



City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BRETT
CITY CLERK

MAY 19, 2011
MEETINGS SCHEDULED FOR NEXT WEEK

INÉS LEITE
ASSISTANT CITY CLERK

TUESDAY, MAY 24, 2011

5:15 P.M. COMMITTEE ON REGULATIONS

6:00 P.M. COMMITTEE ON FINANCE

1. Discussion with local pharmacists, the Prescription Corporation of America and local unions
re: potential prescription drug cost savings

AGENDA

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

PRIORITY MATTERS - None

PRIORITY COMMUNICATIONS

1. *Mayor and proposed ordinance re: Zoning – Waterfront and Transit Oriented Development District
2. *Mayor and proposed ordinance re: Zoning ban on "Lazy Cakes" within City of Fall River
3. *Mayor and proposed ordinance re: naming of the Pedestrian/Bicycle Path from Somerset to Fall River in memory of Army Private Michael Bouthot
4. *Mayor and home rule petition re: "An Act Relative to Davol Street, City of Fall River"
5. *FROED urging the allocation of a minimum of \$2 Million of the \$4.5 Million Chapter 70 allocation increase for Fiscal Year 2012 to the Fall River School Department
6. *Board of Election Commissioners re: Redistricting Map of Fall River

COMMITTEE REPORTS

Committee on Human Services, Housing & Elder Affairs recommending:
Grant leave to withdraw:

7. Resolution – Chronic Nuisance Properties

ORDINANCES - None

RESOLUTIONS

8. *Oak Grove Cemetery fly flag that was flown over U.S. Capitol in memory of men and women that made the ultimate sacrifice in defending our country
9. *Dept. of Public Works work to ensure monuments and flagpoles are presentable for Memorial Day

CITATIONS

10. John Matouk & Company – Small Business Association of New England's 2011 Innovation Award

ORDERS – HEARINGS FOR TONIGHT - None

ORDERS – HEARINGS TO BE SCHEDULED - None

ORDERS – NO HEARING REQUIRED - None

ORDERS – MISCELLANEOUS

11. Police Chief's report on licenses

COMMUNICATIONS – INVITATIONS – PETITIONS

12. Claims
13. Structure over a public way – push cart – South Main & Anawan Street
14. *Invitation – Durfee High School Alumni Assoc. Annual Mtg. – May 27, 2011 @ 6:30 PM, Nagle Auditorium
15. *Combined notice of finding of no significant impact and notice of intent to request release of funds
re: req. to US Dept. of Housing & Urban Dev. for release of funds under Title 1

BULLETINS - NEWSLETTERS - NOTICES

16. *Mass. DEP re: Final Approval with conditions, Application for: BWP SW25 Corrective Action Design South Side Expansion, Final Cover System at BFI Fall River Landfill
17. *Mass. DOT - Project Need Form Submission - Corridor improvements along Rhode Island Avenue and William S. Canning Boulevard from Slade Street to Newton Street (Route 81)
18. *Mass. DOT - Project Need Form Submission - Intersection improvements and related work along Eastern Avenue (Route 6) at Bedford and County Streets


City Clerk



City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

May 11, 2011

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

Dear Members of the Council:

As Mayor of the City of Fall River, I respectfully submit to the Honorable Council the attached proposed amendments to the Revised Ordinances of the City of Fall River (1999). These amendments will allow the City of Fall River to create a Waterfront and Transit Oriented Development District (WTOD) that will assist our City in fostering a number of economic development opportunities on our waterfront.

I ask for your every consideration when reviewing these proposed changes and if any additional information is needed please contact me.

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, Massachusetts, that the Revised Ordinances of the City of Fall River (1999), are hereby amended as follows:

Section 1

That the Planning Director be, and he 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 Waterfront and Transit Oriented Development District WTOD, that area now in an Industrial District IND, Local Business District B-L, General Residence District G, Apartments District A-2, and a Mixed Use Business District MBD, with the boundaries of said Local Business District shown on a map entitled "Zoning Map of the City of Fall River Waterfront-Transit Oriented Development District", which is attached hereto and incorporated herein.

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

That Chapter 86 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, be amended by adding the following new section:

Sec. 86-177. Waterfront and Transit Oriented Development District, (WTOD).

(a) *Purpose:* The City of Fall River hereby adopts an ordinance to be known as the Waterfront and Transit Oriented Development District, WTOD. The purpose of the WTOD is to create a permitting framework to facilitate waterfront development for mixed use commercial, retail, residential and intermodal transportation that both attracts and encourages investment. The WTOD is also adopted in advance of the location of two intermodal transportation resources associated with the planned expansion of Southcoast Rail.

(b) *Uses.* In a Waterfront and Transit Oriented Development District, (WTOD), buildings and land may be used and buildings may be constructed, altered, enlarged or reconstructed for one or more of the following specified single or mixed uses:

- (1) Store or sales outlet for the conduct of retail business, provided, however, convenience stores with gas pumps shall not be permitted in this district.
- (2) Professional and business offices.
- (3) Bank or other financial institution.
- (4) Restaurant or other eating place.
- (5) Hotel.
- (6) Theater, auditorium, museums, stadium, sports or convention complex, legalized gaming facilities.
- (7) Cabinet and carpentry shops, studios for artists and crafts people.
- (8) Public or semipublic building or use.
- (9) Intermodal transportation facilities, including but not limited to Bus and/or Railroad (multi-modal) Passenger Terminals.
- (10) Any purpose or accessory use authorized for the Industrial District IND.
- (11) Multifamily residence.
- (12) Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails.
- (13) Water dependent uses:
 - Fish and seafood receiving, handling, storage and shipping.
 - Boat building and repair.
 - Marinas.
 - Shipping.
 - Passenger and cargo terminals, receiving and berthing.
- (14) Accessory uses as are customary in connection with the uses listed in this subsection and which are incidental thereto without limitation upon the percentage of site occupied by the accessory use with regard to the percentage of primary use.

(15) Shared or public parking facilities.

(b) *Additional Uses.* Uses not established in Section 86-177 (b)(1)-(15) may be permitted in the Waterfront and Transit Oriented Development District upon granting of a special permit by the Zoning Board of Appeals.

