

# City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2019 NOV -7 P 2:22

## MEETINGS SCHEDULED CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

CITY CLERK  
FALL RIVER, MA

ALISON M. BOUCHARD  
CITY CLERK

TUESDAY, NOVEMBER 12, 2019  
AGENDA

INÊS LEITE  
ASSISTANT CITY CLERK

### 5:30 COMMITTEE ON ORDINANCES AND LEGISLATION

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

#### Auto Repair Shop License

1. Antone David Vargas, 157 Rice Avenue, Somerset, MA, d/b/a ADV Auto Repair, for a license to operate an auto repair shop at 681 Brayton Avenue, on Lot F-7-12, Assessors Plan.

#### Revocation of Storage of Inflammables Permits

2. Duro Industries, Inc., c/o Chace Street, Inc., 124 Washington Street, Suite 101, Foxboro, MA, to store 30,000 gallons of #6 fuel oil and 13,000 gallons (in 55 gallon drums) of coating material aboveground at 110 Chace Street.

Duro Industries, Inc., c/o Chace Street, Inc., 124 Washington Street, Suite 101, Foxboro, MA, to store 30,000 gallons of #6 fuel oil aboveground at 1 Middle Street.

Duro Textile Printers, Duro Textiles, LLC, c/o Chace Street, Inc., 124 Washington Street, Suite 101, Foxboro, MA, to store 30,000 gallons of #6 fuel oil aboveground at 206 Globe Mills Ave.

Rahul J. Bilodariya Trustee, RJB Realty Trust, A2 Colonial Drive, Unit 8, Andover, MA, to maintain a gasoline station to store 20,000 gallons underground at 1708 South Main Street.

#### Joint Pole Re-location

3. Massachusetts Electric Company and Verizon New England, Inc. for a jointly-owned pole re-location for the following:

##### Jefferson Street Ext.

One (1) pole re-location

Relocate existing jointly owned pole 6-1 approximately 30 feet north of its current position. This pole relocation will service a new sewer pump building, while keeping the existing building running (in accordance with Plan No. 28921895; dated: 10/23/2019.).

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

1. Citizen Input
2. \*Resolution – Administration obtain bids and present plan to install a multi-level parking garage (tabled 5-14-19)

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

One Government Center • Fall River, MA 02722

TEL 508-324-2220 • FAX 508-324-2211 • EMAIL [city\\_clerks@fallriverma.org](mailto:city_clerks@fallriverma.org)

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

**PRIORITY MATTERS** – None

**PRIORITY COMMUNICATIONS** – None

**COMMITTEE REPORTS** – None

**ORDINANCES** – None

**RESOLUTIONS**

1. \*Committee on Public Safety convene with the City Administrator, Director of Traffic, Director of Code Enforcement and a representative from Northeast Alternatives to discuss possible solutions to various concerns

**CITATIONS**

2. Emergency Management Agency Four Winds Fire Volunteers:  
Richard S. Aguiar      Patricia Aguiar      Christopher Caron      Alyssa Dailey  
Victor Farias      Brian Lovenbury      Daniel Lovenbury      Roger Maynard  
Bryan Moniz      Christopher Paul      Jesse Silva
3. Joan Medeiros – recipient of the 2019 Roger Valcourt Memorial Outstanding Citizen of the Year

**ORDERS – HEARINGS**

4. Auto Repair Shop License:  
\*Antone David Vargas, 157 Rice Avenue, Somerset, MA, d/b/a ADV Auto Repair, located at 681 Brayton Avenue
5. Revocation of permits for the storage of inflammables:  
\*Duro Industries, Inc. – 110 Chace Street  
\*Duro Industries, Inc. – 1 Middle Street  
\*Duro Textile Printers, Duro Textiles, LLC – 206 Globe Mills Avenue  
\*Rahul J. Bilodariya Trustee, RJB Realty Trust – 1708 South Main Street
6. Joint Pole Re-location:  
\*Massachusetts Electric Company and Verizon New England, Inc. – one pole re-location on Jefferson Street Ext.

**ORDERS – MISCELLANEOUS**

7. Police Chief's report on licenses:  
2019 Taxicab Drivers:  
Katherine Chace      Chris Hinton      George Oliveira      Gary Teixeira  
2020 Taxicab Drivers:  
Timothy E. Adams      Lynn-Mary Cabral      Raymond Edward Cabral      Robert M. Collins  
Gilbert W. Correia      James Soares Gouveia Jr.      Christopher Hinton      Muhammad Habbir  
Gary Teixeira

8. Auto Repair Shop License Renewals:  
John Medeiros d/b/a Medeiros Auto Body and Sales, Inc., at 96/98 Alden Street  
Jan M. Pankowski d/b/a Classic Auto, at 270 Shove Street  
Elie Bouramia d/b/a North End Auto Service and Sales, Inc., at 3293 North Main Street  
Joseph Jennings d/b/a Jennings Garage, at 64 Judson Street  
Francis B. May d/b/a Brad's Auto Service, at 156 President Avenue  
Jody Oliveira, Dover Towing, Inc., at 232 Lapham Street
9. Auto Body Shop License Renewals:  
Ronald Pedro d/b/a ABC Auto Body, at 753 Pleasant Street  
Jan M. Pankowski d/b/a Classic Auto, at 270 Shove Street  
Joseph Jennings d/b/a Jennings Garage, at 64 Judson Street  
Humberto Pereira, Fall River Auto body and Sales, Inc., at 155 Williston Street  
Jody Oliveira, Dover Towing, Inc., at 232 Lapham Street
10. Revocation of license for an auto repair shop at request of owner:  
Robert Luongo d/b/a Bob's Auto Sales, 686 Brayton Avenue, License No. 27
11. \*Order – Cancellation of the Committee on Finance and Regular meeting of the City Council scheduled for Tuesday, November 26, 2019

#### **COMMUNICATIONS – INVITATIONS – PETITIONS**

12. \*Claims
13. \*Communication from the SEMLEC Police Dive Team, thanking the Marine Unit and Harbor Master for their assistance.
14. \*Letter of disclosure from Alfred J. Lima
15. \*Zoning Board of Appeals Minutes – August 15, 2019
16. \*Zoning Board of Appeals Minutes – September 19, 2019

#### **City Council Meeting Minutes:**

17. \*Public Hearing – October 22, 2019
18. \*Committee on Finance Meeting – September 24, 2019
19. \*Committee on Finance Meeting – October 22, 2019
20. \*Regular Meeting of the City Council – September 24, 2019
21. \*Regular Meeting of the City Council – October 8, 2019
22. \*Regular Meeting of the City Council – October 22, 2019

#### **BULLETINS – NEWSLETTERS – NOTICES**

23. Notice of Casualty and Loss at 200 Lawton Street
24. Notice of Casualty and Loss at 496 Linden Street
25. Notice of Casualty and Loss at 379 Whipple Street
26. \*Thank you from Robert and Colleen Taylor

  
City Clerk

**ITEMS FILED AFTER THE AGENDA DEADLINE:**  
**CITY COUNCIL MEETING DATE: NOVEMBER 12, 2019**

**OTHER POTENTIAL MATTERS (to be acted upon if recommendation is received)**

Reports of the Committee on Ordinances and Legislation:

All readings with Emergency Preamble:

- a. Proposed Ordinance – Traffic, Handicapped Parking

First Reading:

- b. Proposed Ordinance – Traffic, miscellaneous

Action:

- c. Resolution -- To create a state authorized Cultural District

(President Cliff Ponte)

WHEREAS, the City of Fall River has struggled with parking in the downtown area for years, and

WHEREAS, the Fall River City Council unanimously voted on January 8, 2019 to accept the transfer of the parking garages located at Third Street and Pearl Street, and

WHEREAS, the City also accepted the adjacent parking lot located on Third Street, now therefore

BE IT RESOLVED, that the Administration immediately obtain bids and present to the City Council a plan to install a multiple level parking garage, and that a discussion take place with the City Council Committee on Finance within 60 days.

In City Council, February 19, 2019  
Adopted

A true copy. Attest:

*Alison M. Bouchard*

City Clerk

*Tabler  
5-14-19*

# City of Fall River, *In City Council*

(Vice President Pam Laliberte-Lebeau)

WHEREAS, the residents around the area of Northeast Alternatives have expressed many concerns in regards to traffic, noise, and air pollution over the past several months, and

WHEREAS, the residents are seeking a solution to their concerns, now therefore

BE IT RESOLVED, that the Committee on Public Safety along with the City Administrator, Director of Traffic, Director of Code Enforcement, and a representative from Northeast Alternatives convene to discuss possible solutions.

Filed 10/31/2019

*City of Fall River, In City Council*

4

ORDERED, that permission be and the same is hereby granted to:

Antone David Vargas, 157 Rice Avenue, Somerset, MA, d/b/a ADV Auto Repair,  
for a license to operate an auto repair shop at 681 Brayton Avenue, on Lot F-7-  
12, Assessors Plan.

ORDERED, that under the provisions of Section 14-4 of the Code of the City of Fall River, Mass., 2018, a public hearing be held by the City Council on Tuesday, November 12, 2019 at 5:55 p.m. in the Council Chamber, One Government Center to hear all persons interested and wishing to be heard on the revocation of permits for the storage of inflammables, as follows:

Duro Industries, Inc., c/o Chace Street, Inc., 124 Washington Street, Suite 101, Foxboro, MA, to store 30,000 gallons of #6 fuel oil and 13,000 gallons (in 55 gallon drums) of coating material aboveground at 110 Chace Street.

Duro Industries, Inc., c/o Chace Street, Inc., 124 Washington Street, Suite 101, Foxboro, MA, to store 30,000 gallons of #6 fuel oil aboveground at 1 Middle Street.

Duro Textile Printers, Duro Textiles, LLC, c/o Chace Street, Inc., 124 Washington Street, Suite 101, Foxboro, MA, to store 30,000 gallons of #6 fuel oil aboveground at 206 Globe Mills Avenue.

Rahul J. Bilodariya Trustee, RJB Realty Trust, A2 Colonial Drive, Unit 8, Andover, MA, to maintain a gasoline station to store 20,000 gallons underground at 1708 South Main Street.

CITY OF FALL RIVER  
IN CITY COUNCIL

OCT - 8 2019

Adopted



# City of Fall River, *In City Council*

6

ORDERED, that permission be and the same is hereby granted to:

Massachusetts Electric Company and Verizon New England, Inc. for a jointly-owned pole re-location for the following:

Jefferson Street Ext.

One (1) pole re-location

Relocate existing jointly owned pole 6-1 approximately 30 feet north of its current position. This pole relocation will service a new sewer pump building, while keeping the existing building running.

In accordance with Plan No. 28921895

Dated: 10/23/2019

ORDERED, that the City Council Committee on Finance and Regular meeting of the City Council scheduled for Tuesday, November 26, 2019 be and the same are hereby cancelled.



City of Fall River  
Notice of Claim

12  
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2019 OCT 18 P 2:48

CITY CLERK #19-98  
FALL RIVER, MA

1. Claimant's name: Shania Farias Moniz
2. Claimant's complete address: 87 Pitman Street Fall River MA 02723
3. Telephone number: Home: 508-646-0074 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Auto accident
5. Date and time of accident: 7/29/19 11:40 Amount of damages claimed: \$ 998.34
6. Exact location of the incident: (include as much detail as possible):  
3 Quequechan Street
7. Circumstances of the incident: (attach additional pages if necessary):  
(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: 8/29/19

Claimant's signature: Shania F Moniz

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

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ Water Dept Date: 10/18/19

12

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2019 OCT 28 A 10:55

City of Fall River  
Notice of Claim

(Maria Silva)

CITY CLERK

FALL RIVER, MA

1. Claimant's name:

#19-99

Cozy Corner Hair Care

2. Claimant's complete address:

930 New Boston rd.

3. Telephone number:

Home:

508 243 9976

Work:

508 676 8555

4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):

sewer 10/7/19 and also 10/22/19

5. Date and time of accident:



Amount of damages claimed: \$

6. Exact location of the incident: (include as much detail as possible):

in front of the salon.

