

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, February 27, 2024, at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Joseph D. Camara, presiding;
Councilors Shawn E. Cadime, Michelle M. Dionne, Paul B. Hart,
Bradford L. Kilby, Linda M. Pereira, Cliff Ponte,
Andrew J. Raposo and Laura-Jean Sampson

ABSENT: None

IN ATTENDANCE: None

President Camara called the meeting to order at 7:19 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 and request to accept a Zoning Map Amendment for the Waterfront and Transit-Oriented Development District (WTOD)

Councilor Dionne requested clarification as to whether a Planning Board hearing had already been held. The City Clerk explained that a hearing was held, but per the zoning procedure outlined in M.G.L.Ch. 40A, §5, the amendment needs to first be presented to the City Council and then referred to the Planning Board for the scheduling of another hearing within 14 days of the City Council receiving the request. On a motion made by Councilor Ponte and seconded by Councilor Raposo, it was unanimously voted to refer the proposed zoning map amendment to the Planning Board.

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

2. The Committee on Finance convene with the Administration and the "For Youth Initiative" Coordinator to discuss current and future use of Bristol County American Rescue Plan Act funding as well as updates on the program overall

Councilor Sampson stated that when the "For Youth Initiative" program was first created it was planned to utilize Bristol County American Rescue Plan Act (ARPA) funding. Councilor

Sampson explained that due to funding delays the original Bristol County ARPA application was rescinded by the City Council and the program moved forward with City ARPA funding instead. Councilor Sampson requested that the resolution be amended by striking out "Bristol County ARPA Funds" and inserting "City ARPA Funds," to reflect the correct source of funding. On a motion made by Councilor Kilby and seconded by President Camara, it was unanimously voted to amend the resolution by striking out "Bristol County ARPA Funds" and inserting in place thereof "City ARPA Funds." On a further motion made by Councilor Kilby and seconded by Vice President Pereira, it was unanimously voted that the resolution be adopted, as amended.

3. The City Council request that the Bristol County District Attorney work to have community service related to memorial repair and maintenance within the Greater Fall River area assigned to those who are found guilty of vandalizing war and/or veterans memorials

Vice President Pereira stated that Councilor Hart had spoken with the Bristol County District Attorney and a recommendation had been made to amend the resolution by striking out the phrase "compel the applicable court" and inserting in place thereof, "argue before the applicable court." Vice President Pereira also emphasized the pain that this vandalism caused to veterans within the community. Councilor Kilby stated that he supported the resolution but that the judge will make the final decision regarding community service assignments. Councilor Kilby asked if a letter could be sent to the Bristol County District Attorney regarding this resolution and the City Clerk confirmed that all resolutions such as this are sent with an attached cover letter. On a motion made by Vice President Pereira and seconded by Councilor Hart, it was unanimously voted to amend the resolution by striking out "compel the applicable court" and inserting in place thereof "argue before the applicable court." On a further motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted that the resolution be adopted, as amended.

CITATIONS – None

ORDERS – HEARINGS

Joint Pole Locations:

4. Massachusetts Electric Company and Verizon New England, Inc. – Installation of one (1) new jointly owned pole on Fifth Street and the relocation of one (1) jointly owned pole on Spring Street

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to adopt the order.

Approved, February 28, 2024

Paul E. Coogan, Mayor

5. Massachusetts Electric Company and Verizon New England, Inc. – Installation of one (1) new jointly owned pole on Pearce Street

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adopt the order.

Approved, February 28, 2024

Paul E. Coogan, Mayor

Curb Removal:

6. St. John's Holy Ghost Association, Inc., 1975 Pleasant Street – Removal of 12 feet, 6 inches at 1975 Pleasant Street/Fielden Street

On a motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted to adopt the order.

Approved, February 28, 2024

Paul E. Coogan, Mayor

ORDERS – MISCELLANEOUS

7. Police Chief's report on licenses:

Taxicab Drivers

Nicholas Costa Judy Palani

Private Livery Drivers

Bruce Domingos Keith Tavares

Private Livery Vehicles

Keith Tavares – One (1) vehicle

On a motion made by Councilor Raposo and seconded by Councilor Hart, it was unanimously voted to adopt the order.

8. Auto Body Shop License Renewals:

Joseph Silva d/b/a Joe's Collision Center, Inc. – 170 Jefferson Street

Paulo J. Medeiros, Sr., d/b/a Paul's Auto Body & Sales – 325 Oman Street

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adopt the order.

Approved, February 28, 2024

Paul E. Coogan, Mayor

9. Auto Repair Shop License Renewals:

Joseph Silva d/b/a Joe's Collision Center, Inc. – 170 Jefferson Street

Antonio F. Pinto d/b/a Pinto's Auto Repair & Sales, Inc. – 2447 South Main Street

Naomi Soares d/b/a RS Performance and Repair – 1030 Dwelly Street

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adopt the order.

Approved, February 28, 2024

Paul E. Coogan, Mayor

COMMUNICATIONS – INVITATIONS – PETITIONS

10. Claims

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was unanimously voted to refer the claims to Corporation Counsel.

11. Open Meeting Law Complaint filed by Patrick Higgins re: alleged violation by the City Council Committee on Ordinances and Legislation – February 15, 2024

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to refer the complaint to Corporation Counsel.

BULLETINS – NEWSLETTERS – NOTICES

12. Massachusetts Department of Utilities Notice of Filing and Request for Comments re Petition of Weaver's Cove Industrial Park, LLC for an exemption from Minimum Bridge Clearance Requirements with a deadline of March 1, 2024 at 5:00 p.m.

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted that the notice be accepted and placed on file.