(c) *Dimensional regulations.* In a Waterfront and Transit Oriented Development District, the following regulations shall apply:

- (1) Minimum frontage: 50 feet.
- (2) Minimum lot area: 2,500 feet.
- (3) Minimum front yard: 10 feet.
- (4) Minimum side yard: none
- (5) Minimum rear yard: 10 feet.
- (6) Maximum building height: shall not exceed twelve, (12) stories or One hundred-fifty, (150), feet, whichever is greater. This restriction shall not apply to chimneys, ventilators, tanks, bulkheads and other accessory features required above roofs or to towers, spires, domes and ornamental features of churches and other nonresidential buildings.
- (7) Minimum lot area for residential units shall not apply in a Waterfront Development District.
- (8) Maximum lot coverage: 80 percent.
- (9) Minimum parking requirements:
 - Dwelling units – one and one-half, (1.5), spaces per unit if less than fifty (50) units. One and one-quarter, (1.25), spaces per unit if 50 or more units.
 - Restaurant and Retail Establishments – no dedicated parking spaces required.
 - Hotel or lodging room - one (1) space for each hotel room or lodging room.
 - Office use - one (1) space per each 200 s.f. of gross floor area. After 10,000 s.f. of gross floor area, one space for every 1,000 s.f. of gross floor area.
 - Industrial uses – one (1) space per each 500 s.f. of gross floor area.
 - Water dependent uses – 0.6 spaces per each boat slip or mooring.

Mixed use developments that share parking spaces, containing more than 200 spaces may reduce the required number of spaces by 30%.

(d) *Signs.* Signs shall be restricted to the following types:

- (1) Signs which display the name of the establishment and the goods sold or services rendered on the premises, shall be flat on the walls of the building or on a marquee or parapet. No sign shall project from the building forward from a vertical plane or overhang open space.

- (2) Illumination of buildings or signs shall be shielded to prevent glare. Moving screen or intermittent illuminated messaging or rolling screen at intervals of no less than 5 seconds are permitted.
- (3) Free standing or pylon signs shall be permitted, subject to height limit of 25 feet and only for mixed use developments on parcels greater than one acre.
- (4) Offsite signage on a common entrance or single or multiple access roadways may be permitted providing they do not exceed the dimensions contained in the related sections of the Revised Zoning ordinances, as they may be from time-to-time adopted.

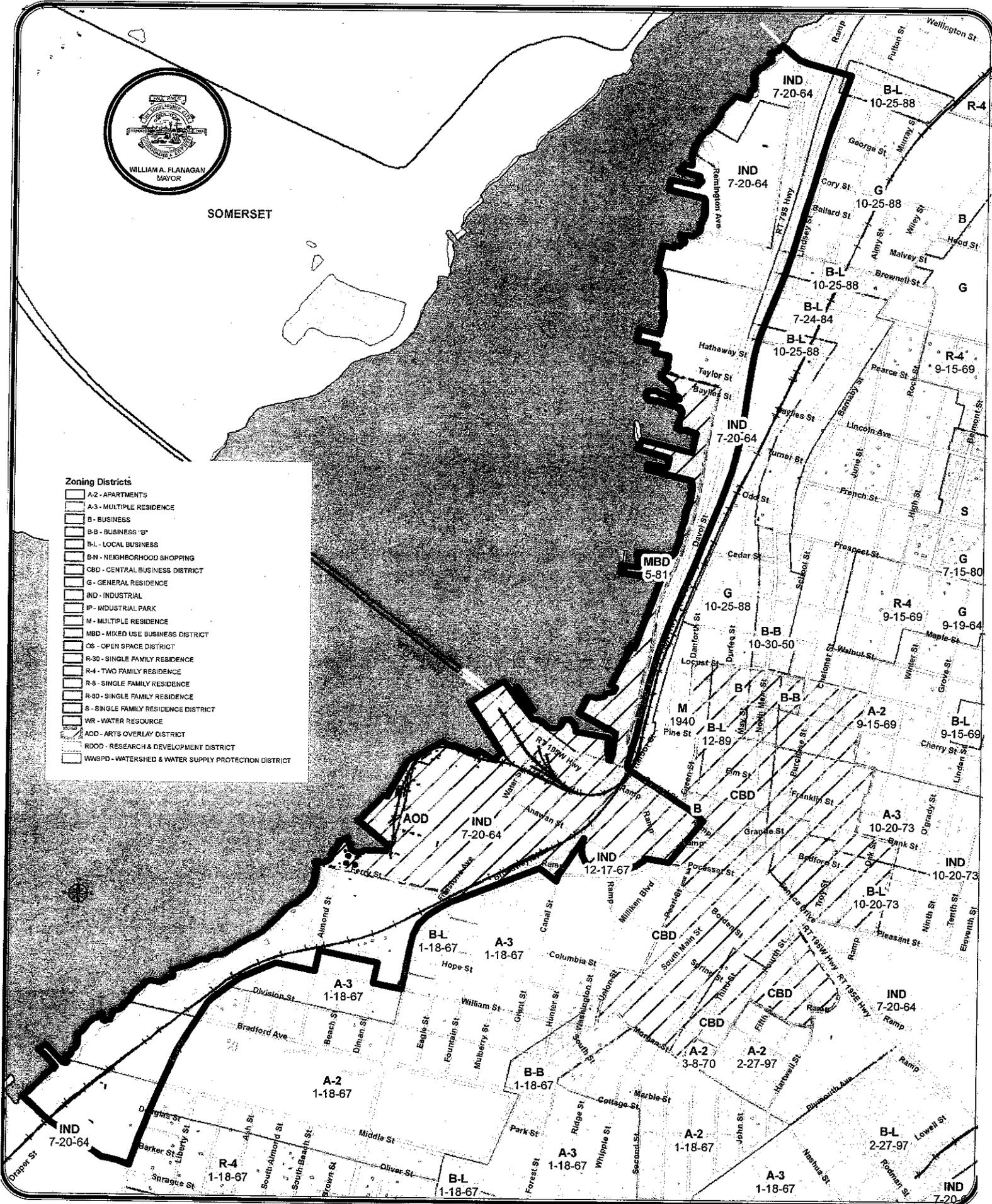
(e) *Interaction with federal and state statutes and regulations.* Nothing in this ordinance shall be deemed to be inconsistent with or supersede any federal or state statute, rule or regulation regarding waterfront property, including but not limited to the Deepwater Port Act of 1974, Massachusetts General Laws Chapter 91 regulating waterways or the State Wetlands Protection Statute.



