City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

OCTOBER 19, 2011
MEETINGS SCHEDULED FOR NEXT WEEK
TUESDAY, OCTOBER 25, 2011

INÊS LEITE
ASSISTANT CITY CLERK

6:00 P.M. COMMITTEE ON FINANCE

1. Discussion of proposed loan orders:
   a. $4,370,000 – Sanitation Trucks and Police Cruisers
   b. $2,400,000 – Refuse and Recycling Bins

AGENDA

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

PRIORITY MATTERS

1. *Mayor & order re acceptance of M.G.L. c. 59 s. 57D - Affidavit of Address
2. *Mayor & proposed ordinance re bank foreclosures (Building Blocks Initiative)

PRIORITY COMMUNICATIONS

3. Traffic Commission recommending amendments to the traffic ordinances

COMMITTEE REPORTS

Ordinances and Legislation recommending:

Adoption:

4. *Order re acceptance of M.G.L. c. 43D
5. *Resolution seeking designation of South Coast Life Science & Technology Park @ Fall River as a Priority Development Site and Growth District pursuant to M.G.L. c. 43D

Public Safety recommending:

Grant leave to withdraw:

6. Resolution – Effects of Helicobacter Pylori in drinking water

ORDINANCES

Second Reading & Enrollment:

7. *Traffic, misc.
8. *City Council Meetings – Regular Meeting times and Deadline for filing orders

RESOLUTIONS

9. *City Council support application for 2012 Safer Grant
10. *City Council support Fall River Fire Museum & req. Admin. move forward w/ lease agreement
11. *Req. Admin. examine potential for 43D Districts in the City in addition to Bio Park
12. *City Council establish position of Neighborhood Liaison
13. *City Council support bill re problems w/ Meditech & Massachusetts Historical Commission
14. *City of Fall River adopt policy to protect individuals performing volunteer work for the City
15. *Req. Mayor fill vacant position on Housing Authority Board
16. *Req. MA Department of Transportation evaluate signs on Veterans Memorial Bridge

CITATIONS

17. John J. Sbrega, Ph.D., Southeastern Massachusetts Veteran of the Year
18. Hometown Hero award recipients
19. Sergeant James Smith – dedicated service to the Niagara Neighborhood Association

ORDERS – HEARINGS FOR TONIGHT

Pole Locations:

20. Seabury Street – One (1) joint pole location

One Government Center • Fall River, MA 02722
TEL 508-324-2220 • FAX 508-324-2211 • EMAIL city_clerks@fallriverma.org

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

ORDERS – MISCELLANEOUS

21. Police Chief's report on licenses
22. Auto Repair Shop license renewals
23. Auto Body Shop license renewal
24. Auto Repair Shop license transfer – Lic. No. 279 from Jose Chavez to Pedro R. Chavez d/b/a Chavez Auto Service, Inc. @ 401 Bedford Street
25. Light Order – 1328 Bay Street

COMMUNICATIONS – INVITATIONS – PETITIONS

26. *Claims
27. *Street Opening Request – less than 5 years old – Comcast install cable between Mechanics Cooperative Bank & Post Office on Bedford Street
28. *Town Taxi requesting temporary taxi licenses
29. *County Commissioners of Bristol County re sale of former Second District Courthouse
30. Drainlayer Bond

BULLETINS – NEWSLETTERS – NOTICES

31. Dept. of Public Utilities re New England Gas Co. – November 3, 2011 @ 2PM in Boston, MA

Alison M. Bouchard
City Clerk

WILLIAM A. FLANAGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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CITY CLERK
FALL RIVER, MA

October 19, 2011

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

RE: Loan Order – Sanitation Trucks and Police Cruisers

Dear Honorable Members of the Council:

It is respectfully requested that the attached Loan Order be approved by your honorable body. This Loan Order will allow the City to address its aging fleets at the Sanitation and Police Department by purchasing new sanitation trucks and police cruisers.

Thank you for your consideration of this request to accept the loan order. City Administrator Shawn Cadime will be available to answer any questions the Council may have during their consideration of this request.

Sincerely,

William A. Flanagan
Mayor

City of Fall River, *In City Council*

CITY OF FALL RIVER
LOAN ORDER
(Departmental Equipment and police Cruisers)

ORDERED: That the City hereby appropriates the sum of Four Million Three Hundred Seventy Thousand Dollars ($4,370,000) to pay costs of purchasing waste disposal trucks and for purchase of police cruisers and payment of all costs incidental and related thereto, and that to meet said appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Section 7(9) or any other enabling authority, and to issue bonds or notes of the City therefore.

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
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

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CITY CLERK
FALL RIVER, MA

October 19, 2011

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

RE: Loan Order – Refuse and Recycling Bins

Dear Honorable Members of the Council:

It is respectfully requested that the attached Loan Order be approved by your honorable body. This Loan Order will allow the City to provide the remaining homeowners with refuse and recycling bins.

Thank you for your consideration of this request to accept the loan order. City Administrator Shawn Cadime will be available to answer any questions the Council may have during their consideration of this request.

Sincerely,

William A. Flanagan
Mayor

City of Fall River, *In City Council*

CITY OF FALL RIVER
LOAN ORDER
(Refuse and Recycling Bins)

ORDERED: That the City hereby appropriates the sum of Two Million Four Hundred Thousand Dollars ($2,400,000) to pay costs of purchasing the refuse and recycling bins, including the payment of all costs incidental and related thereto, and that to meet said appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Section 7(9) or any other enabling authority, and to issue bonds or notes of the City therefore.

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
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

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CITY CLERK
FALL RIVER, MA

October 19, 2011

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

RE: M.G.L. Ch. 59 § 57D – Affidavit of Address

Dear Honorable Members of the Council:

Attached please find a proposed Order by which the City of Fall River would accept the provisions of Section 57D of Chapter 59 of the General Laws of Massachusetts. By accepting the provisions of Section 57D, Fall River would join the other cities across our Commonwealth who have already accepted Section 57D.

As a result of acceptance of the provisions of Section 57D, property owners in our City would be required to execute a short and simple affidavit setting forth the name and current address of the owner of the property. Owners of property in Fall River who live outside the Commonwealth of Massachusetts would also be required to designate a resident agent in Massachusetts and set forth the resident agent's current address.

