

# City of Fall River Massachusetts

Office of the City Clerk

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2017 OCT 20 P 1:42

ALISON M. BOUCHARD  
CITY CLERK

CITY CLERK  
FALL RIVER, MA  
INÉS LEITE  
ASSISTANT CITY CLERK

**OCTOBER 20, 2017**  
**MEETINGS SCHEDULED FOR NEXT WEEK**  
**CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER**

**MONDAY, OCTOBER 23, 2017**

**5:15 P.M. CITY COUNCIL COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION**

**5:45 P.M. CITY COUNCIL COMMITTEE ON HEALTH AND ENVIRONMENTAL AFFAIRS OR  
IMMEDIATELY FOLLOWING THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION  
MEETING IF THAT MEETING RUNS PAST 5:45 P.M.**

**TUESDAY, OCTOBER 24, 2017**

**5:15 P.M. CITY COUNCIL COMMITTEE ON ORDINANCES AND LEGISLATION**

**AGENDA**

**5:30 P.M. PUBLIC HEARINGS OR IMMEDIATELY FOLLOWING THE COMMITTEE ON  
ORDINANCES AND LEGISLATION MEETING IF THAT MEETING RUNS PAST 5:30 P.M.**

**Joint Pole Attachments**

Petition of Mobilitie, LLC to attach wireless backhaul transport equipment to existing utility poles owned by National Grid (Massachusetts Electric Company)/Verizon in the right-of-way as follows:

1. Hanover Street and New Boston Road, pole ID: Null, has Hanover Street sign attached with electricity connection
2. Franklin and High Streets, pole ID: NET&T CO. 702 with electricity connection
3. Rodman and Lonsdale Streets, pole ID: 27-84(NG)/27S(VZ) with electricity connection
4. Lyon and Third Streets, pole ID: 68/7 with electricity connection
5. Dover and Tecumseh Streets, pole ID: FREL-NET 4208 420 with electricity connection
6. Plymouth Avenue and End Street, pole ID: NG1 with electricity connection
7. Orange and Cherry Streets, pole ID: FREL-NET 8500-1 with electricity connection

**Pole Attachments and Underground Conduits**

Petition of New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to existing National Grid utility poles as well as install underground conduits or direct bury fiber cables as follows:

8. 887 Plymouth Avenue, Pole #4
9. 188 Nashua Street, Pole #7
10. 70 William Street, Pole #3/6874
11. 372 Plymouth Avenue, Pole #22-3
12. 170 Baird Street, Pole #260/8
13. 191 Aetna Street, Pole #17

**ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650**

One Government Center • Fall River, MA 02722

TEL 508-324-2220 • FAX 508-324-2211 • EMAIL [city\\_clerks@fallriverma.org](mailto:city_clerks@fallriverma.org)

14. 152 Mott Street, Pole #11
15. 35 Pelham Street, Pole #246/1/490
16. 1069 Plymouth Avenue, Pole #1240S
17. 23 Norfolk Street, Pole #597
18. 565 Bedford Street, Pole #17/28 near Bank 5 sign
19. 738 Oak Grove Avenue, Pole #38-84

**6:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE CITY COUNCIL PUBLIC HEARINGS IF THEY RUN PAST 6:00 P.M.**

1. \*Fiscal Year 2018 Quarter 1 Budget Report
2. \*Resolution – Administration provide details of plan to end PAYT program (tabled 10-10-17)

**7:00 P.M. REGULAR MEETING OF THE CITY COUNCIL OR IMMEDIATELY FOLLOWING THE COMMITTEE ON FINANCE MEETING IF THAT MEETING RUNS PAST 7:00 P.M.**

**PRIORITY MATTERS – None**

**PRIORITY COMMUNICATIONS**

1. Traffic Commission recommending amendments to the traffic ordinances
2. \*Community Preservation Committee re: reappointment of Antone J. Dias and Kenneth C. Pacheco
3. \*Mayor and Chief of Police Employment Agreement for Albert F. Dupere

**COMMITTEE REPORTS**

**Committee on Public Safety recommending:**

**Grant leave to withdraw:**

4. \*Communication – City resident re: intersection of Meridian and Watkins Streets

**ORDINANCES**

**Second Reading:**

5. \*Proposed Ordinance – Definition and fee schedule for dog kennels

**RESOLUTIONS**

6. \*Committee on Finance consider utilizing drop boxes as a convenience for residents to conduct city business without visiting Government Center
7. \*Committee on Health and Environmental Affairs meet with various parties to discuss the proposed road that would cut through the Alfred J. Lima Quequechan River Rail Trail

**CITATIONS – None**

**ORDERS – HEARINGS**

**Joint Pole Attachments:**

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Pole Attachments and Underground Conduits:

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23. 1069 Plymouth Avenue, Pole #1240S
24. 23 Norfolk Street, Pole #597
25. 565 Bedford Street, Pole #17/28 near Bank 5 sign
26. 738 Oak Grove Avenue, Pole #38-84

**ORDERS – MISCELLANEOUS**

27. \*Light order for Columbus Drive – Pole #3
28. \*Cease and desist order be issued for any road, roadway or construction on the Alfred J. Lima Quequechan River Rail Trail
29. Police Chief's report on licenses:

Taxicab Drivers:

Mary Caton	Jeffrey Carreiro	Jennifer Francis
Jason N. Hall Sr.	Nicolas Martins	Kenneth McAulay
Jennifer Moniz	Romeo Saladin	Kyle Wilson

**COMMUNICATIONS – INVITATIONS – PETITIONS**

30. \*Claims
31. \*Communication from Partners for a Healthier Community re: naming of nature trail at Cook Pond in honor of Dr. David S. Weed
32. \*Structures over public ways – Banners on Bedford Street at Central Fire Station and South Main Street at Center Place
33. \*Structure over a public way – Yard sign on William S. Canning Boulevard median

City Council Committee/Meeting Minutes:

34. \*Committee on Public Works and Transportation – May 24, 2017

**BULLETINS – NEWSLETTERS – NOTICES**

35. \*Communication from Antone J. Dias, Chairman, Historical Commission re: King Philip Mill

**OTHER POTENTIAL MATTERS (to be acted upon if recommendation is received:)**

Report of the Committee on Public Works and Transportation:

Order – Purchase of land on Hyacinth Street

Report of the Committee on Ordinances and Legislation:

Proposed Ordinance – Traffic, Handicapped Parking  
Proposed Ordinance – Zoning, Establishing the King Philip Mills Overlay

  
Assistant City Clerk

ADA Coordinator: Gary P. Howayeck, Esq. 508-324-2650

(Councilor Pam Laliberte-Lebeau)

WHEREAS, the Mayor has run a series of radio commercials that he will be ending the purple bag Pay-As-You-Throw program, and

WHEREAS, the Mayor stated at the People's Debate on August 30, 2017 that he was prepared to share publicly how he is going to end the purple bag Pay-As-You-Throw program, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the Administration to update the City Council with the details of this proposed plan.

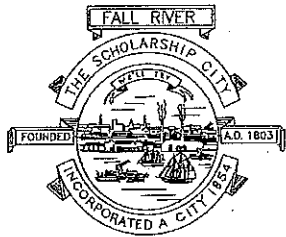
In City Council, September 26, 2017  
Adopted

A true copy. Attest:

*Alison M. Bouchard*  
City Clerk

*Filed 10-12-17*

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**City of Fall River  
Massachusetts  
Community Preservation Committee**

RECEIVED

2017 OCT 17 A 9:22

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

**JASIEL F. CORREIA II**  
*Mayor*

**KENNETH C. PACHECO**  
Chairman  
**James Souza**  
Vice-Chairman

October 10, 2017

Mr. Shawn Cadime, City Council President  
City of Fall River  
One Government Center  
Fall River, MA 02720

Dear City Council President Cadime:

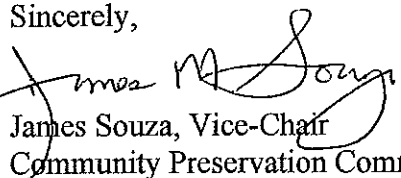
The City Council has two appointments to the Community Preservation Committee. Currently the two council appointees are:

Mr. Kenneth Pacheco who was just elected Chair of the Committee  
Mr. Tony Dias

Mr. Pacheco and Mr. Dias terms are expiring October 28, 2017.

It is the request to the council that both Mr. Pacheco and Mr. Dias be reappointed by the City Council to the Community Preservation Committee at your next meeting, Tuesday, October 24, 2017 for another three-year term.

Sincerely,

  
James Souza, Vice-Chair  
Community Preservation Committee

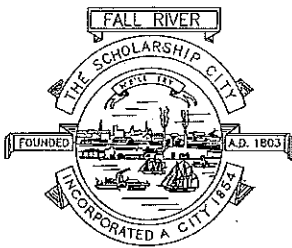
# City of Fall River, *In City Council*

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ORDERED, that the City Council hereby re-appoints the following individuals to serve on the Community Preservation Committee:

Antone J. Dias  
Kenneth C. Pacheco

The term for each member shall expire on October 28, 2020.



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

3

RECEIVED

2017 OCT 19 P 3:55

CITY CLERK  
FALL RIVER, MA

**JASIEL F. CORREIA II**  
*Mayor*

October 19, 2017

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

Honorable Council Members:

After working very closely with Acting Police Chief Al Dupere over the past year, I am confident that he has the ability to serve as our Police Department's Chief of Police. Acting Chief Dupere has worked within our municipal budget constraints to increase staffing, improve technology and implement new strategic initiatives within the Department. These resources are greatly enhancing our law enforcement efforts and they demonstrate Acting Chief Dupere's administrative capabilities. He is also well respected within the Department, having risen through the ranks during his 28 years of service with the Fall River Police Department.

For the reasons noted above, I plan to appointment Deputy Chief Al Dupere to the position of Chief of the Fall River Police Department. In accordance with our local Ordinances, I am forwarding the proposed contract to the City Council for approval. The document includes the same provisions afforded to prior Police Chiefs. Your approval of this contract is respectfully requested.

Best Regards,

Jasiel F. Correia II  
Mayor

# City of Fall River, *In City Council*

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ORDERED, that the appointment by the Mayor of Albert F. Dupere as Chief of Police be and the same is hereby confirmed, and be it further

ORDERED, that the contract which is attached hereto and incorporated herein by reference, is hereby approved.



## EMPLOYMENT AGREEMENT

This employment agreement is made pursuant to G.L. c. 41 § 1080,<sup>1</sup> on this 25th day of October, 2017 by and between the City of Fall River, Massachusetts (hereinafter called "City") and Albert F. Dupere, (hereinafter called the "Chief").

In consideration of the mutual promises and agreements herein contained, the City, pursuant to M.G.L. Ch. 43, §52, hires and employs the Chief of Police and the Chief of Police agrees to work for and enter into service of the City. The Chief of Police shall only report directly to the Mayor at such times and places as the Mayor reasonably shall determine. The Chief of Police shall at all times have and retain police powers of the City of Fall River consistent with M.G.L. c. 41 § 98, M.G.L. c. 41 § 99, M.G.L. c. 37 § 13, and common law.

### DUTIES

The Chief shall be the head of the Fall River Police Department and shall be responsible and accountable for the effective management and operation of said department in accordance with all laws, ordinances and collectively bargaining agreements.<sup>2</sup> The Chief shall have the necessary authority to effectively and efficiently operate the Fall River Police Department, including but not limited to the following:

- a. To be in control of the Fall River Police Department and all its equipment and apparatus including the Fall River Police Signal System and all appurtenances whether fixed or movable,

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<sup>1</sup> M.G.L. c. 41 § 1080, states that, "Any city or town through its appointing authority, may establish an employment contract for the salary, fringe benefits and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performance of his duties or office, liability insurance, conditions of discipline, termination, dismissal, reappointment, performance standards and leave for its police chief and fire chief, or a person performing such duties having a different title. In communities where said police chief and fire chief is subject to the provisions of this section conflict with the provisions of said chapter thirty-one.

"Said contract shall prevail over any conflicting provision of any local personnel by-law, ordinance, rule or regulation. In addition to the benefits provided municipal employees under chapter thirty-two and thirty-two B, said contract may provide for supplemental retirement and insurance benefits.

"Nothing contained in this section shall affect the appointment powers of any city or town over its police chief and fire chief, or such person performing such duties with a different title. In the absence of any conflicting provisions in an employment contract, nothing contained in this section shall affect the removal powers of any city or town over its police chief and fire chief or such person performing such duties with a different title.

"Nothing contained in this section shall grant tenure to such officer, nor shall it abridge the provisions of section sixty-seven of chapter forty-four. If there is no employment contract in force, and if the police chief or fire chief has an appointment for a term, the appointing authority shall give such chief at least one year's written notice if it decides not to reappoint said chief."

<sup>2</sup> St. 1995, c. 289, § 1, approved Dec. 7, 1995, concerning M.G.L. c. 41 § 1080, provides @ section 2 that, "Any provisions of said contract shall prevail over the conflicting provisions of a city or town charter."

used in connection therewith including the police department buildings, and may make rules, regulations, policies and procedures governing the same;

b. To discipline any sworn or non-sworn member of the Fall River Police Department, in his discretion, either by reprimand, by suspension with or without pay, by being reduced in rank, or by dismissal from the department, or any other disciplinary action in accordance with applicable law;

c. To prepare the annual budget for the Fall River Police Department and to approve departmental expenditures in accordance with the Mayor's approved budget for the Department and in accordance with local and state laws;

d. To make all assignments and transfers of department personnel;

e. To establish uniform and equipment specifications for the Police Department. Uniform specifications shall specify the items which comprise the uniform, as well as the grade, quality and/or number of units of each uniform item so specified;

f. To establish weapons and ammunition specifications for the police department. An officer of the department shall carry only those weapons and ammunition authorized by the Chief of Police pursuant to M.G.L. c. 41 § 98 and the rules and regulations and the policies and procedures of the department;

g. To appoint, screen, select and promote personnel for positions within the Fall River Police Department in accordance with personnel policy and procedures of the City and the Massachusetts Civil Services laws, statutes, city ordinances and relevant labor contracts;

h. The Chief shall report to the Mayor either orally or in writing, when requested or required in order to insure the proper communication between the Mayor and the Police Department;

i. The Chief shall be available for hearing before any board or body of the City at which the Police Department is requested to appear upon reasonable notice and with the approval of the appointing authority;

j. The Chief shall design and implement such other reasonable personnel programs and procedures as are not inconsistent with city policy, Massachusetts statutes, and relevant labor agreements;

k. The Chief shall be responsible for the overall operation and management of the department in accordance with all local, state and federal laws and all applicable labor contracts;

l. The authority to appoint deputy chiefs, captains, lieutenants, sergeants and police officers is conferred upon the Chief. With the approval of the Mayor, the Chief of Police may from time to time modify the organization chart of the Fall River Police Department whether by adding or abolishing positions of the rank and file for increased proficiency and effectiveness in delivering services to the community. Any decision to abolish a non-civil service position or a civil service

position will be done with the approval of the Mayor and, where necessary, consistent with M.G.L. c. 31.

#### PERFORMANCE AND PROFESSIONAL DEVELOPMENT

The Chief agrees to devote his entire time, skill and attention to his employment and to perform his duties in an efficient, trustworthy and professional manner, all in the best interest of the City. The term "entire time" shall mean the hours of work established generally for members of the Fall River Police Department and such other hours as are reasonably required for the proper functioning of the Fall River Police Department. The Chief shall, without further compensation, devote such evening hours as are required for the proper performance of his duties, such as attendance at City Council meetings, board meetings of whatever name and nature, and shall travel within and without the Commonwealth of Massachusetts for such periods of time as required by the Mayor, the expenses for such travel and accommodations to be paid by the City. It is recognized that the Chief must devote time outside the Police Department's normal office hours (Monday-Friday, 8:30 AM to 4:30 PM) to complete Police Department business and respond to emergencies and, to that end, the Chief shall be allowed to take compensatory time off during said normal office hours at such times as to interfere least with the efficient operation of the Police Department.

The City recognizes the importance of continuous professional development of its employees, and agrees that the Chief shall be given adequate opportunities to develop his skills and abilities as a law enforcement administrator. The City will reimburse the Chief for travel, food and lodging expenses in connection with, but not limited to, law enforcement presentations, seminars, clinics and lectures that, in his reasonable judgment, are necessary for his professional development with the prior approval of the Mayor. Such approval shall not be unreasonably withheld.

The Chief may, without loss of pay, vacation time or any other benefit, attend the annual convention of the Massachusetts Chiefs of Police Association, the annual convention of the International Association of Chiefs of Police, the annual FBI Law Enforcement Executive Development Conference, and the Massachusetts Police Association Annual Convention. All reasonable travel expenditures, including, but not limited to, flight, lodging, and food, reasonably associated with the aforementioned conventions will be reimbursed by the City.

The City agrees to pay for the professional dues and subscriptions for the Chief's continuation and full participation in national, regional, state and local associations, organizations necessary and desirable for his continued professional growth and advancement and for the betterment of the City. These associations and organizations will include but not be limited to, the International Association of Chiefs of Police, the Massachusetts Association of Chiefs of Police, the Southeastern Massachusetts Association of Chiefs of Police, the New England Association of Chiefs of Police, the Police Executive Research Forum, and the Massachusetts Large City Chiefs of Police Association. The City also agrees to reimburse the Chief for any direct costs associated with admission, meals, and travel expenses, for attending testimonials for other Massachusetts public safety officials.

### PERFORMANCE EVALUATION

The Chief's performance may be reviewed and evaluated by the Mayor via a written evaluation instrument during the term of this Agreement for the purpose of evaluating the overall effectiveness of the Chief of Police in his position. In the event that the City of Fall River established a performance evaluation program for determining increment raises, adjustments and/or merit pay for department heads then the City may elect to have the Chief participate in said performance evaluation program, but in no event shall the Chief receive an increment raise or adjustment in an amount less than that provided for in the compensation and benefits section of this Agreement.

### COMPENSATION AND BENEFITS

The City shall pay the Chief an annual base salary of \$131,118.31 payable at the same time and manner as other employees of the City of Fall River. Said salary shall thereafter be adjusted with increment raises or adjustments in the same amount and at the same time as other sworn personnel of the Police Department, as covered under the "Fall River Police Superior Officers Association" collective bargaining agreement.

