

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

REGULAR MEETING OF THE CITY COUNCIL

MEETING: May 13, 2025, at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

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

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

PRIORITY MATTERS

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

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

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

*Approved, May 14, 2025
Paul E. Coogan, Mayor*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved, May 14, 2025

Paul E. Coogan, Mayor

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

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

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

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

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

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

Approved, May 14, 2025

Paul E. Coogan, Mayor

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

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

PRIORITY COMMUNICATIONS

8. Traffic Commission recommending amendments to the traffic ordinances

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

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

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

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

CITATIONS

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

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

ORDERS – HEARINGS

Joint Pole Location

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

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

Approved, May 14, 2025

Paul E. Coogan, Mayor

ORDERS – MISCELLANEOUS

12. Police Chief's report on licenses

Taxicab Drivers

Manuel Almeida

Albert Crepeau

Private Livery Drivers

Wayne Delisle

Christopher Botelho

Eric Bourgeois

Ayman Elhennawi

Mark Elisio

Shannon Fernandes

Victor M. Ortiz Rivera

Danielle Shoesmith

Private Livery Vehicles

Princess Limousine, LLC – Ten (10) vehicles

Second Hand Renewals

ecoATM LLC – 4171 North Main Street

ecoATM LLC – 638 Quequechan Street

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

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

13. Auto Body Shop License Renewal

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

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

COMMUNICATIONS – INVITATIONS – PETITIONS

14. Claims

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

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

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

16. Communication re road repairs on Grinnell Street

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

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

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

18. Drainlayer Licenses

GT Excavating Corp.

HM Lopes LLC

Hydra Tech Inc.

JH Landscaping and Construction Inc.

John Kinsely dba Riverside Masonry and Concrete

J & R Resendes Corp.

Mass Earthworks & Demolition

Mike Andrade Excavation, LLC

Perfected Construction LLC

SLT Construction Corporation

Steven Steen

Thermo-Mechanical Systems Inc.

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

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

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

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

City Council Minutes

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

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

BULLETINS – NEWSLETTERS – NOTICES

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

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

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

PRIORITY MATTERS

- 7a. Proposed Fiscal Year 2026 Municipal Budget

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

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with emergency preamble:

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

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

Approved, May 14, 2025

Paul E. Coogan, Mayor

First Reading, as amended

8b. Proposed Ordinance – Traffic, Miscellaneous

Section 1

Parking prohibited at all times (insert)

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

Section 2

Parking prohibited at all times (strike out)

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

Section 3

Handicapped parking removals

- Dwelly Street, North, 92 feet west of Peckham Street

- Hanover Street, West, 140 feet north of Locust Street

- Harrison Street, West, 490 feet south of Pleasant Street

- Mulberry Street, East, 79 feet north of Division Street

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

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

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

Committee on Regulations recommending:

Adoption:

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

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

Approved, May 14, 2025

Paul E. Coogan, Mayor

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

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

Approved, May 14, 2025

Paul E. Coogan, Mayor

Committee on Public Works and Transportation recommending:

Grant leave to withdraw:

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

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

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

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

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

A true copy. Attest:

A handwritten signature in black ink that reads "Alison M. Bouchard". The signature is written in a cursive style with a large, stylized 'A' and 'B'.

City Clerk

In City Council, May 27, 2025
Approved.



City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2025 MAY -9 P 12:30

ALISON M. BOUCHARD
CITY CLERK

CITY CLERK _____
FALL RIVER, MA

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
MAY 13, 2025
AGENDA

5:15 P.M. COMMITTEE ON REGULATIONS

5:45 P.M. COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON REGULATIONS MEETING IF IT RUNS PAST 5:45 P.M.)

5:55 P.M. PUBLIC HEARING (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION 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:

Riggenbach Road

One (1) new jointly owned pole location

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

In accordance with Plan No. 31085750

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

1. Citizen Input
2. *Fiscal Year 2026 Emergency Medical Services Budget (referred 4-22-2025)
3. *Fiscal Year 2025 Quarter 3 Budget Report (referred 4-22-2025)
4. *Communication – Mayor and School Committee request to initiate and file an unfunded mandate petition with the State Auditor's office relative to the City's obligation to fund student transportation (referred 4-8-2025)
5. Transfer and appropriation

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

PRIORITY MATTERS

1. *Mayor and request for confirmation of the appointment of Kelly Furtado to Police Chief and order requesting approval of contract (objected to on 4-22-2025)
2. *Mayor and request for confirmation of the appointment of Edward Guimont, Ph.D., to the Library Board of Trustees

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

3. *Mayor and proposed ordinance amendment re salary of Animal Control Officer
4. *Mayor and order approving Conservation Restriction between VMD Conservation FR, LLC and The Trustees of Reservations regarding an approximately half-acre parcel of wetlands located at the Industrial Park.
5. *Mayor and order transferring \$2,500,000 from FY24 Surplus Revenue to Employer Health Trust Fund
6. *Mayor and proposed Home Rule Petition re appointment of Chief of Police
7. *Mayor and proposed ordinance re appointment of Chief of Police

PRIORITY COMMUNICATIONS

8. *Traffic Commission recommending amendments to the traffic ordinances

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

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

CITATIONS

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

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J & R Resendes Corp.
Mass Earthworks & Demolition
Mike Andrade Excavation, LLC
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SLT Construction Corporation
Steven Steen
Thermo-Mechanical Systems Inc.
19. Zoning Board of Appeals Minutes – March 20, 2025
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BULLETINS – NEWSLETTERS – NOTICES

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


City Clerk

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

PRIORITY MATTERS

- 7a. Proposed Fiscal Year 2026 Municipal Budget

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

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

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with emergency preamble:

- Proposed Ordinance – Traffic, Handicapped parking
 - Hall Street, North, 20 feet east of Allen Street
 - Rodman Street, East, 69 feet north of Grattan Street
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 - Walnut Street, North, 126 feet west of Grove Street

First Reading

- Proposed Ordinance – Traffic, Miscellaneous

Section 1

One way streets

- Pine Street, East, from Seabury Street to Robeson Street

Section 2

Parking prohibited at all times (insert)

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

Section 3

Parking prohibited at all times (strike out)

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

Section 4

Handicapped parking removals

- Dwelly Street, North, 92 feet west of Peckham Street
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- Mulberry Street, East, 79 feet north of Division Street

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

Committee on Regulations recommending:

Action:

- Order – Taxicab driver license application (Robert F. Allen)
- Order – Taxicab driver license application (David Correiro)

Committee on Public Works and Transportation recommending:

Action:

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



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

RECEIVED

2025 APR 15 P 4:03

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

April 3, 2025

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 confirmation from the City Council of the following appointment:

Name: Kelly Furtado

Address 144 Place Avenue
Somerset, MA 02726

Position: Police Chief

Appointment Date: March 31, 2025

Salary: \$215,000.00

Sincerely,

Paul E. Coogan
Mayor

PC/amos

CITY OF FALL RIVER
IN CITY COUNCIL
APR 22 2025

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

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

City of Fall River, *In City Council*

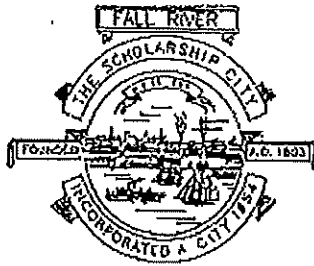
ORDERED, that the appointment by the Mayor of Kelly Furtado as Chief of Police be and the same is hereby confirmed, and be it further

ORDERED, that the contract which is attached hereto and incorporated herein by reference, is hereby approved.

CITY OF FALL RIVER
IN CITY COUNCIL

APR 22 2025

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



POLICE CHIEF EMPLOYMENT AGREEMENT

This Employment Agreement (hereinafter "AGREEMENT") is made by and between the City of Fall River and Kelly A. Furtado.

WHEREAS, the City of Fall River is a municipal corporation (hereinafter "CITY"), located at One Government Center, Fall River, Massachusetts 02722; and

WHEREAS, pursuant to §2-401 of the Fall River Code, the Chief of Police is the head of the Police Department and shall be responsible for the management and operation of such department; and

WHEREAS, Paul E. Coogan, as the Mayor of the CITY, desires to appoint Kelly A. Furtado to serve in the position of Chief of Police for the City of Fall River; and

WHEREAS, Kelly A. Furtado (hereinafter "POLICE CHIEF") is willing to accept employment as the Chief of Police for the City of Fall River;

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the CITY and POLICE CHIEF hereby agree as follows:

DUTIES

POLICE CHIEF shall be the head of the Fall River Police Department and shall be responsible and accountable for the effective management and operation of said department in accordance with all laws, city ordinances, collective bargaining agreements, and city policies and procedures. POLICE CHIEF shall devote sufficient time, skill, and attention necessary to perform the duties under this AGREEMENT in an efficient, trustworthy and professional manner, all in the best interest of the CITY. POLICE CHIEF shall report directly to the Mayor, but shall have the authority to effectively and efficiently operate the Fall River Police Department, including, but not limited to, the following duties:

- A. POLICE CHIEF shall be responsible for the overall operation and management of the Police Department, including its property, equipment, motor vehicles, and buildings;
- B. POLICE CHIEF shall supervise the daily operations of the Police Department, including the assignment of personnel to tours, shifts, and duties as needed;

- C. POLICE CHIEF shall implement and supervise all training programs for Police Department personnel;
- D. POLICE CHIEF shall prepare the annual budget for the Police Department and shall oversee departmental finances;
- E. POLICE CHIEF shall establish uniform, equipment, weapons, and ammunitions specifications for the Police Department;
- F. POLICE CHIEF shall, when necessary, take appropriate disciplinary actions against members of the Police Department;
- G. POLICE CHIEF shall be responsible for communication with the public on matters related to public safety, police operations, and department policy; and
- H. POLICE CHIEF shall maintain appropriate and consistent communication with the Mayor, in order to keep the Mayor apprised of pertinent issues in the Police Department.

PROFESSIONAL DEVELOPMENT

CITY will reimburse POLICE CHIEF for reasonable travel, food and lodging expenses incurred in connection with attendance at professional development courses and/or seminars that are approved by the Mayor. POLICE CHIEF must obtain the Mayor's approval of all professional development expenses before they are incurred.

PERFORMANCE EVALUATION

POLICE CHIEF'S performance may be reviewed and evaluated by the Mayor and/or the Mayor's designee during the term of this AGREEMENT for the purpose of evaluating the overall effectiveness of POLICE CHIEF.

TERM

The term of this AGREEMENT shall be three (3) years, beginning on March 31, 2025 and ending on March 30, 2028, and may be renewed by mutual agreement of the parties.

COMPENSATION AND BENEFITS

CITY agrees to pay POLICE CHIEF an annual salary of Two Hundred Fifteen Thousand Dollars (\$215,000.00) the first year of the contract (beginning March 31, 2025), payable at the same time and manner as other employees of the City of Fall River. The CITY and POLICE CHIEF agree to renegotiate the annual salary for the second year (beginning March 31, 2026) and the third year (beginning March 31, 2027). Additionally, POLICE CHIEF shall be entitled to the following benefits:

- A. Health, dental, life insurance, and retirement benefits.
- B. Vacation Days. Forty-Eight (48) paid vacation days per year, which will expire without compensation at the end of the calendar year (December 31st). Vacation requests must be approved by the Mayor or City Administrator and must not interfere with effective operation of the Police Department. Up to two weeks (16 days) of vacation each year may be sold back to the City for payment.
- C. Sick Leave. Sick leave shall be accrued in accordance with the Fall River Superior Officer's Association Collective Bargaining Agreement.
- D. Personal Days. Four (4) per year, which will expire without compensation at the end of the calendar year.
- E. Death in the Immediate Family. Bereavement leave in accordance with §50-153 of the Fall River Code, which is incorporated herein by reference.
- F. Holidays. Fourteen (14) paid holidays per year (included in POLICE CHIEF's compensation as outlined above), which include New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Good Friday, Patriot's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Day After Thanksgiving and Christmas Day. The Chief may also elect to work on a designated holiday and, in exchange, take another day off within (30) days of the holiday occurring. This alternative day off must be scheduled with appropriate notice and approval to ensure departmental operational needs are met.
- G. POLICE CHIEF is entitled to injured on-duty benefits as set forth in M.G.L. c. 41, § 111F and M.G.L. c. 32, § 94.
- H. CITY agrees to reimburse POLICE CHIEF for annual dues paid to the Massachusetts Chiefs of Police Association.
- I. If the CITY has not paid POLICE CHIEF for compensatory time earned prior to execution of this AGREEMENT, then POLICE CHIEF shall be entitled to carry over and utilize the previously earned compensatory time with notice to the Mayor.

POLICE CHIEF acknowledges that she will often be required, without additional compensation, to devote evening and/or weekend hours as necessary for the proper performance of her duties as the Chief of Police. POLICE CHIEF is not entitled to overtime compensation or compensatory time. POLICE CHIEF may adjust her schedule taking into account such "extra" time so long as the same does not interfere with the obligations to perform her duties.

POLICE CHIEF acknowledges that she will not be entitled to any salary increases or bonuses, such as the Quinn Bill, unless specifically stated in this AGREEMENT. The parties understand and agree that the annual salary in this AGREEMENT is the maximum amount CITY

is required to pay POLICE CHIEF. Therefore, if CITY is required to pay any additional financial benefit, then the salary of POLICE CHIEF will be reduced by the same amount.

At the discretion of the Mayor, POLICE CHIEF may be awarded an increase to the compensation package during the term of this AGREEMENT, but at no time will the compensation or other benefits be reduced, except when such reduction is evenly applied across-the-board for all employees of the city.

AUTOMOBILE

CITY shall provide an unmarked city-owned vehicle for use by POLICE CHIEF in connection with the performance of her duties, with maintenance, operating expenses and insurance to be paid by the city.

Since POLICE CHIEF is frequently required to respond to emergencies and otherwise be on-call at all times, POLICE CHIEF is authorized to use the city-owned vehicle for personal use, provided that the vehicle is never taken more than fifty (50) miles from Fall River without prior authorization from the Mayor. POLICE CHIEF must relinquish possession of the city-owned vehicle if on leave or unable to perform the duties of the position for more than twenty-one (21) consecutive days. Failure to comply with the terms of this provision may result, in the Mayor's sole discretion, in a temporary or permanent loss of use of a city-owned vehicle and termination of this Automobile provision.

TERMINATION

This AGREEMENT may be terminated at any time for the following reasons:

- A. Termination for Just Cause. CITY may terminate this AGREEMENT at any time by providing POLICE CHIEF with written notice of the termination for just cause, including the facts and grounds in support thereof, at least thirty (30) days prior to termination. Just cause shall be defined to include any misconduct materially related to performance of official duties, including, but not limited to, any of the following:
 - 1. Material breach of this AGREEMENT and/or the duties contained therein;
 - 2. Resume fraud or other acts of material dishonesty in the hiring process;
 - 3. Unauthorized leave;
 - 4. Conviction of a felony offense or a misdemeanor involving moral turpitude;
 - 5. Material violation of the city's laws, ordinances, or regulations, including, but not limited to, the city policies against discrimination or harassment;
 - 6. Use and/or possession of illegal drugs;
- B. Termination Due to Incapacity. CITY may terminate this AGREEMENT due to the incapacity of POLICE CHIEF, which is defined as an inability to perform the Duties of the position for a continuous period of over sixty (60) days.
- C. Termination Due to Resignation, Retirement or Death. This AGREEMENT shall immediately terminate if POLICE CHIEF submits her resignation, retires, or is deceased.

POLICE CHIEF shall give at least three (3) months written notice to the Mayor prior to resignation or retirement.

