

City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

JANUARY 10, 2014

INÊS LEITE
ASSISTANT CITY CLERK

MEETINGS SCHEDULED FOR NEXT WEEK

TUESDAY, JANUARY 14, 2014

6:00 P.M. COMMITTEE ON FINANCE

1. *Discussion of loan order for \$527,000 – North Park Improvements
2. *Quarterly financial briefing

AGENDA

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

PRIORITY MATTERS

1. *Mayor and order confirming appointment and approving employment agreement of Fire Chief

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS

Committee on Finance recommending:

Referral to Committee on Ordinances and Legislation:

2. Resolution – Update on spending of \$560,000 city building improvement loan order

ORDINANCES – None

RESOLUTIONS

3. *Notice be given of Government Center closings on the City's website, entrances to building, and local media
4. *Comm. on Ordinances and Legislation propose ordinance for quarterly updates on the progress of all projects funded by loan orders
5. *Board of Park Commissioners consider designating park land for a soccer field

CITATIONS – None

ORDERS – HEARINGS FOR TONIGHT – None

ORDERS – HEARINGS TO BE SCHEDULED – None

ORDERS – NO HEARING REQUIRED – None

ORDERS – MISCELLANEOUS

6. *City Council meeting schedule January through June 2014
7. Police Chief's report on licenses
8. Auto body shop renewals
9. Auto repair shop renewals
10. City Engineer prepare plans for acceptance of Line Rd, from 100A Sportsmans Rd, Tiverton, RI to Cherry Ln

COMMUNICATIONS – INVITATIONS – PETITIONS

11. *Claims
12. *Mass DEP and communications re: BFI Landfill
 - a) Draft permit approval for authorization to construct a large handling facility
 - b) Approval of variance request from solid waste management regulations

BULLETINS – NEWSLETTERS – NOTICES – None

Alison M. Bouchard
City Clerk

**LOAN ORDER
North Park Improvements**

ORDERED: That the City hereby appropriates Five Hundred Twenty-Seven Thousand Dollars (\$527,000) to pay costs of making renovations and improvements to North Park, including, but not limited to the installation of a handicapped accessible playground, improvements to pedestrian pathways, installation of benches, creation and installation of signage with historical information about the park, and the installation of fencing around the park, including the payment of all costs incidental and related thereto, and that to meet said appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, Section 7(25) or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The Board of Park Commissioners is authorized to file on behalf of the City any and all applications deemed necessary for grants and/or reimbursements from The Commonwealth of Massachusetts deemed necessary under the Land and Water Conservation Fund Act and/or any others in any way connected with the scope of this Order, and the Mayor and any other appropriate officers of the City are authorized to enter into all agreements and execute any and all instruments as may be necessary to carry out the purposes of this Order, and

BE IT FURTHER ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City to be issued pursuant to this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require.

CITY OF FALL RIVER
IN CITY COUNCIL

DEC 17 2013

*Authorized to be
published and referred
to the Committee on
Finance, 9 years*

Finance 1



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

RECEIVED

2013 DEC 12 A 9:59

WILLIAM A. FLANAGAN
Mayor

CITY CLERK _____
FALL RIVER, MA

December 11, 2013

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

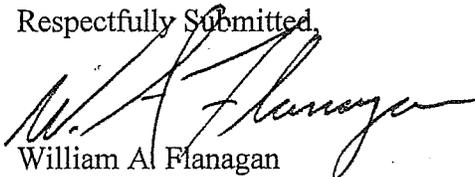
Dear Members of the City Council:

It is respectfully requested that the City Council approve the North Park Project loan order.

The City has been awarded a Land and Water Conservation Fund grant in the amount of \$169,752 to make improvements to North Park, which will include installation of a handicapped accessible playground. Additional project components will include improvements to pedestrian pathways, installation of benches, creation and installation of signage with historical information about the park, and installation of fencing around the playground.

The state funding source, Massachusetts Executive Office of Energy and Environmental Affairs Division of Conservation Services, requests a certified copy of the Council's vote to appropriate, expend from available funds, or borrow an amount equal to the total project cost of \$527,000, by the end of the calendar year. Your expeditious approval is appreciated.

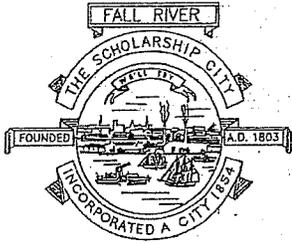
Respectfully Submitted,


William A. Flanagan
Mayor

**CITY OF FALL RIVER
IN CITY COUNCIL**

DEC 17 2013

Accepted on file



City of Fall River
Massachusetts
Office of the Mayor

Finance 2

WILLIAM A. FLANAGAN
Mayor

CATHY ANN VIVEIROS
City Administrator

DATE: January 9, 2014

TO: Honorable Members of the Fall River City Council

FROM: Cathy Ann Viveiros, City Administrator *aw*

RE: Quarterly Financial Briefing

CITY CLERK
FALL RIVER, MA

2014 JAN -9 P 3:32

RECEIVED

Councilors:

Pursuant to your Resolution requesting quarterly financial updates, members of the financial team have arranged a presentation for you during the Finance Committee Meeting on January 14, 2014. The information will cover the first 6 months of FY 2014. We are providing the attached information in advance of the meeting to allow time for your review. Please note that a similar presentation regarding the enterprise accounts has been scheduled for the January 28, 2014 meeting.

As this will be our first quarterly briefing, we have developed a format which aligns with the Municipal Budget. Your comments and suggestions for future briefing formats are most welcome.

Please feel free to contact Treasurer John Nunes, Tel: 508-324-2260, Auditor Krishan Gupta, Tel: 508-324-2200 or City Administrator Cathy Viveiros, Tel: 508-324-2600 with any advance questions or requests you may have.

Thank you.

City of Fall River
FY14 Budget Analysis: Dec 31, 2013

	Original Budget (*)	Revised Budget	Actuals As of 12/31/13	% Used
Administrative Services	2,604,674	2,623,281	1,341,812	
City Administration	204,510	204,510	94,824	46.4%
Human Resources	261,213	261,213	133,068	50.9%
Information Systems	1,299,611	1,307,261	749,810	57.4%
Law Department	628,218	628,218	270,527	43.1%
Purchasing	211,122	222,079	93,583	42.1%
Community Maintenance	12,633,755	12,885,373	5,514,926	
Cemeteries	333,014	333,014	151,312	45.4%
Engineering	214,250	214,930	95,935	44.6%
Parks & Recreation	937,005	1,112,005	420,295	37.8%
Buildings	1,900,867	1,902,123	801,106	42.1%
Streets & Highways	2,639,295	2,677,451	1,071,368	40.0%
Sanitation - Enterprise Fund	5,421,157	5,427,648	2,597,031	47.8%
Snow Removal	526,243	526,243	70,887	13.5%
Traffic and Parking	517,830	517,865	238,033	46.0%
Trees	144,094	174,094	68,959	39.6%
Community Service	2,896,353	2,908,764	1,353,211	
City Planning/License Board	311,311	311,311	134,758	43.3%
Code Enforcement	986,228	986,228	473,262	48.0%
Health & Human Services	509,309	509,309	238,194	46.8%
Library	1,089,505	1,101,916	506,996	46.0%
Community Utilities	25,983,772	27,221,169	16,948,607	
Water - Enterprise Fund	7,412,156	7,689,573	4,561,888	59.3%
Sewer - Enterprise Fund	18,571,616	19,531,596	12,386,719	63.4%
Financial Services	12,207,155	12,337,654	7,076,593	
Assessors	492,877	492,877	186,012	37.7%
Auditor	578,756	624,255	317,394	50.8%
Collector	372,777	372,777	184,406	49.5%
Treasurer	538,277	623,277	349,518	56.1%
Debt Service	10,224,468	10,224,468	6,039,264	59.1%
Fire and Emergency Services	14,451,623	14,461,519	7,215,109	
Emergency Medical Services (Enterprise Fund)	3,001,237	3,006,871	1,526,106	50.8%
Fire/FREMA	11,450,386	11,454,648	5,689,003	49.7%
Miscellaneous Departments	179,156,544	183,528,096	82,962,526	
City Clerk	348,044	348,044	160,660	46.2%
City Council	219,939	219,939	94,894	43.1%
Claims and Damages	400,000	400,000	174,991	43.7%
Elections	271,228	271,228	142,080	52.4%
Harbor Master	23,279	23,279	4,077	17.5%
Mayor's Office	239,069	239,069	119,001	49.8%
Police	19,303,959	19,303,959	9,585,517	49.7%
Reserve Fund	100,000	663,000	-	0.0%
School Department	91,000,000	91,011,208	30,929,862	34.0%
Veterans	3,031,861	3,031,861	1,568,022	51.7%
Vocational Assessments	3,326,126	3,326,126	1,618,372	48.7%
Employee Benefits	60,893,039	61,481,871	35,356,538	57.5%
Transfers to Capital Project	-	208,512	208,512	100.0%
Freecash Transfer to Stab Fund	-	3,000,000	3,000,000	100.0%
Grand Total	249,933,876	255,965,856	122,412,785	47.8%

A. Note on General Fund Budgetary Revisions

Budget Revision 1 (9/17/13)

From Tax Levy	
-Reserve Fund	563,000
-Insurance	200,000
-Community Maintenance, Capital Outlays	30,000
	<u>793,000</u>

Budget Revision 2 (11/12/13)

From Tax Levy	
-Energy Conservation Capital Projects	208,512
-Financial Services	125,000
-Insurance	388,832
	<u>722,344</u>

Free cash transfer to Stab Fund 3,000,000

PYR encumbrances (POs) rolled over 267,113
 (7/1/2013)

B. Note on Enterprise Funds Budgetary Revisions

**PYR encumbrances (POs) rolled over
 (7/1/2013)**

Sanitation	6,491
EMS	5,634
Water	277,417
Sewer	959,980
	<u>1,249,522</u>

C. Open Encumbrances as of 12/31/13:

The expenditures above do not include currently open encumbrances
 for the outstanding Purchase Orders/Requisitions

General Fund:

Open POs City	1,195,269
Open POs Schools	7,231,482
	<u>8,426,751</u>

Enterprise Funds:

Sanitation	1,018,417
EMS	66,032
Water	527,618
Sewer	3,405,022
	<u>5,017,089</u>



WILLIAM A. FLANAGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2014 JAN -9 P 4:57

CITY CLERK _____
FALL RIVER, MA

January 9, 2014

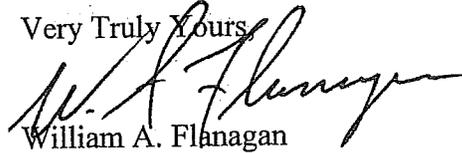
Joseph Camara
City Council President
One Government Center
Fall River, MA 02722

RE: Fire Chief Contract

Dear Council President:

Please find attached an Employment Agreement to be entered into between the City of Fall River and Robert Viveiros, Acting Fire Chief and an appointment letter. I respectfully request the Council's approval of the Employment Agreement and the appointment of Robert Viveiros to the position of Fire Chief at its next scheduled meeting.