The Chief of Police shall be entitled to the following benefits:

- a. Health and Dental Insurance, as provided to members of the Fall River Police Superior Officer Association and as contained in their collective bargaining agreement;
- b. Life Insurance, as provided to members of the Fall River Police Superior Officers Association and as contained in their collective bargaining agreement;
- c. Retirement Plan, as calculated and provided to members of the Fall River Police Superior Officers Association and as contained in their collective bargaining agreement;
- d. Voluntary Deferred Compensation, as provided to members of the Fall River Police Superior Officers Association and as contained in their collective bargaining agreement;
- e. Sick leave, personal days, bereavement leave and holiday pay, shall be accrued in accordance with the Fall River Police Superior Officers Association collective bargaining agreement. Any unused personal and compensatory time shall expire at the end of the calendar year;
- f. The Chief will be entitled to injured-on duty benefits pursuant to M.G.L. c. 41 § 111F. The city agrees to interpret M.G.L. c. 41 § 111F, as covering any time the Chief spends going to and from his home to an incident scene, or to any other location where he has an employment obligation;
- g. The Chief shall be granted six weeks' vacation each calendar year, the time for such vacation in each year to be reasonably approved by the Mayor after having considered the request of the Chief, but to interfere least with the efficient operation of the Police

- Department. If at the end of any calendar year the Chief has any accumulated unused vacation time then he shall be paid any unused vacation time;
- h. The Chief shall continue to receive his existing annual rate of longevity, weapons training differential, proficiency pay, defibrillator stipend, homeland security stipend, and uniform and cleaning allowance, all of which shall be paid in equal installments in accordance with the regular payroll schedule for sworn personnel;
  - i. The Chief shall receive the full Quinn Bill pursuant to G.L. c. 41 § 108L, notwithstanding any changes or inconsistencies in the state funding formula. The City agrees to compensate the Chief based on the original Quinn Bill language pursuant to St. 1940, c. 835, approved August 28, 1970, requiring 25% differential for a Master's Degree;<sup>3</sup>
  - j. Notwithstanding any changes or inconsistencies in the state funding formula of the Quinn Bill, the City agrees that the Chief's educational incentive differential package shall also include all superior officer's monetary stipends and all holiday pay recognized by the collective bargaining agreement of the Fall River Police Superior Officers Association;
  - k. If the Chief is on duty at any time on January 1<sup>st</sup>, July 4<sup>th</sup>, Christmas Day, Memorial Day, Labor Day, Thanksgiving Day, or when any of said days occurs on Saturday or Sunday, he shall be granted an additional day's pay at the rate of time and one-half.
  - l. The City agrees to pay the Chief's annual dues for the Massachusetts Police Association Legal Defense Fund.

#### AUTOMOBILE

The City shall provide an unmarked police department vehicle, radio communication equipped, for use by the Chief in connection with the performance of his duties. All attendant operating and maintenance expenses and insurance shall be paid by the City. The parties acknowledge that the Chief frequently performs duties and responds to emergencies outside of normal office hours and therefore the Chief is authorized to use said vehicle at his discretion both during and outside of normal office hours, including its use for personal reasons. If the Chief is on an extended medical or disability leave greater than 45 days and not able to perform the duties of his position, the vehicle shall be returned for departmental use until the Chief returns from the extended leave period.

The unmarked police vehicle provided by the City shall, at the discretion of the Chief, include an MDT (mobile data terminal laptop computer) to permit the Chief access to the Massachusetts Registry of Motor Vehicles System, LEAPS, NCIC, the Massachusetts Warrant

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<sup>3</sup> Pursuant to this Agreement and for purposes of this Agreement only, the City of Fall River agrees to formally recognize a Master's Degree conferred in police science from Salve Regina University, Newport, Rhode Island.

Management System, to conduct IIs and to communicate with any law enforcement data base or law enforcement agency. Said laptop shall permit web access.

The City also agrees to provide the Chief with unlimited access to a cell phone during and outside of normal office hours, including its use for personal reasons.

### TERM

This employment agreement shall be for the period of October 25, 2017 to December 31, 2020. Not less than nine (9) months prior to the expiration of this Agreement, the Chief of Police shall notify the Mayor in writing of his request for a renewal of this Employment Agreement. Thereafter, not less than six (6) months prior to the expiration of this Agreement, the Mayor must notify the Chief in writing as to whether he approves or disapproves of the Chief's request for a renewal. In the event the Mayor approves the Chief's request then the parties shall negotiate in good faith a mutually agreeable renewal of this Agreement. If the parties fail to reach a mutually agreeable renewal of this Agreement within the above six month period, or any mutually agreed extension thereof, then this Agreement shall terminate without further notice.

### TERMINATION

This Agreement may be terminated before the expiration of the period for the following reasons:

- a. Incapacity (inability to perform his duties due to a non-line of duty physical or mental impairment as determined by the then Police Department medical advisory) to perform his duties for a continuous period of over one hundred-twenty (120) working days, excluding, however, line of duty physical or mental impairments covered by G.L. c. 41 § 111F and/or G.L. c. 32 § 94 (as determined by then Police Department medical advisor);
- b. Final conviction of a crime in the jurisdiction where the conviction occurs;
- c. Material breach of any provision of this Agreement amounting to just cause;
- d. For just cause as that term applies to other sworn personnel of the Police Department; or
- e. By the resignation, retirement or death of the Chief. If the Chief dies during the term of his employment, the City shall pay to the Chief's estate all the compensation which would otherwise be payable to the Chief up to the date of his death, including, but not limited to unused vacation, holidays, personal days, and sick days.

The Chief may terminate this Agreement at any time by giving notice in writing to the Mayor, not less than three (3) months prior to the effective date of termination, and upon such termination all rights and obligations under this Agreement shall cease.

Upon termination of this Agreement for any reason, the Chief shall receive payment for any accumulated but unused vacation time. The payment of any other benefits due under this

Agreement shall be prorated as of the date of termination of this Agreement and the Chief shall not be entitled to any other severance payment.

Upon the Chief's resignation pursuant to the provisions of this Agreement, or should he not be reappointed pursuant to the provisions of this Agreement, or upon termination of this Agreement, with the exception of termination for just cause, the Chief shall be entitled to be immediately reinstated into the position and rank as permanent full time civil service Deputy Chief of Police in the Fall River Police Department, this provision shall be consistent with M.G.L c. 31.

For post-employment purposes, if the Chief is required to participate in any job related meetings, proceedings, appearances, or is required to testify in any form, whether administratively, civilly, or criminally, the City agrees to pay him a consulting fee of \$450.00 per day. If out of town travel is required for such duty, the Chief will be compensated for the reasonable costs of any meals, lodging and travel expenses.

#### INDEMNIFICATION

The City agrees to defend, save harmless and indemnify the Chief from any financial loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand, action or suit, whether groundless or otherwise arising out of any act or omission by the Chief acting in the performance of his duties. The Chief acknowledges that the City is self-insured and no policy coverage or rider is provided above and beyond the terms of this agreement for indemnification.

#### PROHIBITION OF POLITICAL ACTIVITY

The Chief shall not engage in any political activity in managing, endorsing, contributing financially, or in any other way supporting the candidacy of individuals seeking any elective office during the term of this employment Agreement.

#### ENTIRE AGREEMENT

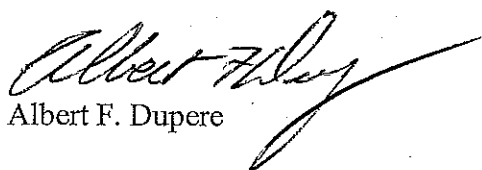
This instrument contains the entire agreement among the parties hereto with respect to the subject matter hereof and may be change or modified only by written instruments duly executed by both parties. Upon commencement of this employment agreement, all prior agreement shall terminate, and said agreement shall control, bind the parties hereto.

#### MASSACHUSETTS LAW

This Agreement shall be constructed and interpreted in accordance with the laws of the Commonwealth of Massachusetts. A determination by a court of competent jurisdiction that any portion of this Agreement is invalid shall not thereby render any other part thereof invalid.

Executed as a sealed instrument on the day and year first above mentioned.

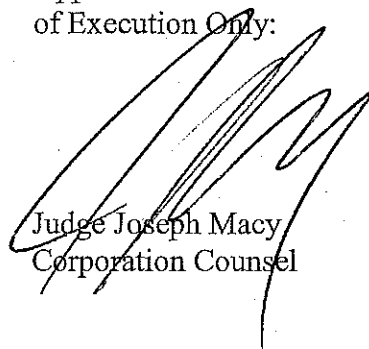
CHIEF OF POLICE:

  
Albert F. Dupere

CITY OF FALL RIVER:

Jasiel F. Correia II, Mayor

Approved as to Form and Manner  
of Execution Only:

  
Judge Joseph Macy  
Corporation Counsel



## CITY OF FALL RIVER

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4

To the City Council

Councillors:

The Committee on Public Safety, at a meeting held on October 4, 2017 voted unanimously to recommend that the accompanying resolution be granted leave to withdraw, with Councilor Richard Cabeceiras absent and not voting.

  
Assistant Clerk of Committees

*Public Safety 4*

To The City Council of Fall River, Massachusetts:

As a resident of Watkins Street in Fall River, I am requesting that the Public Safety Committee review the conditions at the intersection of Meridian Street and Watkins Street.

People traveling east on Watkins Street, approaching Meridian Street, do not have a clear view of traffic traveling south on Meridian Street. This is because of hedges located on the north side corner of Watkins and Meridian Street.

I realize the hedges have been trimmed, but their proximity to the sidewalk still obstructs oncoming traffic. I understand that there is an ordinance that addresses this issue and states the height should be no more than three feet in height.

We would like to see the hedges trimmed in such a manner as to provide a clear view of Meridian Street before there is a major accident at this intersection. Fortunately, though there have been a few close calls, no accidents have occurred, but we would rather be proactive rather than reactive, after someone has been injured or worse.

Thank you in advance for your consideration.

Respectfully ,

*Francis Fournier*

Francis Fournier  
1235 Watkins Street

P.S. If you would like to contact me, my phone number is 508-951-8784

CITY OF FALL RIVER  
IN CITY COUNCIL

MAY 30 2017

*Referred to the  
Committee on Public  
Safety & C: to  
City Engineer & Bldg  
Inspector for an  
opinion on its appropriateness  
of the matter*

*Filed 8-22-17*

CITY CLERK  
FALL RIVER, MA

2017 MAY 24 P 3:18

RECEIVED

# City of Fall River, In City Council

5

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

## Section 1.

That Chapter 6 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Animals, be amended as follows:

by striking out the definition of "Kennel" in Section 6-1 and inserting in place thereof the following:

*Kennel.* Any premises wherein any person, partnership or corporation engages in the business of boarding, breeding, buying, selling for hire, training for a fee, selling dogs, or engages in training dogs for guard or sentry purposes, or, every pack or collection of more than four dogs three months old or over owned or kept on a single premises irrespective of the purpose for which they are maintained.

## Section 2.

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

by striking out Section 6-4 (c), which section relates to fees for kennel licenses in its entirety, and inserting in place the following:

The fee for every kennel license shall be as follows:

Five dogs or less	\$25.00
Over five dogs, not over ten dogs	\$50.00
Over ten dogs, not over twenty-five dogs	\$75.00

CITY OF FALL RIVER  
IN CITY COUNCIL

SEP 14 2017

*Ref. to the Committee  
on Ord. & Legislation*

CITY OF FALL RIVER  
IN CITY COUNCIL

OCT 10 2017

*Passed through first  
reading*

City of Fall River, *In City Council*

6

(Councilor Cliff Ponte)

WHEREAS, it is sometimes cumbersome and time consuming to go into Government Center to conduct business, and

WHEREAS, an exterior drop box is used in other communities, and

WHEREAS, this drop box is of similar style to that of a post office mail box, and

WHEREAS, residents would be able to pay bills, drop off census forms, absentee ballots and registrations, and request documents from the City Clerk's office, now therefore

BE IT RESOLVED, that the Administration contact the City of New Bedford to determine their process and cost for such drop box, and

BE IT FURTHER RESOLVED, that the Committee on Finance convene at a future meeting to discuss the findings and the prospect of making government more accessible.

# City of Fall River, *In City Council*

7

(Councilor Steven A. Camara)

WHEREAS, the Alfred J. Lima Quequechan River Rail Trail (AJLQRRT) is a valuable asset to Fall River and was recently dedicated by the City of Fall River with unanimous appreciation of what it offers to bicyclists, pedestrians, skaters, parents with strollers and all who visit, and

WHEREAS, now, it is realized that an easement was granted through an order submitted by the Mayor with all City Councilors and most citizens not realizing the impact of this easement could result in a road cutting through the AJLQRRT, and

WHEREAS, any road in addition to the roads already constructed which would cut through the completed AJLQRRT would be detrimental to the original intent of this "river trail", and

WHEREAS, this possible and ill-conceived plan to allow a road to cut through the AJLQRRT must have a full and open public discussion on this matter, now therefore,

BE IT RESOLVED, that the City Council Committee on Health and Environmental Affairs convene to give all parties the opportunity to be heard on this issue, and

BE IT FURTHER RESOLVED, that advocates for the AJLQRRT, the Mayor, the Corporation Counsel, the Director of Code Enforcement, the Assistant Commissioner of Recreational Facilities, the City Planner, the Director of Health and Human Services, the Conservation Commission and any others interested in this issue be invited and encouraged to attend this upcoming meeting to reach a means to assure that no destruction will be done to the AJLQRRT and its immediate environment.

ORDERED, that permission be and the same is hereby granted to:

Mobilitie, LLC to attach wireless backhaul transport equipment to an existing utility pole owned by National Grid (Massachusetts Electric Company) and Verizon for one jointly owned pole location as follows:

Hanover Street & New Boston Road

One (1) jointly-owned pole location

Pole ID: Null, has Hanover Street sign attached, with electricity connection. In accordance with Project No. 9MAB001689.

ORDERED, that permission be and the same is hereby granted to:

Mobilitie, LLC to attach wireless backhaul transport equipment to an existing utility pole owned by National Grid (Massachusetts Electric Company) and Verizon for one jointly owned pole location as follows:

Franklin Street & High Street

One (1) jointly-owned pole location

Pole ID: NET&T CO. 702, with electricity connection. In accordance with Project No. 9MAB001690.

ORDERED, that permission be and the same is hereby granted to:

Mobilitie, LLC to attach wireless backhaul transport equipment to an existing utility pole owned by National Grid (Massachusetts Electric Company) and Verizon for one jointly owned pole location as follows:

Rodman Street & Lonsdale Street

One (1) jointly-owned pole location

Pole ID: 27-84(NG)/27S(VZ), with electricity connection. In accordance with Project No. 9MAB001692.



ORDERED, that permission be and the same is hereby granted to:

Mobilitie, LLC to attach wireless backhaul transport equipment to an existing utility pole owned by National Grid (Massachusetts Electric Company) and Verizon for one jointly owned pole location as follows:

Lyon Street & Third Street

One (1) jointly-owned pole location

Pole ID: 68/7, with electricity connection. In accordance with Project No. 9MAB001693.

ORDERED, that permission be and the same is hereby granted to:

Mobilitie, LLC to attach wireless backhaul transport equipment to an existing utility pole owned by National Grid (Massachusetts Electric Company) and Verizon for one jointly owned pole location as follows:

Dover Street & Tecumseh Street

One (1) jointly-owned pole location

Pole ID: FREL-N E T 4208 420, with electricity connection. In accordance with Project No. 9MAB001694.

ORDERED, that permission be and the same is hereby granted to:

Mobilitie, LLC to attach wireless backhaul transport equipment to an existing utility pole owned by National Grid (Massachusetts Electric Company) and Verizon for one jointly owned pole location as follows:

Plymouth Avenue & End Street

One (1) jointly-owned pole location

Pole ID: NG1, with electricity connection. In accordance with Project No. 9MAB001695.

ORDERED, that permission be and the same is hereby granted to:

Mobilitie, LLC to attach wireless backhaul transport equipment to an existing utility pole owned by National Grid (Massachusetts Electric Company) and Verizon for one jointly owned pole location as follows:

Orange Street & Cherry Street

One (1) jointly-owned pole location

Pole ID: FREL-NET 8500-1, with electricity connection. In accordance with Project No. 9MAB001699.

