

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

REGULAR MEETING OF THE CITY COUNCIL

MEETING: May 28, 2024, at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Joseph D. Camara, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne, Paul B. Hart,
Bradford L. Kilby, Linda M. Pereira, Cliff Ponte, Andrew J. Raposo
and Laura-Jean Sampson

ABSENT: None

IN ATTENDANCE: Daniel Aguiar, City Engineer/Planner

President Camara called the meeting to order at 7:02 p.m. and Councilor Dionne read aloud a letter honoring Manuel Carvalho and Joseph Lima, two World War II veterans from Fall River who had recently passed away, prior to a moment of silence. This was followed by a salute to the flag and President Camara announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor and order establishing spending limits of Revolving Funds for Fiscal Year 2025
On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted to adopt the order.
Approved, May 29, 2024
Paul E. Coogan, Mayor

2. Mayor requesting confirmation of the appointment of Andrew Howayeck to the
Sewer Commission
Vice President Pereira requested clarification as to whether the appointee had significant experience regarding the wastewater process. President Camara stated that there had been a resignation from the Sewer Commission, and this appointment was to fill that vacancy. On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to confirm the appointment.

PRIORITY COMMUNICATIONS

Requested Responses from Corporation Counsel:

3. Legal Opinion re the creation of a proposed ordinance related to the Appointment
of Constables
Councilor Ponte requested clarification regarding the request for this proposed ordinance and Vice President Pereira provided a brief explanation regarding issues with constable appointments and reappointments under previous administrations.

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted that the legal opinion be accepted and placed on file.

4. Legal Opinion re the creation of a proposed ordinance related to the Armory Commission

A motion was made by Councilor Raposo and seconded by Vice President Pereira, that the legal opinion be accepted and placed on file. Councilor Dionne stated that she disagreed with this legal opinion as there is a current ordinance that states that the Board of Park Commissioners has power regarding the use and promotion of the Bank Street Armory. Councilor Dionne explained that the existing ordinance should be amended to provide that power to the Historical Commission and Vice President Pereira agreed. On a motion made by Councilor Dionne and seconded by Vice President Pereira, it was unanimously voted to refer the legal opinion to the Committee on Ordinances and Legislation.

5. Communication regarding the following two items:

- Proposed ordinance amendment re One Year Demolition Delay for City-Owned Property
- Legal opinion re the creation of a proposed ordinance related to Deed Restrictions on Sale of City-Owned Property over fifty years old.

On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinances and Legislation. On a further motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to refer the legal opinion to the Committee on Ordinances and Legislation.

6. Traffic Commission recommending amendments to the traffic ordinances

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to refer the recommendations to the Committee on Ordinances and Legislation.

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

7. Proposed Ordinance – Traffic, handicapped parking
- Cambridge Street, North, 74 feet west of Smith Street
 - Charles Street, North, 24 feet east of South Main Street
 - Freedom Street, North, 64 feet west of South Main Street
 - Globe Street, North, 200 feet east of Bay Street
 - Linden Street, West, 85 feet north of Walnut Street

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was voted 9 yeas to adopt the emergency preamble. On a further motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted that the proposed ordinance be passed through first reading, second reading, passed to be enrolled and passed to be ordained.

Approved, May 29, 2024

Paul E. Coogan, Mayor

First Reading

8. Proposed Ordinance – Engineering Department permit fees

On a motion made by Councilor Raposo and seconded by Councilor Cadime, it was unanimously voted that the proposed ordinance be passed through first reading.

9. Proposed Ordinance – Minimum housing and municipal organizational structure
On a motion made by Councilor Cadime and seconded by Councilor Kilby, it was voted that the proposed ordinance be passed through first reading, with Councilor Raposo opposed.

ORDINANCES

Second Reading and Enrollment

10. Proposed Ordinance – Traffic, miscellaneous

Handicapped parking removals:

- Bedford Street, North, 338 feet west of Covell Street
- Fountain Street, East, 249 feet north of Columbia Street.
- Rockland Street, South, 60 feet west of South Main Street.
- South Main Street, West, 237 feet south of Woodman Street.
- William Street, South, 107 feet west of Washington Street.

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment. On a further motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the proposed ordinance be passed through ordination.

Approved, May 29, 2024

Paul E. Coogan, Mayor

11. Proposed Ordinance – Zoning Map Amendment re Waterfront Transit-Oriented Development District (WTOD)

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment. On a further motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted that the proposed ordinance be passed through ordination.

Approved, May 29, 2024

Paul E. Coogan, Mayor

RESOLUTIONS – None

CITATIONS

12. Gloria Souza – Retirement after 17 years of service to the City of Fall River

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adopt the citation.

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

13. Police Chief's report on license:

Taxicab Drivers

Justin L. Hollis Darrell Lang Maurice Mack Joyel Williams

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adopt the order.

14. Auto Repair Shop License Renewal:

Jonathan Manchester, Manchester Automotive – 67 Kay Street

On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to adopt the order.

Approved, May 29, 2024

Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

15. Claims

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to refer the claims to Corporation Counsel.

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

Councilor Ponte requested clarification regarding the anticipated size of this street opening. On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to waive the rules to allow the City Engineer/Planner to answer questions. Daniel Aguiar, City Engineer/Planner, provided a summary of the project, which would allow a property on Kennedy Street to be connected to the sewer lines. Mr. Aguiar explained that there would be a ten-foot patch, curb to curb, following the connection of this singular utility. Councilor Ponte asked who would be held accountable for the quality of this work and Mr. Aguiar explained that the drainlayer who will work on this street opening is bonded and insured. On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to approve the request.

Approved, May 29, 2024

Paul E. Coogan, Mayor

17. Structure on or over a public way applications for St. Anthony of the Desert Maronite Church to hang street banners (30 feet x 3 feet) from June 30, 2024, to August 12, 2024 in the following locations:

- a. Pleasant Street, near the Fall River Police Department
- b. Bedford Street and Troy Street corner, near the Central Fire Station
- c. South Main Street, near The Cultural Center

President Camara stated that he would be participating in the church-sponsored event that the banners would be advertising, and therefore he would be abstaining from this vote. On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to approve the applications, with President Camara abstaining.

18. Drainlayer Licenses:

GT Excavating Corporation
HM Lopes, LLC
Jones Excavating, LLC
K.R. Rezendes, Inc.
R.W. Bryant Contracting, Inc.
J.R.D., Inc.

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to approve the drainlayer licenses.

Approved, May 29, 2024

Paul E. Coogan, Mayor

19. Zoning Board of Appeals Minutes

March 16, 2023	April 20, 2023	May 18, 2023	June 15, 2023
July 20, 2023	August 17, 2023	September 21, 2023	October 19, 2023
November 16, 2023	December 21, 2023	January 18, 2024	February 15, 2024

On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted that the Zoning Board of Appeals minutes be accepted and placed on file.

City Council Minutes

20. Committee on Finance – May 14, 2024

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to approve the Committee on Finance minutes.

21. City Council – May 14, 2024

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to approve the City Council minutes.

BULLETINS – NEWSLETTERS – NOTICES – None

ITEMS FILED AFTER THE AGENDA DEADLINE **CITY COUNCIL MEETING DATE: MAY 28, 2024**

PRIORITY MATTERS

2a. Mayor and confirmation of the reappointment of John Brandt to the

Community Preservation Committee (Conservation Commission designee)

Vice President Pereira commended Community Preservation Committee Chair John Brandt for his hard work and dedication to the Community Preservation Committee. On a motion made by Vice President Pereira and seconded by Councilor Ponte, it was unanimously voted to confirm the reappointment.

2b. Mayor and proposed ordinance re Trolley Operating Fees

Councilor Dionne expressed concern regarding the ticket fees for small children and Councilor Raposo expressed similar concerns regarding the ticket fees for daily rentals, as that it would place a large financial burden on schools who may want to rent the vehicle. On a motion made by Vice President Pereira and seconded by Councilor Ponte, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinances and Legislation.

PRIORITY COMMUNICATIONS

6a. Director of Financial Services re: quotes for annual independent audit from the following:

a. Marcum, LLP

b. Hague, Sahady & Co.

c. Roselli, Clark and Associates

A motion was made by Councilor Kilby and seconded by Councilor Hart to refer the item to the Committee on Finance. Vice President Pereira stated that she was ready to vote based on the provided recommendations regarding the quotes. Councilor Kilby withdrew his motion to refer the item to the Committee on Finance. Councilor Ponte expressed concern regarding the lack of discussion prior to choosing an auditing firm and stated that clarification was needed regarding the legal opinion that was provided, as the City Council had not requested a legal opinion from Corporation Counsel. Councilor Cadime emphasized that ultimately, the recommended firm was also the lowest bidder and has experience with performing the audit for the City. A lengthy discussion was held between President Camara, Councilor Cadime, Councilor Dionne, Councilor Ponte and Councilor Sampson regarding the legal opinion from Corporation Counsel, which stated that one of the auditing firms that had placed a bid was not eligible to perform this service, as one of the partners served as the Chief Financial Officer for the City of Fall River in the past. A motion was made by Councilor Cadime and seconded by Vice President Pereira to adopt the recommendation and President Camara requested a roll call vote. Councilors Cadime, Hart, Kilby and Vice President Pereira voted in the affirmative, Councilor Dionne voted

in the negative, and Councilor Ponte objected to the motion. As a result, the matter was laid on the table in accordance with the Charter.

OTHER POTENTIAL MATTERS TO BE ACTED UPON (if received):

COMMITTEE REPORTS

Committee on Finance recommending action:

9a. Order requesting approval of a ten-year contract for the operation, maintenance, and management of the Wastewater Treatment Facilities and Collection Systems
Vice President Pereira stated that she would not be supporting this contract, and that the length of ten years is too long for this type of agreement. On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was voted 8 yeas, 1 nay, to adopt the order, with Vice President Pereira voting in the negative.

A recess was held from 7:49 p.m. to 7:52 p.m. for the purpose of signing the proposed ordinances.

On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted to adjourn at 7:52 p.m.

List of documents and other exhibits used during the meeting:
Agenda packet (attached)

A true copy. Attest:

Alison M. Bauchard

City Clerk

In City Council, June 11, 2024
Approved.



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2024 MAY 24 A 9:34

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

ORIGINAL POSTING: MAY 23, 2024 AT 11:25 A.M.
CITY CLERK
FALL RIVER, MA

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
MAY 28, 2024
REVISED AGENDA

5:45 P.M. CITY COUNCIL COMMITTEE ON REAL ESTATE MEETING

6:30 P.M. CITY COUNCIL COMMITTEE ON FINANCE MEETING (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON REAL ESTATE MEETING IF IT RUNS PAST 6:30 P.M.)

