

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

SPECIAL MEETING OF THE CITY COUNCIL

MEETING: Tuesday, November 19, 2019 at 6:00 p.m.
Council Chamber, One Government Center

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

ABSENT: None

IN ATTENDANCE: Mary Sahady, Temporary City Administrator/Director of Financial Services
Richard Gonsalves, Chairman, Board of Assessors
Richard Wolfson, Member, Board of Assessors

Vice President Pam Laliberte-Lebeau called the meeting to order at 6:10 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.

Agenda:

1. Citizens' Input Time –
Marie Estacio, 120 Willow Street – Whitefield Street lot
Bill Teixeira, 1019 Montgomery Street – Whitefield Street lot

Bill Teixeira stated that Marie Estacio purchased two lots back in 2004 and was awarded a variance to build on the 10,000 square foot lot, and was denied a variance for the 5,000 square foot lot due to it being deemed too wet to build on. The buildable lot is located on the top right side of the street and was the highest point on Whitefield Street at the time of purchase. In 2006 developer Jamie Duff purchased many lots on Whitefield and Frederick Streets and began to develop the land. Mr. Teixeira stated that the Frederick Street lots had a pond located behind them, and as a result of this, many of the homes were experiencing flooding and some were sinking. In attempts to remediate the problem, two pipes were installed behind the properties on Frederick Street, under the road on Whitefield Street, dumping into Marie Estacio's lot. This was done without her knowledge. He further stated that the City removed the cape cod berm along her property causing run off from the street to flow into her property as well. Mr. Teixeira stated that approximately a year and a half ago he, along with Marie Estacio, spoke with the City Engineer concerning these issues. He stated that the City Engineer informed them that the pipes were installed incorrectly. The pipes were intended to remediate Ms. Estacio's property from storm water run-off, and the City Engineer was going to contact Mr. Duff to try and correct the error. Mr. Teixeira further stated that Mr. Duff brought in fill when he began construction on the adjacent lots to raise them, now making Marie Estacio's lot the lowest point on Whitefield Street. Mr. Teixeira then further stated that the City Engineer told Marie Estacio she could move forward with clearing out her land, bring in fill and begin building her single family home. Marie Estacio then hired an excavator to begin removing brush from her property. Mr. Teixeira stated that the City Engineer went to the site

Councilor Leo O. Pelletier also asked her if the Administrator of Assessing was out on paid administrative leave. She confirmed that he was on paid administrative leave and it was a personnel matter. Councilor Joseph D. Camara left the meeting at approximately 6:46 p.m.

Councilor Shawn E. Cadime said personnel matters are confidential in nature and should be respected and handled by the appropriate parties. Councilor Shawn E. Cadime then stated he is in favor of setting the tax factor to 1.71. He feels that it has a balance where it is not a significant increase on the residential side and a moderate increase in the commercial side that has been bearing most of the burden. Councilor Stephen R. Long asked how much growth the City would incur. Richard Gonsalves stated the growth would be \$2,140,488.00. On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Bradford L. Kilby, it was voted 6 yeas, 1 nay to adopt the tax factor of 1.71 with Councilor Steven A. Camara voting in the negative and Councilor Joseph D. Camara absent and not voting.

Approved, November 21, 2019, Acting Mayor Cliff Ponte

On a further motion made by Councilor Bradford L. Kilby and seconded by Councilor Stephen R. Long, it was voted 6 yeas, 1 nay with Councilor Steven A. Camara voting in the negative and Councilor Joseph D. Camara absent and not voting, to adopt the local tax levy to be borne by each class of real property, as defined in Chapter 59, Section 2A of the Massachusetts General Laws, and personal property for Fiscal Year 2020, to be as follows:

Residential	(Class I)	63.4790
Open Space	(Class II)	-0-
Commercial	(Class III)	20.5175
Industrial	(Class IV)	10.1983
Personal Property	(Class V)	5.8052

Approved, November 21, 2019, Acting Mayor Cliff Ponte

4. Resolution – Flooding and building issues at Whitefield Street

On a motion made by Councilor Bradford L. Kilby and seconded by Councilor Leo O. Pelletier, it was unanimously voted to adopt the resolution, with Councilor Joseph D. Camara absent and not voting.

