

# 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:** August 13, 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

President Camara called the meeting to order at 7:16 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 Kilby and seconded by Councilor Raposo, it was unanimously voted to take items 6 through 9 out of order.*

### **PRIORITY MATTERS**

6. Mayor and proposed Bristol County ARPA funding of \$1,633,882 for the Water Main Replacement Project

*On a motion made by Councilor Dionne and seconded by Councilor Cadime, it was unanimously voted to approve the proposal.*

7. Mayor and request to rescind the Bristol County ARPA proposal regarding Lafayette Skateboard Park Rehabilitation, approved on May 14, 2024.

*On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to rescind the proposal.*

8. Mayor and request to rescind the Bristol County ARPA proposal regarding the Veteran's Van, approved on January 9, 2024

*On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to rescind the proposal.*

9. Mayor and order to transfer unexpended bond proceeds, totaling \$313,646.01, from the following projects to assist with structural repairs of the Pearl Street and Third Street Garages:

- Government Center Roof Replacement – \$139,129.93
- Sucker Brook Driveway Crossing – \$97,678.98
- Globe and Flint Street Fire Station Roof and Doors – \$76,837.10

*A motion was made by Councilor Raposo and seconded by Councilor Hart to adopt the order. Councilor Dionne expressed concern that unused bond funding was being transferred away from the Globe and Flint Street fire stations, as the properties require renovation. On a motion made by Councilor Ponte and seconded by Vice President Pereira, it was unanimously voted to waive the rules to allow the City Administrator to answer questions. Seth Thomas Aitken, City Administrator, provided information regarding the ongoing repairs within the fire stations, including the installation of a new roof and new doors. Mr. Aitken also stated that the Department of Emergency Medical Services provided financial assistance for the door repairs and that the \$76,837.10 is the leftover capital after finishing the planned refurbishing. The City Administrator provided details regarding how projects can qualify for fund transfers, which are based on the lifespan of the project, and stated that, unfortunately, the repairs required for other stations do not match the qualifications for this type of loan order. Councilor Ponte suggested amending the order to separate the fire station repair funding, to allow the other two fund sources to be adopted and the fire station funding to be discussed in the Committee on Finance. A motion was made by Councilor Ponte and seconded by Councilor Dionne to refer the Globe and Flint Street Fire Station section of the order to the Committee on Finance. A brief discussion was held between Councilors Cadime and Ponte regarding the possible delay of the Pearl Street and Third Street Garage project if these matters were separated and Councilor Cadime suggested referring the entire matter to the Committee on Finance. Councilor Ponte agreed and withdrew his original motion. On a motion made by Councilor Ponte and seconded by Councilor Cadime, it was unanimously voted to refer the order, in its entirety, to the Committee on Finance.*

1. Mayor and confirmation of the appointment of Alexis Anselmo to the Zoning Board of Appeals (Alternate)

*Councilor Ponte stated that he would be abstaining from this vote as he works with the candidate. Councilor Raposo asked the City Clerk if an updated list of membership vacancies for the Boards and Commissions of Fall River could be provided as the list online is not up to date. On a motion made by Councilor Sampson and seconded by President Camara, it was voted 8 yeas to confirm the appointment, with Councilor Ponte abstaining and not voting.*

2. Mayor and order approving Conservation Restriction with The Trustees of Reservation for 1046 Blossom Road

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

*Approved, August 14, 2024*

*Paul E. Coogan, Mayor*

3. Mayor and order accepting a donation in the amount of \$25,000.00 for the Fall River Public Library from the Estate of Joseph H. Feitelberg

*Vice President Pereira requested that all donors in items 3, 4 and 5 receive a letter of thanks from the City Council. On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adopt the order.*

*Approved, August 14, 2024*

*Paul E. Coogan, Mayor*

4. Mayor and order accepting a donation in the amount of \$1,000.00 for the Children's Section of the Fall River Public Library from Richard and Deborah Danner  
*On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adopt the order.*  
*Approved, August 14, 2024*  
*Paul E. Coogan, Mayor*
5. Mayor and order accepting donation of historical furniture for the City of Fall River from Sally Lawlor  
*On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adopt the order.*  
*Approved, August 14, 2024*  
*Paul E. Coogan, Mayor*
10. Mayor and proposed ordinance re Membership of the Historical Commission  
*On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinances and Legislation.*
11. Mayor and communication regarding the anticipated timeline of a proposed ordinance related to Short-Term Rentals  
*On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted to refer the communication to the Committee on Ordinances and Legislation.*
12. Mayor and communication regarding the anticipated timeline of a proposed ordinance related to Unauthorized Camping on Public Property  
*On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinances and Legislation.*
13. Mayor and order appropriating the sum of \$169,656 from Inspectional Services Salaries to the Health and Human Services Salaries  
*On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adopt the order.*
14. Mayor and following transfers and appropriations:
  - a. \$22,500 from the Stabilization Fund to City Council, Expenses.  
*On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to adopt the order.*
  - b. \$322,117 from EMS, Stabilization Fund to EMS, Capital  
*On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to adopt the order.*

## **PRIORITY COMMUNICATIONS**

15. Planning Board recommendation to approve Draper Street extending from Globe Mills Avenue northerly to Atlantic Boulevard.

*The City Clerk clarified that the Planning Board had recommended amending the order for this petition as Draper Street does not connect with Atlantic Boulevard. On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted that the recommendation be accepted and placed on file, and that the order be amended by striking out "to Atlantic Boulevard" and inserting, in its place, "northerly to terminus and southerly to terminus" and that the order be adopted, as amended.*

16. Traffic Commission recommending amendments to the traffic ordinances  
*On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to refer the recommendations to the Committee on Ordinances and Legislation.*

## **COMMITTEE REPORTS**

### Committee on Ordinances and Legislation

#### All Readings with Emergency Preamble

17. Proposed Ordinance – Traffic, Handicapped parking
- Bay Street, West, 20 feet north of Woodman Street
  - Brow Street, East, 107 feet north of Hartwell Street
  - Walnut Street, West, 83 feet north of Grove Street

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

*Approved, August 14, 2024*

*Paul E. Coogan, Mayor*

#### First Reading

18. Proposed Ordinance – Traffic, Miscellaneous
- Fifteen-minute parking
  - Dover Street, North, 84 feet west of Blackstone Street

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

19. Proposed Ordinance – One year demolition delay for City-owned property  
*On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted that the proposed ordinance be passed through first reading.*

#### First Reading, as amended

20. Proposed Ordinance – Trolley Fees

*Councilor Dionne expressed concern that no ticket fee discounts were available for children under five years of age, senior citizens, and veterans. Vice President Pereira explained that the Committee on Ordinances and Legislation had discussed this matter with the City Administrator, and it was determined that the fees for the trolley helped to fund the maintenance and staffing of the vehicle. Councilor Raposo stated that the fees were reasonable and provided a summary of the rate amendments made for schools located in Fall River to provide affordable field trips for students. President Camara stated that the fees could be amended on the floor by the City Council. On a motion made by Councilor Dionne and seconded by Councilor Cadime, it was voted 8 yeas, 1 nay, to refer the proposed ordinance back to the Committee on Ordinances and Legislation, with Councilor Raposo voting in the negative.*

21. **Proposed Ordinance – Property Maintenance**

*It was recommended by the Committee on Ordinances and Legislation that the proposed ordinance be amended by changing the compliance timeframe from 30 days to 10 days in Section 10-334. The City Clerk clarified that a second amendment to this proposed ordinance was also needed to reflect additional changes as recommended by Corporation Counsel. The recommended amendments were to insert, "Section 1." prior to the beginning of the existing ordinance text and to insert, immediately after the conclusion of the existing proposed ordinance text, the following: "Section 2. – That Chapter 10 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Buildings and building regulations, be amended by striking out Article III, Building Standards, Division 3, Vacant Building Registration and Fee in its entirety; Section 3. – That Chapter 42 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Housing, be amended by striking out §42-1, Maintenance of Vacant and Foreclosing Residential Properties, in its entirety and inserting in place thereof the following: §42-1. through §42-30. (Reserved); Section 4. – That Chapter 46 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Offenses, be amended by striking out §46-16, Chronic Nuisance Properties, in its entirety and inserting in place thereof the following: §46-16. (Reserved); Section 5. – That in Section A110-3, Chapter 10, Buildings and Building Regulations., Article III, Division 3, of Appendix A-Fee Schedule of the Code of the City of Fall River, Massachusetts, 2018, which Section relates to Vacant Building Registration and Fees, be re-numbered in proper numerical order, as follows: A. By striking out "§10-97" and inserting in place thereof "§10-306," B. By striking out "§10-99" and inserting in place thereof "§10-307."*

*Councilor Ponte complimented those who were involved in the drafting of this proposed ordinance. Vice President Pereira made brief remarks regarding the need for all residents to take pride in the City and maintain unsightly weed growth on lawns and sidewalks. On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the proposed ordinance be passed through first reading, as amended.*

**ORDINANCES** – None

**RESOLUTIONS**

22. The Committee on Public Safety convene with the Director of Traffic and Parking and a representative of the Fall River Police Department to discuss speeding on Indian Town Road

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

23. The Committee on Finance convene quarterly with the Administration and a representative from the Historical Commission regarding funding plans for the renovation of the Bank Street Armory

*Councilor Dionne expressed concerns regarding the powers of the Historical Commission as the Bank Street Armory ordinance in the City Code had not been amended and still listed the Board of Park Commissioners as the governing body. Vice President Pereira and Councilor Raposo explained that at a recent meeting of the Committee on Ordinances and Legislation, Corporation Counsel provided a legal opinion that the City Council was in control of the property and that the existing ordinance was not specific to control of the property, only the organization of the recreational center, which no longer exists. Councilor Hart explained that allowing the Historical Commission to collaborate with the City Council is beneficial to all, as the Historical Commission can apply for grant funding for repairs. Councilor Cadime emphasized that this resolution is to allow the City Council to receive updates regarding funding plans for the renovation of the*

armory, and that amending the existing ordinance would be a separate topic of discussion. On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted to adopt the resolution.

24. The Committee on Ordinances and Legislation convene with Corporation Counsel, the Building Inspector and a representative of the Community Development Agency to discuss the creation of a proposed ordinance regarding regulating boarding/rooming houses

*Vice President Pereira made brief remarks regarding crimes that have occurred within the City on properties that were operating a rooming house without required licenses and that the City Code has no restrictions listed regarding these types of residencies. On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted to adopt the resolution.*

**CITATIONS – None**

**ORDERS – HEARINGS**

Joint Pole Location

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

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

*Approved, August 14, 2024*

*Paul E. Coogan, Mayor*

26. Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc. – Installation of one (1) new jointly owned pole location, one (1) jointly owned anchor relocation and one (1) jointly owned pole relocation on Kilburn Street

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

*Approved, August 14, 2024*

*Paul E. Coogan, Mayor*

Curb Removals:

27. Kyra Cordeiro, 363 Hyacinth Street – Removal of 24 feet at 0 Hyacinth Street

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

*Approved, August 14, 2024*

*Paul E. Coogan, Mayor*

28. Angelica Penafiel, 71 Ash Street – Removal of 2 feet, 4 inches at 71 Ash Street

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

*Approved, August 14, 2024*

*Paul E. Coogan, Mayor*

29. Antonia N. Decarvalho, 680 Bay Street – Removal of 14 feet at 1342 County and Alsop Streets

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

*Approved, August 14, 2024*

*Paul E. Coogan, Mayor*

Auto Repair Shop License:

30. James Andrews d/b/a 508 Auto Sales & Repair located at 59 North Quarry Street  
*On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to refer the order to the Committee on Regulations.*

**ORDERS – MISCELLANEOUS**

31. Police Chief's report on licenses:

Taxicab Driver

Christian Araluce

Kenneth G. Chace, Jr.

Richard Huchel

Abu Kaba

Samantha Paakinen

Eric Rego

Shane Rego

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

32. Auto Repair Shop License Renewals:

Timothy Pinto d/b/a Gil's Automotive – 196 Oak Grove Avenue

Manuel Ferreira d/b/a J & S Auto Sales & Repair, Inc. – 178 Aberdeen Street

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

*Approved, August 14, 2024*

*Paul E. Coogan, Mayor*

33. Auto Repair Shop License Transfer

Auto Repair Shop License No. 162 located at 1439 Plymouth Avenue from Joseph

Medeiros, 4J Auto, Inc. d/b/a Midas Auto Service to Adam Genuario, AMG Enterprises, LLC d/b/a Midas of Fall River

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

*Approved, August 14, 2024*

*Paul E. Coogan, Mayor*

34. Warrant – State Primary Election – September 3, 2024

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

*Approved, August 14, 2024*

*Paul E. Coogan, Mayor*

**COMMUNICATIONS – INVITATIONS – PETITIONS**

35. Claims

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

36. Communication from Day Pitney, LLP, on behalf of the American Civil Liberties Union of Massachusetts, re the Code of Fall River, 2018, Chapter 46, §2.1, relating to  
"Political signs"

*On a motion made by Vice President Pereira and seconded by Councilor Ponte it was unanimously that the communication be accepted and placed on file and referred to Corporation Counsel.*

37. Application for a License to Conduct One-Day Bingo – The Children's Museum of Greater Fall River, October 24, 2024, at 20 Star Street  
*On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to approve the application.*  
*Approved, August 14, 2024*  
*Paul E. Coogan, Mayor*

38. Drainlayer Licenses:  
Communications Construction Group, LLC  
B & B Excavation, Inc.  
Riverside Masonry and Concrete  
Daniels Asphalt Services, Inc.  
SLT Construction Corporation  
Granite City Crushing Inc.

*On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to approve the drainlayer licenses.*  
*Approved, August 14, 2024*  
*Paul E. Coogan, Mayor*

*On a further motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to take items 39 through 41 together.*

City Council Minutes

39. Public Hearing – June 25, 2024  
40. Committee on Finance – June 25, 2024  
41. City Council – June 25, 2024

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

**BULLETINS – NEWSLETTERS – NOTICES**

42. Department of Public Utilities, Notice of public hearing and request for comments re: Petition of Boston gas Company d/b/a National Grid for Approval of a Mid-Term Modification to its 2022-2024 Three Year Energy Efficiency Plan

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

*A brief recess was held from 8:09 p.m. to 8:12 p.m. for the signing of the Grant of Conservation Restriction for 1046 Blossom Road.*

*On a motion made by Councilor Raposo and seconded by President Camara, it was unanimously voted to adjourn at 8:12 p.m.*

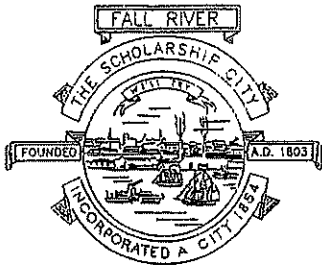
List of documents and other exhibits used during the meeting:  
Agenda packet (attached)

A true copy. Attest:



City Clerk

In City Council, September 10, 2024  
Approved.



# City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2024 AUG -9 P 12:45

ALISON M. BOUCHARD  
CITY CLERK

CITY CLERK  
FALL RIVER, MA

INÊS LETTE  
ASSISTANT CITY CLERK

**MEETINGS SCHEDULED**  
**CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**  
**AUGUST 13, 2024**  
**AGENDA**

**5:30 P.M. COMMITTEE ON REGULATIONS**

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

**Joint Pole Location**

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

**Currant Road**

One (1) new jointly owned pole location

Install new jointly owned Pole 1-10 in line between existing jointly owned Pole 1-1 and Pole 2 on Currant Road. Pole 1-10 will be placed approximately 55 feet east of Pole 2 and 75 feet west of Pole 1-1. Pole 1-10 will serve as a junction pole to supply 630 Currant Road (Blount Fine Foods) with a new overhead service.

In accordance with Plan No. 30978826

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

**Kilburn Street**

One (1) new jointly owned pole location

One (1) jointly owned anchor relocation

One (1) jointly owned pole relocation

This petition is proposing the relocation of jointly owned Pole #11 and anchor, approximately 45 feet northerly of its current location on Kilburn Street toward Dwelly Street, and the installation of a new jointly owned Pole #11-50 on Kilburn Street, approximately 45 feet south of the current location of existing Pole #11. This relocation of Pole #11 and anchor and the installation of Pole #11-50 is required due to the planned construction of a new entrance into King Phillips Estates and Princeton Circle.

In accordance with Plan No. 30854208

**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](mailto:city_clerks@fallriverma.org)

### Curb Removals

3. Kyra Cordeiro, 363 Hyacinth Street, for the removal of curbing as follows:

|                   | Existing<br>Opening | Curbing<br>to be<br>Removed | Curbing<br>to be<br>Added | Combined Opening<br>Proposed After<br>Alteration |
|-------------------|---------------------|-----------------------------|---------------------------|--------------------------------------------------|
| 0 Hyacinth Street | 8'                  | 24'                         | 0'                        | 32'                                              |

The vacant parcel is currently serviced by an 8-foot curb opening. The applicant proposes to expand that existing opening by an additional 8 feet while also creating a new 16-foot opening to provide for a horseshoe driveway scenario. The proposal is being made as the City is in the process of the reconstruction of Hyacinth Street. The total opening for the location will be 32 feet.

The vote taken by the City Council on July 16, 2024, to approve the removal of 16 feet of curbing for a total opening of 24 feet will be rescinded.

4. Angelica Penafiel, 71 Ash Street, for the removal of curbing as follows:

|               | Existing<br>Opening | Curbing<br>to be<br>Removed | Curbing<br>to be<br>Added | Combined Opening<br>Proposed After<br>Alteration |
|---------------|---------------------|-----------------------------|---------------------------|--------------------------------------------------|
| 71 Ash Street | 23'                 | 2'4"                        | 0'                        | 25'4"                                            |

The existing parcel is currently serviced by a 23-foot curb opening on Ash Street. The applicant proposes to extend the opening by an additional 2 feet, 4 inches. The total opening for the location will be 25 feet, 4 inches.

5. Antonia N. Decarvalho, 680 Bay Street, for the removal of curbing as follows:

|                                  | Existing<br>Opening | Curbing<br>to be<br>Removed | Curbing<br>to be<br>Added | Combined Opening<br>Proposed After<br>Alteration |
|----------------------------------|---------------------|-----------------------------|---------------------------|--------------------------------------------------|
| 1342 County and<br>Alsop Streets | 16'                 | 14'                         | 0'                        | 30'                                              |

The existing parcel is currently serviced by a 16-foot curb opening on Alsop Street. The applicant proposes to extend the opening by an additional 7 feet on each side of the opening. The proposal is being made as the City is in the process of the reconstruction of Alsop Street. The total opening for the location will be 30 feet.

### Auto Repair Shop License

6. James Andrews, 139 Langley Street, Apt. 1, d/b/a 508 Auto Sales & Repair for a license to operate an auto repair shop at 59 North Quarry Street, L-01-106 Assessors Plan.

**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. \*Resolution - 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 (adopted 6-11-2024)
3. \*Fiscal Year 2024 Quarter 4 Budget Report (referred 7-16-2024)
4. Transfers and appropriations

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

**PRIORITY MATTERS**

1. \*Mayor and confirmation of the appointment of Alexis Anselmo to the Zoning Board of Appeals (Alternate)
2. \*Mayor and order approving Conservation Restriction with The Trustees of Reservation for 1046 Blossom Road
3. \*Mayor and order accepting a donation in the amount of \$25,000.00 for the Fall River Public Library from the Estate of Joseph H. Feitelberg
4. \*Mayor and order accepting a donation in the amount of \$1,000.00 for the Children's Section of the Fall River Public Library from Richard and Deborah Danner
5. \*Mayor and order accepting donation of historical furniture for the City of Fall River from Sally Lawlor
6. \*Mayor and proposed Bristol County ARPA funding of \$1,633,882 for the Water Main Replacement Project
7. \*Mayor and request to rescind the Bristol County ARPA proposal regarding Lafayette Skateboard Park Rehabilitation, approved on May 14, 2024.
8. \*Mayor and request to rescind the Bristol County ARPA proposal regarding the Veteran's Van, approved on January 9, 2024
9. \*Mayor and order to transfer unexpended bond proceeds, totaling \$313,646.01, from the following projects to assist with structural repairs of the Pearl Street and Third Street Garages:
  - Government Center Roof Replacement – \$139,129.93
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### **PRIORITY COMMUNICATIONS**

15. \*Planning Board recommendation to approve Draper Street extending from Globe Mills Avenue northerly to Atlantic Boulevard.
16. \*Traffic Commission recommending amendments to the traffic ordinances

### **COMMITTEE REPORTS**

#### **Committee on Ordinances and Legislation**

##### **All Readings with Emergency Preamble**

17. \*Proposed Ordinance – Traffic, Handicapped parking
  - Bay Street, West, 20 feet north of Woodman Street
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##### **First Reading**

18. \*Proposed Ordinance – Traffic, Miscellaneous  
Fifteen-minute parking
  - Dover Street, North, 84 feet west of Blackstone Street

19. \*Proposed Ordinance – One year demolition delay for City-owned property

##### **First Reading, as amended**

20. \*Proposed Ordinance – Trolley Fees
21. \*Proposed Ordinance – Property Maintenance

### **ORDINANCES** – None

### **RESOLUTIONS**

22. \*The Committee on Public Safety convene with the Director of Traffic and Parking and a representative of the Fall River Police Department to discuss speeding on Indian Town Road
23. \*The Committee on Finance convene quarterly with the Administration and a representative from the Historical Commission regarding funding plans for the renovation of the Bank Street Armory
24. \*The Committee on Ordinances and Legislation convene with Corporation Counsel, the Building Inspector and a representative of the Community Development Agency to discuss the creation of a proposed ordinance regarding regulating boarding/rooming houses

### **CITATIONS** – None

### **ORDERS – HEARINGS**

#### **Joint Pole Location**

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Curb Removals:

- 27. Kyra Cordeiro, 363 Hyacinth Street – Removal of 24 feet at 0 Hyacinth Street
- 28. Angelica Penafiel, 71 Ash Street – Removal of 2 feet, 4 inches at 71 Ash Street
- 29. Antonia N. Decarvalho, 680 Bay Street – Removal of 14 feet at 1342 County and Alsop Streets

Auto Repair Shop License:

- 30. James Andrews d/b/a 508 Auto Sales & Repair located at 59 North Quarry Street

**ORDERS – MISCELLANEOUS**

- 31. Police Chief's report on licenses:

Taxicab Driver

|                   |                       |                |
|-------------------|-----------------------|----------------|
| Christian Araluce | Kenneth G. Chace, Jr. | Richard Huchel |
| Abu Kaba          | Samantha Kaakkinen    | Eric Rego      |
| Shane Rego        |                       |                |

- 32. Auto Repair Shop License Renewals:

Timothy Pinto d/b/a Gil's Automotive – 196 Oak Grove Avenue  
Manuel Ferreira d/b/a J & S Auto Sales & Repair, Inc. – 178 Aberdeen Street

- 33. Auto Repair Shop License Transfer

Auto Repair Shop License No. 162 located at 1439 Plymouth Avenue from Joseph Medeiros, 4J Auto, Inc. d/b/a Midas Auto Service to Adam Genuario, AMG Enterprises, LLC d/b/a Midas of Fall River

- 34. \*Warrant – State Primary Election – September 3, 2024

**COMMUNICATIONS – INVITATIONS – PETITIONS**

- 35. \*Claims

- 36. \*Communication from Day Pitney, LLP, on behalf of the American Civil Liberties Union of Massachusetts, re the Code of Fall River, 2018, Chapter 46, §2.1, relating to "Political signs"

- 37. Application for a License to Conduct One-Day Bingo – The Children's Museum of Greater Fall River, October 24, 2024, at 20 Star Street

- 38. Drainlayer Licenses:

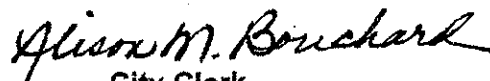
Communications Construction Group, LLC  
B & B Excavation, Inc.  
Riverside Masonry and Concrete  
Daniels Asphalt Services, Inc.  
SLT Construction Corporation  
Granite City Crushing Inc.