Very Truly Yours



William A. Flanagan
Mayor

Encl.

City of Fall River, In City Council

ORDERED, that the appointment by the Mayor of Robert Viveiros as Fire Chief be and the same is hereby confirmed, and be it further

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



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

RECEIVED

2014 JAN 10 P 12:12

CITY CLERK _____
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

January 9, 2014

Alison Bouchard
City Clerk
City of Fall River
One Government Center
Fall River, MA 02722

RE: Appointment of Fire Chief

Dear Madam Clerk:

I hereby appoint Robert Viveiros to the position of Fire Chief and I certify that in my opinion he is a person specially fitted by education, training or experience to perform the duties of said office, and that I make the appointment solely in the interest of the city.

Sincerely,

William A. Flanagan
Mayor

EMPLOYMENT AGREEMENT

This employment agreement is made by and between the City of Fall River, a municipal corporation, One Government Center, Fall River, Massachusetts 02722 (hereinafter called the "City") and Robert Viveiros, (hereinafter referred to as "FIRE CHIEF").

In consideration of the mutual promises and agreements herein contained, the City hires and employs the FIRE CHIEF and the FIRE CHIEF agrees to work for and enter into the service of the City in accordance with the following terms hereby agreed upon.

DUTIES

The FIRE CHIEF shall be the head of the Fall River Fire and Emergency Services Department (hereinafter referred to as the "Fire Department") and shall be responsible and accountable for the effective management and operation of said department in accordance with all applicable laws and collective bargaining agreements. The FIRE CHIEF shall act under the supervision and direction of the Mayor. The FIRE CHIEF shall have the authority necessary to effectively and efficiently operate the Fall River Fire Department and shall perform any and all duties as outlined, including, but not limited to, the following:

- A. Supervise the daily operations of the Fire Department;
- B. Supervise all Fire Department personnel;
- C. Prepare and submit the Fire Department budget;
- D. Submit reports to the Mayor either orally or in writing when requested or required in order to ensure the proper communication between the Mayor and the Fire Department.
- E. Assume responsibility for all Fire Department expenditures, as well as the receipt of funds and property in the custody of the Fire Department;
- F. Supervise and control all Fire Department equipment and motor vehicles belonging to or used by the Fire Department;
- G. Supervise and control all training programs for the Fire Department personnel and the assignment of personnel to such programs;
- H. Maintain the discipline of the Fire Department personnel; issue orders, rules, regulations, policies and procedures (hereinafter referred to as S.O.P.'s); and the assignment to tours, shifts and duties of all departmental personnel;
- I. Assume the responsibility for planning, organizing, directing, staffing and coordinating fire prevention and firefighting operations;
- J. Assume responsibility for communications with the public on matters related to fire safety, fire operations and department policy; and
- K. Discipline members of the Fire Department when necessary, including but not limited to, oral, written, suspension and termination of individual members in accordance with the applicable law.

PERFORMANCE

The FIRE CHIEF shall devote sufficient time, skill and attention to his employment as FIRE CHIEF and shall perform his duties in an efficient, trustworthy, and professional manner, adhering strictly to the City policies, and shall at all times act in the best interest of the City. The FIRE CHIEF shall, without further compensation, devote such evening hours as are required for the proper performance of his duties, such as attendance at City Council meetings, board meetings and shall travel within and outside of the Commonwealth of Massachusetts for such

EMPLOYMENT AGREEMENT

periods of time as required by the Mayor, the expenses for such travel shall be paid by the City. It is recognized that the FIRE CHIEF must devote time outside of the Fire Department's normal office hours (Monday – Friday, 8:00 AM to 4:00 PM) to complete Fire Department business and respond to emergencies and, to that end, the FIRE CHIEF shall be allowed to take compensatory time off during said normal office hours at such times as to interfere least with the efficient operation of the Fire Department.

PERFORMANCE EVALUATION

The FIRE CHIEF'S performance may be reviewed and evaluated in accordance with Chapter 31 of the General Laws of the Commonwealth of Massachusetts.

COMPENSATION AND BENEFITS

The City agrees to pay EMPLOYEE an annual base salary of one hundred and thirty six thousand dollars (\$136,000.00) payable at the same time and manner as other employees of the City of Fall River. Said salary shall thereafter be adjusted with increment raises or adjustments in the same amount and at the same time as other employees of the Fire Department, as covered under I.A.F.F. Local #1314 collective bargaining agreement.

The EMPLOYEE shall be entitled to the following benefits:

- A. Health and Dental Insurance, as provided to other employees of the Fire Department;
- B. Retirement Benefits, as calculated and provided to other employees of the Fire Department;
- C. Life Insurance, as provided to other employees of the Fire Department;
- D. Voluntary Deferred Compensation, as offered to other employees of the Fire Department;
- E. Sick leave, personal days, sick leave incentive days, bereavement leave and holiday pay, as provided to other employees of the Fire Department;
- F. Six weeks vacation per calendar year during the life of the contract and an additional six weeks of accumulated unused vacation time earned prior to the commencement of this agreement. The time for such vacation in each year shall be reasonably approved by the Mayor after having considered the request of the Fire Chief, but to interfere least with the efficient operation of the Fire Department. Unused vacation time shall expire at the end of this Agreement.
- G. Forty Five (45) vacation days, sick time, personal time and comp time earned and unused prior to the commencement of this agreement shall be paid to Employee at an hourly rate of \$53.93 within a reasonable time subsequent to the signing of this Agreement.

EMPLOYMENT AGREEMENT

AUTOMOBILE

The City shall provide a fire department vehicle, radio communication equipped, for use by the FIRE CHIEF in connection with the performance of his duties. All attendant operating and maintenance expenses and insurance shall be paid by the City. The parties acknowledge that the FIRE CHIEF frequently performs duties and responds to emergencies outside of normal office hours and therefore the FIRE CHIEF is authorized to use said vehicle at his discretion both during and outside of normal office hours.

TERM

This employment agreement shall be for the period of January 15, 2014 to December 31, 2015. This Agreement shall remain in full force and effect until December 31, 2015, and shall further continue in effect from day to day thereafter until a successor Agreement is duly executed by the parties.

TERMINATION

The termination of this Agreement shall be in accordance with the provisions of Chapter 31 of the General Laws of the Commonwealth of Massachusetts.

PROHIBITION OF POLITICAL ACTIVITY

The FIRE CHIEF shall not engage in any political activity.

NON-ASSIGNMENT

The FIRE CHIEF shall not be allowed to assign this contract, nor any of the rights and duties herein, without the prior written consent of the City.

ENTIRE AGREEMENT/AMENDMENT

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

MASSACHUSETTS LAW

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

EMPLOYMENT AGREEMENT

IN WITNESS WHEREOF, the parties have executed this Agreement this _____ day of January 2014.

William A. Flanagan, Mayor

Dated: _____

Robert Viveiros, Fire Chief

Dated: _____

Approved as to form and manner of execution

Elizabeth Sousa, Corporation Counsel

Dated: _____

City of Fall River, In City Council

3

(Councilor Michael L. Miozza)
(Councilor Raymond A. Mitchell)

WHEREAS, residents of the City of Fall River attempted to conduct business at Government Center on December 31, 2013, and

WHEREAS, Government Center was closed on December 31, 2013, and

WHEREAS, there were no visible signs posted and no information listed on the City of Fall River website noting the closure, and

WHEREAS, more and more residents are using the website to access information, now therefore

BE IT RESOLVED, that all closings of Government Center be posted on the City of Fall River website, and

BE IT FURTHER RESOLVED, that this information also be posted on entrances to Government Center days prior and that press releases be sent to notify the local media.

City of Fall River, In City Council

4

(Councilor Raymond A. Mitchell)
(Councilor Michael L. Miozza)

WHEREAS, any municipal projects that require loan orders or bonds for funding usually take an extended period of time to complete, and

WHEREAS, there are many occasions that changes need to be made to original requests or plans, now therefore

BE IT RESOLVED, that the City Council Committee on Ordinances and Legislation propose an ordinance which will require the administration to provide quarterly updates on the progress of all work associated with projects that have required loan orders for funding.

City of Fall River, In City Council

(Councilor Raymond A. Mitchell)
(Councilor Michael L. Miozza)

WHEREAS, soccer is currently one of the fastest growing sports, and

WHEREAS, organized soccer teaches our youth good sportsmanship, honesty and is a perfect form of physical exercise, and

WHEREAS, there are very few designated soccer fields in the City of Fall River, now therefore

BE IT RESOLVED, that the Board of Park Commissioners consider designating an area in one of the parks for a soccer field.

City of Fall River, In City Council

6

ORDERED, that regular meetings of the City Council during 2014 shall be held as follows, and

BE IT FURTHER ORDERED that at said meetings the Committee on Finance shall begin at 6:00 PM, and the Regular Meeting of the City Council shall begin at 7:00 PM.

January	28
February	11 25
March	11 25
April	8 22
May	13 27
June	10 24

All meetings shall be held in the Council Chamber, Government Center.

cc

11

RECEIVED

CLAIM FORM
City of Fall River, Massachusetts

DEC 16 A 10:35

Name: Jessica Ennis CITY CLERK 13-151
FALL RIVER, MA

Address: 410 Richmond St
Fall River ma 02721

Phone #: 508 661 7958 / 401 692 2835 cell

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: Dec 9, 2013

Time of Incident: 7:15 AM

Location of Incident: Quechashan, Quarry, Jefferson

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

right before the over pass after
Walmart pot hole measured 10in deep
had to replace rim tire and get
towed. was not the only one
that morning.

orig & 2 copies Law
1 DPW
1 CS
1 city clerk

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

CC

RECEIVED

CLAIM FORM

City of Fall River, Massachusetts

2013 DEC 17 P 12:30

Name: Bernadette Pius CITY CLERK 13-152

Address: 120 Acorn Dunes Ct FALL RIVER, MA
Portsmouth RI 02871

Phone #: 401-855-2659

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 12/17/03

Time of Incident: 12:00

Location of Incident: South Main St

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

going to put money in the meter

before I went to put the money in
I fell down on the ice AND
hurt my knee and the
bone is bruised
+ the skin has been scuffed.

My coffee + phone fell on the
ground - I didn't see the phone until
I put the money in the meter and turning
to go to the Dollar Fun store

also I fell on my whole elbow + arm
12/17/03
side right
palm of
my right
hand

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

orig + 2 copies Law
1 TRAFFIC
1 CC
1 city clerk

cc

CLAIM FORM
City of Fall River, Massachusetts

RECEIVED

Name: Edmund Arcuda

2013 DEC 17 P 1:59

Address: 711 New Boston
F.R. MA

CITY CLERK 13-153
FALL RIVER, MA

Phone #: 508-678-8576

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 12/13/13

Time of Incident: 8 PM

Location of Incident: 711 New Boston Rd / end of Acacia St

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

After a broken pipe was replaced at the end of
Acacia St. We had no water pressure.
Plumber had to flush all drains and replace
filters and toilet bowl cap to repair
toilet.

avg + 2 copies Lan
1 water
1 cc
1 city clerk

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

CC

RECEIVED

CLAIM FORM
City of Fall River, Massachusetts

2013 DEC 19 P 12:36

Name: Conrad Gagne

CITY CLERK 13-154
FALL RIVER, MA

Address: 63 Ray St
Fall River, MA 02720-6935

Phone #: 508-674-1156

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 12-11-13

Time of Incident: Approx. 8 or 8:15 pm

Location of Incident: 63 Ray St.

