

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

REGULAR MEETING OF THE CITY COUNCIL

MEETING: May 27, 2025, 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 Ricky T. Tith

ABSENT: None

IN ATTENDANCE: None

President Camara called the meeting to order at 8:49 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor and order appropriating \$55,000.00 from CPA Fund's Undesignated fund balance to CPA Historic Resources Preservation Projects for a feasibility study/assessment of the Bank Street Armory

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

Approved, May 28, 2025

Paul E. Coogan, Mayor

PRIORITY COMMUNICATIONS

2. School Committee and action taken during their April 29, 2025, meeting to rescind their vote for a letter re: school transportation at the April 8, 2025, Joint Meeting of the City Council and School Committee

On a motion made by Councilor Ponte and seconded by Councilor Raposo, it was unanimously voted that the communication be accepted and placed on file. Following the vote, the City Councilors confirmed with the Assistant City Clerk that a letter would be sent regarding this matter, from the City Council only, a copy of which is attached hereto and made a part of these minutes.

COMMITTEE REPORTS

Committee on Finance recommending:

Action

3. Fiscal Year 2026 Emergency Medical Services Budget

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

Approved, May 28, 2025

Paul E. Coogan, Mayor

4. Communication – Mayor and School Committee request to initiate and file an unfunded mandate petition with the State Auditor's office relative to the City's obligation to fund student transportation

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

ORDINANCES

Second Reading and Enrollment, as amended

5. Proposed Ordinance – Traffic, Miscellaneous

Section 1

Parking prohibited at all times (insert)

- County Street, North, 98 feet west of Covell Street

Section 2

Parking prohibited at all times (strike out)

- County Street, North, 118 feet west of Covell Street

Section 3

Handicapped parking removals

- Dwelly Street, North, 92 feet west of Peckham Street
- Hanover Street, West, 140 feet north of Locust Street
- Harrison Street, West, 490 feet south of Pleasant Street
- Mulberry Street, East, 79 feet north of Division Street

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment, as amended. On a further motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted that the proposed ordinance be passed to be ordained, as amended.

Approved, May 28, 2025

Paul E. Coogan, Mayor

6. Proposed Zoning Ordinance – Apartment District (A-2)

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was voted 6 yeas, 3 nays that the proposed ordinance be passed through second reading and enrollment, as amended, with Councilors Dionne, Hart and Tith voting in the negative. On a further motion made by Councilor Raposo and seconded by Councilor Hart, it was voted that the proposed ordinance be passed to be ordained, as amended, with Councilor Dionne opposed.

Approved, May 28, 2025

Paul E. Coogan, Mayor

RESOLUTIONS

7. City Council advocate for the recognition of the Emergency Medical Services Department as a core public safety department and the exemplary work of all staff. Councilor Ponte expressed support for the Emergency Medical Services (EMS) Department but stated that he received communication from the Fire Chief who is in opposition to considering EMS as a formal public safety department. Councilor Ponte stated that this matter should be referred to the Committee on Public Safety for further discussion between the EMS and Fire Chiefs. Councilor Hart agreed and stated he looks forward to scheduling a Committee meeting to discuss this matter.

Councilor Cadime stated that the resolution appears to have been written to congratulate the EMS Department for both EMS Week and their 50th Anniversary, not to change the formal designation of the department. Vice President Pereira explained that the EMS Department assists the Fire Department with various matters, including payroll for five Fire Department employees and additional funding for trucks, and while EMS is not formally considered a public safety department, they should work with the Administration to remedy any disagreements regarding the matter. Vice President Pereira and Councilor Raposo confirmed that the resolution was intended to be congratulatory, but Councilor Raposo noted that the final paragraph, which states that the Council is "formally advocating for EMS as a core public safety department," may have generated concern with the Fire Chief. Councilor Raposo suggested that any formal change be discussed with the Administration and the Fire and EMS Chiefs before it is considered by the City Councilors.

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

On a further motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to take item 11 out of order.

CITATIONS

11. Fall River Emergency Medical Services – 50th Anniversary of organization. Councilor Raposo made brief remarks commending the Emergency Medical Services (EMS) Department on their hard work and dedication. Chief of EMS Beth Faunce also made brief remarks regarding the excellent workforce within the department and the importance of their services to the community. On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adopt the citation.

RESOLUTIONS

8. Committee on Economic Development and Tourism convene to discuss funding to improve downtown North Main Street

A motion was made by Councilor Raposo and seconded by President Camara to adopt the resolution. Vice President Pereira stated that she intended the resolution to address downtown South Main Street, not North Main Street, because various areas of this downtown area need to be revitalized. On a motion made by Vice President Pereira and seconded by Councilor Ponte, it was unanimously voted to amend the resolution by striking out, in all sections of the resolution, "North Main Street," and inserting in its place, "South Main Street." On a further motion made by Councilor Ponte and seconded by Councilor Raposo, it was unanimously voted to adopt the resolution, as amended.

9. Committee on Economic Development and Tourism convene to discuss the ongoing redevelopment of the Flint Neighborhood

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

10. Committee on Finance convene to discuss the anticipated timeline of the land ownership transfer and planned real estate distribution process within the Route 79/Davol Street Corridor Improvements Project area

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

ORDERS – HEARINGS

Second Hand Article Store:

12. ecoATM, LLC, 10121 Barnes Canyon Road, San Diego, CA, located at 866 Pleasant Street (inside PriceRite 0332)

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

Approved, May 28, 2025

Paul E. Coogan, Mayor

ORDERS – MISCELLANEOUS

13. Police Chief's report on licenses

Taxicab Drivers

Deena Feldman Wayne Delisle

Private Livery Vehicle

Princess Limousine, LLC

Second Hand and Pawnbroker Renewals

Fall River Financial MA LLC d/b/a Fall River Pawnbrokers

- 1435 Pleasant Street
- 364 South Main Street
- 1475 South Main Street

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

14. Auto Body Shop License Renewal

Michael Carvalho d/b/a County Street Collision and Customizing, 958 County Street

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

Approved, May 28, 2025

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.

On a further motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to take items 16a through 16c together.

16. Assistant Corporation Counsel Responses to Open Meeting Law complaints filed by the following individuals re: April 8, 2025 alleged violation by the City Council:
- a. Rebecca Collins
 - b. Patrick Higgins
 - c. Rene Brown

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the communications be accepted and placed on file.

17. Communications from Justin P. Teixeira, President of the Professional Paramedics of Fall River (AFSCME Local 1202) re:
- a. Emergency Medical Services Labor Alliance re: Emergency Medical Services Week and advocacy for EMS support
 - b. Professional Paramedics of Fall River re: Emergency Medical Services Week and advocacy for EMS support

On a motion made by Councilor Ponte and seconded by Councilor Kilby, it was unanimously voted that the communications be accepted and placed on file.

18. City resident requesting to purchase parcels of city owned land on Stafford Heights Rd.
On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to refer the communication to the Committee on Real Estate.

19. Application for a License to Conduct One Day Bingo on September 18, 2025 from The Children's Museum of Greater Fall River. Event to be held at 20 Star Street.

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

20. Structure on or over a public way application from Sawyer Melo for a lemonade stand (wooden crates with a tabletop and overhead curtain 1' x 4' x 5') at the corner of Warren Street and Pulaski Street every Wednesday, Friday, Saturday and Sunday until September 20, 2025

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

On a further motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to take items 21a through 21c together.

21. Structure on or over a public way applications from St. Anthony of the Desert Church for street banners advertising the Lebanese Mahrajan Food Festival to be held August 8, 2025 to August 10, 2025 at the following locations:
- a. Corner of Bedford Street and Troy Street near Central Fire Station
 - b. South Main Street near the Cultural Center
 - c. Pleasant Street near the Fall River Police Department

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

22. Drainlayer Licenses
JB Lanagan & Company, Inc.
Foley Excavation LLC
Mitchell Associates Construction Corp.

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

23. Planning Board Minutes – April 9, 2025

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the minutes be accepted and placed on file.

24. Zoning Board of Appeals Minutes – April 17, 2025

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the minutes be accepted and placed on file.

On a further motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to take items 25 through 27 together.

City Council Minutes

25. Public Hearing – May 13, 2025

26. Committee on Finance – May 13, 2025

27. Regular Meeting of the City Council – May 13, 2025

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

BULLETINS – NEWSLETTERS – NOTICES – None

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: MAY 27, 2025

PRIORITY MATTERS

- 1a. Mayor and order approving Conservation Restriction between VMD Conservation FR, LLC and The Trustees of Reservations regarding an approximately 52.7-acre parcel of wetlands located at the Industrial Park

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to accept and place on file the Mayor's communication and adopt the order.

Approved, May 28, 2025

Paul E. Coogan, Mayor

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with emergency preamble

- 4a. Proposed Ordinance – Traffic, Handicapped parking
- Harriman Street, South, 24 feet west of Raymond Street
 - Hunter Street, East, 126 feet south of Hope Street
 - Merchant Street, North, 40 feet west of Seventeenth Street
 - Quequechan Street, West, 255 feet south of County Street
 - Ridge Street, East, 136 feet south of Osborn 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 Ponte, 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 28, 2025

Paul E. Coogan, Mayor

First Reading

4b. Proposed Ordinance – Traffic, Miscellaneous

Section 1

Parking Prohibited at all times (insert)

- Blossom Road, East, 20 feet north of Blossom Road,
for a distance of 775 feet northerly
- Indian Town Road, North, 20 feet east of Blossom Road,
for a distance of 775 feet easterly

Section 2

Handicapped Parking (strike outs)

- Chestnut Street, West, 48 feet north of President Avenue
- Hunter Street, West, 12 feet south of William Street
- Plain Street, West, 154 feet south of Cherry Street

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

4c. Proposed Ordinance – Appointment of Chief of Police

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

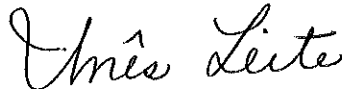
A brief recess was held from 9:23 p.m. to 9:28 p.m. for the signing of the Traffic and Zoning – Apartment District (A-2) proposed ordinances and the Conservation Restriction.

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adjourn at 9:29 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

A true copy. Attest:



Assistant City Clerk

In City Council, June 10, 2025

Approved.



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2025 MAY 27 P 3:07

ALISON M. BOUCHARD
CITY CLERK

CITY CLERK
FALL RIVER, MA

INÊS LEITE
ASSISTANT CITY CLERK

ORIGINAL POSTING: MAY 22, 2025, AT 1:16 P.M.

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
MAY 27, 2025
REVISED AGENDA

5:45 P.M. FISCAL YEAR 2026 MUNICIPAL BUDGET PUBLIC HEARING

5:55 P.M. PUBLIC HEARING (OR IMMEDIATELY FOLLOWING THE FISCAL YEAR 2026 MUNICIPAL BUDGET PUBLIC HEARING IF IT RUNS PAST 5:55 P.M.)

Second Hand Article Store

ecoATM LLC, 10121 Barnes Canyon Road, San Diego, CA, 92121, for permission to operate and maintain a second hand article store located at 866 Pleasant Street inside PriceRite 0332 (purchasing used electronics – no sales or employees)

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

1. Citizen Input
2. Discussion of the proposed Fiscal Year 2026 Municipal Budget as follows:
 - Municipal Budget Presentation
 - School Department Budget Presentation
 - Education
School Department; School Transportation; Vocational School Assessments
 - Other Governmental Expenditures
Debt Service; Employee Benefits and Insurances; Assessments; Transfer to Stabilization Funds; Other Amounts to be Raised
3. Transfer and appropriation

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

PRIORITY MATTERS

1. *Mayor and order appropriating \$55,000.00 from CPA Fund's Undesignated fund balance to CPA Historic Resources Preservation Projects for a feasibility study/assessment of the Bank Street Armory

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

PRIORITY COMMUNICATIONS

2. *School Committee and action taken during their April 29, 2025, meeting to rescind their vote for a letter re: school transportation at the April 8, 2025, Joint Meeting of the City Council and School Committee

COMMITTEE REPORTS

Committee on Finance recommending:

Action

3. *Fiscal Year 2026 Emergency Medical Services Budget
4. *Communication – Mayor and School Committee request to initiate and file an unfunded mandate petition with the State Auditor's office relative to the City's obligation to fund student transportation

ORDINANCES

Second Reading and Enrollment, as amended

5. *Proposed Ordinance – Traffic, Miscellaneous
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Parking prohibited at all times (strike out)

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6. *Proposed Zoning Ordinance – Apartment District (A-2)

RESOLUTIONS

7. *City Council advocate for the recognition of the Emergency Medical Services Department as a core public safety department and the exemplary work of all staff
8. *Committee on Economic Development and Tourism convene to discuss funding to improve downtown North Main Street
9. *Committee on Economic Development and Tourism convene to discuss the ongoing redevelopment of the Flint Neighborhood
10. *Committee on Finance convene to discuss the anticipated timeline of the land ownership transfer and planned real estate distribution process within the Route 79/Davol Street Corridor Improvements Project area

CITATIONS

11. Fall River Emergency Medical Services – 50th Anniversary of organization

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13. Police Chief's report on licenses
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14. Auto Body Shop License Renewal
Michael Carvalho d/b/a County Street Collision and Customizing, 958 County Street

COMMUNICATIONS – INVITATIONS – PETITIONS

15. *Claims
16. *Assistant Corporation Counsel Responses to Open Meeting Law complaints filed by the following individuals re: April 8, 2025 alleged violation by the City Council:
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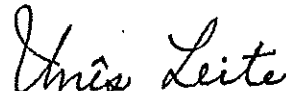
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- 23. Planning Board Minutes – April 9, 2025
- 24. Zoning Board of Appeals Minutes – April 17, 2025

City Council Minutes

- 25. *Public Hearing – May 13, 2025
- 26. *Committee on Finance – May 13, 2025
- 27. *Regular Meeting of the City Council – May 13, 2025

BULLETINS – NEWSLETTERS – NOTICES – None


Assistant City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: MAY 27, 2025

PRIORITY MATTERS

- 1a. *Mayor and order approving Conservation Restriction between VMD Conservation FR, LLC and The Trustees of Reservations regarding an approximately 52.7 acre parcel of wetlands located at the Industrial Park

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Committee on Ordinances and Legislation recommending:

All readings with emergency preamble

- 4a. *Proposed Ordinance – Traffic, Handicapped parking
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First Reading

- 4b. *Proposed Ordinance – Traffic, Miscellaneous

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- 4c. *Proposed Ordinance – Appointment of Chief of Police



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2025 MAY 22 P 1:16

ALISON M. BOUCHARD
CITY CLERK

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MEETINGS SCHEDULED
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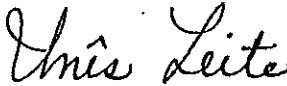
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BULLETINS – NEWSLETTERS – NOTICES – None


Assistant City Clerk

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Committee on Ordinances and Legislation recommending:

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First Reading

- 4b. *Proposed Ordinance – Traffic, Miscellaneous

Section 1

Parking Prohibited at all times (insert)

- Blossom Road, East, 20 feet north of Blossom Road,
for a distance of 775 feet northerly
- Indian Town Road, North, 20 feet east of Blossom Road,
for a distance of 775 feet easterly

Section 2

Handicapped Parking (strike outs)

- Chestnut Street, West, 48 feet north of President Avenue
- Hunter Street, West, 12 feet south of William Street
- Plain Street, West, 154 feet south of Cherry Street

- 4c. *Proposed Ordinance – Appointment of Chief of Police



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

PAUL E. COOGAN
Mayor

RECEIVED

2025 MAY 20 P 2: 26

CITY CLERK
FALL RIVER, MA

May 20, 2025

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

Dear Honorable Council Members:

The Community Preservation Committee (CPC) has identified one additional community project and has made recommendations for funding in accordance with the Community Preservation Act (CPA) MGL Chapter 44B Sections 4 to 7.

