

**MONDAY, FEBRUARY 6, 2017**  
**WOONSOCKET CITY COUNCIL AGENDA**  
**CITY COUNCIL PRESIDENT DANIEL M. GENDRON PRESIDING**  
**7:00 PM. – HARRIS HALL**

**REGULAR MEETING**

- 1. ROLL CALL**
- 2. PRAYER**
- 3. PLEDGE OF ALLEGIANCE**
- 4. CITIZENS GOOD AND WELFARE**  
(Please limit comments to five minutes)
- 5. APPROVAL/CORRECTION OF MINUTES OF REGULAR MEETING HELD JANUARY 17<sup>TH</sup>**
- 6. CONSENT AGENDA**  
All items on the consent agenda are indicated with an asterisk (\*).
- 7. COMMUNICATIONS FROM CITY OFFICERS**

- 17 CO 02\* Opinion of City Solicitor regarding claim of Anna Brahier.  
17 CO 03\* Opinion of City Solicitor regarding claim of Carmen Sanabria.  
17 CO 04\* Opinion of City Solicitor regarding claim of William Fox.  
17 CO 05\* Communication from Director of Public Works regarding request from Lighttower LLC for installation of underground conduit.  
17 CO 06\* Opinion of City Solicitor regarding claim of Mr. Robert Keith.  
17 CO 07\* Opinion of City Solicitor regarding claim of Joanna Alicea.  
17 CO 08\* Opinion of City Solicitor regarding Eric Gathigi v. Tanya Gagnon, City of Woonsocket PC 2015-4831.

**8. AGENDA FOR BOARD OF LICENSE COMMISSIONERS**

- 17 LC 02 Public hearing on application of a Second Hand Dealers (Auto) license by North Main Truck & Auto Sales, LLC d/b/a North Main Truck & Auto Sales at 565 North Main Street.  
17 LC 04 Application of licenses and renewal of licenses (listing attached).  
17 LC 05 A request of IBPO Local 404/Copswalk to hold a tag day license on Saturday, April 8, 2017 with a rain date of Saturday, April 15, 2017.

**9. COMMUNICATIONS AND PETITIONS**

- 17 CP 06 Request of Councilman Fagnant to address the following items:
1. Open Community Meeting for Citizens of Woonsocket.(2/11/17)
  2. Community Development Block Grant PY 2017-2018/N. David Bouley
  3. Former Woonsocket Middle School at Park Place contents left inside.
  4. Susan D. Menard Middle School Complex plaque status/N. David Bouley
  5. New Water Treatment Facility letter dated 11/28/16/Dir. D'Agostino.
  6. My request to the Clerk to PSD Jalette regarding information on police vehicles/Status PSD?
  7. RFP tree trimming and removal services/DPW
  8. RFP the material, fabrication & installation chain link fence/DPW
  9. Letter to City of Woonsocket from Daniel M. Keyes, Town of Blackstone, MA
  10. RFP street sweeping services out sourcing vs. in house cost savings/DPW?

11. Seeing things from both sides, regarding double sided printing & waste of coy paper
12. North Smithfield Wastewater Inter-Jurisdictional Agreement/Status update DPW?
13. Blackstone Wastewater Inter-Jurisdictional Agreement/Status update DPW?
14. Wastewater Treatment Plant upgrades/Status update DPW?.....
15. Railroad station at the Depot, what is the status on this project/N. David Bouley?

17 CP 07 Request of Councilman Cournoyer to address the following items:

1. Budget / Financial condition and reporting
2. Municipal Police & Firemen's Pension

17 CP 08 Request of Councilwoman Sierra to address the following items:

1. Status of report concerning expenses of the Legal Department to date
2. Status of report concerning success of Homestead collections

**10. GOOD AND WELFARE**  
(Five minute limit, per Council Rules of Order)

**11. NEW ORDINANCES**

- 17 O 02 Transferring Funds (City Property).-Gendron  
 17 O 03 Granting a petition for Lighttower LLC for underground installation of fiber optic cable for 169 Providence Street in the right of way.-Gendron  
 17 O 04 Ordinance to amend the existing Homestead Exemption policy and outline procedures for its application.-Beauchamp & Gendron

**12. NEW RESOLUTIONS**

- 17 R 12 Authorizing the cancellation of certain taxes.-Gendron  
 17 R 13 Authorizing the cancellation of certain taxes.-Gendron  
 17 R 14 Granting permission to use City property.-Gendron  
 17 R 15 Granting permission to use City property.-Gendron  
 17 R 16 Establishing the City Council schedule for calendar year 2017.-Gendron  
 17 R 17 Accepting quit claim deed for property located at 44-52 Blackstone Street, Woonsocket, Rhode Island.-Beauchamp  
 17 R 18 Re-appointing Alan Leclair as a member of the Zoning Board of Review.-Gendron & Murray

**13. ADJOURNMENT**

For additional information or to request interpreter services, or other special services for the hearing impaired, please contact City Clerk Christina Harmon-Duarte three days prior to the meeting at (401) 762-6400, or by the Thursday prior to the meeting.

**Posted February 2, 2017**

**AGENDA FOR BOARD OF LICENSE COMMISSIONERS**

**NEW LICENCES**

**CLASS F LIQUOR LICENSE**

Rhode Island Knights of Columbus, 176 Joffre Avenue (4/29/2017)

**CLASS F LIQUOR LICENSE & ENTERTAINMENT**

Waitloo Xoke Xayyaram Buddhist Temple, 458 River Street (5/6/2017 & 5/7/2017  
Live Band)

St. Ann's Arts & Culture Center, 84 Cumberland Street (2/25/2017-Live Band)

**HOLIDAY**

TVI, Inc. d/b/a Savers, 1500 Diamond Hill Road

**TRANSFER LICENSE**

**1<sup>ST</sup> CLASS VICTUALING**

John Wilson d/b/a Sunrise Pizza to Tony Albano d/b/a Sunrise Pizza, 180 Social  
Street

**Tuesday, January 17, 2017**

At a regular meeting of the City Council, in the City of Woonsocket, County of Providence, State of Rhode Island in Harris Hall on Tuesday, January 17, 2017 at 7 P.M.

All members are present.

The prayer is read by the Clerk. The Pledge of Allegiance is given by the assembly.

The following persons addressed the council under citizens good and welfare: George Hodgson, Dana Linder, Charles Lemoine and Steven Mannigan.

Upon motion of Councilwoman Murray seconded by Councilman Beauchamp it is voted that the minutes of the regular meeting held January 3, 2017, public hearing held January 6<sup>th</sup>, special meeting held January 10<sup>th</sup> and special meeting held January 11<sup>th</sup> be approved as submitted, a voice vote on same being unanimous.

Upon motion of Councilman Beauchamp seconded by Councilwoman Murray it is voted that the consent agenda be approved as submitted, a voice vote on same being unanimous.

The following item was listed on the consent agenda:

17 CP 02 Monthly odor report from CH2M Hill.

17 M 01 A communication from Mayor vetoing Ordinance 17 O 1 is read by title, and

Upon motion of Councilwoman Murray seconded by Councilors Beauchamp and Cournoyer it is voted that the veto be received and placed on file.

17 LC 02 An application of North Main Truck & Auto Sales d/b/a North Main Truck & Auto Sales at 565 North Main Street to hold second hand dealer license, which was advertised for hearing on this date, is read by title, and

Upon motion of Councilman Beauchamp seconded by Councilman Fagnant it is voted that the application be tabled to February 6<sup>th</sup>, a voice vote on same being unanimous.

17 LC 03 Upon motion of Councilman Beauchamp seconded by Councilwoman Murray it is voted that the following licenses be granted, a voice vote on same being unanimous: 1 application for Class F1 and entertainment license and 1 application for holiday license.

Upon motion of Councilman Beauchamp seconded by Councilman Fagnant it is voted that the renewal of quarterly entertainment license on the agenda be tabled for 30 days, a voice vote on same being unanimous.

17 CP 03 A request of Albert G. Brien to address the City Council regarding OSP tax appeal-Invenergy is read by title. Mr. Brien was present and addressed the council.

17 CP 04 A request of Councilman Beauchamp to address the following item: homestead exemption is read by title.

17 CP 05 A request of Council President Gendron to address the following item: fundraiser for Pete Picard benefit was read by title.

The following remarks are made under good and welfare:

Councilman Cournoyer addressed an article in the newspaper regarding the success of Darlene Brien's new business.

Councilman Fagnant spoke about the swearing in of President-Elect Trump.

Councilwoman Murray thanked Martin Luther King committee for weekend of events. She also spoke about ticket locations for the Night of Music benefit to be held January 27<sup>th</sup> in honor of Pete Picard. She spoke about coat & blanket drive on January 22<sup>nd</sup> from 10-2 at the American Legion Post 85 and a sneaker drive sponsored by a teacher.

Councilwoman Sierra passed.

President Gendron passed.

Councilman Beauchamp spoke about Martin Luther King committee and outstanding job. He encouraged people to get involved.

Councilman Brien addressed CH2M Hill odor report. He commented on Mayor's message of disapproval re: the expenses. He commented on his sister's business and the outreach given to her from the City of Pawtucket. Stated Woonsocket should be business successful. We should be leading together instead of leading apart. He wishes President-elect good luck.

- 17 R 08 A resolution authorizing the cancellation of certain taxes is read by title, and  
Upon motion of Councilman Beauchamp seconded by Councilwoman Murray it is voted that the resolution be passed, a voice vote on same being unanimous.
- 17 R 09 A resolution granting permission to use city property is read by title, and  
Upon motion of Councilwoman Murray seconded by Councilman Beauchamp it is voted that the resolution be passed, a voice vote on same being unanimous.
- 17 R 10 A resolution accepting quitclaim deed for property located at 158 South Main Street is read by title, and  
Upon motion of Councilman Beauchamp seconded by Councilman Brien it is voted that the resolution be passed, a voice vote on same being unanimous.
- 17 R 11 A resolution accepting quitclaim deed for property located at 248 Park Avenue is read by title, and  
Upon motion of Councilman Beauchamp seconded by Councilwoman Murray it is voted that the resolution be passed, a voice vote on same-being unanimous.  
Upon motion of Councilman Beauchamp seconded by Councilman Fagnant it is voted that the meeting be and it is hereby adjourned at 8:20 P.M.

Attest:

Christina Harmon-Duarte

City Clerk



CITY OF WOONSOCKET, RHODE ISLAND  
LAW DEPARTMENT

February 6, 2017

Woonsocket City Council  
169 Main Street  
P.O. Box B  
Woonsocket, RI 02895

RE: Anna Brahier, DOI: 12/20/2016

Dear Councilors:

Attached, please find a Notice of Claim to the City of Woonsocket, which was received by the City as a result of an alleged incident that occurred on or about December 20, 2016. I recommend that the City deny action in this matter at this time, and refer it to the Rhode Island Interlocal Trust, who provides coverage for such claims under the City's policy of insurance.

If you have any questions or concerns, please do not hesitate to contact me

Sincerely,



John J. DeSimone, Esq.  
City Solicitor

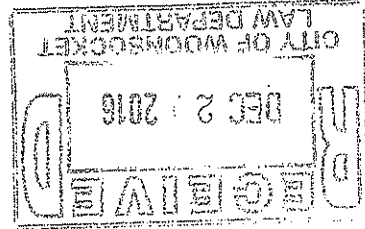
JJD/ps  
Enclosure

# THOMAS E. SPARKS

ATTORNEY AT LAW \*

## NOTICE OF CLAIM TO THE CITY OF WOONSOCKET, RHODE ISLAND

Claimant: Anna Brahier  
300 Privilege St., Apt. 519  
Woonsocket, RI 02895



**Date of Incident:** December 20, 2016

**Place of Incident:** Sidewalk, 300 Privilege Street, Woonsocket, RI

**Facts:** On or about December 20, 2016, Ms. Brahier was a pedestrian traveling on Privilege Street, Woonsocket, RI, when she was caused to fall, sustaining serious personal injuries. As a direct result of this incident, Ms. Brahier sustained injuries to right elbow, right knee and lower back.

**Responsible Party:** City of Woonsocket, Rhode Island.

**Amount claimed:** To be determined upon the completion of medical treatment.

Claimant,

Anna Brahier  
By her Attorney,

\_\_\_\_\_  
Thomas E. Sparks, Esquire  
PO Box 3500  
Woonsocket, RI 02895  
(401) 356-1100

Dated: December 22, 2016

**SENT VIA CERTIFIED MAIL ON DECEMBER 22, 2016**

Office mailing address is PO Box 3500, Woonsocket, RI 02895  
Telephone (401) 356-1100, Fax (401) 356-4205

\*Admitted in Rhode Island and Massachusetts Bar



CITY OF WOONSOCKET, RHODE ISLAND  
LAW DEPARTMENT

February 6, 2017

Woonsocket City Council  
169 Main Street  
P.O. Box B  
Woonsocket, RI 02895

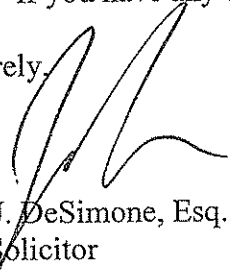
RE: Carmen Sanabria, DOI: 10/25/2014

Dear Councilors:

Attached, please find a Presentment to Council of Claim or Demand Against City of Woonsocket, which was received by the City as a result of an alleged incident that occurred on or about October 25, 2014. I recommend that the City deny action in this matter at this time, and refer it to the Rhode Island Interlocal Trust, who provides coverage for such claims under the City's policy of insurance.

If you have any questions or concerns, please do not hesitate to contact me

Sincerely,



John J. DeSimone, Esq.  
City Solicitor

JJD/ps  
Enclosure

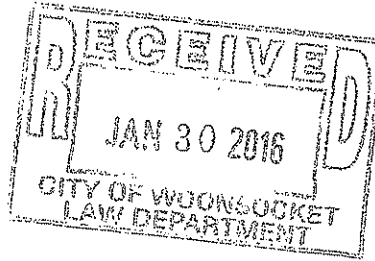


***Shannah Kurland, Esq.***

Mailing address: 149 Lenox Avenue, Providence, RI 02907  
Office: 669 Elmwood Ave. Ste. B7, Providence  
401.439.0518 :: skurland.esq@gmail.com



January 25, 2017



**CERTIFIED FIRST CLASS MAIL**

Woonsocket City Council  
169 Main Street  
Woonsocket, RI 02865

**RE: Presentment to Council of Claim or Demand Against City of Woonsocket by Carmen Sanabria  
Pursuant to R.I.G.L. §45-15-5**

Dear Members of the Woonsocket City Council:

This letter hereby constitutes presentment to the Council of a claim or demand against the City of Woonsocket ("City") by my client, Carmen Sanabria, pursuant to R.I.G.L. §45-15-5.

Ms. Sanabria, a resident of Woonsocket, was the victim of excessive force by Woonsocket Police Officers Matthew Derham, Joseph P. Brazil and Jane and John Doe officers, alias, acting under color of law and in violation of 42 U.S.C. §1983 and related state law claims including assault and battery. On October 25, 2014, Ms. Sanabria responded to her brother who was being assaulted by an individual in a parking lot off of Arnold Street. Officer Brazil came up behind Ms. Sanabria to arrest her. Although Ms. Sanabria offered no resistance and clearly informed Officer Brazil that she was recovering from shoulder surgery, he and Officer Derham wrenched her arm up with such extreme and unnecessary force that she suffered intense pain. During the Officers' assault of Ms. Sanabria, they knocked her glasses to the ground, breaking them and leaving her without eyeglasses for approximately three weeks. At the Woonsocket Police station, Ms. Sanabria suffered a panic attack. None of the officers present attempted to provide any sort of mental health assessment or crisis response. Instead, Officer Jane Doe pulled Ms. Sanabria's arm up yet again, and handcuffed her with her hands behind her back.

On December 20, 2014 Ms. Sanabria filed a complaint with the Woonsocket Police Department concerning the mistreatment she had suffered. When Ms. Sanabria, accompanied by her attorney, met with Lt. Cunanan, he adopted an accusatory posture against her and defended the officers, instead of expressing any concern regarding her complaint or attempting to conduct an impartial investigation. After repeated calls from

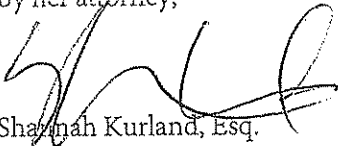
Ms. Sanabria's attorney, Lt Cunanan informed Ms. Sanabria that the officers had been cleared of any wrongdoing. Despite Ms. Sanabria's request for documents related to the investigation, Lt. Cunanan refused to provide her with any documentation of the supposed investigation.

As a direct and proximate result of the aforesaid unlawful acts of Woonsocket Police Officers, and the City's customs, practices, and failure to properly supervise its police officers, Ms. Sanabria suffered great physical pain and emotional distress, including a significant delay in her recovery from a delicate shoulder operation, and damage to her property, specifically a pair of eyeglasses.

WHEREFORE, demand is hereby made on the City for compensatory and punitive damages and legal fees in the amount of \$500,000.00. If you have any questions regarding this claim, please feel free to contact the undersigned.

Carmen Sanabria

By her attorney,



Shannah Kurland, Esq.



CITY OF WOONSOCKET, RHODE ISLAND  
LAW DEPARTMENT

February 6, 2017

Woonsocket City Council  
169 Main Street  
P.O. Box B  
Woonsocket, RI 02895

RE: William Fox – DOI: 2/10/14

Dear Councilors:

Attached, please find a Superior Court Complaint, which was received by the City as a result of an alleged incident that occurred on or about February 10, 2014. I recommend that the City deny action in this matter at this time, and refer it to the Rhode Island Interlocal Trust, who provides coverage for such claims under the City's policy of insurance.

If you have any questions or concerns, please do not hesitate to contact me

Sincerely,



John J. DeSimone, Esq.  
City Solicitor

JJD/ps  
Enclosure



RECEIVED

## SUPERIOR COURT

JAN 31 7

## SUMMONS

	<b>Civil Action File Number</b> PC-2016-5935
<b>Plaintiff</b> William Fox	<b>Attorney for the Plaintiff or the Plaintiff</b> Derrin R Almada
v.	<b>Address of the Plaintiff's Attorney or the Plaintiff</b> 544 DOUGLAS AVENUE PROVIDENCE RI 02908
<b>Defendant</b> Raymond Beaudoin	
Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	<b>Address of the Defendant</b> 169 Main Street Woonsocket RI 02895

**TO THE DEFENDANT, Christine Chamberland as Finance Director of the City of Woonsocket:**

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

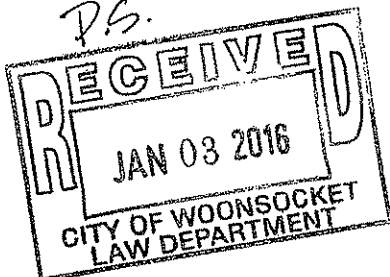
If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 12/27/2016.

/s/ Henry Kinch  
Clerk

Witness the seal/watermark of the Superior Court



A True Copy Attest  
 J. Kinch  
 # 1103 1/3/17



## SUPERIOR COURT

**Plaintiff**

William Fox

v.

**Defendant**

Raymond Beaudoin

**Civil Action File Number**

PC-2016-5935

**PROOF OF SERVICE**

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Christine Chamberland as Finance Director of the City of Woonsocket, by delivering or leaving said papers in the following manner:

- With the Defendant personally.
- At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
 Name of person of suitable age and discretion \_\_\_\_\_  
 Address of dwelling house or usual place of abode \_\_\_\_\_  
 Age \_\_\_\_\_  
 Relationship to the Defendant \_\_\_\_\_
- With an agent authorized by appointment or by law to receive service of process.  
 Name of authorized agent \_\_\_\_\_  
 If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.  
 \_\_\_\_\_
- With a guardian or conservator of the Defendant.  
 Name of person and designation \_\_\_\_\_
- By delivering said papers to the attorney general or an assistant attorney general if serving the state.
- Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.  
 Name of person and designation \_\_\_\_\_



**SUPERIOR COURT**

Upon a private corporation, domestic or foreign:

By delivering said papers to an officer or a managing or general agent.