On a motion made by Councilor Shawn E. Cadime and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn at 6:50 p.m., with Councilor Joseph D. Camara absent and not voting.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

DVD of meeting

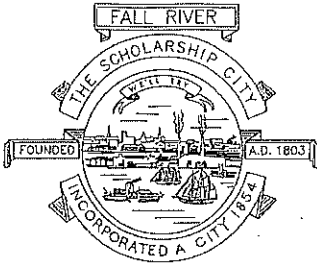
Whitefield Street lot documents from Maria Estacio

A true copy. Attest:


City Clerk

In City Council, December 16, 2019

Approved



City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2019 NOV 15 P 12:37

ALISON M. BOUCHARD
CITY CLERK

CITY CLERK _____
FALL RIVER, MA

INÊS LEITE
ASSISTANT CITY CLERK

SPECIAL MEETING OF THE CITY COUNCIL

TUESDAY, NOVEMBER 19, 2019 AT 6:00 PM

(OR IMMEDIATELY FOLLOWING THE PUBLIC HEARING IF THAT MEETING
RUNS PAST 6:00 P.M.)

CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

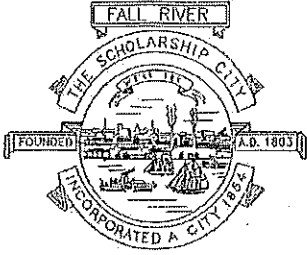
AGENDA

1. Citizens Input
2. *Mayor and orders appropriating the following:
 - \$440,000 appropriated to the Water Enterprise Fund FY2020
Budget from the Water Enterprise Fund Free Cash
 - \$1,225,000 appropriated to the Sewer Enterprise Fund FY2020
Budget from the Sewer Enterprise Fund Free Cash
3. Establishment of the Fiscal Year 2020 tax factor and levy.
4. *Resolution - Flooding and building issues at
Whitefield street*

Alison M Bouchard

Alison M. Bouchard
City Clerk

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



City of Fall River Massachusetts

Office of the City Clerk

RECEIVED

2019 NOV 15 P 12:37

ALISON M. BOUCHARD
CITY CLERK

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FALL RIVER, MA

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Alison M. Bouchard
City Clerk

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

2



City of Fall River
Massachusetts
Office of the Mayor

CLIFF A. PONTE
Acting Mayor

RECEIVED
2019 NOV 14 P 2:24
CITY CLERK
FALL RIVER, MA

November 14, 2019

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

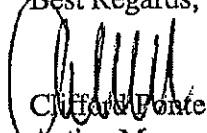
Dear Honorable Council Members:

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations to your Honorable Body. This transfer and use of free cash was anticipated in the budget as presented in May 2019.

- 1. \$440,000 That the sum of \$440,000 be, and the same is, hereby appropriated to the WATER ENTERPRISE FUND FY20 BUDGET from the WATER ENTERPRISE FUND FREE CASH.
- 2. \$1,225,000 That the sum of \$1,225,000 be, and the same is, hereby appropriated to the SEWER ENTERPRISE FUND FY20 BUDGET from the SEWER ENTERPRISE FUND FREE CASH.

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

Best Regards,


Cliff A. Ponte
Acting Mayor

City of Fall River, In City Council

2

November 19, 2019

1

ORDERED:

That the sum of \$440,000 be, and the same is, hereby appropriated from the WATER ENTERPRISE FUND FREE CASH to the WATER ENTERPRISE FUND FY20 BUDGET.

City of Fall River, *In City Council*

2

November 19, 2019

#2

ORDERED:

That the sum of \$1,225,000 be, and the same is, hereby appropriated from the SEWER ENTERPRISE FUND FREE CASH to the SEWER ENTERPRISE FUND FY20 BUDGET.

