

City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2017 MAR 24 P 4:17

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

MARCH 24, 2017
MEETINGS SCHEDULED FOR NEXT WEEK
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER

TUESDAY, MARCH 28, 2017
AGENDA

5:15 P.M. COMMITTEE ON REGULATIONS

5:45 P.M. CITY COUNCIL PUBLIC HEARINGS OR IMMEDIATELY FOLLOWING THE COMMITTEE ON REGULATIONS IF THAT MEETING RUNS PAST 5:45 P.M.

Joint Pole Location:

Petition of Massachusetts Electric Company and Verizon New England, Inc. for two jointly owned pole locations as follows: NGRID requests to install two jointly owned poles and one anchor for the purpose of providing electrical service on Aldea Street. The first pole will be approximately 67' +/- from pole 3 and be numbered 4. The second pole and anchor will be approximately 50' +/- from pole 4 and be numbered 5. Also extending secondary conductor from pole 3 to pole 5. In accordance with Plan No. 23688605 dated March 3, 2017.

6:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE PUBLIC HEARING IF IT RUNS PAST 6:00 P.M.

1. *Resolution – Discussion with Administration re: Tobey Disposal (adopted 3-21-17)
2. *Resolution - Administration provide update regarding street light pole/bulb replacement (adopted 3-21-17)
3. *Resolution - Administration provide update on abandoned properties with overgrown weeds/trash (adopted 3-21-17)

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

PRIORITY MATTERS

1. *Mayor and Year Three Annual Action Plan
2. *Mayor and order for the acquisition of 0 Jefferson Street (Lot D-20-16)
3. *Mayor and creation of Office of Economic Development
4. *Mayor and order for emergency CPA funding for an elevator at the Maritime Museum (formerly the Marine Museum) (tabled 3-21-17)

PRIORITY COMMUNICATIONS

5. Traffic Commission recommending amendments to the traffic ordinances

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

One Government Center • Fall River, MA 02722

TEL 508-324-2220 • FAX 508-324-2211 • EMAIL city_clerks@fallriverma.org

COMMITTEE REPORTS

Committee on Real Estate recommending:

Referral to the Committee on Ordinances and Legislation:

6. *Resolution – Ensure compliance regarding demolition of buildings on historical register

Committee on Finance recommending:

Action:

7. *Order – \$99,630 from CPA funds for Oak Grove Cemetery iron and stone work

ORDINANCES – None

RESOLUTIONS

8. *Administration consider use of SeeClickFix and Committee on Finance convene to discuss this database
9. *Corporation Counsel investigate whether City can be reimbursed for real estate consultant Services
10. *Requirement of Mayor to notify City Council President of his absence

CITATIONS

11. David Machado – Lifelong dedication to public service
12. Dorothy Nicolau – Celebration of 80th birthday

ORDERS – HEARINGS

Joint pole location:

13. Massachusetts Electric Company and Verizon New England, Inc. – Aldea Street – two poles

ORDERS – MISCELLANEOUS

14. *Home Rule Petition – An Act Relative to the Disposal of Municipally Owned Property
15. *Committee on Finance and Regular Meetings of the City Council be changed from May 9 and 23, 2017 to May 16 and 30, 2017

16. Police Chief's report on licenses

Taxicab Drivers:

Dereon Broderick
Vincent Pitts

Alfred W. Cuttle Jr.

Adalberto Martinez

Second Hand Licenses:

Game Stop, Inc. d/b/a Game Stop 6735
Michael W. West d/b/a A1 Antiques and Used Furniture
Joseph Neronha d/b/a South Baptist Church Thrift Store

Pool/Billiards

Robert and John Albin d/b/a Straight Shooters

Auto Repair Shop license renewal:

17. Brian D. Vieira, Aime's Auto Repair, Inc. at 88 Earle Street

COMMUNICATIONS – INVITATIONS – PETITIONS

- 18. *Claims
- 19. Drainlayer license – Foley Excavation, Inc.
- 20. *Communication from Attorney General regarding OML complaint of February 7, 2017 regarding alleged violation occurring on December 27, 2016

City Council Committee/Meeting Minutes:

- 21. *Regular Meeting of the City Council – January 24, 2017
- 22. *Committee on Public Safety – March 2, 2017
- 23. *Committee on Ordinances and Legislation – March 21, 2017

BULLETINS – NEWSLETTERS – NOTICES

- 24. Notice of Casualty and Loss at 453 Montgomery Street
- 25. Notice of Casualty and Loss at 297 Woodlawn Street


City Clerk

ITEMS FILED AFTER THE AGENDA WAS PREPARED:

CITY COUNCIL MEETING DATE: MARCH 28, 2017

RESOLUTIONS

- 10a. *Committee on Health and Environmental Affairs meet at Bristol Community College on Earth Day, April 19, 2017

(Councilor Linda M. Pereira)

WHEREAS, Tobey Disposal has a presence at the Lewiston Street Garage, and

WHEREAS, EZ Disposal has been hired to dispose of solid waste and recycling in the City of Fall River, and

WHEREAS, residents have been inquiring why Tobey Disposal has been at the Lewiston Street Garage, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the Administration to discuss when Tobey Disposal was hired and for what reason.

In City Council, March 21, 2017
Adopted.

A true copy. Attest:

Alison M. Bouchard

City Clerk

(Councilor Linda M. Pereira)

WHEREAS, there are many residents complaining about street lights that have been knocked down and have not been replaced for months, and

WHEREAS, there are also many street lights have burnt out and are pending bulb replacement, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the Administration to provide an update regarding street light pole and bulb replacement.

In City Council, March 21, 2017
Adopted.

A true copy. Attest:

Alison M. Bouchard

City Clerk

(Councilor Linda M. Pereira)

WHEREAS, there are many abandoned properties in the City of Fall River that are overgrown with weeds and littered with trash, and

WHEREAS, these properties need to be cleaned, now therefore

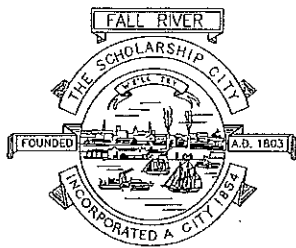
BE IT RESOLVED, that the Committee on Finance convene with the Administration to provide an update on how the City is addressing these abandoned properties.

In City Council, March 21, 2017
Adopted.

A true copy. Attest:

Alison M. Bouchard

City Clerk



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

RECEIVED

2017 MAR 16 P 3:24

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

March 16, 2017

Council President Shawn Cadime & City Councilors
One Government Center
Fall River, MA 02722

Dear President Cadime & City Councilors:

I am pleased to forward to you the City of Fall River Year Three Annual Action Plan which I propose to file with the U.S. Department of Housing and Urban Development (HUD) for continued funding of the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and Home Investment Partnerships (Home) Programs. The Action Plan details activities to be undertaken during the July 1, 2017- June 30, 2018 program year.

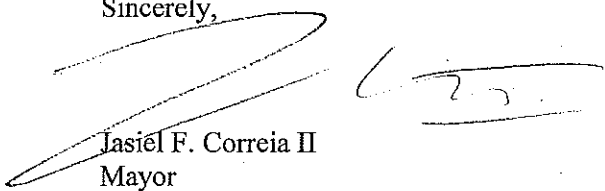
Under a separate cover on March 29, 2017, I shall submit a proposed resolution for your consideration at your April 11th meeting. The resolution would authorize submission of the City of Fall River Year Three Annual Action Plan with the U.S. Department of Housing and Urban Development (HUD). The Year Three Annual Action Plan is being submitted to you now in order to provide adequate review time prior to City Council consideration of the resolution at the April 11th meeting.

The proposed program of activities, which was advertised February 24th for public comment, was developed on the basis of testimony and proposals received at public hearings held January 4th and March 8th.

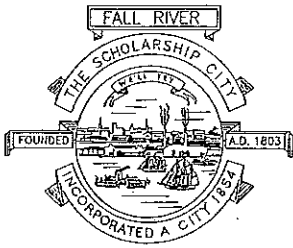
The timetable provides for submission of the Year Three Annual Action Plan no later than May 3, 2017.

Should you or any other Councilor have questions or comments prior to April 11th, I urge you to immediately contact Michael P. Dion, Executive Director/ CFO of the Community Development Agency. Mr. Dion will also be present at the City Council meeting to respond to any questions.

Sincerely,


Jasiel F. Correia II
Mayor

Enclosure



City of Fall River
Massachusetts
Office of the Mayor

2

RECEIVED

2017 MAR 20 P 4:33

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

March 17, 2017

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

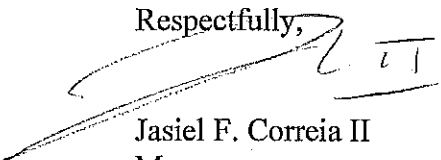
Dear Honorable Councilors:

Your approval of the attached order for the acquisition of Lot D-20-16 for \$412,000 is respectfully requested. Funding has been previously approved via loan order.

The appraisal report and purchase and sale agreement are attached. Mr. Sullivan is available if you have any questions.

Your approval is respectfully requested.

Respectfully,


Jasiel F. Correia II
Mayor

ORDERED, that the Mayor is hereby authorized to enter into the attached Purchase and Sales Agreement if determined acceptable by the Corporation Counsel for the acquisition of a certain parcel of land located on 0 Jefferson Street, Fall River, Massachusetts, Lot D-20-16 for \$412,000.00. The acquisition of said lot has been approved by the Water Board and ownership of said lot will provide a location for a future Water Treatment Facility.

BOGLE, DEASCENTIS & COUGHLIN, P.C.
COUNSELLORS AT LAW

FALL RIVER OFFICE

Arthur M. DeAscentis
Email: amd@b-dlaw.com

John J. Coughlin
Email: jcoughlin@b-dlaw.com

57 North Main Street
Fall River, MA 02720
Telephone (508) 677-2800
Fax (508) 677-9300

Peter C. Bogle, *Retired*

QUINCY OFFICE

Kerry T. Ryan of Counsel
Email: ktr@b-dlaw.com

25 Foster Street
First Floor
Quincy, MA 02169
Telephone (617) 845-5473
Fax (617) 481-4277

March 7, 2017

VIA EMAIL

Joseph I. Macy, Esquire
Corporation Counsel
City of Fall River
One Government Center
Fall River, MA 02722

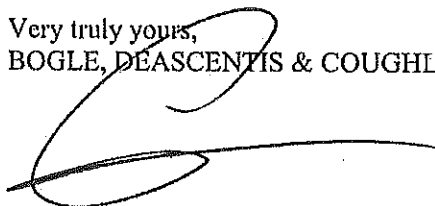
Re: John E. Boyd Child Care and Development Center Property
Sale of 994 Jefferson Street

Dear Judge Macy:

Attached is a P&S Agreement with the changes we discussed. Additionally, I've added a specific deed reference based on the title information I looked at for the purposes of putting together a draft deed, which I'll send along shortly.

Thank you.

Very truly yours,
BOGLE, DEASCENTIS & COUGHLIN, P.C.



Arthur M. DeAscentis, Esquire

AMD/bko
Enclosure

cc: Kathleen Harrington, RSM

PURCHASE AND SALE AGREEMENT

Effective this ____ day of March, 2017

1. PARTIES AND MAILING ADDRESS

THE CENTER FOR CHILD CARE AND DEVELOPMENT, INC., a Massachusetts non-profit Corporation with its principal place of business at 63 Carl Street, Fall River, MA 02721, hereinafter called the SELLER, agrees to SELL and

THE CITY OF FALL RIVER, a municipal corporation, with its principal place of business at One Government Center, Fall River, MA 02722, hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described Premises:

2. DESCRIPTION

That tract of land on Jefferson Street, Fall River, MA and generally identified as D-20-16 on the Assessor's Maps of the City of Fall River, Bristol County, Massachusetts, more particularly described as shown on plan entitled "Child Care Center Plan of Land in Fall River, Massachusetts, prepared for Quaker Fabric Corporation of Fall River", prepared by Prime Engineering, Inc., dated July 28, 1999, revised August 2, 1999, and recorded in the Bristol County Fall River District Registry of Deeds in Plan Book 117, Page 23 ("Plan"), being shown thereon as "Remaining Land of the Center for Child Care and Development, Inc." (sometimes hereinafter referenced as the "Property" or "Premises"). The Premises according to said Plan contain approximately 3.6 acres of land, and a copy of said Plan is attached as Exhibit A.

However otherwise bounded and described, being the same premises conveyed to Grantor by deed of Boyd Children, Inc., dated September 25, 1990, recorded with said Registry at Book 2266, Page 128, and excluding therefrom the parcels conveyed by deed of Grantor to Quaker Fabric Corporation dated August 16, 1999, recorded with said Registry at Book 3677, Page 92.

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

Included in the sale as a part of said Premises are the buildings, structures and improvements now thereon, and the fixtures belonging to the SELLER and used in connection therewith, excepting: walk-in cooler and stove and oven.

4. TITLE; DEED

Said Premises are to be conveyed by a good and sufficient quitclaim deed, running to the BUYER, and said deed shall convey a good and clear record and marketable title thereto, free

from encumbrances, except

- a. Provisions of existing building and zoning laws;
- b. Existing rights and obligations in party walls which are not the subject of written agreement;
- c. Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;
- d. Any liens for municipal betterments assessed after the date of this Agreement; and
- e. Easements, restrictions and reservations, if any, so long as the same do not prohibit or materially interfere with the present use of the Premises.

5. PLANS/WAIVERS

If said deed refers to a plan necessary to be recorded therewith, the SELLER shall deliver such plan with the deed in form adequate for recording or registration, and SELLER shall cause same to be recorded at its expense.

6. REGISTERED TITLE

In addition to the foregoing, if the title to said Premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title of said Premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable the BUYER to obtain such Certificate of Title.

7. PURCHASE PRICE

The agreed purchase price for said Premises is FOUR HUNDRED TWELVE THOUSAND AND NO ONE-HUNDREDTHS (\$412,000.00) DOLLARS, of which

| | |
|---------------|---|
| \$ 1.00 | has been paid as a Deposit this day; |
| \$ 411,999.00 | shall be paid at the time of the delivery of the deed in cash or by certified, cashier's or bank check, or by wire transfer, in all instances in immediately available funds, |
| \$ 412,000.00 | TOTAL |

8. TIME FOR PERFORMANCE; DELIVERY OF DEED

Such deed is to be delivered on Thursday, March 31, 2017 at 2:00 P.M. at the Bristol County Fall River District Registry of Deeds, unless otherwise agreed upon in writing (sometimes herein the "Closing"). It is agreed that time is of the essence to all provisions of this Agreement.

9. POSSESSION AND CONDITION OF PREMISES; AS IS

Except as provided at Section 9A hereinbelow, possession of said Premises free of all tenants

and occupants is to be delivered at the time of the delivery of the deed, said Premises to be then in the same condition as they now are, reasonable use and wear thereof excepted. Buyer shall be entitled to inspect the Premises prior to delivery of the Deed in order to determine that the condition thereof complies with the terms of this clause.

9A. SELLER HOLDOVER

The parties agree that Seller may hold over and retain use and occupancy of the Premises for up to ninety (90) days after the Closing Date, without payment therefor. If Seller does remain at the Premises post-closing, the Seller shall prevent the placement or attachment of any mechanic's, materialman's, laborer's, or other lien on the Premises arising out of or resulting from the Seller's continued occupation thereof. During Seller's occupation of the Premises, it shall not materially alter the Premises, beyond ordinary "wear and tear," other than removal of personalty and/or fixtures and equipment.

Post-closing and for so long as Seller continues to occupy the Premises, it shall maintain or shall cause its agents to maintain in full force and effect, at Seller's own cost and expense, a broad form policy or policies of comprehensive general liability and property damage insurance. Certificates of Insurance evidencing the required coverages and limits shall be furnished to Buyer on the closing Date. All insurance policies shall be written by companies authorized to do business in the Commonwealth of Massachusetts,

10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM

If SELLER shall be unable to give title or to make conveyance, or to deliver possession of said Premises, all as herein stipulated, or if at the Closing said Premises do not conform with the provisions hereof, then SELLER may, in its sole and absolute discretion, elect (or not elect) to use reasonable efforts to remove any defects in title (further subject to the provisions of Paragraph 4 hereinabove), or to deliver possession as provided herein, or to make said Premises conform to the provisions hereof, as the case may be (hereinafter sometimes "Reasonable Efforts"), in which event the Closing shall be extended for a period of up to thirty (30) days.

11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, etc.

If SELLER does not elect to use Reasonable Efforts, or if at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the Premises conform, as the case may be, all as herein agreed, then any payments made under this Agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this Agreement shall be void without recourse to the parties hereto.

12. BUYER'S ELECTION TO ACCEPT TITLE

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said Premises in their then condition and to

pay therefore the purchase price without deduction, in which case the SELLER shall convey such title, except that in the event of such conveyance in accord with the provisions of this clause.

13. ACCEPTANCE OF DEED

The acceptance of a deed by the BUYER, or its nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed.

14. USE OF MONEY TO CLEAR TITLE

SELLER may, if SELLER so desires, at the Closing, use all or part of the purchase price to clear the title of any encumbrances or interests provided that all instruments necessary for this purpose are recorded by and at the expense of SELLER simultaneously with the deed or at such later time as shall be reasonably acceptable to BUYER and provided further, with respect to discharges of mortgages from insurance companies, banks and credit unions, such discharges may be recorded within a reasonable time after the recording of the deed.

15. INSURANCE

Until the delivery of the deed, the BUYER shall maintain insurance on said Premises as follows:

| <u>Type of Insurance</u> | <u>Amount of Coverage</u> |
|--------------------------------|---------------------------|
| (a) Fire and Extended Coverage | as presently insured |

16. ADJUSTMENTS

Any outstanding Taxes shall be assumed, as of the day of performance of this Agreement, and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of delivery of the deed. The parties acknowledge that the SELLER is a non-profit corporation and is presently not assessed real estate taxes against the Premises.

17. ADJUSTMENT OF UNASSESSED AND ABATED TAXES

Not Applicable.

18. NO BROKER

Each party warrants to the other that they have retained no broker in connection with this transaction and each party hereby agrees to indemnify and save harmless the other party from and against all claims for commission, brokers' fees or finders' fees made by any person actually

retained by such party or with whom such party has dealt in connection with said Premises or this transaction. The provisions of this paragraph shall survive delivery of the deed.

19. DEPOSIT; ESCROW

All deposits made hereunder shall be held in escrow by SELLER as escrow agent in a non-interest bearing account, subject to the terms of this Agreement and shall be duly accounted for at the time for performance of this Agreement.

20. BUYER'S DEFAULT; DAMAGES

If the BUYER shall fail to fulfill the BUYER'S agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages.

21. NO WARRANTIES OR REPRESENTATIONS

All offers and agreements made prior to this Agreement are hereby discharged and all further obligations of the parties are contained only in this Agreement.

The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction, nor has he relied upon any warranties or representations not set forth or incorporated in this Agreement.

22. FINANCING CONTINGENCY CLAUSE

BUYER has secured funds sufficient to purchase the Premises as provided in this Agreement, in the form of City Council Appropriation and the sale is subject thereto.

23. BUYER'S APPROVALS CONTINGENCY CLAUSE

BUYER is a municipal corporation. Accordingly, BUYER's performance hereunder is subject to applicable municipal approvals and authorizations. The BUYER shall be deemed to have received all requisite approvals and authorizations with respect to its performance under the terms of this Agreement if the SELLER has not received notice in writing by the close of business on March 1, 2017, that the BUYER desires to terminate this Agreement because of the failure to secure said requisite approvals. In the absence of such written notice, the contingency provided for herein no longer shall be applicable, and the Agreement shall otherwise be in full force and effect.

24. SMOKE DETECTORS AND CARBON MONOXIDE DETECTORS

Buyer acknowledges that the Premises are not occupied and are used for storage purposes. Accordingly, smoke detector and carbon monoxide detectors certificates are not required.

25. LEAD PAINT LAW

The parties acknowledge that, under Massachusetts law, whenever a child or children under six (6) years of age resides in any residential Premises in which any paint, plaster or other accessible material contains dangerous levels of lead, the owner of said Premises must remove or cover said paint, plaster or other material so as to make it inaccessible to children under six (6) years of age.

26. BUYERS INSPECTION CONTINGENCIES

26A. INSPECTIONS

The BUYER at its sole cost, risk and expense shall have the right to have the Premises inspected by an inspection firm or firms of BUYER's choosing to ascertain that the Premises meet with the reasonable satisfaction of BUYER. Buyer may at Buyer's sole cost and expense perform non-invasive testing on or in association with any said inspections. The BUYER shall be deemed to have satisfied itself with respect to all such notices and shall have waived its rights under this paragraph if the SELLER has not received notice in writing by the close of business on March 1, 2017 that the BUYER desires to terminate this Agreement because of an unsatisfactory inspection report or reports or survey, supplying SELLER with a copy of all such reports. In the absence of such written notice, the contingency provided for herein no longer shall be applicable, and the Agreement shall be in full force and effect and BUYER shall be deemed to acquire the Premises at Closing in its "as-in" condition.

26B. ACCESS

BUYER, its agents and representatives, shall be entitled to enter upon the Premises at reasonable times, upon reasonable prior approval from SELLER and who shall make appropriate arrangements with tenants, and furnishing evidence of reasonable insurance coverage, to perform inspections and non-invasive tests of the Premises, all at BUYER'S sole risk and expense. Any and all access and investigations by BUYER shall be made in the least intrusive manner as practicable. BUYER shall have sole and exclusive responsibility for the supervision and oversight of his employees, agents, and contractors and for the performance of any inspection or other work permitted under the terms hereof (the "Work"), BUYER shall prevent the placement or attachment of any mechanic's, materialman's, laborer's or other lien on the Premises arising out of or resulting from the Work and shall indemnify and hold harmless the SELLER from and against any damages, losses, costs or liabilities connected therewith, and shall immediately discharge or bond any such lien that may be so placed or attached against the Premises. BUYER shall repair any damage to the Premises caused by any tests or investigations conducted by BUYER (including the proper disposal of any soil removed by BUYER from the Premises for testing). BUYER hereby agrees to indemnify and save harmless the SELLER from and against all claims of whatever nature arising from any act, omission, or negligence of the BUYER or the BUYER'S contractors, licensees, agents, servants or employees or arising from any accident, damage or injury whatsoever caused to any person or to the Premises of any person, or arising from any accident, where such accident, damage, injury results or is claimed to have resulted

from an act or omission on the part of BUYER or BUYER'S contractors, licensees, agents, servants or employees. The foregoing indemnification shall include indemnity against all costs, expenses and liabilities incurred in or in connection with any such claim or proceeding brought thereon, and the defense thereof, and shall survive the delivery of the deed hereunder or the termination of this Agreement.

26C. "AS IS" SALE TO BUYER

BUYER acknowledges at the Closing the condition (including, without limitation, the environmental conditions) of the Premises and agrees that the Property shall be sold by SELLER and acquired by BUYER at the Closing, and upon expiration of the express contingencies of BUYER under the remaining provisions of this Agreement, strictly on "As Is" "Where Is", basis with respect to its physical condition and "With All Faults" existing as of the Closing without warranty or representation of any kind, express or implied. This Paragraph 25C shall survive the Closing.

27. SEPTIC SYSTEM

As of the date herein the septic system servicing the Premises has not been inspected and BUYER does not presently intend to use said septic system. BUYER agrees to acquire the Premises in their "as is" condition, including, without limitation, the septic system in its current condition and BUYER shall promptly after the Closing take such action as desirable or necessary to inspect and/or bring said septic system in compliance with 310 Code of Mass. Regulations §150.000 et seq., and any and all local and other laws and regulations, at BUYER'S sole cost and expense ("BUYER'S Septic System Compliance"). The provisions hereof shall survive the Closing, and BUYER shall indemnify and hold harmless SELLER, its agents, representatives and related parties from any and all claims, costs and expenses related to said septic system.

28. CONSTRUCTION OF AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be cancelled, modified or amended only by a written instrument executed by both the SELLER and the BUYER. If two or more persons named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this Agreement or to be used in determining the intent of the parties to it.

29. DISPUTE

Any dispute as to any title issue or conveyancing practice remaining unresolved at the scheduled time for performance under this Agreement shall be resolved in accordance with applicable Title Standards or Practice Standards of the Massachusetts Real Estate Bar Association, to the extent

possible, so long as not inconsistent with the other terms of this Agreement.

30. NOTICES

All notices required or permitted to be given hereunder shall be in writing and delivered in hand, or sent by Federal Express or other recognized overnight delivery service, or mailed postage prepaid, by registered or certified mail, addressed to BUYER or SELLER at the appropriate address as specified in Paragraph 1, or to such other address as shall be designated by written notice given to the other party. Any such notice shall be deemed given when so delivered in hand or, if sent by Federal Express or other recognized overnight delivery service, on the next business day after deposit with said delivery service, or, if so mailed, three (3) business days after deposit with the U.S. Postal Service.

31. NON-FOREIGN

SELLER hereby warrants and represents that (i) SELLER is not a "foreign person" as defined by the Internal Revenue Code ("IRC"), Section 1445, and (ii) SELLER shall execute and deliver to BUYER at closing an affidavit or certificate in compliance with IRC Section 1445 (b)(2) and the applicable regulations thereunder. SELLER acknowledges that if SELLER fails to deliver a completed non-foreign certificate, then BUYER shall be authorized to withhold from the closing proceeds an amount equal to ten percent (10%) of the gross amount to the Internal Revenue Service, as required by the Act. SELLER does hereby forever release and discharge BUYER from all liability resulting from, or arising out of, BUYER'S good faith compliance with the requirements of the Act.

SEE SIGNATURES ON FOLLOWING PAGE

EXECUTED as an instrument under seal as of the date hereinabove first mentioned.

SELLER:

THE CENTER FOR CHILD CARE
AND DEVELOPMENT, INC.

