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**FALL RIVER REDEVELOPMENT AUTHORITY**  
**MEETING WEDNESDAY, JULY 31, 2019**

1. Call to Order

- a. Chairman O’Connell called the meeting to order at approximately 6 pm and read aloud the Open Law Meeting statement. She inquired of those present in the chambers whether or not they could hear her, and there was no negative response.
- b. Attendance – All RDA Board members were present, including Economic Development Director Maria Marasco
  - i. Kara O’Connell – Chairman   \_\_ present\_\_\_\_\_
  - ii. Loriann Taylor Branco       \_\_ present\_\_\_\_\_
  - iii. Michelle Dionne           \_\_ present\_\_\_\_\_
  - iv. Joseph Oliveira           \_\_ absent\_\_\_\_\_
  - v. Robert Smith               \_\_ present\_\_\_\_\_

2. Sign-in Sheet

The chair informed the public that the RDA was distributing a sign-in sheet for those in attendance. For those who wish to receive notice of meetings individually by email, the Director informed those to provide their email. Two gentlemen in attendance did to not sign in.

3. Approval of Minutes: .

- a. May 8, 2019- Upon Motion and second, the Board unanimously voted to approve May 8, 2019 Minutes.
- b. May 22, 2019- Upon motion and second, the Board unanimously voted to approve May 22, 2019 Minutes.
- c. May 30, 2019- Upon motion and second, the Board unanimously voted to postpone approval of Minutes as counsel indicated that he minutes were not yet prepared.
- d. June 25, 2019- Upon motion to amend and second, the Board to Approve June 25, 2019 Minutes.

4. Financial Updates

- a. Financial Reports- The Director reported the following Bank Balances: Bay Coast Bank Acct 1, 7.15.19, \$1,995,994.07 ; and, Bay Coast Bank Acct 2 7.15.19, \$ 183,905.24
  - i. Bank authorizations: Upon motion and second after discussion, the Board voted to authorize the Economic Development Director to act on behalf of the Fall River Redevelopment Authority in the following capacity or capacities relative to any banking or investment related activity: 1- Signatore for each account; 2-Access to and from information regarding each account; 3-Ability to invest and/or reinvest funds in the account on behalf of the Authority.
- b. Warrant Schedule- Upon Motion and second, the Board unanimously voted to approve the warrant dated July 31, 2019 for \$228,387.07
- c. Update of Audit 2017-The Director reported that she recommended that the auditor close their audit and to present the Board with their findings, including the lack of previous RDA asset information from 2017.

5. Economic Development Director’s Reports

- a. Administrative Report –The Director reported that the City’s CFO has offered to set up the chart of

accounts for the RDA to comply with financial standards. She reported that she had filed away about 8 boxes of files from the former contractor, but did not find any electronic files which they created on behalf of the RDA. In addition, older records are stored in the City's basement. At last meeting, the Director noted RDA old by-laws and stated that she had begun to ask for other RDA by-laws and will be looking for a 2-member committee to provide feedback to the entire Board.