- Bank Street Armory – FY26 Funding, Historic Preservation - \$55,000.00 Feasibility Study/Assessment

Your approval of the associated Appropriation Order is respectfully requested.

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

Best Regards,

Paul E. Coogan
Paul E. Coogan
Mayor,

City of Fall River, In City Council

APPROPRIATION ORDER

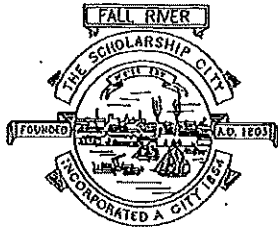
ORDERED that the following FY 26 supplemental appropriations be provided through the Community Preservation Act (CPA), reserves under the MGL Chapter 44B Sections 4 to 7 in the aggregate, amounting to \$55,000.00 to be appropriated as follows:

Voted: That \$55,000.00 be appropriate from the CPA Fund's Undesignated fund balance

For CPA Administrative Expenditures	\$0
For CPA Open Space/Outdoor Recreation PROJECTS	\$0
For CPA Historic Resources Preservation PROJECTS	\$55,000.00
For CPA Community Housing	\$0

<u>TOTAL</u>	<u>\$55,000.00</u>
---------------------	---------------------------

Note: Please note this is a supplemental CPA appropriation for FY26. The City Council had earlier appropriated at \$1,816,444 for various CPA projects. The CPA fund balance is reported at \$3,986,054.92 on June 30, 2024, and is more than sufficient to cover these supplemental appropriations.



**City of Fall River
Massachusetts
Community Preservation Committee**

RECEIVED

2025 MAY 20 P 2:46

CITY CLERK _____
FALL RIVER, MA

JOHN BRANDT
Chairman

KRISTEN CANTARA OLIVEIRA
Vice-Chairman

April 29, 2025

Mr. Sedryk Sousa
City of Fall River, Auditor Office
One Government Center, 2nd floor
Fall River, MA 02721

Dear Mr. Sedryk Sousa.

The Community Preservation Committee voted on emergency funding for Bank Street Armory at their last meeting, Monday, April 28, 2025.

- Bank Street Armory - FY26 Funding, Historic Preservation - \$55,000.00
Feasibility Study/Assessment

A letter needs to come from the mayor approving this funding and for the Auditor to prepare an Appropriation Order for this project.

Because this an emergency funding request, and time sensitive for a matching state grant, we need this order to go to the City Council so it can get on the agenda for both the finance and regular meeting the same night, at the next City Council meeting, in order to avoid the two-week delay.

Respectfully,

John Brandt

John Brandt, Chair
Fall River Community Preservation Committee



FALL RIVER SCHOOL COMMITTEE

Mayor Paul Coogan
Chairman

Mimi Larrivee
Vice-Chairwoman

Tracy Curley, Ed.D
Superintendent of Schools

Kevin Agular
Bobby Bailey
Collin Dias
Tom Khoury
Shelli Pereira

Debra Cabral
Administrative Assistant

April 30, 2025

The following action was taken at the Regular School Committee meeting on April 29, 2025.

MOTION: Mr. Dias-Ms. Pereira: The School Committee rescinds their vote regarding transportation at the Joint Meeting.

A roll call showed:

Mr. Agular: Yes	Ms. Larrivee: Yes
Mr. Bailey: Absent	Ms. Pereira: Yes
Mr. Dias: Yes	Mayor Coogan: Yes
Mr. Khoury: Yes	
6 were in favor	None were opposed

1 was Absent(Bailey)

Motion passed.

Debra Cabral
Administrative Assistant to the School Committee

RECEIVED
2025 MAY 21 P 3:45
CITY CLERK
FALL RIVER, MA

CITY OF FALL RIVER

3

To the City Council

Councillors:

The Committee on Finance, at a meeting held on May 13, 2025, voted unanimously to recommend that the accompanying order be referred to the full Council for action.

Alison M. Bouchard
City Clerk

City of Fall River, In City Council

BE IT ORDERED: That the following FY 26 appropriations be provided through the Emergency Medical Services (EMS) rates under Chapter 53F 1/2 in the aggregate, amounting to \$16,267,000 be appropriated as follows

A. Voted: That the following sums be appropriated for the EMS Enterprise.

from EMS Rate Revenues, for EMS, Salaries	\$ 9,895,346
from EMS Stabilization Fund, for EMS, Expenses	\$ -
from EMS Rate Revenues, for EMS, Expenses	\$ 2,485,972
from EMS Rate Revenues, for EMS, Capital	\$ 240,000
from EMS Rate Revenues, for EMS, Transfers (Indirect Costs)	\$ 3,645,683
from EMS Rate Revenues, for EMS, Debt	

TOTAL: \$ 16,267,000

and that \$16,267,000 be raised as follows:

EMS Stabilization Fund	\$ -
Departmental Receipts	\$ 16,267,000
	<u>\$ 16,267,000</u>

Recommend that the following sums be appropriated to operate the EMS Enterprise:

Direct

Salaries	\$ 9,895,346
Expenses	\$ 2,485,972
Capital	\$ 240,000
Debt	\$ -
Subtotal	<u>\$ 12,621,318</u>

Indirect

Health Insurance	\$ 1,302,781
Pensions	\$ 1,146,639
Other	\$ 1,196,263
Subtotal	<u>\$ 3,645,683</u>

TOTAL: \$ 16,267,000

CITY OF FALL RIVER
IN CITY COUNCIL

APR 22 2025

*Referred to the
Committee on Finance*

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Finance, at a meeting held on May 13, 2025, voted unanimously to recommend that the accompanying communication be referred to the full Council for action.


City Clerk



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

April 3, 2025

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

RECEIVED

2025 APR -3 P 3:54

CITY CLERK _____
FALL RIVER, MA

Dear Councilor President and Members of the Honorable Council:

Dear Members of the City Council,

Following the March 18, 2025, vote of the Fall River School Committee, I am writing to formally request that the City Council initiate and file an unfunded mandate petition with the State Auditor's Office relative to the City's obligation to fund the transportation of Fall River Public Schools students.

The decision to file an unfunded mandate petition reflects our dedication to identifying areas where we can improve efficiency, ensure compliance with laws and regulations, and provide the highest level of service to our residents. I believe this initiative would send a strong and positive message to the community and further reinforce the Council's leadership role in advocating for the needs of our students and the community at large.

I urge you to consider this request at your next regular meeting and to take the necessary steps to file the petition with the State Auditor's Office as soon as possible. Thank you for your attention to this matter and for your continued commitment to the people of Fall River.

Thank you and if additional information is needed on this or any other matter please contact my office.

Sincerely,

Paul E. Coogan
Mayor

PC/amos

CITY OF FALL RIVER
IN CITY COUNCIL

APR 08 2025

*Referred to the
Committee on Finance*

Good afternoon Mayor Coogan and Superintendent Curley,

I am requesting the following two items be added to the available next School Committee agenda.

1. UNFUNDED MANDATE DETERMINATION PETITIONS

I am requesting that the School Committee authorize and direct our attorney, Bruce Assad, to file Unfunded Mandate Petitions with the Division of Local Mandates, to Determine if the below Laws and Regulations are Unfunded Mandates.

- 603 CMR 27.03
- 603 CMR 27.04
- 603 CMR 52.07
- MGL Chapter 71 section 68
- MGL Chapter 83 section 16

The Massachusetts regulations and laws including 603 CMR 27.03, 603 CMR 27.04, 603 CMR 52.07, MGL Chapter 71 Section 68, and MGL Chapter 83 Section 16 all place substantial financial obligations on local districts, creating what can be seen as unfunded mandates. These mandates, such as requirements for structured learning time, transportation, virtual school tuition obligations, and stormwater fees, impose financial burdens on districts without providing the necessary funding to meet these obligations. 603 CMR 27.03 and 27.04 outline school year and learning time requirements, but without sufficient state support, these can be costly for school districts to implement. Similarly, 603 CMR 52.07 requires payment for virtual school tuition, while MGL Chapter 71 Section 68 mandates the provision of school transportation. Additionally, MGL Chapter 83 Section 16 allows municipalities to charge school districts for stormwater usage, creating an indirect financial burden. Furthermore, under 603 CMR 52.07 (3), the state reduces a district's Chapter 70 funding to cover the virtual school tuition costs, further decreasing the financial resources available for educational services. As these laws do not come with adequate state funding, they create an undue financial burden on the school district, qualifying them as potential unfunded mandates.

While declaring any of these regulations or laws an unfunded mandate would recognize the financial burden placed on the district, it does not automatically absolve the district from its

funding directly impacts our budget. For the vast majority of these important regulations, the appropriate course of action is to request additional funding from the state to fully cover these mandates. This would allow us to allocate resources more effectively, ensuring that we meet our contractual obligations, help with negotiations, and provide adequate compensation to the educators and staff who are essential to the success of the district. By working with the state for better funding, we can relieve the burden on our budget and improve the financial health of our schools. The proposal above is a low risk, high reward solution that can provide much needed support to the financial team and the budget of our Fall River Public Schools.

2. Support for Legislative Bills

The Fall River School Committee goes on record in support of the following legislative bills:

- HD.2787 An Act to improve indoor air quality for highly-impacted communities
- HD. 1943 An Act parental rights legislation
- HD. 2100 An Act to promote food literacy
- HD. 4297 An Act relative to safer schools
- SD 1175 An Act requiring financial education in schools
- H.497 & S.240 An Act relative to the promotion of mental health education
- HD.3094 An Act relative to cardiopulmonary resuscitation and automatic external defibrillator education in public schools
- HD.3108 An Act relative to the use of mobile devices in public school districts
- HD. 764 An Act relative to the safety of schools, residences, and public assemblies
- HD. 323 An Act establishing a grant program for school connectivity
- HD.3322 An Act relative to healthy school lunches
- HD.82 An Act relative to AEDs for athletic fields
- HD71 An Act establishing a grant program to increase the presence of mental health counselors in schools
- HD.3723 An Act to ensure equitable representation of required parent advisory councils to school committees
- SD.488 An Act providing for reserve funds for school districts
- H.46 An Act requiring financial education in schools
- SD 931 An Act relative to student representative voting rights

The School Committee also directs its Legislative Liaison, Collin Dias, to advocate for the passage of these bills. The School Committee also directs its Administrative Assistant to send a letter to State Representatives Carole Fiola, Alan Silva, and State Senator Michael Rodrigues,

City of Fall River, In City Council

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

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

Section 1

By inserting in Section 70-371, which relates to Parking prohibited at all times, the following:

Name of Street	Side	Location
County Street	North	Starting at a point 98 feet west of Covell Street, for a distance of 72 feet westerly

Section 2

By striking out in Section 70-371, which relates to Parking prohibited at all times, the following:

Name of Street	Side	Location
County Street	North	Starting at a point 118 feet west of Covell Street, for a distance of 60 feet westerly

Section 3

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

Name of Street	Side	Location
Dwelly Street	North	Starting at a point 92 feet west of Peckham Street, for a distance of 30 feet westerly
Hanover Street	West	Starting at a point 140 feet north of Locust Street, for a distance of 20 feet northerly
Harrison Street	West	Starting at a point 490 feet south of Pleasant Street, for a distance of 20 feet southerly
Mulberry Street	East	Starting at a point 79 feet north of Division Street, for a distance of 20 feet northerly

CITY OF FALL RIVER

IN CITY COUNCIL

May 13, 2025
Passed through
first reading,
as amended

City of Fall River, In City Council

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

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

Section 1.

By striking out, in Section 86-148, which section relates to Apartment District (A-2), the following:

§86-148 Apartment District (A-2)

- A. Every dwelling unit for this district shall contain at least three rooms, exclusive of halls, and a bathroom. Such three-room dwelling unit shall contain at least 600 square feet of floor space and an additional 120 square feet of floor space of each additional room.
- B. Dimensions. See the Table of Dimensional Regulations included as an attachment to this chapter (§86-35).
- C. In this Apartment District, the minimum lot area shall be 10,000 square feet for the first dwelling unit and 2,000 square feet for each additional dwelling unit.
- D. Parking. See §86-441 and Article VI generally.

And inserting in its place the following:

§86-148 Apartment District (A-2)

- A. Reserved.
- B. Dimensions. See the Table of Dimensional Regulations included as an attachment to this chapter (§86-35).
- C. In this Apartment District, the minimum lot area shall be 5,000 square feet for the first dwelling unit and 1,500 square feet for each additional dwelling unit.
- D. Parking. See §86-441 and Article VI generally.

Section 2.

By striking out, in Section 86-35, Attachment 1, which section relates to Table of Dimensional Regulations, the following:

Zone	Minimum Lot Area (square feet)	Minimum Frontage and Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Building Height (feet)	Maximum Lot Coverage
Apartment A-2 (6 or less units/20 or greater units)	10,000/unit 2,000/additional unit	100	30	20	30	70	30%

And inserting in its place the following:

Zone	Minimum Lot Area (square feet)	Minimum Frontage and Width (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Building Height (feet)	Maximum Lot Coverage
Apartment A-2	5,000/unit 1,500/additional unit	50	12	10	15	45	30%

CITY OF FALL RIVER

IN CITY COUNCIL

May 13, 2025
Passed Through
first reading,
As Amended
(C. Dionne opposed)

City of Fall River, *In City Council*

7

(Vice President Linda M. Pereira and Councilor Andrew J. Raposo)

WHEREAS, Emergency Medical Services (EMS) is celebrating its 50th anniversary as a national organization as part of the Emergency Medical Services Week from May 18th through May 24th, and

WHEREAS, Fall River EMS has evolved from a basic transportation service into a critical public health and safety operation staffed by highly trained professionals who provide advanced, on site, medical care to the citizens of Fall River, now therefore

BE IT RESOLVED, that the City Council formally advocate to recognize and support Emergency Medical Services as a core public safety department, in addition to recognizing the exemplary work of all staff members within the organization.

(Filed 5-20-2025)

City of Fall River, *In City Council*

(Vice President Linda M. Pereira)

WHEREAS, North Main Street is one of the most historic streets within the City of Fall River, with beautiful architecture and unique building facades, and

WHEREAS, many buildings on North Main Street are vacant, vandalized or in need of significant restoration, and

WHEREAS, revitalization of the downtown area of the City will positively affect economic growth for restaurants, businesses and tourism, now therefore

BE IT RESOLVED, that the Committee on Economic Development and Tourism convene with the Director of City Operations, Corporation Counsel, the Executive Director of the Community Development Agency, and any other interested parties, to discuss methods of funding that could be utilized to improve the neighborhood of downtown North Main Street.

(Filed 5-20-2025)

City of Fall River, *In City Council*

9

(Vice President Linda M. Pereira)

WHEREAS, the City of Fall River has received various forms of federal funding to improve sidewalks, streets and landscaping within various areas of the Flint Neighborhood, and

WHEREAS, there are many ongoing projects to assist non-profits and business owners within the neighborhood to update, renovate and improve various storefronts, walkways and shared public spaces, and

WHEREAS, these projects will improve the quality of life and economic growth for the residents, business owners and visitors of the City of Fall River, now therefore

BE IT RESOLVED, that the Committee on Economic Development and Tourism convene with the Administration, the Executive Director of the Community Development Agency, and any other interested parties, to discuss the ongoing redevelopment of the Flint Neighborhood, provide updates on current projects utilizing the funding provided, and share general information regarding various events that will assist in the improvement of this area.

(Filed 5-20-2025)

City of Fall River, *In City Council*

(President Joseph D. Camara)

WHEREAS, there is ongoing redevelopment in the area surrounding the Route 79/Davol Street Corridor Improvements Project involving state and local government, and

WHEREAS, most of the land within this area is currently owned by the Commonwealth of Massachusetts and will need to be transferred to the City of Fall River, and

WHEREAS, there is currently no specific information available to the public related to this planned real estate ownership shift, now therefore

BE IT RESOLVED, that the Committee on Finance convene with representatives from the Administration, the Bristol County Economic Development Consultants, the Fall River Redevelopment Authority, the Massachusetts Department of Transportation, and any other interested parties to discuss the anticipated timeline of the land ownership transfer, the planned real estate distribution process, and provide economic insight into how this process will benefit the residents, business owners and taxpayers of the City of Fall River.

