



City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

REGULAR MEETING OF THE CITY COUNCIL

MEETING: June 25, 2024, at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Bridget Almon, Director of Financial Services
Ryan Lyons, Director, Board of Elections Department

President Camara called the meeting to order at 7:17 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

On a motion made by Vice President Pereira and seconded by Councilor Raposo, it was unanimously voted to take item 10 out of order.

CITATIONS

10. Christopher Silvia – Recognition of community engagement and outreach
On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adopt the citation. Councilor Sampson made brief remarks commending Mr. Silvia for his work to help improve the City as a whole by encouraging residential engagement.

On a motion made by Councilor Kilby and seconded by President Camara, it was unanimously voted to take item 7c out of order. On a further motion made by Councilor Cadime and seconded by Councilor Raposo, it was unanimously voted to waive the rules to allow the City Administrator and Director of Financial Services to answer questions.

COMMITTEE REPORTS

Committee on Finance recommending:

Action:

- 7c. Director of Financial Services re: quotes for annual independent audit from the following:
- a. Marcum, LLP
 - b. Hague, Sahady & Co.
 - c. Roselli, Clark and Associates

A brief discussion was held between Councilor Cadime and Seth Thomas Aitken, City Administrator, regarding the process of performing the Request for Proposals (RFP) for this matter as the City Charter has different requirements for how the RFP must be submitted. Mr. Aitken emphasized that the RFP stated that it was "on behalf of the City Council" and that the City Council itself is not able to send out a valid RFP as the required staff and personnel are not available within that office. On a motion made by Councilor Kilby and seconded by Vice President Pereira, it was voted 5 yeas, 4 nays, to adopt the order accepting Roselli, Clark and Associates bid for the annual independent audit, with President Camara and Councilor Dionne, Councilor Ponte and Councilor Raposo voting in the negative.

Approved, June 26, 2024

Paul E. Coogan, Mayor

PRIORITY MATTERS

1. Mayor and confirmation of the appointment of Talos Farris as Veterans' Agent
On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to confirm the appointment.

On a further motion made by Vice President Pereira and seconded by Councilor Raposo, it was unanimously voted to lift item 2 from the table.

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

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

3. Mayor and order to accept a vehicle donation from Jennifer Gergel of a 2006 Nissan Altima to the Fall River Fire Department for vehicular accident safety and extrication training.

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

Approved, June 26, 2024

Paul E. Coogan, Mayor

4. Mayor and order establishing a revolving fund within the Health and Human Services Department, pursuant to the provision of M.G.L. Ch. 44, §53 ½, for expenditures allowable under the Municipal Opioid Settlement Abatement Payments

Councilor Cadime requested clarification that a spending limit was included with this order and the City Clerk confirmed that a spending limit of \$500,000 was listed on the order. On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adopt the order.

Approved, June 26, 2024

Paul E. Coogan, Mayor

5. Mayor and order transferring the sum of \$100,000 from the Opioid Stabilization Fund to the Opioid Settlement Revolving Fund

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

6. Mayor and order transferring the sum of \$6,400,000 from the FY23 Surplus Revenue to the Stabilization Fund

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

7. Mayor and order/resolution with drafted ballot question relative to the new Diman Regional Vocational Technical High School

A motion was made by Councilor Kilby and seconded by Councilor Hart to adopt the order/resolution. Councilor Dionne expressed concern regarding the proposed ballot question regarding the override of Proposition 2 ½, related to the Tax Levy limitations, and stated that there should have been a ballot question regarding approval or disapproval of the building of the new school being built. Councilor Kilby asked if there was a timeline that must be followed for this matter, due to the election date in November. On a further motion made by Vice President Pereira and seconded by Councilor Ponte, it was unanimously voted to waive the rules to allow the Director of the Board of Elections to answer questions. Ryan Lyons, Director of the Board of Elections, stated that the order regarding the ballot question would need to be submitted to the Massachusetts Secretary of State by August 7, 2024. On a motion made by Councilor Cadime and seconded by Councilor Sampson, it was unanimously voted to refer the item to the Committee on Finance.

PRIORITY COMMUNICATIONS - None

COMMITTEE REPORTS - None

ORDINANCES - None

RESOLUTIONS

8. The Committee on Public Safety convene with the Police Chief, Fire Chief, a representative from the Massachusetts Bay Transit Authority (MBTA) and any other interested parties to discuss ongoing first responder training, public safety information and general security plans related to the MBTA Commuter Rail zones.

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

CITATIONS

9. Lenny Nicolan – Celebration of his 90th Birthday

On a motion made by Councilor Kilby and seconded by Councilor Raposo, 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 three (3) new jointly owned pole and one (1) new jointly owned anchor on Robin Street

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

Approved, June 26, 2024

Paul E. Coogan, Mayor

ORDERS – MISCELLANEOUS

12. Police Chief's report on licenses:

Taxicab Drivers

Kenneth Chace, Jr. James Smith

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

Approved, June 26, 2024

Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

13. Claims

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

14. Planning Board Minutes – April 9, 2024

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 further motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted to take items 15 through 22 together.

City Council Minutes

15. Public Hearing – June 3, 2024

16. Public Hearings – June 11, 2024

17. Committee on Finance – June 3, 2024

18. Committee on Finance – June 4, 2024

19. Committee on Finance – June 5, 2024

20. Committee on Finance – June 10, 2024

21. Committee on Finance – June 11, 2024

22. City Council – June 11, 2024

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

BULLETINS – NEWSLETTERS – NOTICES – None

ITEMS FILED AFTER THE AGENDA DEADLINE **CITY COUNCIL MEETING DATE: JUNE 25, 2024**

PRIORITY MATTERS

7a. Mayor and order appropriating a total of \$551,077.75 from the EMS Enterprise Fund FY23 Free Cash as follows:

- \$297,922.75 to EMS Salaries
- \$253,155 to EMS Health Insurance

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

COMMUNICATIONS – INVITATIONS – PETITIONS

22a. Open Meeting Law Complaint filed by Patrick Higgins re: alleged violation by the City Council Committee on Finance regarding the approval of minutes of meetings held on June 3, 2024, and June 4, 2024

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted that the communication be accepted and placed on file. The City Clerk stated that this matter should be referred to Corporation Counsel so a response may be drafted. On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to reconsider the previous motion. On a further motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to refer the communication to Corporation Counsel.

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

- 7b. Proposed Ordinance – Traffic, handicapped parking
- Third Street, West, 20 feet south of Branch Street
 - Third Street, West, 96 feet south of Branch Street
 - Eastern Avenue, East, 268 feet north of Pleasant Street
 - Eddy Street, West, 156 feet south of Beattie Street
 - Jencks Street, West, 21 feet north of Alden Street
 - Palmer Street, North, 318 feet west of East Main Street
 - Pitman Street, East, 291 feet north of Harriman Street
 - Russell Brogan Boulevard, South, 140 feet east of County Street

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

Approved, June 26, 2024

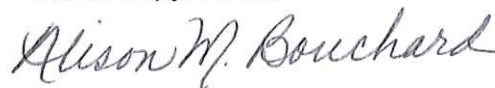
Paul E. Coogan, Mayor

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adjourn at 7:40 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

A true copy. Attest:



City Clerk

In City Council, August 13, 2024
Approved.



City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2024 JUN 25 A 8:46

ALISON M. BOUCHARD
CITY CLERK

CITY CLERK
FALL RIVER, MA

INÊS LEITE
ASSISTANT CITY CLERK

ORIGINAL POSTING: JUNE 21, 2024 AT 12:14 P.M.

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
JUNE 25, 2024
REVISED AGENDA

5:45 P.M. COMMITTEE ON ORDINANCES AND LEGISLATION

5:55 P.M. PUBLIC HEARINGS (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON ORDINANCES AND LEGISLATION MEETING IF IT RUNS PAST 5:55 P.M.)

Joint Pole Locations

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

Robin Street

Three (3) new jointly owned pole locations
One (1) new jointly owned anchor

Massachusetts Electric Company d/b/a National Grid is proposing to install three jointly owned poles and one jointly owned anchor along the west side of Robin Street beginning at a point approximately 175 feet north of the centerline of the intersection of Robin Street and Dickinson Street and continuing approximately 245 feet northerly. Proposed Pole #3 will be set approximately 85 feet north of existing pole #2 to service 121 Robin Street. Pole #4, Pole #5 and the anchor will be set another 80 feet apart continuing northerly to service an undeveloped Lot 2 (Parcel D-05-0035, Assessors Plan) in the future.

In accordance with Plan No. 30974496

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

1. Citizen Input
2. *Interviews of the firms provided by Director of Financial Services re: quotes for annual independent audit from the following:
 - a. Marcum, LLP
 - b. Hague, Sahady & Co.
 - c. Roselli, Clark and Associates (referred 6-11-2024)
3. Transfers and appropriations

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

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 confirmation of the appointment of Talos Farris as Veterans' Agent
2. *Mayor and confirmation of the reappointment of David Underhill to the Fall River Housing Authority (tabled 6-11-2024)
3. *Mayor and order to accept a vehicle donation from Jennifer Gergel of a 2006 Nissan Altima to the Fall River Fire Department for vehicular accident safety and extrication training.
4. *Mayor and order establishing a revolving fund within the Health and Human Services Department, pursuant to the provision of M.G.L. Ch. 44, §53 ½, for expenditures allowable under the Municipal Opioid Settlement Abatement Payments
5. *Mayor and order transferring the sum of \$100,000 from the Opioid Stabilization Fund to the Opioid Settlement Revolving Fund
6. *Mayor and order transferring the sum of \$6,400,000 from the FY23 Surplus Revenue to the Stabilization Fund
7. *Mayor and order/resolution with drafted ballot question relative to the new Diman Regional Vocational Technical High School

PRIORITY COMMUNICATIONS - None

COMMITTEE REPORTS - None

ORDINANCES - None

RESOLUTIONS

8. *The Committee on Public Safety convene with the Police Chief, Fire Chief, a representative from the Massachusetts Bay Transit Authority (MBTA) and any other interested parties to discuss ongoing first responder training, public safety information and general security plans related to the MBTA Commuter Rail zones.

CITATIONS

9. Lenny Nicolan – Celebration of his 90th Birthday
10. Christopher Silvia – Recognition of community engagement and outreach

ORDERS – HEARINGS

- Joint Pole Location
11. Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc. – Installation of three (3) new jointly owned pole and one (1) new jointly owned anchor on Robin Street

ORDERS – MISCELLANEOUS

12. Police Chief's report on licenses:
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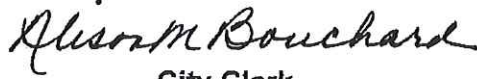
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- 13. *Claims
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- 20. *Committee on Finance – June 10, 2024
- 21. *Committee on Finance – June 11, 2024
- 22. *City Council – June 11, 2024

BULLETINS – NEWSLETTERS – NOTICES – None


City Clerk

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

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



City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2024 JUN 21 P 12:14

ALISON M. BOUCHARD
CITY CLERK

CITY CLERK _____
FALL RIVER, MA

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
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PRIORITY COMMUNICATIONS - None

COMMITTEE REPORTS - None

ORDINANCES - None

RESOLUTIONS

8. *The Committee on Public Safety convene with the Police Chief, Fire Chief, a representative from the Massachusetts Bay Transit Authority (MBTA) and any other interested parties to discuss ongoing first responder training, public safety information and general security plans related to the MBTA Commuter Rail zones.

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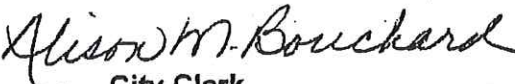
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- 21. *Committee on Finance – June 11, 2024
- 22. *City Council – June 11, 2024

BULLETINS – NEWSLETTERS – NOTICES – None


City Clerk

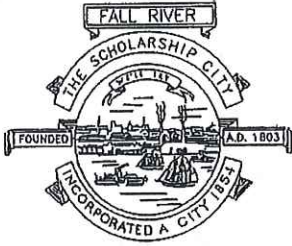
OTHER POTENTIAL MATTERS TO BE ACTED UPON (if received):

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

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City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2024 JUN 20 A 8:20

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

June 20, 2024

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

Honorable Members of the City Council:

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

Name: Talos Farris
Address: 602 Dwelly Street Fall River, MA 02724
To: Veteran's Agent
Effective Date: June 1, 2024
Annual salary: \$70,000.00

Sincerely,

Paul E. Coogan
Mayor



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2024 JUN -5 A 11:11

PAUL E. COOGAN
Mayor

CITY CLERK
FALL RIVER, MA

June 5, 2024

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

Dear Council President and Members of the Honorable Council:

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

Name: David Underhill

Address 288 North Wall Street
Fall River, MA 02723

Position: Housing Authority

Expiration: June 19, 2029

Sincerely,

Paul E. Coogan
Paul E. Coogan
Mayor

PC/amos

CITY OF FALL RIVER
IN CITY COUNCIL

JUN 11 2024

Tabled



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2024 JUN 13 P 2:17

CITY CLERK
FALL RIVER, MA

March 5, 2024

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

Dear Council President and Members of the Honorable Council,

Attached please find a request from Fire Chief, Jeffrey Bacon, to accept a donation of a 2006 Nissan Altima, for use in the Fire Department Training program. We ask for your every consideration with this request.

Thank you.

Sincerely,

Paul E. Coogan
Mayor

PC/amos



FIRE DEPARTMENT
CITY OF FALL RIVER

June 12, 2024

Mayor Coogan,

This letter is to request permission to accept a donation from city resident Jennifer Gergel. She wishes to donate her 2006 Nissan Altima to the Fall River Fire Department for use in our training program. Based on the vehicles condition, I would place its value at less than \$700. As you know, we rely on donations like this to train our members in vehicle accident procedures including incident scene safety, and use of extrication tools.

Respectfully,

Chief Jeffrey P. Bacon

City of Fall River, In City Council

ORDERED, that under the provisions of M.G.L. Chapter 44, Section 53A 1/2, the City of Fall River be, and the same is hereby, authorized to accept a donation from Jennifer Gergel of a 2006 Nissan Altima to be used by the Fall River Fire Department for the purpose of firefighter vehicular accident safety and extrication training.



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2024 JUN 20 P 3:41

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

June 14, 2024

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

Dear Honorable Council Members:

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

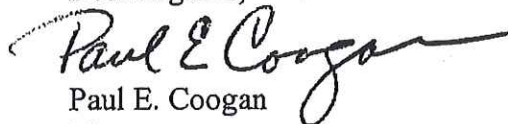
Your approval of the associated appropriation order is respectfully requested.

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

Opioid Settlement Revolving Fund	\$500,000	Health and Human Services
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Should you have any questions or concerns in this regard, please do not hesitate to contact Bridget Almon or myself.

Best Regards,


Paul E. Coogan
Mayor

City of Fall River, In City Council

ORDERED, by the City Council of the City of Fall River, that the City of Fall River does hereby establish a revolving fund, pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E ½, within the Health and Human Services Department, into which shall be paid all costs, expenses incurred by the Health and Human Services Department for expenditures allowable under the Municipal Opioid Settlement Abatement Payments pursuant to Massachusetts General Laws Chapter 21E.

BE IT FURTHER ORDERED that the Health and Human Services shall be authorized to make expenditures from said revolving fund, in an amount not to exceed \$500,000 during the fiscal year.



**City of Fall River
Massachusetts**
Department of Health & Human Services

RECEIVED

2024 JUN -6 P 2:36

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

TESS CURRAN, MPH
Director Health & Human Services

June 6, 2024

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

Dear Council President and Members of the Honorable Council:

Attached please find a request from the Fall River Health and Human Services Director for the use of Massachusetts Opioid Settlement Funds. The total amount requested is \$100,000.

Thank you for your consideration with this request.

Sincerely,

Paul E. Coogan
Paul E. Coogan
Mayor



City of Fall River
Massachusetts
 Department of Health & Human Services

PAUL E. COOGAN
Mayor

TESS CURRAN, MPH
Director Health & Human Services

June 6, 2024

Mayor Coogan
 One Government Center
 Fall River, MA 02722

Dear Mayor Coogan,

As you are aware the Massachusetts Department of Transportation (MassDOT) recently cleared homeless encampments in Fall River. These encampments, located on state land at Lewiston Street and Brayton Avenue, were completely disbanded and cleared the week of May 21, 2024. Prior to MassDOT's arrival, local outreach teams had been working with individuals living in the encampments to inform them of the state's plan to clear the land and worked to connect individuals to alternate housing sources and or treatment. During that outreach, 16 individuals living in these encampments agreed to seek treatment.

In response to MassDOT's plans to clear their land and the willingness of individuals to seek treatment, the City of Fall River in partnership with Catholic Charities submitted a request for proposal (RFP) titled "Enhancement without Encampment" to the Fall River Opioid Settlement Advisory Committee (FROSAC). This proposal will provide "holistic support to individuals transitioning from homeless encampments to detox, step-down units, and sober living environments". Through this proposal the City of Fall River commits to funding sober house beds for up to 20 individuals for a period of six months. In addition to providing housing stability, the City of Fall River's FAST Team will provide comprehensive wrap around services to these individuals. These services include providing assistance to develop resumes, accessing job training programs, supporting securing employment opportunities, making connections to recovery centers, and supporting transportation needs.

Due to the immediate need to support individuals in the encampments, the FROSAC reviewed this proposal prior to the RFP deadline during their May 28, 2024 meeting. At that time, the FROSAC voted to support the application. Therefore, on behalf of the FROSAC, I am respectfully requesting that \$100,000 of Opioid Settlement Funds be utilized for the "Enhancement without Encampment" grant proposal.

Sincerely,

Tess Curran
 Tess Curran

Director of Health and Human Services

City of Fall River, In City Council

June 20, 2024

ORDERED:

That the sum of \$100,000 be, and the same is, hereby transferred to Opioid Settlement Revolving Fund from Opioid Stabilization Fund:

Opioid Stabilization Fund

\$100,000

FY24 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
Opioid Stabilization Fund	\$ 1,933,329.93	\$ (100,000.00)	1,833,329.93
Opioid Revolving Fund	\$ -	\$ 100,000.00	100,000.00

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


 Director of Financial Services
 June 25, 2024



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2024 JUN 20 P 3:41

CITY CLERK
FALL RIVER, MA

June 20, 2024

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

Dear Honorable Council Members:

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

1. \$6,400,000 That the sum of \$6,400,000 be, and the same is, hereby transferred to the STABILIZATION FUND from the FY23 SURPLUS REVENUE.

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

Best Regards,

Paul Coogan
Mayor

City of Fall River, In City Council

June 19, 2024

ORDERED:

That the sum of \$6,400,000 be, and the same is, hereby transferred to the Stabilization Fund from FY23 Surplus Revenue:

FY23 Surplus Revenue

\$6,400,000

FY24 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
FY 23 SURPLUS REVENUE	\$ 6,948,417.45	\$ (6,400,000.00)	\$ 548,417.45
Stabilization Fund	\$ 10,626,684.35	\$ 6,400,000.00	\$ 17,026,684.35

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


City Auditor
June 25, 2024



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2024 JUN 20 P 3:41

CITY CLERK
FALL RIVER, MA

June 20, 2024

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

Dear Councilor President and Members of the Honorable Council:

Attached for your consideration please find a draft ballot question and resolution relative to the new Diman Regional Vocational Technical High School drafted by corporation counsel for your consideration.

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

Sincerely,

Paul E. Coogan
Mayor

PC/amos



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

June 20, 2024

Paul Coogan, Mayor
City of Fall River
One Government Center
Fall River, MA 02723

RE: DRAFT DIMAN REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL BALLOT
QUESTION

Dear Mayor Coogan:

Attached please find a draft City Council Resolution relative to a Diman Regional Vocational Technical High School Ballot Question (including the language of the proposed Ballot Question). The Ballot Question seeks approval of the Fall River Electorate of a Debt Exclusion pursuant to General Laws Chapter 59 §21C for the payment of the City's allocable share of the principal and interest on bonds, notes or certificates of indebtedness relative to the design, construction, and original equipping and furnishing of the new Diman Regional Vocational Technical High School. The Ballot Question also seeks approval of the Electorate, pursuant to City Code of Ordinance Section 2-131 of the City Council Vote of February 22, 2022 approving the Greater Fall River Regional Vocational School District's Vote to borrow for said purpose which results in the City being responsible for its allocable share, currently 74.9%, of said principal and interest on bonds, notes or certificates of indebtedness.

Section 2-131 of the City Code of Ordinances applies for the following reasons:

1. General Laws Chapter 44A, Section 10, provides in relevant part:

Nothing in this chapter shall be construed to relieve any city or town of the obligation imposed on it by law to appropriate and to include in its annual tax levy amounts necessary to pay, in each year, the principal and interest maturing and becoming due on any qualified bonds issued by such city, town or regional school district.

2. General Laws Chapter 71, 16(d), grants a regional school district the following authority, providing in relevant part:

d) To incur debt for the purpose of acquiring land and constructing, reconstructing, adding to and equipping a school building or for the purpose of remodeling and making extraordinary repairs to a school building and for the construction of sewerage systems and sewerage treatment and disposal facilities, or for the purchase or use of such systems with municipalities, and for the purpose of purchasing department equipment; or for the purpose of constructing, reconstructing or making improvements to outdoor playground, athletic or recreational facilities; or for the purpose of constructing, reconstructing or resurfacing roadways and parking lots; or for the purpose of any other public work or improvement of a permanent nature required by the district; or for the purpose of any planning, architectural or engineering costs relating to any of the above purposes; provided, however, that written notice of the amount of the debt and of the general purposes for which it was authorized shall be given to the board of selectmen in each of the towns comprising the district not later than 7 days after the date on which the debt was authorized by the district committee; provided further, that no debt may be incurred until the expiration of 60 days after the date on which the debt was authorized; and provided further, that before the expiration of this period any member town of the regional school district may hold a town meeting for the purpose of expressing disapproval of the amount of debt authorized by the district committee, and if at that meeting a majority of the voters present and voting express disapproval of the amount authorized by the district committee, the debt shall not be incurred and the district school committee shall prepare another proposal which may be the same as any prior proposal and an authorization to incur debt therefor. Debt incurred under this section shall be payable within 30 years, but no such debt shall be issued for a period longer than the maximum useful life of the project being financed as determined in accordance with guidelines established by the director of accounts pursuant to section 38 of chapter 44.