7. Circumstances of the incident: (attach additional pages if necessary):

Sewer back up in to the Salon.  
basement.

8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date:

10/28/19

Claimant's signature:

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

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

6 Sewer

Date:

10/28/19

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12

2019 OCT 30 A 11: 28

City of Fall River  
Notice of Claim

CITY CLERK # 19-100  
FALL RIVER, MA

1. Claimant's name: JACK (JOHN T) HACKETT - DIRECTOR OF S.G.S.I. SOFTBALL LEAGUE
2. Claimant's complete address: 750 DAVID ST. #316 A. GLOUCESTER FALL RIVER, MA 02726
3. Telephone number: Home: 508-454-3169 Cell: 508-801-6518
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
DAMAGE TO NEW ELECTRIC SCOREBOARD - PROBABLY DAMAGED BY PARK EMPLOYEE
5. Date and time of accident: WEEK OF AUG. 20<sup>th</sup> BETWEEN 8-4 P.M. Amount of damages claimed: \$ 1500 ORIGINAL CLAIM  
ADJUSTED TO \$1000
6. Exact location of the incident: (include as much detail as possible):  
FR. KELLY PARK - JACK HACKETT SOFTBALL FIELD - GLOUCESTER ST. FALL RIVER, MA
7. Circumstances of the incident: (attach additional pages if necessary):  
PLEASE REFER TO MATERIAL IN ENVELOPE SUBMITTED WITH CLAIM FORM  
ON 30 OCTOBER 2019.
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: 30 OCT. 2019

Claimant's signature: John T. Hackett

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

**Return this from to : City Clerk, 2<sup>nd</sup> FL, One Government Center, Fall River, MA 02722**

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

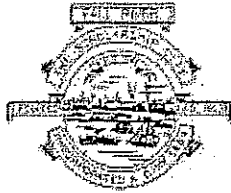
For official use only:

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

Date: 10/30/19

12

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2019 NOV -6 A 9:40

City of Fall River  
Notice of Claim

CITY CLERK 19-101

1. Claimant's name: HOULWAIDA HAMDAR
2. Claimant's complete address: 259 HARRISON ST
3. Telephone number: Home: 774 526 5887 Work: 508 672 8218
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Drove on uncovers manhole
5. Date and time of accident: 10-17-2019 Amount of damages claimed: \$ 9714.56
6. Exact location of the incident: (include as much detail as possible):  
Alden st and Marine
7. Circumstances of the incident: (attach additional pages if necessary):  
I was coming from Westport to Fall River to Harrison st  
It was a rain day and I did not see that the manhole  
cover had come off until it was too late and was unable  
to avoid the open hole
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 11-6-19Claimant's signature: Houlwaida Hamdar

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 form to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

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

For official use only:	
Copies forwarded to: <input checked="" type="checkbox"/> City Clerk <input checked="" type="checkbox"/> Law <input checked="" type="checkbox"/> City Council <input type="checkbox"/> City Administrator <input checked="" type="checkbox"/> Public Works	Date: <u>11/6/19</u>



12

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City of Fall River  
Notice of Claim

2019 NOV -6 P 1:24

CITY CLERK #19-102  
FALL RIVER, MA

1. Claimant's name: JOYCE COTE
2. Claimant's complete address: 540 S. ALMOND ST. APT 3 FALL RIVER, MA 02724
3. Telephone number: Home: (610) 251-3088 Work: AMBER WITH ALLSTATE INS.
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
AVTO ACCIDENT
5. Date and time of accident: 10/7/19 8:15AM Amount of damages claimed: \$ 589.02
6. Exact location of the incident: (include as much detail as possible):  
ALMOND STREET, FALL RIVER, MASSACHUSETTS
7. Circumstances of the incident: (attach additional pages if necessary):  
My insd inside her apartment, heard loud noises outside.  
went outside, trash truck was very close to vehicles - she  
walked over to vehicle & saw damages.  
Trash truck was large & white.
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  
ALLSTATE INS. CLAIM: 0563536536 CONTACT: AMBER 610-251-3088

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: 11/1/2019

Claimant's signature: Amber w/ Allstate

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

**Return this from to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

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Copies forwarded to: ☐ City Clerk ☐ Law ☒ City Council ☐ City Administrator ☐ DCM Date: 11-6-19

**CLARK, BALBONI & GILDEA**  
1037 Pleasant Street, Bridgewater, MA 02324  
Tel. 508.697.6211  
Fax 508.697.8511  
sresnick@cbglawfirm.com

Claim #  
19-05c

12

**LAW OFFICE OF**  
**SHANNON D. RESNICK, P.C.**  
**SHANNON D. RESNICK\***

\*MEMBER MASSACHUSETTS BAR

**CAPE COD OFFICE**  
33 Great Neck Road South  
P.O. Box 1769  
Mashpee, MA 02649  
Tel. 508.477.5567  
Fax 508.477.5866

Of Counsel: **RICHARD M. CLARK**

ROBERT G. CLARK, JR. (1923 - 1976)  
FREDERICK H. BALBONI (1939 - 1996)  
ROBERT G. CLARK, III. (1963-2013)

Reply To Bridgewater

October 23, 2019

City of Fall River  
One Government Center  
Room 227  
Fall River, MA 02722

**Re: Vermont Mutual Insurance Co. (as subrogee of Adelbert E. Howard) vs. City of Fall River**  
**Bristol Superior Court, Civil Action No.: (pending)**  
**File No.: VM19-056 (Subro)**  
**Claim No.: MPA83123**  
**Date of Loss: 12/28/2018**

Dear City Clerk:

This office represents Vermont Mutual Insurance Company relative to monies paid to its insured Adelbert E. Howard as result of your negligence on or about 12/28/2018. As a result of said negligence, Vermont Mutual's insured sustained damages in the amount of \$2,327.87.

I enclosed a copy of a draft Complaint and would request that you contact me to discuss this matter at your earliest convenience.

Thank you for your consideration.

Very truly yours,

  
Shannon Resnick, Esq.

SDR/gh  
VM19-056

11-5-19

C: City Clerk  
City Council  
Law Dept.  
DCM  
Cemetery + Trees

RECEIVED  
2019 OCT 29 A 11:11  
CITY CLERK  
FALL RIVER, MA



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13

2019 OCT 23 A 11: 36

CITY OF FALL RIVER, MA  
**SEMLEC Police Dive Team**

Sgt. Matthew J. McCaffrey 10-18-2019  
SEMLEC Dive Team Commander  
23 Summer Street  
Taunton, MA 02780  
508-824-7522



Fall River City Council  
One Government Center, 2<sup>nd</sup> floor  
Fall River, MA 02722

Dear Councilors:

On behalf of the SEMLEC Dive Team I would like to thank your Marine Unit and Harbor Master for their assistance on September 29 & 30. Search and Rescue Crews from multiple cities and towns, conducted an extensive search of the Taunton River and Mount Hope Bay on Sunday and Monday after a reported boating accident left one person missing Saturday evening. On Monday Morning September 30, 2019, at approximately 0845 Hrs. The SEMLEC Dive Team met at Bicentennial Park located at 1 Brownell Street Fall River. On this day I placed three divers on the Taunton Police Dive Boat, two divers on the Fall River Harbor Masters Boat, and two divers on the Fall River Police Departments Boat. I had the divers rotate throughout the day; our objective was to recover the boating accident victim, by diving on any and all points of interest that the sonar boats had marked. We used our underwater communications to stay in constant contact with our divers, often giving those compass headings to keep them on course and cover the most area possible. We also ran our Fishers Underwater Camera off of the Fall River Police Departments Boat to help locate the victim. Unfortunately our efforts ran short and we did not locate the victim. **Lt. Paul Bernier** and **Ptln. Wedson Tipurtino** of the **Fall River P.D.** and **Harbor Master Bob Smith** could not have been more accommodating, they assisted us with all our needs and were professional day in and day out, they are truly an asset to your City and Community.

Best Wishes and Regards,

*Sgt. Matthew J. McCaffrey*

Sgt. Matthew J. McCaffrey  
Dive Team Commander

**Taunton Police Department**

14

**Alfred J. Lima**  
**488 Hood Street**  
**Fall River, Massachusetts 02720**  
(508) 496-7287  
Email: ajlima@comcast.net

RECEIVED  
2019 OCT 31 P 1:04  
CITY CLERK  
FALL RIVER, MA

October 9, 2019

Mr. Cliff Ponte, Council President  
Fall River City Council  
One Government Center  
Fall River, MA 02722

Dear Mr. Ponte:

I am a member of the Community Preservation Commission, elected to be a member representing the Fall River City Council.

After conferring with the Chairman of the Community Preservation Committee, James Souza, I am writing this letter to you related to the rules of the State Ethics Commission related to public disclosure. I have been involved with three proposals sent to the Community Preservation Committee for eligibility and funding. I do not have any financial interest in the funds being requested. However, I have been involved with the proposals, and Mr. Souza suggested that I should let the public know of my involvement. My involvement with the proposals occurred before I was elected to be a committee member.

These proposals include recreational facilities that will benefit all residents of the city.

The three proposals for Eligibility included:

- "Feasibility Study for the Niagara/Quequechan River Greenway."
- "Feasibility Study for Daylighting the Quequechan River." and
- "Feasibility Study for Recreational Facilities at Weaver's Cove."

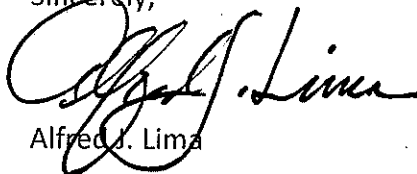
However, during the Eligibility Application process, the Feasibility Studies for the Daylighting of the Quequechan River and the Recreational Facilities at Weaver's Cove were both determined by the Community Preservation Committee to not meet the CPA requirements related to the applicant's ownership of the land in question. Therefore, this request is only for the "Feasibility Study of the Niagara/Quequechan River Greenway."

However, I wish to make it clear to the City Council and to the public that I can be fair and objective in reviewing this one proposal and other applications that will be considered by the Community Preservation Committee. If a question is asked of a proposal that the person representing the proposal cannot answer, I will try to answer the question. However, **I will not vote on the question of whether the proposal should be approved for funding.**

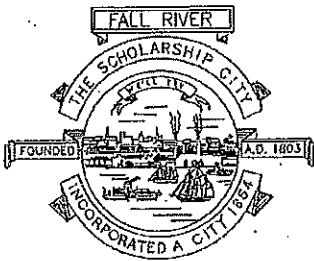
I hope that this letter provides written public disclosure related to the rules of the State Ethics Commission, and that it provides adequate public notice that I will be fair and objective in making decisions related to matters before the Community Preservation Committee.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Alfred J. Lima". The signature is stylized with a large, looping initial "A".

Alfred J. Lima



# City of Fall River Massachusetts

## Planning Division

15

WILLIAM D. ROTH JR., AICP  
City Planner

**TO:** Alison Bouchard  
City Clerk

**FROM:** Brittany Faria  
Planning, Head Administrative Clerk

**RE:** Fall River Zoning Board of Appeals Meeting  
August 15, 2019

RECEIVED  
2019 OCT 21 A 10:35  
CITY CLERK  
FALL RIVER, MA

The Fall River Zoning Board of Appeals held a Public Hearing on Thursday, August 15, 2019, at 6:00 PM in the First Floor Hearing Room for the purpose of considering the petitions set forth in the attached minutes of said Public Hearing.

**Members present:** Carolyn Morrisette, Vice Chairwoman, John Frank, Jim Calkins and alternate members Dan Dupere and David Saber.

**Members absent:** David Assad, Chair and Greg Brilhante

**Also present:** City Planner William D. Roth Jr., AICP and Recording Secretary, Brittany Faria, and Alex Mello of FRGTV.