OTHER POTENTIAL MATTERS TO BE ACTED UPON (if received):

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

- 1a. Proposed Ordinance – Traffic, handicapped parking
Earle Street Garfield Street Oliver Street
Oregon Street Woodman Street

On a motion made by Councilor Raposo and seconded by Vice President Pereira, it was voted 9 yeas to adopt the emergency preamble. On a further motion made by Councilor Raposo and seconded by Councilor Kilby, it was unanimously voted that the proposed ordinance be passed through first reading, second reading, passed to be enrolled and passed to be ordained.

Approved, February 28, 2024

Paul E. Coogan, Mayor

First Reading:

- 1b. Proposed Ordinance – Mattress disposal fee amendments

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted that the proposed ordinance be passed through first reading.

On a motion made by Councilor Raposo and seconded by Councilor Sampson, it was unanimously voted to adjourn at 7:33 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, March 26, 2024

Approved.



City of Fall River Massachusetts
Office of the City Clerk
RECEIVED

2024 FEB 23 A 10:54

ALISON M. BOUCHARD
CITY CLERK

CITY CLERK
FALL RIVER, MA

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
FEBRUARY 27, 2024
AGENDA

5:55 P.M. PUBLIC HEARINGS (OR IMMEDIATELY FOLLOWING THE COMMITTEE ON HUMAN SERVICES, HOUSING, YOUTH, ELDER AND VETERANS' AFFAIRS MEETING IF IT RUNS PAST 5:55 P.M.)

Joint Pole Locations

1. Massachusetts Electric Company and Verizon New England, Inc, for one new jointly owned pole location and one jointly owned pole relocation as follows:

Fifth Street

One (1) new jointly owned pole location

Spring Street

One (1) jointly owned pole relocation

National Grid is proposing to install one jointly owned pole (Pole 8-1/2) on Fifth Street inline between Pole 12 on Rodman Street and Pole 8-1 on Fifth Street. National Grid is also proposing to relocate Pole 9 on Spring Street ten feet northwest of the current location. Pole 9 will move up against the sidewalk curbing and away from the building located at 557 Spring Street.

In accordance with Plan No. #30880143

2. Massachusetts Electric Company and Verizon New England, Inc, for one new jointly owned pole location as follows:

Pearce Street

One (1) new jointly owned pole location

Beginning at a point approximately 185 feet east of the centerline of the intersection of June Street and Rock Street, install new jointly owned Pole 5-50 and install feeder monitors.

In accordance with Plan No. 30838722

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

Curb Removal

3. St. John's Holy Ghost Association Inc., 1975 Pleasant Street, for the removal of curbing as follows:

	Existing Opening	Curbing to be Removed	Curbing to be Added	Combined Opening Proposed After Alteration
1975 Pleasant Street and Fielden Street	15' 6"	12' 6"	0'	28'

The parcel is currently serviced by a 15 foot, 6 inch curb opening/driveway on Fielden Street. The applicant proposes to extend that opening by an additional 12 feet, 6 inches. The total opening for the location will be 28 feet.

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

1. Citizen Input
2. *Resolution – The Committee on Finance convene to discuss funding an Affordable Housing Trust (adopted 2-15-2024)

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

PRIORITY MATTERS

1. *Mayor and request to accept a Zoning Map Amendment for the Waterfront and Transit-Oriented Development District (WTOD)

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

2. *The Committee on Finance convene with the Administration and the "For Youth Initiative" Coordinator to discuss current and future use of Bristol County American Rescue Plan Act funding as well as updates on the program over-all
3. *The City Council request that the Bristol County District Attorney work to have community service related to memorial repair and maintenance within the Greater Fall River area assigned to those who are found guilty of vandalizing war and/or veterans memorials

CITATIONS – None

ORDERS – HEARINGS

Joint Pole Locations:

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5. Massachusetts Electric Company and Verizon New England, Inc. – Installation of one (1) new jointly owned pole on Pearce Street

Curb Removal:

6. St. John's Holy Ghost Association, Inc., 1975 Pleasant Street – Removal of 12 feet, 6 inches at 1975 Pleasant Street/Fielden Street

ORDERS – MISCELLANEOUS

7. **Police Chief's report on licenses:**

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Private Livery Drivers

Bruce Domingos Keith Tavares

Private Livery Vehicles

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COMMUNICATIONS – INVITATIONS – PETITIONS

10. *Claims
11. *Open Meeting Law Complaint filed by Patrick Higgins re: alleged violation by the City Council Committee on Ordinances and Legislation – February 15, 2024

BULLETINS – NEWSLETTERS – NOTICES

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City Clerk

OTHER POTENTIAL MATTERS TO BE ACTED UPON (if received):

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

All readings with Emergency Preamble:

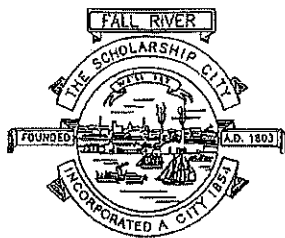
Proposed Ordinance – Traffic, handicapped parking

Earle Street Garfield Street Oliver Street

Oregon Street Woodman Street

First Reading:

Proposed Ordinance – Mattress disposal fee amendments



City of Fall River
Massachusetts
Office of the Mayor

PAUL E. COOGAN
Mayor

RECEIVED

2024 FEB 16 A 11:09

CITY CLERK _____
FALL RIVER, MA

February 16, 2024

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

Dear Councilor President and Members of the Honorable Council:

Attached please find a request to accept the accompanying Zoning Map Amendment for the Waterfront and Transit- Oriented Development District (WTOD).

