

City of Fall River Massachusetts
Office of the City Clerk

RECEIVED
2021 JUN -4 P 1:05

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

MEETINGS SCHEDULED
TUESDAY, JUNE 8, 2021
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

INÊS LEITE
ASSISTANT CITY CLERK

AGENDA

5:15 P.M. CITY COUNCIL PUBLIC HEARING – FISCAL YEAR 2022 MUNICIPAL BUDGET

5:55 P.M. CITY COUNCIL PUBLIC HEARINGS (OR IMMEDIATELY FOLLOWING THE CITY COUNCIL BUDGET HEARING IF IT RUNS PAST 5:55 P.M.)

Pole Locations

1. Massachusetts Electric Company for one new pole location as follows:

Greenleaf Street

One (1) new pole location

The petitioner requests to install new pole on Greenleaf Street approximately 100 feet from pole #3 on Judge Street. Pole is needed to reduce slack in current span of primary conductor. This will prevent span from hitting trees during wind events and reduce outages from the Greenleaf and Judge Streets area. In accordance with Plan No. 30378724 dated May 15, 2021.

2. Massachusetts Electric Company for one new pole location as follows:

Ling Street

One (1) new pole location

The petitioner requests to install new pole on Ling Street approximately 65 feet from pole #6 located on Terrie Marie Way. Pole is needed to supply electrical power to new home at 67 Ling Street. In accordance with Plan No. 30367254 dated May 15, 2021.

Curb Removals

3. Paula Oliveira, 307 Plain Street, Rehoboth, MA, for the removal of curbing as follows:

Existing opening	Curbing to be removed	Curbing to be added	Proposed opening after alteration
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43-45 Ash Street	0'	28'	0'	28'
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The petitioner is requesting the removal of 28 feet of curbing for the purposes of creating a three car driveway on the south side of the home and alleviate the demand for on-street parking.

4. Marcelino Raposo III, 173 Stafford Road, for the removal of curbing as follows:

Existing opening	Curbing to be removed	Curbing to be added	Proposed opening after alteration
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173 Stafford Road	15'	8'	0'	23'
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The petitioner is requesting the removal of 8 feet of curbing to the existing 15 foot driveway opening for purposes of creating a wider driveway to allow vehicles access to the businesses in the rear of the property.

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

5. Sarah Rodrigues, 333 Dunbar Street, for the removal of curbing as follows:

Existing opening	Curbing to be removed	Curbing to be added	Proposed opening after alteration
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333 Dunbar Street	13'	13'	0'	26'
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The petitioner is requesting the removal of 13 feet of curbing north of the existing 13 foot driveway opening for purposes of creating a two car driveway and alleviating the demand of on-street parking.

6. Matthew Medeiros, 316 Gifford Road, Westport, MA, for the removal of curbing as follows:

Existing opening	Curbing to be removed	Curbing to be added	Proposed opening after alteration
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33-35 Ward Street	11.5'	16'	0'	27.5'
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The petitioner is requesting the removal of 16 feet of curbing to the existing 11.5 foot driveway opening for the purposes of creating an additional driveway on the south side of the multi-family home to allow for a two car driveway to alleviate the demand for on-street parking demand. The current driveway is on the north side of the multi-family home.

7. Eugene Merithew, 676 Charles Street, for the removal of curbing as follows:

Existing opening	Curbing to be removed	Curbing to be added	Proposed opening after alteration
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676 Charles Street	15'	12'	0'	27'
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The petitioner is requesting the removal of 12 feet of curbing to the existing 15 foot driveway opening for the purpose of creating an additional driveway on the east side of the home to allow for additional parking. The current driveway is on the west side of the home.

8. Todd Paiva, 180 Stetson Street, for the removal of curbing as follows:

Existing opening	Curbing to be removed	Curbing to be added	Proposed opening after alteration
------------------	-----------------------	---------------------	-----------------------------------

180 Stetson Street	18'	16'	0'	34'
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The petitioner is requesting the removal of 16 feet of curbing to the existing 18 foot driveway opening located on the Summerfield Street side of the property (corner lot).

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

1. Citizen Input

Due to the COVID-19 Essential Services Advisory, citizen input can be submitted by email to city_council@fallriverma.org by Tuesday, June 8, 2021 at 3:00 p.m. to be read at the meeting.

2. *Mayor and order appropriating \$1,809,616 from Community Preservation Act funds for Fiscal Year 2022 Community Projects (referred 5-11-2021)

3. Presentation of Fiscal Year 2022 Municipal Budget

4. Presentation of Fiscal Year 2022 School Department Budget

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

PRIORITY MATTERS

1. *Mayor requesting confirmation of the appointment of Dawn Saurette to the Port Authority
2. *Mayor requesting confirmation of the appointment of Patrick Norton to the Port Authority
3. *Mayor and order establishing spending limits for Fiscal Year 2022 Revolving Funds
4. *Mayor and order accepting American Rescue Plan Act of 2021 (ARPA) funds in the amount of \$34,799,571.
5. *Mayor and order accepting a \$50,000 grant from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security

PRIORITY COMMUNICATIONS

6. *Traffic Commission recommending amendments to traffic ordinances

COMMITTEE REPORTS – None

ORDINANCES

Second reading and enrollment:

7. *Proposed Ordinance – Traffic, miscellaneous
8. *Proposed Ordinance – Solid Waste

RESOLUTIONS – None

CITATIONS – None

ORDERS – HEARINGS

Pole Locations:

9. Greenleaf Street – One (1) new pole location
10. Ling Street – One (1) new pole location

Curb Removals:

11. Paula Oliveira, 307 Plain Street, Rehoboth, MA – Total of 28' at 43-45 Ash Street
12. Marcelino Raposo III, 173 Stafford Road – Total of 23' at 173 Stafford Road
13. Sarah Rodrigues, 333 Dunbar Street – Total of 26' at 333 Dunbar Street
14. Matthew Medeiros, 316 Gifford Road, Westport, MA – Total of 27.5' at 33-35 Ward Street
15. Eugene Merithew, 676 Charles Street – Total of 27' at 676 Charles Street
16. Todd Paiva, 180 Stetson Street – Total of 34' at 180 Stetson Street