This verification of the property owner's address will make it easier for our municipal departments to contact the property owner in a timely fashion should the need to contact them arise. Since the form of the Affidavit of Address will appear at the bottom of the Preliminary Tax Bill there will be very minimal cost to the City to mail these forms out to property owners and the City will benefit as a result of having accurate and current property addresses.

Thank you for your kind consideration of this request to accept the provisions of Section 57D. City Administrator Shawn Cadime will be available to answer any questions the Council may have during their consideration of this request.

Sincerely,

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

City of Fall River, *In City Council*

Ordered, that the City Council hereby accepts the provisions of Section 57D of Massachusetts General Laws Chapter 59, which section relates to affidavits of address

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City of Fall River
Massachusetts
Office of the Mayor

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CITY CLERK
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

October 19, 2011

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

RE: Bank Foreclosure Ordinance

Dear Honorable Council Members:

Attached please find a proposed Ordinance by which the City of Fall River would require financial institutions and individuals foreclosing mortgages on residential property located in Fall River to notify the Inspectional Services Division of the commencement of foreclosure proceedings. Further, this proposed ordinance would require that financial institutions and individuals commencing foreclosure proceedings to identify and post on the outside of any property that is being foreclosed or any vacant residential property, the name and 24 hour contact telephone number of the person or company responsible for maintenance of the property. Finally the ordinance would require that all vacant or foreclosing properties be maintained in compliance with the applicable provisions of the State Building Code, the Minimum Housing Code, The State Sanitary Code and other relevant state and local codes.

This proposed ordinance would complement and support existing ordinances in our City which concern vacant properties and nuisance properties.

Thank you for your kind consideration of this request which is an integral part of the newly announced Building Blocks initiative. City Administrator Shawn Cadime and Neighborhood Coordinate Perry Long will be available to answer any questions the Council may have during their consideration of this proposed ordinance.

Sincerely,

William A. Flanagan
Mayor

City of Fall River, *In City Council*

An Ordinance
Regulating The Maintenance of Vacant & Foreclosing Residential Properties

Be it Ordained by the City Council of Fall River, as follows that Chapter 42 of the City of Fall River Code of Ordinances be amended by inserting the following Section 15:

Section 42-15 Regulating the Maintenance of Vacant and Foreclosing Residential Properties

(a) Purpose

It is the intent of this section to protect and preserve the public health, safety, security, and quiet enjoyment of occupants, abutters and neighborhoods by

(i) requiring all residential property owners, including lenders, trustees and service companies to properly maintain vacant and/or foreclosing properties; and

(ii) regulating the maintenance of vacant and/or foreclosing residential properties to prevent blighted and unsecure residences.

The Director of the Inspectional Services Division has enforcement authority pursuant to, *inter alia*, M.G.L c. 143, § 3, the State Building Code, and the Zoning Code of the City of Fall River.

(b) Definitions

When used in this section, unless a contrary intention clearly appears, the following terms shall have the following meanings:

City means the City of Fall River.

Director means the Director of the Inspectional Services Division.

Days means consecutive calendar days

Foreclosing means the process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt evidenced by said loan if the borrow defaults

"Initiation of the foreclosure process" means taking any of the following actions:

(i) taking possession of a residential property pursuant to M.G.L. c. 244, § 1;

(ii) delivering the Mortgagee's Notice of Intention to Foreclose to the Borrower pursuant to M.G.L. c. 244, § 17B; or

(iii) commencing a foreclosure action on a property in either the Land Court or the Bristol County Superior Court.

Local means within twenty (20) driving miles distance of the property in question.

Mortgagee means the creditor, including but not limited to, service companies, lenders in a mortgage agreement, and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests or obligations under the mortgage agreement.

Owner means every person, entity, service company, property manager or real estate broker, who alone or severally with others:

(i) has legal or equitable title to any dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or

(ii) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder of legal title; or

(iii) is a mortgagee in possession of any such property; or

(iv) is an agent, trustee or other person appointed by the courts and vested with possession or control of such property; or

(v) is an officer or trustee of the association of unite owners of a condominium; each such person is bound to comply with the provisions of these minimum standards as if he were the owner; however, this ordinance shall not apply to a Condominium Association created pursuant to M.G.L. c. 138A to the extent that such Association forecloses on or initiates the foreclosure process for unpaid assessments due or owning to the Association; Owner also means every person who operates a rooming house; or

(vi) is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

Property means any real, residential property, or portion thereof, located in the City of Fall River, including building or structures situated thereon; for purposes of this section only, property does not include property owned or subject to the control of the City or any of its; governmental entities; such property includes, but is not limited to, property owned or controlled by the Fall River Redevelopment Authority, the Fall River Housing Authority, and the Office of Community Development.

Residential Property means any property that contains one or more dwelling units used, intended or designed to be occupied for living purposes.

Securing means measures that assist in making the property inaccessible to unauthorized persons.

Vacant means any property not currently legally occupied and not properly maintained or secured.

(c) Registration of Foreclosing Properties; Duty to Provide Written Notice of Vacant Residential Property and/or Mortgage Foreclosure

All Owners must register foreclosing residential properties with the Director of the Inspectional Services Division on forms provided by the Director. All registrations must state the individual Owner's or agent's telephone number and mailing address located within the Commonwealth as required by M.G.L. c. 59, § 57D, M.G.L. 156D, § 5.02, and 950 CMR 113.20. The mailing address may not be a P.O. Box. This registration must also certify that the property was inspected and identify whether the property is vacant at the time of filing. If the property is vacant, the Owner and/or registrant must designate and retain a local individual or local property. This designation must state the individual or company's name, phone number, and local mailing address. The mailing address may not be a P.O. Box. If the property is in the process of foreclosure, then the registration must be received within seven (7) days of the initiation of the foreclosure process as defined in subsection (b). If the Director determines that the property is vacant and that foreclosing proceedings have not been initiated, the registration must be received within fourteen days (14) days of the Director's first citation for improper maintenance.

All property registrations are valid for one (1) calendar year. An annual registration fee of One Hundred and 00/100 ($100.00) Dollars must accompany the registration form. Subsequent annual registrations and fees are due within

thirty (30) days of the expiration of the previous registration and must certify whether the foreclosing and/or foreclosed property remains vacant or not.

Once the property is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of occupancy to the Director.

(d) Maintenance Requirements – Vacant & Foreclosing Properties

All vacant properties and foreclosing properties must be maintained in accordance with the relevant Sanitary Codes, Building Codes, and local regulations concerning external and/or visible maintenance. The Owner, local individual or local property management company must inspect and maintain the property on a monthly basis for the Duration of the vacancy.

