City of Fall River Massachusetts

Office of the City Clerk

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2014 OCT 24 A 11: 12
CITY CLERK
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

OCTOBER 24, 2014
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER

MONDAY, OCTOBER 27, 2014

5:30 P.M. COMMITTEE ON ORDINANCES AND LEGISLATION

6:00 P.M. COMMITTEE ON REAL ESTATE OR IMMEDIATELY FOLLOWING THE COMMITTEE ON ORDINANCES AND LEGISLATION MEETING IF THAT MEETING RUNS PAST 6:00 P.M.

TUESDAY, OCTOBER 28, 2014

5:30 P.M. COMMITTEE ON FINANCE **PLEASE NOTE EARLIER TIME**

1. Discussion with Christian J. Rogers, CPA, Principal of CliftonLarsonAllen LLP regarding scope of independent (see item #1 below)

AGENDA

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

PRIORITY MATTERS – None
PRIORITY COMMUNICATIONS

1. *Communication from Mayor regarding scope of the independent audit (see Finance 1)
2. *Purchasing Agent re: surplus of 1975 Maxim Fire Pump truck and order re: donation to Fall River Fire Museum
3. Traffic Commission recommending amendments to the traffic ordinances

COMMITTEE REPORTS – None
ORDINANCES – None
RESOLUTIONS

4. *City Council in support of a vote of no confidence against Mayor William A. Flanagan
5. *Harbormaster and Director of Financial Services/Treasurer be invited to Comm. on Finance meeting to discuss depositing of mooring fee payments
6. *Harbormaster and Director of Financial Services/Treasurer be invited to Comm. on Finance meeting to discuss pump out program fees owed to Paul Borges
7. *City's street lights be changed to LEDs

CITATIONS

8. Fall River Police Department Award Recipients and Retirees

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

One Government Center • Fall River, MA 02722
TEL 508-324-2220 • FAX 508-324-2211 • EMAIL city_clerks@fallriverma.org

ORDERS – HEARINGS FOR TONIGHT

Pole location:

9. Henry Street – Three (3) pole locations

Street acceptance:

10. Bailey Street, from Mount Hope Avenue to dead end

Street discontinuance:

11. Liberty Street, from Center Street to Sprague Street

ORDERS – HEARINGS TO BE SCHEDULED – None

ORDERS – NO HEARING REQUIRED – None

ORDERS – MISCELLANEOUS

12. Police chief's report on licenses
13. Auto repair shop renewal

COMMUNICATIONS – INVITATIONS – PETITIONS

14. *Claims
15. *Zoning Board of Appeals Minutes – September 18, 2014
16. *Communication from the City Council of the City of New Bedford re: support for the banning of synthetic drugs in this region

BULLETINS – NEWSLETTERS – NOTICES

17. Final Report – Bailey Street
18. Final Report – Liberty Street

Alison M. Bouchard

City Clerk

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

WILLIAM A. FLANAGAN
Mayor

City of Fall River
Massachusetts
Office of the Mayor

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2014 OCT 22 P 12: 11
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FALL RIVER, MA

October 22, 2014

Honorable Members Fall River City Council
One Government Center
Fall River, Massachusetts 02722

RE: Independent Audit

Mr. President and Members of the Honorable Council:

As the City is in the midst of completing its annual, independent audit, the representatives from CliftonLarsonAllen LLP are available to discuss the Scope of the Audit with members of the City Council. The Administration respectfully requests the opportunity for Christian J. Rogers, CPA, Principal to address the City Council during its Finance Committee Meeting on Tuesday, October 28, 2014.

While the Scope of the Audit has been designed to meet municipal auditing standards, CliftonLarsonAllen LLP is prepared to add to its Scope of Work, at an additional fee, any supplemental tasks that the City Council believes will strengthen the validity of the audit findings. The Financial Team hopes that this exchange will allow the City Council to address its concerns regarding the City's finances.

Please feel free to forward your questions or requests in advance of the meeting to allow the auditors to better address your areas of interest.

William A. Flanagan
Mayor

One Government Center • Fall River, MA 02722
TEL (508) 324-2600 • FAX (508) 324-2626 • EMAIL mayor@fallriverma.org

2

City of Fall River
Massachusetts
Department of Administrative Services
HUMAN RESOURCES • INFORMATION SYSTEMS • LAW • PURCHASING

Purchasing Division

WILLIAM A. FLANAGAN
Mayor

TIMOTHY MCCOY
PURCHASING AGENT

October 23, 2014

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2014 OCT 23 P 3: 35
CITY CLERK
FALL RIVER, MA

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

Dear Councilors,

In accordance with the City Ordinance Division 2, Purchasing Department Sec. 2-972 of the revised ordinances of the City of Fall River, this reads in part as follows:

Surplus property determined by the purchasing Agent to be no longer useful for any municipal purpose shall be sold or disposed of under such terms and conditions as the City Council shall by order determine.

I am submitting to you, per attached, a 1975 Maxim Fire Pump Truck, VIN# 3340, said vehicle is no longer of value to the City of Fall River.

I would like to recommend at this time, that consideration be given to the donating/gifting this vehicle to the Fall River Fire Museum.

Respectfully submitted,

Tim McCoy

Timothy McCoy
Purchasing Agent

One Government Center • Fall River, MA 02722
TEL (508) 324-2250 • FAX (508) 324-2255 • EMAIL tmccoy@fallriverma.org

City of Fall River, *In City Council*

(Councilor Raymond A. Mitchell)

ORDERED, that under the provisions of Section 2-972 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, the Mayor be, and is hereby authorized to gift a 1975 Maxim Fire Pump Truck, VIN # 3340 to the Fall River Fire Museum.

2

ENHANCED EMISSIONS & SAFETY TEST

VEHICLE INSPECTION REPORT

COMMONWEALTH OF MASSACHUSETTS

MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

SUMMARY RESULTS	Overall Result	Emissions	Visual Inspection	OBDII and Evap	Safety	Sticker #
	PASS	N/A	N/A	N/A	PASS	019859820

STATION INFORMATION

MASS99 Number	Inspector Name	Inspector License Number	Station Number
ES999937	SARAIVA,ROBERT	S66640884	PB005377

Station Name	Station Address	
PECKHAM ST GARAGE	213 PECKHAM ST	
	FALL RIVER	02724

VEHICLE INFORMATION

VIN	License Plate Number	Plate Type	State	Year	Test Date
3340	MF3980	MVN	MA	1975	12192002

Make	Model	Transmission Type	Cylinders	Odometer
MAXIM	FIRE	A	6	99816

TEST INFORMATION	Test Type	Authorization Number	Test Time	Test ID Number	Amount Paid
	Initial	014056311	10:00:55	117413331170	$29.00

CONSUMER INFORMATION

Your vehicle passed the safety test. Thank you for helping to make Massachusetts roads and highways safe. If you have questions, call 877-387-8234 or visit HTTP://VEHICLETEST.STATE.MA.US.

SAFETY INSPECTION

Brakes - Functional Service and Par	PASS	Low Pressure Warning Device - Funct	PASS	Horn - Functional	PASS
Stop Lights and Tail Lights - Funct	PASS	Headlamps - Functional	PASS	Directional Signals - Functional	PASS
Steering and Suspension Drive Wheel	PASS	Steering and Suspension Non-Drive W	PASS	Windshield Wipers and Cleaners - Fu	PASS
Warning Devices (Back-up Alarm/Dump	PASS	Front Safety Belts - Functional	PASS	Exhaust System - Functional	PASS
Kingpin Play - Functional	PASS	Window Tinting - Visual	PASS	Windshield - Visual	PASS
Chock Blocks - Visual	PASS	Lighting Devices and Reflectors - V	PASS	Bumpers/Fenders/Ext.Sheet Metal/Spl	PASS
Fuel Tank Cap - Visual	PASS	Fuel Tank and Components - Visual	PASS	Coupling Device - Visual	PASS
Tires,Wheel and Rims - Visual	PASS	Frame - Visual	PASS	Safety Devices - Functional	PASS
Other	PASS				

4

City of Fall River, *In City Council*

(Councilor Daniel M. Rego)

WHEREAS, there have been a number of recent issues surrounding the Mayor of the City of Fall River, including a criminal investigation, and

WHEREAS, it is the sense of the City Council that Mayor William A. Flanagan no longer holds the confidence of many of the residents of the City of Fall River, now therefore

BE IT RESOLVED, that the City Council go on record in support of a vote of no confidence against Mayor William A. Flanagan.

City of Fall River, *In City Council*

(Councilor Leo O. Pelletier)

WHEREAS, many individuals pay mooring fees by check, and

WHEREAS, these checks have not been cashed for several years, now therefore

BE IT RESOLVED, that these checks be deposited immediately, and

BE IT FURTHER RESOLVED, that the Harbormaster and the Director of Financial Services/Treasurer be invited to a future meeting of the City Council Committee on Finance to discuss establishing a procedure to recoup these fees and prevent this loss of revenue in the future, and

BE IT FURTHER RESOLVED, that the Harbormaster provide the Committee with a detailed list of moorings, their location, holder's name, length and type of vessel and a record of fees paid, as required by Section 82-66 of the Revised Ordinances of the City of Fall River, 1999.

6

City of Fall River, *In City Council*

(Councilor Leo O. Pelletier)

WHEREAS, Paul Borges completed hundreds of boat pump outs in 2012, 2013 and 2014 as part of the Clean Vessel Act, also known as the Fall River Harbormaster Pump Out Program, and

WHEREAS, Mr. Borges has not been paid for these services and is owed approximately $3,000 by the City, and

WHEREAS, invoices have been submitted for payment, now therefore

BE IT RESOLVED, that Mr. Borges be paid for the services rendered, and

BE IT FURTHER RESOLVED, that the Harbormaster and the Director of Financial Services/Treasurer be invited to a future meeting of the City Council Committee on Finance to discuss this matter.

City of Fall River, *In City Council*

(Councilor Raymond A. Mitchell)

WHEREAS, changing the City's street lights to LEDs would save $55,000 per year in maintenance fees alone and $500,000 per year in electricity to the City, and

WHEREAS, this can be paid through Ameresco, Inc., the energy service company working with the City of Fall River, and

WHEREAS, this change would guarantee the following savings over a 20 year span:

Year	Guaranteed Savings
1	$356,536
2	$367,232
3	$799,474
4	$823,459
5	$848,162
6	$873,607
7	$899,816
8	$926,810
9	$954,614
10	$983,253
11	$1,012,750
12	$1,043,133
13	$1,074,427
14	$1,106,660
15	$1,139,859
16	$1,174,055
17	$1,209,277
18	$1,245,555
19	$1,282,922
20	$1,321,409

WHEREAS, the $2.5 million cost of the program would be paid within six years, and

WHEREAS, grants are available to help the City realize these savings, now therefore

BE IT RESOLVED, that the City apply for these grants and enter into an agreement with Ameresco, Inc. to change street lights to LEDs.

