

City of Fall River Massachusetts
Office of the City Clerk

RECEIVED

2018 APR 20 P 1:44

CITY CLERK _____
FALL RIVER, MA

ALISON M. BOUCHARD
CITY CLERK

MEETINGS SCHEDULED
CITY COUNCIL CHAMBER, ONE GOVERNMENT CENTER
MONDAY, APRIL 23, 2018

INÊS LEITE
ASSISTANT CITY CLERK

5:30 P.M. COMMITTEE ON HEALTH AND ENVIRONMENTAL AFFAIRS

TUESDAY, APRIL 24, 2018
AGENDA

5:45 P.M. PUBLIC HEARINGS
Curb Removals

1. Curt M. Litaway, 102 Crawford Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
102 Crawford Street	16'	14'	0'	30'

The petitioner is requesting to open an additional 14' to expand the existing driveway for additional off-street parking at 102 Crawford Street, a single-family residence. An existing 16' driveway opening provides access on the north side of the lot. There are no evident impacts to signage or utility infrastructure. The work would eliminate one parking spot on the street, but would provide at least two (and possibly up to five) off-street parking spaces.

2. Tamayra Rivera, 354 Chicago Street, requests the removal of curbing as follows:

	Existing Driveway	Proposed Driveway Access	Existing To Be Replaced	Total Driveway Access
354 Chicago Street	13'	17'	0'	30'

The petitioner is requesting to extend the entrance west to provide access to the full width of the existing paved driveway. The work does not impact utilities or signage, and does not significantly impact on-street parking.

Second Hand Article Store

3. Joey Pacheco d/b/a Pacheco's Furniture, 661 High Street, Fall River, MA 02720 for permission to operate and maintain a second hand article store located at 253 South Main Street (used furniture, antiques, jewelry, electronics and tools to be sold.)

6:00 P.M. COMMITTEE ON FINANCE OR IMMEDIATELY FOLLOWING THE CITY COUNCIL
PUBLIC HEARINGS IF THEY RUN PAST 6:00 P.M.

1. Citizen Input
2. *Transfers and appropriations (See #3 below)
3. *Discussion re: TIF agreements for OSJ of Fall River, LLC and TIE for 64 Durfee, LLC (see #6 below)

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

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 req. appointment of Victor Farias to the Community Preservation Committee
2. *Mayor and order for employment agreement of Director of Community Maintenance
3. *Transfers and appropriations (See #2 Finance)
4. *Mayor and order accepting the provisions of MGL Chapter 64N, Section 3 regarding Local Option Excise on Retail Marijuana Sales
5. *Mayor and order for the acceptance of land on the east side of Bay Street for the flow of the Cook Pond output
6. *Mayor and TIF agreements for OSJ of Fall River, LLC and TIE for 64 Durfee, LLC (See #3 Finance)

PRIORITY COMMUNICATIONS – None

COMMITTEE REPORTS

Committee on Finance recommending:

Adoption:

7. *Year Four Annual Action Plan

Accept and place on file:

8. *Communication – PERAC – Fiscal Year 2019 Appropriation

Grant leave to withdraw:

9. *Resolution – Purple Bag Pay-As-You-Throw Program

ORDINANCES – None

RESOLUTIONS

10. *Committee on Finance meet to review cable TV contract and options for residents
11. *Committee on Ordinances and Legislation meet to discuss possible ordinance relating to public safety concerns regarding panhandling
12. *Committee on Health and Environmental Affairs consider an ordinance banning the use of plastic "t-shirt" bags in Fall River

CITATIONS

13. Leonard "Low Price" Kaplan – dedication of Heritage State Park footbridge in his honor
14. Guyanne Veillard – your heroic actions in saving the lives of your siblings
15. Alicia Vitorino – Hearts of Hope – caring & compassion to our homeless community
16. Luci Vitorino – Hearts of Hope – caring & compassion to our homeless community
17. Michelle Moniz – volunteerism and commitment to our community
18. Jim Heinz – volunteerism and commitment to our community
19. RE/MAX Right Choice – volunteerism and commitment to our community
20. Umi Japanese Steakhouse – volunteerism and commitment to our community

ORDERS – HEARINGS

Curb Removals

21. Curt M. Litaway, 102 Crawford Street – total of 30 feet at 102 Crawford Street
22. Tamayra Rivera, 354 Chicago Street – total of 30 feet at 354 Chicago Street

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

Second Hand Article Store

23. Joey Pacheco d/b/a Pacheco's Furniture, 661 High Street at 253 South Main Street

ORDERS – MISCELLANEOUS

24. Police Chief's report on licenses:

Taxicab Drivers:

Chelsea Brathas	Shenai Cain-Blake	Gerald Costa
James S. Gouveia Jr.	Andrew Hamlen	David Justice
Brian Partello	Shawn Pinto	Eric Torres
Israel Washington Jr.		

Second Hand License Renewals:

Beverly Post d/b/a Anything at 1791 South Main Street
Melissa Resendes d/b/a Melissa's New To You

25. Auto Repair Shop License Renewals:

Phillip DeDucca d/b/a 851 Motor Sales at 851 Globe Street
Haissam Elazar, Inc. d/b/a Joe's Gas Auto Sales at 2608 South Main Street

26. Auto Body Shop License Renewals:

Karen Isabel d/b/a Karen's Collision Specialist at 70 Jepson Street

COMMUNICATIONS – INVITATIONS – PETITIONS

27. *Claims

28. Drainlayer licenses:

- a. ELJ, Inc.
- b. Biszko Contracting Corporation
- c. Eminar Trucking, Inc.
- d. East Coast Landscaping & Construction, Inc.
- e. Geosearch, Inc.
- f. Green Acres Landscape & Construction Co., Inc.
- g. Albert Moreira & Son
- h. Century Paving Construction Corporation
- i. Farland Corporation, Inc.
- j. J.B. Lanagan & Company, Inc.
- k. Khoury Excavating, Inc.
- l. Steen Realty & Development Corporation

City Council Committee/Meeting Minutes:

29. *Regular Meeting of the City Council – November 28, 2017

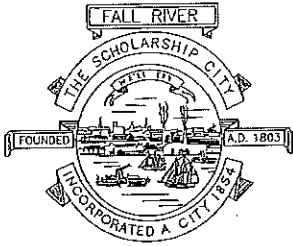
BULLETINS – NEWSLETTERS – NOTICES

30. Notice of Casualty and Loss at 596 Pokross Street
31. Notice of Casualty and Loss at 10 No. Court Street


City Clerk

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: APRIL 24, 2018

*Open Meeting Law complaint filed by Collin Dias regarding March 20, 2018
Joint City Council and School Committee Meeting



City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

2018 APR 18 A 10:34

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

April 18, 2018

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

RE: Community Preservation Committee

Mr. President and Members of the Honorable Council:

I hereby request the confirmation of the City Council for the following appointment:

Victor Farias
568 Weetamoe Street
Fall River, MA 02720

As a member of the Community Preservation Committee, with a term commencing 04/18/2018 and expiring 06/02/2019.

Thank you for your favorable consideration in this regard.

Jasiel F. Correia II
Mayor



City of Fall River
Massachusetts
Department of Community Maintenance
CEMETERIES • TREES • PARKS • SANITATION • ENGINEERING
STREETS & HIGHWAYS • TRAFFIC & PARKING • VEHICLES

RECEIVED

Parks Division

2018 APR 10 A 11:46

JASIEL F. CORREIA II
Mayor

CITY CLERK **NANCY SMITH**
FALL RIVER, MA *Parks Manager*

March 16, 2018

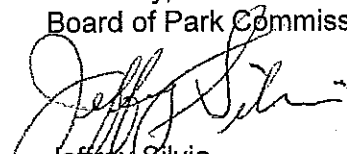
Honorable Jasiel F. Correia II
Mayor, Fall River, Massachusetts
One Government Center
Fall River, MA 02722

Dear Mayor Correia:

In accordance with the Community Preservation Act, upon adoption of this act, each community shall create a Community Preservation Committee which would include a member of the Board of Park Commissioners. At this time, I would like to recommend the appointment of Park Board member Victor Farias, 568 Weetamoe Street, Fall River, Massachusetts to serve as a member of this committee.

Your consideration of this request would be most appreciated.

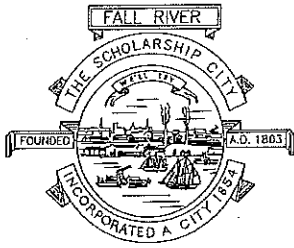
Sincerely,
Board of Park Commissioners


Jeffrey Silvia
Chairman

APPROVED:


Mayor

4-9-2018
Date



City of Fall River
Massachusetts
Office of the Mayor

2

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2018 APR 18 A 11:50

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

April 17, 2018

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

Dear Madam Clerk:

I hereby make the following appointment:

Name: Jeffrey Little

Address: 316 Madison Street, Fall River MA 02720

To: Director of Community Maintenance

Effective Date: March 28, 2018

Salary: \$82,000.00 annually

Sincerely,

Jasiel F. Correia II
Mayor

Human Resources



City of Fall River
Massachusetts
Office of the Mayor

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2018 APR 19 P 1:23

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

April 19, 2018

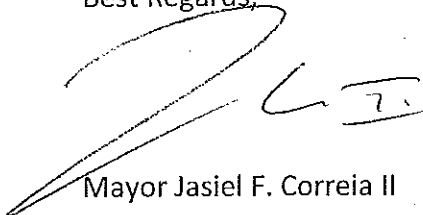
Honorable City Council
One Government Center
Fall River, MA 02722

Councilors:

I am submitting for your approval the appointment of Mr. Jeffrey Little as Director of Community Maintenance. Mr. Little has completed his temporary terms and is being recommended for permanent appointment. Attached is Mr. Little's Contract and Job Description for your review.

Your approval of this appointment is respectfully requested.

Best Regards,



Mayor Jasiel F. Correia II
Mayor

EMPLOYMENT AGREEMENT

This employment agreement is made between the City of Fall River, a municipal corporation, One Government Center, Fall River, Massachusetts 02722 (hereinafter called the "City") and Jeffrey Little (hereinafter referred to as "EMPLOYEE").

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

DUTIES

THE EMPLOYEE shall work as Director of Community Maintenance and shall perform all duties as set forth in City Ordinances Section 2-764 and any and all duties that may be assigned to him by the Mayor or his designee. The employee agrees that the nature of his position requires that there be no set hours and that he may be required to work nights, weekends, and holidays as the situation demands. The employee shall act under the supervision and direction of the Mayor or his designee. (Complete job description detailing duties attached).

PERFORMANCE

The EMPLOYEE shall devote sufficient time, skill and attention to his employment as Director of Community Maintenance and shall perform his duties in an efficient, trustworthy, and professional manner, adhering strictly to the City policies, and shall at all times act in the best interest of the City.

PERFORMANCE EVALUATION

The EMPLOYEE'S performance shall be reviewed and evaluated by the Mayor or his designee via a written evaluation instrument during the term of this AGREEMENT for the purpose of evaluating the overall effectiveness of the EMPLOYEE in his position.

COMPENSATION AND BENEFITS

The City agrees to pay EMPLOYEE an annual base salary of Eighty two thousand dollars (\$82,000.00) payable at the same time and manner as other employees of the City of Fall River. Said salary shall become effective commencing March 28, 2018. Any other increases or raises shall be negotiated between EMPLOYEE and the Mayor.

The EMPLOYEE shall be entitled to the following benefits:

- A. Health and Dental Insurance;
- B. Retirement Benefits;
- C. Life Insurance;
- D. Voluntary Deferred Compensation;
- E. Sick leave shall be used and paid in accordance with City Ordinance §§ 50-121 to 50-170;
- F. Holidays and bereavement leave in accordance with the AFSCME agreement;

- G. Personal days in accordance with City Ordinance § 50-192; and
- H. Vacation, three weeks per calendar year during the life of the contract. The time for such vacation in each year shall be reasonably approved by the City Administrator.

TERM

This employment agreement shall be for the period of March 28, 2018 to September 29, 2018 and may be renewed by mutual agreement of the parties. The City may terminate this employment agreement during its term for any reason by providing employee with written notice of said intent no less than thirty (30) days prior to the effective date of such termination. Employee may terminate this employment agreement during its term for any reason by providing employer with written notice of said intent no less than (30) days prior to the effective date of resignation. Upon termination of this Agreement for any reason, EMPLOYEE shall receive payment for any unused vacation and sick leave.

RENEWAL

The Mayor or his designee shall provide the employee in writing a 30 day notice of intent to renew contract. Failure to notify employee constitutes non-renewal.

NON-ASSIGNMENT

EMPLOYEE shall not be allowed to assign this contract, nor any of the rights and duties herein.

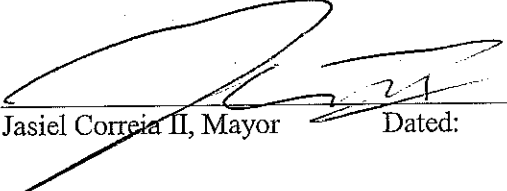
ENTIRE AGREEMENT/AMENDMENT

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

MASSACHUSETTS LAW

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

IN WITNESS WHEREOF, the parties have executed this Agreement this 18 day of April 2018.


Jasiel Correia II, Mayor Dated: _____


Jeffrey Little Dated: _____

Approved as to form and manner of execution


Dated: 4-18-18

Joseph Macy, Corporation Counsel

DIRECTOR OF COMMUNITY MAINTENANCE
PUBLIC WORKS DEPARTMENT

JOB DESCRIPTION:

The Director of Community Maintenance shall direct, supervise and coordinate all assigned Division activities. Position is appointed by the Mayor.

Responsibility will include direct supervision of Streets and Highways, Cemetery and Trees; oversight of Engineering, Traffic, Parks.

ESSENTIAL DUTIES & RESPONSIBILITIES:

Included with Streets and Highways and Sanitation shall be tasks including but not limited to: Streets cleaning/sweeping, pothole repair, sidewalk repair and replacement, snow plowing, oversight of private contractor, Pay as You Throw Program, recycling program, recycling programs and grants, and supervise maintenance of department equipment.

Coordinate activities of the Department of Community Maintenance, and provide information to the Park Board of Commissioners.

Insure that the Cemetery and Community Maintenance employees receive instruction, training, and assistance with the department's procedures, performance standards, department or governmental rules, regulations and policies affecting their work. Participate in Collective Bargaining negotiations. Enforce disciplinary policies.

Exercise general control and supervision over all vehicles, tools, appliances, equipment and apparatus used by the Department of Community Maintenance.

Exercise general control and supervision over departmental purchasing activities, including the preparation of technical specifications for equipment, materials, service contracts, and other items for purchasing.

Determine the administrative and management needs of the Department of Community Maintenance and prepare the necessary plans and programs to meet those needs.

Determine, plan and report the budgetary needs of the Department of Community Maintenance, including long-term capital projects, in cooperation with the Director of Buildings and Grounds and the Director of Financial Services.

Administer the department budget and review the allocation of manpower and equipment assignments to maximize the department budget and completion of priority work considerations among departments reporting to the Director.

