

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, October 9, 2018 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara, Steven A. Camara,
Bradford L. Kilby, Pam Laliberte-Lebeau, Stephen R. Long,
and Derek R. Viveiros

ABSENT: Councilor Leo O. Pelletier

IN ATTENDANCE: None

President Cliff Ponte called the meeting to order at 7:00 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

1. Mayor requesting confirmation of the reappointment of Manuel Leite to the Board of Election Commissioners

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was voted 3 yeas, 5 nays to adopt the order, with Councilors Shawn E. Cadime, Steven A. Camara, Bradford L. Kilby, Pam Laliberte-Lebeau and Cliff Ponte voting in the negative and Councilor Leo O. Pelletier absent and not voting and the motion failed to carry.

2. Mayor requesting confirmation of the appointment of Daniel Reitzas to the Board of Police
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was voted 3 yeas, 5 nays to adopt the order, with Councilors Shawn E. Cadime, Steven A. Camara, Bradford L. Kilby, Pam Laliberte-Lebeau and Cliff Ponte voting in the negative and Councilor Leo O. Pelletier absent and not voting and the motion failed to carry. Councilor Bradford L. Kilby stated that he is not against the individuals, just that the Mayor has not made the appointments to the Special City Charter Commission. President Cliff Ponte stated that he will not support any appointments made by the Mayor until the Special City Charter Commission appointments are made.

3. Transfers and appropriations - \$300,000 from General Fund Free Cash to Vietnam Veterans Memorial Wall Capital Fund Account

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilor Leo O. Pelletier absent and not voting.

PRIORITY COMMUNICATIONS - None

COMMITTEE REPORTS – None
ORDINANCES - None

RESOLUTIONS

4. City Council oppose request to MassDOT for permits to construct five electronic billboards by the City of Fall River at its upcoming meeting in Boston on October 11, 2018.
A motion was made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, to adopt the resolution. Councilor Steven A. Camara stated that there are approximately fifty billboards in the City and these additional electronic billboards would only add to the littering of billboards. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Bradford L. Kilby, it was voted 4 yeas, 4 nays to refer the resolution to the Committee on Health and Environmental Affairs, with Councilors Joseph D. Camara, Stephen R. Long, Derek R. Viveiros and Cliff Ponte voting in the negative and Councilor Leo O. Pelletier absent and not voting and the motion failed to carry. On yet a further motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was voted 4 yeas, 4 nays to grant the resolution leave to withdraw, with Councilors Shawn E. Cadime, Steven A. Camara, Bradford L. Kilby and Pam Laliberte-Lebeau voting in the negative and Councilor Leo O. Pelletier absent and not voting and the motion failed to carry. On yet a further motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was voted 6 yeas, 2 nays to table the resolution with Councilors Joseph D. Camara and Derek R. Viveiros voting in the negative and Councilor Leo O. Pelletier absent and not voting.

CITATIONS - None

ORDERS – HEARINGS

- Joint Pole Re-Location
5. Massachusetts Electric Company and Verizon New England – one pole re-location on Elsbree Street
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the order, with Councilor Leo O. Pelletier absent and not voting.

ORDERS – MISCELLANEOUS

6. Police Chief's report on licenses:
Taxicab Driver:
Akeem Barlow Leo R. Chase Brian Ferreira David Justice

Private Livery Driver:
Sharon Fernandes

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adopt the order, with Councilor Leo O. Pelletier absent and not voting.

COMMUNICATIONS – INVITATIONS – PETITIONS

7. Claims
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the claims to Corporation Counsel, with Councilor Leo O. Pelletier absent and not voting.

City Council Meeting Minutes:

8. Regular Meeting of the City Council – August 15, 2018

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the minutes, with Councilor Leo O. Pelletier absent and not voting.

9. Planning Board Minutes - August 23, 2018

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the minutes be accepted and placed on file, with Councilor Leo O. Pelletier absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES

10. Communication from Executive Office of Energy and Environmental Affairs – Proposed Cathodic Protection Ground Bed Project

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the communication be accepted and placed on file, with Councilor Leo O. Pelletier absent and not voting.

11. Department of Environmental Protection – Notice of application from MassDOT to construct and maintain a railroad layover facility associated with the South Coast Rail Project

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file, with Councilor Leo O. Pelletier absent and not voting.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was unanimously voted to adjourn at 7:13 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:



City Clerk

In City Council, November 6, 2018
Approved.



City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2018 OCT -4 P 3:13

CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
TUESDAY, OCTOBER 9, 2018

INÊS LEITE
ASSISTANT CITY CLERK

AGENDA

4:45 P.M. COMMITTEE ON HEALTH AND ENVIRONMENTAL AFFAIRS

5:55 P.M. PUBLIC HEARINGS (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON HEALTH AND ENVIRONMENTAL AFFAIRS MEETING SHOULD IT RUN PAST 5:55 P.M.)

Joint Pole Re-Location

1. Petition of Massachusetts Electric Company and Verizon New England for one pole re-location as follows:

Elsbree Street (one (1) joint pole re-location)

Mainline construction to move to east side of Elsbree Street away from the new proposed high school. Pole 16 to remain but will be replaced with a new pole. Poles 14, 15, 17, and 17-1 to be temporarily maintained until existing service can be removed. Pole 20-50 added to support primary service Pole 20-30. In accordance with Plan No. 25986997 dated August 7, 2018.

6:00 P.M. COMMITTEE ON FINANCE (OR IMMEDIATELY FOLLOWING THE PUBLIC HEARING SHOULD IT RUN PAST 6:00 P.M.)

1. Citizen Input
2. *Resolution – Req. Administration transfer \$300,000.00 from Free Cash to cover expenses associated with the Vietnam Veterans' Memorial Wall (this will include a presentation by members of the Vietnam Veterans' Memorial Wall Committee (ref. 5-29-18)
3. *Transfers and appropriations (see item 3 below)

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

1. *Mayor requesting confirmation of the reappointment of Manuel Leite to the Board of Election Commissioners
2. *Mayor requesting confirmation of the appointment of Daniel Reitzas to the Board of Police
3. *Transfers and appropriations - \$300,000 from General Fund Free Cash to Vietnam Veterans Memorial Wall Capital Fund Account

PRIORITY COMMUNICATIONS - None

COMMITTEE REPORTS – None

ORDINANCES - None

RESOLUTIONS

4. *City Council oppose request to MassDOT for permits to construct five electronic billboards by the City of Fall River at its upcoming meeting in Boston on October 11, 2018.

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

CITATIONS - None

ORDERS – HEARINGS

- Joint Pole Re-Location
5. Massachusetts Electric Company and Verizon New England – one pole re-location on Elsbree Street

ORDERS – MISCELLANEOUS

6. Police Chief's report on licenses:
Taxicab Driver:
Akeem Barlow Leo R. Chase Brian Ferreira David Justice

Private Livery Driver:
Sharon Fernandes

COMMUNICATIONS – INVITATIONS – PETITIONS

7. *Claims

City Council Meeting Minutes:
8. *Regular Meeting of the City Council – August 15, 2018

9. *Planning Board Minutes - August 23, 2018

BULLETINS – NEWSLETTERS – NOTICES

10. *Communication from Executive Office of Energy and Environmental Affairs – Proposed Cathodic Protection Ground Bed Project
11. *Department of Environmental Protection – Notice of application from MassDOT to construct and maintain a railroad layover facility associated with the South Coast Rail Project


City Clerk

(Councilor Shawn E. Cadime)
(Councilor Pam Laliberte-Lebeau)

WHEREAS, the Vietnam Veterans' Memorial Wall was unanimously approved by the Board of Park Commissioners on March 7, 2018, and

WHEREAS, the wall will be located at Veterans' Memorial Bicentennial Park adjacent to Battleship Cove, and

WHEREAS, this will be an engine for future tourism in the City and an investment into our parks, and

WHEREAS, \$300,000.00 will be needed to cover costs associated with this project, now therefore

BE IT RESOLVED, that the Administration consider transferring \$300,000.00 from Free Cash and establish a Vietnam Veterans' Memorial Wall Capital Fund Account to cover these costs, and

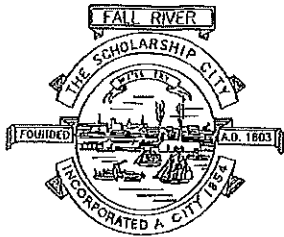
BE IT FURTHER RESOLVED, that the Administration and the Vietnam Veterans' Memorial Wall Committee make a presentation of their plans for this Memorial Wall at a future meeting of the City Council Committee on Finance.

In City Council, May 29, 2018
Adopted, as amended.

A true copy. Attest:

Alison M. Bouchard

City Clerk



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

RECEIVED

2018 OCT -1 P 12:09

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

September 28, 2018

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

RE: Election Commission

Mr. President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following reappointment:

Manuel Leite
128 Dunbar Street
Fall River, MA 02723

As a member of the Election Commission, with a term commencing 09/28/2018 and expiring on 09/28/2020.

Thank you for your favorable consideration in this regard.

Jasiel F. Correia II
Mayor



City of Fall River
Massachusetts
Office of the Mayor

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2018 OCT -1 P 12:09

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

September 28, 2018

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

RE: Board of Police

Mr. President and Members of the Honorable Council:

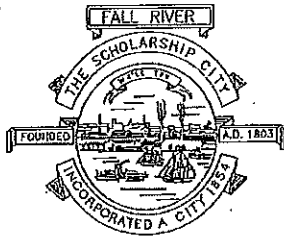
I hereby request the confirmation of the City Council for the following appointment:

Daniel Reitzas
295 Montgomery Street
Fall River, MA 02720

As a member of the Board of Police with a term commencing on 09/28/2018.

Thank you for your favorable consideration in this regard.