ORDERS – MISCELLANEOUS

Police Chief's Report on Licenses:

Taxicab Drivers:

17. Carlos Alonso

Auto Body Shop License Renewal:

18. Michael Carvalho d/b/a County Street Collision – 958 County Street

COMMUNICATIONS – INVITATIONS – PETITIONS

19. *Claims
20. *One SouthCoast Chamber requesting permission to make presentation to the City Council regarding Fall River arts and culture plan, Viva Fall River

City Council Meeting Minutes:

21. *Public Hearings – May 25, 2021
22. *Regular City Council Meeting – May 11, 2021


Assistant City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: JUNE 8, 2021

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

First Reading:

- 6a. *Proposed Ordinance – Traffic, Miscellaneous

First Reading, as amended:

- 6b. *Proposed Ordinance – Floodplains District
6c. *Proposed Ordinance – Structures on/over public way permit

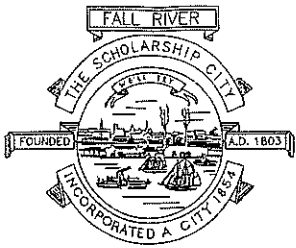
Grant leave to withdraw:

- 6d. *Resolution – Discuss outdoor dining/seating for restaurants

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

Committee on Finance recommendation:

- 6e. Community Preservation Act funds for Fiscal Year 2022 Community Projects in the amount of \$1,809,616



PAUL E. COOGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

FINANCE 2

RECEIVED

2021 APR 26 P 12:46

CITY CLERK
FALL RIVER, MA

April 26, 2021

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

Dear Honorable Council Members:

The Community Preservation Committee (CPC) has identified community projects for the fiscal year 2022 and had made recommendations for funding in accordance with the Community Preservation Act (CPA) MGL Chapter 44B Sections 4 to 7.

The total CPA funding request for FY 22 is \$1,809,616 as outlined in the proposed Appropriation Order.

Your approval of the associated Appropriation Order is respectfully requested.

Should you have any questions or concerns in this regard, please do not hesitate to contact me.

Best Regards,

Paul E. Coogan
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 11 2021

*Referred to the
Committee on Finance*

APPROPRIATION ORDER

ORDERED, that the following FY 22 appropriations be provided through the Community Preservation Act (CPA), revenues and reserves under the MGL Chapter 44B Sections 4 to 7 in the aggregate, amounting to \$1,809,616 to be appropriated as follows:

Voted: That \$1,483,943 be appropriated from the CPA Fund FY 22 Annual Revenues

For CPA Administrative Expenditures	\$45,000
For CPA Open Space/Outdoor Recreation PROJECTS	\$658,214
For CPA Historic Resources Preservation PROJECTS	\$632,335
For CPA Community Housing PROJECTS	\$101,300
For CPA Community Housing RESERVES	\$47,094

TOTAL	<u>\$1,483,943</u>
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And that \$325,673 be appropriated from fund balance:

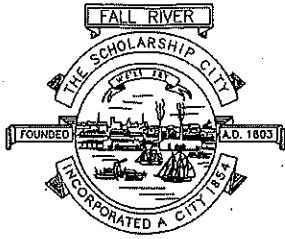
For Historic Resources Preservation PROJECTS	
From CPA Fund Balance Unreserved/Undesignated	\$325,673

TOTAL	<u>\$325,673</u>
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Note: This is the ninth year of CPA implementation. Anticipated CPA Surcharge revenue is \$1,260,784. Supplemental state trust fund distributions are estimated at \$223,159 (17.7%). Total \$1,483,943. Minimum 10% (\$148,394) has to be spent or reserved under each of the three categories and the Administrative expenditure cannot exceed 5% (\$74,197).

CITY OF FALL RIVER
IN CITY COUNCIL
MAY 11 2021

*Referred to the
Committee on Finance*



City of Fall River Massachusetts Community Preservation Committee

FINANCE 2

JOHN BRANDT
Chairman

KRISTEN CANTARA OLIVEIRA
Vice-Chairman

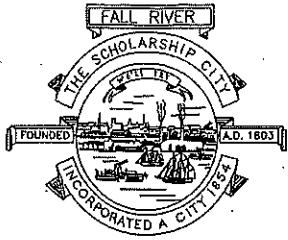
April 23, 2021

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

Dar Mayor Coogan:

The Community Preservation Committee is recommending the following appropriation for the FY22 year.

ALLOCATION TO APPROPRIATE	AMOUNT FY22	RESERVES	CATEGORY
OPEN SPACE/RECREATION			
Maplewood Park Lights - Public	499,214		Open Space/Recreation
Article 97 Protection for Vulnerable Open Space Parcels	21,000		Open Space/Recreation
Bonds			
Year 3 Mt. Hope Bike Path - Public	60,000		Open Space/Recreation
Year 2 Bio Reserve Project # land acquisition - Public	78,000		Open Space/Recreation
SUB TOTAL	658,214		
HISTORIC PRESERVATION			
Fall River Historical Society Roof - Private Non-Profit	389,943		Historic Preservation
Dr. Fiske House - Private Non-Profit	60,000		Historic Preservation
Fall River Historical Commission Form B's - Public	70,000		Historic Preservation
Fall River Fire Museum - Public	381,065		
North Burial Ground - Public	57,000		Historic Preservation
SUB TOTAL	\$958,008.00		Historic Preservation
COMMUNITY HOUSING			
Notre Dame Rectory Elevator - Private Non-Profit	101,300		
Unspent Funds (put into reserve)	47,094		
SUB TOTAL	\$148,394.00		
Administrative	\$45,000.00		Administrative
SUB TOTAL	\$45,000.00		
CPC OPEN SPACE/RECREATION	658,214		
CPC HISTORIC PRESERVATION	\$958,008.00		
CPC COMMUNITY HOUSING	148,394		
CPC ADMINISTRATIVE	\$45,000.00		
TOTAL FY20 APPROPRIATION	\$1,809,616.00		



**City of Fall River
Massachusetts
Community Preservation Committee**

FINANCE 2

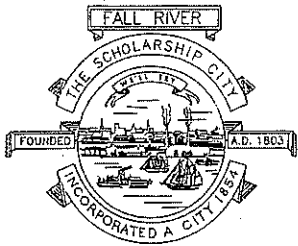
JOHN BRANDT
Chairman

KRISTEN CANTARA OLIVEIRA
Vice-Chairman

The Community Preservation Committee is requesting that your office send this down to the Auditor to prepare an Appropriation Order for this FY22 budget.