BUYER:

CITY OF FALL RIVER

BY: _____
Arthur Flores,
Its Duly Authorized President

BY: _____
Jasiel F. Correia II, Mayor

By: _____
Kathleen Harrington,
Its Duly Authorized Treasurer

APPROVED:

Department of Community Utilities,
City of Fall River

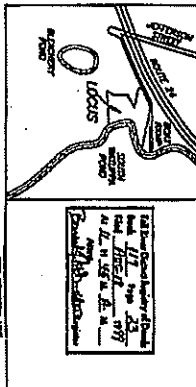
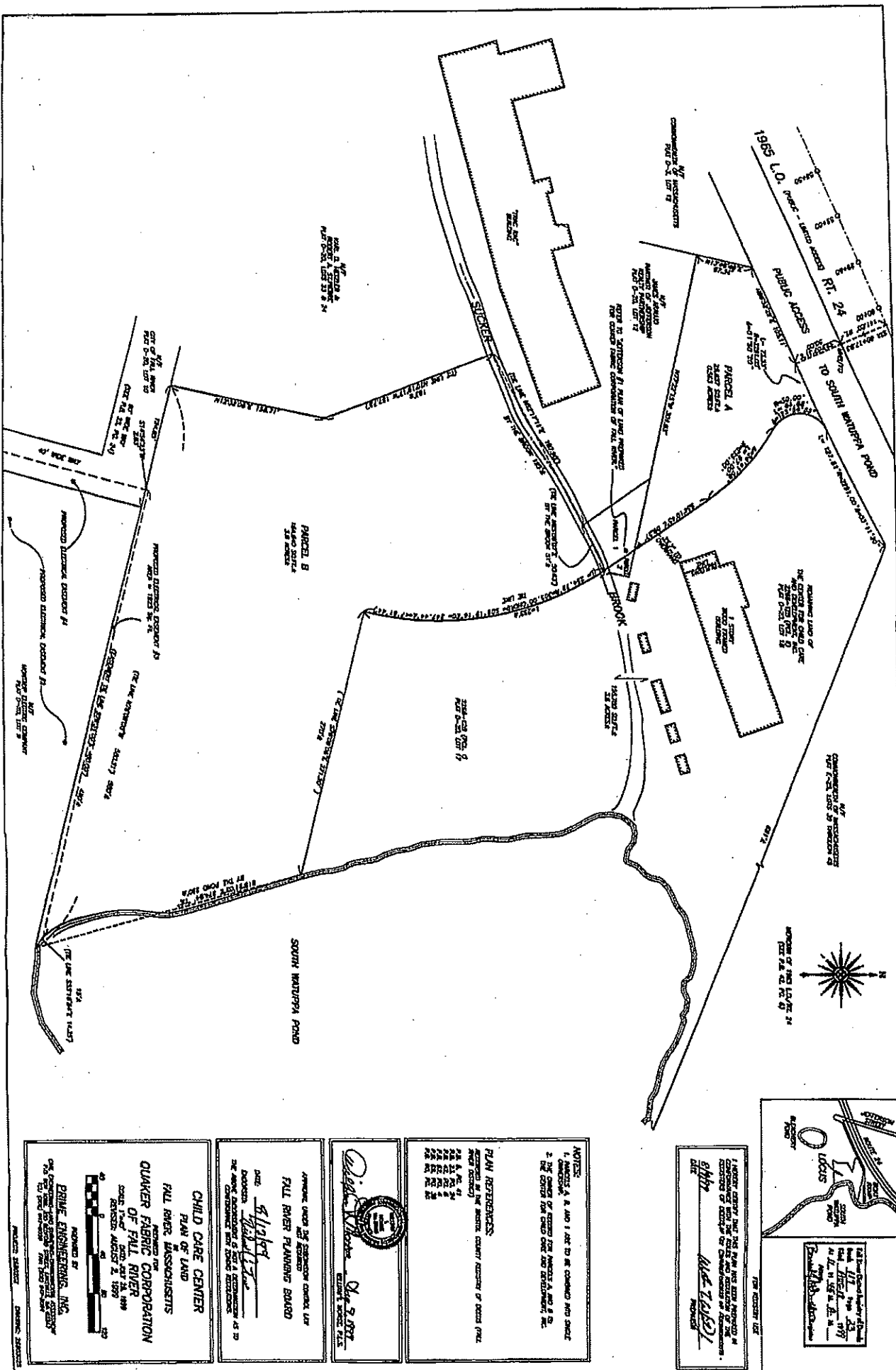
By: _____
Terrance Sullivan, Administrator

CITY OF FALL RIVER:

Approved as to Form and Manner of Execution Only,

BY: _____
Joseph I. Macy, Corporation Counsel
City of Fall River

EXHIBIT A



PREPARED BY
 PRIME ENGINEERING, INC.
 100 SOUTH STREET
 FALL RIVER, MASSACHUSETTS 01923
 DATE: 10/1/77
 SCALE: 1/4" = 100'

NOTES:
 1. BUILDING A, B AND 1 ARE TO BE CONSIDERED AND SHOWN
 2. THE CENTER FOR CHILD CARE AND DEVELOPMENT, INC.
 3. THE CENTER FOR CHILD CARE AND DEVELOPMENT, INC.
 4. THE CENTER FOR CHILD CARE AND DEVELOPMENT, INC.
 5. THE CENTER FOR CHILD CARE AND DEVELOPMENT, INC.
 6. THE CENTER FOR CHILD CARE AND DEVELOPMENT, INC.
 7. THE CENTER FOR CHILD CARE AND DEVELOPMENT, INC.
 8. THE CENTER FOR CHILD CARE AND DEVELOPMENT, INC.
 9. THE CENTER FOR CHILD CARE AND DEVELOPMENT, INC.
 10. THE CENTER FOR CHILD CARE AND DEVELOPMENT, INC.

PLAN REFERENCES:
 REFERENCED IN THE ARCHITECTURAL RECORD OF DESIGN (P.L.
 AND RECORD)
 1. FALL RIVER PLANNING BOARD
 2. FALL RIVER PLANNING BOARD
 3. FALL RIVER PLANNING BOARD
 4. FALL RIVER PLANNING BOARD
 5. FALL RIVER PLANNING BOARD
 6. FALL RIVER PLANNING BOARD
 7. FALL RIVER PLANNING BOARD
 8. FALL RIVER PLANNING BOARD
 9. FALL RIVER PLANNING BOARD
 10. FALL RIVER PLANNING BOARD

APPROVED BY THE BOARD OF DIRECTORS
 FALL RIVER PLANNING BOARD
 DATE: 10/1/77
 BY: [Signature]
 THE BOARD OF DIRECTORS OF THE FALL RIVER PLANNING BOARD
 100 SOUTH STREET
 FALL RIVER, MASSACHUSETTS 01923

CHILD CARE CENTER
 FALL RIVER PLANNING BOARD
 QUAKER FABRIC CORPORATION
 FALL RIVER, MASSACHUSETTS
 SCALE: 1/4" = 100'
 PREPARED BY:
 PRIME ENGINEERING, INC.
 100 SOUTH STREET
 FALL RIVER, MASSACHUSETTS 01923
 DATE: 10/1/77
 SCALE: 1/4" = 100'

ROBERT P. WOOD & CO., INC.

Real Estate Appraisers

769 Plain Street #O
Marshfield, MA 02050

www.rpwood.com

Tel. 781-834-4464
FAX 781-834-3733

APPRAISAL REPORT



**JEFFERSON STREET EXT.
FALL RIVER, MASSACHUSETTS**

DATE OF VALUE: DECEMBER 5, 2016
DATE OF REPORT: DECEMBER 9, 2016

PREPARED FOR:

TERRANCE J. SULLIVAN
CITY OF FALL RIVER
1 GOVERNMENT CENTER
FALL RIVER, MA 02722

PREPARED BY:

CHARLES M. BARBARESI
ROBERT P. WOOD
ROBERT P. WOOD & CO., INC.
769 PLAIN STREET – SUITE O

MARSHFIELD, MA 02050

ROBERT P. WOOD & CO., INC.

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**Tel. 781-834-4464
FAX 781-834-3733**

December 9, 2016

Terrance J. Sullivan
City of Fall River
1 Government Center
Fall River, MA 02722

RE: Jefferson Street Ext. (Boyd Center), Fall River, MA

Dear Mr. Sullivan:

As per your request, I have conducted the required investigation, gathered the necessary data, and made certain analyses that have enabled me to form an opinion of the "as is" market value of the Fee Simple interest in the above captioned property, a **3.37 acre parcel** of land that is improved with a **7,840 square foot single story building** that, up until 2010, was utilized as a Child Care and Development Center but is now vacant and used for storage.

Based on an inspection of the property, the information provided, and the investigation and analysis undertaken, it is my opinion that its "**as is**" Fee Simple market value, as of **December 5, 2016**, and subject to the certification and limiting conditions herein, is...

\$ 400,000

The Appraisal Report that follows describes the property and its surrounding area, discusses market information and how it relates to the subject, and describes the approaches to value used and the reasoning leading to the conclusions set forth. Should you have any questions, please call.

Sincerely,



Charles M. Barbaresi
Certified General R.E. Appraiser
MA License # 212



Robert P. Wood
Certified General R.E. Appraiser
MA License # 874

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EXECUTIVE SUMMARY**LOCATION**

Jefferson Street Extension, Fall River,
Bristol County, Massachusetts

OWNER OF RECORD

Center for Child Care Development

TITLE REFERENCE

Bristol County Registry of Deeds
Book 3677, Pages 92-95

PREPARED FOR

Terrance J. Sullivan
City of Fall River
1 Government Center
Fall River, MA 02722

**PROPERTY RIGHTS
APPRAISED**

Fee Simple

DATE OF APPRAISAL

December 5, 2016

DATE OF REPORT

December 9, 2016

ZONING

Industrial

FLOOD ZONE

Flood Zone X

ASSESSMENT DATA

| | |
|----------------------|--------------------------|
| Total Assessment: | \$ 650,900 |
| Total Tax Liability: | NA - Charitable Org. |
| 2014 Tax Rate: | \$ 30.64/\$1,000 (Comm.) |
| | \$ 14/\$1,000 (Res.) |

SITE DATA

The subject site is comprised of a 3.37 acre parcel of land that is mostly level, irregular in shape, and has approximately 127.51 feet of frontage on Jefferson Street. It also has a significant amount of frontage on South Watuppa Pond, while Sucker Brook traverses through the middle of the site. According to FEMA Flood Zone Maps, the property appears to be in a Flood Zone X, an area of minimal flood hazard. **The site has its own private well and septic system and it is assumed that the septic system adheres to all applicable state and local requirements.**

IMPROVEMENT DATA

The site is improved with a 7,840 square foot single story concrete block and wood frame building that, up until 2010, was utilized as a Child Care and Development Center, but is now vacant and mainly used

for storage. The building appears to be in fair to average condition, having been built in 1965 as a function hall, and now requires some exterior repairs (roof leaks and rotting fascia boards), while the interior appears to be in better condition but , wherein, there are noticeable areas of water damage. Of note is that since the building has been used for mainly storage for the past four years, the exterior grounds have been left untouched and are fully overgrown. The building encompasses just over 5% of the site area and likely represents and underutilization of the site. There is also a double billboard on site

HIGHEST AND BEST USE

Possible Day Care, educational or religious use, Function Hall, Fraternal Organization, Office and/or Light Industrial.

VALUE INDICATIONS

| TECHNIQUE | As Is |
|-------------------------------|-------------------|
| Cost Approach | NA |
| Income Approach | \$ 375,000 |
| Income Approach | \$ 415,000 |
| Sales Comparison Approach | \$ 400,000 |
| Final Opinion of Value | \$ 400,000 |

REPORTING OPTION

This Appraisal Report is intended to comply with the reporting requirements set forth under Standard Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report. As such, it presents appropriate discussions of the data, reasoning, and analysis that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraisal file. The depth of the discussion contained in this report is specific to the needs of the client and for the intended use stated herein. The appraiser is not responsible for unauthorized use of this report.


CERTIFICATION


The undersigned appraiser(s) hereby certifies and agrees that, except as otherwise noted in this appraisal report:

- 1) The Appraiser has no present or contemplated future interest in the property appraised. The compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- 2) This appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
- 3) To the best of the Appraiser's knowledge and belief, all statements and information in this report are true and correct, and the Appraiser has not knowingly withheld any significant information. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are the Appraiser's personal, unbiased professional analyses, opinions and conclusions.
- 4) The Appraiser has no personal interest in or bias with respect to the subject matter of the appraisal report or the participants to the sale. The "Estimate of Market Value" in the appraisal report is not based in whole or in part upon the race, color or national origin of the prospective owners or occupants of the property appraised, or upon the race, color or national origin of the properties in the vicinity of the property appraised.
- 5) All conclusions and opinions concerning the real estate that are set forth in the appraisal report were prepared by the Appraiser whose signature appears on the appraisal report, unless indicated as "Review Appraiser". No change of any item in the appraisal report shall be made by anyone other than the Appraiser, and the Appraiser shall have no responsibility for any such unauthorized change.
- 6) The analyses, opinions and conclusions were developed and this report was prepared, in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) adopted by the Appraisal Standards Board of the Appraisal foundation.
- 7) In accordance with the Competency Provision of the Uniform Standards of Professional Appraisal Practice, the undersigned certifies that he has both knowledge and experience to complete the assignment competently.
- 8) I certify that I am appropriately licensed to appraise the subject property in the state in which it is located.
- 9) I certify that the photos seen in this report have not been re-touched or enhanced in any way.
- 10) Charles M. Barbaresi has personally inspected the subject property.

- 11) It is my opinion that the subject property being appraised has an “**As Is**” Fee Simple market value of **\$400,000** as of **December 5, 2016**.
- 12) No one provided significant real property appraisal or appraisal consulting assistance to the person(s) signing this certification.
- 13) I certify that at the time of the bid request, the client was made aware of the fact that I performed an appraisal on this property back in August 2014.
- 14) The American with Disabilities Act (ADA) became effective in January 2002. The appraisers are not qualified to make a specific compliance survey and analysis of the property to determine whether or not it is in conformity with the various detailed requirements of the ADA. If, upon completion of such a survey, the property is deemed not in compliance with one or more requirements of the Act, this could have a negative impact on value. Since there is no direct evidence relating to this issue, the appraisers did not consider possible non-compliance with the ADA in estimating the value of the property.

Respectfully submitted,


Charles M. Barbaresi
Cert. Gen. R.E. Appraiser
MA License # 212


Robert P. Wood
Cert. Gen. R.E. Appraiser
MA License # 874

CONTINGENT & LIMITING CONDITIONS

The certification of the appraiser appearing in the appraisal report is subject to the following conditions and to such other specific and limiting conditions as are set forth by him therein.

1. No responsibility is assumed for the legal description for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. It is assumed that there is full compliance with all applicable federal state and local environmental regulation and laws unless noncompliance is stated, defined and considered in the appraisal report.
5. It is assumed that all applicable zoning and use regulations and restriction have been complied with, unless a nonconformity has been stated, defined and considered in the appraisal report.
6. It is assumed that all required licenses, certification of occupancy, consents, or other legislative or administrative authority from any local, state or federal government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
7. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.
8. Any sketch in the report may show approximate dimensions and is intended only to provide additional perspective in the property. The appraiser has made no survey of the property.
9. The appraiser herein by reason of this appraisal is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
10. Any distribution of the valuation in the report between land and improvements applies only under the existing program of utilization. The separate valuations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
11. The appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil or structures, which would render it more or less valuable. The appraiser assumes no responsibility for such conditions, or for engineering that may be required to discover them.

12. Information, estimates and opinions furnished to the appraiser, and contained in the report, were obtained from sources considered reliable and believed to be true and correct. However, no warranty is given for their accuracy.
13. Disclosure of the contents of the appraisal report is governed by the Bylaws and Regulations of the professional appraisal organizations with which the appraiser is affiliated.
14. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event only with proper written qualification and only in its entirety.
15. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, of the firm with which the appraiser is affiliated) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.
16. On all appraisals that are subject to satisfactory completion, repairs or alterations, the appraisal report and value conclusion are contingent upon completion of the improvements in a workmanlike manner.
17. The value estimated is based on the assumption that the property is not negatively affected by the existence of hazardous substances or detrimental environmental conditions unless otherwise stated in this report. The appraiser is not an expert in the identification of hazardous substances or detrimental environmental conditions. The appraiser's routine inspection of and inquiries about the subject property did not develop any information that indicated any apparent significant hazardous substances or detrimental environmental conditions, which would affect the property negatively unless otherwise stated in this report. It is possible that test and inspections made by a qualified hazardous substance and environmental expert would reveal the existence of hazardous substance or detrimental environmental conditions on or around the property that would negatively affect its value.

Respectfully submitted,



Charles M. Barbaresi
Cert. Gen. R.E. Appraiser
MA License # 212



Robert P. Wood
Cert. Gen. R.E. Appraiser
MA License # 874

DEFINITION OF MARKET VALUE

The term "Market Value" is defined as . . .

" . . . the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and the seller each acting prudently and knowledgeably, and assuming the price is not effected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby

1. The buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their best interest;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in United States dollars, or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."¹

DEFINITION OF FEE SIMPLE

The term "Fee Simple" is defined as . . .

" . . . absolute ownership unencumbered by any other interest or estate; subject only to the limitations of eminent domain, escheat, police power, and/or taxation."²

The subject is presently vacant and used for storage by the owner and, thus, with no lease(s) in place, a **fee simple** interest is being valued.

¹ OCC Rule 12 CFR 34.42 (f)

² American Institute of Real Estate Appraisers, The Dictionary of Real Estate Appraisal, 1st Edition (Chicago: AIREA, 1984.) (p.123)

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to offer an opinion of the “**as is**” Market Value of the **Fee Simple** interest in the subject property located on **Jefferson Street Extension, Fall River, MA**

APPRAISAL DATE

The effective date of this appraisal is **December 5, 2016** (the valuation noted herein is based on the inspection, data, analysis and conclusions on that date).

INTENDED USE OF REPORT

This appraisal is intended to assist the client, **Terrance Sullivan, acting on behalf of the City of Fall River, in a possible purchasing decision**

INTENDED USER OF REPORT

This appraisal is intended to be used by **Terrance Sullivan, acting on behalf of the City of Fall River.**

SCOPE OF ASSIGNMENT

After considering the nature of this appraisal assignment, our scope of investigation included the following:

- Examination of municipal records, including assessed values and annual tax liabilities, property boundaries, wetland and flood plains, accessibility to utilities and zoning regulations.
- Contacted the site representative to inspect the property and discuss all pertinent data concerning the existing and proposed improvements.
- Reviewed the subject’s legal description, a copy of which may be found within this report.
- Investigated neighborhood development trends and other relevant factors.
- Gathered market data on comparable sales and rental properties in the subject’s market area.
- In determining the value of the subject property, the Sales Comparison and Income Approaches were considered the most relevant methodologies and each is outlined in the ensuing text.

EXPOSURE TIME

Exposure time is defined as: *“The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at the market value on the effective date of the appraisal; a retrospective estimate based on an analysis of past events assuming a competitive and open market.”*³

Exposure time varies with the type of real estate and value range. A reasonable exposure period is a function of time, price and use. Furthermore, exposure time can be dependent upon the action of the seller, plus market forces. The availability of capital, degree of exposure and the number of competitive offerings are other factors that influence exposure time. Given the characteristics of the subject, market conditions, and demand, the appraiser believes that a six to twelve month exposure time frame is adequate.

MARKETING TIME

Reasonable marketing time is the time period it would take to sell the property allowing adequate exposure, assuming that a satisfactory advertising and marketing program is implemented, and no extreme changes occur in the local or national economy. Although the marketing period is a variable, it is estimated that the subject could be sold within six to twelve months, and no reasons are evident to assume a lengthy sales period.

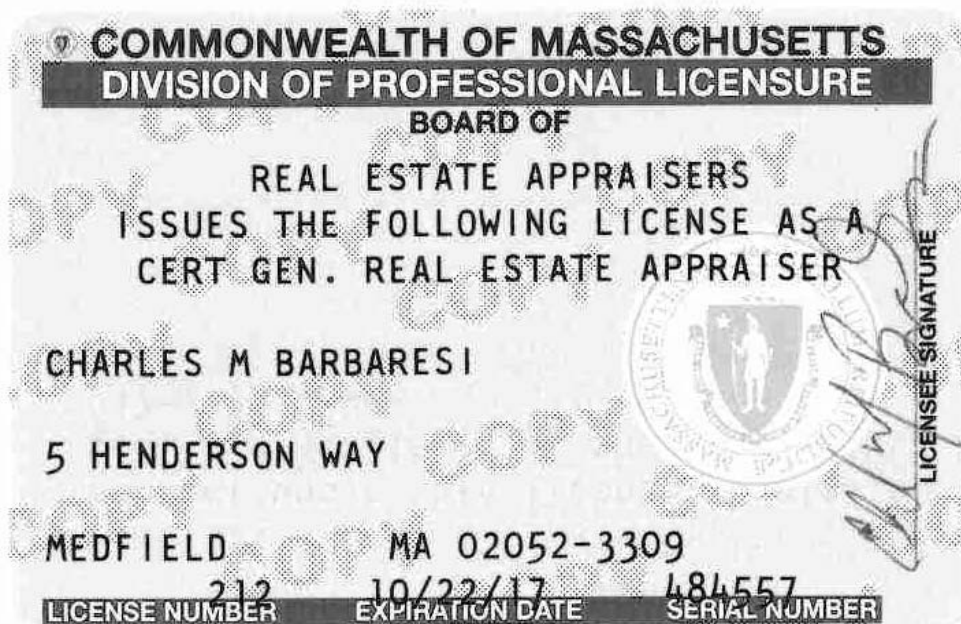
³ Uniform Standards of Professional Appraisal Practice (USPAP), 1993 edition, published by the Appraisal Standards of the Appraisal Foundation, page 63.

COMPETENCY PROVISION

The appraisers are professionally competent to perform this appraisal assignment by virtue of previous experience with similar assignments and appropriate research and education regarding the specific property type being appraised. The professional qualifications of the appraisers are included in this report's addendum for specific reference.

LICENSE PROVISION

The appraisers are licensed to appraise real estate in Massachusetts and have complied with all continuing education requirements.

Real Estate Appraiser's License

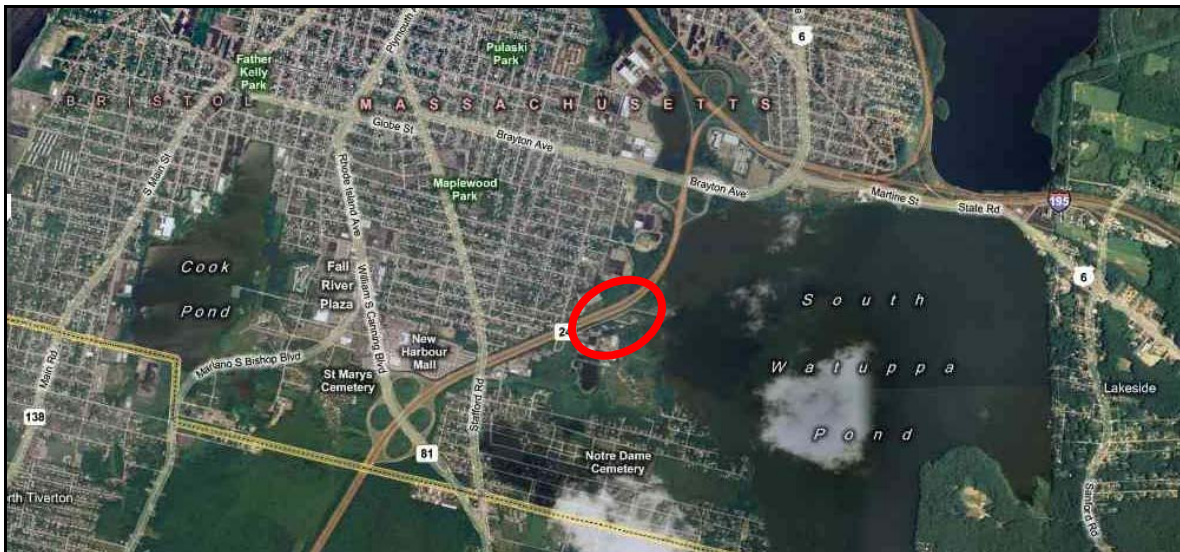
EXTRAORDINARY ASSUMPTIONS AND LIMITING CONDITIONS

The valuation analyses and conclusions contained herein are premised on the following special assumptions and limiting conditions. Should any of the statements below be found to be inaccurate, then the value conclusion may require adjustment.

- It is assumed that the subject site is free of any environmental contamination. An environmental site assessment was not made available to the appraiser and no warranties are made regarding the site's environmental status.
- The American with Disabilities Act (ADA) became effective in January 2002. The appraisers are not qualified to make a specific compliance survey and analysis of the property to determine whether or not it is in conformity with the various detailed requirements of the ADA. If, upon completion of such a survey, the property is deemed non compliant with one or more requirements of the Act, it could have a negative impact on value. Since there is no direct evidence relating to this issue, the appraisers did not consider possible non-compliance with the ADA in estimating the value of the property.
- It is assumed that all information provided by the buyer, seller, owner and/or any representatives regarding the subject property is accurate. ***If there are any material discrepancies, then the value estimate noted herein may require adjustment.***
- The Appraiser's inspection of the subject property is done only as part of the appraisal assignment's scope of work, which is one of the recognized and required steps in the appraisal process, as required by the lender/client. The Appraiser is NOT a qualified property inspector and makes no representation or warranty about the current or future condition, quality or adequacy of the structural and/or mechanical components of the subject property. The borrower(s)/owner(s) should not rely upon any representation or description contained in the appraisal report concerning these aspects of the subject property. It is recommended that the borrower(s)/owner(s) obtain an inspection report from a qualified expert such as a professional property inspector.
- A land area of 3.37 acres is used in this report. Reportedly, the current owner purchased the property in 1990 with a much larger land area. In 1999, they apparently sold 4.1± acres to Quaker Mills, with the remaining subject land area being about 3.37 acres.
- **Part of the 4.1 acres sold in 1999 included the present access and curb cut to the subject site, as well as the entire driveway and a significant amount of paved parking.** Reportedly, as a condition of the 1999 land sale, Quaker Mills (the buyer) was supposed to build a new access (there is proper frontage) and parking lot for the subject. Quaker Mills subsequently went bankrupt and did not complete the promised access construction. **As such, the original curb cut and driveway are still presently used to access the subject and it is assumed that this is legally allowed. Otherwise, there is no other access at present.** If it is not legally allowed, the property's value may be affected. There may also be legal precedent to have the current owner of the former Quaker Mills parcel install the parking lot and curb cut, per the conditions of the original sale/contract; however, legal professionals should be consulted on this matter.

PROPERTY LOCATION

The subject property is located on Jefferson Street Extension in the Southeastern Massachusetts City of Fall River. As can be seen in the aerial photo below (subject's location is within the red oval), the subject is just south of, and nearly abuts, State Route 24, and is about $\frac{3}{4}$ mile northeast of the intersection of Routes 81 and 24. In addition, it has frontage on South Watuppa Pond and, in fact, a public boat ramp to South Watuppa Pond is directly northeast of the subject.



Fall River is an old industrial city located on the eastern bank of the Taunton River and Mount Hope Bay, the latter of which opens to Rhode Island's Narragansett Bay and the Atlantic Ocean. It is situated in southeastern Massachusetts and is bordered by Somerset on the northwest; Freetown on the north and northeast; Dartmouth on the southwest; Westport on the south and east, Tiverton, Rhode Island on the southwest; and Mount Hope Bay and the mouth of the Taunton River on the west. Fall River is 50 miles south of Boston, 12 miles west of New Bedford and 15 miles southeast of Providence, RI. It has a total area of 38.22 miles, a population of about 95,000 inhabitants, and a population density of 2,485 inhabitants per square mile.

