



City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BRETT
CITY CLERK

AUGUST 11, 2011
MEETINGS SCHEDULED FOR NEXT WEEK
TUESDAY, AUGUST 16, 2011

INÊS LEITE
ASSISTANT CITY CLERK

5:00 P.M. COMMITTEE ON PUBLIC SAFETY

6:00 P.M. COMMITTEE ON FINANCE

1. Discussion with Group Benefit Strategies (GBS) and Director of Human Resources regarding the Group Insurance Commission (GIC) and other insurance options and possible cost savings

AGENDA

7:00 P.M. REGULAR MEETING OF THE CITY COUNCIL

PRIORITY MATTERS

1. *Confirmation of Albert Nadeau to the Planning Board

PRIORITY COMMUNICATIONS - None

COMMITTEE REPORTS

Ordinances & Legislation recommending:

First reading, as amended:

2. Proposed Zoning Ordinance – Waterfront and Transit Oriented Development District
3. Proposed Zoning Ordinance – Electronic Sign Ordinance

ORDINANCES

Proposed:

4. City Council Meetings – Regular Meeting Times and Deadline for filing orders

Second Reading & Enrollment:

5. *Traffic, misc.
6. *Water user fees
7. *Sewer user fees

RESOLUTIONS

8. *Com. on Ordinances & Legislation meet to review implementation of the City's Master Plan
9. *Mass DOT consider footbridges from Fall River Neighborhoods to the waterfront
10. *City Council Committee on Ordinances & Legislation meet to discuss residency prior to running for public office
11. *Utility companies replace concrete sidewalks after excavation as soon as possible

CITATIONS – None

ORDERS – HEARINGS FOR TONIGHT

Curb removal:

12. Mechanics Mill One, LLC – 1082 Davol Street – 194 feet
13. Chad Zmuda – 140 Ash Street – 34.5 feet

Underground conduit:

14. Pearce Street
15. June and Maple Streets
16. Pleasant Street
17. Quarry Street

Auto Repair Shop License:

18. Michael A. Borges d/b/a Manic Cycles, Inc. at 315 Durfee Street
19. Pedro Albergaria d/b/a Pete's Auto at 1058 Slade Street

ORDERS – HEARINGS TO BE SCHEDULED – None
ORDERS – NO HEARING REQUIRED – None

ORDERS – MISCELLANEOUS

20. Police Chief's report on licenses

License transfers:

21. Auto Body Shop from Manuel Furtado to Brian Moura, d/b/a State Road Collision and Auto Repair
@ 480 South Main Street
22. Auto Repair Shop from Manuel Furtado to Brian Moura, d/b/a State Road Collision and Auto Repair
@ 480 South Main Street

Auto Repair Shop License Renewal:

23. David L. Turcotte d/b/a Walter's Super Service, Inc., 29 Bodge Street

Auto Body Shop License Renewal:

24. David L. Turcotte d/b/a Walter's Super Service, Inc., 29 Bodge Street

COMMUNICATIONS – INVITATIONS – PETITIONS

25. *Claims
26. Planning Board Minutes for May 20, 2011
27. Planning Board Minutes for May 24, 2011
28. Zoning Board of Appeals Minutes for June 16, 2011
29. *Disability Awareness Day – October 6, 2011 from 10:00 AM to 2:00 PM – Government Center
30. *Corky Row Society, Inc. – 75th Anniversary – October 9, 2011 at 10:00 AM – St. Mary's Cathedral
31. *Highland Neighborhood Association re former Highland School Property

BULLETINS – NEWSLETTERS – NOTICES

32. *DEP audit inspection re Martins Auto Sales, 2291 South Main Street
33. *Mass Development re final approval to revenue bond project on behalf of Southcoast Hospitals


City Clerk



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

RECEIVED

2011 AUG -3 P 3:06

CITY CLERK _____
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

July 7, 2011

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

Honorable Members of the City Council:

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

Name: Albert Nadeau

Address: 465 Valentine Street
Fall River, MA 02720

To: Planning Board

Term to Expire: June 1, 2016

Sincerely:

William A. Flanagan
Mayor

WF:amos

City of Fall River, *In City Council*

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

That Chapter 70 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to traffic be amended as follows:

Section 1.