1. Citizen Input
2. *Order requesting approval of a ten-year contract for the operation, maintenance, and management of the Wastewater Treatment Facilities and Collection Systems (referred 5-14-2024)

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 and order establishing spending limits of Revolving Funds for Fiscal Year 2025
2. *Mayor requesting confirmation of the appointment of Andrew Howayeck to the Sewer Commission

PRIORITY COMMUNICATIONS

Requested Responses from Corporation Counsel:

3. *Legal Opinion re the creation of a proposed ordinance related to the Appointment of Constables
4. *Legal Opinion re the creation of a proposed ordinance related to the Armory Commission
5. *Communication regarding the following two items:
 - Proposed ordinance amendment re One Year Demolition Delay for City-Owned Property
 - Legal opinion re the creation of a proposed ordinance related to Deed Restrictions on Sale of City-Owned Property over fifty years old.
6. *Traffic Commission recommending amendments to the traffic ordinances

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

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

7. *Proposed Ordinance – Traffic, handicapped parking
 - Cambridge Street, North, 74 feet west of Smith Street
 - Charles Street, North, 24 feet east of South Main Street
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 - Linden Street, West, 85 feet north of Walnut Street
- First Reading
8. *Proposed Ordinance – Engineering Department permit fees
9. *Proposed Ordinance – Minimum housing and municipal organizational structure

ORDINANCES

Second Reading and Enrollment

10. *Proposed Ordinance – Traffic, miscellaneous
Handicapped parking removals:
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11. *Proposed Ordinance – Zoning Map Amendment re Waterfront Transit-Oriented Development District (WTOD)

RESOLUTIONS – None

CITATIONS

12. Gloria Souza – Retirement after 17 years of service to the City of Fall River

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

13. Police Chief's report on license:
Taxicab Drivers
Justin L. Hollis Darrell Lang Maurice Mack Joyel Williams
14. Auto Repair Shop License Renewal:
Jonathan Manchester, Manchester Automotive – 67 Kay Street

COMMUNICATIONS – INVITATIONS – PETITIONS

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19. Zoning Board of Appeals Minutes
- | | | | |
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20. *Committee on Finance – May 14, 2024
21. *City Council – May 14, 2024

BULLETINS – NEWSLETTERS – NOTICES – None


City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: MAY 28, 2024

PRIORITY MATTERS

- 2a. *Mayor and confirmation of the reappointment of John Brandt to the Community Preservation Committee (Conservation Commission designee)
- 2b. *Mayor and proposed ordinance re Trolley Operating Fees

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- 6a. *Director of Financial Services re: quotes for annual independent audit from the following:
- a. Marcum, LLP
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ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650

OTHER POTENTIAL MATTERS TO BE ACTED UPON (if received):

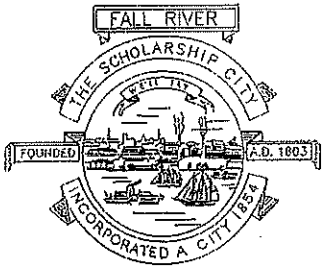
COMMITTEE REPORTS

Committee on Real Estate recommending action:

- Order requesting authorization for Mayor to transfer three (3) parcels of vacant land currently held as Tax Possessions to the Watuppa Water Board

Committee on Finance recommending action:

- Order requesting approval of a ten-year contract for the operation, maintenance, and management of the Wastewater Treatment Facilities and Collection Systems



City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2024 MAY 23 A 11: 25

ALISON M. BOUCHARD
CITY CLERK

CITY CLERK _____
FALL RIVER, MA

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
MAY 28, 2024
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PRIORITY MATTERS

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First Reading

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ORDINANCES

Second Reading and Enrollment

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11. *Proposed Ordinance – Zoning Map Amendment re Waterfront Transit-Oriented Development District (WTOD)

RESOLUTIONS – None

CITATIONS

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ORDERS – HEARINGS – None

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13. Police Chief's report on license:
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COMMUNICATIONS – INVITATIONS – PETITIONS

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BULLETINS – NEWSLETTERS – NOTICES – None


City Clerk

OTHER POTENTIAL MATTERS TO BE ACTED UPON (if received):

COMMITTEE REPORTS

Committee on Real Estate recommending action:

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Committee on Finance recommending action:

- Order requesting approval of a ten-year contract for the operation, maintenance, and management of the Wastewater Treatment Facilities and Collection Systems



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

RECEIVED

2024 MAY 15 A 10:20

PAUL E. COOGAN
Mayor

CITY CLERK
FALL RIVER, MA

May 15, 2024

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

Dear Council President and Members of the Honorable Council:

Massachusetts General Laws Chapter 44, § 53E½ require spending limits be established for revolving funds for use by the City, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities.

Your approval of the associated appropriation order is respectfully requested.

Ordered, that under the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½, the City of Fall River by vote of the City Council, hereby establishes authorized spending limits for the following Revolving Funds for FY 25:

Fire Department	\$20,000	Hazardous Material Recovery
Community Services	\$50,000	Cleaning & Securing Buildings
Community Services	\$200,000	Demolition
Community Maintenance	\$10,000	Home Composting
Community Maintenance	\$10,000	Solid Waste – Recycling Recovery
Community Maintenance	\$40,000	Trolley & handicap Bus
Community Maintenance	\$25,000	Street Light Poles Repairs/Replacement
Facilities Maintenance	\$50,000	Vehicle Trade-In
Police Department	\$6,000	Moorings Maintenance
Police Department	\$40,000	Police Cruiser
School Dept	\$100,000	Summer Tuition
School Dept	\$125,000	Athletic Events
School Dept	\$25,000	Music Revolving

One Government Center • Fall River, MA 02722

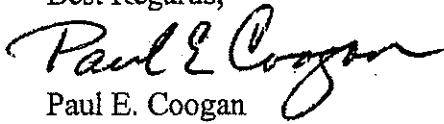
TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL mayor@fallriverma.org

1

School Dept	\$5,000	School Store
School Dept	\$250,000	Daycare Services
School Dept	\$175,000	School Buildings Use
CVTE Revolving Fund	\$350,000	Durfee High School

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

Best Regards,



Paul E. Coogan
Mayor

RECEIVED

2024 MAY 15 A 10:21

CITY CLERK _____
FALL RIVER, MA

City of Fall River, *In City Council*

Ordered, that under the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½, the City of Fall River by vote of the City Council, hereby establishes authorized spending limits for the following Revolving Funds for FY 25:

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Community Maintenance	\$40,000	Trolley & handicap Bus
Community Maintenance	\$25,000	Street Light Poles Repairs/Replacement
Facilities Maintenance	\$50,000	Vehicle Trade-In
Police Department	\$6,000	Moorings Maintenance
Police Department	\$40,000	Police Cruiser
School Dept	\$100,000	Summer Tuition
School Dept	\$125,000	Athletic Events
School Dept	\$25,000	Music Revolving
School Dept	\$5,000	School Store
School Dept	\$250,000	Daycare Services
School Dept	\$175,000	School Buildings Use
CVTE Revolving Fund	\$350,000	Durfee High School



City of Fall River
Massachusetts
 Office of the Mayor

PAUL E. COOGAN
Mayor

May 23, 2024

RECEIVED
 2024 MAY 20 A 11:21

CITY CLERK
 FALL RIVER, MA

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

Dear Council President and Members of the Honorable Council:

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

Name: Andrew Howayeck

Address 30 Third Street, Apt #304
 Fall River, MA 02720

Position: Sewer Commission

Expiration: May 22, 2029

Sincerely,

Paul E. Coogan
 Mayor

PC/amos



**COMMUNITY UTILITIES -
WATER - SEWER**
CITY OF FALL RIVER



May 16, 2024

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

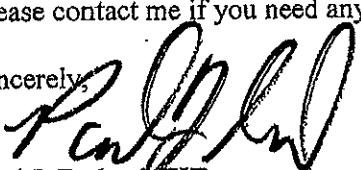
RE: Appointment to Sewer Commission

Dear Mayor Coogan:

Your approval is requested for the appointment of Mr. Andrew Howayeck, 30 Third Street, Apt 304, Fall River, MA, as a Commissioner to the Fall River Sewer Commission. This appointment would be for a five year term.

Please contact me if you need any further information.

Sincerely,


Paul J. Ferland, EIT
Adm. Community Utilities

PJF/omc



**OFFICE OF THE
CORPORATION COUNSEL**
CITY OF FALL RIVER

RECEIVED

2024 MAY -8 AM: 49.

8 May 2024

CITY CLERK
FALL RIVER, MA

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

Re: Proposed Ordinance Regarding Appointment of Constables

Mr. President and Members of the Honorable City Council;

Issue: This letter/opinion is written in response to the city council's request for a draft ordinance regarding constables. Specifically, by letter dated 4/11/24, the council requested that my office prepare an ordinance that would 1) require city council approval of all constable appointments; and 2) provide the city council with the ability to override the mayor's denial of any constable application.

Opinion: The Office of Corporation Counsel cannot draft the proposed ordinance because it would constitute an invalid and unenforceable encroachment upon the exclusive powers of the executive branch.

Legal Analysis: City councils and mayors represent distinct branches of municipal government, each with defined roles and responsibilities. As expressly stated in Section 1-3 of the City of Fall River Home Rule Charter (hereinafter "City Charter"):

Section 1-3. DIVISION OF POWERS

The administration of the fiscal, prudential and municipal affairs of the City of Fall River shall be vested in an executive branch headed by a mayor and a legislative branch consisting of a city council. The legislative branch shall never exercise any executive power and the executive branch shall never exercise any legislative power.

In the City of Fall River, constables are exclusively appointed by the mayor. G. L. c. 41, § 91. This state statute does not require confirmation of the mayor's appointment, nor does the statute provide for oversight of the mayor's denial of an application for constable.

G. L. c. 41, § 91 – Constables; Appointment and Removal in Cities

In a city in which the city council accepts this section, or has accepted corresponding provisions of earlier laws, constables shall be appointed by the mayor for terms not exceeding three years. The mayor may, with the consent of the board of aldermen, remove a constable from office for gross misconduct.

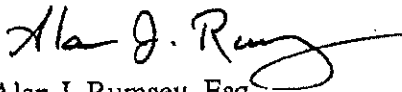
Nothing within the City Charter would alter, amend, or limit the mayor's statutory authority to appoint constables. Section 2-10, which requires the council's confirmation of certain appointments, does not apply to constables because they are not city officers, department heads, or members of a multiple-member body.

SECTION 2-10. CITY COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS.

The mayor shall refer to the city council and simultaneously file with the city clerk, the name of each person the mayor desires to appoint as a city officer, department head or as a member of a multiple-member body. Appointments made by the mayor shall become effective on the forty-fifth day after the date on which notice of the proposed appointment was filed with the city clerk unless approved or rejected by the city council within the 45 days. All individuals appointed to a multiple-member body shall be residents of the city. If an appointed individual removes from the city, the position shall be immediately deemed vacant.

Please contact me with any questions or concerns.

Very truly yours,

A handwritten signature in cursive script, reading "Alan J. Rumsey". The signature is written in dark ink and is positioned above the printed name.

Alan J. Rumsey, Esq.

City of Fall River, In City Council

(Councilor Shawn E. Cadime)

WHEREAS, constables serve an important role in the City of Fall River, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation convene to discuss the establishment of an ordinance that would require all constable applications that are approved by the Mayor, be required to also be ratified by the City Council, and

BE IT FURTHER RESOLVED, that any applications that are denied by the Mayor be forwarded to the City Council with specific reasons for the denial and that the City Council by a 2/3 vote may override the Mayor's denial and approve said applications.

In City Council, March 5, 2019
Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk

CITY OF FALL RIVER
IN CITY COUNCIL

APR 09 2024

*Referred to
Corporation Counsel*

tabled 4-3-2019



**OFFICE OF THE
CORPORATION COUNSEL**
CITY OF FALL RIVER

4

14 May 2024

RECEIVED
2024 MAY 14 P 3:30

CITY CLERK
FALL RIVER, MA


Honorable Members of the City Council
Board of Park Commissioners
Historical Commission
One Government Center
Fall River, MA 02722

**Request for legal opinion regarding a Proposed Ordinance Amendment to Insert the
Historical Commission as an Official Body to Assist the Board of Park Commissioners with
duties relevant to the Bank Street Armory**

Honorable Members of the City Council, Park Commission and Historical Commission,

Having reviewed the request for an ordinance amendment to allow the Historical Commission to assist the Board of Park Commissioners with various duties relevant to the Bank Street Armory it is the opinion of the Law Department that a proposed ordinance is unnecessary to accomplish the results requested. Please see the attached November 4, 2020, letter to the City Council written by Corporation Counsel Alan Rumsey relevant to the Bank Street Armory.

The Armory is owned by the City of Fall River and held under the control of the City Council as part of the city's general corporate property. There is no evidence to suggest that the City transferred control of the Armory to the Armory Commission and/or Park Board. The Park Board does not currently have any powers, duties, or responsibilities related to the Armory. Therefore, an ordinance is not needed for the Historical Commission to assist with any of the funding applications, renovation recommendations and historical redevelopment of the Bank Street Armory.