City Council Minutes

- 39. \*Public Hearing – June 25, 2024
- 40. \*Committee on Finance – June 25, 2024
- 41. \*City Council – June 25, 2024

**BULLETINS – NEWSLETTERS – NOTICES**

42. \*Department of Public Utilities, Notice of public hearing and request for comments re:  
Petition of Boston gas Company d/b/a National Grid for Approval of a Mid-Term  
Modification to its 2022-2024 Three Year Energy Efficiency Plan

  
City Clerk



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

**PAUL E. COOGAN**  
*Mayor*

August 8, 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 appointment:

Name: Alexis Anselmo

Address 61 School Brook Road  
Fall River, MA 02720

Position: Zoning Board of Appeals (Alternate)

Expiration: August 7, 2029

Sincerely,

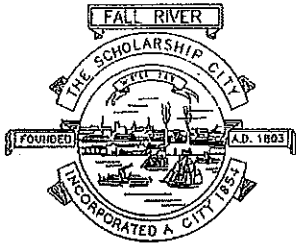
Paul E. Coogan  
Mayor

PC/amos

RECEIVED

2024 AUG -8 A 10:01

CITY CLERK  
FALL RIVER, MA



PAUL E. COOGAN  
Mayor

City of Fall River  
Massachusetts  
Office of the Mayor

RECEIVED

2024 JUL 29 P 12:39

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

July 25, 2024

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

Dear Councilor President and Members of the Honorable Council:

Attached for your consideration please find the Grant of Conservation Restriction for 1046 Blossom Road.

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

Sincerely,

Paul E. Coogan  
Mayor

PC/amos

*City of Fall River, In City Council*

ORDERED, by the City Council of the City of Fall River, that the Mayor be and is hereby authorized to grant the attached Conservation Restriction to The Trustees of Reservations for land located at 1046 Blossom Road.



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

24 July 2024

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

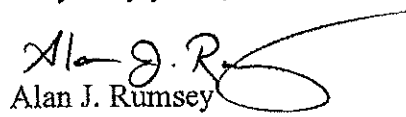
Dear Mayor Coogan:

Attached, please find the *Grant of Conservation Restriction* for 1046 Blossom Road, aka Adirondack Farms.

Since City Council approval of this Conservation Restriction is required, I ask that you place this item on the agenda for the next regularly scheduled meeting of the City Council. Mike Labossiere will attend the City Council meeting in order to answer any questions that the Council may have.

Please contact me with any questions or concerns.

Very truly yours,

  
Alan J. Rumsey  
Corporation Counsel

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**GRANTOR:** City of Fall River  
**GRANTEE:** The Trustees of Reservations  
**ADDRESS OF PREMISES:** 1046 Blossom Road, Fall  
River, MA, 02790  
**FOR GRANTOR'S TITLE SEE:** Bristol County Fall  
River District Registry of Deeds at Book 11313,  
Page 240.

## **GRANT OF CONSERVATION RESTRICTION**

### **I. STATEMENT OF GRANT**

The City of Fall River, having an address at One Government Center, Fall River, MA 02722, being the sole owner of the Premises as defined herein, constituting all of the owner(s) of the Premises as defined herein, for its successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grants, with QUITCLAIM COVENANTS, to The Trustees of Reservations, a Massachusetts charitable corporation established under Chapter 352 of the Acts of 1891, with an address at 200 High Street, 4<sup>th</sup> Floor, Boston, MA, 02110, its permitted successors and assigns ("Grantee"), for charitable consideration as this conveyance is to be considered and characterized as a gift, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land located in the City of Fall River containing a 7.1-acre portion of a 9.8-acre property ("Premises"), which Premises is more particularly described in Exhibit A and shown in the attached reduced copy of a survey plan in Exhibit B, both of which are incorporated herein and attached hereto.

The fee interest in the Premises was acquired utilizing, in part, Community Preservation Act funds pursuant to Chapter 44B of the Massachusetts General Laws, which funds were authorized for such purposes by a vote of the City of Fall River City Council Meeting held on April 25, 2023, an attested copy of which vote is attached hereto as Exhibit C (the "CPA Vote").

The fee interest in the Premises was acquired utilizing, in part, assistance from the Local Acquisitions for Natural Diversity (LAND) program pursuant to Section 11 of Chapter 132A of the Massachusetts General Laws, Section 2A of Chapter 286 of the Acts of 2014, and Section 2A of Chapter 102 of the Acts of 2021, and therefore the Premises is subject to a LAND Grant Project Agreement ("Project Agreement") recorded in Bristol County Fall River District Registry of Deeds in Book 11327, Page 278.

### **II. PURPOSES:**

This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction ("Purposes") are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition and available for agricultural use and passive outdoor recreational use, and to prevent any use or change that would materially impair the Conservation Values (as defined below).

**The Conservation Values protected by this Conservation Restriction include the following:**

- Open Space. The Premises contributes to the protection of the scenic and natural character of the Southeastern Massachusetts Bioreserve and Watuppa Pond area and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises abuts land already conserved, including the 13,600-acre Southeastern Massachusetts Bioreserve.
- Public Access. The Premises are being acquired by the Grantor in part to provide for public access and passive outdoor recreation and educational programming.
- Drinking Water Supply. The Premises are located on the shoreline of North Watuppa Pond – the second largest naturally occurring body of water in Massachusetts and the primary drinking water supply for the residents of the City of Fall River and includes Zones A and B Surface Water Supply Protection Areas as identified by the MA Department of Environmental Protection, the protection of which is critical to maintaining the public drinking water supply.
- Soils and Soil Health. The Premises includes a majority of Farmland of Statewide Importance with a smaller portion of Prime Farmland soils, and a small portion of Prime Forest Land soils as identified by the USDA Natural Resources Conservation Service. The protection of the Premises will promote healthy soils and healthy soils practices as such terms are defined in Chapter 358 of the Acts of 2020, which added definitions of these terms to Section 7A of Chapter 128 of the Massachusetts General Laws.
- Wildlife Habitat. The shoreline of North Watuppa Pond includes “Priority Habitat of Rare and Endangered Species” designated by the MA Division of Fisheries and Wildlife acting by and through its Natural Heritage and Endangered Species Program (NHESP), the protection of which aligns with NHESP’s wildlife and habitat protection objectives. Protection of the Premises will ensure the shoreline of North Watuppa Pond is not more intensely developed negatively impacting this habitat.
- Biodiversity. The Premises includes areas designated as BioMap Aquatic Core Habitat and BioMap Critical Natural Landscapes for Aquatic Core Buffer and Landscape Blocks, as defined by the Massachusetts Natural Heritage and Endangered Species Program. BioMap, released in updated form in 2022, is designed to guide strategic biodiversity conservation in Massachusetts over the next decade by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. *BioMap* is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan. Additionally, the shoreline of North Watuppa Pond is an area designated as BioMap Rare Species Core.

- Climate Change Resiliency. The Premises is identified as an area of Average and Slightly Above Average Terrestrial Resilience according to The Nature Conservancy's (TNC) Resilient Land Mapping Tool, including Average and Slightly Above Average Landscape Diversity and Local Connectedness. TNC's Resilient Land Mapping Tool was developed in order to map 'climate-resilient' sites that are 'more likely to sustain native plants, animals, and natural processes into the future.' The protection of these climate resilient sites is an important step in both reducing human and ecosystem vulnerability to climate change and adapting to changing conditions.
- Consistency with State and Local Governmental Conservation Policy.
  - The Massachusetts 2017 Statewide Comprehensive Outdoor Recreation Plan (SCORP) identifies access to parks and conservation areas for underserved populations as a primary goal. The Premises will make up a portion of the future site of a planned educational center for the Southeastern Massachusetts Bioreserve and is to contain ADA-accessible features. This vision coupled with its proximity to traditionally underserved groups living in Fall River, directly addresses this goal. The western side of North Watuppa Pond contains Environmental Justice populations who are foreign born, low-income, and non-English speaking. The SCORP also encourages protection of drinking water supply lands, which protection of the Premises will directly address.
  - The City of Fall River's current draft Open Space & Recreation Plan includes the goal to "Preserve, protect, and add to the Open Space assets of the City". The plan also includes action items for establishing a stronger partnership with Bioreserve partners and working with land trusts on land conservation matters.
- Heritage Landscape Inventory. North Watuppa Pond was identified as a Natural Feature Heritage Landscape, as part of the Department of Conservation & Recreation Fall River Heritage Landscape Inventory of 2012. Heritage Landscapes are vital to the history, character, and quality of life of communities. Heritage landscapes are the result of human interaction with the natural resources of an area, which influence the use and development of land and contain both natural and cultural resources, such as cemeteries, parks, estates, and agricultural properties. The Premises are located on the shoreline of North Watuppa Pond. North Watuppa Pond was identified as a Heritage Landscape due to its history and water supply.
- Historic Resources. Conservation and appropriate management of the Premises has an important public benefit by preserving historic resources on the Premises. The Premises includes the Spencer Macomber Farm Cemetery aka Westport Borden Burial Cemetery (MHC ID FLR.804). Constructed in 1853, the 1,920 square foot (roughly 30'x75') cemetery includes 16 head and foot stones of the Borden, Macomber, and Pettay families. The individuals are believed to be interconnected, local farm families during that time.

### III. PROHIBITED and PERMITTED ACTS AND USES

#### A. Prohibited Acts and Uses

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, sign, fence, gate, billboard or other advertising, antenna, utilities or other structures, utility pole, tower, solar panel, solar array, conduit, line, septic or wastewater disposal system, storage tank, or dam;
2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantee;
7. Motor Vehicles. Using parking or storing of motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;
9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;

10. Adverse Impacts to Stone Walls, Boundary Markers. Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers;
11. Residential or Industrial Uses. Using the Premises for residential or industrial purposes;
12. Inconsistent Uses. Using the Premises for commercial purposes that are inconsistent with the Purposes or that would materially impair the Conservation Values, or for any other uses or activities that are inconsistent with the Purposes or that would materially impair the Conservation Values.

**B. Permitted Acts and Uses**

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A., the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV.);
2. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, inter-planting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
3. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided that such activities will not take place closer than one hundred (100) feet from any wetland or waterbody;
4. Natural Habitat and Ecosystem Improvement. With prior notice to the Grantee, conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation;
5. Indigenous Cultural Practices. With prior notice to the Grantee, allowing indigenous peoples to:
  - a. Conduct cultural land ceremonial uses. Cultural practices are defined, for the purposes of this Conservation Restriction, as including traditional spiritual ceremonies, seasonal celebrations, offerings, and cultural, educational, and interpretive programming; and

- b. Harvest plant-life for traditional cultural practices, using methods which ensure sustainable populations of the harvested species within the Premises, including regrowth and replanting;
6. Archaeological Investigations. Conducting archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only in accordance with an archaeological field investigation plan, which plan shall also address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) and by the Grantee. A copy of the results of any such investigation on the Premises is to be provided to the Grantee;
7. Trails. Maintaining and constructing trails as follows:
  - a. Trail Maintenance. Marking, clearing, and maintenance of existing trails as shown in the Baseline Documentation Report (see Section XV).
  - b. New Trails. With prior notice to the Grantee, constructing new trails or relocating existing trails.
  - c. Trail Features. With prior notice to the Grantee, constructing bog bridging, boardwalks, footbridges, railings, steps, culverts, benching, cribbing, contouring, or other such features, together with the use of motorized equipment to construct such features;
8. Farm Roads. The maintenance and use of the existing pervious-surfaced farm roads on the Premises, provided that the use of any said road shall be limited to rights reserved in this Paragraph III.B;
9. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the Premises; the Grantee's interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;
10. Outdoor Passive Recreational and Educational Activities. Any outdoor activity that occurs in a natural setting with minimum disturbance of the natural and cultural resources and that is consistent with quiet enjoyment of the land, including, but not limited to hiking, nature observation and study, outdoor education walks and activities, cross-country skiing, snowshoeing, picnicking, community gatherings, and informal sports activities on an open field. With prior notice to the Grantee, use for overflow parking is permitted not more frequently than twice per year, and for not more than fifty (50) vehicles, on the open fields located on the north side of the Premises, provided that the Grantor demonstrates that no alterations will be made to the land, said use will not materially impair the Conservation Values, and it is demonstrated that overflow parking on the Premises is necessary to accommodate a permitted outdoor activity;

- 2
11. Agricultural Activities. Agricultural, horticultural and animal husbandry operations carried out in accordance with sound agricultural management practices including without limitation the cultivation of fields, the mowing and grazing of meadows, the installation of fences, and the breeding and raising of pasturing and grazing livestock. Livestock will be kept in such as manner as to minimize negative impacts on water quality, reduce the physical disturbance to any sensitive areas, and prevent any discharge of sediment, animal waste, nutrients and chemicals to any surface waters using Best Management Practices that comply with the federal Clean Water Act and state Clean Waters Act and the Environmental Protection Agency's Nonpoint Source Pollution Control Program;
  12. Minor Structures for Agricultural Use. The use, maintenance, repair and replacement, within the same building footprint, of the existing animal run-in structure located on the Premises, together with the construction, use, maintenance, repair and replacement of other small structures required of the agricultural activities listed in Paragraph III.B.11. above, which do not require permanent foundations and do not impair the Conservation Values of this Conservation Restriction. No residential use of structures shall be permitted. No structure shall be constructed within 200 feet of the high-water line of North Watuppa Pond. The aggregate sum footprint of all structures, including the existing structure, which has an existing footprint of approximately 200 square feet as documented in the Baseline Documentation Report, shall not exceed 600 square feet;
  13. Minor Educational and Recreational Structures. With prior written approval of Grantee, the construction, maintenance, repair or replacement of structures reasonably necessary to support education or passive recreation, such as, benches and gazebos, provided they are designed and located to avoid any material impact on the Purposes or Conservation Values of this Conservation Restriction.
  14. Stone Walls. The maintenance and repair of stone walls on the Premises in the same style and material as existing stone walls.

**C. Site Restoration**

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade, and vegetated ground cover.

**D. Compliance with Permits, Regulations, Laws**

The exercise of any Permitted Acts and Uses under Paragraph III.B. shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Permitted Act or Use

requiring a permit, license or other approval from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

#### **E. Notice and Approval**

1. Notifying Grantee. Whenever notice to or approval by Grantee is required, Grantor shall notify or request approval from Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
  - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;
  - b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
  - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals.
  - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.
3. Resubmittal. Grantee's failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

#### **IV. INSPECTION AND ENFORCEMENT**

##### **A. Entry onto the Premises**

The Grantor hereby grants to the Grantee, and its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

##### **B. Legal and Injunctive Relief**

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory

relief and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of the injury (it being agreed that the Grantee will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of; any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.

2. Notice and Cure. In the event the Grantee believes that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights described herein, the Grantee shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantee may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantee determines that there is no ongoing violation.
3. Reimbursement of Costs and Expenses of Enforcement. If the court in any judicial proceeding, or the decision maker in any arbitration or other alternative dispute resolution enforcement proceeding, finds there has been a violation of the restriction, in addition to any other relief ordered, the petitioner bringing the action or proceeding may be awarded reasonable attorney's fees and costs incurred in the action or proceeding.

**C. Non-Waiver**

Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

**D. Disclaimer of Liability**

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

**E. Acts Beyond the Grantor's Control**

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

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resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

## **V. PUBLIC ACCESS**

Subject to the provisions of this Conservation Restriction, the Grantor hereby grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Paragraph III.B.10. provided that such public access is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the Purposes and Conservation Values. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Paragraph III.B.10. The Grantee may require the Grantor to post the Premises against any use by the public that results in material impairment of the Conservation Values. This grant of public access to the Premises is solely for the purposes described in Section 17C of Chapter 21 of the Massachusetts General Laws and the Grantor and Grantee hereto express their intent to benefit from exculpation from liability to the extent provided in such section.

## **VI. TERMINATION/RELEASE/EXTINGUISHMENT**

### **A. Procedure**

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official ("Secretary"), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

### **B. Grantor's and Grantee's Right to Recover Proceeds**

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C., subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

### **C. Grantee's Receipt of Property Right**

Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction bears to the value of the unrestricted Premises. The proportionate value of the Grantee's property right will be determined as of the date of termination, release, or extinguishment.

#### **D. Cooperation Regarding Public Action**

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds. The Grantor and Grantee shall use all proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

### **VII. DURATION and ASSIGNABILITY**

#### **A. Running of the Burden**

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

#### **B. Execution of Instruments**

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor and its successors and assigns agree themselves to execute any such instruments that the Grantor agrees is appropriate to assuring the perpetual enforceability of this Conservation Restriction.

#### **C. Running of the Benefit**

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except when all of the following conditions are met:

1. the Grantee requires that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under and 26.U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

### **VIII. SUBSEQUENT TRANSFERS**

#### **A. Procedure for Transfer**

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the

effective date of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantee may record, in the applicable registry of deeds, or registered in the applicable land court registry district, and at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

#### **B. Grantor's Liability**

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

### **IX. ESTOPPEL CERTIFICATES**

Upon request by the Grantor, the Grantee shall, within thirty (30) [*60 days for municipalities unless otherwise agreed upon*] days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

### **X. NON MERGER**

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

### **XI. AMENDMENT**

#### **A. Limitations on Amendment**

Grantor and Grantee may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;

4. affect the status of Grantee as a "qualified organization" or "eligible donee" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws; or
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantee, of the economic impact of the proposed amendment; or
6. alter or remove the provisions described in Paragraph VI (Termination/Release/Extinguishment); or
7. cause the provisions of this Paragraph XI to be less restrictive; or
8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive

#### **B. Amendment Approvals and Recording**

No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor, approved by the City of Fall River and by the Secretary in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the applicable registry of deeds or registered in the applicable land court registry district.

#### **XII. EFFECTIVE DATE**

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the applicable registry of deeds or registered in the applicable land court registry district.

#### **XIII. NOTICES**

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

To Grantor: City of Fall River  
Attn: Office of Corporation Counsel  
1 Government Center  
Fall River, MA, 02722

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

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

#### **XIV. GENERAL PROVISIONS**

##### **A. Controlling Law**

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

##### **B. Liberal Construction**

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in order to effect the Purposes and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the Purposes that would render the provision valid shall be favored over any interpretation that would render it invalid.

##### **C. Severability**

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

##### **D. Entire Agreement**

This instrument sets forth the entire agreement of the Grantor and Grantee with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

#### **XV. BASELINE DOCUMENTATION REPORT**

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report ("Baseline Report") prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and included by reference herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and (iv) may be supplemented as conditions on the Premise change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

#### **XVI. MISCELLANEOUS**

##### **A. Pre-existing Public Rights**

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

**B. Release of Homestead**

The Grantor attests that there is no residence on or abutting the Premises (including areas excluded from the Premises) that is occupied or intended to be occupied as a principal residence by a spouse, former spouse, or children of the grantor, or a spouse, former spouse, or children of a beneficiary of the trust, if Premises is owned by a trust.

**C. No Surety Interest**

The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

**D. Executory Limitation**

If Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, and Grantor has been given a 60-day opportunity to nominate a qualified holder and failed, then Grantee's rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law and with due regard to the requirements for an assignment pursuant to Paragraph VII.

**E. Prior Encumbrances**

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.

**F. The following signature pages are included in this Grant:**

Grant and approval- Mayor

Grantee Acceptance

Approval of City Council

Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

**G. The following exhibits are attached and incorporated herein:**

Exhibit A: Legal Description of Premises

Exhibit B: Reduced Copy of Recorded Plan of Premises

Exhibit C: City Vote Authorizing the Use of CPA Funds

**GRANT AND APPROVAL OF MAYOR OF CITY OF FALL RIVER**

The undersigned, Mayor of the City of Fall River, Massachusetts, hereby approves in the public interest and grants the foregoing Conservation Restriction to the Trustees of Reservations pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

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

**THE COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_ County, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared \_\_\_\_\_, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he/they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

ACCEPTANCE OF GRANT

The foregoing Conservation Restriction from the City of Fall River was accepted by the Trustees of Reservations this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

By: \_\_\_\_\_  
Kathleen Theoharides

Its: CEO & President, duly authorized

By: \_\_\_\_\_  
Brian Therrien

Its: Chief Financial Officer

THE COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ County, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared \_\_\_\_\_, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**APPROVAL OF FALL RIVER CITY COUNCIL**

We, the undersigned, being a majority of the City Council of the City of Fall River hereby certify that at a meeting duly held on \_\_\_\_\_, 2024, the City Council voted to approve the foregoing Conservation Restriction from the City of Fall River to The Trustees of Reservations in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

**FALL RIVER CITY COUNCIL**

\_\_\_\_\_  
Joseph D. Camara

\_\_\_\_\_  
Linda M. Pereira

\_\_\_\_\_  
Andrew J. Raposo

\_\_\_\_\_  
Michelle M. Dionne

\_\_\_\_\_  
Paul B. Hart

\_\_\_\_\_  
Laura-Jean Sampson

\_\_\_\_\_  
Cliff Ponte

\_\_\_\_\_  
Shawn E. Cadime

\_\_\_\_\_  
Attorney Bradford L. Kilby



THE COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ County, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS OF  
THE COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby approves the foregoing Conservation Restriction from the City of Fall River to The Trustees of Reservations in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: \_\_\_\_\_, 2024

\_\_\_\_\_  
Rebecca L. Tepper  
Secretary of Energy and Environmental Affairs

**THE COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared Rebecca L. Tepper, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

## EXHIBIT A

Legal Description of Premises

## PARCEL ONE:

A certain parcel of land situated in the City of Fall River, Bristol County, and shown as LOT 1 with an area of 309276 +/- square feet or 7.100 acres, more or less, on a plan entitled "Conservation Restriction Plan of Land in Fall River, MA", dated 3/9/2023, prepared by Northeast Engineers and Consultants, Inc. and recorded in the Bristol County Fall River District Registry of Deeds in Plan Book 170, Page 21, and more particularly described as follows:

Beginning at a drill hole set in a stone wall at the southeasterly corner of the parcel herein described, said point being 507.20' northwesterly from the westerly side of Blossom Road,

thence by land now or formerly of the City of Fall River, N 76° 04' 48" W a distance of 83.87' to a stone bound corner;

thence by land now or formerly of the City of Fall River, N 83° 50' 05" W a distance of 200.18' to a stone bound corner;

thence by land now or formerly of the City of Fall River partly along a stone wall, S 76° 45' 26" W a distance of 247.53' to a point for a corner;

thence S 02° 18' 46" W a distance of 22.82' to a point in a stone wall for a corner by land now or formerly of Carlos Sardinha;

thence by land of Sardinha by a stone wall, S 82° 36' 48" W a distance of 98.48'; to a point;  
thence by land of Sardinha by a stone wall, N 83° 56' 55" W a distance of 98.38' to a point;  
thence by land of Sardinha and partly by a stone wall N 36° 27' 13" E a distance of 4.71' to land now or formerly of the New England Power Company to a point for a corner;

thence by land now or formerly of the New England Power Company, N 30° 47' 13" E a distance of 557.35' to a drill hole in a cement bound for a corner;

thence by land now or formerly of the New England Power Company, N 42° 07' 13" E a distance of 171.39' to a drill hole found in a stone wall for a corner;

thence by land now or formerly of April Samson, by a stone wall, S 76° 36' 20" E a distance of 592.97' to a drill hole in said stone wall for a corner;

thence S 13° 12' 36" W a distance of 481.20' to a drill hole and the point of beginning.