The property must contain a posting with the name and 24-hour contact telephone number of the local individual or property management company responsible for the maintenance. This sign must be posted on the front of the property so that it is clearly visible from the street.

Adherence to this section does not relieve the Owner of any applicable obligations set forth in the Fall River Code of Ordinance, regulations promulgated thereto or promulgated pursuant to the General Laws of the Commonwealth, Covenant Conditions and Restrictions and/or Home Owners Association Rules and Regulations.

(e) Inspections

The Inspection Services Division shall have the authority and the duty to inspect properties subject to this section for compliance and to issue citations for any violations. The Inspectional Services Division shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably calculated to ensure that this section is enforced.

(f) Enforcement and Penalties

(i) Failure to initially register with the Director is punishable by a fine of Three Hundred and 00/100 ($300.00) Dollars;

(ii) Failure to properly identify the name of a local individual or local property management company is punishable by a fine of Three Hundred and 00/100 ($300.00) Dollars;

(iii) Failure to maintain the property is punishable by a fine of Three Hundred and 00/100 ($300.00) Dollars for each week the property is not maintained.

(g) Appeal

Any person aggrieved by the requirements of this section may seek an administrative appeal to the Inspectional Service Division. Any person aggrieved by a final decision issued under this section by the Inspectional Service Division may seek relief n any court of competent jurisdiction as provided by the laws of the Commonwealth.

(h) Applicability

If any provision of this section imposes greater restrictions or obligations than those imposed by any other general law, special law, regulation, rule ordinance, by-law, order or policy then the provisions of this section shall control.

(i) Regulatory Authority

The Director of the Inspectional Services Division has the authority to promulgate rules and regulations necessary to implement and enforce this section.

(j) Severability

If any provision of this section is held invalid by a court of competent jurisdiction then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

(k) Implementation

The provisions of this section are effective immediately upon passage and all provisions shall be enforced immediately, but no monetary fine shall be imposed pursuant hereto until ninety (90) days after passage of this section.

(l) Notice

A copy of this ordinance is to be mailed to all owners of residential property located in the City of Fall River. In addition, a copy of this ordinance is to be mailed to all loan institutions, banks, real estate offices, and management companies located in and/or having legal or equitable interest in residential property located in the City of Fall River.

City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

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2011 OCT 20 P 4:01
CITY CLERK
FALL RIVER, MA

October 19, 2011

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

RE: Bank Foreclosure Ordinance

Dear Honorable Council Members:

In your consideration of the proposed Bank Foreclosure Ordinance, I would respectfully suggest that you consider the following overall context for the ordinance.

Recent events in the housing market have led to a drastic rise in the number of foreclosed homes. In cities all over the nation, homes are being left empty as families are forced out. These homes are frequently retaken by banks, financial institutions and large real estate conglomerates that have little to no connection with the municipality in they own property, and

Many of these homes are frequently vacated prior to the conclusion of the foreclosure process. Homes sit empty for months or years at a time awaiting foreclosure sale; often crating an attractive public nuisance. Some homes are in violation of multiple aspects of state and local building codes and sanitary codes. The mortgagees are often large financial institutions located out of state, making enforcement of the code very difficult; and

These code violations include, among other violations, unoccupied buildings susceptible to vandalism and/or open structures rendering them unsafe and dangerous, yards full of litter and trash, unlocked houses, un-shoveled snow that renders sidewalks impassable, overgrown grass and bushes, and unsecured swimming pools that are not only a threat to children but become breeding grounds for infectious insects such as mosquitoes; and

This problem exists from California to Ohio to Massachusetts; Banks and other financial institutions are refusing to maintain properties, and municipal building inspectors have turned into investigators as they try to find out who the owners are and how to contact them to correct the code violations; and

Many other cities around the nation and in the Commonwealth of Massachusetts are facing similar problems and searching for solutions in order to keep up the quality of life for the residents; Boston has passed an ordinance requiring all financial institutions that foreclose on a property to register, to pay an administrative fee, and to appoint a local property maintenance company to maintain the property once a week; many other municipalities are considering similar laws or regulations to address this issue; and

Claims have been filed in courts across the nation against these large institutions for housing code violations resulting in courts in Buffalo, Cleveland and Boston to impose hefty fines and liens on these institutions; Although some financial institutions have long been disconnected from the communities they serve and immune from responsibility, groups in Cleveland, Minneapolis, and other cities have filed lawsuits under novel legal theories which force financial institutions to be responsible for these vacant properties; Some lenders argue that they are not responsible, but fail to address the fact most mortgage contracts contain an abandonment and waste clause that grants them the authority to enter the property prior to foreclosure in order to secure and maintain the collateral, the home; and

In response to the foreclosure crisis, the General Court of the Commonwealth of Massachusetts enacted Chapter 206 of the Acts of 2007, which resulted in several amendments to the current law governing foreclosures; among other things Chapter 206 of the Acts of 2007 increases mortgage lender accountability during the mortgage note issuance and throughout the foreclosure process; these measures are commendable and compliment the provisions herein;

As you can see from the foregoing, cities across our commonwealth and country are facing similar challenges. As a result of bank foreclosures, ordinances similar to the one that I proposed have been enacted in other communities to successfully address these conditions.

Sincerely,

William A. Flanagan
Mayor

Order – a/c provisions of M.G.L. 43D, as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006

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CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation at a meeting held on October 18, 2011, voted unanimously to recommend that the accompanying order be adopted.

Colleen A. Taylor
Clerk of Committees

IS—CC—019

City of Fall River, *In City Council*

ORDERED, that the City Council hereby accepts the provisions of Massachusetts General Laws, Chapter 43D, as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006.

5

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Ordinances and Legislation at a meeting held on October 18, 2011, voted unanimously to recommend that the accompanying resolution be adopted.

