

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK
MEETING:

SPECIAL MEETING OF THE CITY COUNCIL

INÊS LEITE
ASSISTANT CITY CLERK

Tuesday, March 3, 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, Trott Lee,
Leo O. Pelletier, Linda M. Pereira and Andrew J. Raposo

ABSENT: None

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Alan J. Rumsey, Corporation Counsel
Elvio A. Ferreira, Ed.D., Superintendent-Director, Diman Regional
Vocational Technical High School, 251 Stonehaven Road
Gregory A. Brillhante, Esq., Legal Counsel, Greater Fall River Vocational
School District Committee

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.

1. Citizens' Input

Kelly Duarte, 80 Warner Street – Diman Regional Vocational Technical High School
Gregory A. Brillhante, Esq., 111 Oak Grove Avenue – Diman Regional Vocational Technical High School
Marta Montleon, 344 Dunbar Street – Diman Regional Vocational Technical High School
Karl Hetzler, 195 North Ogden Street – Diman Regional Vocational Technical High School

The City Clerk read communications received for citizen input, copies of which are attached hereto and made a part of these minutes.

Deborah M. Kenney, 571 Florence Street – Diman Regional Vocational Technical High School
Steven Kurowski, 1532 Bedford Street – Tax Burden for Senior Property Owners

2. Mayor and veto of City Council vote taken on February 22, 2022 regarding communication from Diman Regional Vocational Technical High School relating to construction of new Diman Regional Vocational Technical High School
Councilor Shawn E. Cadime stated that he is in support of a new Diman Regional Vocational Technical High School, but he does not support a debt exclusion. He highlighted that the City of Fall River was incorporated a City in 1854 and there has been only one debt exclusion in all those years, which was for the new B.M.C. Durfee High School. He then asked if a vote of the City Council is necessary for Diman Regional Vocational Technical High School to apply for a bond. Attorney Gregory A. Brillhante stated that is not necessary as Diman Regional Vocational Technical High School will apply for the bond and not the City of Fall River. He then explained

that the City of Fall River will in turn pay for their portion of the loan, through the payment of the assessment. Corporation Counsel stated that his interpretation is since the City of Fall River will be responsible for approximately \$111 million dollars, then there should be a special election to allow the voters of the City to approve or disapprove the request. He then mentioned that this project will cost the City approximately \$6.5 million dollars per year for the next 30 years which is a significant debt. Councilor Shawn E. Cadime then stated that last week a vote of the City Council was taken and the project was approved. Councilor Michelle M. Dionne stated that the project was approved by a vote of the City Council, but there still needs to be a plan as to how the City will pay for the debt. Councilor Trott Lee stated that it is rare to see so much passion for a project, which is good. He then stated that he does not believe that voters would not understand if such question is placed on the ballot at a special election. Councilor Shawn E. Cadime stated that the problem is that most residents do not understand the implications of a debt exclusion. Councilor Andrew J. Raposo asked if the cost of this could be placed in the operating budget and be affordable. The City Administrator stated not in his opinion.

Council President Pam Laliberte-Lebeau left the podium at 8:43 p.m. to ask questions.

The City Administrator provided a brief overview of the Five Year Debt Forecast. He then stated that \$10 million dollars is used as a debt ceiling, for affordability purposes of the budget. Attorney Gregory A. Brilhante stated that if the proposal to build a new high school were to be denied, then repairs and upgrades will need to be made to the current building. Councilor Joseph D. Camara stated that repairs and upgrades are not eligible for reimbursement. Councilor Leo O. Pelletier stated that the City of Fall River has built many schools throughout the years and has received millions of dollars from the Commonwealth. He then stated that the repairs and upgrades that the current building needs will cost approximately \$145 million dollars, with no reimbursements from the state which doesn't seem like a good option. Corporation Counsel stated that since the amount is significant, a special election is required to bond. Councilor Shawn E. Cadime stated that the City is not bonding for this project, they are only paying their assessment. Council President Pam Laliberte-Lebeau stated that she wants to support the project but is concerned with the cost to the City. She then asked if Councilor Joseph D. Camara recalled how much was bonded for the various schools that were built through the years and he said the cost of projects such as this one increase over time and as such this project should begin soon.