ORDERED, that permission be and the same is hereby granted to:

New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to an existing National Grid utility pole location as well as to install underground conduits or direct bury fiber cables as follows:

Plymouth Avenue

One (1) pole location

887 Plymouth Avenue, Pole #4. In accordance with Project No. cRAN\_Frvr\_31C.

ORDERED, that permission be and the same is hereby granted to:

New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to an existing National Grid utility pole location as well as to install underground conduits or direct bury fiber cables as follows:

Nashua Street

One (1) pole location

188 Nashua Street, Pole #7. In accordance with Project No. cRAN\_Frvr\_26A.

ORDERED, that permission be and the same is hereby granted to:

New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to an existing National Grid utility pole location as well as to install underground conduits or direct bury fiber cables as follows:

William Street

One (1) pole location

70 William Street, Pole #3/6874. In accordance with Project No. cRAN\_Frvr\_27A.

ORDERED, that permission be and the same is hereby granted to:

New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to an existing National Grid utility pole location as well as to install underground conduits or direct bury fiber cables as follows:

Plymouth Avenue

One (1) pole location

372 Plymouth Avenue, Pole #22-3. In accordance with Project No. cRAN\_Frvr\_25A.



ORDERED, that permission be and the same is hereby granted to:

New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to an existing National Grid utility pole location as well as to install underground conduits or direct bury fiber cables as follows:

Baird Street

One (1) pole location

170 Baird Street, Pole #260/8. In accordance with Project No. cRAN\_Frvr\_24A.

ORDERED, that permission be and the same is hereby granted to:

New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to an existing National Grid utility pole location as well as to install underground conduits or direct bury fiber cables as follows:

Aetna Street

One (1) pole location

191 Aetna Street, Pole #17. In accordance with Project No. cRAN\_Frvr\_23A.

ORDERED, that permission be and the same is hereby granted to:

New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to an existing National Grid utility pole location as well as to install underground conduits or direct bury fiber cables as follows:

Mott Street

One (1) pole location

152 Mott Street, Pole #11. In accordance with Project No. cRAN\_Frvr\_21A.

ORDERED, that permission be and the same is hereby granted to:

New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to an existing National Grid utility pole location as well as to install underground conduits or direct bury fiber cables as follows:

Pelham Street

One (1) pole location

35 Pelham Street, Pole #246/1/490. In accordance with Project No. cRAN\_Frvr\_20A.

ORDERED, that permission be and the same is hereby granted to:

New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to an existing National Grid utility pole location as well as to install underground conduits or direct bury fiber cables as follows:

Plymouth Avenue

One (1) pole location

1069 Plymouth Avenue, Pole #1240S. In accordance with Project No. cRAN\_Frvr\_17B.

ORDERED, that permission be and the same is hereby granted to:

New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to an existing National Grid utility pole location as well as to install underground conduits or direct bury fiber cables as follows:

Norfolk Street

One (1) pole location

23 Norfolk Street, Pole #597. In accordance with Project No. cRAN\_Frvr\_16A.

# City of Fall River, *In City Council*

ORDERED, that permission be and the same is hereby granted to:

New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to an existing National Grid utility pole location as well as to install underground conduits or direct bury fiber cables as follows:

Bedford Street

One (1) pole location

565 Bedford Street, Pole #17/28 near Bank 5 sign. In accordance with Project No. cRAN\_Frvr\_09B.

# City of Fall River, *In City Council*

ORDERED, that permission be and the same is hereby granted to:

New Cingular Wireless PCS, LLC (AT&T) to construct and maintain telecommunications wires and appurtenances, including fiber optic cable, remote nodes and pole top antennas, to be attached to an existing National Grid utility pole location as well as to install underground conduits or direct bury fiber cables as follows:

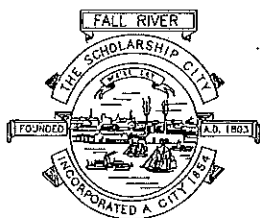
Oak Grove Avenue

One (1) pole location

738 Oak Grove Avenue, Pole #38-84. In accordance with Project No. cRAN\_Frvr\_03A.



15-26



**City of Fall River  
Massachusetts**

**Department of Community Maintenance**

CEMETERIES • MUNICIPAL BUILDINGS • ENGINEERING • SANITATION •  
PARKS • STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

*Engineering Division*

**JASIEL F. CORREIA II**  
*Mayor*

**JOHN A. PERRY JR.**  
*Director*

**J R FREY, P.E.**  
*City Engineer*

**To:** Fall River City Council  
**From:** J R Frey, P.E., City Engineer  
**Date:** October 13, 2017  
**Subject:** AT&T Pole Locations with Underground Conduits

---

Approval is hereby granted to New Cingular Wireless PCS, LLC ("AT&T") to lay and maintain underground at each of the locations identified in the attached order, conduit conveying ground wire terminating at a new ground rod within the sidewalk.

Very truly yours,

  
J R Frey, P.E.  
City Engineer

CITY CLERK  
FALL RIVER, MA

2017 OCT 13 A 10:26

RECEIVED

# City of Fall River, *In City Council*

The City Council hereby recommends that the Director of Buildings and Grounds conduct a lighting survey at the following location:

Columbus Drive

(Councilor Steven A. Camara)

Pole # 3

*City of Fall River, In City Council*

(Councilor Steven A. Camara)

ORDERED, that the Director of Code Enforcement and any other public employee vested with the power to enforce the health, environmental affairs and public safety of the City of Fall River is directed and ordered to pursue all its power and authority to assure that no pre-construction or construction of any kind, including road or roadway construction, be allowed to happen through or adjacent to the Alfred J. Lima Quequechan River Rail Trail (AJLQRRT), and

BE IT FURTHER ORDERED, that a "Cease and Desist" order be issued by the Director of Code Enforcement or any other department or agency of the City of Fall River government that has "cease and desist" or comparable power and authority against anyone or any company pursuing any action on either the AJLQRRT or adjacent to the AJLQRRT that would constitute and result in any destruction of the AJLQRRT or its adjacent environment in order to construct any road, roadway or any other construction that would compromise the quality and the purpose of the AJLQRRT.



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RECEIVED

2017 OCT 12 P 2:40

City of Fall River  
Notice of Claim

CITY CLERK 17-79  
FALL RIVER, MA

1. Claimant's name: Kyle Medeiros
2. Claimant's complete address: 243 Ash St. Fall River, MA 02724
3. Telephone number: Home: (401) 297-1928 Work: (508) 431-3805
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Property damage / Hit and run.
5. Date and time of accident: 9/24 1:30am. Amount of damages claimed: \$ 2,000
6. Exact location of the incident: (include as much detail as possible):  
Corner of Ash St. and Center St. (City owned paper street)
7. Circumstances of the incident: (attach additional pages if necessary):  
Driver drove through my yard and destroyed swingset. Had sent an email on 5/17/17 about having curbs installed. Never received a response back, and had it, I believe this would've never happened.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 10/12/17

Claimant's signature: Kyle Medeiros

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

**Return this from to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☐ City Council ☐ City Administrator

J. Perry  
C. Gallagher

Date: 10/12/17

RECEIVED 30

2017 OCT 16 P 4: 34

CITY CLERK 17-80  
FALL RIVER, MA



City of Fall River  
Notice of Claim

1. Claimant's name: Albert & Laura Wong
2. Claimant's complete address: 471 ORSWELL ST FALL RIVER, MA 02721
3. Telephone number: Home: 508-676-8482 Cell: 508-813-5872 - LAURA  
Work: 508-642-0999 - ALBERT
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
property damage to my property due to water main break
5. Date and time of accident: 10/15/17 8:00am Amount of damages claimed: \$
6. Exact location of the incident: (include as much detail as possible):  
471 ORSWELL ST FALL RIVER, MA
7. Circumstances of the incident: (attach additional pages if necessary):  
Water main pipe burst in front of house on the street, causing damage to our property - the brick walkway and our front lawn.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 10/16/17 Claimant's signature: Laura Wong

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

**Return this from to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

Copies forwarded to: ☒ City Clerk ☐ Law ☐ City Council ☐ City Administrator ☒ Water Date: 10-16-17



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RECEIVED

City of Fall River  
Notice of Claim

2017 OCT 17 A 11:10

1. Claimant's name: Albert & Laura Wong CITY CLERK 17-80A  
FALL RIVER, MA
2. Claimant's complete address: 471 ORSWELL ST FALL RIVER, MA 02721
3. Telephone number: Home: 508-676-8482 Cell: 508-813-5872 - LAURA  
Work: 508-642-0999 - ALBERT
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
property damage to my property due to water main break
5. Date and time of accident: 10/15/17 8:00am Amount of damages claimed: \$ \_\_\_\_\_
6. Exact location of the incident: (include as much detail as possible):  
471 ORSWELL ST FALL RIVER, MA
7. Circumstances of the incident: (attach additional pages if necessary):  
Water main pipe burst in front of house on the street, causing damage to our property - the back walkway and our front lawn.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 10/16/17Claimant's signature: Laura Wong

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

**Return this from to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ WATER Date: 10/17/17

30

Incident #: 17-5869-IN Exp. 0

RECEIVED

Call #: 17-75621

Location: 471 ORSWELL ST  
FALL RIVER, MA 02721

District: Fire District 15  
Station: - NIAGRA STATION

2017 OCT 17 A 11:11

CITY CLERK #17-80A  
FALL RIVER, MA

Officer In Charge: Poissant, Jason E. on 10/15/2017  
Report By: Poissant, Jason E. on 10/15/2017

**Basic Incident Information**

Incident Type: Water or steam leak  
Property Use: 1 or 2 family dwelling  
Actions Taken: Salvage & overhaul  
Notify other agencies.  
Remove water  
HazMat Release: None

Owner: LAURA WONG  
471 ORSWELL ST  
FALL RIVER, MA 02721  
Phone #: 508-676-8488

Property Loss: \$5000  
Contents Loss: Undetermined

Pre-Incident Value: Undetermined  
Pre-Incident Value: Undetermined

**Resources Used Summary**

Alarm: 10/15/2017 @ 0812  
Cleared: 10/15/2017 @ 1101

Arrived: 10/15/2017 @ 0816

Shift: D

Alarms: 1

Aid: None

Apparatus  
Suppression: 2  
EMS: 0  
Other: 1

Personnel  
Suppression: 6  
EMS: 0  
Other: 1

**Casualties Summary**

Deaths  
Fire Service: 0  
Civilian: 0

Injuries  
Fire Service: 0  
Civilian: 0

#17-80A

Incident #: 17-5869-IN Exp. 0

RECEIVED

## Remarks

2017 OCT 17 AM 11:11  
THE FIRE DEPARTMENT WAS CALLED TO THIS LOCATION FOR A WATER MAIN BREAK IN FRONT OF 471 ORSWELL ST. THE WATER DEPARTMENT WAS CALLED BY THE POLICE WHEN THEY ARRIVED. CAR 3 REQUESTED THE RESPONSE OF THE GAS COMPANY (RON FRANCOEUR), ELECTRIC COMPANY, AND THE ELECTRICAL INSPECTOR (DAVE TAVARES). THE THE ELECTRIC AND GAS SERVICES WERE SHUT DOWN TEMPORARILY AT 451 & 419 ORSWELL ST BY THE FIRE DEPARTMENT AND TURNED BACK ON BY THE GAS COMPANY. ALL UTILITIES AT 436 & 424 TOWER ST WERE SHUT DOWN UNTIL THE BASEMENTS CAN BE PUMPED. DAN TAVARES INSPECTED THE HOMES FOR POSSIBLE ELECTRICAL SAFETY ISSUES. JEFF LITTLE WAS THE WATER DEPARTMENT DIRECTOR ON SCENE FACILITATING SHUT DOWN, CLEAN UP AND REPAIRS. SEE SUPPLEMENTAL NARRATIVE FOR PROPERTY DAMAGE ESTIMATES.

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#	People and Entities Involved	Type	Sex	Age	Home #	Work #
1	LAURA WONG 471 ORSWELL ST FALL RIVER, MA 02721	Occupant			508-676-8488	
2	LAURA WONG 471 ORSWELL ST FALL RIVER, MA 02721  471 ORSWELL SUSTAINED DAME TO THE FRONT YARD, WALK WAY, DRIVE WAY AND SIDE YARD. EATIMATED DAMAGE \$5000	Other			508-676-8488	
3	[REDACTED] 451 ORSWELL ST FALL RIVER, MA 02721  451 ORSWELL SUSTAINED WATER DAMAGE TO THE DRIVEWAY, BACK YARD AND BASEMENT. ESTIMATED DAMAGE \$5000	Other			508-646-0814	
4	[REDACTED] 419 ORSWELL ST FALL RIVER, MA 02721  419 ORSWELL SUSTAINED DAMAGE TO THE FRONT YARD, BACK YARD AND CARPET. ESTIMATED DAMAGE \$5000	Other				
5	[REDACTED] 414 ORSWELL ST FALL RIVER, MA 02721  DAMAGE SUSTAINED TO FLOORING. ESTIMATED DAMAGE \$2000	Other			774-365-9951	
6	[REDACTED] 436 TOWER ST FALL RIVER, MA 02721  436 TOWER ST SUSTAINED DAMAGE BASEMENT, CARPET, PERSONAL BELONGINGS, SIDE AND BACK YARD. ESTIMATED DAMAGE \$7000 OR GREATER	Other			508-951-0433	



Incident #: 17-5869-IN Exp. 0

#17-80A

██████████  
424 TOWER ST  
FALL RIVER, MA 02721

Occupant

508-674-9292

424 TOWER ST SUSTAINED A HEAVY FLOODING IN THE BASEMENT, UP TO 2FT. POSSIBLE DAMAGE TO THE HOT WATER HEATER, FURNACE, FOUNDATION AND ALL FURNISHINGS IN THE BASEMENT. THE BACK YARD WAS ALSO COMPLETELY FLOODED. ESTIMATED DAMAGE \$15000 OR GREATER.

**Special Studies**

Initial FF on Scene: Four or more FF WERE NOT on the scene WITHIN FIVE MINUT

**State**

Critical incident: No

RECEIVED  
2017 OCT 17 A 11:11  
CITY CLERK  
FALL RIVER, MA

Incident #: 17-5869-IN Exp. 0

RECEIVED

2017 OCT 17 A 11:11

NARRATIVE FOR DISTRICT CHIEF JASON E POISSANT

CITY CLERK  
FALL RIVER, MA

Ref: 17-5869-IN

Entered: 10/15/2017 @ 1718 Entry ID: JEP  
Modified: 10/15/2017 @ 1718 Modified ID: JEP

THE FOLLOWING PROPERTIES SUSTAINED DAMAGE FROM A WATER MAIN BREAK IN FRONT OF 471 ORSWELL:

471 ORSWELL SUSTAINED DAMAGE TO THE FRONT YARD, WALK WAY, DRIVE WAY AND SIDE YARD. ESTIMATED DAMAGE \$5000.

451 ORSWELL ST SUSTAINED WATER DAMAGE TO THE DRIVEWAY, BACK YARD AND BASEMENT. ESTIMATED DAMAGE \$5000.

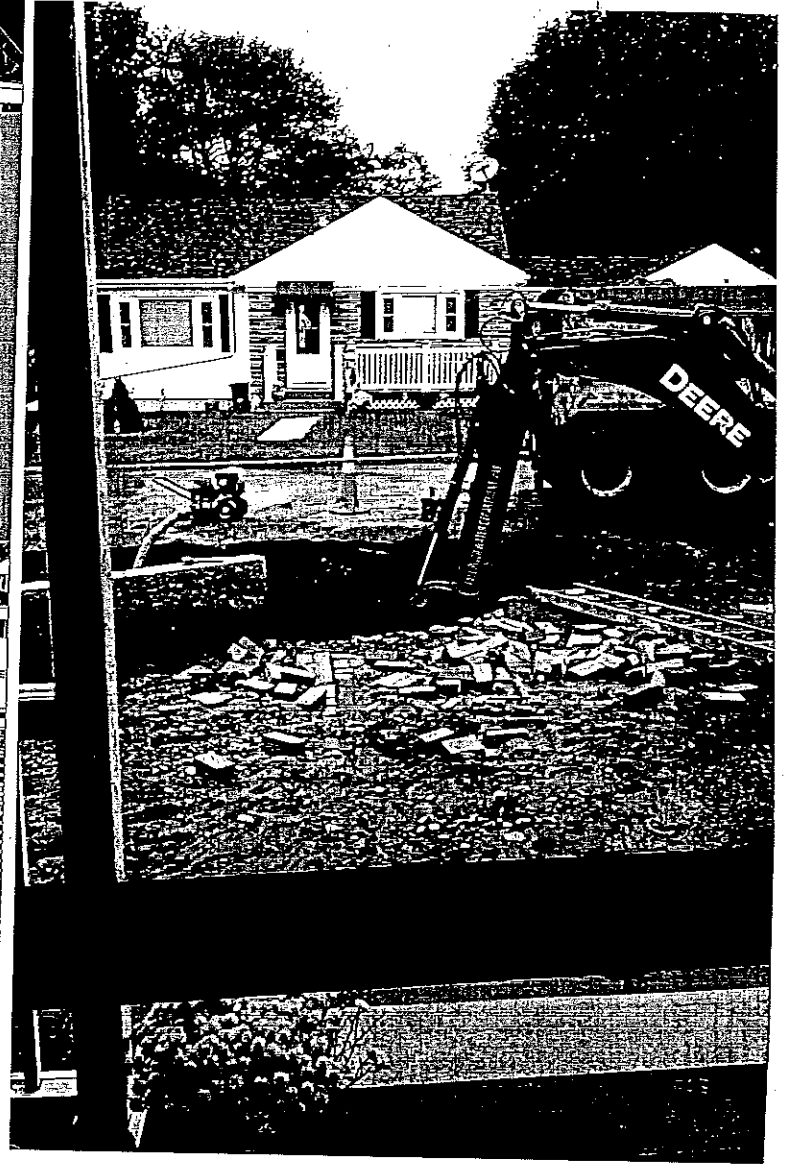
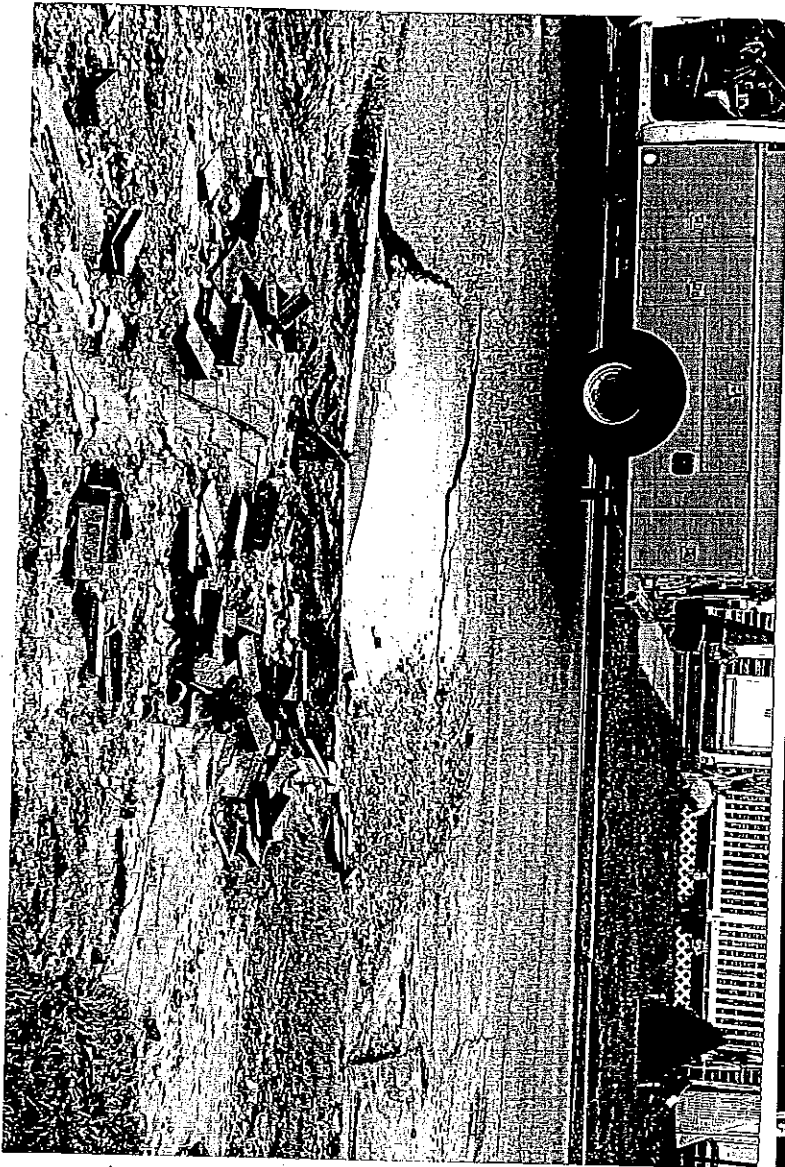
419 ORSWELL ST SUSTAINED DAMAGE TO THE FRONT YARD, BACK YARD AND CARPET. ESTIMATED DAMAGE \$5000.

