

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: June 11, 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: Seth Thomas Aitken, City Administrator
Bridget Almon, Director of Financial Services
Nicholas A. Macolini, Director of Human Resources

President Camara called the meeting to order at 7:02 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 Ponte, it was unanimously voted to lift item 1 from the table.

PRIORITY MATTERS

1. 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

On a motion made by Councilor Ponte and seconded by Councilor Raposo, it was voted 6 yeas, 3 nays, to refer the item to the Committee on Finance to conduct interviews with all three candidates, with Vice President Pereira, Councilor Hart and Councilor Kilby voting in the negative.

On a further motion made by Councilor Ponte and seconded by Councilor Raposo, it was unanimously voted to take item 12 out of order.

CITATIONS

12. Monsignor James A. Root, Saint Anthony of the Desert Maronite Church – Celebrating his 40th Anniversary of Ordination (1984-2024)
On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted to adopt the citation.

On a further motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to take item 12a out of order.

CITATIONS

12a. Maggie O'Connell – Receipt of the Boston Globe Foundation's/Richard J. Phelps Athletic Scholarship

On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to adopt the citation. President Camara made brief remarks commending Ms. O'Connell for her accomplishments.

On a further motion made by Councilor Ponte and seconded by Councilor Sampson, it was unanimously voted to take item 21 out of order.

COMMUNICATIONS – INVITATIONS – PETITIONS

21. Final Report – Acceptance of Mohawk Drive from Indian Town Road looping back to Indian Town Road

Councilor Ponte suggested that this street acceptance be referred to the Committee on Public Works and Transportation. Vice President Pereira stated that Corporation Counsel has advised the City Council to table the matter until additional information is obtained regarding the tree cutting project that is ongoing in the neighborhood. Councilor Kilby requested that Corporation Counsel prioritize this matter within the next few weeks. On a motion made by Vice President Pereira and seconded by Councilor Sampson, it was voted 6 yeas, 3 nays, to table the final report, with Councilor Cadime, Councilor Ponte and Councilor Raposo voting in the negative.

On a further motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to take item 7a out of order.

COMMITTEE REPORTS

Committee on Finance recommending action:

7a. Order – Proposed Fiscal Year 2025 Municipal Budget

On a motion made by Councilor Ponte and seconded by Councilor Dionne, it was unanimously voted that the City Council vote upon the Proposed Fiscal Year 2025 Budget by voting on each line item. On a further motion made by Councilor Cadime and seconded by Councilor Raposo, it was unanimously voted to waive the rules to allow the City Administrator, Director of Financial Services and Director of Human Resources to answer questions regarding the budget.

Councilor Dionne requested that the line items within the budget be voted upon in numerical order and President Camara confirmed that the vote could be taken in any order based on the will of the City Council

Councilor Ponte stated that he would be making motions to amend certain line items within the budget, such as the salary section within the Department of City Operations and the Insurance section. Councilor Ponte emphasized the need to reduce the total amount within the Reserve Fund, that he would also be making a motion to decrease that funding total and reiterated the need to avoid one-time-use funding to supplement the annual budgets.

A lengthy discussion was held between Councilor Cadime, Councilor Ponte and Bridget Almon, Director of Financial Services, regarding the risk factor of decreasing the capital within the Employer Trust Fund, the lack of up-to-date insurance expenditures within the Quarterly Budget Reports and state restrictions regarding the itemization of funds for future use within the Reserve Fund. Ms. Almon stated that it is not good practice to significantly reduce funding within

the Reserve Fund, as it can lead to unexpected deficits that would require an increase in premium payments by employees. Councilor Ponte emphasized the need to reduce excess funding throughout the budget, including the Reserve Fund. Councilor Cadime clarified that the City Council cannot itemize the Reserve Fund decrease, if it is voted upon. Seth Thomas Aitken, City Administrator, explained that reducing the Reserve Fund would create significant challenges if unexpected events were to occur, such as unanticipated retirements and time accrual. Mr. Aitken also expressed concern regarding the separation of executive and legislative powers within the development and approval of the Fiscal Year 2025 Budget. The Director of Financial Services stated that this budget was conservative in nature and properly funded to address any unexpected expenditure. Councilor Cadime and Ms. Almon discussed the creation of a Fund Balance Policy for future meetings and the current, and past, use of Free Cash.

Councilor Sampson stated that decreasing the Reserve Fund within the budget would save taxpayers money. Ms. Almon clarified that, due to the adopted tax levy for the fiscal year, the tax rates would not change. Mr. Aitken reiterated that this could cause significant financial security risk for the City. Councilor Kilby stated that the extra funding within the Reserve Fund was useful to have in case of unexpected expenditure. Councilor Ponte requested that the Administration remain on the floor of the City Council during the voting process to answer any questions.

On a motion made by Vice President Pereira and seconded by President Camara, it was unanimously voted to take items A1 through A10 together. On a further motion made by Councilor Kilby and seconded by Vice President Pereira, it was unanimously voted to approve items A1 through A10.

On a motion made by Councilor Hart and seconded by Councilor Sampson, it was unanimously voted to take items B1 through B3 together. On a further motion made by Councilor Cadime and seconded by Councilor Sampson, it was unanimously voted to approve items B1 through B3.

A motion was made by Councilor Hart and seconded by Vice President Pereira to take items C1 and C2 together. Councilor Dionne stated that the position of Purchasing Agent was currently vacant and that the funds listed for that position should be removed from the budget. Councilor Dionne explained that when a full-time Purchasing Agent is hired, the necessary funding can be appropriated. Mr. Aitken stated that they will be working to fill the vacancy within the next few weeks and Councilor Ponte clarified that this would require reducing the Financial Services Salary line item by \$75,000. On a motion made by Councilor Dionne and seconded by Councilor Ponte, it was voted 1 yea, 8 nays, to reduce the Financial Services Salary line item by \$75,000, to \$1,702,192, and the motion failed to carry. On a further motion made by Councilor Ponte and seconded by Vice President Pereira, it was voted to approve items C1 and C2, with Councilor Dionne opposed.

A motion was made by Councilor Kilby and seconded by Councilor Hart to take items D1 through D4 together. Councilor Dionne stated that she wanted to decrease line item D2, Facilities Maintenance Expense, by \$60,000, due to the large amount of funds that have been assigned for electricity bills. Ms. Almon stated that there are additional reconciliations pending for solar power within the City and Mr. Aitken explained that costs for this category haven't been properly documented in the past, so this number was to compensate for any estimated errors. On a motion made by Councilor Dionne and seconded by Councilor Raposo, it was voted 5 yeas, 4 nays, to reduce item D2, Facilities Maintenance Expense, by \$60,000, to \$2,558,340, and to approve, as amended, with President Camara, Vice President Pereira, Councilor Hart and Councilor Kilby voting in the negative.