Kenneth E. Fredette
Assistant Corporation Counsel
City of Fall River
One Government Center
Fall River, MA 02722
kfredette@fallriverma.gov

City of Fall River, In City Council

4

(Councilor Michelle M. Dionne)

WHEREAS, the Bank Street Armory has sat dormant since 2015 and as such has deteriorated without proper oversight, and where it is the will of the City Council to move forward with a plan for restoration and best use of the Armory, and

WHEREAS, in the Code of the City of Fall River, Massachusetts, 2018, Chapter 54, Article III, Section 101, the Board of Park Commissioners exercises the powers, duties, and responsibilities of the Armory Commission, of which historic property is not their area of expertise, and

WHEREAS, the Bank Street Armory was placed on the National Register of Historic Places in 1983, with a preservation restriction added in 2017, and the City of Fall River has an appointed Historical Commission with insight and expertise in the preservation and development of historic properties, and

WHEREAS, the Historical Commission and the City have the ability to apply for grant funding for a feasibility study and the emergency funding necessary to address and remediate deficiencies causing the damage and deterioration to the Bank Street Armory including but not limited to the roof, window replacement, repointing, removal of vegetation, and a heating system; now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation convene to discuss amending Chapter 54 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Public Facilities, to reflect the current state of the property and to transfer the oversight of the Armory Commission from the Board of Park Commissioners to the Historical Commission, and

BE IT FURTHER RESOLVED, that the Historical Commission, in conjunction with The Preservation Society of Fall River, as the new managing commission, have the ability to create a subcommittee to focus solely on the redevelopment of the Bank Street Armory, including the creation of an updated feasibility study for future and best use consistent with the preservation deed restriction.

In City Council, February 15, 2024
Adopted, as amended.

A true copy. Attest:

Alison M. Bouchard

City Clerk

CITY OF FALL RIVER
IN CITY COUNCIL

APR 23 2024

*Referred to Corporation Counsel
for preparation of a proposed
ordinance within 30 days.*

City of Fall River
Office of the Corporation Counsel

PAUL E. COOGAN
Mayor



ALAN J. RUMSEY
Corporation Counsel
GARY P. HOWAYBECK
Assistant Corporation Counsel
CITY CLERK
FALL RIVER, MA

4 November 2020

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

Re: Legal Opinion – Proposed Transfer of Armory

Honorable Members of the City Council and members of the Park Commission:

I have prepared the following legal opinion regarding the proposed transfer of the Bank Street Armory to the Redevelopment Authority.

I. ISSUE:

I have been asked to render an opinion regarding the control of the Bank Street Armory ("Armory"). Specifically, the City Council wants to know if the Board of Park Commissioners ("Park Board") is required to approve any proposed transfer of Armory ownership to the Redevelopment Authority ("RDA").

II. OPINION:

The Armory is owned by the City of Fall River and held under the control of the City Council as part of the city's general corporate property. The Park Board is neither required, nor permitted, to exert any control over the City Council's proposed transfer of the Armory to the RDA.

III. FACTS:

On November 19, 1975, the City Council voted to approve the conveyance of the Bank Street to the City of Fall River. The Order of the City Council specifically stated that "The acquisition of this land and buildings will be for general municipal purposes and functions." See 11/19/75 Order of the City Council, attached as Exhibit A.

On February 18, 1976, the City of Fall River officially acquired the Bank Street Armory for the sum of One Dollar (\$1.00). The deed, attached as **Exhibit B**, does not contain any limitation on Fall River's use of the Armory.

On April 14, 1976, the City Council adopted an Order that a) designated the Fall River Park Department as the "operating agency" for the Bank Street Armory for a period of sixty (60) days to "provide for the proper and efficient utilization of said complex"; and b) ordered that the Department of Public Works be responsible for the Armory's upkeep and maintenance. The City Council retained the right to revoke these designations at any time. *See*, 4/14/76 Order of City Council, attached as **Exhibit C**.

Article III of the Code of the City of Fall River states that the "Board of Park Commissioners shall promote the City Armory in a manner which will be most beneficial to the City and shall endeavor to maximize and diversify its use." *See*, §54-101 of the Code of the City of Fall River, attached as **Exhibit D**.

The Office of Corporation Counsel is not aware of the existence of any additional Order(s) of the City Council officially limiting the use of the Armory or transferring control of the Armory to a particular city board, officer, or department.

IV. LAW:

Land conveyed to a city with no limitation on its use, either in the deed or in the vote of the city council accepting the conveyance, becomes part of the city's general corporate property. *See*, Muir v. City of Leominster, 2 Mass.App.Ct. 587 (1974). Conveyance of land by a city is governed by the general provisions regulating the power to hold, lease, and convey property found in G.L. c. 40, § 3 (made applicable to cities by G.L. c. 40, § 1), and as limited by the conditions set out in G.L. c. 40, §15, if applicable. *Id* at 592.

V. DISCUSSION:

There is no evidence to suggest that the Armory was held for a specific municipal purpose. The deed conveying the Bank Street Armory to the City of Fall River did not contain any limitations on the City's use of the Armory (**Exhibit B**) and, perhaps more importantly, the City Council Order approving the conveyance specifically stated that "The acquisition of this land and buildings will be for general municipal purposes and functions." (**Exhibit A**).

There is also no evidence to suggest that the City transferred control of the Armory to the Armory Commission and/or Park Board. The 4/14/76 Order of City Council (**Exhibit C**) makes clear that the City Council retained ownership and control of the Armory.

Furthermore, nothing in Article III of the Code of the City of Fall River (**Exhibit D**) transfers ownership and/or control of the Armory to the Armory Commission and/or Park Board. The purpose of Article III is to allocate responsibility for promoting appropriate use of the Armory.

4

Article III does not change the ownership status of the Armory and, as such, cannot be used as a basis for the Park Board to interfere in the City Council's ability to convey title to the RDA.

The holding in Muir illustrates a city council's ability to retain official control of property while designating responsibility to a specific board or department. Muir v. City of Leominster, 2 Mass.App.Ct. 587 (1974). In Muir, the city of Leominster acquired a gift of approximately eight (8) acres of land on August 25, 1935. The land was known as Whitney Field and, from 1935 to 1965, the majority of the land was used as a playground and for recreational purposes and was "operated" by Leominster's Playground/ Recreation Commission. In 1970, the council adopted an order selling a portion of the land to a private developer. Residents of Leominster challenged the city's authority to sell the land stating, *inter alia*, that the city failed to comply with the provisions of G.L. c. 40, §15, which required the "commission which had charge of the land" to make a determination that the land was no longer required for public purposes. The court disagreed with the residents and found that "Whitney Field was held by the city as part of its general corporate property and could be used for different purposes in the event of changes in the nature or the needs of the municipality" Id at 592. The court based its decision on the absence of any restriction in the deed and the fact that there was "no formal dedication by the city of this area as park land". Id.

VI. G.L. c. 40, § 15A:

A brief discussion of G.L. c. 40, § 15A (Exhibit E) is warranted. § 15A details the procedure for transferring the official charge of land from one board or officer to the same or another board or officer for another specific municipal purpose. Specifically, § 15A states, in pertinent part as follows:

Section 15A. Whenever a board or officer having charge of land... held by a city or town within its limits for a specific purpose shall determine that such land is no longer needed for such purpose... such board or officer shall forthwith give notice of such determination to the city council of the city.

In other words, if land is officially designated as being held for a particular municipal purpose, § 15A requires a determination that the land is no longer needed by the designated board or for the designated purpose. See, Harris v. Town of Wayland, 392 Mass. 237 (1984). Land which has been formally devoted to one public use cannot be diverted to another, inconsistent use without complying with the requirements of § 15A.

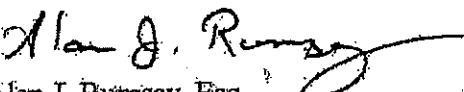
The Park Board need not comply with the requirements of § 15A because there is no evidence to suggest that the City Council transferred the official charge of the Armory and/or designated the Armory for a specific municipal purpose. However, if use of the Armory is no longer required by the Park Board, then the Park Board could eliminate any existing confusion over this issue by simply notifying the City Council that they no longer need the property.

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VII. CONCLUSION:

The Armory is owned by the City of Fall River and held under the control of the City Council as part of the city's general corporate property. The Park Board is neither required, nor permitted, to exert any control over the City Council's proposed transfer of the Armory to the RDA. Nonetheless, in an effort to avoid any potential disputes or legal challenges, I would advise the Board of Park Commissioners to comply with the requirements of § 15A by providing the City Council with notice that use of the Armory is no longer required by the Park Board.

Respectfully submitted,


Alan J. Rumsey, Esq.
Corporation Counsel

cc: Mayor Paul E. Coogan

November 13, 1975

4

Order - Accept parcel
to Pearl St. Redevel-
opment project from
C.R.H.A. (45)



Order - Accept Bank
Street Armory from
Commonwealth for
\$11.00

ORDERED, that the Mayor be and he is hereby authorized to accept from the Fall River Housing Authority, on behalf of the City of Fall River, a parcel of land in the City of Fall River known as parcel no. 6 of the Pearl Street Redevelopment Project acquired by the Fall River Housing Authority as a result of eminent domain proceedings. Said parcel being further described as a triangular parcel no. 6 in the Pearl Street Redevelopment Project containing four thousand nine hundred sixty (4,960) square feet of land, more or less, in preliminary subdivision plat no. 5.

Adopted 9 years. Approved, November 19, 1975

ORDERED, that the Mayor be and he is hereby authorized and directed on behalf of the City of Fall River to accept from the Armory Commission, Military Division, Commonwealth of Massachusetts, 905 Commonwealth Avenue, Boston, Massachusetts for the sum of ONE DOLLAR (\$1.00) all land and buildings located on the northerly side of Bank Street, the easterly side of Durfee Street and the southerly side of Elm Street, being lot #13 on Assessor's Plat # N-10, containing 36,773 square feet of land, more or less. Said building is presently known as the "Bank Street Armory".

The acquisition of this land and buildings will be for general municipal purposes and functions.

Said parcel of land, according to said plans is further bounded and described as follows:

Beginning at a stone bound on the northerly side of Bank Street, thence running northerly along the easterly line of Durfee Street 29.22 feet to the southerly side of Elm Street thence running at an angle of 87°01' and running easterly along the southerly side of Elm Street 121.07 feet to land of the City of Fall River, Public Library, thence running and turning southerly 24.42 feet to Bank Street to a point 72.95 feet from the said stone bound, thence running at an angle of 85°36'50" and running westerly along the northerly side of Bank Street 153.37 feet to the point of beginning. Said land contains 174.34 square rods or 36,773 square feet of land, more or less.

Being the same land acquired by the Armory Commission, Military Division, Commonwealth of Massachusetts, from the City of Fall River and recorded in the Fall River District of the Bristol County Registry of Deeds on November 12, 1907 in Book 470, Pages 327 to 329.

Adopted 9 years. Approved, November 19, 1975

ORDERED, that a license be and the same is hereby granted to Automobile Repair Lines, Inc., 1094 Kempton Street, New Bedford, Massachusetts, to operate motor vehicles on the following streets and highways in the City of Fall River, for signposting purposes:

Rt. 135 between Fall River - Westport Line and Exit 138 North - all the 138 north, Exit 138 from Rt. 135 and Exit 138 and 139 north - all the 138 between Devoll Street and Anewan Street, Anewan Street between School Street and Exit 138, Exit 138 between Devoll Street and Exit 138, South Main Street between Middle Street and Rodman Street, Rodman Street between South Main Street and Plymouth Avenue, Plymouth Avenue between Rodman Street and the entrance ramp onto Rt. 135.