Your every consideration would be appreciated with this request. Thank you and as always, I am available for any questions or concerns you may have regarding this matter.

Sincerely,

Paul E. Coogan
Mayor

PC/amos



PLANNING
CITY OF FALL RIVER

January 30, 2024

Honorable Paul E. Coogan
City of Fall River
Office of the Mayor
One Government Center
Fall River, MA 02722

Honorable Mayor Coogan:

As we continue our planning efforts throughout the city, we are excited to report two milestones in our Zoning Improvement schedule. At a Public Hearing of the Planning Board held on December 13, 2023, and a Public Hearing of the Zoning Board of Appeals held on January 18, 2024, it was unanimously voted to recommend to the City Council the accompanying Zoning Map Amendment.

The proposed Zoning Map Amendment would expand and extend the existing Waterfront and Transit-Oriented Development District (WTOD) in the following fashion:

Davol Street Northbound	easterly to	North Main Street
Walnut Street	northerly to	A point 640' north of Wayland St.

Originally designed to foster growth along the waterfront corridor, the WTOD encourages various types of development, including multi-family housing, mixed-use residential, retail, commercial, and recreational facilities. This amendment aligns with the Waterfront Urban Renewal Plan (2019) recommendations and ensures compliance with the State's zoning requirements for MBTA Communities.

The City of Fall River has been recognized for its successful execution of the current WTOD, standing out as an example for other communities to emulate.

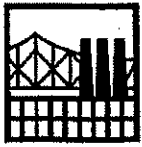
Please reach out to me directly with any questions or concerns.

Sincerely,

Daniel N. Aguiar

On behalf of the City of Fall River Planning Board and Zoning Board of Appeals

Attachments: Proposed WTOD Amendment Map Exhibits and Narrative



PLANNING

CITY OF FALL RIVER

Waterfront and Transit-Oriented Development District (WTOD) Expansion/Extension Zoning Map Amendment

What are we discussing?

The Expansion/Extension of the existing WTOD which currently runs along the edge of the Taunton River easterly to Davol Street Northbound.

What is the WTOD?

The WTOD was originally implemented to provide opportunity along our Waterfront Corridor for:

1. Increased Multi-family Unit Density (4 Units Minimum)
2. Multi-Use Residential, Retail, Commercial and Recreational facilities
3. Reduced parking requirements
4. Reduced parcel size
5. Increased building height
6. Increased Lot Coverage

What are we proposing?

The proposal will Expand/Extend the WTOD district in the following fashion:

Davol Street North	easterly to	North Main Street
Walnut Street	northerly to	A point 640' N. of Wayland Street



PLANNING

CITY OF FALL RIVER

Why now?

- The Waterfront Urban Renewal Plan (2019) recommended modifications similar to those being proposed.
- The area that falls within the developable parcels through the Route 79 project is currently located within the WTOD.
- With the SouthCoast Rail/MBTA Commuter station coming online, the State has mandated a required multi-family housing density within a specific radius to the facility.
- The City of Fall River has been applauded for its implementation of the existing WTOD which is being viewed as an example for other communities.
- The City of Fall River receives no qualifying credit for the existing multifamily structures within the General Residence (G), Local Business (BL), Two Family Residence (R-4), Commercial Mill (CMD) that lie within the contemplated WTOD expansion. This expansion would allow the City to receive credit.

The Map amendment will allow for the following development/redevelopment:

1. Allowing an increase in the unit density of existing structures to create new housing opportunities.
2. Construction of new structures that align with the current opportunities afforded by the WTOD designation.
3. The WTOD specifically provides protection to those Industrial uses within mill buildings in existence prior to 2011.
4. Massachusetts General Laws provides grandfathering protection for all existing uses not currently permitted within the WTOD.
5. Creates a uniform depth of the Zone running parallel to the Taunton River.