Attend and participate in staff, department, or other meetings as designated by the Mayor.

Maintain professional contacts and professional development to remain abreast of developments in areas relevant to Department of Community Maintenance.

Direct the investigation and disposition of complaints relative to Department of Community Maintenance issues.

Insure that all required records, reports, documents, and other data are maintained, prepared, and submitted to the appropriate regulatory agencies and departments. Responsibility for compliance with required environmental permits.

MINIMUM QUALIFICATIONS:

Candidates should have five (5) years of experience in a supervisory or management capacity; a degree in business/public administration or job related field from an accredited institution of higher education; experience with street sidewalk construction; other equivalent experience will be considered.

NECESSARY KNOWLEDGE, SKILLS & ABILITIES:

Ability to communicate effectively, orally and in writing, with employees, consultants, representatives of other governments agencies, City officials, and the general public.

Excellent organizations skills and ability to supervise a workforce with diverse responsibilities and technical skills, while complying with multiple bargaining agreements.

Skills in budget management and capital planning.

Knowledge of Massachusetts General Laws governing public works and public procurement, as well as state and federal regulations.

PHYSICAL ENVIRONMENT:

May experience occasional periods supervising or inspecting in non-office environments, including garages, parks and recreational areas, and landfills.

Normal office environment, not subject to extremes in temperatures, noise, odors, etc. Regular interruptions to assist citizens.

May spend extended periods at terminal, on telephone, or operating other office machines, requiring eye-hand coordination and finger dexterity.

Regular lifting and carrying of files, documents, records, etc.

May spend extended periods in a vehicle inspecting road conditions such as during snow storms.



City of Fall River
Massachusetts
Office of the Mayor

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2018 APR 18 A 11:50

CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

April 18, 2018

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

Dear Honorable Council Members:

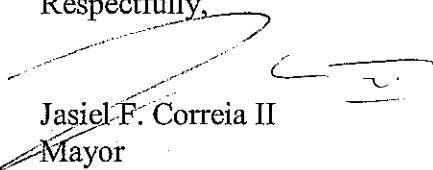
In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations to your Honorable Body.

The following appropriations of Freecash to the appropriate Stabilization Funds is requested:

1. \$3,656,153 That the sum of \$3,656,153 be, and the same is, hereby appropriated to the GENERAL STABILIZATION FUND as established by Massachusetts General Laws Chapter 40, Section 5B from the GENERAL FUND FY 17 SURPLUS REVENUE (Freecash).
2. \$100,000 That the sum of \$100,000 be, and the same is, hereby appropriated to the WATER STABILIZATION FUND as established by Massachusetts General Laws Chapter 40, Section 5B from the WATER ENTERPRISE FUND FY 17 SURPLUS REVENUE (Freecash).
3. \$200,000 That the sum of \$200,000 be, and the same is, hereby appropriated to the SEWER STABILIZATION FUND as established by Massachusetts General Laws Chapter 40, Section 5B from the SEWER ENTERPRISE FUND FY 17 SURPLUS REVENUE (Freecash).
4. \$1,100,000 That the sum of \$1,100,000 be, and the same is, hereby appropriated to the EMS STABILIZATION FUND as established by Massachusetts General Laws Chapter 40, Section 5B from the EMS ENTERPRISE FUND FY 17 SURPLUS REVENUE (Freecash).

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

Respectfully,



Jasiel F. Correia II
Mayor

City of Fall River, *In City Council*

3

April 24, 2018

1


ORDERED:

**That the sum of \$3,656,163 be, and the same is, hereby appropriated for the
GENERAL FUND STABILIZATION FUND from the GENERAL FUND
FREE CASH.**

FY18 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
General Fund Free Cash	\$ 3,656,163.00 \$	(3,656,163.00) \$	-
General Stabilization Fund	\$ 3,985,776.55 \$	3,656,163.00 \$	7,641,939.55

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


 Jennifer Argo, City Auditor
 April 24, 2018.

April 24, 2018

2

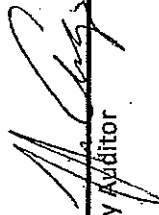
ORDERED:

That the sum of \$100,000 be, and the same is, hereby appropriated for the WATER FUND STABILIZATION FUND from the WATER FUND FREE CASH.

FY18 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
Water Fund Free Cash	\$ 347,364.00 \$	(100,000.00) \$	247,364.00
Water Stabilization Fund	\$ 302,623.08 \$	100,000.00 \$	402,623.08

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



 Jennifer Argo, City Auditor
 April 24, 2018

City of Fall River, In City Council

3

April 24, 2018

3

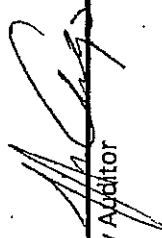
ORDERED:

That the sum of \$200,000 be, and the same is, hereby appropriated for the SEWER FUND STABILIZATION FUND from the SEWER FUND FREE CASH.

FY18 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
Sewer Fund Free Cash	\$ 773,179.00	\$ (200,000.00)	\$ 573,179.00
Sewer Stabilization Fund	\$ 201,748.72	\$ 200,000.00	\$ 401,748.72

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


 Jennifer Argo, City Auditor
 April 24, 2018

City of Fall River, In City Council

3

April 24, 2018

4

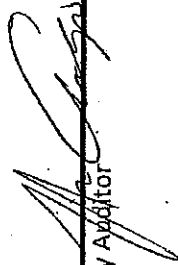
ORDERED:

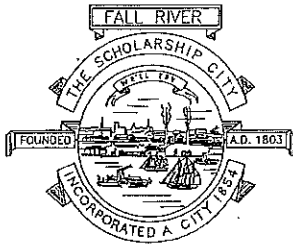
That the sum of \$1,100,000 be, and the same is, hereby appropriated for the EMS FUND STABILIZATION FUND from the EMS FUND FREE CASH.

FY18 Appropriation/Transfer Number Analysis

Line	Original/Revised Appropriation	Amount Transferred	Adjusted Balance
EMS Fund Free Cash	\$ 1,172,728.00 \$	(1,100,000.00) \$	72,728.00
EMS Stabilization Fund	\$ 848,814.43 \$	1,100,000.00 \$	1,948,814.43

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


 Jennifer Argo, City Auditor
 April 24, 2018



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

4
RECEIVED

2018 APR 18 A 11: 50

CITY CLERK _____
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

April 18, 2018

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

RE: Local Option Excise on Retail
Marijuana Sales

Dear Councilors:

Your approval is respectfully requested for the attached order for acceptance of the local excise of 3 percent on retail marijuana sales.

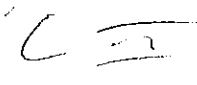
As you know, the City can impose a local excise on the retail sale of marijuana for adult use by accepting MGL 64N §3. The acceptance of this local excise on retail sales of marijuana becomes operative on the first day of the next calendar quarter after the vote provided that the date is at least 30 days after the vote.

The Department of Local Services in its Bulletin 18-3 has indicated that for this local option to be effective for July 1 it needs to be accepted no later than May 31st.

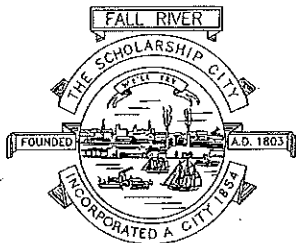
Attached is the order.

Please call me if you need further information.

Respectfully,


Jasiel F. Correia II
Mayor

ORDERED, that the provisions Chapter 64N, Section 3 of the Massachusetts General Laws which pertains to local option excise on retail marijuana sales, be and the same is hereby accepted.



City of Fall River
Massachusetts
Office of the Mayor

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2018 APR 18 P 12:54

JASIEL F. CORREIA II

Mayor

CITY CLERK _____
FALL RIVER, MA _____

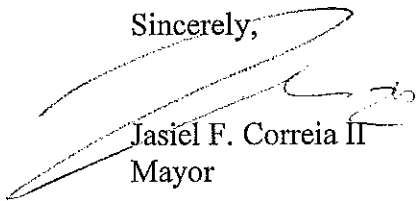
April 18, 2018

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

Dear Councilors:

Your approval of the attached order for acceptance of the land east of Bay Street is respectfully requested. The matter is described in the attached memo from Terrance Sullivan to the Sewer Commission dated March 5, 2018. The Sewer Commission voted to accept the land on March 28, 2018.

Sincerely,

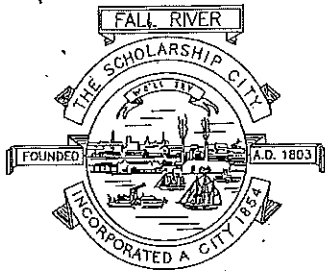

Jasiel F. Correia II
Mayor

Attachment

City of Fall River, *In City Council*

5

ORDERED, that the Mayor is hereby authorized to accept the land as described on the attached deed with plans subject to any changes and final approval by the Corporation Counsel. Said land is in Fall River, Massachusetts on the east side of Bay Street as described. The acceptance of said land will provide for Stormwater drainage, management, improvements, operation and maintenance for the stream that passes through said parcels for the flow of the Cook Pond output.



City of Fall River
Massachusetts
Department of Community Utilities
WATER • SEWER

5

JASIEL F. CORREIA II
Mayor

TERRANCE SULLIVAN
Administrator

TO: Sewer Commission

FROM: Terrance Sullivan
Administrator/Community Utilities

DATE: March 5, 2018

New houses are being constructed on Sprague Street, Bay Street and Chace Street. The stream that moves water from Cook Pond to the Mt. Hope Bay is adjacent to these lots.

At my request the developer has agreed to transfer the land surrounding the stream to the City. This will allow us to have legal access to maintain proper flow in the stream and avoid future efforts to construct closer to the stream. This will allow protection/conservation of this area and proper flow management.

Attached please find the proposed deed and plan for acceptance of the land. This will be presented to you for approval at the next meeting. If you approve the request it will then be sent to the City Council for approval.

TJS/omc
Attachment

5

Quitclaim Deed

Re: Vacant Land, Bay Street, Fall River, Massachusetts

Know all men by these presents, [Name of Grantor and Grantor's address] for \$1.00 and other good and valuable consideration hereby grant and convey to the City of Fall River, a Massachusetts municipality with its principal address as One Government Center, Fall River, Massachusetts with **QUITCLAIM COVENANTS** the real estate hereinafter described:

Parcel I: East side of Bay Street

the vacant land in Fall River, bounded and described as follows:

Beginning at a point in the Easterly line of Bay Street at the Northwesterly corner of the parcel to be described;

Thence running S 75° 39' 08" E a distance of 142.70 by Lot#1, #2 and #3 on plan of land hereinafter identified;

Thence running S 76° 51' 12" E a distance of 214 feet by land of now or formerly of various owners as shown on said plan;

Thence running S 13° 03' 48" W a distance of 261.35 feet by land now or formerly of New Liberty Street LLC to a point in the Northerly line of Center Street;

Thence running N 76° 47' 12" W a distance of 179 feet in the Northerly line of Center Street;

Thence running N 18° 53' 06" W a distance of 58.86 feet by Lot#7 on said plan;

Thence running N 02° 17' 45" W a distance of 131.33 feet by part of Lot# 4 and by Lot # 5 and #6 on said plan;

Thence running N 18° 16' 23" W a distance of 27.47 by Lot # 4 on said plan;

Thence running N 76° 47' 12" W a distance of 90.39 feet to a point in the Easterly line of Bay Street; and

Thence running N 06° 46' 48" E a distance of 64.49 feet to the point of beginning.

Containing 66,254 square feet of land, more or less

Meaning and intending to convey, however otherwise bounded and described, 'Remaining Part of Map H-7 Lot 1 to be conveyed to the City of Fall River' as shown on plan entitled " 'APPROVAL NOT REQUIRED PLAN' Assessor's Map h-6 Lot 13, Map H-7 Lot 1 Bay St Fall River, Massachusetts Prepared For S. Beacon Community Development Trust... Scale 1"=50' Date: November 24, 2017" recorded in Fall River Registry of Deeds Plan Book 161 Page 20.

Parcel II: East of Bay Street

the vacant land in Fall River, bounded and described as follows:

Beginning at the southwesterly corner of the parcel to be described at a point lying 252.56 southeasterly of a rebar set in the Northeasterly line of Chace Street;

Thence running N 41° 06' 14" W a distance of 162.00 feet by Lot #11 and #12 on plan hereinafter identified;

Thence running N 10° 54' 07" W a distance of 108.00 feet by Lot #9 and #10 on said plan;

Thence running N 03° 08' 27" W a distance of 69.62 feet by Lot # 8 on said plan;

Thence running N 81° 36' 37" W a distance of 106.08 feet again by said Lot #8;

Thence running N 08° 33' 48" E a distance of 69.75 feet;

Thence running N 81° 36' 37" W a distance of 80.00 feet to a point in the Easterly line of Bay Street by land now or formerly of Robert Lamarre, Jr. ;

Thence running N 08° 33' 48" E a distance of 4.60 feet the Easterly line of Bay Street;

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Thence running S 81° 36' 37" E a distance of 115 feet by land now or formerly of FNMA;

Thence running N 08° 09' 49" E a distance of 54.19 feet by said last named land;

Thence running N 76° 47' 12" W a distance of 13.80 feet again by said last named land;

Thence running N 08° 33' 48" E a distance of 100.00 feet land now or formerly of Bay St. Gray Textiles Corp.;

Thence running N 08° 33' 48" E a distance of 5 feet to Northwestern corner of the parcel herein described at a point in the Southerly line of Center Street;

Thence running S 76° 47' 12" E a distance of 120.22 feet in the Southerly line of Center Street to the Northeasterly corner of the parcel herein described;

Thence running S 28° 55' 01" W a distance of 86.78 feet;

Thence running S 23° 06' 27" E a distance of 97.10 feet;

Thence running S 16° 20' 28" W a distance of 78.94 feet;

Thence running S 11° 28' 04" E a distance of 81.46 feet;

Thence running S 01° 41' 42" W a distance of 97.15 feet;

Thence running S 43° 52' 35" W a distance of 112.50 feet;

Thence running S 28° 39' 20" E a distance of 34.00 feet all of the last seven courses run by other land of the Grantor; and

Thence running N 76° 31' 29" W a distance of 61.00 feet to the point of beginning.

Containing 44,622 square feet of land, more or less.

Meaning and intending to convey, however otherwise bounded and described, Parcel B on plan entitled " 'APPROVAL NOT REQUIRED PLAN' Assessor's Map h-6 Lot 13, Map H-7 Lot 1 Bay St Fall River, Massachusetts Prepared For S. Beacon Community Development Trust... Scale 1"=50' Date: November 24, 2017" recorded in Fall River Registry of Deeds Plan Book 161 Page 20.