City of Fall River, *In City Council*

4

(Councilor Joseph D. Camara)

BE IT RESOLVED, that the Committee on Real Estate meet to discuss the flooding and building issues on Whitefield Street with all interested parties, including city officials, members of the state delegation, residents and contractor.

CITY OF FALL RIVER
IN CITY COUNCIL
NOV 19 2019
Adopted

Filed 11-19-19 at City Council Meeting during Citizens' Input Time

FALL RIVER ZONING BOARD OF APPEALS
NUMBER 26 PLAT AND LOT C-17-20,21,22,23
ADDRESS Vent lot SS of Whitefield St
PETITIONER Emilio Estacio
HEARING DATE 6/17/04 BY Tracy
 TABLED DENIED
 GRANTED WITHDRAWN

11/20/19
emailed to Councilman. Ms Estacio to deliver copies to Co. Bulletin + Co. CC Review

**FALL RIVER ZONING BOARD OF APPEALS RECEIVED
DECISION**

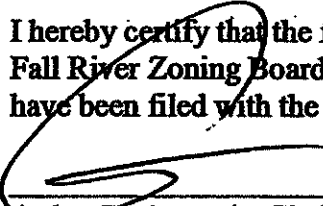
EMILIO ESTACIO

2004 JUL -6 A 11:45

Vacant lot on the south side of Whitefield Street, Lots C-17-20,21,22,23

**CITY CLERK
FALL RIVER, MA**

I hereby certify that the following is a true and correct copy of the action taken by the Fall River Zoning Board of Appeals on June 17, 2004 and that copies of the same have been filed with the City Clerk on July 6, 2004.


Arthur DeAscentis, Chairman

In the matter of Emilio Estacio for permission to construct a single family dwelling waiving dimensional requirements in a Single Family Residence District [S]. Lot size 10,000 +/- s.f.

In a vote of 4-1 the Board voted to grant the petitioner's request. Mr. Costa, Mrs. Little, Ms. Lucciola and Mr. Alves voted in favor of the motion. Mr. DeAscentis voted against the motion and the petition was granted.

The Board found that owing to the circumstances relating to the parcel, especially affecting the locus but not affecting the Single Family Residence District in which it is located a literal enforcement of the zoning ordinance would involve substantial hardship to the petitioner. The Board determined that the parcel is an isolated lot and if relief was not granted the petitioner would be denied reasonable use of the property. The Board found that the proposed single family dwelling would not be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

This decision must be recorded at the Registry of Deeds and Rights Authorized by this Decision shall be exercised within one year of the grant, otherwise said rights shall lapse.

Date: July 27, 2004

This is to certify that twenty days have elapsed since the filing on July 6, 2004 of the decision of the Board of Appeals contained herein and no notice of any appeal against the same has been filed with the City Clerk.