SOMERSET

Zoning Districts

- A-2 - APARTMENTS
- A-3 - MULTIPLE RESIDENCE
- B - BUSINESS
- B-B - BUSINESS "B"
- B-L - LOCAL BUSINESS
- B-N - NEIGHBORHOOD SHOPPING
- CBD - CENTRAL BUSINESS DISTRICT
- G - GENERAL RESIDENCE
- IND - INDUSTRIAL
- IP - INDUSTRIAL PARK
- M - MULTIPLE RESIDENCE
- MBD - MIXED USE BUSINESS DISTRICT
- OS - OPEN SPACE DISTRICT
- R-30 - SINGLE FAMILY RESIDENCE
- R-4 - TWO FAMILY RESIDENCE
- R-8 - SINGLE FAMILY RESIDENCE
- R-80 - SINGLE FAMILY RESIDENCE
- S - SINGLE FAMILY RESIDENCE DISTRICT
- WR - WATER RESOURCE
- AOD - ARTS OVERLAY DISTRICT
- RDOD - RESEARCH & DEVELOPMENT DISTRICT
- WWSPD - WATERSHED & WATER SUPPLY PROTECTION DISTRICT



**Zoning Map of the City of Fall River Waterfront-
Transit Oriented Development District**

DATE: 03/02/2011

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

RECEIVED

2011 MAY 18 P 4: 58

**CITY CLERK
FALL RIVER, MA**

WILLIAM A. FLANAGAN
Mayor

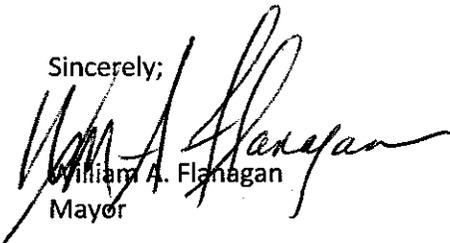
May 18, 2011

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

Dear Members of the Honorable Council:

Please find enclosed Proposed Ordinance regarding the ban from shelves in the City of Fall River of "Lazy Cakes" a potentially harmful consumer product. Thank you in advance for your consideration of this proposed ordinance.

Sincerely;


William A. Flanagan
Mayor

WF/amos

Whereas Lazy Cakes are also known as “the relaxation brownie” because they are brownies with melatonin, a hormone produced by the pineal gland in the brain that controls the sleep cycle.

Whereas Lazy Cakes are sold in convenience stores and online in 2.5’ squares that can be purchased individually. Online they may also be purchased by the case or by the pallet.

Whereas Lazy Cakes consist of two servings according to package, and each serving contains 4 mg of melatonin, equaling 8 mg per whole cake.

Whereas melatonin can be purchased in its synthetic form as a dietary supplement in many stores and is used to help induce sleep and regulate the sleep cycle. The recommended dosage for the average adult is 1-3 mgs and 5-6 mgs to induce sleep.

Whereas the Memphis-based distributor of Lazy Cakes, Baked World, states that “these are not a snack for children. They are meant as dietary supplement for adults who lead a stressful, energy drink-fueled lifestyle to unwind & relax.”

Whereas labeling on the Lazy Cake’s wrapper indicates for “adults only” and “should not be mixed with alcohol or be eaten while driving.”

Whereas the manufacturer claims Lazy Cakes are intended for adults only, the product is sold in a colorful, psychedelic designed wrapper with a cartoon character, Larry Lazycakes, that are all very appealing to children.

Whereas data from the National Poison Center indicates that more calls come in related to melatonin than any other herb or supplement-approximately 5,000 calls in 2009.

Whereas commonly reported adverse effects of melatonin include dizziness, fatigue, headache, sleepiness, nausea, and unconsciousness.

Whereas Anna Rouse Delaney, a toxicologist with the Carolinas Poison Center says that melatonin can lead the central nervous system to slow down and cause trouble breathing.”

Whereas based upon the above data Lazy Cakes shall not be sold, exposed for sale, kept for sale, stored, or transported within Fall River, Massachusetts.

Whereas the provisions of this ordinance are severable and if any provision or the application thereof is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect any other provision of this ordinance.

BE IT ORDAINED by the City Council of the City of Fall River as follows:
That Chapter 34 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which Chapter relates to Health be amended:

By inserting a new section to read as follows:

Sec. 34-320. Sale of "Lazy Cakes" Products.

(a) No person shall sell "Lazy Cakes" which contain melatonin (also referred to as "the relaxation brownie") over the counter or by vending machine within the city of Fall River.

(b) The provisions of this ordinance are severable and if any provision or application thereof is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect any other provision of this ordinance.

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

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2011 MAY 18 P 4: 52

CITY CLERK
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

May 18, 2011

Honorable Council
City of Fall River
1 Government Center
Fall River, Massachusetts 02722

Dear Members of the Honorable Council:

I respectfully submit for your consideration the attached proposal regarding the naming of the Pedestrian/Bicycle Path from Somerset to Fall River. It is this Administration's request that this path be named in memory of Army Private Michael Bouthot.

Army Private Bouthot was killed on April 22, 2006 in Iraq when an improvised explosive device detonated. He entered the military in August, 2005 and was assigned to B/1-67, 2nd Brigade, 4th Infantry Division. He has been awarded the Bronze Star, Purple Heart, Good Conduct Medal, National Defense Service Medal, Iraqi Campaign Medal, Global War on Terrorism Medal, and the Combat Infantryman Badge.

In honor of his distinguished service and his ultimate sacrifice I respectfully request that this Pedestrian/Bicycle Path be named the Army Private Michael Bouthot Memorial Bikeway. Thank you for your consideration with this request.

Sincerely;

William A. Flanagan
Mayor

WF/amos

MEMO

TO: Mayor William Flanagan

FROM: James K. Hartnett
Planning Director

DATE: April 12, 2011

RE: Bike Route

As part of the new Brightman Street Bridge project, MASSDOT will be constructing a Pedestrian/Bicycle Path from Somerset to Fall River. The path will terminate at the westerly end of Wellington Street.

There is no off-road way of linking this path to the city's waterfront, so a route over existing city streets is required. The proposed route was reviewed by Byron Holmes and myself and based on the review we recommend the following route: Easterly on Wellington Street to Fulton Street: southerly on Fulton Street crossing Brightman Street, to McDonald Street: southerly on McDonald Street to George Street: westerly on George Street to Lindsey Street: southerly on Lindsey Street to President Avenue: westerly on President Avenue to Bicentennial Park and the city's boardwalk.