Jasiel F. Correia II
Mayor



City of Fall River
Massachusetts
Office of the Mayor

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2018 OCT -4 P 2:11

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

October 4, 2018

Cliff Ponte, President
Fall River City Council
One Government Center
Fall River, MA 02720

RE: Vietnam Veterans Memorial Wall Transfer

President Ponte:

As community leaders, we are all aware of the project to bring a Vietnam Veterans Memorial Wall to Fall River. A volunteer fundraising effort is currently underway in hopes of meeting expenditures expected to exceed \$1 million. This Wall will pay tribute to Vietnam veterans and their families and will be an attractive addition to war memorials already located at Bicentennial Park.

Given the City Council's support for this project, I am requesting a transfer in the amount of \$300,000 from FY2018 certified free cash to support this important community tribute. Your approval of the attached transfer is respectfully requested.


Best Regards,

Jasiel F. Correia II
Mayor

FY19 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
General Fund Free Cash	\$ 711,725.00	\$ (300,000.00)	411,725.00
Veterans' Memorial Wall	\$ -	\$ 300,000.00	300,000.00

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


 Jennifer Argal, City Auditor
 October 9/2018

City of Fall River, *In City Council*

3

ORDERED:

**That the sum of \$300,000 be, and the same is, hereby appropriated for the
VIETNAM VETERANS MEMORIAL WALL CAPITAL FUND ACCOUNT
from the GENERAL FUND FREE CASH.**

4

City of Fall River, In City Council

(Councilor Steven A. Camara)

BE IT RESOLVED, that the Fall River City Council go on record as opposing the five (5) "electronic billboards" to be reviewed by MA DOT at its upcoming meeting in Boston on October 11, 2018.

Filed 10/3/18



**City of Fall River
Massachusetts
City Council**

STEVEN A. CAMARA
City Councilor

Background for Resolution in Opposition to City of Fall River Proposed Electronic Billboards

On October 22, 1965, President Lyndon B. Johnson signs the Highway Beautification Act, which attempts to limit billboards and other forms of outdoor advertising, as well as junkyards and other unsightly roadside messes, along America's interstate highways.

The act also encouraged "scenic enhancement" by funding local efforts to clean up and landscape the green spaces on either side of the roadways. "This bill will enrich our spirits and restore a small measure of our national greatness," Johnson said at the bill's signing ceremony. "Beauty belongs to all the people. And so long as I am President, what has been divinely given to nature will not be taken recklessly away by man."

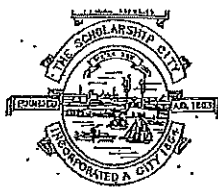
The Highway Beautification Act was actually the pet project of the first lady, Lady Bird Johnson. Beauty, she believed, had real social utility: Cleaning up city parks, getting rid of ugly advertisements, planting flowers and screening junkyards from view, she thought, would make the nation a better place not only to look at but to live.

"The subject of Beautification is like a tangled skein of wool," she wrote in her diary. "All the threads are interwoven—recreation and pollution and mental health and the crime rate and rapid transit and highway beautification and the war on poverty and parks ... everything leads to something else."

Many urban activists, along with a number of other people who were beginning to think seriously about the consequences of the nation's poor environmental stewardship, supported Mrs. Johnson's efforts.

Business groups, polluters and advertisers, on the other hand, were not so thrilled. Lobbyists for the Outdoor Advertising Association of America and their Republican allies managed to water down the highway-beautification bill significantly: Companies who had to take down their billboards were compensated handsomely by the government, for example and the law's enforcement provisions were weak.

Still, Johnson's bill was important: It declared that nature, even just the strips of nature along the country's roadsides, was fragile and worth preserving, an idea that still holds great power today.



RECEIVED

2018 OCT -3 A 11:12

CITY CLERK 1P-154
FALL RIVER, MACity of Fall River
Notice of Claim

1. Claimant's name: Jeffrey C155
2. Claimant's complete address: 485 NORTH MAIN ST
3. Telephone number: Home: 508663 6205 Work: SAME
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
AUTO ACCIDENT
5. Date and time of accident: Sat Sept 29 Amount of damages claimed: \$ 4500
6. Exact location of the incident: (include as much detail as possible):
NORTH MAIN ST IN FRONT OF ZNA INSURANCE
7. Circumstances of the incident: (attach additional pages if necessary):
THERE IS A BAD DIP WHERE ROAD CONSTRUCTION HAS BEEN GOING ON MY CAR BOTTOMED OUT AND CRACKED MY TRANSMISSION OF ITS MOUNT
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: 30 OCT 18Claimant's signature: Jeffrey R Ls

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, 2nd 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 ☒ DEM Date: 10/3/18



RECEIVED

2018 OCT -2 P 2:57

City of Fall River
Notice of ClaimCITY CLERK 18-153
FALL RIVER, MA

1. Claimant's name: Angela Santos
2. Claimant's complete address: 37 Jones St Fall River MA 02721
3. Telephone number: Home: 7743094241 Work: 7743094241
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
car damage
5. Date and time of accident: 10-2-18 2:15 PM Amount of damages claimed: \$ 85 per foot
6. Exact location of the incident: (include as much detail as possible):
tire sensor broke
7. Circumstances of the incident: (attach additional pages if necessary):
because the city has my street dug up made me drive on the street
multiple sensor popped
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: 10-2-18Claimant's signature: Angela Santos

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, 2nd Fl., One Government Center, Fall River, MA 02722

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Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DCM Engineering Date: 10/2/18



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2018 SEP 27 A 11:38

CITY CLERK 18-152
FALL RIVER, MACity of Fall River
Notice of Claim

1. Claimant's name: GERALDINE M FRANCOEUR
2. Claimant's complete address: 210 THOMAS ST. FALL RIVER, MA 02723
3. Telephone number: Home: Cell 774-360-0703 Work:
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
POT HOLE - DAMAGED FRONT Left TIRE Rod OUTER TIRE Rod
5. Date and time of accident: Amount of damages claimed: \$
6. Exact location of the incident: (include as much detail as possible): THOMAS ST
Please fix Both 180 THOMAS ST. IS A ONE WAY STREET
7. Circumstances of the incident: (attach additional pages if necessary):
CARS ON BOTH SIDES OF STREET CANNOT AVOID THE
POT HOLE - THE CITY WORKERS REPAIRED A
WATER PIPE MANY MONTHS AGO - THEY HAD TO
FILL THE HOLE, BUT NEVER RETURNED.
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: 9-27-18Claimant's signature: Geraldine M. Francoeur

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, 2nd Fl., One Government Center, Fall River, MA 02722

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For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City AdministratorDate: 9/27/18



7

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City of Fall River
Notice of Claim

2018 SEP 26 A 10:48

1. Claimant's name: Jolaine Villalona CITY CLERK 18-151
2. Claimant's complete address: 155 Shove St, Fall River, MA 02724 FALL RIVER, MA
3. Telephone number: Home: 774-627-7396 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Pot-hole Damage
5. Date and time of accident: 09-10-2018 Amount of damages claimed: \$ 599.32
6. Exact location of the incident: (include as much detail as possible):
Set of lights of Mariano Bishop Blvd intersecting with Laurel St
7. Circumstances of the incident: (attach additional pages if necessary):
The incident occurred at 11:40PM as I was heading towards Plymouth Ave coming from Fish Road.
It was raining excessively, pot-hole was filled with water and caused damage to both
passenger-side tires immediately.
Police Report #18-6674-OF.
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: 09-14/2018

Claimant's signature: Jolaine Villalona

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, 2nd Fl., One Government Center, Fall River, MA 02722

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For official use only:

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

Date: 9/27/18

RECEIVED

7

Priscilla Stanford

2018 SEP 25 A 9:43

City clerk claim #16-3745

Legal # 16-116

CITY CLERK 16-116A
FALL RIVER, MA

Please find enclosed the information regarding my injury which occurred on 9/24/2016 while on vacation and visiting Fall River, MA for the day. We were walking on the sidewalk on our way to take a picture of the Little Theatre where an Aunt had performed. I was walking in front of my siblings when my sister began to fall forward, which caused her to fall into me, knocking me down and breaking her fall. When falling, my body twisted and my right knee/leg hit the concrete. When I tried to move and stand up, I couldn't move my right leg and it was bent at the knee.

My sister Peggy had tripped on a raised obstacle – it appears to have been a metal pole that was not cut flush with the sidewalk as it was raised. A picture is enclosed. A woman with a pink baseball cap even took a picture of it (unfortunately I did not get her name as I was being attended to by a local resident).

Local residents called 911 and ambulance arrived and transported me to Charleton Hospital down the street. After x-rays, was informed it was a complicated injury which required specialized surgery. Was given Massachusetts General Hospital and ambulance then transported me to Boston.

Was admitted to MGH on 9/24/16 and surgery was performed morning of 9/25/16. Discharged on 9/28/16 and waited in hotel to fly home on 9/30/2016.

I have Kaiser medical benefits, and had appointment with my PCP on 10/6/2016: Submitted referral for Orthopedic Doctor appointment on 10/10/2016. He scheduled home visit for consult and PT recommendation. Home health then submitted request for scheduling PT. First available PT appointment I could get was 10/26/2016. Continued with PT through July 2017.

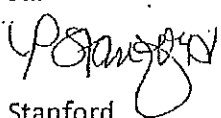
Second knee surgery on 8/23/2017 with PT continuing through May 2018.

Continued follow up appointments as needed with Orthopedic Doctor. Now referred to other Orthopedic Surgeon and had appointment on 8/9/2018. Future: total knee replacement due to nature of injury; leg is bent and does not straighten at knee and continued pain/stiffness.

Not sure what other information you need to consider my claim. I do have a lot of EOBs and such but only enclosed the basic. I hope to visit Fall River again, as this is where my mother grew up, my sister Peggy was born, and my grandfather was Superintendent of schools.

Thank you.

