



City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

MAY 10, 2013
MEETINGS SCHEDULED FOR NEXT WEEK
TUESDAY, MAY 14, 2013

INÈS LEITE
ASSISTANT CITY CLERK

6:00 P.M. PUBLIC HEARING – ZONING

6:30 P.M. COMMITTEE ON FINANCE **NOTE LATER TIME**

1. Transfers and appropriations (see #1 below)
2. *Discussion of proposed loan order re \$300,000 for Bank Street Armory Preservation Project

AGENDA

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

PRIORITY MATTERS – None

PRIORITY COMMUNICATIONS

1. *Transfers and appropriations (see #1 Finance)
2. Chr. Bd. of Election Commissioners and official results of Special State Primary held on April 30, 2013
3. Traffic Commission recommending amendments to the traffic ordinances
4. *Mayor and order to name room in Math Department in memory of William C. Terceiro

COMMITTEE REPORTS

Committee on Regulations recommending:

Adoption:

5. *Order to schedule public hearing for revocation of storage of inflammables permit # 253 – Toros, LLC, 1082 No. Main Street

Committee on Real Estate recommending:

Adoption:

6. *Order – Offer from First Bristol Corporation for former Laurel Lake School, 152 Orswell Street – \$357,000

Action:

7. *Order – Offer from CL Properties/Sherwood Builders for former Silvia School, 106 and 138 Hartwell Street
8. *Order – Offer from RE-CREATION for former Silvia School, 106 and 138 Hartwell Street

Committee on Economic Development and Tourism recommending:

Referral to Committee on Finance:

9. Resolution requesting Mike Motta discuss ideas to improve City's website

Grant leave to withdraw:

10. Resolution – Committee on Economic Development and Tourism convene Tourism Summit
11. Communication from Titanic Historical Society, Inc. regarding Marine Museum

Committee on Ordinances and Legislation recommending:

First reading, as amended:

12. Review Section 66-63 regarding parades and processions

ORDINANCES – None

RESOLUTIONS

13. *Urban Tree Farm located on Bay Street be named in honor of Maryann Wordell
14. *Committee on Economic Development and Tourism meet to discuss rules and regulations facing various businesses looking to locate in the City of Fall River
15. *Committee on Public Safety meet to discuss possibility of pedestrian crossing light on Milliken Boulevard
16. *Committee on Economic Development and Tourism meet to discuss possibility of City Wi-Fi

CITATIONS

17. Dorothy Amaral – 60th Birthday and Cancer Free One Year Anniversary
18. Tequila Lime Cantina – Grand Opening
19. American Wallpaper & Design Gallery – 90th Anniversary
20. Diman Regional Vocational Technical High School – Outstanding Vocational Student Awards

ORDERS – HEARINGS FOR TONIGHT

Curb Removals:

21. University of Massachusetts – 191 feet at 1240 Innovation Way
22. Victor Carvalho – 23.5 feet at 167 California Street
23. MTY Trust – 119 feet at 566 Rodman Street

Street Acceptance:

24. Robb Way from Currant Road to dead end

ORDERS – HEARINGS TO BE SCHEDULED – None

ORDERS – NO HEARING REQUIRED – None

ORDERS – MISCELLANEOUS

25. Police Chief's report on licenses
26. *Light Order
27. Revoke storage of inflammables permit # 47 ½ at request of the owner – Southern Union Company, 155 North Main Street, located on the west end of Birch Street

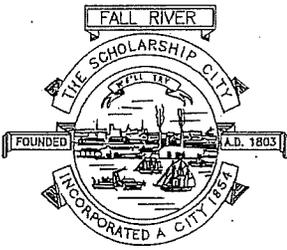
COMMUNICATIONS – INVITATIONS – PETITIONS

28. *Claims
29. *Attorney Sahady regarding Toni Saade and Toros, LLC, 1082 North Main Street
30. *City of New Bedford regarding opposition to elimination of monies to facilitate Southcoast Rail
31. Planning Board Minutes – March 18, 2013
32. Zoning Board of Appeals Minutes – March 21, 2013
33. *Mass DEP regarding Fall River BFI Landfill
34. Drainlayer Bonds

BULLETINS – NEWSLETTERS – NOTICES

35. Final Report – Robb Way


Assistant City Clerk



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2013 MAY -8 A 11: 21

WILLIAM A. FLANAGAN
Mayor

CITY CLERK _____
FALL RIVER, MA

May 7, 2013

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

Dear Honorable Council Members:

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations and transfers to your Honorable Body.

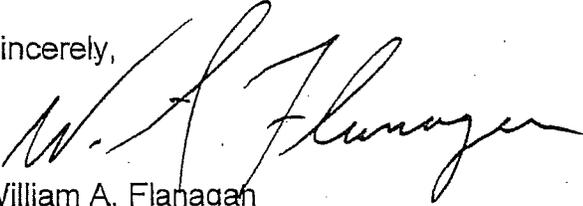
1. \$12,000 That the sum of \$12,000 be, and the same is, hereby transferred from **COMMUNITY SERVICES, EXPENSES**, to be credited to **COMMUNITY SERVICES, SALARIES**.
2. \$75,000 That the sum of \$75,000 be, and the same is, hereby transferred from **FINANCIAL SERVICES, SALARIES**, to be credited to **FINANCIAL SERVICES, EXPENSES**.
3. \$180,000 That the sum of \$180,000 be, and the same is, hereby transferred from **DEBT SERVICE**, to be credited to **VETERANS' BENEFITS, EXPENSES**.
4. \$100,000 That the sum of \$100,000 be, and the same is, hereby transferred from **FIRE & EMERGENCY SERVICES, SALARIES**, to be credited to **FIRE & EMERGENCY SERVICES, EXPENSES**.
5. \$63,000 That the sum of \$63,000 be, and the same is, hereby appropriated and transferred from **EMS, FY 12 RETAINED EARNINGS**, to be credited to **EMS, EXPENSES**.

6. \$19,000

That the sum of \$19,000 be, and the same is, hereby appropriated and transferred from **EMS, FY 12 RETAINED EARNINGS**, to be credited to **EMS, SALARIES**.

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

Sincerely,

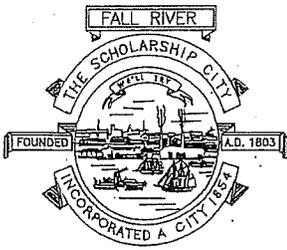


William A. Flanagan
Mayor

CITY CLERK
FALL RIVER, MA

2013 MAY - 8 A 11: 21

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

RECEIVED

2013 MAY -8 A 11: 21

WILLIAM A. FLANAGAN
Mayor

CITY CLERK
FALL RIVER, MA

SHAWN E. CADIME
City Administrator

MEMO

TO: William A. Flanagan, Mayor

FROM: Shawn E. Cadime, City Administrator

RE: Financial Transfers

DATE: May 7, 2013

FINANCIAL TRANSFERS AND APPROPRIATIONS

1. The appropriation request of \$12,000 for Community Services is needed to cover the additional costs associated with the State's Special Elections, which were not budgeted for in FY 13.
2. The transfer request of \$75,000 for Financial Services is to cover additional tax title expenses and to cover the interim treasure's expenses.
3. The transfer request of \$180,000 for Veteran Benefits is cover additional demands for veteran benefits including, but not limited to medical, housing, and burials.
4. The transfer request of \$100,000 in the Fire Expenses is to cover increased costs associated with Medical and Dental for Injuries on Duty, gasoline, and parts and accessories to maintain fire apparatuses.
5. The transfer request of \$63,000 in the EMS Expenses is to cover increased costs associated with liability insurance and medical supplies.
6. The transfer request of \$19,000 in the EMS Salaries is to cover increased costs associated with employee buyouts.

City of Fall River, In City Council

May 14, 2013

1

RECEIVED

2013 MAY -8 A 11: 2

ORDERED:

That the sum of \$12,000 be, and the same is, hereby transferred from
COMMUNITY SERVICES, EXPENSES, to be credited to **COMMUNITY
SERVICES, SALARIES.**

CITY CLERK _____
FALL RIVER, MA

City of Fall River, In City Council

May 14, 2013

2

ORDERED:

That the sum of \$75,000 be, and the same is, hereby transferred from **FINANCIAL SERVICES, SALARIES**, to be credited to **FINANCIAL SERVICES, EXPENSES**.

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2013 MAY - 8 A 11:21

CITY CLERK
FALL RIVER, MA

City of Fall River, In City Council

May 14, 2013

3

ORDERED:

That the sum of \$180,000 be, and the same is, hereby transferred from
DEBT SERVICE, to be credited to **VETERANS' BENEFITS, EXPENSES**.

CITY CLERK
FALL RIVER, MA

2013 MAY - 8 A 11: 21

RECEIVED

City of Fall River, In City Council

May 14, 2013

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ORDERED:

That the sum of \$100,000 be, and the same is, hereby transferred from
FIRE & EMERGENCY SERVICES, SALARIES, to be credited to **FIRE &
EMERGENCY SERVICES, EXPENSES.**

CITY CLERK
FALL RIVER, MA

2013 MAY - 8 A 11:21

RECEIVED

City of Fall River, In City Council

May 14, 2013
5

ORDERED:

That the sum of \$63,000 be, and the same is, hereby appropriated and transferred from **EMS, FY 12 RETAINED EARNINGS**, to be credited to **EMS, EXPENSES**.