Councilor Ponte stated that he would like to decrease D1, the Facilities Maintenance Salaries line item, by a total of \$28,050, which would defund both the Director of City Operation's listed salary increase and the stipend that was listed under the Head Administrative Clerk. Councilor Dionne stated that in addition to the decrease suggested by Councilor Ponte, she recommends decreasing the Facilities Maintenance Salaries line item by an additional \$39,539.76 to defund both the morning and afternoon security guard positions, as those positions are not listed within the City ordinances. Vice President Pereira emphasized the need for a security guard in the lobby of Government Center and suggested that the security guard position be presented to the Committee on Ordinances and Legislation to amend the City ordinances rather than remove the positions. The City Administrator stated that the reduction of salaries within the Facilities Maintenance section of the budget is not advised as it would eliminate any salary increases for the Department Head, who hasn't had a salary adjustment for over two years, and that the \$13,050 stipend within the salary section was a clerical error and should have been labeled as compensation for Service Out of Rank. A lengthy discussion was held between Councilor Dionne, Councilor Cadime, Councilor Ponte and Mr. Aitken regarding salary increases and the legal definition of a stipend versus Service Out of Rank. Councilor Ponte stated that he would adjust the reduction on the salary line item to only \$10,000, which would not affect the Head Administrative Clerk and would also allow a small salary adjustment, if needed, for the Department Head. On a motion made by Councilor Ponte and seconded by Councilor Raposo, it was voted 6 yeas, 3 nays, to reduce item D1, Facilities Maintenance Salaries, by \$10,000, to \$1,174,749, with Vice President Pereira, Councilor Hart and Councilor Sampson voting in the negative.

A motion was made by Councilor Dionne to reduce item D1, Facilities Maintenance Salaries, by an additional \$52,589.76 to \$1,331,001.24, but there was no second. A further motion was made by Councilor Dionne to reduce item D1, Facilities Maintenance Salaries, by an additional \$32,810 to \$1,141,939, but there was no second. On a further motion made by Councilor Kilby and seconded by Councilor Ponte, it was voted 7 yeas, 2 nays, to approve item D1, Facilities Maintenance Salaries, as amended, with Vice President Pereira and Councilor Dionne voting in the negative.

On a motion made by Councilor Dionne and seconded by Councilor Ponte, it was voted 4 yeas, 5 nays, to reduce item E2, Community Maintenance Expense, by \$75,000, to \$13,314,867, with Councilor Cadime, Councilor Dionne, Councilor Ponte and Councilor Raposo voting in the affirmative, and the motion failed to carry. On a further motion made by Councilor Ponte and seconded by Councilor Raposo, it was voted 7 yeas, 2 nays, to approve items E1 through E3, with Councilor Dionne and Councilor Ponte voting in the negative.

On a motion made by Councilor Ponte and seconded by Councilor Sampson, it was voted 9 yeas to approve items F1 through F4.

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was voted 9 yeas to approve items G1 through G3.

Councilor Cadime and Councilor Dionne held a brief discussion regarding the electricity funds within item H2, Police Expenses, including the lack of actuals to show the expenditure for electricity over the first three quarters of the past fiscal year. President Camara emphasized the need for actuals to be listed in future budget booklets. A motion was made by Councilor Dionne to reduce item H2, Police Expenses, by \$50,000, to \$2,168,545, but there was no second. On a

further motion made by Councilor Hart and seconded by Councilor Ponte, it was voted 8 yeas, 1 nay, to approve items H1 through H8, with Councilor Dionne voting in the negative.

On a motion made by Councilor Ponte and seconded by Councilor Raposo, it was voted 9 yeas to take items I1 through I4 separately.

On a motion made by Councilor Ponte and seconded by Councilor Raposo, it was voted 9 yeas to approve item I1.

Councilor Ponte stated that the use of one-time funding is not the best practice and provided a detailed description regarding the need to reduce the Insurance portion of the budget to reduce reliance on one-time funding. On a motion made by Councilor Ponte and seconded by Councilor Dionne, it was voted 4 yeas, 5 nays, to reduce item I2, Insurance, by \$1,568,488, to \$39,258,437, with Councilor Cadime, Councilor Dionne, Councilor Ponte and Councilor Raposo voting in the affirmative, and the motion failed to carry. On a further motion made by Councilor Kilby and seconded by Councilor Hart, it was voted 7 yeas, 2 nays, to approve item I2, with Councilor Ponte and Councilor Raposo voting in the negative.

On a motion made by Councilor Hart and seconded by Councilor Kilby, it was voted 8 yeas to approve item I3, with Vice President Pereira abstaining.

On a motion made by Councilor Ponte and seconded by Councilor Cadime, it was voted 6 yeas, 3 nays, to reduce item I4, Reserve Fund, by \$646,512, to \$200,000, and to approve as amended, with Vice President Pereira, Councilor Hart and Councilor Kilby voting in the negative.

A brief recess was taken from 9:17 p.m. to 9:19 p.m. to confirm the amended line item sections and the amended total of the budget appropriation order.

On a motion made by Councilor Ponte and seconded by Councilor Raposo, it was voted 8 yeas, 1 nay, to adopt the order for the Fiscal Year 2025 Municipal Budget, with Councilor Dionne voting in the negative.

2. Mayor and confirmation of the reappointment of David Underhill to the Fall River Housing Authority

A motion was made by Councilor Raposo and seconded by Vice President Pereira to confirm the reappointment. Councilor Cadime expressed concern that the City Council had not received clarification regarding whether this reappointment was voted upon by the tenants, as this is a reappointment for a tenant representative member and requested that information be presented to the City Council prior to the confirmation. On a motion made by Councilor Cadime and seconded by Councilor Ponte, it was unanimously voted to table the item.

3. Mayor and order authorizing COLA (Cost of Living Adjustment) of 3% on \$1,200 base amount for city retirees for FY2025

On a motion made by Councilor Kilby and seconded by Councilor Raposo, it was unanimously voted to adopt the order, with Vice President Pereira abstaining.

4. Mayor and request to reduce Bristol County American Rescue Plan Act (ARPA) funds for the "Veterans Assistance Program" from the allocated \$250,000 to \$20,000 due to obligation requirements by the United States Department of the Treasury

On a motion made by Vice President Pereira and seconded by Councilor Hart, it was unanimously voted to approve the reduction of funds.

5. Mayor and proposed ordinance re Buildings and Building Properties, Property Maintenance

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

PRIORITY COMMUNICATIONS - None

COMMITTEE REPORTS

Committee on Real Estate recommending:

Referral to the Administration (requesting a response within 30 days)

6. Communication – City resident requesting to purchase a portion of city owned land on Assessors Lot Y-09-0007

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to refer the communication to the Administration and request a response to this matter within thirty days of the referral.

Adoption

7. Order – Authorization of Request for Proposal (RFP) re sale of Hicks Street lot (formerly Harriet Healy Elementary School)

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

ORDINANCES

Second Reading and Enrollment

8. Proposed Ordinance – Engineering Department permit fees

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 Cadime, it was unanimously voted that the proposed ordinance be passed through ordination.

9. Proposed Ordinance – Minimum housing and municipal organizational structure

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

RESOLUTIONS

10. Committee on Finance convene with Director of City Operations for a presentation and discussion of efficiencies following reorganizations within the department

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

11. Committee on Finance convene to discuss potential use of Bristol County American Rescue Plan Act funds to purchase an artmobile vehicle for the Greater Fall River Art Association

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

ORDERS – HEARINGS

Curb Removals

13. Deniz Diogo, 401 Hyacinth Street – Removal of 5 feet at 401 Hyacinth Street
On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adopt the order.

14. 164 Elm Street, LLC, 2 Eaton Road, Quincy – Removal of 19.2 feet at 164 Elm Street
On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to adopt the order. President Camara stated that he should have abstained from voting on this item due to a conflict of interest. On a motion made by President Camara and seconded by Councilor Cadime, it was unanimously voted to reconsider the previous motion. On a further motion made by Councilor Kilby and seconded by Vice President Pereira, it was unanimously voted to adopt the order, with President Camara abstaining.

