President. I feel Mr. Kilby needs to re-evaluate his action towards the City Council's Madam President and publicly apologize and resign, he is not fit to serve the citizens of Fall River with his hypocritical comments, radical behavior, and outbursts.

I also feel that Mr. Camara needs to stop his bullying attacks on the city's Madam President as well, at every meeting he must belittle the way she runs the meeting and the "mind reading" comment is getting old. He mentioned at a previous meeting that he was uncomfortable talking about how many police officers goes to each school in a public forum but has no problem bullying a woman publicly for all to see.

These two men seem to have an issue with the 2nd and 3rd highest position of the city being occupied by women, they have made it so obvious from the beginning. If I were to act or talk that way in a meeting with the mayor or/and city councilors, I know I would be escorted out and told never to return but these two men continue to act this way at every meeting. I understand councilors needs to agree to disagree on matters of the city, but these two men cross the line with their consent verbal attacks on the city's Madam President. We all need to do better especially these two men, if they care enough or get anything from this citizen input, I hope a change in behavior and an apology is made.

I would also like to add this statement directly to Mr. Kilby that if you come at me with "She's a Cliff Ponte supporter" comment like you have to other citizens and therefore is why she wrote this, no Sir you are so wrong. I just pay attention to what goes on within my local government and where my tax dollars go all year long not just during election time.

Thank You

Loren Simao
567 Smith St



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

4a

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

June 27, 2022

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

RECEIVED
2022 JUL - 8 A 10:07
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, June 15, 2022 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

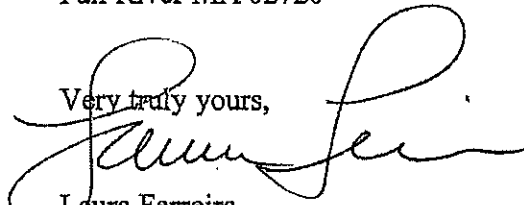
By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Bank Street	North	Starting at a point 98 feet east of Linden Street, for a distance of 20 feet east.

Stephen Orzik
530 Bank Street
Fall River MA 02720

Very truly yours,


Laura Ferreira
Director of Traffic & Parking

OK



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

4a

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

June 27, 2022

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

RECEIVED
2022 JUL -8 A 10:01
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FALL RIVER, MA

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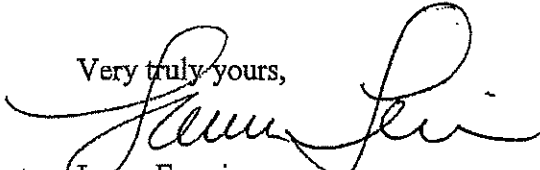
By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Buffinton Street	North	Starting at a point 228 feet east of Carver Street, for a distance of 20 feet east.

Elizabeth Stefanik
160 Buffinton Street
Fall River MA. 02721

Very truly yours,


Laura Ferreira
Director of Traffic & Parking



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

4a

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

June 27, 2022

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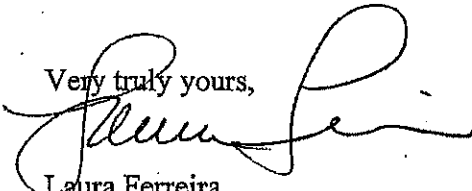
By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Crawford Street	East	Starting at a point 6 feet south of Larouche Street, for a distance of 20 feet south.

Susan Crane
144 Crawford Street
Fall River MA 02724

Very truly yours,


Laura Ferreira
Director of Traffic & Parking



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

4a

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

June 27, 2022

The Honorable City Council
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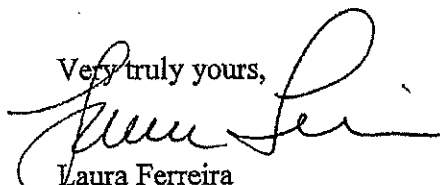
By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Forest Street	East	Starting at a point 198 feet south of Park Street, for a distance of 20 feet south.

Maria Teves
144 Forest Street
Fall River MA, 02721

Very truly yours,


Laura Ferreira
Director of Traffic & Parking

Cx



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

4a

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

June 27, 2022

The Honorable City Council
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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
Oliver Street	North	Starting at a point 125 feet east of South Beach Street, for a distance of 20 feet east.

Maria Sousa
26 Oliver Street
Fall River MA. 02724

Very truly yours,

Laura Ferreira
Director of Traffic & Parking



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

4a

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

June 27, 2022

The Honorable City Council
City of Fall River
One Government Center
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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
Pear Street	West	Starting at a point 135 feet north of Walnut Street, for a distance of 20 feet north.

