



# City of Fall River Massachusetts

## Office of the City Clerk

**ALISON M. BOUCHARD**  
CITY CLERK

**FEBRUARY 24, 2012**  
**MEETINGS SCHEDULED FOR NEXT WEEK**  
**TUESDAY, FEBRUARY 28, 2012**

**INÊS LEITE**  
ASSISTANT CITY CLERK

**5:15 P.M. COMMITTEE ON REAL ESTATE**

**6:00 P.M. COMMITTEE ON FINANCE**

1. Disc. of proposed loan order re Britland Park
2. Disc. with Director of Community Maintenance re street sweeping
3. Disc. with Preservation Society re Master Plan & 40C District

**AGENDA**

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

**PRIORITY MATTERS** - None

**PRIORITY COMMUNICATIONS** - None

**COMMITTEE REPORTS**

Committee on Health & Environmental Affairs recommending:

Adoption:

1. Resolution requesting support of a "No Discharge Area" in Mount Hope Bay

Committee on Ordinances & Legislation recommending:

First Reading:

2. Traffic, misc.

First Reading and referred to the Committee on Ordinances & Legislation:

3. Fall River Tree Ordinance

All readings, w/EP

4. Traffic, handicapped parking

**ORDINANCES**

Second Reading & Enrollment:

5. \*Traffic, misc.
6. \*Police Protection for Traffic Flow; Maintenance of Passage

**RESOLUTIONS**

7. \*Invite Fall River Charter Advisory Group to future Com. on Finance meeting to make presentation about Charter review process
8. \*Req. Mass. DOT install signs @ Route 24S & Highland Avenue to advise drivers to lower speed
9. \*Invite Mayor, Mass. Historical Commission & developers to future Com. on Finance to discuss Preservation of the former Central Congregational Church/Abbey Grill
10. \*Com. on Public Safety meet to discuss faded traffic lines, crosswalks, etc.
11. \*City Council President call for joint-meeting of City Council and School Committee to discuss School Dept. budget after submission in June
12. \*Com. on Public Works and Transportation meet to discuss street repaving, stop signs and raised crosswalks in the planning of new street construction
13. \*Com. on Public Works and Transportation meet with various dept. heads to discuss trash, litter and maintenance of city owned property
14. \*Com. on Finance meet with Al Lima of Save Our Neighborhoods to discuss Community Preservation Act

**CITATIONS** - None

**ORDERS – HEARINGS FOR TONIGHT**

**Second hand article store:**

15. William F. Leach d/b/a Marine Consignment of Fall River – 75 Ferry Street, Unit #2

**Curb Removals:**

16. Steward St. Anne's Hospital Corp. – 24 feet @ 297/305 Osborn Street  
17. Joao Batista Grizotte– 31 feet @ 297 East Main Street  
18. Southeastern Regional Transit Authority– 160.1 feet @ 118 Fourth Street

**Street Acceptance:**

19. Dundee Street in its entirety

**ORDERS – HEARINGS TO BE SCHEDULED**

**Jt. Pole location:**

20. Sykes Road – One (1) joint pole location

**ORDERS – NO HEARING REQUIRED** – None

**ORDERS – MISCELLANEOUS**

21. Police Chief's report on licenses

**COMMUNICATIONS – INVITATIONS – PETITIONS**

22. \*Claims  
23. Zoning Board of Appeals Minutes – December 15, 2011  
24. Planning Board Minutes – January 23, 2012  
25. \*Street Opening Request – Less than 5 years old – Khoury Excavating to install fire suppression water line at 120 Diman Street

**BULLETINS – NEWSLETTERS – NOTICES**

26. Notice of Project Change – SITEC Environmental, Inc. re BFI Fall River Landfill, Area 3 Landfill Expansion  
27. Final Report – Dundee Street

  
City Clerk

# 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:

- Southbound drivers on Fenmore Street at Locust Street
- Eastbound drivers on Guy Street at Hyacinth Street
- Eastbound and westbound drivers on Hemlock Street at Oakland Street
- Southbound drivers on Moss Street at New Boston Road
- Northbound drivers on Rich Street at New Boston Road

Section 2.

