City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

MAY 18, 2012
MEETINGS SCHEDULED FOR NEXT WEEK
TUESDAY, MAY 22, 2012

6:00 P.M. COMMITTEE ON FINANCE

1. Discussion of proposed loan order re Phase 12 – Water System Improvements
2. Transfers and appropriations (see #1 below)

AGENDA

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

PRIORITY MATTERS

1. *Transfers and appropriations (see #2 in Finance)
2. *Mayor and proposed zoning ordinance re former Laurel Lake School
3. *Mayor and order approving deed in lieu of foreclosure for the former Abbey Grille

PRIORITY COMMUNICATIONS

4. Traffic Commission recommending amendments to the traffic ordinances

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

First reading

5. *Traffic, misc.

First reading, as amended

6. *Taxicab vehicle licensing
7. *Connection to a public street for a private driveway
8. *Prohibiting consumption of marihuana in public places

All readings with Emergency Preamble

9. *Traffic, handicapped parking

ORDINANCES

Second Reading & Enrollment:

10. *Shopping Carts
11. *Responsible Beverage Service Training

RESOLUTIONS – None
CITATIONS – None

ORDERS – HEARINGS FOR TONIGHT

Jt. Pole relocation

12. Jefferson Street – One pole re-location

Underground Conduit

13. South Main Street

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

ORDERS – MISCELLANEOUS

14. Police Chief's report on licenses
15. Auto Repair Shop license renewal
16. Auto Body Shop license renewals

COMMUNICATIONS – INVITATIONS – PETITIONS

17. *Claims
18. Planning Board minutes for March 20, 2012
19. Planning Board minutes for April 12, 2012
20. Drainlayer Bond

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TEL 508-324-2220 • FAX 508-324-2211 • EMAIL city_clerks@fallriverma.org

Applications for structures over a public way:

21. Sign – Graphic Signs/Quang's Kitchen, Inc., 1236 Pleasant Street
22. Banner-Lynn Creamer/FROED, Bedford St. (near Fire Station)
23. Banner-Lynn Creamer/FROED, So. Main St. (250 block)
24. Banner-Lynn Creamer/FROED, Pleasant St. (600 block)

BULLETINS – NEWSLETTERS – NOTICES

25. Notice of project change – Crossroads at 24

Alison M. Bouchard
City Clerk

Finance

City of Fall River, *In City Council*

ORDERED, that $4,953,200 is appropriated for the purpose of financing construction and design of Phase 12 of the City's Water Project including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; and to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow $4,953,200 and to issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws or any other enabling authority; that such bonds or notes shall be general obligations of the City unless the Treasurer, with the approval of the Mayor, determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer, with the approval of the Mayor, is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust ("Trust") established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection ("Department") with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Mayor is authorized to enter into a project regulatory agreement with the Department, to expend all funds available for the project and to take any other action necessary to carry out the project.

ORDERED, that the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

CITY OF FALL RIVER
IN CITY COUNCIL
MAY - 8 2012
Authorized to be published and referred to the Committee on Finance, 7 yeas.

Ad: Att to Run 5/12/12
Abutters: ——
Bldg. Insp./Engineering: ——
Fire Chief: ——
Police Chief: ——
Collector: ——
Corp. Counsel: ——

Finance 2

Phase 12 Water Projects Planned construction schedule is for 2013			3.21.12

PROJECT 12			
Design			
Water main replacement and LSR	Open	2012-2013	$70,000
Water main improvements at Watuppa Pond	Open	2012-2013	$120,000
Airport Road tank/high service area	Open	2012-2013	$225,000
Water System Master Plan Update	SRF	2012-2013	$125,000
Construction Management			
Water main replacement and LSR	SRF	2013	$155,000
Water main improvements at Watuppa Pond	SRF	2013	$109,000
Construction			
Water Main and Lead Service Replacement	SRF	2013	$972,000
Water main improvements at Watuppa Pond	SRF	2013	$1,300,000
Police Details	SRF	2013	$150,000
Paving	Open	2013	$1,000,000
1873 pump station/tower stabilization	Open	2013	$500,000
Contingency	SRF	2013	$227,200
Total			**$4,953,200**

Water Main and Lead Service Replacement Proposed Streets-phase 12				
Street	From	To	Length Feet	Age
America	Stafford	Clay	1650	1934
Utah	Cambridge	Warren	450	1958
Foote	Globe	Dwelly	1350	1883
Queen	Bay	Globe	450	1932
Florence	Ray	Robeson	3000	1923
Talbot	Chesworth	Eastern	700	1895
Chesworth	Albion	Eastern	600	1912
Total			8200	

City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

May 17, 2012

RECEIVED
2012 MAY 17 P 4: 52
CITY CLERK
FALL RIVER, MA

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

Dear Honorable Council Members:

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations to your Honorable Body. The following appropriations/transfers will assist the city in closing its Fiscal Year 2011:

1.	$93,000	That the sum of $93,000 be, and the same is, hereby transferred and appropriated from **FREE CASH,** to be credited to **CLAIMS AND DAMAGES**.
2.	$21,250	That the sum of $21,250 be, and the same is, hereby transferred from **RESERVE FUND**, to be credited to **HARBOR MASTER CAPITAL OUTLAY.**
3.	$15,000	That the sum of $15,000 be, and the same is, hereby transferred from **ADMINISTRATIVE SERVICES, SALARIES**, to be credited to **ADMINISTRATIVE SERVICES, EXPENSES.**
4.	$1,700	That the sum of $1,700 be, and the same is, hereby transferred from **RESERVE FUND**, to be credited to **VETERANS SERVICES, SALARIES.**
5.	$60,000	That the sum of $60,000 be, and the same is, hereby transferred from **RESERVE FUND**, to be credited to **VETERANS SERVICES, EXPENSES**.
6.	$160,000	That the sum of $160,000 be, and the same is, hereby transferred from **FINANCIAL SERVICES, SALARIES**, to be credited to **FINANCIAL SERVICES, EXPENSES**.
7.	$140,000	That the sum of $140,000 be, and the same is, hereby transferred and appropriated from **FREE CASH,** to be credited to **INSURANCE**.