Because of one-way traffic, the trip from Bicentennial Park would be slightly different: Easterly on President Avenue to Lindsey Street: northerly on Lindsey Street to Suffolk Street: easterly on Suffolk Street to Fulton Street: northerly on Fulton Street to Wellington Street: westerly on Wellington Street to the Brightman Street path.

3

Iraq/Afghanistan War Heroes



Michael E Bouthot

Fall River, Massachusetts

April 22, 2006

Age	Military	Rank	Unit/Location
19	Army	Pvt	1st Squadron, 67th Armored Battalion, 2nd Brigade Combat Team, 4th Infantry Division Fort Hood, Texas

Killed outside of Forward Operating base Iskandiriyah, Iraq, when an improvised explosive device detonated. They were killed on impact and their HMMWV set on fire.



[Click To Return To Main Page](#)

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Private Michael Bouthot



Was born June 13, 1986 in Pittsfield, Massachusetts and is the son of Larry and Susan Bouthot from Fall River Massachusetts. He entered the military on August 10, 2005 and attended basic and advanced individual training as an infantryman at Fort Benning, Georgia. After completion of training, he was assigned to B/1-67, 2nd Brigade, 4th Infantry Division. PVT Bouthot was one of the newest additions to Bushmaster Company, having joined us only exactly one month ago. In that short time he gained a reputation as a funny guy with a New England accent that wrote his own raps.

He is survived by his mother Susan and his father Michael. PVT Bouthot served as a rifleman in 3rd platoon and a dismount for B203 on April 22, 2006. PVT Bouthot's awards include the Bronze Star, Purple Heart, Good Conduct Medal, National Defense Service Medal, Iraqi Campaign Medal, Global War on Terrorism Medal, and the Combat Infantryman Badge.

[View Memorial Video](#)



[Sign Guestbook](#)

Memorial Service Program
FOB Iskandariyah, Iraq

Tributes

Jan 28, 2009
Raul Gonzales

In Honor Of Alcott, King, Colnot and Buthot
to my fallen soldiers from B 1/67 Armor, you guys are still in my thoughts almost everyday. I am lucky to be alive myself, rest in peace brothers.

May 8, 2008
spc johnson L

it was an honor fighting with you. you made us, your family and everyone proud. we miss you you have not been forgotten and

The bikeway from Bicentennial Park to the new Veterans Memorial Bridge be named in honor of Army Private Michael Bouthot Memorial Bikeway. The state has already named the bikeway over the bridge in his honor.

The Army Private Michael Bouthot Memorial Bikeway

3

The Herald News

REALITY. DELIVERED DAILY NOW!

New Brightman Street bridge becomes Veterans Memorial Bridge

By Michael Holtzman
Herald News Staff Reporter
Posted Jan 11, 2010 @ 08:10 PM



Network Security Application



FALL RIVER — The new Brightman Street Bridge will be known as the Veterans Memorial Bridge after Gov. Deval Patrick on Wednesday signed the designation into law.

The span connecting Fall River and Somerset over the Taunton River also had designated the Army Private Michael E. Bouthot Bicycle Path, named for the soldier killed in the Iraq War.

Bouthot, 19, of Fall River, died with three fellow-soldiers in April 2008 when an improvised explosive device went off near their vehicle in Bagdad. He's believed to be the sole city resident killed in the conflict.

"The enactment of the naming of the Veterans Memorial Bridge and the Michael E. Bouthot Bicycle Path is the greatest tribute to our veterans who have served out country," Somerset Veterans Agent Edmund Lima said.

While different names had been proposed and discussed for the bridge, creating a controversy, Lima and others advocated the generic moniker.

Somerset Selectmen Chairman William Meehan concurred last night, heralding the news.

"That makes me very happy," Meehan said. "Basically, we're looking for the bridge to honor all of our service people -- those who came back and those who died."

He expects Somerset to erect a plaque on its side of the bridge to honor both groups of servicemen and women.

Fall River Veterans Agent Manny DaPonte also reacted enthusiastically, while acknowledging differences of opinion on the bridge name.

"It was a long time overdue. I'm just glad it's finally the way it should be," DaPonte said. "The Veterans Memorial Bridge is the best thing that can happen to all our veterans."

He said those veterans and the families involved during discussions on naming the bridge should feel deserved pride "especially when we open the bridge."

That's expected to happen during the next year or so -- the westbound lane in December and the complete travel lanes in February 2011, according to the latest time table.

DaPonte also expects area veterans to erect a plaque to honor those who served and those who died from Fall River.

The name of another soldier who paid the ultimate sacrifice had jointly been proposed as the bridge's name along with Bouthot's, Sgt. 1st Class Russell G. Smith.

The father of four daughters died on the last day of Operation Desert Storm when a bomb went off as he tried to defuse it in 1991. It's believed Smith was the sole area person killed in the Gulf War.

Paul Solomon, former Fall River veterans' agent, had recommended naming the bridge for Smith and Bouthot. He could not be reached last night for comment.

"The new bridge will stand as a testament to all of the sacrifices our local veterans have made," Sen. Joan M. Menard, D-Fall River, said. "They have served in every war this nation has undertaken, from the Revolutionary War to those who currently find themselves in harm's way. We dedicate this bridge in their names."

DaPonte thanked Menard and state Rep. Patricia A. Haddad, D-Somerset, for helping forge consensus on the bridge naming.

"By dedicating this new bridge to our veterans," Haddad said, "we have the unique opportunity to honor every man and woman from Somerset and Fall River who has served our nation in the military."

Rep. David Sullivan and Haddad called the naming of the bridge bike path after Bouthot a way to honor his sacrifice, the latter representative noting his familial connections to both communities.

A ceremony is planned upon the bridge's completion.

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City of Fall River
Massachusetts
Office of the Mayor

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2011 MAY 19 P 1:58

CITY CLERK
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

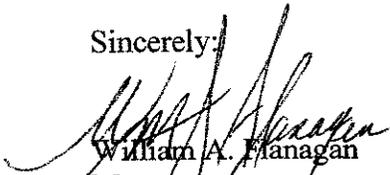
May 18, 2011

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

Dear Members of the Honorable Council:

I am respectfully submitting for your review and consideration the attached Order regarding an Act Relative to Davol Street, Fall River, Massachusetts. I thank you for your time and attention to this matter.

Sincerely,


William A. Flanagan
Mayor

ORDERED, that a petition to the General Court, accompanied by a bill for a special law relating to the City of Fall River in the form attached hereto, to be filed with an attested copy of this order be, and hereby is, approved under the Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts to the end that the proposed Legislation attached hereto entitled "An Act Relative to Davol Street, City of Fall River" be adopted.