# EXHIBIT B

## Reduced Copy of Plan of Premises

For official full size plan see Bristol County Fall River District Registry of Deeds Plan Book 170, Page 21.

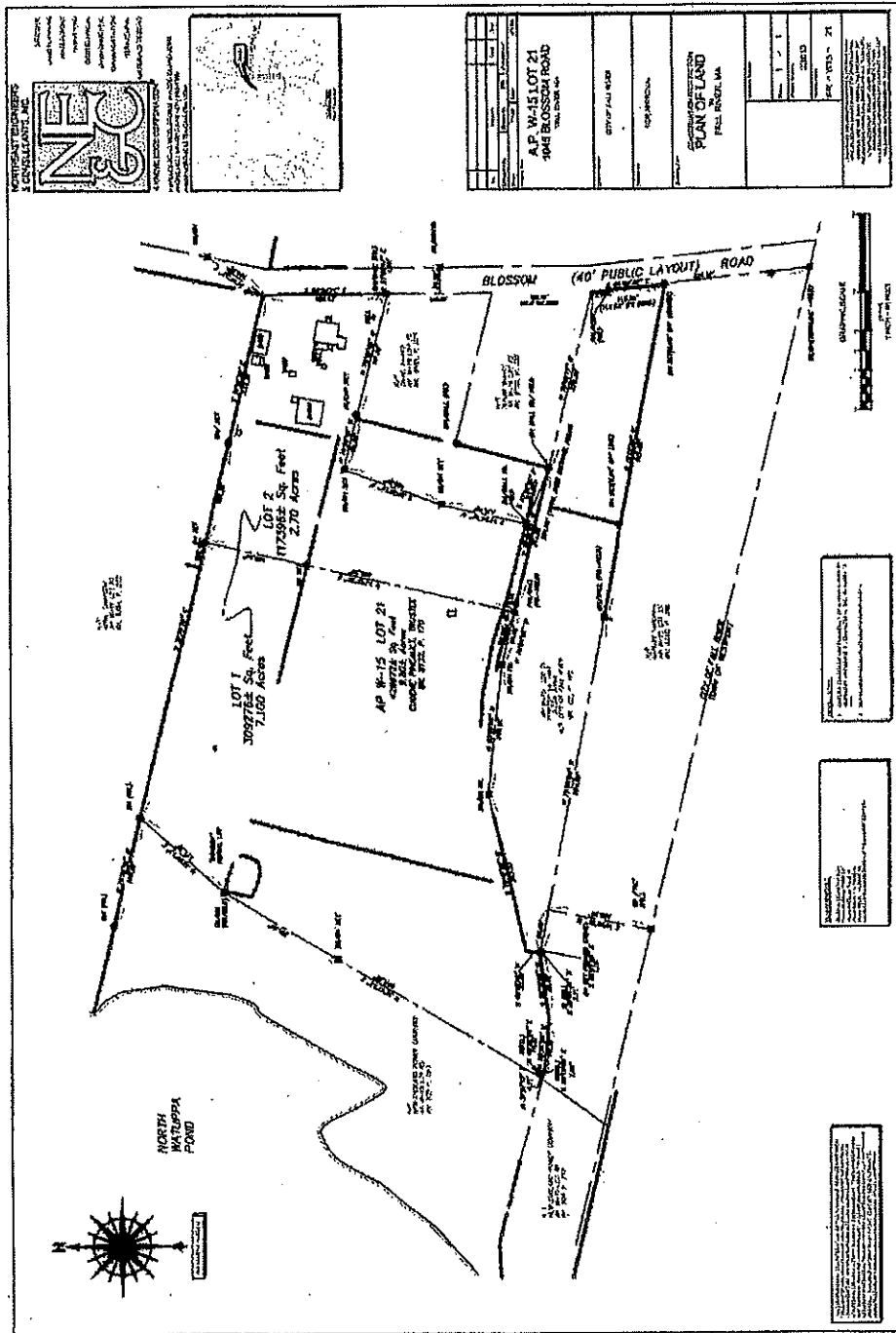


EXHIBIT C

City Vote Authorizing the Use of CPA Funds

Order No. 2024-04

City of Fall River, In City Council

APPROPRIATION ORDER

ORDERED, that the following FY 24 appropriations be provided through the Community Preservation Act (CPA), revenues and reserves under the MGL Chapter 44B Sections 4 to 7 in the aggregate, amounting to \$1,771,608 to be appropriated as follows:

Voted: That \$1,771,608 be appropriated from the CPA Fund FY 24 Annual Revenues

|                                                   |                     |
|---------------------------------------------------|---------------------|
| For CPA Administrative Expenditures               | \$ 45,000           |
| For CPA Open Space/Outdoor Recreation PROJECTS    | \$ 414,934          |
| For CPA Historic Resources Preservation PROJECTS  | \$ 810,597          |
| For CPA Community Housing RESERVES                | \$ 177,161          |
| For CPA Community Housing Unreserved/Undesignated | \$ 323,916          |
| <b>TOTAL</b>                                      | <b>\$ 1,771,608</b> |

*Note: This is the eleventh year of CPA implementation. Anticipated CPA Surcharge revenue is \$1,279,034. Supplemental state trust fund distributions are estimated at \$492,574. Total \$1,771,608. Minimum 10% (\$177,161) must be spent or reserved under each of the three categories and the administrative expenditure cannot exceed 5% (\$88,580).*

In City Council, April 25, 2023  
Adopted.

Approved, April 26, 2023  
Paul E. Coogan, Mayor

A true copy. Attest:

*Alison M. Bruchard*  
City Clerk



PAUL E. COOGAN  
Mayor

City of Fall River  
Massachusetts  
Office of the Mayor

RECEIVED

2024 JUL 25 A 10:30

CITY CLERK  
FALL RIVER, MA

July 24, 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 Liane Verville, Library Administrator, with a request to accept \$25,000.00 from the Estate of Joseph H. Feitelberg. We ask for your every consideration with this request.

Thank you.

Sincerely,

Paul E. Coogan  
Mayor

PC/amos

*City of Fall River, In City Council*

ORDERED, that under the provisions of M.G.L. Chapter 44, Section 53A, the Fall River Public Library be, and the same is hereby, authorized to accept a gift from the Estate of Joseph H. Feitelberg in the amount of \$25,000.00 for general uses and purposes of the Fall River Public Library.



**City of Fall River  
Massachusetts**  
Department of Community Services  
PLANNING • HEALTH & HUMAN SERVICES • LIBRARY  
INSPECTIONAL SERVICES

*Fall River Public Library*  
fallriverlibrary.org

**PAULE. COOGAN**  
*Mayor*

**LIANE VERVILLE**  
Library Administrator  
[lverville@sailsinc.org](mailto:lverville@sailsinc.org)

July 24, 2024

The Honorable Paul E. Coogan  
Mayor  
City of Fall River  
Fall River, MA 02722

Dear Mayor Coogan:

In accordance with the provisions of MGL c. 44 §53A I hereby ask that the City Council accept a Trust Fund from John J. Feitelberg, Trustee of the Joseph H. Feitelberg 2003 Revocable Trust in the amount of \$25,000. Said fund is to be used by the Library for its general uses and purposes.

Sincerely,

Liane Verville  
Library Administrator



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

RECEIVED

2024 JUL 31 P 3:13

CITY CLERK  
 FALL RIVER, MA

**PAUL E. COOGAN**  
*Mayor*

July 31, 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 Liane Verville, Library Administrator, with a request to accept \$1,000.00 donation from Richard and Deborah Danner to be used by the Children's Section of the Library. We ask for your every consideration with this request.

Thank you.

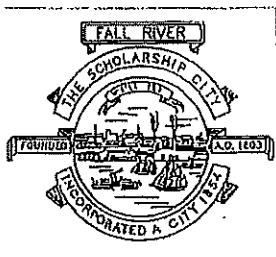
Sincerely,

Paul E. Coogan  
 Mayor

PC/amos

*City of Fall River, In City Council*

ORDERED, that under the provisions of M.G.L. Chapter 44, Section 53A, the Fall River Public Library be, and the same is hereby, authorized to accept a gift donation from Richard and Deborah Danner in the amount of \$1,000 to be used by the Children's Section of the Fall River Public Library.



4

**City of Fall River**  
**Massachusetts**  
**Department of Community Services**  
PLANNING • HEALTH & HUMAN SERVICES • LIBRARY  
INSPECTIONAL SERVICES

*Fall River Public Library*  
fallriverlibrary.org

**PAUL E. COOGAN**  
*Mayor*

**LIANE VERVILLE**  
Library Administrator  
[lverville@sailsinc.org](mailto:lverville@sailsinc.org)

July 31, 2024

The Honorable Paul E. Coogan  
Mayor  
City of Fall River  
Fall River, MA 02722

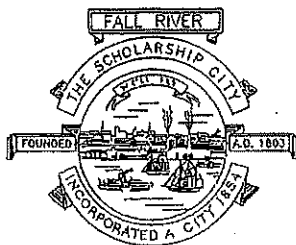
Dear Mayor Coogan:

In accordance with the provisions of MGL c. 44 §53A I hereby ask that the City Council accept a donation from Richard and Deborah Danner (16 Miles Avenue, Tiverton, RI 02878) in the amount of \$1,000. Said donation is to be used by the Library for the Children's section.

Sincerely,

Liane Verville  
Library Administrator

5



City of Fall River  
Massachusetts  
Office of the Mayor

PAUL E. COOGAN  
Mayor

RECEIVED

2024 AUG -8 A 10:01

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

August 7, 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 Sally Lawlor, 8 Bucks Trail, Westerly, RI 02891 to donate a custom-made couch made in 1869 to the City of Fall River. We ask for your every consideration with this request.

Thank you.

Sincerely,

Paul E. Coogan  
Mayor

PC/amos

*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 gift donation of a custom-made couch made in 1869 from Sally Lawlor to the City of Fall River.

**Mayor Office**

---

**From:** Chris & Sally Lawlor  
**Sent:** Wednesday, July 24, 2024 10:15 AM  
**To:** Mayor Office  
**Cc:** Chris and Sally Lawlor  
**Subject:** [EXTERNAL] Couch Donation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Dear Ms. Carvalho:

This is the information you requested this morning.

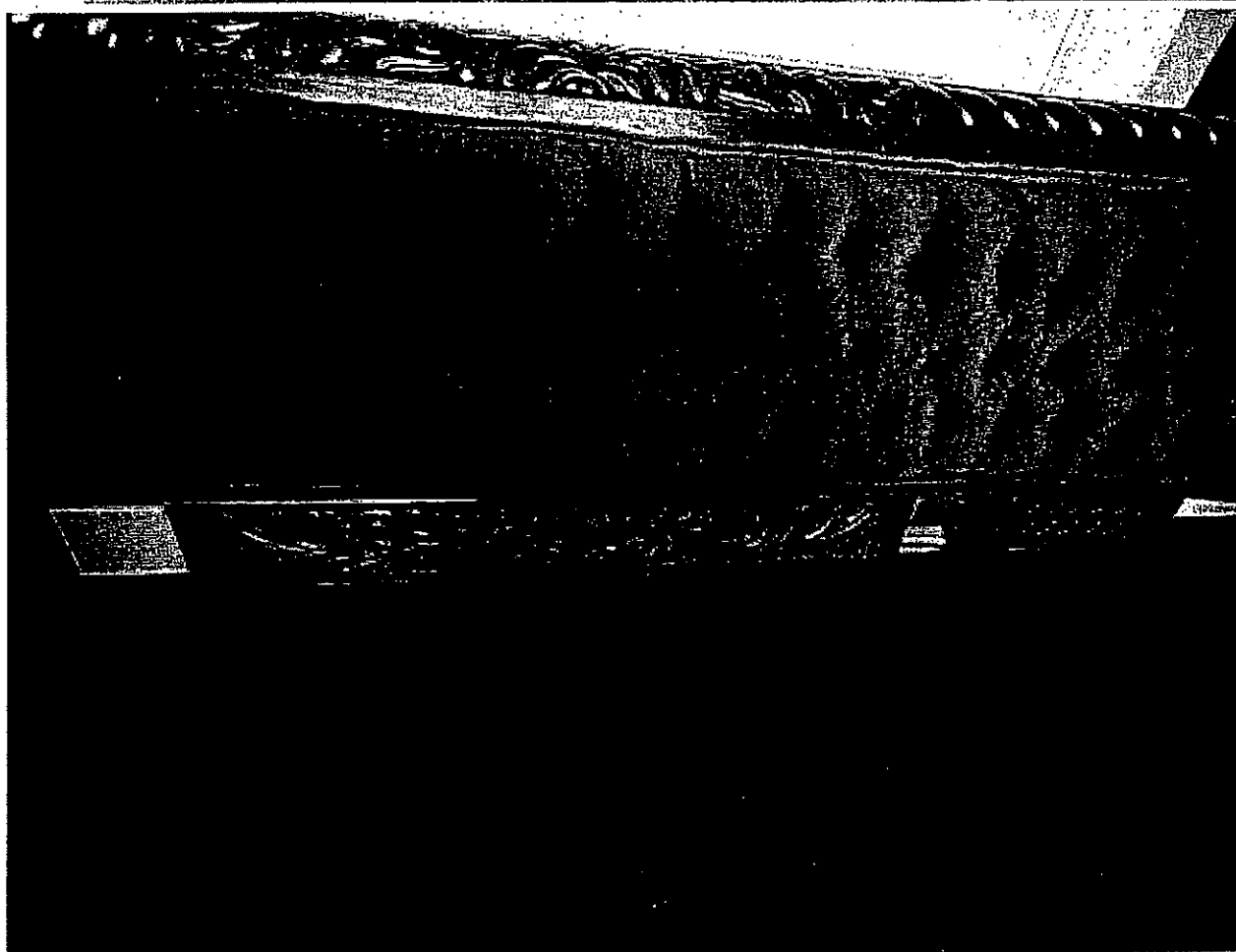
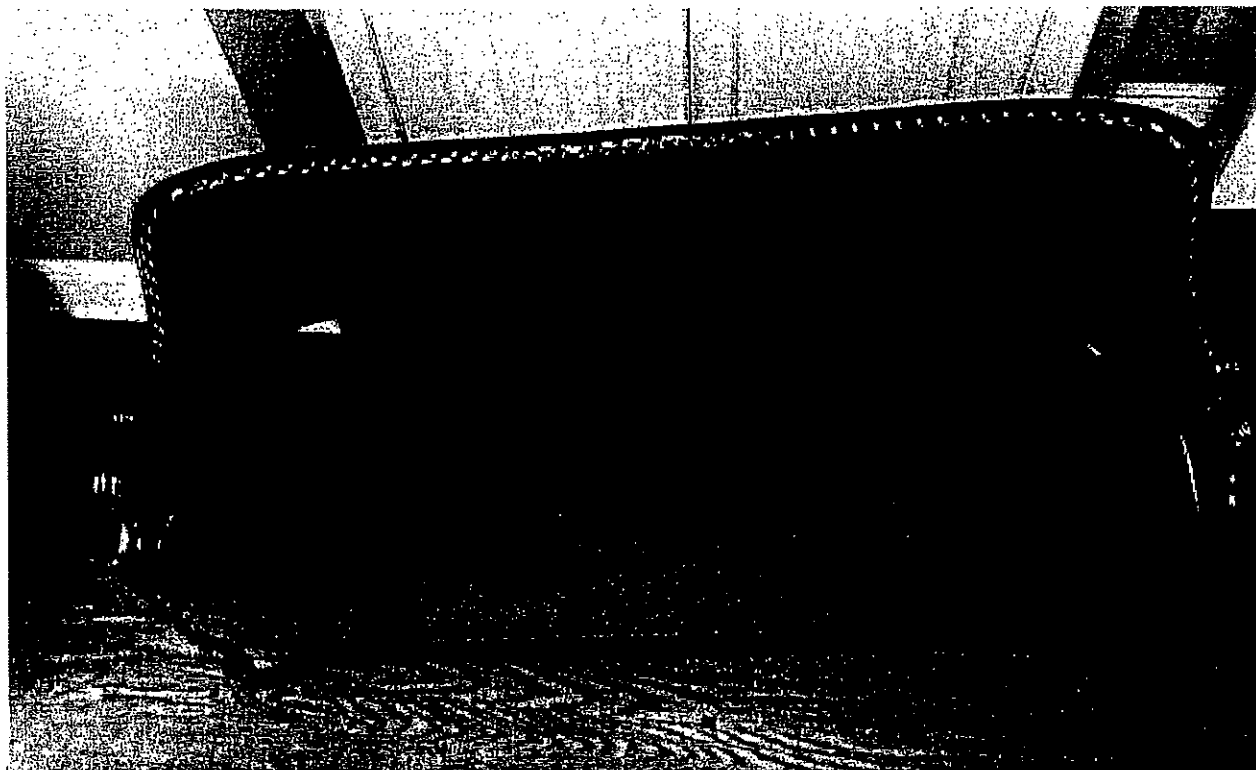
I own my Great Grandparent's couch that was handmade as a wedding gift for them in 1869. My great grandfather was Alphonso Smith Covell and my great grandmother was Sarah Walker Borden Covell, the youngest daughter of Colonel Richard Borden. They owned many companies in New England and were prominent in New England society. The family owned the Fall River Line as well as cotton mills in Fall River and Lowell, Massachusetts. As a wedding gift, a home was built for them in Fall River where the town hall is located today. This couch was made at that time for that home.

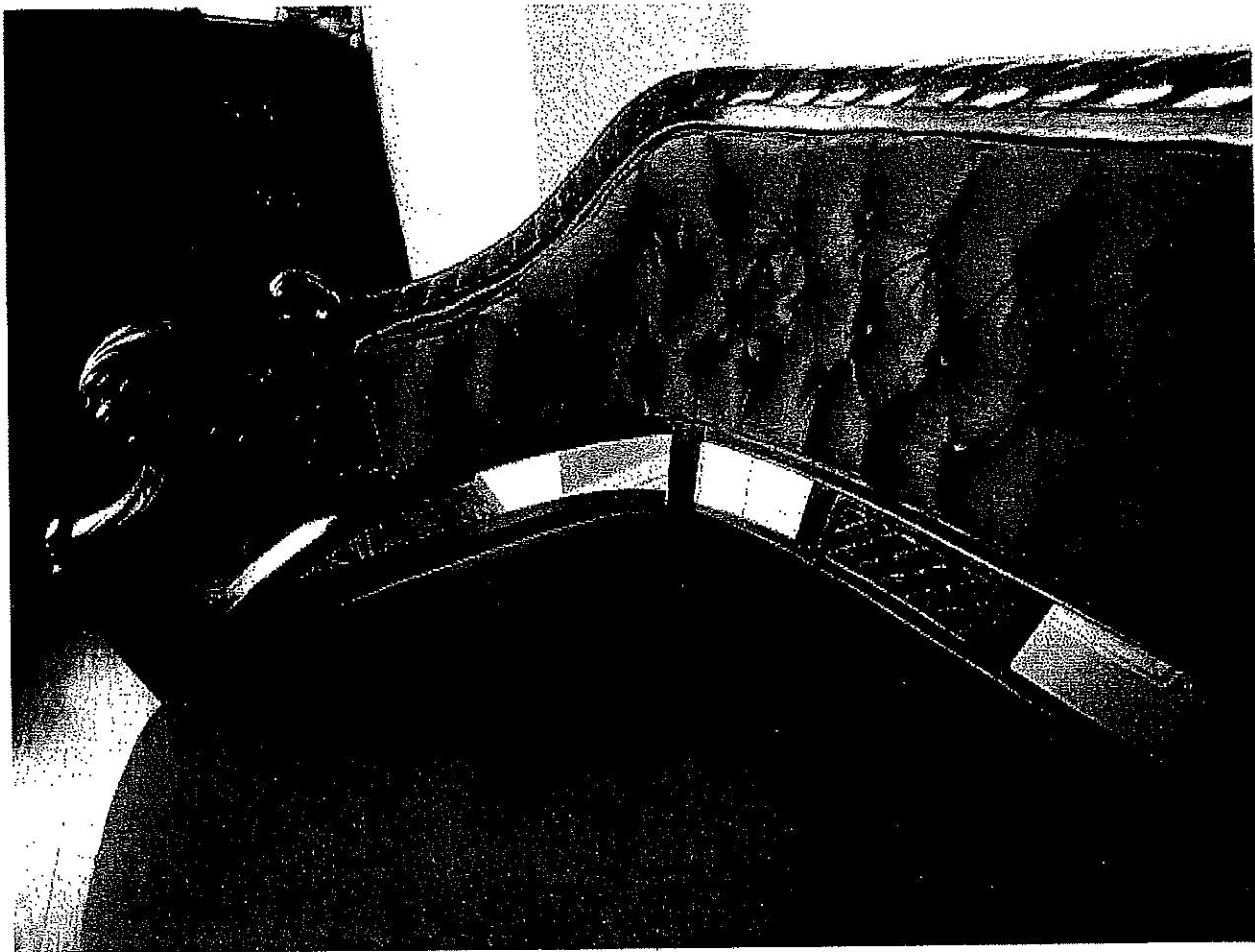
When we had a matching chair reupholstered by a man who works on museum pieces, he looked for markings to show who made the furniture but found no markings. He told us that because of the quality and the fine workmanship, his opinion was that the couch was custom made. The couch needs no repairs and is in excellent condition. I am attaching pictures of the couch below.

