

City of Fall River Massachusetts

Office of the City Clerk

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2021 MAY 25 P 2:40

ORIGINAL POSTING: MAY 21, 2021 AT 11:35 A.M.

CITY CLERK
FALL RIVER, MA

MEETINGS SCHEDULED TUESDAY, MAY 25, 2021

ALISON M. BOUCHARD
CITY CLERK

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

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.

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 25, 2021 at 3:00 p.m. to be read at the meeting.
2. Discussion of proposed FY22 budgets for Water and Sewer Divisions (referred 4-6-21)
3. Committee on Finance meet with Administration to discuss trash collection and proposal for Cart Program (tabled 5-11-21)

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

PRIORITY MATTERS

1. *Mayor and Memorandum of Agreement between the Labor Advantage for Workers Local 124 – Building Custodians, and the City of Fall River
2. *Mayor and Fall River Police Department Audit Report from The Edward Davis Co.
3. *Mayor requesting confirmation of the appointment of Christopher Boyle to the Conservation Commission
4. *Mayor requesting confirmation of the appointment of Melanie C. Cordeiro to the Licensing Board

PRIORITY COMMUNICATIONS

5. *City Council President re: collection of solid waste ordinances
6. *Director of Code Enforcement and proposed ordinance changes to Flood Plains
7. *Traffic Commission recommending amendments to traffic ordinances

COMMITTEE REPORTS

Committee on Real Estate recommending:

Grant leave to withdraw:

8. *Resolution – Administration provide update on Duro Textiles

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

9. *Resolution – Discuss flooding and building issues on Whitefield Street
10. *Resolution – Discuss the possibility of selling parcels of land used for drainage improvements

ORDINANCES

11. *Proposed Ordinance – Compost Recycling Program

RESOLUTIONS – None

CITATIONS

12. Assistance with the Vietnam Veterans' Memorial Wall

William Sutton	William Ronca	Darren Medeiros	Levi Souza-Young
Brandon Rebello	Michael Nunes	Michael Burks	John Perry
David Lavoie	Jeffrey Lavoie	Green Jar Catering	Promedia Audio Visual

13. 2021 SkillsUSA Massachusetts State Competition Winners

Oliver Ferguson	Jayden Massey	Nicholas Raposo	Corbin Merkt
Zachary Costa	Cody Ferreira	Saneywongse LeMar	Sarah Moniz
Lindsey Moniz	Evan Hetzler	Trenton Melendez	Alexis St. Pierre
Mia Ubiera	Aidan Tagger	Ariel Pimental	Julia Louro
Lorelei Hetzler			

ORDERS – HEARING

Joint Pole Location

14. Stafford Road One (1) joint pole location

ORDERS – MISCELLANEOUS

15. Police Chief's Report on Licenses:
Taxicab Drivers:
 Simone Desnoyers

16. Auto Repair Shop License Renewals:
 Frank Correia, Mello Services Station, Inc. – 801 Bay Street
 John Glass d/b/a JG Auto – 84 14th Street

17. Transfer of auto repair shop license no. 54 located at 345 Durfee Street from Paul J. Amarello d/b/a Durfee Street Auto Sales, Inc. to Peter DiLorenzo, Neighborhood Auto Sales & Service, LLC

COMMUNICATIONS – INVITATIONS – PETITIONS

18. *Claims
19. Drainlayer License - JH Landscaping and Construction, Inc.
20. *City Engineer – Street opening less than 5 years at 14 John Street
21. *Communication from Jim McKeag, MassDevelopment and applications for structures on/over a public way to provide for outdoor seating along South Main Street at Harry's Restaurant, TA Restaurant and New England Homemade Donuts

- Planning Board Minutes
22. April 14, 2021

- City Council Meeting Minutes:
23. *Public Hearings – May 11, 2021

BULLETINS – NEWSLETTERS – NOTICES

24. Thank you card from the family of Roger R. St. Pierre


City Clerk

ITEMS FILED AFTER THE AGENDA DEADLINE:
CITY COUNCIL MEETING DATE: MAY 25, 2021

PRIORITY MATTERS

4a. *Mayor regarding trash removal from commercial establishments

RESOLUTIONS

- 11a. *Committee on Human Services, Housing, Youth, and Elder Affairs convene to discuss high risk youth
- 11b. *Administration include a plan for the distribution of the American Rescue Plan funds in the FY 22 Municipal Budget presentation
- 11c. *City Council convene with the Chief of Police, Administration and Director of Financial Services to discuss strategy pertaining to policing our neighborhoods
- 11d. *Administration transfer \$250,000 to the Fall River Police Department budget to support an immediate strategic use of manpower where needed

COMMUNICATIONS – INVITATIONS – PETITIONS

Zoning Board of Appeals Minutes

23a. March 18, 2021

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

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommendation (if received):

- Proposed Ordinance – Traffic, handicapped parking
- Proposed Ordinance – Traffic, miscellaneous
- Proposed Ordinance – Thin-Film Plastic Bags
- Proposed Ordinance – Solid Waste
- Proposed Ordinance – Ban Balloon Releases



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

4a

RECEIVED

2021 MAY 24 P 12:54

CITY CLERK _____
FALL RIVER, MA

PAUL E. COOGAN
Mayor

May 21, 2021

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

Dear Council President and Members of the Honorable Council:

In your letter of May 13, 2021 you provided me with the results of your review of City Ordinances relative to trash removal from commercial establishments.