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2011 MAY 18 P 4: 51
CITY CLERK
FALL RIVER, MA

4

RECEIVED

2011 MAY 18 P 4: 58

THE COMMONWEALTH OF MASSACHUSETTS

CITY CLERK
FALL RIVER, MA

IN THE YEAR TWO THOUSAND AND ELEVEN

AN ACT RELATIVE TO DAVOL STREET, CITY OF FALL RIVER

Be It enacted by the Senate and house of Representatives in General Court assembled and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the City of Fall River be able to govern and take control over that part of the Northbound lane of Davol Street, also known as Frontage Road, beginning at President Avenue and running northerly to a point 100 feet beyond the north line of Brightman Street at Davol Street, with an easterly line being the easterly property of the existing highway and the westerly line being a distance of 15 feet to the west of the existing west pavement line of Davol Street.



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2011 MAY 18 P 3:27

CITY CLERK
FALL RIVER, MA

May 18, 2011

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

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

Dear Mayor Flanagan and Fall River City Councilors:

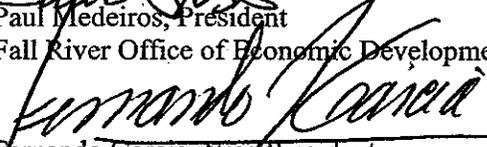
The Fall River Office of Economic Development (FROED) recognizes the tremendous role that education serves toward Fall River's economic development and the ongoing challenges that our urban areas face relative to educational attainment. FROED appreciates the vigilant effort put forth by the City of Fall River (City) School Department (Department) to maintain programming and make tangible progress toward system improvements. We firmly believe that the Department's ability to operate the Fall River School System, without a state takeover or active intervention by the Massachusetts Department of Education (DOE) is crucial to underscoring the City's commitment to advancing educational attainment. Demonstrating this commitment is essential to retaining existing businesses as well as actively marketing and attracting new industry. The City is well-known for its strong work ethic and enhancing educational attainment is the perfect and necessary compliment to this proud asset.

To this end, the FROED Board of Directors, at a meeting on May 12, 2011, unanimously voted to urge you to allocate a minimum of \$2 Million of the \$4.5 Million Chapter 70 allocation increase for Fiscal Year 2012 to the Fall River School Department to meet its obligations. We fully appreciate that each allocation of funds to a city service comes at another's expense and that any cut to the City's services comes at great sacrifice. FROED contends, however, that strategic allocation of resources to educational efforts drives sustainable economic development, bringing benefits to the entire city.

The FROED Board of Directors asks you to strongly consider this perspective as you make these vital budgetary decisions.

Sincerely,


Paul Medeiros, President
Fall River Office of Economic Development


Fernando Garcia, Vice President
Fall River Office of Economic Development

One Government Center, Fall River, Massachusetts 02722-7700
(508) 324-2620
(508) 675-1497
FAX (508) 677-2840
www.froed.org

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CITY OF FALL RIVER, MASSACHUSETTS

BOARD OF ELECTION COMMISSIONERS
ONE GOVERNMENT CENTER
TEL. 508-324-2630

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2011 MAY 18 P 2:31

CITY CLERK
FALL RIVER, MA

COMMISSIONERS

ELIZABETH A. CAMARA, ACTING CHAIRPERSON
AILEEN H. BELFORD, CLERK
MARGARET SOUSA
ROGER P. TACHE

May 18, 2011

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

Dear City Councillors:

The Board of Elections is submitting for your approval the following Redistricting Map of Fall River. The map, with the precinct lines drawn representing twenty-seven precincts, was prepared by the Planning Department. We were told by John Barr, who is the Re-Precincting Coordinator at the Secretary of State's office, that our Wards need to be balanced such as having the 9 Wards with 3 precincts in each Ward. Each precinct cannot have more than 4,000 residents and the precinct lines are drawn based on the population of Fall River from the 2010 Federal Census which has a total of 88,857.

I would also like to mention the tireless efforts of the Planning Director Jim Hartnett along with Junior Civil Engineer Jorge Garcia, City Administrator Shawn Cadime, and Mayor William A. Flanagan.

Sincerely,

Elizabeth A. Camara
Acting Chairperson
Board of Election Commissioners

City of Fall River, *In City Council*

8

(Councilor Raymond A. Mitchell)
(Councilor Eric Poulin)

WHEREAS, many residents of the City of Fall River have served and made the ultimate sacrifice in defending our country, and

WHEREAS, Memorial Day will be observed on May 30, 2011, and

WHEREAS, a flag has been procured that was flown over the United States Capitol, now therefore

BE IT RESOLVED, that the Director of Cemeteries be requested to fly this flag at Oak Grove Cemetery in honor of those men and women.

City of Fall River, *In City Council*

9

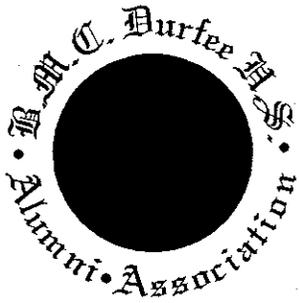
(Councilor Raymond A. Mitchell)

WHEREAS, Memorial Day will be observed on Monday, May 30, 2011,
and

WHEREAS, the City of Fall River has various monuments and flag poles
under their jurisdiction, and

WHEREAS, some of these parcels are in need of cleaning and repair, now
therefore

BE IT RESOLVED, that the Department of Public Works work to ensure
that all monuments and flagpoles are presentable for Memorial Day Weekend.



B. M. C. Durfee High School Alumni Association

**P.O. Box 9656
Fall River, MA 02720**

RECEIVED

2011 MAY 12 A 11: 03

CITY CLERK
FALL RIVER, MA

May 11, 2011

Dear Elected Official,

The Durfee High School Alumni Association would like to invite you to our Annual Meeting to be held in the Nagle Auditorium on Friday night May 27, 2011.

We will have a reception starting at 6:30 p.m. to 7:30 p.m. at which time the meeting will take place.

Sincerely,

Angelina Gastall

Angelina Gastall, '64 President

Please RSVP: by May 18, 2011
Ruth Lescault, Alumni Secretary
1-401-624-6175

15

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT
AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS RECEIVED**

TO ALL INTERESTED INDIVIDUALS, GROUPS, OR AGENCIES

2011 MAY 17 P 4: 57

City of Fall River, Massachusetts
One Government Center
Fall River, MA 02722
Telephone: (508) 324-2600

CITY CLERK _____
FALL RIVER, MA

Published: May 14, 2011

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the City of Fall River, MA.