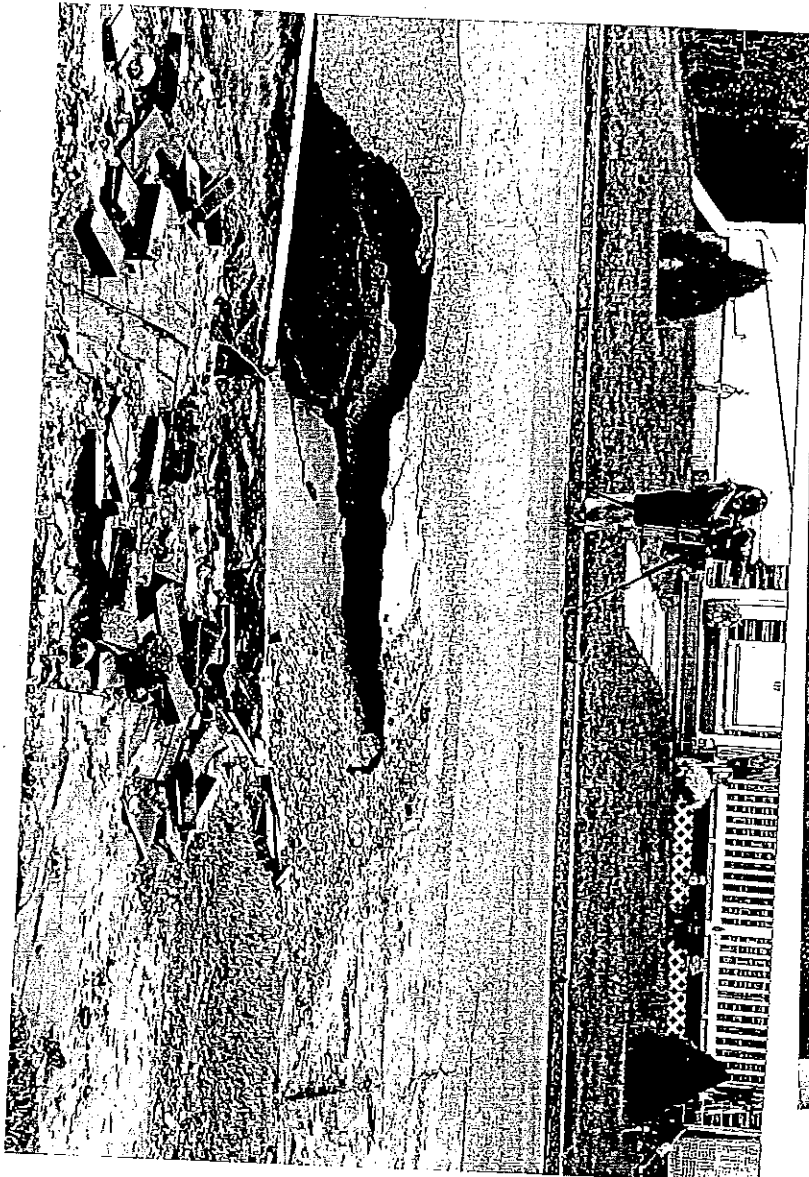
414 ORSWELL ST DAMAGE SUSTAINED TO FLOORING. ESTIMATED DAMAGE \$2000.

436 TOWER ST SUSTAINED DAMAGE BASEMENT, CARPET, PERSONAL BELONGINGS, SIDE AND BACK YARD. ESTIMATED DAMAGE \$7000 OR GREATER.

424 TOWER ST SUSTAINED A HEAVY FLOODING IN THE BASEMENT, UP TO 2FT. POSSIBLE DAMAGE TO THE HOT WATER HEATER, FURNACE, FOUNDATION AND ALL FURNISHINGS IN THE BASEMENT. THE BACK YARD WAS ALSO COMPLETELY FLOODED. ESTIMATED DAMAGE \$15000 OR GREATER.

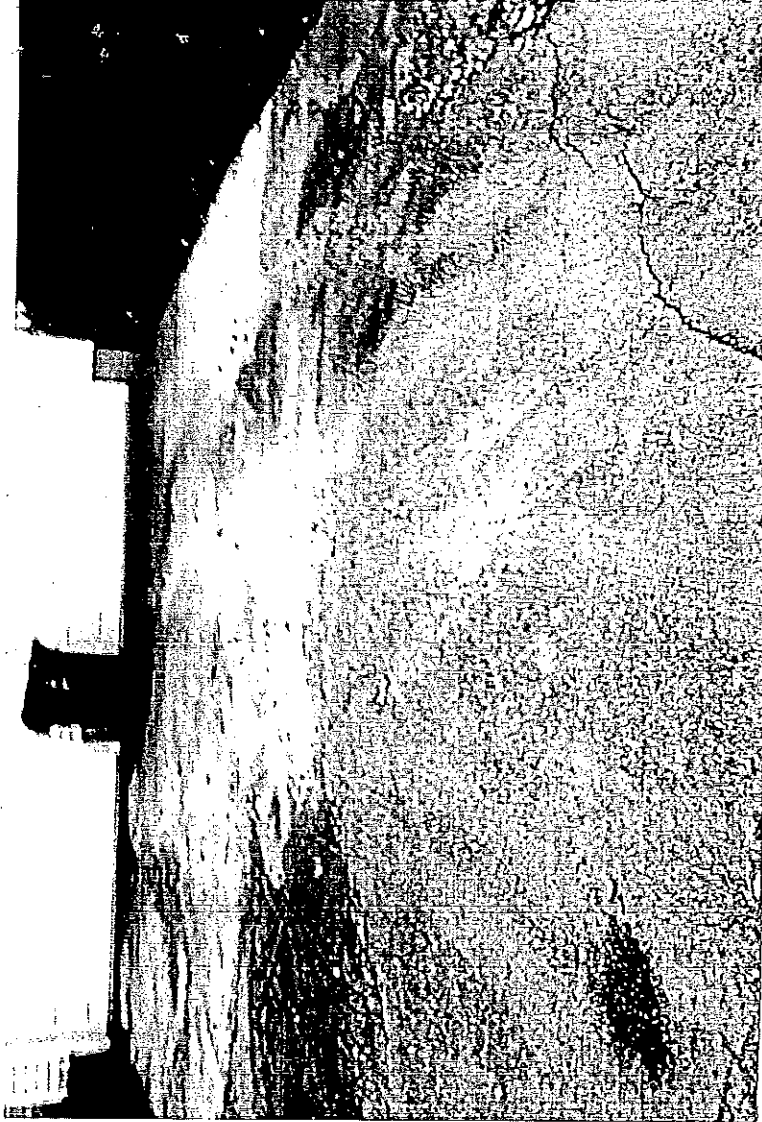
30  
#17-80A



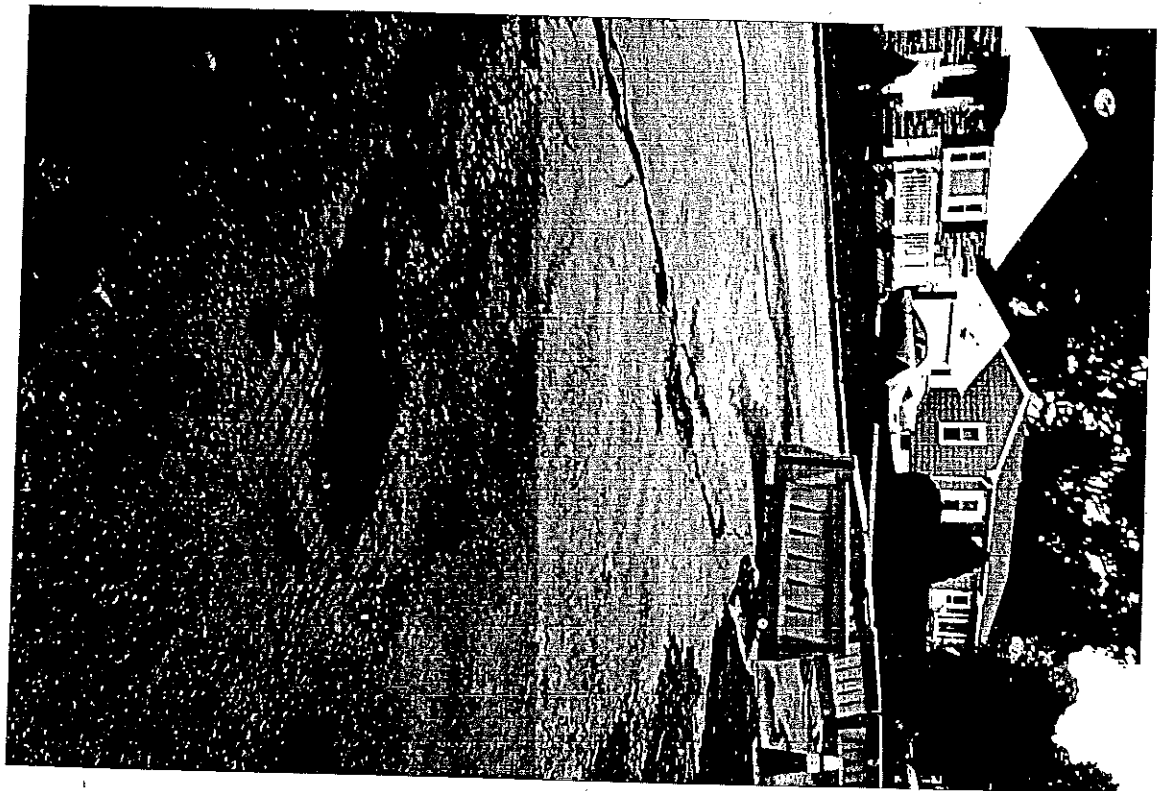


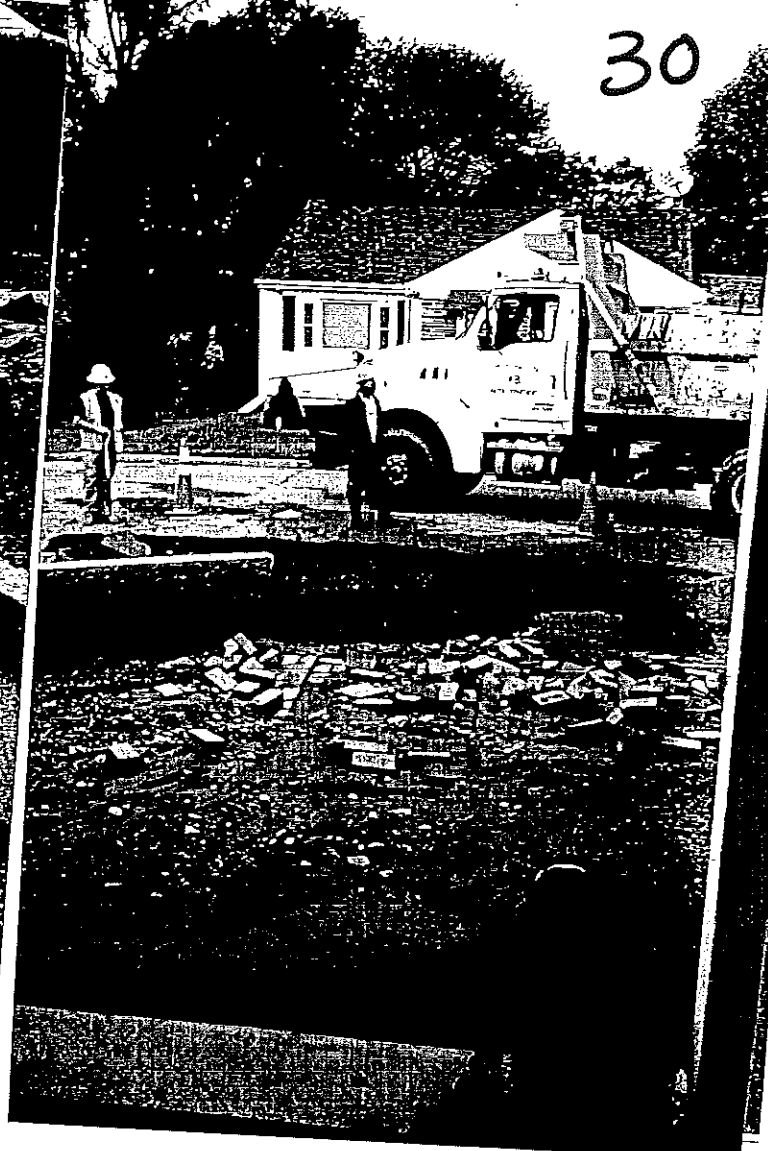
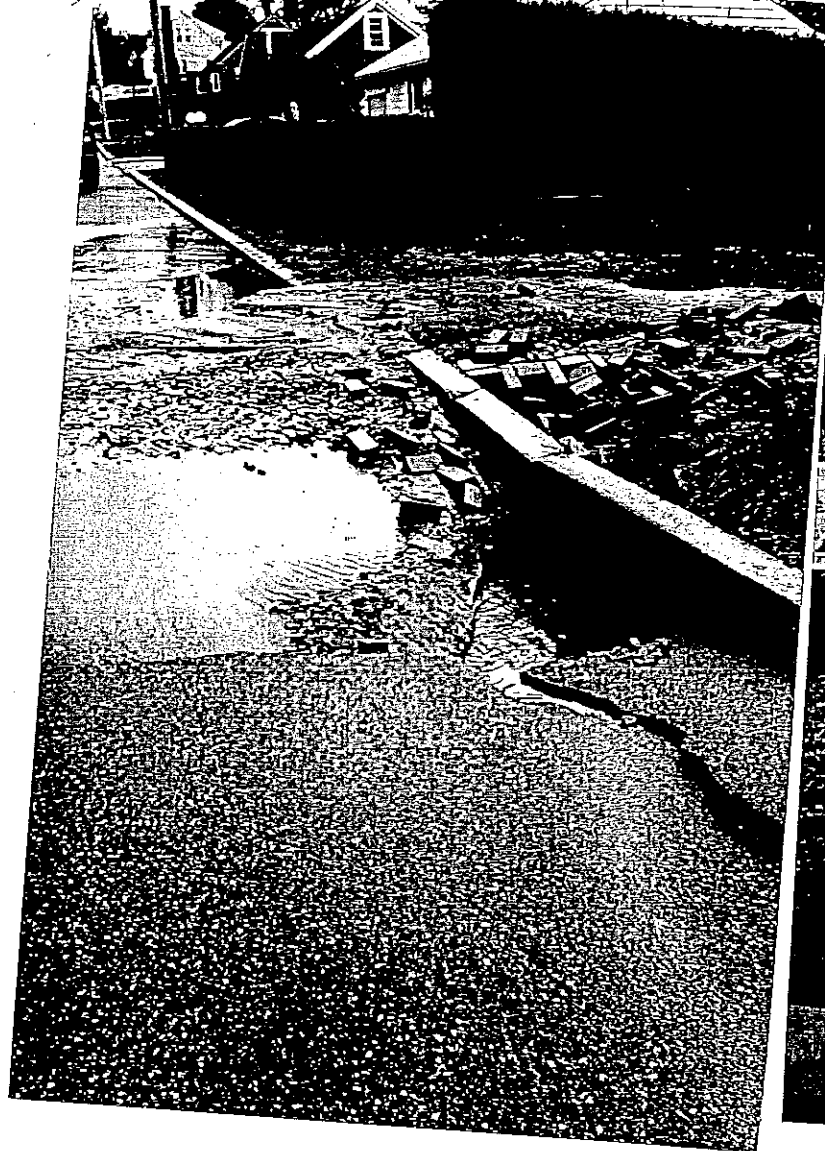
Item  
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✓  
17-80A



F17-80A





#17-80A







RECEIVED

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2017 OCT 17 P 1:25

CITY CLERK 17-81  
FALL RIVER, MACity of Fall River  
Notice of Claim

1. Claimant's name: Frederick J Wang
2. Claimant's complete address: 436 Tower St Fall River Ma 02721
3. Telephone number: Home: \_\_\_\_\_ Work: 508675-7711
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Water main Break
5. Date and time of accident: 10-15-17 8AM Amount of damages claimed: \$ \_\_\_\_\_
6. Exact location of the incident: (include as much detail as possible):  
Tower + Orswell St Fall River MA
7. Circumstances of the incident: (attach additional pages if necessary):  
Water main break causing water damage to  
Finished basement and lawn.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 10-16-17Claimant's signature: \* Frederick J. Wang

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

**Return this from to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ WaterDate: 10/17/17

30

Incident #: 17-5869-IN Exp. 0

RECEIVED

Call #: 17-75621

Location: 471 ORSWELL ST  
FALL RIVER, MA 02721

District: Fire District 15  
Station: - NIAGRA STATION

2017 OCT 17 P 1:26  
CITY CLERK 17-81  
FALL RIVER, MA

Officer In Charge: Poissant, Jason E. on 10/15/2017  
Report By: Poissant, Jason E. on 10/15/2017

**Basic Incident Information**

Incident Type: Water or steam leak  
Property Use: 1 or 2 family dwelling  
Actions Taken: Salvage & overhaul  
Notify other agencies.  
Remove water  
HazMat Release: None

Owner: LAURA WONG  
471 ORSWELL ST  
FALL RIVER, MA 02721  
Phone #: 508-676-8488

Property Loss: \$5000  
Contents Loss: Undetermined

Pre-Incident Value: Undetermined  
Pre-Incident Value: Undetermined

**Resources Used Summary**

Alarm: 10/15/2017 @ 0812  
Cleared: 10/15/2017 @ 1101

Arrived: 10/15/2017 @ 0816

Shift: D

Alarms: 1

Aid: None

Apparatus  
Suppression: 2  
EMS: 0  
Other: 1

Personnel  
Suppression: 6  
EMS: 0  
Other: 1

**Casualties Summary**

Deaths  
Fire Service: 0  
Civilian: 0

Injuries  
Fire Service: 0  
Civilian: 0



30

Incident #: 17-5869-IN Exp. 0

Remarks

THE FIRE DEPARTMENT WAS CALLED TO THIS LOCATION FOR A WATER MAIN BREAK IN FRONT OF 471 ORSWELL ST. THE WATER DEPARTMENT WAS CALLED BY THE POLICE WHEN THEY ARRIVED. CAR 3 REQUESTED THE RESPONSE OF THE GAS COMPANY(ROD FRANCOEUR), ELECTRIC COMPANY, AND THE ELECTRICAL INSPECTOR(DAVE TAVARES). THE THE ELECTRIC AND GAS SERVICE WERE SHUT DOWN TEMPORARILY AT 451 & 419 ORSWELL ST BY THE FIRE DEPARTMENT AND TURNED BACK ON BY THE GAS COMPANY. ALL UTILITIES AT 436 & 424 TOWER ST WERE SHUT DOWN UNTIL THE BASEMENTS CAN BE PUMPED. DAN TAVARES INSPECTED THE HOMES FOR POSSIBLE ELECTRICAL SAFETY ISSUES. JEFF LITTLE WAS THE WATER DEPARTMENT DIRECTOR ON SCENE FACILITATING SHUT DOWN, CLEAN UP AND REPAIRS. SEE SUPPLEMENTAL NARRATIVE FOR PROPERTY DAMAGE ESTIMATES.