Colleen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

RESOLUTION OF LOCAL GOVERNING BODY AUTHORIZING SUBMISSION OF PRIORITY DEVELOPMENT SITE APPLICATION IN ACCORDANCE WITH CHAPTER 43D FOR THE SOUTHCOAST LIFE SCIENCE AND TECHNOLOGY PARK AT FALL RIVER

WHEREAS, Massachusetts General Law Chapter 43D, signed into law on August 2, 2006, offers communities a tool for targeted economic development, and

WHEREAS the objectives of Chapter 43D Priority Development Site designation are to:

- Provide a transparent and efficient process for municipal permitting, and
- Guarantee local permitting decisions on priority development sites within 180 days, and
- Increase visibility of participating communities and target development site(s), and

WHEREAS, the City of Fall River has set the build-out of the SouthCoast Life Science and Technology Park at Fall River as a priority, and

WHEREAS, the City of Fall River recognizes the importance of timely permitting procedures to attracting development to the SouthCoast Life Science and Technology Park at Fall River,

NOW THEREFORE, LET IT BE RESOLVED THAT

The City of Fall River will accept the provisions of Chapter 43D of the MA General Laws as amended pursuant to Section 11 of chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land at Riggenbach Road and Executive Park Drive (Parcel W-19-183) as a Priority Development Site.

CITY OF FALL RIVER
IN CITY COUNCIL
OCT 04 2011
Referred to the Committee
on Ords. & Legislation

FALL RIVER
OFFICE OF
ECONOMIC
DEVELOPMENT

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CITY CLERK
FALL RIVER, MA

September 21, 2011

Fall River City Council
Attn: Mr. Michael Lund, President
One Government Center
Fall River, Massachusetts 02722

Dear Fall River City Council:

The Fall River Redevelopment Authority (FRRA) is seeking designation of the SouthCoast Life Science and Technology Park at Fall River as a Priority Development Site and Growth District pursuant to M.G.L. c. 43D. This designation will position the FRRA to better market the Park and will also provide for eligibility for various State programs. To this end, the FRRA requests that you consider and approve the FRRA's application by acceptance of the following resolution:

To see if the City of Fall River will accept the provisions of chapter 43D of the MA General Laws as amended pursuant to Section 11 of chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land at Riggenbach Road and Executive Park Drive (Parcel W-19-183) as a Priority Development Site, or take any other action in relation thereto.

If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Kenneth Ficaj, Jr.
Executive Vice President
Fall River Office of Economic Development

CITY OF FALL RIVER
IN CITY COUNCIL
OCT 04 2011
Referred to the Committee on Ordinances and Legislation

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

City of Fall River, *In City Council*

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

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

Section 1.

By inserting in Section 70-371, which section relates to parking prohibited at all times in proper alphabetical order the following:

Division Street, north side, starting at a point 20 feet east of Bay Street,
for a distance of 59 feet easterly
Tuttle Street, east side, starting at a point 20 feet north of LaRouche Street,
for a distance of 77 feet northerly

Section 2.

By inserting in Section 70-375, which section relates to one-hour parking, a new subsection (22) which subsection relates to one-hour parking between the hours of 9:00 a.m. to 6:00 p.m., Monday thru Friday and 8:00 a.m. to 3:00 p.m. Saturday, in proper alphabetical order the following:

Columbia Street, south side, starting at a point 102 feet east of Eagle Street,
for a distance of 37 feet easterly

Section 3.

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

Choate Street, west side, starting at a point 181 feet north of Alden Street,
for a distance of 20 feet northerly
John Street, west side, starting at a point 80 feet south of Brow Street,
for a distance of 25 feet southerly
June Street, west side, starting at a point 81 feet south of French Street,
for a distance of 20 feet southerly
Wilbur Street, east side, starting at a point 55 feet south of Slade Street,
for a distance of 25 feet southerly
Woodstock Street, west side, starting at a point 87 feet north of Dwelly Street,
for a distance of 20 feet northerly

City of Fall River, *In City Council*

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

That Chapter 2 of the Revised Ordinances of the City of Fall River, Mass., 1999, which chapter relates to Administration, be amended as follows:

Section 1.
By striking out Sec. 2-54 in its entirety, and inserting in place thereof, the following:

Sec. 2-54. Regular meetings; adjourned meetings.

Regular meetings of the city council shall be held on the second and fourth Tuesday evenings of each month at 7:00 PM, unless otherwise ordered. Every adjourned sitting of the city council, not an adjourned special meeting, shall constitute a regular meeting, and the order of business thereat shall be the same as in the case of a regular meeting.

Section 2.
By striking out Sec. 2-125 in its entirety, and inserting in place thereof, the following:

Sec. 2-125. Deadline for filing orders.

No order shall be introduced before the city council unless it has been filed with the city clerk before the close of business on the Thursday preceding the regular meeting date. Any order not filed in accordance with this section shall not be considered unless it is presented with an emergency preamble, which preamble shall be accepted by a two-thirds vote of the city council prior to the acceptance of the order for reading before the city council.

City of Fall River, *In City Council*

(City Council Committee on Public Safety)

WHEREAS, reduced staffing levels may affect response times and the public safety services previously provided within our neighborhoods, and

WHEREAS, the Safer Grant that was awarded to the Fall River Fire Department has substantially increased the staffing levels of the department, now therefore

BE IT RESOLVED, that the City Council supports the application for a Safer Grant filed by the Fall River Fire Department to maintain our current staffing levels, and

BE IT FURTHER RESOLVED, that the City Council requests the support of our federal elected officials for the award of a "Safer Grant" for 2012.

City of Fall River, *In City Council*

(Councilor Leo O. Pelletier)
(Councilor Eric Poulin)

WHEREAS, the Fall River Fire Museum has been working diligently to collect items from the Fall River Fire Department's long history for display, and

WHEREAS, many artifacts have been donated to the museum and many more donations are on hold pending the museum having more space and a permanent location, and

WHEREAS, an antique fire truck is in storage at the State Pier due lack of space, and

WHEREAS, a 9/11 steel artifact recovered from Ground Zero was donated to the museum for display, and

WHEREAS, presently the museum only has a small section of the former Anawan No. 6 Fire Station located at 1181 North Main Street, which is on the second floor and not handicapped accessible, now therefore

BE IT RESOLVED, that the City Council go on record to support the Fall River Fire Museum and request the Administration to move forward with a lease agreement for the Anawan No. 6 Fire Station located at 1181 North Main Street to provide a location where the museum can move forward to opening to the public.

City of Fall River, *In City Council*

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

WHEREAS, at a recent meeting of the City Council Committee on Ordinances and Legislation, the body voted to adopt a 43D District for the proposed BioPark in Fall River, and

WHEREAS, both the Fall River Office of Economic Development and the Fall River Chamber of Commerce indicated it would make sense to explore this type of designation for other areas of the city, now therefore

BE IT RESOLVED, that the Mayor convene all relevant parties to examine the potential for other 43D Districts in the City and submit those proposals to the City Council in a timely fashion.