Priscilla Stanford



9-25-2018
Law Dept
City Clerk
City Council
DCM



RECEIVED

2018 SEP 24 P 1:03

City of Fall River
Notice of ClaimCITY CLERK #18-148
FALL RIVER, MA

1. Claimant's name: Ruben Asencio Jr.
2. Claimant's complete address: 119 Rodman St (after 10/1/18: 401 Buffington St 2nd Fl)
3. Telephone number: Home: \$ Cell 508-493-1587

4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):

Vehicle / Tire Damage

5. Date and time of accident: 9/16 - 9/17 Amount of damages claimed: \$ See Attached Document

6. Exact location of the incident: (include as much detail as possible):

Warren St near Coggeshall St

7. Circumstances of the incident: (attach additional pages if necessary):

No indicators of ~~Sign~~ of a Dip or Public Way or Warning Signs After hours in The Evening.

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: 9/24/2018

Claimant's signature: [Signature]

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, 2nd 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

☒ DCM

Date: 9-24-18



RECEIVED

City of Fall River
Notice of Claim

2018 SEP 26 A 11:46

#18-149

1. Claimant's name: DAVID SARDINHA CITY CLERK FALL RIVER, MA
2. Claimant's complete address: 308 DAVIS ST.
3. Telephone number: Home: 508 965 2133 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
hit pothole Busted Tie Rod Bent Rim Paper explaining
5. Date and time of accident: 9-24-18 MON-730AM Amount of damages claimed: \$ 408.86
6. Exact location of the incident: (include as much detail as possible):
Across from KIMWEN NURSING HOME
7. Circumstances of the incident: (attach additional pages if necessary):
ATTACHED INFORMATION
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: 9-26-18Claimant's signature: David Sardinha

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 form to: City Clerk, 2nd 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.

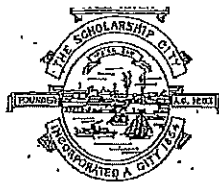
For official use only:

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

Date:

9/26/18

#18-150



RECEIVED

City of Fall River
Notice of Claim

2018 SEP 26 PM 4:10

1. Claimant's name: Roberto O Grageda - Partner Sylvia Quintana
FALL RIVER MA
2. Claimant's complete address: 418 N 66th Ln Phoenix AZ 85048
3. Telephone number: Home: 602-639-0664 Work: 602-350-6366
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Broken Mirror
5. Date and time of accident: 8/23/18 12:PM Amount of damages claimed: \$ 187.40
6. Exact location of the incident: (Include as much detail as possible):
411 ASH Street Fall River MA 02724
7. Circumstances of the incident: (attach additional pages if necessary):
Fire truck hit my driving side mirror
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
LOYA INSURANCE

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: 9/25/2018Claimant's signature: [Signature]

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, 2nd 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 ☒ Fire Dept Date: 9/26/18

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Wednesday, August 15, 2018 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Cliff Ponte, presiding;
Councilors Shawn E. Cadime, Joseph D. Camara,
Pam Laliberte-Lebeau, Stephen R. Long,
Leo O. Pelletier and Derek R. Viveiros

ABSENT: Councilors Steven A. Camara and Bradford L. Kilby

IN ATTENDANCE: Paul Ferland, Deputy Administrator of Community Utilities
Cathy Ann Viveiros, City Administrator
Mary Sahady, Director of Financial Services

President Cliff Ponte called the meeting to order at 8:09 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #34 and #35 out of order, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

34. Structure over a public way – Banners for Fall River Opioid Task Force
- a. Pleasant Street at Fourteenth Street
 - b. Bedford Street at Purchase Street

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to approve both locations, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

35. Deputy Director of EMS requesting permission to hang 3 banners from the railings of Government Center for "National Overdose Awareness Day"

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to approve the request, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

1. Mayor requesting confirmation of Kelly Souza-Young as Chairperson, Board of Election Commissioners/Director of the Office of Elections

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Stephen R. Long, it was unanimously voted to confirm the appointment, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

8

2. Mayor requesting confirmation of Tess Gallagher Curran as Director of Health and Human Services

Councilor Pam Laliberte-Lebeau asked to clarify the change on the amended letter. The City Clerk advised that the annual salary was amended from \$82,000 to \$78,000. On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted to confirm the appointment, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

3. Mayor and orders of land acquisition:

- a. 1941-1945 Bay Street, Lots A-14-0034 and A-14-0036
- b. 861 Indian Town Road, Lot W-24-0001
- c. 75 Yellow Hill Road, Lots W-38-0050 and W-38-0051

Councilor Leo O. Pelletier requested that the Deputy Administrator of Community Utilities provide an overview of the land acquisitions. The Deputy Administrator of Community Utilities stated that the property on Bay Street is adjacent to the sewage treatment plant on the north side of the property and will be a good addition to that property. He went on to state that the property on Indian Town Road and Yellow Hill Road will add to the conservation land adjacent to the North Watuppa Pond and funding for these purchases will come from Community Preservation funds. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was voted 5 yeas to refer the orders to the Committee on Real Estate, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting and Councilors Pam Laliberte-Lebeau and Cliff Ponte abstaining.

4. Community Preservation Committee regarding funding recommendations and the Fiscal Year 2019 Appropriation Order

A motion was made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier to adopt the Fiscal Year 2019 Appropriation Order in the amount of \$1,503,617. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 4 yeas, 2 nays to amend the order by reducing the amount for Historic Resources Preservation Projects by \$150,000, with Councilors Stephen R. Long and Derek R. Viveiros voting in the negative, Councilors Steven A. Camara and Bradford L. Kilby absent and not voting and Councilor Joseph D. Camara abstaining. A further motion was made by Councilor Stephen R. Long to adopt the amount of \$45,000 for CPA Administrative Expenditures, but received no second. On yet a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 6 yeas, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting and Councilor Joseph D. Camara abstaining, to amend the motion to include that the appropriation order be used to appropriate \$1,503,617 to the various accounts that were listed by the Community Preservation Committee in the appropriation order and that we authorize the expenditures from those accounts that have been provided by projects that were also listed with the exception of the \$150,000 reduced from the Historic Preservation Committee. A further motion was made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau to adopt the 2018 final report, submitted by the Community Preservation Committee, but was withdrawn. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 6 yeas, to adopt the 2018 final report, submitted by the Community Preservation Committee, minus the \$150,000 for the Elks Lodge, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting and Councilor Joseph D. Camara absent and not voting.

5. Transfers and appropriations - \$592,364 from municipal receipts (Final Cherry Sheet State Aid)
 - a. \$221,410 to State and County Assessments for the increase in Charter School Assessments
 - b. \$185,477 to School Appropriation
 - c. \$185,477 to School Transportation

On a motion made by Councilor Stephen R. Long and seconded by Councilor Derek R. Viveiros, it was unanimously voted to adopt the transfers and appropriations, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

6. Transfers and appropriations:
\$1,042,975.88 to Streets and Highways Dept. Capital Equipment Fund from the following inactive capital projects:

Sale of Sanitation Trucks	\$1,026,543.11
Department Equipment (DPW)	\$ 1,055.00
Parks & Cemetery Equipment	\$ 4,563.71
DPW Equipment	\$ 10,814.06

On a motion made by Councilor Leo O. Pelletier and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the transfers and appropriations, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

\$112,339.28 to Police Department Capital Equipment Fund from the following inactive capital projects:

North End Fire Station Complex	\$ 64,219.77
Fire Department Equipment	\$ 850.19
Extraordinary Repairs	\$ 11,011.92
City Hall Renovations	\$ 12,485.80
Building Improvement	\$ 8,112.35
Equipment Vehicles	\$ 4,267.99
Energy Phase 3	\$ 5,182.63
Acquisition of Street Lighting	\$ 5,605.04
Industrial Park Improvements	\$ 603.59

Councilor Pam Laliberte-Lebeau stated that she would support this request, but questioned why, as discussed during Citizen's Input, the City would seek funding from the Community Preservation Committee to repair fire stations if it may be available through inactive capital projects. On a motion made by Councilor Stephen R. Long and seconded by Councilor Derek R. Viveiros, it was voted 4 yeas, 3 nays to adopt the transfers and appropriations, with Councilors Shawn E. Cadime, Pam Laliberte-Lebeau and Cliff Ponte voting in the negative and Councilors Steven A. Camara and Bradford L. Kilby absent and not voting and the motion failed to carry.

7. Mayor and loan order in the amount of \$122,000 for Police Department Equipment
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to waive the rules and allow the Administration to answer questions. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 2 yeas, 5 nays with Councilors Joseph D. Camara, Pam Laliberte-Lebeau, Stephen R. Long, Leo O. Pelletier and Derek R. Viveiros voting in the negative and Councilors Steven A. Camara and Bradford L. Kilby absent and not voting. On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was voted 5 yeas, 2 nays to authorize the loan order to be published and referred to the Committee on Finance, with Councilors Shawn E. Cadime and Cliff Ponte voting in the negative and Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

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8. Mayor and updated Building Capital Improvement Plan

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the matter to the Committee on Finance, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

9. Mayor requesting presentations before Committee on Finance in September for new voting Equipment

Councilor Stephen R. Long stated that he would like the Administration to decide what equipment would be the best, before a presentation is made to the City Council. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Committee on Finance, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

10. Mayor and amendment to the Central Market Rate Housing Incentive Zone and Plan for the former Lincoln School located at 439 Pine Street

Councilor Shawn E. Cadime stated that he does not support this item, as he believes this is spot zoning. On a motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted to waive the rules to allow the Administration to answer questions, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was voted 6 yeas, 1 nay to refer the matter to the Planning Board with Councilor Shawn E. Cadime voting in the negative and Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

PRIORITY COMMUNICATIONS

11. Traffic Commission recommending amendments to traffic ordinances

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the amendments to the Committee on Ordinances and Legislation, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

12. Purchasing Agent re: surplus property at the Fall River Police Department

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the surplus property, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