We, then, need this request to be sent to the City Council so it can get on the agenda for their May 11, 2021 meeting.

Respectfully,
John Brandt, Chair
John Brandt, Chair
Community Preservation Committee



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

RECEIVED

2021 JUN -3 P 1:09

CITY CLERK _____
FALL RIVER, MA

June 3, 2021

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

Council President and Members of the Honorable Council:

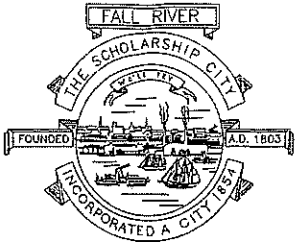
I hereby request the confirmation of the City Council for the following appointment:

Name: Dawn Saurette
Address: 1984 Robeson Street
Fall River, MA 02720
Position: Port Authority
Effective: June 3, 2021
Term to expire: n/a
Replacing: Michelle Paul

Sincerely,


Paul E. Coogan
Mayor

PC/amos



City of Fall River
Massachusetts
Office of the Mayor

2

PAUL E. COOGAN
Mayor

June 3, 2021

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

RECEIVED
2021 JUN -3 P 2:09
CITY CLERK
FALL RIVER, MA

Council President and Members of the Honorable Council:

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

Name: Patrick Norton

Address: 1225 New Boston Road
Fall River, MA 02724

Position: Port Authority

Effective: June 3, 2021

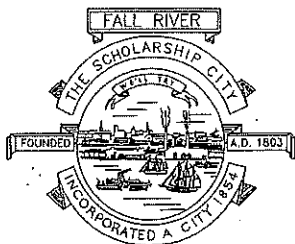
Term to expire: n/a

Replacing: Kara O'Connell

Sincerely,

Paul E. Coogan
Mayor

PC/amos



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

RECEIVED

2021 JUN -3 A 10:43

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

June 1, 2021

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

Dear Honorable Council Members:

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

Your approval of the associated appropriation order is respectfully requested.

Ordered, that under the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½, the City of Fall River by vote of the City Council, hereby establishes authorized spending limits for the following Revolving Funds for FY 22:

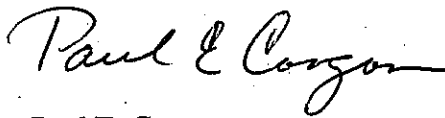
Fire Department	\$20,000	Hazardous Material Recovery
Community Services	\$50,000	Cleaning & Securing Buildings
Community Services	\$200,000	Demolition
Community Maintenance	\$10,000	Home Composting
Community Maintenance	\$10,000	Solid Waste – Recycling Recovery
Community Maintenance	\$40,000	Trolley & handicap Bus
Community Maintenance	\$25,000	Street Light Poles Repairs/Replacement
Facilities Maintenance	\$50,000	Vehicle Trade-In
Police Department	\$6,000	Moorings Maintenance
Police Department	\$40,000	Police Cruiser
School Dept	\$100,000	Summer Tuition
School Dept	\$50,000	Athletic Events

3

School Dept	\$25,000	Music Revolving
School Dept	\$5,000	School Store
School Dept	\$50,000	Culinary Arts Meals/ Functions
School Dept	\$200,000	Daycare Services
School Dept	\$175,000	School Buildings Use

Should you have any questions or concerns in this regard, please do not hesitate to contact Mary Sahady or me.

Best Regards,



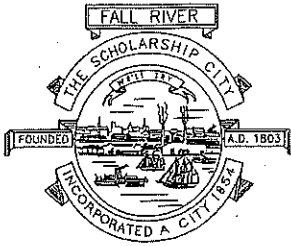
Paul E. Coogan
Mayor

City of Fall River, *In City Council*

3

Ordered, that under the provisions of Massachusetts General Laws, Chapter 44, Section 53 E ½, the City of Fall River by vote of the City Council, hereby establishes authorized spending limits for the following Revolving Funds for FY 22:

Fire Department	\$20,000	Hazardous Material Recovery
Community Services	\$50,000	Cleaning & Securing Buildings
Community Services	\$200,000	Demolition
Community Maintenance	\$10,000	Home Composting
Community Maintenance	\$10,000	Solid Waste – Recycling Recovery
Community Maintenance	\$40,000	Trolley & handicap Bus
Community Maintenance	\$25,000	Street Light Poles Repairs/Replacement
Facilities Maintenance	\$50,000	Vehicle Trade-In
Police Department	\$6,000	Moorings Maintenance
Police Department	\$40,000	Police Cruiser
School Dept	\$100,000	Summer Tuition
School Dept	\$50,000	Athletic Events
School Dept	\$25,000	Music Revolving
School Dept	\$5,000	School Store
School Dept	\$50,000	Culinary Arts Meals/ Functions
School Dept	\$200,000	Daycare Services
School Dept	\$175,000	School Buildings Use



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2021 JUN -3 A 10:43

CITY CLERK
FALL RIVER, MA

PAUL E. COOGAN
Mayor

June 3, 2021

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

Dear Honorable Council Members:

On March 11, 2021, the President of the United States signed into law the American Rescue Plan Act of 2021 (ARPA), Pub. L. No. 117-2. This law provides resources through the new Coronavirus Local Fiscal Recovery Fund (CLFRF) to local governments to respond to the public health emergency caused by the Coronavirus Disease (COVID-19). This fund is administered by the US Department of the Treasury.

The grant awarded to the city will be received in two payments the first received on June 1, 2021, in the amount of \$34,799,571.

I am respectfully asking that you accept this grant under MGL Chapter 44, Section 53A.