Adopted 9 years. Approved, November 19, 1975

EXHIBIT
A

MA 1122 MA 1161

The Armory Commission, Military Division, Commonwealth of Massachusetts, 905 Commonwealth Avenue, Boston, Massachusetts, established under the authority of Chapter 6, Section 18 of the Massachusetts General Laws, on behalf of the Commonwealth of Massachusetts under its authority contained in Chapter 33, Section 126 of the Massachusetts General Laws, in consideration of the sum of ONE DOLLAR (\$1.00) and other valuable consideration to it paid, grants to the City of Fall River, a municipal corporation of Bristol County, Massachusetts, with quitclaim covenants, all land and buildings located ^{in said City of Fall River} on the northerly side of Bank Street, the easterly side of Durfee Street and the southerly side of Elm Street, being Lot #48 on Assessors' Plat N-10, containing 36,573 square feet of land, more or less.

Said parcel of land, according to said plans is further bounded and described as follows:

Beginning at a stone bound on the northerly side of Bank Street, thence running northerly along the easterly line of Durfee Street 239.23 feet to the southerly side of Elm Street; thence turning at an angle of 87°01' and running easterly along the southerly side of Elm Street 151.07 feet to land of the City of Fall River, Public Library; thence turning and running southerly 241.42 feet to Bank Street to a point 153.95 feet from the said stone bound; thence turning at an angle of 85°36'50" and running westerly along the northerly side of Bank Street 153.95 feet to the point of beginning. Said land contains 134.34 square rods or 36,573 square feet of land, more or less.

Being the same land acquired by the Armory Commission, Military Division, Commonwealth of Massachusetts, from the City of Fall River and recorded in the Fall River District of the Bristol County Registry of Deeds on December 12, 1907 in Book 134, Pages 327 to 329.

IN WITNESS WHEREOF, the Armory Commission, Military Division of the Commonwealth of Massachusetts, has caused these presents to be signed and its corporate seal to be hereunto affixed by its Major General, Vahan Vartanian, The Adjutant General, Nicholas Dal Porto, Major General, Commander 26th Inf. Div. and William A. Quigley, Colonel State Quartermaster.

Dated this 18th day of February, 1976.

EXHIBIT

B

100-1122 100-1162

COMMONWEALTH OF MASSACHUSETTS
By its Armory Commission

COMMONWEALTH OF MASSACHUSETTS
By its Armory Commission

MAY 14 P 3:30

CITY CLERK
FALL RIVER, MA

Nicholas Del Torto
NICHOLAS DEL TORTO,
Major General,
Commander 26th Inf. Div.,
Member

Vahan Vartanian
VAHAN VARTANIAN,
Major General,
The Adjutant General,
Chairman

COMMONWEALTH OF MASSACHUSETTS
By its Armory Commission

William A. Quigley
WILLIAM A. QUIGLEY,
Colonel,
State Quartermaster,
Secretary

Thomas P. O'Neill II
THOMAS P. O'NEILL II,
Lieutenant Governor,
Acting Governor

Approved as to form and
manner of execution:

Edward J. Kennedy
Asst Attorney General

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

Boston,

14 February, 1976

Then personally appeared before me, the above named
Vahan Vartanian, Major General, The Adjutant General, Chairman;
Nicholas Del Torto, Major General, Commander 26th Inf. Div.,
Member; William A. Quigley, Colonel, State Quartermaster, Secretary,
and acknowledged the foregoing instrument to be the free act and
deed of the said Armory Commission, Military Division, Commonwealth
of Massachusetts.

My commission expires:

22 December, 1976

Notary Seal
NOTARY



REC'D FEB 20 1976 AT 2-53PM AND RECORDED

City of Fall River, MA
Wednesday, November 4, 2020

Chapter 54. Public Facilities

CITY CLERK
FALL RIVER, MA

ARTICLE III. Armory

§ 54-101. Armory Commission.

The Board of Park Commissioners shall have and exercise all the powers, duties and responsibilities of the Armory Commission. The Board of Park Commissioners shall promote the City Armory in a manner which will be most beneficial to the City and shall endeavor to maximize and diversify its use.

§ 54-102. Compensation of Armory Commission members.

In any one fiscal year in which the cost of operation and staffing of the Armory facilities have been met by income, 25% of the net income thereafter or \$7,500, whichever is the lesser, shall be apportioned equally among the Armory Commission members as remuneration.

§ 54-103. Authorized uses.

The Armory shall be used for, but not limited to, the following purposes:

- A. Area, regional and statewide meetings and conventions.
- B. Science and trade fairs and expositions.
- C. Flower and garden shows.
- D. Automobile shows.
- E. Indoor athletic events of all types.
- F. Rental of office or business space.

§ 54-104. through § 54-130. (Reserved)

EXHIBIT

tabbles

Part I ADMINISTRATION OF THE GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter 40 POWERS AND DUTIES OF CITIES AND TOWNS

Section 15A TRANSFER OF LAND; PROCEDURE

Section 15A. Whenever a board or officer having charge of land, including land acquired for playground purposes pursuant to the provisions of section fourteen of chapter forty-five, but excluding land acquired for park purposes, constituting the whole or any part of an estate held by a city or town within its limits for a specific purpose shall determine that such land is no longer needed for such purpose, whether such land was acquired before or after the effective date of this section and whether acquired by eminent domain, purchase, gift, devise or otherwise, such board or officer shall forthwith give notice of such determination to the city council of the city or the board of selectmen of the town. At any time after the receipt of such notice, the city council of the city by a two thirds vote of all its members, in the case of a city having a city manager, with the approval of said city manager, and in the case of other cities, with the approval of the mayor, or the town by

EXHIBIT

E

a two thirds vote at a regular or special town meeting, may transfer the care, custody, management and control of such land to the same or another board or officer of the city or town for another specific municipal purpose, any provision of general or special law to the contrary notwithstanding; provided, that no such transfer shall be valid if it is in violation of any term or condition of the title of the city or town to such land.

In any city or town which accepts the provisions of this paragraph, when land is being transferred for the purpose of constructing low and moderate income housing, the vote required of the city council or the town meeting shall be by a majority vote.

CITY CLERK
FALL RIVER, MA

2004 MAY 14 P 3:30



**OFFICE OF THE
CORPORATION COUNSEL**

CITY OF FALL RIVER

RECEIVED

2024 MAY 15 A 9:19

CITY CLERK
FALL RIVER, MA

14 May 2024

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

Re: Request for Ordinances for:

- 1) 1 Year Demolition Delay for City-Owned Property; and**
- 2) Deed Restriction on Sale of City-Owned Property Over 50 Years Old**

Honorable Members of the City Council:

I. 1 Year Demolition Delay for City-Owned Property

§38-113 currently imposes a six (6) month delay for the proposed demolition of a privately owned structure listed on the Fall River Register of Significant Structures. This language should remain unchanged. To implement the proposed twelve (12) month demolition delay for city-owned property, the following sentence should be added to the end of §38-113:

“For city-owned properties, the Building Inspector shall not approve any application for a permit to demolish prior to the expiration of twelve (12) months from the date the Chairperson of the Historical Commission received the written notice of intent required under §38-111.”

II. Deed Restriction on Sale of City-Owned Property Over 50 Years Old

The Law Department is unable to comply with the request. Simply put, the Council cannot require the inclusion of a deed restriction on any 50+ year old property sold by the city. The inclusion of the Historic Commission into the procedure for sales of city-owned property would be invalid.

Sincerely yours,

Kenneth E. Fredette, Esq.
Assistant Corporation Counsel

City of Fall River, *In City Council*

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

That Chapter 38 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Historical Preservation, be amended as follows:

By inserting at the end of Section 38-113, which section relates to Restrictions on issuance of demolition permit, the following:

"For city-owned properties, the Building Inspector shall not approve any application for a permit to demolish prior to the expiration of twelve (12) months from the date the Chairperson of the Historical Commission received the written notice of intent required under §38-111."

City of Fall River, *In City Council*

(Vice President Pam Laliberte-Lebeau)

WHEREAS, there are many historic buildings throughout the City, and

WHEREAS, several of these buildings are city owned, and

WHEREAS, there should be careful thought and consideration into the use, reuse and/or sale of these properties, and

WHEREAS, the Historical Commission and Preservation Society have provided input on appropriate guidelines to consider, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation, convene with Corporation Counsel, the City Administrator, along with the Chairs or representatives from the Historical Commission and the Preservation Society to review our current ordinances and discuss any possible amendments.

In City Council, October 22, 2019
Adopted

A true copy. Attest:

Alison M. Bouchard

City Clerk

CITY OF FALL RIVER
IN CITY COUNCIL

APR 23 2024

*Referred to Corporation Counsel
in preparation of an ordinance
within 30 days.*

CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division



RECEIVED

2024 MAY 20 P 2:47

Paul E. Coogan
Mayor

CITY CLERK Stephanie MacArthur
Director of Traffic & Parking

May 20, 2024

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 15, 2024 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:

<u>INSERT</u>		
Name of Street	Side	Location
Third Street	West	Starting at a point 20 feet south of Branch Street For a distance of 20 feet south.

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking

CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division



Paul E. Coogan
Mayor

3374 MAY 20 P 2:47

Stephanie MacArthur
Director of Traffic & Parking
FALL RIVER, MA

May 20, 2024

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 15, 2024 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

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Third Street	West	Starting at a point 96 feet south of Branch Street For a distance of 20 feet south.

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

Stephanie MacArthur
Director of Traffic &

Parking
2024 MAY 20 2:47

May 20, 2024

CITY CLERK
FALL RIVER, MA

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday May 15, 2024 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: 371

Parking Prohibited

By inserting in proper alphabetical order the following.

INSERT

Name of Street	Side	Location
Eastern Avenue	East	Starting at point of 268 feet north of Pleasant Street For a distance of 69 feet north.

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking

6

CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division



RECEIVED

2024 MAY 20 P 2:47

Paul E. Coogan
Mayor

CITY CLERK **Stephanie MacArthur**
Director of Traffic & Parking
FALL RIVER, MA

May 20, 2024

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 15, 2024 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
Eddy Street	West	Starting at a point 156 feet south of Beattie Street For a distance of 20 feet south.

Very truly yours,

Stephanie MacArthur
Director of Traffic & Parking

W

CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division



Paul E. Coogan
Mayor

May 20, 2024

RECEIVED

2024 MAY 20 12:41
Stephanie MacArthur
Director of Traffic & Parking

CITY CLERK _____
FALL RIVER, MA

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 15, 2024 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
Jencks Street	West	Starting at a point 21 feet north of Alden Street For a distance of 20 feet north.

Very truly yours,

Stephanie MacArthur
Stephanie MacArthur
Director of Traffic & Parking

**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division



Paul E. Coogan
Mayor

May 20, 2024

RECEIVED

2024 MAY 20 **Stephanie MacArthur**
Director of Traffic & Parking

CITY CLERK
FALL RIVER, MA

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 15, 2024 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
Palmer Street	North	Starting at a point 318 feet west of East Main Street For a distance of 20 feet west.

Very truly yours,

Stephanie MacArthur
Director of Traffic & Parking

6

CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division



Paul E. Coogan
Mayor

May 20, 2024

RECEIVED

MAY 20 2:47 PM
Stephanie MacArthur
Director of Traffic & Parking

CITY CLERK
FALL RIVER, MA

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 15, 2024 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
Pitman Street	East	Starting at a point 291 feet north of Harriman Street For a distance of 20 feet north.

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking

Handwritten initials

6

CITY OF FALL RIVER
MASSACHUSETTS

Traffic & Parking Division



Paul E. Coogan
Mayor

May 20, 2024

RECEIVED

2024 MAY 20 P 2:47

Stephanie MacArthur
City Director of Traffic & Parking
FALL RIVER, MA

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 15, 2024 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
Russell Brogan Blvd	South	Starting at a point 140 feet east of County Street For a distance of 40 feet east.

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking

SW

CITY OF FALL RIVER

7

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 21, 2024,
voted unanimously to recommend the accompanying proposed ordinance, accompanied by an
emergency preamble, be passed through first reading, second reading, passed to be enrolled
and passed to be ordained, with Councilor Laura-Jean Sampson absent and not voting.