(Filed 5-21-2025)

RECEIVED

2025 MAY 12 A 8 01

CITY CLERK: 25-19
FALL RIVER, MA



City of Fall River
Notice of Claim

15

1. Claimant's name: Stacey Ducllette
2. Claimant's complete address: 280 Hopper St, Tiverton, RI 02878
3. Telephone number: Home: 774 955 0550 Work: 508 894 3973
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Pothole damage
5. Date and time of accident: 4-14-25 8:00 AM Amount of damages claimed: \$ 394.73
6. Exact location of the incident: (Include as much detail as possible):
Mariano Bishop Blvd, across from Henry Lord Field, heading east
7. Circumstances of the Incident: (attach additional pages if necessary):
I was traveling from home to work on Monday morning. My right passenger tire hit a large pothole, popping a brand new tire. At 9:00 am that same morning, I have video of the city repairing the large 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: _____

Claimant's signature: S. Ducllette

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

☒ SCM

Date: 5/12/25



City of Fall River
Notice of Claim

RECEIVED

2025 MAY 12 A 8:17

CITY CLERK #25-20
FALL RIVER, MA

15

1. Claimant's name: Janessa Barton-Dutra
2. Claimant's complete address: 51 Shaw St Tiverton RI 02878
3. Telephone number: Home: 401-855-8703 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto
5. Date and time of accident: 4/14/2025 Amount of damages claimed: \$ 602.00
6. Exact location of the incident: (include as much detail as possible):
Mariano Bishop Blvd in front of Henry Lord
7. Circumstances of the incident: (attach additional pages if necessary):
Hit a pothole
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: 4/22/25

Claimant's signature: Janessa Barton-Dutra

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

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For official use only:

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

Date: 5/12/25



City of Fall River
Notice of Claim

RECEIVED

2025 MAY 12 A 11: 58

CITY CLERK 25-21
FALL RIVER, MA

1. Claimant's name: Silvana Vultao
2. Claimant's complete address: 73 Gidley town road North Dartmouth MA 02747
3. Telephone number: Home: 5084965248 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Pot hole -Caused a flat/Popped tire
5. Date and time of accident: 05/04/2025 Amount of damages claimed: \$ 68.44
6. Exact location of the incident: (Include as much detail as possible):
North main, street in front of Morton Middle school and the Animal control near cross walks
7. Circumstances of the incident: (attach additional pages if necessary):
I was going toward the Morton Middle school and the animal control and the pot hole thats near the cross walks popped my tire. i have photos of the pot hole and my cars tire on North Main st this happened on 05/04/2025 @8:24pm
I replaced the tire for \$68.44 at M&M Tire Company in New Bed ford MA
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: 05/06/2025

Claimant's signature: Silvana Vultao

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

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DCM Date: 5/12/25



City of Fall River
Notice of Claim

RECEIVED

15

1. Claimant's name: THE STANDARD FIRE INSURANCE COMPANY A/S/O JOSE BOTELHO 2025 MAY 13 P 12:00
2. Claimant's complete address: P.O. BOX 5076 HARTFORD, CT 06102-5076 CITY CLERK 25-22
3. Telephone number: Home: _____ Work: 508-324-3952 FALL RIVER, MA
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
MOTOR VEHICLE ACCIDENT WITH CITY VEHICLE
5. Date and time of accident: APRIL 1, 2025 Amount of damages claimed: \$ \$1599.77
6. Exact location of the incident: (include as much detail as possible):
PLYMOUTH AVE
7. Circumstances of the incident: (attach additional pages if necessary):
INSURED VEHICLE (IV) had red light, IV waiting for green light to turn right, +
light turned green and IV proceeded to turn right and truck hit her driver side.
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
THE STANDARD FIRE INSURANCE COMPANY P.O. BOX 5076 HARTFORD, CT 06102-5076

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: MAY 7, 2025

Claimant's signature: Jessica Campbell

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

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

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

For official use only:

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

Date: 5/13/25





City of Fall River
Notice of Claim

RECEIVED

2025 MAY 19 A 10:25

1. Claimant's name: Calvin & Latisha Devoe
2. Claimant's complete address: 529 Walnut Street Fall River MA 02720 CITY CLERK 25-23
3. Telephone number: Home: 774 955 8172 Work: 11
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Property Damage
5. Date and time of accident: 1/1/2004 Amount of damages claimed: \$
6. Exact location of the incident: (include as much detail as possible):
Property located at 509 Walnut St Fall River, MA 02720
7. Circumstances of the Incident: (attach additional pages if necessary):
City's failure to maintain, maintain and ignored request to cut back trees making contact with my property/residence, as a result squirrels causing damage to property and inhabiting property.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 5/14/28

Claimant's signature: [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 ☒ DCM Date: 5/19/25

RECEIVED

2025 MAY 19 A 11: 16



City of Fall River
Notice of Claim

CITY CLERK 25-24
FALL RIVER, MA

1. Claimant's name: JEANINE GROBE
2. Claimant's complete address: 39 ALLEN ST., FALL RIVER, MA 02724
3. Telephone number: Home: 508-673-1526 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
My WATER PIPE WAS DAMAGED WHEN THE CITY REMOVED TREE
5. Date and time of accident: See attachment Amount of damages claimed: \$? + REPAVED SIDEWALK
6. Exact location of the incident: (include as much detail as possible):
39 ALLEN ST., FALL RIVER, MA 02724
7. Circumstances of the incident: (attach additional pages if necessary):
SEE ATTACHED PAPER
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 5/16/2025

Claimant's signature: Jeanine Grobe

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

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

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

For official use only:

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

Date: 5/19/25



City of Fall River
Notice of Claim

RECEIVED

2025 MAY 19 P 12:50

1. Claimant's name: Emily Gebauer CITY CLERK 25-25
FALL RIVER, MA
2. Claimant's complete address: 50 Pickering St. #1 Fall River, Ma 02720
3. Telephone number: Home: (508) 567-9949 Work: (781) 563-4397
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Property damage.
5. Date and time of accident: 4/30/2025. 9:00am Amount of damages claimed: \$
6. Exact location of the incident: (Include as much detail as possible):
Pickering St. & Cove St. Pickering Court parking lot. Spot # 13.
7. Circumstances of the incident: (attach additional pages if necessary):
street work was being done in the area by Riley Brother's out of
Stoughton, Ma when my car got sprayed with tac. A note was left
on my car by Bob Costa of FRPD. Subsequently my car got rejected
for state inspection due to tac impeding wiper to clear water. Also all over
Paint.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 5/12/2025

Claimant's signature: Emily Gebauer

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 ☒ FRPD Date: 5/19/25



City of Fall River
Notice of Claim

RECEIVED

2025 MAY 21 P 1:39

1. Claimant's name: Heather Snizek #25-26
2. Claimant's complete address: 52 Snell St Apt 2 Fall River, MA 02721
3. Telephone number: Home: (508) 986-9006 Work: same
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto Damage
5. Date and time of accident: 5/2/25 Amount of damages claimed: \$ 1134.25
6. Exact location of the incident: (Include as much detail as possible):
At the lights / intersection of Southcoast Plaza & Ocean State Job Lot
7. Circumstances of the incident: (attach additional pages if necessary):
I was coming of the exit and went to the left turn lane where Santander is on the right, Ocean State Job Lot the left. As I was turning left I drove over a huge metal item in the middle of the intersection.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 5/21/25

Claimant's signature: Heather Snizek

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

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

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

For official use only:

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

DCM

Date: 5/21/25



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

16a

RECEIVED

2025 MAY 12 P 3 37

CITY CLERK
FALL RIVER, MA

May 12, 2025

Rebecca Collins
P.O. Box 2515
Fall River, MA 02720

Via email: rebeccacollins@gmail.com

RE: Open Meeting Law Complaint against Fall River City Council
Date of Alleged Violation: April 08, 2025

Dear Ms. Collins:

This correspondence is sent pursuant to G.L. c. 30A, § 24 and 940 CMR 29.00 et seq., in response to your Open Meeting Law Complaint against the Fall River City Council which the City of Fall River received on April 11, 2025. On April 22, 2025, the City Council met to review your complaint and voted to refer the matter to this office for formal response. Your complaint specifically alleges in the following:

During the Fall River City Council meeting on Tuesday, April 08, 2025, the board engaged in a detailed discussion regarding the external investigation of a Fall River Police employee and brought the HR director down to discuss a personnel matter, which was not included on the publicly posted meeting agenda. This extended discussion appeared to involve deliberation on matters within the council's jurisdiction and may have influenced decision-making or future action.

According to the Massachusetts Open Meeting Law (M.G.L. c. 30A, ss 18-25), public bodies are required to provide notice of topics that will be discussed at a meeting, ensuring that the public is adequately informed and has the opportunity to attend and participate as appropriate. The law allows for brief, unanticipated comments on matters on the agenda, but sustained or in-depth discussions are prohibited unless the topic was reasonably anticipated and properly listed in the meeting notice.

16a

By engaging in a substantive discussion of a non-agenda item, the board violated the transparency requirements of the Open Meeting Law, potentially limiting public awareness and participation.

This office denies on behalf of the City Council that it violated the open meeting law's notice requirements, upon review of the duly posted meeting agenda and the video recording of the meeting at the time of the alleged violations.

The Open Meeting Law was enacted "to eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based." *Ghiglione v. Sel. Comm. of Southbridge*, 376 Mass. 70, 72 (1978). To that end, the Open Meeting Law requires that, except in an emergency, notice be posted for every meeting of a public body "at least 48 hours prior to the meeting, excluding Saturdays, Sundays and legal holidays." G.L. c. 30A, § 20(b). The notice must include, among other things, a list of the topics that the chair, and any other individual responsible for creating the meeting notice, anticipates will be discussed at the meeting. See G.L. c. 30A, § 20(b); OML 2022-206. The topics for discussion must be listed with "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting," 940 CMR 29.03(1)(b). The Division of Open Government generally considers a topic to be sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the discussion. See OML 2015-35. The Open Meeting Law does not require public bodies to list all tangential topics related to a discussion nor does the Law require a public body to anticipate the course of deliberation or the outcome of a discussion. See G.L. c. 30A, § 20(b); 940 CMR 29.03(1)(b); OML 2014-127; OML 2020-53; OML 2021-22. The Division of Open Government has explained that, in general, it is reasonably foreseeable that a public body may take action and hold a vote following discussion of a topic listed on the meeting notice; the Open Meeting Law does not require that the notice specifically indicate the possibility of a vote. See OML 2022-239; OML 2021-153; OML 2015-66.

The discussion to which Complainant refers, took place under Item 5 of the April 8, 2025, meeting Agenda, entitled "Mayor and request for confirmation of the appointment of Kelly Furtado to Police Chief and order requesting approval of contract." During the discussion, Councilwoman Linda Pereira requested to question the city's human resources director, Nicolas Mancolini. The discussion can be viewed at: <https://www.youtube.com/watch?v=Rmvy3vw5xag> starting at 3:58:57 into the recording.

As is indicated in the video, and in line with the duly posted notice, the discussion involved the topic of whether the city council was going to vote in favor of the mayor's recommendation of a new police chief. As councilors debated the administration's pick of the new police chief,

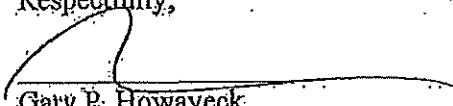
16a

conversations turned to the issue of transparency in the administration's process for terminating the prior police chief. Councilor Linda Pereira requested that the city's human resources director Nicholas Macolini answer questions before the council. Mr. Macolini was questioned on the process the administration utilized to choose the interim police chief, how the interim police chief was evaluated, and how the prior police chief was terminated. Mr. Macolini's appearance before the council under these circumstances and the conversation which ensued were directly related to the council's deliberative process on Item 5.

As such, this office believes no violation occurred. Even if the Division of Open Government deems that a violation occurred, it was not a willful violation, and there was no intent to circumvent the Open Meeting requirements.

Please note that you have the right to appeal to the Massachusetts Attorney General – Division of Open Government.

Respectfully,


Gary P. Rowayock
Assistant Corporation Counsel

Enc.
Cc:

Office Attorney General-Division of Open Government, via: openmeeting@mass.gov
Fall River City Council

16a



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

RECEIVED

2025 APR 11 AM 11:22

Please note that all fields are required unless otherwise noted.

CITY CLERK
FALL RIVER, MA

Your Contact Information:

First Name: Rebecca Last Name: Collins

Address: P.O. Box 2515

City: Fall River State: MA Zip Code: 02722

Phone Number: 5086785201 Ext.:

Email: rebeccacollins@gmail.com

Organization or Media Affiliation (if any): none

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Fall River City Council

Specific person(s), if any, you allege committed the violation:

Date of alleged violation: 04/08/2025

Page 1

CITY OF FALL RIVER
IN CITY COUNCIL

APR 22 2025

*Referred to
Corporation Counsel*

Emailed to Law Dept. 4/23/25

Description of alleged violation(s)

The following is a description of the alleged violation(s) of the Open Meeting Law (M.G.L. c. 30A, ss. 18-26) that occurred on the date and at the location specified above.

During the regular meeting of the Board of Selectmen held on Tuesday, April 08, 2025, the board engaged in a discussion regarding the external investigation of a Fall River Police employee and brought the matter forward as a personal matter, which was not included on the publicly posted meeting agenda. This discussion appeared to involve deliberation on matters within the council's jurisdiction and may have influenced action making or future action.

According to the provisions of the Open Meeting Law (M.G.L. c. 30A, ss. 18-26), public bodies are required to provide notice of public meetings to the public, ensuring that the public is adequately informed of the issues and topics to be discussed and participate as appropriate. The law allows for brief discussions on matters not on the agenda, but sustained or in-depth discussions are prohibited unless they are reasonably anticipated and properly listed in the meeting notice.

By engaging in a substantive discussion on non-agenda items, the board violated the transparency and notice requirements of the Open Meeting Law, potentially limiting public awareness and participation.

Any other information that you wish to provide regarding this complaint:

I have provided the information requested. I am not providing any further information at this time.

Signature of complainant and date of complaint

Complainant: [Redacted]
 Date of complaint: [Redacted]

Signature of official and date of complaint

Official: [Redacted]
 Date of complaint: [Redacted]

Signature of complainant and date of complaint

Complainant: [Redacted]
 Date of complaint: [Redacted]

Signature of official and date of complaint

Official: [Redacted]
 Date of complaint: [Redacted]

16a



City of Fall River, Massachusetts
Office of the City Clerk

2025 APR 04 P 1:22

CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

JANE LEBLANC
Assistant City Clerk

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
APRIL 8, 2025
AGENDA

6:00 P.M. JOINT MEETING OF THE CITY COUNCIL AND SCHOOL COMMITTEE

6:55 P.M. PUBLIC HEARING (OR IMMEDIATELY FOLLOWING THE JOINT MEETING OF THE CITY COUNCIL AND SCHOOL COMMITTEE IF IT RUNS PAST 6:55 P.M.)