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[SOURCE OF TITLE TO BE INSERTED]

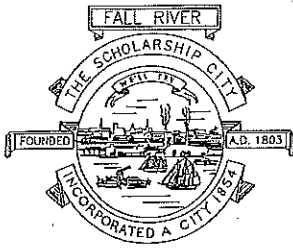
Executed at Fall River, Bristol County, Massachusetts

ACKNOWLEDGEMENT

AERIAL PHOTOS FOR REFERENCE







City of Fall River
Massachusetts
Office of the Mayor

RECEIVED

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CITY CLERK
FALL RIVER, MA

JASIEL F. CORREIA II
Mayor

April 19, 2018

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

Honorable Council Members:

The Tax Increment Financing (TIF) Board met on Tuesday, April 10, 2018 and voted unanimously to approve a TIF Agreement for OSJ of Fall River, LLC and a Tax Increment Exemption (TIE) Agreement for 64 Durfee, LLC (both attached).

The TIF for OSJ of Fall River, LLC provides for the relocation and expansion of the Ocean State Job Lot store to the former Shaw's Plaza at 465 William S. Canning Blvd. The owner has committed to adding 9 new full time jobs as well as additional development on the parcel for additional job creation. An incremental tax assessment of \$2,000,000 will result in a real estate tax exemption, over 5 years, totaling \$164,933.

The TIE for 64 Durfee, LLC is part of the Waterfront Housing Development Incentive Program (HDIP) Zone and provides for the creation of 55 apartments with 44 units being market rate and 11 affordable units for artists working at the site. 19,000 SF of commercial space is also included. An incremental tax assessment of \$5,378,500 will result in a real estate tax exemption, over 10 years, totaling \$393,168.35.

To insure full eligibility for the Abandoned Building Tax Credit for 465 William S. Canning Blvd, I am also requesting City Council approval of the attached Resolution approving the filing of an application with the State Economic Assistance Coordinating Council requesting an additional Economic Opportunity Area (EOA) within the City of Fall River.

Your approval of these Agreements and the EOA is respectfully requested.

Best Regards,


Jasiel F. Correia II
Mayor

**RESOLUTION OF LOCAL GOVERNING BODY APPROVING THE FILING OF AN
APPLICATION WITH THE STATE ECONOMIC ASSISTANCE COORDINATING
COUNCIL REQUESTING APPROVAL ON AN ADDITIONAL ECONOMIC
OPPORTUNITY AREA IN THE CITY OF FALL RIVER**

WHEREAS, Chapter 23A, Section 3A through 3F of the Acts of 1993, established the Economic Development Incentive Program (EDIP); and

WHEREAS, the EDIP program is designed to promote increased business development and expansion in Economic Target Areas (ETAs) and Economic Opportunity Areas (EOAs) of the Commonwealth; and

WHEREAS, the Economic Assistance Coordinating Council (EACC) established by Section 3B of said Chapter 23A, is charged with administering the EDIP program, including the review and approval of applications from municipalities for the designations of areas as Economic Target Areas and Economic Opportunity Areas; and

WHEREAS, the City Council of Fall River has previously submitted applications to the Economic Assistance Coordinating Council seeking designation as an Economic Target Area as well as the creation of five separate Economic Opportunity Areas in the City and two site specific Economic Opportunity Areas; and

WHEREAS, the City Council of Fall River, as part of that application, voted to offer qualified projects either tax increment financing or a special tax assessment within the City's Economic Opportunity Areas; and

WHEREAS, the City's application for Economic Target Area status and Economic Opportunity Area designation was approved by the Economic Assistance Coordinating Council on December 21, 1994; and

WHEREAS, the original Economic Opportunity Areas have expired, Honorable Jasiel F. Correia II intends to submit an application to the state Economic Assistance Coordinating Council requesting approval of the proposed site specific 465 William S. Canning Blvd Economic Opportunity Area.

NOW THEREFORE, BE IT RESOLVED BY THE FALL RIVER CITY COUNCIL THAT:
the local governing body does hereby authorize the Mayor to submit an application to the Economic Assistance Coordinating Council requesting approval of the site specific 465 William S. Canning Blvd Economic Opportunity Area and also authorizes the Mayor to execute an agreement with the Economic Assistance Coordinating Council to do all the things necessary to comply with the statutory and regulatory guidelines governing the Economic Development Incentive Program.

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**OSJ of Fall River, LLC and
New to be Identified Operating Entity
C/O Ocean State Job Lot
375 Commerce Park Road
North Kingstown, RI 02852**

April 4, 2018

Municipal Chief Executive
City of Fall River
One Government Center
Room 619
Fall River, MA 02722

RE: Intent to Apply For Massachusetts Economic Development Program (EDIP) in Fall River

Dear Mayor Correia II,

This letter is OSJ of Fall River, LLC's and a new to be Identified Operating Entity's letter of intent as required pursuant to the Economic Development Incentive Program (EDIP).

OSJ of Fall River, LLC, an affiliated entity of Ocean State Job Lot, plans to purchase and remodel the former Shaw's Plaza at 455 William S. Canning Boulevard, resulting in a relocation of the Ocean State Job Lot store that will be 58.7% larger than the current Fall River store, as well as adding another retail tenant. We plan to install new HVAC units, a new roof, and new lighting, all of which items will be energy efficient. We will also look to replace the exterior parking lot lighting with energy efficient LED lighting, as well as paint the building and improve the parking lot. We are budgeting \$2 million dollars in total renovations in addition to the acquisition costs.

As you will recall, we and the seller of the property met with you on January 30, 2018 to review the EDIP Program and the various incentives available, and as discussed, we would like to apply for a 5 year tax stabilization on the building, as well as on the tangible assets.

The new to be Identified Operating Entity expects to hire a total of 20 new full time and part time employees over a period of 5 years including 9 full time employees and 11 part time employees, this will be in addition to the 11 full time and 23 part time employees that are already employed by the existing Fall River Ocean State Job Lot store. Also, as a part of this project the expected co-tenant will hire an additional 11 full time employees.

This tax stabilization will assist OSJ of Fall River, LLC and the to be Identified Operating Entity by enabling us to relocate the Ocean State Job Lot store to a larger building and to a plaza which is currently 95% vacant. By moving to a larger store, it will allow us to better serve the City of Fall River and employ its residents. We are, therefore, requesting that you accept this letter as the formal letter of intent as required under the Economic Development Incentive Program, (EDIP).

If you have any questions please feel free to reach out to me at 401-649-1377 or e.portno@osjl.com.

Sincerely yours,



Evan Portno
Director, Store Development

cc: FROED
Community Development Agency

Enclosure

TAX INCREMENT FINANCING AGREEMENT

City of Fall River, Massachusetts

and

OSJ of Fall River, LLC

This Agreement is made this ____ day of April, 2018 by and between: City of Fall River, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at One Government Center, Fall River, Massachusetts, 02722, acting through its Tax Increment Financing (TIF) Board (hereinafter called "CITY"); OSJ of Fall River, LLC, North Kingstown, RI 02721, acting through the Director of Store Development (hereinafter called "COMPANY"); This Agreement will take effect immediately upon final approval by the Massachusetts Economic Assistance Coordinating Council.

WHEREAS, COMPANY wishes to purchase the former vacant, Shaw's Plaza, 465 WM S Canning Blvd, Fall River, MA located within Fall River's Economic Opportunity Area (hereinafter referred to as "the FACILITY"), and obtain certain tax exemptions from the CITY for said FACILITY; and

WHEREAS, COMPANY plans approximately \$2,000,000 million in renovation to accommodate a 58% expansion of their current Fall River Ocean State Job Lot store as well as the addition of another retail tenant; and

WHEREAS, CITY is willing to grant real and personal property tax exemptions in return for a guarantee of capital investment at the FACILITY and employment opportunities for 9 new full-time local workers and retention of 11 full-time workers; and

WHEREAS, COMPANY has embarked upon a strategy of significant capital investment in plant and equipment and job creation at its FACILITY in Fall River;

NOW, therefore, in consideration of the mutual promises contained herein, the parties do mutually agree as follows;

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TIF Agreement OSJ of Fall River, LLC /City of Fall River page 2.

A. The Company's Obligations

1. The COMPANY shall renovate (+/-) 61,688 square foot building and parking lot at 465 WM.S Canning Blvd to provide department store general merchandise to customers.
2. COMPANY shall invest approximately \$2,000,000 in the FACILITY, employ 9 new, permanent, full-time workers, 5 new employees within six (6) months of CITY issuing the TIF Agreement.
3. COMPANY shall cooperate with Job Training Partnership Act programs and the Division of Employment and Training of the Commonwealth of Massachusetts, the Bristol County Training Consortium and other agencies, as appropriate, in seeking to fill vacancies at the COMPANY from local community. COMPANY shall commit to a policy of hiring qualified Fall River residents for any employment opportunities that become available at the FACILITY.
4. COMPANY shall make good faith efforts to use local contractors for renovation of the new FACILITY. COMPANY shall also make all good faith efforts to use local contractors for any future repairs or renovations to the FACILITY. Further, CITY expresses its preference that COMPANY use local contractors who have registered apprenticeships programs with the Commonwealth of Massachusetts to encourage the training of a skilled workforce.
5. If COMPANY decides to sell the FACILITY or the business or to otherwise transfer control of the FACILITY or business and/or the operations therein, the COMPANY shall make good faith efforts to give CITY at least six (6) months, notice of said sale or transfer but no less than sixty (60) days shall be required. This Agreement is non-transferable. Said notice shall be given by certified mail, return receipt requested, to the Mayor of the City of Fall River, One Government Center Fall River, Massachusetts, 02722.

TIF Agreement OSJ of Fall River, LLC/City of Fall River pg.3

6. COMPANY shall provide CITY with a quarterly report beginning at the end of the quarter immediately following Project Certification and for each subsequent quarter thereafter. Said report shall contain the following information: (1) employment levels at the COMPANY at the beginning and end of the reporting period; (2) number of Fall River residents employed at the COMPANY at the beginning and the end of the reporting period; (3) utilization of local contractors during the reporting period; (4) supplies/materials purchased locally during the reporting period; (5) the COMPANY's financial contribution to the city (i.e., property taxes, motor vehicle excise taxes, water and sewer fees) for the reporting period. Said quarterly report shall be given to the Mayor of the City of Fall River, President of the Fall River City Council, Fall River City Clerk, Fall River Assessor, One Government Center Fall River, Massachusetts 02722.

City of Fall River shall be responsible monitoring job creation activities and compliance with the terms and conditions set forth in this Agreement.

COMPANY shall also notify City of Fall River of its receipt of a Certificate of Occupancy for its FACILITY within ten (10) days of such receipt.

B. THE CITY'S OBLIGATIONS

1. CITY shall grant a Tax Increment Financing exemption to the COMPANY in accordance with Massachusetts General Laws, Chapter 23A, Section 3E, Chapter 40, Section 59, and Chapter 59, Section 5. Said exemption shall be granted on the building to be renovated as described in FACILITY above. Said exemption shall be valid for a period of five (5) years, beginning July 1, 2018 (FY19) and ending June 30, 2023. Please note that the exemption will be reflected in tax bills beginning July 1, 2018 (FY19). Said exemption schedule is as follows;

Term	Exemption	Taxes Due
Year 1	80%	20%
Year 2	50%	50%
Year 3	50%	50%
Year 4	20%	80%
Year 5	20%	80%

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TIF Agreement OSJ of Fall River, LLC/City of Fall River pg.4

2. If the CITY determines, after a hearing before the CITY'S Tax Increment Financing Board, that the COMPANY has failed to meet its obligations, including its obligations to create and retain jobs, the Tax Increment financing exemption shall be reduced to 1% and the taxes due in the current and all subsequent fiscal years for the remainder of the Agreement shall be increased to 99% of taxes which would be due in the absence of any Tax Increment Financing exemption. The CITY's determination under this paragraph that COMPANY has failed to meet its obligations shall be final and shall not be subject to any right of appeal.

C. OTHER CONSIDERATIONS

1. If COMPANY fails to meet or maintain employment goals or comply with the other terms of this Agreement, the CITY may request revocation of the TIF Agreement by the Economic Assistance Coordinating Council, in accordance with Commonwealth of Massachusetts Regulations 402 CMR, section 2.01-2.18, as amended.

Executed as a sealed instrument on the day and year first above written.

Tax Increment Financing Board

OSJ of Fall River, LLC

Mayor Jasiel F. Correia II

President, OSJ of Fall River, LLC

EDIP Local Incentive Only Application Exhibit 1: Local Incentive Valuation

FY	Municipal Tax Rate Per Thousand	Incremental Assessed Value	Projected Annual RE Property Tax Bill for Incremental	TIF/STA Yearly Exemption %	Exempted Annual RE Property Taxes	Exempted Annual Personal Property Taxes	Total Yearly Value of Local Tax Incentives
2019	\$31.12	\$2,000,000.00	\$62,240.00	80%	\$49,792.00	\$5,601.00	\$55,393.00
2020	\$31.12	\$2,000,000.00	\$62,240.00	50%	\$31,120.00	\$5,601.00	\$36,721.00
2021	\$31.12	\$2,000,000.00	\$62,240.00	50%	\$31,120.00	\$5,601.00	\$36,721.00
2022	\$31.12	\$2,000,000.00	\$62,240.00	20%	\$12,448.00	\$5,601.00	\$18,049.00
2023	\$31.12	\$2,000,000.00	\$62,240.00	20%	\$12,448.00	\$5,601.00	\$18,049.00
Enter Year	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00	\$0.00
Enter Year	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00	\$0.00
Enter Year	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00	\$0.00
Enter Year	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00	\$0.00
Enter Year	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00	\$0.00
Enter Year	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00	\$0.00
Enter Year	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00	\$0.00
Enter Year	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00	\$0.00
				TOTALS	\$136,928.00	\$28,005.00	\$164,933.00

*The base value for this project is \$3,874,400.00.