CITY CLERK
FALL RIVER, MA

2013 MAY - 8 A 11: 21

RECEIVED

City of Fall River, In City Council

May 14, 2013

6

ORDERED:

That the sum of \$19,000 be, and the same is, hereby appropriated and transferred from **EMS, FY 12 RETAINED EARNINGS**, to be credited to **EMS, SALARIES**.

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2013 MAY -8 A 11: 21

CITY CLERK
FALL RIVER, MA

FY 13 Appropriation/Transfer Analysis

Line	Original/Revised	Appropriation	Amount Transferred	New Appropriation
Community Services, Expenses	\$	531,981	(12,000)	\$ 519,981
Community Services, Salaries	\$	2,632,357	12,000	\$ 2,644,357
Financial Services, Salaries	\$	1,362,076	(75,000)	\$ 1,287,076
Financial Services, Expenses	\$	529,315	75,000	\$ 604,315
Debt Service	\$	9,819,614	(180,000)	\$ 9,639,614
Veteran's Benefits, Expenses	\$	2,698,154	180,000	\$ 2,878,154
Fire & Emergency Services, Salaries	\$	10,998,624	(100,000)	\$ 10,898,624
Fire & Emergency Services, Expenses	\$	931,830	100,000	\$ 1,031,830
EMS FY 12 Retained Earnings (Certified Freecash)	\$	325,024	(82,000)	\$ 243,024
EMS Expenses	\$	399,999	63,000	\$ 462,999
EMS Salaries	\$	2,362,838	19,000	\$ 2,381,838

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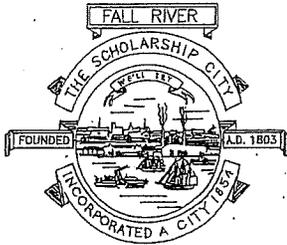
2013 MAY -8 A 11: 21

CITY CLERK
FALL RIVER, MA

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



Krishan Gupta, City Auditor
5/7/2013



City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

May 8, 2013

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

RECEIVED
2013 MAY -9 A 8:48
CITY CLERK
FALL RIVER, MA

Dear Madam President and Members of the Honorable Council:

I respectfully submit to the Honorable Council a request by the family of the late William C. Terceiro to have a room within the Math Department at the new James M. Morton Middle School dedicated in his memory.

Mr. Terceiro was a former educator in the Fall River School system teaching at Morton Middle School for the years 1958 through 1972. He was the first statutorily blind math educator in our school system. The Morton Middle School Class of 1972 dedicated their yearbook to him stating "Mr. Terceiro, in his sixteen years of teaching here at Morton, never once allowed difficulties to curtail his teaching activities".

Please afford this request your every consideration and thank you in advance for your time and attention.

Sincerely,

William A. Flanagan
Mayor

WF/amos

City of Fall River, *In City Council*

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ORDERED, that a room within the Math Department at the new James M. Morton Middle School be named in memory of William C. Terceiro.

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Regulations at a meeting held on April 30, 2013, voted unanimously to recommend that the accompanying order be adopted.

Collin A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

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ORDERED, that a public hearing be held by the City Council on Tuesday, May 28, 2013 at 6:00 PM in the Council Chamber, Government Center, to hear all persons interested and wishing to be heard on the revocation of License number 253 granted to Toros LLC, 1082 North Main Street, Fall River, MA 02720, under the provisions M.G.L c. 148, § 13. Toros, LLC according to the Secretary of the Commonwealth, Corporations Division is managed by Toni Saade, 51 Lucy Lane, Somerset, MA 02726.

The revocation of License number 253 is for the following reasons:

- All criminal activity as described in Police Report number 13-336-AR. **See Attached.**
- All Fire Code violations as described in a report dated March 12, 2013 by Captain William Powers of the Fall River Police Department. **See Attached.**



Fall River Police Department
Summons Report

5

Summons #: 13-336-AR
Call #: 13-5246
Incident #: 13-537-OF

Date/Time Reported: 01/23/2013 @ 1914
Arrest Date/Time: 02/04/2013 @ 1524
OBTN: TFAL201300336
Additional Cases: 13-337-AR
Reporting Officer: Officer Brett Kimball
Assisting Officer: Officer Kevin Bshara

Signature: _____

#	DEFENDANT(S)	SEX	RACE	AGE	SSN	PHONE
1	SAADE, TONI 51 LUCY LN SOMERSET MA 02726	M	W	41	[REDACTED]	508-558-0098

Military Active Duty: N
BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.
DOB: 05/15/1971 PLACE OF BIRTH: NOT AVAIL.
STATE ID: MA FBI ID:
LICENSE NUMBER: MA 033723819 ETHNICITY: NOT HISPANIC
PCF #: 2726499

[CONTACT INFORMATION]

Home Phone (Primary) 508-558-0098

ALIAS LAST NAME	FIRST NAME	MIDDLE NAME	SSN	DOB
SAADE	TONI		NOT AVAIL	05/15/1971

EMPLOYER/SCHOOL: SHELL SERVICE STATION • 508-646-9899

OFFENSE(S)	ATTEMPTED	TYPE
LOCATION TYPE: Service/Gas Station FALL RIVER SHELL SERVICE STATION 1082 NORTH MAIN ST FALL RIVER MA Zone: Zone 256, Sec 3		
TRAFFICKING CLASS B IN SCHOOL ZONE 94C/32J/F 94C 32J OCCURRED: 01/23/2013 1944 CRIMINAL ACTIVITY: Possessing/Concealing	N	Felony
TRAFFICKING CLASS A IN SCHOOL ZONE 94C/32J/C 94C 32J OCCURRED: 01/23/2013 1914 CRIMINAL ACTIVITY: Possessing/Concealing	N	Felony
POSS TO DISTRIB CLASS B IN SCHOOL ZONE 94C/32J/D 94C 32J OCCURRED: 01/23/2013 1914 CRIMINAL ACTIVITY: Possessing/Concealing	N	Felony
POSS TO DISTRIB CLASS B IN SCHOOL ZONE 94C/32J/D 94C 32J OCCURRED: 01/23/2013 1914 CRIMINAL ACTIVITY: Possessing/Concealing	N	Felony

Fall River Police Department
 Summons Report

5

Summons #: 13-336-AR
 Call #: 13-5246
 Incident #: 13-537-OF

#	OFFENSE (S)	ATTEMPTED	TYPE
5	POSS TO DISTRIB CLASS A IN SCHOOL ZONE 94C/32J/A	N	Felony
	94C 32J OCCURRED: 01/23/2013 1914 CRIMINAL ACTIVITY: Possessing/Concealing		

#	DRUG (S)	PROPERTY #	STATUS
1	COCAINE APPROX. 234 GRAMS QUANTITY: 234.800 (Dosage of Units/Items) Seized (Not Previously Stolen) OWNER: SAADE, TONI	13-468-PR VALUE: \$0.00 LAB#:	Seized (Not Previously Stolen) DATE: 02/05/2013 13-02412
2	OXYCODONE HYDROCHLORIDE (15 GRAMS) QUANTITY: 100.000 (Dosage of Units/Items) Seized (Not Previously Stolen) OWNER: SAADE, TONI	13-500-PR VALUE: \$0.00 LAB#:	Seized (Not Previously Stolen) DATE: 02/05/2013 13-02412
3	OXYCODONE HYDROCHLORIDE (10 GRAMS) QUANTITY: 71.000 (Dosage of Units/Items) Seized (Not Previously Stolen) OWNER: SAADE, TONI	13-469-PR VALUE: \$0.00 LAB#:	Seized (Not Previously Stolen) DATE: 02/05/2013 13-02412
4	OPANA (OXYMORPHONE) QUANTITY: 44.000 (Dosage of Units/Items) OWNER: SAADE, TONI	13-471-PR VALUE: \$0.00	Seized (Not Previously Stolen) DATE: 02/05/2013

Ref: 13-336-AR

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On Sunday, January 20, 2013 I, Officer Brett Kimball, was trying to locate a male who listed his place of employment as Shell Gas Station, 1082 North Main Street. This male has several active warrants for his arrest. I went to the business, which was open and operating, attempting to locate this male. When I entered the store, I noticed the clerk was not the male I was looking for. While in the store, I noticed several bottles, in several flavors, of "HIGH VOLTAGE DETOX" a banned substance under the Fall River Drug Paraphernalia Ordinance. The bottles were in plain view and clearly for sale. I exited the store.