8.	$10,000	That the sum of $10,000 be, and the same is, hereby transferred and appropriated from **EMS STABILIZATION FUND CASH,** to be credited to **EMS CAPITAL OUTLAY**.
9.	$68,000	That the sum of $68,000 be, and the same is, hereby transferred and appropriated from **EMS STABILIZATION FUND CASH,** to be credited to **EMS, EXPENSES**.

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

Sincerely,

William A. Flanagan
Mayor

City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

SHAWN E. CADIME
City Administrator

MEMO

TO: William A. Flanagan, Mayor

FROM: Shawn E. Cadime, City Administrator

RE: Year-End Financial Transfers

DATE: May 17, 2012

FINANCIAL TRANSFERS AND APPROPRIATIONS

1. The transfer request of $93,000 for Police Expenses is needed to cover outstanding Legal Claims through June 30, 2012. These one-time expenses will be covered by Free Cash

2. The transfer request of $21,250 for the Harbor Master Capital Outlay is to cover the City's Portion of the Clean Vessel Grant, which will be covered by the Reserve Fund. As you are aware, the Clean Vessel Grant allows the City to purchase a new pump out boat. The total cost of the vessel is $106,250.

3. The transfer request of $15,000 for Administrative Services is to cover the advertising costs that the purchasing department incurred for the sale of school buildings.

4. The transfer request of $1,700 for Veteran Services, Salaries is to cover costs incurred for overtime and salary upgrades in the department. The monies will be transferred from the Reserve Fund.

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5. The transfer request of $60,000 for Veteran Services, Expenses is to cover outstanding medical bill and outstanding burial expenses for our veterans.

6. The transfer request of $160,000 for Financial Services, Expenses is to pay for our Interim Treasurer, who is paid out of expenses and not salaries. Also to cover expenses related to Tax Title Collections and the City's FY 2010 and 2011 financial audits.

7. The transfer and appropriation request of $140,000 for Insurance is to pay for outstanding workers compensation expenses.

8. The transfer and appropriation request of $10,000 for EMS Capital Outlay is to purchase a 2000 Freightliner Horton Ambulance from the Hopkinton Fire Department, which will be used as the City's second OEMS mandated reserve.

9. The transfer and appropriation request of $68,000 for EMS Expenses is to cover outstanding expenses related to Medical Supplies, Motor oil and lubricants, other intergovernmental expenses, and Motor Vehicle Insurance.

City of Fall River, *In City Council*

May 22, 2012

1

ORDERED:

That the sum of $93,000 be, and the same is, hereby transferred and appropriated from **FREE CASH,** to be credited to **CLAIMS AND DAMAGES.**

City of Fall River, *In City Council*

May 22, 2012

2

ORDERED:

That the sum of $21,250 be, and the same is, hereby transferred from **RESERVE FUND**, to be credited to **HARBOR MASTER CAPITAL OUTLAY.**

City of Fall River, *In City Council*

May 22, 2012

3

ORDERED:

That the sum of $15,000 be, and the same is, hereby transferred from **ADMINISTRATIVE SERVICES, SALARIES**, to be credited to **ADMINISTRATIVE SERVICES, EXPENSES.**

City of Fall River, *In City Council*

May 22, 2012

4

ORDERED:

That the sum of $1,700 be, and the same is, hereby transferred from **RESERVE FUND**, to be credited to **VETERANS SERVICES, SALARIES.**

City of Fall River, *In City Council*

May 22, 2012

5

ORDERED:

That the sum of $60,000 be, and the same is, hereby transferred from **RESERVE FUND**, to be credited to **VETERANS SERVICES, EXPENSES**.

City of Fall River, *In City Council*

May 22, 2012

6

ORDERED:

That That the sum of $160,000 be, and the same is, hereby transferred from **FINANCIAL SERVICES, SALARIES**, to be credited to **FINANCIAL SERVICES, EXPENSES**.

City of Fall River, *In City Council*

May 22, 2012

 # 7

ORDERED:

That the sum of $140,000 be, and the same is, hereby transferred and appropriated from **FREE CASH,** to be credited to **INSURANCE**.

City of Fall River, *In City Council*

May 22, 2012

8

ORDERED:

That the sum of $10,000 be, and the same is, hereby transferred and appropriated from **EMS STABILIZATION FUND CASH,** to be credited to **EMS CAPITAL OUTLAY**.