Council
14

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2014 OCT 14 A 9:55

CITY CLERK 14-274.
FALL RIVER, MA

City of Fall River
Notice of Claim

1. Claimant's name: Sara Gaskell
2. Claimant's complete address: 56 St Joseph Street Fall River ma 02723
3. Telephone number: ~~Home~~ cell: 508-863-6444 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
   pot hole
5. Date and time of accident: 10-6-14 Amount of damages claimed: $ 326.24
6. Exact location of the incident: (include as much detail as possible):
   171 pleasant street Fall River ma 02723
7. Circumstances of the incident: (attach additional pages if necessary):
   police report attached
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 10-14-14 Claimant's signature: [signature]

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:
Copies forwarded to: ☑ City Clerk ☑ Law ☑ City Council ☑ City Administrator ☑ DPW Date: OCT 14 2014

Fall River Police Department
Case Report

Incident #: 14-7037-OF
Call #: 14-67811

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FALL RIVER, MA

Date/Time Reported: 10/06/2014 2112
Report Date/Time: 10/06/2014 2134
Status: No Crime Involved

Reporting Officer: Officer David McElroy

Signature: _____

#	EVENTS(S)
	LOCATION TYPE: Commercial/Office Building Zone: Zone 202, Sec 4 ANTHONY CORDEIRO INSURANCE 171 PLEASANT ST Apt. #02721 FALL RIVER MA
1	Defective Street - No Injury

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	GASKELL, SARA 56 SAINT JOSEPH ST Apt. #316 FALL RIVER MA 02724 DOB: ********** ETHNICITY: Not of Hispanic Origin RESIDENT STATUS: Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 1	F	W	25	NOT AVAIL	**********

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
1	GASKELL, JASON						

INFORMATION HAS BEEN REDACTED

#	VEHICLE(S)	YEAR	MAKE	STYLE	COLOR1	COLOR2	REG	VALUE
1								$200.00

STATUS: Destroyed/Damaged/Vandalized DATE: 10/06/2014
OWNER: GASKELL, SARA

On Monday, October 6, 2014, I, Officer David McElroy responded to 171 Pleasant St. (Joseph DeMello Person Injury Law), regarding a defective street. Upon my arrival, Sara and Jason Gaskell met me.

Sara relayed the following story. Sara was driving her vehicle north on the overpass heading towards the intersection of Pleasant St. and Troy St. Sara turned east on Pleasant St., when her vehicle immediately hit a pot hole at 171 Pleasant St.. When Sara and Jason checked her vehicle, they observed a large crack on the rear driver side strut. The cracked peice was of metal was approximately 1 inch.

Upon viewing the large pothole, I contacted the Department of Public Works (D.P.W.) to respond to 171 Pleasant St. D.P.W. placed an orange barrel over the pothole. D.P.W. is going to fill the pothole in the morning.

Sara's vehicle is a 2004 gray Chrysler Rebring, bearing Ma. Reg. 396LB2.

** Portions of this report have been redacted **

14

M&S AUTOMOTIVE REPAIR INC.

214 RHODE ISLAND RD.
LAKEVILLE MA. 02347
(508) 946 1779

SALES RECEIPT

DATE	SALE #
10/9/2014	5238

BILL TO
SARA GASKELL

MAKE/MODEL	YEAR	VIN#	MILEAGE
CHY/SEA	2003		

QUANTITY	DESCRIPTION	Rate	Amount
1	STRUT ASSY	184.70	184.70T
2	LABOR 65.00 PER HOUR	65.00	130.00
	MA STATE SALES TAX	6.25%	11.54

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14-274

	Total	$326.24

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FALL RIVER, MA

RECEIPT No. 278008

DATE 10-14-14

FROM S Goshell

$ 5.00

DOLLARS

FOR RENT
FOR Sanitized 14-7037-OF

ACCT.		
PAID		
DUE		

CASH
CHECK
MONEY ORDER
CREDIT CARD

FROM FRPD TO

BY

A-1152
T-4161

Council 14

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CITY CLERK FALL RIVER, MA

City of Fall River
Notice of Claim

14-275

1. Claimant's name: Thomas E. Strojny
2. Claimant's complete address: 371 Perry St. Fall River, MA 02724
3. Telephone number: Home: 508-676-3884 ~~Work~~ Cell: 508-916-8130
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
   Defective Street
5. Date and time of accident: 10/10/14 7:15pm Amount of damages claimed: $ 166.00
6. Exact location of the incident: (include as much detail as possible):
   427 Kennedy St
7. Circumstances of the incident: (attach additional pages if necessary):
   Pot hole at manhole, Struck w/ Left Front Tire
   Damaged tire! Tire could not be Repaired. New Tire purchased
   (See Attached Police Report 14-C80483-OF & Pictures
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 10-21-14 Claimant's signature: Thomas E. Strojny

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:
Copies forwarded to: ☑ City Clerk ☑ Law ☑ City Council ☑ City Administrator ☑ DPW Date: OCT 21 2014

14

FALL RIVER POLICE DEPARTMENT SUMMARY INCIDENT REPORT

REPORT NUMBER: 14-C80483-OF

INCIDENT INFORMATION

INCIDENT CODE	INCIDENT TYPE	INITIAL	SUPP	DATE/TIME STARTED	DATE/TIME ENDED	DATE/TIME REPORTED
DS	Defective Street	X		10/14/2014 09:45 PM	10/14/2014 09:45 PM	10/14/2014 10:09 PM

REPORT FILED FROM	TRACKING NUMBER	LOCATION OF OCCURRENCE	APPROVED BY:
***	T14000543	427 Kennedy Street, Fall River, MA	A213/Paul Santos

LOCATION TYPE	THEFT TYPE	METHOD OF ENTRY	METHOD OF EXIT	PT OF ENTRY	PT OF EXIT	ENTRY LOC

PERSON LISTINGS

	TYPE	LAST NAME	FIRST NAME	MIDDLE NAME	DOB	RACE	SEX	DRIVER LIC NO	LIC ST
1	R	Strojny	Thomas	E.	***		*		

SSN	ETHNICITY	RESIDENT	EYE COLOR	HAIR COLOR	AGE	HEIGHT	WEIGHT	CELL PHONE
								***

EMAIL	RESIDENCE ADDRESS	HOME PHONE
cindyandtom@comcast.net	***	***

EMPLOYER NAME	BUSINESS ADDRESS	WORK PHONE
	***	***

NARRATIVE

On Friday night, October 10, 2014 about 7:15 P.M. I,Thomas E. Strojny, drove my 2013 Toyota Corolla Ma registration X7749 south on Kennedy St. My wife. Cynthia Strojny was seated in the passenger's front seat. In front of 427 Kennedy St. my left front tire struck a pothole that exposed the manhole. The collision with the manhole caused the left front tire to become deflated. AAA was contacted to assist and changed the tire. The Fall River Police Department was also contacted because of the dangerous situation where the auto became disable. A spare tire , a doughnut, was placed on the vehicle.

On Tuesday, October, 14, 2014 I took the flat tire to Dave's Tire on 325 Bedford St.Fall River, Ma. Upon examination of the tire, the sidewall was damaged and could not be repaired. I had to purchase an new tire. The cost of the new tire was $161.92 (invoice # 109158)

I took pictures of the pothole and the manhole.

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FALL RIVER, MA
14-275

Invoice #109158 14

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

Think of Service Think of Dave's

DAVES TIRE AND AUTO
325 BEDFORD ST
FALL RIVER, MA. 02720
508-679-6482

Merchant ID: 8013343465
Term ID: 00754200080133434650 01

Sale

xxxxxxxxxxxx0358
VISA
Entry Method: Swip
Total: $ 161.
10/14/14 10:20
Inv #: 000005 Appr Code: 025
Apprvd: Online

Customer Copy
THANK YOU!

Customer Information	Invoice	Additional Ir
THOMAS STROJNY 371 PERRY ST FALL RIVER, MA 02721 Acct Number: P: 508-916-8130 Contact:	Date: 10/14/2014 Reference: 109158 Salesperson: John Cormier Route: Delivery Date:10/14/2014	PO Number: Work Order# User Define: Entered By:

Vehicle: 2013 Toyota Corolla L Lic No:X7749 Unit:
Desc: BLUE VIN: 2T1BU4EE9DC126913 M
(!)TPMS Equipped

Qty	Description	FET	Unit Price	Ext. Price
1.00	F923792, P215/45WR17 91Z, ZIEX ZE-912 BW B (4 Ply), FALKEN		139.22	139.22
1.00	SPIN BALANCE		12.00	12.00
1.00	FREE FLAT REPAIRS		0.00	0.00
1.00	DISPOSAL FEE		2.00	2.00
1.00	DOT REGISTERED ONLINE		0.00	0.00

SALES TAX

Subtotal: 153.22
SALES TAX: 8.70
Terms: N/A
Total: $161.92
10/14/2014 Payment# P-475896 Amount: $161.92
VISA 161.92
Balance $0.00

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FALL RIVER, MA
14-275

Terms:

Due Date	Due Amount	Amt Remain
10/14/2014	$161.92	$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

W-475889
10/14/2014 10:13 AM Page: 1 Entered By: Everett Mello **Signature** _____

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14-275
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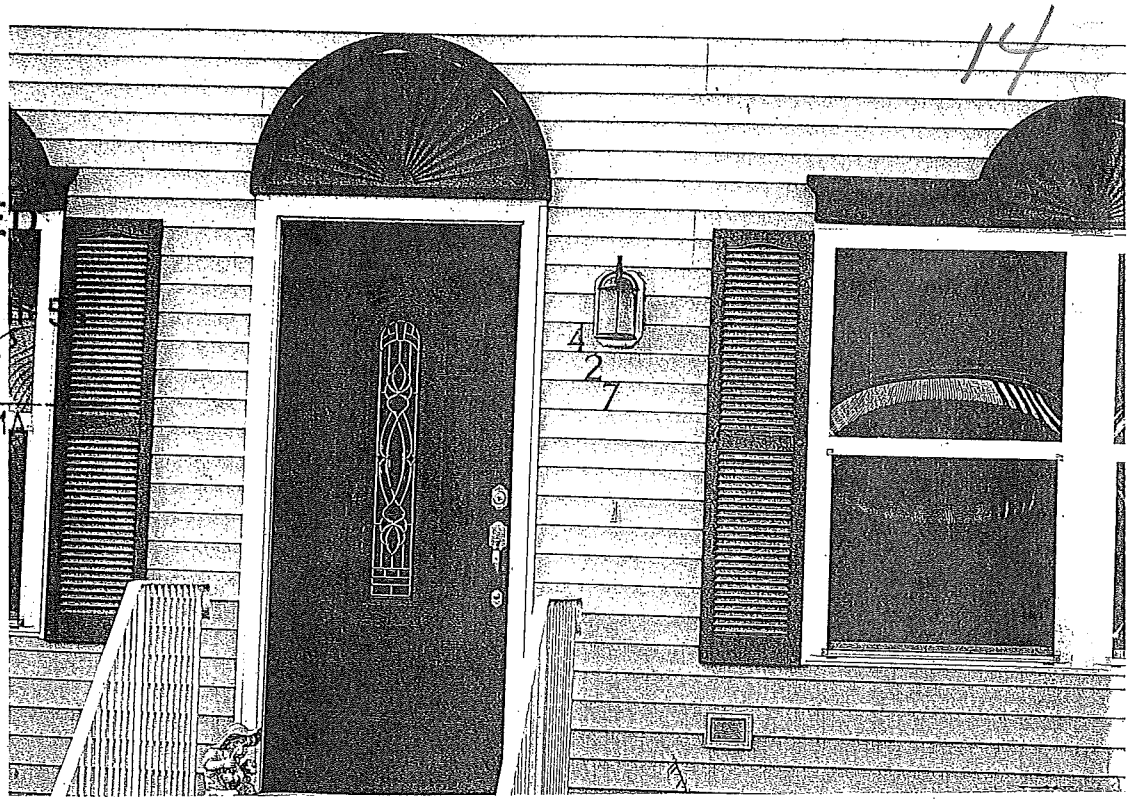
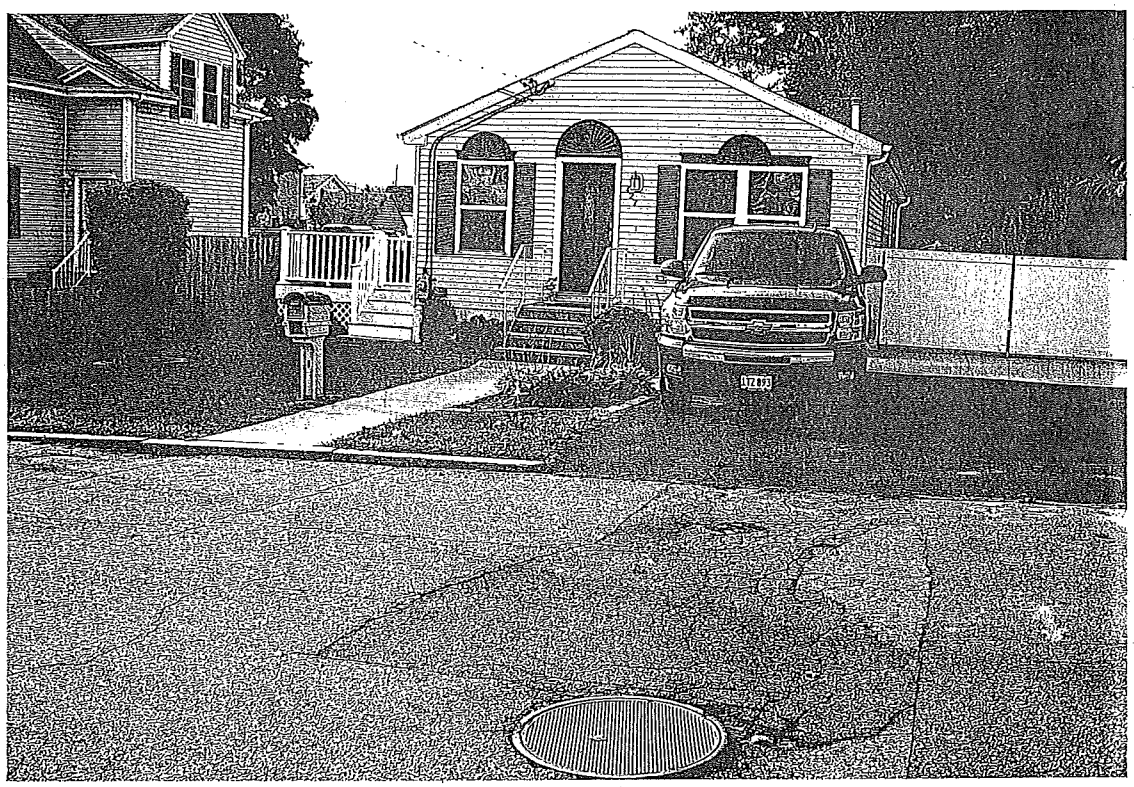
FALL RIVER, MA