Notice of the meeting was advertised in the Fall River Herald News on Wednesday, July 31, 2019, and Wednesday, August 7, 2019. The hearing was also posted in the Government Center and notice was sent to the petitioners and abutters of the specified property, as well as the City of Fall River's Planning Board.

*6:00pm Vice-Chair read the Open Meeting Law notice, and opening statement.  
Mr. Saber abstains from petition #01 as he was not present to hear original meeting.*

**FRANKLIN SERVICE AUTO CARE, LLC**  
**1101 North Main St., Lot O-7-13**

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In the matter of Variance request to demolish the existing structures and to construct new canopy and convenience store waiving requirements in the [A-2] District. Lot size 13,085+/-sf

**FAVOR**

Al Chubart, Consulting Engineer with offices at 112 State Road was present to address the Board. *Petitioner was asked if they wanted to go forward with a 4 member board and the petitioner agreed.* Mr. Chubart stated that they are seeking set-back relief. Both of the existing non-conforming structures are proposing to demolish and move back from property line to improve circulation and parking. At the last meeting, Mr. Roth had expressed concerns with the site layout so revisions have been made to reduce to 3 pumps, closed driveway at intersection and reduced opening on President Ave. from 70' to 34'.

Mr. Roth recommended conditions including specific waivers if Board chooses to grant.

**OPPOSITION**

No one was present in opposition to this petition.

**DECISION**

In a motion made by Mr. Calkins and seconded by Mr. Dupere, the Board unanimously voted 4-0 to GRANT the petition WITH CONDITIONS being: 1. Specific waivers being: Setbacks - Front 18', Rear 4', North Side 5.7', South Side 16' (canopy) & 13.2' (building). 2. No building permit shall be issued until the site plan has been approved by the Site Plan Review Committee and no site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee. Ms. Morrisette, Mr. Calkins, Mr. Frank and Mr. Dupere voted in favor of the motion and the petition was granted.

**SOUTH COAST CAPITAL INVESTMENTS LLC**  
**209 Brightman St., Lot S-15-38**

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In the matter of Variance request to change existing 4 unit mixed-use building (3 residential and 1 commercial) into a 4 residential unit dwelling waiving all requirements in [B-L] District. Lot size 5,400+/-sf

**FAVOR**

Jeff Tallman of SITEC Engineering was present to address the Board. Applicant is looking to convert commercial unit into a residential unit totaling 4. Area is no longer commercially viable. There has been a drastic reduction in traffic which limits businesses. No exterior changes being proposed.

Mr. Roth questioned if 217 would remain an existing bakery. Mr. Tallman stated that it is current gutted. Mr. Roth stated that this proposal would not increase in intensity so therefore sees no issues with the proposal.

**OPPOSITION**

No one was present in opposition to this petition.

**DECISION**

In a motion made by Mr. Calkins and seconded by Mr. Frank, the Board unanimously voted 5-0 to GRANT the petition. Mr. Calkins, Mr. Frank, Ms. Morrisette, Mr. Saber and Mr. Dupere voted in favor of the motion.

In the matter of Variance request to construct a two story addition to the existing school to provide additional classrooms, related educational space and gymnasium, waiving side-yard setbacks and lot coverage requirements. Special Permit request to waive on-site parking requirements in an [A-2] District. Lot size 58,219+/-sf

### FAVOR

Attorney Arthur DeAscentis representing CSDC Facilities Corp. was present to address the Board along with a list of affiliates to answer questions and supply more information regarding the project. The proposal is for a two-story extension that will supply a gymnasium and will add 10 classrooms, adding 74 students to the school and providing a full high school experience. Mr. DeAscentis detailed the school history. The building and use conforms to zoning requirements. Parking that is being displaced will be primarily off-site across the street where rectory is to be razed providing about 45 parking spaces. City ordinance permits off-site parking when there are situations such as this. The school occupies an entire city block so there is additional parking on-street as well. The variance they are requesting is a 3.5' set-back waiver. The unique layout of the structure being the hardship, as the center hall is the means to access entire school.

Kristen Pavao, Executive Director and Founder of Argosy School- explained that their program is a college preparatory dedication, providing dual enrollment courses with BCC. This is a unique opportunity that the expansion allows scholars to advance through 12<sup>th</sup> grade whereas they can only go to 11<sup>th</sup> at this time, as well as being able to provide a health and athletic program.

### Present to Speak In Favor and Support of the Petition:

Helen Rego, Pres. of Niagara Neighborhood Assoc. in favor; Alan Sylvia, 7<sup>th</sup> Bristol District Rep., representing neighborhood in support, enhances neighborhood, quality education; Kim Smith, Exec. Director of United Way, parent of scholar, providing scholars opportunity and experience to excel; Christian Volasco, teacher, providing endless opportunities; Josh Randell, teacher, furthering growth of school vision; Cheryl Sclar, High School Dean, nontraditional high school counters national drop-out rate and prepares scholars with life skills; Sunil Jagannath, Director of Support- in support of mission and vision of the school; Michelle Carney, Director of Curriculum and Instruction, a full high school experience for the scholars; Anthony Branco, High School Principle, has experience with non-charter, the staff is dedicated to the scholars' success, gym is needed; Monica Filgo, new Middle School Principle, this experience is an investment for scholars; Paul Burke, Chair of Board of Trustees, representing Board of 15, completing goal for full high school program, improving neighborhood; Attorney Arthur Frank, this is an admirable consideration for the Board; Missy Goncalves, Operations Assistant, in favor; Paula DeSilva, grandmother of 2 scholars, gym in needed for health; John Furtado, daughter to attend middle school, activities and sports are a benefit; Avery Almeida, scholar; already has college credits due to this program and is looking to continue through to college; Kaylee Sufra, scholar, in favor; Dawn Petnan, 2 kids in schools, changes future mindset for the kids, encourages and supports their development; Eleanor Almeida, 2 kids in school, family experience, support scholars; Kristen Patiska, 25 year educator, community involvement, FTO planning events; Al Duven, with Charter School Development, not from our community, this expansion lists benefits of this improvement, committed to children

## OPPOSITION

Jody Bercier of 37 Benton Street, direct abutter- the school is a bad neighbor, the parking lot is not vacant, abandoned cars, RI Teachers, two-story building would block view, proposal increases parking issues, property is not up kept.

Patricia Francueor of 37 Betten St, 1<sup>st</sup> floor resident, school doesn't keep up with property, overgrown with weeds

James Levesque of 289 Manchester St., direct abutter, Sherwood Education had come before the Board 3 months ago to divide property to build townhouses and Mr. Levesque was present asking how it would affect this school expansion. The representing lawyer had answered that the school planned to build a gym on the parking lot at Dover and Snell St, that it wouldn't affect the townhouse development. Mr. Levesque asked how the construction would be coordinated with the school expansion and was told that schools and churches have minimal restrictions. He then stated that they had the land to do what was is proposed but they gave it away which furthers the parking issue now. Mr. Levesque apologized to the Board for speaking out to citizens that are present. He continued that school isn't even started yet and both lots were full today. There is 350 students slated to arrive when school begins and the juniors and seniors will drive. Where will staff park in addition to the students? He feels that this was not investigated, making it seem deceitful. The Corporation is not properly represented in the application, nor are the owners of the property. The school is not a good neighbor with trash not being cleaned up. It took 8 months to remove a strobe light that shone all night. They have a poor history of construction in coordinating trucks, parking, and buses, with hours of construction having been from 6am to 9pm. Area is not portrayed accurately as it is primarily single, 2 and 3 family dwellings.

John Letourats of 288 Buffinton St, direct abutter owning two lots extending to Benton St., in favor of the school and education but is concerned with operation and function of this proposal, doesn't seem feasible with traffic, parking and circulation, with the increase of staff and students. Parking is already an issue. Property upkeep is the 1 negative that he has observed of the school.

Mr. DeAscentis responded to the opposition clarifying that the map provided shows character of the neighborhood being 1 single family home, many three-families and 2 six-families. The building height is permitted by right in that zone. They are requesting a 3.5' waiver for set-back. Hardship relates to the topography and the structure. The owner of this property also owns the rectory across the street which received a variance and will be razed for the proposed parking expansion. They have all the legal rights to be there including a long term lease agreement with the owner of both properties.

Ms. Morrisette reminded everyone to direct comments to the Board only and not to audience members.

Mr. Roth stated that this being an educational use, under the Dover Amendment the use cannot be unreasonably regulated. The applicant has sat down with City Planner and City Engineer to discuss parking being the biggest concern and that issue has been addressed on parcel #1 which is to the North. Should the Board choose to grant, he recommended the conditions that the rectory be razed first and parking established prior to issuance of a building permits, as it is key for successful construction of the site. Additional requirement requested being Site Plan Review.



Mr. Frank questioned approval based on specific lots in application. Mr. Dupere asked specific parking requirements, being 1 space per staff, 40-45 spaces are being supplied. There will be 344 scholars at full enrollment, of which 150 in 11<sup>th</sup> and 12<sup>th</sup> graders. However, with it being a high poverty community there would be a reduced vehicle expectation.

#### **DECISION**

In a motion made by Mr. Frank and seconded by Mr. Calkins, the Board unanimously voted 5-0 to GRANT the Variance WITH CONDITIONS being: 1. No building permit shall be issued until the site plan has been approved by the Site Plan Review Committee and no site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee. 2. Rectory razed and parking lot established prior to issuance of Building Occupancy Permit. Mr. Frank, Mr. Calkins, Mr. Saber, Ms. Morrisette and Mr. Dupere voted in favor of the motion and the Variance was granted waiving side-yard setback and lot coverage requirements as proposed in the plans provided.

In a motion made by Mr. Frank and seconded by Mr. Calkins, the Board unanimously voted 5-0 to GRANT the Special Permit for a reduction of parking requirements as proposed. Mr. Frank, Mr. Calkins, Mr. Saber, Ms. Morrisette and Mr. Dupere voted in favor of the motion. The Board found that pursuant to Sec. 86-441, 86-442, and 86-445, a reduction in parking is not inconsistent with public health and safety due to the proposed use of off-site parking.

**BCBBK, LLC. c/o Arthur DeAscentis Esq.**  
**697 & 713 Davol St., Lot O-22-6, 7, 8**

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In the matter of Special Permit request to combine Lots and to construct a six-story mixed use building, with commercial use on the first floor, and residential use on the remaining floors (35 1-bedroom and 14 2-bedroom market rate apartments per MGL c. 40V) providing 62 parking spaces waiving parking requirements in [CMD] District & [HD] Overlay District. Combined Lot size 1+/- acre

### **FAVOR**

Attorney Arthur DeAscentis representing owner BCBBK, LLC, was present to address the Board along with Robert Karam, Baycoast Bank COO, and Richard Rheume, Prime Engineering.

To begin, Mr. DeAscentis clarified that the petition had a Scribner's error. The actual proposal is for 35 1-bedroom and 14 2-bedroom units. Discussion regarding advertisement with the reversed quantities as to what is legal and appropriate. Discussion regarding lesser density being in favor of the project. Discussion to clarify parking proposal in the application which states 1 spot per unit. Mr. DeAscentis stated that they could proceed as advertised but the Board could consider an oral amendment to correct the quantities. Mr. Roth agreed that the applicant would just risk of an appeal on the technicality. Mr. DeAscentis conferred with his client, Mr. Robert Karam whom agreed to proceed.

Mr. DeAscentis explained the scope of the proposal: First floor being a teller-less bank and lobby facility. They are not asking for waivers with respect to set-back and dimensions. This is an anomaly in its two Special Permit requests, with the first being that the CMD district only allows single family homes but the overlay HD district drives toward multifamily housing, 80% of which need to qualify for Market rents. They are proposing 49 units, 80% of which being market rent. The 9 remaining units would be workforce housing, which is determined by Standard Metropolitan Statistical Area that Fall River is a part of, which takes Average rents in Providence, Fall River, and Warwick. It's a process that requires local and state approvals and aims to compete with Boston. The teller-less banks have kiosks that are staffed remotely and on average of 2 people on site. Parking does not meet code. 62 spaces are being provided whereas 108 is required based on occupancy and use of formula but there is insufficient land to accommodate that amount.