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

Please see attached.

orig + 2 copies to Law
1. Wata

1 CC

1 city clerk

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

on December, 11 2013 I had to Call the
Fall River Water Department for Low Water
Pressure at the Faucets in My Home. Tim Mello
Called and said he will Be at my Home at 8 or 8:15
p.m. He had to Move the Clothes Dryer to check
The Pressure at the Water Meter. Tim started
to Move the Dryer and the front Came off
and the inner Tub fell off the Rollers.
He tried to put the Tub Back and Could not.
He told me to Call John Fryor the next Day
I Called and John told me to write a note
to the city Clerk and she would send it to
the Law Department and it should Be paid
I called appliance Center and Cliff put the Tub
Back on. The cost was \$48.00 Dollars.

Thank You

Conrad O'Leary

63 Ray St

Fall River Ma. 02720

Phone # 508-674-1156

CITY CLERK
FALL RIVER, MA

DEC 19 PM 12:37

RECEIVED

cc

RECEIVED

CLAIM FORM
City of Fall River, Massachusetts

2013 DEC 19 P 12:37

Name: Sandra M. Amaral

Address: 43 Family Drive
Fall River, MA 02721

CITY CLERK 13-155
FALL RIVER, MA

Phone #: 508-915-0538

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 12-9-13

Time of Incident: 7:35 am

Location of Incident: Quequechan Street, F.R.

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

I was travelling on Quequechan Street heading
towards Alden Street when my vehicle hit
a pothole. Said pothole had no cone
or barrel advising of caution. Damage was
made to my car's rim and tire which
total damage cost \$590.51.

Attached please find picture where barrel
(after the fact) was placed afterwards
and car invoice for said damage.

I am respectfully requesting to be
reimbursed for said damage in the
amount of \$590.51.

Sandra M. Amaral

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

orig & 2 copies Law
1 Spw
1 cc
1 city clerk

CC

RECEIVED 13

2013 DEC 20 P 12:30

CLAIM FORM
City of Fall River, Massachusetts

CITY CLERK 13-156
FALL RIVER, MA

Name: Peter Blanchette

Address: 734 Copicut Road
No. Dartmouth, Ma 02747

Phone #: 774-309-0181

Damage to Cars
from Deep POT
Holes

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: ~~11-12-13~~ 12-10-13 + 11-13-13

Time of Incident: All after 6:00 PM

Location of Incident: Copicut Road Fall River, Ma.
all (3) incidents

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

11-12-13 -- 2006 Kia Optima - Hit POT Hole damaged
R.T. front Axle - Bill from C & D Auto for 256.10
Reported to Fall River - POT Hole Dept. Said they would
repair hole "Nothing was done"

11-13-13 - 2009 Nissan Maxima - Hit POT Hole - Had
been raining Heavy & Hole was covered with water
Damaged Tire (Not repairable) Bill from
Sears Roebuck amt. \$30.06
Reported to Fall River - POT Hole Dept. Said
they would repair hole - "Nothing was done"

12-10-13 - 2009 Nissan Maxima - Hit POT Hole -
Had been snowing - Ice was covering Hole -
Damaged two tires (Neither one repairable) was
please note that one of the tires that
damaged was the one replaced on 11-14-13
Bill from Sears Roebuck amt. Total \$723.43

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights
Reported to Fall River POT Hole Dept. - Said they
would repair hole - Nothing was done (over)

cc

RECEIVED 13

2013 DEC 20 P 12:30

CLAIM FORM
City of Fall River, Massachusetts

CITY CLERK 13-156
FALL RIVER, MA

Name: Peter Blanchette

Address: 734 Copicut Road
No. Dartmouth, Ma. 02747

Phone #: 774-309-0181

Damage to Cars
from Deep POT
Holes

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 X Other

Date of Incident: ~~11-12-13~~ 12-10-13 + 11-13-13

Time of Incident: All after 6:00 PM

Location of Incident: Copicut Road Fall River, Ma.

all (3) incidents

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

11-12-13 -- 2006 Kia Optima - Hit POT Hole damaged
Rt. front Axle - Bill from C & D Auto for 256.10
Reported to Fall River - POT Hole Dept. Said they would
repair hole - "Nothing was done"

11-13-13 - 2009 Nissan Maxima - Hit POT Hole - Had
been raining Heavy & Hole was covered with water
Damaged Tire (Not repairable) Bill from
Sears Roebuck amt. 330.06
Reported to Fall River - POT Hole Dept. Said
they would repair hole - "Nothing was done"

12-10-13 - 2009 Nissan Maxima - Hit POT Hole -
Had been snowing - Ice was covering Hole -
Damaged two tires (Neither one repairable) was
Please note that one of the tires that
damaged was the one replaced on 11-14-13
Bill from Sears Roebuck amt. Total 723.43

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights
Reported to Fall River POT Hole Dept - Said they
would repair hole - Nothing was done
(over)

CC

RECEIVED

CLAIM FORM 2013 DEC 23 A 11:00
City of Fall River, Massachusetts
CITY CLERK 13-157
FALL RIVER, MA

Name: Monica Arruda

Address: 227 Stevens St #108
FALL RIVER, MA, 02721

Phone #: 508-517-3694

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 12-1-13

Time of Incident: _____

Location of Incident: Stevens St

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

earlier this year (summer time) the
City started doing construction on
my street, on the water pipes in the ground.
it took them awhile to finish.
the workers left big man pot hole in
the street throughout the the whole
street for months which did much
damage to my car. my car
was perfectly fine until these
workers did all this damage
to the road and did nothing
to fix them ^{streets} up ~~with the day~~

orig & 2 copies for

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

1 DPW
1 CC
1 city bus

cc

RECEIVED

CLAIM FORM
City of Fall River, Massachusetts

2013 DEC 30 A 10:12
CITY CLERK 13-158
FALL RIVER, MA

Name: KENNETH J. COPSETTA
Address: 194 BOYDEN ST
FALL RIVER MA 02721
Phone #: 508 673-7970

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 12/9/13
Time of Incident: 8:30 AM
Location of Incident: Quequechan St

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

Monday Dec 9th when bringing my
wife to work I hit a large pothole on
Quequechan St. just after Walmart
but before the overpass. The day was
rainy and gloomy and around 8:30 AM.

I proceeded to bring my wife to
work having to get air twice before
returning home. I had to call AAA to
change the tire.

When I brought the tire to
Town Fair Tire, I learned it was not
repairable. I had to buy a new tire
at a cost of \$126.33 (copy of bill invoice enclosed)

Thank You,

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

orig & 2 copies law
IDPW
ICC
1 city clerk

Kenneth J Copsetta

cc

RECEIVED

CLAIM FORM
City of Fall River, Massachusetts

Name: JOSE COLON & NATALIE LEGO 2013 DEC 30 P 1:30
Address: 56 ST MARY ST. FALL RIVER MA 02720 CITY CLERK 13-159
Phone #: (508) 324-0957

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 12-17-2013
Time of Incident: 11:00 AM
Location of Incident: ST MARY ST + NORFOLK ST

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

MY CAR WAS HIT AND DRAGGED
to the corner

SEE ATTACHED Police Report

argy Lopez Law
IDPW
ICC
(city clerk)

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

12/27/2013

Mikes Auto Body
535 Bay street
Fall River Ma 02724

RECEIVED

2013 DEC 30 P 1:30

CITY CLERK
FALL RIVER, MA

Regarding Mr. Jose Colon

Mr. Colon has chosen Mikes Auto Body to take care of his claim

So far with Mr. Colon's permission we had the car towed to our shop

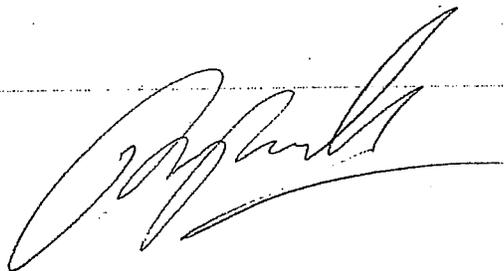
Total cost of Two tows plus adman fee is 452.07

we have torn down the car for an accurate estimate of \$4,844.33

also there is a daily storage charge of 35.00 per day and this is a reduced rate

Please expedite ASAP

Thank you Michael Penacho



Commonwealth of Massachusetts

Motor Vehicle Crash Police Report

Date of Crash 12/17/2013 Time of Crash 1124 City/Town Fall River

Number Vehicles 2 Number Injured 0 Speed Limit 30 State Police Local Police MBTA Police Other

AT INTERSECTION:

NOT AT INTERSECTION:

RECEIVED

Route# Direction SAINT MARY'S ST At NORFOLK ST

Route# Direction Address # Name of Roadway/Street Feet NSEW of Mile Marker Exit Number

Vehicle 12 #Occupants Hit/Run Moped

13-2658-AC

License # S34681023 St. MA DOB/Age Sex M Lic. Class Lic. Restrictions CDL Endorsement Operator DEMELO, PAUL G Address 36 CHASE RD City N. DARTMOUTH State MA Zip 02747 Insurance Company SELF INSURED Vehicle Travel Direction: NSEW Responding to Emergency? 2 Citation # (If Issued) Viol. 1: Ch/Sec/Sub Viol. 2: Ch/Sec/Sub Viol. 3: Ch/Sec/Sub Viol. 4: Ch/Sec/Sub

Reg # M88436 Reg Type DC Reg State MA Veh Year 2013 Veh Make Mack Veh Config. 99 Owner CITY OF FALL RIVER Address 1 GOVERNMENT CTR City FALL RIVER State MA Zip 02722 Vehicle Action Prior to Crash 3 Damaged Area Code: (Circle Up to Three) Event Sequence Most Harmful Event Driver Contributing Code Underride/Override 99 Towed 2

Table with columns: Name (Last First Middle), Address, DOB/Age, Sex, 26 Seat Pos., 27 Safety System, 28 Airbag Status, 29 Airbag Switch, 30 Eject Code, 31 Trap Code, 32 Injury Status, 33 Transp. Code, Medical Facility

Vehicle 20 #Occupants Non-Motorist A Type Action Location Condition Hit/Run Moped

License # St. DOB/Age Sex Lic. Class Lic. Restrictions CDL Endorsement Operator Driverless M.V. Address City State Zip Insurance Company STATE FARM FIRE CAS INS Vehicle Travel Direction: NSEW Responding to Emergency? Citation # (If Issued) Viol. 1: Ch/Sec/Sub Viol. 2: Ch/Sec/Sub Viol. 3: Ch/Sec/Sub Viol. 4: Ch/Sec/Sub

Reg # FEC9822 Reg Type PC Reg State NY Veh Year 2006 Veh Make TOYOTA Veh Config. 1 Owner COLON, JOSE M Address 38 CAPT SHANKEY DR City GARNERVILLE State NY Zip 10923 Vehicle Action Prior to Crash 11 Damaged Area Code: (Circle Up to Three) Event Sequence Most Harmful Event Driver Contributing Code Underride/Override Towed 1

Table with columns: Name (Last First Middle), Address, DOB/Age, Sex, 26 Seat Pos., 27 Safety System, 28 Airbag Status, 29 Airbag Switch, 30 Eject Code, 31 Trap Code, 32 Injury Status, 33 Transp. Code, Medical Facility

Norfolk St.