15. Destefano Family Living Trust, 311 Pine Street – Removal of 10 feet at 311 Pine Street/Purchase Street
On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adopt the order.

16. Serafin Sousa, 177 Doyle Street – Removal of 17 feet at 177 Doyle Street/North Rockliffe Street
On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to adopt the order.

Second Hand License

17. Sharon Vieira d/b/a J & J Diamond Jewelers, 400 Foley Street, Somerset, located at 167 Borden Street
On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to adopt the order.

ORDERS – MISCELLANEOUS

18. Police Chief's report on license:

Taxicab Drivers

Cheryl Kohane Michael Migliori

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

19. Auto Repair Shop License Renewal:

Tanios Barbour d/b/a Barbour Auto Sales Trust – 673 Bedford St

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

COMMUNICATIONS – INVITATIONS – PETITIONS

20. Claims

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

22. Final Report – Acceptance of Gatehouse Drive from Prospect Street southerly to Maple Street

A brief discussion was held between Councilor Ponte and the City Clerk regarding the City Engineer's notation of the anticipated cost to repave Gatehouse Drive if the street was accepted. On a motion made by Vice President Periera and seconded by Councilor Hart, it was voted 2 yeas, 7 nays to approve the final report, with Councilor Hart and Councilor Kilby voting in the affirmative, and the motion failed to carry.

City Council Minutes

23. Committee on Finance – May 28, 2024

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

24. City Council – May 28, 2024

On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted to approve the minutes.

BULLETINS – NEWSLETTERS – NOTICES – None

A brief recess was held from 9:30 p.m. to 9:32 p.m. for the purpose of signing the proposed ordinances

On a motion made by Councilor Ponte and seconded by Councilor Sampson, it was unanimously voted to adjourn at 9:33 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

A true copy. Attest:



City Clerk

In City Council, June 25, 2024
Approved.



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2024 JUN 11 A 11:38

ALISON M. BOUCHARD
CITY CLERK

CITY CLERK
FALL RIVER, MA

INÊS LEITE
ASSISTANT CITY CLERK

ORIGINAL POSTING: JUNE 7, 2024 AT 11:24 A.M.

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
JUNE 11, 2024
REVISED AGENDA

5:55 P.M. PUBLIC HEARINGS

Curb Removals

1. Deniz Diogo, 401 Hyacinth Street, for the removal of curbing as follows:

	Existing Opening	Curbing to be Removed	Curbing to be Added	Combined Opening Proposed After Alteration
401 Hyacinth Street	30.5'	5'	0'	35.5'

The parcel is currently serviced by a horseshoe driveway with two curb openings. One opening is 19 feet in width and the second is 11.5 feet in width. The applicant proposes to extend the 11.5 feet opening by an additional 5 feet. The total opening for the location will be 35.5 feet.

2. 164 Elm Street, LLC, 2 Eaton Road, Quincy, MA 02169, for the removal of curbing as follows:

	Existing Opening	Curbing to be Removed	Curbing to be Added	Combined Opening Proposed After Alteration
164 Elm Street	22.9'	19.2'	12.6'	29.5'

The parcel is currently serviced by two separate driveways. A 10.3-foot opening and a 12.6-foot opening on Elm Street. The applicant proposes to close a 12.6-foot opening and create a new 19.2-foot opening. The total opening for the location will be 29.5 feet.

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

3. Destefano Family Living Trust, 311 Pine Street, for the removal of curbing as follows:

	Existing Opening	Curbing to be Removed	Curbing to be Added	Combined Opening Proposed After Alteration
311 Pine Street/ Purchase Street	38'	10'	5'	43'

The parcel is currently serviced by two separate driveways. A 22-foot opening on Pine Street and a 16-foot opening on Purchase Street. The applicant proposes to extend the Purchase Street opening by an additional 5 feet. The total opening for the location will be 43 feet.

4. Serafin Sousa, 177 Doyle Street, for the removal of curbing as follows:

	Existing Opening	Curbing to be Removed	Curbing to be Added	Combined Opening Proposed After Alteration
177 Doyle Street/ North Rocliffe Street	13.2'	17'	0'	30.2'

The parcel is currently serviced by a 13.2-foot opening on Doyle Street. The applicant proposes to construct a new 17-foot opening on North Rocliffe Street. The total opening for the location will be 30.2 feet.

Street Acceptances

5. Mohawk Drive from Indian Town Road looping back to Indian Town Road
6. Gatehouse Drive from Prospect Street southerly to Maple Street

Second Hand License

7. Sharon Vieira d/b/a J & J Diamond Jewelers, 400 Foley Street, Somerset, MA, 02726, for permission to operate and maintain a second hand article store located at 167 Borden Street (jewelry to be sold).

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

1. Citizen Input
2. Continue discussion of the proposed Fiscal Year 2025 Municipal Budget as follows:
• Departments carried over from the June 10, 2024, Committee on Finance agenda, if needed

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. *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 (objected to 5-28-2024)
2. *Mayor and confirmation of the reappointment of David Underhill to the Fall River Housing Authority
3. *Mayor and order authorizing COLA (Cost of Living Adjustment) of 3% on \$1,200 base amount for city retirees for FY2025
4. *Mayor and request to reduce Bristol County American Rescue Plan Act (ARPA) funds for the "Veterans Assistance Program" from the allocated \$250,000 to \$20,000 due to obligation requirements by the United States Department of the Treasury
5. *Mayor and proposed ordinance re Buildings and Building Properties, Property Maintenance

PRIORITY COMMUNICATIONS - None

COMMITTEE REPORTS

Committee on Real Estate recommending:

Referral to the Administration (requesting a response within 30 days)

6. *Communication – City resident requesting to purchase a portion of city owned land on Assessors Lot Y-09-0007
7. Adoption
*Order – Authorization of Request for Proposal (RFP) re sale of Hicks Street lot (formerly Harriet Healy Elementary School)

ORDINANCES

Second Reading and Enrollment

8. *Proposed Ordinance – Engineering Department permit fees
9. *Proposed Ordinance – Minimum housing and municipal organizational structure

RESOLUTIONS

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CITATIONS

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Second Hand License

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ORDERS – MISCELLANEOUS

18. Police Chief's report on license:
Taxicab Drivers
Cheryl Kohane Michael Migliori
19. Auto Repair Shop License Renewal:
Tanios Barbour d/b/a Barbour Auto Sales Trust – 673 Bedford St

COMMUNICATIONS – INVITATIONS – PETITIONS

20. *Claims
21. Final Report – Acceptance of Mohawk Drive from Indian Town Road looping back to Indian Town Road
22. Final Report – Acceptance of Gatehouse Drive from Prospect Street southerly to Maple Street

City Council Minutes

23. *Committee on Finance – May 28, 2024
24. *City Council – May 28, 2024

BULLETINS – NEWSLETTERS – NOTICES – None


City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: JUNE 11, 2024

COMMITTEE REPORTS

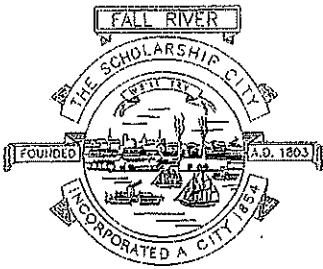
Committee on Finance recommending action:

- 7a. Order – Proposed Fiscal Year 2025 Municipal Budget

CITATIONS

- 12a. Maggie O'Connell – Receipt of the Boston Globe Foundation's/Richard J. Phelps Athletic Scholarship

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



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2024 JUN -7 A 11:24

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CITY CLERK

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MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
JUNE 11, 2024
AGENDA

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6. Gatehouse Drive from Prospect Street southerly to Maple Street

Second Hand License

7. Sharon Vieira d/b/a J & J Diamond Jewelers, 400 Foley Street, Somerset, MA, 02726, for permission to operate and maintain a second hand article store located at 167 Borden Street (jewelry to be sold).