Assistant Clerk of Committees

City of Fall River, In City Council

EMERGENCY PREAMBLE

WHEREAS, the immediate passage of the accompanying proposed ordinance is deemed necessary inasmuch as it vitally affects the health and safety of the public, now therefore

BE IT RESOLVED, that said ordinance is hereby deemed an emergency measure in accordance with the provisions of Chapter 43, Section 20 of the Massachusetts General Laws.

City of Fall River, *In City Council*

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

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

By inserting in Section 70-387, which section relates to handicapped parking generally, the following:

Name of Street	Side	Location
Cambridge Street	North	Starting at a point 74 feet west of Smith Street, for a distance of 20 feet westerly
Charles Street	North	Starting at a point 24 feet east of South Main Street, for a distance of 20 feet easterly
Freedom Street	North	Starting at a point 64 feet west of South Main Street, for a distance of 20 feet westerly
Globe Street	North	Starting at a point 200 feet east of Bay Street, for a distance of 20 feet easterly
Linden Street	West	Starting at a point 85 feet north of Walnut Street, for a distance of 20 feet northerly

CITY OF FALL RIVER

8

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 21, 2024, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Laura-Jean Sampson absent and not voting.



Assistant Clerk of Committees

City of Fall River, In City Council

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

That Section A110-13 of Appendix A – Fee Schedule of the Code of the City of Fall River, Massachusetts, 2018, which Section relates to Streets, Sidewalks and Other Public Places, be amended as follows:

By striking out the following sections:

§ 66-64 Permit for removal of curbing for installation of private driveway	\$125
§ 66-67 Permit for connection to a public street for installation of a private driveway	\$125
§ 66-185 Construction or repair of private ways	
(1) Application fee for minor repairs	\$45
(2) Application fee for major repairs, construction or reconstruction	\$315
§ 66-320 Street excavation permit	
(1) Administrative charges	\$60
(2) Street opening inspection fee	\$190
§ 66-441 Trench permit	\$150

and inserting in place thereof, the following:

§ 66-64 Permit for removal of curbing for installation of private driveway	\$250
§ 66-67 Permit for connection to a public street for installation of a private driveway	\$250
§ 66-185 Construction or repair of private ways	
(3) Application fee for minor repairs	\$150
(4) Application fee for major repairs, construction or reconstruction	\$500
§ 66-320 Street excavation permit	
(3) Administrative charges	\$100
(4) Street opening inspection fee	\$300
§ 66-441 Trench permit	\$200

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 14 2024

*Referred to the Committee
on Ordinances and Legislation*



City of Fall River
Massachusetts
 Office of the Mayor

PAUL E. COOGAN
 Mayor

RECEIVED

2024 APR 25 P 1:51

CITY CLERK _____
 FALL RIVER, MA

April 25, 2024

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

Dear Councilor President and Members of the Honorable Council:

Attached please find a request forwarded from the Engineering Department with proposed permit fee increases for your consideration.

Thank you and as always, I am available for any questions or concerns you may have regarding this matter.

Sincerely,

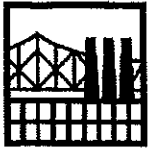
Paul E. Coogan
 Mayor

PC/amos

CITY OF FALL RIVER
 IN CITY COUNCIL

MAY 14 2024

*Referred to the Committee
 on Ordinances and Legislation*



ENGINEERING

CITY OF FALL RIVER

PAUL E. COOGAN

Mayor

DANIEL AGUIAR

Director of Engineering & Planning

March 12, 2024

The Honorable Mayor Paul E. Coogan

City of Fall River

One Government Center

Fall River, MA 02722

RE: Proposed Engineering Department Fee Increase

Dear Mayor Coogan:

I respectfully request that you forward the following proposed Engineering Department Permit Fee Increases to the Fall River City Council for consideration and adoption.

SS A110-13 Chapter 66, Streets, Sidewalks and Other Public Places.

<u>Section</u>	<u>1996 Fee</u>	<u>2024 Proposed Fee</u>
66-64 Permit for the removal of curbing for the installation of a private driveway	\$125.00	\$250.00
66-67 Permit for the connection to a public street for installation of a private driveway	\$125.00	\$250.00
66-185 Construction or repair of private ways		
(1) Minor repairs	\$45.00	\$150.00
(2) Application fee for major repairs, Construction or reconstruction.	\$315.00	\$500.00
<u>Section</u>	<u>2000 Fee</u>	<u>2024 Proposed Fee</u>
66-320 Street Excavation Permit		
(1) Administrative charges	\$60.00	\$100.00
(2) Street Opening Inspection Fee	\$190.00	\$300.00
<u>Section</u>	<u>2008 Fee</u>	<u>2024 Proposed Fee</u>
66-441 Trench Permit	125.00	200.00

As always, I am available to discuss the proposal if requested.

Sincerely,

For the City of Fall River

Daniel Aguiar

Director of Engineering and Planning, City Engineer

One Government Center • Fall River, MA 02722

TEL (508) 324-2512 • FAX (508) 324-2564 • EMAIL engineering@fallriverma.gov

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 21, 2024, voted to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Andrew J. Raposo opposed and with Councilor Laura-Jean Sampson absent and not voting.



Assistant Clerk of Committees

City of Fall River, In City Council

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

That Chapter 2 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Administration, be amended as follows:

Section 1.

By striking out in Section 2-207, which section pertains to *Department of Community Services*, subsection B, in its entirety, and inserting in place thereof the following

- B. Divisions. The Divisions within the Department of Inspectional Services shall be the Code Enforcement Division and Weights and Measures Division.

Section 2.

By striking out in Section 2-216, which section pertains to *Department of Health and Human Services*, subsection B, in its entirety, and inserting in place thereof the following:

- B. Divisions. The Divisions within the Department of Health and Human Services shall be the Nursing Division, Food and Milk Inspectors, Tobacco Control, Mass in Motion, Youth Services, Council on Aging, Minimum Housing Division. The Minimum Housing Division shall include minimum housing inspectors and sanitation inspectors.

Section 3.

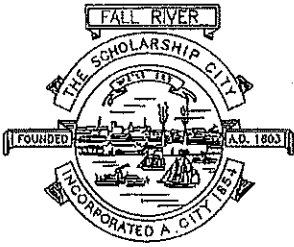
By striking out in Section 2-802, which section pertains to *Established; staff; Inspector of Buildings*, subsection A, in its entirety, and inserting in place thereof the following:

- A. Divisions. There shall be a Department of Inspectional Services which shall include the local code enforcement inspectors and the Sealer of Weights and Measures.

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 14 2024

Referred to the Committee
on Ordinances and Legislation



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

RECEIVED

2024 MAY -9 P 2:02

CITY CLERK
FALL RIVER, MA

May 9, 2024

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

Dear Councilor President and Members of the Honorable Council:

Attached for your consideration please find proposed amendments to Chapter 2 of the Code of the City of Fall River.

Thank you and as always, I am available for any questions or concerns you may have regarding this matter.

Sincerely,

Paul E. Coogan
Mayor

PC/amos

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 14 2024

*Referred to the Committee
on Ordinances and Legislation*

City of Fall River, In City Council

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

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

By striking out in Section 70-387, which relates to handicapped parking, the following:

Name of Street	Side	Location
Bedford Street	North	Starting at a point 338 feet west of Covet Street, for distance of 20 feet westerly.
Fountain Street	East	Starting at a point 249 feet north of Columbia Steet, for distance of 20 feet northerly.
Rockland Street	South	Starting at a point 60 feet west of South Main Street, for distance of 20 feet westerly.
South Main Street	West	Starting at a point 237 feet south of Woodman Street, for distance of 20 feet southerly.
William Steet	South	Starting at a point 107 feet west of Washington Street, for distance of 20 feet westerly.

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 14 2024

Passed through first reading

11

City of Fall River, *In City Council*

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

That Chapter 86 of the Code of the City of Fall River, 2018, which Chapter relates to Zoning be amended as follows:

That the Planning Director be, and he is hereby authorized and directed to amend the map entitled "Zoning Map of the City of Fall River" which Chapter 86, Section 32 of the Code of the City of Fall River, 2018 is made a part of said Chapter, by drawing on it, in addition to the presently existing districts shown thereon the following:

Waterfront and Transit-Oriented Development District (WTOD) to include areas from Davol Street (Northbound) easterly to North Main Street and from Walnut Street northerly to a point 640 feet North of Wayland Street to the current Waterfront and Transit-Oriented District as delineated on the district map included herewith entitled: Waterfront and Transit-Oriented Development District Map Amendment and dated: January 2024.

CITY OF FALL RIVER
IN CITY COUNCIL

APR 23 2024

*Referred to the Committee
on Ordinances and Legislation*

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 14 2024

Passed through first reading



City of Fall River
Notice of Claim

CITY CLERK
FALL RIVER, MA

- # 24-43 15
- RECEIVED
2024 MAY 20 A 12:21
1. Claimant's name: FRANK A. RIGBY
 2. Claimant's complete address: 120 HUDSON ST, FALL RIVER, MA 02720
 3. Telephone number: Home: 508-443-8038 Work:
 4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
TRIPPED ON RAISED SIDEWALK
 5. Date and time of accident: 5-14-2024 10:15 AM Amount of damages claimed: \$
 6. Exact location of the incident: (include as much detail as possible):
SOUTH SIDE OF PLUM ST. JUST PAST VETERANS AFFAIRS OFFICE
 7. Circumstances of the incident: (attach additional pages if necessary):
WAS WALKING TO MY VEHICLE AND TRIPPED ON RAISED SECTION OF
SIDEWALK. GASH TO FOREHEAD BLEEDING PROFUSELY
TRANSPORTED TO CARLTON MEMORIAL HOSP BY RESCUE
TEAM OF SLAM & STITCHES TO BT SIDE OF FOREHEAD
 8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☒ Yes ☐ No
MEDICARE

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 5/21/24 Claimant's signature: Frank A. Rigby

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

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

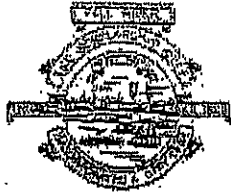
You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator

DCM

Date: 5/20/24



#24-44

15

City of Fall River
Notice of Claim

RECEIVED

2024 MAY 21 A 10:23am

1. Claimant's name: Victoria Marcellus
2. Claimant's complete address: 260 Fountain St CITY CLERK
FALL RIVER, MA
3. Telephone number: Home: 774-309-1020 Work: 508-679-2900
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Car damages due to hitting pothole
5. Date and time of accident: 4/17/24 Amount of damages claimed: \$ 744.54
6. Exact location of the incident: (include as much detail as possible):
N. Davol St Fall River MA
7. Circumstances of the incident: (attach additional pages if necessary):
Driving in 2 lane traffic I was on the right hand side I couldn't avoid pothole which was in my same lane without causing an accident to my right with on going traffic!
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 5/13/24

Claimant's signature: Victoria Marcellus

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

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator

DCM

Date: 5/21/24



15

City of Fall River
Notice of Claim

RECEIVED

2024 MAY 22 P 2: 59

#24-45

1. Claimant's name: Paula Paulette
2. Claimant's complete address: 14 Shawnee CT. New Bedford MA 02740 CITY CLERK FALL RIVER MA 02740
3. Telephone number: Home: 401-252-1465 Work: N/A
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto accident
5. Date and time of accident: 5-7-24 1:30 PM Amount of damages claimed: \$ TBD
6. Exact location of the incident: (include as much detail as possible):
corner of Rodman ST and Plymouth, Rear ended while at Red light
7. Circumstances of the incident: (attach additional pages if necessary):
was at a Red light was Rear ended by your DRIVER Joseph William 11 Kenneth Petty DR Assonet MA 02702 DOB 1-25-1969 License # S8467043D
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☒ Yes ☐ No
Geico Headquarters address Chevy Chase Manor, Chevy Chase MD

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 5-22-24

Claimant's signature: Paula Paulette

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

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

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

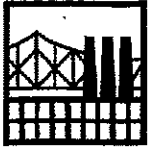
For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator

DCM

Date:

5/22/24



**DEPARTMENT OF
ENGINEERING - PLANNING**
CITY OF FALL RIVER

PAUL E. COOGAN

Mayor

DANIEL AGUIAR

Director of Engineering & Planning

RECEIVED

2024 MAY 10 P 2 17

CITY CLERK
FALL RIVER, MA

MEMO

TO: Fall River City Council

FROM: Daniel Aguiar, City Engineer

DATE: May 10, 2024

RE: Parcel E-18-43, 303 Kennedy Street-5 Year Street Opening Request

The Engineering Department is in receipt of a permitting request regarding the proposed installation of a sewer connection within Kennedy Street. Kennedy Street was reconstructed within the last 5 years (2022). The property is currently served by an onsite sewage disposal system which the property owner states is in failure.