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

Best Regards,

Paul E. Coogan
Mayor

ORDERED, that pursuant to the requirements of General Laws Chapter 44, Section 53A the City Council accepts the Coronavirus Local Fiscal Recovery Fund (CLFRF) grant. This fund is administered by the US Department of the Treasury which the President of the United States signed into law the American Rescue Plan Act of 2021 (ARPA), Pub. L. No. 117-2. The first one half payment was received by the City in the amount of \$34,799,571. This grant provides for expenditures to local governments to respond to the public health emergency caused by the Coronavirus Disease (COVID-19) in the following areas and will be subject to the Single Audit Act:

- Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

May 26, 2021

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

RECEIVED
2021 JUN - 1 P 3:52
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 19, 2021 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70
Section: 371

Parking Prohibited at all times

By inserting in proper alphabetical order the following.

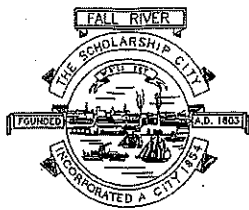
INSERT

Name of Street	Side	Location
Fifth Street	East	Starting at a point 78 feet south of Morgan Street, for a distance of 60 feet south

Very truly yours,

Laura Ferreira
Parking Clerk

6



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

May 26, 2021

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

RECEIVED
2021 JUN - 1 P 3:52
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 19, 2021 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70
Section: 371

Parking Prohibited at all times

By inserting in proper alphabetical order the following.

INSERT

Name of Street	Side	Location
Manchester Street	East	Starting at a point 103 feet north of Tecumseh Street, for a distance of 60 feet north

Very truly yours,

Laura Ferreira
Parking Clerk

6



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

May 26, 2021

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

RECEIVED
2021 MAY 26 P 2:59
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 19, 2021 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

Article: 70
Section: 371

Parking Prohibited at all times

By inserting in proper alphabetical order the following.

INSERT

Name of Street	Side	Location
Purchase Street	West	Starting at a point 117 feet north of Pine Street, for a distance of 47 feet north

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

6

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

May 26, 2021

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

RECEIVED
2021 JUN - 1 P 3:52
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 19, 2021 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

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

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

By inserting in proper alphabetical order the following:

INSERT

Name of Street	Side	Location
Chester Street	West	Starting at a point 20 feet south of Lafayette Street, for a distance of 20 feet southerly.

Sandra Fusaro
127 Lafayette Street
Fall River, MA 02723

Very truly yours,

Laura Ferreira
Parking Clerk

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**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

6

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

May 26, 2021

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

RECEIVED
2021 JUN - 1 P 3:52
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 19, 2021 the following request met all the guidelines, requirements and was approved by the Traffic Commission Board.

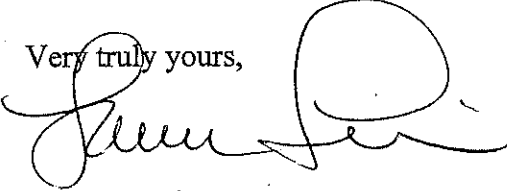
That Chapter 70 of Revised Ordinances be amended in the following Section:

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

By inserting in proper alphabetical order the following:

<u>INSERT</u>		
Name of Street	Side	Location
Robeson Street	East	Starting at a point 130 feet north of New Boston Road, for a distance of 20 feet northerly.

Frances Sokoll
797 Robeson Street
Fall River, MA 02720

Very truly yours,

Laura Ferreira
Parking Clerk

OK



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

May 26, 2021

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 19, 2021 the following request was heard and approved by the Traffic Commission.

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

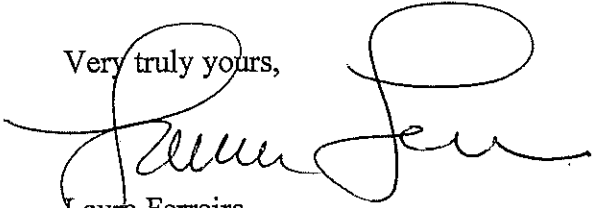
Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Fourth Street	West	Starting at a point 66 feet south of Branch Street, for a distance of 20 feet southerly.

Very truly yours,


Laura Ferreira
Parking Clerk

RECEIVED
2021 JUN - 1 P 3:52
CITY CLERK
FALL RIVER, MA



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

May 26, 2021

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

RECEIVED
2021 JUN - 1 P 3:53
CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 19, 2021 the following request was heard and approved by the Traffic Commission.

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

Article: 70
Section: 387 Handicapped Parking

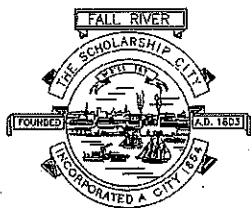
By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Fourth Street	West	Starting at a point 69 feet south of Spring Street, for a distance of 20 feet southerly.

Very truly yours,

Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

May 26, 2021

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 19, 2021 the following request was heard and approved by the Traffic Commission.

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

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

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Almy Street	West	Starting at a point 162 feet south of Cory Street, for a distance of 20 feet southerly.

Very truly yours,

Laura Ferreira
Parking Clerk

RECEIVED
2021 JUN - 1 P 3:53
CITY CLERK
FALL RIVER, MA



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

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May 26, 2021

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

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CITY CLERK
FALL RIVER, MA

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 19, 2021 the following request was heard and approved by the Traffic Commission.

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

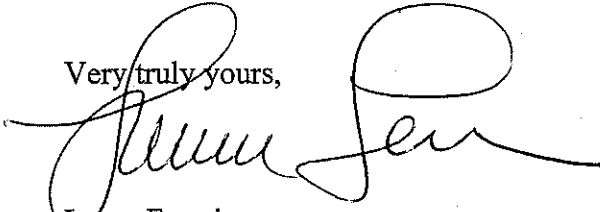
Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Globe Street	North	Starting at a point 102 feet east of Bay Street, for a distance of 20 feet easterly.

Very truly yours,


Laura Ferreira
Parking Clerk



**CITY OF FALL RIVER
MASSACHUSETTS**

Traffic & Parking Division

Paul E. Coogan
Mayor

LAURA FERREIRA
Parking Clerk

May 26, 2021

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

Honorable Council Members:

At a meeting of the Traffic Board Commission held on Wednesday, May 19, 2021 the following request was heard and approved by the Traffic Commission.