COMMITTEE REPORTS – None
ORDINANCES

Second reading and enrollment:

13. Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting. On a further motion made by Councilor Joseph D. Camara and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Approved, August 20, 2018, Mayor Jasiel F. Correia II

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14. Proposed Ordinance – Traffic, President Avenue

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting. On a further motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Approved, August 20, 2018, Mayor Jasiel F. Correia II

15. Proposed Ordinance – Crime and Data Analyst – Police Department

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to pass the proposed ordinance through second reading and enrollment, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the proposed ordinance be passed to be ordained, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Approved, August 20, 2018, Mayor Jasiel F. Correia II

RESOLUTIONS – None

CITATIONS

16. Cynthia Rodrigues – Retirement after 30 years of leading the Labor Council

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Derek R. Viveiros, it was unanimously voted to adopt the citation, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

17. McGovern's On The Water – 50th Anniversary

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the citation, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

18. Tiverton Casino Hotel – Ribbon Cutting Ceremony

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the citation, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

ORDERS – HEARINGS

Auto Body Shop License:

19. Fausto Ortiz, 1488 Pleasant Street, Auto Rally, Inc. located at 1033 Pleasant Street

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the order, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Approved, August 20, 2018, Mayor Jasiel F. Correia II

Auto Repair Shop License:

20. Fausto Ortiz, 1488 Pleasant Street, Auto Rally, Inc. located at 1033 Pleasant Street

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Approved, August 20, 2018, Mayor Jasiel F. Correia II

8

Curb Removal:

21. Jose Pedro Lelis, 195 Middle Street, requests the removal of 12.4 feet at 1098 Bedford Street for a total of 26 feet

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, as amended with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Approved, August 20, 2018, Mayor Jasiel F. Correia II

ORDERS – MISCELLANEOUS

22. Police Chief's report on licenses:

Taxicab Drivers:

Joyce Fels

George Grothe

Hector M. Lebron Ortiz

Beau Rapoza

Jonathan Riopelle

Amy Rivas

Aracelis Santiago

Muhammad Shabbir

Matthew L. Stets

Private Livery Driver:

Jessica Oliver

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Revocation of license for storage of inflammables at request of owner:

23. Sam's Real Estate Business Trust to store 60,000 gallons of gasoline on Brayton Avenue Extension at Jefferson Street

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted to adopt the order, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Approved, August 20, 2018, Mayor Jasiel F. Correia II

24. Auto Repair Shop License Renewals:

Fouad Rechmani d/b/a JC Gas, LLC located at 537 Bedford Street

Jody Oliveira d/b/a Auto Loft, Inc. located at 10 Durfee Street

Tanios Barbour d/b/a Barbour Auto Sales, Trust at 735 Pleasant Street

Manuel J. Ferreira, J&S Auto Sales and Repair, Inc. at 178 Aberdeen Street

David Saber, Eleventh Street Association, Inc. at 50 Sixth Street

Jody Oliveira, Ground Earth, Inc. located at 232 Lapham Street

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the order, as amended with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Approved, August 20, 2018, Mayor Jasiel F. Correia II

Taxicab Vehicles:

25. Town Transportation – 2 applications – License numbers 34 and 36

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the order, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

26. City Engineer prepare plans for the acceptance of Tone Street from Freedom Street to dead end

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Planning Board, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

COMMUNICATIONS – INVITATIONS – PETITIONS

27. Claims

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to refer the claims to Corporation Counsel, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

28. Drainlayer license - Foley Excavation, LLC

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to approve the drainlayer license, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

29. Fall River Redevelopment Authority re: Preliminary Screening Committee

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

30. Open Meeting Law Complaint from Patrick Higgins re: July 12, 2018 City Council Meeting

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted to refer the complaint to Corporation Counsel, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

31. Open Meeting Law Complaint from Jo Goode re: July 12, 2018 City Council Meeting

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to refer the complaint to Corporation Counsel, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

32. Communication from the Attorney General's Division of Open Government

with determination for Open Meeting Law Complaint from Patrick Higgins

re: June 6, 2018 City Council Committee on Ordinances and Legislation Meeting

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and place on file, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

33. The Alliance to Save the Trail re: correspondence with the law firm of McGregor & Legere

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the communication be referred to the Committee on Finance, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #36, 37 and 38 together, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Zoning Board of Appeals Minutes:

36. November 16, 2017

37. January 18, 2018

38. June 14, 2018

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted that the minutes be accepted and placed on file, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #39, 40 and 41 together, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Planning Board Minutes:

- 39. January 9, 2018
- 40. January 31, 2018
- 41. May 31, 2018

On a motion made by Councilor Stephen R. Long and seconded by Councilor Leo O. Pelletier, it was unanimously voted that the minutes be accepted and placed on file, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Shawn E. Cadime, it was unanimously voted to take items #42 through 53 together, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

City Council Meeting Minutes:

- 42. Public Hearings – September 26, 2017
- 43. Public Hearings – October 24, 2017
- 44. Public Hearings – December 19, 2017
- 45. Committee on Finance – September 26, 2017
- 46. Committee on Finance – December 19, 2017
- 47. Committee on Finance – June 26, 2018
- 48. Committee on Finance – July 12, 2018
- 49. Regular Meeting of the City Council – September 26, 2017
- 50. Regular Meeting of the City Council – October 10, 2017
- 51. Regular Meeting of the City Council – October 24, 2017
- 52. Regular Meeting of the City Council – November 14, 2017
- 53. Regular Meeting of the City Council – December 19, 2017

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the minutes be approved, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES

- 54. Environmental Notification – Proposed Cathodic Protection Ground Bed

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted that the communication be accepted and placed on file, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

CITY COUNCIL MEETING DATE: AUGUST 15, 2018

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

Report of the Committee on Finance:

Agreement with EnerNOC, Inc. to enroll the Water Division in the demand response program for electricity

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to waive the rules to allow the Deputy Administrator of Community Utilities to answer questions, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting. The Deputy Administrator of Community Utilities gave a brief overview of the program.

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to adopt the order, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

First Reading:

Proposed Ordinance – Traffic, Miscellaneous

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that proposed ordinance be passed through first reading, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Proposed Ordinance – Parking Clerk/Director of Traffic and Parking

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that proposed ordinance be passed through first reading, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Proposed Ordinance – Network Administrator – MIS

Councilor Pam Laliberte-Lebeau stated that the stipends will cease with this proposed ordinance. On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that proposed ordinance be passed through first reading, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Proposed Ordinance – Assistant City Clerk

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that proposed ordinance be passed through first reading, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

First Reading, as amended:

Proposed Ordinance – City Treasurer

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that proposed ordinance be passed through first reading, as amended with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Proposed Ordinance – Manager of Operations – Streets and Highways – DCM

On a motion made by Councilor Stephen R. Long and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted that proposed ordinance be passed through first reading, as amended with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Grant leave to withdraw:

Proposed Ordinance – Assistant Human Resources Director

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Pam Laliberte-Lebeau, it was voted 4 yeas, 3 nays that proposed ordinance be granted leave to withdraw, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

Auto Repair Shop License Renewals:

Jody Oliveira d/b/a Auto Loft, Inc. located at 10 Durfee Street

Jody Oliveira, Ground Earth, Inc. located at 232 Lapham Street

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Leo O. Pelletier, it was unanimously voted to refer the matter to the Committee on Regulations, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

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RESOLUTIONS

Forward letter to City Engineer regarding the current condition and paving of Melrose Street
On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Stephen R. Long, it was unanimously voted to adopt the resolution, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

COMMUNICATIONS – INVITATIONS – PETITIONS

Drainlayer license – B & B Excavation, Inc.
On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Joseph D. Camara, it was unanimously voted to approve the drainlayer license, with Councilors Steven A. Camara and Bradford L. Kilby absent and not voting.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Stephen R. Long, it was unanimously voted to adjourn at 9:28 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

A true copy. Attest:

City Clerk



City of Fall River
Massachusetts
Planning Division

9

JASIEL F. CORREIA II
Mayor

WILLIAM D. ROTH JR., AICP
City Planner

TO: Alison Bouchard
City Clerk

FROM: Fall River Planning Board

RE: PLANNING BOARD MINUTES
August 23, 2018

RECEIVED
2018 SEP 28 A 11:28
CITY CLERK
FALL RIVER, MA

The Fall River Planning Board held a Public Meeting at 5:30 p.m. on Thursday, August 23, 2018, in the Atrium, One Government Center, Fall River, MA for the purpose of considering the matters set forth in the agenda originally posted with your office on August 8, 2018, with a revision posted with your office on August 21, 2018.

Members present: Keith Paquette, Chairman, Mario Lucciola, Alice Fagundo, Charles Moniz and Cynthia Sevigny

Members absent: none

Also present: William D. Roth, Jr. AICP, Director of Planning, and Brittany Faria, Recording Clerk.

"Minutes" of this meeting are as follows:

Chair called to order the start of the Meeting at 5:30pm. Mr. Lucciola was not yet present.

1 A. Application for Endorsement of Plan Believed Not to Require Approval --

File No. 18-1409:

Owner/Applicant- Cottages at Bayview LLC

Location - 4300 North Main St.

Assessor Lots: X-4-14

Mr. Roth explained that the property recently received relief from the Zoning Board of Appeals for a variance to adjust the lot lines for the purpose of the existing cottages to acquire the pool and an additional one story building. No frontages were changing and he recommended to the Board that the proposal satisfied the requirements for "approval not required" endorsement.

Upon motion made by Ms. Fagundo and seconded by Mr. Moniz, it was unanimously VOTED 4-0: to direct the Chair to endorse the plan, "Approval Not Required Under the Subdivision Control Law". Mr. Moniz, Ms. Fagundo, Mr. Paquette and Mrs. Sevigny voted in favor of the motion.

