



City of Fall River Massachusetts
Office of the City Clerk

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CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

MEETINGS SCHEDULED
TUESDAY, MAY 11, 2021
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

INÊS LEITE
ASSISTANT CITY CLERK

REVISED AGENDA

5:00 P.M. CITY COUNCIL COMMITTEE ON ORDINANCES AND LEGISLATION MEETING
5:55 P.M. CITY COUNCIL PUBLIC HEARINGS (OR IMMEDIATELY FOLLOWING THE CITY
COUNCIL COMMITTEE ON ORDINANCES AND LEGISLATION MEETING IF IT RUNS
PAST 5:55 P.M.)

Curb Removals

1. Michelle Arruda, 37 Chicago Street, for the removal of curbing as follows:

	Existing opening	Curbing to be removed	Curbing to be added	Proposed Opening after alteration
37 Chicago Street	16'	16'	0"	32'

The petitioner is requesting the removal of 16 feet of curbing to the existing 16 foot driveway opening for purposes of creating a horseshoe driveway.

2. Laurinda Goncalves, 539 President Avenue, for the removal of curbing as follows:

	Existing opening	Curbing to be removed	Curbing to be added	Proposed opening after alteration
539 President Avenue	31'	16'	0'	47'

The petitioner is requesting the removal of 16 feet of curbing on President Avenue to the existing 31 foot driveway opening located on the Belmont Street side of the property (corner lot). The work will be done during the upcoming President Avenue reconstruction project.

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, May 11, 2021 at 3:00 p.m. to be read at the meeting.
2. *Committee on Finance convene with Administration to discuss improvements and repairs at city parks and baseball fields (tabled 4-6-21)
3. *Committee on Finance convene to discuss plans to improve city parks and baseball fields (tabled 4-6-21)
4. *Committee on Finance meet with Administration to discuss trash collection and proposal for Cart Program (adopted 4-20-21)

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

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 James Cusick to the Conservation Commission
2. *Mayor requesting confirmation of the reappointment of Lisa Silva to the Commission on Disability
3. *Mayor and order appropriating \$1,809,616 from Community Preservation Act funds for FY22 Community Projects

PRIORITY COMMUNICATIONS

4. *Traffic Commission recommending amendments to traffic ordinances
5. *Planning Director re: Mount Hope Bay Greenway Feasibility Study

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

CITATIONS – None

ORDERS – HEARINGS

Curb removals:

7. Michelle Arruda, 37 Chicago Street – total of 32' at 37 Chicago Street
8. Laurinda Goncalves, 539 President Avenue – total of 47' at 539 President Avenue

ORDERS – MISCELLANEOUS

9. Police Chief's Report on Licenses:
Taxicab Drivers:
Carlos Cosme Liz Marie Lugo Morales
10. Auto Body Shop License Renewal:
David Ponte d/b/a Brougham Motors, Inc. – 387 Bedford Street

COMMUNICATIONS – INVITATIONS – PETITIONS

11. *Claims
12. *Asst. Attorney General re: Open Meeting Law complaint filed by Patrick Higgins regarding City Council Meeting of October 27, 2020
13. *Asst. Attorney General re: Open Meeting Law complaint filed by Patrick Higgins regarding Committee on Regulations Meeting of March 8, 2021
14. *Structure over a public way – Steppingstone, Inc. at 111 Durfee Street (banner)
15. *Structure over a public way – Fall River Health & Human Services at South Main and Bedford Streets (2 banners)
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

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- Planning Board Minutes
17. March 10, 2021
18. March 17, 2021

- 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

BULLETINS – NEWSLETTERS – NOTICES

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


City Clerk

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

ORDINANCES

- 5a. *Proposed Ordinance – Thin Film Plastic Bags

RESOLUTIONS

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

OTHER POTENTIAL MATTERS (to be acted upon if recommendations are received)

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommendation (if received):

- Proposed Ordinance – Salary schedules
Proposed Ordinances – Water and Sewer Rates

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Chapter 26 Environment

ARTICLE IV. – THIN-FILM PLASTIC BAGS

§ 26-52 - Short title.

This article may be cited as the "Thin-film Plastic Bags Ordinance."

§ 26-53 - Purposes and intent.

The purposes of this article are: to regulate the retail distribution of thin-film plastic bags with integral handles in the City of Fall River; to encourage the use of reusable or biodegradable bags; and to encourage Retail establishments to offer reusable bags.

§ 26-54 - Definitions.

Thin-film plastic bag with integral handles

A bag with integral handles made of a non-biodegradable plastic that is 3.0 mils (3/1000th of an inch) in thickness or less.