City of Fall River
Massachusetts
Fire Department Headquarters
Office of the Fire Chief

WILLIAM A. FLANAGAN
Mayor

WILLIAM SILVIA
Fire Chief

April 13, 2012

Mayor William A. Flanagan
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mayor Flanagan:

The annual inspection of our Medical Rescue fleet by OEMS (Office of Emergency Medical Services) revealed that our reserve Medical Rescue is no longer serviceable due to corrosion of the chassis. They will allow us to use it until July 1st.We will be taking delivery of a new Medical Rescue on or about July 1st. At that time, we will downgrade the oldest Medical Rescue to reserve status, leaving us with one reserve Medical Rescue.

OEMS has mandated that we maintain two reserve Medical Rescues. I have learned that Bulldog Fire Apparatus has recently taken in trade a 2000 Freightliner Horton Ambulance from the Hopkinton Fire Department. They informed me that we could buy it for $14,000. I have had our mechanics thoroughly inspect the vehicle and they have reported to me that it is in sound condition and could serve as our second reserve Medical Rescue for years to come. It does need a new fuel tank and some other minor repair work. I have negotiated the price and they are now willing to sell it to us for $10,000.

I am respectfully requesting that $10,000 be transferred from the reserve fund to a capital line item in the EMS budget so I may purchase this vehicle.

Very truly,

William Silvia
Fire Chief

cc: S. Cadime, City Administrator

140 Commerce Drive • Fall River, MA 02720 • TEL (508) 324-2740
FAX (508) 324-2699 • EMAIL wsilvia@frfd.org

City of Fall River, *In City Council*

May 22, 2012

9

ORDERED:

That the sum of $68,000 be, and the same is, hereby transferred and appropriated from **EMS STABILIZATION FUND CASH,** to be credited to **EMS, EXPENSES**.

City of Fall River
Massachusetts
Fire Department Headquarters
Office of the Fire Chief

WILLIAM A. FLANAGAN
Mayor

WILLIAM SILVIA
Fire Chief

April 10, 2012

Mayor William A. Flanagan
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mayor Flanagan:

I am respectfully requesting the following transfer from the Reserve Fund to the Emergency Medical Services Enterprise Fund in order that we may appropriately meet our financial obligations for the remainder of Fiscal Year 2012:

Transfer of $68,000.00 from the Reserve Fund to the Emergency Medical Services expense account for the following line items:

62310002	548100	Motor oil and lubricants	$2,000.00
62310002	550100	Medical Supplies	$55,000.00
62310002	569100	Other intergovernmental	$1,500.00
62310002	574400	Motor vehicle insurance	$9,500.00

Very truly,

William Silvia
Fire Chief

cc: S. Cadime, City Adminstrator

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Appropriation/Transfer Analysis

Line	Original/Revised Appropriation	Amount Transferred	New Appropriation
Certified Freecash	$ 4,362,623	$ (233,000)	$ 4,129,623
Claims & Damages	$ 300,000	$ 93,000	$ 393,000
Administrative Expenses	$ 1,038,658	$ 15,000	$ 1,053,658
Administrative Salaries	$ 1,027,736	$ (15,000)	$ 1,012,736
Reserves	$ 200,000	$ (82,950)	$ 117,050
Harbormaster Capital Outlay	$ -	$ 21,250	$ 21,250
EMS Stabilization Fund	$ 134,610	$ (78,000)	$ 56,610
EMS Expenses	$ 385,108	$ 68,000	$ 453,108
EMS Capital Outlay	$ 20,000	$ 10,000	$ 30,000
Veteran's Expenses	$ 2,621,385	$ 60,000	$ 2,681,385
Veteran's Salaries	$ 215,990	$ 1,700	$ 217,690
Insurance	$ 39,688,787	$ 140,000	$ 39,828,787
Financial Services Salaries	$ 1,119,308	$ (160,000)	$ 959,308
Financial Services Expenditures	$ 504,015	$ 160,000	$ 664,015

I certify that there are sufficient funds available for these transfers.

Krishan Gupta, City Auditor
5/17/2012

2

City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

RECEIVED
2012 MAY -9 P 4: 35
CITY CLERK
FALL RIVER, MA

May 9, 2012

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

Honorable Members of the Council:

I am placing before you for your consideration and approval the following item:

1. Request for a Mixed Business District Zoning Change (Laurel Lake School).

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

Sincerely,

William A. Flanagan
Mayor

One Government Center • Fall River, MA 02722
TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL mayor@fallriverma.org