Attest: Carol A. Talbot

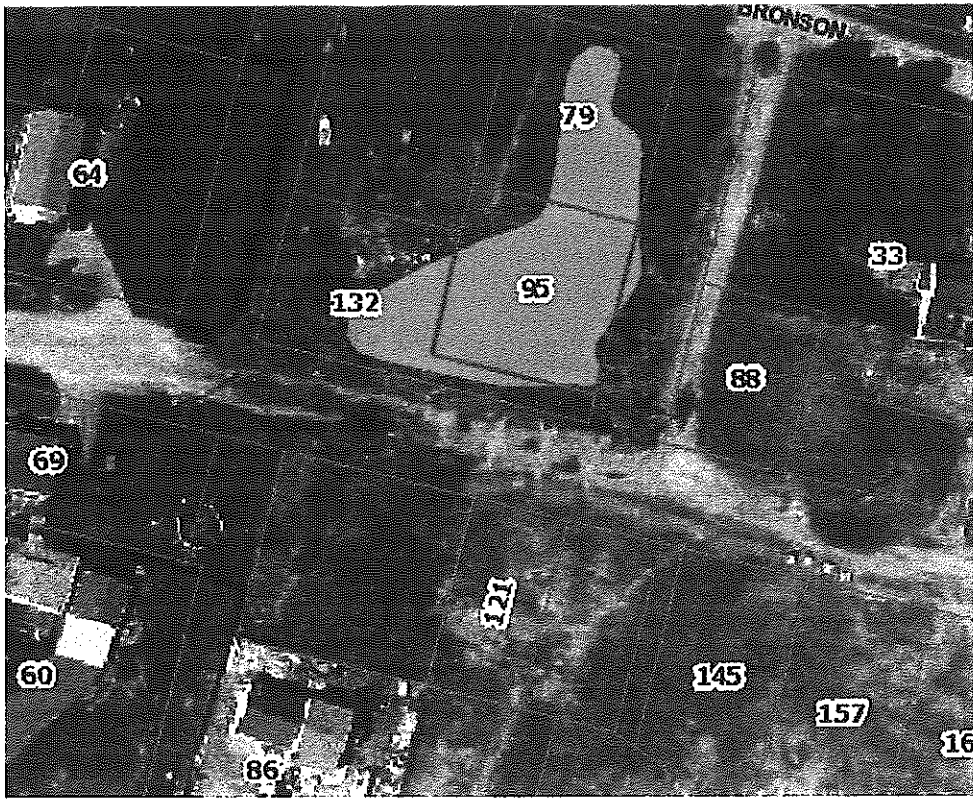
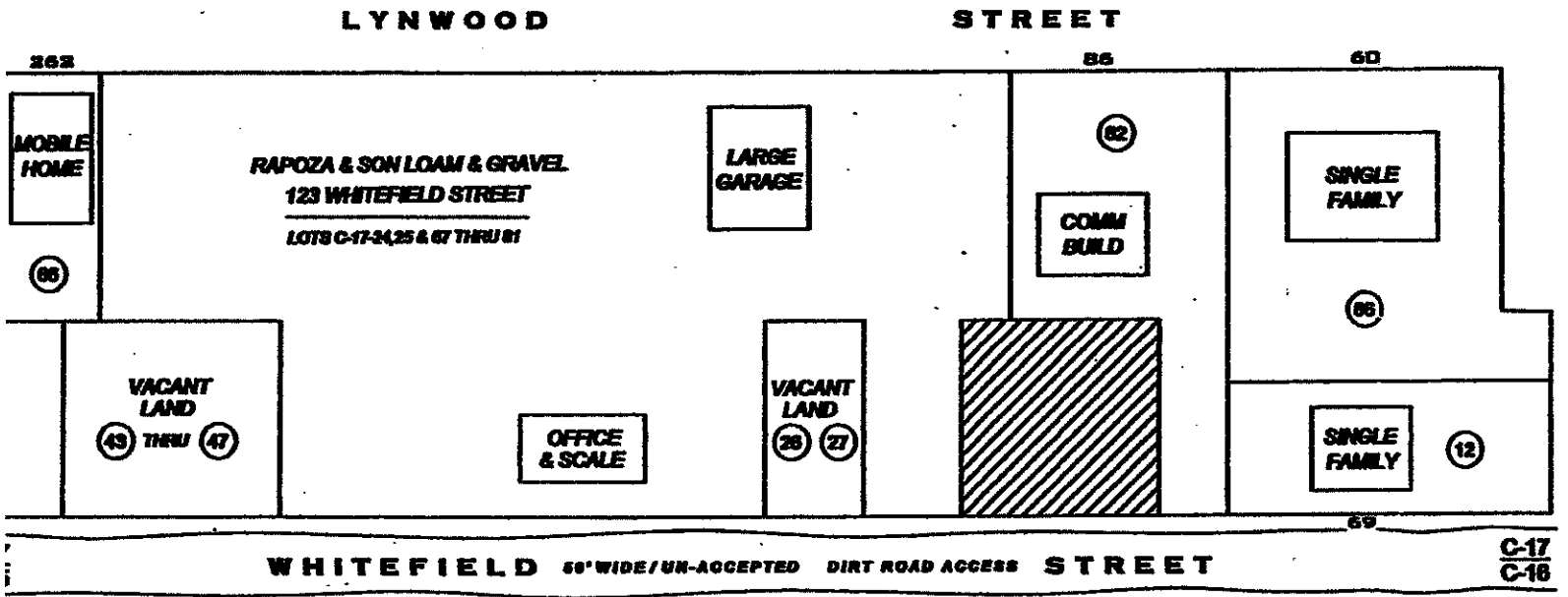