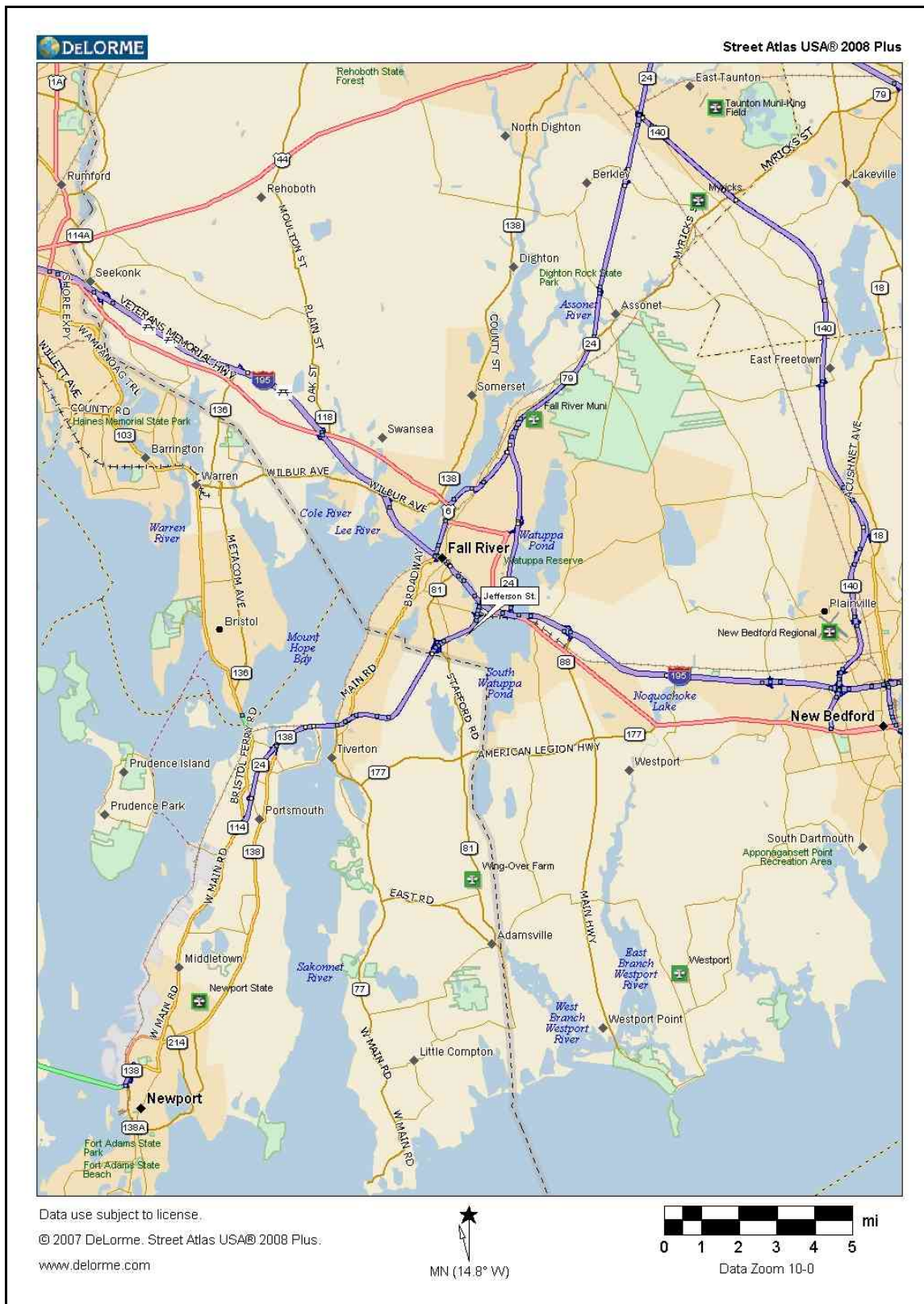
Fall River has excellent regional access, as several major roadways run through its borders. Interstate Route 195, a busy limited access highway connecting Southeastern Massachusetts and Cape Cod with Providence and Interstate Route 95, bisects the City in an east to west direction. State Route 24, also a limited access highway, connects the Fall River region to the Greater Boston area. More locally oriented Routes 6 and 138 are heavily developed with commercial activity and provide good regional and local access. Fall River also has a deep draft harbor in the Taunton River. The Massachusetts Maritime Museum, featuring the decommissioned battleship Massachusetts, a WWII submarine, a destroyer and various other smaller naval vessels, is located in this port area.

As noted, the subject is located on Jefferson Street Extension, which is the part of Jefferson Street that runs south of Route 24. Jefferson Street originates at Warren Street, where it continues to run southward for about a mile, traversing over Route 24, and then forks with one driveway leading into an older mill complex that is comprised of 12± different buildings, while the other fork leads to the subject (see solid red arrow on aerial photo on following page) and ends at the public boat ramp. Abutting the subject's south lot line is a 66.4 acre site that is owned by Atlantis Charter School (former Quaker Mill site,) who also legally owns the point of access to the subject (see small yellow arrow on aerial photo on the next page). Access to the subject is quite convenient, as it is set in the middle of two access ramps (Exits 1 & 2) to State Route 24 and each is less than a mile away. Thus, from a regional standpoint this is a convenient location, and from a development standpoint, as there are 11 nearby light industrial facilities, an alternative use of light industrial, warehouse, contractor yard and the like is also feasible.



In summary, the subject has a good location for either a local or regional user, however, as a former Child Care Center, it is somewhat removed from the more densely populated residential districts of the City and, as a result, demand for such a use appears limited.

For added reference, see attached maps.



Area Map

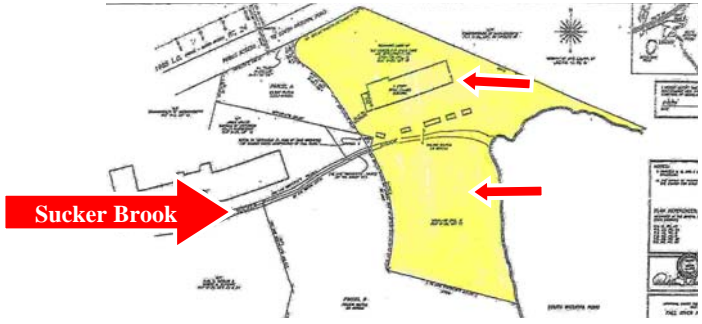


Neighborhood Map

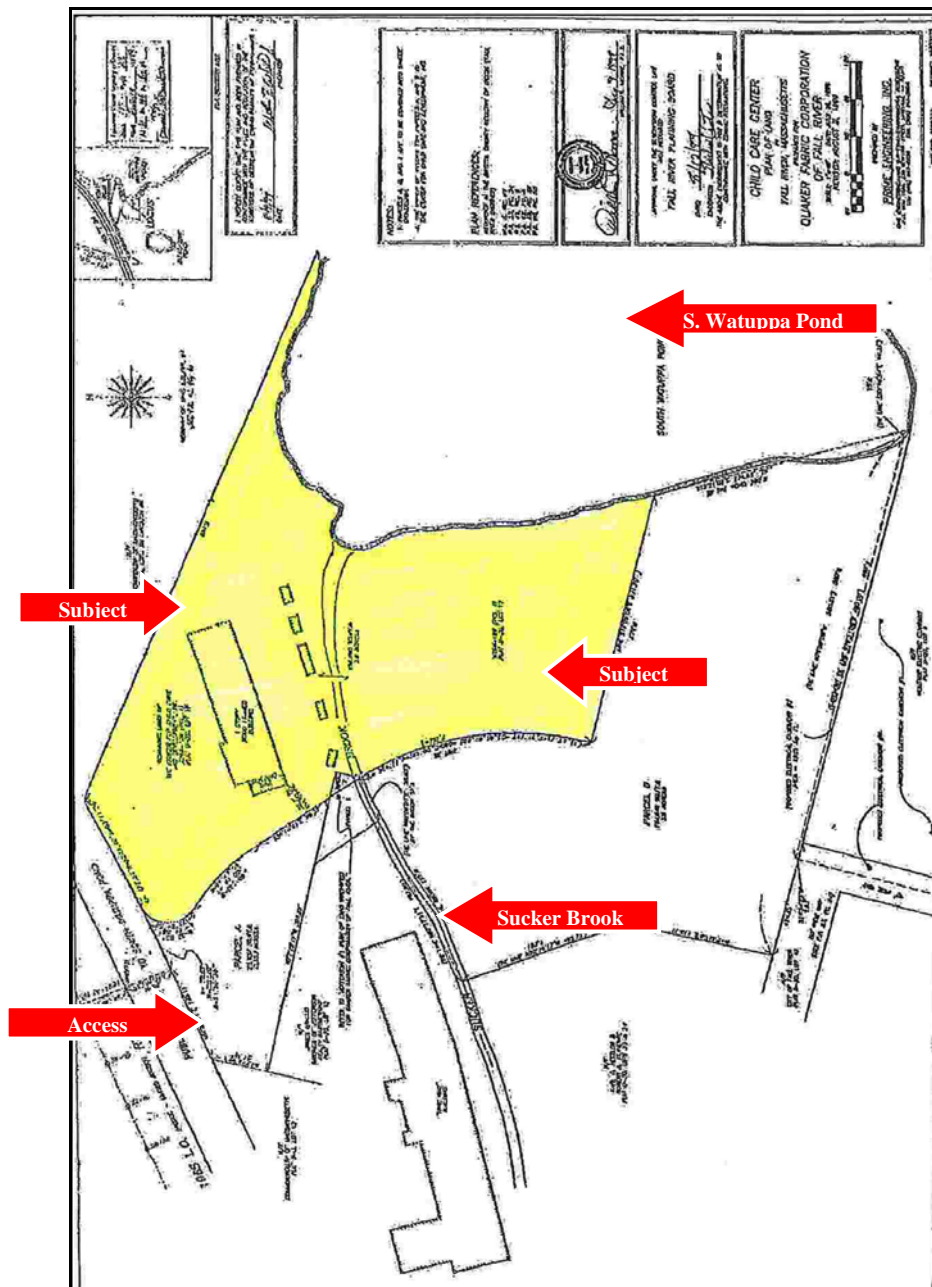




SITE DESCRIPTION

| | |
|--|---|
| Visual: |  |
| Site Area: | 3.37 acres |
| Frontage: | At least 127.51 feet on Jefferson Street Ext. |
| Shape: | Very Irregular – Almost V shaped |
| Topography: | Generally Level |
| Flood Plain, Wetlands, and Watershed: | According to the attached FEMA Flood Map, the subject site is located within a Flood Zone X, an area of minimal flood hazard. |
| Zoning: | Industrial |
| Utilities: | Electric only. Site has a private well and septic system both of which are assumed to be fully functional and adhere to all applicable state and local requirements. |
| Deed Restrictions: | See Deed, as a portion of the original site was sold. |
| Easements/Encroachments: | See Deed, as a portion of the original site was sold. |
| Hazardous Substance: | No obvious hazardous waste conditions were observed. A site assessment report was not provided. |
| Improvement: | The site is improved with a 7,840 square foot single story concrete block and wood frame building that covers just over 5% of the site area. There are also double billboard on the site. |
| Parking: | Appears adequate. For reference, see attached aerial photos. |
| <p>Comments: The site is very irregular and is best described as V shaped, with South Watuppa Pond wedged in the V. The site is also generally level and has at least 127.51 feet of frontage on Jefferson Street Ext. As noted in the Extraordinary Conditions, the original site access and driveway were sold to Quaker Fabrics in 1999, with the condition that Quaker Fabrics build a new curb cut, a new driveway, and parking lot for the subject property. Quaker Fabrics subsequently went into bankruptcy and they never built the new access, driveway, and parking lot. As such, access to the subject is from the original driveway and curb cut, which is not part of its site. It is assumed that this entry point is legal. In addition to the subject having frontage on South Watuppa Pond, Sucker Brook runs through the middle of the site, emptying into South Watuppa Pond. The presence of Sucker Brook also limits the site's development potential. Nonetheless, the FEMA flood Hazard Map attached hereto indicates that the subject is located within a Flood Zone X, a minimal flood hazard area. The site is serviced by public electric, but there is no City sewer, water or natural gas, and the subject has its own private well and on-site septic system. The site is improved by a 7,840 square foot building that encompasses roughly 5.3% of the site area, with the remaining area consisting of a parking lot (needs resurfacing), a large fenced in former playground that is now fully overgrown, as is most of the site.</p> | |

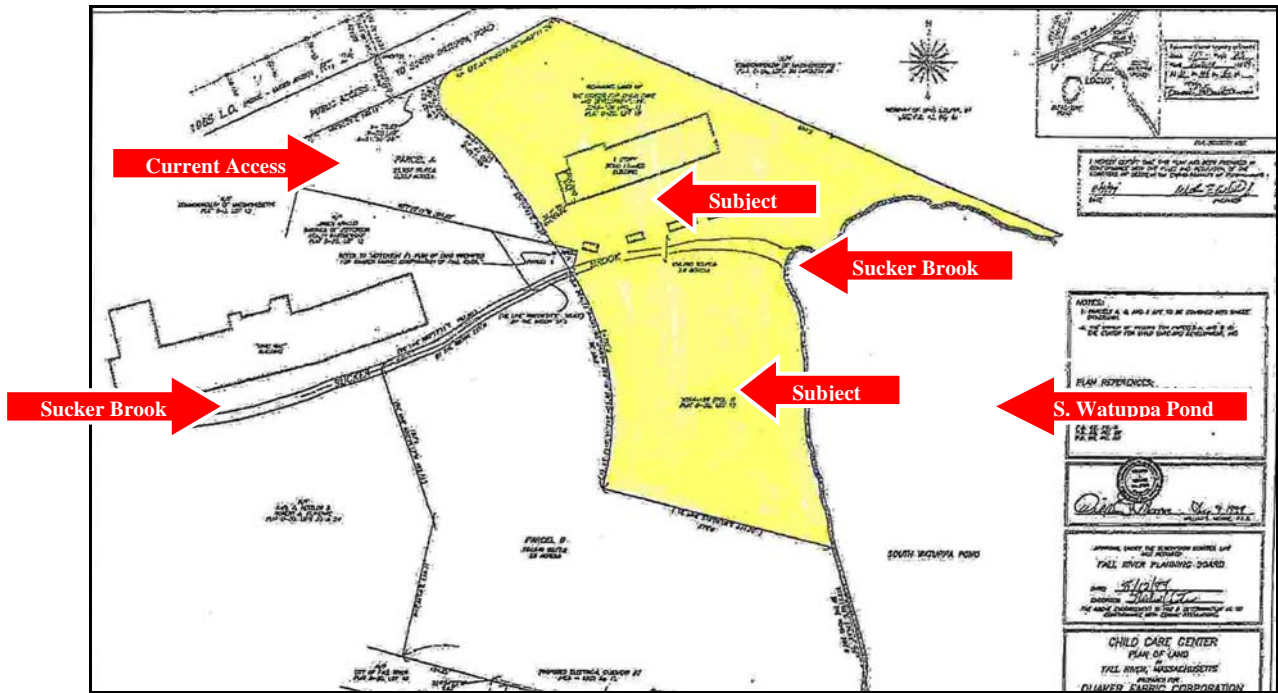
For reference, see attached Site Map and aerial photos.

Site Plan Enlarged

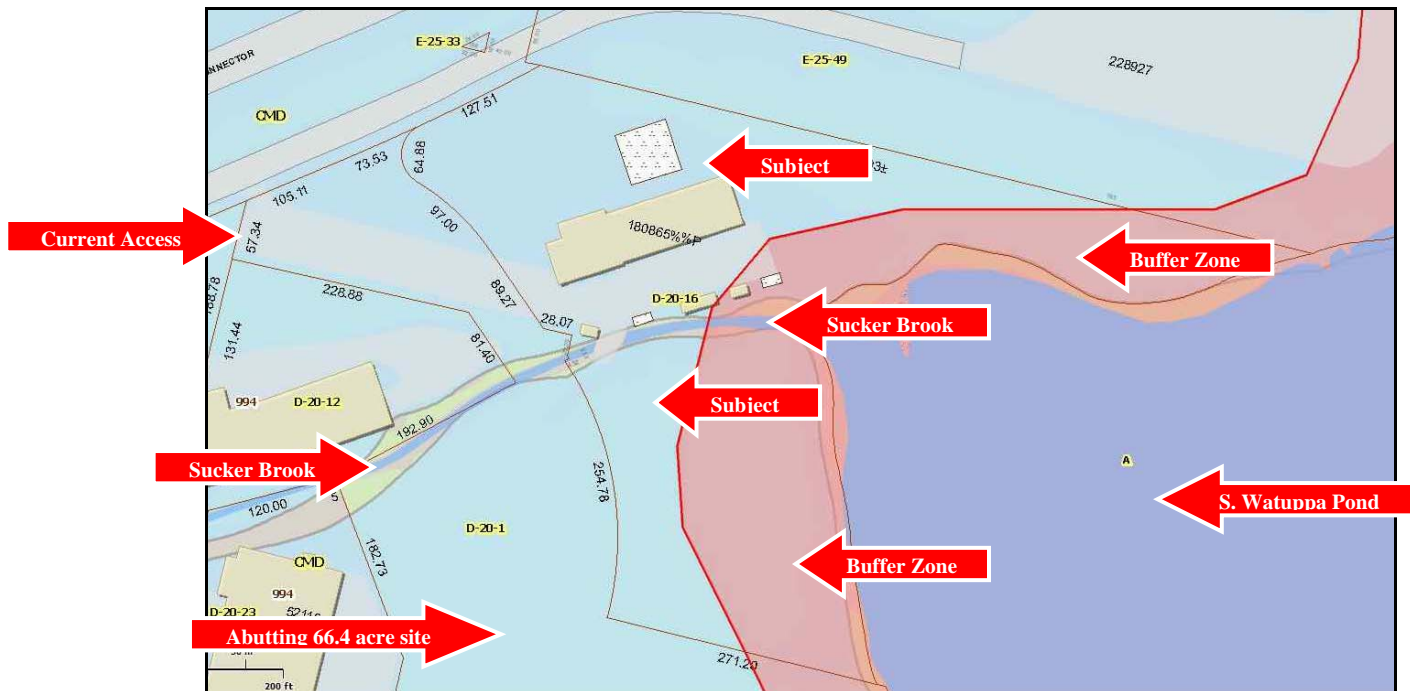
The access point is now owned by Atlantis Charter School and is part of the 66.4 acre site that abuts the subject's south lot line.

Furthermore, while the subject site contains 3.37 acres due to Sucker Brook traversing the site down the middle, it limits the site's full development potential from a standpoint of a having a much more substantial free standing structure and also via site utility, via car or truck access as half of the site is inaccessible via the brook and in order to access it, a high load bearing bridge would have to be developed, and approvals from conservation and other City departments would need to be procured.

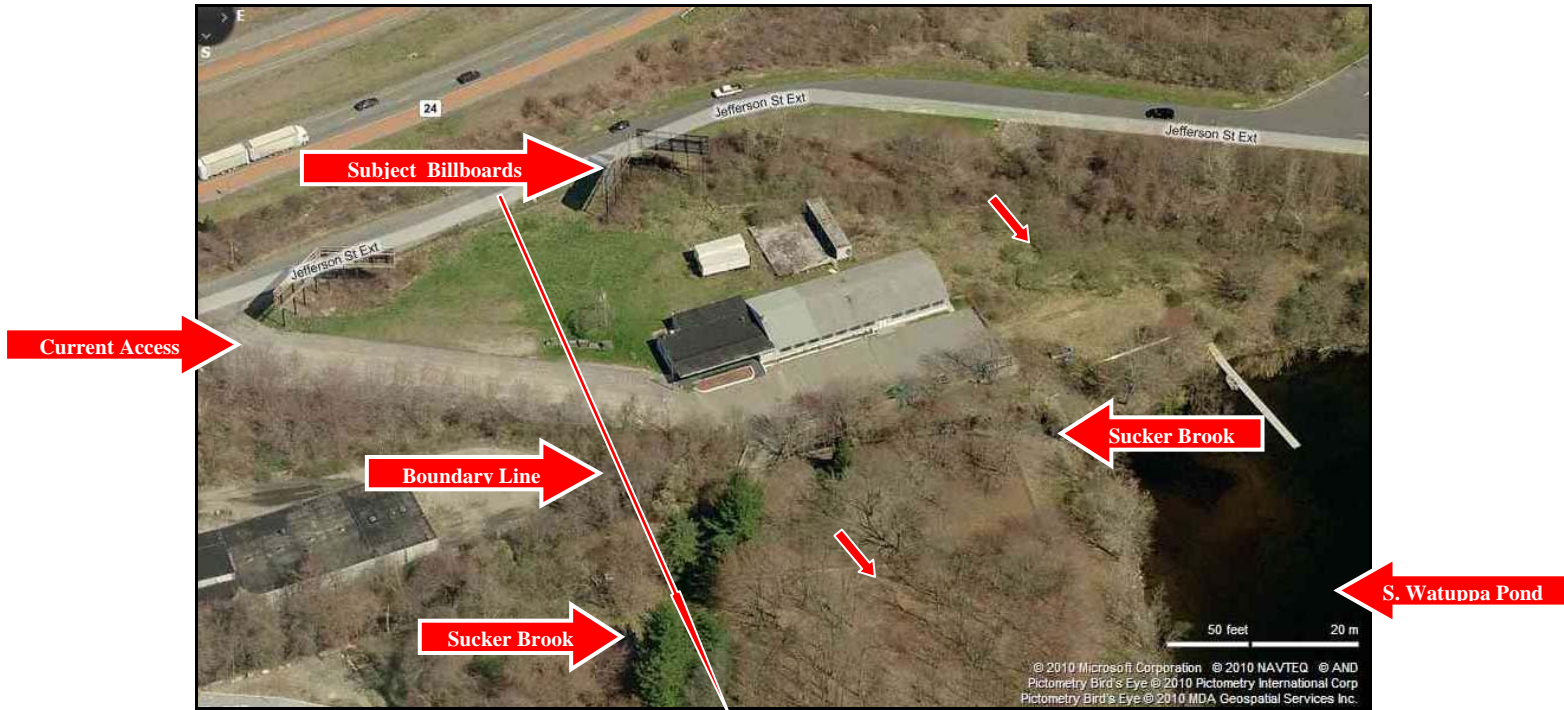
Assessor's Site Plan Enlarged



Site Plan with Building Overlay & Dimensions



The current access is part of a larger 66.4 acre abutting parcel that is owned by Atlantis Charter School, which took ownership after the former owner Quaker Mills went bankrupt. The area in red above, likely denotes the buffer zone between South Watuppa Pond and the likely buildable area of the subject site.

Various Aerial Views

Facing North



Facing South

Boundary Line is for reference only as it is not straight and is more so noted to show that the subject's current driveway access is not actually part of the subject site.

Various Aerial Views



Looking East

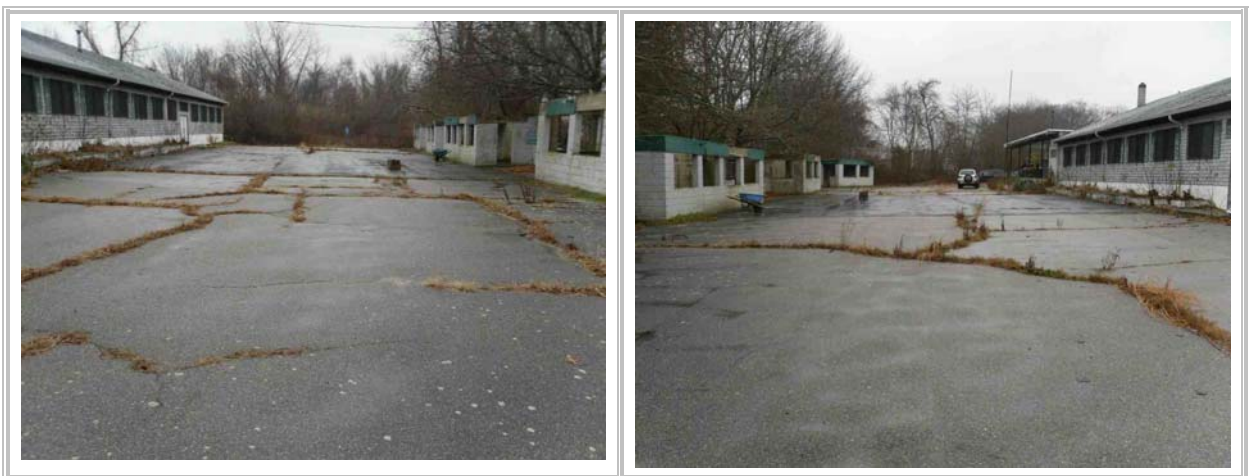


Looking West

Various Site Photos



Original curb cut and current access (not part of the subject site) - Opposite View



Paved area in front of building



Former Fenced in Playground Area and now Overgrown

Various Site Photos



Lawn area behind the building



Overgrown area leading to Pond



Sucker Brook

Various Site Photos



Bill Board Signage on Site



Several neglected concrete block structures



Side yard rear



Driveway to subject & not part of the site



Flood Data

➔ **USPS Address:** Jefferson Street Ext
Fall River MA

Community Name: FALL RIVER, CITY OF

Community #: 250055

County:

Census Tract: 6408.00

Flood Zone: X

➔ **Map Date:** 2009-07-07

IMPROVEMENT DATA

| | |
|---|---|
| Visual - |  |
| GBA | 7,840 square feet |
| Foundation - | Poured Concrete Slab |
| Structure - | Concrete Block (Front Section with 2,395 SF) Concrete Block & Wood (Rear Section with 5,445 SF) |
| Exterior - | Pre fabricated Metal Panel and Wood |
| Roof - | Front Section - Flat (Tar & Gravel) Rear Section - Asphalt Shingle gable |
| Heating and Cooling: | 3 separate FHA oil burners - 1 accessible, the other 2 are in the attic. No AC |
| Sprinklers - | No |
| Lavatories - | 4 Lavatories |
| Interior Partitions - | Dry board with removable interior classroom wall partitions |
| Ceilings - | Plaster |
| Lighting - | Mostly recessed with some fluorescent. |
| Electrical - | Unknown, but appears to be adequate |
| <p>Comments: The subject is a 7,840 square foot commercial/industrial building that, up until 2010, had been utilized as a children's Day Care and Development Center but is now vacant and mainly used for storage, although all of the former day care furniture and equipment are still present. The building is essentially divided into two sections, with a smaller 2,395 square foot front section being all concrete block and essentially containing the kitchen, service area and two lavatories. The larger rear section of 5,445 square feet is rectangular in shape, measures 45 x 121 feet, and is comprised of the administrator's office, two lavatories, and three separate classrooms that are divided by retractable partitions (easily removable) and accessed by one long side common corridor. The building is heated by three oil fired forced hot air furnaces, only one of which was accessible for inspection. The other two are located in the attic and not accessible (no ladder). Reportedly, these two furnaces are relatively new within the last 12 years. The interior of the building appears to be in reasonably good condition, although some sections of ceiling panels are ruined due to water damage and all of the windows are boarded up, with one glass window completely missing. The exterior is in need of some cosmetic repairs, namely, paint is peeling, some fascia boards need replacing, sections of the gutter are missing, there is significant graffiti, and certain roof areas may need replacing/repair. For additional reference see attached photos and sketches.</p> | |

Various Exterior Subject Photos



Various Exterior Subject Photos



Interior Photos



Kitchen Area



Kitchen Area



Former Administrative Area

Interior Photos



1 of 3 large classrooms



Ceiling Water Damage



2nd of 3 large classrooms



3rd of 3 large classrooms



Interior Photos



More Classroom Photos



Storage Area



Common Corridor - opposite Views



Expansion Tank



Hot Water Heater



Walk In Cooler



1 of four lavatories



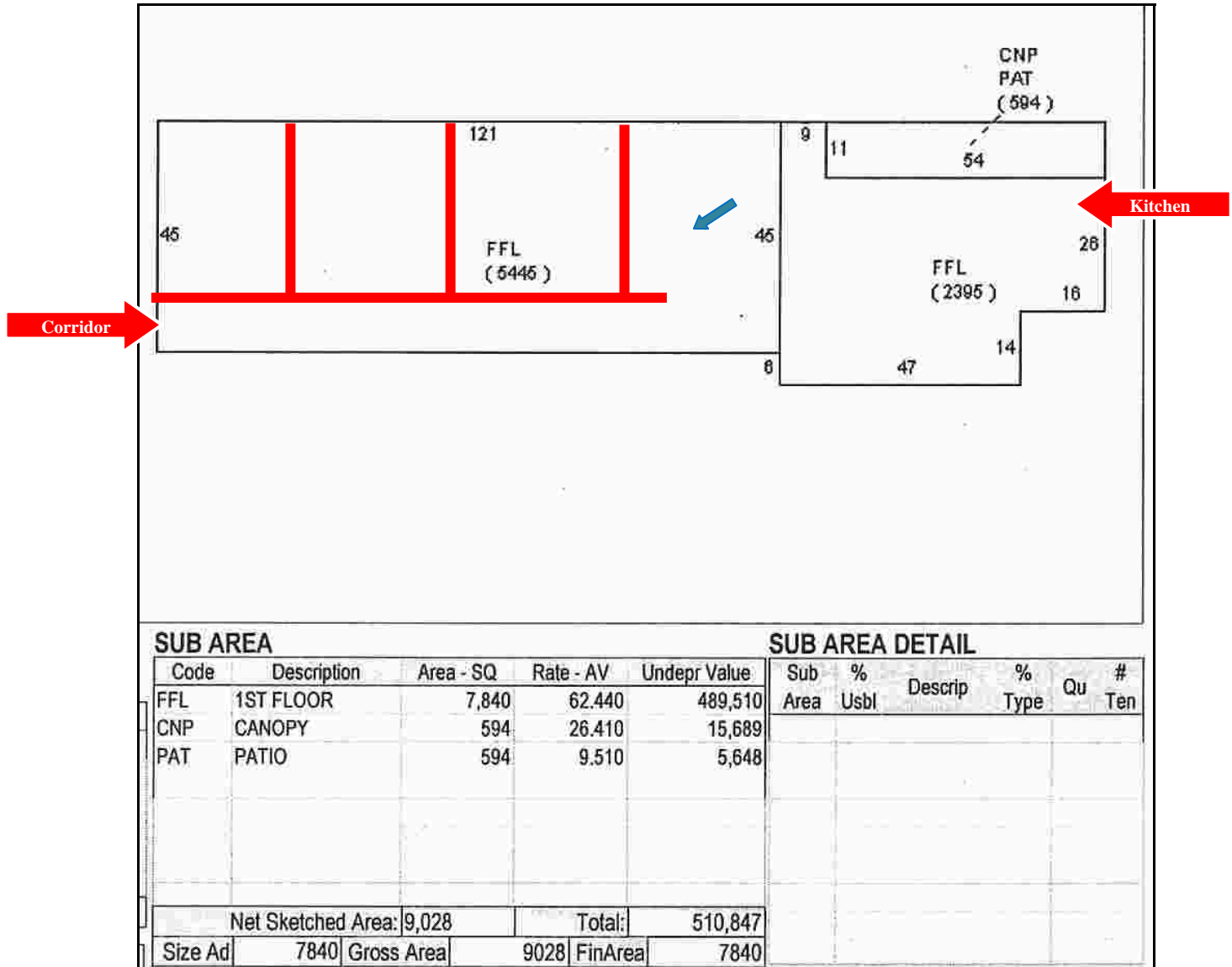
1 of three FHA furnaces



Oil Tank

Assessor's Field Card Sketch

The red lines below depict the former three classrooms at left, with the former administrative office to the far right (blue arrow) and the common corridor below.