Zoning Amendment

1. Apartment District (A-2)

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

1. Citizen Input
2. *Resolution - Convene with the City Administrator, the City Treasurer/Collector and Corporation Counsel to discuss current properties in Tax Title or tax possession by the City, the Abutters Lots Program, and future tax possession auction dates (adopted 2-28-2025)
3. Transfers and appropriations

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

PRIORITY MATTERS

1. *Mayor and Community Development Agency Five Year Consolidated Plan and Year One Annual Action Plan
2. *Mayor and following transfers and appropriations:
 - a. \$400,000.00 from EMS, Revenues to EMS, Salaries
 - b. \$714,769.68 from EMS, Retained Earnings to EMS, Capital
 - c. \$472,117.00 from EMS, Retained Earnings to EMS, Stabilization
3. *Mayor and order declaring six (6) vehicles as surplus property
4. *Mayor and request for confirmation of the appointment of Timothy R. Long to the Library Board of Trustees
5. *Mayor and request for confirmation of the appointment of Kelly Furtado to Police Chief and order requesting approval of contract
6. *Mayor and letter from the Fall River Retirement Board requesting
 - a. Increase to the Cost of Living Allowance (COLA) Base from \$12,000.00 to \$14,000.00 for City retirees
 - b. Increase to the Fall River Retirement Board Member stipend from \$3,000.00 to \$4,500.00 for the five (5) members of the Fall River Contributory Retirement Board

ADA Coordinator: Gary P. Howaysek, Esq. 508-324-2660

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



**OFFICE OF THE
CORPORATION COUNSEL**

CITY OF FALL RIVER

RECEIVED

2025 MAY 12 P 3:37

CITY CLERK _____
FALL RIVER, MA

May 12, 2025

Patrick Higgins
P.O. Box 290
Northport, AL 35476

VIA Email: patrick@openmeetinglawenforcer.com

RE: Open Meeting Law Complaint against Fall River City Council
Date of Alleged Violation: April 08, 2025

Dear Mr. Higgins:

This correspondence is sent pursuant to G.L. c. 30A, § 24 and 940 CMR 29.00 et seq., in response to your Open Meeting Law Complaint against the Fall River City Council which the City Clerk received on April 14, 2025. On April 22, 2025, the City Council met to review your complaint and voted to refer the matter to this office for formal response. Your complaint specifically alleges in pertinent the following:

1. The city council President declared the meeting in recess at 3:38 hours into the meeting and the microphones were muted and "elevator" music was played WHILE THE CITY COUNCIL PRESIDENT AND MEMBERS OF THE CITY COUNCIL CONTINUED TO DELIBERATE.
See <https://www.facebook.com/share/r/1BdBBzsyND?mibextid=wwXfr>
2. City Councilors Hart and Kilby continually were having side conversations between themselves throughout the entire meeting. See the video of the full meeting at <https://www.youtube.com/watch?v=Rmivy3vw5xag>
3. This is NOT the first time that the Fall River City Council has been found in violation of the open meeting law for improper deliberation. This is WILLFUL violation and the \$1000 fine needs to be imposed against them. (They have previously been found to have willfully violated the deliberation restriction and fined \$1000 in the past.)

This office submits its response based on its review of the duly posted City Council meeting Agenda for 04/08/2025, the video recording of the public meeting and a recording taken from an unidentified source, of the councilors taken during the recess. Based on its investigation, the office denies the City Council engaged in any improper deliberations in violation of the open meeting law.

For purposes of the Open Meeting Law, a "meeting" is defined, in relevant part, as "a deliberation by a public body with respect to any matter within the body's jurisdiction." G.L. c. 30A, § 18. The law defines "deliberation" as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that 'deliberation' shall not include the distribution of a meeting agenda; scheduling information or distribution of other procedural meeting [sic] or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed." *Id.* A "quorum" is a simple majority of the members of a public body. *Id.* A one-way communication from one public body member to a quorum on matters within the body's jurisdiction constitutes deliberation for purposes of the Open Meeting Law, even if no other public body member responds. See OML 2024-141; OML 2016-104; OML 2015-33; OML 2012-73.

The allegations primarily involve a conversation which took place at the onset of a brief recess of the meeting. Immediately prior to the recess, the council was discussing Agenda Item 5 entitled "Mayor and request for confirmation of the appointment of Kelly Furtado to Police Chief and order requesting approval of contract." After a period of heated discussion between two councilors, Laura-Jean Sampson (who has since resigned from the Council) and Shawn Cadime, President Joseph Camara ordered that a recess be taken.

At the onset of recess, Councilor Camara attempted to "cool heads" stating to them that he did not want them to do themselves a disservice by exhibiting a lack of decorum. He stated they would not proceed until they had a chance to cool off. Whether this conversation constituted a deliberation, there certainly was no intent to deliberate, as the whole focus was to put order back into the meeting.

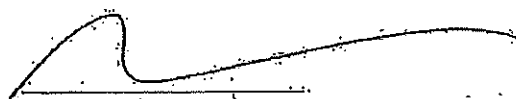
Secondly, there does not appear to be any evidence that alleged side conversations between Councilors Kilby and Hart took place during recess, or if they did, that they were anything more than small talk, let alone deliberation under the open meeting law.

Even if the Division of Open Government deems that a violation occurred, it was not a willful violation, and there was no intent to circumvent the Open Meeting requirements. As such, justice would not be served by imposition of a fine.

166b

Please note that you have the right to appeal to the Massachusetts Attorney General – Division of Open Government.

Respectfully,



Gary P. Howayek
Assistant Corporation Counsel

Enc.

Cc: Office Attorney General-Division of Open Government, via: openmeeting@mass.gov
Fall River City Council

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OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General

One Ashburton Place

Boston, MA 02108

RECEIVED

Please note that all fields are required unless otherwise noted.

2025 APR 14 P 3:53

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 290

City: Northport State: AL Zip Code: 35476

Phone Number: 5086743140 Ext. _____

Email: patrick@openmeetinglawenforcer.com

Organization or Media Affiliation (if any): Patrick Higgins and Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

☐ Individual ☒ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Fall River City Council

Specific person(s), if any, you allege committed the violation: Joseph D Camara, President

Date of alleged violation: 4/8/25

CITY OF FALL RIVER
IN CITY COUNCIL

APR 22 2025

Referred to
Corporation Council

Emailed to lawyers
4/14/25

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 2000 characters.

The Fall River City Council violated the open meeting law as follows:

1. The city council President declared the meeting in recess at 3:38 hours into the meeting and the microphones were muted and "elevator" music was played WHILE THE CITY COUNCIL PRESIDENT AND MEMBERS OF THE CITY COUNCIL CONTINUED TO DELIBERATE. See <https://www.facebook.com/share/71BdBEzsyND/?mbextid=wwXlfr> for a recording made by a observer present at the meeting after the microphones were shut down.
2. City Councilors Hart and Kilby continually were having side conversations between themselves throughout the entire meeting. See the video of the full meeting at <https://www.youtube.com/watch?v=Rmvy3vw5xag>
3. This is NOT the first time that the Fall River City Council has been found in violation of the open meeting law for improper deliberation. This is a WILLFUL violation and the \$1000 fine needs to be imposed against them again. (They have previously been found to have willfully violated the deliberation restriction and fined \$1000 in the past.)

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

This is a willful violation and the Division should find this intentional and impose the \$1000 fine.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint:

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its Website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney:

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body:

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2549 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: 4/14/25



16 C



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

RECEIVED

2025 MAY 12 P 3:37

CITY CLERK _____
FALL RIVER, MA

May 12, 2025

Rene Brown
105 Bank Street
Fall River, MA 02720

Via email: sinfullawyer@yahoo.com

RE: Open Meeting Law Complaint against Fall River City Council
Date of Alleged Violation: April 08, 2025

Dear Ms. Brown:

This correspondence is sent pursuant to G.L. c. 30A, § 24 and 940 CMR 29.00 et seq., in response to your Open Meeting Law Complaint against the Fall River City Council which the City of Fall River received on April 17, 2025. On April 22, 2025, the City Council met to review your complaint and voted to refer the matter to this office for formal response. Your complaint specifically alleges in pertinent part the following:

On the 4-8-25 Agenda for the City Council meeting for the City Council meeting, item #5 of the Agenda, confirmation of Interim Chief Kelly Furtado contract and permanent position of Police Chief.

Councillors Cadime and Ponte proceeded to discuss the practice and protocol engaged in the termination of the former Chief, Paul Gauvin. They discussed subjects that were not on the agenda nor was related to Chief Furtado's contract and position.

Additionally, these 2 councillors alluded to discussing this contract and position with other councillors outside the meeting in violation of their ethical and legal obligations. ...

At one point Ponte ordered the Human Resources Director to come down and speak at the meeting and proceeded to cross examine him on the process of Mr. Gauvin's termination. . . The deliberate violation of the open meeting law by these 2 councillors was perpetrated solely to elicit information that the public was denied notice of on the Agenda and to question the integrity of the investigation both of

One Government Center • Fall River, MA 02722 • TEL (508) 324-2650

Workers' Compensation (508) 324-2540 • FAX (508) 324-2655 • EMAIL lawoffice@fallriverma.org

Equal Justice Under Law

which were a deliberate violation of providing the public any notice or information of ~~the~~

This office denies that the City Council that violated the open meeting law's notice requirements, upon review of the duly posted meeting agenda and the video recording of the meeting at the time of the alleged violations.

The Open Meeting Law was enacted "to eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based." *Ghiglione v. Sch. Comm. of Southbridge*, 376 Mass. 70, 72 (1978). To that end, the Open Meeting Law requires that, except in an emergency, notice be posted for every meeting of a public body "at least 48 hours prior to the meeting, excluding Saturdays, Sundays and legal holidays." G.L. c. 30A, § 20(b). The notice must include, among other things, a list of the topics that the chair, and any other individual responsible for creating the meeting notice, anticipates will be discussed at the meeting. See G.L. c. 30A, § 20(b); OML 2022-206. The topics for discussion must be listed with "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." 940 CMR 29.03(1)(b). The Division of Open Government generally considers a topic to be sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the discussion. See OML 2015-35. The Open Meeting Law does not require public bodies to list all tangential topics related to a discussion nor does the Law require a public body to anticipate the course of deliberation or the outcome of a discussion. See G.L. c. 30A, § 20(b); 940 CMR 29.03(1)(b); OML 2014-127; OML 2020-53; OML 2021-22. The Division of Open Government has explained that, in general, it is reasonably foreseeable that a public body may take action and hold a vote following discussion of a topic listed on the meeting notice; the Open Meeting Law does not require that the notice specifically indicate the possibility of a vote. See OML 2022-239; OML 2021-153; OML 2015-66.

The discussion to which Complainant refers, took place under Item 5 of the April 8, 2025, meeting Agenda, entitled, "Mayor and request for confirmation of the appointment of Kelly Furtado to Police Chief and order requesting approval of contract." The discussion can be viewed at: <https://www.youtube.com/watch?v=Rmvy3vw5xag> starting at 3:58:57 into the recording.

As is indicated in the video, the discussion involved whether the city council was going to vote in favor of the mayor's recommendation of a new police chief. As councilors debated the administration's pick of the new police chief, conversations turned to the issue of transparency of the administration's process for terminating the prior police chief. Councilor Linda Pereira requested that the city's human resources director Nicholas Macolini answer questions before the

16C

council. Councilor Pereira noted that she had phone calls from concerned constituents regarding transparency and questioned him on the process the administration utilized to choose the interim police chief, how she was being evaluated, and how the prior police chief was terminated. Thereafter several members of the council including Councilors Ponte and Cadine had questions for Mr. Macolini and/or comments regarding the circumstances leading up to the administration's recommendation for the police chief, including the way the prior termination was handled. Mr. Macolini's appearance before the council under these circumstances and the conversation which ensued were directly related to the council's deliberative process on Item 5 and reasonably foreseeable to the public.

As to your blanket allegation that Councilors Cadine and Ponte "alluded to" the contract outside the meeting stopped, you have provided no context or evidence that they deliberated outside of the meeting in violation of the open meeting law for which this office can respond.

As such, this office believes no violation occurred. Even if the Division of Open Government deems that a violation occurred, it was not a willful violation, and there was no intent to circumvent the Open Meeting requirements.

Please note that you have the right to appeal to the Massachusetts Attorney General—Division of Open Government.

Respectfully,



Gary P. Howayack
Assistant Corporation Counsel

Enc.

Cc: Office Attorney General-Division of Open Government, via: openmeeting@mass.gov
Fall River City Council

16C



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

RECEIVED

Please note that all fields are required unless otherwise noted. APR 17 12 05

Your Contact Information:		CITY CLERK FALL RIVER, MA	
First Name: <u>Rene</u>	Last Name: <u>Brown</u>		
Address: <u>105 Bank Street</u>			
City: <u>Fall River</u>	State: <u>MA</u>	Zip Code: <u>02720</u>	
Phone Number: <u>4018350598</u>	Ext: _____		
Email: <u>sniffullawyer@yahoo.com</u>			
Organization or Media Affiliation (if any): _____			
Are you filing the complaint in your capacity as an individual, representative of an organization, or media? (For statistical purposes only)			
☒ Individual ☐ Organization ☐ Media			

Public Body that is the subject of this complaint:			
☒ City/Town	☐ County	☐ Regional/District	☐ State
Name of Public Body (including city, town, county or region, if applicable): <u>Fall River City Council</u>			
Specific person(s), if any, you allege committed the violation:		<u>City Councilors Shawn Cadima</u> <u>City Councilor Cliff Ponte</u>	
Date of alleged violation: <u>4/8/25</u>			

CITY OF FALL RIVER
IN CITY COUNCIL

APR 22 2025

Referred to Corporation Counsel

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On the 4-8-25 Agenda for the City Council meeting, item #5 of the Agenda, confirmation of Interim Chief Kelly Furtado contract and permanent position of Police Chief.

Councillors Cadline and Ponte proceeded to discuss the practice and protocol engaged in the termination of the former Chief, Paul Gauvin. They utilized the council meeting to discuss their dismay at his termination. They discussed subjects that were not on the agenda nor was related to Chief Furtado's contract and position.

Additionally, these 2 councillors alluded to discussing this contract and position with other councillors outside of the meeting in violation of their ethical and legal obligations.

Cadline and Ponte abused their positions as elected officials to further a potential lawsuit on behalf of Mr. Gauvin, slandered Chief Furtado, and the Human Resource Department and officials.

At one point Ponte ordered the Human Resource Director to come down and speak at the meeting and proceeded to cross examine him on the process of Mr. Gauvin's termination (which was recommended by an outside agency). The deliberate violation of the open meeting law by these 2 councillors was perpetrated solely to elicit information that the public was denied notice of on the Agenda and to question the integrity of the investigation - both of which were a deliberate violation of providing the public any notice or information of. They deliberately violated the public's right to this information prior thereby denying the public the right to comment, transparency and educated decision making. They did this solely to influence the votes of the other councillors at that time.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Councillors Cadline and Ponte should be publically reprimanded, fined the maximum amount, required to take the Open Meeting law training again, and apologize to the Chief Furtado, Human Resources, the police department and the public. The vote taken as a result of their deliberate attempts to influence the other council members should be stricken and they should abstain from any further vote on this matter.

Review, sign, and submit your complaint**I. Disclosure of Your Complaint.**

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

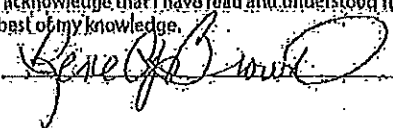
II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 4-11-25





[EXTERNAL] EMS Recognition

From Justin P. Teixeira (AFSCME L1202) <president@professionalmedicsfr.org>

Date Tue 5/20/2025 10:29 AM

To City Council <City_Council@fallriverma.gov>

Cc Kimberly Teixeira <secretary@professionalmedicsfr.org>

2 attachments (2 MB)

EMS Week Letter to FR CITY council.pdf; EMSLA EMS week Letter.pdf;

CAUTION: This email originated from a sender outside of the City of Fall River mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe. If you are unsure of the validity of the email, please contact IT.

Dear Honorable Councilors,

I hope this message finds you well.

This week marks the celebration of National EMS Week, first established in 1974 by President Richard Nixon to recognize the men and women who deliver emergency medical care to their communities. In 1975, Fall River EMS was born—and since then, it has evolved tremendously, most recently becoming its own municipal department.