Note: In Massachusetts, Proposition 2½ operates at the level of a municipality's total tax levy. Due to Proposition 2½, it is impossible to make reliable projections for individual parcels, whose taxes may increase much more or much less than the municipal

Total Yearly Value of Local Tax Incentives minus PILOT = _____

11 0007
Map Lot

1 of 1 Commercial
CARD

TOTAL ASSESSED: 3,874,400
132241

PROPERTY LOCATION

465 MM S CANNING BLV, FALL RIVER

OWNERSHIP

OWNER: CANNING BOULEVARD ASSOCIATES LP
OWNER: C/O J KRAM MANAGEMENT INC
OWNER: P O BOX 2516

PREVIOUS OWNER

PREVIOUS OWNER: FALL RIVER
PREVIOUS OWNER: MA
PREVIOUS OWNER: 02722

NARRATIVE DESCRIPTION

This Parcel contains 306.227 SQ FT of land mainly classified as SUPRMKT with a(n) SUPER MKT Building Built about 1985, Having Primarily CONC BLOCK Exterior and T&R-GRAVEL, Road Cover, with 1 Units, 0 Baths, 2 HalfBaths, 0 3/4 Baths, 0 Rooms Total, and 0 Bathms.
OTHER ASSESSMENTS

IN PROCESS APPRAISAL SUMMARY

Parcel ID	324	1,814,000	143,800	306,226.813	1,916,800	3,874,400	Legal Description	User Acct
Source	Market Adj Cost	1,814,000	143,800	7,030	1,916,800	3,874,400		
Source	Market Adj Cost	1,814,000	143,800	7,030	1,916,800	3,874,400		

PREVIOUS ASSESSMENT

Year	324	1,814,000	143,800	306,226.813	1,916,800	3,874,400	Legal Description	User Acct
2018	324	FV	1,814,000	143,800	306,226.813	1,916,800	3,874,400	
2017	324	FV	2,707,900	143,800	306,226.813	1,916,800	4,768,300	
2016	324	FV	2,707,900	143,800	306,226.813	1,916,800	4,768,300	
2015	324	FV	2,900,500	146,800	306,226.813	1,916,800	4,961,700	
2014	324	FV	2,900,500	146,800	306,226.813	1,916,800	4,961,700	
2013	324	EX	3,394,500	215,900	306,226.813	1,954,900	5,565,300	
2013	324	FV	3,394,500	215,900	306,226.813	1,954,900	5,565,300	
2013	324	PR	3,394,500	222,000	306,226.813	1,920,100	5,620,800	

SALES INFORMATION

Year	324	1,814,000	143,800	306,226.813	1,916,800	3,874,400	Legal Description	User Acct
2018	324	FV	1,814,000	143,800	306,226.813	1,916,800	3,874,400	
2017	324	FV	2,707,900	143,800	306,226.813	1,916,800	4,768,300	
2016	324	FV	2,707,900	143,800	306,226.813	1,916,800	4,768,300	
2015	324	FV	2,900,500	146,800	306,226.813	1,916,800	4,961,700	
2014	324	FV	2,900,500	146,800	306,226.813	1,916,800	4,961,700	
2013	324	EX	3,394,500	215,900	306,226.813	1,954,900	5,565,300	
2013	324	FV	3,394,500	215,900	306,226.813	1,954,900	5,565,300	
2013	324	PR	3,394,500	222,000	306,226.813	1,920,100	5,620,800	

TAX DISTRICT

Year	324	1,814,000	143,800	306,226.813	1,916,800	3,874,400	Legal Description	User Acct
2018	324	FV	1,814,000	143,800	306,226.813	1,916,800	3,874,400	
2017	324	FV	2,707,900	143,800	306,226.813	1,916,800	4,768,300	
2016	324	FV	2,707,900	143,800	306,226.813	1,916,800	4,768,300	
2015	324	FV	2,900,500	146,800	306,226.813	1,916,800	4,961,700	
2014	324	FV	2,900,500	146,800	306,226.813	1,916,800	4,961,700	
2013	324	EX	3,394,500	215,900	306,226.813	1,954,900	5,565,300	
2013	324	FV	3,394,500	215,900	306,226.813	1,954,900	5,565,300	
2013	324	PR	3,394,500	222,000	306,226.813	1,920,100	5,620,800	

PAT ACCT.

Year	324	1,814,000	143,800	306,226.813	1,916,800	3,874,400	Legal Description	User Acct
2018	324	FV	1,814,000	143,800	306,226.813	1,916,800	3,874,400	
2017	324	FV	2,707,900	143,800	306,226.813	1,916,800	4,768,300	
2016	324	FV	2,707,900	143,800	306,226.813	1,916,800	4,768,300	
2015	324	FV	2,900,500	146,800	306,226.813	1,916,800	4,961,700	
2014	324	FV	2,900,500	146,800	306,226.813	1,916,800	4,961,700	
2013	324	EX	3,394,500	215,900	306,226.813	1,954,900	5,565,300	
2013	324	FV	3,394,500	215,900	306,226.813	1,954,900	5,565,300	
2013	324	PR	3,394,500	222,000	306,226.813	1,920,100	5,620,800	

PROPERTY FACTORS

Code	Description	Amount	Code	Description	Amount
1	BL	Bus <=3 Units	100	C	ALL UTIL
2	R-8	Single Fam 8	100		
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LAND SECTION (First 7 lines only)

Code	Description	Amount	Code	Description	Amount
1	BL	Bus <=3 Units	100	C	ALL UTIL
2	R-8	Single Fam 8	100		
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ACTIVITY INFORMATION

Code	Description	Amount	Code	Description	Amount
1	BL	Bus <=3 Units	100	C	ALL UTIL
2	R-8	Single Fam 8	100		
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64 DURFEE, LLC
THE CREATIVE CLASS
PO BOX 428
Fall River, MA 02720

6

March 9, 2018

The Honorable Mayor Jasiel F. Correia II,
City of Fall River
Government Center
Fall River, MA 02721

RE: Intent to Apply for Massachusetts Housing Development Incentive Program
(HDIP) Award in Fall River

Dear Mr. Mayor,

64 Durfee, LLC intends to apply for a Housing Development Incentive Program (HDIP) tax credit award from the Massachusetts Department of Housing and Community Development. Without an HDIP tax credit award, the \$18 million project we envision at Bradford Durfee Tech will not be financially feasible.

We respectfully request the following so we may submit our Preliminary Application;

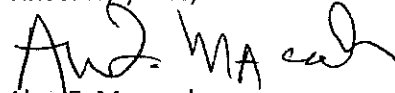
- Your written certification of 64 Durfee, LLC as a Housing Development Incentive Program project.
- A HD Tax Increment Exemption for 64 Durfee, LLC located in HD Zone 1.

The DHCD views the TIE terms as an indication of the project's importance to the City. The more advantageous the TIE terms, the more likely 64 Durfee, LLC will be awarded HDIP tax credits.

Specifically, we request a TIE similar to what was granted to Commonwealth Landing. The TIE requested would abate 80% of the projects added value during the first five years and 20% of the projects added value for an additional five years.

Once we have finalized an agreement with the City of Fall River, we will submit our Preliminary Application to DHCD.

Sincerely yours,



Alan F. Macomber
Managing Member
64 Durfee, LLC

6

EDIP Local Incentive Only Application Exhibit 1: Local Incentive Valuation

FY	Municipal Tax Rate Per Thousand	Incremental Assessed Value	Projected Annual RE Property Tax Bill for Incremental Assessed Value	TIF/STA Yearly Exemption %	Exempted Annual RE Property Taxes	Exempted Annual Personal Property Taxes	Total Yearly Value of Local Tax Incentives
2020	\$14.62	\$5,378,500.00	\$78,633.67	80%	\$62,906.94	\$0.00	\$62,906.94
2021	\$14.62	\$5,378,500.00	\$78,633.67	80%	\$62,906.94	\$0.00	\$62,906.94
2022	\$14.62	\$5,378,500.00	\$78,633.67	80%	\$62,906.94	\$0.00	\$62,906.94
2023	\$14.62	\$5,378,500.00	\$78,633.67	80%	\$62,906.94	\$0.00	\$62,906.94
2024	\$14.62	\$5,378,500.00	\$78,633.67	80%	\$62,906.94	\$0.00	\$62,906.94
2025	\$14.62	\$5,378,500.00	\$78,633.67	20%	\$15,726.73	\$0.00	\$15,726.73
2026	\$14.62	\$5,378,500.00	\$78,633.67	20%	\$15,726.73	\$0.00	\$15,726.73
2027	\$14.62	\$5,378,500.00	\$78,633.67	20%	\$15,726.73	\$0.00	\$15,726.73
2028	\$14.62	\$5,378,500.00	\$78,633.67	20%	\$15,726.73	\$0.00	\$15,726.73
2029	\$14.62	\$5,378,500.00	\$78,633.67	20%	\$15,726.73	\$0.00	\$15,726.73
Enter Year	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00	\$0.00
Enter Year	\$0.00	\$0.00	\$0.00	0%	\$0.00	\$0.00	\$0.00
				TOTALS	\$393,168.35	\$0.00	\$393,168.35

Note: In Massachusetts, Proposition 2½ operates at the level of a municipality's total tax levy. Due to Proposition 2½, it is impossible to make reliable projections for individual parcels, whose taxes may increase much more or much less than the munic

*The base value for this project is \$151,000.

Total Yearly Value of Local Tax Incentives minus PILOT = _____

6

HOUSING DEVELOPMENT INCENTIVE PROGRAM

TAX INCREMENT EXEMPTION AGREEMENT

between
MUNICIPALITY
and
SPONSOR

This AGREEMENT is made this ____ day of ____, 2018 by and between the City of Fall River, ("Municipality") and 64 Durfee LLC, a Massachusetts Limited Liability Company with an address at 1082 Davol St, Fall River, MA 02720.

Section 1 – Agreement

The Municipality and the Sponsor, for good and valuable consideration and in consideration of the covenants and agreements herein contained, hereby make this agreement regarding a tax increment exemption pursuant to the Housing Development (HD) Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00 (HD TIE), with respect to the Property as herein defined.

Section 2 – Definitions

Each reference in this Agreement to the following terms shall be deemed to have the following meanings:

Act:	M.G.L. c. 40V as may be amended from time to time.
Completion:	Certificates of occupancy have been issued for the entire Project.
DHCD:	Department of Housing and Community Development
Event of Default:	An "Event of Default" as defined in Section 5 below.
Final Certification:	Determination by DHCD that the Sponsor has completed the new construction or substantial rehabilitation of the Property, consistent with the New Construction or Rehabilitation Plans, including the creation of MRRUs, as set forth in the Act and the Regulations.
Fiscal Year:	An annual period of July 1 through June 30.
HD Project:	A Certified Housing Development Project as defined in the Act and the Regulations.
HD Zone:	The Housing Development Zone adopted by <u>City of Fall River City Council</u> on <u>December 13, 2013</u> and approved by DHCD as evidenced by a Certificate of

6

Approval dated January 10, 2014 and recorded with the Bristol County Registry of Deeds, Book 8417, Page 61.

Lead Municipality: IF APPLICABLE

MRRU: Market Rate Residential Unit(s) as defined at Section 3.B.1.

Property: 64 Durfee Street as shown in Exhibit 1, "Map of Property" and further described in Exhibit 2, "Legal Description of Property".

Regulations: 760 CMR 66.00.

New Construction or Rehabilitation Plans: The material submitted for Conditional Certification pursuant to 760 CMR 66.05(3) (a) and approved by DHCD.

Sponsor: 64 Durfee, LLC, a Massachusetts Limited Liability Company, with an address at PO Box 428, Fall River, MA 02722 its successors and assigns.

Section 3 – Sponsor's Covenants

A. New Construction or Substantial Rehabilitation of the Property. Sponsor will undertake the new construction or substantial rehabilitation of the Property in accordance with the work and schedule set forth in the New Construction or Rehabilitation Plans.

B. Market Rate Residential Units.

1) There shall be a total of 44 residential rental units created in the Project of which 44 shall be MRRUs comprised of 25 two bedroom and 19 one bedroom. The monthly rent for such units shall be priced- consistently with prevailing rents or sale prices in the Municipality as determined based on criteria established by the department., as set forth in Exhibit 3, "Market Rate Residential Units – Pricing Plan".

2) Sponsor shall use good faith efforts to maintain the units as MRRUs for a minimum of 10 years.

C. Marketing. Sponsor shall cause the MRRU to be marketed in a manner that is consistent with the strategies, implementation plan and affirmative fair housing efforts set out in the New Construction or Rehabilitation Plans.

D. HD Project Certification. Sponsor shall take all actions reasonably necessary to obtain Final Certification of the Property as an HD Project including but not limited to submitting applications to DHCD for Conditional Certification and Final Certification consistent with the requirements of the Act and the Regulations.

Section 4 – Tax Increment Exemption

Municipality agrees to grant Sponsor an exemption to the real property taxes due on the Property pursuant to G.L. c.59 according to the following terms.

A. Base Value. \$151,000.

6

B. MRRU Percentage. 100 per cent. The MRRU Percentage shall be confirmed as required in paragraph F, below.

C. Exemption Percentage. Commencing on the Effective Date which shall be Fiscal Year 1: 80% for Fiscal Years 1 through 5 and 20% for fiscal Years 6 through 10.

D. The Increment. As defined at 760 CMR 66.06(1)(b)(1).

E. Calculation. For each Fiscal Year during the term of this Agreement, the HD TIE shall be determined by applying the Exemption Percentage to the property tax on the Increment.

F. Confirmation or Amendment of Calculation. Upon Completion, and prior to applying for Final Certification of the Project, the Sponsor and Municipality shall file a "Tax Increment Exemption – Confirmation of Calculation" in the form attached as Exhibit 4 ("TIE Confirmation"). To the extent that the dates or figures in the TIE Confirmation differ from those set forth in this Agreement, the contents of the TIE Confirmation shall control and shall be deemed to have amended this Agreement.

Section 5 – Default

A. Event of Default. An "Event of Default" shall arise under this Agreement upon the occurrence of any one or more of the following events:

1) Breach of Covenant Prior to Final Certification. Subject to the limitations set forth in the Regulations at section 66.05(4)(b), Sponsor defaults in the observance or performance of any material covenant, condition or agreement to be observed or performed by Sponsor pursuant to the terms of this Agreement, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

2) Breach of Covenant Subsequent to Final Certification. Sponsor's conduct is materially at variance with the representations made in its New Construction or Rehabilitation Plans; such variance is found to frustrate the public purposes that Final Certification was intended to advance, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

3) Misrepresentation. Any representation made herein or in any report, certificate, financial statement or other instrument furnished in connection with this Agreement shall prove to be false in any material respect.

B. Rights on Default.

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- 1) Prior to Final Certification. Upon the occurrence of an Event of Default prior to Final Certification, then this Agreement shall become null and void.
- 2) Subsequent to Final Certification. Upon the occurrence of an Event of Default subsequent to Final Certification, then:
 - a. Revocation of Certification. Pursuant to the terms of the Act, the Municipality, may, at its sole discretion, request that DHCD revoke the Final Certification of the Project, such revocation to take effect on the first day of the fiscal year in which DHCD determines that a material variance commenced.
 - b. Termination of Agreement. Upon revocation of certification, this Agreement shall become null and void as of the effective date of such revocation.
 - c. Recoupment of Economic Benefit. Upon revocation of certification, the Municipality may bring a cause of action against Sponsor for the value of any economic benefit received by Sponsor prior to or subsequent to such revocation.
- 3) Other Remedies. The Municipality's rights upon the occurrence of an Event of Default are in addition to those granted to DHCD and the Massachusetts Commissioner of Revenue under the terms of the Act.

Section 6 – Miscellaneous

- A. Effective Date. The effective date of the HD TIE shall be July 1st of the first Fiscal Year following DHCD's Final Certification of the HD Project pursuant to the requirements of the Act and the Regulations, which date is anticipated to be July 1, 2020. The Effective Date shall be confirmed as required in paragraph F, below.
- B. Term of Agreement. This Agreement shall expire upon the Municipality's acceptance of the annual report, as required below, for the final Fiscal Year for which the Municipality is granting the TIE.
- C. Reporting. Sponsor shall submit reports to the Municipality not later than thirty (30) days after June 30 of each Fiscal Year for the term of this Agreement. Each report shall contain the following information:
 - 1) Until Completion, the status of construction in relation to the schedule contained in the New Construction or Rehabilitation Plan;
 - 2) Until Completion, the status of marketing in relation to the New Construction or Rehabilitation Plans; and
 - 3) For each MRRU, the number of bedrooms in the unit, whether it was leased as of the end of the most recent fiscal year and the monthly rent charged.
- D. Assignment. The Sponsor shall not assign any interest in this Agreement, and shall not transfer any interest in the same, without the prior written consent of the Municipality, which approval shall not be unreasonably withheld. The foregoing notwithstanding, the rights and obligations of this Agreement

shall inure to the benefit of any entity succeeding to the interests of the Sponsor by merger.