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

- Northbound drivers on Ellis Street at Cove Street
- Southbound drivers on Ellis Street at Essex Street
- Northbound drivers on Pickering Street at Clinton Street
- Southbound drivers on Pickering Street at Clinton Street
- Northbound drivers on Pickering Street at Cove Street
- Southbound drivers on St. Mary's Street at Brightman Street
- Eastbound drivers on Suffolk Street at St. Mary's Street

Section 2.

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

- Ames Street, south side, starting at a point 300 feet east of Lamphor Street for a distance of 25 feet easterly
- Wooley Street, west side, starting at a point 208 feet north of Peckham Street, for a distance of 20 feet northerly

City of Fall River, In City Council

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

That Appendix A-Fee Schedule for the Revised Ordinances of the City of Fall River, Massachusetts, 1999, Chapter 74, be amended, as follows:

By striking out Sec. 74-353 which section relates to utilities, in its entirety, and inserting in place thereof, the following:

For water billed on or after July 1, 2011.....\$2.25/100 cu. ft.

City of Fall River, *In City Council*

7

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

That Section 74-134 of Appendix A-Fee Schedule of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which Section relates to User Charges for Wastewater Collection, be amended, as follows:

Section 1.

By striking out in sub-section (1) of said section, "\$4.50", and inserting in place thereof, "\$4.09" and by striking out "July 1, 2010", and inserting in place thereof, "July 1, 2011".

Section 2.

By striking out in paragraph (a) of sub-section (2) of said section, "\$4.50", and inserting in place thereof, "\$4.09", and by striking out "July 1, 2010", and inserting in place thereof, "July 1, 2011".

Section 3.

By striking out in paragraph (b) of sub-section (2) of said section, "\$2.09", and inserting in place thereof, "\$1.90", and by striking out "July 1, 2010", and inserting in place thereof, "July 1, 2011".

Section 4.

By striking out in paragraph (a) of sub-section (3) of said section, "\$6.97", and inserting in place thereof, "\$6.34", and by striking out "July 1, 2010", and inserting in place thereof, "July 1, 2011".

Section 5.

By striking out in paragraph (b) of sub-section (3) of said section, "\$3.24", and inserting in place thereof, "\$2.95", and by striking out "July 1, 2010", and inserting in place thereof, "July 1, 2011".

Section 6.

By striking out in sub-section (4) of said section, all dollar values, and inserting in place thereof, the following:

\$ 131.00
\$ 259.00
\$ 390.00
\$ 520.00
\$ 650.00
\$ 779.00
\$ 909.00
\$1,039.00
\$1,169.00
\$1,298.00

and, by striking out in said sub-section (4) "July 1, 2010", and inserting in place thereof, "July 1, 2011".

City of Fall River, *In City Council*

(Councilor Eric Poulin)
(Councilor Ray Mitchell)

BE IT RESOLVED, that the City Council Committee on Ordinances and Legislation convene a meeting to review implementation of the city's Master Plan

BE IT FURTHER RESOLVED, that neighborhood leaders, Save Our Neighborhoods, the Chamber of Commerce, Fall River Office of Economic Development and other relevant parties be invited to this meeting to discuss 43d districts, medical overlay districts, and other topics that may relate to economic development in the city and the implementation of the city's Master Plan.

City of Fall River, *In City Council*

9

(Councilor Raymond A. Mitchell)
(Councilor Bradford L. Kilby)
(Councilor Linda M. Pereira)

WHEREAS, The Massachusetts Department of Transportation (Mass DOT) is undertaking an "Accelerated Bridge Program" effecting the Route 79/I-195 road system in Fall River and that it has established a Task Force that has been meeting to accept input into the process of determining the best investment of funds to implement a broad range of transportation, environmental and local goals criteria as the project goes forward and

WHEREAS, among the "Local Goals Criteria" is a commitment to improve pedestrian access to the waterfront and downtown and to develop a plan "consistent with Fall River Master Plan" and

WHEREAS, pedestrian access from Fall River neighborhoods and Downtown Fall River to the Waterfront and particularly, to Heritage State Park has been and continues to be difficult and

WHEREAS, handicapped-accessible and pedestrian-friendly "footbridges" from Fall River's Downtown and adjacent neighborhoods would favorably address the criteria to "improve access to waterfront and downtown" and be "consistent with Fall River Master Plan" and its commitment to improve pedestrian access to the Waterfront and particularly, to Heritage State Park from its Downtown and adjacent neighborhoods and