Biodegradable bag

A bag that both: (I) contains no polymers derived from fossil fuels; and (II) will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.

Reusable bag

A bag that is specifically designed and intended for multiple uses and is made of (I) plastic with a thickness greater than 3.0 mils, or (II) fabric or (III) other durable materials.

Retail establishment

An establishment engaged in any "business" uses regulated under Division 1 Chapter 86 (zoning ordinance) of the Code of the City of Fall River Massachusetts.

§ 26-55- Limitations.

(a) Regulated activities.

No thin-film, plastic bag with integral handles shall be sold or otherwise distributed, with or without a fee, at or by any Retail establishment within the City of Fall River.

(b) Alternative activities.

Retail establishments, at their sole election, may sell or otherwise distribute biodegradable bags and/or reusable bags within the City of Fall River.

§ 26-56- Exemptions.

The following types of bags do not constitute Thin-film Plastic Bags, either due to their thickness, lack of integral handles, or material; inclusion in the following list does not create any exemptions from the requirements of the Ordinance if the bag used is a Thin-film Plastic Bag as defined by this Ordinance:

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- a. Bags used to package loose bulk items, such as fruits, vegetables, nuts, grains, candies, or small hardware items;
- b. Bags used to contain or wrap frozen or fresh foods, meat, fish or poultry, flowers or potted plants, or other items, in order to contain or otherwise mitigate dampness and/or inhibit the transmission of illness or disease;
- c. Bags used to contain unwrapped prepared foods, including, without limitation, take-out meals and baked goods;
- d. Bags used for the delivery of newspapers or other periodicals to a home or place of business;
- e. Laundry, dry cleaning, or garment bags, including, without limitation, bags used to contain wet or dirty clothing at a hotel/inn or bed and breakfast establishment;
- f. Bags used to package garbage, dead animals, pet waste, decayed and decaying matter, and of ashes, rubbish and other non-decaying refuse substances and things;
- g. Bags used to transport live animals, such as fish or insects, to or from pet stores or other Retail Establishments that sell them; and
- h. Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level.

§ 26-57- Enforcement.

(a) Regulations.

Consistent with this article, the city may promulgate regulations to enforce and otherwise implement the provisions of this article ninety (90) days from the date the ordinance takes effect.

(b) Noncriminal disposition.

If the city determines that a violation of this article has occurred at or by a Retail establishment, such Retail establishment shall be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D, and adopted by the city as a general ordinance as § 2-1021 of the Code of Ordinances of the City of Fall River, in the amounts set forth in § 26-57(d) of this article.

(c) Warning.

Upon the first violation of this article at or by a Retail establishment, the city shall provide such Retail establishment written notice that such first violation has occurred and issue a warning that any subsequent violations within a twelve (12) month period shall require the imposition of monetary penalty. No monetary penalty shall be imposed for this first violation.

(d) Subsequent violations.

Upon subsequent violations of this article at or by a Retail establishment within twelve (12) months after a first violation, the city shall impose and provide the Retail

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establishment written notice of the accrual of a monetary penalty. Such monetary penalty shall not exceed the following amounts:

- (1) One hundred dollars (\$100) for the second violation;
- (2) Two hundred dollars (\$200) for the third violation; and
- (3) Three hundred dollars (\$300) for the fourth and each subsequent violation.

(e) Late payment.

If payment of any monetary penalty is not received on or before the date when due, the city shall impose an additional penalty as provided by the regulations promulgated pursuant to this article.

§ 26-58 - Effective date.

To facilitate compliance by Retail establishments, enforcement of this article shall be suspended until such date that is one hundred eighty (180) days from the date that this ordinance takes effect. During such period of suspension, the city shall direct an effort to educate Retail establishments about this article.

§ 26-59 - Severability.

The city council intends that each separate provision of this article shall be deemed independent of all other provisions herein. The city council further intends that if a court of competent jurisdiction declares that any provision of this article is invalid, then the remaining provisions of this article shall remain valid and enforceable of this article.

City of Fall River, *In City Council*

(Councilor Pam Laliberte-Lebeau)
(Councilor Michelle M. Dionne)

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WHEREAS, the former Administration used the snow account to pay a stipend to the former Chief of Staff under false pretenses, and

WHEREAS, a City of Fall River Department Head stated in Federal Court this week that he instructed a contractor to double his snow plow invoice to pay for work done on a water line for a friend of the former Mayor, now therefore

BE IT RESOLVED, that all expenses paid through the snow account for the last 4 years be forwarded to the City Council, and

BE IT FURTHER RESOLVED, that an audit of the snow account expenses be conducted immediately by an outside auditor.