INDEMNIFICATION

CITY agrees to defend and indemnify POLICE CHIEF from any claim, demand, action, or lawsuit arising out of any action or omission by POLICE CHIEF that occurs within the scope of employment. POLICE CHIEF understands and agrees that any intentional tort and/or criminal act is outside the scope of employment and will not be defended or indemnified by CITY. POLICE CHIEF acknowledges that CITY is self-insured and no policy coverage or rider is provided above and beyond the terms of this agreement for indemnification.

PROHIBITION OF POLITICAL ACTIVITY

During the term of this AGREEMENT, POLICE CHIEF shall not engage in political activity, including, but not limited to, publicly endorsing any candidate seeking elective office.

ENTIRE AGREEMENT

This AGREEMENT contains the entire agreement between the parties, and supersedes all other agreements, either oral or in writing. Any agreement, statement, promise, or inducement not contained within this AGREEMENT shall not be valid or binding upon either party. The terms of this AGREEMENT may only be changed or modified by written instrument duly executed by both parties.

MASSACHUSETTS LAW

This AGREEMENT shall be constructed and interpreted in accordance with the laws of the Commonwealth of Massachusetts. If any provision in this AGREEMENT is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT in the City of
Fall River on this _____ day of April, 2025:

POLICE CHIEF:

CITY OF FALL RIVER:

Kelly A. Furtado
Fall River Police Department

Paul B. Coogan
Mayor

Approved as to Form & Manner of Execution Only:

Alan J. Rumsey
Corporation Counsel
City of Fall River

2



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

PAUL E. COOGAN
Mayor

RECEIVED
2025 MAY -8 P 2:15
CITY CLERK
FALL RIVER, MA

May 8, 2025

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 confirmation from the City Council of the following appointment:

Name: Edward Guimont, Ph.D.

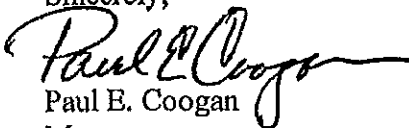
Address 1082 Davol Street, Unit 436
Fall River, MA 02720

Position: Library Trustees

Appointment Date: May 8, 2025

Term Expires: May 7, 2027

Sincerely,


Paul E. Coogan
Mayor

PC/amos



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2025 MAY -1 A 10:55

CITY CLERK
FALL RIVER, MA

May 1, 2025

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 City Council:

I respectfully request your approval to increase the salary schedule for Animal Control Officer to Not to Exceed \$45,000.00. This non-union position is classified under section 50-301.

Thank you for your consideration of this request.

Sincerely,

Paul E. Coogan
Paul E. Coogan
Mayor

City of Fall River, *In City Council*

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

That Chapter 50 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to personnel, be amended as follows:

Section 1.

By striking out in Section 50-301, which section relates to Salary schedules for executive officers, department heads and non-union personnel the following:

	Grade	Effective Date	Not to Exceed
Animal Control Officer	ACO	7-1-2022	\$39,244.85

Section 2.

By Inserting in Section 50-301, which section relates to Salary schedules for executive officers, department heads and non-union personnel the following:

	Grade	Effective Date	Not to Exceed
Animal Control Officer	ACO	7-1-2025	\$45,000



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2025 MAY -6 A 8:38

CITY CLERK _____
FALL RIVER, MA

May 5, 2025

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

Dear Councilor President and Members of the Honorable Council:

Dear Honorable Council Members:

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

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

Sincerely,

Paul E. Coogan
Mayor

PC/amos

City of Fall River, *In City Council*

4

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



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

4

May 2, 2025

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

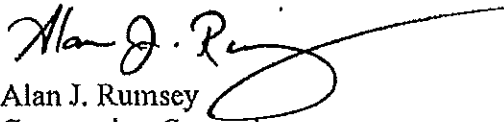
Dear Mayor Coogan:

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

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

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

Very truly yours,


Alan J. Rumsey
Corporation Counsel

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

CONSERVATION RESTRICTION

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

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

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

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

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

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

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

II. DEFINITIONS:

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

III. PROHIBITED USES & RESERVED RIGHTS:

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

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

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

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

IV. ADDITIONAL PROVISIONS:

a. NOTICE AND APPROVAL:

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

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

b. LEGAL REMEDIES OF THE GRANTEEES:

i. Legal and Injunctive Relief.

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

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

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

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

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

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

II. Non-Waiver.

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

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

iii. Disclaimer of Liability.

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

iv. Acts Beyond the Grantor's Control.

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

c. ACCESS:

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

d. EXTINGUISHMENT:

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

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

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

e. ASSIGNABILITY:

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

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

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

f. SUBSEQUENT TRANSFERS:

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

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

g. ESTOPPEL CERTIFICATES:

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

h. NON MERGER:

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

i. AMENDMENT:

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

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

j. EFFECTIVE DATE:

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

k. NOTICES:

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

To Grantor:

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

To Primary Grantee:

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

To Secondary Grantee:

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

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

To Division:

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

Westborough, MA 01581

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

I. GENERAL PROVISIONS:

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

m. MISCELLANEOUS.

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

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

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

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

SIGNATURE PAGES:

Grantor

Primary Grantee Acceptance

Approval by Fall River City Council

Approval by Fall River Mayor

Approval of the Secretary of Energy and Environmental Affairs

Acknowledgement by the MA Division of Fisheries and Wildlife

EXHIBITS:

Exhibit A: Description of the Premises

Exhibit B: Reduced Copy of Recorded Plan of the Premises

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

VMD Conservation FR, LLC

Phil Down

, duly authorized

By: Phil Down
Its: Manager

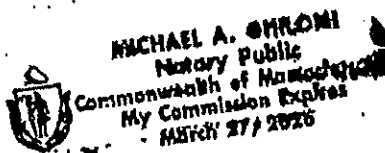
COMMONWEALTH OF MASSACHUSETTS

Essex, ss:

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

[Signature]
Notary Public

My Commission Expires: 03/27/2026



ACCEPTANCE OF GRANT

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

The Trustees of Reservations

K Theoharides

By: Kathleen Theoharides
Its: President

Brian Therrien

By: Brian Therrien
Its: Treasurer

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

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

Marilyn L. Knowlton

Notary Public

My Commission Expires:



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

[BLANK]

APPROVAL OF FALL RIVER CITY COUNCIL

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

CITY COUNCIL:

Joseph D. Camara, President

Linda M. Pereira, Vice President

Rický T. Tith

Michelle M. Dionne

Cliff Ponte

Andrew Raposo

Bradford L. Kilby

Paul B. Hart

Shawn E. Cadime

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

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

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

Notary Public
My Commission Expires:

APPROVAL OF MAYOR OF FALL RIVER

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

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

THE COMMONWEALTH OF MASSACHUSETTS

Bristol, ss:

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

Notary Public.
My Commission Expires:

APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS

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

Dated: _____, 2025

Rebecca L. Tepper
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

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

Notary Public
My Commission Expires:

ACKNOWLEDGEMENT BY THE MA DIVISION OF FISHERIES AND WILDLIFE

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

By: _____

Its: _____

Date: _____

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss:

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

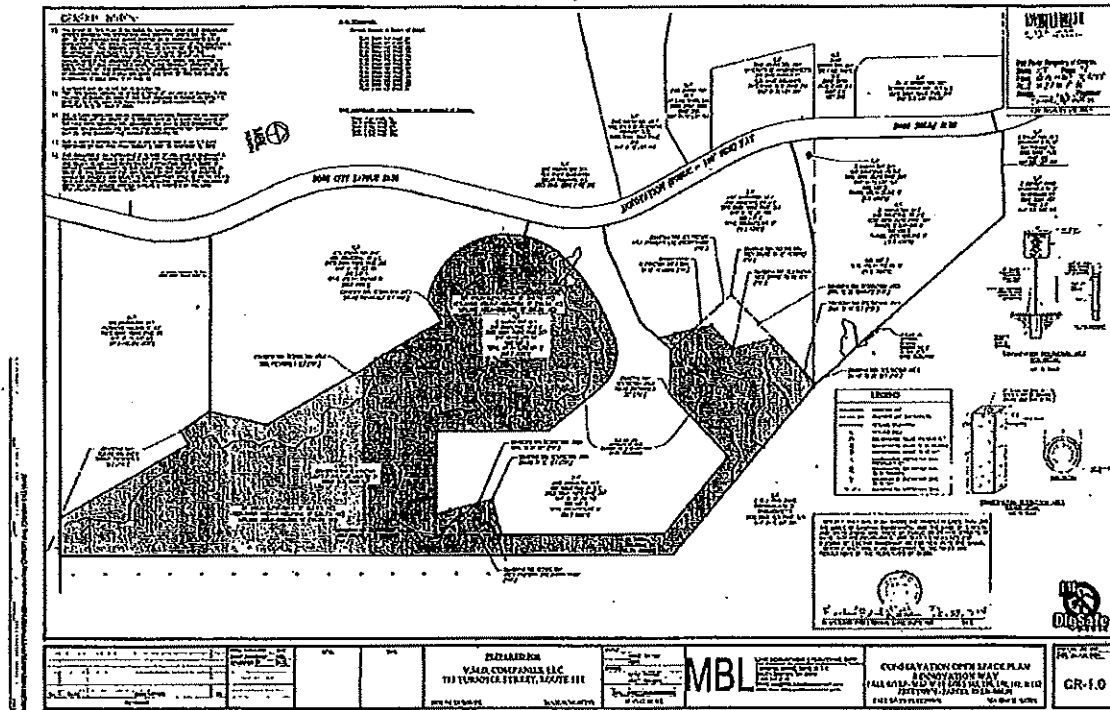
Notary Public
My commission expires:

EXHIBIT A**Description of the Premises**

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

EXHIBIT B
Reduced Copy of Recorded Plan of the Premises

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





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

PAUL E. COOGAN
Mayor

May 8, 2025

RECEIVED

2025 MAY -8 P 3:10

CITY CLERK
FALL RIVER, MA

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. \$2,500,000.00 That the sum of \$2,500,000.00 be, and the same is, hereby transferred to the EMPLOYER HEALTH TRUST FUND from the FY24 SURPLUS REVENUE.

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

May 13, 2025

ORDERED:

**That the sum of \$2,500,000.00 be, and the same is hereby transferred to
Employer Health Trust Fund from FY24 Surplus Revenue:**

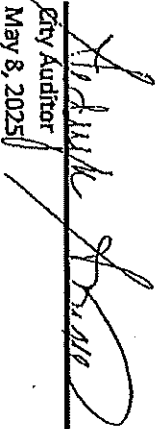
FY24 Surplus Revenue

\$2,500,000.00

FY25 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
General Fund Free Cash	\$ 9,966,404.00	\$ (2,500,000.00)	\$ 7,466,404.00
Employer Health Trust Fund	\$ (4,394,898.16)	\$ 2,500,000.00	\$ (1,894,898.16)

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


 City Auditor
 May 8, 2025

**Employer amount does NOT include full year of Rebates, Reimbursements and other Revenues to hit ER Trust Fund*

6



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

PAUL E. COOGAN
Mayor

RECEIVED

2025 MAY -8 P 3:10

CITY CLERK _____
FALL RIVER, MA

May 8, 2025

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:

For your consideration, please see the attached Special Act/Home Rule Petition, entitled *An Act Relative to the Appointment of the Police Chief in the City of Fall River* which, if enacted, would restore the Police Chief position to civil service.

Thank you for your consideration of this request.

Sincerely,

Paul E. Coogan
Mayor

City of Fall River, *In City Council*

6

An Act Relative to the Appointment of the Police Chief in the City of Fall River:

BE IT ORDERED, that the City of Fall River, acting by and through its City Council and Mayor, does hereby petition the General Court of the Commonwealth of Massachusetts under the provisions of Section 8 of Article 89 of the amendments to the Constitution of Massachusetts, for a Special Act, as follows:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the position of Police Chief in the City of Fall River shall, upon the effective date of this Act, be subject to the provisions of Chapter 31 of the Massachusetts General Laws and all rules and regulations promulgated thereunder governing civil service.

SECTION 2. The Mayor of the City of Fall River shall remain the appointing authority for the Police Chief and the terms and conditions of the Police Chief's employment contract shall be subject to the Section 1080 of General Laws Chapter 41, for a period not to exceed three (3) years.

SECTION 3. The Police Chief shall be the head of the Fall River Police Department, shall be responsible for the management and operation of said police department, and shall be the "Appointing Authority" for all employees of the police department in accordance with Section 1 of General Laws Chapter 31, with all the rights, duties and privileges appurtenant thereto and as contained in subsequent sections of Chapter 31 and any other general or special law applicable to chiefs of departments.

SECTION 4. This Act shall apply to any vacancy in the position of police chief occurring on or after the effective date of this Act. Nothing in this Act shall affect the civil service status, seniority, or rights of any person employed in the Fall River Police Department as of the effective date of this Act.

SECTION 5. This Act shall take effect upon its passage.

RESOLVED: The City Council of the City of Fall River hereby petitions the General Court of the Commonwealth of Massachusetts to enact legislation entitled, "An Act Relative to the Appointment of the Police Chief in the City of Fall River".

7



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

PAUL E. COOGAN
Mayor

RECEIVED

2025 MAY -8 P 3:10

CITY CLERK _____
FALL RIVER, MA

May 8, 2025

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

Dear Councilor President and Members of the Honorable Council:

Dear Honorable Council Members:

Attached please find revised ordinance 2-401 as it relates to the position of Police Chief for your review and consideration.

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

Sincerely,

Paul E. Coogan
Mayor

PC/amos

City of Fall River, In City Council

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

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

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

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

The Chief of Police of the City shall be the head of the Police Department and shall be responsible for the management and operation of such department. The Chief of Police shall be appointed by the Mayor and confirmed by the City Council.



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

Stephanie MacArthur
*Director of Traffic &
Parking*

May 2, 2025

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

RECEIVED
 2025 MAY -2 A 11:56
 CITY CLERK
 FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday April 16, 2025 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	<u>Parking Prohibited at All Times</u>
Section:	371	

By inserting in proper alphabetical order the following.

INSERT

Name of Street	Side	Location
Blossom Road	East	Starting at point of 20 feet north of Blossom Road For a distance of 775 feet north.

Very truly yours,


 Stephanie MacArthur
 Director of Traffic & Parking

55



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

Stephanie MacArthur
*Director of Traffic &
Parking*

May 2, 2025

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

CITY CLERK
FALL RIVER, MA

2025 MAY -2 A 11: 56

RECEIVED

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday April 16, 2025 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:

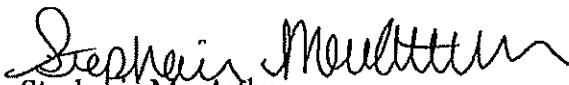
Article:	70	<u>Parking Prohibited at All Times</u>
Section:	371	

By inserting in proper alphabetical order the following.

INSERT

Name of Street	Side	Location
Indian Town Road	North	Starting at point of 20 feet east of Blossom Road For a distance of 775 feet east.

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking

**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division



RECEIVED

2025 MAY -2 A 9:45

Paul E. Coogan
Mayor

Stephanie MacArthur
Director of Traffic & Parking

CITY CLERK
FALL RIVER, MA

April 30, 2025

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 16, 2025 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

HANDICAP PARKING

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Harriman Street	South	Starting at a point 24 feet West of Raymond Street. For a distance of 20 feet West.

Very truly yours,

Stephanie MacArthur
Director of Traffic & Parking

**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division



Paul E. Coogan
Mayor

April 30, 2025

RECEIVED

2025 MAY -2 A 9:45 **Stephanie MacArthur**
Director of Traffic & Parking

CITY CLERK _____
FALL RIVER, MA

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 16, 2025 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

HANDICAP PARKING

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Hunter Street	East	Starting at a point 126 feet South of Hope Street. For a distance of 20 feet South.