It should be noted that on Wednesday November 21, 2012 at approximately 2:30PM Officers Eric Copsetta and John Lapointe went to the Shell Gas Station located at the intersection of President Avenue and North Main Street, 1082 North Main Street, Fall River, MA. Officer Lapointe explained and provided a copy of the City of Fall River Drug Paraphernalia Ordinance, Massachusetts General Law Chapter 94C Section 32I. Officer Lapointe spoke to the store manager Shaun Cyr 02/09/81. Officer Lapointe stated that Shaun Cyr informed him that in the absence of Tony Saade, he(Shaun) is responsible for the day to day operations and business transactions regarding the sale of fuel, merchandise in the convenience store and mechanical repairs in the garage. Officer Lapointe noted that while speaking with Cyr, the store owner Tony Saade 05/15/71 called and was made aware of the Ordinance and what was covered. Officer Lapointe left a copy of the Ordinance for Saade, adding if there were any questions to contact Tobacco Control Coordinator of the City of Fall River, Marilyn Edge.(Refer to case#12-940-FI)

On January 23, 2013 I, Officer Brett Kimball, applied for and was granted a search warrant for 1082 North Main Street, the Shell Gas Station. Officers Kevin Bshara, Luis Duarte, Sgt. James Smith and I went to 1082 North Main Street. We entered the store and I spoke with the clerk, identified as "George" advising him that I had a search warrant for the property. I requested he contact the owner, Tony Saade, requesting he come to the property. I also showed "George" a copy of the search warrant. I requested Officer Bshara lock both entrance doors to the store. "George" reviewed the search warrant then called Saade. "George" then relayed to me that Saade was on his way, coming from Providence, RI. As time passed, "George" then received a call from Tony that he was having car trouble and would not be able to come to the store. I spoke with Tony via "George's" phone and advised him of the search warrant. I also repeated my request that he, Tony, come to the store. Tony stated he could not. I then requested Officers Bshara and Duarte start searching. I also started to search behind the counter. I located, in a drawer on the right side of the cash register, an open, partially empty, box of 14 "love roses" and 5 bags of small zip lock style bags, each of the five bags contain 125 individual bags. Through my training and experience, I have learned that the "love roses" are commonly used to smoke crack cocaine. I have also learned that the small zip lock style bags are commonly referred to as "bullet bags" used to package narcotics for quick street sales. Officer Duarte observed 15 beaded metal "roach" clips in a glass cases on the left side of the register. This case was on top of the counter, clearly viewable by customers. Officer Duarte located 2 bottles of "High Voltage Detox" and 3 bottles of "Ultra Mask" another product used to "detox" one's system before a drug test, to avoid detection. Officer Bshara then located, in the drawer below the lottery tickets, several packages of synthetic marijuana, both in foil envelopes and plastic jars. Officer Bshara also located a box of "chor boy" on the floor, behind the register, next to tobacco products. Through my training and experience, I have learned that the "chor boy" is used in the glass "love roses" as a filter or stopper to smoke crack cocaine. It was at this time, a male, identified as Andrew Daher 07/07/79, arrived. He knocked on the door to the store and I spoke with him. Daher stated that he had some tools in the garage area and was going to put his son's bed together at home. Daher stated he need to retrieve a screwdriver to complete this task. I asked Daher if he worked at the store or garage and he stated "Not anymore, I still have some tools here though." I then asked if he had any keys to the locked rooms in the back, Daher interrupted me and stated "Listen, I don't know about anything happening here, I just have some tools and need a screwdriver for my son's bed." I then informed Daher that he could retrieve the screwdriver, but would be escorted by Officer Bshara. Daher seemed distraught over this, but then agreed and was escorted to the garage area to get his screwdriver.

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Officer Bshara and Daher returned and Daher had a very long screwdriver. Daher then left.

Officers Duarte and Bshara continued the search and I entered the side door of the store. This door led to a sink and also had three car seats that had been removed from vehicles on the floor, arranged near a table. I also observed a door to a room on the right side. I also observed another storage area with store items were stored and this area gave access to the store coolers. I then walked around the corner and noticed that the room with the locked door had a glass or plexi glass window. When I illuminated the interior of this room with my flashlight, I could clearly see additional boxes of glass "love roses" and other packages of synthetic marijuana. I continued walking into the garage area and observed a blue standing toolbox with it's doors open. I could see, in plain view, a "sling" style belt with several "live" rounds for a shotgun. I also observed a white digital scale. I retrieved one round and confirmed it was a "live" unfired round for a shotgun. I then returned to speak with Officers Bshara and Duarte.

It was at this time that Officer Bshara informed me that Attorney Renee Brown had arrived and had knocked on the door, attempting to enter the store. Officer Bshara stated that Attorney Brown entered the store and demanded to see the search warrant. Officer Bshara then showed Attorney Brown the copy of the search warrant. Officer Bshara stated that Attorney Brown was talking very fast and he was unable to understand all of what Attorney Brown was saying. Officer Bshara stated that Attorney Brown then demanded to know "who" was named on the search warrant. Officer Bshara then requested that Attorney Brown wait outside, that he would have the investigating officer speak with her, momentarily. As I listened to Officer Bshara, I observed Attorney Brown pacing back and forth, watching us, but also speaking on her cell phone. I then watched as Attorney Brown walked over to a vehicle and left. It was at this time, Sgt Smith, who had left to address another police emergency, arrived back at the Shell Gas Station. While speaking with Sgt. Smith, advising him what had taken place, Attorney Brown arrived, for a second time. Sgt. Smith exited the store to speak to Attorney Brown.

I then spoke with Tony Saade on the telephone, again. I repeated my request for Saade to come into the store. I also, repeated my request, that Saade bring keys to the two locked storage areas. I explained to Saade that I didn't want to damage the doors. Saade stated "I'll try to get someone there, but do what you gotta do!" I asked Saade about Daher and Saade stated "He used to work there, but he doesn't anymore." Our conversation then ended.

I then spoke with a male, who identified himself as Shaun Cyr, by telephone. It should be noted that Shaun Cyr was the male who identified himself to Officers Lapointe and Copsetta as the store manager when I received the copy of the ordinance from the City of Fall River. I asked Cyr to come to the store, asking if he had keys to the two locked storage areas. I explained to Cyr that I had a search warrant for the business at 1082 North Main Street and I was looking for drug paraphernalia. I explained to Cyr that I could hear two dogs in one of the storage areas and preferred that he come and secure the dogs, Cyr stated he could not and was "not round" to unlock the doors.

I then noticed that attorney Brown had left the area and Sgt. Smith re-entered the store. Officers Bshara and Duarte were able to gain entry into the first storage area with no damage to the door. Inside this area, Officers Bshara and Duarte located additional packages of synthetic marijuana and boxes of "love roses." Officer Duarte then located a switchblade knife on top of the filing cabinet. Officer Bshara also located a mini display. Officer Bshara also located a digital scale. Officer Bshara also located several repair slips for Tony's road service, 1082 North Main Street, Fall River, MA" on a desk, next to this storage area door.

Sgt. Smith had summoned the Fall River Police Department's Dog Officer to assist with securing the dogs, within the other locked storage area. Officer Bshara forced the door open. We observed a chair which had a bullet proof vest on the chair. This chair was near a round table, which had a digital scale on it, along with a prescription medicine bottle on it. This bottle had the label removed and had "valium" written on it. Officer Duarte then noticed a grey backpack behind the chair, but on top of some other items. Officer Duarte

Ref: 13-336-AR

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looked inside the backpack and discovered two clear, plastic bags. Each bag contained a large amount of a white rocky substance. Through our training and experience, we recognize this substance to cocaine. Officer Bshara then located a box of clear sandwich bags. Through our training and experience, we have learned that clear, plastic bags are used to package narcotics for street sales. I then open a drawer of a tool chest and noticed a clear, plastic bag which contained a large amount of round, blue, circular pills. Through my training and experience, I recognize the pills to be prescription narcotics. Also located in this drawer was two glass vials with Trena 100mg, an injectable steroid. I then opened another drawer of the tool chest and located a plastic bottle, which contained additional round, blue pills. This draw also contained \$225.00 dollars. This draw also had a plastic bag with round, orange pills in it. I did not recognize what the pills where, but were later identified as "Opana (Oxymorphone)" a prescription pain killer. I also located 16 oblong pills and 4.1 round pills. The pills were later identified as Oxycodone Hydrochloride and Endocet, both prescription pain killers. The pills were identified using the website Drugs.com, along with the assistance of Officer Eric Copsetta . I also located a plastic bag which contained a white rocky substance in the refrigerator. Through my training and experience, I recognize this substance to be cocaine. I also located storage boxes that contained receipts for the business. I also located additional paperwork from the store, such as shift close and store closing sheets. I also located envelope style package from FEDEX addressed to "Tony Saade, c/o Fall River Shell, 1082 North Main Street, Fall River, MA" I also located another FEDEX envelope style package addressed to "Shaun Cyr 1082 North Main Street, Fall River, MA" Officer Bshara also noticed food items stored in this area, that were the same as food for sale in the front of the store. The items were photographed.

Officer Duarte explained to me that he had located a large amount of money in the other storage unit. Due to the discovery of the large amount of narcotics, I requested he seize the money.

All evidence was confiscated and transported to the Fall River Police Department for processing, then turning over the evidence to the Fall River Police Department's Evidence Officer.