Your review concluded that given the absence of "commercial establishments" in Section 62-2 C. it could be inferred that "collection for commercial establishments does not occur". I assume that you mean that the collection of trash from commercial establishments is, therefore, not authorized by the Ordinance.

I note that my team's review of the ordinance reveals that it is ambiguous and in need of clarification by the Council.

For example, you may infer that the trash removal from commercial establishments is implied given the fact that Section 62-42 sets forth regulations relative to the pick-up of "refuse and rubbish" on "the day of collection". More specifically these establishments are required to place refuse in "proper containers and bundles" and within a limited space on the sidewalk.

Additionally, Section 62-43A & B requires commercial establishments to place garbage and rubbish "in separate containers" and that garbage must be placed "in watertight containers made of material and equipment with suitable handles and tightfitting covers".

It should be noted, as well, that the current trash removal contract between the City and EZ Disposal and Recycling, LLC, entered into in 2016 lists specific commercial establishments and specifies "payment" by these entities.

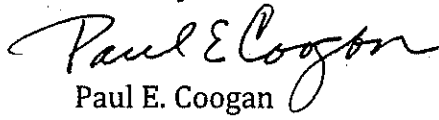
This Administration has simply followed a past practice (over three decades) relative to the pick-up of commercial trash.

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Given this information, there is an obvious need to clarify the language of Section 62. That task is within the sole purview of the City Council. If the position of the Council is that commercial trash removal should be discontinued, the Ordinance should indicate clearly that such commercial pick-up is NOT authorized and/or that trash removal by the City shall be limited to "single family dwellings and multiple family residential buildings containing up to six units".

I would suggest that should the Council vote to abolish the current and long-standing practice of commercial trash removal that the Council consider the inclusion of a provision providing those establishments with a reasonable amount of time to make other arrangements for their trash removal. Perhaps this could be accomplished by delaying the effective date of the modified Ordinance.

Sincerely,



Paul E. Coogan
Mayor, City of Fall River

PC/amos

City of Fall River, *In City Council*

11a

(Councilor Michelle M. Dionne)

WHEREAS, a significant percentage of our youth are considered to be at risk or high risk of falling prey to gangs, violence, and drug activity, and

WHEREAS, many of our youth feel isolated and feel there is nowhere to turn for help, guidance, and/or support, and

WHEREAS, we have youth at the middle school level who realize and recognize the gravity of the situation, and have publicly identified problems, potential solutions, and a plan to deal with this devastating issue, and

WHEREAS, education and programs that target at risk youths are key to breaking the cycle, and there are adults and children alike who are reaching out for help for development and implementation, now therefore

BE IT RESOLVED, that the Committee on Human Services, Housing, Youth, and Elder Affairs convene to discuss, and be a catalyst, for this endeavor in our community, and

BE IT FURTHER RESOLVED, that the Committee Chair reach out to community and school partners to provide information on available resources, discussion on implementation of an educational component, and development of a plan to combat this issue.

City of Fall River, *In City Council*

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

WHEREAS, the City of Fall River received 7.9 million dollars from the CARES Act, and will receive over 70 million dollars from the American Rescue Plan, and

WHEREAS, the first disbursement of the American Rescue Plan funds have already been received by the City, and

WHEREAS, each and every dollar received is federal taxpayer money completely unrelated to the City budget or City revenues, and

WHEREAS, Council President Ponte in a resolution filed March 16, 2021 requested that the "Administration present to the City Council Committee on Finance a presentation that outlines a suggested plan", and the "Administration's plan include a list of priorities from the highest to the lowest", and

WHEREAS, the City Council never received a plan and has not been apprised of how a significant amount of the 36 million dollars in funding have been or will be utilized, with the exception of potential monies being infused into the 2022 budget, and

WHEREAS, federal guidance has now been received by local municipalities on how to spend such funds, now therefore

BE IT RESOLVED, that the administration include such a plan in their presentation for the Fiscal Year 2022 Municipal Budget, and

BE IT FURTHER RESOLVED, that the City Council Committee on Ordinance and Legislation establish policies and procedures for spending such funds received from the federal government.

City of Fall River, *In City Council*

11C

(President Cliff Ponte)

WHEREAS, there has been a deadly shooting in the Corky Row neighborhood, and

WHEREAS, ensuring safe neighborhoods is a priority of all in City Government, now therefore

BE IT RESOLVED, that the Fall River City Council convene with the Chief of Police, a representative from the Administration and Director of Financial Services to discuss strategy pertaining to policing our neighborhoods especially those in high crime locations, and

BE IT FURTHER RESOLVED, that this meeting be held in executive session.

Filed: 5-25-21

City of Fall River, *In City Council*

11d

(Councilor Pam Laliberte-Lebeau)
(Councilor Christopher M. Peckham)

WHEREAS, the City has seen an increase in shootings and gang activity, and

WHEREAS, an added increase in patrols, and the formation of a Crime & Gang Impact Task Force, working in targeted areas, have shown to have great success in removing illegal guns, drugs, and criminals off of our streets, and

WHEREAS, the City Council and the past Administration had allocated funding specifically for these purposes in prior years, now therefore

BE IT RESOLVED, that the Administration transfer \$250,000 to the Fall River Police Department budget to support an immediate strategic use of manpower where needed.

Filed: 5-25-21