All permits granted from the Engineering Department will require complete restoration of the roadway. This restoration will be singular with a minimum width of 15' in and shall be reconstructed from curb to curb.

Attached are the following items:

1. Cover letter from property owner's representative.
2. Pending Street Opening permit (sewer)
3. Trench permit
4. Tax Certification

I respectfully request that the matter be voted upon at the next available City Council meeting. I am available at your convenience to discuss the matter if need be. Thank you for your attention.

Steven Steen
221 Highcrest Road
Fall River, MA 02720
(508) 642-1484

16
RECEIVED

2024 MAY 10 P 2:17

May 7, 2024

CITY CLERK
FALL RIVER, MA

Daniel Aguiar
Fall River Engineering Department
One Government Center, Room 501
Fall River, MA 02722

RE: 303 Kennedy Street

Dear Mr. Aguiar,

Diane Martini requires a tie-in to the municipal sewer at the above-referenced address as her cesspool is collapsing and failing. As the pavement on Kennedy Street is only approximately 18 months old, we require City Council approval to open the street. Please consider this letter our formal request for permission.

Thank you for your anticipated cooperation.

Sincerely,



Steven Steen

COMMITTEE ON FINANCE

MEETING: May 14, 2024, at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Joseph D. Camara, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne, Paul B. Hart,
Bradford L. Kilby, Linda M. Pereira, Andrew J. Raposo
and Laura-Jean Sampson

ABSENT: Councilor Cliff Ponte

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Bridget Almon, Director of Financial Services
Paul Ferland, Administrator of Community Utilities

The chair 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.

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 – None

Councilor Bradford Kilby arrived at 6:04 p.m.

2. Fiscal Year 2024 Quarter 3 Budget Report

Bridget Almon, Director of Financial Services, provided a summary regarding the Fiscal Year 2024 Quarter 3 Budget Report. Ms. Almon stated that real estate bills and private property bills had been issued over the past few weeks and provided a concise summary of Capital Funding projects. Councilor Raposo asked for additional information regarding the increase of anticipated revenue. Ms. Almon stated that recent renegotiation of rates with banks was the primary reason for this expected revenue increase. A brief discussion was held by Councilor Raposo and Ms. Almon which included snowplow costs, the fire department, retirement funding, and increased property insurance rates. Ms. Almon provided information regarding types of American Rescue Plan Act (ARPA) funds that are being used to resolve overdue amounts of funding. Ms. Almon further stated that there are several departments that provide recovery for retirement funds and that those funds have yet to be received. The Director of Financial Services explained that the new insurance rates were higher than anticipated and that the new properties owned by the City affect the insurance rates as well. Ms. Almon stated that she anticipates that the insurance rates will level off by Fiscal Year 2025-2026.

Councilor Raposo and Ms. Almon held a brief discussion about the Water Enterprise Account, and Ms. Almon explained that the timing for posting water and sewer bills is unique and that the Financial Departments are in consistent communication with the Administrator of Community Utilities.

Vice President Pereira asked about the line item "VDIHOST" and asked for details about the funding amounts for this item. Seth Thomas Aitken, City Administrator, stated that this is the host server for the Management Information System (MIS) Department, which provides technical security. Mr. Aitken explained that this line item is related to a project that includes the replacement of City servers. Ms. Almon stated that the project is funded by Bristol County ARPA funding, and they are currently waiting for reimbursement. Vice President Pereira questioned if having biannual reports instead of quarterly reports would make things simpler for other departments. Ms. Almon stated that the formatting was not ideal, but that it was the responsibility of the Financial Departments to provide the report. Councilor Cadime clarified that the City Charter requires the quarterly reports. Councilor Kilby stated that the reports provide views of the quarterly status of the budget. Ms. Almon explained that the Financial Departments can revise the template. Vice President Pereira asked about how the interest rates were adjusted and Ms. Almon stated that she and the Treasurer/Collector met with all the banks that the City works with to receive better rates and better financial insurance, and this resulted in cumulatively \$7,000,000 saved in interest within the past year and a half.

Councilor Hart exited the Council Chamber at 6:14 p.m.

Councilor Raposo and Ms. Almon discussed capital projects and the work they do with the Director of City Operations. Councilor Raposo observed that the list had gotten smaller, to which Ms. Almon agreed and reiterated that there are still line items that need to be reallocated. Councilor Raposo asked if a list based on inactive capital projects could be provided by the Director of Operations. The City Administrator stated that he would work to obtain that list for the Committee members.

Councilor Hart returned to the Council Chamber at 6:15 p.m.

Councilor Dionne asked about the line item that referenced "payment in lieu of taxes." Ms. Almon explained that the smaller payments are from the Housing Authority, and an additional amount of funding is anticipated to be received by the end of June 2024. Councilor Dionne and Ms. Almon discussed items including "other departmental" section for local receipts, the City Expenses, Elections, PRF-ADM, "professional administration" section on the report and the two overtime line items under elections. Ms. Almon stated that the "other departmental" section can come from any departments that create revenue and provided examples, such as the Cemeteries Division or Licensing Board. Ms. Almon explained that there was an election that needed not only employees from the Department of Elections, but also the Department of Public Works (DPW) and that the workers had to be properly compensated for overtime. Mr. Aitken explained that additional election regulations voted upon in the State House two years ago regarding the amount of time during which an election may take place, which created new challenges and tasks. Mr. Aitken further explained that this overtime is for DCM workers who bring machines to different polling places. Councilor Dionne asked how many Environmental Police officers worked for the City and what the "SAL Overtime" line item represented. Mr. Aitken explained that there are only two officers who are currently on the budget and Ms. Almon stated that they would have to speak with the Police Chief, but that this was probably due to the lack of staffing. Mr. Aitken further explained that this line item also assists with the Environmental Police salary.

3. Transfers and appropriations

Councilor Raposo requested clarification regarding the transfer of funds within the Sewer Division. Ms. Almon stated that at the end of Fiscal Year 2023, there was a small deficit within the Sewer Enterprise Fund budget. Paul Ferland, Administrator of Community Utilities, explained that in Fiscal Year 2024 the Sewer Division's revenue came in slightly lower than anticipated. Mr. Ferland explained that water-treatment chemicals became more expensive and that there were other encumbrances that were carried over from previous fiscal years.

Councilor Cadime requested information regarding the transfer of funds within the Capital Project Fund. Ms. Almon stated that the Fall River Public School Department was aware that the account in question would be in a deficit by the end of the fiscal year, so this was to remedy that deficit. Mr. Aitken explained that this funding was most likely to be used for window replacements at the Samuel Watson Elementary School.

On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to adjourn at 6:27 p.m., with Councilor Ponte absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting


Clerk of Committees

REGULAR MEETING OF THE CITY COUNCIL

MEETING: May 14, 2024, at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Joseph D. Camara, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne, Paul B. Hart,
Bradford L. Kilby, Linda M. Pereira, Andrew J. Raposo
and Laura-Jean Sampson

ABSENT: Councilor Cliff Ponte

IN ATTENDANCE: Kara Humm, American Rescue Plan Act (ARPA) Director
Ken Levesque, Executive Director, Veterans Association of Bristol County
Kim Wagner, Assistant to the Executive Director,
Veterans Association of Bristol County
Steve Perry, Food Pantry Manager,
Veterans Association of Bristol County

President Camara called the meeting to order at 7:01 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.

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to take item 24a out of order, with Councilor Ponte absent and not voting.

Councilor Raposo made brief remarks regarding the service that the Veterans Association of Bristol County provides to the Greater Fall River Area. Vice President Pereira commended the representatives for their work to better the lives of others. Ken Levesque, Executive Director, Veterans Association of Bristol County, provided a summary of the goals of the organization to help those who have served their country.

CITATIONS

24a. Veterans Association of Bristol County – Recognition of the acts of service provided to veterans in the Greater Fall River Area

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adopt the citation, with Councilor Ponte absent and not voting.

PRIORITY MATTERS

1. Mayor and confirmation of the appointment of Nicholas Cecilio to the Board of Park Commissioners

Councilor Raposo requested information regarding why a new appointment to this board was necessary and the City Clerk stated that the previous Chair of the Board of Park Commissioners recently resigned. On a motion made by Vice President Pereira and seconded by Councilor Kilby, it was unanimously voted to confirm the appointment, with Councilor Ponte absent and not voting.

2. Mayor and confirmation of the reappointment of Natercia Pereira to the Council on Aging

On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted to confirm the appointment, with Councilor Ponte absent and not voting.

3. Mayor and confirmation of the reappointment of Victor Farias to the Board of Park Commissioners

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to confirm the appointment, with Councilor Ponte absent and not voting.

4. Mayor and confirmation of the reappointment of Bernard J. McDonald to the Board of Park Commissioners

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to confirm the appointment, with Councilor Ponte absent and not voting.

5. Mayor and request to rescind the Bristol County ARPA proposal regarding "Public Service and Safety Equipment," adopted on January 9, 2024.

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to rescind the approval of the Bristol County ARPA proposal, with Councilor Ponte absent and not voting.

6. Mayor and proposal for Bristol County ARPA funding in the amount of \$700,000 to purchase equipment to increase public service, safety programs and capacity (Lafayette Skatepark Rehabilitation)

On a motion made by Councilor Dionne and seconded by Councilor Raposo, it was unanimously voted to waive the rules to allow Kara Humm, American Rescue Plan Act Director, to answer questions.

Councilor Dionne expressed concern regarding the renovation of the Lafayette Skatepark, which included the lack of funding for parks in other areas of the City, the decreased use of parks for skateboarding, the need for renovations of basketball and tennis courts and long-term funding that will be challenging to find for future maintenance. Ms. Humm stated that the renovation of this park with Bristol County ARPA funding would allow the park to be used more frequently, as its current condition presents safety concerns, and this will allow the City to provide recreational activities for all types of interests. A brief discussion was held between Councilor Dionne and Ms. Humm regarding public input and the hearings that will be held by the company prior to the renovation.

Councilor Raposo stated that there is currently a lack of traffic within Lafayette Park as many sports teams no longer use the fields and requested information regarding the overall cost of the renovation. Ms. Humm stated that the cost of the preliminary design was \$52,765 and the cost of construction would be \$613,420. Councilor Raposo expressed concern for lack of lighting in the park at night and emphasized the need to consider that during the public hearings.

Councilor Cadime stated that the skateparks are not used very frequently and the cost may outweigh the benefit of the park. President Camara stated that skateparks tend to have a shorter lifespan due to the materials used to construct them and wear-and-tear that occurs from the activity. Councilor Dionne and the ARPA Director held a brief discussion regarding the design project, expenditures and whether this project would be a rehabilitation or a reconstruction. Ms. Humm clarified that this project would be a complete rebuild of the skatepark due to the damage that has occurred.

Councilor Sampson explained that her family members use the skateparks and she had submitted the Bristol County ARPA application to help maintain this park for those who enjoy skateboarding. Councilor Sampson stated that the original plan was to rehabilitate all three skateparks within the City, but the funding limits affected the City's ability to achieve that goal.

Councilors Hart and Kilby expressed their support for this proposal as it will benefit all residents of the City. Councilor Cadime stated that he cannot support the proposal due to the lack of long-term funding and the current financial strain of the Parks Division. Vice President Pereira expressed concern that parks within the City aren't utilized enough and if they were renovated properly they could generate revenue for rentals of courts and fields.