Rich Rheume spoke to the property characteristics. This is an odd shaped parcel which has an elevated railroad to the East, and existing buildings on two of its property lines with elevation differences. Based on the shape and topography, the proposed layout will have its 2<sup>nd</sup> story extending over the bank drive-thru. Description of bank/drive-thru layout. They would be providing an exit-only onto Davol St. and there would be an exit/entrance on Turner St. The ITMs (Interactive Teller Machines) would be staffed off-site from 7am-7pm in Swansea. There are also 17 on-street, unmetered parking on the other side of rail.

Eric Zuena, Architect with ZDS spoke to the progression in banking with this being a gateway project for the area. Key amenities of this project include bike storage, banking, fitness and community living. They intended for the drive-thru off of intersection to increase safety. The expectation being that there is a reduced need for vehicles due to railway in the near future.

Mr. Rheume provided additional data based on census and assessment that was done specifically in Fall River, showing percentage of renters who own vehicles. Based on this data, they calculate 50 vehicles would be owned by prospective tenants and providing for visitors, staff and bank

clients, calculates to 62 spaces needed which is what has been proposed. He also suggested that typical bank hours would be off set from when tenants are expected to be home.

Mr. Calkins stated that parking was a concern when the numbers were reversed. The proposal is consistent with Waterfront plans.

Ms. Morrisette stated pursuant to Special Permit Ch.40A Sec9 the Board would have a bifurcated vote.

Bob Karam spoke in favor of the petition indicating that this proposal is aligned with city scope on Davol St. with train coming in the near future. They are just the first to pursue being established prior to four year Davol Street project.

Mr. Roth began by stating that the Administration is in support of the project. It's in conformance with the goals of the Waterfront URP and is the type of development the City wants to see around a commuter rail station.

**Letters in favor:** FR Development Corp., Christian LaFrance; The Cove, Peter Cabral; Riverview Professional Building, Peter Cabral; Teknikor Contracting Inc., Philip Pellitier all stating in favor.

In regards to the first Special Permit being requested for 49 units, Mr. Roth stated that the Administration is in support of this project and this area is going to be undergoing a significant transition with multiple projects that the City has in the works.

In regards to the second Special Permit being request for parking, Mr. Roth stated that the Board has recently approved similar requests that had the ratio of 1 space per bedroom and the bank primarily drive-thru, therefore recommending approval with specific conditions if the Board chooses to grant.

## **OPPOSITION**

No one was present in opposition to this petition.

## **DECISION**

In consideration of the bifurcated hearing before the Board, pursuant to Section 40A, Section 9, in a motion made by Mr. Frank and seconded by Mr. Dupere, the Board unanimously voted 5-0 that such non-residentially zoned area would not be adversely affected by the proposed residential use of market rate housing per MGL c.40V, and that permitted uses in such a zone are not noxious to a multi-family use. Mr. Dupere, Mr. Frank, Ms. Morrisette, Mr. Saber and Mr. Calkins voted in favor of the motion.

In a motion amended with conditions, made by Mr. Frank and seconded by Mr. Dupere, the Board unanimously voted 5-0 to GRANT the Special Permit WITH CONDITIONS being: 1. No building permit shall be issued until the site plan has been approved by the Site Plan Review Committee and no site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee. 2. Lot consolidation required prior to permitting. Mr. Frank, Mr. Dupere, Ms. Morrisette, Mr. Saber and Mr. Calkins voted in favor of the amended motion and the Special Permit was granted. The Board found that pursuant to Sec 86-445, the proposed reduction of parking is not inconsistent with public health and safety due to several applicable factors including: the proposal of 35 1-bedroom units and 14 2-bedroom units, the type of retail bank being proposed, characteristics of facility requiring parking which reduces auto usage, and the availability of on-street parking nearby.

**CITIZENS INPUT**

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No one signed up for Citizens Input.

**APPROVAL OF MINUTES**

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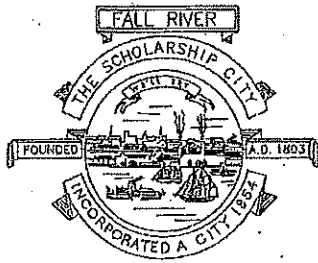
In the matter of Minutes for Zoning Board of Appeals Meeting dated June 20, 2019, a motion was made by Mr. Calkins and seconded by Mr. Frank, the Board unanimously voted 5-0 to APPROVE and WAIVE the reading of the minutes for the June 20, 2019 meeting.

In the matter of Minutes for Zoning Board of Appeals Meeting dated July 18, 2019, minutes had not yet been completed and were not ready for an approval vote.

**ADJOURNMENT**

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In a motion made by Mr. Dupere and seconded by Mr. Calkins, the Board unanimously voted 5-0 to adjourn the meeting at 7:35pm.



**City of Fall River  
Massachusetts**

*Planning Division*

RECEIVED

2019 OCT 21 A 10:14

WILLIAM D. ROTH JR., AICP  
FALL RIVER, MA  
City Planner

**TO:** Alison Bouchard  
City Clerk

**FROM:** Brittany Faria  
Planning, Head Administrative Clerk

**RE:** **Fall River Zoning Board of Appeals Meeting  
September 19, 2019**

The Fall River Zoning Board of Appeals held a Public Hearing on Thursday, September 19, 2019, at 6:00 PM in the First Floor Hearing Room for the purpose of considering the petitions set forth in the attached minutes of said Public Hearing.

**Members present:** Carolyn Morrisette, Vice Chairwoman, John Frank, Greg Brilhante, Jim Calkins and alternate members Dan Dupere and David Saber.

**Members absent:** David Assad, Chair

**Also present:** City Planner William D. Roth Jr., AICP and Recording Secretary, Brittany Faria, and Alex Mello of FRGTV.

Notice of the meeting was advertised in the Fall River Herald News on Wednesday, September 4, 2019, and Wednesday, September 11, 2019. The hearing was also posted in the Government Center and notice was sent to the petitioners and abutters of the specified property, as well as the City of Fall River's Planning Board.

*6:00pm Vice-Chair Morrisette read the Open Meeting Law notice, and opening statement.*

*Vice-Chair Morrisette announced that she would be abstaining from petition #1 and that Mr. Frank would chair that petition.*

16

**ERROL ANTONELLI c/o Joseph Machado Esq.**  
**1187 Plymouth Ave., Lot F-29-1**

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In the matter of Variance request to operate an on-site kitchen for take-out restaurant, as well as a Special Permit request to change existing commercial use to a convenience store under 5,000sf waiving requirements in the [A-2] District. Lot size 8,383+/-sf

#### **FAVOR**

Attorney Joseph Machado was present to address the Board representing the owner/landlord parties involved to change the use. The family owned and operated business are proposing a convenience store that would also provide ready-made, on-site Latin-American dishes. They would provide on-site parking on the existing lot for the owners and residents of the building with on-street parking for patrons. Location was previously Tri-Star oil.

Mr. Brilhante asked what the proposed Hours of Operation would be. Mr. Machado answered that he believed the intention would be 7am-5pm 7days a week.

Previous variance depicts 9-12 spaces. There would be no sit-down dining at this time. Discussion regarding parking needs would change if sit-down dining were to be proposed in the future. Discussion regarding parking being 4 spaces required for 2 units, and there were 11 spaces available. A kitchen is not allowed for this proposal to cook on-site. Will have to come back to request sit-down use in the future.

Mr. Roth stated that this use would be an asset to the neighborhood and asked that the Board consider the following conditions if they choose to grant: no seating, take-out only; hours of operation for consideration with restrictions to be 7am-9pm 7 days.

Mr. Dupere asked what the signage would be. Mr. Machado answered that the existing awning would be utilized but any signage would remain non-illuminated.

#### **OPPOSITION**

No one was present in opposition to this petition.

#### **DECISION**

In consideration of the bifurcated hearing before the Board, a motion was made by Mr. Brilhante and seconded by Mr. Calkins, the Board unanimously voted 5-0 that the proposed change in use would **not** be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

Mr. Brilhante, Mr. Calkins, Mr. Frank, Mr. Dupere and Mr. Saber voted in favor of the motion. Ms. Morrisette abstained.

In a motion made by Mr. Brilhante and seconded by Mr. Calkins, the Board unanimously voted 5-0 to grant the Special Permit and Variance requested with the conditions being:

1. Hours of Operation shall be limited to 6am to 9pm, 7 days a week
2. Prepared foods shall be limited to Take-Out only.

Mr. Brilhante, Mr. Calkins, Mr. Frank, Mr. Dupere and Mr. Saber voted in favor of the motion. Carolyn abstained.

6:15pm Vice-Chair Morrisette returns to chair remainder of the meeting.

16

**MATHEW MACHADO**

**61 Lafayette St., Lot K-21-90**

In the matter of Variance request to extend the existing garage waiving max lot coverage, side and rear yard requirements in the [M] District. Lot size 5,000+/-sf

**FAVOR**

Mathew Machado and Shannon Knight were present to address the Board. They explained existing driveway having a tenant parking issue, in addition to school traffic, and especially in inclement weather. Board questioned lot coverage. The existing garage is a grandfathered structure and the home is existing non-conforming. They are proposing to extend the existing wall of the garage, asking for lot coverage waiver as well as side and rear yard waivers.

Mr. Roth explained that the maximum requirement in the zone is a 600sf garage which they are just under, currently. Mr. Roth explained that the garage currently conforms in size and they are proposing to double its size to 1,012.5sf. Mr. Brilhante expressed that the use should be for the tenants, asking how many spaces would be provided. Mr. Machado explained that there would be 2 spots but it would be tight. He plans to park his own vehicle. Existing garage is for personal dry storage.

Mr. Machado also explained that the current garage door was a height issue for his current vehicle so he planned to remain within the height allowance but adding an inch or two to the new garage door to allow for his vehicle. Neighbor has a two story garage.

They would be increasing the pavement, removing the little existing grass area which provides a drainage concern. Mr. Roth requested specific conditions if the Board were to grant, being an underground infiltration system with building permit for entire garage which would be stamped by an engineer including infiltration calculations. He expressed that this was a small lot.

Discussion regarding height allowed by zone being 1 story max.

**OPPOSITION**

Ms. Pauline Raiche of 71 Lafayette St., direct abutter- aided by her interpreter, expressed her concern with it being in such close proximity to her neighboring lot. Explained that it would be very hard for backing up and would block sunlight. The set-back requires 4ft, which is met on her side of the property, but the rear is not met with the proposed .8ft. She had a concern with fire.

**DECISION**

In a motion made by Mr. Brilhante and seconded by Mr. Calkins, the Board voted 4-1 to grant the variance with conditions being: 1. An underground storm-water infiltration system sized for the existing and proposed garage shall be installed. An Engineer stamped plan including calculations for a 3.5" rain event shall be provided with the Building Permit. 2. Specific waivers being: Lot coverage waiver to 87.6%, Side-yard waiver to 4', Rear-yard waiver to 0.8' 3. Not allowed for commercial use. Mr. Brilhante, Mr. Calkins, Mr. Dupere and Mr. Frank voted in favor of the motion, Ms. Morrisette was opposed and the motion passed.

16

**PAUL LAVOIE**

**969 Charles St., Lot B-18-22**

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In the matter of Variance request to subdivide lot leaving the existing multi-family on one lot (5,730+/-sf) and leaving the existing garage on the second lot (2,775+/-sf) waiving requirements in the [CMD] District.

**FAVOR**

Dan Aguiar, Senior Project Manager of SITEC, Inc., was present to address the Board. He detailed the layout and history of the property, asking that the Board allow the applicant to keep the existing garage/workshop portion of the property for personal use. The existing driveway and parking would remain with an easement access to allow off-street parking, allowing tenants to park. This is a non-conforming parcel and no construction is being proposed. Leaving 3-family as it is now.