- i. Upon motion and second, the Board voted to authorize the Director to represent the Board with the MA Department of Revenue for the purposes of filing for a sales tax exemption status.
- b. Contract Updates
  - i. Amendment to Pare contract: The Director reported to the Board that it had already voted to approved to amende the Pare Contract for Pare to provide LSP Services to continue coordination with DEP and EPA and prepare regulatory closeout documentation and read portions of the July 12<sup>th</sup> letter from the MA DEP to the RDA. The Director summarized that yhe Board received a Notice of Non-Compliance Dated July 12, 2019 outlining four material violations. The letter states that on July 2, 2010 the Board, or agent acting on behalf of the Board, submitted a Temporary Solution Statement to the MassDEP. The Temporary Solutions status reports were due every 6 months and the first was due APRIL 2012. "To date, a Temporary Solution status report has not been submitted. Further, a Periodic Evaluation, due 5 years from the date of the Temporary Solution Statement, was due to the MassDEP on July 2, 2015. "To date, this report has not been submitted to MassDEP." In addition, On November 9, 2011 the Board, or its agent, submitted a Release Abatement Measure (RAM) Plan which proposed the construction of a cap. While according to the MassDEP, a RAM Report was submitted to MassDEP on September 14, 2017, the report had no new information about the cap, "The MassDEP has not received a RAM Status report on this site September 14, 2017. These reports are due every 6 months until the Ram Completion Report is submitted." The MassDEP notice provides, "MassDEP may assess a Civil Administrative Penalty in excess of several thousand dollars if you continue to be in non-compliance with the violations cited herein."
  - ii. Proposed contracts for real estate consulting services: The Director reported that the RDA urgently needed to update its real estate inventory, and cross reference the parcels with tax and other incentives need to properly evaluate and market the properties. She indicated that she will solicit 3 or more inquiries subject to C. 30B. Upon discussion, motion and second, the Board unanimously voted to authorize the Director to oversee execute a Procurement on behalf of the Authority subject to MGL Chapter 30B for real estate consulting services \$50,000 or less for the purpose of preparing necessary documentation for the Board to acquire, lease, market or dispose of real estate assets under its jurisdiction.
  - iii. Discussion regarding need for public relations/marketing strategy consulting services. The Director asked for Board feedback concerning possibly seeking PR/ marketing services to support the Board's activities. She will present a proposal to the Board at its next meeting.
  - iv. Amendment to scope of services, Foth Engineering. The Chair raised concerns about expanding the scope of services to include commercial fishing, indicating that clean-up, among other issues, may not be best suited for Pier activities. After discussion, a motion and second, the Board unanimously voted to authorize the Director to execute an amendment to Foth contract dated to expand the scope of services to applicability of use

at the City Pier to include marine-related uses that are also likely to generate revenue, including but not limited to Offshore Wind-related use, excursion vessels.

v. Proposed amendment to Inter-municipal Agreement with City. The Director reported that the City Solicitor and Treasurer have made recommendations to amend but, in my opinion, not substantively change the intent of the Agreement you passed last meeting. The proposed changes replace lengthy indemnification language with mutual, more simple “hold harmless” language, to consolidate financial reporting, and require that the Redevelopment Authority fund the payroll account. Upon motion and second, the Board unanimously voted to amend the Inter-municipal Agreement with the City of Fall River approved on June 25, 2019 to amend the provision regarding indemnification and streamline the reporting required to as recommend by the City.

c. Economic Development Updates- The Director reported that she had been in communication Freetown town officials to discuss the parcel in the Bio Park that is available for sale. In addition she reported that she had been in contact with DHCD regarding the Urban Renewal Plans, VHB regarding site plans that they had previously prepared, and reported that the delineation of the wetlands in the Park were not current.

6. New and/or Old Business. Upon Motion and second, the Board voted to take the topic New and/or Old Business out of order. There board members did not report or discuss and new or old business.

7. Executive Session. The Chair announced that the Board would be going into Executive Session and read the items to be discussed, as follows, aloud:

- a. To review and/or approve executive session minutes of May 30, 2019 and June 25, 2019 pursuant to M.G.L. c. 30A, § 21(a)(7) and § 22(g)
- b. To review and respond to Open Meeting Law Complaint pursuant to M.G.L. c. 30A, § 21(a)(1) (filed by Colin Dias)
- c. To discuss strategy, with respect to litigation pursuant to M.G.L. c. 30A, § 21(a)(3) (K. Fiola, D. Ciullo, B. Winn v. FRRA, K.O’Connell, R. Smith, M. Dionne, L.Taylor Branco, and J. Oliveria, Bristol County Superior Court Docket No. 1873-CV-01132)
- d. To discuss potential real estate transactions for RDA parcel(s) pursuant to M.G.L. c 30A, § 21 (a)(6)

The Chair found that relative to Items b and c above, discussing the items in an open meeting will have a detrimental effect on the litigating position of the public body.

Upon a motion and second to enter into Executive Session and not to resume the open meeting at the conclusion of Executive Session except to adjourn the Board voted by roll call vote:

- i. Kara O’Connell – Chairman    \_\_\_yes\_\_\_
- ii. Loriann Taylor Branco        \_\_\_yes\_\_\_
- iii. Michelle Dionne                \_\_\_yes\_\_\_
- iv. *Joseph Oliveira*                \_\_\_absent\_\_\_
- v. *Robert Smith*                    \_\_\_yes\_\_\_

8. Adjournment- see item 7.