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

1. Citizen Input
2. Continue discussion of the proposed Fiscal Year 2025 Municipal Budget as follows:
• Departments carried over from the June 10, 2024, Committee on Finance agenda, if needed

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. *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 (objected to 5-28-2024)
2. *Mayor and confirmation of the reappointment of David Underhill to the Fall River Housing Authority
3. *Mayor and order authorizing COLA (Cost of Living Adjustment) of 3% on \$1,200 base amount for city retirees for FY2025
4. *Mayor and request to reduce Bristol County American Rescue Plan Act (ARPA) funds for the "Veterans Assistance Program" from the allocated \$250,000 to \$20,000 due to obligation requirements by the United States Department of the Treasury
5. *Mayor and proposed ordinance re Buildings and Building Properties, Property Maintenance

PRIORITY COMMUNICATIONS - None

COMMITTEE REPORTS

Committee on Real Estate recommending:

Referral to the Administration (requesting a response within 30 days)

6. *Communication – City resident requesting to purchase a portion of city owned land on Assessors Lot Y-09-0007

Adoption

7. *Order – Authorization of Request for Proposal (RFP) re sale of Hicks Street lot (formerly Harriet Healy Elementary School)

ORDINANCES

Second Reading and Enrollment

8. *Proposed Ordinance – Engineering Department permit fees
9. *Proposed Ordinance – Minimum housing and municipal organizational structure

RESOLUTIONS

10. *Committee on Finance convene with Director of City Operations for a presentation and discussion of efficiencies following reorganizations within the department
11. *Committee on Finance convene to discuss potential use of Bristol County American Rescue Plan Act funds to purchase an artmobile vehicle for the Greater Fall River Art Association

CITATIONS

12. Monsignor James A. Root, Saint Anthony of the Desert Maronite Church – Celebrating his 40th Anniversary of Ordination (1984-2024)

ORDERS – HEARINGS

Curb Removals

13. Deniz Diogo, 401 Hyacinth Street – Removal of 5 feet at 401 Hyacinth Street
14. 164 Elm Street, LLC, 2 Eaton Road, Quincy – Removal of 19.2 feet at 164 Elm Street
15. Destefano Family Living Trust, 311 Pine Street – Removal of 10 feet at 311 Pine Street/Purchase Street
16. Serafin Sousa, 177 Doyle Street – Removal of 17 feet at 177 Doyle Street/North Rockliffe Street

Second Hand License

17. Sharon Vieira d/b/a J & J Diamond Jewelers, 400 Foley Street, Somerset, located at 167 Borden Street

ORDERS – MISCELLANEOUS

18. Police Chief's report on license:

Taxicab Drivers

Cheryl Kohane Michael Migliori

19. Auto Repair Shop License Renewal:

Tanios Barbour d/b/a Barbour Auto Sales Trust – 673 Bedford St

COMMUNICATIONS – INVITATIONS – PETITIONS

20. *Claims
21. Final Report – Acceptance of Mohawk Drive from Indian Town Road looping back to Indian Town Road
22. Final Report – Acceptance of Gatehouse Drive from Prospect Street southerly to Maple Street

City Council Minutes

23. *Committee on Finance – May 28, 2024
24. *City Council – May 28, 2024

BULLETINS – NEWSLETTERS – NOTICES – None


City Clerk

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

COMMITTEE REPORTS

Committee on Finance recommending action:

Order – Proposed Fiscal Year 2025 Municipal Budget

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



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

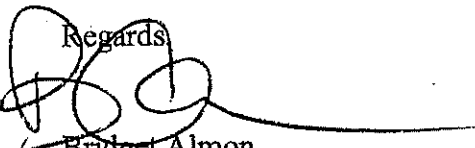
Dear Council President Camara:

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 concerns 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 to 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

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 28 2024

*Objected to and laid
on the table in
accordance with the
City Charter.*

One Government Center • Fall River, MA 02722
TEL (508) 324-2260 • FAX (508) 324-2040

City of Fall River, *In City Council*

ORDERED, that pursuant to Section 6-6 of the City Charter, Roselli, Clark and Associates are hereby selected to provide independent financial audit services as outlined in the attached proposal.

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 28 2024

*Objected to and laid on
the table, in accordance
with the City Charter*

[illegible]



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2024 JUN -5 A 11: 11

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

June 5, 2024

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:

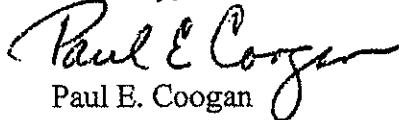
Name: David Underhill

Address 288 North Wall Street
Fall River, MA 02723

Position: Housing Authority

Expiration: June 19, 2029

Sincerely,


Paul E. Coogan
Mayor

PC/amos



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2024 JUN -6 P. 2: 35

CITY CLERK _____
FALL RIVER, MA

June 6, 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 is a letter from the Fall River Contributory Retirement Board granting a 3% Cost of Living Adjustment on a \$1,200.00 base to be effect July 1, 2024, for City retirees. I respectfully recommend this increase to the Honorable Council.

Thank you and if additional information is needed please contact my office.

Sincerely,

Paul E. Coogan
Mayor

PC/amos



COMMONWEALTH OF MASSACHUSETTS
Fall River Contributory Retirement Board
21 Father DeValles Boulevard • Suite GR1 • Unit 14 • Fall River, MA 02723
Tel. (508) 646-9120 • Fax (508) 646-9123

3

RECEIVED

2024 JUN -6 P 2:35

June 6, 2024

CITY CLERK _____
FALL RIVER, MA

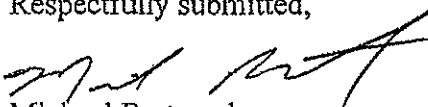
Honorable Mayor Coogan,

This letter is to inform you that the Fall River Retirement Board voted pursuant to M.G.L. C.32 §103 to grant a 3% cost of living increase on a \$12,000 base to be effective July 1, 2024 to all eligible members/beneficiaries of the Fall River Retirement System at a meeting of the Board held May 29, 2024.

It was also requested by one of the board members to clarify that the maximum COLA paid to any retiree was \$360 annually. Therefore many of the City's retirees receive less than 1% of their retirement allowance each year.

If I can be of any further assistance regarding this matter, please do not hesitate to contact me.

Respectfully submitted,


Michael Pasternak
Executive Director

City of Fall River, *In City Council*

WHEREAS, Massachusetts General Laws (M.G.L.) Chapter 269 of the Acts of 2022, authorizes a Retirement Board with a local option to increase the Cost-of-Living Adjustment for Fiscal Year 2025 to up to 5% on the base amount specified pursuant to M.G.L. Chapter 32, Section 103, and

WHEREAS, such an increase must be approved by a majority vote of the Retirement Board, subject to the approval of the legislative body, and

WHEREAS, the Fall River Contributory Retirement Board voted, pursuant to M.G.L. Chapter 269 of the Acts of 2022, to increase the Cost-of-Living Adjustment for Fiscal Year 2025 to up to 3% on the base amount of \$12,000 at a meeting held on May 29, 2024, now therefore

BE IT ORDERED, pursuant to Massachusetts General Laws (M.G.L.) Chapter 32, Section 103 and Chapter 269 of the Acts of 2022, that the City Council approves the increased Cost-of-Living Adjustment for Fiscal Year 2025 of 3% to become effective July 1, 2024.