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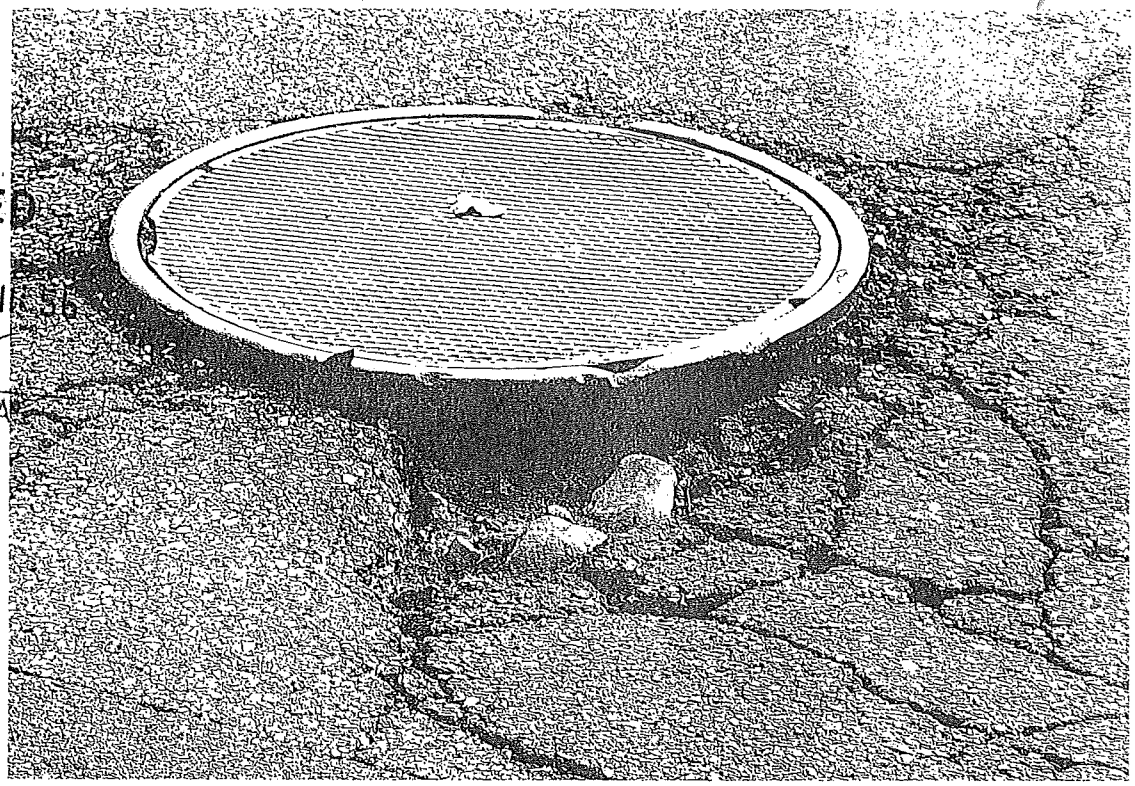
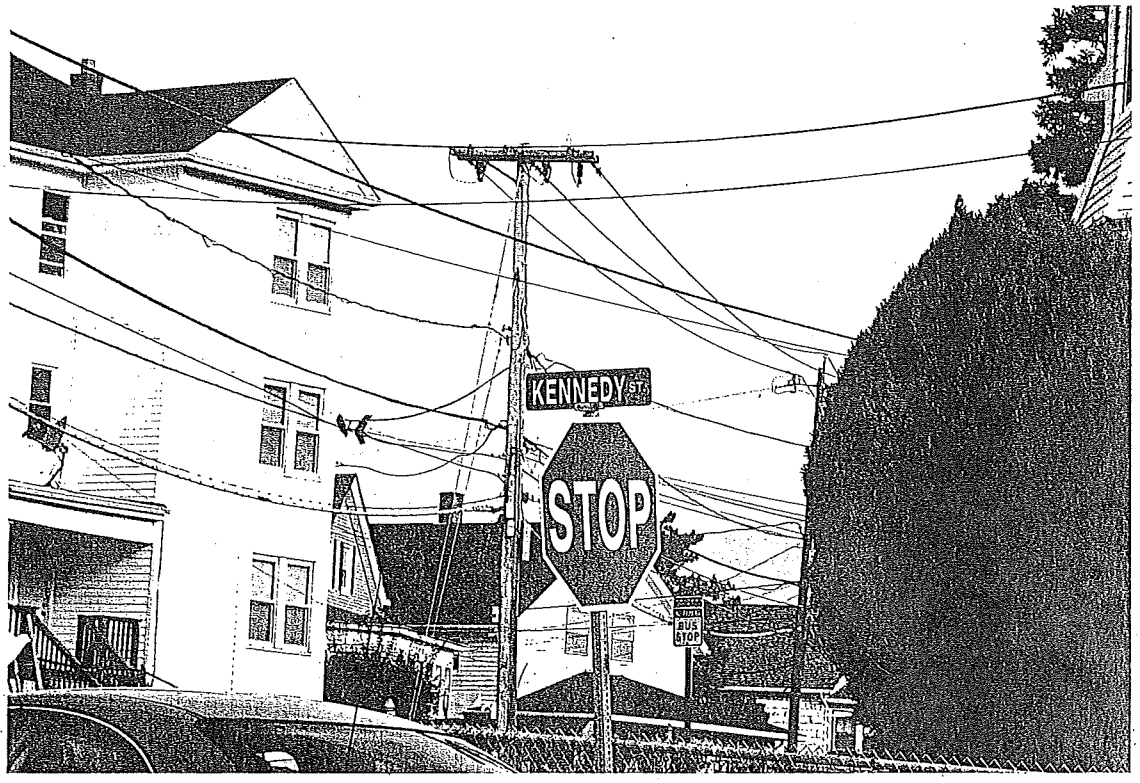
FALL RIVER, MA





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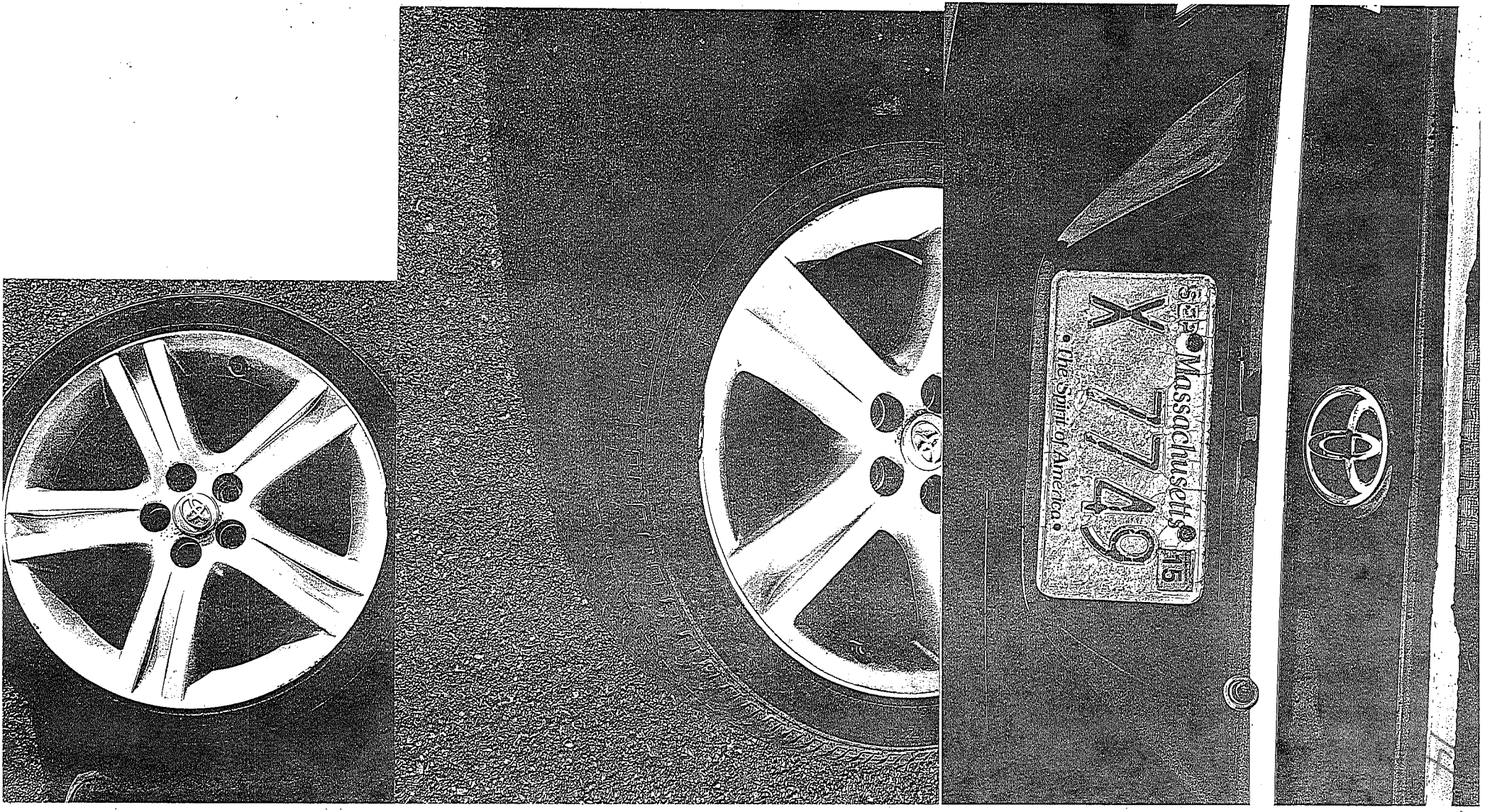
CITY CLERK 14-275
FALL RIVER, MA



3623 TRAVELERS
of Massachusetts

Travelers of Massachusetts
Po Box 3022
Fall River, MA 02720

14

10/17/2014

RECEIVED
2014 OCT 21 P 12:38
CITY CLERK #14-276
FALL RIVER, MA

City Clerk
City Of Fall River
One Government Center 2nd Fl
Fall River MA 02722

Issuing Company: The Premier Insurance Company of Massachusetts
Our Insured: Elizabeth Arruda
Our Claim Number: HSK7329
Your Insured: CITY OF FALL RIVER
Your Claim Number: Please Advise
Date of Loss: 02/10/2014

Dear City Clerk,

Based on the investigation by The Premier Insurance Company of Massachusetts of the above-referenced loss, your insured is liable for the resulting damages.