PROPOSED WTOD AMENDMENT



LEGEND

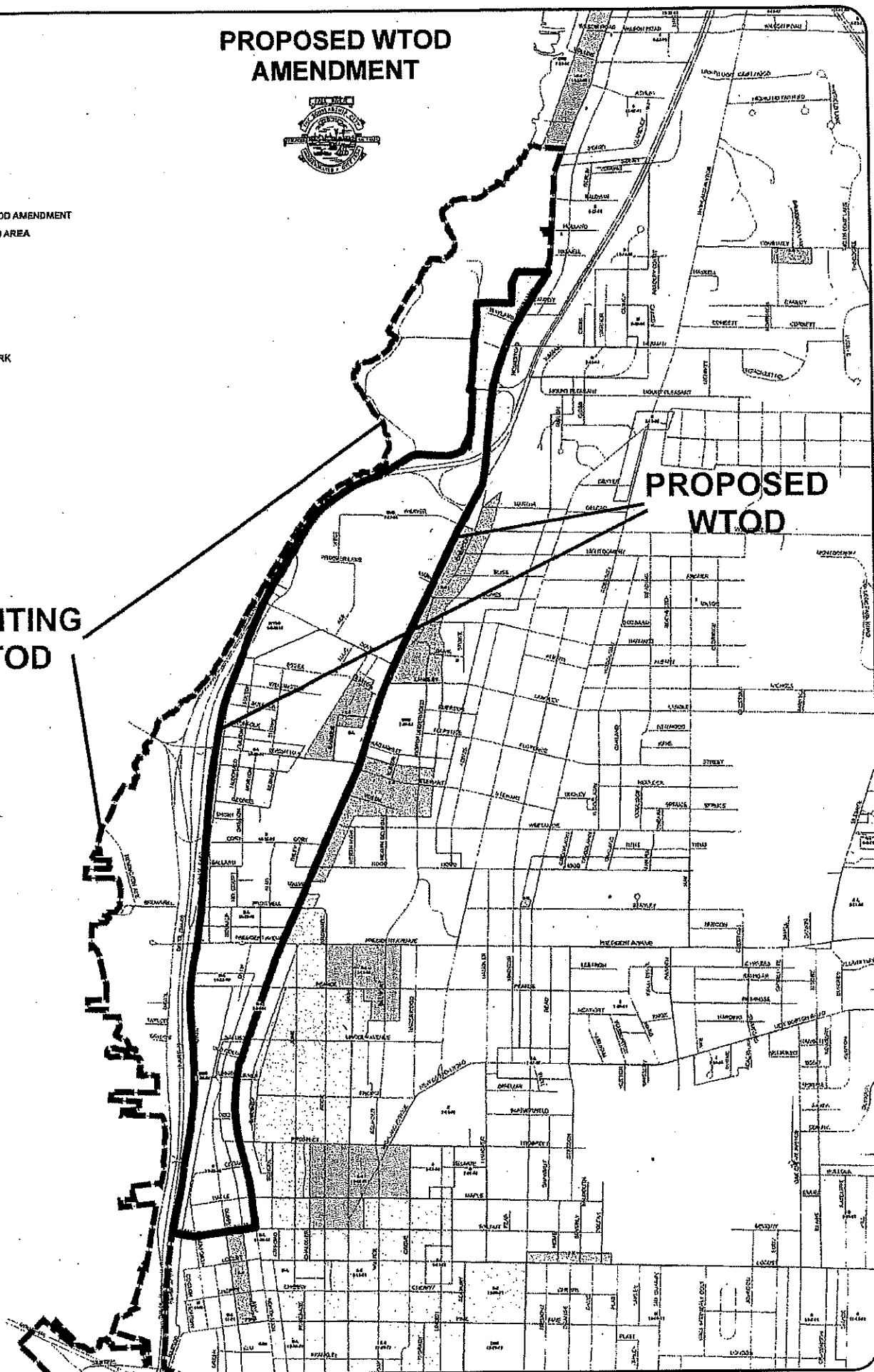
- PROPOSED WTOD AMENDMENT
- EXISTING WTOD AREA
- A-2
- B-L
- B-N
- CBD
- CMD
- G
- INDUSTRIAL PARK
- M
- MBD
- MD
- OS
- R-30
- R-4
- R-8
- R-80
- S
- VR
- WTOD

EXISTING
WTOD

PROPOSED
WTOD



N.T.S.



City of Fall River, *In City Council*

(Councilor Laura-Jean Sampson)

WHEREAS, the "For Youth Initiative", was created in August of 2022 to benefit young people with recreational activities funded by Bristol County American Rescue Plan Act (ARPA) funds, and

WHEREAS, this program provides young people from low and middle-income households opportunities to participate in multiple types of extra-curricular programs, such as music, dance, boxing, and mixed martial arts, and

WHEREAS, the "For Youth Initiative" also benefits the economic growth of small businesses who provide areas for these classes to take place, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the Administration and the "For Youth Initiative" Coordinator for updates regarding how the Bristol County ARPA Funds are currently being utilized within the program and how they will be used in future development of the "For Youth Initiative."

(Filed 2-20-24)

City of Fall River, *In City Council*

(Vice President Linda M. Pereira and Councilor Laura-Jean Sampson)

WHEREAS, the City of Fall River is home to a great number of memorials, many of which honor veterans and fallen soldiers of all branches of the military, and

WHEREAS, a recent event of vandalism of the Iwo Jima Memorial occurred at Veterans Memorial Bicentennial Park, and

WHEREAS, the defacing of these types of monuments is considered exceptionally nefarious and, per M.G.L., Part IV, Title I, Chapter 266, §126A, those who commit these acts on a war or veterans' memorial are required to perform not less than 500 hours of court-approved community service, now therefore

BE IT RESOLVED, that the City Council request that the Bristol County District Attorney compel the applicable court to approve community service specifically in relation to the repair, maintenance and over-all upkeep of all war or veterans' memorials within the Greater Fall River area for any person who is found guilty of this offense.

(Filed 2-22-24)

RECEIVED

City of Fall River
Notice of Claim

2024 FEB 12 P 3:06

1. Claimant's name: EDILSON DE ARAUJO CITY CLERK #24-13
FALL RIVER, MA
2. Claimant's complete address: 19 GRANT ST UNIT 2 FALL RIVER MA 02721
3. Telephone number: Home: 774-520-5757 Work: _____
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: 6/5/23 Amount of damages claimed: \$ 4,401.05 ~~3,401.05~~ \$3401.05
6. Exact location of the incident: (include as much detail as possible):
Intersection of N Main St and Proctor Ave
7. Circumstances of the incident: (attach additional pages if necessary):
MY INSURED ALEXIS SILVA WAS STOPPED AT THE STOP LIGHT WHEN CITY OF FALL RIVER TRUCK STRUCK HER FROM BEHIND
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 contact: Bob Lane 301-441-1216
NORTH AMERICAN RISK SERVICES