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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2024 JUN -6 A 10:56

CITY CLERK
FALL RIVER, MA

June 6, 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 a request from ARPA Coordinator, Kara Humm, to reduce the "Veterans Assistance Program" from the allocated \$250,000.00 to \$20,000.00 permitting the unused portion of the funds to be awarded for another proposal to benefit the City.

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
American Rescue Plan Act

4

PAUL E. COOGAN
Mayor

KARA HUMM
ARPA Director

June 6, 2024

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

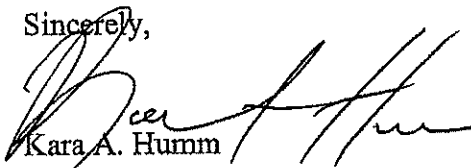
Dear Mayor Coogan:

Attached please find the documents that were submitted for the August 15, 2023 City Council Meeting pertaining to Councilors Michelle Dionne and Andrew Raposo proposal seeking ARPA funding from the Bristol County Treasury for the "Veterans Assistance Program," as well as, the signed grant agreement after the Council voted and approved the proposal.

As the City's ARPA Director, it is my opinion the amount approved and allocated to the "Veterans Assistance Program" cannot be obligated and will therefore not be spent in the period of time established by the U.S. Treasury. Therefore, I am recommending that the grant agreement for Bristol County Treasury funding for this proposal be reduced by the Council from \$250,000 to \$20,000. This request would allow for the program to continue to assist veterans but permit the funds that will be unused to go towards another proposal to benefit the City and its residents.

If you could please forward this request to the City Council for their consideration to reduce the grant agreement approving the Bristol County Treasury funding of the "Veterans Assistance Program" at the June 11th City Council Meeting it would be greatly appreciated.

Sincerely,



Kara A. Humm
ARPA Director



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2024 JUN -6 P 3:26

CITY CLERK _____
FALL RIVER, MA

June 6, 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:

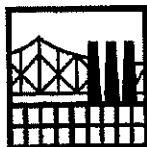
Attached for your review are proposed ordinances, Chapter 10, Article VII, Buildings and Building Regulations, Property Maintenance drafted by corporation counsel for your consideration.

Thank you and if additional information is needed, please contact my office.

Sincerely,

Paul E. Coogan
Mayor

PC/amos

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

RECEIVED

2024 JUN -6 P 3:27

6 June 2024

CITY CLERK
FALL RIVER, MA

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

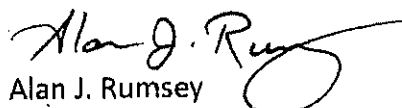
Dear Mayor Coogan:

Enclosed, please find the proposed Property Maintenance ordinance that I have prepared for your review. The new Property Maintenance ordinance revamps the existing registration and maintenance requirements for vacant and foreclosing residential properties, strengthens the existing nuisance property ordinance, and adds a new section regarding blighted properties.

If this Property Maintenance ordinance meets with your approval, I would ask that you send it to the City Council for their review.

Please contact me with any questions or concerns.

Very truly yours,


Alan J. Rumsey
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 10 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Buildings and building regulations, be amended by inserting a new Article VII, which relates to Property maintenance as follows:

ARTICLE VII - Property Maintenance

§ 10-301. Findings and Purpose

Vacant, foreclosing, and improperly maintained properties can have a tremendous negative impact upon the neighborhoods where they are located, and they often present a danger to the public. This property maintenance ordinance attempts to protect the health, safety, welfare of the public and the public safety personnel who inspect or enter such properties.

§ 10-302. Definitions.

When used in this Property Maintenance Article, the following terms and phrases shall have the following meanings:

BUILDING

A fixed construction with walls, foundation, and a roof, including, but not limited to, a house, factory, or garage.

BUILDING MATERIALS

Lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, nails, screws, steel, or any other material commonly used in the construction of any building or structure.

CITY

City of Fall River

CONTACT INFORMATION

Includes the name, address, e-mail address, and telephone number.

CONTROL

The ability to regulate, restrain, or govern property or conduct that occurs on a property.

DAYS

Consecutive calendar days.

DILAPIDATED

A condition of decay or partial ruin by reason of neglect, misuse, or deterioration which includes, but is not limited to, a building with ineffective exterior waterproofing. Superficial conditions such as peeling paint are not proof of a dilapidated property.

FIRE CHIEF

The Fire Chief is the head of the Fall River Fire Department and is responsible for the management and operation of said department.

FORECLOSING

The process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

INITIATION OF THE FORECLOSURE PROCESS

Includes taking possession of a residential property pursuant to MGL c. 244, § 1; delivering the mortgagee's notice of intention to foreclose to the borrower pursuant to MGL c. 244, § 17B, or commencing a foreclosure action on a property in either the Land Court or the Bristol County Superior Court.

INSPECTIONAL SERVICES

An employee or designee of the City's Inspectional Services Division, as identified in §§ 2-802 through 2-806 of the Code of the City of Fall River.

INSPECTOR OF BUILDINGS

The Director of the City of Fall River's Inspectional Services Division.

OWNER

Every person, entity, service company, property manager, or real estate broker who alone, or severally with others:

1. Has legal or equitable title to any dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a rooming house or mobile home park; or
2. Has care, charge, or control of any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a rooming house or mobile home park, in any capacity, including but not limited to as agent, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder of legal title; or
3. Is a mortgagee in possession of any such property; or
4. Is an agent, trustee, or other person appointed by the courts and vested with possession or control of such property; or
5. Is an officer or trustee of the association of unit owners of a condominium; each such person is bound to comply with the provisions of these minimum standards as if he were the owner; however, this section shall not apply to a condominium association created pursuant to MGL c. 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association; or
6. Is a trustee who holds, owns, or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.

PREMISES

Any building, lot, parcel, dwelling, rental unit, real estate or land, or portion thereof, including property used as a residential or commercial property.

PROPERTY

Any real, residential property, or portion thereof, located in the City of Fall River, including building or structures situated thereon, including, but not limited to, property owned or controlled by the Fall River Redevelopment Authority, the Fall River Housing Authority, and the Office of Community Development. As used in this Article only, "property" does not include property owned by the City of Fall River or any of its governmental entities.

RESIDENTIAL PROPERTY

Any property that contains one or more dwelling units used, intended, or designed to be occupied for living purposes.

RESPONSIBLE PARTY

Any person(s) with control over the property, including a renter, property owner, or any person or entity that is developing, building, or operating a business on the property.

STRUCTURE

A building, fence, fire escape, railing, tower, sidewalk, stairway, playset, or any other item, fully built or under construction, that is typically fastened, anchored, or attached to a building, foundation, or the ground.

VACANT

Any property not legally occupied. This definition shall not include properties that have been placed in receivership pursuant to MGL c. § 111, 127I or properties with valid building or other repair permits pursuant to the Massachusetts Building Code.