(Councilor Eric Poulin)

WHEREAS, the Executive Branch of government has a position known as Neighborhood Liaison, and

WHEREAS, the City Council has several liaison positions, but no official Neighborhood Liaison, and

WHEREAS, the Executive Branch of government meets with neighborhood leaders on a bi-monthly basis, and

WHEREAS, the City Council does not currently have a similar practice, now therefore

BE IT RESOLVED, that the City Council hereby establishes an additional liaison position entitled Neighborhood Liaison, and

BE IT FURTHER RESOLVED, that the City Council, sitting as the Committee on Finance, have a meeting on at least a quarterly basis, at which all neighborhood leaders are invited to attend to provide feedback on issues important to the residents in their neighborhoods.

City of Fall River, *In City Council*

(Councilor Linda M. Pereira)

WHEREAS, a bill regarding the problems Meditech is experiencing is in the Rules Committee, and known as An Act relative to certain projects referred to the Massachusetts Historical Commission for consultation, and

WHEREAS, jobs are severely needed in this area of Southeastern Massachusetts, and

WHEREAS, the State and Federal Delegations are in support of this bill, now therefore

BE IT RESOLVED, that the Fall River City Council supports this important Bill.

SENATE DOCKET, NO. 02113 FILED ON: 10/06/2011

SENATE . . . . . No. xxxxx

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to certain projects referred to the Massachusetts historical commission for consultation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael J. Rodrigues	*First Bristol and Plymouth*
David B. Sullivan	*6th Bristol*
Steven Howitt	*4th Bristol*
Marc R. Pacheco	*First Plymouth and Bristol*
Kevin Aguiar	*7th Bristol*
Christopher Markey	*9th Bristol*
Paul Schmid, III	*8th Bristol*
Patricia A. Haddad	*5th Bristol*

SENATE . . . . . No. xxxxx

By Mr. Rodrigues, a petition (subject to Joint Rule 12) (accompanied by bill, Senate, No.) of Michael J. Rodrigues, David B. Sullivan, Steven Howitt, Marc R. Pacheco and other members of the General Court for legislation relative to certain projects referred to the Massachusetts historical commission for consultation. Tourism, Arts and Cultural Development.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to certain projects referred to the Massachusetts historical commission for consultation.

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. The first paragraph of section 27C of chapter 9 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following 3 sentences:- If a determination of adverse effect has been made on any property, site or structure listed in the state register of historic places, the state body undertaking the project or the private entity proposing the project shall adopt all prudent and feasible means to eliminate, minimize or mitigate the adverse effects. If a determination of adverse effect has been made on any property, site or structure not listed in the state register of historic places, the state body undertaking the project or the private entity proposing the project shall consider, but need not adopt, the commission's recommendations to eliminate, minimize or mitigate any adverse effects the commission has determined to exist, if such recommendations are issued within 30 days of such determination. Under no circumstances shall such a state body or private entity be required to adopt the commission's recommendations relative to a site or structure not listed in the state register of historic places.

SECTION 2. This act shall apply to projects referred to the Massachusetts historical commission, pursuant to section 27C of chapter 9 of the General Laws, on and after the effective date of this act. This act shall apply to such projects referred to said commission, pursuant to said section 27C of said chapter 9, before the effective date of this act if: (i) either a determination relative to adverse effect or the results of consultation or consideration following a determination of adverse effect is pending on the effective date of this act; (ii) said commission has issued recommendations to the state body undertaking the project or the private entity proposing the project but such recommendations have not yet been adopted on the effective date of this act; or (iii) projects for which a copy of an environmental notification form prepared pursuant to section 62A of chapter 30 is provided to the Massachusetts historical commission, or for which a project notification form is filed with said commission, pursuant to section 27C of chapter 9 of the General Laws.

City of Fall River, *In City Council*

14

(Councilor Linda M. Pereira)
(Councilor Raymond A. Mitchell)

WHEREAS, it seems as though the City of Fall River has no policy regarding someone being injured while performing volunteer work, and

WHEREAS, there are numerous individuals and neighborhood groups performing volunteer work, now therefore

BE IT RESOLVED, that the City of Fall River adopt a policy to ensure that individuals who are performing volunteer work as requested are protected.

15

City of Fall River, *In City Council*

(Councilor Linda M. Pereira)

WHEREAS, the Housing Authority Board has one member who is a tenant of the Housing Authority, and

WHEREAS, that appointee has been deceased since April 2011, now therefore

BE IT RESOLVED, that the Mayor fill this vacant position as soon as possible.

16

City of Fall River, *In City Council*

(Councilor Raymond A. Mitchell)

WHEREAS, the new Veterans Memorial Bridge has just opened to two-way traffic, and

WHEREAS, the signage seems to be confusing when traveling easterly on the bridge, now therefore

BE IT RESOLVED, that the Massachusetts Department of Transportation evaluate these signs and consider adding information for Davol Street in Fall River.

26

September 26, 2011

RECEIVED
2011 SEP 30 P 3:08
CITY CLERK #11-206
FALL RIVER, MA

Steven A. Torres, Corporation Counsel
One Government Center
Room 627
Fall River, Ma. 02722

Dear Atty. Torres,

My husband and I have lived at 517 David St. since 1994.We have had poor volume/water pressure for the past three to four years. We were told it was most likely due to a small diameter pipe in the street feeding our property.

In mid June of this year we felt the water pressure was getting a little worse. We called the Water Department. They shut off the water in our lawn and took apart the main shutoff in the basement. They could not find a problem other than the pressure was low at 24. They informed us that maybe a plumber could find a problem inside our home.

We hired a plumber. He worked in our home for two days checking, cleaning and replacing valves, attempting to locate and resolve the water pressure problem. Nothing changed. The pressure was still poor and his bill was for $702.00.

On September 10, 2011 our neighbors across the street at 510 David St., informed us that their pressure had been poor for years, but seemed to be worse on that day.

The Water Dept. came to check their pressure and it was twelve. They checked ours as well and it was twenty-four. The men began to check for a leak and one was found between 510 and 517 David Street. The leak was fixed on that date and on further checking the pressures, found that our neighbors went form twelve to fifty-seven and ours went from twenty-four to fifty-six. The problem was solved after all those years.