Mr. Brilhante asked about off street parking on lot 1 but along Charles Street there is a 2ft concrete retaining wall which has greenspace on the other side, so they were avoiding increasing the impervious surface and in keeping the greenspace. Owner does not use the driveway often so he is not concerned with sharing the driveway.

Ms. Morrisette asked to specify the hardship for a variance which seems personal or financial. Mr. Aguiar explained that the owner wants to keep the garage but be able to sell the 3 family due to the change in family situation.

Mr. Calkins expressed concern for future use. Mr. Aguiar stated that the Board could condition against any issues with the easement. Mr. Aguiar further explained that CMD district allows a garage for this use on its own piece of land that is not an accessory to a primary structure. Setbacks and size of the lots are what do not meet district requirements.

Mr. Brilhante stated potential condition to maintain 3 spaces on lot 2 for use with lot 1 and Mr. Aguiar agreed that it would be a deed restriction as well as restrictions with use.

Mr. Roth stated that from a planning standpoint, there is a concern for issues down the road.

**OPPOSITION**

No one was present in opposition to this petition.

**DECISION**

In a vote of 2-3 the petition did not receive the required number of votes needed to grant the request. Mr. Brilhante and Mr. Dupere voted in favor of the motion, and Mr. Calkins, Ms. Morrisette, and Mr. Frank voted against the motion and the petition was denied.



6:36pm Mr. Brillhante abstains from petition #4. Mr. Saber to hear the following petition.

16

**AGOSTINHO PONTE**

**160 County St., Lot K-5-25**

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In the matter of Variance request to subdivide parcel into 3 lots constructing a new single family dwelling on each. Lot sizes 5,800+/-sf, 4,100+/-sf & 4,500+/-sf waiving requirements in the [G] District.

**FAVOR**

Dan Aguiar, Senior Project Manager of SITEC, Inc., was present to address the Board. Mr. Aguiar detailed property history as well as a description of the neighborhood as primarily a non-conforming area. Mr. Aguiar explained that by right, the owner could create two lots which would allow a 3-family on 8,000sf lot and a 2-family on a 6,500sf lot. In discussing plans with the neighbor, single family homes were requested. With it being an odd shaped corner lot, it would be limited to 2 single family conforming homes which isn't cost effective to what is allowed by right. They are asking for a reduction in area and lot coverage waivers to allow a less dense use for the neighborhood rather than what could be built by right.

Ms. Morrisette asked why not 2 single families rather than the 3 proposed. Answer being that what is allow by right would be more detrimental to the neighborhood as well as financially.

Mr. Roth requested specific conditions if the Board were to grant: Site Plan Review, minimum of 2 spaces per lot and specify the variances being dimensions and lot coverage waiver per plan submitted. Specific waivers being lot coverage, area and 8ft' set-back interior lines.

**OPPOSITION**

No one was present in opposition to this petition.

**DECISION**

In a motion made by Mr. Calkins and seconded by Mr. Frank, the Board voted 4-1 to grant with conditions being: 1. No building permit shall be issued until the site plan has been approved by the Site Plan Review Committee and no site preparation work shall be commenced prior to approval of the site plan by the Site Plan Review Committee. 2. There shall be a minimum of two (2) off-street parking spaces. 3. Specific waivers being lot coverage and area and 8' side-yards, specific to plan submitted, prepared by SITEC, Inc, titled "Variance Site Plan, 160 County Street" dated 8/11/19. Mr. Calkins, Mr. Frank, Mr. Dupere and Mr. Saber voted in favor of the motion, Ms. Morrisette voted opposed, and the petition was granted with those conditions. Mr. Brillhante abstained.

6:42pm Mr. Brilhante leaves meeting. Mr. Saber to hear the remaining petitions.

16

**HORATIO AND MARIA SOARES**

**Tuttle St., King Philip St. and Tripp St., Lot B-15-29**

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In the matter of Variance request to subdivide existing 22,250+/-sf parcel into 5 lots, constructing a new single family dwelling on each waiving requirements in the [B-L] District, with frontage on Tuttle St. and creating frontage on King Philip St and Tripp St. Three Lots of 4,200+/-sf and Two Lots of 4,700+/-sf.

**FAVOR**

Dan Aguiar, Senior Project Manager of SITEC, Inc., was present to address the Board. Mr. Aguiar stated that the applicant submitted a letter requesting to table the matter to the regularly scheduled November ZBA meeting.

**OPPOSITION**

No one was present in opposition to this petition.

**DECISION**

In a motion made by Mr. Calkins and seconded by Mr. Frank, the Board unanimously voted 5-0 to grant the petitioners request to table the matter to the regularly scheduled November ZBA meeting. Mr. Calkins, Mr. Frank, Ms. Morrisette, Mr. Saber and Mr. Dupere voted in favor of the motion.

16

**COTE ENTERPRISES LLC**  
**323 French St., Lot M-24-28**

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In the matter of Variance request to change use from salon back to professional/medical use in the [S] District. Lot size 6,732+/-sf

**FAVOR**

Dan Aguiar, Senior Project Manager of SITEC, Inc., was present to address the Board. They are requesting to change commercial use. Due to this property having received previous variances, any change request requires a variance because of the non-conforming condition. They are planning interior changes only for smaller rooms. They would be using the existing parking conditions. This is a duplicate use as the 2004 variance. Rear parking area was previously added under the salon variance. Both properties are currently owned by the same business. They made sure there is protected legal access, the proposed easement would be a condition prior to conveyance, which documentation has already been prepared by Attorney Peter Saulino. Access through 302 Highland Ave. Not a crossover parking access agreement, just access agreement. No vehicle entrance from French Street. Existing handicap space at front on French Street remains. Elevation difference prevents back lot use for handicap. Hours of Operation proposed as 6am-8pm 7 days, general hours. They do not have specific tenants. Signage limited to non-illuminated on the building itself.

Mr. Calkins asked about signage to access parking. They are not proposing any additional business signage. Abutter may have parking signage, that's a possibility.

Mr. Roth stated that the variance may not be necessary since it was reverting back to a previous variance; however, the applicant was being conservative in applying for a new variance. Mr. Roth stated requested conditions if the Board were to grant.

**OPPOSITION**

No one was present in opposition to this petition.

**DECISION**

In a motion made by Mr. Frank and seconded by Mr. Dupere, the Board unanimously VOTED 5-0 to Grant with Conditions being: 1. Parking shall be provided per plan submitted; 2. Hours of Operation limited to 6am to 8pm, 7 days a week; 3. Signage limited to non-illuminated, existing; 4. Access easement shall be recorded prior to occupancy of new use. Mr. Frank, Mr. Dupere, Mr. Calkins, Ms. Morrisette and Mr. Saber voted in favor of the motion.

16

#### **CITIZENS INPUT**

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No one signed up for Citizens Input.

#### **APPROVAL OF MINUTES**

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In the matter of Minutes for Zoning Board of Appeals Meetings dated July 18, 2019 and August 15, 2019, minutes had not yet been completed and were not ready for an approval vote.

#### **ADJOURNMENT**

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In a motion made by Mr. Frank and seconded by Mr. Dupere, the Board unanimously voted 5-0 to adjourn the meeting at 6:53pm.

# CITY COUNCIL PUBLIC HEARING

MEETING: Tuesday, October 22, 2019 at 5:55 p.m.  
Council Chamber, One Government Center

PRESENT: Vice-President Pam Laliberte-Lebeau, presiding;  
Councilors Shawn E. Cadime, Joseph D. Camara,  
Steven A. Camara, Leo O. Pelletier  
and Derek R. Viveiros

ABSENT: Councilors Bradford L. Kilby and Stephen R. Long

IN ATTENDANCE: None

The Vice-President called the meeting to order at 5:57 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:

## Curb Removal

1. Roger Poisson, 293 Driftwood Street, Fall River, MA, for the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
293 Driftwood Street	16'	10'	0'	26'

The petitioner has an existing 16 foot driveway and requests separate 10 foot driveway for additional access.

The proposed work improves access to the property and does not cause a significant adverse effect to on-street parking in the area.

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted that the hearing be opened, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

*The Vice-President then directed the proponents to be heard and Roger Poisson of 293 Driftwood Street came forward. He stated that he has a camper and this additional curb removal will allow the camper to be stored out of view as required by his homeowners association. The Vice-President then directed the opponents to be heard and there were no opponents.*

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to close the hearing, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn at 6:00 p.m., with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

A true copy. Attest:

*Alison Bouchard*

City Clerk

## COMMITTEE ON FINANCE

**MEETING:** Tuesday, September 24, 2019 at 6:00 p.m.  
Council Chamber, One Government Center

**PRESENT:** Vice-President Pam Laliberte-Lebeau, presiding;  
Councilors Shawn E. Cadime, Joseph D. Camara,  
Steven A. Camara, Bradford L. Kilby,  
Leo O. Pelletier and Derek R. Viveiros

**ABSENT:** Councilor Stephen R. Long

**IN ATTENDANCE:** Cathy Ann Viveiros, City Administrator  
Mary Sahady, Director of Financial Services  
John Perry, Director of Community Maintenance  
Council President Cliff Ponte was in attendance but did not participate

The chair called the meeting to order at 6:01 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, allowing persons 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, the following persons spoke on the subjects listed:

Citizens' Input Time – Before Discussion of Financial Matters:

Dan Robillard, 145 Old Second Street – City business and Charter

*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to waive the 3 minute rule to allow Mr. Robillard to finish his statement.*

2. Mayor and loan order of \$2,100,000.00 for the purchase of snow removal equipment  
*The Director of Community Maintenance stated that many of the snow removal vehicles were purchased in 2001 and updated in 2008, but now are in dire need of replacement. Councilor Leo O. Pelletier asked if the loan order is approved tonight, when will the City receive this new equipment. The Director of Community Maintenance stated that some vehicles will be delivered the first week of November and the balance by January 2020. Councilor Steven A. Camara asked if there are savings to the City by using fewer outside vendors. The Director of Community Maintenance stated that outside vendors cost approximately \$126.00 per hour. The City Administrator stated that a city vehicle will only cost approximately \$40.00 per hour plus fuel cost of approximately \$10.00 per hour. Councilor Steven A. Camara then asked if the City is looking to purchase any other vehicles. The City Administrator stated that the Fire Department is looking at the possibility of one more vehicle to complete the fleet. She then stated that the Police Department is updating their fleet every year within their budget.*

Councilor Shawn E. Cadime asked if these new vehicles will be used for jobs other than snow removal. He then asked if the City has a Capital Improvement Plan. The Director of Financial Services stated that the Capital Improvement Plan was submitted to the City Council in February, as required by the City Charter. Councilor Shawn E. Cadime asked the Director of Community Maintenance if vehicles are maintained in house. The Director of Community Maintenance stated that the department does as much maintenance in house as possible. He then stated that some of the vehicles will be used during the year for purposes other than snow plowing. The City Administrator stated that in 2015 when the City had an extremely difficult winter, the City of Fall River spent over \$3 million dollars on snow removal and the City of New Bedford that uses all city owned vehicles, spent a little over \$1 million dollars. Councilor Shawn E. Cadime asked if the City will be installing GPS units in the trucks. The Director of Community Maintenance stated that the new trucks have GPS installed, but the City presently uses a handheld GPS. Councilor Joseph D. Camara stated that Fall River is comprised of 273 miles of streets and many of these streets are hills. He then asked if any new DOT regulations will have any effect on the DCM employees. The Director of Community Maintenance stated that after an employee drives for 16 hours, they need to take 8 hours off. Councilor Leo O. Pelletier asked what will happen with the new bump outs that were installed in the streetscape areas. The Director of Community Maintenance stated that there are certain areas that the plow drivers will need to be aware of. The City Administrator stated that the Massachusetts Department of Transportation may consider reducing the size of the bump outs.