In the case of a vocational regional school district, if the district agreement so provides or is amended to so provide, such debt may also be incurred if two thirds of the member towns do not vote disapproval within said sixty day period provided that said towns which have not voted disapproval agree, within ninety days of the date on which said debt was authorized, to pay the total bond indebtedness authorized by the district committee without contribution by the member towns which voted disapproval of the amount of said debt. The member towns of such vocational regional school district which have voted disapproval of the new indebtedness shall have the right to retain their membership in the school district as provided in their district agreement except that they shall not be allowed any added enrollment that might result solely from the expansion of facilities that occurs on account of said new indebtedness.

3. On February 15, 2022, the City Clerk received correspondence from the Greater Fall River Vocational School District (hereinafter "the Diman Regional School District")

informing the City that on February 10, 2022 the Diman Regional School District voted to appropriate the amount of \$293,479,760 for the purpose of paying costs of designing, engineering, constructing and equipping the New Diman Regional Vocational Technical High School and related athletic facilities located at 251 Stonehaven Road, Fall River, MA 02723 including the payment of all costs incidental or related thereto (the "Diman Regional School District Vote").

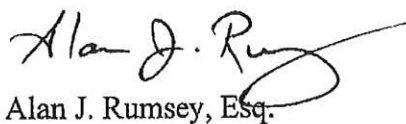
4. The Diman Regional School District Vote also authorized the Diman Regional School District to borrow said amount, under and pursuant to Chapter 703 of the Acts of 1962, as amended, the District Agreement, as amended, or pursuant to any other enabling authority. In said vote, the Diman Regional School District also acknowledged that the MSBA's grant program is a non-entitlement, discretionary program based on need as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Diman Regional School District.
5. On February 22, 2022, the City Council voted 6-3 to approve the Diman Regional School District's vote appropriating the amount of \$293,479,760 and authorizing the borrowing.
6. Pursuant to the February 22, 2022 City Council Vote, the City is now responsible for its allocable share of the \$293,479,760 minus any MSBA Reimbursement and any other grants that may be secured by the Diman Regional School District (hereinafter "the Diman Debt").
7. Fall River City Code of Ordinances Section 2-131 provides:

No order authorizing the issuance of bonds, notes or certificates of indebtedness in the amount of \$5,000,000 or to exceed \$20,000,000 within a fiscal year, or in excess thereof, for any purpose, shall become effective until and unless the order is submitted to a vote of the registered voters of the City for adoption or rejection at a general or special City election. Such election shall be in the same manner and with the same force and effect as provided for measures submitted to the voters pursuant to MGL c. 43, § 43. This requirement shall not be applicable to any municipal project for which state or federal reimbursement of not less than 51% of the project cost has been approved, to any temporary loan in anticipation of revenue, reimbursement by the commonwealth or revenue from the sale of bonds, notes or certificates of indebtedness, as authorized pursuant to MGL c. 44, §§ 4, 6, 6A and 17, or to any temporary loans for payment or final judgments or other emergency appropriations as authorized pursuant to MGL c. 44, § 7, cl. 11, or MGL c. 44, § 8, cl. 2 and cl. 9, or to refunding bonds or notes as authorized by MGL c. 44, § 21A.

- 7
8. The Diman Regional School District Vote provided in relevant part that "no amounts shall be borrowed pursuant to this vote in the event that a member city or town of the District shall express disapproval of the debt authorized by this vote within sixty (60) days of the date of March 22, 2022". Therefore, the February 22, 2022 City Council Vote in essence authorizes the Diman Regional School District pursuant to General Laws Chapter 71, Section 16(d) to issue the Diman Debt for which the City will be liable to pay it allocable share, a sum which is clearly larger than \$5 Million Dollars. If the MSBA reimbursement for the construction of the new Diman is less than 51%, then a vote of the Fall River Electorate would be required.
 9. The Diman Regional School District Vote provided that the MSBA reimbursement "shall not exceed the lesser of (1) seventy-nine and seventy-seven one hundredths percent (79.77%) of eligible, approved Project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that the amount of the borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA."
 10. During a Meeting between representative of the Diman Regional School District and the Mayor, the City was informed that the current estimated MSBA reimbursement was 54% to 55%, but that this estimated reimbursement could be less depending on environmental remediation and other costs. The Diman Regional School District has previously estimated the MSBA reimbursement as high as 58% and as low as 47%.

The final MSBA reimbursement will not be determined until the post construction financial audit of the costs of the new Diman. When this financial audit takes place, the City will already be paying its allocable share of the Diman Debt. In light of the foregoing, it is a distinct possibility that the final MSBA reimbursement may be less than 51%. Therefore, the prudent action would be to include approval pursuant to City Code Section 2-131 in the Debt Exclusion Ballot Question.

Very truly yours,



Alan J. Rumsey, Esq.
Corporation Counsel

City of Fall River, *In City Council*

ORDERED and RESOLVED pursuant to the provisions of General Laws Chapter 59, Section 21C, and Section 2-131 of the Code of Ordinances of the City of Fall River this _____ day of July, 2024

- (1) That the City of Fall River, pursuant to General Laws Chapter 59, § 21C(k), shall seek voter approval at the election to be held on November 5, 2024 to assess taxes in excess of the amount allowed pursuant to General Laws Chapter 59 §21C for the payment of the City's allocable share of the principal and interest on bonds, notes or certificates of indebtedness, issued by the Greater Fall River Regional Vocational School District to pay costs of designing, constructing, originally equipping and furnishing a new regional high school, including the payment of all costs incidental or related thereto, and pursuant to City of Fall River Code of Ordinances Section 2-131 shall seek voter approval at said election of the City's Approval on February 22, 2022 of the Greater Fall River Regional Vocational School District's Vote to borrow for said purpose which results in the City being responsible for its allocable share of said principal and interest on bonds, notes or certificates of indebtedness; and that
- (2) the City Clerk is hereby directed to place the following question on the ballot for such election:

Pursuant to Section 2-131 of the Fall River City Code of Ordinances, do you adopt the City Council's approval on February 22, 2022 of the Greater Fall River Regional Vocational School District's vote to borrow for costs associated with the construction of a new regional vocational high school (Diman), which will obligate the City to pay for its allocable share of said project, and shall the City of Fall River be allowed to exempt from the provisions of Proposition Two and One-Half, so-called, the amounts required to pay for the City's allocable share of the principal and interest on bonds, notes or certificates of indebtedness, issued by the Greater Fall River Regional Vocational School District to pay the costs of designing, constructing, originally equipping and furnishing a new regional vocational high school, including the payment of all costs incidental or related thereto.

City of Fall River, *In City Council*

(Councilor Paul B. Hart)

WHEREAS, the Massachusetts Bay Transit Authority (MBTA) Commuter Rail train tracks will soon be operational for locomotive testing within the City of Fall River, and

WHEREAS, train tracks are often challenging to access for large emergency vehicles, such as ambulances and fire engine trucks, and

WHEREAS, the public safety of the commuters on the train, pedestrians around the area of the train tracks and all first responders are of utmost importance during the development and the future regular operation of the MBTA Commuter Rail trains, now therefore

BE IT RESOLVED, that the Committee on Public Safety convene with the Police Chief, Fire Chief, a representative from the Massachusetts Bay Transit Authority and any other interested parties to discuss ongoing first responder training in relation to the new rail system, information that should be provided to the general public regarding safety around locomotives, both on foot and in vehicles, and plans to increase security for all who use, reside near or commute within the area of the new MBTA Commuter Rail zones.

(Filed 6-14-2024)

**LAW OFFICES OF
BUCACCI AND SIMONIAN, P.C.**

Anthony C. Bucacci, Esq.
Robert S. Simonian, Esq.
John S. Simonian, Esq.*

Direct Lines
Anthony C. Bucacci, Esq.
(508) 674-6000
Fax (508) 674-8842

*Of Counsel: Admitted in MA and RI

Email: bucacciandsimonian@gmail.com

RECEIVED

2024 JUN 20 A 11:09

Robert S. Simonian, Esq.
(508) 678-4000
Fax (508) 678-4036

CITY CLERK 23-16 A
FALL RIVER, MA

June 18, 2024

CERTIFIED MAIL: 7015 1520 0002 1167 4899

City of Fall River
ATTN: City Clerk's Office
One Government Center
Fall River, MA 02722

RE: Our Client: Janese Noble
Date of Loss: 04/25/2023
Employer: City of Fall River
Employee: Anoush Alemian

Dear Sir or Madam:

As you are aware this office is representing Ms. Janese Noble for the injuries she sustained in a motor vehicle accident that occurred on or about April 25, 2023.

SUMMARY

On or about the above-mentioned date and time, my client was travelling north on Davol Street in Fall River, at the green light she proceeded through the intersection when your client initiated a u-turn from the opposite direction and struck my client's vehicle.

TREATMENT

Ms. Noble sought medical treatment at St. Anne's Hospital where x-rays were taken and she was examined and discharged with instructions to follow up with her physician.

Due to persistent pain, swelling and stiffness, Ms. Noble sought treatment with Dr. Sooch who referred her to physical therapy. At this time, Ms. Noble was unable to work and was on temporary disability.

Ms. Noble sought treatment with Signature Medical Group Brockton Hospital for physical therapy. Her treatment consisted of manual therapy, therapeutic exercises and other supportive procedures.



**City of Fall River
Notice of Claim**

RECEIVED

2024 JUN 14 A 10:47

CITY CLERK 24-35C
FALL RIVER, MA

1. Claimant's name: Progressive Direct Insurance Company A/S/O DIERCKS, COURTNEY
2. Claimant's complete address: PO BOX 94639 CLEVELAND, OH 44101
3. Telephone number: Home: 877-818-0139 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
AUTO CLAIM
5. Date and time of accident: 12/20/2023, 11:00 AM ET Amount of damages claimed: \$ 327.25
6. Exact location of the incident: (include as much detail as possible):
273 OAK GROVE AVE FALL RIVER, MA USA
7. Circumstances of the incident: (attach additional pages if necessary):
Our insured's vehicle was parked at 273 Oak Grove Ave, in Fall River, MA when a city water dept vehicle with plate # M88969 operated by Perez, Hector, failed to maintain proper lookout and control of vehicle, struck our insureds parked vehicle. We are seeking reimbursement for our insured's vehicle damages.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☒ Yes ☐ No
Progressive Direct Insurance Company PO BOX 94639 CLEVELAND, OH 44101-4639

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

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

Date: 6/5/2024

Claimant's signature: Jane May Sherr

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

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ Water Dept Date: _____

BRIAN R. CUNHA, ESQ.**
NELIA CAMARA DE STEFANO, ESQ.**

HONEY POLNER, ESQ., R.N.
KAREN A. ALEGRIA, ESQ.**
SHARON D. SYBEL, ESQ.**

**MEMBER MA & RI BAR

LAW OFFICES

BRIAN CUNHA
& ASSOCIATES

311 PINE STREET
FALL RIVER, MASSACHUSETTS 02720
(508) 675-9500
FAX: (508) 679-6360
WEBSITE: www.briancunha.com
brian@briancunha.com
nel@briancunha.com
karen@briancunha.com
sharon@briancunha.com
honey@briancunha.com

RECEIVED

June 4, 2024
2024 JUN 10 P 12:00

Via Certified Mail No: 7017 0660 0000 7526 7891
Paul Coogan, Mayor
CITY OF FALL RIVER
One Government Center
Fall River, MA 02722

CITY CLERK 24-48
FALL RIVER, MA

NOTICE PURSUANT TO MASSACHUSETTS GENERAL LAWS,
CHAPTERS 258 AND 81

RE: Erica Britto
VS: City of Fall River/ Faneeks

Dear Mayor Googan:

Please be advised that our office has been retained to represent the above-named, Erica Britto, with respect to serious personal injuries she suffered on May 25, 2024 at approximately 2:00 p.m. On said date, Ms. Britto went to the establishment of Faneeks located at 269 Rhode Island Avenue, Fall River, Massachusetts. Ms. Britto parked in front of the building and went into Faneek's to pick up her order. Ms. Britto then left the establishment and while stepping off the sidewalk onto the pavement, the pavement was sunk in creating a hole and causing Ms. Britto to fall to the ground. The City of Fall River, has negligently failed to maintain the roadway in a safe condition. It was foreseeable that a pedestrian stepping off a sidewalk onto the pavement would be caused to lose control and fall to the ground due to the hole in the pavement. The condition that the roadway was left in caused Ms. Britto to fall, which resulted in her sustaining serious and permanent injuries including a broken fibula.

Our client, Erica Britto, claims that said accident was directly and proximately caused by the failure of the City of Fall River to warn, provide notice, and maintain a safe and hazardous free roadway. As a result of said accident, Ms. Britto sustained serious and permanent injuries for which we are making a claim.

Kindly contact this office with regard to an amicable settlement of this matter. Your anticipated courtesy and cooperation is greatly appreciated.

Very truly yours,
BRIAN CUNHA & ASSOCIATES, P.C.

Karen A. Alegria, Esq.

KAA:smf

cc: City Solicitor's Office, One Government Center, Fall River, MA 02722
CERTIFIED MAIL, RETURN RECEIPT REQUESTED NO: 7017 0660 0000 7526 7907

✓ City Clerk's Office, City Hall, One Government Center, Fall River, MA 02722
CERTIFIED MAIL, RETURN RECEIPT REQUESTED NO: 7017 0660 0000 7526 7914



City of Fall River
Notice of Claim

RECEIVED

2024 JUN 11 P 2:29

1. Claimant's name: LONDON DEMEDETROS # 24-49
2. Claimant's complete address: 22 GREENLEAF ST CITY CLERK FALL RIVER, MA
3. Telephone number: Home: 508-558-0111 Work: _____
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: 06/08/24 Amount of damages claimed: \$ 288.16
6. Exact location of the incident: (include as much detail as possible):
GREENLEAF ST, FALL RIVER
7. Circumstances of the incident: (attach additional pages if necessary):
POTHOLE DAMAGE CAUSING A TIRE TO BE DAMAGED
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: 06/06/24

Claimant's signature: Sandra Remington

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: 6/11/24



RECEIVED

City of Fall River ²⁰²⁴ JUN 12 A 9:53

Notice of Claim

CITY CLERK 2450
FALL RIVER, MA

1. Claimant's name: DAVID WINGATE
2. Claimant's complete address: 3874 NORTH MAIN STREET
3. Telephone number: Home: 508-674-6324 Work: 508-272-0242
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: 1-12-2024 Amount of damages claimed: \$ 3,044.00
6. Exact location of the incident: (include as much detail as possible):
FRONT GARDEN - SIDEWALK & SPRINGERS
7. Circumstances of the incident: (attach additional pages if necessary):
SEWER LINE BREAK - CITY HAD TO REPAIR.
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: 10-01-2024

Claimant's signature: David Wingate

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

unters Date: 6/12/24



RECEIVED

City of Fall River
Notice of Claim

2024 JUN 12 A 10:10

CITY CLERK 24-51
FALL RIVER, MA

1. Claimant's name: Travis Minson
2. Claimant's complete address: 312 Bowen St, Fall River, MA 02724
3. Telephone number: Cell: 774-930-4725 Home: 774-930-4725 Work:
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: 5/13-5/14/24 Amount of damages claimed: \$ 1910.00
6. Exact location of the incident: (include as much detail as possible):
Corner of Bowen St and Birch St, beneath the sidewalk
7. Circumstances of the incident: (attach additional pages if necessary): When the city's water dept. fixed a waterline, they broke our sewer line which caused a backup in our house. Jay Dorsey & Son, Inc. was hired to find what was causing the backup. The sewer line was followed to a break in front of our neighbor's house - on the corner of Bowen + Birch St under the sidewalk where the water dept. had just replaced the water line.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 6/11/24

Claimant's signature: [Signature]

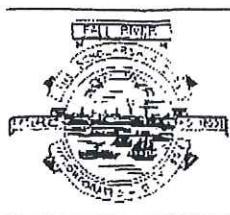
WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

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 ☒ water & sewer Date: 6-12-24



City of Fall River
Notice of Claim

RECEIVED

2024 JUN 14 A 9:46

CITY CLERK 2452
FALL RIVER, MA

1. Claimant's name: Susan Ulmschneider
2. Claimant's complete address: 162 Cherry St. Somerset, MA 02726
3. Telephone number: Home: cell 401-835-0557 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
auto accident
5. Date and time of accident: 5/29/24 16:59 Amount of damages claimed: \$ _____
6. Exact location of the incident: (include as much detail as possible):
at intersection Rt 44 W and Rt 105 Plympton St. Middleborough, MA
7. Circumstances of the incident: (attach additional pages if necessary):
I was stopped a few cars back from a red light when I was hit/rear ended by a Fall River Police van. See attached police report.
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: June 11, 2024

Claimant's signature: _____

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

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ FOPD Date: 6/14/24



**City of Fall River
Notice of Claim**

RECEIVED

2024 JUN 18 A 11: 24

CITY CLERK 24-53
FALL RIVER, MA

1. Claimant's name: Susan B. Rounds
2. Claimant's complete address: 50 Highland St. Unit 124 Taunton, MA 02780
3. Telephone number: Home: 508-386-3605 Work: 508-208-3279 Retired
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Auto damage from pothole
5. Date and time of accident: 6/4/2024 2pm Amount of damages claimed: \$ 728.48
6. Exact location of the incident: (include as much detail as possible):
Central St. between Durfee & the Broadway Ext.
7. Circumstances of the incident: (attach additional pages if necessary):
Proceeding down the hill towards the traffic light on Broadway ext. Hit a pothole with vehicle. Days later heard squeaks in front end and steering was off. Before I spoke to the City Clerk I spoke to DPW. They asked where this pothole located so if it is fixed it got fixed after my car fell in it. PLEASE SEE ATTACHED
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 6/14/2024

Claimant's signature: Susan Rounds

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: 6/18/24

CITY COUNCIL PUBLIC HEARINGS

MEETING: June 3, 2024, at 5:45 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Bridget Almon, Director of Financial Services

The President called the meeting to order at 5:50 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 Councilor Sampson, it was unanimously voted to open the public hearing, with Councilor Cadime absent and not voting.

Councilor Cadime arrived at 6:00 p.m.

FISCAL YEAR 2025 MUNICIPAL BUDGET

The President asked if there were any proponents to be heard and Seth Thomas Aitken, City Administrator, and Bridget Almon, Director of Financial Services, provided a presentation of the proposed Fiscal Year 2025 (FY25) Municipal Budget. The presentation included the budget's financial resources, such as real estate taxes and local receipts, a summary of anticipated FY25 expenditures, such as education and retirement obligations, and concerns for future budgets, such as debt assessments and retention of City employees.

Councilor Dionne voiced concern regarding Fall River's anticipated payments for the new Diman Regional Vocational Technical High School. Ms. Almon explained that there is a short-term decrease in required payments during FY25, but that will be increasing within the next two years. Councilor Dionne also stated that the salary differences between different departments were significant, and that she would be requesting additional information from the respective Department Heads.

15

Councilor Kilby and the Director of Financial Services held a brief discussion regarding capital investment with City funds. Ms. Almon clarified that the Financial Departments negotiated better interest rates for the investments, so a larger amount of investment revenue will occur within the next few years.

Vice President Pereira commented that there is a large discrepancy between municipal employee salaries and salaries of Fall River School Department employees in similar positions, which encourages municipal employees to apply for jobs within the schools. Vice President Pereira emphasized that this discrepancy of salaries affects the staffing within municipal departments, which may cause delays and frustration for residents and business owners who must do business within Government Center and other City facilities.

Councilor Ponte and the Director of Financial Services discussed the planned use of Free Cash within the FY25 budget, concerns regarding reliance on one-time funding, such as American Rescue Plan Act funds, and anticipated averages of new revenue growth within FY25. Councilor Ponte requested that, within the next few days, Ms. Almon provide data to the Committee members regarding the breakdown of anticipated growth along with an explanation of how the average growth data was calculated.

The President then directed the opponents to be heard and there were no opponents.

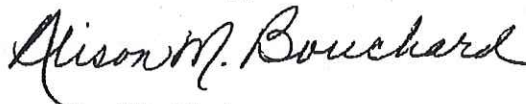
On a motion made by Councilor Ponte and seconded by President Camara, it was unanimously voted to close the public hearing at 6:08 p.m.

List of documents and other exhibits used during the meeting:

Agenda (attached)

Fiscal Year 2025 Municipal Budget PowerPoint Presentation

A true copy. Attest:



City Clerk

CITY COUNCIL PUBLIC HEARINGS

MEETING: June 11, 2024, 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 Laura-Jean Sampson

ABSENT: None

IN ATTENDANCE: None

The President called the meeting to order at 6:04 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 Councilor Sampson, it was unanimously voted to open the hearings.

Curb Removals

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

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

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

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

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

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

The parcel is currently serviced by two separate driveways. A 10.3-foot opening and a 12.6-foot opening on Elm Street. The applicant proposes to close a 12.6-foot opening and create a new 19.2-foot opening. The total opening for the location will be 29.5 feet. *The President asked if there were any proponents, and no one came forward. The President then asked if there were any opponents, and no one came forward.*

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

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

The parcel is currently serviced by two separate driveways. A 22-foot opening on Pine Street and a 16-foot opening on Purchase Street. The applicant proposes to extend the Purchase Street opening by an additional 5 feet. The total opening for the location will be 43 feet. *The President asked if there were any proponents, and no one came forward. The President then asked if there were any opponents, and no one came forward.*

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

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

The parcel is currently serviced by a 13.2-foot opening on Doyle Street. The applicant proposes to construct a new 17-foot opening on North Rocliffe Street. The total opening for the location will be 30.2 feet. *The President asked if there were any proponents, and no one came forward. The President then asked if there were any opponents, and no one came forward.*

Street Acceptances

5. Mohawk Drive from Indian Town Road looping back to Indian Town Road
The President asked if there were any proponents, and no one came forward. The President then asked if there were any opponents, and no one came forward.
6. Gatehouse Drive from Prospect Street southerly to Maple Street
The President asked if there were any proponents, and no one came forward. The President then asked if there were any opponents, and no one came forward.