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking

**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division



RECEIVED

Paul E. Coogan
Mayor

2025 MAY -2 A 9:45

Stephanie MacArthur
Director of Traffic & Parking

April 30, 2025

CITY CLERK _____
FALL RIVER, MA

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 16, 2025 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

HANDICAP PARKING

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Merchant Street	North	Starting at a point 40 feet West of Seventeenth Street. For a distance of 20 feet West.

Very truly yours,

Stephanie MacArthur
Stephanie MacArthur
Director of Traffic & Parking

**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division



RECEIVED

2025 MAY -2 A 9:45

Paul E. Coogan
Mayor

Stephanie MacArthur

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

April 30, 2025

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 16, 2025 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

HANDICAP PARKING

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Quequechan Street	West	Starting at a point 255 feet South of County Street. For a distance of 20 feet South.

Very truly yours,

Stephanie MacArthur
Stephanie MacArthur
Director of Traffic & Parking

**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division



RECEIVED

2025 MAY -2 A 9:45

Paul E. Coogan
Mayor

Stephanie MacArthur

CITY CLERK
FALL RIVER, MA

Director of Traffic & Parking

April 30, 2025

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, April 16, 2025 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

HANDICAP PARKING

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Ridge Street	East	Starting at a point 136 feet South of Osborne Street. For a distance of 20 feet South.

Very truly yours,

Stephanie MacArthur
Stephanie MacArthur
Director of Traffic & Parking

CITY OF FALL RIVER
MASSACHUSETTS

8

Traffic & Parking Division



RECEIVED

2025 APR 29 A 8:59

CITY CLERK
FALL RIVER, MA

Paul E. Coogan
Mayor

Stephanie MacArthur
Director of Traffic & Parking

April 28, 2025

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, April 16, 2025 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
Chestnut Street	West	Starting at a point 48 feet North of President Avenue. For a distance of 20 feet Northerly.

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking

JS

CITY OF FALL RIVER
MASSACHUSETTS

8

Traffic & Parking Division



RECEIVED

2025 APR 29 A 8:59

CITY CLERK
FALL RIVER, MA

Paul E. Coogan
Mayor

Stephanie MacArthur
Director of Traffic & Parking

April 28, 2025

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, April 16, 2025 the following request was heard and approved by the Traffic Commission.

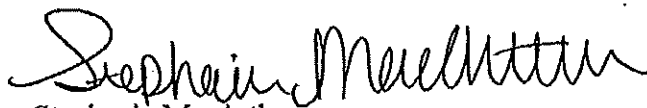
That Chapter 70 of Revised Ordinances be amended in the following Section:

Article: 70
Section: 387 Handicapped Parking

By striking out in proper alphabetical order the following.

Name of Street	Side	Location
Hunter Street	West	Starting at a point 12 feet South of William Street. For a distance of 20 feet South.

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking

JS

**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division



RECEIVED

1325 APR 29 A 8 58

CITY CLERK _____
FALL RIVER, MA

Paul E. Coogan
Mayor

Stephanie MacArthur
Director of Traffic & Parking

April 28, 2025.

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, April 16, 2025 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
Plain Street	West	Starting at a point 154 feet South of Cherry Street. For a distance of 20 feet Southerly.

Very truly yours,


Stephanie MacArthur
Director of Traffic & Parking

One Government Center Fall River, MA 02722

TEL: (508) 324-2123 FAX (508) 324-2578 EMAIL Smacarthur@fallriverma.gov

City of Fall River, *In City Council*

(Councilor Paul B. Hart)

WHEREAS, the Massachusetts Bay Transit Authority (MBTA) Commuter Rail train is now operational within the City of Fall River, and

WHEREAS, residents from neighboring areas near the MBTA Commuter Rail train tracks have expressed safety and noise concerns regarding the commuter rail and its tracks, and

WHEREAS, the Commonwealth of Massachusetts and the City of Fall River must work together to remedy any new or ongoing issue related to this development of important intercity transportation, now therefore

BE IT RESOLVED, that the Committee on Public Safety regularly convene with representatives from the MBTA, the City of Fall River and any other interested parties to discuss neighborhood concerns, transportation improvements and ongoing updates regarding the MBTA Commuter Rail.



City of Fall River
Notice of Claim

RECEIVED

2025 APR 22 P 12:16

1. Claimant's name: Benvindo Rodrigues CITY CLERK 25-17
FALL RIVER, MA
2. Claimant's complete address: 1935 Pleasant St. Fall River MA 02723
3. Telephone number: Home: 774-992-4264 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Property Damage
5. Date and time of accident: 4/12/25 01:43 Amount of damages claimed: \$ _____
6. Exact location of the incident: (Include as much detail as possible):
In front of my house - 1935 Pleasant St.
7. Circumstances of the incident: (attach additional pages if necessary):
A water main break on the street directly in front of my property. A lot of water entered in my basement and in my apartment, causing damage in my basement, and in my apartment too.
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
Branco Gardner Insurance Agency - 48 State Rd Darnmouth, MA 02747

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: 22/04/2025 Claimant's signature: Benvindo Rodrigues

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

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

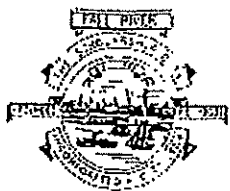
You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

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

Water

Date: 4/22/25



City of Fall River
Notice of Claim

RECEIVED
2025 APR 30 P 2:25
25-18
CITY CLERK
FALL RIVER, MA

1. Claimant's name: ELIZABETH CLAYTON
2. Claimant's complete address: 293 BAKER ST. FALL RIVER, MA 02721
3. Telephone number: Home: 774-451-4069 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Water line leak caused by city contractor's error when connecting my line
5. Date and time of accident: January 16, 2025 Amount of damages claimed: \$ 2900
6. Exact location of the incident: (Include as much detail as possible):
293 Baker St. On the edge of the street where my water line connects to the city water line
7. Circumstances of the incident: (attach additional pages if necessary):
** see attached**
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 4-22-2025 Claimant's signature: Elizabeth Clayton

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

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

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

For official use only:	
Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ Water	Date: <u>4/30/25</u>

CITY OF FALL RIVER
OFFICE OF THE CITY CLERK



RECEIVED

To the City Council:

Application for permit to place or maintain a structure or device on or over a public way. 2025 MAY -6 A 9:24

Name of Applicant: Greater Fall River Symphony Orchestra

Name of Business (if applicable): P.O. Box 9034 FALL RIVER, MA

Address: ✓ Fall River MA
Street City State

Phone: 774-644-7322 E-mail: d4fr@msn.com

Type of structure or device: Banner

Description (include dimensions): Banner advertising the 100th anniversary concert by FRSO

Location: Bedford St. Span Street width

Dates: 6-1-25 - 6-14-25

The applicant agrees to maintain this structure or device in accordance with the requirements of the Building Inspector and the City Council and that this permit may be revoked at the pleasure of the City Council.

Signature of Applicant [Signature] Date 5.2.25

[Signature] 5-6-2025
Building Inspector Date

APPROVED ☒
DISAPPROVED ☐

Stephen M. Neumann 5/2/2025
Director of Traffic Date

APPROVED ☒
DISAPPROVED ☐

[Signature] 5/5/25
Chief of Police Date

APPROVED ☒
DISAPPROVED ☐

In City Council, _____
Date

Permit (approved) (disapproved)

OFFICE USE ONLY
☒ Fee Paid chk# 469

Alison M. Bouchard
City Clerk

05/06/2025

RECEIVED

2025 MAY -7 A 8:04

To: City Council Members Fall River MA

Re: Grinnell Street, East of Jefferson Street

CITY CLERK
FALL RIVER, MA

Road safety issues with an important legal discovery regarding Grinnell Street

Dear Council Members,

Grinnell Street, East of Jefferson Street, is in a severe state of deterioration.

Approximately 80% of the Street has broken asphalt, It is a safety hazard for everyone driving and walking on the road and sidewalks. On 04/28/2025, I dropped my 5 year old granddaughter off home, after gymnastics class. Since there is minimal parking on the street, I dropped her off in the middle of the street where her Mom was waiting for her. She walked a few steps and tripped and fell hard on the broken pieces of asphalt scattered about. She bruised and tore the skin on knees and hands. The next day, when I went to pick her up for school the neighbor came out to inquire how she was as she heard her screaming outside the previous night.

The neighbor told me that her father-in-law had previously fallen on the broken pieces as well and he went to the Public Works

Department and they told him there was nothing they could do as that part of Grinnell Street was not a recognized or approved street. In fact, the neighbor told me that part of Grinnell Street was not even plowed by the City during a snowstorm. She had a friend who came and plowed the street during the snow season.

I went to the Public Works department on April 29, 2025 and spoke with an employee who looked at the section of Grinnell Street, east of Jefferson Street, and she reported to me it was not an approved street. I asked to see that documentation and she showed

me a legal document dated October 13, 1970 where a gentleman named Thomas J. Dolan had petitioned the City "that a portion of Grinnell Street, East of Jefferson Street, be discontinued as a public way" and it was approved by the City-**except for one critical fact noted in the document.**

The document states "This Council did whereupon and does hereby adjudicate and decree that common convenience and necessity requires that the said portion of Grinnell Street **from a point two hundred and fifty east of the east line of Jefferson Street** and originally laid out by the City of Fall River, April of 1965, be and the same is herein to be discontinued as a public street or a public way."

Beyond the 250 feet is the Walmart parking lot. But contained within that 250 feet, that is to be maintained by the City, are families that need and deserve a safe street.

The employee said they would check with the Engineer to confirm that indeed the City is responsible for the maintenance and safety for 250 feet of Grinnell Street, east of Jefferson Street.

Later that day, (April 29, 2025) I received a call back from the Employee who confirmed that the City is responsible for 250 feet of that section of Grinnell Street. However, the Employee stated that the street would not be considered for resurfacing until next year as the streets for repair have already been identified and "gone out for bid" this year. She would, however, make a call tomorrow (04/30/2025) to see if they could patch some of the more severe areas.

I firmly believe this situation necessitates an immediate and complete fix due to the dire state of the street and the profound

neglect over these many decades. You might only imagine the state of the street after so much time. As importantly, is the question of how to ensure that the 250 feet on Grinnell Street, east of Jefferson is once again recognized by the City for maintenance and snow removal. I am hoping you will send a DPW employee to that section of Grinnell Street who can verify, photograph and document the conditions I have described.

I have attached the legal document and map for your review and eagerly await your response to the situation.

Very Respectfully,
Deborah Novo
Deb@redskyway.com
508-789-5146

DISCONTINUANCE OF PORTION OF
GRINNELL STREET
 FROM 250.01 FEET EAST OF EAST LINE OF JEFFERSON ST
 TO TERMINUS
 ENGINEERING DIVISION - DEPT. OF PUBLIC WORKS
 FALL RIVER, MASSACHUSETTS
 SCALE, 1" INCH = 40 FEET
 HEARING FIELD:



16

CITY OF FALL RIVER, MASSACHUSETTS
IN CITY COUNCIL

October 13th 1970

This Council having on the twenty seventh day of January, 1970 a petition signed by Thomas J. Dolan and others praying that a portion of Grinnell street east of Jefferson Street be discontinued as a public way, and on september 22nd 1970 it was

ORDERED:-That a meeting of the City Council be held at City Hall on the thirteenth day of October, 1970 at 8:15 P.M. O'clock to hear all parties interested and wishing to be heard on the subject of a discontinuance of a portinn of Grinnell Street, and that the City Clerk Notify the several owners of land over and beside which it is proposed to discontinue the said portion of Grinnell Street, and of the intention of this Council to discontinue the same.

The requisite notice having been given, this Council met at the time and place named and an opportunity was given to all parties wishing to be heard.

This Council did thereupon and does hereby adjudicate and decree that common convenience and necessity requires that the said portion of Grinnell Street from a point two hundred and fifty and 01/100 (250.01) east of the east line of Jefferson Street and originally laid out by the City of Fall River, April of 1965, be and the same is herein to be discontinued as a public street or public way, as follows.

Beginning at a point in the northerly line of Grinnell Street, said point being two hundred and fifty and 01/100 (250.01) feet east of the east line of Jefferson Street, thence running in a straight Line five hundred and sixty four and 60/100 (564.60) feet or to South Watuppa Pond.

The above being the Northerly line of the said street, the southerly line is forty Feet from and parallel thereto and extends from a point two hundred and fifty and 01/100 (250.01) feet east of the east line Jefferson Street easterly five hundred and sixty four and 60/100 (564.60) feet or to the South Watuppa Pond.

Said Street passes over or beside land supposed to be owned by Providence Pile Fabric----Frank Czajka-----Joseph W. Dawicki

The City of Fall River reserves a right in this street to construct and maintain a drainage easement, and may excise its rights in this street.

 Outlook

[EXTERNAL] Road safety issues on Grinnell Street, east of Jefferson Street

From Deborah N

Date Tue 5/6/2025 9:21 PM

To City Council <City_Council@fallriverma.gov>

3 attachments (2 MB)

GrinnellStreetFallRiverMA.pdf; GrinnellStreet.pdf; GrinnellStreet.pdf;

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

Greetings City Council Members,

I'm writing in regards to a safety issue on Grinnell St. Since 1970 the city has incorrectly treated the section of Grinnell street east of Jefferson St as a discontinued public way. In fact the discontinued section was supposed to start 250 feet east of Jefferson St. (See attached petition) The result of this error has resulted in the denial of city services to the property owners within the 250 feet of road east of Jefferson St for the last 50 years. The city has not plowed this section of road and has not maintained this section of road or sidewalks. As you can imagine, 50 years of neglect has resulted in a very dangerous situation with the condition of the road. Just a few days ago, my granddaughter fell on the broken asphalt and received numerous cuts, scrapes and bruises. Other property owners have stated similar experiences.

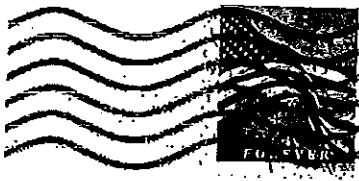
Now that this egregious error has been identified, I request on behalf of all the property owners that this situation be rectified immediately. Waiting another year to get on a road repair list is not OK. Given that the neglect of this road was caused by an incorrect reading of the petition 50 years ago by the city, I believe that the correct course of action for the city is to rectify this as expediently as possible.

Please see attached letter for additional details.

I would appreciate your prompt attention to this matter and request a response at your soonest.

Very Respectfully,
Deborah Novo

028



RECEIVED
LINDA PEREIRA / FELLOW COUNCIL MEMBERS
1 GOVERNMENT CENTER
FALL RIVER, MA
02722
CITY OF FALL RIVER, MA
1985 MAY - 1987

29 APR. 25

TO LINDA PEREIRA AND FELLOW COUNCIL MEMBERS
I AM WRITING THIS NOTE TO YOU, LINDA,
TO EXPRESS MY SINCERE GRATITUDE AND
THANKS FOR ALWAYS SUPPORTING ME ~
SCSL/AYS BAT WOODEN LEAVES ~ OVER THE
YEARS. (QUITE A FEW!)

WE ALL HAVE A JOB TO DO BUT HOW
IT IS DONE IS ANOTHER STORY. YOU HAVE
BEEN THERE IN THE RIGHT SPIRIT.
I WOULD ALSO LIKE TO EXTEND
MY THANKS TO YOUR FELLOW COUNCILORS
WHO I HAVE FOLLOWED OVER MANY
YEARS AND CONGRATULATE THEM ON A
THANKLESS JOB WELL DONE.