WHEREAS, Mass DOT funding exists to implement pedestrian-friendly access to Heritage State Park and the Waterfront and

WHEREAS, improvements are in the planning to develop significantly better vehicular and pedestrian access which would be handicapped accessible from Downtown and adjacent neighborhoods South of I-195 but improvements are significantly lacking for pedestrians and handicapped accessibility from Downtown and adjacent neighborhoods North of I-195 and

WHEREAS, in nearby Providence, RI a recently constructed footbridge connects the Fox Point neighborhood to Providence's waterfront park over I-195 and other streets, demonstrating the feasibility of constructing such a footbridge over highways into a waterfront park, now therefore,

BE IT RESOLVED, that the Fall River City Council supports and calls on its state and federal elected officials to join in supporting Mass Dot's financing within the funding provided for this project the establishment of two (2) handicapped-accessible and pedestrian-friendly footbridges, one from the western terminus of Pine Street and one from the western terminus of Walnut Street westerly, (over the railroad tracks and the anticipated "depressed/lowered" Route 79 & Davol Street reconstruction into a boulevard at the current level of Davol Street) into the Fall River Heritage State Park and

BE IT FURTHER RESOLVED that this is done to advance not only the recreational needs of those utilizing these footbridges but also, the economic development benefits that come with pedestrian safe and handicapped-accessible means to go to and from the businesses in both the Fall River Downtown and its Waterfront.

10
City of Fall River, *In City Council*

(Councilor Eric Poulin)
(Councilor Leo O. Pelletier)
(Councilor Linda M. Pereira)

WHEREAS, public input was received at a prior City Council meeting regarding the lack of a required time frame for residency in the City of Fall River prior to running for public office in the city, now therefore

BE IT RESOLVED, that the City Council Committee on Ordinances and Legislation meet to discuss the potential development of an ordinance to address this issue.

City of Fall River, *In City Council*

11

(Councilor Leo O. Pelletier)

WHEREAS, utility companies need to excavate sidewalks to repair and install public utilities, and

WHEREAS, due to weather conditions it may not be possible to replace the concrete sidewalks immediately, and

WHEREAS, utility companies use stone dust as a temporary repair, now therefore

BE IT RESOLVED, that these patches be replaced with concrete as soon as possible.

25

CLAIM FORM
City of Fall River, Massachusetts

RECEIVED

2011 JUL 20 A 10:30
CITY CLERK #11-187
FALL RIVER, MA

Name: John F. & Ana I. Pimentel

Address: 277 Embert Street
Fall River, MA 02721

Phone #: 5086790357 email - ajfp05@verizon.net

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: July 8, 2011

Time of Incident: 9:30 AM 11:00 AM

Location of Incident: 277 Embert Street

Provide a detailed description of your claim (attach additional sheets if necessary):

Back up sewer water on a bad rain storm
came up from my shower stall & toilet bowl
extremly dirty water ruined my entire
carpeting & furniture and this was not
the only time this has happened but this
time was abt more we weren't using any
house water, example flushing toilet, washing clothes,
washing dishes since the other time everytime
it rains we are affraid (of living here) so
we never use any water we wait for storm
to pass. So we are digging the front yard
to put in back flow flap that is going to
cost \$6700.00 so we can live here in peace
asking for help with this Please help us this was

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

Sewer water very dirty water can make us
very sick...
John & Ana Pimentel

CLAIM FORM
City of Fall River, Massachusetts

RECEIVED

Name: Melissa Bouchard

2011 JUL 21 P 1:13

Address: PO Box 878
Westport, MA 02790

CITY CLERK #11-188
FALL RIVER, MA

Phone #: 774-451-5225

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 7-18-11

Time of Incident: between 8am - 1:15pm

Location of Incident: 277 Ridge St. Fall River, MA.

Provide a detailed description of your claim (attach additional sheets if necessary):

I parked my vehicle legally on Ridge Street at approx
7:50 am. I went to work & returned to my vehicle
at approx 1:15pm. As I was driving my vehicle
away, I noticed the windshield was dirty. I pulled
over & got out to try to clean the sticky mess on
the windshield & I noticed food remnants & damage
to my driver's side. The food was on my hood, passenger
side, & driver's side as well as the windshield. The
owners of 277 Ridge St. witnessed the incident. I
confronted the Dept. of Public Works & spoke to Paul
(supervisor) who informed me that a VCR had fallen
on my car during that morning's trash pick up.