2

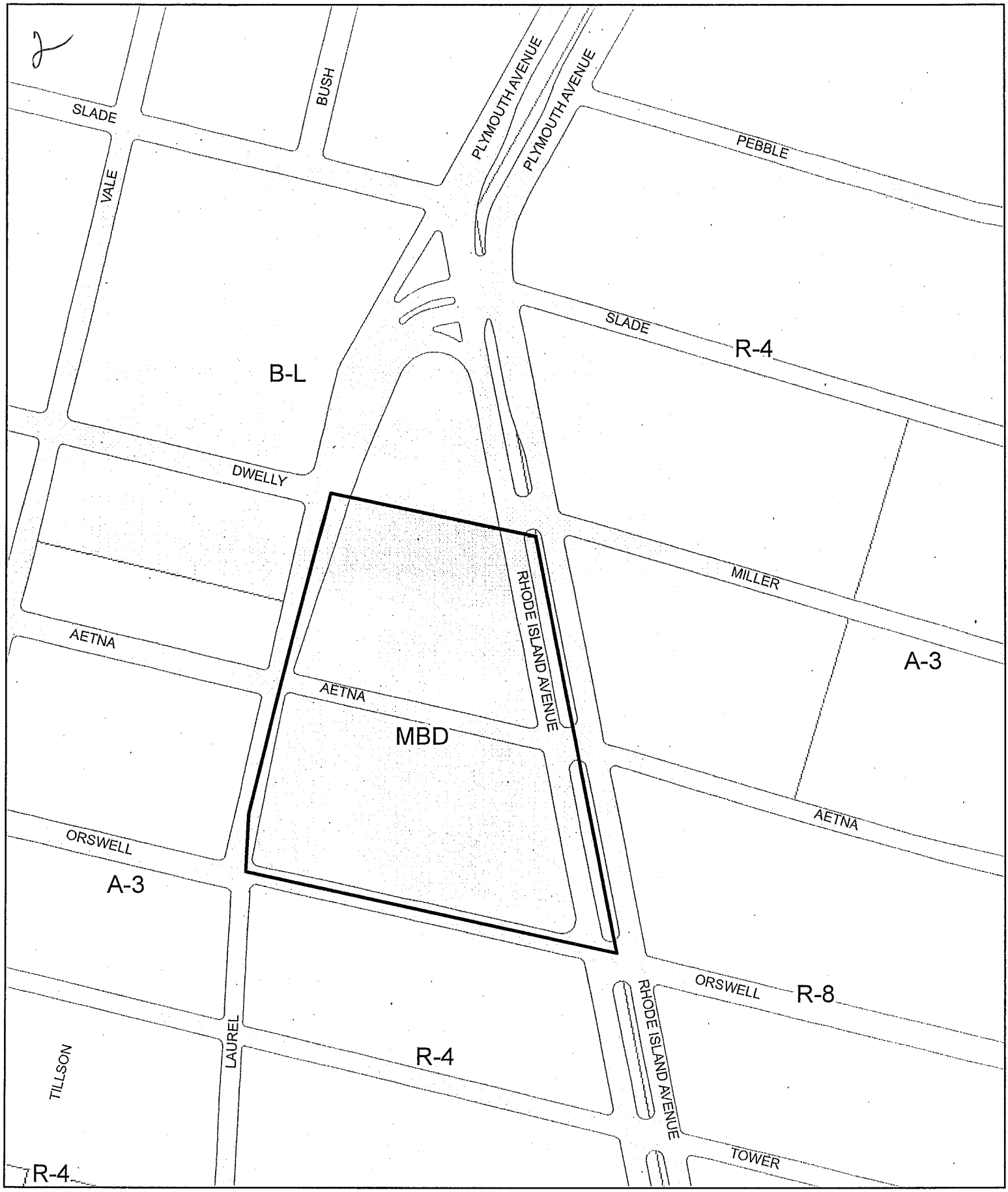
CITY OF FALL RIVER, In City Council

Be it ordained by the City Council of the City of Fall River, Massachusetts, as follows:

That the Planning Director be, and she is hereby authorized and directed to amend the map entitled "Zoning Map of the City of Fall River" which by Chapter 86, Section 121 of the Revised Ordinances of the City of Fall River, 1999 is made a part of said Chapter, by drawing on it, in addition to the presently existing districts shown thereon the following:

As a Mixed Use Business District MBD, that area now in a Two Family Residence District R-4, bounded and described as follows:

Beginning at a point at the centerline intersection of Laurel Street and Orswell Street; thence running easterly by the centerline of Orswell Street to the centerline of Rhode Island Avenue; thence running northerly by the centerline of Rhode Island Avenue to the existing Local Business District; thence running westerly along the southerly line of the existing Local Business District to the centerline of Laurel Street; thence running southerly by the centerline of Laurel Street to the centerline intersection of Laurel Street and Orswell Street and the point of beginning. Being the same area as shown on the map entitled Laurel Lake School Zoning Change: R-4 to MBD; dated April 18, 2012.



LAUREL LAKE SCHOOL
ZONING CHANGE: R-4 TO MBD
APRIL 18, 2012

N
W E
S

2

ZONING CHANGE PROCEDURE

1. Zoning ordinances may be adopted or amended, but only in the following manner:

   By submission of the proposed change to the City Council by:
   - The City Council;
   - The Zoning Board of Appeals;
   - An individual owning land to be affected by the change;
   - Ten registered voters in the city;
   - The Planning Board;
   - A regional planning agency;
   - Other methods provided by a city charter (none provided in our charter)

2. When such a proposed amendment is received, the City Council must forward it to the Planning Board within 14 days for review.

3. Both the Planning Board and the City Council, or its designated committee, must hold a public hearing on the proposal within 65 days after it is referred to the Planning Board by the City Council.

4. Both hearings must be posted and advertised as required by law and notice given to certain parties.

5. The Planning Board, after holding its hearing, should submit its report with recommendations to the City Council.

6. After receipt of the Planning Board report, of after 21 days shall have elapsed after such hearing without submission of a report, the City Council may proceed to enact the proposed zoning ordinance. (Report should be referred to the Committee on Ordinances and Legislation, since the ordinance is awaiting Committee action.)

7. If the City Council fails to adopt the proposed zoning ordinance within 90 days after the public hearing, then no further action can be taken until a subsequent public hearing is held.

8. The effective date of a zoning ordinance is the date it is passed to be ordained by the City Council.

9. The estimated time from the date a proposed zoning ordinance is submitted to the City Council until it is enacted by the City Council is approximately 130 days.