Name of person and designation \_\_\_\_\_

By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation \_\_\_\_\_

By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent \_\_\_\_\_

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

\_\_\_\_\_

I was unable to make service after the following reasonable attempts: \_\_\_\_\_

\_\_\_\_\_

SERVICE DATE: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Month Day Year

SERVICE FEE \$ \_\_\_\_\_

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

**SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.**

Signature \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_  personally known to the notary or  proved to the notary through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Notary identification number: \_\_\_\_\_



STATE OF RHODE ISLAND  
PROVIDENCE, SC

SUPERIOR COURT

WILLIAM FOX

VS.

RAYMOND BEAUDOIN,  
INDIVIDUALLY AND IN HIS  
CAPACITY AS EMPLOYEE OF THE  
CITY OF WOONSOCKET, (ALIAS);  
AND CHRISTINE CHAMBERLAND  
AND AS FINANCE DIRECTOR OF  
THE CITY OF WOONSOCKET

C.A. NO. PC 2016 - 5935

### COMPLAINT

#### PARTIES

1. Plaintiff WILLIAM FOX, is a resident of the City of Cranston, County of Providence, State of Rhode Island.
2. Defendant RAYMOND BEAUDOIN, ALIAS, (hereinafter "RAYMOND BEAUDOIN"), upon information and belief, is a resident of the City of Woonsocket, County of Providence, State of Rhode Island.
3. Defendant CHRISTINE CHAMBERLAND, is being sued in her capacity as Finance Director of the City of Woonsocket, Rhode Island, (hereinafter "CITY OF WOONSOCKET").

#### JURISDICTION

4. The amount in controversy is sufficient to establish this Court's jurisdiction over this action.



VENUE

5. Providence County is the appropriate venue for this action.

RELEVANT FACTS

6. On February 10, 2014, Plaintiff was a pedestrian walking at the intersection of E. School Street and North Main Street in the City of Woonsocket, County of Providence, State of Rhode Island.

7. At all times relevant hereto, Defendant RAYMOND BEAUDOIN, was the operator of a City of Woonsocket truck which was turning right at the intersection of E. School Street and North Main Street in the City of Woonsocket, County of Providence, State of Rhode Island.

8. On or about February 10, 2014, Defendant RAYMOND BEAUDOIN, did operate a truck with the consent and permission of the vehicle's owner, Defendant CITY OF WOONSOCKET at the intersection of E. School Street and North Main Street in the City of Woonsocket, County of Providence, State of Rhode Island.

9. Proper notice of this claim pursuant to R.I.G.L. Sec 45-15-5 was provided to the Defendant CITY OF WOONSOCKET.

10. At all times relevant hereto, Defendant RAYMOND BEAUDOIN, operated his truck in such a manner as to strike Plaintiff WILLIAM FOX.

COUNT I

(Negligence – RAYMOND BEAUDOIN INDIVIDUALLY)

11. The prior paragraphs are incorporated by reference as if set forth herein in their entirety.

12. On February 10, 2014, Defendant RAYMOND BEAUDOIN, did operate a truck negligently, carelessly, and/or recklessly so as to strike Plaintiff WILLIAM FOX.

13. At all times relevant hereto, Plaintiff WILLIAM FOX, exercised due care under the circumstances.

14. As a direct and proximate cause of Defendant RAYMOND BEAUDOIN'S negligence, Plaintiff WILLIAM FOX, has suffered and will continue to suffer substantial personal injuries, extreme pain of the body and mind, scarring, loss of enjoyment of life, lost wages and loss of earning capacity, and has incurred and will continue to incur expenses for proper medical care and treatment.

WHEREFORE, the Plaintiff WILLIAM FOX, hereby demands judgment against the Defendant RAYMOND BEAUDOIN, in a monetary amount sufficient to satisfy the jurisdiction of this Court, plus interest and costs.

COUNT II

(Negligence – RAYMOND BEAUDOIN AS EMPLOYEE OF THE CITY OF  
WOONSOCKET)

15. The prior paragraphs are incorporated by reference as if set forth herein in their entirety.

16. On February 10, 2014, Defendant RAYMOND BEAUDOIN, did operate a truck negligently, carelessly, and/or recklessly so as to strike Plaintiff WILLIAM FOX.

17. At all times relevant hereto, Plaintiff WILLIAM FOX, exercised due care under the circumstances.

18. As a direct and proximate cause of Defendant RAYMOND BEAUDOIN'S negligence, Plaintiff WILLIAM FOX, has suffered and will continue to suffer substantial personal injuries, extreme pain of the body and mind, loss of enjoyment of life, scarring, lost wages and loss of earning capacity, and has incurred and will continue to incur expenses for proper medical care and treatment.

19. Defendant CITY OF WOONSOCKET is obligated to indemnify Defendant RAYMOND BEAUDOIN pursuant R.I.G.L. 45-15-16.

WHEREFORE, the Plaintiff WILLIAM FOX, hereby demands judgment against the Defendant RAYMOND BEAUDOIN IN HIS CAPACITY AS EMPLOYEE OF THE CITY OF WOONSOCKET, in a monetary amount sufficient to satisfy the jurisdiction of this Court, plus interest and costs.

### COUNT III

(Owner Liability Pursuant to R.I. Gen. Laws § 31-33-6 –CITY OF WOONSOCKET)

20. The prior paragraphs are incorporated by reference as if set forth herein in their entirety.

21. On February 10, 2014, Defendant RAYMOND BEAUDOIN, did operate a City of Woonsocket truck with the consent and permission of the vehicle's owner, Defendant CITY OF WOONSOCKET, on or near the intersection of E. School Street and North Main Street in the City of Woonsocket, County of Providence, State of Rhode Island, in a negligent, careless, and/or reckless manner so as to strike Plaintiff WILLIAM FOX.

22. Defendant CITY OF WOONSOCKET, is liable to Plaintiff WILLIAM FOX, pursuant to R.I. Gen. Laws § 31-33-6 as the owner of the truck, for the actions of Defendant RAYMOND

BEAUDOIN.

WHEREFORE, the Plaintiff WILLIAM FOX, hereby demands judgment against the Defendant CITY OF WOONSOCKET, in a monetary amount sufficient to satisfy the jurisdiction of this Court, plus interest and costs.

PLAINTIFF DEMANDS TRIAL BY JURY AS TO ALL ISSUES SO TRIABLE.

Plaintiff  
By His Attorney,

Rob Levine & Associates

/s/ Derrin Almada

Derrin Almada, Esq., #8905  
544 Douglas Avenue  
Providence, RI 02908  
(401)621-7000 Telephone  
(401)621-7050 Facsimile  
dalmada@roblevine.com

See this notice in Cambodian, Spanish, and Portuguese on the attached pages. Español: Véase esta notificación en camboyano, español y portugués en las páginas adjuntas. Português: Leia esta notificação em cambojano, espanhol e português nas páginas em anexo.

## NOTICE



**You have a case in the Rhode Island state court system.**

**You have the right to an interpreter at no cost to you.**

Rhode Island Supreme Court Executive Order 2012-05 states that when a Limited-English Proficient (LEP) person appears in court, the Rhode Island Judiciary will provide a free authorized interpreter for the defendant, plaintiff, witness, victim, parent of a juvenile, or someone with a significant interest in the court proceeding. This interpreting service is provided at no cost to the parties and in all types of cases, both civil and criminal. Court interpreters work in all the courthouses of the Rhode Island state court system.

To schedule an interpreter for your day in court, you have the following options:

1. Call the Office of Court Interpreters at (401) 222-8710, or
2. Send an email message to [interpreterfeedback@courts.ri.gov](mailto:interpreterfeedback@courts.ri.gov), or
3. Visit the interpreters' office to schedule an interpreter:

The Office of Court Interpreters  
Licht Judicial Complex  
Fourth Floor, Room 401  
250 Benefit Street  
Providence, RI 02903

When requesting an interpreter, please provide the following information:

The name and number of your case  
The language you are requesting  
The date and time of your hearing  
The location of your hearing  
Your name and a telephone number where we can reach you or your lawyer

For more information in Portuguese, Russian, and Spanish, including a listing of court forms that are available in Spanish, please visit our website on the Internet:

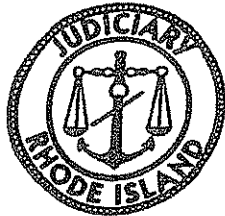
<https://www.courts.ri.gov/Interpreters/englishversion/Pages/default.aspx>.

To request a translation of this notice into any other language, please call the Office of Court Interpreters at (401) 222-8710. It would be helpful to have an English speaker with you when you call.

The Rhode Island Judiciary is committed to making the courts accessible to all.

The Office of Court Interpreters  
Licht Judicial Complex Fourth  
Floor Room 401  
250 Benefit Street  
Providence, RI 02903

See this notice in Cambodian, Spanish, and Portuguese on the attached pages.  
Camboyano: SAMPLE: [Véase esta notificación en camboyano, español y portugués en las páginas adjuntas.]  
Español: Véase esta notificación en camboyano, español y portugués en las páginas adjuntas.  
Português: Leia esta notificação em camboyano, espanhol e português nas páginas em anexo.



## NOTIFICAÇÃO

V. Ex.ª tem um processo em curso no sistema judiciário do Estado de Rhode Island,

V. Ex.ª tem direito aos serviços gratuitos de um intérprete.

A Ordem Executiva 2012-05 do Supremo Tribunal de Rhode Island prevê que quando uma pessoa com conhecimentos limitados da língua inglesa (*Limited-English Proficient*) (LEP) comparece em tribunal, a Administração Judiciária de Rhode Island disponibiliza-lhe gratuitamente os serviços de um intérprete autorizado a um réu, autor, testemunha, vítima, pai ou mãe de um menor ou alguém com interesse significativo no processo judicial. O serviço de intérprete é prestado gratuitamente às partes e em todos os tipos de processos, sejam eles civis ou penais. Os intérpretes do tribunal trabalham em todos os tribunais do sistema judiciário do Estado de Rhode Island.

Para agendar os serviços de um intérprete para o seu dia no tribunal, tem as seguintes opções:

1. Telefonar para o Gabinete de Intérpretes Judiciais através do n.º (401) 222-8710, ou
2. Enviar uma mensagem de correio eletrónico para [interpreterfeedback@courts.ri.gov](mailto:interpreterfeedback@courts.ri.gov), ou
3. Deslocar-se ao gabinete de intérpretes para agendar os serviços de um intérprete:

Gabinete de Intérpretes Judiciais  
Complexo Judicial Licht  
Quarto Piso, Sala 401  
250 Benefit Street  
Providence, RI 02903

Quando solicitar os serviços de um intérprete deve fornecer os seguintes dados:

- O nome e número do seu processo
- O idioma que solicita
- A data e hora da sua audiência
- O local da sua audiência
- O seu nome e um número de telefone para o podermos contactar a si ou ao seu advogado

Para obter mais informações em português, russo e espanhol, incluindo uma lista dos formulários judiciais disponíveis em espanhol, visite o nosso website na internet:

<https://www.courts.ri.gov/Interpreters/englishversion/Pages/default.aspx>.

Para solicitar uma tradução desta notificação para qualquer outro idioma, telefone para o Gabinete de Intérpretes Judiciais através do número (401) 222-8710. Recomenda-se que esteja acompanhado por alguém que fale inglês quando fizer a chamada.

A Administração Judiciária de Rhode Island está empenhada em tornar os tribunais acessíveis para todos.

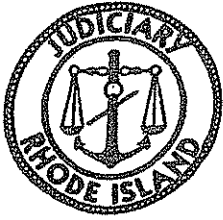
Gabinete de Intérpretes Judiciais  
Complexo Judicial Licht  
Quarto Piso, Sala 401  
250 Benefit Street  
Providence, RI 02903

See this notice in Cambodian, Spanish, and Portuguese on the attached pages.  
Español: Véase esta notificación en cambojano, español y portugués en las páginas adjuntas.  
Português: Leia esta notificação em cambojano, espanhol e português nas páginas em anexo.

## A V I S O

**Usted tiene un caso en el sistema judicial de Rhode Island.**

**Usted tiene el derecho a tener un intérprete sin costo para usted.**



La Orden Ejecutiva 2012-05 del Tribunal Supremo de Rhode Island dicta que cuando una persona que tiene un dominio limitado del inglés (LEP) comparece ante la corte, el Sistema Judicial de Rhode Island le proveerá un intérprete autorizado gratis sea el acusado/demandado, demandante, testigo, víctima, padre de un menor de edad alguien que tenga con un interés importante en el proceso de la corte. Este servicio de interpretación se le proveerá sin costo alguno a los participantes en toda clase de caso, sea civil o penal.

Los intérpretes judiciales trabajan en todos los tribunales del Sistema Judicial de Rhode Island.

Para solicitar un intérprete para su comparecencia en el tribunal, usted tiene las siguientes opciones:

1. Llamar a la Oficina de Intérpretes en el tribunal al 401-222-8710 ;
2. Mandar un correo electrónico a [interpreterfeedback@courts.ri.gov](mailto:interpreterfeedback@courts.ri.gov) ; o
3. Presentarse a la Oficina de Intérpretes para solicitar un intérprete:

The Office of Court Interpreters  
Licht Judicial Complex  
Cuarto Piso, Oficina 401 A-B  
250 Benefit Street  
Providence, RI 02903

Al solicitar un intérprete, por favor provea la siguiente información:

- El nombre y el número de su caso
- El idioma que solicita
- La fecha y hora de su audiencia
- Dónde va a tomar lugar su audiencia
- Su nombre y número de teléfono por el cual nos podamos poner en contacto con usted o con su abogado.

Para obtener más información en portugués, ruso o español, incluyendo una lista de formularios de la corte que están disponibles en español, visite nuestra página de internet:

<https://www.courts.ri.gov/Interpreters/englishversion/Pages/default.aspx>

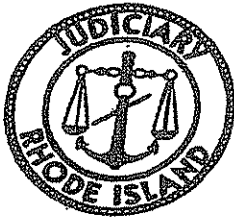
Para solicitar la traducción de este aviso en cualquier otro idioma, por favor llame a la oficina de intérpretes al (401) 222-8710. Ayudaría si usted puede estar en compañía de una persona que habla inglés cuando llame.

El sistema jurídico de Rhode Island se compromete a proporcionar a todas las personas mejor acceso a los tribunales.

The Office of Court Interpreters  
Licht Judicial Complex  
Fourth Floor Room 401  
250 Benefit Street  
Providence, RI 02903

មើលសេចក្តីជូនដំណឹងនេះជាភាសាខ្មែរ អេស្បាញ និងអ័រឡេយហ្គីសនៅលើទំព័រដែលបានភ្ជាប់។

**សេចក្តីជូនដំណឹង**



**លោកអ្នកមានបណ្តឹងនៅក្នុងប្រព័ន្ធតុលាការនៃរដ្ឋ Rhode Island។**

**លោកអ្នកមានសិទ្ធិស្នើសុំអ្នកបកប្រែដោយឥតគិតថ្លៃសម្រាប់ខ្លួនឯង។**

ដីកាប្រតិបត្តិរបស់តុលាការកំពូលនៃ Rhode Island (Rhode Island Supreme Court Executive Order) លេខ 2012-05 បានចែងថានៅពេលបុគ្គលដែលមានចំណេះដឹងផ្នែកភាសាអង់គ្លេសមានកំណត់ (LEP) បញ្ជាក់ខ្លួននៅក្នុងតុលាការ តុលាការនៃ

Rhode Island នឹងផ្តល់អ្នកបកប្រែដែលបានអនុញ្ញាតដោយឥតគិតថ្លៃសម្រាប់ចុងរោង ដើមរោង សាក្សី ជនរងគ្រោះ

មាតាបិតារបស់អនីតិជន ឬនរណាម្នាក់ដែលពាក់ព័ន្ធឃាត់សំខាន់នៅក្នុងដំណើរការតុលាការ។ សេវាកម្មបកប្រែនេះ ត្រូវបានផ្តល់ជូនដោយឥតគិតថ្លៃសម្រាប់គូភាគី និងនៅគ្រប់ប្រភេទនៃបណ្តឹង ទាំងរដ្ឋប្បវេណី និងព្រហ្មទណ្ឌ។ អ្នកបកប្រែក្នុងតុលាការធ្វើការនៅក្នុងគ្រប់តុលាការទាំងអស់របស់ប្រព័ន្ធតុលាការនៃរដ្ឋ Rhode Island។ ដើម្បីប្រាប់ពេលវេលាអ្នកបកប្រែសម្រាប់ថ្ងៃចូលសវនាការរបស់លោកអ្នក លោកអ្នកមានជម្រើសដូចខាងក្រោម ៖

1. ទូរស័ព្ទមកកាន់ការិយាល័យអ្នកបកប្រែតុលាការតាមរយៈលេខ (401) 222-8710 ឬ
2. ផ្ញើអ៊ីមែលទៅកាន់ [interpreterfeedback@courts.ri.gov](mailto:interpreterfeedback@courts.ri.gov) ឬ
3. ទៅកាន់ការិយាល័យអ្នកបកប្រែដើម្បីប្រាប់ពេលវេលាអ្នកបកប្រែ ៖

**The Office of Court Interpreters  
Licht Judicial Complex  
Fourth Floor, Room 401  
250 Benefit Street  
Providence, RI 02903**

នៅពេលស្នើសុំអ្នកបកប្រែ សូមផ្តល់នូវព័ត៌មានដូចខាងក្រោម ៖

- ឈ្មោះ និងលេខបណ្តឹងរបស់លោកអ្នក
- ភាសាដែលលោកអ្នកស្នើសុំ
- កាលបរិច្ឆេទ និងម៉ោងសវនាការរបស់លោកអ្នក
- ទីតាំងនៃសវនាការរបស់លោកអ្នក
- ឈ្មោះ និងលេខទូរស័ព្ទលោកអ្នកដែលយើងខ្ញុំអាចទំនាក់ទំនងលោកអ្នក ឬមេធាវីលោកអ្នកបាន

សម្រាប់ព័ត៌មានបន្ថែមជាភាសាអ័រឡេយហ្គីស រុស្ស៊ី និងអេស្បាញ រួមទាំងបញ្ជីទម្រង់បែបបទតុលាការដែលមានភាសាអេស្បាញនោះ សូមចូលទៅកាន់គេហទំព័រយើងខ្ញុំនៅលើគុំនេតិណិក ៖

<http://www.courts.ri.gov/Interpreters/englishversion/default.aspx>

ដើម្បីស្នើសុំអ្នកបកប្រែសេចក្តីជូនដំណឹងនេះជាភាសាខ្មែរ អេស្បាញ រួមទាំងបញ្ជីទម្រង់បែបបទតុលាការដែលមានភាសាអេស្បាញនោះ សូមទូរស័ព្ទមកករិយាល័យអ្នកបកប្រែតុលាការតាមរយៈលេខ (401) 222-8710។ វាជាការចាំបាច់ដែលត្រូវមានអ្នកនិយាយភាសាអង់គ្លេសជាមួយលោកអ្នកនៅពេលដែលលោកអ្នកទូរស័ព្ទចូល។

តុលាការ Rhode Island ប្តេជ្ញាធ្វើឲ្យតុលាការអាចប្រើប្រាស់បានសម្រាប់មនុស្សគ្រប់គ្នា។

ការិយាល័យអ្នកបកប្រែតុលាការ  
Licht Judicial Complex  
Fourth Floor Room 401  
250 Benefit Street  
Providence, RI 02903





2/14/14

CITY OF WOONSOCKET, RHODE ISLAND  
LAW DEPARTMENT

☎P-401-767-9201 F-401-766-9312

✉ mmarcello@woonsocketri.org

Mr. Russell F. Godin  
Director of Claims  
501 Wampanoag Trail  
Suite 301  
East Providence, RI 02915

Re: Three (3) Woonsocket Claims (Potential)

Dear Russ:

As discussed, enclosed please find copies of three police reports documenting three recent incidents involving the City of Woonsocket. Of the three, I am most concerned about the incident of William Fox (DOI 2/10/14).