Citizens' Input Time – After Discussion of Financial Matters:

Alexander Silva, 649 Alden Street – N.B. Borden School

Jim Soule, 571 Rock Street – N.B. Borden School

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn at 7:18 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

*Colleen A. Taylor*  
Clerk of Committees



## COMMITTEE ON FINANCE

**MEETING:** Tuesday, October 22, 2019 at 6:00 p.m.  
Council Chamber, One Government Center

**PRESENT:** Vice-President Pam Laliberte-Lebeau, presiding;  
Councilors Shawn E. Cadime, Joseph D. Camara,  
Steven A. Camara, Leo O. Pelletier and Derek R. Viveiros

**ABSENT:** Councilors Bradford L. Kilby and Stephen R. Long

**IN ATTENDANCE:** Cathy Ann Viveiros, City Administrator  
Mary Sahady, Director of Financial Services  
William Roth, City Planner

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, allowing persons 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, the following persons spoke on the subjects listed:

Citizens' Input Time – Before Discussion of Financial Matters:

Joseph Viana, 443 Ludlow Street – Support appointment of interim director of BCTC  
Zack Leone, 136 Globe Street – Streetscape Projects  
Charlie Merrow, 502 Bedford Street – Bedford Street Streetscape Project  
Richard Barlow, 50 Anderson Street – State of the City  
Michael O' Sullivan, President, Bristol County Chamber of Commerce,  
200 Pocasset Street – Streetscapes

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to take items #3 and #4 out of order.*

3. Discussion re: TIE Agreement for Downtown Development Companies, LLC – 30 Third Street

*The City Administrator provided a brief overview of the project at 30 Third Street. She then stated that this agreement will be replacing a previous agreement at this location. Councilor Shawn E. Cadime then asked if there were any outstanding reports due from the previous agreement. The City Administrator stated that there were not any reports due.*

4. Discussion re: TIE Agreement for BCBBK, LLC – 713 Davol Street

*The City Administrator gave a brief overview of the project at 713 Davol Street. She stated there will be 49 apartments and 40 will be market rate apartments and 9 will be affordable apartments. Councilor Steven A. Camara stated that he is happy to see this project moving forward.*

2. Discussion of Fiscal Year 2020 Quarter 1 Budget Report

The Director of Financial Services stated that the City should be at approximately 25% of the budget. She then stated that motor vehicle excise taxes are not collected throughout the year, so that revenue is not at 25%. She also stated that Information Systems expenses are at 45% due to license renewal due dates and the Mayor's Office expenses are at 59% due to the renewal of Massachusetts Municipal Membership. Councilor Shawn E. Cadime asked the Director of Financial Services if she anticipates any problems due to marijuana income. The Director of Financial Services stated that she does not.

The City Planner stated that the Road Safety Audit for Bedford Street should be complete in November. He then stated that much of the needed work will qualify for grant funding, such as traffic signals which cost approximately \$250,000 to \$300,000 per signal and there are four that need replacing. He also stated that work is being done on state of the art, bus shelters.

Citizens' Input Time – After Discussion of Financial Matters:

None

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn at 7:05 p.m., with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

  
Clerk of Committees

**REGULAR MEETING OF THE CITY COUNCIL**

MEETING: Tuesday, September 24, 2019 at 7:00 p.m.  
Council Chamber, One Government Center

PRESENT: Vice-President Pam Laliberte-Lebeau, presiding;  
Councilors Shawn E. Cadime, Joseph D. Camara,  
Steven A. Camara, Bradford L. Kilby, Pam Laliberte-Lebeau,  
Leo O. Pelletier and Derek R. Viveiros

ABSENT: Councilor Stephen R. Long

IN ATTENDANCE: Council President Cliff Ponte was in attendance but did not participate

Vice-President Pam Laliberte-Lebeau called the meeting to order at 7:20 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

**PRIORITY MATTERS**

1. Mayor and veto of proposed ordinance to limit number of marijuana licenses (Laid on the table in accordance with Sec. 3-7 of the City Charter)

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to lift the matter from the table, with Councilor Stephen R. Long absent and not voting. Councilor Shawn E. Cadime stated that he does not need to recuse himself because the accusations in the veto letter are untrue and he further stated that he has not taken any kickbacks. He also stated that he feels it is time to pause and review all marijuana licenses. Vice-President Pam Laliberte-Lebeau requested the City Clerk read the Mayor's Veto letter dated August 19, 2019. Councilor Leo O. Pelletier stated that he requested that the number of marijuana licenses be capped at 8, and then it was increased to 11, because the Mayor had issued 11 letters of non-opposition. Now there are 14 letters of non-opposition that have been issued and he then stated that 11 is more than enough and we need to put a limit on the number of marijuana licenses available in the City of Fall River. He then stated that he would like the City Council to forward a letter to the Cannabis Control Commission requesting that they investigate all applications that were received for Fall River. Vice-President Pam Laliberte-Lebeau requested that a letter be composed for after the agenda. Councilor Derek R. Viveiros stated that he was not in favor of putting a limit on the number of marijuana licenses, but now given the circumstances he will not be supporting the veto tonight. Councilor Leo O. Pelletier asked how many votes are needed to override the Mayor's Veto. Vice-President Pam Laliberte-Lebeau stated that 6 votes are needed. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was voted 6 yeas, 1 nay to override the veto of the Mayor, with Councilor Steven A. Camara voting in the negative and Councilor Stephen R. Long absent and not voting.*

**PRIORITY COMMUNICATIONS**

2. Traffic Commissioner recommending amendments to traffic ordinances  
*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation, with Councilor Stephen R. Long absent and not voting.*
3. City Engineer request for street opening in pavement less than five years old at 807 Plymouth Avenue  
*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to the Committee on Public Works and Transportation, with Councilor Stephen R. Long absent and not voting.*
4. Library Administrator and Annual Report of the Fall River Public Library  
*On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the communication be accepted and placed on file, with Councilor Stephen R. Long absent and not voting.*

**COMMITTEE REPORTS** – None**ORDINANCES****Second reading and enrollment**

5. Proposed Ordinance – Traffic, Miscellaneous  
*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, with Councilor Stephen R. Long absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*  
 Approved, September 27, 2019, Mayor Jasiel F. Correia II

6. Proposed Ordinance – City Fire Alarms  
*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, with Councilor Stephen R. Long absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*  
 Approved, September 27, 2019, Mayor Jasiel F. Correia II

**RESOLUTIONS** – None**CITATIONS**

7. Maplewood Independent Youth Baseball 8U Team
- |                     |                  |                      |                 |
|---------------------|------------------|----------------------|-----------------|
| Wesley Araujo       | Noah Cahoon      | Stephen Charves      | Shea Doyle      |
| RJ Fitzgerald       | Kaiden Furtado   | Brady Mak            | Camden Medeiros |
| Luke Medeiros       | Noah Primo       | Landon Ravenelle     | Brayden Souza   |
| Coach Jeff Medeiros | Coach Ryan Doyle | Manager Craig Araujo |                 |
- On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the citations, with Councilor Stephen R. Long absent and not voting.*

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #8 through #11 together, with Councilor Stephen R. Long absent and not voting.

#### **ORDERS – HEARINGS**

##### Curb Removals:

8. Nghiep Bang, 22 Bayview Street – total of 29' 7" at 22 Bayview Street
9. Millstone Medical Outsourcing Real Estate LLC, 580 Commerce Drive – total of 103' at 580 Commerce Drive and 68' at 633 Commerce Drive
10. Couto Management Group/Dunkin Donuts, 169 Main Street, Stoneham, MA – total of 80' 11" at 400 Quarry Street
11. David DeSousa, 1071 Smith Street, No. Dighton, MA – total of 24' 3" at 405 Shove Street

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt items #8 through #11, with Councilor Stephen R. Long absent and not voting.

Approved, September 27, 2019, Mayor Jasiel F. Correia II

#### **ORDERS – MISCELLANEOUS**

12. Police Chief's report on licenses:

##### Taxicab Drivers:

Leo R. Chase                      Robert Pimentel

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the order, with Councilor Stephen R. Long absent and not voting.

13. Auto Repair Shop License Renewal:

Faouzi Raad, Michael and Tia, Inc., d/b/a Fawzi's Auto located at 256 Bedford Street

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the order, with Councilor Stephen R. Long absent and not voting.

Approved, September 27, 2019, Mayor Jasiel F. Correia II

14. Auto Body Shop License Renewals:

John Medeiros, Medeiros Auto Body and Sales, Inc. located at 96-98 Alden Street

Arthur Camara, Deschenes Body Repair, Inc. located at 851 Eastern Avenue

Richard Duclos d/b/a Richard's Auto Body and Paint located at 44 Sixth Street

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the order, with Councilor Stephen R. Long absent and not voting.

Approved, September 27, 2019, Mayor Jasiel F. Correia II

15. Light order – 460 Baker Street pole #5

On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the order, with Councilor Stephen R. Long absent and not voting.

#### **COMMUNICATIONS – INVITATIONS – PETITIONS**

16. Claims

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the claims to Corporation Counsel, with Councilor Stephen R. Long absent and not voting.

Drainlayer License:

17. Global Contracting Services, Inc.

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to approve the license, with Councilor Stephen R. Long absent and not voting.*

*Approved, September 27, 2019, Mayor Jasiel F. Correia II*

18. Structure over a public way – Shane Heneghen requesting a banner over Bedford Street at the Fire Station to advertise Mass Save Energy Efficiency Day

*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to approve the application, with Councilor Stephen R. Long absent and not voting.*

19. Structure over a public way – Holy Name School requesting a banner over Bedford Street near the Fire Station to advertise their Harvest Festival

*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to approve the application, with Councilor Stephen R. Long absent and not voting.*

20. Planning Board Minutes – July 31, 2019

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the minutes be accepted and placed on file, with Councilor Stephen R. Long absent and not voting.*

**BULLETINS – NEWSLETTERS – NOTICES**

21. Communication from city resident re: false alarm charges

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the communication to the Committee on Ordinances and Legislation, with Councilor Stephen R. Long absent and not voting.*

*Councilor Bradford L. Kilby left the meeting at 8:05 p.m. A recess was taken at 8:06 p.m. to have the ordinances signed and the City Council reconvened at 8:11 p.m.*

**ITEMS FILED AFTER THE AGENDA DEADLINE:**  
**CITY COUNCIL MEETING DATE: SEPTEMBER 24, 2019**

**OTHER POTENTIAL MATTERS (to be acted upon if recommendation is received)**Reports of the Committee on Finance:

- 4a. Loan Order - \$2,100,000.00 for the purchase of snow removal equipment

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was voted 7 yeas to adopt the loan order, with Councilor Stephen R. Long absent and not voting.*

*Approved, September 27, 2019, Mayor Jasiel F. Correia II.*

*On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Shawn E. Cadime, it was unanimously voted to forward a letter to the Cannabis Control Commission requesting that they investigate all applications for Fall River businesses (copy of said letter is attached hereto and made a part of these minutes), with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn at 8:14 p.m.*

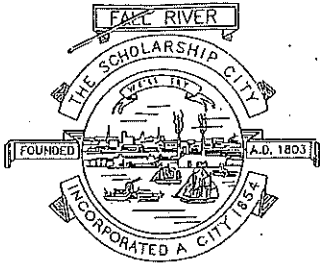
List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:

  
City Clerk



City of Fall River Massachusetts  
Office of the City Clerk

20

ALISON M. BOUCHARD  
CITY CLERK

INÊS LEITE  
ASSISTANT CITY CLERK

September 25, 2019

Cannabis Control Commission  
101 Federal Street, 13<sup>th</sup> Floor  
Boston, MA 02110

Members of the Cannabis Control Commission:

At a meeting of the City Council held on September 24, 2019, the Fall River City Council voted to override the Mayor's veto of an ordinance to limit the number of marijuana licenses available at any one time in the City of Fall River to be limited to 20% of off-premise liquor licenses or 11, whichever number is greater.