I did not personally witness the incident, but the
damage to my car was not there when I left it in
the morning. Also, the Dept. of Public Works has
Record of this incident occurring & as stated the
owners of 277 Ridge St. also witnessed the event.

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

FRANK D. CAMERA

ATTORNEY AT LAW CITY OF FALL RIVER, MA
LAW DEPT.

RECEIVED

11 MAY 31 AM 10:40

2011 JUL 11 A 10:31

CITY CLERK # 11-189
FALL RIVER, MA

May 25, 2011

Mr. Steve Torres, Corporate Counsel
City of Fall River
City Hall
One Government Center
Fall River, MA 02722

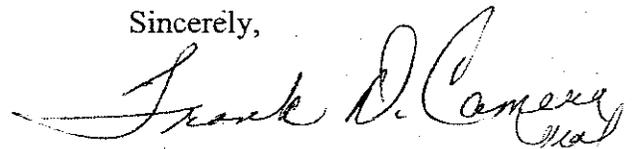
Dear Mr. Torres:

Please be advised that this office has been retained to represent Ms. Maria Aube in a claim for injuries she sustained following a fall in the vicinity of 71 Kimball Street in Fall River.

Based upon information, it is our position that the injuries were caused by the manner in which the sidewalk was maintained.

Upon your review, kindly contact this office in order to discuss further.

Sincerely,



Frank D. Camera, Esq.

FDC/mal

cc: Ms. Maria Aube

7-29 Original + 2 Law
DCM
City Clerk
City Council



Amica
PO Box 9690
Providence, Rhode Island 02940-9690

Toll Free: 1-800-59-AMICA
(1-800-592-6422)
Fax: 1-508-821-5525

RECEIVED

2011 JUL 13 A 11: 54

CITY CLERK #11-190
FALL RIVER, MA

July 12, 2011

Fall River City Clerk
1 Government Ctr.
Fall River, MA 02722

File Number: 60000953287
Date of Loss: 07/07/2011
Owner/ Insured: Dorothy W. Fell
Street: 655 Rock St
Town: Fall River
Type of Loss: Damage to Front Door

To Whom This May Concern:

Please be advised that we insure the above named individual(s). A claim has been made for Damage to Real Property and as the insurer; we are presently in the process of adjusting the loss.

We are mandated to comply with Massachusetts General Laws, Chapter 139 and as such, if there are any present liens on the above property, please notify us within 10 days of receipt of this letter. If we do not hear from you, we will be under no obligation to pay you any portion of this claim.

Very truly yours,

Christine K. Hennessey

Christine K. Hennessey
Claims Department
800-592-6422 x47348
CHENNESSEY@AMICA.COM



7-29 Original + 2 Law
Treasurer
City Clerk
City Council



ROB LEVINE & ASSOCIATES

The Lawyers for Personal Injury

Admitted in RI, MA, & CT

July 29, 2011

Alison M. Brett
City Clerk
City of Fall River
One Government Center, Room 227
Fall River, MA 02722

RECEIVED
2011 AUG -4 A 10:38
#11-192
CITY CLERK
FALL RIVER, MA

Re: Justin Griffey, *Date of Incident: June 26, 2011*

Dear Ms. Brett:

Pursuant to M.G.L. c. 258 §4, please allow this letter to serve as written presentment of a claim for personal injuries sustained by Justin Griffey of 193 Albion Street, Apt 3, Fall River, Massachusetts.

On June 26, 2011 at approximately 10:45 pm, Mr. Justin Griffey was exiting 193 Albion Street, Fall River, Massachusetts when he tripped over a pipe that was laying across the entrance to the walkway and blocking his mean of egress. The pipe was resting on top of the sidewalk running lengthwise. As a result of the fall, Mr. Griffey injured his back and sustained a hernia to his groin area. Mr. Griffey was transported by rescue to the emergency room. The full extent of his injuries are as yet unknown. He is presently receiving additional medical treatment.

Thank you for your time and anticipated cooperation in this regard.