I will await further instruction regarding the interviewing of potential witnesses. If you need any other further information, please do not hesitate to contact me. I am aware that the Trust has a computerized reporting system. When things become more manageable, I obviously would like some training. The City is also hoping to hire an HR person shortly which will help assist me in the management of future claims.

Think spring!

Sincerely,

Michael J. Marcello, Esq.  
City Solicitor

MM/mm  
Enclosures

## Steenbergen, Priscilla

---

**From:** Steenbergen, Priscilla  
**Sent:** Tuesday, January 03, 2017 2:02 PM  
**To:** Ferguson, Mark  
**Subject:** Case Complaint for Referral to Trust  
**Attachments:** COMPLAINT-Fox W. v. R Beaudoin.COW PC 2016-5935.pdf

**Importance:** High

Mark,

Please forward the attached Complaint to the Trust. This was initially reported on 2/14/14 and assigned the Claim Number: 010373-037479-AB-01.

The one I sent you earlier today, was also previously sent to the trust and assigned claim numbers as follows: Damaso Hernandez – 100153-PP-01 and Lydia Rosado-100153-PP-02.

Thank you,

### Priscilla Steenbergen

Law Department Executive Secretary  
City Of Woonsocket | P.O. Box B | 169 Main Street | Woonsocket, RI 02895  
☎ 401.767.9201 | 📠 401.769.8712 |  
✉ [psteenbergen@woonsocketri.org](mailto:psteenbergen@woonsocketri.org)  
[City of Woonsocket Website](#)



Please consider the environment before printing this e-mail.



City of Woonsocket  
Department of Public Works  
Engineering Division

17 CO 05  
Lisa Baldelli-Hunt  
Mayor

Steven D'Agostino  
Director

1 February 2017

The Honorable City Council  
Legislative Chambers  
City Hall – 169 Main Street  
Woonsocket, RI 02895

**Re: REQUEST FROM LIGHTTOWER LLC  
FOR INSTALLATION OF UNDERGROUND CONDUIT**

Dear Councilors,

On the docket for this evening is legislation that will grant permission to Lighttower LLC to install underground conduit for 169 Providence Street (Woonsocket Fire Department Station 1). The conduit is required to provide fiber optic cable to this building.

They have also requested permission to connect and maintain any wires and fixtures, as needed, to aforementioned underground conduit.

The Engineering Division has reviewed the request and they have found it to be acceptable.

Respectfully,

Steven D'Agostino  
Director of Public Works



P-401-767-9201 F-401-766-9312

✉ mmarcello@woonsocketri.org

CITY OF WOONSOCKET, RHODE ISLAND  
LAW DEPARTMENT

February 6, 2017

Woonsocket City Council  
169 Main Street  
P.O. Box B  
Woonsocket, RI 02895

RE: Claim for Property Damage of Mr. Robert Keith, 625 Knollwood Drive

Dear Councilors:

This claim for property damage arises out of an incident that occurred on or about May 11, 2016. Mr. Keith states that he discovered sewage backup in his basement on that date. He notes that he called a drain service contractor to unclog the drains. He also stated that technician snaked the line to the street and "saw sewage coming from the manhole." He said the City came out and drained the manhole.

Mr. Keith submitted a receipt for \$270.00 from Dennis Diffley & Sons, Inc and a copy of cancelled check reflecting the same.

The Wastewater Department was contacted and their report notes on May 12, 2016 they received a complaint from Mrs. Keith reporting her service was blocked. They report that "the Veolia field crew checked the upstream and downstream sewer manhole covers for flow restrictions and evidence of surcharging. The flow in the sewer main appeared to be flowing without restriction and there was no evidence of surcharging. . . Mrs. Keith was informed that she might want to contact a drain cleaner because her service lateral may be blocked.

The reports indicate that the problem occurred in the resident's lateral line and not in any lines maintained by the City. Therefore, I recommend that this claim be denied.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

John J. DeSimone, Esq.  
City Solicitor

JJD/ps  
Attachments

## Steenbergen, Priscilla

---

**From:** Rodman, Paul [paul.rodman@veolia.com]  
**Sent:** Wednesday, February 01, 2017 8:16 AM  
**To:** Mondoux, Reney  
**Cc:** Steenbergen, Priscilla; Ferguson, Mark  
**Subject:** Re: Property Damage Claim - Sewage Backup 5/11/16  
**Attachments:** 625 Knowlwood Dr incident report 5\_12\_16.pdf

Good morning Priscilla,

Attached is the report for this incident for your review. This was a service lateral blockage and there was not a blockage of any sort in the City sewer main. Please let me know if there is anything else that I can assist with.

Best regards,  
Paul

On 1 February 2017 at 07:13, Mondoux, Reney <[rmondoux@woonsocketri.org](mailto:rmondoux@woonsocketri.org)> wrote:

Good morning, I will forward this to Paul Rodman who is in charge of the outside sewer dept. He should have all that info for you. Thanks.

---

**From:** Steenbergen, Priscilla  
**Sent:** Tuesday, January 31, 2017 1:26 PM  
**To:** Ferguson, Mark; Mondoux, Reney  
**Subject:** Property Damage Claim - Sewage Backup 5/11/16  
**Importance:** High

Good afternoon,

I'm trying to verify notification/incident that is subject of a property damage claim submitted to the Law Department. Mr. Robert Keith of 625 Knollwood Drive reports that on 5/11/16, sewage backed up into the basement of his home. He paid Dennis Diffley & Sons \$270.00 to snake the main line to the City Sewer, but said technician saw sewage coming from the manhole cover. He said the City went out and drained from the manhole.

Could either of you confirm this account and include any additional info? This needs to be presented before the City Council.

Thank you,

**Priscilla Steenbergen**

Law Department Executive Secretary

City Of Woonsocket | P.O. Box B | 169 Main Street | Woonsocket, RI 02895

☎ 401.767.9201 | 📠 401.769.8712 |

✉ [psteenbergen@woonsocketri.org](mailto:psteenbergen@woonsocketri.org)

[City of Woonsocket Website](#)



Please consider the environment before printing this e-mail.

--

**Paul Rodman**

*Special Projects Manager*

*Veolia Water, Northeast*

11 Cumberland Hill Rd

Woonsocket, RI 02895

401-265-0525

[paul.rodman@veolia.com](mailto:paul.rodman@veolia.com)

**Incident Report**  
**Woonsocket\_RI\_Collections**  
**Selection**

**Incident Summary**

Number of Incidents: 1

Incident ID	Incident Type	Node ID	Pipe ID	Property ID
1463069629	Customer complaint	-	4445.4446.1	625 Knollwood Drive



<b>Incident ID</b>	1463069629		
<b>Incident Type</b>	Customer complaint	<i>Property ID</i>	625 Knollwood Drive
<i>Location</i>	625 Knollwood Drive		
<i>X Coord (ft)</i>	337507.23	<i>Y Coord (ft)</i>	338679.99
<i>Node ID</i>	-	<i>Pipe ID</i>	4445.4446.1

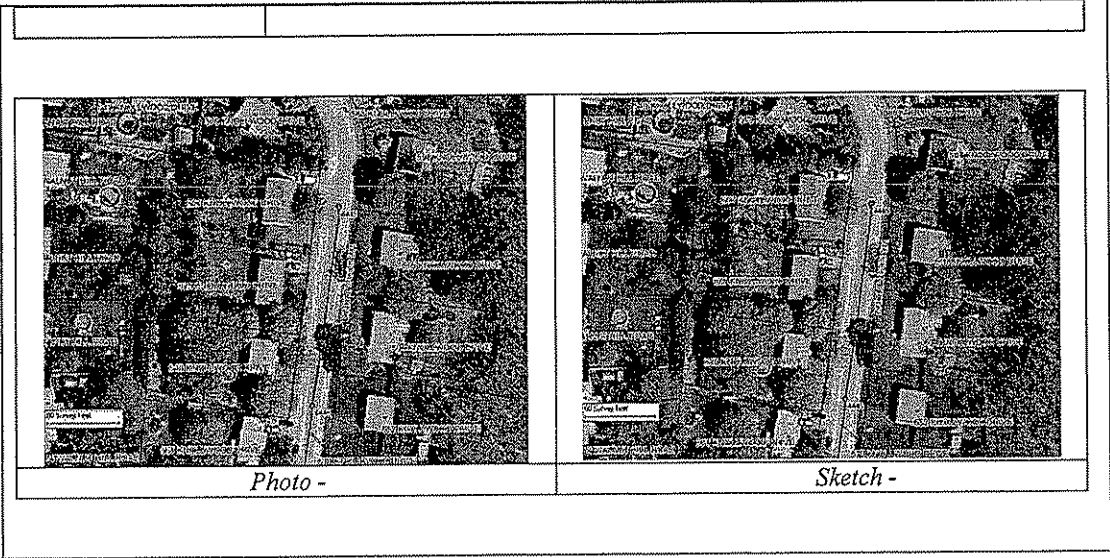
<b>Status</b>	RESOLVED	<b>Priority</b>	LOW (Low - ie: Service Lateral)
<i>Date Reported</i>	16:00 12 May 2016	<i>Report Taken By</i>	CALL (Call Center)
<i>Date Inspected</i>	16:00 12 May 2016	<i>Inspected By</i>	ZICUIS (Chris Zicuis)
<i>Date Resolved</i>	18:00 12 May 2016	<i>Resolved By</i>	ZICUIS (Chris Zicuis)
<i>Cause</i>	BLOCK_LAT (Blocked Service Lateral)	<i>Estimated Cost (\$)</i>	
<i>Effect</i>	LATERAL (Service Lateral Blocked)	<i>Actual Cost (\$)</i>	
<i>Action</i>	CHECKFLOW (Checked US and DS MH Flows)		

<b>Complaint</b>	Blocked service lateral
<i>Contact Name</i>	Denise Kieth
<i>Address</i>	625 Knollwood Drive Woonsocket 02895
<i>Contact Tel</i>	401-440-6240

<b>User text 1</b>	CLEAN (Cleaned Pipe Segment)	<b>User number 1</b>	-
<i>User text 2</i>	-	<i>User number 2</i>	-
<i>User text 3</i>	-	<i>User number 3</i>	-
<i>User text 4</i>	-	<i>User number 4</i>	-
<i>User text 5</i>	-	<i>User number 5</i>	-
<i>User text 6</i>	-	<i>User number 6</i>	-
<i>User text 7</i>	-	<i>User number 7</i>	-
<i>User text 8</i>	-	<i>User number 8</i>	-
<i>User text 9</i>	-	<i>User number 9</i>	-
<i>User text 10</i>	-	<i>User number 10</i>	-

<b>Notes</b>	Mrs. Keith called to report her service lateral was blocked. Upon arrival the Veolia field crew checked the upstream and downstream sewer manholes for flow restrictions and evidence of surcharging. The flow in the sewer main appeared to be flowing without restriction and there was no evidence of surcharging. To be assured there was no blockage the field crew jet rodded the sewer main and found no blockages and removed no debris. Mrs. Keith was informed that she might want to contact a drain cleaner because her service lateral may be blocked.
--------------	---





## Steenbergen, Priscilla

---

**From:** Steenbergen, Priscilla  
**Sent:** Tuesday, January 31, 2017 1:26 PM  
**To:** Ferguson, Mark; Mondoux, Reney  
**Subject:** Property Damage Claim - Sewage Backup 5/11/16

**Importance:** High

Good afternoon,

I'm trying to verify notification/incident that is subject of a property damage claim submitted to the Law Department. Mr. Robert Keith of 625 Knollwood Drive reports that on 5/11/16, sewage backed up into the basement of his home. He paid Dennis Diffley & Sons \$270.00 to snake the main line to the City Sewer, but said technician saw sewage coming from the manhole cover. He said the City went out and drained from the manhole.

Could either of you confirm this account and include any additional info? This needs to be presented before the City Council.

Thank you,

### Priscilla Steenbergen

Law Department Executive Secretary  
City Of Woonsocket | P.O. Box B | 169 Main Street | Woonsocket, RI 02895  
☎ 401.767.9201 | 📠 401.769.8712 |  
✉ [psteenbergen@woonsocketri.org](mailto:psteenbergen@woonsocketri.org)  
[City of Woonsocket Website](#)



Please consider the environment before printing this e-mail.

PLEASE PRINT CLEARLY APPLICABLE INFORMATION

**CITY OF WOONSOCKET  
PROPERTY DAMAGE CLAIM FORM**

1. Name: Robert Keith  
2. Address: 625 Knollwood Dr. Woonsocket  
3. Telephone: Day: 401 255 9527 Evening: \_\_\_\_\_ Cell: 401 255 9527

4. Check the type of claim:

Automobile Accident:  Pothole Damage:  Other:  Sewer Back up

5. Below, explain the circumstances of the incident for which you are claiming property damage. Please include the date, time, and the exact location of the alleged incident.

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

5/11/14 10 AM HOME  
SEWAGE BACK UP INTO BASEMENT  
ON 5/11/14

I called Dennis Diffley to unclog drains. Technicians snaked the line to the street and SAW SEWAGE COMING FROM MAN HOLE. The City came out and DRAINED MANHOLE

6. What is the total amount of your claim against the City: \$ 270

7. Vehicle Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_

8. Property damage estimate(s) or receipt(s) must be submitted with this form in order to process your claim. Attach estimate(s) or receipt(s) to this form. List the total of the estimate(s) or receipt(s) and the name of the vendor. Indicate whether each amount listed relates to an estimate or receipt.

a. \$ \_\_\_\_\_ Vendor: \_\_\_\_\_ ESTIMATE  or RECEIPT

b. \$ \_\_\_\_\_ Vendor: \_\_\_\_\_ ESTIMATE  or RECEIPT

c. \$ \_\_\_\_\_ Vendor: \_\_\_\_\_ ESTIMATE  or RECEIPT

9. Is this the only claim you have ever submitted to the City? YES

If "no," list all other claims you have submitted, including for each claim the date of submittal, the type of claim, the amount of the claim, and the final disposition of the claim.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE PRINT CLEARLY APPLICABLE INFORMATION.

10. Do you have insurance on the damaged property? Yes.

a. If "yes," list the name, address, and telephone number of your insurance company and/or agent, and your insurance policy number. Attach a copy of the statement of applicable coverage for the damaged property.

All State Insurance  
RICHARDSON AGY  
401-267-2061

b. Have you submitted a claim to your insurance carrier? No If "yes," when \_\_\_\_\_

c. Does your insurance cover this claim? No If "no," attach a letter from your insurance carrier indicating the lack of coverage.

d. What is your deductible? \$ 500

e. Have you received any insurance proceeds for this incident? No  
If "yes," how much \$ \_\_\_\_\_

f. Has any vendor received any insurance payment on your behalf for this incident? No  
If "yes," how much \$ \_\_\_\_\_

11. List each City Department or agency you reported this incident to, the date you reported it, and the name of the person you spoke to. Attach each incident report to this form.

Agency/Dept: Sewer Date: 5/14/16 Employee: \_\_\_\_\_

Agency/Dept: \_\_\_\_\_ Date: \_\_\_\_\_ Employee: \_\_\_\_\_

Payment of your claim will require your signature on a form releasing the City from any further liability for the same incident.

I, the undersigned, do affirm the truthfulness and accuracy of the information above and that attached hereto in support of this claim against the City of Woonsocket for the property damage. I understand that I have an obligation to inform the City of any insurance payments made to me or to any vendor on my behalf for this incident.

Claimant: Robert Keith Date: 12-29-16  
(Signature)

Robert Keith  
(Printed Name)

FOR OFFICE USE ONLY	
Date Received:	<u>12/29/16</u>
Letter to City Council:	<u>2/6/17</u>
Approved <input type="checkbox"/> Denied <input type="checkbox"/>	
Release Signed:	_____
Check Issued:	_____

401-943-4004  
401-737-0560

The ORIGINAL Drain Service Contractors

401-725-6655  
401-765-4727  
Fax: 401-737-0456



2650 Warwick Avenue • Warwick, RI 02889 • 1-800-392-3160  
24 HOUR EMERGENCY SERVICE

- Drain Cleaning - Sewer Connections & Repairs - Water Lines Installed
  - Sump Pumps & French Drains - Foundation Crack Repairs
- High Pressure Water Jetting - Video Pipe Inspection & Jet-Cam System
  - Electronic Pipe Tracing & Tank Locating
  - Catch Basins Cleaned - Drainage Systems Installed
- Cesspool & Septic Pumping - Chemical Treatments & Septic Repairs
  - Grease Tank Pumping & Grease Trap Maintenance

Name: Bob Keith  
please print

Date: 5/12/16

Tel: 255-9527

Address: 625 Knollwood Drive

Email: \_\_\_\_\_

City: Woonsocket RI

PO: \_\_\_\_\_

Apt. # \_\_\_\_\_

<input checked="" type="checkbox"/> MAIN	<input type="checkbox"/> KITCHEN	<input type="checkbox"/> 1ST	<input type="checkbox"/> ROOTS	<input type="checkbox"/> CASH
<input type="checkbox"/> SINK	<input type="checkbox"/> BATH	<input type="checkbox"/> 2ND	<input type="checkbox"/> GREASE	<input checked="" type="checkbox"/> CHECK # <u>1078</u>
<input type="checkbox"/> TOILET	<input type="checkbox"/> BASEMENT	<input type="checkbox"/> 3RD	<input type="checkbox"/> DRYPACK	<input type="checkbox"/> BILL
<input type="checkbox"/> DRAIN	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> C.C.

snake main line to city sewer.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Service 300.00

Bill To: \_\_\_\_\_  
Parts \_\_\_\_\_

Product \_\_\_\_\_

Coupon Aug 13 30.00

Discount coupons (-270.)

AMOUNT DUE \$ 270.00

Carl F. Mario  
Serviceman

Thank You!





CITY OF WOONSOCKET, RHODE ISLAND  
LAW DEPARTMENT

February 6, 2017

Woonsocket City Council  
169 Main Street  
P.O. Box B  
Woonsocket, RI 02895

RE: Claim for Property Damage of Joanna Alicea  
202 Ward Street, Woonsocket, RI

Dear Councilors:

This claim for property damage arises out of an alleged incident that occurred on or about December 16, 2016. Ms. Alicea claims she damaged the rear tire of her vehicle after striking a raised manhole cover at the intersection of Mason Street and Fourth Avenue.

Ms. Alicea submitted an estimate from Town Fair Tire Centers in the amount of \$128.67 and from Firestone Complete Auto Care in the amount of \$130.16. There was no police or tow report submitted with this claim. Our Highway Department was contacted and there was no record of any displaced manhole cover complaint at that location prior to December 16th.