# People and Entities Involved Type Sex Age Home # Work #

1 LAURA WONG Occupant 508-676-8488  
471 ORSWELL ST  
FALL RIVER, MA 02721

2 LAURA WONG Other 508-676-8488  
471 ORSWELL ST  
FALL RIVER, MA 02721

471 ORSWELL SUSTAINED DAME TO THE FRONT YARD, WALK WAY, DRIVE WAY AND SIDE YARD.  
EATIMATED DAMAGE \$5000

[REDACTED] Other 508-646-0814  
451 ORSWELL ST  
FALL RIVER, MA 02721

451 ORSWELL SUSTAINED WATER DAMAGE TO THE DRIVEWAY, BACK YARD AND BASEMENT. ESTIMATED  
DAMAGE \$5000

[REDACTED] Other  
419 ORSWELL ST  
FALL RIVER, MA 02721

419 ORSWELL SUSTAINED DAMAGE TO THE FRONT YARD, BACK YARD AND CARPET. ESTIMATED DAMAGE  
\$5000

[REDACTED] Other 774-365-9951  
414 ORSWELL ST  
FALL RIVER, MA 02721

DAMAGE SUSTAINED TO FLOORING. ESTIMATED DAMAGE \$2000

6 FRED WONG Other 508-951-0433  
436 TOWER ST  
FALL RIVER, MA 02721

436 TOWER ST SUSTAINED DAMAGE BASEMENT, CARPET, PERSONAL BELONGINGS, SIDE AND BACK  
YARD. ESTIMATED DAMAGE \$7000 OR GREATER

RECEIVED  
2011 OCT 17 P 1:26  
CITY CLERK  
FALL RIVER, MA  
17-81

Incident #: 17-5869-IN Exp. 0

424 TOWER ST  
FALL RIVER, MA 02721

Occupant

508-674-9292

424 TOWER ST SUSTAINED A HEAVY FLOODING IN THE BASEMENT, UP TO 2FT. POSSIBLE DAMAGE TO THE HOT WATER HEATER, FURNACE, FOUNDATION AND ALL FURNISHINGS IN THE BASEMENT. THE BACK YARD WAS ALSO COMPLETELY FLOODED. ESTIMATED DAMAGE \$15000 OR GREATER.

Special Studies

Initial FF on Scene: Four or more FF WERE NOT on the scene WITHIN FIVE MINU

State

Critical incident: No

17-81  
CITY CLERK  
FALL RIVER, MA  
2017 OCT 17 P 1:26

RECEIVED

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Incident #: 17-5869-IN Exp. 0

RECEIVED

NARRATIVE FOR DISTRICT CHIEF JASON E POISSANT

Ref: 17-5869-IN

Entered: 10/15/2017 @ 1718  
Modified: 10/15/2017 @ 1718

Entry ID: JEP  
Modified ID: JEP

2017 OCT 17 P 1:26  
CITY CLERK 17-81  
FALL RIVER, MA

THE FOLLOWING PROPERTIES SUSTAINED DAMAGE FROM A WATER MAIN BREAK IN FRONT OF 471 ORSWELL:

471 ORSWELL SUSTAINED DAMAGE TO THE FRONT YARD, WALK WAY, DRIVE WAY AND SIDE YARD. ESTIMATED DAMAGE \$5000.

451 ORSWELL ST SUSTAINED WATER DAMAGE TO THE DRIVEWAY, BACK YARD AND BASEMENT. ESTIMATED DAMAGE \$5000.

419 ORSWELL ST SUSTAINED DAMAGE TO THE FRONT YARD, BACK YARD AND CARPET. ESTIMATED DAMAGE \$5000.

414 ORSWELL ST DAMAGE SUSTAINED TO FLOORING. ESTIMATED DAMAGE \$2000.

436 TOWER ST SUSTAINED DAMAGE BASEMENT, CARPET, PERSONAL BELONGINGS, SIDE AND BACK YARD. ESTIMATED DAMAGE \$7000 OR GREATER.

424 TOWER ST SUSTAINED A HEAVY FLOODING IN THE BASEMENT, UP TO 2FT. POSSIBLE DAMAGE TO THE HOT WATER HEATER, FURNACE, FOUNDATION AND ALL FURNISHINGS IN THE BASEMENT. THE BACK YARD WAS ALSO COMPLETELY FLOODED. ESTIMATED DAMAGE \$15000 OR GREATER.



RECEIVED

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2017 OCT 17 P 3:18

City of Fall River  
Notice of ClaimCITY CLERK 17-82  
FALL RIVER, MA

1. Claimant's name: Andre + Sarah Estves
2. Claimant's complete address: 419 Orswell St, Fall River MA 02721
3. Telephone number: Home: 74-955-2297 Cell: 74-955-2959
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Water
5. Date and time of accident: 10/15/17 Amount of damages claimed: \$ 5000
6. Exact location of the incident: (include as much detail as possible):  
419 Orswell St, Fall River MA 02721
7. Circumstances of the incident: (attach additional pages if necessary):  
There was a water main break on Orswell St. that flooded my entire property, and seeped into basement causing damage to wall to wall carpeting.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☒ Yes ☐ No  
UPC Insurance, 800 2nd Ave South, St. Petersburg, FL 33701

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge:

Date: 10/16/2017Claimant's signature: Sarah Est

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Return this from to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

Copies forwarded to: ☒ City Clerk☐ Law☐ City Council☐ City Administrator☐ WaterDate: 10-17-17

Fall River Fire Department  
Incident Report

Page: 1  
10/16/2017

30

RECEIVED

2017 OCT 17 P 3:18

CITY CLERK 17-82  
FALL RIVER, MA

Incident #: 17-5869-IN Exp. 0

Call #: 17-75621

Location: 471 ORSWELL ST  
FALL RIVER, MA 02721

District: Fire District 15  
Station: - NIAGRA STATION

Officer In Charge: Poissant, Jason E. on 10/15/2017  
Report By: Poissant, Jason E. on 10/15/2017

Basic Incident Information

Incident Type: Water or steam leak  
Property Use: 1 or 2 family dwelling  
Actions Taken: Salvage & overhaul  
Notify other agencies.  
Remove water  
HazMat Release: None

Owner: [REDACTED]  
471 ORSWELL ST  
FALL RIVER, MA 02721  
[REDACTED]

Property Loss: \$5000  
Contents Loss: Undetermined

Pre-Incident Value: Undetermined  
Pre-Incident Value: Undetermined

Resources Used Summary

Alarm: 10/15/2017 @ 0812  
Cleared: 10/15/2017 @ 1101

Arrived: 10/15/2017 @ 0816

Shift: D

Alarms: 1

Aid: None

Apparatus  
Suppression: 2  
EMS: 0  
Other: 1

Personnel  
Suppression: 6  
EMS: 0  
Other: 1

Casualties Summary

Deaths  
Fire Service: 0  
Civilian: 0

Injuries  
Fire Service: 0  
Civilian: 0

RECEIVED

Fall River Fire Department  
Incident ReportPage: 2  
10/16/2017

30

2017 OCT 17 Incident #: 17-5869-IN Exp. 0

CITY CLERK

17-82

## Remarks

THE FIRE DEPARTMENT WAS CALLED TO THIS LOCATION FOR A WATER MAIN BREAK IN FRONT OF 471 ORSWELL ST. THE WATER DEPARTMENT WAS CALLED BY THE POLICE WHEN THEY ARRIVED. CAR 3 REQUESTED THE RESPONSE OF THE GAS COMPANY (RON FRANCOEUR), ELECTRIC COMPANY, AND THE ELECTRICAL INSPECTOR (DAVE TAVARES). THE THE ELECTRIC AND GAS SERVICE WERE SHUT DOWN TEMPORARILY AT 451 & 419 ORSWELL ST BY THE FIRE DEPARTMENT AND TURNED BACK ON BY THE GAS COMPANY. ALL UTILITIES AT 436 & 424 TOWER ST WERE SHUT DOWN UNTIL THE BASEMENTS CAN BE PUMPED. DAN TAVARES INSPECTED THE HOMES FOR POSSIBLE ELECTRICAL SAFETY ISSUES. JEFF LITTLE WAS THE WATER DEPARTMENT DIRECTOR ON SCENE FACILITATING SHUT DOWN, CLEAN UP AND REPAIRS. SEE SUPPLEMENTAL NARRATIVE FOR PROPERTY DAMAGE ESTIMATES.

#	People and Entities Involved	Type	Sex	Age	Home #	Work #
1	██████████ 471 ORSWELL ST FALL RIVER, MA 02721	Occupant			██████████	
2	██████████ 471 ORSWELL ST FALL RIVER, MA 02721	Other			██████████	
	471 ORSWELL SUSTAINED DAME TO THE FRONT YARD, WALK WAY, DRIVE WAY AND SIDE YARD. EATIMATED DAMAGE \$5000					
3	██████████ 451 ORSWELL ST FALL RIVER, MA 02721	Other			██████████	
	451 ORSWELL SUSTAINED WATER DAMAGE TO THE DRIVEWAY, BACK YARD AND BASEMENT. ESTIMATED DAMAGE \$5000					
4	ANDRE ESTEVES 419 ORSWELL ST FALL RIVER, MA 02721	Other				
	419 ORSWELL SUSTAINED DAMAGE TO THE FRONT YARD, BACK YARD AND CARPET. ESTIMATED DAMAGE \$5000					
5	██████████ 414 ORSWELL ST FALL RIVER, MA 02721	Other			██████████	
	DAMAGE SUSTAINED TO FLOORING. ESTIMATED DAMAGE \$2000					
6	██████████ 436 TOWER ST FALL RIVER, MA 02721	Other			██████████	
	436 TOWER ST SUSTAINED DAMAGE BASEMENT, CARPET, PERSONAL BELONGINGS, SIDE AND BACK YARD. ESTIMATED DAMAGE \$7000 OR GREATER					

Fall River Fire Department  
Incident Report

Page: 3  
10/16/2017

30

Incident #: 17-5869-IN Exp. 0

7 CECILE COUTURE  
424 TOWER ST  
FALL RIVER, MA 02721

Occupant

508-674-9292

424 TOWER ST SUSTAINED A HEAVY FLOODING IN THE BASEMENT, UP TO 2FT. POSSIBLE DAMAGE TO THE HOT WATER HEATER, FURNACE, FOUNDATION AND ALL FURNISHINGS IN THE BASEMENT. THE BACK YARD WAS ALSO COMPLETELY FLOODED. ESTIMATED DAMAGE \$15000 OR GREATER.

Special Studies

Initial FF on Scene: Four or more FF WERE NOT on the scene WITHIN FIVE MINU

State:

Critical incident: No

RECEIVED  
2017 OCT 17 P 3:18  
CITY CLERK  
FALL RIVER, MA  
17-82

Incident #: 17-5869-IN Exp. 0

NARRATIVE FOR DISTRICT CHIEF JASON E POISSANT

Ref: 17-5869-IN

Entered: 10/15/2017 @ 1718 Entry ID: JEP  
Modified: 10/15/2017 @ 1718 Modified ID: JEP

THE FOLLOWING PROPERTIES SUSTAINED DAMAGE FROM A WATER MAIN BREAK IN FRONT OF 471 ORSWELL:

471 ORSWELL SUSTAINED DAMAGE TO THE FRONT YARD, WALK WAY, DRIVE WAY AND SIDE YARD. ESTIMATED DAMAGE \$5000.

451 ORSWELL ST SUSTAINED WATER DAMAGE TO THE DRIVEWAY, BACK YARD AND BASEMENT. ESTIMATED DAMAGE \$5000.

419 ORSWELL ST SUSTAINED DAMAGE TO THE FRONT YARD, BACK YARD AND CARPET. ESTIMATED DAMAGE \$5000.

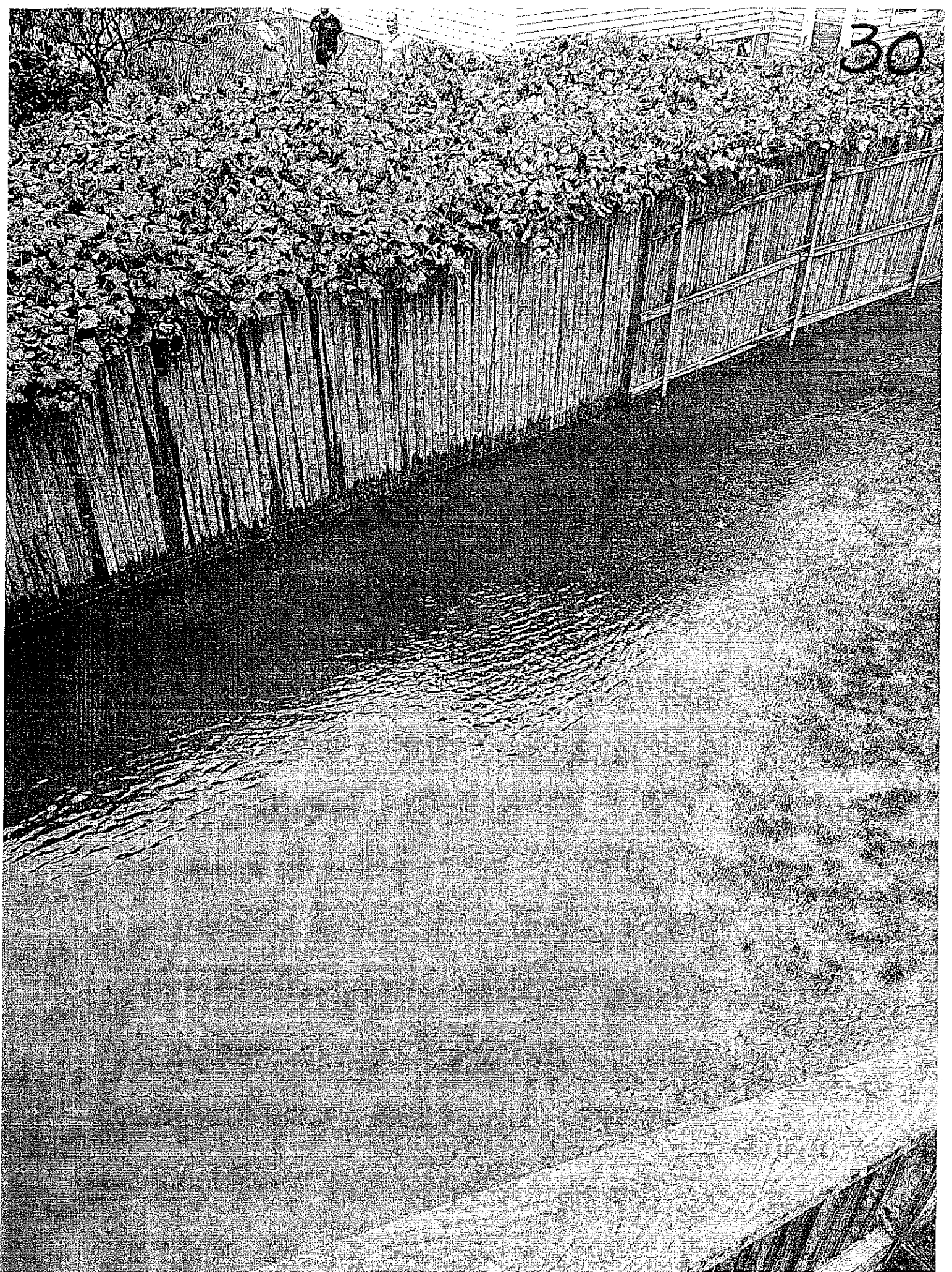
414 ORSWELL ST DAMAGE SUSTAINED TO FLOORING. ESTIMATED DAMAGE \$2000.

436 TOWER ST SUSTAINED DAMAGE BASEMENT, CARPET, PERSONAL BELONGINGS, SIDE AND BACK YARD. ESTIMATED DAMAGE \$7000 OR GREATER.