I would like to donate our couch to the city of Fall River. We feel that this couch is a piece of Fall River history and should be given back to the city. Please let me know whether the city is interested in my donation.

Thank you for your response.

Sally Lawlor  
8 Bucks Trail  
Westerly, RI 02891









PAUL E. COOGAN  
*Mayor*

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

RECEIVED

2024 AUG -8 P 2:13

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

August 8, 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 proposal for the approval of Bristol County ARPA funding from the Bristol County Treasury to fund the Water Main Replacement Project.

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

Sincerely,

Paul E. Coogan  
Mayor

PC/amos



**City of Fall River**  
*American Rescue Plan Act*

6

**PAUL E. COOGAN**  
Mayor

**KARA HUMM**  
ARPA Director

August 8, 2024

The Honorable Paul Coogan  
Mayor of the City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Mr. Mayor:

Attached please find the Water Main Replacement Proposal seeking ARPA funding from the Bristol County Treasury.

As the ARPA Director for the City of Fall River, it is my opinion that the application and obligation deadline established by the Bristol County Treasury will not allow the opportunity to put forth proposals for advancement of funds, but to submit, an application for reimbursement of a completed project. This ensures that all procurement has been satisfied, work completed, and final payment expended. Therefore, I am recommending that the City Council approve the proposal for the Water Main Replacement Project in the amount of \$1,633,882.00 to be funded by Bristol County Treasury.

If you could please include this proposal on the agenda for the August 13<sup>th</sup> City Council Meeting it would be greatly appreciated.

Sincerely,

Kara Humm  
ARPA Director

ARPA Fund Use:**WATER MAIN REPLACEMENT**

Department of Community Utilities-Water Division

Description of Proposal:

Reimbursement for the replacement of 17,720 feet of water main.

Requested ARPA Funds:

\$1,633,882.00

| Item                   | Cost                  |
|------------------------|-----------------------|
| Water Main Replacement | \$1,633,882.00        |
| <b>TOTAL</b>           | <b>\$1,633,882.00</b> |

Category: 5: Infrastructure Water and Sewer

5.11 Drinking Water: Transmission and Distribution

Rationale for ARPA Funding:

The Water Main Replacement Project (ARPA-5) was funded through the City ARPA Funds. The project involved the replacement of 17,720 feet of water main and 36 lead services that were identified throughout the City of Fall River.

The request to approve the Water Main Replacement Project for funding from Bristol County Treasury, as a reimbursement is to ensure that the deadlines required for applications and obligations are being satisfied. Advancements for funding for new projects that have not gone through the procurement process will not meet the obligation deadlines required by Bristol County Treasury.

The Water Main Replacement Project commenced in November 2021 and is near completion. All funding has been obligated to meet the obligation deadline and all funding will be expended. As a result, this project is appropriate to put forth in an application to Bristol County Treasury.



City of Fall River  
Massachusetts  
Office of the Mayor

RECEIVED

2024 AUG -6 P 2:27

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

PAUL E. COOGAN  
*Mayor*

August 6, 2024

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

Dear Councilor President and Members of the Honorable Council:

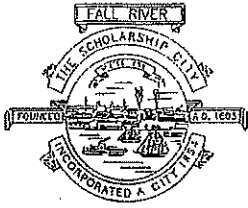
Attached for your consideration please find a request from ARPA Director's, Kara Humm, regarding the Bristol County ARPA Funding for the "Lafayette Skateboard Park Rehabilitation".

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

Sincerely,

Paul E. Coogan  
Mayor

PC/amos



PAUL E. COOGAN  
Mayor

City of Fall River  
*American Rescue Plan Act*

RECEIVED

2024 AUG -6 P 2:27

KARA HUMM  
ARPA Director

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

August 6, 2024

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

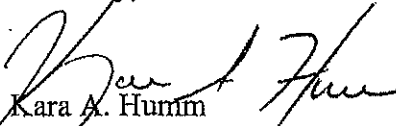
Dear Mayor Coogan:

Attached please find the documents that were submitted for the May 14, 2024, City Council Meeting pertaining to Councilor Laura Sampson's proposal seeking ARPA funding (\$700,000) from the Bristol County Treasury for the "Lafayette Skateboard Park Rehabilitation" and approved by City Council.

As the City's ARPA Director, it my responsibility to ensure that projects can meet the obligation deadlines established by the U.S. Treasury. To ensure procurement is followed in accordance with Federal and State laws, and to meet Bristol County internal obligation deadline, it is impossible for this project to be funded through Bristol County Treasury. Therefore, I am recommending that the approval for Bristol County Treasury funding for this proposal be rescinded by the Council to allow for the City to cover these costs using the City's ARPA funds.

If you could please forward this request to the City Council for their consideration to rescind the approval for the Bristol County Treasury funding of "Lafayette Skateboard Park Rehabilitation" at the August 13th City Council Meeting it would be greatly appreciated.

Sincerely,

  
Kara A. Humm  
ARPA Director



PAUL E. COOGAN  
Mayor

City of Fall River  
Massachusetts  
Office of the Mayor

RECEIVED

2024 APR 30 AM 11:51

CITY CLERK  
FALL RIVER, MA

April 30, 2024

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

Dear Councilor President and Members of the Honorable Council:

Attached please find a request forwarded from ARPA Coordinator, Kara Humm, regarding a proposal submitted by Council Laura Sampson for Bristol County ARPA funding for the Lafayette Skate Park Rehabilitation.

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

Sincerely,

Paul E. Coogan  
Mayor

PC/amos

CITY OF FALL RIVER  
IN CITY COUNCIL  
MAY 14 2024

Approved  
(Councilors Cadine  
and Dionne opposed)



PAUL E. COOGAN  
Mayor

**City of Fall River**  
*American Rescue Plan Act*

RECEIVED

7/3/24 APR 29 P 12:52

KARA HUMM  
ARPA Director

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

May 2, 2024

The Honorable Paul Coogan  
Mayor of the City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Mr. Mayor:

Attached please find Councilor Laura Sampson's proposal seeking ARPA funding from the Bristol County Treasury.

If you could please include this proposal on the agenda for the May 7<sup>th</sup> City Council Meeting it would be greatly appreciated.

Sincerely,

Kara Humm  
ARPA Director

ARPA Fund Use:      **LAFAYETTE SKATEPARK REHABILITATION**  
 Proposal by Councilor Laura Sampson

Description of Proposal:      Purchase of equipment to increase public service and Safety programs and capacity.

Requested ARPA Funds: \$700,000.00

|              | Description                                       | Total               |
|--------------|---------------------------------------------------|---------------------|
|              | Design and Construction of a 7000 sq ft Skatepark | \$700,000.00        |
| <b>TOTAL</b> |                                                   | <b>\$700,000.00</b> |

Category: 2: Negative Economic Impact:

2.22 Strong Healthy Communities:  
 Neighborhood Features that Promote Health and Safety

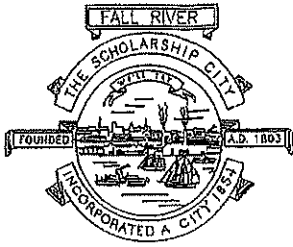
Rationale for ARPA Funding:

The original plan was to install and/or rehabilitate skateparks in Abbott, North, and Lafayette Parks, however it was not financially feasible and therefore the proposal is to rehabilitate and upgrade the existing skatepark in Lafayette Park.

Lafayette Park was selected as it is centrally located within the City of Fall River in an Environmental Justice neighborhood and Qualified Census Tract 6413 BG 5. Although not in the urban renewal area of the Flint, it is directly adjacent, allowing disadvantaged youth to easily access the skateboard park.

The funding will allow for the design and construction of a 7000 sq ft skateboard park that will rehabilitate the old, worn and crumbling concrete ramps, structures, and surface. The funding will allow the creation of the only state of the art skatepark in the city, and provide youth and adults with access to outdoor recreational space.

RECEIVED  
 MAY 15 2024 P 12:52  
 CITY OF FALL RIVER, MA



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

RECEIVED

2024 AUG -6 P 2:27

**PAUL E. COOGAN**  
*Mayor*

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

August 6, 2024

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

Dear Councilor President and Members of the Honorable Council:

Attached for your consideration please find a request from ARPA Director's, Kara Humm, regarding the Bristol County ARPA Funding for the "Veteran's Van".

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

Sincerely,

*Paul E. Coogan*

Paul E. Coogan  
Mayor

PC/amos



**City of Fall River**  
*American Rescue Plan Act*

**PAUL E. COOGAN**  
 Mayor

**RECEIVED**

2024 AUG -6 P 2:27

**KARA HUMM**  
 ARPA Director

August 6, 2024

CITY CLERK \_\_\_\_\_  
 FALL RIVER, MA

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

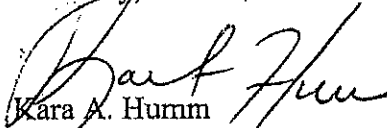
Dear Mayor Coogan:

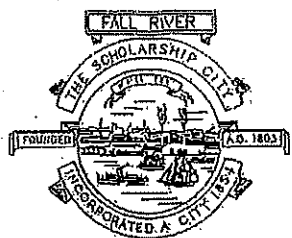
Attached please find the documents that were submitted for the January 9, 2024, City Council Meeting pertaining to Councilor Michelle Dionne's proposal seeking ARPA funding (\$38,500) from the Bristol County Treasury for the "Veterans Van" and approved by City Council.

As the City's ARPA Director, I believe the "Veterans Van" should instead be funded through the City ARPA funds due to the U.S. Department of the Treasury requirements outlined in the Interim Final Rule pertaining to use of State and Fiscal Recovery Funds for Title I Projects. Therefore, I am recommending that the approval for Bristol County Treasury funding for this proposal be rescinded by the Council to allow for the City to cover these costs using the City's ARPA funds.

If you could please forward this request to the City Council for their consideration to rescind the approval for the Bristol County Treasury funding of "Veterans Van" at the August 13th City Council Meeting it would be greatly appreciated.

Sincerely,

  
 Kara A. Humm  
 ARPA Director



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

**PAUL E. COOGAN**  
 Mayor

RECEIVED

2023 DEC 22 P 1:32

CITY CLERK \_\_\_\_\_  
 FALL RIVER, MA

December 22, 2023

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

Dear Councilor President and Members of the Honorable Council:

Attached please find a proposal from Councilors Michelle Dionne and Andrew Raposo seeking funding from the Bristol County Treasury.

Your every consideration would be appreciated with this request. Thank you and as always, I am available for any questions or concerns you may have regarding this matter.

Sincerely,

*Paul E. Coogan*  
 Paul E. Coogan  
 Mayor

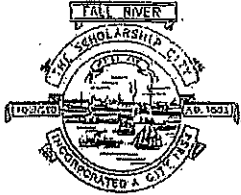
PC/arnos

CITY OF FALL RIVER  
 IN CITY COUNCIL

JAN 09 2024

*Accepted on file*

One Government Center • Fall River, MA 02722  
 TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL [mayor@fallriverma.org](mailto:mayor@fallriverma.org)



**City of Fall River**  
*American Rescue Plan Act*

**PAUL E. COOGAN**  
Mayor

**KARA HUMM**  
ARPA Director

December 21, 2023

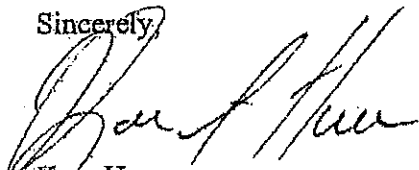
The Honorable Paul Coogan  
Mayor of the City of Fall River  
One Government Center  
Fall River, MA 02722

Dear Mr. Mayor:

Attached please find Councilors Michelle Dionne and Andrew Raposo proposal seeking ARPA funding from the Bristol County Treasury.

If you could please include this proposal on the agenda for the January 9<sup>th</sup> City Council Meeting it would be greatly appreciated.

Sincerely,



Kara Humm  
ARPA Director

ARPA Fund Use: **PUBLIC SERVICE TRANSPORTATION VAN**  
 Proposal by Councilors Michelle Dionne and Andrew Raposo

Description of Proposal: Purchase of transportation van to increase capacity of veterans and elderly riders throughout the City of Fall River.

Requested ARPA Funds: \$38,500.00

| Quantity     | Description   | Total              |
|--------------|---------------|--------------------|
| 1            | Passenger Van | \$38,500.00        |
| <b>TOTAL</b> |               | <b>\$38,500.00</b> |

Category: 10: Title I Projects: 10.8 Provision of Public Services

Rationale for ARPA Funding:

The Veterans Department for the City of Fall River provides rides for medical appointments and grocery trips, to veterans, seniors, and disabled citizens. Grocery shopping trips occur weekly on Mondays and Fridays, while medical appointment transportation is offered on Tuesdays, Wednesdays, and Thursdays. There are also rides offered to/from Providence and Brockton VA Hospitals, Tuesdays through Friday. This year, there was 1000 rides provided, with most days being completely full, and a cancellation list to accommodate last minute changes to ensure all riders are at capacity.

This program is critical to our veterans, seniors, and disabled citizens, but with the condition of current vehicles and the need to provide more riders an opportunity for transport, a new passenger van is necessary.

CITY OF FALL RIVER  
 IN CITY COUNCIL

JAN 09 2024

Approved



City of Fall River  
Massachusetts  
Office of the Mayor

PAUL E. COOGAN  
Mayor

RECEIVED

2024 AUG -8 A 10:01

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

August 8, 2024

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

Dear Councilor President and Members of the Honorable Council:

Attached for your consideration please find a request to transfer unexpended bond proceeds from three inactive projects to a suitable project with a similar life.

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

Sincerely,

Paul E. Coogan  
Mayor

PC/amos

# City of Fall River, In City Council

## CITY OF FALL RIVER UNEXPENDED BOND PROCEEDS TRANSFER ORDER

CITY OF FALL RIVER, In City Council

ORDERED: That in accordance with Chapter 44, Section 20 of the General Laws, the unexpended balances of funds borrowed to pay costs of the projects set forth below, which amounts are no longer needed to complete the projects for which they were initially borrowed, are hereby appropriated by this Council to pay a portion of the costs of structural repairs the Pearl Street and Third Street Garages, including the payment of costs incidental or related thereto:

| <u>Project<br/>Description</u>                    | <u>Original Loan<br/>Appropriation<br/>Amount</u> | <u>Approval<br/>Date</u> | <u>Unexpended<br/>Balance</u> |
|---------------------------------------------------|---------------------------------------------------|--------------------------|-------------------------------|
| Government Center Roof Replacement                | \$1,300,000                                       | October 1, 2028          | \$139,129.93                  |
| Sucker Brook Driveway Crossing                    | 1,000,000                                         | September 30, 2016       | 97,678.98                     |
| Globe & Flint Street Fire Station Roof<br>& Doors | 500,000                                           | October 1, 2018          | 76,837.10                     |
| Total                                             |                                                   |                          | \$313,646.01                  |



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

PAUL E. COOGAN  
Mayor

Bridget Almon  
Director of Financial Services

August 7, 2024

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

Dear Honorable Mayor:

I am writing to request a council vote on the transfer of unexpended bond proceeds from three inactive projects. The transfer order is attached. The Director of City Operations has identified a suitable project with a similar life to allocate these funds to.

The identified project involves structural repairs for the Pearl and Third Street garages. This project is not only crucial for the safety and longevity of our city's infrastructure, but it also aligns with the lifespan of the original projects.

The total cost of this project has been calculated and is broken down into phases to ensure transparency and accountability. I have attached a detailed breakdown of these costs for your review.

I kindly request that this matter be added to the agenda for the next council meeting.

If you have any questions or need further clarification, please do not hesitate to contact me.

Regards,

  
Bridget Almon  
Director of Financial Services

### Pearl Street and Third Street garages

The Pearl Street and Third Street garage structures have a history of deteriorated structural elements. Previous condition assessments of the structures were completed in 2017 and sufficient corrections of concrete and metal supports were made. To extend the parking to the upper floors, the city hired engineering firm (Tighe & Bond) evaluate the current conditions of the upper levels and the entire garage structures. Currently, the upper floors of both garages are closed to traffic to alleviate the potential overstress of the weakened elements. Based on the previous assessments and our initial review of the garages, numerous structural elements throughout both garages have severe deterioration and will require immediate repairs. Our engineering firm has completed the conditions assessment of both garages and recommended the following plan to extend the usage of all levels in both garages: Testing & Inspections (selectively destructive, non-destructive testing, Ground Penetrating Radar (GPR) and Ultrasonic Testing (UT)), Schematic Design, Design Development, Construction Documents, Bid Phase Services and Construction Administration.

|                                       |                        |                        |
|---------------------------------------|------------------------|------------------------|
| Task 01: Conditions Assessment:       | Pearl Street \$12,500  | Third Street \$12,500  |
| Task 02: Testing & Inspections:       | Pearl Street \$60,000  | Third Street \$85,000  |
| Task 03: Schematic Design:            | Pearl Street \$65,000  | Third Street \$95,000  |
| Task 04: Design Development:          | Pearl Street \$90,000  | Third Street \$145,000 |
| Task 05: Construction Documents:      | Pearl Street \$155,000 | Third Street \$250,000 |
| Task 06: Bid Phase Services:          | Pearl Street \$7,500   | Third Street \$10,000  |
| Task 07: Construction Administration: | Pearl Street \$125,000 | Third Street \$150,000 |
| Total                                 | Pearl Street \$502,500 | Third Street \$735,000 |

The estimated cost for construction is Pearl Street \$1,750,000 Third Street \$1,750,000



City of Fall River  
Massachusetts  
Office of the Mayor

PAUL E. COOGAN  
*Mayor*

RECEIVED

2024 AUG -8 P 2:13

CITY CLERK  
FALL RIVER, MA

August 8, 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 proposed amendment to the City Ordinance as it relates to Membership of the Historical Commission.

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

Sincerely,

Paul E. Coogan  
Mayor

PC/amos



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

8 August 2024

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

Dear Mayor Coogan:

The City of Fall River's application for Certified Local Government was rejected by the Massachusetts Historical Commission because our ordinance regarding appointments to the Historical Commission conflicts with state law. According to MGL Chapter 40C §4 & Chapter 40 §8D, membership in the Historical Commission and the Historic District Study Committee shall be appointed by the mayor. Our ordinance (§38-34) conflicts with state law because it gives the City Council the power to appoint three of the seven members.

To correct this conflict, I have proposed that § 38-34, entitled Membership of the Historical Commission be replaced in its entirety with the language:

**§ 38-34 Membership of the Historical Commission.**

The Historical Commission shall consist of seven members appointed by the Mayor, subject to confirmation by the City Council. Appointments shall be arranged so that the term of at least two members will expire each year. Successors shall be appointed for three year terms.

A copy of the proposed amendment is attached. Please place this item on the agenda for the next regularly scheduled meeting of the City Council.

Very truly yours,

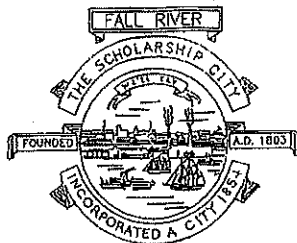
  
Alan J. Rumsey  
Corporation Counsel

Chapter 38  
HISTORICAL PRESERVATION

ARTICLE II  
Historical Commission

§ 38-34 Membership of the Historical Commission.

The Historical Commission shall consist of seven members appointed by the Mayor, subject to confirmation by the City Council. Appointments shall be arranged so that the term of at least two members will expire each year. Successors shall be appointed for three-year terms.



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

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2024 AUG -8 P 2:13

CITY CLERK  
FALL RIVER, MA

PAUL E. COOGAN  
*Mayor*

August 8, 2024

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

Dear Councilor President and Members of the Honorable Council:

Attached please find correspondence from Corporation Counsel, Alan Rumsey, with information regarding the drafting of the ordinance entitled Short-Term Rentals. We ask for your every consideration with this matter.

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

Sincerely,

Paul E. Coogan  
Mayor

PC/amos



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

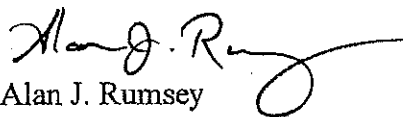
8 August 2024

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

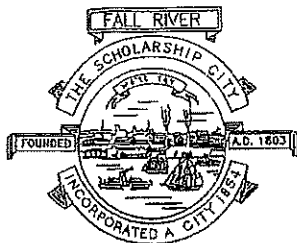
Dear Mayor Coogan:

The Law Department is nearing completion of a proposed ordinance, entitled *Short-Term Rentals*, that would permit, under carefully controlled conditions, short-term rentals in the City of Fall River. The proposed ordinance is expected to be completed by Tuesday, August 13, 2024, so I ask that you please place this item on the agenda for the next regularly scheduled meeting of the City Council.

Very truly yours,

  
Alan J. Rumsey  
Corporation Counsel

12



City of Fall River  
Massachusetts  
Office of the Mayor

PAUL E. COOGAN  
Mayor

RECEIVED

2024 AUG -8 P 2:13

CITY CLERK  
FALL RIVER, MA

August 8, 2024

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

Dear Councilor President and Members of the Honorable Council:

Attached please find correspondence from Corporation Counsel, Alan Rumsey, with information regarding the drafting of the ordinance entitled Unauthorized Camping on Public Property. We ask for your every consideration with this matter.

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

Sincerely,

Paul E. Coogan  
Mayor

PC/amos



**OFFICE OF THE  
CORPORATION COUNSEL**  

---

**CITY OF FALL RIVER**

8 August 2024

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

Dear Mayor Coogan:

The Law Department is nearing completion of a proposed ordinance, entitled *Unauthorized Camping on Public Property*, which was prepared at the request of the City Council. Please place this proposed camping ordinance on the agenda for the next regularly scheduled meeting of the City Council.