To date, The Premier Insurance Company of Massachusetts has paid $1,057.39. I request reimbursement for $1,057.39, the total amount of payments made.

Please make a check payable to The Premier Insurance Company of Massachusetts, include the claim number HSK7329 on the check, and mail the check to:

Travelers of MA
PO Box 660337
Dallas, TX 75266-0037

If you have any questions about this request, please contact me at the telephone number or email address listed below.

Sincerely,

Meghan Cronin
Subrogation Professional
Direct: (508)324-8278
Office: (800)925-7693 Ext. 324-8278
Fax: (866)304-7031
Email: MKCRONIN@travelers.com
Travelers Subrogation Services

14

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CITY CLERK #14-276
FALL RIVER, MA

City of Fall River
Notice of Claim

1. Claimant's name: Elizabeth Arruda
2. Claimant's complete address: 23 Ames Baker Way Dartmouth, MA 02748
3. Telephone number: Home: 508-997-7878 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage): Auto accident
5. Date and time of accident: 02/10/14 Amount of damages claimed: $ 1057.39
6. Exact location of the incident: (include as much detail as possible): Buffington street Fall River, MA
7. Circumstances of the incident: (attach additional pages if necessary): our insured was parked and unoccupied when hit by a snow plow belonging to the city of Fall River.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☑ Yes ☐ No
Travelers Insurance PO BOX 3022 Fall River, MA 02171

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 10/20/14 Claimant's signature: William Cunn

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:
Copies forwarded to: ☑ City Clerk ☑ Law ☑ City Council ☑ City Administrator ☑ DPW Date: 10/21/14

#14-276 14

TRAVELERS
of Massachusetts
Travelers of Massachusetts
Po Box 3022
Fall River, MA 02720

RECEIVED

2014 OCT 21 P 12: 38

CITY CLERK
FALL RIVER, MA

10/17/2014

City Clerk
City Of Fall River
One Government Center 2nd Fl
Fall River MA 02722

Issuing Company: The Premier Insurance Company of Massachusetts
Our Insured: Elizabeth Arruda
Our Claim Number: HSK7329
Your Insured: CITY OF FALL RIVER
Your Claim Number: Please Advise
Date of Loss: 02/10/2014

Dear City Clerk,

Based on the investigation by The Premier Insurance Company of Massachusetts of the above-referenced loss, your insured is liable for the resulting damages.

To date, The Premier Insurance Company of Massachusetts has paid $1,057.39. I request reimbursement for $1,057.39, the total amount of payments made.

Please make a check payable to The Premier Insurance Company of Massachusetts, include the claim number HSK7329 on the check, and mail the check to:

Travelers of MA
PO Box 660337
Dallas, TX 75266-0037

If you have any questions about this request, please contact me at the telephone number or email address listed below.

Sincerely,

Meghan Cronin
Subrogation Professional
Direct: (508)324-8278
Office: (800)925-7693 Ext. 324-8278
Fax: (866)304-7031
Email: MKCRONIN@travelers.com
Travelers Subrogation Services

#14-276

14

LexisNexis®

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2014 OCT 21 P 12:38
CITY CLERK
FALL RIVER, MA

For Customer Support refer to the appropriate platform below:

OrderPoint
800-934-9698
orderpointsupport@lexisnexis.com

Accurint for Insurance
866-277-8407
Accurint.support@lexisnexis.com

Lexis.com
Law Firm accounts
800-543-6862

REPORT ATTACHED

PAGE COUNT: 3

CLIENT : 7148
DIVISION : 113751
ADJUSTER : MC01YN5D
CLAIM : HSK7329

TRANSACTION # : 468273361
DATE : 02/25/2014

DATE OF LOSS : 02/10/2014 TIME OF LOSS : 05:00 PM
STREET : BUFFINGTON STREET
CITY : FALL RIVER
COUNTY : BRISTOL
STATE : MA

INVESTIGATING AGENCY : FALL RIVER PD
REPORT NUMBER : 14-324-AC
REPORT TYPE : Auto Accident
PARTY 1 : ELIZABETH ARRUDA
PARTY 2 :
PARTY 3 :

CAR : VOLT MAKE : CHEVROLET YEAR : 2009
TAG : 993VH7

DRIVER LICENSE : S69834867
ADDITIONAL INFO :

POLICY #:
POLICY STATE:
LOSS KIND:

NOTE :

THANK YOU FOR YOUR ORDER!

#14-276 14

14-324-AC

Commonwealth of Massachusetts
Motor Vehicle Crash Police Report

Date of Crash	Time of Crash	City/Town	Number Vehicles	Number Injured	Speed Limit / Lat. / Lon.	State Police / Local Police / MBTA Police / Other
02/09/2014	17:57 24H R	Fall River	2	0		Local Police ✓

RECEIVED 2014 OCT 3 PM 12:39 CITY CLERK FALL RIVER, MA

AT INTERSECTION < LOCATION > **NOT AT INTERSECTION**

Route# Direction Name of Roadway/Street
At
Route# Direction Name of Intersecting Roadway/Street
Also at intersection with
Route# Direction Name of Intersecting Roadway/Street

Route# Direction Address# Name of Roadway/Street: 393 BUFFINTON ST
Feet N S E W of Mile Marker or Exit Number
Feet N S E W of Route# Intersecting Roadway/Street
Feet N S E W of Landmark

14-324-AC

Please Select One of the Following: ✓ Vehicle 1 — 1 #Occupants — ☐ Hit/Run — ☐ Moped

License# S59412005 St MA DOB/Age — Reg# M87387 Reg Type MVN Reg State MA
Sex M Lic. Class A Lic. Restrictions — CDL Endorsement — Veh Year 2001 Veh Make INTR Veh Config. 13
Operator FORNWALT, STEVEN (Last First Middle) — Owner CITY OF FALL RIVER (Last First Middle)
Address 27 TIMOTHY ST — Address 1 GOVERNMENT CTR
City FAIRHAVEN State MA Zip 02719 — City FALL RIVER State MA Zip 02790
Insurance Company CITY OF FALL RIVER — Vehicle Action Prior to Crash 1 — Damaged Area Code: (Circle up to three)
Vehicle Travel Direction N S E W — Responding to Emergency? 2 — Event Sequence 2
Citation # (if Issued) — Most Harmful Event 2
Viol. 1 (Ch/Sec/Sub) — Viol. 2 (Ch/Sec/Sub) — Driver Contributing Code 1
Viol. 3: Ch/Sec/Sub — Viol. 4 (Ch/Sec/Sub) — Underride/Override 1 — Towed 2

0 None, 10 Undercarriage, 11 Totaled, 97 Other, 99 Unknown

Please fill out for operator and all occupants

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
Operator	*See Above*	--/--/----	-	-	0	5	99	0	0	5	1	

Please Select One of the Following: ✓ Vehicle 2 — 0 #Occupants — ☐ Non-Motorist — Type — Action — Location — Condition — ☐ Hit/Run — ☐ Moped

License# — St — DOB/Age — Reg# 993VH7 Reg Type PAN Reg State MA
Sex — Lic. Class — Lic. Restrictions — CDL Endorsement — Veh Year 2009 Veh Make CHEV Veh Config. 1
Operator (Last First Middle) — Owner ARRUDA, ELIZABETH (Last First Middle)
Address — Address 23 AMES BAKER
City — State — Zip — City DARTMOUTH State MA Zip 02748
Insurance Company PREMIER INSURANCE — Vehicle Action Prior to Crash 11 — Damaged Area Code: (Circle up to three)
Vehicle Travel Direction N S E W — Responding to Emergency? 2 — Event Sequence 2
Citation # (if Issued) — Most Harmful Event 2
Viol. 1 (Ch/Sec/Sub) — Viol. 2 (Ch/Sec/Sub) — Driver Contributing Code
Viol. 3: Ch/Sec/Sub — Viol. 4 (Ch/Sec/Sub) — Underride/Override 1 — Towed 2

0 None, 10 Undercarriage, 11 Totaled, 97 Other, 99 Unknown

Please fill out for operator and all occupants

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

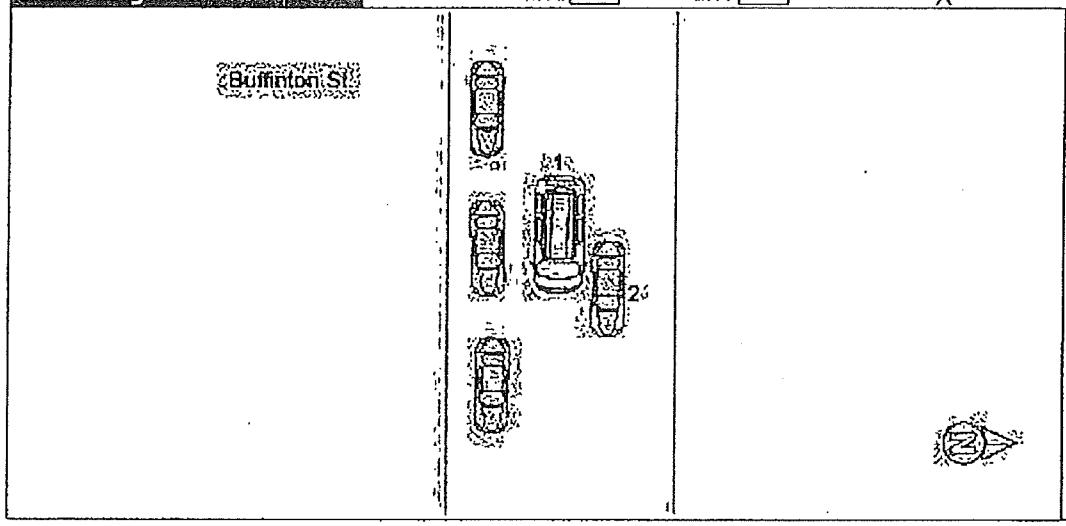
#14-276 14

= Direction | 1 = Vehicle 1 | 2 = Vehicle 2 | = Pedestrian

14-324-AC

Crash Diagram:

Ie: 1 2



If Crash Did Not Occur on a Public Way:

- ☐ Off-Street Parking Lot
- ☐ Garage
- ☐ Mall/Shopping Center
- ☐ Other Private Way

North

Crash Narrative:

The driver of the vehicle 1 (Fall River City Plow Truck) stated he was traveling east on Buffinton St. trying to clear the roadway of snow when he struck vehicle 2. The driver stated vehicle 2 was parked far away from the curb making it difficult to pass by. The driver said he tried to squeeze by and the bolts of the plow struck vehicle 2. The driver stopped and reported the accident.