10. A two-thirds vote of the City Council (6 votes) is necessary to enact any zoning ordinance. If certain conditions are met, then a three-fourths vote of the City Council (7 votes) could be required.

*Cost associated, if other than Councilor/Bd. of Appeals filing:
$250.00 to City Clerk's office **AND** $250.00 to Planning Department

3

3

City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

RECEIVED
2012 MAY 17 P 4:52
CITY CLERK
FALL RIVER, MA

May 17, 2012

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

Honorable Members of the Council:

I am placing before you for your consideration and approval the following item:

1. Request to approve a deed in lieu of foreclosure for the former Abbey Grille.

The Law Department will be discussing this issue with councilors along with a matter regarding the "Old Police Station" on Monday, May 21st. Should you have any questions or concerns in regard to this matter, please do not hesitate to contact me.

Sincerely,

William A. Flanagan
Mayor

One Government Center • Fall River, MA 02722
TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL mayor@fallriverma.org

3

City of Fall River, *In City Council*

May 22, 2012

ORDERED:

Be it resolved that the City of Fall River will accept, pursuant to the requirements of MGL Chapter 60, Section 77C, the deed in lieu of foreclosure dated May 2012, for the land and any buildings thereon located at 100 Rock Street, Fall River and identified as Fall River Assessor's Parcel ID# N-07-0006. Said acceptance is contingent upon the City receiving the sum of $128,649.00 in payment of the current owner, Millennium bcp/MBCP REO II, LLC's share of the outstanding tax liability. The recording of said deed in lieu shall be prima facie evidence of the City's receipt of said funds.

5

Proposed Ordinance – Traffic, misc.

CITY OF FALL RIVER

5

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 15, 2012, voted unanimously to recommend that the accompanying proposed ordinance be passed through first reading.

Colleen A. Taylor
Clerk of Committees

IS-CC-019

5 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:

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

Fourth Street, west side, starting at a point 295 feet south of Plymouth Avenue, for a distance of 20 feet southerly
Buckley Street, west side, starting at a point 68 feet north of County Street, for a distance of 20 feet northerly
Durfee Street, west side, starting at a point 40 feet north of Walnut Street, for a distance of 20 feet northerly
Edgemond Street, north side, starting at a point 25 feet east of Pitman Street, for a distance of 25 feet easterly
Hamlet Street, north side, starting at a point 48 feet east of Melville Street, for a distance of 20 feet easterly
Kilburn Street, west side, starting at a point 95 feet north of Dwelly Street, for a distance of 20 feet northerly
King Philip Street, south side, starting at a point 497 feet east of King Street, for a distance of 20 feet easterly
Lawton Street, south side, starting at a point 280 feet east of Rodman Street, for a distance of 20 feet easterly
Ridge Street, east side, starting at a point 206 feet south of Osborn Street, for a distance of 20 feet southerly
Ridge Street, east side, starting at a point 232 feet north of Osborn Street, for a distance of 20 feet northerly

6

Proposed Ordinance – Taxicab Vehicles

CITY OF FALL RIVER

6

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 15, 2012, voted 5 yeas to recommend that the accompanying proposed ordinance be passed through first reading, as amended.

Colleen A. Taylor
Clerk of Committees

IS-CC-019

6 City of Fall River, *In City Council*

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

That Chapter 78 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Vehicles for Hire, be amended as follows:

Section 1.
By striking out Section 78-65, which subsection relates to execution; numbering; contents; term, in its entirety, and inserting in place thereof, the following:

Every taxicab license shall be signed by the city clerk, who shall assign a permanent taxicab license number to each taxicab at the time the license is first issued. The number shall be used for each subsequent license renewal. It shall set forth the name, residence and place of business of the licensee, the owner of the motor vehicle to be operated under it, if not the licensee, a description of the motor vehicle to be operated under it, the current registration number, the engine number of the vehicle, and the number of persons, exclusive of the operator, which it may carry, and, unless sooner revoked or rendered void, shall continue in effect until January 1 next after the date thereof. All taxicab licenses assigned to a taxicab business shall be picked up each year by March 1 of that year. The owner of a vehicle that has a taxicab license assigned to it shall within 15 days of the vehicle being removed from service or taken off the road, either apply to transfer that license to another vehicle or return the license and plate to the City Clerk's office. The transfer process must be completed no longer than 15 days after submission to the City Clerk.

Section 2.
By inserting a new Section 78-68, which section shall relate to renewals, the following:

Sec. 78-68. Renewals.

a) A license issued under the provisions of this article shall be subject to renewal annually.
b) Applications for vehicle licenses and plates shall be made at the office of the City Clerk. Applications for licenses and plates shall set forth such information as the City Clerk may require, in addition to the following information: Name of the applicant, home and business address of the applicant; name of the registered owner of the vehicle, home and business address of the vehicle owner, if not the applicant; make, model, vehicle identification number and registration number of the vehicle. A valid certificate of registration must accompany all applications.

Section 3.
By inserting a new Section 78-69, which section shall relate to conditions to issuance of license, the following:

Sec. 78-69. Conditions to Issuance of License.
Notwithstanding City Council approval of any new application, no taxicab license, including any renewal thereof, shall be issued by the City Clerk without the following:

6

1) The applicant for a license has presented for examination in the case of each vehicle to be licensed, a valid certificate of registration.
2) The applicant for a license has presented for examination in the case of each vehicle to be licensed, a valid certificate of inspection.
3) Each vehicle to be licensed has been inspected and approved by the Sealer of Weights and Measures and found to have a taximeter as required by Sec. 78-32 and M.G.L. c. 98 s. 45.