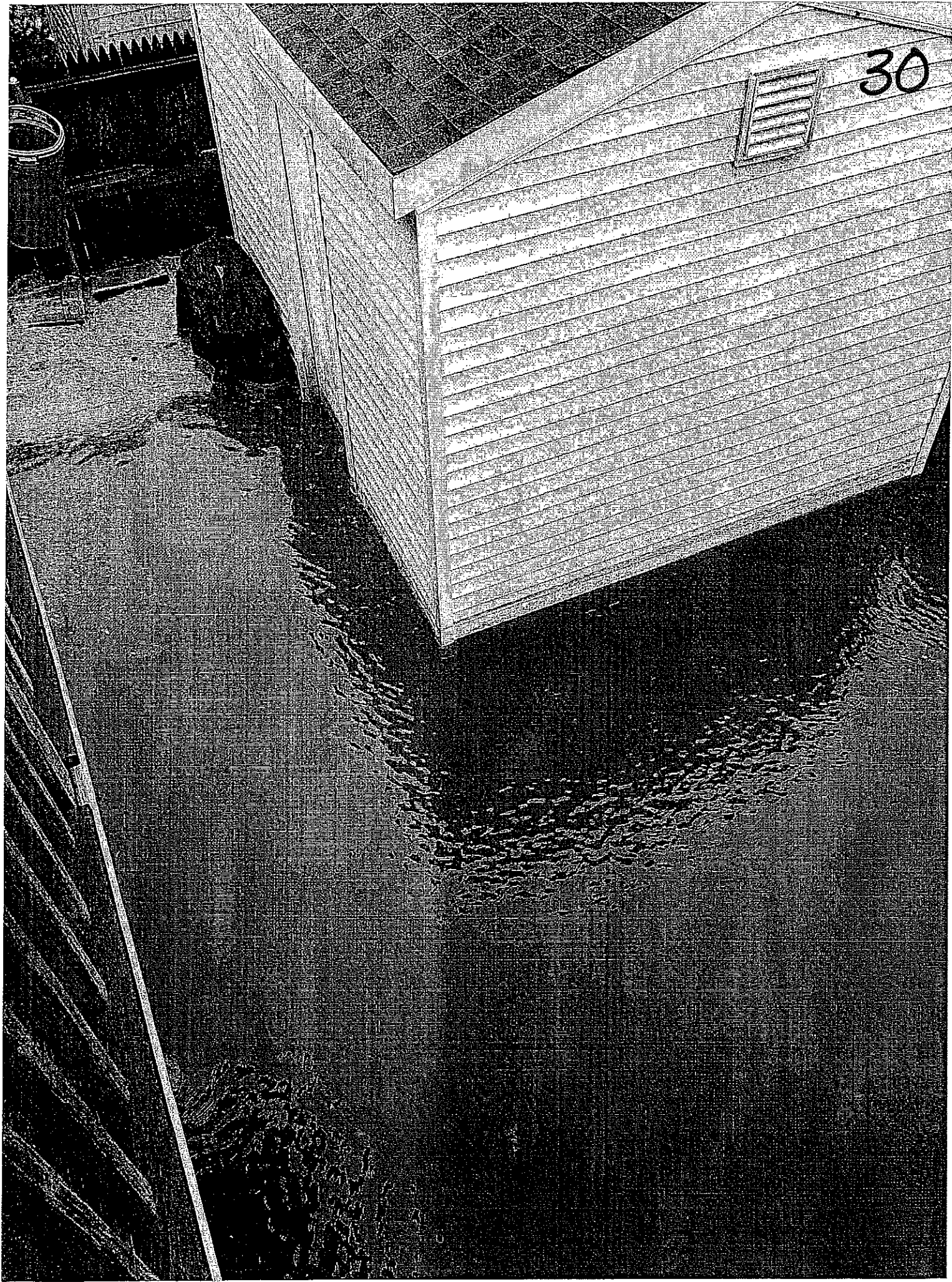
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2017 OCT 17 P 3:18  
CITY CLERK  
FALL RIVER, MA  
17-82

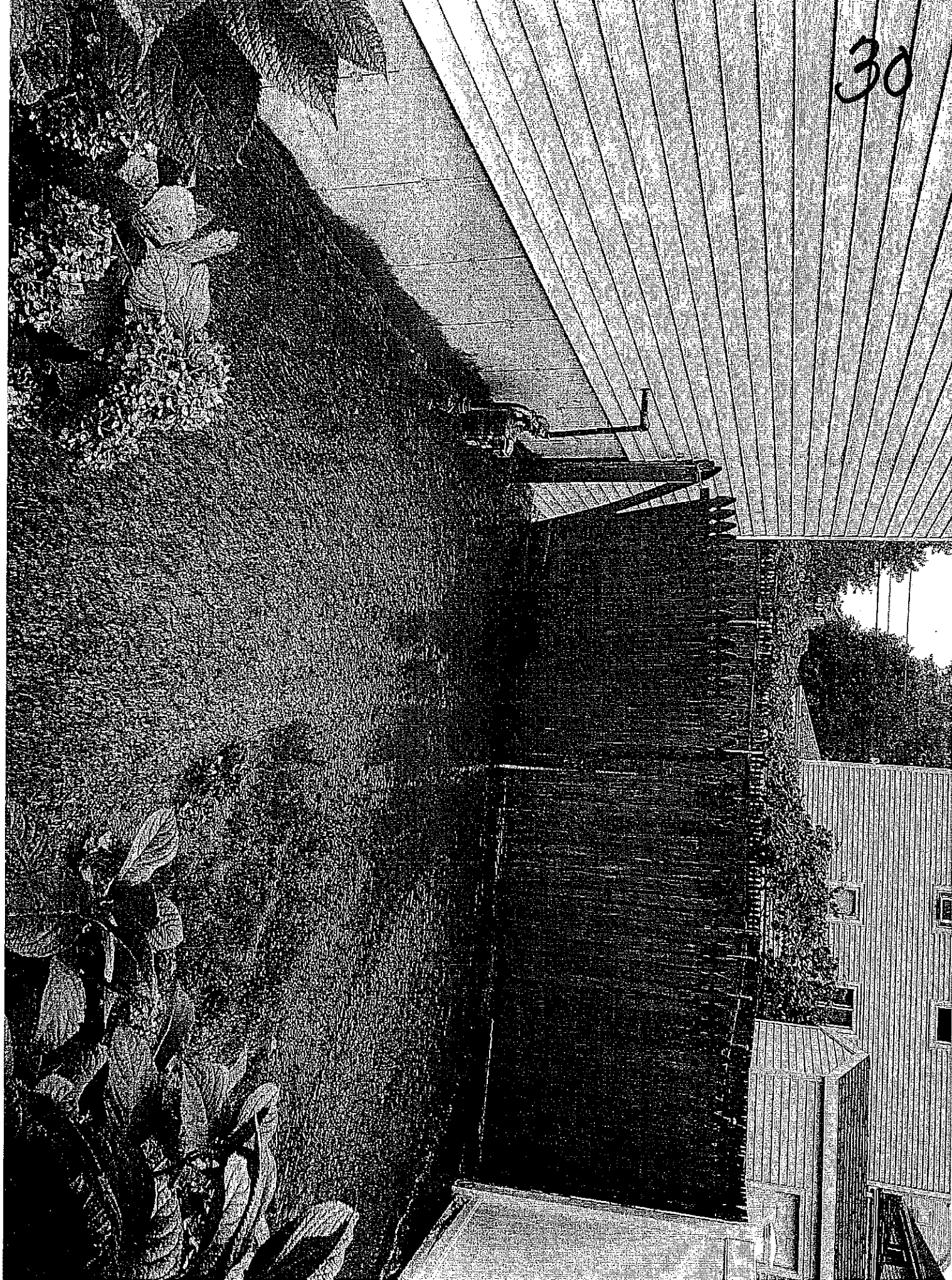






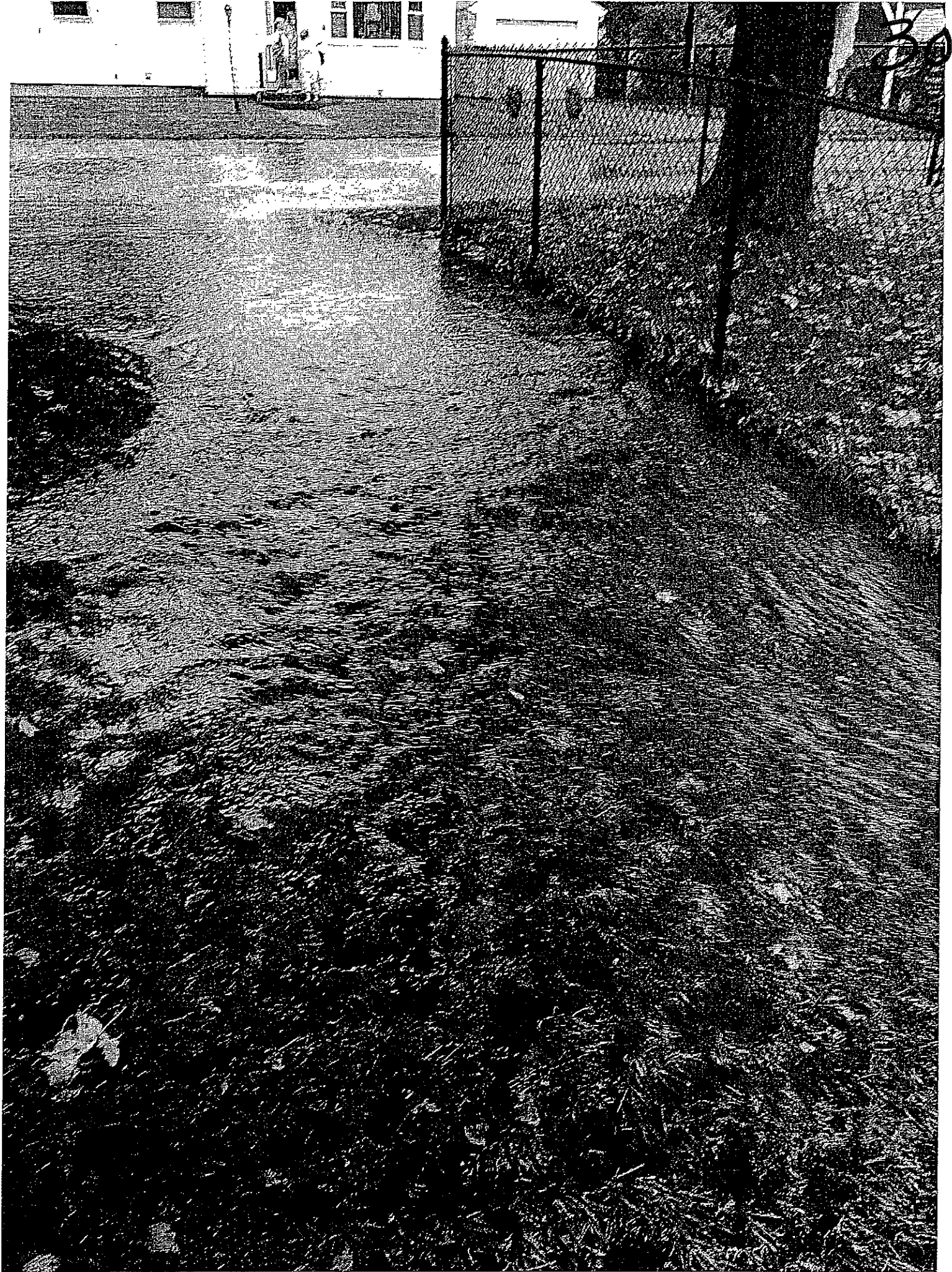


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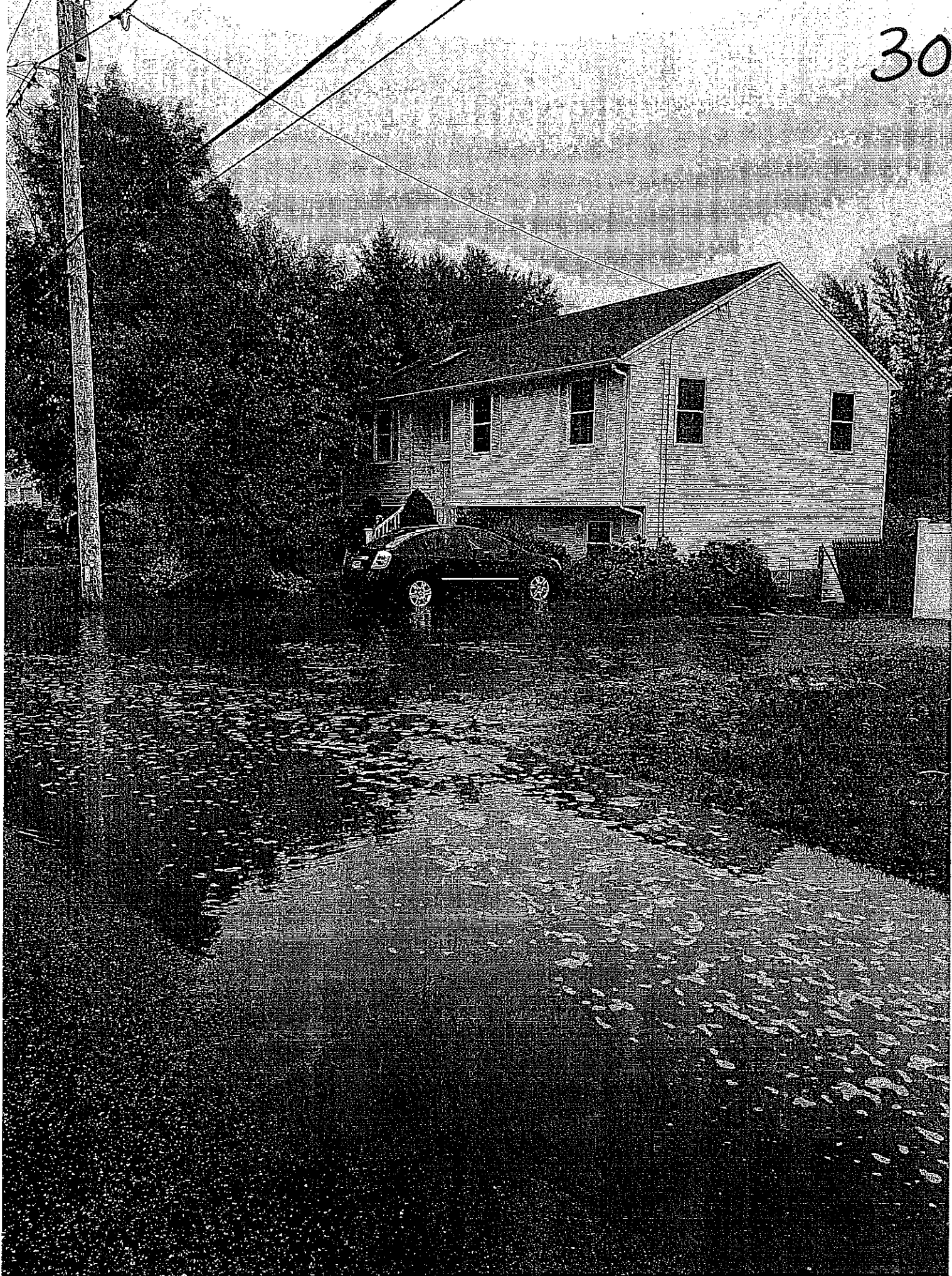