Very truly yours,

Alan J. Rumsey  
Corporation Counsel



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

**PAUL E. COOGAN**  
 Mayor

RECEIVED  
 2024 AUG -8 P 1:00

CITY CLERK  
 FALL RIVER, MA

August 7, 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. \$169,656      That the sum of \$169,656 be, and the same is, hereby appropriated to the HEALTH AND HUMAN SERVICES SALARIES from INSPECTIONAL SERVICES SALARIES. (Due to re-organization of City Departments)

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

Best Regards,

*Paul E. Coogan*

Paul E. Coogan  
 Mayor

*City of Fall River, In City Council*

August 7, 2024

**ORDERED:**

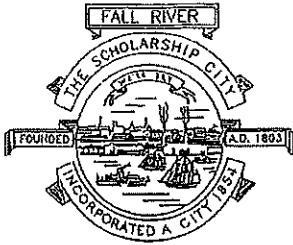
**That the sum of \$169,656 be, and the same is, hereby transferred from the  
Inspectional Services Salaries to Health and Human Services Salaries:**

# FY25 Appropriation/Transfer Number Analysis

| Line                               | Original/Revised Appropriation | Amount Transferred | Adjusted Balance |
|------------------------------------|--------------------------------|--------------------|------------------|
| Inspectional Services Salaries     | \$ 978,022.00                  | \$ (169,656.00)    | \$ 808,366.00    |
| Health and Human Services Salaries | \$ 299,926.00                  | \$ 169,656.00      | \$ 469,582.00    |

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

  
 City Auditor  
 August 13, 2024



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

RECEIVED

2024 AUG -8 P 1:00

CITY CLERK  
 FALL RIVER, MA

**PAUL E. COOGAN**  
*Mayor*

August 8, 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. \$22,500                      That the sum of \$22,500 be, and the same is, hereby appropriated to the CITY COUNCIL, EXPENSES from the STABILIZATION FUND, (Due to new outside auditor contract awarded.)
  
2. \$322,117                    That the sum of \$322,117 be, and the same is, hereby appropriated to the EMS, CAPITAL from the EMS, STABILIZATION FUND.

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

Best Regards,

Paul E. Coogan  
 Mayor

*City of Fall River, In City Council*

August 7, 2024

**ORDERED:**

**That the sum of \$22,500 be, and the same is, hereby appropriated to the City Council, Expenses from the Stabilization Fund.**

FY25 Appropriation/Transfer Number Analysis

| Line                                  | Original/Revised Appropriation | Amount Transferred | Adjusted Balance |
|---------------------------------------|--------------------------------|--------------------|------------------|
| City Council Services- Audit Services | \$ 145,000.00                  | \$ 22,500.00       | \$ 167,500.00    |
| Stabilization Fund                    | \$ 17,190,427.46               | (22,500.00)        | \$ 17,167,927.46 |

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

  
\_\_\_\_\_  
City Auditor  
August 13, 2024

*City of Fall River, In City Council*

July 30, 2024

**ORDERED:**

**That the sum of \$322,117 be, and the same is, hereby appropriated to the EMS, Capital from the EMS, Stabilization Fund.**

# FY25 Appropriation/Transfer Number Analysis

| Line                    | Original/Revised Appropriation | Amount Transferred | Adjusted Balance |
|-------------------------|--------------------------------|--------------------|------------------|
| EMS Capital             | \$ 220,000.00                  | \$ 322,117.00      | \$ 542,117.00    |
| EMS -Stabilization Fund | \$ 1,025,938.78                | \$ (322,117.00)    | \$ 703,821.78    |

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



City Auditor  
August 13, 2024



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

PAUL E. COOGAN

Mayor

DANIEL AGUIAR

Director of Engineering & Planning

RECEIVED

2024 JUL 16 P 12:21

CITY CLERK  
FALL RIVER, MA

July 12, 2024

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

Re: Petition for Acceptance of Draper Street

Hon. Councilors,

On April 22, 2024, a petition was filed with the City Council requesting that Draper Street, extending from Globe Mills Avenue to Atlantic Boulevard, be laid out and accepted. On May 14, 2024, the City Council referred the matter to the Planning Board for review and comment. On July 10, 2024, the Planning Board conducted a duly noticed public hearing to solicit comments on the petition. (Note, a correction was made to the proposed acceptance description as Draper Street does not extend to Atlantic Boulevard.)

Subsequent to the public hearing discussion, research/review by the Department of Engineering & Planning and the recommendation received from the Department of Community Utilities, with a quorum being present and voting, it was VOTED: to recommend that the City layout and accept Draper Street extending from Globe Mills Avenue Northerly to terminus and southerly terminus for a total of 450'+/- in length. Additionally, it was voted to provide the Council with a preliminary estimate in the amount of \$50,000.00 for utility work. (see attached Memo from Community Utilities). The existing paved surface condition, width and grade is currently in acceptable condition (completed in 2004).

Respectfully submitted,

Daniel N. Aguiar, Director of Engineering and Planning, City Engineer  
On behalf of the Fall River Planning Board

cc: Fall River City Clerk



**COMMUNITY UTILITIES -  
SEWER COMMISSION**

CITY OF FALL RIVER

# MEMO

Date: 10 July 2024

To: Paul Ferland, Administrator

From: John P. Lincourt  
Project Manager

CC:

Re: Utilities in Draper St

**Remarks:**

Per your request, I reviewed status of the water, sewer and drainage utilities in Draper Street.

My comments are as follows:

Regarding the Storm Drainage system:

1. There are 3 drain manholes & 4 Catch basins within the limits of the roadway.
2. Beginning at the intersection of Globe Mills Ave, DMH 1068 picks up the flow from a double grate CB. There is no invert in this DMH and there is a buildup of gravel in the bottom of the structure.
3. DMH 1069 picks up flow from DMH 1068 and another double grate CB at the intersection of Globe mills Ave. There is no invert in this DMH and there is a buildup of gravel in the bottom of the structure. Also, the frame appears to be sitting directly on the cone without any evidence of being grouted.
4. Heading North, DMH 1070 is at the north end of the road. A low profile frame sits on 1 course of brick. There is no Invert and there appears to be very little grout around the bricks below the frame. There is also a buildup of gravel in the bottom of the structure.
5. The line then turns west and flows into a BMP (possibly a stormceptor or comparable unit). This unit appears to never have been cleaned and is packed with gravel. The cover is a SEWER cover not drain
6. The line continues west in an unfinished ROW to DMH 1073. The line within this DMH turns south into the yard behind the houses. This DMH again does not have an invert built into it and gravel has built up within it. Also, the cover is proud of the asphalt surface by approx. 1".

Generally, structures are in good shape with the only issue being the lack of inverts constructed within them. The biggest problem we observed was that the Stormceptor appears to have never been cleaned. We also advise replacing the sewer cover on the Stormceptor (DMH 1076) with one that says either Stormceptor or Drain. Other than needing to be cleaned, the CB's appear to be in good shape.

Regarding the Sewer Lines:

1. We inspected 4 SMH's on the 8" line and 2 on the 66" interceptor within the street and found only minor issues like the lifting holes on all the structures aren't grouted & the grout appears to be spalling around the frame.
2. In SMH 988 at the intersection of Globe Mills Ave has a cracked 30" cover
3. The line into SMH 988 on Globe Mills Ave should have a drop installed as the flow pours out of the pipe extended into the SMH about a foot above the table.
4. Within SMH 005 on the interceptor, a 1-1/2" low pressure pipe has been inserted across the manhole and should be cut back and directed downward into the flow of the interceptor.
5. SMH 006 which supports the interceptor is buried under a grassed sidewalk and needs to be raised.

Regarding Water Lines:

1. The only issue found with the water system was what appeared to be a broken off fire hydrant of the north end of the development.

As-Built Plans:

1. As-Built plans for sewer & stormwater dated 3/20/2007 on file, however, water lines included on the plans do not appear to be complete.

Recommendations:

1. All the drainage manholes need to have their inverts built
2. All the drainage manholes need to be cleaned of the built up gravel & silt
3. All the CB's need to have their sumps cleaned of the built up gravel & silt
4. The stormceptor needs to be cleaned and inspected for damage.
5. All the manholes (both drainage and sewer) need to have the grout renewed
6. There need to be 2 inside drops installed in sewer manholes
7. The lifting holes in each of the sewer manholes need to be filled with grout.
8. The 1 1/2" low pressure service line installed into SMH 005 needs to be trimmed and the flow directed down into the flow of the 66" Interceptor.
9. As-built plan needs to be updated to include water lines installed.

Costs:

|                                                                                                                               |                 |
|-------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1. Concrete work including grouting & inverts:                                                                                | \$15,000        |
| 2. Constructing inside Drop connections<br>(This includes premiums for confined entry<br>into existing active sewer manholes) | \$5,000         |
| 3. New 32" dia manhole cover                                                                                                  | \$325           |
| 4. Clean & repair the stormceptor                                                                                             | \$3,000         |
| 5. Fire Hydrant repair:                                                                                                       | \$7,000         |
| 6. <u>As-Built Plans</u>                                                                                                      | <u>\$20,000</u> |
| Total:                                                                                                                        | \$50,325        |

# City of Fall River, In City Council

The City Council hereby recommends that the City Engineer prepare plans for the acceptance of Draper Street extending from Globe Mills Avenue to Atlantic Boulevard.

CITY OF FALL RIVER  
IN CITY COUNCIL

MAY 14 2024

Referred to the  
Planning Board

Emailed 5/15/24



**CITY OF FALL RIVER  
MASSACHUSETTS**

RECEIVED

*Traffic & Parking Division*

2024 JUL 19 A 8 34

**Paul E. Coogan**  
*Mayor*

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

July 19, 2024

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 17, 2024 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

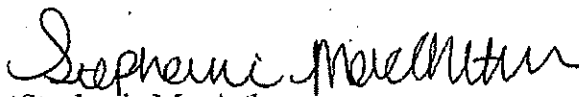
That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70  
Section: 241 Stop Sign

By inserting in proper alphabetical order the following.

| <u>Name of Street</u> | <u>Direction of Travel</u> | <u>At Intersection of</u>       |
|-----------------------|----------------------------|---------------------------------|
| Detroit Street        | East Bound                 | Detroit Street at Omaha Street. |

Very truly yours,

  
Stephanie MacArthur  
Director of Traffic and Parking

5/21



**CITY OF FALL RIVER  
MASSACHUSETTS**

*Traffic & Parking Division*

**RECEIVED**

2024 JUL 19 A 8:34

**Paul E. Coogan**  
*Mayor*

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

July 19, 2024

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 17, 2024 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

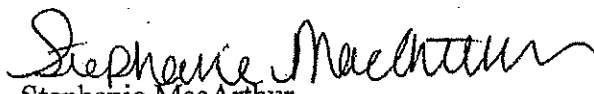
That Chapter 70 of Revised Ordinances be amended in the following Section:

**Article: 70**  
**Section: 241**                      **Stop Sign**

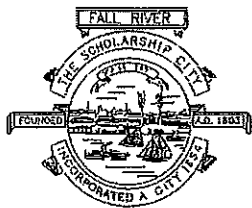
By inserting in proper alphabetical order the following.

| <u>Name of Street</u> | <u>Direction of Travel</u> | <u>At Intersection of</u>       |
|-----------------------|----------------------------|---------------------------------|
| Omaha Street          | South Bound                | Omaha Street at Detroit Street. |

Very truly yours,

  
Stephanie MacArthur  
Director of Traffic and Parking





16

**CITY OF FALL RIVER  
MASSACHUSETTS**

*Traffic & Parking Division*

**Paul E. Coogan**  
*Mayor*

**Stephanie MacArthur**  
*Director of Traffic and  
Parking*

July 19, 2024

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

RECEIVED

2024 JUL 19 A 8:34

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, June 26, 2024, the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

CITY CLERK

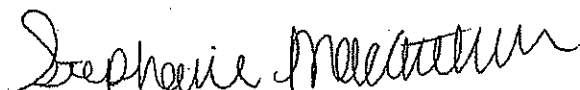
That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70  
Section: 241 Stop Sign

By inserting in proper alphabetical order the following.

| <u>Name of Street</u> | <u>Direction of Travel</u> | <u>At Intersection of</u>     |
|-----------------------|----------------------------|-------------------------------|
| Pond Street           | South Bound                | Pond Street at Anawan Street. |

Very truly yours,

  
Stephanie MacArthur  
Director of Traffic and Parking



CITY OF FALL RIVER  
MASSACHUSETTS

*Traffic & Parking Division*



RECEIVED

2024 JUL 18 A 10:35

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

**Paul E. Coogan**  
*Mayor*

**Stephanie MacArthur**  
*Director of Traffic & Parking*

July 18, 2024

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 17, 2024 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70  
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

| Name of Street | Side | Location                                                                                      |
|----------------|------|-----------------------------------------------------------------------------------------------|
| Baker Street   | West | Starting at a point 152 feet south of Warren Street,<br>For a distance of 20 feet southernly. |

Very truly yours,

Stephanie MacArthur  
Director of Traffic & Parking

*YN*

CITY OF FALL RIVER  
MASSACHUSETTS

*Traffic & Parking Division*



RECEIVED

2024 JUL 18 A 10:35

CITY CLERK  
FALL RIVER, MA

**Paul E. Coogan**  
*Mayor*

**Stephanie MacArthur**  
*Director of Traffic & Parking*

July 18, 2024

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 17, 2024 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

**Article:** 70  
**Section:** 387                      **Handicapped Parking**

By striking out in proper alphabetical order the following.

| Name of Street | Side | Location                                                                                   |
|----------------|------|--------------------------------------------------------------------------------------------|
| Bayview Street | East | Starting at a point 230 feet north of Last Street,<br>For a distance of 20 feet northerly. |

Very truly yours,

Stephanie MacArthur  
Director of Traffic & Parking

CITY OF FALL RIVER  
MASSACHUSETTS

Traffic & Parking Division

RECEIVED



2024 JUL 18 A 10:35

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

Paul E. Coogan  
Mayor

Stephanie MacArthur  
Director of Traffic & Parking

July 18, 2024

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, June 26, 2024 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70  
Section: 387                      Handicapped Parking

By striking out in proper alphabetical order the following.

| Name of Street | Side  | Location                                                                                 |
|----------------|-------|------------------------------------------------------------------------------------------|
| Birch Street   | North | Starting at a point 443 feet west of King Street,<br>For a distance of 25 feet westerly. |

Very truly yours,  
*Stephanie MacArthur*

Stephanie MacArthur  
Director of Traffic & Parking

*SM*

CITY OF FALL RIVER  
MASSACHUSETTS

16

*Traffic & Parking Division*

RECEIVED

2024 JUL 18 A 10:35

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA



**Paul E. Coogan**  
*Mayor*

**Stephanie MacArthur**  
*Director of Traffic & Parking*

July 18, 2024

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, June 26, 2024 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70  
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

| Name of Street | Side  | Location                                                                                  |
|----------------|-------|-------------------------------------------------------------------------------------------|
| Bright Street  | South | Starting at a point 67 feet west of Stafford Road,<br>For a distance of 20 feet westerly. |

Very truly yours,

Stephanie MacArthur  
Director of Traffic & Parking

42

CITY OF FALL RIVER  
MASSACHUSETTS

*Traffic & Parking Division*

RECEIVED



2024 JUL 18 A 10:35

CITY CLERK  
FALL RIVER, MA

**Paul E. Coogan**  
*Mayor*

**Stephanie MacArthur**  
*Director of Traffic & Parking*

July 18, 2024

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, June 26, 2024 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

**Article: 70**

**Section: 387**

**Handicapped Parking**

By striking out in proper alphabetical order the following.

| Name of Street | Side | Location                                                                                        |
|----------------|------|-------------------------------------------------------------------------------------------------|
| Flint Street   | West | Starting at a point 102 feet south of Canonicus Street,<br>For a distance of 20 feet southerly. |

Very truly yours,

Stephanie MacArthur  
Director of Traffic & Parking

**CITY OF FALL RIVER  
MASSACHUSETTS**

RECEIVED

*Traffic & Parking Division*

2024 JUL 18 A 10:35



CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

**Paul E. Coogan**  
*Mayor*

**Stephanie MacArthur**  
*Director of Traffic & Parking*

July 18, 2024

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 17, 2024 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

**Article: 70**  
**Section: 387**                      **Handicapped Parking**

By striking out in proper alphabetical order the following.

| Name of Street | Side | Location                                                                              |
|----------------|------|---------------------------------------------------------------------------------------|
| Hope Street    | West | Starting at a point 47 feet east of Broadway,<br>For a distance of 25 feet easternly. |

Very truly yours,

*Stephanie MacArthur*

Stephanie MacArthur  
Director of Traffic & Parking

CITY OF FALL RIVER  
MASSACHUSETTS

16

*Traffic & Parking Division*

RECEIVED

2024 JUL 18 A 10:35

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA



**Paul E. Coogan**  
*Mayor*

**Stephanie MacArthur**  
*Director of Traffic & Parking*

July 18, 2024

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, July 17, 2024 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70  
Section: 387                      Handicapped Parking

By striking out in proper alphabetical order the following.

| Name of Street | Side  | Location                                                                                   |
|----------------|-------|--------------------------------------------------------------------------------------------|
| Osborn Street  | North | Starting at a point 156 feet east of Arpin Street,<br>For a distance of 20 feet easternly. |

Very truly yours,

Stephanie MacArthur  
Director of Traffic & Parking

CITY OF FALL RIVER  
MASSACHUSETTS

*Traffic & Parking Division*



RECEIVED

2024 JUL 18 A 10:35

CITY CLERK  
FALL RIVER, MA

**Paul E. Coogan**  
*Mayor*

**Stephanie MacArthur**  
*Director of Traffic & Parking*

July 18, 2024

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, June 26, 2024 the following request was heard and approved by the Traffic Commission.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70  
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

| Name of Street  | Side | Location                                                                                    |
|-----------------|------|---------------------------------------------------------------------------------------------|
| Plymouth Avenue | East | Starting at a point 134 feet north of Dover Street,<br>For a distance of 20 feet northerly. |

Very truly yours,

*Stephanie MacArthur*

Stephanie MacArthur  
Director of Traffic & Parking

*cfw*



**CITY OF FALL RIVER  
MASSACHUSETTS**

Department of Community Maintenance  
Municipal Buildings, Parks, Cemeteries, Traffic & Parking,  
Sanitation, Streets & Highways

*Traffic & Parking Division*

**Paul Coogan**  
*Mayor*

**Stephanie MacArthur**  
*Director of Traffic and  
Parking*

July 19, 2024

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

RECEIVED

2024 JUL 19 P 2:12

Honorable Council Members:

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

At a meeting of the Traffic Board Commission held on Wednesday, June 26, 2024 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

**Article: 70**

**No Parking Anytime**

**7:00am-4:00pm**

**Section: 372**

**Monday - Friday**

By inserting in proper alphabetical order the following.

**INSERT**

| <b>NAME OF STREET</b>   | <b>SIDE</b>  | <b>LOCATION</b>                                                                                       | <b>HOURS/DAYS</b>                        |
|-------------------------|--------------|-------------------------------------------------------------------------------------------------------|------------------------------------------|
| <b>Cambridge Street</b> | <b>South</b> | <b>Starting at a point 18 feet<br/>East of Oxford Street<br/>for a distance of 197 feet<br/>east.</b> | <b>Monday - Friday<br/>7:00am-4:00pm</b> |

Very truly yours,

Stephanie MacArthur  
Director of Traffic and Parking

CITY OF FALL RIVER  
MASSACHUSETTS

Traffic & Parking Division



Paul E. Coogan  
Mayor

Stephanie MacArthur  
Director of Traffic & Parking

July 19, 2024

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

RECEIVED

2024 JUL 19 P 2:12

Honorable Council Members:

CITY CLERK  
FALL RIVER, MA

At a meeting of the Traffic Board Commission held on Wednesday, July 17, 2024 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

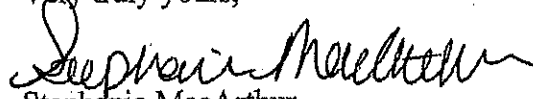
Article: 70  
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

| Name of Street          | Side | Location                                                                                  |
|-------------------------|------|-------------------------------------------------------------------------------------------|
| 18 <sup>th</sup> Street | West | Starting at a point 238 feet south of Merchant Street<br>For a distance of 20 feet south. |

Very truly yours,

  
Stephanie MacArthur  
Director of Traffic & Parking

cf

16

CITY OF FALL RIVER  
MASSACHUSETTS

*Traffic & Parking Division*



Paul E. Coogan  
Mayor

Stephanie MacArthur  
Director of Traffic & Parking

July 19, 2024

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

RECEIVED

2024 JUL 19 P 2:13

Honorable Council Members:

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

At a meeting of the Traffic Board Commission held on Wednesday, July 17, 2024 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

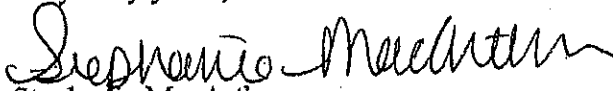
Article: 70  
Section: 387                      Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

| Name of Street | Side | Location                                                                                 |
|----------------|------|------------------------------------------------------------------------------------------|
| Albion Street  | West | Starting at a point 85 feet North of Donnelly Street<br>For a distance of 20 feet north. |

Very truly yours,

  
Stephanie MacArthur  
Director of Traffic & Parking

CITY OF FALL RIVER  
MASSACHUSETTS

*Traffic & Parking Division*



Paul E. Coogan  
Mayor

Stephanie MacArthur  
Director of Traffic & Parking

July 19, 2024

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

RECEIVED

2024 JUL 19 P 2:13

Honorable Council Members:

CITY CLERK  
FALL RIVER, MA

At a meeting of the Traffic Board Commission held on Wednesday, July 17, 2024 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70

Section: 387

Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

Name of Street

Side

Location

Baker Street

East

Starting at a point 24 feet south of Warren Street  
For a distance of 20 feet south.

Very truly yours,

Stephanie MacArthur  
Director of Traffic & Parking

CITY OF FALL RIVER  
MASSACHUSETTS

16



*Traffic & Parking Division*

Paul E. Coogan  
Mayor

Stephanie MacArthur  
Director of Traffic & Parking

July 19, 2024

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

RECEIVED

2024 JUL 19 P 2:12

Honorable Council Members:

CITY CLERK  
FALL RIVER, MA

At a meeting of the Traffic Board Commission held on Wednesday, July 17, 2024 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70  
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

| Name of Street | Side | Location                                                                                |
|----------------|------|-----------------------------------------------------------------------------------------|
| Grant Street   | East | Starting at a point 72 feet North of William Street<br>For a distance of 20 feet north. |

Very truly yours,

*Stephanie MacArthur*  
Stephanie MacArthur  
Director of Traffic & Parking

16

CITY OF FALL RIVER  
MASSACHUSETTS

*Traffic & Parking Division*



Paul E. Coogan  
Mayor

Stephanie MacArthur  
Director of Traffic & Parking

July 19, 2024

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

RECEIVED

2024 JUL 19 P 2:13

Honorable Council Members:

CITY CLERK  
FALL RIVER, MA

At a meeting of the Traffic Board Commission held on Wednesday, July 17, 2024 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70  
Section: 387 Handicapped Parking

By inserting in proper alphabetical order the following:

INSERT

| Name of Street | Side | Location                                                                                |
|----------------|------|-----------------------------------------------------------------------------------------|
| John Street    | East | Starting at a point 129 feet North of Morgan Street<br>For a distance of 20 feet north. |

Very truly yours,

*Stephanie MacArthur*  
Stephanie MacArthur  
Director of Traffic & Parking

## CITY OF FALL RIVER

---

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 23, 2024, voted unanimously to recommend the accompanying proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained, with Councilor Cadime and Councilor Sampson absent and not voting.