Division 1**Registration and Maintenance of Vacant and Foreclosing Residential Properties****§ 10-303. Owner Shall Register and Maintain Vacant and/or Foreclosing Property**

Vacant or foreclosing properties generally pose an increased risk to the health, safety, and welfare of the public and the officials who monitor and inspect these properties. As a result, an owner must comply with the City's registration and maintenance requirements.

§ 10-304. Registration requirements.

- A. Any owner of a vacant or foreclosing residential property shall, within thirty (30) days of the property becoming vacant or within seven (7) days of the initiation of the foreclosure process, register the property with the City by completing each of the following:
 1. Provide the Inspector of Buildings and the Fire Chief with contact information for the:
 - a) Owner or person in control of the property;
 - b) Person(s) or property management company responsible for maintenance of the property;
 - c) Person to be contacted in case of emergency; and
 - d) If none of the owners are located within the Commonwealth of Massachusetts, then the registration shall also include contact information for a resident of Massachusetts who is authorized to accept service of process and other notices on behalf of the owners.
 2. Provide the Inspector of Buildings and the Fire Chief with written notification of the status of such property, including in such notice:
 - a) The location of the property;
 - b) The length of time the building has been vacant;
 - c) The estimated time the building will remain vacant; and
 - d) The nature of the contents in the building.

- B. Once the property is sold, transferred, or no longer vacant, the owner of the previously vacant or foreclosing property shall, within seven (7) days, provide the Inspector of Buildings and the Fire Chief with written notice of the change in the status of the property.
- C. Registration fees shall be in accordance with § 10-306 below.

§ 10-305. Maintenance Requirements

The owner of any vacant and/or foreclosing residential property must comply with each of the following maintenance requirements:

- A. Maintain the property in accordance with the Massachusetts State Sanitary Code, the Massachusetts State Building Code, and all City ordinances.
- B. Keep the property free of trash, debris, overgrowth, and pools of stagnant water.
- C. Remove all hazardous material from the property to the satisfaction of the Fire Chief.
- D. Secure all windows and door openings sufficient to prevent unauthorized entry or, alternatively, provide twenty-four hour on-site security personnel on the property.
- E. Keep the property sufficiently heated to prevent water pipes from freezing or, in the alternative, drain all water from the plumbing between October 1st and April 30th of each calendar year.
- F. Post "No Trespassing" signs on the property.
- G. Maintain liability insurance on the property and furnish the Inspector of Buildings with a copy of the certificate of insurance.
- H. Provide a cash bond, acceptable to the Inspector of Buildings, in the sum of not less than ten thousand dollars (\$10,000), to ensure compliance with this Property Maintenance ordinance. The owner shall be liable to the City for all costs incurred due to the owner's failure to comply with this ordinance. The City may seek reimbursement for costs incurred by drawing down upon this bond and/or by establishing a lien on the property for the balance due, to be collected in accordance with Chapter 59 of the Massachusetts General Laws (MGL c. 59).

§ 10-306. Registration fees; Violations and penalties.

- A. Registration fees are set forth in Chapter A110-3, Fee Schedule, of the Code of the City of Fall River.
- B. All property registrations are valid for one fiscal year. Subsequent annual registration and fees are due prior to the expiration of the previous registration, even if Inspectional Services fails to send a billing statement as a reminder to the owner.

- C. An owner who fails to comply with the registration requirements of this ordinance or who fails to timely pay the registration fee is deemed to be in violation of this ordinance and shall be subject to the general penalty set forth in § 1-15 of the Code of the City of Fall River or, in the sole discretion of Inspectional Services, subject to the noncriminal disposition procedures set forth in §§ 2-1021 – 1029 of the City Code. Any assessment or fine resulting from a violation of this ordinance shall be subject to a lien on the property, to be collected in accordance with Chapter 59 of the Massachusetts General Laws (MGL c. 59).

§ 10-307. Appeal.

A. Appeal of fee.

Any owner assessed a registration fee or fine under this ordinance shall have the right to appeal the imposition of such fee or fine to Inspectional Services by filing a written appeal request no later than fifteen (15) days after mailing of the billing statement. The appeal request shall be accompanied by a nonrefundable appeal fee as set forth in Chapter A110-3, Fee Schedule, of the Code of the City of Fall River. The owner shall have the burden of proof on appeal. Payment of the registration fee shall be stayed pending the outcome of a properly filed appeal. If the decision is adverse to the owner, payment shall be due within ten (10) days of the decision of Inspectional Services. The final decision of Inspectional Services shall be in writing and can be mailed, e-mailed, or hand-delivered to the owner.

B. Appeal of final decision of Inspectional Services.

Any person aggrieved by a final decision of Inspectional Services under this ordinance may appeal to the district court, housing court, or other court of competent jurisdiction pursuant to MGL c. 40, § 21D and shall be entitled to a de novo hearing. The aggrieved person shall file the appeal within ten (10) days after receiving notice of the decision from Inspectional Services.

§ 10-308. Enforcement authority.

Inspectional Services has enforcement authority pursuant to G.L. c. 143 § 3A and §§ 2-802 – 806 of the Code of the City of Fall River and has authority to promulgate rules and regulations necessary to implement and enforce this ordinance. Inspectional Services is authorized to inspect properties to verify compliance with the State Building Code and the provisions this Article, to issue citations for any violations found therein, and to take any action necessary to ensure the health, safety, and welfare of the public and public safety officers.

§ 10-309. Conflicts with other rules and regulations.

The provisions of this Article are additional to all other applicable ordinances, rules, regulations, or laws of the Commonwealth. If any provision of this ordinance imposes a greater restriction or obligation than those imposed by any other law, regulation, rule, ordinance, bylaw, order or policy, then the provisions of this ordinance shall control.

§ 10-310. Severability.

If any provision of this Article is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

§ 10-311. Implementation

The provisions of this Article are immediately effective, but no monetary fine shall be imposed until thirty (30) days after passage.

§ 10-312. Notice

As a courtesy, a copy of this Article is to be mailed to all registered owners of residential property located in the City. An alleged failure to receive notice shall not be a defense and shall not have any effect whatsoever on the City's ability to enforce this ordinance.

§§ 10-313 through 10-319. (Reserved)**Division 2****Blighted Properties****§ 10-320. Definitions****BLIGHTED PROPERTY**

Any building, structure, or parcel of land with any the following conditions:

1. Has become dilapidated as documented by Inspectional Services;
2. Has become a fire hazard as determined by the Fire Department; or
3. Poses a serious threat to the safety, health, or general welfare of the public as documented by Inspectional Services and/or the Department of Health and Human Services.

§ 10-321. Prohibition of Blighted Property

It shall be a violation of this ordinance to own, maintain, or create a blighted property.

§ 10-322. Investigation

Any member of the Fire Department, Inspectional Services, or the Department of Health and Human Services is authorized to investigate the existence of a blighted property and, if appropriate, to issue a Violation Notice and an Order to Take Corrective Action.

§ 10-323. Violation Notice; Service

If a violation of this blighted property ordinance is found to exist, the responsible party shall be served with a Violation Notice identifying the basis for the violation and an Order to Take Corrective Action, which shall provide the responsible party with a description of the action needed to bring the property into compliance. Service shall be valid if made in-person, via certified mail to the property owner of record, or affixed to the front door of the property in compliance with G.L. c. 40U, Section 9 if the responsible party is residing at the subject property.

§ 10-324. Order to Take Corrective Action

The Order to Take Corrective Action shall provide the owner with a description of the action needed to bring the property into compliance. The owner has thirty (30) days in which to comply with the Order to Take Corrective Action unless the issuing department has agreed, in writing, to additional time.