This week, we not only honor the EMS professionals who selflessly serve others during their most critical moments, but we also raise awareness about a broader issue affecting our profession nationwide. Across the country, and right here in Fall River, EMS professionals are calling for long-overdue recognition as a core pillar of public safety, on par with our police and fire counterparts.

To that end, I've attached two letters for your review:

1. A letter from the Professional Paramedics of Fall River (AFSCME Local 1202), outlining our position and request for the City Council's support and action.

2. A letter from the EMS Labor Alliance, representing EMS-specific collective bargaining units across major U.S. cities, united in our advocacy for change.

Fall River EMS is in its 50th year—a milestone that reflects decades of service, sacrifice, and advancement. As our profession grows and modernizes, it's time our status does as well.

Thank you for your time, your leadership, and your continued support of the dedicated professionals who answer the call every day. If you have any question please reach out. I am available to meet and further discuss how we can make this happen.

Respectfully,

Justin P. Teixeira

President

Professional Paramedics of Fall River

AFSCME Local 1202

(401)623-7355



Emergency Medical Services Labor Alliance

Forging unity in EMS

RECEIVED

2025 MAY 20 A 10:50

This Emergency Medical Services (EMS) Week, EMSLA recognizes the selfless dedication and unwavering commitment of our EMS providers who serve on the front lines of pre-hospital healthcare across the nation. These are the professionals who answer the call when seconds count—who step forward without hesitation, day and night, to meet people at their most vulnerable moments with compassion, skill, and strength.

In 2025, many of our member agencies celebrate their 50th anniversary. EMS has evolved from humble beginnings into a critical pillar of public health and safety. Today's EMS professionals are not only trained in life-saving techniques but are equipped with the knowledge and tools to provide advanced care right where it's needed—on the streets, in homes, and in every corner of our communities.

As we continue to evolve, it's worth noting EMS is more than just a response system. With the rise of Mobile Integrated Health (MIH) and Community Paramedicine, we are bringing healthcare to the people who need it most, proactively closing gaps in access and addressing chronic conditions before they escalate into emergencies. This evolution marks a promising future—one where EMS plays a vital role in prevention as well as response.

Yet, despite these advancements and the critical nature of our work, EMS still fights for equal footing, falling somewhere in-between public health and public safety. EMS is often overlooked in funding, benefits, and policy discussions—even as our responsibilities grow more complex and our impact more profound. We must change this.

We call upon the public, policymakers, and community leaders to recognize EMS for what it truly is: an essential public service. Our EMS providers do not hesitate when the call comes in. They lift others up while quietly carrying the weight of trauma, grief, and unrelenting demand over years, even decades, of service. Their strength is extraordinary, yet the support they receive must match the magnitude of their contribution.

During EMS Week and beyond, we urge you to stand with us. Advocate for EMS recognition. Invest in the future of pre-hospital care. And honor the people who are always ready, always answering, and always there when it matters most.


Justin P. Teixeira - Secretary
EMS Labor Alliance



176

5/20/2025

RECEIVED

2025 MAY 20 A 10:50

To:

Honorable Members of the ~~Fall River City Council~~
FALL RIVER, MA

City of Fall River

1 Government Center

Fall River, MA 02720



Subject: Recognition of Fall River Emergency Medical Services as a Core Public Safety Entity

Dear Members of the Fall River City Council,

On behalf of the Professional Paramedics of Fall River – AFSCME Local 1202, we respectfully submit this letter urging the City Council to formally recognize Emergency Medical Services (EMS) as an essential component of public safety, equal in stature and function to our brothers and sisters in the police and fire departments.

As Fall River EMS celebrates National EMS week and its 50th year of continuous municipal EMS service in Fall River, we stand at a pivotal moment in the history of emergency response in our city. What began in the early 70's as a basic transport service has evolved into a critical, life-saving system staffed by highly trained professionals providing advanced medical care in the field. Today, EMS in Fall River is not just about transportation—it's about stabilizing critical patients, initiating lifesaving interventions, and serving as the front line of public health and emergency response.

While police protect us from crime and fire services shield us from physical harm and disaster, EMS responds with urgency and compassion during people's most vulnerable moments—heart attacks, strokes, overdoses, traumatic injuries, and mental health crises. EMS professionals work around the clock, in unpredictable environments, facing physical and psychological stress that rivals any other public safety profession.

Despite these demands, EMS continues to be excluded from full recognition as a core public safety service, both in Massachusetts and across much of the nation. This discrepancy not only affects funding, resources, and retirement parity, but also undermines the professional legitimacy

and morale of the EMS workforce. Fall River, like many major cities, is not alone in this fight. We are a proud member of a national EMS Labor Alliance—a coalition of EMS unions committed to improving standards, protections, and recognition for EMS professionals in cities with standalone EMS systems. These cities, including Boston, Cleveland, Austin, and Detroit, are facing the same battles for equity and acknowledgment that we are.

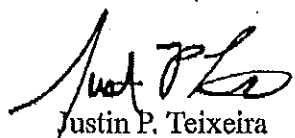
Here in Fall River, we are seeing progress. With new administrative leadership in EMS and a rejuvenated, collaborative union leadership, we are jointly committed to a cultural evolution. There is an ongoing effort to modernize policies, strengthen workforce morale, improve recruitment and retention, and expand community-based healthcare initiatives like Mobile Integrated Health (MIH). We are setting a new standard for EMS in our region—but to fully succeed, we need the formal recognition that we are an indispensable pillar of public safety.

This request is not simply about title or prestige—it is about justice, fairness, and long-term sustainability. Acknowledging EMS as public safety is an actionable step that will help attract new talent, retain experienced medics, and ensure that Fall River continues to receive high-quality, professional prehospital care for generations to come.

We respectfully urge the City Council to support the proper ordinance and later legislation recognizing EMS as an essential public safety entity and to advocate for the legal and policy changes necessary to align EMS with its public safety counterparts.

Thank you for your continued commitment to the well-being and safety of our city. We remain ready, as we always are, to serve the people of Fall River with compassion, courage, and dedication.

In solidarity,



Justin P. Teixeira

President

Professional Paramedics of Fall River

AFSCME Local 1202

To Whom This Concerns on the

City Council of Fall River, Ma.,

RECEIVED 5/13/25

2025 MAY 13 P 1:02

CITY CLERK
FALL RIVER
This letter is to request the purchase of land parcels that abutt our property. Our property address is 38 Stafford Heights Rd., also known as Y-7-8 on the maps in our city assessors office. We also own Stafford Heights lots numbered 709, 710, 711, & 714. We wish to purchase lots 657, 712, 715, 716, 717, 718, & 719 in Stafford Heights.

After having done some inquiring at the assessor's office it has been confirmed that the City of Fall River owns lot numbers 657 & 712. However, there seems to be no record of anyone paying taxes for lots 715-719 for over 20 years.

Upon printing our property address of 38 Stafford Heights Rd. from Google Maps, it can easily be seen that our only and reasonable access to our home has been directly through Stafford Heights lots 715-719, which shows our driveway.

By deed our property is 62.5 feet wide and 938 feet long. On the city's mapping system it shows that our property length-wise abutts Stafford Heights with lots 657, 712, & 715-719 being closest to our home.

In Aug. 1993 we surveyed our land & had it registered in Mass. land court. Although our property has been through more than 3 generations, it has been our primary address since 1996. As we make preparations to hand our home to the next generation, we are committed to leaving no unfinished business.

Thank you for your consideration,
Philip L. & Kristine Michaud

CITY COUNCIL PUBLIC HEARING

MEETING: May 13, 2025 at 5:55 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 Ricky T. Tith

ABSENT: None

IN ATTENDANCE: Aaron Roy, National Grid Engineer,
1250 Brayton Point Road, Somerset, MA

The President called the meeting to order at 5:58 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to open the hearings.

Joint Pole Location

1. Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc, for one new jointly owned pole location as follows:

Riggenbach Road

One (1) new jointly owned pole location

This petition is proposing to install one new, jointly owned Pole #27-50 inline between existing Pole #27 and Pole #28 on Riggenbach Road. Pole #27-50 will be set approximately 60 feet southwest of Pole #27, and 90 feet northwest of Pole #28. Pole #27-50 will be installed three feet from the edge of Riggenbach Road.

In accordance with Plan No. 31085750

The President asked if any proponents were present and Aaron Roy, National Grid Engineer, came forward. Mr. Roy explained that this new jointly owned pole installation is necessary to provide utility services to new commercial buildings that are being developed at 1350 Riggenbach Road.

The President then asked if any opponents were present, and no one came forward.

On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted to close the hearing at 6:02 p.m.

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

A true copy. Attest:

Alison M. Bouchard
City Clerk

COMMITTEE ON FINANCE

MEETING: May 13, 2025, at 6:00 p.m.
Council Chamber, One Government Center

PRESENT: President Joseph D. Camara, presiding;
Councillors Shawn E. Cadime, Michelle M. Dionne, Paul B. Hart,
Bradford L. Kilby, Linda M. Pereira, Cliff Ponte, Andrew J. Raposo
and Ricky T. Tith

ABSENT: None

IN ATTENDANCE: Emily Arpke, Interim Director of Financial Services
Chief Beth Faunce, Emergency Medical Services

The chair called the meeting to order at 6:02 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

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

1. Citizen Input Time

Collin Dias, 560 Ray Street – School Committee

2. Fiscal Year 2026 Emergency Medical Services Budget

Chief Beth Faunce, Emergency Medical Services (EMS), provided a brief overview of the budgetary activities within the EMS Department over the past year, including the purchase of four new apparatus vehicles, additional transport service contracts with nearby hospitals and increased revenue within the Enterprise Fund. Chief Faunce stated that, while the Fiscal Year 2026 (FY26) budget has increased from last fiscal year, the department is generating significantly more capital than previous years.

Councillor Ponte commended the EMS Department for their financial planning and requested additional information regarding indirect costs within the Enterprise Fund budget, which has increased by 25% from Fiscal Year 2025 (FY25). Chief Faunce explained that five Fall River Firefighters are employed through the EMS Enterprise Fund and that there are various utility bills, stormwater fees and bond payments that the department is responsible for, such as renovations to the Central Fire Station. Chief Faunce also explained that the EMS Department rotate the use of, and maintain, their vehicles frequently to help lengthen the lifespan of the apparatus.

Councilor Ponte and Emily Arpke, Interim Director of Financial Services, discussed future financial policies for the EMS Enterprise Fund as the revenue continues to increase within the department. Ms. Arpke explained that there is currently a calculation used to determine the ratio of revenue and indirect costs, and that it is adjusted accordingly each year. The Interim Director of Finance emphasized that the EMS Enterprise Fund employs many more employees than the Water and Sewer Enterprise Fund, which results in higher pension and insurance costs for the City, leading to an increased ratio of indirect cost transfers.

Chief Faunce emphasized that, so long as the EMS Enterprise Fund has an adequate budget to maintain their equipment, staff and projects, she supports providing additional capital to the General Fund, as the EMS Department maintains an adequate Reserve Fund for unanticipated expenditures. The Chief of EMS also commended her employees and their dedication to Fall River.

Councilor Cadime and Chief Faunce discussed the increased salary line items, the education stipend for employees, and the anticipated purchase of additional EMS vehicles. Chief Faunce explained that, with the new hospital transport programs, they need eight employees per vehicle, including Basic Emergency Medical Technicians (EMTs) and paramedics, as well as additional dispatch and Mobile Integrated Healthcare (MIH) staffing, which resulted in the increase salary section of the budget. Chief Faunce and Ms. Arpke explained that only the medical staff required the education stipend, so that amount wasn't increased as significantly as the salary line items. Chief Faunce also stated that the EMS Department anticipates purchasing at least one more vehicle for the transport fleet, and that, if needed, a second apparatus may also be considered. The Chief of EMS explained that, over the past two years, the department has increased revenue from \$800,000 to \$1,600,000 with the transportation program.

Councilor Cadime expressed concern regarding the City of Fall River providing transportation services to hospitals, as many patients they transport are not Fall River residents. Chief Faunce explained that the program reduces wait times in the nearby emergency rooms and assists patients who would otherwise be underserved.

President Camara requested additional information regarding how the EMS Department insured the transportation program. Chief Faunce stated that they are not self-insured for this program, and the trucks are covered by an outside insurance policy.

Councilor Raposo and Chief Faunce discussed FY26 hiring plans within the department, the EMT education program and general vehicle maintenance. Chief Faunce stated that she anticipates hiring between eight and sixteen new employees for the transportation program, and that the EMT education program currently has a 100% graduation rate. Chief Faunce stated that most students continue to work for the City of Fall River after completing the classes. The Chief of EMS also explained that there is a maintenance division within the department that repairs the apparatus vehicles, and that additional staffing for that division may be necessary as more vehicles are acquired.

On a motion made by Councilor Raposo and seconded by Councilor Cadime, it was unanimously voted to refer the Fiscal Year 2026 Emergency Medical Services Budget to the full Council for action.

3. Fiscal Year 2025 Quarter 3 Budget Report

Emily Arpke, Interim Director of Financial Services, explained that all revenues for Fiscal Year 2025 (FY25) correspond with 75% of the anticipated amount for the full year. Ms. Arpke also stated that some local receipts exceed the anticipated totals, but that some expenses are in a slight deficit.

Councilor Cadime and Ms. Arpke discussed investment income over the past three fiscal year quarters, and Ms. Arpke stated that the actual amount of that revenue is higher than what is listed within the report, as many receipts, such as Motor Vehicle Excise Tax payments, are received after the report publishing deadline. The Interim Director of Financial Services explained that interest rates are decreasing from the previous year, and the City anticipates that the revenue will also decrease, but that the financial revenue will continue to grow. Ms. Arpke stated that she anticipates the Fiscal Year 2026 (FY26) investment income will be between \$3,000,000 and \$3,500,000.

Councilor Dionne and Ms. Arpke discussed the salary rate listed within the report for the City Administrator position, as it is vacant but shows \$186,000 paid within FY25 for the three quarters. Ms. Arpke clarified that this salary line also includes 50% of the salary paid to the City's Grant Writer, and that the remaining 50% of that salary is paid by the School Department.

4. Communication – Mayor and School Committee request to initiate and file an unfunded mandate petition with the State Auditor's office relative to the City's obligation to fund student transportation

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to refer the matter to the full Council for action.

5. Transfer and appropriation

Councilor Dionne and Emily Arpke, Interim Director of Financial Services, discussed the deficit within the Employer Health Trust Fund that provides funding for employee health care costs, and previous financial transfers that occurred within the past few months regarding this challenge. Ms. Arpke stated that costs of insurance expenditures will increase by 8.5% within the next fiscal year, and increased by 5% over the current fiscal year, but the City had only funded an anticipated increase of 0.7% in the Fiscal Year 2025 (FY25) budget. Ms. Arpke explained that this has resulted in a deficit of almost \$5,000,000 within that account.

Vice President Pereira asked if additional financial transfers would be needed prior to the end of FY25 and the Interim Director of Financial Services explained that she anticipates that other financial resources will be available to assist with any additional deficits.

Councilor Cadime and Ms. Arpke held a lengthy discussion regarding the financial decisions that were made in the FY25 budget regarding employee health care costs, the need for transparency with the City Councilors and the need to adhere to recommendations that are provided by Blue Cross Blue Shield and Gallagher Insurance, Risk Management and Consulting, regarding anticipated expenditures. Ms. Arpke explained that she observed that the recommendations from these companies are often slightly higher than what the City allocates for this account, and that she is working to remedy this matter.

Councilor Cadime emphasized the importance of including the City Council when these anticipated deficits are noticed and requested that Ms. Arpke provide additional information to the Councilors following this meeting.