7

Proposed Ordinance – Connection to a public street for a private driveway

CITY OF FALL RIVER

7

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 15, 2012, voted 5 yeas to recommend that the accompanying proposed ordinance be passed through first reading, as amended.

Colleen A. Taylor
Clerk of Committees

IS-CC-019

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:

Section 1

By inserting in said Chapter, the following new section:

Section 66-67 Connection to a public street for a private driveway.

No person shall connect a private driveway to a public street without first obtaining permission as provided for in this section. All applications to connect a private driveway which is to be constructed after the passage of this ordinance, shall be filed with the city engineer and shall be accompanied by a fee as prescribed in the fee schedule in Appendix A to this revision. All work described in the application or provided for in the conditions for approval shall be performed by a licensed contractor. The sidewalk or driveway shall be constructed by the licensed contractor in a manner satisfactory to the city engineer and at no expense to the city. The city engineer may, in his discretion, grant permission to connect a private driveway not more than 16 feet in width. Any application to connect a driveway that exceeds 16 feet in width shall be forwarded by the city engineer with his recommendation first to the traffic commission, and, if approved by the traffic commission, to the city council. The private driveway shall not be connected to the public street without first having received the approval of both the traffic commission and the city council. Before approving such application, the city council shall conduct a public hearing and give due notice thereof in accordance with section 20 of chapter 30A of the General Laws, to all abutting property owners. If the application for connecting a private driveway to a public street is not approved in accordance with the preceding provisions, no person shall make second application for connecting a private driveway to a public street on the same property for a period of two years from the date the denial is recorded in the Office of the City Clerk.

Section 2

By inserting in Chapter 66, of Appendix A-Fee Schedule of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to streets, sidewalks and other public places, in proper numerical order, the following:

Section 66-67 Permit for connection to a public street for installation of a private driveway $125

8

Proposed Ordinance – Prohibiting consumption of marihuana in public places

CITY OF FALL RIVER

8

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 15, 2012, voted 5 yeas to recommend that the accompanying proposed ordinance be passed through first reading, as amended.

Colleen A. Taylor
Clerk of Committees

IS-CC-019

8

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

By inserting Chapter , a new Article, Public Consumption of Marihuana or Tetrahydrocannabinol and inserting under said article, the following new sections to read as follows:

Section 1. Use of marihuana in public

No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannibinol (as defined in M.G.L. Chapter 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the City of Fall River; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

Section 2. Name, address and date of birth to be provided

Upon request by any duly sworn police officer, any person charged with violating this chapter shall provide his or her true name, address and date of birth.

Section 3. Violations and penalties

This Article may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L., Chapter 40, Section 21, or by noncriminal disposition pursuant to M.G.L., Chapter 40, Section 21D. The fine for violation of the Article shall be one hundred dollars ($100) for each offense. Any penalty imposed under this Article shall be in addition to any civil penalty imposed under M.G.L., Chapter 94C, Section 32L.

Section 4. Seizure of controlled substances

All controlled substances being used in violation of this Article may be seized and held until final adjudication in court whereupon they will be destroyed by the Police Department.

9

CITY OF FALL RIVER

9

To the City Council

Councillors:

The Committee on Ordinances and Legislation, at a meeting held on May 15, 2012 voted unanimously to recommend the accompanying proposed ordinance, accompanied by an emergency preamble, be passed through first reading, second reading, passed to be enrolled and passed to be ordained.

Colleen A. Taylor
Clerk of Committees

9 City of Fall River, *In City Council*

EMERGENCY PREAMBLE

WHEREAS, the immediate passage of the accompanying proposed ordinance is deemed necessary inasmuch as it vitally affects the health and safety of the public, now therefore

BE IT RESOLVED, that said ordinance is hereby deemed an emergency measure in accordance with the provisions of Chapter 43, Section 20 of the Massachusetts General Laws.

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

By inserting in Section 70-387, which section relates to handicapped parking, in proper alphabetical order the following:

Cambridge Street, north side, starting at a point 127 feet west of Oxford Street, for a distance of 20 feet westerly
Charles Street, north side, starting at a point 112 feet west of King Street, for a distance of 20 feet westerly
Hood Street, north side, starting at a point 26 feet west of North Belmont Street, for a distance of 20 feet westerly
Locust Street, south side, starting at a point 60 feet west of Seabury Street, for a distance of 20 feet westerly
Wellington Street, south side, starting at a point 137 feet west of Fulton Street, for a distance of 20 feet westerly
Woodman Street, north side, starting at a point 312 feet west of King Street, for a distance of 20 feet westerly

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City of Fall River, *In City Council*

10

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

That Chapter 26 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Environment be amended by inserting a new Article to read as follows:

Section 1.

ARTICLE III. SHOPPING CARTS

Sec. 26-44. Findings and intent
The City Council finds that the unlawful taking, misuse, and abandonment of shopping carts creates a potential health and safety hazard, affects the general welfare of the public, interferes with pedestrian and vehicular traffic, and constitutes a public nuisance. The accumulation of abandoned shopping carts tarnishes our community and fosters conditions conducive to neighborhood blight, thereby reducing property values. As such, this article institutes measures requiring store owners to prevent the removal of shopping carts from store premises and establishes penalties for violations of this article.