E. Notices. Any notice, request, instruction or other document to be given hereunder to either party by the other shall be in writing and delivered personally or sent by recognized overnight courier, receipt confirmed or sent by certified or registered mail, postage prepaid, as follows, and shall be conclusively deemed to have been received and be effective on the day on which personally delivered or, if sent by certified or registered mail, three (3) days after the day on which mailed or, if sent by overnight courier, on the day after delivered to such courier.

1) Municipality: City of Fall River, Government Center, Fall River, MA 02721

2) Sponsor: 64 Durfee LLC, PO Box 428, Fall River, MA 02720

3) Copy to DHCD: All such notices shall be copied to DHCD at:

HDIP Program Coordinator
Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02124

4) Change of Address. Either party may change the address to which notices are to be sent to it by giving written notice of such change of address to the other party in the manner herein provided for giving notice.

F. Modifications. No modification or waiver of any provision of this Agreement, nor consent to any departure by the Sponsor therefrom shall in any event be effective unless the same shall be in writing, and then such waiver or consent shall be effective only in the specific instance and for the purpose for which given. No failure or delay on the part of Municipality in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power or privilege.

IN WITNESS WHEREOF, the Sponsor has caused this Agreement to be duly executed in its name and behalf and its seal affixed by its duly authorized representative, and the Municipality has caused this Agreement to be executed in its name and behalf and its seal duly affixed by its Mayor and City Council as of the day and year first above written.

[SIGNATURES ON NEXT PAGE]

6

City of Fall River

64 Durfee LLC

By: Jasiel F. Correia II, Mayor

By: Alan F. Macomber

By: Cliff Ponte, City Council President

6

EXHIBIT 1

MAP OF PROPERTY

6

EXHIBIT 2

DESCRIPTION OF PROPERTY

EXHIBIT 3

MARKET RATE RESIDENTIAL UNITS – PRICING PLAN

Pricing Area: QCT 642000

Proposed Initial
Monthly Rent: \$1,350

6

EXHIBIT 4

TAX INCREMENT EXEMPTION – CONFIRMATION OF CALCULATION

In connection with the Tax Increment Exemption Agreement dated _____, 20____ by and between the MUNICIPALITY, and _____, a STATE FORM OF ORGANIZATION with an address at _____, with respect to the property at _____ (the "Agreement"), the parties hereby confirm the following elements of the Agreement. Unless otherwise stated, capitalized terms have the meaning set forth in the Agreement.

1. The effective date of the Agreement is: _____
2. The MRRU is: _____
3. The assessed value of the of the residential portion of the Property upon Completion is: _____

To the extent that the dates or figures in this "Tax Increment Exemption – Confirmation of Calculation" differ from those set forth in the Agreement, the contents of this document shall control and shall be deemed to have amended the Agreement.

MUNICIPALITY

SPONSOR

By: [CHIEF EXECUTIVE OFFICER]

By:

By: [LEGISLATIVE BODY]

By:

Dated: _____

6

EXHIBIT 1

MAP OF PROPERTY

6

A map of the San Francisco Peninsula with several locations highlighted by callout boxes. The locations are: Commonwealth Landing, Bicentennial Park, City Pier, Cove Restaurant, Battleship Cove, and ROUTE 79 PROJECT. The map also shows the coastline, major roads, and the city of San Francisco in the background.

Commonwealth Landing

Bicentennial Park

City Pier

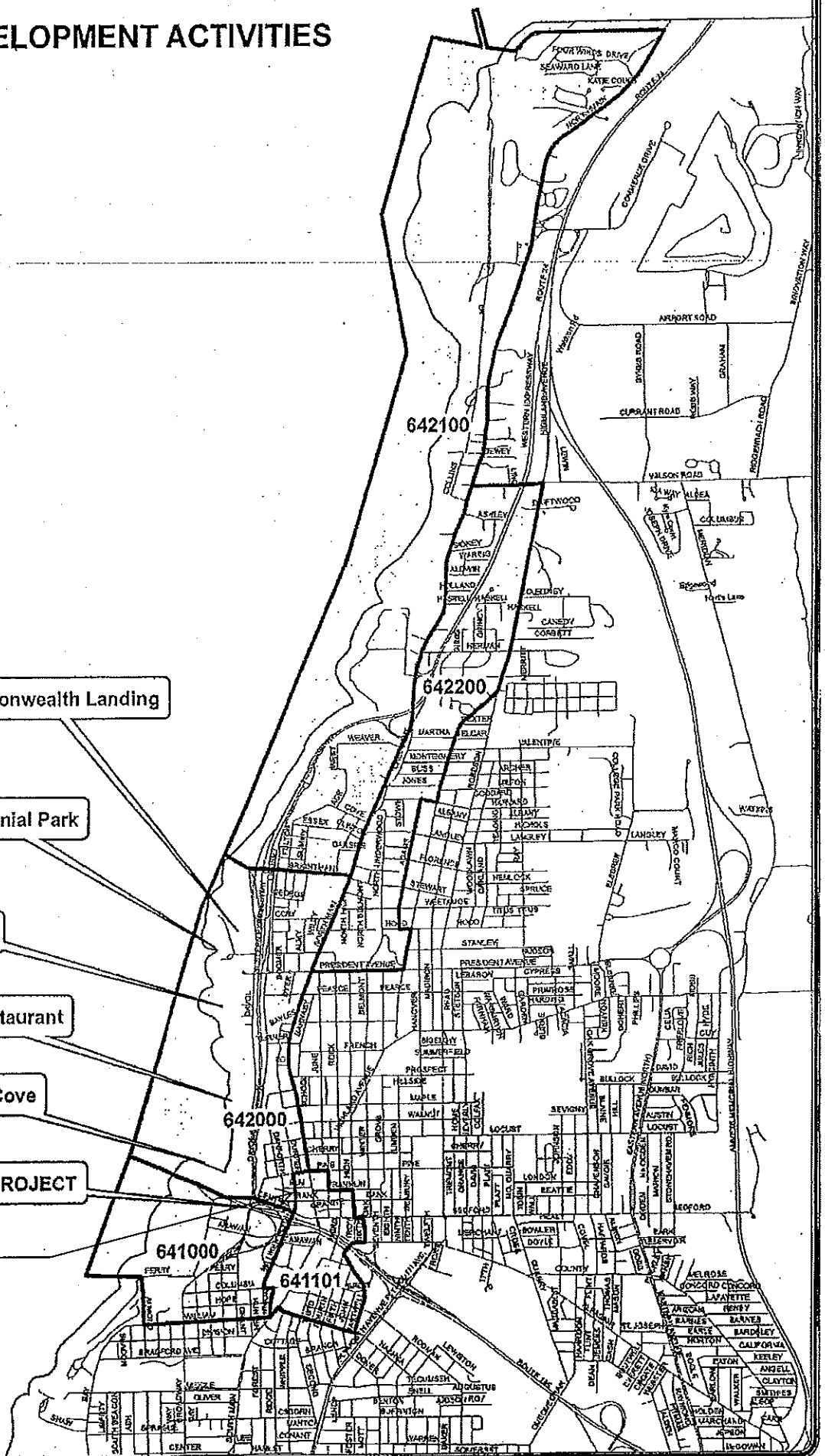
Cove Restaurant

Battleship Cove

ROUTE 79 PROJECT

creative
at 64

64



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EXHIBIT 2

DESCRIPTION OF PROPERTY

64 Durfee, LLC Project Description

The Bradford Durfee Textile College located at 64 Durfee St, Fall River, MA will be developed into a **95,000 SF mixed use complex**. The campus which occupies a city block has three main buildings totaling 95,000 square feet; the Durfee and Textile buildings built in the late nineteenth century will be converted to **42 market rate apartments and 9,000 SF of Commercial Retail** (68,000 SF) and the Coombes building built in 1952 will be developed into housing for practicing artists.

For a century, the project site was a campus for post-secondary students.

Bradford Durfee Textile College (43 years)

Institute of Technology (12 years)

College of Technology (3 years)

SMU Technical Institute (9 years)

Bristol Community College (33 years)

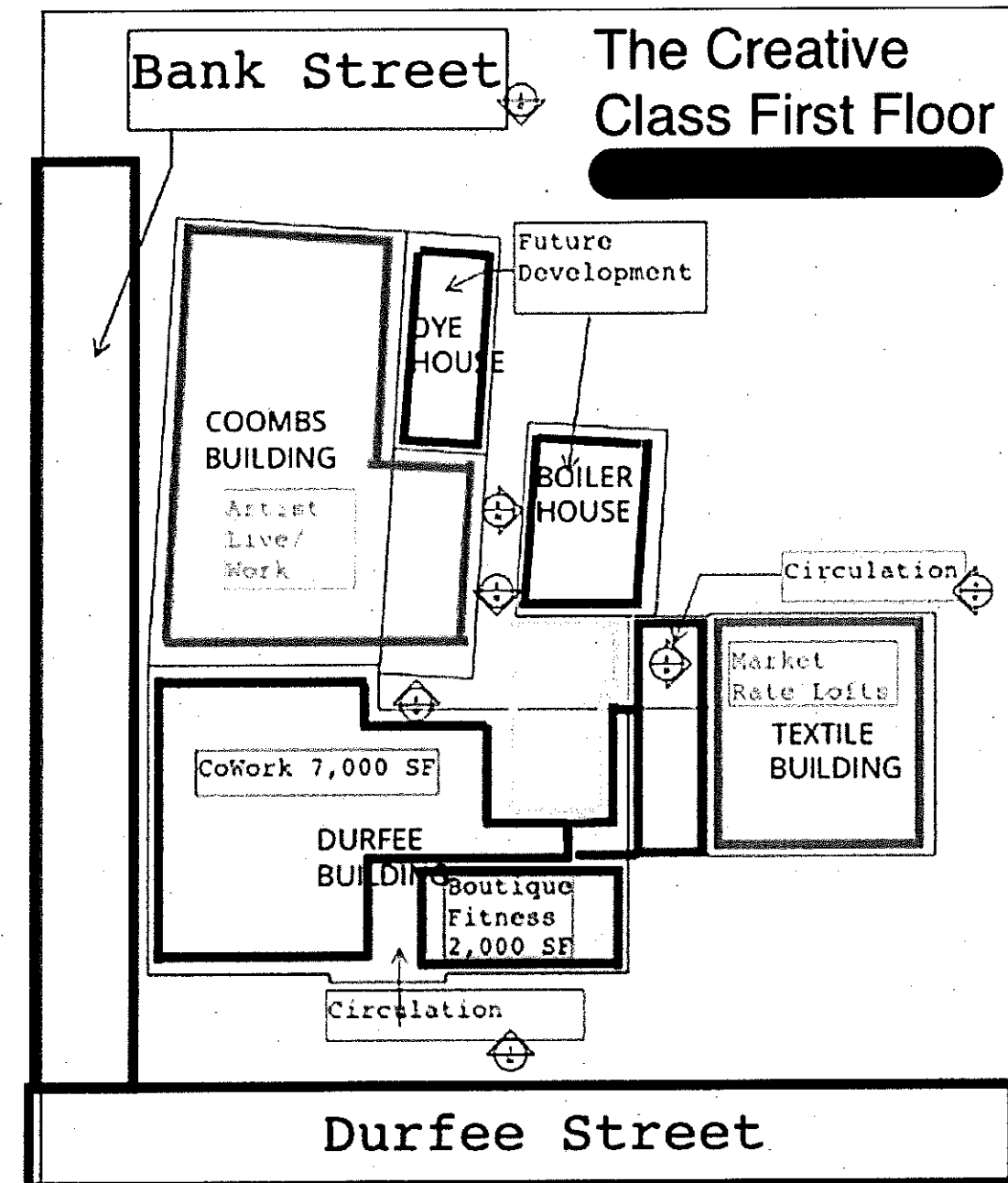
Vacant for 17 years, the site will be developed into a mix of retail, artist housing and market rate apartments. "The Creative Class" name literary recognizes the 100 years the building served as "class" room space and represent Fall River's transition from a working class to a creative class economy.

The project will require an investment of \$17.5M. The apartment design will incorporate the most desired physical attributes at the Commonwealth Landing project.

1. Hardwood floors as opposed to engineered hardwood.
2. Kitchen island in two bedroom units.
3. Two baths in two bedroom units.
4. Main bath with tub and shower in master bath.
5. Bedrooms greater than 125 SF.
6. Walk in closet off master bath.
7. Full wall length closet in other bedroom.
8. Dividing pocket door between toilet/shower and vanity/sink.
9. 8' entry doors.
10. In unit washer/dryer.
11. Comparable lighting and appliance package.
12. Sound transmission suppression construction.