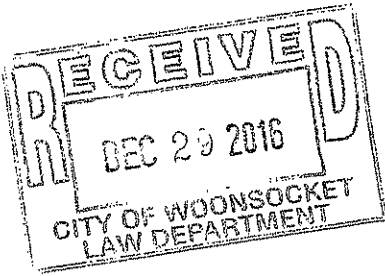
Under R.I.G.L. § 24-5-13 (b), a person may collect up to \$300.00 for damage caused by a pothole. There were no site reports prior to the date of the incident to the City. Since there was no prior notice, the City is within its rights to deny the claim. I recommend that this claim be denied.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

John J. DeSimone, Esq.  
City Solicitor

JJD/ps  
Attachments




December 29, 2016

Woonsocket City Hall

To whom it may concern:

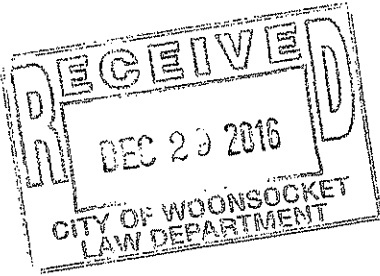
I, Joanna Alicea, resident of Woonsocket at 202 Ward Street am writing this letter due to getting a flat tire on Mason Street in Woonsocket. On Friday December 16th 2016 at approximately 4:30 pm I was traveling on Mason Street at crossing of Fourth Avenue where a manhole cover was protruding upwards. I attempted to go around cover but hit with rear driverside tire. The man hole cover then dislodged from sewer and was replaced. My tire sensor on dashboard lit and the tire proceeded to lose air until flat. A call was made to Woonsocket City Hall and voice message left around 4:45 - with no response to date. Two quotes have been retrieved for claim, \$128.67 at Town Fair Tire and \$139.18 at Firestone. A prompt response would be greatly appreciate. I can be reached on my cell 4012415741.

Thank You

  
Joanna Alicea

Car Make & Model  
2014 Toyota Corolla





12/19

Received msg from Vanny/PW  
line re: incident described.  
Phone # was incorrectly heard  
as 341-2741, no one was there  
by that name.

12/29 - claim was dropped off  
1/3 - mailed out claim form and  
left Joanna message w/my  
info and that I would send  
her form. Due by 1/2 for  
next meeting

December 29, 2016

Woonsocket City Hall

To whom it may concern:

I, Joanna Alicea, resident of  
am writing this letter due  
in Woonsocket. On Friday Dec  
4:30 pm I was traveling on Mas  
where a manhole cover was popping upwards. I attempted to  
go around cover but hit with rear driverside tire. The man  
hole cover then dislodged from sewer and was replaced. My  
tire sensor on dashboard lit and the tire proceeded to lose air  
until flat. A call was made to Woonsocket City Hall and voice  
message left around 4:45 - with no response to date. Two quotes  
have been retrieved for claim, \$128.67 at Town Fair Tire and  
\$139.18 at Firestone. A prompt response would be greatly  
appreciate. I can be reached on my cell 4012412741.

Joannaalicea@gmail.com

rect  
ly  
sense

Thank You  
Joanna Alicea  
Joanna Alicea

Car Make & Model  
2014 Toyota Corolla



WOONSOCKET

NEW SEARCH

Joanna Alicia  
In-Store

202 ward st 02895

401-241-2741

552-00830

Remaining Tread Life:

2


2

7

7

364

552

#	Desc	Item	Qty	Price	Amount
1.		FIRESTONE FR740 215/45R17W IBM: 25313M010M0	<input type="text" value="1"/>	<input type="text" value="100.33"/>	\$100.33
		Mileage Warranty With Care ( <input type="text"/> )			
2.		New Rubber Valve Stem or TPMS Core	<input type="text" value="1"/>	\$3.95	\$3.95
		Computerized Wheel Balance	<input type="text" value="1"/>	\$14.95	\$14.95
		<u>Included:</u> Front Wheel Alignment	1	\$49.95	FREE
		90 Day Free Replacement Road Hazard	-	-	N/A
		Dismount & Remount			
		Reset TPM Sensors			
		30 Day Test Drive			
		Nationwide Warranty			
		Lifetime Flat Repair			
		Lifetime Tire Rotation			
		Lifetime Snow Changeover			
3.		Manufacturer Recommended Alignment	<input type="text" value="0"/>		Optional
		36 Month Road Hazard Warranty	<input type="text" value="0"/>	13.50	Optional
4.		Casings Disposal	<input type="text" value="1"/>	\$2.00	\$2.00
5.		Misc. Fees (State Rubber, Recycling Fee, etc...)			
6.		Sales Tax			\$7.44
7.	<b>Good For 14 Days</b>	Total			\$128.67

QUOTE  
459547  
12/29/2016

FIRESTONE COMPLETE AUTO CARE  
22 DOWLING VILLAGE BLVD  
N SMITHFIELD, RI. 02896

SERVICE ADVISOR:  
20 KYLE  
401.766.0233

ALICEA, JOANNA  
202 WARD ST  
WOONSOCKET, RI 02895-5828  
401.241.2741

2014 TOYOTA COROLLA LE  
1.8L L4 FI GAS VIN U DOHC  
LIC # 14233 RI VIN #  
IN 01/01/70 12:00AM

MILEAGE 0

Store # 755851

QUOTE

Description	Article		Qty	Part	Labor	Extended Price	Job Total
	Number	T#					
<b>FIRESTONE TIRE PACKAGE</b>							
001418 FIREHAWK AS BL 215/45R17 XL91V 50,000	001418		1	90.99		90.99	
Mile Limited Warranty							
NEW TIRE WHEEL BALANCE LABOR	7013632		1		12.99	12.99	
TPMS VALVE SERVICE KIT LABOR	7008190		1		2.99	2.99	
6-111 TPMS KIT 1100K	7007580		1	7.00		7.00	
7097782 ROAD HAZARD PROTECTION	7097782		1	13.19		13.19	
SCRAP TIRE RECYCLING FEE	7075078		1		3.00	3.00	
LOW PROFILE TIRE INSTALLATION	7006472		1		N/C	N/C	

Prices valid for 30 days.

Summary	
Parts	111.18
Labor	18.98
Shop Supplies	0.96
Sub	131.12
Tax	8.06
Total	139.18

**THIS IS NOT AN INVOICE DO NOT PAY**

PLEASE PRINT CLEARLY APPLICABLE INFORMATION

**CITY OF WOONSOCKET  
PROPERTY DAMAGE CLAIM FORM**

1. Name: Joanna Alicea

2. Address: 202 Ward Street Woonsocket

3. Telephone: Day: \_\_\_\_\_ Evening: \_\_\_\_\_ Cell: 4012412741

4. Check the type of claim:

Automobile Accident:  Pothole Damage:  Other:  misplaced / raised manhole cover

5. Below, explain the circumstances of the incident for which you are claiming property damage. Please include the date, time, and the exact location of the alleged incident.

Date: 12/16/15 Time: 4:45 pm Location: Mason St / Fourth Ave Woon

Driving down Mason St intersection of Fourth Ave was a raised manhole cover. Tried avoiding by turning towards right but rear RT tire hit and flattened.

6. What is the total amount of your claim against the City: \$ 139

7. Vehicle Year: 2014 Make: Toyota Model: Corolla

8. Property damage estimate(s) or receipt(s) must be submitted with this form in order to process your claim. Attach estimate(s) or receipt(s) to this form. List the total of the estimate(s) or receipt(s) and the name of the vendor. Indicate whether each amount listed relates to an estimate or receipt.

a. \$ 139 Vendor: Firestone ESTIMATE  or RECEIPT

b. \$ 139 Vendor: Town Fair Tire ESTIMATE  or RECEIPT

c. \$ \_\_\_\_\_ Vendor: \_\_\_\_\_ ESTIMATE  or RECEIPT

9. Is this the only claim you have ever submitted to the City? Yes

If "no," list all other claims you have submitted, including for each claim the date of submittal, the type of claim, the amount of the claim, and the final disposition of the claim.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE PRINT CLEARLY APPLICABLE INFORMATION

10. Do you have insurance on the damaged property? YES

a. If "yes," list the name, address, and telephone number of your insurance company and/or agent, and your insurance policy number. Attach a copy of the statement of applicable coverage for the damaged property.

Progressive policy #904381268  
phone: 1800 776 4739

b. Have you submitted a claim to your insurance carrier? No If "yes," when \_\_\_\_\_

c. Does your insurance cover this claim? \_\_\_\_\_ If "no," attach a letter from your insurance carrier indicating the lack of coverage.

d. What is your deductible? \$ 500

e. Have you received any insurance proceeds for this incident? No  
If "yes," how much \$ \_\_\_\_\_

f. Has any vendor received any insurance payment on your behalf for this incident? No  
If "yes," how much \$ \_\_\_\_\_

11. List each City Department or agency you reported this incident to, the date you reported it, and the name of the person you spoke to. Attach each incident report to this form.

Agency/Dept: Public works @ City Hall Date: 12/16/16 Employee: Left VM  
Agency/Dept: \_\_\_\_\_ Date: \_\_\_\_\_ Employee: \_\_\_\_\_

Payment of your claim will require your signature on a form releasing the City from any further liability for the same incident.

I, the undersigned, do affirm the truthfulness and accuracy of the information above and that attached hereto in support of this claim against the City of Woonsocket for the property damage. I understand that I have an obligation to inform the City of any insurance payments made to me or to any vendor on my behalf for this incident.

Claimant: Joanna Alicea Date: 1/5/2017  
(Signature)  
Joanna Alicea  
(Printed Name)

<b>FOR OFFICE USE ONLY</b>	
Date Received:	<u>12/19/16</u>
Letter to City Council:	<u>2/6/17</u>
Approved <input type="checkbox"/> Denied <input type="checkbox"/>	
Release Signed:	_____
Check Issued:	_____

## Steenbergen, Priscilla

---

**From:** Lambert, Rick  
**Sent:** Thursday, February 02, 2017 10:45 AM  
**To:** Steenbergen, Priscilla  
**Subject:** RE: Property Claim

Good morning,

The Highway Dept had received no prior notice of a problem with a manhole on Mason @ Fourth Ave.  
Richard Lambert

---

**From:** Steenbergen, Priscilla  
**Sent:** Wednesday, February 01, 2017 3:52 PM  
**To:** Lambert, Rick  
**Subject:** Property Claim

Hi Rick,

I'm sure with last night's snow you've been busy, I just wanted to ask if you had a chance to check about manhole cover on 12/16/16 @ Mason & Fourth Avenue yet? See email 1/31 @ 1:09 pm.

Thank you,

### Priscilla Steenbergen

Law Department Executive Secretary  
City Of Woonsocket | P.O. Box B | 169 Main Street | Woonsocket, RI 02895  
☎ 401.767.9201 | ☎ 401.769.8712 |  
✉ [psteenbergen@woonsocketri.org](mailto:psteenbergen@woonsocketri.org)  
[City of Woonsocket Website](#)



Please consider the environment before printing this e-mail.

## Steenbergen, Priscilla

---

**From:** Steenbergen, Priscilla  
**Sent:** Tuesday, January 31, 2017 1:09 PM  
**To:** Lambert, Rick  
**Subject:** Property Damage Claim -

Good afternoon Rick,

The Law Department has received a claim stemming from an alleged incident that occurred on December 16, 2016. The woman states that she hit a loose/displaced manhole cover at the intersection of Mason Street and Fourth Avenue @ 4:45 p.m. Could you check to see we were notified of a problem with a manhole cover in that area prior to the incident? I appreciate your checking on this item.

Please call with any questions.

### Priscilla Steenbergen

Law Department Executive Secretary  
City Of Woonsocket | P.O. Box B | 169 Main Street | Woonsocket, RI 02895  
☎ 401.767.9201 | ☎ 401.769.8712 |  
✉ [psteenbergen@woonsocketri.org](mailto:psteenbergen@woonsocketri.org)  
[City of Woonsocket Website](#)



**Please consider the environment before printing this e-mail.**



CITY OF WOONSOCKET, RHODE ISLAND  
LAW DEPARTMENT

February 6, 2017

Woonsocket City Council  
169 Main Street  
P.O. Box B  
Woonsocket, RI 02895

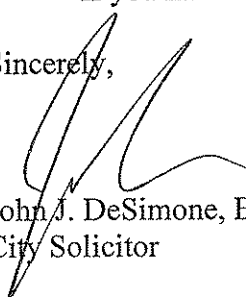
RE: Eric Gathigi v. Tanya Gagnon, City of Woonsocket PC 2015-4831

Dear Councilors:

Attached, please find a Superior Court Complaint, which was received by the City related to alleged events occurring in April of 2015. I recommend that the City deny action in this matter at this time, and refer it to the Rhode Island Interlocal Trust, who provides coverage for such claims under the City's policy of insurance.

If you have any questions or concerns, please do not hesitate to contact me

Sincerely,



John J. DeSimone, Esq.  
City Solicitor

JJD/ps  
Enclosure



UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND.

**ERIC GATHIGI**

Plaintiff

SUPERIOR COURT.

v.

**Tanya Gagnon**

**CITY OF WOONSOCKET.**

By and through its Finance Director, **CHRISTINE CHAMBERLAND**

**Woonsocket Police Department**

**Edward Doura** individually and in his

Official capacity as a police officer employed

By the City of Woonsocket,

**Dispatcher Terry Chattman** individually

and in her/his Official capacity as a Police officer employed

by the City of Woonsocket, **Zachary j Bienkiewicz** and

**Michael Martisen** arresting Police Officers individually

and in there Official capacity as police officers employed

By the City of Woonsocket, **Detaining Supervisor (John Doe)**

alleges budge 44 and **Detaining Officer Junior (John Doe)**

alleges budge 91 in there Official capacity

as police officers employed by the City of Woonsocket,

**Michael G Villard, Kevin Sanford and Dispatcher**

**Jacqueline Mc Whinnie** In there Official capacity as police officers

employed by the City of Woonsocket.

Defendants.

**And Matthew Richardson** in his Official Capacity as Police Officer

Employed by the City of Woonsocket. ( Left upon the Court to decide

**If Matthew Richardson to be named as a Defendant or Witness.**

## COMPLAINT

CLAIM NO: 100009-PP-01

Now comes the Plaintiff, within his constitutional rights as a natural person Citizen pro se litigant and herein moves this Honorable Court for relief under his complaint.

Pleadings in this case are being filed by Plaintiff In Propria Persona, wherein pleadings are to be considered without regard to technicalities. Propria, pleadings are not to be held to the same high standards of perfection as practicing lawyers. See Haines v. Kerner 92 Sct 594, See Power 914 F2d 1459 (11th Cir1990), also See Hulsey v. Ownes 63 F3d 354 (5th Cir 1995). also See In Re: HALL v. BELLMON 935 F.2d 1106 (10th Cir. 1991)."

In Puckett v. Cox, it was held that a pro-se pleading requires less stringent reading than one drafted by a lawyer (456 F2d 233 (1972 Sixth Circuit USCA). Justice Black in Conley v. Gibson, 355 U.S. 41 at 48 (1957) "The Federal Rules rejects the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." According to Rule 8(f) FRCP and the State Court rule which holds that all pleadings shall be construed to do substantial justice."

Defense against dismissal of complaint under Rule 12-B

There is legal sufficiency to show Plaintiff is entitled to relief under his Complaint. A Complaint should not be dismissed for failure to state a claim unless it appears beyond a doubt that the Plaintiff can prove no set of facts in support of his claim which would entitle him to relief. See Conley v. Gibson, 355 U.S. 41, 45-46 (1957) also Neitzke v. Williams, 109 S. Ct. 1827, 1832 (1989). Rule 12(b)(6) does not countenance dismissals based on a judge's disbelief of a complaint's factual allegations. In applying the Conley standard, the Court will "accept the truth of the well-pleaded factual allegations of the Complaint."

### **1) INTRODUCTION STATEMENT.**

This matter and actions is brought by the Injured Citizen Natural Person Eric Gathigi, Minority Disadvantaged Pro se Litigant Plaintiff contending that his Constitutional rights and Rhode Island state Constitutional rights and laws were violated by above named Defendants when Plaintiff was and is lawfully pursuing his property , discriminated against by reason of being a Pro se Litigant, minority disadvantaged, race, national origin, gender and sexual

preference, threatened, assaulted, unlawfully entry into Plaintiff's home without an arrest warrant, unlawfully loudly entry into Plaintiff's home at 2.00am with my daughter inside; a minor child born March 14<sup>th</sup>, 2014 without an arrest warrant, unlawfully detained, unlawfully imprisoned and falsely charged with violating a Restraining order that was never found on RONCO, arrest without reasonable probable cause, arrest not within 24hours presumably if a Restraining order existed or alleged restraining order, Plaintiff was taken to Court without the Defendants reading Miranda rights to him during this false arrest, kidnapping, imprisonment detainment . Plaintiff further states these actions were taken while property litigation was in process in Providence Rhode Island District Court in retaliation, conspiracy, intimidation by force, influence the litigation and obstruction of Plaintiff exercising his constitutional rights, and not limited to personal vendetta against Plaintiff by conflict of interest Defendants, conspiracy to deny equal privileges and immunities under the laws with accomplished intent to deny citizen the equal protection of laws, Defendant personal knowledge of property damage.

**Reference:Elmore v. McCammon (1986) 640 F. Supp. 905** "... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws." **Mattox v. U.S., 156 US 237,243. (1895)** "We are bound to interpret the Constitution in the light of the law as it existed at the time it was adopted." **City of Dallas v Mitchell, 245 S.W. 944** "To take away all remedy for the enforcement of a right is to take away the right itself. But that is not within the power of the State." **Poindexter v. Greenhow, 114 U.S. 270, 303 (1885).** **Brady v. U.S., 397 U.S. 742, 748, (1970)** "Waivers of Constitutional Rights, not only must they be voluntary, they must be knowingly intelligent acts done with sufficient awareness." **Redfield v Fisher, 292 P 813, at 819 [1930]** "...an officer may be held liable in damages to any person injured in consequence of a breach of any of the duties connected with his office...The liability for nonfeasance, misfeasance, and for malfeasance in office is in his 'individual' , not his official capacity..."

## II) Parties

1. Plaintiff **Eric Gathigi** a Citizen, over five years domicile resident of State of Rhode Island, resides in the City of Cumberland, County of Providence, State of Rhode Island and is the biological father of a Minor Child born March 14<sup>th</sup>,2014.
2. Plaintiff **Eric Gathigi** a Citizen during the time period relevant to this matter and actions, was a resident in the City of Woonsocket and a tax payer, County of Providence, State of Rhode Island.
3. Defendant **Tanya Gagnon** is a resident in the City of Woonsocket, and relative, Cousin to Defendant Edward Doura who is employed as a police officer by Defendant City of Woonsocket. Defendant Tanya Gagnon parents work directly with Defendant City of Woonsocket within its Police Department for over twenty years.

4. **Defendant City of Woonsocket** is a duly authorized and organized municipality pursuant to the laws of the State of Rhode Island and is sued by and through Finance Director, Christine Chamberland, the official designated by state law R.I.G.L § 45-15-5 to be named in a suit for relief against the City, also Defendant City of Woonsocket is a public entity ;recipient of federal financial assistance and employs Police Officers under Oath of office to defend, enforce, and obey the Constitution and laws of United States, the state of Rhode Island, and Ordinances of the Defendant City of Woonsocket within their Official capacity as police officers.
5. Upon information and belief during the time period relevant to this matter and actions, **Defendant Edward Doura** was or is employed as a police officer by the Defendant City of Woonsocket within its Police Department under Oath of office to defend, enforce, and obey the Constitution and laws of United States, the state of Rhode Island, and Ordinances of the Defendant City of Woonsocket.
6. Upon information and belief during the time period relevant to this matter and actions, **Defendant Dispatcher Chattman ( John Doe)** was or is employed as a police officer by the Defendant City of Woonsocket within its Police Department under Oath of office to defend, enforce, and obey the Constitution and laws of United States, the state of Rhode Island, and Ordinances of the Defendant City of Woonsocket.
7. Upon information and belief during the time period relevant to this matter and actions, **Defendants Zachary J Bienkiewicz and Michael Martisen** were or are employed as police officers by the Defendant City of Woonsocket within its Police Department under Oath of office to defend, enforce, and obey the Constitution and laws of United States, the state of Rhode Island, and Ordinances of the Defendant City of Woonsocket.
8. Upon information and belief during the time period relevant to this matter and actions, **Defendant Detaining Supervisor (John Doe) alleges budge 44 and Defendant Detaining Officer Junior (John Doe) alleges budge 44** were or are employed as a police officers by the Defendant City of Woonsocket within its Police Department under Oath of office to defend, enforce, and obey the Constitution and laws of United States, the state of Rhode Island, and Ordinances of the Defendant City of Woonsocket.
9. Upon information and belief during the time period relevant to this matter and actions, **Defendant Michael G Villard** was or is employed as a police officer by the Defendant City of Woonsocket within its Police Department under Oath of office to defend, enforce, and obey the Constitution and laws of United States, the state of Rhode Island, and Ordinances of the Defendant City of Woonsocket.
10. Upon information and belief during the time period relevant to this matter and actions, **Defendant Kevin Sanford** was or is employed as a police officer by the Defendant City of Woonsocket within its Police Department under Oath of office to defend, enforce, and obey the Constitution and laws of United States, the state of Rhode Island, and Ordinances of the Defendant City of Woonsocket.