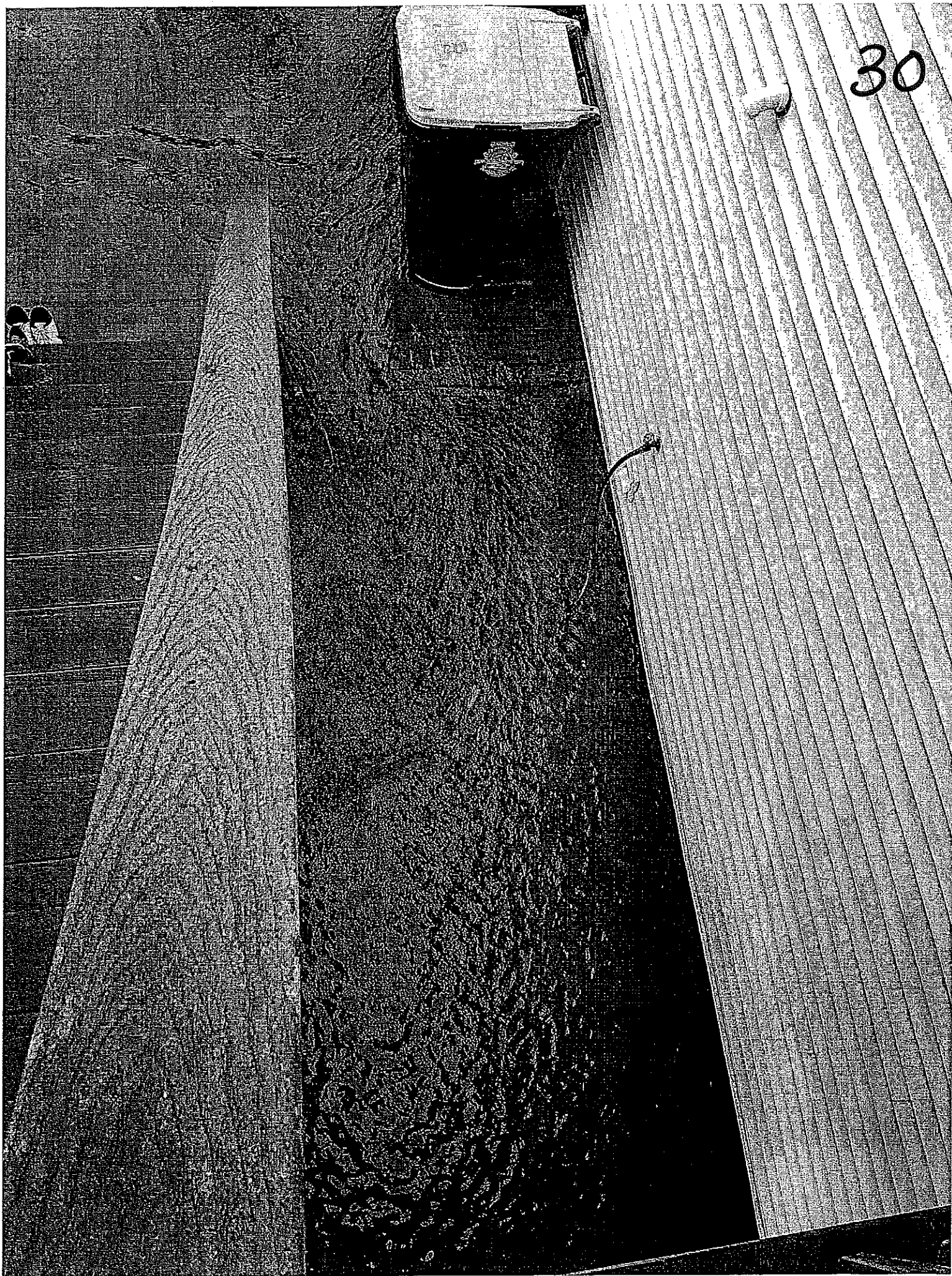




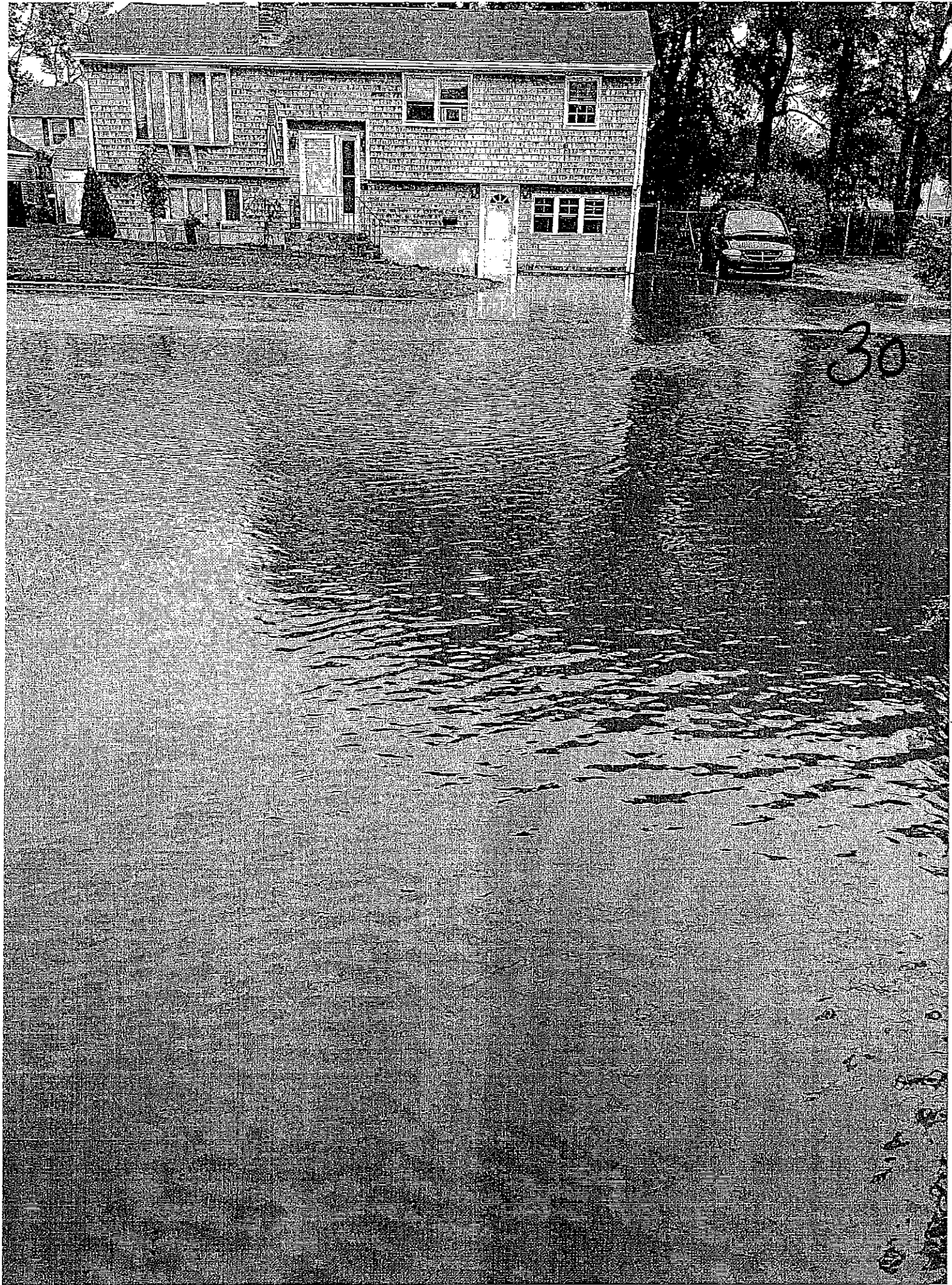




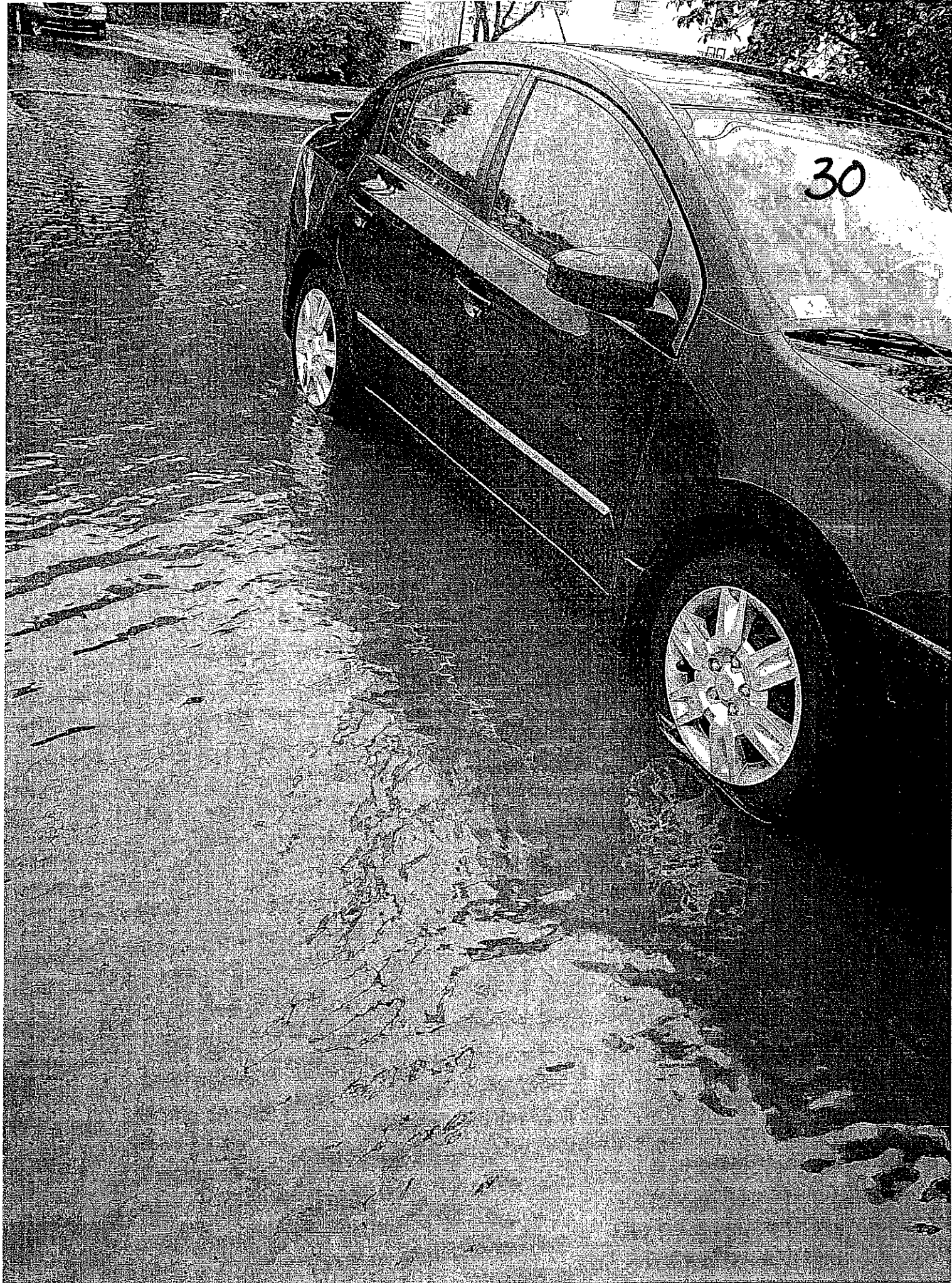
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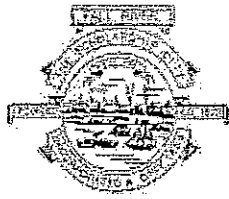












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RECEIVED

2017 OCT 19 P 1:45 / 17-82A

City of Fall River  
Notice of ClaimCITY CLERK #  
FALL RIVER, MA

1. Claimant's name: Andre + Sarah Esteves
2. Claimant's complete address: 419 Orswell St Fall River, Ma 02721
3. Telephone number: Home: 774.955.2297 Work: 774.955.2959  
Cell
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
water
5. Date and time of accident: 10/15/17 Amount of damages claimed: \$ 5000
6. Exact location of the incident: (include as much detail as possible):  
419 Orswell St Fall River, Ma 02721
7. Circumstances of the incident: (attach additional pages if necessary):  
There was a water main break on Orswell St. that flooded my entire property, causing damage to the landscaping & water entered the house damaging a wall to wall carpeting
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☒ Yes ☐ No  
UPC Insurance, 800 2nd Ave South, St. Petersburg, FL 33701

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 10/16/2017

Claimant's signature: Sarah Esteves

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

**Return this from to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator

Water

Date: 10/19/17

ARMAND'S CARPET & LINOLEUM CO., INC.  
1535B SOUTH MAIN ST. FALL RIVER, MA 02724  
PHONE 1-508-679-2745 FAX 1-508-673-4110

website: armandscarpet.com

WE ARE A WOMEN OWNED AND SOWMBA CERTIFIED BUSINESS

Date

Estimate #

10/18/2017

2991

Name / Address

Ship To

ESTEVEZ ANDRE  
419 ORSWELL ST  
FALL RIVER, MA

PHONE #

FAX #

P.O. No.

774-955-2959

Description

INSURANCE ESTIMATE  
@FINISHED BASEMENT -- RE: WATER DAMAGE  
CARPET- MAINSPRING-(COMMERICAL GRADE) (COLOR TO BE CHOSEN) (69 SQ YDS)  
PAD  
LABOR  
RIP UP & DISPOSAL OF EXISTING CARPET & PAD

NOTE: CARPET BACKING IS LATEX WHICH IS WATER SOLUABLE IF EXISTING CARPET IS NOT REPLACED IT WILL DE-LAMINATE.

PAYMENT TERMS: 1/2 DOWN, BALANCE UPON COMPLETION

ALL ORDERED GOODS ARE NON-REFUNDABLE

RESPECTFULLY SUBMITTED,

KRISTINE K. BURKE, VICE PRES.

NOTES: IF ADDITIONAL PREP OR MATERIALS ARE  
NEEDED DUE TO UNFORESEEN CIRCUMSTANCES  
PRICE WILL BE DETERMINED UPON JOBSITE  
INSPECTION.

YOU ARE HEREBY AUTHORIZED TO DO THE WORK AS  
SPECIFIED ABOVE. PLEASE SIGN & FAX BACK THANK YOU :)

AUTHORIZED SIGNATURE  
DATE

PRICES SUBJECT TO  
MANUFACTURERS  
PRICE INCREASES

Sales Tax (6.25%)

\$86.25

Total

\$2,151.25

CITY CLERK  
FALL RIVER, MA

2017 OCT 19 P 1:45

RECEIVED

#17-82A

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**Stillman  
&  
Associates, P.C.**  
**ATTORNEYS AT LAW**

51 Mill Street, Suite 11  
Hanover, MA 02339  
T (781) 829-1077  
F (781) 829-2077

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RECEIVED

2017 OCT 18 A 10:41

Rhode Island Office  
(401) 787-4241

CITY CLERK 17-83  
FALL RIVER, MA

October 16, 2017

**SENT PURSUANT TO MGL ch. 258**

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

**RE: Insured: Eric Dayter**  
**Date of Loss: 02/26/2017**

Dear Ms. Bouchard:

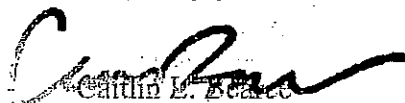
We have been retained by Plymouth Rock Assurance Company to recover for property damage resulting from an accident that took place on February 26, 2017 on Ridge Street in Fall River. On that date, a vehicle operated by Fall River Police Officer John Wallace Riley and owned by the City of Fall River (Registration No. MP9245) proceeded through a stop sign on Ridge Street and collided with a vehicle owned by Eric Dayter. At the time of the collision, Mr. Dayter was travelling straight on Middle Street and had the right of way.

Due to your employee's negligence, Mr. Dayter's vehicle was damaged. Plymouth paid its insured for those damages and is now seeking to pursue its subrogation rights against the City of Fall River to recover \$4,352.50 for this loss.

As the city's liability for this loss is apparent, we hope that this matter can be resolved quickly, without the additional efforts and expenses of litigation. Please feel free to contact my office if you would like to discuss settlement of this claim. Otherwise, we will file suit according to the terms of Mass. Gen. Laws ch. 258.

Thank you in advance for your prompt attention to this matter.

Very truly yours,

  
Martin L. Beale

c:  
City clerk  
City Council  
Police Dept.  
Law Dept



RECEIVED

# Partners for a Healthier Community

A Community Health Network Serving

Fall River, Somerset, Swansea, and Westport

P.O. Box 1228, Fall River, MA 02722

2017 OCT 18 A 9:46

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

July 26, 2017

To: The Fall River City Council  
Attention: Shawn Cadime, Council President  
Re: Petition submission  
City Ordinance Section 66-186  
Naming or re-naming of streets, parks, buildings or other properties

- 1) **Name of petitioner:** Partners for a Healthier Community  
Tracy Ibbotson Chairperson, and  
Administrative Director  
Community Health Benefits  
Saint Anne's Hospital  
[tracy.ibbotson@steward.org](mailto:tracy.ibbotson@steward.org)  
508.235.5289
- 2) **Type of request:** Request to name nature trail at Cook Pond  
The Dr. David S. Weed Nature Trail

3) **Reason the request to name or re-name is being made:**

Dr. David S. Weed is a psychologist by profession who retired as an employee of the MA Department of Mental Health after 33 years of practice at Corrigan Mental Health Center in Fall River. He was unique in his early service as he was considered a practicing Community Psychologist with the whole city as his "patient". He worked his entire professional career, and beyond, to make Fall River healthier in an extraordinary number of ways. He was one of the original members of Greater Fall River Partners for a Healthier Community, launched some 24 years ago, for which he most recently served as its Executive Director. He retired from Partners in June of this year after a long, distinguished career dedicated to improving the overall health of our community, and was recognized by local and state dignitaries at a retirement reception held in his honor at the end of June. Among Dr. Weed's most significant accomplishments are the following:

- Was responsible for bringing hundreds of thousands of dollars to the City of Fall River by authoring or co-authoring countless grants including major awards from Tufts University, the MA Department of Public Health and Harvard Pilgrim Health Care
- Brought national recognition to Fall River in 2013 by writing the application that resulted in the city receiving one of only 6 Culture of Health Prizes awarded by the Robert Wood Johnson Foundation, the largest philanthropic organization in the world dedicated to health initiatives. Fall River was chosen as an inaugural recipient from more than 160 applicants nationwide.
- Co-authored the application which resulted in Fall River being named one of only 10 All America City recipients in the summer of 2015
- Was a founding member of the Fall River Fitness Challenge, the longest continually running program of its kind in the country
- Received the Massachusetts Department of Public Health Community Leadership Award in March of 2001

- Received the John S. Brayton Community Recognition Award from the Fall River Chamber of Commerce in June of 2012
- Was an avid, active supporter of bike and walking paths in Fall River as well as contributed time, expertise and a great deal of energy to the improvement of Fall River parks and greenspaces
- And most notably, served as photo and video documentarian for nearly all Fall River community health initiatives during his tenure by designing and maintaining the Partners for a Healthier Community website on which he posted over 77,000 photos and over 1,800 videos.

**4) Detailed description of the building, park, street or other property (real or personal)**

The nature trail, which is the subject of this petition, is a beautifully wooded walking path that borders Cook Pond along its southern side, offering walkers stunning views. The Trail continues to the MA Department of Fisheries and Wildlife boat ramp off Henry Street, creating public access for the first time ever in this recreationally deprived area. It was first planned back in the summer of 2011, then established, extended, and restored each subsequent summer by the Trustees of Reservations' Youth Conservation Corps. Although the trail currently only borders a portion of the pond, the long-term plan is for it to continue around the entire circumference of the pond resulting in a strikingly scenic three and a half-mile walking loop. The restoration was a collaborative undertaking of the City of Fall River, the Trustees of the Reservation, the Fall River School Department and Fall River Mass in Motion coordinator, Julianne Kelly. As a temporary "place holder", the trail was unofficially named the Amity Nature Trail by Ms. Kelly in 2015 based on its location at the west end of Amity Street. Ms. Kelly is now in full support of it being officially named for Dr. David S Weed who has devoted so much time to it and other similar walkways in the city.

**5) Location within the city. (Requests for naming or re-naming a street must have an attached street map.)**

This nature trail is located at the west end of Amity Street, adjacent to the Henry Lord Community School, and borders Cook Pond.

Submitted by:

Marcia Picard

On behalf of the Steering Committee and Officers

Partners for a Healthier Community

[mpicard@fallriverschools.org](mailto:mpicard@fallriverschools.org)

774.319.0107

CITY OF FALL RIVER  
OFFICE OF THE CITY CLERK

32

To the City Council:

Application for permit to place or maintain a structure or device on or over a public way

Name of Applicant: Fall River Holiday Parade Committee & Trac.

Name of Business (if applicable): Same

Address: 263 Hyacinth St Fall River MA  
Street City State

Phone: \_\_\_\_\_

Type of structure or device: Banner

Description (include dimensions): 24" x 30' (2 Banners)

Location: Bedford St @ Central Fire Station; South Main @  
Center Place  
Dates: October 30, 2017 to December 4, 2017

The applicant agrees to maintain this structure or device in accordance with the requirements of the Building Inspector and the City Council and that this permit may be revoked at the pleasure of the City Council.

Signature of Applicant

Date

Inês da Silva Paulino Leite  
10/13/2017 Clerk

1. (approve) the issuance of this permit.  
(disapprove)

Building Inspector

Date

[Signature] 10/16/17

2. In City Council, \_\_\_\_\_  
Date

Permit (approved )  
(disapproved)

Alison M. Bouchard  
City Clerk

OFFICE USE ONLY

☒ Fee Paid

CITY OF FALL RIVER  
OFFICE OF THE CITY CLERK

33

RECEIVED

To the City Council:

Application for permit to place or maintain a structure or device on or over a public way. 2017 OCT 1 P 2:52

Name of Applicant: Kimberly Manchester CITY CLERK  
FALL RIVER, MA

Name of Business (if applicable): Honey Dew Donuts  
William

Address: 130 S. Canning Blv Fall River MA  
Street City State

Phone: 508 717 5105

Type of structure or device: real estate sign

Description (include dimensions): real estate yard sign  
2ft 3in wide - 3ft 3in height

Location: land between roads on William S.  
Canning Blvd.

Dates: 10/11/17 - 1/1/18

The applicant agrees to maintain this structure or device in accordance with the requirements of the Building Inspector and the City Council and that this permit may be revoked at the pleasure of the City Council.

Signature of Applicant: [Signature]  
Date: 10-11-17

1. ☒ (approve)  
☐ (disapprove) the issuance of this permit.