With that vote they are limiting the number of licenses because they feel no more licenses are needed in the City of our size and because of the recent information learned in regards to how some of these licenses were obtained with letters of non-opposition allegedly received because of bribes given to our current Mayor.

As a result, we ask you to thoroughly investigate all applications and any company found to have taken part in these bribes to receive a favorable letter.

If these companies are found to have given bribes, their applications should be void and/or their licenses be rescinded. In light of the vote to limit the number of licenses, we further request that the Cannabis Control Commission also limit the number of issued licenses to no more than 20% or 11, whichever is greater as outlined in the ordinance.

Thank you for your consideration of the matter.

Sincerely,

Alison M. Bouchard  
City Clerk

/ct



### REGULAR MEETING OF THE CITY COUNCIL

**MEETING:** Tuesday, October 8, 2019 at 7:00 p.m.  
Council Chamber, One Government Center

**PRESENT:** Vice-President Pam Laliberte-Lebeau, presiding;  
Councilors Shawn E. Cadime, Joseph D. Camara,  
Steven A. Camara, Bradford L. Kilby, Stephen R. Long,  
Leo O. Pelletier and Derek R. Viveiros

**ABSENT:** None

**IN ATTENDANCE:** Council President Cliff Ponte was in attendance but did not participate  
Judge Joseph I. Macy, Corporation Counsel  
Cathy Ann Viveiros, City Administrator  
Mary Sahady, Director of Financial Services

Vice-President Pam Laliberte-Lebeau called the meeting to order at 7:01 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.

*Councilor Steven A. Camara arrived at 7:03 p.m. .*

#### Citizens' Input Time

Luis Frias, 96 Stevens Street – Gas station  
Lucia Almeida, 63 Small Street – Street acceptance  
Daniel Robillard, 145 Old Second Street – City Charter

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was unanimously voted to take items # 8 through #10 out of order.*

#### CITATIONS

8. Peter McCarthy – Retirement after 25 years of service to the Boys and Girls Club of Fall River
9. Anya Karren Costello – In recognition of her literary achievement
10. Alexandria Katherine Farias – in recognition to her outstanding service to the community

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Steve A. Camara, it was unanimously voted to adopt the citations.*

*On a motion made by Councilor Stephen R. Long and seconded by Councilor Bradford L. Kilby, it was unanimously voted to take item # 16 out of order.*

16. City Engineer prepare plans for the acceptance of Small Street extending from President Avenue to a dead end

*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the communication to the Planning Board.*

#### **PRIORITY MATTERS**

2. Mayor and order to accept gift of a piano from Ms. Nancy Dempsey for the Flint Senior Center

*On a motion made by Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to table the matter.*

#### **PRIORITY COMMUNICATIONS**

3. Communication from the City Council Vice-President regarding request sent by the Cannabis Control Commission to Corporation Counsel to re-certify Fall River Applicants

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to waive the rules to allow Corporation Counsel to answer questions.*

*Council Vice-President Pam Laliberte-Lebeau asked Corporation Counsel what the process would be to re-certify the marijuana applicants. Corporation Counsel stated that there is no process in place, and he does not intend to re-certify any of the applicants. Corporation Counsel further stated there is no provision in the statute for re-certification, nor is there a provision in place for the Corporation Counsel of any city, or a Town Solicitor, to conduct any type of re-certification. He then further stated that the re-certification that the Cannabis Control Commission is looking for, goes well beyond the initial process of certification that the City has been granting as a matter of course. The Cannabis Control Commission is requesting a determination that each applicant is in compliance with all local permits, rules, regulations and ordinances. Corporation Counsel stated that he will not re-certify for a number of reasons. Corporation Counsel stated that there is a new regulation going into effect within a few days regulating the display and sale of cannabis products, there is proposed legislation by a state representative from New Bedford suggesting a moratorium, and a federal investigation that is concluded or ongoing.*

*Councilor Bradford L. Kilby stated he is in agreement with Corporation Counsel. He stated that if the Cannabis Control Commission wants to have the licenses re-certified, they should be the entity to conduct the re-certification since they are the licensing authority.*

*Councilor Shawn E. Cadime asked Corporation Counsel if he would be formally drafting a letter to the Cannabis Control Commission. Corporation Counsel stated he has no intention of ignoring the Cannabis Control Commission and will most certainly be sending a formal response explaining why he feels it is not appropriate, or necessary, for him to re-certify any licenses. Once the communication is completed he will provide a copy to the City Council. Councilor Shawn E. Cadime then asked Corporation Counsel what the initial parameters were for the companies that received licenses, such as business plans, investors, safety plans and so forth. Corporation Counsel stated he provided all the documentation he had pertaining to all the applicants that received community host agreements to Council Vice-President Pam Laliberte-Lebeau yesterday. Council Vice-President Pam Laliberte-Lebeau stated that the documentation is quite lengthy and it will be available in the City Council office for any of her colleagues to review.*

*Councilor Leo O. Pelletier stated that he feels the Cannabis Control Commission should consider not licensing applicants that have paid a bribe or were asked to pay a bribe. He further stated that he feels it is the responsibility of the Cannabis Control Commission to investigate the applicants for*

re-certification and not the City.

Councilor Stephen R. Long stated he is in agreement that the Cannabis Control Commission is the proper authority to re-certify the applicants. He then stated that the status of the Mayor's pending criminal charges are holding up the applicants. He stated if an applicant participated in illegal activity they should be penalized. However, presuming they have not, these applicants have invested substantial amounts of money into these companies, that are now put on hold due to the ongoing investigation, and feels the industry in the City cannot move forward until the case is resolved.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

4. Board of Election Commissioners regarding Official Results of City Preliminary Election held on September 17, 2019

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to accept and place on file the communication.

5. Traffic Commissioner recommending amendments to traffic ordinances

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.

#### **COMMITTEE REPORTS** – None

#### **ORDINANCES** – None

#### **RESOLUTIONS**

6. The Fall River City Council proclaim October 6, 2019 through October 12, 2019  
Mental Health Awareness Week

On a motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the resolution.

7. Committee on Ordinances and Legislation meet to discuss the drafting of an ordinance for the issuance of Community Host Agreements and the City Planner move forward with establishing zoning regulations for medical and recreational marijuana businesses or related services to the marijuana industry

Councilor Leo O. Pelletier stated zoning for marijuana facilities should have been established prior to businesses opening in various parts of the city. He then asked if a zoning ordinance is established, how will it effect a previously licensed establishment. Councilor Shawn E. Cadime replied that all established marijuana facilities would be grandfathered in, however, moving forward they may try to establish more zoning regulations or a district.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the resolution.

#### **ORDERS – HEARINGS TO BE SCHEDULED**

11. Revocation of permits for the storage of inflammables:  
Duro Industries, Inc. c/o Chace Street, Inc. – 110 Chace Street  
Duro Industries, Inc. c/o Chace Street, Inc. – 1 Middle Street  
Duro Textile Printers, Duro Textiles, LLC c/o Chace Street, Inc. – 206 Globe Mills Avenue  
Rahul J. Bilodariya Trustee, RJB Realty Trust – 1708 South Main Street

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order to schedule the hearing.*

#### **ORDERS – MISCELLANEOUS**

12. Police Chief's report on licenses:

Taxicab Drivers:

Eliu Deleon Scott Richard Stets

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the order.*

13. Auto Body Shop License Renewals:

John V. Pacheco and Michael V. Pacheco d/b/a Celebrity Auto at 2220 Pleasant Street

Marco Moniz and Lualino Viveiros d/b/a Platinum Collision, LLC at 5 Laurel Street

Robert Fouquette, Big Wheel Truck Sales, Inc. at 410 Second Street

Gabrielle Cabral d/b/a Competitive Auto Body and Sales at 1021 Locust Street

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the order.*

*Approved, October 10, 2019, Mayor Jasiel F. Correia II*

14. Auto Repair Shop License Renewals:

Robert P. Fortier d/b/a Fortier's Auto Sales and Service, Inc. at 605 Globe Street

Michael Camara, Performance Auto Center, Inc. at 1148 Davol Street

Joseph Medeiros, 4J Auto d/b/a midas Auto at 1439 Plymouth Avenue

Robert Fouquette, Big Wheel Truck Sales, Inc. at 410 Second Street

Roy Oliveira d/b/a Auto boutique at 101 Price Place

Wayne Senechal d/b/a Wayne's Auto and Performance at 122 Lowell Street

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the order.*

*Approved, October 10, 2019, Mayor Jasiel F. Correia II*

15. Discontinuance of licenses for the storage of inflammables due to removal of tanks:

Ziad El Khoury, to maintain a gasoline station and store two vehicles and store gasoline in the tanks thereof to store 14,000 gallons of gasoline underground at Eastern Avenue and Downing Street

Robert G. Kfoury Trustee of RGK Trust, to store 20,000 gallons of gasoline aboveground in a tank at 386 Kilburn Street

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the order.*

17. City Engineer prepare plans for the acceptance of Granite Street extending from Purchase Street to Rock Street

*Councilor Shawn E. Cadime stated that he had numerous questions regarding the paving of Granite Street since it is not an accepted street.*

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to waive the rules to allow the Administration to answer questions.*

*Councilor Shawn E. Cadime stated that Granite Street runs between Purchase Street and Rock Street, and Purchase Street was a Streetscapes project. He stated that this evening, there was a resident that came before the Council requesting her street be accepted, so that it may be paved and maintained by the City. Councilor Shawn E. Cadime then questioned how Granite Street, which*

is not an accepted street, was paved. Councilor Stephen R. Long stated as a point of information, that he was a member of the Purchase Street Streetscapes Oversight Committee, and was unaware that Granite Street was not an accepted street. He stated that at the one meeting of the Oversight Committee that he attended, they discussed the paving of Purchase Street. It was mentioned that a portion of Granite Street, roughly ten feet in from Rock Street, was paved when Rock Street was redone, and they had discussed the same from Purchase Street into Granite Street. Councilor Stephen R. Long stated that at that meeting, he said there was going to be a remainder of approximately 30 feet in between that was not going to be paved and suggested that they just pave because he was under the assumption that Granite Street was an accepted street. Councilor Shawn E. Cadime stated that Granite Street has signs posted stating it is a private street.

The City Administrator stated she had received an inquiry from Vice-President Pam Laliberte-Lebeau concerning Granite Street and then contacted the City Engineer to gather more information. The City Engineer responded to the City Administrator by memo with the subject: Granite Street between Purchase Street and Rock Street, dated October 8, 2019. A copy of said memo is attached hereto and made a part of these minutes. She further stated that the street was paved in June of 2018 and the petition for acceptance was recently filed due to an individual questioning the ability to park on Granite Street because of its unaccepted status.

Councilor Shawn E. Cadime stated that there needs to be a fair and consistent process for all applicants requesting to gain street acceptances, and there are numerous roadway projects that are done that do not meet outlined specifications.

Councilor Joseph D. Camara stated that the street should have been accepted when the City paved it in 2018. He further stated that he is baffled that the City paved the street and maintains it while having an unaccepted status, and that the property owners on Granite Street put up their own signs dictating who can and cannot park there. He suggested that parking meters be installed on one side of the street with no parking on the other side, and that the City move quickly to grant acceptance.

Councilor Steven A. Camara stated that he feels that the street is more of a lane and that no parking should be permitted there. He said that by accepting the street and allowing parking even on one side, a trash truck or an emergency vehicle would need to be able to pass because it is much too narrow a street. He further stated that Rock Street to Granite Street, transitions into each other by concrete to asphalt, making Granite Street more like a driveway because streets connect asphalt to asphalt. Councilor Steven A. Camara further stated that there are ordinances in place that are not being administered properly by the City Engineer.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the order to the Planning Board.

#### **COMMUNICATIONS – INVITATIONS – PETITIONS**

##### **18. Claims**

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the claims to Corporation Counsel.

##### **19. Drainlayer License – Heyland Development, LLC**

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the license.