  
Clerk of Committees

*City of Fall River, In City Council*

EMERGENCY PREAMBLE

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

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

# City of Fall River, *In City Council*

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

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

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

| <b>Name of Street</b> | <b>Side</b> | <b>Location</b>                                                                               |
|-----------------------|-------------|-----------------------------------------------------------------------------------------------|
| Bay Street            | West        | Starting at a point 20 feet north of Woodman Street,<br>for a distance of 20 feet northerly   |
| Brow Street           | East        | Starting at a point 107 feet north of Hartwell Street,<br>for a distance of 20 feet northerly |
| Walnut Street         | West        | Starting at a point 83 feet north of Grove Street,<br>for a distance of 20 feet northerly     |

# CITY OF FALL RIVER

---

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 23, 2024, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Cadime and Councilor Sampson absent and not voting.

  
Clerk of Committees

# City of Fall River, *In City Council*

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

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

By inserting in Section 70-373, which relates to Fifteen-minute parking, the following:

| Name of Street | Side  | Location                                                                                     | Hours/Days                          |
|----------------|-------|----------------------------------------------------------------------------------------------|-------------------------------------|
| Dover Street   | North | Starting at a point 84 feet west of Blackstone Street,<br>for a distance of 20 feet westerly | 7:00 A.M. to 11:00 P.M.<br>All Days |

## CITY OF FALL RIVER

---

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 23, 2024, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, with Councilor Cadime and Councilor Sampson absent and not voting.

  
Clerk of Committees

# City of Fall River, *In City Council*

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

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

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

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

CITY OF FALL RIVER  
IN CITY COUNCIL

MAY 28 2024

*Referred to the  
Committee on Ordinances  
and Legislation*

Proposed Ordinance – Trolley Fees  
**CITY OF FALL RIVER**

---

20

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 23, 2024, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, as amended, with Councilor Cadime and Councilor Sampson absent and not voting.

  
Clerk of Committees

# City of Fall River, In City Council

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

## Section 1.

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

By inserting a new section to read, as follows:

### **2-752. Fees charged by the Division of Facilities Maintenance.**

The fees charged by the Division of Facilities Maintenance are as set out in Chapter A110, Fee Schedule, of the City Code.

## Section 2.

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

By inserting, in proper order, the following:

### **2-752. Fees charged by the Division of Facilities Maintenance.**

#### **Trolley Operation.**

##### **Standard trolley route tickets.**

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

##### **Special trolley tour or event tickets.**

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

#### **Trolley rentals.**

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

#### **Trolley rentals for schools located in Fall River.**

|                                                                        |          |
|------------------------------------------------------------------------|----------|
| (1) Full-day (8 hours) rental                                          | \$400.00 |
| (2) Half-day (4 hours) rental                                          | \$250.00 |
| (3) Each hour of rental time exceeding the base rental (up to 4 hours) | \$100.00 |

**CITY OF FALL RIVER**

---

21

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on July 23, 2024, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, as amended, with Councilor Cadime and Councilor Sampson absent and not voting.

  
Clerk of Committees

# City of Fall River, *In City Council*

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

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

## **ARTICLE VII - Property Maintenance**

### **§ 10-301. Findings and Purpose**

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

### **§ 10-302. Definitions.**

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

#### **BUILDING**

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

#### **BUILDING MATERIALS**

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

#### **CITY**

City of Fall River

#### **CONTACT INFORMATION**

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

#### **CONTROL**

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

#### **DAYS**

Consecutive calendar days.

#### **DILAPIDATED**

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

#### **FIRE CHIEF**

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

#### **FORECLOSING**

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

**INITIATION OF THE FORECLOSURE PROCESS**

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

**INSPECTIONAL SERVICES**

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

**INSPECTOR OF BUILDINGS**

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

**OWNER**

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

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

**PREMISES**

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

**PROPERTY**

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

**RESIDENTIAL PROPERTY**

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

**RESPONSIBLE PARTY**

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

**STRUCTURE**

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

**VACANT**

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

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

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

**§ 10-304. Registration requirements.**

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

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

**§ 10-305. Maintenance Requirements**

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

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

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

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

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

**§ 10-307. Appeal.**

A. Appeal of fee.

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

B. Appeal of final decision of Inspectional Services.

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

**§ 10-308. Enforcement authority.**

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

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

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

**§ 10-310. Severability.**

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

**§ 10-311. Implementation**

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

**§ 10-312. Notice**

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

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

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

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

**§ 10-321. Prohibition of Blighted Property**

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

**§ 10-322. Investigation**

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

**§ 10-323. Violation Notice; Service**

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

**§ 10-324. Order to Take Corrective Action**

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

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

**§ 10-325. Penalties**

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

**§ 10-326. Procedure for Demolition**

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

**§ 10-327. Miscellaneous**

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

**§§ 10-328 through 10-329. (Reserved)**

**Division 3**  
**Nuisance Properties**

**§ 10-330. Definitions**

**CRIMINAL NUISANCE PROPERTY**

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

**NUISANCE PROPERTY**

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

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

**§ 10-331. Prohibition of Nuisance Property**

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

**§ 10-332. Investigation**

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

**§ 10-333. Violation Notice; Service**

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

**§ 10-334. Order to Take Corrective Action**

If an Order to Take Corrective Action is issued, the Order shall provide the responsible party with a written description of the action needed to bring the property into compliance. The responsible party has ten (10) days in which to bring the nuisance property into compliance unless the issuing department has agreed, in writing, to additional time. Failure to bring the nuisance property into compliance within the deadline for doing so may result in additional fines or penalties, as set forth in this ordinance.

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

**§ 10-335. Penalties**

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

**§ 10-336. Miscellaneous**

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

**§§ 10-337 through 10-339. (Reserved)**

*City of Fall River, In City Council,*

(Councilor Paul B. Hart)

WHEREAS, residents who live on and around Indian Town Road have expressed concern regarding speeding in the neighborhood, and

WHEREAS, Indian Town Road connects residents and visitors of Fall River to numerous nature preserves, trails and the watershed area, and

WHEREAS, the quality of life and safety for residents, pedestrians and drivers are of utmost importance, now therefore

BE IT RESOLVED, the Committee on Public Safety convene with the Director of Traffic and Parking and a representative of the Fall River Police Department to discuss methods to improve public safety and decrease speeding in the Indian Town Road area.

(Filed 7-22-2024)

*City of Fall River, In City Council*

(Committee on Ordinances and Legislation)

WHEREAS, the Bank Street Armory is a historical property owned by the City of Fall River that is in dire need of renovations and redevelopment, and

WHEREAS, the Historical Commission and the Administration are working toward developing a financial plan for these necessary repairs, which would include grant applications, and

WHEREAS, all grant orders must be adopted by the City Council to allow this form of funding to be utilized, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the Administration and a representative of the Historical Commission for regular updates regarding the renovation plan and funding process for the revival of the Bank Street Armory.

(Filed 7-24-2024)

# City of Fall River, *In City Council*

(Vice President Linda M. Pereira)

WHEREAS, there is an ongoing housing shortage throughout the City of Fall River and the Commonwealth of Massachusetts, and

WHEREAS, many commercial property owners are renovating apartments to create additional rental rooms for individuals who are unfamiliar with each other, not families, friends or roommates, that are in violation of city ordinances and state building codes, and

WHEREAS, there is no city ordinance regarding specific restrictions on rooming houses, also known as lodging houses, other than an annual license fee, within the City of Fall River, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation convene with Corporation Counsel, the Building Inspector and a representative from the Community Development Agency to discuss the creation of a proposed ordinance related to regulation of rooming/lodging houses to assist with structural building safety, fair and equitable neighborhood development and the quality of life for all property owners and tenants.

(Filed 8-7-2024)

*City of Fall River, In City Council*

ORDERED, that in accordance with provisions of law, notice is hereby given that meetings of the citizens qualified to vote at a State Primary Election will be held on Tuesday, September 3, 2024, in the several voting places designated by the Council, to cast their votes for the candidates of political parties for the following offices:

Senator in Congress: For this Commonwealth  
Representative in Congress: Fourth Congressional District  
Councillor: First District  
Senator in General Court: First Bristol & Plymouth District  
Representative in General Court: Eighth Bristol District  
Clerk of Courts: Bristol County  
Register of Deeds: Fall River District  
County Commissioner: Bristol County

BE IT FURTHER ORDERED, that the Election Commission be and they are hereby authorized and empowered to cause all necessary rooms, fixtures, apparatus and supplies for the holding of the State Primary Election to be prepared and furnished for the same, the use of same to be charged to the appropriation for elections.

Polls to be opened from seven o'clock A.M. to eight o'clock P.M. and all voting precincts to be used.



**BOARD OF ELECTION  
COMMISSIONERS**

**CITY OF FALL RIVER**

RECEIVED

2024 AUG -8 A 8:55

CITY CLERK  
FALL RIVER, MA

8 August 2024

Joseph D. Camara, President  
Honorable Members of the City Council  
One Government Center  
Fall River, MA. 02722

Dear President Camara and Honorable City Councilors,

Pursuant to the General Laws of the Commonwealth *Chapter 54, Section 64*, I respectfully request that you sign the attached Warrant for the State Primary to be held on Tuesday, September 3<sup>rd</sup>. As required by statute, warrants shall be posted at each of the twenty-seven polling precincts as designated by the City Council. The polls will be open on Election Day from 7:00 A.M. until 8:00 P.M.

Sincerely,

Ryan Lyons  
Chairman & Director  
Chief Elections Official  
Board of Elections Dept.

Ryan Lyons, Chairman & Director

One Government Center • Fall River, MA 02722

TEL (508) 324-2630 • FAX (508) 324-2633 • EMAIL [rl Lyons@fallriverma.org](mailto:rl Lyons@fallriverma.org)

**PROGRESSIVE**

Payment Address Document Address  
 24344 Network Place P.O. Box 94639  
 Chicago, IL 60673-1243 Cleveland, Ohio 44101-9908  
 Phone: (877) 818-0139  
 Fax: (888) 781-6947

7/15/2024 9:56 AM

Certified Mail 9489 0090 0027 6568 2707 14 Return Receipt Requested

7/14 JUL 23 11:59

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

CITY CLERK 24-35E  
 FALL RIVER, MA

\*\*\*THIS IS A SUPPLEMENT TO A DEMAND THAT WAS PREVIOUSLY MAILED TO YOUR ADDRESS ON 6/04/2024\*\*\*

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

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

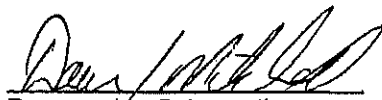
Per M.C.L. Chapter 258, please take this as formal notice of our subrogation rights relative to the above -captioned claim. We have completed our investigation into the facts of the above-captioned loss and find that your insured was the proximate cause of the accident.

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

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

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

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



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

City Clerk Law City Council Water Dept 7/23/24

2000 Chevy Camaro 5 NYM14 Mechanic # 1941 2024 JUL 29 P 12:41  
couldn't get Rodman St past dangerous with crazy drivers  
CITY CLERK FALL RIVER, MA



City of Fall River  
Notice of Claim

RECEIVED

2024 JUL 29 P 12:42

1. Claimant's name: Cindy Hernandez
2. Claimant's complete address: 2000 Bay St Fall River, MA 02722
3. Telephone number: Home: 508 642-7246 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage): \_\_\_\_\_
5. Date and time of accident: 7/8/24 about 10pm Amount of damages claimed: \$2,000.00 - 1592.81
6. Exact location of the incident: (include as much detail as possible):  
Rodman St. & Stafford Rd. By Cemetery
7. Circumstances of the incident: (attach additional pages if necessary):  
Broke my catalytic converter on my 2000 Camaro. 79,000 miles car was in mint condition prior to potholes. State line Garage can confirm it. Also had witness Kelly Tovar
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: 7/20/24

Claimant's signature: Cindy Hernandez

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, 2<sup>nd</sup> 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: \_\_\_\_\_

35

RECEIVED

LAW OFFICE OF PATRICE L. SIMONELLI

ATTORNEYS AND SUPPORT STAFF ARE EMPLOYEES OF

2024 JUL 16 P 12: 58 GOVERNMENT EMPLOYEES INSURANCE COMPANY

29 Crafts Street, Suite 360

Newton, Massachusetts 02458

Telephone: 617-244-0016

CITY CLERK 24-59  
FALL RIVER, MA

Paul C. Daly

VIA CERTIFIED AND FIRST-CLASS MAIL:

Tracking No.: 9590 9402 7025 1225 6465 67

Article No.: 9589 0710 5270 1024 8975 67

July 11, 2024

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

RE: GEICO a/s/o Jessica Pereira and Eddy Monteiro v. City of Fall River Fire Department  
Claim No.: 0585911210101033  
Our File No.: 24-0078325

Dear Sir/Madam:

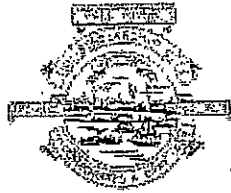
Please be advised this office represents Government Employees Insurance (GEICO) as subrogee of Jessica Pereira and Eddy Monteiro, relative to property damage sustained in a motor vehicle collision with an employee of the City of Fall River Fire Department (hereinafter referred to as "Municipality") who was operating a Municipality owned vehicle within the scope of their employment. Below please find the explanation of liability damages caused by the Municipality's employee.

Liability:

On or about August 10, 2023, the GEICO insured driver, Eddy Monteiro, was operating a 2020 RAM 1500, License Plate No. 3NTL 43 / Massachusetts, at or near the location of Robinson Street and New Boston Road in Fall River Massachusetts. On August 10, 2023, city employee, Elana M. Keith, was operating a 2022 Ford, Registration/Plate No. MFD339 / Massachusetts, which was owned by the Municipality, and said employee negligently caused damage to the vehicle owned by Jessica Pereira. The Municipal employee was negligent in failing to yield right of way and breached the duty of care owed to Eddy Monteiro. The Municipality had a ministerial duty to ensure safe operation of vehicles by its agents and the Municipality breached that duty causing Jessica Pereira and Eddy Monteiro to have incurred \$1,480.93 in damages.

✓ City Clerk    Law    ✓ City Council    ✓ FLED    7/16/24

35



RECEIVED

2024 JUL 16 P 3:22

City of Fall River  
Notice of Claim

I have a video  
on dash cam, please  
text / call me for an  
email to send it to  
if additional evidence  
is necessary.

1. Claimant's name: Devin Bordner
2. Claimant's complete address: 199 Deer Run Rd, Tiverton RI 02878
3. Telephone number: Home: 401-396-7398 Work: 02878
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
lost tire from pothole
5. Date and time of accident: 6/26/2024 Amount of damages claimed: \$1388.12
6. Exact location of the incident: (include as much detail as possible):  
underpass by southcoast market place coming to Fall River from Tiverton in right lane
7. Circumstances of the incident: (attach additional pages if necessary):  
hit 1st patch of potholes and my hand dropped slightly (possibly broke first few studs, hit 2nd larger pothole (picture attached) and lost tire. Bought prokts including 4 tires due to wear if just 1 was bought would cause more issues.
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: 6/26/2024

Claimant's signature: Devin Bordner

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, 2<sup>nd</sup> 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 ☐ DCU

Date: 7/16/24

35

**PROGRESSIVE**

|                        |                            |
|------------------------|----------------------------|
| Payment Address        | Document Address           |
| 24344 Network Place    | P.O. Box 94639             |
| Chicago, IL 60673-1243 | Cleveland, Ohio 44101-9908 |
|                        | Phone: (877)818-0139       |
|                        | Fax: (888) 781-6947        |

07/03/2024 1:41 PM  
Certified Mail 9489 0090 0027 6568 2258 37 Return Receipt Requested

RECEIVED  
2024 JUL 19 AM 10 44  
#24-601  
CITY CLERK  
FALL RIVER, MA

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

Your Client: MC DONALD, JOHN  
Your Claim Number: NA  
Our Insured: MARTINEZ, BIANCA S  
Our Claim Number: 23-8741349  
Amount Subject to Reimbursement: \$2,917.72  
Amount of Insured's Deductible: \$1,000.00  
Please be advised our insured has incurred out of pocket expenses of \$966.00. Please handle this directly with our insured.

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

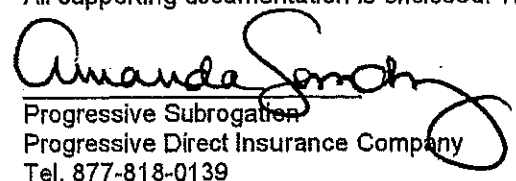
Per M.C.L. Chapter 258, please take this as formal notice of our subrogation rights relative to the above -captioned claim. We have completed our investigation into the facts of the above-captioned loss and find that your insured was the proximate cause of the accident.

Location of Loss: 29 STAFFORD RD FALL RIVER, MA USA  
Date and Time of Loss: 10/11/2023, 12:01 AM ET

Description of Loss: Our insured was traveling at 29 Stafford Rd in Fall River, MA when a city police vehicle with plate # 9EX191 operated by McDonald, John, failed to maintain proper lookout and yield the right of way, improperly backed, and struck our insured's vehicle. We are seeking reimbursement for our insured's vehicle damages.

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

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



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

City Clerk      Law      City Council      FRPD      7/19/24



RECEIVED

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2024 JUL 22 A 8 45

CITY CLERK 24-62  
FALL RIVER, MACity of Fall River  
Notice of Claim

1. Claimant's name: WHM Capital LLC, Muhammad Qandil
2. Claimant's complete address: 251 Bank St Fall River MA
3. Telephone number: Home: 615-335-6180 Work: 401-323-9042
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Sewage line was damaged
5. Date and time of accident: 7-11-24 Amount of damages claimed: \$ 11000.00
6. Exact location of the incident: (include as much detail as possible):  
Rock Street Drainage line.
7. Circumstances of the incident: (attach additional pages if necessary):  
We have not used First floor so long. Now we are starting using. Sewage Drain was block and we have called city dept. they had reffered Five Star Plumbing Company. After the digging they found out, whoever put water line wrong.
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: 7/17/24Claimant'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, 2<sup>nd</sup> 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 ☒ WaterDate: 7/22/24

35

# INVOICE

Five Star Drain Cleaning LLC  
621 Detroit st  
Fall River, Ma 02721

fivestardraincleaning@gmail.com  
+1 (401) 771-0606

RECEIVED

2024 JUL 29 A 9:36



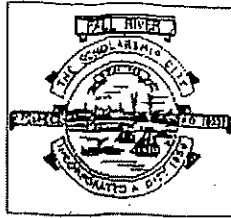
Bill to  
251 BANK ST FALL RIVER MA

CITY CLERK #24-62A  
FALL RIVER MA

## Invoice details

Invoice no: 704  
Invoice date: 07/13/2024  
Due date: 08/12/2024

| #  | Product or service | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Qty | Rate        | Amount      |
|----|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------|-------------|
| 1. | Dig house trap     | <p>DAY 1</p> <p>ON THE INSIDE OF HOUSE I OPENED THE FLOOR IN THE KITCHEN AND DUG DOWN TO THE HOUSE TRAP I THEN SAW THERE WAS 2 HOUSE TRAPS A 4' AND A 6' HOUSE TRAP I REMOVED THE TWO HOUSE TRAPS AND SAW THE LINES WHERE STILL HOLDING I THEN TRIED TO CLEAR THE LINE AND WAS GETTING STUCK OUT IN THE STREET SO I CALLED OUT MARK FROM THE CITY TO SEE IF HE HAD ANY INFO ON THE SEWER LINE AFTER HE CAME OUT I LOCATED THE LINE WHERE I COULDN'T GET BY IN THE STREET I THEN CALLED THE HOME OWNERS AND TOLD THEM THERE IS A PROBLEM AT THE STREET I LET THEM NO I HAD TO DIG THE HOUSE TRAPS ANYWAY TO CAMERA AND LOCATE ANYWAY BECAUSE THE CAMERA WONT GO THROUGH THE CAST IRON HOUSE TRAP AFTER I TOLD THE HOME OWNERS ABOUT WHAT WAS GOING ON I CALLED MIKE AUBREY FROM COASTAL CONSTRUCTION TO COME DIG THE STREET TO SEE WHAT THE PROBLEM WAS</p> <p>DAY2</p> <p>COASTAL CAME OUT AND SAW CUT THE STREET AND DUG DOWN TO THE SEWER LINE AND WE FOUND THAT THE SEWER WAS BROKEN BECAUSE WHEN THEY RAN THE NEW WATER MAIN THEY CRUSHED THE SEWER AND THE REASON IT DIDN'T BACK UP SOONER BECAUSE THERE WAS NO ONE IN THE SPACE THE REASON IT BACKED UP NOW IS BECAUSE THE NEW OWNERS RENTED THE SPACE OUT AND IT TOOK SO LONG BECAUSE THERE IS ONLY ONE PERSON WORKING</p> |     | \$10,000.00 | \$10,000.00 |



City of Fall River  
Notice of Claim

RECEIVED

2024 JUL 22 A 8:55

1. Claimant's name: Brittany Sylvia CITY CLERK 24-63
2. Claimant's complete address: 2000 Bay St Fall River MA 01971
3. Telephone number: Home: 508.558.7381 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: 5/27/24 11:41 am Amount of damages claimed: \$ \_\_\_\_\_
6. Exact location of the incident: (include as much detail as possible):  
The Corner of Hope St and Washington St
7. Circumstances of the incident: (attach additional pages if necessary):  
My Car was parked and a city fire truck struck my Car on May 27th at 11:41 am on the Corner of Hope St and Washington St in Fall River MA
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☒ Yes ☐ No  
reported to my insurance (Geico)

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: 7/10/24

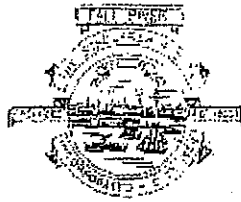
Claimant's signature: Brittany Sylvia

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, 2<sup>nd</sup> 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:   | <input checked="" type="checkbox"/> City Clerk <input checked="" type="checkbox"/> Law <input checked="" type="checkbox"/> City Council <input type="checkbox"/> City Administrator <input checked="" type="checkbox"/> Fire Dept Date: <u>7/22/24</u> |



City of Fall River  
Notice of Claim

35  
RECEIVED

2024 JUL 24 A 11: 54

CITY CLERK 24-64  
FALL RIVER, MA

1. Claimant's name: Ana Bairos
2. Claimant's complete address: 21 Carlos Estates Dr. Berkley, MA 02779
3. Telephone number: Home: 5083248343 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Property damage to 2017 Audi Q7
5. Date and time of accident: 6/6/24 2:57 PM Amount of damages claimed: \$ 2,665.38
6. Exact location of the incident: (include as much detail as possible):  
277 Pleasant St. PrimaCare Parking Lot
7. Circumstances of the incident: (attach additional pages if necessary):  
Vehicle was parked in PrimaCare parking lot when struck by City of Fall River Ambulance.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☒ Yes ☐ No  
The Standard Fire Insurance Company PO Box 5076, Hartford, CT 06102

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

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

Date: \_\_\_\_\_ Claimant's signature: \_\_\_\_\_

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, 2<sup>nd</sup> 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 ☒ EMS

Date: 7/24/24



City of Fall River  
Notice of Claim

RECEIVED

2024 JUL 24 A 11:51

1. Claimant's name: Fall River Property Management
2. Claimant's complete address: 251 S Main St Fall River, MA 02721
3. Telephone number: Home: \_\_\_\_\_ Work: (774) 294-0087
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: 11/30/2023 Amount of damages claimed: \$ \$1808.75
6. Exact location of the incident: (include as much detail as possible):  
121 Tremont St, House, Fall River, MA, 02720
7. Circumstances of the Incident: (attach additional pages if necessary):

Exterior door was broken on November 2023 by Fall River Police.  
Police department told us that they would pay for the door.