Lisette Lulbamba
26 Pear Street
Fall River MA, 02720

Very truly yours,

Laura Ferreira
Director of Traffic & Parking



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

4a

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

June 27, 2022

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

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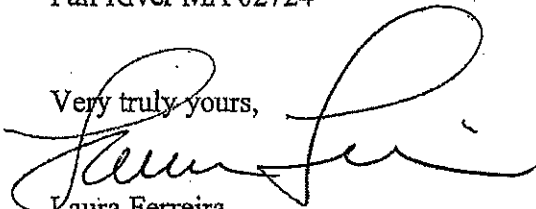
By inserting in proper alphabetical order the following:

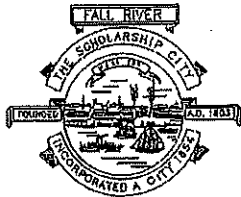
INSERT

Name of Street	Side	Location
Sprague Street	South	Starting at a point 152 feet west of Broadway, for a distance of 20 feet west.

Gene Silvia
387 Sprague Street
Fall River MA 02724

Very truly yours,


Laura Ferreira
Director of Traffic & Parking



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

4a

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

June 27, 2022

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

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Section: 387 **Handicapped Parking**

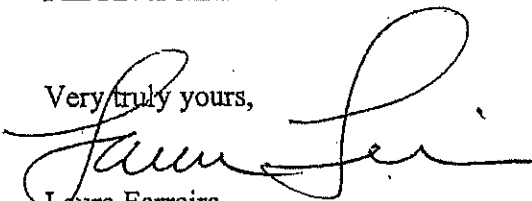
By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Terrace Street	East	Starting at a point 31 feet North of Buffinton Street, for a distance of 20 feet north.

Pauline Rodrigues
394 Buffinton Street
Fall River MA. 02721

Very truly yours,


Laura Ferreira
Director of Traffic & Parking



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

4a

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

June 27, 2022

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

RECEIVED
2022 JUL - 8 A 10:06
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, June 25, 2022 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.

Name of Street	Side	Location
Choate Street	West	Starting at a point 181 feet north of Alden Street for a distance of 20 feet north.

Antonio Ferreira
121 Choate Street
Fall River MA 02723

Very truly yours,

Laura Ferreira
Director of Traffic & Parking

OK



CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division

4a

Paul E. Coogan
Mayor

CITY CLERK
FALL RIVER, MA
JUL - 8 A 10:06
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LAURA FERREIRA
Director of Traffic & Parking

June 27, 2022

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

Honorable Council Members:

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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.

Name of Street	Side	Location
Grant Street	West	Starting at a point 80 feet north of William Street for a distance of 20 feet north.

Delmira Melo
97 Grant Street
Fall River MA 02721

Very truly yours,

Laura Ferreira
Director of Traffic & Parking

CA



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

4a

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

June 27, 2022

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

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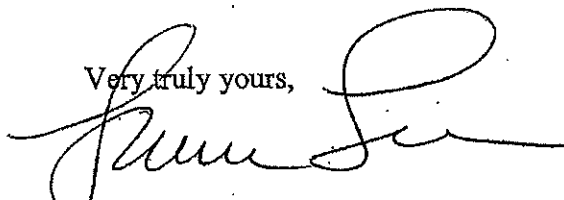
Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

Name of Street	Side	Location
Hargraves Street	South	Starting at a point 28 feet east of Quarry Street for a distance of 20 feet east.

Diane Mathias
3 Hargraves Street
Fall River MA 02723

Very truly yours,


Laura Ferreira
Director of Traffic & Parking





**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

4a

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

June 27, 2022

The Honorable City Council
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Fall River, MA 02722

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FALL RIVER, MA

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

By striking out in proper alphabetical order the following.

Name of Street	Side	Location
North Seventh Street	West	Starting at a point 43 feet south of Franklin Street for a distance of 20 feet south.

Teresinha Arruda
283 Franklin Street
Fall River MA 02720

Very truly yours,

Laura Ferreira
Director of Traffic & Parking

184



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

4a

Paul E. Coogan
Mayor

LAURA FERREIRA
Director of Traffic & Parking

June 27, 2022

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

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Article: 70
Section: 387

Handicapped Parking

By striking out in proper alphabetical order the following.

Name of Street	Side	Location
Washington Street	West	Starting at a point 27 feet north of William Street for a distance of 20 feet north.

Melissa Levesque
315 Washington Street
Fall River MA 02721

Very truly yours,

Laura Ferreira
Director of Traffic & Parking

RECEIVED
2022 JUL -8 A 10:04
CITY CLERK
FALL RIVER, MA

OK