OWNERSHIP

According to public records, the subject last transferred on September 25, 1990 for a consideration of \$1 and was not an arms length transaction. A portion of the site was later subdivided off on August 18, 1999.

The 1990 sale is recorded in the Bristol County Registry of Deeds (Fall River) in Book 2266 at Pages 128 and 129, and the later partitioning of the site in 1999 is recorded in the Bristol County Registry of Deeds (Fall River) in Book 2266 at Pages 92-95. Copies of both of these instruments are attached for reference.

At present, the subject is not apparently For Sale, nor is it Under a Purchase and Sale Agreement.

1990 Deed

JUL-09-2010 FRI 02:57 PM BOGLE & DEASCENTIS, PC

FAX NO. 5086779300

P. 02/09

MASSACHUSETTS QUITCLAIM DEED BY CORPORATION (SHORT FORM) 884

BOOK 2266 PAGE 0128

BOYD CHILDREN, INC.

a corporation duly established under the laws of Massachusetts
and having its usual place of business at 2028 Rodman Street, Fall River

Bristol

County, Massachusetts

for consideration paid, and in full consideration of One Dollar (\$1.00)
grants to The Center for Child Care and Development, Inc.
of 2028 Rodman Street, Fall River, Massachusetts

with quitclaim covenants

Index

(Description and encumbrances, if any)

The Land, with all buildings and improvements thereon, situated in Fall River, Bristol County, Massachusetts, bounded and described in Attachment A, attached hereto and forming a part hereof.

230222Z APR 83: 994 Jefferson Street, 92118 Poway, CA

CANCELLED
62

சென்னை, 15.05.2019

05/25/09

0458-1616

2013-2014

In witness whereof, the said Boyd Children, Inc.

has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Arlene Haskett, its President and Kathleen A. Harrington

His Treasurer hereto duly authorized, this twenty-fifth day of September in the year one thousand nine hundred and ninety

Signed and sealed in presence of

Boyd Children, Inc.

by Arlene Haskett
Arlene Haskett, President

Kathleen A. Harrington, Treasurer

The Commonwealth of Massachusetts

Bristol ss.

September 25

1990

Then personally appeared the above named Arlene Haskett, President and Kathleen A. Barrington, Treasurer and acknowledged the foregoing instrument to be the free act and deed of the Boyd Children, Inc.

before me

Peter C. Bogle Notary Public—

My commission expires September 5 1991

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantor and a recital of the nature of the full consideration therefor in dollars and the nature of the other consideration, if any, if not delivered for a specific monetary sum. The full consideration shall appear in the body of the deed, and shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

JUL-09-2010 FRI 02:58 PM BOGLE & DEASCENTIS, PC

FAX NO. 5086779300

P. 04/09

BOOK 2266 PAGE 0129

ATTACHMENT A

The land, with all buildings and improvements thereon, situated in Fall River, Bristol County, Massachusetts, bounded and described as follows:

PARCEL I:

Beginning at the southwesterly corner of the lot to be described, and at the southeasterly corner of "Parcel A" on plan of land hereinafter referred to, thence running
 NORTHEASTERLY 155 feet, more or less, to an iron pipe; thence running
 NORTHWESTERLY 175 feet, more or less, to Sucker Brook; thence running
 NORTHEASTERLY by said Sucker Brook, 270 feet, more or less; thence running
 SOUTHEASTERLY by South Watuppa Pond; thence turning and running
 NORTHWESTERLY 504 feet, more or less, to the point of beginning. Containing 182,800 square feet.
 Being Parcel B as shown on "Division of Land of Dave's Beach, Inc., Fall River, Massachusetts, Plan of Joseph T. Azar, R.L.S., 115 Austin Street, Fall River, Massachusetts, February 11, 1975, Scale 1" = 80' " recorded in Bristol County Fall River District Registry of Deeds Plan Book 62 Page 4.

PARCEL II:

A parcel of land shown as "N/F Dave's Beach, Inc." on the aforescribed plan, containing 128,502 sq. feet, and bounded and described as follows:
 Beginning at the southwesterly corner of the parcel to be described; thence running
 NORTHEASTERLY 57.34 feet to a right of way of the Commonwealth of Massachusetts; thence running
 NORTHEASTERLY by said right of way 312 feet, more or less, to an angle; thence running
 SOUTHEASTERLY by land now or formerly of the Commonwealth of Massachusetts, 754 feet, more or less, to South Watuppa Pond; thence running
 SOUTHERLY and
 WESTERLY by South Watuppa Pond to a corner; thence running
 NORTHEASTERLY by land now or formerly of A.H. Leeming and Sons, Inc. to a corner; thence turning and running
 NORTHWESTERLY 330 feet, more or less, to the point of beginning.

Being the same premises conveyed to this Grantor by Deed of Elaine C. Oliveira, Trustee dated November 1, 1989 and recorded with Bristol County Fall River District Registry of Deeds Book 2168, Page 147 and also by Deed of K.L. Walker, Inc. of even date to be recorded herewith,

REC'D SEP 26 1990 AT 4 18 PM AND RECORDED

1999 Recording

JUL-09-2010 FRI 02:58 PM BOGLE & DEASCENTIS, PC

FAX NO. 5086779300

P. 05/09

BK 3677 PG 92
08/18/99 11:47 DOC. 16171

QUITCLAIM DEED

The Center for Child Care and Development, Inc., a Massachusetts non-profit corporation (the "Grantor"), of Fall River, Bristol County, Massachusetts, for consideration paid and in full consideration of \$197,685, grants with Quitclaim Covenants, to Quaker Fabric Corporation of Fall River, a Massachusetts corporation, (the "Grantee"), whose address is 941 Grinnell Street, Fall River, Ma 02721, the following described premises:

The land, with any buildings and other improvements thereon, in Fall River, Bristol County, Massachusetts, shown as Parcel A and Parcel B on a plan entitled "Child Care Center Plan of Land in Fall River, Massachusetts Prepared For Quaker Fabric Corporation of Fall River", prepared by Prime Engineering, Inc., dated July 28, 1999, revised August 2, 1999, and recorded with Bristol County Fall River District Registry of Deeds herewith. Said Parcels A and B are separately bounded and described according to said plan as follows:

Parcel A

| | |
|--|---|
| Northwesterly | by land of the Commonwealth of Massachusetts, shown on said plan as Public Access To South Watuppa Pond, by two lines, measuring respectively, 105.11 feet and 73.53 feet |
| Easterly and Northeasterly | by remaining land of the Grantor, by three lines, measuring respectively, 64.88 feet, 97.00 feet and 89.27 feet |
| Southerly | by land now or formerly of James Araujo Partner of Jefferson Realty Partnership and by Parcel 1 shown on said plan, 301.93 feet; and |
| Westerly | by land now or formerly of the Commonwealth of Massachusetts, 57.34 feet. |
| Containing 25,837 Sq. Ft. ± or 0.593 Acres ± according to said plan. | |

FALL RIVER
DEEDS REG. S
BRISTOL

CANCELLED

08/18/99 11:44AM 01
000000.11827

ME \$902.88

CASH \$902.88

JUL-09-2010 FRI 02:59 PM BOGLE & DEASCENTIS, PC

FAX NO. 5086779300

P. 06/09

BK 3677 PG 93

Parcel B

Northwesterly by a line in Sucker Brook, 195.00 feet ±;
 Easterly and Northerly by remaining land of the Grantor, by two lines, measuring respectively, 255.00 ± feet and 270.00 feet ±;
 Easterly by South Wattupa Pond, 280.00 feet ±;
 Southerly by land now or formerly of Montaup Electric Company and by a 50' Wide Way, 580.00 feet ±; and
 Westerly by land now or formerly of Karl D. Hetzler and Robert A. St. Pierre, by two lines, measuring respectively, 156.71 feet and 183.00 feet ±.

Containing 164,640 Sq. Ft. ± or 3.8 Acres ± according to said plan.

Being a portion of the premises conveyed to the Grantor by two deeds, one from Boyd Children, Inc. dated September 25, 1990 recorded with said Deeds in Book 2266, Page 128 and one from Kenneth F. Branco, Trustee, which deed is dated August 1, 1990 and recorded with said Deeds in Book 2266, Page 124. Said herein conveyed premises are the same premises referenced in the Clerk's Certificate of the Grantor recorded herewith.

The Grantor reserves for the benefit of its remaining land shown on said plan a temporary easement for access and parking in the same location on said Parcel A as presently used by the Grantor. A certificate of termination of temporary easement executed and acknowledged by the Grantor and the Grantee and recorded with Bristol County Fall River District Registry of Deeds shall be conclusive evidence that said temporary easement has been terminated and is no longer in force and effect.

EXECUTED as a sealed instrument as of the 14th day of August, 1999.

The Center for Child Care and
Development, Inc.

By: Arthur S. Flores
 Arthur Flores
 Vice-President

JUL-09-2010 FRI 03:00 PM BOGLE & DEASCENTIS, PC

FAX NO, 5086779300

P. 07/09

BK 3677 PG 94

Commonwealth of Massachusetts

Bristol, ss:

August 16, 1999

Then personally appeared the above-named Arthur Flores, Vice-President as aforesaid, and acknowledged the foregoing instrument to be the free act and deed of The Center for Child Care and Development, Inc., before me,

Print name:

Patricia C. Bogle

Notary Public:

My commission expires: 8/25/05

JUL-09-2010 FRI 03:00 PM BOGLE & DEASCENTIS, PC

FAX NO. 5086779300

P. 08/09

BK 3677 PG 93



John E. Boyd Center
for Child Care and Development

CLERK'S CERTIFICATE

The undersigned hereby certifies that I am the duly elected, qualified and acting Clerk of The Center for Child Care and Development, Inc., a Massachusetts non-profit corporation duly organized and having a principal place of business at 2028 Rodman Street, Fall River, Bristol County, Massachusetts, and that the following is a true, correct and complete copy of a vote passed unanimously at a duly called meeting of the Board of Directors of said corporation duly called and held on April 30, 1999.

VOTED: That the Corporation's sale of the real property shown as Parcels C, D and E on a Plan of Land entitled "Sketch Showing Proposed Land Transfers Related to the Boyd Center, 994 Jefferson Street, Fall River, Massachusetts by Prime Engineering, Inc. and containing approximately 4.1 acres on the southeasterly side of Frontage Road, Fall River, Massachusetts for Forty-five Thousand Dollars (\$45,000.00) per acre, or approximately One Hundred Eighty-four Thousand Five Hundred Dollars (\$184,500.00), to Quaker Fabric Corporation of Fall River and the execution of a Memorandum of Understanding regarding road and utility improvements near Jefferson Street with the City of Fall River dated May 26, 1999 is approved, ratified and confirmed, all of the foregoing upon such terms as Sister Kathleen Harrington, Clerk or Arthur Flores, Vice-President may deem advisable, and that Sister Kathleen Harrington or Arthur Flores be and they hereby are authorized and empowered to take in the name and on behalf of the Corporation any and all action deemed by them necessary, convenient or desirable in connection with and for the purpose of effecting such sale, it being the express purpose of this vote to confer upon Sister Kathleen Harrington or Arthur Flores full authority with respect to any and all matters in connection with said votes of the Corporation to the end that all persons may rely conclusively upon such action and upon this vote, and any acts or things heretofore done or authorized to be done by the Clerk or Vice-President in connection with this transaction, be and they hereby are ratified, confirmed, approved and adopted.

I further certify that said vote has not been revoked or rescinded and is now in full force and effect, that the said vote and the acts authorized thereby are in pursuance of the Articles of Organization and Bylaws of said corporation; and that Sister Kathleen Harrington is now the duly elected, qualified and acting Clerk and that Arthur Flores is now the duly elected, qualified and acting Vice-President of said Corporation.

IN WITNESS WHEREOF, I hereunto set my hand as Clerk of The Center for Child Care and Development, Inc. and affix the seal of the Corporation this 16th day of August, 1999.

Kathleen Harrington
Clerk/Kathleen Harrington

Attest:
Arthur Flores
Arthur Flores, Vice-President

2028 RODMAN STREET • FALL RIVER, MASSACHUSETTS 02741
TELEPHONE (508) 678-0123 FAX (508) 678-0126
Bristol Co. County, P.A. DIST. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

ASSESSMENT DATA

The City of Fall River assesses the subject property as a Private Educational facility (secondary level), with a State Code Classification of 941. The assessment is as follows.

| | |
|----------------------------|-----------------------------------|
| Identification: | D – 20 - 0016 |
| Tax Year: | Fiscal 2017 |
| Location: | Jefferson Street |
| Assessed To: | Center For Child Care Development |
| Site Area: | 3.37 acres |
| Land Assessed Value: | \$ 273,400 |
| Building Assessed Value: | \$ 353,500 |
| Other Assessed Value: | \$ 24,000 |
| Total Assessed Value: | \$ 650,900 |
| Commercial Tax Rate: | \$ 30.64 per \$1,000 |
| Total Taxes (Fiscal 2017): | \$ 0 (Charitable Use) * |

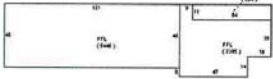

* If the subject were not a charitable use, current taxes would amount to \$19,943.57 based on its current assessment and the current commercial tax rate of \$30.64/\$1,000 of valuation.

Given the current challenging economic climate, the current valuation may be aggressive; however, it would not appear to affect the value or marketability of the property if maintained as a charitable use. However, if sold and reverted back to a non-charitable use, it's suggested an abatement be filed.

| D-20 0016 | | 1 of 1 Government | | TOTAL ASSESSED: 650,900 | |
|---|--|-------------------|--|-------------------------|--|
| Map Lot | | Fall River | | 11/19/55 | |
| PROPERTY LOCATION No. Alt No. Direction/Street/City 100 JEFFERSON ST., FALL RIVER | | | | | |
| OWNERSHIP Owner 1: CENTER FOR CHILD CARE DEVELOPMENT INC Owner 2: Owner 3: Street 1: 63 CARL ST Street 2: Twin/City: FALL RIVER Stp/Prov: MA Cntry Own Ooz: Type: | | | | | |
| PREVIOUS OWNER Owner 1: Owner 2: Street 1: Twin/City: Stp/Prov: Cntry Postal: | | | | | |
| NARRATIVE DESCRIPTION This Parcel contains 146,797 SQ FT of land mainly classified as PRIV ED SEC with a(n) SCHOOL Building Built about 1965, Having Primarily WOOD SHING Exterior and TAR+GRAVEL Roof Cover, with 1 Units, 0 Baths, 0 HalfBaths, 0 3/4 Baths, 0 Rooms Total and 0 Bedrooms. | | | | | |
| OTHER ASSESSMENTS Code Description/No Amount Com. Int | | | | | |
| PROPERTY FACTORS Item Code Descr % Item Code Descr Z IND Industrial 100 U C ALL UTIL o t n Exempt Census: Flood Haz: D Topo 1 LEVEL s Street 1 PAVED i Traffic | | | | | |
| LAND SECTION (First 7 lines only) Use Description LUC No of Units Depth / Price/Units 941 PRIV ED SEC 87120 SQ FT SITE 941 PRIV ED SEC 1.37 ACRES EXCESS | | | | | |
| IN PROCESS APPRAISAL SUMMARY Use Code Building Value Yard Items Land Size Land Value Total Value 941 353,500 24,000 146,797.203 273,400 650,900 | | | | | |
| PREVIOUS ASSESSMENT Tax Yr Use Cat Bldg Value Yrd Items Land Size Land Value Total Value Notes Date 2016 941 FV 353,500 24,000 146,797.203 273,400 650,900 YEAR END 11/12/2016 2015 941 FV 353,500 24,000 146,797.203 273,400 650,900 YEAR END 11/12/2015 2014 941 FV 353,500 24,000 146,797.203 273,400 650,900 YEAR END 12/6/2013 2013 941 EX 353,500 24,000 146,797.203 273,400 650,900 YEAR END 12/14/2012 2013 941 FV 353,500 24,000 146,797.203 273,400 650,900 YEAR END 2/13/2013 2013 941 PR 385,000 24,000 146,797.188 301,100 710,100 Prelim Bill file 4/27/2012 2012 941 EX 385,000 24,000 146,797.188 301,100 710,100 Year End Roll 12/23/2011 2012 941 FV 385,000 24,000 146,797.188 301,100 710,100 Year End Roll 11/4/2011 | | | | | |
| SALES INFORMATION Grantor Legal Ref Type Date Sale Price V Tst Verif Assoc PCL Value Notes 2266-128 9/25/1990 No No | | | | | |
| BUILDING PERMITS Date Number Descr Amount C/O Last Visit Fed Code F. Descr Comment 1/1/1999 MEAS-INSPCTD 000 | | | | | |
| ACTIVITY INFORMATION Date Result By Name 1/1/1999 MEAS-INSPCTD 000 | | | | | |
| VERIFICATION OF VISIT NOT DATA Sign: | | | | | |
| USER DEFINED Prior Id # 1: Prior Id # 2: Prior Id # 3: Prior Id # 1: Prior Id # 2: Prior Id # 3: Prior Id # 1: Prior Id # 2: Prior Id # 3: ASR Map: Fact Dist: Reval Dist: Year: LandReason: BidReason: | | | | | |
| PRINT Date Time 12/05/16 11:39:01 LAST REV Date Time 08/01/12 17:05:22 bolivellr | | | | | |
| PAT ACCT. Date Value 11/12/2016 650,900 | | | | | |
| DISCLAIMER: This information is believed to be correct but is subject to change and is not warranted. Database: AssessPro | | | | | |

[illegible]

On Line Property Card

| Unofficial Property Record Card - Fall River, MA | | | |
|---|---------------------------------------|--|---------------------|
| General Property Data | | | |
| Parcel ID | D-20-0016 | Account Number | |
| Prior Parcel ID | -- | | |
| Property Owner | CENTER FOR CHILD CARE DEVELOPMENT INC | Property Location | JEFFERSON ST |
| Mailing Address | 63 CARL ST | Property Use | PRIV ED SEC |
| City | FALL RIVER | Most Recent Sale Date | 9/25/1990 |
| Mailing State | MA | Legal Reference | 2266-128 |
| Zip | 02721 | Grantor | |
| Parcel/Zoning | IND | Sale Price | 0 |
| | | Land Area | 3.370 acres |
| Current Property Assessment | | | |
| Card 1 Value | Building Value 353,500 | Xtra Features Value 24,000 | Land Value 273,400 |
| | | | Total Value 650,900 |
| Building Description | | | |
| Building Style | SCHOOL | Foundation Type | CONCRETE |
| # of Living Units | 1 | Frame Type | WOOD |
| Year Built | 1965 | Roof Structure | GABLE |
| Building Grade | AVERAGE | Roof Cover | TAR+GRAVEL |
| Building Condition | Average | Siding | WOOD SHING |
| Finished Area (SF) | 7840 | Interior Walls | DRYWALL |
| Number Rooms | 0 | # of Bedrooms | 0 |
| # of 3/4 Baths | 0 | # of 1/2 Baths | 0 |
| FirePlaces | 0 | Flooring Type | LINO/VINYL |
| | | Basement Floor | N/A |
| | | Heating Type | FORCED H/A |
| | | Heating Fuel | GAS |
| | | Air Conditioning | 100% |
| | | # of Bsmt Garages | 0 |
| | | # of Full Baths | 0 |
| | | # of Other Fixtures | 10 |
| Legal Description | | | |
| Narrative Description of Property | | | |
| This property contains 3.370 acres of land mainly classified as PRIV ED SEC with a(n) SCHOOL style building, built about 1965 , having WOOD SHING exterior and TAR+GRAVEL roof cover, with 1 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s). | | | |
| Property Images | | | |
|  | |  | |
| Disclaimer: This information is believed to be correct but is subject to change and is not warranted. | | | |
| http://fallriver.patriotproperties.com/RecordCard.asp | | | |

ZONING

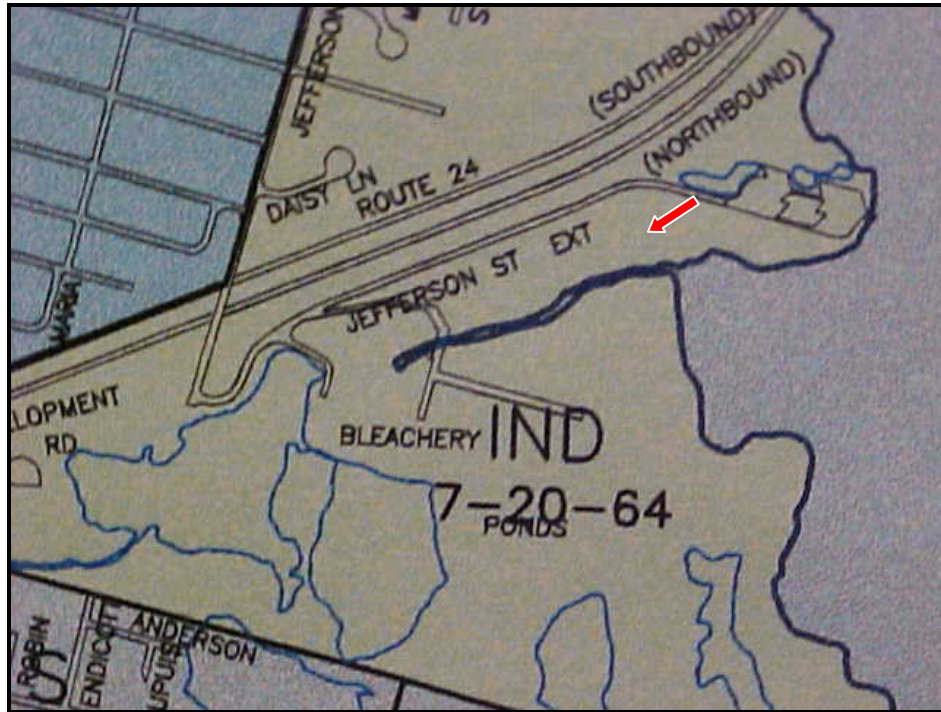
The subject is located in an Industrial (Ind) Zoning District, which allows for State mandatory uses like **places of worship**, libraries, **day care centers**, libraries, museums and municipalities; as well as manufacturing, assembling, packaging, industrial research and development, biotechnology, processing, fabrication warehousing, wholesaling trucking and terminal facilities. In addition, any mill building in existence before 1950 can be altered and reconstructed to be used for offices of any kind, retail stores or outlets, banks or other financial institutions, and restaurants. **The subject's former **Child Care and Development Center** is an allowed use by right and, prior to that, its **function hall use was likely grandfathered**, approved by Special Permit, or was a legally allowed use at the time (built 1965).**

There are only two-dimensional requirements in the Industrial District; a front setback of 20 feet and a minimum lot size of 10,000 square feet, which the subject adheres to.

| CATEGORY | IND | CONFORMS |
|------------------|------------|-----------------|
| Minimum Lot Size | 10,000 sf | YES |
| Minimum Frontage | NA | YES |
| Minimum Depth | NA | YES |
| Front Setback | 20 Feet | YES |
| Side Setback | NA | YES |
| Rear Setback | NA | YES |
| Maximum Height | NA | YES |
| Maximum Coverage | NA | YES |

Per the above criteria, it appears that the site conforms to all of the dimensional requirements, and that its former use is allowed by right. As such, it appears that the subject is a legal, conforming use. For reference, see attached zoning map.