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: 7/19/2024

Claimant's signature: [Signature]

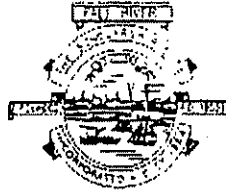
WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Return this from to : City Clerk, 2<sup>nd</sup> 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 ☒ FIRE PD Date: 7/24/24



City of Fall River  
Notice of Claim

RECEIVED

2024 JUL 24 A 11: 51

1. Claimant's name: USAA Casualty Insurance Company a/s/o David Lundquist  
c/o Clerk, Sinclair & Mahfouz, LLP
2. Claimant's complete address: 2929 N Central Expwy. Ste. 320, Richardson, TX 75080
3. Telephone number: Home: \_\_\_\_\_ Work: 619-308-6550
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: 11/7/2023 - time unknown Amount of damages claimed: \$ 43.80
6. Exact location of the incident: (include as much detail as possible):  
818 Middle St - Fall River, MA 02721
7. Circumstances of the incident: (attach additional pages if necessary):  
On November 7, 2023, USAA's insured vehicle was parked near 818 Middle St in Fall River, MA 02721, when it was hit by a Fall River Fire Department vehicle on the right rear corner. The Fall River Fire Department employee failed to maintain a safe distance and collided with USAA's insured vehicle
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: X Yes No  
USAA Casualty Insurance Company - c/o CSM, LLP - 2929 N Central Expwy. Ste. 320, Richardson, TX 75080

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: 7/18/2024

Claimant's signature: Joanna Rodriguez

Joanna Rodriguez filing on behalf of CSM, LLP a/o/o USAA Casualty Insurance Company a/s/o David Lundquist

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, 2<sup>nd</sup> 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

☒ FILED

Date: 7/24/24



City of Fall River  
Notice of Claim

RECEIVED

2024 JUL 25 P 2:12

1. Claimant's name: George Cabral Jr. 124-607
2. Claimant's complete address: 525 Anthony St Fall River, MA 02721
3. Telephone number: Home: 774-319-1780 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Water Dept employee broke landscape lighting
5. Date and time of accident: 7/22/24 10:21 Amount of damages claimed: \$ 90.88
6. Exact location of the incident: (include as much detail as possible):  
Front flower bed near water backflow
7. Circumstances of the incident: (attach additional pages if necessary):  
Two water dept employees showed up at my house saying they needed to test backflow device while I wasn't home. When I returned the next day from vacation, I saw the broken light. Confirmed it was them when reviewing security cameras. Photos 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: 7/25/24

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, 2<sup>nd</sup> 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: 7/25/24



City of Fall River  
Notice of Claim

RECEIVED

2024 JUL 26 A 9:27

CITY CLERK 24-168  
FALL RIVER, MA

1. Claimant's name: Paul Petton
2. Claimant's complete address: 17 Third St Swansea, Ma 02777
3. Telephone number: Home: 774-888-7019 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Trip and fall on broken sidewalk
5. Date and time of accident: 7/22/24 0900 Amount of damages claimed: \$ \_\_\_\_\_
6. Exact location of the incident: (include as much detail as possible):  
Sidewalk in front of 158 Wilson Rd. Just east of telephone pole where I ended up.
7. Circumstances of the incident: (attach additional pages if necessary):  
After exiting vehicle I turned left to proceed to entrance to 158 Wilson Rd. I then tripped on uneven sidewalk, fell and hit left arm, legs and right hip. Charlie and his partner (Dave to believe) stopped to assist my wife in picking me up. (DPW workers for Fall River)
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  
? hospital may have billed my medicare

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

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

Date: 7/26/24

Claimant's signature: Paul Petton

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, 2<sup>nd</sup> 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  
Engineer ing Date: 7/26/24

1004 COUNTY STREET  
SOMERSET, MASSACHUSETTS 02726  
TELEPHONE: 508-676-6900  
FACSIMILE: 213-867-5544

PATRICK T. MATTHEWS, MBA  
BRIAN M. TAVARES\*  
THOMAS E. ROMANCE  
ERYNN A. HAMEL

ALSO ADMITTED INTO RHODE ISLAND\*

2024 AUG -1 A 11:56

CITY CLERK #24-69  
FALL RIVER, MA



COASTAL  
LEGAL  
AFFILIATES P.C.

DELIVERED VIA USPS AND CERTIFIED MAIL: 9589 0710 5270 0232 4324 30

JULY 23, 2024

City Clerk  
One Government Center  
Room 227  
Fall River, MA 02772

**RE:** Notice of Massachusetts Tort Claim pursuant to M.G.L. c. 258, § 4 on behalf of  
Roseline Toussaint.

**Our File No.:** 2024-055

Dear Sir or Madam:

This office represents Roseline Toussaint whose address is 192 Fountain Street, Fall River, MA 02720, regarding severe personal injuries she sustained on July 3<sup>rd</sup>, 2024 when she fell into a maintenance hole (e.g. utility hole, sewer hole, or man hole) on the corner of Hope Street and Mulberry Street in Fall River, MA, as a result of the grossly negligent maintained public property. Please allow this correspondence to serve as a formal Notice to you pursuant to M.G.L. c. 258, § 4.

1. **Date of Accident:** July 3<sup>rd</sup>, 2024
2. **Place of Injury:** Corner of Hope and Mulberry Street
3. **Cause of Injury:** Slip and Fall
4. **Description of Injury:** Left leg abrasions, Right elbow abrasions
5. **Theory of Liability:** The city of Fall River was grossly negligent due to their failure to insure that the subject maintenance hole was properly covered, or in the

COASTAL LEGAL AFFILIATES, P.C.

✓City Clerk ✓Law ✓City Council ✓DCM

8/1/24



**City of Fall River  
Notice of Claim**

RECEIVED

2024 AUG -5 A 8:38

# 24-70

1. Claimant's name: Aaron Kaplan
2. Claimant's complete address: 1600 Washington St. Apt 301 Newton, MA 02465  
CITY CLERK  
FALL RIVER, MA
3. Telephone number: Home: 617-306-5027 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
property damage (vehicle)
5. Date and time of accident: 7/19/24, 9:46am Amount of damages claimed: \$ 713.34
6. Exact location of the incident: (include as much detail as possible):  
Corner of middle st. and S Main St. in Fall River. Right in front of St. Anne's Hospital
7. Circumstances of the incident: (attach additional pages if necessary):  
A Fall River city worker was doing landscaping, using a weeswacker and this tool hit a rock,  
catapulting the rock into the back right window of our Chevrolet Suburban and shattering the window,  
spraying glass all over the interior of the vehicle. I am requesting compensation for replacing  
the window, vaccuming the car of shattered glass and a car rental for the duration ours was in the shop.
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: 7/29/24

Claimant's signature: A.L. B.D.

**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, 2<sup>nd</sup> 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: 8/6/24



RECEIVED

2024 AUG -8 A 10: 53

City of Fall River  
Notice of Claim

24-71

1. Claimant's name: Joselyne N. St. Louis  
CITY CLERK, FALL RIVER, MA
2. Claimant's complete address: 90 Battles Farm Dr. Brockton, Mas.
3. Telephone number: Home: (774) 204-1371 Work: 0230
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Big Branch fell on top of car and left alot of damage
5. Date and time of accident: 8-5-24 Amount of damages claimed: \$
6. Exact location of the incident: (include as much detail as possible):  
Duncan St. Fall River Ma. 02721
7. Circumstances of the incident: (attach additional pages if necessary): Hood is damaged.  
The car has damage to the roof (dented in).  
Front Glass windshield is damaged. Passenger side  
mirror is damaged and door can't close  
normally because of the roof that's caved in.
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: 8-8-24

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, 2<sup>nd</sup> 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

Cemeteries  
☒ Trees

Date: 8/8/24



BOSTON CONNECTICUT FLORIDA NEW JERSEY NEW YORK PROVIDENCE WASHINGTON, DC

RECEIVED

2024 JUL 23 A 9:42

CITY CLERK  
FALL RIVER, MA

KEITH H. BENSTEN  
Attorney at Law

One Federal Street, 29th Floor  
Boston, MA 02110

T: (617) 345-4740 F: (617) 607-6053  
kbensten@daypitney.com

July 22, 2024

**VIA EMAIL**

Mayor Paul Coogan  
Joseph D. Camara, Fall River City Council President  
Linda M. Pereira, Fall River City Council Vice-President  
Ryan Lyons, Chairman & Director Board of Elections Dept.  
Seth Aitken, City Administrator  
Allan Rumsey, Corporation Counsel  
City of Fall River  
One Government Center  
Fall River, MA 02722  
[mayor@fallriverma.gov](mailto:mayor@fallriverma.gov)  
[city\\_council@fallriverma.gov](mailto:city_council@fallriverma.gov)  
[rlyons@fallriverma.gov](mailto:rlyons@fallriverma.gov)  
[publicrecordsrequests@fallriverma.gov](mailto:publicrecordsrequests@fallriverma.gov)  
[corporatecounsel@fallriverma.gov](mailto:corporatecounsel@fallriverma.gov)

**Re: Public Records Request Pursuant to M.G.L. c. 66,  
City of Fall River Political Sign Ordinance and Interference with  
Residential Political Speech**

Dear City of Fall River officials Coogan, Camara, Pereira, Lyons, and Aitken and Counsel Rumsey,

We are writing on behalf of the American Civil Liberties Union of Massachusetts, Inc. ("ACLU") with regard to the City of Fall River (the "City")'s Ordinance No. 2008-13, City Code § 46.2-1 (the "Political Sign Ordinance"), and the City's enforcement of the Political Sign Ordinance in a manner that infringes on City residents' fundamental right of free speech.<sup>1</sup> We have summarized some of our concerns below and included several requests under the Public Records Law, M.G.L. c. 66, § 10.<sup>2</sup> We urge the City to give this matter prompt attention given

<sup>1</sup> Our firm has been engaged to assist attorneys at the ACLU Foundation of Massachusetts, Inc. on behalf of the ACLU on this matter. Those attorneys are copied on this letter.

<sup>2</sup> We ask that you share a copy of this letter with all of the members of the City Council.

July 22, 2024

Page 2

that City residents have a fundamental right to express their political opinions at all times and especially in advance of the upcoming state and federal elections.

The Political Sign Ordinance states:

- A. Political signs may be located subject to the consent of property owners. They may be displayed for regular or special municipal elections, state, county or federal elections, to include preliminary and primary elections, for a period of eight weeks prior to election day, and shall be removed within 21 days after election day. In the case of a primary election, the winning candidate may leave signs on display until 21 days following the final election.
- B. The property owner shall be responsible for the removal of all signs within the prescribed 21 days after an election. No political sign may be placed on utility poles, other utility device, trees or abandoned buildings. Further, in accordance with the provisions of MGL. c. 53, §§ 70A through 70H, no signs may be displayed within 150 feet from the entrance of a polling place on primary or election day.

As noted above, the Political Sign Ordinance prohibits City residents from displaying “political signs” on their private property except for a period of eight weeks before an election until 21 days after the election. It subjects City residents to monetary fines for expressing their political views on their own property at times of their choosing. Specifically, City Code § 1-15 imposes a fine up to \$300 for each violation of the Political Sign Ordinance and provides that “[e]ach day a violation continues shall constitute a separate offense.”

On June 24, 2024, Chairman and Director of the City Board of Elections Department Ryan Lyons circulated a memorandum to all City candidates, political committees, and residents affirming the City’s continued enforcement of the Political Sign Ordinance (enclosed).

We and ACLUM have serious concerns that the City’s Political Sign Ordinance—both as written and as applied—imposes content-based and unreasonable restrictions on political speech in violation of the First Amendment to the U.S. Constitution and Article 16 of the Massachusetts Declaration of Rights (as amended). As you are aware, political speech, particularly on private property in residential areas, is entitled to the highest form of protection. *See* ACLUM’s April 23, 2019 Letter to the Cities and Towns of the Commonwealth of Massachusetts (enclosed). As explained in the enclosed letter, governmental regulations that place temporal limitations on the display of political signs on private property in residential areas except for limited periods around elections are unlawful. The City’s threat of monetary fines against City residents who wish to engage in political speech from their own private property unconstitutionally restricts free expression.

July 22, 2024

Page 3

Compounding the problem, neither the Political Sign Ordinance nor the City Code (including City Code §§ 86-450 through 86-457 concerning signs) defines the term political signs. While it is ambiguous, the Political Sign Ordinance may be limited to signs concerning elections given that its temporal limitations are expressly tied to elections. But because “political signs” is nowhere defined that we could find, the Political Sign Ordinance may be intended to or perceived to be intended to also place temporal limitations on City residents’ ability to display signs with political messages that are not necessarily tied to an election (*e.g.*, signs with messages such as “Blue Lives Matter,” “Black Lives Matter,” “Climate Change is a Hoax,” “Climate Change is Real,” “Impeach Trump,” “Impeach Biden,” etc.). At a minimum, residents may be chilled in their exercise of core free speech rights based on this ambiguity, which is constitutionally problematic.

Given these concerns, we request that the City immediately cease enforcement of the Political Sign Ordinance and amend the City Code (including but not limited to City Code § 46.2-1) to remove all temporal restrictions on City residents’ ability to engage in political speech on their own private property. Reasonable regulations of the number, size, and location of such signs so as to protect public safety may still be applied.

In light of the foregoing issues, we also request the following public records<sup>3</sup> pursuant to the Public Records Law, M.G.L. c. 66, § 10, for the period from July 1, 2023 to the present:

1. All internal practices and/or procedures concerning the Political Sign Ordinance;
2. All records concerning the enforcement of the Political Sign Ordinance;
3. All notices of violation issued to City residents concerning the Political Sign Ordinance;
4. All records concerning the removal of political signs by the City from private property;
5. All communications with City residents concerning the Political Sign Ordinance;
6. All communications among any City officials or employees or agents concerning the Political Sign Ordinance;

---

<sup>3</sup> Consistent with G.L. c. 4, § 7 (twenty-sixth), the term “records” includes all documents or other records that exist in any format including but not limited to hard copy records and records in electronic format such as emails or texts. We understand that City Administrator Aitken, included here, is the public records officer for the City. If not, we ask that you ensure this request is directed to the right person for prompt processing.

July 22, 2024

Page 4

7. All communications involving any member(s) of the City Council concerning the Political Sign Ordinance;
8. All communications involving any member(s) of the Board of Elections Department concerning the Political Sign Ordinance; and
9. All communications concerning any perceived need or desire to restrict political and/or election signs on private property.

Because this request involves a matter of public concern and is made on behalf of a nonprofit organization, we kindly ask that you waive any fees. Please provide documents in electronic format where possible. If you determine that some portions of the documents requested are exempt from disclosure, please release any reasonably segregable portions that are not exempt, including records with appropriate redactions, as required by law. In addition, please note the applicable statutory exemption and explain why it applies to any redacted information. As you know, a custodian of public records shall comply with a request within 10 business days of receipt of the request.

We would also like to start a dialogue with the City as soon as possible to discuss our concerns and try to reach an agreeable, voluntary solution. To that end, we will be in touch soon with Corporation Counsel Rumsey to discuss the issues raised in this letter. But in the meantime, do not hesitate to reach out to us and your immediate attention to the issues raised in this letter will be appreciated.

Best regards,



Keith H. Bensten

Enclosures

cc: Ruth Bourquin, Esq. (ACLUM)  
Rachel Davidson, Esq. (ACLUM)  
William Black, Esq. (Day Pitney LLP)

**June 24, 2024 Letter re: Political Sign Ordinance**



**BOARD OF ELECTION  
COMMISSIONERS**

**CITY OF FALL RIVER**

36

To: 2024 Candidates, Political Committees & All Residents

From: Ryan Lyons

Date: 24 June 2024

Re: Political Signs

As adopted by the City Council, **Ordinance No. 2008-13** authorizes the display of political signs on private property for a period of **8 weeks prior to Election Day**. Candidates running in the State Primary are allowed to begin posting political signs starting on July 5<sup>th</sup> and must be removed no later than 21 days following the primary unless the candidate has been nominated onto the Biennial State Election.

Property owners are responsible for the removal of all political signs within the required 21-day timeframe prescribed in the ordinance. No political signs may be posted on city property including abandoned buildings, parks, trees or utility poles.

In addition, I would like to remind all candidates, political committees, and the public that pursuant to the General Laws of the Commonwealth *Chapter 53, Section 65* NO Political Signs or campaign paraphernalia may be displayed within **150-Feet from the entrance of a polling precinct on Election Day or In-Person Early Voting Location**. I ask that all candidates and committees make their volunteers aware of this legal requirement prior to Election Day.

Any Questions? Please contact the Elections Department at 508-324-2630 or email me at [rlyons@fallriverma.gov](mailto:rlyons@fallriverma.gov).

***Ryan Lyons***

Chairman & Director  
Chief Elections Official  
Board of Elections Dept.

Ordinance No. 2008-13

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

That Chapter 46 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Offenses, be amended, by inserting on proper numerical order, the following new Section 46-2.1 to read as follows:

**Section 46-2.1 Political Signs.**

Political signs may be located subject to the consent of property owners. They may be displayed for Regular or Special Municipal Elections, State, County or Federal Elections to include Preliminary and Primary Elections, for a period of eight (8) weeks prior to Election Day, and shall be removed within twenty-one (21) days after Election Day. In the case of a Primary election, the winning candidate may leave signs on display until twenty-one (21) days following the final election.

The property owner shall be responsible for the removal of all signs within the prescribed twenty-one (21) days after an election. No political sign may be placed on utility poles, other utility device, trees or abandoned buildings. Further, in accordance with the provisions of MGL. Ch. 53, Sec. 65, no signs may be displayed within 150 ft. from the entrance of a polling place on Primary or Election Day.

In City Council, April 8, 2008  
Passed to be ordained.

Approved, April 14, 2008  
Robert Correia, Mayor

A true copy. Attest:  
City Clerk



## BOARD OF ELECTION COMMISSIONERS

CITY OF FALL RIVER

36

### 150-FOOT LAW

Under the General Laws of the Commonwealth certain activities are prohibited within 150 feet of a polling location. The 150-foot area includes: the polling place on Election Day, the In-Person Early Voting location, the building where the polling place is located, on the walls thereof, on the premises on which the building stands, or within 150 feet of the **building entrance door to such polling place**. M.G.L.c.54, § 65. The "premises" on which the building stands is further defined to mean only the grounds in the immediate vicinity of the building and does not include the entirety of a large parcel of real property. 950 C.M.R. §52.03(22)(c), § 53.03(18)(c), § 54.04(22)(c).

The following are prohibited within 150 feet of a polling location:

- The posting, exhibition, circulation, or distribution of materials including stickers, posters, cards, handbills, placards, pictures, or circulars—intended to influence the action of the voter; M.G.L.c.54, § 65.
- The solicitation of votes for or against, or any other form of promotion or opposition of, any person or political party or position on a ballot question, to be voted on at the current Election; 950 C.M.R. §52.03(22)(d); 53.03(18)(d), 54.04(22)(d).
- Holding any campaign sign; handing any person literature intended to influence the voter's action at the polls; wearing any campaign buttons or identifying signage; soliciting a person's vote for or against a candidate or question on the ballot; or distributing stickers. M.G.L. c54, §65.
- Gathering signatures on nomination papers or initiative petitions. M.G.L.c.54, § 65.

The presiding officer at the polling place (Precinct Warden) enforces the various requirements of the 150-foot law. The police officer detailed to each polling place protects the election workers and assists the Warden in enforcing the laws relating to elections. Furthermore, the presiding officer at the polls may request that the police officer take into custody any person who by disorderly conduct interrupts or disturbs the proceedings of an election officer.

The Precinct Warden or Clerk of the polling place is vested with the authority and obligation to maintain peace, order, and decorum at the polls. G.L.c.54, § 71. Furthermore, the Code of Massachusetts Regulations requires that access to polling places must be open and unobstructed, and the voters may not be hindered. 950 C.M.R. § 52.03(22)(c); 950 C.M.R. § 53.08(18)(c); 950 C.M.R. § 54.04(22)(c). The Warden, pursuant to both statutory and regulatory authority, has significant discretion in determining what he or she believes amounts to a disturbance, an obstruction in access to the polling place, or a hindrance to the voters.

***\*It is the opinion of Secretary Galvin that a candidate's presence in the polling precinct is, in and of itself, campaign activity. Candidates should only be present in the polling place if they are voting, or if they are coming in to get the number of ballots cast on the DS200 Voting Machine from the precinct Warden.***

***Ryan Lyons***

Chairman & Director  
Chief Elections Official  
Board of Elections Dept.