Photo of Whitefield street
Prior to S. Duff project

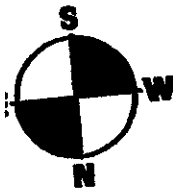
My Two lots (side by side)
labeled #121 are both
completely dry.
Whereas, the lots across
from me are completely
under water

IMPORTANT!

* THIS PLAN WAS PREPARED FROM CURRENT INFORMATION OBTAINED FROM EXISTING RECORDS. IF THE PLAN SHOWN IS A SUB-DIVISION, THE PROPOSED PARCELS' DIMENSIONS /



*NOT TO SCALE



LOCUS & LAND USE

ANY STRUCTURE SHOWN ON THIS LOCUS & LAND USE MAP IS NOT GUARANTEED TO BE EXACTLY LOCATED OR TO BE CONSTRUCTED. THE LOCUS & LAND USE MAP IS FOR INFORMATIONAL PURPOSES ONLY. THE LOCUS & LAND USE MAP IS NOT TO BE USED AS A BASIS FOR ANY DECISIONS. THE LOCUS & LAND USE MAP IS NOT TO BE USED AS A BASIS FOR ANY DECISIONS. THE LOCUS & LAND USE MAP IS NOT TO BE USED AS A BASIS FOR ANY DECISIONS.

VACANT LAND
(142) THRU (144)

FREDRICK
C-15
C-16

VACANT LAND
(88) THRU (76)

AUGUST
C-18
C-18

AFFORDABLE DRAFTING
THIS STAMP APPEARS IN RED, THIS IS AN AUTHORIZED COPY!