TO ALL INTERESTED AGENCIES, GROUPS, AND PERSONS

On or about May 31, 2011, the City will submit a request to the U. S. Department of Housing and Urban Development for the release of Federal Funds under Title I of the Housing and Community Development Act of 1974 (P.L. 93-383), as amended, to undertake the following programs and projects:

TITLE OR NAME: Office of Economic Development

PURPOSE OR NATURE: Continue to provide low-interest loans to leverage private financing of businesses and industries expanding or locating in the City towards the creation of employment opportunities, a majority of which are to be made available to lower-income persons; to coordinate the eligible activities of various public and private economic development entities; to develop applications for economic development activities through various funding sources; and to provide program development assistance to industrial and commercial firms.

The Office of Economic Development is administered by Jobs For Fall River, Inc. and is located at One Government Center.

LOCATION: Citywide (C.T.s 6401-6425)

Estimated Cost: \$380,435

TITLE OR NAME: Home Rehabilitation Program

PURPOSE OR NATURE: Continue to improve housing conditions for lower-income families by providing low-interest loans to rehabilitate substandard dwelling units.

Fall River Community Development Agency, located at One Government Center, will administer the program.

LOCATION: Citywide (C.T.s 6401-6425)

Estimated Cost: \$ 137,866

TITLE OR NAME: **Building Demolition Program**

PURPOSE OR NATURE: To raze abandoned and dilapidated structures that have blighting influences on low and moderate-income neighborhoods, and have been declared to be fire hazards, structurally unsound, beyond rehabilitation, a subject of arson and vandalism, and a general hazard to public health and safety.

Fall River Code Enforcement Office, located in the One Government Center will administer the program.

LOCATION: Citywide (C.T.s 6401-6425)

Estimated Cost: \$TBD

TITLE OR NAME: **Lafayette-Durfee House Education Center Project**

PURPOSE OR NATURE: Renovate the 2nd floor of a museum to create an interactive classroom where residents of the City can come to learn about the history of Fall River and the Revolutionary War.

Fall River Community Development Agency, located at One Government Center, will administer the program.

LOCATION: Citywide (C.T.s 6401-6425)

Estimated Cost: \$ 20,000

On or about May 31, 2011, the City will submit a request to the U. S. Department of Housing and Urban Development for the release of Federal Funds under Title II (the HOME Investment Partnerships Act) of the Cranston-Gonzalez National Affordable Housing Act (NAHA) of 1990 (P.L. 101-625), as amended, to undertake the following programs:

TITLE OR NAME: **Homeowner Rehabilitation Program**

PURPOSE OR NATURE: Low-interest loans with 100% deferred payment schedules will be made available on a citywide basis for owner-occupied structures. The owner-occupant must be of lower-income (80% of median family income or less) status and meet all HOME Program requirements in order to qualify for assistance. The rental housing units must meet all HOME Program rental project requirements.

Fall River Community Development Agency, located at One Government Center, will administer the program.

LOCATION: Citywide (C.T.s 6401-6425)

Estimated Cost: \$ 100,000

TITLE OR NAME: **Rental Property Rehabilitation Program**

PURPOSE OR NATURE: Low-interest loans with 100% deferred payment schedules will be made available on a citywide basis for investor-owned properties containing one or more rental units, which meet HOME Program rental project requirements.

Fall River Community Development Agency, located at One Government Center, will administer the program.

LOCATION: Citywide (C.T.s 6401-6425)

Estimated Cost: \$ 712,190

FINDING OF NO SIGNIFICANT IMPACT

The City of Fall River, MA has determined that the projects will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the Fall River Community Development Agency, One Government Center, Fall River, MA 02722, where ERR may be examined or copied Monday through Thursday between the hours of 8:15 A.M. and 5:30 P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Executive Director, Fall River Community Development Agency, One Government Center, Fall River, MA 02722 within 15 days from the date this Notice was published. All comments must clearly specify which decision they object to – the *Finding of No Significant Impact* or the *Request For Release of Funds*. The City prior to authorizing submission of the Request For Release Of Funds will consider all comments so received.

RELEASE OF FUNDS

The City of Fall River, MA certifies to HUD that the Honorable William A. Flanagan, in his official capacity as Mayor, consent to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process, and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the City of Fall River, MA to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the City of Fall River, MA certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of Fall River, MA; (b) the City of Fall River, MA has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76), and shall be addressed to HUD at the Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Boston, MA 02222-1092. Potential objectors should contact HUD to verify the actual last day of the objection period.

William A. Flanagan, Mayor

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Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK
Governor

TIMOTHY P. MURPHY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

April 13, 2011

Mr. Christopher October, Environmental Manager
Browning-Ferris Industries, Inc. (MA)
1080 Airport Road
Fall River, Massachusetts 02720

RE: FINAL APPROVAL WITH CONDITIONS
Application for: BWP SW 25 Corrective Action Design
South Side Expansion
Final Cover System

AT: BFI Fall River Landfill
1080 Airport Road
Fall River, MA 02720
Transmittal Number: X237336
Facility Number: 132278

Dear Mr. October:

The Massachusetts Department of Environmental Protection ("MassDEP") has completed its technical review of the Corrective Action Design ("CAD") permit application ("Application") listed above regarding construction of a final cover system over the South Side Expansion area of the Browning-Ferris Industries ("BFI") Fall River Landfill ("Landfill") and determined the application is technically complete. MassDEP hereby approves the Application subject to the conditions herein.

SUBMITTALS

The following submittals represent the complete Application reviewed by MassDEP under 310 CMR 19.000 *Solid Waste Management Regulations* and MassDEP's *Landfill Technical Guidance Manual*, May 1997 ("Manual").

An application package received by MassDEP on April 5, 2011, comprised of the following documents:

- o A transmittal form assigned Transmittal Number X237336, and a BWP SW25 application form for a Corrective Action Design;
- o A cover letter prepared by Sitec Environmental, Inc. ("SITEC"), dated April 4, 2011;
- o One bound report entitled "BFI Fall River Landfill, Fall River, MA; Application For: Corrective Action Design, South Side Expansion, 2011 Landfill Final Closure Project, April 2011, Transmittal No. X237336", containing a project narrative, design calculations, Technical Specifications, a Construction Quality Assurance Plan, and three design drawings.