Ryan Lyons, Chairman & Director

One Government Center • Fall River, MA 02722

TEL (508) 324-2630 • FAX (508) 324-2633 • EMAIL rlyons@fallriverma.org

**ACLUM's April 23, 2019  
Letter to the  
Cities and Towns of the  
Commonwealth of Massachusetts**



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Massachusetts

36  
Ruth A. Bourquin  
Senior & Managing Attorney  
(617) 482-3170 ext. 348  
rbourquin@aclum.org

Jessica J. Lewis  
Staff Attorney  
(617) 482-3170 ext. 334  
jlewis@aclum.org

April 23, 2019

Re: Restrictions on Political Signs and Speech

Dear Cities and Towns of the Commonwealth of Massachusetts:

We have become aware that several municipalities in the Commonwealth have ordinances restricting the ability of residents to display signs, including political signs, on private property in residential neighborhoods. Some of these ordinances limit the period before and after an election during which residents may place signs of support or opposition on election-related issues on private property.

This letter is to remind you that, under the U.S. Constitution and the Massachusetts Declaration of Rights, cities and towns may not impose unreasonable restrictions on political speech nor impose content-based restrictions on the display of signs unless such restrictions are narrowly tailored to serve a compelling interest. For the reasons that follow, if you have an ordinance restricting residents' ability to post political signs in their yards, windows, vehicles, or other pieces of private property, we urge you to discontinue enforcement of the law and to repeal it.

The First Amendment and Article 16 prohibit the government from encroaching on residents' rights to free speech, which include the right to speak on political and electoral issues. Political speech, and particularly political speech on private property, is entitled to the highest form of protection.

While municipalities have considerable authority to regulate the display of signs on public property in a content-neutral way, the authority to do so on private property is severely diminished by constitutional protections of civil liberty and, in particular, free speech. In *City of Ladue v. Gilleo*, 512 U.S. 43, 58 (1994) (citations omitted), the Supreme Court said:

A special respect for individual liberty in the home has long been part of our culture and our law; that principle has special resonance when the government seeks to constrain a person's ability to *speak* there. Most Americans would be understandably dismayed, given that tradition, to learn that it was illegal to display from their

windows an 8-by-11-inch sign expressing their political views. Whereas the government's need to mediate among various competing uses, including expressive ones, for public streets and facilities is constant and unavoidable, its need to regulate temperate speech from the home is surely much less pressing.

Accordingly, the Court in *City of Ladue*, held that an ordinance prohibiting homeowners from displaying any signs on their property except residence identification signs, for sale signs, and safety hazard warning signs was unconstitutional because it simply "prohibits too much speech." *Id.* at 55. The Court was specifically concerned that the ordinance broadly banned political signs on private property, or foreclosed an entire medium of communication to political speech. *Id.* Restricting the display of political signs on private property is a violation of the First Amendment (and Article 16) rights of private individuals. *Members of the City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984).

In *Reed v. Town of Gilbert, Arizona*, 576 U.S. \_\_\_, 135 S.Ct. 2218 (2015), the Supreme Court struck down a municipal ordinance that exempted from a general ban various categories of lawn signs based on content, i.e. the topic discussed or the idea or message expressed. In doing so, the Court held that these types of sign ordinances constitute "content-based regulations of speech" and are subject to "strict scrutiny." *See id.* at 2224. Under the test of "strict scrutiny," content-based laws, e.g. laws that target and limit political signs differently than others, are "presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests." *Id.* at 2226. In *Reed*, the town's two justifications for the ban, "preserving the Town's aesthetic appeal and traffic safety," were ruled insufficient under this test. *Id.* at 2231-2232. The First Amendment prevents a township from "achieving its goal by restricting the free flow of truthful information." *City of Ladue*, 512 U.S. at 48 (quoting *Linmark Associates, Inc. v. Willingboro*, 431 U.S. 85 (1977)).

What towns may lawfully do is "regulate the physical characteristics of signs" without regard to the sign's content. *Id.* *See also Matthews v. Town of Needham*, 764 F.2d 58, 59 (1st Cir. 1985) (time, place, and manner restriction of speech must advance a significant governmental interest, be justified without reference to the content of the speech, and leave open ample alternative channels for communication of the information). Hence, municipalities may have reasonable, content-neutral laws uniformly applicable to all signs requiring, for instance, that the signs be no larger than certain dimensions and be placed in a manner so as not to impede visibility on the roads by motorists.

But, as noted above, preventing political signs on private property during certain periods of the year is not content-neutral, and such laws fail strict scrutiny. *City of*

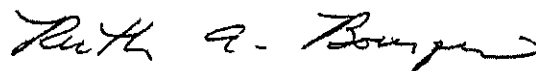
*Ladue*, 512 U.S. at 55. Candidates have a right to begin their campaigns before, and continue their campaign for public support after, the dates allowed by such laws. Likewise, residents have a right to express their political views by posting yard signs at any time, including as a way of communicating with neighbors their approval or disapproval of a past election outcome and hopes for the next. The Supreme Court has made clear that these forms of speech are protected under the First Amendment and may not be unduly burdened. *See City of Ladue*, 512 U.S. at 54, 57. Furthermore, time limits favor incumbents by giving those already in office, and therefore with greater name recognition, an advantage. *See id.* at 51 (finding that impermissibly underinclusive laws may represent a governmental attempt to give one side of a debate an advantage). Thus, an interest in 'leveling the playing field' for candidates in an election may not be a valid compelling interest.

Recently, in a case brought by ACLU of Massachusetts, the U.S. District Court permanently enjoined the City of Holyoke from enforcing an ordinance, or any future ordinances, restricting lawn signs during certain months of the year and bumper stickers all year round. The court declared the ordinance unconstitutional. <https://www.aclum.org/en/cases/molloy-et-al-v-city-holyoke>. ACLU of Massachusetts also recently engaged with the Town of Scituate about its zoning ordinance which limits the ability of political candidates to post campaign signs on private property, and the Scituate Board of Selectmen voted to suspend enforcement of the ordinance. <https://www.aclum.org/en/news/scituate-votes-suspend-restrictions-political-signs>.

To comply with the law and respect the free speech rights of your residents, we urge you to change any law that specifically prohibits the display of political signs on private property or which otherwise places unique rules on the display of signs based on the sign's message or content.

Please do not hesitate to contact the ACLU of Massachusetts if you have any questions about this letter. We can be reached at (617) 482-3170.

Sincerely,



Ruth Bourquin



Jessica Lewis

## CITY COUNCIL PUBLIC HEARING

MEETING: June 25, 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: Aaron Roy, National Grid Engineer,  
1250 Brayton Point Road, Somerset, MA 02725

The President called the meeting to order at 6:02 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

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

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<br>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

*The President asked if there were any proponents, and Aaron Roy, National Grid Engineer, came forward and explained that National Grid needed to install the jointly owned poles and*

anchor to provide service to new property developments on Robin Street. Mr. Roy emphasized that these poles would hold secondary distribution circuits and not primary distribution circuits. The President then asked if there were any opponents, and none came forward.

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to close the hearing at 6:05 p.m.

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

A true copy. Attest:

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

City Clerk

### COMMITTEE ON FINANCE

MEETING: June 25, 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  
Kyle Connors, CPA Partner, Marcum, LLP,  
100 Westminister Street, Providence, RI  
Jim Wilkenson, CPA Partner, Marcum, LLP,  
100 Westminister Street, Providence, RI  
Andrew Lima, Senior Audit Manager,  
Hague, Sahady & Co. P.C., 126 President Avenue  
Meghan Hyland, Certified Public Accountant,  
Hague, Sahady & Co. P.C., 126 President Avenue  
Terenzio Volpicelli, CPA Partner, Roselli, Clark & Associates,  
500 West Cummings Park, Suite 4900, Woburn, MA  
Paul Gargano, CPA Partner, Roselli, Clark & Associates,  
500 West Cummings Park, Suite 4900, Woburn, MA

The chair called the meeting to order at 6:05 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

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

1. Citizen Input Time – Before Discussion of Financial Matters  
Rene Brown, 105 Bank Street – Public Service

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

*Kyle Connors, Partner, Marcum, LLP, and Jim Wilkenson, Partner, Marcum, LLP, provided a summary of the history of their company, which is in Providence, Rhode Island, and stated that, while they did not prepare a formal presentation, they were able to answer any specific questions the Committee members had regarding their proposal.*

*Andrew Lima, Senior Audit Manager, Hague, Sahady & Co., provided a brief overview of the firm's history, staff experience and overall objectives when performing a municipal audit. Mr. Lima stated that priorities include studying accounts, internal control systems and any required technical assistance, such as free cash certifications. Meghan Hyland, Certified Public Accountant, Hague, Sahady & Co., explained that the audit plan would be organized based on many factors, including the City's risk assessment and their review of municipal policies and procedures.*

*Terenzio Volpicelli, CPA Partner, Roselli, Clark & Associates, and Paul Gargano, CPA Partner, Roselli, Clark & Associates, provided a PowerPoint print-out to the Committee members, which included an overview regarding their firm, their audit goals and partner involvement during these procedures.*

*Councilor Sampson expressed admiration for one of the partners of Hague, Sahady & Co. who worked for the City of Fall River as the Director of Financial Services in the past but expressed concern regarding the ethics of hiring a former employee's firm to perform the annual audit of City finances. Mr. Lima emphasized that this former employee would not be involved in the audit directly and that other partners of the firm would be managing the audit. President Camara stated that the previous employee has not worked for the City for many years and the audit would not include any financial transactions that occurred during their employment period.*

*Councilor Kilby stated that the lowest bid for the audit should be the one chosen, as all firms are highly qualified. A brief discussion was held between Councilor Kilby and Mr. Volpicelli regarding Roselli, Clark and Associates' percentage of work that includes municipal auditing and Mr. Volpicelli explained that these types of audits account for about one quarter of the firm's current contracts. Councilor Kilby stated that he will be supporting the recommended firm, Roselli, Clark and Associates, as they have performed satisfactory audits over the past five years, they are also contracted for the audit of the City's retirement funds and provided the lowest proposal bid for the service.*

*Councilor Cadime requested clarification regarding the creation of the Request for Proposals for the annual audit, specifically if any qualifications were included. Seth Thomas Aitken, City Administrator, explained that there were rubrics provided for the proposals which were followed by all firms, who all had comparable qualifications, and therefore the recommendation was based solely on price. Bridget Almon, Director of Financial Services, stated that there were no specific definitions requested, such as length of experience. A brief discussion was held between Councilor Cadime and the City Administrator regarding the guidelines outlined in M.G.L., Part I, Title III, Ch. 30B, Uniform Procurement Act, and Councilor Cadime stated that he will be supporting the order to select the recommended firm, Roselli, Clark and Associates. Councilor Cadime also expressed concern regarding how long the same firm should be conducting these types of audits.*

Councilor Ponte requested information regarding Roselli, Clark and Associates' timelines for submitted required audit documents and reports over the past few years. Mr. Volpicelli explained that the firm always submits these continuing disclosures within the 270-day limit and Ms. Almon confirmed that these documents are always received in a timely manner. Councilor Cadime and Mr. Aitken discussed amendments to the Request for Proposals and the City Administrator clarified that while amendments can be included before bids are received, it would not be recommended to change the requirements after bids have been submitted. Councilor Ponte stated that all three firms are highly qualified but that interviews prior to each contract approval would be ideal to provide specific information for each company's audit plan.

Vice President Pereira asked if the three firms all adhered to continuing education for all Certified Public Accountant (CPA) employees. Mr. Connors, Mr. Lima and Mr. Volpicelli confirmed that the required continuing education was achieved by all CPAs within their firms. Vice President Pereira stated that the employees of Roselli, Clark and Associates have been very responsive in the past and, as they provided the lowest price within the bidding process, she would be in support of them performing the municipal audit.

President Camara asked for the average amount of city and town audits each firm was committed to yearly. Mr. Volpicelli stated that Roselli, Clark and Associates is currently working for 80 cities and towns. Mr. Connors stated that Marcum, LLP, typically has over 500 engagements per year. Mr. Lima stated that Hague, Sahady and Co. provide auditing services for about 40 cities and towns.

Councilor Dionne expressed concern that the City Charter stated that the City Council itself was required to submit the Request for Proposals and that the Administration submitted it on behalf of the City Council.

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

### 3. Transfers and appropriations

Councilor Ponte requested clarification regarding the \$6,400,000 transfer to the Stabilization Fund from the FY23 Surplus Revenue. Bridget Almon, Director of Financial Services, stated that this capital must be transferred prior to June 30, 2024, as it is the remaining free cash from the past year. A brief discussion was held between Councilor Ponte and Ms. Almon regarding the larger amount of funding in this account than previous years, including the effect of American Rescue Plan Act (ARPA) funds, high revenues and vacancies. President Camara and the Director of Financial Services held a brief discussion regarding how ARPA funds allowed for additional investments over the past few years. Ms. Almon explained that they are working to continue these types of investments, albeit more slowly after the obligation and spending of the ARPA funds, to help provide funding and services.

Councilor Cadime and Ms. Almon discussed the Opioid Stabilization Fund and specific requirements for this type of fund transfer, including investment rules. Ms. Almon also clarified that the spending limit for the fund is \$500,000.

4. Citizen Input Time – After Discussion of Financial Matters  
Carlos Cesar, 367 Frost Street – Proposition 2 ½ Override  
Nelson Vasquez, 210 Sunset Hill – Fall River

*The City Clerk read aloud the email communication received from the following resident, a copy of which is attached hereto and made a part of these minutes.*

C.J. Ferry, 300 Buffinton Street – Proposition 2 ½ Override

*On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adjourn at 7:17 p.m.*

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

PowerPoint presentation by Roselli, Clark & Associates

Email communication for Citizen Input Time from C.J. Ferry, 300 Buffinton Street

  
Clerk of Committees

CJ FERRY, R.N., PHN

RECEIVED

June 25, 2024

2024 JUN 25 A 11:39

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

CITY CLERK  
FALL RIVER, MA

Re: Citizen's input

City Council President, members of the City Council:

My name is CJ Ferry and I reside at 300 Buffinton Street and am a property owner and a Fall River taxpayer.

Over the past couple of years, the city, with the consent of the City Council has increased the city budget and the spending of the authoritarian government on the sixth floor. The resulting taxes and fees are bankrupting our property owners and is resulting in higher and higher rents which increase homelessness. When this administration gets a no from the city council or any other body, they continue to press with representing the same requests in hope that you will give in.

Before you tonight, is a request to place on the ballot a Proposition 2 ½ override to be presented to the voters. This is unacceptable and the fact that the City Council President would allow items such as this Proposition 2 ½ override be presented again is unacceptable and shows a lack of fortitude or as it is known in the real world, no back bone. The City Council President should recall that he was the lead in not supporting a debt exclusion or Proposition 2 ½ override and the Council denied this request before. Any claims that the school will not be built or it is for the children are false as the school is already under construction and will be built regardless of how the city pays for it.

The taxpayers have lost faith in the Council and already feel overtaxed because of the excessive spending of the administration. The Fall River taxpayer still does not know how much they are paying for the debt exclusion as it still does not appear on our tax bills. Where is the transparency? Before the City Council or the administration starts to look at more taxes to feed its excessive spending a good hard look at the number of positions and pay increases that have been

June 25, 2024

given by the administration. Heck, we saw in the budget hearings that the administration hires people for positions not in ordinance and when a City Councilor tried to eliminate that line item, that Councilor was guilted into leaving the item in places as "they would not receive a pay check" The fact that the illegal hiring was going to no longer receive a pay check from the city is the fault of the authoritarian administration. How many people were hired with ARPA funds and are now being put into the budget which the city cannot afford. I would suggest that you review the minutes of the Fall River Retirement Board where the CFO for the city said that the city cannot afford its retirement contributions and the city is asking for concessions from the collective bargaining units. No concessions have been requested.

Fall River can no longer afford excess taxation and threats to public safety need to stop. If the administration desires to cut public safety, that is his choice, but remember you are not holding him accountable. I ask that you not consider the request for a Prop 2 ½ override and table it or deny it outright. I know that there are at least three bobble heads that will vote for it because it is proposed by the administration, it is obvious that they have forgotten who they represent, the people. I will remind you what Joseph Camara said when it came before the council before, we built all those new school without a debt exclusion until the Durfee. It is time to take control of the taxes and not allow the increase by an apparent authoritarian leader.

Respectfully,

A stylized, cursive handwritten signature in dark ink, appearing to read "CJ Ferry".

CJ Ferry

## 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 90<sup>th</sup> 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 Minutes15. Public Hearing – June 3, 202416. Public Hearings – June 11, 202417. Committee on Finance – June 3, 202418. Committee on Finance – June 4, 202419. Committee on Finance – June 5, 202420. Committee on Finance – June 10, 202421. Committee on Finance – June 11, 202422. 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:

*Alison M. Bouchard*

City Clerk



# The Commonwealth of Massachusetts

RECEIVED

JUL 23 P 3:43

DEPARTMENT OF PUBLIC UTILITIES

CITY CLERK

FALL RIVER, MA

## NOTICE OF PUBLIC HEARING AND REQUEST FOR COMMENTS

D.P.U. 24-98

July 19, 2024

Petition of Boston Gas Company d/b/a National Grid for Approval of a Mid-Term Modification to its 2022-2024 Three-Year Energy Efficiency Plan.

On June 24, 2024, Boston Gas Company d/b/a National Grid ("Company") filed a petition with the Department of Public Utilities ("Department") seeking approval of a mid-term modification to its 2022-2024 Three-Year Energy Efficiency Plan ("Three-Year Plan"), which was filed in D.P.U. 21-124 and approved by the Department in 2022-2024 Three-Year Energy Efficiency Plans, D.P.U. 21-120 through D.P.U. 21-129 (2022). The Department docketed this matter as D.P.U. 24-98.

The Company proposes to modify its Three-Year Plan to increase its Department-approved energy efficiency budget in the Residential and Income-Eligible sectors. On May 30, 2024, the Department approved a settlement of a prior mid-term modification request that: (1) increased the Company's energy efficiency budgets for the Residential and Income-Eligible sectors; and (2) decreased the Company's energy efficiency budget for the Commercial and Industrial ("C&I") sector. Boston Gas Company, D.P.U. 23-155, Stamp-Approved Initial Filing. In the instant docket, the Company seeks to increase the budgets: (1) for its Residential New Buildings program, by \$3,542,732 (or 34 percent); (2) for its Residential Existing Buildings program by \$28,106,597 (or 21 percent); (3) for its Residential Hard-to-Measure program by \$2,827,891 (or 35 percent); and (4) for its Income Eligible Existing Buildings program, by \$53,400,461 (or 46 percent).

The Company maintains that the proposed increase in the Residential New Buildings program budget is driven by unexpectedly high performance in the planned number of energy efficient homes and incentives compared to 2023. The Company maintains that the proposed increase in the Residential Existing Buildings program budget is primarily driven primarily by higher than anticipated demand for heat pumps and also due to costs attributed to the development of a statewide call center. The Company attributes the proposed increase in the Residential Hard-to-Measure program budget to: (1) greater-than-expected customer demand for Mass Save HEAT Loans, including by municipal light plant customers; and (2) higher than anticipated interest rates. Finally, the Company maintains that the proposed increase for the Income-Eligible Existing Buildings program budget is driven by: (1) an increase in the number of planned projects generated by a new lead vendor; (2) the addition of new program measures; (3) increased demand for heat pumps; and (4) increased costs for barrier mitigation measures.

If the Department approves the budget increases as proposed for this latest mid-term modification, the Company states that customers will experience the following additional bill impacts:

- A residential customer (R-3) in the Boston Gas service area using 106 therms of gas per month in the winter will experience a monthly bill increase of \$10.63 (4.4 percent).
- A low-income residential assistance (R-4) customer in the Boston Gas service area using 110 therms of gas per month in the winter will experience a monthly bill increase of \$7.58 (4.4 percent).
- A residential customer (R-3) in the former Colonial Gas Company service area using 106 therms of gas per month in the winter will experience a monthly bill increase of \$9.77 (4.8 percent).
- A low-income residential assistance (R-4) customer in the former Colonial Gas Company service area using 103 therms of gas per month in the winter will experience a monthly bill increase of \$7.13 (4.8 percent).
- Bill impacts for C&I customers will vary. These customers should contact the Company for specific bill impact information.

The Department will conduct a public hearing to receive comments on the Company's petition on **Tuesday, August 6, 2024, beginning at 2:00 p.m.** The hearing will be virtual and use Zoom videoconferencing. Attendees can join the public meeting by entering the link, <https://us06web.zoom.us/j/82616248745>, from a computer, smartphone, or tablet. No prior software download is required. For audio-only access to the public hearing, attendees can dial in at (646) 558-8656 or (309) 205-3325 (**not toll free**) and then enter the **Meeting ID# 826 1624 8745**. If you anticipate providing comments via Zoom during the public hearing, please send an email by **Friday, August 2, 2024**, to [elizabeth.c.mcnamara@mass.gov](mailto:elizabeth.c.mcnamara@mass.gov) with your name, email address, and mailing address.

Any person interested in commenting on this matter may submit written comments no later than the close of business (5:00 p.m.) on **Tuesday, August 6, 2024**. Please note that in the interest of transparency any comments will be posted to our website as received and without redacting personal information, such as addresses, telephone numbers, or email addresses. Therefore, consider the extent of information you wish to share when submitting comments. The Department strongly encourages public comments to be submitted by email using the methods described below. If, however, a member of the public is unable to send written comments by email, a paper copy may be sent to Mark D. Marini, Secretary, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110.

Any person who desires to participate otherwise in the evidentiary phase of this proceeding shall file a petition for leave to intervene no later than 5:00 p.m. on **Friday, August 2, 2024**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. Receipt by the Department constitutes filing and determines

whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business (5:00 p.m.) on the second business day after the petition to intervene was filed.

To the extent a person or entity wishes to submit comments or a petition to intervene in accordance with this Notice, electronic submission is sufficient. All documents must be submitted to the Department in **.pdf format** by e-mail attachment to [dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov) and [elizabeth.c.mcnamara@mass.gov](mailto:elizabeth.c.mcnamara@mass.gov). The text of the e-mail must specify: (1) the docket number of the proceeding (D.P.U. 24-98); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. In addition, a copy of all comments or petitions to intervene should be sent to the Company's attorney, Christopher Tuomala, Esq., at [Christopher.Tuomala@nationalgrid.com](mailto:Christopher.Tuomala@nationalgrid.com). All documents submitted in electronic format will be posted on the Department's website through our online File Room as soon as practicable (enter "24-98") at: <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber>.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at [andrea.r.casul@mass.gov](mailto:andrea.r.casul@mass.gov).

For further information regarding the Company's filing, please contact the Company's attorneys, identified above. For further information regarding this Notice, please contact Elizabeth McNamara, Hearing Officer, Department of Public Utilities, at [elizabeth.c.mcnamara@mass.gov](mailto:elizabeth.c.mcnamara@mass.gov).