We feel the Water Dept. was remiss in not investigating further to locate and solve the pressure problem after several complaints. Additionally, it was recommended to us to hire a plumber because they felt the problem could be within our home which turned out not to be the case.

This misinformation cost us $702.00. We feel we should be reimbursed for their lack of due diligence.

We appreciate your time and consideration of our request.

Thank You,

Lynn and Mike Abdow

Lynn Abdow
Mike Abdow

517 David Street
Fall River, Ma. 02720

508-673-5917

CITY OF FALL RIVER, MA
LAW DEPT.
11 SEP 30 AM 10:42

CLAIM FORM
City of Fall River, Massachusetts

RECEIVED
2011 OCT -7 P 2:48
CITY CLERK #11-207
FALL RIVER, MA

Name: Jo-Ann + Brian Gettings

Address: 64 Renwood St
Fall River Mass

Phone #: 978-569-0291

Type of Claim: ____M.G.L. Chapter 84 ____M.G.L. Chapter 258 ____Other

Date of Incident: Feb 24 2011
Time of Incident: 8:30 PM
Location of Incident: Elsbree St Across from Durfee

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

I hit a pot hole across from high school. I was suprised my tire didn't go flat. I left for Florida a couple of days later and didn't return till May. After I got home I noticed a bubble in my tire and when I went to buy a new one they said my wheel was bent and the strut was bent and leaking and that it had to be caused by hitting the pot hole. That was at Town Fair tire. I bought the car to Peckham St Garage and they agreed and made the repairs invoice attached. I feel that it was the city that was neglect and should pay for the repairs Thank You [signature]

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

ROB LEVINE & ASSOCIATES

Admitted in RI, MA, & CT

October 6, 2011

2011 OCT 12 A 10:21
CITY CLERK
FALL RIVER, MA
#11-1644

City of Fall River
Attn: City Clerk's Office
1 Government Center
Fall River, MA 02720

Re: ***Our Client:*** ***Betty Eldredge***
Your Insured: ***City of Fall River***
Date of Incident: ***May 31, 2011***

Dear Sir or Madam:

I hope this letter finds you well. As you are aware Betty Eldredge was injured in a motor vehicle accident on May 31, 2011 due to your insured's negligence.

Enclosed for your review, are the following medical bills:

Southcoast Hospitals Group Billing	$ 573.72
Coastal Imaging Assoc. Inc.	$ 27.00
Coastal Orthopaedic Institute, PC	$ 550.00
Prima CARE	$ 810.00
National Physical Therapy	$ 3,851.00
TOTAL	$5,811.72

We have attached for your review, the medical records, which indicate, Ms. Eldredge received treatment from May 31, 2011 to August 19, 2011.

Thus, my demand to settle this claim is in the amount of $45,000 which includes medical bills in the amount of $5,811.72, lost wages in the amount of $112.00, pain and suffering, and residuals.

Once you have had the opportunity to review this demand package, would you kindly contact me to discuss a resolution to this claim.

Thank you for your time and consideration. I look forward to hearing from you.

Very truly yours,

Jennifer Sylvia, Esq.
JS/JS

Enclosure

10-12-11 Original + 2 Law
1 Copy DPW
1 Copy City Clerk
1 Copy City Council

544 Douglas Avenue Providence, RI 02908 ph: 401 621 7000 f: 401 621 7050 roblevine.com

CITY OF FALL RIVER
PLANNING DEPARTMENT - ENGINEERING DIVISION
One Government Center
Fall River, MA 02722
Phone: (508) 324-2512
Fax: (508) 324-2564
Email: Bholmes@fallriverma.org

BYRON R. HOLMES, P.E.
City Engineer

27

RECEIVED
2011 SEP 30 A 11:17
CITY CLERK
FALL RIVER, MA

MEMO

To: Fall River City Council

From: Byron Holmes, P.E.
City Engineer

Date: September 30, 2011

Subject: Street Opening Request for Pavement less than 5 years old.

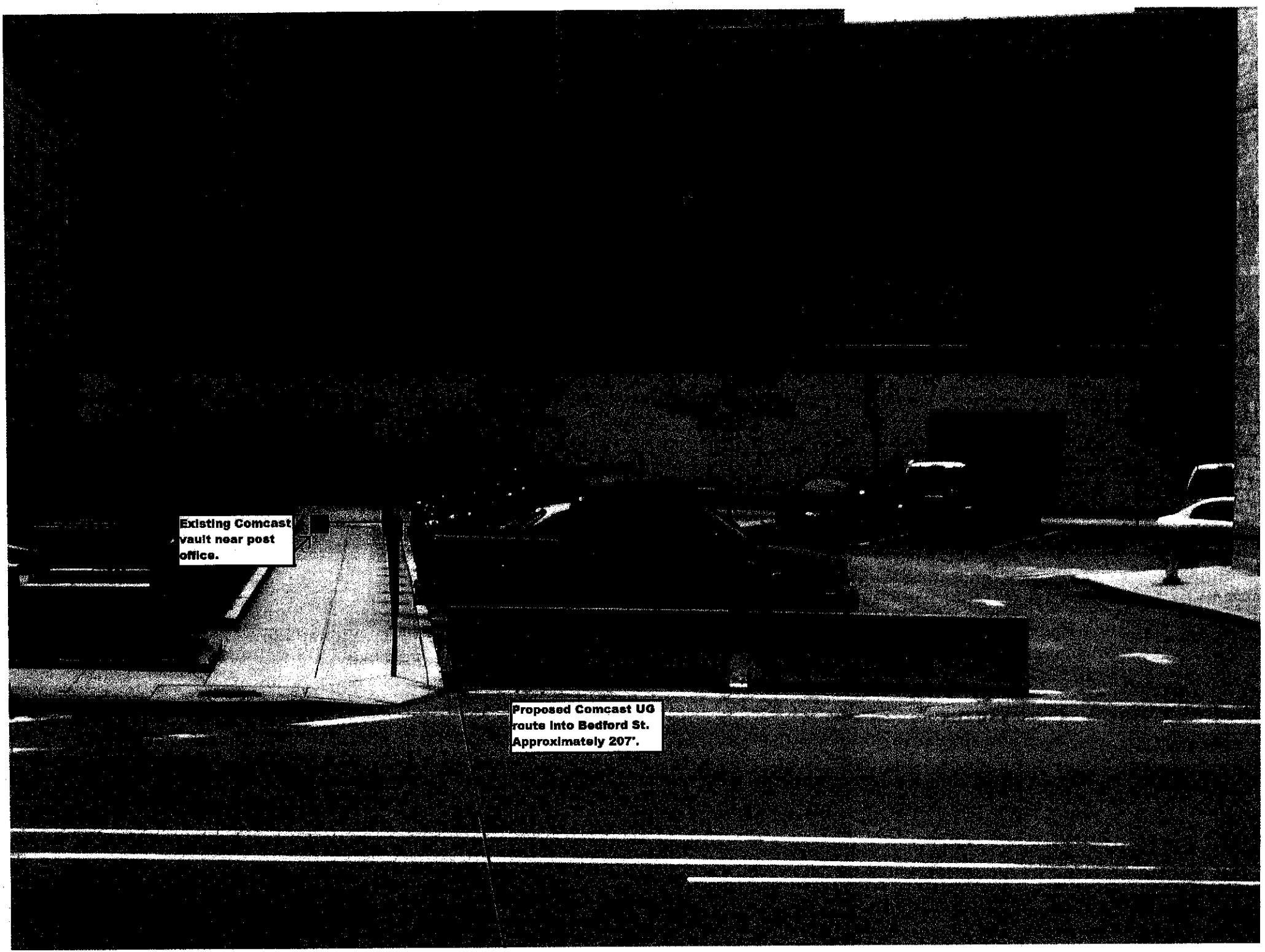
Comments:

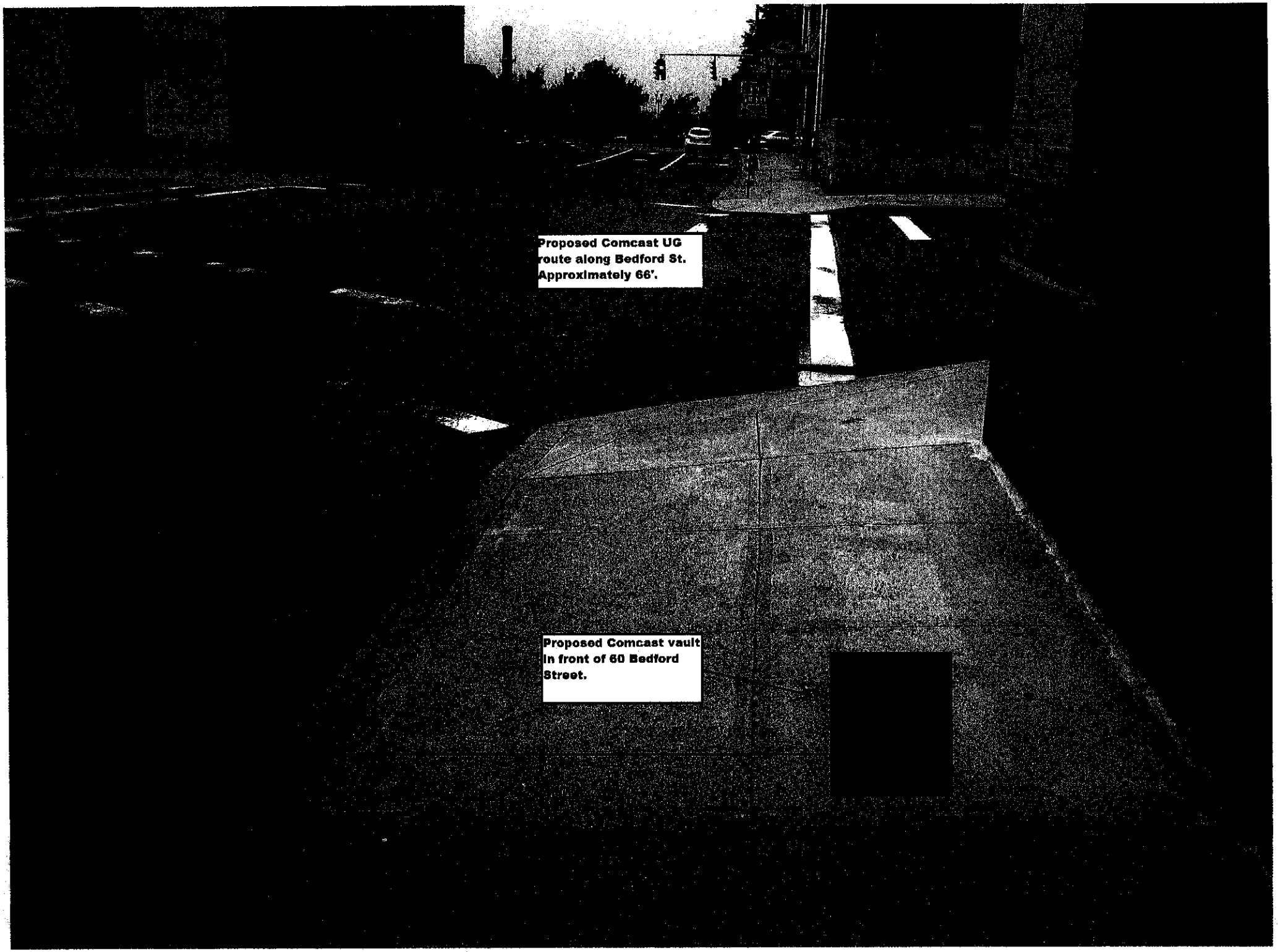
Comcast has submitted a request to open a street less than five years old for the purpose of installing a cable television line. The requested location is along Bedford Street between Mechanics Cooperative Bank and the Post Office building. Bedford Street was paved in November of 2006.