The following is a list of evidence seized:

- 1) 1--box of chor boy
- 2) 49--packages of MG(synthetic marijuana)
- 3) 14--Love roses(glass tubes)
- 4) 1---Box of glad sandwich bags
- 5) 5---bags of zip lock bags
- 6) 15-beaded "roach clips"
- 7) 3-- bottles of 25oz Ultra Mask
- 8) 2--bottles of 16oz High Voltage Detox
- 9) 7--packages of "Scooby Snax" (synthetic marijuana)
- 10) 17-packages of Down2Earth climaxx (synthetic marijuana)
- 11) 47--packages of WTF (synthetic marijuana)
- 12) 4--Tony's road service repair slips
- 13) 1-- mini zip display
- 14) 46--Ace of Spades (synthetic marijuana)
- 15) 3--Boxes of love roses
- 16) 1--Switchblade
- 17) 4--digital scales
- 18) 1--backpack
- 19) 13--shotgun shells with sling style carrier
- 20) 1---First choice body armour

Ref: 13-336-AR

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- 21) 1--FedEx package addressed to Shaun Cyr
- 22) 1--FedEx package addressed to Tony Saade
- 23) 2--store closing forms Tony Saade listed as the operator
- 24) 4--shift closing forms Tony Saade listed as the operator
- 25) 88--receipts with "Shell 1082 North Main Street" printed on the receipts
- 26) \$3,107--U.S. Currency
- 27) 5--bags of Apple Bags (125 in each)
- 28) 3--plastic bags of cocaine (approximately 234 grams)
- 29) 71--Oxycodone Hydrochloride
- 30) 100--Oxycodone Hydrochloride
- 31) 44---Opana (Oxymorphone)
- 32) 82---Diazepam
- 33) 16--Oxycodone Hydrochloride
- 34) 4.1--Endocet
- 35) 2---Bottles of Trean (steroids)
- 36) Several photographs (to be submitted by Officer Bshara)

This report written under the pains and penalties of perjury.

Requesting Officer _____

Supervisor _____

SUPPLEMENTAL NARRATIVE FOR DETECTIVE MANUEL A BERNARDO

Ref: 13-336-AR

5

On Thursday January 24, 2013 at approximately 12:30pm Officer Brett Kimbell responded to the Vice & Intelligence Unit, with property # 13-468-PR (approximately 234 grams of a white rocky/powder substance suspected of being cocaine, in three separate clear plastic bags) and requested that it be field-tested

On this date and time I, Detective Bernardo retrieved a small sample of the white rocky/powder substance, from one of the clear plastic bags. As a result of the field-testing the sample, it came back positive for cocaine.

Detective Manuel Bernardo 01/24/2013

SUPPLEMENTAL NARRATIVE FOR OFFICER BRETT D KIMBALL

Ref: 13-336-AR

5

On January 23, 2013 as a result of an investigation that I conducted at 1082 North Main Street, I made a seizure of narcotics, resulting in trafficking narcotics and possession with intent to distribute narcotics. A warrant was requested for Toni Saade 05/15/71. Saade has since turned himself in. After further investigation, I found that a day care, Childrens Paradise School, which is located at 278 President Avenue, border's the West side of the property.

I, Officer Brett Kimball, respectfully request that Toni Saade 05/15/71 be summoned into Second District Court to answer the charges listed.

This report written under the pains and penalties of perjury.

Requesting Officer _____

Supervisor _____

5



City of Fall River, Massachusetts
Fire Department Headquarters



Bureau of Fire Prevention and Investigation

Chief William Silvia
Fire Chief

140 Commerce Drive P.O. Box 749
Fall River, Massachusetts 02722-0749
Telephone (508) 324-2740

Lieutenant William Powers, C.F.I.
Fire Investigator

March 12, 2013

To: Corporation Counsel Elizabeth Sousa

From: Lt. William Powers

Re: Fire Safety Inspection @ 1082 North Main St

Violations found at Toros LLC Gas Station/Convenience Store:

- 1) 527 CMR 5.06 (1) Failure to maintain daily gasoline inventory records
- 2) 527 CMR 5.06 (1) Failure to have gasoline inventory records readily available
- 3) 527 CMR 5.07 (5) Emergency shutoff switches not readily available (Blocked by display of lottery tickets)
- 4) 527 CMR 5.08 (1) (e) Failure to maintain a working intercom and video monitoring systems between self serve island and attendant on duty.

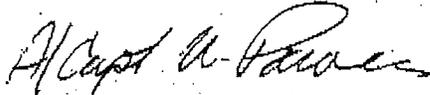
Violations found at "Tony's Service and Sales" Auto Repair License #182

- 1) Storage of Combustibles w/o permit
- 2) Storage of Flammables w/o permit
- 3) Failure to post "NO SMOKING" signs
- 4) 527 CMR 5.09(5) Smoking inside a service station. (3 full ashtrays inside auto repair garage.)
- 5) 527 CMR 5.05(4) Storage of flammables in excess amount not in flammables storage unit
- 6) 527 CMR 5.09 (2) Failure to have non-flammable absorbent

5

- 7) 527 CMR 5.09 (3) Failure to have metal self closing trash receptacles (plastic barrels in garage)
- 8) 527 CMR 5.09 (9) Repair of motor vehicles using torch/flame while flammables and combustibles are present

Be advised that there are outstanding arrest warrants for Shaun Cyr, DOB the operator of "Tony's Service and Sales" for drug trafficking and distribution and ammunition charges.



A/Captain William Powers

CITY OF FALL RIVER

6

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on April 30, 2013, voted 4 yeas to recommend that the accompanying order be adopted, with Councilor Mitchell absent and not voting.

Colleen A. Taylor
Clerk of Committees

6

City of Fall River, In City Council

ORDERED, that the City Council of the City of Fall River hereby accepts the recommendation of the Real Estate Committee and orders that the former Laurel Lake School, 152 Orswell Street (Assessors Map C-01-0009), be conveyed to First Bristol Corporation for the sum of \$357,000 as set forth in First Bristol Corporation's Response to said RFP, subject to the terms and conditions as set forth in said RFP, and further subject to the negotiation and execution of a Purchase & Sales Agreement in a form determined and acceptable by the Corporation Counsel and the execution of a Quitclaim Deed in a form also acceptable to the Corporation Counsel.

7

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on April 30, 2013, voted 5 yeas to recommend that the accompanying order be forwarded to the full council for action.

Cullen A. Taylor
Clerk of Committees

City of Fall River, *In City Council*

7

ORDERED, that the City Council of the City of Fall River hereby accepts the recommendation of the Real Estate Committee and orders that the former Silvia School, 106 & 138 Hartwell Street (Assessors Map N-21-0001), be conveyed to CL Properties/Sherwood Builders for the sum of \$7,500 as set forth in CL Properties/Sherwood Builders' Response to said RFP, subject to the terms and conditions as set forth in said RFP, and further subject to the negotiation and execution of a Purchase & Sales Agreement in a form determined and acceptable by the Corporation Counsel and the execution of a Quitclaim Deed in a form also acceptable to the Corporation Counsel.

CITY OF FALL RIVER

8

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on April 30, 2013, voted 5 yeas
to recommend that the accompanying order be forwarded to the full council for action.

Catherine A. Taylor
Clerk of Committees

8

City of Fall River, In City Council

ORDERED, that the City Council of the City of Fall River hereby accepts the recommendation of the Real Estate Committee and orders that the former Silvia School, 106 & 138 Hartwell Street (Assessors Map N-21-0001), be conveyed to Greater Fall River RE-CREATION for the sum of \$5,000 as set forth in Greater Fall River RE-CREATION's Response to said RFP, subject to the terms and conditions as set forth in said RFP, and further subject to the negotiation and execution of a Purchase & Sales Agreement in a form determined and acceptable by the Corporation Counsel and the execution of a Quitclaim Deed in a form also acceptable to the Corporation Counsel.

City of Fall River, *In City Council*

13

(City Council)

WHEREAS, Maryann Wordell has been instrumental in increasing the number of trees in the City of Fall River, and

WHEREAS, she worked tirelessly on the Fall River Tree Ordinance, which has greatly improved the municipal tree care operations, and

WHEREAS, she has volunteered her time and talents for many years in the City of Fall River, now therefore

BE IT RESOLVED, that the new urban tree farm located on Bay Street be named in her honor.



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

WILLIAM A. FLANAGAN
Mayor

May 10, 2013

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

RECEIVED
2013 MAY 10 P 3:08
CITY CLERK
FALL RIVER, MA

Dear Madam President and Members of the Honorable Council:

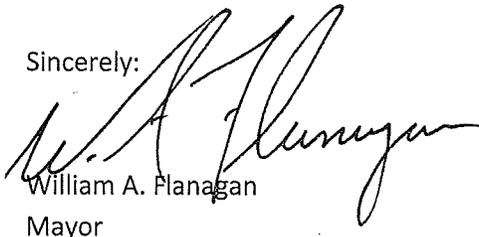
I respectfully submit to the Honorable Council a request to name the "Urban Tree Farm" on Bay Street in honor of Mary Ann Wordell. Mrs. Wordell founded the Fall River Street Tree Planting Program as well as fostered our current Tree Steward Program. She has also been instrumental in the development and subsequent passage of the City of Fall River Tree Ordinances. She has worked tirelessly to insure that the City's trees have become a vital part of our municipal infrastructure.