2 A. Renaming of nature trail at Cook Pond to 'Dr. David S. Weed Nature Trail'

Mr. Roth explained the research process being limited to information submitted by the applicant relating to the Nature Trail at Cook Pond, as well as requests directed to the Site Plan Review Committee, School Department, Parks Department, DCM and Mass In Motion coordinator for their comments or concerns with the request. Of which, none were received.

Marsha Piccard of 49 Long View Drive, Dartmouth MA, on behalf of Partners for a Healthier Community, presented a verbal history of Dr. David S. Weed in honor of his dedication to improving the community and accomplishments in that regard.

Julianne Kelly of Fairhaven, MA briefly described the existing trail at Cook Pond in relation to the area.

No one was present in opposition to this petition.

Upon motion made by Mr. Moniz, and seconded by Ms. Sevigny, the Board unanimously VOTED 4-0 to recommend the renaming of the nature trail at Cook Pond to 'Dr. David S. Weed Nature Trail' to City Council for final determination.

2 B. Renaming portion of Wall St. (from London St. to Locust St.) to 'Ralph M. Small Way'

Mr. Roth explained the research process being limited to information submitted by the applicant whereas the Ralph M. Small Elementary School was renamed the Mary L. Fonseca Elementary School, as well as requests directed to the Site Plan Review Committee, DCM and Traffic Department, for their comments or concerns with the request. Of which, none were received or opposed.

Former City Councilor Raymond Mitchell of 1535 Meridian St. presented a verbal history of Mr. Ralph M. Small in honor of his dedication to improving the community and accomplishments in that regard. Mr. Mitchell briefly described the history of the demolished elementary school which had been named in honor of Ralph M. Small, but upon rebuilding the school, it was subsequently

renamed to Mary Fonseca Elementary School. With the school being located on a street with no other addresses, it seemed applicable to honor Mr. Small in this way.

No one was present in opposition to this petition.

Upon motion made by Mrs. Sevigny and seconded by Ms. Fagundo, the Board VOTED 4-0 to recommend renaming the portion of Wall St. from London St. to Locust St., to 'Ralph M. Small Way' to City Council for final determination.

Mario Lucciola entered the meeting at 5:49pm

3 A. Street Acceptance- Bell St.

Mr. Roth summarized the estimated costs and overview for the needed improvements in the event the City accepts the street, which were prepared by Paul J. Ferland, Deputy Administrator Community Utilities Department and JR Frey, City Engineer. Mr. Roth explained that if this petition receives the applicable approvals, funds are appropriated through Capital Improvement Projects and Chapter 90 funding, so this request would be added "in line" to other projects already awaiting funding.

No one was present in opposition to this petition.

Upon motion made by Ms. Fagundo and seconded by Mr. Moniz, the Board unanimously VOTED 5-0 to recommend acceptance to City Council for Bell St. extending from Corbett St. to dead end.

3 B. Street Acceptance- Estes Lane

Mr. Roth summarized the estimated costs and overview for the needed improvements in the event the City accepts the street, which were prepared by Paul J. Ferland, Deputy Administrator Community Utilities Department and JR Frey, City Engineer. Community Utilities recommended inspections but estimated minimal costs to this acceptance. Engineering recommended turnaround for emergency vehicles and estimated cost to accept. Mr. Roth further explained that if this petition receives the applicable approvals, funds are appropriated through Capital Improvement Projects and Chapter 90 funding, so this request would be added "in line" to other projects already awaiting funding.

Paul Gagne of Stafford Rd. addressed the Board with details of the existing conditions of the paper street being paved but in rough condition, and the man holes being about 2" above grade. He was present in favor of approving this petition.

Board discussed approval procedures and history of the area. Mr. Roth summarized it being land locked from changes to the surrounding area.

No one was present in opposition to this petition.

Upon motion made by Mr. Lucciola and seconded by Mrs. Sevigny, the Board unanimously VOTED 5-0 to recommend acceptance to City Council for Estes Lane extending from Lark St. to (old) Lower Stafford Rd.

3 C. Street Acceptance- Lynwood St.

Mr. Roth summarized the comments received from Community Utilities detailing cost estimate being minimal and recommendation that the top coat be installed so as to help water flow more delicately due to water excess in that area. Mr. Roth further summarized comments received from City Engineer having determined that the road deterioration had been accelerated by poor drainage, recommending a hammerhead turnaround for emergency vehicle access and cost estimate to fully reconstruct.

Albert Coelho of 89 Lynwood St. addressed the Board in favor of the acceptance, offering details regarding drainage, plowing increasing difficult in the winter because the street breaks the plows. Mr. Coelho voiced his controversy regarding appropriate road width.

Camille Serrecchia of Lynwood St. was present to submit a letter to the Board in favor of the petition herself. Ms. Serrecchia explained that the road was impassable at times due to the business located at the end of the street.

Mr. Roth explained that the area was already surveyed so it may be expedited in the approval process.

Board discussed road history. Mr. Roth suggested that the plans were a hybrid of a Form-A that had an Improvement Plan as part of the approval.

Celia Coelho of Lynwood St. was present in favor of the petition, providing details of the road history being that the paper street was originally made for Forever Paws but was never a road prior to that.

Board discussed possible recourse against developer in the future.

No one was present in opposition to this petition.

Upon motion made by Mr. Moniz and seconded by Ms. Fagundo, the Board unanimously VOTED 5-0 to recommend to City Council acceptance of Lynwood St. extending from Mariano Bishop Boulevard to the dead end.

4. Street Discontinuance- Kennedy St.

Mr. Roth explained the request to discontinue the proposed street due to it being a nuisance property. The street was not currently paved but an easement was proposed and received recommendation for Community Utilities Department. Mr. Roth recommended discontinuance subject to two conditions: 1. An easement be required within the former Right-of-Way for Utility

access and maintenance. Said easement should be reviewed and approved by the Community Utilities Department. 2. Form-A plan be required which combines the Right-of-Way into the respective abutting properties, as agreed to by all of the abutting property owners.

No one was present in opposition to this petition.

Upon motion made by Ms. Fagundo and seconded by Mr. Moniz, the Board unanimously VOTED 5-0 to refer this matter to City Council for further approvals, with Conditions being: 1. An easement be required within the former Right-of-Way for Utility access and maintenance. Said easement should be reviewed and approved by the Community Utilities Department. 2. Form-A plan be required which combines the Right-of-Way into the respective abutting properties, as agreed to by all of the abutting property owners.

5. Approval of Minutes- July 31, 2018 Planning Board Meeting

Upon motion duly made by Mr. Moniz and seconded by Mrs. Sevigny, it was unanimously VOTED 5-0: to approve the Minutes of July 31, 2018.

6. Public Input- No member of the public provided any input.

7. ADJOURNMENT

Upon motion duly made by Mr. Lucciola and seconded by Ms. Fagundo, it was unanimously VOTED 5-0: to adjourn the meeting at 6:23pm.

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RECEIVED

2018 OCT - 1 A 10



September 27, 2018

Secretary Matthew Beaton
Executive Office of Energy & Environmental Affairs
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

CITY CLERK
FALL RIVER, MA

Attn: MEPA Office

**Re: Environmental Notification Form EEA No. 15895
Cathodic Protection Ground Bed Project – Revised Design**

Dear Reviewer:

On behalf of Algonquin Gas Transmission, LLC¹ ("Algonquin"), (the proponent), VHB, Inc. respectfully submits the revised Project design for a proposed Cathodic Protection Ground Bed Project in Fall River, Massachusetts. An ENF for this Project was filed on July 31, 2018 under the Massachusetts Environmental Policy Act (MEPA). The proponent is proposing installation of a cathodic protection ground bed to provide corrosion protection to an existing natural gas transmission pipeline. The proposed Project design has been revised from that described in the ENF to avoid potential conflict with an existing waste water treatment plant outfall pipe that extends into Mount Hope Bay near the proposed ground bed. The ground bed alignment off the end of Pembroke Street in Mount Hope Bay has been angled to the north to keep the anodes at least 400 feet from the outfall pipe.

The length of the proposed ground bed will increase within Mount Hope Bay and will change the temporary impacts to regulated wetland resource areas reported in the ENF. The following summarizes the changes in the impact areas.

Resource Area	Original Design	Revised Design	Net Change
Project Length Overall	612 ft.	942 ft.	+330 ft.
Total Project Area (Temporary Workspace)	0.132 ac.	0.167 ac.	+0.35 ac.
Land Under the Ocean	1,301 sq. ft.	2,491 sq. ft.	+1,190 sq. ft.
Coastal Beaches	1,174 sq. ft.	1,292 sq. ft.	+118 sq. ft.
Coastal Bank	127 sq. ft.	197 sq. ft.	+70 sq. ft.
Land Subject to Coastal Storm Flowage	3,288 sq. ft.	3,298 sq. ft.	+10 sq. ft.

Source: VHB, Inc.

¹ Algonquin is a wholly-owned subsidiary of Spectra Energy Partners, LP, Spectra Energy Partners, LP is an affiliate of Enbridge, Inc.

Engineers | Scientists | Planners | Designers

101 Walnut Street
PO Box 9151
Watertown, Massachusetts 02471
P 617.924.1770
F 617.924.2286

Secretary Matthew Beaton
Ref: 13890.03
September 27, 2018
Page 2



As noted in the ENF, all project related impacts will be temporary. The proposed ground bed will be installed below the ground or seabed. Once installed, the header cable and anodes will be buried and the ground or seabed elevation restored. In uplands, the work area will be loamed and seeded. Within Mount Hope Bay, the work area will be backfilled and allowed to restore naturally.

As a result of the revision of the Project design, the MEPA comment period has been extended until October 9, 2018 to allow review and comment. The Certificate is due to be issued on October 19, 2018.

Should you have any questions concerning this submittal, or require additional information please email me at gcrouch@vhb.com or contact me at 617-607-2783.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene F. Crouch".