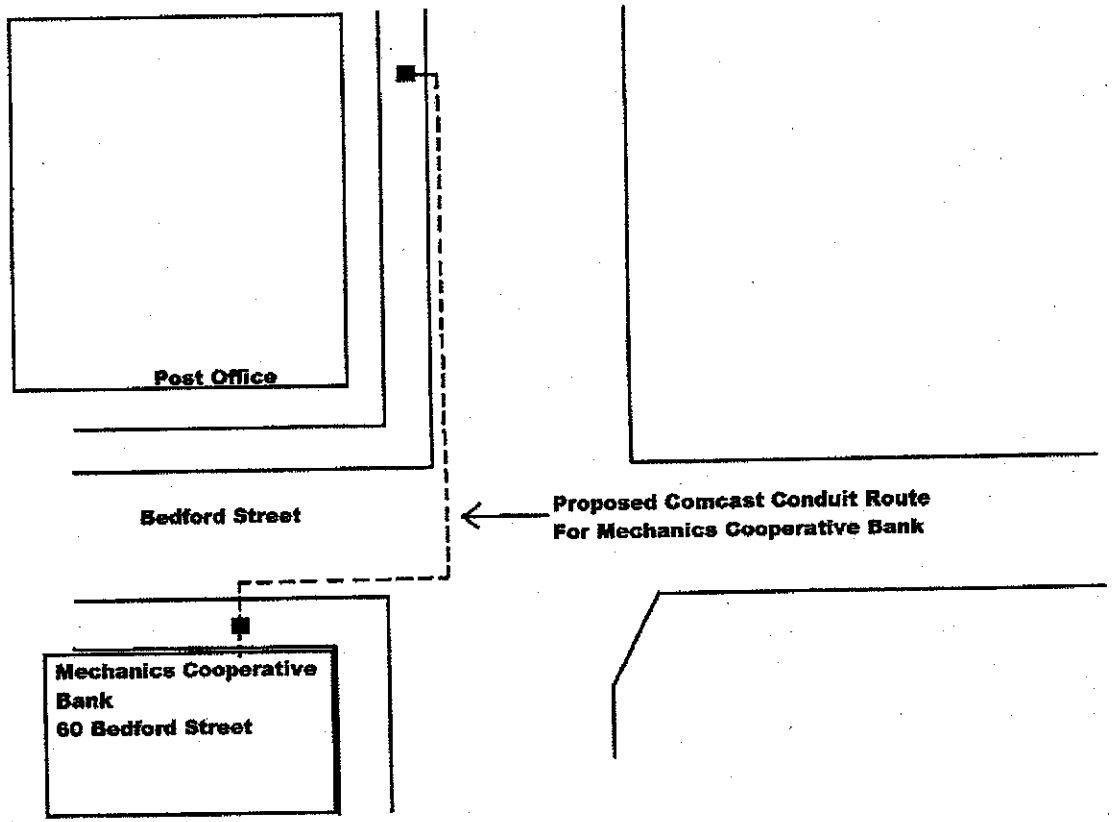
Under Section Sec. 66-392 of City Ordinances, permission to open this street can only be granted by a majority vote of the city council. .

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

1. Flowable fill shall be used to backfill the trench in the roadway.
2. The area along Bedford Street is to be cut out and restored from the curb line to one foot beyond the excavation.
3. Infrared patching will be required.
4. All work is to be inspected by the Engineering Department.


Existing Comcast vault near post office.
Proposed Comcast UG route into Bedford St. Approximately 207'.


Proposed Comcast UG route along Bedford St. Approximately 66'.
Proposed Comcast vault in front of 60 Bedford Street.


Post Office
Bedford Street
Proposed Comcast Conduit Route
For Mechanics Cooperative Bank
Mechanics Cooperative
Bank
60 Bedford Street

28

TOWN TAXI
168 STEVENS ST
FALL RIVER MA 02720
508-673-9999

RECEIVED
2011 OCT -4 P 12:00
CITY CLERK
FALL RIVER, MA

SEPT 27,2011

TO THE CITY COUNCIL
And Ordnance committee
There are old laws in the city of Fall River that we need help to change in order run a good company.

We lose more revenue everyday because of these regulations.
We not only lose the revenue, but we can not put drivers to work.
A Taxi driver takes about two days to get a temp.
It takes a company sometimes 2 to 4 weeks to get a taxi ready.
Here is a few of the procedures it takes to get a taxicab ready for the public.

1st We have to by a car .the average is $2500.00 to $3000.00 per car

2nd We need to insure and register that car and now we pay for insurance while the car is getting ready because we need to move that car around.
The cost for insurance is $5635.00 per taxi

3rd we have to go through it and make all repairs for a State inspection. And at more cost

4th it is taken to a paint shop to get painted a company color. (Sometimes it is their one-week and the insurance is being paid) At a cost of $350.00

5th now we need to have the lettering put on the side of Taxi .At a cost of $125.00

6th We need to make an appointment with the city weights and measures, to seal the meter. At a cost of $25.00 per car

7th we can not put the license on the taxi until the officer looks at the car
And it must be put before the council. That meets twice a month
More money and jobs out the window .At a cost of $60.00

Now it goes before the Fall River Police Department. If it falls on the wrong time of the month or if the officer in charge is on a vacation it might take as much as a month. If the counsel is on a vacation more time and money.
It takes a stranger approximately 2 days to get a license, a company sometimes one month, it cost time and money and the lose of drivers. They quit instead of waiting out for the license to be approved. They have families to take care of .We are hoping that we can at least get a temp license so we can operate.
This is hurting the public , putting people to work and the taxicab industry as a hold these are old laws and Need to be changed .We hope that you will help us at this point
THANK YOU

Faith Latessa
Owner of Town Transportation LLC.
CC.CITY COUNCIL
CC

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The Commonwealth of Massachusetts
OFFICE OF THE
COUNTY COMMISSIONERS OF BRISTOL COUNTY
P.O. BOX 208
TAUNTON, MASSACHUSETTS 02780
TEL : (508) 824-9681
FAX: (508) 821-3101

MARC J. SANTOS, ESQUIRE
CLERK OF THE BOARD

COMMISSIONERS

CHAIRWOMAN
MARIA F. LOPES
TAUNTON

PAUL B. KITCHEN
FAIRHAVEN

JOHN R. MITCHELL
FALL RIVER

RECEIVED
2011 OCT 13 P 12:21
CITY CLERK
FALL RIVER, MA

October 12, 2011

Michael Lund
City Council President
One Government Center
Fall River, MA 02720

Dear Councilor Lund,

Pursuant to M.G.L. Chapter 34 § 14, please be advised that the Bristol County Commissioners would like to notify the City Council that it is our intention to sell the building formerly known as the Fall River Second District Courthouse, 45 Rock Street. The building has been vacant since the District Court was moved to the Fall River Justice Center in July of 2010.

The Board plans to file on the Central Register by mid-November stating that the intended purpose of the courthouse has changed and the lease with the Administrative Office of the Trial Court has terminated. State and city agencies would have the first opportunity to purchase the building.

The Bristol County Advisory Board Members were made aware of our intention during our June 23, 2011 meeting.

Sincerely,
BRISTOL COUNTY COMMISSIONERS

Maria F. Lopes, Chairwoman

Paul B. Kitchen

John R. Mitchell