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: 1/06/24

Claimant's signature: Kent Jhae

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 Administrator ☒ DPW

Date: 2/12/24



City of Fall River
Notice of Claim

Call Law Dept for status
after 60 days 508-324-
2650

RECEIVED

2024 FEB 14 P 3:33

10

CITY CLERK #24-14
FALL RIVER, MA

1. Claimant's name: Gladys Valentine
2. Claimant's complete address: 164 Hartwell St # 403 Fall River MA 02721
3. Telephone number: Home: (508) 837-7276 Work: 0
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
I was walking out the Bldg. that faces Post Office
5. Date and time of accident: 2/14/24 3:pm Amount of damages claimed: \$ at Hall
6. Exact location of the incident: (include as much detail as possible):
Leaving The Bldg facing The post office city Hall GI
7. Circumstances of the Incident: (attach additional pages if necessary):
I was walking out the Bldg on 2/14/24 @ 3:pm
A large piece of Ice fell off the Bldg hitting
me on back of my head & made me very dizzy
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: 2/14/24

Claimant's signature

Gladys Valentine

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 ☒ Facilities

Date: 2/14/24



City of Fall River
Notice of Claim

RECEIVED

2024 FEB 15 P 1:13

CITY CLERK #24-15
FALL RIVER, MA

1. Claimant's name: KEYLA JULIETE R DOS SANTOS
2. Claimant's complete address: 25 BRANCH ST, 2W APTD
3. Telephone number: Home: 774.294.6206 Work: HOUSE CLEANING
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
MATERIALS DAMAGE
5. Date and time of accident: 01/07/24, 20:50 Amount of damages claimed: \$
6. Exact location of the incident: (include as much detail as possible):
70 BRANCH ST
7. Circumstances of the Incident: (attach additional pages if necessary):
OPC STATED HE WAS TRAVELLING EAST ON BRANCH ST PLOWING SNOW. WHILE DOING SO, HIS PLOW BOUNCE OFF OF THE ROADWAY HITTING A CHUNK OF ICE, AND COLLIDED INTO THE SIDE OF VZ WHICH WAS PARKED LEGALLY ALONGSIDE THE ROADWAY. KEYLA WAS NOT AT THE SCENE!! THIS IS THE INFORMATION IN THE POLICE REPORT
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
MY INSURANCE COMPANY PROGRESSIVE DIRECT INSURA

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: 02/14/2024

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.

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

☒ DPW

Date: 2/15/24



RECEIVED

City of Fall River
Notice of Claim

2024 FEB 16 P 12:09

1. Claimant's name: EDWARD F. STEVENS CITY CLERK #24-Ne
FALL RIVER, MA
2. Claimant's complete address: 571 ALMY RD SOMERSET, MA 02726
3. Telephone number: Home: 508-678-3831 Cell: 774-627-7957 Work: 774-627-7957
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Pothole Damage
5. Date and time of accident: 2/15/24 @ 1 PM Amount of damages claimed: \$ 134.12
6. Exact location of the incident: (include as much detail as possible):
Near 32 Allen St. in front of driveway on East side of street (potholes)
7. Circumstances of the incident: (attach additional pages if necessary):
On 2/15/24 I was driving on Allen St which runs between Hall + Globe St when my right front tire hit 2 potholes causing damage to the sidewall, causing it to lose air. I immediately went up Globe St. to Harry's Tire to have it looked at. Sidewall was damaged beyond repair. I ended up buying a new tire (replacement)
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 (only)

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: 2/16/24 Claimant's signature: Edward F. Stevens

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: <input checked="" type="checkbox"/> City Clerk <input checked="" type="checkbox"/> Law <input checked="" type="checkbox"/> City Council <input type="checkbox"/> City Administrator <input checked="" type="checkbox"/> DCU	Date: <u>2/16/24</u>



City of Fall River
Notice of Claim

#24-17

10

RECEIVED

2024 FEB 16 P 12:27

1. Claimant's name: WILBER & ASSOCIATES O/B/O LM GENERAL INSURANCE COMPANY A/S/O FLORA OLADAPO
CITY OF FALL RIVER, MA
2. Claimant's complete address: 210 LANDMARK DRIVE NORMAL, IL 61761
3. Telephone number: Home: _____ Work: 800-313-5169 ext. 3594
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: 12/12/2023, 9:56 AM Amount of damages claimed: \$ 11,168.89
6. Exact location of the incident: (include as much detail as possible):
NORTH 822 FALL RIVER AVE SEEKONK, MA
7. Circumstances of the incident: (attach additional pages if necessary):
YOUR INSURED, WILLIAM DOUGLAS PIRES, DRIVER OF THE FALL RIVER CITY OF PUBLIC WORKS DEPT VEHICLE,
FAILED TO MAINTAIN THE PROPER LANE OF TRAVEL, THEREFORE CAUSING A COLLISION WITH OUR INSURED,
FLORA OLADAPOS' VEHICLE, CAUSING DAMAGES.
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
LM GENERAL INSURANCE COMPANY P.O. Box 2825 NEW YORK, NY 10116

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: 2-12-2024

Claimant's signature: Madhusmita Senha

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 Administration

☒ DCM

Date: 2/16/24



**City of Fall River
Notice of Claim**

RECEIVED

2024 FEB 20 P 1:32

CITY CLERK 24-18
FALL RIVER, MA

1. Claimant's name: Steven Mello
2. Claimant's complete address: 37 Milford Rd Swansea MA 02777
3. Telephone number: Home: 508-789-5393 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
property damage - car tires due to pot hole
5. Date and time of accident: 01/25/2024 Amount of damages claimed: \$ 236.53
6. Exact location of the incident: (include as much detail as possible):
879 North Main St. across from Family Dollar
7. Circumstances of the incident: (attach additional pages if necessary):
Was driving home and drove over pothole causing damage to my front tire
and blew out my rear tire on passenger side.
Both tires were new (please see attached receipt of purchase dated 10/25/2023).
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: 02/09/2024