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

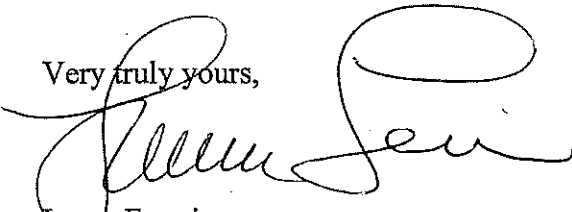
Article: 70
Section: 387 **Handicapped Parking**

By striking out in proper alphabetical order the following.

STRIKE OUT

Name of Street	Side	Location
Globe Street	South	Starting at a point 148 feet east of East Main Street, for a distance of 25 feet easterly.

Very truly yours,


Laura Ferreira
Parking Clerk

RECEIVED
2021 JUN - 1 P 3:52
CITY CLERK
FALL RIVER, MA

City of Fall River, *In City Council*

7

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

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

Section 1.

By inserting in Section 70-241, which section relates to stop intersections designated the following:

Name of Street	Direction of Travel	At Intersection of
Wall Street	Northbound	Beattie Street

Section 2.

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

Name of Street	Side	Location
Davis Street	West	Starting at a point 20 feet south of Locust Street, for a distance of 20 feet southerly
Foster Street	East	Starting at a point 330 feet south of Buffinton Street, for a distance of 20 feet southerly
Locust Street	South	Starting at a point 20 feet west of Davis Street, for a distance of 20 feet westerly
Pitman Street	West	Starting at a point 95 feet south of Webster Street, for a distance of 20 feet southerly
Tuttle Street	East	Starting at a point 87 feet south of Charles Street, for a distance of 20 feet southerly

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 25 2021

Passed through first reading

City of Fall River, *In City Council*

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

That Chapter 62 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to solid waste be amended as follows:

Section 1.

By striking out in Section 62-1, which section relates to Definitions, "Official City Bag" and its definition.

Section 2.

By striking out in Section 62-2, sub-section C, which section relates to collection and disposal generally, the following: "an official city" and inserting in place thereof, "a"

Section 3.

By striking out in Section 62-35, which section relates to recyclable items, the following:

(c) Shredded paper is recyclable. However, it must be placed in a paper bag before placing in blue or pink recycling carts.

Section 4.

By striking out in Section 62-48, subsection A, which section relates to Enforcement; disposition of fines, the following:

"generator of trash"

and replacing it with the following:

"property owner"

CITY OF FALL RIVER
IN CITY COUNCIL

MAY 25 2021

*Passed through
first reading*



GEICO General Insurance Company

19

Buffalo/New Jersey Claims, PO BOX 9515
Fredericksburg, VA 22403-9515

RECEIVED

2021 JUN -1 P 1:05

Claim #
CITY CLERK 21-16F
FALL RIVER, MA

05/27/2021

Fall River Police Department

1 Government Ctr FL 2ND
City Clerk
Fall River, MA 02722-7700

Company Name: GEICO General Insurance Company
Claim Number: 056035933 0101 Q37
Loss Date: Saturday, February 13, 2021
Policyholder: Alice Harkins
Claimant Vehicle: Police

Dear Fall River Police Department,

We haven't received a response to our prior written communication attempts. We also haven't been able to reach you by phone.

We previously sent you our supporting documents and written subrogation demands. Our investigation reveals that your insured is at fault for this loss.

If we do not hear from you within 10 days, we will take further action which may include litigation or referring our damages to a collection agency. If you wish to resolve this amicably, please forward your settlement draft or call me at the number listed below to discuss the claim.

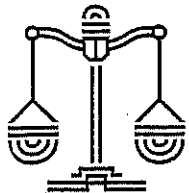
Please include our claim number on your check and make the check payable to GEICO General Insurance Company as subrogee of Alice Harkins. Your check can be mailed to:

GEICO General Insurance Company
ATTN: Plaza Cashiers
P.O. Box 96008
Washington, DC 20090-6006

Thank you for your prompt attention to this matter.

6-1-21
C: City Council
FRPD
City Clerk
Law
(10/1/21)

ES0008 (12/2018)



Law Office of

GREGORY A. BRILHANTE, LLC

Attorney at Law

19

RECEIVED

2021 MAY 21 P 12:00

CITY CLERK #21-29
FALL RIVER, MA

May 14, 2021

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

RE: Personal Injury Caused by a Defendant In A Public Way

Dear Sir:

In accordance with Chapter 84 section 18, this office, on behalf of Catherine Laroche, 1380 Globe Street, Fall River, MA gives notice of injury caused by a defect in the sidewalk located at the north westerly corner of Globe Street and Stafford Road (see photograph). Said injury occurred at approximately 12:30 PM on May 1, 2021.

Be informed that Miss Laroche will be represented by this office relative to damages incurred as a result of this incident.

Kindly forward any and all correspondence relative to this matter to this office.

Very truly yours,

Catherine Laroche

Date:

Cc: City of Fall River – Mayor's Office, One Government Center, Fall River, MA 02722
City of Fall River – Corporation Counsel, One Government Center, Fall River, MA 02722

✓ City Clerk Law City Council DCM 5/21/21

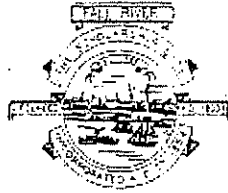
111 Oak Grove Avenue | Fall River, Massachusetts 02723

(P) 508-679-2166

(C) 508-496-6755

(F) 508-679-2305

(E) gbrilhantelaw@gmail.com



City of Fall River
Notice of Claim

RECEIVED

2021 MAY 28 P 1:13

CITY CLERK 21-30
FALL RIVER, MA

1. Claimant's name: USAA General Indemnity Company a/s/o Michael Johnson
2. Claimant's complete address: c/o CSM; 2929 N. Central Expressway, Suite 320, Richardson, TX 75080
3. Telephone number: Home: _____ Work: 619-870-0807
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: January 30th, 2020 at an unknown time Amount of damages claimed: \$ 1,727.98
6. Exact location of the incident: (include as much detail as possible):
Fountain Street & Columbia Street in Fall River, Massachusetts
7. Circumstances of the incident: (attach additional pages if necessary):
On January 30th, 2020, USAA's insured vehicle was parked near Fountain Street and Columbia Street, when a vehicle, (2013 Street Sweeper, MA License Plate No.: M87397), owned by the City of Fall River, driven by John Carreiro, struck the insured vehicle on the right side, resulting in property damage.
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
USAA Policy No.: 022535760

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: 5/24/2021

Claimant's signature: Joanna Rodriguez

Joanna Rodriguez on
behalf of USAA
General Indemnity
Company a/s/o
Michael Johnson

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

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

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

For official use only:

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

Date: 5-28-21

20



RECEIVED

2021 JUN -3 P 4: 58

CITY CLERK
FALL RIVER, MA

June 3, 2021

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

Dear City Council Members,

Fall River Arts and Culture Coalition (FRACC) was formed in March of 2019- to gather a group of stakeholders together around a common mission - Arts, Culture and Economic Prosperity for the City of Fall River. The mission is to support and bolster the arts and culture community in order to spur revitalization efforts.