ZONING MAP



| | | |
|----------|-----|--------------------|
| WESTPORT | B-L | LOCAL BUSINESS |
| | B-N | NEIGHBORHOOD SHOP |
| | B-B | BUSINESS "B" |
| | IND | INDUSTRIAL |
| | IP | INDUSTRIAL PARK |
| | MBD | MIXED USE BUSINESS |

Subject

HIGHEST & BEST USE

The Highest and best use of real estate is the fundamental premise upon which the estimate of market value is based. Highest and best use is defined as follows:

"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility and maximum profitability."¹

APPLICATION TO THE SUBJECT PROPERTY

Up until recently (2010), the subject property was utilized as Child Care & Development Center and previously had been a function hall. It is now vacant and is used mainly for storage. This valuation analysis indicates that either of its former uses, or that of a religious or educational facility, fraternal organization, or even a light industrial use (bay door openings would have to be installed) are financially feasible. There is no suggestion that the subject land, if vacant, would be redeveloped with exactly the same improvements that exist today, but it is clear that the existing improvements contribute to total value and that the highest and best use, as improved, is as presently configured.

As vacant, and barring any Special Permit or variance, the site's highest and best use is a similar public service use and/or light industrial/commercial development.

¹ The Dictionary of Real Estate Appraisal, 4th Edition, (Chicago, IL: Appraisal Institute, 2002), p. 135.

VALUATION METHODOLOGY & ANALYSIS

There are three methods of estimating the value of Real Estate: The Sales Comparison Approach, the Income Approach and the Cost Approach.

The **Sales Comparison Approach** considers actual sales of similar properties that have occurred in an open, competitive market. The basis for this approach is that a prudent buyer will guide his actions by the behavior of others. This approach is usually expressed as a unit of comparison, such as price per square foot, room, unit, etc.

The **Income Approach** analyses a property's capacity to generate net income and converts this capacity into an indication of value. The Income Approach reflects the value of the subject relative to prevailing income levels, expenses and capitalization rates. It is an approach seen through the eye of an investor whose primary interest is cash profit as opposed to amenity value. This approach is most effective when used for income generating properties that do not rely on owner occupancy for an appreciable income stream.

The **Cost Approach** requires an estimate of value of the underlying land as though vacant and available to be put to its highest and best use. The cost of the improvements, less accrued depreciation, is then added to the land value to arrive at a total value indication. This approach is usually most effective for properties that have relatively new improvements and in areas where there may be similar land available for development. The Principle of Substitution dictates that a potential buyer might not pay more for an existing property if he could build one for the same (or less) effective cost.

The three approaches vary in importance in the course of each appraisal. There are cases where all three may not be applicable to a particular appraisal problem, as in the case of a special purpose property or the lack of satisfactory market data. All three approaches can play some role through the appraisal process in arriving at a final value estimate and all three have been considered in the preparation of this report.

In this report, the Sales Comparison and Income Approaches have been illustrated and weighted. The Cost Approach is not used since the typical buyer would not rely on it, especially in light of the present real estate climate.


SALES COMPARISON APPROACH

In developing a market value indication via the Sales Comparison Approach, a search for similar function halls and/or charitable type properties and encompassing a 60 mile radius was conducted but there were limited sales. Therefore, in addition, since the subject is located within an Industrial zone and abuts a 12 building older mill complex, a search for similar sized light industrial properties was also conducted, as the subject could be reconfigured for such a use. All data contained herein has been verified through sources considered reliable.

Relevant property sales were analyzed and related to the subject property with particular emphasis on location, conditions and terms of sale, and physical characteristics such as utility, floor area, effective age, quality of construction, condition, and lot size.

The sales and/or listings considered most relevant in this analysis are as follows...


COMPARABLE SALE #1

| | | |
|--|-------------|-----------------------------------|
|  | Location: | 73 Division St New Bedford, MA |
| | Sale Date: | 5/28/14 |
| | Sale Price: | \$ 150,000 |
| | GBA: | 4,305 sf |
| | Lot Size: | .63 acres |
| | Price/sf: | \$ 34.84/sf |
| <p>Comments: This is the sale of a 4,305 square foot church that had been most recently occupied by Our Lady of Guadalupe, but then closed down. The building is set on .63 acre site at the corner of Division Street and South 2nd Street in the southeast section of the City of New Bedford, roughly 12 miles southeast of the subject. The building is of brick construction, appears to be in good condition (Built 1961) and has a full basement.</p> <p>The following is noted from a prior article... “Retaining the name Sister Rose House, the new facility — relocated to 73 Division Street — will offer the same number of accommodations for up to 25 people, but with a mix of male and female quarters that will be sectioned off.</p> <p>“We have an increased number of single women and an increased number of youth (in the area) who are all becoming homeless,” Allard said. “We’ve seen those trends with the existing shelters over the last several years. That’s another thing that’s going to make this shelter unique — it’s going to be the first time where we’re providing beds exclusively for single women.”</p> <p>In addition the lower level, with a kitchen, will double as a food pantry.</p> | | |

Aerial View



COMPARABLE SALE #2

| | | |
|--|-------------|---------------------------------------|
|  | Location: | 775 John Quincy Adams Rd, Taunton, MA |
| | Seller | Columbia |
| | Buyer | USA |
| | Sale Date: | 5/15/15 |
| | Sale Price: | \$ 350,000 |
| | GBA: | 5,700 sf |
| | Lot Size: | 6.04 acres |
| | \$/SF: | \$ 61.40/sf |

Comments: The following is from a former listing...775 John Quincy Adams Rd, Taunton, MA 02780 is a Recreational/Entertainment (general) property with -- bedrooms, -- bathrooms, and is approximately 5,700 sq feet of living space. Built in 1985, this Recreational/Entertainment (general) is located in Taunton, MA in the zip code 02780.

This is the sale of a 5,700 square foot metal panel warehouse type facility that is used in a **Lodge capacity and is now occupied by Taunton Lodge of Elks**. Prior to its sale it was occupied by Columbia Cultural Center. The building is in good condition (built in 1985) and is set on 6.04 acres of land (all upland) and is just north of the Myles Standish Industrial Park, just south of Watson Pond State Park and is roughly 19 miles north of the subject.

From a comparative perspective, other than the subject's direct water frontage and on site billboards, this sale is superior via its location within Taunton, its building is in superior condition, having been built in 1985 and it has a much larger lot size of 6.04 acres, all of which appears to be uplands and absent a brook bisecting it.

Aerial View

COMPARABLE SALE #3

| | |
|-----------------|---------------------------------|
| Location: | 690 Main Street Acushnet, MA |
| Seller Buyer | Main Street Trust Pillar LLC |
| Sale Date: | 5/26/15 |
| Sale Price: | \$ 350,000 |
| GBA: | 6,000 sf |
| Lot Size: | 43,560 sf 1 acre |
| \$/SF: | \$ 58.33/sf |

Comments: This is the recent transfer between two owners of a light industrial property that was constructed circa 1988 according to municipal records. It is located on Main Street in Acushnet, roughly 13 miles northeast of the subject. While this comparable has a Main Street location, the area is somewhat rural and not densely developed. The building appears to have a single overhead garage door providing access to the shop area. The property appears to be in average condition with good utility for contractor use or service business use. There is adequate off-street parking. No financing information was available. The transfer at a reported price of \$350,000 may or may not have been arms length, however, the property is now under agreement (asking price of \$399,000) and, according to a reliable source, the agreed on price is also at \$350,000 and sale should close in December.

Aerial View

COMPARABLE SALE #4

| | |
|-------------|--------------------------------------|
| Location: | 2277 Purchase St. New Bedford, MA |
| Sale Date: | 11/22/13 |
| Sale Price: | \$ 250,000 |
| GBA: | 6,018 sf |
| Lot Size: | 1.90 acres |
| Price/sf: | \$ 41.54/sf |

Comments: This is the sale of a 6,018 square foot commercial building that in 2007 was a Chinese Restaurant that closed and sold to Tremblay Bus Company for \$350,000, who then leased it to several different tenants, with one being a religious user. The current owner is **Fellowship Health Resources with the following noted...** "Fellowship Health Resources, Inc. (FHR) is a private, nonsectarian, not-for-profit behavioral healthcare organization. Incorporated in 1975, we support individuals in their recovery from mental illness and co-occurring disorders (i.e., substance use, developmental disability, related chronic health conditions). FHR is guided by its vision of being a national leader for behavioral healthcare, program innovation, and workforce development. It continually seeks new ways to actualize this vision."

The building appears to be in good condition (built 1978) and is located on Purchase Street in New Bedford, roughly 10.5 miles east of the subject. From a comparative perspective this sale is overall superior, being in superior condition, having a main street location with good visibility, and having a potential retail use. Its lot is smaller and there is no water frontage amenity.

Aerial View

COMPARABLE SALE #5

| | |
|-------------|-----------------------------------|
| Location: | 570 Hawthorn St. Dartmouth, MA |
| Grantor: | Shalom Realty |
| Grantee: | 570 Hawthorn |
| Sale Date: | 2/11/14 |
| Sale Price: | \$ 450,000 |
| GBA: | 8,970 sf |
| Lot Size: | 2.36 acres |
| \$/SF.: | \$ 50.16/sf |

Comments: This is what a former listing noted... Medical office building with 9,920 square feet of gross building area located on 2.36-acres. This office building was formerly offices for the Hawthorn Medical Associates offices for Gastroenterology, Internal Medicine, Rheumatology, Endocrinology, and Diabetes Management Center. The building offers two levels of physician offices, patient examination rooms, clerical areas, reception areas and waiting rooms, file storage and computer network rooms as well as X-ray and laboratory rooms.

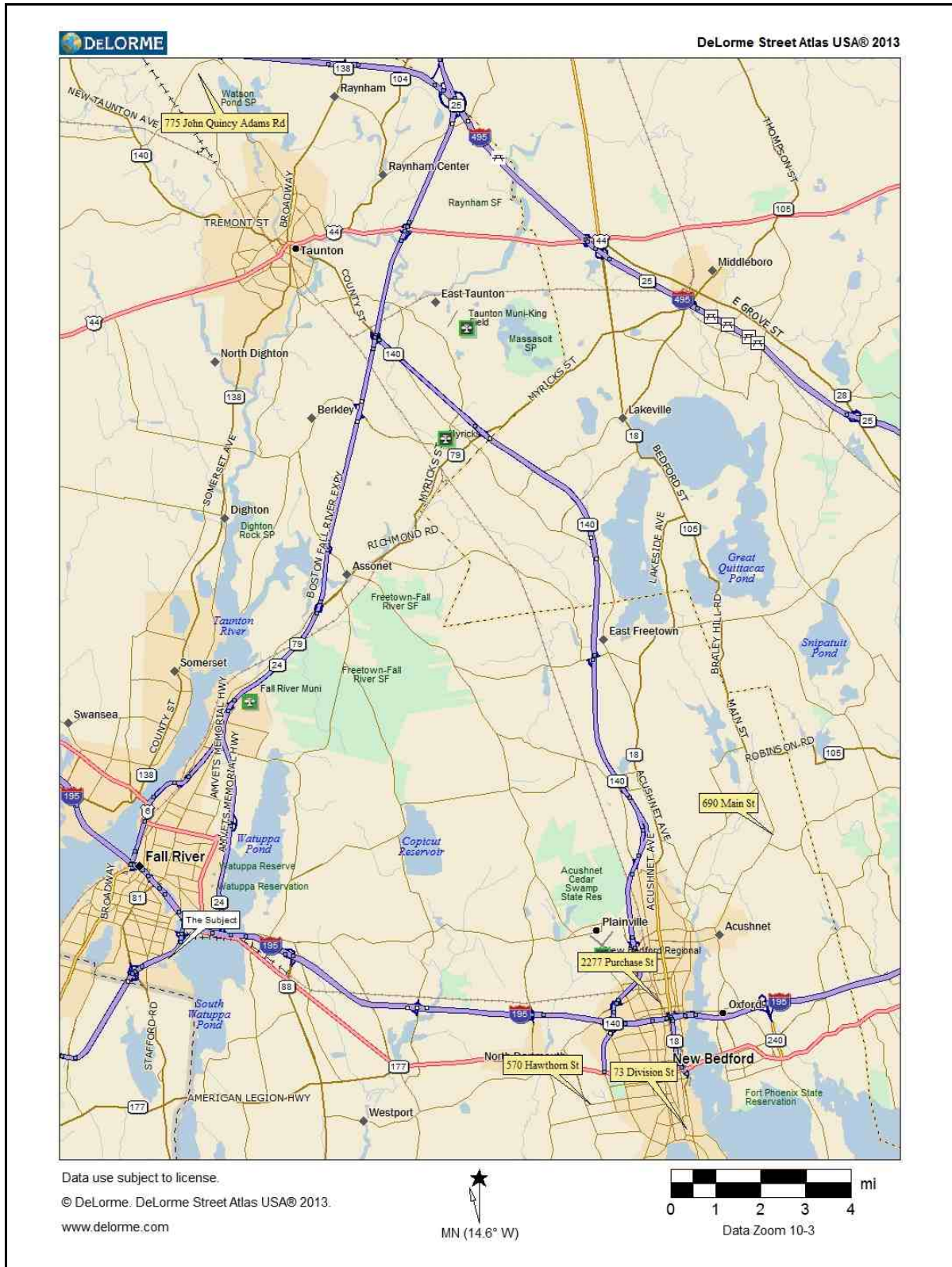
Located close to Slocum Road one mile south of Route 6 in Dartmouth and one and a half miles west of St. Luke's Hospital in New Bedford. This location is nearby other professional and medical offices located on Hawthorn Street.

This is the sale of an 8,970 square foot (per the assessor card) masonry medical office building that is located on Hawthorn Street in Dartmouth, roughly 9.5 miles southeast of the subject and a superior location. The building was built in 1974, was in overall good condition at the time of its sale and has onsite parking for 138 vehicles. The building is now utilized for a dental practice (Ghenta and Mills Dental Group). Of note is that the 8,008 square feet is partitioned between a first floor base area of 5,022 square feet and a finished basement area of 2,986 sf. The total GBA is 8,970 square feet, with roughly another 962 square feet consisting of unfinished basement area.

This sale is noted as it compares well with respect to GBA and lot size but its medical office use is superior.

Aerial View





ANALYSIS

Five comparable sales are noted and comprised of a **former church (now a woman's shelter and food pantry)**, a **function hall**, a light industrial building, a **former Chinese Restaurant now utilized for helping Special needs individuals**, and a former Medical Office building. The functional hall, former church and former Chinese restaurant are the most comparable but given the subject's location and zoning, all of the sales are viable uses for the subject. Nonetheless, the subject is somewhat removed from the more commercial oriented development area, it is in older condition and needs work and has a brook running down the middle of its site. In general, the sales are considered superior to the subject, with the exception to the subject having billboard signage and direct water frontage, although from a light industrial use, it is unclear how much the water influence affects value. If used as a functional hall, the water influence is a nice amenity for members.

Again the subject is located in an exclusively industrial area, with its original use being a function hall, its most recent use being a day care/educational facility (closed in 2010), and it is now vacant and used for storage for the owner's other child care facilities. Thus, it is unclear if a continued Child Care facility is a plausible financial use for the subject. A function hall, due to its kitchen build-out, may be a more feasible use, but it is unclear if there is sufficient demand for such a use. As a light industrial facility, considerable modifications to the building would likely be required and, as office, if allowed, its removed location may not appeal to most would be users.

The gross building areas (GBA) of the comparable sales range from 4,305 to 8,970 square feet, which adequately brackets the subject's GBA of 7,840 square feet. The unadjusted price factors range from a low of \$35 to a high of \$61.40 per square foot of gross building area (GBA), and it is likely that the subject's value is represented within these parameters.

Because there are variations between the properties that could affect value, adjustments should be made to account for these differences. The table on the next page depicts simple adjustments that are made for the most obvious and reasonable differences between the subject and the sales.

| | Subject | Sale 1 | Sale 2 | Sale 3 | Sale 4 | Sale 5 |
|----------------------------|-------------------------------------|-----------------------------------|--|-------------------------------------|--------------------------------------|-----------------------------------|
| | 994 Jefferson Fall River | 73 Division Fall River | 775 John Quincy New Bedford | 690 Main Street Acushnet | 2277 Purchase New Bedford | 570 Hawthorn Dartmouth |
| Sale Price | | \$150,000 | \$350,000 | \$350,000 | \$250,000 | \$450,000 |
| GBA | 7,840 | 4,305 | 5,700 | 6,000 | 6,018 | 8,970 |
| \$/sf | | \$34.84 | \$61.40 | \$58.33 | \$41.54 | \$50.17 |
| Date of Sale | 07/08/14 | 05/28/14 | 05/15/15 | 05/26/15 | 11/22/13 | 02/11/14 |
| | | 5% | 0% | 0% | 10% | 5% |
| Location | Average | Superior | Superior | Superior | Superior | Superior |
| | | -10% | -10% | -10% | -10% | -10% |
| Lot Size | 3.37 acres | .63 acres | 6.04 acres | 1 acre | 1.90 acres | 2.36 acres |
| | | 40% | -10% | 20% | 10% | 0% |
| GBA | 7,840 | 4,305 | 5,700 | 6,000 | 6,018 | 8,970 |
| | | -30% | -15% | -15% | -15% | 20% |
| Utility/Appeal | Average | Inf. / Inf. | Sim. / Sup. + | Sup. / Sup.. | Sup. / Sup.. | Sup. + / Sup. |
| | | 20% | -10% | -20% | -20% | -30% |
| Condition | Avg.- Poor | Superior | Superior | Superior | Superior | Superior |
| Built | 1965 | 1961 | 1985 | 1988 | 1978 | 1974 |
| | | -20% | -20% | -20% | -20% | -20% |
| % Office | None | Similar | Similar | Similar | Similar | Superior |
| | | 0% | 0% | 0% | 0% | -20% |
| Billboards | | Inferior | Inferior | Inferior | Inferior | Inferior |
| | | 80% | 34% | 34% | 48% | 27% |
| Basement | Slab | Basement | Similar | Similar | Similar | Incl in GBA |
| | | -10% | 0% | 0% | 0% | 10% |
| Other | Water Amenity | None | None | None | None | None |
| | | 10% | 10% | 10% | 10% | 10% |
| Net Adjustments | | 85% | -21% | -1% | 13% | -8% |
| Adjusted Price | NA | \$277,500 | \$277,500 | \$347,500 | \$282,500 | \$412,500 |
| Unit Size | | 4,305 | 5,700 | 6,000 | 6,018 | 8,970 |
| Adj. Price/Sq. Ft. | NA | \$64.46 | \$48.68 | \$57.92 | \$46.94 | \$45.99 |
| Mean | \$52.80 | | | | | |
| Mean less 1 & 5 | \$51.18 | | | | | |

Regarding the lot size, also factored into the adjustment is the fact that while the subject site contains 3.37 acres, Sucker Pond crosses through its middle and, thus, poses additional restrictions, both from a purely physical standpoint (location of improvement) and from a development standpoint due to conservation issues, with appropriate City zoning, building, planning and conservation boards having to sign off on any proposed development.

Regarding the Billboard, the owner indicated they receive **\$4,000 a year** in rental income and have not renegotiated their lease, which expired within the last two years. A call to a billboard vendor (National Outdoor Media) noted that, for second tier markets and locations, rents can range anywhere from \$800 to \$5,000/month. Two years ago we performed an appraisal on the subject for an abutter. Like the, subject, the abutter has doubled angle billboard on their site and they had just renegotiated their lease with Clear Channel for \$12,000 annually, or \$1,000 per month. For purposes of this report, it is likely that the subject's \$4,000 annual Billboard rent is low. It is also likely, or reasonable to conclude, that the subject's Billboard rent should be similar to the abutters and, thus, going forward, an annual billboard rent of \$12,000 is used, which roughly equates to a \$120,000 value assuming a 10% capitalization rate. This amount is used and the adjustment is shown as a percentage of the respective sale price.

After adjustments, the factor range consolidates to a more consistent range at between \$46 and \$64.50 per square foot (rounded), with a mean factor of \$53 per square foot (rounded).

Additionally, if omitting the one high and low end factors, the range consolidates further to between \$47 and \$58 per foot, with a slightly lower mean of \$51 per square foot (rounded)

Applying the more defined range and mean factors to the subject's building area of 7,840 square feet forwards the following value range...

$$\text{\$ 47/sf} \times 7,840 \text{ sf} = \text{\$ 368,000}$$

$$\text{\$ 51/sf} \times 7,840 \text{ sf} = \text{\$ 400,000}$$

$$\text{\$ 58/sf} \times 7,840 \text{ sf} = \text{\$ 455,000}$$

Based on the sales discussed, and considering the subject's larger lot, water frontage, and bill board signage, the lower end of the range is likely too conservative. Conversely, given its somewhat removed location and non-main street frontage, thus, limiting many alternative uses, coupled with fact that the two former uses (Child Care and Function Hall) seem to be of limited demand, and that the subject requires some repairs, (its been unoccupied for the last six years), the higher end of the range may be too aggressive. As such, a value around the mean appears reasonable, forwarding an indicated value of ...

\$ 400,000

As additional reference and support, three similarly sized light industrial property sales in Fall River are noted in the grid below. For the most part, utility, condition and location wise (main street locations) the sales are superior to the subject. Conversely, they are inferior to the subject with respect lot size, no water influence, older date of sale, and no billboard signage/rent. While adjustments are not noted, the differences, to some extent, would likely offset or negate one another, but as a result of the subject's potential billboard signage rent, this amenity would ultimately likely cause the sale factors below to trend slightly upwards.

| Address | City | Sale Date | Lot Size | Sale Price | GBA | | \$/sf Factor | Comments |
|---------------------|------------|------------|------------|------------|--------|----|--------------|-------------------------------------|
| 257 Brayton Avenue | Fall River | 3/5/2014 | 14,779 sf | \$340,000 | 7,500 | sf | \$45.33 | Auto Repair Poor Condition |
| The Subject | | 12/5/2016 | 3.37 acres | | 7,840 | sf | | |
| 130 Plymouth Avenue | Fall River | 12/16/2015 | 20,909 sf | \$400,000 | 8,931 | sf | \$44.79 | Mostly warehouse w/Off. in front |
| 2 Lark Street | Fall River | 5/28/2015 | 30,814 sf | \$475,000 | 10,627 | sf | \$44.70 | Off. In front, 6 drive in side bays |

INCOME APPROACH




The Income Capitalization Technique is a valuation method in which the stabilized net operating income of a property is converted into an indication of value, which is the present worth of all future income potential benefits of property ownership. The steps in the approach are as follows:

- 1. Estimate potential gross income, vacancy, and effective gross income.**
- 2. Estimate fixed and variable operating expenses.**
- 3. Estimate stabilized net operating income.**
- 4. Select an appropriate capitalization method or technique and capitalize or discount the estimated net operating income at a market driven rate in order to arrive at an estimate of value.**

LEASE SYNOPSIS AND MARKET RENTAL ANALYSIS

The subject consists of a 3.37 acre parcel of a land that is improved by a 7,840 square foot commercial building that had been owner occupied by a children's daycare and development center, but is now used mainly for storage and not visited on a daily basis. Prior to its children's daycare and development center, the subject was a function hall. Neither of these two uses appear to be viable uses at the present time.


In order to estimate a market rent for the property, an investigation of rental agreements and leases in competing area properties was performed. Light industrial rents were targeted, as well as secondary smaller office rents, with the thought that the subject's rent would be somewhere in between. Comparable rents for Function Halls or Day care centers were limited and, of those uncovered, most were with regional high exposure child development centers like Bright Horizon and not comparable to the subject. The results of the investigation are as follows...




 1/9

89 Globe Mills Ave
Fall River, MA 02724

\$2-\$3.50 SF/Year

| | | | |
|------|--------------------------------|-------------|--------------------|
| Mfg. | 1,000 - 30,000 SF Available | 2 Spaces | 110,000 SF Bldg |
|------|--------------------------------|-------------|--------------------|

 Contact Broker


 1/2




969 Shawmut Avenue
New Bedford, MA 02746

\$2.50 SF/Year

New Bedford - 969 Shawmut Avenue

| | | | |
|------|------------------------|------------|-------------------|
| Mfg. | 76,130 SF Available | 1 Space | 76,130 SF Bldg |
|------|------------------------|------------|-------------------|


 Contact Broker




 1/2

397 Myrtle Street
New Bedford, MA 02746

\$4 SF/Year

| | | | |
|------|-----------------------|------------|-------------------|
| Mfg. | 4,760 SF Available | 1 Space | 10,000 SF Bldg |
|------|-----------------------|------------|-------------------|

 Contact Broker


 1/12




376 Nash Rd.
New Bedford, MA 02746

\$4 SF/Year

Industrial Flex Space-Up to 8,000sf!

| | | | |
|------------|-------------------------------|-------------|-------------------|
| Flex Space | 3,000 - 8,000 SF Available | 2 Spaces | 67,195 SF Bldg |
|------------|-------------------------------|-------------|-------------------|


 Contact Broker




 1/6

1230 PURCHASE STREET
New Bedford, MA 02740

\$5.13 SF/Year

| | | | |
|-----------|-----------------------|------------|------------------|
| Warehouse | 7,000 SF Available | 1 Space | 7,000 SF Bldg |
|-----------|-----------------------|------------|------------------|

 Contact Broker


 1/12




404 Nash Rd
New Bedford, MA 02746

\$6 SF/Year

BLDG E

| | | | |
|-----------|-----------------------|------------|------------------|
| Warehouse | 8,750 SF Available | 1 Space | 8,750 SF Bldg |
|-----------|-----------------------|------------|------------------|

 Contact Broker


 1/3



14 Ventura Dr
Dartmouth, MA 02747

\$8 SF/Year

Ventura Drive

| | | | |
|-----------|-----------------------|------------|-----------------------|
| Warehouse | 5,200 SF Available | 1 Space | On Request SF Bldg |
|-----------|-----------------------|------------|-----------------------|

 Contact Broker

 1/7

306 Mt Pleasant St
New Bedford, MA 02746

\$8 SF/Year

2664sf Office Building on Corner Lot For Lease!

| | | | |
|-------------|-----------------------|------------|------------------|
| Office Bldg | 2,664 SF Available | 1 Space | 2,264 SF Bldg |
|-------------|-----------------------|------------|------------------|

 Contact Broker

Based on available data and rents noted within numerous appraisal reports in our files, as well as conversations with area brokers, market rents for small second tier office space typically range from between \$6 and \$10 per square foot and, when factoring in the subject's more remote location and somewhat tired condition, the lower end of the range i.e. \$6/sf would likely be more representative of its rental potential. Rents for light industrial space are even lower at between \$3 and \$6 per square foot and, again, given the subject's location, tied location and necessity for capital improvements for conversion to light industrial its rent would likely be nearer the lower end. The most likely use, which would take advantage of the water amenity and current building configuration would be for a lodge, function hall, fraternal and or religious organization, but it is unclear as to the demand, which has been addressed. Thus, based on all of the above, the extreme low end appears to be too conservative, while higher end is too aggressive. As such, a mid range rent of \$4.50/sf NNN is considered reasonable and, thus, used.