SINCERELY,
GOD BLESS
JACK AND NATALIE HACKETT
DIRECTOR OF THE SCSL/AYS BAT WOODEN LEAVES

JOINT MEETING OF THE CITY COUNCIL AND SCHOOL COMMITTEE

MEETING: April 8, 2025 at 5:00 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. Perelra, Cliff Ponte, Andrew J. Raposo and
Laura-Jean Sampson

ABSENT: None

IN ATTENDANCE: Superintendent Tracy Curley, Fall River Public Schools
Kevin Almeida, Chief Financial Officer, Fall River Public Schools
Kenneth C. Pacheco, Chief Operating Officer, Fall River Public Schools
Emily Arpke, Interim Director of Financial Services

President Camara called the meeting to order at 5:17 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

The following School Committee Members were present at the meeting:

PRESENT: Mayor Paul E. Coogan, Collin Dias, Thomas Khoury, Michelle "Mimi" Larrivee and Shelli Pereira.

ABSENT: Kevin Aguiar and Bobby Bailey

1. Citizen's Input Time – None
2. Review of the fiscal and financial condition of the city, revenue and expense forecasts, and other relevant information in preparation for the Fiscal Year 2026 budget.
Superintendent Tracy Curley, Fall River Public Schools, provided an overview of the School Department's goals for Fiscal Year 2026, including retaining existing employees expanding the Special Education programs, strengthening college and career pathway programs and addressing safety and infrastructure needs within the school buildings.

Kevin Almeida, Chief Financial Officer, Fall River Public Schools, provided a PowerPoint presentation which included information regarding student enrollment and employment data, net school spending increases over the past few years, building maintenance projects and growing costs for school transportation. Mr. Almeida also provided information regarding funding for the School Department provided by the Commonwealth of Massachusetts through various state laws and grants. Mr. Almeida explained that, since Fiscal Year 2020, the School Department

has needed additional City funding to balance net school spending, but that funding contributions have been met consistently. The Chief Financial Officer of the Fall River Public Schools stated that the proposed budget of the School Department for Fiscal Year 2026 (FY26) totaled \$197,837,210 for the operating budget and \$13,118,324 for the transportation budget.

Councilor Raposo requested additional information regarding pre-kindergarten enrollment data, school bus costs, and plans to adjust school districts within the City. Superintendent Curley stated that there are over 400 children in the pre-kindergarten program, including full and half-day students. Kenneth C. Pacheco, Chief Operating Officer, Fall River Public Schools, provided a detailed description of planned changes for the school bus system, such as new bus stop locations to help shorten the length of bus rides, recently purchased electric-powered vehicles, and contracts with various transportation companies. Councilor Raposo and Superintendent Curley also discussed vacant positions within the School Department, the high costs of third-party staffing agencies and the ongoing reorganizations of various departments to accommodate these vacancies. Councilor Raposo and Mr. Pacheco discussed how the School Department would utilize the surplus funding that is no longer needed for the school lunch program. Mr. Pacheco explained that they will use this capital to renovate kitchens within various schools and to fund expenses for specialty student lunches.

School Committee Member Shelli Pereira arrived at 6:04 p.m.

Councilor Ponte and Mr. Pacheco held a detailed discussion regarding a recent feasibility study that was conducted to assess school transportation costs and efficiency. Mr. Pacheco stated that the School Department has decreased their third-party contracts to three vendors for daily bus service and one vendor for student trips. Councilor Ponte expressed concern that the Commonwealth of Massachusetts wouldn't adjust funding to assist the City with school bus expenses, and that federal and state funding may be significantly limited in the next few years. Councilor Ponte and Mayor Paul E. Coogan discussed the Administration's plans to utilize retained earnings from previous fiscal years to assist with the cost of the new B.M.C. Durfee High School. Mayor Coogan confirmed that discussions are ongoing regarding the use of these funds to offset costs to the taxpayers of Fall River. Councilor Ponte, Mayor Coogan and Mr. Pacheco held a detailed discussion regarding the renovations and repairs of the old B.M.C. Durfee High School Nagle Auditorium and payment responsibilities for transportation to Diman Regional Vocational Technical High School. Mr. Pacheco explained that the ongoing construction and repairs for the auditorium will begin in June 2025 and the project is under the supervision of the Director of City Operations. Mayor Coogan explained that transportation to Diman Regional Vocational Technical High School is funded by outside sources, not the City of Fall River. Councilor Ponte, Superintendent Curley and Mr. Almeida discussed the costs of employment, contracts, and vacancies within the School Department, as well as third-party staffing agencies. Mr. Almeida emphasized that certain types of funding, such as annual Free Cash from the Commonwealth of Massachusetts and net school spending must be used, in full, each year, which limits the School Department's ability to retain funding through earnings.

Councilor Ponte, School Committee Member Collin Dias, Mr. Almeida and Mr. Pacheco held a detailed discussion regarding school bus transportation costs. School Committee Member Collin Dias stated that he had worked to increase the budget allocation for these transportation expenses but was not successful. Mr. Almeida and Mr. Pacheco emphasized that they are working diligently to improve the efficiency of the school bus routes and bus stops to achieve a reduction in overall costs, and Mr. Almeida explained that there was a reimbursement from the Commonwealth of Massachusetts of roughly \$1,400,000 this past fiscal year. School Committee

Member Shelli Pereira clarified that that funding increase that she and School Committee Member Collin Dias had proposed totaled \$750,000. School Committee Member Collin Dias made remarks regarding the School Committee's vote that a petition be sent to the Massachusetts State Auditor in relation to mandatory unfunded requirements, including school transportation.

Councilor Dionne and Superintendent Curley held a brief discussion regarding the recent cyber-attack on the technology system within the Fall River School Department. Superintendent Curley explained that they are still collecting information regarding this cyber-attack, and that the School Department does not have an insurance policy for this type of issue.

Councilor Cadime emphasized that the legislators from various, affluent communities in the Commonwealth of Massachusetts are not empathetic to the challenges that Gateway Cities, such as Fall River, experience with funding requirements. Councilor Cadime explained that he has traveled to the Massachusetts State House with colleagues to advocate for additional state funding, but that these attempts have been unsuccessful. Councilor Cadime suggested that the City Council and School Committee attempt to advocate for state funding to assist all twenty-six Gateway Cities.

On a motion made by Councilor Ponte and seconded by Councilor Raposo, it was unanimously voted that the City Council send a letter to the Fall River Delegation, the Massachusetts Speaker of the House, the Governor and leaders of the other Gateway Cities in Massachusetts regarding the need to adjust funding for mandatory unfunded requirements.

On a further motion made by School Committee Member Collin Dias and seconded by School Committee Member Thomas Khoury, it was unanimously voted that the School Committee co-sponsor a letter to the Fall River Delegation, the Massachusetts Speaker of the House, the Governor and leaders of the other Gateway Cities in Massachusetts regarding the need to adjust funding for mandatory unfunded requirements, with School Committee Members Kevin Aguiar and Bobby Bailey absent and not voting.

School Committee Member Shelli Pereira, following the vote, stated that she rescinded permission for her name to be placed on the letter. Mr. Khoury expressed his support for the letter and suggested that the letter also be sent to the United States Attorney's Office for the District of Massachusetts and the Massachusetts Teachers Association.

Councilor Raposo, School Committee Member Collin Dias and Superintendent Curley, discussed bargaining negotiations and reorganization of various departments. Superintendent Curley stated that the contracts are expected to be completed within the next few months.

Vice President Pereira, Mr. Pacheco and Mr. Almeida discussed various aspects of the renovation of the Nagle Auditorium at the old B.M.C. Durfee High School, including the Request for Proposals (RPF) process. Vice President Pereira expressed concern that the City does not have a permanent procurement officer. School Committee Member Collin Dias and Mr. Pacheco discussed water and sewer costs for various school properties, including the swimming pool at the new B.M.C. Durfee High School.

Councilor Ponte emphasized that the City needs to focus on spending reductions throughout all departments, including the School Department. Superintendent Curley explained that various factors present financial challenges and that the adjustments to transportation costs were imperative. Superintendent Curley also emphasized that the letter the City Council and School Committee voted to send to various elected officials, while well-intentioned, would most likely create additional financial hurdles for the School Department. Councilor Cadime agreed with Councilor Ponte and stated that a large sum of net school spending isn't being used for the actual schools, but for transportation that is very expensive, and the Commonwealth of Massachusetts should provide additional financial assistance.

School Committee Member Collin Dias and Mr. Almeida held a brief discussion regarding net school spending amounts, school lunch funds and a defunct Committee within the City Code related to auditing procedures. Mr. Almeida reiterated that the school lunch funds contain surplus capital, and this account will assist with funding renovation projects in various school kitchens, and the School Department will maintain a small balance within this account following the completion of these projects. Councilor Kilby explained that, during a recent meeting of the Committee on Finance, a discussion was held regarding the excess school lunch funds with the representative of the auditing firm. Councilor Kilby stated that the representative has seen excess balances related to school lunches in many municipalities following the COVID-19 pandemic.

Emily Arpke, Interim Director of Financial Services, provided a detailed PowerPoint presentation regarding the planned FY26 Municipal Budget. Ms. Arpke provided information regarding the process of discussing budget proposals with all Department Heads and comparing proposed budgets from previous fiscal years to actual spending within each department. The Interim Director of Financial Services also described changes within local receipts, investment income and changes within the Solid Waste Division that affected the City's funds. Ms. Arpke provided information regarding revenue and expense forecasts for various matters, such as health insurance costs and the Diman Regional Vocational Technical High School debt assessment, general fund expenses, such as Cherry Sheet assessments and debt services, and overall updates to the financial processes and procedures that will be improved over the next fiscal year. The Interim Director of Financial Services emphasized the need for transparent, organized financial data including the budget itself, as well as Quarterly Budget Reports.

Vice President Pereira requested that additional information regarding Solid Waste contracts and expenses be provided to the Councilors before future budget discussions. School Committee Member Collin Dias and Superintendent Curley held a brief discussion regarding capital improvements within the City and the School Department. School Committee Member Collin Dias made a motion to express the School Committee's disapproval of the proposed FY26 Water and Sewer Enterprise Fund budgets, but there was no second and the motion failed to carry.

President Camara requested that all City Councilors reach out to Ms. Arpke prior to the budget discussions that will be held, to request specific information and data that they'd like to discuss regarding various departments.

On a motion made by School Committee Member Collin Dias and seconded by School Committee Member Michelle "Mimi" Larrivee, it was unanimously voted to adjourn the School Committee meeting at 7:09 p.m., with School Committee Members Kevin Aguiar and Bobby Bailey absent and not voting.

On a motion made by Councilor Dionne and seconded by Councilor Raposo, it was unanimously voted to adjourn the City Council meeting at 7:09 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

PowerPoint Presentation re: the FY26 School Department Budget,
presented by Kevin Almeida, Chief Financial Officer, Fall River Public Schools

PowerPoint Presentation re: the FY26 Municipal Budget,
presented by Emily Arpke, Interim Director of Financial Services

A true copy. Attest:

Alison M. Bouchard

City Clerk

CITY COUNCIL PUBLIC HEARINGS

MEETING: April 8, 2025 at 5:55 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Daniel Aguiar, City Engineer/Planner

The President called the meeting to order at 7:09 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearing was to hear all persons interested and wishing to be heard on the following:

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

Zoning Amendment

1. Apartment District (A-2)

The City Clerk read aloud a letter from Kenneth Fiola, Jr., Esq., Executive Vice President, Bristol County Economic Development, 139 South Main Street, Suite 400, as a proponent for the Zoning Amendment, a copy of which is attached and hereto made a part of these minutes. The City Clerk also stated that a letter of support was also received from proponent David M. Assad, Esq., 326 Pine Street, a copy of which is also attached hereto and made a part of these minutes.

The President asked if any other proponents were present, and Daniel Aguiar, City Engineer/Planner, came forward. Mr. Aguiar provided a summary of the development of the recommended amendments for the Zoning ordinances related to Apartment District (A-2) zones, including various meetings and hearings conducted by the Planning Board and the Zoning Board of Appeals (ZBA). The City Engineer/Planner also explained that the proposed changes, which would reduce the minimum land area requirement and square footage restrictions within the zoning district, would benefit the City by allowing additional housing to be developed.

Councilor Raposo and Mr. Aguiar discussed various areas of the city that would be affected by this type of amendment, and neighborhoods that have lesser restrictions than the Apartment Districts, such as the Business Local (BL) districts near the Flint Neighborhood. The City Engineer/Planner stated that those who own property in other types of zoning districts do not need to apply for variances from the ZBA as often as those who own parcels in the Apartment Districts and the proposed Zoning amendments would assist in reducing the strict limitations placed on this single type of district.

Councilor Dionne and Mr. Aguiar discussed the proposed amendments to the required unit measurements and land requirements within the proposal, and potential parking challenges that could arise following the amendments being enacted, as more units will allow for additional tenants who own vehicles. The City Engineer/Planner also provided a brief overview of the new Accessory Dwelling Unit (ADU) legislation that was recently signed by the Governor of the Commonwealth of Massachusetts, and how those new units may affect density in all areas of the City. Mr. Aguiar also shared general information regarding other municipalities who are working to develop specific ADU bylaws for their communities, as they may affect existing setback restrictions that are currently included in municipal codes.

President Camara and the City Engineer/Planner discussed various areas of the city that contain Apartment Districts, such as the neighborhood near the former Bishop Connolly High School on Elsbree Street.

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

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to close the hearings at 7:30 p.m.

List of documents and other exhibits used during the meeting:

Agenda (attached)

Letter from proponent Kenneth Fiola, Jr., Esq., Executive Vice President,
Bristol County Economic Development 139 South Main Street, Suite 400

Letter from proponent David Assad, Esq., 326 Pine Street

Zoning Map of Apartment Districts (A-2) within Fall River,
provided by Daniel Aguiar, City Engineer/Planner

A true copy. Attest:

Alison M. Bouchard

City Clerk



RECEIVED

2025 APR -8 A 10:32

April 8, 2025

Alison Bouchard
City Clerk
One Government Center
Fall River, MA 02722

CITY CLERK
FALL RIVER, MA

RE: A2 Apartment District Zoning Amendment, Fall River, MA.

Dear Clerk Bouchard:

Please accept this letter of support for the City of Fall River Planning Board recommendation, and subsequent City Council approval, to change the A2 Apartment District Zoning Amendment to allow for greater flexibility to create housing within A2 district Zoned areas of the City of Fall River.

Approval of this request by the Fall River City Council will help facilitate by right construction of additional housing and rental units within the current A2 District and eliminate the need to seek a variance from the over burdened Fall River Zoning Board of Appeals. Such an action will enable the city to realize new growth tax revenue from new residential development and also help to create more jobs within the construction sector.

Additionally, the proposed A2 Apartment District Zoning Amendment will also help drive down rents in Fall River. When demand for housing is high, like it currently is in Fall River, and supply is low this leads to greater rental costs. Whereas, Fall River currently has a housing vacancy which currently stands at less than 2%, approval of this zoning change will increase the number of rental units which will, in turn, help to reduce the overall cost of rental housing by providing renters with more residential choices.

As Fall River continues to grow as a city, it is imperative that City Zoning regulations continue to adapt to an ever changing housing and economic development landscape. I believe that the adoption of the proposed A2 Apartment District Zoning Amendment helps to address the need for more rental housing by increasing the supply of rental units and providing people with more housing choices which will in turn help stabilize rents and create a more livable City.

As such, based upon the reasons stated above, I respectfully request that the Fall River City Council approve the proposed A2 Apartment District Zoning Amendment.

Thank you

Sincerely,

Kenneth Fiola Jr.
Executive Vice President

139 South Main Street, Suite 400, Fall River, MA 02721-5306
508.324.2620
508.675.1497
Fax: 508.677.2840

SABER-ASSAD AND ASSAD
Attorneys at Law

APRIL L. SABER-ASSAD
DAVID M. ASSAD

326 PINE STREET
P.O. BOX 2679
FALL RIVER, MA 02722
TELEPHONE: (508) 674-3444
FAX: (508) 674-3531

RECEIVED

2025 APR -8 P 1:49

April 8, 2025

CITY CLERK
FALL RIVER, MA

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

RE: Proposed amendment to City Ordinance chapter 86 sections 148 and 35
Apartment District (A-2)

Dear Councilors:

I am David M. Assad, an attorney licensed to practice in the Commonwealth of Massachusetts. I had the honor of serving as Chairman of the Fall River Zoning Board of Appeals from January 2008 through December 2022.