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

Hood Street, north side, starting at a point 131 feet east of Woodlawn Street, for a distance of 25 feet easterly

# City of Fall River, *In City Council*

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

That Chapter 66 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to streets, sidewalks and other public places be amended as follows:

By striking out Section 66-412, which subsection relates to Police Protection for traffic flow; maintenance of passage, in its entirety, and insert in place thereof, the following:

## **Section 66-412. Police Protection for Traffic Flow; Maintenance of Passage.**

- A. Any person, opening, occupying, obstructing, using, digging into or breaking up any public way of the City or portion thereof, shall maintain at his or its expense such police officer of the city, but in no event shall there be less than one police officer at each street location designated in each permit required location, as the Chief of Police or his designee, may deem necessary, to avoid, so far as reasonably possible, danger to the safety of persons and interference with the free circulation of vehicular traffic and pedestrian traffic.
- B. Emergency Construction. In the event of an emergency which requires the opening, occupying, obstructing, using, digging into, or breaking up of any public way in the City by a person not able to obtain a permit because of the hour, such person shall immediately notify the Fall River Police Department in order to arrange for the necessary police officers but in no event shall there be less than one police officer at each separate street location or place of such opening, obstructing, using, digging into, or breaking up of such street. The police officer shall be assigned at the expense of such person.
- C. Notwithstanding Section 66-412 A and B, in instances when appropriate and when possible to protect the construction zone from vehicular traffic and/or pedestrian traffic to ensure public safety, the Chief of Police or his designee shall have the authority to determine that no police detail is needed on all or portions of the project.
- D. Maintenance. Notwithstanding this Section, to assure safe and healthful working conditions for working men and women, when applicable all OSHA Standards shall apply. At a site involving a street opening or excavation, the maintenance of the excavated materials shall be laid compactly alongside of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. In order to expedite the flow of traffic or to abate a dirt or dust nuisance, the City Engineer may require the permittee to provide two boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by the City Engineer. If the street is not wide enough to hold the excavated material without part of the adjacent sidewalk, the permittee shall keep a passageway at least one-half the sidewalk width open along such sidewalk line.

E. Failure to Comply. Any person who violates section 66-412 shall be subject to a \$300.00 fine. One third of such civil penalty shall be deposited into the municipal treasury and the remaining two thirds of such penalty shall be deposited into a designated account with the specific intent of maintaining the operations of the Fall River Police Department. A separate offense shall be deemed committed on each day or on which each violation occurs or continues to occur. Any violation shall also result in the closing down of the opening, obstructing, using, digging into or breaking up of any public way of the City by police officers of the City until compliance with section 66-412 is maintained.

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# City of Fall River, *In City Council*

(Councilor Michael L. Miozza)

WHEREAS, there is a current effort to have Fall River's City Charter reviewed,  
and

WHEREAS, the Fall River Charter Advisory Group has prepared an informational  
presentation for the public, and

WHEREAS, the City Council must order the question of a charter review be  
submitted to the voters, now therefore

BE IT RESOLVED, that the Fall River Charter Advisory Group make a short  
presentation about the review process to the full council at a Finance Committee  
meeting during March 2012.

**City of Fall River, *In City Council***

8

(Councilor Raymond A. Mitchell)

**WHEREAS, vehicles exiting Route 24 South at the Highland Avenue exit are traveling at a significant rate of speed, and**

**WHEREAS, people who do not reside in the City of Fall River may be unaware that they are entering a residential area, and**

**WHEREAS, there have been numerous accidents in this area due to speed, now therefore**

**BE IT RESOLVED, that the City Council request Massachusetts DOT to install signs informing drivers that the highway is ending and they are entering a residential area.**

**City of Fall River, *In City Council***

9

(Councilor Raymond A. Mitchell)

**WHEREAS**, the former Central Congregational Church/Abbey Grill is a historic building in the City of Fall River, and

**WHEREAS**, many of our historic buildings have been razed through the years, and

**WHEREAS**, we now realize that the loss of many of these historic structures are irreplaceable and should never have been demolished, now therefore

**BE IT RESOLVED**, that the Mayor, the Massachusetts Historical Commission and developers be invited to a future meeting of the Committee on Finance to discuss ways to preserve the former Central Congregational Church/Abbey Grill located at 100 Rock Street.

City of Fall River, *In City Council*

(Councilor Michael L. Miozza)

WHEREAS, the winter fading of painted street lines to include traffic lines, crosswalks, centerlines and edge lines, stop bars and parking is prominent throughout the city, and

WHEREAS, there is the potential for a serious accident to occur particularly on heavily traveled streets, and

WHEREAS, some of the lines have faded to oblivion, and

WHEREAS, many people from the public have expressed safety concerns regarding the faded lines, now therefore

BE IT RESOLVED, that this matter be sent to the Committee on Public Safety to discuss the schedule and methodology for repainting the city street lines.