Very Truly Yours,

Adam Noska, Esq.
AN/nc

8/5/11 Original + 2 copies Law
Utilities; Engineering
City Council
City Clerk



**City of Fall River
Massachusetts**
Commission on Disability

WILLIAM A. FLANAGAN
Mayor

DEBBIE S. PACHECO
Chairman

LISA PITTA
Vice Chairman

July 20, 2011

City of Fall River
One Government Center
Fall River MA 02722

Re: 2011 Disability Awareness Day

Dear City Councilors:

The Disability Commission will once again host on October 6, 2011 Disability Awareness Day entitled "Building a Life of Inclusion in Fall River." We wish to invite you to kick off the event to be held at Government Center from 10:00 am until 2:00 pm. The planning committee has been working diligently on making this a successful day.

We look forward to seeing you on October 6, 2011.

Sincerely,

Debbie Pacheco
Chairperson

RECEIVED
2011 AUG - 1 A 11:02
CITY CLERK
FALL RIVER, MA

**CORKY ROW SOCIETY, INC.
PO BOX 9048
602 THIRD ST.
FALL RIVER, MA 02720-0001**

RECEIVED

2011 JUL 18 P 12: 06

CITY CLERK _____
FALL RIVER, MA

July 15, 2011

**Members of the Fall River City Council
One Government Center
Fall River, MA 02722-7700**

Dear Council Members:

The Corky Row Society of Fall River is celebrating its 75th Anniversary this year. In conjunction with this event, we have reserved the 10:00 A.M. Mass at St. Mary's Cathedral on Sunday, October 9, 2011.

We would be honored, and respectfully request that you join us for this celebration.

We will be marching from the Corky Row Club to the Church accompanied by the Fall River Police Honor Guard and the Pipe and Drum Band of the Ancient Order of Hibernians of Newport. Coffee and doughnuts will be served before the march. Also accompanying us will be Flag Bearers who will carry flags from all the counties of Ireland.

After the Mass, we will be marching back to the Club for a light lunch and conversation..

We look forward to hearing from you.

Regards,

Mary Carroll Quinn

**Mary Carroll Quinn
Secretary, Corky Row Society, Inc.**

The Highland Neighborhood Association
P.O. Box 9273
Fall River, MA 02720

RECEIVED

2011 AUG -8 P 12: 11

CITY CLERK _____
FALL RIVER, MA

August 1, 2011

Fall River City Council
Real Estate Committee
One Government Center
Fall River, MA 02722

Dear Real Estate Committee Member,

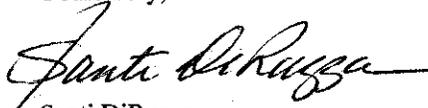
The Highland Neighborhood Association (HNA) requests that the City Council Real Estate Committee consider the desires of the neighborhood when defining the terms of the request for proposal (RFP) for the Highland School parcel. Based on available plot records, it is our understanding that the Highland School and its surroundings are defined as one parcel currently owned by the City of Fall River. The HNA proposal for the division and use of the property is as follows;

- * One parcel containing the school bounded on the East by Hudner Field be designated for educational purposes and put out to bid.
- * One parcel containing the little league ball field (Hudner Field) be retained by the city for continued use as a little league ballpark.
- * The remaining parcel (currently basketball courts and tennis courts) be retained by the city of Fall River as open space for combined use as an active youth recreational facility and a Highland community passive recreational area. This parcel has been used by the children and adults of the Highland area for several generations and is the last remaining area in the Highlands that can be retained as open space.

Any other use of the Highland school parcel (i.e. commercial development, parking) will further contribute to the already severe traffic condition, noise and air pollution, and safety issues that are negatively impacting the quality of life currently enjoyed by the residents.

Your careful consideration of the neighborhood recommendations is greatly appreciated.

Yours truly,



Santi DiRuzza
President, HNA

Cc: Mayor William A. Flanagan
Corporation Counsel Steven A. Torres

32



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

RECEIVED

2011 AUG -3 A 8:59

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville, MA 02447 • 508-948-2700
CITY CLERK
FALL RIVER, MA

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

TIMOTHY P. MURRAY
Lieutenant Governor

KENNETH L. KIMMELL
Commissioner

July 29, 2011

Mr. Antonio Martins
Martins Auto Sales
2291 South Main Street
Fall River, MA 02724

RE: **FALL RIVER**
Release Tracking Number: 4-0000786
Former Getty service Station
2291 South Main Street
NOTICE OF AUDIT FINDINGS
AUDIT INSPECTION

Dear Mr. Martins:

On June 29, 2011, the Massachusetts Department of Environmental Protection ("MassDEP" or "the Department") conducted an audit inspection at the location referenced above (the site). The purpose of this inspection was to observe conditions related to an area subject to a Notice of Activity & Use Limitation (AUL). In particular, the audit inspection focused on the obligations and conditions of the AUL recorded for the property in May 2002 and the Amendment and Ratification of AUL recorded in July 2005. This Notice informs you of the results of MassDEP's audit inspection.