St. Mary's St.



ON a PUBLIC Way:

- Off-Street Parking Lot
- Garage
- Mall/Shopping Center

RECEIVED

2013 DEC 30 P 1:30



CITY CLERK
FALL RIVER, MA
North

Note: NOT TO SCALE

Crash Narrative

Oper V1 (Trash Truck) stated he struck V2 while traveling south on St. Mary's St. and while attempting to turn right (west) onto Norfolk St. Oper V1 stated V2 was in his blind spot and that he didn't see it. Owner V2 was alerted to the incident and was on scene.

No injuries were reported. Oper V1 was issued a warning for Failure to Use Care Turning and Owner V2 was issued a parking ticket for Parking within 20 Feet of a Corner.

Witnesses

Name (Last,First,Middle) *P	Address	Phone #	Statement

Property Damage

Owner (Last,First,Middle)	Address	Phone #	Year	Description of Damaged Property

Truck and Bus Information

Registration # _____ (From Vehicle Section)

Carrier Name _____ Carrier Issuing Authority Code

Address _____ City _____ St _____ Zip _____

US DOT # _____ State Number _____ Issuing State _____ ICC # _____ Interstate

Cargo Body Type Code Gross Vehicle Weight

Trailer Reg # _____ Reg Type _____ Reg State _____ Reg Year _____ Trailer Length

Hazmat Information:

Placard Material 1 digit # Material Name _____ Material 4 digit # _____ Release code

Officer Frank Andrade

Police Officer Name (Please Print)

Signature

A630

ID/Badge #

Fall River Police Department

Department

Precinct/Barracks

12/18/2013

Date

cc

RECEIVED

2014 JAN -6 A 9 59

CLAIM FORM
City of Fall River, Massachusetts

CITY CLERK 14-1
NAME: MARINO FLORES
FALL RIVER, MA

Address: 81 WARBURTON ST.
FALL RIVER, 02720

Phone #: 508 678-0942

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: DEC. 20, 2013

Time of Incident: 6:20 PM

Location of Incident: IN FRONT OF 295 NEW BOSTON RD

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

I WAS DRIVING 2008 MERCURY SABLE EAST
ON NEW BOSTON RD. STOPPED AT SIGN AT
STRETSON IT PROCEEDED EAST ANOTHER 15 FT.
AND RAN OVER A LARGE POT HOLE WITH
MY RIGHT FRONT WHEEL IN FRONT OF
295 NEW BOSTON RD- AND DONE DAMAGE
TO MY RT. FRONT WHEEL. I LIVE IN THE
AREA AND FREQUENT THIS STREET OFTEN.
I AND OTHERS HAVE CALLED ABOUT THIS HOLE
SEVERAL TIMES ATTACHED IS A COPY OF MY
REPAIR BILL. I RESPECTFULLY ^{THE} CITY
REIMBURSE me FOR MY DAMAGES. ^{REQUEST}

ary x 2 Lisa Lau
1 DPW
1 CS

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

1.075 clws

RECEIVED
2014 JAN -6 P 12:14
CITY CLERK 14-2
FALL RIVER, MA

CLAIM FORM
City of Fall River, Massachusetts

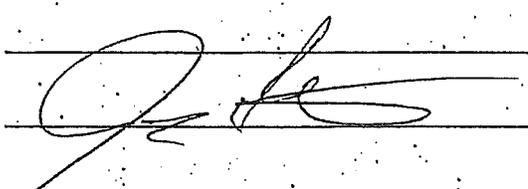
Name: Jeremy E Petrosso
Address: 1193 Read St
Somerset MA 02726
Phone #: (774)930-0168

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 1-6-14
Time of Incident: 11:00 Am
Location of Incident: Rt 79 S

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

Heading S. ^{Rt} 79 when a construction
Sign Fellw up and hit ~~Rt~~ Front Right
2013 Toyota tundra Broke grill
Light body peice under light on
my way to get estimate I have
a one thousand dollar deductable
would like to get reinbursted
Made Claim through Vermont mutal



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

CC

RECEIVED

CLAIM FORM
City of Fall River, Massachusetts

2014 JAN -6 P 12:35

Name: JOSEPH M. GOVIA CITY CLERK FALL RIVER, MA 14-3

Address: 9 WRIGHTS WAY
FALL RIVER, MA 02720

Phone #: 508-491-7200

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 2 JAN 14

Time of Incident: 10 AM - 12:00 PM

Location of Incident: WRIGHTS WAY ST.

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

Approx: 10 am - 12:00 pm
A CONTACT PLOW TRUCK CAME THROUGH
DOWN THE STREET AND HIT BACK INTO
MY CAR AND DAMAGING THE FRONT LEFT END
LIGHTS AND BODY, HOOD AND BUILT AND OTHER PARTS

1 copy v 2 copies Law

1 DPW

1 C.P.

1 City Clerk

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

CC

RECEIVED

CLAIM FORM 2014 JAN -7 P 2:54
City of Fall River, Massachusetts

Name: CAROL KROLL CITY CLERK 14-4
FALL RIVER, MA

Address: 9 Sargent St.
Somerset, MA 02726

Phone #: 508 672-8081

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 12/23/13

Time of Incident: 5:10 pm

Location of Incident: Pleasant St + 4th street over pass

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

on Dec. 23rd at approx. 5:10 pm I was in the
right turn lane at the corner of pleasant
st + 4th street over pass (behind city hall) on
my way to the 195 entrance on Pleasant St.
I hit a huge pothole and got a flat. The
tire was not repairable and I needed a new tire
and later needed a front end alignment.
I have attached receipts for repairs and
pictures of location + pothole. (pictures were taken
I would like to be reimbursed for the costs
of repairs etc. as a result of this
road hazard.
The total amt \$ 278.46.

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

orig & 2 copies
1 DPW
1 CC
1 other clus

Carol Kroll

BRIAN R. CUNHA, Esq.**
NELIA CAMARA DE STEFANO, Esq.**

HONEY POLNER, Esq., R.N.
KAREN A. ALEGRIA, Esq.**
MONICA MAINA, Esq.
SHARON D. SYBEL, Esq.**

**MEMBER MA & RI BAR

CC

LAW OFFICES

BRIAN CUNHA

& ASSOCIATES

311 PINE STREET
FALL RIVER, MASSACHUSETTS 02720
(508) 675-9500

FAX (508) 679-6360

WEBSITE: www.briancunha.com

2014 JAN -8 P 12:39

CITY CLERK 14-5
FALL RIVER, MA

Thursday
January 2, 2014

CERTIFIED MAIL EXPENSE
RETURN RECEIPT REQUESTED
7012 1640 0001 9616 9300

City Clerk's Office
City of Fall River
One Government Center
Fall River, MA 02722

Re: Our Client: **James Soares Gouveia, Jr.**
Date of Loss: **12/20/13**

NOTICE PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 84

Dear Sir/Madam:

Please be advised that this law office represents the interests of Mr. James Soares Gouveia, Jr. relative to personal injuries he sustained on the above-noted date of loss due to a slip and fall incident.

Mr. Gouveia alleges through counsel that he was caused to slip and fall on ice that was allowed to accumulate on the sidewalk at or near the location of 564-570 South Main Street, Fall River, Massachusetts.

Our investigations reveals that said incident occurred as a direct result and proximate cause of the City's negligence and carelessness in its lack of maintaining the sidewalk so that it would be free of hazardous conditions.

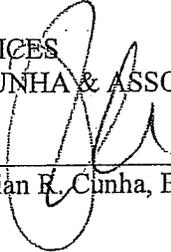
Mr. Gouveia sustained serious and permanent injuries for which he is asserting a claim.

As such, kindly contact me at your earliest convenience so we may further discuss this matter.

Your anticipated courtesy and cooperation are greatly appreciated.

Very truly yours,

LAW OFFICES
BRIAN CUNHA & ASSOCIATES, P. C.

By: 
Brian R. Cunha, Esquire

BRC/td

Argy v. 2 cases Lan
1 DPW
1 C Clerk
1 City Council

RECEIVED

2014 JAN -8 P 1:42

CLAIM FORM
City of Fall River, Massachusetts

CITY CLERK 14-5
FALL RIVER, MA

Name: Joshua Ponte

Address: 1175 Rodman St Apt 2

Phone #: 508-677-5844

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 12-26-13

Time of Incident: 12:05

Location of Incident: warren st.

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

see police report

arg & 2 copies Law
1 Spw
1 CC
1 city clerk

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

Fall River Police Department
Incident Report



Incident #: 13-8666-OF
Call #: 13-85216

RECEIVED

Date/Time Reported: 12/26/2013 1201
Report Date/Time: 12/27/2013 1027
Occurred On: 12/25/2013 0300
Status: No Crime Involved
Reporting Officer: Officer Michele Niles

2014 JAN -8 P 1:42

CITY CLERK 14-5
FALL RIVER, MA

Signature: _____

EVENTS(S)
LOCATION TYPE: Highway/Road/Alley/Street Zone: Zone 083, Sec 8
635 WARREN ST @ 1121 RODMAN ST
FALL RIVER MA

1 Defective Street - No Injury

VICTIM(S)
SEX RACE AGE SSN PHONE
1 PONTE, JOSHUA M W 26 [REDACTED] [REDACTED]
1175 RODMAN ST Apt. #1
FALL RIVER MA 02723
DOB: [REDACTED]
EMPLOYER: OWNER SHED SHOP/HAIR SEC
ETHNICITY: Not of Hispanic Origin
RESIDENT STATUS: Resident
VICTIM CONNECTED TO OFFENSE NUMBER(S): 1

VEHICLE(S)
YEAR MAKE SUBTYPE COLOR1 COLOR2 REG VALUE
1 C230 2000 MERZ 4D BLK MA 2GWL30 \$5,000.00
STATUS: Destroyed/Damaged/Vandalized DATE: 12/27/2013
OWNER: PONTE, JOSHUA
VIN: WDBHA24G7YA823564

OTHER PROPERTIES
PROPERTY # STATUS
1 TIRES Destroyed/Damaged/Vandalized
QUANTITY: 2 VALUE: \$350.00
SERIAL #: NOT AVAIL
DATE: 12/27/2013
OWNER: PONTE, JOSHUA

** Portions of this report have been redacted **

CITY OF FALL RIVER
POLICE DEPARTMENT

Ref: 13-8666-OF

RECEIVED

On Thursday, December 26, 2013, I, Officer Michele M. Niles, worked my assigned shift for the Fall River Police Department in Unit 108. At 12:05 PM I responded to a Damaged Motor Vehicle complaint at J and J Auto Repair, 635 Warren Street. Upon my arrival I spoke with Joshua Ponte. 788, worked by 11:12
FALL RIVER, MA 14-8

Mr. Ponte stated he traveled west on Warren Street, stopped at the Stop Sign at the intersection of Rodman Street then continued west on Warren Street. Mr. Ponte stated as he crossed over Rodman Street he felt and heard a loud bang on the right side of his vehicle. Mr. Ponte stated he stopped, checked out his vehicle and discovered two flat tires. Mr. Ponte stated he looked back at the street and saw a large pothole.