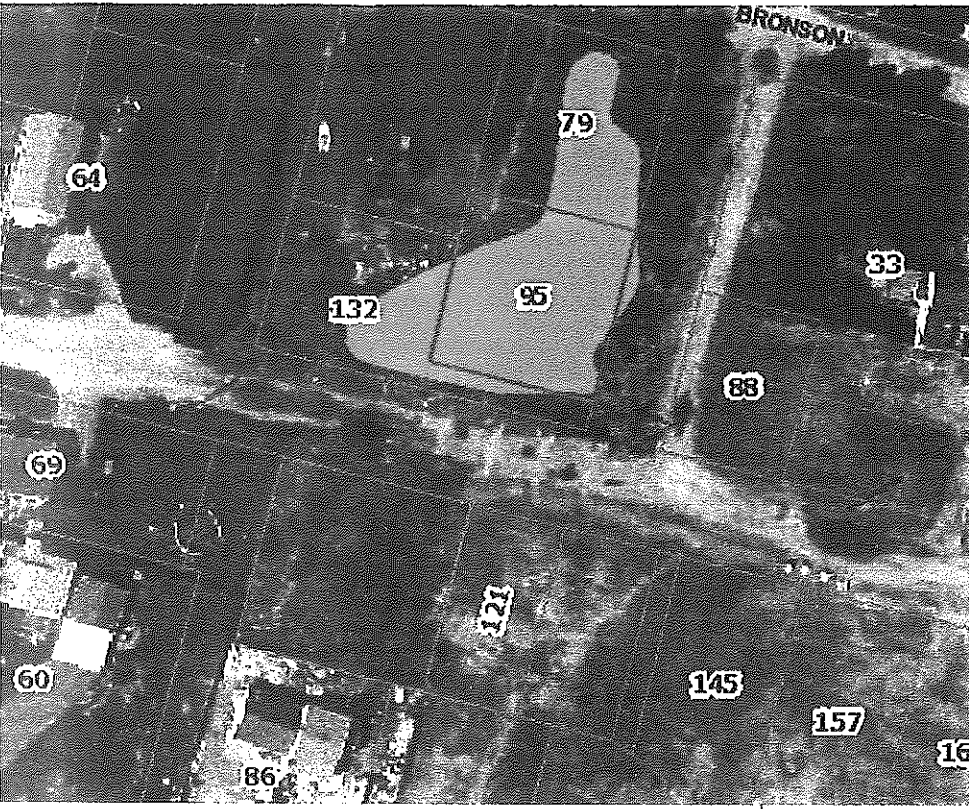
ANCE SITE PLAN	REGISTRY OF DEEDS	NATURE OF PETITION
EMILIO ESTACIO 237 GIFFORD ROAD, WESTPORT, MA. HELEN ARONIS, 770 LOCUST STREET WHITEFIELD STREET / LOTS C-17-20, 21, 22, 23	BOOK# 982 PAGE# 326 DATE: MAY 04 ZONED: R-8 SCALE: AS NOTED ASSESSORS PLAT: SEE LEFT	TO CONSTRUCT A NEW SINGLE FAMILY DWELLING ON A VACANT LOT WAIVING ALL APPLICABLE ZONING RESTRICTIONS IN AN "R-8" DISTRICT.

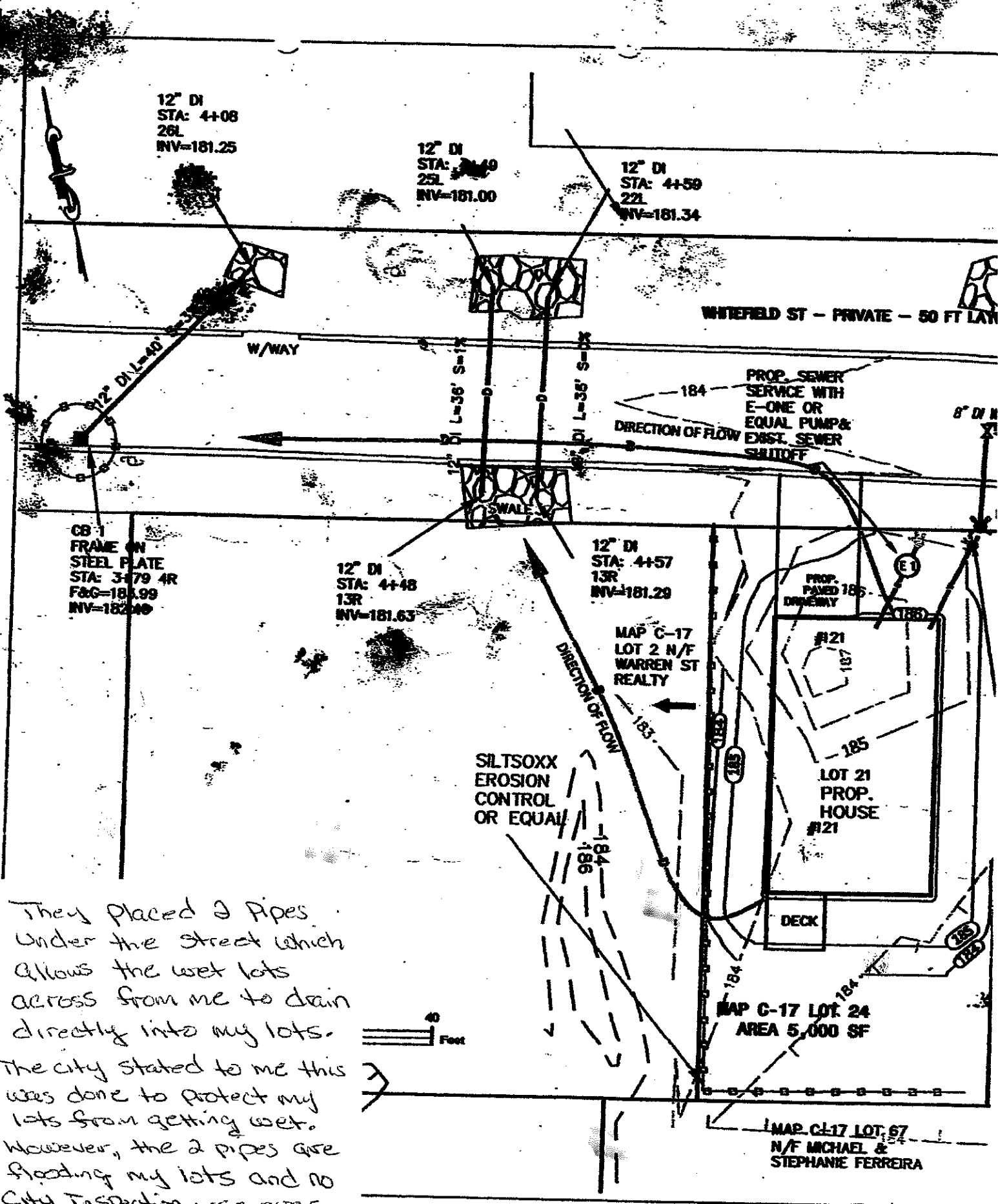
Front of Whitefield street
Prior to S. Doff Project