Sec. 26-45. Definitions
For purposes of this section, the following terms are defined as follows:

Commercial establishment means a place where commodities are exchanged, bought, or sold.

Director means the Director of Community Maintenance for the City of Fall River.

Owner means any person, corporation, partnership, or other business organization or entity owning, possessing, or providing any shopping cart to its customers or the public in connection with the conduct of its business.

Person means an individual, corporation, partnership, or other business organization or entity.

Premises means the entire area owned, leased, or utilized by the owner of a commercial establishment, including any parking lot thereof.

Shopping cart means a basket that is mounted on wheels or a similar device provided by the operator of a commercial establishment for the purpose of customer transportation of goods. A collapsible basket mounted on wheels that is sold by a commercial establishment to a retail customer for that customer's personal use is not a shopping cart for the purposes of this article.

Abandon means leaving, discarding, dumping or placing upon public or private property, shopping carts, in a place other than that which is made available to the public by the owner.

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Sec. 26-46. Containment; prohibition of removal, possession, or abandonment

(A.) Each owner must contain all shopping carts to the premises of the commercial establishment at all times.

(B.) Any instance in which a shopping cart provided by an owner is found off the premises of the commercial establishment shall be considered a violation of this article.

(C.) It shall be unlawful to temporarily or permanently remove a shopping cart from the premises of a commercial establishment.

(D.) It shall be unlawful to possess any shopping cart removed from the premises of a commercial establishment with the intent to temporarily or permanently deprive the owner of possession.

(E.) It shall be unlawful to leave or abandon a shopping cart at a location other than the premises of the commercial establishment providing the shopping cart.

(F.) This section shall not apply to shopping carts that are removed for the purposes of repair or maintenance.

Sec. 26-47. Removal warnings; posting of signs

An owner shall conspicuously post and maintain shopping cart removal warnings at all public entrances and exits of the commercial establishment. Said warnings shall notify the public that the removal of a shopping cart from the premises is a violation of law.

Sec. 26-48. Shopping cart identification required

Every owner of shopping carts shall conspicuously and permanently affix thereto:

(A.) Name, address, and telephone number of the store or business from which the shopping cart is made available or permitted to be utilized; and

(B.) Notice indicating that the removal of the shopping cart from the premises is a violation of law.

Sec. 26-49. Retrieval, impoundment, and notification

(A.) The Director, or his designee, is hereby authorized to seize and retrieve any abandoned shopping cart within the city and cause the same to be taken to a facility for redemption or disposition as hereinafter provided.

(B.) Seizure or retrieval by the Director or his designee shall not relieve the owner of the responsibility of compliance with this article or any penalty provided herein.

(C.) Notice of impoundment shall be sent by regular mail to the owner at the address provided on the shopping cart as required in Section 46-48 advising said owner of impoundment, impoundment fee and the fine for violation of this article.

(D.) The owner shall be allowed seven (7) business days from notice of impoundment to retrieve the abandoned shopping cart without implementation of a fine for violation of Section 46-46. The owner shall be assessed a $25.00 impoundment fee, for each retrieved shopping cart, by the Director or his designee. No property shall be delivered to a person seeking to redeem the

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same unless proof establishing ownership is submitted to the satisfaction of the Director or his designee.

(E.) Failure of an owner to redeem a shopping cart within thirty (30) days from the date of notice of impoundment may result in the Director's disposition of the property and assessment of a fine as provided in Section 46-50. Disposition by the Director shall not relieve the owner from any fine resulting from a violation of this article.

(F.) If the owner of any shopping cart cannot be determined, due to the absence of identification as required in Section 46-48 or otherwise, the Director may promptly dispose of the shopping cart.

Sec. 26-50. Penalties

(A.) The fine for violation of Section(s) 46-46, 46-47 and 46-48 of this Article shall result in a $100.00 fine.

(B.) Violation of each Section listed in Section 46-50(A) shall be considered a separate offense.

(C.) All of the monies received from fines under this article shall be allotted to the budget for the Department of Community Maintenance.

Sec. 26-51. Appeal

Any person who receives a fine pursuant to this article may appeal in a non-criminal proceeding by making a written request to the Law Department of the City of Fall River within twenty-one (21) calendar days of the date of issuance of the fine. Failure to timely appeal the administrative citation is deemed a waiver of the right to appeal.

Section 2.

This article shall be effective thirty (30) days after passag-

Ad: TORUN 5/12/12 - attached
Abutters: ———
Bldg. Insp./Engineering: ———
Fire Chief: ———
Police Chief: ———
Collector: ——— attached
Corp. Counsel: Sent 5/9/12

CITY OF FALL RIVER
IN CITY COUNCIL
MAY - 8 2012

Motion made and seconded to strike in Section 26-49 (D) 'seven (7) business days' and insert 'fourteen (14) business days' failed to carry, 2 yeas, 5 nays.

A further motion made and seconded to pass through first reading carried unanimously on a voice vote.

City of Fall River, *In City Council*

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

By inserting within Chapter 14, a new Article XXI, Responsible Beverage Service Training and, inserting under said article, the following new sections to read as follows:

Sec. 14-680 Responsible Beverage Service Training.
Responsible Beverage Service Training would inform alcohol servers and sellers of the consequences of the illegal sale of alcohol to persons underage or who have consumed too much alcohol. Alcohol servers and sellers who receive responsible beverage training should be less likely to sell alcohol to persons underage or who have consumed too much alcohol by virtue of their training in identifying false age documents and recognition of characteristics of intoxicated persons.