11. Upon information and belief during the time period relevant to this matter and actions, **Defendant Dispatcher Jacqueline Mc Whinnie** was or is employed as a police officer by the Defendant City of Woonsocket within its Police Department under Oath of office to defend, enforce, and obey the Constitution and laws of United States, the state of Rhode Island, and Ordinances of the Defendant City of Woonsocket.
12. Upon information and belief during the time period relevant to this matter and actions, **Matthew Richardson** was or is employed as a police officer by the Defendant City of Woonsocket within its Police Department under Oath of office to defend, enforce, and obey the Constitution and laws of United States, the state of Rhode Island, and Ordinances of the Defendant City of Woonsocket.

### III) Body Relevant to this matter.

Plaintiff and Defendant Tanya Gagnon reconciled and were in a relationship living together at 1305 Diamond Hill Rd, Woonsocket RI 02895 with an agreement that Plaintiff was paying rent. Defendant Tanya Gagnon does not have any Children and both Plaintiff and Defendant Tanya Gagnon do not share a Child in Common. With prior visitation schedule by Family Court that involved Plaintiff and the Child's mother and custody litigation in process, the child's mother obtained a restraining order in Providence County Superior Court that restrained Defendant Tanya Gagnon from having contact not only with the Child's mother but, also with the minor child. This restraining order against Defendant was unnecessary burdensome, because, as the situation Plaintiff and Defendant Tanya Gagnon had to take steps to ensure Defendant Tanya Gagnon was not present during visitation either intentionally or through inadvertence. With this situation in place, Defendant Tanya Gagnon also received a phone call for arrest from the Woonsocket Police Department that there was an arrest warrant in place. Defendant Tanya Gagnon drove her car to Woonsocket Police station for arrest for phone calls stalking, processed and released immediately on personal recognizance. The Providence County Family Court also entered an order restraining Defendant Tanya Gagnon from having contact with the Child and also restraining Plaintiff Eric Gathigi from taking the Child to the address 1305 Diamond Hill Rd, Woonsocket RI 02895. On April 13<sup>th</sup> 2015, Defendant was arraigned in Court and ordered to complete community work. On April 15<sup>th</sup> 2015 Morning Plaintiff informed Defendant his intentions to break-up for the sake of parenting his Minor Child and he wanted to move out from the premise. On April 15<sup>th</sup> 2015 evening Defendant assaulted Plaintiff causing a bodily head injury, Plaintiff left the premise on April 16<sup>th</sup> 2015. Woonsocket Police where informed about the assault, no action was taken Plaintiff states as follows:

- a) On April 17<sup>th</sup> 2015 Defendant Tanya Gagnon was granted with a Temporary restraining Order under RI Gen Laws 15-15-3 against Plaintiff Eric Gathigi. On May 8<sup>th</sup> 2016 after the hearing on the false allegation, the case was disposed. (Defendant was upset because Plaintiff parked his car at the child's mother house and left to his friend's house for the night)

- b) On April 20<sup>th</sup> 2015. Plaintiff Eric Gathigi was granted with a temporary restraining Order against Defendant Tanya Gagnon under RI Gen 15-15-3.
- c) On December 18<sup>th</sup>, 2015 Plaintiff was granted with a temporary order pursuant to Title 8-8.1 that partially read ( and having found that immediate and irreparable injury, loss, or damage will result to the Plaintiff before a notice can be served and hearing had thereon )
- d) On January 10<sup>th</sup>, 2016 with a Superior Court Order that was prepared by Defendant's Tanya Gagnon Attorney that intentionally omitted, forfeit and had misleading information per the record in Court to cause unnecessary delay and expenses. Pro se Plaintiff With limited time and need of his personal documents Plaintiff acted within the order allowing him and movers in Defendant' home to retrieve his property. Plaintiff Property was Injured, damaged, water damage, mold, loss, irreparable injury, picture frames broken, signs of forced entry on Plaintiff Safe, cabinet and two televisions and small items missing. Plaintiff reported to Woonsocket Police who charged tax payer natural person Plaintiff cash amount three hundred and sixty six dollars (\$366.00) to keep peace for only thirty (30) minutes to retrieve his property or incur loss of his property and evidence under ri gen law 11-44-1, U.S.C. 1985 and USC 1986 for equal fair due process. Plaintiff a tax payer informed the Defendant city of Woonsocket through its Finance Director, Christine Chamberland of claim to refund the money but Defendant City declined to respond or reply back or return the money of a tax payer private citizen. Plaintiff property damaged was under Defendant Tanya Gagnon care and possession.

#### **IV) Jurisdiction and Venue**

This Court has been conferred jurisdiction over this action under 28 U.S.C. §1331 and 28 U.S.C. §1343(a)(3), and venue of this matter is proper under 28 U.S.C. §1391(b), Rhode Island Constitution section 2, 4,6,8,10,21, Rhode Island General Law 11-44-1 and common law pursuant to 28 U.S.C §1367

Under the consolidation, the venue was found proper from prior hearing under Defendant Tanya Gagnon for this District Court to take Jurisdiction of any civil action authorized by law to be commenced by any person. See Title 28 Section 1343 (1) (2)(3)(4). Jurisdiction was found proper under Title 28 sections 1323, 1335, 1357, 1441 and 1603.

The First issue is "convenience" and second issue is the "interest-of justice" standard under 28 USCA 1406. Plaintiff states as follows:

## COUNT 1

Now comes Citizen Natural Person Eric Gathigi, Minority Disadvantaged Pro se Litigant Plaintiff, a tax payer seeking justice against Defendant City of Woonsocket, Defendant Edward Doura in his official capacity as an employee of Defendant City of Woonsocket and not limited to his personal capacity as a conflict of interest.

Plaintiff is also seeking injunctive relief, equitable relief, compensatory and punitive damages to remedy for purposefully unlawfully, intentionally, willfully and wantonly discrimination against Plaintiff by reason of gender, sexual preference, race, national origin. Defendant Edward Doura committed assault and battery while litigation was in process, Violation of Plaintiff supreme law of the land the First amendment rights( reference Glik v Cunniffe 655F.3d 78(2011), treated Plaintiff indifferently, right to request and receive police assistance and be treated equally within the fourteen (14) amendment, and also as a tax payer, unreasonable and with no reason to use force under the Fourth(4) amendment, Violation of USC 1981, 1983 while Defendant Edward Doura was acting within the color of government, state and Defendant City of Woonsocket in his official capacity and personal capacity, unprofessional conduct while on line of duty within official capacity and personal individual capacity, violation of Rhode Island constitutional laws and other unknown laws by Pro se litigant. Plaintiff states as follows:

1. On June 28<sup>th</sup>, 2015 Plaintiff through phone requested the presence of the police to keep the peace while attempting to retrieve his portable property and belongings, refused against Plaintiff will for six (6) months at the time by Defendant Tanya Gagnon at 1305 Diamond Hill Rd, Woonsocket. Plaintiff property included passport, government identification documents, birth certificate, medical records of my daughter Born 3/14/2014, social security and other important documents, and daily child care items including a baby's crib and clothes. Defendant Tanya Gagnon received the demand of property certified, notarized letter with a return receipt on June 25<sup>th</sup>, 2015.
2. Plaintiff was openly lawfully video Phone recording with his cell phone afraid of Defendant Tanya Gagnon abusive behavior and vandalism and personal connection with Woonsocket Police and for Court documentation.
3. Defendant Tanya Gagnon refused to open her home or allow any communication with the officer. Defendant Gagnon car was outside in her driveway, lights on in the day light (the house is dark due to poor ventilation), from the street you could see and hear noise from inside and television light.
4. The second Police officer showed up was Defendant Edward Doura the cousin, relative of Defendant Tanya Gagnon.

5. Upon arrival Defendant Edward J Doura the conflict of interest quickly took over from the leading officer apologizing several times to the leading officer and preceded to comment on Plaintiff prior living arrangement with Defendant Tanya Gagnon his relative cousin clearly showing his bias and continued to make discrimination sexism comments.
6. Plaintiff openly video recorded in public the communication /interaction of the Defendant Edward J Doura making this discrimination comments against him.
7. **Reference:** Partially reads.... the state cannot be permitted to classify on the basis of sex. Orr v. Orr, 99 S Ct 1102; 440 US 268, (1979).
8. Defendant Edward Doura aggressively grabbed and twisted Plaintiff Wrist and stated you want to phone video record us, keep it up see what happens. This assault and battery was committed after Plaintiff filed a case in Court against this Defendant Tanya Gagnon.
9. Plaintiff asked Defendant Edward Doura if it was against the law, Defendant Edward Doura said NO. Defendant Edward Doura then told Plaintiff to not call them (police) again. Plaintiff stated I will go to the Court.
10. Plaintiff at the time had a restraining order against Defendant Tanya Gagnon that failed to protect Plaintiff from Defendant Edward Doura a family member that partially stipulated; requesting protection from Tanya Gagnon to stop from continuing harassing, interfering with me and my family through indirect contact.
11. Defendant Doura fully aware of the restraining order against his cousin relative acted intentionally and with callous disregard of the restraining order, constitutional rights and Rhode Island constitutional rights and laws.
12. **On June 28<sup>th</sup>, 2015** both the leading officer and Defendant Edward Doura run my name and car plates. Nothing criminal or probable cause appeared in the police department system. No arrest took place, or any discussions of an arrest taking place or probable cause to cause an arrest.
13. **On June 29<sup>th</sup>, 2015** Plaintiff went to Court to file a case demand of property retrieval motion, and using the demand of property letter as required before allowed to file a property case, and also hired an Attorney.
14. Four (4) days later on **June 1<sup>st</sup>, 2015** Plaintiff was unlawfully arrested. Plaintiff also believes Defendant Edward Doura a Supervisor was behind directly or indirectly conspiracy to arrest Plaintiff without probable cause.
15. **On August 23<sup>rd</sup>, 2015** Defendant Edward Doura in his official capacity was involved in a false fraudulent police report to influence the verdict, refused Plaintiff make a police statement on Obstruction of lawful pursuits under RI Gen Laws 11-44-1 against his relative cousin Defendant Tanya Gagnon. When Plaintiff verbally expressed to him he was a conflict of interest inside the



Police department when requesting to make the statement, Defendant Doura became upset, yelling and screaming at Plaintiff to making physical threats, walking behind Plaintiff in a combative mode.

16. On August 26<sup>th</sup> 2015 through email addressed to Woonsocket police personnel as follows: bcsully, jpaone, boisvert and ecinanen at woonsocketri.org informing them of Defendant Edward Doura behavior and within his scope of work Plaintiff was in fear of him.
17. Plaintiff also alleges upon information and believe that Defendant Edward Doura has received personal favors from Defendant Tanya Gagnon parents' garage within his official capacity.

### ARGUMENT

18. Defendant Edward Doura, personally known to Plaintiff has a personal and official vendetta against Plaintiff for bringing a restraining order, property case against her Cousin relative, refused to excuse himself in this matter as a conflict on interest, assaulted Plaintiff, caused pain by holding, twisting Plaintiff wrist by force to view his phone and against Plaintiff will for lawfully recording with his phone within the first amendment.
19. Plaintiff was in the sidewalk not interfering with Defendant Edward Doura official operation. Plaintiff was recording before Officer Edward arrived with no issues and on Plain view.
20. Defendant Edward Doura had no reason, or genuine need for use of force since Plaintiff was not breaking any laws, Defendant Edward Doura did not use force in good faith or in any effort to maintain discipline or restore order but to harm, injure, cause pain to Plaintiff, there was nothing wrong Plaintiff was doing.
21. Defendant Edward Doura outrageous wanton conduct was intentional, malicious, and purposeful for private end.
22. Defendant Edward Doura actions while on duty as an employee of Defendant city of Woonsocket acting within the color of the state under oath of office; municipality; violated Plaintiff constitutional first amendment, discriminated Plaintiff by reason of race, national origin, gender and sexual preference, threatened Plaintiff by saying keep it up see what happens.
23. **Reference:** Loss of First Amendment Freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury. Though First Amendment rights are not absolute, they may be curtailed only by interests of vital importance, the burden of proving which rests on their government. *Elrod v. Burns*, 96 S Ct 2673; 427 US 347, (1976). **Reference:** Law and court procedures that are "fair on their faces" but administered "with an evil eye or a heavy hand" was discriminatory and violates the equal protection clause of the Fourteenth Amendment. *Yick Wo v. Hopkins*, 118 US 356, (1886).

24. Supervisory Defendant Edward Doura who is also a co-conspirator and a conflict of interest named by Plaintiff as a person obstructing lawful pursuit, directed, coordinated, participated in, knowingly and negligently in the unlawful arrest and failed to prevent the unlawful arrest.
25. **Reference: Glik's ruling.** " A citizen's right to film government officials, including law enforcement officers, in the discharge of their duties in a public space is a basic, vital and well- established liberty safeguarded by the First Amendment."
26. Under U.S 1981(a)(b) statement of equal right .All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.(b) "Make and enforce contracts" defined For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.(c) Protection against impairment The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.
27. Defendant Edward Doura actions in his official capacity under USC 1983 and personal capacity as described herein above violated Plaintiff first amendment, fourth amendment when this Defendant used force to view Plaintiff phone if he was recording. Defendant committed assaulted and battery, discriminated Plaintiff through discrimination comments and treated Plaintiff indifferent.

**Wherefore:** Plaintiff respectfully prays for the following, that:

- a) Plaintiff under the above statement request for justice and relief for compensatory damages, punitive damages, property damages, general damages, special damages, suffered pain, suffering, loss of enjoyment of life, loss of freedom, liberty, and property, emotional distress, mental anguish, shame, humiliation, indignity, damage to reputation, and incurred monetary costs and other damages.
- b) Plaintiff also seeks permanent injunctive relief against the Defendant in his official capacity and the Defendant City for negligent hiring/training and retention related to Defendant Doura conduct.
- c) compensatory damages, punitive damages, general damages, special damages First, Fourth, Fourteenth Amendment and USC 1981, USC1983 and under Rhode Island general law11-44-1

- d) Right to record openly with a phone, document activities in a public place without retaliation or subjected to assault and battery, and Defendant Doura in his personal capacity and rule of law should be arrest and charged with Assault and battery and unprofessional conduct not limited to a permanent restraining order enjoining and restraining him stay away from the Plaintiff.
- e) Plaintiff is also seeking and is entitled to damages as described below.

**COUNT TWO.**

- 28. **On June 23<sup>rd</sup> 2016** Defendant Dispatcher **Terry Chattman** (Jane Doe) within her official capacity as an employee of Defendant City of Woonsocket and not limited to her personal capacity as a friend to Defendant Tanya Gagnon lied to detective investigating probable cause.
- 29. Defendant Chattman committed perjury, gave fraudulent information for animus private end.
- 30. Attached exhibit under Detective Matthew Richardson statement partially reads: I Checked RONCO, however no restraining order came up. Dispatcher Chattman stated she saw the RO in the system as recently as yesterday, but it will not come up tonight.
- 31. Defendant Chattman discriminated Plaintiff for being a minority disadvantaged pro se litigant, reason of race, color, national origin, gender and sexual preference by intentionally, recklessly, willfully and wantonly giving fraudulent information while acting within the color of government, state and municipality to a Detective officer that caused a probable cause to arrest. Unless Detective Chattman alleges miraculously Plaintiff name only appears on RONCO at night or came up on her special computer alone to date.
- 32. Defendant Chattman acted willfully, knowingly, purposefully, and with malice to deprive Plaintiff of his property, life and liberty without due process to obstruct justice.
- 33. Defendant Chattman committed perjury to cause unlawful, false arrest, kidnapping under the United States laws and RI Gen laws not limited to grossly abusing the lawful powers of office.
- 34. Plaintiff believes Defendant Chattman had personal knowledge of the property damages and was obstructing due process.
- 35. Defendant Chattman . This officer of the law had knowledge and knew that an unlawful arrest was going to occur/take place, failed to take reasonable action to prevent the unlawful arrest and participated in the pre-arrest investigation of the Plaintiff and helped procure, encourage and cause the unlawful arrest.

36. **Reference: *Palmore v. Sidoti*, 104 S Ct 1879; 466 US 429** Reality of private biases and possible injury they might inflict were impermissible considerations under the Equal Protection Clause of due process of law". The 14th Amendment. ***Davis V. Wechsler*, 263 US 22, 24.** "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them. ." ***Simmons v. United States*, 390 U.S. 377 (1968)** "The claim and exercise of a Constitution right cannot be converted into a crime" ... "a denial of them would be a denial
37. ***Donnelly v. Dechristoforo*, 1974.SCT.41709 ¶ 56; 416 U.S. 637 (1974) *McNally v. U.S.*, 483 U.S. 350, 371-372, Quoting *U.S. v Holzer*, 816 F.2d. 304, 307** Fraud in its elementary common law sense of deceit... includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public,... and if he deliberately conceals material information from them he is guilty of fraud. "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings."
38. **Wherefore:** Plaintiff prays this honorable court for justice and charge Defendant Chattman with perjury and damages as described below.
39. **On July 1<sup>st</sup> 2015** Plaintiff was unlawfully arrested by Defendants Zachary J Bienkiewicz and Michael Martisen inside his house located at 219 Marshall Rd, Woonsocket RI at 2:00 am with a Child inside without an arrest warrant or probable cause and accused of violating a non- existing temporary restraining order.
40. The arresting Defendants alleged Plaintiff had violated a restraining order presumably ten (10) days ago. **Refer to Number 12.**
41. The arrest that was not within any rules or laws such as Rhode Island Title 12-29-3, and not within 24hours of the alleged crime.
42. Before Plaintiff getting hand-cuffed, Plaintiff explained to the Arresting officer Defendant Zachary J Bienkiewicz he was a "pro se litigant and he had not committed any crime.
43. Plaintiff also informed Defendant Zachary J Bienkiewicz he had called several times the police station to retrieve his property and Defendant Tanya had refused and as a pro se litigant I followed the court procedure of writing letter of demand of my property eight days ago before allowed to file motion to retrieve my property and within the constitution fourteen (14) amendment and six (6) amendment I did not wish to waive my bills of rights within the first amendment, fourth (4) amendment, fifth (5) amendment, sixth (6) amendment, Eight (8) amendment, ninth (9) amendment and I wish to be treated like any other citizen within the fourteenth (14) amendment.