Council President Pam Laliberte-Lebeau returned to the podium at 9:47 p.m.

Councilor Trott Lee stated that a new facility will cost the City approximately \$111 million dollars, but the cost of repairs and upgrades will be significantly more with no reimbursement. Councilor Joseph D. Camara asked what needs to be addressed in the current building. Attorney Gregory A. Brilhante stated that the roof needs to be replaced, boilers are approximately 60 years old and the foundation is disintegrating. He then mentioned that the school has five lunch periods beginning at 10:30 a.m. in order to accommodate the approximately 1,400 students. Councilor Shawn E. Cadime stated that the City should not have to bond for this project, but the Administration may have to make cuts in other areas of the budget in order to have a balanced budget. Attorney Gregory A. Brilhante stated that if the building of a new high school was contingent on the debt exclusion vote and that vote failed that would be a disapproval, but Diman Regional Vocational Technical High School would still have the ability to use M.G.L., Chapter 61, Section N and have a regional vote. He then stated that if the regional vote is approved then the City would have to find funding within the budget to pay the assessment because the City would not be able to try for another debt exclusion. Corporation Counsel stated that if Chapter 61, Section N is used then the debt would be created by a regional vote

and would not require a vote of the City Council, therefore Section 2-131 of the Code of Fall River would not apply. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was unanimously voted that the veto be laid on the table in accordance with the Charter.

3. Order and warrant scheduling Special Election for April 11, 2022
Council President Pam Laliberte-Lebeau asked Corporation Counsel whether the City Council is in agreement that the matter needs to be brought to the residents for a vote due to the ordinance, but the City Council only wants a yes or no vote without a funding mechanism, would the second sentence in the second paragraph need to be deleted. Corporation Counsel stated that it would. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Trott Lee, it was voted 7 yeas, 2 nays to deny the order, with Councilors Michelle M. Dionne and Bradford L. Kilby voting in the negative. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was voted 9 yeas that the warrant scheduling a special election be granted leave to withdraw.

4. Order designating polling places
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was voted 9 yeas that the order be granted leave to withdraw.

5. Order – Ballot Question re: Diman Regional Vocational Technical High School
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was voted 9 yeas that the order be granted leave to withdraw.

On a motion made by Councilor Andrew J. Raposo and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn at 10:33 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

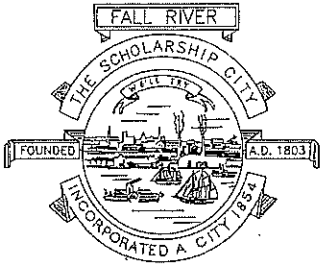
Citizen input statements

Five Year Debt Forecast submitted by the City Administrator

A true copy. Attest:



City Clerk



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2022 MAR -1 P 4:56

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

SPECIAL MEETING OF THE CITY COUNCIL

THURSDAY, MARCH 3, 2022 AT 7:00 P.M.

CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

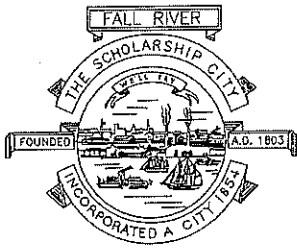
AGENDA

1. Citizen Input
2. Mayor and veto of City Council vote taken on February 22, 2022 regarding communication from Diman Regional Vocational Technical High School relating to construction of new Diman Regional Vocation Technical High School
3. Order and warrant scheduling Special Election for April 11, 2022
4. Order designating polling places
5. Order – Ballot Question re: Diman Regional Vocational Technical High School

Alison M. Bouchard
City Clerk

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

One Government Center • Fall River, MA 02722
TEL 508-324-2220 • FAX 508-324-2211 • EMAIL city_clerks@fallriverma.org



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2022 MAR -1 P 4: 13

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

March 1, 2022

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

Madam President and Members of the Honorable Council:

Please find attached to this communication my disapproval and veto of the February 22, 2022 vote taken by this Council relative to the communication from the Superintendent of the Diman Regional Vocational Technical High School.