FRACC is a committee of One SouthCoast Chamber and the Bristol County Chamber Foundation (501c3) is the fiscal agent for the Coalition. The Coalition has over 50 diverse members comprised of citizens committed to improving the lives of the people that live and work in the region. As stated, our goal is to unite and share resources to create a vibrant, inclusive and sustainable creative economy.

Since our first meeting, the Fall River Arts and Culture Coalition has sought to bring people together to share ideas, resources, and talents to advance the Arts and Culture economy in the city. Our aim has always been to break down barriers and silos to foster opportunities for organizations, artists, and interested community members to collaborate and work together in new ways that benefit these organizations and the city as whole. Anyone interested in collaboration has been welcome to sit in our meetings from the very beginning. Fortunately, many individuals and organizations have chosen to engage in meaningful collaboration while seated around the table or on the ZOOM screen.

FRACC supports and celebrates a variety of arts and cultures through collaborative round table planning, connecting local arts groups and artists with city venues and opportunities for success. We collaborate within and across city arts groups and businesses, as we connect visual and performing artists to potential opportunities for exploration within the city of Fall River.

Recognizing that a vibrant and growing cultural and creative life can support economic opportunity, neighborhood quality of life and connectedness, as well as public health, FRACC has raised private funding to engage a recognized consultant CivicMoxie to help us create a detailed Arts and Culture Plan. FRACC members and CivicMoxie have been actively engaging

residents, businesses, and community organizations to identify and celebrate the unique qualities of the city, including arts, ethnic and cultural traditions, creative businesses, events and food. The resulting plan will lay out a detailed road map and identify the necessary resources to build, support and grow a unique and vibrant creative sector that will benefit all residents and sectors of the city for the next 10 years.

We would like to make a presentation about the Fall River arts and culture plan, Viva Fall River, to city council members at your next meeting.

We look forward to hearing from you.

Sincerely,

Mike O'Sullivan
Co-CEO
One SouthCoast Chamber
200 Pocasset St
Fall River, MA 02721
(508) 676-8226

CITY COUNCIL PUBLIC HEARINGS

MEETING: Tuesday, May 25, 2021 at 5:55 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Bradford L. Kilby, Pam Laliberte-Lebeau, Trott Lee,
Christopher M. Peckham, Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: None

The President called the meeting to order at 6:12 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium and that the purpose of the hearings was to hear all persons interested and wishing to be heard on the following:

On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be opened.

Joint Pole Location

Massachusetts Electric Company and Verizon New England, Inc. for one jointly owned pole location as follows:

Stafford Road

One (1) joint pole location

To install a new Pole 34-50 on Stafford Road approximately 59 feet south of Pole 34 and 59 feet north of Pole 35. In accordance with Plan No. 30330364 dated March 1, 2021.

The President then directed the proponents to be heard and there were no proponents. The President then directed the opponents to be heard and there were no opponents. The President asked the City Clerk if any proponents or opponents submitted written testimony and the City Clerk stated that none was received. On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the hearing be closed.

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted to adjourn at 6:14 p.m.

List of documents and other exhibits used during the meeting:

Agenda (attached)

DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, May 11, 2021 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne,
Bradford L. Kilby, Pam Laliberte-Lebeau, Trott Lee, Christopher M.
Peckham, Leo O. Pelletier and Linda M. Pereira

ABSENT: None

IN ATTENDANCE: None

President Cliff Ponte called the meeting to order at 8:42 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 requesting confirmation of the appointment of James Cusick to the Conservation Commission
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to confirm the appointment.
2. Mayor requesting confirmation of the reappointment of Lisa Silva to the Commission on Disability
On a motion made by Councilor Michelle M. Dionne and seconded by Councilor Christopher M. Peckham, it was unanimously voted to confirm the reappointment.
3. Mayor and order appropriating \$1,809,616 from Community Preservation Act funds for FY22 Community Projects
On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Michelle M. Dionne, it was unanimously voted to refer the matter to the Committee on Finance.

PRIORITY COMMUNICATIONS

4. Traffic Commission recommending amendments to traffic ordinances
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Christopher M. Peckham, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation.
5. Planning Director re: Mount Hope Bay Greenway Feasibility Study
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Linda M. Pereira, it was unanimously voted that the communication be accepted and placed on file.

COMMITTEE REPORTS – None

ORDINANCES – None**RESOLUTIONS**

6. Ordinance Committee convene to discuss and draft ordinance establishing professional standards for employees of the City of Fall River
Councilor Michelle M. Dionne stated that she would like to see an ordinance regarding professional standards that is stronger than the existing Human Resources Administrative Policy #205, Expected Employee Conduct. Councilor Linda M. Pereira stated that this is a matter for Human Resources and Corporation Counsel to work on together, as there are various unions involved. Councilor Pam Laliberte-Lebeau stated that she received a copy of Administrative Policy #205 from Human Resources and it is very vague. Councilor Shawn E. Cadime stated that union negotiations must be considered when making such changes. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was unanimously voted to adopt the resolution, with Councilor Linda M. Pereira opposed.

CITATIONS – None**ORDERS – HEARINGS**Curb removals:

7. Michelle Arruda, 37 Chicago Street – total of 32' at 37 Chicago Street
On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer the matter to the Committee on Public Works and Transportation.
8. Laurinda Goncalves, 539 President Avenue – total of 47' at 539 President Avenue
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adopt the order.
 Approved, May 13, 2021, Paul E. Coogan, Mayor

ORDERS – MISCELLANEOUS

9. Police Chief's Report on Licenses:

Taxicab Drivers:

Carlos Cosme Liz Marie Lugo Morales

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order.