If the owner fails to take the required corrective action specified in the Order to Take Corrective Action and, in the exclusive judgment of the City, a failure to take corrective action would likely endanger the health, safety, or welfare of the public, then the City may undertake corrective action. All costs associated with the corrective action, including reasonable attorney's fees, shall constitute a debt in favor of the City and against the owner of the repaired structure.

§ 10-325. Penalties

An owner who fails to bring the blighted property into compliance within thirty (30) days shall be subject to the general penalty set forth in § 1-15 of the Code of the City of Fall River or the noncriminal procedure set forth in §§ 2-1021 through 2-1025 of the Code.

§ 10-326. Procedure for Demolition

Inspectional Services or the Department of Health and Human Services determines that the blighted property is beyond repair, they may issue an order that the building or structure be demolished. The owner has sixty (60) days to comply with the order to demolish the building or structure. If the owner fails to comply with the order to demolish within sixty (60) days and if, in the judgment of Inspectional Services or the Department of Health and Human Services, the condition of the blighted property constitutes an imminent danger to the health, safety, or welfare of the general public, then the City may demolish the building or structure. All costs associated with the demolition, including attorney's fees, shall constitute a debt in favor of the City and against the owner of the blighted property.

§ 10-327. Miscellaneous

- A. Each violation of any provision of this ordinance shall be considered a separate offense.
- B. Each day a violation continues shall constitute a separate offense.
- C. Failure to pay any fine arising from enforcement of this ordinance shall constitute a debt in favor of the City of Fall River and the City is authorized to place a lien on the property if the debt is not paid within sixty (60) days.
- D. Nothing in this section is intended to preclude the City from instituting a civil or criminal judicial action, including a demand for injunctive relief, to enforce the provisions of this ordinance.

§§ 10-328 through 10-329. (Reserved)

Division 3 Nuisance Properties

§ 10-330. Definitions

CRIMINAL NUISANCE PROPERTY

Any building, structure, or parcel of land where three (3) or more instances of criminal conduct have occurred within a six (6) month period. The criminal conduct shall not include instances where the responsible party is the victim and had no control over the criminal conduct.

NUISANCE PROPERTY

Any building, structure, or parcel of land where any of the following conditions exist:

1. The Police Department has made a written determination that the property has become a criminal nuisance property;
2. The Fire Department has made a written determination that the property has become a fire hazard;
3. Inspectional Services has made a written determination that the property has become dilapidated; or
4. Inspectional Services or the Department of Health and Human Services has made a written determination that the property poses a serious threat to the health, safety, or general welfare of the public. An example of a serious threat to the public would include, but is not limited to, any of the following:
 - A. A vacant building with window or door openings that are not reasonably locked or secured to prevent unauthorized entry;
 - B. The property contains overgrown vegetation that may harbor rats or other vermin or may conceal a pool of stagnant water, provided that the failure to mow a lawn does not, by itself, constitute a nuisance;
 - C. The property contains trash, debris, or other material that is likely to attract rats or other vermin;
 - D. The property contains dead, decayed, or diseased trees or other vegetation;
 - E. The property contains parts or materials that are likely to result in contamination of the soil due to exposure to the elements, including but not limited to, unregistered motor vehicles; or
 - F. The property is being used to store landscaping or building materials and the city has not issued a valid building permit for the premises within the last twelve (12) months.

§ 10-331. Prohibition of Nuisance Property

It shall be a violation of this ordinance to own, maintain, or create a nuisance property. The fact that a particular property, structure, or use is permitted by zoning regulations does not create an exemption from application of this ordinance.

§ 10-332. Investigation

Any member of the Police Department, Fire Department, Inspectional Services, or the Department of Health and Human Services is authorized to investigate a property for a potential nuisance violation and, if appropriate, to issue a Violation Notice and an Order to Take Corrective Action.

§ 10-333. Violation Notice; Service

If a violation of this nuisance property ordinance is found to exist, the responsible party shall be served with a Violation Notice identifying the basis for the violation and, when necessary, an Order to Take Corrective Action, which shall provide the responsible party with a description of the action needed to bring the property into compliance. Service shall be valid if made in-person, via certified mail to the property owner of record, or affixed to the front door of the property in compliance with G.L. c. 40U, Section 9.

§ 10-334. Order to Take Corrective Action

If an Order to Take Corrective Action is issued, the Order shall provide the responsible party with a written description of the action needed to bring the property into compliance. The responsible party has thirty (30) days in which to bring the nuisance property into compliance unless the issuing department has agreed, in writing, to additional time. Failure to bring the nuisance property into compliance within the deadline for doing so may result in additional fines or penalties, as set forth in this ordinance.

If the property owner is the responsible party and has failed to timely comply with the Order to Take Corrective Action and if, in the exclusive judgment of the issuing department, the continued failure to take corrective action would constitute an imminent danger to the health, safety, or welfare of the general public, then the City may take corrective action. All costs associated with the corrective action, including attorney's fees, shall constitute a debt in favor of the City and against the owner of the nuisance property.

§ 10-335. Penalties

The responsible party shall be subject to the general penalty set forth in § 1-15 of the Code of the City of Fall River, the noncriminal procedure set forth in §§ 2-1021 through 2-1025 of the Code, and/or the criminal penalties imposed by G.L. c. 143, Section 6.

§ 10-336. Miscellaneous

- A. Each violation of any provision of this nuisance ordinance shall be considered a separate offense.
- B. Each day a nuisance violation continues shall constitute a separate offense.
- C. Failure of an owner to pay any fine arising from enforcement of this nuisance ordinance shall constitute a debt in favor of the City of Fall River and the City is authorized to place a lien on the property if the debt is not paid within sixty (60) days.
- D. Nothing in this section is intended to preclude the City from instituting a civil or criminal judicial action, including a demand for injunctive relief, to enforce the provisions of this nuisance ordinance.

§§ 10-337 through 10-339. (Reserved)

CITY OF FALL RIVER

6

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on May 28, 2024, unanimously voted to recommend that the accompanying communication be referred to the Administration, with an expected response within 30 days.



Assistant Clerk of Committees

10/16/2023

Jennifer & Denise Araujo

123 Greenleaf St.

Fall River, MA 02721

RECEIVED

2023 OCT 19 A 11:23

CITY CLERK _____
FALL RIVER, MA

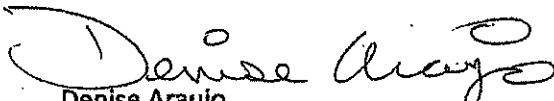
Ladies and Gentlemen of City Council,

We are writing to you today to express our interest in purchasing the city owned 25x100 abutting land on the south side of our property. Parcel Y-09-18. This land starts at a stone wall and comes out 25 feet and goes the 100 foot length of the property. We wish to expand our yard and plant flower beds and fruit bushes.

There has never been vehicle usage on this piece of property and we are not going to stop foot traffic from neighbors behind us from accessing the pond.

This abutment goes further than just our property and we aren't against purchasing more than we are requesting if that is required.

Thank you for your time and consideration,


Denise Araujo

CITY OF FALL RIVER
IN CITY COUNCIL

OCT 24 2023

Referred to
Committee on Real Estate

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on May 28, 2024, unanimously voted to recommend that the accompanying order be adopted.