I am exercising my prerogative to disapprove the vote and return the matter, along with the reasons for my disapproval, to the Council for reconsideration. As grounds for this veto, it is the position of this Administration that any vote for the City to incur a debt obligation in excess of \$5,000,000.00 must be ratified by a majority of the voters. I do not believe that the vote that took place on February 22, 2022 made provision for such a City-wide vote.

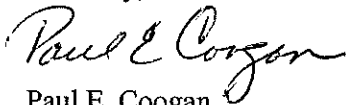
As a starting point, please understand that personally, I categorically support the mission of Diman and I support any initiative, including this project, which helps to advance that mission. However, as much as I support Diman, I also agree with the sentiments expressed by many Council members during the February 22 debate that the process of approving and funding the Diman project must be completely transparent and accessible to the residents of Fall River. This veto reflects my firm belief that the voters should have a voice in how this project proceeds and gets funded.

As a matter of law, under Fall River's form of government, the process whereby a regional school committee seeks approval for a project such as this one, necessarily bypasses the Mayor's office. As such, on February 22, my administration attempted to refrain from taking any position that might have swayed the Council's position one way or the other. For the same reason, I did not send down an order on which the Council could have voted. Unfortunately, those restraints imposed on the Administration by this unusual process led to some confusion and resulted in no provision being made for the subsequent special election necessary to ratify the vote of the Council.

Because Fall River's proposed share of the Diman project is in excess of \$5,000,000.00, the City Council's approval to support and fund the construction of a new Diman necessarily requires ratification by a majority of the voters. For that reason, along with my disapproval of the February 22, vote, I am submitting to the City Council a proposed order asking the Council to disapprove of the Diman appropriation in order to authorize a special election on April 11, 2022 during which the registered voters of the City of Fall River might decide the matter.

I am also submitting a proposed ballot question to be used in the special election. The question asks the voters to approve the Diman project by also authorizing the City to fund its share of the cost of the Diman project via a Proposition 2 ½ debt exclusion. It is the opinion of this Administration that even with certain now-existing debt coming off in future years, there is no way to fund the City's share of this project without a temporary additional assessment on Fall River real estate taxes. I believe that any attempt to pay the City's share of this project without additional revenue from a debt exclusion would require cuts to City personnel and services.

Sincerely,

A handwritten signature in cursive script that reads "Paul E. Coogan". The signature is written in black ink and is positioned to the left of the typed name.

Paul E. Coogan
Mayor

PC/amos

ORDER

Upon consideration of the Greater Fall River Vocational School District Committee's vote to approve an appropriation in the amount of \$293,479,760 for the construction of a new Diman Regional Vocational Technical High School, the City Council of Fall River states as follows:

Pursuant to 2-131 of the Code of the City of Fall River, City Council must DISAPPROVE of the Greater Fall River Vocational School District Committee's proposed appropriation until receiving approval from the voters. This vote of the City Council will automatically change to an APPROVAL of the project if the majority of voters approve of an exemption from the provisions of Proposition two-and-one-half.

A Special Election will take place in the City of Fall River on April 11, 2022 for the sole purpose of determining if the voters of Fall River will approve of an exemption from the provisions of Proposition two-and-one-half, which is deemed necessary to pay for the bonds issued to build a new Diman Regional Vocational Technical High School.