44. Arresting Defendant Zachary J Bienkiewicz responded Plaintiff didn't have any rights.
45. Plaintiff asked Defendant Zachary to show him the arrest warrant, Defendant refused, and said he had a court order, Plaintiff asked to see it, he refused and stated Plaintiff had been suspected of committing a crime.
46. Plaintiff asked what crime, Defendant Zachary hand cuffed Plaintiff and never read him Miranda rights.
47. The second arresting officer Martinsen walked by stating "you don't mess with the wrong people". Plaintiff was transported to Woonsocket Police Station.
48. Defendant Zachary and Martinsen entered Plaintiff's house without consent.
49. Defendants were loud, excessively banging the house at 2:00am with a baby born 3/14/14.
50. Plaintiff daughter's mother opened the door slightly naked because she thought it was her son and emergency.
51. The arresting officers never stated they had an arrest warrant or any court order. She shut the door and told the Defendants to wait while she dressed.
52. Plaintiff unlawfully, falsely arrested or kidnapped under civil rights act of 1871 modified to 1983 and transported to Woonsocket Police.
53. **Reference:** According to Rule 8(f) FRCP and the State Court rule which holds that all pleadings shall be construed to do substantial justice." Also see Miller v. U.S., 230 F. 2d. 486, 490; 42 "There can be no sanction or penalty imposed upon one, because of his exercise of constitutional rights." Hoffsomer v. Hayes, 92 Okla 32, 227 F. 417 "The courts are not bound by an officer's interpretation of the law under which he presumes to act." Sherer v. Cullen , 481 F 946. We could go on, quoting court decision after court decision, however, the Constitution itself answers our question?\_ can a government legally put restrictions on the rights of the American people at any time, for any reason? The answer is found in Article Six of the U.S. Constitution: Miranda v. Arizona, 384 U.S. 426, 491; 86 S. Ct. 1603 "Where rights secured by the Constitution are involved, there can be no 'rule making' or legislation which would abrogate them." Norton v. Shelby County , 118 U.S. 425 p. 442 "An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed." Sherar v. Cullen , 481 F. 2d 946 (1973) "There can be no sanction or penalty imposed upon one because of his exercise of constitutional rights." Simmons v. United States, 390 U.S. 377 (1968) "The claim and exercise of a Constitution right cannot be converted into a crime"... "a denial of them would be a denial of due process of law". Bennett v. Boggs, 1 Baldw 60, "Statutes that violate the plain and obvious principles of common right and common reason are null and void". Would we not say that these judicial decisions are straight to the point --that there is no lawful method for government to put restrictions or

limitations on rights belonging to the people? Other cases are even more straight forward: "The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of practice." *Davis v. Wechsler*, 263 US 22, 24. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

54. **Wherefore:** Plaintiff prays this honorable court for justice and damages as described below.
  
55. Plaintiff on arrival at the Woonsocket, RI Police Station. Plaintiff informed the detaining officer supervisor and the detaining officer, he had been unlawful arrested, and the arresting officers took him from his home and family without showing him an arrest warrant and he did not wish to waive his rights within the constitutional first amendment, fourth amendment, fifth amendment, sixth amendment, seventh amendment, Eighth amendment, ninth amendment and he would like to be treated like any other citizen within the fourteenth (14<sup>th</sup>) amendment.
  
56. The detaining Defendant supervisor (John Doe) laughed and stated Plaintiff didn't have any rights.
  
57. Plaintiff asked if he was free to walk away, Defendant said NO. Plaintiff asked to see his file, Defendant took the file and waived on his face stating "come get it" Plaintiff informed Defendant he was the party of the case and he had the right to see the arrest warrant, the detaining officer refused.
  
58. Plaintiff informed the Defendant detaining officer supervisor (John Doe 1) and the detaining officer (John Doe 2) he did not wish to speak again without the present of his private attorney. The detaining supervisor stated Plaintiff didn't have any rights and he had to answer questions. Plaintiff kept silent, and the Defendant supervisor (John Doe 1) got upset, put Plaintiff in the cell, refused to give him his jeans pants, and socks. He stated to Plaintiff he will freeze until he agrees to answer questions.
  
59. While in custody, Plaintiff made three reports on camera and on phone inside the cell. I stated I had been deprived of my constitutional rights within the 4<sup>th</sup> 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>, 9<sup>th</sup>, 14<sup>th</sup> amendment violations and discriminated and not treated as any other citizen within the 14<sup>th</sup> amendment.
  
60. After there (3) hours the Defendant 1 (John Doe) detaining officer came and asked if Plaintiff would like to talk and he will be handed his jeans and socks. I informed him yes since I didn't have any other choice. Plaintiff asked to call his attorney, the supervisor refused who was holding his private attorney business card. Plaintiff asked why, Defendant again stated "don't you get it" people like you don't have rights". Plaintiff informed him he would like to request for the bail

commissioner within the constitutional Eighth (8<sup>th</sup>) amendment right. The detaining supervisor officer said NO.

61. Plaintiff asked for his clothes he was told to remove his shorts and put on the jeans. Plaintiff told them it didn't make any sense to put jeans without shorts, the supervisor said to choose one. I asked for privacy, the both officers laughed and said no. Plaintiff was forced to change in front of cameras and both officer where laughing.
62. The Defendant detaining officer supervisor (John Doe) spouse is a personal friend of Defendant Tanya Gagnon.
63. Plaintiff was transported to the court house and no one had read him any Miranda rights and arraigned
64. Plaintiff was under Defendants detainment for ten (10) hours before release under personal recognize by the Court.
65. Plaintiff filed for motion permission leave state for work. The motion was granted.
66. The Defendants forged an arrest warrant with erroneous information to convince Plaintiff that he was guilt and to take a plea of one (1) year probation. Plaintiff refused.
67. Defendants who helped to instigate, procure, encourage to cause the unlawful arrest even with fraudulent information failed to properly procure or reasonably execute the fake, forged arrest warrant.
68. **Reference:** Before an arrest warrant is issued, the fourth Amendment requires a truthful factual showing in the affidavit used to establish probable cause, because "the constitution prohibits an officer from making perjurious or recklessly false statement in support of a warrant. *Franks v Delaware*
69. **Reference:** *City of Dallas v Mitchell, 245 S.W.944* "An illegal arrest is an assault and battery. The person so attempted to be restrained of his Liberty has the same right to use force in defending himself as he would in repelling any other assault and battery( *State v Robinson, 145 ME. 77,72 ATL.260*). Plaintiff remained calm through this racist actions against him.
70. Racially animus motivated Defendants conspired together to prevent due process and violation of USC1985, USC1986.
71. Defendant Michael G Villiard, Defendant Kevin Sanford, and Defendant/witness Matthew Richardson, Defendant Jacqueline McWhinnie, Defendant Dispatcher Chattman . These officers of the law and employed by Defendant city of Woonsocket had knowledge and knew that an

unlawful arrest was going to occur/take place, failed to take reasonable action to prevent the unlawful arrest and participated in the pre-arrest investigation and helped procure, encourage and cause the unlawful arrest. On Defendant Matthew Richardson statement reads" I checked RONCO, however no restraining order came up. Dispatcher Chattman stated she saw the RO in the system as recently as yesterday.

72. Plaintiff suffered pain, suffering, loss of earning, loss of enjoyment of life, loss of freedom, liberty, and property, emotional distress, mental anguish, shame, humiliation, indignity, damage to reputation, and incurred monetary costs and other damages.
73. The Defendants knew that their acts as described above, were unlawful under the circumstances. Despite such knowledge, Defendants were deliberately indifferent to their action and matters committed against Plaintiff.
74. **Reference: Miranda v. Arizona, 384 us 436, 491.**" The claim and exercise of a constitutional right cannot be converted into a crime. **Davis v. Wechsler , 263 US 22, 24.** "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." **Miller v. US, 230 F 486, 489.** "There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights." **Norton v. Shelby County , 118 U.S. 425 p. 442** "An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed." **Simmons v. United States , 390 U.S. 377 (1968)** "The claim and exercise of a Constitution right cannot be converted into a crime"... "a denial of them would be a denial of due process of law". **Hoffsommer v. Hayes, 92 Okla 32, 227 F. 417** "The courts are not bound by an officer's interpretation of the law under which he presumes to act." **Brinegar v. U.S., 388 US 160 (1949)** Probable Cause to Arrest - Provides details on how to determine if a crime has been or is being committed. **Carroll v. U.S., 267 US 132 (1925)** Probable Cause to Search - Provides details on the belief that seizable property exists in a particular place or on a particular person. **Draper v. U.S. (1959)** Probable cause is where known facts and circumstances, of a reasonably trustworthy nature, are sufficient to justify a man of reasonable caution in the belief that a crime has been or is being committed. Reasonable man definition; common textbook definition; comes from this case. **Davis v. Wechsler, 263 U.S. 22, 24; Stromberb v. California, 283 U.S. 359; NAACP v. Alabama, 375 U.S. 449** "The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice." **Elmore v. McCammon (1986) 640 F. Supp. 905** "... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws."
75. **Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958).** "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents." "The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is an artificial entity which owes its existence and charter powers to the state; but, the individual's rights to live and own property are natural rights for the enjoyment of which an excise cannot be imposed."



76. **70 Am. Jur. 2nd Sec. 50, VII Civil Liability** "Fraud destroys the validity of everything into which it enters," **Nudd v. Burrows, 91 U.S 426. "Fraud vitiates everything" Boyce v. Grundy, 3 Pet. 210** "Fraud vitiates the most solemn contracts, documents and even judgments."
77. To date Plaintiff has not been compensated for the property damaged under Defendant Tanya Gagnon care and possession.
78. Plaintiff request for justice and relief compensatory damages, punitive damages, general damages, special damages, suffered pain, suffering, loss of earning, loss of enjoyment of life, loss of freedom, liberty, and property, emotional distress, mental anguish, shame, humiliation, indignity, damage to reputation, and incurred monetary costs and other damages. Claim. Plaintiff also seeks permanent injunctive relief against the respondents related to their conduct.

### **COUNT TWO**

#### **Fourth Amendment and USC 1983 Unlawful Entry into Plaintiff's home.**

79. The actions of Defendants as employees of the Defendant City of Woonsocket, as herein described, violated Plaintiff's right to privacy within his home as protected by the Fourth Amendment to the United States Constitution, USC 1983 and Rhode Island Constitution, this also applies to the Minor Child.
80. The actions of Defendants, as herein described, violated Plaintiff's right to be free from unreasonable searches and seizures, as protected by the Fourth Amendment to the United States Constitution, USC 1983 and Rhode Island Constitution.

### **COUNT THREE**

#### **Fourth, Fourteenth Amendment, USC 1983, USC1981, USC1985, USC1986,RI Gen law 11-44-1 False Arrest**

81. The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation, and describing as nearly as may be, the place to be searched and the persons or things to be seized. the Fourth, fourteenth Amendment, USC 1983, USC1985, USC 1986,USC 1981, Rhode Island Constitutional Laws and RI GEN LAW 11-44-1 in that neither defendant had probable cause or reasonable suspicion to believe that Pro se litigant Plaintiff had committed any crime or violated a restraining

order that was never found on RONCO, arrest not within 24hours presumably if a Restraining order existed or alleged restraining order within its provision laws.

**COUNT FOUR**  
**Malicious Prosecution**

82. The actions of Defendants, as herein described, subjected Plaintiff to a malicious prosecution to defend RI Gen law 11-44-1 in violation of his rights protected by the Fourth, fourteenth Amendment, USC 1983, USC1985, USC 1986,USC 1981, Rhode Island Constitutional Laws and RI GEN LAW 11-44-1 in that neither defendant had probable cause or reasonable suspicion to believe that Pro se litigant Plaintiff had committed any crime or violated a restraining order that was never found on RONCO, arrest not within 24hours presumably if a Restraining order existed or alleged restraining order within its provision laws.

**COUNT FIVE.**  
**CONSPIRACY.**

83. The actions of Defendants, as herein described, subjected Plaintiff to a conspiracy, injured Plaintiff when litigation was in process to defeat RI Gen law 11-44-1 in violation of his rights protected by the Fourth, fourteenth Amendment, USC 1983, USC1985, USC 1986,USC 1981, Rhode Island Constitutional Laws and RI GEN LAW 11-44-1 in that neither defendant had probable cause or reasonable suspicion to believe that Pro se litigant Plaintiff had committed any crime or violated a restraining order that was never found on RONCO, arrest not within 24hours presumably if a Restraining order existed or alleged restraining order within its provision laws.

**COUNT SIX**  
**Negligence**

84. The actions of Defendants and omission, as herein described, failed or refused to restrain themselves within the law, lack of supervision, racist acts inflicting foreseeable harm to Plaintiff and subjected Plaintiff to violation of his rights protected by the Fourth, fourteenth Amendment, USC 1983, USC1985, USC 1986,USC 1981, Rhode Island Constitutional Laws and RI GEN LAW 11-44-1 in that neither defendant had probable cause or reasonable suspicion to believe that Pro se litigant Plaintiff had committed any crime or violated a restraining order that was never found on RONCO, arrest not within 24hours presumably if a Restraining order existed or alleged restraining order within its provision laws.

**COUNT SEVEN.**  
**Fifth and Sixth Amendment.**

85. The actions of Defendants as employees of the Defendant City of Woonsocket, as herein described, violated Plaintiff's right to phone call to his attorney as protected by the fifth and sixth Amendment to the United States Constitution, USC 1983 and Rhode Island Constitution,
86. The actions of Defendants, as herein described, violated Plaintiff's right to remain silent and to talk to his private attorney on phone to be free from unreasonable questioning and seizures, as protected by the Fourth Amendment to the United States Constitution, USC 1983 and Rhode Island Constitution.

#### **COUNT EIGHT**

##### **Eighth Amendment right to request for bail and unusual punishment inflicted.**

87. The actions of Defendants as employees of the Defendant City of Woonsocket, as herein described, violated Plaintiff's right to request for a bail commissioner, a right protected by the Eighth Amendment in the United States Constitution, USC 1983, USC 1981 and Rhode Island Constitution.
88. The actions of Defendants, as herein described, violated Plaintiff's right to be free from cruel and unusual punishment inflicted as protected by the Eighth and Fourteenth Amendment to the United States Constitution, USC 1983 and Rhode Island Constitution.

#### **COUNT NINE**

##### **USC 1983**

89. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

#### **COUNT TEN**

##### **42 U.S.C. § 1985(3) provides in relevant part that:**

90. If two or more persons in any State or Territory conspire ... for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws... in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance

of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

**COUNT ELEVEN.**

**42 U.S.C. § 1986 provides in relevant part that:**

91. Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action.
92. **And any other unknown Constitutional rights and laws, Rhode Island Constitution and laws by Pro Plaintiff: Reference:** Picking v. Pennsylvania Railway, 151 F.2d. 240, Third Circuit Court of Appeals The plaintiff's civil rights pleading was 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities."

**Plaintiff Prays for the following relief:**

- a) For appropriate declaratory relief regarding unlawful and unconstitutional acts and practices of Defendants.
- b) Plaintiff request for justice and relief for his damaged property, compensatory damages, punitive damages, general damages, special damages, suffered pain, suffering, loss of earning, loss of enjoyment of life, loss of freedom, liberty, and property, emotional distress, mental anguish, shame, humiliation, indignity, damage to reputation, and incurred monetary costs and other damages. Plaintiff also seeks permanent injunctive relief against the respondents related to their conduct.
- c) For the costs and expenses of pursuing this action, including the recovery of reasonable attorney fees permitted by pro se laws.
- d) Pro se Litigant Plaintiff request for a written explanation how judgement was reached within 21days by this Court; if Judgement is rendered in favor of Defendants.

- e) Plaintiff request Court order to Defendant City of Woonsocket to engage its police department in diversity education and training not limited to promoting professional conduct within its supervision to reduce discrimination by reason of race, national origin, disability, gender, sexual preference and not limited to modern laws on discrimination.
- f) For all such other relief and further relief to which Pro se Plaintiff is entitled and is just and proper in the premises.

Submitted by: Eric Gathigi Pro Se.

**CERTIFICATION OF SERVICE**

I hereby certify that on the 3rd day of January 2016, I filed this document through the Superior Court electronic filing system, I also emailed this and served this document to Defendant Tanya Gagnon through her Attorney Robert Senville , Esq Bar ID# 4289 by email at [Robert.Senville@gmail.com](mailto:Robert.Senville@gmail.com) and I also intend to send this document by Certified Mail Return Receipt at address as follows Robert Senville, 128 Dorrance St, Ste 400, Providence, RI 02903 : ALSO to Defendants

TO: City of Woonsocket, Christine Chamberland.  
The Comptroller of the City of Woonsocket,  
169 Main Street,  
Woonsocket, RI 02895.

To: Defendants Edward Doura, Terry Chattman , Zachary j Bienkiewicz, Michaelk Martisen, Michael G Villard, Kevin Sanford, Jacqueline Mc Whinnie

Address as follows: Woonsocket Police Department

242 Clinton St, Woonsocket RI 02895

**Submitted by:**

Natural Person Eric Gathigi Pro Se Litigant  
10 Academy Dr, Cumberland RI 02864.  
(401)477-3070 [ericgathiginiah@gmail.com](mailto:ericgathiginiah@gmail.com).

\*\*\*\*\* NEW LICENSE APPLICATION \*\*\*\*\*

CITY CLERK'S OFFICE  
WOONSOCKET, RI 02895

**SECOND HAND DEALER - AUTO**

ADVERTISING FEE: \$100.00

DATE: 12/19/16

FEE: \$ Pro-rated

Establishment: North Main Truck & Auto Sales, LLC  
of d/b/a No. Main Truck & Auto Sales

Location: 565 North Main St. respectfully prays to hold a

Type of License: Second Hand Auto Dealer to expire on April 1, 2017

Phone Number: 401-603-9783

Mail License to: Paul Simoes  
565 North Main St.  
Woonsocket, RI 02895

  
Signature of Applicant

Email Address: RI PAUL@LIVE.COM

Paul Simoes  
Print Name

APPLICANT MUST APPEAR BEFORE CITY COUNCIL ON: January 17, 2017

\*\*\*\*\*office use only - do not write below this line\*\*\*\*\*

In City Council  
\_\_\_\_\_

In City Council  
January 17, 2017

Read and ordered advertised.  
\_\_\_\_\_

Petition  
\_\_\_\_\_

Date Paid: 12/21/16

Date Issued: \_\_\_\_\_

ck # 3178 \$ 100.00

**AGENDA FOR BOARD OF LICENSE COMMISSIONERS**

**NEW LICENCES**

**CLASS F LIQUOR LICENSE**

Rhode Island Knights of Columbus, 176 Joffre Avenue (4/29/2017)

**CLASS F LIQUOR LICENSE & ENTERTAINMENT**

Waitloo Xoke Xayyaram Buddhist Temple, 458 River Street (5/6/2017 & 5/7/2017 Live Band)  
St. Ann's Arts & Culture Center, 84 Cumberland Street (2/25/2017-Live Band)

**HOLIDAY**

TVI, Inc. d/b/a Savers, 1500 Diamond Hill Road

**TRANSFER LICENSE**

**1<sup>ST</sup> CLASS VICTUALING**

John Wilson d/b/a Sunrise Pizza to Tony Albano d/b/a Sunrise Pizza, 180 Social Street

*Woonsocket Police / IBPO - Local 404*

17 LC 05



# COPSWALK 2017



To: City Council  
From: Lieutenant Edward Cunanan  
Date: 18JAN17  
Ref: Tag Day

The International Brotherhood of Police Officers - Local 404 respectfully requests permission to hold a "Tag Day" event on Saturday, April 8, 2017, with a rain date of Saturday, April 15, 2017. The annual tag day allows supporters who cannot afford to attend other Copswalk events the chance to make a contribution, and to thank the city's officers face-to-face.

We are aware of the city ordinances governing Tag days and will adhere to these requirements. Enclosed with this request is the \$25 fee.

Thank you in advance for any consideration to this request.