My Two lots (side by side)
behind 121 are with
completely dry.
Whereas, the lots across
from me are completely
under water.

During S. Doff Project

The city allowed Mr. Doff
to place two pipes
under the street to
drain that body of
water into my lots.





WHITEFIELD ST - PRIVATE - 50 FT LAY

CB 1
FRAME ON
STEEL PLATE
STA: 3+79.4R
F&G=181.99
INV=182.00

12" DI
STA: 4+08
26L
INV=181.25

12" DI
STA: 4+49
25L
INV=181.00

12" DI
STA: 4+59
22L
INV=181.34

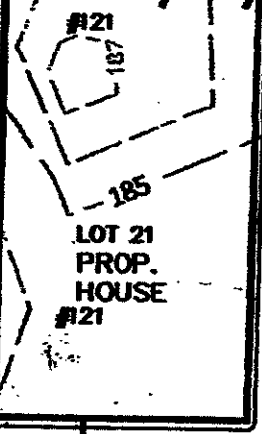
12" DI
STA: 4+48
13R
INV=181.63

12" DI
STA: 4+57
13R
INV=181.29

184
PROP. SEWER
SERVICE WITH
E-ONE OR
EQUAL PUMP &
EXIST. SEWER
SHUTOFF

MAP C-17
LOT 2 N/F
WARREN ST
REALTY

PROP. PAVED 18"
DRAINWAY



MAP C-17 LOT 24
AREA 5,000 SF

MAP C-17 LOT 67
N/F MICHAEL &
STEPHANIE FERREIRA

SILT/SOXX
EROSION
CONTROL
OR EQUAL



They placed 2 pipes under the street which allows the wet lots across from me to drain directly into my lots. The city stated to me this was done to protect my lots from getting wet. However, the 2 pipes are flooding my lots and no City Inspection was ever done on this

12" DI
STA: 4+08
26L
INV=181.25

12" DI
STA: 4+49
25L
INV=181.00

12" DI
STA: 4+59
22L
INV=181.34

WHITEFIELD ST - PRIVATE - 50 FT LANE

W/WAY

12" DI L=40'