Mrs. Wordell has organized everything from volunteer tree planting projects, formal training programs and Arbor Day celebrations. She was honored by the Massachusetts Department of Conservation and Recreation as an Outstanding Citizen Forester in 2005. Her dedication to establishing a well managed forestry program in our City has required countless hours of volunteerism which she has given freely.

As Mayor of this great City, I feel this is a fitting way to honor Mary Ann Wordell for her years of dedicated volunteer serve to the City of Fall River and its citizenry. Her vision of a well managed, greener urban forest in Fall River will be enhanced by the creation of the City's first "Urban Tree Farm."

I respectfully ask for your every consideration with this request and look forward to your support in honoring a very deserving committed citizen.

Sincerely:


William A. Flanagan
Mayor

WF/amos

City of Fall River, *In City Council*

14

(Councilor Raymond A. Mitchell)

WHEREAS, many potential businesses run into an extreme amount of red tape when applying for necessary licenses, zoning regulations and other required local and state permits, and

WHEREAS, this process can be confusing and overwhelming, and

WHEREAS, businesses may seek alternate locations in nearby towns, and

WHEREAS, the City of Fall River is working to increase businesses in our City, now therefore

BE IT RESOLVED, that Committee on Economic Development and Tourism meet to discuss rules and regulations facing various businesses that may be looking to establish a location in the City of Fall River.

City of Fall River, In City Council

15

(Councilor Michael L. Miozza)

WHEREAS, Milliken Boulevard is a highly traveled street, and

WHEREAS, there are many businesses and residents in this area, and

WHEREAS, the traffic in the area of Dunkin Donuts, The Fall River Municipal Credit Union and the exit ramp from Interstate 195 makes crossing Milliken Boulevard treacherous, now therefore

BE IT RESOLVED, that the Traffic Division as well as the Department of Community Maintenance, Mass Highway and concerned citizens be invited to a future meeting of the City Council Committee on Public Safety to discuss the possibility of installing a pedestrian crossing light at this location.

City of Fall River, In City Council

16

(Attorney David J. Dennis)

WHEREAS, more and more citizens are using the internet for business matters, school research and social networking, and

WHEREAS, the City of Fall River is striving to improve its atmosphere to residents, businesses and tourists, and

WHEREAS, it is now possible to provide Wi-Fi to open space areas such as parks and public buildings, now therefore

BE IT RESOLVED, that the Committee on Economic Development and Tourism meet to discuss the possibility of City Wi-Fi.

City of Fall River, In City Council

26

The City Council hereby recommends that the Director of Public Works
conduct a lighting survey at the following location:

near 270 Savoie Street

(Councilor Joseph D. Camara)

Pole # 8-2

TRAVELERS

CC

28

The Phoenix Insurance Company
P O Box 2954
Milwaukee, WI 53201
(800)624-6007

APR 11 REC'D

04/04/2013

#13-78

Fall River City Water Dept
1 Government Center
Fall River, MA 027227700

Our Client: Ernest Perry
Claim/File #: 452 FR HPR4719 K
Date of Loss: 03/06/2013
Reference: Subrogation Claim

CITY CLERK
FALL RIVER, MA

2013 APR 22 A 11:09

RECEIVED

Dear Fall River City Water Dept:

We are investigating a claim for Ernest Perry who sustained a loss on 03/06/2013.

Our investigation reveals that you may be responsible for this loss. If you have insurance, please complete the attached form and return it to me. Please refer this letter to your insurance carrier immediately, requesting that they contact our office. Should you not have insurance, please contact me to discuss this loss.

Please call me with any questions.

Your Department was out doing some work on our insured's water meter when water leaked into the basement causing damages at 483 Quincy St., Fall River, MA.

Sincerely,
Pamela A Knurr
CI Rep
(262)787-4773
Fax: (866)280-7367
Email: PKNURR@travelers.com

Nothing in this letter is intended or should be construed as an admission or denial of coverage to our insured.

Enclosure: Insurance Questionnaire

orig & 2 cpy to Law
1 water
1 CC
1 City Clerk

cc

28

RECEIVED

CLAIM FORM

City of Fall River, Massachusetts

2013 APR 22 P 12:06

Name: Yvette and Nick Hathaway #13-79

Address: 75 School Street
Fall River, MA 02720

Phone #: 508-400-4118

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

Date of Incident: 1-31-13

Time of Incident: 5:45 AM

Location of Incident: 75 School Street

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

We would like to submit a claim to be reimbursed
for our \$1,000.00 deductible that applies
to our homeowners claim between 75 School St.
and the Westall School on Walnut Street.
Please find attached any paperwork that
we have received from J. Groman Adjusters, Inc.
that may state our deductible applies.
We are fully aware this claim has to be
put through our homeowners insurance and
would like to be reimbursed by the City of
Fall River for our \$1,000.00 ~~deductible~~ deductible
to help pay for damages done to our property
from the roof top of the Westall School Building.

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

orig & 2 copies Law
1 School Dept
1 cc
1 city clus

CC

13-80 28

RECEIVED

CLAIM FORM

City of Fall River, Massachusetts

2013 APR 22 P 4:03

Name: Chris Pavao

Address: 34 Last Street
Fall River, MA 02724

Phone #: 508 678 2449 - 401 413 3758

CITY CLERK
FALL RIVER, MA

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

Date of Incident: 4/16/13

Time of Incident: 11pm roughly

Location of Incident: Beginning and middle section of church street

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

While driving down Church Street about
50' from corner I hit a pot hole on the right
hand side of the street. No more than 75'
down the road hit another two. It was
late at night making it difficult to
see and being such a condensed street
navigating around the potholes can be
next to impossible.

Two of my tires are now ruined
as well as one of my factory VW wheels.
An estimate for replacement is attached. Wheel
can be purchased used to lessen cost of replacement.

Thank you
Chris Pavao.

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

orig or 2 copies scan
IDPW
ICC

cc

28

CLAIM FORM
City of Fall River, Massachusetts

RECEIVED

Name: Peter Botelho

2013 APR 26 A 9:52

Address: 124 Barnaby St
Fall River MA 02720

CITY CLERK # 13-81
FALL RIVER, MA

Phone #: 774-521-5507

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

Date of Incident: 3-22-13

Time of Incident: 8:51 AM

Location of Incident: Pleasant St

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

See attached

orig & 2 copies Law

Palmer Dept

1 cc
city clerk

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

CC

28

MetLife Auto & Home®
Subrogation - Warwick
Mail Processing Center
PO Box 2204
Charlotte, NC 28241-2204
800-634-9740

RECEIVED

2013 APR 30 A 11:01
MetLife® # 13-81-A
CITY CLERK
FALL RIVER, MA

04/24/2013

City Of Fall River, Office Of The City Clerk
Attn: Alison M. Bouchard
One Government Center, Room 227
Fall River, MA 02722

Our Customer: Peter Botelho
Our Claim Number: WBG10681
Date of Accident: 03/22/2013
Your Customer: City Of Fall River, Office Of The City Clerk
Your Claim Number: DOL: 3/22/2013 - Fall River Police Dept.

Dear City Of Fall River, Office Of The City Clerk,

- () Enclosed is the documentation you requested.
- () Please call the undersigned upon receipt of this letter.
- (X) Please provide a status on our subrogation claim.
- () Please fill out the enclosed statement form as completely as possible.

Sincerely,

Margaret Gauthier
METROPOLITAN PROPERTY AND CASUALTY INSURANCE COMPANY
Supervisor, Ext: 6036
Fax: 866-260-1164

MetLife Auto & Home is a brand of Metropolitan Property and Casualty Insurance Company and its Affiliates, Warwick, RI

28

CC

RECEIVED

CLAIM FORM

City of Fall River, Massachusetts

2013 APR 26 A 10:30

CITY CLERK #13-82
FALL RIVER, MA

Name: Denise Fortin

Address: 40 Leeward Rd.
Fall River MA 02720

Phone #: 508-985-8430

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

Date of Incident: 4/18/13

Time of Incident: 2:00 pm

Location of Incident: Newton St Intersection

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

While turning onto Plymouth Ave. from
Newton St^{Eastbound}, taking a right hand turn, I inadvertently
struck a pothole damaging my front @ tire
which required replacement.

arg + 2 cops Law

1 DPW

1 CC

1 city club

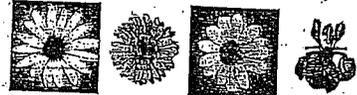
*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

copy + 2 copies Law
Bpw
cc
cc
RECEIVED 28

CLAIM FORM
City of Fall River, Massachusetts

2013 APR 29 A 10:37

CITY CLERK #13-83
FALL RIVER, MA

Name: 

Address: **Deborah Iamarone**
372 Eddy St
Fall River MA 02723-2319

EMAIL
diamarone@gmail.com

Phone #: 508-330-4452

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

Date of Incident: 2/27/13

Time of Incident: 4:00 PM

Location of Incident: QUARRY STREET

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

While driving up Quarry Street to my home address, (372 Eddy Street (off of Locust St)) I had no choice due to on-coming traffic and traffic behind me to stay to my right of Quarry Street and unfortunately hit 30 potholes in a row. Pictures are enclosed. After this incident the right side of my car was making loud noises and the Right front tire was shaking back + forth and felt like it was going to fall off. I took my car to my mechanic. stated it was due to the potholes.