The owner of vehicle 2 had nothing to report as she was inside the house when the accident occured.

Based on the weather conditions a citation was not issued.

Witnesses:

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

Property Damage:

Owner (Last, First, Middle)	Address	Phone #	34-Type	Description of Damaged Property

Truck and Bus Information:

Registration # _____ (From Vehicle Section)

Carrier Name _____ Carrier Issuing Authority Code [35]

Address _____ City _____ State _____ Zip _____

USDOT # _____ State Number _____ Issuing State _____ ICC# _____ Interstate [36]

Cargo Body Type Code [37] Gross Vehicle Weight [38]

Trailer Reg# _____ Reg Type _____ Reg State _____ Reg Year _____ Trailer Length [39]

Hazmat Information:

Placard [40] Material 1 digit# [41] Material Name _____ Material 4 digit# _____ Release code [42]

Eric Huard	EJH	Fall River Police Department		2/9/2014
Police Officer Name (Please Print)	Signature	ID/Badge#	Department	Precinct/Barracks	Date

#14-276 14

TRAVELERS OF MASSACHUSETTS

ISSUING COMPANY 452
THE PREMIER INSURANCE COMPANY OF
MASSACHUSETTS
FOR SUPPLEMENTS CALL
(888) 299-7456 PROMPT 2
MIDDLEBORO, MA 02347
Phone: (800) 842-2475

Claim #: HSK7329001
Workfile ID: a5a894f3

Estimate of Record

Written By: ROBERT TORRES, License Number: 014264, 10/15/2014 1:47:56 PM
Adjuster: SULLIVAN, JACK, (508) 946-6513 Business

Insured:	ELIZABETH ARRUDA	Owner Policy #:	PT4010P9207728441321	Claim #:	HSK7329001
Type of Loss:	Collision	Date of Loss:	02/10/2014 05:00 PM	Days to Repair:	4
Point of Impact:	04 Right Qtr Post (Right Side)	Deductible:	500.00		

Owner (Insured):
ELIZABETH ARRUDA
195 PARKER ST
NEW BEDFORD, MA 02740
(508) 994-4054 Business
(508) 817-2263 Cellular

Inspection Location:
ARRUDA, ELIZABETH
195 PARKER ST
NEW BEDFORD, MA 02740
Home
(508) 994-4054 Business

Appraiser Information:
rtorres2@travelers.com
(351) 201-1235

Repair Facility:
OWNERS CHOICE

VEHICLE

Year:	2009	Color:	Red Int: GREY	License:	914SZ7	Production Date:	
Make:	CHEV	Body Style:	4D SED	State:	MA	Odometer:	110174
Model:	AVEO LT2	Engine:	4-1.6L-FI	VIN:	KL1TG56E29B319322	Condition:	Fair

TRANSMISSION
Automatic Transmission
Overdrive
POWER
Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
DECOR
Dual Mirrors
Tinted Glass
Console/Storage
CONVENIENCE
Air Conditioning
Intermittent Wipers
Tilt Wheel
Cruise Control
Rear Defogger
Keyless Entry
Message Center
Steering Wheel Touch Controls
RADIO
AM Radio
FM Radio
Stereo
Search/Seek
CD Player
Auxiliary Audio Connection
Satellite Radio
SAFETY
Drivers Side Air Bag
Passenger Air Bag
Head/Curtain Air Bags
Communications System
Hands Free Device
SEATS
Bucket Seats
Reclining/Lounge Seats
WHEELS
Wheel Covers
PAINT
Clear Coat Paint
Metallic Paint
OTHER
Fog Lamps
Rear Spoiler
Power Trunk/Gate Release

#14-276 14

Claim #: HSK7329001
Workfile ID: a5a894f3

Estimate of Record

2009 CHEV AVEO LT2 4D SED 4-1.6L-FI Red

Line		Oper	Description	Qty	Extended Price $	Labor	Paint
1	**QUARTER PANEL**						
2	*	Rpr	RT Quarter panel			4.5	2.2
3			Add for Clear Coat				0.9
4		Refn	Fuel door				0.3
5			Add for Clear Coat				0.1
6	**REAR LAMPS**						
7		R&I	RT Tail lamp assy			Incl.	
8	**REAR BUMPER**						
9	**	Repl	A/M CAPA Bumper cover	1	229.00	2.6	2.8
10			Add for Clear Coat				1.1
11	#	Rpr	Mask Jambs			0.2	
12	**	Repl	A/M Cover Car Exterior	1	5.00	0.2	
13	#	Refn	Color Tint Minor				0.5
14	**	Repl	A/M Restore corrosion Protection	1	8.00	0.2	
			SUBTOTALS		**242.00**	**7.7**	**7.9**

NOTES

Estimate Notes:
INSPECTED AT OWNERS NEW RESIDENCE

CONTACT MADE V/V WITH ELIZABETH ARRUDA

APPRAISAL E-MAILED TO OWNER AND EXPLAINED

MILEAGE PER SERVICE STICKER

ESTIMATE TOTALS

Category	Basis		Rate	Cost $
Parts				242.00
Body Labor	7.7 hrs	@	$ 40.00 /hr	308.00
Paint Labor	7.9 hrs	@	$ 40.00 /hr	316.00
Paint Supplies	7.9 hrs	@	$ 21.00 /hr	165.90
Subtotal				1,031.90
Sales Tax	$ 407.90	@	6.2500 %	25.49
Total Cost of Repairs				**1,057.39**
Deductible				500.00
Total Adjustments				**500.00**
Net Cost of Repairs				**557.39**

#14-276 14

Claim #: HSK7329001

Workfile ID: a5a894f3

Estimate of Record

2009 CHEV AVEO LT2 4D SED 4-1.6L-FI Red

All supplements must be pre-approved by Travelers. Please call 888-299-7456 (prompt 2)

Supplement repair charges may be subject to rejection unless approved by Travelers prior to repairs.

This instrument is not an authorization to repair. Repair must be pre-authorized by the vehicle owner.

Vehicle owner maintains the right to repair vehicle at a repair facility of their choice.

Please present this estimate to the repair facility prior to repairs.

PER MASSACHUSETTS REG. TITLE 212 CHAPTER 2.02(5), "THIS ESTIMATE HAS BEEN PREPARED AND SWORN TO UNDER THE PENALTIES OF PERJURY."

THE REPAIR ESTIMATE IS BASED IN PART ON THE USE OF REPLACEMENT PARTS WHICH ARE NOT MADE BY THE ORIGINAL MANUFACTURER OF THE DAMAGED PARTS IN YOUR VEHICLE. WARRANTIES, IF ANY, APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THEIR MANUFACTURER OR SUPPLIER RATHER THAN THE MANUFACTURER OF YOUR VEHICLE.

#14-276 14

Claim #: HSK7329001

Workfile ID: a5a894f3

Estimate of Record

2009 CHEV AVEO LT2 4D SED 4-1.6L-FI Red

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide DR1CN07, CCC Data Date 8/8/2014, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM or A/M. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2015 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:
m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:
D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:
Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:
BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

#14-276 14

Claim #: HSK7329001
Workfile ID: a5a894f3

Estimate of Record

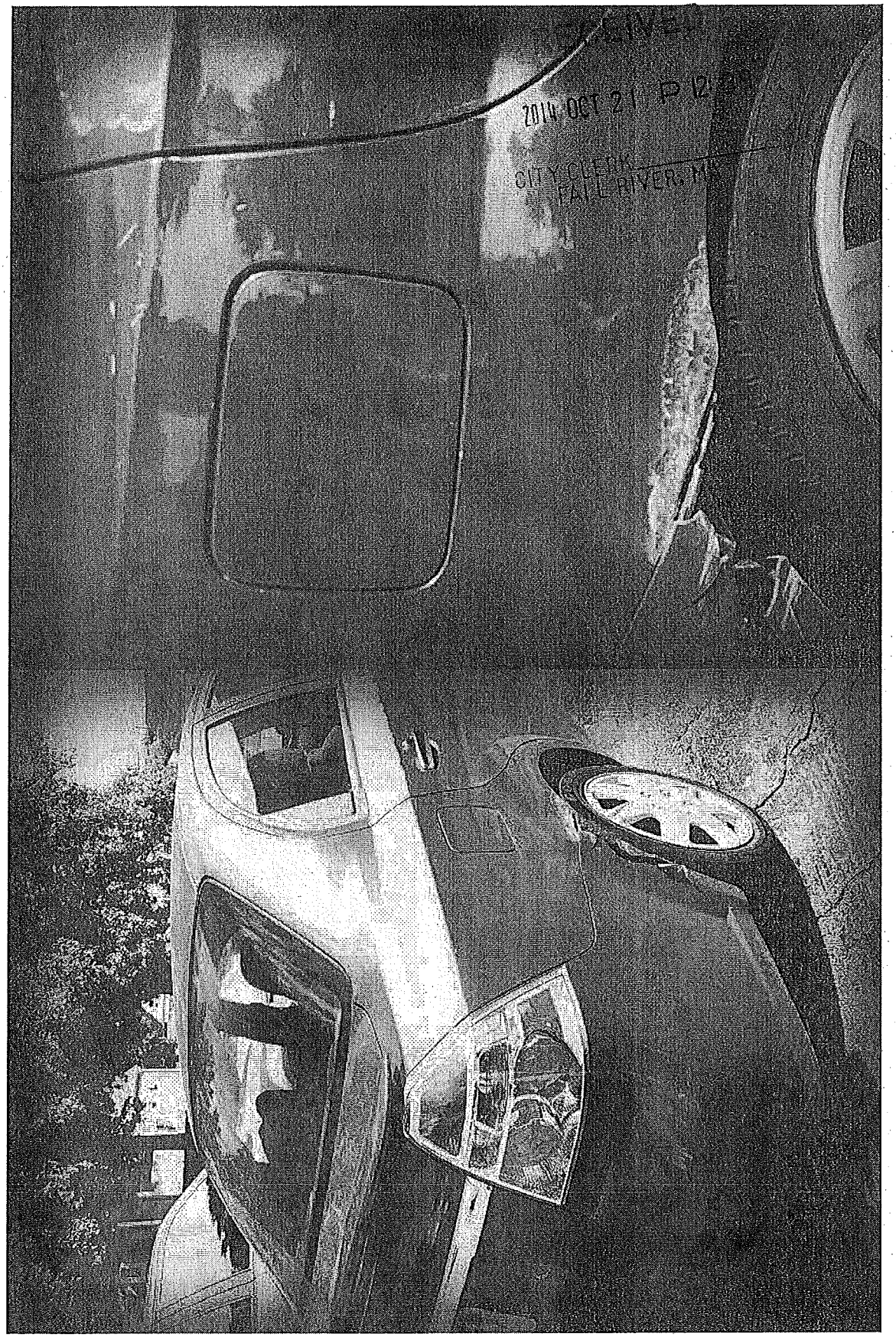
2009 CHEV AVEO LT2 4D SED 4-1.6L-FI Red

ALTERNATE PARTS SUPPLIERS

Line	Supplier	Description	Price
9	KEYSTONE - TAUNTON, MA 250 JOHN HANCOCK ROAD TAUNTON MA 02780 (800) 522-8364	#GM1100791C A/M CAPA Bumper cover Quote: 17169361 Expires: 11/28/14	$ 229.00