*Edward Cunanan*

Lieutenant Edward Cunanan  
Coordinator  
Woonsocket Police Copswalk  
242 Clinton St,  
Woonsocket, RI 02895  
(401) 767-8834



**CITY OF WOONSOCKET**  
**RHODE ISLAND**

**MAKE**

**LEGISLATIVE DEPARTMENT**

**WOONSOCKET**

**CITY COUNCILMAN**

**GREAT AGAIN**

**RICHARD J. FAGNANT**

Cell (401) 309-9288

88 Coe Street

Woonsocket, RI.02895

January 27, 2017

City Clerk Ms. Christina Harmon-Duarte

Re: February 6, 2017 City Council Meeting

Dear Madame Clerk,

I respectfully request that the following items be listed on the agenda of the below referenced City Council Meeting on February 6, 2017 under Section 10, Communications and Petitions:

1. **Open Community Meeting for Citizens of Woonsocket Feb. 11, 2017.**
2. **Community Development Block Grants PY 2017-2018. N. David Bouley**
3. **Former Woonsocket Middle School at Park Place Contents Left Inside.**
4. **Susan D Menard Middle School Complex Plaque Status. N. David Bouley?**
5. **New Water Treatment Facility Letter Dated November 28, 2016 Director D'Agostino.**
6. **My Request to the Clerk to PSD Jalette Regarding Information on Police Vehicles. Status PSD?**
7. **RFP Tree Trimming and Removal Services. DPW**
8. **RFP The Material, Fabrication & Installation Chain Link Fence. DPW**
9. **Letter to City of Woonsocket from Daniel M. Keyes Town of Blackstone Ma.**
10. **RFP Street Sweeping Services Out Sourcing vs in house Cost Savings. DPW?**
11. **Seeing Things from Both Sides, Regarding Double Sided Printing & Waste of Copy Paper.**
12. **North Smithfield Wastewater Inter-Jurisdictional Agreement. Status Update DPW?**
13. **Blackstone Wastewater Inter-Jurisdictional Agreement. Status Update DPW?**
14. **Wastewater Treatment Plant Upgrades. Status Update DPW?**
15. **Railroad Station at the Depot, what is the status on this project? N. David Bouley**

Respectfully,

Richard J. Fagnant

Woonsocket City Councilman



*City of Woonsocket  
Rhode Island*

CITY CLERK  
P.O. BOX B  
169 MAIN STREET  
401-762-6400  
FAX: 401-765-0022

LEGISLATIVE DEPARTMENT  
CITY COUNCIL  
CITY CLERK  
PROBATE COURT

James C. Cournoyer, Councilman  
Woonsocket City Council

February 2, 2017

Ms. Christina Harmon-Duarte  
City Clerk  
City of Woonsocket  
City Hall – 169 Main Street  
P.O. Box B  
Woonsocket, Rhode Island 02895

Re: February 6, 2017 City Council Meeting

Dear Madame Clerk,

I respectfully request that the following item be listed on the agenda of the above referenced City Council meeting under Section 10, Communications and Petitions:

1. Budget / Financial condition and Reporting.
2. Municipal Police & Firemen's Pension

Respectfully,

*James C. Cournoyer*

James C. Cournoyer  
Woonsocket City Council

/jcc

February 2, 2017

City of Woonsocket  
Attn: Ms. Christina Duarte-Office of the Clerk  
169 Main Street  
Woonsocket, RI 02895

Madam Clerk:

Please include this letter in the February 6, 2017 City Council meeting agenda and docket under Section 10, Communication and Petitions, as I would like to discuss the below noted items at the meeting.

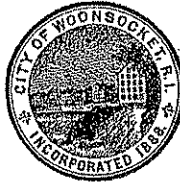
Please list each of the below items as individual agenda items for the discussion under Section 10 of the Agenda:

1. Status of report concerning expenses of the Legal Department to date.
2. Status of report concerning success of Homestead collections.

Thank you,

Denise Sierra

City of Woonsocket  
Rhode Island



January 23 A.D. 2017

Ordinance  
Chapter

**TRANSFERRING FUNDS**

**IT IS ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF WOONSOCKET AS FOLLOWS:**

**SECTION 1.** That the following funds be transferred from and to the following accounts:

<b>FY16</b>	DIVISION	ACCOUNT NO.	APPROPRIATION	OBJECT ITEM	AMOUNT
<b>FROM:</b>					
	City Property	1010-06655-55523	Capital Outlays	Building Improvements	\$10,000
<b>TO:</b>					
	City Property	1010-06653-53335	Operating Supplies	Water Purchased	\$10,000

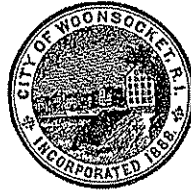
**REASON FOR REQUEST:**

To cover the water used for A/C units in the summer months of 2016 and to ensure there are enough funds in the account to cover the next bills.

**SECTION 2.** This Ordinance shall take effect immediately when signed by the Mayor following its passage by the City Council as provided in Chapter III, Section 5 of the Woonsocket Home Rule Charter and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

\_\_\_\_\_  
Council President Daniel M. Gendron,  
Per Request of Administration

City of Woonsocket  
Rhode Island



Ordinance  
Chapter

January 19, 2017

**GRANTING A PETITION FOR LIGHTOWER LLC  
FOR UNDERGROUND INSTALLATION OF  
FIBER OPTIC CABLE FOR 169 PROVIDENCE STREET  
IN THE RIGHT OF WAY**

- WHEREAS,** Lightower LLC has requested permission to install a conduit for fiber optic cable; and connect and maintain any wires or fixtures within the City's Right of Way for 169 Providence Street (Woonsocket Fire Department Station 1) from existing Pole 10-2 located on Providence Street; and
- WHEREAS,** the connection will require granting the installation of conduit and wires within the City's Right of Way and on City property, see Exhibit 'A'; and
- WHEREAS,** due to the nature of the building this service is for, the Ordinance is request to be passed under Chapter III, Section 10.

**IT IS ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:**

- SECTION 1.** That the City Council of the City of Woonsocket hereby grants Lightower LLC permission to locate and install a conduit and fiber optic cable within the City's Right of Way and property for 169 Providence Street from existing Pole 10-2 on Providence Street.
- SECTION 2.** That the Engineering Division has reviewed the request and finds it to be acceptable.
- SECTION 3.** This Ordinance shall take effect upon its passage by the City Council as provided in Chapter III, Section 10, of the Woonsocket Home Rule Charter and all ordinances inconsistent herewith are hereby repealed.

\_\_\_\_\_  
Daniel M. Gendron, City Council President  
'By Request of the Administration'



**PROPOSED CONDUIT INSTALLATION**

**AT**

**169 PROVIDENCE ST**

**IN**

**WOONSOCKET, RI**

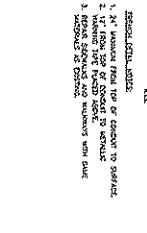
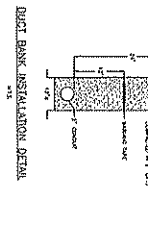
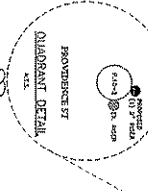
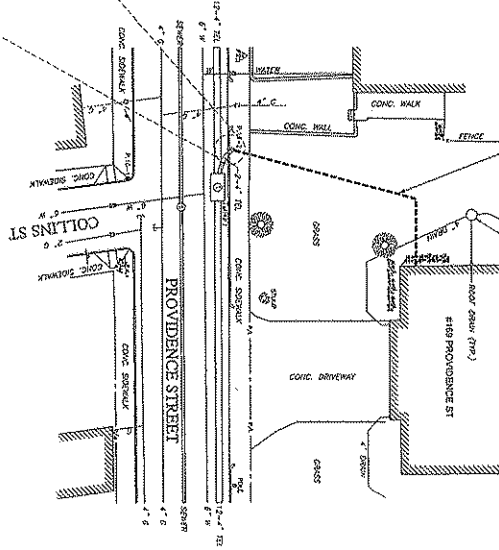
**INDEX OF DRAWING**

SHT NO.	DESCRIPTION
01	PROPOSED PLAN

**GENERAL NOTES**

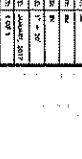
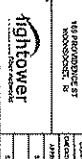
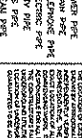
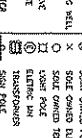
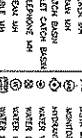
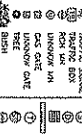
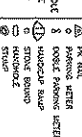
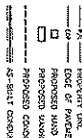
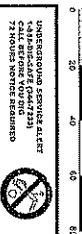
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF PROVIDENCE AND THE STATE OF RHODE ISLAND.
2. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE NOTED ON THIS PLAN.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
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10. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE NOTED ON THIS PLAN.

PROPOSED 81 FEET OF  
FROM POLE #182  
TO #183 PROVIDENCE ST



- NOTES:**
1. 4" x 4" ROADWAY PATCH FOR ALL DEPTHS TO SURFACE.
  2. 4" x 4" ROADWAY PATCH FOR ALL DEPTHS TO SURFACE.
  3. INCREASE TO 6" DEPTH. INCREASE TO 6" DEPTH.

1" = 25 FEET

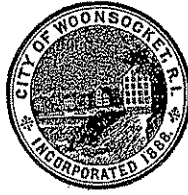


DATE	REVISION

PROPOSED PLAN	
181 PROVIDENCE ST	PROVIDENCE, RI
DATE: 11/11/2011	SCALE: 1" = 25'
<b>lighttower</b>	
DATE: 11/11/2011	SCALE: 1" = 25'

THESE NOTES ARE THE PROPERTY OF LIGHTTOWER ENGINEERING, INC. AND ARE TO BE USED ONLY FOR THE PROJECT AND LOCATION SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR REPRODUCTION OF THESE NOTES WITHOUT THE WRITTEN PERMISSION OF LIGHTTOWER ENGINEERING, INC. IS STRICTLY PROHIBITED.

City of Woonsocket  
Rhode Island



February 6, A.D. 2017

Ordinance  
Chapter

**ORDINANCE TO AMEND THE EXISTING HOMESTEAD EXEMPTION  
POLICY AND OUTLINE PROCEDURES FOR ITS APPLICATION**

- WHEREAS,** Rhode Island state law enables the City of Woonsocket to classify property for purposes of taxation and a homestead exemption for eligible City residents; and
- WHEREAS,** the homestead exemption has historically only been verified and/or reviewed upon the transfer of properties after the original application has been granted; and
- WHEREAS,** other municipalities have used the homestead exemption processes to ensure proper registration of resident's motor vehicles within the City; and
- WHEREAS,** The City Council previously passed 15 O 78 and procedural changes have subsequently been made by the Law Department, requiring a new ordinance to modify 15 O 78.

**IT IS ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF WOONSOCKET AS FOLLOWS:**

- SECTION 1.** Section 2-14 of the Code of Ordinances is amended as attached in (Exhibit A).
- SECTION 2.** This Ordinance shall take effect on the eleventh consecutive day following its passage by the City Council as provided in Chapter III, Section 9 of the Woonsocket Home Rule Charter and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

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Christopher A. Beauchamp  
City Council

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Daniel M. Gendron  
Council President



**Sec. 2-14. TAX CLASSIFICATION/HOMESTEAD EXEMPTION/PROCEDURE**

A. Pursuant to R.I.G.L. § 44-5-75 and R.I.G.L. § 44-5-74.1, the City of Woonsocket shall adopt a system of property tax classification and annually fix the amount, by separate ordinance, of an owner-occupied homestead exemption from local taxation on eligible real property used for residential purposes and which is owner-occupied as further defined herein.

B. All property within the City of Woonsocket shall be classified by the Tax Assessor in the following manner:

1. Class One: all ratable tangible personal property and motor vehicles;
2. Class Two: residential real estate with less than four (4) units;
3. Class Three: all commercial and industrial real estate and residential real estate with four (4) units or more, except as provided for in subsection (a).

(a) As to any residential real estate with four (4) units and wherein one or more of such units are occupied by the owner of the real estate, such four (4) unit residential real estate shall be classified as Class Two residential real estate. Said real estate shall be classified as Class Three if it fails to have at least one unit that is occupied by the owner of the real estate. An owner of residential real estate with four (4) units who is entitled to the Class Two residential real estate classification pursuant to this section shall annually file a declaration of such owner-occupied status with the tax assessor. The assessor shall prepare an appropriate form for the making of such declaration.

C. To be eligible for a homestead exemption, the property in question must be classified as a Class 2 property and satisfy the following on an annual basis:

1. Effective as to the assessment date of December 31 at midnight, an applicant must file with the city assessor no later than January 31 a homestead application, together with a declaration, and present evidence, under oath, as to the owner-occupied or non-owner-occupied status together with any other proof of residency or ownership and the ownership of all motor vehicles registered either with the State of Rhode Island or with any foreign state, and to provide that information in any manner which may be required by the city assessor

For good cause, the city assessor may accept applications for owner-occupied status after the filing deadline for the current or previous year's taxes only.

2. Only natural person(s) are qualified to receive a type C(1) owner-occupied residential real estate rate as set forth in section C(1) of this ordinance. Real property which is partially or wholly owned by a business, an institution, a nonprofit organization, a financial institution that has foreclosed on real estate, including, without limitation, HUD and Rhode Island Housing and Mortgage Finance Corporation, or any other such public or private entity, do not qualify for a

type C(1) owner-occupied real estate rate; provided, however, that with respect to the application of the owner-occupied real estate rate to taxes assessed as of December 31, 2014, the city assessor may, accept an application and grant a type C(1) owner-occupied real estate rate to an entity and its shareholder(s)/member(s)/owner(s), as the case may be, upon receiving a sworn declaration from said person(s) that he/she/they primarily resided in the subject real estate as of December 31, and that the ownership of the subject property is in said entity's name solely for estate planning purposes.

3. Applicants may qualify for only (1) type of owner-occupied real estate rate in the city at any one (1) point in time. In addition, an owner of real estate in the City of Woonsocket must meet all of the following requirements in order to qualify for a type C(1) owner-occupied rate:
  - a. Neither the owner-occupied rate applicant nor the applicant's spouse is receiving an owner-occupied rate for another piece of real property, located elsewhere in the State of Rhode Island, or in any other state of the United States, for the same period of time the owner is seeking the owner-occupied rate for property owned in Woonsocket, unless during that time the owner is either legally separated or divorced from the spouse during some or all of the period in which they are claiming more than one (1) owner-occupied rate;
  - b. The owner-occupied rate applicant, and the owner-occupied rate applicant's spouse, is paying the Woonsocket excise tax due on each and every motor vehicle owned by either one when that vehicle is garaged more than thirty (30) days in the State of Rhode Island, unless (i) the vehicle is registered in the name of the applicant's spouse, and (ii) the owner-occupied-rate applicant and the spouse are either legally separated or divorced;
  - c. The owner-occupied rate applicant has filed with the Woonsocket Tax Assessor a current listing of all motor vehicles with foreign registrations that the applicant owns as required by R.I.G.L. § 31-7-1. If a homeowner currently receiving the owner-occupied rate has at least one (1) motor vehicle registered to the same address as the property receiving the rate, then the tax assessor shall presume that these requirements have been complied with; however, the tax assessor shall have the authority to investigate whether other circumstances (such as the ownership of additional motor vehicles registered elsewhere) indicate noncompliance that overcomes this presumption. If a homeowner currently receiving the owner-occupied rate does not have any motor vehicles registered to the same address, the tax assessor may take appropriate action to ascertain compliance with these requirements and to revoke the owner-occupied rate, both prospectively and retroactively as necessary.
  - d. The owner-occupied homestead rate attaches to the owner(s) of the real property not to the real property itself. The homestead rate shall not be granted for vacant land or any portion of mixed use-property (ie residential/commercial) regardless of the number of units occupied for residential purposes.

- e. The city assessor shall deny an application for the owner-occupied rate if the city assessor determines that an execution of record based upon a judgment of the Municipal Court for a minimum housing violation(s) against the applicant remains unsatisfied.
- f. Upon purchase of a residence, a homeowner may apply for a type C(1) owner-occupied real estate tax rate effective as of the date of purchase for the current tax year, notwithstanding the fact that applicant did not own the property as of December 31 of the prior year. The exemption will be granted pro rata for the number of days the applicant owns the property during the fiscal year in which the home is purchased. In the event the property granted an owner-occupied rate is sold or transferred during the year for which the owner-occupied rate is claimed, the applicable rate is void for that portion of the year following the sale or transfer should the new buyer not qualify for the owner-occupied rate. The buyer or transferee shall be liable to the city for any tax benefit received after the date of sale or transfer.
- g. If the taxpayer knowingly gives misinformation as to ownership and/or occupancy of the real estate and/or ownership of motor vehicles on his/her application for an owner-occupied rate, the city assessor may, in such event, remove the owner-occupied rate and apply the non-owner occupied rate and recalculate the tax for the period in question and in addition charge the taxpayer the maximum interest permitted by law. If the taxpayer provides incorrect information, knowingly or not, the city assessor may remove the owner-occupied rate and apply the non-owner occupied rate and may impose back taxes up to the full amount owed for the period in question.
- h. The city assessor is empowered to promulgate any further rules and regulations which he/she deems necessary to carry out the intent and purpose of this section as it relates to the owner-occupied and non-owner occupied rates including but not limited to the creation of the necessary applications and forms to implement the intent of this Ordinance.

D. The Tax Assessor shall have the authority to send a communication in conjunction with a mortgage application from a buyer to a financial institution to reflect what an estimated property tax bill would be for a subject property if, and when a valid and accepted proposed homestead exemption is sought and accepted. Any communication from the Tax Assessor shall include the following language:

"The Tax Assessor has estimated the potential tax bill for this property based upon the application or the City's current homestead exemption. It is an ESTIMATE only and is contingent on the applicant/homeowner meeting all of the legal requirements or the exemption as set forth in the applicable law and/or the municipal code. Homestead exemptions and rates are subject to change and modification by the City's governing body."

E. Effective as of the assessment date of December 31, 2016 at midnight, the application requirements defined in Section C-1 for taxpayers as of December 31, 2016 at midnight or

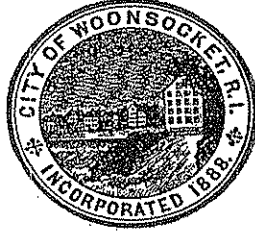
thereafter who already enjoy an eligible homestead exemption that was validly issued pursuant to the terms of Ordinance 15 O78 are as follows:

Effective as to the assessment date of December 31 at midnight, an applicant must file with the city assessor no later than January 31, 2019, and every third year thereafter (i.e. January 31, 2022, January 31, 2025, etc.) a homestead application, together with a declaration, and present evidence, under oath, as to the owner-occupied or non-owner-occupied status together with any other proof of residency or ownership and the ownership of all motor vehicles registered either with the State of Rhode Island or with any foreign state, and to provide that information in any manner which may be required by the city assessor.

Notwithstanding the provisions of this Ordinance, any homeowner may apply for a type C(1) owner occupied real estate tax rate effective as of the filing date of the Homestead application for the current tax year. The exemption will be granted pro rata based upon the number calendar days beginning with the application filing date through December 31.

# City of Woonsocket Rhode Island

17 R 12



February 6, 2017

## Resolution

### AUTHORIZING THE CANCELLATION OF CERTAIN TAXES

WHEREAS, The City Assessor, recommends that the said taxes be cancelled and/or refunded in the amount as respectively and particularly set forth in said report

### IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOONSOCKET AS FOLLOWS:

Section 1: That the said above described report be incorporated in and attached to this resolution and that the said report be made a part and parcel hereof.

Section 2: That the City Council hereby orders that said taxes be cancelled and/or refunded.

Section 3: That the City Clerk of the City Council shall, upon the passage of this resolution forthwith certify to the City Treasurer and Tax Collector, of this city, that the taxes specified and itemized in said report have been cancelled and abated in the amounts as respectively and particularly set forth in said report; and that the Finance Director of the city of Woonsocket is hereby authorized, on the passage of this resolution, to make refunds in the amount or amounts as respectively and particularly set forth in said report.

Section 4: This resolution shall take effect upon passage.