It is my understanding that, pursuant to and in accordance with Massachusetts General Laws chapter 40A section 5, a request to amend City Ordinance chapter 86 sections 148 and 35, Apartment District (A-2), was initiated by the submission to the City Council on or about February 5, 2025. The City Council has taken the appropriate procedural requirements and it is now before the Council for its consideration and vote.

The existing City Ordinance chapter 86 sections 148 and 35, Apartment District (A-2) always presented issues for petitioners and the Zoning Board of Appeals. The A-2 zoning districts are predominately situated in the City's mature neighborhoods, typically near centers of manufacturing. Many of the lots in the A-2 zoning district were created before the adoption of the City's zoning regulations in September 1, 1927 and contain less than five thousand (5,000) square feet or fifty (50) feet of frontage. Many properties were developed with multiple dwellings, with little or no set-backs, and no off-street parking. In theory, after the adoption of zoning, it was believed that through attrition, lots would become available and property owners would increase the size of their property and thereafter become more in compliance with the zoning regulations. That theory has proved less effective than anticipated and has not transformed those A-2 zoning districts.

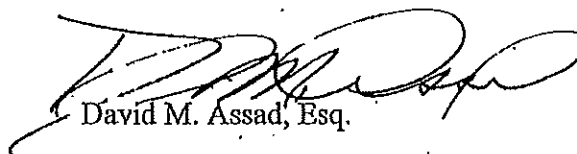
The proposed amendment to City Ordinance chapter 86 sections 148 and 35, Apartment District (A-2), is a good first step in providing a zoning ordinance that reflects the actual conditions in those districts. The dimensional change from ten thousand (10,000) square feet to five thousand (5000) square feet for the first dwelling, with a reduction in set-backs, should reduce the number of petitions seeking a variance. The elimination of chapter 86 section 148 paragraph A., requiring "at least three rooms, exclusive of halls, and a bathroom. Such three-room dwelling unit shall contain at least 600 square feet of floor space and an additional 120 square feet of floor space for each additional room.", would now be determined by the Massachusetts Building Code and the Massachusetts MINIMUM STANDARDS OF FITNESS FOR HUMAN HABITATION STATE, 105 CMR 410.000: MINIMUM STANDARDS OF FITNESS FOR HUMAN HABITATION (STATE SANITARY CODE, CHAPTER II,) more particularly 410.420: Habitability Requirements. During the first three months of 2025, eighteen petitions were filed asking for relief from the Zoning Board of Appeals. Five of those petitions (27%) were for properties situated within the A-2 Apartment District.

The proposed amendment to City Ordinance chapter 86 sections 148 and 35, Apartment District (A-2), may be considered a part of Massachusetts Governor, Her Excellency Maura Healey's "The Housing Choice Initiative" "which provides incentives, rewards, technical assistance and targeted legislative reform to encourage and empower municipalities to plan and build the diverse housing stock that the Commonwealth needs to continue to thrive."

Therefore, I support the proposed amendment to City Ordinance chapter 86 sections 148 and 35, Apartment District (A-2).

Please contact me if you have any questions.

Very truly yours,



David M. Assad, Esq.

COMMITTEE ON FINANCE

MEETING: April 8, 2025, 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: Emily Arpke, Interim Director of Financial Services
Ian Schachne, City Treasurer/Collector
Attorney Matthew J. Thomas, 261 Union Street, New Bedford, MA
Beth Faunce, Chief of Emergency Medical Services

The chair called the meeting to order at 7:30 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

Victoria Costa, 199 Primrose Street – Skatepark
Lindsey Nunes, 2903 North Main Street – Weaver's Cove Layover
Sara Carvalho, 38 June Street – Water and sewer

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to waive the rules to allow a non-Fall River resident to speak.

Keith Michon, 77 Tryon Avenue, East Providence, RI – School Budget

John Silvia, 51 Ada Street – Zoning
Mike Pereira, 1069 Wood Street – Chief of Police Contract

On a motion made by Councilor Sampson and seconded by Vice President Pereira, it was unanimously voted to waive the rules to allow Mr. Pereira an additional three minutes to speak.

2. Resolution – Convene with the City Administrator, the City Treasurer/Collector and Corporation Counsel to discuss current properties in Tax Title or tax possession by the City, the Abutters Lots Program, and future tax possession auction dates
Attorney Matthew J. Thomas, 261 Union Street, New Bedford, MA, provided a detailed overview of the City's Abutters Lots Program, current City tax possessions and recent changes to Massachusetts General Laws that require parcel appraisals, specifically M.G.L. Ch. 60, §64-A, which relates to Sale or retention of property by municipality following final land court judgment foreclosing the right of redemption; excess equity; disputes. Attorney Thomas explained that, following the required appraisals, the market cost of the property must then be adjusted to reflect 75% of the appraisal value. Attorney Thomas emphasized that the goal of the City is to work with those who face challenges with property tax payments, help them with necessary payment plans and resolve any unpaid debt matters.

Attorney Thomas also explained that most parcels owned by the City are in wetlands, and that there are currently only two possessions that could be sold with the new appraisal restrictions. He emphasized that the new state laws are not congruent with the current City ordinance related to the Abutters Lots Program, and that the City ordinance should be amended to match the requirements for the cost calculations. Attorney Thomas also gave an overview of the process to sell City-owned property, including various meetings with the Committee on Real Estate.

Councilor Dionne provided information regarding the Abutters Lots Program, which was first proposed in 2019 and passed to be ordained, as amended, in 2021, and stated that many residents have expressed interest in purchasing land near their homes. Attorney Thomas stated that the Committee on Real Estate would be responsible for notifying abutters of available parcels, and that the Administration can provide a list of these properties. Attorney Thomas and Councilor Dionne agreed that the new state law impeded upon the intended purpose of the Abutters Lots Program, and that the reduced rates in the existing City code must be amended for the program to be effective. Attorney Thomas also explained that a majority of undeveloped, vacant lots have been cleared out of the City's property list over the years and that most of the current tax-titled parcels are housing units and mills in disrepair. Councilor Cadime clarified that this new state law only went into effect on November 1, 2024, so there are various court cases that will address specific requirements that are now being implemented, and Attorney Thomas agreed.

Vice President Pereira, Attorney Thomas and Mr. Schachne discussed properties that are currently in tax possession, paper streets and the potential use of real estate brokers. Mr. Schachne stated that there are currently 23 properties held in tax possessions. The City Treasurer/Collector also explained that the most recent tax possession on the list occurred in 2024 and the oldest tax possession on the list occurred in 1979. Attorney Thomas clarified that paper streets are owned by the abutters up to the middle of the street, based on their parcel measurements. He also explained that, if a real estate broker was needed for the sale of tax foreclosed properties, a Request for Proposal (RFP) process would be initiated by the City.

Councilor Ponte and Attorney Thomas held a brief discussion regarding the City's repossession of tax foreclosure properties and the lack of a redemption period. Attorney Thomas explained that the redemption period requirement can be eliminated if the City sells the property through an RFP process or auction.

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

3. Transfers and appropriations

Emily Arpke, Interim Director of Financial Services, stated that the appropriation of \$400,000 from EMS, Revenues to EMS, Salaries, was to remedy a funding shortage caused by salary increases, specifically for specialized vehicle employees, in 2024. Beth Faunce, Chief of Emergency Medical Services, explained that the new collaboration program with Charlton Memorial Hospital resulted in increased expenses within the Salaries account, and this appropriation would remedy any risk of a shortage.

Ms. Arpke explained that the appropriation of \$714,769.66 to EMS, Capital from EMS, Retained Earnings, was to assist with vehicle payments and keep the overall costs lower, instead of using loans that would accrue additional interest.

The Interim Director of Financial Services also stated that the appropriation of \$472,117 to EMS, Stabilization, from EMS, Retained Earnings, was to compensate for funding that was transferred out of the stabilization fund in 2024.

On a further motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adjourn at 8:28 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)


Clerk of Committees

REGULAR MEETING OF THE CITY COUNCIL

MEETING: April 8, 2025, at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Nicholas Macolini, Director of Human Resources

President Camara called the meeting to order at 8:28 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to take item 2d out of order.

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: APRIL 8, 2025

PRIORITY MATTERS

2d. \$185,000.00 from CPA Fund Undesignated fund balance to CPA Historic Resources Preservation, Projects

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

Approved, April 9, 2025

Paul E. Coogan, Mayor

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

ORDERS – MISCELLANEOUS

12a. Auto Repair Shop License Revocation

Steven Nasiff d/b/a Rodman Repair, Inc., 771 Rodman Street

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

Approved, April 9, 2025

Paul E. Coogan, Mayor

On a further motion made by Councilor Sampson and seconded by Vice President Pereira, it was unanimously voted to take item 5 out of order.

PRIORITY MATTERS

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

Councilor Cadime expressed concern regarding the proposed Police Chief appointment, the contract that has been presented to the City Council, the recent termination of a former Police Chief, and the lack of an interview process to allow various candidates to apply for the position.

Councilor Sampson disagreed with Councilor Cadime's concerns and stated that the Police Department is in need of strong leadership and that a large amount of department employees support the candidate.

A recess was taken from 8:36 p.m. to 8:45 p.m.

Councilor Ponte expressed concern regarding the ongoing challenges that the Fall River Police Department has experienced over the past few years, including negative stories in the news outlets, multiple staff changes and overall morale within the department. Councilor Ponte also stated that he was not supportive of the recent termination of a former Police Chief and that a transparent interview process should be conducted prior to appointing an individual in this position.

On a motion made by Vice President Pereira and seconded by Councilor Dionne, it was unanimously voted to waive the rules to allow Nicolas Macolini, Director of Human Resources, to answer questions and provide additional information.

Mr. Macolini provided a detailed overview of the Administration's procedure to select a candidate to temporarily fill the vacant Police Chief position, which began in September 2024, and that multiple candidates within the department had been interviewed by the Mayor, former City Administrator, and himself. Mr. Macolini also explained that the City Charter requires a permanent party to be chosen within the 90-day period following the appointment of an Interim Police Chief, and that legal consultation would be required if there is not a permanent employee chosen this evening. The Director of Human Resources emphasized that there has been widespread support for the appointment of Interim Chief Kelly Furtado to the permanent position and that the proposed salary is comparable, and slightly lower than surrounding municipalities like New Bedford, Brockton and Attleboro. Vice President Pereira stated that this position is very important, and that the process needs to be slow and thorough, as the public has expressed concern regarding this matter.

Councilor Cadime and Mr. Macolini discussed overall morale within the Police Department, and the influence of various parties that may coerce employees to support specific individuals. Councilor Cadime asked if any formal evaluations were completed for Interim Police Chief Furtado, and Mr. Macolini stated that, while positive feedback has been received verbally, a formal evaluation was not conducted. Councilor Cadime stated that he has questioned the integrity of candidates in the past for various positions, and, as the City has had multiple Police Chiefs in a very short period, he is concerned.

Councilor Sampson expressed concern that some individuals believed employees were being influenced by others to support the appointment, as various groups and organizations frequently attend meetings concerning matters related to their departments, such as the Fire Department and Department of Emergency Medical Services. Councilor Sampson also asked Mr. Macolini if the investigation of a former Police Chief was conducted by the Administration or a third-party business, and Mr. Macolini stated that it was performed by an outside company.

Councilor Cadime, Councilor Ponte and Mr. Macolini held a lengthy, detailed discussion regarding a third-party investigation regarding a former Police Chief, the individuals who provided data and evidence for various accusations, and the timeline of the departure, and eventual termination, of the individual. The Director of Human Resources stated that information was presented by the Office of Professional Standards within the Fall River Police Department and then provided to the third-party investigation company. Mr. Macolini explained that he could not provide specific details regarding the process, but that the standard protocol was followed within the Police Department. Councilors Cadime and Ponte both expressed concern regarding the overall timeline of the investigation, and that it has hindered the reputation of a former Police Chief. Councilor Ponte stated that he was not comfortable with the lack of an interview process and formal evaluations for the interim Police Chief.

Councilor Kilby stated this matter may be litigated in the future and he suggested that the City Council refrain from discussing the investigation and termination of the former Police Chief. Councilor Kilby emphasized that this discussion should be focused on the proposed appointment and related salary contract.

Councilor Dionne stated that she had received many phone calls from constituents regarding this matter, and that she had concerns regarding the lack of an open interview process. She explained that this suggestion was not based on the specific individual who is serving as interim Police Chief, but that the process should be applied for all candidates who aspire to lead the department. Councilor Dionne suggested keeping the current interim Police Chief in her position while open, transparent interviews take place, and if Chief Furtado is the best candidate following those interviews, then the Administration can resubmit a request for confirmation. Vice President Pereira and Mr. Macolini held a brief discussion regarding how this matter would be addressed if the vote to confirm the Interim Chief's appointment was not successful, and Mr. Macolini explained that he'd need to convene with Corporation Counsel to discuss the legal pathway the City would need to follow.

Councilor Raposo expressed concern regarding the tumultuous discussion regarding this appointment and emphasized that the residents need a Police Chief for safety and community morale, and that Interim Chief Furtado has successfully provided those services to the City.

On a motion made by Councilor Sampson and seconded by Councilor Kilby, it was voted 4 yeas, 5 nays, to confirm the appointment and adopt the order approving the Chief's contract, with Councilors Hart, Kilby, Raposo and Sampson voting in the affirmative, and the motion failed to carry.

On a further motion made by Councilor Cadime and seconded by Councilor Ponte, it was voted 5 yeas, 4 nays to reject the appointment and grant the order approving the Chief's contract leave to withdraw, with Councilors Hart, Kilby, Raposo and Sampson voting in the negative.

On yet a further motion made by Councilor Cadime and seconded by Councilor Ponte, it was voted 9 yeas to send a letter to the administration requesting the creation of a formal search committee to interview candidates for the vacant Police Chief position, a copy of which is attached hereto and made a part of these minutes.

1. Mayor and Community Development Agency Five Year Consolidated Plan and Year One Annual Action Plan

On a motion made by Councilor Cadime and seconded by Councilor Dionne, it was unanimously voted that the matter be referred to the Committee on Finance.

2. Mayor and following transfers and appropriations:

- a. \$400,000.00 from EMS, Revenues to EMS, Salaries

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

- b. \$714,769.66 from EMS, Retained Earnings to EMS, Capital

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

- c. \$472,117.00 from EMS, Retained Earnings to EMS, Stabilization

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

3. Mayor and order declaring six (6) vehicles as surplus property

Vice President Pereira expressed concern regarding online auctions that are utilized to sell surplus vehicles and stated that only in-person auctions should occur. On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adopt the order.

Approved, April 9, 2025

Paul E. Coogan, Mayor

4. Mayor and request for confirmation of the appointment of Timothy R. Long to the Library Board of Trustees

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

6. Mayor and letter from the Fall River Retirement Board requesting

- a. Increase to the Cost of Living Allowance (COLA) Base from \$12,000.00 to \$14,000.00 for City retirees

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

Approved, April 9, 2025

Paul E. Coogan, Mayor

- b. Increase to the Fall River Retirement Board Member stipend from \$3,000.00 to \$4,500.00 for the five (5) members of the Fall River Contributory Retirement Board

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

Approved, April 9, 2025

Paul E. Coogan, Mayor

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

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the request be referred to the Committee on Finance.

PRIORITY COMMUNICATIONS

8. Traffic Commission recommending amendments to the traffic ordinances.
On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted that the recommendations be referred to the Committee on Ordinances and Legislation.