Mr. Ponte stated due to it being Christmas and no repair shops open he brought his vehicle to J and J today to replace the tires. The estimated price of the new tires was \$350.00. As of the time this incident was reported, a construction barrel has since been placed on this pothole.

This report submitted under the pains and penalties of perjury.

Officer Michele M. Niles A342

** Portions of this report have been redacted **

CITY OF FALL RIVER
POLICE DEPARTMENT

Dave's Tire and Auto Service Inc.

325 Bedford St., Fall River, MA 02720-3031
 Phone: 508-679-6482 Fax: 508-679-6484
 davestireandauto.com Email: davestire1@aol.com

RECEIVED

Think of Service Think of Dave's

2014 JAN -9 P 3:26

CITY CLERK 14-7
 FALL RIVER, MA

Customer Information	Invoice	Additional Information
ADRIAN BARNABY 279 LAFAYETTE ST FALL RIVER, MA 02723 Acct Number: P: 508-674-7887 Contact:	Date: 12/27/2013 Reference: 100030 Salesperson: John Cormier Route: RICK BIZIER Delivery Date: 12/28/2013	PO Number: Work Order#: W-434095 User Define: Entered By: Everett Mello
Vehicle: 1999 Toyota Corolla CE 4 Dr. Sedan Desc: RED	Lic No: VIN:	Unit: Mileage IN: Mileage OUT: 80833

Diagnostic
 BOTH RIGHT SIDE TIRES WERE BLOWN BY A POTHOLE —BOTH SIDEWALL HAD IMPACT BREAKS

Qty	Description	FET	Unit Price	Ext. Price
2.00	1951235475, P175/65TR14, PEGASUS MINOS BW B (4 Ply), MISC		54.99	109.98
2.00	SPIN BALANCE		12.00	24.00
1.00	FREE FLAT REPAIRS		0.00	0.00
2.00	DISPOSAL FEE		2.00	4.00
1.00	DOT REGISTERED ONLINE		0.00	0.00
1.00	XURCPM1313		0.00	0.00

Taxable
Subtotal: 137.98
 SALES TAX: 6.87
Total: \$144.85

Terms: N/A

12/27/2013 Payment# P-434109 Amount: \$144.85
 AMERICAN EXPRESS 144.85

Balance \$0.00

Terms:	Due Date	Due Amount	Amt Remain
	12/27/2013	\$144.85	\$0.00

"Thank you for your business."

I hereby authorize the stated repair work to be done along with the necessary material, and hereby grant Dave's Tire and Auto permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto.
 DAVE'S TIRE AND AUTO IS NOT RESPONSIBLE FOR LOSS OR DAMAGES TO VEHICLES OR ARTICLES LEFT IN VEHICLES IN CASE OF FIRE, THEFT OR ANY OTHER CAUSE BEYOND DAVE'S TIRE AND AUTO'S CONTROL.
 A 1.5% (18% APR) SERVICE CHARGE WILL BE ASSESSED ON ANY AMOUNT WHICH BECOMES DELINQUENT BEYOND 30 DAYS.
 A STORAGE FEE OF \$50.00 PER DAY FOR INSIDE STORAGE WILL BE APPLIED FOR ANY VEHICLE NOT PICKED UP WITHIN TWO BUSINESS DAYS OF BEING COMPLETED, UNLESS PRIOR ARRANGEMENTS ARE MADE

Signature _____



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

CF
12a

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK
Governor

COPY

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

December 20, 2013

Mr. Christopher October
Environmental Manager
Browning-Ferris Industries, Inc., (MA)
1080 Airport Road
Fall River, Massachusetts 02720

RE: **DRAFT PERMIT APPROVAL WITH CONDITIONS**
Application for: BWP SW 05
AUTHORIZATION TO CONSTRUCT
A LARGE HANDLING FACILITY

AT: BFI Fall River Landfill
1080 Airport Road
Fall River, MA 02720
Facility Number: 132278
Landfill Regulated Object No. 172513
Handling Facility Regulated Object No. 547901

CITY CLERK
FALL RIVER, MA

2014 JAN -6 P 2:35

RECEIVED

Transmittal Number: X255837

Dear Mr. October:

An application was received by the Massachusetts Protection ("Mass") DEP on August 22, 2013, comprised of a document entitled: "Application For A Large Handling Facility BWP SW 05, Transmittal X255837, Browning-Ferris Industries, Inc. (MA), Fall River Transfer Station, 1080 Fall River Road, Fall River, MA 02720, August 2013", prepared by SITEC Environmental, Inc. The application was submitted on behalf of Browning Ferris Industries, Inc. ("BFI") requesting approval to construct a large solid waste transfer station facility ("Facility").

MassDEP has completed its Technical Review of the application and has determined that the submitted information complies with the applicable requirements as contained within 310 CMR 19.000, concerning the construction of a large solid waste handling facility (i.e. transfer station) at the BFI Fall River Landfill.

As a result of its review, MassDEP has prepared the attached **DRAFT** permit. Pursuant to the provisions of 310 CMR 19.032, 19.033, and 19.034, BFI, as the proponent of the project, is now required to give Public Notice in accordance with the requirements contained at 310 CMR 19.033. Public Notice shall be served by publishing the Public Notice in the legal notice section of the a newspaper of general circulation in the area affected by the proposed permit action and by promptly mailing the enclosed Public Notice to the Fall River Board of Health, the Board of Health of any city or town within ½ mile of the proposed transfer station, and all abutters of the proposed transfer station.

Following the issuance/publication of the Public Notice of the **DRAFT** permit, BFI is required to provide MassDEP with documentation that public notice was properly and sufficiently given. This should include submitting a dated newspaper clipping of the legal notice as published in a newspaper of general circulation in the locality of the proposed permit action and proof that notice was provided to the Boards of Health and abutters.

A listing of abutters from the Fall River Assessors' office and copies of registered mail receipts should be submitted to MassDEP when the Public Notice is sent to abutters. Copies of signed registered return receipts should be submitted to MassDEP if/when available.

MassDEP will accept written comments from all interested persons for a period of thirty (30) days following the date Public Notice is first published in the newspaper. During the thirty (30) day Public Comment Period, interested persons shall be entitled to review the "DRAFT" permit decision and send comments to MassDEP regarding the proposal.

Once MassDEP has been provided proof that public notice was properly and sufficiently given, MassDEP will review the comments and render a decision regarding the proposed action. Predicated on such comments, MassDEP's final permit decision will include written responses to any major comments and may include modified language in order to address any such comments. In the event MassDEP is unable to sufficiently address the public comments based on the information contained in the record file regarding the proposal at the time of issuance of this "DRAFT" permit, MassDEP will solicit additional information from BFI in order to sufficiently respond to the comments. In the event, MassDEP or BFI are unable to sufficiently address any such comments, MassDEP reserves the right to modify or rescind this **DRAFT** determination in its final decision regarding the proposal.

Any correspondence regarding this matter should reference Transmittal Number X255837.

Should there be any questions, please contact MassDEP at the letterhead address or telephone me at (508) 946-2847 or Dan Connick at (508) 946-2884.

Very truly yours,



Mark Dakers, Chief
Solid Waste Management Section

D/DC/rr

E-F\FALLRIVER\BFI TRANSFER STATION\DEP letters\ATC TS draft apvl cov lct 12-2013.doc

ATTACHMENTS

fc: William A. Flanagan, Mayor
City of Fall River, City Hall
One Government Center
Fall River, MA 02772
Fax. No. (508) 324-2626

Fall River City Council
City Hall
One Government Center, 2nd Floor
Fall River, MA 02722
Fax. No. (508) 324-2211

ec: Representative David Sullivan
David.Sullivan@mahouse.gov

Fall River Board of Health
hvaillancourt@fallriverma.org

Fall River Sewer Division
tsullivan@fallriverma.org

Mike Quatromoni, SITEC Environmental, Inc.
mquatromoni@sitec-engineering.com

DEP-Boston
ATTN: J. Doucett

DEP-SERO
M. Pinaud
L. Black

PUBLIC NOTICE OF DRAFT SOLID WASTE FACILITY PERMIT

**Browning Ferris Industries, Inc.
Proposed Transfer Station
At BFI Fall River Landfill
1080 Airport Road
Fall River, Massachusetts 02720**

Authorization to Construct**a****Large Solid Waste Handling Facility**

Notice is hereby given, pursuant to M.G.L., Chapter 111, Section 150A and Section 150A1/2, that the Massachusetts Department of Environmental Protection, ("MassDEP") has prepared a **DRAFT** Authorization to Construct ("ATC") permit for a large solid waste handling facility (the "Facility") at the site of the Browning Ferris Industries, Inc. Fall River Landfill located at 1080 Airport Road, Fall River, Massachusetts, 02720 (the "Site"). The entire site consists of approximately 200-acres of land that has been site-assigned for solid waste management activities by the Fall River Board of Health.

The proposed Facility is will include a 20,900 square foot transfer station building and a 1,250 square foot detached office building on approximately 1.9 acres of land located in the southeast area of Site, adjacent to the existing landfill gas -to-energy facility. Working areas of the Facility will be paved. Storm water run-off from the Facility will be collected in deep-sump catchbasins and flow through drainage pipes to on-site detention basins.

The Facility has been designed to collect and handle municipal solid waste. The allowable maximum daily materials acceptance of municipal solid waste is proposed to be 1000 tons per day. BFI proposes to operate the Facility on Monday through Saturday from 7:00 AM to 5:00 PM. Facility start-up and clean-up operations are proposed to be conducted prior to and following this operational period.

The referenced application and DRAFT Permit may be viewed, by appointment only, at the Applicant's offices located at 1080 Airport Road, Fall River, Massachusetts, 02720 telephone (508) 676-1091, or at the Massachusetts Department of Environmental Protection's Southeast Regional Office located at 20 Riverside Drive in Lakeville, Massachusetts, 02347, telephone (508) 946-2718. (Note: BFI should consider placing the Application and Draft Permit in the local library and including the library location and hours of operation in the public notice.)

MassDEP will accept written comments regarding the proposed handling facility for a period of thirty (30) days from the date of publication of this Notice. Public Comments should be addressed to Mark Dakers, Chief, Solid Waste Management Section, Massachusetts Department of Environmental Protection, 20 Riverside Drive, Lakeville, MA 02347

FACT SHEET
Browning Ferris Industries, Inc.
Proposed Transfer Station
At BFI Fall River Landfill
1080 Airport Road
Fall River, Massachusetts

Authorization to Construct
a
Large Solid Waste Handling Facility

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The proposed Facility is proposed to include a 20,900 square foot transfer station building and a 1,250 square foot detached office building on approximately 1.9 acres of land located towards the southeast of the site, adjacent to the existing landfill gas -to-energy facility. Working areas of the Facility will be paved. Storm water run-off from the Facility will be collected in deep-
sump catchbasins and flow through drainage pipes to on-site detention basins.