List of Wards, Precincts and Polling Places

Ward	Prnct	Polling Place Name	Polling Place Address
1	A	ALFRED LETOURNEAU SCHOOL	323 ANTHONY ST
	B	EDWARD F. DOOLAN APTS	CORNER OF LAUREL & MITCHELL DR
	C	ALFRED LETOURNEAU SCHOOL	323 ANTHONY ST
2	A	BLESSED TRINITY CHURCH	1340 PLYMOUTH AVE (ENTRANCE ON WINTHROP ST)
	B	BLESSED TRINITY CHURCH	1340 PLYMOUTH AVE (ENTRANCE ON WINTHROP ST)
	C	CANDEIAS-NIAGARA FIRE STA	CORNER PLYMOUTH AVE & WARREN ST
3	A	MITCHELL APARTMENTS	2100 SOUTH MAIN ST
	B	CARLTON M VIVEIROS SCHOOL	200 LEWIS ST
	C	MATTHEW J KUSS MIDDLE SCH	ENTRANCE ON SHAW ST
4	A	FRANK B. OLIVEIRA APTS	170 WILLIAM ST
	B	JAMES A. O'BRIEN APTS	MORGAN & SECOND STS
	C	THE ATRIUM AT GOV'T CTR	ENTRANCE ON SULLIVAN DR
5	A	CANDEIAS-NIAGARA FIRE STA	CORNER PLYMOUTH AVE & WARREN ST
	B	CHOR BISHOP EID APTS	33 QUEQUECHAN ST
	C	MARY L. FONSECA SCHOOL	160 WALL ST
6	A	FRANCIS J. BARRESI HTS	1863 PLEASANT ST
	B	GEORGE H. COTTELL HTS	1685 PLEASANT ST
	C	RENEY/EASTWOOD FIRE STA	400 EASTERN AVE
7	A	UNION UNITED METH CHURCH	600 HIGHLAND AVE
	B	THE ATRIUM AT GOV'T CTR	ENTRANCE ON SULLIVAN DR
	C	RAYMOND D. HOLMES APTS	ENTRANCE ON FULTON ST
8	A	MARY L. FONSECA SCHOOL	160 WALL ST
	B	CARDINAL MEDEIROS TOWERS	1197 ROBESON ST (ENTRANCE ON STANLEY ST)
	C	SPENCER BORDEN SCHOOL	ENTRANCE ON CHESTNUT ST
9	A	JAMES TANSEY SCHOOL	711 RAY ST
	B	CALVARY TEMPLE ASSEM OF G	4321 NORTH MAIN ST
	C	CALVARY TEMPLE ASSEM OF G	4321 NORTH MAIN ST

Total Number of Polling Places: 27
No. Pages of Printed: 1

*** End of Report ***

BALLOT QUESTIONS

Shall the City of Fall River be allowed to exempt from the provisions of Proposition two-and-one-half, the amounts required to pay for the bonds issued in order to build a new Diman Regional Vocational Technical High School?

_____ Yes

_____ No

MARCH 3, 2022

COMMUNICATIONS

SUBMITTED

FOR

CITIZENS' INPUT

SPECIAL MEETING OF THE

CITY COUNCIL

To the members of the Fall River City Council, the City administration, and all citizens of Fall River:

As a member and chair of the Diman Outreach Committee, I respectfully ask for your strong support for the opportunity our district has before us. After many years of waiting and making do, the Diman Regional Vocational Technical High School has the opportunity to receive up to \$149 million in state funds to replace our old and tired building.

This is an amazing deal for the district and will benefit our students and our economy and all of us as taxpayers for the years to come. There are many reasons to support it – here are just a few.

1. Major repairs for the roof, the heating system, and asbestos removal is estimated at \$156-161 million dollars. The cost for repairs would be entirely born by the district, which will result in increased assessment to members of the district. There will be no state funds available for these required repairs. These repairs will not address the deficits of space, safety, or the educational program.
2. Diman provides direct support to our region's economy because it produces the skilled workforce local businesses need. The graduates are the healthcare professionals, electricians, plumbers, machinists, carpenters, and more, that we depend on. Our local businesses rely on Diman grads who have the training and experience with the most up to date technology. Your support of a new Diman invests in all our futures.
3. If we say no to this generous grant from the state, we start the process from the beginning, abandoning the years invested to get to this point. And pundits say that grants will be smaller and even more competitive in the future. And we will still have to pay for the major repairs the building now needs with no help from the state.

As we have said in many different places, it is our turn – the Southcoast's turn. The Commonwealth has supported school buildings all over the state, and now they are offering Diman this great opportunity. We can't afford to let it pass us by. The new Diman was carefully designed to maximize the state funds and provide this region with an educational facility that will address our needs for years to come. This is the smartest investment we can make. Don't let it pass us by.

Thank you.



Respectfully,

Deborah M. Kenney, Chair
Diman Outreach Committee

City Council

From: Steven Kurowski <steven55k@yahoo.com>
Sent: Wednesday, March 2, 2022 6:54 PM
To: City Council
Cc: Mayor; Michelle Dionne; Carole Fiola; Michael Rodrigues; Shawn Cadime (GMAIL); Laliberte-Lebeau, Pamela
Subject: [EXTERNAL] (Please Read at next city council)Funding for New Diman Regional Vocational High School / Tax Burden for Senior Property Owners

Greetings

I represent some of the senior property owners that reside here on Stonehaven Road/ Bedford Street.