On a motion made by Vice President Pereira and seconded by Councilor Hart, it was voted to approve the application, with Councilors Cadime and Dionne opposed and Councilor Ponte absent and not voting.

7. Mayor and proposed ordinance re Engineering Department permit fees
On a motion made by Vice President Pereira and seconded by Councilor Hart, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinances and Legislation, with Councilor Ponte absent and not voting.

8. Mayor and proposed ordinance re Minimum Housing and the municipal organizational Structure
On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinances and Legislation, with Councilor Ponte absent and not voting.

9. Mayor and request to transfer of three (3) parcels of vacant land currently held as Tax Possessions to the Watuppa Water Board.
On a motion made by Vice President Pereira and seconded by Councilor Hart, it was unanimously voted to refer the item to the Committee on Real Estate, with Councilor Ponte absent and not voting.

10. Mayor and approval of TIE Agreement for InvaGen Pharmaceuticals, Inc., and Madison FR Properties, Inc.
On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was voted to approve the agreement, with Councilor Dionne opposed and Councilor Ponte absent and not voting.

11. Mayor and the following transfers and appropriations:

- a. \$189,371.74 from the FY23 Surplus Revenue to the Capital Project Fund

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to adopt the order, with Councilor Ponte absent and not voting.

Councilor Kilby exited the Council Chamber at 7:54 p.m.

- b. \$636,878.38 from the FY23 Surplus Revenue to the OPEB Fund

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to adopt the order, with Councilors Kilby and Ponte absent and not voting.

- c. \$179,588.00 from Sewer Stabilization Fund to the Sewer FY 24 Operational Budget

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to adopt the order, with Councilors Kilby and Ponte absent and not voting.

Councilor Kilby returned to the Council Chamber at 7:55 p.m.

12. Mayor and quitclaim deed conveying Assessors Lot I-06-0022 (vacant lot at the corner of Columbia Street and Canal Street) as a gift to the City of Fall River

Councilor Raposo stated that he will be abstaining from this vote as he is employed by the party that will be gifting this property to the City. Vice President Pereira requested that a letter of thanks be sent to the donor of the land, a copy of which is attached and hereto made a part of these minutes. On a motion made by Vice President Pereira and seconded by Councilor Hart, it was unanimously voted to adopt the order, with Councilor Raposo abstaining and Councilor Ponte absent and not voting.

13. Mayor and order requesting approval of a ten-year contract for the operation, maintenance, and management of the Wastewater Treatment Facilities and Collection Systems

Councilor Cadlme requested that Corporation Counsel provide a legal opinion regarding the City Council's legislative power regarding this contract, specifically whether the City Council is approving the contract itself or approving the Mayoral signing of the contract, as well as the City Council's ability to amend the contract. On a motion made by Vice President Pereira and seconded by Councilor Kilby, it was unanimously voted to refer the order to the Committee on Finance, with Councilor Ponte absent and not voting.

PRIORITY COMMUNICATIONS

14. Traffic Commission recommending amendments to the traffic ordinances

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to refer the recommendations to the Committee on Ordinances and Legislation, with Councilor Ponte absent and not voting.

COMMITTEE REPORTS

Committee on Health and Environmental Affairs recommending:

Grant Leave to Withdraw

15. Resolution – Convene to discuss construction on Stonehaven Road

On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted that the resolution be granted leave to withdraw, with Councilor Ponte absent and not voting.

16. Resolution – Convene with member of Diman Regional Vocational Technical High School Building Committee and representative from Kaestle Boos, for an update re geothermal energy

On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted that the resolution be granted leave to withdraw, with Councilor Ponte absent and not voting.

Committee on Regulations recommending:

Adoption, pending the presentation of the Collector's receipt of payment to the City Clerk:

17. Auto Body Shop License Renewal

Order – William Sanchez, ABG Holdings, LLC d/b/a Lambert Auto Body and Sales,
103 Chavenson Street

The City Clerk stated that the City Collector had provided proof that the auto body shop license holder had entered into a payment agreement to remedy the overdue fees that were due to the City. On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted to adopt the order, with Councilor Ponte absent and not voting.

Approved, May 15, 2024

Paul E. Coogan, Mayor

18. Auto Repair Shop License Renewal

Order – William Sanchez, ABG Holdings, LLC d/b/a Lambert Auto Body and Sales,
103 Chavenson Street

The City Clerk stated that the City Collector had provided proof that the auto repair shop license holder had entered into a payment agreement to remedy the overdue fees that were due to the City. On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted to adopt the order, with Councilor Ponte absent and not voting.

Approved, May 15, 2024

Paul E. Coogan, Mayor

Adoption, as amended:

19. Auto Repair Shop License Renewal

Order – Carlos Jaquez, Jaquez Auto Sales, LLC d/b/a Jaquez Auto and Repair,
182 Stafford Road

Restrictions: Hours of Operation: Monday through Friday 7:00 A.M. to 7:00 P.M.
Saturday: 7:00 A.M. to 4:00 P.M.

On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to adopt the order, as amended, with Councilor Ponte absent and not voting.

Approved, May 15, 2024

Paul E. Coogan, Mayor

Committee on Public Safety recommending:

Grant Leave to Withdraw:

20. Resolution – Establish a Capital Plan for fire station buildings

On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted that the resolution be granted leave to withdraw, with Councilor Ponte absent and not voting.

21. Resolution – Convene to discuss fire hydrant testing

On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted that the resolution be granted leave to withdraw, with Councilor Ponte absent and not voting.

22. Resolution – Convene with Fire Chief to discuss updates to smoke and carbon monoxide alarm systems for residential properties

A brief discussion was held between Vice President Pereira, Councilor Hart, and Councilor Kilby regarding the lack of information related to smoke and carbon monoxide alarm system requirements. Councilors Hart and Kilby explained that the Fire Chief had provided resources for this updated code requirement during the Committee on Public Safety meeting, but that the responsibility of the Commonwealth's building code was not enforced by the Fall River Fire Department, it was enforced by the Building Inspector. On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was voted that the resolution be granted leave to withdraw, with Vice President Pereira opposed and with Councilor Ponte absent and not voting.

ORDINANCES

Second Reading and Enrollment

23. Proposed Ordinance – Traffic, miscellaneous
Parking prohibited at all times:

Grinnell Street, North, 132 feet west of Jefferson Street

On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment, with Councilor Ponte absent and not voting. On a further motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted that the proposed ordinance be passed through ordination, with Councilor Ponte absent and not voting.

Approved, May 15, 2024

Paul E. Coogan, Mayor

Vice President Pereira exited the Council Chamber at 8:03 p.m.

RESOLUTIONS

24. The City Council dedicate May 19-25, 2024, as Emergency Medical Services Week in honor of EMS workers that serve our community with vital health services.

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adopt the resolution, with Vice President Pereira and Councilor Ponte absent and not voting.

Vice President Pereira returned to the Council Chamber at 8:05 p.m.

CITATIONS – None

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

25. Police Chief's report on license:

Taxicab Drivers

Austin Braga Jeremias Cabral Paula Medeiros Melissa Pives

Secondhand Licenses

Joey Pacheco d/b/a Pacheco's Furniture – 255 South Main Street
Paul Bryand d/b/a Fall River Pawnbrokers – 364 South Main Street
Paul Bryand d/b/a Fall River Pawnbrokers – 1475 South Main Street
Paul Bryand d/b/a Fall River Pawnbrokers – 1435 Pleasant Street
William Leach d/b/a Marine Supply and Consignment – 75 Ferry Street

Beverly Post d/b/a Anything – 1791 South Main Street
 St. Vincent de Paul Exchange Store, Inc. – 1799 Pleasant Street
 Gamestop #6735 – 153 Mariano Bishop Boulevard
 Michael W. West d/b/a A1 Antiques and Used Furniture – 1091 Plymouth Avenue
 Pawtucket Pawnbrokers Too, Inc. – 302 South Main Street
 Patenaude Jewelers, Inc. 1473 South Main Street

Pawnbroker Licenses

Paul Bryand d/b/a Fall River Pawnbrokers – 364 South Main Street
 Paul Bryand d/b/a Fall River Pawnbrokers – 1475 South Main Street
 Paul Bryand d/b/a Fall River Pawnbrokers – 1435 Pleasant Street
 Pawtucket Pawnbrokers Too, Inc. – 302 South Main Street

Pool/Billiards License

Rack 'Em Up Billiards – 129 Griffin Street

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to adopt the order, with Councilor Ponte absent and not voting.

26. Auto Body Shop License Renewal:

Daniel Aguiar d/b/a Advanced Collision Center and Sales – 39 Eleventh Street

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to adopt the order, with Councilor Ponte absent and not voting.

Approved, May 15, 2024

Paul E. Coogan, Mayor

27. Auto Body Shop License Transfer:

Auto Repair Shop License No. 4 located at 753 Pleasant Street from Ronald Pedro d/b/a ABC Auto Body & Sales to Santos Custom Coatings, LLC

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to adopt the order, with Councilor Ponte absent and not voting.

Approved, May 15, 2024

Paul E. Coogan, Mayor

28. Auto Repair Shop License Renewal:

John Manelas, Auto Care Plus, LLC d/b/a

Bayside Automotive – 1904 Bay Street

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adopt the order, with Councilor Ponte absent and not voting.

Approved, May 15, 2024

Paul E. Coogan, Mayor

29. City Engineer prepare plans for the acceptance of Draper Street from Globe Mills Avenue to Atlantic Boulevard

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to refer the order to the Planning Board, with Councilor Ponte absent and not voting.

COMMUNICATIONS – INVITATIONS – PETITIONS**30. Claims**

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to refer the claims to Corporation Counsel, with Councilor Ponte absent and not voting.

31. Structure on or over a public way application for Steppingstone Inc. to hang a 30'x 36" banner between 111 and 134 Durfee Street for the 2024 "Get Steppin Walk."

On a motion made by Councilor Sampson and seconded by Councilor Hart, it was unanimously voted to approve the application, with Councilor Ponte absent and not voting.

32. Structure on or over a public way application for Fall River Masonic Associates, Inc. to hang 24"x36" metal/reflective road signs on telephone pole at the corner of Columbus Drive and Meridian Street to advertise Masonic Lodge and clothing shed program

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to approve the application, with Councilor Ponte absent and not voting.

33. City Engineer – Street opening less than 5 years on Pine Street and Purchase Street.

On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to approve the request, with Councilor Ponte absent and not voting.

Approved, May 15, 2024

Paul E. Coogan, Mayor

34. Drainlayer Licenses:

W.C. Smith & Son, Inc.

Farland Corp., Inc.

S. Oliveira Construction Corp.

T & K Asphalt Services

Perfected Construction LLC

Steven Steen

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to approve the drainlayer licenses, with Councilor Ponte absent and not voting.

Approved, May 15, 2024

Paul E. Coogan, Mayor

35. Planning Board Minutes

a. February 14, 2024

b. March 13, 2024

On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted that the Planning Board minutes be accepted and placed on file, with Councilor Ponte absent and not voting.

On a further motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted to take items 36 and 37 together, with Councilor Ponte absent and not voting.

City Council Minutes

36. Committee on Finance – April 23, 2024

37. City Council – April 23, 2024

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to approve the minutes, with Councilor Ponte absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES – None

A brief recess was held from 8:08 p.m. to 8:10 p.m. for the purpose of signing the proposed ordinance.

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: MAY 14, 2024

COMMITTEE REPORTS**Committee on Ordinances and Legislation recommending:**First Reading

22a. Proposed Ordinance – Traffic, miscellaneous
Handicapped parking removals:

- Bedford Street, North, 338 feet west of Covell Street
- Fountain Street, East, 249 feet north of Columbia Street.
- Rockland Street, South, 60 feet west of South Main Street.
- South Main Street, West, 237 feet south of Woodman Street.
- William Street, South, 107 feet west of Washington Street.