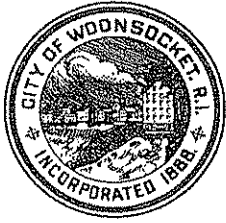
Acct. No.	Name	Year	Property	Trans. Date	Abatement
R00-4007-45	CARTER DAVID 56 SUMMIT STREET WOONSOCKET, RI 02895	2015	101-102-020	12/30/2009	16,620.00
53 NON UTILIZATION					

\_\_\_\_\_  
Daniel M. Gendron  
By request of The Administration

# ASSESSOR'S

## ABATEMENT CODES

<u>CODE</u>	<u>REASON</u>
50	- Erroneously assessed due to incorrect field data/incorrect classification of homestead exemption
51	- Veteran/Blind/Elderly Exemption not applied
52	- Incorrect amount abated on previous abatement listing or error on prior certification
53	- Non-Utilization tax assessed subsequent to sale of property and/or assessed in error
54	- Homestead Exemption not applied/incorrectly classified
55	- Tax Exempt.
56	- Inventory exempt due to wholesaler's exemption
57	- Legal Residence – Out of Town – Prior to Assessment Date
58	- Registration Cancelled – Vehicle sold
59	- Vehicle traded in, or repossessed, and/stolen not recovered
61	- Vehicle garaged and/or registered out of City
62	- Double taxation on vehicle
63	- Over assessed on vehicle/registry error
64	- Incorrect year/model/make of vehicle
65	- Vehicle destroyed in accident
66	- Should have been tax lien
67	- Business relocated out of City prior to assessment date
68	- Double taxation on Business/over overassessed on business
69	- Out of Business – prior to assessment date/business sold to new owner & recertified
70	- Company erroneously included manufacturing equip/inv in their report of valuation
71	- Company erroneously included, leasehold expenses, cash and other expenses, and/or overstated their assets
72	- Removal of porches, decks, garages, pools, sheds or underground tanks
73	- Double taxation on Real Estate
74	- Over assessed due to adjustment in degree of building completion as of December 31 <sup>st</sup>
75	- Over assessed due to error in computation of valuation which was not in conformity with surrounding properties
76	- Building (s) demolished prior to assessment date
77	- Property was assessed at incorrect tax year/ incorrect tax rate, classification and/ or depreciation
78	- Adjustment to property valuation due to extreme deterioration prior to assessment date
79	- Property sustained fire damage – prior to assessment date
80	- 5 +5 Plan
81	- Party deceased prior to assessment date
82	- Per Order of the City Council
83	- Original abatement was approved and granted last year, but not carried forward for this year's tax roll
84	- Per advice & recommendation of Law Dept.
85	- Per Court Order
86	- First appeal /Submitted by the Tax Board of Assessment Review
87	- Wrong party – recertified//wrong classification-recertified
88	- Tax Exempt – Interstate Commerce Vehicles – Equipment assessed to tax exempt entity.
89	- Value reduced by R.I. Vehicle Value Commission
90	- Property taken over by the State for highway purposes
91	- Tax Settlement Agreement / "PILOT " Agreement / Option Agreement
92	- Bankruptcy
93	- Lot dropped and added to another lot
94	- Job Incentive Creation Program Exemption
95	- Due to the new software system an abatement must be done prior to a recertification of taxes
96	- Pro-Rated Homestead Exemption
97	- Assessment adjustment due to supporting documentation submitted by taxpayer
98	- Remove Homestead Exemption / recertified exemption credit



# City of Woonsocket

ASSESSING DIVISION, FINANCE DEPARTMENT

PO BOX B, 169 MAIN STREET

WOONSOCKET, RHODE ISLAND 02895

TEL (401) 767-9270 & (401) 767-9271

FAX (401) 597-6604

To: Honorable Members of the City Council

From: Elyse Paré, City Assessor

Date: January 25, 2017

Subject: **Proposed Abatement of the 2015 Non-Utilization Tax for the property located at 56 SUMMIT STREET**

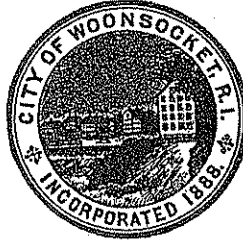
The property at 56 Summit Street was assessed a Non-Utilization Tax for tax year 2015. This Non-Utilization Tax was assessed to David Carter, as of the assessment date of December 31, 2014. The owner showed proof that the property has been occupied and services have been maintained. Based on the submitted documents and inspection by Arthur Bouchard, it does not appear to be "non-utilized."

As a result of the above, I am recommending the proposed abatement for your approval.

Sincerely,

Elyse Paré  
City Tax Assessor

# City of Woonsocket Rhode Island



February 6, 2017 A.D.

## Resolution

### AUTHORIZING THE CANCELLATION OF CERTAIN TAXES

WHEREAS, The City Assessor, recommends that the said taxes be cancelled and/or refunded in the amount as respectively and particularly set forth in said report.

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF WOONSOCKET AS FOLLOWS:

Section 1: That the said above described report be incorporated in and attached to this resolution and that the said report be made a part and parcel hereof.

Section 2: That the City Council hereby orders that said taxes be cancelled and/or refunded.

Section 3: That the City Clerk of the City Council shall, upon the passage of this resolution forthwith certify to the City Treasurer and Tax Collector, of this city, that the taxes specified and itemized in said report have been cancelled and abated in the amounts as respectively and particularly set forth in said report; and that the Finance Director of the city of Woonsocket is hereby authorized, on the passage of this resolution, to make refunds in the amount or amounts as respectively and particularly set forth in said report.

Section 4: This resolution shall take effect upon passage.

---

Daniel M. Gendron  
By request of The Administration



ASSESSOR'S

ABATEMENT CODES

<u>CODE</u>	<u>REASON</u>
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# Woonsocket, RI

FEBRUARY 6, 2017

Posting Date / /

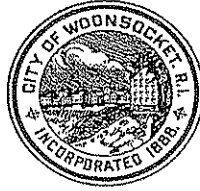
Transaction Date / /

Report Printed 02/01/2017 08:39:16 AM

Amendment Report Abatement  
 Status Pending  
 Page 1

Account Number	Description	Year	Vehicle ID	Description	Amount
M00-0209-73	2016 MV Tax Roll				
	THIFAULT LOREEN 266 WALNUT HILL RD WOONSOCKET RI 02895	1999	JEE GCH 312631	58 VEHICLE SOLD	\$50.12
M00-4079-34	2016 MV Tax Roll				
	SMITH ERNEST J 473 FRONT ST WOONSOCKET RI 02895	1998	JEE GCH 449918	62 DOUBLE TAXATION ON VEHICLE	\$82.21
M00-4142-83	2016 MV Tax Roll				
	BERKSHIRE JONATHAN D 54 2ND AVENUE WOONSOCKET, RI 02895	2012	TOY PRI 351680	57 LEGAL RESIDENCE OUT OF TOWN	\$674.25
T00-0188-63	2016 Tng Tax Roll				
	WELLS FARGO FINC LEASING INC 800 WALNUT ST MAC N0005-041 DES MOINES IA 50309	WELLS FARGO FINC LEASING INC		68 INCORRECT VALUE	\$535.67
Total					\$1,342.25

CITY OF WOONSOCKET  
RHODE ISLAND



RESOLUTION

February 1, 2017

**GRANTING PERMISSION TO USE CITY PROPERTY**

**WHEREAS,** Tara Cruz wishes to utilize certain property of the City, to wit, WWII Veteran's Memorial Park, on Saturday, July 1, 2017 & Sunday, July 2, 2017 from 11:00 A.M. to 7:00 P.M., with a rain date of Saturday, July 8, 2017 & Sunday July 9, 2017, for the purpose of holding the Blackstone Valley Crafts & Music Festival.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:**

**SECTION 1.** Ms. Tara Cruz is hereby permitted to utilize WWII Veteran's Memorial Park, on Saturday, July 1, 2017 & Sunday, July 2, 2017 from 11:00 A.M. to 7:00 P.M., with a rain date of Saturday, July 8, 2017 & Sunday July 9, 2017, for the purpose of holding the Blackstone Valley Crafts & Music Festival.

**SECTION 2.** This resolution shall take effect upon its passage by the City Council and is subject to any conditions that the Public Safety Department may impose and payment of all associated costs as determined by the Director of Public Works. Applicant will obtain a permit from the Recreation Director upon payment of fees.

---

Daniel M. Gendron

# CITY OF WOONSOCKET RENTAL OF CITY PARK FORM

## Available Parks and Ammenties Include:

Park List : River Island, River's Edge, Bernon Park, Globe, Cass, Dunn, Cold Spring, Dionne and Costa  
 Restrooms: River Island, River's Edge, Dionne & Bernon. Portables @ Dunn, Cass & Cold Spring during Spring & Summer  
 Concession Stand: River Island & River's Edge.  
 Power: River Island, River's Edge, Dunn Park, Costa, Cold Spring  
 Stages/Gazebo: River Island & Cold Spring

Park Choice: Veterans Memorial Park First choice River Island Park Secondary Choice

Date of event: July 1 and 2nd Sat & Sun Rain date: July 8 & 9

Hours of event: 11am-7pm 8am arrival time  
*(Actual advertised time of event)* *(Arrival to set up time)*

Description of event: Blackstone Valley Crafts & Music Festival local crafters, artists and vendors and

Expected attendance: # unknown

### Fee Schedule:

	<u>Mon - Sat</u>	<u>Sunday</u>		
Small Tent	\$175	\$225	_____	
Large Tent	\$1,100	\$1,500	_____	
Event Attendants	\$30/hr	\$38/hr	\$td	*
Picnic Tables	\$33 each	\$45 each	_____	
Folding Tables	\$10 each	\$13 each	_____	***
Chairs	\$1 each	\$1.33 each	_____	***
Concession Stand	\$50	\$75	\$125	
Power	\$25 per location	\$25 per location	\$50	
**Admin. Fees	\$35	\$35	\$35	NON-REFUNDABLE
		Total for Event		

Applicant/ Contact Person Name: Tara Cruz

Address: 487 Rathbun St 2nd Floor Woonsocket, RI

email: McLaw@choiceone.com

Phone #: \_\_\_\_\_ (401)585-9291  
 Home/Office \_\_\_\_\_ Cell \_\_\_\_\_

Applicant Signature: [Signature] Date: 1/26/17

Parks Director [Signature] Date: 1/26/17

Call for Availability 767-9287

\$35 check #0100  
payment type

\* Attendent(s) required for events with food of 50p or more for a minimum of 4 hrs towards end of event.  
 \*\*Administration fee due at time of application. Balance is due one week prior to event.  
 \*\*\*Events with table/chair rental, and/or access to facilities or power, require an attendant for the duration of the event, plus time for setup and break down

## **BLACKSTONE VALLEY CRAFT & MUSIC FESTIVAL**

Dates: Saturday, July 1 & Sunday July 2<sup>nd</sup>

Park Use: 1st Choice: WWII Veteran's Memorial Park

2nd Choice: RIVER ISLAND PARK

Hours: 11am-7pm

**January 10, 2017**

Dear City Council:

I am requesting the use of the WWII Veteran's Memorial Park (first choice) or (secondary choice) River Island Park for Saturday July 1, 2017 and Sunday July 2, 2017 (Rain Dates would be July 8 and July 9th) for the Blackstone Valley Craft & Music Festival .

I am the President and Founder of the Elite A.C.E. (Artists Crafters & Events) Group as well as the New England Artists & Crafters Group, and also a citizen of the City of Woonsocket. I currently serve on the Autumnfest Committee and the Holiday Stroll Committee.

I have successfully hosted many community events in our City and I am looking forward to continuing a new tradition for the Woonsocket Community by bringing art, crafts, culture, food and music. This is also an opportunity to showcase the handmade work and wares of independent makers, artists, crafters, designers and local entrepreneurs and small businesses. It will be bringing visitors to our community in a festive, entertaining, social gathering.

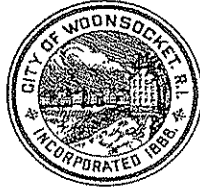
It will be a family-friendly environment with arts and crafts, activities for kids, face painting and entertainment for children.

Secondary request is for the City Council to allow a special peddlers permit for this event of \$25 for the two-days for commercial vendors, direct sales vendors, or other type of vendors that are not handmade, handcrafters or not a registered business in the city of Woonsocket.

Thank you sincerely,

Tara Cruz

CITY OF WOONSOCKET  
RHODE ISLAND



RESOLUTION

February 1, 2017

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Daniel M. Gendron

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payment type

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I am requesting the use of the WWII Veteran's Memorial Park (first choice) or (secondary choice) River Island Park for Saturday July 1, 2017 and Sunday July 2, 2017 (Rain Dates would be July 8 and July 9th) for the Blackstone Valley Craft & Music Festival .

I am the President and Founder of the Elite A.C.E. (Artists Crafters & Events) Group as well as the New England Artists & Crafters Group, and also a citizen of the City of Woonsocket. I currently serve on the Autumnfest Committee and the Holiday Stroll Committee.

I have successfully hosted many community events in our City and I am looking forward to continuing a new tradition for the Woonsocket Community by bringing art, crafts, culture, food and music. This is also an opportunity to showcase the handmade work and wares of independent makers, artists, crafters, designers and local entrepreneurs and small businesses. It will be bringing visitors to our community in a festive, entertaining, social gathering.

It will be a family-friendly environment with arts and crafts, activities for kids, face painting and entertainment for children.

Secondary request is for the City Council to allow a special peddlers permit for this event of \$25 for the two-days for commercial vendors, direct sales vendors, or other type of vendors that are not handmade, handcrafters or not a registered business in the city of Woonsocket.

Thank you sincerely,

Tara Cruz



CITY OF WOONSOCKET  
RHODE ISLAND



RESOLUTION

January 24, 2017

**ESTABLISHING THE CITY COUNCIL SCHEDULE  
FOR CALENDAR YEAR 2017**

**WHEREAS**, R.I.G.L. §42-46-6(a) requires all public bodies to give written notice of their regularly scheduled meetings at the beginning of each calendar year; and

**WHEREAS**, said notice shall include the dates, times and places of meetings.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:**

**SECTION 1.** The Woonsocket City Council hereby adopts the attached (Exhibit A) calendar of its regular meetings for calendar year 2017.

**SECTION 2.** This Resolution shall take effect immediately upon its passage by the City Council.

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Daniel M. Gendron  
City Council President

# CITY COUNCIL MEETINGS - 2017

JANUARY 3 17

JULY 3

FEBRUARY 6 20

AUGUST 7

MARCH 6 20

SEPTEMBER 5 18

APRIL 3 17

OCTOBER 2 16

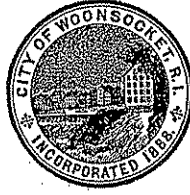
MAY 1 15

NOVEMBER 6 20

JUNE 5 19

DECEMBER 4 18

City of Woonsocket  
Rhode Island



February 6, A.D. 2017

Resolution

**ACCEPTING QUIT CLAIM DEED FOR PROPERTY LOCATED AT  
44-52 BLACKSTONE STREET, WOONSOCKET, RHODE ISLAND**

- WHEREAS,** the City Council had previously given authority to the Mayor and/or her designee to purchase the property located at 44-52 Blackstone Street, Woonsocket, Rhode Island, for the purpose of demolition in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00); and
- WHEREAS,** a title search was performed on the above-referenced property and was determined to have clear title free of any mortgages or liens; and
- WHEREAS,** the property was subsequently purchased by the City on January 17, 2017; and
- WHEREAS,** the quit claim deed was recorded in the Woonsocket City Clerk's Office on January 17, 2017 and is attached hereto as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:**

- SECTION 1.** The City Council accepts the quit claim deed for the property located at 44-52 Blackstone Street, Woonsocket, Rhode Island.
- SECTION 2.** This Resolution shall take effect immediately upon its passage by the City Council.

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Christopher Beauchamp  
City Council

EXHIBIT A

QUIT-CLAIM DEED

I, PATRICK O'HARA of Westminster, Massachusetts, for consideration paid in the amount of One Hundred Thousand (\$100,000.00) Dollars, hereby grant to the CITY OF WOONSOCKET, a municipal corporation,

*with QUIT-CLAIM COVENANTS:*

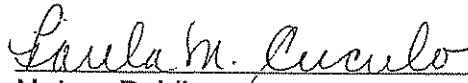
For a legal description of the property, see Exhibit A attached hereto and incorporated herein.

Witness my hand on this 17th day of January, 2017.

  
\_\_\_\_\_  
PATRICK O'HARA

STATE OF RHODE ISLAND  
County of PROVIDENCE

In Woonsocket, on this 17th day of January, 2017, before me personally appeared Patrick O'Hara, to me known and known by me to be the party executing the foregoing Quitclaim Deed, and he acknowledged said instrument by him executed to be his free act and deed.

  
\_\_\_\_\_  
Notary Public  
Printed Name:  
My commission expires:

Property address:  
44-52 Blackstone Street, Woonsocket, Rhode Island  
Grantee address:  
169 Main Street, Woonsocket, Rhode Island

TAX \$ 460.00  
DATE 1/17/17  
RECORDER P. B.  
CITY OF WOONSOCKET  
  
015173  
  
R.I. STATE DEPT. OF REVENUE  
REAL ESTATE CONVEYANCE TAX

EXHIBIT A

A certain real estate situated in Woonsocket, County of Providence, in the State of Rhode Island, and described as follows:

A certain lot of land with all the buildings and improvements thereon situated on the southerly side of Blackstone Street, in said Woonsocket, and is bounded and described as follows:

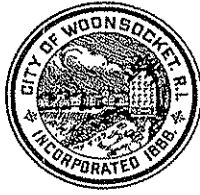
Beginning at a point in said southerly line of Blackstone Street which point is at the northwesterly corner of land of Edward F. Cunningham and the northeasterly corner of the lot hereby described; thence southerly along said line of Cunningham land, a distance of thirty and thirty-one one-hundredths (30.31) feet to the northerly line of Burt's Lane, so called; thence westerly along said line of Burt's Lane a distance of eighty-seven and eighty-three one-hundredths (87.83) feet to land now or lately of Alexander Gilbert; then northwesterly along said Gilbert land a distance of twenty-four and seven-tenths (24.7) feet to a stone bound; thence continuing northeasterly, a distance of thirty-three and forty-two one hundredths (33.42) feet along land of P. Galligan, et ux, and to said southerly line of Blackstone Street, which bound is seven (7) feet easterly along said line of Blackstone Street from a stone bound; thence easterly along said line of Blackstone Street a distance of hundred seven and fifteen one hundredths (107.15) feet to the place of beginning.

Excepting from the above-described premises a certain tract of land conveyed to one Beauparant by deed of Harry A. Noorigian, dated September, 1919, and recorded in the Woonsocket Land Evidence Records in Book 111 at Page 440.

Property Address:  
44-52 Blackstone Street  
Woonsocket, RI 02895  
AP 14A, Lot 276

RECEIVED IN WOONSOCKET R.I.  
DATE Jan 17, 2017 TIME 10:08:00A  
Christina Harmon-Duarte, CITY CLERK

CITY OF WOONSOCKET  
RHODE ISLAND



RESOLUTION

February 2, 2017

**RE-APPOINTING ALAN LECLAIRE AS A MEMBER OF  
THE ZONING BOARD OF REVIEW**

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:**

**SECTION 1.** That the City Council of the City of Woonsocket, by virtue of the power and authority contained in Chapter XI, Article 2, of the City of Woonsocket Home Rule Charter, hereby appoints:

ALAN LECLAIRE, 36 Trent Street

of the City of Woonsocket, as a member of the Zoning Board of Review of the City of Woonsocket for a term of five years ending April 30, 2022, or until his successor has been appointed and qualified.

**SECTION 2.** This resolution shall take effect immediately upon its passage by the City Council.

\_\_\_\_\_  
Daniel M. Gendron

\_\_\_\_\_  
Melissa A. Murray