14

#14-276



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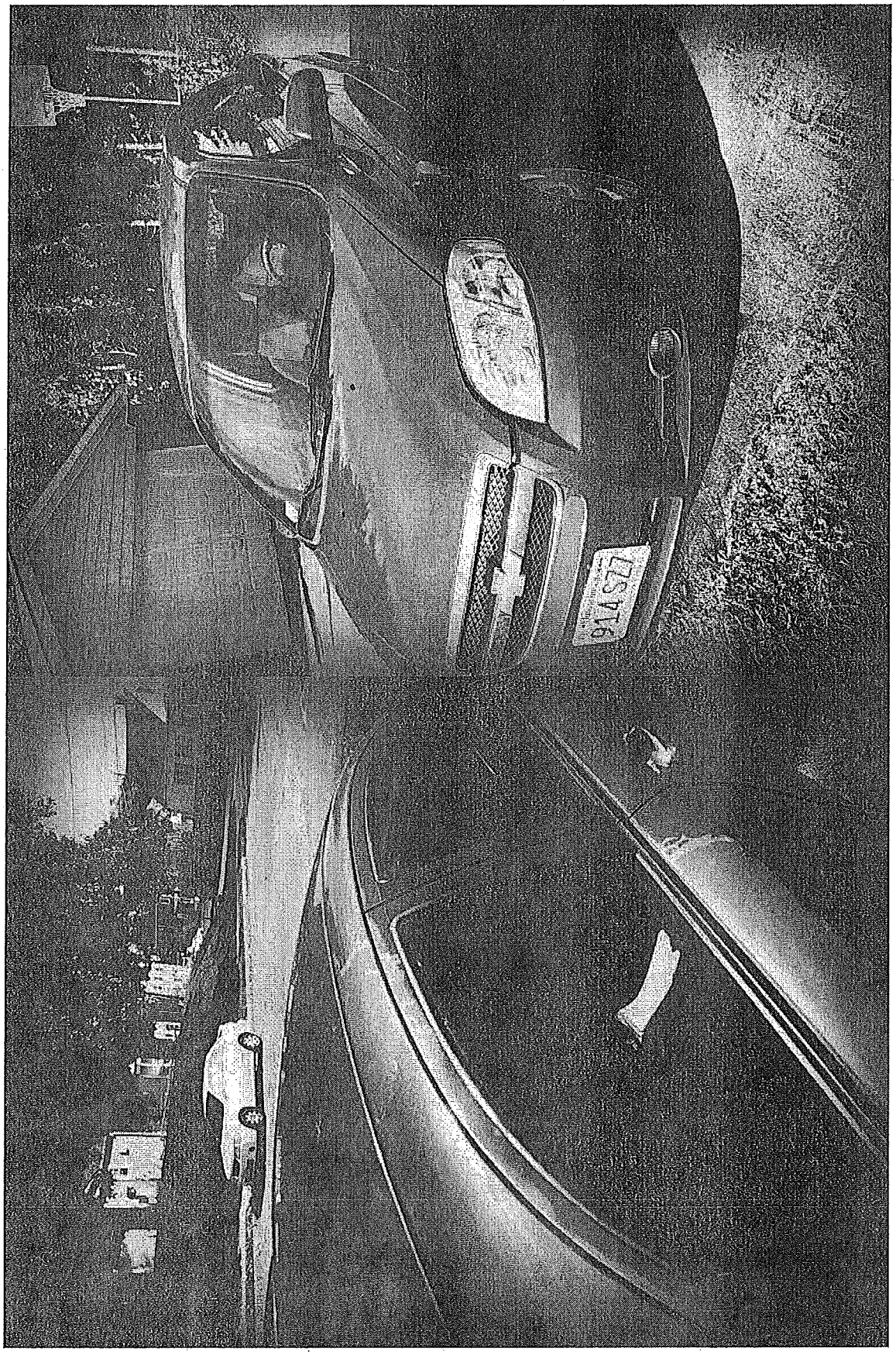

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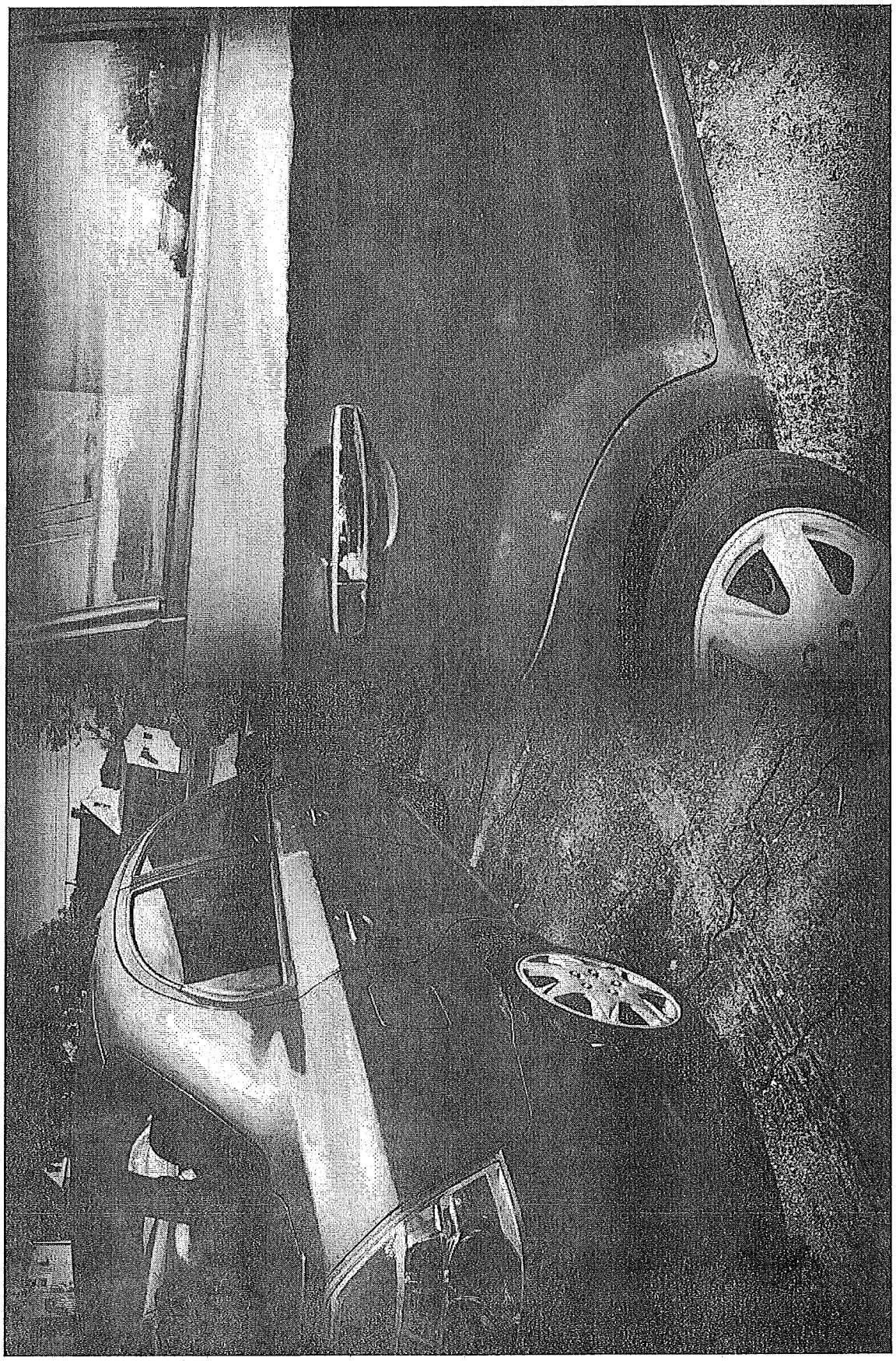

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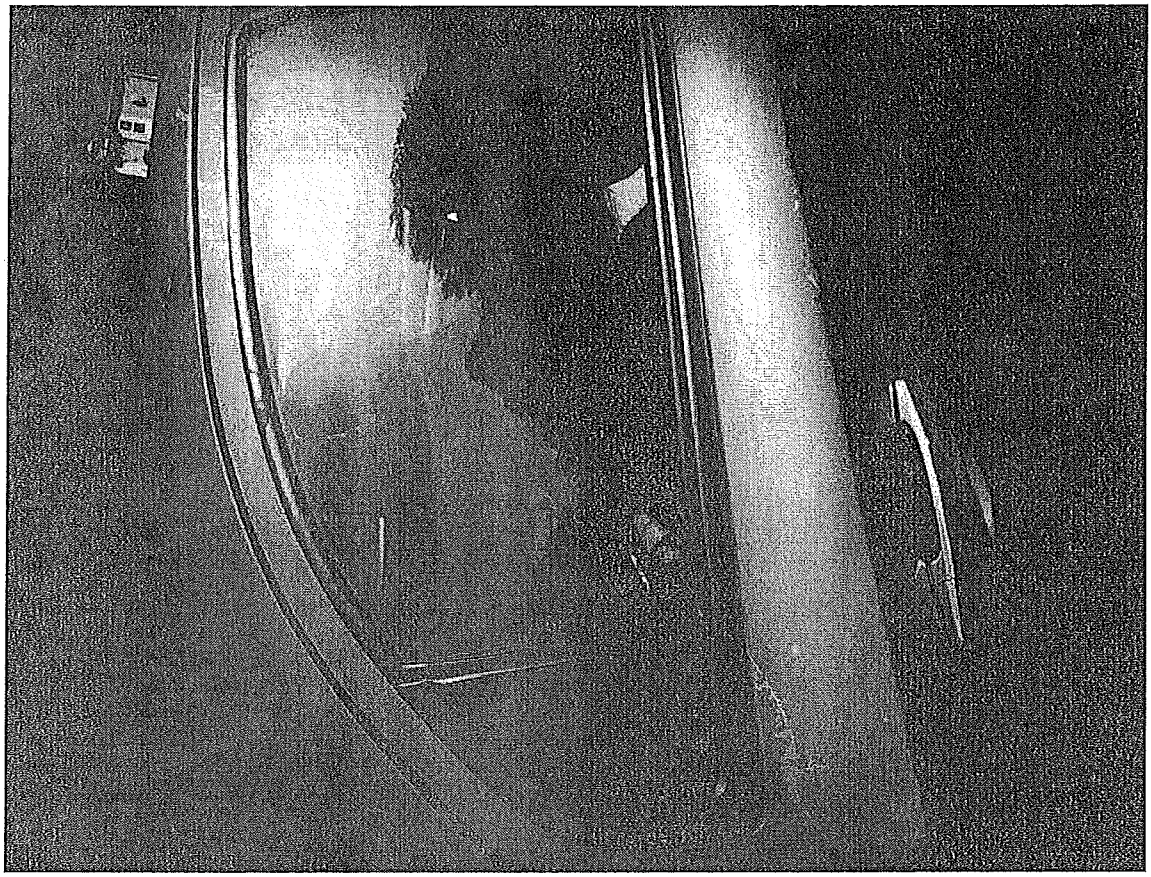

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#14-276

Financials

Expand All | Collapse All

Financials

RECEIVED
2014 OCT 21 P 12:38
CITY CLERK
FALL RIVER, MA

Friday, October 17, 2014

NOL Insured Information:
ELIZABETH ARRUDA
23 AMES BAKER WAY
DARTMOUTH, MA 02748

Claim Number:
HSK7329

RP Sequence Number:
001

Responsible Party Information:
CITY OF FALL RIVER
1 GOVERNMENT CENTER
FALL RIVER , MA 02720

Loss Date:
02/10/2014

Accident State:
FALL RIVER, MA

Summary of Loss:

Claimant Summary

Claimant Number	Name	Type	Cov Code	Deductible	Reduction	Total Subro Demand
001	ELIZABETH ARRUDA	INSD	COLL	$0.00	$0.00	$557.39
			LWCD	$0.00	$0.00	$500.00
	001 CMT (SUBTOTAL)			$0.00	$0.00	$1,057.39
	TOTALS (AMOUNT DUE)			$0.00	$0.00	$1,057.39

Payment Details

Clm Nbr	PERS Auth Id	Cov Cd	Reference	Seq Nbr	Transaction Date	Amount	Payee or Sold to Name	For	Explanation
001	JJS	COLL	0016804430	001	10/16/2014	$557.39	ELIZABETH ARRUDA	2009 CHEV AVEO LT	APPRAISAL-DEDUCTIBLE WAIVED
001	JJS	LWCD	0016804430	001	10/16/2014	$500.00	ELIZABETH ARRUDA	2009 CHEV AVEO LT	APPRAISAL-DEDUCTIBLE WAIVED

Indemnity Net Paid Amount:
$1,057.39

Expense Details

15

City of Fall River
Massachusetts
Department of Community Services

PLANNING • HEALTH & HUMAN SERVICES
LIBRARY • INSPECTIONAL SERVICES • ELECTIONS

RECEIVED
2014 OCT 20 A 10: 33
CITY CLERK
FALL RIVER, MA

Planning Division

WILLIAM A. FLANAGAN
Mayor

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

ELIZABETH R. DENNEHY, MPA
Planning Director

TO: Alison Bouchard
City Clerk

FROM: Elizabeth Dennehy
Planning Director

RE: **Fall River Zoning Board of Appeals Meeting**
September 18, 2014

The Fall River Zoning Board of Appeals held a Public Hearing on Thursday, September 18, 2014 at 6:00 PM in the First Floor Hearing Room for the purpose of considering the petitions set forth in the attached minutes of said Public Hearing.