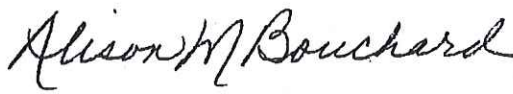
Second Hand License

7. Sharon Vieira d/b/a J & J Diamond Jewelers, 400 Foley Street, Somerset, MA, 02726, for permission to operate and maintain a second hand article store located at 167 Borden Street (jewelry to be sold).
The President asked if there were any proponents, and no one came forward. The President then asked if there were any opponents, and no one came forward. Councilor Dionne inquired as to why this business needed a new second hand license. City Clerk stated that the previous license lapsed, and a hearing was required to reissue a new second hand license.

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to close the hearings at 6:11 p.m.

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

A true copy. Attest:


City Clerk

COMMITTEE ON FINANCE

MEETING: June 3, 2024, at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Bridget Almon, Director of Financial Services
Maria Pontes, Superintendent, Fall River Public Schools
Kevin Almeida, Chief Financial Officer, Fall River Public Schools
Kenneth Pacheco, Chief Operating Officer, Fall River Public Schools
Chief Paul Gauvin, Fall River Police Department
Chief Jeffrey Bacon, Fall River Fire Department
Captain Barrett Castro, Fall River Fire Department
Richard Aguiar, Director, Emergency Management Agency
Alison M. Bouchard, City Clerk
Ryan Lyons, Director, Board of Elections Department

The chair called the meeting to order at 6:08 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

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

1. Citizens' Input Time - None
2. School Department Presentation and Discussion of the Proposed Fiscal Year 2025 Budget

Superintendent Maria Pontes provided a review of the Fall River School Department's Proposed Budget for Fiscal Year 2025 (FY25), which focused on eliminating vacant positions to decrease overall costs while working to ensure necessary special education staffing is sufficient for students within the City. Superintendent Pontes explained that many positions were funded by Elementary and Secondary School Emergency Relief Funds (ESSER) and cannot be maintained when such funding is no longer available.

Councilor Raposo requested additional details regarding enrollment trends within the public schools, development of new pre-kindergarten locations for young children, general costs per pupil within the Fall River School Department, school bus costs and the number of students that move to one of the regional schools after eighth grade. Kevin Almeida, Chief Financial Officer, Fall River Public Schools, stated that the public school system currently has about 11,200 students enrolled and the cost per student was roughly \$19,532 per year. Mr. Almeida also stated that about 100 to 175 students move to regional high schools, such as Diman Regional Vocational Technical High School and Bristol County Agricultural High School, each year after finishing eighth grade. Superintendent Pontes provided information regarding the redevelopment of older schools and buildings within the City that will be utilized for pre-kindergarten classrooms, including portions of the closed Bishop Connolly High School, and explained that more students require early intervention programs due to the recent pandemic. The Superintendent also emphasized that they are working on obtaining the staffing needed for these special education programs and have been hosting job fairs to attract candidates. Kenneth Pacheco, Chief Operating Officer, Fall River Public Schools, provided a detailed summary of school bus costs, and explained that there is a plan to switch to electric school buses to reduce fuel costs. Mr. Pacheco also provided information regarding the need to update the current school bus zones so more students can be picked up in groups within a block of homes, which will reduce the number of stops required and allow the bus to operate more efficiently. A brief discussion was held between Councilor Raposo and Superintendent Pontes regarding the plan to reassign district schools to alleviate the overabundance of students at certain schools. Councilor Raposo and Mr. Pacheco held a detailed discussion regarding renovation plans for the old B.M.C. Durfee High School, including the installation of a new roof, the potential use of offices and the large parking lots.

Councilor Hart and Superintendent Pontes held a detailed discussion regarding different locations within the City that will be used for the pre-kindergarten classrooms, such as the Fall River Early Learning Center at 2501 South Main Street, and the plan for adjusting classrooms within the new B.M.C. Durfee High School, which is close to maximum capacity. Councilor Hart expressed concern regarding the large population of students at some schools, while others are not experiencing the same enrollment due to districting. Mr. Pacheco explained that the School Department is working to re-district the public schools to reduce the burden on overpopulated schools, such as the Mary L. Fonseca Elementary School. Superintendent Pontes stated there has been a twelve-point improvement in the attendance of students over the past few years. Councilors Hart and Kilby complimented Superintendent Pontes' hard work to improve the Fall River Public School system.

Councilor Dionne requested additional information regarding the increased enrollment within the public school system, plans to utilize older schools for classroom space and requirements of the pre-kindergarten programs. Mr. Almeida stated that over the past few years, enrollment within the middle schools has significantly increased and could be related to the growth of market-rate housing within the community. Mr. Pacheco provided information regarding the School Department's attempt to obtain additional funding to renovate older schools, but there were significant financial limitations due to the renovations that would be required to get these facilities up to current building codes. The Chief Operating Officer also explained that additional schools may be needed in the future, so the School Department will continue to discuss ways this need can be addressed, which may include building new elementary schools. Superintendent Pontes explained that there are state laws that require compliance with pre-kindergarten programs for students over the age of three who require service interventions, and the department is focusing on properly funding those programs.

Vice President Pereira expressed concern regarding regional schools receiving more grant and state funding than public schools within the area, and emphasized her support for schools that teach students from kindergarten to eighth grade (K-8) in one building. The Superintendent stated that she also supports the concept of K-8 schools, but that concept presents the challenge of retro-fitting older schools to fit all the needed classrooms. A brief discussion was held between Vice President Pereira and Superintendent Pontes regarding lingual diversity within the schools, the need to increase compensation for educators and the important value of School Resource Officers (SRO) from the Fall River Police Department.

Councilor Ponte and the Chief Financial Officer held a lengthy discussion regarding the increased expenditure related to school buses. Mr. Almeida explained that the school bus contracts increase in costs when they are renewed and provided details regarding the increased student population, which attributes to more buses being used. Councilor Ponte and Mr. Almeida also discussed the expiration of ESSER funds in September of 2024 and long-term plans for the School Department to decrease the overall budget.

Councilor Sampson requested additional information regarding McKinney Vento grants for the School Department and why Fall River must pay larger fees for school buses compared to regional schools. Mr. Almeida explained that the McKinney Vento grants allow schools to provide additional services to students who are experiencing homelessness. The Chief Financial Officer also explained that the regional schools receive more state funding for school buses than the public schools due to the multiple cities and towns that must have students transported to school. Councilor Sampson commended Superintendent Ponte on her approach to problem solving within the School Department.

President Camara made brief remarks regarding Superintendent Pontes' contributions to the Fall River Public School system and presented her with the citation the City Council had adopted during a Regular Meeting of the City Council on April 9, 2024, in recognition of her retirement after 39 years as an educator.

3. Public Safety

Police, Fire, Emergency Management Agency

Councilor Ponte requested additional information regarding vacant positions within the Fall River Police Department, grant funding, overtime budgeting and capital needs within the department. Police Chief Paul Gauvin provided information regarding the fourteen vacant positions that have been removed due to three retirements and eleven medical retirements. Chief Gauvin stated that some employees are utilizing their collected time prior to retirement, so while they are on the payroll they are not physically in the office. Chief Gauvin also provided information regarding positions that are grant funded, such as officers who work within the schools, and emphasized that he does not expect those grant funds to be declined after submitting renewal applications. A detailed discussion was held between Councilor Ponte and Chief Gauvin regarding staffing within the Police Department. The Police Chief explained that while additional staffing would be ideal, he does not anticipate increased issues with vacancies over the next few years as many employees are not of retirement age and a portion of the bargaining agreement was amended to change the procedure for compensation time limits. Chief Gauvin stated that the Fall River Police Department's largest financial costs each year are related to vehicle purchases and repairs, and that the FY25 budget proposes sufficient funding to meet those needs.

Councilor Sampson and Chief Gauvin discussed federal grant funding, such as the COPS Grant, that helps to fund additional positions within the department and his work with the Mayor to increase these federal grant awards to maintain staffing. Councilor Raposo requested clarification regarding the vacant Signal Operators positions and Chief Gauvin explained that they are actively searching for additional dispatch staff in the department. Chief Gauvin stated that employees tend to move to other municipalities due to salary increases and that the department utilizes the 911 Grant Program for a portion of the Signal Operator salaries to offset budget costs.

A lengthy discussion was held between Vice President Pereira and Chief Gauvin regarding the number of officers on each shift, the lack of SROs at certain schools, the number of warrants issued within the City, coordination with federal agencies, such as the Drug Enforcement Agency (DEA) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and staffing changes within the Fall River Police Department. Chief Gauvin stated that shifts can be affected by lack of staff, so some officers may be called in for overtime, and that staffing shortages also affect schools that do not currently have an SRO, such as the Argosy Collegiate Charter School. Chief Gauvin stated that the number of warrants issued within the City is not related to the budget, so he was not prepared to provide that information, and stated that the partnership between the Fall River Police Department and federal agencies is important. Chief Gauvin explained that the City has their own DEA agent assigned to the district and while they work closely with them, the local police officers often monitor low-scale, illegal drug sales on their own. Chief Gauvin emphasized the competitive wages in nearby cities and towns, which result in frequent staffing changes. Vice President Pereira requested information regarding available funding for officer training and Seth Thomas Aitken, City Administrator, stated that there are ongoing bargaining discussions regarding officer training funds, so additional details could not be disclosed. Vice President Pereira emphasized the need to keep officers working in Fall River. Chief Gauvin provided information regarding how overtime is assigned to the officers with the least amount of seniority and advised that he is working to adjust that rule in the bargaining agreement to allow overtime to be shared by all officers under the age of fifty. A brief discussion was held between Vice President Pereira and Chief Gauvin regarding the Auxiliary Police and their volunteer services for feasts and processions.

Councilor Dionne requested additional information regarding City-funded financial assistance for the Police Academy, clarification of certain line items, Environmental Police Officers and civil service employees. Chief Gauvin and the City Administrator confirmed that the City pays the Police Academy expenditures for the trainee as long as they remain within the Fall River Police Department for at least five years. Mr. Aitken explained that those who do not complete the academy or those who leave within the first five years are required to reimburse the City with the cost of expenditures, which are usually between \$9,000 and \$10,000. Chief Gauvin explained that the two lines related to overtime reflected that there was officer overtime versus dispatch overtime and that the "Body Camera Officer" line item was included for potential staff who handle public records requests of camera footage. Chief Gauvin stated that there are currently two Environmental Police Officers and that the Police Department's use of civil service employees allows them to utilize their own tests within the hiring process.

Councilor Cadime requested additional information regarding revenue and expenditures within the Police Department, specifically local receipts, plans to hire additional staff, buy-back changes and traffic signals. Chief Gauvin explained that the local receipts line item was due to new software that was recently installed that assists with follow-up after individuals do not appear in court or have an outstanding warrant. Chief Gauvin also explained that his ideal goal is to return the department to about 252 staff members. Councilor Cadime and the City

Administrator discussed the realistic expectations of future staffing along with decreased retirement rates and decreased compensation time accrual. Councilor Cadime, Chief Gauvin and Mr. Aitken agreed that 183 employees would be a reasonable goal to increase staffing. Mr. Aitken explained that the buy-back changes would reduce the number of officers who are not present at work but are still being compensated prior to retirement. Chief Gauvin stated that the traffic signals were assisting significantly to decrease speeding and other traffic violations. A brief discussion was held between Councilor Cadime and Chief Gauvin regarding the two Deputy Chief of Police positions.

Councilor Hart and the City Administrator held a detailed discussion regarding the Quinn Bill, also known as the Police Career Incentive Pay Program. Mr. Aitken stated that officers receive different benefits from this bill depending on when they were hired. Councilor Hart requested information regarding officers who are assigned to a "Walking Beat," where they travel through an area on foot instead of in a cruiser, and Chief Gauvin explained that while they do a great job with community outreach, that program doesn't have a large quantity of funding. Chief Gauvin reassured Councilor Hart that the intention is to continue the program, even with the funding challenges.

Councilor Sampson requested information regarding the decrease in overtime funding and the District Chief Aide position within the Fall River Fire Department budget. Fire Chief Jeffrey Bacon and Captain Barrett Castro explained that there was additional funding for the overtime line item that was obtained outside of the FY25 budget, therefore, the fund was not decreased, it just isn't reflected in its entirety within the budget. Chief Bacon explained that the District Chief Aide was an older position that is no longer assigned to a single individual, but the salary portion is used to limit time off for District Chiefs during the busiest summer months and helps to cover their overtime as well.

Councilor Raposo requested additional information regarding Fire Academy classes. Chief Bacon explained that the department is planning on putting a class through the program soon due to anticipated retirements. Chief Bacon stated that they will be utilizing the Massachusetts Fire Academy due to their excellent staffing and instructors. Councilor Raposo and Chief Bacon held a brief discussion regarding grant funding, including the SAFER Grant, and Chief Bacon clarified that no firefighters were currently being compensated by that specific grant funding.

Councilor Ponte requested additional information regarding fire trucks, coordination with the Emergency Medical Services (EMS) Division for the renovation of the Central Fire Station, current bargaining agreements, overtime and capital needs within the Fire Department. Chief Bacon explained that the Fire Department currently has one new truck and one new water pumping apparatus, which allows the department to have a viable front line with additional spare machines. The City Administrator stated there has not yet been discussion about additional trucks that may be needed in the future. Mr. Aitken also provided details regarding the EMS funded repairs in the fire station, such as ventilation and living quarter enhancement, and Community Preservation Act (CPA) funding that would be utilized for repair of the exterior of the building and some heating, ventilation and air conditioning (HVAC) renovations. Chief Bacon stated that the EMS Division is working to improve multiple stations within the City and the renovations will include creating dorms for female Emergency Medical Technicians and Paramedics. Chief Bacon clarified the bargaining agreement's cost-of-living adjustment, which is listed at 1.5% per year, and overtime funding, which is provided by public safety grants that operate based on the calendar year, not the fiscal year. Chief Bacon stated that there are currently no other capital needs for the Fall River Fire Department that are not addressed within the FY25 budget.

Vice President Pereira complimented Chief Bacon, and the Fall River Fire Department as a whole, for the services they provide to the City and requested that, in the future, they provide additional information to residents regarding required smoke alarm systems.

Councilor Dionne requested additional information regarding the timeline of the Fire Academy training, salaries for new candidates, the differences between the local and state academies, the discrepancy in budgeted funds for dispatch radio costs between the Police and Fire Departments and general maintenance line items. Chief Bacon explained that the process of training a recruit takes about nine months total and that he'd like to continue hiring staff throughout the year. The Fire Chief also explained that the state academy provides better facilities and staff than the local academy can provide, and the City of Fall River has utilized the state academy since 2003. Chief Gauvin previously explained that the Fire Department utilizes the Police Department's radio equipment as they share dispatch facilities, which is the reason that the Police Department has a larger amount of funding for dispatch-related equipment. Chief Bacon and Mr. Aitken also explained that the Police Department only has one building to maintain, while the Fire Department maintains multiple stations.

Councilor Cadime requested additional information regarding local receipts, changes to part-time positions, and energy funding increases compared to the Police Department. Chief Bacon explained that the local receipts reflect the Fire Department responding to EMS calls, which creates additional revenue. The City Administrator stated that the part-time clerk position has been vacant for about two years. A brief discussion was held between Councilor Cadime, Chief Bacon and the City Administrator regarding permanent salaries within the Fire Department. Mr. Aitken also provided additional information regarding the gas and electricity budget increase and stated that the Fire Department had to utilize the gas pumps provided by the Department of Community Maintenance, whereas the Police Department has their own fuel station, and their cruisers typically run throughout the day.

Councilor Hart and Councilor Dionne requested additional information regarding Fire Department training to prepare for the Massachusetts Bay Transportation Authority (MBTA) trains that will be coming online soon. Chief Bacon explained that training seminars are planned with the MBTA including derailing training and the utilization of large entrances to the train tracks. Chief Bacon also stated that they will be arranging staffing to be congruent with the opening of the train lines.

Vice President Pereira requested additional information regarding grant funding being utilized by the Emergency Management Agency. Richard Aguiar, Director, Emergency Management Agency (EMA), provided information regarding National Emergency Management Association (NEMA) and state grant funding that the City has received to assist with programs and machines. Mr. Aguiar explained that they recently purchased an off-road Polaris vehicle with this grant funding, which will allow them to assist in case of an emergency on the train tracks where no large entrance is available. Vice President Pereira commended Mr. Aguiar on his work to obtain grant funding to improve the EMA's readiness for emergencies throughout the City.

4. General Government

Mayor's Office, City Clerk, City Council, Elections, Veterans

A lengthy discussion was held between Vice President Pereira, Councilors Dionne, Kilby, and Sampson regarding compensation for elected officials and their employees, such as the Mayor and the Chief of Staff. Vice President Pereira and Councilor Kilby supported an increased salary for the Mayor due to the challenges of the mayoral position. Councilors Dionne and Sampson stated that elected officials should not receive compensation that is significantly larger than

long-term, non-elected City employees. Seth Thomas Aitken, City Administrator, stated that the Chief of Staff position has only received increases based off cost-of-living adjustments, not independent salary raises. Mr. Aitken also stated that certain positions did require higher compensation, such as Corporation Counsel, which requires licensed attorneys. Councilor Dionne emphasized that the Chief of Staff salary has increased from \$78,000 to \$100,000 over the past few years and the City Administrator emphasized that while large cost-of-living percentages over the past few years, such as 7% in 2022, have affected these salaries significantly, those types of adjustments are included in employment agreements.

Councilor Raposo requested information regarding the funding of the Event Resource Coordinator position, as it is not listed within the FY25 budget. Mr. Aitken explained that the position is funded entirely by American Rescue Plan Act (ARPA) funding. Vice President Pereira emphasized the need for a Tourism Director within the City to promote public events. Councilor Sampson agreed that a Tourism Director would be beneficial to the community at-large.

Councilor Ponte requested clarification regarding the additional \$45,000 budget line item within the City Council budget for the annual financial audit. Bridget Almon, Director of Financial Services, explained that the \$45,000 portion would be reimbursed by the chargebacks issued to Diman Regional Vocational Technical High School and the Fall River Contributory Retirement Board, which would reconcile the discrepancy.

Vice President Pereira requested clarification regarding the two vacant positions listed within the City Clerk's office and the one vacant position listed within the City Council office. Alison M. Bouchard, City Clerk, explained that all three positions have been filled since the budget was submitted. Councilor Cadime and the City Clerk held a brief discussion regarding potential changes to assist with the retention of employees within the City Clerk's office, such as renaming the positions to allow for higher pay rates. Councilor Kilby made brief remarks regarding how changes in title and pay rates can affect the employee's ability to participate within the American Federation of State, County and Municipal Employees (AFSCME).

Councilor Raposo requested additional information regarding the Board of Elections Department salaries, consolidation of election precincts, the use of free transportation during the elections and facility charges for certain precincts that range from \$100 to \$1,000 for use of the buildings. The City Administrator stated that there are current negotiations occurring to modestly increase salaries within the Board of Elections Department. A brief discussion was held between Councilor Raposo and Ryan Lyons, Director, Board of Elections Department, regarding reimbursement from the state following elections and additional staff for poll locations. Mr. Lyons also explained that overall, the consolidation of election precincts worked well during the most recent election aside from a few parking issues that have since been remedied. Mr. Lyons also provided information regarding large locations that charge higher facility charges and the need to utilize them due to larger populations within certain districts. The Director of the Board of Elections Department explained that no one reached out to the Department to request the use of the van they were using to assist those who needed transportation to vote during the most recent election.

Councilor Sampson emphasized that the salary amounts within the Board of Elections Department were not sufficient. The City Administrator explained that, due to bargaining agreements, the City was unable to use election reimbursement from the state to increase employee pay grades. Mr. Aitken emphasized that discussions to increase pay are ongoing, but he could not provide additional information to the Committee members while the negotiations were occurring.

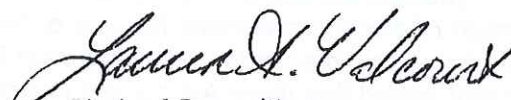
A discussion was held between Councilor Dionne and Mr. Aitken regarding the pay grades within the AFSCME agreements and that different clerks within the same department can be at different grade levels, which is why listed salaries may be different even if the title is the same. The City Administrator also explained that one position had been changed from part-time to full-time, which is why there was a 15% pay increase for that title.

Vice President Pereira asked if there are plans to adjust certain salary limits within the City ordinances. Mr. Aitken stated that the Administration is planning to amend certain positions, such as the Director of the Board of Elections and the Veterans' Services Agent, so they would no longer have salary limits and would instead be "per contract" positions. The City Administrator stated that a candidate had been chosen, on a temporary basis, for the Veterans' Services Agent position and the individual was currently attending training classes. Councilor Raposo asked for additional information regarding the current budgeted salary for the position as many have left due to the low compensation offered by the City. Mr. Aitken stated that, while the Administration would soon be sending a proposed ordinance to the City Council to allow this position to offer higher compensation through a contract agreement, it is currently budgeted for a salary of \$73,936. Mr. Aitken also explained that they are not prioritizing filling the vacant positions within the department at this time. Councilor Raposo stated that the funds that would go toward the vacant positions should be reallocated to assist veterans within the community. Vice President Pereira and Councilor Sampson emphasized the need for additional funding for memorial monument maintenance and parades that are organized by the Veterans Services Office. Councilor Kilby stated that he was hopeful the Administration would consider some of the potential changes that could be made to the proposed budget after the discussions held during the meeting.

On a motion made by Councilor Kilby and seconded by Councilor Raposo, it was unanimously voted to adjourn at 9:51 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)


Clerk of Committees

COMMITTEE ON FINANCE

MEETING: June 4, 2024, at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Bridget Almon, Director of Financial Services
Ian M. Schachne, City Collector/Treasurer
Sedryk Sousa, City Auditor
Daniel Lane, Administrative Assistant to the Board of Assessors
Emily Arpke, Finance Analyst and Compliance Manager

The chair called the meeting to order at 6:04 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.

Prior to the beginning of the meeting, Vice President Pereira made brief remarks regarding Helen Rego, a member of many official and non-official boards and commissions, who will be turning 90 years old this year and commended her on her services to the City of Fall River.

Councilor Ponte arrived at 6:07 p.m.