Market Rent = \$4.50/sf NNN


BILLBOARD RENT

As noted, an abutter to the subject has a doubled angle billboard on their site and their lease with Clear Channel is for \$12,000 annually, or \$1,000 per month. For purposes of this report, it is likely that the subject's Billboard rent will be similar. Thus, going forward, an annual billboard rent of \$12,000 is used. At present, the rent is \$4,000 annually and has been since at least 2010. Reportedly, the current lease expired 2 years ago and the owner never renegotiated a new rent or lease.

VACANCY AND COLLECTION ALLOWANCE (OR CREDIT LOSS)

An overall vacancy and collection allowance rate is applied to the total income to arrive at an effective income. This allowance reflects lease-up periods, changes in tenancy, and local and overall economic conditions, which cause interruptions of the income collections. As noted, the

subject is essentially unoccupied on a daily basis and presently utilized for storage. Furthermore, the building is configured for use by one tenant and thus, at any given time, is either fully occupied or 100% vacant and trying to determine when a likely tenant would take occupancy is purely subjective, especially in this market. Lastly, its use is mainly reserved for that of a functional hall, lodge, religious, office and/or industrial and because, all nearby facilities are light industrial and because vacancy and collection data for religious, function halls, and lodges are non existence, the chart below tracks industrial vacancy levels.

| <div> <div>Industrial Statistics</div> <div>Boston Q3 2016</div> <div>  </div> </div> | | | | | | | | | | |
|--|---------------------|--|--|--|-------------------------|------------------------------|--|------------------------------------|------------------------------|---------------------------------|
| | Inventory (s.f.) | Quarterly total net absorption (s.f.) | YTD total net absorption (s.f.) | YTD total net absorption (% of stock) | Total vacancy (%) | Total availability (%) | Average total asking rent (\$ p.s.f.) | Quarterly completions (s.f.) | YTD completions (s.f.) | Under construction (s.f.) |
| Boston Totals | | | | | | | | | | |
| Warehouse & Distribution | 110,855,118 | 147,194 | 621,335 | 0.6% | 9.6% | 13.1% | \$6.24 | 0 | 600,000 | 1,080,000 |
| Manufacturing | 37,901,915 | -169,415 | 255,638 | 0.7% | 6.8% | 8.7% | \$5.97 | 0 | 0 | 0 |
| Total Industrial | 148,219,697 | -22,221 | 876,973 | 0.6% | 8.9% | 12.0% | \$6.20 | 0 | 600,000 | 1,080,000 |
| Flex / R&D | 34,568,098 | 255,457 | 949,472 | 2.7% | 17.0% | 19.7% | \$9.09 | 0 | 0 | 0 |
| Overall Total | 182,787,795 | 233,236 | 1,826,445 | 1.0% | 10.5% | 13.4% | \$6.95 | 0 | 600,000 | 1,080,000 |
| Submarkets | | | | | | | | | | |
| North | | | | | | | | | | |
| Warehouse & Distribution | 23,007,371 | 166,300 | 106,375 | 0.5% | 7.0% | 9.9% | \$7.43 | 0 | 450,000 | 0 |
| Manufacturing | 7,240,550 | -51,773 | -192,556 | -2.7% | 7.0% | 7.7% | \$6.25 | 0 | 0 | 0 |
| Total Industrial | 30,522,351 | 114,527 | -86,181 | -0.3% | 7.0% | 9.3% | \$7.34 | 0 | 450,000 | 0 |
| Flex / R&D | 14,065,031 | 63,806 | 269,301 | 1.9% | 22.2% | 24.9% | \$9.31 | 0 | 0 | 0 |
| West | | | | | | | | | | |
| Warehouse & Distribution | 24,186,803 | -327,920 | 104,872 | 0.4% | 12.2% | 16.3% | \$5.92 | 0 | 150,000 | 0 |
| Manufacturing | 8,035,274 | -5,461 | 152,477 | 1.9% | 3.7% | 8.8% | \$5.97 | 0 | 0 | 0 |
| Total Industrial | 32,242,773 | -333,381 | 257,349 | 0.8% | 10.1% | 14.4% | \$5.93 | 0 | 150,000 | 0 |
| Flex / R&D | 10,714,498 | -70,300 | 318,704 | 3.0% | 16.6% | 18.3% | \$10.62 | 0 | 0 | 0 |
| South | | | | | | | | | | |
| Warehouse & Distribution | 52,494,444 | 239,154 | 52,686 | 0.1% | 10.7% | 14.6% | \$5.80 | 0 | 0 | 1080000 |
| Manufacturing | 18,177,710 | -233,325 | 160,828 | 0.9% | 8.6% | 9.8% | \$5.79 | 0 | 0 | 0 |
| Total Industrial | 70,786,605 | 5,829 | 213,514 | 0.3% | 10.1% | 13.3% | \$5.80 | 0 | 0 | 1,080,000 |
| Flex / R&D | 8,006,373 | 262,348 | 325,566 | 4.1% | 10.9% | 15.4% | \$8.11 | 0 | 0 | 0 |
| Urban | | | | | | | | | | |
| Warehouse & Distribution | 11,166,500 | 69,660 | 357,402 | 3.2% | 4.6% | 5.3% | \$11.46 | 0 | 0 | 0 |
| Manufacturing | 4,448,381 | 121,144 | 134,889 | 3.0% | 5.0% | 5.2% | \$9.10 | 0 | 0 | 0 |
| Total Industrial | 14,667,968 | 190,804 | 492,291 | 3.4% | 5.0% | 5.6% | \$11.26 | 0 | 0 | 0 |
| Flex / R&D | 1,782,196 | -397 | 35,901 | 2.0% | 6.1% | 6.1% | \$12.55 | 0 | 0 | 0 |

In the above, the vacancy and availability levels for warehouse & distribution in the south sector are 10.7% and 14.6% respectively, however, the south submarket in the data grid extends from Quincy, Milton, and Dedham down to Bridgewater and Plympton and does not included Fall

River. In general properties within the south sector are better positioned than those in Fall River and, thus, one could expect that vacancy levels in Fall River are higher than those depicted above.

For purposes of this analysis, a moderate factor of 10% is used mainly because the subject will appeal to a single user and because regional surveys tend to incorporate larger facilities, which have little relevance to the subject.

EXPENSES

As a NNN rent is used in the analysis, all expenses are paid by the tenant(s), either directly, like utilities, or reimbursed back to the owner at a later time, like taxes and insurance. Thus, the only costs to an owner will be an internal management fee and a replacement reserve budget. The latter is to anticipate for the replacement of long term items such as mechanical system replacement, replacing/repairing roof surfaces, asphalt pavement repairs and/or resurfacing and the like.

Reimbursable Expenses

TAXES

If the subject were to be taxed at the current commercial rate (charitable use at present), taxes would amount to \$19,943.57 and this amount is used but rounded to \$19,945. It is also suggested an abatement be applied for, if the subject were to revert back from a charitable use, as its assessment of \$650,900 appears aggressive. Additionally, since it is unclear who the typical buyer is, two Income analyses are noted; one as a charitable facility and, thus, no taxes are included and the other assumes a non-charitable designation and, thus, includes real estate taxes.

INSURANCE

This amount was estimated, but is based on premiums seen in similar type facilities of its size.

Non-Reimbursable Expenses

MANAGEMENT FEE

Typically, management fees run from between 3% and 5% of the EGI and, seeing as the subject lends itself best to either a single user, or no more than two or three tenants, a fee of 4% of the Effective Gross Income is used.

STRUCTURAL RESERVE

This reserve allows for the periodic replacement of building components that deteriorate or break and must be replaced during the building's economic life (i.e. roof coverings, structural portions of the building, paving, mechanical components, etc.). In this analysis, a factor of 3% of the Effective Gross Income is set aside to account for this budget item.

CAPITALIZATION RATE DEVELOPMENT

As noted, there is no lease in place and the subject best lends itself to an owner occupancy or sole tenant. As such, the Direct Capitalization of one year's income is considered the most appropriate technique in estimating market value via the Income Approach. Capitalization rates can be analyzed from comparable sales for which the actual net operating income is known or developed by factoring the related components of value, primarily debt and equity. Ideally, these rates are extracted from the market since this method best measures investor expectations. There have been few recent sales of similar style properties where the net income was known, therefore, rates extracted from the market were not considered relevant in this analysis. The overall rate utilized for evaluation of the subject was therefore estimated using three methods, the Akerson Ellwood format, a Debt Coverage Ratio, and the Band of Investment Technique. A brief explanation of the three methods is found on the following page with the actual methods noted on the page immediately following.

In all three methods an overall rate is developed by using various components, all of which depend on a mortgage constant, which is derived by amortizing a mortgage rate over a said period of time. In this analysis, a mortgage rate of 5.5% is used in conjunction with a term of 25 Years. The resulting mortgage constant is 7.37%. Other components include the mortgaged fund portion (75%) and the equity position, which is 1 minus the mortgage portion or, in this case, 25%. The three methods are shown on the following page and are relatively straight forward. The Ellwood Akerson Format is the most complex because it tries to derive a rate that takes into account both a return on and of an investment, thus, rendering a true yield rate. Consequently, within the calculations, both appreciation of the improvements and the owners equity build-up over time (i.e. holding period) are addressed and taken into account. The table of calculations is seen on the next page and based on the parameters set forth; the three Capitalization rates noted on the previous page are as follows.

| | |
|-------------------------------------|--------------|
| Akerson Ellwood Format | 9.25% |
| Debt Coverage Ratio | 8.30% |
| Band of Investment Technique | 8.55% |

| CAPITALIZATION RATE DEVELOPMENT | | | | | | | | | |
|---------------------------------|---------|-----------------------|---------|---|--------|--|------|------------------|----------|
| Assumptions | | Given or Estimated | Derived | | | | | | |
| Loan to Value Ratio | M | 75.00% | | | | | | | |
| Equity Portion | 1-M | | 25.00% | | | | | | |
| Debt Coverage Ratio | DCR | 1.5 | | | | | | | |
| Mortgage Term - Years | N | 25 | | | | | | | |
| Mortgage Interest Rate | I | 5.50% | | | | | | | |
| Mortgage Constant | Rm | | 7.37% | * | | | | | |
| Holding Period - Years | | 10 | | | | | | | |
| Mortgage Constant | Rmp | | 13.02% | * | | | | | |
| Yield Rate | Ye | 18.00% | | | | | | | |
| Equity Dividend Rate | Re | 12.00% | | | | | | | |
| Appreciation or Depreciation | | 0.00% | | | | | | | |
| Sinking Fund Factor | SFF | | 4.25% | | | | | | |
| Principle Paid Off | P | | 24.84% | | | | | | |
| Income Pattern | | Level | | | | | | | |
| * Assumes Monthly Payments | | | | | | | | | |
| ELLWOOD AKERSON FORMAT | | | | | | | | | |
| Capital Structure | Portion | X | Rate | | | | | Weighted Rate | |
| Mortgage Funds | 75.00% | X | 7.37% | | | | | = | 0.0553 |
| Equity Investment | 25.00% | X | 18.00% | | | | | = | 0.0450 |
| Weighted Average | | | | | | | | | 0.1003 |
| | M | X | P | X | SFF | | | | |
| Credit for Equity Build-Up | 75.00% | X | 24.84% | X | 4.25% | | | = | (0.0079) |
| Basic Rate | | | | | | | | | 0.0923 |
| | Apprec | | SFF | | | | | | |
| Unload for Appreciation | 0.00% | X | 4.25% | | | | | = | 0.0000 |
| Overall Rate (Level Income) | | | | | | | | | 0.0923 |
| | | | | | | | Call | | 9.25% |
| DEBT COVERAGE RATIO | | | | | | | | | |
| | DCR | X | M | X | Rm | | | | |
| | 1.5 | X | 75.00% | X | 7.37% | | | = | 0.0829 |
| | | | | | | | Call | | 8.30% |
| BAND OF INVESTMENT | | | | | | | | | |
| | | | Rm | X | M | | | | |
| | | | + Re | X | (1-M) | | | | |
| | | | 7.37% | X | 75.00% | | | = | 0.0553 |
| | | | 12.00% | X | 25.00% | | | = | 0.0300 |
| | | | | | | | | | 0.0853 |
| | | | | | | | Call | | 8.55% |

As an additional reference, the 2nd Quarter 2016 National Market Indicators, as published by RealtyRates.com, was reviewed (the chart is shown below) and, as seen, capitalization rates for various property types (Industrial, Office and Special Use) range from between 8.93% and 11%.

| RealtyRates.com INVESTOR SURVEY - 4th Quarter 2016* | | | | | | | | | | | | | | | | | | | | | | | | |
|---|------|-----|-------|-----|---------------------------------|-----|------------|-----|---------|-----|---------------|-----|--------|-----|--------|-----|------------|-----|-----------------|-----|--------------------|------|-----------------------------------|-------|
| CURRENT & HISTORICAL CAP RATE INDICES | | | | | | | | | | | | | | | | | | | | | | | | |
| Method-Weighted* Property Category Indices | | | | | | | | | | | | | | | | | | | | | | | | |
| | Apts | | Golf | | Healthcare Senior Housing | | Industrial | | Lodging | | MHR/V Park | | Office | | Retail | | Restaurant | | Self Storage | | Special Purpose | | Weighted* Composite Indices | |
| | BP | | BP | | BP | | BP | | BP | | BP | | BP | | BP | | BP | | BP | | BP | | BP | |
| Year | Rate | Chg | Rate | Chg | Rate | Chg | Rate | Chg | Rate | Chg | Rate | Chg | Rate | Chg | Rate | Chg | Rate | Chg | Rate | Chg | Rate | Chg | Rate | Chg |
| 2016 | 7.96 | -18 | 11.63 | -6 | 8.75 | -5 | 8.93 | 0 | 10.07 | -15 | 8.96 | -4 | 9.03 | -5 | 9.11 | -4 | 11.48 | -18 | 9.47 | -5 | 11.00 | -1 | 9.33 | -7 |
| 3rd Qtr. | 7.96 | -7 | 11.55 | -13 | 8.70 | -5 | 8.91 | 2 | 10.01 | -13 | 8.91 | -9 | 9.04 | -12 | 9.05 | -6 | 11.45 | -9 | 9.47 | 3 | 10.89 | -8 | 9.30 | -3 |
| 2nd Qtr. | 8.04 | 7 | 11.68 | -3 | 8.75 | -4 | 8.89 | -5 | 10.14 | 1 | 9.00 | 0 | 8.92 | -10 | 9.11 | -5 | 11.54 | 2 | 9.44 | -5 | 10.97 | -14 | 9.33 | -3 |
| 1st Qtr. | 7.96 | -25 | 11.71 | -7 | 8.79 | -9 | 8.94 | -6 | 10.13 | -5 | 9.00 | -6 | 9.02 | -7 | 9.16 | -6 | 11.52 | -21 | 9.48 | -6 | 11.11 | -10 | 9.36 | -10 |
| 2015 | 8.15 | -9 | 11.69 | -14 | 8.80 | -9 | 8.93 | -10 | 10.22 | -20 | 8.99 | -18 | 9.00 | -6 | 9.15 | -11 | 11.66 | -13 | 9.52 | -22 | 11.11 | -12 | 9.40 | -12 |
| 2014 | 8.24 | -15 | 11.83 | -9 | 8.89 | -1 | 9.03 | -4 | 10.43 | -17 | 9.17 | -5 | 9.06 | -22 | 9.26 | 15 | 11.79 | -6 | 9.75 | -20 | 11.24 | 14 | 9.52 | -7 |
| 2013 | 8.39 | 14 | 11.92 | -14 | 8.90 | 5 | 9.07 | -2 | 10.60 | 3 | 9.22 | 14 | 9.28 | -19 | 9.11 | -4 | 11.86 | 9 | 9.95 | -24 | 11.10 | 1 | 9.58 | -2 |
| 2012 | 8.25 | -35 | 12.07 | 6 | 8.85 | -36 | 9.09 | -40 | 10.57 | -24 | 9.08 | -39 | 9.47 | 3 | 9.15 | -13 | 11.77 | 6 | 10.19 | -49 | 11.09 | -4 | 9.60 | -21 |
| 2011 | 8.60 | -29 | 12.00 | -22 | 9.21 | -40 | 9.49 | -11 | 10.81 | -24 | 9.48 | -8 | 9.44 | -10 | 9.28 | -26 | 11.70 | -14 | 10.69 | -3 | 11.12 | -17 | 9.81 | -19 |
| 2010 | 8.89 | -4 | 12.22 | 5 | 9.62 | 15 | 9.60 | 12 | 11.05 | 7 | 9.55 | 22 | 9.54 | 16 | 9.54 | 25 | 11.84 | 12 | 10.72 | 21 | 11.30 | 0 | 10.00 | 13 |
| 2009 | 8.85 | 8 | 12.17 | 16 | 9.47 | 10 | 9.48 | 10 | 10.98 | -7 | 9.33 | 1 | 9.38 | 29 | 9.29 | 20 | 11.72 | 15 | 10.50 | 37 | 11.30 | 8 | 9.87 | 14 |
| 2008 | 8.77 | -4 | 12.01 | 29 | 9.37 | -16 | 9.38 | -14 | 11.05 | 56 | 9.32 | -5 | 9.09 | -16 | 9.09 | -11 | 11.57 | -28 | 10.13 | 20 | 11.22 | -7 | 9.74 | -1 |
| 2007 | 8.81 | -45 | 11.72 | -21 | 9.53 | -65 | 9.52 | -25 | 10.49 | -28 | 9.37 | -26 | 9.25 | -47 | 9.20 | -12 | 11.85 | 61 | 9.93 | -38 | 11.29 | -24 | 9.75 | -28 |
| 2006 | 9.26 | 12 | 11.93 | 47 | 10.18 | 15 | 9.77 | 35 | 10.77 | 27 | 9.63 | 41 | 9.72 | 26 | 9.32 | 30 | 11.24 | 18 | 10.31 | 27 | 11.53 | 9 | 10.03 | 26 |
| 2005 | 9.14 | 14 | 11.46 | 80 | 10.03 | -16 | 9.42 | -30 | 10.50 | -21 | 9.22 | 19 | 9.46 | 6 | 9.02 | 16 | 11.06 | 5 | 10.04 | 13 | 11.44 | -30 | 9.77 | 2 |
| 2004 | 9.00 | -19 | 10.66 | 28 | 10.19 | -37 | 9.72 | 19 | 10.71 | -98 | 9.03 | -48 | 9.40 | -4 | 8.86 | -19 | 11.01 | -15 | 9.91 | -13 | 11.74 | -30 | 9.75 | -19 |
| 2003 | 9.19 | -2 | 10.38 | -32 | 10.56 | 64 | 9.53 | 33 | 11.69 | -56 | 9.51 | -11 | 9.44 | 1 | 9.05 | -18 | 11.16 | 8 | 10.04 | -53 | 12.04 | 105 | 9.94 | 12 |
| 2002 | 9.21 | -40 | 10.70 | 18 | 9.92 | -39 | 9.20 | -61 | 11.13 | 26 | 9.62 | -60 | 9.43 | -35 | 9.23 | -62 | 11.08 | -3 | 10.57 | -12 | 10.99 | -177 | 9.82 | -41 |
| 2001 | 9.61 | 64 | 10.52 | 133 | 10.31 | 90 | 9.81 | 16 | 10.87 | -98 | 10.22 | -68 | 9.78 | -35 | 9.85 | -53 | 11.11 | 47 | 10.69 | 13 | 12.76 | 32 | 10.23 | 21 |
| 2000 | 8.97 | | 9.19 | | 9.41 | | 9.65 | | 9.89 | | 10.90 | | 10.13 | | 10.38 | | 10.64 | | 10.56 | | 12.44 | | | 10.01 |
| * Weighted by methodology: Band-of-Investment, DCR Technique, Sales Survey. | | | | | | | | | | | | | | | | | | | | | | | | |
| * Further weighted by property category. | | | | | | | | | | | | | | | | | | | | | | | | |

* Weighted by methodology: Band-of-Investment, DCR Technique, Sales Survey

* Further weighted by property category

Based on both references, a **9.25% capitalization rate is used**, noting that the subject is not institutional grade and it has a secondary location, when compared to national markets.

Furthermore, the subject is in need of repairs, its use is limited given its somewhat remote location, and the Fall River Real estate market is still challenging.

The two indicated Fee Simple market values derived by the Income Capitalization Approach (Charitable & non Charitable) are shown on the following pages. The calculations are performed by Microsoft's *Excel* software.

INCOME & EXPENSE STATEMENT

| | | | |
|--|----------|--------------|----------------|
| Direct Capitalization | | | |
| | | | |
| Jefferson Street Fall River, MA 7,840 SF | | As Is | |
| | | | |
| <u>Income</u> | | <u>\$/SF</u> | <u>\$/Year</u> |
| Vacant | 7,840 sf | \$4.50 (NNN) | \$35,280 |
| Bill Boards | | | \$12,000 |
| Reimbursable Expenses | | | \$28,609 |
| Potential Gross Income | | | \$75,889 |
| Vacancy & Collection Loss @ 10% | | | (\$7,589) |
| Effective Gross Income | | | \$68,300 |
| | | | |
| <u>Reimbursable Expenses</u> | | | |
| Taxes | | \$19,945 | |
| Insurance | | \$2,450 | |
| Repairs & Maintenance | | \$5,464 | |
| Water & Sewer (septic tank) | | \$750 | |
| Sub-Total | | \$28,609 | |
| | | | |
| <u>Non-Reimbursable Expenses</u> | | | |
| Management | | \$2,732 | |
| Reserves 3% EGI | | \$2,049 | |
| Sub-Total | | \$4,781 | |
| Total Expenses | | \$33,390 | (\$33,390) |
| NOI | | | \$34,910 |
| Ro @ 9.25% | | | \$377,406 |
| Rounded To | | | \$375,000 |
| | | | |
| Price Per SF | \$47.83 | | |

Based on the analysis noted, the indicated value of the subject property, via the Income Approach and assuming it is no longer designated as a charitable use, is ...

\$375,000

INCOME & EXPENSE STATEMENT

| | | | |
|--|----------|--------------|------------|
| Direct Capitalization | | | |
| Jefferson Street Fall River, MA 7,840 SF | | As Is | |
| Income | | \$/SF | \$/Year |
| Vacant | 7,840 sf | \$4.50 (NNN) | \$35,280 |
| Bill Boards | | | \$12,000 |
| Reimbursable Expenses | | | \$7,117 |
| Potential Gross Income | | | \$54,397 |
| Vacancy & Collection Loss @ 10% | | | (\$5,440) |
| Effective Gross Income | | | \$48,957 |
| Reimbursable Expenses | | | |
| Taxes | | \$0 | |
| Insurance | | \$2,450 | |
| Repairs & Maintenance | | \$3,917 | |
| Water & Sewer (septic tank) | | \$750 | |
| Sub-Total | | \$7,117 | |
| Non-Reimbursable Expenses | | | |
| Management | | \$1,958 | |
| Reserves 3% EGI | | \$1,469 | |
| Sub-Total | | \$3,427 | |
| Total Expenses | | \$10,544 | (\$10,544) |
| NOI | | | \$38,413 |
| Ro @ 9.25% | | | \$415,280 |
| Rounded To | | | \$415,000 |
| Price Per SF | | \$52.93 | |

Based on the analysis noted above, the indicated value of the subject property, via the Income Approach and assuming it retains its charitable status is ...

\$ 415,000

RECONCILIATION & FINAL OPINION OF VALUE

The subject property consists of a level, irregular shaped 3.37 acre parcel of land that is improved with an older 7,840 square foot commercial building that is now utilized for storage, but had been run as a child care and development center until 2010. The building only encompasses 5.3% of the site area, but there is a brook running through the center of the parcel, which compromises its overall utility. Nonetheless, at 3.37 acres, there is room for potential additional development. The site has frontage on South Watuppa Pond and some nice views through the trees, and it is easily seen from adjacent State Route 24, resulting in several billboards that provide added income. The interior of building appears to be in good condition, while the exterior is in need of some cosmetic renovations and repairs. There is noticeable graffiti on the back side of the building, some fascia boards need repairs and in several areas there is ceiling water damage. Additionally, the paved areas and lot are overgrown and have not been tended to for some time.

The property is located on Jefferson Street Extension in the Southeastern Massachusetts City of Fall River and has good access to State Route 24, as it is about 3,000 feet from two access ramps, one to the east and one to the west. All surrounding improvements are light industrial/warehouse in nature, as this area once housed a large mill complex.

In valuing the subject, both the Sales Comparison and Income Approaches are used, with two values generated via the Income Approach, assuming both a charitable and non-charitable status. In the latter, taxes are not accounted for and, thus, a slighter higher value is forwarded. Nonetheless, as the subject would likely appeal more to an owner user rather than a pure investor, the Sales Comparison Approach is more heavily weighted. The values are summarized below...

| | | | |
|-------------------------|----------|-------------------|-------------------------|
| Sales Comparison | - | \$ 400,000 | |
| Income Approach | - | \$ 375,000 | (Non Charitable) |
| Income Approach | - | \$ 415,000 | (Charitable) |

Both approaches offer similar and mutually supportive value indications. The Sales Comparison Approach should be weighted most, and a variety of generally similar uses were considered. In general, the sales had smaller parcels, whereas, the subject has a large parcel with good highway access and visibility, two billboards and views and frontage on South Watuppa Pond. Although formerly used as a day care/educational facility and as a function hall, the property might appeal to a variety of commercial users and could have good alternative development potential, but building modifications would have to be made. A rounded value of \$400,000 (\$51/SF) is weighted in light of the property's need for building and grounds upgrading, as well as the unknowns regarding its development potential.

Thus, based on the analyses performed, it is my opinion that the property's "As Is" Fee Simple market value, as of **December 5, 2016**, subject to the certification and limiting conditions noted, is...

\$ 400,000

(Four Hundred Thousand Dollars)

Respectfully submitted,



Charles M. Barbaresi
Cert. Gen. R.E. Appraiser
MA. License #212



Robert P. Wood
Cert. Gen. R.E. Appraiser
MA. License #874

ROBERT P. WOOD & CO., INC.

Real Estate Appraisers

769 Plain Street – Suite O
Marshfield, MA 02050

Tel. (781) 834-4464
FAX (781) 834-3733

www.rpwood.com

Robert P. Wood & Co., Inc., formed in 1982, is a full service real estate appraisal firm catering to lending institutions, attorneys, municipalities, non-profit agencies and private parties. The firm performs residential, multi family and a wide variety of commercial property appraisals, and we currently have an affiliation with up to thirty active field appraisers, all of whom are licensed to perform appraisal reports in Massachusetts and/or Rhode Island. Five appraisers have their Certified General license, enabling them to consider all types of commercial and residential real estate. The firm represents numerous local and national lender clients, and covers a territory that includes the Massachusetts Counties of Suffolk, Norfolk, Middlesex, Essex, Plymouth, Bristol, Barnstable and Worcester, and the Rhode Island Counties of Providence, Kent, Newport and Bristol.

The firm has appraisal affiliates who live in a variety of communities throughout the Eastern, Southeastern and Central Massachusetts regions, as well as the State of Rhode Island, enabling us to provide prompt and locationally sensitive service.

Most of our appraiser affiliates are qualified to testify in various Massachusetts and Federal courts, and all have extensive experience in the real estate field.