Councilor Ponte and Ms. Arpke discussed the lack of appropriate funding within the budget, how this will affect the Fiscal Year 2026 Municipal Budget, and the need for serious review of previous financial decisions related to the Employer Health Trust Fund. Ms. Arpke provided information regarding financial transfers that occurred from the General Fund to the Employer Health Trust Fund, and that the City plans to increase the budget line items for this account in the FY26 Municipal Budget. The Interim Director of Financial Services stated that, based on her review, it appears that these errors over the past few fiscal years were not intentional, as the former Director of Financial Services always followed the recommendations of the third-party consulting firms. Councilor Cadime clarified that the consulting firms cannot observe the financial activity within the Employer Health Trust Fund, they can only review the medical care claims that are submitted to the City, and provide recommendations based on that data.

On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted to adjourn at 7:05 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 13, 2025, 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 Ricky T. Tith

ABSENT: None

IN ATTENDANCE: Alan J. Rumsey, Corporation Counsel
Nicholas A. Macolini, Director of Human Resources
Deputy Chief J.T. Hoar, Fall River Police Department

President Camara called the meeting to order at 7:05 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

On a motion made by Councilor Dionne and seconded by Councilor Ponte, it was unanimously voted to take items 6 and 7 out of order.

6. Mayor and proposed Home Rule Petition re appointment of Chief of Police
Councilor Dionne expressed support for this matter, as it represents progress in the creation of a new policy related to the hiring of a Chief of Police. Councilor Ponte agreed that this process would be helpful for future hires, as there would be a fair, rigorous interview process, but inquired as to how long this matter would take to be approved by the Massachusetts Legislature. Vice President Pereira and Councilor Kilby stated that they have both spoken with members of the Fall River Delegation, and that they will advocate for this petition, which they expect should be completed within the next six to twelve months.

On a motion made by Councilor Kilby and seconded by Vice President Pereira, it was voted 9 yeas to adopt the order.

Approved, May 14, 2025

Paul E. Coogan, Mayor

7. Mayor and proposed ordinance re appointment of Chief of Police
On a motion made by Councilor Ponte and seconded by Councilor Cadime, it was unanimously voted to waive the rules to allow Alan J. Rumsey, Corporation Counsel, to answer questions related to the proposed ordinance.

Mr. Rumsey explained that the current City ordinance is not compliant with Massachusetts General Laws and needs to be amended. Councilor Dionne inquired as to whether the ordinance must be amended prior to the hiring of a new Chief of Police. Mr. Rumsey stated that the Administration and the City Council are aware of the anticipated changes to the current City ordinance, and a vote to appoint a new Chief of Police prior to the ordination of the new ordinance should not result in any legal conflicts. Councilor Cadime and Mr. Rumsey discussed conflicts related to three-year contracts, as the City code requires most contracts to be limited to a one-year length.

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 motion made by Councilor Dionne and seconded by Vice President Pereira, it was unanimously voted to lift item 1 from the table.

1. Mayor and request for confirmation of the appointment of Kelly Furtado to Police Chief and order requesting approval of contract

The City Clerk clarified that the Administration had provided an amended one-year contract for the Councilors' consideration. Councilor Dionne stated that, as the new process for hiring a Police Chief is being developed, there needs to be someone formally appointed to that position for the benefit of the City.

Councilor Ponte expressed concern regarding this matter as New Bedford, MA, is currently searching for a new Police Chief by utilizing a Screening Committee, which includes retired police officers, former state and federal attorneys and local, elected representatives. Councilor Ponte also stated that, as this contract is different than the previous contract that was addressed during the April 22, 2025, meeting of the City Council, that any vote in relation to this contract could now be objected to by the Councilors.

Vice President Pereira emphasized that this topic has been discussed at length, and the City Council should move the question regarding the confirmation vote.

On a motion made by Councilor Kilby and seconded by Vice President Pereira, it was voted 5 yeas, 4 nays, to confirm the appointment, with President Camara and Councilors Cadime, Ponte and Tith voting in the negative.

On a motion made by Councilor Cadime and seconded by Councilor Ponte, it was unanimously voted to waive the rules to allow Nicholas A. Macolini, Director of Human Resources, to answer questions related to the proposed contract matter.

Councilor Cadime and Mr. Macolini discussed the current salary of the Interim Police Chief, which totals \$190,000 per year. Councilor Cadime emphasized that there is no existing ordinance related to the salary limitations of an Interim Police Chief, and that the City Code requires the Police Chief to be paid "per contract." Councilor Cadime stated that this process may be in violation of the required, existing code. Mr. Macolini stated that, for many other positions that have become vacant in the past, this protocol has been utilized until a new, permanent appointment has been completed, and that the current Interim Police Chief has been

on payroll with this salary since October of 2024. Councilor Cadime expressed concern regarding the compensation amount, which was not presented to the City Council for approval. Councilor Cadime also stated that the City Auditor must sign all payroll documents to confirm that the City is following all requirements within City ordinances. The Director of Human Resources explained that there needs to be a temporary appointment when a position is vacant, and compensation decisions are made to provide proper services to the City.

On a motion made by Vice President Pereira and seconded by Councilor Raposo, it was unanimously voted to waive the rules to allow Deputy Chief J.T. Hoar, Fall River Police Department, to answer questions related to the accumulated compensation for the current Interim Police Chief.

Councilor Ponte inquired as to what the buy-out accrual would be for Chief Furtado. Deputy Chief Hoar stated that the current leader of the Fall River Police Department has 43 hours eligible for her buyout.

A motion was made by Councilor Dionne and seconded by President Camara, to adopt the amended one-year contract, and Councilors Cadime and Ponte stated that they objected to the vote. President Camara stated that, while there has been an amendment to the contract's duration, the contract itself has not changed. President Camara stated that, as this is not the first time that the item has been presented to the City Council, the objections were not in order.

On a further motion made by Councilor Ponte and seconded by Councilor Cadime, it was voted 3 yeas, 6 nays, to override President Camara's ruling that the objections were not in order, with Councilors Cadime, Ponte and Tith voting in the affirmative, and the motion failed.

President Camara requested that the City Clerk continue the roll call vote on the motion to adopt, as the objection was not in order.

On the motion made by Councilor Dionne and seconded by President Camara, it was voted 5 yeas, 4 nays, to adopt the order with a one-year contract, with President Camara and Councilors Cadime, Ponte and Tith voting in the negative.

Approved, May 14, 2025

Paul E. Coogan, Mayor

2. Mayor and request for confirmation of the appointment of Edward Guimont, Ph.D., to the Library Board of Trustees

On a motion made by Vice President Pereira and seconded by Councilor Kilby, it was unanimously voted to confirm the appointment.

3. Mayor and proposed ordinance amendment re salary of Animal Control Officer

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

4. Mayor and order approving Conservation Restriction between VMD Conservation FR, LLC and The Trustees of Reservations regarding an approximately half-acre parcel of wetlands located at the Industrial Park.

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

Approved, May 14, 2025

Paul E. Coogan, Mayor

5. Mayor and order transferring \$2,500,000 from FY24 Surplus Revenue to Employer Health Trust Fund

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

PRIORITY COMMUNICATIONS

8. Traffic Commission recommending amendments to the traffic ordinances

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

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

9. Committee on Public Safety convene with representatives from the City, MBTA and any other interested parties to discuss safety and noise concerns around the South Coast commuter rail

Councilor Raposo and Councilor Hart stated that there will be meetings of both the Massachusetts Bay Transportation Authority (MBTA) and the Committee on Public Safety this month regarding this issue, and encouraged the public to attend. On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to adopt the resolution.

CITATIONS

10. Thomas M. Quinn, III, District Attorney of Bristol County – Recipient of Bristol Community College's Distinguished Citizen Award

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

ORDERS – HEARINGS

Joint Pole Location

11. Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc. – Installation of one (1) new jointly owned pole location on Riggensbach Road

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

Approved, May 14, 2025

Paul E. Coogan, Mayor

ORDERS – MISCELLANEOUS

12. Police Chief's report on licenses

Taxicab Drivers

Manuel Almeida

Albert Crepeau

Private Livery Drivers

Wayne Delisle

Christopher Botelho

Eric Bourgeois

Ayman Elhennawi

Mark Elisio

Shannon Fernandes

Victor M. Ortiz Rivera

Danielle Shoesmith

Private Livery Vehicles

Princess Limousine, LLC – Ten (10) vehicles

Second Hand Renewals

ecoATM LLC – 4171 North Main Street

ecoATM LLC – 638 Quequechan Street

Michael W. West d/b/a A1 Antiques & Used Furniture

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

13. Auto Body Shop License Renewal

David Ponte d/b/a Brougham Motors Inc., 389 Bedford Street

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

COMMUNICATIONS – INVITATIONS – PETITIONS14. Claims

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

15. Structure on or over a public way application for the Greater Fall River Symphony Orchestra to hang a banner across Bedford Street

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to approve the structure on or over a public way application.

16. Communication re road repairs on Grinnell Street

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to refer the communication to the Committee on Public Works and Transportation.

17. Thank you card from Jack Hackett re SCSL Softball League

Vice President Pereira commended the Executive Director of the Community Development Agency for his assistance with necessary upgrades to the fields used by the SCSL Softball League. On a motion made by Councilor Ponte and seconded by Councilor Raposo, it was unanimously voted that the card be accepted and placed on file.

18. Drainlayer Licenses

GT Excavating Corp.

HM Lopes LLC

Hydra Tech Inc.

JH Landscaping and Construction Inc.

John Kinsely dba Riverside Masonry and Concrete

J & R Resendes Corp.

Mass Earthworks & Demolition

Mike Andrade Excavation, LLC

Perfected Construction LLC

SLT Construction Corporation

Steven Steen

Thermo-Mechanical Systems Inc.

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

19. Zoning Board of Appeals Minutes – March 20, 2025

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted that the minutes be accepted and placed on file.

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to take items 20 through 26 together.

City Council Minutes

- 20. Joint Meeting of the City Council and School Committee – April 8, 2025
- 21. Public Hearing – April 8, 2025
- 22. Committee on Finance – April 8, 2025
- 23. Regular Meeting of the City Council – April 8, 2025
- 24. Special Meeting of the City Council – April 14, 2025
- 25. Committee on Finance – April 22, 2025
- 26. Regular Meeting of the City Council – April 22, 2025

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

BULLETINS – NEWSLETTERS – NOTICES

- 27. Massachusetts Department of Public Utilities hearing notice re the 2025 Climate Compliance Plan, submitted by Liberty Utilities (New England Natural Gas Company) Corp. d/b/a Liberty, with a comment deadline of June 6, 2025

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

ITEMS FILED AFTER THE AGENDA DEADLINE CITY COUNCIL MEETING DATE: MAY 13, 2025

PRIORITY MATTERS

- 7a. Proposed Fiscal Year 2026 Municipal Budget

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to refer the Proposed Fiscal Year 2026 Municipal Budget to the Committee on Finance.

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with emergency preamble:

- 8a. Proposed Ordinance – Traffic, Handicapped parking
 - Hall Street, North, 20 feet east of Allen Street
 - Rodman Street, East, 69 feet north of Grattan Street
 - Tuttle Street, East, 64 feet south of Dwelly Street
 - Walnut Street, North, 126 feet west of Grove Street

On a motion made by Councilor Raposo and seconded by President Camara, it was voted 9 yeas to adopt the emergency preamble. On a further motion made by Councilor Raposo and seconded by Councilor Ponte, 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 14, 2025

Paul E. Coogan, Mayor

First Reading, as amended

8b. Proposed Ordinance – Traffic, Miscellaneous

Section 1

Parking prohibited at all times (Insert)

- County Street, North, 98 feet west of Covell Street

Section 2

Parking prohibited at all times (strike out)

- County Street, North, 118 feet west of Covell Street

Section 3

Handicapped parking removals

- Dwelly Street, North, 92 feet west of Peckham Street
- Hanover Street, West, 140 feet north of Locust Street
- Harrison Street, West, 490 feet south of Pleasant Street
- Mulberry Street, East, 79 feet north of Division Street

The City Clerk explained that the section related to inserting Pine Street, East, from Seabury Street to Robeson Street, originally listed on the agenda was separated into its own ordinance and tabled in the Committee on Ordinances and Legislation. On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted that the proposed ordinance be passed through first reading, as amended.

8c. Proposed Zoning Ordinance – Apartment District (A-2)

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was voted that the proposed ordinance be passed through first reading, as amended, with Councilor Dionne opposed.

Committee on Regulations recommending:Adoption:

8d. Order – Taxicab driver license application denial (Robert F. Allen)

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

Approved, May 14, 2025

Paul E. Coogan, Mayor

8e. Order – Taxicab driver license application denial (David Correio)

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

Approved, May 14, 2025

Paul E. Coogan, Mayor

Committee on Public Works and Transportation recommending:Grant leave to withdraw:

- 8f. Resolution – convene with the Administration and a representative of the Massachusetts Department of Transportation to discuss maintenance of the Interstate 195 underpass beneath Government Center and request that the state delegation advocate for further cleanup of this area

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted that the resolution be granted leave to withdraw.

A brief recess was held from 7:50 p.m. to 7:53 p.m. for the signing of the Conservation Restriction between VMD Conservation FR, LLC and The Trustees of Reservations.

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adjourn at 7:53 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

A true copy. Attest:

Glison M. Bouchard

City Clerk



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2025 MAY 27 A 11:51

CITY CLERK _____
FALL RIVER, MA

May 27, 2025

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

Dear Councilor President and Members of the Honorable Council:

Attached please find the proposed Conservation Restriction between VMD Conservation FR, LLC and the Trustees of the Reservation regarding approximately 52.7 acre parcel of wetlands located at the Industrial Park for your review and approval.

If additional information is needed, please reach out to my office. Thank you.

Sincerely,

Paul E. Coogan
Mayor

PC/amos

City of Fall River, *In City Council*

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ORDERED, that the Conservation Restriction, between VMD Conservation FR, LLC (the "Grantor") and the Trustees of Reservations (the "Primary Grantee") regarding an approximately half acre parcel of wetlands located at the Industrial Park, adopted by the City Council and approved by the Mayor is hereby rescinded, and

BE IT FURTHER ORDERED, that the attached Conservation Restriction, between VMD Conservation FR, LLC (the "Grantor") and the Trustees of Reservations (the "Primary Grantee") regarding an approximately 52.7 acre parcel of wetlands located at the Industrial Park, is hereby approved.



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

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May 27, 2025

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

Dear Mayor Coogan:

Attached, please find the proposed Conservation Restriction between VMD Conservation FR, LLC (the "Grantor") and The Trustees of the Reservations (the "Primary Grantee"), regarding an approximately 52.7 acre parcel of wetlands located at the Industrial Park. Although the City of Fall River is not a direct party to this Agreement/Conservation Restriction, the Mayor and City Council are expected to approve the CR before it gets forwarded to the MA Division of Fisheries and Wildlife and the Secretary of Energy and Environmental Affairs for their approval/signature.

Please place the following issue on the agenda for the next regularly scheduled meeting of the City Council:

Approval of the Conservation Restriction between VMD Conservation FR, LLC (the "Grantor") and The Trustees of the Reservations (the "Primary Grantee"), regarding an approximately 52.7 acre parcel of wetlands located at the Industrial Park.