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

9. The Planning Board convene to discuss naming the new skate park inside of Lafayette Park after the late Aronde Odom in honor and memory of his positive impact on the skateboarding community in Fall River.
Vice President Pereira made brief remarks regarding the community support of naming the new skate park after Aronde Odom, and that there is currently an online petition that she will share with the Planning Board. On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to adopt the resolution.

10. A representative of the Administration, the Watuppa Water Board, Corporation Counsel, Director of Financial Services and Administrator of Community Utilities convene to analyze potential municipal customers for water services, and the revenue that may be generated by offering this service, in addition to sharing updates regarding this regionalized water service plan in a formal presentation to the City Council before the end of calendar year 2025.

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

CITATIONS – None

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

11. Police Chief's report on licenses

Taxicab Drivers

Robert F. Allen Michaela Davis Derek Desrosiers Freddy Estrella

2025 License Renewals:

Pawnbrokers

Pawtucket Pawnbrokers Too, Inc., 302 South Main Street

Pool/Billiards

Robert Albin d/b/a Straight Shooters Billiards, 30 Front Street

Second Hand

Curt Barreira d/b/a Jimmy Jr.'s Tire Service, 729 Davol Street

TVI, Inc. d/b/a Savers Thrift Store, 109 Mariano Boulevard

Wayne Confoey d/b/a Cash for Gold, 1503 Pleasant Street

Pawtucket Pawnbrokers Too, Inc., 302 South Main Street

Joseph Bilan d/b/a BP Auto Service Repair, Inc., 1091 South Main Street

Patenaude Jewelers, Inc., 1473 South Main Street

Alan Confoey d/b/a Alan's Jewelry, 1661 South Main Street

On a motion made by Vice President Pereira and seconded by Councilor Ponte, it was unanimously voted that the application for a Taxicab Driver license for Robert F. Allen be separated to be addressed by the Committee on Regulations. On a further motion made by Councilor Ponte and seconded by Councilor Raposo, it was unanimously voted to adopt the order referring Mr. Allen's application to the Committee on Regulations. On a yet a further motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adopt the order, as amended.

12. Auto Body Shop License Renewal

Michael Penacho d/b/a Mike's Auto Body, 535 Bay Street

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

Approved, April 9, 2025

Paul E. Coogan, Mayor

13. Auto Repair Shop License Renewal

Michael Penacho d/b/a Complete Auto Tech Center, 535 Bay Street

Brian Vieira d/b/a Aime's Auto Repair Inc., 88 Earle Street

Robert Ferraz d/b/a Integrity Auto, 851 Globe Street

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

Approved, April 9, 2025

Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

14. Claims

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

15. Drainlayer Licenses

Albert Moreira & Son

Alexandre's Excavating Inc.

Bristol Pacific Homes Inc.

Dixon Inc.

Green Acres Landscape & Construction Co., Inc.

JDQ Excavating Inc.

JLC Construction Co., Inc.

J.R.D. Inc.

K.R. Rezendes Inc.

Narragansett Improvement Company

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

Approved, April 9, 2025

Paul E. Coogan, Mayor

16. Zoning Board of Appeals Minutes – February 20, 2025

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

City Council Minutes

17. Committee on Finance – March 25, 2025

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

18. Regular Meeting of the City Council – March 25, 2025

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

BULLETINS – NEWSLETTERS – NOTICES – None

ITEMS FILED AFTER THE AGENDA DEADLINE

CITY COUNCIL MEETING DATE: APRIL 8, 2025

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

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with emergency preamble:

- 8a. Proposed Ordinance – Traffic, Handicapped parking
- Osborn Street, North, 163 feet east of Arpin Street

On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was voted 9 yeas to adopt the emergency preamble. On a further motion made by Councilor Raposo and seconded by Councilor Dionne, 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, April 9, 2025

Paul E. Coogan, Mayor

First reading:

- 8b. Proposed Ordinance – Traffic, Miscellaneous
Handicapped parking removals

- Broad Street, North, 137 feet west of Shove Street
- Osborn Street, North, 156 feet east of Arpin Street

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

- 8c. Proposed Ordinance – Right-of-way fees for fiber optic cable installations

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

Second reading:

8d. Proposed Ordinance – Short Term Rentals

On a motion made by Vice President Pereira and seconded by Councilor Raposo, it was unanimously voted to amend the proposed ordinance by inserting, at the beginning of §14-723, "In addition to the mandatory registration with Massachusetts Department of Revenue on MassTaxConnect," and by striking out, in §14-723(E), "as set forth in §2-453 of the Code," and inserting, in its place, "(as set forth in Chapter A100 Fee Schedule of the City Code) to Inspectional Services," and by striking out, in Chapter A110-4, §14-723, "\$500" and inserting, in its place, "\$50," and that the proposed ordinance be passed through second reading and enrollment, as amended. On a further motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted that the proposed ordinance be ordained, as amended.

Approved, April 9, 2025

Paul E. Coogan, Mayor

Grant leave to withdraw

8e. Resolution– Convene with Corporation Counsel, the Building Inspector and a representative of the Community Development Agency to discuss the creation of a proposed ordinance regarding the regulation of boarding/rooming houses

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

A brief recess was taken from 9:59 p.m. to 10:01 p.m. for the purpose of signing the Short-Term Rentals ordinance.

On a motion made by Councilor Sampson and seconded by Councilor Dionne, it was unanimously voted to adjourn at 10:01 p.m.

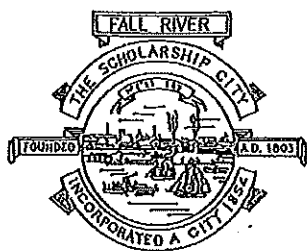
List of documents and other exhibits used during the meeting:

Agenda packet (attached)

A true copy. Attest:



City Clerk



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÉS LETTE
ASSISTANT CITY CLERK

April 10, 2025

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

Dear Mayor Coogan,

During the Regular Meeting of the City Council held on April 8, 2025, a discussion was held regarding the appointment of Kelly Furtado to the position of Police Chief. On a motion made by Councillor Cadline and seconded by Councillor Ponte, it was voted 9 yeas to send a letter to the Administration requesting the creation of a formal search committee to interview candidates for the vacant Police Chief position.

A formal search committee would provide objective assessments of all candidates, including those who are currently employed by the Fall River Police Department, as well as outside applicants. This action would reassure residents that the appointment will be based on experience, merit and qualifications to perform one of the most challenging duties within a community. The City Council looks forward to reviewing the recommended appointment after a thorough and transparent interview process is completed.

If you have any questions in this regard, feel free to contact this office. Thank you for your consideration.

Very truly yours,

Alison M. Bouchard
City Clerk

/lv

cc: Nicholas A. Macolini, Director of Human Resources

SPECIAL MEETING OF THE CITY COUNCIL

MEETING: April 14, 2025, at 6:30 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Emily Arpke, Interim Director of Financial Services
Paul Ferland, Administrator of Community Utilities

President Camara called the meeting to order at 6:39 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.

1. Citizen Input Time

Kelly Buchanan, 16 Bradford Ave – Water taxes
Sara Carvalho, 38 June Street – Water and Sewer

COMMITTEE REPORTS

On a motion made by Councilor Ponte and seconded by Councilor Raposo, it was unanimously voted to waive the rules to allow Paul Ferland, Administrator of Community Utilities, and Emily Arpke, Interim Director of Financial Services, to answer questions regarding the budgets and to take item 2a out of order.

2a. Committee on Ordinances and Legislation recommending:
Grant Leave to Withdraw, as amended

Proposed Ordinances re FY 26 Water and Sewer rates

Councilor Ponte stated that he was opposed to both the Fiscal Year 2026 (FY26) Water and Sewer Enterprise budgets, and proposed ordinances related to the FY26 Water and Sewer Rates. Councilor Ponte asked for additional information regarding the indirect costs for the Water and Sewer Divisions. Mr. Ferland explained that the indirect costs totaled \$1,680,000 for the Sewer Division and \$3,020,000 for the Water Division. Councilor Ponte, the Administrator of Community Utilities and the Interim Director of Financial Services held a lengthy discussion regarding the financial challenges of indirect costs that are transferred to the municipal funds, the effect that a decrease for these costs would have on the overall budgets for the Enterprise Funds, and future plans to adjust fiscal policies within the Water and Sewer Enterprise Budgets to place less of a financial burden on ratepayers of Fall River. Ms. Arpke emphasized that the revenue, if no longer sourced from the Water and Sewer Divisions, would need to be obtained from a different department's fee schedule. Mr. Ferland clarified that, if the indirect costs were

removed from both FY26 budgets, the water rate would be reduced by \$0.52 per cubic foot (\$0.35 per cubic foot below the current water rate with the \$0.17 per cubic foot proposed increase) and the Sewer Rate would be reduced by \$0.61 per cubic foot.

A motion was made by Councilor Ponte and seconded by Councilor Cadime to amend the proposed budgets by reducing the Sewer Fund Enterprise Revenue line item by \$1,680,000 and reducing the Water Fund Enterprise Revenue line item by \$1,616,275.

A lengthy discussion was held between Councilors Cadime, Dionne, Kilby, Ponte and the Administrator of Community Utilities regarding the impact these reductions would have on the Water and Sewer Divisions. Councilor Kilby emphasized the need to analyze the financial impact of this type of amendment, and Councilor Dionne stated that she would support a reduction that would keep the Fiscal Year 2025 (FY25) rates the same. Councilors Cadime, Ponte and Mr. Ferland discussed the overall cost increases within the Water and Sewer Enterprise Funds during FY25 to determine a reduction amount within the budgets that would allow the Water and Sewer Rates to remain unchanged, without placing the budgets into a deficit. Mr. Ferland stated that if the Water and Sewer Enterprise Fund indirect costs were reduced by \$527,000, and \$832,000, respectively, the rates for both services would remain unchanged for FY26. A further motion was made by Councilor Ponte and seconded by Councilor Cadime to amend the proposed budgets by reducing the Sewer Fund Enterprise Revenue appropriation by \$832,000 and reducing the Water Fund Enterprise Revenue appropriation by \$527,000.

Councilor Cadime and Mr. Ferland briefly discussed the reduction of \$90,000 within the Water Enterprise Fund budget related to fluoride additives, which are not currently being used in the water treatment protocol. Councilor Cadime explained that the FY25 Municipal Budget had large reductions from previous years with no significant impacts and that this amendment to the Water and Sewer fees could provide relief for ratepayers without having decreased budgets in comparison to the previous fiscal year. Ms. Arpke highlighted anticipated increases within the FY26 Municipal Budget and that there would be a significant decrease in available surplus funds in FY26. The Interim Director of Financial Services provided insight regarding zero-based budgeting practices, reductions to various City departments, and the overall effect of removing indirect costs from the Water and Sewer Enterprise Fund budgets. Councilor Ponte emphasized that state and federal funding cannot be relied upon for these budgets, and that the City must prepare for future financial challenges. President Camara made brief remarks regarding hesitancy towards the proposed reductions, and that keeping the rates from gradually increasing could result in more significant increases in the future.

Councilor Sampson and the Interim Director of Financial Services discussed the impact that would arise if the budgets and rates were not approved for the Water and Sewer Enterprise Funds, the potential use of capital from the Stabilization Fund and the challenges of collecting timely payments from all ratepayers. Ms. Arpke clarified that the Stabilization Fund should only be utilized for unanticipated emergency funding and that Councilor Sampson emphasized the need for creative budgeting that will provide funding for various projects and services, without creating a large financial burden for the residents and business owners of the community. President Camara reiterated that additional amendments to the proposed budgets may place the Water and Sewer Enterprise Funds in a financial deficit.

Councilor Cadime clarified that the reduction of indirect funds from the Water and Sewer Enterprise Fund budgets would effectively be a reduction to the FY26 Municipal Budget, as the burden of both divisions' indirect costs would shift to the FY26 Municipal Budget. Councilor Cadime further provided detailed information regarding the potential use of Free Cash or

Stabilization Fund capital, and potential intermunicipal agreements for water service, which would create significant revenue for the City. Councilor Cadime emphasized that these practices would allow the services to continue without interruption and with adequate staffing.

Vice President Pereira stated that the Water and Sewer Divisions could request additional funding throughout the year, in the form of a transfer or appropriation, if necessary, but that the Committee on Ordinances and Legislation unanimously voted to recommend that the proposed ordinances increasing the Water and Sewer rates be granted leave to withdraw, as amended. Vice President Pereira supported Councilor Cadime's suggestion of intermunicipal agreements for water services. Councilor Dionne and Ms. Arpke discussed capital items, water testing costs and American Rescue Plan Act (ARPA) funding. Councilor Dionne suggested that some capital items could utilize available ARPA capital.

President Camara asked Mr. Ferland for an estimated timeline in relation to potential intermunicipal agreements for water services. Mr. Ferland stated that new agreements with nearby municipalities, other than Westport, MA, may take six months to a few years to be finalized. Mr. Ferland also advised Councilors that the Water and Sewer rates could be significantly increased next year if these proposed rate increases are granted leave to withdraw and the rates are kept the same. President Camara then clarified that the City Council should vote on the proposed ordinances before voting on the appropriation orders. On a motion made by Vice President Pereira and seconded by Council President Camara, it was voted 9 yeas that the proposed ordinances to increase the Water and Sewer rates for FY26 be granted leave to withdraw, as amended.

2. Committee on Finance recommending:

Action

Orders – Fiscal Year 2026 Enterprise Fund budgets for Water and Sewer Divisions

On a motion made by Councilor Ponte and seconded by Councilor Cadime, it was voted 4 yeas, 5 nays to reduce the Water Enterprise Fund Revenue by \$527,000.00, with Councilors Cadime, Dionne, Ponte and Raposo voting in the affirmative.

Councilor Ponte made a subsequent motion to reduce the Water Enterprise Fund Revenue by \$500,000.00 but received no second. Councilor Cadime stated that amending the indirect cost responsibilities of the Water and Sewer Enterprise Funds will counteract the lack of rate increases for FY26. Emily Arpke, Interim Director of Financial Services, stated that 76% of the anticipated FY26 Municipal Budget is fixed costs. Councilor Cadime clarified that the General Fund, within the Municipal Budget, provides greater financial flexibility than the Water and Sewer Enterprise Fund budgets. Paul Ferland, Administrator of Community Utilities, Ms. Arpke and Councilor Cadime discussed the reassignment of funds and addressed various line items with the decreased indirect costs within the proposed budgets.

On a motion made by Councilor Sampson and seconded by Councilor Cadime, it was unanimously voted to reconsider the vote to reduce the Water Enterprise Fund Revenues by \$527,000.00. Councilor Ponte requested that, in addition to the reconsideration of the previous vote, that the City Council take both Water and Sewer Division budget appropriation orders, in their entirety, line by line as roll call votes.

On a motion made by Councilor Ponte and seconded by Councilor Cadime, it was voted 8 yeas, 1 nay, to adopt the Water Division appropriation for Water; Salaries, with Councilor Hart voting in the negative.

On a motion made by Councilor Ponte and seconded by Councilor Dionne, it was voted 9 yeas to adopt the Water Division budget appropriation for Water, Expenses.

On a motion made by Councilor Dionne and seconded by Councilor Raposo, it was voted 9 yeas to adopt the Water Division budget appropriation for Water, Capital.

On a motion made by Councilor Ponte and seconded by Councilor Cadime, it was voted 9 yeas to reduce the Water Division budget appropriation for Water, Transfers and Indirect Costs by \$527,000.00, and to adopt the appropriation, as amended.

On a motion made by Councilor Ponte and seconded by Vice President Pereira, it was voted 9 yeas to adopt the Water Division budget appropriation for Water, Debt.

The City Council held a brief recess from 8:05 p.m. to 8:13 p.m.

On a motion made by Councilor Cadime and seconded by Councilor Dionne, it was voted 9 yeas to adopt the Water Division budget, as amended.