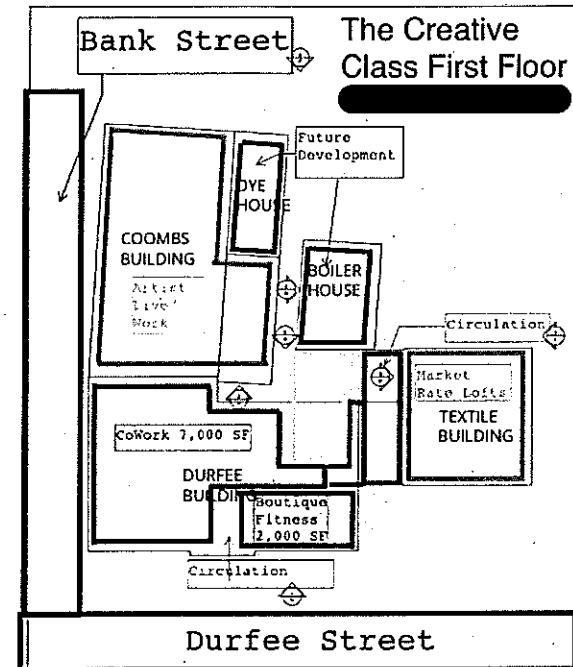
6

First Floor Conceptual Layout

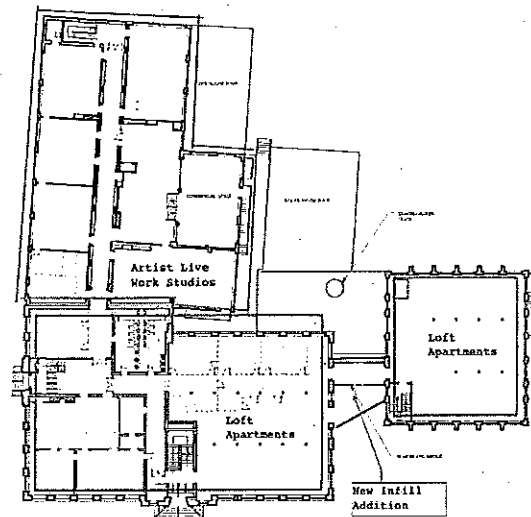


Conceptual Layout by Floor

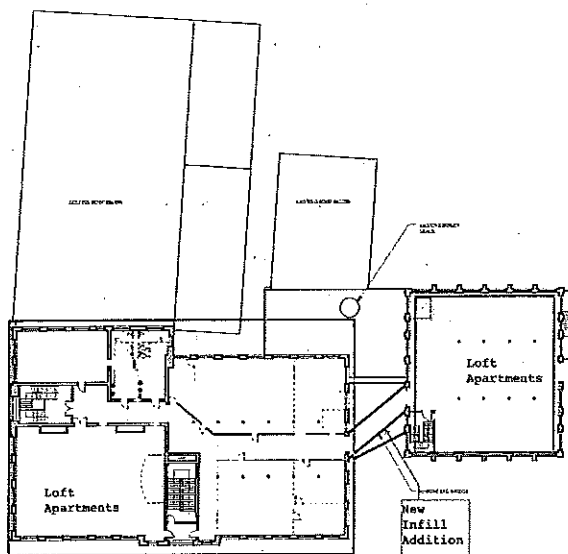
First Floor



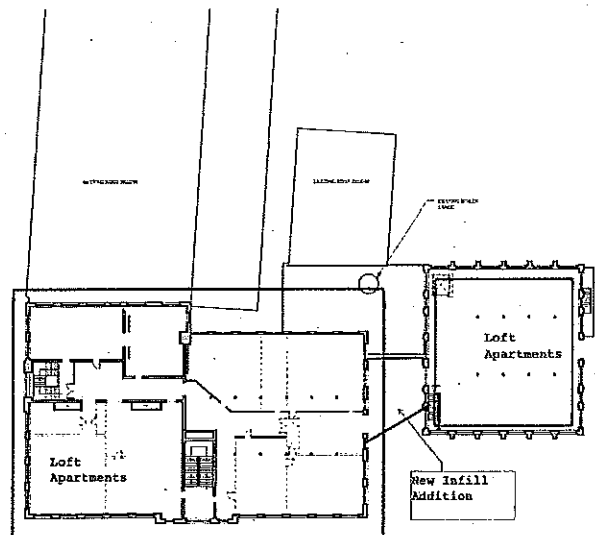
Second Floor



Third Floor



Fourth Floor



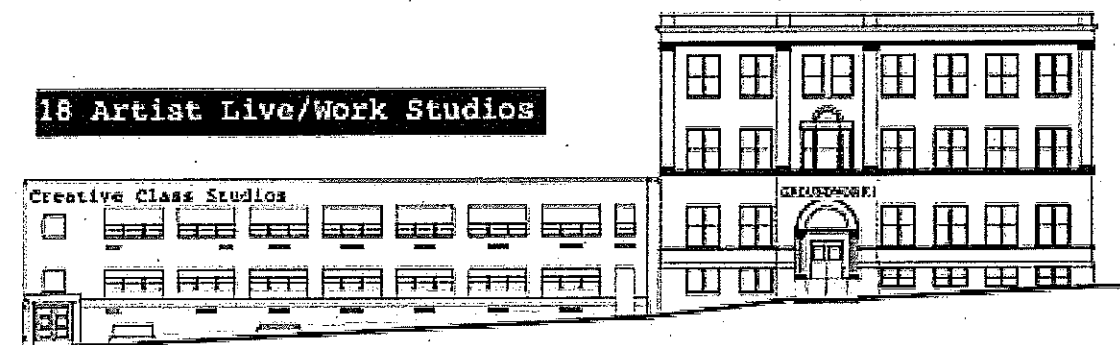
64 Durfee, LLC Project Description Continued

42 Market Rate Apartments



First Floor Retail

18 Artist Live/Work Studios



6

EXHIBIT 3

MARKET RATE RESIDENTIAL UNITS – PRICING PLAN

Pricing Area: QCT 642000

Proposed Initial
Monthly Rent: \$1,350

6

EXHIBIT 4

TAX INCREMENT EXEMPTION – CONFIRMATION OF CALCULATION

In connection with the Tax Increment Exemption Agreement dated____, 20____by and between the MUNICIPALITY, and____, a STATE FORM OF ORGANIZATION with an address at____, with respect to the property at____(the "Agreement"), the parties hereby confirm the following elements of the Agreement. Unless otherwise stated, capitalized terms have the meaning set forth in the Agreement.

1. The effective date of the Agreement is: _____
2. The MRRU is: _____
3. The assessed value of the of the residential portion of the Property upon Completion is: _____

To the extent that the dates or figures in this "Tax Increment Exemption – Confirmation of Calculation" differ from those set forth in the Agreement, the contents of this document shall control and shall be deemed to have amended the Agreement.

MUNICIPALITY

SPONSOR

By: Jasiel F. Correia II, Mayor

By:

By: [LEGISLATIVE BODY]

By:

Dated: _____

Year Four Annual Action Plan
CITY OF FALL RIVER

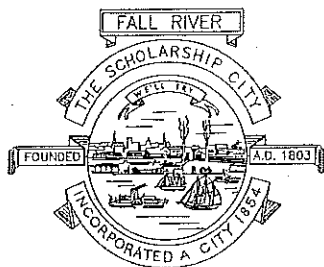
7

To the City Council

Councillors:

The Committee on Finance, at a meeting held on April 10, 2018, voted unanimously to recommend that the accompanying plan be adopted.


City Clerk



**City of Fall River
Massachusetts**
Community Development Agency

JASIEL F. CORREIA II
Mayor

buyfallriver

MICHAEL P. DION
Executive Director / CFO

March 8, 2018

Council President Cliff Ponte & City Councilors
One Government Center
Fall River, MA 02722

Dear President Ponte & City Councilors:

I am pleased to forward to you the City of Fall River Year Four 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) Program. The Action Plan details activities to be undertaken during the July 1, 2018- June 30, 2019 program year.

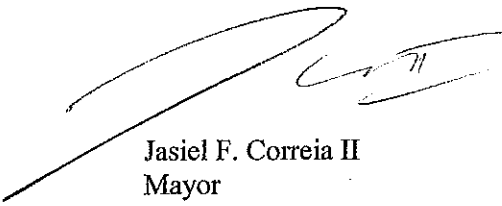
Under a separate cover on March 28, 2018, I shall submit a proposed resolution for your consideration at your April 10th meeting. The resolution would authorize submission of the City of Fall River Year Four Annual Action Plan with the U.S. Department of Housing and Urban Development. The Year Four Annual 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 10th meeting.

The proposed program of activities, which was advertised on February 23rd for public comment, was developed on the basis of testimony and proposals received at public hearings held January 3rd and March 7th.

The timetable provides for submission of the Year Four Annual Action Plan no later than May 2, 2018.

Should you or any other Councilor have questions or comments prior to April 10th, I urge you to immediately contact Michael P. Dion, Executive Director/ CFO of the Fall River 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
IN CITY COUNCIL**

MAR 27 2018

*Referred to the
Committee on Finance*

CITY CLERK
FALL RIVER, MA

2018 MAR 19 P 4: 28

RECEIVED

One Government Center • Fall River, MA 02722

TEL (508) 679-0131 • VOICE/TDD (508) 679-0131 • FAX (508) 679-0752

fallriverma.org • buyfallrivernow.com

CITY OF FALL RIVER

8

To the City Council

Councillors:

The Committee on Finance, at a meeting held on April 10, 2018, voted unanimously to recommend that the accompanying communication be accepted and placed on file.

Alison M. Bouchard
City Clerk

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

PHILIP Y. BROWN, ESQ., Chairman

JOSEPH E. CONNARTON, Executive Director

Auditor SUZANNE M. BUMP | KATHLEEN M. FALLON | KATE FITZPATRICK | JAMES M. MACHADO | ROBERT B. MCCARTHY | JENNIFER F. SULLIVAN

MEMORANDUM

TO: Fall River Retirement Board
FROM: *Joseph E. Connarton*
Joseph E. Connarton, Executive Director
RE: Appropriation for Fiscal Year 2019
DATE: December 8, 2017

Required Fiscal Year 2019 Appropriation: \$30,633,000

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2019 which commences July 1, 2018.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2019 appropriation to be paid by each of the governmental units within your system.

The current schedule is due to be updated by Fiscal Year 2020.

If you have any questions, please contact PERAC's Actuary, Jim Lamenzo, at (617) 666-4446 Extension 921.

JEC/jrl
Attachments

cc: Office of the Mayor
City Council
Town Manager

RECEIVED
2017 DEC 13 A 11:48
CITY CLERK
FALL RIVER, MA

p:\actuarial\approp\approp19\fy19 for web\fall river approp 19.docx

CITY OF FALL RIVER
IN CITY COUNCIL

DEC 19 2017

alc 4-10-18

*Referred to the
Committee on Finance*

FIVE MIDDLESEX AVENUE, SUITE 304 | SOMERVILLE, MA 02145
PH 617 666 4446 | FAX 617 628 4002 | TTY 617 591 8917 | WWW.MASS.GOV/PERAC



Fall River Retirement Board

Projected Appropriations

Fiscal Year 2019 - July 1, 2018 to June 30, 2019

Aggregate amount of appropriation: \$30,633,000

Fiscal Year	Estimated Cost of Benefits	Funding Schedule (Excluding ERI)	ERI	Total Appropriation
FY 2019	\$35,773,957	\$29,838,995	\$794,005	\$30,633,000
FY 2020	\$36,862,857	\$32,566,764	\$57,236	\$32,624,000
FY 2021	\$37,985,939	\$34,745,000	\$0	\$34,745,000
FY 2022	\$39,144,277	\$37,003,000	\$0	\$37,003,000
FY 2023	\$40,338,978	\$39,408,000	\$0	\$39,408,000

Pension Fund Allocation	Pension Reserve Fund Allocation	Transfer From PRF to PF
\$30,633,000	\$0	\$5,140,957
\$32,624,000	\$0	\$4,238,857
\$34,745,000	\$0	\$3,240,939
\$37,003,000	\$0	\$2,141,277
\$39,408,000	\$0	\$930,978

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

For illustration, we have shown the amount to be transferred from the Pension Reserve Fund to the Pension Fund to meet the estimated Cost of Benefits for each year. If there are sufficient assets in the Pension Fund to meet the Cost of Benefits, this transfer is optional.

Fall River Retirement Board
Appropriation by Governmental Unit

Fiscal Year 2019 - July 1, 2018 to June 30, 2019

Aggregate amount of appropriation: \$30,633,000

UNIT	Percent of Aggregate Amount	Funding Schedule (excluding ERI)	ERI	Total Appropriation
City of Fall River	91.49%	\$27,299,696	\$633,621	\$27,933,317
Fall River Redevelopment	0.03%	\$8,952	\$0	\$8,952
Fall River Housing Authority	6.98%	\$2,082,762	\$160,384	\$2,243,146
Diman Voc.	1.50%	\$447,585	\$0	\$447,585
UNIT TOTAL	100%	\$29,838,995	\$794,005	\$30,633,000

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

Resolution – Purple Bag Pay-As-You-Throw Program
CITY OF FALL RIVER

9

To the City Council

Councillors:

The Committee on Finance, at a meeting held on April 10, 2018, voted unanimously to recommend that the accompanying resolution be granted leave to withdraw.

Alison M. Bouchard
City Clerk

City of Fall River, *In City Council*

(Councilor Pam Laliberte-Lebeau)

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WHEREAS, the Mayor has run a series of radio commercials that he will be ending the purple bag Pay-As-You-Throw program, and

WHEREAS, the Mayor stated at the People's Debate on August 30, 2017 that he was prepared to share publicly how he is going to end the purple bag Pay-As-You-Throw program, now therefore

BE IT RESOLVED, that the Committee on Finance convene with the Administration to update the City Council with the details of this proposed plan.

In City Council, September 26, 2017
Adopted

A true copy. Attest:

Alison M. Bruchard

City Clerk

*Tabled 10-10-17
10-24-17*

City of Fall River, *In City Council*

(Council President Cliff Ponte)

WHEREAS, the contract that the City has with Comcast will be expiring in 2019,
and

WHEREAS, residents have Comcast as the only option for cable and internet,
and

WHEREAS, residents should be able to have options for cable and internet, and

WHEREAS, there are other options, such as Cox and Verizon, and

WHEREAS, local television, (Fall River Government TV and FREDTV) which is paid for through Comcast, could be split with the suggested competitor as is the case in other communities, now therefore

BE IT RESOLVED, that the Administration and Corporation Counsel be invited to a future meeting of the Committee on Finance to discuss options available for creating competition for our residents.

11

City of Fall River, *In City Council*

(Councilor Shawn E. Cadime)
(Councilor Pam Laliberte-Lebeau)

WHEREAS, panhandling at street corners and intersections can be dangerous,
and

WHEREAS, many vehicles stop causing public safety hazards, and

WHEREAS, many panhandlers walk in the roadways creating additional hazards,
now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation convene
to discuss the possibility of an ordinance to address these traffic public safety concerns.

City of Fall River, *In City Council*

12

(Councilor Steven A. Camara)
(Councilor Pam Laliberte-Lebeau)

WHEREAS, the City of Fall River is addressing trash disposal and litter management as an ongoing effort to make Fall River a cleaner community and

WHEREAS, plastic "t-shirt" bags used by businesses including grocery stores and other merchants are a significant detriment to a cleaner community and

WHEREAS, many communities throughout the United States and beyond are establishing ordinances and legislation to replace these plastic "t-shirt" bags with more environmentally responsible means of transporting products purchased at their stores, now therefore

BE IT RESOLVED, that the Committee on Health and Environmental Affairs convene with the Administration and the Director of Health and Human Services to vet the possibility of adopting this policy in Fall River.