The property was formerly used as a gasoline station. The AUL placed on the property by the former owner, restricts the entire property. The current owner purchased the property in November 2003 and is operating a used car dealership at the site. The AUL area is entirely capped with pavement. The purpose of the AUL is to ensure that soil located beneath the paved areas at a depth greater than 8 feet below ground surface remains inaccessible. The AUL permits uses and activities at the site which disturb soil located less than 8 feet below ground surface. The AUL restricts any activity that results in the removal or relocation of soils located at depths greater than 8 feet below ground surface without the prior development and implementation of a Health and Safety Plan and a Soil Management Plan.

At the time of inspection, the pavement located in the AUL area was in good condition. There was no evidence of excavation at the property. Site activities and uses observed during the inspection of the property by Mark Jablonski of MassDEP's Southeast Regional Office were consistent with the terms and conditions of the AUL. MassDEP did not identify any violations of the requirements applicable to the AUL at the site. A copy of the AUL Field Screening Form is attached.

LICENSED SITE PROFESSIONAL

A copy of this Notice has been sent to Lawrence Lessard, the LSP who prepared the amended AUL.

LIMITATIONS AND RESERVATIONS OF RIGHTS

The Audit Inspection did not include a compliance review of the Response Action Outcome (RAO) Statement, or the AUL. However, the RAO and AUL were reviewed as part of a previously conducted audit. The current audit primarily focused on field compliance with the obligation and maintenance conditions set forth in the AUL Notice.

The Department's findings were based upon the certainty of the information reviewed during the audit. These findings do not: (1) apply to actions or other aspects of the site that were not reviewed in the audit; (2) preclude future audits of past, current or future actions at the site; (3) in any way constitute a release from any liability, obligation, action or penalty under M.G.L. c. 21E, 310 CMR 40.0000 or any other law, regulation or requirement; or (4) limit the Department's authority to take or arrange, or to require any Responsible Party or Potentially Responsible Party to perform, any response action authorized by M.G.L. c. 21E which the Department deems necessary to protect health, safety, public welfare or the environment.

If you have any questions regarding this letter, please contact Mark Jablonski at (508) 946-2819. Please reference the Release Tracking Number, RTN 4-0000786, in any future correspondence to MassDEP regarding the site.

Sincerely,



Deborah A. Marshall, Chief
Audit Program
Bureau of Waste Site Cleanup

M/MJ/nm

W:\BWSC\Document Archive\4-0000786.Fall River.NOAF.AI.7-29-2011.doc

Attachment A: AUL Field Screening Form

CERTIFIED MAIL # 7004 1350 0004 4565 3278

ec: City of Fall River
Mayor's Office
Health Department
Zoning Code Enforcement Official & Building Inspector

Lawrence Lessard, LSP
llessard@lessard-environmental.com

DEP-SERO
Attn: Lara Goodine, BWSC – Data AUL SNAUDI, AUDCOM NAFNVD



MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
Southeast Regional Office/Bureau of Waste Site Cleanup
AUL FIELD SCREENING FORM

RELEASE TRACKING NUMBER

4-	0000786
TOWN FALL RIVER	

Site Name: Fmr. Getty Service Station	Contact Person: Antonio Martins
Address: 2291 South Main St. Fall River	Phone: 774-526-3824