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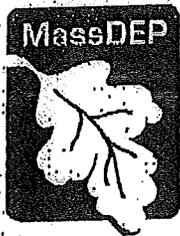
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MassDEP has reviewed the submitted information and has determined that the proposal complies with the requirements established at 310 CMR 19.000 concerning the construction of a large solid waste handling facility.

The following numbered paragraphs explain the basis for the conditions in the **DRAFT Authorization to Construct** permit for the proposed handling facility:

1. Standard Department Language (self-explanatory) regarding notification of commencement of construction.
2. Standard Department Language (self-explanatory) regarding compliance with permit.
3. Condition requiring BFI to amend the existing Stormwater Pollution Prevention Plan previously filed with the USEPA to include the stormwater management systems and activities associated with the proposed Transfer Station, as BFI committed to do in the Application.
4. Condition requiring BFI to apply to the Fall River Sewer Department for a modification to its existing Sewer Discharge Permit to allow for connection of the Transfer Station to the existing on-site sewer system, as BFI committed to do in the Application.
5. Condition requiring BFI to develop a plan to physically monitor the Landfill side slopes to detect any movement of the final cover soils and to evaluate the significance of any such movement, should blasting be performed during construction.
6. Standard Department Language (self-explanatory) regarding nuisance conditions.
7. Standard Department Language (self-explanatory) regarding compliance with other regulations.
8. Standard Department Language (self-explanatory) regarding MassDEP's rights to inspect the facility.
9. Standard Department Language (self-explanatory) regarding MassDEP's right to protect the environment and the public's health.
10. Standard Department Language (self-explanatory) regarding the limitations of the permit as well as BFI's compliance responsibilities.
11. Standard Department Language (self-explanatory) regarding the requirement to submit a construction certification report and an Authorization to Operate application and receive written MassDEP approval prior to operating the Facility.
12. Standard Department Language (self-explanatory) regarding the requirement for BFI to establish a Financial Assurance Mechanism.

CK



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

COPY

DRAFT

Mr. Christopher October
Environmental Manager
Browning-Ferris Industries, Inc., (MA)
1080 Airport Road
Fall River, Massachusetts 02720

RE: **DRAFT PERMIT APPROVAL WITH CONDITIONS**
Application for: BWP SW 05
AUTHORIZATION TO CONSTRUCT
A LARGE HANDLING FACILITY

AT: BFI Fall River Landfill
1080 Airport Road
Fall River, MA 02720
Facility Number: 132278
Landfill Regulated Object No. 172513
Handling Facility Regulated Object No. 547901

Transmittal Number: X255837

Dear Mr. October:

The Department of Environmental Protection ("MassDEP") has completed its Technical Review of the permit application ("Application") listed above and determined that the Application is technically complete. Accordingly, MassDEP hereby issues this approval of the Browning Ferris Industries, Inc. ("BFI") Application to construct a large solid waste transfer facility ("Facility" or "Transfer Station") at the BFI Fall River Landfill, subject to the conditions listed below.

Submittals

The Application was received by MassDEP on August 23, 2013, and is comprised of a document entitled: "Application For a Large Handling Facility BWP SW 05, Transmittal X255837, Browning-Ferris Industries, Inc. (MA), Fall River Transfer Station, 1080 Fall River Road, Fall River, MA 02720, August 2013", prepared by SITEC Environmental, Inc. ("SITEC"). This

document contains applications forms, a project narrative, a Design Plan, an Operations and Maintenance Plan, a Waste Ban Compliance Plan, a Drainage Report, copies of selected previous approvals, and a set of twelve 24" x 36" design drawings consisting of:

- 1) A set of seven site plans and construction details prepared by SITEC Environmental, Inc.; and
- 2) A set of five building drawings prepared by Cambridge Companies.

Supplemental Application information was submitted on October 23, 2013, in response to MassDEP comments issued on September 27, 2013, consisting of a SITEC cover letter dated October 23, 2013, supplemental permit information, a revised Design Plan, a revised Operations and Maintenance Plan, Technical Specifications, and a set of 41 drawings consisting of:

- 1) a 24" x 36" "Land Use Site Plan" prepared by SITEC;
- 2) a 24" x 36" "Operations and Maintenance Plan" prepared by SITEC;
- 3) a set of ten 24" x 36" construction plans prepared by SITEC; and
- 4) a set of twenty-nine 11" x 17" building drawings prepared by Cambridge Companies.

Supplemental Application information was submitted on November 7, 2013, consisting of a narrative regarding "Recycling Commitments and Performance Expectations", correspondence between SITEC and Mass Division of Fish and Wildlife, a revised closure cost estimate, and a revised Site Plan.

Project Background

MEPA

On December 12, 2007, the Secretary of Environmental Affairs issued a Certificate for a Notice of Project Change that was filed on October 27, 2007, regarding the proposed solid waste Transfer Station. The Secretary determined that preparation of an Environmental Impact Report was not required.

On March 25, 2013, the Secretary issued an Advisory Opinion, which stated that no further MEPA review would be required for the project, reviewed most recently as a Notice of Project Change in 2007 that described the construction of a solid waste recycling and Transfer Station at the Fall River Landfill.

Site Assignment

The City of Fall River Board of Health issued a Site Assignment on November 30, 1982 for the parcel of land upon which the proposed Transfer Station is to be constructed (Assessor's Map Z-3, Lot 33) as a site for a sanitary landfill.

The permitting of this Transfer Station is being conducted in accordance with the provisions of Site Assignment Regulation 310 CMR 16.21, Alternative Use of Assigned Site, Part 3(b): Handling Facility at a Closed or Inactive Landfill or Combustion Facility. Under this provision of the Site Assignment Regulations, a site which has been used as a landfill or combustion

facility, which has been closed or is in the process of imminently closing, shall not require a new or modified site assignment to obtain approval for the storage, transfer or processing of solid waste when:

1. the facility does not receive solid waste in excess of the tonnage limits stated in the site assignment for landfilling, or combustion or processing;
2. the outstanding site assignment does not contain a condition which directly or indirectly prohibits the handling activity or establishes a date for the termination of all solid waste activities at the site which is shorter than the anticipated useful life of the handling facility; and
3. the site meets the suitability criteria at 310 CMR 16.40(3)(d), unless a waiver of one or more criteria has been granted pursuant to 310 16.40(6).

The BFI Fall River Landfill is permitted at a maximum daily waste intake rate of 1950 tons per day and an annual average of 1500 tons per day. If approved and constructed, the proposed Transfer Station will operate at a daily maximum rate of 1000 tons per day. The site assignment does not contain any special conditions. The site meets the suitability criteria at 310 CMR 16.40(3)(d).

Variance Request

The site design does not meet the requirement established at 310 CMR 19.038(2)(b)(2)(a) that the waste handling area not be within 100 feet of the nearest edge of the property boundary. On September 16, 2013, SITEC submitted a detailed Request for a Variance pursuant to the provisions of 310 CMR 19.080; Variances, requesting that the waste handling area be allowed to be within 40 feet of the property boundary citing, among other factors, that BFI owns the abutting property, which is used for solid waste collection, vehicle parking and maintenance. A revised request was submitted on November 4, 2013, providing additional details. On December 20, 2013, MassDEP's Southeast Regional Office Regional Director granted the Variance Request.

Project Description

BFI is proposing to permit, construct and operate a 1,000 ton per day solid waste Transfer Station that will handle Municipal Solid Waste ("MSW") and bulky waste. The major improvements to be made at the site include the construction of the 20,900 square foot Transfer Station building and a 1,250 square foot detached office building, site grading, paving, a storm water collection and management system, and underground utility improvements.

The Transfer Station is proposed to be open to accept incoming loads of waste on Monday through Saturday from 7:00 AM to 5:00 PM. Transfer Station start-up and clean-up operations will be conducted prior to and following this operational period.

Various types of solid waste collection vehicles will haul waste to the Transfer Station. An existing inbound scale, outbound scale, scale house structure and all appurtenances that are

currently in use as part of Landfill operations and will remain in use during Transfer Station operations.

As the waste materials are dumped on the tipping floor, BFI personnel will inspect the waste material. All waste material will be visually screened by trained personnel for the presence of hazardous waste, special waste and MassDEP waste ban items. If unacceptable waste materials are detected during this or other operational sequences at the Transfer Station, the unacceptable waste material will be segregated and properly handled in accordance with the Transfer Station Waste Ban Compliance Plan or Hazardous Waste Contingency Plan. A radiation detector is installed at the inbound scale in order to screen each load for potentially radioactive material.

The tipped waste materials will initially be managed by the front end loader. The waste material will then be pushed along the floor by the front end loader to the rear of the Transfer Station building where it will be consolidated against the concrete push-wall constructed along its full length. Waste material will progressively be moved to the westerly side of the tipping floor towards the load-out bay and then consolidated within 100 to 140 cubic yard transfer trailers using a front end loader and an excavator. Waste materials will then be transferred from the site for proper disposal or incineration.

Some waste material may remain on the tipping floor overnight. Partially filled transfer trailers with waste material may remain within the building during off hours. Full transfer trailers may remain in a designated area outside the Transfer Station overnight.

Utilities

Utility improvements will include installation of a 6-inch water main to the Transfer Station building to the service fire suppression and dust/odor control misting systems within the building. Fire hydrants will be installed adjacent to the Transfer Station building. A new two-inch diameter domestic water service will be extended from the existing water main located on Horvitz Road to the Transfer Station mechanical room. The two-inch line will provide water service to the employee restroom and to hose bibs within the building to be used for floor wash-down. A one-inch diameter water service installed for the office building.

Transfer Station Building

The waste handling operations will be conducted within a fully enclosed steel frame building. The Transfer Station will have a building footprint of approximately 20,900 square feet. The building is designed with eight bays with roll-up doors along the southerly side of the building sized to accommodate waste collection vehicles. There is adequate tipping floor space within the building for up to eight trucks to unload at any one time. There is approximately 34 feet clear ceiling height so that the collection vehicles can fully lift their containers or truck bodies within the building. The building includes one transfer trailer bay located on the westerly side of the tipping floor area.

All waste material transfer operations will occur within the building and the unloading of waste materials outside the building will not be allowed. The tipping floor will slope inward along the

front of the building by the bay doors and toward the transfer trailer bay to prevent the release of leachate or wash water to the environment. The transfer trailer bay will be constructed with a collection system for leachate or incidental drippage from collection or transfer vehicles and for tipping floor wash water. These liquids will be collected in floor drains and flow by gravity through heavy duty cast iron piping to a Particle/Gas Separator for the removal of solids, sediments and oil. The piping will then continue to a manhole connection on the existing City of Fall River sanitary sewer system located on-site. BFI will apply to the Fall River Sewer Department for a modification to its existing Sewer Discharge Permit. SITEC has determined that there will be approximately a minimum 3-foot separation between the lowest invert of this piping and high groundwater.