Claimant's signature: Steven Mello

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: 2/20/24

RECEIVED

2024 FEB 20 P 2:18

CITY CLERK 24-19
FALL RIVER, MA



City of Fall River
Notice of Claim

1. Claimant's name: Progressive Direct Insurance Company A/S/O MARTINEZ, BIANCA S
2. Claimant's complete address: PO BOX 94639 CLEVELAND, OH 44101
3. Telephone number: Home: 877-818-0139 Work: _____
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: 10/11/2023, 12:01 AM ET Amount of damages claimed: \$ 2,917.72
6. Exact location of the incident: (Include as much detail as possible):
29 STAFFORD RD FALL RIVER, MA USA
7. Circumstances of the incident: (attach additional pages if necessary):
Our insured was travelling at 29 Stafford Rd in Fall River, MA when a city police vehicle with plate # 9EX191 operated by McDonald, John, failed to maintain proper lookout and yield the right of way, improperly backed, and struck our insured's vehicle. We are seeking reimbursement for our insured's vehicle damages.
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
Progressive Direct Insurance Company CLAIM# 23-8741349

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: 2/12/2024

Claimant's signature

SUBROGATION SPECIALIST
Progressive Direct Insurance
Company

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 ☒ Police Date: 2/20/24

RECEIVED

2024 FEB 22 P 12:45

CITY CLERK
FALL RIVER, MA

#24-20



City of Fall River
Notice of Claim

1. Claimant's name: CHERI ANTELO + SUNDAY INEGBENERO
2. Claimant's complete address: 1276 PRESIDENT AVE FALL RIVER, MA. 02720
3. Telephone number: Home: 774-319-9401 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
PROPERTY DAMAGE
5. Date and time of accident: Beginning May 2023 Amount of damages claimed: \$ 6,479.30
6. Exact location of the incident: (Include as much detail as possible):
Basement 1276 President Ave + 2017 Honda Accord
7. Circumstances of the incident: (attach additional pages if necessary):
Construction project on President Ave caused cracks in my foundation and damage to Sunday's car. I have appeared before city council, had a special meeting. Attached is 19 pages of evidence + estimates
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
Plymouth Rock denial letter in packet.

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: 02-22-24

Claimant's signature: Cheri Antelo

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 ☒ DPW

Date: 2/22/24



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

RECEIVED

2024 FEB 16 A 9:13

Your Contact Information:

First Name: Patrick Last Name: Higgins CITY CLERK
FALL RIVER, MA
Address: P O Box 290
City: Northport State: AL Zip Code: 35476
Phone Number: 5086743140 Ext. _____
Email: patrick@openmeetinglawenforcer.com
Organization or Media Affiliation (if any): Patrick Higgins and Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

☐ Individual ☒ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): Fall River CC Committee on Ordinances

Specific person(s), if any, you allege committed the violation: Linda Pereira, Vice President

Date of alleged violation: 2/15/24

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Fall River City Council Committee on Ordinances & Legislation violated the open meeting law as follows:

1. They held an illegal meeting on Feb 15, 2024. On Feb 14, 2024 at 12:34 pm, they posted an amended agenda changing the date of their Ordinance meeting from Feb 13, 2024 to Feb 14, 2024, all other items are the same. An amended agenda can only be used to "amend" agenda topics to be discussed at a previously posted meeting, NOT AMEND THE DATE. An Amendment to a date requires a new posted agenda with the proper 48 hours notice, which this agenda does NOT provide.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

ALL members of this public body MUST attend a formal open meeting law training without delay, the schedule can be found at: <https://www.mass.gov/info-details/open-meeting-law-trainings>

Vacate all actions taken at this illegal meeting and deliberate on these agenda topics at a properly posted meeting.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

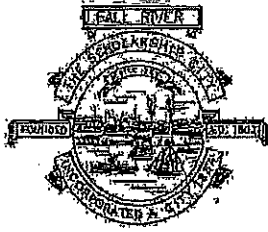
The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 969-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 2/15/24

For Use by Public Body:  For Use by AGO: 
Date Received by Public Body:  Date Received by AGO: 



LAUREN A. VALCOURT
CLERK OF COMMITTEES

CITY OF FALL RIVER, MASSACHUSETTS

CITY COUNCIL
RECEIVED

2024 FEB 14 12 02 30

CITY CLERK
FALL RIVER, MA

ORIGINAL POSTING: FEBRUARY 12, 2024 AT 2:43 P.M.

CITY COUNCIL COMMITTEE ON ORDINANCES AND LEGISLATION

THURSDAY, FEBRUARY 15, 2024 AT 5:00 PM

CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

REVISED AGENDA

1. Citizen Input
2. Minutes – January 22, 2024
3. Proposed Ordinance – Amendment to the Duty of property owners to keep premises free of litter and weeds (referred 8-30-2023)
4. Mayor and communication re amendment of the fee schedule with adoption of new fees relative to Farmer Brewer Distillery Pouring Permits for wine and spirits as well as All Distillery Pouring Permits (referred 1-23-2024)


Clerk of Committees

ADA Coordinator: Gary P. Howayek, Esq. 508-324-2660

One Government Center • Fall River, MA 02722



11

The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- a. Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- b. To file the complaint:
 - For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- c. If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

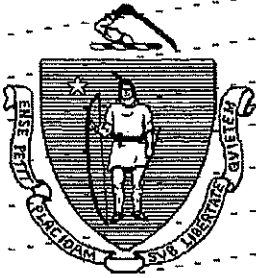
Instructions for a public body that receives a complaint:

- a. The chair must disseminate the complaint to the members of the public body.
- b. The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- c. After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- d. If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- a. If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- b. When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- c. The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 962-2540 or by email at openmeeting@state.ma.us.