20. Open Meeting Law Complaint from Collin Dias regarding September 18, 2019 Special Meeting of the City Council  
*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the open meeting law complaint to Corporation Counsel.*
21. Communication from a city resident regarding invocation of Section 2-1 (c) of the City Charter  
*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file.*
22. Communication from city residents regarding concerns over the construction of proposed new businesses  
*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to refer the communication to the Committee on Regulations.*
23. Beano Applications – Pvt. Joseph Francis VFW Post 486 located at 486 Bedford Street for the following dates:
- |                   |                   |                  |
|-------------------|-------------------|------------------|
| November 13, 2019 | December 11, 2019 | January 8, 2020  |
| February 12, 2020 | March 11, 2020    | April 8, 2020    |
| May 13, 2020      | June 10, 2020     | July 8, 2020     |
| August 12, 2020   | September 9, 2020 | October 14, 2020 |
- On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the applications.*  
*Approved, October 10, 2019, Mayor Jasiel F. Correia II*
24. Planning Board Minutes – September 5, 2019  
*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the minutes be accepted and placed on file.*
- On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Joseph D. Camara, it was unanimously voted to take items #25-28 together.*
- The City Clerk informed the Council that the minutes from item #25 were amended and would be best to vote on that item separately.*
- City Council Meeting Minutes
25. Special Meeting of the City Council – September 18, 2019  
*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the minutes, as amended.*
- On a motion made by Councilor Joseph D. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to take items #26 through #28 together.*
26. Public Hearing – September 24, 2019
27. Committee on Finance – September 10, 2019
28. Regular Meeting of the City Council – September 10, 2019  
*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to approve items #26 through #28.*

**BULLETINS – NEWSLETTERS – NOTICES** – None

**ITEMS FILED AFTER THE AGENDA DEADLINE:**  
**CITY COUNCIL MEETING DATE: OCTOBER 8, 2019**

**OTHER POTENTIAL MATTERS (to be acted upon if recommendation is received)**

**Reports of the Committee on Real Estate:**

5a. Order – Land acquisition for 903 Pearce Street, Lot P-03-0016

*On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order.*

*Approved, October 10, 2019, Mayor Jasiel F. Correia II*

**Reports of the Committee on Regulations:**

5b. Order – Souhad Saliba, d/b/a JZ Express, Inc. for the renewal of an auto repair shop license located at 969 South Main Street

*The City Clerk informed the Council the order was for a renewal of an auto body shop license.*

*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, as amended.*

*Approved, October 10, 2019, Mayor Jasiel F. Correia II*

5c. Structure over a public way – The Pink Bean Coffee, 85 Purchase Street, requesting tables and chairs on the sidewalk from April to November 1<sup>st</sup>

*This item was tabled in the Committee on Regulations and was not acted upon at this meeting.*

*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn at 8:17 p.m.*

**List of documents and other exhibits used during the meeting:**

Agenda packet (attached)

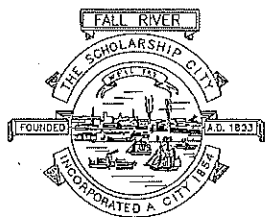
DVD of meeting

Memo from the City Engineer to the City Administrator

A true copy. Attest:

  
City Clerk

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## City of Fall River Massachusetts

### Department of Community Maintenance

CEMETERIES • MUNICIPAL BUILDINGS • ENGINEERING • SANITATION •  
PARKS • STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

#### *Engineering Division*

JASIEL F. CORREIA II  
*Mayor*

JOHN A. PERRY JR.  
*Director*

J R FREY, P.E.  
*City Engineer*

**To:** Cathy Ann Viveiros, City Administrator  
**From:** J R Frey, P.E., City Engineer  
**Date:** October 8, 2019  
**Subject:** Granite Street, between Purchase Street and Rock Street

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The referenced portion of Granite Street has been taken up by City Council for consideration of accepting the street.

During the course of reconstructing Purchase and Bank Streets during the streetscape project, the contractor attempted to key into Granite Street where it intersects Purchase Street. The pavement and subgrade in Granite Street failed requiring the contractor to advance outside the approved limits of work to attempt to key into the street. The street structure failed again and the contractor halted work and waited for direction. Upon consultation with BETA, recognizing that the condition and grade of Granite Street would result in accelerated deterioration of the newly paved surface in Purchase Street, I directed the contractor to complete keying in the street and provide a minimal leveling course to protect the condition of Purchase Street. The paving work was completed on the project on October 6<sup>th</sup>, and 9<sup>th</sup>, 2018.

This determination also played a role in the addition of Pine Street to the Chapter 90 contract, as well as Bank Street east of Purchase St. The policy is also consistent with the extra work we executed on private property throughout the project, from tying in driveways, to installing granite or monolithic curb along exposed building foundations, and correcting past construction practices which left open voids beneath the sidewalk and along building foundations for coal chutes and other abandoned building access points.



## REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, October 22, 2019 at 7:00 p.m.  
Council Chamber, One Government Center

PRESENT: Vice-President Pam Laliberte-Lebeau, presiding;  
Councilors Shawn E. Cadime, Joseph D. Camara,  
Steven A. Camara, Leo O. Pelletier and Derek R. Viveiros

ABSENT: Councilors Bradford L. Kilby and Stephen R. Long

IN ATTENDANCE: None

Vice-President Pam Laliberte-Lebeau called the meeting to order at 7:06 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

### PRIORITY MATTERS

1. Acting Mayor and resolution re: TIE Agreement for Downtown Development Companies, LLC – 30 Third Street  
*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the resolution, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*  
*Approved, October 25, 2019, Acting Mayor Cliff Ponte*
2. Acting Mayor and resolution re: TIE Agreement for BCBK, LLC – 713 Davol Street  
*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the resolution, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*  
*Approved, October 25, 2019, Acting Mayor Cliff Ponte*

### PRIORITY COMMUNICATIONS

3. Traffic Commission recommending amendments to traffic ordinances  
*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the communications to the Committee on Ordinances and Legislation, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

### COMMITTEE REPORTS

Committee on Economic Development and Tourism recommending:

Grant leave to withdraw:

4. Resolution – To discuss the development of a cultural district  
*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was unanimously voted that the resolution be granted leave to withdraw, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

Committee on Regulations recommending:Grant leave to withdraw:

5. Resolution – Odors and hours of operation at JZ Express, Inc. located at 969 South Main Street

*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the resolution be granted leave to withdraw, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

ORDINANCES – NoneRESOLUTIONS

6. Creation of a state-authorized cultural district to be named Fall River Waterfront Cultural District

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was voted 6 yeas that the resolution be granted leave to withdraw, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

7. Request that Administration rescind all remaining Streetscape bond authorizations and work with City Council to authorize bonding for roadway infrastructure improvements

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Derek R. Viveiros, it was unanimously voted that the resolution be referred to the Committee on Finance, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

8. Committee on Ordinances and Legislation convene with Corporation Counsel, City Administrator and Chairs or representatives of Historical Commission and Preservation Society to discuss possible ordinance amendments

*On a motion made by Councilor Steven A. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the resolution, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

CITATIONS

9. Fall River Police Department Award Recipients and Retirees

John Albin	Gary K. Atkinson	Eric Bettencourt	Steven R. Burt
Mary Beth Buglio	Celeste Camara	Robert Canito	Dino Carlozzi
Barden Castro	Peter J. Cummings	Jose Dapedra	Michael C. Dean
William Desmarais	Michael Digangi	David Dos Santos	Michael Fogarty
Warren C. Francis	Dennis P. Gagne	Paul Gauvin	James T. Hoar
Gregory J. Homen	Jay Huard	Andrew C. Joseph	John P. Lapointe
Kenneth A. Machado	Coleen Medeiros	Kevin Medeiros	Theodore Nowicki
Tyler Paquette	Derek Pereira	David R. Ramunno	Thomas J. Roberts
Paul H. Santos	Jeffrey Silvia	Jonathan Souza	

*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the citations, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #10 through #12 together, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

10. Alexandra's Boutique – their grand re-opening and opening of Alexandra's too

11. James M. Souza – receiving the Florence Cook Brigham Award

12. Judith Perreault – receiving the Florence Cook Brigham Award

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt items #10 through #12, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

### **ORDERS – HEARING**

#### **Curb Removal:**

13. Roger Poisson, 293 Driftwood Street, requests the removal of 10 feet at 293 Driftwood Street for a total of 26 feet

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the order, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

Approved, October 25, 2019, Acting Mayor Cliff Ponte

### **ORDERS – MISCELLANEOUS**

14. Police Chief's report on licenses:

#### **Taxicab Drivers:**

James M. Evans      Travis Long

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the order, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

15. Auto Repair Shop License Renewals:

John H. Knight, Knight's Quality Service Station, Inc. at 260 Linden Street

John B. Pacheco, The Shine Shop, Inc. d/b/a Ray's Auto Sale's at 707 Brayton Avenue

Vincent Nanni, Vin's Motor Sales, Inc. at 1426 Plymouth Avenue

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

Approved, October 25, 2019, Acting Mayor Cliff Ponte

### **COMMUNICATIONS – INVITATIONS – PETITIONS**

16. Claims

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the claims to Corporation Counsel, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

17. Drainlayer License – GT Excavating Corporation

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the license, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.

Approved, October 25, 2019, Acting Mayor Cliff Ponte

18. Structure over a public way – Banners for the Fall River Holiday Parade Committee, Inc. located at Bedford Street at the Central Fire Station and South Main Street at Center Place

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the application, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

19. The Fall River Holiday Parade Committee, Inc. requesting permission to hang banners from the railings of Government Center

*Councilor Steven A. Camara stated that he would like to see banners removed in a timely manner, after the advertised event. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to approve the request, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

#### **BULLETINS – NEWSLETTERS – NOTICES**

20. Department of Public Utilities – Notice of public hearing for Massachusetts Electric Company and Nantucket Electric Company each d/b/a National Grid, for approval of their 2016-2018 energy efficiency three year term report

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the notice be accepted and placed on file, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

#### **ITEMS FILED AFTER THE AGENDA WAS PREPARED:** **CITY COUNCIL MEETING DATE: OCTOBER 22, 2019**

#### **PRIORITY MATTERS**

- 2a. Acting Mayor and order to accept the gift of a piano from Ms. Nancy Dempsey for Flint Senior Center

*Councilor Steven A. Camara asked if the piano was in working condition. The City Clerk stated that the letter from Council on Aging mentions that all delivery costs would be paid by the donor Nancy Dempsey. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

*Approved, October 25, 2019, Acting Mayor Cliff Ponte*

- 2b. Acting Mayor and notification of the appointment of Beth Ann Viveiros as the Interim Executive Director of the Bristol County Training Consortium (BCTC)

*On a motion made by Councilor Joseph D. Camara and seconded by Councilor Steven A. Camara, it was unanimously voted that the communication be accepted and placed on file, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

#### **PRIORITY COMMUNICATIONS**

- 3a. City Engineer requesting street opening for pavement less than five years old at 56 Frederick Street

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas to refer the matter to the Committee on Public Works and Transportation, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

- 3b. Special Assistant to the Mayor requesting consideration in allowing the City of Fall River to participate in the "Through Our Eyes" project

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to approve the request, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

**COMMUNICATIONS – INVITATIONS – PETITIONS**

- 19a. Zoning Board of Appeals Minutes – July 18, 2019

*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the minutes be accepted and placed on file, with Councilors Bradford L. Kilby and Stephen R. Long absent and not voting.*

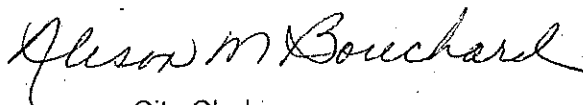
*On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adjourn at 7:34 p.m.*

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:



City Clerk

26

RECEIVED

2019 OCT 30 A 11:32

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



*The family of  
Yvette C. Taylor  
acknowledges with grateful  
appreciation your kind  
expression of sympathy*

*Thank you for the  
beautiful flowers.*

*Colleen & Bob  
Taylor*