RECEIVED

City of Fall River
Notice of Claim

2018 APR -6 A 9:14

CITY CLERK
FALL RIVER, MA

18-84

1. Claimant's name: MARGARET A DE COSTA
2. Claimant's complete address: 358 COUNTRY ST 1ST FR. MASS 02723
3. Telephone number: Home: 17743196263 Work: NONE
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
FRONT STREETS
5. Date and time of accident: 3-2-2018 11AM Amount of damages claimed: \$ 570.00
6. Exact location of the incident: (include as much detail as possible):
QUICKEN ST NEAR WALMART
7. Circumstances of the incident: (attach additional pages if necessary):
HIT A LARGE POT HOLE
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: 4-6-2018

Claimant's signature: Margaret A De Costa

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 form 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: APR - 6 2018



RECEIVED

City of Fall River
Notice of Claim

2018 APR -6 P 12:12

CITY CLERK 18-85
FALL RIVER, MA

1. Claimant's name: Lisa Rybicki
2. Claimant's complete address: 11 Omaha St. Fall River MA 02721
3. Telephone number: Home: 774 451 6065 Work: 774 451 6065
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Damaged tire due to pothole
5. Date and time of accident: 11/23/18 1pm Amount of damages claimed: \$ 286.99
6. Exact location of the incident: (include as much detail as possible):
Airport Rd just after dunkin donuts before riveros insurance
7. Circumstances of the incident: (attach additional pages if necessary):
Raining very heavy, pothole filled with water. Hole has been fixed several times, no barrel there until the next day. Hole could not be seen due to filled with 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: 4/4/18

Claimant's signature: Lisa Rybicki

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

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

Date: 4/6/18



27

RECEIVED

City of Fall River
Notice of Claim

2018 APR -9 P 2:37

1. Claimant's name: Jason Campbell CITY CLERK #118-86
FALL RIVER, MA
2. Claimant's complete address: 91C Rolling Green Dr Fall River, MA 02720
3. Telephone number: Home: 508 415 7701 Work: 508 324 2740 Ext 112
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
auto accident
5. Date and time of accident: 1/24/18 @ 4PM Amount of damages claimed: \$
6. Exact location of the incident: (include as much detail as possible):
Parking lot at 140 Commerce Dr. Fire Dept Headquarters
7. Circumstances of the incident: (attach additional pages if necessary):
(see attached paperwork) DC Kevin Blythe backed up a fire dept. vehicle car 6 into my vehicle that was parked behind him.
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: 3/27/2018

Claimant's signature: [Signature]

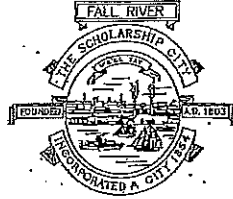
WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

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

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

For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ File Date: 4/9/18



Council 27

RECEIVED

City of Fall River
Notice of Claim

2018 APR 12 A 11:15

18-87

CITY CLERK
FALL RIVER, MA

1. Claimant's name: Ariel Brown
2. Claimant's complete address: 624 Prospect St F River
3. Telephone number: Home: 5086763710 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):

5. Date and time of accident: 4-2-18 Amount of damages claimed: \$ _____
6. Exact location of the incident: (include as much detail as possible):
Robeson St & Prospect St
7. Circumstances of the incident: (attach additional pages if necessary):

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: 4-12-18

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: APR 12 2018



RECEIVED

2018 APR 13 A 10: 22

CITY CLERK 18-88
FALL RIVER, MACity of Fall River
Notice of Claim

1. Claimant's name: Leslie Silvia
2. Claimant's complete address: 7 Hornum Rd Somerset MA 02726
3. Telephone number: Home: (508) 493-3741 Work: _____
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Flat tire
5. Date and time of accident: 4/10/18 7:30 PM Amount of damages claimed: \$ 49.00
6. Exact location of the incident: (include as much detail as possible):
President Ave Haver St. Fall River
7. Circumstances of the incident: (attach additional pages if necessary):
While driving up President Ave at the intersection of Haver St I hit a pothole that caused me to have a flat tire.
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: 4/12/18

Claimant's signature: Leslie Silvia

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 ☒ OCM

Date: 4/13/18

RECEIVED



27

2018 APR 13 P 3:14

City of Fall River

Notice of Claim

CITY CLERK
FALL RIVER, MA

1. Claimant's name: Mayla Cabral
2. Claimant's complete address: 292 Tremont Street Fall River, MA
3. Telephone number: Home: 774-322-3484 Work: 774-322-3484
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage): hit pothole in middle of road and popped my tire
5. Date and time of accident: 4/10/18 5:15pm Amount of damages claimed: \$ 161.44
6. Exact location of the incident: (include as much detail as possible): Fourteenth street going towards Bedford Street
7. Circumstances of the incident: (attach additional pages if necessary):
I was driving on Fourteenth street heading home and I hit a pothole about 1 foot deep and wide in the road, I could not avoid it because I would have hit oncoming traffic, my tire popped due to the pothole
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: 4-13-18

Claimant's signature: Mayla Cabral

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

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

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

For official use only:

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

Date: 4/13/18



RECEIVED

27

City of Fall River
Notice of Claim

2018 APR 17 P 2:01

CITY CLERK #18-90
FALL RIVER, MA

1. Claimant's name: Corey Hays
2. Claimant's complete address: 111 Ash Ave Tiverton RI 02878
3. Telephone number: Home: 774-264-0668 Cell: 401-418-1894 Work:
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Flat tire due to large pothole on road
5. Date and time of accident: 3-17-18 Amount of damages claimed: \$ 55-
6. Exact location of the incident: (include as much detail as possible):
Canning Blvd in front of Dangelio's
7. Circumstances of the incident: (attach additional pages if necessary):
Large pot-hole on road which was filled with water unable to be seen until it was to late. Car went into the pot hole & blew out tire-
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: 3-25-18Claimant's signature: Corey Hays

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

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For official use only:

Copies forwarded to: ☒ City Clerk ☒ Law ☒ City Council ☐ City Administrator ☒ DPWDate: 4/17/18

Council



RECEIVED

27

2018 APR 20 A 10:38

CITY CLERK 18-91
FALL RIVER, MA

City of Fall River
Notice of Claim

1. Claimant's name: Alexis Anselmo
2. Claimant's complete address: 61 School Brook Rd Fall River
3. Telephone number: Home: 508-673-6120 Work: 508-415-7763
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):
Pothole
5. Date and time of accident: 3/5/18 9:00am Amount of damages claimed: \$ 205.88
6. Exact location of the incident: (include as much detail as possible):
Montaup St Around 4/8 on the corner
7. Circumstances of the incident: (attach additional pages if necessary):
trying to avoid one pothole and
found myself in another.
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: 4/20/18

Claimant's signature: [Signature]

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

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For official use only:

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

Date: APR 20 2018

REGULAR MEETING OF THE CITY COUNCIL

MEETING: Tuesday, November 28, 2017 at 7:00 p.m.
Council Chamber, One Government Center

PRESENT: President Shawn E. Cadime, presiding;
Councilors Richard Cabeceiras, Joseph D. Camara, Steven A. Camara,
Pam Laliberte-Lebeau, Stephen R. Long, Raymond A. Mitchell,
Linda M. Pereira and Cliff Ponte

ABSENT: None

IN ATTENDANCE: Melissa K. Panchley, Fall River School Committee
Dr. Edward Costar, Fall River School Committee

President Shawn E. Cadime called the meeting to order at 7:00 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.

A motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira to waive the rules to allow members of the School Committee to speak carried, with Councilor Stephen R. Long opposed. Melissa K. Panchley and Dr. Edward Costar came forward and spoke regarding item 3. Councilor Steven A. Camara requested that the Council President allow the School Committee members to speak for 3 minutes and so they did. The School Committee members delivered remarks in regards to the resolution and expressed that the Elsbree Street location is the best location, that a lot of work has been done over the years to get to this point, and that a comment period has been made widely available to the public throughout the process. Councilor Steven A. Camara expressed that consideration needs to be given to the location of the new building and that not enough due diligence has been made in regards to the new high school as well as the location of the Durfee bells.

PRIORITY MATTERS

1b. Mayor and Chief of Police Employment Agreement for Albert F. Dupere
(tabled 10-24-17)

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Linda M. Pereira, it was unanimously voted to lift the item from the table. Councilor Linda M. Pereira expressed concern with regards to the hiring process for a new Chief. Councilor Pam Laliberte-Lebeau explained that the Administration offered a meeting with Councilors and the Chief and that many of the questions would have been answered then. A further motion made by Councilor Cliff Ponte and seconded by Councilor Richard Cabeceiras, failed to carry 4 yeas, 5 nays to waive the rules and Chief Albert F. Dupere to the table, with Councilors Richard Cabeceiras, Pam Laliberte-Lebeau, Cliff Ponte and Council President Shawn E. Cadime voting in the affirmative. Councilor Cliff Ponte stated he would like to invite the Chief to the table to afford the public the opportunity to address the public with his future plans for the department. Councilors debated the merits of whether inviting the Chief to the table will be productive or not. A further motion was made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long to move the order of business, but later withdrawn by Councilor Raymond A. Mitchell. A further motion made by Councilor Linda M. Pereira and seconded by Councilor

Steven A. Camara to move the question carried unanimously. On a yet a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was voted 9 yeas to adopt the order.

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

1. Mayor and order to accept gift of a baby grand piano from Judge Joseph I. Macy in memory of Bentley G. Macy

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order and send a thank you letter to the Macy family for their generous gift.

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

PRIORITY COMMUNICATIONS

2. Board of Election Commissions – Official results of Municipal Election held on Nov. 7, 2017

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras, it was unanimously voted to accept and place on file.

COMMITTEE REPORTS – None

ORDINANCES – None

RESOLUTIONS

3. School Department Building Committee consider public hearing to discuss alternatives to Elsbree Street location for Durfee High School

A motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira to grant the resolution leave to withdraw failed to carry 3 yeas, 6 nays, with Councilors Joseph D. Camara, Raymond A. Mitchell, and Linda M. Pereira voting in the affirmative. A further motion was made by Councilor Steven A. Camara and seconded by Councilor Linda M. Pereira to adopt the resolution but later withdrawn by Councilor Steven A. Camara. A further motion was made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau to amend the resolution by replacing it with an amended version of the resolution, a copy of which is attached hereto and made a part of these minutes.

A further motion made by Councilor Steven A. Camara to strike "at a regularly scheduled November election" from the amended resolution and replace with "a Special Election prior to May 1, 2018" received no second and the amendment to the proposed amended resolution was not considered. A further motion made by Councilor Steven A. Camara to strike "a regularly scheduled November election" from the amended resolution and replace it with "at an election to be held within the state's guidelines" received no second and the further amendment to the proposed amended resolution was not considered. A lengthy discussion was held in regards to the matter. Councilor Steven A. Camara, the sponsor of the resolution, expressed that more public input is needed as it pertains to the building of a new Durfee High School. He would also like to build the new high school in a centralized location and that the Building Committee be more representative of the city's population. He also suggested that the name of the new Durfee be changed to the Fall River High School. Councilors spoke of their support of the project with some highlighting reservations. Councilor Richard Cabeceiras expressed the need for not having a misrepresentation of the facts while ensuring the project can be paid for and that the public will vote yes for the debt exclusion question. Councilor Raymond A. Mitchell highlighted that it is time to vote because the Building Committee has worked on this matter for several years. Councilor Joseph D. Camara, Co-Chair of the Durfee Building Committee explained that whether the new high school is close to the bike path or not will not have as much of an impact as Councilor Steven A. Camara is expressing because it can't be used year round due to the

weather. He also stated that the location was not chosen because it is close to where Councilors and Building Committee members live but because it's the best location and if we don't vote now, fixing the current high school will cost the taxpayers more money. Councilors Cliff Ponte and Council President Shawn E. Cadime stated that more needs to be done with the affordability of the project including how it will be paid so that the taxpayers aren't as burdened. A further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira to move the question failed to carry, 3 yeas, 6 nays, with Councilors Stephen R. Long, Raymond A. Mitchell and Linda M. Pereira voting in the affirmative. Councilor Pam Laliberte-Lebeau stated she cannot support this resolution because the cost for the delay is not worth it but will ask the Building Committee to push out the vote as long as they can while meeting the Massachusetts School Building Authority's deadlines. Councilor Stephen R. Long stated he cannot support the resolution because the vetting process has been completed and it is time to move forward with a vote and educate the public about their needed support. In closing, Councilor Steven A. Camara stated that the Durfee Bells Preservation Society is not in favor of moving the bells. Furthermore, the Durfee Alumni Association has not weighed in on this and if they are consulted he will reluctantly support the Elsbree Street location. A further motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell to reconsider the failed motion to grant the resolution leave to withdraw carried, 8 yeas, 1 nay, with Councilor Steven A. Camara voting in the negative. Councilor Steven A. Camara subsequently withdrew his initial motion to adopt the original proposed resolution, made a motion to move the order of business, and the Council President moved the order of business.

4. HUD conduct audit of funds that were appropriated to the Fall River Office of Economic Development

Councilor Stephen R. Long stated that he would like an audit of the funding that the Fall River Office of Economic Development (FROED) receives through the U.S. Department of Housing and Urban Development (HUD). He wants to ensure that the funds are being used appropriately and that the Fall River funds are staying in Fall River. Councilor Cliff Ponte stated that if HUD conducts an audit, it will be for the Community Development Agency not just one organization that has not received their CDBG funding. He further stated that FROED has been hurt politically enough and no longer has a role with just the City of Fall River and can go to other communities since they didn't receive the CDBG funding from Fall River. Councilor Steven A. Camara made a point of parliamentary inquiry to determine if a motion was on the floor and since there wasn't one, he moved to grant the resolution leave to withdraw, which was seconded by Councilor Raymond A. Mitchell and the motion carried 5 yeas, 4 nays, to grant the resolution leave to withdraw, with Councilors Joseph D. Camara, Pam Laliberte-Lebeau, Stephen R. Long, and Cliff Ponte voting in the negative.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to take item 11 out of order.

ORDERS – HEARINGS

Street Discontinuance

11. A portion of Davol Street, along its easterly layout line, extending northerly from its intersection with the north line of Turner Street

Councilors Richard Cabeceiras, Stephen R. Long and Raymond A. Mitchell abstained and exited the Council Chamber. On a motion made by Councilor Linda M. Pereira and seconded by Councilor Cliff Ponte, it was unanimously voted to accept and place on file, with Councilors Richard Cabeceiras, Stephen R. Long and Raymond A. Mitchell absent and not voting.

On a motion made by Councilor Joseph D. Camara and seconded by Councilor Linda M. Pereira, it was unanimously voted to take item 20 out of order, with Councilors Richard Cabeceiras, Stephen R. Long and Raymond A. Mitchell absent and not voting.

20. Final Report – A portion of Davol Street, along its easterly layout line, extending northerly from its intersection with the north line of Turner Street

On a motion made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Joseph D. Camara, it was unanimously voted to amend the final report by striking "This council did thereupon and does hereby adjudicate and decree that common convenience and necessity require that the portion of said street or public way called Davol Street, as described in the Discontinuance Description, be discontinued as a street or public way." and insert "This Council did thereupon and does hereby adjudicate and decree that common convenience and necessity require that such a portion of Davol Street as shown on the Application Exhibit Plan be and the same is hereby discontinued as a street or public way and authorizes the City to deed the portion thereof shown on the Application Exhibit Plan to the abutting property owner, BCBBK, LLC, subject however to a utility easement in favor of the City of Fall River." On a further motion made by Councilor Steven A. Camara and seconded by Councilor Joseph D. Camara, it was voted 6 yeas to adopt, as amended, with Councilors Richard Cabeceiras, Stephen R. Long and Raymond A. Mitchell absent and not voting.

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

A recess was taken at 8:32 p.m. The City Council came back to order at 8:39 p.m. All Councilors were present.