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND REQUEST FOR COMMENTS

D.P.U. 24-13

February 16, 2024

Petition of Weaver's Cove Industrial Park, LLC to the Department of Public Utilities, pursuant to G.L. c. 160, §98, for an exemption from Minimum Bridge Clearance Requirements in connection with New Street overhead bridge over South Coast Rail, Fall River Subdivision, mile 9.17, Fall River, Massachusetts.

On January 29, 2024, the Department of Public Utilities ("Department") received a petition from Weaver's Cove Industrial Park, LLC ("Company"), pursuant to G.L. c. 160, § 98, seeking the Department's consent for an exemption from the minimum vertical height requirements for a bridge located at mile 9.17 on the Massachusetts Bay Transportation Authority's ("MBTA") South Coast Rail line in Fall River, Massachusetts. The Department has docketed this petition as D.P.U. 24-13.

In its petition, the Company states that it owns a 50-acre parcel of land located at One New Street, Fall River, Massachusetts. This parcel is located on the western side of the South Coast Rail Fall River Subdivision Layover Facility. To reach this parcel, it is necessary to pass over a bridge which carries New Street over the railroad tracks at mile 9.17 ("Bridge 9.17"). Those tracks are owned by MBTA and service both the South Coast Rail portion of the MBTA Commuter Rail and Massachusetts Coastal Railroad. The Company states it owns Bridge 9.17 and is responsible for maintaining the bridge. Bridge 9.17 currently has a vertical clearance of 18'-3".

In its petition, the Company states that Bridge 9.17 consists of two masonry abutments and a steel stringer superstructure with a wood deck. While the masonry abutments are in good condition, the steel superstructure dates to 1903 and exhibits considerable corrosion loss. As a result, the Company states, Bridge 9.17 is no longer capable of supporting its designed load capacity. The Company indicates that it plans to replace the steel superstructure with pre-stressed concrete beams of highway HL-93 capacity. This will allow Bridge 9.17 to support all street-legal load conditions. The new bridge will also have standard MassDOT concrete bridge curbs and railings which serve to prevent a vehicle from traveling over the side of the bridge and onto the tracks below.

The Company further states that the vertical clearance of the new Bridge 9.17 will be 20'-6" as the design is constrained on the eastern approach by the short distance from the bridge to the intersection of New Street with North Main Street. The design is also constrained on the western approach by a steep approach grade and a 90-degree left turn necessary to enter the bridge.

12

The Company contends that the reduced vertical clearance of the new Bridge 9.17 is consistent with other overhead bridges on the MBTA's South Coast Rail lines in Fall River and New Bedford, which have vertical clearances ranging from 20'-4" to 20'-10". These other bridges were granted waivers by the Department in D.P.U. 19-68 on November 9, 2019. Finally, the Company states that neither MBTA nor Massachusetts Coastal Railroad objects to the proposed Bridge 9.17 vertical clearance of 20'-6". Included with the Company's filing is a letter from Massachusetts Coastal Railroad indicating their consent to the proposed 20'-6" vertical clearance.

Pursuant to G.L. c. 160, § 98, no bridge shall be constructed over a railroad track at a height of less than 22'-6" without the Department's approval. Accordingly, the Department will review and determine the propriety of the Company's petition, including whether an exemption from the vertical height clearance requirement will affect existing and anticipated rail car access and is consistent with public safety.

Any person interested in commenting on the Company's filing may submit written comments to the Department no later than the close of business (5:00 p.m.) on **Friday, March 1, 2024**. Written comments from the public may be sent by email to dpu.efiling@mass.gov, kate.e.timberlake@mass.gov, and Richard A. Nylen, Jr. Esq., counsel for Weaver's Cove Industrial Park, LLC, at RNylen@ldnllp.com. Please note that in the interest of transparency any comments will be posted to our website as received and without redacting personal information, such as addresses, telephone numbers, or email addresses. As such, consider the extent of information you wish to share when submitting comments. The Department strongly encourages public comments to be submitted by email. If, however, a member of the public is unable to send written comments by email, a paper copy may be sent to Mark D. Marini, Secretary, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110.

Any person who desires to participate otherwise in the evidentiary phase of this proceeding shall file a petition for leave to intervene no later than 5:00 p.m. on **Friday, March 1, 2024**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. Receipt by the Department constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. All responses to petitions to intervene must be filed by the close of business (5:00 p.m.) on the second business day after the petition to intervene was filed.

All documents should be submitted to the Department in **pdf format** by email attachment to dpu.efiling@mass.gov and kate.e.timberlake@mass.gov. The text of the email must specify: (1) the docket number of the proceeding (D.P.U. 24-13); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. All documents submitted in electronic format will be posted on the Department's website through our online File Room as soon as practicable (enter "24-13") at: <https://eeaaonline.eea.state.ma.us/DPU/FileRoom/dockets/bynumber>. In addition, one copy of all

Written comments and petitions to intervene should be emailed to the Company's attorney, Richard A. Nysten, Jr. Esq., at RNysten@ldnllp.com.

The filing and all subsequent related documents submitted to the Department or issued by the Department will be available on the Department's website as referenced above as soon as is practicable. To the extent a person or entity wishes to submit comments or intervene in accordance with this Notice, electronic submission, as detailed above, is sufficient. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Department's ADA coordinator at Andrea.R.Casul@mass.gov.

For further information regarding the Company's filing, please contact the Company's attorney, identified above. For further information regarding this Notice, please contact Kate E. Timberlake, Hearing Officer, Department of Public Utilities, at kate.e.timberlake@mass.gov.