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights
I had received a sticker (inspection) their 5 days earlier and my car was fine. The inspector for my sticker also commented on this.

CC

28

CLAIM FORM
City of Fall River, Massachusetts

RECEIVED

2013 APR 30 A 11:01
CITY CLERK 13-84
FALL RIVER, MA

Name: Edward M. Almeida

Address: 193 Whitefield Street
Fall River, MA 02721

Phone #: 508-324-1569

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

Date of Incident: 4-19-2013

Time of Incident: 7:30 AM

Location of Incident: corner of Newton Street &
William S. Canning BLVD

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

I was traveling East on Newton Street. Stopped at
traffic light @ RT 81 S. Took right hand turn &
saw large pot hole and attempted to drive
around it. where driver's side tires would be
to the left of the hole & passenger side tires
to the right. Unfortunately another vehicle was
in the left lane on 81 and I could not avoid
the hole entirely and made contact with my rear
driver's side rim/tire. It severed the side wall.
P.S. I want to thank the city of Fall River
for filling in the hole as I have seen it
and it is now repaired. Please see attached
photos and cost of a used tire for my vehicle.

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



encompassinsurance.com

28

4 Batterymarch Park, Apt/Ste 100, P.O. Box 699184, Quincy, MA 02269-9184

Sheila Duhaney
Claims Representative
Telephone (617) 706-2033
(800) 262-7255 x62033
Facsimile (866) 606-4873
Internet
sheila.duhaney@encompassins.com

April 29, 2013

CITY OF FALL RIVER
ATTN: CITY CLERK
1. GOVERNMENT CENTER
FALL RIVER MA 02722

13-85

CITY CLERK
FALL RIVER, MA

2013 MAY -1 A 10:17

RECEIVED

Claim Number: Z3252683 K2
Date of Loss: 04/18/2013
Location of Loss: Fall River, MA
Claimant: City of Fall River Attn: City Clerk
Our Insured: Christine Cartrette
Insuring Company: Encompass Insurance Company of Massachusetts

To whom it may concern:

This office represents the interests of Encompass Insurance Company which by virtue of payment under the collision portion of a policy of insurance has become subrogated to the rights of **Christine Cartrette at 80 Tucker St Fall River, MA 02721** for the damage to her motor vehicle as a result of a collision which occurred on **04/18/13** at intersection of **Rodman St and Plymouth Ave** in the town of Fall River. It appears that this collision was caused by the negligent operation of a motor vehicle by **Sarah E Reis** who was an employee of **Fall River City of Dept. of Police** and who bore license #S62270343 and was operating a motor vehicle described as a **2009 Ford** bearing Mass. Registration # **POLICE 765**

Pursuant to G.L.C.258 claim is hereby made against the City of Fall River for the damage caused by the said collision in the amount of \$672.77. Attached for your convenience is a copy of the police report, the repair estimate and check.

Please address all communication to me at the above file # and address. Thank you for your courtesy and cooperation.

Sincerely,

Sheila Duhaney

copy + 2 copies
1 A/C
LCC
city clerk

CC:

28



encompassinsurance.com

P.O. Box 908, Monmouth Junction, NJ 08852

Monica H. Campos

Subro Claims Specialist

Telephone (732) 951-6069
(800) 260-1454 x16069

Facsimile (866) 434-7027
Internet monica.campos@encompassins.com

April 29, 2013

CITY OF FALL RIVER ATTN: CITY CLERK
1 GOVERNMENT CENTER
FALL RIVER MA 02722

#13-85A

Our Claim Number: Z3252683 BA
Your Reference Number:
Your Insured: CITY OF FALL RIVER ATTN: CITY CLERK
Your Driver: Sarah Reis
Our Insured: Christine Cartrette
Location of Loss: Fall River, MA
Date of Loss: 04/18/2013
Insuring Company: Encompass Insurance Company of Massachusetts

RECEIVED
2013 MAY - 2 A 11: 19
CITY CLERK
FALL RIVER, MA

Attention: City Clerk

This letter is formal notice of our subrogation rights with regards to the above captioned matter. Our investigation indicates that liability rests with you.

We have enclosed all supporting documentation substantiating our subrogation demand in the amount of \$672.77 (deductible waived). Please include our claim number on your check made payable to Encompass Insurance Company of Massachusetts as subrogee of Christine Cartrette.

Please remit payment to the following address:
P.O. Box 224049
Dallas, TX 75222

If you should have any questions, please contact the undersigned. Thank you for your cooperation

Very truly yours,

Monica H. Campos

orig. 2 cop. Lave
1 Pol. & Dep
ICS
10/28/13

Enc: File Documentation

28

RECEIVED

CLAIM FORM
City of Fall River, Massachusetts

2013 MAY -7 A 11: 34

Name: Khendra Powers

CITY CLERK #13-86
FALL RIVER, MA

Address: 109 Wilbur St.
FALL RIVER, MA 02724

Phone #: 774 365 3013

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

Date of Incident: April 30th, 2013

Time of Incident: 5:10 pm

Location of Incident: 43 Bayview (sidewalk + street in front)

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

walking my son to my car outside of
his daycare, I tripped over the curb
which is 2 inches higher than sidewalk,
my foot went into the street which
happened to be a pot hole. Parents picked
me up and put me in my car where
my boyfriend could take me to the ER.
I had a swollen knee, 2 sprained ankles,
and was not allowed to walk for
2 days unless to a bathroom and only
walk with a walker. It is 6 days
later and I still walk with a limp.
Please fix this area before someone
gets more seriously injured!

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

arg & 2 com law

1 DPW

1 CS

1 mtr club

29

SAHADY ASSOCIATES, P.C.

C o u n s e l l o r s a t L a w

Michael S. Sahady
John M. Sahady
Paul M. Sahady

399 North Main Street
Fall River, MA 02720

Tel. 508-674-9444 Fax 508-674-8430

RECEIVED

2013 APR 30 P 4:46

CITY CLERK _____
FALL RIVER, MA

April 26, 2013

President Linda Pereira,
City Council
AND Members of the City Council
1 Government Center
Fall River, MA 02720

Re: Toni Saade and TOROS LLC
1082 North Main Street
Fall River, MA 02720

Dear President Pereira and Members of the City Council:

Please be advised that I represent Mr. Toni Saade and Toros LLC.

While no notice was received, I understand that on Tuesday, April 30, 2013, there will be a meeting of the City Council's Committee on Regulations to discuss whether there should be a public hearing with the full City Council concerning 1082 North Main Street, Fall River, and its holding of a license for underground fuel storage.

In January 2013, the police executed a search warrant of the entire premises. The basis for that warrant was an observation of a "high voltage detox beverage".

After search, in relation to the convenience store, the police found items they claimed to be in violation of city ordinance. In fact, the only item found in violation of city ordinance was synthetic marijuana in a storage room and not for sale on any counter. As a result of the new city

ordinance, these items had been removed from the sales counter and were no longer offered for sale. After a show-cause hearing at the Fall River District Court on April 17, 2013, Mr. Saade paid the \$300.00 fine for simple possession of the synthetic marijuana, and the charge of distributing synthetic marijuana was dismissed. Prior to that hearing, the Fall River Board of Health had revoked the convenience store's food and milk sales license.

In addition to the search of the convenience store, the police continued the search throughout the entire property. In a locked storage room leased and controlled by the garage tenant, a Shaun Cyr, police found a quantity of drugs, a bullet-proof jacket, and ammunition. Mr. Cyr had a separate repair license under his own name, a copy of which is hereto attached. Mr. Cyr was in no way connected with the operation of the convenience store, the gas station, or any other operations at 1082 North Main Street, Fall River, other than his own independent garage. There is no surveillance, observation, or information that links Toni Saade to any of these items. Mr. Saade has asserted and maintains his innocence, and there have been absolutely no findings by the Court that he in fact was connected to the items found in Cyr's garage.

Immediately after the police found the drugs and contraband in Mr. Cyr's garage, he was given an Eviction Notice by Mr. Saade, a copy of which is hereto attached, and Mr. Cyr's operation of the repair shop then ended.

The station has always been in compliance with all of the applicable rules and regulations. This station has been regularly inspected without issue. At the request of the Corporation Counsel on March 12, 2013, the Fire Department made an impromptu inspection. One of the alleged violations is that there is no access to the emergency shutoff. Attached hereto are photographs clearly depicting that emergency shutoff switch which has been in place for years and was present at that same location and condition at all previous inspections.

At the time of that inspection, the fire inspector was escorted by two police officers. He walked around the station and did not give the operator of the station any notice of any defects. He did not ask for the daily logs, he did not inspect the daily logs; attached hereto are the daily logs for that station.