Members present were as follows:

David Assad, Chairman
Gene Alves, Vice-Chairman
James Calkins
John Frank
Paul Cantin, Alternate

Notice of the meeting was advertised in the Fall River Herald News on Wednesday, September 3, 2014, and Wednesday, September 10, 2014. The hearing was also posted in the Government Center and notice was sent to the petitioners and abutters of the specified property as well as the City of Fall River's Planning Board.

CAROL MELLO
1026 Wood Street, Lots D-10-50,51

In the matter of Carol Mello for a Variance request to divide property into two lots leaving the existing single family dwelling on one lot and construct a single family dwelling on the other lot waiving dimensional requirements in a Single Family Residence District [R-8]. Lot sizes 5,800 +/- s.f. each.

FAVOR
Roland Patenaude, of 800 Davol Street, was present to address the Board in this matter. Mr. Patenaude stated that he has a party interested in the property. He stated that he would like to divide the property into two lots, which are similar in size to others in the neighborhood, in order to build a new single family dwelling. He stated that the proposal doesn't derogate from the intent of zoning. He submitted a petition with six signatures of those in favor of the petition.

OPPOSITION
Jim Finglas, representing the Maplewood Neighborhood Association, stated that zoning is in place to maintain open areas for people to enjoy. He stated that there is no hardship for granting this petition. They are taking a conforming lot and making it into two non-conforming lots.

Brian Frazier, of 474 Lawton Street, stated that an additional house will add to the congestion in the area and is opposed to the petition.

Mr. Alves stated that it appears there are many lots in the area that are larger than the ones proposed.

DECISION
A motion was made by Mr. Alves and seconded by Mr. Frank to deny the petitioner's request.

In a vote of 5-0 the Board voted to deny the petitioner's request. Mr. Alves, Mr. Cantin, Mr. Calkins, Mr. Frank and Mr. Assad voted in favor of the motion and the petition was denied.

The Board found that the petitioner had not produced sufficient evidence to meet each of the prerequisites for the granting of the variance. More particularly the Board found that the petitioner did not produce sufficient evidence of substantial hardship relating to the soil conditions, shape or topography of the land or structures and especially affecting the land or structures for which the variance was requested nor was there sufficient evidence that the relief requested could be granted without substantial detriment to the public good, and without substantially derogating from the intent of and purpose of the City's Zoning Ordinance.

HELENA & CHARLES ANDRADE
2097 Rodman Street, Lots E-19-1,82

In the matter of Helena & Charles Andrade for a Variance request to use the existing building for storage and a commercial office waiving use and dimensional requirements in a Two Family Residence District [R-4]. Lot size 17,100 +/- s.f.

FAVOR
Kenneth Oliveira, of 1086 Stafford Road, son of the petitioners, was present to address the Board in this matter. He stated that they have a large garage on their property that they would like to be allowed to use for a construction company. He stated that the garage will be used as storage for tools and an office to meet customers.

Mr. Assad asked what the hours of operation are. Mr. Oliveira stated that the hours would be Monday thru Saturday from 7 a.m. – 5 p.m. Access to the garage will be from Rodman Street. Mr. Assad asked if there will be a sign for the business. Mr. Oliveira stated that there will be a 3'x 3' non-illuminated sign on the building.

Mr. Assad explained that the zoning line crosses the lot leaving the majority in the residential zone.

Mr. Oliveira stated that he allowed the tenant to park his trucks in the lot but no backhoes or other large construction equipment.

Mr. Calkins asked about the volume of traffic going in and out of the business. Mr. Oliveira stated that there would only be 6 employees so there wont be much traffic generated from the business.

Mr. Assad asked if there would be any deliveries. Mr. Oliveira stated that they don't get deliveries of materials to the garage. The materials are delivered to the work site. There are no tractor trailer deliveries.

Donna Pineau, of 1086 Stafford Road, stated that she is in favor of the petition.

OPPOSITION
Mr. Alves stated that he is concerned about allowing this type of business because there are single family dwellings surrounding it. He stated that he is not against leasing it out for an office and storage, but the type of business poses some concerns.

Norbert Cabecinha, of 47 Stockton Street stated that there are three trailers parked on the grass and that a truck, without plates, is on the lot. He stated that there is business going on there on Saturdays and Sundays until 5 p.m. Mr. Cabecinha stated that they also are there at 10 p.m. to get

things from the garage. He also stated that there is no bathroom in the building, yet they want to use it for an office.

Brian Frazier, of 474 Lawton Street, stated that there are commercial businesses in the area but this property is located in a Two Family District. The Building Inspector issued a cease and desist and they continued using the building for a business and work was done without a permit. Mr. Frazier stated that the people operating from the building are rude to him and his family when they are in their yard.

Mike Liebgott, of 105 Stockton Street, stated that there are people going in and out of the building, making noise, and the lot is a mess.

Mr. Cantin stated that he feels that the petitioner should be more specific with the items that will be stored there and how much square footage will be used for the business. Owner, Helena Andrade, stated that there will be 1,200 s.f. for rent.

DECISION

A motion was made by Mr. Alves to grant the petitioner's request. There was no second to motion therefore the motion failed.

The Board failed to find by the required number of votes that the petitioner had produced sufficient evidence to meet each of the prerequisites for the granting of the variance. More particularly the required number of the Board did not find that the petitioner had produced sufficient evidence of substantial hardship relating to the soil conditions, shape or topography of the land or structures and especially affecting the land or structures for which the variance was requested nor did the petitioner provide sufficient evidence that the relief requested could be granted without substantial detriment to the public good, and without substantially derogating from the intent of and purpose of the City's Zoning Ordinance.

ROMAN CATHOLIC BISHOP OF FALL RIVER
550 Tucker Street, Lots E-8-58,97,98,99,100

In the matter of Roman Catholic Bishop of Fall River for a Variance request to divide property into seven lots leaving the existing senior center building on one lot and construct a single family dwelling on each of the six remaining lots waiving use and dimensional requirements in a Single Family Residence District [R-8]. Lot sizes 6,800 +/- s.f., 6,800 +/- s.f., 6,800 +/- s.f., 32,284 +/- s.f., 6,127 +/- s.f., 6,127 +/- s.f., 6,127 +/- s.f.

Mr. Assad stated that the Board needed to take a vote to determine whether or not a substantial change was made from the original request pertaining to the reason of denial If the Board finds that there was a substantial change the Board can continue to hear the merits of the petition and if not, then the petition could not go forward.

FAVOR
Dan Aguiar, of SITEC Engineering, and Attorney David Gay, of 73 Washington Street, Taunton were present to address the Board in this matter. Mr. Gay stated that he wasn't involved with the original variance request that was denied by the Board. The petitioner was later granted a re-hearing from the Planning Board.

Mr. Gay stated that there was only a four member Board present at the original hearing and a vote of 3-1 in favor was made. The vote needed to be unanimous because there were only four members.

Mr. Gay stated that the request is to divide the property into seven lots, six of them being single family dwellings and one for the existing senior center. He stated that the lack of parking was an issue at the first meeting so the plan has been revised adding fourteen parking spaces for the senior center. Trees will have to be removed and landscaping will need to be done.

Mr. Aguiar stated that the decision's wording is general in nature and does not specify what the reasons for denial. He stated that there were concerns about traffic and parking.

Mr. Aguiar submitted copies of a plan that shows how the property could be divided into eight lots as a matter of right but it would not be a better plan for the area.

Mr. Gay stated that the topography of the lot slopes downward from the senior center westerly. The lot sizes are similar to those on Ludlow Street. The lots have been designed so that there won't be much to fill in. The existing structure predates zoning and is worth saving. It provides services to the seniors. In addition to the fourteen parking spaces for the senior center, each dwelling will have two off-street parking spaces.

Mr. Frank asked what the setbacks will be for the single family homes since the plan does not show a house or building envelope. Mr. Aguiar stated that the houses will be built according to the R-8 District's setback requirements.

Michael Abrantes, of 594 Tucker Street and David Pereira, of 602 Tucker Street, were present and stated they are in favor of the petition.

OPPOSITION

Jim Finglas, of 156 Emmett Street, stated that nothing has changed from the original petition except the addition of parking spaces. He stated that the old plan didn't show any parking but it never came up as an issue and they have not proven a hardship. Mr. Finglas stated that the concerns were the small size of the lots and traffic conditions. He stated that zoning isn't in place to compare one lot to others. He stated that since the houses need to be built according to setbacks, they will likely be built higher and he feels the area will start to look like a project. Mr. Finglas stated that the only hardship for the Diocese is financial, which does not apply for receiving a variance. Mr. Guay stated that he never mentioned anything pertaining to the Diocese's finances.

Brian Frazier, of 474 Lawton Street, stated that he is opposed to the petition.

DECISION

A motion was made by Mr. Frank and seconded by Mr. Alves to find specific and material changes in the conditions upon which the previous unfavorable action was based.

In a vote of 5-0 the Board voted to find that a specific and material changes in the conditions upon which the previous unfavorable action was based. Mr. Frank, Mr. Alves, Mr. Assad, Mr. Cantin and Mr. Calkins voted in favor of the motion and a finding was made.

A motion was made by Mr. Frank and seconded by Mr. Alves to grant the petitioner's request with the conditions being that: 1. Each of the single family house lots shall have a minimum of two off-street parking spaces. 2. There shall be a minimum of 25 off-street parking spaces for the Senior Center. 3. There shall be no further subdivision of the lot containing the Senior Center. 4. The proposed single family dwellings shall be constructed in accordance with the R-8 District setbacks (front, side and rear yard, respectively).

In a vote of 5-0 the Board voted to grant the petitioner's request with the conditions being that: 1. Each of the single family dwelling lots shall have a minimum of two off-street parking spaces. 2. There shall be a minimum of 25 off-street parking spaces for the Senior Center. 3. There shall be no further subdivision of the lot containing the Senior Center. 4. The proposed single family dwellings shall be constructed in accordance with the R-8 District setbacks (front, side and rear yard, respectively). Mr. Frank, Mr. Alves, Mr. Assad, Mr. Cantin and Mr. Calkins voted in favor of the motion and the petition was granted with conditions.