1. Citizens' Input Time - None
2. Continue discussion of the proposed Fiscal Year 2025 Municipal Budget as follows:
 - Departments carried over from the June 3, 2024, Committee on Finance agenda, if needed

- Financial Services

Director of Financial Services, Purchasing Department, Assessors, Auditors, Analysis & Compliance, Collectors, Treasurer, Debt Service

Councilor Raposo requested a summary of the current tasks that have been assigned to the newly created Financial Analyst and Compliance Manager hire as well as the current and future salary for this position. Bridget Almon, Director of Financial Services, provided information regarding assigned projects for this employee, such as researching trash collection expenses for future contract negotiations which will significantly affect the overall spending of City funds over the next few years. Seth Thomas Aitken, City Administrator, provided an overview of the changes to many salaries within Government Center that are adjusted by the Consumer Price Index (CPI), per their contract agreements. Mr. Aitken clarified that the salaries listed within the Fiscal Year 2025 (FY25) budget include estimated raises and are not definite as the CPI rate information is not yet available.

Councilor Sampson stated that, while she was not in favor of the new position being created in the Financial Services departments, the new Financial Analyst and Compliance Manager was very well qualified. Councilor Sampson emphasized the need to discontinue the use of outside consultants now that additional staffing is available, as the cost of consultants is excessive.

Councilor Dionne expressed her agreement with the need to eliminate the use of financial consultants. A lengthy discussion was held between Councilor Dionne, Mr. Aitken and Ms. Almon regarding the continued funding, with a \$13,000 salary increase, for the Purchasing Agent position, as it was originally discussed that the position would be unfunded, along with the Assistant Auditor position, to compensate for the Financial Analyst and Compliance Manager in the Financial Services department. The City Administrator explained that there was a misunderstanding when analyzing the requirements of the Purchasing Agent position and that he was, incorrectly, certain that the position could be kept vacant. The Director of Financial Services stated that there were discrepancies within the purchase history of the City over the past few years and a Purchasing Agent will be needed to remedy the information in the software system. Mr. Aitken emphasized that there are many certification requirements to be able to issue Requests for Proposals and Requests for Quotes and the Administration is working to have multiple municipal employees trained for these types of tasks. President Camara asked if purchase orders were being utilized, which Mr. Aitken confirmed. The City Administrator stated that there were financial records for all purchasing transactions, but different channels were used by different departments and the goal is to unify all activity within the same log. The Director of Financial Services explained that the Purchasing Agent serves both the municipal departments and the Fall River School Department, and should not remain vacant.

A discussion was held between President Camara, Councilors Dionne and Ponte and the City Clerk for clarification regarding the City Council's ability to vote for each line item in the FY25 budget individually. President Camara confirmed that method of the vote is determined by the preference of the City Council. Councilors Dionne and Kilby stated that they would support a line-item vote procedure for the proposed budget.

Councilor Ponte requested additional information regarding motor vehicle excise taxes and the anticipated increase of this type of revenue within the FY25 budget. Ms. Almon and Ian M. Schachne, City Collector/Treasurer, explained that over the past year the revenue from the vehicle excise tax has increased significantly and they had reached their anticipated revenue within six months last year. The Director of Financial Services stated that due to this increase, which may be caused by more residents with vehicles moving to the City, they are confident that their conservative increase for this resource will be generated during FY25.

Vice President Pereira and the City Administrator held a brief discussion regarding the ongoing research within the Law Department regarding a trash collection contract. Mr. Aitken stated that they are currently in negotiations for this type of agreement. Vice President Pereira expressed her support for a Purchasing Agent for the City. The City Administrator and Director of Financial Services provided information regarding the challenges of maintaining consistent aggregation for vendors when there are multiple employees handling purchasing within the schools and municipal offices, but Mr. Aitken stated that, ideally, each department should have their own agent going forward.

Councilor Raposo and the Director of Financial Services discussed how the School Department would be given authority to handle their own purchases in the future, so long as the value is under \$50,000, but the City is one financial entity with the Internal Revenue Service, so coordination is needed. Ms. Almon stated that currently the Superintendent signs off on all purchase orders and then they are forwarded to Government Center. Councilor Raposo requested additional information regarding the salary increase for the Purchasing Agent and the funding decrease for licenses and permits. Ms. Almon stated that candidates cannot be found with such a low salary offer, so the increase was pertinent to receive applications for the position. The Director of Financial Services also explained that there is less construction and remodeling being done now than during the pandemic, so they cannot rely on amounts of license and permit funding as they did between 2020 and 2023. The City Collector/Treasurer also explained that new software, along with a partnership with BayCoast Bank, allows payments to be submitted online or in person and that since November of 2023, about 2900 payments have been received.

Councilor Dionne requested additional information regarding the position titled "Project Specialist – Tax Title" within the Treasurer's salaries list. The Director of Financial Services provided information regarding this position's role which includes different types of tax collections and Tax Title processing. A discussion was held between Councilor Dionne and the City Administrator regarding salary changes within the department, which are affected by ongoing bargaining with the American Federation of State, County and Municipal Employees (AFSCME). Councilor Dionne and the Director of Financial Services discussed the method of funding for the new Financial Analyst and Compliance Manager position and Ms. Almon explained that they are utilizing the vacant Assistant Auditor salary amount. Ms. Almon also explained that the Assistant Treasurer has been working extra hours to assist with purchasing bids as there is no current Purchasing Agent. Councilor Dionne emphasized that the past discussions regarding the funding of the new Financial Services position do not match the current funding plan and expressed her concern regarding this discrepancy. Councilor Dionne requested information regarding the salary raise for the Grant Writer position in the Mayor's Office. Ms. Almon stated that the salary increase will be split between the municipal budget and the School Department budget, with a raise equaling \$8,000. Councilor Dionne made brief remarks regarding the difference within the salary budget of the Auditor's Department, specifying that the salary difference for the current City Auditor, along with the vacant Assistant Auditor position, only total \$110,245. Councilor Dionne expressed concern that the remaining \$4,755 to achieve the \$115,000 salary for the new Financial Analyst and Compliance Manager had to have been funded by a reduction somewhere else in the budget. President Camara asked if there are any other positions within the budget that have an estimated salary that may change significantly other than the Financial Analyst and Compliance Manager. The City Administrator confirmed that this position was the only one within the proposed budget that meets that criterion.

Councilor Sampson expressed her displeasure with the Purchasing Agent discrepancies between the Committee on Ordinances and Legislation meeting in April of 2024, and the current budget discussions. Councilor Sampson requested additional information regarding the City's Employer Identification Number (EIN) requirements and if more than one employee can act as a Purchasing Agent under that EIN. The City Administrator and the Director of Financial Services stated that multiple Purchasing Agents can operate under the same EIN, but that there is a threshold for different suppliers that must be considered.

Councilor Cadime agreed that the School Department procurement for purchasing was possible and would assist the Purchasing Agent by delegating work to those who work within the School Department. Councilor Cadime provided a summary of different types of procurement options within the Massachusetts General Laws (M.G.L.), such as centralized procurement and decentralized procurement. Councilor Cadime also requested clarification regarding the M.G.L., Part I, Title VIII, Ch. 41, §103, which relates to the Establishment of a Purchasing Department, which appears to have been accepted by the City of Fall River in 1965. The Director of Financial Services stated that she would research that and provide additional information prior to the next Committee on Finance Meeting. Councilor Cadime expressed his concern regarding the Purchasing Agent position remaining as a funded position. Councilor Cadime also requested clarification as to whether the receipts and revenues for the City were included in the financial order related to the proposed budget and Ms. Almon stated that she would obtain a more detailed chart for the Committee members related to these items at the next Committee meeting. Councilor Cadime and the City Administrator held a brief discussion regarding contractual agreements that include either Cost of Living Adjustments (COLA) or CPI adjustments. Mr. Aitken clarified that 7-9 contracts have CPI adjustments, a few have COLA, and the remaining contractual agreements do not have either adjustment included.

Councilor Raposo requested additional information regarding various line items within the Assessor's Department budget including auto allowances and "other personnel." Daniel Lane, Administrative Assistant to the Board of Assessors, explained that the auto allowances were small funds provided to those to use their own vehicle to travel throughout the City to perform assessments of properties. Mr. Lane also stated that the "other personnel" line item provided payment for extra hours worked, with a limit of no more than five hours per week. The Administrative Assistant to the Board of Assessors also provided information regarding the process of reassessing properties within a ten-year period and stated that the current compliance rate for assessments is at 67 percent. Mr. Lane explained that the new Patriot Properties software was recently updated and has a lower price point than previous versions.

Vice President Pereira expressed concern that the auto allowance of \$130/month was not sufficient as gas prices have increased significantly since this rate was created. The City Administrator clarified that they have not received any data regarding the mileage utilized by the assessors and that information would be helpful to determine how the allowance could be adjusted.

Councilor Dionne requested additional information regarding property assessments within the City. Mr. Lane stated that they are working to assess at least 2,000 properties, of all types, each year to meet state requirements. Mr. Lane stated that the Department of Revenue is lenient, so long as there is a plan in place to complete all assessments in a ten-year period. Councilor Kilby and Mr. Lane held a brief discussion regarding neighborhood boundaries, inspections of properties and directives that must be followed during the assessment process. Councilor Kilby commended Mr. Lane for his work to get the City up to date with required property assessments.

Councilor Hart requested a comparison of Fall River to other nearby municipalities in relation to staffing within the Assessor's Department. Mr. Lane stated that Fall River currently has six employees within the department, while New Bedford has twelve and Attleboro has five, but that Attleboro hires an outside contracting company for all assessment inspections.

Councilor Raposo requested additional information regarding the decrease of "Other Purchase Services" within the City Auditor's budget. The Director of Financial Services and Sedryk Sousa, City Auditor, explained that they had decreased the hours needed for outside consultants, so this budget item had been reduced. President Camara, Vice President Pereira and Ms. Almon discussed the history of financial consultants within the Financial Services departments and President Camara emphasized the need to eliminate the use of consultants going forward. Vice President Pereira asked if the City Auditor salary includes CPI adjustments and Ms. Almon explained that it does not and instead follows the AFSCME agreement, even though the position is not part of the union itself. Councilor Sampson commended Mr. Sousa for his work as City Auditor and asked about the impact of the new Financial Analyst and Compliance Manager. Mr. Sousa complimented the new hire for the assistance they have provided. Councilor Dionne and Kilby complimented Emily Arpke, Financial Analyst and Compliance Manager, on her new employment with the City of Fall River.

Vice President Pereira, Councilor Dionne, Councilor Raposo and the City Collector/Treasurer discussed the increased costs of advertisements in local newspapers and the state law requiring the public notices regarding Tax Titles be published. The City Clerk confirmed that the M.G.L. requires Tax Title notices to be posted in a local newspaper. Mr. Schachne provided a summary of the Tax Title legal process, demand letters and the work that the Collector's office does to remedy overdue taxes and fees for properties. The City Collector/Treasurer stated that there were about 140 Tax Titles issued last year and that an estimated 20 property owners are currently on payment plans. Vice President Pereira emphasized that the City Council should reach out to the Fall River Delegation of State Representatives regarding the newspaper advertising requirements, as many residents do not receive newspapers anymore.

Councilor Sampson requested clarification regarding employees who receive "summer hours" and the Director of Financial Services stated that this was an old benefit that is slowly being phased out and that most employees do not receive these extra hours during the summer months.

Councilor Dionne requested additional information regarding the difference in interest rates for overdue taxes versus Tax Titles. Mr. Schachne explained that overdue taxes are billed with a 14% interest rate, while Tax Titles are billed with a 16% interest rate. Mr. Schachne also stated that the employees within the department are able to work more efficiently now that there are online payment portals, coordination with local banks who will receive payments for the City and proper staffing.

Councilor Raposo and the Director of Financial Services held a brief discussion regarding debt services for the new B.M.C. Durfee High School, which will be increasing over the next few years. Ms. Almon stated that the overall goal for City debt is around \$10,000,000 per year and in previous years, before Ms. Almon was employed, the debt had reached a paramount of \$42,000,000. Ms. Almon stated that they are working to invest and borrow more efficiently in the future.

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adjourn at 7:57 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)



Samuel D. Calhoun
Clerk of Committees

COMMITTEE ON FINANCE

MEETING: June 5, 2024, at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: Councilors Shawn E. Cadime and Paul B. Hart

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Bridget Almon, Director of Financial Services
Al Oliveira, Director of City Operations
Glenn Hathaway, Director of Inspectional Services
Tess Curran, Director of Health and Human Services
Liane Verville, Library Administrator
Charles Denmead, Director of Community Maintenance
Nancy Smith, Director of Parks
Stephanie MacArthur, Director of Traffic and Parking

The chair called the meeting to order at 6:03 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

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

1. Citizens' Input Time - None
2. Continue discussion of the proposed Fiscal Year 2025 Municipal Budget as follows:
 - Departments carried over from the June 4, 2024 Committee on Finance agenda, if needed
 - City Operations
Director of City Operations

Councilor Kilby and Seth Thomas Aitken, City Administrator, held a detailed discussion regarding stipends for specific employees within the Department of City Operations, including the custodians and the Head Administrative Clerk. Mr. Aitken explained that the custodians receive the stipend as they are on-call for emergencies that occur after hours and that the Head Administrative Clerk has been performing additional duties following the resignation of the previous Facilities Maintenance Division Head. The City Administrator explained that this clerk

was receiving Service Out of Rank, which occurs when an employee is unofficially doing the work of another position. Councilor Kilby asked if stipends require City Council approval and Mr. Aitken clarified that they are typically included in the collective bargaining agreements that are presented to for Council adoption, but there are some stipends that have been in place, historically, without formal approval.

Councilor Raposo, the City Administrator and Al Oliveira, Director of City Operations, held a detailed discussion regarding the hiring and retainment of employees, the need to increase salaries for vacant trade positions by eliminating duplicate positions, and the need for an afternoon security guard within City Hall. Councilor Raposo requested that Mr. Oliveira provide information regarding ongoing and completed projects within the municipal buildings to the Committee on Finance at a future meeting and stated that he would file a related resolution so this discussion can be scheduled.

Vice President Pereira requested additional information regarding electricity funds, the tasks of custodial shifts, the need for outside contractors, and property that the Department of City Operations is renting for storage of vehicles and machines. Mr. Oliveira explained that the department has worked to replace all fluorescent bulbs with new Light Emitting Diode (LED) bulbs, which work much more efficiently, install motion-detector light switches which allow lights to turn off when a room is empty, and they are working closely with consultant companies to develop other energy-saving solutions. The Director of City Operations also provided details regarding day shift custodians, who move furniture, perform basic repairs and clean, and night shift custodians, whose main task is to deep clean the building. Mr. Oliveira ensured the Committee that the Department of City Operations was very close to obtaining a new rental agreement for storage of equipment, as their previous rental location had terminated the current lease, and that he would work to obtain data regarding the cost and use frequency of outside trade contractors. The City Administrator emphasized the value of the renovations occurring in Government Center since Mr. Oliveira's employment, such as the power washing of the building, refinishing of the lobby floors and the project to update and repair the roof structure.

Councilor Dionne requested additional information regarding the plan to hire an afternoon security guard, vacant trade work positions, individual budget line items such as "Professional Services" and "Buildings and Grounds", the additional work that has been assigned to the Head Administrative Clerk who was receiving a stipend, and the anticipated sewer and water costs for the department. Mr. Oliveira explained that an afternoon security guard would work in the lobby of Government Center to assist with safety matters and provide information to those who visit the building between 12:00 p.m. and 4:00 p.m. A brief discussion was held between Councilor Dionne and Mr. Aitken regarding the Federal Emergency Management Agency grant that is currently funding a part-time morning security guard, how this funding was intended to pay for a full-time employee, and how the funds are capable of balancing two part-time salaries. Mr. Oliveira emphasized that the current salary amount being offered for the vacant trade work positions is insufficient and there are very few applicants. The Director of City Operations also clarified that the "Professional Services" line item refers to contracts with outside building and repair specialists and that the "Buildings and Grounds" line items reflected the many municipal properties that the Department of City Operations needed to maintain and repair, such as Government Center and the Fall River Police Department. Mr. Oliveira explained that the Head Administrative Clerk is currently processing payments, purchase orders, and organizing capital projects, such as the repair of the Lewiston Street Garage. The City Administrator clarified that the anticipated salary within the budget was an estimate that was reliant on the Consumer Price Index (CPI), which will not be released until January of 2025. Mr. Oliveira stated that the water and sewer costs were estimates provided by the Administrator of Community Utilities.

Councilor Ponte expressed concern regarding the estimated salaries within the proposed budget. A discussion was held between Councilor Ponte and the City Administrator regarding the anticipated 3.5% CPI increase, discrepancies between employees who receive annual adjustments and those who do not, and staff who receive raises based on bargaining agreements, although their employment is not associated with a union. Councilor Ponte requested additional information regarding the increased overtime funding within the department budget. Mr. Oliveira explained that the overtime rates for the trade work and custodial staff were significantly lower than the cost of hiring an outside contractor, so employee overtime is preferred. Councilor Ponte and the Director of City Operations discussed the amount of electricity funding, which was listed as \$250,000, within the department's budget when the amount used in FY24 was only \$90,000. Councilor Ponte suggested this funding be reduced to reflect the actual usage within the department.

President Camara relinquished the podium to Vice President Pereira at 7:08 p.m. to make remarks.

President Camara emphasized the need to eliminate some of the duplicate trade work positions so higher salaries can be offered to those who apply for the remaining vacancies. A discussion was held between President Camara, Mr. Oliveira and Mr. Aitken regarding how the budget was developed, the efficiency of zero-based budgeting and the funding within the department's budget that may go unused. Mr. Aitken emphasized that there are many unknown costs within the Department of City Operations and disagreed that the funding would be unused. The Director of City Operations explained that he was working on a re-organization of the department and plans to train trade workers so they can perform additional services.

President Camara returned to the podium at 7:16 p.m.

Councilor Sampson requested information regarding the development of the department's budget, the number of direct reports that Mr. Oliveira oversees and the plan to re-organize the Department of City Operations in the future. The Director of City Operations explained that he worked directly with the Director of Financial Services and that there are three Division Heads who report directly to him. Mr. Aitken provided information regarding the multiple factors that must be considered within the re-organization of the department, including the solid waste contracts, and Mr. Oliveira stated that the overall goal was to make the department more efficient with funding. Councilor Dionne and Mr. Oliveira discussed the closing of the City's landfill and how that affected the solid waste costs over time.

Councilor Raposo, the City Administrator and the Director of City Operations discussed the removal of some of the vacant positions within the department to allow for better salary offers to those who apply for the remaining positions. Mr. Oliveira and Mr. Aitken stated that they are working together but have different ideas regarding the timing of the re-organization of the department. Mr. Aitken expressed his support for the reduction of vacancies. Vice President Pereira agreed that eliminating some of the the vacant positions would be helpful in attracting candidates and requested additional information regarding the solid waste contract proposals. The City Administrator stated that the discussions are ongoing, but the plan will allow for salary increases for solid waste workers.

- Community Services

Inspectional Services, Health and Human Services, Library

Councilor Raposo requested additional information regarding multiple line items within the Department of Inspectional Services budget, including "Gas Allowances" and "Coverage for Inspectors on Vacations", the need for another building inspector and vacancies within the department. Glenn Hathaway, Director of Inspectional Services, explained that the inspectors use their own vehicles to travel throughout the City and the "Gas Allowances" are reimbursements for gasoline costs. The Director of Inspectional Services also clarified that "Coverage for Inspectors on Vacation" assisted with the cost of outside contractors who may need to be used if municipal inspectors are not available. Councilor Raposo and Mr. Hathaway discussed the anticipated future need to hire another inspector as housing development within the City is increasing. The Director of Inspectional Services explained that he is not filling the positions that are currently vacant until the re-organization of the Minimum Housing Division is completed, as the Department of Health and Human Services will be eligible for additional grants to fund the positions.

Councilor Ponte emphasized that more inspectors will be needed as additional residential and commercial properties are built. A detailed discussion was held between Councilor Ponte, Mr. Hathaway and Bridget Almon, Director of Financial Services, regarding the timeline of work, cost and repayment in relation to vacant properties that the City must maintain. Mr. Hathaway explained that there are fewer vacant properties than in past years, only 75 to 85 locations, and the "Demolition" and "Landscaping/Boarding" line items within the department budget and revolving funds assisted with these costs. Ms. Almon clarified that reimbursement from the purchaser of these properties was returned to the department's funds and ongoing discussions were being held with real estate attorneys and the City Treasurer regarding the process of recouping the costs of this work.

Councilor Dionne requested clarification regarding gas, clothing and vehicle allowances listed within the salary chart. Mr. Hathaway explained that these payments were included as just "gas payments" in previous years and this year the template changed and divided the funds into individual columns within the budget.

A brief discussion was held between Vice President Pereira and the Director of Inspectional Services regarding overgrown weeds and lawns on neighborhood properties. Mr. Hathaway stated that, while they work to remedy these issues by communicating with the property owners, the Department of Inspectional Services cannot mow the lawn of private properties as there is not enough staff and the liability of injury or damage would be the responsibility of the City.

Councilor Sampson and Mr. Hathaway discussed the need for additional inspectors due to property development, the growth of the waterfront district, the new Diman Regional Vocational Technical High School construction, and to follow up on calls from residents reporting illegal construction taking place without required permits. Councilor Sampson commended the Director of Inspectional Services for the hard work his department does for the safety of structures within the City.

Councilor Raposo requested additional information regarding the Department of Health and Human Services budget, including sections of the flow chart, food inspectors, and the number of inspections required per year for food establishments. Tess Curran, Director of Health and Human Services, explained that there were sections of the flow chart and department description that were not up to date, such as the Food Inspectors section. Ms. Curran stated that she would provide the Committee with a new flow chart and description as soon as

possible. The Director of Health and Human Services explained that some positions, such as the epidemiologist, were grant funded and that there has been an increase in some costs throughout the department due to testing requirements for communicable diseases. Ms. Curran stated that there are two food inspectors, they complete their work sufficiently with the current staffing and that the establishments, of which there are over 600, must be inspected twice yearly. A brief discussion was held between Councilor Raposo, Ms. Curran and Mr. Aitken regarding shared expenses for the Council on Aging vehicle and grant-funded positions, such as the Youth Services Coordinator.

Vice President Pereira commended the Youth Services Coordinator and expressed her support for working toward a higher pay scale for this position. Vice President Pereira also commended the department on their work with the Council on Aging and the development of many locations for seniors within the City.