Because of our experience, equipment and staffing, we are able to provide our clients with accurate and time sensitive appraisal reports. Most residential reports can be completed within one week, with verbal values available within three days in most cases. Commercial and residential appraisal reports are typically delivered electronically or via UPS for more timely service.

To order an appraisal, please call: (781) 834-4464

or order by FAX (781) 834-3733

Address: 769 Plain Street – Suite O, Marshfield, MA 02050

ROBERT P. WOOD - QUALIFICATIONS

LICENSE # 874
LICENSE #78029

Massachusetts Certified General Real Estate Appraiser
Massachusetts Licensed Real Estate Broker

EDUCATION:

College **Boston College - B.A. (English)**

Professional **Residential Building Principles Course**
Mass. Association of Home Builders

Mass. Association of Real Estate Appraisers

- **Course I (Residential Appraisal Principles)**
- **Course IA (Narrative Appraisals)**
- **Course II (Income Property Appraisal)**

Appraisal Institute

- **Capitalization Theory & Technique**
Part A / Part B
- **Case Studies in Real Estate Valuation**
Valuation Analysis & Report Writing
- **Standards of Professional Practice, Parts A & B**

Northeastern University

- **Introduction to Hazardous Waste Management**
- **Business Valuation I**

EXPERIENCE:

1982-1983 **Consultant, City of Boston, Property Re-evaluation effort. Assisted in the compilation and review of over 1,000 property tax assessments.**

1982-Present **Robert P. Wood & Co., Inc. - Providing real estate appraisals to lending institutions, attorneys and private parties**

1993-1998 **Associate Member, Town of Marshfield Planning Board**

1994-2000 **Member, Real Estate Committee - South Shore Chamber of Commerce**

PROFESSIONAL ASSOCIATIONS

Appraisal Institute (Associate Member)

Massachusetts Association of Real Estate Appraisers (State Certified Member)

Massachusetts Association of Realtors

South Shore Chamber of Commerce (past Real Estate Committee)

MLS Property Information Network

CHARLES M. BARBARESI

5 Henderson Way

Medfield, MA 02052

Residence: (508) 359-8643

Email: cbbarbaresi@yahoo.com

SUMMARY OF QUALIFICATIONS

- Commercial real estate appraiser/analyst with 29 years of experience, including eight years of bank experience and in house review.

BUSINESS EXPERIENCE

Robert Wood & Company, Marshfield, MA

July 2001 - Present

Commercial Real Estate Appraiser

- Appraised all facets of commercial real estate.

BankBoston, Boston, MA

April 1992 – March 2000

Appraisal Department

Senior Commercial Real Estate Appraiser

- Appraised all facets of commercial real estate.

Boston Valuation Group, Weymouth, MA

October 1990 - March 1992

Senior Commercial Real Estate Appraiser

- Appraised all facets of commercial real estate.

Robert Wood & Company, Milton, MA

May 1986 - October 1990

Commercial Real Estate Appraiser

- Appraised all facets of commercial real estate.

Nov. 29. 2016 2:36PM

No. 03/6 P. 2

ROBERT P. WOOD & CO., INC.

Real Estate Appraisers

769 Plain Street – Suite O
Marshfield, MA 02050

Tel. (781) 834-4464
FAX (781) 834-3733

www.rpwood.com

November 10, 2016

Mr. Terry Sullivan
City of Fall River
Fall River, MA

RE: Jefferson St. Ext
Fall River, MA

ENGAGEMENT LETTER

Dear Mr. Sullivan:

As per your request, I hereby submit a proposal for the appraisal of the above noted property, a 3.37 acre parcel of land that is improved with a 7,840 square foot single story building that is now vacant. The report will be in a appraisal format that is consistent with Bank lending, Massachusetts Judiciary and/or Internal Revenue Service requirements.

The purpose of the appraisal is to offer an opinion of the "as is" market value of the fee simple interest in the property. It is understood that the appraisal is to be used for making a purchasing decision. Also, please note, that I performed an appraisal on this property back in August 2014.

The appraisal will be prepared in accordance with the Uniform Standards of Appraisal Practice (USPAP). The estimated completion date of this appraisal assignment is approximately 4-5 weeks from the date of the signed engagement, or earlier, if possible.

We will furnish you with an electronic copy of the report via email. If you require original copies, they can be sent via UPS delivery. Our fee for the completion of this assignment is \$2,500. The fee will include the cost of all expenses (except court testimony – if required) that may be incurred in the preparation of the report. Our fee will be due upon delivery of the report.

Nov. 29. 2016 2:36PM

No. 0376 P. 3

Engagement Letter


Page 2 of 2

If you wish us to perform this appraisal assignment, please sign a copy of this letter indicating your acceptance of its terms and return it to us either by email (rwood@rpwood.com) or FAX (781-834-3733).

If you have any questions about anything contained in this letter, please call me at (781) 834-4464.

A copy of our credentials are attached for your reference. Thank you for considering Robert P. Wood & Co. for your appraisal needs.

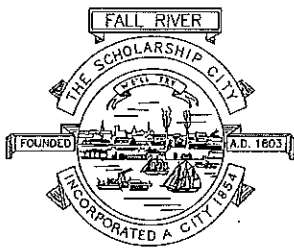
Very truly yours,


Robert P. Wood
Cert. Gen. R.E. Appraiser
MA License # 874

Engagement Letter Accepted: 

Date: 11/29/16


11-21-16



City of Fall River
Massachusetts
Office of the Mayor

3

JASIEL F. CORREIA II
Mayor

March 23, 2017

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

RECEIVED

2017 MAR 23 P 3:43

CITY CLERK
FALL RIVER, MA

Honorable Council Members:

I am pleased to present to you an opportunity for us to create an Office of Economic Development within our local government. Many of us have shared the vision of a dedicated and focused effort to market Fall River to prospective businesses, visitors and residents and, at the same time, strengthen our commercial climate and enable existing businesses to thrive within our community.

Your input and assistance is needed in developing the tools to establish this Office of Economic Development. Staffing is a critical first step. Two new positions, Executive Director and Administrative Assistant, need to be created in Ordinance. I am proposing, for your review and approval, the following Ordinances:

- 1) There shall be an **Executive Director** responsible for economic and community development as well as tourism in the City of Fall River. This position shall work closely with the Redevelopment Authority, the Community Development Agency, local employment training and assistance agencies, and State and Federal offices to develop new economic opportunities for job growth and job retention.

The candidate for this position shall be recommended to the Mayor by a Committee of five people as follows:

- the Mayor or his designee
- A member of the City Council, to be selected by the City Council
- Chairperson of the Redevelopment Authority
- Legal Counsel to the Redevelopment Authority
- A representative from the Chamber of Commerce

Salary: The candidate shall be given a five year contract, to be approved by the City Council, at a salary not to exceed \$125,000

- 2) There shall be an **Administrative Assistant** to support the activities of the Office of Economic Development at the direction of the Executive Director.

Salary: Confidential, non-union employee, salary not to exceed \$40,000

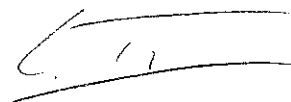
This Office can begin functioning once the new positions have been created in Ordinance and the positions have been filled. The Mayor's Salary Budget has a sufficient, excess amount to fund these positions through June 30, 2017.

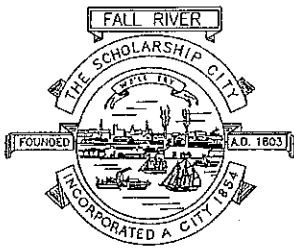
Beginning in FY 2018, the Office will be funded through the creation of a Special Revenue Account funded by a variety of sources including, but not limited to, the Community Development Agency, a Redevelopment Authority Services Agreement, modernization of parking garage services, and Redevelopment Authority pilot payments owed to the City. The estimated annual Budget amount will be \$465,000. I will be requesting the City Council's authorization for the Special Revenue Account at a future date.

I am certain you share my interest in creating these economic development resources as soon as possible. Your prompt action in the creation of these positions is respectfully requested.



Jasiel F. Correia II
Mayor





City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2017 MAR -9 P 2:59

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

March 8, 2017

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

Dear Honorable Council Members:

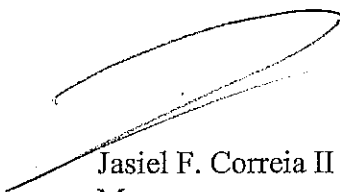
The Community Preservation Committee (CPC) has identified one additional community project and has made recommendations for funding in accordance with the Community Preservation Act (CPA) MGL Chapter 44B Sections 4 to 7.

- Maritime Museum (formerly the Marine Museum) - \$47,000 Emergency Funding-elevator

Your approval of the associated Appropriation Order is respectfully requested.

Should you have any questions or concerns in this regard, please do not hesitate to contact me.

Best Regards,



Jasiel F. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL
MAR 21 2017



APPROPRIATION ORDER

ORDERED, that the following FY 17 supplemental appropriations be provided through the Community Preservation Act (CPA), reserves under the MGL Chapter 44B Sections 4 to 7 in the aggregate, amounting to \$47,000 to be appropriated as follows:

Voted: That \$47,000 be appropriated from the CPA Fund's Undesignated fund balance

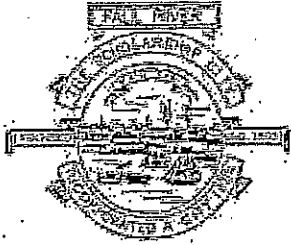
| | |
|--|----------|
| For CPA Administrative Expenditures | \$0 |
| For CPA Open Space/Outdoor Recreation | \$0 |
| For CPA Historic Resources Preservation PROJECTS | \$47,000 |
| For CPA Community Housing | \$0 |

| | |
|--------------|-----------------|
| TOTAL | \$47,000 |
|--------------|-----------------|

Note: Please note that this a supplemental CPA appropriation for FY 17. The City Council had earlier appropriated \$952,000 for various CPA projects on June 14, 2016. The CPA fund balance is reported at 1,342,004 on June 30, 2016 and is more than sufficient to cover this supplemental appropriations.

CITY OF FALL RIVER
IN CITY COUNCIL
MAR 21 2017

Tabled



CITY OF FALL RIVER

RECEIVED

FALL RIVER CODE SECTION 14-4 CERTIFICATION

2017 MAR 23 P 4: 28

CITY CLERK

Section 14-4 of the Fall River Code of Ordinances provides that the City may deny, revoke or suspend any municipal license or permit held or applied for by a person or entity that has neglected or refused to pay any municipal taxes, assessment, fees or charges or for an activity which will take place in or on a property owned by person or entity who has neglected or refused to pay any municipal taxes, assessment, fees or charges. Any person or entity intending to apply for a municipal license or permit or to renew a municipal license or permit may use this form to obtain a certification that they have complied with Section 14-4.

APPLICATION INFORMATION

| | |
|----------------------|-----------------|
| Applicant's Name: | Maritime Museum |
| Applicant's Address: | |
| Parcel ID: | N-16-01 |
| Email Address: | |
| Contact Telephone #: | |

LOCATION INFORMATION

If licensed activity will take place in specific location, please provide:

| | |
|-------------------------|----------------------|
| Name of Owner/Landlord: | Marine Museum at FR. |
| Location Address: | 70 Water St. |
| Location Parcel ID#: | N-16-01 |

Are you applying for an inspection certificate in conjunction with the sale of the real estate?

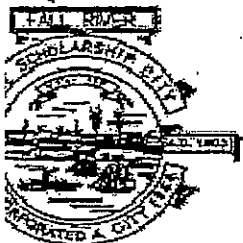
☒ Yes ☐ No

FOR OFFICIAL USE ONLY

| | | |
|--|--|---------|
| Date Received: 3/23/17 | Certified: ✓ | Denied: |
| Dated: 3/23/17 | Reviewed By: [Signature] | |
| Valid for 30 days unless June, July, August of any fiscal year. | Idalina Gerades City Collector [Signature] | |

NOTICE

Issuance of Certification is not receipt of payment or proof that taxpayer is current with taxes, assessment, fees or charges; rather it is authorization to issue licenses or permits under Section 14-4 of the Fall River Code of Ordinances



CITY OF FALL RIVER

FALL RIVER CODE SECTION 14-4 CERTIFICATION

4

Section 14-4 of the Fall River Code of Ordinances provides that the City may deny, revoke or suspend any municipal license or permit held or applied for by a person or entity that has neglected or refused to pay any municipal taxes, assessment, fees or charges or for an activity which will take place in or on a property owned by person or entity who has neglected or refused to pay any municipal taxes, assessment, fees or charges. Any person or entity intending to apply for a municipal license or permit or to renew a municipal license or permit may use this form to obtain a certification that they have complied with Section 14-4.

APPLICATION INFORMATION

| | |
|----------------------|---------------------------------------|
| Applicant's Name: | The Marine Museum at Fall River |
| Applicant's Address: | 70 Water Street, Fall River, MA 02721 |
| Parcel ID: | |
| Email Address: | |
| Contact Telephone #: | 508-674-3533 |

LOCATION INFORMATION

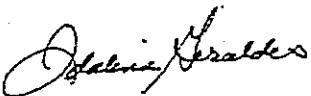
If licensed activity will take place in specific location, please provide:

| | |
|-------------------------|-------------------|
| Name of Owner/Landlord: | THE MARINE MUSEUM |
| Location Address: | 70 WATER STREET |
| Location Parcel ID#: | N-16-01 |

Are you applying for an inspection certificate in conjunction with the sale of the real estate?

☐ Yes ☐ No

FOR OFFICIAL USE ONLY

| | | |
|--|---|---------|
| Date Received: 9-12-16 | Certified: APPROVED 9-20-16 ✓ | Denied: |
| Dated: 9-20-16 | Reviewed By: Idalina Geraldles | |
| Valid for 30 days unless June, July, August of any fiscal year. | Idalina Geraldles City Collector  | |

NOTICE

Issuance of Certification is not receipt of payment or proof that taxpayer is current with taxes, assessment, fees or charges; rather it is authorization to issue licenses or permits under Section 14-4 of the Fall River Code of Ordinances

RECEIVED

2017 MAR 24 A 9:55

CITY CLERK
FALL RIVER, MA



Rec'd 9/14/16
1:56pm
g

4

September 12, 2016

Ida Geraldles
City Collector
City of Fall River
One Government Center
Fall River, MA 02721

Dear Ms. Geraldles:

This letter is in reference to a tax liability that was incurred by the Marine Museum at Fall River, Inc. by a prior board during the approximate period(s) preceding July 2014. As you are aware the failure to file documentation with the IRS and Secretary of the Commonwealth had been inadvertent and caused by issues surrounding the management of the corporation at that time.

Since the original 8 of 58 request was filed in good faith and is still pending, the Museum would request that you please issue a Tax Certification to the Marine Museum at Fall River, Inc.

I want to thank you for your interest and cooperation. Please contact me if you have any questions.

Sincerely,

/s/ DJD

David J. Dennis, Esq.
Board Chair and Chief Executive Officer

DJD/abm

CITY CLERK
FALL RIVER, MA

2017 MAR 24 A 9:55

RECEIVED

70 WATER STREET • FALL RIVER, MASSACHUSETTS 02721-1598
TELEPHONE: 508-674-3533 • FAX: 508-674-3534 •



4

City of Fall River
Massachusetts
Department of Financial Services
TREASURER • COLLECTOR • AUDITOR • ASSESSOR
Collector Division

JASIEL F. CORREIA II
Mayor

IDALINA GERALDES
City Collector, CMMC

September 20, 2016

David J. Dennis, Esq.
Board Chair and Chief Executive Officer
The Marine Museum
70 Water Street
Fall River, MA 02721-159

Dear Attorney Dennis:

I am in receipt of your letter dated September 12, 2016 requesting a Tax Certification.
Enclosed please find the approved Tax Certification.

If I can be of any assistance or if you have any questions or concerns please call me at 508-324-2265.

Sincerely,

Idalina Geraldles
Tax Collector

CITY CLERK
FALL RIVER, MA

2017 MAR 24 A 9:55

RECEIVED

Community Preservation Committee

RECEIVED

Minutes: September 22, 2016

2017 MAR 24 A 9:55

City Council Hearing Room

CITY CLERK _____
FALL RIVER, MA

Members Present:

James Souza, Antone Dias, Paul Machado, Kenneth Pacheco, Keith Paquette, Jason Caminiti, John Brandt

Members Absent:

No current board members were absent.

Open Meeting Law:

Chairman, Kenneth Pacheco, read the Open Meeting Law Advisement.

Minutes:

A motion was made by James Souza to accept the minutes of the August 15, 2016 meeting. That motion was seconded by Antone Dias.

Result: Unanimously approved

New Business:

New Board members:

Chairman Kenneth Pacheco reported that he has not been informed of the name of the new Housing Authority representative to the CPC. The Historic Commission has designated, Kristen Cantara Oliveira as their new representative.

Marine Museum Taxes:

The Marine Museum, a 2016 grantee, has provided documentation that their prior tax liability has been paid.

James Souza made a motion to accept this documentation. That motion was seconded by Jason Caminiti.

Result: Unanimously approved.

Contract Extensions:

New Director of Community Maintenance, Christopher Gallagher, brought to the attention of the Committee that its award contracts from 2015 required the projects to be completed by October 10, 2016 unless an extension is granted by the Committee. He requested a six month extension in order for the projects to be completed, especially since some of the projects are weather dependent.

Chairman Kenneth Pacheco indicated that there had been a number of delays in this first award year and as a result these extensions are supported by good cause.

Paul Machado made a motion that each of the contracts be extended for an additional six months for good cause. That motion was seconded by Antone Dias.

Result: Unanimously approved.

Award Confirmation:

David Jennings, Executive Director of the Lafayette/Durfee House informed the Committee that his architect advised him to obtain confirmation that the funds would be available to the contractors.

The Board directed Administrative Assistant, Sandy Dennis, to send a letter to the award recipient confirming the availability of the approved funds.

Watershed Trail Award:

Paul Machado indicated that he had not yet prepared an award contract for the Watershed Trail Project because that award was contingent on approval from the Water Department. He indicated that he had sent a letter to the Water Department but had not yet received a response. Kenneth Pacheco said that he believed that this was being discussed by that Board.

East Line Trail:

Chairman Kenneth Pacheco indicated that the purchase price on the East Line Trail project is lower than the award amount. He also indicated that there may be some reimbursements from other city projects.

Application 2017 -027

Ms. Dennis informed the Committee that the application from the Safe Haven Sober House was submitted on September 7, 2016. Paul Machado indicated that he had spoken to the applicant and she had indicated she thought she had until October 1. Mr. Machado indicated that she should file the application the very next day and that the Board will consider whether it would accept the late filing.

James Souza moved that this late application be accepted. That Motion was seconded by John Brandt.

Result: Six votes in favor, Paul Machado abstaining.

Amendments to Applications:

James Sousa indicated that the subcommittee has met and has begun the discussion of amending the application forms. He said that one factor which was important to him was to ensure that all questions are answered.

Chairman Kenneth Pacheco indicated that once the City brings in an outside vendor that vendor cannot later bid on the project. He explained that a potential vendor might not be interested in doing a \$5,000 study for a project when they could bid for the \$50,000 project itself.

Antone Dias indicated that some of these preliminary reports could be prepared by the architects on the Historic Commission. He also indicated that it is his preference that an architect be involved in the earliest stages of a project.

Paul Machado suggested we might want to ask if they already have a feasibility study or an historic deed restriction. Antone Dias added that the applicants should include a copy of their deed, if applicable.

Chairman Pacheco suggested that the applicant should also provide a notice that the taxes are up to date. Chairman Pacheco indicated that the subcommittee will continue its work and report to the Board.

Administrative Assistant Report:

Ms. Dennis reported that the City website has been updated and many agendas and prior minutes have been posted. She also indicated that a list of grant opportunities by category has also been posted. She will continue to work with the City's IT director to regularly update the website.

Ms. Dennis also indicated that she has been tracking the facebook account and has found that page hits have increased.

She provided a quarterly Bartholomew Fund report and internal city accounts. She provided an explanation of the reports by project.

Antone Dias asked what the total amount would be available for 2017 awards. Ms. Dennis will obtain that information for the next meeting which will include total amount and category amounts.

Ms. Dennis reported on the placement of the CPA signs. Jason Caminiti asked if the sign at the Historic Society had been up during its concert series. Ms. Dennis answered that she believed it was up for the last concert.

Paul Machado suggested that a future project for Ms. Dennis would be to continue to popularize the CPA and its projects. Antone Dias asked whether the CPA could have a table at AHA events. As both David and Sandra Dennis were present they confirmed that this would be available to the CPC. Other means to publicize the CPA would include potential PDAs and further neighborhood and organization outreach.

Next Meeting Agenda:

As the next meetings will be the eligibility hearings, the Committee selected three hearing dates so that notices could be sent out and the room reserved. Those three dates will be Wednesdays, October 12, November 9 and December 14. The schedule will be as follows:

| | |
|-------------|------------------------------------|
| October 12 | Projects 2017-001 through 2017-009 |
| November 9 | Projects 2017-010 through 2017-018 |
| December 14 | Projects 2017-019 through 2017-027 |

The Clerk will send notices to all of the applicants. The other matters on the agenda for each of these nights will be new business and the Administrative Assistant report.

Adjournment:

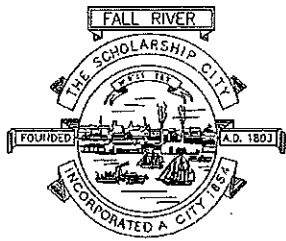
A motion was made by John Brandt, seconded by Antone Dias and unanimously approved to adjourn at 7:22 PM.

By: Paul J. Machado

Clerk

Community Preservation Committee

September 24, 2016



**City of Fall River
Massachusetts
Community Preservation Committee**

RECEIVED

2017 MAR -9 P 2:59

JASIEL F. CORREIA II
Mayor

KENNETH C. PACHECO
CITY CLERK ~~Chairman~~
FALL RIVER, MA
James Souza
Vice-Chairman

February 24, 2017

City of Fall River
Cathy Ann Viveiros, City Administrator
One Government Center
Fall River, MA 02722

Dear Cathy Ann:

The Community Preservation Committee voted for emergency funding for the Maritime Museum (formerly The Marine Museum) at their last meeting, Wednesday February 22, 2017.]

- Maritime Museum (formerly The Marine Museum) - \$47,000.00 for elevator - Historic Preservation

The Community Preservation Committee is asking the Mayor for a letter requesting council approval, accompanied by an Appropriation Order from the Auditor for these two projects. We are requesting this be placed on the City Council agenda for their next meeting, Tuesday, March 14, 2017

Respectfully,

James Souza, Vice Chairman
Fall River Community Preservation Committee

March 15, 2017

Honorable City Council
One Government Center
Fall River, MA 02722

Dear Honorable City Council Member:

The Community Preservation Committee voted at their February 22, 2017 meeting to recommend funding in the amount of \$47,000.00 to the Maritime Museum (formerly The Marine Museum).

Since this \$47,000.00 funding has been voted on by the Community Preservation Committee, we are asking that the City Council Members vote for this additional \$47,000.00 funding at your next scheduled meeting, Tuesday, March 21, 2017 and not refer it to Finance Committee so the Maritime Museum can get started on their project.

Respectfully,

Kenneth Pacheco, Chair
Community Preservation Committee
One Government Center, 5th Floor
Fall River, MA 02722

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on Real Estate, at a meeting held on March 16, 2017, voted unanimously to recommend that the accompanying resolution be referred to the Committee on Ordinances and Legislation to review current ordinances regarding the demolition of buildings on the historical register and recommend any necessary amendments.


Clerk of Committees

City of Fall River, *In City Council*

6

(Councilor Richard Cabeceiras)

WHEREAS, there have recently been buildings on the historical register that have been demolished, and

WHEREAS, the Historical Commission was not notified prior to said demolition, and

WHEREAS, there are conflicting opinions on whether the Historical Commission shall be notified of the demolition of a building on the historical register prior to it being carried out, now therefore

BE IT RESOLVED, that representatives from the Administration and the Historical Commission, as well as Corporation Counsel and the Building Inspector, be invited to attend a City Council Committee on Real Estate meeting to ensure that we are compliant with Massachusetts General Laws and City Ordinances.

In City Council, September 13, 2016
Adopted

A true copy. Attest:

Alison M. Bouchard
City Clerk

CITY OF FALL RIVER

7

To the City Council

Councillors:

The Committee on Finance, at a meeting held on March 21, 2017, voted unanimously to recommend that the accompanying order be referred to the full council for action.

Alison M. Bouchard
City Clerk



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

7

RECEIVED

2017 FEB 15 P 4:39

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

February 15, 2017

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

Dear Honorable Council Members:

The Community Preservation Committee (CPC) has identified two additional community projects and has made recommendations for funding in accordance with the Community Preservation Act (CPA) MGL Chapter 44B Sections 4 to 7. The following project is being recommended for approval.

- Oak Grove Cemetery - \$99,630.00 for iron and stone work

The second project approved by CPC is for repair of the Veteran's Center roof at a cost of \$99,630. This appropriation is not being recommended at this time. While the Administration appreciates the support received from the CPC for this project, the utilization of CPC funds for roof repair will necessitate that additional exterior repair work for windows and masonry conform with historic standards as outlined in U.S. Department of the Interior Heritage Preservation Services. While the historic restoration of these exterior elements is most desirable, this requirement will dramatically increase the cost of this remaining exterior work. We will be addressing the CPC at their March 8, 2017 meeting to determine their ability to assist in the financing of this remaining repair work in conformance with historic preservation standards.

Your approval of the Oak Grove Cemetery Appropriation Order is respectfully requested.

Should you have any questions or concerns in this regard, please do not hesitate to contact me.

Regards,

Jasiel F. Correia II
Mayor

CITY OF FALL RIVER
IN CITY COUNCIL

FEB 21 2017

Referred to Committee
on Finance

City of Fall River, In City Council

7

APPROPRIATION ORDER

ORDERED, that the following FY 17 supplemental appropriations be provided through the Community Preservation Act (CPA), reserves under the MGL Chapter 44B Sections 4 to 7 in the aggregate, amounting to \$99,630 to be appropriated as follows:

Voted: That \$99,630 be appropriated from the CPA Fund's Undesignated fund balance

| | |
|--|------------|
| For CPA Administrative Expenditures | \$0 |
| For CPA Open Space/Outdoor Recreation | \$0 |
| For CPA Historic Resources Preservation PROJECTS | \$99,630 |
| For CPA Community Housing | <u>\$0</u> |

| | |
|--------------|------------------------|
| TOTAL | <u>\$99,630</u> |
|--------------|------------------------|

Note: Please note that this a supplemental CPA appropriation for FY 17. The City Council had earlier appropriated \$952,000 for various CPA projects on June 14, 2016. The CPA fund balance is reported at 1,342,004 on June 30, 2016 and is more than sufficient to cover this supplemental appropriations.