Gene F. Crouch
Senior Environmental Scientist
gcrouch@vhb.com

Attachment: Revised Project Design Plans

CC: Distribution

11

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

RECEIVED

2018 SEP 26 A 10:27

Notice of License Application pursuant to M.G.L. Chapter 91
Waterways License Application Number W18-5361 . CITY CLERK _____
FALL RIVER, MA

Applicant: Massachusetts Department of Transportation

Project Location: 2680 North Main Street, Fall River, Bristol County

Public Comments Deadline: October 26, 2018

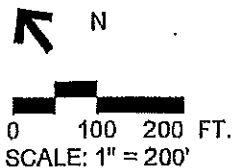
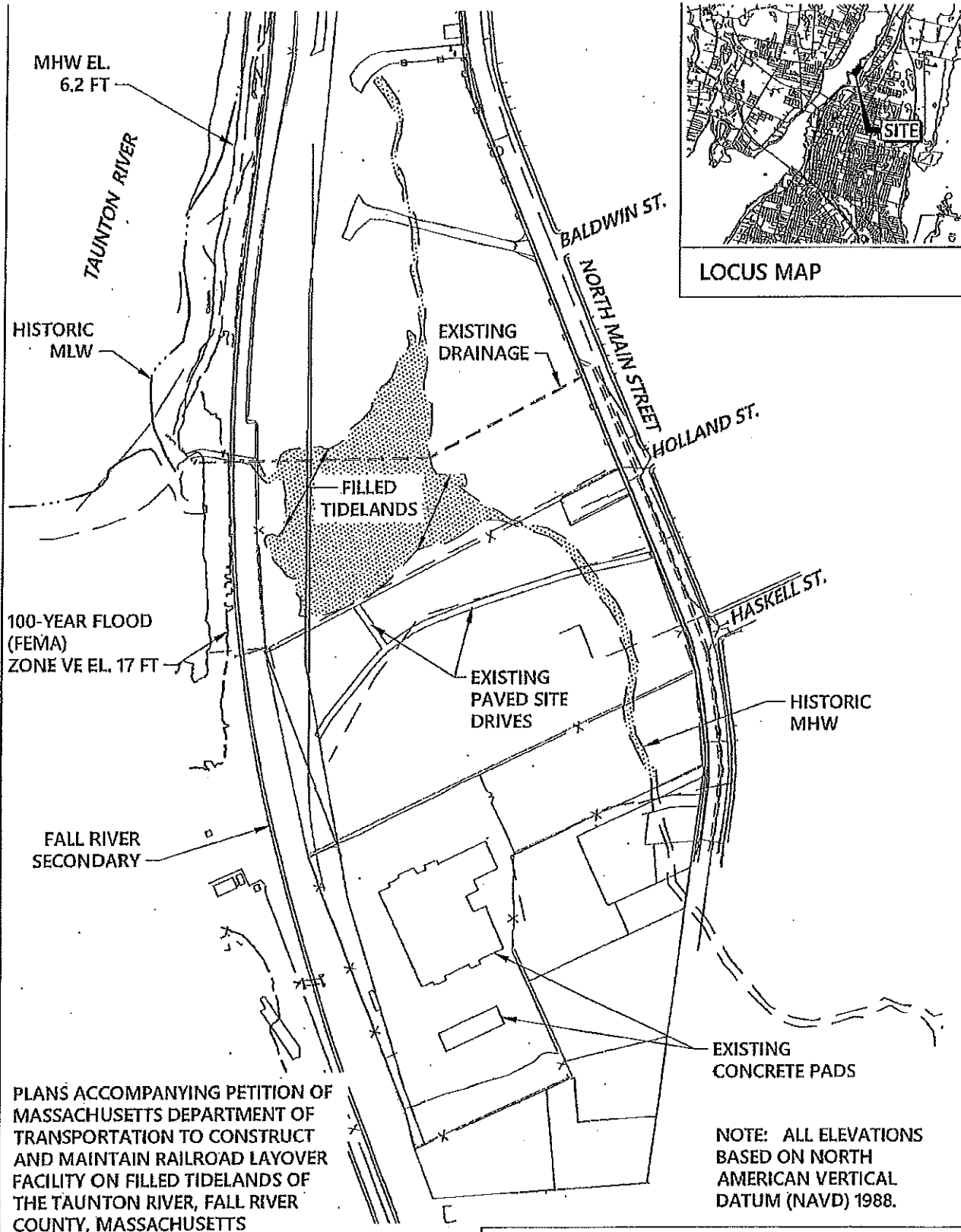
NOTIFICATION DATE: September 26, 2018

Public notice is hereby given of the Waterways Application by Massachusetts Department of Transportation to construct and maintain a railroad layover facility associated with the South Coast Rail Project consisting of six (6) 950-foot long railroad tracks, paved roadway(s), and underground utilities located on filled tidelands of the Taunton River, Fall River, Bristol County. This project has been determined to be ancillary facility to a water-dependent public service project.

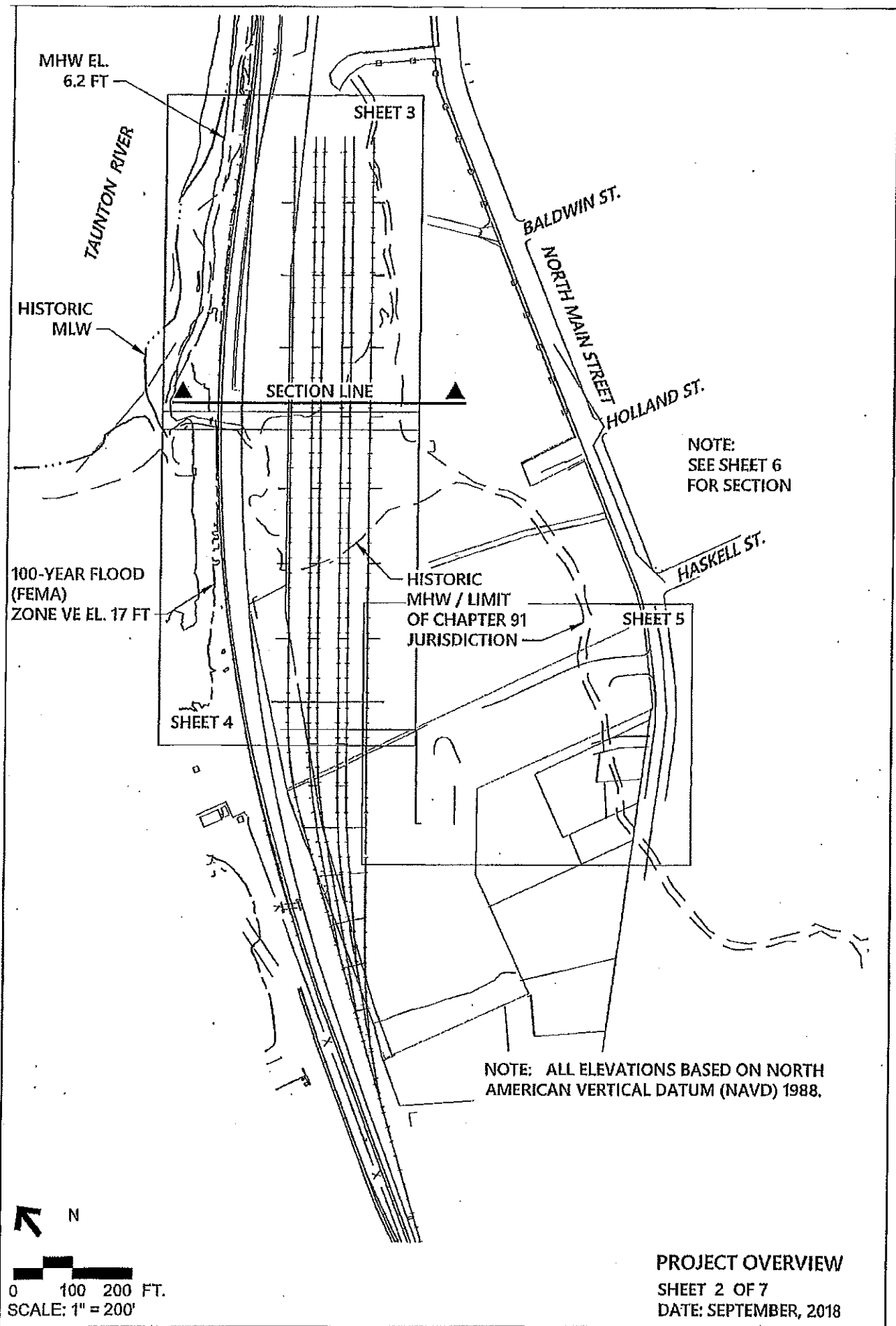
The Department will consider all written comments on this Waterways Application received by October 26, 2018 (Public Comments Deadline). Failure of any aggrieved person or group of ten (10) citizens or more to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c). The group of citizens must include no less than five (5) citizens who are residents of the municipality in which the project is located.