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted that the proposed ordinance be passed through first reading, with Councilor Ponte absent and not voting.

22b. Proposed Ordinance – Zoning Map Amendment re Waterfront Transit-Oriented Development District

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted that the proposed ordinance be passed through first reading, with Councilor Ponte absent and not voting.

Grant Leave to Withdraw

22c. Resolution – Convene with the Police Chief to discuss existing commercial vehicle parking ordinance

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted that the resolution be granted leave to withdraw, with Councilor Ponte absent and not voting.

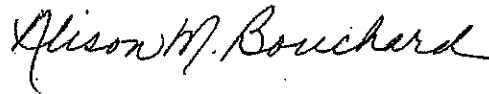
On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to adjourn at 8:11 p.m., with Councilor Ponte absent and not voting.

List of documents and other exhibits used during the meeting:

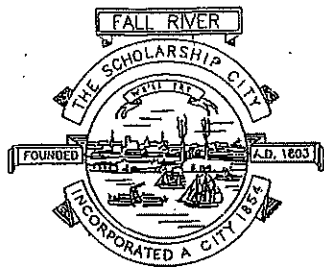
Agenda packet (attached)

DVD of meeting

A true copy. Attest:

A handwritten signature in cursive script, reading "Glison M. Bouchard".

City Clerk



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

May 17, 2024

Most Reverend Edgar Moreira da Cunha, S.D.V.
Roman Catholic Diocese of Fall River
450 Highland Avenue
Fall River, MA 02720

Dear Bishop da Cunha,

At a Regular Meeting of the City Council held on Tuesday, May 14, 2024, on a motion made and seconded, it was unanimously voted to adopt the order accepting the deed to the land located at the southwest corner of Columbia Street and Canal Street (Parcel ID# I-06-0022). Following this vote, a request was made to forward a letter of thanks to you.

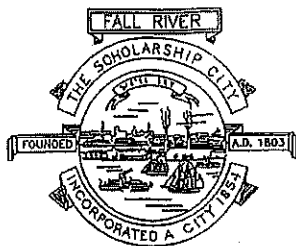
This gift of property to the City of Fall River exemplifies the dedication of the Roman Catholic Diocese of Fall River to preserve and cherish outdoor spaces in the community for all to enjoy. On behalf of the Fall River City Council, please accept our sincerest gratitude.

Sincerely,

Alison M. Bouchard
City Clerk

/lv

2a



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

May 23, 2024

RECEIVED

2024 MAY 23 P 12:39

CITY CLERK _____
FALL RIVER, MA

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

Dear Council President and Members of the Honorable Council:

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

Name: John Brandt

Address 116 Rock Street
Fall River, MA 02720

Position: Community Preservation Commission

Expiration: May 22, 2027

Sincerely,

Paul E. Coogan
Mayor

PC/amos

2a



ENGINEERING

CITY OF FALL RIVER

CONSERVATION DIVISION

PAUL E. COOGAN

Mayor

DANIEL AGUIAR

Director of Engineering & Planning

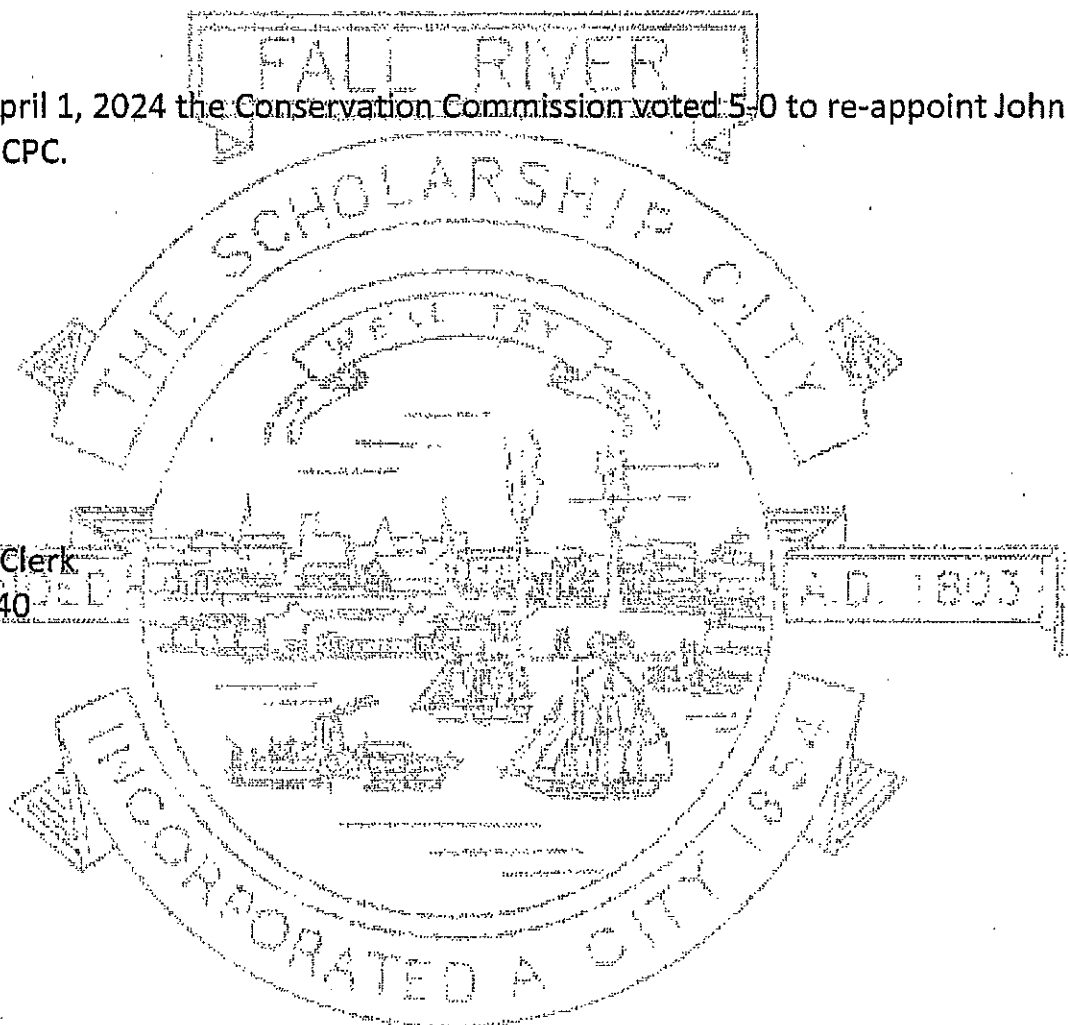
MAY 23, 2024

On Monday April 1, 2024 the Conservation Commission voted 5-0 to re-appoint John Brandt to the CPC.

Patti Agular

Conservation Clerk

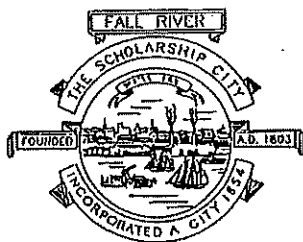
T-508-324-2340



One Government Center • Fall River, MA 02722

TEL (508) 324-2512 • FAX (508) 324-2564 • EMAIL engineering@fallriverma.gov

26



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2024 MAY 22 P 3:11

PAUL E. COOGAN
Mayor

CITY CLERK _____
FALL RIVER, MA

May 22, 2024

Joseph Camara, Council President
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 submit the attached fee ordinance for your consideration and formal acceptance. These fees will support Fall River's budding tourism industry by facilitating the operation of a new waterfront trolley service.

Thank you in advance for your consideration of this request.

Sincerely,

Paul E. Coogan
Mayor

City of Fall River, In City Council

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

Section 1.

That Chapter 2 of the Code of the City of Fall River, Massachusetts, 2018, which Chapter relates to *Administration*, be amended as follows:

By striking out Section 2-1046 in Article XI which article pertains to *Revolving Funds* and which section pertains to *Trolley and Handicap Bus* in its entirety and inserting in its place thereof the following:

There shall be a Trolley Revolving Fund for supplies, expenses and vendor payments for the trolley program. The fund shall be managed and utilized by the Department of City Operations. The account shall be funded by receipts related to the trolley program.

Section 2.

That Chapter A110-1 of the Code of the City of Fall River, Massachusetts, 2018, which section relates to Chapter 2, *Administration*, be amended as follows:

By inserting, in proper order, the following:

2-1046. Trolley Operation.

Standard trolley route tickets.

(1) Adult ticket (age 13 or older)	\$5.00
(2) Child ticket (age 12 or under)	\$2.00

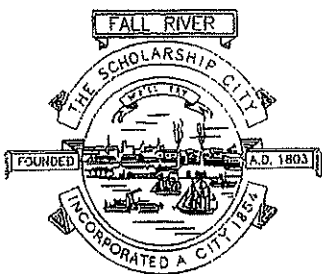
Special trolley tour or event tickets.

(1) Adult ticket (age 13 or older)	\$30.00
(2) Child ticket (age 12 or under)	\$20.00

Trolley rentals.

(1) Base Full-day (8 hours) rental	\$1,100.00
(2) Base Half-day (4 hours) rental	\$600.00
(3) Each hour of rental time exceeding the base rental (up to 4 hours)	\$130.00
(4) Black tie dress requirement for trolley driver during rental (optional)	\$200.00

6a



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

RECEIVED

2024 MAY 23 P 2:08

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

Bridget Almon
Director of Financial Services

May 22, 2024

Council President Joseph Camara
One Government Center
Fall River, MA 02722


Dear Council President Camara:

Pursuant to the City Charter, Section 6-6, the City issued and received responses to an RFQ for annual audit services. The City received three bids from qualified firms. The law department has issued a letter dated May 10, 2024, raising concern of one of the responders.

I recommend the Council authorize the administration to execute the first year of the agreement with options for the additional four years to Roselli and Clark. They have been the City's outside auditor for the last five years and are a qualified firm. In addition, Roselli & Clark is the low bidder and provided the City with the most favorable pricing.

As it is the Council's responsibility to select the outside auditor. I am providing the responses & the attached tabulation sheet be provided to the council for the May 28, 2024, meeting. Once the Council approves the audit firm the City can execute the agreement and begin the planning process for the fiscal 2024 audit.

Regards


Bridget Almon
Director of Financial Services



PURCHASING
CITY OF FALL RIVER

TABULATED BID RESULTS

BID OPENING DATE: April 25th, 2024		TIME: 2:00 pm									
IFB/RFP/RFQ # 24 - 02		PROJECT NAME: Independent Audit Services									
		Fall River, MA									
Contractor	Base Bid Amount FY2024-2028	Deductions Included FRHA DRVTH	Addendum #1, #2, #3, #4, etc...	Non-Collusive Affidavit	SCOPE	EEO	COA	Anti Lobbying & Debarment Certification	Business Reference Form	Vendor Certification	Tax Certification
<u>COMPANY NAME:</u> Marcum LLP <u>ADDRESS:</u> 100 Westminster St <u>CITY/STATE/ZIP:</u> Providence, RI 02903 <u>Contact:</u> Kyle Connors	\$1,010,000.00	\$25,000	N/A	✓	✓	✓	N/A	✓	✓	✓	✓
<u>COMPANY NAME:</u> Hague, Sahady & Co. <u>ADDRESS:</u> 126 President Ave #201 <u>CITY/STATE/ZIP:</u> Fall River, MA 02720 <u>Contact:</u> Andrew R. Lima	\$900,000.00	\$25,000	N/A	✓	✓	✓	✓	✓	✓	✓	✓
<u>COMPANY NAME:</u> Roselli, Clark & Associates <u>ADDRESS:</u> 500 West Cummings Park <u>CITY/STATE/ZIP:</u> Woburn, MA 01801 <u>Contact:</u> Terenzio Volpicelli	\$864,500.00	None listed	N/A	✓	✓	✓	✓	✓	✓	✓	✓
<u>COMPANY NAME:</u> <u>ADDRESS:</u> <u>CITY/STATE/ZIP:</u>											

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