10. Auto Body Shop License Renewal:

David Ponte d/b/a Brougham Motors, Inc. – 387 Bedford Street

On a motion made by Councilor Linda M. Pereira and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order.
 Approved, May 13, 2021, Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

11. Claims

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Michelle M. Dionne, it was unanimously voted to refer the claims to Corporation Counsel.

12. Asst. Attorney General re: Open Meeting Law complaint filed by Patrick Higgins regarding City Council Meeting of October 27, 2020

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Bradford L. Kilby, it was unanimously voted that the communication be accepted and placed on file.

13. Asst. Attorney General re: Open Meeting Law complaint filed by Patrick Higgins regarding Committee on Regulations Meeting of March 8, 2021.
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that the communication be accepted and placed on file.

14. Structure over a public way – Steppingstone, Inc. at 111 Durfee Street (banner)
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was voted 8 yeas that application be approved, with Councilor Trott Lee abstaining.

15. Structure over a public way – Fall River Health & Human Services at South Main and Bedford Streets (2 banners)
On a motion made by Councilor Linda M. Pereira and seconded by Councilor Christopher M. Peckham, it was unanimously voted that application be approved.

16. Drainlayer Licenses:

- a. B & B Excavation, Inc.
- b. Raposo Co. Landscaping & Construction, LLC
- c. B & B Contracting & Excavation, Inc.
- d. JB Lanagan & Company, Inc.
- e. S. Oliveira Construction Corp.
- f. East Coast Landscaping & Construction, Inc.
- g. JDQ Excavating, LLC
- h. T. Ford Company, Inc.
- i. Sherry Construction Corp.
- j. Steven Steen

*On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Christopher M. Peckham, it was unanimously voted to approve items #16a through #16j.
 Approved, May 13, 2021, Paul E. Coogan, Mayor*

Planning Board Minutes

17. March 10, 2021

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Trott Lee, it was unanimously voted that the minutes be accepted and placed on file.

18. March 17, 2021

On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted that the minutes be accepted and placed on file.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was unanimously voted to take items #19 through #27 together.

City Council Meeting Minutes:

- 19. Committee on Finance – March 23, 2021
- 20. Committee on Finance – April 6, 2021
- 21. Committee on Finance – April 20, 2021
- 22. Regular City Council Meeting – March 23, 2021
- 23. Regular City Council Meeting – April 6, 2021
- 24. Regular City Council Meeting – April 20, 2021
- 25. Joint Meeting of the City Council and School Committee – April 13, 2021
- 26. Public Hearings – March 23, 2021
- 27. Public Hearings – April 20, 2021

On a motion made by Councilor Christopher M. Peckham and seconded by Councilor Shawn E. Cadime, it was unanimously voted to approve items #19 through #27.

BULLETINS – NEWSLETTERS – NOTICES

28. Notice of Casualty and Loss – 700 Shore Drive, Unit 602

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was unanimously voted that the notice be accepted and placed on file.

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: MAY 11, 2021

ORDINANCES

5a. Proposed Ordinance – Thin Film Plastic Bags

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

RESOLUTIONS

6a. Request audit of Snow Removal Expense Account to be conducted by an outside auditor

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Trott Lee, it was unanimously voted to amend the resolution by changing paragraph four to read as follows: **BE IT RESOLVED**, that all salaries and expenses paid through the snow account as well as the Mayor's salaries and expenses for the last 4 years be forwarded to the City Council. On a further motion made by Councilor Trott Lee and seconded by Councilor Michelle M. Dionne, it was unanimously voted to adopt the resolution, as amended.

On a motion made by Councilor Trott Lee and seconded by Councilor Christopher M. Peckham, it was unanimously voted to adjourn at 9:16 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk

CITY OF FALL RIVER

6a

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on June 3, 2021,
voted unanimously to recommend that the accompanying proposed ordinance be
passed through first reading, with Councilors Trott Lee and Linda M. Pereira absent and not
voting.

William A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

6a

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

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

Section 1.

By inserting in Section 70-241, which section relates to stop intersections designated the following:

Name of Street	Direction of Travel	At Intersection of
Aetna Street	Eastbound	Rhode Island Avenue

Section 2.

By striking out in Section 70-281, which section relates to one-way streets the following:

Name of Street	Direction of Travel	Location
Aetna Street	Westerly	From Laurel Street to Rhode Island Avenue

CITY OF FALL RIVER

6b

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on June 3, 2021, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading, as amended, with Councilors Trott Lee and Linda M. Pereira absent and not voting.

Cullen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

66

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

That Chapter 10 of the Code of the City of Fall River, Massachusetts, 2018, which chapter relates to Buildings and Building Regulations, be amended, by striking out Sections 10-246, 10-247, and 10-248, in their entirety, and inserting in place thereof, the following:

Sec. 10-246. Floodplain district boundaries and base flood elevation data.

The purposes of the Floodplain District are to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contaminations, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 5) Eliminate costs associated with response and cleanup of flooding conditions;
- 6) Reduce damage to public and private property resulting from flooding waters.

The floodplain district is herein established as an overlay district. The district includes all special flood hazard areas within the City designated as Zone A, AE, AO or VE on Fall River's Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the county FIRM that are wholly or partially within the City are panel numbers 25005C0264F, 25005C0269F, 25005C0342F, 25005C0344F, 25005C0351F, 25005C0353F, and 25005C0432F, dated July 7, 2009; and panel numbers 25005C0244G, 25005C0263G, 25005C0329G, 25005C0331G, 25005C0332G, 25005C0333G, 25005C0334G, 25005C0341G, and 25005C0337G dated July 16, 2014, and 25005C0268G, 25005C0352G, 25005C0354G, 25005C0356G, 25005C0357G, 25005C0358G, 25005C0359G, 25005C0361G, and 25005C0362G dated July, 6, 2021. The exact boundaries of the district

6b

may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the county Flood Insurance Study (FIS) report dated July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk.