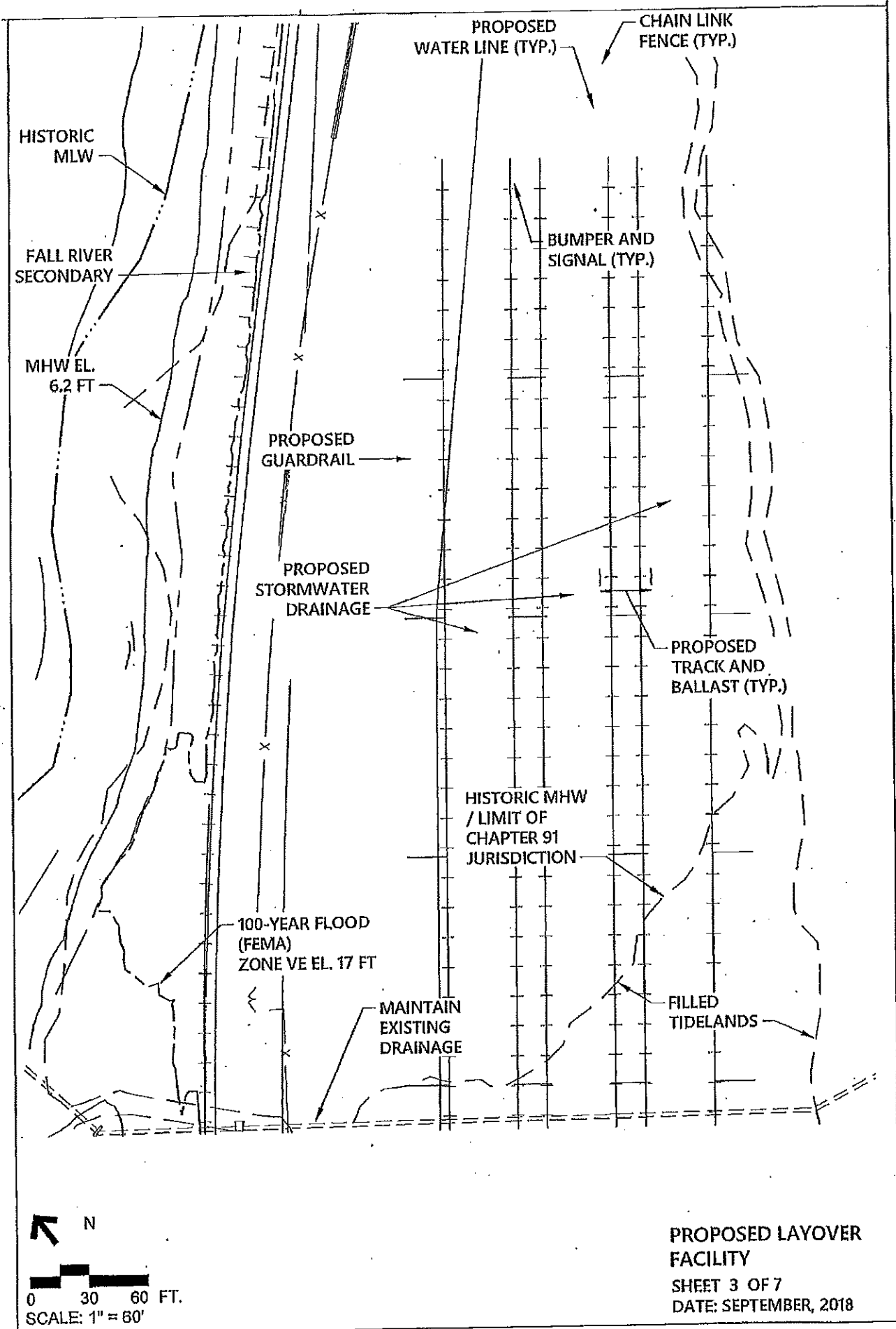
Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at (617) 292-5560. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below.

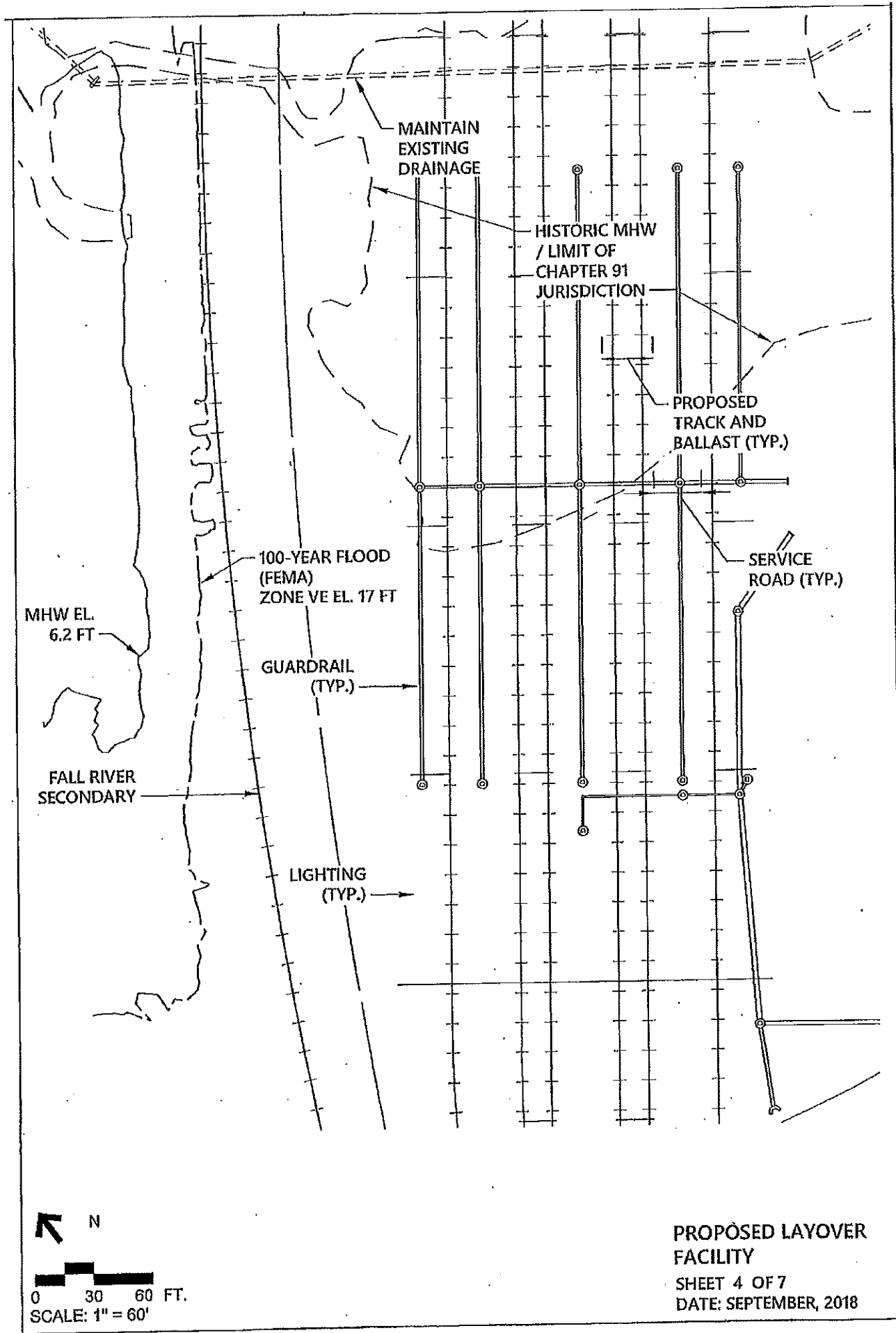
Written comments must be addressed to: Ivan Morales-Parra, MassDEP Waterways Regulation Program, One Winter Street - 5th Floor, Boston, MA 02108 or email to Ivan.Morales@mass.gov.