AUL INFORMATION (filled out by Screening/Office Staff)	SITE INSPECTION (filled out by Field Staff)
Date AUL filed: 5/16/02 Amendment: 7/1/05 Description of AUL area at time of filing: <input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Pavement <input type="checkbox"/> Grassed/Landscaped <input type="checkbox"/> Other Additional details/other relevant info on AUL area(s): Antonio Martins purchased the property from the former owner CK Smith in Nov 2002. He is operating a used car dealership at the site. The AUL restricts the entire property.	Boundaries of AUL area(s) identifiable? <input type="checkbox"/> Yes <input type="checkbox"/> No Complete access to all AUL area(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No Evidence of recent excavation/disturbance? <input type="checkbox"/> Yes <input type="checkbox"/> No Evidence of recent construction? <input type="checkbox"/> Yes <input type="checkbox"/> No Remediation Waste present? <input type="checkbox"/> Yes <input type="checkbox"/> No Indication of potentially serious site conditions? <input type="checkbox"/> Yes <input type="checkbox"/> No Other Notes:

Permitted Activities And Uses	Observed Activities and Uses
<input type="checkbox"/> Residential <input type="checkbox"/> Daycare <input type="checkbox"/> School <input type="checkbox"/> Playground <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Excavation <input type="checkbox"/> Construction <input type="checkbox"/> Recreation <input checked="" type="checkbox"/> Other/Details/Conditions: Utility Work <input checked="" type="checkbox"/> Vehicular parking, pedestrians & vehicular traffic, repaving, structural removal & renovation regarding soil located less than 8 ft below grade; <input checked="" type="checkbox"/> Excavation greater than 8 ft bgs associated with emergency short-term (3 months or less) underground utility and/or construction work provided it is conducted in accordance with a HSP & SMP.	<input type="checkbox"/> Residential <input type="checkbox"/> Daycare <input type="checkbox"/> School <input type="checkbox"/> Playground <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Excavation <input type="checkbox"/> Construction <input type="checkbox"/> Recreation Comments: A used car dealership is present at the site. Prior to Mr. Martins purchase, the property had operated as a gasoline service station. The original station building remains on site. The gasoline tanks have been removed. The site has been repaved since Mr. Martins obtained ownership. This AUL has defined that as a permitted site activity.
	VIOLATION OBSERVED: <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Possible

Inconsistent/Restricted Activities and Uses	Observed Activities and Uses
<input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Day Care <input type="checkbox"/> School <input checked="" type="checkbox"/> Playground <input type="checkbox"/> Park <input checked="" type="checkbox"/> Recreation <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Excavation <input checked="" type="checkbox"/> Disturbance <input checked="" type="checkbox"/> Gardening: <input type="checkbox"/> Fruits/Veggies <input type="checkbox"/> Flowers/Landscaping Other/Details/Conditions: <input checked="" type="checkbox"/> Activities which remove/disturb soil located greater than 8 ft below grade; <input checked="" type="checkbox"/> Relocation of soil from a depth greater than 8 ft below grade without an opinion generated from an LSP; <input checked="" type="checkbox"/> Shall be no excavation or removal of loam, peat, gravel, sand, rock, mineral or natural resource.	<input type="checkbox"/> Residential <input type="checkbox"/> Day Care <input type="checkbox"/> School <input type="checkbox"/> Playground <input type="checkbox"/> Park <input type="checkbox"/> Recreation <input type="checkbox"/> Construction <input type="checkbox"/> Excavation <input type="checkbox"/> Disturbance <input type="checkbox"/> Gardening: <input type="checkbox"/> Fruits/Veggies <input type="checkbox"/> Flowers/Landscaping Comments: According to Mr. Martins, there have not been any construction or excavation activities at the site since his purchase of it in 2003. There was evidence of a pavement patch adjacent to the southeast corner of the building. According to Mr. Martin, a repair to a utility pipe had to be conducted last year at this location. Activities and Uses inconsistent with the terms and conditions of the AUL were not observed during the site inspection.
	VIOLATION OBSERVED: <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Possible

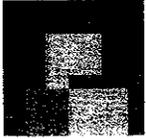
Obligations and Conditions	Observed Conditions
<input type="checkbox"/> Maintain Pavement <input type="checkbox"/> Maintain other cap/cover/liner <input checked="" type="checkbox"/> Soil Management Plan <input checked="" type="checkbox"/> Health & Safety Plan <input type="checkbox"/> Maintain Signs/Notices <input checked="" type="checkbox"/> Other/Details/Conditions: <input checked="" type="checkbox"/> A SMP and HSP must be prepared by an LSP and implemented prior to the commencement of any activity that is likely to disturb impacted soil greater than 8 ft bgs.	<input type="checkbox"/> Pavement <input type="checkbox"/> Cap/Cover/Liner <input type="checkbox"/> Signs/Notices Comments: The property is completely paved. The Obligations and Conditions are consistent with the terms and conditions of the AUL.