Assistant Clerk of Committees

City of Fall River, In City Council

ORDERED, that the City Council hereby authorizes the Purchasing Agent to create a Request for Proposals to initiate the sale of City-owned property located on Hicks Street (Parcel B-09-0048).

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	
(1) Application fee for minor repairs	\$150
(2) Application fee for major repairs, construction or reconstruction	\$500
§ 66-320 Street excavation permit	
(1) Administrative charges	\$100
(2) 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
IN CITY COUNCIL

MAY 28 2024

*Passed through the
first reading*

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
IN CITY COUNCIL

MAY 28 2024

Passed through the
first reading
(Councilor Raposo opposed)

City of Fall River, In City Council

(Councilor Andrew Raposo)

WHEREAS, after the reorganization of certain departments took place to increase efficiencies across the city, and

WHEREAS, the Director of City Operations is prepared to make a presentation to the city council, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the Director of City Operations to allow this presentation to commence.

(Filed 6-5-24)

City of Fall River, *In City Council*

(Councilor Andrew Raposo)

WHEREAS, many children in the City of Fall River do not have access to transportation to the Greater Fall River Art Association, and

WHEREAS, the Greater Fall River Art Association could purchase an art mobile vehicle , and

WHEREAS, this will bring art activities to children that cannot get transportation to the Greater Fall River Art Association, and

WHEREAS, this would allow art to be brought to parks, schools, housing complexes and other city events, now therefore

BE IT RESOLVED that the Committee on Finance put forth a Bristol County ARPA application to help the Greater Fall River Art Association purchase an art mobile vehicle.

(Filed 6-5-24)

PROGRESSIVE

Payment Address Document Address
 24344 Network Place P.O. Box 94089
 Chicago, IL 60673-1243 Cleveland, Ohio 44101-9908
 Phone: (877)818-0139
 Fax: (888) 781-6947

5-15-2024 7:09 AM

Certified Mail 9489 0090 0027 6567 8015 99 Return Receipt Requested

City of Fall River
 City Clerk, 2nd Fl.
 One Government Center
 Fall River, MA 02722

2024 MAY 23 AM 11:29
 CITY CLERK 24-35B
 FALL RIVER, MA

THIS IS A SUPPLEMENT TO A DEMAND THAT WAS PREVIOUSLY MAILED TO YOUR ADDRESS ON 4/16/2024

Your Client: PEREZ, HECTOR
 Your Claim Number: clm6234338
 Our Insured: DIERCKS, COURTNEY Q
 Our Claim Number: 24-6403653
 Amount Subject to Reimbursement: \$327.25
 Amount of Insured's Deductible: WAIVED
 Our Insured had out of pocket expenses of \$221.80. Please reimburse our insured directly.

Please take this as formal notice of our subrogation rights relative to the above -captioned claim. We have completed our investigation into the facts of the above-captioned loss and find that your insured was the proximate cause of the accident.

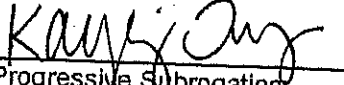
Per M.C.L. Chapter 258, please take this as formal notice of our subrogation rights relative to the above -captioned claim. We have completed our investigation into the facts of the above-captioned loss and find that your insured was the proximate cause of the accident.

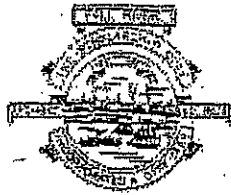
Location of Loss: Parked at 273 Oak Grove Ave, in Fall River, MA
 Date and Time of Loss: 12/20/2023, 11:00 AM ET

Description of Loss: Our insured's vehicle was parked at 273 Oak Grove Ave, in Fall River, MA when a city water dept vehicle with plate # M88969 operated by Perez, Hector, failed to maintain proper lookout and control of vehicle, struck our insureds parked vehicle. We are seeking reimbursement for our insured's vehicle damages.

Please make your draft payable to Progressive Direct Insurance Company as subrogee of "DIERCKS, COURTNEY Q", in the amount stated above and mail it to the attention of the undersigned at your earliest convenience.

All supporting documentation is enclosed. Thank you for your anticipated, prompt attention to this matter.


 Progressive Subrogation
 Progressive Direct Insurance Company
 Tel. 877-818-0139
 Fax. 888-781-6947
 GovernmentStatus@email.progressive.com



RECEIVED

2024 JUN -5 P 1:18

CITY CLERK
FALL RIVER, MACity of Fall River
Notice of Claim

1. Claimant's name: Michelle L. Petrow
2. Claimant's complete address: 14 Thirn St Fall River, MA 02777
3. Telephone number: Home: 774-888-7021 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
AIR SUSPENSION / Due to POT hole
5. Date and time of accident: 5-30-24 4:00 PM Amount of damages claimed: \$?
6. Exact location of the incident: (include as much detail as possible):
IN FRONT OF 2695 N. MAIN ST. Fall River, Ma
7. Circumstances of the incident: (attach additional pages if necessary):
Driving South on North Main ST
CAME AROUND THE CURVE AND ~~TO~~ STRUCK THE
POT Hole
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: 6-5-2024

Claimant's signature: Michelle Petrow

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

Date: 06/05/24



RECEIVED

2024 JUN -6 A 11:43

City of Fall River
Notice of Claim

CITY CLERK 24-47
FALL RIVER, MA

1. Claimant's name: Courtney Diercks
2. Claimant's complete address: 110 BRIGGS ST APT 4, TAUNTON, MA 02780
3. Telephone number: Home: (813) 857-8488 Work: _____
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: 12/20/23 10:29 AM Amount of damages claimed: \$ 221.80
6. Exact location of the incident: (include as much detail as possible):
Parked at 278 Oak Grove Ave, Fall River, MA
7. Circumstances of the incident: (attach additional pages if necessary):
A City of Fall River Water Department vehicle struck my parked vehicle. I am seeking reimbursement for my out of pocket rental costs.
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
Progressive Direct Insurance Company Claim# 24-6403653 PO Box 94639 Cleveland, OH 44101

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: 6/3/24

Claimant's signature: _____

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 ☒ Water Dept. Date: 6/10/24

COMMITTEE ON FINANCE

MEETING: May 28, 2024, at 6:30 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: None

The chair called the meeting to order at 6:31 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

In accordance with a resolution adopted, as amended May 8, 2012, persons are allowed to address the Council for a period of three minutes prior to the beginning or at the conclusion of business in the Committee on Finance.

1. Citizens' Input Time

Alexander Silva, 148 Purchase Street – Demolition Delay Ordinance

Kelly Buchanan, 16 Bradford Avenue – Illegal Encampments

A discussion was held between President Camara, Vice President Pereira, Councilor Cadime, Councilor Dionne, Councilor Hart, Councilor Sampson, and Ms. Buchanan which included the challenges regarding homeless encampments, public safety, and the Massachusetts Right-to-Shelter Law (M.G.L. Part I, Title II, Chapter 23B, Section 30).

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

Councilor Kilby explained that he had been concerned regarding the ten-year contract, as a decade is a long period of time without the allowance of cost adjustments. Councilor Kilby stated that after reviewing the legal opinion provided by Corporation Counsel, he understands that this timeframe is typical for these types of contracts and that there is a clause that would allow cost adjustments as needed, and that after receiving this information, he was ready to support the contract. On a motion made by Councilor Kilby and seconded by Councilor Raposo, it was unanimously voted to recommend the order be adopted.

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to adjourn at 6:57 p.m.

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


Clerk of Committees

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

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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. Bouchard

City Clerk