**City of Fall River, *In City Council***

(Councilor Raymond A. Mitchell)

WHEREAS, the joint-meeting of the City Council and School Committee that was held recently was very informative regarding the School Department budget process, and

WHEREAS, after receipt of the School Department budget there will be many questions that could be answered by another joint-meeting, now therefore

BE IT RESOLVED, that the President of the City Council call for another joint-meeting of the City Council and School Committee in Council Chambers to discuss the School Department Budget.

**City of Fall River, *In City Council***

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(Councilor Daniel M. Rego)

WHEREAS, there are numerous streets in the City that are in need of repaving, and

WHEREAS, every year streets are repaved according to need, now therefore

BE IT RESOLVED, that the Committee on Public Works and Transportation meet to discuss what streets are on the list to be repaved and also the schedule of when the work will be performed, and

BE IT FURTHER RESOLVED, that raised cross walks and stop signs be considered in the planning of new street construction in dangerous intersections.

(Councilor Daniel M. Rego)

WHEREAS, litter and trash is abundant in the City of Fall River, and

WHEREAS, it is the responsibility of property owners to keep their property free of litter, and

WHEREAS, on trash collection days litter seems to increase dramatically in neighborhoods due to trash collection workers leaving behind trash that falls during the collection process, and

WHEREAS, parks, cemeteries and all city owned property is in need of more daily maintenance, now therefore

BE IT RESOLVED, that the Director of Community Maintenance, Director of Parks, Director of Cemeteries, Director of Minimum Housing and the Special Projects Manager be invited to a future meeting of the Committee on Public Works and Transportation to discuss these matters.

# City of Fall River, *In City Council*

(Council President Linda M. Pereira)

WHEREAS, the Community Preservation Act (CPA) enables cities and towns in Massachusetts to create a local dedicated fund for open space, historic preservation, community housing and outdoor recreation projects, and

WHEREAS, City and Towns that adopt the act also receive funds from statewide Community Preservation Trust Funds each year for these projects, and

WHEREAS, the implementation of the CPA in Fall River could provide funding to:

- restore and preserve historic city-owned buildings, parks, churches, and museums
- create new ball fields, boat launches and trails for walking and biking
- preserve land to create a greenway system throughout the city
- create a housing fund trust to allow working families to purchase affordable homes
- leverage additional dollars from State and Federal sources, thereby easing pressure on the city budget
- fund projects that improve the quality of life of residents, now therefore

BE IT RESOLVED, that Alfred Lima of Save our Neighborhoods, be invited to the City Council Committee on Finance meeting on scheduled for Tuesday, March 13, 2012 to discuss this matter.

CC

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CLAIM FORM  
City of Fall River, Massachusetts

RECEIVED

JAN 16 11:11

CITY CLERK 12-16  
FALL RIVER, MA

Name: Ocean Cove Realty

Address: P.O. Box 120-678  
Boston, MA 02112-0678

Phone #: 508 984-0949

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

Date of Incident: 1-4-12 + 1-25-12

Time of Incident:

Location of Incident: 522 South Almond Street

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

Please see attached documents.

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Wry & Rogers Law

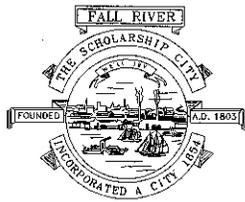
1 DPW

1 CC

1 City Clerk

\_\_\_\_\_  
\_\_\_\_\_

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



BYRON R. HOLMES, P.E.  
City Engineer

CITY OF FALL RIVER  
PLANNING DEPARTMENT - ENGINEERING DIVISION

One Government Center  
Fall River, MA 02722  
Phone: (508) 324-2512  
Fax: (508) 324-2564  
Email: Bholmes@fallriverma.org

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## MEMO

**To:** Fall River City Council  
**From:** Byron Holmes, P.E.  
City Engineer  
**Date:** February 15, 2012  
**Subject:** Street Opening Request for Pavement less than 5 years old.

**Comments:**

Khoury Excavating has submitted a request to open a street less than five years old for the purpose of installing a fire suppression water line. The requested location is 120 Diman Street, Map G-4, Lot 58. Diman Street was paved in 2009.

Under Section Sec. 66-392 of City Ordinances, permission to open this street can only be granted by a majority vote of the city council.

If the Council grants this request, the following street repair criteria would apply:

1. Flowable fill shall be used to backfill the trench in the roadway.
2. Infrared patching will be required.
3. All work is to be inspected by the Engineering Department.

CITY CLERK  
FALL RIVER, MA

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