On a motion made by Councilor Dionne and seconded by Councilor Ponte, it was voted 9 yeas to adopt the Sewer Division budget appropriation for Sewer, Salaries.

On a motion made by Councilor Dionne and seconded by Councilor Raposo, it was voted 9 yeas to adopt the Sewer Division budget appropriation for Sewer, Expenses.

On a motion made by Councilor Dionne and seconded by Councilor Raposo, it was voted 9 yeas to adopt the Sewer Division budget appropriation for Sewer, Capital.

On a motion made by Councilor Ponte and seconded by Councilor Cadime, it was voted 9 yeas to reduce the Sewer Division budget appropriation for Sewer, Transfers and Indirect Costs by \$832,000.00, and to adopt the appropriation, as amended.

On a motion made by Councilor Dionne and seconded by Councilor Raposo, it was voted 9 yeas to adopt the Sewer Division budget appropriation for Sewer, Debt.

On a motion made by Councilor Ponte and seconded by Councilor Raposo, it was voted 9 yeas to adopt the Sewer Division budget, as amended.

Vice President Pereira requested that clarification be provided to the public regarding the votes just taken and Mr. Ferland explained that the Water and Sewer rates for FY26 will remain the same as FY25. On a motion made by Vice President Pereira and seconded by Councilor Kilby, it was unanimously voted to adjourn at 8:21 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

Revised Fiscal Year 2026 Water and Sewer Divisions Enterprise Fund Budgets,
provided By Administrator of Community Utilities, Paul Ferland

A true copy. Attest:

Alison M. Bouchard
City Clerk

COMMITTEE ON FINANCE

MEETING: April 22, 2025, 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: Mike Dion, Director, Community Development Agency
Emily Arpke, Interim Director of Financial Services

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

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

1. Citizen Input Time

Robert Uphold, 37 Hargraves Street, Apt. 3 – Help for the homeless

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to waive the rules to allow Mr. Uphold an additional three minutes to speak.

Richard Branco, 137 Fifth Street – Homeless

Jack Hackett, 750 Davol Street (Point Gloria) – Softball league help

On a motion made by Councilor Kilby and seconded by Vice President Pereira, it was unanimously voted to waive the rules to allow Mr. Hackett an additional three minutes to speak.

Collin Dias, 560 Ray Street – City Charter

Nelson Vasquez, 210 Sunset Hill – Fall River

James Loretta, 38 June Street – Fall River streets

Prior to the discussion regarding item 2, Councilor Cliff Ponte stated that he was recusing himself from discussion of this item and exited the City Council Chamber at 6:29 p.m.

2. Discussion with the Executive Director of the Community Development Agency re: Five Year Consolidated Plan and Year One Annual Action Plan

Mike Dion, Director, Community Development Agency (CDA), provided a detailed summary of the services provided by the CDA, including affordable housing, sidewalk and park improvements, Federal Housing Administration financing for first-time homebuyers, and housing assistance organizations, such as First Step Inn and Catholic Social Services.

Councillor Dionne and Mr. Dion discussed the lack of public input for the CDA programs, as surveys were performed with very small amounts of participation. Councillor Dionne suggested that a housing study would be beneficial for City residents, and the Director of the CDA agreed. Mr. Dion explained that 11% of Fall River's housing stock is subsidized, and with the additional housing programs provided by the CDA, this percentage increases significantly. Councillor Dionne and Mr. Dion discussed the increased cost of building affordable housing with a total expenditure of \$230,000 for a single unit. Mr. Dion also expressed concern regarding the current Presidential Administration in Washington, D.C., as there have been significant employment cuts within the United States Department of Housing and Urban Development, and there may also be financial cuts to important programs related to housing. Councillor Dionne expressed concern regarding the lack of public venues and events within Fall River and Mr. Dion explained that the Narrows Center for the Arts and the renovated City Pier provide excellent spaces for events.

Vice President Pereira and Mr. Dion held a lengthy discussion regarding various services for those experiencing homelessness that the CDA provides within Fall River, including portable showers, housing funding, and offering services to those living in outdoor encampments with assistance from the Fall River Addiction Support and Treatment (FAST) Team. Mr. Dion explained that he has served the City for over thirty years, and in the past two years he has seen a very significant increase in individuals who cannot afford housing or necessary medical care. The Director of the CDA also stated that many people travel to Fall River for assistance services, as there are many more programs in this area than other municipalities. Mr. Dion clarified that the City is only able to assist individuals without housing, and that if there are families experiencing homelessness, assistance must be provided by the Commonwealth of Massachusetts. The Director of the CDA also clarified that the low-income housing waitlist includes individuals from all areas of the Commonwealth, so the next person on the list may not be a Fall River resident. Vice President Pereira stated that nearby municipalities need to provide more affordable housing units. Vice President Pereira and Mr. Dion discussed a local softball league who provide community activities within low-income areas of the City, and that they need assistance in relation to various expenses. Mr. Dion stated that the CDA office would reach out to the league to discuss potential assistance they may be able to provide.

Councillor Ponte returned to the City Council Chamber at 6:52 p.m.

3. Transfer and appropriation

Vice President Pereira and Emily Arpke, Interim Director of Financial Services, discussed the necessity for a transfer of \$4,600,000 to the Diman Stabilization Account. Ms. Arpke explained that this account would hold funding that would total a year's worth of necessary payments for the debt incurred for the new Diman Regional Vocational Technical High School, in case any financial hardships occur within the City's anticipated budget. Ms. Arpke emphasized that this capital would be considered emergency funding for this specific debt, and that the Administration's goal was for the finances to be unused, and just collect interest, but that the funding would aid if needed. Ms. Arpke explained that the Massachusetts Department of Revenue requires specific fund accounts for this type of debt stabilization.

Councilor Ponte expressed his support for the new stabilization fund but emphasized the need for a finance policy within various budgeted funds. Ms. Arpke explained that the financial team is working toward more straightforward financial policies, but that this fund will allow for better preparation if there is a lack of capital to pay the debt for the school. Councilor Ponte requested a more specific outline of general financial policies and asked Ms. Arpke to present this information to the City Council during future budget meetings.

Councilor Cadime agreed with Councilor Ponte and requested additional information regarding the Diman Regional Vocational Technical High School debt schedule. Ms. Arpke explained that the final schedule will be available in September 2025, with a locked-in interest rate, and that it will not exceed \$6,000,000 per year. Councilor Cadime suggested utilizing Fall River's Free Cash to pay any additional debt for this project. Ms. Arpke stated that, for now, the Administration is planning to set aside one year's worth of payments, but that additional funding being added to this account in the future would be ideal. Councilor Cadime and Ms. Arpke discussed the pension payments for this debt that will occur over the next five to ten years, and the risks related to the Other Post-Employment Benefits (OPEB) within the City of Fall River with this debt. Councilor Cadime emphasized the need for a long-term financial policy to be implemented for all department funding going forward, and Ms. Arpke agreed.

On a further motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adjourn at 7:07 p.m.

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


Clerk of Committees

REGULAR MEETING OF THE CITY COUNCIL

MEETING: April 22, 2025, at 7:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Kenneth Fredette, Assistant Corporation Counsel

President Camara called the meeting to order at 7:07 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

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

CITATIONS

10. Madison Medeiros -- Organizing a fundraiser basketball tournament for the Catholic Youth Organization

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adopt the citation. Councilor Raposo made brief remarks commending Madison Medeiros and her hard work to organize the Catholic Youth Organization fundraiser tournament and presented the citation.

On a motion made by Councilor Kilby and seconded by Councilor Sampson, it was unanimously voted to take item 5c out of order.

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: APRIL 22, 2025

PRIORITY MATTERS

5c. Mayor and resolution for approval of a TIE Agreement for MassCan Capital LLC, at 460 Globe Street

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

Approved, April 23, 2025

Paul E. Coogan, Mayor

PRIORITY MATTERS

1. Mayor and resolution authorizing submission of the Community Development Agency's Five Year Consolidated Plan and Year One Annual Action Plan

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was voted 8 yeas to adopt the resolution, with Councilor Ponte abstaining.

Approved, April 23, 2025

Paul E. Coogan, Mayor

2. Fiscal Year 2025 Quarter 3 Budget Report

On a motion made by Councilor Ponte and seconded by Councilor Raposo, it was unanimously voted to refer the report to the Committee on Finance.

3. Fiscal Year 2026 Enterprise Fund Budget – Emergency Medical Services

On a motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted to refer the budget to the Committee on Finance.

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

Vice President Pereira stated that she has contemplated discussions from the previous City Council meeting related to this matter, and that, while there should be a more thorough process for selecting a Police Chief, this specific individual should not be treated differently than previous appointees. Vice President Pereira explained that she filed two resolutions related to Chief positions in the Police Department, Fire Department and Department of Emergency Medical Services, following the April 8, 2025, meeting requesting the creation of a Screening Committee for the process of hiring the Chiefs of these departments.

Councilor Dionne made remarks regarding the Fire Chief being a civil service position, and that the Fire Department shouldn't be included with any future interview screening process.

Councilor Dionne explained that she had met with the Interim Police Chief and discussed the interview and hiring processes for finding the best candidate for this employment opportunity. Councilor Dionne stated that she supports a more transparent interview process for this position.

Councilor Ponte expressed concern regarding this matter being presented to the City Council again so quickly, as the Councilors had voted unanimously to send a letter to the Mayor regarding the creation of a more thorough interview process, after this appointment had been rejected by the Councilors during the April 8, 2025, meeting. Councilor Ponte made lengthy remarks regarding the integrity of the legislative body, the need to be transparent to the residents of Fall River, and the need for the City Council to be consistent with previous votes to adjust the process of finding the next Police Chief.

Councilor Kilby explained that his vote on this matter was challenging to decide, as he is friendly with both the previous Police Chief and the new Interim Police Chief. Councilor Kilby stated that the unanimous vote to send the letter related to the interview process was voted upon after the appointment was rejected, as that would be the next step in the hiring process. Councilor Kilby explained that the vote related to the correspondence does not affect his support of confirming the Interim Police Chief, whose appointment has been presented to the City Council again by the Administration.

Councilor Cadime stated that there was a successful vote to reject the appointment, and to send the letter requesting a new interview protocol during the previous City Council meeting, and that this matter should not be readdressed without any due process of changing the interview policy. Councilor Cadime expressed concern as he has been working to obtain public records related to the current Interim Police Chief and previous Police Chief, and that these documents have not been provided. Councilor Cadime explained that, according to the City Charter, Section 2-7(b), related to Access to Information, the City Council has the right to request specific information related to the municipal services, functions and powers or duties of the legislative body. Councilor Cadime emphasized the need for transparency within the Administration and the Fall River Police Department.

Councilor Sampson explained that, while Councilor's opinions on this topic may be different, she supports Interim Chief Furtado's appointment. Councilor Sampson stated that she had filed a disclosure form with the Massachusetts State Ethics Commission, regarding her family member being an employee of the Fall River Police Department and the President of the Fall River Police Patrolman's Association, and that she was only advised to abstain from voting on bargaining contracts.

Vice President Pereira emphasized that there should be a process for the hiring of all Chiefs within various departments, but that Interim Chief Furtado was interviewed by the Mayor, the former City Administrator and the Director of Human Resources, and that any new process should apply to the next candidate, not this individual.

Councilor Ponte reiterated the need for a transparent hiring process and stated that the integrity of the City Council was dependent on their commitment to previous decisions regarding this matter. Councilor Ponte stated that requested information has not been provided to Councilor Cadime and this topic should not be voted upon prior to that information being available. Councilor Ponte stated that he would object to the vote to confirm this appointment.

On a motion made by Vice President Pereira and seconded by Councilor Hart, it was unanimously voted to waive the rules to allow Kenneth Fredette, Assistant Corporation Counsel, to answer questions.

Mr. Fredette explained that the legal opinion of the Law Department was that this matter could not be objected to, as this is not the first time the matter has been presented to the City Council. Mr. Fredette referenced the City Charter, Section 2-9(c), which relates to Charter objection, and explained that matters can only be objected to "on the first occasion that the question of adoption of a measure is put the City Council."

President Camara and Councilors Cadime and Kilby requested clarification, as the previous item, presented to the City Council at the April 8, 2025, meeting, was rejected, and this item was a new request. Mr. Fredette stated that there is no legal definition for "the first occasion," but it was the legal opinion of the Law Department that this would be the second time the matter was placed before the City Council.

Councillor Cadime stated that this would not be considered the same matter if the candidate was a different person, and referred to City Charter, Section 2-10, which relates to City Council confirmation of certain appointments, and stated that there is a 45-day period, which begins when the request for confirmation is received by the City Clerk, for the Council to act upon the matter before the appointment would automatically take place. Councillor Cadime asked the City Clerk for clarification regarding the starting date of this 45-day period with this agenda item. The City Clerk explained that this agenda item was received on April 15, 2025, and the 45-day period began on that date.

Councillor Kilby emphasized that an objection would only delay the vote. President Camara stated that if an objection is presented, he will allow it, as this is the first time this request has been presented to the City Council.

A motion was made by Councillor Kilby and seconded by Councillor Hart to confirm the appointment and adopt the order and President Camara requested a roll call vote. Councillors Cadime and Ponte objected to the motion. As a result, the matter was laid on the table in accordance with the Charter.

5. Mayor and orders:

a. Establishing the Diman Stabilization Fund

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

Approved, April 23, 2025

Paul E. Coogan, Mayor

b. Transferring \$4.6 Million from FY24 Surplus Revenue to the Diman Stabilization Fund

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

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS – None

ORDINANCES

Second Reading and Enrollment

6. Proposed Ordinance – Traffic, Miscellaneous

Handicapped parking removals:

- Broad Street, North, 137 feet west of Shove Street
- Osborn Street, North, 156 feet east of Arpin Street

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

Approved, April 23, 2025

Paul E. Coogan, Mayor

7. Proposed Ordinance – Right-of-way fees for fiber optic cable installations
On a motion made by Vice President Pereira and seconded by Councilor Raposo, it was unanimously voted that the proposed ordinance be passed through second reading and enrollment. On a further motion made by Councilor Raposo and seconded by Councilor Ponte, it was unanimously voted that the proposed ordinance be passed to be ordained.

Approved, April 23, 2025

Paul E. Coogan, Mayor

RESOLUTIONS

8. Committee on Ordinances and Legislation convene with Corporation Counsel and any other interested parties to discuss amendments to the Abutters Lots Program

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

9. Committee on Public Safety convene with the Police Chief, Fire Chief and Chief of Emergency Medical Services to provide quarterly updates

On a motion made by Councilor Ponte and seconded by Councilor Hart, it was voted to adopt the resolution, with President Camara and Councilor Ponte opposed.

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

11. Police Chief's report on licenses

Taxicab Drivers

David Correiro

Pool/Billiard Renewal

CAPMRPM LLC d/b/a Rack 'Em Up Billiards, 126 Griffin Street

Second Hand Renewals

GameStop, Inc. d/b/a GameStop 6735, 153 Mariano Bishop Boulevard

St. Vincent de Paul Exchange Store, Inc., 1799 Pleasant Street

William F. Leach d/b/a Marine Consignment of Fall River, 75 Ferry Street

On a motion made by Vice President Pereira and seconded by Councilor Ponte, it was unanimously voted to separate and refer the taxicab driver application for David Correiro to the Committee on Regulations. On a further motion made by Councilor Ponte and seconded by Councilor Raposo, it was unanimously voted to adopt the order, as amended.