Councilor Raposo requested additional information regarding items within the library's budget, including the Libby application, the Bookmobile program and staffing within the library. Liane Verville, Library Administrator, explained that the Libby application is funded by the "educational supplies" and "SAILS Library Network" line items and that the Bookmobile program has been very successful. A discussion was held between Councilor Raposo and Ms. Verville regarding vehicle maintenance and seasons of operation of the vehicle. The Library Administrator clarified that the Department of Community Maintenance would be responsible for any vehicle repairs and that the Bookmobile would travel year-round, except during snowstorms. Ms. Verville stated that the library is fully staffed, and some staff members receive "shift" payment in the salary budget due to working into the evening hours.

Councilor Kilby requested additional information regarding the condition of the library's physical structure. Ms. Verville explained that there are ongoing leaks within the building as the roof needs to be re-pointed. The Director of City Operations explained that they are currently discussing this issue with the architect that will manage the repair project. The Committee members commended Ms. Verville for her work with the library and congratulated her on her planned retirement at the end of the calendar year.

- Community Maintenance
Cemeteries, Parks, Trees, Solid Waste, Streets & Highways,
Snow Removal, Traffic and Parking

Councilor Raposo requested additional information regarding the Cemetery Division's budget, including the vacant Director of Cemeteries position, various line items, such as "other rentals and leases" and "other ground keeping supplies," and if any additional capital items were needed. Charles Denmead, Director of Community Maintenance, explained that they currently have the Tree Supervisor working part-time as the Director of Cemeteries and they are trying to fill other vacant positions in the division. Mr. Oliveira explained that shipping containers are used for storage and are funded by the "other rentals and leases" line item. Mr. Denmead clarified that the "other ground keeping supplies" line item helped to fund grass seed and other everyday materials. Mr. Denmead also explained that this line item had to be increased due to the new expansion of Oak Grove Cemetery. A discussion was held between Councilor Raposo, Mr. Aitken, Mr. Oliveira and Mr. Denmead regarding a vehicle that is needed by the Cemetery Division, and that there are other necessities currently being purchased with American Rescue Plan Act (ARPA) Funding. Councilor Sampson emphasized that the Director of Community Maintenance needs a salary increase for the work being done within the department.

Councilor Ponte and the Director of City Operations held a detailed discussion regarding one-time funding, such as ARPA funding, that the departments have been relying on. Councilor Ponte emphasized that they currently have access to \$1,900,000 in ARPA funding that will not be available in the future and expressed concern regarding maintenance and upkeep of equipment and vehicles that were purchased with this federal funding. Mr. Oliveira explained that they purchased new vehicles and equipment with the ARPA funds to extend the lifetime of use and have focused on plans for regular maintenance, to avoid high-cost expenses. Mr. Oliveira also explained that they are working to create a purchasing timeline, which is being developed by the City's ARPA Director. Councilor Ponte stated that future budgets would be significantly limited after the ARPA funding and other one-time grants expire.

Vice President Pereira requested clarification regarding the Tree Supervisor working as part-time Director of Cemeteries, collaboration with the City Arborist when planting new trees and old vehicles stored at the Lewiston Street Garage facility. The Director of City Operations explained that the employee who is working within two positions is being reimbursed with Service Out of Rank additional pay and that the City Arborist is consulted prior to all decisions that are made with new and older trees. A discussion was held between Vice President Pereira and Mr. Oliveira regarding the plan to hold online auctions to sell municipal vehicles to generate revenue.

Councilor Dionne and Mr. Denmead discussed solid waste tonnage rates and recycling programs. Mr. Denmead stated that the City currently pays \$113/ton for solid waste and \$110/ton for recycling. The Director of Community Maintenance provided details regarding the recent cardboard trial program and stated that significant data was collected that will assist in future recycling collection, such as different colored bins. Councilor Dionne requested additional information regarding vacant positions and distribution of vehicles within the divisions. Mr. Denmead explained that the Administrative Head Clerk vacancy is ongoing, and they may keep the position vacant until a future reorganization of the Department of City Operations. The Director of Community Maintenance also explained that the vehicles are equally distributed to the divisions within the Department of Community Maintenance (DCM) and the Department of City Operations.

Councilor Raposo requested additional information regarding the March 1, 2024, cancellation of commercial trash pick-up, line-item costs for "vehicle maintenance" within the Streets and Highways Division, the City's new graffiti removal machine and Commercial Driver's License (CDL) training. The City Administrator stated that discontinuation of commercial trash pick-up was successful and the City had only received a few phone calls regarding this matter. Mr. Denmead explained that the Streets and Highways Division are currently waiting for one new truck and are working to keep purchases cost-effective. The Director of Community Maintenance also explained that, while the graffiti machine works well, areas are vandalized again immediately following spray-paint removal. Councilor Raposo requested a formal data sheet regarding graffiti removal and Mr. Denmead stated that he would obtain that information as soon as possible. A discussion was held between Councilor Raposo and the Director of Community Maintenance regarding the challenges of maintaining CDL drivers. Mr. Aitken explained that the salary grades for these drivers in other municipalities are anticipated to fall in the next few years and the Administration will keep the current salaries for these vacancies due to the future pay scale that is predicted.

Vice President Pereira requested additional information regarding trash inspectors and Mr. Denmead stated there are four inspectors total, including the foreman, and that he'd will provide additional information regarding the collected fines as soon as possible as the payments are made through the City Clerk's office. The City Clerk confirmed that citations are paid frequently.

Councilor Raposo requested additional information regarding the Parks Division proposed budget, including the line item for "other" expenses, employment positions and vacancies and the line item for "Civic Celebrations." Nancy Smith, Director of Parks, explained that bathroom facilities with the parks were funded by the "other" expenses line item and that three additional laborers had been added to the salary schedule. The City Administrator confirmed that the Administration had added these new positions at the request of the Division Head. Ms. Smith explained that the "Civic Celebrations" line item provided funds for fireworks and flags on the Fourth of July.

Vice President Pereira requested additional information regarding the vacant foreman position within the Parks Division and new developments within parks. Ms. Smith explained that a current employee is doing Service Out of Rank to assist with the vacant foreman position and that park development is ongoing. Ms. Smith stated that the largest challenge with redevelopment of parks to include new activities, such as pickleball courts, is finding adequate parking that wouldn't disrupt residential parking in the surrounding area. Ms. Smith explained that she had requested a study to analyze the best future use of park properties, but it did not appear in the final budget.

Councilor Dionne referenced a City Council resolution from 2022 that was related to capital improvement projects within the Parks Division and emphasized the need to provide required funding for the division. Councilor Dionne, Mr. Oliveira and Ms. Smith discussed previous requests for park studies, fencing and drainage repairs, and that the division was only funded with \$75,000 for park maintenance. Mr. Oliveira clarified that the Director of Financial Services had provided an updated salary list for the Park Division which explained the lack of funding for certain positions. President Camara stated that, as there were many additional questions, the remainder of the discussion related to the Parks Division would be delayed until the June 10, 2024, meeting of the Committee on Finance.

Vice President Pereira requested additional information regarding staffing of the Division of Traffic and Parking. Stephanie MacArthur, Director of Traffic and Parking, explained that there are currently two senior clerks who both accrue vacation time. Ms. MacArthur explained that the division also works on the installation of traffic signs throughout the City, which utilities staff. Vice President Pereira stated that she would support another position being created within the Division of Traffic and Parking.

Councilor Raposo requested information regarding the receipts for the Division of Traffic and Parking, which totaled \$53,000. Ms. MacArthur explained that new traffic software and kiosks have made the parking revenue system more efficient, and they will be using new hand-held devices to include photographs with citations soon to decrease parking infraction appeals. Councilor Raposo requested data regarding the new parking meters being used throughout the City and Ms. MacArthur stated that she would provide that to the Committee members as soon as possible. The Director of Traffic and Parking also clarified the line item labeled "Uniform allowance" provided funds to purchase winter coats and boots for crossing guards, as the division only provides traffic safety vests.

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adjourn at 10:04 p.m., with Councilors Cadime and Hart absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)


Clerk of Committees

COMMITTEE ON FINANCE

MEETING: June 10, 2024, at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: Councilor Shawn E. Cadime

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Bridget Almon, Director of Financial Services
Al Oliveira, Director of City Operations
Nancy Smith, Director of Parks
Daniel Aguiar, City Engineer/Planner
Nicholas A. Macolini, Director of Human Resources
Alan J. Rumsey, Corporation Counsel
Tyler Antaya, Director of Management Information Systems

The chair called the meeting to order at 6:04 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

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

1. Citizens' Input Time
2. Continue discussion of the proposed Fiscal Year 2025 Municipal Budget as follows:
 - Departments carried over from the June 5, 2024 Committee on Finance agenda, if needed

Councilor Dionne requested additional information regarding the overtime salary line items and American Rescue Plan Act (ARPA) fund utilization within the Department of City Operations budget. Al Oliveira, Director of City Operations, explained that the overtime pay was more financially efficient than hiring outside contractors to perform services. A brief discussion was held between Councilor Dionne and the Director of City Operations regarding the option of changing shift schedules to avoid the need for overtime compensation, but Mr. Oliveira emphasized that there are not enough ongoing projects to merit employees being present throughout the entire day and night. Seth Thomas Aitken, City Administrator, provided information regarding different vehicles and equipment, such as a front-end loader, a backhoe

trailer/heavy duty trailer and a dump truck/crew cab vehicle, which have been purchased by utilizing ARPA funding. Mr. Aitken specified that there is additional ARPA funding that is being used within the Parks Division to address certain capital projects. Bridget Almon, Director of Financial Services, explained that the Administration was working to move un-used capital project funds from other accounts and put those finances toward park projects. Nancy Smith, Director of Parks, provided a list of ongoing capital projects that require additional funding, such as tennis court repairs, playground restoration and sidewalk renovation. Ms. Smith explained that overall, these projects would total about \$300,000. Councilor Dionne and Mr. Oliveira discussed the need for these repairs, methods of funding and the challenges of long-term maintenance of parks. The Director of City Operations also clarified that the current amount of \$75,000 listed as funding for "Building and Grounds Maintenance" within the Park Division budget was the operational budget, not the budget for capital projects. The Director of Financial Services stated that outside funds, such as grants and ARPA funding, would assist in funding the Park Division's capital projects and lessen the burden on the taxpayers of the City. A lengthy discussion was held between Councilor Dionne, Ms. Smith, Mr. Aitken and Ms. Almon regarding the historical decreased budgets and increased deficits of the Park Division, the challenge of maintenance for parks, fields and courts, and the new positions that were added to the Park Division salary list recently. The Director of Financial Services emphasized that, while there have been adjustments to the Park Division budgets in the past, the current Administration is working to stabilize the budget going forward by reviewing past discrepancies and that some deficits may have been balanced by removing funding from other allocated accounts. The City Administrator clarified that there is a plan to fund the new Park Division positions with capital retained in the Reserve Fund, if those positions are filled within the next fiscal year, and that the late addition of those positions to the budget affected their salary inclusion on the Park Division's salary page. Councilor Dionne emphasized the need for clarity regarding the funding process for the Park Division.

President Camara and the Director of Parks discussed the challenges of obtaining additional funds for the Park Division through appropriations, the need to remedy the current communication style between the Parks Division and the Administration and the additional types of funding, such as Community Preservation Committee (CPC) funding, that Ms. Smith has been working to receive for renovations in the parks.

Councilor Sampson emphasized the need for better communication between the Parks Division and the Director of Financial Services. Ms. Smith explained that no response to the request for additional funding was received and the Director of Financial Services stated that the Financial Departments are currently researching idle fund usage in all departments to remedy these issues in the future. Councilor Sampson asked if the City has spoken with the Bristol County Sheriff's office regarding inmates assisting with park maintenance and Mr. Oliveira stated that he met with the Bristol County Sheriff, but due to staffing issues within their offices the service was not currently available.

Vice President Pereira requested additional information regarding vacancies within the Parks Division, renovation of soccer fields, salary changes for employees and citations that have been issued by the Department of Community Maintenance over the past year. Ms. Smith explained that the current vacancies are due to a planned re-organization of the Department of City Operations and that an employee is currently performing Service Out of Rank to fill the foreman vacancy. Mr. Oliveira and Ms. Smith stated that the average cost for renovating soccer fields with turf ranged from \$500,000 to \$700,000. Director of Parks emphasized the need for park studies to determine which parks should be updated to host teams, as the demand for this service has decreased. Ms. Smith also explained that the increase in pay rates resulted in

additional applicants and hires for the Parks Division. Vice President Pereira and Mr. Oliveira discussed the revenue of citations over the past year, which totaled around \$14,000, and Vice President Pereira emphasized that the revenue is very low for the three full-time employees who issue fines for different violations in the City.

Councilor Ponte requested clarification regarding the use of outside funds for the Park Division, the Reserve Fund budget and pay rates within the budget overall. The Director of Financial Services explained that the outside funds would include earmarks, grants, and ARPA funding. The City Administrator also provided information regarding the Open Space and Recreation Grant that was awarded to the City and how that grant funding would be utilized for Park Division funding, along with CPC funding. Mr. Aitken and Ms. Almon provided additional information regarding the Reserve Fund, including the anticipated American Federation of State, County and Municipal Employees (AFSCME) bargaining agreement and the limits of certain types of salary grants, such as the COPS Grant, which could increase overall salary costs for the City. A lengthy discussion was held between Councilor Ponte, Mr. Aitken and Ms. Almon regarding the \$840,000 increase in the overall budget, discrepancies regarding listed salaries in various departments and how the City's Reserve Fund compares to surrounding municipalities. Ms. Almon emphasized the need to redevelop the Reserve Fund to act as a funding source with proper investment.

President Camara stated that future budgets should contain a list of actuals so the past and future salaries can be compared, which will avoid confusing in the future and discussed future budget changes due to the new construction of Diman Regional Vocational Technical High School with the Director of Financial Services. Vice President Pereira emphasized her support for an increase of pay for AFSCME employees.

Councilor Hart and the Director of Parks discussed the possibility of developing a fee schedule for the use of City parks. Ms. Smith clarified that this cannot be addressed until adequate maintenance funding is available for parks that may be rented for different teams.

Councilor Dionne requested information regarding maintenance equipment, such as lawnmowers. A brief discussion was held between Councilor Dionne, the City Administrator, the Director of City Operations and the Director of Parks regarding the total of eight lawnmowers and ongoing discussions regarding the efficiency of gas-powered mowers versus electricity-powered mowers.

- Community Services
Planning

Councilor Kilby requested additional information regarding the vacancy of a full-time City Planner and Assistant Planner. Seth Thomas Aitken, City Administrator, stated that there is no plan currently to advertise for this vacant position and Councilor Kilby emphasized the need to advertise to find suitable candidates. Daniel Aguiar, City Engineer/Planner, provided details regarding the current staffing chart within the Planning Department, emphasized the need to hire an Assistant Planner and that the Planning Department is currently operating more efficiently with less funding. Mr. Aguiar clarified that a re-organization of departments occurred in 2022 which changed his position to City Engineer/Planner and that if a City Planner is hired, he will no longer work directly with the Planning Department. The City Engineer/Planner stated that he disagreed with Councilor Kilby that a separate City Planner was needed and that he was providing the City with a specific skill set and saving the taxpayers money overall. The City Administrator stated that the current employee structure in the Planning Department was very effective, and conservative with budget funds.

Councilor Dionne requested clarification within the Planning Department salary list as there was a duplicate of a single employee. Mr. Aguiar explained that this employee will have a step-increase in the middle of the fiscal year, so each line item represented six months on each step of salary. Councilor Raposo requested clarification regarding the large number of salaries listed within the Planning Department's budget and Mr. Aguiar explained that most of those salary line items are for compensated board and commission members, such as members of the Planning Board, not full-time employees.

Councilor Ponte expressed his support for the work being done by the Planning Department and stated that no change in staffing is currently necessary. Mr. Aguiar stated that the current budget lists him as "Temporary Planner" but that the reorganization changed his actual title to the City Engineer/Planner. President Camara commented that there have always been two department heads, a City Engineer and a City Planner. Mr. Aguiar explained that that was not necessary and if he could obtain an Assistant Planner, both departments would operate very efficiently. Councilor Sampson agreed that the current structure has been working well and commended Mr. Aguiar's plan to work as City Engineer/Planner. Councilor Hart and Mr. Aguiar discussed the additional plan to cross-train clerks within both departments, so all staff can help the public with any type of need.

Councilor Raposo requested clarification regarding the current vacancy on the Zoning Board of Appeals and Mr. Aguiar stated that a candidate has been discussed, but that individual was currently serving on a different board.

- Community Maintenance
Engineering

Vice President Pereira and Daniel Aguiar, City Engineer/Planner, discussed the "Plan Recording" line item within the expense sheet of the Engineering Department. Mr. Aguiar clarified that this line item is for outsourced consultants who assist with surveying of properties. Mr. Aguiar also clarified that revenue for the Engineering Department has increased due to fee schedule amendments and that the current budget does not reflect anticipated revenue.

Councilor Raposo and Mr. Aguiar discussed stipends listed on the salary sheet as some employees had them listed while others did not. The City Engineer/Planner explained that while there were line-item discrepancies on the list, that total was the same as his planned salary total so there may have been issues with creation of the spreadsheet.

Councilor Hart and Mr. Aguiar discussed street paving, priorities for street repair and street acceptances. The City Engineer/Planner explained that the Engineering Department works to avoid final street paving until all utility companies have done necessary repairs and upgrades, independent drainlayer companies were required to repave any work they have completed, and that street acceptances increase the overall requests for repaving of City streets.

- Administrative Services
City Administrator, Human Resources, Management Information Systems,
Law Department

Councilor Raposo and Nicholas A. Macolini, Director of Human Resources, discussed the "Medical Exam Fees" expense item within the Department of Human Resources expense sheet. Mr. Macolini explained that medical exam fees were covered by both the Department of Human Resources and the Department of Community Utilities, so this amount was only a portion of that cost.

Councilor Raposo and Tyler Antaya, Director of Management Information Systems, discussed various expense line items within the Department of Management Information Systems (MIS) budget, such as "Computer Equipment," "Rentals and Leases" and "Professional Services." Mr. Antaya provided details regarding different buildings that work with MIS for computer equipment, such as Government Center, the Fall River Police Department and various stations of the Fall River Fire Department and stated that all services have been upgraded to Microsoft Office 360. A brief discussion between Councilor Raposo, Mr. Antaya and Bridget Almon, Director of Financial Services, was held regarding municipal software updates and the need to update specific line-item names within the program. The Director of MIS also explained that all printers, scanners and copies from RICOH were rentals and that the "Professional Services" line item was for outside management services, provided by Micro Technology Solutions, Inc. (MTSI). Mr. Antaya stated that the Department of MIS currently has a Request for Proposals as the MTSI contract ends this year. A brief discussion was held regarding the new City website between Vice President Pereira, Councilor Raposo and Mr. Antaya, including the need for City events to be advertised online.

Councilor Ponte and Alan J. Rumsey, Corporation Counsel, discussed the Law Department's proposed budget, the costs of ongoing litigation within the City and the plan to increase compensation for one of the Assistant Corporation Counsel attorneys. Mr. Rumsey stated that the \$102,000 listed for the full-time Assistant Corporation Counsel position should be increased to either \$110,000 or \$115,000 to match the contract discussions and clarified that this employee is currently working on a six-month contract of \$50,000, which will expire soon. A discussion was held between Councilor Ponte, Corporation Counsel and the Director of Financial Services regarding the necessary change to the overall budget financial order. Ms. Almon clarified that an amended financial order will be created to allocate salary funds from the Law Department's expense budget and that the overall total for the Law Department will not change. Councilor Ponte and Mr. Rumsey discussed outside legal services, including independent attorneys who work on bargaining agreements, and Seth Thomas Aitken, City Administrator, explained that future arbitration will require outside counsel.

Councilor Sampson expressed her support for the increase in salary for the full time Assistant Corporation Counsel attorney and expressed concern regarding communication issues between various departments during the creation of the Fiscal Year 2025 (FY25) budget. Councilor Kilby commended the work and experience of the new Assistant Corporation Counsel employee. Vice President Pereira emphasized her desire to discuss ongoing litigation within the City and the expenditures that result in these court cases.

Councilor Dionne, the Director of Human Resources, the City Administrator and the Director of Financial Services held a detailed discussion regarding different types of salary increases throughout the budget, such as Consumer Price Index percentage rates, different types of revenue strategies, such as investment of the Stabilization Fund capital, and working toward allowing the investment interest to generate funding for future projects.

Councilor Ponte and Ms. Almon discussed investment interest rates, which are staying stable around 4-5%, and the City's local investment strategy which includes only working with the City Treasurer and local banks within the Commonwealth, such as Rockland Trust.

- Insurance & Other
Insurance, Pensions

Councilor Raposo requested clarification regarding discrepancies with totals within the Medicare insurance line item within the Insurance budget and the Charter School Sending Tuition within the Pension budget. Bridget Almon, Director of Financial Services, stated that there was an error within the budget software and the total for this line item should be \$1,079,000. Ms. Almon also clarified that the "Charter School Sending Tuition" line item was an estimate as this total will be confirmed once the annual notification from the Commissioner of Revenue is received. Councilor Dionne and Ms. Almon discussed insurance rate changes and how, historically, they used to be created based on the number of claims but are now based on anticipated costs instead.

A brief discussion was held with all Committee members regarding line-item votes within the FY25 budget, the options to approve, reject, or reduce specific parts of the budget. Mr. Rumsey provided clarification regarding the required voting procedure and emphasized that the City Council cannot increase funds anywhere within the budget and cannot change an individual employee's salary amount, only a department's salary total.

On a motion made by Councilor Ponte and seconded by Councilor Sampson, it was unanimously voted to refer the Fiscal Year 2025 Budget to the full Council for action, with Councilor Cadime absent and not voting.

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adjourn at 9:35 p.m., with Councilor Cadime absent and not voting.

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



Clerk of Committees

COMMITTEE ON FINANCE

MEETING: June 11, 2024 at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: None

The chair called the meeting to order at 6:12 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

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

1. Citizens' Input Time

Michael G. Grimo, 305 Mohawk Drive - Mohawk Drive tree cutting
A brief discussion was held between Councilors Cadime and Dionne regarding this matter. Councilor Cadime stated that he had spoken with the City Engineer/Planner who stated he is looking into the permits for the forestry cutting.