Supplemental information was submitted on April 8, 2011 and April 13, 2011, in response to MassDEP comments.

PROJECT BACKGROUND

The BFI Fall River Landfill is located at 1080 Airport Road, Fall River, Massachusetts on a 204-acre parcel of land that was site assigned by the City of Fall River Health Department on February 24, 1982. The Landfill is currently owned and operated by BFI. Prior owners/operators include the City of Fall River, which operated the Landfill between the 1930s and 1981 and Fall River Landfill Inc., which operated the Landfill between 1981 and 1986. BFI has operated the Landfill since 1986.

On May 28, 2009, MassDEP issued an Authorization to Construct permit (application transmittal No. X223503) for a 14 acre landfill expansion designed to overlie the south slope of existing capped landfill area. After completion of the liner construction, MassDEP issued an Authorization to Operate permit (application transmittal No. X230842) on November 18, 2009.

Waste disposal operations began along the southerly perimeter of the Landfill and generally progressed in a northerly direction toward the higher elevations of the expansion. Considering the relatively steep slope of the south side expansion, sand drainage layer and buffer layer materials were placed over the liner as disposal operations progressed into higher elevations of the landfill. Waste disposal operations are currently progressing in uniform lifts across the cell. BFI anticipates that final grades will be achieved in April 2011 and the final cover system will be constructed thereafter.

An active landfill gas extraction system is being constructed in stages during operation of the south side expansion. On March 29, 2010, MassDEP issued an approval (application transmittal No. X230851) for the first stage of landfill gas system installation within the active South Side Expansion Area. This first stage of construction was completed in order to minimize fugitive landfill gas emissions from areas where final landfill elevations had been achieved on the lower slopes of the South Side Expansion. This portion of the system is now operational and includes the following system features:

- The connection of leachate collection pipe clean-out risers at the easterly, westerly and southerly perimeter of the expansion to the landfill gas collection system;

- The installation of horizontal collection trenches along the southeasterly slopes;
- The installation of header piping within the cell to accomplish the connections detailed above.
- The extension of header piping outside the cell so that connections could be made to the existing extraction system network located at the perimeter.

Stage 2 and Stage 3 construction was approved by MassDEP on March 9, 2011, (application transmittal No. X237180) and these stages will complete landfill gas system installation throughout the South Side Expansion area.

Stage 2 construction was completed in March 2011 and included the following system components:

- Installation of three horizontal collectors.
- Connection of four existing leachate cleanout risers to the gas extraction system.
- Installation of segments of a new 6-inch diameter HDPE header line to create a loop system to enhance landfill gas extraction efficiency.
- Installation of four vertical gas extraction wells.

The Stage 3 landfill gas collection system includes the following system components and will be completed in conjunction with construction of the final cover system:

- Completion of the 6-inch header pipe installation through the mid portion of the South Side Expansion Area.
- Connection of the final leachate cleanout riser to the landfill gas extraction system.
- Installation of five additional gas extraction wells.

FINAL COVER SYSTEM

The final cover system design for the South Side Expansion area includes the following components:

- A suitably prepared landfill surface beneath the final cover system; overlain by
- A gas venting layer consisting of a minimum of six (6) inches of sand with a maximum particle size of 3/8 inch and a minimum saturated hydraulic conductivity of 1×10^{-3} cm/sec; overlain by
- A low permeability layer consisting of a forty (40) mil high-density polyethylene ("HDPE") textured geomembrane cap; overlain by
- A drainage layer consisting of a minimum of nine (9) inches of sand with a maximum particle size of 3/8 inch and a minimum saturated hydraulic conductivity of 1×10^{-2} cm/sec; overlain by

- A vegetative support layer consisting of a minimum of twelve (12) inches of soil with a minimum saturated hydraulic conductivity of 1×10^{-4} cm/sec, capable of supporting vegetative growth on the final cover and, with a minimum organic content of 3%.

STORMWATER CONTROL

The storm water control system includes the construction of earthen stormwater diversion berms and a stone-lined stormwater let-down channel. Additionally, subdrain piping consisting of 4-inch diameter, corrugated, perforated pipe will be installed at 80 foot intervals within the sand drainage layer above the geomembrane cap and along the toe of slope. This subdrain piping will provide for the discharge of rainwater that percolates through the vegetative support layer and into the sand drainage layer. Stormwater will flow to the existing stormwater basin that received the stormwater flow from this area prior to constructing the South Side Expansion project.

Erosion control blankets, or other suitable materials, will be installed within the stormwater diversion berms and along the completed landfill slopes after seeding has been completed to stabilize the landfill slopes while vegetative cover is being established.

APPROVAL AND CONDITIONS

MassDEP has determined the Corrective Action Design application is satisfactory and, in accordance with the authority granted pursuant to Massachusetts General Laws, Chapter 111, Section 150A, hereby approves the installation of the South Side Expansion final cover in the area designated on the plans submitted in the Application by SITEC on April 5, 2011, subject to the following Conditions:

1. **Notification:** BFI shall notify MassDEP when the final closure construction begins in order that periodic inspections can be scheduled. BFI shall again notify MassDEP when installation of geomembrane commences.
2. **Construction:** The final closure construction shall proceed in compliance with MassDEP regulations, requirements, MassDEP's Landfill Technical Guidance Manual, revised May 1997, or as required by this permit. There shall be no deviation from the approved plan without prior written approval from MassDEP.
3. **Nuisance Conditions:** During the closure construction BFI shall continue to comply with the applicable items in 310 CMR 19.130 *Operation and Maintenance Requirements* and 310 CMR 19.043 *Standard Conditions*. During the construction process, odors, dust, erosion, noise or other nuisance conditions shall be kept to a minimum and shall be prevented from creating a threat to human health and safety and the environment. In the event a nuisance condition develops, abatement measures shall be implemented immediately.
4. **Landfill Gas Venting:** BFI shall provide adequate venting of landfill gas during the final cover installation. In particular, the permanent gas vents must be operating or temporary venting must be provided during placement of the FML barrier layer.