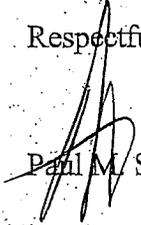
It should be noted that there was no work going on in the garage as the Lessee of the garage had been evicted prior to any such inspection. The garage was closed March 1st; no work was going on in that garage and, therefore, there could be no violations concerning the operation of that garage.

The only notice of Lieutenant William Powers' March 12, 2013 findings was received by me on April 26, 2013, after request was made to Corporate Counsel. If any of these violations were of a serious nature, why wasn't notice given to Mr. Saade immediately? Now that Mr. Saade has the list of violations, it is his intention to address each listed violation as it concerns both the station and the currently unoccupied repair garage. Lieutenant Powers in his March 12, 2013 correspondence clearly distinguishes between the two businesses, listing the violations in two separate sections: one under the heading "Violations found at Toros LLC Gas Station/Convenience Store, and the other under the heading "Tony's Service and Sales, Auto Repair License #182". Auto repair License #182 is not associated with any current license or

license holder at 1082 North Main Street; however, the Fire Department does clearly see the distinction between the two businesses. Shaun Cyr, the former tenant and operator of the garage, held License No. 318 at that location. This is a separate license, separate business, and separate violations. Toni Saade should not be punished for the actions of his tenant, particularly as he had no notice or involvement in the same.

I would respectfully ask that the Committee on Regulations and the City Council accord Mr. Saade the presumption of innocence to which we are all entitled under the law and await the decision of the Court on the case now pending before taking action in this matter.

Respectfully submitted,



Paul M. Sahady

PMS/app

Enclosures

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City of New Bedford
MASSACHUSETTS

OFFICE OF THE CITY CLERK
133 WILLIAM STREET 02740-6182
TEL 508-979-1450 / FAX 508-991-6225

RITA D. ARRUDA
CITY CLERK

STEPHANIE MACOMBER
ASSISTANT CITY CLERK

SUSAN M. HENRIQUES
ASSISTANT COUNCIL CLERK

April 17, 2013

- Deval Patrick, Governor, Governor's Office, State House - Room 360, Boston, MA 02133
- Mark C. W. Montigny, State Senator, State House - Room 312-A, Boston, MA 02133
- Antonio F. D. Cabral, State Representative, State House - Room 466, Boston, MA 02133
- Robert M. Koczera, State Representative, State House - Room 448, Boston, MA 02133
- Christopher Markey, State Representative, State House - Room 155, Boston, MA 02133
- Paul A. Schmid, 111, State Representative, State House - Room 39, Boston, MA 02133
- William Straus, State Representative, State House - Room 134, Boston, MA 02133
- Robert A. DeLeo, Speaker of the House, House Committee on Ways & Means Chair, State House - Room 243, Boston, MA 02133
- William R. Keating, Congressman, 315 Cannon House Office Building, Washington, D.C. 20515
- Elizabeth Warren, Senator, Russell Senate Office Building, 2 Russell Courtyard, Washington, D.C. 20510

Dear Governor Patrick, Senator Montigny, Representatives Cabral, Koczera, Markey, Schmid and Straus, Speaker DeLeo, Congressman Keating and Senator Warren:

At a meeting of the New Bedford City Council held on April 11, 2013, the Council Adopted a Written Motion by Councillors Gomes, Alves and Gonsalves, "Requesting, that the City Council along with Mayor Mitchell go on record in opposition to House Speaker DeLeo's decision to eliminate the monies that would facilitate Southcoast Rail to the Greater New Bedford Area, including Fall River and Taunton; and further, that a letter be sent to House Speaker DeLeo requesting a meeting with City Council members, the Mayor, our Local Representatives and Senator Mark Montigny for the purposes of discussing what rail means to the Southcoast and how important it is that action be taken now to bring rail to the Southcoast; and further, that a letter be sent to Congressman Keating, along with Senator Warren, requesting their assistance in obtaining any federal monies that may be available through transportation bills or amendment to any bill presently in Washington for the purpose of bringing Federal assistance and making Southcoast Rail a reality; and further, that letters be sent to the Cities and Towns affected by House Speaker DeLeo and the Legislators actions, requesting that a bond be created between all Cities and Towns to fight for Southcoast Rail to come to this area due to the fact that this may be the only chance for the Southcoast to see rail, which would stimulate its economy and revitalize the City of New Bedford and requesting that Governor Patrick veto any Transportation Bill that does not include the Southcoast Rail Project."

Thank you, in advance, for any consideration given to this important matter that concerns all of the people in the Southcoast.

Yours truly,

Rita D. Arruda
Rita D. Arruda

City Clerk/Clerk of the City Council

Enc. 1

- cc: Jonathan F. Mitchell, Mayor
- Fall River City Council Members ✓
- Taunton City Council Members
- Councillors Gomes, Alves and Gonsalves
- File

CITY CLERK
FALL RIVER, MA

2013 APR 22 A 11:07

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CITY OF NEW BEDFORD

CITY COUNCIL

April 11, 2013

WRITTEN MOTION

Requesting, that the City Council along with Mayor Mitchell go on record in opposition to House Speaker DeLeo's decision to eliminate the monies that would facilitate Southcoast Rail to the Greater New Bedford Area, including Fall River and Taunton; and further, that a letter be sent to House Speaker DeLeo requesting a meeting with City Council members, the Mayor, our local Representatives and Senator Mark Montigny for the purposes of discussing what rail means to the Southcoast and how important it is that action be taken now to bring rail to the Southcoast; and further, that a letter be sent to Congressman Keating, along with Senator Warren, requesting their assistance in obtaining any federal monies that may be available through transportation bills or amendment to any bill presently in Washington for the purpose of bringing Federal assistance and making Southcoast Rail a reality; and further, that letters be sent to the Cities and Towns affected by House Speaker DeLeo and the Legislators actions, requesting that a bond be created between all Cities and Towns to fight for Southcoast Rail to come to this area due to the fact that this may be the only chance for the Southcoast to see rail, which would stimulate its economy and revitalize the City of New Bedford and requesting that Governor Patrick veto any Transportation Bill that does not include the Southcoast Rail Project.

Brian K. Gomes, Councillor At Large
 David Alves, Councillor At Large
 Jane L. Gonsalves, Councillor Ward Five

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 CITY CLERK
 FALL RIVER, MA

IN CITY COUNCIL, April 11, 2013

Rule 17 Waived – Yeas 11, Nays 0.
 Adopted and Rule 40 Waived – Yeas 11, Nays 0.

Rita D. Arruda, City Clerk

a true copy, attest:

Rita D. Arruda
 City Clerk



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

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

FAX COVER SHEET

FAX # (508) 947-6557

CITY CLERK
FALL RIVER, MA

2013 APR 23 P 4:24

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DATE: 4-23-13 FROM: Roslyn Reimao
TELEPHONE # (508) 946-2863

PLEASE DELIVER TO: RE: BFI ① Fall River Mayor & City Council
② Council

TELECOPIER NUMBER: (508) 324-2626
11 " - 2211

TOTAL NUMBER OF PAGES: 5 2 (1-sided) + 3 (2-sided)
(INCLUDING THIS COVER PAGE)

PLEASE CALL IF YOU DO NOT RECEIVE A COMPLETE FAX.

REMARKS: Fall River BFI Landfill
Don Connick

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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

TIMOTHY P. GURRAY
Deputy Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

COPY

April 17, 2013

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

RE: CONDITIONAL APPROVAL
Application for: BWP SW 11
Landfill - Major Modification
Gas Collection System Installation
Area 2 and 3 Expansions - 2013 Construction

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

Transmittal Number: X254942

Dear Mr. October:

The Massachusetts Department of Environmental Protection ("MassDEP") has completed its technical review of the Landfill - Major Modification permit application ("Application") for Landfill Gas System Installation in Area 2 Expansion and Area 3 Expansion of the Browning-Ferris Industries ("BFI") Fall River Landfill ("Landfill") and determined the application is technically complete. MassDEP hereby approves the Application, subject to the conditions herein.

SUBMITTALS

The following submittals represent the complete Application reviewed by MassDEP under 310 CMR 19.000 *Solid Waste Management Regulations*.

- A. An original application package received by MassDEP on March 12, 2013, comprised of the following documents:
 - (i) A transmittal form assigned Transmittal Number X254942, a BWP SW 11 application form for a Landfill - Major Modification;
 - (ii) A cover letter prepared by SITEC Environmental, Inc., ("SITEC"), dated March

- 12, 2013;
- (iii) A bound document entitled "Browning-Ferris Industries, Inc. (MA) Fall River Landfill, Landfills Major Modification (BWP SW 11), Area I2 & Area 3 Expansions, Landfill Gas Collection System Installation 2013 Construction - , Transmittal No. X254942, March 2013"; and
 - (iv) A set of four 24"x 36" drawings prepared by SITEC entitled "BFI Fall River Landfill, Landfill Gas Collection System Installation, 2013 Construction."
 - 1. SP-1 Area 2 Expansion, Stage 3 LGCS, Site Plan.
 - 2. SP-2 Area 3 Expansion, Stage 2 LGCS, Site Plan.
 - 3. DET-1, Construction Details
 - 4. DET-2, Construction Details

B. Supplemental Application information prepared by SITEC and submitted on April 5, 2013, in response to MassDEP comments e-mailed on April 4, 2013.