Ron Gagnon and Dana Barns, 28 Barnaby Street - Art Van
Councilor Raposo expressed his support for this project and stated that he had filed a resolution related to the use of American Rescue Plan Act funding to assist with the purchase of the van.

Lori Tripp, Bay Street - Help the homeless
Councilor Sampson commended Ms. Tripp for her bravery in addressing the Committee members. Councilor Dionne agreed that not all individuals experiencing homelessness were drug addicts and that many people are experiencing challenges with housing.

Gregory Toy, Bay Street - Homeless situation
David Freeland, Bay Street - Homeless
Councilor Cadime clarified that the City Council cannot help those experiencing homelessness without an order or request from the Administration. Vice President Pereira stated that there are shower, bathroom and laundry facilities provided in the City.

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

A brief discussion was held between President Camara and Councilor Ponte regarding the referral of the Fiscal Year 2025 Budget to the full Council during the June 10, 2024, Committee on Finance Meeting.

On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted to adjourn at 6:35 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: June 11, 2024, at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

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

President Camara called the meeting to order at 7:02 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to lift item 1 from the table.

PRIORITY MATTERS

1. Director of Financial Services re: quotes for annual independent audit from the following:
 - a. Marcum, LLP
 - b. Hague, Sahady & Co.
 - c. Roselli, Clark and Associates

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

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

CITATIONS

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

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

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

CITATIONS

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

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

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

COMMUNICATIONS – INVITATIONS – PETITIONS

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

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

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

COMMITTEE REPORTS

Committee on Finance recommending action:

7a. Order – Proposed Fiscal Year 2025 Municipal Budget

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Mayor and request to reduce Bristol County American Rescue Plan Act (ARPA) funds for the "Veterans Assistance Program" from the allocated \$250,000 to \$20,000 due to obligation requirements by the United States Department of the Treasury
On a motion made by Vice President Pereira and seconded by Councilor Hart, it was unanimously voted to approve the reduction of funds.

5. Mayor and proposed ordinance re Buildings and Building Properties, Property Maintenance
On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinances and Legislation.

PRIORITY COMMUNICATIONS - None

COMMITTEE REPORTS

Committee on Real Estate recommending:

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

6. Communication – City resident requesting to purchase a portion of city owned land on Assessors Lot Y-09-0007
On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to refer the communication to the Administration and request a response to this matter within thirty days of the referral.

Adoption

7. Order – Authorization of Request for Proposal (RFP) re sale of Hicks Street lot (formerly Harriet Healy Elementary School)
On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted to adopt the order.

ORDINANCES

Second Reading and Enrollment

8. Proposed Ordinance – Engineering Department permit fees
On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment. On a further motion made by Councilor Raposo and seconded by Councilor Cadime, it was unanimously voted that the proposed ordinance be passed through ordination.
9. Proposed Ordinance – Minimum housing and municipal organizational structure
On a motion made by Councilor Dionne and seconded by Councilor Ponte, it was voted that the proposed ordinance be passed through second reading and enrollment, with Councilor Raposo opposed. On a further motion made by Councilor Cadime and seconded by Councilor Dionne, it was voted that the proposed ordinance be passed through ordination, with Councilor Raposo opposed.

RESOLUTIONS

10. Committee on Finance convene with Director of City Operations for a presentation and discussion of efficiencies following reorganizations within the department
On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adopt the resolution.

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

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

ORDERS – HEARINGS

Curb Removals

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

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

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

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

Second Hand License

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

ORDERS – MISCELLANEOUS

18. Police Chief's report on license:

Taxicab Drivers

Cheryl Kohane Michael Migliori

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

19. Auto Repair Shop License Renewal:

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

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

COMMUNICATIONS – INVITATIONS – PETITIONS

20. Claims

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

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

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

City Council Minutes

23. Committee on Finance – May 28, 2024

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

24. City Council – May 28, 2024

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

BULLETINS – NEWSLETTERS – NOTICES – None

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

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

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

A true copy. Attest:



City Clerk



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

7a

RECEIVED

2024 JUN 24 P 3:11

CITY CLERK _____
FALL RIVER, MA

June 24, 2024

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

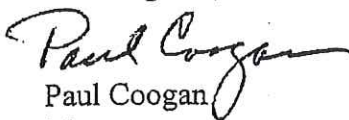
Dear Honorable Council Members:

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

1. \$551,077.75 That the sum of \$551,077.75 be, and the same is, hereby appropriated to **EMS SALARIES** in the amount of \$297,922.75 and **EMS HEALTH INSURANCE** in the amount of \$253,155 from the EMS FUND FREE CASH.

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

Best Regards,


Paul Coogan
Mayor

7a

City of Fall River, In City Council

July 24, 2024

ORDERED:

That the sum of \$551,077.75 be, and the same is, hereby appropriated from the EMS Enterprise Fund FY23 Free Cash to:

EMS Salaries	\$297,922.75
EMS Health Insurance	\$253,155.00
Total:	\$551,077.75

7a

FY24 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
EMS Fund Free Cash	\$ 871,380.00	\$ (551,077.75)	320,302.25
EMS Salaries	\$ 7,349,936.00	\$ 297,922.75	7,647,858.75
EMS Health Insurance	\$ 896,660.00	\$ 253,155.00	1,149,815.00

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


City Auditor
July 25, 2024

22a



OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

2004 JUN 24 P 12 04

Please note that all fields are required unless otherwise noted.

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 Committee on Fir

FINANCE

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

Joseph D Camara, President

Date of alleged violation: _____

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.

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

1. They did not accept the meeting minutes of their June 3, 2024 meeting within 3 meetings as required by the open meeting law.
2. They did not accept the meeting minutes of their June 4, 2024 meeting within 3 meetings as required by the open meeting law.
3. The city Council Committee on Finance held budget meetings on June 3, June 4, June 5, June 10, and June 11, 2024. The open meeting law requires public bodies to accept or adopt their meeting minutes within 3 meetings, which required the June 3, 2024 meeting minutes to be acted on during their June 10, 2024 meeting. They failed to comply with the open meeting law on this set of meeting minutes by not acting to accept or adopt their June 3, 2024 meeting minutes.
4. The City Council Committee on Finance held budget meetings on June 3, June 4, June 5, June 10 and June 11, 2024. The open meeting law requires public bodies to accept or adopt their meeting minutes within 3 meetings, which required the June 4, 2024 meeting minutes to be acted on during their June 11, 2024 meeting. They failed to comply with the open meeting law on this set of meeting minutes by not acting to accept or adopt their June 4, 2024 meeting minutes.
5. This has been a recurring problem with the Fall River City Council making accepting of their meeting minutes a priority. See 2016-118; 2018-64; 2019-39; 2023-54. This public body has been warned over and over again that this will be an intention violation if it continues and now it is time for this public body to be found to be in willful and intentional violation and

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.

Make approval of the meeting minutes within 3 meetings a priority.

All members MUST attend a formal open meeting law training without any delays, schedule can be found at <https://www.mass.gov/info-details/open-meeting-law-trainings>.

All members MUST make compliance with the Open Meeting Law a priority.

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: 6/22/24

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.

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

1. They did not accept the meeting minutes of their June 3, 2024 meeting within 3 meetings as required by the open meeting law.
2. They did not accept the meeting minutes of their June 4, 2024 meeting within 3 meetings as required by the open meeting law.
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5. This has been a recurring problem with the Fall River City Council making accepting of their meeting minutes a priority. See 2016-118; 2018-64; 2019-39; 2023-54. This public body has been warned over and over again that this will be an intention violation if it continues and now it is time for this public body to be found to be in willful and intentional violation and be fined the \$1000. In 2023, just a year ago, this public body was notified that "Furthermore, in its response the Council explains that when calculating the next three

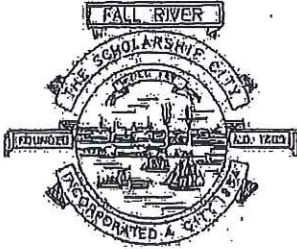
meetings for purposes of timely approving the June 14 meeting minutes, "the Special Meeting of the City Council, held on June 15, 2022 to discuss the Fiscal Year 2023 Budget, was inadvertently not counted."3 We credit the Council's explanation that it inadvertently miscalculated the number of meetings between June 14 and August 16. For these reasons, we decline to find an intentional violation in this instance."

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

Make approval of the meeting minutes within 3 meetings a priority.

All members MUST attend a formal open meeting law training without any delays, schedule can be found at <https://www.mass.gov/info-details/open-meeting-law-trainings>.

All members MUST make compliance with the Open Meeting Law a priority.



City of Fall River Massachusetts
Office of the City Clerk
RECEIVED

JUN 21 P 12:14

ALISON M. BOUCHARD
 CITY CLERK

CITY CLERK
 FALL RIVER, MA

INES LARTE
 ASSISTANT CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
JUNE 25, 2024
AGENDA

5:45 P.M. COMMITTEE ON ORDINANCES AND LEGISLATION

5:55 P.M. PUBLIC HEARINGS (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON ORDINANCES AND LEGISLATION MEETING IF IT RUNS PAST 5:55 P.M.)

Joint Pole Locations

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

Robin Street

Three (3) new jointly owned pole locations
 One (1) new jointly owned anchor

Massachusetts Electric Company d/b/a National Grid is proposing to install three jointly owned poles and one jointly owned anchor along the west side of Robin Street beginning at a point approximately 175 feet north of the centerline of the intersection of Robin Street and Dickinson Street and continuing approximately 245 feet northerly. Proposed Pole #3 will be set approximately 85 feet north of existing pole #2 to service 121 Robin Street. Pole #4, Pole #5 and the anchor will be set another 80 feet apart continuing northerly to service an undeveloped Lot 2 (Parcel D-06-0035, Assessors Plan) in the future.

In accordance with Plan No. 30974496

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

1. Citizen Input
2. *Interviews of the firms provided by Director of Financial Services re: quotes for annual independent audit from the following:
 - a. Marcum, LLP
 - b. Hague, Sahady & Co.
 - c. Rosell, Clark and Associates (referred 6-11-2024)
3. Transfers and appropriations

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

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 confirmation of the appointment of Talos Farris as Veterans' Agent
2. *Mayor and confirmation of the reappointment of David Underhill to the Fall River Housing Authority (tabled 6-11-2024)
3. *Mayor and order to accept a vehicle donation from Jennifer Gargel of a 2006 Nissan Altima to the Fall River Fire Department for vehicular accident safety and extrication training.
4. *Mayor and order establishing a revolving fund within the Health and Human Services Department, pursuant to the provision of M.G.L. Ch. 44, §53 1/2, for expenditures allowable under the Municipal Opioid Settlement Abatement Payments
5. *Mayor and order transferring the sum of \$100,000 from the Opioid Stabilization Fund to the Opioid Settlement Revolving Fund
6. *Mayor and order transferring the sum of \$6,400,000 from the FY23 Surplus Revenue to the Stabilization Fund
7. *Mayor and order/resolution with drafted ballot question relative to the new Damar Regional Vocational Technical High School

PRIORITY COMMUNICATIONS - None

COMMITTEE REPORTS - None

ORDINANCES - None

RESOLUTIONS

8. *The Committee on Public Safety convene with the Police Chief, Fire Chief, a representative from the Massachusetts Bay Transit Authority (MBTA) and any other interested parties to discuss ongoing first responder training, public safety information and general security plans related to the MBTA Commuter Rail zones.

CITATIONS

9. Lenhy Nicolan - Celebration of his 90th Birthday
10. Christopher Silvia - Recognition of community engagement and outreach

ORDERS - HEARINGS

11. Joint Pole Location
Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc. - Installation of three (3) new jointly owned pole and one (1) new jointly owned anchor on Robin Street

ORDERS - MISCELLANEOUS

12. Police Chief's report on licenses:
Taxicab Drivers
Kenneth Chace, Jr. James Smith

COMMUNICATIONS – INVITATIONS – PETITIONS

- 13. *Claims
- 14. Planning Board Minutes – April 9, 2024
- City Council Minutes
- 15. *Public Hearing – June 3, 2024
- 16. *Public Hearings – June 11, 2024
- 17. *Committee on Finance – June 3, 2024
- 18. *Committee on Finance – June 4, 2024
- 19. *Committee on Finance – June 5, 2024
- 20. *Committee on Finance – June 10, 2024
- 21. *Committee on Finance – June 11, 2024
- 22. *City Council – June 11, 2024

BULLETINS – NEWSLETTERS – NOTICES – None

Alison M. Bouchard
City Clerk

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

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

- *Proposed Ordinance – Traffic, handicapped parking:
 - Third Street, West, 20 feet south of Branch Street
 - Third Street, West, 96 feet south of Branch Street
 - Eastern Avenue, East, 268 feet north of Pleasant Street
 - Eddy Street, West, 156 feet south of Beattie Street
 - Jencks Street, West, 21 feet north of Alden Street
 - Palmer Street, North, 318 feet west of East Main Street
 - Pitman Street, East, 291 feet north of Harriman Street
 - Russell Bloman Boulevard, South, 140 feet east of County Street

COMMITTEE ON FINANCE

MEETING: June 3, 2024, at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Bridget Almon, Director of Financial Services
Maria Pontes, Superintendent, Fall River Public Schools
Kevin Almeida, Chief Financial Officer, Fall River Public Schools
Kenneth Pacheco, Chief Operating Officer, Fall River Public Schools
Chief Paul Gauvin, Fall River Police Department
Chief Jeffrey Bacon, Fall River Fire Department
Captain Barrett Castro, Fall River Fire Department
Richard Aguilar, Director, Emergency Management Agency
Allison M. Bouchard, City Clerk
Ryan Lyons, Director, Board of Elections Department

The chair called the meeting to order at 6:08 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

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

1. Citizens' Input Time - None

2. School Department Presentation and Discussion of the Proposed Fiscal Year 2025 Budget

Superintendent Maria Pontes provided a review of the Fall River School Department's Proposed Budget for Fiscal Year 2025 (FY25), which focused on eliminating vacant positions to decrease overall costs while working to ensure necessary special education staffing is sufficient for students within the City. Superintendent Pontes explained that many positions were funded by Elementary and Secondary School Emergency Relief Funds (ESSER) and cannot be maintained when such funding is no longer available.

Councillor Raposo requested additional details regarding enrollment trends within the public schools, development of new pre-kindergarten locations for young children, general costs per pupil within the Fall River School Department, school bus costs and the number of students that move to one of the regional schools after eighth grade. Kevin Almeida, Chief Financial Officer, Fall River Public Schools, stated that the public school system currently has about 11,200 students enrolled and the cost per student was roughly \$19,532 per year. Mr. Almeida also stated that about 100 to 175 students move to regional high schools, such as Dimean Regional Vocational Technical High School and Bristol County Agricultural High School, each year after finishing eighth grade. Superintendent Pontes provided information regarding the redevelopment of older schools and buildings within the City that will be utilized for pre-kindergarten classrooms, including portions of the closed Bishop Connolly High School, and explained that more students require early intervention programs due to the recent pandemic. The Superintendent also emphasized that they are working on obtaining the staffing needed for these special education programs and have been hosting job fairs to attract candidates. Kenneth Pacheco, Chief Operating Officer, Fall River Public Schools, provided a detailed summary of school bus costs, and explained that there is a plan to switch to electric school buses to reduce fuel costs. Mr. Pacheco also provided information regarding the need to update the current school bus zones so more students can be picked up in groups within a block of homes, which will reduce the number of stops required and allow the bus to operate more efficiently. A brief discussion was held between Councillor Raposo and Superintendent Pontes regarding the plan to reassign district schools to alleviate the overabundance of students at certain schools. Councillor Raposo and Mr. Pacheco held a detailed discussion regarding renovation plans for the old B.M.C. Durfee High School, including the installation of a new roof, the potential use of offices and the large parking lots.

Councillor Hart and Superintendent Pontes held a detailed discussion regarding different locations within the City that will be used for the pre-kindergarten classrooms, such as the Fall River Early Learning Center at 2501 South Main Street, and the plan for adjusting classrooms within the new B.M.C. Durfee High School, which is close to maximum capacity. Councillor Hart expressed concern regarding the large population of students at some schools, while others are not experiencing the same enrollment due to districting. Mr. Pacheco explained that the School Department is working to re-district the public schools to reduce the burden on overpopulated schools, such as the Mary L. Fonseca Elementary School. Superintendent Pontes stated there has been a twelve-point improvement in the attendance of students over the past few years. Councillors Hart and Kilby complimented Superintendent Pontes' hard work to improve the Fall River Public School system.

Councillor Dionne requested additional information regarding the increased enrollment within the public school system, plans to utilize older schools for classroom space and requirements of the pre-kindergarten programs. Mr. Almeida stated that over the past few years, enrollment within the middle schools has significantly increased and could be related to the growth of market-rate housing within the community. Mr. Pacheco provided information regarding the School Department's attempt to obtain additional funding to renovate older schools, but there were significant financial limitations due to the renovations that would be required to get these facilities up to current building codes. The Chief Operating Officer also explained that additional schools may be needed in the future, so the School Department will continue to discuss ways this need can be addressed, which may include building new elementary schools. Superintendent Pontes explained that there are state laws that require compliance with pre-kindergarten programs for students over the age of three who require service interventions, and the department is focusing on properly funding those programs.

Vice President Pereira expressed concern regarding regional schools receiving more grant and state funding than public schools within the area, and emphasized her support for schools that teach students from kindergarten to eighth grade (K-8) in one building. The Superintendent stated that she also supports the concept of K-8 schools, but that concept presents the challenge of retro-fitting older schools to fit all the needed classrooms. A brief discussion was held between Vice President Pereira and Superintendent Pontes regarding lingual diversity within the schools, the need to increase compensation for educators and the important value of School Resource Officers (SRO) from the Fall River Police Department.

Councillor Ponte and the Chief Financial Officer held a lengthy discussion regarding the increased expenditure related to school buses. Mr. Almeida explained that the school bus contracts increase in costs when they are renewed and provided details regarding the increased student population, which attributes to more buses being used. Councillor Ponte and Mr. Almeida also discussed the expiration of ESSER funds in September of 2024 and long-term plans for the School Department to decrease the overall budget.

Councillor Sampson requested additional information regarding McKinney Vento grants for the School Department and why Fall River must pay larger fees for school buses compared to regional schools. Mr. Almeida explained that the McKinney Vento grants allow schools to provide additional services to students who are experiencing homelessness. The Chief Financial Officer also explained that the regional schools receive more state funding for school buses than the public schools due to the multiple cities and towns that must have students transported to school. Councillor Sampson commended Superintendent Pontes on her approach to problem solving within the School Department.

President Camara made brief remarks regarding Superintendent Pontes' contributions to the Fall River Public School system and presented her with the citation the City Council had adopted during a Regular Meeting of the City Council on April 9, 2024, in recognition of her retirement after 39 years as an educator.

3. Public Safety

Police, Fire, Emergency Management Agency

Councillor Ponte requested additional information regarding vacant positions within the Fall River Police Department, grant funding, overtime budgeting and capital needs within the department. Police Chief Paul Gauvin provided information regarding the fourteen vacant positions that have been removed due to three retirements and eleven medical retirements. Chief Gauvin stated that some employees are utilizing their collected time prior to retirement, so while they are on the payroll they are not physically in the office. Chief Gauvin also provided information regarding positions that are grant funded, such as officers who work within the schools, and emphasized that he does not expect those grant funds to be declined after submitting renewal applications. A detailed discussion was held between Councillor Ponte and Chief Gauvin regarding staffing within the Police Department. The Police Chief explained that while additional staffing would be ideal, he does not anticipate increased issues with vacancies over the next few years as many employees are not of retirement age and a portion of the bargaining agreement was amended to change the procedure for compensation time limits. Chief Gauvin stated that the Fall River Police Department's largest financial costs each year are related to vehicle purchases and repairs, and that the FY25 budget proposes sufficient funding to meet those needs.

Councilor Sampson and Chief Gauvin discussed federal grant funding, such as the OOPS Grant, that helps to fund additional positions within the department and his work with the Mayor to increase these federal grant awards to maintain staffing. Councilor Raposo requested clarification regarding the vacant Signal Operators positions and Chief Gauvin explained that they are actively searching for additional dispatch staff in the department. Chief Gauvin stated that employees tend to move to other municipalities due to salary increases and that the department utilizes the 911 Grant Program for a portion of the Signal Operator salaries to offset budget costs.

A lengthy discussion was held between Vice President Pereira and Chief Gauvin regarding the number of officers on each shift, the lack of SROs at certain schools, the number of warrants issued within the City, coordination with federal agencies, such as the Drug Enforcement Agency (DEA) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and staffing changes within the Fall River Police Department. Chief Gauvin stated that shifts can be affected by lack of staff, so some officers may be called in for overtime, and that staffing shortages also affect schools that do not currently have an SRO, such as the Argosy Collegiate Charter School. Chief Gauvin stated that the number of warrants issued within the City is not related to the budget, so he was not prepared to provide that information, and stated that the partnership between the Fall River Police Department and federal agencies is important. Chief Gauvin explained that the City has their own DEA agent assigned to the district and while they work closely with them, the local police officers often monitor low-scale, illegal drug sales on their own. Chief Gauvin emphasized the competitive wages in nearby cities and towns, which result in frequent staffing changes. Vice President Pereira requested information regarding available funding for officer training and Seth Thomas Aitken, City Administrator, stated that there are ongoing bargaining discussions regarding officer training funds, so additional details could not be disclosed. Vice President Pereira emphasized the need to keep officers working in Fall River. Chief Gauvin provided information regarding how overtime is assigned to the officers with the least amount of seniority and advised that he is working to adjust that rule in the bargaining agreement to allow overtime to be shared by all officers under the age of fifty. A brief discussion was held between Vice President Pereira and Chief Gauvin regarding the Auxiliary Police and their volunteer services for feasts and processions.