> We are part of the senior population that have limited financial budget to insure we have enough of money to pay for increases in water, sewer, stormwater recently approved by the city council. Never mind for the increase In the cost for food ,medical , electric and oil to heat my home.

We cannot continue to approve the expansion of Diman Regional Vocational High School without exploring options of a satellite campus elsewhere and securing more grants, State and Federal Funding. We need more financial responsibility to protect the property owners so the elderly can keep their homes. Our Mayor, city councilors, state representatives, Diman Regional School Committee members, administrators must secure private funding from corporate businesses Amazon run by Jeff Bezos, Apple Melinda and Bill Gates Foundation, Tesla run by Elon Musk , Comcast, Cumberland Farms, Home Depot, T-Mobile, Wind and Solar Energy companies.

We cannot continue to burden our citizens and elderly property owners.

Please consider the financial impact to the taxpayers in Fall River.

Sincerely,

Steven Kurowski

(1532 Bedford Street)

Fall River, Massachusetts

Sent from my iPhone

City Council

From: City Council
Sent: Thursday, March 3, 2022 11:43 AM
To: 'Steven Kurowski'
Subject: RE: [EXTERNAL] (Please Read at next city council)Funding for New Diman Regional Vocational High School / Tax Burden for Senior Property Owners
Attachments: Citizens Input Time 3-9-20.pdf

Dear Mr. Kurowski,

I have attached a copy of the guidelines establishing Citizens Input Time. These rules were established to allow residents the opportunity to attend meetings of the City Council and discuss matters relating to city government.

In 2017, the rules were amended to permit residents with disabilities who are unable to attend a meeting to forward their comments via email or regular mail allowing their communication to be read during Citizen Input time.

Since July 1, 2021, and since Covid restrictions have been lifted, meetings of the City Council have been open to the public.

Your email will be shared with members of the City Council, but if you wish to deliver remarks in person, you are welcome to appear at 7:00 pm this evening.

Thank you.

Colleen A. Taylor
Clerk of Committees
City Council Office
One Government Center
Fall River, MA 02722

Tel: 508-324-2233
Fax: 508-324-2234

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

From: Steven Kurowski [mailto:steven55k@yahoo.com]
Sent: Wednesday, March 2, 2022 6:54 PM
To: City Council <City_Council@fallriverma.org>
Cc: Mayor <mayor@fallriverma.org>; Michelle Dionne <mdionne2019@yahoo.com>; Carole Fiola <carole.fiola@mahouse.gov>; Michael Rodrigues <michael.rodrigues@masenate.gov>; Shawn Cadime (GMAIL) <scadime.citycouncil@gmail.com>; Laliberte-Lebeau, Pamela <Pam.Laliberte-Lebeau@fallriverma.org>
Subject: [EXTERNAL] (Please Read at next city council)Funding for New Diman Regional Vocational High School / Tax Burden for Senior Property Owners

Greetings

I represent some of the senior property owners that reside here on Stonehaven Road/ Bedford Street.
> We are part of the senior population that have limited financial budget to insure we have enough of money to pay for increases in water, sewer, stormwater recently approved by the city council. Never mind for the increase in the cost for food, medical, electric and oil to heat my home.

We cannot continue to approve the expansion of Diman Regional Vocational High School without exploring options of a satellite campus elsewhere and securing more grants, State and Federal Funding. We need more financial responsibility to protect the property owners so the elderly can keep their homes. Our Mayor, city councilors, state representatives, Diman Regional School Committee members, administrators must secure private funding from corporate businesses Amazon run by Jeff Bezos, Apple Melinda and Bill Gates Foundation, Tesla run by Elon Musk , Comcast, Cumberland Farms, Home Depot, T-Mobile, Wind and Solar Energy companies.

We cannot continue to burden our citizens and elderly property owners.

Please consider the financial impact to the taxpayers in Fall River.

Sincerely,

Steven Kurowski

(1532 Bedford Street)

Fall River, Massachusetts

Sent from my iPhone