PROJECT BACKGROUND

The BFI Fall River Landfill is located at 1080 Airport Road, Fall River, Massachusetts on a 204-acre parcel of land that was site assigned by the City of Fall River Health Department on February 24, 1982. Thereafter, the Landfill has been constructed in phases.

On April 12, 2010, MassDEP issued a Final Approval for a Landfill - Major Expansion permit application ("Application") (BWP SW 26, Transmittal No. X223722) authorizing construction of the Area 2 Expansion Project at the Landfill. On March 14, 2011, MassDEP issued an approval authorizing operation of the Area 2 Expansion (BWP SW 10, Transmittal No. X236312. A Final Authorization to Construct permit (BWP SW 26, Transmittal No. X250785) was issued by MassDEP for the Area 3 Expansion on August 23, 2012, and on March 13, 2013, MassDEP issued an approval authorizing operation of the Area 3 Expansion (BWP SW 10, Transmittal No. X254196).

Site plans depicting conceptual layouts for the Area 2 Expansion and Area 3 Expansion landfill gas collection systems were submitted within the expansion Authorization to Construct permit applications. The proposed landfill gas collection systems have been further refined from the original conceptual layouts and BFI is installing landfill gas collection components in stages. Area 2 Expansion Stage 1 and Stage 2 Landfill Gas Collection System work was approved by MassDEP on December 6, 2011 (BWP SW 11, Transmittal No. X241112). Area 2 Expansion Stage 3 work and Area 3 Expansion Stage 1 work, to be performed in 2013 is the subject of the Application approved herein.

EXISTING GAS COLLECTION AND CONTROL SYSTEM DESIGN

The main section of the Fall River Landfill consists of areas designated Phase I and Phase II. The Phase I and II landfill gas collection system currently consists of vertical gas extraction wells, horizontal gas collection trenches, and connections to leachate collection system cleanouts. The landfill gas header system in Phases I and II consists of a 16-inch header pipe installed on the lower half of the slope around the entire landfill mound. Four 8-inch diameter headers provide connections across the central and upper areas of the landfill mound. Gas collectors are connected to the main header pipes via 4-inch and 6-inch laterals.

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The existing landfill gas control system is located at the south side of Phase I and includes a power plant facility and two enclosed flare systems. The power plant facility consists of two 975 kW Waukesha 7042 GLD engine/generator packages and one 5,000 kW Taurus 60 Solar turbine and is utilized as the primary landfill gas control device. The flare system includes two Callidus enclosed flares, two Lansom blowers, two control racks, and associated landfill gas control piping and electric control equipment and is used as the backup control device when the power plant facility is offline or operating at reduced capacity.

CURRENT APPLICATION PROPOSAL

The proposed Area 2 Expansion Stage 3 work is comprised of the following main components:

- The installation of two horizontal gas collection trenches (HC-257 and HC-258) constructed of 6-inch diameter perforated HDPE pipe, backfilled with crushed stone and connected to remote wellheads;
- The installation of six vertical landfill gas extraction wells (EW-257, EW-258, EW-259, EW-260, EW-261, and EW-262);
- The installation of approximately 800 feet of 12-inch diameter HDPE gas header pipe, and 4-inch diameter HDPE gas lateral pipes to connect the horizontal collectors and vertical wells to the existing landfill gas collection system; and
- The extension of the 12-inch header from the Area 2 Expansion to outside the cell, above the existing geomembrane and under an access road crossing via a corrugated metal pipe conduit to an existing 10-inch diameter gas header pipe.

The proposed Area 3 Expansion Stage 1 work is comprised of the following main components:

- The installation of approximately 975 feet of 10-inch diameter HDPE gas header pipe, and 400 feet of 8-inch diameter gas header pipe;
- The installation of four vertical landfill gas extraction wells (EW-601, EW-602, EW-603, and EW-604), connected to the landfill gas collection system 8-inch or 10-inch header pipe using 4-inch HDPE pipe;
- The connection to seven leachate clean-out risers along the perimeter of the Area 3 Expansion perimeter berm (LC-601, LC-602, LC-603, LC-604, LC-608, LC-609, and LC-610); to the landfill gas collection system 8-inch or 10-inch header pipe using 4-inch HDPE pipe;
- The installation of six horizontal gas collection trenches (HC-601, HC-602, HC-603, HC-604, HC-605 and HC-606), connected to the landfill gas collection system 8-inch or 10-inch header pipe using 4-inch HDPE pipe; and
- The installation of two condensate "U" traps at low points of the Area 3 Expansion gas collection system, designed to collect condensate which will subsequently drain into the leachate collection system.

The four vertical gas extraction wells will be installed when sufficient depth of waste is in place to facilitate installation and proper operation of vertical wells. Vertical wells will be installed with a minimum of ten foot of separation from the liner system to ensure protection of the liner, and with a minimum screen length of ten feet to ensure adequate gas collection is achieved. All well locations will be surveyed just prior to well installation to ensure that proper well depths are calculated.

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Each vertical extraction well will consist of the following components to be installed within the 36-inch diameter well borehole:

- a 6-inch diameter HDPE perforated pipe well screen with a HDPE end cap joined to a 6-inch diameter SDR-11 HDPE solid well riser. The top of the 6-inch diameter SDR-11 solid well riser will extend a minimum of 6-feet above top of final cover system. A Landtec Vertical Accu-Flo Wellhead Assembly or equal will be attached to the well riser or a remote wellhead;
- One inch to three (3) inch washed stone gravel pack placed around the well screen to a minimum of 2-feet above the top of the well screen;
- A geocomposite well washer to provide a separation between the washed stone gravel pack and the clean soil plug above;
- A one foot thick clean soil plug to provide a separation between the well washer and the bentonite plug above; and
- Two 2-foot thick bentonite plugs separated by clean soil.

The horizontal gas collectors will consist of 6-inch diameter perforated HDPE piping embedded in a shallow trench, and backfilled with stone. Remote wellheads will be installed with the horizontal gas collectors so that the landfill gas flow can be controlled.

Some aspects of the proposed installation will require cutting areas of the existing 40 mile HDPE final cover system. Restoration of the final cover system will be conducted in accordance with the requirements of the original final cover system construction approval. Appropriate specifications for each component of the final cover system (topsoil, sand, geomembrane) were included in the Gas Collection System Installation, Area 2 Expansion, 2012 Construction Application approved on December 6, 2011.

APPROVAL AND CONDITIONS

MassDEP has determined the permit modification application is satisfactory and, in accordance with the authority granted pursuant to Massachusetts General Laws, Chapter 111, Section 150A, hereby approves the two stage installation of the landfill gas system as submitted in the Application and described herein, subject to the following Conditions:

1. MassDEP and the Fall River Board of Health shall be advised, both verbally (i.e. telephone) and in writing regarding the initiation and completion of construction activities.
2. During construction, every effort shall be made to prevent the emission of odors and the creation of any nuisance conditions. Appropriate measures to avoid offsite nuisance odor conditions must be implemented. Construction activity shall temporarily cease until nuisance conditions are mitigated, should control efforts prove to be ineffective in preventing odors or other nuisance conditions under the existing working and atmospheric conditions.

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3. All work shall be completed as shown on the two SITEC drawings submitted within the Application, unless otherwise required or approved by MassDEP. In the event that it becomes necessary to deviate from the approved design, MassDEP shall be advised and shall determine whether a permit modification is warranted.
4. All operations and activities shall fully comply with all applicable local, state and federal laws, regulations and policies, by-laws, ordinances and agreements relative to the activities associated with this project. Applicable federal regulations shall include, but are not limited to 29 CFR Part 1910, OSHA standards governing employee health and safety in the workplace. The Contractor shall adhere to the Health and Safety Plan submitted by BFI.
5. Within sixty (60) days of completion of construction activities in each stage, MassDEP shall be provided with "as-built" plans and a summary report prepared by a Massachusetts Registered Professional Engineer certifying that construction was performed in accordance with the approved Application.
6. BFI shall comply with all applicable state (310 CMR 7.00 Air Pollution Control Regulations) and federal air pollution control regulations.

PERMIT LIMITATIONS

The issuance of this approval is limited to the gas collection system installation for solid waste disposal operations within the Area 2 and 3 Expansion Areas and does not relieve BFI from the responsibility to comply with all other regulatory or permitting requirements. MassDEP reserves the right to require additional assessment or action, as deemed necessary to protect and maintain the environment free from objectionable nuisance conditions, dangers or threats to public health, safety, and the environment.

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 the Applicant'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

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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 X254942 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 or comments regarding this approval letter, feel free to contact me at (508) 946-2847, or Dan Connick at (508) 946-2884, or at the letterhead address.

Very truly yours,



Mark Dakers, Acting Chief
Solid Waste Management Section

D/DC/tr

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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

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

Fall River Board of Health
hvaillancourt@fallriverma.org

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

DEP-Boston
ATTN: J. Doucett

DEP-SERO
M. Pinaud
L. Black

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