Councilor Dionne requested additional information regarding City-funded financial assistance for the Police Academy, clarification of certain line items, Environmental Police Officers and civil service employees. Chief Gauvin and the City Administrator confirmed that the City pays the Police Academy expenditures for the trainee as long as they remain within the Fall River Police Department for at least five years. Mr. Aitken explained that those who do not complete the academy or those who leave within the first five years are required to reimburse the City with the cost of expenditures, which are usually between \$9,000 and \$10,000. Chief Gauvin explained that the two lines related to overtime reflected that there was officer overtime versus dispatch overtime and that the "Body Camera Officer" line item was included for potential staff who handle public records requests of camera footage. Chief Gauvin stated that there are currently two Environmental Police Officers and that the Police Department's use of civil service employees allows them to utilize their own tests within the hiring process.

Councilor Cadime requested additional information regarding revenue and expenditures within the Police Department, specifically local receipts, plans to hire additional staff, buy-back changes and traffic signals. Chief Gauvin explained that the local receipts line item was due to new software that was recently installed that assists with follow-up after individuals do not appear in court or have an outstanding warrant. Chief Gauvin also explained that his ideal goal is to return the department to about 252 staff members. Councilor Cadime and the City

Administrator discussed the realistic expectations of future staffing along with decreased retirement rates and decreased compensation time accrual. Councilor Cadime, Chief Gauvin and Mr. Aitken agreed that 183 employees would be a reasonable goal to increase staffing. Mr. Aitken explained that the buy-back changes would reduce the number of officers who are not present at work but are still being compensated prior to retirement. Chief Gauvin stated that the traffic signals were assisting significantly to decrease speeding and other traffic violations. A brief discussion was held between Councilor Cadime and Chief Gauvin regarding the two Deputy Chief of Police positions.

Councilor Hart and the City Administrator held a detailed discussion regarding the Quinn Bill, also known as the Police Career Incentive Pay Program. Mr. Aitken stated that officers receive different benefits from this bill depending on when they were hired. Councilor Hart requested information regarding officers who are assigned to a "Walking Beat," where they travel through an area on foot instead of in a cruiser, and Chief Gauvin explained that while they do a great job with community outreach, that program doesn't have a large quantity of funding. Chief Gauvin reassured Councilor Hart that the intention is to continue the program, even with the funding challenges.

Councilor Sampson requested information regarding the decrease in overtime funding and the District Chief Aide position within the Fall River Fire Department budget. Fire Chief Jeffrey Bacon and Captain Barrett Castro explained that there was additional funding for the overtime line item that was obtained outside of the FY25 budget, therefore, the fund was not decreased, it just isn't reflected in its entirety within the budget. Chief Bacon explained that the District Chief Aide was an older position that is no longer assigned to a single individual, but the salary portion is used to limit time off for District Chiefs during the busiest summer months and helps to cover their overtime as well.

Councilor Raposo requested additional information regarding Fire Academy classes. Chief Bacon explained that the department is planning on putting a class through the program soon due to anticipated retirements. Chief Bacon stated that they will be utilizing the Massachusetts Fire Academy due to their excellent staffing and instructors. Councilor Raposo and Chief Bacon held a brief discussion regarding grant funding, including the SAFER Grant, and Chief Bacon clarified that no firefighters were currently being compensated by that specific grant funding.

Councilor Ponte requested additional information regarding fire trucks, coordination with the Emergency Medical Services (EMS) Division for the renovation of the Central Fire Station, current bargaining agreements, overtime and capital needs within the Fire Department. Chief Bacon explained that the Fire Department currently has one new truck and one new water pumping apparatus, which allows the department to have a viable front line with additional spare machines. The City Administrator stated there has not yet been discussion about additional trucks that may be needed in the future. Mr. Aitken also provided details regarding the EMS funded repairs in the fire station, such as ventilation and living quarter enhancement, and Community Preservation Act (CPA) funding that would be utilized for repair of the exterior of the building and some heating, ventilation and air conditioning (HVAC) renovations. Chief Bacon stated that the EMS Division is working to improve multiple stations within the City and the renovations will include creating dorms for female Emergency Medical Technicians and Paramedics. Chief Bacon clarified the bargaining agreement's cost-of-living adjustment, which is listed at 1.5% per year, and overtime funding, which is provided by public safety grants that operate based on the calendar year, not the fiscal year. Chief Bacon stated that there are currently no other capital needs for the Fall River Fire Department that are not addressed within the FY25 budget.

Vice President Pereira complimented Chief Bacon, and the Fall River Fire Department as a whole, for the services they provide to the City and requested that, in the future, they provide additional information to residents regarding required smoke alarm systems.

Councillor Dionne requested additional information regarding the timeline of the Fire Academy training, salaries for new candidates, the differences between the local and state academies, the discrepancy in budgeted funds for dispatch radio costs between the Police and Fire Departments and general maintenance line items. Chief Bacon explained that the process of training a recruit takes about nine months total and that he'd like to continue hiring staff throughout the year. The Fire Chief also explained that the state academy provides better facilities and staff than the local academy can provide, and the City of Fall River has utilized the state academy since 2003. Chief Gauvin previously explained that the Fire Department utilizes the Police Department's radio equipment as they share dispatch facilities, which is the reason that the Police Department has a larger amount of funding for dispatch-related equipment. Chief Bacon and Mr. Aitken also explained that the Police Department only has one building to maintain, while the Fire Department maintains multiple stations.

Councillor Cadime requested additional information regarding local receipts, changes to part-time positions, and energy funding increases compared to the Police Department. Chief Bacon explained that the local receipts reflect the Fire Department responding to EMS calls, which creates additional revenue. The City Administrator stated that the part-time clerk position has been vacant for about two years. A brief discussion was held between Councillor Cadime, Chief Bacon and the City Administrator regarding permanent salaries within the Fire Department. Mr. Aitken also provided additional information regarding the gas and electricity budget increase and stated that the Fire Department had to utilize the gas pumps provided by the Department of Community Maintenance, whereas the Police Department has their own fuel station, and their cruisers typically run throughout the day.

Councillor Hart and Councillor Dionne requested additional information regarding Fire Department training to prepare for the Massachusetts Bay Transportation Authority (MBTA) trains that will be coming online soon. Chief Bacon explained that training seminars are planned with the MBTA including derailing training and the utilization of large entrances to the train tracks. Chief Bacon also stated that they will be arranging staffing to be congruent with the opening of the train lines.

Vice President Pereira requested additional information regarding grant funding being utilized by the Emergency Management Agency. Richard Aguilar, Director, Emergency Management Agency (EMA), provided information regarding National Emergency Management Association (NEMA) and state grant funding that the City has received to assist with programs and machines. Mr. Aguilar explained that they recently purchased an off-road Polaris vehicle with this grant funding, which will allow them to assist in case of an emergency on the train tracks where no large entrance is available. Vice President Pereira commended Mr. Aguilar on his work to obtain grant funding to improve the EMA's readiness for emergencies throughout the City.

4. General Government

Mayor's Office, City Clerk, City Council, Elections, Veterans

A lengthy discussion was held between Vice President Pereira, Councillors Dionne, Kilby, and Sampson regarding compensation for elected officials and their employees, such as the Mayor and the Chief of Staff. Vice President Pereira and Councillor Kilby supported an increased salary for the Mayor due to the challenges of the mayoral position. Councillors Dionne and Sampson stated that elected officials should not receive compensation that is significantly larger than

long-term, non-elected City employees. Seth Thomas Aitken, City Administrator, stated that the Chief of Staff position has only received increases based off cost-of-living adjustments, not independent salary raises. Mr. Aitken also stated that certain positions did require higher compensation, such as Corporation Counsel, which requires licensed attorneys. Councillor Dionne emphasized that the Chief of Staff salary has increased from \$78,000 to \$100,000 over the past few years and the City Administrator emphasized that while large cost-of-living percentages over the past few years, such as 7% in 2022, have affected these salaries significantly, those types of adjustments are included in employment agreements.

Councillor Raposo requested information regarding the funding of the Event Resource Coordinator position, as it is not listed within the FY25 budget. Mr. Aitken explained that the position is funded entirely by American Rescue Plan Act (ARPA) funding. Vice President Pereira emphasized the need for a Tourism Director within the City to promote public events. Councillor Sampson agreed that a Tourism Director would be beneficial to the community at-large.

Councillor Ponte requested clarification regarding the additional \$45,000 budget line item within the City Council budget for the annual financial audit. Bridget Almon, Director of Financial Services, explained that the \$45,000 portion would be reimbursed by the chargebacks issued to Diman Regional Vocational Technical High School and the Fall River Contributory Retirement Board, which would reconcile the discrepancy.

Vice President Pereira requested clarification regarding the two vacant positions listed within the City Clerk's office and the one vacant position listed within the City Council office. Allison M. Bouchard, City Clerk, explained that all three positions have been filled since the budget was submitted. Councillor Cadimé and the City Clerk held a brief discussion regarding potential changes to assist with the retention of employees within the City Clerk's office, such as renaming the positions to allow for higher pay rates. Councillor Kilby made brief remarks regarding how changes in title and pay rates can affect the employee's ability to participate within the American Federation of State, County and Municipal Employees (AFSCME).

Councillor Raposo requested additional information regarding the Board of Elections Department salaries, consolidation of election precincts, the use of free transportation during the elections and facility charges for certain precincts that range from \$100 to \$1,000 for use of the buildings. The City Administrator stated that there are current negotiations occurring to modestly increase salaries within the Board of Elections Department. A brief discussion was held between Councillor Raposo and Ryan Lyons, Director, Board of Elections Department, regarding reimbursement from the state following elections and additional staff for poll locations. Mr. Lyons also explained that overall, the consolidation of election precincts worked well during the most recent election aside from a few parking issues that have since been remedied. Mr. Lyons also provided information regarding large locations that charge higher facility charges and the need to utilize them due to larger populations within certain districts. The Director of the Board of Elections Department explained that no one reached out to the Department to request the use of the van they were using to assist those who needed transportation to vote during the most recent election.

Councillor Sampson emphasized that the salary amounts within the Board of Elections Department were not sufficient. The City Administrator explained that, due to bargaining agreements, the City was unable to use election reimbursement from the state to increase employee pay grades. Mr. Aitken emphasized that discussions to increase pay are ongoing, but he could not provide additional information to the Committee members while the negotiations were occurring.

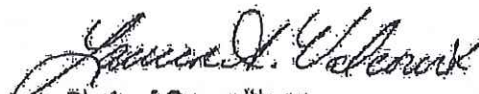
A discussion was held between Councilor Dionne and Mr. Aitken regarding the pay grades within the AFSCME agreements and that different clerks within the same department can be at different grade levels, which is why listed salaries may be different even if the title is the same. The City Administrator also explained that one position had been changed from part-time to full-time, which is why there was a 15% pay increase for that title.

Vice President Pereira asked if there are plans to adjust certain salary limits within the City ordinances. Mr. Aitken stated that the Administration is planning to amend certain positions, such as the Director of the Board of Elections and the Veterans' Services Agent, so they would no longer have salary limits and would instead be "per contract" positions. The City Administrator stated that a candidate had been chosen, on a temporary basis, for the Veterans' Services Agent position and the individual was currently attending training classes. Councilor Raposo asked for additional information regarding the current budgeted salary for the position as many have left due to the low compensation offered by the City. Mr. Aitken stated that, while the Administration would soon be sending a proposed ordinance to the City Council to allow this position to offer higher compensation through a contract agreement, it is currently budgeted for a salary of \$73,936. Mr. Aitken also explained that they are not prioritizing filling the vacant positions within the department at this time. Councilor Raposo stated that the funds that would go toward the vacant positions should be reallocated to assist veterans within the community. Vice President Pereira and Councilor Sampson emphasized the need for additional funding for memorial monument maintenance and parades that are organized by the Veterans Services Office. Councilor Kilby stated that he was hopeful the Administration would consider some of the potential changes that could be made to the proposed budget after the discussions held during the meeting.

On a motion made by Councilor Kilby and seconded by Councilor Raposo, it was unanimously voted to adjourn at 9:51 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)


Clerk of Committees

COMMITTEE ON FINANCE

MEETING: June 4, 2024, at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Seth Thomas Aitken, City Administrator
Bridget Almon, Director of Financial Services
Jan M. Schachne, City Collector/Treasurer
Sedryk Sousa, City Auditor
Daniel Lane, Administrative Assistant to the Board of Assessors
Emily Arpke, Finance Analyst and Compliance Manager

The chair called the meeting to order at 6:04 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.

Prior to the beginning of the meeting, Vice President Pereira made brief remarks regarding Helen Rago, a member of many official and non-official boards and commissions, who will be turning 90 years old this year and commended her on her services to the City of Fall River.

Councillor Ponte arrived at 6:07 p.m.

1. Citizens' Input Time - None
2. Continue discussion of the proposed Fiscal Year 2025 Municipal Budget as follows:
 - Departments carried over from the June 3, 2024, Committee on Finance agenda, if needed

- Financial Services

Director of Financial Services, Purchasing Department, Assessors, Auditors, Analysis & Compliance, Collectors, Treasurer, Debt Service

Councilor Raposo requested a summary of the current tasks that have been assigned to the newly created Financial Analyst and Compliance Manager hire as well as the current and future salary for this position. Bridget Almon, Director of Financial Services, provided information regarding assigned projects for this employee, such as researching trash collection expenses for future contract negotiations which will significantly affect the overall spending of City funds over the next few years. Seth Thomas Aitken, City Administrator, provided an overview of the changes to many salaries within Government Center that are adjusted by the Consumer Price Index (CPI), per their contract agreements. Mr. Aitken clarified that the salaries listed within the Fiscal Year 2025 (FY25) budget include estimated raises and are not definite as the CPI rate information is not yet available.

Councilor Sampson stated that, while she was not in favor of the new position being created in the Financial Services departments, the new Financial Analyst and Compliance Manager was very well qualified. Councilor Sampson emphasized the need to discontinue the use of outside consultants now that additional staffing is available, as the cost of consultants is excessive.

Councilor Dionne expressed her agreement with the need to eliminate the use of financial consultants. A lengthy discussion was held between Councilor Dionne, Mr. Aitken and Ms. Almon regarding the continued funding, with a \$13,000 salary increase, for the Purchasing Agent position, as it was originally discussed that the position would be unfunded, along with the Assistant Auditor position, to compensate for the Financial Analyst and Compliance Manager in the Financial Services department. The City Administrator explained that there was a misunderstanding when analyzing the requirements of the Purchasing Agent position and that he was, incorrectly, certain that the position could be kept vacant. The Director of Financial Services stated that there were discrepancies within the purchase history of the City over the past few years and a Purchasing Agent will be needed to remedy the information in the software system. Mr. Aitken emphasized that there are many certification requirements to be able to issue Requests for Proposals and Requests for Quotes and the Administration is working to have multiple municipal employees trained for these types of tasks. President Camara asked if purchase orders were being utilized, which Mr. Aitken confirmed. The City Administrator stated that there were financial records for all purchasing transactions, but different channels were used by different departments and the goal is to unify all activity within the same log. The Director of Financial Services explained that the Purchasing Agent serves both the municipal departments and the Fall River School Department, and should not remain vacant.

A discussion was held between President Camara, Councilors Dionne and Ponte and the City Clerk for clarification regarding the City Council's ability to vote for each line item in the FY25 budget individually. President Camara confirmed that method of the vote is determined by the preference of the City Council. Councilors Dionne and Kilby stated that they would support a line-item vote procedure for the proposed budget.

Councilor Ponte requested additional information regarding motor vehicle excise taxes and the anticipated increase of this type of revenue within the FY25 budget. Ms. Almon and Ian M. Schachne, City Collector/Treasurer, explained that over the past year the revenue from the vehicle excise tax has increased significantly and they had reached their anticipated revenue within six months last year. The Director of Financial Services stated that due to this increase, which may be caused by more residents with vehicles moving to the City, they are confident that their conservative increase for this resource will be generated during FY25.

Vice President Pereira and the City Administrator held a brief discussion regarding the ongoing research within the Law Department regarding a trash collection contract. Mr. Aitken stated that they are currently in negotiations for this type of agreement. Vice President Pereira expressed her support for a Purchasing Agent for the City. The City Administrator and Director of Financial Services provided information regarding the challenges of maintaining consistent aggregation for vendors when there are multiple employees handling purchasing within the schools and municipal offices, but Mr. Aitken stated that, ideally, each department should have their own agent going forward.

Councilor Raposo and the Director of Financial Services discussed how the School Department would be given authority to handle their own purchases in the future, so long as the value is under \$50,000; but the City is one financial entity with the Internal Revenue Service, so coordination is needed. Ms. Almon stated that currently the Superintendent signs off on all purchase orders and then they are forwarded to Government Center. Councilor Raposo requested additional information regarding the salary increase for the Purchasing Agent and the funding decrease for licenses and permits. Ms. Almon stated that candidates cannot be found with such a low salary offer, so the increase was pertinent to receive applications for the position. The Director of Financial Services also explained that there is less construction and remodeling being done now than during the pandemic, so they cannot rely on amounts of license and permit funding as they did between 2020 and 2023. The City Collector/Treasurer also explained that new software, along with a partnership with BayCoast Bank, allows payments to be submitted online or in person and that since November of 2023, about 2900 payments have been received.

Councilor Dionne requested additional information regarding the position titled "Project Specialist - Tax Title" within the Treasurer's salaries list. The Director of Financial Services provided information regarding this position's role which includes different types of tax collections and Tax Title processing. A discussion was held between Councilor Dionne and the City Administrator regarding salary changes within the department, which are affected by ongoing bargaining with the American Federation of State, County and Municipal Employees (AFSCME). Councilor Dionne and the Director of Financial Services discussed the method of funding for the new Financial Analyst and Compliance Manager position and Ms. Almon explained that they are utilizing the vacant Assistant Auditor salary amount. Ms. Almon also explained that the Assistant Treasurer has been working extra hours to assist with purchasing bids as there is no current Purchasing Agent. Councilor Dionne emphasized that the past discussions regarding the funding of the new Financial Services position do not match the current funding plan and expressed her concern regarding this discrepancy. Councilor Dionne requested information regarding the salary raise for the Grant Writer position in the Mayor's Office. Ms. Almon stated that the salary increase will be split between the municipal budget and the School Department budget, with a raise equalling \$8,000. Councilor Dionne made brief remarks regarding the difference within the salary budget of the Auditor's Department, specifying that the salary difference for the current City Auditor, along with the vacant Assistant Auditor position, only total \$110,245. Councilor Dionne expressed concern that the remaining \$4,755 to achieve the \$115,000 salary for the new Financial Analyst and Compliance Manager had to have been funded by a reduction somewhere else in the budget. President Camara asked if there are any other positions within the budget that have an estimated salary that may change significantly other than the Financial Analyst and Compliance Manager. The City Administrator confirmed that this position was the only one within the proposed budget that meets that criterion.

Councillor Sampson expressed her displeasure with the Purchasing Agent discrepancies between the Committee on Ordinances and Legislation meeting in April of 2024, and the current budget discussions. Councillor Sampson requested additional information regarding the City's Employer Identification Number (EIN) requirements and if more than one employee can act as a Purchasing Agent under that EIN. The City Administrator and the Director of Financial Services stated that multiple Purchasing Agents can operate under the same EIN, but that there is a threshold for different suppliers that must be considered.

Councillor Cadime agreed that the School Department procurement for purchasing was possible and would assist the Purchasing Agent by delegating work to those who work within the School Department. Councillor Cadime provided a summary of different types of procurement options within the Massachusetts General Laws (M.G.L.), such as centralized procurement and decentralized procurement. Councillor Cadime also requested clarification regarding the M.G.L., Part I, Title VIII, Ch. 41, §103, which relates to the Establishment of a Purchasing Department, which appears to have been accepted by the City of Fall River in 1965. The Director of Financial Services stated that she would research that and provide additional information prior to the next Committee on Finance Meeting. Councillor Cadime expressed his concern regarding the Purchasing Agent position remaining as a funded position. Councillor Cadime also requested clarification as to whether the receipts and revenues for the City were included in the financial order related to the proposed budget and Ms. Almon stated that she would obtain a more detailed chart for the Committee members related to these items at the next Committee meeting. Councillor Cadime and the City Administrator held a brief discussion regarding contractual agreements that include either Cost of Living Adjustments (COLA) or CPI adjustments. Mr. Aitken clarified that 7-9 contracts have CPI adjustments, a few have COLA, and the remaining contractual agreements do not have either adjustment included.

Councillor Raposo requested additional information regarding various line items within the Assessor's Department budget including auto allowances and "other personnel." Daniel Lane, Administrative Assistant to the Board of Assessors, explained that the auto allowances were small funds provided to those to use their own vehicle to travel throughout the City to perform assessments of properties. Mr. Lane also stated that the "other personnel" line item provided payment for extra hours worked, with a limit of no more than five hours per week. The Administrative Assistant to the Board of Assessors also provided information regarding the process of reassessing properties within a ten-year period and stated that the current compliance rate for assessments is at 67 percent. Mr. Lane explained that the new Patriot Properties software was recently updated and has a lower price point than previous versions.

Vice President Pereira expressed concern that the auto allowance of \$130/month was not sufficient as gas prices have increased significantly since this rate was created. The City Administrator clarified that they have not received any data regarding the mileage utilized by the assessors and that information would be helpful to determine how the allowance could be adjusted.

Councillor Dionne requested additional information regarding property assessments within the City. Mr. Lane stated that they are working to assess at least 2,000 properties, of all types, each year to meet state requirements. Mr. Lane stated that the Department of Revenue is lenient, so long as there is a plan in place to complete all assessments in a ten-year period. Councillor Kilby and Mr. Lane held a brief discussion regarding neighborhood boundaries, inspections of properties and directives that must be followed during the assessment process. Councillor Kilby commended Mr. Lane for his work to get the City up to date with required property assessments.

Councilor Hart requested a comparison of Fall River to other nearby municipalities in relation to staffing within the Assessor's Department. Mr. Lurie stated that Fall River currently has six employees within the department, while New Bedford has twelve and Attleboro has five, but that Attleboro hires an outside contracting company for all assessment inspections.

Councilor Raposo requested additional information regarding the decrease of "Other Purchase Services" within the City Auditor's budget. The Director of Financial Services and Sedryk Sousa, City Auditor, explained that they had decreased the hours needed for outside consultants, so this budget item had been reduced. President Camara, Vice President Pereira and Ms. Almon discussed the history of financial consultants within the Financial Services departments and President Camara emphasized the need to eliminate the use of consultants going forward. Vice President Pereira asked if the City Auditor salary includes CPI adjustments and Ms. Almon explained that it does not and instead follows the AFSCME agreement, even though the position is not part of the union itself. Councilor Sampson commended Mr. Sousa for his work as City Auditor and asked about the impact of the new Financial Analyst and Compliance Manager. Mr. Sousa complimented the new hire for the assistance they have provided. Councilor Dionne and Kilby complimented Emily Arpke, Financial Analyst and Compliance Manager, on her new employment with the City of Fall River.