[Signature] 10/11/17  
Building Inspector Date

2. In City Council, \_\_\_\_\_  
Date

Permit ☒ (approved)  
☐ (disapproved)

Alison M. Bouchard  
City Clerk

OFFICE USE ONLY

☒ Fee Paid



## COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

MEETING: Wednesday, May 24, 2017 at 5:00 p.m.  
Council Chamber, One Government Center

PRESENT: Councilor Raymond A. Mitchell, presiding  
Councilors Steven A. Camara and Pam Laliberte-Lebeau

ABSENT: None

IN ATTENDANCE: JR Frey, City Engineer  
John Perry, Director, Department of Community Maintenance  
Dennis Silva, General Construction Inspector  
John Amorim, Supervisor of Engineering, Liberty Utilities  
45 Anawan Street, Fall River, MA 02721  
James Carey, Senior Manager, Customer Care, Liberty Utilities  
36 Fifth Street, Fall River, MA 02721  
Gary Monreau, Director of Operations and Engineering, Liberty Utilities  
120 Charles Street, Fall River, MA 02724  
William Peck, Construction Manager, Liberty Utilities  
45 Anawan Street, Fall River, MA 02721  
Gary Howayeck, Assistant Corporation Counsel  
Councilor Joseph D. Camara

The chairman called the meeting to order at 5:02 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

### Agenda:

#### 1. Resolution – Pothole epidemic

*On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Steven A. Camara, it was unanimously voted to lift the resolution from the table. JR Frey, City Engineer, stated that Chapter 90 funds cannot be used for potholes but can be used for streets and sidewalks. John Perry, Director of the Department of Community Maintenance, explained that the Department has been using the infrared truck and hot box to fill potholes and a private contractor will be working on several streets. Mr. Perry provided an update on problem roadways that are regularly repaired with the hotbox or cold patches. Recent repairs and/or repaving included Hartwell Street and Mariano Bishop Boulevard. He stated that the Department has two trucks that go out but that it can be difficult to maintain over 780 streets with two individuals. Lastly, Mr. Perry outlined that residents with pothole issues can contact the Department of Community Maintenance office at [jerry@fallriverma.org](mailto:jerry@fallriverma.org) or they may call 508-324-2584 and 508-324-2585. The DPW Garage at Lewiston Street can also be contacted at 508-324-2760 as well as the Mayor's Office at 508-324-2600. SeeClickFix was used in the past but was not fully utilized. A pothole line also existed a few years ago and 1,700 potholes were recorded. Currently, the 311 service is being developed by the Information Systems Division, with calls being routed to the correct department with better tracking and follow through methods. On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor*

Steven A. Camara, it was unanimously voted to recommend the resolution be granted leave to withdraw.

2. Resolution – Discuss road repairs and plans to bring their street repairs up to code with Liberty Utilities

The Chair explained the street repair issues come as a result of the work being done by Liberty Utilities to replace gas steel mains. Liberty Utilities was ordered by the Federal Government to replace all steel gas mains by the year 2025. Councilor Joseph D. Camara stated that he is being contacted by a number of constituents regarding the poor condition of the trenches. He explained that to the average person they don't know the difference between a pothole that hasn't been fixed and a badly constructed trench. He further expressed that he is appalled with the unacceptable condition of the roads. He is concerned that the roadways will be in a greater state of disrepair during the winter months if these trenches aren't properly repaired and is not happy that they may not be fully repaired until May of 2018. One of the issues also highlighted was that the contractor was using a small compactor instead of a roller by the company doing the work.

William Peck, Construction Manager, Liberty Utilities, stated that they are now in conformance with the requirements of using the roller. No trenches are currently open but he will provide the number of trenches that are currently waiting to be finalized. Another 5-6 miles of main work will be completed until the city's deadline of December 15. Temporary patches are initially done and need to wait 60-90 days before being fully completed. Mr. Peck will put a plan together outlining all the work to be done and send to the city. In terms of a total street reconstruction, he stated that per case law total street reconstruction cannot be mandated to the utility companies. He is also not happy with the condition of Oregon Street and will rectify the situation within the next few days.

Dennis Silva, General Construction Inspector, explained that the paving for Oregon Street, South Main Street, President Avenue, Middle Street, Center Street at South Beach Street, Weetamoe Street from Highland Avenue to Adams Street, Highland Avenue at Herman Street, North Underwood Street and Moorland Street were not done properly.

The City Engineer explained that the City put in place a temporary restriction on any further work to allow for discussions to take place in earnest as poor construction practices can become a public safety issue. More restrictions will be placed on permits as needed. He further explained that the City doesn't have the resources to follow-up and inspect trench repair work. With regard to Oregon Street, 3 inches of paving were supposed to be put down and the contractor scraped off the top only and did not follow proper compaction methods.

The Director of Community Maintenance further explained that Liberty Utilities was contacted earlier in the year. They met in February with all interested city departments to determine the best course of action and going forward he is looking to set a standard for all utility companies doing work in the city so that when contracts go out to bid the contractor properly bids the project.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to recommend the resolution be granted leave to withdraw.

3. Resolution – Discuss possibility of resurfacing Wilson Road

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Steven A. Camara it was unanimously voted to lift the resolution from the table.

The City Engineer stated Wilson Road from North Main Street to Ling Street is the worse section and is scheduled for resurfacing in the Fiscal Year 2018 contract pending completion of MassDOT's Airport Road bridge reconstruction. Because of the necessary access to the Industrial Park and to avoid re-routing of traffic on a brand new road, he prefers to re-surface after the bridge project is completed, which is anticipated for October of 2017. Depending on how the contracts are structured, it is hoped that the repair work, will start this calendar year and finish by Spring.

The Director of the Department of Community Maintenance stated he will send out a few crews and do some cut outs in the worse and most travelled areas as well as the Causeway since residents access Wilson Road through there as well.

On a motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau it was unanimously recommended to grant the resolution leave to withdraw.

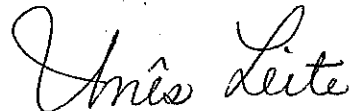
On a further motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adjourn at 6:12 p.m.

List of documents and other exhibits used during the meeting:

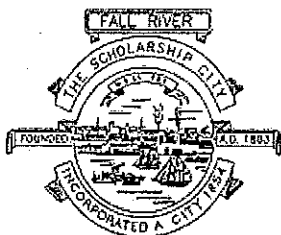
Agenda packet (attached)

CD and DVD of meeting

Photos of existing gas company trenches with evidence of poor construction practice



Assistant Clerk of Committees



City of Fall River  
Massachusetts  
HISTORICAL COMMISSION

Received by  
City Clerk  
10-19-17 10:14 am  
35

JASIEL F. CORREIA II  
Mayor

ANTONE DIAS  
Chair

October 18, 2017

City Council  
c/o Shawn E. Cadime, President  
One Government Center  
Fall River, Massachusetts 02722

Re: King Philip Mill

Dear Councilors:

At its October 17, 2017 meeting, the Fall River Historical Commission voted to forward the attached letters regarding the King Philip Mill for your review.

Per M.G.L. Chapter 40, Section 8D, the Fall River Historical Commission shall provide any information as it deems necessary to the City Council, for the purpose of protecting and preserving our city's historical resources. Give the recent events regarding this property, these documents may provide some insight.

The first document dated October 17, 2017 is a personal letter from the Chair, read at yesterday's meeting outlining the Commission's involvement with regards to the King Philip Mill and FRAR.

The Second document is a letter of support from all other Historical Commission members in support of their chair, read at the Commission's September 19, 2017 meeting.

If you have any questions regarding either of these documents, I can make myself available for any questions or comments.

Very truly yours,

Antone J. Dias, Chairman  
Fall River Historical Commission

cc: Alison M. Bouchard, City Clerk; Kerri Ayash, Licensing Clerk; Jim Soule, Preservation Society of Fall River, All Historical Commission members, Alan Silvia, South End Neighborhood Association, President

Enclosure: Chair, Personal Statement dated October 17, 2017 & Letter of Support from Commission members

October 17, 2017

Last week the City Council met and discussed the King Philip Mill. When the Administration was asked to provide information regarding an email from a Mr. Rafi Weiss, which the Historical Commission was copied, the Administration read from a prepared statement from Corporation Council Macy. The statement from Attorney Macy strongly cautioned against any public discussion of King Philip Mill. The Administration's decision to not divulge basic information regarding the King Philip Mill has allowed for the continued negative information related to myself and this Commission. In an effort to clarify the role of the Historical Commission, I'd like to start with an e-mail that was received from Mr. Rafi Weiss of FRAR. Mr. Weiss is the individual that the Commission has met and spoken with regards to the development of the King Philip Mill.

In this email, Mr. Rafi Weiss urged that those copied apprise the residents of the city, especially the South End Neighborhood, of the mess that this matter has become. The matter being that the administration was ditching Mr. Rafi Weiss of FRAR for an officer of the corporation and former President Mr. Derosas who, the city was and is aware of as having absolutely no ability to develop this complex as represented by the administration.

The continued lack of disclosure by the administration has personally affected me, my family and the Fall River Historical Commission in a negative way. Both Attorney Macy and City Administrator Cathy Ann have represented me in a negative light, misrepresenting the facts and have gone so far as going on a local radio station requesting that I resign from the Historical Commission. Such comments were then followed up by a letter from Attorney Macy to me indicating that I as Chairman of the Historical Commission have no right to unilaterally act on behalf of the Commission, much less the City and are totally unauthorized.

This letter has since been responded to where this Commission indicated that Attorney Macy's letter did not detail any illegal activity. That we would appreciate an opportunity to respond to specific concerns and have requested that he attend the last meeting of the Historical Commission. Attorney Macy did not attend this meeting. Finally, the Commission asked that Attorney Macy familiarize himself with Chapter 38 – Historical Preservation and in particular, Section 38-112, Acknowledgement of Notice, Items A and B respectfully. It was under these guidelines that the Commission is acting accordingly and professionally.

Having an opportunity at last week's Council Meeting, the administration has made no attempt to correct false statements against me and this Commission.

The recent statements by the Administration that no extension will be provided to Mr. Weiss and FRAR beyond the October 31, 2017 deadline and its requirements of the memorandum of Sale, indicate that no further negotiations will be forthcoming. Given these facts, it is a good time to provide a timeline and description of the Historical Commissions involvement in this process.

The Facts are as follows:

On June 16, 2017 and prior to the King Philip Mill Auction, I as a City Council Appointee to the Community Preservation Committee, sent an e-mail to the City Council notifying them of my concern

regarding the King Philip Mill. This was based on the administration not notifying the potential bidders in the RFP process of an existing signed Agreement with the City to place a Preservation Restriction on the Property.

On Thursday June 22, 2017, the day of the Auction, I sent this signed Agreement to attorney Matt Thomas and notified him of this potential issue. Which I received no response.

On July 6, 2017, the Historical Commission received an email from a Mr. Tom Feld of FRAR who was representing several investors, whose agenda includes significant investments in Historical properties. This email resulted in a phone conversation in which Mr. Feld was surprised to hear that the Historical Commission was not in favor of the Administrations 1/3, 1/3, 1/3 plan for the King Philip Mill. Mr. Feld made it clear to me at this time that without the Historical Commissions support, FRAR would not have a project.

A few days later, I received a call from Mr. Rafi Weiss of FRAR in which I reiterated the Commissions position. There were a number of phone conversations over the next week with Mr. Weiss, resulting in a meeting with Mr. Weiss. In this meeting Mr. Weiss offered to keep Mill Buildings No. 1, 2 and No. 7. Other topics of conversation included the Commission's concerns with the Sub-surface investigation report from Beta Engineers regarding hazardous materials, parking and Historical Tax Credits. I presented the Commission's pie in the sky idea for the King Philip Mill complex which we as a Commission discussed in these meeting a number of times which was based on the LLB Architect's Feasibility Study paid for with CPA funds.

This resulted in another meeting in which FRAR and Mr. Weiss agreed to save Mill Building No. 1, 2, 7, the smoke stack and a couple of other smaller buildings near the Smokestack. All other structures would be demolished. FRAR would create a Boardwalk and Bike path around Cook pond, would provide for an indoor swimming pool and provide allocations for the waterfront inclusive of a kayak Club, Waterfront Restaurant and other amenities. Considerations would also be given to Mill No. 2 for the development of a Hotel.

These substantial changes would result in a project that would require 2 to 3 times more investment in this development than the current plan presented to the Neighborhood by the Administration.

FRAR also agreed to the 6-month demolition delay and institution of a preservation restriction clause. The Commission would assist and be in support of FRAR in their pursuit of Historical Tax Credits.

Please note that all Historical Commission members were aware of these discussions and meetings. The Historical Commission has acted professionally and has followed its ordinance to the letter. This is an ordinance that mandates a 6-month demolition delay for any property listed on the Fall River Register. The purpose of which is to have the Historical Commission meet with property owners/developers in an effort to find an alternative to demolition of our city's Historical resources.

Since these meetings with the Historical Commission, FRAR has presented these changes to the administration which resulted in the administration misrepresented my involvement in this process with the press. Statements regarding my ability as Chair to respond to the developer using City Letterhead or requiring prior approval from the Commission members are false. These actions and the City's' unwillingness to honor a signed contract along with statements made by other public officials have

severely damaged FRAR's ability to negotiation with the City and resulted in an in-house fallout with Mr. Derosas.

Any city contract or agreement which prevents the Historical Commission from meeting with or modifying plans that result in the prevention of demolition of our city's historical resources are in conflict with the Chapter 38 – Historical Preservation Ordinance making it illegal.

At the last Council meeting it was discovered that neither the Administration nor FROED vetted FRAR. I'm going to request that Mr. Ken Fiola vet this developer on behalf of the Historical Commission prior to the October 31, 2017 deadline. This is important because the Historical Commission has spent substantial time and resources in an effort to assist FRAR in their development of the King Philip Mill Complex. I want to remind everyone that the Historical Commission is not funded and is comprised of volunteers. Having FROED vet FRAR and Mr. Rafi Weiss, will hopefully certify and identify Mr. Weiss as the only viable developer of the King Philip Mill.

Once this certification is complete the Historical Commission would recommend that the Administration provide Mr. Weiss and FRAR an extension to its October 31, 2017 deadline. This extension should allow for the necessary zoning which currently is not finalized, to be completed. Any zoning should be consistent with the plan FRAR submits to the City.

The Commission has worked tirelessly to make sure that the King Philip Mill development is not only beneficial to the South End Neighborhood but to the City as a whole. Any suggestions by anyone that the Historical Commission's involvement in the King Philip Mill is anything other than the Commission following it Historical Ordinance to the tee, will not be tolerated.

It is clear that what transpired here with the King Philip Mill, that there is still much work needed to educate those who live in the past and do not fully understand the value of our city's historical properties. Properties such as Commonwealth Landing and others that through proper planning and Tax incentives, make these types of developments profitable. The Commission will and continues to be a partner with these developers and property owners in the planning process for these projects. Projects that require a favorable quarterly letter from the Historical Commission in order for them to receive their tax credits.

All of this is consistent with our City's Master Plan, where Historical Preservation is a major component for the future development of Fall River.

Antone Dias

A handwritten signature in cursive script, reading "Antone Dias".

Fall River Historical Commission, Chair

The Historical Commission would like to set the record straight on recent events relating to the King Philip Mill. First, we have supported, and will continue to support, the actions of our chairperson, Antone Dias, as he was acting on behalf of the commission. Mr. Dias consistently keeps us informed of his actions before they are implemented. There have been many descriptions and accusations in the public media stating that Mr. Dias "went rogue" on the King Philip Mill, without the knowledge of the commission. Given that the Commission is an all-volunteer board that observes no financial gain in any such way, these statements are particularly offensive when rendered by elected political officials who should know better and should be serving the public by acting as professional statesman and leading by example, rather than harboring falsehoods simply for their own political grandstanding. It is disheartening, as these paid officials and members of our community making these false statements have not attended any monthly HC meetings.

Mr. Dias has always scrupulously followed the ordinances that have been enacted by the city, and he has responded the same way to every person who has come to us seeking to demolish an historic building or structure. He has reached out to each person who has contacted us to let them know of potential gains through historic tax credits and grants when available to developers looking to save historic properties, and he has met personally with these people whenever they wanted to meet.

This is our standard procedure, and no matter who the chairperson of the Historical Commission is, it would still be the same process. He did nothing differently with the King Philip Mill than he has done with any other historic structure in danger of being torn down. Mr. Dias and all of the members of the Historical Commission have a passion for historical preservation, and that is why we are on this board. We do everything possible to carry out the mission of the commission, which is stated as such: "The mission of the Fall River Historical Commission (FRHC) is to identify, document, and protect Fall River's historic resources, to increase public awareness of Fall River's heritage and the value of historic preservation, and to do so with not only the guidance and council of the Massachusetts Historical Commission but also by interacting with other city boards and committees. The FRHC endeavors to be a preservation information resource to all citizens of Fall River and the Commonwealth of Massachusetts by means of research, public meetings, the press, and publications, and to educate the citizenry of Fall River and the Commonwealth of Massachusetts regarding the breadth and importance of Fall River's cultural heritage." The members of the FRHC do not have any financial or political gain from doing what we do, and for officials with financial and political gain to publically suggest otherwise is wrong and highly insulting. The citizens of Fall River are also being misled by this type of false information, causing undue stress and unnecessary controversy which further divides a community.

The public should know that the King Philip Mill is indeed listed on the National Register of Historic Places. Redevelopment of the site would be eligible for Federal and State Historic Tax Credits. Razing most of the property would breach the spirit of the state law making it ineligible for those tax credits.

The Commission has shared these points with political officials, and vehemently disagreed with the RFP as it was written.

The Commission agrees that the neighborhood has legitimate safety concerns.

The Commission believes that demolition should be the last option to be employed.

The Commission squarely blames the lack of progress and the dire safety concerns on public officials past and present whom have actively stalled development opportunities.



The Commission believes that re-development of the mill will provide greater neighborhood revitalization than all other options.

Our city has a great history and we should be looking to capitalize on that fact, not destroy it. We should be looking to other cities who have proven revitalization records, such as New Bedford, to see how successful they have been in promoting their history and saving historic buildings and structures.

We will continue to carry out our mission of historic preservation and education of our heritage, and we hope that the citizens and public officials will support us going forward in our endeavors.

Sincerely,

The Fall River Historical Commission

Kristen Cantara Oliveira – Vice Chair

Larry Dykes – Secretary

Connie Soule

Richard Mancini