USE REGULATIONS

The floodplain district ordinance is part of a federal requirement for communities that choose to participate in the NFIP. However, the state already administers regulations that take care of many floodplain management concerns. Referencing existing regulations is important to ensure that projects have been reviewed under the appropriate state regulations and that variances to the conditions of the ordinance do not erroneously allow variances to state requirements.

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts state Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00); (e communities only)
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

Sec. 10-247. Base flood elevation data and floodway data.

- A. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- B. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within the unnumbered A zones.

Sec. 10-248. Other use regulations.

- A. All new construction within zone VE must be located landward of the reach of mean high tide.
- B. In a riverine situation, the director of code enforcement shall notify the following agencies of any alteration or relocation of a watercourse:

(1) Adjacent communities including the towns:

- a. Tiverton, Rhode Island,
- b. Somerset, Massachusetts
- c. Westport, Massachusetts;
- d. Dartmouth, Massachusetts; and
- e. Freetown, Massachusetts;

(2) NFIP State Coordinator, Massachusetts Department of conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104; and

(3) NFIP Program Specialist, Federal Emergency Management Agency, Region I, 99 High Street, 6th Floor, Boston MA 02110

- C. Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- D. Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- E. Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures. (c, d, e communities, if AH or AO appear)
- F. All subdivision proposals must be designed to assure that:
 - (1) Such proposals minimize flood damage;
 - (2) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards. (b, c, d, e communities)

Sec. 10-249 Use of FEMA maps and supporting studies.

- A. Abrogation and greater restriction section. The floodplain management regulations found in this Floodplain Overlay District

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section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

- B. Disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable but does not imply total flood protection.
- C. Designation of community Floodplain Administrator. The City of Fall River hereby designates the Inspector of Buildings to be the official floodplain administrator for Fall River.
- D. Requirement to submit new technical data. If Fall River acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, Fall River will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation,
251 Causeway Street, Boston, MA 02114

- E. Variances to building code floodplain standards. Fall River will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

Fall River shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

- F. Variances to local Zoning Ordinances related to community compliance with the National Flood Insurance Program (NFIP). A variance from these floodplain ordinances must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.
- G. Permits are required for all proposed development in the Floodplain Overlay District. Fall River requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and to other properties.
- H. Assure that all necessary permits are obtained. Fall River's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.
- I. Subdivision proposals. All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:
- (a) Such proposals minimize flood damage.
 - (b) Public utilities and facilities are located & constructed so as to Minimize flood damage.
 - (c) Adequate drainage is provided.
- J. Unnumbered A Zones. In A Zones, in the absence of FEMA BFE data and floodway data, the Building Division will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for flood proofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

- K. Recreational vehicles. In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

Section 10-250. Definitions.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY – The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior or
- (2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - See FLOODWAY.

SPECIAL FLOOD HAZARD AREA – The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION – The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

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Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION – When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

6C

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on June 3, 2021,
voted unanimously to recommend that the accompanying proposed ordinance be
passed through first reading, as amended, with Councilor Trott Lee absent and not voting.

Cullen A. Taylor
Clerk of Committees

City of Fall River, In City Council

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

That Chapter 66 of the Code of the City of Fall River, which chapter relates to Streets, Sidewalks and Other Public Places, be amended by striking out Section 66-258 in its entirety, and inserting in place thereof the following:

Sec. 66-258. Permit for signs and other structures projecting into or over public way.

- (a) *Required; fee; revocation.* No person shall place or maintain any structure, as described in M.G.L. c. 85, § 8, projecting into or placed on or over a public way without first obtaining a permit from the City Council. The fee for the permit shall be as provided in Chapter A110, Fee Schedule of the City Code.
- (b) *Exception; outdoor dining.* A permit issued by the City Council pursuant to this section shall not be required for structures used for outdoor dining on a public sidewalk or other public way, provided the restaurant/applicant has obtained all city required approvals including, but not limited to, written approval from the City Building Inspector.
- (c) *Violations; penalty.* The City may immediately remove, at the expense of the owner, any sign or structure found to be in violation of this section. Additionally, any person found to be in violation of this section shall also be subject to a fine, as provided in Section 2-1025. However, pursuant to M.G.L. c. 85 § 8, no fine shall issue unless the person fails to remove the structure or cure the violation after being given five (5) days' notice to do so.
- (d) *Licensing period.* A permit issued under the provisions of this article is revocable and shall be valid for the period of time allowed by the permitting authority.

6d

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on June 3, 2021, voted unanimously to recommend that the accompanying resolution be granted leave to withdraw, with Councilor Trott Lee absent and not voting.

Colleen A. Taylor
Clerk of Committees

6d

City of Fall River, In City Council

(Councilor Linda M. Pereira)
(Councilor Michelle M. Dionne)

WHEREAS, the restaurants in Fall River have been requesting outside dining in front of their establishments from Memorial Day through Columbus Day, to provide increased services and add to the activity and ambiance of their establishments since 2014, and

WHEREAS, in recent months the COVID-19 pandemic has adversely impacted the ability of many local restaurants to maintain cash flow and remain a viable business in our city, and

WHEREAS, the Governor has established an order to allow for outside dining/seating at the start of Phase II of the Massachusetts' re-opening efforts, and

WHEREAS, allowing for outside dining/seating would greatly assist Fall River restaurants to remain in business, now therefore

BE IT RESOLVED, that the City Council Committee on Economic Development and Tourism convene with the Director of Code Enforcement, Director of Traffic, City Planner, a representative of the Police Department, a representative of the Commission on Disability, a representative of the Licensing Board, and Corporation Counsel to discuss and assist in the immediate development of policies and guidelines that outside seating and service be allowed at these establishments immediately, provided that the configuration of seating does not prohibit public access in front of the establishment and that these businesses be allowed to immediately utilize half of the sidewalk or other designated area, and

BE IT FURTHER RESOLVED, that once protocols are developed, a proposed ordinance will be submitted to the Committee on Ordinances and Legislation.

In City Council, June 9, 2020
Adopted, 9 yeas

A true copy. Attest:

Alison M. Bouchard

City Clerk

CITY OF FALL RIVER
IN CITY COUNCIL

APR 20 2021

*Referred to the
Committee on
Ordinances and
Legislation*