The Board found that owing to the circumstances relating to the existing parcel, especially affecting the locus but not affecting the Single Family Residence District in which it is located, a literal enforcement of the zoning ordinance would involve substantial hardship to the petitioner and that if relief were not granted, the petitioner would be denied reasonable use of the property. The Board found that the relief requested may be granted, as it would not be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

JAM REAL ESTATE MANAGEMENT LLC
1091 South Main Street, Lot G-18-39

In the matter of JAM Real Estate Management LLC for a Variance request to use a portion of the existing auto sales building to operate an auto repair business waiving use and dimensional requirements in a Local Business District [B-L]. Lot size 8,591 +/- s.f.

FAVOR
Dan Aguiar, of SITEC Engineering, was present to address the Board in this matter. He stated that there is an existing auto sales business at this location. This was the former Tuff Stuff car and truck parts store and was used as a gas station at one time as well. The auto sales will continue on site but the request is to add auto repair. The garage was once used for auto repair because it has a drain in the floor. There will be no new construction.

Mr. Assad asked what the hours of operation will be. Mr. Aguiar stated that the hours would be Monday through Saturday from 7 a.m. – 7 p.m. and Sunday 10 a.m.-2 p.m. and signage will be in compliance with the Local Business District.

Mr. Aguiar stated that all repairs will be done inside the building. The used car capacity will remain the same. The petitioner is a new licensee so he will have to address the change with the Licensing Board.

Mr. Frank asked if there will be cars towed to the lot. Mr. Aguiar stated that there may be some cars towed to be repaired. The towing will only be done during business hours.

OPPOSITION
There was no one present to speak in opposition to the petition.

DECISION
A motion was made by Mr. Alves and seconded by Mr. Calkins to grant the petitioner's request with the conditions being that: 1. The hours of operation shall be Monday thru Saturday from 7 a.m. - 7 p.m. and Sunday from 10 a.m.- 2 p.m. 2. There shall be no outside storage of parts. 3. All auto repair work shall be performed inside. 4. Towing of vehicles to the site shall be during business hours only.

In a vote of 5-0 the Board voted to grant the petitioner's request with the conditions being that: 1. The hours of operation shall be Monday thru Saturday from 7 a.m. - 7 p.m. and Sunday from 10 a.m.- 2 p.m. 2. There shall be no outside storage of parts. 3. All auto repair work shall be performed inside. 4. Towing of vehicles to the site shall be during business hours only. Mr. Frank, Mr. Alves, Mr. Assad, Mr. Cantin and Mr. Calkins voted in favor of the motion and the petition was granted with conditions.

The Board found that owing to the circumstances relating to the existing parcel, especially affecting the locus but not affecting the Local Business District in which it is located, a literal

enforcement of the zoning ordinance would involve substantial hardship to the petitioner and that if relief were not granted, the petitioner would be denied reasonable use of the property. The Board found that the relief requested may be granted, as it would not be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

MARIO F. SILVA
185 Welcome Street, Lot D-16-5

In the matter of Mario F. Silva for a Variance and Special Permit request to construct a two-story garage and use a portion of it as a home-based welding business waiving use and dimensional requirements in a Single Family Residence District [R-8]. Lot size 10,800 +/- s.f.

FAVOR
Dan Aguiar, of SITEC Engineering, and Mario Silva, of 185 Welcome Street, were present to address the Board in this matter. Mr. Aguiar stated that Mr. Silva lives there and operates a small welding business from the smaller garage and would like to move it into a portion of the larger garage. Mr. Silva received a building permit in 2013 to construct a garage, put in the footings and had as-built plans done, but during this time garage size regulations changed. The foundation is in and meets garage setbacks but the size is larger than permitted under the new regulations so a Special Permit is required. The variance portion of this request is to allow the welding business to operate from the new garage.

Mr. Aguiar stated that access to the garage is from Napoleon Street. The garage is two stories high with the second floor to be used for storage and a home office. The welding business will only occupy a portion of the garage.

Mr. Frank asked if there will be a storefront. Mr. Aguiar stated that the welding business is more like a workshop. There is no customer activity. Mr. Silva wants to keep the smaller garage and will agree to conditions that no welding shall be done in the smaller garage and it could be used for storage.

Elias & Joseph Barbosa, of 206 Welcome Street, and John & Lucia Costa, of 188 Welcome Street, were present and stated that they are in favor of the petition.

Mr. Alves asked what the square footage of garage is. Mr. Aguiar stated that the garage is 40'x 26' for a total of 1,040 s.f. and the maximum size allowed is 750 s.f.

OPPOSITION
There was no one present to speak in opposition to the petition.

DECISION
A motion was made by Mr. Calkins and seconded by Mr. Frank to find that the scale of the proposed structure is consistent with neighboring structures and that the proposed structure will not impact the use and enjoyment of the abutting properties.

In a vote of 5-0 the Board voted to find that the scale of the proposed structure is consistent with neighboring structures and that the proposed structure will not impact the use and enjoyment of the abutting properties.

A motion was made by Mr. Calkins and seconded by Mr. Frank to grant the petitioner's request with the condition being that the welding operation performed in the smaller existing garage shall no longer be permitted once the new garage is constructed.

In a vote of 5-0 the Board voted to grant the petitioner's request with the condition being that the welding operation performed in the smaller existing garage shall no longer be permitted once the new garage is constructed. Mr. Frank, Mr. Alves, Mr. Assad, Mr. Cantin and Mr. Calkins voted in favor of the motion and the petition was granted with conditions.

The Board found that the scale of the proposed structure is consistent with neighboring structures and that the proposed structure will not impact the use and enjoyment of the abutting properties.

The Board found that owing to the circumstances relating to the existing parcel, especially affecting the locus but not affecting the Single Family Residence District in which it is located, a literal enforcement of the zoning ordinance would involve substantial hardship to the petitioner and that if relief were not granted, the petitioner would be denied reasonable use of the property. The Board found that the relief requested may be granted, as it would not derogate from the intent and purpose of the zoning ordinance.

AUDREY BELL
433 Reading Street, Lot R-4-60

In the matter of Audrey Bell for a Variance request to construct an addition to the existing single family dwelling to include an additional kitchen waiving dimensional requirements in a Single Family Residence District [S]. Lot size 5,115 +/- s.f.

FAVOR
Contractor Rachel Rezendes, and Audrey Bell, 433 Reading Street, were present to address the Board in this matter. Ms. Rezendes stated that Ms. Bell would like to construct a kitchen on the second floor for so that her mother, who has a degenerative disease, can live with her. There will not be a separate entrance nor will there be a door between the first and second floor. Ms. Rezendes stated that there is a driveway, which can accommodate both of their cars. The house will remain a single family dwelling. The second floor has an open floor plan so the kitchen will actually be a small kitchenette.

Ms. Bell submitted a notarized statement that she has no intentions on renting out the second floor and will remove the kitchen if the property is ever sold.

Patricia Bell, the petitioner's mother, stated that she is in favor of the petition.

A letter in favor of the petition was submitted by Jan and Margaret Pietraszek, of 421 Reading Street.

A petition with 7 signatures of those in favor of the petition was also submitted.

OPPOSITION
There was an unsigned letter of opposition submitted from the Highland Neighborhood Association.

DECISION
A motion was made by Mr. Alves and seconded by Mr. Cantin to grant the petitioner's request with the conditions being that: 1. The dwelling shall remain a single family. 2. The variance will terminate upon sale of the dwelling. 3. The second floor cannot be used for rental.

In a vote of 5-0 the Board voted to grant the petitioner's request with the conditions being that: 1. The dwelling shall remain a single family. 2. The variance will terminate upon sale of the dwelling. 3. The second floor cannot be used for rental. Mr. Frank, Mr. Alves, Mr. Assad, Mr. Cantin and Mr. Calkins voted in favor of the motion and the petition was granted with conditions.

The Board found that owing to the circumstances relating to the existing parcel, especially affecting the locus but not affecting the Single Family Residence District in which it is located, a literal enforcement of the zoning ordinance would involve substantial hardship to the petitioner and that if relief were not granted, the petitioner would be denied reasonable use of the property.

The Board found that the relief requested may be granted, as it would not be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

RONALD LINHARES
96 Almy Street, Lot S-12-6

In the matter of Ronald Linhares for a Variance request to construct an addition to the existing single family dwelling waiving dimensional requirements in a General Residence District [G]. Lot size 4,823 +/- s.f.

FAVOR
Dan Aguiar, of SITEC Engineering, was present to address the Board in this matter. He stated that the property is in a General Residence District, which requires 10' sideyard setbacks. The petitioner received a building permit, did as-built plans and put in the foundation and found that the setback for the existing structure is 4.7" and the new setback is 4.6" therefore the Building Inspector made them come for a variance after the fact.

Sal Moniz, of 113 Sidney Street, stated that he is in favor of the petition.

OPPOSITION
There was no one present to speak in opposition to the petition.

DECISION
A motion was made by Mr. Alves and seconded by Mr. Cantin to grant the petitioner's request.

In a vote of 5-0 the Board voted to grant the petitioner's request. Mr. Frank, Mr. Alves, Mr. Assad, Mr. Cantin and Mr. Calkins voted in favor of the motion and the petition was granted.

The Board found that owing to the circumstances relating to the existing parcel, especially affecting the locus but not affecting the General Residence District in which it is located, a literal enforcement of the zoning ordinance would involve substantial hardship to the petitioner and that if relief were not granted, the petitioner would be denied reasonable use of the property. The Board found that the relief requested may be granted, as it would not be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

MINUTES
A motion was made by Mr. Calkins and seconded by Mr. Cantin to approve the minutes from the August 21, 2014 meeting.

In a vote of 5-0 the Board voted to approve the minutes from the August 21, 2014 meeting. Mr. Cantin, Mr. Calkins, Mr. Alves, Mr. Frank and Mr. Assad voted in favor of the motion and the minutes were approved.

ADJOURNMENT
A motion was made by Mr. Calkins and seconded by Mr. Frank to adjourn the meeting.

In a vote of 5-0 the Board voted to adjourn the meeting. Mr. Cantin, Mr. Calkins, Mr. Alves, Mr. Frank and Mr. Assad voted in favor of the motion and the meeting was adjourned.

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City of New Bedford
MASSACHUSETTS

OFFICE OF THE CITY CLERK
133 WILLIAM STREET
NEW BEDFORD, MA 02740-6182
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DENNIS W. FARIAS
CITY CLERK

STEPHANIE MACOMBER
ASSISTANT CITY CLERK

SUSAN M. HENRIQUES
ASSISTANT COUNCIL CLERK

October 17, 2014

RECEIVED
2014 OCT 20 A 10 31
CITY CLERK
FALL RIVER, MA

Ms. Alison M. Bouchard, City Clerk
One Government Center
Room 227
Fall River, MA 02722

Dear Ms. Bouchard:

I am writing to inform you that at a meeting held on October 09, 2014, the City Council of New Bedford, Massachusetts, Adopted a Written Motion sponsored by all eleven members of the body, "Requesting that the City Council go on record in support of banning the sale of the synthetic liquid drug called "Cloud 9"; and further, that Legal Counsel Gerwatowski also include this liquid synthetic drug as part of the Ordinance currently being drafted to ban the sale of synthetic drugs in the City; and further; requesting, that letters be sent to Cities and Towns in the Commonwealth including Wareham, Fall River, Taunton and all Towns in between asking them to join us in this effort to ban the sale of synthetic drugs in our region.

On behalf of the Council, I thank you for your time and attention to this matter.

Please feel free to contact me directly should you or your office require additional information.

With kind regards,

Dennis W. Farias

Dennis W. Farias,
City Clerk

DWF: rrr

cc: City Councillors
File