Vice President Pereira, Councilor Dionne, Councilor Raposo and the City Collector/Treasurer discussed the increased costs of advertisements in local newspapers and the state law requiring the public notices regarding Tax Titles be published. The City Clerk confirmed that the M.G.L. requires Tax Title notices to be posted in a local newspaper. Mr. Schachne provided a summary of the Tax Title legal process, demand letters and the work that the Collector's office does to remedy overdue taxes and fees for properties. The City Collector/Treasurer stated that there were about 140 Tax Titles issued last year and that an estimated 20 property owners are currently on payment plans. Vice President Pereira emphasized that the City Council should reach out to the Fall River Delegation of State Representatives regarding the newspaper advertising requirements, as many residents do not receive newspapers anymore.

Councilor Sampson requested clarification regarding employees who receive "summer hours" and the Director of Financial Services stated that this was an old benefit that is slowly being phased out and that most employees do not receive these extra hours during the summer months.

Councilor Dionne requested additional information regarding the difference in interest rates for overdue taxes versus Tax Titles. Mr. Schachne explained that overdue taxes are billed with a 14% interest rate, while Tax Titles are billed with a 16% interest rate. Mr. Schachne also stated that the employees within the department are able to work more efficiently now that there are online payment portals, coordination with local banks who will receive payments for the City and proper staffing.

Councilor Raposo and the Director of Financial Services held a brief discussion regarding debt services for the new B.M.C. Durfee High School, which will be increasing over the next few years. Ms. Almon stated that the overall goal for City debt is around \$10,000,000 per year and in previous years, before Ms. Almon was employed, the debt had reached a paramount of \$42,000,000. Ms. Almon stated that they are working to invest and borrow more efficiently in the future.

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adjourn at 7:57 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached).


Clerk of Committees.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MALCOLM FLEURY
ATTORNEY GENERAL

TEL: (617) 727-2200
www.mass.gov/ago

September 1, 2016

OML 2016 - 118

Joseph Macy, Esq.
Corporation Counsel
City of Fall River
One Government Center
Fall River, MA 02722

RE: Open Meeting Law Complaints

Dear Attorney Macy:

This office received three complaints from Patrick Higgins, dated April 6, alleging that the Fall River City Council (the "Council") violated the Open Meeting Law, G.L.c. 30A, §§ 18-23.¹ The complaints were originally filed with the Council on March 8, and you responded, on behalf of the Council, in a letter on July 13. In each complaint, Mr. Higgins alleges that, at the beginning of specific Council meetings, the Council President failed to require those individuals who intended to record the meeting to notify him. Additionally, Mr. Higgins alleges that the Council, as a practice, does not create and/or approve written meeting minutes.

Following our review, we find that the Council violated the Open Meeting Law by failing to approve its meeting minutes in a timely manner and by failing to respond to Open Meeting Law complaints within 14 business days. However, we find no violation with respect to the Council's procedure for announcing the recording of its meetings. In reaching this determination, we reviewed the original complaint, the Council's response, and the request for further review filed with our office. We also reviewed portions of the video recordings of the Council meetings held on February 9, February 23, and March 8, which are posted on the Fall River Cable Access Television website.²

FACTS

We find the facts as follows. At the beginning of the Council meetings held on February 9, February 23, and March 8, President Shawn Cadime announced that any person "may make a recording" and that "people are advised that such recordings...are being made." It does not

¹ All dates in this letter refer to the year 2016.

² See <http://frcv.fredtv.us/>

appear from the video that President Cadime asked the audience whether anyone intended to record the meeting.

Before the filing of these complaints, the Council drafted minutes of its meetings, but did not approve them. The Council has since changed this practice by approving minutes at the next meeting. The Council has not, however, approved the draft minutes of any meetings held before the filing of these complaints in March.

On March 8, the complainant filed the three Open Meeting Law complaints with the Council. The Council did not respond to the complaints within 14 business days of its receipt, and the complainant subsequently sought further review of the matter by filing a copy of the original complaints with our office on April 6. At no time did the Council request an extension of time to respond to the complaints. In June, the Office informed us that it had experienced some personnel turnover and would respond to the complaints in due course. The Council responded to the complaints in a letter dated July 16.

DISCUSSION

I. The Council Properly Announced that its Meetings Were Being Recorded.

The Open Meeting Law requires that all meetings of a public body be conducted in an open session, with some exceptions. G.L. c. 30A, §§ 20(a), 21(a). The Open Meeting Law states that "[a]fter notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting." *Id.* at § 20(f). The law requires the chair to inform attendees of any recording. *Id.* The requirement that the chair inform attendees that a meeting is being recorded includes the requirement that the chair inform the attendees when those recordings are being made by the public body itself for public broadcasting or administrative purposes. *See* OML 2013-136; OML 2012-24.³

The complaint alleges that President Cadime failed to require those who intended to record the meeting to notify him at the beginning of the meeting. This is not a requirement of the Open Meeting Law. Rather, the law requires the chair to announce that the meeting is being recorded only upon becoming aware that a person intends to record the meeting. *See* OML 2015-151; *see also* OML 2014-8 (the chair must inform members of the public of any recording of which the chair is aware). Here, the City cable channel regularly records the Council meetings. Accordingly, President Cadime properly complied with the law by notifying the public at the beginning of the meeting that the meeting was being recorded. Where this announcement is already being made, the law does not require the chair to inquire about additional recordings. The purpose of the law—to notify the public that the meeting is being recorded—was served with this one announcement. Only in the instance where a chair does not know whether anyone is recording the meeting, and therefore does not know whether to make the announcement, should the chair should make reasonable inquiries of the audience to

³ Open Meeting Law determinations and designations may be found at the Attorney General's website, www.mass.gov/ago/openmeeting.

determine whether anyone intends to record the meeting. See OML 2014-39; OML 2013-139. Accordingly, we find that the Council did not violate the law in this regard.

II. The Council Failed to Approve Its Meeting Minutes.

The Open Meeting Law requires that a public body "create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes." G.L. c. 30A, § 22(a). The law does not provide a definition of "timely manner," but a public body should approve minutes at the next meeting where possible. See *id.*; OML 2012-91. For bodies that meet regularly, we have concluded that a delay of two to three months in approving minutes does not comply with the law. See OML 2016-62.

The Council has failed to create and approve meeting minutes in a timely manner, in violation of the Open Meeting Law. See G.L. c. 30A, § 22(a). The Council had a longstanding practice of drafting minutes, but not approving them. Since the filing of these complaints in March, the Council corrected this practice and began approving minutes at the next meeting. The Council has not, however, approved the draft minutes from any of its meetings held before March. Accordingly, we order the Council to approve the backlog of draft minutes of any of its meetings held since July 1, 2010.⁴

III. The Council Failed to Properly Respond to These Complaints.

We find that the Council failed to properly respond to these complaints. The Open Meeting Law requires that within 14 business days after receiving a complaint the public body shall review the complaint's allegations; take remedial action, if appropriate; and send to the Attorney General a copy of the complaint and a description of any remedial action taken. G.L. c. 30A, § 23(b); 940 CMR 29.05(5). At no point did the Council request an extension of time to respond to the complaints. By taking nearly four months to respond, the Board clearly failed to comply with the Law.

CONCLUSION

For the reasons stated above, we find that the Council violated the Open Meeting Law by failing to approve its meeting minutes in a timely manner and by failing to respond to Open Meeting Law complaints within 14 business days. We order immediate and future compliance with the Open Meeting Law's requirements; and we caution that similar future violations may be considered evidence of intent to violate the law. Additionally, we order the Council, within 60 days of receipt of this determination, to approve the backlog of draft minutes of its meetings held since July 1, 2010.

⁴ Our office assumed authority for the interpretation and enforcement of the Open Meeting Law, as it applies to local public bodies, on July 1, 2010. See G.L. c. 30A, § 23(a); see also G.L. c. 30A, §§ 18-23, generally. Prior to July 1, 2010, the law governing meetings of local public bodies was G.L. c. 39, § 23B (now repealed), and the District Attorneys were responsible for its enforcement. One of the practical effects of this change is that our office has authority to enforce the Open Meeting Law only with respect to violations that occurred on or after July 1, 2010. See OML 2015-97.

We now consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Council. Please feel free to contact the Division at (617) 963-2540 if you have any questions.

Sincerely,



Harne Rush
Assistant Attorney General
Division of Open Government

cc: Patrick Higgins
Fall River City Council

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The

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THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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MAURA HEALEY
ATTORNEY GENERAL

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www.mass.gov/ago

May 8, 2018

OML 2018 - 64

Joseph L. Macy, Corporation Counsel
City of Fall River
One Government Center
Fall River, MA 02722

RE: Open Meeting Law Complaint

Dear Attorney Macy:

This office received a complaint from Patrick Higgins, dated December 28, 2017, alleging that the Fall River City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Council on November 28, 2017, and the Council responded by letter dated December 28, 2017.¹ In his complaint, Mr. Higgins alleges that the Council failed to approve meeting minutes in a timely manner.

Following our review, we find that the Council violated the Open Meeting Law as alleged in the complaint. In reaching a determination, we reviewed the original complaint, the Council's response, and the request for further review filed with our office. We also reviewed the notice and minutes of a Council meeting held on November 28, 2017. Finally, we reviewed supplementary e-mails from the Council's legal counsel dated April 23 and 24, 2018.

FACTS

We find the facts as follows. At all times relevant to this letter, it was the Council's practice to approve the meeting minutes of its subordinate committees. The Council held regular meetings throughout 2017. The Council posted notice of a meeting to be held on November 28,

¹ The Open Meeting Law requires that within 14 business days after receiving a complaint the public body shall review the complaint's allegations; take remedial action, if appropriate; and send to the Attorney General a copy of the complaint and a description of any remedial action taken. G.L. c. 30A, § 23(b); 940 CMR 29.05(5). Here, the Council did not request an extension of time from our office, yet the Council took one month to respond to the complaint. While this issue was not raised in the present complaint, we note that our office has previously found the Council to have violated the Open Meeting Law by failing to timely respond to an Open Meeting Law complaint. See OML 2017-109; OML 2017-45; OML 2016-118. Open Meeting Law determinations may be found at the Attorney General's website: www.mass.gov/ago/openmeeting. The repeated nature of this violations raises serious concerns, and we advise the Council to ensure that it responds to Open Meeting Law complaints within the time frame required by law.

2017. The notice stated that the Council would vote to approve minutes of the following meetings:

Committee on Ordinances and Legislation—October 2, 2017

Committee on Real Estate—June 5, 2017

Committee on Public Safety—October 4, 2017

City Council Meeting—April 25, 2017

The Council held its November 28, 2017 meeting as planned and voted to approve the minutes listed on the meeting notice.

DISCUSSION

A public body must create and maintain accurate minutes of all meetings. G.L. c. 30A, § 22(a). Minutes must be created and approved in a timely manner. G.L. c. 30A, § 22(c). The Attorney General's regulations, which took effect October 6, 2017, require public bodies to create and approve minutes within three meetings, or within 30 days, whichever is later. 940 CMR 29.11(2). Prior to the effective dates of these new regulations, our guidance was that for bodies that meet weekly or bi-monthly, a delay of two to three months in approving meeting minutes was too long. See OML 2016-62.

Here, the complaint alleges that the Council failed to approve its meeting minutes in a timely manner. Specifically, the complaint points to the minutes of the Council's April 25, 2017 meeting and the Committee on Real Estate's June 5, 2017 meeting, each of which was approved several months after the meetings took place. Regardless of which timeliness standard we apply, it is clear that the Council delayed several months before approving the minutes at issue. In so doing, the Council violated the Open Meeting Law. See OML 2017-157.

We examine whether this violation was, as the complaint urges, an intentional one. An intentional violation is an act or omission by a public body or a member thereof, in knowing violation of the Open Meeting Law. 940 CMR 29.02. Evidence of intent to violate the Open Meeting Law includes instances where a public body was previously advised that certain conduct violated the law. *Id.* Here, the Council was previously advised of its obligation to create and approve meeting minutes in a timely manner by a written determination from our office on September 1, 2016. See OML 2016-118. Since the issuance of that determination, a quorum of the Council members has changed and new Councilors have been elected. Because a quorum of the members who violated the law in the present instance are not the same members who violated the law before, we decline to find an intentional violation. See OML 2016-70. We note that the recently-added regulatory requirement for new public body members to receive determinations from the past five years in which the body was found to have violated the law will require members to educate themselves about and be responsible for the body's past violations. See 940 CMR 29.04(1)(b).

CONCLUSION

For the reasons stated above, we find that the Council violated the Open Meeting Law. We order the Council's immediate and future compliance with the Open Meeting Law, and we caution that similar future violations may be considered evidence of intent to violate the law.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Council. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

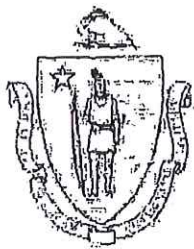
Sincerely,



Kevin W. Mangano
Assistant Attorney General
Division of Open Government

cc: Fall River City Council
Patrick Higgins

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
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www.mass.gov/ago

April 24, 2019

OML 2019 - 39

Joseph Macy, Esq.
Fall River Corporation Counsel
One Government Center
Fall River, MA 02722

RE: Open Meeting Law Complaints

Dear Attorney Macy:

This office received two complaints from Patrick Higgins on May 4 and September 18, 2018, alleging that the Fall River City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaints were originally with the Council on or about July 16 and August 15, 2018, and you responded to the complaints, on behalf of the Council, by letters dated April 23 and September 18, 2018. In his complaints, Mr. Higgins alleges that the Council failed to approve certain meeting minutes in a timely manner.¹

Following our review, we find that the Board violated the Open Meeting Law in the manner alleged. In reaching a determination, we reviewed the original complaint, the Board's response to the complaint, and the complaint filed with our office requesting further review. We also reviewed the notices for meetings held between September 26, 2017 and August 15, 2018.

FACTS

The Council held meetings on September 26, October 10, October 24, November 14, November 28, December 19, 2017, January 2, January 9, January 16, and January 23, 2018. The Council approved all of the minutes at issue in this determination (for meetings held in the last few months of 2017) on August 15, 2018, except for the November 28, 2017 meeting minutes, which were approved on April 24, 2018.

¹ The dates of the meetings, all held in 2017, are the following: September 26; October 10; October 24; November 14; November 28; and December 19.

DISCUSSION

The Open Meeting Law requires that a public body "create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes." G.L. c. 30A, § 22(a). The meeting minutes must be reviewed and approved in a timely manner. G.L. c. 30A, § 22(c). The Open Meeting Law itself does not define "timely manner." However, the Attorney General's Open Meeting Law regulations provide that "timely manner" means "within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay." 940 CMR 29.11(2). Whenever possible, we recommend that minutes of a meeting be approved at the next meeting. See OML 2014-15; OML 2012-91.²

The complaint alleges that the Council failed to timely approve the minutes from its meetings held on September 26, 2017; October 10, 2017; October 24, 2017; November 14, 2017; November 28, 2017; and December 19, 2017. The Council met at least twice per month during this time period. Accordingly, minutes of each meeting should have been approved no later than the third subsequent meeting. See 940 CMR 29.11; OML 2018-111. The Council concedes that its review and approval, which did not occur until April 24 and August 15, was not timely. The Council argues that staffing issues gave it good cause for delay. We understand the demands on a public body with limited staff; however, the Council is still obligated to timely approve minutes. See OML 2018-111; OML 2018-83; OML 2018-67. If staff resources are not available to create minutes for the Council to approve, then Council members must take on this responsibility to ensure compliance with the law. *Id.* Accordingly, we find that the Council violated the Open Meeting Law.

We must determine whether the violation was, as the complainant urges, intentional. See G.L. c. 30A, § 23(c). An intentional violation is an "act or omission by a public body or a member thereof, in knowing violation of [the Open Meeting Law]." 940 CMR 29.02. An intentional violation may be found where the public body acted with deliberate ignorance of the law's requirement or has previously been advised that certain conduct violates the Open Meeting Law. *Id.* In a prior determination, OML 2018-64, issued May 8, 2018, we concluded that the Council had failed to timely approve its meeting minutes and ordered its immediate and future compliance with the Open Meeting Law. The fact that we had previously issued a determination finding a violation for the same type of conduct typically would lead to a determination that this subsequent violation was intentional.³ In this situation, however, we are mindful of the fact that all of the meetings at issue here had already taken place, and the meeting minutes were already past due, before we issued OML 2018-64

² Open Meeting Law determinations may be found at the Attorney General's website, www.mass.gov/ago/openmeeting.

³ OML 2018-64 concerned compliance under the standard for approving minutes pursuant to the revised Open Meeting Law regulations, which went into effect on October 6, 2017. The revised regulations expressly defined "timely manner" for the first time. We note that we also found a violation in 2016 for the Council's failure to timely approve meeting minutes, but that determination was issued prior to the effective date of the revised regulations that defined "timely manner." See OML 2016-118.

in May 2018. Therefore, we decline to find that these violations were intentional, but we caution the Council that it has now been amply warned of its obligation to timely approve meeting minutes, and it should not expect such leniency in the future.

CONCLUSION

For the reasons stated above, we find that the Council violated the Open Meeting Law by failing to approve its September 26, October 10, October 24, November 14, November 28, and December 19, 2017 meeting minutes in a timely manner. We order the Council's immediate and future compliance with the Open Meeting Law, and we caution that similar future violations may be considered evidence of intent to violate the law.

We now consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Council. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

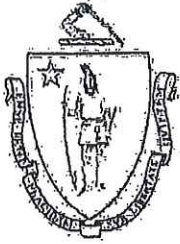
Sincerely,



Hanne Rush
Assistant Attorney General
Division of Open Government

cc: Patrick Higgins
Fall River City Council

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.



THE COMMONWEALTH OF MASSACHUSETTS
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ANDREA JOY CAMPBELL
ATTORNEY GENERAL

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April 12, 2023

OML 2023 - 54

VIA EMAIL ONLY

Gary P. Howayeck, Esq.
Assistant Corporation Counsel
ghowayeck@fallriverma.org

RE: Open Meeting Law Complaint

Dear Attorney Howayeck:

This office received a complaint from Patrick Higgins on October 4, 2022,¹ alleging that the Fall River City Council (the "Council") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Council on or about September 14, and you responded on behalf of the Council by letter dated October 4. The complaint alleges that the Council failed to timely approve minutes for its June 14 meeting.

Following our review, we find, and the Council acknowledges, that the Council violated the Open Meeting Law as alleged. In reaching this determination we reviewed the original Open Meeting Law complaint, the Council's response, the request for further review, and notices posted online for Council meetings held from June 14 to August 16, inclusive.

The Open Meeting Law requires public bodies to create and approve meeting minutes, whether for open or executive session, in a timely manner. G.L. c. 30A, § 22(c). The Attorney General's Open Meeting Law regulations provide that "timely manner" means "within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay." 940 CMR 29.11; see OML 2018-48.² Whenever possible, we recommend that minutes of a meeting be approved at the next meeting. See OML 2018-67; OML 2017-133.

¹ All dates are in 2022, unless otherwise noted.

² Open Meeting Law determinations may be found at the Attorney General's website, www.mass.gov/ago/openmeeting.

The Council held a meeting on June 14. Thereafter, the Council held meetings on June 15, June 28, July 12, and August 16. The minutes of the Committee's June 14 meeting were approved during the Committee's August 16 meeting. We find, and the Council acknowledges, that it failed to approve the minutes of its June 14 meeting within 30 days or three meetings, thus violating the Open Meeting Law.

Next, we must determine whether the Council's violation was, as the Complainant urges, intentional. See G.L. c. 30A, § 23(c). An intentional violation is an "act or omission by a public body or a member thereof, in knowing violation of [the Open Meeting Law]." 940 CMR 29.02. An intentional violation may be found where the public body acted with deliberate ignorance of the law's requirements or has previously been advised that certain conduct violates the Open Meeting Law. Id.

We have previously found the Council in violation of the Open Meeting Law for failure to timely approve minutes for meetings held between 2016-2018 on three occasions. See OML 2016-118; OML 2018-64; OML 2019-39. Although we have previously warned the Council on several occasions regarding this requirement, we understand that the Council takes its obligation to timely create and approve meeting minutes seriously and has done so diligently for several years. We did not find any instances of the Council's failure to timely approve meeting minutes between July 2018 and September 2022, despite the Complainant having filed over 80 complaints with public bodies in Fall River during that time period. Furthermore, in its response the Council explains that when calculating the next three meetings for purposes of timely approving the June 14 meeting minutes, "the Special Meeting of the City Council, held on June 15, 2022 to discuss the Fiscal Year 2023 Budget, was inadvertently not counted."³ We credit the Council's explanation that it inadvertently miscalculated the number of meetings between June 14 and August 16. For these reasons, we decline to find an intentional violation in this instance.

For the reasons stated above, we find that Council violated the Open Meeting Law by failing to timely approve meeting minutes. We order the Council's immediate and future compliance with the Open Meeting Law, and caution that similar future violations could be considered evidence of intent to violate the Law.

³ The Open Meeting Law and the regulations do not distinguish between "regular" meetings and other types of meetings such as workshops, public hearings, or "special meetings" for purposes of timely approval of minutes. See OML 2017-103 (public body should have created complete minutes for its "workshop" meetings because topics discussed were matters within the public body's jurisdiction); OML 2019-115 (no exception for "single topic" meetings or meetings not "normally scheduled").

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Council. Please feel free to contact the Division at (617) 963-2540 if you have any questions.

Sincerely,



Elizabeth Carnes Flynn
Assistant Attorney General
Division of Open Government

cc: Fall River City Council (via e-mail: city_council@fallriverma.org)
Alison M. Bouchard, Fall River City Clerk (via email: City_clerks@fallriverma.org)
Patrick Higgins (via email: [REDACTED])
Fall River Town Clerk (via e-mail: city_clerks@fallriverma.org)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 968-2540 or by email at openmeeting@state.ma.us.