Sec. 14-681 Definitions.
For purposes of this section, the following terms are defined as follows:

Licensing authority means the local licensing authority as defined in M.G.L. chapter 138 § 1.

Licensed establishment means one who is issued a license under M.G.L. chapter 138 §§ 12 or 15.

Responsible beverage service training program means a training program that provides the necessary knowledge and techniques needed to be a responsible server of alcohol to employees or agents of pouring and non-pouring establishments.

Sec. 14-682 Provisions.

A. All agents and employees of a licensed establishment involved in the sale or service of alcoholic beverages shall attend either 21 Proof, Alcohol Servers Awareness Program (ASAP), Responsible Alcohol Service, ServSafe Alcohol, STOP Program, Servers & Managers Alcohol Responsibility Training (S.M.A.R.T), Training for Intervention Procedures (TIPS), Alcohol Intervention Methods or Alcohol Awareness Training within thirty (30) days of the date of hire and shall be retrained every three (3) years.

B. No liquor license shall be issued or reissued to a licensed establishment which does not verify that all of the licensee's employees and agents involved in the sale or service of alcoholic beverages have successfully completed one of the beverage service training programs listed in Section A.

C. A signed certification of each agent or employee which indicates that said agent or employee received the responsible beverage service training shall be maintained on the employer's premises. Copies of each signed certification shall be available to the licensing authority, or any authorized agent thereof, upon demand.

Sec. 14-683 Enforcement.
The Chief of Police or the Health Director by his/her designee may initiate alcohol compliance checks at any licensed establishment at any time. Refusal to cooperate will constitute a violation of Article XXI.

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Sec. 14-684 Penalties.
Any liquor licensee who fails to comply with any provision of Article XXI shall be subject to the following sanctions:

A. An initial written warning for the first violation;
B. A fine not to exceed two hundred fifty dollars ($250) for a second violation;
C. Three to seven consecutive days suspension of license for a third violation; and
D. Revocation of license for a fourth violation.

In the event that there are no offenses within thirty-six (36) successive months from the date of the last offense, then the next offense shall be treated as the first offense.

Sec. 14-685 Notice & Hearing.
Prior to imposing a penalty for a third or fourth violation, the Licensing Authority shall conduct a hearing. The hearing notice shall be given to the licensee at least ten (10) days prior to the hearing. The notice will include the date, time, and place of the hearing, and state the nature of the charges against the licensee.

Sec. 14-686 Appeal.
A licensee who receives a penalty for a third or fourth violation pursuant to Article XXI may appeal the decision of the Licensing Authority to the Alcoholic Beverages Control Commission pursuant to M.G.L. chapter 138 § 67.

CITY OF FALL RIVER
IN CITY COUNCIL
MAY - 8 2012
Passed Through first Reading

Ad: to RUN 5/12/12 - attached
Abutters: ____
Bldg. Insp./Engineering: ____
Fire Chief: ____
Police Chief: ____
Collector: ____
Corp. Counsel: sent 5/9 attached

17 CC. 17

afni. Afni Insurance Services
P.O. Box 3068 | Bloomington, IL 61702-3068 | Phone 888-767-2361 | Fax 309-820-2626

#12-31

May 3, 2012

CITY OF FALL RIVER
CITY CLERKS OFFICE
ONE GOVERNMENT CENTER, ROOM 227
FALL RIVER, MA 02722

RECEIVED
2012 MAY -7 P 12: 22
CITY CLERK
FALL RIVER, MA

RE: Our File #: 882273
Insured: MICHAEL TREMBLAY
THE HANOVER INSURANCE GROUP Claim #: 14-00546800
Your Claim #: NEW CLAIM
Your DEPARTMENT: PUBLIC WORKS DEPT, DRIVER: WILLAIM SUTTON
Date of Loss: 2/5/2011
Amount Claimed: $1,338.31

Dear CITY CLERKS OFFICE:

We are contacting you today on behalf of THE HANOVER INSURANCE GROUP regarding a loss. The fact's of the accident indicates the city is liable for payments that THE HANOVER INSURANCE GROUP made to its policyholder as a result of this loss. Supporting documentation is enclosed for your review.

All payments should be made payable to Afni, include the Afni file number and must be directed to:

Afni Insurance Services
P.O. Box 3068
Bloomington, IL 61702-3068

Should you have any questions, please feel free to contact me at 888-767-2361.

Sincerely,

Rick Herrera

RICK HERRERA EXT 3152
Subrogation Specialist

any + 2 Copies Law
1 DPW
1 CC
1 city clerk

17

RECEIVED

2012 MAY -7 P 12: 22

CLAIM FORM
City of Fall River, Massachusetts

Name: AFNI Insurance Services As Subrogee of Hanover Ins and Michael Tremblay

Address: PO Box 3068
Bloomington IL 61702

Phone #: 888-767-2361 Ext-3152

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

not sure to accident

Date of Incident: 2/5/2011
Time of Incident: 1021
Location of Incident: Grinnell St.

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

City Public Works Snow Plow Hit Hanover Insured's Parked Vehicle

SEE Police Report.

Ricki Herrera
Subro Specialist II

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