5. Place lien on Fall River Housing Authority properties for any unpaid fees or taxes
Councilor Stephen R. Long, the sponsor of the resolution, stated that the Fall River Housing Authority issued a Request for Proposals for properties located in Corky Row to be sold to a private developer. He was never contacted by the Housing Authority in regards to their new plan even after a housing study of the area advising of a different course of action was recommended. Griffin Park was recently rehabilitated and it wouldn't be right to change the housing strategy. Many issues have existed with these properties and no fines issued because they were Housing Authority properties. He would like to see liens in order to stop the closing of the sale of these properties. Councilor Stephen R. Long also stated that he learned today that 150 project based section 108 units will be added and this is contrary to public opinion and the housing policy outlined by the City's Administration. Councilor Pam Laliberte-Lebeau agreed with Councilor Long and explained that this will impact three buildings, two with six units and one with three units for a total of 15 units to be rehabbed. A motion was made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Raymond A. Mitchell to refer to the Committee on Human Services, Housing, Youth and Elder Affairs. Councilor Richard Cabeceiras asked if the Housing Authority was a non-profit organization and the Council President explained that they are a governmental organization. A further motion made by Councilor Richard Cabeceiras and seconded by Councilor Raymond A. Mitchell to strike "or taxes" carried unanimously. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau it was unanimously voted to insert "BE IT FURTHER RESOLVED, that the City Council Committee on Human Services, Housing, Youth and Elder Affairs convene with City Administration and Fall River Housing Authority representatives to discuss this issue." On yet a further motion made by Councilor Stephen R. Long and seconded by Councilor Steven A. Camara, it was unanimously voted to adopt the resolution, as amended.

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

6. Sidewalks with handicapped accessibility and crosswalks be installed at the SouthCoast Marketplace

Councilor Stephen R. Long, the sponsor of the resolution, stated that due to the construction of the new SouthCoast Marketplace sidewalks and crosswalks are needed in this newly revitalized area. On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the resolution. On a further motion made by Councilor Stephen R. Long and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt and refer the resolution to the City Council Committee on Public Safety.

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

7. Committee on Public Works and Transportation convene to discuss plans for an alternate access road in the area of the Alfred J. Lima Quequechan River Rail Trail

A motion was made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira to adopt the resolution. Councilors Pam Laliberte-Lebeau and Steven A. Camara stated that this matter has already been discussed by the Council and that the resolution is redundant. Councilor Raymond A. Mitchell, the sponsor of the resolution, explained that although meetings were held not all parties were present, including the property owner of where the easement is located, and would like to afford him an opportunity to come forward so that the easement can be removed. Councilor Pam Laliberte-Lebeau expressed that since the Mayor's veto of the order requesting that the Administration instruct Corporation Counsel to petition the Court to nullify the approved easement that crosses the Alfred J. Lima Quequechan River Rail Trail will be on the next meeting's agenda for discussion, it would be best to table this resolution and moved to table the resolution, which was seconded by Councilor Linda M. Pereira. The motion to table carried with Councilor Joseph D. Camara abstaining.

8. Mayor and City Council appoint committee to ensure all aspects of new Charter are followed

A motion to adopt was made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras. Councilor Raymond A. Mitchell, the sponsor of the resolution, explained that inconsistencies need to be addressed. Council President Cadime explained that the Councilor's resolution had a different intended purpose. As a result, Councilor Raymond A. Mitchell made a motion to strike "aspects of the new charter be adhered to." and insert "aspects of the new charter do not conflict with any state and federal laws as well as city ordinances." but received no second. On a further motion made by Councilor Steven A. Camara and seconded by Councilor Joseph D. Camara, it was voted 8 yeas, 1 nay to grant the resolution leave to withdraw, with Councilor Raymond A. Mitchell voting in the negative.

9. Committee on Real Estate discuss submission of proposals to businesses interested in purchasing large amounts of water

Councilor Richard Cabeceiras, the sponsor of the resolution, stated that all options should be explored to save taxpayers money. A motion was made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras to adopt the resolution. A further motion made by Councilor Richard Cabeceiras and seconded by Councilor Steven A. Camara to amend the resolution by inserting "BE IT FURTHER RESOLVED, that the Administration discusses plans to create a department that bottles water and distributes it for sale coast to coast and worldwide." carried, 7 yeas, 2 nays, with Councilors Joseph D. Camara and Raymond A. Mitchell voting in the negative. Councilor Raymond A. Mitchell moved the question and Councilor Richard Cabeceiras seconded the motion. The motion to adopt being on the floor, the motion to adopt the resolution as amended carried 7 yeas, 2 nays, with Councilors Joseph D. Camara and Raymond A. Mitchell voting in the negative.

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

10. City Council file home rule petition to rename the Veterans' Memorial Bridge the Captain Thomas Hudner Jr. and Ensign Jesse L. Brown Bridge or the Hudner-Brown Bridge
A motion was made by Councilor Raymond A. Mitchell and seconded by Councilor Richard Cabeceiras to adopt the resolution. Councilor Steven A. Camara stated that the Veterans Memorial Bridge has been named for all veterans, does not just affect Fall River and as such it is appropriate that it stay that way. Furthermore, a field in the Highlands has been already named after him. Councilor Richard Cabeceiras, the sponsor of the resolution, stated that he is a Congressional Medal of Honor recipient and one of the greatest unknown figures of the civil rights movement. Councilor Stephen R. Long stated that he appreciates the honor and would like to amend the resolution to also name the bridge the Ensign Jesse L. Brown Bridge or the Hudner-Brown Bridge and moved to amend the resolution, which was seconded by Councilor Raymond A. Mitchell, even though such language was already included in the original resolution. Councilor Linda M. Pereira expressed concern with taking any action on the resolution until the Town of Somerset is consulted and moved to table the resolution until such input is received. Councilor Steven A. Camara seconded tabling the resolution and the motion to table carried 8 yeas, 1 nay, with Councilor Richard Cabeceiras voting in the negative.

CITATIONS – None

ORDERS – MISCELLANEOUS

12. Order amending dates for December City Council meetings
On a motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was unanimously voted to adopt the order.

13. Police Chief's report on licenses:

Taxicab Drivers – 2017:

Tania L. Dillingham

Taxicab Drivers – 2018:

Tania L. Dillingham

Keith Mackenzie

Walter Wood

Jason Hall

Joshua T. Schill-Berry

Angelymar S. Johnson

Dorothy Ward

Private Livery Drivers – 2018:

Dorothy Ward

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was voted unanimously to adopt the order.

COMMUNICATIONS – INVITATIONS – PETITIONS

14. Claims

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to refer to Corporation Counsel.

15. Fall River Children's Holiday Parade Committee, Inc. requesting permission to place banners on the Government Center railing from December 1, 2017 to December 3, 2017

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to approve the request.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to take items 16 through 19 together.

City Council Committee/Meeting Minutes:

16. Committee on Ordinances and Legislation – October 2, 2017
17. Committee on Real Estate – June 5, 2017
18. Committee on Public Safety – October 4, 2017
19. City Council Meeting – April 25, 2017

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to approve items 16 through 19.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to take items 21 through 26 together.

BULLETINS – NEWSLETTERS – NOTICES

Notices of Casualty and Loss:

21. 289 Bank Street
22. 132 Madison Street
23. 995 Maple Street
24. 758 Bedford Street
25. 517 Plymouth Avenue
26. 407 Hartwell Street

Councilor Richard Cabeceiras stated that there are more than usual notices of casualty and loss on file and asked the City Clerk to read the reason and dates of the loss. The City Clerk read the following information:

- 289 Bank Street – Windstorm on October 29, 2017
- 132 Madison Street – Property damage to structures on October 30, 2017
- 995 Maple Street – October 30, 2017 (no type of damage listed)
- 758 Bedford Street – Water Damage on October 30, 2017
- 517 Plymouth Avenue – Windstorm on October 29, 2017
- 407 Hartwell Street – Water on October 29, 2017

ITEMS FILED AFTER THE AGENDA WAS PREPARED:
CITY COUNCIL MEETING DATE: NOVEMBER 28, 2017

PRIORITY MATTERS

1a. Mayor and veto of order requesting that the Administration instruct Corporation Counsel to petition the Court to nullify the approved easement that crosses the Alfred J. Lima Quequechan River Rail Trail
On a motion made by Councilor Richard Cabeceiras and seconded by Councilor Pam Laliberte-Lebeau, it was unanimously voted to lay the veto on the table in accordance with the Charter.

PRIORITY COMMUNICATIONS

2a. Historical Commission regarding gift of 80-84 North Main Street and parking lots
A motion was made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara to adopt the order. Councilor Linda M. Pereira stated that the building is a gift to the City by Monte Ferris and the receipts from this property will revert back to Historical Preservation and moved that the order be amended to include a thank you letter be sent to Mr. Monte Ferris for the donations, which was seconded by Councilor Raymond A. Mitchell and carried unanimously. On a further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Linda M. Pereira, it was unanimously voted to adopt the order as amended.
Vetoed, December 5, 2017, Jasiel F. Correia II, Mayor

RESOLUTIONS

10a. Committee on Finance convene to discuss plan for paying for Fall River's portion of the new Durfee High School's debt service
A motion was made by Councilor Richard Cabeceiras to table the resolution. A further motion made by Councilor Raymond A. Mitchell and seconded by Councilor Stephen R. Long to table the resolution carried, 7 yeas, 2 nays, with Councilors Richard Cabeceiras and Council President Shawn E. Cadime voting in the negative.

10b. Committee on Finance convene to discuss building management plans
Councilor Richard Cabeceiras, the sponsor of the resolution, stated that he would like a discussion in the Committee on Finance to get a handle on the management of municipal buildings before the end of the year. Councilor Steven A. Camara stated that the respective departments already handle these matters, that enough items that don't belong there are referred to the Committee on Finance, and that a new Council is to be sworn in next year. As such, it would be best to table the resolution. On a motion made by Councilor Steven A. Camara and seconded by Councilor Raymond A. Mitchell, it was voted 5 yeas, 4 nays to table the resolution, with Councilors Richard Cabeceiras, Pam Laliberte-Lebeau, Cliff Ponte and Council President Shawn E. Cadime voting in the negative.

TABLED MATTERS:

1c. Transfers and appropriations (Tabled 11-14-17)
On a motion made by Councilor Joseph D. Camara and seconded by Councilor Pam Laliberte-Lebeau, it was voted to lift the two transfers and appropriations from the table, with Councilor Richard Cabeceiras voting in the negative. The transfers were in the amount of \$188,000 to be appropriated to the EMS Capital Outlay Account from the EMS Stabilization Fund and in the amount of \$300,000 to be appropriated to the EMS Capital Outlay Account from the EMS Stabilization Fund. A motion was made by Councilor Linda M. Pereira and seconded by

Councilor Joseph D. Camara to adopt the transfers and appropriations. A further motion was made by Councilor Pam Laliberte-Lebeau and seconded by Councilor Richard Cabeceiras to separate the two orders but later withdrawn. Councilor Richard Cabeceiras read into the record a communication received from a member of AFSCME 1202 raising concerns in regards to the \$188,000 being used for the purchase of a rescue that will be used to transfer an ambulance as a BLS transfer truck when a written proposal has not been presented by the Administration and the union. The union's Executive Board, however, does not oppose the use of the \$188,000 for the purchase of additional needed equipment and vehicles for the Department. A further motion made by Councilor Cliff Ponte and seconded by Councilor Raymond A. Mitchell to amend the \$188,000 by striking \$38,000 intended for the purchase of an above ground tank failed to carry, 4 yeas, 5 nays, with Councilors Raymond A. Mitchell, Linda M. Pereira, Cliff Ponte and Council President Shawn E. Cadime voting in the affirmative. On yet a further motion made by Councilor Steven A. Camara and seconded by Councilor Pam Laliberte-Lebeau, the motion to adopt the orders as presented carried, 6 yeas, 3 nays, with Councilors Richard Cabeceiras, Cliff Ponte and Council President Shawn E. Cadime voting in the negative.

A recess was taken at 9:40 p.m. and the Council came back to order at 9:43 p.m.

On a motion made by Councilor Raymond A. Mitchell and seconded by Councilor Steven A. Camara, it was unanimously voted to adjourn at 9:43 p.m.

List of documents and other exhibits used during the meeting:

Agenda packet (attached)

CD and DVD of meeting

Item 3 – Amended resolution (attached)

Item 1c – Communications received by Councilor Richard Cabeceiras from members of AFSCME 1202

A true copy. Attest:



City Clerk

AMENDED FOR NOVEMBER 28, 2017 CITY COUNCIL MEETING

Steven A. Camara

Whereas, the Fall River School Committee has submitted a proposal to the Mayor and through the Mayor to the City Council for an estimated two-hundred sixty million dollar (\$260,000,000) "Durfee #3 High School" on the Elsbree Street site of the existing B.M.C. Durfee High School of Fall River and

Whereas, a major concern when the Elsbree Street location was selected for the existing high school that it was not located in a central location, more equally accessible to students living in the Niagara, Maplewood, South End and other neighborhoods that are away from the population center of Fall River and moreover, are away from the Elsbree Street location and

Whereas, a more central location, easily accessible to the Downtown Bus Terminal and the Alfred J. Lima/Quequechan River Rail Trail, which eventually will be connected to other "rail trails" and "bicycle path" throughout the City, would make bicycle transportation as well as SRTA bus transportation a more viable option for students to get to and from Fall River's only "public high school" both for regular school day activities as well as after school "extra-curricular" activities now, therefore,

Be it resolved, that the Fall River School Department reconstitute its Building Committee with Fall River residents coming from all sections of Fall River so that it can ~~be~~ recommend if Elsbree Street should continue to be the venue for Fall River's only public high school and

Be it further resolved, that the 2018 Fall River Government determine that any vote scheduled for the bond issue to fund a "Durfee #3 High School" be held at a regularly scheduled November election, to assure maximum voter participation in the decision relating to this more than a quarter billion dollar public project.

after agenda



OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

Please note that all fields are required unless otherwise noted.

2018 APR 20 P 12: 23

Your Contact Information:

First Name: COLIN Last Name: Dias

CITY CLERK
FALL RIVER, MA

Address: 560 Ray Street

City: Fall River State: MA Zip Code: 02720

Phone Number: 774 207 6740 Ext. _____

Email: collin0006@aol.com

Organization or Media Affiliation (if any): Fall River Direct Media

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 School Committee /

Specific person(s), if any, you allege committed the violation: Fall River City Council
Mayor Jaciel Correia

Date of alleged violation: 3/20/18

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.

On March 20th, 2018 the Fall River School Committee and the Fall River City Council held a joint meeting. At the meeting, there were many rows of seats in the meeting room that were reserved by Mayors Office employees Mayor Correia and Monica Souza. Before the meeting Monica Souza directed me to move to another seat, all the way in the back, even though I wasn't in an reserved seat. During the meeting, Monica Souza was clearly seen by me and others directing people, either to reserved or non reserved seats. The fact that the city council and school committee allowed and condoned reserved seats at an open meeting and Monica Souza directing people around made the joint meeting, in my opinion, not held in an open manner, hence there is the violation.

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.

To not allow reserved seats
Future compliance

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: [Signature]

Date: 4-20-18

For Use By Public Body	For Use By AGO
Date Received by Public Body	Date Received by AGO