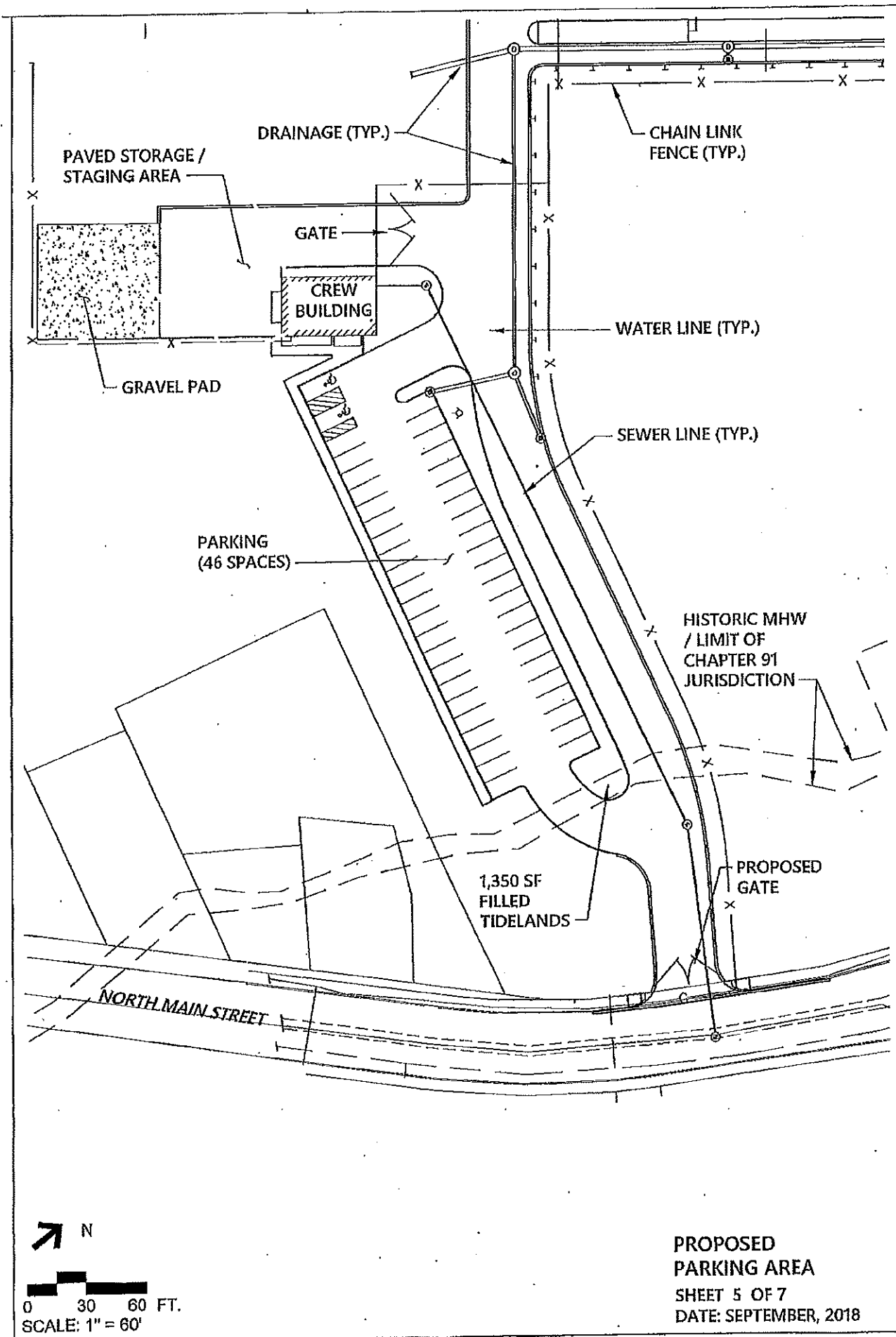


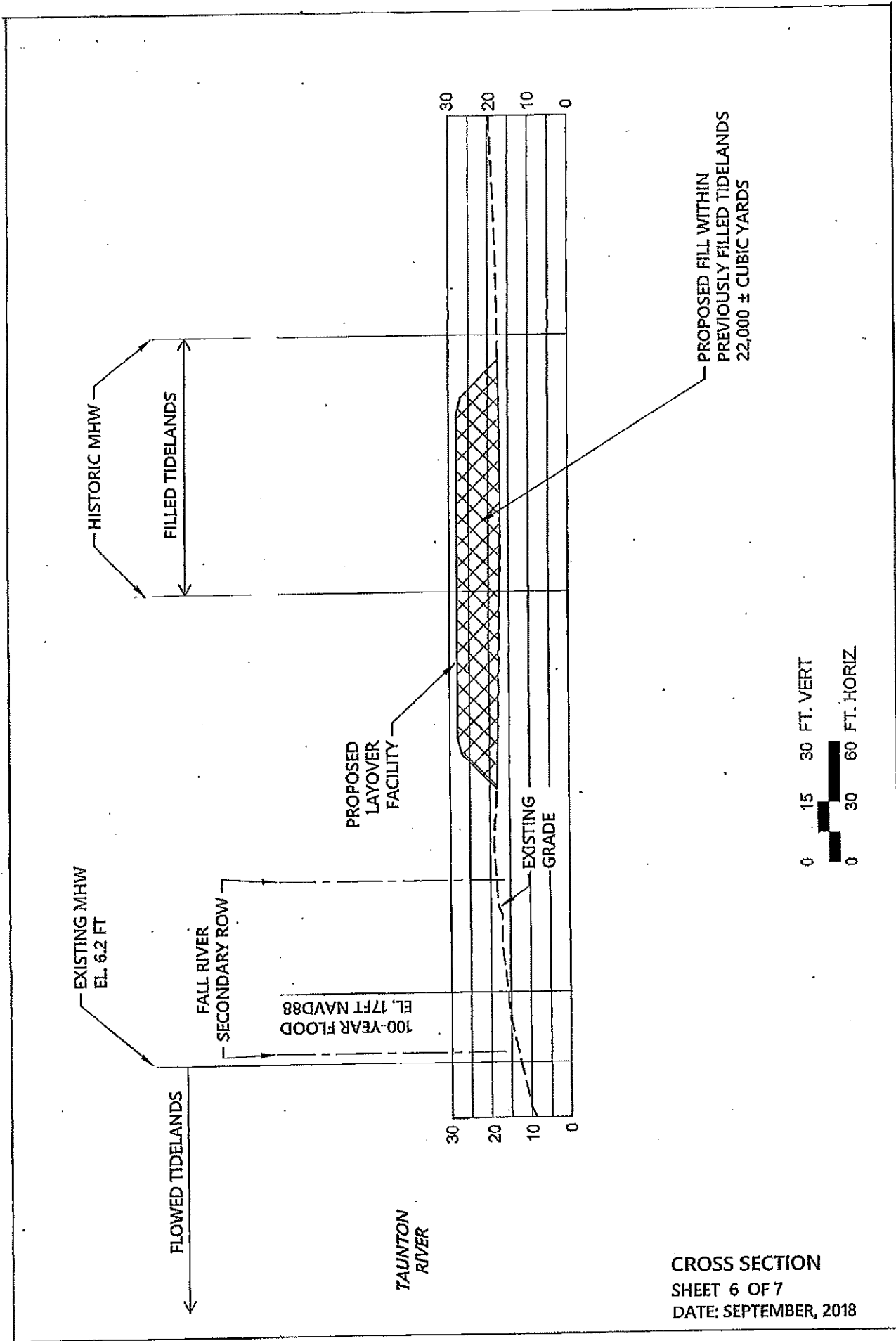
EXISTING
CONDITIONS
SHEET 1 OF 7
DATE: SEPTEMBER, 2018



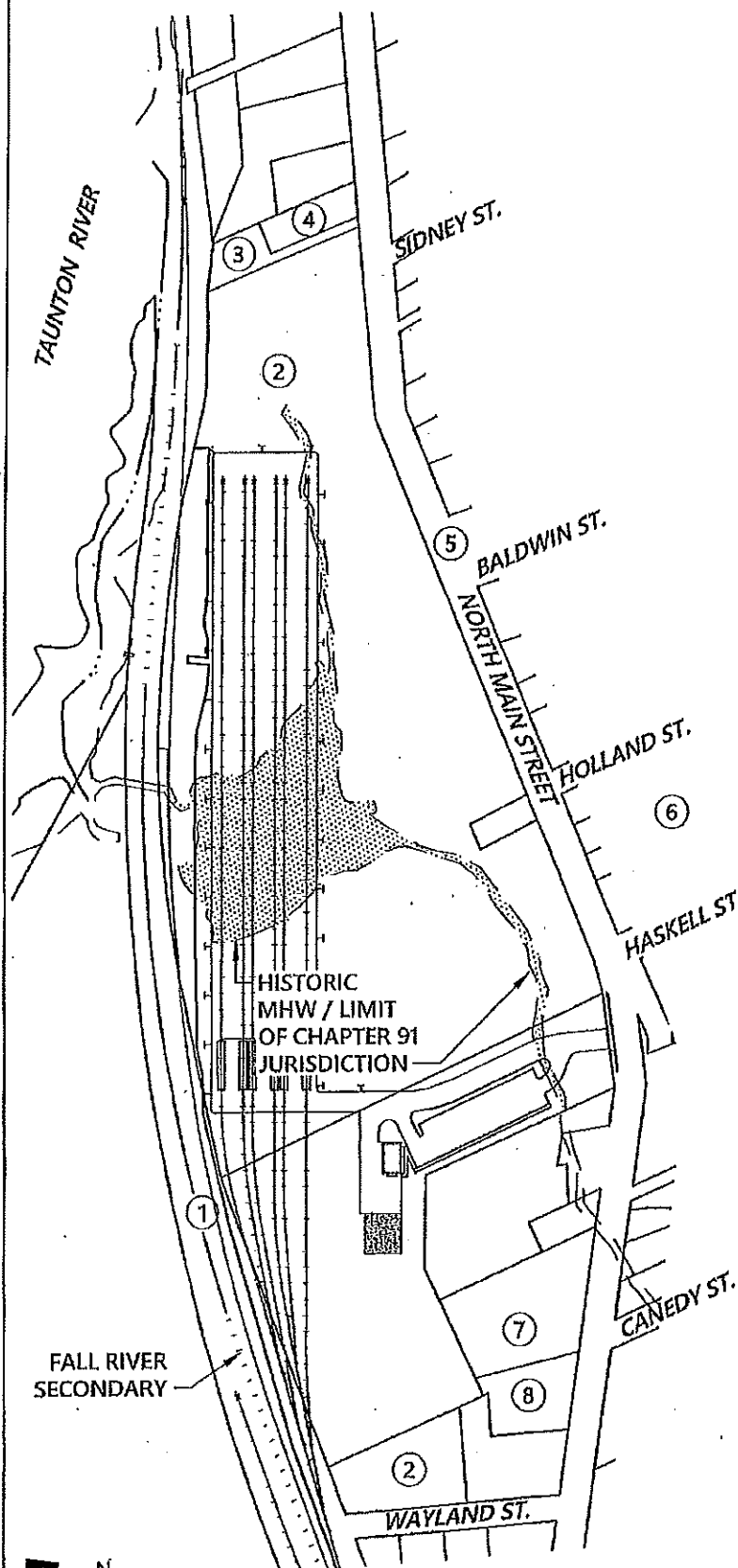








CROSS SECTION
SHEET 6 OF 7
DATE: SEPTEMBER, 2018



ABUTTERS LIST

1. RAILROAD ROW
MASSDOT
10 PARK PLAZA, SUITE 4160
BOSTON, MA 02116
2. PARCEL T-01-0038, T-15-0033
WEAVERS COVE INDUSTRIAL
PARK LLC
85-87 BOSTON ST
EVERETT, MA 02149
3. PARCEL T-16-0029
MATTHEW R HART
2990 N MAIN STREET
FALL RIVER, MA 02720
4. PARCEL T-16-0001
DONALD HORNBY
3000 N MAIN STREET
FALL RIVER, MA 02720
5. NORTH MAIN STREET
CITY OF FALL RIVER
ONE GOVERNMENT CENTER
FALL RIVER, MA 02722
6. PARCEL T-15-0005
KATHLEEN GONCALO
2804 N MAIN STREET
FALL RIVER, MA 02720
7. PARCEL T-01-0036
HENRY C LETENDRE
2674 N MAIN STREET
FALL RIVER, MA 02720
8. PARCEL T-01-0028
COSTA DENNIS T TRUSTEE
2634 N MAIN STREET
FALL RIVER, MA 02720

ABUTTERS PLAN

SHEET 7 OF 7

DATE: SEPTEMBER, 2018