AUL Sketch Attached to this form? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	VIOLATION OBSERVED: <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Possible
---	--

Additional Comments/Notes on Reverse Side: <input type="checkbox"/> No <input type="checkbox"/> Yes	Additional Comments/Notes on Reverse Side: <input type="checkbox"/> No <input type="checkbox"/> Yes
---	---

Completed by: Mark Jablonski Date: 6/22/11	Completed by: Mark Jablonski Inspection Date: 6/29/11
--	---

33



MASSDEVELOPMENT

RECEIVED

2011 AUG -5 A 11: 53

CITY CLERK
FALL RIVER, MA

160 Federal Street
Boston, Massachusetts
02110

August 3, 2011

Tel: 617-330-2000
800-445-8030

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

Fax: 617-330-2001
617-451-3429

Dear Members of the Council:

www.massdevelopment.com

The Massachusetts Development Finance Agency will be considering final approval to a revenue bond project to be financed on behalf of Southcoast Hospitals Group, Inc. located in Wareham, Fall River, New Bedford, Fairhaven and Dartmouth to be issued pursuant to Chapter 23G and 40D of the General Laws. A summary of the project is attached for your information.

The Agency's policy is to advise the appropriate local and regional planning agencies to ascertain the relationship of a proposed project to any existing state, local or regional comprehensive plan.

The purpose of this letter is to notify you of the project and to request that you advise in the event that the proposed project conflicts with an existing local or regional comprehensive plan. If you would like further information on the project, or if you would like the Agency to consider any comments you may have, please give me a call.

DEVAL PATRICK
Governor

Sincerely,

TIMOTHY P. MURRAY
Lieutenant Governor

GREGORY P. BIALECKI
Chairman

Steven J. Chilton
Senior Vice President

MARTY JONES
President and CEO

Enclosure: Summary

cc: Edwards Angell Palmer & Dodge
111 Huntington Avenue
Boston, MA 02199
Attn: John Thomas, Esq.

SJC/jck

Meeting Date: August 11, 2011

PROGRAM:	501(c)(3) Tax-Exempt
BOARD VOTE:	Official Action and Final Approval
CLASSIFICATION:	Institution
PUBLIC HEARING DATE:	August 15, 2011
STAFF PERSON:	Deb Boyce/Joe Grivers
BORROWER PROJECTED NEW JOBS:	0
EXISTING JOBS:	6,000
TOTAL LEASE FINANCING:	\$20,000,000
TOTAL VOLUME CAP:	\$0
TOTAL FEES:	\$15,000

SOUTHCOAST HOSPITALS GROUP, INC.

REQUEST: To assist the applicant in financing a non-profit project, approval of the proposed project for a MassDevelopment 501(c)(3) Tax-Exempt Lease is requested.

BORROWER:

<u>Borrower:</u> Southcoast Hospitals Group, Inc. (together with any parent, subsidiary or other affiliate) 101 Page St. New Bedford, MA 02740	<u>Users:</u> Tobey Hospital Charlton Memorial Hospital St. Luke's Hospital Southcoast outpatient facilities
--	---

PROJECT LOCATIONS: Tobey Hospital, 43 High St., Wareham, MA 02571; Charlton Memorial Hospital, 363 Highland Ave., Fall River, MA 02720; St. Luke's Hospital, 101 Page St., New Bedford, MA 02740; and Southcoast outpatient facilities at 206 Mill Rd., Fairhaven, MA 02719, 300 Faunce Corner Rd., Dartmouth, Ma 02747, 1030 Presidents Avenue, Fall River, Ma 02720; and 100 Rosebrook Way, Wareham, MA 02571

PROJECT: Proposed is the acquisition of a variety of capital equipment, including CT scanners, MRI, ultrasound equipment, patient beds, air handling units, surgical lights, exam lights, and other patient care and facilities equipment.

GUIDELINE ISSUES: None

PRINCIPALS:

Carl Ribeiro, Chair
Elizabeth Kunz, Esq., Vice Chair
Keith Hovan, President & CEO
William Grigg, Executive Vice President & CFO

BOARD ACTION:

Approve the resolution authorizing Official Action and Final Approval
for a MassDevelopment 501(c)(3) Tax-Exempt Lease.