5. **Certification Report:** Within sixty (60) days of completion of the final cover construction, a Construction Certification Report shall be submitted to MassDEP in accordance with 310 CMR 19.106 with a BWP SW 43, Landfill Closure Completion application. The Report shall include as-built drawings, quality assurance/quality control data, and written certification from the supervising engineer demonstrating that the construction was performed in accordance with MassDEP regulations, requirements, the Manual, and the approved design.
6. **Local, State, and Federal Requirements:** BFI shall fully comply with all applicable local, state and federal laws, regulations and policies, by-laws, ordinances and agreements. Applicable federal regulations include, but are not limited to, 29 CFR Part 1910, OSHA standards governing employee health and safety in the workplace.
7. **Air Quality Regulations:** BFI shall comply with all applicable state (310 CMR 7.00 Air Pollution Control Regulations) and federal air pollution control regulations.

PERMIT LIMITATIONS

The issuance of this approval is limited to the South Slope Expansion Area final cover system construction and does not relieve BFI from the responsibility to comply with all other regulatory or permitting requirements. MassDEP reserves the right to require additional assessment or action, as deemed necessary to protect and maintain the environment free from objectionable nuisance conditions, dangers or threats to public health, safety, and the environment.

RIGHT TO APPEAL

Right to Appeal: This approval has been issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.037: Procedure for Existing Facility Permits, Permit Modifications, Permit Renewals and other Approvals, of the "Solid Waste Management Regulations". Pursuant to 310 CMR 19.037(5), any person aggrieved by the issuance of this determination may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. Chapter 111, Section 150A and M.G.L. Chapter 30A not later than thirty days following receipt.

Notice of Appeal: Any aggrieved person intending to appeal the decision to the superior court shall provide notice to MassDEP of the intention to commence such action. Said notice of intention shall include MassDEP Transmittal No. X237336 and shall identify with particularity the issues and reason(s) why it is believed the approval decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office that made the decision. The appropriate addresses to send such notices are:

Office of General Counsel
 Department of Environmental Protection
 One Winter Street
 Boston, MA 02108

David Johnston, Acting Regional Director
 Department of Environmental Protection
 20 Riverside Drive
 Lakeville, MA 02347

No allegation shall be made in any judicial appeal of this decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in those

regulations, provided that matter may be raised upon showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures, or that matter sought to be raised is of critical importance to the public health or environmental impact of the permitted activity.

If you have any questions or comments regarding this approval letter, please contact me at (508) 946-2833 or Dan Connick at (508) 946-2884 or at the letterhead address.

Very truly yours,



David B. Ellis, Chief
Solid Waste Management Section

E/dc

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fc: William A. Flanagan, Mayor
City of Fall River, City Hall
One Government Center
Fall River, MA 02772
Fax. No. (508) 324-2626

Fall River City Council
City Hall
One Government Center
Fall River, MA 02722
Fax. No. (508) 324-2626

ec: Representative David Sullivan
David.Sullivan@mahouse.gov

Fall River Board of Health
hvaillancourt@fallriverma.org

Mike Quatromoni, SITEC Environmental, Inc.
mquatromoni@sitec-engineering.com

DEP-Boston
ATTN: J. Doucett

17

RECEIVED



DEVAL L. PATRICK
GOVERNOR
TIMOTHY P. MURRAY
LT. GOVERNOR
JEFFREY B. MULLAN
SECRETARY & CEO

2011 MAY 12 A 10:45

CITY CLERK
FALL RIVER, MA

Moving Massachusetts Forward.

massDOT
Highway

May 3, 2011

Mr. Byron R. Holmes
City Engineer
City of Fall River
One Government Center
Fall River, MA 02722

Subject: Project Need Form Submission
Fall River – Corridor improvements along Route 81 (Rhode Island Avenue and William S. Canning Boulevard) from Slade Street to Newton Street.

Dear Mr. Holmes:

This letter serves as acknowledgment of receipt of a Project Need Form (PNF) submitted for a potential future transportation improvement project in the City of Fall River. The proposal consists in part of traffic signal upgrades and related work along Route 81 at three locations: at Tucker Street; at Mariano Bishop Boulevard and at the Newton Street/Harbor Mall Entrance. The Project Need Form serves as notification to MassDOT that a municipality is interested in pursuing improvements in its community.

The District has reviewed the Project Need Form and recommends an on-site meeting to discuss this proposal in greater detail. As the proposal advances, it is recommended that the City provide documentation that the proposal has been vetted through a public process to gauge the level of support. Also, please ensure the Southeastern Regional Planning and Economic Development District (SRPEDD) receives a copy of the Project Need Form.

To schedule a meeting, please contact Pamela Haznar, P.E., Project Development Engineer at (508) 884-4239.

Sincerely,

Bernard McCourt
District Highway Director

TJK/tjk

cc: BMcC

PRH

City Council ✓

Mr. James Hartnett, Planning Director, City of Fall River

Mr. James Hadfield, Transportation Program Manager, SRPEDD

Mr. Trey Wadsworth, MassDOT Office of Transportation Planning

www.mass.gov/massdot



DEVAL L. PATRICK
GOVERNOR
TIMOTHY P. MURRAY
LT. GOVERNOR
JEFFREY B. MULLAN
SECRETARY & CEO

RECEIVED

18

2011 MAY 12 A 10:45

Moving Massachusetts Forward.

massDOT

CITY CLERK
FALL RIVER, MA

Highway

May 2, 2011

Mr. Byron R. Holmes
City Engineer
City of Fall River
One Government Center
Fall River, MA 02722

Subject: Project Need Form Submission
Fall River – Intersection improvements and related work along Eastern Avenue (Route 6) at
Bedford and County Streets

Dear Mr. Holmes:

This letter serves as acknowledgment of receipt of a Project Need Form (PNF) submitted for a potential future transportation improvement project in the City of Fall River. The proposal consists in part of traffic signal upgrades and related geometric work to provide dedicated left turns at the subject locations. The Project Need Form serves as notification to MassDOT that a municipality is interested in pursuing improvements in its community.

The District has reviewed the Project Need Form and recommends an on-site meeting to discuss this proposal in greater detail. As the proposal advances, it is recommended that the City provide documentation that the proposal has been vetted through a public process to gauge the level of support. Also, please ensure the Southeastern Regional Planning and Economic Development District (SRPEDD) receives a copy of the Project Need Form.

To schedule a meeting, please contact Pamela Haznar, P.E., Project Development Engineer at (508) 884-4239.

Sincerely,

Bernard McCourt
District Highway Director

TJK/tjk

cc: BMcC

PRH

City Council ✓

Mr. James Hartnett, Planning Director, City of Fall River

Mr. James Hadfield, Transportation Program Manager, SRPEDD

Mr. Trey Wadsworth, MassDOT Office of Transportation Planning

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