CITY OF FALL RIVER
IN CITY COUNCIL
FEB 21 2017

Referred to Committee
on Finance

7

CP2
Community Preservation Fund Report - Fiscal Year 2016

Surcharge % 1.50
Total fund balance from prior year (PY) report (Form CP-2): 1,887,858.00

| NEW REVENUES/OFS | | |
|---|------------|--------------|
| Proceeds from bonds and OFS | 0.00 | |
| Collections from community preservation surcharge | 842,179.00 | |
| Distributions from State trust fund | 247,244.00 | |
| Earnings on investments | 70,580.00 | |
| Gifts, Grants, Donations | 0.00 | |
| Other | 20,893.00 | |
| Total New Revenue/OFS | | 1,180,896.00 |

| EXPENDITURES/OFU | | |
|---|------------|--------------|
| Expenditures: | | |
| a. Open Space | 0.00 | |
| b. Historic Resources | 244,533.00 | |
| c. Community Housing | 0.00 | |
| d. Other (Community Recreation) | 0.00 | 244,533.00 |
| Expenditures for Debt Service: | | |
| a. Open Space | 0.00 | |
| b. Historic Resources | 0.00 | |
| c. Community Housing | 0.00 | |
| d. Other (Community Recreation) | 0.00 | 0.00 |
| e. Administrative Expenses | 19,178.00 | |
| f. Other | 0.00 | |
| Total Expenditures/OFU | | 263,711.00 |
| Total Fund Balance June 30, 2016 (Detail Following) | | 2,805,043.00 |

CP2
Community Preservation Fund Report - Fiscal Year 2016

CITY/TOWN of Fall River
Detail of Community Preservation Fund Total Fund Equity
Fiscal year ended June 30, 2016

| | |
|---|--------------|
| Fund Balance Reserved for Encumbrances (3211) | 861,253.00 |
| Fund Balance Reserved for Expenditures (3240) | 243,786.00 |
| Fund Balance Reserved for Open Space (3241) | 0.00 |
| Fund Balance Reserved for Historic Resources (3242) | 0.00 |
| Fund Balance Reserved for Community Housing (3243) | 358,000.00 |
| Fund Balance Reserved for Special Purposes (3280) | 0.00 |
| Fund Balance Reserved for Community reservation Act (3320)/Undesignated (3590) | 1,342,004.00 |
| Total Community Preservation Fund Balance June 30, 2016 | 2,805,043.00 |
| Total must equal total fund balance page 1) | |
| as the community met the requirement to either appropriate | |
| or reserve for future appropriation at least 10% of the | |
| estimated annual fund revenue for open space, historic | |
| resources and community housing? | |
| no, explain how the town plans to meet the requirement? | |

Signatures

Accountant/Auditor
Completed by:
Krishan Gupta, City Auditor , Fall River , kgupta@fallriverma.org 508-324-2200 | 9/28/2016 9:23 AM
Comment:

Comments

0 comments to display.

(Councilor Cliff Ponte)

WHEREAS, public officials and city employees are often called by constituents to address their concerns about potholes, trash, property maintenance and other related matters, and

WHEREAS, currently on the city website there is a link for people to email the Mayor's Office when they have a request for city services, and

WHEREAS, SeeClickFix is an efficient database that improves response times, and

WHEREAS, this centralized database will improve communication and enhance the quality of service to our residents, and

WHEREAS, prior administrations utilized this service, now therefore

BE IT RESOLVED, that the Administration quickly consider utilizing this service to better serve our citizens, and

BE IT FURTHER RESOLVED, that if there is a cost associated with this the Committee on Finance convene to discuss implementing such an efficient database.

<https://gov.seeclickfix.com/government/>

City of Fall River, *In City Council*

9

(Councilor Cliff Ponte)
(Councilor Raymond A. Mitchell)

WHEREAS, the City of Fall River engaged the services of a real estate consultant, and

WHEREAS, it has been determined that the real estate consultant was a non-licensed individual, and it was understood that the real estate consultant was tasked with marketing real estate, and

WHEREAS, reports by local media have determined that the administration was in possession of the same 'pro-forma' recently delivered to the City Council prior to the consultant being hired, now therefore

BE IT RESOLVED, that the Corporation Counsel investigate this matter to determine if the City can get reimbursed the \$24,000 paid to the real estate consultant, and

BE IT FURTHER RESOLVED, that the Corporation Counsel share his findings with the City Council as soon as possible.

(Council President Shawn E. Cadime)
(Council Vice-President Linda M. Pereira)

WHEREAS, Section 26 of the City Charter states that if the Mayor is absent or unable from any cause temporarily to perform his duties they shall be performed by the President of the City Council, and

WHEREAS, the Mayor has been absent without the knowledge of the City Council President, now therefore

BE IT RESOLVED, that when absent, the Mayor be required to notify the City Council President, City Council Vice-President and the City Clerk.

(Councilor Cliff Ponte)

**An Act Relative to the Disposal of Municipally Owned Property in the
City of Fall River, MA**

SECTION 1.

It is the purpose of this act to create an alternative process for the disposition of real property owned by the City of Fall River, MA. This alternative process employs a public-private partnership to re-occupy and reinstitute lost market value in such properties, thereby revitalizing their immediate neighborhoods and the greater community as a whole, while generating greater non-tax sales revenues for the City of Fall River, MA, placing properties back on the active tax rolls and, with their recaptured assessed value, alleviating the burden on other taxpayers to subsidize their share of the property tax levy. This alternative program seeks to accomplish these goals by:

- a. taking advantage of the comprehensive real estate marketing infrastructure, including electronic listing resources, through which licensed real estate brokers and salespersons currently conduct their professional operations;
- b. expanding the pool of potential purchasers in the free market, thereby increasing demand for the properties, thereby increasing the selling price and returns for the City of Fall River, MA; and by
- c. conveying such properties in a time-efficient and cost-effective manner to qualified purchasers with the financial resources to improve and maintain the condition of the properties.

SECTION 2.

Notwithstanding Chapter 30B or any general or special law, rule or regulation to the contrary, the City of Fall River, MA may establish an alternative disposition procedure under which specifically identified real properties that are owned by the municipality may be sold through the professional services of real estate brokers or salesmen licensed under section 87RR of chapter 112 of the Massachusetts General Laws. Such procedure shall include the following:

- (a) a method of identifying specific properties to be sold through the alternative procedure and of determining the cost of rehabilitation; provided, however, that such properties must be free of encumbrances and the municipality holds clear title to each specific property;
- (b) appointment by the Mayor with confirmation by a majority of the City Council, following adoption of this act, of a municipal real estate officer, whom shall be an existing employee of the municipality's Law Department, and whom shall have the authority to bind the municipality under contracts and agreements to which the disposition of such properties are subject, and who will serve as the liaison between the municipality, municipal officials, brokers and salespersons participating in the program, and prospective and actual purchasers in the program;

(c) a qualification review and approval process for licensed real estate brokers and salespersons to participate in the program and to market specific properties in the program; provided, that the approval process shall include review and approval by a majority of the City Council's Real Estate Committee, a representative from the Fall River Board of Realtors, and a representative of a non-profit community group headquartered in the municipality; and provided, further, that the qualification process shall take into account the expertise of the applying broker in pricing, marketing, and selling properties in the municipality and experience with properties of the type being disposed of by the municipality;

(d) such of the additional procedures (i), (ii) and (iii), below, as the municipality may adopt:

(i) a procedure for allocating properties in the program with no more than 5 properties per year being assigned on an exclusive basis to a specific broker or salesperson;

(ii) identification of specific properties in the program, if the municipality chooses, that must be sold to purchasers who will rehabilitate the property sufficiently to acquire a certificate of occupancy within 2 years as determined by the municipality;

(iii) a requirement and procedure for a specific property to revert back to the municipality if the property is not rehabilitated in a specific time period from the closing date unless such period is extended by the municipal real estate officer for good cause; and

(e) all offers for the purchase of property not accepted within 30 days of submission to the municipal real estate officer are deemed rejected, unless such period is extended by mutual agreement between the prospective purchaser and the officer.

ORDERED, that the City Council Committee on Finance Meeting and Regular Meetings of the City Council to be held on Tuesday, May 9, 2017 and Tuesday, May 23, 2017 be and the same are hereby cancelled and rescheduled for Tuesday, May 16, 2017 and Tuesday, May 30, 2017.



RECEIVED

City of Fall River
Notice of Claim

2017 MAR 17 A 10:13

CITY CLERK
FALL RIVER, MA

1. Claimant's name: Antonio Lima
2. Claimant's complete address: 100 Hancock St. Fall River, MA 02721
3. Telephone number: Home: 508 674-7153 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage): _____

5. Date and time of accident: 1/10/17 10:00am Amount of damages claimed: \$ 876.79

6. Exact location of the incident: (include as much detail as possible):

Flooding in basement due to burst pipe on street in front of house.

7. Circumstances of the incident: (attach additional pages if necessary):

Flooding occurred in basement. This occurred due to leak in pipe under the street. Repairs were needed in basement to remove water.

8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 3/15/17

Claimant's signature: Antonio Lima

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

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

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

For official use only:

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

Date: 3/17/17



City of Fall River
Notice of Claim

Council
18
RECEIVED

2017 MAR 20 P 12:18

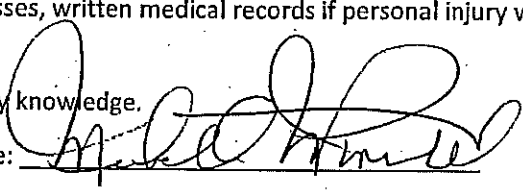
CITY CLERK 17-28
FALL RIVER, MA

1. Claimant's name: Michelle M Pimente
2. Claimant's complete address: 150 Yellow Hill Road, Fall River MA
3. Telephone number: Home: 508-674-0579 Work: 508-264-3086
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Snow plow 49 knocked down the mail box and the house number sign in the stone wall
5. Date and time of accident: 2/8/2017 Amount of damages claimed: \$ 1,000.00
6. Exact location of the incident: (include as much detail as possible):
left hand side of the drive way
7. Circumstances of the incident: (attach additional pages if necessary):
snow plow was driving too fast and took the bend wide and threw the mail box approximately 40 feet over the stone wall as well as the solar house number sign on the stone wall. The grass in front of the stone wall was complete dug up to the point that we could not snot plow because of the stones and dirt. It would need sod and seed. The stones on the top of the wall were knocked over.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: ☐ Yes ☒ No

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

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

Date: 3/2/2017

Claimant's signature: 

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

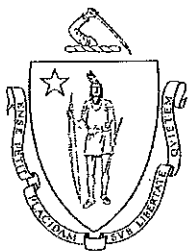
Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

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

For official use only:

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

Date: MAR 20 2017



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

20

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

March 20, 2017

VIA EMAIL ONLY

Patrick Higgins
patrick@patrickhiggins.co

RE: Open Meeting Law Complaint

Dear Mr. Higgins:

We understand that on February 7, 2017, you filed a complaint with the Fall River City Council ("Council"), alleging a violation of the Open Meeting Law, G.L. c. 30A, §§ 18-25. The Council is required to notify our office of the complaint and any remedial action taken to address the complaint. G.L. c. 30A, § 23(b); 940 CMR 29.05(5). Our office received notification and a response from the Council on March 7, 2017.

Under the Open Meeting Law, our office may only review your complaint after 30 days have passed from the time you first filed your complaint with the Council. G.L. c. 30A, § 23(b); 940 CMR 29.05(6). After 30 days, you may file a request with our office for further review of your complaint.

Thirty days have now passed since you first filed your complaint with the Council. However, our office currently has no record of a request for further review filed by you in this matter. Accordingly, we will presume that the action taken by the Council was sufficient and will close this file unless we receive a request for further review and a copy of the initial complaint by **Monday, May 15, 2017**.

Please feel free to contact us if you have any questions about the Open Meeting Law complaint process.

Sincerely,

Kaitlin Maher
Paralegal
Division of Open Government

cc: Joseph I. Macy, Esq., Fall River Corporation Counsel (By mail)
Fall River City Council (By mail)

RECEIVED
2017 MAR 22 A 10:52
CITY CLERK
FALL RIVER, MA



OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Patrick Last Name: Higgins

Address: P O Box 24

City: Swansea State: MA Zip Code: 02777

Phone Number: +1 (508) 679-0160 Ext.

Email: patrick@patrickhiggins.co

Organization or Media Affiliation (if any): Patrick Higgins and Associates

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

☐ Individual ☒ Organization ☐ Media

Public Body that is the subject of this complaint:

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

Name of Public Body (including city/town, county or region, if applicable): Fall River City Council

Specific person(s), if any, you allege committed the violation: Councilor Steve Long and President Shawn Cadime

Date of alleged violation: Feb 7, 2017

CITY OF FALL RIVER
IN CITY COUNCIL

FEB 21 2017

*afc + placed on
file + refer copy
to Corp Counsel*

C. Law 3-2-17

Page 1

Note: Council President placed the financial order on the Feb. 21, 2017 Council agenda (see item 3) and the vote taken on Feb. 7, 2017 was vacated.

Description of alleged violation:

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

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

During the regular meeting of the Fall River City Council on Feb. 7, 2017, Councilor Steve Long made a motion to take an item "off the table relating to the transfer of funds from the salary account to the expense account in the mayor's office" when said item was not listed on the meeting notice in violation of the Open Meeting Law.

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

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

1. All City Councilors should be required to attend the March 7th Open Meeting Law training at the Fall River City Council chamber to learn what they can and cannot do to fully comply with the Open Meeting Law.
2. Vacate the vote taken on the transfer that was illegally deliberated and passed by the Council and if the council wishes to transfer these funds, post this item on a properly posted meeting notice and deliberate and make a decision at that properly posted meeting.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

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

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

II. Consulting With a Private Attorney.

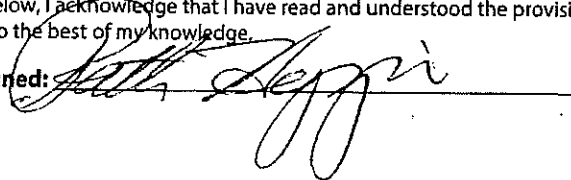
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

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

Signed:



Date:

2/7/17



REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, January 24, 2017 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Shawn E. Cadime, presiding;
Councilors Richard Cabeceiras, Steven A. Camara,
Pam Laliberte-Lebeau, Raymond A. Mitchell and Cliff Ponte

ABSENT: Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira

IN ATTENDANCE: None

President Shawn E. Cadime called the meeting to order at 10:32 p.m. with a moment of silence followed by a salute to the flag and announced that the meeting may be recorded with audio or video and transmitted through any medium.

PRIORITY MATTERS – None

PRIORITY COMMUNICATIONS

1. Rep. Carole Fiola requesting meeting with federal delegation to discuss the city's multi-million dollar Combined Sewer Overflow (CSO) project
On a motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was unanimously voted that the communication be accepted and placed on file, with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.
2. Corporation Counsel and Attorney General's Office regarding an open meeting law Complaint
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the communication be accepted and placed on file, with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.
3. Corporation Counsel re: city resident's request to cap number of tobacco sales permits
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the matter to the Committee on Ordinances and Legislation, with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.

COMMITTEE REPORTS – None

ORDINANCES

4. Proposed ordinance re: Quarterly Budget Reports
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the proposed ordinance to the Committee on Ordinances and

Legislation, with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.

RESOLUTIONS

5. Engineering Division and the Administration investigate possibility of resurfacing Wilson Road as soon as possible

Councilor Richard Cabeceiras stated that he will abstain from voting on this matter and left the Council Chamber. A motion was made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte to adopt the resolution. On a further motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to amend the resolution by adding that it be discussed in the City Council Committee on Public Works and Transportation, with Councilor Richard Cabeceiras abstaining and Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting. The resolution was then unanimously voted to be adopted, as amended with Councilor Richard Cabeceiras abstaining and Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.

6. City Council support the redevelopment or building of a new B.M.C. Durfee High School
A motion was made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte to adopt the resolution. Councilor Richard Cabeceiras stated that if we want to avoid a debt exclusion we may want to consider doing away with the Streetscape Projects and if we want to keep the Streetscape Projects, he believes the City will have to have a debt exclusion for a new high school. Councilor Steven A. Camara stated that one of the first votes that took as a City Councilor years ago, was to open the new B.M.C. Durfee High School located on Elsbree Street and to think that we are considering replacing that already is difficult to consider. On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to amend the resolution by changing paragraph four to read "WHEREAS, the City has an opportunity to build a new B.M.C. Durfee High School with the possibility of state grants and local tax dollars", with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting. The resolution was then unanimously voted to be adopted, as amended with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.

7. City Council support the Fall River Area Chamber of Commerce and area businesses in Promoting the EdUp Campaign

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the resolution with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.

CITATIONS – None

ORDERS – HEARINGS – None

ORDERS – MISCELLANEOUS

8. City Council meeting schedule for remainder of 2017
On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to adopt the order with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.

9. Police Chief's report on licenses

Taxicab Drivers:

| | | |
|---------------------|--------------|------------------|
| Kathleen Anderson | Akeem Barlow | Angela Beveridge |
| Christopher C. Cole | Dane Dicarlo | Michael Diniz |

Tiffany Evans
Sereda Lopes
Steven Ouellette
Manuel Silva II

Tracee Francisco
William Marshall
Todd Pina
Ashley Sylvia

Anthony Garcia
Keith Mcaskill
Zachary Powers-Alves
Sarah Thomas

Private Livery Drivers:

Sandra Barcellos Dion

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the order with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.

10. Auto Repair Shop license renewals:

- David J. Motta d/b/a Action Cycles, 326 Pleasant Street
- Thomas A. Legault d/b/a Tom Legault's Auto Repair, 745 Brayton Avenue

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adopt the order with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.

Approved, January 30, 2017, Mayor Jasiel F. Correia II

COMMUNICATIONS – INVITATIONS – PETITIONS

11. Claims

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the claims to Corporation Counsel with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.

12. Open Meeting Law complaint from CJ Ferry regarding January 4, 2017 complaint re: meeting of City Council Committee on Economic Development and Tourism

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to refer the complaint to Corporation Counsel and that a copy be accepted and placed on file with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.

13. Communication from Attorney General regarding OML complaint of December 13, 2016 City Council Committee on Economic Development and Tourism

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted that the communication be accepted and placed on file with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.

14. City Council Committee/Meeting Minutes:

City Council Meeting – December 27, 2016

Committee on Finance – January 10, 2017

Public Hearing – December 13, 2016

Special City Council Meeting – November 9, 2016

Special City Council Meeting – January 10, 2017

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to approve the minutes with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.

BULLETINS – NEWSLETTERS – NOTICES – None

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: JANUARY 24, 2017

CITATIONS

American Youth Football National All Star Tournament

- Coach Brianna DeAguiar
- Chayliese Perez
- O'Sheaya Sterling
- Iyanna Posey
- Jessica Walker
- Coach Matthew Cuvelier
- Wilfredo Aybar
- Bryan Cruz
- Anthony Gomez
- Napier Monteiro
- Head Coach Ron "Bear" Gagnon
- Coach Chris Thomas
- Benjamin Almeida
- Isaiah Thomas
- Jevon Holley
- Jaden Lewis
- Jayvyn Bobola
- Jason Hall Jr.
- Tyrone Young Jr.
- Tajo'n Rattray
- Benjamin Haliday

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Cliff Ponte, it was unanimously voted to adopt the citations with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.

COMMUNICATIONS – INVITATIONS – PETITIONS

Open Meeting Law complaint from CJ Ferry regarding complaint received
January 23, 2017

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted that the communication be accepted and placed on file with Councilors Joseph D. Camara, Stephen R. Long and Linda M. Pereira absent and not voting.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to adjourn at 10:59 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting

A true copy. Attest:

Alison M. Bouchard

City Clerk

COMMITTEE ON PUBLIC SAFETY

MEETING: Thursday, March 2, 2017 at 6:30 p.m.
Good Sheperd Parish, 1598 South Main Street

PRESENT: Councilor Pam Laliberte-Lebeau, presiding
Councilors Richard Cabeceiras and Cliff Ponte

ABSENT: None

IN ATTENDANCE: State Representative and President of the
South End Neighborhood Association Alan Silvia
Cathy Ann Viveiros, City Administrator
John Lynch, Fire Chief
Albert Dupere, Deputy Police Chief
Joseph Biszko, Director of Inspectional Services/
Building Inspector
Michael P. Dion, Executive Director,
Community Development Agency
Antone Dias, Chairman, Historical Commission, 80 Hood Street
Richard Urban, 542 King Philip Street
Michelle Dion, 5 Byron Street
William Duchemin, 20 Wheeler Street

The chair called the meeting to order at 6:48 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

1. Communication – abandoned property located at 213 Weetamoe St.
The Building Inspector stated that he and the Executive Director of the Community Development Agency contacted the Attorney General's Office for a demolition grant at this property. 75% of the demolition is paid through this grant and the remaining 25% is paid by the City. They held a conference call this morning and the Attorney General's office will be making a determination soon. Antone Dias stated that the City is not following the 6 month process of notifying the property owner. Mr. Biszko further stated that the process was followed and that his decision can be appealed to the Board of Building Regulations. Chair Laliberte-Lebeau asked if anyone present was aware of when the jersey barriers would be removed so that the gas company could be paved. The Building Inspector stated that he did not know. On a motion made by Councilor Richard A. Cabeceiras and seconded by Councilor Cliff Ponte, the item was tabled.

2. Resolution – condition of former Abbey Grill located at 100 Rock St.

On a motion made by Councilor Richard A. Cabeceiras and seconded by Councilor Cliff Ponte, the item was lifted from the table. Mr. Biszko stated that Geisser Engineering recertified the shroud for 6 months until June 2017 but the steeple needs to be addressed sooner rather than later. The owner is aware of the situation and has been informed that if there are any issues the steeple will need to be re-pointed or come down. If needed, the Building Inspector will intervene to make the area safe. Mr. Dias stated that the Abbey Grill received \$100,000 from the Community Preservation Commission (CPC) to repair the roof, including the steeple. Chair Laliberte-Lebeau asked Mr. Dias to forward the grant information to the clerk. Richard Urban came forward and stated that CPC funding is awarded to the North End instead of the South End and that funding should go to public instead of private property such as parks and other public places. On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard A. Cabeceiras, the item was tabled.

3. Resolution – discuss status of vacant mills in the city

On a motion made by Councilor Cliff Ponte and seconded by Councilor Richard A. Cabeceiras, the item was lifted from the table. The City Administrator presented a timeline regarding the activity at the King Philip Mill from January 1, 2016 to the present. She stated that environmental issues and the decision by the Massachusetts Historical Commission that any demolition of this site means no historic tax credits impacted the sole bid received. The Administration is currently preparing schematics for the South End Neighborhood Meeting in March or April and the Inspector General's Office has advised that a new Request for Proposals (RFPs) is needed. Councilor Richard A. Cabeceiras suggested that future RFPs be issued without caveats or restrictions and that in his opinion market rate housing was not the solution. He also inquired in regards to the security costs and the City Administrator stated she would confirm that the monthly cost is \$9,000. Councilor Cliff Ponte asked the Fire Chief whether the fire hydrants were operable and the Chief stated that the city hydrants nearby were operable but the yard hydrants were not as of the last review done in the summer of 2016. The Chief stated he would provide those records to Councilor Cliff Ponte. Councilor Cliff Ponte inquired in regards to the Verizon antennas and the City Administrator explained that the antennas had been present but will provide dates of when the Verizon payments stopped. Councilor Cliff Ponte suggested that a deed restriction be added for no low income housing to be added as there is a demand for market rate housing. The City Administrator agreed. The Chair cautioned the Administration not to over promise on the building's timeline and asked the Deputy Police Chief regarding the 911 reverse system for the mill. He stated that the system is available for home numbers because they are attached to the addresses and that residents can add their cell numbers on the Police Department's website (frpd.org). Weekly walkthroughs are done by the Fire Department on a weekly basis and by the Police Department every shift at least 3 times a day. The Director of Buildings explained that employees from his department check the property in the morning and plow during snow storms to allow access to the building. State Representative Alan Silvia thanked the Committee for being present as this issue is the biggest public safety concern for the neighborhood. He stated that in coordination with the Mayor's Office the new developer for the mill is scheduled to address the Neighborhood Association during its next meeting in March or April. Michelle Dionne stated she is agreeable to the mixed use and would like to see open space and water access included in any development.

William Duchemin questioned the city's ability to pay claims in the event of damage to homes near the property and the City Administrator stated that claims would be paid only if the city was found negligent. Antone Dias also came forward and explained that tax credits are available and that if hazard reports were to be provided to the Historical Commission a request for funding could possibly be requested from the Community Preservation Community. He further offered to look at the RFPs.

On a motion made by Councilor Richard A. Cabeceiras and seconded by Councilor Cliff Ponte, the item was tabled.

4. Discussion re: issues and concerns related to public safety throughout the city
No one addressed the committee.

On a motion made by Councilor Richard A. Cabeceiras and seconded by Councilor Cliff Ponte, it was unanimously voted to adjourn at 8:11 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

King Philip Mill Activity timeline from City Administrator

AHI Demolition Project Request for Proposal at 213 Weetamoe Street


Assistant Clerk of Committees

COMMITTEE ON ORDINANCES AND LEGISLATION

MEETING Tuesday, March 21, 2017 at 5:15 p.m.
Council Chamber, One Government Center

PRESENT Councilor Cliff Ponte, presiding
Councilors Joseph D. Camara, Pam Laliberte-Lebeau and
Stephen R. Long, Linda M. Pereira

ABSENT None

IN ATTENDANCE Joseph I. Macy, Corporation Counsel
Albert Howard, 154 Albert Street

The chairman called the meeting to order at 5:20 p.m. and announced that the meeting may be recorded with audio or video and transmitted through any medium.

Agenda:

Communication and draft report from the Corporation Counsel relative to solid waste, health, environment, and buildings ordinances

On a motion made by Councilor Stephen R. Long and seconded by Councilor Linda M. Pereira, the item was lifted from the table. Councilor Joseph D. Camara arrived at 5:23 p.m. The Chairman asked for input from the public and Albert Howard came forward. He presented pictures to the Committee of trash left near the dollar store at the Seabra's Supermarket complex as well as Sears, Harbor Freight Tools, and 34 Stafford Heights. He requested that fines be increased because the current fines are trivial and not effective. The Corporation Counsel explained that the draft proposal left the fine amounts blank or left open to change to allow the Council to decide fine amounts and that his department is able to absorb the hearings on these fines. Councilors stated that if ordinances are going to be changed manpower issues must also be addressed so they can be enforced. The Chairman asked the City Administrator who was sitting in the audience to address the manpower concerns at the next meeting and that additional copies of the draft report would be left at the City Clerk's office for the public. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Stephen R. Long, it was unanimously voted to adjourn at 5:42 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)
CD and DVD of meeting
Letter from Dr. Henry Vaillancourt, Director, Department of Community Services


Assistant Clerk of Committees

(Councilor Steven A. Camara)

WHEREAS, the City of Fall River is continuing to address the critical issues relating to sustainability, and

WHEREAS, Bristol Community College through its Seeds of Sustainability Club is addressing sustainability issues on Earth Day April 19, 2017 at the Commonwealth Center, Bristol Community College located at 777 Elsbree Street, and

WHEREAS, the Seeds of Sustainability Club is requesting that the City of Fall River be present at its Earth Day activities, now therefore

BE IT RESOLVED, that the City Council Committee on Health and Environmental Affairs convene a meeting at Bristol Community College on April 19, 2017 and invite representatives from the Administration to be present to share Fall River's sustainability efforts and plan for the future.