Very truly yours,

Alan J. Rumsey
Corporation Counsel

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Grantor: VMD Conservation FR LLC
Grantee: The Trustees of Reservations and
Commonwealth of Massachusetts Department of Conservation and Recreation
Property Address: 0 Innovation Way, Fall River
Grantor's Title: Book 11597, Page 222 Bristol Fall River District Registry of Deeds

CONSERVATION RESTRICTION

VMD Conservation FR LLC, being the sole owner of the Premises as defined herein, for its successors and assigns holding any interest in the Premises (the "Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grants with QUITCLAIM COVENANTS to The Trustees of Reservations, a Massachusetts charitable corporation established under Chapter 352 of the Acts of 1891, with a principal place of business at 200 High Street, 4th Floor, Boston MA 02110, its permitted successors and assigns (the "Primary Grantee") and the Commonwealth of Massachusetts, acting by and through its Department of Conservation and Recreation, with offices at 10 Park Plaza, Suite 6620, Boston MA 02116 and its permitted successors and assigns for the purpose of protecting the Premises (as defined below) under Article 97 of the amendments to the constitution of the Commonwealth of Massachusetts (the "Secondary Grantee") (collectively, the Primary Grantee and the Secondary Grantee are the "Grantees" and together with the Grantor and the Division of Fisheries and Wildlife the "Parties"), for nominal consideration, the receipt and sufficiency of which is hereby acknowledged, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES and for the purposes set forth in Article 97 of the Amendments to the Massachusetts Constitution, the following Conservation Restriction on land containing approximately 52.7 +/- acres located in the City of Fall River, Commonwealth of Massachusetts (the "Premises"), which Premises is more particularly described in Exhibit A by reference to a plan, a reduced copy of which is attached hereto as Exhibit B. Both exhibits are attached hereto and incorporated herein. The Grantor and the Grantees are bound by and subject to the terms and conditions of this Conservation Restriction.

- I. **PURPOSES:** This Conservation Restriction is authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and specifically authorized by Chapter 69 of the Acts of 2023. The Purposes of the Conservation Restriction are to (1) assure that the Premises will be retained in

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perpetuity substantially in its natural, scenic, and vegetated condition as set forth herein and to prevent any use of the Premises that will impair or interfere with the Conservation Values of the Premises, and (2) assure that the Premises shall continue to be protected by Article 97 of the amendments to the constitution of the Commonwealth of Massachusetts ("Article 97"). This Conservation Restriction supersedes the Deed Restriction and Declaration of Restriction recorded on the Premises in the Bristol Fall River District Registry of Deeds at Book 7124, Page 137 and Book 11689, Page 18, respectively.

The conservation of the Premises will yield significant public benefits, for the following reasons:

- a. Wildlife & Habitat Protection: Conservation of the Premises will protect upland forest and wetland habitat used by a variety of wildlife including, but not limited to, Eastern Box Turtle (*Terrapene carolina*), state-listed as a Species of Special Concern. Conservation of the Premises will contribute to protection of habitat associated with the adjacent Freetown-Fall River State Forest and the Southeastern Massachusetts Bloreserve.
- b. Nearby Natural Areas: Conservation of the Premises will protect the natural resources of the Freetown-Fall River State Forest and the Southeastern Massachusetts Bloreserve.
- c. Water Quality Protection: Preserving the natural, undisturbed environment will provide for groundwater recharge and protect wetland resource areas on the Premises and on the adjacent Freetown-Fall River State Forest and Southeastern Massachusetts Bloreserve.
- d. Furtherance of Government Policy: Protection of the Premises furthers the Commonwealth's interest in conserving and protecting the Freetown-Fall River and the Southeastern Massachusetts Bloreserve, as set forth by the state legislature in Chapter 266 of the Special Acts of 2002.
- e. Massachusetts Endangered Species Act ("MESA"): This Conservation Restriction is granted pursuant to and in accordance with the requirements set forth in Conservation and Management Permit No. 022-403.DFW, dated September 21, 2022, issued by the Commonwealth of Massachusetts Division of Fisheries and Wildlife acting through the Natural Heritage and Endangered Species Program ("Division") recorded at Book 11139, Page 1, as amended, recorded in Book 11682, Page 325 in the Bristol Fall River District Registry of Deeds, and incorporated by reference herein ("CMP").
- f. Baseline Documentation Report and Survey (BDRS): These Conservation Values are described in more detail in the Baseline Documentation Report and Survey ("BDRS"), copies of which are to be kept on file at the office of the Primary Grantee and incorporated herein by this reference. Grantor and the Primary Grantee agree that the purpose of the BDRS, which consists of maps, narratives, survey plans and aerial and ground photographs that portray the condition of the Premises at the time of the creation of the BDRS and immediately prior to recording of this Conservation Restriction, is to provide a baseline from which future changes to the Premises, whether natural or human-caused, can be measured including to objectively and accurately document natural or other uses, physical features, improvements, and trails and as they relate to the prohibited and permitted uses of the Premises. Notwithstanding, in the event that the BDRS is unavailable, or is determined to be

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inadequate for resolving any issue that may arise after the granting of this Conservation Restriction, other evidence may be used to show the condition of the Premises at either the time of the grant or some subsequent point in time.

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, the Grantor, the Division and the Primary Grantee voluntarily agree that the Conservation Restriction described herein is an appropriate means to ensure compliance with the CMP issued pursuant to MESA and achieve the community's open space goals and objectives, all of which thereby represent significant public benefits, and the Grantor and the Grantees voluntarily agree that the Conservation Restriction described herein is an appropriate means to ensure that the Premises shall continue to be protected by Article 97.

II. DEFINITIONS:

- a. Conservation Values: shall mean, without limiting the generality of the terms, those conservation attributes set forth above in Paragraph I and as further described in the BDRS.
- b. Hazardous Material: shall mean any material or substance that, whether by its nature or use, is now or hereafter defined as a pollutant, dangerous substance, toxic substance, hazardous waste, hazardous material, hazardous substance or contaminant under any environmental law, or which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic or otherwise hazardous and which is now or hereafter regulated under any environmental law.
- c. Pervious: shall mean built of materials consisting of unconsolidated minerals such as sand, dirt or gravel, or natural materials such as wood chips or grass.
- d. Structure: (whether or not said term is capitalized) shall mean anything constructed or erected which requires permanent or temporary location on, in, over or under the ground or permanent or temporary attachment to something which is erected or placed on the ground and designed, intended or arranged for the housing, shelter, enclosure and/or structural support of persons, animals or property of any kind, including but not limited to houses, mobile homes, tents, barns, sheds, greenhouses, treehouses, and other buildings of any kind; silos and cribs; swimming pools; playing courts; outdoor riding rings; fences; pads; patios and decks; docks; bridges; roads; driveways and parking areas (whether surfaced with macadam, brick, paving stones, gravel, clay or other material); artificially surfaced walkways; solar panels; satellite dishes and antennae; signs and billboards; storage tanks; windmills and wind turbines; and water, sewer, power, fuel, gas and communication lines, other utility systems and related facilities.
- e. Passive Recreation: activities that are non-consumptive uses of resources and do not require prepared facilities like sports fields and pavilions. Passive recreation activities place minimal stress on the site's resources and are compatible with the Conservation Values. Examples include hunting, fishing, hiking, wildlife viewing, observing and photographic nature, picnicking, walking, bird watching, running/jogging, star gazing, and fishing. Passive recreation excludes mountain bikes, use of motorized vehicles, and horse-back riding, unless specified herein.

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III. PROHIBITED USES & RESERVED RIGHTS:

- a. Prohibited Uses: Except as to reserved rights set forth in Paragraph III(b.) below, the Grantor shall not perform or permit others to perform the following acts or uses, which are prohibited, in, on, above or below the Premises:
- I. Constructing, placing, or allowing to remain any Structure;
 - II. Mining, excavating, dredging or removing of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes;
 - III. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree or other vegetation cutting, waste or Hazardous Material or other substance or material whatsoever, whether or not generated on the Premises, or the installation of underground storage tanks;
 - IV. Removing, cutting, pruning or destroying vegetation (native or non-native), including, but not limited to trees or plants, understory, grasses and ground covers, except as allowed in writing by the Grantees and Division to remove hazards to users;
 - V. Applying or using fertilizers, fungicides, herbicides or pesticides in any quantity;
 - VI. Planting, releasing, cultivating, maintaining, or engaging in any other activity that would introduce plant or animal species that pose a substantial risk of being invasive or are otherwise detrimental to the native plant and animal community, as determined by the Division. A list of plant species deemed to be invasive, as of the time of this grant, is provided in the Massachusetts Prohibited Plant List, which is updated and maintained by the Massachusetts Department of Agricultural Resources;
 - VII. Activities detrimental to drainage, flood control, erosion control, water or soil conservation, archaeological resources or the quality of ground water and wetlands;
 - VIII. Any commercial recreation, other business or industrial use;
 - IX. Animal penning or grazing; holding horses, pets, livestock, or domestic animals within a paddock; horseback riding, causing or permitting any domestic or livestock to be unattended or to roam or be at large; and the storing or dumping manure or other animal wastes; any agricultural use;
 - X. Using, parking or storing motorized vehicles, including, but not limited to, trucks, trail bikes, motorized or non-motorized, all-terrain vehicles, dune buggies, boats, trailers, and snowmobiles, except as necessary by the police, fire fighters or other governmental agents in carrying out their lawful duties; and except for motorized wheelchairs or scooters used by physically challenged parties;

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- x. Disrupting, removing, destroying any stone walls, historical stone monuments, boundary markers, granite fences or posts;
 - xii. Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted, provided such conveyance is consistent with the terms and conditions of this Conservation Restriction), and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
 - xiii. Damaging, disturbing, or removing, any part or portion of the property or any other resource, real, natural, personal, cultural or historic, except through hunting, fishing, or trapping where permitted and carried out in accordance with regulations issued by the Division subject to Chapters 130 and 131 of the Massachusetts General Laws and 321 CMR, or other written authorization from the Division; and
 - xiv. Any other use or activity which is inconsistent or interferes with, or that would materially impair the purposes or Conservation Values of this Conservation Restriction.
- b. Reserved Rights in the Premises: The Grantor reserves the right to conduct or permit the following activities provided they do not materially impair the Conservation Values or purposes of this Conservation Restriction or other significant interests:
- i. With prior written permission of the Primary Grantee and Division, after consultation with and consistent with the advice of a professional biologist to ensure such use will not be detrimental to any state-listed species or other wildlife, the erection and maintenance of sight-permeable, non-enclosing, wildlife friendly fences, such as wooden split rail or other open-faced fences, or low hedges of native species;
 - ii. The right to install temporary or permanent boundary monuments; with the prior written permission of the Primary Grantee, the right to erect and maintain signs, no greater than 18" x 24", that provide information including identifying the Grantor and Grantees. The signs must be consistent with the purposes of this Conservation Restriction and not identify the location or existence of any specific state-listed species on the Premises;
 - iii. The Grantor and its invitees are permitted to conduct non-commercial, Passive Recreation uses of the Premises as defined herein;
 - iv. With prior written permission of the Primary Grantee and Division, the right to remove or control hazardous trees, poison ivy, oriental bittersweet, other invasive or exotic species, insect infestations, diseases, and other types of pests by methods, including but not limited to, the use of spot-applied herbicides, fungicides and pesticides in a manner that minimizes damage to surrounding, non-target species and preserves water quality;

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- v. With prior written permission of the Primary Grantee and Division, the right to restore, maintain, enhance or otherwise manage biotic communities or habitats for native or rare species that include, but are not limited to, application of herbicide, selective planting of native species, cutting, prescribed burning or removal of native vegetation, forestry, and modification of soils. Where the CMP requires habitat restoration, maintenance or enhancement of rare species habitat, no written permission shall be required from the Primary Grantee. All habitat restoration, maintenance or enhancement of rare species habitat shall be done in accordance with the written permission of the Division, or applicable CMP requirements;
- vi. The marking, clearing, or maintaining of footpaths and woods roads existing and described in the BDRS;
- vii. With prior written approval of the Division and Primary Grantee, constructing new trails or relocating existing trails which shall be shown on a Trails Management Plan prepared by Grantor and submitted to the Division and Primary Grantee with any request for said written approval;
- viii. With prior written approval of the Division and Primary Grantee, constructing bog bridging, boardwalks, foot bridges, railings, steps, culverts, benching, or other features (together with the use of motorized equipment to construct such features) which shall be shown on a Trails Management Plan prepared by Grantor and submitted to the Division and Primary Grantee with any request for said written approval;
- ix. All actions and activities required or authorized by the CMP, as the CMP may be subsequently amended and duly recorded with the Bristol County Fall River District Registry of Deeds with reference to the CMP and this Conservation Restriction. Grantor shall notify Primary Grantee of any changes to the CMP authorized by the Division within 60 days of authorization;
- x. Any work undertaken in conjunction with the reserved rights mentioned above in Paragraph III(b.) shall seek to minimize disturbance to the Premises. Upon completion of any site work performed in conjunction with Paragraph III(b.), any disturbed areas shall be restored substantially to match the conditions with respect to soil material, grade, and vegetated ground cover that existed prior to said work; and
- xi. Archaeological investigations and activities, including without limitation surveys, excavation, and artifact retrieval conducted under the direction of a qualified organization or person, following submission of an archaeological field investigation plan and written approval thereof by (a) the State Archaeologist of the Massachusetts Historical Commission, and in accordance with Massachusetts 950 CMR 70.00 with approval of the Primary Grantee in consultation with Division; and (b) the Division in accordance with the requirements of MESA.

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The exercise of any right reserved by the Grantor under Paragraph III(b.) shall be in compliance with the then-current Zoning By-Laws of the City of Fall River, and all other applicable federal, state, county and local laws, bylaws, rules and regulations, including, but not limited to Massachusetts Historic Commission regulations and local wetland conservation commission bylaws and regulations. The inclusion of any reserved right in Paragraph III(b.) requiring a permit from a public agency does not imply that the Grantees or the Division take any position on whether such permit should be issued.

IV. ADDITIONAL PROVISIONS:

a. NOTICE AND APPROVAL:

Whenever notice to or approval by any of the Parties to this restriction (i.e., the Grantor, Primary Grantee, Secondary Grantee or Division) is required, the Party providing notice shall provide such notice in writing to the appropriate Party, and provide a copy of said notice to all other Parties, as applicable, not less than 60 days prior to the date that the party providing notice intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable, MESA Tracking Number and/or CMP Number, if applicable, and any other material aspect of the proposed activity in sufficient detail to permit the Primary Grantee or the Division, as applicable, to make an informed judgment as to its consistency with the Purposes of this Conservation Restriction and CMP. Where the Primary Grantee's or the Division's approval is required, Primary Grantee or Division, as applicable, shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. The Primary Grantee or Division may require the submittal of additional information necessary to evaluate the proposed activity. Primary Grantee's or Division's approval, as applicable, shall only be granted upon a showing that the proposed activity shall not materially impair the purposes of this Conservation Restriction.

Primary Grantee and the Division agree to use reasonable diligence to respond to such a request from Grantor within sixty (60) days of delivery. Primary Grantee's or the Division's failure to respond to such a request within the sixty (60) day period shall be deemed a constructive denial. Because a constructive denial is not a decision based on the merits of the Grantor's request, it is not final or binding and Grantor may resubmit the same or a similar request for approval. A second failure of Primary Grantee or Division to respond in writing on the same request within an additional 60 days from the date of the second submittal shall be deemed to constitute approval by Primary Grantee or Division, as applicable, of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after 60 days in the notice, the requested activity is not prohibited herein, is not in violation of any local, state or federal law, including but not limited to MESA and the CMP, and the activity will not materially impair the Conservation Values or purposes of this Conservation Restriction or require legislative approval pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth.

b. LEGAL REMEDIES OF THE GRANTEEES:

I. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantees will have no adequate remedy at law in the case of an injunction). The rights hereby granted shall be in addition to,

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and not in limitation of, any other rights and remedies available to the Grantees for the enforcement of this Conservation Restriction. The Primary Grantee agrees to notify Grantor in writing of any violations that it believes has occurred or is occurring on the Premises, and to cooperate for a reasonable period of time, and in any event not less than 30 days following Grantor's receipt of written notice, as may be necessary to allow Grantor an opportunity to remedy, abate, correct or otherwise address any alleged violations, prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and the Primary Grantee determines there is no ongoing diminution of the Conservation Values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantees all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

The Conservation Restriction shall also be enforceable against the Grantor by the Commonwealth of Massachusetts acting through the Division; and does not limit in any manner the Division's authorities or duties under Chapter 131 and 131A of the Massachusetts General Laws, et seq. or the implementing regulations for such statutory provisions.