COMMUNICATIONS – INVITATIONS – PETITIONS

12. Claims

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

13. Open Meeting Law complaint filed by Rebecca Collins re: April 8, 2025, alleged violation by City Council

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

14. Open Meeting Law complaint filed by Patrick Higgins re: April 8, 2025, alleged violation by City Council

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

15. Drainlayer Licenses
B & B Excavation, Inc.
Century Paving & Construction Corp.
Coastal Water & Excavation, Inc.
DaSilva Landscaping & Construction LLC
East Coast Landscaping & Construction, Inc.
ELJ Inc.
Farland Corp., Inc.
Geologic Earth Exploration, Inc.
Geosearch, Inc.
Joseph Botti Co., Inc.
Khoury Excavating, Inc.
LAL Construction Co., Inc.
MJD Excavation Inc.
Raposo Company Landscape & Construction LLC
Rmt Excavation Inc.
R. Wordell Enterprises, LLC
Sherry Construction Corporation
S. Oliveira Construction Corp.
W Stanley Asphalt Services, LLC

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to approve the drainlayer applications:

Approved, April 23, 2025

Paul E. Coogan, Mayor

16. Planning Board Minutes – March 12, 2025

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

BULLETINS – NEWSLETTERS – NOTICES – None

ITEMS FILED AFTER THE AGENDA DEADLINE
CITY COUNCIL MEETING DATE: APRIL 22, 2025

RESOLUTIONS

- 9a. Committee on Ordinances and Legislation convene with the Director of Human Resources and Corporation Counsel to discuss the creation of a Screening Committee for the Chief of the Police, Fire and Emergency Medical Services Departments. Councilor Ponte asked if this Screening Committee could be created, and voted upon, by the City Council during the current meeting. The City Clerk and President Camara explained that this is a resolution to discuss the creation of an ordinance, and there is no proposed ordinance for the Council to vote on, and that all proposed ordinances must be referred to the Committee on Ordinances and Legislation before being passed to be ordained. Councilor Ponte emphasized the need for the Committee to address this matter. Councilor Dionne expressed concern regarding the inclusion of the Fire Chief within the resolution, as the Fire Chief is determined by the civil service protocol. Councilor Cadime agreed that the Fire Chief should not be included in the resolution. On a motion made by Councilor Hart and seconded by Vice President Pereira, it was voted 4 yeas, 5 nays to adopt the resolution, with Vice President Pereira and Councilors Hart, Kilby and Ponte voting in the affirmative, and the motion failed to carry.

On a further motion made by Councilor Cadime and seconded by Councilor Ponte, it was unanimously voted to reconsider the previous vote.

On yet a further motion made by Councilor Cadime and seconded by Councilor Raposo, it was unanimously voted to amend the resolution by striking out "Fire Department" in the first and third paragraphs of the resolution and striking out "Fire Chief" in the fourth paragraph of the resolution. On a further motion made by Councilor Ponte and seconded by Councilor Cadime, it was unanimously voted to adopt the resolution, as amended.

COMMUNICATIONS – INVITATIONS – PETITIONS

14a. Open Meeting Law complaint filed by Rene Brown re: April 8, 2025, alleged violation by City Council

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

A brief recess was held from 8:24 p.m. to 8:26 p.m. for the signing of the Traffic and Right-of-way fees for fiber optic cable installations proposed ordinances.

Councilor Sampson stated that an article had been written about her connections with Fall River Police Department, stating that she had an undisclosed conflict of interest, and that the article commented on her healthcare practice and her patients. Councilor Sampson explained that she had filed the required disclosure forms with the Massachusetts State Ethics Commission when she was first sworn into office regarding this matter. She further stated that she could not jeopardize her healthcare practice and patients and announced that she was resigning from the City Council, effective immediately, and exited the Council Chamber.

On a motion made by Councilor Raposo and seconded by Councilor Dionne, it was unanimously voted to adjourn at 8:30 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

Advisory opinion related to the City of Fall River Charter, Chapter C, Article II, §2-9(c), which relates to Charter objection, provided by Kenneth Fredette, Assistant Corporation Counsel

A true copy. Attest:

Alison M. Bouchard

City Clerk



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

2025 MAY 8 A 11:01

CITY CLERK
FALL RIVER, MA

NOTICE OF FILING, PUBLIC HEARINGS, AND REQUEST FOR COMMENTS

D.P.U. 25-43

May 7, 2025

2025 Climate Compliance Plan of Liberty Utilities (New England Natural Gas Company) Corp. d/b/a Liberty.

On April 1, 2025, Liberty Utilities (New England Natural Gas Company) Corp. d/b/a Liberty ("Company" or "Liberty") filed with the Department of Public Utilities ("Department") its 2025 Climate Compliance Plan ("CCP"). Liberty states that it submitted its CCP pursuant to Role of Gas Local Distribution Companies as the Commonwealth Achieves its Target 2050 Climate Goals, D.P.U. 20-80-B (2023). The Department docketed this matter as D.P.U. 25-43.

Pursuant to D.P.U. 20-80-B, each Massachusetts gas local distribution company ("LDC") is required to file a CCP with the Department every five years, beginning no later than April 1, 2025. D.P.U. 20-80-B at 134-136. For the inaugural CCPs, the Department required that each CCP expand on previous net zero enablement plans by demonstrating how each LDC proposes to: (1) contribute to the prescribed greenhouse gas emissions reduction sublimits set by the Executive Office of Energy and Environmental Affairs for both Scope 1 and Scope 3 emissions; (2) satisfy customer demand safely, reliably, affordably, and equitably using market ready technology available at the time of the filing; (3) use pilot or demonstration projects to assist in identifying investment alternatives; and (4) implement recommendations for future plans. D.P.U. 20-80-B at 134-135.

The Department also directed Liberty to: (1) detail the total investment required and to include a description of at least one alternative method to meet the required emissions reductions, providing the estimated costs for the considered alternative, and a demonstration that the proposed plan is superior to the alternative; (2) include customer, stakeholder, and community input where practicable; and (3) report on hybrid heating switchover practices, including technical resources provided to Mass Save contractors and service area specific guidance that differs from cold-climate sizing and design trainings offered by common manufacturers. D.P.U. 20-80-B at 135 & n.85.

As part of the CCP proceedings, the Department will investigate several issues addressed in the recent 2025 gas system enhancement plan ("GSEP") Orders issued on April 30, 2025 in D.P.U. 24-GSEP-01 through 24-GSEP-06. Specifically, the Department will investigate the following: (1) requirements related to the timeline for analysis of non-pipeline alternatives ("NPAs") in advance of the date a pipeline project is planned to commence, including a potential requirement to perform a cost-benefit analysis comparing non-NPA projects and NPA projects,

as part of the NPA framework; (2) the Company's decommissioning practices and related depreciation charges; (3) the issue of stranded costs associated with GSEP investments in light of the consultant's report on potential stranded GSEP investments filed with the Company's CCP; and (4) the appropriateness of requiring the Company to integrate its GSEP into its CCP.

Further, on June 14, 2024, the Department directed the Company to submit information on the Company's line extension allowance policies in D.P.U. 20-80. The Company provided testimony on its line extension allowance policies in August 2024, and the Department solicited written comments from stakeholders. In February 2025, the Department solicited comments from stakeholders on a draft line extension allowance policy. The Department will continue its inquiry into the Company's line extension allowance policies and the Department draft line extension policy in the CCP proceedings.

Liberty states that it developed its CCP to guide decarbonization efforts in its service areas over the coming five-year period. Liberty states that its CCP reflects its specific operating profile compared with the other Massachusetts LDCs. The Company explains that it is a distinctly small contributor to GHG emissions and serves a population with a high proportion of environmental justice populations facing comparatively high energy burdens. Accordingly, Liberty states that its CCP must balance customer affordability with its obligation to help Massachusetts meet its GHG reduction targets.

Liberty's CCP includes the following initiatives: (1) implementation of an NPA framework for capital investment projects; (2) creating an integrated energy process through NPA assessments and electrification projects; (3) monitoring ongoing pilots for networked geothermal systems, (4) investigating low-carbon fuels for hard-to-decarbonize consumers; (5) developing a targeted electrification demonstration project; (6) continuing gas system enhancement plan investments; and (7) continuing to implement energy efficiency programs.

In addition to these focus areas, Liberty's CCP includes information on the workforce transition, including Liberty's expectation that a material impact on Liberty's workforce will not occur through the five-year CCP term. Lastly, the Company's CCP includes five proposed performance metrics.

Liberty's filing includes: (1) a proposed NPA framework and its stakeholder process; (2) an assessment of potential gas transition costs, analysis of depreciation, and alternative regulatory approaches relating to Massachusetts' decarbonization goals; and (3) a model tariff for the Company to recover certain incremental costs that are not recovered through existing rates.

In its filing, Liberty states that it seeks Department approval of the Company's proposed CCP, NPA framework, and CCP factor model tariff. Specifically, Liberty requests that the Department find that the Company's CCP includes the right priorities and initiatives for the next five years. Liberty also requests that the Department confirm that the proposed NPA Framework meets the Department's requirements. Lastly, Liberty requests the Department's approval of its proposed cost recovery tariff to recover incremental costs needed for CCP action items not covered by current rates.

The Department will conduct two virtual public hearings, using Zoom videoconferencing, to receive comments on the Company's filing:

- one on **June 4, 2025, beginning at 2:00 p.m.** Attendees can join by entering the link, <https://us06web.zoom.us/j/87197815903>, from a computer, smartphone, or tablet. No prior software download is required. For audio only access to the hearings, attendees can dial in at 1-646-931-3860 (not toll free) and then enter the **Meeting ID# 87197815903**;
- and the second on **June 5, 2025, beginning at 7:00 p.m.** Attendees can join by entering the link, <https://us06web.zoom.us/j/83417649618>, from a computer, smartphone, or tablet. No prior software download is required. For audio only access to the hearings, attendees can dial in at 1-301-715-8592 (not toll free) and then enter the **Meeting ID# 83417649618**.

If you anticipate providing comments via Zoom during the public hearing, please send an email by **June 2, 2025**, to jennifer.cargill@mass.gov, elizabeth.c.mcnamara@mass.gov, and stephanie.mealey@mass.gov with your name, email address, and mailing address. If you anticipate commenting by telephone, please leave a voicemail message by **June 2, 2025**, at 617-305-3729 with your name, telephone number, and mailing address. Interpretation services will be available over the Zoom platform upon request. To request interpretation services for the public hearings, please email Kaylee Burgess at dpu.ej@mass.gov, specifying your preferred language and contact information by **May 21, 2025**.

Any person interested in commenting on this matter may submit written comments no later than the close of business (5:00 p.m.) on **June 6, 2025**. Written comments from the public may be sent by email to dpu.efiling@mass.gov, jennifer.cargill@mass.gov, elizabeth.c.mcnamara@mass.gov, and stephanie.mealey@mass.gov, and the Company's attorney, Ronald J. Ritchie, Esq. at r.j.ritchie@libertyutilities.com. 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. As such, consider the extent of information you wish to share when submitting comments. The Department strongly encourages public comments to be submitted by email. 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 **May 28, 2025**. 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.

The Attorney General of the Commonwealth of Massachusetts ("Attorney General") filed a notice to intervene in this matter pursuant to G.L. c. 12, § 11E. Further, pursuant to G.L. c. 12, § 11E(b), the Attorney General filed a notice of intent to retain experts and consultants to assist her investigation of the Company's filing and has requested Department approval to spend up to \$150,000 in this regard. Pursuant to G.L. c. 12, § 11E(b), the costs incurred by the Attorney General relative to her retention of experts and consultants may be recovered in the Company's rates. Any person who desires to comment on the Attorney General's notice of intent to retain experts and consultants may submit written comments to the Department not later than the close of business (5:00 p.m.) on **May 28, 2025**.

All documents should be submitted to the Department in .pdf format by email attachment to dpu.efiling@mass.gov and jennifer.cargill@mass.gov, elizabeth.c.mcnamara@mass.gov, and stephanie.mealey@mass.gov. The text of the email must specify: (1) the docket number of the proceeding (D.P.U. 25-43); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. All documents submitted in electronic format will be posted on the Department's website through our online File Room as soon as practicable (enter "25-43" on the line for "Docket No."). In addition, one copy of all written comments and petitions to intervene should be emailed to the Company's attorney, Ronald J. Ritchie, Esq. at r.j.ritchie@libertyutilities.com.

The filing and all subsequent related documents submitted to the Department or issued by the Department will be available on the Department's website as referenced above as soon as is practicable. To the extent a person or entity wishes to submit comments or intervene in accordance with this Notice, electronic submission, as detailed above, is sufficient. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at eeadiversity@mass.gov or (617) 626-1282.

For further information regarding the Company's filing, please contact the Company's attorney, identified above. For further information regarding this Notice, please contact Jennifer Cargill, Elizabeth McNamara, and Stephanie Mealey, Hearing Officers, Department of Public Utilities, at jennifer.cargill@mass.gov, elizabeth.c.mcnamara@mass.gov, and stephanie.mealey@mass.gov.

Translation and Interpretation Services

English

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Português (Portuguese)

ATENÇÃO: Disponibilizamos nossos serviços de tradução e/ou interpretação de acordo com a sua demanda. Para solicitar um serviço linguístico, envie um e-mail para Kaylee Burgess através do endereço dpu.ej@mass.gov, informando o idioma desejado e seus dados para contato.

繁體中文 (Traditional Chinese)

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Tiếng Việt (Vietnamese)

LƯU Ý: Các dịch vụ biên dịch và/hoặc phiên dịch có sẵn theo yêu cầu. Vui lòng gửi email đến Kaylee Burgess theo địa chỉ dpu.ej@mass.gov để yêu cầu dịch vụ ngôn ngữ, nêu rõ ngôn ngữ ưa thích của quý vị và thông tin liên lạc

(Arabic) العربية

يرجى الانتباه: تتوفر خدمات الترجمة و/أو الترجمة الفورية عند الطلب. لطالب خدمات لغوية يرجى التواصل مع Kaylee Burgess بإرسال رسالة إلكترونية إلى العنوان dpu.ej@mass.gov، تحدد فيها اللغة المفضلة لديك وتذكر معلومات الاتصال.

ខ្មែរ (Khmer)

ជូនចំណាំ: សេវាកម្មបកប្រែភាសា និង/ឬអ្នកបកប្រែផ្ទាល់ គឺមានតាមការស្នើសុំ។ សូមផ្ញើអ៊ីមែលទៅ Kaylee Burgess តាម dpu.ej@mass.gov ដើម្បីស្នើសុំសេវាកម្មបកប្រែភាសា ដោយបញ្ជាក់ភាសាដែលអ្នកចង់បាន និងព័ត៌មានទំនាក់ទំនង។

Español (Spanish)

ATENCIÓN: Los servicios de traducción y/o interpretación están disponibles bajo solicitud. Por favor envíe un correo electrónico a Kaylee Burgess en dpu.ej@mass.gov para solicitar los servicios de idiomas, especificando su idioma preferido e información de contacto.

简体中文 (Simplified Chinese)

提醒您：您可依需要申请提供笔译和/或口译服务。请发送电子邮件给 Kaylee Burgess (dpu.ej@mass.gov) 来申请语言服务要求，并注明您的首选语言和联系信息。

Kreyòl Ayisyen (Haitian Creole)

ATANSYON: Gen sèvis tradiksyon ak/oswa entèpretasyon ki disponib sou demann. Tanpri voye imèl bay Kaylee Burgess nan dpu.ej@mass.gov pou mande sèvis lang, ki enfòm lang ou pi pito a ak enfòmasyon kontak ou.

Français (French)

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Русский (Russian)

ВНИМАНИЕ!

Услуги письменного и/или устного перевода предоставляются по запросу. Для запроса услуг перевода обращайтесь к Kaylee Burgess по адресу dpu.ej@mass.gov. В запросе укажите язык перевода и контактную информацию.

한국어 (Korean)

주의: 요청 시 번역 및/또는 통역 서비스가 제공됩니다. Kaylee Burgess에게 dpu.ej@mass.gov로 이메일을 보내 선호하는 언어와 연락처 정보를 명시하여 언어 서비스를 요청하십시오.