A fire suppression sprinkler system will be installed within the building and fire extinguishers will be mounted throughout the building. A dust and odor control misting system will be installed over the tipping floor area and the transfer trailer bay, capable of dispensing a water mist for dust control within the building along with odor neutralizing agents.

The Site's existing pavement area will be increased. Asphalt pavement improvements are proposed from the Site entrance at the existing scales to the Transfer Station building and around the Transfer Station building to facilitate traffic circulation.

Restroom sanitary services will be available to Transfer Station employees at the adjacent office and at a restroom within the mechanical room at the rear of the building. The restroom facilities will have a direct gravity discharge to the existing sanitary sewer located within the access road on the northerly side of the building.

An area at the easterly side of the Transfer Station building has been designated for the placement of roll-off containers used for the temporary placement of waste ban items should they be detected and removed from waste loads. An area is designated on the northerly side of the building for the potential overnight layover of empty and full transfer trailers.

Storm Water Management

The storm water management system was designed in accordance with the MassDEP's Stormwater Management Regulations. Stormwater runoff from the newly paved areas will be collected by a series of deep sump catch and conveyed to a detention basin to be constructed on the easterly side of the Site. The detention basin will be constructed with a sediment forebay at its inlet and an outlet control structure at the discharge end of the basin. The basin and forebay will provide for both groundwater recharge and peak flow attenuation during all rainfall events including the 100 year-24 hour storm. The outlet control structure will discharge into the existing drainage channel that runs along the outside of the Landfill perimeter access road. This drainage channel, which functions as a water quality swale, discharges to second sedimentation basin prior to its ultimate discharge to the North Watuppa Diversion Ditch. Construction of the stormwater basin may require blasting of bedrock. BFI stated that they will engage the services of a geotechnical engineer to perform seismic monitoring should blasting be required. MassDEP is also requiring that the Landfill sideslopes be monitored for movement should blasting be performed (refer to condition #3).

Landfill Gas Considerations

The proposed Transfer Station is to be constructed adjacent to a closed and capped area of the Landfill. Landfill gas generated during the biodegradation of waste materials could potentially cause the subsurface migration of landfill gas to the vicinity of the Transfer Station. There are currently four existing landfill gas probes located to the west of the proposed Transfer Station. To ensure that any gas migration directly from the Landfill towards the Transfer Station is detected, one additional landfill gas probe will be installed between the Landfill and the Transfer Station building. This probe will be incorporated into the Landfill's landfill gas probe monitoring program.

Waste Ban Compliance Plan

A Waste Ban Compliance Plan and related supplemental submittals were included in the Application. Within the Waste Ban Compliance Plan, BFI indicated that BFI will not segregate waste materials banned from disposal if the materials are not readily visible, are contaminated with other waste, or will present a risk of harm. BFI further states that reloading waste materials back onto some types of collection vehicles is extremely difficult. Based on the existing narrative, it is not sufficiently clear that waste materials banned from disposal will be diverted from disposal to the greatest extent possible prior to transfer of a waste load for disposal.

As a condition of this Approval, BFI must submit a revised, consolidated Waste Ban Compliance Plan that specifically addresses the hierarchy of handling each type of recyclable material banned from disposal. (refer to Condition #11). The Waste Ban Compliance Plan must describe how the Transfer Station will be equipped and safely operated so that waste materials banned from disposal that exceed volume limits established by MassDEP can be routinely rejected and reloaded onto the hauler's deliver vehicle, or into another container when materials cannot be reloaded into the delivery vehicle, and shipped offsite for proper segregation of waste materials banned from disposal.

Approval with Conditions

As a result of its review, MassDEP has determined that the Application is satisfactory and in accordance with the authority granted pursuant to M.G.L., C. 111, §150A hereby approves the construction of the proposed Transfer Station as submitted in the Application prepared by SITEC, subject to the following conditions:

1. Notification: BFI shall notify MassDEP when the construction begins in order that periodic inspections can be scheduled.
2. Construction: Construction shall proceed in compliance with MassDEP regulations, requirements and as required by this permit. There shall be no deviation from the approved plan without prior written approval from MassDEP.

3. Storm Water Pollution Prevention Plan: BFI shall amend the existing Stormwater Pollution Prevention Plan filed with the USEPA to include the stormwater management systems and activities associated with the proposed Transfer Station.
4. Sewer Discharge Permit: BFI shall apply to the Fall River Sewer Department for a modification to its existing Sewer Discharge Permit to allow for connection of the Transfer Station to the existing on-site sewer system.
5. Monitoring of Blasting Operations: BFI indicated that blasting may be required to construct the proposed stormwater basin and proposes seismograph monitoring of the area as recommended by a geotechnical engineer. BFI shall also develop a plan to physically monitor the Landfill side slopes to detect any movement of the final cover soils and to evaluate the significance of any such movement.
6. Nuisance Conditions: During the construction process, odors, dust, erosion, noise or other nuisance conditions shall be kept to a minimum and shall be prevented from creating a threat to human health and safety and the environment. In the event a nuisance condition develops, abatement measures shall be implemented immediately.
7. Local, State, and Federal Requirements: BFI shall fully comply with all applicable local, state and federal laws, regulations and policies, by-laws, ordinances and agreements. Applicable federal regulations include, but are not limited to, 29 CFR Part 1910, OSHA standards governing employee health and safety in the workplace.
8. Right to Inspect: MassDEP shall have the authority to, without prior notice, periodically enter and inspect the site, the Transfer Station construction, and any relevant records to determine compliance with applicable regulations and the terms and conditions of this permit.
9. Reservation of Rights: MassDEP reserves the right to modify this ATC permit in order to protect the public health, safety, welfare or the environment.
10. Permit Limitations: This issuance of this ATC permit is limited to the construction of a large solid waste handling facility ("Transfer Station") at the site and does not relieve BFI from complying with all other applicable regulations and requirements Federal, State or local that may be required concerning the proposal.
11. Authorization to Operate: Upon completion of the construction of the Transfer Station, BFI shall submit a BWP SW 06 "Authorization to Operate" ("ATO") permit application to MassDEP for review and approval. The ATO permit application shall include certified "as-built" construction drawings, quality assurance/quality control data, and written certification from the supervising engineer attesting that the Transfer Station was constructed in accordance with all applicable regulations, requirements, and the approved design and is ready for operation. The ATO permit application and all associated plans shall be stamped by a Massachusetts Professional Engineer. BFI shall not operate the Transfer Station without written approval of the ATO Application by MassDEP.

The ATO Application shall include a revised, consolidated Waste Ban Compliance Plan that specifically addresses the hierarchy of handling each type of recyclable material banned from disposal. The Waste Ban Compliance Plan shall describe how waste loads containing banned materials will be inspected, rejected and reloaded based on each type of waste material banned from disposal. The Waste Ban Compliance Plan must describe how the Transfer Station will be equipped and operated so that waste materials banned from disposal that exceed volume limits established by MassDEP can be routinely rejected and shipped offsite for proper segregation of waste materials banned from disposal.

12. Duty to Comply: MassDEP is in the process of reissuing waste ban guidance and amended solid waste management regulations. Upon reissuance of the guidance, BFI shall comply with the guidance as revised and shall, at MassDEP's discretion, submit a modified waste ban compliance plan for review and approval. Upon issuance of the amended solid waste management regulations, BFI shall comply with the amended solid waste management regulations.
13. Financial Assurance Mechanism: BFI provided a financial assurance estimate for closure of the Transfer Station. The ATO application must include proof that a Financial Assurance Mechanism has been provided to MassDEP's Boston office.

RIGHT OF APPEAL

Review of Decision

Pursuant to 310 CMR 19.037(4)(b), if BFI is aggrieved by MassDEP's decision to issue this Permit, it may within twenty-one days of the date of issuance file a written request that the decision be deemed provisional, and a written statement of the basis on which BFI believes it is aggrieved, together with any supporting materials. Upon timely filing of such a request, the decision shall be deemed a provisional decision with an effective date twenty-one days after MassDEP's receipt of the request. Such a request shall reopen the administrative record, and MassDEP may rescind, supplement, modify, or reaffirm its decision. If MassDEP reaffirms its decision, the decision shall become final on the effective date. Failure by BFI to exercise the right provided in 310 CMR 19.037(4)(b) shall constitute waiver of BFI's right to appeal.

Right to Appeal

This decision has been issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.037. Pursuant to 310 CMR 19.037(5), any person aggrieved by the issuance of this decision, except as provided for under 310 CMR 19.037(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. Chapter 111, Section 150A and M.G.L. Chapter 30A not later than thirty days following receipt of the final decision. The standing of a person to file an appeal and the procedures for filing such appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the decision by a court of competent jurisdiction, the decision shall remain effective or become effective at the conclusion of the 30 day period.

Notice of Appeal

Any aggrieved person intending to appeal the final decision to the superior court shall provide notice to MassDEP of the intention to commence such action. Said notice of intention shall include the MassDEP File (Transmittal) Number X255837 and shall identify with particularity the issues and reason (s) why it is believed the final decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office that made the decision. The appropriate addresses to send such notices are:

Office of General Counsel
Department of Environmental Protection
One Winter Street
Boston, MA 02108

Philip Weinberg, Regional Director
Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

No allegation shall be made in any judicial appeal of this final decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in 310 CMR 19.000, provided that matter may be raised upon showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures, or that matter sought to be raised is of critical importance to the public health or environmental impact of the permitted activity.

If you have any questions, please contact me at (508) 946-2847 or Daniel Connick at (508) 946-2884, or at the letterhead address. In any correspondence regarding this permit, refer to Transmittal Number X255837.

Very truly yours,

DRAFT

Mark Dakers, Chief
Solid Waste Management Section

E/DC/rr

PAE-FFALLRIVBFI TRANSFER STATIONNTS DRAFT ATC 12-2013.doc

fc: William A. Flanagan, Mayor
City of Fall River, City Hall
One Government Center
Fall River, MA 02772
Fax. No. (508) 324-2626

Fall River City Council
City Hall
One Government Center, 2nd Floor
Fall River, MA 02722
Fax. No. (508) 324-2211

cc: Representative David Sullivan
David.Sullivan@mahouse.gov

Fall River Board of Health
hvaillancourt@fallriverma.org

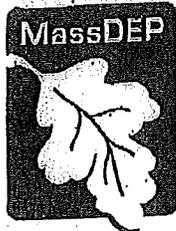
Fall River Sewer Division
tsullivan@fallriverma.org

Mike Quatromoni, SITEC Environmental, Inc.
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DEP-SERO
ATTN: M. Pinaud
L. Black

CF



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

12b

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK
Governor

COPY

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

December 20, 2013

Mr. Christopher October
Environmental Manager
Browning-Ferris Industries, Inc. (MA)
1080 Airport Road
Fall River, Massachusetts 02720

RE: Approval of Variance Request from Solid Waste Management Regulations
Property Boundary Setback
Associated with the Application for: BWP SW 05
Authorization to Construct a Large Handling Facility
Transmittal Number: X255837

AT: BFI Fall River Landfill
1080 Airport Road
Fall River, MA 02720
Facility Number: 132278
Landfill Regulated Object No. 172513
Handling Facility Regulated Object No. 547901

Dear Mr. October:

Browning Ferris Industries, Inc. ("BFI") has applied to the Massachusetts Department of Environmental Protection ("MassDEP") under 310 CMR 19.000, Solid Waste Regulations, for approval to construct a large handling facility (the "Facility"). The Application was received by MassDEP on August 23, 2013, and is comprised of a document entitled: "Application for a Large Handling Facility BWP SW 05, Transmittal X255837, Browning-Ferris Industries, Inc. (MA), Fall River Transfer Station, 1080 Fall River Road, Fall River, MA 02720, August 2013", prepared by SITEC Environmental, Inc. ("Sitec").