Whenever there is a question of whether there is a violation of this Conservation Restriction, or how to proceed in addressing the violation, the Primary Grantee shall consult with the Secondary Grantee. The Primary Grantee shall then determine whether there is a violation and how to proceed in addressing the violation. The Primary Grantee's decision shall in all cases be the final and controlling decision binding on both Grantees. In the event that no response is received from the Secondary Grantee within thirty (30) days, the Primary Grantee shall notify Grantor.

The Secondary Grantee shall have sole discretion to determine whether any activity proposed by Grantor or any transfer or release of this Conservation Restriction, must comply with the requirements of Article 97. If the Secondary Grantee determines that Article 97 compliance is required, the Secondary Grantee shall so notify Grantor, the Primary Grantee and the Division of such determination, and any such proposed activity, transfer or release of this Conservation Restriction shall be prohibited until compliance with Article 97 requirements is achieved. The Secondary Grantee shall have sole authority to enforce the terms of this paragraph.

II. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of the Primary Grantee, Secondary Grantee and Division, as applicable, following notice to Grantor and reasonable opportunity to cure any violation pursuant to

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section IV(b)(i) above. Any election by the Grantees as to the manner and timing of their right to enforce this Conservation Restriction or otherwise exercise their rights hereunder shall not be deemed or construed to be a waiver of such rights.

iii. Disclaimer of Liability.

By acceptance of this Conservation Restriction, the Grantees do not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the gross negligence of Grantees or its agents.

iv. Acts Beyond the Grantor's Control.

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantees to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and the Primary Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

c. ACCESS:

The Grantor hereby grants to the Grantees, or their duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantees, after notice of a violation and failure of the Grantor to cure said violation pursuant to section IV(b)(i) above, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

d. EXTINGUISHMENT:

- i. If circumstances arise in the future that render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs and the Division. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantees, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph IV(d)(ii.) below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift,

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grant, or funding requirements. Grantees shall use their share of the proceeds in a manner consistent with the conservation purposes set forth herein.

- ii. Proceeds. Grantor and Grantees agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantees, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction bears to the value of the unrestricted Premises. Such proportionate value of the Grantees' property right shall remain constant. Any proceeds will be distributed only after complying with the terms of any gift, grant, or other funding requirements.
- iii. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantees shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantees shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantees in accordance with Paragraph IV(d)(ii.), after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantees shall use their share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

e. **ASSIGNABILITY:**

- i. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.
- ii. Execution of Instruments. The Primary Grantee, in consultation with the Secondary Grantee, is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoint the Primary Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on her behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.
- iii. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantees, shall be in gross and shall not be assignable by the Grantees, except in the following instances:

As a condition of any assignment, the Grantees shall require that the purpose of this Conservation Restriction continues to be carried out; that the assignee is not an owner of the fee in the Property, and the assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this

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Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws. Any assignment shall comply with Article 97, if applicable.

f. SUBSEQUENT TRANSFERS:

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantees not less than 20 days prior to the effective date of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer shall comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

g. ESTOPPEL CERTIFICATES:

Upon request by the Grantor, the Grantees shall, within thirty (30) days of receipt of such request, execute and deliver to the Grantor an estoppel certificate, and any other document reasonably requested by Grantor, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction. The Grantor shall cooperate with Grantees to establish its compliance with the requirements of this Conservation Restriction for purposes of providing such estoppel certificate or similar document.

h. NON MERGER:

The Parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantees agree that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

i. AMENDMENT:

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantees may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantees under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the Massachusetts General Laws. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantees will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all Parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction and the CMP, shall not affect the perpetual

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duration of this Conservation Restriction, shall be approved in writing by the Secretary of Energy and Environmental Affairs and Division, and if applicable, shall comply with the provisions of Article 97, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Bristol County Fall River District Registry of Deeds.

J. EFFECTIVE DATE:

This Conservation Restriction shall be effective when the Grantor and Primary Grantee have executed it, the Division has executed an acknowledgment, and the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in a timely manner in the Bristol County Fall River District Registry of Deeds.

k. NOTICES:

Any notice, demand, request, consent, approval or communication that any Party desires or is required to give to the other Parties shall be in writing and either be served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor:

V.M.D. Conservation FR, LLC
733 Turnpike Street
Andover, MA 01845

To Primary Grantee:

The Trustees of Reservations
Attn: CR Stewardship Program
464 Abbott Avenue
Leominster, MA 01453

To Secondary Grantee:

Massachusetts Department of Conservation and Recreation
10 Park Plaza, Suite 6620
Boston MA 02116
Attn: Office of the General Counsel

Land Protection Program
Department of Conservation and Recreation
136 Damon Road
Northampton, Ma 01060
Email: Conservationrestriction.dcr@mass.gov

To Division:

Natural Heritage & Endangered Species Program
Massachusetts Division of Fisheries & Wildlife
Attn: Regulatory Review, CMP 022-403.DFW
1 Rabbit Hill Road

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Westborough, MA 01581

or to such other address as any of the above Parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the Parties.

I. GENERAL PROVISIONS:

- i. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.
- ii. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction, the policy and purposes of Sections 31-33 of Chapter 184 of the Massachusetts General Laws, and Article 97. If any provision in this Instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.
- iii. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.
- iv. Entire Agreement. This instrument sets forth the entire agreement of the Parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

m. MISCELLANEOUS.

- i. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.
- ii. Homestead

The Grantor attests that there is no residence on or abutting the Premises (including exclusions) that is occupied or intended to be occupied as a principal residence by a spouse, former spouse, or children of the Grantor, or a spouse, former spouse, or children of a beneficiary of the trust, if Premises is owned by a trust.
- iii. The Grantor shall record at the appropriate Registry of Deeds simultaneously with this Conservation Restriction all documents necessary to subordinate any mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage,

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lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

iv. Attached hereto and incorporated herein by reference are the following:

SIGNATURE PAGES:

Grantor

Primary Grantee Acceptance

Approval by Fall River City Council

Approval by Fall River Mayor

Approval of the Secretary of Energy and Environmental Affairs

Acknowledgement by the MA Division of Fisheries and Wildlife

EXHIBITS:

Exhibit A: Description of the Premises

Exhibit B: Reduced Copy of Recorded Plan of the Premises

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WITNESS my hand and seal this 8th day of April, 2025

VMD Conservation FR, LLC

Phil Down

, duly authorized

By: Phil Down
Its: Manager

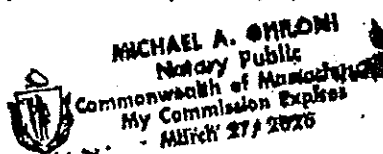
COMMONWEALTH OF MASSACHUSETTS

Essex, ss:

On this 8th day of April, 2025, before me, the undersigned notary public, personally appeared Phil Down, and proved to me through satisfactory evidence of identification which was Personal Knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

[Signature]
Notary Public

My Commission Expires: 03/27/2026



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ACCEPTANCE OF GRANT

This Conservation Restriction from VMD Conservation FR, LLC was accepted by The Trustees of Reservations this 2 day of April, 2025

The Trustees of Reservations

K. Theoharides

By: Kathleen Theoharides
Its: President

Brian Therrien

By: Brian Therrien
Its: Treasurer

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

On this 2 day of April, 2025, before me, the undersigned notary public, personally appeared K. Theoharides & B. Therrien, and proved to me through satisfactory evidence of identification which was MA Driver's License to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Marilyn L. Knowlton
Notary Public

My Commission Expires:



MARILYN L. KNOWLTON
Notary Public
Commonwealth of Massachusetts
My Commission Expires
November 29, 2030

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APPROVAL OF FALL RIVER CITY COUNCIL

We, the undersigned, being a majority of the City Council of the City of Fall River, hereby certify that at a public meeting duly held on _____, 2025, the City Council voted to approve the foregoing Conservation Restriction from VMD Conservation FR, LLC to The Trustees of Reservations and Commonwealth of Massachusetts acting by and through the Department of Conservation and Recreation, pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

CITY COUNCIL:

Joseph D. Camara, President

Linda M. Pereira, Vice President

Ricky T. Tith

Michelle M. Dionne

Cliff Ponte

Andrew Raposo

Bradford L. Kilby

Paul B. Hart

Shawn E. Cadime

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared _____

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_____ and _____, and proved to me
through satisfactory evidence of Identification which was _____ to be the
person whose name is signed on the proceeding or attached document, and acknowledged to me that he
signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

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APPROVAL OF MAYOR OF FALL RIVER

The undersigned, Mayor of the City of Fall River, hereby approves the foregoing Conservation Restriction from VMD Conservation FR, LLC to The Trustees of Reservations and Commonwealth of Massachusetts acting by and through the Department of Conservation and Recreation, in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Paul Coogan, Mayor of the City of Fall River, duly authorized

THE COMMONWEALTH OF MASSACHUSETTS

Bristol, ss:

On this day of _____, 2025, before me, the undersigned notary public, personally appeared Paul Coogan, proved to me through satisfactory evidence of Identification which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

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APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from VMD Conservation FR, LLC to The Trustees of Reservations and Commonwealth of Massachusetts acting by and through the Department of Conservation and Recreation, has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2025

Rebecca L. Tepper
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared Rebecca L. Tepper and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

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ACKNOWLEDGEMENT BY THE MA DIVISION OF FISHERIES AND WILDLIFE

This grant of Conservation Restriction set forth above from VMD Conservation FR, LLC to the Trustees of Reservations and Commonwealth of Massachusetts acting by and through the Department of Conservation and Recreation, is acknowledged this _____ day of _____, 2025. The MA Division of Fisheries and Wildlife (Division) acknowledges the reserved rights and obligations of the Division set forth herein.

By: _____

Its: _____

Date: _____

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss:

On this _____ day of _____, 2025 before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was one of the following (check applicable box): ☐ a driver's license; ☐ a valid passport; ☐ personally known to be the person whose name is signed on the preceding or attached document; or ☐ other _____, and acknowledged to me that he/she signed it voluntarily for its stated purpose as _____ of the Commonwealth of Massachusetts Division of Fisheries and Wildlife.

Notary Public
My commission expires:

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EXHIBIT A

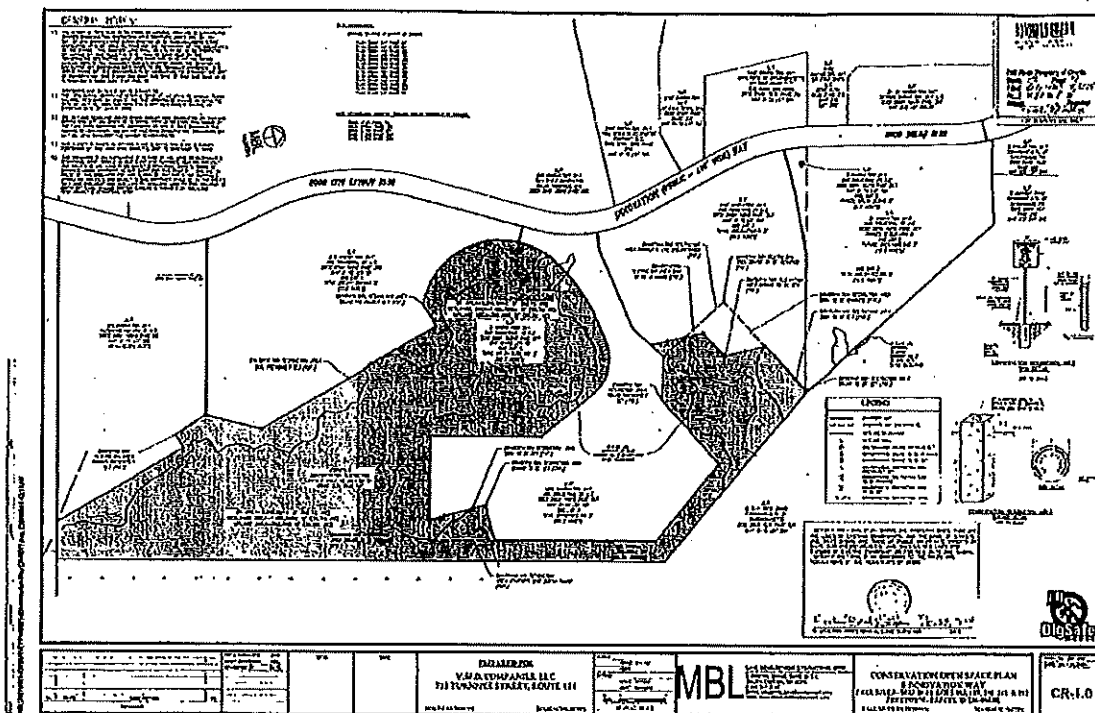
Description of the Premises

The Premises subject to the foregoing Conservation Restriction is a 52.7 acre parcel, located in the City of Fall River, Bristol County, Commonwealth of Massachusetts, which Premises is shown as "CR Area" on a plan of land entitled "Conservation Open Space Plan, 0 Innovation Way, Fall River, Map W-19 Lots 185, 189, 190, 191, & 192, Freetown – Parcel ID 236-006.01" dated July 29, 2024, by MBL Land Development & Permitting Corp. 5 Bristol Drive, Suite 3A & 4 South Easton, MA 02375, and recorded in the Bristol Fall River District Registry of Deeds at Plan Book 172, Page 32.

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EXHIBIT B
Reduced Copy of Recorded Plan of the Premises

For official full size plan see Bristol Fall River District Registry of Deeds Plan Book 172
Page 32



CITY OF FALL RIVER

4a

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 21, 2025, voted unanimously to recommend the accompanying proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained.


Clerk of Committees

4a

City of Fall River, In City Council

EMERGENCY PREAMBLE

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

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

City of Fall River, In City Council

4a

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

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

By inserting in Section 70-387, which relates to Handicapped parking, the following:

Name of Street	Side	Location
Harriman Street	South	Starting at a point 24 feet west of Raymond Street, for a distance of 20 feet westerly
Hunter Street	East	Starting at a point 126 feet south of Hope Street, for a distance of 20 feet southerly
Merchant Street	North	Starting at a point 40 feet west of Seventeenth Street, for a distance of 20 feet westerly
Quequechan Street	West	Starting at a point 255 feet south of County Street, for a distance of 20 feet southerly
Ridge Street	East	Starting at a point 136 feet south of Osborn Street, for a distance of 20 feet southerly

Proposed Ordinance – Traffic, Miscellaneous
CITY OF FALL RIVER

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To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 21, 2025, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading.


Clerk of Committees

City of Fall River, In City Council

4b

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

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

Section 1

By inserting in Section 70-371, which relates to Parking prohibited at all times, the following:

Name of Street	Side	Location
Blossom Road	East	Starting at a point 20 feet north of Blossom Road, for a distance of 775 feet northerly
Indian Town Road	North	Starting at a point 20 feet east of Blossom Road, for a distance of 775 feet easterly

Section 2

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

Name of Street	Side	Location
Chestnut Street	West	Starting at a point 48 feet north of President Avenue, for a distance of 20 feet northerly
Hunter Street	West	Starting at a point 12 feet south of William Street, for a distance of 20 feet southerly
Plain Street	West	Starting at a point 154 feet south of Cherry Street, for a distance of 20 feet southerly

CITY OF FALL RIVER

4c

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 21, 2025, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading.


Clerk of Committees

City of Fall River, In City Council

4C

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

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

By striking out Section 2-401 in its entirety and inserting in place thereof the following:

§ 2-401. Appointment; powers and duties; term.

The Chief of Police of the City shall be the head of the Police Department and shall be responsible for the management and operation of such a department. The Chief of Police shall be appointed by the mayor and confirmed by the City Council to a term of up to three (3) years.

CITY OF FALL RIVER

IN CITY COUNCIL
MAY 13 2025

*Referred to the
Committee on
Ordinances and
Legislation*

5/13/25 9 copies on Councilors' desks