SERVICE LIST**(D.P.U. 24-13)**

mayor@fallriverma.gov
Paul Coogan, Mayor, City of Fall River
One Government Center
Room 619
Fall River, MA 02722

FALL RIVER CITY COUNCIL

One Government Center
Room 221
Fall River, MA 02722

COUNCILLORS:

city_council@fallriverma.gov
Joseph D. Camara, City Councilor

lindacitycouncil1@gmail.com
Linda M. Pereira, City Councilor

scadime.citycouncil@gmail.com
Shawn E. Cadime, City Councilor

mdionne2019@yahoo.com
Michelle M. Dionne, City Councilor

BradfordKilby@aol.com
Attorney Bradford L. Kilby, City Councilor

phart@fallriverma.gov
Paul B. Härt, City Councilor

cponte@fallriverma.gov
Cliff Ponte, City Councilor

RaposoFRCC@gmail.com
Andrew J. Raposo, City Councilor

laurajeonfallriver@gmail.com
Laura-Jean Sampson, City Councilor

MBTA GENERAL COUNSEL

Douglas.M.McGarrah@dot.state.ma.us

Douglas M. McGarrah, Esq., General Counsel/MassDOT & MBTA

KEOLIS GENERAL COUNSEL

David.Mitrou@keoliscs.com

David T. Mitrou, Chief Legal Officer & Vice President of Strategy

Keolis Commuter Services, LLC

53 State Street, 11th Fl.

Boston, MA 02109

MASSACHUSETTS COASTAL RAILROAD

cpodgurski@masscoastal.com

Chris Podgurski, President

Massachusetts Coastal Railroad

200 Myles Standish Blvd., Suite 3

Taunton, MA 02780

12

LYNCH, DESIMONE & NYLEN, LLP

ATTORNEYS AT LAW

10 POST OFFICE SQUARE, SUITE 970N

BOSTON, MASSACHUSETTS 02109

Telephone: (617) 348-4500

Facsimile: (617) 348-4545

Email: RNylen@ldnllp.com

JOHN M. LYNCH, P.C.

ERNEST P. DESIMONE

RICHARD A. NYLEN, JR.

STEPHEN W. DECOURCEY

SHANNON MICHAUD

OF COUNSEL

JAMES W. MURPHY

WAYNE H. SCOTT

February 9, 2024

Via Email

RE: Petition of Weaver's Cove Industrial Park LLC, to the Department of Public Utilities, pursuant to G.L. c. 160, § 98, for an exemption from Minimum Bridge Clearance Requirements in connection with New Street overhead bridge over South Coast Rail, Fall River Subdivision, mile 9.17, Fall River, Massachusetts, D.P.U. 24-13

Dear Honorable Paul Coogan, Mayor; Members of the Fall River City Council, General Counsel, Douglas M. McGarrah, Esq./MBTA; General Counsel, David T. Mitrou/Keolis Commuter Services, LLC; and Chris Podgurski, President/Massachusetts Coastal Railroad:

This office represents Weavers's Cove Industrial Park, LLC ("WCIP") with respect to its Petition to the Department of Public Utilities ("DPU") for a waiver of the height for a rehabilitated bridge on New Street leading to the WCIP 50-acre parcel. As stated in the attached Notice of Filing and Request for Comments, the bridge on New Street has a zero rating and needs to be replaced. It was built pursuant to an easement it holds on the air rights from the MBTA. The bridge passes over the MBTA tracks leading to the South Coast Rail Layover Facility.

WCIP intends to reconstruct the bridge at a new elevation of 20'-6" which is consistent with all of the bridge heights along the South Coast Rail project. As M.G.L. c.160, §98 requires a 22'-6" height, a formal waiver is required from the DPU. Waivers have been granted by the DPU to the other bridges along the South Coast Rail route. The MBTA has indicated to WCIP that they are not opposed to this waiver.

Please be advised that there is a public comment period through March 1st and WCIP would appreciate if you would present a short letter to the DPU supporting the reconstruction of the bridge which is necessary to provide access to the 50-acre parcel, the site of the former Shell Refinery, so that the cleanup can be completed and the site redeveloped.

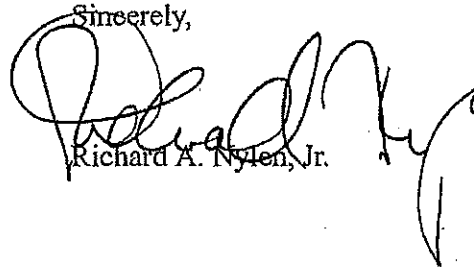
We look forward to your comments and any questions that you may have.

February 9, 2024

2 | Page

Thank you very much for your courtesies.

Sincerely,



Richard A. Nylen, Jr.

RAN/kad
Enclosure

cc: The Honorable Paul Coogan, Mayor, City of Fall River
Joseph D. Camara, City Council/Fall River
Linda M. Pereira, City Council/Fall River
Shawn E. Cadime, City Council/Fall River
Michelle M. Dionne, City Council/Fall River
Bradford L. Kilby, Esq., City Council/Fall River
Paul B. Hart, City Council/Fall River
Cliff Ponte, City Council/Fall River
Andrew J. Raposo, City Council/Fall River
Laura-Jean Sampson, City Council/Fall River
Douglas M. McGarrah, Esq., General Manager/MBTA
David T. Mitrou, Chief Legal Officer & VP Strategy/Keolis Commuter Services, LLC
Chris Podgurski, President/Massachusetts Coastal Railroad

G:\Shared drives\Nylen\Chip\Thibeault, William\Weaver's Cove-Fall River\DPULetter re Notice of Filing and Request for Comments 02-08-24.docx