The Facility has been designed to handle 1,000 tons per day of Municipal Solid Waste ("MSW") and bulky waste.

BFI has indicated that the proposed Facility site design does not meet the requirement established at 310 CMR 19.038(2)(b)(2)(a) that the waste handling area not be within 100 feet of the nearest edge of the property boundary. On September 16, 2013, Sitec submitted a request for a Variance pursuant to the provisions of 310 CMR 19.080, Variances, requesting that the waste handling area be allowed to be within 40 feet of the property boundary citing, among other factors, that BFI owns the abutting property, which is used for solid waste collection vehicle parking and maintenance. Sitec submitted supplemental information on November 4, 2013.

Background

BFI currently owns and operates a landfill (the "Landfill") located at 1080 Airport Road, Fall River, Massachusetts on a 200-acre parcel of land that was site assigned by the City of Fall River Health Department on February 24, 1982. On March 13, 2013, MassDEP issued the Authorization to Operate ("ATO") Permit for Phase 3, the last phase of the Landfill.

The Landfill is permitted to dispose of an average of 1,500 tons per day of waste. Assuming that BFI accepts waste at an average rate of 1,500 tons per day the life expectancy of the Area 3 expansion is approximately 9 months. Based on historic waste intake rates, the life expectancy of the Area 3 expansion is approximately 12 to 18 months from issuance of the March 13, 2013 ATO permit.

The proposed Facility is intended to handle the MSW and bulky waste portion of the waste material currently disposed at the Landfill when the Landfill is closed. The proposed Facility is located adjacent to the Landfill on a 1.9 acre area of the 200 acre site assigned property, where waste disposal operations have not occurred.

Criteria for Granting a Variance

MassDEP has reviewed the variance request based upon the variance criteria established in the Solid Waste Management Regulations at 310 CMR 19.080. The regulations state that the Regional Director may grant a variance from the application of specific provisions of 310 CMR 19.000, other than those that embody statutory requirements.

310 CMR 19.080(2)(a)

The regulations at 310 CMR 19.080(2)(a) state that a variance request shall include, at a minimum, the following information demonstrating, to MassDEP's satisfaction, that:

- (a) compliance with the provision would, on the basis of conditions unique to the applicant's particular situation, impose unreasonable economic, technological or safety burdens on the applicant or the public;
- (b) substitute measures will provide the same or greater degree of protection to public health, safety and the environment as the application of the regulation(s) from which a variance is requested; and
- (c) the desired relief may be granted without substantial detriment to the public interest and without nullifying or substantially derogating from the intent of 310 CMR 19.000.

Variance Request and BFI's' Justification

Regulatory Requirements – Property Line Setback to Waste Handling Area:

The specific regulatory requirement related to the property line setback from the waste handling area is as follows:

“310 CMR 19.038(2)(b) Combustion Facilities and Handling Facilities: In addition to the criteria set forth under 310 CMR 19.038(2)(a), the Department shall consider whether the following criteria are met when reviewing an application for a permit or permit modification for combustion facilities and handling facilities site assigned before June 8, 2001....

2. the waste handling areas are not within the following distances unless, as applicable, a waiver has been obtained under 310 CMR 16.00 or a variance is obtained under 310 CMR 19.080:

a. 100 feet of the nearest edge of the property boundary, provided that a shorter distance consistent with the necessary operating and maintenance requirements of the facility may be approved for that portion of the waste handling area which borders a solid waste management facility;”

BFI's Justification:

BFI is requesting a variance under 310 CMR 19.080 that would allow the waste handling area to be within 40 feet of the nearest edge of the property boundary and offers the following justification for the requested variance to the 100 foot minimum setback distance established in 310 CMR 19.038(2)(b)2a.

(a) compliance with the provision would, on the basis of conditions unique to the applicant's particular situation, impose unreasonable economic, technological or safety burdens on the applicant or the public;

BFI states that strict compliance with the regulatory criteria would result in an increased burden on the general public.

BFI reduced the proposed handling capacity from 1950 tons per day to 1000 tons per day to match anticipated waste handling demand and minimize building size. BFI stated that they examined various building size and layout scenarios and determined that this 40 foot setback is the maximum that can be achieved due to the limited amount of suitable land available at this location.

BFI stated that they have provided solid waste disposal services to customers throughout southeastern Massachusetts at the Landfill since 1986 and that granting the requested variance will allow solid waste management services to continue to be provided at this location well into the future.

Alternatives to the proposed location would involve:

- increased travel to more distant facilities,
- increased traffic on area roadways,
- increased fuel consumption,
- increased vehicle emissions,
- increased demand on other regional facilities, and
- increased costs to communities due to increased transportation and disposal costs.

Additionally, Fall River is an Environmental Justice Community. Although Fall River is a major source of the waste that is currently handled and proposed to be continued to be handled, siting of a new facility at another location in Fall River would be difficult and may not be appropriate.

(b) substitute measures will provide the same or greater degree of protection to public health, safety and the environment as the application of the regulation(s) from which a variance is requested;

BFI states that the same degree of protection will be provided to public health, safety and the environment.

BFI states that they own two parcels of land at 1080 Airport Road. The first parcel has frontage along Airport Road and BFI's waste collection company conducts its operations at this site. These operations include collection vehicle parking and maintenance as well as office and management functions. The Transfer Station building is proposed to be constructed on the adjacent second parcel of land, which is situated to the rear (north) of the collection company parcel and is the site of the BFI Fall River Landfill. This entire second parcel was Site Assigned by the City of Fall River in 1982.

BFI stated that they do not envision discontinuing the collection company operations on the adjacent land parcel in the foreseeable future nor do they intend on selling or leasing any portions of that property. Additionally, portions of the adjacent property will be utilized for disposal vehicle access to the Transfer Station building and for truck traffic circulation through the Transfer Station site and is therefore integral to its operations.

Based on BFI's ownership of the land parcel affected by the proposed variance and the activities currently conducted on this adjacent land parcel, BFI concluded that the same or greater degree of protection to public health and safety would be provided to users of the adjacent land parcel as the application of the regulation from which a variance is requested.

BFI stated that all waste handling will occur inside the Transfer Station Building and that the proposed Transfer Station building will be set back a distance of 191 feet from the nearest edge of the property boundary with an abutter other than BFI exceeding the 100 foot regulatory requirement. The Transfer Station building will be situated approximately 420 feet east of Horvitz Road) which is a dead end public street that provides access only to the BFI facilities. The Transfer Station will be set back approximately 850 feet from Airport

Road which is the nearest Industrial Park roadway that is actively used by motorists and pedestrians. BFI stated that users of these land parcels would not be affected by the proposed variance and that the actual setbacks will minimize any potential for nuisance conditions as a result of Facility operations.

(c) the desired relief may be granted without substantial detriment to the public interest and without nullifying or substantially derogating from the intent of 310 CMR 19.000.

BFI states that the desired relief may be granted without substantial detriment to the public interest and without nullifying or substantially derogating from the intent of 310 CMR 19.000.

The Facility is proposed at the southeast corner of the Site Assigned land in an area that has not been utilized for solid waste disposal and is adjacent to BFI's landfill gas to energy facility located on the site assigned property. The Facility will replace the currently ongoing landfilling activities at the site.

BFI stated that the site conforms to the City of Fall River Zoning Regulations for industrially zoned properties. BFI submitted a letter from the City of Fall River Building Division, Director of Code Enforcement which states that neither a special permit nor a variance is required for the Transfer Station.

310 CMR 19.000 is intended to regulate solid waste management including the construction and operation of solid waste management facilities. The permitting, construction and operation of the proposed facility will provide for continued operation of a permitted facility to handle the waste materials generated in the surrounding communities.

Decision

I have reviewed the variance request submitted by BFI and hereby grant the variance as deemed necessary to allow construction of the proposed large handling facility. I find that strict compliance with the regulatory criterion would result in undue hardship and would not serve to minimize or avoid adverse impact.

Moreover, I find that granting of the variance is necessary to accommodate an overriding community, regional and state public interest and would not diminish the level of protection to public health, safety and the environment. I have determined that construction and operation of the large handling facility, at the location of an existing active landfill that will be closed and discontinued operation, is consistent with the Commonwealth of Massachusetts' overarching goal to ensure adequate, properly permitted, infrastructure to handle the waste material generated in Massachusetts.

In response to the Proponent's request for variance to 310 CMR 19.038(2)(b)2a, I find that it is appropriate to grant a variance to the requirement for a 100 foot property boundary setback from the waste handling area. The property boundary directly affected by the variance is currently owned by BFI and used for activities related to solid waste handling activities, i.e. the storage

and maintenance of waste hauling vehicles. The granting of this variance is conditioned upon BFI maintaining ownership of the abutting property that lies within 100 feet of the proposed waste handling area of the Transfer Station. Should BFI seek to transfer ownership of this abutting property, then BFI shall apply for a new Variance and shall submit documentation demonstrating that the proposed property transferee has been notified of the Variance Request and has been advised to submit comments regarding the Variance Request.

Appeal to the Commissioner

Pursuant to 310 CMR 19.080(6), the determination of the Regional Director is final unless, within 21 days, an appeal is taken to the Commissioner pursuant to the provisions of 310 CMR 19.080(7).

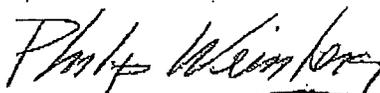
Pursuant to the provisions of 310 CMR 19.080(7), a person requesting a variance from the application of 310 CMR 19.000, the board of health where the affected property is located, or any aggrieved party may appeal the determination of the Regional Director to the Commissioner.

An appeal is taken by delivering a request for a hearing to the Commissioner within the time period established by 310 CMR 19.080(6) that identifies the request for a variance, states the determination of the Director upon it, specifies why the party is aggrieved and the grounds for the appeal. The Department shall hold a hearing upon and determine the appeal pursuant to the provisions of 310 CMR 1.00. In any such proceeding it shall be the burden of the person requesting the variance to demonstrate how the criteria are met.

Notice of an appeal shall be given to the applicant by the party appealing the decision concurrently with filing the appeal.

If you have any questions regarding this matter, please contact Mark Dakers at (508) 946-2847 or at the letterhead address.

Very truly yours,



Philip Weinberg, Regional Director
Department of Environmental Protection
Southeast Regional Office

W/DC/tr

E-FALLRIV\BFI TRANSFER STATION\DEP letters\variance approval 10-2013.doc

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