12" DI L=36' S=12'

12" DI L=36' S=12'

184
PROP. SEWER SERVICE WITH E-ONE OR EQUAL PUMP & EXIST. SEWER SHUTOFF

8" DI N

CB-1
FRAME ON
STEEL PLATE
STA: 3+79.4R
F&G=183.99
INV=182.40

12" DI
STA: 4+48
13R
INV=181.63

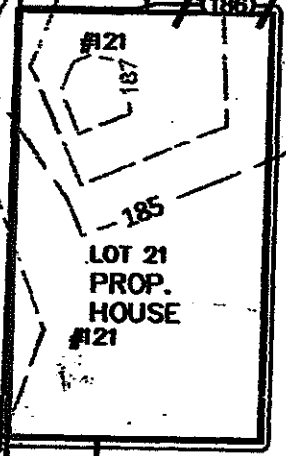
12" DI
STA: 4+57
13R
INV=181.29

MAP C-17
LOT 2 N/F
WARREN ST
REALTY

PROP. PAVED 185
DRIVEWAY

Map C-17 lot 20-23
owner
Marie Estacio
Area 10,000 SF

SILT/SOXX
EROSION
CONTROL
OR EQUAL



MAP C-17 LOT 24
AREA 5,000 SF

MAP C-17 LOT 67
N/F MICHAEL &
STEPHANIE FERREIRA

In 2016
City Hall permitted
my neighbor
(Map C17 lot 24)
to use my lot
as a run off
to drain his water

file copy



**City of Fall River
Massachusetts**

Department of Community Services
PLANNING • HEALTH & HUMAN SERVICES
LIBRARY • INSPECTIONAL SERVICES

Planning Division

C. SAMUEL SUTTER
Mayor

HENRY R. VAILLANCOURT MD, MPH
Director
Department of Community Services

WILLIAM G. KENNEY
City Planner

June 22, 2016

Harkins Whitefield LLC
1907 E. Main Rd.
Portsmouth, RI 02871

RE: Site Plan Review for 121 Whitefield St., Fall River, MA
Our File: SP 16-~~214~~

Dear Sir/Madam:

Pursuant to Chapter 10, Section 10-1 of the Revised Ordinances of the City of Fall River, the city's Site Plan Review Committee, consisting of the Inspector of Buildings, the City Planner, the Administrator of Public Utilities, the City Engineer and the Director of Administrative Services – Water, has reviewed the application for approval of the above-referenced project as described in your application filed on June 1, 2016, and in the following:
plans:

- (1) Plan entitled "Site/Locus Plan, Assessor's Map C-17 Lot 24, 121 Whitefield St., Fall River, Massachusetts", prepared for Harkins

Whitefield LLC by Gorodetsky Engineering, LLC, dated May 23, 2016;
and,

2) Plan entitled "Drainage Plan Assessor's Map C-17 Lot 24, 121
Whitefield St., Fall River, Massachusetts", prepared for Harkins
Whitefield LLC by Gorodetsky Engineering, LLC, dated May 23, 2016.

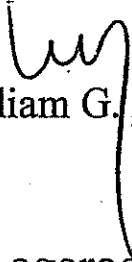
Based upon review of these materials, the Committee has determined that Site
Plan Review has been successfully concluded and you may now proceed to
apply for a Building Permit.

PLEASE NOTE: The endorsement of the Site Plan Review Committee will be
necessary on the "Final Sign-Off Sheet for Occupancy", when you apply for an
occupancy permit. When you are ready to apply for an occupancy permit, you
must contact the Site Plan Review Committee which will conduct such
inspections as it may deem necessary and which will require written
certification by the owner and/or the project engineer that the project has been
completed in substantial compliance with the materials submitted with the
approved application for Site Plan Review.

A copy of this letter has been filed with the Office of the Building Inspector.

Sincerely,

For the Site Plan Review Committee,


William G. Kenney, City Planner

cc: agorodetsk@aol.com